

# ZONING CHANGE, OVERLAY OR ESTABLISHMENT OF A HISTORIC DISTRICT/LANDMARK APPLICATION

Updated: October, 2019



## CONTACT INFORMATION

Character District 3 Residential

Applicant's Name	Todd Burek	Property Owner	Todd Burek
Company	Mayans at San Marcos River, LLC.	Company	Mayans at San Marcos River, LLC.
Applicant's Mailing Address	22711 Fossil Peak San Marcos, TX 78216	Owner's Mailing Address	22711 Fossil Peak San Marcos, TX 78216
Applicant's Phone #	210-313-3453	Owner's Phone #	210-313-3453
Applicant's Email	todd.burek@gmail.com	Owner's Email	todd.burek@gmail.com

## PROPERTY INFORMATION

Subject Property Address(es): FM 621 San Marcos, TX 78666

Legal Description: Lot \_\_\_\_\_ Block \_\_\_\_\_ Subdivision \_\_\_\_\_

Total Acreage: 220.35 Tax ID #: R<sup>25912, R92442, R16386, R151618, R151617, R55712</sup>

Preferred Scenario Designation: \_\_\_\_\_ Existing Zoning: Future development

Existing Land Use(s): Agriculture

## DESCRIPTION OF REQUEST

Proposed Zoning District(s): Character District 3 CD-3

Proposed Land Uses / Reason for Change: Multi use to include residential, commercial and Multifamily.

Rezone from FD to Character District 3 (CD-3) to allow multi-use residential, multifamily and commercial use.

## AUTHORIZATION

*I certify that the information on this application is complete and accurate. I understand the fees and the process for this application. I understand my responsibility, as the applicant, to be present at meetings regarding this request.*

Filing Fee\* \$1,057 plus \$100 per acre Technology Fee \$13 **MAXIMUM COST \$3,013**

\*Existing Neighborhood Regulating Plan Included.

Submittal of this digital Application shall constitute as acknowledgement and authorization to process this request.

**APPLY ONLINE – [WWW.MYGOVERNMENTONLINE.ORG/](http://WWW.MYGOVERNMENTONLINE.ORG/)**

## PROPERTY OWNER AUTHORIZATION

I, Todd Burek (owner name) on behalf of  
Mayan at San Marcos River, LLC. (company, if applicable) acknowledge that I/we  
am/are the rightful owner of the property located at  
22711 Fossil Peak San Marcos, TX 78216 (address).

I hereby authorize N/A (agent name) on behalf of  
N/A (agent company) to file this application for  
N/A (application type), and, if necessary, to work with  
the Responsible Official / Department on my behalf throughout the process.

Signature of Owner: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name, Title: \_\_\_\_\_

Signature of Agent: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name, Title: \_\_\_\_\_

Form Updated October, 2019

## AGREEMENT TO THE PLACEMENT OF NOTIFICATION SIGNS AND ACKNOWLEDGEMENT OF NOTIFICATION REQUIREMENTS

The City of San Marcos Development Code requires public notification in the form of notification signs on the subject property, published notice, and / or personal notice based on the type of application presented to the Planning Commission and / or City Council.

- Notification Signs: if required by code, staff shall place notification signs on each street adjacent to the subject property and must be placed in a visible, unobstructed location near the property line. It is unlawful for a person to alter any notification sign, or to remove it while the request is pending. However, any removal or alteration that is beyond the control of the applicant shall not constitute a failure to meet notification requirements. ***It shall be the responsibility of the applicant to periodically check sign locations to verify that the signs remain in place had have not been vandalized or removed. The applicant shall immediately notify the responsible official of any missing or defective signs. It is unlawful for a person to alter any notification sign, or to remove it while the case is pending; however, any removal or alteration that is beyond the control of the applicant shall not constitute a failure to meet notification requirements.***
- Published Notice: if required by code, staff shall publish a notice in a newspaper of general circulation in accordance with City Codes and the Texas Local Government Code. ***If, for any reason, more than one notice is required to be published it may be at the expense of the applicant. The renotification fee shall be \$91 plus a \$13 technology fee.***
- Personal Notice: if required by code, staff shall mail personal notice in accordance with City Codes and the Texas Local Government Code. ***If, for any reason, more than one notice is required to be mailed it may be at the expense of the applicant. The renotification fee shall be \$91 plus a \$13 technology fee.***

*I have read the above statements and agree to the required public notification, as required, based on the attached application. The City's Planning and Development Services Department staff has my permission to place signs, as required, on the property and I will notify City staff if the sign(s) is/are damaged, moved or removed. I understand the process of notification and public hearing and hereby submit the attached application for review by the City.*

Signature: Todd Burek

Date: 06/29/2020

Print Name: Todd Burek

Form Updated October, 2019







**NOTES:**

- BEARINGS ARE BASED ON THE STATE PLANE COORDINATE SYSTEM GENERAL TEXAS ZONE. (NAD 83).
- All DISTANCES AND ANGLES SHOWN ARE SURFACE AND MAY BE CONVERTED TO HORIZONTAL MEASUREMENTS BY MULTIPLYING THEM BY .9997.
- THIS IS A PRELIMINARY SURVEY. ALL DIMENSIONS IN FEET OR DECIMAL UNITS OF FEET
- THE MAP IS INTENDED FOR DISCRETE RECORDATION PURPOSES ONLY.
- \* CHARACTER DISTRICT 3 - RESIDENTIAL, CDDA METRES AND BOUNDS DESCRIPTION DATED 06-30-2020.
- \* \* CHARACTER DISTRICT 4 - MULTIFAMILY, CCDA METERS AND BOUND'S DESCRIPTION DATED 06-30-2020.
- \* \* CHARACTER DISTRICT 5 - COMMERCIAL, CDDA METERS AND BOUNDS DESCRIPTION DATED 06-30-2020.
- \* NORTH STRAIL METERS AND BOUNDS DESCRIPTION DATED 06-30-2020.
- \* LIGHT INDUSTRIAL METERS AND BOUNDS DESCRIPTION DATED 06-30-2020.
- \* LIFT STATION BOUNDARY METERS AND BOUNDS DESCRIPTION DATED 06-30-2020.



**CD3 PART 1 - 147.810 ACRES (6,438,604 SQUARE FEET)**

**BEING** A 147.810 ACRE TRACT OF LAND OUT OF THE BENJAMIN & GRAVES FULCHER SURVEY, ABSTRACT NO. 21, SITUATED IN GUADALUPE COUNTY, TEXAS, THE WILLIAM BURNETT JR. SURVEY, ABSTRACT NO. 56 AND THE BENJAMIN & GRAVES FULCHER SURVEY, ABSTRACT NO. 813, SITUATED IN HAYS COUNTY, TEXAS, AND BEING OUT OF A CALLED 563.797 ACRE TRACT OF LAND CONVEYED IN DEED TO THE MAYAN AT SAN MARCOS RIVER, LLC, A TEXAS LIMITED LIABILITY COMPANY, RECORDED IN VOLUME 4892, PAGE 329, OFFICIAL PUBLIC RECORDS, HAYS COUNTY, TEXAS (O.P.R.H.C.TX.); SAID 147.810 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**COMMENCING** AT THE WEST CORNER OF A CALLED 53.897 ACRE TRACT CONVEYED IN DEED TO HAYS COUNTY, RECORDED IN DOCUMENT NO. 2016-16001654, O.P.R.H.C.TX., ON THE NORTHEASTERLY RIGHT-OF-WAY OF STAPLES ROAD (80-FOOT RIGHT-OF-WAY) AND FARM TO MARKET ROAD 110 (F.M. 110) (PUBLIC RIGHT-OF-WAY) (UNIMPROVED) BEING A CALLED 53.897 ACRE TRACT CONVEYED IN DEED TO HAYS COUNTY, RECORDED IN DOCUMENT NO. 201616001654, OFFICIAL PUBLIC RECORDS, HAYS COUNTY, TEXAS (O.P.R.H.C.TX.), SAME BEING THE SOUTH CORNER OF A CALLED 532.212 ACRE TRACT DESCRIBED AS TRACT 1, CONVEYED IN DEED TO B & B FAMILY PARTNERSHIP, LTD., RECORDED IN DOCUMENT NO. 9915746, O.P.R.H.C.TX., WITH GRID COORDINATES OF N:13853757.83, E: 2314950.70, FROM WHICH POINT A 1/2-INCH IRON ROD FOUND BEARS SOUTH 49 DEGREES 10 MINUTES 24 SECONDS WEST, A DISTANCE OF 0.79 FEET;

**THENCE** NORTH 59 DEGREES 33 MINUTES 10 SECONDS WEST, A DISTANCE OF 959.30 FEET TO THE **POINT OF BEGINNING** AT THE BEGINNING OF A CURVE TO THE RIGHT, WITH GRID COORDINATES OF N: 13854243.91, E: 2315777.64;

**THENCE** WITH THE SOUTHEAST RIGHT-OF-WAY LINE OF SAID F.M. 110 THE FOLLOWING FOUR (4) COURSES AND DISTANCES:

- 1) WITH SAID CURVE TO THE RIGHT, AN ARC LENGTH OF 1,144.87 FEET, A RADIUS OF 4,632.00 FEET, A DELTA ANGLE OF 14 DEGREES 09 MINUTES 42 SECONDS, AND A CHORD THAT BEARS NORTH 50 DEGREES 50 MINUTES 00 SECONDS EAST, A DISTANCE OF 1,141.96 FEET TO A POINT,
- 2) NORTH 57 DEGREES 54 MINUTES 51 SECONDS EAST, A DISTANCE OF 870.57 FEET TO A POINT AT THE BEGINNING A CURVE TO THE RIGHT,
- 3) WITH SAID CURVE TO THE RIGHT, AN ARC LENGTH OF 918.64 FEET, A RADIUS OF 10,990.00 FEET, A DELTA ANGLE OF 04 DEGREES 47 MINUTES 21 SECONDS, AND A CHORD THAT BEARS NORTH 63 DEGREES 37 MINUTES 19 SECONDS EAST, A DISTANCE OF 918.37 FEET TO A POINT AT THE BEGINNING OF A CURVE TO THE LEFT, AND
- 4) WITH SAID CURVE TO THE LEFT, AN ARC LENGTH OF 1,407.06 FEET, A RADIUS OF 5,110.00 FEET, A DELTA ANGLE OF 15 DEGREES 46 MINUTES 36 SECONDS, AND A CHORD THAT BEARS NORTH 58 DEGREES 07 MINUTES 37 SECONDS EAST, A DISTANCE OF 1,402.62 FEET TO A POINT;

**THENCE** DEPARTING THE SOUTHEAST LINE OF SAID F.M. 110, OVER AND ACROSS SAID 563.797 ACRE TRACT THE FOLLOWING THREE (3) COURSES AND DISTANCES:

- 1) SOUTH 30 DEGREES 40 MINUTES 06 SECONDS EAST, A DISTANCE OF 458.24 FEET TO A POINT,
- 2) SOUTH 23 DEGREES 12 MINUTES 13 SECONDS EAST, A DISTANCE OF 231.61 FEET TO A POINT, AND
- 3) SOUTH 39 DEGREES 20 MINUTES 19 SECONDS EAST, A DISTANCE OF 496.08 FEET TO A POINT ON THE SOUTHEAST LINE OF SAID 563.797 ACRE TRACT;

**THENCE** SOUTH 49 DEGREES 07 MINUTES 28 SECONDS WEST, WITH THE SOUTHEAST LINE OF SAID 563.797 ACRE TRACT, A DISTANCE OF 4,114.99 FEET TO A POINT, FROM WHICH A FENCE CORNER POST FOUND FOR THE SOUTH CORNER OF SAID 563.797 ACRE TRACT BEARS SOUTH 49 DEGREES 07 MINUTES 28 SECONDS WEST, A DISTANCE OF 884.61 FEET;

**THENCE** NORTH 40 DEGREES 45 MINUTES 42 SECONDS WEST, OVER AND ACROSS SAID 563.797 ACRE TRACT, A DISTANCE OF 1,784.05 FEET TO THE **POINT OF BEGINNING** AND CONTAINING 147.810 ACRES OF LAND, MORE OR LESS.

**CD3 PART 2 - 72.213 ACRES (3,145,598 SQUARE FEET)**

**BEING** A 72.213 ACRE TRACT OF LAND OUT OF THE BENJAMIN & GRAVES FULCHER SURVEY, ABSTRACT NO. 21, SITUATED IN GUADALUPE COUNTY, TEXAS, THE WILLIAM BURNETT JR. SURVEY, ABSTRACT NO. 56 AND BENJAMIN & GRAVES FULCHER SURVEY, ABSTRACT NO. 813, SITUATED IN HAYS COUNTY, TEXAS, AND BEING OUT OF A CALLED 563.797 ACRE TRACT OF LAND CONVEYED IN DEED TO THE MAYAN AT SAN MARCOS RIVER, LLC, A TEXAS LIMITED LIABILITY COMPANY, RECORDED IN VOLUME 4892, PAGE 329, OFFICIAL PUBLIC RECORDS, HAYS COUNTY, TEXAS (O.P.R.H.C.TX.); SAID 72.213 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**COMMENCING** FROM A TXDOT RIGHT-OF-WAY MONUMENT WITH BRASS DISK IN CONCRETE FOUND ON THE NORTHWEST RIGHT-OF-WAY LINE OF FARM TO MARKET ROAD 110 (F.M. 110) (PUBLIC RIGHT-OF-WAY) (UNIMPROVED) BEING A CALLED 53.897 ACRE TRACT CONVEYED IN DEED TO HAYS COUNTY, RECORDED IN DOCUMENT NO. 2016-16001654, OFFICIAL PUBLIC RECORDS, HAYS COUNTY, TEXAS (O.P.R.H.C.TX.), WITH GRID COORDINATES OF N:13857342.34, E: 2319876.13;

**THENCE** SOUTH 17 DEGREES 04 MINUTES 02 SECONDS EAST, A DISTANCE OF 259.04 FEET TO THE **POINT OF BEGINNING** AT THE BEGINNING OF A CURVE TO THE LEFT, WITH GRID COORDINATES OF N: 13857094.72, E: 2319952.15;

**THENCE** WITH THE SOUTHEAST RIGHT-OF-WAY LINE OF SAID F.M. 110 THE FOLLOWING TWO (2) COURSES AND DISTANCES:

- 1) WITH SAID CURVE TO THE LEFT, AN ARC LENGTH OF 706.70 FEET, A RADIUS OF 5,110.00 FEET, A DELTA ANGLE OF 07 DEGREES 55 MINUTES 26 SECONDS, AND A CHORD THAT BEARS NORTH 37 DEGREES 53 MINUTES 25 SECONDS EAST, A DISTANCE OF 706.13 FEET TO A POINT AT THE BEGINNING OF A CURVE TO THE LEFT, AND



- 2) WITH SAID CURVE TO THE RIGHT, AN ARC LENGTH OF 131.12 FEET, A RADIUS OF 10,990.00 FEET, A DELTA ANGLE 00 DEGREES 41 MINUTES 01 SECONDS, AND A CHORD THAT BEARS NORTH 34 DEGREES 16 MINUTES 13 SECONDS EAST, A DISTANCE OF 131.12 FEET TO A POINT;

**THENCE** DEPARTING THE SOUTHEAST RIGHT-OF-WAY LINE OF SAID F.M. 110, OVER AND ACROSS SAID 563.797 ACRE TRACT THE FOLLOWING SIX (6) COURSES AND DISTANCES:

- 1) SOUTH 71 DEGREES 35 MINUTES 49 SECONDS EAST, A DISTANCE OF 51.89 FEET TO A POINT,
- 2) SOUTH 61 DEGREES 21 MINUTES 41 SECONDS EAST, A DISTANCE OF 97.53 FEET TO A POINT,
- 3) SOUTH 48 DEGREES 55 MINUTES 04 SECONDS EAST, A DISTANCE OF 185.91 FEET TO A POINT,
- 4) NORTH 48 DEGREES 33 MINUTES 29 SECONDS EAST, A DISTANCE OF 285.39 FEET TO A POINT,
- 5) NORTH 60 DEGREES 57 MINUTES 46 SECONDS WEST, A DISTANCE OF 260.95 FEET TO A POINT, AND
- 6) NORTH 70 DEGREES 06 MINUTES 45 SECONDS WEST, A DISTANCE OF 143.14 FEET TO A POINT ON THE SOUTHEAST RIGHT-OF-WAY LINE OF SAID F.M. 110, AT THE BEGINNING OF A CURVE TO THE RIGHT;

**THENCE** WITH SAID CURVE TO THE RIGHT, HAVING AN ARC LENGTH OF 1,315.48 FEET, A RADIUS OF 10,990.00 FEET, A DELTA ANGLE OF 06 DEGREES 51 MINUTES 30 SECONDS, AND A CHORD THAT BEARS NORTH 39 DEGREES 10 MINUTES 58 SECONDS EAST, A DISTANCE OF 1,314.70 FEET TO A POINT;

**THENCE** DEPARTING THE SOUTHEAST RIGHT-OF-WAY LINE OF SAID F.M. 110, OVER AND ACROSS SAID 563.797 ACRE TRACT THE FOLLOWING SIX (5) COURSES AND DISTANCES:

- 1) SOUTH 45 DEGREES 32 MINUTES 31 SECONDS EAST, A DISTANCE OF 1334.51 FEET TO A POINT,
- 2) SOUTH 49 DEGREES 14 MINUTES 18 SECONDS WEST, A DISTANCE OF 53.37 FEET TO A POINT,
- 3) SOUTH 40 DEGREES 45 MINUTES 42 SECONDS EAST, A DISTANCE OF 300.02 FEET TO A POINT,
- 4) NORTH 49 DEGREES 14 MINUTES 18 SECONDS EAST, A DISTANCE OF 78.46 FEET TO A POINT, AND
- 5) SOUTH 45 DEGREES 32 MINUTES 31 SECONDS EAST, A DISTANCE OF 28.55 FEET TO A POINT ON THE SOUTHEAST LINE OF SAID 563.797 ACRE TRACT;

**THENCE** SOUTH 49 DEGREES 07 MINUTES 28 SECONDS WEST, WITH THE SOUTHEAST LINE OF SAID 563.797 ACRE TRACT, A DISTANCE OF 485.78 FEET TO A POINT;

**THENCE** OVER AND ACROSS SAID 563.797 ACRE TRACT THE FOLLOWING TWELVE (10) COURSES AND DISTANCES:

- 1) SOUTH 58 DEGREES 50 MINUTES 30 SECONDS WEST, A DISTANCE OF 244.60 FEET TO A POINT,

- 2) SOUTH 62 DEGREES 03 MINUTES 42 SECONDS WEST, A DISTANCE OF 225.66 FEET TO A POINT AT THE BEGINNING OF A CURVE TO THE RIGHT,
- 3) WITH SAID CURVE TO THE RIGHT, HAVING AN ARC LENGTH OF 205.27 FEET, A RADIUS OF 224.23 FEET, A DELTA ANGLE OF 52 DEGREES 26 MINUTES 58 SECONDS, AND A CHORD THAT BEARS NORTH 78 DEGREES 40 MINUTES 09 SECONDS WEST, A DISTANCE OF 198.17 FEET TO A POINT,
- 4) NORTH 57 DEGREES 53 MINUTES 58 SECONDS WEST, A DISTANCE OF 130.53 FEET TO A POINT,
- 5) SOUTH 50 DEGREES 17 MINUTES 42 SECONDS WEST, A DISTANCE OF 129.27 FEET TO A POINT AT THE BEGINNING OF A CURVE TO THE LEFT,
- 6) WITH SAID CURVE TO THE LEFT, HAVING AN ARC LENGTH OF 55.54 FEET, A RADIUS OF 49.90 FEET, A DELTA ANGLE OF 63 DEGREES 46 MINUTES 10 SECONDS, AND A CHORD THAT BEARS SOUTH 10 DEGREES 01 MINUTES 38 SECONDS WEST, A DISTANCE OF 52.72 FEET TO A POINT,
- 7) SOUTH 43 DEGREES 21 MINUTES 28 SECONDS EAST, A DISTANCE OF 80.86 FEET TO A POINT,
- 8) SOUTH 33 DEGREES 11 MINUTES 43 SECONDS EAST, A DISTANCE OF 149.74 FEET TO A POINT,
- 9) SOUTH 27 DEGREES 01 MINUTES 01 SECONDS EAST, A DISTANCE OF 87.04 FEET TO A POINT, AND
- 10) SOUTH 28 DEGREES 42 MINUTES 09 SECONDS WEST, A DISTANCE OF 82.91 FEET TO A POINT ON THE SOUTHEAST LINE OF SAID 563.797 ACRE TRACT, FROM WHICH POINT A FENCE CORNER POST FOUND FOR THE SOUTH CORNER OF SAID 563.797 ACRE TRACT BEARS SOUTH 49 DEGREES 07 MINUTES 28 SECONDS, A DISTANCE OF 6,016.13 FEET;

**THENCE** SOUTH 49 DEGREES 07 MINUTES 28 SECONDS WEST, WITH THE SOUTHEAST LINE OF SAID 563.797 ACRE TRACT, A DISTANCE OF 965.00 FEET TO A POINT;

**THENCE** OVER AND ACROSS SAID 563.797 ACRE TRACT THE FOLLOWING FIVE (5) COURSES AND DISTANCES:

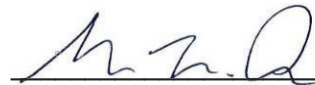
- 1) NORTH 40 DEGREES 45 MINUTES 42 SECONDS WEST, A DISTANCE OF 562.59 FEET TO A POINT AT THE BEGINNING OF A CURVE TO THE LEFT,
- 2) WITH SAID CURVE TO THE LEFT, HAVING AN ARC LENGTH OF 278.66 FEET, A RADIUS OF 373.63 FEET, A DELTA ANGLE OF 42 DEGREES 43 MINUTES 57 SECONDS, AND A CHORD THAT BEARS NORTH 40 DEGREES 13 MINUTES 28 SECONDS WEST, A DISTANCE OF 272.24 FEET TO A POINT,
- 3) NORTH 65 DEGREES 57 MINUTES 47 SECONDS WEST, A DISTANCE OF 32.38 FEET TO A POINT AT THE BEGINNING OF A CURVE TO THE RIGHT,
- 4) WITH SAID CURVE TO THE RIGHT, HAVING AN ARC LENGTH OF 281.62 FEET, A RADIUS OF 770.72 FEET, A DELTA ANGLE OF 20 DEGREES 56 MINUTES 08 SECONDS, AND A CHORD THAT BEARS NORTH 58 DEGREES 50 MINUTES 07 SECONDS WEST, A DISTANCE OF 280.05 FEET TO A POINT, AND

- 5) NORTH 47 DEGREES 59 MINUTES 08 SECONDS WEST, A DISTANCE OF 77.76 FEET TO THE **POINT OF BEGINNING** AND CONTAINING 72.213 ACRES OF LAND, MORE OR LESS.

Bearing Basis:

All bearings shown are based on the Texas Coordinate System, South Central Zone, NAD83/2011. All distances shown are surface and may be converted to grid by dividing by a Surface Adjustment Factor of 1.0000741. Units: U.S. Survey Feet.

I hereby certify that this legal description and the accompanying plat of even date represents the facts found during the course of an actual survey made on the ground under my supervision.



06/30/2020

Gordon Anderson, RPLS No. 6617  
LJA Surveying, Inc.  
5316 Highway 290 West, Suite 460  
Austin, Texas 78735  
Texas Firm No. 10194533

