

## **ORDINANCE NO. 2020-**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS AMENDING THE OFFICIAL ZONING MAP OF THE CITY IN CASE NO. ZC-20-17 BY REZONING APPROXIMATELY 38.019 ACRES OF LAND LOCATED AT 2801 STAPLES ROAD, FROM “FD” FUTURE DEVELOPMENT DISTRICT TO “LI” LIGHT INDUSTRIAL DISTRICT; INCLUDING PROCEDURAL PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.**

### **RECITALS:**

1. On August 11, 2020, the Planning and Zoning Commission of the City of San Marcos held a public hearing regarding a request to change the zoning designation from “FD” Future Development District to “LI” Light Industrial District for approximately 38.019 acres of land located 2801 Staples Road.
2. The Planning and Zoning Commission approved a recommendation to the City Council regarding the request.
3. The City Council held a public hearing on September 1, 2020 regarding the request.
4. All requirements pertaining to Zoning Map amendments have been met.
5. The City Council hereby finds and determines that the adoption of the following ordinance is in the interest of the public health, morals, welfare and safety.

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS:**

**SECTION 1.** The Official Zoning Map of the City is amended to rezone the approximately 38.019-acre tract of land described by metes and bounds in Exhibit A, attached hereto and made a part hereof for all purposes (the “Property”), from “FD” Future Development District to “LI” Light Industrial District.

**SECTION 2.** If any word, phrase, clause, sentence, or paragraph of this ordinance is held to be unconstitutional or invalid by a court of competent jurisdiction, the other provisions of this ordinance will continue in force if they can be given effect without the invalid portion.

**SECTION 3.** All ordinances and resolutions or parts of ordinances or resolutions in conflict with this ordinance are repealed.

**SECTION 4.** This ordinance will take effect after its passage, approval and adoption on second reading, provided that the zoning map amendment and rezoning of the Property provided in Section 1 shall not become effective unless and until deed restrictions that run with the land and made applicable to the entirety of the Property, and enforceable against the current or future owners of the Property and any successor or assigns are recorded in the Official Public Records of the counties in which

the Property is situated, which deed restrictions prohibit the uses listed in Exhibit B, attached hereto and made a part hereof for all purposes.

**PASSED AND APPROVED** on first reading on September 1, 2020.

**PASSED, APPROVED AND ADOPTED** on second reading on September 15, 2020.

Jane Hughson  
Mayor

Attest:

Tammy K. Cook  
Interim City Clerk

Approved:

Michael J. Cosentino  
City Attorney

## EXHIBIT A

PROPOSED ZONE DEDICATION DESCRIPTION  
LIGHT INDUSTRIAL (LI)  
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### **LI-PART 1 - 30.380 ACRES (1,323,504 SQUARE FEET)**

**BEING** A 30.380 ACRE TRACT OF LAND OUT OF THE BENJAMIN & GRAVES FULCHER SURVEY NO. 19, ABSTRACT NO. 813, THE WILLIAM BURNETT JR. SURVEY, ABSTRACT NO. 56, THE WILLIAM A. MATTHEWS SURVEY, ABSTRACT NO. 305, SITUATED IN HAYS COUNTY, TEXAS, AND BEING OUT OF A CALLED 563.797 ACRE TRACT OF LAND CONVEYED IN DEED TO 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 30.380 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**COMMENCING** FROM A 1/2 INCH IRON ROD FOUND WHICH BEARS SOUTH 49 DEGREES 10 MINUTES 24 SECONDS WEST OF THE NORTHEAST RIGHT-OF-WAY LINE OF STAPLES ROAD (80-FOOT RIGHT-OF-WAY), THE WEST CORNER OF SAID 563.797 ACRE TRACT, SAME BEING 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., 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;

**THENCE** NORTH 49 DEGREES 10 MINUTES 24 SECONDS EAST, WITH THE NORTHWEST LINE OF SAID 563.797, SAME BEING THE NORTHWEST LINE OF SAID 53.897 ACRE TRACT, A DISTANCE OF 2600.79 FEET TO POINT, FOR THE **POINT OF BEGINNING**, WITH GRID COORDINATES OF N: 13855458.03, E: 2316918.54;

**THENCE** NORTH 49 DEGREES 10 MINUTES 24 SECONDS EAST, WITH THE NORTHWEST LINE OF SAID 563.797 ACRE TRACT, A DISTANCE OF 1925.25 FEET TO A POINT;

**THENCE** OVER AND ACROSS SAID 563.797 ACRE TRACT THE FOLLOWING SIXTEEN (16) COURSES AND DISTANCES:

- 1) NORTH 72 DEGREES 05 MINUTES 03 SECONDS EAST, A DISTANCE OF 299.59 FEET TO A POINT,
- 2) NORTH 74 DEGREES 46 MINUTES 40 SECONDS EAST, A DISTANCE OF 108.12 FEET TO A POINT,
- 3) NORTH 89 DEGREES 52 MINUTES 45 SECONDS EAST, A DISTANCE OF 39.44 FEET TO A POINT,
- 4) NORTH 64 DEGREES 09 MINUTES 35 SECONDS EAST, A DISTANCE OF 90.85 FEET TO A POINT,
- 5) NORTH 46 DEGREES 49 MINUTES 14 SECONDS EAST, A DISTANCE OF 235.44 FEET TO A POINT,
- 6) NORTH 35 DEGREES 19 MINUTES 08 SECONDS EAST, A DISTANCE OF 331.75 FEET TO A POINT,
- 7) NORTH 36 DEGREES 08 MINUTES 22 SECONDS EAST, A DISTANCE OF 90.92 FEET TO A POINT,
- 8) NORTH 43 DEGREES 29 MINUTES 42 SECONDS EAST, A DISTANCE OF 73.77 FEET TO A POINT,

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- 9) NORTH 52 DEGREES 00 MINUTES 06 SECONDS EAST, A DISTANCE OF 114.50 FEET TO A POINT,
- 10) NORTH 51 DEGREES 18 MINUTES 05 SECONDS EAST, A DISTANCE OF 158.56 FEET TO A POINT,
- 11) NORTH 38 DEGREES 41 MINUTES 51 SECONDS EAST, A DISTANCE OF 94.30 FEET TO A POINT,
- 12) NORTH 29 DEGREES 54 MINUTES 36 SECONDS EAST, A DISTANCE OF 162.95 FEET TO A POINT,
- 13) NORTH 58 DEGREES 37 MINUTES 53 SECONDS EAST, A DISTANCE OF 158.19 FEET TO A POINT,
- 14) NORTH 78 DEGREES 28 MINUTES 41 SECONDS EAST, A DISTANCE OF 71.84 FEET TO A POINT,
- 15) SOUTH 83 DEGREES 25 MINUTES 51 SECONDS EAST, A DISTANCE OF 119.32 FEET TO A POINT, AND
- 16) SOUTH 73 DEGREES 02 MINUTES 48 SECONDS EAST, A DISTANCE OF 223.87 FEET TO A POINT ON THE NORTHWEST LINE OF SAID 53.897 ACRE TRACT, SAID POINT BEING THE BEGINNING OF A CURVE TO THE RIGHT;

**THENCE** WITH THE NORTHWEST LINE OF SAID 53.897 ACRE TRACT THE FOLLOWING EIGHT (8) COURSES AND DISTANCES:

- 1) WITH SAID CURVE TO THE RIGHT, HAVING AN ARC LENGTH OF 76.17 FEET, A RADIUS OF 11210.00 FEET, A DELTA ANGLE OF 00 DEGREES 23 MINUTES 22 SECONDS, AND CHORD THAT BEARS SOUTH 34 DEGREES 07 MINUTES 24 SECONDS WEST, A DISTANCE 76.17 FEET TO A POINT OF CURVE TO THE RIGHT,
- 2) WITH SAID CURVE TO THE RIGHT, HAVING AN ARC LENGTH OF 542.45 FEET, A RADIUS OF 4860.00 FEET, A DELTA ANGLE OF 06 DEGREES 21 MINUTES 42 SECONDS, AND CHORD THAT BEARS SOUTH 37 DEGREES 06 MINUTES 24 SECONDS WEST, A DISTANCE 542.17 FEET TO A TXDOT MONUMENT WITH BRASS DISK,
- 3) SOUTH 85 DEGREES 17 MINUTES 04 SECONDS WEST, A DISTANCE OF 42.56 FEET TO A POINT BEING THE BEGINNING OF A CURVE TO THE RIGHT,
- 4) WITH SAID CURVE TO THE RIGHT, HAVING AN ARC LENGTH OF 717.41 FEET, A RADIUS OF 4860.00 FEET, A DELTA ANGLE OF 08 DEGREES 27 MINUTES 28 SECONDS, AND CHORD THAT BEARS SOUTH 44 DEGREES 52 MINUTES 05 SECONDS WEST, A DISTANCE 716.76 FEET TO A POINT CONTINUING ALONG A CURVE TO THE RIGHT,
- 5) SOUTH 04 DEGREES 27 MINUTES 07 SECONDS WEST, A DISTANCE OF 42.56 FEET TO A POINT BEING THE BEGINNING OF A CURVE TO THE RIGHT,
- 6) WITH SAID CURVE TO THE RIGHT, HAVING AN ARC LENGTH OF 1413.73 FEET, A RADIUS OF 4890.00 FEET, A DELTA ANGLE OF 16 DEGREES 33 MINUTES 52 SECONDS, AND CHORD THAT BEARS SOUTH 57 DEGREES 44 MINUTES 03 SECONDS WEST, A DISTANCE 1408.81 FEET TO A POINT CONTINUING ALONG A CURVE TO THE LEFT,

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- 7) WITH SAID CURVE TO THE LEFT, HAVING AN ARC LENGTH OF 628.56 FEET, A RADIUS OF 11210.00 FEET, A DELTA ANGLE OF 03 DEGREES 12 MINUTES 46 SECONDS, AND CHORD THAT BEARS SOUTH 64 DEGREES 24 MINUTES 36 SECONDS WEST, A DISTANCE 628.48 FEET TO A POINT CONTINUING ALONG A CURVE TO THE RIGHT, AND
- 8) WITH SAID CURVE TO THE RIGHT, HAVING AN ARC LENGTH OF 717.47 FEET, A RADIUS OF 11052.00 FEET, A DELTA ANGLE OF 03 DEGREES 43 MINUTES 30 SECONDS, AND CHORD THAT BEARS SOUTH 64 DEGREES 39 MINUTES 55 SECONDS WEST, A DISTANCE 717.34 FEET TO THE **POINT OF BEGINNING** AND CONTAINING 30.380 ACRES OF LAND, MORE OR LESS.

**LI-PART 2 - 7.639 ACRES (332,768 SQUARE FEET)**

**BEING** A 7.639 ACRE TRACT OF LAND OUT OF THE WILLIAM A. MATTHEWS SURVEY, ABSTRACT NO. 305, SITUATED IN HAYS COUNTY, TEXAS, AND BEING OUT OF A CALLED 563.797 ACRE TRACT OF LAND CONVEYED IN DEED TO 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 7.639 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**COMMENCING** FROM A TXDOT MONUMENT WITH BRASS DISK FOUND ON THE NORTHWEST LINE OF SAID 563.797 ACRE TRACT, SAME BEING THE SOUTHEAST LINE 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., FOR THE NORTHEAST 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., WITH GRID COORDINATES OF N: 13861029.40, E: 2323366.95, THENCE SOUTH 49 DEGREES 10 MINUTES 24 SECONDS WEST, WITH THE NORTHWEST LINE OF SAID 563.797, SAME BEING THE SOUTHEAST LINE OF SAID 532.212 ACRE TRACT, A DISTANCE OF 1575.00 FEET TO POINT, FOR THE **POINT OF BEGINNING**, WITH GRID COORDINATES OF N: 13860000.00, E: 2322175.51, SAID POINT BEING THE BEGINNING OF A CURVE TO THE LEFT;

**THENCE** WITH THE NORTHWEST LINE OF SAID 53.897 ACRE TRACT, BEING SAID CURVE TO THE LEFT, HAVING AN ARC LENGTH OF 2698.57 FEET, A RADIUS OF 11210.00 FEET, A DELTA ANGLE OF 13 DEGREES 47 MINUTES 34 SECONDS, AND CHORD THAT BEARS SOUTH 42 DEGREES 16 MINUTES 49 SECONDS WEST, A DISTANCE 2692.06 FEET TO A POINT,

**THENCE** DEPARTING THE NORTHWEST LINE OF SAID 53.897 ACRE TRACT, OVER AND ACROSS SAID 563.797 ACRE TRACT THE FOLLOWING TWO (2) COURSES AND DISTANCES:

- 1) NORTH 86 DEGREES 54 MINUTES 48 SECONDS WEST, A DISTANCE 263.84 FEET TO A POINT AT THE BEGINNING OF A CURVE TO THE RIGHT, AND



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- 2) BEING SAID CURVE TO THE RIGHT, HAVING AN ARC LENGTH OF 178.01 FEET, A RADIUS OF 79.18 FEET, A DELTA ANGLE OF 128 DEGREES 49 MINUTES 06 SECONDS, AND CHORD THAT BEARS NORTH 29 DEGREES 37 MINUTES 51 SECONDS WEST, A DISTANCE 142.82 FEET TO A POINT ON THE NORTHWEST LINE OF SAID 563.797 ACRE TRACT, FROM WHICH A 1/2-INCH IRON ROD FOUND BEARS SOUTH 49 DEGREES 10 MINUTES 24 SECONDS WEST A DISTANCE OF 6715.18 FEET;

**THENCE** NORTH 49 DEGREES 10 MINUTES 24 SECONDS EAST, A DISTANCE 2834.94 FEET TO THE **POINT OF BEGINNING** AND CONTAINING 7.639 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.

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

06/30/2020









## **EXHIBIT B**

List of prohibited uses on the Property to be included in Deed Restrictions:

1. Acid manufacturing
2. Bus or rail transit vehicle maintenance or storage facility
3. Distillation of bones
4. Extraction or refining of petroleum or its products
5. Fat rendering
6. Gas manufacturing
7. Manufacturing or storage of hazardous materials or explosives, except for fuels contained in vehicles
8. Manufacturing or storage of fertilizer
9. Manufacturing of carbon batteries
10. Manufacturing of paint, lacquer, oil, turpentine, varnish, enamel and similar products
11. Manufacturing of rubber, glucose, or dextrin
12. Manufacturing of paper or pulp
13. Manufacturing or distillation of tar
14. Monument or marble works
15. Oil compounding and barreling plant
16. Operation of a business that provides the services of disposal, storage, reduction or incineration of solid or hazardous waste (including garbage, refuse, trash, sewage, offal, dead animals)
17. Self Storage
18. Smelting of iron, tin, zinc, copper or other ores
19. Storage, sorting, bailing or processing of rags
20. Vehicle Repair (minor)
21. Waste-Related Service
22. Wrecking/Junk Yard