

ORDINANCE NO. 2020-66

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-20-20 BY REZONING APPROXIMATELY 220.023 ACRES OF LAND LOCATED AT 2801 STAPLES ROAD FROM “FD” FUTURE DEVELOPMENT DISTRICT TO “CD-3” CHARACTER DISTRICT-3; 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 “CD-3” Character District-3 for approximately 220.023 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 220.023-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 “CD-3” Character District-3.

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 All ordinances and resolutions or parts of ordinances or resolutions in conflict with this ordinance are repealed.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, subject to the requirements that the owner of the Property, or any successor, shall: a) provide a minimum 35-foot buffer between any public right-of-way associated with FM 110 and any adjacent residential structure; and b) construct solid screen fencing along the 35-foot

buffer or a masonry wall along said buffer if it is determined that the cost of constructing a masonry wall is reimbursable as part of any approved Public Improvement District applicable to the Property.

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

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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

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- 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,

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- 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

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- 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.


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

06/30/2020



