

## **ORDINANCE NO. 2021-43**

**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-21-08 BY REZONING APPROXIMATELY 29.66 ACRES OF LAND, GENERALLY LOCATED 300 FEET WEST OF THE OF THE CENTERPOINT ROAD AND CENTER POINT COURT INTERSECTION, FROM “GC” GENERAL COMMERCIAL AND “FD” FUTURE DEVELOPMENT DISTRICTS TO “CD-4” CHARACTER DISTRICT-4, OR SUBJECT TO CONSENT OF THE OWNER, ANOTHER LESS INTENSE ZONING DISTRICT CLASSIFICATION; INCLUDING PROCEDURAL PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.**

### **RECITALS:**

1. On May 11, 2021, the Planning and Zoning Commission of the City of San Marcos held a public hearing regarding a request to change the zoning designation from “GC” General Commercial and “FD” Future Development Districts to “CD-4” Character District-4 for approximately 29.66 acres of land, generally located 300 feet west of the of the Centerpoint Road and Center Point Court intersection (the “Property”), as described in Exhibit A, attached hereto and made a part hereof for all purposes.

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 June 1, 2021 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 Property, as described in Exhibit A, from “GC” General Commercial and “FD” Future Development Districts to “CD-4” Character District-4.

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3.** All ordinances and resolutions or parts of ordinances or resolutions in conflict with this ordinance are repealed.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

**PASSED AND APPROVED** on first reading on June 1, 2021.

**PASSED, APPROVED AND ADOPTED** on second reading on \_\_\_\_\_, 2021.

Jane Hughson  
Mayor

Attest:

Tammy K. Cook  
Interim City Clerk

Approved:

Michael J. Cosentino  
City Attorney

## EXHIBIT A

March 24, 2021  
Job No. LJA001-A445-1001\_50  
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### EXHIBIT "A"

County: Hays  
Description: CD-4 Re-zoning  
Acreage: 29.6693

Being 29.6693 acres out of the remainder of a called 53.83 acres of land, more or less, situated in the Edward Burleson Survey, Abstract no. 63, Hays County, Texas, being a portion of that tract described as 995.14 acres in a deed from Grace B. Lowman to Lowman Ranch, LTD. Dated June 3, 1967 and recorded in Volume 218, Page 594 of the Hays County Deeds Record, and being more particularly described by metes and bounds as follows:

Beginning at a found 1/2" iron rod with aluminum cap stamped "PRO-TECH ENG 2219" at the east corner of Lot 1, Tanger Factory Outlet, a subdivision of record in Volume 5, Page 383 of the Hays County Plat Records, being in the northwest line of the said remainder of the called 53.83 acre tract, and also being the southwest corner of the right-of-way easement conveyed to the City of San Marcos by Lowman Ranch, LTD, by deed dated May 25, 1993 and recorded in Volume 995, Page 610 of the Hays County Deed Records;

THENCE: North 43° 35' 25" East, 26.56 feet, passing the northwest corner of the said remainder of the 53.83 acre tract, also being the northwest corner of the said right-of-way easement, continuing 28.44 feet for a total distance of 55.00 feet to a point in the centerline of Center Point Road, an assumed 110 foot right-of-way, for the northwest corner of the herein described CD-4 District;

THENCE: South 45° 46' 58" East, 721.45 feet, along the centerline of Center Point Road to a point of curvature of a curve to the left;

THENCE: a distance of 190.46' along the arc of said curve to the left having a Radius of 1005.00 feet, a chord bearing of South 51° 01' 44" East and a chord distance of 190.18 feet, to a point in the centerline of said Center Point Road, being the northeast corner of the herein described CD-4 District;

THENCE: South 44° 39' 17" West, 42.20 feet, passing the northeast corner of the said remainder of the 53.83 acre tract, also being the northeast corner of the said right-of-way easement, continuing 996.29 feet for a total distance of 1021.09 feet, along the southeasterly line of the said remainder of the called 53.83 acre tract, also being the northwesterly line of the tract described as 8.07 acres in a deed to Warren Garland J. Estate, recorded in Volume 4876, Page 831 of the Official Public Records of Hays County Texas, to a 5/8" iron rod with cap stamped "LJA Survey" set for an angle point;

THENCE: South 44° 06' 19" West, 383.29 feet, to a 5/8" iron rod with cap stamped "LJA Survey" set for the southwest corner of the said 8.07 acre tract, also being the northwest corner of a 211.743 acre tract described in a deed to John Coleman Horton III and Nancy McCray Horton recorded in Volume 4514, Page 210 of the Official Public Records of Hays County Texas, and being an angle point in the herein described CD-4 District;

THENCE: South 45° 14' 23" West, 194.02 feet along the southeasterly line of said remainder of the called 53.83 acre tract to a 5/8" iron rod with cap stamped "LJA Survey" set for an angle point;

THENCE: South 44° 27' 52" West, 242.12 feet along the southeasterly line of said remainder of the called 53.83 acre tract to a 5/8" iron rod with cap stamped "LJA Survey" set for an angle point;

THENCE: South 44° 46' 19" West, 60.07 feet to a point being in the southeasterly line of the said remainder of the called 53.83 acre tract, also being the southeast corner of the herein described CD-4 District;

THENCE: North 45° 17' 38" West, 503.39 feet, to a point within said remainder of the called 53.83 acre tract;

THENCE: North 44° 39' 18" East, 142.96 feet, to a point within said remainder of the called 53.83 acre tract;

THENCE: North 45° 20' 42" West, 105.00 feet, to a point within said remainder of the called 53.83 acre tract;


THENCE: North 44° 39' 18" East, 1237.00 feet, to a point within said remainder of the called 53.83 acre tract;

THENCE: North 45° 20' 42" West, 295.13 feet, to a point in the common line of said remainder of the called 53.83 acre tract and the said Tanger Factory Outlet Subdivision;

THENCE: North 43° 35' 25" East, 458.28 feet, along the common line of said remainder of the called 53.83 acre tract and the said Tanger Factory Outlet Subdivision to the POINT OF BEGINNING, containing 29.6693 acres, more or less.

All bearings and coordinates are based on the Texas State Plane Coordinate System, Grid North, Central Zone (4203), North American Datum of 1983. All distances can be adjusted to surface using a combined scale factor of 1.00013.

**LJA Surveying, Inc.**  
**Texas Surveying Firm Branch Registration No. 10194533**  
**7500 Rialto Blvd, Building II, Suite 100. Austin, Texas 78735**  
**Phone No.: 512.439.4700**

By:  \_\_\_\_\_

**Surveyor's Name: Jeremy J. Kowis**  
**Registered Professional Land Surveyor, Texas No. 6361**  
**Date: March 24, 2021**

