



CITY OF KYLE

PLANNING & ZONING COMMISSION REGULAR MEETING

KYLE CITY HALL
100 W. CENTER STREET

Notice is hereby given that the Planning and Zoning Commission of the City of Kyle, Texas will meet at 6:30 P.M. on November 22, 2016, at Kyle City Hall, 100 W. Center Street for the purpose of discussing the following agenda.

NOTE: There may be a quorum of the City Council of Kyle, Texas present at the meeting who may participate in the discussion. No official action will be taken by the City Council members in attendance.

Posted this 18th day of November prior to 6:30 P.M.

1. **CALL MEETING TO ORDER**
2. **ROLL CALL**
3. **CITIZEN COMMENTS**
4. **ELECTION OF CHAIR**
5. **MINUTES**

Planning and Zoning Commission meeting minutes for July 26, 2016, August 9, 2016, September 13, 2016 and October 11, 2016.

6. **CONSENT**

- A. Railhouse Subdivision Lots 1, 2 & 3 – Final Plat (FP-16-013)
3.49 acres; 3 Commercial Lots
Located at the southwest corner of Center Street and Old Highway 81
Owner: Center Railroad, LLC.
Agent: Hugo Elizondo Jr., P.E., Cuatro Consultants

Staff Proposal to P&Z: Statutorily disapprove to meet the 30 day statutory requirement.

- B. Plum Creek Phase 1 Section 12B – Preliminary Plan (PP-16-003)
0.971 acres; 1 Commercial Lot
Located off of Kohler’s Crossing and Cromwell
Owner: Plum Creek Development Partners
Agent: Harrison M. Hudson, Kimley-Horn
Staff Proposal: Approve the Preliminary Plan.

- C. Plum Creek Phase 1 Section 12B – Final Plat (FP-16-012)
0.971 acres; 1 Commercial Lot
Located off of Kohler’s Crossing and Cromwell
Owner: Plum Creek Development Partners
Agent: Harrison M. Hudson, Kimley-Horn
Staff Proposal: Approve the Final Plat.

- D. Creekside Village Revised Preliminary Plan (PP-16-004)
73.454 acres; 166 Single Family Lots and 4 Drainage Lots
Located east of Fall Creek Dr., west of Union Pacific Railroad and north of Burluson
Owner: Orchard at Plumb Creek, LLC.
Agent: Josh Miksch, P.E., Jones/Carter
Staff Proposal: Approve the Revised Preliminary Plan.

- E. Dacy Village, Lot 5, Block B – Final Plat (FP-16-010)
5.45 acres; 1 Commercial Lot
Located on the south side of Bebee Road just west of Dacy Lane
Owner: Kyle Apartment, LLC.
Agent: Hugo Elizondo Jr., P.E., Cuatro Consultants
Staff Proposal to P&Z: Approve the Final Plat.

- F. Kyle Wellness Center – Site Plan (SD-16-019)
0.971 acres; 1 Commercial Lot
Located at 1001 Kohler’s Crossing
Owner: Plum Creek Development Partners
Agent: Harrison M. Hudson, Kimley-Horn
Staff Proposal to P&Z: Approve the Site Plan.

7. ZONING

- A. Consider a request by Blanton Family Limited Partnership to rezone approximately 68.5 acres of land from Single Family Residential -2 “R-1-2” and rezone approximately 10.38 acres of land from Central Business District -1 “CBD-1” to Single Family Detached

Residential “R-1-A” for property located on the west side of Scott Street, at W. Third Street. (Z-16-010)

- **Public Hearing**
- **Recommendation to City Council**

B. Consider a request by Thomas Kaminski to rezone approximately 7.26 acres of land from Single Family Residential “R-1” to Single Family Detached Residential “R-1-A” for property located on the southwest corner of Zapata Street and W. Hays Street. (Z-16-011)

- **Public Hearing**
- **Recommendation to City Council**

8. **CONSIDER AND POSSIBLE ACTION**

A. Consider amendments to the City of Kyle Code of Ordinances, Chapter 53, Zoning: specifically, Article 1, Section 53-5 (Definitions); and Article II, Division 1, Section 53-33 (General Requirements and Limitations); and Article II, Division 2, 3, 4 and 5, as well as creating a new division and re-numbering existing divisions; and prior Ordinance 824 (Providing standards for determining a front wall for the purposes of establishing garage setback).

- **Public Hearing**
- **Recommendation to City Council**

B. Consider an amendment to the City of Kyle Code of Ordinances, Chapters 11, Article IV (Peddlers, Solicitors and Vendors), and 53, Article II, Sections 53-481, 53-665 and 53-672.

- **Public Hearing**
- **Recommendation to City Council**

9. **GENERAL DISCUSSION**

A. Discussion only regarding Planning and Zoning Commission request for future agenda items.

10. **STAFF REPORT**

11. **ADJOURNMENT**

Per Texas Attorney General Opinion No. JC-0169; Open Meeting & Agenda Requirements, Dated January 24, 2000. The permissible responses to general member communication at the meeting are limited by 551.042 as

follows: "SEC.551.042. Inquiry Made at meeting. (a) If, at a meeting of a government body, a member of the public or of the governmental body inquires about a subject for which notice has not been given as required by the subchapter, the notice provisions of the subchapter, do not apply to: (1) a statement of specific factual information given in response to the inquiry; or (2) a recitation of existing policy in response to the inquiry. (b) Any deliberation of or decision about the subject of the inquiry shall be limited to a proposal to place the subject on the agenda for a subsequent meeting.

Certificate

I certify that the above notice of the Planning and Zoning Commission Regular Meeting of the City of Kyle, Texas was posted on the bulletin board of the City of Kyle Hall, 100 W. Center Street, Kyle, Texas. This notice was posted on:



Howard J. Koontz, AICP (Date) 11/18/2016
Director of Planning and Community Development

MINUTES

**REGULAR MEETING OF THE
PLANNING AND ZONING COMMISSION**

The Planning and Zoning Commission of the City of Kyle, Texas met in regular session July 26, 2016 at 6:30 P.M. at Kyle City Hall, with the following persons present:

Commissioner Dex Ellison	James Wilson
Commissioner Bradley Growt	Jaime Hernandez
Chairman Mike Rubsam	
Commissioner Allison Wilson	
Commissioner Tim Kay	
Planning and Community Director, Howard J. Koontz	
Planning Technician, Debbie A. Guerra	
City Planner, William Atkinson	

CALL MEETING TO ORDER

Chairman Rubsam called the meeting to order at 6:30 P.M.

ROLL CALL OF COMMISSION

Chairman Rubsam called for roll call. Commissioner's Huey and Melendez were absent.

CITIZENS COMMENTS

Chairman Rubsam opened the citizens comment period at 6:31 P.M. and call for comments on items not on the agenda or posted for public hearing. James Wilson addressed the Commission stating his concerns with drainage and construction noise for item C on the consent agenda (Bunton Creek Phase 2A – Final Plat). Chairman Rubsam closed the citizens comment period at 6:33 P.M.

ELECTION OF VICE-CHAIR

Chairman Rubsam moved to postpone the election of Vice-Chair until the August 9th P&Z meeting. Commissioner Ellison seconds the motion. All votes aye. Motion carried.

CONSENT

Commissioner Growt moved to remove item c (Bunton Creek Phase 2A – Final Plat) from the consent agenda. Commissioner Wilson seconds the motion. All votes aye. Motion carried.

BROOKSIDE SUBDIVISION PHASE 3 – FINAL PLAT (FP-16-009) 3.709 ACRES; 29 SINGLE FAMILY LOTS LOCATED OFF OF RR E. 150 ALONG THE NORTHWESTERLY EDGE OF THE EXISTING BROOKSIDE SUBDIVISION.

STAFF PROPOSAL: STATUTORILY DISAPPROVE TO MEET 30 DAY REQUIREMENT

DACY VILLAGE SUBDIVISION LOT 5, BLOCK B – FINAL PLAT (FP-16-010) 5.45 ACRES; 1 COMMERCIAL LOT LOCATED ON THE SOUTHSIDE OF BEBEE ROAD, JUST WEST OF DACY LANE.

STAFF PROPOSAL: STATUTORILY DISAPPROVE TO MEET 30 DAY REQUIREMENT

KENSINGTON TRAILS SUBDIVISION 5D – FINAL PLAT (FP-15-007) 6.32 ACRES; 24 SINGLE FAMILY LOTS LOCATED AT THE EXTENSION OF WESTMINSTER DRIVE AND THE EXTENSION OF COVENT DRIVE.

STAFF PROPOSAL: APPROVE

SILBERBERG DEVELOPMENT – SITE PLAN (SD-16-011) 2.427 ACRES; 1 LOT LOCATED AT 4210 BENNER.

STAFF PROPOSAL: APPROVE

Commissioner Kay moved to approve the consent agenda (items A, B, D & E). Commissioner Growt seconds the motion. All votes aye. Motion carried.

BUNTON CREEK SUBDIVISION PHASE 2A – FINAL PLAT (FP-16-002) 12.1 ACRES; 75 SINGLE FAMILY LOTS LOCATED AT THE EXTENSION OF BREANNA LANE AND THE EXTENSION OF GRIST MILL ROAD.

Commissioner Growt moved to approve Bunton Creek Phase 2A – Final Plat (FP-16-002). Commissioner Wilson seconds the motion. All votes aye. Motion carried.

CONSIDER AND POSSIBLE ACTION

CONSIDER A REQUEST BY SAC-N-PAC STORES, INC. (KYLE VILLAGE – 22510 IH-35) FOR A CONDITIONAL USE PERMIT TO CONTRUCT A 17,300 SQUARE FOOT BUILDING LOCATED WITHIN THE IH-35 OVERLAY DISTRICT. (CUP-16-007)

Commissioner Ellison moved to approve the request by Sac-N-Pac Stores, Inc. (Kyle Village – 22510 IH-35). Chairman Rubsam seconds the motion. All votes aye. Motion carried.

CONSIDER A PROPOSAL FOR A NEW OUTDOOR LIGHTING ORDINANCE, TO BE ESTABLISHED IN CHAPTER 53 (ZONING), AND REPEALING EXISTING ORDINANCES IN CONFLICT FOUND ELSEWHERE IN THE CITY’S CODE OF ORDINANCES.

Chairman Rubsam opened the public hearing at 6:50 P.M. and called for comments for or against the request. There were no comments. Chairman Rubsam closed the public hearing at 6:50 P.M.

The commission discussed the text amendment with two preferred edits to the text: 1) that “parks” be removed from the regulations found in the LZ-0 ‘No ambient lighting’ lighting zone, and 2) that the section related to Street Lighting should read ‘Street lighting, other than at the intersection of roadways, shall utilize half-night photocells or timers to turn off lights reduce light output by up to 70% half way between dusk and dawn.’”

Chairman Rubsam moved to recommend the text amendment with the exceptions. Two preferred edits to the text: 1) that “parks” be removed from the regulations found in the LZ-0 ‘No ambient lighting’ lighting zone, and 2) that the section related to Street Lighting should read ‘Street lighting, other than at the intersection of roadways, shall utilize half-night photocells or timers to turn off lights reduce light output by up to 70% half way between dusk and dawn.’”

Commissioner Ellison seconds the motion. All votes aye. Motion carried.

GENERAL DISCUSSION

DISCUSSION ONLY REGARDING PLANNING AND ZONING COMMISSION REQUESTS FOR FUTURE AGENDA ITEMS.

Commissioner Wilson stated she’d like to know if there is a plan for growth.

STAFF REPORT

Howard Koontz, Director of Planning and Community Development introduce the new City Planner, William Atkinson.

ADJOURN

With no further business to discuss, Commissioner Ellison moved to adjourn. Commissioner Growt seconds the motion. All votes aye. Motion carried.

The Planning and Zoning Commission meeting adjourned at 7:24 P.M.

City Secretary

Mike Rubsam, Chairman

**REGULAR MEETING OF THE
PLANNING AND ZONING COMMISSION**

The Planning and Zoning Commission of the City of Kyle, Texas met in regular session August 9, 2016 at 6:30 P.M. at Kyle City Hall, with the following persons present:

Commissioner Dex Ellison
Commissioner Bradley Growt
Chairman Mike Rubsam
Commissioner Allison Wilson
Vice-Chair Tim Kay
Commissioner Irene Melendez
Planning and Community Director, Howard J. Koontz
Planning Technician, Debbie A. Guerra
City Planner, William Atkinson
Greg Guerin

CALL MEETING TO ORDER

Chairman Rubsam called the meeting to order at 6:30 P.M.

ROLL CALL OF COMMISSION

Chairman Rubsam called for roll call. Commissioner's Huey was absent.

CITIZENS COMMENTS

Chairman Rubsam opened the citizens comment period at 6:30 P.M. and call for comments on items not on the agenda or posted for public hearing. There were no comments. Chairman Rubsam closed the citizens comment period at 6:30 P.M.

ELECTION OF VICE-CHAIR

Commissioner Kay received the majority of the votes for Vice-Chair.

CONSENT

CONSIDER A REQUEST BY JOE ANGLE, SMITH DAIRY QUEENS, LLC (DAIRY QUEEN – 22601 IH-35) FOR A CONDITIONAL USE PERMIT TO CONSTRUCT A 3,065 SQUARE FOOT BUILDING LOCATED WITHIN THE IH-35 OVERLAY DISTRICT. (CUP-16-009)

Vice-Chair moved to approve the conditional use permit. Commissioner Melendez seconds the motion. All votes aye. Motion carried.

GENERAL DISCUSSION

DISCUSSION ONLY REGARDING PLANNING AND ZONING COMMISSION REQUESTS FOR FUTURE AGENDA ITEMS.

Chairman Rubsam stated he would like to see the landscape ordinance update completed before the end of his term.

STAFF REPORT

Howard Koontz, Director of Planning and Community Development asked the Commission if anyone was interested in attending the American Planning Association Conference to be held in San Antonio, Texas on November 2nd – November 4th. Commissioners Growt, Wilson, Kay and Melendez expressed interest in attending.

Mr. Koontz also stated that an impervious cover text amendment and the landscape ordinance update is scheduled for the September 13th Planning and Zoning Commission Meeting.

ADJOURN

With no further business to discuss, Chairman Rubsam moved to adjourn. Commissioner Ellison seconds the motion. All votes aye. Motion carried.

The Planning and Zoning Commission meeting adjourned at 6:50 P.M.

City Secretary

Mike Rubsam, Chairman

REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION

The Planning and Zoning Commission of the City of Kyle, Texas met in regular session September 13, 2016 at 6:30 P.M. at Kyle City Hall, with the following persons present:

Commissioner Dex Ellison
Chairman Mike Rubsam
Commissioner Allison Wilson
Vice-Chair Tim Kay
Commissioner Irene Melendez
Planning and Community Director, Howard J. Koontz
Planning Technician, Debbie A. Guerra
City Planner, William Atkinson

CALL MEETING TO ORDER

Chairman Rubsam called the meeting to order at 6:30 P.M.

ROLL CALL OF COMMISSION

Chairman Rubsam called for roll call. Commissioner's Huey and Growt were absent.

CITIZENS COMMENTS

Chairman Rubsam opened the citizens comment period at 6:30 P.M. and call for comments on items not on the agenda or posted for public hearing. There were no comments. Chairman Rubsam closed the citizens comment period at 6:31 P.M.

MINUTES

PLANNING AND ZONING COMMISSION MEETING MINUTES FOR JUNE 14, 2016 AND JUNE 28, 2016.

Vice-Chair Kay stated that a correction needed to be made to the minutes for June 28th. Under Citizen Comments 'Chairman Rubsam' needs to be revised to reflect 'Vice-Chair Kay'.

Vice-Chair Kay moved to approve the minutes for June 14th and June 28th with the correction as discussed. Commissioner Ellison seconds the motion. All votes aye. Motion carried.

CONSENT

WOODLANDS PARK SUBDIVISION PHASE III – FINAL PLAT (FP-16-008) 27.324 ACRES; 102 SINGLE FAMILY LOTS LOCATED SOUTHEAST OF WOODLANDS DRIVE AND E. RR 150 INTERSECTION.

STAFF PROPOSAL: APPROVE

HAYS COMMERCE PHASE 1 – FINAL PLAT (FP-15-005) 7.542 ACRES; 2 COMMERCIAL LOTS AND RIGHT-OF-WAY LOCATED AT 2788 S. LOOP 4.

STAFF PROPOSAL: APPROVE

HAYS COMMERCE PHASE 2A – FINAL PLAT (FP-15-006) 71.037; 14 COMMERCIAL LOTS AND RIGHT-OF-WAY LOCATED AT 3751 KYLE CROSSING.

STAFF PROPOSAL: APPROVE

STEPPING STONE SCHOOL XXI – SITE PLAN (SD-16-012) 1.3 ACRES; 1 COMMERCIAL LOT LOCATED AT 1020 LIGHTFOOT.

STAFF PROPOSAL: APPROVE

Chairman Rubsam moved to approve the consent agenda. Vice-Chair Kay seconds the motion. All votes aye. Motion carried.

CONSIDER AND POSSIBLE ACTION

CONSIDER A REQUEST BY DENNIS ARTALE (WINDMILL CENTER LOT 1 – 21511 IH-35) FOR A CONDITIONAL USE PERMIT TO CONTRUCT A 9,000 SQUARE FOOT BUILDING LOCATED WITHIN THE IH-35 OVERLAY DISTRICT. (CUP-16-009)

Chairman Rubsam moved to postpone item until the next business meeting on October 11th. Commissioner Ellison seconds the motion. All votes aye. Motion carried.

CONSIDER A REQUEST BY SCC KYLE PARTNERS (BIOLIFE PLASMA SERVICES – 906 SETON PARKWAY) FOR A CONDITIONAL USE PERMIT TO CONSTRUCT A 16,686 SQUARE FOOT BUILDING LOCATED WITHIN THE IH-35 OVERLAY DISTRICT. (CUP-16-010)

Vice-Chair Kay moved to postpone item until the next business meeting on October 11th. Commission Melendez seconds the motion. All votes aye. Motion carried.

TEXT AMENDMENT TO SECTION 53-5 (DEFINITIONS) AND SECTION 53-33(1) (IMPERVIOUS COVERAGE) AS THEY RELATE TO IMPERVIOUS SURFACES.

Chairman Rubsam opened the public hearing at 7:11 P.M. and called for comments for or against the request. There were no comments. Chairman Rubsam closed the public hearing at 7:11 P.M.

Discussion was focused on the idea of whether or not decorative and swimming pools, specifically the water surface area, should be included in the impervious surface ratio. From an environmental standpoint the item was arguable, but it was agreed upon from an aesthetic standpoint that the water surface area did contribute to the sense of built density of a parcel and therefore should remain as an impervious surface for the purpose of this text amendment. Secondly, a point was put forward that any person developing to within 5% of their allowable ISR maximum should have to submit an as-built drawing that reflects the impervious surfaces and declares what the parcel's ISR is at the time of certificate of completion or occupancy, whichever is appropriate.

Vice-Chair Kay moved to make a motion. Vice-Chair Kay withdraws his motion.

Chairman Rubsam moved to recommend to adopt the amendment for impervious surface ratio standards to be in compliance with the way it has been re-written and have the addition to state that if the builder or land owner gets within 5% of their impervious cover allowance, they will be required to submit an as-built for future reference. Commissioner Ellison seconds the motion. All votes aye. Motion carried.

TEXAS AMENDMENT TO CHAPTER 53, ARTICLE I, SECTION 53-5 (DEFINITIONS), AND CHAPTER 53, ARTICLE V, LANDSCAPING AND SCREENING REQUIREMENTS; FOR THE PURPOSE OF ADDING, DELETING AND REVISING THE TEXAS OF THE CITY'S LANDSCAPE, SCREENING AND TREE ORDINANCE.

Chairman Rubsam opened the public hearing at 7:49 P.M. and called for comments for or against the request. There were no comments. Chairman Rubsam closed the public hearing at 7:49 P.M.

Chairman Rubsam moved to recommend to adopt the re-written Landscape and Screening Requirements with the following alterations to the marked up copy:

On page 2 would like to change 53-987 Planting Criteria Subsection B – Tree Selection so that number 4 becomes item A, number 5 becomes item B, number 6 becomes item C, number 7 becomes item D, number 8 becomes E, number 9 becomes number 4, number 10 becomes A and number 11 becomes B.

Page 5 – 53-989 change the title from exceptions to variances and add to item A that the community director and/or his designee after ten (10) days on site notification is authorized to approve alternative compliance.

Page 6 – 53-992 text should read no parking space more than 50 feet away from a trunk of a tree unless otherwise approved by staff pursuant to 53-989.

Strike out the blank images under marked up copies on pages 9, 10 and 11.

Page 15 – 53-995 (g) (1) text should be changed to trees identified for preservation either on or off site must have protection.

Page 16 – At the top under (g) (5) (a) make a similar change to text where it says any tree designated for preservation either on or off site.

Page 20 – Appendix B Planning Procedures (Item 5) change the last word of sentence number 3 to inadequate and move the entire sentence to make it the second sentence in item 5.

Page 21 – Appendix C sentence number 2 change the word “hole” to read “whole”.

Commissioner Ellison seconds the motion. All votes aye. Motion carried.

GENERAL DISCUSSION

DISCUSSION ONLY REGARDING PLANNING AND ZONING COMMISSION REQUESTS FOR FUTURE AGENDA ITEMS.

None.

STAFF REPORT

Howard Koontz, Director of Planning and Community Development stated that the Commission received a memo from the City Manager, Scott Sellers related to the creation of an Impact Fee Advisory Committee and stated that there will be a workshop to discuss further.

ADJOURN

With no further business to discuss, Commissioner Ellison moved to adjourn. Commissioner Melendez seconds the motion. All votes aye. Motion carried.

The Planning and Zoning Commission meeting adjourned at 8:55 P.M.

City Secretary

Mike Rubsam, Chairman

REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION

The Planning and Zoning Commission of the City of Kyle, Texas met in regular session October 11, 2016 at 6:30 P.M. at Kyle City Hall, with the following persons present:

Commissioner Dex Ellison	Tom Jordan
Commissioner Lori Huey	Dennis Artale
Commissioner Bradley Growt	
Chairman Mike Rubsam	
Vice-Chair Tim Kay	
Planning and Community Director, Howard J. Koontz	
Planning Technician, Debbie A. Guerra	
City Planner, William Atkinson	

CALL MEETING TO ORDER

Chairman Rubsam called the meeting to order at 6:30 P.M.

ROLL CALL OF COMMISSION

Chairman Rubsam called for roll call. Commissioner's Wilson and Melendez were absent.

CITIZENS COMMENTS

Chairman Rubsam opened the citizens comment period at 6:31 P.M. and call for comments on items not on the agenda or posted for public hearing. There were no comments. Chairman Rubsam closed the citizens comment period at 6:31 P.M.

CONSENT

PLUM CREEK PHASE 2 – PRELIMINARY PLAN (PP-16-001) 389.1 ACRES; 1,404 SINGLE FAMILY LOTS, 1 SCHOOL, 1 AMENITY AND 19 PARKS LOCATED NORTHEAST OF KOHLER'S CROSSING AND FM 2770.

STAFF PROPOSAL: STATUTORILY DISAPPROVE TO MEET 30 DAY REQUIREMENT.

PLUM CREEK PHASE 1 SECTION 4B – PRELIMINARY PLAN (PP-16-002) 3.828 ACRES; 40 SINGLE FAMILY LOTS LOCATED EAST OF THE CORNER OF FAIRWAY AND HARTSON.

STAFF PROPOSAL: STATUTORILY DISAPPROVE TO MEET 30 DAY REQUIREMENT.

PLUM CREEK PHASE 1 SECTION 4B – FINAL PLAT (FP-16-011) 3.828 ACRES; 40 SINGLE FAMILY LOTS LOCATED EAST OF THE CORNER OF FAIRWAY AND HARTSON.

STAFF PROPOSAL: STATUTORILY DISAPPROVE TO MEET 30 DAY REQUIREMENT.

PLUM CREEK PHASE 1 SECTION 12B – PRELIMINARY PLAN (PP-16-003) 0.971 ACRES; 1 COMMERCIAL LOT LOCATED OFF OF KOHLER’S CROSSING AND CROMWELL.

STAFF PROPOSAL: STATUTORILY DISAPPROVE TO MEET 30 DAY REQUIREMENT.

PLUM CREEK PHASE 1 SECTION 12B – FINAL PLAT (FP-16-012) 0.971 ACRES; 1 COMMERCIAL LOT LOCATED OFF OF KOHLER’S CROSSING AND CROMWELL.

STAFF PROPOSAL: STATUTORILY DISAPPROVE TO MEET 30 DAY REQUIREMENT.

CREEKSIDE VILLAGE REVISED PRELIMINARY PLAN (PP-16-004) 73.454 ACRES; 166 SINGLE FAMILY LOTS AND 4 DRAINAGE LOTS LOCATED EAST OF FALL CREEK DRIVE, WEST OF UNION PACIFIC RAILROAD AND NORTH OF BURLESON STREET.

STAFF PROPOSAL: STATUTORILY DISAPPROVE TO MEET 30 DAY REQUIREMENT.

Vice-Chair moved to approve the consent agenda. Commissioner Huey seconds the motion. All votes aye. Motion carried.

ZONING

CONSIDER A REQUEST BY TOM JORDAN TO ASSIGN ORIGINAL ZONING TO APPROXIMATELY 5 ACRES FROM AGRICULTURE ‘AG’ TO RETAIL SERVICE DISTRICT FOR PROPERTY LOCATED AT 245 LEHMAN ROAD. (Z-16-007)

Chairman Rubsam opened the public hearing at 6:33 P.M. and called for comments for or against the request. There were no comments. Chairman Rubsam closed the public hearing at 6:33 P.M.

Commissioner Growt moved to recommend the zoning change to retail service contingent on the approval of the development agreement and request that it be two separate agenda items.

Commissioner Growt amends his motion to recommend approval of the zoning request to retail service district. Chairman Rubsam seconds the motion. Commissioners Growt, Rubsam, Ellison vote aye. Commissioner Huey and Kay votes’ nay.**CONSIDER AND POSSIBLE ACTION**

CONSIDER A REQUEST BY SCC KYLE PARTNERS (BIOLIFE PLASMA SERVICES – 906 SETON PARKWAY) FOR A CONDITIONAL USE PERMIT TO CONSTRUCT A 16,686 SQUARE FOOT BUILDING LOCATED WITHIN THE IH-35 OVERLAY DISTRICT. (CUP-16-010)

CONSIDER A LANDSCAPE WAIVER REQUEST BY BIOLIFE PLASMA SERVICES TO SECTION 53-988 AND SECTION 53-992 OF THE CITY OF KYLE, CODE OF ORDINANCES.

Vice-Chair Kay moved to postpone the conditional use permit and landscape waiver request until the next business meeting on November 7th. Commission Huey seconds the motion. All votes aye. Motion carried.

CONSIDER A REQUEST BY DENNIS ARTALE (WINDMILL CENTER LOT 1 – 21511 IH-35) FOR A CONDITIONAL USE PERMIT TO CONTRUCT A 9,000 SQUARE FOOT BUILDING LOCATED WITHIN THE IH-35 OVERLAY DISTRICT. (CUP-16-009)

Commissioner Ellison moved to approve the conditional use permit. Commissioner Growt seconds the motion. All votes aye. Motion carried.

CONSIDER A REQUEST BY ST. ANTHONY’S CHURCH FOR TREE REMOVAL PURSUANT TO SECTION 53-995 (d) (5) AND (f)(1) OF THE CITY OF KYLE, CODE OF ORDINANCES.

Chairman Rubsam moved to approve the tree removal for St. Anthony’s Church. Commissioner Growt seconds the motion. Commissioners Ellison, Huey, Growt and Rubsam vote aye. Vice-Chair Kay obtained. Motion carried.

STAFF REPORT

Howard Koontz, Director of Planning and Community Development stated that there will be a workshop on October 25th and a special called meeting will be held on November 7th.

ADJOURN

With no further business to discuss, Vice-Chair Kay moved to adjourn. Commissioner Ellison seconds the motion. All votes aye. Motion carried.

The Planning and Zoning Commission meeting adjourned at 7:30 P.M.

City Secretary

Mike Rubsam, Chairman

CONSENT AGENDA

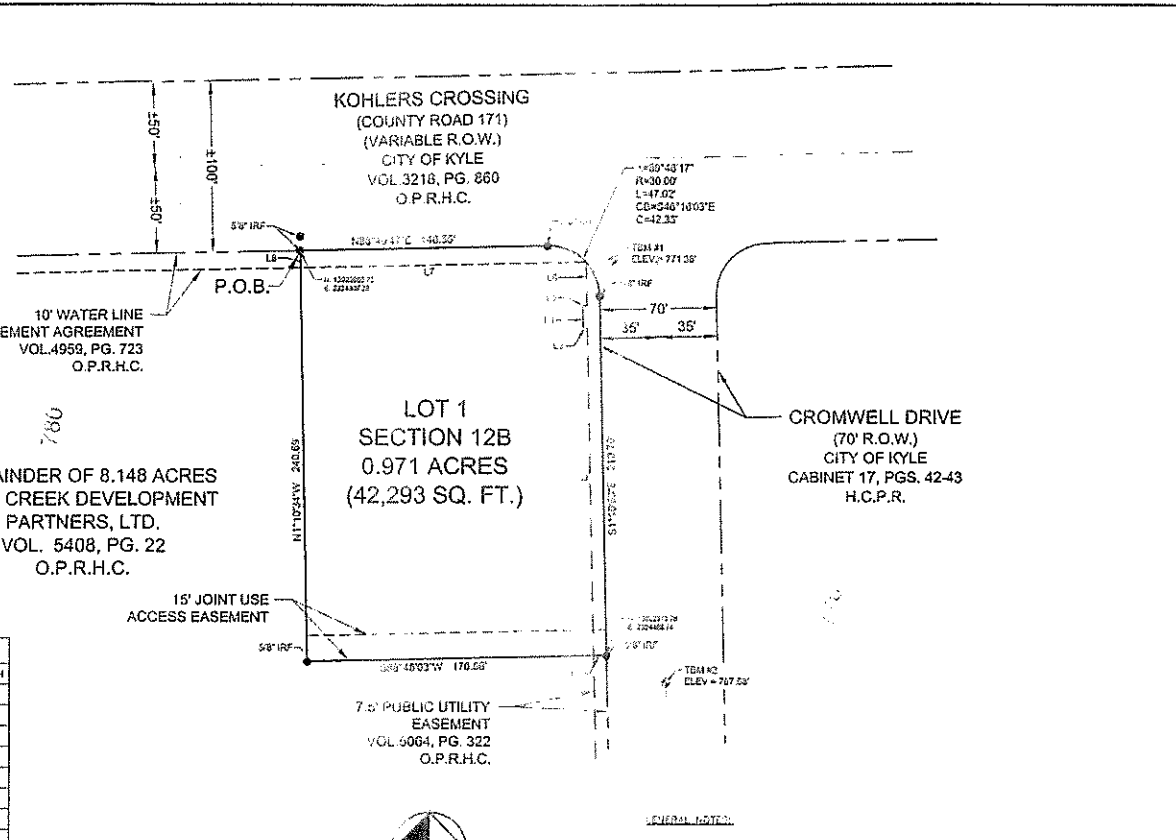
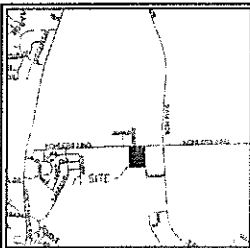
ITEM A

RAILHOUSE SUBDIVISION LOTS 1, 2 & 3 – FINAL PLAT (FP-16-013)
(Statutorily Disapprove)

CONSENT AGENDA

ITEM B

PLUM CREEK PHASE 1, SECTION 12B -- PRELIMINARY PLAN (PP-16-003)



LINE TABLE

NO.	BEARING	LENGTH
L1	S88°48'02"W	7.51'
L2	N01°10'02"W	102.11'
L3	S88°49'02"W	2.59'
L4	N01°10'02"W	12.00'
L5	N88°49'02"E	2.50'
L6	N01°10'02"W	23.34'
L7	S88°51'14"W	169.03'
L8	N01°10'54"W	10.63'



THE STATE OF TEXAS X
COUNTY OF HAYS) KNOW ALL MEN BY THESE PRESENTS

PLUM CREEK DEVELOPMENT PARTNERS, LTD. A CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF TEXAS, PLUM CREEK DEVELOPMENT PARTNERS, LTD. OWNER OF 0.971 ACRES OF LAND, BEING A PORTION OF TRACT 8148 ACRES TRACT OF LAND AS CONVEYED TO PLUM CREEK DEVELOPMENT PARTNERS, LTD. BY DEED RECORDED IN BOOK 109 TO 2015-1542383 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY TEXAS AND LOCATED IN THE JERRY DAY SURVEY, ABSTRACT NO. 152, DO HEREBY SUBMIT TO THE HAYS COUNTY BOARD OF COUNTY CLERKS FOR RECORDATION AND TO THE PUBLIC FOR THE FOREVER ALL PUBLIC RIGHTS OF WAY, WATER COURSES, DRAINAGE, EASEMENTS (EXCLUDING LANDSCAPE EASEMENTS) RIGHTS AND PUBLIC PLACES HEREON SHOWN FOR THE PURPOSE AND CONSIDERATION THEREIN EXPRESSED.

IN WITNESS WHEREOF THE SAID CORPORATION HAS CAUSED THESE PRESENTS TO BE EXECUTED BY ITS CORPORATE TITLE, NAME, AND AUTHORITY DULY AUTHORIZED,

PLUM CREEK DEVELOPMENT PARTNERS, LTD.
STATE OF TEXAS
COUNTY OF HAYS
THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME BY _____ BY _____ OF CORPORATION, IN THE PRESENCE OF _____

NOTARY PUBLIC, STATE OF TEXAS
REMOVED BY:
CITY ENGINEER
REMOVED BY:
DIRECTOR OF PUBLIC WORKS

PLANNING AND ZONING COMMISSION CERTIFICATION
THIS FINAL PLAT HAS BEEN SUBMITTED TO AND CONSIDERED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KYLE, TEXAS, AND IS HEREBY APPROVED BY SUCH PLANNING AND ZONING COMMISSION.
DATED THIS _____ DAY OF _____ 2016

CHAIRPERSON
THIS PLAT (PLUM CREEK PHASE 1, SECTION 12B, LOT 1) HAS BEEN SUBMITTED TO AND CONSIDERED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KYLE, TEXAS AND IS HEREBY APPROVED BY THE COMMISSION.
DATED THIS _____ DAY OF _____ 2016
BY: _____
ATTEST:
SECRETARY

THIS PLAT (PLUM CREEK PHASE 1, SECTION 12B, LOT 1) HAS BEEN SUBMITTED TO AND CONSIDERED BY THE CITY COUNCIL OF THE CITY OF KYLE, TEXAS AND IS HEREBY APPROVED BY THE COUNCIL.
DATED THIS _____ DAY OF _____ 2016
BY: _____
ATTEST:
SECRETARY

THE COUNTY SUBDIVISION REGULATIONS (EXTRAJURISDICTIONAL JURISDICTION), CERTIFICATION AS REQUIRED UNDER THE COUNTY SUBDIVISION REGULATIONS CERTIFICATION OF THE CITY SECRETARY HIS FOLLOWING CERTIFICATE SHALL BE FILED ON THE PLAT FOR EXECUTION AFTER IT HAS BEEN FULLY APPROVED BY THE CITY COUNCIL.
I HEREBY CERTIFY THAT THE ABOVE AND FOREGOING PLAT OF _____ SUBMITTED TO THE CITY OF KYLE, TEXAS, WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF KYLE ON THE DAY OF _____ 2016. SAID APPROVAL SHALL BE SUBJECT TO ALL THE REQUIREMENTS OF THE SUBDIVISION REGULATIONS, THE CITY OF KYLE, TEXAS.
WITNESS MY HAND THIS _____ DAY OF _____ 2016
CITY SECRETARY

OWNER ADDITIONAL CERTIFICATION WHEN NAVIGATION EASEMENTS AND/OR RELEASES ARE REQUIRED PURSUANT TO THIS CHAPTER, THEN THE FOLLOWING CERTIFICATE SHALL BE REQUIRED:
I, (NAME), THE UNDERSIGNED, OWNER(S) OF THE LAND SHOWN ON THIS PLAT, HEREBY ACKNOWLEDGE THAT CERTAIN NAVIGATION EASEMENTS AND/OR RELEASE(S) WERE MADE TO THE CITY OF KYLE AND RUN WITH THE TITLE TO ALL SUBDIVIDED PARCELS WITHIN THIS SUBDIVISION.

LEGEND

- OPEN LINE - OFFICIAL PUBLIC RECORDS HAYS COUNTY
- SOLID LINE - THIS PLAT RECORD
- DOTTED LINE - RIGHT OF WAY
- DASHED LINE - EASEMENT
- CIRCLE WITH CENTER POINT - EASEMENT CENTER POINT
- CIRCLE WITH CENTER POINT AND DIAMETER - EASEMENT CENTER POINT AND DIAMETER
- CIRCLE WITH CENTER POINT AND DIAMETER AND ANGLE - EASEMENT CENTER POINT AND DIAMETER AND ANGLE
- CIRCLE WITH CENTER POINT AND DIAMETER AND ANGLE AND DISTANCE - EASEMENT CENTER POINT AND DIAMETER AND ANGLE AND DISTANCE
- CIRCLE WITH CENTER POINT AND DIAMETER AND ANGLE AND DISTANCE AND BEARING - EASEMENT CENTER POINT AND DIAMETER AND ANGLE AND DISTANCE AND BEARING

BENCHMARK

100' AT - SPRING BRIDGE, HAYS COUNTY, TEXAS, APPROXIMATELY 1/4 SECTION 12B, T12S, R17E, S42E TRACT N4132242183
NAD 83 ELEVATION = 771.38'
NAD 83 ELEVATION = 771.38'
NAD 83 ELEVATION = 771.38'
NAD 83 ELEVATION = 771.38'
NAD 83 ELEVATION = 771.38'



- GENERAL NOTES:**
1. PLAT COMPLETELY CONFORMS WITH PLUM CREEK P.U.D. MASTER PLAN & CITY OF KYLE ORDINANCE 303 AND 311.
 2. SIDEWALKS ALONG OR WITHIN CROMWELL DRIVE OR KOHLERS CROSSING RIGHT OF WAY SHALL BE INSTALLED BY LOT OWNER / DEVELOPER AT THE TIME OF LOT DEVELOPMENT.
 3. OFFSITE WASTEWATER LINES MUST BE CONSTRUCTED AND ACCEPTED BY THE CITY OF KYLE PRIOR TO OCCURRENCE OF ANY BUILDING(S) ON THIS PROPERTY.
 4. ALL UTILITIES WITHIN THIS SUBDIVISION SHALL BE UNDERGROUND.
 5. NO OBJECT INCLUDING BUILDING, ACCESSORY BUILDING, FENCING OR LANDSCAPING WHICH WOULD INTERFERE WITH CONVEYANCE OF STORM WATER SHALL BE PLACED OR ERECTED WITHIN DRAINAGE EASEMENTS.
 6. ALL OPEN SPACES, DRAINAGE EASEMENTS AND LANDSCAPE EASEMENT AREAS SHALL BE MAINTAINED BY THE PROPERTY OWNERS ASSOCIATION OR ASSIGNS, AND IT SHALL BE THE PROPERTY OWNERS ASSOCIATION OR ASSIGNS RESPONSIBILITY FOR KEEPING AREAS NEARLY CUT AND FREE OF WEEDS AND ALL TREE/BRUSH REGROWTH.
 7. PRIOR TO CONSTRUCTION OF ANY IMPROVEMENTS ON LOT 1 IN THIS SUBDIVISION, APPROVAL OF SITE DEVELOPMENT PLAN FROM THE CITY OF KYLE AND PLUM CREEK DEVELOPMENT PARTNERS, LTD. IS REQUIRED.
 8. PRIOR TO CONSTRUCTION OF ANY IMPROVEMENTS ON LOT 1 IN THIS SUBDIVISION, SITE DEVELOPMENT AND/OR BUILDING PERMITS WILL BE REQUIRED FROM THE CITY OF KYLE.
 9. THIS TRACT IS NOT WITHIN AN IDENTIFIED SPECIAL FLOOD HAZARD AREA ILLUSTRATED BY 100-YEAR FLOOD AS IDENTIFIED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) FOR HAYS COUNTY, TEXAS, AND INCORPORATED AREAS, MAP 48259C0270F & 48259C0290F DATED SEPTEMBER 2, 2005.

PUBLIC UTILITY INFORMATION
THIS SUBDIVISION IS SERVICED BY THE FOLLOWING UTILITIES.

WATER	ELECTRIC	SEWER
CITY OF KYLE 100 W CENTER ST KYLE, TEXAS 78840	FEDERALIZED ELECTRIC COOP 1310 FM 150 WEST KYLE, TEXAS 78840	VERIZON 6031 FM 323 WIMBERLEY, TEXAS 78738
WASTEWATER CITY OF KYLE W CENTER ST KYLE, TEXAS 78840	CGS CENTERPOINT ENERGY 126 CHEATHAM STREET SAN MARCOS, TEXAS 78660	

THE STATE OF TEXAS X
COUNTY OF HAYS) I, HARRISON M. HUDSON, A LICENSED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, HEREBY CERTIFY THAT PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN THIS PLAT.

ENGINEERED BY:
HARRISON M. HUDSON, P.E.
REGISTERED PROFESSIONAL ENGINEER NO. 109273
KIMLEY-HORN AND ASSOCIATES, INC.
10814 JOLLYVILLE ROAD
AVALON HILL, SUITE 300
AUSTIN, TEXAS 78759

I, JAMES W. RUSSELL, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECT, THAT IT WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND, AND THAT ALL NECESSARY SURVEY MONUMENTS ARE CORRECTLY SET OR FOUND AS SHOWN THEREON.

WITNESS MY HAND THIS 9th DAY OF November 2016

James W. Russell
JAMES W. RUSSELL
REGISTERED PROFESSIONAL LAND SURVEYOR
130 4220 - STATE OF TEXAS
501 HW LOOP 410, SUITE 350
SAN ANTONIO, TEXAS 78216
PH: 210-541-9160

**PLUM CREEK PHASE 1
SECTION 12B, LOT 1
PRELIMINARY PLAT
0.971 ACRES, CITY OF KYLE, HAYS
COUNTY, TEXAS**

Kimley»Horn

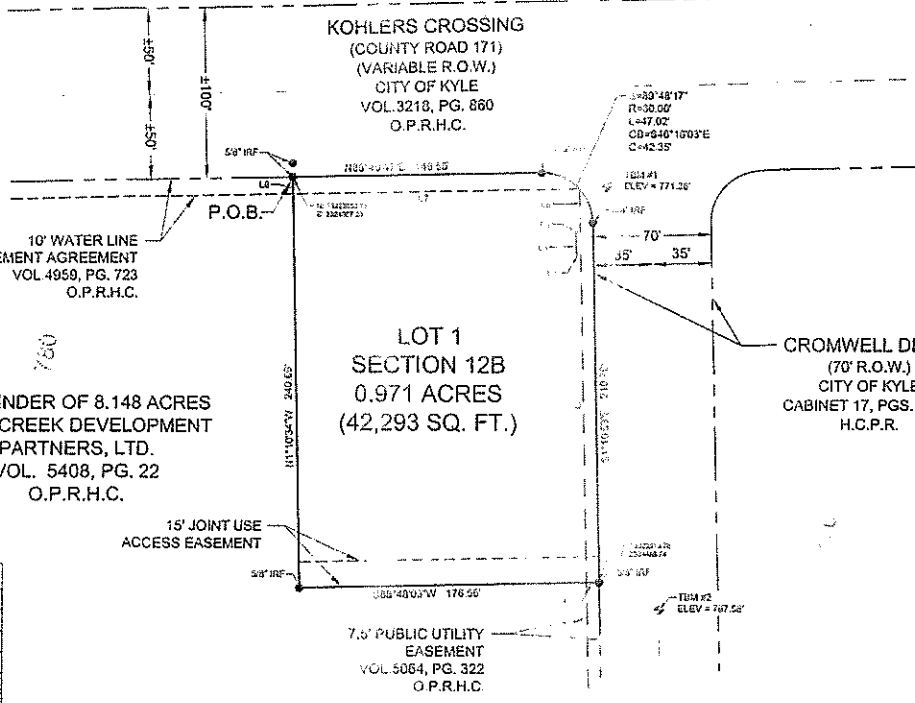
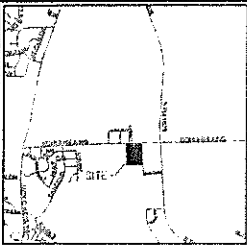
801 HW Loop 410, Suite 350 TBP FIRM # 928 Tel. No. (210) 541-9165
San Antonio, Texas 78216 TBPLS FIRM # 10193973 www.kimley-horn.com

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 50'	RAA	JWR	09/14/2016	059252700	1 OF 1

CONSENT AGENDA

ITEM C

PLUM CREEK PHASE 1, SECTION 12B – FINAL PLAT (FP-16-012)



NO.	BEARING	LENGTH
L1	S89°48'03\"W	7.47
L2	N81°10'55\"W	192.11
L3	S88°42'00\"W	2.57
L4	N81°10'55\"W	13.09
L5	N89°42'53\"E	2.50
L6	N81°10'55\"W	25.31
L7	S88°51'54\"W	189.62
L8	N81°10'55\"W	13.50



THE STATE OF TEXAS, COUNTY OF HAYS, PLUM CREEK DEVELOPMENT PARTNERS, L.P. a corporation organized and existing under the laws of the state of Texas, PLUM CREEK DEVELOPMENT PARTNERS, L.P. ORDER OF 0.971 ACRES OF LAND, BEING A PORTION OF TRACT 8,148 ACRES TRACT OF LAND AS CONVEYED TO PLUM CREEK DEVELOPMENT PARTNERS, L.P. BY DEED RECORDED IN BOOK 118-154-0335 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS AND LOCATED IN THE 2016 SURVEY ABSTRACT NO. 62, DO HEREBY SUBDIVIDE SAID 0.971 ACRES OF LAND TO BE KNOWN AS PLUM CREEK PHASE 1, SECTION 12B, LOT 1, IN ACCORDANCE WITH THE PLAN SHOWN HEREON, SUBJECT TO ANY AND ALL EASEMENTS OR RESTRICTIONS HEREON SPECIFICALLY REFERRED TO AND IN FULL RELEASE OF THE PUBLIC FOREVER ALL PUBLIC RIGHTS OF WAY, WATER COURSES, DRAINAGE, EASEMENTS (INCLUDING LANDSCAPE EASEMENTS) RIGHTS AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSE AND CONSIDERATION THEREIN EXPRESSED.

IN WITNESS WHEREOF THE SAID CORPORATION HAS CAUSED THESE PRESENTS TO BE EXECUTED BY ITS CORPORATE TITLE, HAVE AND THEREUNTO DULY AUTHORIZED, PLUM CREEK DEVELOPMENT PARTNERS, L.P.

STATE OF TEXAS
COUNTY OF HAYS
THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON _____ BY _____ OF CORPORATION, ON BEHALF OF SAID CORPORATION.

NOTARY PUBLIC, STATE OF TEXAS

REVIEWED BY: _____
CITY ENGINEER

REVIEWED BY: _____
DIRECTOR OF PUBLIC WORKS

PLANNING AND ZONING COMMISSION CERTIFICATION
THIS FINAL PLAT HAS BEEN SUBMITTED TO AND CONSIDERED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KYLE, TEXAS, AND IS HEREBY APPROVED BY SAID PLANNING AND ZONING COMMISSION.
DATED THIS _____ DAY OF _____ 2016.

CHAIRPERSON

THIS PLAT (PLUM CREEK PHASE 1, SECTION 12B, LOT 1) HAS BEEN SUBMITTED TO AND CONSIDERED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KYLE, TEXAS AND IS HEREBY APPROVED BY THE COMMISSION.
DATED THIS _____ DAY OF _____ 2016

BY: _____
ATTEST
SECRETARY

THIS PLAT (PLUM CREEK PHASE 1, SECTION 12B, LOT 1) HAS BEEN SUBMITTED TO AND CONSIDERED BY THE CITY COUNCIL OF THE CITY OF KYLE, TEXAS AND IS HEREBY APPROVED BY THE COUNCIL.
DATED THIS _____ DAY OF _____ 2016

BY: _____
ATTEST
SECRETARY

THE COUNTY SUBDIVISION REGULATIONS (EXTRAJURISDICTIONAL JURISDICTION), CERTIFICATIONS AS REQUIRED UNDER THE COUNTY SUBDIVISION REGULATIONS, CERTIFICATION OF THE CITY SECRETARY, THE FOLLOWING CERTIFICATE SHALL BE PLACED ON THE PLAT FOR EXECUTION AFTER IT HAS BEEN FINALLY APPROVED BY THE CITY COUNCIL.
I HEREBY CERTIFY THAT THE ABOVE AND FOREGOING PLAT OF _____ IN ADDITION TO THE CITY OF KYLE, TEXAS, WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF KYLE ON THE DAY OF _____ 20____. SAID ADDITION SHALL BE SUBJECT TO ALL THE REQUIREMENTS OF THE SUBDIVISION ORDINANCE OF THE CITY OF KYLE, TEXAS.
WITNESS MY HAND THIS _____ DAY OF _____ 2016.

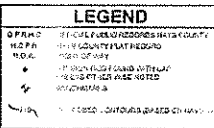
CITY SECRETARY

REMARKS

TRACT 8,148 ACRES TRACT OF LAND AS CONVEYED TO PLUM CREEK DEVELOPMENT PARTNERS, L.P. BY DEED RECORDED IN BOOK 118-154-0335 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS AND LOCATED IN THE 2016 SURVEY ABSTRACT NO. 62.

TRACT 8,148 ACRES TRACT OF LAND AS CONVEYED TO PLUM CREEK DEVELOPMENT PARTNERS, L.P. BY DEED RECORDED IN BOOK 118-154-0335 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS AND LOCATED IN THE 2016 SURVEY ABSTRACT NO. 62.

TRACT 8,148 ACRES TRACT OF LAND AS CONVEYED TO PLUM CREEK DEVELOPMENT PARTNERS, L.P. BY DEED RECORDED IN BOOK 118-154-0335 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS AND LOCATED IN THE 2016 SURVEY ABSTRACT NO. 62.



- GENERAL NOTES:**
- PLAT COMPLETELY CONFORMS WITH PLUM CREEK P.U.D. MASTER PLAN & CITY OF KYLE ORDINANCE 308 AND 311.
 - DEWALKS ALONG OR WITHIN CROMWELL DRIVE OR KOHLERS CROSSING R.O.W. SHALL BE INSTALLED BY LOT OWNER / DEVELOPER AT THE TIME OF LOT DEVELOPMENT.
 - OFFSHORE WASTEWATER LINES MUST BE CONSTRUCTED AND ACCEPTED BY THE CITY OF KYLE PRIOR TO OCCUPANCY OF ANY BUILDING(S) ON THIS PROPERTY.
 - ALL UTILITIES WITHIN THIS SUBDIVISION SHALL BE UNDERGROUND.
 - NO OBJECT INCLUDING BUILDINGS, ACCESSORY BUILDINGS OR LANDSCAPING WHICH WOULD INTERFERE WITH CONVEYANCE OF STORM WATER SHALL BE PLACED OR ERRECTED WITHIN DRAINAGE EASEMENTS.
 - ALL OPEN SPACES, DRAINAGE EASEMENTS AND LANDSCAPE EASEMENT AREAS SHALL BE MAINTAINED BY THE PROPERTY OWNERS ASSOCIATION OR ASSIGNS, AND IT SHALL BE THE PROPERTY OWNERS ASSOCIATION OR ASSIGNS RESPONSIBILITY FOR KEEPING AREAS NEARLY CUT AND FREE OF DEBRIS AND ALL TREE/BRUSH REGROWTH.
 - PRIOR TO CONSTRUCTION OF ANY IMPROVEMENTS ON LOT 1 IN THIS SUBDIVISION, APPROVAL OF SITE DEVELOPMENT PLAN FROM THE CITY OF KYLE AND PLUM CREEK DEVELOPMENT PARTNERS, L.P. IS REQUIRED.
 - PRIOR TO CONSTRUCTION OF ANY IMPROVEMENTS ON LOT 1 IN THIS SUBDIVISION, SITE DEVELOPMENT AND/OR BUILDING PERMITS WILL BE REQUIRED FROM THE CITY OF KYLE.
 - THIS TRACT IS NOT WITHIN AN IDENTIFIED SPECIAL FLOOD HAZARD AREA BOUNDARY BY 100-YEAR FLOOD AS IDENTIFIED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) FOR HAYS COUNTY, TEXAS, AND INCORPORATED AREAS, MAP 48200C0270F & 48200C030F DATED SEPTEMBER 2, 2005.

PUBLIC UTILITY INFORMATION:
THIS SUBDIVISION IS SERVICED BY THE FOLLOWING UTILITIES:

WATER:	ELECTRIC:	PHONE:
CITY OF KYLE 100 W CENTER ST KYLE, TEXAS 78840	FEDERALS ELECTRIC COOP 1910 FM 150 WEST KYLE, TEXAS 78840	VERIZON 6001 FM 323 KIMBERLEY, TEXAS 78738

WASTEWATER: GAS
CITY OF KYLE
W CENTER ST
KYLE, TEXAS 78840

CENTERPOINT ENERGY
326 CHEATHAM STREET
DAN MARCOS, TEXAS 78846

THE STATE OF TEXAS, COUNTY OF HAYS

I, HARRISON M. HUDSON, A LICENSED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, HEREBY CERTIFY THAT PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN TO THIS PLAT.

ENGINEERED BY: _____
HARRISON M. HUDSON, P.E.
REGISTERED PROFESSIONAL ENGINEER NO. 109973
KIMLEY-HORN AND ASSOCIATES, INC.
10914 JOLLYVILLE ROAD
AUSTIN, TEXAS 78739



I, JAMES W. RUSSELL, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECT, THAT IT WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND, AND THAT ALL NECESSARY SURVEY MONUMENTS ARE CORRECTLY SET OR FOUND AS SHOWN THEREON.

WITNESS MY HAND THIS 9th DAY OF November 2016

James W. Russell
JAMES W. RUSSELL
REGISTERED PROFESSIONAL LAND SURVEYOR
10, 4230 - STATE OF TEXAS
801 HW LOOP 410, SUITE 150
SAN ANTONIO, TEXAS 78216
PH. 210-541-9160

Kimley»Horn

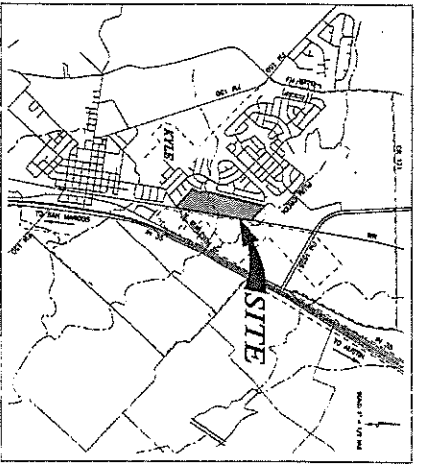
601 NW Loop 410, Suite 350 San Antonio, Texas 78216 TBP FIRM # 928 TPLS FIRM # 10193073 Tol. No. (210) 541-9165 www.kimley-horn.com

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 50'	RAA	JWR	09/11/2016	069252700	1 OF 1

CONSENT AGENDA

ITEM D

CREEKSIDE VILLAGE REVISED PRELIMINARY PLAN (PP-16-004)



LOCATION MAP
N.T.S.

GENERAL CONSTRUCTION NOTES:

1. ALL WORK IN THE SUBURBAN SHALL BE DONE IN ACCORDANCE WITH THE CITY OF HAYS COUNTY SUBURBAN SPECIFICATIONS.
2. ALL EXISTING UTILITIES SHALL BE MAINTAINED AND PROTECTED. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION AND DEPTH OF ALL UTILITIES PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF HAYS COUNTY AND THE UTILITY COMPANIES.
3. ALL EXISTING UTILITIES SHALL BE MAINTAINED AND PROTECTED. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION AND DEPTH OF ALL UTILITIES PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF HAYS COUNTY AND THE UTILITY COMPANIES.
4. ALL EXISTING UTILITIES SHALL BE MAINTAINED AND PROTECTED. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION AND DEPTH OF ALL UTILITIES PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF HAYS COUNTY AND THE UTILITY COMPANIES.
5. ALL EXISTING UTILITIES SHALL BE MAINTAINED AND PROTECTED. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION AND DEPTH OF ALL UTILITIES PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF HAYS COUNTY AND THE UTILITY COMPANIES.

STREET AND DRAINAGE NOTES:

1. ALL EXISTING UTILITIES SHALL BE MAINTAINED AND PROTECTED. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION AND DEPTH OF ALL UTILITIES PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF HAYS COUNTY AND THE UTILITY COMPANIES.
2. ALL EXISTING UTILITIES SHALL BE MAINTAINED AND PROTECTED. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION AND DEPTH OF ALL UTILITIES PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF HAYS COUNTY AND THE UTILITY COMPANIES.

TRENCH SAFETY NOTES:

1. ALL EXISTING UTILITIES SHALL BE MAINTAINED AND PROTECTED. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION AND DEPTH OF ALL UTILITIES PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF HAYS COUNTY AND THE UTILITY COMPANIES.
2. ALL EXISTING UTILITIES SHALL BE MAINTAINED AND PROTECTED. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION AND DEPTH OF ALL UTILITIES PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF HAYS COUNTY AND THE UTILITY COMPANIES.

TRAFFIC CONTROL NOTES:

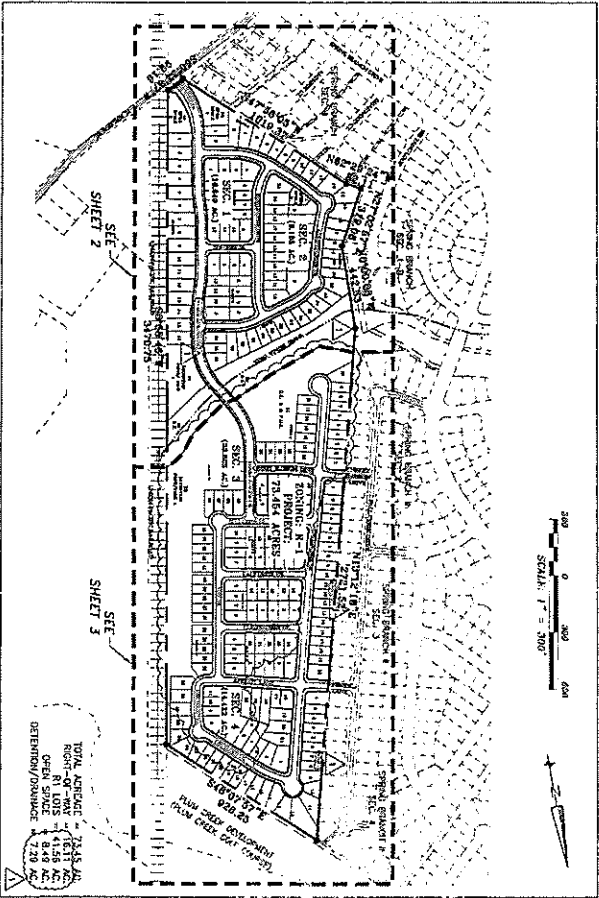
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2. ALL EXISTING UTILITIES SHALL BE MAINTAINED AND PROTECTED. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION AND DEPTH OF ALL UTILITIES PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF HAYS COUNTY AND THE UTILITY COMPANIES.

PRELIMINARY NOTES:

1. ALL EXISTING UTILITIES SHALL BE MAINTAINED AND PROTECTED. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION AND DEPTH OF ALL UTILITIES PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF HAYS COUNTY AND THE UTILITY COMPANIES.
2. ALL EXISTING UTILITIES SHALL BE MAINTAINED AND PROTECTED. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION AND DEPTH OF ALL UTILITIES PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF HAYS COUNTY AND THE UTILITY COMPANIES.
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4. ALL EXISTING UTILITIES SHALL BE MAINTAINED AND PROTECTED. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION AND DEPTH OF ALL UTILITIES PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF HAYS COUNTY AND THE UTILITY COMPANIES.
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6. ALL EXISTING UTILITIES SHALL BE MAINTAINED AND PROTECTED. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION AND DEPTH OF ALL UTILITIES PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF HAYS COUNTY AND THE UTILITY COMPANIES.
7. ALL EXISTING UTILITIES SHALL BE MAINTAINED AND PROTECTED. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION AND DEPTH OF ALL UTILITIES PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF HAYS COUNTY AND THE UTILITY COMPANIES.

CREEKSIDE VILLAGE PRELIMINARY PLANS

CITY OF KYLE
HAYS COUNTY, TEXAS



SITE LAYOUT
SCALE: 1" = 200'

OWNER:
Orchard of Plumb Creek, LLC
3717 Allegro Linger
Austin, TX 78749

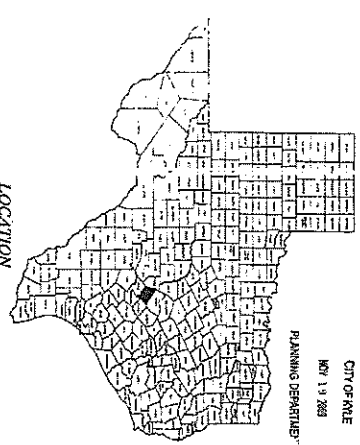
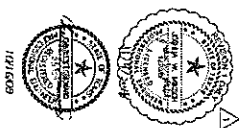
ENGINEER/APPLICANT:
Howard Engineers, Inc.
4303 Russell Dr.
Austin, TX 78704

SURVEYOR:
McClain Land Surveying Co.
4008 Green Mountain Lane
Austin, TX 78759

This Preliminary Plan has been submitted to and considered by the Planning and Zoning Commission of the City of Kyle, Texas, and is hereby recommended for City Council approval.

Dated this 15th day of August, 2009.

Chairperson



CITY OF KYLE
NOV 13 2009
PLANNING DEPARTMENT

SHEET LIST TABLE	
NO.	COVER SHEET
1	PRELIMINARY PLAN 1
2	PRELIMINARY PLAN 2
3	PROPOSED INTERSECTION WITH DUBERSON ST.
4	PROPOSED INTERSECTION WITH DUBERSON ST. PHASE 2
5	TREE REMOVAL PLAN
6	TREE LIST
7	EXISTING DRAINAGE AREA MAP
8	DRAINAGE PLAN 1
9	DRAINAGE PLAN 2
10	WATERWATER PLAN 1
11	WATERWATER PLAN 2
12	WATER DISTRIBUTION PLAN 1
13	WATER DISTRIBUTION PLAN 2
14	SPRING BRANCH CREEK IMPROVEMENTS 1 OF 2
15	SPRING BRANCH CREEK IMPROVEMENTS 2 OF 2

CREEKSIDE VILLAGE PRELIMINARY PLANS
KYLE, TEXAS

HOWARD ENGINEERS, INC.
4303 Russell Dr.
Austin, TX 78704
Phone: (512) 448-0881
Fax: (512) 448-0888
Email: hie@howardengineers.com

APPROVED BY: [Signature]
DATE: 11/13/09

- ADJACENT PROPERTY OWNERS THIS SHEET:**
1. 201 BARRIOS OFF 500 ACRES, 19 28201
 2. 202 BARRIOS OFF 500 ACRES, 19 28202
 3. 203 BARRIOS OFF 500 ACRES, 19 28203
 4. 204 BARRIOS OFF 500 ACRES, 19 28204
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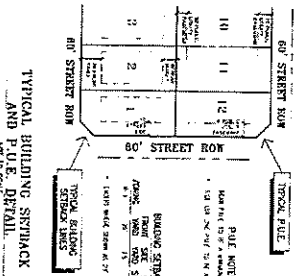
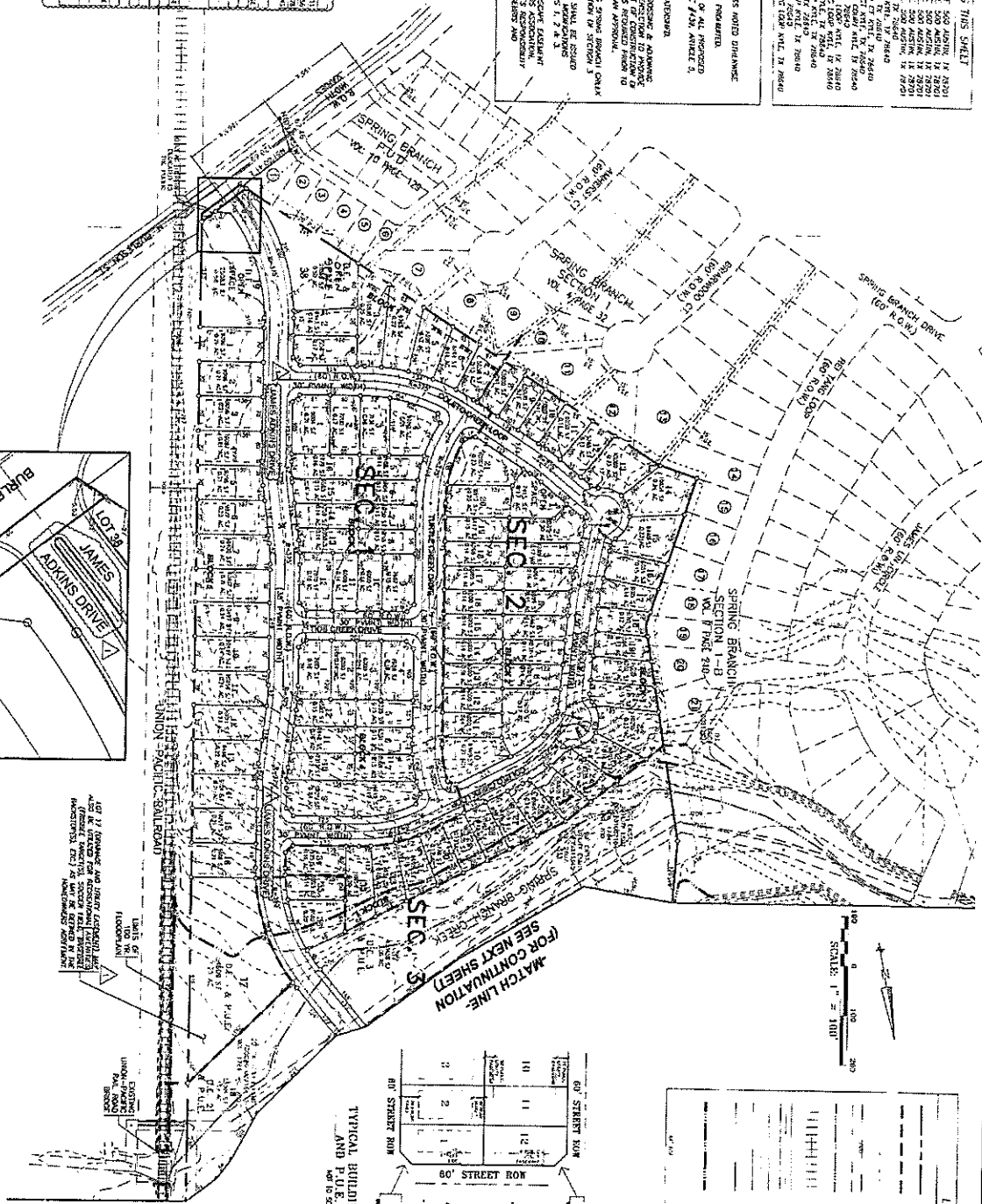
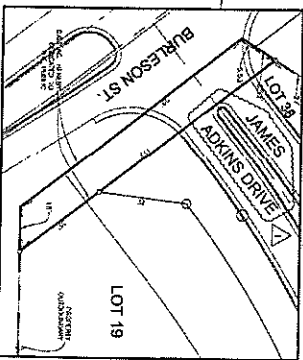
- NOTES:**
1. ALL CURB DIMENSIONS ARE FACT TO FACE UNLESS NOTED OTHERWISE.
 2. DIMENSIONS WITHIN DIMENSIONED FACSIMILES ARE INDICATED.
 3. DIMENSIONS SHALL BE MEASURED TO DIM LINE OF ALL DIMENSIONED FACSIMILES UNLESS OTHERWISE NOTED.
 4. PROJECT IS LOCATED WITHIN THE PLUM CREEK WATERSHED.
 5. RECONSTRUCTION OF EXISTING PAVED DRIVEWAYS TO MEET MINIMUM DRIVEWAY WIDTH REQUIREMENTS SHALL BE PERFORMED AS PART OF THE CONSTRUCTION OF THIS PROJECT. DRIVEWAY WIDTH SHALL BE MEASURED TO DIM LINE OF DRIVEWAY.
 6. CONSTRUCTION OF TYPICAL STREET SHALL BE PERFORMED AS PART OF THE CONSTRUCTION OF THIS PROJECT. TYPICAL STREET SHALL BE MEASURED TO DIM LINE OF STREET.
 7. DIMENSIONED UTILITY OF THIS PROJECT SHALL BE PERFORMED AS PART OF THE CONSTRUCTION OF THIS PROJECT. DIMENSIONED UTILITY SHALL BE MEASURED TO DIM LINE OF UTILITY.
 8. ALL DIMENSIONS SHALL BE MEASURED TO DIM LINE UNLESS OTHERWISE NOTED.
 9. DIMENSIONS WITHIN DIMENSIONED FACSIMILES ARE INDICATED.
 10. DIMENSIONS SHALL BE MEASURED TO DIM LINE OF DIMENSIONED FACSIMILES UNLESS OTHERWISE NOTED.
 11. DIMENSIONS SHALL BE MEASURED TO DIM LINE OF DIMENSIONED FACSIMILES UNLESS OTHERWISE NOTED.
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 24. DIMENSIONS SHALL BE MEASURED TO DIM LINE OF DIMENSIONED FACSIMILES UNLESS OTHERWISE NOTED.
 25. DIMENSIONS SHALL BE MEASURED TO DIM LINE OF DIMENSIONED FACSIMILES UNLESS OTHERWISE NOTED.

SECTION	AREA (AC)	PERCENTAGE
SECTION 1	1.00	100%
SECTION 2	1.00	100%
SECTION 3	1.00	100%
SECTION 4	1.00	100%
SECTION 5	1.00	100%
SECTION 6	1.00	100%
SECTION 7	1.00	100%
SECTION 8	1.00	100%
SECTION 9	1.00	100%
SECTION 10	1.00	100%
SECTION 11	1.00	100%
SECTION 12	1.00	100%
SECTION 13	1.00	100%
SECTION 14	1.00	100%
SECTION 15	1.00	100%
SECTION 16	1.00	100%
SECTION 17	1.00	100%
SECTION 18	1.00	100%
SECTION 19	1.00	100%
SECTION 20	1.00	100%
SECTION 21	1.00	100%
SECTION 22	1.00	100%
SECTION 23	1.00	100%
SECTION 24	1.00	100%
SECTION 25	1.00	100%

LOT 19 ABUTMENT:

SECTION 1 - 5.85 AC
SECTION 2 - 5.85 AC
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SECTION 22 - 5.85 AC
SECTION 23 - 5.85 AC
SECTION 24 - 5.85 AC
SECTION 25 - 5.85 AC



LEGEND

SYMBOL	DESCRIPTION
[Symbol]	PROPERTY BOUNDARY
[Symbol]	SECTION LINE
[Symbol]	ALLEYWAY/PATHWAY
[Symbol]	EXISTING LAWN
[Symbol]	ASPHALT DRIVEWAY
[Symbol]	EXISTING DRIVEWAY
[Symbol]	PROPOSED DRIVEWAY
[Symbol]	LOT LINE
[Symbol]	LIMITS OF THE 100 YEAR FLOODPLAIN (SEE FEMA FIRM DATED SEPTEMBER 2, 1995)
[Symbol]	EXISTING STREET LINE

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Email: hel@howardengineers.com

REVISION

NO.	DESCRIPTION	DATE

ADJACENT PROPERTY OWNERS THIS SHEET

23. CILIA GONZALES & ASSOCIATES, INC. 1200 PALM CREEK DR. RILEY, TX 76840
 24. SCOTT, ELLIS & FLEMING, INC. 1200 PALM CREEK DR. RILEY, TX 76840
 25. JAMES W. WATSON, JR. 1200 PALM CREEK DR. RILEY, TX 76840
 26. W. W. WATSON, JR. 1200 PALM CREEK DR. RILEY, TX 76840
 27. W. W. WATSON, JR. 1200 PALM CREEK DR. RILEY, TX 76840
 28. W. W. WATSON, JR. 1200 PALM CREEK DR. RILEY, TX 76840
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 31. W. W. WATSON, JR. 1200 PALM CREEK DR. RILEY, TX 76840
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 40. W. W. WATSON, JR. 1200 PALM CREEK DR. RILEY, TX 76840

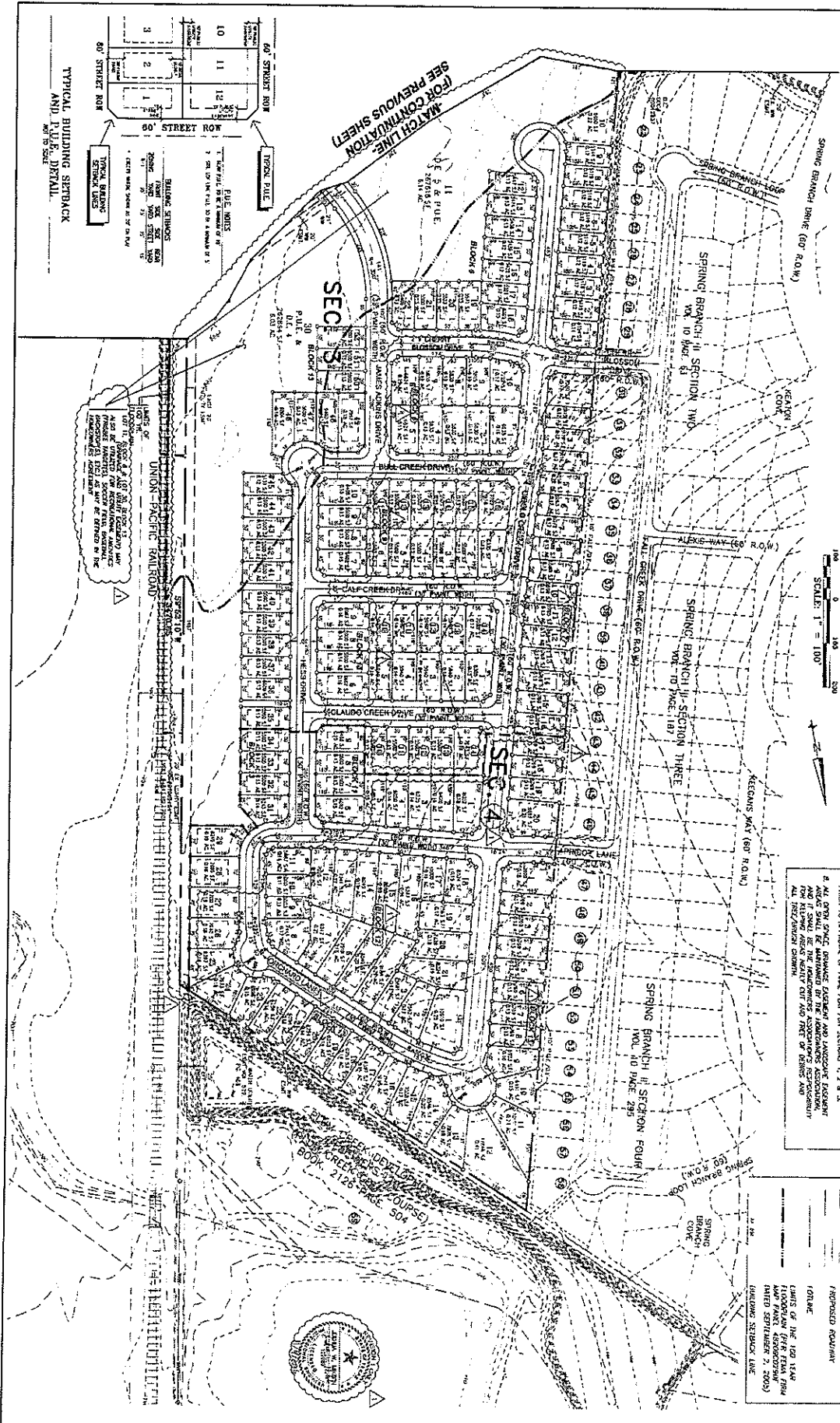
ADJACENT PROPERTY OWNERS THIS SHEET

41. GONZALES, CHINA & WATSON, 200 PALM CREEK DR. RILEY, TX 76840
 42. GONZALES, CHINA & WATSON, 200 PALM CREEK DR. RILEY, TX 76840
 43. GONZALES, CHINA & WATSON, 200 PALM CREEK DR. RILEY, TX 76840
 44. GONZALES, CHINA & WATSON, 200 PALM CREEK DR. RILEY, TX 76840
 45. GONZALES, CHINA & WATSON, 200 PALM CREEK DR. RILEY, TX 76840
 46. GONZALES, CHINA & WATSON, 200 PALM CREEK DR. RILEY, TX 76840
 47. GONZALES, CHINA & WATSON, 200 PALM CREEK DR. RILEY, TX 76840
 48. GONZALES, CHINA & WATSON, 200 PALM CREEK DR. RILEY, TX 76840
 49. GONZALES, CHINA & WATSON, 200 PALM CREEK DR. RILEY, TX 76840
 50. GONZALES, CHINA & WATSON, 200 PALM CREEK DR. RILEY, TX 76840
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 57. GONZALES, CHINA & WATSON, 200 PALM CREEK DR. RILEY, TX 76840
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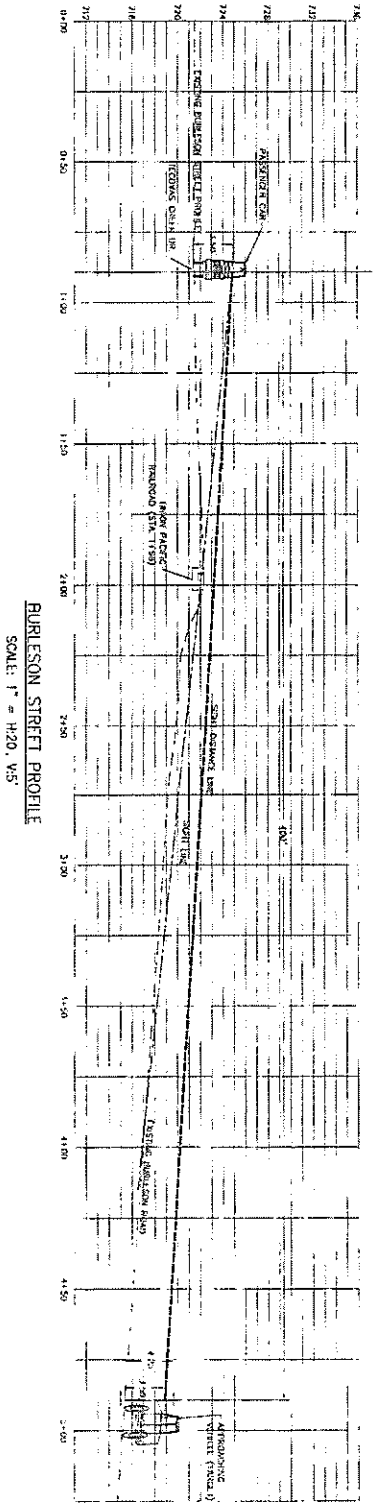
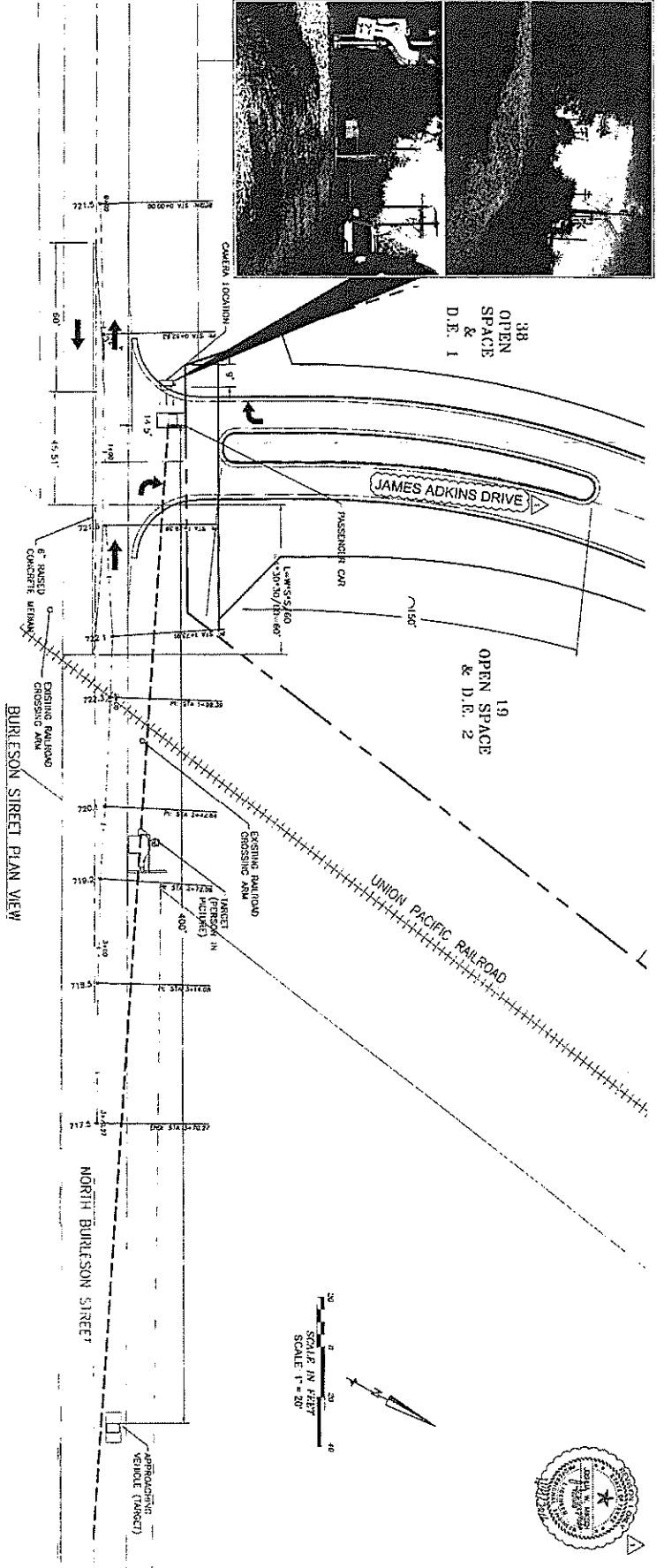
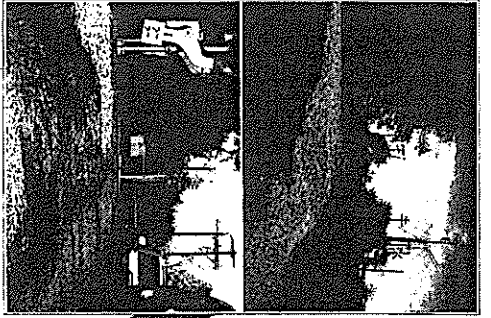
- NOTES**
1. ALL CURB DIMENSIONS ARE FACT TO FACE UNLESS NOTED OTHERWISE.
 2. DIMENSIONS WITHIN SQUARE FOOTINGS ARE INDICATED.
 3. SETBACKS SHALL BE MEASURED FROM THE FRONT CORNER OF ALL PROPOSED STRUCTURES UNLESS OTHERWISE NOTED.
 4. PROJECT IS LOCATED WITHIN THE PLANNED DEVELOPMENT OF CREEKSIDE VILLAGE.
 5. RECONSTRUCTION OF EXISTING PAVED DRIVEWAYS TO CONFORM WITH THE PLANNED DEVELOPMENT OF CREEKSIDE VILLAGE SHALL BE THE RESPONSIBILITY OF THE ADJACENT PROPERTY OWNERS.
 6. CONSTRUCTION OF EXISTING DRIVEWAYS TO CONFORM WITH THE PLANNED DEVELOPMENT OF CREEKSIDE VILLAGE SHALL BE THE RESPONSIBILITY OF THE ADJACENT PROPERTY OWNERS.
 7. EXISTING DRIVEWAYS TO BE RECONSTRUCTED SHALL BE INDICATED BY A DASHED LINE.
 8. ALL OPEN SPACE DIMENSIONS EXCEPT FOR LANDSCAPE EXISTENCE SHALL BE MEASURED TO THE CENTERLINE OF THE DRIVEWAY OR FROM THE CENTERLINE OF THE DRIVEWAY TO THE CENTERLINE OF THE DRIVEWAY.
 9. ALL DRIVEWAY DIMENSIONS SHALL BE MEASURED TO THE CENTERLINE OF THE DRIVEWAY.
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LEGEND

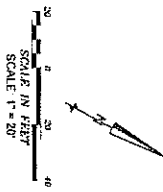
PROPERTY BOUNDARY	ADJACENT LINES	ADJACENT DRIVEWAYS	EXISTING DRIVEWAYS	PROPOSED DRIVEWAYS	PROPOSED SIDEWALKS	PROPOSED CURBS	PROPOSED DRIVEWAY DIMENSIONS	PROPOSED DRIVEWAY DIMENSIONS	PROPOSED DRIVEWAY DIMENSIONS
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<p>APPROVED BY: [Signature]</p> <p>DATE: [Date]</p>	<p>PRELIMINARY PLAN 2</p> <p>CREEKSIDE VILLAGE</p> <p>PRELIMINARY PLANS</p> <p>KYLE, TEXAS</p>	<p>HOWARD ENGINEERS, INC.</p> <p>4503 Russell Drive Austin, Texas 78704 Phone: (512) 448-0881 Fax: (512) 448-0882 Email: hel@howardengineers.com</p>	<p>REVISION</p> <table border="1"> <tr> <th>NO.</th> <th>DESCRIPTION</th> <th>DATE</th> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </table>	NO.	DESCRIPTION	DATE				<p>DATE: 08/11/2009</p> <p>PROJECT: CREEKSIDE VILLAGE PRELIMINARY PLANS</p> <p>SCALE: 1" = 100'</p> <p>SHEET 3 OF 16</p>
NO.	DESCRIPTION	DATE								



BURLESON STREET PROFILE
SCALE: 1" = H:20, V:5'



PROPOSED INTERSECTION WITH BURLESON ST.
CREEKSIDE VILLAGE
PRELIMINARY PLANS
KYLE, TEXAS

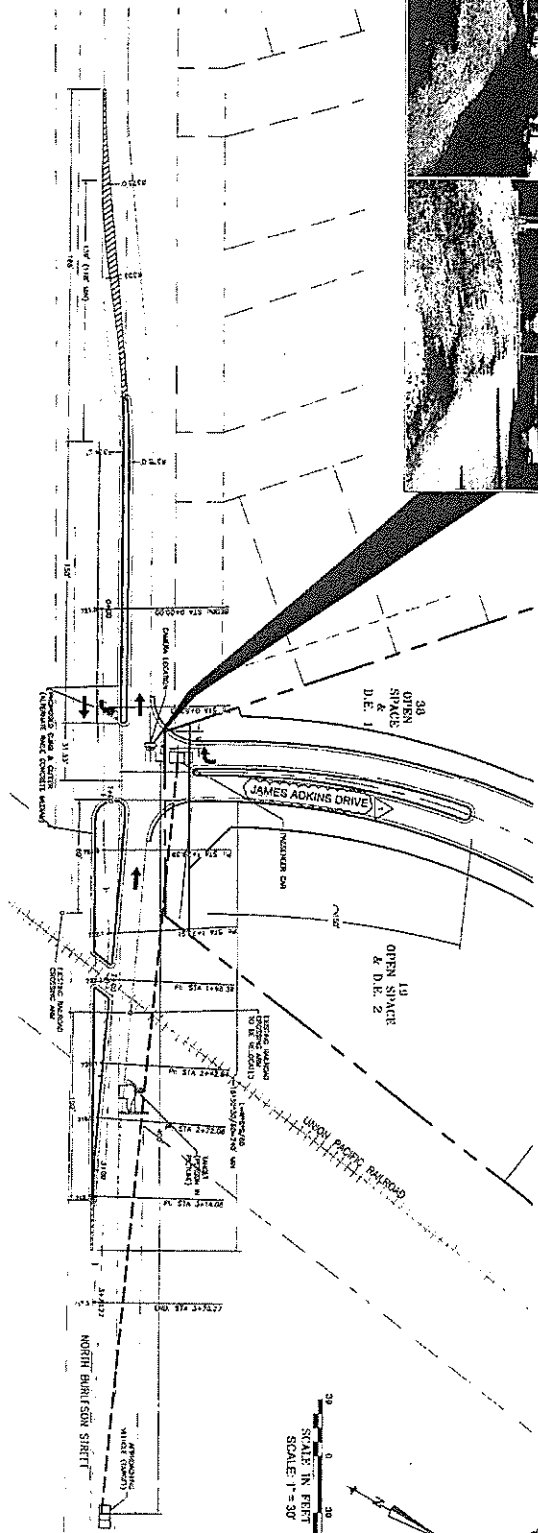
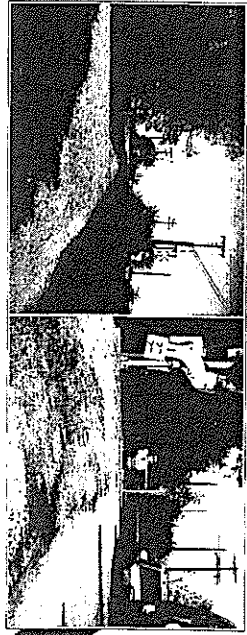
HOWARD ENGINEERS, INC.
4303 Russell Drive
Austin, Texas 78704
Phone: (512) 448-0881
Fax: (512) 448-0880
Email: hel@howardengineers.com



NO.	REVISION DESCRIPTION	DATE

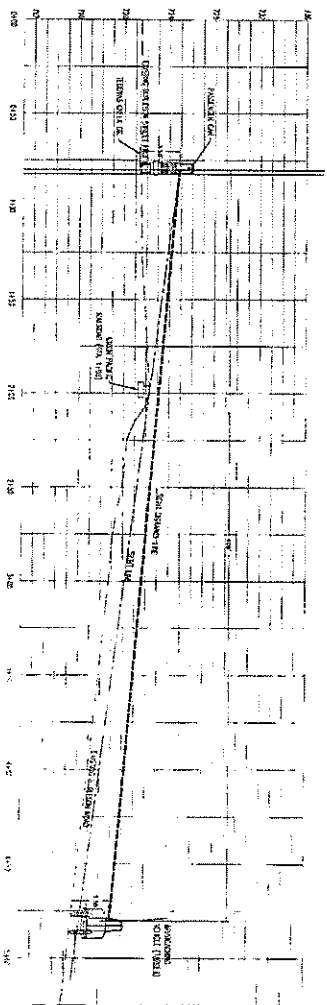


DATE: 10/15/00
DRAWN BY: J. R. ...
CHECKED BY: ...
APPROVED BY: ...
CADD FILE: 2000

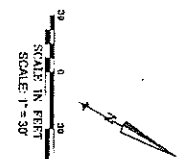
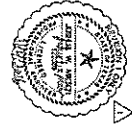


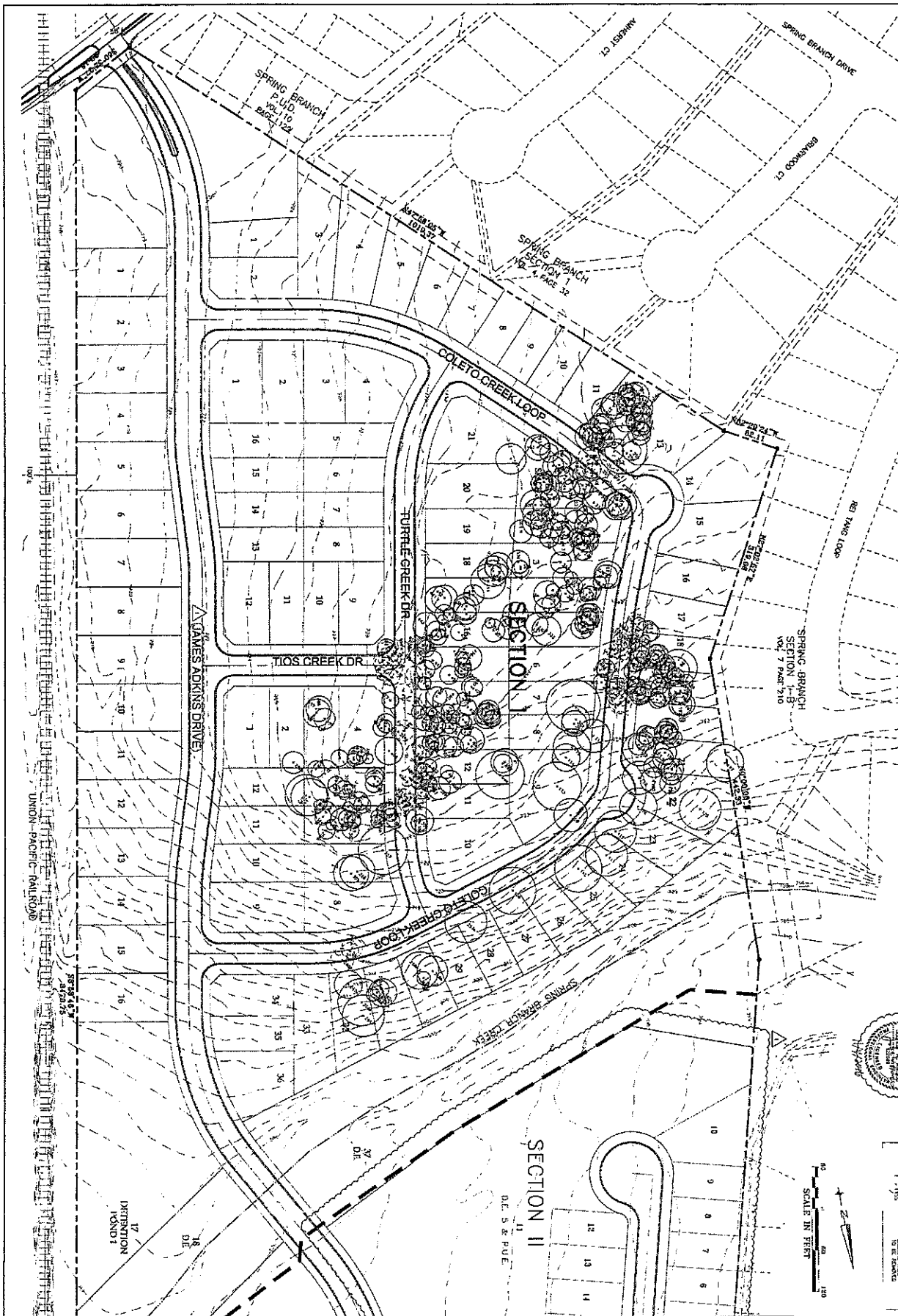
BURLESON STREET PLAN VIEW

NOTE:
 PHASE 2 - BURLESON STREET INTERSECTION
 THE PHASE 2 BURLESON STREET INTERSECTION (AS SHOWN ON THIS SHEET) SHALL NOT BE CONSTRUCTED IN LIEU OF THE PHASE 1 SCENARIO (RIGHT-IN/RIGHT-OUT) UNLESS APPROVED BY THE UNION PACIFIC RAILROAD AND THE CITY OF KYLE.



BURLESON STREET PROFILE
 SCALE: 1" = 85.00' V.S'





NO SIGNIFICANT TREES ARE ON THE PROPOSED PROJECT NORTH OF THIS LINE

DATE: 6/27/09
 SHEET: 6 OF 97

TREE REMOVAL PLAN
CREEKSIDE VILLAGE
PRELIMINARY PLANS
KYLE, TEXAS



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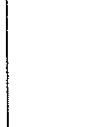


NO.	REVISION DESCRIPTION	DATE

CONTRACT NO. 2009-0000000000
 PROJECT NO. 2009-0000000000
 SHEET NO. 6 OF 97

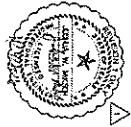
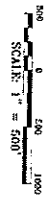
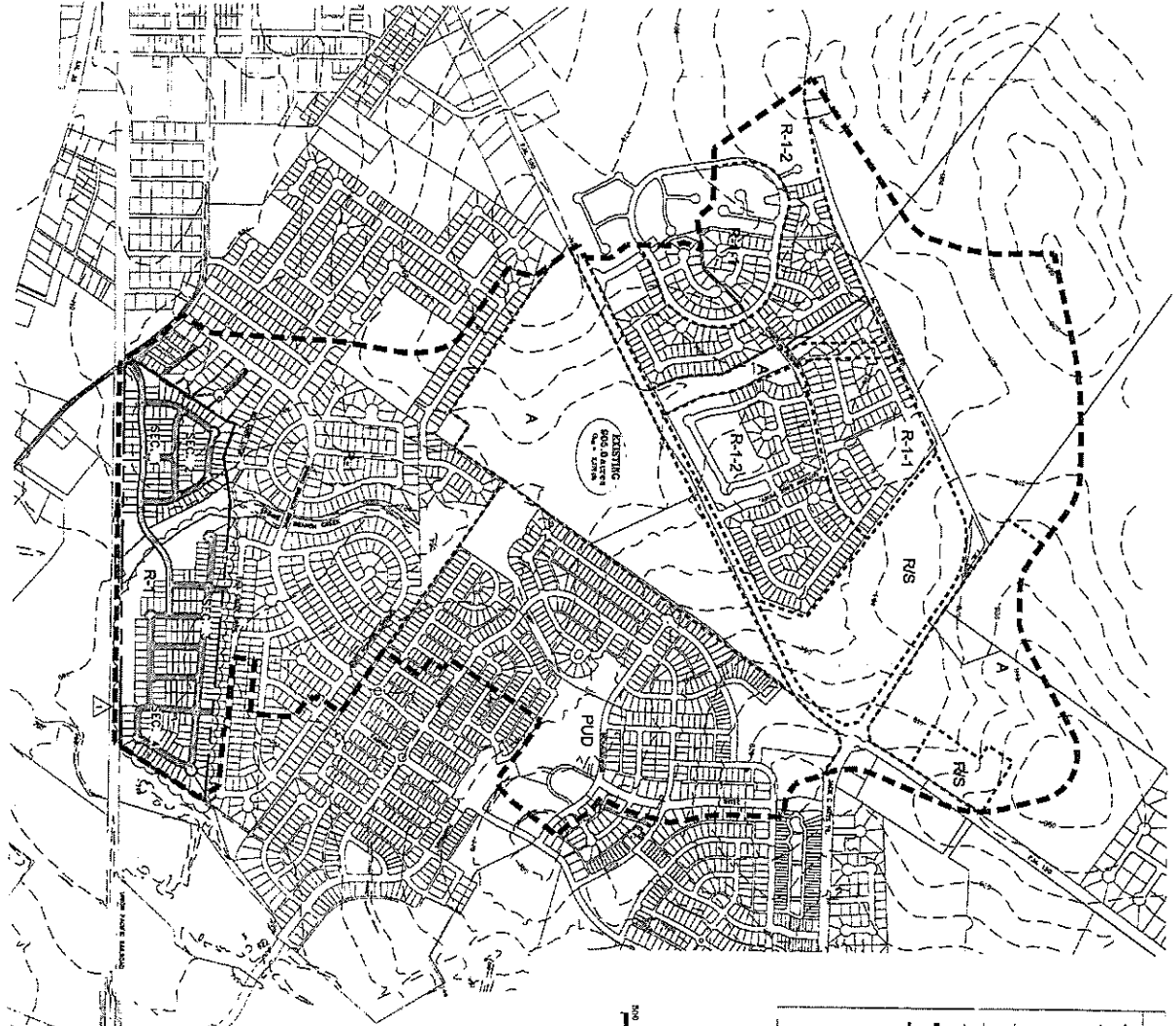
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HOWARD ENGINEERS, INC.
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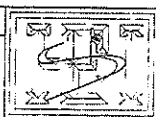
7 of 10

CREEKSIDE VILLAGE
 PRELIMINARY PLANS
 KYLE, TEXAS



LEGEND	
	PROPERTY BOUNDARY
	SEE PLAN SHEET
	EXISTING ROAD
	RAIN WARD
	EXISTING ROADWAY
	PROPOSED ROADWAY
	LOT #12
	DRAINAGE AREA BOUNDARY
	DRAINAGE SUB-AREA BOUNDARY
	DRAINAGE FLOW ARROW
	DRAINAGE AREA (TOP TO FLOW ARROW TAKEN FROM GAUGES 48255025059 & 48255025241)
	PLUMBING TEXT

DRAINAGE AREA MAP
CREEKSIDE VILLAGE
PRELIMINARY PLANS
KYLE, TEXAS



HOWARD ENGINEERS, INC.
 4903 Russell Drive
 Austin, Texas 78704
 Phone: (512) 448-0001
 Fax: (512) 448-0889
 Email: hei@howardengineers.com



NO.	REVISION DESCRIPTION	DATE

COMPILED: 2003

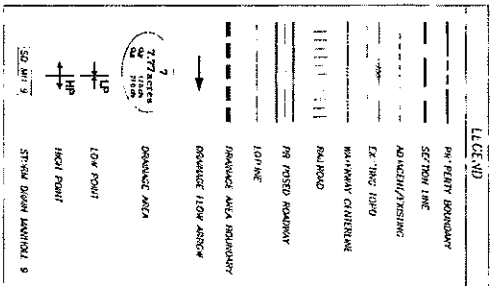
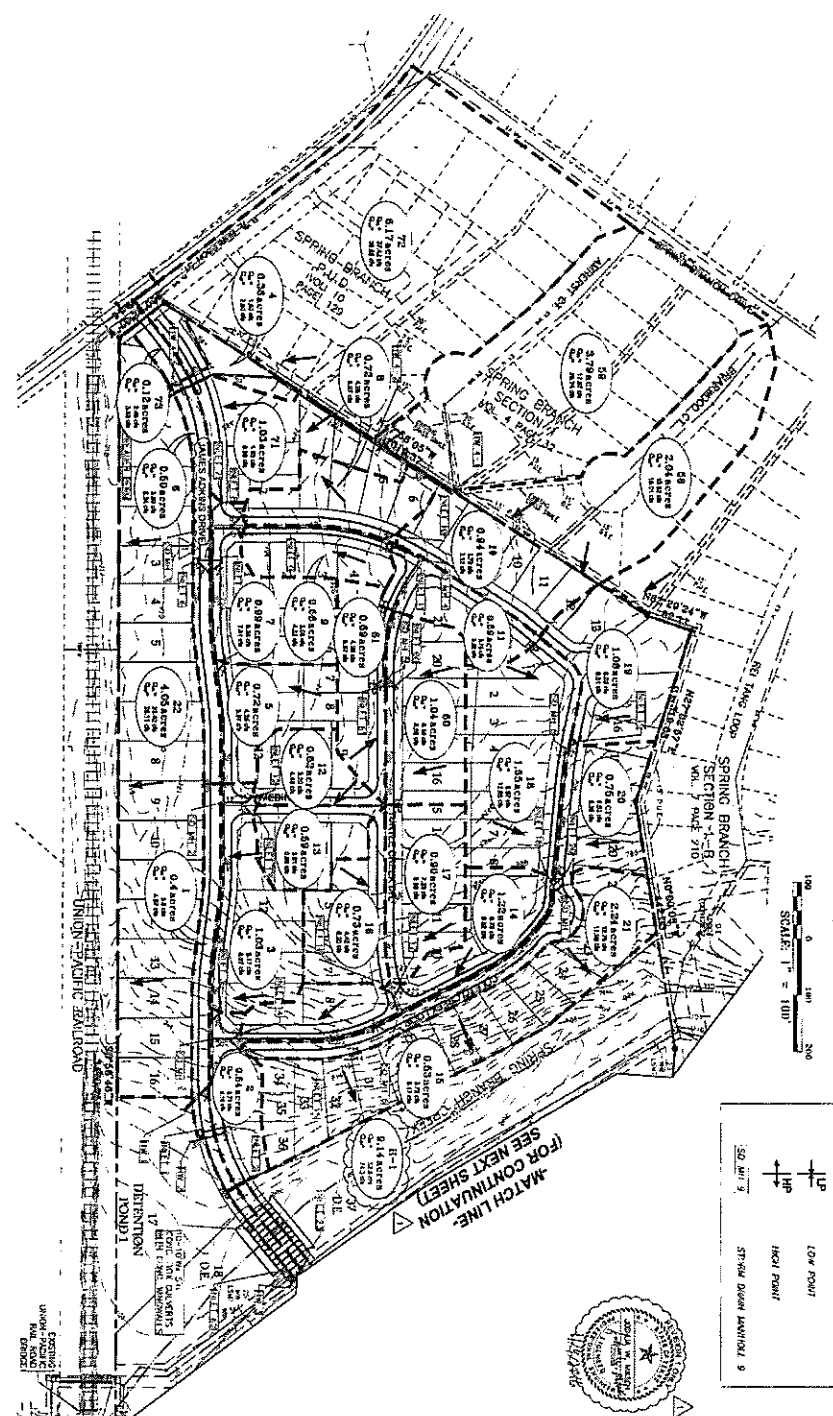
INTERPOLATED GROUND CALCULATIONS

1. Data by Interpolated Contours
 2. Data by Interpolated Contours
 3. Data by Interpolated Contours
 4. Data by Interpolated Contours

Station	Station	Station	Station	Station	Station	Station	Station	Station	Station
1	2	3	4	5	6	7	8	9	10
11	12	13	14	15	16	17	18	19	20
21	22	23	24	25	26	27	28	29	30
31	32	33	34	35	36	37	38	39	40
41	42	43	44	45	46	47	48	49	50
51	52	53	54	55	56	57	58	59	60
61	62	63	64	65	66	67	68	69	70
71	72	73	74	75	76	77	78	79	80
81	82	83	84	85	86	87	88	89	90
91	92	93	94	95	96	97	98	99	100

BRANCH CALCULATIONS

Station	Station	Station	Station	Station	Station	Station	Station	Station	Station
1	2	3	4	5	6	7	8	9	10
11	12	13	14	15	16	17	18	19	20
21	22	23	24	25	26	27	28	29	30
31	32	33	34	35	36	37	38	39	40
41	42	43	44	45	46	47	48	49	50
51	52	53	54	55	56	57	58	59	60
61	62	63	64	65	66	67	68	69	70
71	72	73	74	75	76	77	78	79	80
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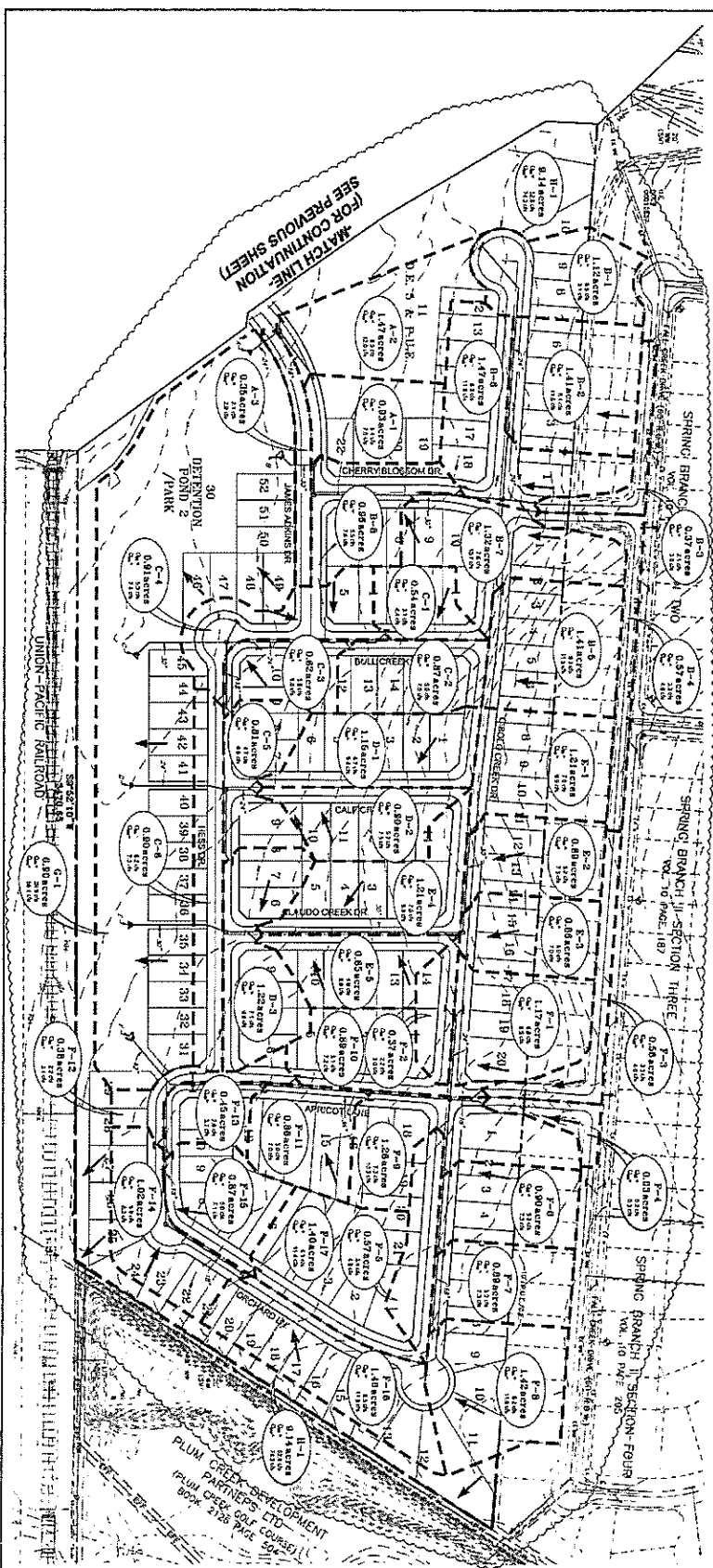
DRAINAGE PLAN 1
CREEKSIDE VILLAGE
PRELIMINARY PLANS
KYLE, TEXAS

HOWARD ENGINEERS, INC.
 4503 Russell Drive
 Austin, Texas 78704
 Phone: (512) 448-0881
 Fax: (512) 448-0888
 Email: hei@howardengineers.com

REVISION
 DATE

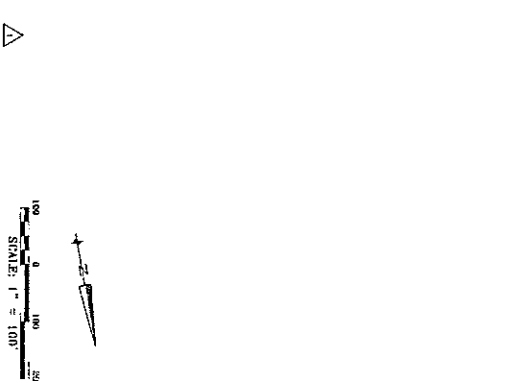
APPROVED BY: [Signature]
 DATE: 08/11/2009

COMPILED: SWB



PROPOSED DRAINAGE CALCULATIONS

Basin No.	Area (Ac)	Impervious Area (Ac)	Runoff Coefficient	Peak Flow (CFS)	Time of Concentration (Min)
A-1	0.15	0.10	0.80	1.5	15
A-2	0.15	0.10	0.80	1.5	15
A-3	0.15	0.10	0.80	1.5	15
A-4	0.15	0.10	0.80	1.5	15
A-5	0.15	0.10	0.80	1.5	15
A-6	0.15	0.10	0.80	1.5	15
A-7	0.15	0.10	0.80	1.5	15
A-8	0.15	0.10	0.80	1.5	15
A-9	0.15	0.10	0.80	1.5	15
A-10	0.15	0.10	0.80	1.5	15
A-11	0.15	0.10	0.80	1.5	15
A-12	0.15	0.10	0.80	1.5	15
A-13	0.15	0.10	0.80	1.5	15
A-14	0.15	0.10	0.80	1.5	15
A-15	0.15	0.10	0.80	1.5	15
A-16	0.15	0.10	0.80	1.5	15
B-1	0.15	0.10	0.80	1.5	15
B-2	0.15	0.10	0.80	1.5	15
B-3	0.15	0.10	0.80	1.5	15
B-4	0.15	0.10	0.80	1.5	15
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B-7	0.15	0.10	0.80	1.5	15
B-8	0.15	0.10	0.80	1.5	15
B-9	0.15	0.10	0.80	1.5	15
B-10	0.15	0.10	0.80	1.5	15
B-11	0.15	0.10	0.80	1.5	15
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B-14	0.15	0.10	0.80	1.5	15
B-15	0.15	0.10	0.80	1.5	15
B-16	0.15	0.10	0.80	1.5	15
C-1	0.15	0.10	0.80	1.5	15
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C-15	0.15	0.10	0.80	1.5	15
C-16	0.15	0.10	0.80	1.5	15
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F-5	0.15	0.10	0.80	1.5	15
F-6	0.15	0.10	0.80	1.5	15
F-7	0.15	0.10	0.80	1.5	15
F-8	0.15	0.10	0.80	1.5	15
F-9	0.15	0.10	0.80	1.5	15
F-10	0.15	0.10	0.80	1.5	15
F-11	0.15	0.10	0.80	1.5	15
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F-13	0.15	0.10	0.80	1.5	15
F-14	0.15	0.10	0.80	1.5	15
F-15	0.15	0.10	0.80	1.5	15
F-16	0.15	0.10	0.80	1.5	15



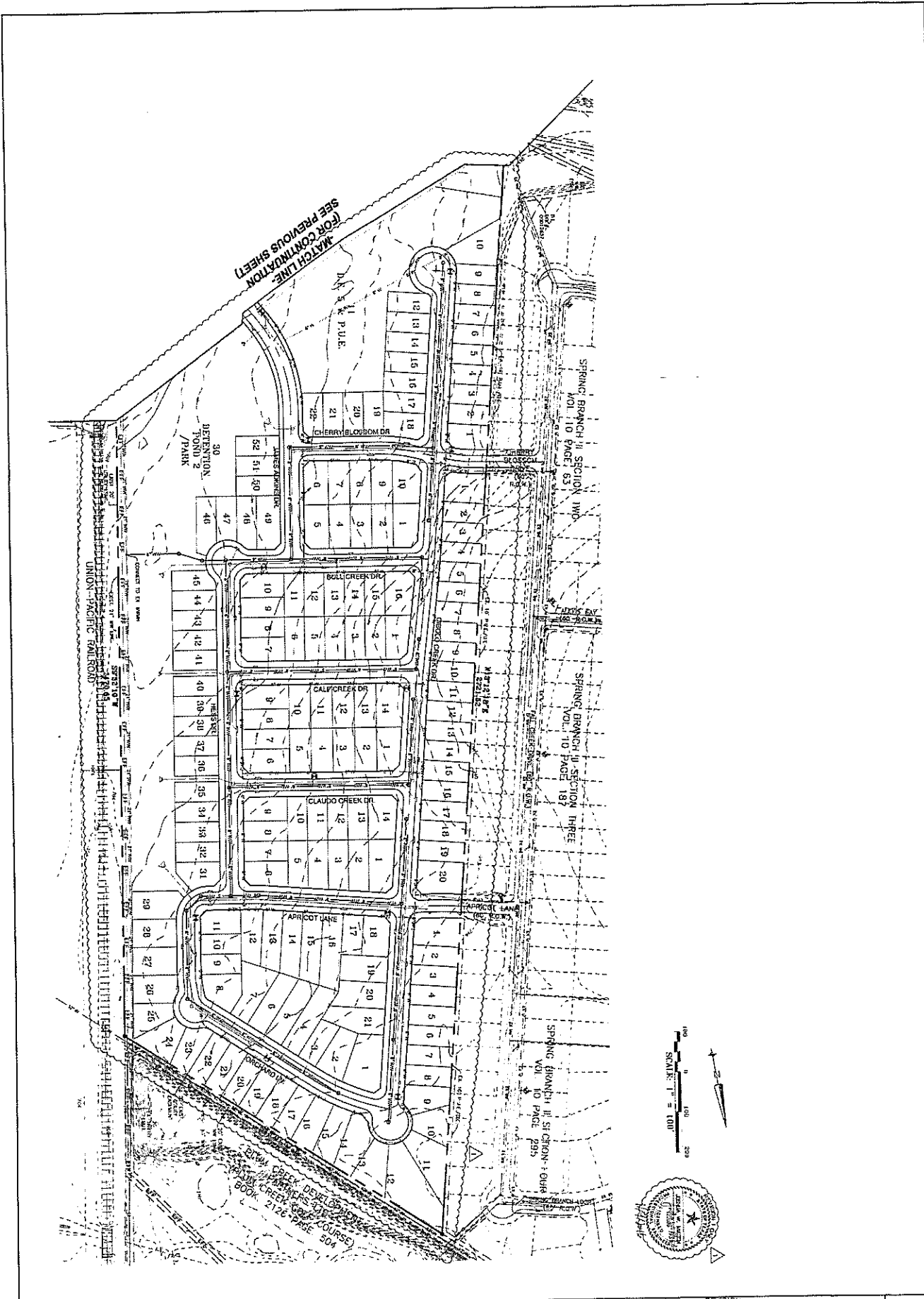
REVISION

NO.	DESCRIPTION	DATE
1	ISSUED FOR PERMITS	08/11/09
2	REVISED TO REFLECT COMMENTS	08/11/09
3	REVISED TO REFLECT COMMENTS	08/11/09
4	REVISED TO REFLECT COMMENTS	08/11/09
5	REVISED TO REFLECT COMMENTS	08/11/09
6	REVISED TO REFLECT COMMENTS	08/11/09
7	REVISED TO REFLECT COMMENTS	08/11/09
8	REVISED TO REFLECT COMMENTS	08/11/09
9	REVISED TO REFLECT COMMENTS	08/11/09
10	REVISED TO REFLECT COMMENTS	08/11/09

DRAINAGE PLAN 2
CREEKSIDE VILLAGE
PRELIMINARY PLANS
KYLE, TEXAS

HOWARD ENGINEERS, INC.
 4303 Russell Drive
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 Fax: (512) 448-0889
 Email: hel@howardengineers.com

APPROVED BY: [Signature]
 DATE: 08/11/09
 SHEET: 10 of 16

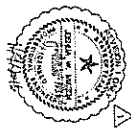
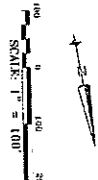


MATCH LINE
(FOR CONTINUATION)
SEE PREVIOUS SHEET

SPRING BRANCH II SECTION TWO
VOL. 10 PAGE 63

SPRING BRANCH II SECTION THREE
VOL. 10 PAGE 187

SPRING BRANCH II SECTION FOUR
VOL. 10 PAGE 295



APPROVED BY: [Signature]
DATE: 04/14/09
DESIGNED BY: [Signature]
DATE: 04/14/09
DRAWN BY: [Signature]
DATE: 04/14/09

WASTEWATER PLAN 2
CREEKSIDE VILLAGE
PRELIMINARY PLANS
KYLE, TEXAS

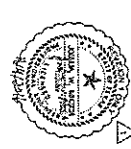
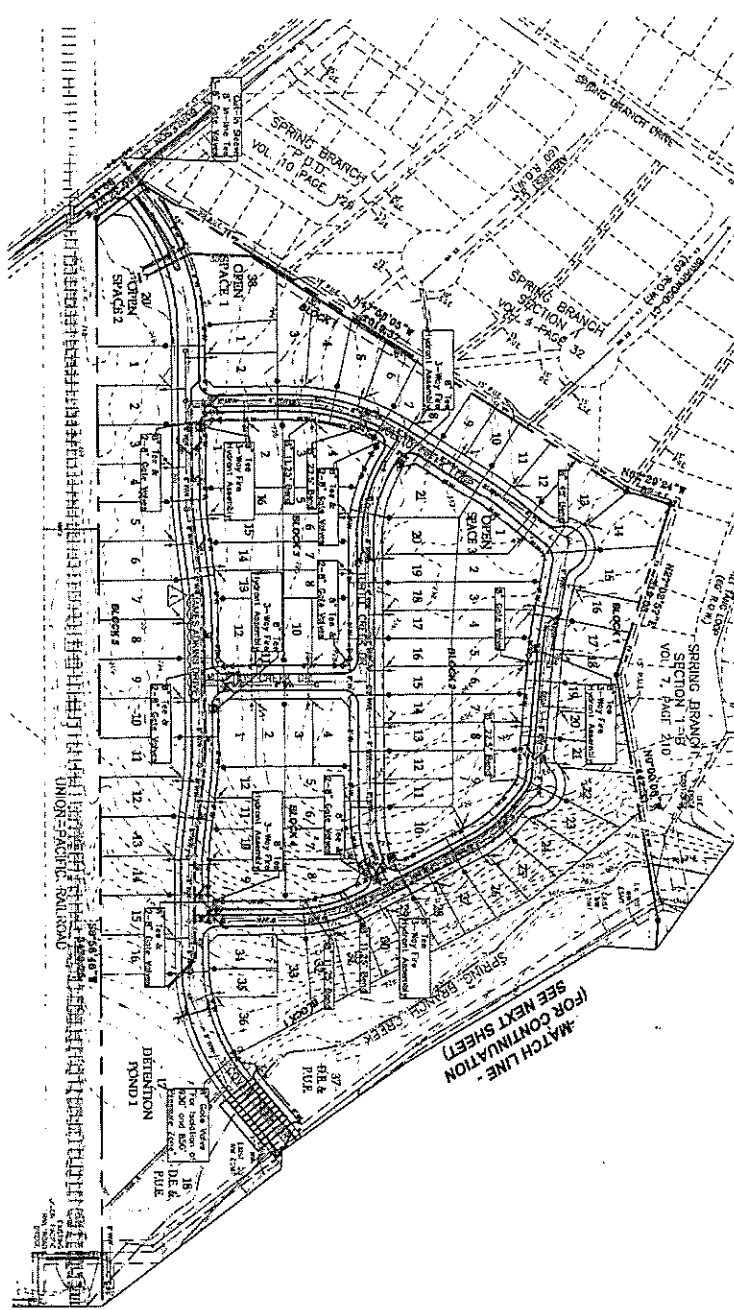


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NO.	REVISION DESCRIPTION	DATE

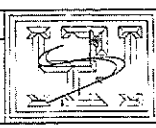
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DRAWN BY: [Signature]
CHECKED BY: [Signature]
DATE: 04/14/09
PROJECT NO: 090401
SHEET NO: 12 OF 16



LEGEND	
---	PROPERTY BOUNDARY
---	WATER LINE
---	SEWER LINE
---	STORM SEWER LINE
---	UTILITY LINE
---	CONCRETE PILE
---	FIELD & PILE
---	OPEN SPACE
---	ROAD
---	RAILROAD
---	WATERWAY
---	ADJACENT PROPERTY
---	EXISTING UTILITY
---	PROPOSED UTILITY
---	PROPOSED ROAD
---	PROPOSED RAILROAD
---	PROPOSED WATERWAY
---	PROPOSED ADJACENT PROPERTY

DATE: 11/13/16
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 APPROVED BY: [Name]

WATER DISTRIBUTION PLAN 1
CREEKSIDE VILLAGE
PRELIMINARY PLANS
KYLE, TEXAS

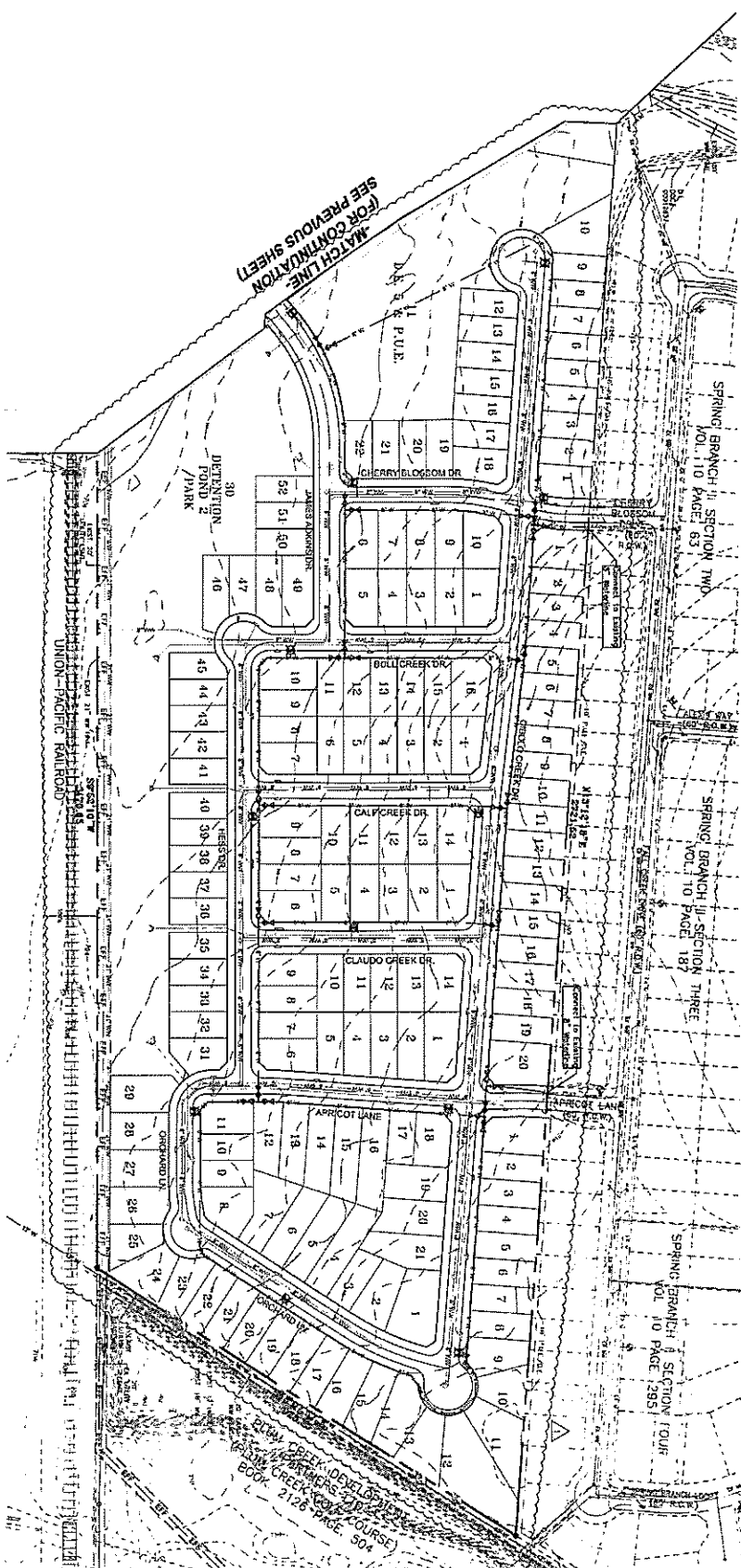


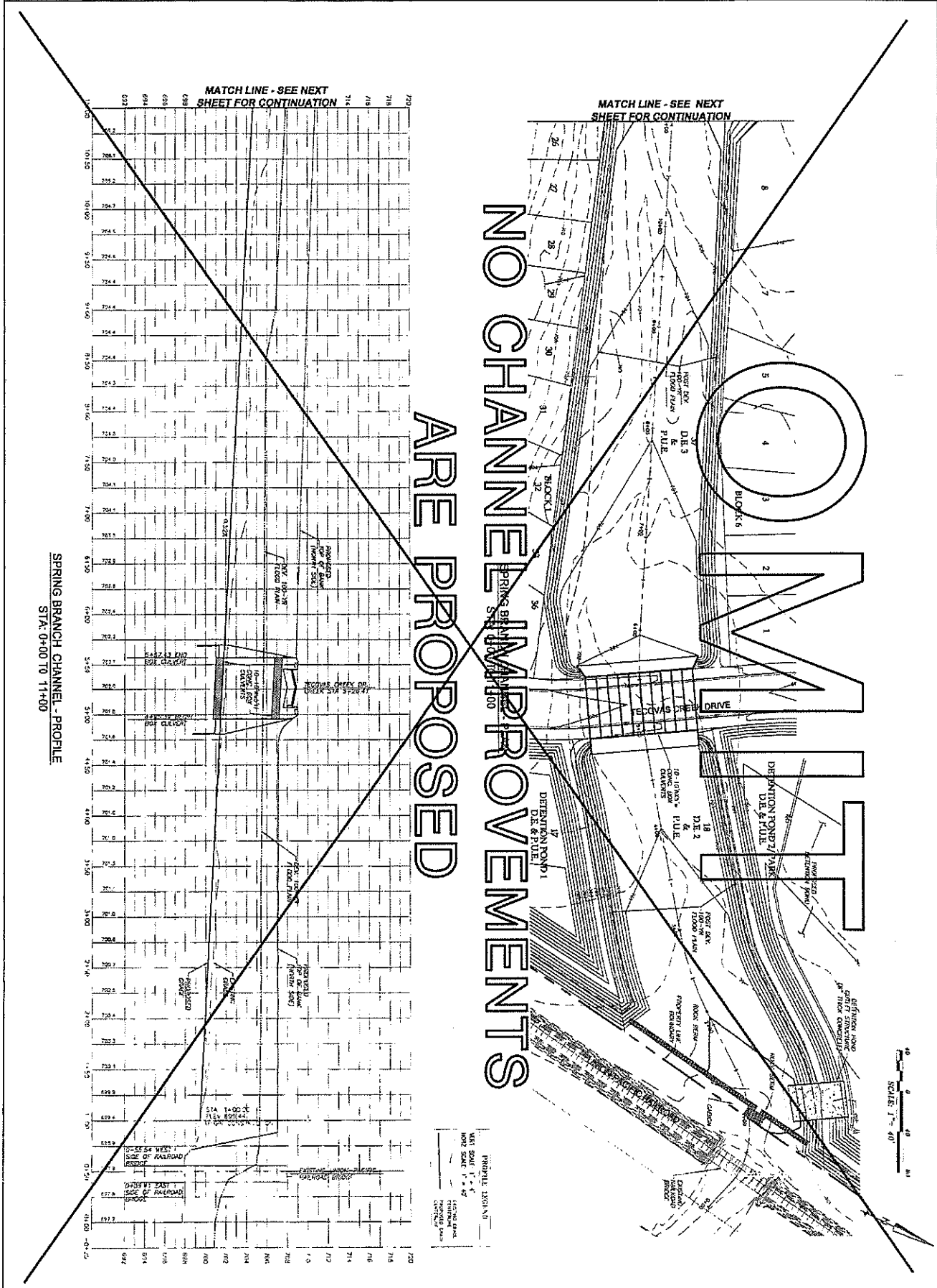
HOWARD ENGINEERS, INC.
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 Email: hel@howardengineers.com



NO.	REVISION DESCRIPTION	DATE

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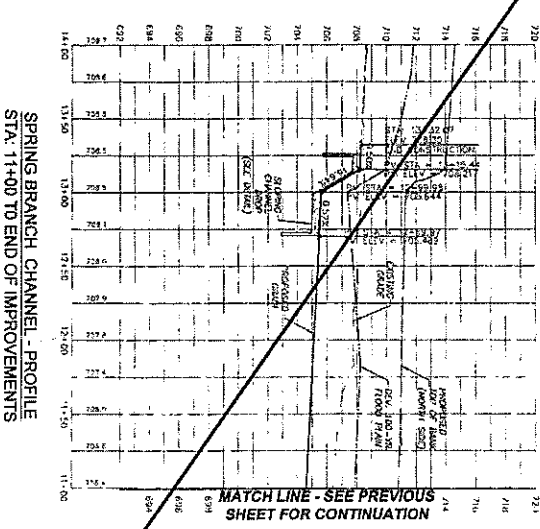
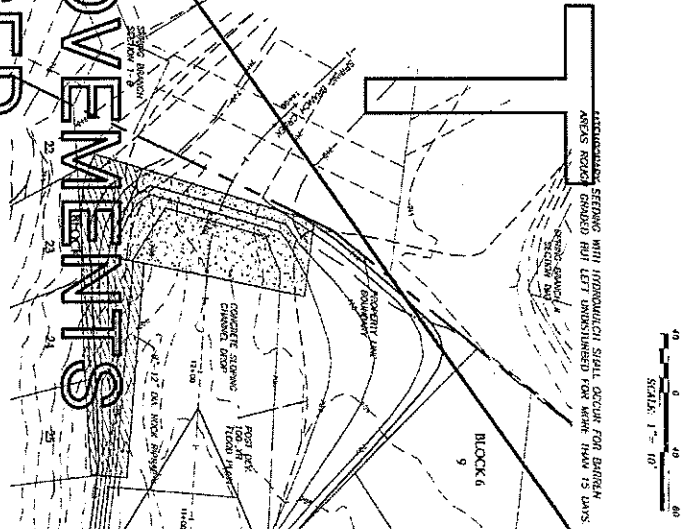
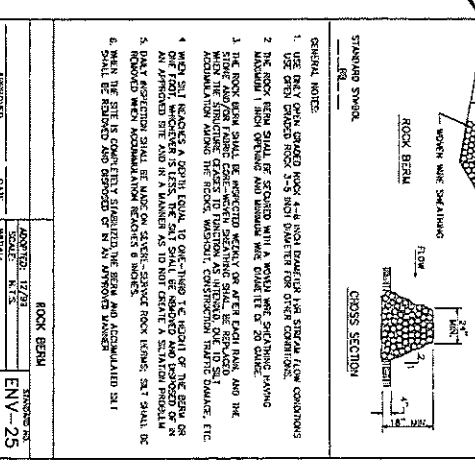
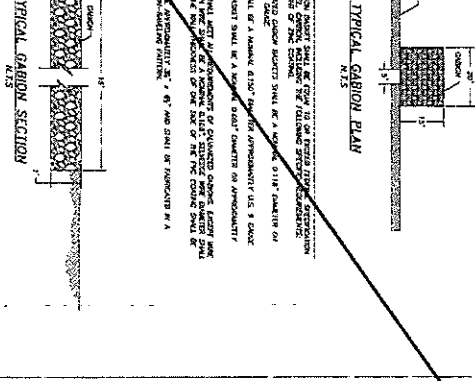
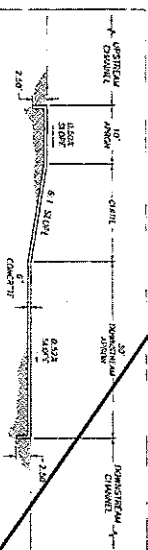
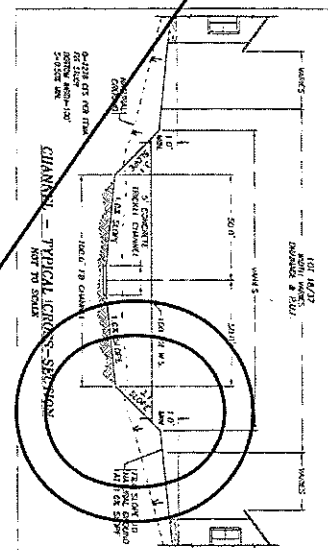




<p>DATE: 15 of 16</p>	<p>SPRING BRANCH CREEK IMPROVEMENTS 1 OF 2 CREEKSIDE VILLAGE PRELIMINARY PLANS KYLE, TEXAS</p>		<p>HOWARD ENGINEERS, INC. 4303 Russell Drive Austin, Texas 78704 Phone: (512) 448-8881 Fax: (512) 448-0989 Email: hei@howardengineers.com</p>		<table border="1"> <thead> <tr> <th>NO.</th> <th>REVISION DESCRIPTION</th> <th>DATE</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	NO.	REVISION DESCRIPTION	DATE				<p>CONTRACT NO. 2009</p>
NO.	REVISION DESCRIPTION	DATE										

NOT

NO CHANNEL IMPROVEMENTS
ARE PROPOSED



GENERAL NOTES:

- USE ONLY OPEN GRADED ROCK AND ROCK DIMENSIONS FOR NORMAL FLOW CONDITIONS
- USE OPEN GRADED ROCK 3/4" TO 3" DIA. (SPECIFY FOR OTHER CONDITIONS)
- THE ROCK BED SHALL BE SLOPED WITH A 1% GRADE TO THE DOWNSTREAM END
- THE ROCK BED SHALL BE SLOPED WITH A 1% GRADE TO THE DOWNSTREAM END
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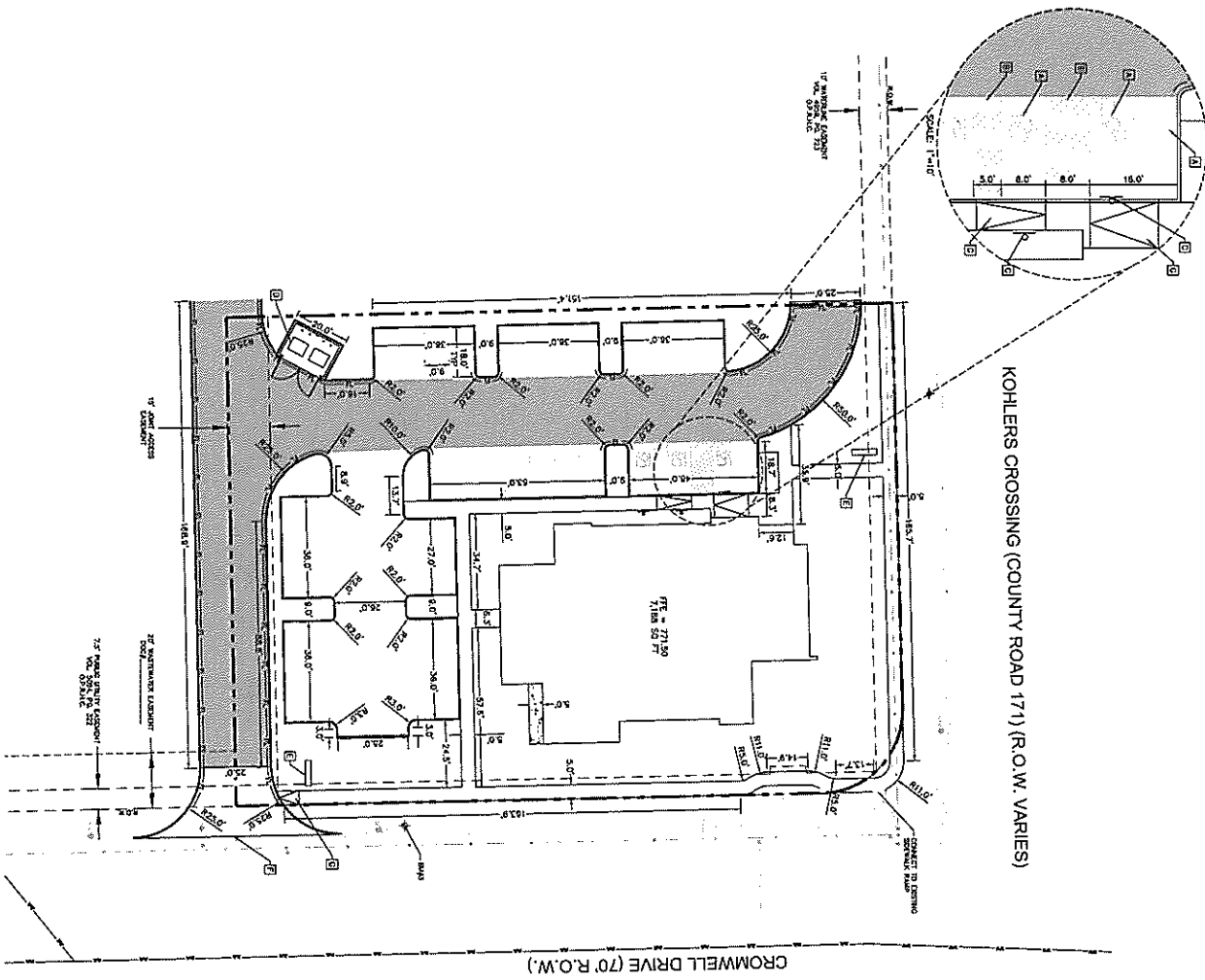
CONSENT AGENDA

ITEM E

DACY VILLAGE LOT 5, BLOCK B – FINAL PLAT (FP-16-010)

CONSENT AGENDA
ITEM F

KYLE WELLNESS CENTER – SITE PLAN (SD-16-019)



KOHLERS CROSSING (COUNTY ROAD 171) (R.O.W. VARIES)

CROWWELL DRIVE (70' R.O.W.)

USE	NO.	AREA (SQ. FT.)	REQUIRED	MAX.	PROVIDED
VEHICLE CENTER	3,130,000	728	2,154	28	28
TOTAL	3,130,000	728	2,154	28	28

- NOTES:**
- ALL PARKING SPACES SHALL BE MARKED WITH AN ADA COMPLIANT SIGN TO INDICATE THE LOCATION OF THE SPACE.
 - ALL PARKING SPACES SHALL BE MARKED WITH AN ADA COMPLIANT SIGN TO INDICATE THE LOCATION OF THE SPACE.
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OWNERS: PULP GREEK DEVELOPMENT PARTNERS, LTD.
 ADDRESS: 4010 BROADWAY, SUITE 201
 PHONE: (202) 472-7400

PERSON PREPARING PLAN: PULP GREEK DEVELOPMENT PARTNERS, LTD.
 ADDRESS: 4010 BROADWAY, SUITE 201
 PHONE: (202) 472-7400

DATE: 10/10/16

PROJECT: KYLE WELLNESS CENTER, 1001 KOHLERS CROSSING, KYLE, TX 78840

LAND USE: OFFICE

TOTAL IMPROVEMENTS COST: \$1,800,000

FINANCING: \$1,800,000

FINANCING SOURCE: \$1,800,000

FINANCING TYPE: \$1,800,000

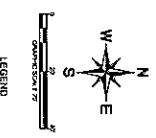
FINANCING RATE: \$1,800,000

FINANCING TERM: \$1,800,000

FINANCING TYPE: \$1,800,000

FINANCING RATE: \$1,800,000

FINANCING TERM: \$1,800,000



LEGEND

1	PROPOSED
2	EXISTING
3	CONCRETE DRIVEWAY
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99	CONCRETE DRIVEWAY
100	CONCRETE DRIVEWAY

BENCHMARKS

1. BENCHMARK 1: 1001 KOHLERS CROSSING, KYLE, TX 78840

2. BENCHMARK 2: 1001 KOHLERS CROSSING, KYLE, TX 78840

3. BENCHMARK 3: 1001 KOHLERS CROSSING, KYLE, TX 78840

4. BENCHMARK 4: 1001 KOHLERS CROSSING, KYLE, TX 78840

5. BENCHMARK 5: 1001 KOHLERS CROSSING, KYLE, TX 78840

6. BENCHMARK 6: 1001 KOHLERS CROSSING, KYLE, TX 78840

7. BENCHMARK 7: 1001 KOHLERS CROSSING, KYLE, TX 78840

8. BENCHMARK 8: 1001 KOHLERS CROSSING, KYLE, TX 78840

9. BENCHMARK 9: 1001 KOHLERS CROSSING, KYLE, TX 78840

10. BENCHMARK 10: 1001 KOHLERS CROSSING, KYLE, TX 78840

11. BENCHMARK 11: 1001 KOHLERS CROSSING, KYLE, TX 78840

12. BENCHMARK 12: 1001 KOHLERS CROSSING, KYLE, TX 78840

13. BENCHMARK 13: 1001 KOHLERS CROSSING, KYLE, TX 78840

14. BENCHMARK 14: 1001 KOHLERS CROSSING, KYLE, TX 78840

15. BENCHMARK 15: 1001 KOHLERS CROSSING, KYLE, TX 78840

16. BENCHMARK 16: 1001 KOHLERS CROSSING, KYLE, TX 78840

17. BENCHMARK 17: 1001 KOHLERS CROSSING, KYLE, TX 78840

18. BENCHMARK 18: 1001 KOHLERS CROSSING, KYLE, TX 78840

19. BENCHMARK 19: 1001 KOHLERS CROSSING, KYLE, TX 78840

20. BENCHMARK 20: 1001 KOHLERS CROSSING, KYLE, TX 78840

21. BENCHMARK 21: 1001 KOHLERS CROSSING, KYLE, TX 78840

22. BENCHMARK 22: 1001 KOHLERS CROSSING, KYLE, TX 78840

23. BENCHMARK 23: 1001 KOHLERS CROSSING, KYLE, TX 78840

24. BENCHMARK 24: 1001 KOHLERS CROSSING, KYLE, TX 78840

25. BENCHMARK 25: 1001 KOHLERS CROSSING, KYLE, TX 78840

26. BENCHMARK 26: 1001 KOHLERS CROSSING, KYLE, TX 78840

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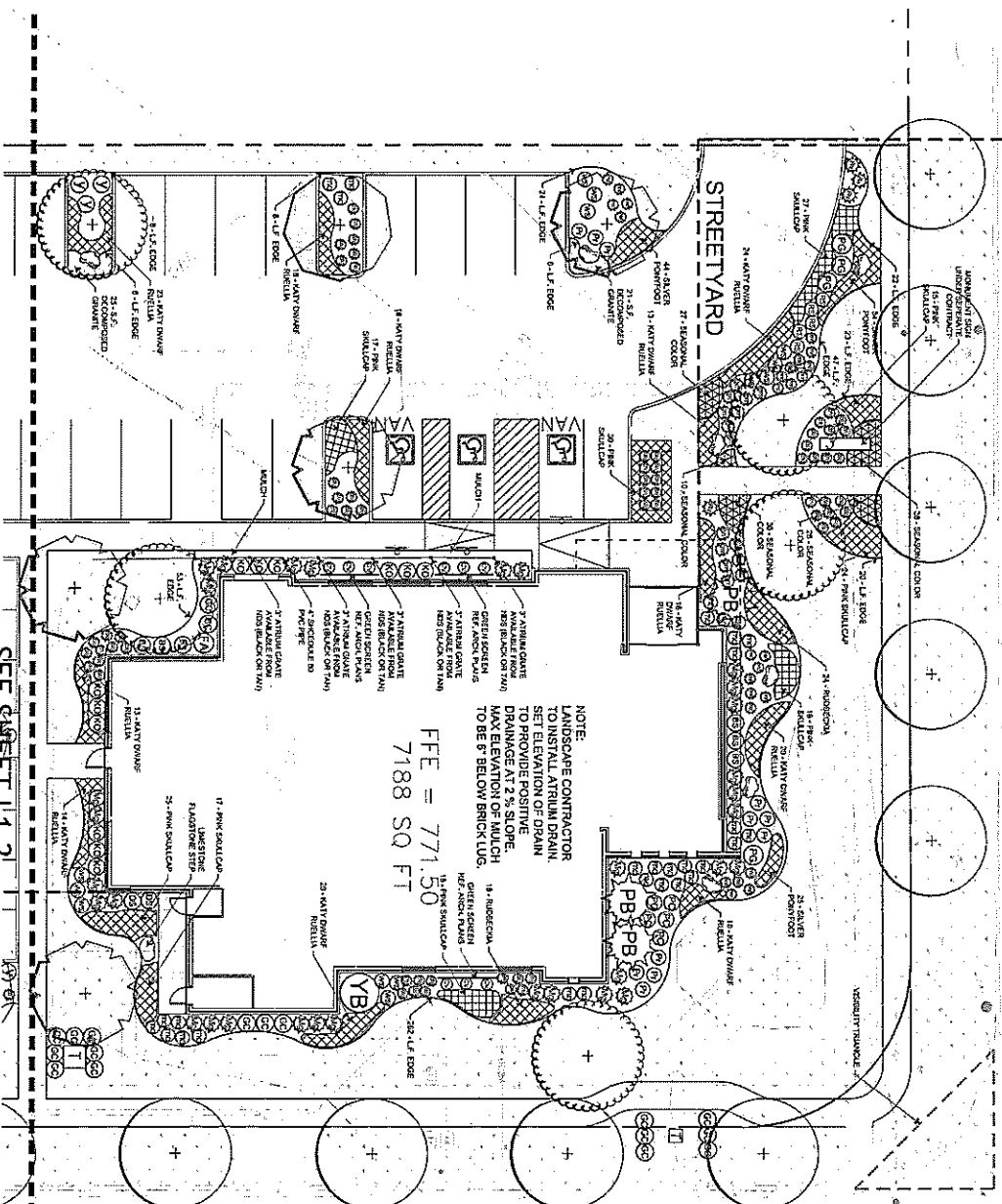
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99. BENCHMARK 99: 1001 KOHLERS CROSSING, KYLE, TX 78840

100. BENCHMARK 100: 1001 KOHLERS CROSSING, KYLE, TX 78840

KOHLERS CROSSING (COUNTY ROAD 171) (R.O.W. VAIRES)



NOTE:
LANDSCAPE CONTRACTOR
TO PROVIDE POSITIVE
DRAINAGE AT 2% SLOPE.
MAX ELEVATION OF MULCH
TO BE 8" BELOW BRICK LUG.

FFE = 771.50
7188 SQ FT

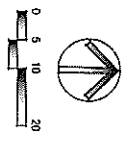
SEE SHEET L1.2

CANDY TREES	SHRUBS	PERENNIALS
1. LANTANA	1. BURNING BUSH	1. BURNING BUSH
2. CROTON	2. CROTON	2. CROTON
3. CROTON	3. CROTON	3. CROTON
4. CROTON	4. CROTON	4. CROTON
5. CROTON	5. CROTON	5. CROTON
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10. CROTON	10. CROTON	10. CROTON

ORN. TREES
1. PALM
2. PALM
3. PALM
4. PALM
5. PALM
6. PALM
7. PALM
8. PALM
9. PALM
10. PALM

SHRUBS ETC.
1. BURNING BUSH
2. BURNING BUSH
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PERENNIALS
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10. BURNING BUSH



GENERAL NOTES:
1. The contractor is responsible to check all underground utilities prior to any work. (CITY OF KYLE, 1-2004-4-0001).
2. The contractor shall be responsible for the approval of the landscape plan by the City of Kyle.
3. The contractor shall be responsible for the approval of the landscape plan by the City of Kyle.
4. The contractor shall be responsible for the approval of the landscape plan by the City of Kyle.
5. The contractor shall be responsible for the approval of the landscape plan by the City of Kyle.
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8. The contractor shall be responsible for the approval of the landscape plan by the City of Kyle.
9. The contractor shall be responsible for the approval of the landscape plan by the City of Kyle.
10. The contractor shall be responsible for the approval of the landscape plan by the City of Kyle.
11. All quantities provided in the plant list are for general reference only. The contractor shall verify the quantities as stated in the plant list and as stated by the American Society of Landscape Architects (ASLA) standards.
12. All plant material shall be delivered to the site and installed by the contractor. Storage areas for all material shall be established and all plants shall be protected from damage and theft. All plants shall be removed from the site as work progresses. Keep plant species clean by sweeping or blowing off top of leafy top growth.

Capitola DEAN
Landscape Architecture

7200 West Highway 71 • Suite 200
Austin, Texas 78723 • Phone: 512-555-7303

PROJECT NAME: PLUM CREEK CLINIC
PROJECT ADDRESS: KOHLERS CROSSING AND CROMWELL DRIVE, KYLE, TX 78640

DATE: 09/29/16 SCALE: 1" = 10'-0"
SHEET TITLE: LANDSCAPE PLANTING PLAN
SHEET NO.: L1.1 OF 19

CITY CALCULATIONS			
LANDSCAPE DEVELOPMENT SITZ ZONING (UD)	REQUIRED	PROVIDED	
TOTAL AREA OF LANDSCAPE DEVELOPMENT	6,345 S.F. (15%)	6,345 S.F. (15%)	6,345 S.F. (15%)
TOTAL AREA OF LANDSCAPE DEVELOPMENT REQUIRED AND NOT PRESENTLY MET FOR CITY LANDSCAPE DEVELOPMENT	2,132 S.F. (5%)	6,345 S.F. (15%)	6,345 S.F. (15%)
ADDITIONAL REQUIRED PLANTING AREA AREA OF LANDSCAPE DEVELOPMENT *	6,345 S.F. (15%)	PROVIDED	22
9" CAL. TREE PER 100 SF = (6,345/100) *	63	PROVIDED	22
(N) BRUSH PER 100 SF = (6,345/100) *	63	PROVIDED	43

PERENNIALS				
QUANTITY	SYMBOL	COMMON NAME	SCIENTIFIC NAME	SIZE & CONDITION
215	(Symbol)	Red Top	Red Top	1 Calm, spaced as shown
215	(Symbol)	Red Top	Red Top	1 Calm, spaced as shown
133	(Symbol)	Red Top	Red Top	1 Calm, spaced as shown
4	(Symbol)	Red Top	Red Top	1 Calm, spaced as shown
4	(Symbol)	Red Top	Red Top	1 Calm, spaced as shown
4	(Symbol)	Red Top	Red Top	1 Calm, spaced as shown
1	(Symbol)	Red Top	Red Top	1 Calm, spaced as shown
1	(Symbol)	Red Top	Red Top	1 Calm, spaced as shown

SEASONAL COLOR				
QUANTITY	SYMBOL	COMMON NAME	SCIENTIFIC NAME	SIZE & CONDITION
222	(Symbol)	Red Top	Red Top	1 Calm, spaced as shown

SOD				
QUANTITY	SYMBOL	COMMON NAME	SCIENTIFIC NAME	SIZE & CONDITION
11,120 S.F.	(Symbol)	Red Top	Red Top	1 Calm, spaced as shown

MISC.				
QUANTITY	SYMBOL	COMMON NAME	SCIENTIFIC NAME	SIZE & CONDITION
500 L.F.	(Symbol)	Red Top	Red Top	1 Calm, spaced as shown

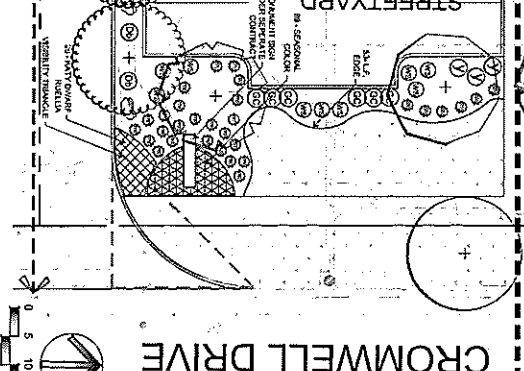
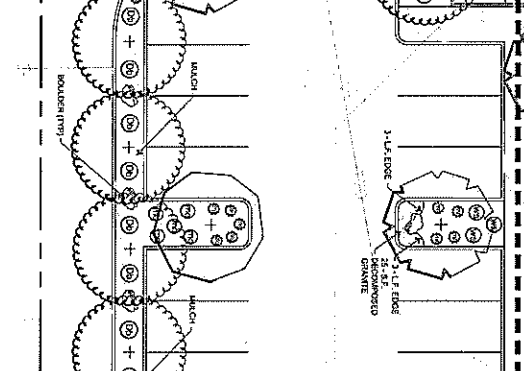
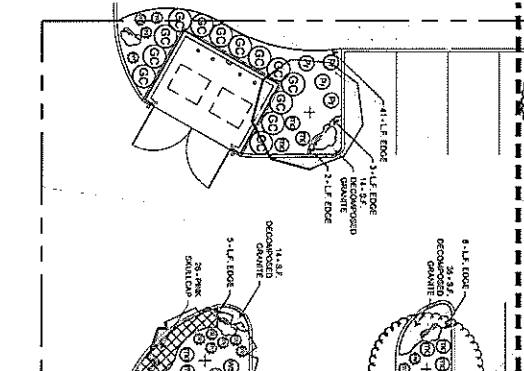
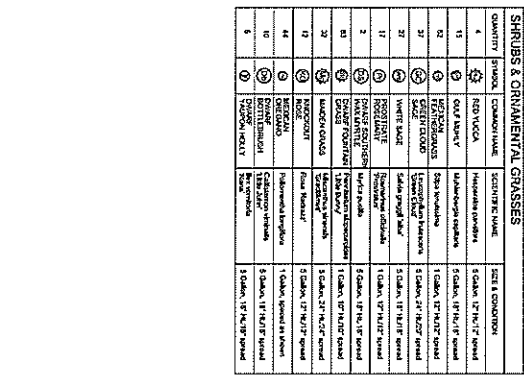
CANOPY TREES				
QUANTITY	SYMBOL	COMMON NAME	SCIENTIFIC NAME	SIZE & CONDITION
19	(Symbol)	Red Top	Red Top	1 Calm, spaced as shown
7	(Symbol)	Red Top	Red Top	1 Calm, spaced as shown
11	(Symbol)	Red Top	Red Top	1 Calm, spaced as shown
4	(Symbol)	Red Top	Red Top	1 Calm, spaced as shown

ORNAMENTAL TREES				
QUANTITY	SYMBOL	COMMON NAME	SCIENTIFIC NAME	SIZE & CONDITION
4	(Symbol)	Red Top	Red Top	1 Calm, spaced as shown

SHRUBS & ORNAMENTAL GRASSES				
QUANTITY	SYMBOL	COMMON NAME	SCIENTIFIC NAME	SIZE & CONDITION
4	(Symbol)	Red Top	Red Top	1 Calm, spaced as shown

VINES				
QUANTITY	SYMBOL	COMMON NAME	SCIENTIFIC NAME	SIZE & CONDITION
8	(Symbol)	Red Top	Red Top	1 Calm, spaced as shown

GENERAL NOTES			
1.	The contractor is responsible to provide all necessary permits for this project.		
2.	The contractor shall be responsible for the maintenance of all landscape areas.		
3.	The contractor shall be responsible for the maintenance of all landscape areas.		



GENERAL NOTES:

- The contractor is responsible to provide all necessary permits for this project.
- The contractor shall be responsible for the maintenance of all landscape areas.
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PROJECT ADDRESS:
 KOHLERS CROSSING AND CROMWELL DRIVE
 KYLE, TX 78640

PROJECT NAME:
 PLUM CREEK CLINIC

DATE:
 09/29/16

SHEET TITLE:
 LANDSCAPE PLANTING PLAN

SHEET NO.:
 L1.2

SCALE:
 1" = 10'-0"

DATE:
 09/29/16

PROJECT ADDRESS:
 2200 West Highway 71 • Suite 300
 Austin, Texas 78735 • Phone: 512.535.7103

LANDSCAPE ARCHITECT:
 GABRIEL DEAN
 Landscape Architecture

REGISTERED ARCHITECT:
 GABRIEL DEAN
 License No. 111016

ZONING

ITEM A

BLANTON FAMILY LIMITED PARTNERSHIP (Z-16-010)



CITY OF KYLE

Community Development Department



MEMORANDUM

To: Kyle Planning Commission

From: Howard Koontz, Community Development Director

Date: 11/22/2016

Subject: Z-16-010, 68.5 acres of R-1-2 and 10.38 acres of CBD-1 to R-1-A

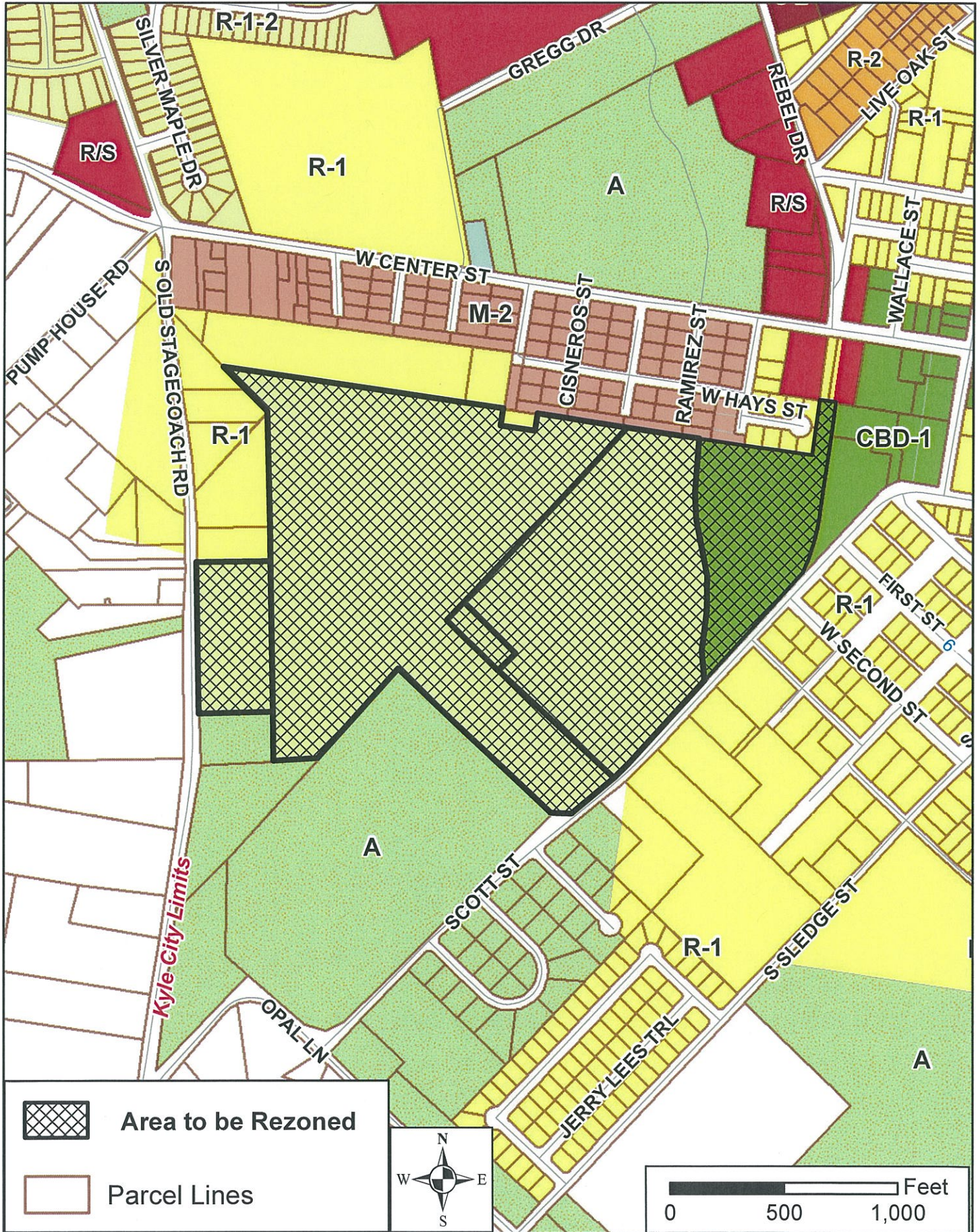
The applicant for this rezoning, the Blanton Family Limited Partnership, in conjunction with staff, has requested that this item be postponed to the next regular business meeting of the Planning and Zoning Commission, currently scheduled for December 13th, 2016 at 6:30 P.M.

The terms and requirements of the R-1-A zoning district are proposed to be amended, beginning at a Special Called Meeting of this Commission on November 22, 2016. The Blanton Family Limited Partnership's application stands to be impacted by the product of that amendment, and for that reason they would prefer that this request before you be delayed until after that text amendment has been finalized.

Staff recommendation is that the commission hear and deliberate the item at the next regular business meeting; however, if it is the desire of the Commission, applicant, or audience member to speak about the item, then the duly advertised Public Hearing can be opened for the purpose of that discussion. In the interim, the Public Hearing should remain open until final deliberation at the December meeting.

Exhibit B

Blanton Family Limited Partnership (Z-16-010)



ZONING

ITEM B

THOMAS KAMINSKI (Z-16-011)



CITY OF KYLE

Community Development Department



MEMORANDUM

To: Kyle Planning Commission

From: Howard Koontz, Community Development Director

Date: 11/22/2016

Subject: Z-16-011, 7.26 acres of R-1 to R-1-A

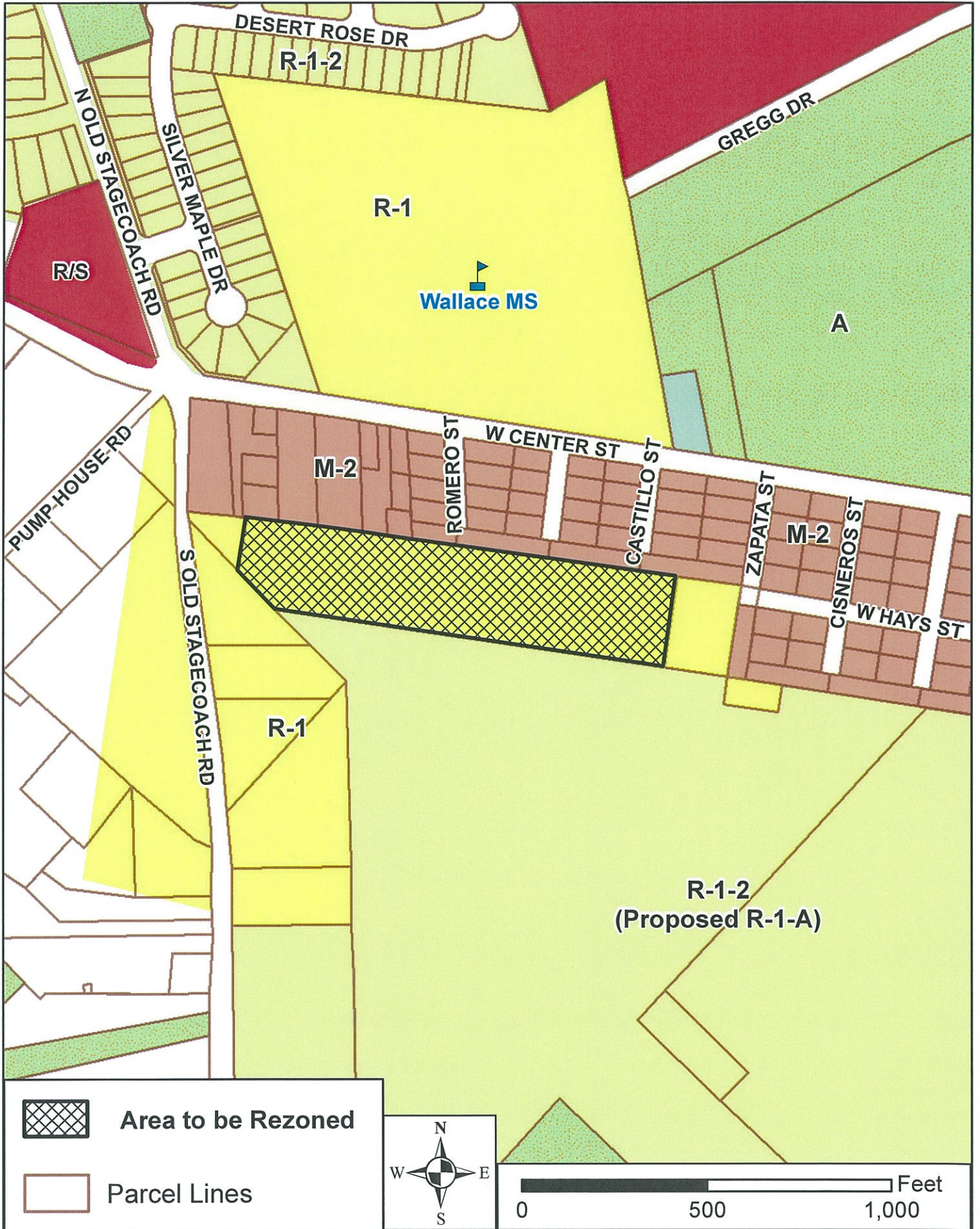
The applicant for this rezoning, Thomas L. Kaminski in conjunction with staff, has requested that this item be postponed to the next regular business meeting of the Planning and Zoning Commission, currently scheduled for December 13th, 2016 at 6:30 P.M.

The terms and requirements of the R-1-A zoning district are proposed to be amended, beginning at a Special Called Meeting of this Commission on November 22, 2016. Mr. Kaminski's application stands to be impacted by the product of that amendment, and for that reason he would prefer that this request before you be delayed until after that text amendment has been finalized.

Staff recommendation is that the commission hear and deliberate the item at the next regular business meeting; however, if it is the desire of the Commission, applicant, or audience member to speak about the item, then the duly advertised Public Hearing can be opened for the purpose of that discussion. In the interim, the Public Hearing should remain open until final deliberation at the December meeting.

Exhibit B

(Z-16-011)



CONSIDER AND POSSIBLE ACTION

ITEM A

CONSIDER AMENDMENTS TO THE CITY OF KYLE, CODE OF ORDINANCES,
CHAPTER 53 (ZONING)



CITY OF KYLE

Community Development Department



Date: November 22, 2016
To: City of Kyle Planning Commission
From: Howard J. Koontz, AICP, Community Development Director
Re: Text Amendment related to single family residential construction

An increase in single family home construction under the terms of Kyle Ordinance #824 has resulted in a similar increase in complaints from home builders seeking exceptions or amendment to the terms of #824.

In October 2014, the Mayor and City Council, following recommendation from the Planning Commission, adopted a design standard requiring greater diversity of single family home façade treatments. That standard was adopted as Ordinance #824, which requires homes to have a split front façade, where the front-loaded garage portion of the home sits back five feet from the non-garage portion.

Oposing positions have put forward concerns about the lack of home designs available to meet the letter of the ordinance, and the unappealing result of a home façade with an over-sized wall section protruding in front of the garage doors. Further, the policy doesn't make individual concessions for larger home widths, nor recognize the effect on smaller home widths.

Staff has been directed to make amendments and clarifications to not only Ordinance 824, but some of the bulk standards contained in Chapter 53, the City's Zoning Ordinance. All of these changes are noted in the text exhibits attached to this memo, and will be explained and compared/contrasted through a presentation at the Planning Commission meeting.

Sec. 53-33. - General requirements and limitations.

Chart 1								
Land Use District	Front Setback (feet)	Side Setback (feet)	Corner Lot at Side Street or Alleyway Setback (feet)	Street Side Yard Setback (feet)	Rear Setback (feet)	Min. Lot Square Footage Area	Min. Lot Street Line Width (feet)	Height Limit (feet)
A	25 <u>40</u>	25	25 <u>40</u>	25	25	43,500	150	45
UE	25	25	25	25	25	22,500	100	45
R-1-1	30 <u>35</u> ⁹	7 <u>10</u>	10 <u>20</u>	15	10 <u>20</u>	8,190 ¹	80 ¹	35
R-1-2	30 <u>25</u> ⁹	5 <u>7.5</u>	10 <u>15</u>	15 <u>10</u>	10 <u>15</u>	6,825 ¹	65 ¹	35
<u>R-1-3</u>	<u>20</u> ⁹	<u>5</u>	<u>10</u>	<u>5</u>	<u>10</u>	<u>5,540</u> ¹	<u>50</u> ¹	<u>35</u>
R-1-A	25	(2)	10	15	15	4,550 ¹	35	35
R-1-T	(3)	(3)	10 <u>15</u>	15	(3)	2,844 <u>880</u> ³	35 <u>22</u>	35
R-1-C	(4)	(4)		15	(4)	9,000 ⁴	80	45
R-2	25 ⁹	7	10	15	25	9,000	80	35
R-3-1	25	15	15	15	25	(5)	80	35 ⁶
R-3-2	25	20	15	15	25	(5)	80	45 ⁷
R-3-3	25	7	15	15	25	(13)	90	45 ⁷
M-1	25	7	15	15	25	8,190	80	35
M-2	25	7	25	25	25	8,190	80	35
CBD-1	25 ⁸	(8)	15	15	(8)	(8)	(8)	35 ⁸

CBD-2	0	0	0	0	0	2,500	25	45
RS	25	10	15	15	15	6,000	50	45
HS	50	50	50	50	50	10 acres	200	100 ^{14/15}
W	25	25	25	25	25	9,000	80	45
CM	25	50	50	50	50	43,500	150	45
E	25	25	15	15	15	6,000	50	45 ¹⁴
TU	25	7	15	15	15	(10)	(10)	(10)
B	25	25	25	15	15	(11)	(11)	(11)
PUD	(8)	(8)	(8)	15	(8)	5 acres	(8)	(8)

Notes for chart—

(1) (1)—On approval by the city council:

- a. ~~i~~In a section or phase of a subdivision up to 25 percent of R-1-1 lots may be less than 8,190 square feet in area but not less than 7,200 square feet, and up to 25 percent of the lots may be less than 80 feet in width but not less than 65 feet in width; and
- b. ~~u~~Up to 25 percent of R-1-2 lots may be less than 6,825 square feet in area but not less than 5,825 square feet, and up to 25 percent of the lots may be less than 65 feet in width but not less than 55 feet in width; and
- c. Up to 25 percent of R-1-3 lots may be less than 5,540 square feet in area, but not less than 4,740 square feet, and up to 25 percent of the lots may be less than 50 feet in width but not less than 45 feet in width; and
- d. ~~u~~Up to 25 percent of R-1-T lots may be less than ~~2,844,880~~ square feet in area but not less than ~~2,500,800~~ square feet, and up to 25 percent of the lots may be less than ~~35-22~~ feet in width but not less than 20 ft in width; and
- e. ~~u~~Up to 25 percent of R-1-A lots may be less than 4,550 square feet in area but not less than 4,000 square feet, and up to 25 percent of the lots may be less than 35 feet in width but not less than 30 ft in width.

-If the city council approves any lots to be platted that have less area than the minimum area provided in the chart 1 in this section for any such zoning district, the percentage of such smaller lots actually platted and fully developed in any section or phase shall not at anytime exceed the percentage of smaller lots approved by the city council for the entire subdivision or development. In no event shall more than 25 percent of the lots in any phase or section of a subdivision have less land area than the minimum lot area established in chart 1.

- (2) Side yard setback for the R-1-A district is ten feet on one side, and a zero lot line is permitted on the other side. See definition for zero-lot-line lot.
- (3) See division 5 of this article, pertaining to residential townhouse district R-1-T.
- (4) See division 6 of this article, pertaining to residential condominium district R-1-C.
- (5) Minimum lot area for property in the R-3-1 and R-3-2 district is 12,000 square feet, plus an additional 1,500 square feet for each dwelling unit in excess of four units; provided that the density limitations set forth for each such district shall apply.
- (6) Not to exceed two stories.
- (7) Not to exceed three stories.
- (8) The conditions and limitations, setbacks and lot requirements set forth in chart 1 applicable to the district governing the proposed base use of the property shall apply within this district, i.e., if the proposed use of property within the district is a use provided for in the CBD-1 district the conditions and limitations applicable to the CBD-1 district shall apply to the property.
- (9) An-On approval by the city council, up to 50 percent of the lots within a subdivision may have a front setback line of less than 30 feet up to 20% less than the district minimum, but not in no case less than 20-16 feet; provided that no more than three consecutive and abutting lots shall have less than 30 feet the district minimum front setback; and no more than 25 percent of the lots shall have a minimum front setback of 25 feet 10% less than the district minimum; and not more than 25 percent of the lots shall have a minimum front setback of 20 feet 20% less than the district minimum. In no event shall a front-facing/front-loading attached garage have less than a 21' setback.
- (10) The conditions, limitations, setbacks and lot requirements shall be determined by the planning commission as part of the site development approval process subsequent to review and recommendation by staff.
- (11) The conditions, limitations, setbacks and lot size requirements shall comply fully with chapter 29, pertaining to signs.
- (12) Minimum lot area for property in the R-3-3 district is 12,000 plus 1,500 square feet for each residential unit; minimum lot width shall be 90 feet.
- (13) Height limitation applies to buildings; height for amusement rides shall be determined on a case-by-case basis.
- (14) Not to exceed 100 feet for the main hospital building, and not to exceed 75 feet for any other building. No portion of any building within 100 feet of the property line of a single-family residential use shall exceed 35 feet in height.
- (15) Permitted heights can exceed the maximum feet shown when and only when structured parking is included in the construction design of the building and occurs in the same phase of construction as the building and providing for a minimum of one-third of the number of the required parking spaces that are required by ordinance to separately serve the uses within the building.

DIVISION ~~2X~~. - SINGLE-FAMILY RESIDENTIAL ~~1-3~~ DISTRICT R-1-~~1-3~~

Sec. 53-~~63XX~~. - Purpose and permitted uses.

The R-1-~~1-3~~ single-family residential ~~1-3~~ district allows detached single-family residences with a minimum of ~~1,600~~1,000 square feet of living area and permitted accessory structures on a minimum lot size of ~~8,190~~5,540 square feet. There shall be no more than ~~3-95~~5 houses per buildable acre.

Sec. 53-~~64XX~~. - Additional permitted uses.

In addition to the uses permitted in division, the following uses are permitted in the R-1-~~1-3~~ single-family residential ~~1-3~~ district:

- (1) Parks, playgrounds, community buildings and other public recreational facilities, owned and/or operated by the municipality or other public agency.
- (2) Public buildings, including libraries, museums, police and fire stations.
- (3) Real estate sales offices during the development of a residential subdivision but not to exceed two years. Display dwellings with sales offices, provided that if said display dwellings are not moved are converted to a permitted use within a period of one year, specific permission must be obtained from the city council for said display houses to remain.
- (4) Schools, public, private and denominational.
- (5) Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work.
- (6) Water supply reservoirs, pumping plants and towers.
- (7) Accessory structures and uses customarily incidental to the uses in this division and located on the same lot therewith, not involving the conduct of any business or commercial enterprise.
- (8) Churches.

Sec. 53-~~65XX~~. - Conditions and limitations.

The following are the conditions and limitations in the R-1-~~1-3~~ single-family residential ~~1-3~~ district:

- (1) The height and placement requirements shall be as provided in chart 1, section 53-33(k).
- (2) Parking. The parking regulations and requirements shall be as provided in chart 4, section 53-33(n).
- (3) Garages are required and must be one of the following designs:
 - a. Detached with a minimum setback of five feet from the front wall of the home facing front property line;
 - b. May be attached and must have a minimum setback of five feet from the front wall of the home facing front property line; or
 - c. May be attached and meet minimum front setback requirements, but must face side property line.

Each garage must be designed and constructed with a minimum of 480 square feet.

- (4) All buildings and structures, garages, and/or accessory buildings constructed within this district must have all four sides composed of 100 percent brick, stone, hardiplank or other approved masonry product.

DIVISION 4. - SINGLE-FAMILY ATTACHED/~~DETACHED~~ DISTRICT R-1-A, GARDEN HOME

Sec. 53-111. - Purpose and permitted uses.

The single-family attached/~~detached~~ district R-1-A, garden home allows attached ~~or detached~~ single-family structures with a minimum of 1,000 square feet of living area per dwelling unit and permitted accessory structures on a minimum lot size of 4,800 square feet. There shall be no more than 6.8 houses per buildable acre. The single-family attached residences authorized in this zoning district include those generally referred to as garden homes, paired homes, patio homes and zero lot line homes. Additionally, single family detached structures are permitted in this district as a conditional use, as provided in V.T.C.A., Local Government Code ch. 211; provided that a conditional use permit may only be approved after a public hearing is held by the city council after having received a report and recommendation from the planning and zoning commission concerning the effect of the proposed use on the adjacent and neighboring properties and neighborhoods.

(Ord. No. 438, § 27(a), 11-24-2003; Ord. No. 438-35, § 3(a), 8-2-2005)

Sec. 53-112. - Additional permitted uses.

In addition to the uses permitted in this division, the following uses are permitted in the R-1-A district:

- (1) Temporary buildings for uses incidental to construction work on the premises, to be removed upon the completion or abandonment of construction work.
- (2) Accessory structures and uses customarily incident to the uses listed in this section and section 53-111 and located on the same lot therewith, not involving the conduct of any business or commercial enterprise.

(Ord. No. 438, § 27(b), 11-24-2003; Ord. No. 438-35, § 3(b), 8-2-2005)

Sec. 53-113. - Conditions and limitations.

The conditions and limitations for the R-1-A district are as follows:

- (1) Height and placement requirements. The height and placement requirements shall be as provided in chart 1, section 53-33(k).
- (2) Parking. The parking regulations and requirements shall be as provided in chart 4, section 53-33(n).
- (3) Garages are required and must be one of the following designs:
 - a. Detached with a minimum setback of five feet from the front wall of the home facing front property line;
 - b. May be attached and must have a minimum setback of five feet from the front wall of the home facing front property line; or
 - c. May be attached and meet minimum front setback requirements, but must face side property line.

Each garage must be designed and constructed with a minimum of 480 square feet.

- (4) All buildings and structures, garages, and/or accessory buildings constructed within this district must have all four sides composed of 100 percent brick, stone, hardiplank or other approved masonry product.

(Ord. No. 438, § 27(c), 11-24-2003; Ord. No. 438-35, § 3(c), 8-2-2005)

Secs. 53-114—53-139. - Reserved.

DIVISION 5. - RESIDENTIAL TOWNHOUSE DISTRICT R-1-T

Sec. 53-140. - Purpose and permitted uses.

The residential townhouse district R-1-T allows attached single-family structures containing four (4) or more dwelling units with a minimum of 1,000 square feet of living area per unit and permitted accessory structures. The single-family residences authorized in this zoning district are those generally referred to as townhouses. ~~The permitted density shall not exceed 2,844 square feet.~~ There shall be no more than ten units per buildable acre of land.

(Ord. No. 438, § 28(a), 11-24-2003)

Sec. 53-141. - Additional permitted uses.

There are no additional permitted uses in the R-1-T residential townhouse district.

(Ord. No. 438, § 28(b), 11-24-2003)

Sec. 53-142. - Conditions and limitations.

The conditions and limitations district R-1-T is as follows:

- (1) The declaration, conditions and covenants for the project shall provide for a home owners association and the assessment and collection of fees adequate and as necessary to maintain the property in compliance with all ordinances of the city.
- (2) Height and placement requirements. The height and placement requirements shall be as provided in chart 1, section 53-33(k).
- (3) Parking. The parking regulations and requirements shall be as provided in chart 4, section 53-33(n).

(Ord. No. 438, § 28(c), 11-24-2003)

Sec. 53-143. - Site development regulations.

The site development regulations as set forth in this section shall be exclusively applicable to residential townhouses, district R-1-T, and in addition to those in chart 1 in section 53-33(k):

- (1) *Density*. Maximum dwelling units per buildable acre is ten units.
- (2) *Front yard*. There shall be a ~~common area front~~ yard having a depth of not less than 15 feet extending from the property line of each individual lot to the nearest line of:
 - a. The curblineline of any driveway or parking area; or
 - b. Any wall of any structure; or
 - b. The boundary line of the property included within the townhouse development, whichever is closer.
- (3) *Side yard*. No side yard shall be required for individual lots. There shall be a side yard setback of not less than 15 feet from the walls of any building, or accessory building, to the nearest boundary line of any property not included within the townhouse development.

- (4) *Rear yard minimum setback.* There shall be a rear yard setback having a depth of not less than 15 feet from the rear most wall of the dwelling unit to the back property line, or, if a garage is at the rear of the property, 15 feet from the rear most wall of the dwelling to the nearest wall or roofline of the garage. No building or structure shall be located within 15 feet of the boundary line of any property not included within the townhouse development.
- (5) *Garages.*
- a. Garages are required within the boundaries of the development site and must be one of the following designs:
1. Detached with a minimum setback of five feet from the front wall of the home facing front property line;
 2. May be attached and must ~~have a minimum setback of five feet from~~ not protrude forward of the front or side wall of the home facing the front or any side property line; or
 3. May be attached and meet minimum front setback requirements, but must face side property line.
- Each dwelling unit must have a garage, which must be designed and constructed with a minimum of 480 square feet per dwelling unit, and may be located on or reasonably adjacent to the development lot.
- b. A minimum of two off-street parking spaces shall be provided for each living unit. All off-street parking and driveways shall be improved with all weather asphalt, concrete, or paving stones, and in the case of open parking, curb and gutter.
- c. No curblineline of a driveway or parking area shall be less than five feet from the nearest boundary line of any property not within the townhouse development.
- (6) *Approved materials.* All buildings and structures, garages, and/or accessory buildings constructed within this district must have all four sides composed of 100 percent brick, stone, hardiplank or other approved masonry product.

(Ord. No. 438, § 28(d)(i)—(vi), 11-24-2003)

Secs. 53-144—53-171. - Reserved.

Standards. The following Standards are recommended to be referred to by city staff when determining what qualifies as a front wall:

- 1) The front wall is the forward, most-enclosed outer wall of a structure that faces the front property line.
- 2) Require diversity of housing design in Kyle whereby a garage opening shall not dominate the front elevation, either by the percentage of front elevation determined by width, or by protrusion toward a front property line. A garage opening shall violate this requirement if:
 - a. it is more than 50% of the front width of the home, or
 - b. if it is set back less than five feet from the front wall, as herein described.
- 3) For a home's façade (front wall) to not be dominated by the garage opening:
 - a. the non-garage wall section (or sections) shall be as wide or wider than the garage wall section, and
 - b. the non-garage wall section (or sections) must extend no less than five (5) feet forward of the garage wall section.
- 4) Three or more front wall planes (including the garage) are encouraged for visual interest and variable depth. A wall section --or multiple sections-- equal to or greater than the garage opening width must sit five (5) feet forward of the garage façade.
- 5) Front-loaded tandem garages, side-loaded garages, rear-loaded alley garages, --and in general rear-yard garages-- are encouraged.
- 6) Decorative garage doors featuring windows, hinge straps, exterior handles and locks, and muted accent colors are highly encouraged.
- 7) A designation of front wall can be given to a load-bearing wall that defines an inhabitable area on-grade. This designation does not require the front wall to be fully enclosed, but it shall dominate the non-garage opening portion of the front elevation, such as the load-bearing portion of a covered front porch, or the load bearing portion of a front porch where there is a covered balcony overhead. Uncovered areas in front of the home will not count as a front wall.
- 8) Final determination of what does and does not constitute the designation of front wall shall be determined by the planning director ("director") or designee.
 - a. In order to qualify for this designation, a builder or developer ("Builder") must submit a master set of color elevation plans along with the accompanying floor

plans for the homes to be built within a subdivision where this designation is being requested.

- b. The master set of elevations and floor plans will be reviewed by the Director or designee, and each elevation and floor plan will be considered for approval by the Director or designee. After an elevation and floor plan receives said approval from the Director or designee, the master set shall govern the elevation and plans that have received the designation of front wall for a wall other than a standard fully enclosed outer most wall.
- 9) If a garage is determined by the Director or designee to be set back a minimum of five feet from either a front wall or a designated front wall as provided for herein, the setback shall be in compliance with the requirements of applicable provisions of the city's Code of Ordinances and in accordance with this policy.
- 10) If a Builder disagrees with the determination of the Director or designee, the determination may be appealed to the Planning Commission for a determination.

CONSIDER AND POSSIBLE ACTION

ITEM B

CONSIDER AN AMENDMENT TO THE CITY OF KYLE, CODE OF ORDINANCES,
CHAPTER 11, ARTICLE IV (PEDDLERS, SOLICITORS AND VENDORS) AND 53,
ARTICLE II, SECTIONS 53-481, 53-665 AND 53-672



CITY OF KYLE

Community Development Department



Date: November 22, 2016
To: City of Kyle Planning Commission
From: Howard J. Koontz, AICP, Community Development Director
Re: Text Amendment Related to Temporary and Mobile Food Vendors

This is a second review of the city's temporary and mobile food vendors' ordinances, which are contained in Chapter 11, Article 4 of the city code.

Staff was instructed last Spring to evaluate the terms of the city code as it affected mobile food vendors (meaning self-propelled vehicles from which food is prepared/sold) and temporary food vendors (which means trailers and free-standing stationary structures).

These two types of vendors are regulated in the same Article under the terms of multiple sections. Regulations related to hours of operations, locations, and requirements for regulatory licensing are all located in the same article for ease of organization. This section is also where the provisions for a new use standard, the food truck court, will be established.

The single most significant change to this version of the text amendment is the provision enabling so-called "Food Courts", which is located at the end of the document.

Through additional hearings and analysis, staff seeks to amend our existing standards by which these uses can be permitted and regulated.

ARTICLE IV. – FOOD PEDDLERS, MOBILE AND TEMPORARY:

Sec. 11-162. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Commercial Design is a detailed and knowledgeable plan of the aesthetics and functionality of a commercial space.

Commissary also known as a Central Preparation Facility is a licensed food establishment that fully meets the Texas Food Establishment Rules. It is used by the food peddler to store supplies, prepare food, and package items. The mobile vending unit is returned to the commissary daily for replenishing supplies, and servicing of the mobile vending unit.

Mobile food vendor means a vendor who operates or sells food for human consumption, hot or cold, from a cart, trailer or kitchen mounted on chassis, with an engine for propulsion or that remains connected to a vehicle with an engine for propulsion.

Mobile food vendor—cold means a vendor who operates or sells cold food for human consumption from a cart, trailer or kitchen mounted on chassis, with an engine propulsion or that remains connected to a vehicle with an engine for propulsion.

Mobile food vendor—hot means a vendor who operates or sells hot food for human consumption from a cart, trailer or kitchen mounted on chassis, with an engine for propulsion or that remains connected to a vehicle with an engine for propulsion.

Portable food establishment means an establishment that sells food or beverages from a structure that can be moved from place to place, but stays at one location during a normal business day.

Sandwich Board means a specific style of temporary, free-standing signage composed of two facades displaying a message(s) or graphic(s), being erected in an 'A-frame' shape, hinged along the top.

Temporary food vendor means a vendor who operates or sells food for human consumption, hot or cold, from a stationary stand, cart, trailer or kitchen mounted on chassis, without an engine for propulsion, that is not connected to a motorized vehicle, or that does not have a foundation or is otherwise a temporary structure.

Temporary food vendor—cold means a vendor who operates or sells cold food for human consumption from a stand, cart, trailer or kitchen mounted on chassis,

without an engine for propulsion, that is not connected to a motorized vehicle, or that does not have a foundation or is otherwise a temporary structure.

Temporary food vendor—hot means a vendor who operates or sells hot food for human consumption from a stand, cart, trailer or kitchen mounted on chassis, without an engine for propulsion, that is not connected to a motorized vehicle, or that does not have a foundation or is otherwise a temporary structure.

Vendors means any itinerant merchant, itinerant vendor, temporary merchant, or temporary vendor and shall be held to be any person, firm, company, partnership, corporation, or association engaged in any activity mentioned in sections 11-165 and 11-166.

(Ord. No. 629, § 1, 8-3-2010)

Sec. 11-163. - Penalty.

Any person who shall pursue, follow, permit, or allow to continue any occupation, calling, or profession, or do any act regulated by ordinance of this city, without first obtaining licenses therefore, shall have committed an offense and shall be fined as provided in section 1-10. Each day that a person is found to be in violation of this article shall constitute a separate violation. A culpable mental state is not required for the commission of an offense under this article.

(Ord. No. 629, § 1, 8-3-2010)

Sec. 11-164. - Purpose.

This entire article is and shall be deemed an exercise of the police power of the state, and the city for the public safety, convenience and protection of the city and the citizens of the city, and all of the provisions hereof shall be construed for the accomplishment of that purpose.

(Ord. No. 629, § 1, 8-3-2010)

Sec. 11-165. - Itinerant vendors.

It shall hereafter be unlawful for a person to go from house to house or from place to place in the city soliciting, selling or taking orders for or offering for sale or take orders for any goods, wares, merchandise, services, photographs, magazines, or subscriptions to newspapers or magazines or go from house to house distributing handbills, circulars, or any other literature, without having first applied for and obtained a permit from the city building department. It shall also hereafter be unlawful to go from house to house for any of the purposes expressed in this section without carrying such permit which must be displayed upon request by the landowner or occupant of any such house or a peace officer. Upon the application

for such a permit, the applicant shall make a written application to the city building department, which application shall show the name, address, proof of notification of the state comptroller's office (sales tax number) or driver's license number of the person, if any, that he represents, the nature of his business, and the period of time such applicant wishes to do business in the city; should a vehicle be used in sales, the applicant shall show proof of valid liability insurance provided for vehicle sales; applicants using vehicles to sell food or refreshments shall also show valid hazard insurance and a recent passing health inspection report from the agency or political subdivision enforcing food establishment regulations in the City for the vehicle. Permits shall not be transferred from one vehicle to another. The application shall be routed to the city police department for review and concurrence prior to the issuance of a permit by the city building department.

(Ord. No. 629, § 1, 8-3-2010)

Sec. 11-166. - Temporary vendors.

It shall hereafter be unlawful for person to set up a temporary stand or location on a public street or right-of-way, or on private property without written consent of the property owner, as applicable, for the purpose of displaying, selling, soliciting, taking orders for sale, or offering for sale of goods, wares, merchandise, services, photographs, magazines, or subscriptions to newspapers or magazines, or for distributing handbills, circulars, or any other literature, without having first applied for and obtained a permit from the city building department. It shall also hereafter be unlawful to operate such stand or location without carrying such permit which must be displayed upon request by any person or peace officer. Upon the application for such a permit, the applicant shall make a written application to the city building department, which application shall show the name, address, proof of notification of the state comptroller's office (sales tax number) or driver's license number of the person, firm or corporation, if any, that he represents, the nature of his business, and the period of time such applicant wishes to do business in the city; should a vehicle be used in sales, applicant shall show proof of valid liability insurance provided for vehicle sales; applicants using vehicles to sell food or refreshments shall also show valid hazard insurance and a recent passing health inspection report from the agency or political subdivision enforcing food establishment regulations in the City for the vehicle. Permits shall not be transferred from one vehicle to another. The application shall be routed to the city police department for review and a concurrence prior to the issuance of a permit by the city building department.

(Ord. No. 629, § 1, 8-3-2010)

Sec. 11-167. - Additional requirements.

Any person desiring to go from house to house or from place to place, or to own, operate, or control a temporary location or stand on a public street or right-of-way

in the city, to sell or solicit orders for goods, wares, merchandise, services, photographs, newspaper, magazines, or subscriptions to magazines, shall in addition to securing a permit as provided for in sections 11- 165 and 11-166, make application to the city building department for a license to do so, which application shall show the name and address of the person, if any, that he represents and the kind of goods offered for sale, and whether such applicant upon such sale or order shall demand, accept or receive payment or deposit or money in advance of final delivery, and the period of time such applicant wishes to sell or solicit in the city.

(Ord. No. 629, § 1, 8-3-2010)

Sec. 11-168. - Fees.

The license and permit fees for an itinerant merchant, itinerant vendor, temporary merchant, or temporary vendor shall be as provided in appendix A to this Code and payable in advance.

(Ord. No. 629, § 1, 8-3-2010)

Sec. 11-169. - Exemptions.

The provisions of this article shall not apply to unless otherwise stated:

1. Sales made under authority of a state statute and by order of any court;
2. Sheriff constables, bona fide assignees, receivers or trustees in bankruptcy or other public officers selling goods, wares and merchandise according to law;
3. Newspaper carriers and newspaper vending machines;
4. The sale of personal property goods which occurs on a person's own private property by the owner thereof at his private residence or business;
5. The sale of goods which occurs during organized community and special events held by the authority of agreements or special permits issued by the city council or held upon public premises or in or upon public parks under the auspices or sponsorship or within the regular administration of the parks and recreation department of the city; or

6. The sale of goods or services for noncommercial purposes or causes, whether community service, charitable, civic, religious or educational, which shall not be required to obtain a permit or license.

(Ord. No. 629, § 1, 8-3-2010)

Sec. 11-170. - Request for waiver.

The city manager or designated representative shall have the authority to waive the license, permit or fee requirements of this article. Persons or organizations which wish to be considered for waivers of this article, or any part thereof, must make written request for waiver, in addition to the regular application for permit and license. Each request shall be considered individually, and a response to each request shall be determined within three working days. Should the request for waiver be denied, the person or organization may appeal such denial to the city council. The council shall have final authority to make determinations on all appeals, by any person or organization, to any or all provisions of this article.

(Ord. No. 629, § 1, 8-3-2010)

Sec. 11-171. - Dismissal of prosecution.

Any person prosecuted under the provisions of section 11-163 shall have the right at any time before conviction to have such prosecution dismissed upon payment of said fees and all costs of prosecution; and no prosecution shall be commenced against any person after the payment of said fees, notwithstanding he may have followed such occupation, calling, or profession before paying fees, provided said license shall cover the time said person has actually followed said occupation, calling or profession.

(Ord. No. 629, § 1, 8-3-2010)

Sec. 11-172. - Authority to enforce.

The chief of police, or designated representative, shall have authority to enforce the provisions of this article, and to enlist the assistance of all appropriate agencies in the enforcement effort.

(Ord. No. 629, § 1, 8-3-2010)

Sec. 11-173. - Permit and license revocation.

Nothing in this article shall prevent the chief of police, or designee, from immediately revoking a peddler's, vendor's or itinerant vendor's license and permit

should such peddler or vendor be in violation of this or any other city code or ordinance.

(Ord. No. 629, § 1, 8-3-2010)

Sec. 11-174. - All codes and ordinances effective.

In addition to the provisions of this article, all other applicable city codes and ordinances shall apply to the operation of any itinerant and/or temporary vendor, and shall be in full force and effect. This policy shall be effective even if the vendor has applied for and obtained a valid license and permit to operate, should the violations occur either prior or subsequent to obtaining such permit.

(Ord. No. 629, § 1, 8-3-2010)

Sec. 11-175. - Mobile food vendors.

It shall be unlawful for mobile food vendors to operate within the city limits, without having first applied for and obtained a permit from the City Building Department as provided for in this section. It shall be unlawful for a mobile food vendor permit holder to fail to comply with any condition of such permit.

(1) *Permit requirements.* To receive and hold a permit for a Mobile Food Vendor operation, the applicant/permittee must meet each of the following minimum requirements:

- a. Meet all requirements set forth by section 11-165 of this Code.
- b. Be at least 18 years of age
- c. Be a citizen of the United States
- d. Licensed by the state of Texas to operate a vehicle
- e. Will have submitted a sworn statement that the driver has not been finally convicted within the past seven years of a felony or the following offenses involving moral turpitude:
 1. Prostitution or related offenses;
 2. Driving while intoxicated;
 3. Driving while under the influence of drugs;
 4. Violations of the Controlled Substance Act;
 5. Rape, murder, attempted murder, aggravated assault;
 6. Theft offenses of a class B misdemeanor or higher

- f. Meet all state and local laws and regulations applicable to Mobile Food Vendors and food establishments, including but not limited to 25 Texas Administrative Code 229, Subchapter K, as amended (the "Food Establishment Rules" or the "Rules").

- g. In addition, where not in conflict with the Food Establishment Rules, comply with the following:
 - 1. All foods must be from an approved source and bear a label demonstrating that they are from an approved source.

 - 2. Mobile units must operate from an approved commissary. A residential home commissary is not allowed. The commissary shall comply with all Food Establishment Rules, and hold current licenses and permits as required by the Rules. The mobile unit shall return to that commissary for weekly replenishing of supplies, and servicing of the mobile unit. If the commissary is located outside the city, valid copies of the commissary's current licenses and permits issued under the Food Establishment Rules and most recent health inspection report must be kept on file with the City.

 - 3. Only single service/use items are allowed (i.e. styrofoam, plastic or paper).

 - 4. Plumbing. Mobile food vendors may not connect to the city water or wastewater system except at an approved commissary or other facility approved by the city for such purposes.

 - 5. The mobile food vendor must operate out of a clean and enclosed unit or vehicle.

 - 6. The mobile food vendors unit or vehicle must be equipped with the following:
 - i. Self-contained pressurized (by pump) hot and cold potable water system.

 - ii. A hand washing sink (equipped with soap and paper towels).

- iii. A three compartment ware wash sink (must have capacity for largest piece of ware/equipment).
 - iv. A permanently installed wastewater holding tank (15 percent greater in size than potable water capacity).
 - v. Covered trash receptacles.
 - vi. Thermometers (cold hold, hot hold and stem type for cooked food).
 - vii. Smooth, easily cleanable, & nonabsorbent surfaces,
7. Mobile food vendors shall properly sanitize all food contact surfaces.
 8. All employees must have a valid food handler's training certificate.
 9. All mobile food vendors must provide the city with a copy of Texas sales tax certificate.
 10. If a mobile food vendor unit or vehicle is not commercially designed, the applicant must submit a floor plan drawn to scale that includes the location and identification of all equipment, plumbing fixtures and storage areas to the city building department. Additionally, a site plan must be submitted to the city building department for review with the application for permit. A site plan should include the following:
 - a. Setbacks from structures and property lines;
 - b. Electrical service or supply to the Mobile Food Establishment;
 11. Mobile food vendors must complete a commissary certification letter.
 12. All mobile food vendors ~~may only operate from 6:00 a.m. to 30 minutes past dusk and~~ may not remain longer than 60 minutes at any one location.

- h. Visibly display the City of Kyle permit number on the top left rear of the vehicle in vinyl, or other temporary lettering no less than two inches in height before vehicle is put into operation under any permit.
- i. Make a deposit of funds as provided for in appendix A of this code which shall be returned in full when the permittee chooses to non-renew their mobile food vendor permit in writing, except when forfeited as provided below.
 - 1. The deposit shall be forfeited for the following reasons:
 - i. Any violation of this code.
 - ii. Any violation of Food Establishment Rules or an applicable regulation of the Texas Health and Human Services Commission, or successor agency, or any other State laws, rules, or regulations dealing with food, beverage, or health and human services.
 - iii. Operating as a mobile food vendor with an expired permit.
 - 2. Should the deposit be forfeited for any reason, a new deposit and any permit fees will be required before any new application for a permit under this section to be considered.

(2) Permit revocation.

- a. Compliance with subsection (2) of this section shall be a condition of the mobile food vendor permit. If the permittee fails to comply with a subsection (2), then the mobile food vendor permit may be revoked.
- b. If a mobile food vendor permit is revoked, any deposits and fees paid to the city will be forfeited.
- c. The former permittee may appeal the revocation of a mobile food vendor permit by submitting a written request for appeal to the city secretary within ten days of receiving the notice of revocation. The City manager will hold a hearing within a reasonable time of receipt of the appeal, but no later than 30 days after receipt, at which the former permittee will have an opportunity to explain why the permit should not be revoked. The city manager shall issue his decision within 30 days of the date of the hearing. The City manager's decision shall be final.

(3) *Permit renewal and fees.*

- a. Mobile food vendor permits expire ~~at the end of the calendar quarter~~ after 12 months from the date in which they were issued and must be renewed ~~every calendar quarter~~ annually. A permittee's violation of this Code, the Food Establishment Rules, or any applicable Texas State law, rule or regulation shall be grounds for denial of a permit. Denial of a permit may be appealed pursuant to the procedure for appealing revocation of permits.
- b. Fees for the mobile food vendor—hot and mobile food vendor—cold are provided for in appendix A of this Code and payable in advance. Where both hot and cold food are offered, only one permit is required, and the permit for hot food will prevail. Permits will not be prorated, though the permittee may choose which calendar quarter during which the permit will be valid.

(4) Items to be sold.

- a. A person operating a mobile food establishment may only sell a food item described in the permit;
- b. A person operating a mobile food establishment may not sell a non-food item.

(5) Prohibited Vending.

- a. Tobacco products;
- b. Alcoholic products;
- c. Sexually explicit and/or drug related paraphernalia;
- d. Real estate transactions and vacation packages;
- e. Marketing and Advertising activities;
- f. Tickets for events;
- g. Other services or products not approved by the City prior to issuance of the permit;
- h. No vending is permitted in such a manner as to impede pedestrian traffic along the right-of- way/pathway;
- i. No vending is permitted in such a manner as to impede vehicular traffic around the mobile food kitchen

(Ord. No. 629, § 1, 8-3-2010)

Sec. 11-176. - Temporary food vendors.

It shall be unlawful for temporary food vendors to operate within the city limits, without having first applied for and obtained a permit from the city building department as provided for in this section. It shall be unlawful for a temporary food vendor permit holder to fail to comply with any condition of such permit.

(1) *Permit requirements.* To receive and hold a permit for a temporary food vendor operation, the applicant/permittee must meet each of the following minimum requirements:

- a. Meet all requirements set forth by section 11-166 of this Code.
- b. Be at least 18 years of age
- c. Be a citizen of the United States
- d. Submitted a sworn statement that no operator or employee has been finally convicted within the past seven years of a felony or the following offenses involving moral turpitude:
 1. Prostitution or related offenses;
 2. Driving while intoxicated;
 3. Driving while under the influence of drugs;
 4. Violations of the Controlled Substance Act;
 5. Rape, murder, attempted murder, aggravated assault;
 6. Theft offenses of a class B misdemeanor or higher
- e. Meet all state and local laws and regulations applicable to mobile food vendors and food establishments, including but not limited to the Food Establishment Rules.
- f. In addition, where not in conflict with the Food Establishment Rules, comply with the following:

(2) All foods must be from an approved source and bear a label demonstrating that they are from an approved source.

- (3) Temporary food vendors—hot must operate from an approved commissary; a residential home commissary is not allowed. The commissary shall comply with all Texas Food Establishment Rules and hold current licenses and permits as required by the Rules. The mobile unit shall return to that commissary for replenishing of supplies, and servicing of the mobile unit. If the commissary is located outside of the city limits, valid copies of the commissary's current licenses and permits issued under the Food Establishment Rules and the most recent health inspection report must be kept on file with the city.

The Commissary servicing a mobile food-vending unit must have the following facilities in addition to the licensed kitchen:

- a. Overhead protection for supplying, cleaning, and servicing the mobile unit
 - b. Areas for flushing and cleaning liquid waste storage facility on mobile unit that is separate from water servicing area
 - c. Surface of servicing area is constructed of smooth, non-absorbent material
 - d. Time/date device to record when a mobile vending unit is serviced
- (4) Temporary food vendors must complete a commissary certification letter.
- (5) Temporary food vendors—cold and vendors offering only shaved ice or prepackaged frozen treats are exempt from commissary requirements so long as there is no history of violations of this Code.
- (6) Only single service/use items are allowed (i.e. styrofoam, plastic or paper).
- (7) The temporary food vendor shall properly sanitize all food contact surfaces.
- (8) All employees must have a valid food handler's training certificate.
- (9) If a temporary food vendor unit or vehicle is not commercially designed, then a plan or drawing showing the layout of the mobile unit must be submitted to the city building department for review with the application for permit. Additionally, a site plan must be submitted.

a) A site plan should include:

1. Setbacks from structures and property lines;
2. Electrical service or supply to the Mobile Food Establishment;
3. Water connection or supply (if included);
4. Outside equipment or accessories

b) A floor plan should include:

1. All mechanical equipment
2. Sinks and drains
3. Cooking appliances
4. Storage of hazardous materials/ fuel supplies
5. Cold storage/ ice machines
6. Hot holding (storage)
7. Potable water holding tank and size (volume)
8. Wastewater holding tank

7. The temporary food vendor must operate out of a clean and enclosed unit/vehicle.

8. The temporary food unit or vehicle must be equipped with the following:

- a) Covered trash receptacles.
- b) Smooth, easily cleanable, and nonabsorbent surfaces.
- c) Thermometers (cold hold, hot hold and stem type for cooked foods).
- d) Trash receptacle for customers.

d. Temporary Food Vendors are permitted in "RS" Retail Services, "CBD-1" and "CBD-2" Central Business Districts and "E" Entertainment Zoning Districts only, where each of the following conditions are met:

1. The temporary food vendor is or will be located on private property where an existing, permanent business operates in a building with a Certificate of Occupancy at all times while the temporary food vendor occupies the property.
2. Temporary connections to utilities such as potable water and city sewer ~~or electricity~~ are not utilized prohibited. Water shall be obtained from an internal-source tank. Wastewater shall be handled with an internal tank which may not be emptied into the city sewer system. Electricity shall be used from a generator or an electrical outlet via a portable cord that is in

conformance with the National Electrical Code as adopted by the city, including amendments thereto.

3. The temporary food vendor is located no closer than 50 feet from ~~major thoroughfares, as designated on the city's thoroughfare plan, as it exists or may be amended.~~
4. A drive through is not utilized in conjunction with the temporary food vendor.
5. Except in the CBD-2 zoning district, temporary food vendors may not be located within 150 feet of another temporary food vendor on the same lot, except that two temporary food vendors may cluster (be within 150 feet of each other on the same lot) but the buffer then becomes 300 feet for any other temporary food vendors;
6. Except in the CBD-2 zoning district, the temporary food vendor shall be located no closer than 150 feet from a property used or zoned for residential purposes.
- e. Temporary food vendors may operate only during the hours allowed by the zoning district they are located in so long as restroom access is still available.
- f. A temporary food vendor may not remain on a particular property for a period of time that ~~cumulatively~~ exceeds ~~nine~~ twelve months ~~within a calendar year~~.
- g. The Temporary food vendor may not use amplifiers, loudspeakers, musical instruments or any other devices for the production of sound.
- h. ~~No tables, chairs, ice chests or equipment are allowed outside the stationary cart or trailer, except for use by temporary food vendor employees;~~
Tables, chairs and ice chests are permitted for customers/employees use, but no visible storage outside of the food unit is accepted and anything stored underneath the trailer must be screened from view. Food establishments with outdoor seating cannot use required minimum parking area(s) for operating businesses.
- i. Dogs are permitted at the site but are required to be on leashes and watched over by their owners.

- j. Every temporary food vendor must visibly display the approved permit issued by the City.
- k. ~~No signage is allowed other than what is permitted by the city building department and permanently installed on the stationary cart or trailer itself except for one sandwich board which may be placed during business hours, but must be removed daily.~~
 - 1. Owners are permitted one temporary sign attached to the cart for public display. The temporary sign:
 - a) cannot measure larger than 16 square feet, and
 - b) cannot extend more than nine (9) feet above grade, and
 - c) must be constructed from durable materials intended to be used as a temporary sign, and
 - d) must be securely affixed, either independently or via poles, to the unit.
 - 2. Additionally, one "sandwich board" of no more than twelve (12) square feet per façade (twenty-four (24) square feet total) is permitted during business hours only, but must be removed and stored away from public view daily.
- l. Temporary food vendors must submit with the permit application written authorization or other suitable documentation showing that the owner of the property consents to the temporary food vendor operating on said property.
- m. A temporary food vendor shall submit a site map depicting the location of the temporary food vendor on the property, shall secure a health permit from the county, and a permit from Building Inspections prior to the operation of such use.
- n. The operator of the temporary food vendor operation shall possess a valid Texas sales and use tax permit.

(2) **Prohibited Vending.**

- a. Tobacco products;
- b. Alcoholic products;
- c. Sexually explicit and/or drug related paraphernalia;
- d. Real estate transactions and vacation packages;
- e. Marketing and Advertising activities;
- f. Tickets for off-site events;
- g. Other services or products not approved by the City prior to issuance of the permit;

- h. No vending is permitted in such a manner as to impede vehicle or pedestrian traffic along any right-of-way/pathway;
- i. No vending is permitted in such a manner as to impede vehicular traffic around the use.

(3) *Permit revocation.*

- a. Compliance with subsection (2) of this section shall be a condition of the temporary food vendor permit. If the permittee fails to comply with subsection (2), then the temporary food vendor permit may be revoked.
- b. If a temporary food vendor permit is revoked, any deposits and fees paid to the city will be forfeited.
- c. The former permittee may appeal the revocation of a temporary food vendor permit by submitting a written request for appeal to the city secretary within ten days of receiving the notice of revocation. The city manager will hold a hearing within a reasonable time of receipt of the appeal, but no later than 30 days after receipt, at which the former permittee will have an opportunity to explain why the permit should not be revoked. The city manager shall issue his decision within 30 days of the date of the hearing. The city manager's decision shall be final.

(4) *Permit renewal and fees.*

- a. Temporary food vendor permits expire ~~at the end of the month a year from the date on~~ which they were issued and must be renewed ~~every calendar month annually~~. A permittee's violation of this code, the Food Establishment Rules, or any applicable Texas state law, shall be grounds for denial of a permit. Denial of a permit may be appealed pursuant to the procedure for appealing revocation of permits.
- b. A permittee may not hold a temporary food vendor permit for more than ~~nine consecutive months, nor more than nine months total in any given year~~ 12 consecutive months.
- c. Fees for the temporary food vendor—hot and temporary food vendor—cold are provided for in appendix A of this Code and payable in advance. Where both hot and cold food are offered, only one permit is required, and the permit for hot

food will prevail. Permits will not be prorated, though the permittee may choose which calendar month during which the permit will be valid.

New Section:

- (1) Notwithstanding conflicting provisions located elsewhere within this Article, on any recorded lot of greater than 30,000 square feet, located in a non-residential district, a 'Food Court' can be established. Food Court for the purposes of this Article is a dedicated and permanent facility at which mobile food vendors may set up and operate, in accordance with the terms and provision of this Article.
- (2) Food Courts must provide:
 1. Permanent pad sites for the locations of food vendors, with drive aisles of sufficient size and dimension to service the units with waste water servicing and install and remove the units in accordance with their temporary nature; and
 2. Dedicated potable water and electricity connections for each pad site; and
 3. Tables and chairs of sufficient number for patrons' use; and
 4. Permanent off-street parking availability (including inter-parcel parking agreements) of no fewer than four (4) spaces per operating vendor; and
 5. Permanent lavatory and hand washing facilities of sufficient number as determined by the Building Official using the International Code Council's recommendations as a guide; and
 6. Adequate permanent lighting (if operated after sunset) as determined by the building official, which shall also be compliant with the city's lighting ordinances; and
- (3) Food Courts will provide front, side, and rear yard setbacks of 25 feet for all permanent and temporary structures, and landscape buffer yards of no less than thirty (30) feet in depth along any property line adjacent to a property zoned or used for residential purposes.
- (4) Signage will be displayed in accordance with 11-176(9)(k).
- (5) Vendor density will not exceed 12 units per acre.
- (6) Permanent structures will meet all underlying district requirements for location, bulk and exterior materials.
- (7) Permits to operate as a vendor at any food court will be issued in accordance with the terms and requirements of Sec. 11-175, less and except directly conflicting provisions with operations in a food court circumstance.

[all numbering formats and outline hierarchy may be amended for clarity once the text has been finalized and adopted.]