



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 January 10, 2017, 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 6th day of January prior to 6:30 P.M.

1. **CALL MEETING TO ORDER**
2. **ROLL CALL**
3. **CITIZEN COMMENTS**
4. **CONSENT**
 - A. HD Supply Subdivision – Short Form Final Plat (SFP-16-004)
4.421 acres; 2 commercial lots
Located at 1100 Porter Street
Owner: HD Supply Waterworks, LTD., c/o HD Supply, Inc.
Agent: Megan A. Meyer, P.E., Stantec Consulting Services, Inc.
Staff Proposal to P&Z: Statutorily disapprove to meet the 30 day statutory requirement.
 - B. Plum Creek Phase 2 Section 1 – Final Plat (FP-16-015)
89.739 acres; 312 single family, 1 school, 1 amenity, 2 open space and 7 easement lots
Located on the northeast corner of Kohler's Crossing and FM 2770
Owner: Lennar Homes of Texas Land and Construction, Ltd.
Agent: Kevin Sawtelle, P.E., LandDev Consulting, LLC
Staff Proposal to P&Z: Statutorily disapprove to meet the 30 day statutory requirement.

- C. Plum Creek Phase 1, Section 6B-3 – Final Plat (FP-17-001)
2.848 acres; 20 residential lots
Located immediately south of Hellman and east of FM 2770
Owner: PC Operating Partners, LTD.
Agent: Scott Bauer, Bigelow Development, LLC.
Staff Proposal to P&Z: Statutorily disapprove to meet the 30 day statutory requirement.
- D. The Resub of Lots 1A and 2A of The Hill Replat of Lots 1 and 2, Replat (SFP-16-003)
2.168 acres; 2 lots
Located on the north side of RR E. 150 at the intersection of Creekside Trail
Owner: Asifali Karowalia
Agent: Hugo Elizondo Jr., P.E., Cuatro Consultant
Staff Proposal to P&Z: Approve the Plat.

5. ZONING

- A. Consider a request by The Meadows of Kyle II, Ltd. (Sunset Hills) to rezone approximately 52.990 acres from Single Family Residential – 2 ‘R-1-2’ to Single Family Detached Residential ‘R-1-A’ for property located on the north side of Bebee Road, ¼ mile of west of Dacy Lane. (Z-16-009)
- **Public Hearing**
 - **Recommendation to City Council**
- B. 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**
- C. 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**

D. Consider a request by John R. and Gayla Simon to assign original zoning to approximately 4.01 acres of land from Agriculture 'AG' to Warehouse District 'W' for property located at 1381 Goforth Road. (Z-16-013)

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

6. CONSIDER AND POSSIBLE ACTION

A. Consider and possible action regarding a proposed development agreement for Meadows of Kyle II, Ltd (Sunset Hills).

7. GENERAL DISCUSSION

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

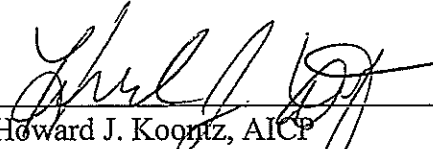
8. STAFF REPORT

9. 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:

 01/06/2017
Howard J. Koontz, AICP (Date)
Director of Planning and Community Development

4. CONSENT AGENDA

ITEM A – HD SUPPLY SUBDIVISION (SFP-16-004)

STAFF PROPOSAL: STATUTORILY DISAPPROVE

ITEM B – PLUM CREEK PHASE 2, SECTION 1 (FP-16-015)

STAFF PROPOSAL: STATUTORILY DISAPPROVE

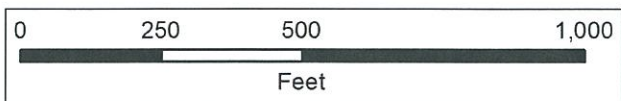
ITEM C – PLUM CREEK PHASE 1, SECTION 6B-3 (FP-17-001)

STAFF PROPOSAL: STATUTORILY DISAPPROVE

ITEM D – THE RESUB OF LOTS 1A & 2A OF THE HILL REPLAT
LOTS 1 & 2, REPLAT (SFP-16-003)

STAFF PROPOSAL: APPROVE

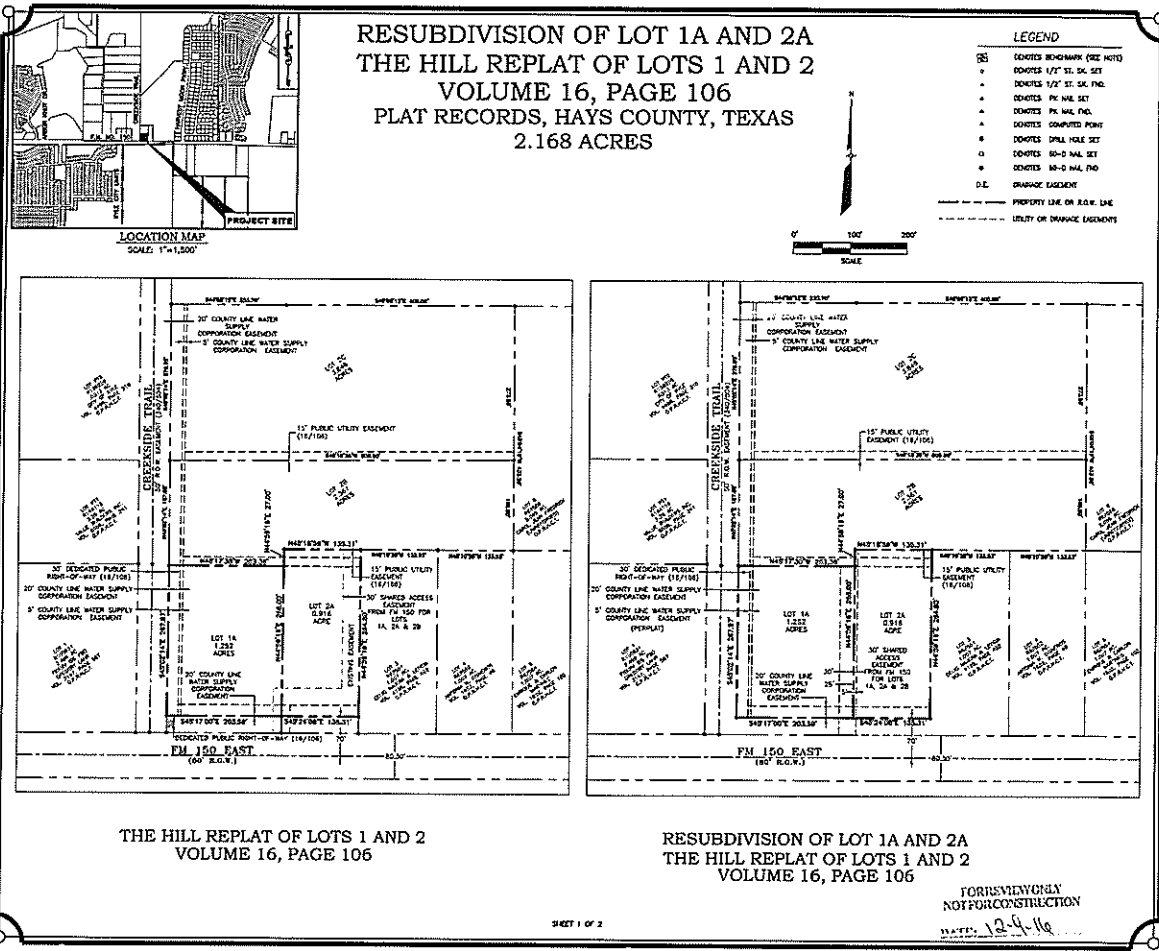
Property Location
The Hill
Replat of Lots 1 & 2
SFP-16-003



Property
Boundary



Parcel Lines



RESUBDIVISION OF LOT 1A AND 2A THE HILL REPLAT OF LOTS 1 AND 2 VOLUME 16, PAGE 106 PLAT RECORDS, HAYS COUNTY, TEXAS 2.168 ACRES

STATE OF TEXAS
COUNTY OF HAYS

KNOW ALL MEN BY THESE PRESENTS, THAT SHEKHONA INVESTMENT INC. OWNER OF LOT 1A AND 2A THE HILL REPLAT OF LOTS 1 AND 2, A SUBDIVISION BY HAYS COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN VOLUME 16 PAGE 106 OF THE PLAT RECORDS OF HAYS COUNTY, TEXAS AS CORRECTED AND RECORDED IN DOCUMENT NO. 2011-1101665 AND 2011-1101664 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS DO HEREBY HEREBY SELL AND TRANSFER OF LAND IN ACCORDANCE WITH THE ATTACHED MAP OR PLAT TO BE KNOWN AS RESUBDIVISION OF LOTS 1A AND 2A THE HILL REPLAT OF LOTS 1 AND 2 SUBJECT TO ANY EASEMENTS OR RESTRICTIONS HERETOFORE GRANTED AND DOES HEREBY WARRANT TO THE BUYER THE USE OF THE STREETS AND EASEMENTS SHOWN HEREON.

WITNESS MY HAND THIS _____ DAY OF _____ 2016

SHEKHONA INVESTMENT INC.
1093 WHEAT ROAD
WILEY, TX 76788

BEFORE ME, A NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS, ON THIS DAY PERSONALLY APPEARED SHEKHONA INVESTMENT INC. KNOWN TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT OF SELLING AND SHE ACKNOWLEDGED TO ME THAT SHE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED, WHATEVER BY HAND AND SEAL OF OFFICE THIS _____ DAY OF _____ 2016.

(SEAL)

NOTARY PUBLIC'S SIGNATURE

SURVEYOR:
STATE OF TEXAS
COUNTY OF HAYS

I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECT, THAT IT IS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND, AND THAT ALL NECESSARY SURVEY INFORMATION IS CORRECTLY SET ON AS FOUND AS SHOWN HEREON.

GEORGE E. LUCAS
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 4180
STATE OF TEXAS
CREED SURVEYING
2260 STRONGSPER PATH
NEW BRUNSWICK, TEXAS 78130

ENGINEER:
STATE OF TEXAS
COUNTY OF HAYS

I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, HEREBY CERTIFY THAT PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN THIS PLAT.

MOOD ELLIEMAN, JR., REGISTERED PROFESSIONAL ENGINEER NO. 09781
CIATRO CONSULTANTS, LTD.
3601 KYLE CROSSING, SUITE A
WILEY, TEXAS 76788

STATE OF TEXAS
COUNTY OF HAYS

I, THE UNDERSIGNED, CITY ENGINEER OF THE CITY OF WILEY, HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO THE REQUIREMENTS OF THE CITY OF WILEY SUBDIVISION ORDINANCE AND HEREBY RECOMMEND APPROVAL.

DATE THIS _____ DAY OF _____ 2016 CITY ENGINEER

STATE OF TEXAS
COUNTY OF HAYS

I, UNDERSIGNED, DIRECTOR OF PUBLIC WORKS FOR THE CITY OF WILEY, HEREBY CERTIFY THAT THE SUBDIVISION PLAT CONFORMS TO THE REQUIREMENTS OF THE CITY OF WILEY SUBDIVISION ORDINANCE AND HEREBY RECOMMEND APPROVAL.

DATE THIS _____ DAY OF _____ 2016 DIRECTOR OF PUBLIC WORKS

STATE OF TEXAS
COUNTY OF HAYS

THIS FINAL PLAT HAS BEEN SUBMITTED TO BE CONSIDERED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF WILEY, TEXAS, AND IS HEREBY APPROVED BY THE SAID PLANNING AND ZONING COMMISSION.

DATE THIS _____ DAY OF _____ 2016 CHAIRPERSON PLANNING AND ZONING COMMISSION

STATE OF TEXAS
COUNTY OF HAYS

I, HEREBY CERTIFY THAT THE ABOVE AND FOREGOING PLAT RESUBDIVISION OF LOT 1A AND 2A THE HILL REPLAT OF LOTS 1 AND 2, AN ADDITION TO THE CITY OF WILEY, TEXAS, WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF WILEY ON THIS _____ DAY OF _____ 2016, AND APPROVAL SHALL BE SUBJECT TO ALL REQUIREMENTS OF THE SUBDIVISION ORDINANCE OF THE CITY OF WILEY, TEXAS.

DATE THIS _____ DAY OF _____ 2016 CITY SECRETARY

STATE OF TEXAS
COUNTY OF HAYS

I, LEO GONZALES, COUNTY CLERK OF HAYS COUNTY, TEXAS, DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT OF SELLING WITH ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORD IN MY OFFICE.

ON THE _____ DAY OF _____ A.D.,
20____ AT _____ O'CLOCK _____ P.M. IN THE PLAT RECORDS OF
HAYS COUNTY, TEXAS IN DOCUMENT NO. _____
WITNESS MY HAND AND SEAL OF OFFICE THIS _____ DAY OF _____ A.D. 20____

LEO GONZALES
COUNTY CLERK
HAYS COUNTY, TEXAS

FOR REVIEW ONLY
NOT FOR CONSTRUCTION
DATE: 12-9-16

SHEET 2 OF 2

5. ZONING

ITEM A – CONSIDER A REQUEST BY THE MEADOWS OF KYLE II, LTD.
TO REZONE APPROXIMATELY 52.990 ACRES.

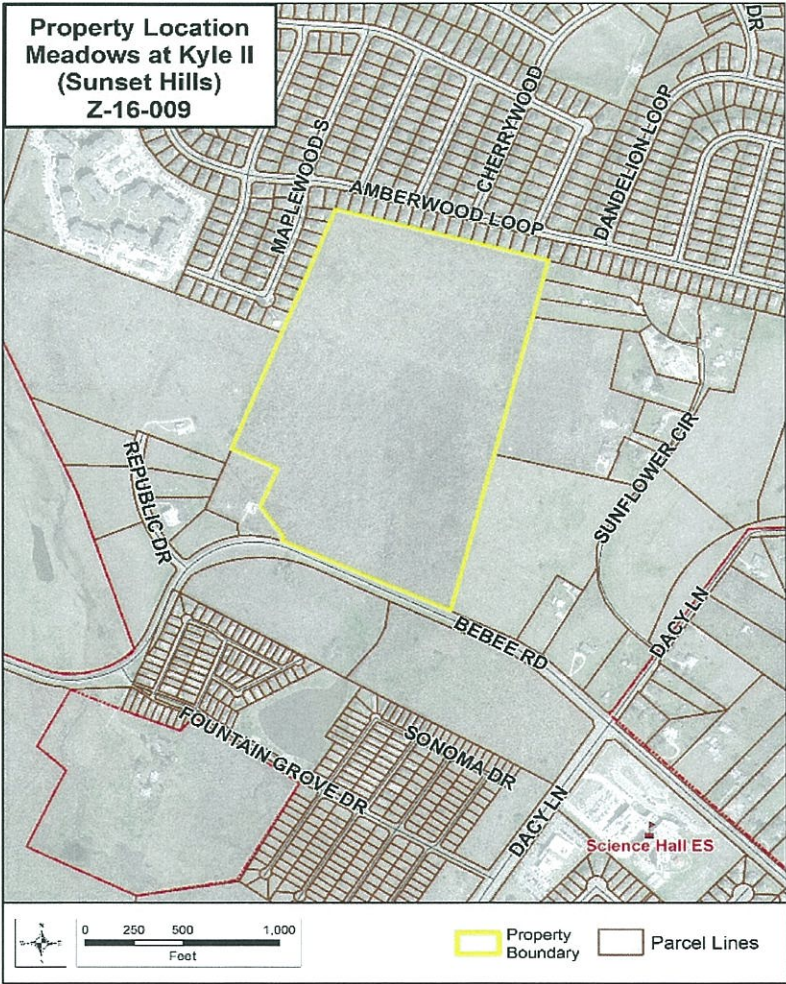
Property Location North side of Bebee Road, 750 feet east of its intersection with Republic Dr.

Owner Meadows of Kyle II, LTD.

Agent Brad Whittington
1101 Capitol of Texas Highway South
Building 'D', Suite 110
Austin, TX 78746

Request Rezone 52.99 acres from R-1-2 to R-1-A

Vicinity Map



Site Description

The site is located on undeveloped land and is currently zoned R-1-2. It is bordered by garden style apartments (Hays Junction) and a manufactured home community to the south, single family residential and A (Agricultural) zoning to the east. The Republic Business Park, W (Warehouse) zoning is immediately to the west and to the north, the Amberwood community with R-1-2 zoning. The parcel is surrounded by agricultural/existing residential uses with some warehouse/commercial. Bebee Road lies to the south, Republic Drive to the west, Amberwood Loop to the North, and Sunflower Circle/Dacy Lane are due east of the parcel.

The applicant seeks to rezone the property from R-1-2 to R-1-A, a residential zoning category allowing for '...attached or detached single-family structures with a minimum of 1,000 square feet of living area and permitted accessory structures on a minimum lot size of 4,800 square feet, at no more than 6.8 houses per buildable acre. The single-family residences authorized in this zoning district include those generally referred to as garden homes, patio homes and zero lot line homes.'

Conditions of the Zoning Ordinance

Sec. 53-1205 Amendments

(d)

Referral of amendment to planning and zoning commission. Upon its own motion, a request by the planning and zoning commission, or the receipt of an administratively complete petition and application to zone or rezone a lot, tract or parcel of land, which petition and application has been examined and approved as to form by the city manager, shall be referred to the planning and zoning commission for consideration, public hearing, and recommendation to the city council. The council may not enact a rezoning amendment until the planning and zoning commission has held a public hearing and made its recommendation to the city council, or has made a final vote on the matter without obtaining a majority, on the zoning or rezoning of the property.

(e)

Action by the planning and zoning commission. The planning and zoning commission shall cause such study and review to be made as advisable and required, shall give public notice and hold a public hearing as provided by state law, and shall recommend to the council such action as the planning and zoning commission deems proper...

Comprehensive Plan Text

The subject site is located on the future land use map in the "New Town Community" district. In the New Town Community district, it is recommended that the R-1-A zoning district be approved conditionally.

Character: "Currently consisting primarily of residential uses, open fields, some commercial uses along I-35, and the City's new Performing Arts Center, the New Town District will likely experience significant development pressures in the near future. This District straddles both I-35 and FM 1626, and growth from Austin and Buda is spreading south along these roadways. This District should be livable, comfortable, and convenient for all residents of Kyle and the surrounding region. Elements of form and design are critical to ensuring transitions between neighboring uses."

Intent: "The New Town District is designed to contain a horizontal mix of land uses that should be integrated across the area to express a cohesive community form. Many differing uses are encouraged throughout the District, but are distributed in autonomous land parcels instead of vertically aggregated in fewer land parcels. Horizontal mixed uses provide a transition to integrate the community form of New Town with surrounding communities, landscapes, and nodes. The purpose of the New Town District is to harness economic development potential and establish its position as the sustainable center of surrounding growth. This District should provide economic support to Kyle based on locational advantages gained by access to growth advancing from south Austin and nodal developments on the northern side of Kyle. Mixed-use development should be encouraged, not only permitted, to maximize economic development. This can be achieved by aggregating appropriate densities in order to support a mixture of uses. Development patterns and employment opportunities should be created in the New Town District that do not conflict with the surrounding community fabric. Public spaces in this District should be used to preserve the character of ranch heritage, where appropriate."

Analysis

The project site was previously assigned R-1-2 zoning in an action that involved multiple properties under the control of the applicant. The first of the two properties, Meadows at Kyle on Windy Hill Road, was built first and this is the second of two. Previously, a site plan was rendered by the applicant and accepted by the city for the construction of a single-family residential subdivision on these 53 acres. Today, after closer analysis of the site, including a topography review and closer concentration on adjacent complimentary uses, the applicant seeks to revise that earlier lot

configuration and re-assign zoning to R-1-A, or potentially R-1-3 if deemed appropriate by all involved.

The property sought to be rezoned is sited in an area that is rapidly developing into a hub of commercial and residential activity. This “node” is centered on the intersection of Dacy Lane and Bebee Road. This area will have retail and service offerings, housing options for citizens with direct access to Seton Medical Center Hays and FM 1626 via Dacy Lane and access to I-35 for convenient travel to Austin/San Antonio.

With the access to medical and convenient commercial opportunities, more citizens will naturally locate to the New Town Community District, which in turn will increase the demand for more businesses and new housing. As more of this area develops, growth will naturally occur along I-35 increasing land value. The rezoning of this parcel from R-1-2 to R-1-A is appropriate for the City of Kyle and the development of the area. Coincidentally, the creation of the new R-1-3 zoning category, expected to be enabled by the Mayor & City Council on January 17 of this year, would also be a completely acceptable zoning category to assign to this property, if the applicant were accepting to that proposition.

Attachments

- Application
- Vicinity map

APPLICATION & CHECKLIST – ZONING CHANGE

Zoning: THE MEADOWS AT KYLE II, L+D. 5/25/16
(Name of Owner) (Submittal Date)

- INSTRUCTIONS: (Z-16-009)
- Fill out the following application and checklist completely prior to submission.
 - Place a check mark on each line when you have complied with that item.
 - Use the most current application from the City's website at www.cityofkyle.com or at City Hall. City ordinances can be obtained from the City of Kyle.

REQUIRED ITEMS FOR SUBMITTAL PACKAGE:

The following items are required to be submitted to the Planning Department in order for the Zoning Application to be accepted.

<input checked="" type="checkbox"/>	1. Completed application form with owner's original signature.	
<input checked="" type="checkbox"/>	2. Letter explaining the reason for the request.	CITY OF KYLE
<input checked="" type="checkbox"/>	3. Application fee: \$428.06, plus \$3.62 per acre or portion thereof.	OCT 11 2016
	Newspaper Publication Fee: \$190.21	PLANNING DEPARTMENT
	Total Fee: <u>\$ 810.13</u>	
<input checked="" type="checkbox"/>	4. A map or plat showing the area being proposed for rezoning.	
<input checked="" type="checkbox"/>	5. A clear and legible copy of field notes (metes and bounds) describing the tract (when not a subdivided lot).	
<input checked="" type="checkbox"/>	6. Certified Tax certificates: County <input checked="" type="checkbox"/> School <input checked="" type="checkbox"/> City <input checked="" type="checkbox"/>	
<input checked="" type="checkbox"/>	7. Copy of Deed showing current ownership.	

**** A submittal meeting is required. Please contact Debbie Guerra at (512) 262-3959 to schedule an appointment.*

1. **Zoning Request:**

Current Zoning Classification: R-1-2

Proposed Zoning Classification: R-1-A

Proposed Use of the Property: Single Family Detached Residential

Acreage/Sq. Ft. of Zoning Change: 52,990

2. **Address and Legal Description:**

Provide certified field notes describing the property being proposed for rezoning.
Provide complete information on the location of the property being proposed for rezoning.

Street Address: BEEBEE ROAD (SEE ATTACHED METES & BOUNDS

Subdivision Name/Lot & Block Nos.: SONSETT HILLS (DESCRIPTION)

Property Recording Information: Hays County
Volume/Cabinet No. 2984

Page/Slide No. 804

3. Ownership Information:

Name of Property Owner(s): _____

(If property ownership is in the name of a partnership, corporation, joint venture, trust or other entity, please list the official name of the entity and the name of the managing partner.)

Address of Owner: _____

Phone Number: _____

Fax Number: _____

Email Number: _____

I hereby request that my property, as described above, be considered for rezoning:

Signed: _____

Date: _____

4. Agent Information:

If an agent is representing the owner of the property, please complete the following information:

Agent's Name: BRAUN WHITTINGTON
Agent's Address: 1101 CAPITAL OF TEXAS HIGHWAY SOUTH
BUILDING D, SUITE 110, AUSTIN, TX 78746
Agent's Phone Number: (512) 680-6388 OR (512) 327-9204
Agent's Fax Number: (512) 327-2947
Agent's Mobile Number: (512) 680-6388
Agent's Email Number: BR@WHITTINGTONGROUP.COM

I hereby authorize the person named above to act as my agent in processing this application before the Planning and Zoning Commission and City Council of the City of Kyle:

Owner's Signature: George Gary Duncan

Date: 5/25/16

Do Not Write Below This Line
Staff Will Complete

Tax Certificates: County School City

Certified List of Property Owners Within 200'

All Fees Paid: Filing/Application Mail Out Costs

Attached Map of Subject Property

Accepted for Processing By Debbie J. Jensen

Date: PLANNING DEPARTMENT

Date of Public Notification in Newspaper: 10/19/14

Date of Public Hearing Before Planning and Zoning Commission: 11/7/14

Date of Public Hearing Before City Council: 11/15/14 + 12/16/14

CITY OF KYLE

OCT 11 2016

WHITTINGTON REAL ESTATE GROUP, LLC
Development ♦ Brokerage ♦ Investments

October 11, 2016

Debbie Guerra
Planning
City of Kyle
Kyle, TX 78640

CITY OF KYLE

OCT 11 2016

RE: Sunset Hills Subdivision, Bebee Road, Kyle, TX

PLANNING DEPARTMENT

Dear Debbie,

Please accept this letter as an official re-zoning request to re-zone the above referenced community from R-1-2 to R-1-A. The Whittington Group represents the owner of the property; The Meadows at Kyle II, Ltd., as its authorized agent.

We are requesting this re-zoning request together with an amended Development Agreement. The reasons for this request are as follows;

1. The land plan has been modified to better utilize the existing topography of the site.
2. The land plan as modified incorporates a central walking trail, a central park, an open play park and a Pocket Park.
3. The land plan also has increased park land for the community that will be privately maintained.
4. The land plan also allows better connectivity to the adjacent proposed Kyle Vista Regional Park.
5. The home product will be 2 car garages with varying home and lot sizes that will be interspersed within the community.
6. The revised land plan encourages water conservation and minimizes individual yard maintenance.
7. The revised land plan additionally encourages improved connectivity and multiple community parks and gathering places.
8. The improved land plan better adheres to adjacent land uses which are;
 - Hays Junction Apartments and Lakeside Crossing Manufactured Housing Community to the South
 - Kyle Vista Regional Park to the East
 - Republic Business Park to the East
 - Existing Amberwood subdivision to the North
9. Together with the re-zoning we are requesting that the existing Development Agreement be amended as we have been working with planning staff on acceptable amendments by the City, Developer and the Builder.

We have attached the re-zoning application with this letter along with the application fee. Please feel free to contact us with any questions and schedule required meetings and next steps to process this application.

Best regards,

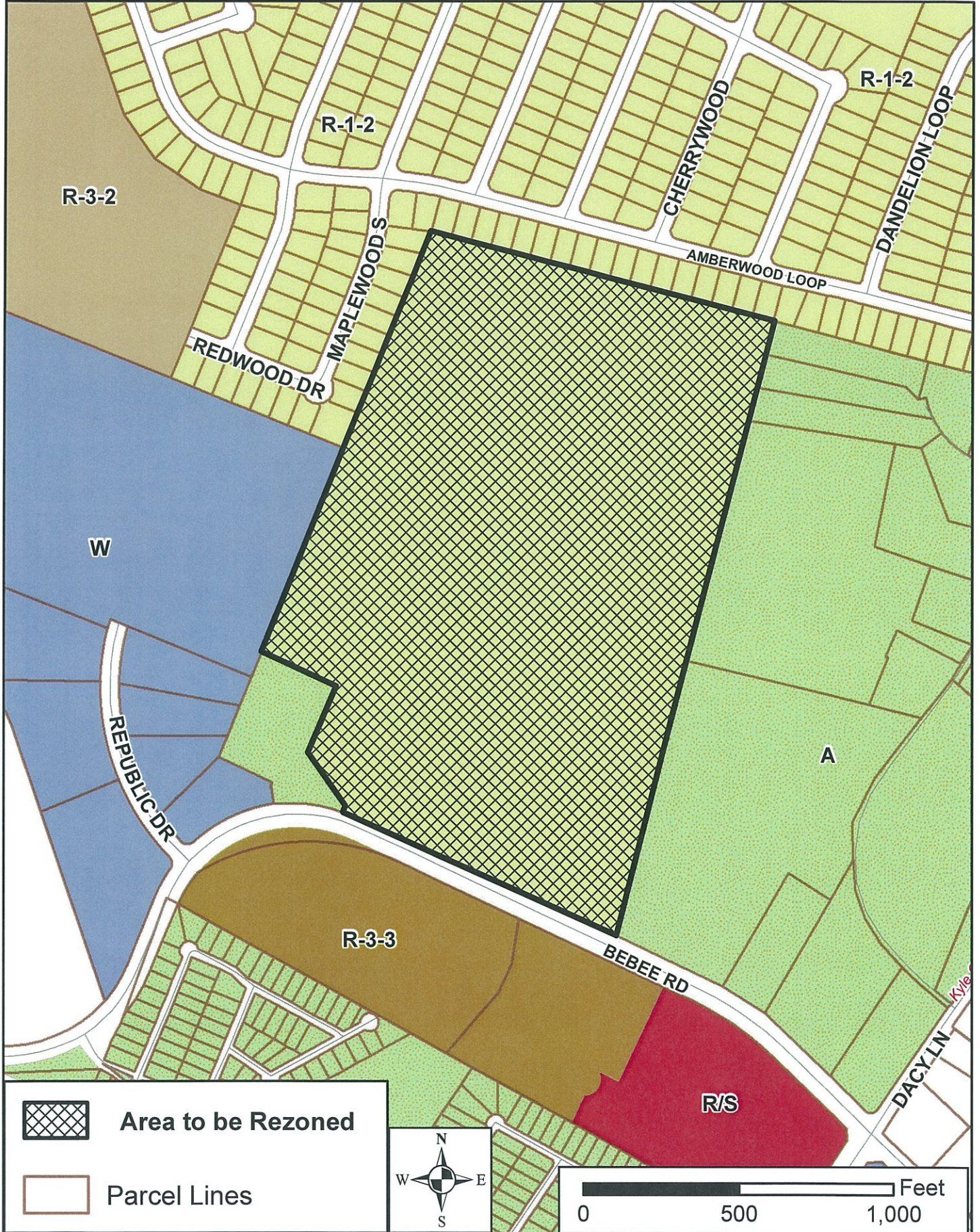
Brad Whittington
Authorized Agent

Cc: Howard Koontz, Director of Planning
Gary Duncan, Managing Member, the Meadows at Kyle II, Ltd.
Jim Bechtol, SunRhea Design
John Zinsmeyer, KB Home

1101 S. Capital of Texas Highway, Building D, Suite 101, Austin, TX 78746
Office 512-731-3095 ♦ Fax 512-327-9204

Exhibit B

Meadows At Kyle II, Ltd. (Z-16-009)



5. ZONING

ITEM B – CONSIDER A REQUEST BY THE BLANTON FAMILY LIMITED PARTNERSHIP TO REZONE APPROXIMATELY 68.5 ACRES.

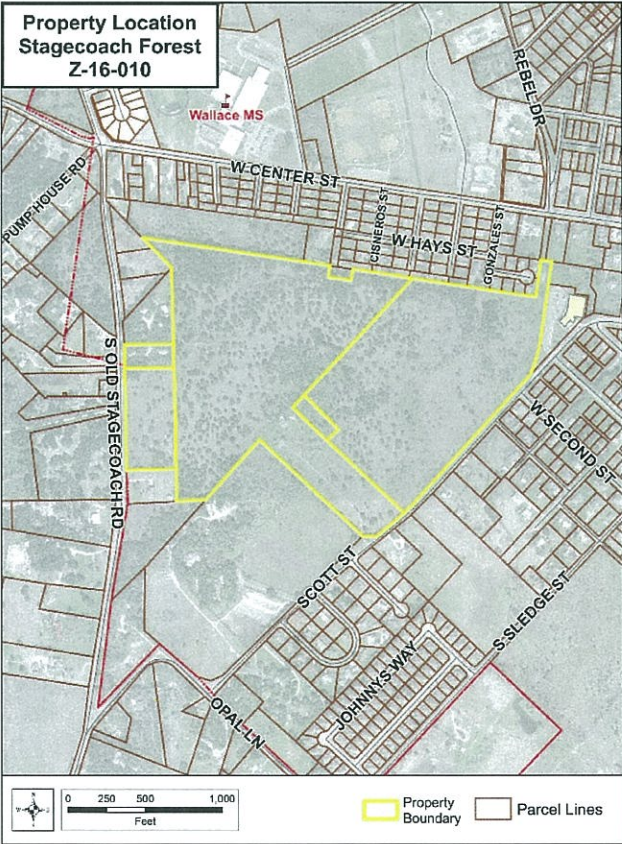
Property Location **West side of Scott Street, approximately at its intersection with West 3rd Street**

Owner **Blanton Family Limited Partnership
323 Wauford Way
New Braunfels, Texas 78132**

Agent **Geoff Guerrero
Carlson, Brigance & Doering, Inc.
5501 West William Cannon Drive
Austin, Texas 78749**

Request **Rezone 68.5 Acres R-1-2 & 10.38 Acres CBD-1, to R-1-A**

Vicinity Map



Site Description

The total development site is an assemblage of several lots of record with multiple owners, located on large acreage bordered essentially by Scott Street to the southeast and S. Old Stagecoach Road to the west. There is between one to one and a half blocks of M-2 (Manufactured Home Subdivision) residential bordering the subject property to the north, between Center Street and the site. The *total* development property comprises 86.14 acres, and currently has three zoning categories assigned to it. The largest portion, 68.5 acres, is R-1-2 (Single Family Residential 2). The next smallest portion of the property, 10.38 acres, is CBD-1 (Central Business District-1). Finally, the smallest portion is 7.26 acres, and is being requested for rezoning under separate request (Z-16-011) because of separate ownership –it is currently zoned R-1. The site is surrounded by agricultural and existing residential uses. Properties to the north are zoned M-2 and R-1 (Single Family). To the east existing property is zoned CBD-1 and R-1 (across Scott Street). To the south, the area is zoned A (Agriculture) or R-1. A small portion of R-1 also sits to the west in addition to Hays County residential across South Old Stagecoach Road.

The applicant seeks to rezone the property from R-1-2/CBD-1/R-1 to R-1-A, a residential zoning category allowing for ‘...attached or detached single-family structures with a minimum of 1,000 square feet of living area and permitted accessory structures on a minimum lot size of 4,800 square feet, at no more than 6.8 houses per buildable acre. The single-family residences authorized in this zoning district include those generally referred to as garden homes, patio homes and zero lot line homes.’

Conditions of the Zoning Ordinance

Sec. 53-1205 Amendments

(d)

Referral of amendment to planning and zoning commission. Upon its own motion, a request by the planning and zoning commission, or the receipt of an administratively complete petition and application to zone or rezone a lot, tract or parcel of land, which petition and application has been examined and approved as to form by the city manager, shall be referred to the planning and zoning commission for consideration, public hearing, and recommendation to the city council. The council may not enact a rezoning amendment until the planning and zoning commission has held a public hearing and made its recommendation to the city council, or has made a final vote on the matter without obtaining a majority, on the zoning or rezoning of the property.

(e)

Action by the planning and zoning commission. The planning and zoning commission shall cause such study and review to be made as advisable and required, shall give public notice and hold a public hearing as provided by state law, and shall recommend to the council such action as the planning and zoning commission deems proper...

Comprehensive Plan Text

The subject site is located in the "Historic Core Area Transition District". It is recommended that the R-1-A zoning district be approved conditionally.

Character: The Historic Core Area Transition District serves as a transition between the regular gridded development pattern that characterizes Downtown and the more rural patterns to the south and west, as well as newer development to the north. Significant features of this District include the intersection of Old Stagecoach Road and Center Street and the Gregg-Clarke Park. This District is a "middle landscape" of historic residential forms that transition to more rural residential forms. The District should embody the historic character of existing uses while anticipating appropriate expansion of Old Town. Development in the Historic

Core Area Transition District has historically been on a small, lot-by-lot basis, rather than on a larger, project-by-project basis. Because of this, the street serves as the organizing feature of the District. Therefore, as new development extends into the District from the Old Town District, care should be taken to ensure that the historic street pattern is preserved.

Intent: The purpose of the Historic Core Area Transition District is to accommodate the growth of residential and neighborhood commercial uses around the Old Town District, while preserving the historic rural fabric. The core of Kyle should be allowed to expand into this area as population growth increases in order to strengthen the core of the City. Land use transitions are critical in this District, and the shift from township to rural landscape should be maintained. This can be accomplished by transition in the built form and function from commercial uses to residential uses and finally to rural agricultural residential uses and by establishing transitions in density, decreasing outwardly from the Old Town District. Public spaces in this District should be used to preserve the character of ranch heritage, where appropriate.

Analysis

The property requested to be rezoned sits in a transition area that is needed to bridge the gap between the original City of Kyle and the rural housing

along Old Stagecoach Road. This area eventually will be developed providing housing for citizens with direct access to downtown Kyle via Scott Street and access to the Blanco River for recreational amenities and interstate connections.

Much discussion up to this point has been had regarding the storm water runoff situation across this property and continuing downstream to the southwest. In fact, a significant number of persons in and nearby to the development site have signed on to an official objection to the property being rezoned from one residential zoning category to another residential zoning category. However, it needs to be stated that as a function of initiating any new development project in the City of Kyle, development professionals are required to make provisions for storm water management based on the expected impact the project will have on the property following construction. The process is roughly spelled out like this: During a storm, runoff drains directly to storm sewers or waterways. Detention ponds are constructed between the collection areas (impervious surfaces) and discharge conduit (streams and other water courses) to temporarily store stormwater runoff, thereby reducing the peak discharge rate by allowing flow to be discharged later at a slower, controlled rate within a specific designed time. These ponds help to prevent localized flooding and reduce streambank erosion downstream. City of Kyle regulations do not permit stormwater discharges from new development to discharge at a greater rate than predevelopment conditions (City of Austin Drainage Criteria Manual). In other words, the construction of new projects in Kyle require improvements to the system of discharge into drainage basins, commiserate with the impact the project has on the system.

Due to downtown Kyle's central location creating convenient access to nearby emerging residential, more citizens will naturally travel to the central business district, which in turn will increase the demand for more businesses supporting that new housing. The same demand will likely spur additional commercial development not only along Center Street, but into the surrounding street network in close proximity. Furthermore, the development of the property adjacent to- and in proximity to public services (public library, parks, public schools, etc.) reduces the reliance on the automobile in these areas while increasing desirability and value of residential development.

The request is analogous to existing, surrounding land uses, and compliments the expectations of the city's comprehensive plan. Both the original request for R-1-A and the tentative proposal for the newly-enabled R-1-3 should be favorably recommended for approval.

Attachments

- Application
- Vicinity map
- Petitions in Objection to the Proposed Zoning Action

APPLICATION & CHECKLIST – ZONING CHANGE

CITY OF KYLE

Zoning: Stagecoach Re-Zoning I

INSTRUCTIONS: (2-16-010) (Name of Owner)

(Submittal Date)

OCT 21 2015

- Fill out the following application and checklist completely prior to submission.
- Place a check mark on each line when you have complied with that item.
- Use the most current application from the City's website at www.cityofkyle.com or at City Hall. City ordinances can be obtained from the City of Kyle.

PLANNING DEPARTMENT

REQUIRED ITEMS FOR SUBMITTAL PACKAGE:

The following items are required to be submitted to the Planning Department in order for the Zoning Application to be accepted.

- 1. Completed application form with owner's original signature.
- 2. Letter explaining the reason for the request.
- 3. Application fee: \$428.06, plus \$3.62 per acre or portion thereof. $(78.881 \times \$3.62 = \$285.55)$

Newspaper Publication Fee: \$190.21

Total Fee: \$903.82

- 4. A map or plat showing the area being proposed for rezoning.
- 5. A clear and legible copy of field notes (metes and bounds) describing the tract (when not a subdivided lot).
- 6. Certified Tax certificates: County School City
- 7. Copy of Deed showing current ownership.

*** A submittal meeting is required. Please contact Debbie Guerra at (512) 262-3959 to schedule an appointment.

1. Zoning Request:

Current Zoning Classification: R-1-2 / CBD-1

Proposed Zoning Classification: R-1-A

Proposed Use of the Property: Single family subdivision

Acreage/Sq. Ft. of Zoning Change: 78.881 acres (68.5 acres R-12, 10.38 acres CBD-1)

2. Address and Legal Description:

Provide certified field notes describing the property being proposed for rezoning.
Provide complete information on the location of the property being proposed for rezoning.

Street Address: Scott Street, Kyle, Texas 78640

Subdivision Name/Lot & Block Nos.: John Pharass Survey No. 13, Abstract 361 and

Hinton Survey No. 12, Abstract 220

Property Recording Information:
Volume/Cabinet No. 2728

Hays County

Page/Slide No. 242

3. Ownership Information:

Name of Property Owner(s): Blanton Family Limited Partnership

(If property ownership is in the name of a partnership, corporation, joint venture, trust or other entity, please list the official name of the entity and the name of the managing partner.)

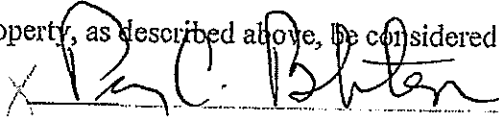
Address of Owner: 323 Wauford Way
New Braunfels, Texas 78132

Phone Number: _____

Fax Number: _____

Email Number: _____

I hereby request that my property, as described above, be considered for rezoning:

Signed: X 

Date: _____

4. Agent Information:

If an agent is representing the owner of the property, please complete the following information:

Agent's Name: Carlson, Brigance & Doering, Inc. (Geoff Guerrero)

Agent's Address: 5501 W. William Cannon Dr
Austin, Texas 78749

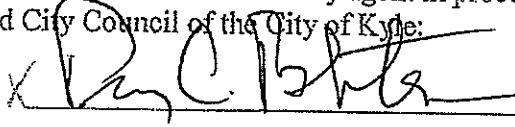
Agent's Phone Number: (512) 280-5160

Agent's Fax Number: _____

Agent's Mobile Number: _____

Agent's Email Number: geoff@cbdeng.com

I hereby authorize the person named above to act as my agent in processing this application before the Planning and Zoning Commission and City Council of the City of Kyle:

Owner's Signature: X 

Date: _____

*Do Not Write Below This Line
Staff Will Complete*

Tax Certificates: County School City

Certified List of Property Owners Within 200'

All Fees Paid: Filing/Application Mail Out Costs

Attached Map of Subject Property

CITY OF KYLE

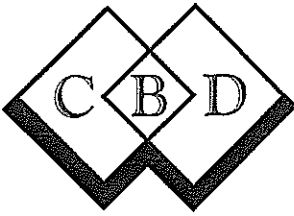
OCT 21 2015

Accepted for Processing By: Debbie A. Juma Date: PLANNING DEPARTMENT

Date of Public Notification in Newspaper: 11/21/16

Date of Public Hearing Before Planning and Zoning Commission: 11/22/16

Date of Public Hearing Before City Council: 12/16/16



Carlson, Brigance & Doering, Inc.
Civil Engineering ❖ Surveying

October 21, 2016

City of Kyle
Planning Department
Attn: Mr. Howard Koontz, Director of Planning
100 West Center Street
Kyle, Texas 78640

**RE: KB Home Stagecoach Subdivision
CBD Job # 4826**

Application for Re-Zoning

Dear Mr. Koontz,

On behalf of our client, KB Home, please find the attached application for property re-zoning for the Blanton and Kaminski parcels to be collectively known as the Stagecoach Subdivision. The two combined parcels form a rough triangle shape for a total of approximately 86.2 acres located just west of downtown Kyle bordered by Scott Street to the east, South Old Stagecoach Road (CR 136) to the west and existing residential development along the northern boundary. The Kyle Public Library is located immediately adjacent to the easternmost tip of the combined subject tracts.

The two tracts are located within the full purpose Kyle city limits and are currently zoned R-1 (Kaminski) and R-1-2 / CBD-1 (Blanton) respectively. This request for the rezoning is to modify both tracts to a combined R-1-A zoning district. In addition to the rezoning request, a Development Agreement is also proposed for the overall development that will be processed concurrently and will establish the development guidelines for the project. The purpose of this request is to create a single family residential development near the center of the City of Kyle that provides residents the opportunity for close proximity community and city interaction within a master-planned project.

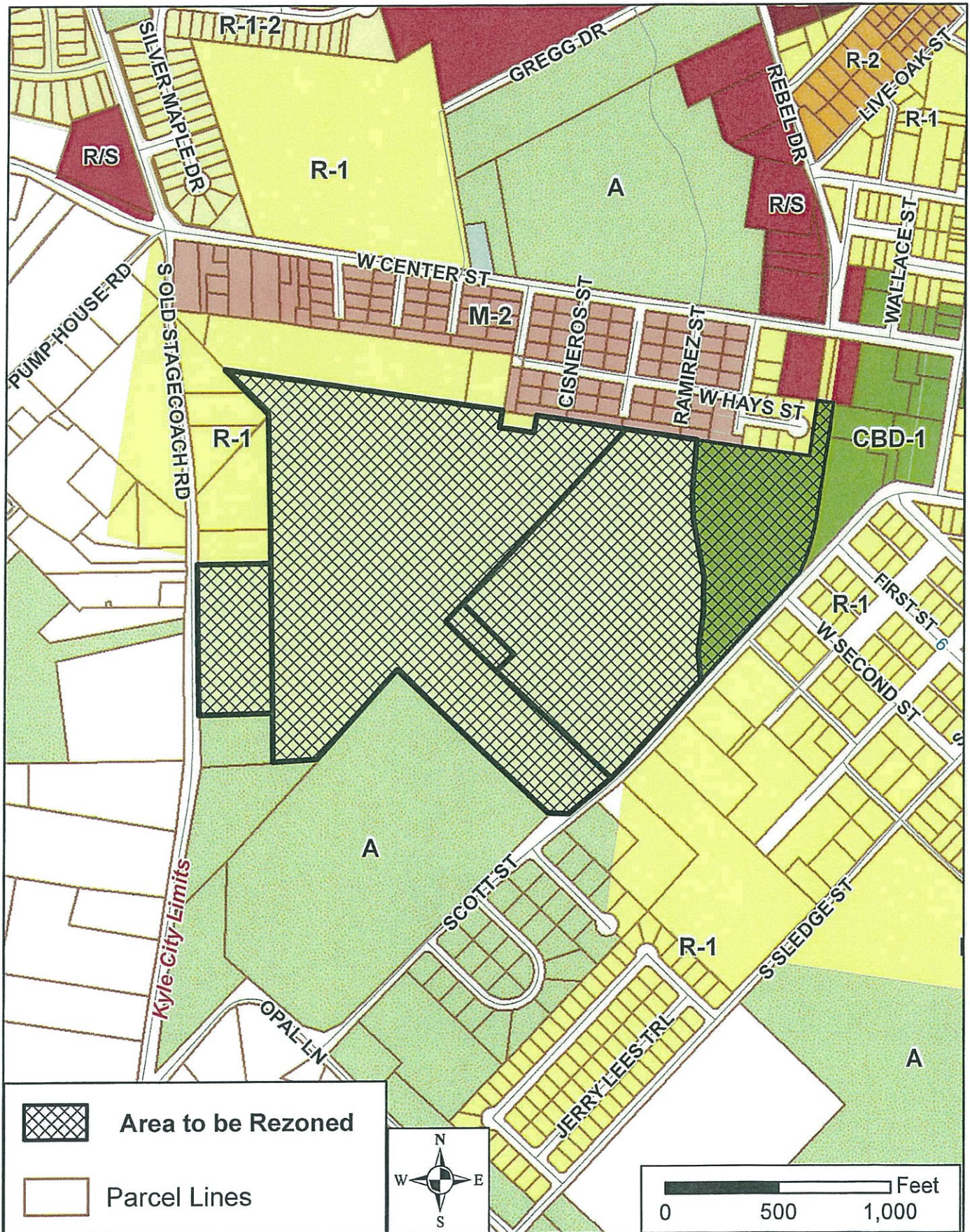
Thank you for your time and review of this project. Please let me know if you need any additional information in order to process this request.

Respectfully,
Carlson, Brigance & Doering, Inc.

Geoff Guerrero
Director of Planning

Exhibit B

Blanton Family Limited Partnership (Z-16-010)



You may send your written comments to the Planning Department, 100 W. Center St., Kyle, Texas 78640
(attention: Zoning File # Z-16-010).

Name: Salvador Yzaguirre Address: P.O. Box 524 Kyle, TX 78640

- I am in favor, this is why because the property in Zapata Street is for sale next to Mr. Blanton property
- I am not in favor, and this is why _____

You may send your written comments to the Planning Department, 100 W. Center St., Kyle, Texas 78640
(attention: Zoning File # Z-16-010).

Name: Michael E. Borst Address: 805 W. 2nd St. Kyle

- I am in favor, this is why _____

I am not in favor, and this is why traffic on Scott St. & water path disruption could cause flooding from storms

You may send your written comments to the Planning Department, 100 W. Center St., Kyle, Texas 78640
(attention: Zoning File # Z-16-010).

Name: Thomas Kaminski Address: 507 Canyon Way Buda 78610

- I am in favor, this is why this will be a GREAT improvement to this area. New homes etc.
- I am not in favor, and this is why _____

You may send your written comments to the Planning Department, 100 W. Center St., Kyle, Texas 78640
(attention: Zoning File # Z-16-010).

Name: _____ Address: _____

I am in favor, this is why _____

I am not if favor, and this is why SCOTT ST. CREEK FLOODS
TOO EASILY, MAJOR IMPROVEMENTS NEEDED BEFORE ANY
ADDITIONAL STRESS CAN BE ADDED.

You may send your written comments to the Planning Department, 100 W. Center St., Kyle, Texas 78640
(attention: Zoning File # Z-16-010).

Name: John Lawrence Address: 800 W 3rd St Kyle, Tx 78640

I am in favor, this is why _____

I am not if favor, and this is why Flooding concerns.

CITY OF KYLE

NOV 21 2016

PLANNING DEPARTMENT

You may send your written comments to the Planning Department, 100 W. Center St., Kyle, Texas 78640
(attention: Zoning File # Z-16-010).

Name: Efrain Lopez Address: 102 Cisneros St. - Mailing address

P.O. Box 663

Kyle TX
78640

I am in favor, this is why _____

I am not if favor, and this is why housing will bring in crime +
traffic to neighborhood - I have owned my property
since 1969. - do not want housing in my
backyard -

Will bring crime to Wallace Middle School
& gregg clark park

5. ZONING

ITEM C – CONSIDER A REQUEST BY THOMAS KAMINSKI TO REZONE APPROXIMATELY 7.26 ACRES.

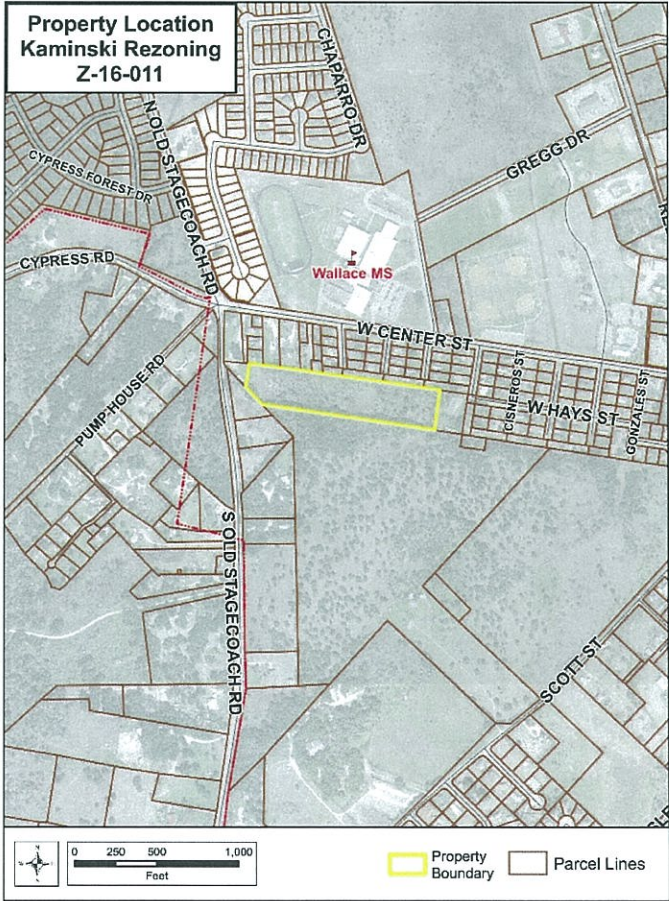
Property Location West of the western terminus of Zapata Street

Owner Thomas L. Kaminski
507 Canyon Wren Drive
Buda, Texas 78610

Agent Geoff Guerrero
Carlson, Brigrance & Doering, Inc.
5501 West William Cannon Drive
Austin, Texas 78749

Request Rezone 7.26 Acres of R-1 to R-1-A

Vicinity Map



Site Description

The site is an assemblage of several lots of record with multiple owners, located on large acreage lots bordered by Scott Street to the southeast and S. Old Stagecoach Road to the west. There is between one to one and a half blocks of M-2 (Manufactured Home Subdivision) residential bordering the subject properties to the north, between Center Street and the site. The *total* development property comprises 86.14 acres, and currently has three zoning categories assigned to it. The largest portion at 68.5 acres, is being requested for rezoning under separate request (Z-16-010), is zoned R-1-2 (Single Family Residential 2). The next smallest portion of the property, also the subject of Z-16-010, is 10.38 acres, and zoned CBD-1 (Central Business District-1). Finally, the smallest portion is 7.26 acres, currently zoned R-1, and is the subject of this request (Z-16-011). The sites are surrounded by agricultural and existing residential uses. Properties to the north are zoned M-2 and R-1 (Single Family). To the east existing property is zoned CBD-1 and R-1 (across Scott Street). To the south, the area is zoned A (Agriculture) or R-1. A small portion of R-1 also sits to the west in addition to Hays County residential across South Old Stagecoach Road.

The applicant seeks to rezone the properties from R-1-2, CBD-1, and R-1 to R-1-A, a residential zoning category allowing for '...attached or detached single-family structures with a minimum of 1,000 square feet of living area and permitted accessory structures on a minimum lot size of 4,800 square feet, at no more than 6.8 houses per buildable acre. The single-family residences authorized in this zoning district include those generally referred to as garden homes, patio homes and zero lot line homes.'

Conditions of the Zoning Ordinance

Sec. 53-1205 Amendments

(d)

Referral of amendment to planning and zoning commission. Upon its own motion, a request by the planning and zoning commission, or the receipt of an administratively complete petition and application to zone or rezone a lot, tract or parcel of land, which petition and application has been examined and approved as to form by the city manager, shall be referred to the planning and zoning commission for consideration, public hearing, and recommendation to the city council. The council may not enact a rezoning amendment until the planning and zoning commission has held a public hearing and made its recommendation to the city council, or has made a final vote on the matter without obtaining a majority, on the zoning or rezoning of the property.

(e)

Action by the planning and zoning commission. The planning and zoning commission shall cause such study and review to be made as advisable and required, shall give public notice and hold a public hearing as provided by state law, and shall recommend to the council such action as the planning and zoning commission deems proper...

Comprehensive Plan Text

The subject site is located in the "Historic Core Area Transition District". It is recommended that the R-1-A zoning district be approved conditionally.

Character: The Historic Core Area Transition District serves as a transition between the regular gridded development pattern that characterizes Downtown and the more rural patterns to the south and west, as well as newer development to the north. Significant features of this District include the intersection of Old Stagecoach Road and Center Street and the Gregg-Clarke Park. This District is a "middle landscape" of historic residential forms that transition to more rural residential forms. The District should embody the historic character of existing uses while anticipating appropriate expansion of Old Town. Development in the Historic

Core Area Transition District has historically been on a small, lot-by-lot basis, rather than on a larger, project-by-project basis. Because of this, the street serves as the organizing feature of the District. Therefore, as new development extends into the District from the Old Town District, care should be taken to ensure that the historic street pattern is preserved.

Intent: The purpose of the Historic Core Area Transition District is to accommodate the growth of residential and neighborhood commercial uses around the Old Town District, while preserving the historic rural fabric. The core of Kyle should be allowed to expand into this area as population growth increases in order to strengthen the core of the City. Land use transitions are critical in this District, and the shift from township to rural landscape should be maintained. This can be accomplished by transition in the built form and function from commercial uses to residential uses and finally to rural agricultural residential uses and by establishing transitions in density, decreasing outwardly from the Old Town District. Public spaces in this District should be used to preserve the character of ranch heritage, where appropriate.

Analysis

The property requested to be rezoned sits in a transition area that is needed to bridge the gap between the original City of Kyle and the rural housing

along Old Stagecoach Road. This area eventually will be developed providing housing for citizens with direct access to downtown Kyle via Scott Street and access to the Blanco River for recreational amenities and interstate connections.

Much discussion up to this point has been had regarding the storm water runoff situation across this property and continuing downstream to the southwest. In fact, a significant number of persons in and nearby to the development site have signed on to an official objection to the property being rezoned from one residential zoning category to another residential zoning category. However, it needs to be stated that as a function of initiating any new development project in the City of Kyle, development professionals are required to make provisions for storm water management based on the expected impact the project will have on the property following construction. The process is roughly spelled out like this: During a storm, runoff drains directly to storm sewers or waterways. Detention ponds are constructed between the collection areas (impervious surfaces) and discharge conduit (streams and other water courses) to temporarily store stormwater runoff, thereby reducing the peak discharge rate by allowing flow to be discharged later at a slower, controlled rate within a specific designed time. These ponds help to prevent localized flooding and reduce streambank erosion downstream. City of Kyle regulations do not permit stormwater discharges from new development to discharge at a greater rate than predevelopment conditions (City of Austin Drainage Criteria Manual). In other words, the construction of new projects in Kyle require improvements to the system of discharge into drainage basins, commiserate with the impact the project has on the system.

Due to downtown Kyle's central location creating convenient access to nearby emerging residential, more citizens are expected to travel to the central business district, which in turn will increase the demand for more businesses supporting that new housing. The same demand will likely spur additional commercial development not only along Center Street, but into the surrounding street network in close proximity. Furthermore, the development of the property adjacent to- and in proximity to public services (public library, parks, public schools, etc.) reduces the reliance on the automobile in these areas while increasing desirability and value of residential development.

The request is analogous to existing, surrounding land uses, and compliments the expectations of the city's comprehensive plan. Both the original request for R-1-A and the tentative proposal for the newly-enabled R-1-3 should be favorably recommended for approval.

Attachments

- Application
- Vicinity map
- Petitions in Objection to the Proposed Zoning Action

APPLICATION & CHECKLIST – ZONING CHANGE
CITY OF KYLE

Zoning: Stagecoach Re-Zoning II

(Name of Owner)

(Submittal Date)

OCT 21 2015

INSTRUCTIONS:

Z-16-011

- Fill out the following application and checklist completely prior to submission.
- Place a check mark on each line when you have complied with that item.
- Use the most current application from the City's website at www.cityofkyle.com or at City Hall. City ordinances can be obtained from the City of Kyle.

PLANNING DEPARTMENT

REQUIRED ITEMS FOR SUBMITTAL PACKAGE:

The following items are required to be submitted to the Planning Department in order for the Zoning Application to be accepted.

- 1. Completed application form with owner's original signature.
- 2. Letter explaining the reason for the request.
- 3. Application fee: \$428.06, plus \$3.62 per acre or portion thereof. (7.26 x \$3.62 = \$26.28)

Newspaper Publication Fee: \$190.21

Total Fee: \$644.55

- 4. A map or plat showing the area being proposed for rezoning.
- 5. A clear and legible copy of field notes (metes and bounds) describing the tract (when not a subdivided lot).
- 6. Certified Tax certificates: County ___ School ___ City ___
- 7. Copy of Deed showing current ownership.

***** A submittal meeting is required. Please contact Debbie Guerra at (512) 262-3959 to schedule an appointment.**

1. Zoning Request:

Current Zoning Classification: R-1

Proposed Zoning Classification: R-1-A

Proposed Use of the Property: Single family subdivision

Acreage/Sq. Ft. of Zoning Change: 7.26 acres

2. Address and Legal Description:

**Provide certified field notes describing the property being proposed for rezoning.
Provide complete information on the location of the property being proposed for rezoning.**

Street Address: Zapata Street, Kyle, Texas 78640

Subdivision Name/Lot & Block Nos.: John Pharass Survey No. 13, Abstract 361 and

Property Recording Information:
Volume/Cabinet No. 1311

Hays County

Page/Slide No. 20

3. **Ownership Information:**
Name of Property Owner(s): Thomas L. Kaminski

(If property ownership is in the name of a partnership, corporation, joint venture, trust or other entity, please list the official name of the entity and the name of the managing partner.)

Address of Owner: 507 Canyon Wren Drive
Buda, Texas 78610

Phone Number: _____

Fax Number: _____

Email Number: _____

I hereby request that my property, as described above, be considered for rezoning:

Signed: X 

Date: 10-16-16

4. **Agent Information:**

If an agent is representing the owner of the property, please complete the following information:

Agent's Name: Carlson, Brigance & Doering, Inc. (Geoff Guerrero)

Agent's Address: 5501 W. William Cannon Dr

Austin, Texas 78749

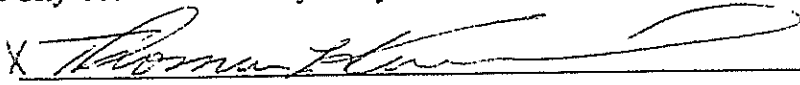
Agent's Phone Number: (512) 280-5160

Agent's Fax Number: _____

Agent's Mobile Number: _____

Agent's Email Number: geoff@cbdeng.com

I hereby authorize the person named above to act as my agent in processing this application before the Planning and Zoning Commission and City Council of the City of Kyle:

Owner's Signature: X 

Date: 10-16-16

*Do Not Write Below This Line
Staff Will Complete*

Tax Certificates: County School City

Certified List of Property Owners Within 200"

All Fees Paid: Filing/Application Mail Out Costs

Attached Map of Subject Property

Accepted for Processing By: Wesley Guerra Date: 10/21/16

Date of Public Notification in Newspaper: 11/21/16

Date of Public Hearing Before Planning and Zoning Commission: 11/22/16

Date of Public Hearing Before City Council: 12/1/16



Carlson, Brigance & Doering, Inc.
Civil Engineering ❖ Surveying

October 21, 2016

City of Kyle
Planning Department
Attn: Mr. Howard Koontz, Director of Planning
100 West Center Street
Kyle, Texas 78640

**RE: KB Home Stagecoach Subdivision
CBD Job # 4826**

Application for Re-Zoning

Dear Mr. Koontz,

On behalf of our client, KB Home, please find the attached application for property re-zoning for the Blanton and Kaminski parcels to be collectively known as the Stagecoach Subdivision. The two combined parcels form a rough triangle shape for a total of approximately 86.2 acres located just west of downtown Kyle bordered by Scott Street to the east, South Old Stagecoach Road (CR 136) to the west and existing residential development along the northern boundary. The Kyle Public Library is located immediately adjacent to the easternmost tip of the combined subject tracts.

The two tracts are located within the full purpose Kyle city limits and are currently zoned R-1 (Kaminski) and R-1-2 / CBD-1 (Blanton) respectively. This request for the rezoning is to modify both tracts to a combined R-1-A zoning district. In addition to the rezoning request, a Development Agreement is also proposed for the overall development that will be processed concurrently and will establish the development guidelines for the project. The purpose of this request is to create a single family residential development near the center of the City of Kyle that provides residents the opportunity for close proximity community and city interaction within a master-planned project.

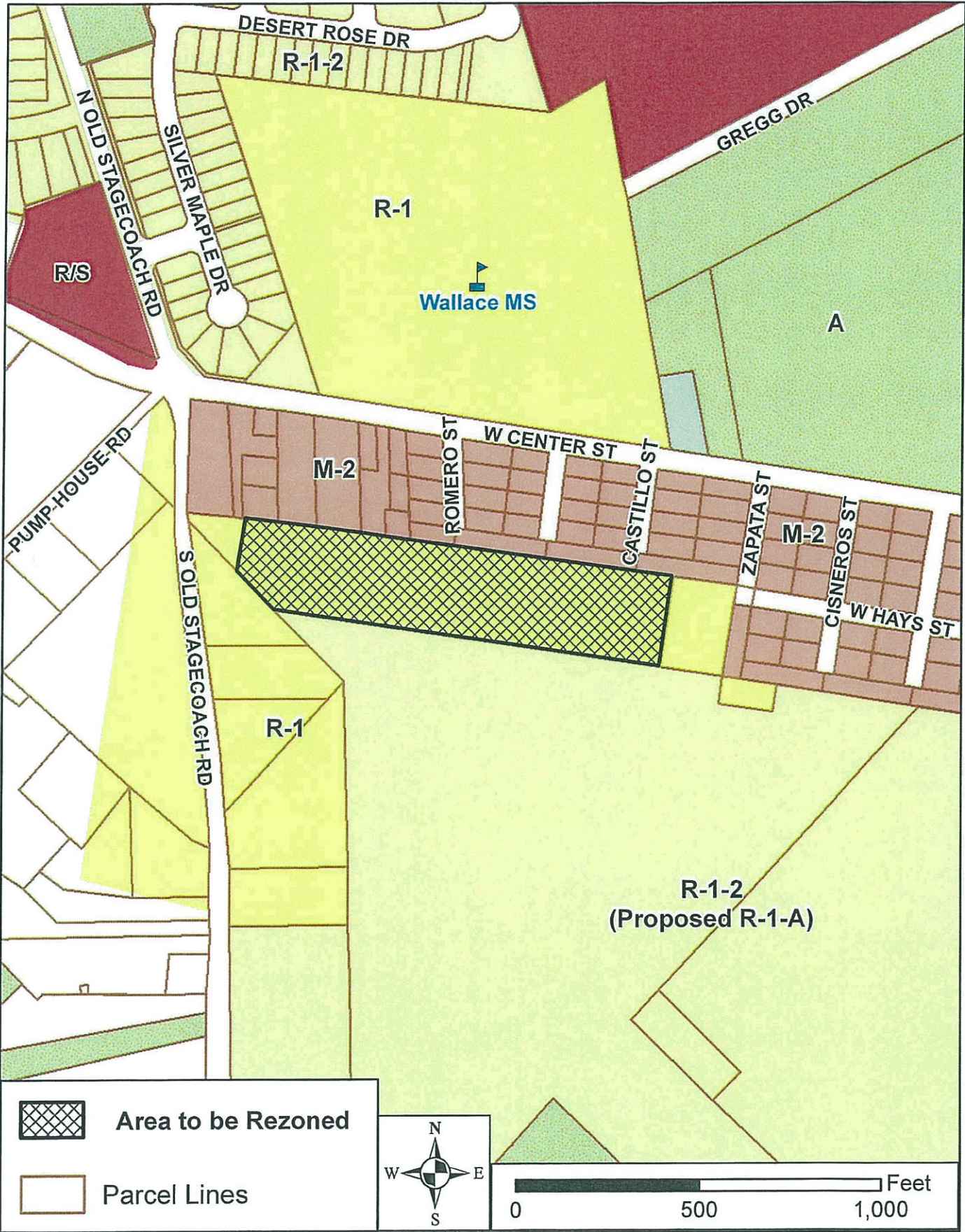
Thank you for your time and review of this project. Please let me know if you need any additional information in order to process this request.

Respectfully,
Carlson, Brigance & Doering, Inc.

Geoff Guerrero
Director of Planning

Exhibit B

(Z-16-011)



You may send your written comments to the Planning Department, 100 W. Center St., Kyle, Texas 78640
(attention: Zoning File # Z-16-011).

Mailing address
PO. Box 66
Kyle TX 78640

Name: Efrain Lopez Address: 102 Cisneros ST

I am in favor, this is why _____

I am not in favor, and this is why -housing will bring in crime & traffic to our neighborhood - I have owned my property since 1969. Do not want housing in my backyard.

Will bring crime to Wallace Middle School & Gregg Clarke Park

You may send your written comments to the Planning Department, 100 W. Center St., Kyle, Texas 78640
(attention: Zoning File # Z-16-011).

Name: THOMAS KAMINSKI Address: 507 Canyon View Blvd TX 78610

I am in favor, this is why THIS PROPERTY IS LAND LOCKED

AND IF NOT INCLUDED IN THIS PROJECT WILL CREATE PROB IN THE DEVELOPMENT DOWN THE ROAD.

I am not in favor, and this is why _____

DEC 13 2016

Neighborhood Citizens Petition 13 December 2016

PLANNING DEPARTMENT

We are against the idea of Thomas Z Kaminski request to rezone
approximately 7.26 Acres from R-1 Single Family to R1A Single Family zone.

We believe the idea of rezoning this property is not compatible to the R1 zoning of our neighborhood.

The following citizens from the neighborhood of Tenania subdivision

here by give permission for Luis Lopez to speak in their behalf at
the Planning and Zoning Committee meeting held December 13, 2016.

Lydia Alvarez
Augustin Alvarez

Name	Address	Phone Number
Luis M Lopez	1201 W. Center St.	512-296-6127
Ruby Martinez	107 Zapata	512-268-1567
Julia Quintero	105 Zapata	512-268-0869
ERAIN LOPEZ	204 CISNEROS ST	512-557-2407
Ester Romero	Row 203 Cisneros	512 554-8424
DAVID CHAVEZ	104 SAUCEDO ST.	512 667-3144
EVA Ortuño	104 Zapata St. Kyle	512-268-8361
John Ortuño	104 Zapata St	512-268-8361
Isaac Arredondo	205 Cisneros St Kyle	512 481-0397
Miguel M. Delya	201 Salgado Kyle TX	512-268-7851
Bobby Joe Tenorio	108 Cisneros Kyle Texas	512-749-8170
Augustin/LYDIA ALVAREZ	106 Center Kyle TX	512-825-7918
Armen Zavala	1108 W. Hays	512-268-4664
Olga Zavala	1101 W. HAYS	512-879-7055
Edith Zavala	1007 W Hays	512-760-1299
Elyse Sauer	1046 W. Hays	512-888-3131
Noel Hernandez	103 Ramirez St TX	540)2-19-92-70
Marta Cortez	102 Ramirez	512 878-7040
Juan L. Fuentes	106 Ramirez	512-268-4163
Guillermo	107 Cisneros	512 242 0623
Zaida Cruz	107 Zapata	512 983 7205
Bobbie Jo Martinez	203 Saucedo St.	512-552-8495
Gerardo Zaragoza	107 Ramirez st KYLE TX	78640
Jack montoya Jr	103 Ramirez st. Kyle TX	78640
Thomas Arana	103 GONZALEZ ST. Kyle	512-268-2120
Y. L. Lopez	905 W. HAYS Kyle	78640
Y. L. Lopez	905 W. HAYS Kyle	78640
Dennis Dimek	903 W. Hays Kyle	78640
Art Roman	902 W. Hays Kyle	78640
DAVID MORENO	904 N. Hays Kyle	512 513-4241
STERLING JOHNSON	103 GONZALEZ KYLE TX	512-563-6822
ROSE ANN JOHNSON	" " " "	512-262-1265
Donathon Greenberg	100 Cisneros St Kyle TX	78640 512/916/1248
Eufemio Castro	1409 W CENTER ST	512-757-9000
Comparto Gonzalez	106 Cassville St	512-268-1505
Tam P Mullen	707 Opal Lane Kyle TX	78640

DEC 13 2016

Neighborhood Citizens Petition December 2016

We are against the idea of Thomas L Kaminski request to rezone PLANNING DEPARTMENT
approximately 7.26 Acres from R-1 Single Family to R1A Single Family zone.
 We believe the idea of rezoning this property is not compatible to the R1 zoning of our neighborhood.
 The following citizens from the neighborhood of Tenorio subdivision
 here by give permission for Luis Lopez to speak in their behalf at
 the Planning and Zoning Committee meeting held December 13, 2016. ls
li

Name	Address	Phone Number
Arbuckle Mill	787 Oak Lane	512-667-0778
Estelle Espino	1401 W Center	512-665-5450
Maria Saucedo	1201 W Hays	512-736-3575
Marcelino Saucedo Jr.	1901 Center	512-665-4959
John Garza	1201 W. Hays	512-736-2233
Rudy Saucedo	1901 Center	512-263-2179
EDDY VYONS	901 HAYS	512-209-7925
MARITA VYONS	901 HAYS	512-928-1150
Ciruela Regue	501 Saucedo	512-662-0868
Ayala Juarez	1207 W. Hays	(512) 665-4998
Andres Romero	1702 W Center	(512) 738-7596
ALEX CASTILLO	105 Romero	(512) 217-8629
IGNACIO GUARDIA	106 Romero St.	512 504 3766
TRACY ARRISOLA	104 Romero St	512-563-9455
ELOY REGALADO	1607 Center St	512-863-9990
Daniel Gomez	1503 St Street	512-262-0618
Rudy Longoria	103 Falcon St.	512-203-5497
Santos Sanchez	105 Jackson St	512-262-0183
MARILENA G. TORRES	104 Falcon St	512 268 1382
Marianna Parra	106 Falcon St.	512-214-1180
Jose's Ramirez	1501 W Center	512, 299-8699
Catherine Woods	107 Castillo St.	512-644-5049
JOSE TIJERINA	105 CISNEROS	512-216-0566
Veretta Lindsay	110 Zapata	512 268 4453
Rita Martinez	1301 Zapata	512 557-2919

5. ZONING

ITEM D – CONSIDER A REQUEST BY JOHN R. AND GAYLA SIMON TO ASSIGN ORIGINAL ZONING TO APPROXIMATELY 4.01 ACRES.

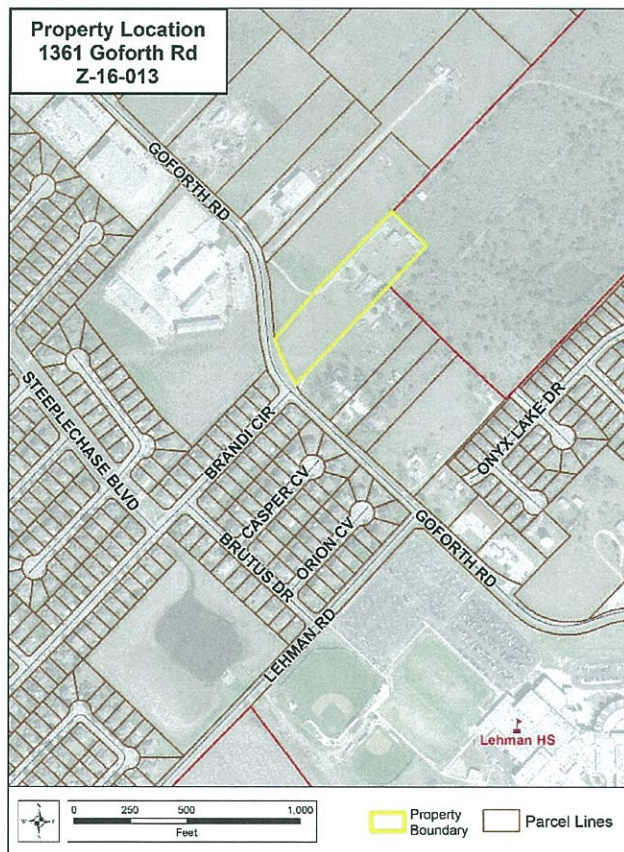
Property Location **1381 Goforth Road**
 Kyle, Texas 78640

Owner **John R. Simon & Gayla Simon**
 1381 Goforth Road
 Kyle, TX 78610

Agent **Ward Davison**
 1201 Rio Grande, Ste 200
 Austin, TX 78701

Request **Rezone 4.01 Acres A (Agriculture) to**
 W (Warehouse)

Vicinity Map



Site Description

The site is located on land that is currently zoned A (Agriculture) with direct access to Goforth Road along its southern boundary. Existing structures on site consist of a single family residence near the center of the lot and multiple accessory structures in the north portion of the property. It is bordered by C/M (Construction/Manufacturing) land to the west and southwest (across Goforth Road), R-1 to the south (across Goforth Road), A and later R/S (Retail Services) to the east, and unincorporated Hays County land to the north. The parcel is adjacent to or in the vicinity of warehouse and industrial land uses to the west, and primarily residential uses to the south and east.

The applicant seeks to rezone the property from A to W, Warehouse, which has been enabled for the following:

“(a)

The warehouse district W is designed to provide locations for outlets offering goods and services to a targeted segment of the general public as well as industrial users.

(b)

The permitted uses include those that primarily serve other commercial and industrial enterprises and do not include any use listed in the construction and manufacturing district CM, in division 19 of [the zoning ordinance]. No building or land shall be used, and no building hereafter shall be erected, maintained, or structurally altered, except for one or more of the uses hereinafter enumerated.

(c)

Any use permitted in district CBD-1, CBD-2, RS and this district as provided in section 53-1230.

Conditions of the Zoning Ordinance

Sec. 53-1205 Amendments

(d)

Referral of amendment to planning and zoning commission. Upon its own motion, a request by the planning and zoning commission, or the receipt of an administratively complete petition and application to zone or rezone a lot, tract or parcel of land, which petition and application has been examined and approved as to form by the city manager, shall be referred to the planning and zoning commission for consideration, public hearing, and recommendation to the city council. The council may not enact a

rezoning amendment until the planning and zoning commission has held a public hearing and made its recommendation to the city council, or has made a final vote on the matter without obtaining a majority, on the zoning or rezoning of the property.

(e)

Action by the planning and zoning commission. The planning and zoning commission shall cause such study and review to be made as advisable and required, shall give public notice and hold a public hearing as provided by state law, and shall recommend to the council such action as the planning and zoning commission deems proper...

Comprehensive Plan Text

The subject site is located in both the "Mid-Town Community District" and "New Town Community District", with a majority of the parcel in New Town. While warehouse zoning is not recommended in the Mid-Town Community District, the majority of the parcel is located in the New Town Community District. In New Town, the requested zoning is recommended only conditionally.

Character: The New Town Community District currently consisting primarily of residential uses, open fields, some commercial uses along I-35, and the City's new Performing Arts Center, the New Town District will likely experience significant development pressures in the near future. This District straddles both I-35 and FM 1626, and growth from Austin and Buda is spreading south along these roadways. This District should be livable, comfortable, and convenient for all residents of Kyle and the surrounding region. Elements of form and design are critical to ensuring transitions between neighboring uses.

Intent: The New Town Community District is designed to contain a horizontal mix of land uses that should be integrated across the area to express a cohesive community form. Many differing uses are encouraged throughout the District, but are distributed in autonomous land parcels instead of vertically aggregated in fewer land parcels. Horizontal mixed uses provide a transition to integrate the community form of New Town with surrounding communities, landscapes, and nodes. The purpose of the New Town Community District is to harness economic development potential and establish its position as the sustainable center of surrounding growth. This District should provide economic support to Kyle based on locational advantages gained by access to growth advancing from south Austin and nodal developments on the northern side of Kyle. Mixed-use development should be encouraged, not only permitted, to maximize economic development. This can be achieved by aggregating appropriate densities in

order to support a mixture of uses. Development patterns and employment opportunities should be created in the New Town District that do not conflict with the surrounding community fabric. Public spaces in this District should be used to preserve the character of ranch heritage, where appropriate.

Analysis

The property to be rezoned is located on the periphery of a light industry area situated on Goforth Road and in a unique geographical location could potentially form a natural break point to the east for single family residential or R/S related businesses. This property logically would form a hard boundary of 'W' zonings along Goforth Road, with an expected transition to residential or those districts aimed to support residential beginning from this site toward the east and south. Goforth Road is currently undergoing reconstruction to provide for current & future traffic flows. This improvement in infrastructure is planned to stop at this property, and is intended to increase the road's level of service and access to existing and future development.

The site has distant but direct access to both northbound I-35, as well as the residential neighborhoods to the south and northeast. Warehouse zoning in the New Town Community District is conditionally recommended in the Comprehensive Plan for approval, based on such factors as roadway infrastructure, proximity to major thoroughfares, potential disruption to stable neighborhoods, and access to adequate water and waste water facilities. Because it is located directly adjacent to similarly zoned land uses, the property owner's request to rezone their parcel to W (Warehouse) should be considered favorably.

Attachments

- Application
- Vicinity Map

APPLICATION & CHECKLIST – ZONING CHANGE

Zoning: John R. Simon & Gayla Simon (Name of Owner) December 9, 2016 (Submittal Date)

INSTRUCTIONS:

(2-16-013)

- Fill out the following application and checklist completely prior to submission.
- Place a check mark on each line when you have complied with that item.
- Use the most current application from the City's website at www.cityofkyle.com or at City Hall. City ordinances can be obtained from the City of Kyle.

REQUIRED ITEMS FOR SUBMITTAL PACKAGE:

The following items are required to be submitted to the Planning Department in order for the Zoning Application to be accepted.

- 1. Completed application form with owner's original signature.
- 2. Letter explaining the reason for the request.
- 3. Application fee: \$428.06, plus \$3.62 per acre or portion thereof.

CITY OF KYLE

DEC 09 2016

Newspaper Publication Fee: \$190.21

Total Fee:

~~636.37~~ \$632.79

PLANNING DEPARTMENT

- 4. A map or plat showing the area being proposed for rezoning.
- 5. A clear and legible copy of field notes (metes and bounds) describing the tract (when not a subdivided lot).
- 6. Certified Tax certificates: County ___ School ___ City ___
- 7. Copy of Deed showing current ownership.

*** A submittal meeting is required. Please contact Debbie Guerra at (512) 262-3959 to schedule an appointment.

1. **Zoning Request:**

Current Zoning Classification: Agriculture

Proposed Zoning Classification: Warehouse

Proposed Use of the Property: Dog Boarding and Grooming

Acreage/Sq. Ft. of Zoning Change: 4.01 Acres

2. **Address and Legal Description:**

Provide certified field notes describing the property being proposed for rezoning.
Provide complete information on the location of the property being proposed for rezoning.

Street Address: 1381 Goforth Rd., Kyle, Texas 78640

Subdivision Name/Lot & Block Nos.: ABS 14 John Stewart Survey 4.01 Acres

Property Recording Information: Hays County
Volume/Cabinet No. _____

Page/Slide No. _____

3. Ownership Information:

Name of Property Owner(s): John R. Simon & Gayla Simon

(If property ownership is in the name of a partnership, corporation, joint venture, trust or other entity, please list the official name of the entity and the name of the managing partner.)

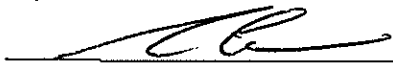
Address of Owner: 1381 Goforth Rd.
Kyle, Texas 78640

Phone Number: _____

Fax Number: _____

Email Number: _____

I hereby request that my property, as described above, be considered for rezoning:

Signed:  Gayla Simon

Date: 12-15-2016

4. Agent Information:

If an agent is representing the owner of the property, please complete the following information:

Agent's Name: Ward Davison

Agent's Address: 1201 Rio Grande, Ste 200
Austin, TX 78701


Agent's Phone Number: (512) 774-4166

Agent's Fax Number: (512) 960-4233

Agent's Mobile Number: _____

Agent's Email Number: Ward@WardDavisonLaw.com

I hereby authorize the person named above to act as my agent in processing this application before the Planning and Zoning Commission and City Council of the City of Kyle:

Owner's Signature:  Gayla Simon

Date: 12-15-2016

Do Not Write Below This Line
Staff Will Complete

Tax Certificates: County School City

Certified List of Property Owners Within 200"

All Fees Paid: Filing/Application Mail Out Costs

CITY OF KYLE

Attached Map of Subject Property

DEC 09 2016

Accepted for Processing By: Debbie A. Guerra

Date: _____
PLANNING DEPARTMENT

Date of Public Notification in Newspaper: 12/21/16

Date of Public Hearing Before Planning and Zoning Commission: 1/10/17

Date of Public Hearing Before City Council: 1/17/17 + 2/7/17

DEC 09 2016

December 9, 2016

Dear Sir or Ma'am,

PLANNING DEPARTMENT

This letter and its enclosures is intended to satisfy the requirements set forth by the City of Kyle to effect a change of zoning. If this application is found to be in any way deficient, please contact me immediately.

The property at issue is **1381 Goforth Rd. in Kyle, Texas 78640**. The current owners, John R. Simon & Gayla Simon, wish to sell their property to Zachary Biderman. The zoning for the property is currently Agriculture. Mr. Biderman would like to use the property to start a business that involves the boarding and grooming of canines. We believe the proper zoning designation for this type of business to be Warehouse and have enclosed an application reflecting as much. We have reviewed Sections 52-527 & 53-528 of the Code of Ordinances of the City of Kyle and are confident that Mr. Biderman's will fully comply. It is also our understanding that several nearby properties are also designated as Warehouse properties and believe that a change in zoning would not disrupt the use of any neighboring properties.

Through this process the above parties are seeking approval of the change before executing the sales contract on the property. If a sale cannot be completed, the Simon's would retain the ability to withdraw the change. If the sale were completed, Mr. Biderman would like to be assured that he can move forward with his plans and that the property will be properly zoned for his Boarding & Grooming enterprise. To that end, we would like a second reading from the City Counsel.

Please contact me with any concerns or questions.

Sincerely,


Ward B.B. Davison

Enclosed:

Zoning Application

Survey Map with Metes & Bounds

Platt Map

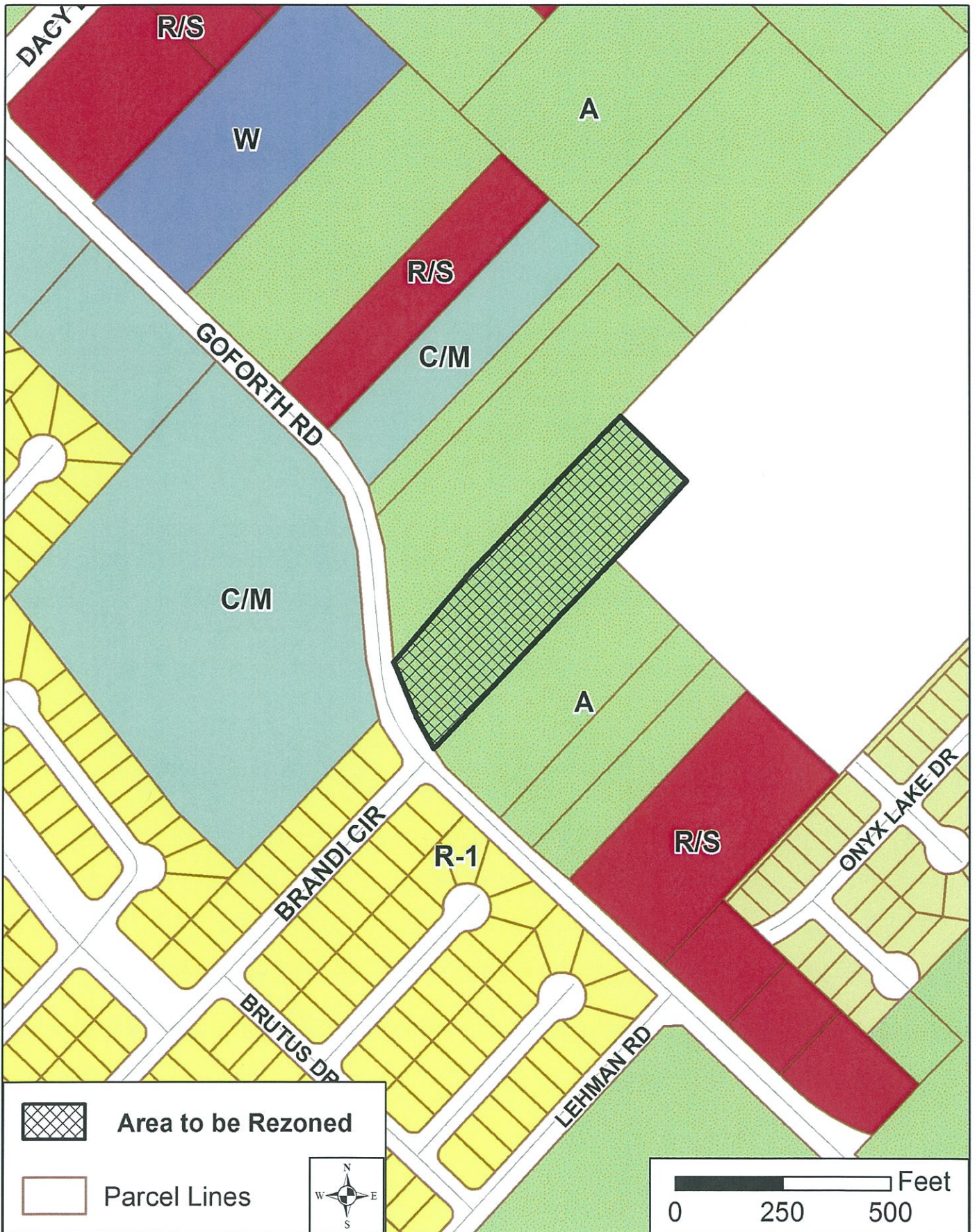
Copy of Ingress/Egress Easement

Copy Tax Certificate

Copy of Deed

Exhibit B

1361 Goforth Rd



6. CONSIDER AND POSSIBLE ACTION

**ITEM A – CONSIDER AND POSSIBLE ACTION REGARDING A
PROPOSED DEVELOPMENT AGREEMENT FOR MEADOWS OF KYLE II,
LTD.**



CITY OF KYLE

Community Development Department



MEMORANDUM

Date: January 10, 2017
To: City of Kyle Planning Commission
From: Howard J. Koontz, Community Development Director
Re: Revised Development Agreement for Sunset Hills (Meadows at Kyle II)

Previously, the City has entered into an agreement related to the development of 53 acres along Bebee Road just east of Republic Drive. Recently, the development interests have approached the City to revise that prior agreement based on a new analysis of the land and land plan, noting topographic challenges and a desire to better incorporate the final form of the new neighborhood, especially as it relates to the proposed Kyle park to the east.

The revised development agreement includes a revision to the site plan for the layout of the home lots and street network, but also incorporates more trails throughout the project, an improved entry-way aesthetic, and a tie-in that utilizes the proposed stormwater detention facility and adjacency to a proposed multi-discipline city park along the eastern border.

Typically, the Planning Commission does not hear and deliberate on development agreements, as they are more often used for properties that are outside the corporate limits and therefore have no zoning. As this property is a city parcel, and is subject to a current rezoning action, the terms and expectations of the development agreement language are germane to your job duties and description, and for that reason you are being presented the opportunity to comment and offer suggestions, praise, criticisms, and/or recommendations to the Mayor and City Council on the agreement language.

**AMENDED AND RESTATED
DEVELOPMENT AGREEMENT
FOR THE SUNSET HILLS SUBDIVISION**

This Amended and Restated Development Agreement ("Agreement") for the Sunset Hills Subdivision amends and restates that certain Tri-Party Development Agreement executed on April 11, 2007 (the "2007 Agreement" by and among the City of Kyle, Texas, a Texas municipal corporation (the "City"), The Meadows at Kyle, Ltd., a Texas limited partnership ("Kyle I"), and The Meadows at Kyle II, Ltd., a Texas limited partnership (the "Developer", and, together with the City, the "Parties" and, individually, a "Party")), as amended by (i) the First Amendment to the 2007 Agreement executed by Kyle I, Developer and the City on April 30, 2008 (the "First Amendment"), (ii) the Second Amendment to the Original Agreement executed by Kyle I, Developer and the City on August 24, 2011 (the "Second Amendment"), and (iii) the Third Amendment to the Original Agreement executed by Kyle I and the City on February 23, 2016 (the "Third Amendment", and the 2007 Agreement, as amended by the First Amendment, the Second Amendment and the Third Amendment, being the "Original Agreement").

Recitals

A. **WHEREAS**, Kyle I was the owner of approximately 80.46 acres of land out of the John N. Franks Survey No. 3, Abstract No. 178, the John N. Franks Survey No. 17, Abstract No. 177, and the August Reuss Survey No. 13, Abstract No. 397, in Hays County, Texas, being out of 195.9 acres as described in/under Vol. 345, Page 629 of the deed records of Hays County, Texas, said 80.46 acre tract of land ("The Meadows at Kyle"); and

B. **WHEREAS**, on September 13, 2012, Kyle I assigned, transferred and conveyed The Meadows at Kyle to a third party, together with certain appurtenances, plans and development rights, and thereafter Kyle I was dissolved; and

C. **WHEREAS**, the Parties acknowledge and agreement that The Meadows at Kyle

has been substantially developed and platted (in multiple phases) in compliance with the terms and conditions of the Original Agreement; and

D. **WHEREAS**, the Developer is the owner of approximately 52.99 acres of land out of the T. J. Allen Survey, Abstract No. 26, and the Elisha Pruett Survey, Abstract No. 376, in Hays County, Texas, being a portion of a 56.01 acre tract of land conveyed to Paula Joy Edwards (Beneficiary) by Substitute Trustee's Deed, dated December 6, 1988, recorded in Vol. 761, Page 671 of the real property records of Hays County, Texas, said 52.99 acre tract of land as more particularly described on Exhibit A hereto (the "Subdivision"); and

E. **WHEREAS**, the Subdivision has been annexed into the City; and

F. **WHEREAS**, the Developer has from time to time submitted to the City concept plans for the development of the Subdivision"); and

G. **WHEREAS**, the Developer desires to (i) develop the Subdivision in accordance with all applicable statutes, rules and ordinances, except as may be otherwise modified as set forth herein, and (ii) obtain wastewater service for the Subdivision; and

H. **WHEREAS**, the Developer will benefit from this Agreement because of (i) the wastewater services that will be made available to the Subdivision, and (ii) the variance(s), accommodations and clarifications set forth in Article I hereof; and

I. **WHEREAS**, the City will benefit from this Agreement because of (i) the extension of the City's wastewater system to the Subdivision; (ii) the expanded customer base and resulting income that the City will realize; and (iii) the acquisition of the Parkland without any cash outlay by the City for use in the City's plans for a regional park; and

J. **WHEREAS**, the Developer desires to amend and restate the Original Agreement as set forth herein.

NOW, THEREFORE, in exchange for the mutual promises and consideration herein expressed, other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged and confessed, and subject to the terms and conditions of this Agreement, the Parties agree as follows:

ARTICLE I

Development Standards

Pursuant to Chapter 212.172, Loc. Gov't Code, the City and the Developer hereby agrees as follows:

(1) The Subdivision shall be developed in conformity with the zoning requirements specified as R-1-3;

(2) The respective home owners' association ("HOA"), to whom the HOA's parks will be dedicated or conveyed, shall retain the discretion to preserve their respective parks in their natural state and nothing herein shall be construed to require the respective HOAs to improve any park or alter the natural state of any park unless the applicable HOA chooses to otherwise take such action;

(3) To the extent that the City concludes that a variance is necessary under its current codes, ordinances, and/or regulations to develop the Subdivision, the Developer shall be granted the following variances:

(4) All home plans will be reviewed by the city for appropriate façade requirements prior to building permits being issued.

(a) The maximum number of single-family residential lots for the Subdivision

shall be two hundred fifteen (215), for a total post-development residential density of 4.06 dwelling units per acre;

(b) The minimum size for each single-family home shall be one thousand four hundred (1,400) square feet.

(d) The building coverage limitation shall be as set forth in chart 2 of the City Zoning Ordinance, Section 53.33(l); provided that.

(i) The definition of “Main Building” for purposes of Section 53.33(l) chart 2, shall mean the area of a lot covered by the principal building or roofed areas, as measured along the outside wall at ground level, and including all projections,

(ii) The definition of “Accessory Building” for purposes of Section 53.33(l) chart 2, shall mean the area of a lot covered by accessory buildings or roofed areas (other than the main Building), as measured along the outside wall at ground level, and including all projections, and

(iii) For purposes of determining “Maximum Lot Coverage” for purposes of Section 53.33(l) chart 2, only the area of the applicable lot covered by the main Building and Accessory Buildings shall be calculated. Features such as patios, sidewalks, driveways, etc., to the extent that they do not constitute a Building, shall not be considered in the calculation of Maximum Lot Coverage to determine compliance therewith;

(e) As depicted on Exhibit B hereto,

(i) on and along each street and roadway in the Subdivision (other than the entry to the Subdivision) shall be fifty feet (50') wide, provided that Monarch Utilities is the water provider for the Subdivision; and

(ii) On and along the entry road in the Subdivision shall be eighty feet (80') wide.;

(f) There will be a stone (Fencecrete) wall along Bebee Road and on all lots adjacent to the city parkland.

(4) The Parties acknowledge and agree that approximately 13.24 acres of real property adjacent to the Subdivision (as more particularly described on Exhibit C hereto (the "Parkland") was previously dedicated to the City at no cost to the City; and

(5) Unless otherwise set forth herein, all applicable codes, ordinances, regulations and rules shall apply to the Subdivision. In the event of a conflict between the provisions of this Agreement and any such codes, ordinances, regulations or applicable rules, this Agreement shall control.

ARTICLE II

Obligations of the Parties

2.1. The Developer shall perform, or cause to be performed, each of the following:

(a) Develop all single family residential lots in the Subdivision in conforming with the zoning requirements specified as R-1-3 and Chapter 41 of the Subdivision Ordinance, as modified hereby;

(b) At the time of final plat recordation, dedicate and convey to the City, the respective streets, lift station site (each of which shall have public access), easements, detention and drainage facilities, and rights-of-way shown on the final plats; provided, however, that the fee simple title to any entry features, the HOA parks, trail systems (each of which shall have public access), and other common areas shall be conveyed by the Developer to the appropriate HOA, which shall be and remain responsible for the upkeep and maintenance thereof;

(c) Construct off-site Wastewater Facilities to the boundary of the Subdivision, as described on Exhibit D hereto using existing City 10" gravity wastewater line located at Bebee Road and Dacy Lane and including an onsite (___GPD_[B1]) lift station and a 6" offsite force main on the site depicted on Exhibit E hereto, which facilities shall be sized to reserve twenty five (25) living unit equivalents (LUEs) for the Parkland; provided however, that the City reserves the right to upsize such facilities at its sole cost and expense, and the Developer shall, so long as the City has not indicated or otherwise taken any action to upsize or otherwise modify such wastewater lines or facilities, commence construction of such facilities on or before April 17, 2019;

(d) During the construction of the first phase of single family homes in the Subdivision, design and construct, at the Developer's sole cost and expense and, as depicted on Exhibit B hereto,

(i) a left-turn lane into the Subdivision at the main entrance thereof; and

(ii) Secondary emergency access into the Subdivision,

(e) So long as the City has not indicated or otherwise taken any action to upsize or otherwise modify wastewater lines or facilities pursuant to clause (c) above or otherwise taken any action which would hinder or delay the Developer, commence construction of all off-site improvements related to the Subdivision on or before April 17, 2019 or this Agreement shall terminate.

2.2. The City hereby agrees:

(a) Subject to compliance with all applicable development standards set forth in the City's codes and ordinances (except as may be otherwise modified hereby), to approve the preliminary plats for the Subdivision (a single phase or two-phase development), including any amendments thereto so long as such amendments are consistent with the concept plans submitted to the City, which approval by the City shall in no event expire in fewer than five (5) years;

(b) That the (i) dedication/conveyance of the Parkland to the City, and (ii) payment by the Developer of \$300 per single family residential lot to the City at the time of final platting of each phase of lots on each plat within the Subdivision satisfied the City's "park fees" requirement for the Subdivision;

(c) To use the amounts paid by the Developer pursuant to clause (b) of this Section 2.2 for improvements at the city park currently known as "Kyle Vista Park"; and

(d) That the existing City wastewater system is sufficient to serve the Subdivision and interconnect with the wastewater facilities to be constructed by the Developer pursuant to Section 2.1(c) above, that upon completion of such wastewater facilities, the City shall accept dedication thereof and maintain such without any further obligation of the Developer.

2.3 The Parties shall:

(a) Execute and file an appropriate Memorandum of Record in the real property records of Hays County, Texas, with respect to the subject matter of this Agreement;

(b) Make appropriate notation(s) on the preliminary and final plats of the Subdivision;

(c) Execute and record appropriate CCRs for the Subdivision prior to Final Plat acceptance by the City, which CCR's shall have been reviewed by the City to ensure that adequate funding exists for applicable HOAs to comply with the minimum maintenance requirements for property identified as HOA property, within the Subdivision; and

(d) Hereby acknowledge that Monarch Utilities is anticipated to provide water service to the Subdivision, in sufficient quantities to service the Subdivision as required in City ordinances. The Developer hereby agrees not to commence construction of any improvements related to water services until the Developer have provided "will serve" letters from the water supplier to the City.

ARTICLE III

Assignment of Commitments and Obligations

3.1. The Developer may assign its rights and obligations under this Agreement to one or more purchasers of all or part of the Subdivision.

3.2. This Agreement shall be binding upon the Parties, their purchasers, successors and assigns.

Article IV

Miscellaneous

Provisions

Default

4.1. The Developer shall be in default hereunder in the event that it

(a) fails or refuses to construct the off-site wastewater infrastructure described in Section 2.1(c) hereof, or

(b) breaches any other term of this Agreement.

4.2. An "Event of Default" shall occur in the event that (a) the City gives written notice to the Developer specifying in reasonable detail the nature of the default (the "Notice of Default") and, (b) the Developer fails to cure such default in a reasonable manner within thirty (30) days after the date of receipt of such Notice of Default, or fails to take reasonable

steps to secure and give reasonable assurances to City that such default will be cured or rectified within a reasonable period of time and diligently pursue such cure to completion.

4.3. Upon the occurrence of an Event of Default, the City may terminate this Agreement by delivering written notice to the Developer stating that this Agreement has terminated (the "Notice of Termination"), and this Agreement shall terminate as and from the day, specified as the termination date in the Notice of Termination.

Force Majeure

4.4. The term "force majeure" as used herein shall mean and refer to acts of God; strikes, lockouts, or other industrial disturbances; acts of public enemies, orders of any kind of the government of the United States, the State of Texas or any civil or military authority; insurrections; riots; epidemics; landslides; lightning, earthquakes; fire, hurricanes; storms, floods; washouts; droughts; arrests; restraint of government and people; civil disturbances; explosions; breakage or accidents to machinery, pipelines, or canals; or other events which prevent performance by a Party (the "Affected Party") and are not reasonably within the control of such Party.

4.5. Upon the occurrence of an event of force majeure, the Affected Party shall give written notice fully describing the event of force majeure to the other Party within ten (10) days after the occurrence thereof. The obligations of the Affected Party, to the extent affected by the force majeure, shall be suspended during the continuance of the Affected Party's inability to perform. The Affected Party shall endeavor to remove or overcome such inability to perform with all reasonable dispatch.

Notices

4.6 All notices, demands and requests required hereunder shall be in writing and shall be deemed to have been properly delivered and received (i) as of the date of delivery

to the addresses set forth below, if personally delivered or delivered by facsimile transmission, with confirmation of delivery (in the event a facsimile is sent after 5:00 p.m., local Austin, Texas time, it shall be deemed to have been received on the next day), or email; (ii) three (3) business days after deposit in a regularly maintained receptacle for the United States mail, certified mail, return receipt requested and postage prepaid; and (iii) one (1) business day after deposit with Federal Express or comparable overnight delivery system for overnight delivery with all costs prepaid. All notices, demands and requests hereunder shall be addressed as follows:

If to The Meadows at Kyle II, Ltd.:	With a copy to:
Gary Duncan 506 Galisteo St. Santa Fe, New Mexico 87501 Telecopier: (505) 982-8987	Warren Stigall 6212 Harwin Lane Austin, Texas 78745 Telecopier: (512) 383-1226
If to the City of Kyle:	With a copy to:
City of Kyle Attn: City Manager P.O. Box 40 Kyle, Texas 78640 Facsimile: (512) 268-3987	Davidson Troilo Ream & Garza A Professional Corporation 601 N.W. Loop 410, Suite 100 San Antonio, Texas 78216 Facsimile: (210) 349-0041

A Party may change the address for notice to it by giving notice of such change to the other Party in accordance with the provisions of this Section.

Term

4.7. This Agreement shall be effective until _____, 20__ unless terminated earlier pursuant to Section 4.3 hereof.

Entire Agreement

4.8. This Agreement, together with any exhibits hereto, constitutes the entire agreement between Parties, and may not be amended except by a writing signed by all Parties and dated subsequent to the date hereof.

Effective Date

4.9. This Agreement shall be effective upon execution by all Parties and, thereafter, the Original Agreement shall cease to have any force or effect and shall be superseded by this Agreement.

Texas Law Governs

4.10. This Agreement shall be governed by and construed in accordance with the laws of the State of Texas and shall be performable in Hays County, Texas. Venue shall lie exclusively in Hays County, Texas.

Time of the Essence

4.11. It is acknowledged and agreed by the Parties that time is of the essence in the performance of this Agreement.

Execution

4.12 This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument. The Parties agree that facsimile or electronic signatures sent to each Party solely for the purpose of evidencing such Party's execution of this Agreement shall be acceptable to bind the Parties and shall not in any way affect this Agreement's validity. The Parties intend to confirm the initial facsimile or electronic signatures by exchanging ink-signed

originals, but the Parties' failure to exchange ink signed originals shall not affect the Agreement's validity in any way.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

EXECUTED in multiple originals to be effective as of the date first written above.

CITY OF KYLE, TEXAS

By: _____

Name: _____

Title: _____

THE MEADOWS AT KYLE II, LTD

By: The Meadows at Kyle Development Co. II, LLC, General Partner

By: _____

Name: George Gary Duncan

Title: Manager

**Development Agreement
Sunset Hills Subdivision
Kyle, TX**

Exhibit Table of Contents

- A. Land Description (Metes & Bounds and Survey)
The Property – Sunset Hills Subdivision**
- B. Subdivision Rights of Way (ROW)
Typical Cross Section**
- C. Parkland**
- D. Subdivision Wastewater Facility
Onsite Lift Station and Offsite Force-main**

Exhibit A

52.990 ACRES
ELISHA PRUETT SURVEY NO. 23, ABSTRACT NO. 376
THOMAS G. ALLEN SURVEY, ABSTRACT NO. 26
HAYS COUNTY, TEXAS
TITLE SURVEY

FIELD NOTES

BEING ALL THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF AND A PART OF THE ELISHA PRUETT SURVEY NUMBER 23, ABSTRACT NUMBER 376 AND THE THOMAS G. ALLEN SURVEY, ABSTRACT NUMBER 26, SITUATED IN HAYS COUNTY, TEXAS, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS BEING ALL OF THAT CERTAIN CALLED 52.990 ACRE TRACT OF LAND CONVEYED TO THE MEADOWS AT KYLE II, LTD. IN VOLUME 2984, PAGE 804, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS (O.P.R.H.C.TX.), SAID 52.990 ACRE TRACT OF LAND BEING MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a capped iron rod found at northeastern corner of said 52.990 acre tract, also being the northwestern corner of Lot 4, Sunflower Acres, a subdivision recorded in Volume 4, Page 18, Plat Records of Hays County, Texas (P.R.H.C.TX.) and also being in the southern line of Lot 37, Block B, Amberwood Phase 3, a subdivision recorded in Volume 11, Pages 147-149 (P.R.H.C.TX.), for the northeastern corner and **POINT OF BEGINNING** of the herein described tract,

THENCE, with the common boundary line of said 52.990 acre tract, said Lot 4, Sunflower Acres, Lots 2 and 3 of said Sunflower Acres, the west line of that certain called 12.52 acre tract of land conveyed to Guadalupe and Belen Villegas in Volume 3159, Page 463 (O.P.R.H.C.TX.) and that certain called 13.22 acre tract of land conveyed to The City of Kyle in Volume 3344, Page 684 (O.P.R.H.C.TX.), S14°32'00"W, a distance of 2035.11 feet to a capped iron rod found at the southeastern corner of said 52.990 acre tract, also being the southwestern corner of said 13.22 acre tract and also being in the northern right-of-way line of County Road 122 (A.K.A. Bebee Road) (R.O.W. varies), for the southeastern corner of the herein described tract,

THENCE, with the common line of said 52.990 acre tract and the northern right-of-way line of said County Road 122, the following two (2) courses and distances, numbered 1 and 2,

1. N64°43'18"W, a distance of 890.36 feet to a capped iron rod found marked "RUST" at the beginning of a curve to the left, and,
2. With said curve to the left having a radius of 498.37 feet, an arc length of 69.63 feet, and whose chord bears N68°42'05"W, a distance of 69.57 feet to a ½" iron rod found at the southernmost southwestern corner of said 52.990 acre tract and also being a southeastern corner of that certain called 2.49 acre tract of land conveyed to GTP Towers V, LP in Volume 3581, Page 839 (O.P.R.H.C.TX.), for the southernmost southwestern corner of the herein described tract,

THENCE, with the common boundary line of said 52.990 acre tract and said 2.49 acre tract, the following four (4) courses and distances, numbered 1 thru 4,

1. N22°01'04"E, a distance of 10.09 feet to a ½" iron rod found,
2. N34°57'29"W, a distance of 208.25 feet to a ½" iron rod found,
3. N23°11'38"E, a distance of 230.14 feet to a ½" iron rod found, and
4. N64°47'02"W, a distance of 265.26 feet to a ½" iron rod found at the westernmost southwestern corner of said 52.990 acre tract, also being the northwestern corner of said 2.49 acre tract and also being in the eastern line of that certain called 25.98 acre tract of land conveyed to Kyle Business Park, LP in Volume 2835, Page 819 (O.P.R.H.C.TX.), for the westernmost southwestern corner of the herein described tract,

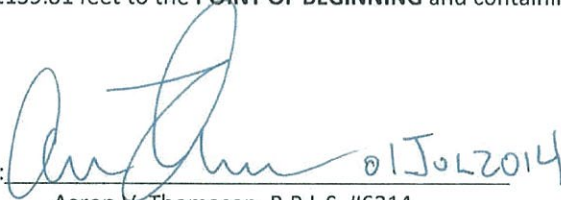
Exhibit A

52.990 ACRES
ELISHA PRUETT SURVEY NO. 23, ABSTRACT NO. 376
THOMAS G. ALLEN SURVEY, ABSTRACT NO. 26
HAYS COUNTY, TEXAS
TITLE SURVEY

THENCE, with the common boundary line of said 52.990 acre tract, said 25.98 acre tract and Amberwood Phase 1, a subdivision recorded in Volume 10, Page 352 (P.R.H.C.TX.), N21°56'09"E, a distance of 1451.85 feet to a calculated point at the northwestern corner of said 52.990 acre tract, also being the northeastern corner of Lot 17, Block B of said Amberwood Phase 1, also being the southwestern corner of Lot 19, Block B of said Amberwood Phase 3 and also being the southwestern corner of Lot 20, Block B of said Amberwood Phase 3, for the northwestern corner of the herein described tract,

THENCE, with the common boundary line of said 52.990 acre tract and said Amberwood Phase 3, S75°25'36"E, a distance of 1139.81 feet to the **POINT OF BEGINNING** and containing 52.990 acres of land.

Surveyed by:

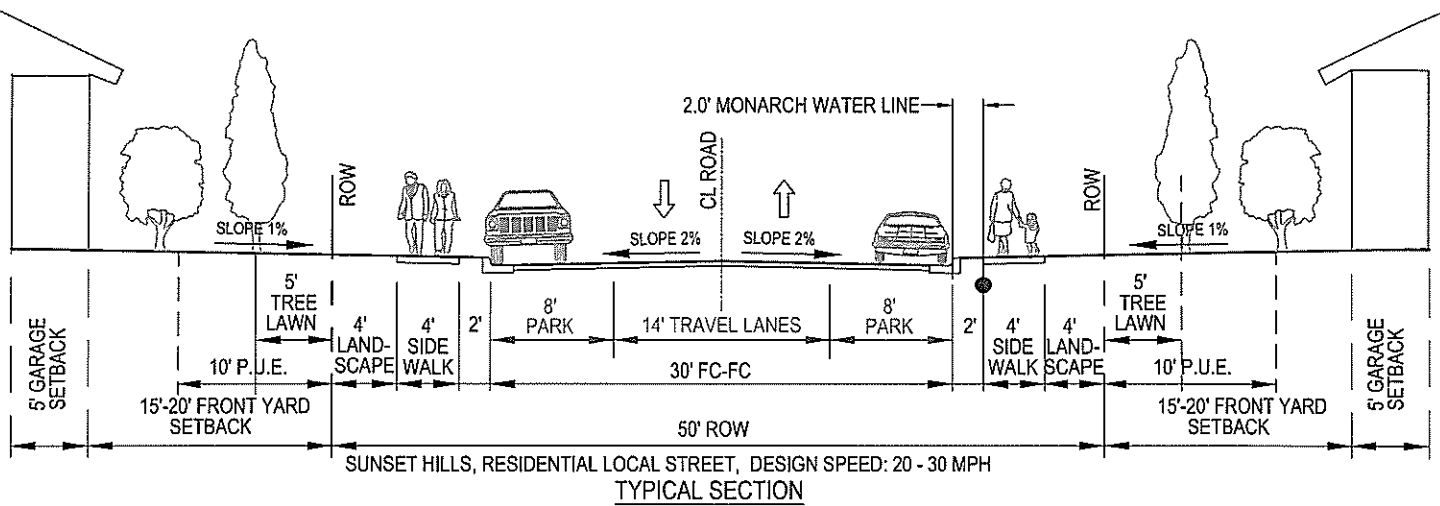
 01 JUL 2014

Aaron V. Thomason, R.P.L.S. #6214
Carlson, Brigance & Doering, Inc.
5501 West William Cannon Drive
Austin, TX 78749
Phone: (512) 280-5160



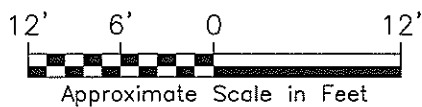
BEARING BASIS: TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE (4204), NAD83

EXHIBIT B



NOTE:

FRONT SETBACKS STAGGERED/ALTERNATING BETWEEN 20' AND 25'. IF FRONT OF GARAGE IS SET BACK AT LEAST 5' FROM FRONT WALL OF HOME, THEN FRONT SETBACK TO FRONT WALL OF HOME MAY BE STAGGERED/ALTERNATING BETWEEN 15' AND 20'.



**SUNSET HILLS
TYPICAL 50' STREET SECTION**



Murfee Engineering Company

Texas Registered Engineering Firm F-353

1101 Capital of Texas Highway South, Building D, Suite 110, Austin, Texas 78746, (512) 327-9204

JOB NO. 15-045-10	SCALE: AS NOTED	SHEET: 1 OF 1
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DESIGNED BY: GM	DATE: 10/14/2016
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DRAWN BY: RLW	DATE: 10/14/2016
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FILE(LAYOUT): O:\15\045\10\STREETSCAPE TYPICAL SECTION 3.dwg(Layout1)

SUNSET HILLS PARK



LEGEND

- 1/2" IRON ROD FOUND (UNLESS NOTED)
- 1/2" IRON ROD WITH CAP SET

LINE TABLE

No.	BEARING	DISTANCE
1	S55°30'45"W	120.94'
2	S77°14'45"W	101.00'
3	S71°14'45"W	81.62'
4	S55°10'45"W	81.23'
5	S29°23'55"W	161.34'
6	N63°51'20"W	125.65'

CURVE TABLE

RS	DELTA	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
CT	47°51'	1008.45'	77.08'	77.02'	N63°18'07"W

10.00 ACRES
ALFONSO MARTINEZ AND WIFE
HOPE MARTINEZ
VOLUME 947, PAGE 898

50' ROAD EASEMENT
VOLUME 394, PAGE 157

LOT 1
SILVER MILLS
VOLUME 4, PAGE 45

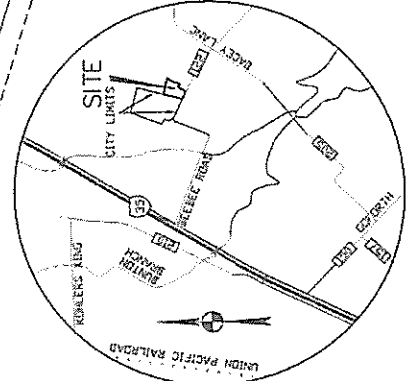
1.5 ACRES
RONALD FREEMAN, D/B/A
CONSTRUCTION COMPANY
VOLUME 369, PAGE 261

13.220 ACRES
(575,864 SQ. FT.)
LOT 1, BLOCK 'A' - PARKLAND
(PARKLAND DEDICATED TO
CITY OF KYLE)

13.220 ACRES
THE MEADOWS AT KYLE II LTD
VOLUME 3125, PAGE 889

52.990 ACRES
THE MEADOWS AT KYLE II LTD
VOLUME 2984, PAGE 804

13.51 ACRES
TROY MEDENA AND WIFE
DEBORAH MEDENA
VOLUME 2122, PAGE 104



VICINITY MAP
N.T.S.

COUNTY ROAD 122 (BEEBE ROAD)
(R.O.W. VARIES)

KYLE CITY LIMITS

KYLE CITY LIMITS

SUNSET HILLS
PARK

A ONE LOT SUBDIVISION
CONSISTING OF 13.220 ACRES
PREPARED BY:

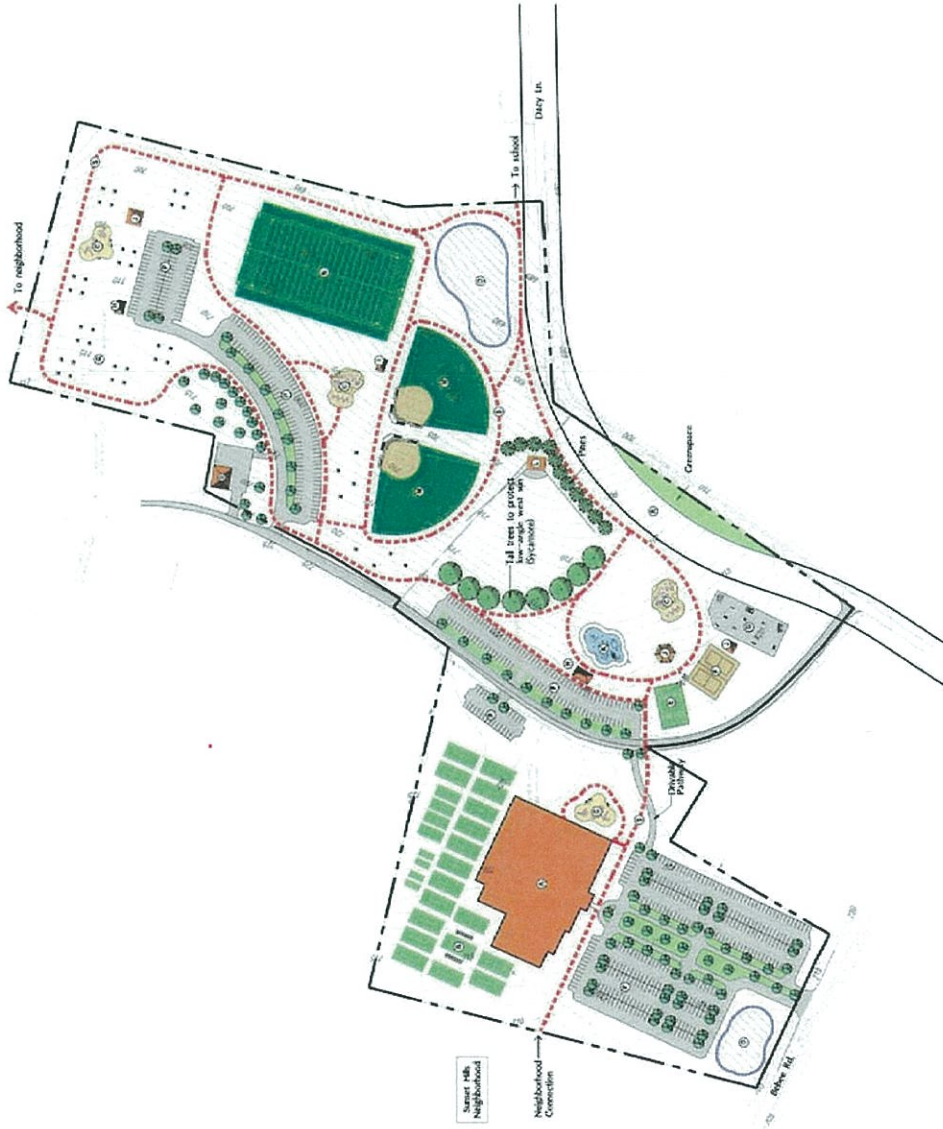
Bury+Partners
ENGINEERING SOLUTIONS
221 West Sixth Street, Suite 606, Austin, Texas 78701
Tel. (512) 323-0911 Fax (512) 323-8353
BuryPartners, Inc. ©Copyright 2007

Drawn by: DSK. Appraised by: CSB. Project No. 1248-0244 File # H:\UT\W\21480244.DWG

Exhibit C

LEGEND KEY

- A Recreation Center
 - B Tennis Complex
 - C Playground
 - D Detention Pond
 - E Basketball Courts
 - F Volleyball Courts
 - G Skate Park
 - H Restroom Facility
 - I Restroom/Concession Bldg
 - J Picnic Shelter
 - K Sprayground
 - L Amphitheater
 - M Baseball Fields
 - N Football/Soccer Field
 - O Maintenance Building
 - P Parking
 - Q Picnic Area
 - R Future Day Lane Widening Project
 - S Paved Walking Trail
- Disc Golf and Horseshoes to be Sited Around the Park



September 30, 2008

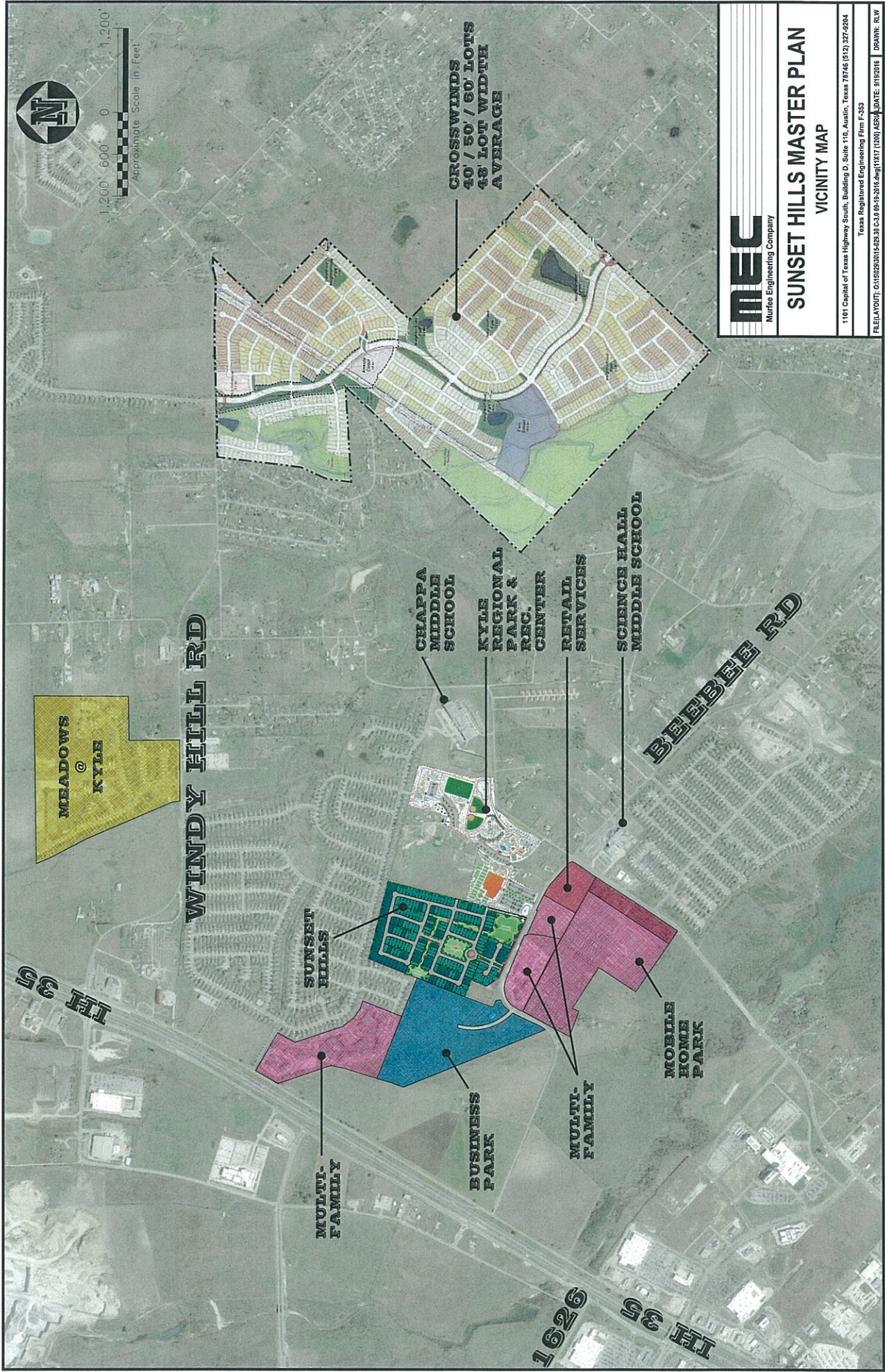


Marmon|Mok
ARCHITECTURE

Brandstetter Carroll Inc.
ARCHITECTS ENGINEERS PLANNERS
Houston • Austin • Dallas • Chicago • Denver

Final Master Plan
Parks and Recreation Department
Kyle, Texas





**CROSSWINDS
40' / 50' / 60' LOTS
48' LOT WIDTH
AVERAGE**

**MEADOWS
@
KYLE**

WINDY HILL RD

**SUNSET
HILLS**

**MULTI-
FAMILY**

**BUSINESS
PARK**

**MULTI-
FAMILY**

**MOBILE
HOME
PARK**

**CHAPPA
MIDDLE
SCHOOL**

**KYLE REGIONAL
PARK &
REC.
CENTER**

**RETAIL
SERVICES**

**SCIENCE HALL
MIDDLE SCHOOL**

BEEBEE RD



**SUNSET HILLS MASTER PLAN
VICINITY MAP**

1101 Capital of Texas Highway South, Building D, Suite 110, Austin, Texas 78746 (512) 327-2004
Texas Registered Engineering Firm F-353

FILE/PROJECT: C:\15252581\F-2533 C-3 08-18-2016.dwg (1/17) (150) JEN DATE: 8/15/2016 DRAWN: RLW