

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

The Planning and Zoning Commission of the City of Kyle, Texas met in regular session April 9, 2013 at 6:30 p.m. at Kyle City Hall, with the following persons present:

Commissioner Cicely Kay  
Commissioner Alfred Zambrano  
Chairman Dan Ryan  
Vice-Chair Pat Fernandez  
Commissioner Mike Rubsam  
Commissioner Michele Christie  
Director of Planning, Sofia Nelson

***CALL MEETING TO ORDER***

Chairman Ryan called the meeting to order at 6:30 p.m.

***ROLL CALL OF BOARD***

Chairman Ryan called for roll call. Commissioner Fulton was absent. Commissioner Kay was absent from Roll Call.

***CITIZENS COMMENTS***

Chairman Ryan opened the citizens comment period at 6:30 pm and called for comments on items not on the agenda or posted for public hearing. There were no comments. Chairman Ryan closed the citizens comment period at 6:30 pm.

***MINUTES: Planning and Zoning Commission Meeting – March 26, 2013.***

Commissioner Rubsam moved to approve the Planning and Zoning Commission Meeting Minutes from March 26, 2013. Commissioner Christie seconds the motion. All votes aye. Motion carried.

*Commissioner Kay arrived at 6:31 p.m.*

***CONSENT AGENDA***

**POST OAK SUBDIVISION PHASE 5A (FP-13-005) 15.411 ACRES; 72 LOTS LOCATED OFF OF E. RR 150 WITHIN THE POST OAK SUBDIVISION (EXTENSION OF LANGELY, GODDARD AND WALLOPS STREETS).**

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

***CONSIDER AND POSSIBLE ACTION:***

***SITE DELVELOPEMENT PLAN***

**KYLE HEIGHTS SECTION 2 LOT 17 (SD-12-018) 2.86 ACRES; LOCATED AT 1101 GOFORTH ROAD.**

Chairman Ryan opened the public hearing at 6:33 p.m. and called for comments for or against Kyle Heights Section 2 Lot 17 (SD-12-018) Site Plan and Conditional Use Permit 2.86 acres located at 1101 Goforth Road. There were no comments. Chairman Ryan closed the public hearing at 6:33 p.m.

Commissioner Rubsam moved to approve Kyle Heights Section 2 Lot 17 (SD-12-018) Site Plan; 2.86 acres; located at 1101 Goforth Road. Chairman Ryan seconds the motion. All votes aye. Motion carried.

***CONDITIONAL USE PERMIT/CONDITIONAL USE OVERLAY DISTRICT***

**CONSIDER A REQUEST BY ARMANDO GARCIA (KYLE HEIGHTS SECTION 2 LOT 17 – 1101 GOFORTH ROAD) FOR A CONDITIONAL USE PERMIT TO EXISTING 8,750 SQUARE FOOT BUILDING LOCATED WITHIN THE GOFORTH ROAD ZONING OVERLAY DISTRICT.**

Public hearing was held with the Kyle Heights Section 2 Lot 17 Site Plan.

Vice-Chair Fernandez moved to approve the request by Armando Garcia (Kyle Heights Section 2 Lot 17 – 1101 Goforth Road) for a conditional use permit to existing 8,750 square foot building. Commissioner Kay seconds the motion. All votes aye. Motion carried.

**CONSIDER A REQUEST BY TRAVIS AND JUSTIN MITCHELL (MITCHELL FAMILY MOTOR TRIKES – 21701 N. IH-35) FOR A CONDITIONAL USE PERMIT TO CONSTRUCT A 4,860 SQUARE FOOT BUILDING LOCATED WITHIN THE INTERSTATE HIGHWAY 35 ZONING OVERLAY DISTRICT.**

Chairman Ryan opened the public hearing at 6:39 p.m. and called for comments for or against a request by Travis and Justin Mitchell (Mitchell Family Motor Trikes – 21701 N. IH-35) for a Conditional Use Permit to construct a 4,860 square foot building located within the Interstate Highway 35 Zoning Overlay District. There were no comments. Chairman Ryan closed the public hearing at 6:39 p.m.

Vice-Chair Fernandez moved to approve the Conditional Use Permit to construct a 4,860 square foot building with the condition that it complies with the IH-35 Overlay Standards. Commissioner Christie seconds the motion. All votes aye. Motion carried.

***ADJOURN***

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

The Planning & Zoning Meeting adjourned at 6:43 p.m.

\_\_\_\_\_  
Amelia Sanchez, City Secretary

\_\_\_\_\_  
Dan Ryan, Chairman

## MEMORANDUM

TO: Planning and Zoning Commission  
FROM: Sofia Nelson, Director of Planning  
DATE: May 22, 2013  
SUBJECT: Windmill Center Subdivision Final Plat

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### **BACKGROUND**

#### **Site Information and Proposal**

The subject property occupies 5.74 acres and is located along the IH-35 northbound feeder road, north of the intersection of Goforth and I-35. The subdivision is proposed to be divided into 3 commercial lots and the property is zoned Retail Services.

#### **Utilities**

Water and wastewater will be provided by the City of Kyle.

#### **Access**

The proposed development will take access off of the northbound frontage road of I-35.

#### **Parkland**

Commercial subdivisions are not required to dedicate parkland.

### **STAFF RECOMMENDATION:**

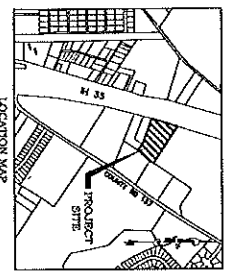
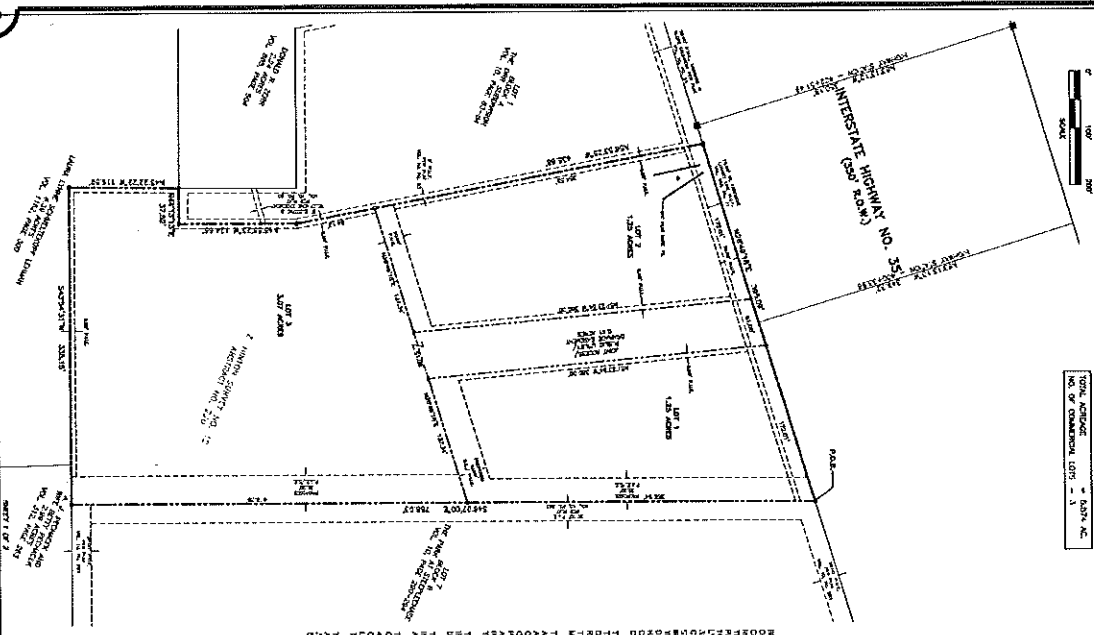
Staff is recommending approval of the request for the following reasons:

- The plat is consistent with all zoning requirements for the property.
- The proposed provision and configuration of roads, water, wastewater, drainage and easements and rights-of-way appear to be adequate for the proposed subdivision.

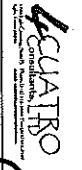
**WINDMILL CENTER SUBDIVISION**

5.574 ACRES  
HAYS COUNTY, TEXAS

FINAL LEGAL DESCRIPTION - CONT. AC.  
NO. OF CONVEYANCE LOTS - 3



- LEGEND**
- UNDEVELOPED LOT
  - DEVELOPED LOT
  - UNDEVELOPED LOT
  - DEVELOPED LOT



**WINDMILL CENTER SUBDIVISION**

5.574 ACRES  
HAYS COUNTY, TEXAS

**CITY OF TEXAS**

BEFORE ME, the undersigned authority, on this \_\_\_\_\_ day of \_\_\_\_\_, 2011, personally appeared \_\_\_\_\_, known to me to be the person whose name is subscribed to the foregoing plat, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, and that he executed the same as the City of Hays County, Texas.

**CITY CLERK**

\_\_\_\_\_  
CITY CLERK

**CITY ENGINEER**

\_\_\_\_\_  
CITY ENGINEER

**CITY COMMISSIONER**

\_\_\_\_\_  
CITY COMMISSIONER

**CITY MANAGER**

\_\_\_\_\_  
CITY MANAGER

**CITY OF TEXAS**

I, the undersigned, a registered professional land surveyor in the State of Texas, having examined the plat hereof, certify that it is a true and correct copy of the original as shown to me by the person whose name is subscribed to the foregoing plat, and that the same conform to the requirements of the laws of the State of Texas.

**REGISTERED PROFESSIONAL LAND SURVEYOR NO. 1180**

\_\_\_\_\_  
REGISTERED PROFESSIONAL LAND SURVEYOR

**CITY ENGINEER**

\_\_\_\_\_  
CITY ENGINEER

**CITY COMMISSIONER**

\_\_\_\_\_  
CITY COMMISSIONER

**CITY MANAGER**

\_\_\_\_\_  
CITY MANAGER

1. ALL PORTIONS OF THE TRACT WITH THE DIMENSIONS OF 1.134 ACRES, PLAT HEREON AS INDICATED ON THE ORIGINAL 1000 ACRES PLAT, HAYS COUNTY, TEXAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
2. BEING THAT PART OF THE TRACT HEREIN DESCRIBED AS FOLLOWS:
3. THIS PROJECT COMPREHENSIVE LOTS WITHIN THE CITY OF HAYS COUNTY, TEXAS.
4. PUBLIC UTILITY EXISTENCES ARE RECORDED AS FOLLOWS:
5. UTILITIES ARE SHOWN ON LOTS SHOWN TO THE CITY OF HAYS COUNTY, TEXAS.
6. THE LOTS DESCRIBED, COMPREHENSIVE WITHIN WITHIN, FOR THE 100 YEAR PERIOD, AND THE 100 YEAR RESILIENT FLOODPLAIN SHALL BE DESIGNATED WITHIN THE CITY OF HAYS COUNTY, TEXAS.
7. NO PORTION OF THIS SET OF PLATS WITHIN THE DIMENSIONS OF THE DIMENSIONS ARE:
8. UTILITIES EXISTENCES, WITHIN THE CITY OF HAYS COUNTY, TEXAS.
9. UTILITIES EXISTENCES, WITHIN THE CITY OF HAYS COUNTY, TEXAS.
10. UTILITIES EXISTENCES, WITHIN THE CITY OF HAYS COUNTY, TEXAS.
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14. UTILITIES EXISTENCES, WITHIN THE CITY OF HAYS COUNTY, TEXAS.
15. UTILITIES EXISTENCES, WITHIN THE CITY OF HAYS COUNTY, TEXAS.

**CITY OF TEXAS**

I, the undersigned, a registered professional land surveyor in the State of Texas, having examined the plat hereof, certify that it is a true and correct copy of the original as shown to me by the person whose name is subscribed to the foregoing plat, and that the same conform to the requirements of the laws of the State of Texas.

**REGISTERED PROFESSIONAL LAND SURVEYOR NO. 1180**

\_\_\_\_\_  
REGISTERED PROFESSIONAL LAND SURVEYOR

**CITY ENGINEER**

\_\_\_\_\_  
CITY ENGINEER

**CITY COMMISSIONER**

\_\_\_\_\_  
CITY COMMISSIONER

**CITY MANAGER**

\_\_\_\_\_  
CITY MANAGER



## MEMORANDUM

TO: Planning and Zoning Commission  
FROM: Sofia Nelson, Director of Planning  
DATE: May 20, 2013  
SUBJECT: Hometown Kyle Phase 4 Section 2

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### **BACKGROUND**

#### **Site Information and Proposal**

The proposed subdivision is approximately 10.4 acres in size and is one of three sections within phase 4 of the Hometown Kyle Subdivision. The proposed subdivision plans for the creation of 43 lots and access to the project will be through the extension of Chapparo Drive and the construction of three new residential streets. The subdivision is consistent with the requirements of the development agreement for this project and the R-1-2 zoning designation for the property.

#### **Utilities**

City of Kyle will provide water and wastewater utilities to the site.

#### **Access**

The proposed development will be made accessible via residential streets.

#### **Parkland**

The parkland dedication requirements for Hometown Kyle Phases 1 - 4 were met when the developer built the trail from Chapparo Dr to Wallace Middle School and from Wallace MS to FM-150.

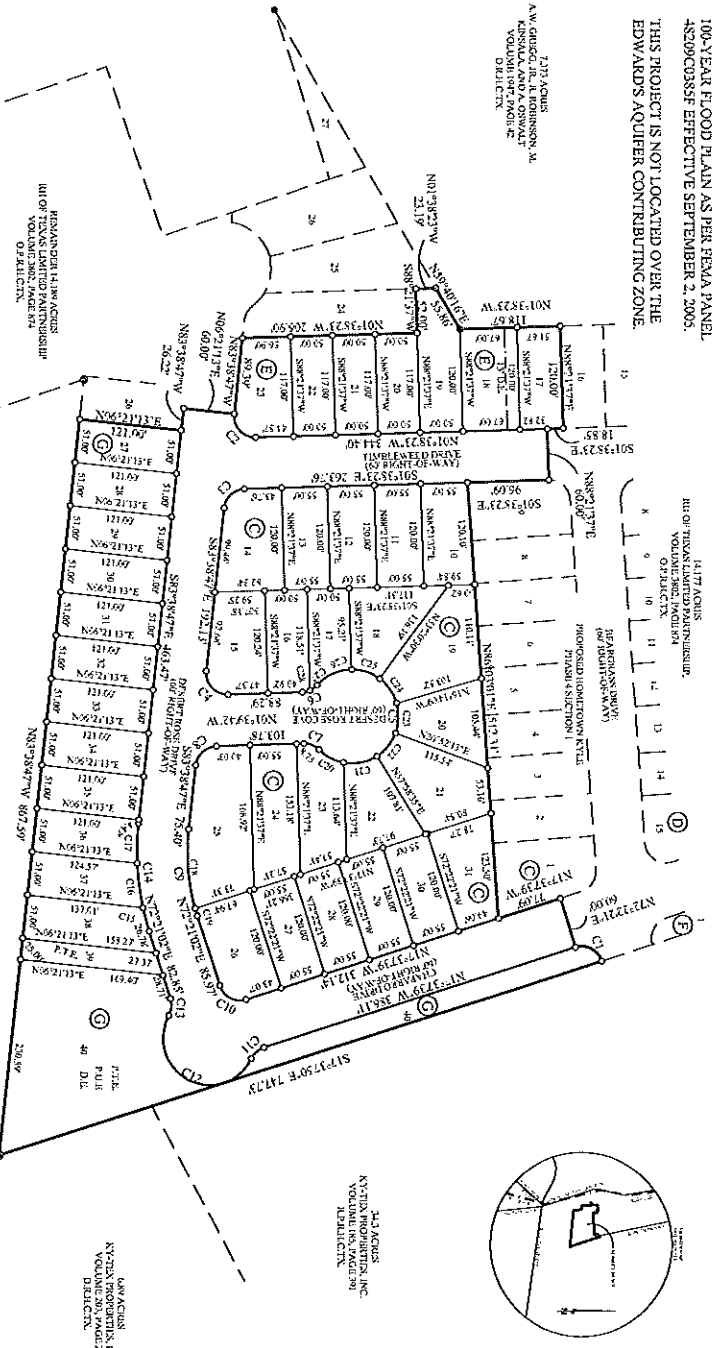
### **STAFF RECOMMENDATION:**

Staff is recommending approval of the request for the following reasons:

- The plat is consistent with all zoning requirements for the property.
- The proposed provision and configuration of roads, water, wastewater, drainage and easements and rights-of-way appear to be adequate for the proposed subdivision.

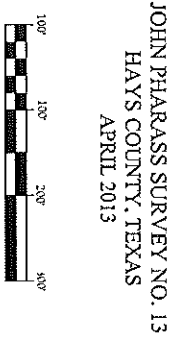
NOTES:  
 NO PORTION OF THIS PROJECT IS WITHIN A  
 100-YEAR FLOOD PLAIN AS PER FEMA PANEL  
 45209C0358 EFFECTIVE SEPTEMBER 2, 2005.  
 THIS PROJECT IS NOT LOCATED OVER THE  
 EDWARDS AQUIFER CONTRIBUTING ZONE.

2.115 ACRES  
 A.W. GRIFFIN, JR.  
 KENNETH A. GRIFFIN  
 VOLUNTARILY PARTNERING  
 DELICTIC



CURVE	RADIUS	LENGTH	CHORD	BEARING	DELTA
C1	35.00'	39.27'	15.35'	N27°22'09"E	99°00'00"
C2	35.00'	42.76'	17.75'	N41°17'15"E	97°49'34"
C3	35.00'	35.78'	32.81'	S42°38'55"E	82°00'24"
C4	35.00'	42.77'	17.76'	N47°20'45"E	98°00'24"
C5	35.00'	262.19'	75.63'	S88°20'18"W	27°18'06"00"
C6	35.00'	20.32'	19.76'	N24°56'43"W	46°14'03"
C7	35.00'	20.32'	19.76'	S21°17'20"W	46°14'03"
C8	35.00'	35.77'	32.80'	S12°19'15"E	81°49'06"
C9	35.00'	102.64'	101.89'	N28°21'10"E	24°00'11"
C10	35.00'	39.26'	35.34'	N27°21'14"E	89°48'41"
C11	35.00'	20.32'	19.76'	S40°56'41"E	46°14'03"
C12	35.00'	175.78'	109.96'	N27°21'14"E	183°06'47"
C13	35.00'	20.32'	19.76'	N84°21'57"W	46°14'03"
C14	35.00'	127.77'	126.84'	N27°21'14"E	24°00'11"
C15	35.00'	28.80'	28.49'	N75°10'19"E	93°32'26"
C16	35.00'	52.66'	52.40'	N82°38'29"E	89°46'31"
C17	35.00'	46.71'	46.67'	S88°02'03"E	89°46'31"
C18	35.00'	93.66'	93.67'	S85°24'35"E	21°48'18"
C19	35.00'	9.04'	9.04'	N73°24'28"E	230°52'54"
C20	35.00'	32.69'	32.46'	N73°24'28"E	34°19'31"
C21	35.00'	40.88'	39.92'	N10°42'07"W	42°45'33"44"
C22	35.00'	35.78'	35.16'	N40°17'15"W	57°46'44"11"
C23	35.00'	35.77'	35.11'	N87°52'20"W	37°41'27"38"
C24	35.00'	35.64'	34.02'	S84°57'10"W	37°41'27"38"
C25	35.00'	35.53'	34.91'	S17°54'55"W	37°46'02"69"
C26	35.00'	45.70'	44.40'	S54°28'10"E	47°46'02"69"
C27	35.00'	11.02'	10.93'	N33°15'58"W	25°15'52"
C28	35.00'	9.70'	9.24'	N12°18'57"W	21°18'31"

- LEGEND**
- 1 INCH IRON PIN ROUND
  - 1/2 INCH IRON ROD WITH "HAYS B&P" CAP/ROUND
  - 1/2 INCH IRON ROD FOUND
  - 1/2 INCH IRON ROD WITH "DELTA SURVEY" CAP/RET
  - BL BUILDING SUTURE LINE
  - ITL TITLE
  - PHL PUBLIC UTILITY LINES
  - ROW RIGHT OF WAY
  - D.L. DIAMOND LASHMANT
  - OP.H.I.C.T.C. OPERATIONAL PUBLIC RECORDS, HAYS COUNTY, TEXAS
  - PLAT RECORDS, HAYS COUNTY, TEXAS
  - DELICTIC
  - DBH RECORDS, HAYS COUNTY, TEXAS
  - REC.D. DISPOSITION



JOHN PHARASS SURVEY NO. 13  
 HAYS COUNTY, TEXAS  
 APRIL 2013

OWNER/DEVELOPER  
 HAY COUNTY LIMITED PARTNERSHIP  
 1101 ARROW POINT DRIVE  
 SUITE 101  
 CEDAR PARK, TEXAS 78613

ENGINEER  
 GICE  
 3600 W. PARKER LANE, SUITE 212  
 AUSTIN, TEXAS 78727

SURVEYOR  
 DELTA SURVEY GROUP, INC.  
 8213 BRODIE LANE, SUITE 102  
 AUSTIN, TEXAS 78745

BLK. NO.	1ST PARTIAL	2ND PARTIAL
1	18	18
2	19	19
3	20	20
4	21	21
5	22	22
6	23	23
7	24	24
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72	89	89
73	90	90
74	91	91
75	92	92
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79	96	96
80	97	97
81	98	98
82	99	99
83	100	100

Delta Survey Group Inc.  
 8213 Brodie Lane Ste. 102 Austin, TX 78745  
 Office (512) 282-5200 Fax (512) 282-5230

HOMETOWN KYLE  
 PHASE 4 SECTION 2

STATE OF TEXAS §  
KNOW ALL THESE MEN BY PRESENTS:  
COUNTY OF HAYS §

THAT, RH OF TEXAS LIMITED PARTNERSHIP, A MARYLAND LIMITED PARTNERSHIP, A CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF TEXAS, WITH HOME ADDRESS AT 1101 ARROW POINT DRIVE, SUITE 101, CEDAR PARK, TEXAS 78613, OWNER OF THAT CERTAIN 14.177 ACRE TRACT OF LAND OUT OF THE SAMUEL PHARASS SURVEY 14, ABSTRACT 360 AND THE JOHN PHARASS SURVEY 13, ABSTRACT 361, SITUATED IN HAYS COUNTY, TEXAS, AS CONVEYED TO IT BY DEED DATED OCTOBER 25, 2004, AND RECORDED IN VOLUME 2567, PAGE 514, OFFICIAL PUBLIC RECORDS, HAYS COUNTY TEXAS, AND OWNER OF THAT CERTAIN 14.189 ACRE TRACT OF LAND OUT OF THE JOHN PHARASS SURVEY 13, ABSTRACT 361, SITUATED IN HAYS COUNTY, TEXAS, AS CONVEYED TO IT BY DEED DATED JANUARY 6, 2010, AND RECORDED IN VOLUME 3302, PAGE 874, OFFICIAL PUBLIC RECORDS, HAYS COUNTY TEXAS, TOGETHER DO HEREBY SUBDIVIDE A COMBINED TOTAL OF 10.464 ACRES OF LAND OUT OF THE JOHN PHARASS SURVEY 13, ABSTRACT 361, TO BE KNOWN AS "HOMETOWN KYLE SUBDIVISION, PHASE 4 SECTION 2", IN ACCORDANCE WITH THE PLAT SHOWN HEREON, SUBJECT TO ANY AND ALL EASEMENTS OR RESTRICTIONS HERETOFORE GRANTED, AND DO HEREBY DEDICATE TO THE PUBLIC THE USE OF THE STREETS, PUBLIC TRAILS, AND EASEMENTS SHOWN HEREON.

IN WITNESS WHEREOF THE SAID RH HOMES OF TEXAS LIMITED PARTNERSHIP, A MARYLAND LIMITED PARTNERSHIP HAS CAUSED THESE PRESENTS TO BE EXECUTED BY ITS VICE PRESIDENT, SCOTT TELTR, THEREUNTO DULY AUTHORIZED, THIS DAY OF \_\_\_\_\_, 20\_\_ A.D.

ROYCE O. RIPPY, VICE PRESIDENT, LAND  
1101 ARROW POINT DRIVE  
SUITE 101  
CEDAR PARK, TEXAS 78613

STATE OF TEXAS §  
COUNTY OF HAYS §

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, ON THIS DAY PERSONALLY APPEARED ROYCE O. RIPPY, KNOWN TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATION THEREIN EXPRESSED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS THE \_\_\_ DAY OF \_\_\_\_\_, 20\_\_ A.D.

(NOTARY PUBLIC IN AND FOR STATE OF TEXAS)

(PRINT OR TYPE NOTARY'S NAME)

STATE OF TEXAS §  
COUNTY OF HAYS §

KNOW ALL MEN BY THESE PRESENTS:

THAT, LIZ Q. GONZALES, CLERK OF HAYS COUNTY COURT DOES HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT OF WRITING AND THE CERTIFICATE OF AUTHENTICATION WAS FILED OR RECORDS IN MY OFFICE ON THE \_\_\_ DAY OF \_\_\_\_\_, 20\_\_ A.D. IN THE PLAT RECORDS OF SAID COUNTY AND STATE IN PLAT CABINET \_\_\_\_\_, PAGE(S) \_\_\_\_\_ WITNESS MY HAND AND SEAL OF OFFICE OF COUNTY CLERK OF SAID COUNTY ON THIS THE \_\_\_ DAY OF \_\_\_\_\_, 20\_\_ A.D. FILED FOR RECORD AT \_\_\_\_\_ O'CLOCK \_\_\_ M. THIS THE \_\_\_ DAY OF \_\_\_\_\_, 20\_\_ A.D.

LIZ Q. GONZALES  
COUNTY CLERK  
HAYS COUNTY, TEXAS

THIS FINAL PLAT (HOMETOWN KYLE SUBDIVISION, PHASE 4 SECTION 2) HAS BEEN SUBMITTED TO AND APPROVED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KYLE, TEXAS AND IS HEREBY APPROVED BY SUCH PLANNING AND ZONING COMMISSION.

DATED THIS \_\_\_ DAY OF \_\_\_\_\_, 20\_\_

BY: \_\_\_\_\_ ATTEST:  
CHAIRPERSON

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 WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND, AND THAT ALL NECESSARY SURVEY MONUMENTS ARE CORRECTLY SET OR FOUND AS SHOWN THEREON.

**PRELIMINARY NOT FOR RECORDATION**

JOHN C. NIELSEN  
REGISTERED PROFESSIONAL LAND SURVEYOR  
NO. 5541 - STATE OF TEXAS  
DELTA SURVEY GROUP, INC.  
8213 BRODIE LANE, SUITE 102  
AUSTIN, TEXAS 78745

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

STEVE L. HINEN  
PROFESSIONAL ENGINEER  
No. 81976 STATE OF TEXAS  
GARRETT-HINEN CIVIL ENGINEERS  
3650 WEST PARKER LANE, STE 212  
AUSTIN, TEXAS 78727

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

STEVEN WIDACKI, P.E.  
CITY OF KYLE  
100 WEST CENTER  
KYLE, TX 78640

I, THE UNDERSIGNED, MAYOR OF THE CITY OF KYLE, HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS OF THE CITY OF KYLE AND RECOMMEND APPROVAL.

LUCY JOHNSON  
MAYOR

I HERBY CERTIFY THAT THE ABOVE AND FOREGOING PLAT OF HOMETOWN KYLE SUBDIVISION, PHASE 4 SECTION 2 ADDITION TO THE CITY OF KYLE, WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF KYLE ON THE \_\_\_ DAY OF \_\_\_\_\_, 20\_\_ SAID ADDITION SHALL BE SUBJECT TO ALL THE REQUIREMENTS OF THE SUBDIVISION ORDINANCE OF THE CITY OF KYLE, TEXAS.

WITNESS MY HAND THIS \_\_\_ DAY OF \_\_\_\_\_, 20\_\_

AMELIA SANCHEZ  
CITY SECRETARY

GENERAL NOTES:

1. A 20-FOOT PUBLIC UTILITY EASEMENT AND DRAINAGE EASEMENT IS HEREBY DEDICATED ADJACENT AND PARALLEL TO THE FRONT OF ALL LOTS EXCEPT FOR SIDE YARDS AND CORNER LOTS.
2. A 10-FOOT PUBLIC UTILITY EASEMENT AND DRAINAGE EASEMENT IS HEREBY DEDICATED ADJACENT AND PARALLEL TO THE RIGHT-OF-WAY WHERE THERE IS A 15-FOOT BUILDING LINE SHOWN ON THE FACE OF THE PLAT.
3. A 10-FOOT PUBLIC UTILITY EASEMENT AND DRAINAGE EASEMENT IS HEREBY DEDICATED ALONG THE REAR PROPERTY LINES.
4. A 5-FOOT PUBLIC UTILITY EASEMENT AND DRAINAGE EASEMENT IS HEREBY DEDICATED ALONG THE SIDE PROPERTY LINES.
5. PRIOR TO CONSTRUCTION OF ANY IMPROVEMENTS ON LOTS IN THIS SUBDIVISION, SITE DEVELOPMENT PERMITS AND BUILDING PERMITS WILL BE OBTAINED FROM THE CITY OF KYLE.
6. SIDEWALKS SHALL BE BUILT ALONG BOTH SIDES OF ALL STREETS WITHIN THE HOMETOWN KYLE SUBDIVISION, PHASE 4 SECTION 2. ALL SIDEWALKS SHALL BE A MINIMUM OF 4 FEET IN WIDTH AND BUILT IN COMPLIANCE WITH THE REQUIREMENTS OF THE CITY OF KYLE. HANDICAP RAMPS ARE TO BE BUILT AS PART OF THE SUBDIVISION CONSTRUCTION AND SHALL BE IN PLACE PRIOR TO SUBDIVISION ACCEPTANCE. SIDEWALKS ACROSS FRONTAGE OF ALL HOMEOWNERS ASSOCIATION LOTS AND EASEMENTS LOTS SHALL BE BUILT AS PART OF SUBDIVISION STREET CONSTRUCTION.
7. NO OBJECTS INCLUDING SIGNAGE, BUILDING, ACCESSORY BUILDING, FENCING OR LANDSCAPING WHICH WOULD INTERFERE WITH CONVEYANCE OF STORM WATER SHALL BE PLACED OR ERRECTED WITHIN ANY DRAINAGE EASEMENT WITHOUT PRIOR APPROVAL OF THE CITY OF KYLE.
8. EACH PROPERTY OWNER OF A LOT ON WHICH DRAINAGE EASEMENT(S) ARE PLATTED SHALL BE RESPONSIBLE FOR KEEPING GRASS AND WEEDS NEATLY CUT AND EASEMENT AREA FREE OF DEBRIS AND TREE BRUSH REGROWTH.
9. OWNER(S) OF PROPERTY WITH DRAINAGE AND UTILITY EASEMENT(S) SHALL ALLOW ACCESS FOR INSPECTIONS, REPAIR, MAINTENANCE AND RECONSTRUCTION AS MAY BE NECESSARY.
10. PLACEMENT OF FILL MATERIAL, OR STRUCTURES, OR CHANNEL MODIFICATIONS WITHIN 100-YEAR FLOOD PLAIN IS PROHIBITED.
11. MAINTENANCE AND UPKEEP OF DETENTION BASINS AND RELATED APPURTENANCES SHALL BE THE RESPONSIBILITY OF THE HOMEOWNERS ASSOCIATION LOTS UPON WHICH FACILITIES ARE LOCATED.
12. ACCESS TO EVERY LOT IS LIMITED TO ONLY STREETS PLATTED AS PART OF THIS SUBDIVISION. ACCESS TO ANY LOT FROM F.M. 150 OR OLD STAGE COACH ROAD IS PROHIBITED.
13. ALL SETBACKS SHALL CONFORM TO THE CITY OF KYLE ZONING ORDINANCE.
14. LOT 1, BLOCK G, IS A PUBLIC UTILITY EASEMENT, DRAINAGE EASEMENT AND PUBLIC TRAIL EASEMENT AND SHALL BE MAINTAINED BY THE HOMEOWNERS ASSOCIATION.
15. LOT 2, BLOCK G, IS A PUBLIC TRAIL EASEMENT AND SHALL BE MAINTAINED BY THE HOMEOWNERS ASSOCIATION.

DESCRIPTION OF A 10.464 ACRE TRACT PREPARED BY DELTA SURVEY GROUP INC. IN SEPTEMBER 2012, LOCATED IN THE JOHN PHARASS SURVEY NO. 13, HAYS COUNTY, TEXAS AND BEING A PORTION OF A 14.177 ACRE TRACT CONVEYED TO RH OF TEXAS LIMITED PARTNERSHIP, AS DESCRIBED IN VOLUME 2567, PAGE 514, OFFICIAL PUBLIC RECORDS, HAYS COUNTY, TEXAS, AND ALSO BEING A PORTION OF A 14.189 ACRE TRACT CONVEYED TO RH OF TEXAS IN VOLUME 3802, PAGE 874 OFFICIAL PUBLIC RECORDS, HAYS COUNTY, TEXAS, SAID 10.464 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1 inch iron pipe found for the north corner of that 20.00 acre tract conveyed to Hays County Independent School District (HCISD) and recorded in Volume 513 Page 822, Real Property Records, Hays County, Texas, same being the southwest corner of a 6.89 acre tract conveyed to Ky-Tex Properties, Inc. in Volume 203, Page 26, Deed Records, Hays County, Texas for the southeast corner of this tract and the POINT OF BEGINNING;

THENCE with the north line of the said HCISD tract, same being the south line of 14.177 acre and said 14.189 acre tract N83°38'47"W, a distance of 867.59 feet to a 1/2 inch iron rod with plastic "DELTA SURVEY" cap set;

THENCE leaving said common line and crossing said 14.189 acre tract the following seven (7) courses and distances:

1. N06°21'13"E, a distance of 121.00 feet to a 1/2 inch iron rod with plastic "DELTA SURVEY" cap set,
2. N83°38'47"W, a distance of 26.22 feet to a 1/2 inch iron rod with plastic "DELTA SURVEY" cap set,
3. N06°21'13"E, a distance of 60.60 feet to a 1/2 inch iron rod with plastic "DELTA SURVEY" cap set,
4. N83°38'47"W, a distance of 89.39 feet to a 1/2 inch iron rod with plastic "DELTA SURVEY" cap set,
5. S01°38'23"W, a distance of 206.91 feet to a 1/2 inch iron rod with plastic "DELTA SURVEY" cap set,
6. S88°21'37"W, a distance of 52.00 feet to a 1/2 inch iron rod with plastic "DELTA SURVEY" cap set, and
7. N01°38'23"W, a distance of 23.19 feet to a 1/2 inch iron rod with plastic "DELTA SURVEY" cap set in the south line of that 7.333 acre tract conveyed to A.W. Gregg, Jr., R. Robison, M. Kinisla, and A. Oswald in Volume 1947, Page 42, Deed Records, Hays County, Texas, same being a north line of the said 14.189 acre tract;

THENCE with the south and east lines of said 7.373 acre tract, same being a north and west lines of said 14.189 acre tract the following two (2) courses and distances:

1. N89°40'16"E, a distance of 55.86 feet to a 1/2 inch iron rod with plastic "DELTA SURVEY" cap set, and
2. N01°38'23"W, a distance of 118.67 feet to a 1/2 inch iron rod with plastic "DELTA SURVEY" cap set in said common line;

THENCE leaving said common line and crossing said 14.177 acre tract and said 14.189 acre tract the following eight (8) courses and distances:

1. N88°21'37"E, a distance of 120.00 feet to a 1/2 inch iron rod with plastic "DELTA SURVEY" cap set,
2. S01°38'23"E, a distance of 18.85 feet to a 1/2 inch iron rod with plastic "DELTA SURVEY" cap set,
3. N88°21'37"E, a distance of 60.00 feet to a 1/2 inch iron rod with plastic "DELTA SURVEY" cap set,
4. S01°38'23"E, a distance of 96.09 feet to a 1/2 inch iron rod with plastic "DELTA SURVEY" cap set,
5. N86°03'01"E, a distance of 512.31 feet to a 1/2 inch iron rod with plastic "DELTA SURVEY" cap set,
6. N17°37'39"W, a distance of 77.09 feet to a 1/2 inch iron rod with plastic "DELTA SURVEY" cap set,
7. N82°22'21"W, a distance of 60.60 feet to a 1/2 inch iron rod with plastic "DELTA SURVEY" cap set, and
8. With a curve to the right a distance of 39.27 feet, through a central angle of 99°07'00", having a radius of 25.00 feet, and whose chord bears N27°22'09"E, a distance of 35.35 feet to a 1/2 inch iron rod with plastic "DELTA SURVEY" cap set in the east line of the said 14.177 acre tract, same being the west line of a 34.3 acre tract conveyed to Ky-Tex Properties, Inc. in Volume 185, Page 391, Deed Records, Hays County, Texas, for the northeast corner of this tract,

THENCE with the west line of said 34.3 acre tract and the west line of the aforesaid 6.89 acre tract, S17°37'59"E, a distance of 747.73 feet to the POINT OF BEGINNING and containing 10.454 acres of land more or less.

BEARING BASIS: Texas State Plane Coordinate System, South Central Zone, NAD83 HARN

## MEMORANDUM

TO: Planning and Zoning Commission  
FROM: Sofia Nelson, Director of Planning  
DATE: May 20, 2013  
SUBJECT: The Villas at Creekside- Final Plat

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### **BACKGROUND**

#### **Site Information and Proposal**

The subject property occupies 3.8 acres and is located along Creekside Drive, north of the FM 150 and Creekside Drive intersection. The proposed project will re-subdivide the land into 30 lots for townhome units with the R-1-T zoning classification along with a new street named Creekside Villa Drive which is a 60-foot right-of-way to serve the new development.

#### **Utilities**

County line Water Supply Corporation will provide water service and City of Kyle will provide wastewater service to the site.

#### **Access**

The proposed development will be made accessible by Creekside Trail.

#### **Parkland**

The applicant is proposing to pay the fee-in-lieu of parkland dedication. This will be a fee of \$36,000.00 (30 lots x \$600 for Park Land and 30 Lots x \$600 for Park Development).

### **STAFF RECOMMENDATION:**

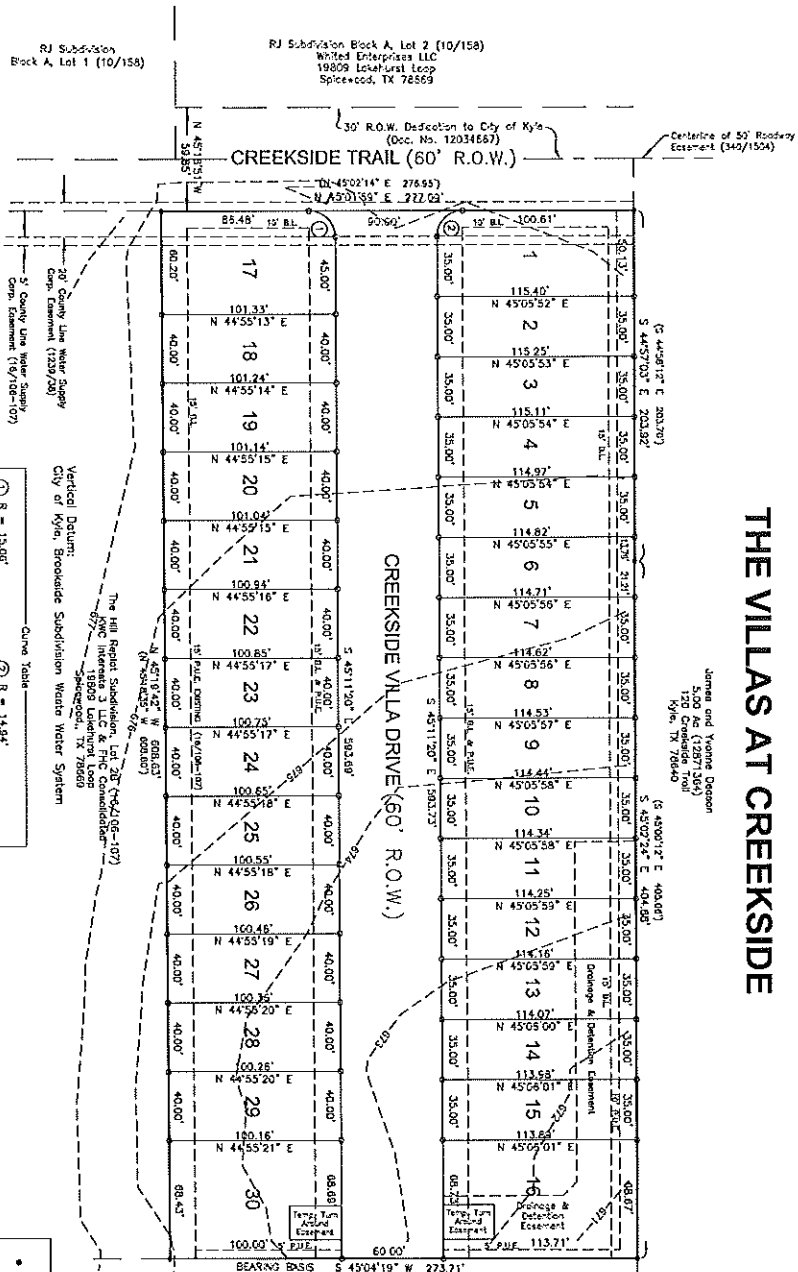
Staff is recommending approval of the request for the following reasons:

- The plat is consistent with all zoning requirements for the property.
- The proposed provision and configuration of roads, water, wastewater, drainage and easements and rights-of-way have been reviewed and approved by the Public Works Director and City Engineer.



# THE VILLAS AT CREEKSIDE

James and Yvonne Deason  
5202 Rd (1287136)  
19809 Lakeland Loop  
Spicewood, TX 78669

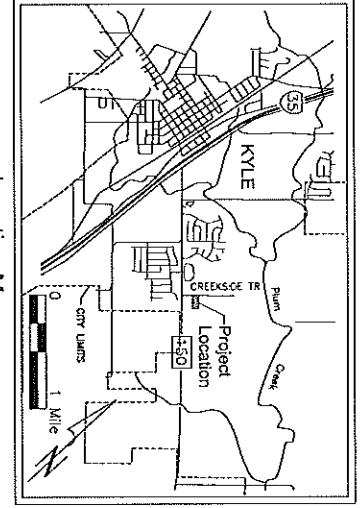


Vertical Datum:  
City of Kyle, Creekside Subdivision Water Meter System

Point	R	A
1	13.00'	14.94'
2	22.50'	23.52'
3	23.00'	23.52'
4	23.00'	23.52'
5	23.00'	23.52'
6	23.00'	23.52'
7	23.00'	23.52'
8	23.00'	23.52'
9	23.00'	23.52'
10	23.00'	23.52'
11	23.00'	23.52'
12	23.00'	23.52'
13	23.00'	23.52'
14	23.00'	23.52'
15	23.00'	23.52'
16	23.00'	23.52'
17	23.00'	23.52'
18	23.00'	23.52'
19	23.00'	23.52'
20	23.00'	23.52'
21	23.00'	23.52'
22	23.00'	23.52'
23	23.00'	23.52'
24	23.00'	23.52'
25	23.00'	23.52'
26	23.00'	23.52'
27	23.00'	23.52'
28	23.00'	23.52'
29	23.00'	23.52'
30	23.00'	23.52'

LEGEND

- - 1/2" Iron Rod Found
- - 5/8" Iron Rod Set (Roofing - Diameter) Reused Call



Owner: FHC Consolidated, LP and KWC Interests 3, LLC  
Address: 19809 Lakeland Loop, Spicewood, TX 78669  
Phone: (512)-773-3208 Fax: NA  
Acres: 3.847 Ac  
Survey: The Hill Report of Lots 1 and 2  
Number of lots and proposed use: 30 Townhouse Lots  
Date: 4-5-2013  
Surveyor: Michael B. Hodges, P.L.E., RPLS No. 2808  
Phone: (512)-892-6203 Fax: (512)-892-6203  
Engineer: Kelly Kilbert, P.E., Pro-Tech Engineering Group, Inc.  
Phone: (512)-353-3335 Fax: (512)-396-0234

GENERAL NOTES:  
1. Water Company Line: Special Utility District  
Wastewater: City of Kyle

- No obstructions shall be placed in drainage easements.
- Sidewalks shall be installed on the subdivision side of Creekside Trail and on both sides of Creekside Villa Drive. These sidewalks, not sharing a residential, commercial or industrial lot shall be finished when the adjoining street is constructed. Where there are existing drainage pits, sidewalks on the street to which access is prohibited are required to be finished when the street is constructed.
- Notwithstanding to the extent of the easements shown on the plat, the easements shown on the plat shall be the easements shown on the plat.
- Notwithstanding to the extent of the easements shown on the plat, the easements shown on the plat shall be the easements shown on the plat.
- Plat Map Filed: No. 48309C2402, E. dated September 2, 2005
- A Right-of-Way (ROW) for PUE is hereby dedicated adjacent to all street ROW, a five (5) foot PUE is hereby dedicated along each side of the lot and a ten (10) foot PUE is hereby dedicated adjacent to all other lots on all lots.
- A ten (10) foot wide PUE and drainage easement exists on all lots for three (3) lots of record in The Hill Report of Lots 1 and 2, Lots 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

STATE OF TEXAS  
COUNTY OF HAYS  
KNOW ALL MEN BY THESE PRESENTS, That Barbara Humble, on behalf of FHC CONSOLIDATED, a Texas Limited Partnership, with its mailing address at 19809 Lakeland Loop, Spicewood, Texas, being a joint owner with KWC INTERESTS 3, LLC of Lot 2C, THE HILL REPLAT OF LOTS 1 AND 2, a subdivision in Hays County, Texas, of record in Book 16, Pages 106 and 106, Plat Records of Hays County, Texas and conveyed to it by deed dated April 7, 2009, and recorded in Volume 3627, Page 646, Hays County Deed Records, DO HEREBY SUBDIVIDE LOT 2C, to be known as THE VILLAS AT CREEKSIDE, in accordance with the plat shown hereon, subject to any and all easements or restrictions hereof granted, and do hereby dedicate to the public the streets and easements shown hereon.

IN WITNESS WHEREOF the said FHC Consolidated, a Texas Limited Partnership, has caused these presents to be executed by its President, Barbara Humble, and thereunto duly authorized.

STATE OF TEXAS  
COUNTY OF HAYS  
KNOW ALL MEN BY THESE PRESENTS, That Kelly Whited, on behalf of KWC INTERESTS 3, LLC, with its mailing address at 19809 Lakeland Loop, Spicewood, Texas, being a joint owner with FHC CONSOLIDATED a Texas Limited Partnership of Lot 2C, THE HILL REPLAT OF LOTS 1 AND 2, a subdivision in Hays County, Texas, of record in Book 16, Pages 106 and 107, Plat Records of Hays County, Texas and conveyed to it by deed dated April 7, 2009, and recorded in Volume 3627, Page 646, Hays County Deed Records, DO HEREBY SUBDIVIDE LOT 2C, to be known as THE VILLAS AT CREEKSIDE, in accordance with the plat shown hereon, subject to any and all easements or restrictions hereof granted, and do hereby dedicate to the public the streets and easements shown hereon.

IN WITNESS WHEREOF the said KWC INTERESTS 3, LLC, has caused these presents to be executed by its President, Kelly Whited, and thereunto duly authorized.

by: Barbara Humble, President  
STATE OF TEXAS  
COUNTY OF HAYS  
This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 2013 by Barbara Humble, President of FHC Consolidated, a Texas Limited Partnership on behalf of said partnership.

Notary Public, State of Texas

by: Kelly Whited, President  
STATE OF TEXAS  
COUNTY OF HAYS  
This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 2013 by Kelly Whited, President of KWC INTERESTS 3, LLC, a Texas Limited Liability Company on behalf of said company.

Notary Public, State of Texas

# THE VILLAS AT CREEKSIDE

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 was prepared from an actual survey of the property made under my supervision on the ground, and that all necessary survey monuments are correctly set or found as shown hereon and all easements of record are shown or noted on the plat and said plat complies with Ordinance No. 439 of the City Code of Kyle, Texas.

Meixin B. Hodgkins, RPLS No. 2808, Firm No. 10057500  
Registered Professional Land Surveyor

STATE OF TEXAS  
COUNTY OF HAYS

I, the undersigned, Director of Public Works for the City of Kyle, hereby certify that this subdivision plat conforms to the requirements of the City of Kyle subdivision ordinance and hereby recommend approval.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2013.  
\_\_\_\_\_  
City Engineer

STATE OF TEXAS  
COUNTY OF HAYS

I, the undersigned, Director of Public Works for the City of Kyle, hereby certify that this subdivision plat conforms to the requirements of the City of Kyle subdivision ordinance and hereby recommend approval.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2013.  
\_\_\_\_\_  
Director of Public Works

STATE OF TEXAS  
COUNTY OF HAYS

This final plat has been submitted to and considered by the Planning and Zoning Commission of the City of Kyle, Texas, and is hereby approved by such Planning and Zoning Commission.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2013.  
\_\_\_\_\_  
Chairperson Planning and Zoning Commission

STATE OF TEXAS  
COUNTY OF HAYS

I, hereby certify that the above and foregoing plat of the THE VILLAS AT CREEKSIDE an addition to the City of Kyle, Texas, was approved by the City Council of the City of Kyle on the \_\_\_\_\_ day of \_\_\_\_\_, 2013. Said addition shall be subject to all requirements of the subdivision ordinance of the City of Kyle, Texas.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2013.  
\_\_\_\_\_  
City Secretary

STATE OF TEXAS  
COUNTY OF HAYS

I, Liz Gonzalez, County Clerk of Hays County, Texas do hereby certify that the foregoing instrument of writing with its certificate of authentication was filed for record in my office on the \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2013, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., in Plat Records of Hays County, Texas in Book \_\_\_\_\_, Page \_\_\_\_\_.

WITNESS MY HAND AND SEAL OF OFFICE this the \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2013.

\_\_\_\_\_  
Liz Gonzalez, County Clerk  
Hays County, Texas

**Boundary Survey Description:**  
Being 3.847 acres of land out of and a part of the M.B. Adkinson Survey, Abstract No. 211, in Hays County, Texas and being part of a 17,248 acre tract described in Volume 1139, Page 863-867 of the Deed Records of Hays County, Texas and said 3.847 acres being more particularly described by metes and bounds as follows:

BEGINNING FOR REFERENCE at a 1/2" iron rod found in the Northeast R.O.W. line of Farm to Market No. 150, said rod bearing S 45°40'03" E a distance of 1721.0 feet to a concrete highway R.O.W. monument, and said iron rod being the south corner of said 17,248 acres;

THENCE N 45°18'37" W with the Northeast R.O.W. line of F.M. No. 150 for a distance of 350.00 feet to a 1/2" iron rod found;

THENCE leaving the Northeast R.O.W. line of F.M. No. 150, N 45°03'40" E for a distance of 325.00 feet to a 1/2" iron rod found;

THENCE N 45°04'19" E for a distance of 160.00 feet to a 1/2" iron rod found for the POINT OF BEGINNING and the south corner hereof;

THENCE N 45°18'42" W for a distance of 608.63 feet to a 1/2" iron rod found in the east R.O.W. line of Creekside Trail for the west corner hereof;

THENCE N 45°01'59" E with the east R.O.W. line of Creekside Trail a distance of 277.09 feet to a 1/2" iron rod found for the north corner hereof;

THENCE with the southeast line of said 17,248 acres in two courses and distances as follows: (1) S 44°57'03" E a distance of 203.02 feet to a 1/2" iron rod found; (2) S 45°02'24" E a distance of 494.88 feet to a 1/2" iron rod found for the east corner hereof;

THENCE S 45°04'19" W for a distance of 273.71 feet to the POINT OF BEGINNING, and containing 3.847 acres in Hays County, Texas.

## MEMORANDUM

TO: Planning and Zoning Commission

FROM: Sofia Nelson, Director of Planning

DATE: May 23, 2013

SUBJECT: Plum Creek Phase 1 Section 12-A Preliminary and Final Plat

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### **BACKGROUND**

The subject property is approximately 3.589 acres and is proposed to be subdivided into two commercial lots. The property is located along Koehler's Crossing and is directly in front of the Plum Creek Golf Course Clubhouse.

### **ACCESS**

The subject property is located on the corner of Benner Drive and Koehler's Crossing. The subdivision plat contains a cross access easement between the two lots.

### **UTILITIES**

Water and Wastewater service will be provided by the City of Kyle. The appropriate utility easements have been requested and shown on the plat.

### **STAFF RECOMMENDATION**

Staff has reviewed the plat for consistency with the Plum Creek PUD development standards. Staff is recommending approval of both the preliminary and final plats conditional on final public works and engineering comments being cleared.

# PLUM CREEK PHASE I, SECTION 12A - PRELIMINARY PLAT

STATE OF TEXAS  
COUNTY OF TRAVIS  
KNOW ALL MEN BY THESE PRESENTS, THAT WE, PLUM CREEK DEVELOPMENT PARTNERS, LTD., A LIMITED PARTNERSHIP ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF TEXAS, WITH ITS HOME ADDRESS AT 200 CONGRESS AVENUE, SUITE 9A, AUSTIN, TEXAS 78701, BEING THE OWNER OF 1,248 ACRES OF LAND IN THE JOHN COOPER SURVEY NO. 13, A-100 AND THE JESSE DAY SURVEY, A-152, HAYS COUNTY, TEXAS, SAID 1,248 ACRES BEING A PORTION OF THE REMAINDER OF A CERTAIN 93,616 ACRE TRACT OF LAND DESIGNATED AS PARCEL 1 IN VOLUME 2881, PAGE 599, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, AND BEING A PORTION OF THE REMAINDER OF A CERTAIN 130,110 ACRE TRACT OF LAND DESIGNATED AS TRACT B PARCEL 2 IN VOLUME 4072, PAGE 568, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, AND MOUNTAIN PLUM LTD., A LIMITED PARTNERSHIP ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF TEXAS, WITH ITS HOME ADDRESS AT 4542 BROADWAY, SUITE 501, SAN ANTONIO, TEXAS 78219, BEING THE OWNER OF 2,343 ACRES OF LAND IN THE JOHN COOPER SURVEY NO. 13, A-100 AND THE JESSE DAY SURVEY, A-152, HAYS COUNTY, TEXAS, SAID 2,343 ACRES BEING A PORTION OF THE REMAINDER OF A CERTAIN 94,287 ACRE TRACT DESCRIBED IN THE DEED TO WILLIAM NEBLEY, LIFE TENANT OF RECORD IN VOLUME 321, PAGE 583, DEED RECORDS OF HAYS COUNTY, TEXAS, AND ALSO IN THE DEED TO MOUNTAIN PLUM LTD. OF RECORD IN VOLUME 3447, PAGE 133, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, DO HEREBY SUBDIVIDE SAID 1,248 ACRES AND SAID 2,343 ACRES TRACTS, CONTAINING A TOTAL OF 3,591 ACRES, AS SHOWN ON THIS PLAT, AND DESIGNATED HEREIN AS THE PLUM CREEK PHASE I, SECTION 12A SUBDIVISION TO THE CITY OF KYLE, TEXAS, AND WHOSE NAME IS SUBSCRIBED HERETO, HEREBY DEDICATE TO THE USE OF THE PUBLIC FOREVER ALL PUBLIC RIGHTS OF WAY, WATER COURSES, DRAINS, EASEMENTS (EXCLUDING LANDSCAPE EASEMENTS), PARKS AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSE AND CONSIDERATION THEREIN EXPRESSED.

WHEREOF THE SAID PLUM CREEK DEVELOPMENT PARTNERS, LTD., OWNER, HAS CAUSED THESE PRESENTS TO BE EXECUTED BY ITS GENERAL PARTNER, EG PLUM CREEK DEVELOPMENTS, LTD. THEREUNTO DULY AUTHORIZED, GENERAL PARTNER HAS CAUSED THESE PRESENTS TO BE EXECUTED BY ITS GENERAL PARTNER, BENCHMARK LAND DEVELOPMENT, INC. AND WHEREOF THE SAID MOUNTAIN PLUM LTD., HAS CAUSED THESE PRESENTS TO BE EXECUTED BY THE MANAGER OF SAID GENERAL, L.L.C., ITS GENERAL PARTNER, RICHARD B. NEBLEY AND LAURA N. GILL, THEREUNTO DULY AUTHORIZED.

PLUM CREEK DEVELOPMENT PARTNERS, LTD.  
A TEXAS LIMITED PARTNERSHIP  
BY: EG PLUM CREEK DEVELOPMENTS, LTD.  
A TEXAS LIMITED PARTNERSHIP, GENERAL PARTNER  
BY: BENCHMARK LAND DEVELOPMENT, INC.  
A TEXAS CORPORATION, GENERAL PARTNER  
BY: DAVID C. MANN, VICE PRESIDENT

MOUNTAIN PLUM LTD.  
A TEXAS LIMITED PARTNERSHIP  
BY: MIP GENERAL, L.L.C., GENERAL PARTNER  
A TEXAS LIMITED LIABILITY COMPANY  
BY: RICHARD B. NEBLEY, MANAGER  
BY: LAURA N. GILL, MANAGER

STATE OF TEXAS  
COUNTY OF TRAVIS  
BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED, DAVID C. MANN, VICE PRESIDENT OF BENCHMARK LAND DEVELOPMENT, INC. KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN STATED, GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS

DAY OF \_\_\_\_\_, 2013.  
NOTARY PUBLIC, STATE OF TEXAS  
MY COMMISSION EXPIRES: \_\_\_\_\_  
(PRINTED NAME OF NOTARY)

STATE OF TEXAS  
COUNTY OF BEXAR  
BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED, RICHARD B. NEBLEY, MANAGER OF MOUNTAIN PLUM, L.L.C., A TEXAS LIMITED LIABILITY COMPANY, THE GENERAL PARTNER OF MOUNTAIN PLUM LTD., A TEXAS LIMITED PARTNERSHIP, FOR AND ON BEHALF OF SAID LIMITED PARTNERSHIP, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN STATED, GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS

DAY OF \_\_\_\_\_, 2013.  
NOTARY PUBLIC, STATE OF TEXAS  
MY COMMISSION EXPIRES: \_\_\_\_\_  
(PRINTED NAME OF NOTARY)

STATE OF TEXAS  
COUNTY OF BEXAR  
BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED, LAURA N. GILL, MANAGER OF MOUNTAIN PLUM, L.L.C., A TEXAS LIMITED LIABILITY COMPANY, THE GENERAL PARTNER OF MOUNTAIN PLUM LTD., A TEXAS LIMITED PARTNERSHIP, FOR AND ON BEHALF OF SAID LIMITED PARTNERSHIP, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT SHE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN STATED, GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS

DAY OF \_\_\_\_\_, 2013.  
NOTARY PUBLIC, STATE OF TEXAS  
MY COMMISSION EXPIRES: \_\_\_\_\_  
(PRINTED NAME OF NOTARY)

STATE OF TEXAS  
COUNTY OF HAYS  
KNOW ALL MEN BY THESE PRESENTS:

THAT, LIZ GONZALEZ, CLERK OF HAYS COUNTY COURT, DOES HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT OF WRITING AND THE CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORDS IN MY OFFICE ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013, A.D., IN THE PLAT RECORDS OF SAID COUNTY AND STATE IN PLAT CABINET \_\_\_\_\_, PAGE(S) \_\_\_\_\_.  
WITNESS MY HAND AND SEAL OF OFFICE OF COUNTY CLERK OF SAID COUNTY ON THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013, A.D.  
FILED FOR RECORD AT \_\_\_\_\_ O'CLOCK \_\_\_\_\_ M. THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013, A.D.

BY: \_\_\_\_\_  
LIZ GONZALEZ  
COUNTY CLERK  
HAYS COUNTY, TEXAS

I, THE UNDERSIGNED CHAIRPERSON OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF KYLE, HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS OF THE SUBDIVISION REGULATIONS OF THE CITY AS TO WHICH THE COMMISSION'S APPROVAL IS REQUIRED.

BY: \_\_\_\_\_  
CHAIRPERSON

THIS PLAT (PLUM CREEK PHASE I, SECTION 12A) HAS BEEN SUBMITTED TO AND CONSIDERED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KYLE, TEXAS AND IS HEREBY APPROVED BY THE COMMISSION.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013.  
BY: \_\_\_\_\_  
ATTEST:  
SECRETARY

THIS PLAT (PLUM CREEK PHASE I, SECTION 12A) HAS BEEN SUBMITTED TO AND CONSIDERED BY THE CITY COUNCIL OF THE CITY OF KYLE, TEXAS AND IS HEREBY APPROVED BY THE COUNCIL.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013.  
BY: \_\_\_\_\_  
ATTEST:  
SECRETARY

STATE OF TEXAS  
COUNTY OF TRAVIS  
I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, HEREBY CERTIFY THAT THE PLAT AND ALL PLANS AND SPECIFICATIONS WHICH ARE INCLUDED WITH THE PLAT ARE, TO THE BEST OF MY PROFESSIONAL CAPACITY, COMPLETE AND ACCURATE AND IN COMPLIANCE WITH ALL RELEVANT CITY ORDINANCES, CODES, PLANS, AND RELEVANT STATE STANDARDS.

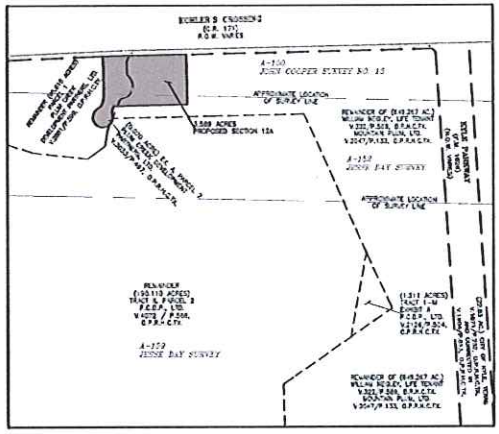
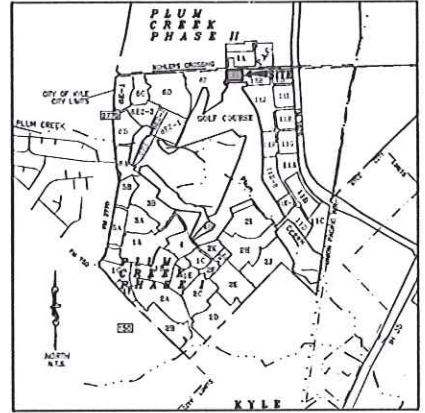
FOR REVIEW ONLY

BY: \_\_\_\_\_  
RAN B. PHINES, P.E.  
REGISTERED PROFESSIONAL ENGINEER  
NO. 92683 - STATE OF TEXAS  
13276 RESEARCH BLVD., ST. 208  
AUSTIN, TEXAS 78750  
512-254-9335

STATE OF TEXAS  
COUNTY OF TRAVIS  
I, JOHN D. BARNARD, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THIS PLAT WAS PREPARED FROM AN ACTUAL ON-GROUND SURVEY MADE UNDER MY DIRECTION AND SUPERVISION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

FOR REVIEW ONLY

BY: \_\_\_\_\_  
JOHN D. BARNARD  
REGISTERED PROFESSIONAL LAND SURVEYOR  
NO. 5749 - STATE OF TEXAS  
1001 E. CHERRY ST.  
LOUIS PARTNERS  
3101 BEE CAVER RD., SUITE 100  
AUSTIN, TEXAS 78745  
512-377-1160



- NOTES:**
- TOTAL ACREAGE: 3,593 ACRES.
  - THE TOTAL AREA OF PUBLIC STREET RIGHT OF WAY (BENNER) TO BE DEDICATED IN THIS SUBDIVISION IS 0.754 ACRE.
  - TOTAL NUMBER OF LOTS: 2
  - PLAT COMPLETELY CONFORMS WITH PLUM CREEK P.U.D. MASTER PLAN & CITY OF KYLE ORDINANCE 308 AND 311.
  - SIDEWALKS ALONG OR WITHIN BENNER OR KOHLER'S CROSSING RIGHT OF WAY SHALL BE INSTALLED BY LOT OWNER / DEVELOPER AT THE TIME OF LOT DEVELOPMENT.
  - OFFSITE WATER AND WASTEWATER LINES MUST BE CONSTRUCTED AND ACCEPTED BY THE CITY OF KYLE PRIOR TO OCCUPANCY OF ANY BUILDING(S) ON THIS PROPERTY.
  - ALL UTILITIES WITHIN THIS SUBDIVISION SHALL BE UNDERGROUND.
  - NO OBJECT INCLUDING BUILDING, ACCESSORY BUILDING, FENCING OR LANDSCAPING WHICH WOULD INTERFERE WITH CONVEYANCE OF STORM WATER SHALL BE PLACED OR ERRECTED WITHIN DRAINAGE EASEMENTS.
  - ALL OPEN SPACES, DRAINAGE EASEMENTS AND LANDSCAPE EASEMENT AREAS SHALL BE MAINTAINED BY THE PROPERTY OWNERS ASSOCIATION OR ASSIGNS, AND IT SHALL BE THE PROPERTY OWNERS ASSOCIATION OR ASSIGNS RESPONSIBILITY FOR KEEPING AREAS NEATLY CUT AND FREE OF DEBRIS AND ALL TREE/BRUSH REGROWTH.
  - PRIOR TO CONSTRUCTION OF ANY IMPROVEMENTS ON LOTS 1 AND 2 IN THIS SUBDIVISION, APPROVAL OF SITE DEVELOPMENT PLAN FROM THE CITY OF KYLE AND PLUM CREEK DEVELOPMENT PARTNERS, LTD. IS REQUIRED.
  - PRIOR TO CONSTRUCTION OF ANY IMPROVEMENTS ON LOTS 1 AND 2 IN THIS SUBDIVISION, SITE DEVELOPMENT AND/OR BUILDING PERMITS WILL BE REQUIRED FROM THE CITY OF KYLE.

**FLOOD NOTE:**  
NO PORTION OF THIS SUBDIVISION (PLUM CREEK PHASE I, SECTION 12A) IS CONTAINED IN THE 100 YEAR FLOOD ZONE, PER FLOOD INSURANCE RATE MAPS FOR HAYS COUNTY TEXAS (CITY OF KYLE: 481103) COMMUNITY-PANEL NUMBER 482090 0270F, EFFECTIVE DATE: SEPTEMBER 2, 2003, AND COMMUNITY-PANEL NUMBER 482096 0290F, EFFECTIVE DATE: SEPTEMBER 2, 2005.

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

<b>WATER:</b> CITY OF KYLE 100 W. CENTER ST. KYLE, TEXAS 78640	<b>ELECTRIC:</b> FEDERHALES ELECTRIC COOP 1810 FM 150 WEST KYLE, TEXAS 78640	<b>PHONE:</b> VERIZON 6601 F.W. 3237 WIMPERLEY, TEXAS 78738
<b>WASTEWATER:</b> CITY OF KYLE 100 W. CENTER ST. KYLE, TEXAS 78640	<b>GAS:</b> CENTERPOINT ENERGY 325 CHEATNAM STREET SAN MARCOS, TEXAS 78656	

SHEET 1 OF 2

FILE: H:\SURVEY\PLUM_CRK_P1\SECTION-12A\SEC-12A\WORK\PLAT\PLUM-12A-PLAT_PRELIM.DWG	DATE: 04-23-13	DRAWN BY: J.D.B.	CHECKED BY: J.D.B.	CREW: CAS, MK	FD #: 322
SCALE: N.T.S.	DRAWING #: PLUM-12A-PLAT	PLAT #: 1115-A	JOB #: 5543		
NO.	REVISION	BY	DATE		

**LOOMIS PARTNERS**

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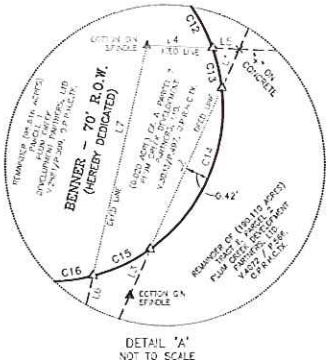
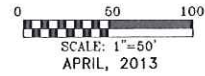
3101 Bee Caver Road, Suite 100 • Austin, Texas 78744  
[TEL] 512.327.1160 • [FAX] 512.327.4082 • www.loomis-partners.com

**PRELIMINARY PLAT  
PLUM CREEK  
PHASE I - SECTION 12A  
HAYS COUNTY, TEXAS**

PLAN NO. 1115-A



# PLUM CREEK PHASE I, SECTION 12A - PRELIMINARY PLAT



CURVE TABLE				
CURVE	RADIUS	ARC	CH BEARING	CH DISTANCE
C1	310.00'	31.82'	S 18°13'53" W	31.81'
C2	25.00'	17.20'	S 01°28'02" W	16.66'
C3	53.50'	275.17'	N 63°49'31" E	85.00'
C4	25.00'	22.75'	N 44°28'42" E	22.01'
C5	240.00'	81.89'	N 06°35'35" E	81.49'
C6	310.00'	120.55'	S 02°55'45" W	120.15'
C7	310.00'	69.13'	N 07°03'18" E	68.83'
C8	20.00'	21.37'	S 51°05'06" W	20.37'
C9	75.00'	171.37'	S 16°14'34" W	136.45'
C10	20.00'	16.77'	S 25°11'56" E	16.28'
C11	30.00'	47.12'	S 43°49'05" W	42.43'
C12	53.50'	25.12'	S 06°08'44" E	24.93'
C13	53.50'	6.01'	S 03°46'18" W	6.00'
C14	53.50'	14.14'	S 20°28'07" W	14.10'
C15	53.50'	23.15'	S 41°16'35" W	22.85'
C16	53.50'	202.75'	N 27°02'01" W	117.55'
C17	225.00'	41.28'	S 25°43'27" W	41.22'
C18	270.00'	66.67'	N 10°28'58" E	56.15'
C19	5.00'	15.71'	S 83°46'25" E	10.60'
C20	280.00'	100.25'	S 10°28'58" W	93.71'
C21	5.00'	15.71'	N 69°15'38" W	10.60'

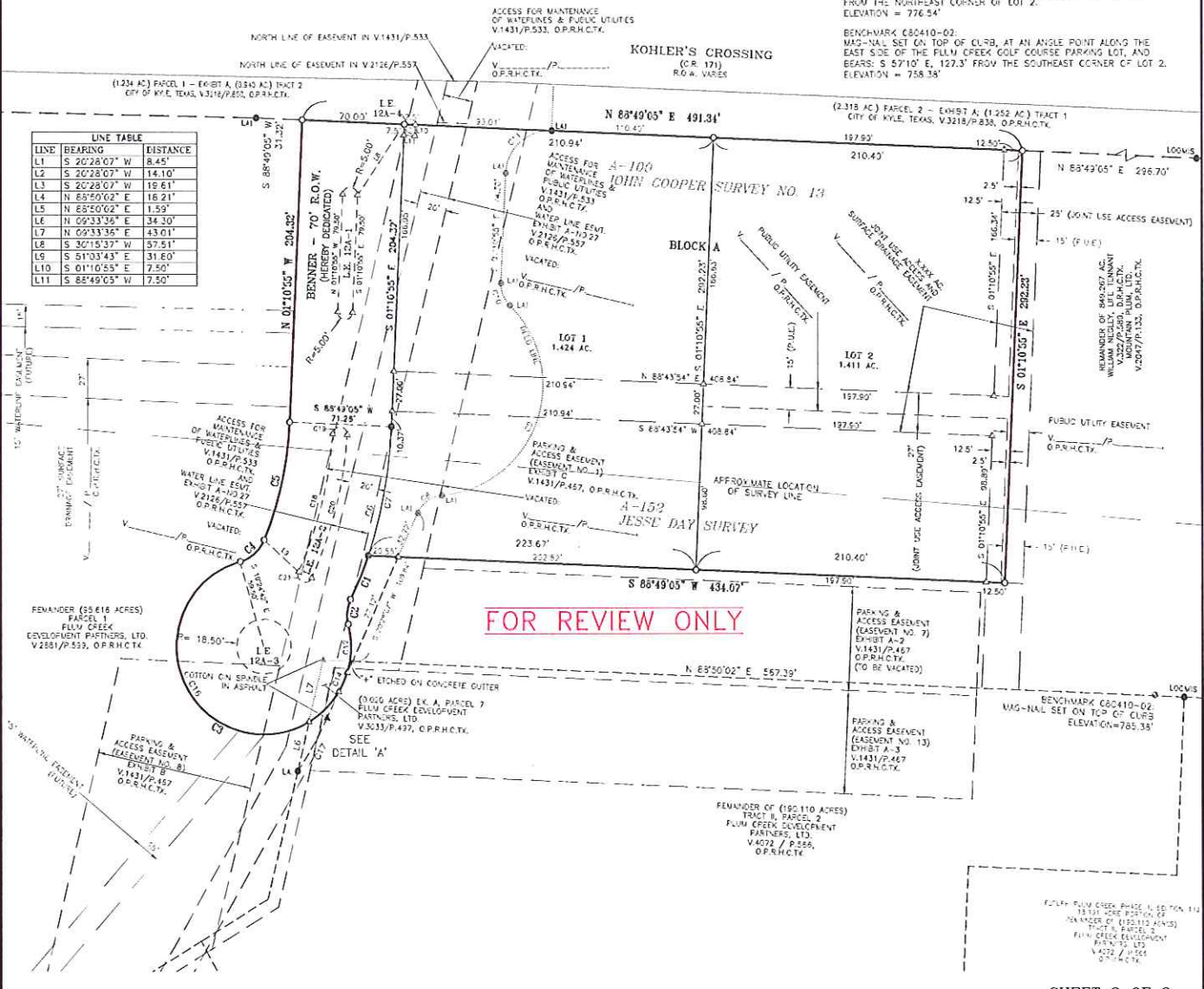
- LEGEND**
- LA: 1/2" IRON ROD W/ PLASTIC CAP STAMPED "LA" PREVIOUSLY SET
  - LOCUS: 1/2" IRON ROD W/ PLASTIC CAP STAMPED "LOCUS" PREVIOUSLY SET
  - : 1/2" IRON ROD W/ PLASTIC CAP STAMPED "LOCUS" SET
  - : MAG-NAL W/ WASHER STAMPED "LOCUS" SET
  - DR.H.C.T.X: DEED RECORDS OF HAYS COUNTY, TEXAS
  - OP.R.H.C.T.X: OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS
  - ( ): RECORD INFORMATION
  - L.E.: LANDSCAPE EASEMENT
  - P.U.E.: PUBLIC UTILITY EASEMENT

- NOTES:**
1. BEARS-BASIS IS TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD83, GRID.
  2. DISTANCES SHOWN HEREON ARE BASED ON SURFACE MEASUREMENTS. TO CONVERT SURFACE DISTANCES TO GRID, MULTIPLY BY THE COMBINED SCALE FACTOR.
  3. THE COMBINED SCALE FACTOR FOR THIS PROJECT IS 0.993307.

**BENCHMARK LIST: - DATUM - NAD83**

**BENCHMARK C60410-01:**  
 SQUARE SET AT THE NORTHEAST CORNER OF A STONE PLUM CREEK SIGN, AT THE SOUTHWEST CORNER OF KOHLER'S CROSSING AND KYLE PARKWAY, AND BEARS: N 85°45'15" E, 145' FROM THE NORTH-EAST CORNER OF LOT 2. ELEVATION = 776.54'

**BENCHMARK C60410-02:**  
 MAG-NAL SET ON TOP OF CURB, AT AN ANGLE POINT ALONG THE EAST SIDE OF THE PLUM CREEK GOLF COURSE PARKING LOT, AND BEARS: S 75°10' E, 127.3' FROM THE SOUTHEAST CORNER OF LOT 2. ELEVATION = 778.35'



LINE	BEARING	DISTANCE
L1	S 20°28'07" W	8.45'
L2	S 20°28'07" W	14.10'
L3	S 20°28'07" W	19.61'
L4	N 85°50'02" E	16.21'
L5	N 85°50'02" E	1.59'
L6	N 09°33'36" E	34.30'
L7	N 09°33'36" E	43.01'
L8	S 30°15'37" W	37.51'
L9	S 51°03'43" E	31.60'
L10	S 01°10'55" E	7.50'
L11	S 88°49'05" W	7.50'

FILE: H:\SURVEY\PLUM_CK_P1\SECTION-12A_SEC-12A\100%PLAT\PLUM-12A-PLAT-PRELU.EWG	DATE: 01-23-13	ITERATION: 517	CREW: CAS, MK
SCALE: 1"=50'	CHECKED BY: J.D.B.	FEED: 320	
JOB #: 5543	DRAWING #: PLUM-12A-PLAT	PLAN #: 1115-A	
NO	REVISION	BY	DATE

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PRELIMINARY PLAT  
 PLUM CREEK  
 PHASE I - SECTION 12A  
 HAYS COUNTY, TEXAS

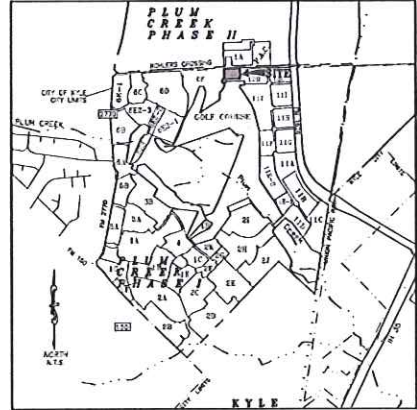
# PLUM CREEK PHASE I, SECTION 12A - FINAL PLAT

STATE OF TEXAS  
COUNTY OF TRAVIS  
KNOW ALL MEN BY THESE PRESENTS, THAT WE, PLUM CREEK DEVELOPMENT PARTNERS, LTD., A LIMITED PARTNERSHIP ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF TEXAS, WITH ITS HOME ADDRESS AT 200 CONGRESS AVENUE, SUITE 9A, AUSTIN, TEXAS 78701, BEING THE OWNER OF 1,248 ACRES OF LAND IN THE JOHN COOPER SURVEY NO. 13, A-110, AND THE JESSE DAY SURVEY, A-152, HAYS COUNTY, TEXAS, SAID 1,248 ACRES BEING A PORTION OF THE REMAINDER OF A CERTAIN 59,618 ACRE TRACT OF LAND DESIGNATED AS PARCEL 1 IN VOLUME 1881, PAGE 529, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, AND BEING A PORTION OF THE REMAINDER OF A CERTAIN 163,110 ACRE TRACT OF LAND DESIGNATED AS TRACT A, PARCEL 2 IN VOLUME 4072, PAGE 568, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, AND MOUNTAIN PLUM, LTD., A LIMITED PARTNERSHIP ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF TEXAS, WITH ITS HOME ADDRESS AT 4340 BROADWAY, SUITE 501, SAN ANTONIO, TEXAS 78202, BEING THE OWNER OF 2,343 ACRES OF LAND IN THE JOHN COOPER SURVEY NO. 13, A-110 AND SAID 2,343 ACRES BEING A PORTION OF THE REMAINDER OF A CERTAIN 819,287 ACRE TRACT DESCRIBED IN THE DEED TO WILLIAM HEGLEY, LIFE TENANT OF RECORD IN VOLUME 392, PAGE 583, DEED RECORDS OF HAYS COUNTY, TEXAS, AND ALSO IN THE DEED TO MOUNTAIN PLUM, LTD., OF RECORD IN VOLUME 2647, PAGE 135, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, DO HEREBY SUBDIVIDE SAID 3,591 ACRES AND SAID 2,343 ACRE TRACTS, CONTAINING A TOTAL OF 3,589 ACRES, AS SHOWN ON THIS PLAT, AND DESIGNATED HEREIN AS THE PLUM CREEK PHASE I, SECTION 12A SUBDIVISION TO THE CITY OF KYLE, TEXAS, AND WHOSE NAME IS SUBSCRIBED HERETO, HEREBY DEDICATE TO THE USE OF THE PUBLIC FOREVER ALL PUBLIC RIGHTS OF WAY, WATER COURSES, DRAINAGE EASEMENTS (EXCLUDING LANDSCAPE EASEMENTS), PAPERS AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSES AND CONSIDERATION THEREIN EXPRESSED.

WHEREOF THE SAID PLUM CREEK DEVELOPMENT PARTNERS, LTD., OWNER, HAS CAUSED THESE PRESENTS TO BE EXECUTED BY ITS GENERAL PARTNER, BG PLUM CREEK DEVELOPMENT, LTD., THEREUNTO DULY AUTHORIZED, GENERAL PARTNER HAS CAUSED THESE PRESENTS TO BE EXECUTED BY ITS GENERAL PARTNER, BENCHMARK LAND DEVELOPMENT, INC., AND WHEREOF THE SAID MOUNTAIN PLUM, LTD., HAS CAUSED THESE PRESENTS TO BE EXECUTED BY THE MANAGERS OF MP GENERAL, L.L.C., ITS GENERAL PARTNER, RICHARD B. HEGLEY AND LAURA N. GILL, THEREUNTO DULY AUTHORIZED.

PLUM CREEK DEVELOPMENT PARTNERS, LTD.,  
A TEXAS LIMITED PARTNERSHIP  
BY: BG PLUM CREEK DEVELOPMENT, LTD.,  
A TEXAS LIMITED PARTNERSHIP, GENERAL PARTNER  
BY: BENCHMARK LAND DEVELOPMENT, INC.,  
A TEXAS CORPORATION, GENERAL PARTNER  
BY: DAVID C. WAHN, VICE PRESIDENT

MOUNTAIN PLUM, LTD.,  
A TEXAS LIMITED PARTNERSHIP  
BY: MP GENERAL, L.L.C., GENERAL PARTNER  
A TEXAS LIMITED LIABILITY COMPANY  
BY: RICHARD B. HEGLEY, MANAGER  
BY: LAURA N. GILL, MANAGER



LOCATION MAP  
NOT TO SCALE

STATE OF TEXAS  
COUNTY OF TRAVIS  
BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED, DAVID C. WAHN, VICE PRESIDENT OF BENCHMARK LAND DEVELOPMENT, INC., KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN STATED, GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS

DAY OF \_\_\_\_\_, 2013.  
NOTARY PUBLIC, STATE OF TEXAS  
MY COMMISSION EXPIRES: \_\_\_\_\_  
(PRINTED NAME OF NOTARY)

STATE OF TEXAS  
COUNTY OF BEXAR  
BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED, RICHARD B. HEGLEY, MANAGER OF MOUNTAIN PLUM, L.L.C., A TEXAS LIMITED LIABILITY COMPANY, THE GENERAL PARTNER OF MOUNTAIN PLUM, LTD., A TEXAS LIMITED PARTNERSHIP, FOR AND ON BEHALF OF SAID LIMITED PARTNERSHIP, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN STATED, GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS

DAY OF \_\_\_\_\_, 2013.  
NOTARY PUBLIC, STATE OF TEXAS  
MY COMMISSION EXPIRES: \_\_\_\_\_  
(PRINTED NAME OF NOTARY)

STATE OF TEXAS  
COUNTY OF BEXAR  
BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED, LAURA N. GILL, MANAGER OF MOUNTAIN PLUM, L.L.C., A TEXAS LIMITED LIABILITY COMPANY, THE GENERAL PARTNER OF MOUNTAIN PLUM, LTD., A TEXAS LIMITED PARTNERSHIP, FOR AND ON BEHALF OF SAID LIMITED PARTNERSHIP, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT SHE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN STATED, GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS

DAY OF \_\_\_\_\_, 2013.  
NOTARY PUBLIC, STATE OF TEXAS  
MY COMMISSION EXPIRES: \_\_\_\_\_  
(PRINTED NAME OF NOTARY)

STATE OF TEXAS  
COUNTY OF HAYS  
KNOW ALL MEN BY THESE PRESENTS:  
THAT, LIZ GONZALEZ, CLERK OF HAYS COUNTY COURT, DOES HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT OF WRITING AND THE CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORDS IN MY OFFICE ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013, A.D., IN THE PLAT RECORDS OF SAID COUNTY AND STATE IN PLAT CABINET \_\_\_\_\_ PAGE(S).  
WITNESS MY HAND AND SEAL OF OFFICE OF COUNTY CLERK OF SAID COUNTY ON THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013, A.D.  
FILED FOR RECORD AT \_\_\_\_\_ O'CLOCK \_\_\_\_\_ M. THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013, A.D.

BY: LIZ GONZALEZ  
COUNTY CLERK  
HAYS COUNTY, TEXAS

I, THE UNDERSIGNED CHAIRPERSON OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF KYLE HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS OF THE SUBDIVISION REGULATIONS OF THE CITY AS TO WHICH THE COMMISSION'S APPROVAL IS REQUIRED.

BY: CHAIRPERSON  
THIS PLAT (PLUM CREEK PHASE I, SECTION 12A) HAS BEEN SUBMITTED TO AND CONSIDERED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KYLE, TEXAS AND IS HEREBY APPROVED BY THE COMMISSION.  
DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013.

BY: \_\_\_\_\_  
ATTENT: \_\_\_\_\_  
SECRETARY

THIS PLAT (PLUM CREEK PHASE I, SECTION 12A) HAS BEEN SUBMITTED TO AND CONSIDERED BY THE CITY COUNCIL OF THE CITY OF KYLE, TEXAS AND IS HEREBY APPROVED BY THE COUNCIL.  
DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013.

BY: \_\_\_\_\_  
ATTENT: \_\_\_\_\_  
SECRETARY

STATE OF TEXAS  
COUNTY OF TRAVIS  
I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, HEREBY CERTIFY THAT THE PLAT AND ALL PLANS AND SPECIFICATIONS WHICH ARE INCLUDED WITH THE PLAT ARE, TO THE BEST OF MY PROFESSIONAL CAPACITY, COMPLETE AND ACCURATE AND IN COMPLIANCE WITH ALL RELEVANT CITY ORDINANCES, CODES, PLANS, AND RELEVANT STATE STATUTES.

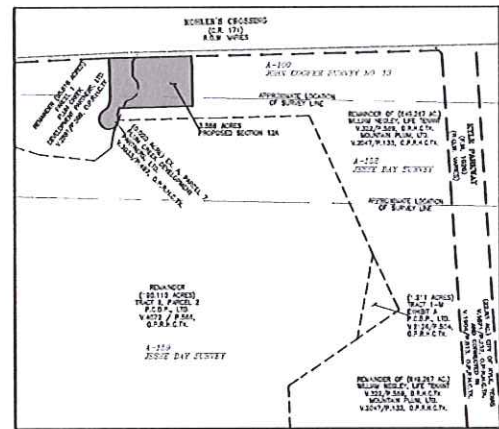
FOR REVIEW ONLY

BY: AAN D. BRAMES, P.E.  
REGISTERED PROFESSIONAL ENGINEER  
NO. 72088 - STATE OF TEXAS  
AUGUST ENGINEERS INC.  
13276 RESEARCH BLVD., ST. 208  
AUSTIN, TEXAS 78720  
512-564-8335

STATE OF TEXAS  
COUNTY OF TRAVIS  
I, JOHN D. BARNARD, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THIS PLAT WAS PREPARED FROM AN ACTUAL SURVEY MADE UNDER MY DIRECTION AND SUPERVISION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

FOR REVIEW ONLY

BY: JOHN D. BARNARD  
REGISTERED PROFESSIONAL LAND SURVEYOR  
NO. 5745 - STATE OF TEXAS  
LOOMIS PARTNERS  
1101 ONE CAVE RD., SUITE 100  
AUSTIN, TEXAS 78745  
512-327-1180



SITE MAP  
SCALE: 1" = 500'

- NOTES:**
- TOTAL ACREAGE: 3,589 ACRES.
  - THE TOTAL AREA OF PUBLIC STREET RIGHT OF WAY (BENNER) TO BE DEDICATED IN THIS SUBDIVISION IS 0.754 ACRE.
  - TOTAL NUMBER OF LOTS: 2
  - PLAT COMPLETELY CONFORMS WITH PLUM CREEK P.U.D. MASTER PLAN & CITY OF KYLE ORDINANCE 308 AND 311.
  - SIDEWALKS ALONG OR WITHIN BENNER OR KCHLER'S CROSSING RIGHT OF WAY SHALL BE INSTALLED BY LOT OWNER / DEVELOPER AT THE TIME OF LOT DEVELOPMENT.
  - OFFSITE WATER AND WASTEWATER LINES MUST BE CONSTRUCTED AND ACCEPTED BY THE CITY OF KYLE PRIOR TO OCCUPANCY OF ANY BUILDING(S) ON THIS PROPERTY.
  - ALL UTILITIES WITHIN THIS SUBDIVISION SHALL BE UNDERGROUND.
  - NO OBJECT INCLUDING BUILDING, ACCESSORY BUILDING, FENCING OR LANDSCAPING WHICH WOULD INTERFERE WITH CONVEYANCE OF STORM WATER SHALL BE PLACED OR ERECTED WITHIN DRAINAGE EASEMENTS.
  - ALL OPEN SPACES, DRAINAGE EASEMENTS AND LANDSCAPE EASEMENT AREAS SHALL BE MAINTAINED BY THE PROPERTY OWNERS ASSOCIATION OR ASSIGNS RESPONSIBILITY FOR KEEPING AREAS NEATLY CUT AND FREE OF DEBRIS AND ALL TREE/BURSH REGROWTH.
  - PRIOR TO CONSTRUCTION OF ANY IMPROVEMENTS ON LOTS 1 AND 2 IN THIS SUBDIVISION, APPROVAL OF SITE DEVELOPMENT PLAN FROM THE CITY OF KYLE AND PLUM CREEK DEVELOPMENT PARTNERS, LTD. IS REQUIRED.
  - PRIOR TO CONSTRUCTION OF ANY IMPROVEMENTS ON LOTS 1 AND 2 IN THIS SUBDIVISION, SITE DEVELOPMENT AND/OR BUILDING PERMITS WILL BE REQUIRED FROM THE CITY OF KYLE.

**FLOOD NOTE:**  
NO PORTION OF THIS SUBDIVISION (PLUM CREEK PHASE I, SECTION 12A) IS CONTAINED IN THE 100 YEAR FLOOD ZONE, PER FLOOD INSURANCE RATE MAPS FOR HAYS COUNTY TEXAS (CITY OF KYLE: 481103) COMMUNITY-PANEL NUMBER 48209C 0270C, EFFECTIVE DATE: SEPTEMBER 2, 2005, AND COMMUNITY-PANEL NUMBER 48209C 0250C, EFFECTIVE DATE: SEPTEMBER 2, 2005.

**PUBLIC UTILITY INFORMATION:**  
THIS SUBDIVISION IS SERVED BY THE FOLLOWING UTILITIES:

<b>WATER:</b> CITY OF KYLE 1810 W. CENTER ST. KYLE, TEXAS 78643	<b>ELECTRIC:</b> FEDERAL/ILES ELECTRIC COOP 1810 FM 150 WEST KYLE, TEXAS 78640	<b>PHONE:</b> VERIZON 6501 F.M. 3237 WIMBERLEY, TEXAS 78733
<b>WASTEWATER:</b> CITY OF KYLE 100 W. CENTER ST. KYLE, TEXAS 78643	<b>GAS:</b> CENTERPOINT ENERGY 326 CHEATMAN STREET SAN MARCOS, TEXAS 78666	

FILE: H:\SURVEY\PLUM_Crk_FH1\SECTION-12A\WORK\PLAT\PLUM-12A-PLAT_FINAL.DWG	DATE: 04-29-13	DRAWN BY: G.T.	CREW: CAP, WK
SCALE: N.T.S.	CHECKED BY: J.O.B.	ITR #:	37
JOB #: 5543	DRAWING #: PLUM-12A-PLAT	PLAN #:	1115
NO	REVISION	BY	DATE



## LOOMIS PARTNERS

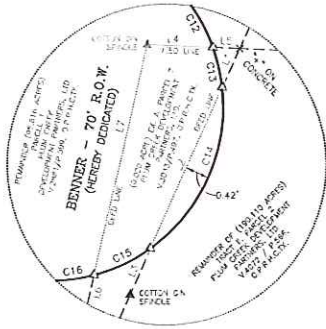
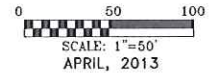
ENGINEERING • LAND SURVEYING • ENVIRONMENTAL CONSULTING

3101 One Cave Road, Suite 100 • Austin, Texas 78748  
(TEL) 512.527.1180 • (FAX) 512.527.4628 • www.loomis-partners.com

**FINAL PLAT**  
**PLUM CREEK**  
**PHASE I - SECTION 12A**  
**HAYS COUNTY, TEXAS**



# PLUM CREEK PHASE I, SECTION 12A - FINAL PLAT



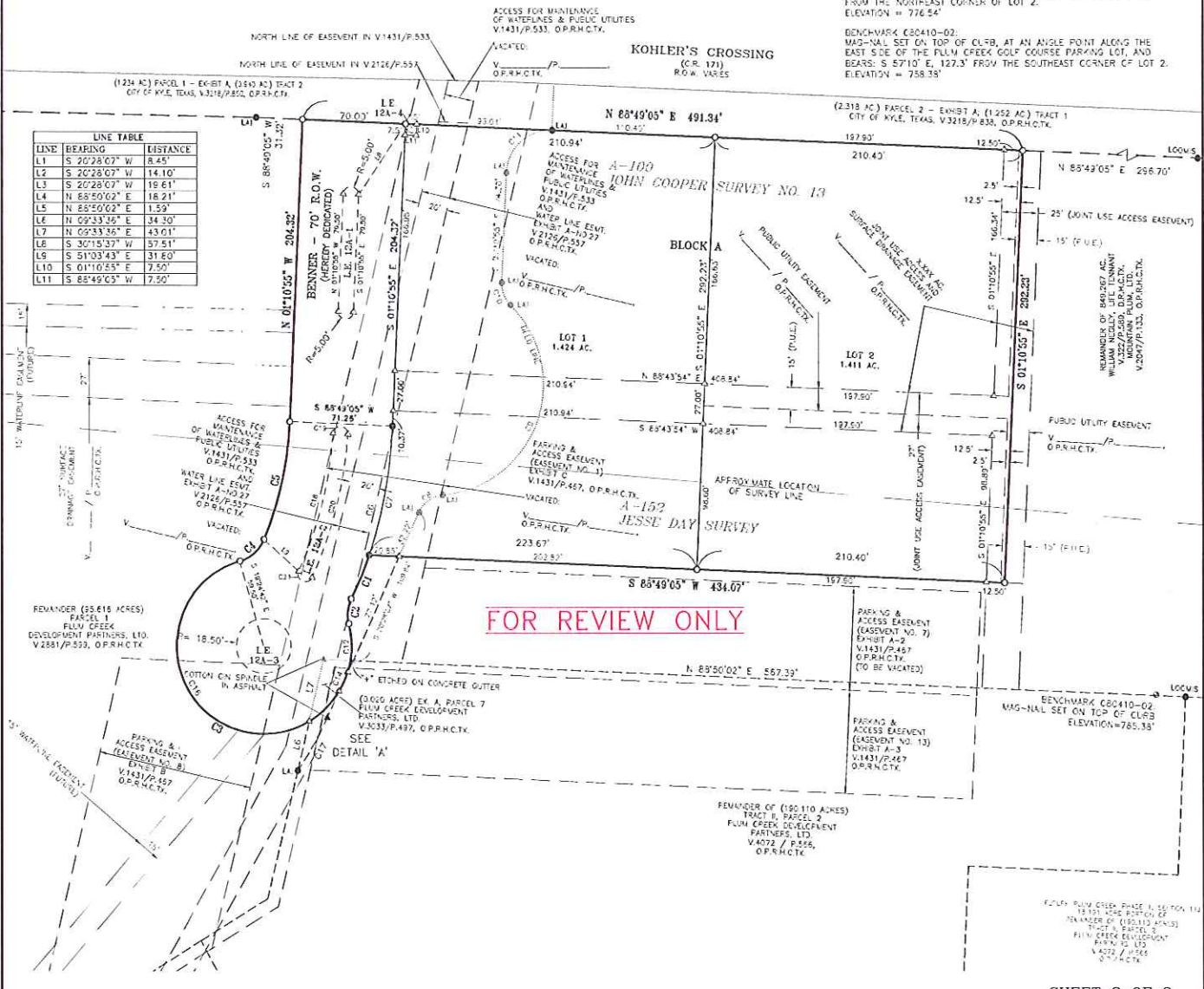
CURVE TABLE				
CURVE	RADIUS	ARC	CH BEARING	CH DISTANCE
C1	310.00'	31.82'	S 18°13'53" W	31.81'
C2	25.00'	17.20'	S 01°28'02" W	16.86'
C3	53.50'	278.17'	N 63°49'31" W	65.00'
C4	25.00'	22.79'	N 44°28'42" E	22.61'
C5	240.00'	61.89'	N 08°35'35" E	61.49'
C6	310.00'	120.53'	S 02°58'45" W	120.19'
C7	310.00'	63.13'	N 07°03'18" E	68.83'
C8	20.00'	21.37'	S 51°05'06" W	20.37'
C9	75.00'	171.37'	S 16°14'34" W	136.45'
C10	20.00'	16.77'	S 25°11'56" W	16.23'
C11	30.00'	47.12'	S 43°49'05" W	42.43'
C12	53.50'	25.12'	S 06°08'44" E	24.93'
C13	53.50'	6.01'	S 07°48'18" W	8.00'
C14	53.50'	14.14'	S 20°28'07" W	14.10'
C15	53.50'	29.15'	S 41°18'36" W	28.85'
C16	53.50'	202.75'	N 27°02'01" W	117.95'
C17	225.00'	41.26'	S 25°43'27" W	41.22'
C18	270.00'	66.67'	N 10°28'53" E	96.15'
C19	5.00'	15.71'	S 89°46'25" E	10.00'
C20	280.00'	100.25'	S 10°28'58" W	99.71'
C21	5.00'	15.71'	N 69°15'38" W	10.00'

- LEGEND**
- L&I 1/2" IRON ROD W/ PLASTIC CAP STAMPED "L&I" PREVIOUSLY SET
  - L&C&S 1/2" IRON ROD W/ PLASTIC CAP STAMPED "L&C&S" PREVIOUSLY SET
  - 1/2" IRON ROD W/ PLASTIC CAP STAMPED "L&C&S" SET
  - MAG-NAL W/ W&S-ER STAMPED "L&C&S" SET
  - B.R.H.C.T.X. DEED RECORDS OF HAYS COUNTY, TEXAS
  - O.P.R.H.C.T.X. OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS
  - ( ) RECORD INFORMATION
  - L.E. LANDSCAPE EASEMENT
  - P.U.E. PUBLIC UTILITY EASEMENT

- NOTES:**
1. BEARING BASIS IS TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD83, GRID.
  2. DISTANCES SHOWN HEREON ARE BASED ON SURFACE MEASUREMENTS, TO CONVERT SURFACE DISTANCES TO GRID, MULTIPLY BY THE COMBINED SCALE FACTOR.
  3. THE COMBINED SCALE FACTOR FOR THIS PROJECT IS 0.999307.

- BENCHMARK LIST: - DATUM - NAD83**
- BENCHMARK C60410-01:**  
 SQUARE SET AT THE NORTHEAST CORNER OF A STONE PLUM CREEK SQN, AT THE SOUTHWEST CORNER OF THE INTERSECTION OF KOHLER'S CROSSING AND WOLF PARKWAY, AND BEARS: N 69°45'15" E, 1453' FROM THE NORTH-EAST CORNER OF LOT 2. ELEVATION = 776.54'
- BENCHMARK C60410-02:**  
 MAG-NAL SET ON TOP OF CLFB, AT AN ANGLE POINT ALONG THE EAST SIDE OF THE PLUM CREEK GOLF COURSE PARKING LOT, AND BEARS: S 57°10' E, 127.3' FROM THE SOUTHEAST CORNER OF LOT 2. ELEVATION = 758.35'

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 20°28'07" W	8.25'
L2	S 20°28'07" W	14.10'
L3	S 20°28'07" W	16.61'
L4	N 85°50'02" E	18.21'
L5	N 85°50'02" E	1.59'
L6	N 09°33'36" E	34.30'
L7	N 09°33'36" E	43.01'
L8	S 30°15'37" W	37.51'
L9	S 51°03'43" E	31.60'
L10	S 01°10'55" E	7.50'
L11	S 85°49'05" W	7.50'



FILE: H:\SURVEY\PLUM_CK_P1\SECTION-12A_SEC-12A(WORK)\PLAT\PLUM-12A-PLAT_FINAL.DWG			
DATE: 04-25-13	DRAWN BY: G.T.	CREW: CAF, MK	
SCALE: 1"=50'	CHECKED BY: J.D.B.	FD #: 320	
JOB #: 5542	DRAWING #: PLUM-12A-PLAT	PLAN #: 1115	
NO	REVISION	BY	DATE

LOOMIS
PARTNERS

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 3101 Bee Cave Road, Suite 103 • Austin, Texas 78716  
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FINAL PLAT  
 PLUM CREEK  
 PHASE I - SECTION 12A  
 HAYS COUNTY, TEXAS

SHEET 2 OF 2

PLAN NO. 1115

## MEMORANDUM

TO: Planning and Zoning Commission  
FROM: Sofia Nelson, Director of Planning  
DATE: May 20, 2013  
SUBJECT: Rojo Subdivision and Variance Requests

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### BACKGROUND

#### **Site Information and Proposal**

The subject property is approximately 15 acres in size and is located on Roland Lane approximately 1000 feet east of County Road 136 in the City's ETJ. The site is currently undeveloped; however the property owner is seeking to subdivide the existing 15 acres into 5 legal residential lots.

#### **Utilities**

The site will be served by an on-site septic system for each lot and will be utilizing private water wells for water service.

#### **Access**

The site currently does not have a driveway accessing Roland Lane, however does have 658 feet of street frontage. Each proposed lot will have individual access to Roland Lane and a driveway permit will have to be obtained from Hays County.

#### **Parkland**

The Parkland Dedication requirements allow an exemption to developments of 5 lots or less if they are not part of a larger development. This application has been determined to be exempt from park land dedication fees and park land development fees.

#### **Variances**

The applicant is seeking the following variances to the subdivision requirements:

1. **The applicant is seeking a variance to the City of Kyle Platting process.**
  - The City of Kyle Subdivision Ordinance requires all subdivisions to provide a concept, preliminary plan, and final plat unless the following requirements apply:
    - (1) The lots must abut a dedicated and accepted city street for the required lot frontage;
    - (2) Topography of the tract is such that drainage-related facilities will not be required;
    - (3) Water and sewer mains of sufficient capacity are adjacent, or on the property, for tapping with service lines;
    - (4) All requirements in these regulations regarding preliminary and final plats shall be complied with, where applicable, without exception (i.e., without a variance from the requirements of this chapter).
  - Since the property does front on a city street and water and sewer mains of sufficient capacity are not adjacent or on the property for tapping the proposed subdivision does not



meet the requirements to allow for the applicant to skip the concept and preliminary plat steps of the subdivision process. Since the property does not meet the above requirements the applicant is therefore required to submit the same plat three different times (concept plan, preliminary plat, and final plat) and submit 3 different fees to meet the requirements of the subdivision ordinances.

**2. The applicant is seeking a variance to the subdivision ordinance to require underground electric service.**

- Section 41-141 of the City Code requires Electrical, telephone and other lines. All electrical, telephone, cable television and similar lines shall be placed underground. Such lines shall be installed in accordance with the regulations and requirements established by each utility or service company, as applicable, and city ordinance. The city council may waive this requirement for good cause, and permit such lines to be installed above ground.
- The applicant has identified the desired route to supply electricity to the site would be from the back of the lot. There is currently overhead power along Opal Lane and the applicant is requesting the ability to install overhead electric service lines perpendicular to Opal Lane towards the south and not along Opal Lane. The applicant is proposing to add a plat note to restrict overhead utilities within 150 feet from Roland Lane.

**3. The applicant is seeking a variance to the required perimeter road fee required for subdivisions.**

- *Perimeter streets.* The developer's obligations concerning perimeter streets are as follows:  
*Local, collector streets.*
  - Dedicate land for one-half of the required right-of-way of an adjacent local and collector street; and
  - Pay the improvements costs or build one-half of the required width of adjacent local and collector streets, including curbs, gutters and storm drainage.
- The applicant is seeking to dedicate the required right-of-way but is requesting a variance to the required payment of the perimeter road fee.

**STAFF RECOMMENDATION:**

Sec.41-10 of the City of Kyle Subdivision Ordinance requires the following criteria be met when granting exceptions unless otherwise specified:

(a)It is the expressed intent of this chapter that all sections and parts should be complied with, except in those instances when the provisions of this section are applicable. It is further the intent of this chapter that the granting of an exception to this chapter (i.e., a variance from the requirements hereof) shall not be a substitute for the amending of this chapter.

(b)The planning and zoning commission may recommend to the council that an exception from these regulations be granted when, in its opinion, undue hardship will result from requiring strict compliance. In considering, recommending and granting an exception, either the planning and zoning commission or the council shall prescribe such conditions that it deems necessary or desirable in the public interest. In making the findings required in subsection (c) of this section, both bodies shall take into account, at least, the nature of the proposed use of the land involved, existing uses of land in the vicinity, the number of persons who will reside or work in the proposed subdivision, and the probable effect of such exception upon traffic conditions and upon the public health, safety, convenience and welfare in the vicinity.

(c) No exception shall be granted unless the following conditions are met:

(1) That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this chapter would have a substantial adverse impact on the applicant's reasonable use of his land;

(2) That the granting of the exception will not be detrimental to the public health, safety or welfare, or injurious to other property in the area; and

(3) That the granting of the exception will not have the effect of preventing the orderly subdividing of other land in the area in accordance with the provisions of this chapter.

(d) Such findings of the planning and zoning commission and council, together with the specific facts upon which such findings are based, shall be incorporated into the official minutes of the meeting at which such exception is recommended and granted.

(e) Exceptions may be granted only when in harmony with the general purpose and intent of this chapter so that the public health, safety and welfare may be secured and substantial justice served.

Staff has reviewed each of the requested variances against the criteria identified for exceptions to the subdivision ordinance and has made the following findings:

**1. Variance request to allow the applicant to vary from the subdivision platting process and submit only a final plat:**

- (1) That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this chapter would have a substantial adverse impact on the applicant's reasonable use of his land.
  - *In staff's review of the variance request it appears that because the subdivision is to be platted in one phase that the process is redundant. However, it does not appear that following the established subdivision process would have an adverse impact on the applicant's reasonable use of the property.*
- (2) That the granting of the exception will not be detrimental to the public health, safety or welfare, or injurious to other property in the area; and
  - *It does not appear that granting this exception will be detrimental to the public health, safety or welfare or will be injurious to other property in the area.*
- (3) That the granting of the exception will not have the effect of preventing the orderly subdividing of other land in the area in accordance with the provisions of this chapter.
  - *It does not appear that the granting of this variance will have the effect of preventing the orderly subdividing of other land in the area in accordance with the provisions of the subdivision ordinance.*

**2. Variance request to allow overhead electric service:**

- (1) That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this chapter would have a substantial adverse impact on the applicant's reasonable use of his land.

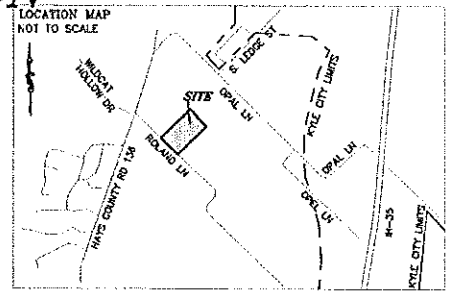
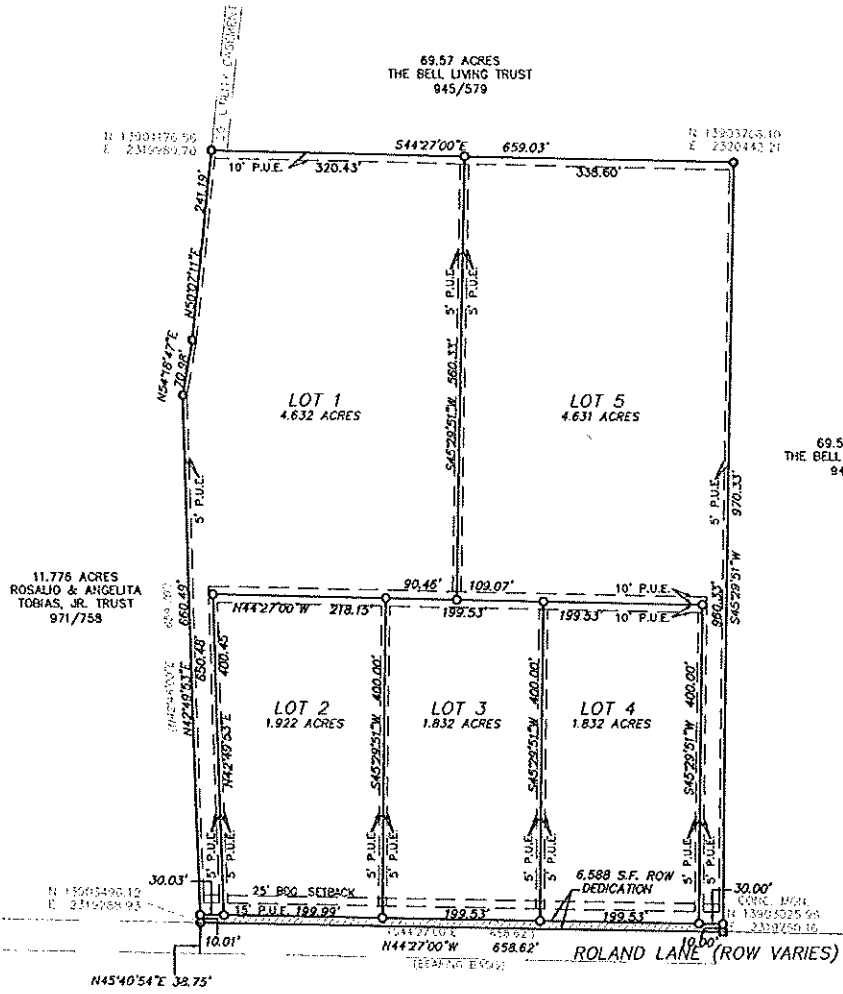
- The subject property is a long narrow lot, as are many of the lots in this area. It does not appear that there are special conditions affecting the land involved such that the strict application of the provisions of this chapter would have a substantial adverse impact on the applicant's reasonable use of his land.
- (2) That the granting of the exception will not be detrimental to the public health, safety or welfare, or injurious to other property in the area; and
  - *It does not appear that granting this exception will be detrimental to the public health, safety or welfare or will be injurious to other property in the area.*
- (3) That the granting of the exception will not have the effect of preventing the orderly subdividing of other land in the area in accordance with the provisions of this chapter.
  - *It does not appear that the granting of this variance will have the effect of preventing the orderly subdividing of other land. It does appear that the allowance of overhead electric service may set a pattern for overhead electric service for future developments in the area.*

### 3. Variance to perimeter road fee

- (1) That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this chapter would have a substantial adverse impact on the applicant's reasonable use of his land.
  - *In staff's review of the request it appears the requirement would make the development costs for the property more expensive however it does not appear that the payment of the perimeter road fee would have a substantial adverse impact on the applicant's reasonable use of his land.*
- (2) That the granting of the exception will not be detrimental to the public health, safety or welfare, or injurious to other property in the area; and
  - *It does not appear that granting this exception will be detrimental to the public health, safety or welfare or will be injurious to other property in the area. However, if the variance is granted it does mean that overtime when the property is annexed into the City and the City has funds from other properties to upgrade the road the City will not have the amount required from this development.*
- (3) That the granting of the exception will not have the effect of preventing the orderly subdividing of other land in the area in accordance with the provisions of this chapter.
  - *It does not appear that the granting of this variance will have the effect of preventing the orderly subdividing of other land in the area in accordance with the provisions of this chapter.*

Staff is recommending approval of the plat conditional on the applicant being granted the above variances or meeting the requirements of the subdivision ordinance.

# FINAL PLAT ROJO SUBDIVISION



SCALE  
1" = 100'

**LEGEND**

- = CONCRETE MONUMENT
- = IRON ROD FOUND
- = IRON ROD SET
- ( ) = RECORD PER DEED
- PUE = PUBLIC UTILITY EASEMENT

69.57 ACRES  
THE BELL LIVING TRUST  
945/579

11.776 ACRES  
ROSALIO & ANGELITA  
TOBIAS, JR. TRUST  
971/758

SURVEY : Z. HINTON SURVEY No. 12 IN HAYS COUNTY TEXAS.

NOTES:  
BEARINGS BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM (GRID), NAD 83, TEXAS SOUTH CENTRAL ZONE (4204). NAVD '88 VERTICAL DATUM

TOTAL NO. OF LOTS: 5  
TOTAL SUBDIVISION ACREAGE: 15,000 ACRES  
PROPOSED LAND USE: RESIDENTIAL  
AVERAGE LOT SIZE = 3.0 ACRES  
LOTS BETWEEN 2.0 AND 5.0 ACRES = 2 LOTS  
LOTS BETWEEN 1.0 AND 2.0 ACRES = 3 LOTS

WATER SERVICE: PRIVATE WATER WELLS  
WASTEWATER SERVICE: ON-SITE SEWERAGE FACILITY

DATE: DEC. 1 2012

**SURVEYOR'S CERTIFICATION:**

I, GEORGE LUCAS, AM AUTHORIZED UNDER THE LAWS OF THE STATE OF TEXAS TO PRACTICE THE PROFESSION OF SURVEYING AND HEREBY CERTIFY THAT THIS PLAT COMPLIES WITH ALL APPLICABLE CODES AND ORDINANCES, INCLUDING ORDINANCE #439 OF THE CITY CODE OF KYLE, TEXAS AND HAYS COUNTY DEVELOPMENT REGULATIONS IS TRUE AND CORRECT; AND WAS PREPARED FROM AN ACTUAL ON-THE-GROUND SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION.

GEORGE LUCAS R.L.P.S. No. 4160      DATE \_\_\_\_\_  
CELCO SURVEYING  
2205 STONECREST PATH  
NEW BRAUNFELS, TEXAS  
830-214-5109

**FIELD NOTE DESCRIPTION FOR A 15,000 ACRE TRACT:**

BEGIN A 15,000 ACRE TRACT OR PARCEL OF LAND BEING OUT OF AND A PART OF THE Z. HINTON SURVEY NO. 12 IN HAYS COUNTY, TEXAS, AND BEING OUT OF AND A PART OF THOSE TWO TRACTS OF LAND CONVEYED TO THE BELL LIVING TRUST IN A DEED RECORDED IN VOLUME 945, PAGE 579, DEED RECORDS, HAYS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT A 1" IRON PIPE FOUND FOR THE WEST CORNER OF A TRACT OF LAND CONVEYED TO ROSALIO & ANGELITA TOBIAS, JR. TRUST IN A DEED RECORDED IN VOLUME 971, PAGE 758, DEED RECORDS, HAYS COUNTY, TEXAS, AND BEING A POINT IN THE NORTHEAST RIGHT-OF-WAY LINE OF ROLAND LANE AT ITS INTERSECTION WITH THE EAST RIGHT-OF-WAY LINE OF COUNTY ROAD 136;

THENCE WITH THE SOUTHWEST LINE OF THE TOBIAS TRACT AND THE NORTHEAST RIGHT-OF-WAY LINE OF ROLAND LANE SOUTH 44°17'44" EAST AT A DISTANCE OF 911.87 FEET TO A 1/4" IRON ROD SET FOR THE WEST CORNER OF THIS TRACT AND OF THE BELL TRACT AND THE SOUTH CORNER OF THE TOBIAS TRACT, AND WHICH POINT IS ALSO POINT OF BEGINNING OF THE HEREBY DESCRIBED TRACT;

THENCE WITH THE NORTHWEST LINE OF THIS TRACT AND THE BELL TRACT AND THE SOUTHEAST LINE OF THE TOBIAS TRACT NORTH 42°49'53" EAST AT A DISTANCE OF 650.49 FEET TO A 1/4" IRON ROD SET;

THENCE CONTINUING WITH THE NORTHWEST LINE OF THIS TRACT THE FOLLOWING TWO CALLS:

- (1) NORTH 54°18'47" EAST AT A DISTANCE OF 70.98 FEET TO A 1/4" IRON ROD SET;
  - (2) NORTH 50°07'11" EAST AT A DISTANCE OF 241.19 FEET TO A 1/4" IRON ROD SET FOR THE NORTH CORNER OF THIS TRACT;
- THENCE WITH THE NORTHEAST LINE OF THIS TRACT ACROSS THE BELL TRACT SOUTH 44°27'00" EAST AT A DISTANCE OF 659.03 FEET TO A 1/4" IRON ROD SET FOR THE EAST CORNER OF THIS TRACT;
- THENCE WITH THE SOUTHEAST LINE OF THIS TRACT ACROSS THE BELL TRACT SOUTH 45°29'51" WEST AT A DISTANCE OF 870.33 FEET TO A 1/4" IRON ROD SET FOR THE SOUTH CORNER OF THIS TRACT AND BEING A POINT ON THE SOUTHWEST LINE OF THE BELL TRACT AND THE NORTHEAST RIGHT-OF-WAY LINE OF ROLAND LANE;
- THENCE WITH THE SOUTHWEST LINE OF THIS TRACT AND OF THE BELL TRACT AND THE NORTHEAST RIGHT-OF-WAY LINE OF ROLAND LANE NORTH 44°27'00" WEST AT A DISTANCE OF 658.62 FEET TO THE POINT OF BEGINNING, CONTAINING 15,000 ACRES OF LAND, MORE OR LESS.

**MAURICIO QUINTERO-RANGEL, P.E.**  
F-12164  
11312 ROBERT WOODING DR.  
AUSTIN, TEXAS 78748  
(512) 659-4386 TEL.  
(512) 291-8714 FAX

**CELCO SURVEYING**  
2205 STONECREST PATH  
NEW BRAUNFELS, TEXAS 78130  
TEL: 830-214-5109 FAX: 866-571-8323

# FINAL PLAT ROJO SUBDIVISION

STATE OF TEXAS  
COUNTY OF HAYS

KNOW ALL MEN BY THESE PRESENTS

#### ENGINEER CERTIFICATION:

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

THAT I, DANIEL RIVERA, OWNER OF A 15.000 ACRE TRACT, BEING A PART OF THE Z. HINTON SURVEY NO. 12 IN HAYS COUNTY, TEXAS AND BEING OUT OF AND PART OF THOSE TWO TRACTS OF LAND CONVEYED TO THE BELL LIVING TRUST IN A DEED RECORDED IN VOLUME 945, PAGE 579, DEED RECORDS, HAYS COUNTY, TEXAS, AS CONVEYED TO ME BY DEED RECORDS IN VOLUME 4499, PAGE 555, DEED RECORDS, HAYS COUNTY, TEXAS, HEREBY SUBMIT THE ATTACHED PLAT, TO BE KNOWN AS:

#### ROJO SUBDIVISION

SAID SUBDIVISION HAVING BEEN APPROVED FOR SUBDIVISION PURSUANT TO ORDINANCE NO. 439 OF THE CITY CODE OF KYLE, AND DO HEREBY DEDICATE TO THE PUBLIC THE USE OF THE STREETS AND EASEMENTS AS SHOWN HEREON, SUBJECT TO ANY EASEMENTS OR RESTRICTIONS HERETOFORE GRANTED AND NOT RELEASED.

WITNESS MY HAND THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013 A.D.

DANIEL RIVERA  
7719 McANOUS RD  
DEL VALLE, TEXAS 78617  
PH: 512-563-2486  
FAX: 1-866-800-5957

STATE OF TEXAS  
COUNTY OF HAYS

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013 BY DANIEL RIVERA.

NOTARY PUBLIC, STATE OF TEXAS

MY COMMISSION EXPIRES: \_\_\_\_\_

#### DIRECTOR OF PUBLIC WORKS CERTIFICATION:

STATE OF TEXAS  
COUNTY OF HAYS

KNOW ALL MEN BY THESE PRESENTS

THAT I, HARPER WILDER, THE DIRECTOR OF PUBLIC WORKS FOR THE CITY OF KYLE, HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO THE REQUIREMENTS OF THE CITY OF KYLE SUBDIVISION ORDINANCE AND HEREBY RECOMMEND APPROVAL.

HARPER WILDER  
DIRECTOR OF PUBLIC WORKS

#### CITY MANAGER CERTIFICATION:

STATE OF TEXAS  
COUNTY OF HAYS

KNOW ALL MEN BY THESE PRESENTS

THAT I, LANNY LAMBERT, CITY MANAGER, APPROVED THIS SUBDIVISION PLAT THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013, AND AUTHORIZE IT TO BE FILED BY THE COUNTY CLERK OF HAYS COUNTY, TEXAS.

LANNY LAMBERT  
CITY MANAGER

#### CERTIFICATION OF THE CITY ENGINEER:

STATE OF TEXAS  
COUNTY OF HAYS:

I, THE UNDERSIGNED, CITY ENGINEER OF THE CITY OF KYLE, TEXAS HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS OF THE SUBDIVISION ORDINANCE AS AMENDED AND HEREBY RECOMMEND APPROVAL.

STEVEN D. MDACK, P.E. DATE  
CITY ENGINEER

#### PLANNING AND ZONING COMMISSION CERTIFICATION:

THIS FINAL PLAT HAS BEEN SUBMITTED TO AND CONSIDERED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KYLE, TEXAS, AND IS HEREBY APPROVED BY SUCH PLANNING AND ZONING COMMISSION.  
DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013.

CHAIRPERSON

#### CITY SECRETARY CERTIFICATION:

I HEREBY CERTIFY THAT THE ABOVE AND FOREGOING PLAT OF \_\_\_\_\_ ADDITION TO THE CITY OF KYLE, TEXAS, WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF KYLE ON THE DAY OF \_\_\_\_\_, 2013, SAID ADDITION SHALL BE SUBJECT TO ALL THE REQUIREMENTS OF THE SUBDIVISION ORDINANCE OF THE CITY OF KYLE, TEXAS.  
WITNESS MY HAND THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013.

CITY SECRETARY

MAURICIO QUINTERO-RANGEL, P.E.

F-12164  
11312 ROBERT WOODING DR.  
AUSTIN, TEXAS 78748  
(512) 659-4386 TEL.  
(512) 291-8714 FAX

MAURICIO QUINTERO-RANGEL, P.E. DATE

#### PLAT NOTES:

1. A FIFTEEN (15) FOOT PUE IS HEREBY DEDICATED ADJACENT TO ALL STREET ROW, A FIVE (5) FOOT PUE IS HEREBY DEDICATED ALONG EACH SIDE LOT LINE AND A TEN (10) FOOT PUE IS HEREBY DEDICATED ADJACENT TO ALL REAR LOT LINES ON ALL LOTS.
2. NO OBJECTS, INCLUDING BUT NOT LIMITED TO BUILDINGS, FENCES OR LANDSCAPING SHALL BE ALLOWED IN A DRAINAGE EASEMENT EXCEPT AS APPROVED BY THE CITY OF KYLE.
3. ALL EASEMENTS OF RECORD ARE SHOWN ON THE PLAN.
4. PRIOR TO CONSTRUCTION OF ANY IMPROVEMENTS ON LOTS IN THIS SUBDIVISION, FLOOD HAZARD AREA PERMITS MUST BE OBTAINED FROM HAYS COUNTY.
5. THIS SUBDIVISION IS LOCATED IN THE SAN MARCOS WATERSHED.
6. NO PORTION OF THIS SUBDIVISION LIES WITHIN THE BOUNDARIES OF THE EDWARDS AQUIFER RECHARGE ZONE.
7. THIS SUBDIVISION LIES WITHIN THE EXTRA-TERRITORIAL JURISDICTION OF THE CITY OF KYLE.
8. NO PORTION OF THIS SUBDIVISION LIES WITHIN THE BOUNDARIES OF THE 100 YEAR FLOOD PLAN AS DELINEATED ON HAYS COUNTY COMMUNITY PANEL # FW48209C0385F, DATED SEPTEMBER 2, 2003.
9. THIS SUBDIVISION IS WITHIN THE BOUNDARIES OF THE HAYS CONSOLIDATED INDEPENDENT SCHOOL DISTRICT.
10. IN ORDER TO PROMOTE SAFE USE OF ROADWAYS AND PRESERVE THE CONDITIONS OF PUBLIC ROADWAYS, NO DRIVEWAY CONSTRUCTED ON ANY LOT WITHIN THIS SUBDIVISION SHALL BE PERMITTED ACCESS ONTO A PUBLICLY DEDICATED ROADWAY UNLESS (A) A DRIVEWAY PERMIT HAS BEEN ISSUED BY THE ROAD DEPARTMENT OF HAYS COUNTY AND (B) THE DRIVEWAY SATISFIES THE MINIMUM SPACING REQUIREMENT FOR DRIVEWAYS SET FORTH IN CHAPTER 721 OF THE HAYS COUNTY DEVELOPMENT REGULATIONS.
11. WHEN REQUIRED, LOTS SHALL HAVE A MINIMUM DRIVEWAY CURVE SIZE OF 18".
12. ELECTRIC UTILITY SERVICE WILL BE PROVIDED BY FEDERHALES ELECTRIC.
13. TELEPHONE SERVICE WILL BE PROVIDED BY VERIZON.
14. ALL ELECTRICAL, TELEPHONE, CABLE AND SIMILAR UTILITIES WITHIN 150 FEET OF ROADWAY LANE MUST BE INSTALLED UNDERGROUND.
15. WATER WELLS MUST BE LOCATED AT LEAST 50 FEET FROM PROPERTY LINES.
16. LOTS 2, 3 AND 4 WILL BE RESTRICTED TO AN ADVANCED ON SITE SEWAGE FACILITY.

#### SEWAGE DISPOSAL/INDIVIDUAL WATER SUPPLY CERTIFICATION, TO-WIT:

1. NO STRUCTURE IN THIS SUBDIVISION SHALL BE OCCUPIED UNTIL CONNECTED TO AN INDIVIDUAL WATER SUPPLY OR A STATE-APPROVED COMMUNITY WATER SYSTEM. DUE TO DECLINING WATER SUPPLIES AND DIMINISHING WATER QUALITY, PROSPECTIVE PROPERTY OWNERS ARE CAUTIONED BY HAYS COUNTY TO QUESTION THE SELLER CONCERNING GROUND WATER AVAILABILITY. RAIN WATER COLLECTION IS ENCOURAGED AND IN SOME AREAS MAY OFFER THE BEST RENEWABLE WATER RESOURCE.
2. NO STRUCTURE IN THIS SUBDIVISION SHALL BE OCCUPIED UNTIL CONNECTED TO A PUBLIC SEWER SYSTEM OR TO AN ON-SITE WASTEWATER SYSTEM WHICH HAS BEEN APPROVED AND PERMITTED BY HAYS COUNTY DEVELOPMENT SERVICES.
3. NO CONSTRUCTION OR OTHER DEVELOPMENT WITHIN THIS SUBDIVISION MAY BEGAIN UNTIL ALL HAYS COUNTY DEVELOPMENT PERMIT REQUIREMENTS HAVE BEEN MET.

JAMES C. GARZA DATE  
DIRECTOR  
HAYS COUNTY DEVELOPMENT SERVICES

TOM POPE, R.S., C.F.M. DATE  
HAYS COUNTY FLOODPLAIN ADMINISTRATOR

STATE OF TEXAS  
COUNTY OF HAYS

I, THE UNDERSIGNED, DIRECTOR OF HAYS COUNTY DEVELOPMENT SERVICES DEPARTMENT, HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL HAYS COUNTY REQUIREMENTS AS STATED IN THE INTERLOCAL COOPERATION AGREEMENT BETWEEN HAYS COUNTY AND THE CITY OF KYLE FOR SUBDIVISION REGULATION WITHIN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF KYLE.

CLINT GARZA DATE  
DIRECTOR, HAYS COUNTY DEVELOPMENT SERVICES

STATE OF TEXAS  
COUNTY OF HAYS

I, LIZ Q. GONZALEZ, COUNTY CLERK OF HAYS COUNTY, TEXAS, DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT OF WRITING AND ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORD IN MY OFFICE ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013 A.D. AT \_\_\_\_\_ O'CLOCK \_\_\_\_\_ M., AND DULY RECORDED ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013 A.D. AT \_\_\_\_\_ O'CLOCK \_\_\_\_\_ M. PLAT RECORDS OF SAID COUNTY AND STATE AS DOCUMENT NUMBER \_\_\_\_\_.

WITNESS MY HAND THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013 A.D.

LIZ Q. GONZALEZ, COUNTY CLERK HAYS COUNTY, TEXAS

LIZ Q. GONZALEZ  
COUNTY CLERK

CELCO SURVEYING  
2205 STONECREST PATH  
NEW BRAUNFELS, TEXAS 78130  
TEL: 830-214-5109 FAX: 866-571-8323

Mauricio Quintero-Rangel, P.E.  
11312 Robert Wooding Drive  
Austin, Texas 78748

F-12164  
Tel. 512-659-4386  
Fax 512-291-8714

February 10, 2013

Ms. Sofia Nelson, Director of Planning  
City of Kyle Planning Department  
City of Kyle  
100 W. Center Street  
PO Box 40, Kyle, Texas 78640

CITY OF KYLE

FEB 19 2013

PLANNING DEPARTMENT

Re: **Rojo Subdivision (FP-13-002)**  
1626 Roland Lane, Kyle, Texas, 78640.  
**VARIANCE REQUEST TO CITY CODE SECTION 41.141 (e). UNDERGROUND UTILITIES.**

Dear Ms. Nelson,

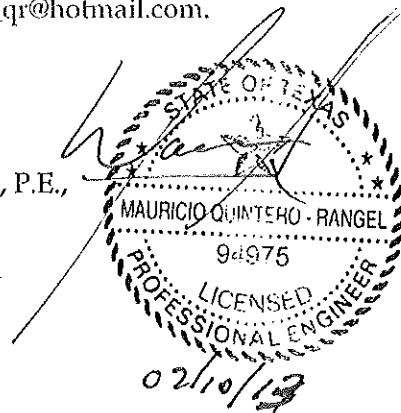
Mr. Daniel Rivera owns 15.000 acres of land and he wants to subdivide it in 5 legal lots. We currently have a subdivision plat application in review with the City of Kyle. One of the requirements to serve the subdivision is to provide electric and telephone service. We have contacted Pedernales Electric and have agree that best route to serve the proposed 5 residential lots is from the back of the lots, there is currently overhead power along Opal Lane (CR 138), see attached photos. It is our plan to bring overhead electric perpendicular to Opal Lane towards the proposed 5 residential lots. The owner has obtained electric easement to do this from the adjacent property owner. City Code Section 14.141 (e) regulates the placement of all utilities to be installed underground, this requirement does affect this subdivision. I understand this requirement for utilities placed along the Right of Way and near traffic areas, but for the proposed 5 residential lot subdivision, we would like to install overhead power lines perpendicular to Opal Lane towards the south and not along Opal Lane, also, we will not install any overhead utility within 150 of Roland Lane to attempt to comply with City Code Section 14.141 (e). A plat note has been added to restrict overhead utilities within 150 feet from Roland Lane. Roland Lane does not have any overhead utilities in front of the property but it does have overhead utilities just east of the property.

In regards to telephone service, there is underground cable from Verizon along Roland Lane, telephone cable will be installed underground to serve the proposed 5 residential lots.

Should you have any questions, please do not hesitate to contact me via phone at (512) 659-4386 or via e-mail me at mauricio\_qr@hotmail.com.

Sincerely,

Mauricio Quintero-Rangel, P.E.,  
cc: file  
encl.: site photos





P.O. Box 100 Kyle, Texas 78649-0100  
(512) 262-2164 • 1-888-554-4732  
[www.pec.coop](http://www.pec.coop)

February 5, 2013

Mr. Mauricio Quintero-Rangel, P.E.  
11312 Robert Wooding Dr.  
Austin Texas 78748

**Re: Roland Lane Tracts, Kyle, Texas**

Dear Mr. Quintero-Rangel:

Thank you for your interest in establishing service with Pedernales Electric Cooperative. The Roland Lane Tracts of land in the Kyle area is within the Cooperative's service area. We will extend service to this location in accordance with our Line Extension and Service Policies, which requires that you apply for electric service, pay all fees, and grant or acquire all necessary easements before construction can begin.

If you have any questions, please call me at 1-800-868-4791, Extension 7525, Monday through Friday, between 8 a.m. and 5 p.m.

Sincerely,

George Esqueda  
Kyle District Planning Supervisor

Mauricio Quintero-Rangel, P.E.

F-12164

11312 Robert Wooding Drive  
Austin, Texas 78748

Tel. 512-659-4386  
Fax 512-291-8714

April, 6, 2013

CITY OF KYLE

Ms. Sofia Nelson, Director of Planning  
City of Kyle Planning Department  
City of Kyle  
100 W. Center Street  
PO Box 40, Kyle, Texas 78640

APR 08 2013

PLANNING DEPARTMENT

Re: **Rojo Subdivision**  
1626 Roland Lane, Kyle, Texas, 78640.  
**VARIANCE REQUEST TO CITY CODE SECTION 41-137 REGARDING PARIMETER  
STREETS.**

Dear Ms. Nelson,

Mr. Daniel Rivera owns 15.000 acres of land and he wants to subdivide it in 5 legal lots. His land is located on Roland Lane approximately 1000 feet east of County Road 136, in Kyle Texas. The property is within the extraterritorial jurisdiction of the City of Kyle. The site is currently undeveloped, and the owner would like to have it subdivided in five residential legal lots.

The property has 658 feet of frontage on Roland Lane, an existing improved, paved County Road. All Proposed lots will have individual driveway accessing Roland Lane. Roland Lane is an existing paved roadway with 21' pavement width and 38.75 feet Right of Way.

Based on current city code Section 41-137, the applicant shall improve or pay for half of the roadway improvements in front of the property being subdivided. This road is classified as collector and requires 38 feet of pavement and 60 feet of Right of Way. We are dedicating the Right of way as part of this plat, but the owner would like to ask for a waiver for the required roadway improvements or fee based on the following facts:

1. The existing Roadway is a County Road and not maintained by the City of Kyle.
2. The proposed subdivision plat only consists of 5 residential lots in 15 acres, and will not impact the existing traffic on the roadway such as a commercial development.
3. There are no plans to improve Roland Lane in the near future.

Should you have any questions, please do not hesitate to contact me via phone at (512) 659-4386 or via e-mail me at mauricio\_qr@hotmail.com.

Sincerely,



Mauricio Quintero-Rangel, P.E.,

cc: file



Mauricio Quintero-Rangel, P.E.

F-12164

11312 Robert Wooding Drive  
Austin, Texas 78748

Tel. 512-659-4386  
Fax 512-291-8714

December 19, 2012

Ms. Sofia Nelson, Director of Planning  
City of Kyle Planning Department  
City of Kyle  
100 W. Center Street  
PO Box 40, Kyle, Texas 78640

Re: **Rojo Subdivision**  
1626 Roland Lane, Kyle, Texas, 78640.  
**VARIANCE REQUEST TO PLATTING PRCESS TO SKIP CONCEPT PLAN AND  
PRELIMINARY PLAN APPLICATIONS**

Dear Ms. Nelson,

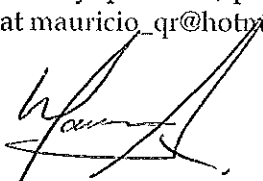
Mr. Daniel Rivera owns 15.000 acres of land and he wants to subdivide it in 5 legal lots. His land is located on Roland Lane approximately 1000 feet east of County Road 136, in Kyle Texas. The property is within the extraterritorial jurisdiction of the City of Kyle and therefore no zoning is applicable to the land. The site is currently undeveloped, and the owner would like to have it subdivided in five residential legal lots (average size 3.00 acres).

The property has 658 feet of frontage on Roland Lane, an existing improved, paved County Road. All Proposed lots will have individual driveway accessing Roland Lane, individual on site septic systems, individual water wells and will be served by Pedernales Electric. No portion of this site is located within the 100-year floodplain according to FEMA Map No. 48209C0385F effective September 2, 2005.

Based on the proposed lot configuration, lot size, and access to Roland Lane for all proposed lots, I am requesting a variance to the City of Kyle platting process, and I respectfully request a variance to the process to submit only a Final Plat application and not to submit a Concept Plan application or Preliminary Plan application, all concerns or questions that City staff may have can be addressed at Final Plat Stage given the simplicity of the proposed subdivision, I understand the requirements for Concept Plan and preliminary Plan applications for more complex subdivisions, but I don't see the need for this 5 lot subdivision without public improvements.

Should you have any questions, please do not hesitate to contact me via phone at (512) 659-4386 or via e-mail me at mauricio\_qr@hotmail.com.

Sincerely,



Mauricio Quintero-Rangel, P.E.,

cc: file

encl.: Plat, Topographic and water and wastewater plan, Tax Map

May 1, 2013

City of Kyle Planning Dept.  
100 W. Center Street  
Kyle, Texas 78640

CITY OF KYLE

MAY 01 2013

PLANNING DEPARTMENT

Re: RV Land  
23401 N. IH 35  
Kyle, Texas 78640  
Project Summary Letter

To Whom it May Concern,

This letter is a Project Summary Letter for the above referenced project.

The existing 10.00 acre lot is zoned W: Warehouse, the site is in the Plum Creek Watershed, no portion of the site is not within the 100 year floodplain as per FEMA Map 48209C0405F, dated Sept. 2, 2005, and the site is within the Edward's Aquifer Transition Zone.


The lot will be developed for an RV Sales and Storage facility, with two buildings (1,920 sf total) for office and storage, drives, vehicle parking, RV parking, and covered RV storage in the back - for a total of 5.14 acres of impervious cover. Also, the development will be in phases.

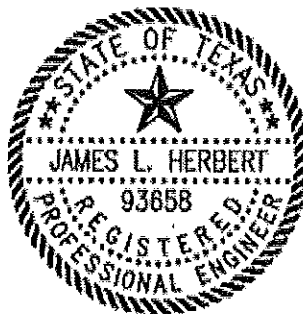
The proposed development will not increase the 2, 10, 25, and 100 year storm flows from the site by a combination of keeping the development impervious cover low, maintaining current drainage patterns, when possible, and construction of two detention ponds.

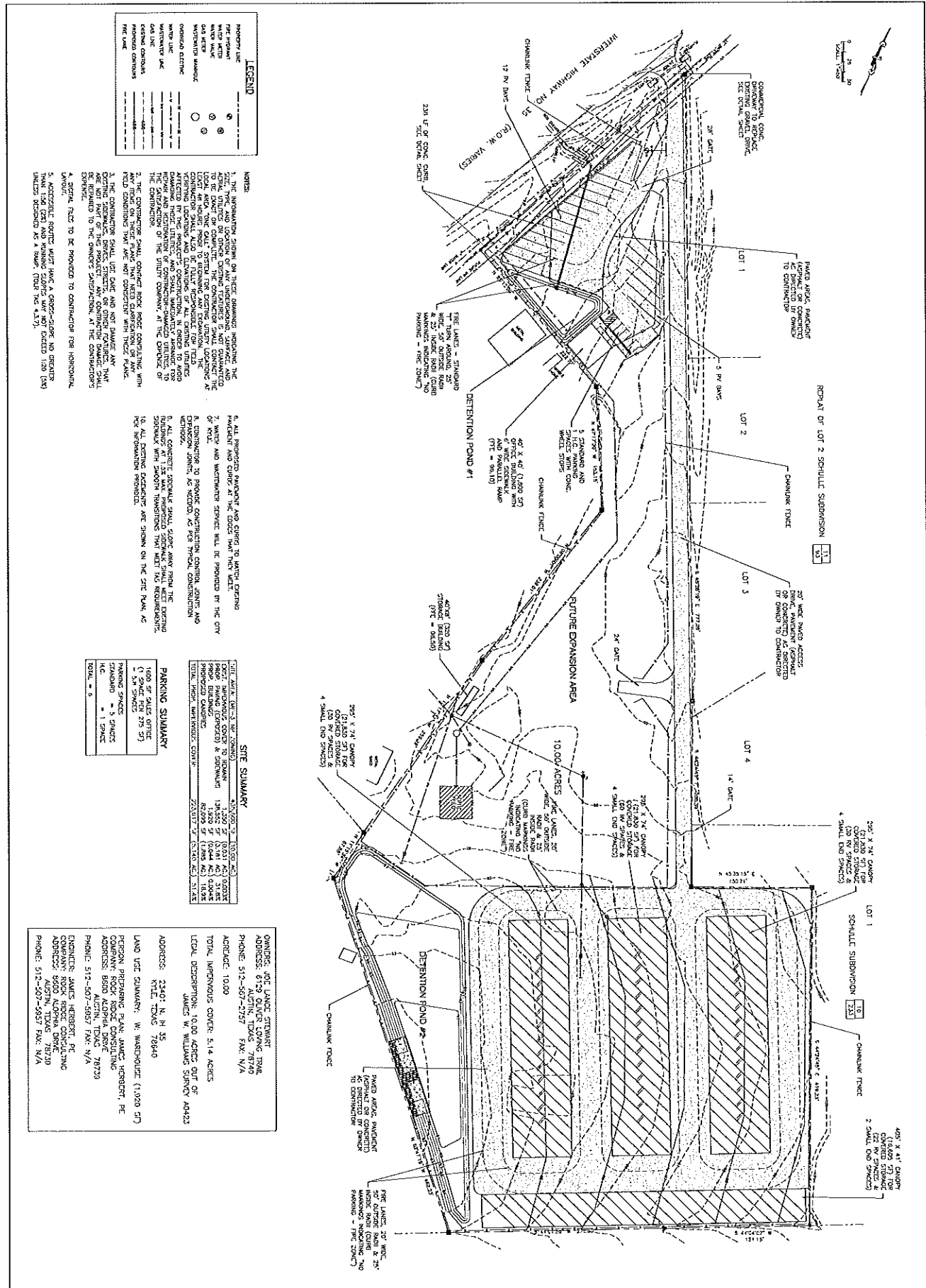
This project will also include a request for variance from the landscape ordinance.

Please feel free to contact me at 507-5957 or rockridge@live.com if you have any questions.

Thank You,

  
Jim Herbert, PE  
Rock Ridge Consulting





### LEGEND

- PROPERTY LINE ———
- EXISTING DRIVEWAY ———
- PROPOSED DRIVEWAY ———
- EXISTING PAVEMENT ———
- PROPOSED PAVEMENT ———
- EXISTING CONCRETE ———
- PROPOSED CONCRETE ———
- EXISTING GRASS ———
- PROPOSED GRASS ———
- EXISTING ROADWAY ———
- PROPOSED ROADWAY ———
- EXISTING UTILITY ———
- PROPOSED UTILITY ———
- EXISTING FENCE ———
- PROPOSED FENCE ———
- EXISTING LOT ———
- PROPOSED LOT ———
- EXISTING SETBACK ———
- PROPOSED SETBACK ———
- EXISTING EASEMENT ———
- PROPOSED EASEMENT ———
- EXISTING ENCROACHMENT ———
- PROPOSED ENCROACHMENT ———
- EXISTING CURB ———
- PROPOSED CURB ———
- EXISTING GUTTER ———
- PROPOSED GUTTER ———
- EXISTING SIDEWALK ———
- PROPOSED SIDEWALK ———
- EXISTING BIKEWAY ———
- PROPOSED BIKEWAY ———
- EXISTING PLAY AREA ———
- PROPOSED PLAY AREA ———
- EXISTING OTHER ———
- PROPOSED OTHER ———

**NOTES**

- THE INFORMATION SHOWN ON THESE DRAWINGS REPRESENTS THE INFORMATION PROVIDED TO THE DESIGNER BY THE OWNER. THE DESIGNER HAS CONDUCTED VISUAL VERIFICATION OF THE INFORMATION PROVIDED BY THE OWNER AND HAS FOUND IT TO BE ACCURATE AND COMPLETE FOR THE PURPOSES OF THIS PROJECT. THE OWNER SHALL BE RESPONSIBLE FOR ANY ERRORS OR OMISSIONS THAT MAY BE FOUND IN THIS PROJECT. THE DESIGNER SHALL NOT BE RESPONSIBLE FOR ANY SUCH ERRORS OR OMISSIONS.
- THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CONDITIONS PRIOR TO CONSTRUCTION. ANY DISCREPANCIES SHALL BE REPORTED TO THE DESIGNER IMMEDIATELY. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
- THE CONTRACTOR SHALL MAINTAIN ALL EXISTING UTILITIES AND STRUCTURES UNLESS OTHERWISE INDICATED ON THESE DRAWINGS. ANY REMOVAL OR ALTERATION OF UTILITIES OR STRUCTURES SHALL BE APPROVED BY THE DESIGNER AND THE LOCAL AUTHORITIES PRIOR TO CONSTRUCTION.
- THE CONTRACTOR SHALL MAINTAIN ALL EXISTING DRIVEWAYS AND SIDEWALKS UNLESS OTHERWISE INDICATED ON THESE DRAWINGS. ANY ALTERATION OF DRIVEWAYS OR SIDEWALKS SHALL BE APPROVED BY THE DESIGNER AND THE LOCAL AUTHORITIES PRIOR TO CONSTRUCTION.
- THE CONTRACTOR SHALL MAINTAIN ALL EXISTING SETBACKS AND EASEMENTS UNLESS OTHERWISE INDICATED ON THESE DRAWINGS. ANY ALTERATION OF SETBACKS OR EASEMENTS SHALL BE APPROVED BY THE DESIGNER AND THE LOCAL AUTHORITIES PRIOR TO CONSTRUCTION.
- THE CONTRACTOR SHALL MAINTAIN ALL EXISTING CURBS AND GUTTERS UNLESS OTHERWISE INDICATED ON THESE DRAWINGS. ANY ALTERATION OF CURBS OR GUTTERS SHALL BE APPROVED BY THE DESIGNER AND THE LOCAL AUTHORITIES PRIOR TO CONSTRUCTION.
- THE CONTRACTOR SHALL MAINTAIN ALL EXISTING SIDEWALKS AND BIKEWAYS UNLESS OTHERWISE INDICATED ON THESE DRAWINGS. ANY ALTERATION OF SIDEWALKS OR BIKEWAYS SHALL BE APPROVED BY THE DESIGNER AND THE LOCAL AUTHORITIES PRIOR TO CONSTRUCTION.
- THE CONTRACTOR SHALL MAINTAIN ALL EXISTING PLAY AREAS AND OTHER FEATURES UNLESS OTHERWISE INDICATED ON THESE DRAWINGS. ANY ALTERATION OF PLAY AREAS OR OTHER FEATURES SHALL BE APPROVED BY THE DESIGNER AND THE LOCAL AUTHORITIES PRIOR TO CONSTRUCTION.

**PARKING SUMMARY**

18,000 SQ FT GARAGE	(1) SPACE PER 275 SF
10,000 SQ FT GARAGE	(1) SPACE PER 275 SF
20,000 SQ FT GARAGE	(1) SPACE PER 275 SF
20,000 SQ FT GARAGE	(1) SPACE PER 275 SF
<b>TOTAL</b>	<b>4 SPACES</b>

**SITE SUMMARY**

TOTAL AREA (ACRES)	10.00
TOTAL AREA (SQ FT)	435,600
EXISTING DRIVEWAY	1,200
PROPOSED DRIVEWAY	1,200
EXISTING PAVEMENT	10,000
PROPOSED PAVEMENT	10,000
EXISTING CONCRETE	10,000
PROPOSED CONCRETE	10,000
EXISTING GRASS	395,600
PROPOSED GRASS	395,600
EXISTING ROADWAY	1,200
PROPOSED ROADWAY	1,200
EXISTING UTILITY	1,200
PROPOSED UTILITY	1,200
EXISTING FENCE	1,200
PROPOSED FENCE	1,200
EXISTING LOT	10.00
PROPOSED LOT	10.00
EXISTING SETBACK	1,200
PROPOSED SETBACK	1,200
EXISTING EASEMENT	1,200
PROPOSED EASEMENT	1,200
EXISTING ENCROACHMENT	1,200
PROPOSED ENCROACHMENT	1,200
EXISTING CURB	1,200
PROPOSED CURB	1,200
EXISTING GUTTER	1,200
PROPOSED GUTTER	1,200
EXISTING SIDEWALK	1,200
PROPOSED SIDEWALK	1,200
EXISTING BIKEWAY	1,200
PROPOSED BIKEWAY	1,200
EXISTING PLAY AREA	1,200
PROPOSED PLAY AREA	1,200
EXISTING OTHER	1,200
PROPOSED OTHER	1,200

**OWNER: JOE LANEZ STEWART**  
 23401 N. IH-35, KYLE, TEXAS 78640  
 PHONE: 512-597-2127 FAX: N/A

**ARCHITECT: 10/09**

**TOTAL IMPROVEMENTS COVER: 514 ACRES**

**LOCAL JURISDICTION: 10.00 ACRES OUT OF 10.00 ACRES**  
 JAMES W. WILLIAMS SURVEY 049423

**ADDRESS: 23401 N. IH 35**  
 KYLE, TEXAS 78640

**LAND USE SUMMARY: W. WAREHOUSE (1,020 SF)**

**PERSON PREPARING PLAN: JAMES HERBERT, PE**  
 ADDRESS: 8680 ALPHEA DRIVE  
 AUSTIN, TEXAS 78729  
 PHONE: 512-597-9857 FAX: N/A

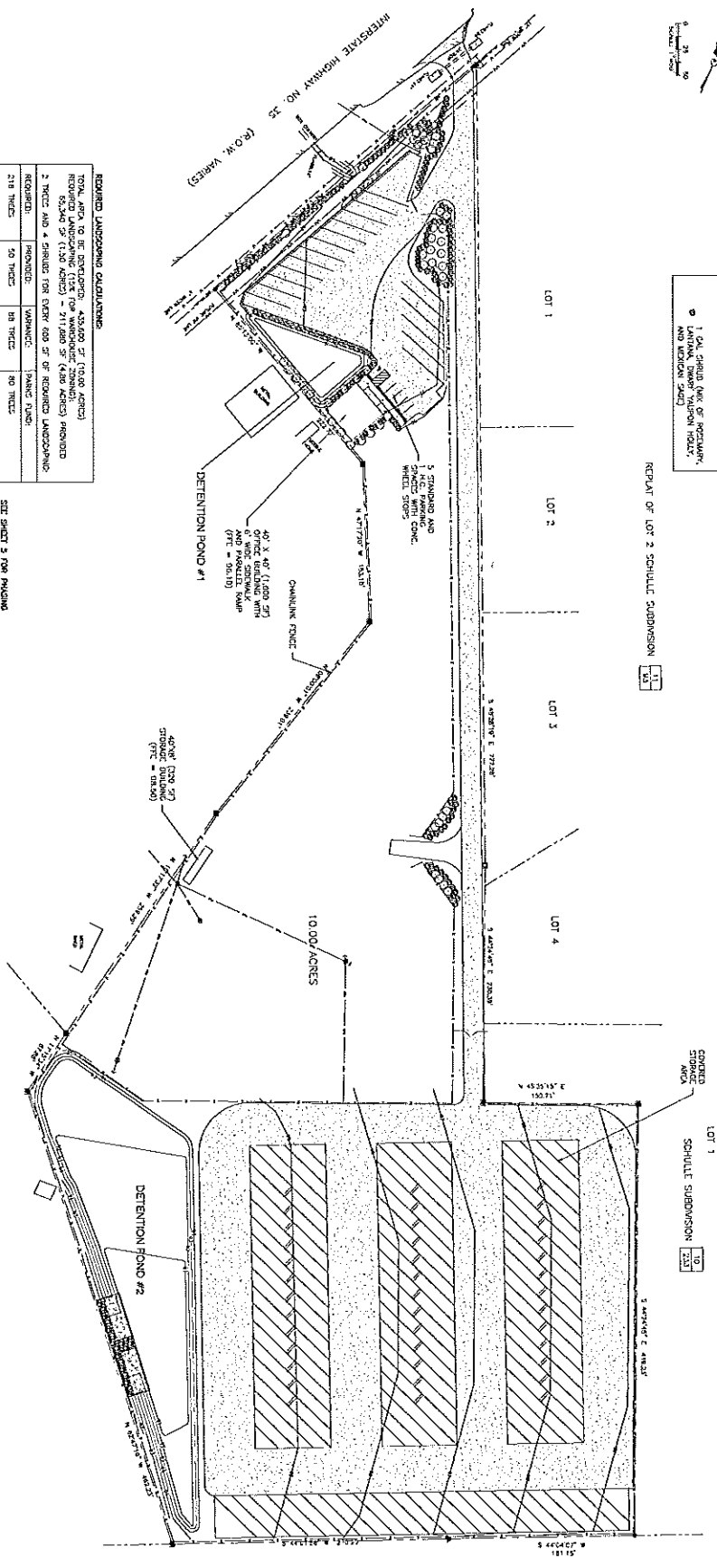
**ENGINEER: JAMES HERBERT, PE**  
 COMPANY: ROCK RIDGE CONSULTING  
 ADDRESS: 4027N. TEXAS 091820  
 KYLE, TEXAS 78640  
 PHONE: 512-597-9857 FAX: N/A



**LANDSCAPE NOT:**

- 4" GRAPT UPRILE TREE
- 1" OLIVE PLUM TREE OR PECANAR
- LINDA (BARK VARIETY) HOLLY
- AND BROWN SAGE

REPORT OF LOT 2 SCHULTE SUBDIVISION



**REQUIRED LANDSCAPE CALCULATIONS:**

REQUIREMENT	REQUIREMENT	REQUIREMENT	REQUIREMENT
TOTAL AREA TO BE DEVELOPED: 43,600 SF (1.000 ACRES)	TOTAL AREA TO BE DEVELOPED: 24,000 SF (0.550 ACRES)	TOTAL AREA TO BE DEVELOPED: 19,600 SF (0.450 ACRES)	TOTAL AREA TO BE DEVELOPED: 10,000 SF (0.230 ACRES)
REQUIRED LANDSCAPE: 11% FOR WATERSHED ZONING: 6,396 SF (0.146 ACRES)	REQUIRED LANDSCAPE: 11% FOR WATERSHED ZONING: 2,640 SF (0.060 ACRES)	REQUIRED LANDSCAPE: 11% FOR WATERSHED ZONING: 2,156 SF (0.049 ACRES)	REQUIRED LANDSCAPE: 11% FOR WATERSHED ZONING: 1,100 SF (0.025 ACRES)
2 TREES AND 4 SHRUBS FOR EVERY 600 SF OF REQUIRED LANDSCAPE	2 TREES AND 4 SHRUBS FOR EVERY 600 SF OF REQUIRED LANDSCAPE	2 TREES AND 4 SHRUBS FOR EVERY 600 SF OF REQUIRED LANDSCAPE	2 TREES AND 4 SHRUBS FOR EVERY 600 SF OF REQUIRED LANDSCAPE
REQUIRED: 218 TREES	REQUIRED: 88 TREES	REQUIRED: 72 TREES	REQUIRED: 37 TREES
420 SHRUBS	168 SHRUBS	177 SHRUBS	83 SHRUBS

**LOT 1 DEVELOPMENT:**

TOTAL AREA TO BE DEVELOPED: 24,000 SF (0.550 ACRES)	TOTAL AREA TO BE DEVELOPED: 19,600 SF (0.450 ACRES)	TOTAL AREA TO BE DEVELOPED: 10,000 SF (0.230 ACRES)
REQUIRED LANDSCAPE: 11% FOR WATERSHED ZONING: 2,640 SF (0.060 ACRES)	REQUIRED LANDSCAPE: 11% FOR WATERSHED ZONING: 2,156 SF (0.049 ACRES)	REQUIRED LANDSCAPE: 11% FOR WATERSHED ZONING: 1,100 SF (0.025 ACRES)
2 TREES AND 4 SHRUBS FOR EVERY 600 SF OF REQUIRED LANDSCAPE	2 TREES AND 4 SHRUBS FOR EVERY 600 SF OF REQUIRED LANDSCAPE	2 TREES AND 4 SHRUBS FOR EVERY 600 SF OF REQUIRED LANDSCAPE
REQUIRED: 88 TREES	REQUIRED: 72 TREES	REQUIRED: 37 TREES
168 SHRUBS	177 SHRUBS	83 SHRUBS

**LOT 2 DEVELOPMENT:**

TOTAL AREA TO BE DEVELOPED: 19,600 SF (0.450 ACRES)	TOTAL AREA TO BE DEVELOPED: 10,000 SF (0.230 ACRES)
REQUIRED LANDSCAPE: 11% FOR WATERSHED ZONING: 2,156 SF (0.049 ACRES)	REQUIRED LANDSCAPE: 11% FOR WATERSHED ZONING: 1,100 SF (0.025 ACRES)
2 TREES AND 4 SHRUBS FOR EVERY 600 SF OF REQUIRED LANDSCAPE	2 TREES AND 4 SHRUBS FOR EVERY 600 SF OF REQUIRED LANDSCAPE
REQUIRED: 72 TREES	REQUIRED: 37 TREES
177 SHRUBS	83 SHRUBS

**LOT 3 DEVELOPMENT:**

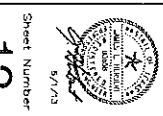
TOTAL AREA TO BE DEVELOPED: 10,000 SF (0.230 ACRES)
REQUIRED LANDSCAPE: 11% FOR WATERSHED ZONING: 1,100 SF (0.025 ACRES)
2 TREES AND 4 SHRUBS FOR EVERY 600 SF OF REQUIRED LANDSCAPE
REQUIRED: 37 TREES
83 SHRUBS

**LOT 4 DEVELOPMENT:**

TOTAL AREA TO BE DEVELOPED: 10,000 SF (0.230 ACRES)
REQUIRED LANDSCAPE: 11% FOR WATERSHED ZONING: 1,100 SF (0.025 ACRES)
2 TREES AND 4 SHRUBS FOR EVERY 600 SF OF REQUIRED LANDSCAPE
REQUIRED: 37 TREES
83 SHRUBS

**LANDSCAPE NOTES:**

- ALL LANDSCAPE MATERIALS SHALL BE ACCORDING TO THE LANDSCAPE (LAW) STANDARDS.
- THE OWNER OF THE LANDSCAPE PROPERTY SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF THE LANDSCAPE MATERIALS. THE LANDSCAPE MATERIALS SHALL BE MAINTAINED TO A HEALTHY AND VIGOROUS CONDITION. THE LANDSCAPE MATERIALS SHALL BE MAINTAINED TO A HEALTHY AND VIGOROUS CONDITION. THE LANDSCAPE MATERIALS SHALL BE MAINTAINED TO A HEALTHY AND VIGOROUS CONDITION.
- ALL PROPERTY WITHIN THE CITY LIMITS WILL BE MAINTAINED TO A HEALTHY AND VIGOROUS CONDITION. THE LANDSCAPE MATERIALS SHALL BE MAINTAINED TO A HEALTHY AND VIGOROUS CONDITION.
- SHRUBS, TREES AND GRASS COVER SHALL BE MAINTAINED TO A HEALTHY AND VIGOROUS CONDITION. THE LANDSCAPE MATERIALS SHALL BE MAINTAINED TO A HEALTHY AND VIGOROUS CONDITION.
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**RV LAND**  
23401 N. IH-35, KYLE, TEXAS 78640

**LANDSCAPE PLAN**

NO.	DATE	REVISION

**ROCK RIDGE**  
CONSULTING & ENGINEERING, PLLC  
512-507-5597 rockridge@f.e.com  
TBE LICENSE # 11713

Sheet Number  
**12**  
5/7/23

May 1, 2013

City of Kyle Planning Dept.  
100 W. Center Street  
Kyle, Texas 78640

CITY OF KYLE

Re: RV Land  
23401 N. IH 35  
Kyle, Texas 78640  
Request for Landscape Ordinance Variance

MAY 01 2013

PLANNING DEPARTMENT

To Whom it May Concern,

This letter is a Request for Landscape Ordinance Variance for the above referenced project.

The City Code (Sec. 53-988) requires that 15% of a lot zoned W: Warehouse will need to be landscaping, and (Sec. 53-992) for every 600 square feet of the required landscape area, two trees and four shrubs will need to be planted, on-site.

For this 10 acre lot, the landscape requirement is 1.5 acres (65,340 sf), which is provided on the plans as the impervious cover only covers 5.14 acres. However, the tree and shrub requirement will be 218 trees and 436 shrubs for any amount of development on the site.

We request a variance so that we wouldn't have to provide the trees and shrubs to meet the landscaping requirements for the area that isn't being developed with these plans (2.96 acres out of the 10 acre tract), and for the area of the two detention ponds (1.09 acres), which are only large, grassy low areas with some grassy berms. This would reduce the requirements by 88 trees and 177 shrubs, but the landscaping area will still be provided.


We are also requesting that the developer be allowed to make a donation to the City Parks Fund, equivalent to 80 trees and 93 shrubs, instead of planting this number towards the back of the lot, around the RV storage area. These plantings would be over 750 feet from IH 35 and only visible to those on-site. Also, the plantings would have to be kept away from all pavement and drives to avoid any damage to the RVs, based on the skill of the owner's driving. These plantings would be much more beneficial to the public if they were at a park, or other public grounds.

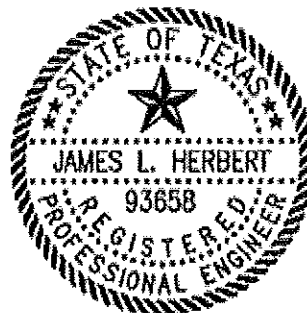
We are also requesting a variance from the requirement (Sec. 53-990) that 50% of the required landscaped area and required plantings shall be installed between the front property lines and the building being constructed. With a 10 acre site, this would be impossible for this layout.

The remaining 50 trees and 166 shrubs will be planted around the building, parking, and front RV sales area, with a majority of the planting between the building and the public roadway. Please note that this property is surrounded by warehouse zoning and uses, with agricultural behind it.

Please feel free to contact me at 507-5957 or rockridge@live.com if you have any questions.

Thank You,

  
Jim Herbert, PE  
Rock Ridge Consulting



## MEMORANDUM

**TO:** Planning and Zoning Commission

**FROM:** Sofia Nelson, Planning Director

**DATE:** May 20, 2013

**SUBJECT:** Site Development Permit- Post Road Gas Station- 24321 IH 35.

---

### Summary of Request:

The subject property is located at the north corner of the I-35 north bound frontage road and Post Road. The subject property is approximately 1.18 acres in size and is proposed to contain a 5,000 square foot building for a convenience store and gas station. The proposed development is being developed under the I-35 Overlay Development Standards and Retail Service zoning district requirements. As long as the development meets all site and building requirements a conditional use permit application is not required. The building will be a single storey and will include paved parking, landscape, sidewalk, the construction of 8 fuel pumps with canopy and underground storage fuel tanks.

### Purpose of Application:

A site development plan provides detailed graphic information indicating property boundaries, easements, land use, streets, utilities, drainage, off-street parking, lighting, signage, landscaping, vehicle and pedestrian circulation, open spaces, and general conformance with the master plan and ordinances of the city.

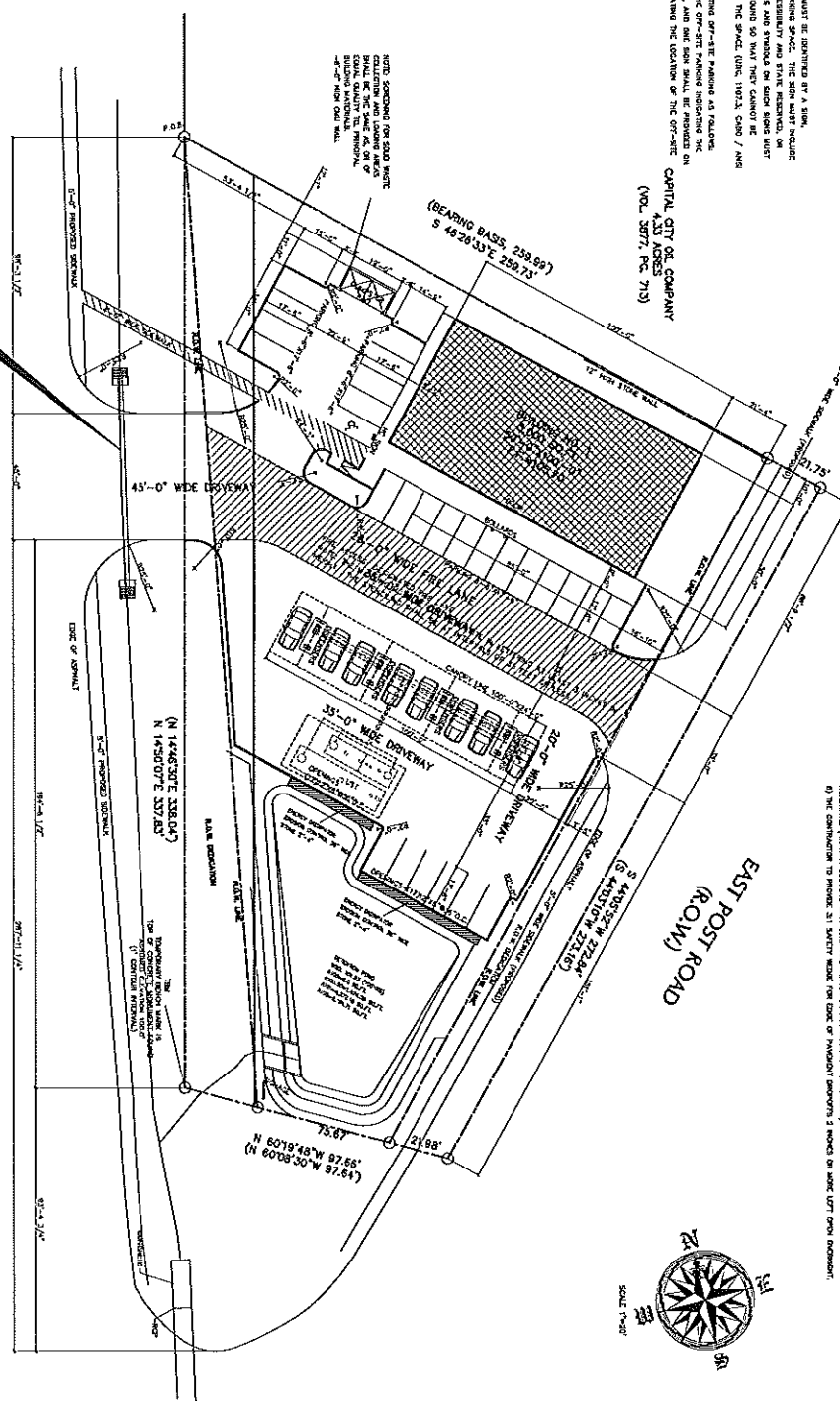
### STAFF ANALYSIS AND RECOMMENDATION

The proposed development fronts on the I-35 access road and Post Road. The site gains access to and from the site from both streets and will be required to pay a perimeter road fee for Post Road. The proposed development meets all zoning, landscaping and parking requirements outlined for the retail services zoning designation and the I-35 Overlay site development requirements

Staff is recommending approval of the request conditional upon the approval of the subdivision plat. The subdivision plat is substantially complete and is awaiting only minor comments for approval.

- ACCESSIBLE SITE PLAN NOTE:**
1. Slopes of accessible routes shall not exceed 1:60 unless designed as follows:
  2. Accessible routes shall have a cross-slope no greater than 1:50 (2% 4.3%).
  3. The maximum slope of a ramp or curb construction is 1:12. The maximum slope for any ramp shall be 3%. The maximum horizontal projection is 30" for a ramp with a slope between 1:12 and 1:8. Accessible routes shall be constructed on a surface with slope not exceeding 1:60 (2% 4.3%).

- ACCESSIBLE PARKING NOTE:**
1. Every accessible parking space must be identified by a sign located at the edge of the parking space. The sign must include the international symbol of accessibility and state whether, on the basis of the sign, the space is for use by persons with disabilities or for use by persons with disabilities and others.
  2. Signs shall be provided at the off-site parking indicating the property of the user when it exists and the sign shall be posted on the property of the user showing the location of the off-site parking.



- TOOT NOTES:**
- 1) CONSTRUCTION CONTRACTOR SHALL BE RESPONSIBLE FOR WORKING IN THE RIGHT OF WAY.
  - 2) THE PRIMARY CONSTRUCTION IS RESPONSIBLE FOR MOVING THE STATE HIGHWAY RIGHT OF WAY, LOCAL, AND OTHER DRIVEWAYS TO THE HIGHWAY RIGHT OF WAY.
  - 3) CONSTRUCTION CONTRACTOR MUST REMOVE ALL MATERIALS OF CONSTRUCTION FROM THE RIGHT OF WAY AT ALL TIMES.
  - 4) LOCAL DRIVEWAYS ARE ONLY ALLOWED FROM 8 AM TO 4 PM WEEKDAY THROUGH HIGHWAY.
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INTERSTATE HIGHWAY 35  
(ACCESS ROAD)  
(R.O.W.)

Project: <b>POST ROAD GAS STATION</b> 24371 HDS, KYLE, TEXAS 78650		<b>PROFESSIONAL STRUCTURAL ENGINEERS, INC.</b> CONSULTING CIVIL AND STRUCTURAL ENGINEERS 4700 W. 10th Street, Suite 100, Irving, Texas 75039, Tel: 972-251-1111																
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**PLANT SCHEDULE**

NO.	SYMBOL	PLANT NAME	QUANTITY	DATE
10	10	1" DBL. (1.5" DIA.) SPINDLE	1	10/10/10
11	11	1" DBL. (1.5" DIA.) SPINDLE	1	10/10/10
12	12	1" DBL. (1.5" DIA.) SPINDLE	1	10/10/10
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19	19	1" DBL. (1.5" DIA.) SPINDLE	1	10/10/10
20	20	1" DBL. (1.5" DIA.) SPINDLE	1	10/10/10

**REFERENCE NOTES SCHEDULE**

NO.	DESCRIPTION	DATE
1	SEE REFERENCE SCHEDULE FOR ALL PLANT SPECIFICATIONS	10/10/10
2	SEE REFERENCE SCHEDULE FOR ALL PLANT SPECIFICATIONS	10/10/10
3	SEE REFERENCE SCHEDULE FOR ALL PLANT SPECIFICATIONS	10/10/10
4	SEE REFERENCE SCHEDULE FOR ALL PLANT SPECIFICATIONS	10/10/10
5	SEE REFERENCE SCHEDULE FOR ALL PLANT SPECIFICATIONS	10/10/10
6	SEE REFERENCE SCHEDULE FOR ALL PLANT SPECIFICATIONS	10/10/10
7	SEE REFERENCE SCHEDULE FOR ALL PLANT SPECIFICATIONS	10/10/10
8	SEE REFERENCE SCHEDULE FOR ALL PLANT SPECIFICATIONS	10/10/10
9	SEE REFERENCE SCHEDULE FOR ALL PLANT SPECIFICATIONS	10/10/10
10	SEE REFERENCE SCHEDULE FOR ALL PLANT SPECIFICATIONS	10/10/10

**TREE LIST**

NO.	SYMBOL	TREE NAME
101	101	1" DBL. (1.5" DIA.) SPINDLE
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103	103	1" DBL. (1.5" DIA.) SPINDLE
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125	125	1" DBL. (1.5" DIA.) SPINDLE

**LANDSCAPE CALCULATIONS**

NO.	DESCRIPTION	QUANTITY	DATE
1	SEE REFERENCE SCHEDULE FOR ALL PLANT SPECIFICATIONS	1	10/10/10
2	SEE REFERENCE SCHEDULE FOR ALL PLANT SPECIFICATIONS	1	10/10/10
3	SEE REFERENCE SCHEDULE FOR ALL PLANT SPECIFICATIONS	1	10/10/10
4	SEE REFERENCE SCHEDULE FOR ALL PLANT SPECIFICATIONS	1	10/10/10
5	SEE REFERENCE SCHEDULE FOR ALL PLANT SPECIFICATIONS	1	10/10/10
6	SEE REFERENCE SCHEDULE FOR ALL PLANT SPECIFICATIONS	1	10/10/10
7	SEE REFERENCE SCHEDULE FOR ALL PLANT SPECIFICATIONS	1	10/10/10
8	SEE REFERENCE SCHEDULE FOR ALL PLANT SPECIFICATIONS	1	10/10/10
9	SEE REFERENCE SCHEDULE FOR ALL PLANT SPECIFICATIONS	1	10/10/10
10	SEE REFERENCE SCHEDULE FOR ALL PLANT SPECIFICATIONS	1	10/10/10

**NOTES**

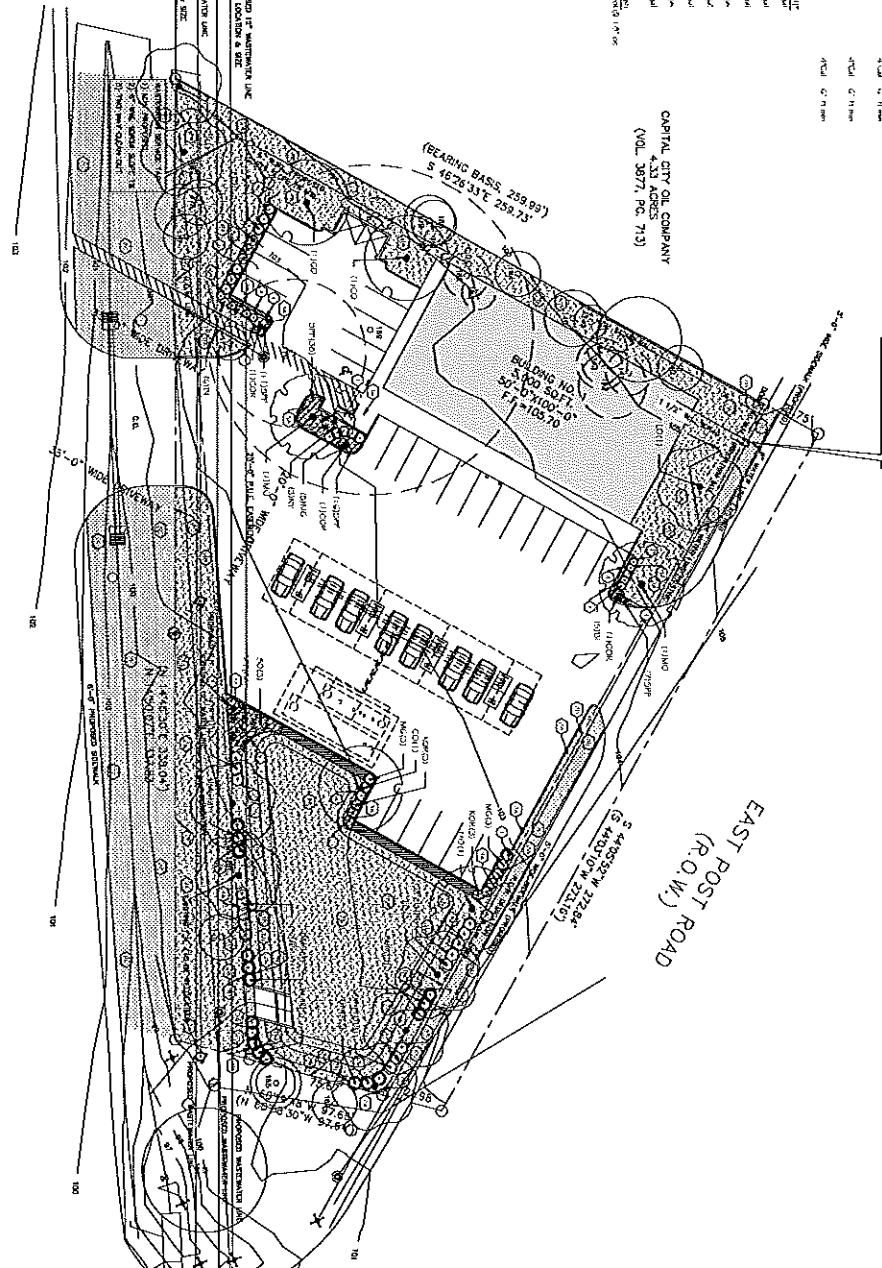
1. All plant material to be installed in accordance with the specifications and quantities shown on this plan.

2. All plant material to be installed in accordance with the specifications and quantities shown on this plan.

3. All plant material to be installed in accordance with the specifications and quantities shown on this plan.

4. All plant material to be installed in accordance with the specifications and quantities shown on this plan.

5. All plant material to be installed in accordance with the specifications and quantities shown on this plan.





## MEMORANDUM

**TO:** Planning and Zoning Commission

**FROM:** Sofia Nelson, Planning Director

**DATE:** May 20, 2013

**SUBJECT:** CONDITIONAL USE OVERLAY- Chicken Express 5493 Kyle Center Drive

### Background

#### **Request:**

The applicant is requesting approval of a Conditional Use permit for the construction of an approximately 3,254.78 square foot Chicken Express Restaurant within the I-35 Overlay District. The property is zoned Retail Services "RS" and as a result the use of property is permitted. The site plan will be submitted for your review at a later time. The applicant is seeking approval of the building concept, both materials and orientation at this time.

#### **Location:**

The subject property is located within the existing Kyle Marketplace shopping center and will be located at the intersection of IH-35 access road and Physicians Way (southern lot)/ also located at the southeast corner of Kyle Center Drive and Physicians Way.

#### **Overlay District**

The Interstate Highway 35 corridor conditional use overlay district extends from the northernmost city limit boundary at I-35 to the southernmost city limit boundary at I-35, and includes all real property within 1,500 feet of the outer most edge of the highway right-of-way of I-35.

a) The purpose of the of the overlay district is to maintain a high character and quality of community development, to promote compatible uses and standards, to preserve and enhance property values, to promote economic growth, to provide for orderly development, to provide for proper movement of traffic, and to secure the general safety of citizens by regulating the exterior architectural characteristics of structures

(b)The conditional use overlay districts will assist the community to recognize and preserve the distinctive architectural character of this community, which has been greatly influenced by the architecture of an earlier period in this community's history. This purpose shall be served by the regulation of exterior design, use of materials, the finish grade line, ingress and egress, and landscaping and orientation of all structures hereinafter altered, constructed, reconstructed, reacted, enlarged, remodeled, removed, or demolished in the conditional use overlay district.

## Proposal

The proposed development is a fast food drive-thru restaurant. The customer entrance to the facility will be located on the east side of the building. Parking and landscaping will be provided to meet the requirements of the development agreement in place between the City and the shopping center developer. The proposed building materials will include two types of brick veneer. A cream color veneer will be located along the bottom of the façade as a wainscoting and a red color stone veneer around the remainder of the building. The roof will consist of a standing seam red metal roof.

## STAFF ANALYSIS AND RECOMMENDATION

### **COMPREHENSIVE MASTER PLAN GUIDENCE**

The Comprehensive Master Plan identifies the site to be located within the Super Regional Node. The Comprehensive Master characterizes the Super Regional Node as follows:

- Should contain large-scale, institutional, commercial, and retail land uses, with the Seton Medical Center as the key distinguishing feature.
- The aggregation of commercial square footage in this Node should create a significant commercial destination that will be visible to regional travelers along the I-35 corridor.
- The purpose of the Super Regional Node is to capture employment opportunities and create a commercial destination within Kyle.

The Urban Design Plan identifies the stretch of I-35 the subject property fronts on to be located in the urban core along the destination segment of I-35. The Urban Design Plan states the following:

*The Interstate 35 Destination is that portion of I-35 lying between the FM 1626 overpass and the Center Street overpass. This portion of I-35 is identified as a unique section in order to transform the freeway experience from one of passing through to one of arrival. Therefore the Destination section of I-35 has an appearance that is dramatically different than those portions north of FM 1626 or south of Center Street.*

#### *Location:*

*Generally located between two of Kyle's four landmark bridges (at the FM 1626 overpass and the Center Street overpass). This section of I-35 is clearly defined with a bridge portal at both ends and high embankments along its length.*

#### *Primary Function:*

*To transform the normal pass-through experience of the Interstate to an arrival experience and make sections of I-35 north of FM 1626 and south of Center Street function as approachways.*

#### **Staff Analysis**

The Planning and Zoning Commission will determine through the conditional use permit process if the proposed use, occupancy and structure will promote, preserve, and enhance, and will not damage or detract from the distinctive character of the community; will preserve and protect property values and taxable values; will not be detrimental or inconsistent with neighboring uses and occupancies; will not be detrimental to the general interests of the citizens; and will not be detrimental to the public health, safety and welfare.

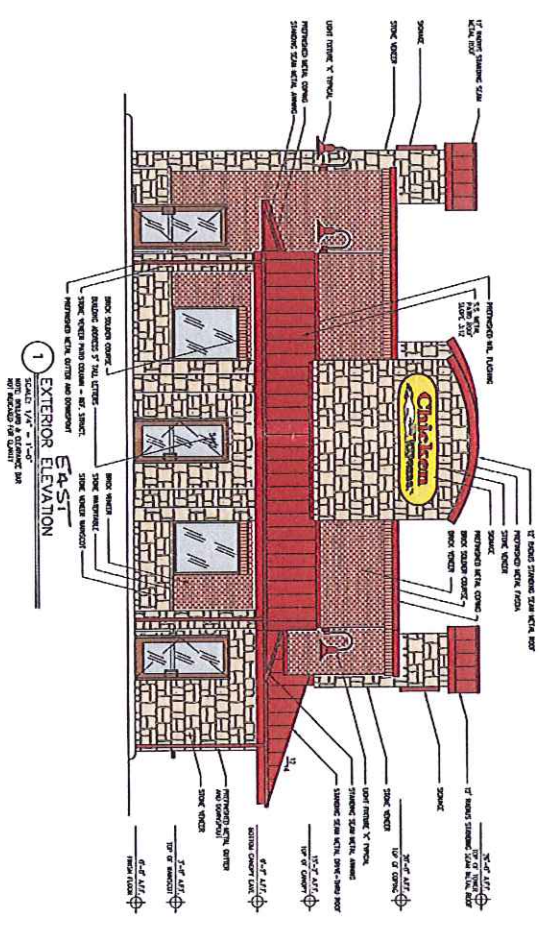
In conducting its review, the planning and zoning commission shall make examination of and give consideration to the traffic flow, development density, neighboring historical designs, neighboring uses, and elements of the application including, but not limited to:

- (1) Height, which shall conform to the zoning requirements;
- (2) Building mass, which shall include the relationship of the building width to its height and depth, and its relationship to the visual perception;
- (3) Exterior detail and relationships, which shall include all projecting and receding elements of the exterior, including, but not limited to, porches and overhangs and the horizontal or vertical expression which is conveyed by these elements;
- (4) Roof shape, which shall include type, form, and materials;
- (5) Materials, texture, and color, which shall include a consideration of material compatibility among various elements of the structure;
- (6) Compatibility of design and materials, which shall include the appropriateness of the use of exterior design details;
- (7) Landscape design and plantings, which shall include lighting and the use of landscape details to highlight architectural features or screen or soften undesirable views;
- (8) Vehicular and pedestrian access, which shall include location, width, and type of surface for all points of ingress and egress;
- (9) Signage, which shall include, in addition to the requirements chapter 29, pertaining to signs, the appropriateness of signage to the building in relation location, historical significance of the structure and neighboring structures, traffic visibility; obstruction of views from neighboring property;
- (10) Exterior lighting, which shall included location, type, and/or design of lighting and/or lighting fixtures to be used.

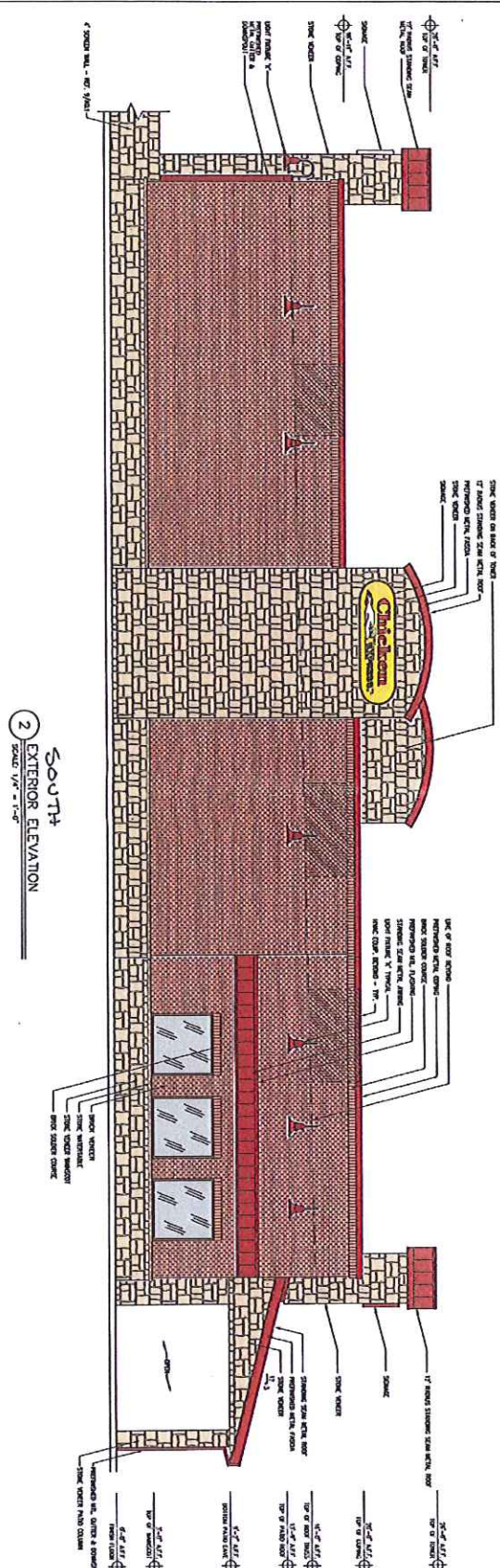
**Staff is recommending approval of the request for the following reasons:**

- **The height of the building conforms to the zoning requirements and is consistent with the surrounding buildings**
- **The building mass it appropriate for its location and surroundings.**
- **The proposed building materials, colors and textures are consistent with the development agreement in place between the City and the shopping center developer.**
- **The proposed building is consistent with the other buildings in the shopping center.**

NOT FOR REGULATORY APPROVAL, PERMITTING, OR CONSTRUCTION



1 EAST EXTERIOR ELEVATION  
SCALE: 1/8" = 1'-0"



2 SOUTH EXTERIOR ELEVATION  
SCALE: 1/8" = 1'-0"

FINISH SCHEDULE	
MATERIAL	MANUFACTURER
BRICK VENEER	ACE BRICK
STONE VENEER	A. J. BAKER STONE, INC.
STAINING	WOOD FINISHES
PAINTS	BEHR
GLASS	LOWE'S
ROOFING	LOWE'S
CONCRETE	LOWE'S
LANDSCAPE	LOWE'S
MECHANICAL	LOWE'S
ELECTRICAL	LOWE'S
PLUMBING	LOWE'S
MECHANICAL	LOWE'S
ELECTRICAL	LOWE'S
PLUMBING	LOWE'S

5493 KYLE CENTER DRIVE  
KYLE, TX

JAMES W.P. HOWARD  
ARCHITECT, N.C.A.R.B., A.I.A.  
216 ST. JOE STREET  
FORT WORTH, TEXAS 76133  
(817) 377-5477

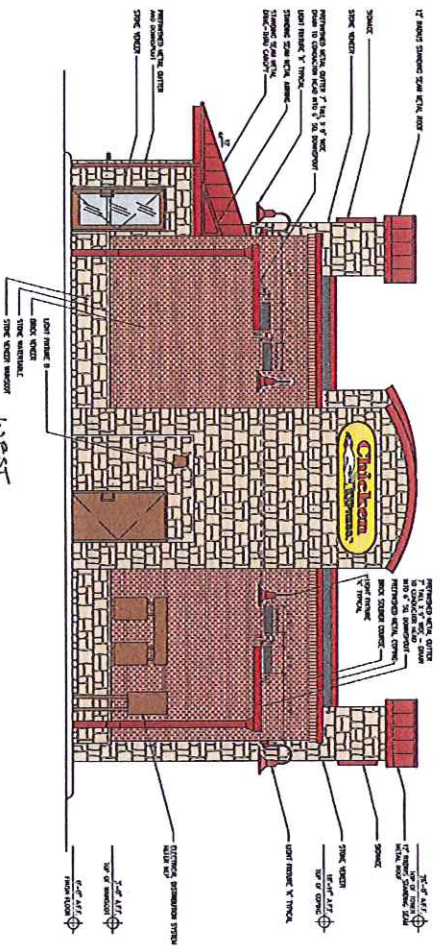
PROJECT: C2301303  
DATE: 04/23/13  
DRAWN BY: JWH  
CHECKED BY: JWH  
FILE: C23013-04  
REVISIONS

SHEET TITLE:  
EXTERIOR ELEVATIONS  
SHEET:  
A4

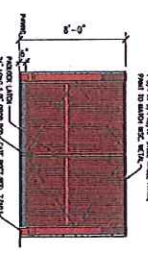


NOT FOR REGULATORY APPROVAL, PERMITTING, OR CONSTRUCTION

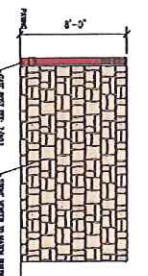
FINISH SCHEDULE			
ITEM NO.	DESCRIPTION	MANUFACTURER	COLOR
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3	1 1/2" DIA. RIBBED CONCRETE	CONCRETE	RED
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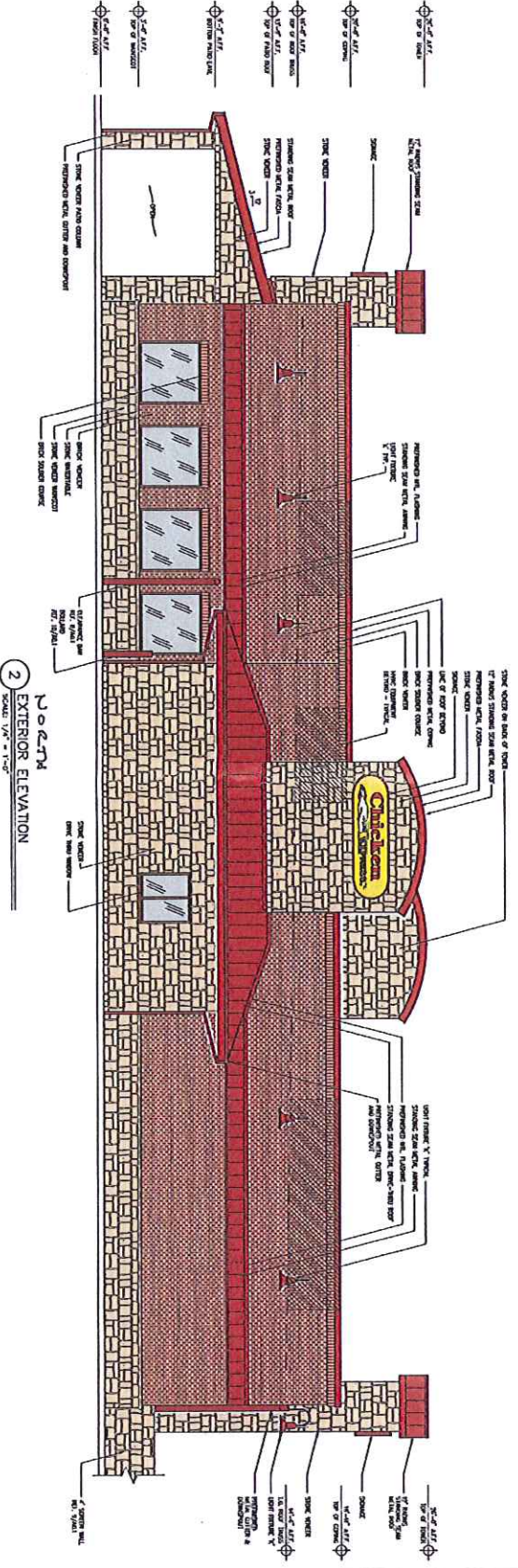
1 WEST EXTERIOR ELEVATION  
SCALE: 1/4" = 1'-0"



30 DUMPSTER ENCLOSURE ELEV.  
SCALE: 1/4" = 1'-0"



35 DUMPSTER ENCLOSURE ELEV.  
SCALE: 1/4" = 1'-0"



2 NORTH EXTERIOR ELEVATION  
SCALE: 1/4" = 1'-0"

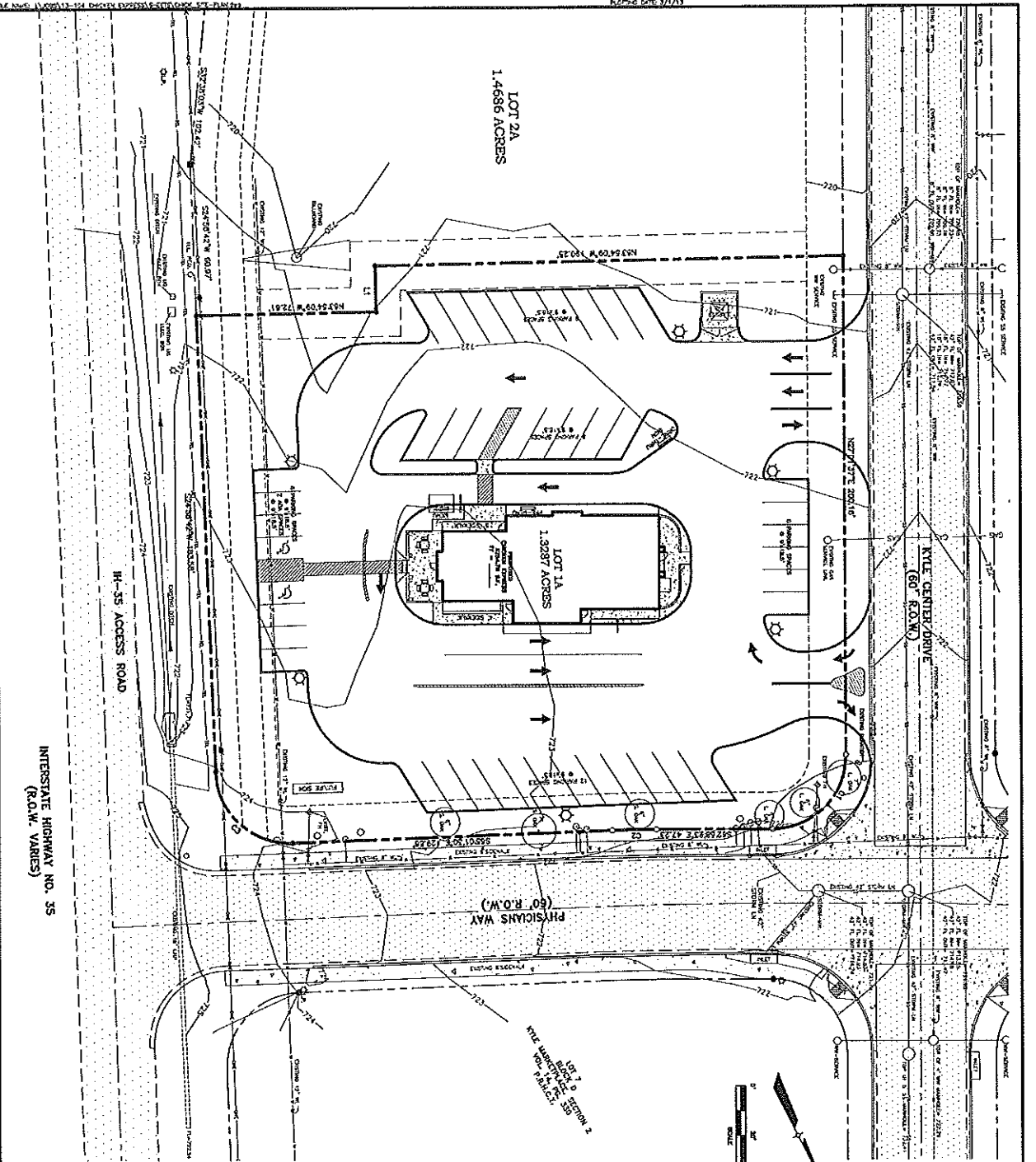


5493 KYLE CENTER DRIVE  
KYLE, TX

JAMES W.P. HOWARD  
ARCHITECT N.C.A.R.B. A.I.A.  
3115 STA. 2000 - 5TH FLOOR  
FORT WORTH, TEXAS 76133  
(817) 377-3477

SHEET TITLE  
EXTERIOR ELEVATIONS  
A5

PROJECT: C2301-07  
DATE: 04/15/13  
DRAWN BY: SS  
CHECKED BY: JH  
FILE: C2301-07-45  
REVISIONS:



### PROPOSED IMPERVIOUS COVER

DESCRIPTION	AREA (SQ FT)	PERCENT
EXISTING IMPERVIOUS COVER	1,170	0.10
PROPOSED IMPERVIOUS COVER	10,971	1.00
<b>TOTAL IMPERVIOUS COVER</b>	<b>12,141</b>	<b>1.10</b>

### PARKING SPACE SUMMARY:

DESCRIPTION	QUANTITY
TOTAL VEHICLES	12,141
PERCENT OF VEHICLES	100%

- #### CONSTRUCTION NOTES:
1. REVIEW ALL EXISTING RECORDS AND FIELD CONDITIONS.
  2. CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF CLEBURNE SPECIFICATIONS AND THE TEXAS CONSTRUCTION CODE.
  3. VERIFY ALL UTILITIES AND RECORDS BEFORE BEGINNING CONSTRUCTION.
  4. MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.

### LEGEND

EXISTING	PROPOSED	DESCRIPTION
[Symbol]	[Symbol]	BOUNDARY LINE
[Symbol]	[Symbol]	EXISTING ROADWAY
[Symbol]	[Symbol]	PROPOSED ROADWAY
[Symbol]	[Symbol]	EXISTING LOT
[Symbol]	[Symbol]	PROPOSED LOT
[Symbol]	[Symbol]	EXISTING DRIVEWAY
[Symbol]	[Symbol]	PROPOSED DRIVEWAY
[Symbol]	[Symbol]	EXISTING UTILITY LINE
[Symbol]	[Symbol]	PROPOSED UTILITY LINE
[Symbol]	[Symbol]	EXISTING WATER MAIN
[Symbol]	[Symbol]	PROPOSED WATER MAIN
[Symbol]	[Symbol]	EXISTING SANITARY SEWER
[Symbol]	[Symbol]	PROPOSED SANITARY SEWER
[Symbol]	[Symbol]	EXISTING ELECTRICAL
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[Symbol]	[Symbol]	PROPOSED TELEPHONE
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[Symbol]	[Symbol]	EXISTING GRASS
[Symbol]	[Symbol]	PROPOSED GRASS
[Symbol]	[Symbol]	EXISTING SOIL
[Symbol]	[Symbol]	PROPOSED SOIL

### CLIENT:

MARK WILLIAMS  
P.O. BOX 708  
CLEBURNE, TEXAS 76033  
(512) 677-6655

### PROJECT:

CHICKEN EXPRESS  
14686 ACRES  
LOT 2A  
LOT 1A

### DATE:

SEPTEMBER 2013

### SCALE:

AS SHOWN

### SITE PLAN/ UTILITY LAYOUT

CHICKEN EXPRESS  
5493 KYLE CENTER DRIVE  
KYLE, TEXAS

### 4 CUATRO consultants, LTD.

Registered in Texas  
10446 Coors Road, Suite 600, Dallas, Texas 75244  
214-630-0000

NO.	REVISION	DATE

C201

May 24, 2013	<i>Planning and Zoning Commission</i>
Zoning	905 Old Highway 81
<b>Case Number: Z-13-002</b>	

**OWNER/APPLICANT:** Maria Inez Castillo    **AGENT:** same as owner

**LOCATION:** 905 Old Highway 81

**COUNTY:** Hays County

**AREA:** 0.95 acres

**PROPOSED CITY COUNCIL HEARINGS:** First Reading: June 4, 2013  
Second Reading: June 18, 2013

**EXISTING ZONING:** Residential "R-1". Located within the I-35 Overlay District

**PROPOSED ZONING:** Retail Services- Located within the I-35 Overlay District

**SITE INFORMATION:**

***Transportation:*** The property will have access to the I-35 southbound frontage road as well.

***Surrounding Zoning:***

- *North: R-1 South: R-1*
- *East : Old Hwy 81/Southbound frontage road of I-35*
- *West: R-1*

***Future Land Use Designation:*** Core Area Transition

**PUBLIC INPUT:** Notice of the proposed change was sent to the surrounding property owners, but no responses have been received by the Planning Department.

**STAFF ANALYSIS:**

***Background***

The subject property is the located along Old Hwy 81, just south of Cortez Street and north of Martinez Loop (where Milts BBQ Restaurant was previously located). While the property was previously used a commercial business the use was considered non-conforming due to the residential zoning of the property. The applicant is now seeking to bring the property into conformance and lease the property to commercial businesses. Prior to being able to use the property commercially or make improvements to the site the property owner is seeking a commercial zoning designation for the property.

***Comprehensive Plan Guidance***

The Core Area Transition District currently consists primarily of commercial and light industrial uses, with some residential uses. This District is important as a transitional zone between largely residential areas and the commercial uses along I-35 and as a portion of Kyle that is visually significant to travelers along I-35. The character of the District should reflect its urban and transitional intentions. The comprehensive Plan identifies vertically mixed-use development models are well suited to this District,

May 24, 2013

*Planning and Zoning Commission*

Zoning

905 Old Highway 81

**Case Number: Z-13-002**

and development should be located close to roadways, with minimal front yards, to maximize available land and visibility from main roads. Adequate land use transitions should be provided to avoid conflict between different land uses (i.e. residential adjacent to industrial). The built fabric should display a transition from the small scale grid pattern of Downtown to the large plate design of the Super Regional Node. As this District develops, it should serve to create a consistent fabric that links Downtown and the Super Regional Node, encouraging the expansion and strengthening of Kyle's core.

***Recommendation***

Due to the guidance provided within the comprehensive master plan and the adjacent residential uses staff does not believe that all of the uses permitted in requested zoning district are appropriate. Staff is offering an alternative zoning recommendation of Community Commercial for the subject property.

Below is a brief summary of the Community Commercial zoning designation:

- Size of building: First floors are limited to a maximum of 15,000 square feet.
- Permanent outdoor storage shall not be allowed. Outdoor dining shall be allowed. Limited outdoor display shall be allowed with no more than ten percent of the lot area to be used for merchandise (merchandise shall not be left outside overnight). Outdoor displays shall not be allowed in any required off-street parking spaces.
- Establishments located on property that are within 300 feet of any property zoned or used for a single-family residential use may not to be open to the general public before 6:00 a.m. and must be closed to the general public by 10:00 p.m. Businesses may utilize extended hours on Friday and Saturday if the following conditions exist:
  - If a property is located 150 feet or more from a single-family zoned or used property the business shall be allowed a closing time of midnight, on Friday and Saturday, by right. Any property closer than 150 feet from a single-family residentially zoned or used property may apply for a conditional use permit to allow for extended business hours that would allow for a closing time of midnight, on Friday and Saturday.
- The neighborhood commercial zoning district shall allow professional offices and small businesses serving neighborhood community needs. The following uses shall be permitted:
  - Multi-family on the second floor and above shall be permitted by right regardless of base zoning;
  - Bed and breakfast up to five rooms;
  - Retail;
  - Restaurant;
  - Religious assembly;
  - Art gallery;



May 24, 2013

*Planning and Zoning Commission*

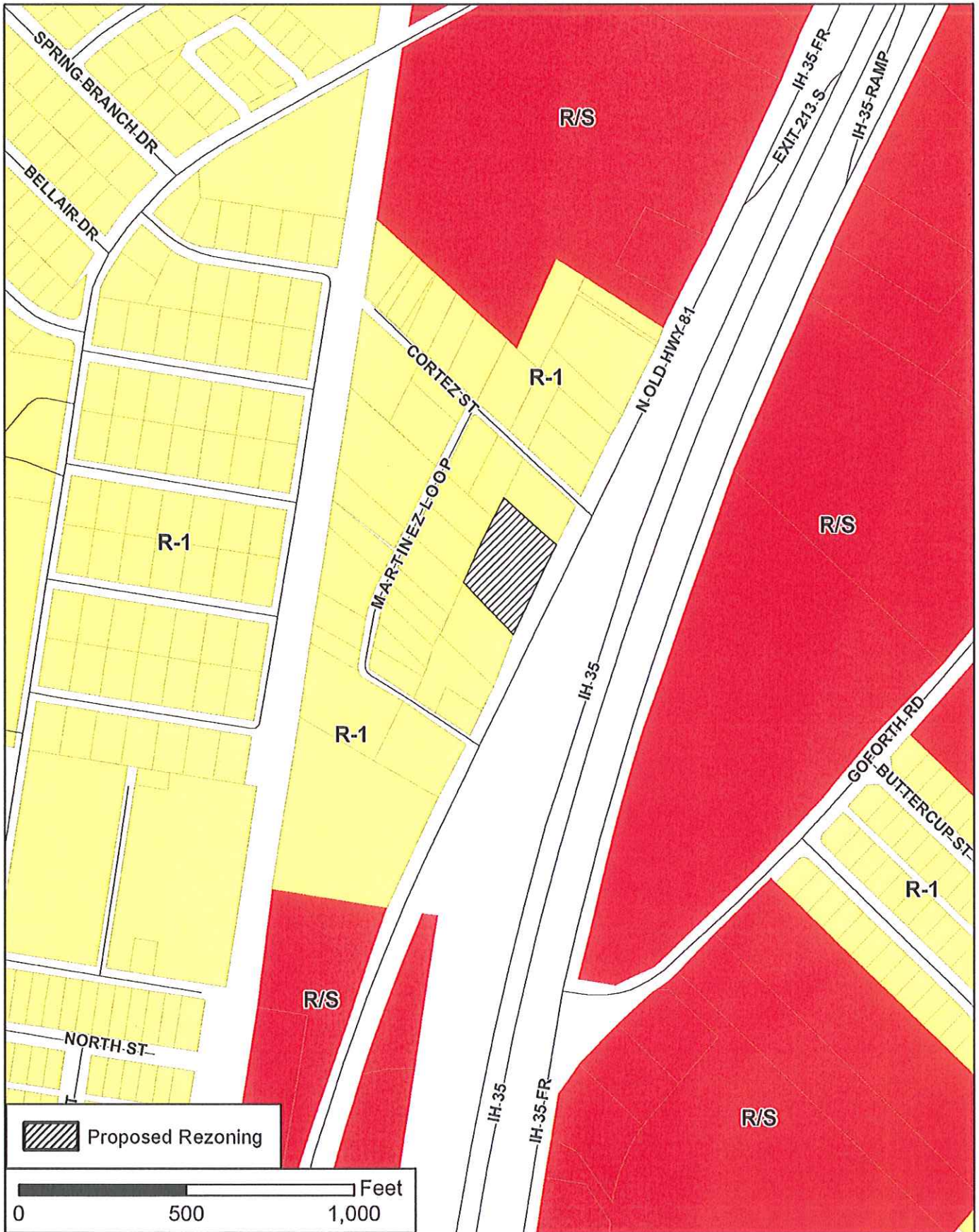
Zoning

905 Old Highway 81

**Case Number: Z-13-002**

- Child care center (outdoor playground allowed);
- Fire/police station;
- Professional office;
- Funeral home;
- Barber/beauty shop;
- Convenience/grocery store;
- Fuel station\*;
- Nursing/retirement homes;
- Veterinarian - without outdoor boarding;
- Health and fitness center;
- Restaurant with drive-thru\*;
- Financial institution w/ drive-thru banking.

# Exhibit B



May 22, 2013

## Planning and Zoning Commission

Zoning

**Case Number: Z-13-005**

**OWNER/APPLICANT:** South Corridor Park **AGENT:** Charles Teeple

**LOCATION:** The subject property is located along I-35 northbound frontage road at the intersection of the southern Amberwood Subdivision entrance and I-35.

**COUNTY:** Hays County

**AREA:** 7.634 acres

**PROPOSED CITY COUNCIL HEARINGS:** First Reading: June 4, 2013  
Second Reading: June 18, 2013

**EXISTING ZONING:** Retail Services "RS" within the I-35 Overlay District

**PROPOSED ZONING:** Apartment Residential "R-3-3" (noncommercial development is not subject to the I-35 overlay development requirements)

### **SITE INFORMATION:**

***Transportation:*** The property will front on the northbound frontage road and is bound by southern Amberwood Subdivision entrance on the north. Any access points on the frontage road will be require TXDOT approval.

### ***Surrounding Zoning:***

- *North: Amberwood South Entrance ; Across the street the property is zoned Retail Services- the property is also requesting a rezoning of the property to R-3-3*
- *South: Agriculture*
- *East : R-3-2- apartment residential*
- *West: I-35*

***Future Land Use Designation:*** New Town Future Land Use District

**PUBLIC INPUT:** Notice of the proposed change was sent to property owners within 200' of the subject property. As of the date of this report staff has received 1 phone call in opposition to the requested zoning change.

### **STAFF ANALYSIS:**

#### ***Background***

The property owner is proposing to rezone the subject property from Retail Services to Multi-family residential. Although this request is proceeding at the same time as the rezoning request for the property to the north of Amberwood South entrance, the requests shall be considered separately and based on the conditions of each property

***Comprehensive Plan Guidance***

- The New Town Future Land Use district straddles both I-35 and FM 1626. This District is envisioned to 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.
- Many differing uses are encouraged throughout the District, but are distributed in autonomous land parcels instead of vertically aggregated in fewer land parcels.
- The purpose of the New Town District is to harness economic development potential and establish its position as the sustainable center of surrounding growth.
- The New Town future land use district identifies Apartments Residential R-3-3 as a recommended zoning district.
- Ensure the inclusion of attractive/practical affordable housing.
- Community goals generated during the planning process that relate to future land use identified the following:
  - Discourage residential development along I-35 and preserve parcels for regionally oriented development
  - Ensure that the mix of residential and non-residential uses support the ad valorem needs of the City of Kyle when reviewing development proposals

***Zoning District***

The multifamily residential district R-3-3 permits typical apartment development with buildings not exceeding three stories, and not more than 28 units per buildable acre, and with apartments or units having a minimum living area of 500 square feet; provided that not more than 25 percent of the units in any such apartment development or project shall have less than 750 square feet of living area. A maximum height of 45' is permitted for the R-3-3 zoning district. All buildings and structures, garages, and/or accessory buildings constructed within this district must have all four sides composed of 100 percent brick, stone, hardiplank or other approved masonry product.

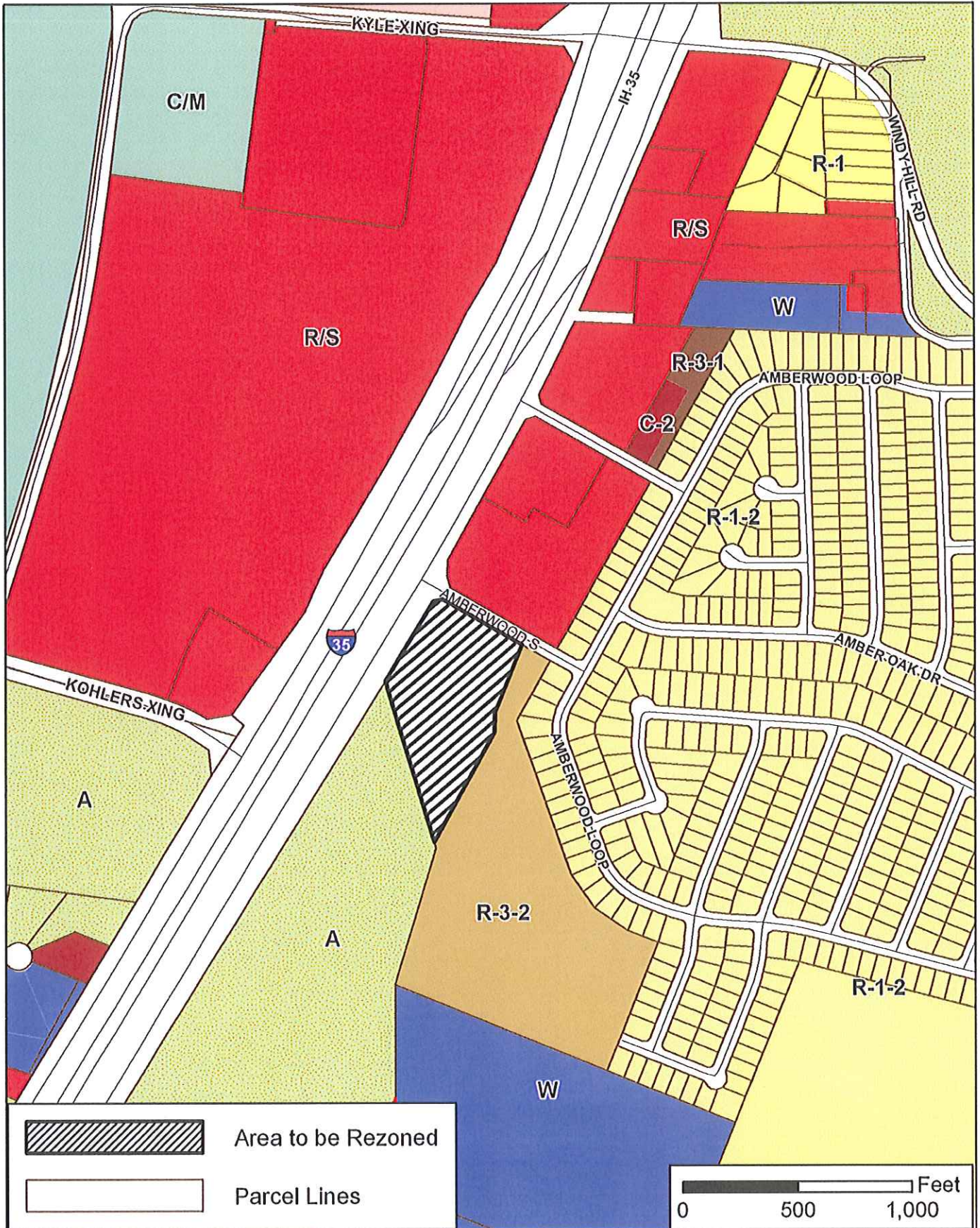
***Recommendation***

In reviewing the requested rezoning request staff has made the following findings:

- The Comprehensive Master Plan calls for a variety of uses and residential development within New Town future land use district. The proposed rezoning appears to support the stated goal of a horizontal mix of uses within the future land use district.
- East of I-35 and within in the New Town Future Land Use district the only other developed multi-family site is immediately south of the subject property.
- The proposed rezoning appears to support the majority policies adopted in the comprehensive master plan.
- The proposed rezoning does not appear to substantially affect the public health, safety or welfare of adjacent property owners.



# Exhibit B



May 22, 2013

## Planning and Zoning Commission

Zoning

**Case Number: Z-13-004**

**OWNER/APPLICANT:** South Corridor Park **AGENT:** Charles Teeple

**LOCATION:** The subject property is located along I-35 northbound frontage road, between the north and south entrances to the Amberwood Subdivision.

**COUNTY:** Hays County

**AREA:** 8.03 acres

**PROPOSED CITY COUNCIL HEARINGS:** First Reading: June 4, 2013  
Second Reading: June 18, 2013

**EXISTING ZONING:** Retail Services "RS" within the I-35 Overlay District

**PROPOSED ZONING:** Apartment Residential "R-3-3" ( noncommercial development is not subject to the I-35 overlay development requirements)

### **SITE INFORMATION:**

***Transportation:*** The property fronts on the northbound frontage road and is bound by the north and south entrances of the Amberwood Subdivision. Any access points on the frontage road will be require TXDOT approval.

### ***Surrounding Zoning:***

- *North: Retail Services*
- *South: Retail Services – currently requesting a rezoning to Multi-family.*
- *East : R-1-2( single-family)*
- *West: I-35*

***Future Land Use Designation:*** New Town Future Land Use District

**PUBLIC INPUT:** Notice of the proposed change was sent to property owners within 200' of the subject property. As of the date of this report staff has received 1 phone call in opposition to the requested zoning change.

### **STAFF ANALYSIS:**

#### ***Background***

The subject property is currently zoned Retail Services and is bounded by the I-35 frontage road to the west and by entrance streets into the Amberwood Subdivision to the north and south. The property owner is proposing to rezone a majority of the property, however retain approximately 2 acres out of the original 10.198 acre tract as Retail Services. This request is proceeding at the same time as the rezoning request for the property to the south of the southern Amberwood Subdivision entrance. The requests shall be considered separately and based on the conditions present on each property.



***Comprehensive Plan Guidance***

- The New Town Future Land Use district straddles both I-35 and FM 1626. This District is envisioned to 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.
- Many differing uses are encouraged throughout the District, but are distributed in autonomous land parcels instead of vertically aggregated in fewer land parcels.
- The purpose of the New Town District is to harness economic development potential and establish its position as the sustainable center of surrounding growth.
- The New Town future land use district identifies Apartments Residential R-3-3 as a recommended zoning district.
- Land use transitions were identified as a key concern in Kyle when the comprehensive master plan was being written. In order to ensure satisfactory land use transitions in Kyle a reference chart was created to identify an appropriate transition between existing uses and proposed uses (please see attached chart). The chart included in the comprehensive master plan identifies existing single-family use to be a complimentary use to a requested multi-family residential use.
- Ensure the inclusion of attractive/practical affordable housing.
- Community goals generated during the planning process that relate to future land use identified the following:
  - Discourage residential development along I-35 and preserve parcels for regionally oriented development
  - Ensure that the mix of residential and non-residential uses support the ad valorem needs of the City of Kyle when reviewing development proposals

***Zoning District***

The multifamily residential district R-3-3 permits typical apartment development with buildings not exceeding three stories, nor more than 28 units per buildable acre, and with apartments or units having a minimum living area of 500 square feet; provided that not more than 25 percent of the units in any such apartment development or project shall have less than 750 square feet of living area. A maximum height of 45' is permitted for the R-3-3 zoning district. All buildings and structures, garages, and/or accessory buildings constructed within this district must have all four sides composed of 100 percent brick, stone, hardiplank or other approved masonry product.

***Recommendation***

In reviewing the requested rezoning request staff has made the following findings:

- The Comprehensive Master Plan calls for a variety of uses and residential development within New Town future land use district. The proposed rezoning appears to support the stated goal of a horizontal mix of uses within the future land use district.
- East of I-35 and within in the New Town Future Land Use district the only other developed multi-family site is immediately south of the subject property.
- By retaining approximately 2 acres of commercial zoning the proposed site still retains the ability to provide non-residential development within close proximity to residential. Additionally, the

May 22, 2013

## *Planning and Zoning Commission*

Zoning

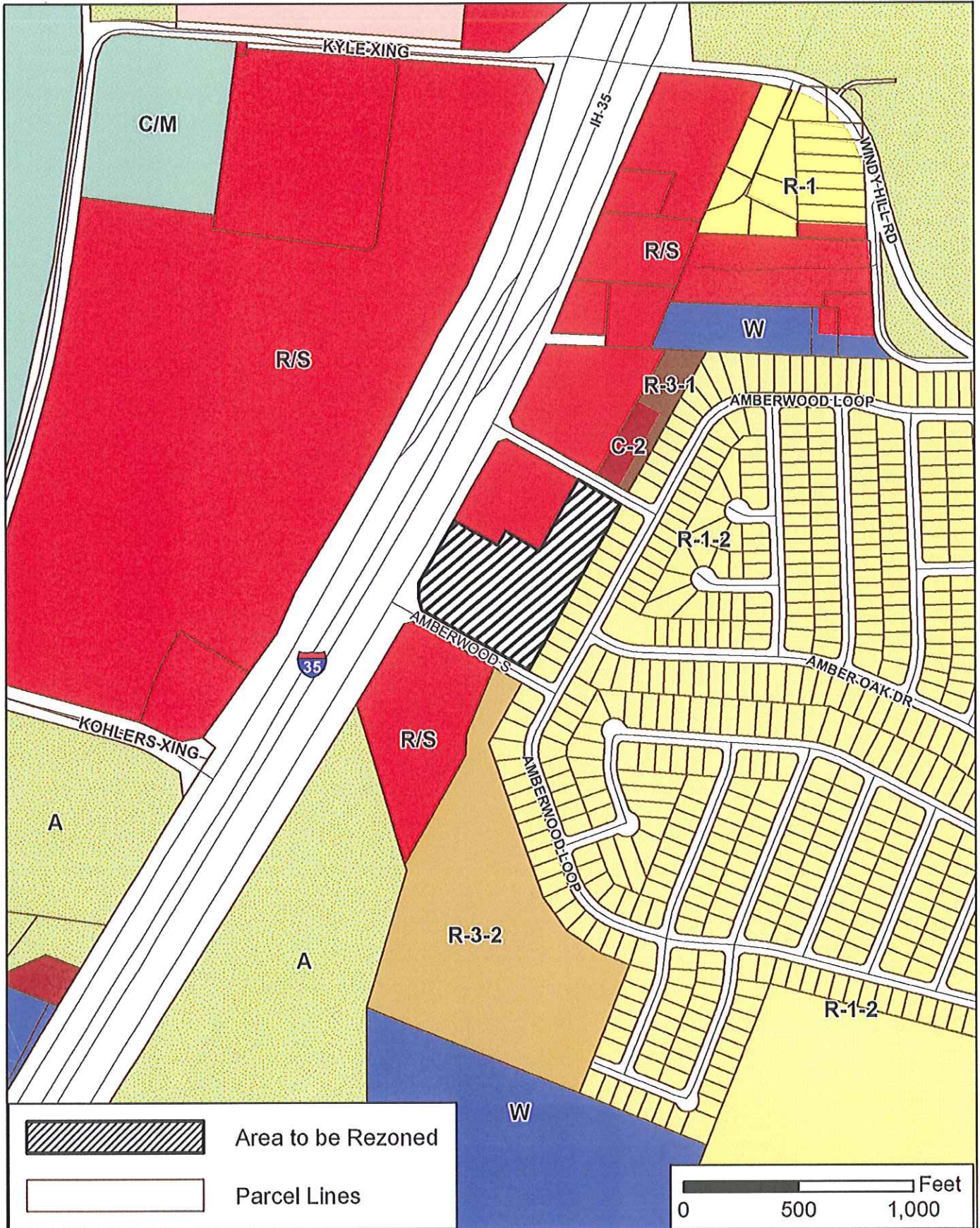
**Case Number: Z-13-004**

proposed rezoning to multi-family development facilitates a transition between highway type commercial development and single family residential.

- The applicant has provided a proposed site plan identifying buildings built away from the single family homes east of the subject property. While the layout may address many of the concerns of the adjacent property owners it is important to realize that once a property is zoned the City can only require the development to meet the minimum site development and zoning requirements of the zoning district. The proposed multi-family zoning designation does not have form or site standards (above and beyond typical landscaping and fencing requirements) that would help ensure a smooth transition between the already developed single family homes and the proposed zoning designation.
- The proposed rezoning appears to support the majority policies adopted in the comprehensive master plan.
- The proposed rezoning does not appear to substantially affect the public health, safety or welfare of adjacent property owners.



# Exhibit B





## LAND USE TRANSITIONS

Land use transitions were identified as a key concern in Kyle. Transitions can be resolved by providing adequate transition policies and preventing negative land use adjacencies. In order to ensure satisfactory land use transitions in Kyle, a reference chart was created (Figure 21). Across the top of the chart is the existing land use, while the requested land use is listed on the side. Where these two interface, a transition policy is defined. Transitions are designated as equal, meaning that the uses are the same; complimentary, meaning that the two

land uses transition well together; contingent, meaning that additional conditions are required before the adjacency is approved; and conflicting, meaning that the land uses should not be located adjacent to each other. For example, if a parcel of land currently contains office uses, an adjacent multi-family residential use would be complimentary, while an adjacent agricultural use would be conflicting, and therefore not permitted.

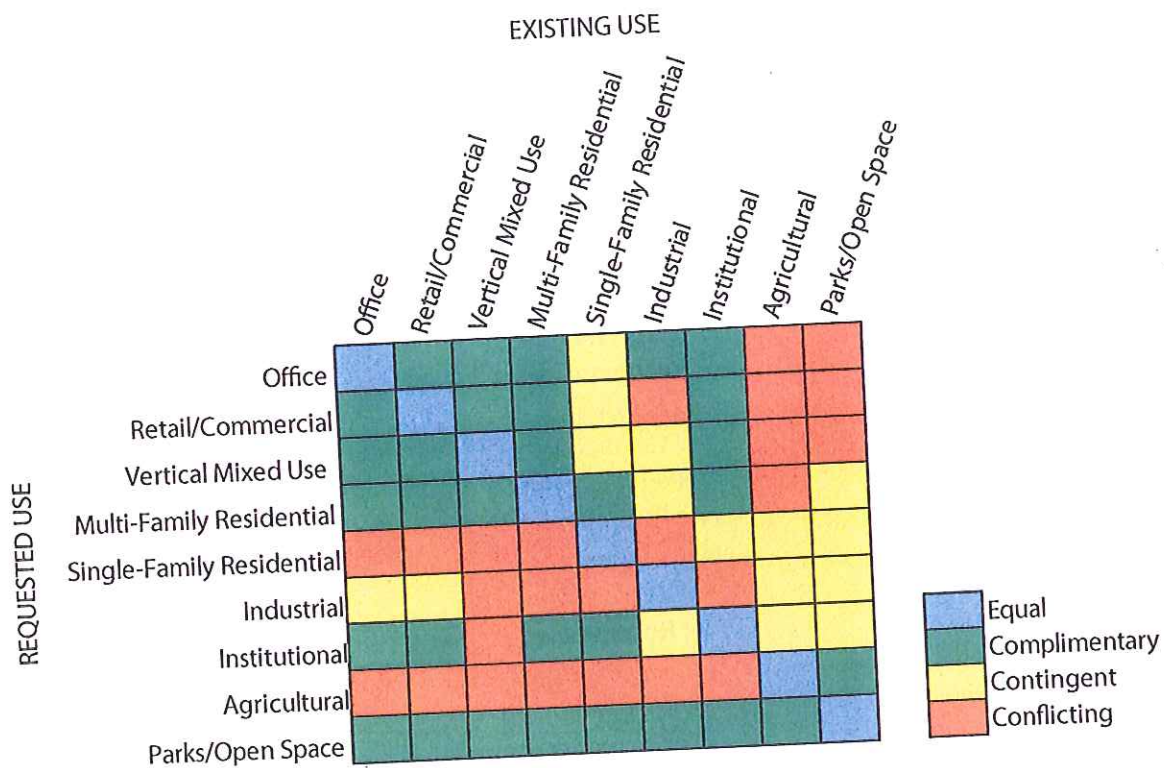
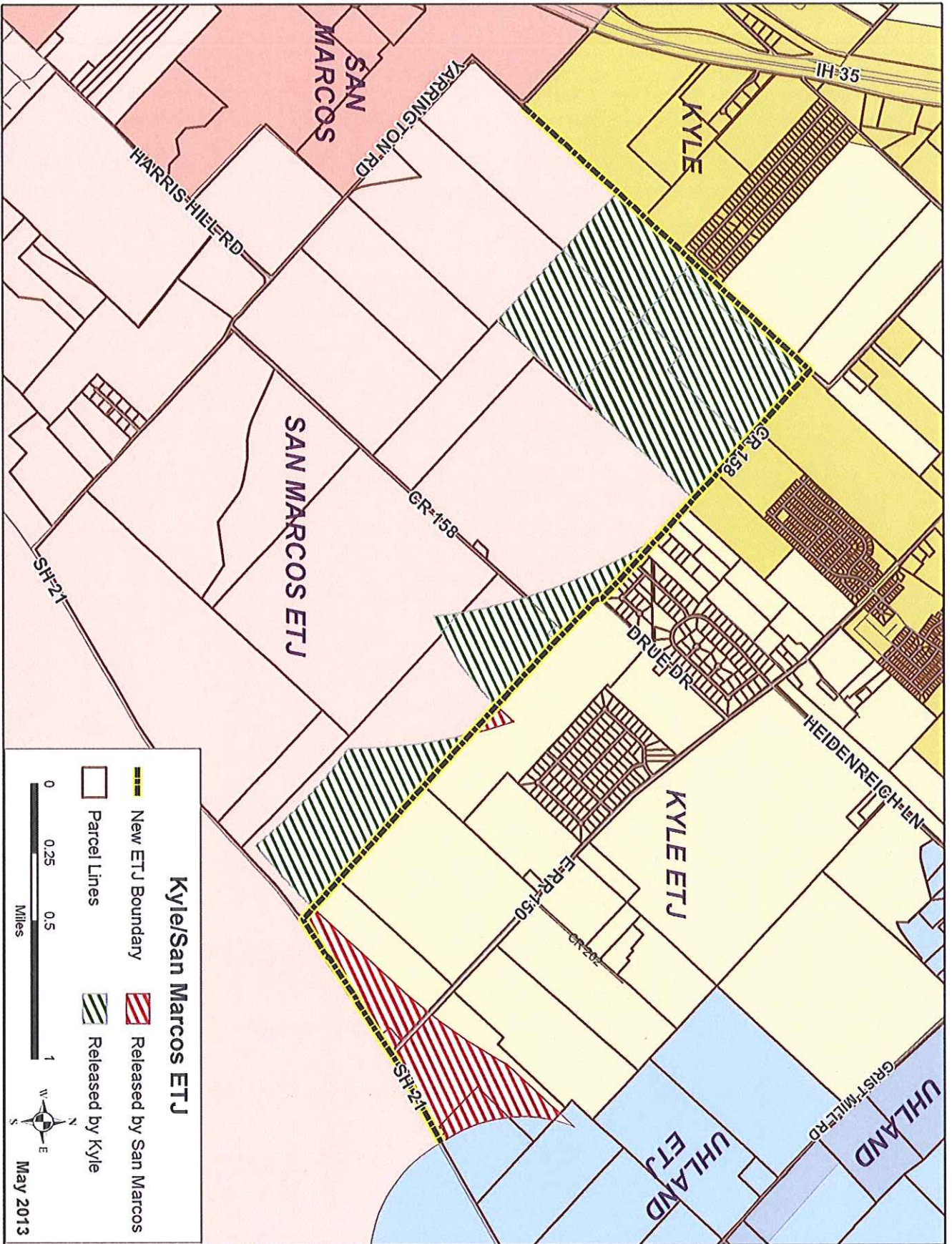


Figure 21: Land Use Transition Chart.





The shared Extra Territorial Jurisdiction (ETJ) boundary between the City of Kyle and the City of San Marcos described here follows parcel lines of established properties and is defined by the following description and accompanying map:

Beginning at a corner on the northeast side of Yarrington Rd, approximately 2000 feet southeast of the intersection of Yarrington Rd and IH 35 NB Service Road;

Thence leaving Yarrington Road with the common line of the southeast line of FM 158 Land LTD's 130.86 acre tract (HCAD R18875) and the northwest line of FM 158 Land LTD's 203.5 acre tract (HCAD R70250), N 43° 50' 56" E, 3166.05 feet;

Thence continuing to the northeast along the southeast line of a 46.1 acre tract also owned by FM 158 Land LTD, N 43° 56' 30" E, 981.57 feet to the southern point of the Quail Ridge Subdivision;

Thence N 43° 58' 16" E, 298.66 feet to the corner of northern corner of the 203.5 acre tract and the western corner of LaSalle Holdings LTD 19.39 acre tract (HCAD R14883);

Thence N 44° 43' 41" E, 3080.8 feet along the northwest line of the 19.39 acre tract to the corner of County Rd 158;

Thence in an easterly direction approximately 100 feet, crossing the CR 158 right-of-way to the western corner of the 126.4 acre parcel owned by McComic-Price Cool Springs LP (HCAD R14894);

Thence along the southwest line of the 126.4 acre tract also being the northeast side of the CR 158 right-of-way, S 46° 14' 25" W, 1476.95 feet, to the south corner of the 126.4 acre tract;

Thence S 45° 41' 23" E, 2062.45 feet, along the northeast side of the CR 150 right-of-way to the southern corner of the 41.0 acre tract owned Kyle Riverbend Cottonwood Investments LC (HCAD R103367);

Thence S 45° 41' 23" E, 2385.7 feet, along the northeast side of the CR 150 right-of-way to the southern point of the High Meadows Subdivision Section Three;

Thence continuing across Drue Dr to the western corner of the 140.6 acre tract owned by Cynthia Meyer (HCAD R62214);

Thence S 44° 59' 00" E, 787.5 feet, to the curve of CR 158 where it turns south toward Yarrington Road also being the northern corner of the 1 acre tract owned by Alice Ewald and others (HCAD R14953);

Thence continuing in a southeastern direction approximately 290 feet to the eastern corner of the 1.0 acre Ewald tract;

Thence on the common line between 140.6 acre Meyer Tract and 295 acre tract of La Salle Holdings, S 45° 32' 15" E, 3771.42 feet to southern corner of the Meyer, also being the western corner of 165.7 acre tract owned by Louise Ernst (HCAD R14911);

Thence S 45° 20' 15" E, 2455.99 feet along the Ernst tract to the western corner of the 84.4 acre tract owned by Ernestine Hoffman (HCAD R14899);

Thence S 45° 25' 20" E, 1031.76 feet along the Hoffman tract to northwest ROW line of State Hwy 21/Camino Real;

Thence in a northeasterly direction along the western right-of-way line of State Hwy 21 approximately 3000 feet to the intersection of E RR 150, continuing approximately 250 feet across the right-of-way of E RR 150, and continuing northeast along the western right-of-way line of State Hwy 21 approximately 1850 feet to the boundary of the City of Umland's ETJ.

**TO SAN MARCOS**

	<b>ACRES</b>	<b>VALUE</b>
	182.259	\$100,242.00
	1.69	\$1,732.00
	0.9937	\$130,877.00
	18.25	\$52,845.00
	19	\$3,390.00
	101.8	\$17,480.00
	114.8	\$20,350.00
	82.077	\$945,160.00
	66.78	\$375,980.00
<b>Totals</b>	<b>587.6497</b>	<b>\$1,648,056.00</b>

**TO KYLE**

	<b>Acres</b>	<b>Value</b>
	22.9	\$94,937.0
	40.9	\$133,853.0
	0.32	\$26,338.0
	76.61	\$12,105.0
	12.22	\$1,097,840.0
	33.4	\$120,332.0
	3.42	
	0.063757	\$511.0
	0.44	\$5,125.0
	0.845	
	1.25	\$5,198.0
	1.125	\$4,919.0
<b>Totals</b>	<b>193.493757</b>	<b>\$1,501,158.0</b>

## Sofia Nelson

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**From:** Lance Stewart  
**Sent:** Wednesday, May 15, 2013 11:07 AM  
**To:** ryanskytx@gmail.com; tallmike1@gmail.com; pat@hart-properties.com; mpchristie46@yahoo.com; cicelykckay@gmail.com; alfred.zambrano@yahoo.com; therubsams@earthlink.net  
**Cc:** Sofia Nelson  
**Subject:** RV Land building  
**Attachments:** RV LAND OFFICE front.jpg; RV LAND OFFICE.jpg

Good morning ladies & gentlemen,

I am on the agenda for the upcoming meeting on May 28th and wanted some possible feedback from you ahead of time if you have any questions or comments. You may recall that you approved my conditional use permit a few months ago. Since then, my site plan has been turned in for review and I'm working on the office building. During the CUP I showed a sample elevation of a building but expressed at that time that it was merely an example of what I'd like but didn't know whether it would be exactly like the finished product or not. Due to increased costs of development I've since had to make other arrangements for budget purposes.

I've attached 2 sample drawings of what I'd like to use as my office. As you can see from the attachments I will be using the same building materials (metal roof, metal siding, stone skirting and columns, garage doors, Etc...) but the initial guts of the building will start with a modular building. The end result will look very similar to the original intent depicted in the CUP.

The interior and entrance ramp will comply with ADA accessibility standards.

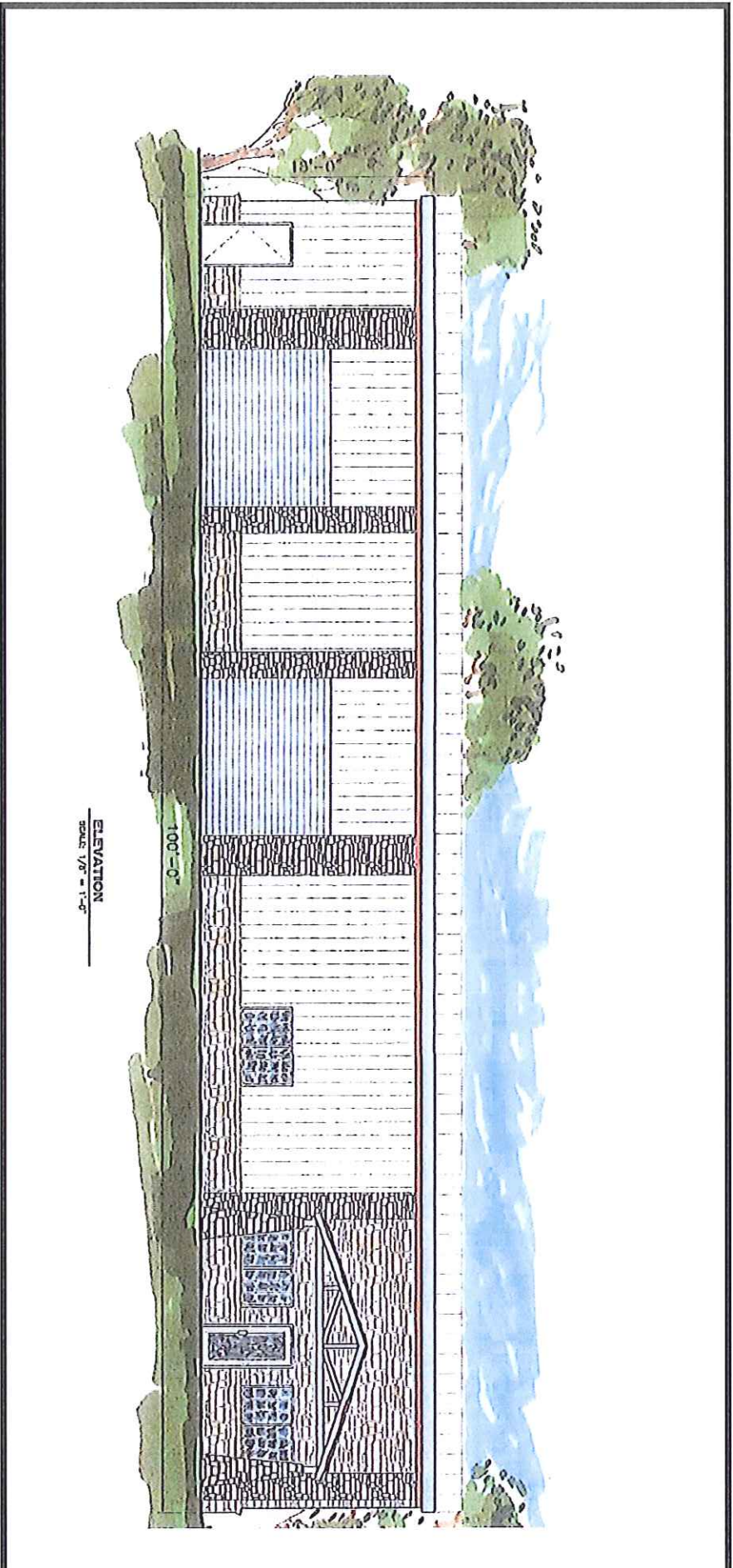
I am eager to break ground and begin bringing a lot of revenue into the city as well as employ as many good people from Kyle as I can and look forward to working with all of you.

Please let me know if you see any obvious problems with my plan.

Thank you,

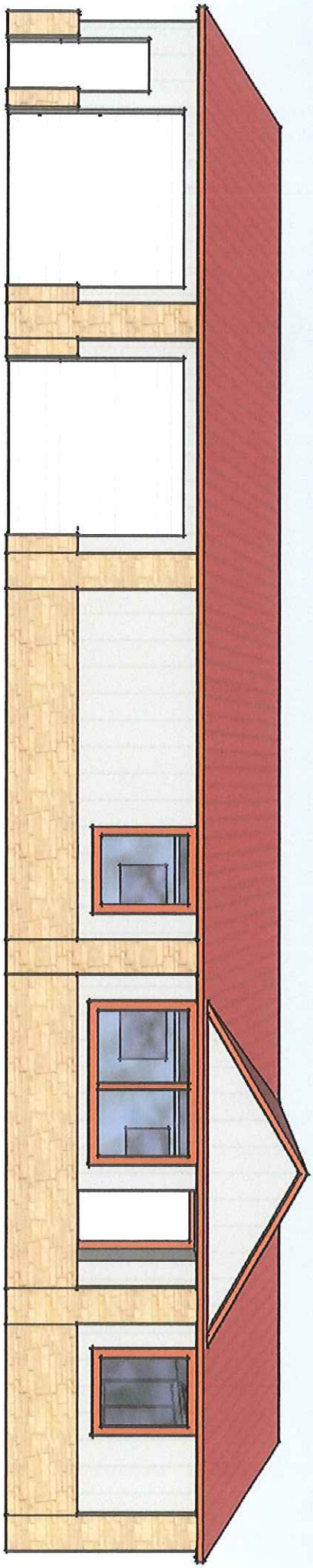
Lance Stewart  
RV Land  
23401 N. IH-35  
P.O. Box 1599  
Kyle, TX 78640  
Cell: 512-567-2757  
Fax: 512-597-0815  
[www.rvlandtx.com](http://www.rvlandtx.com)

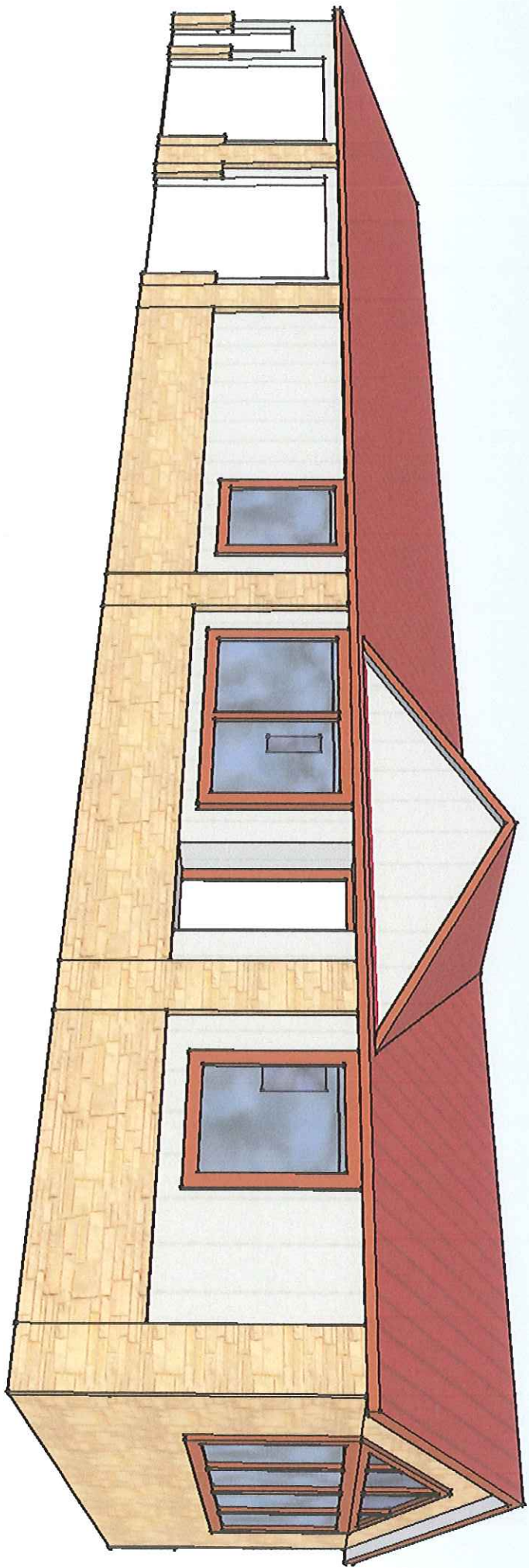
APPROVED





Proposed





*Proposed*