REGULAR MEETING OF THE
PLANNING AND ZONING COMMISSION

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

Commissioner Cicely Kay
Chairman Dan Ryan
Commissioner Mike Rubsam
Commissioner Michele Christie
Director of Planning, Sofia Nelson
Katie Osgood
Bill Bicker
Tim Miller

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 Zambrano, Fulton and Fernandez were absent.

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 – June 25, 2013.**

Commission Rubsam moved to approve the Planning and Zoning Commission Meeting Minutes from June 25, 2013. Commissioner Christie seconds the motion. All votes aye. Motion carried.

CONSENT AGENDA

HOMETOWN KYLE PHASE 3 SECTION 6 (FP-13-009) 6.88 ACRES; 25 LOTS, LOCATION: EXTENSION OF SWEET GUM DRIVE.

MITCHELL MOTORSPORTS SUBDIVISION (AFP-13-005) 2.24 ACRES; 1 LOT LOCATED AT 21701 IH-35.

(Note: Statutory Disapproval (Note: In accordance with the statutory requirements of the Texas Local Government Code reflected in Sections 12.03.001, 12.05.004, 12.06.04 the following applications are recommended for statutory disapproval in order to allow the City to process the application. These applications will continue through the review process without bias and will be placed on the agenda in a timely manner once the review process is complete. Statutory disapproval in order to meet statutory requirements under these sections shall not bias future consideration of this application by the Planning and Zoning Commission).

WAGNER HILL SUBDIVISION (AFP-13-004) 9.26 ACRES; 2 LOTS LOCATED OFF OF FM 2001 WITHIN THE KYLE ETJ.

(Note: Statutory Disapproval (Note: In accordance with the statutory requirements of the Texas Local Government Code reflected in Sections 12.03.001, 12.05.004, 12.06.04 the following applications are recommended for statutory disapproval in order to allow the City to process the application. These applications will continue through the review process without bias and will be placed on the agenda in a timely manner once the review process is complete. Statutory disapproval in order to meet statutory requirements under these sections shall not bias future consideration of this application by the Planning and Zoning Commission).

Commissioner Rubsam moved to approve the consent agenda. Commissioner Christi seconds the motion. All votes aye. Motion carried.

CONSIDER AND POSSIBLE ACTION:

SITE DEVELOPMENT PLANS:

DOLLAR GENERAL STORE (SD-13-010) 5.115 ACRES; 1 LOT LOCATED ON THE SOUTHSIDE OF WINDY HILL ROAD, APPROXIMATELY 200' EAST OF INDIAN PAINTBRUSH DRIVE.

Chairman Ryan opened the public hearing at 6:32 p.m. and called for comments for or against Dollar General Store (SD-13-010). Katie Osgood addressed the Commission stating her concerns with the lights shining in to her residence at night. Chairman Ryan closed the public hearing at 6:33 p.m.

Commissioner Christie moved to Dollar General Store (SD-13-010). Chairman Ryan seconds the motion. All votes aye. Motion carried.

KYLE OFFICE PARK (SD-13-008) 0.79 ACRES; 1 LOT LOCATED AT 1501 GOFORTH ROAD.

Chairman Ryan opened the public hearing at 6:39 p.m. and called for comment for or against Kyle Office Park (SD-13-008). Bill Bickford, Southlake Ranch HOA President addressed the Commission and stated his concerns regarding a yield sign that should be a stop sign, traffic and sidewalks should be installed. Tim Miller also addressed the Commission stating his concerns with traffic in that area. Chairman Ryan closed the public hearing at 6:44 p.m.

Commissioner Rubsam moved to approve Kyle Office Park (SD-13-008) with the conditional that all outstanding engineering comments be addressed. Commissioner Kay seconds the motion. All votes aye. Motion carried.

CONDITIONAL USE PERMIT/CONDITIONAL USE OVERLAY DISTRICT:

CONSIDER A REQUEST BY COMANCHE A.S.H. ONE, LTD. (KYLE OFFICE PARK) FOR A CONDITIONAL USE PERMIT TO CONSTRUCT A 6,861 SQUARE FOOT BUILDING LOCATED WITH THE GOFORTH ROAD ZONING OVERLAY DISTRICT.

Chairman Ryan opened the public hearing at 6:47 p.m. and called for comments for or against the request by Comanche A.S.H. One, Ltd. (Kyle Office Park). Bill Bickford addressed the Commission asking which way was north on the plan. Chairman Ryan closed the public hearing at 6:47 p.m.

Commissioner Rubsam moved to the request by Comanche A.S.H. One, Ltd. (Kyle Office Park). Commissioner Christie seconds the motion. All votes aye. Motion carried.

ADJOURN

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

The Planning & Zoning Meeting adjourned at 6:48 p.m.

_____ _____

Amelia Sanchez, City Secretary Dan Ryan, Chairman

MEMORANDUM

TO:	Planning and Zoning Commission
FROM:	Sofia Nelson, Director of Planning
DATE:	July 18, 2013
SUBJECT:	Plum Creek Section 6E 2-2 Preliminary Plat and Final Plat

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Summary of Request:

The proposed development is approximately 4.7 acres in size. The proposed development will contain 27 single family residential lots and a private greenway lot. The property is located within the Plum Creek PUD and subject to the zoning and subdivision requirements of the document. Water and wastewater will be provided by the City of Kyle

STAFF RECOMMENDATION:

Staff has reviewed the proposed plats and is recommending approval of the plat 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 are adequate to serve the subdivision.

ITEM 5A

PLUM CREEK PHASE I, SECTION 6E2-2

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 8A, AUSTIN, TEXAS 78701, BEING THE OWNER OF THAT CERTAIN 4.705 ACRE TRACT OF LAND IN THE JESSE DAY SURVEY NO. 162, A-152 AND THE HENRY LOLLER SURVEY NO. 19, A-290, HAYS COUNTY, TEXAS; BEING COMPRISED OF THE FOLLOWING TRACTS OF LAND:

1. A PORTION OF A CALLED 0.502 ACRE TRACT OF LAND IN VOLUME 1430, PAGE 284, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS,
2. A PORTION OF A CALLED 2.372 ACRE TRACT OF LAND, DESIGNATED AS TRACT 1-B, IN VOLUME 2126, PAGE 504, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS,
3. A PORTION OF A CALLED 0.284 ACRE TRACT OF LAND, DESIGNATED AS PARCEL 1-R, IN VOLUME 2325, PAGE 572, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS,
4. A PORTION OF A CALLED 95.616 ACRE TRACT OF LAND, DESIGNATED AS PARCEL 1, IN VOLUME 2581, PAGE 599, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS,
5. ALL OF A CALLED 0.075 ACRE TRACT OF LAND, DESIGNATED AS PARCEL 5, IN VOLUME 3033, PAGE 497, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, AND
6. ALL OF A CALLED 0.003 ACRE TRACT OF LAND IN VOLUME 3033, PAGE 497, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS;

DO HEREBY SUBDIVIDE SAID 4.705 ACRES AS SHOWN ON THIS PLAT, AND DESIGNATED HEREIN AS THE **PLUM CREEK PHASE I, SECTION 6E2-2** SUBDIVISION TO THE CITY OF KYLE, TEXAS, AND WHOSE NAME IS SUBSCRIBED HERETO, HEREBY DEDICATE TO THE USE OF THE PUBLIC FOREVER PUBLIC RIGHT OF WAY OF KIRBY, AND DRAINS, EASEMENTS (EXCLUDING LANDSCAPE AREA WITHIN 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, BGI PLUM CREEK DEVELOPERS, LTD., THEREUNTO DULY AUTHORIZED, GENERAL PARTNER HAS CAUSED THESE PRESENTS TO BE EXECUTED BY ITS GENERAL PARTNER, BENCHMARK LAND DEVELOPMENT, INC.

PLUM CREEK DEVELOPMENT PARTNERS, LTD.,
A TEXAS LIMITED PARTNERSHIP

BY: BGI PLUM CREEK DEVELOPERS, LTD.,
A TEXAS LIMITED PARTNERSHIP, GENERAL PARTNER

BY: BENCHMARK LAND DEVELOPMENT, INC.,
A TEXAS CORPORATION, GENERAL PARTNER

BY: _____
DAVID C. MAHN, VICE PRESIDENT

STATE OF TEXAS §
COUNTY OF TRAVIS §

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED, DAVID C. MAHN, 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.

BY: _____
NOTARY PUBLIC

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 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 Q. GONZALES
COUNTY CLERK
HAYS COUNTY, TEXAS

I, THE UNDERSIGNED CHAIRPERSON OF THE PLANNING 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 6E2-2) HAS BEEN SUBMITTED TO AND CONSIDERED BY THE PLANNING 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 6E2-2) 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: _____
ALAN D. RHAWES, P.E.
REGISTERED PROFESSIONAL ENGINEER
NO. 72069 – STATE OF TEXAS
TBPE FIRM NO. F-43
AKCM ENGINEERS INC.
13276 RESEARCH BLVD., ST. 208
AUSTIN, TEXAS 78750
512-506-9335

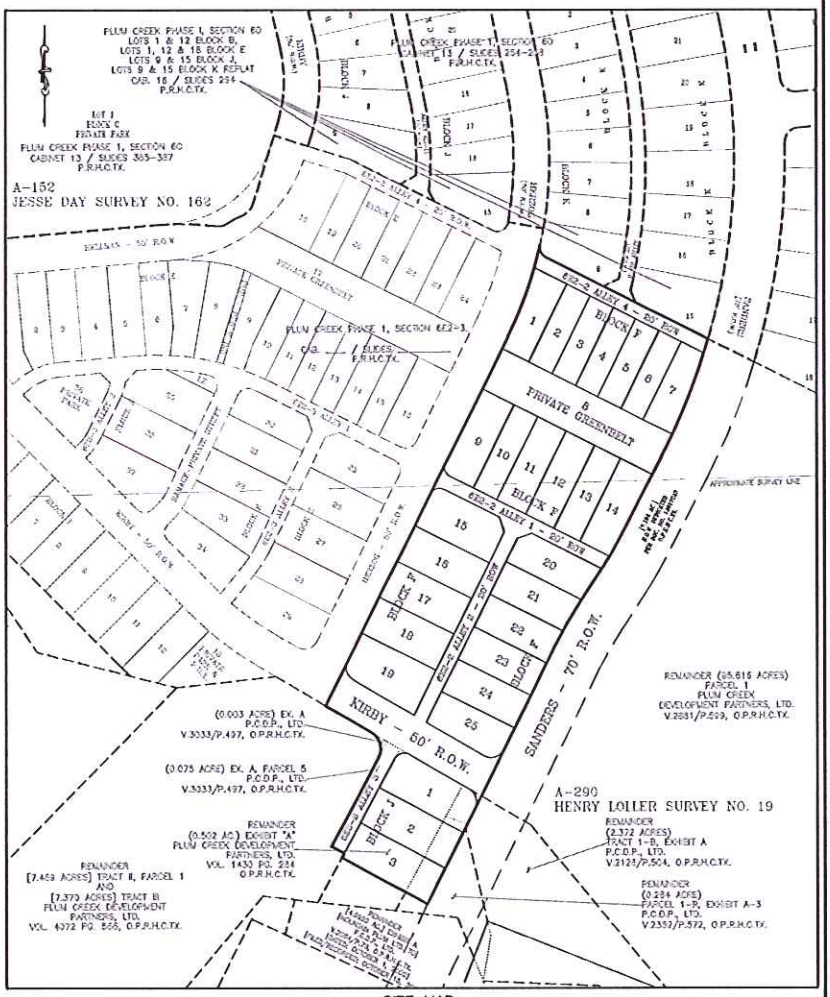
STATE OF TEXAS §
COUNTY OF TRAVIS §

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-THE-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
LOOMIS PARTNERS
3101 BEE CAVES RD., SUITE 100
AUSTIN, TEXAS 78746
512-327-1180

LOCATION MAP
NOT TO SCALE



SITE MAP
NOT TO SCALE

FLOOD NOTE:
A PORTION OF THIS SUBDIVISION (PLUM CREEK PHASE I, SECTION 6E2-3) IS CONTAINED IN THE 100 YEAR FLOOD ZONE, PER FLOOD INSURANCE RATE MAP FOR HAYS COUNTY TEXAS (UNINCORPORATED AREA) COMMUNITY-PANEL NUMBER 480092 0270 F, EFFECTIVE DATE: SEPTEMBER 2, 2005, AS MODIFIED BY APPROVED CLOMR CASE NO. 07-06-0893R, DATED MARCH 25, 2008.

FILE: H:\SURVEY\PLUM_CRK_PH1\SECTION-6_SEC-6E\PLATS\6E-2\6E2-2\ PLUM-6E2-2-PRELIMINARY PLAT.DWG			
DATE: 01-10-2013	DRAWN BY: G.T.	CREW: CAF, MK	
SCALE: 1"=60'	CHECKED BY: J.D.B.	FB #:	
JOB #: 080410	DRAWING #: PLUM-6E2-2-PLAT	PLAN #: 1112A	
NO.	REVISION	BY	DATE

Bowman CONSULTING

Bowman Consulting Group, Ltd.
3101 Bee Caves Road, Suite 100, Austin, Texas 78746
Phone: (512) 327-1180 Fax: (512) 327-4062
www.bowmanconsulting.com © Bowman Consulting Group, Ltd.
TBPE Firm No. F-2986 | TBPLS Firm No. 101206-00

SHEET 1 OF 3

PRELIMINARY PLAT
PLUM CREEK
PHASE I – SECTION 6E2-2
HAYS COUNTY, TEXAS

PLAN NO. 1112A

PLOT DATE: Jul 15,2013-11:35am

PLUM CREEK PHASE I, SECTION 6E2-2

PRELIMINARY PLAT

FOR REVIEW ONLY

BEARING BASIS 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 0.999907.

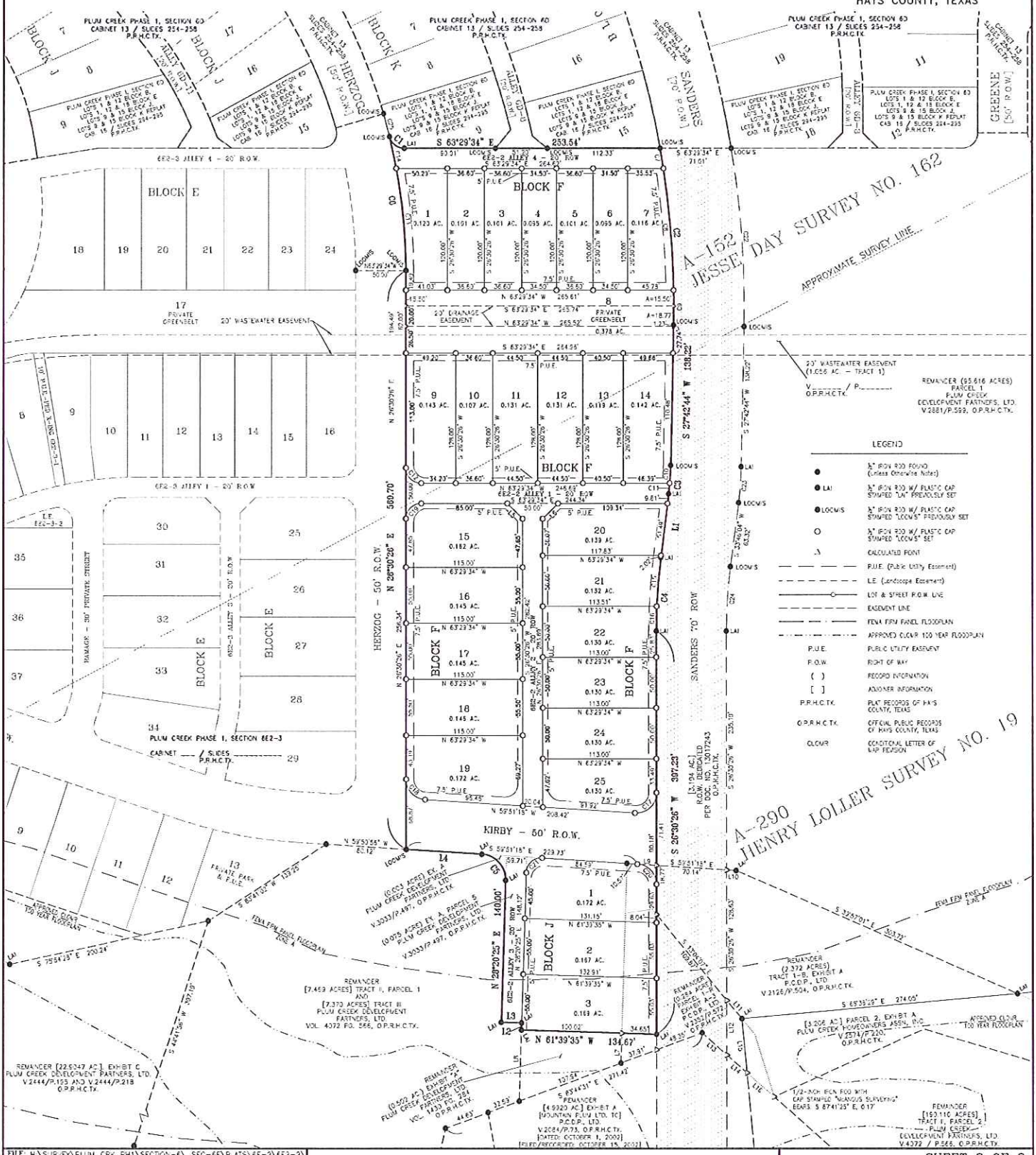
SEE SHEET 3 FOR LINE AND CURVE TABLES.

0 60 120

SCALE: 1"=60'

JANUARY, 2013

HAYS COUNTY, TEXAS



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SHEET 2 OF 3

PRELIMINARY PLAT
PLUM CREEK
PHASE I – SECTION 6E2-2
HAYS COUNTY, TEXAS

PLOT DATE: JUL 15,2013-11:35am

PLAN NO. 1112A

PLUM CREEK PHASE I, SECTION 6E2-2

PRELIMINARY PLAT

FOR REVIEW ONLY

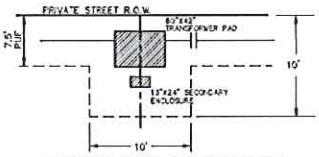
LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 33°46'04" W	63.32'
L2	N 26°20'25" E	6.88'
L3	N 61°39'35" W	20.00'
L4	N 59°51'18" W	74.85'
L5	S 18°29'34" E	21.21'
L6	N 71°30'26" E	21.21'
L7	S 28°20'25" W	29.42'
L8	S 28°20'25" W	70.00'
L9	S 59°51'18" E	18.77'
L10	S 59°51'18" E	9.29'
L11	S 13°04'07" E	23.18'
L12	S 26°30'26" W	53.68'
L13	S 21°56'27" E	32.92'
L14	S 21°56'27" E	26.49'
L15	S 21°05'32" W	53.63'
L16	S 21°56'27" E	35.40'

CURVE TABLE				
CURVE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1	15.00'	19.93'	S 25°25'54" E	18.50'
C2	890.00'	175.07'	S 22°04'37" W	174.79'
C3	264.00'	27.90'	S 30°44'24" W	27.89'
C4	571.00'	72.36'	S 30°08'15" W	72.31'
C5	25.00'	39.48'	N 15°45'27" W	34.79'
C6	550.00'	133.22'	N 19°34'07" E	132.89'
C7	890.00'	20.27'	S 17°09'40" W	20.27'
C8	890.00'	120.53'	S 21°37'36" W	120.44'
C9	890.00'	34.27'	S 26°36'33" W	34.27'
C10	264.00'	17.58'	S 29°37'10" W	17.57'
C11	264.00'	10.33'	S 32°38'51" W	10.32'
C12	15.00'	23.56'	N 18°29'34" W	21.21'
C13	550.00'	101.03'	N 21°14'32" E	100.94'
C14	550.00'	32.13'	N 14°18'12" E	32.13'
C15	571.00'	48.18'	S 31°21'01" W	48.17'
C16	571.00'	24.17'	S 27°43'12" W	24.17'
C17	20.00'	32.69'	S 73°19'34" W	29.17'
C18	20.00'	30.15'	N 16°40'26" W	27.37'
C19	15.00'	23.56'	N 71°30'26" E	21.21'
C20	20.00'	30.15'	S 16°40'26" E	27.37'
C21	15.00'	24.03'	N 74°14'33" E	21.54'
C22	960.00'	176.43'	S 22°25'51" W	176.18'
C23	334.00'	35.30'	S 30°44'24" W	35.28'
C24	501.00'	63.49'	S 30°08'15" W	63.44'
C25	550.00'	23.28'	N 11°25'02" E	23.27'

AREA TABLE		
BLOCK	LOT	ACREAGE
F	1	0.120
F	2	0.101
F	3	0.101
F	4	0.095
F	5	0.101
F	6	0.095
F	7	0.116
F	8	0.378
F	9	0.143
F	10	0.107
F	11	0.131
F	12	0.131
F	13	0.119
F	14	0.142
F	15	0.162
F	16	0.145
F	17	0.145
F	18	0.146
F	19	0.172
F	20	0.139
F	21	0.132
F	22	0.130
F	23	0.130
F	24	0.130
F	25	0.130
F	6E2-2 ALLEY 1	0.122
F	6E2-2 ALLEY 2	0.142
F	6E2-2 ALLEY 4	0.122
TOTAL BLOCK F		3.827
J	1	0.172
J	2	0.167
J	3	0.169
J	6E2-2 ALLEY 3	0.079
TOTAL BLOCK J		0.587
KIRBY R.O.W.		0.291
TOTAL 6E2-2		4.705

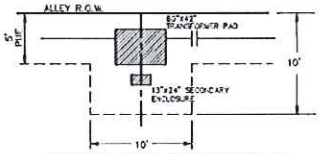
NOTES:

1. TOTAL ACREAGE: 4.705 ACRES.
2. THE TOTAL AREA OF PUBLIC STREET RIGHT OF WAY (KIRBY) TO BE DEDICATED IN THIS SUBDIVISION IS 0.291 ACRE.
3. THE TOTAL AREA OF PRIVATE STREET RIGHT OF WAY (ALLEY 1 THRU ALLEY 4) TO BE DEDICATED IN THIS SUBDIVISION IS 0.465 ACRE.
4. TOTAL NUMBER OF LOTS: 28 (27 SINGLE FAMILY LOTS AND 1 PRIVATE GREENBELT LOT).
5. PLAT COMPLETELY CONFORMS WITH PLUM CREEK P.U.D. ORDINANCE 311 & PLUM CREEK SUBDIVISION ORDINANCE 308.
6. ALL UTILITIES WITHIN THE SUBDIVISION WILL BE UNDERGROUND.
7. ALL PRIVATE STREETS, ALLEYS, PEDESTRIAN RIGHT-OF-WAYS, PARK/DRAINAGE EASEMENT LOTS AND ALL LANDSCAPE EASEMENT AREAS SHOWN ON THIS PLAT SHALL BE MAINTAINED BY THE HOMEOWNERS ASSOCIATION (HOA). IT SHALL BE THE HOA'S RESPONSIBILITY FOR KEEPING SAID RIGHT-OF-WAYS, LOTS AND LANDSCAPE EASEMENT AREAS NEATLY CUT, FREE OF DEBRIS AND FREE OF ALL TREE/BRUSH REGROWTH.
8. PUBLIC UTILITY EASEMENTS ARE HEREBY DEDICATED AS SHOWN HEREON.
9. A 7.5 FOOT PUBLIC UTILITY EASEMENT ADJACENT TO AND PARALLEL WITH ALL PUBLIC AND PRIVATE STREETS, AND A 5 FOOT UTILITY EASEMENT ADJACENT TO AND PARALLEL WITH ALL ALLEYS IS HEREBY DEDICATED.
10. ACCESS TO ALL PRIVATE RIGHT-OF-WAYS HEREON IS GRANTED TO CITY OF KYLE FOR THE PURPOSE OF ACCESSING AND MAINTAINING CITY OWNED FACILITIES CONTAINED THEREIN.



TYPICAL PUE TRANSFORMER PAD DETAIL (PRIVATE STREET R.O.W.)

NOT TO SCALE



TYPICAL PUE TRANSFORMER PAD DETAIL (ALLEY R.O.W.)

NOT TO SCALE

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

WATER:
CITY OF KYLE
100 W. CENTER
KYLE, TEXAS 78640

ELECTRIC:
PEDERNALES ELECTRIC COOP
1810 FM 150 WEST
KYLE, TEXAS 78640

PHONE:
VERIZON
6601 F.M. 3237
WIMBERLEY, TEXAS 78738

WASTEWATER:
CITY OF KYLE
100 W. CENTER
KYLE, TEXAS 78640

GAS:
CENTERPOINT ENERGY
326 CHEATHAM STREET
SAN MARCOS, TEXAS 78666

SHEET 3 OF 3

FILE: H:\SURVEY\PLUM_CRK_PH1\SECTION-6_SEC-6E\PLATS\6E-2\6E2-2\PLUM-6E2-2-PRELIMINARY PLAT.DWG			
DATE: 01/10/2013	DRAWN BY: G.T.	CREW: CAF, MK	
SCALE: N.T.S.	CHECKED BY: J.D.B.	FB #:	
JOB #: 080410	DRAWING #: PLUM-6E2-2-PLAT	PLAN #: 1112A	
NO.	REVISION	BY	DATE

Bowman CONSULTING

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TBPE Firm No. F-2986 | TBPLS Firm No. 101206-00

PRELIMINARY PLAT
PLUM CREEK
PHASE I – SECTION 6E2-2
HAYS COUNTY, TEXAS

PLOT DATE: JUL 15,2013-11:35am

PLAN NO. 1112A

ITEM 5B

PLUM CREEK PHASE I, SECTION 6E2-2

STATE OF TEXAS §
COUNTY OF TRAVIS §

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5. ALL OF A CALLED 0.075 ACRE TRACT OF LAND, DESIGNATED AS PARCEL 5, IN VOLUME 3033, PAGE 497, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS; AND
6. ALL OF A CALLED 0.003 ACRE TRACT OF LAND IN VOLUME 3033, PAGE 497, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS;

DO HEREBY SUBDIVIDE SAID 4.705 ACRES AS SHOWN ON THIS PLAT, AND DESIGNATED HEREIN AS THE **PLUM CREEK PHASE 1, SECTION 6E2-2** SUBDIVISION TO THE CITY OF KYLE, TEXAS, AND WHOSE NAME IS SUBSCRIBED HERETO, HEREBY DEDICATE TO THE USE OF THE PUBLIC FOREVER PUBLIC RIGHT OF WAY OF KIRBY, AND DRAINS, EASEMENTS (EXCLUDING LANDSCAPE AREA WITHIN 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, BCI PLUM CREEK DEVELOPERS, LTD., THEREUNTO DULY AUTHORIZED, GENERAL PARTNER HAS CAUSED THESE PRESENTS TO BE EXECUTED BY ITS GENERAL PARTNER, BENCHMARK LAND DEVELOPMENT, INC.

PLUM CREEK DEVELOPMENT PARTNERS, LTD.,
A TEXAS LIMITED PARTNERSHIP

BY: BCI PLUM CREEK DEVELOPERS, LTD.,
A TEXAS LIMITED PARTNERSHIP, GENERAL PARTNER

BY: BENCHMARK LAND DEVELOPMENT, INC.,
A TEXAS CORPORATION, GENERAL PARTNER

BY: _____
DAVID C. MAHN, VICE PRESIDENT

STATE OF TEXAS §
COUNTY OF TRAVIS §

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED, DAVID C. MAHN, 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.

BY: _____
NOTARY PUBLIC

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 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 Q. GONZALES
COUNTY CLERK
HAYS COUNTY, TEXAS

I, THE UNDERSIGNED CHAIRPERSON OF THE PLANNING 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 1, SECTION 6E2-2) HAS BEEN SUBMITTED TO AND CONSIDERED BY THE PLANNING 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 1, SECTION 6E2-2) 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

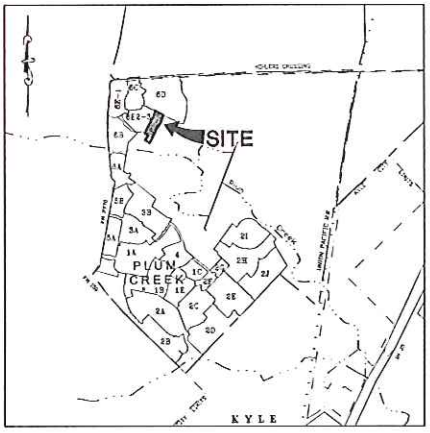
BY: _____
ALAN D. RHAMES, P.E.
REGISTERED PROFESSIONAL ENGINEER
NO. 72063 – STATE OF TEXAS
TBPE FIRM NO. F-43
AKCM ENGINEERS INC.
13276 RESEARCH BLVD., ST. 208
AUSTIN, TEXAS 78750
512-506-9335

STATE OF TEXAS §
COUNTY OF TRAVIS §

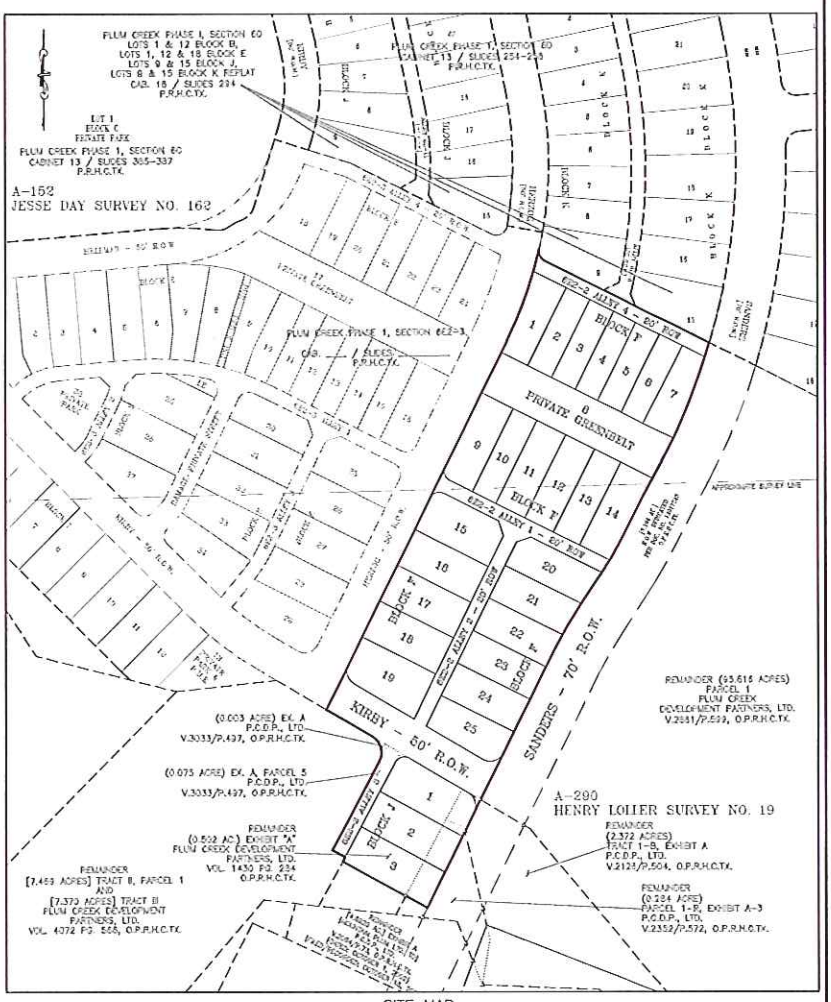
I, JOHN D. BARNARD, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THIS PLAT WAS PREPARED FROM AN ACTUAL ON-THE-GROUND SURVEY MADE UNDER MY DIRECTION AND SUPERVISION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

FOR REVIEW ONLY

BY: _____
JOHN D. BARNARD
REGISTERED PROFESSIONAL LAND SURVEYOR
NO. 5742 – STATE OF TEXAS
LOOMIS PARTNERS
3101 BEE CAVES RD., SUITE 100
AUSTIN, TEXAS 78746
512-327-1180



LOCATION MAP
NOT TO SCALE



SITE MAP
NOT TO SCALE

FLOOD NOTE:
A PORTION OF THIS SUBDIVISION (PLUM CREEK PHASE I, SECTION 6E2-3) IS CONTAINED IN THE 100 YEAR FLOOD ZONE, PER FLOOD INSURANCE RATE MAP FOR HAYS COUNTY TEXAS (UNINCORPORATED AREA) COMMUNITY-PANEL NUMBER 48209 C270 F, EFFECTIVE DATE: SEPTEMBER 2, 2005, AS MODIFIED BY APPROVED CLOUR CASE NO. 07-06-06952, DATED MARCH 25, 2008.

FILE: H:\SURVEY\PLUM_CRK_PH1\SECTION-6_SEC-6E\PLATS\6E-2\6E2-2\PLUM-6E2-2-PLAT.DWG			
DATE: 01-10-2013	DRAWN BY: G.T.	CREW: CAF, MK	
SCALE: 1"=60'	CHECKED BY: J.D.B.	FB #:	
JOB #: 080410	DRAWING #: PLUM-6E2-2-PLAT	PLAN #: 1112	
NO	REVISION	BY	DATE

Bowman CONSULTING

Bowman Consulting Group, Ltd.
3101 Bee Cave Road, Suite 100, Austin, Texas 78746
Phone: (512) 327-1180 Fax: (512) 327-4062
www.bowmanconsulting.com © Bowman Consulting Group, Ltd.
TBPE Firm No. F-2986 | TBPLS Firm No. 101206-00

SHEET 1 OF 3

FINAL PLAT
PLUM CREEK
PHASE I – SECTION 6E2-2
HAYS COUNTY, TEXAS

PLOT DATE: JUL 15,2013-11:32am

PLAN NO. 1112

PLUM CREEK PHASE I, SECTION 6E2-2

FOR REVIEW ONLY

BEARING BASIS NOTES:

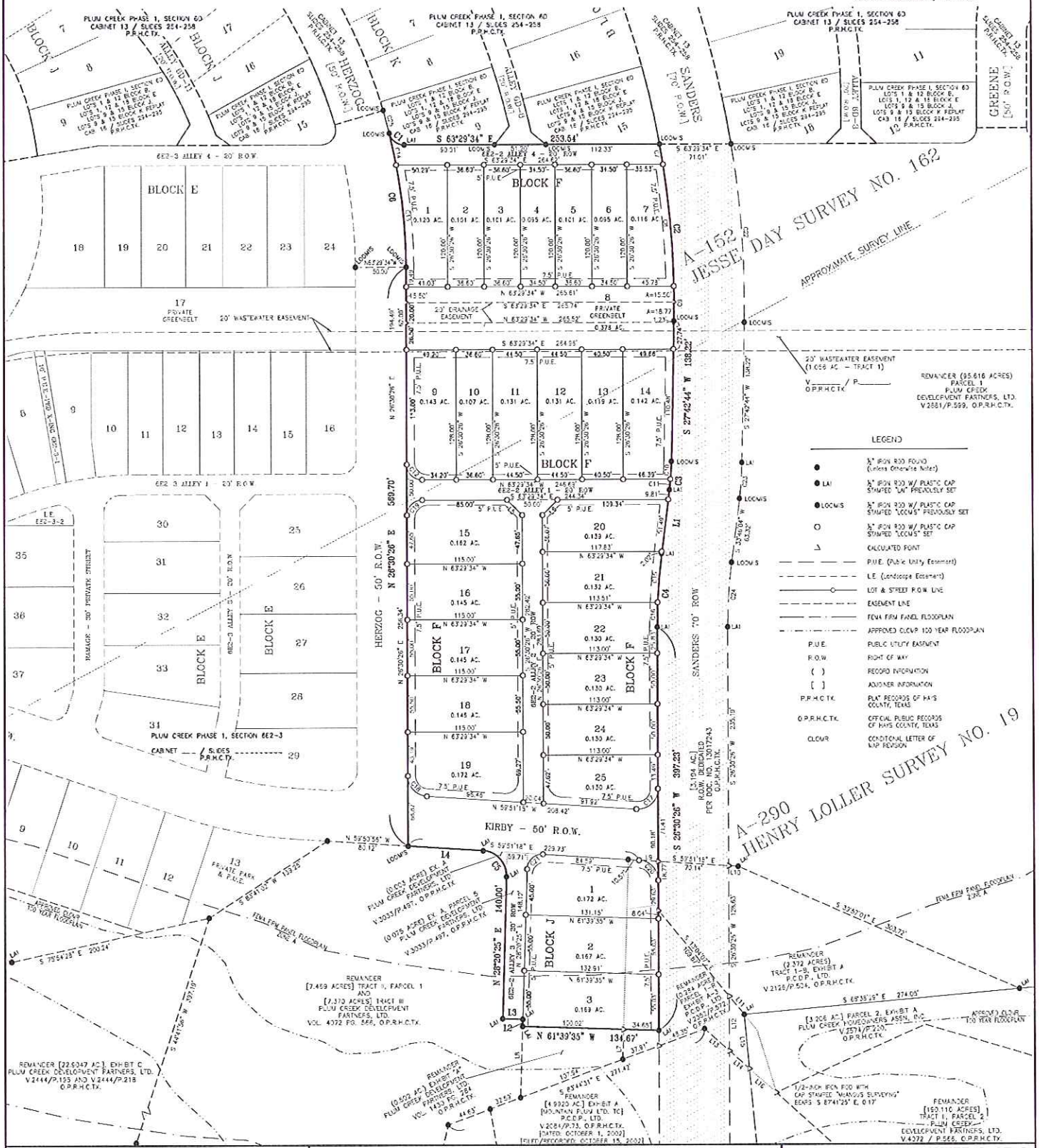
1. BEARING BASIS IS TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD83, GRID.
2. DISTANCES SHOWN HEREON ARE BASED ON SURFACE MEASUREMENTS; TO CONVERT SURFACE DISTANCES TO GRID, MULTIPLY BY THE COMBINED SCALE FACTOR.
3. THE COMBINED SCALE FACTOR FOR THIS PROJECT IS 0.999907.

SEE SHEET 3 FOR LINE AND CURVE TABLES.

0 60 120

SCALE: 1"=60'

JANUARY, 2013
HAYS COUNTY, TEXAS



FILE: H:\SURVEY\PLUM_CRK_PH1\SECTION-6_SEC-6E\PLATS\6E-2\6E2-2\PLUM-6E2-2-FLAT.DWG			
DATE: 01-10-2013	DRAWN BY: G.T.	CREW CAF, MK	
SCALE: 1"=60'	CHECKED BY: J.D.B.	FB #:	
JOB #: 050410	DRAWING #: PLUM-6E2-2-PLAT	PLAN #: 1112	
NO	REVISION	BY	DATE

Bowman CONSULTING

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Phone: (512) 327-1180 Fax: (512) 327-4062
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TBPE Firm No. F-2986 | TBPLS Firm No. 101206-00

SHEET 2 OF 3

FINAL PLAT
PLUM CREEK
PHASE I – SECTION 6E2-2
HAYS COUNTY, TEXAS

PLOT DATE: JUL 15 2013-11:35am

PLAN NO. 1112

PLUM CREEK PHASE I, SECTION 6E2-2

FOR REVIEW ONLY

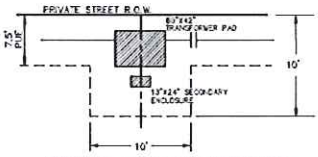
LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 33°46'04" W	63.32'
L2	N 26°20'25" E	6.88'
L3	N 61°39'35" W	20.00'
L4	N 59°51'18" W	74.85'
L5	S 18°29'34" E	21.21'
L6	N 71°30'26" E	21.21'
L7	S 26°20'25" W	29.42'
L8	S 26°20'25" W	70.00'
L9	S 59°51'18" E	18.77'
L10	S 59°51'18" E	9.29'
L11	S 13°04'07" E	23.18'
L12	S 26°30'26" W	53.68'
L13	S 21°56'27" E	32.92'
L14	S 21°56'27" E	26.49'
L15	S 21°05'32" W	53.63'
L16	S 21°56'27" E	35.40'

CURVE TABLE				
CURVE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1	15.00'	19.93'	S 25°25'54" E	18.50'
C2	890.00'	175.07'	S 22°04'37" W	174.79'
C3	264.00'	27.90'	S 30°44'24" W	27.89'
C4	571.00'	72.36'	S 30°08'15" W	72.31'
C5	25.00'	38.48'	N 15°45'27" W	34.79'
C6	550.00'	133.22'	N 19°34'07" E	132.89'
C7	890.00'	20.27'	S 17°05'40" W	20.27'
C8	890.00'	120.53'	S 21°37'36" W	120.44'
C9	890.00'	34.27'	S 26°36'33" W	34.27'
C10	264.00'	17.58'	S 29°37'10" W	17.57'
C11	264.00'	10.33'	S 32°38'51" W	10.32'
C12	15.00'	23.56'	N 18°29'34" W	21.21'
C13	550.00'	101.08'	N 21°14'32" E	100.94'
C14	550.00'	32.13'	N 14°18'12" E	32.13'
C15	571.00'	48.18'	S 31°21'01" W	48.17'
C16	571.00'	24.17'	S 27°43'12" W	24.17'
C17	20.00'	32.65'	S 73°13'34" W	29.17'
C18	20.00'	30.15'	N 16°45'26" W	27.37'
C19	15.00'	23.56'	N 71°30'26" E	21.21'
C20	20.00'	30.15'	S 16°45'26" E	27.37'
C21	15.00'	24.03'	N 74°14'33" E	21.54'
C22	950.00'	176.43'	S 22°25'51" W	176.18'
C23	334.00'	35.30'	S 30°44'24" W	35.28'
C24	501.00'	63.49'	S 30°08'15" W	63.44'
C25	550.00'	23.26'	N 11°25'02" E	23.27'

AREA TABLE		
BLOCK	LOT	ACREAGE
F	1	0.120
F	2	0.101
F	3	0.101
F	4	0.095
F	5	0.101
F	6	0.095
F	7	0.116
F	8	0.378
F	9	0.143
F	10	0.107
F	11	0.131
F	12	0.131
F	13	0.119
F	14	0.142
F	15	0.162
F	16	0.145
F	17	0.145
F	18	0.146
F	19	0.172
F	20	0.139
F	21	0.132
F	22	0.130
F	23	0.130
F	24	0.130
F	25	0.130
F	6E2-2 ALLEY 1	0.122
F	6E2-2 ALLEY 2	0.142
F	6E2-2 ALLEY 4	0.122
TOTAL BLOCK F		3.827
J	1	0.172
J	2	0.167
J	3	0.169
J	6E2-2 ALLEY 3	0.079
TOTAL BLOCK J		0.587
KIRBY R.O.W.		0.291
TOTAL 6E2-2		4.705

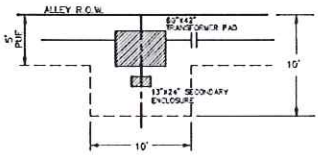
NOTES:

1. TOTAL ACREAGE: 4.705 ACRES.
2. THE TOTAL AREA OF PUBLIC STREET RIGHT OF WAY (KIRBY) TO BE DEDICATED IN THIS SUBDIVISION IS 0.291 ACRE.
3. THE TOTAL AREA OF PRIVATE STREET RIGHT OF WAY (ALLEY 1 THRU ALLEY 4) TO BE DEDICATED IN THIS SUBDIVISION IS 0.465 ACRE.
4. TOTAL NUMBER OF LOTS: 28 (27 SINGLE FAMILY LOTS AND 1 PRIVATE GREENBELT LOT).
5. PLAT COMPLETELY CONFORMS WITH PLUM CREEK P.U.D. ORDINANCE 311 & PLUM CREEK SUBDIVISION ORDINANCE 308.
6. ALL UTILITIES WITHIN THE SUBDIVISION WILL BE UNDERGROUND.
7. ALL PRIVATE STREETS, ALLEYS, PEDESTRIAN RIGHT-OF-WAYS, PARK/DRAINAGE EASEMENT LOTS AND ALL LANDSCAPE EASEMENT AREAS SHOWN ON THIS PLAT SHALL BE MAINTAINED BY THE HOMEOWNERS ASSOCIATION (HOA). IT SHALL BE THE HOA'S RESPONSIBILITY FOR KEEPING SAID RIGHT-OF-WAYS, LOTS AND LANDSCAPE EASEMENT AREAS NEATLY CUT, FREE OF DEBRIS AND FREE OF ALL TREE/BRUSH REGROWTH.
8. PUBLIC UTILITY EASEMENTS ARE HEREBY DEDICATED AS SHOWN HEREON.
9. A 7.5 FOOT PUBLIC UTILITY EASEMENT ADJACENT TO AND PARALLEL WITH ALL PUBLIC AND PRIVATE STREETS, AND A 5 FOOT UTILITY EASEMENT ADJACENT TO AND PARALLEL WITH ALL ALLEYS IS HEREBY DEDICATED.
10. ACCESS TO ALL PRIVATE RIGHT-OF-WAYS HEREON IS GRANTED TO CITY OF KYLE FOR THE PURPOSE OF ACCESSING AND MAINTAINING CITY OWNED FACILITIES CONTAINED THEREIN.



TYPICAL PUE TRANSFORMER PAD DETAIL (PRIVATE STREET R.O.W.)

NOT TO SCALE



TYPICAL PUE TRANSFORMER PAD DETAIL (ALLEY R.O.W.)

NOT TO SCALE

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

WATER:
CITY OF KYLE
100 W. CENTER
KYLE, TEXAS 78640

ELECTRIC:
PEDERNALES ELECTRIC COOP
1810 FM 150 WEST
KYLE, TEXAS 78640

PHONE:
VERIZON
6601 F.M. 3237
WIMBERLEY, TEXAS 78738

WASTEWATER:
CITY OF KYLE
100 W. CENTER
KYLE, TEXAS 78640

GAS:
CENTERPOINT ENERGY
326 CHEATHAM STREET
SAN MARCOS, TEXAS 78666

SHEET 3 OF 3

FILE: H:\SURVEY\PLUM_CRK_PH1\SECTION-6_SEC-6E\PLATS\6E-2\6E2-2\PLUM-6E2-2-PLAT.DWG			
DATE: 01/10/2013	DRAWN BY: G.T.	CREW: CAF, MK	
SCALE: N.T.S.	CHECKED BY: J.D.B.	FB #:	
JOB #: 080410	DRAWING #: PLUM-6E2-2-PLAT	PLAN #: 1112	
NO.	REVISION	BY	DATE

PLOT DATE: Jul 15,2013-11:33am

Bowman CONSULTING

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3101 Bee Cave Road, Suite 100, Austin, Texas 78746
Phone: (512) 327-1180 Fax: (512) 327-4062
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TBPE Firm No. F-2986 | TBPLS Firm No. 101206-00

FINAL PLAT
PLUM CREEK
PHASE I – SECTION 6E2-2
HAYS COUNTY, TEXAS

PLAN NO. 1112

MEMORANDUM

TO:	Planning and Zoning Commission
FROM:	Sofia Nelson, Director of Planning
DATE:	July 18, 2013
SUBJECT:	Plum Creek Phase 1 Section 11-D Preliminary Plat and Final Plat

---

Summary of Request:
The proposed area comprises 9.258 acres and consists of one lot and one right-of-way for the extension of Sampson. Lot 1 comprises 7.422 acres and is designated as mixed use (MXD) on the approved Plum Creek PUD Master Plan. The remaining 1.836 acres are to be dedicated as right-of-way for Sampson. Uses for Lot 1 will comply with development standards established in the PUD MXD District.

Access
The final segment of Sampson is included within this plat.

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

STAFF RECOMMENDATION:

Staff has reviewed the proposed plats and is recommending approval of the plat pending the final approval of construction plans by the City Engineer and Public Works Director.

- 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 are adequate to serve the subdivision.

ITEM 5C

PLUM CREEK PHASE I, SECTION 11D PRELIMINARY PLAN

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 8A, AUSTIN, TEXAS 78701, BEING THE OWNER OF 3.533 ACRES OF LAND IN THE JESSE DAY SURVEY, A-159 AND THE HENRY LOLLER SURVEY NO. 19, A-290, HAYS COUNTY, TEXAS, SAID 3.533 ACRES BEING THE REMAINDER OF A CERTAIN 1.171 ACRE TRACT OF LAND IN VOLUME 1430, PAGE 294, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, THE REMAINDER OF A CERTAIN 15.740 ACRE TRACT OF LAND IN VOLUME 3543, PAGE 195, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, A PORTION OF THE REMAINDER OF A CERTAIN 38.713 ACRE TRACT OF LAND DESIGNATED AS TRACT 8, PARCEL 3 IN VOLUME 4372, PAGE 568, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, AND A CERTAIN CALLED 3.145 ACRE TRACT OF LAND DESIGNATED AS TRACT 1-L IN VOLUME 2129, PAGE 564, 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 4240 BROADWAY, SUITE 531, SAN ANTONIO, TEXAS 78209, BEING THE OWNER OF 5.725 ACRES OF LAND IN THE JESSE DAY SURVEY, A-159, THE JOHN KING SURVEY NO 20, A-276 AND THE HENRY LOLLER SURVEY NO 19, A-293, HAYS COUNTY, TEXAS, SAID 5.725 ACRES BEING A PORTION OF THE REMAINDER OF A CERTAIN 849.287 ACRE TRACT DESCRIBED IN THE DEED TO WILLIAM NEGLEY, LIFE TENANT OF RECORD IN VOLUME 352, PAGE 589, DEED RECORDS OF HAYS COUNTY, TEXAS, AND ALSO IN THE DEED TO MOUNTAIN PLUM, LTD, OF RECORD IN VOLUME 2047, PAGE 133, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS; DO HEREBY SUBDIVIDE SAID 3.533 ACRE AND SAID 5.725 ACRE TRACTS, CONTAINING A TOTAL OF 9.258 ACRES, AS SHOWN ON THIS PLAT, AND DESIGNATED HEREIN AS THE PLUM CREEK PHASE I SECTION 11D 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, BGI PLUM CREEK DEVELOPERS, LTD., THERETO 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. NEGLEY AND LAURA N. GILL, THERETO DULY AUTHORIZED.

PLUM CREEK DEVELOPMENT PARTNERS, LTD.,
A TEXAS LIMITED PARTNERSHIP

BY: BGI PLUM CREEK DEVELOPERS, 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: MP GENERAL, L.L.C., GENERAL PARTNER
A TEXAS LIMITED LIABILITY COMPANY

BY: _____
RICHARD B. NEGLEY, 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 §

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THE _____ DAY OF _____, 2013, BY RICHARD B. NEGLEY, 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.

_____
NOTARY PUBLIC, STATE OF TEXAS

MY COMMISSION EXPIRES: _____

_____
(PRINTED NAME OF NOTARY)

STATE OF TEXAS §
COUNTY OF BEXAR §

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THE _____ DAY OF _____, 2013, BY 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.

_____
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 GONZALES, 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 GONZALES
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 11C) 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 11D) 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

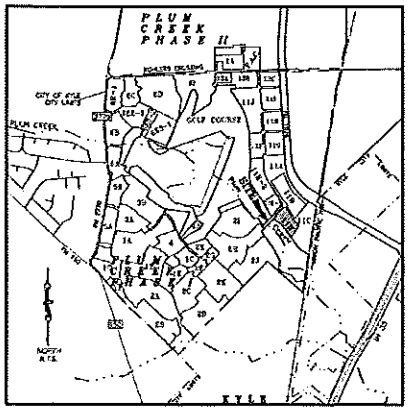
BY: _____
LAWRENCE M. HANRAHAN, P.E.
REGISTERED PROFESSIONAL ENGINEER
NO. 56474 – STATE OF TEXAS
HANRAHAN-PRITCHARD ENGINEERING, INC
8333 CROSS PARK DRIVE
AUSTIN, TEXAS 78754
512-452-4734

STATE OF TEXAS §
COUNTY OF TRAVIS §

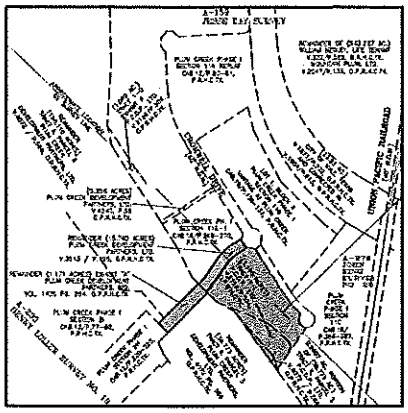
I, JOHN D. BARNARD, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THIS PLAT WAS PREPARED FROM AN ACTUAL ON-THE-GROUND SURVEY MADE UNDER MY DIRECTION AND SUPERVISION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

FOR REVIEW ONLY

BY: _____
JOHN D. BARNARD
REGISTERED PROFESSIONAL LAND SURVEYOR
NO. 5742 – STATE OF TEXAS
LOOMIS PARTNERS
3101 BEE CAVES RD., SUITE 100
AUSTIN, TEXAS 78746
512-327-1180



LOCATION MAP
NOT TO SCALE



SITE MAP
SCALE: 1" = 500'

NOTES:

1. TOTAL ACREAGE: 9.258 ACRES.
2. THE TOTAL AREA OF PUBLIC STREET RIGHT OF WAY (SAMPSON) TO BE DEDICATED IN THIS SUBDIVISION IS 1.624 ACRES.
3. TOTAL NUMBER OF LOTS: 1
4. PLAT COMPLETELY CONFORMS WITH PLUM CREEK P.U.D. MASTER PLAN & CITY OF KYLE ORDINANCE 308 AND 311.
5. SIDEWALKS ALONG OR WITHIN SAMPSON RIGHT-OF-WAY (EXCEPT LOT 1 BLOCK A) SHALL BE INSTALLED BY LOT OWNER / DEVELOPER. SIDEWALK ALONG LOT 1 BLOCK A SHALL BE INSTALLED BY THE LOT OWNER AT TIME OF SITE DEVELOPMENT.
6. 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.
7. ALL UTILITIES WITHIN THIS SUBDIVISION SHALL BE UNDERGROUND.
8. ALL OPEN SPACES, DRAINAGE EASEMENTS AND LANDSCAPE EASEMENT AREAS SHALL BE MAINTAINED BY THE HOMEOWNERS ASSOCIATION AND IT SHALL BE THE HOMEOWNERS ASSOCIATIONS RESPONSIBILITY FOR KEEPING AREAS NEATLY CUT AND FREE OF DEBRIS AND ALL TREE/BRUSH RE-GROWTH.
9. LOT 1 REQUIRES APPROVAL OF SITE DEVELOPMENT PLAN FROM THE CITY OF KYLE AND PLUM CREEK DEVELOPMENT PARTNERS, LTD PRIOR TO BEGINNING ANY CONSTRUCTION ACTIVITY.
10. PRIOR TO CONSTRUCTION OF ANY IMPROVEMENTS ON LOT 1 IN THIS SUBDIVISION, SITE DEVELOPMENT AND/OR BUILDING PERMITS WILL BE OBTAINED FROM THE CITY OF KYLE

FLOOD NOTE:
A PORTION OF THIS SUBDIVISION (PLUM CREEK PHASE 1, SECTION 11D) IS CONTAINED IN THE 100 YEAR FLOOD ZONE, PER FLOOD INSURANCE RATE MAPS FOR HAYS COUNTY, TEXAS (CITY OF KYLE: 481108) COMMUNITY-PANEL NUMBER 48209C0270F, EFFECTIVE DATE: SEPTEMBER 2, 2005, AND COMMUNITY PANEL NUMBER 48209C0290F, EFFECTIVE DATE: SEPTEMBER 2, 2005.

SHEET 1 OF 2

FILE: H:\SURVEY\PLUM_CRK_PH1\SECTION-11_SEC-11D\PLATS\\11D_SAMPSON-ROW\PLUM-11D-PLAT.DWG			
DATE: 03-11-2013	DRAWN BY: G.L.	CREW: CAF, WK	
SCALE: 1" = 100'	CHECKED BY: JDB	FB #:	
JOB #: 5549	DRAWING #: PLUM-11D-PLAT	PLAN #: 1117	
NO.	REVISION	BY	DATE

LOOMIS PARTNERS
•ENGINEERING•LAND SURVEYING•ENVIRONMENTAL CONSULTING•
3101 Bee Caves Road, Suite 100 • Austin, Texas 78746
[TEL] 512.327.1180 • [FAX] 512.327.4062 • www.loomis-partners.com

PRELIMINARY PLAN
PLUM CREEK
PHASE I – SECTION 11D
HAYS COUNTY, TEXAS

PLOT DATE: JUL 02,2013-2:37pm

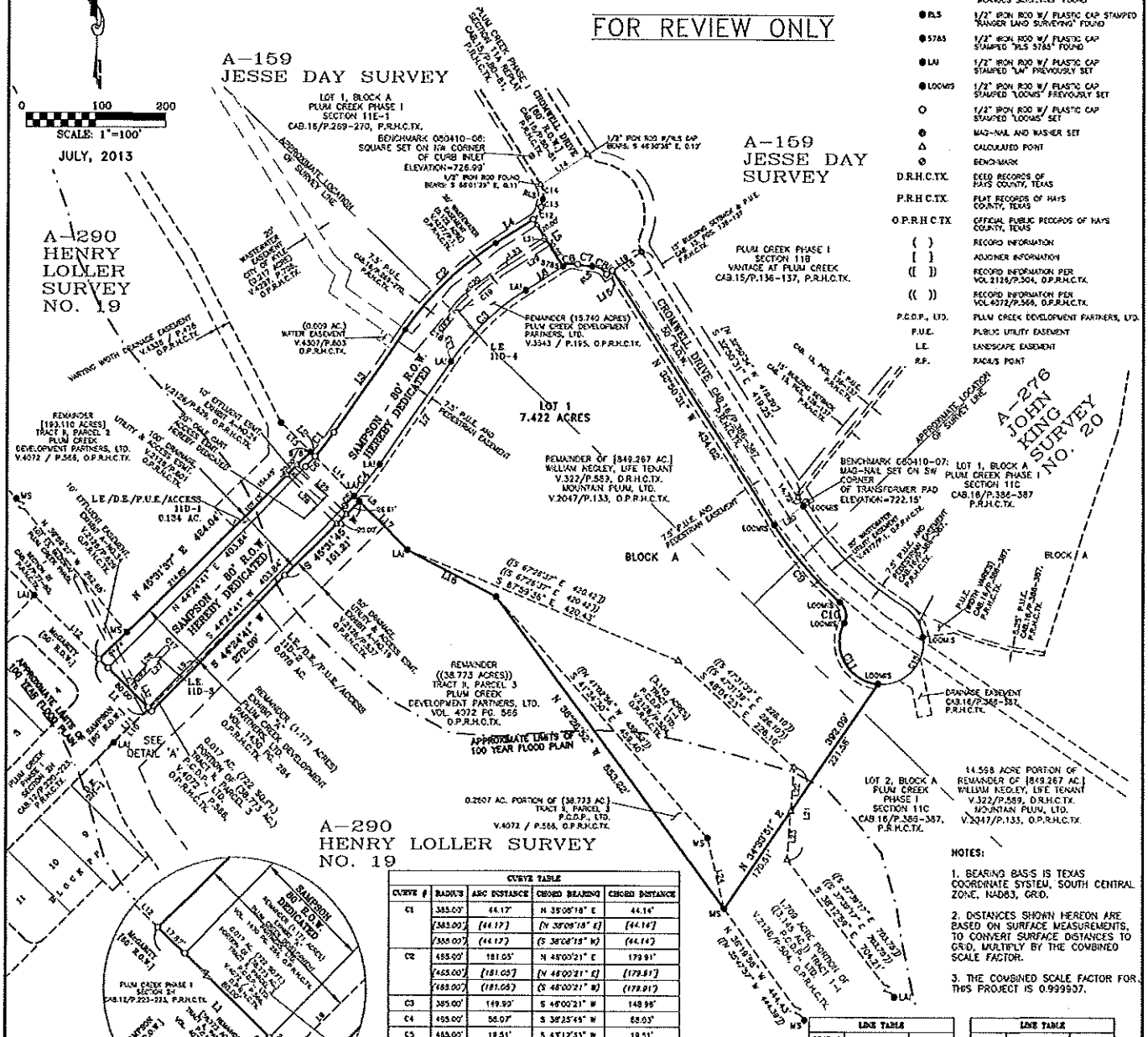
PLAN NO. 1117

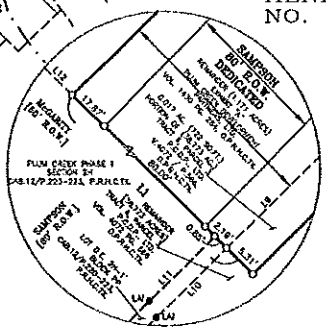
PLUM CREEK
PHASE I. SECTION 11D – PRELIMINARY PLAN

FOR REVIEW ONLY

SCALE: 1"=100'

JULY, 2013





DETAIL 'A'
NOT TO SCALE

LEGEND

●	1/2" IRON ROD FOUND UNLESS OTHERWISE NOTED
●MS	1/2" IRON ROD W/ PLASTIC CAP STAMPED "MONDUS SURVEYING" FOUND
●RLS	1/2" IRON ROD W/ PLASTIC CAP STAMPED "RANGER LAND SURVEYING" FOUND
●5785	1/2" IRON ROD W/ PLASTIC CAP STAMPED "RLS 5785" FOUND
●LAI	1/2" IRON ROD W/ PLASTIC CAP STAMPED "LAI" PREVIOUSLY SET
●LOOMIS	1/2" IRON ROD W/ PLASTIC CAP STAMPED "LOOMIS" PREVIOUSLY SET
○	1/2" IRON ROD W/ PLASTIC CAP STAMPED "LOOMIS" SET
⊕	MAG–NAIL AND WASHER SET
△	CALCULATED POINT
⊘	BENCHMARK
D.R.H.C.TX.	DEED RECORDS OF HAYS COUNTY, TEXAS
P.R.H.C.TX.	PLAT RECORDS OF HAYS COUNTY, TEXAS
O.P.R.H.C.TX.	OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS
( )	RECORD INFORMATION
[ ]	ADJOINER INFORMATION
([ ])	RECORD INFORMATION PER VOL.2126/P.304, O.P.R.H.C.TX.
(( ))	RECORD INFORMATION PER VOL.4972/P.566, O.P.R.H.C.TX.
P.C.D.P., LTD.	PLUM CREEK DEVELOPMENT PARTNERS, LTD.
P.U.E.	PUBLIC UTILITY EASEMENT
L.E.	LANDSCAPE EASEMENT
R.P.	RADIUS POINT

CURVE TABLE

CURVE #	RADIUS	ARC DISTANCE	CHORD BEARING	CHORD DISTANCE
C1	385.00'	44.17'	N 35°08'18" E	44.14'
	(385.00')	(44.17')	(N 35°08'18" E)	(44.14')
	(385.00')	(44.17')	(S 38°08'18" W)	(44.14')
C2	465.00'	181.05'	N 46°00'21" E	179.91'
	(465.00')	(181.05')	(N 46°00'21" E)	(179.91')
	(465.00')	(181.05')	(S 46°00'21" W)	(179.91')
C3	385.00'	149.99'	S 46°00'21" W	148.99'
C4	465.00'	56.07'	S 38°25'49" W	56.03'
C5	465.00'	19.51'	S 43°12'33" W	19.51'
C6	25.00'	21.58'	N 81°53'21" E	20.92'
	(25.00')	(21.58')	(S 81°53'21" W)	(20.92')
C7	75.00'	21.07'	S 81°25'42" E	21.00'
	(75.00')	(21.06)	(N 81°25'37" W)	(20.99')
C8	25.00'	24.71'	S 61°09'31" E	23.72'
	(25.00')	(24.71')	(N 61°09'22" W)	(23.72')
C9	320.00'	145.84'	S 40°52'37" E	145.37'
C10	25.00'	32.90'	S 11°12'23" E	30.58'
C11	60.00'	117.33'	S 29°31'52" E	99.51'
C12	25.00'	21.58'	N 32°25'51" E	20.92'
	(25.00')	(21.58')	(N 32°25'51" E)	(20.92')
C13	75.00'	11.67'	N 12°09'33" E	11.66'
	(75.00')	(11.67')	(N 12°09'33" E)	(11.66')
C14	25.00'	21.58'	N 06°06'47" W	20.92'
	(25.00')	(21.58')	(N 06°06'46" W)	(20.92')
C15	60.00'	106.92'	N 45°23'47" E	93.32'
C16	4.00'	6.28'	N 89°24'41" E	5.66'
C17	4.00'	6.28'	N 00°35'19" W	5.66'
C18	4.00'	6.24'	N 87°09'18" E	5.63'
C19	421.00'	132.95'	N 48°06'47" E	132.40'
C20	429.00'	135.49'	S 48°06'47" W	134.92'

LINE TABLE

LINE #	BEARING	DISTANCE
L1	N 45°35'17" W	105.37'
L2	S 45°11'39" E	9.10'
L3	N 34°51'06" E	180.36'
	(N 34°51'06" E)	(180.37')
L4	N 57°09'35" E	63.81'
	(N 57°09'36" E)	(63.81')
	(S 57°09'36" W)	(63.81')
L5	S 32°50'24" E	80.00'
	(N 32°50'24" W)	(80.00')
L6	S 57°09'36" W	63.81'
L7	S 34°51'06" W	180.36'
L8	S 45°11'39" E	13.86'
L9	S 45°31'45" W	272.14'
L10	S 45°31'45" W	73.18'
L11	S 45°30'43" W	89.83'
L12	N 45°35'17" W	130.12'
L13	N 45°11'39" W	65.83'
L14	N 57°09'28" E	80.00'
L15	N 57°09'41" E	10.00'
L16	N 62°19'55" W	144.23'
	(N 61°42'32" W)	((144.24'))

LINE TABLE

LINE #	BEARING	DISTANCE
L17	N 45°11'39" W	97.98'
L18	N 57°09'41" E	50.00'
L19	N 57°09'41" E	80.00'
	(S 57°09'41" W)	(80.00')
L20	N 57°09'29" E	50.00'
L21	S 04°25'57" W	133.12'
	((S 04°30'38" W))	((133.11'))
	((S 04°33'28" W))	((133.11'))
L22	N 04°25'57" E	83.14'
L23	S 04°25'57" W	49.98'
L24	N 13°13'05" W	104.00'
	((N 12°30'32" W))	((104.00'))
L25	S 49°35'19" E	100.08'
L26	N 49°35'19" W	100.08'
L27	S 44°24'41" W	80.00'
L28	N 44°24'41" E	80.00'
L29	S 57°09'37" W	63.81'
L30	N 57°09'37" E	63.81'
L31	N 32°50'24" W	8.00'
L32	N 30°46'02" W	44.07'
L33	N 16°21'59" W	49.83'

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 0.999937.

BENCHMARK LIST: – DATUM – NAVD88

BM060410–05:
SQUARE SET ON TOP OF CURB IN MEDIAN OF CROMWELL DRIVE, APPROXIMATELY N 25°31'43" E, 47.30 FEET FROM THE NORTH CORNER OF LOT 1, BLOCK A, PLUM CREEK PHASE I, SECTION 11E–1. CAB.16/269–270, O.P.R.H.C.TX.
ELEVATION=731.26'

BM060410–06:
SQUARE CUT SET ON THE NORTHWEST CORNER OF A STORM SEWER CURB INLET, ALONG THE WEST R.O.W. OF CROMWELL DRIVE. APPROXIMATELY 100 FEET NORTH OF THE SOUTHERN TERMINUS OF CROMWELL.
ELEVATION = 726.99 FEET

BM060410–07:
MAG–NAIL SET ON THE SOUTHWEST CORNER OF A CONCRETE TRANSFORMER PAD, AT THE SOUTHERN CORNER OF LOT 1, BLOCK A, PLUM CREEK PHASE I, SECTION 11B – VANTAGE AT PLUM CREEK. CAB.15/P.136–137, O.P.R.H.C.TX.
ELEVATION = 722.15 FEET

SHEET 2 OF 2

FILE: H:\SURVEY\PLUM_CRK_PH1\SECTION-11_SEC-11D\PLATS\11D_SAMPSON-ROW\PLUM-11D-PLAT.DWG			
DATE: 03-11-2013	DRAWN BY: G.T.	CREW: CAF, MK	
SCALE: 1"=100'	CHECKED BY: J.O.B.	FB #:	
JOB #: 5549	DRAWING #: 11D-PLAT	PLAN #: 1117	
NO.	REVISION	BY	DATE

PLOT DATE: Jul 02,2013–2:36pm

LOOMIS | PARTNERS

•ENGINEERING•LAND SURVEYING•ENVIRONMENTAL CONSULTING•

3101 Bee Cave Road, Suite 100 • Austin, Texas 78746
[TEL] 512.327.1180 • [FAX] 512.327.4062 • www.loomis-partners.com

PRELIMINARY PLAN
PLUM CREEK
PHASE I – SECTION 11D
HAYS COUNTY, TEXAS

PLAN NO. 1101

ITEM 5D

PLUM CREEK
PHASE I, SECTION 11D
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 220 CONGRESS AVENUE, SUITE 5A, AUSTIN, TEXAS 78701, BEING THE OWNER OF 3.333 ACRES OF LAND IN THE JESSE DAY SURVEY, A-159 AND THE HENRY LOLLER SURVEY NO. 19, A-293, HAYS COUNTY, TEXAS, SAID 3.333 ACRES BEING THE REMAINDER OF A CERTAIN 1.171 ACRE TRACT OF LAND IN VOLUME 1453, PAGE 294, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, THE REMAINDER OF A CERTAIN 15.740 ACRE TRACT OF LAND IN VOLUME 2543, PAGE 195, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, A PORTION OF THE REMAINDER OF A CERTAIN 38.773 ACRE TRACT OF LAND DESIGNATED AS TRACT B, PARCEL 3 IN VOLUME 4372, PAGE 559, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, AND A CERTAIN CALLED 3.145 ACRE TRACT OF LAND DESIGNATED AS TRACT 1-1, IN VOLUME 2128, PAGE 504, 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 4040 BROADWAY, SUITE 501, SAN ANTONIO, TEXAS 78209, BEING THE OWNER OF 5.725 ACRES OF LAND IN THE JESSE DAY SURVEY, A-159, THE JOHN King SURVEY NO 20, A-278 AND THE HENRY LOLLER SURVEY NO. 19, A-293, HAYS COUNTY, TEXAS, SAID 5.725 ACRES BEING A PORTION OF THE REMAINDER OF A CERTAIN 845.267 ACRE TRACT DESCRIBED IN THE DEED TO WILLIAM NEGLEY, LIFE TENANT OF RECORD IN VOLUME 322, PAGE 559, DEED RECORDS OF HAYS COUNTY, TEXAS, AND ALSO IN THE DEED TO MOUNTAIN PLUM, LTD, OF RECORD IN VOLUME 2047, PAGE 133, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS; DO HEREBY SUBDIVIDE SAID 3.333 ACRE AND SAID 5.725 ACRE TRACTS, CONTAINING A TOTAL OF 9.258 ACRES, AS SHOWN ON THIS PLAT, AND DESIGNATED HEREIN AS THE PLUM CREEK PHASE I, SECTION 11D 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, BGI PLUM CREEK DEVELOPERS, 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. NEGLEY AND LAURA N. GILL, THEREUNTO DULY AUTHORIZED.

PLUM CREEK DEVELOPMENT PARTNERS, LTD.,
A TEXAS LIMITED PARTNERSHIP

BY: BGI PLUM CREEK DEVELOPERS, 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: MP GENERAL, L.L.C., GENERAL PARTNER
A TEXAS LIMITED LIABILITY COMPANY

BY: _____
RICHARD B. NEGLEY, 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 §

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THE _____ DAY OF _____, 2013, BY RICHARD B. NEGLEY, 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.

_____
NOTARY PUBLIC, STATE OF TEXAS

MY COMMISSION EXPIRES: _____

_____
(PRINTED NAME OF NOTARY)

STATE OF TEXAS §
COUNTY OF BEXAR §

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THE _____ DAY OF _____, 2013, BY 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.

_____
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 GONZALES, 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 GONZALES
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 11D) 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 11D) 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

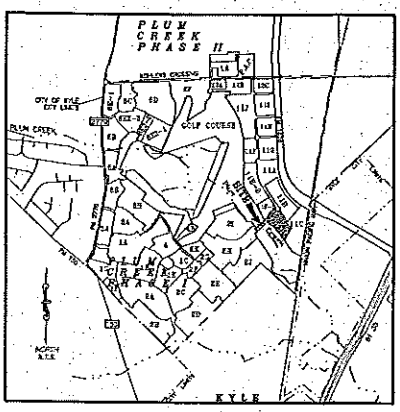
BY: _____
LAWRENCE M. HANRAHAN, P.E.
REGISTERED PROFESSIONAL ENGINEER
NO. 86474 – STATE OF TEXAS
HANRAHAN-PRITCHARD ENGINEERING, INC.
8333 CROSS PARK DRIVE
AUSTIN, TEXAS 78754
512-459-4734

STATE OF TEXAS §
COUNTY OF TRAVIS §

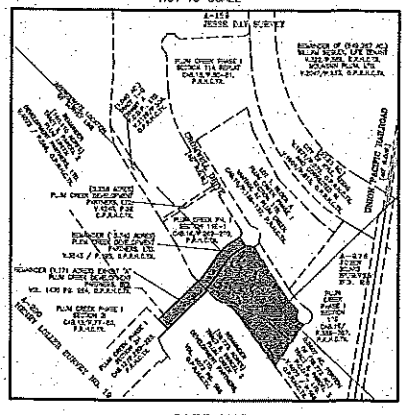
I, JOHN D. BARNARD, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THIS PLAT WAS PREPARED FROM AN ACTUAL ON-THE-GROUND SURVEY MADE UNDER MY DIRECTION AND SUPERVISION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

FOR REVIEW ONLY

BY: _____
JOHN D. BARNARD
REGISTERED PROFESSIONAL LAND SURVEYOR
NO. 5749 – STATE OF TEXAS
LOOMIS PARTNERS
3101 BEE CAVES RD., SUITE 100
AUSTIN, TEXAS 78746
512-327-1180



LOCATION MAP
NOT TO SCALE



SITE MAP
SCALE: 1" = 500'

NOTES:

1. TOTAL ACREAGE: 9.258 ACRES.
2. THE TOTAL AREA OF PUBLIC STREET RIGHT OF WAY (SAMPSON) TO BE DEDICATED IN THIS SUBDIVISION IS 1.624 ACRES.
3. TOTAL NUMBER OF LOTS: 1
4. PLAT COMPLETELY CONFORMS WITH PLUM CREEK P.U.D. MASTER PLAN & CITY OF KYLE ORDINANCE 308 AND 311.
5. SIDEWALKS ALONG OR WITHIN SAMPSON RIGHT-OF-WAY (EXCEPT LOT 1 BLOCK A) SHALL BE INSTALLED BY LOT OWNER / DEVELOPER. SIDEWALK ALONG LOT 1 BLOCK A SHALL BE INSTALLED BY THE LOT OWNER AT TIME OF SITE DEVELOPMENT.
6. 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.
7. ALL UTILITIES WITHIN THIS SUBDIVISION SHALL BE UNDERGROUND.
8. ALL OPEN SPACES, DRAINAGE EASEMENTS AND LANDSCAPE EASEMENT AREAS SHALL BE MAINTAINED BY THE HOMEOWNERS ASSOCIATION AND IT SHALL BE THE HOMEOWNERS ASSOCIATIONS RESPONSIBILITY FOR KEEPING AREAS NEATLY CUT AND FREE OF DEBRIS AND ALL TREE/BRUSH RE-GROWTH.
9. LOT 1 REQUIRES APPROVAL OF SITE DEVELOPMENT PLAN FROM THE CITY OF KYLE AND PLUM CREEK DEVELOPMENT PARTNERS, LTD. PRIOR TO BEGINNING ANY CONSTRUCTION ACTIVITY.
10. PRIOR TO CONSTRUCTION OF ANY IMPROVEMENTS ON LOT 1 IN THIS SUBDIVISION, SITE DEVELOPMENT AND/OR BUILDING PERMITS WILL BE OBTAINED FROM THE CITY OF KYLE.

FLOOD NOTE:
A PORTION OF THIS SUBDIVISION (PLUM CREEK PHASE I, SECTION 11D) IS CONTAINED IN THE 100 YEAR FLOOD ZONE, PER FLOOD INSURANCE RATE MAPS FOR HAYS COUNTY, TEXAS (CITY OF KYLE: 481108) COMMUNITY-PANEL NUMBER 48209C0270F, EFFECTIVE DATE: SEPTEMBER 2, 2005, AND COMMUNITY PANEL NUMBER 48209C0290F, EFFECTIVE DATE: SEPTEMBER 2, 2005.

SHEET 1 OF 2

FILE: H:\SURVEY\PLUM_CRK_PH1\SECTION-11_SEC-11D\PLATS\11D_SAMPSON-ROW\PLUM-11D-PLAT.DWG			
DATE: 03-11-2013	DRAWN BY: G.T.	CREW: CAF, MK	
SCALE: 1" = 100'	CHECKED BY: J.D.B.	FB #:	
JOB #: 5549	DRAWING #: PLUM-11D-PLAT	PLAN #: 1117	
NO.	REVISION	BY	DATE

PLOT DATE: JUL 02 2013-2:37pm

LOOMIS PARTNERS
•ENGINEERING•LAND SURVEYING•ENVIRONMENTAL CONSULTING•
3101 Bee Caves Road, Suite 100 • Austin, Texas 78746
(TEL) 512.327.1180 • (FAX) 512.327.4062 • www.loomis-partners.com

FINAL PLAT
PLUM CREEK
PHASE I – SECTION 11D
HAYS COUNTY, TEXAS

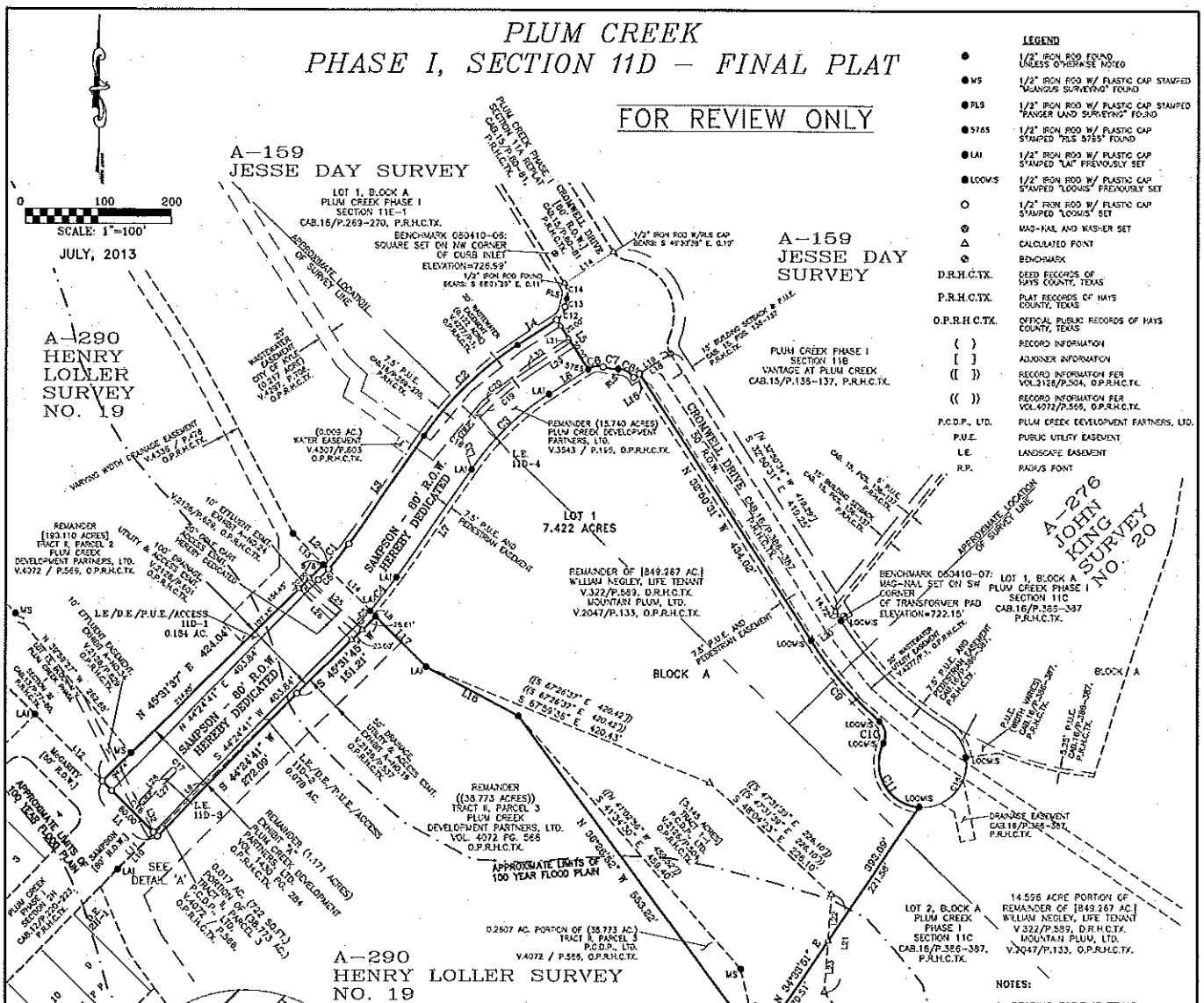
PLAN NO. 1117

PLUM CREEK
PHASE I, SECTION 11D – FINAL PLAT

FOR REVIEW ONLY

SCALE: 1"=100'

JULY, 2013



LEGEND

●	1/2" IRON ROD FOUND UNLESS OTHERWISE NOTED
●MS	1/2" IRON ROD W/ PLASTIC CAP STAMPED "MCANGUS SURVEYING" FOUND
●PLS	1/2" IRON ROD W/ PLASTIC CAP STAMPED "RANGER LAND SURVEYING" FOUND
●5765	1/2" IRON ROD W/ PLASTIC CAP STAMPED "PLS 5765" FOUND
●LAI	1/2" IRON ROD W/ PLASTIC CAP STAMPED "LAI" PREVIOUSLY SET
●LOOMIS	1/2" IRON ROD W/ PLASTIC CAP STAMPED "LOOMIS" PREVIOUSLY SET
○	1/2" IRON ROD W/ PLASTIC CAP STAMPED "LOOMIS" SET
⊗	MAG–NAIL AND WASHER SET
△	CALCULATED POINT
⊕	BENCHMARK
D.R.H.C.TX.	DEED RECORDS OF HAYS COUNTY, TEXAS
P.R.H.C.TX.	PLAT RECORDS OF HAYS COUNTY, TEXAS
O.P.R.H.C.TX.	OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS
( )	RECORD INFORMATION
[ ]	ADJOINER INFORMATION
([ ])	RECORD INFORMATION PER VOL.2126/P.504, O.P.R.H.C.TX.
(( ))	RECORD INFORMATION PER VOL.4072/P.566, O.P.R.H.C.TX.
P.C.D.P., LTD.	PLUM CREEK DEVELOPMENT PARTNERS, LTD.
P.U.E.	PUBLIC UTILITY EASEMENT
L.E.	LANDSCAPE EASEMENT
R.P.	RADIUS POINT

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 0.999907.

CURVE TABLE

CURVE #	RADIUS	ARC DISTANCE	CHORD BEARING	CHORD DISTANCE
C1	385.00'	44.17'	N 38°08'18" E	44.14'
	[385.00']	[44.17']	[N 38°08'18" E]	[44.14']
	(385.00')	(44.17')	(S 38°08'18" W)	(44.14')
C2	455.00'	181.05'	N 45°00'21" E	179.91'
	[455.00']	[181.05']	[N 45°00'21" E]	[179.91']
	(455.00')	(181.05')	(S 45°00'21" W)	(179.91')
C3	385.00'	149.90'	S 45°00'21" W	148.96'
C4	455.00'	58.07'	S 38°25'45" W	58.03'
C5	455.00'	19.51'	S 43°12'33" W	19.51'
C6	25.00'	21.58'	N 81°53'21" E	20.92'
	[25.00']	[21.58']	[S 81°53'21" W]	[20.92']
C7	75.00'	21.07'	S 81°25'42" E	21.00'
	[75.00']	[21.06']	[N 81°25'37" W]	[20.99']
C8	25.00'	24.71'	S 61°09'31" E	23.72'
	[25.00']	[24.71']	[N 61°09'22" W]	[23.72']
C9	520.00'	145.84'	S 47°52'37" E	145.37'
C10	25.00'	32.99'	S 11°12'38" E	30.68'
C11	60.00'	117.33'	S 29°31'52" E	99.51'
C12	25.00'	21.58'	N 32°25'51" E	20.92'
	(25.00')	(21.58')	(N 32°25'51" E)	(20.92')
C13	75.00'	11.67'	N 12°09'33" E	11.66'
	(75.00')	(11.67')	(N 12°09'32" E)	(11.66')
C14	25.00'	21.58'	N 08°06'47" W	20.92'
	(25.00')	(21.58')	(N 08°06'46" W)	(20.92')
C15	60.00'	109.92'	N 43°23'47" E	95.32'
C16	4.00'	6.25'	N 89°24'41" E	5.65'
C17	4.00'	6.28'	N 00°35'19" W	5.65'
C18	4.00'	6.24'	N 89°09'18" E	5.63'
C19	421.00'	132.95'	N 48°06'47" W	132.40'
C20	429.00'	135.45'	S 48°06'47" W	134.92'

LINE TABLE

LINE #	BEARING	DISTANCE
L1	N 45°35'17" W	105.37'
L2	S 45°11'39" E	9.10'
L3	N 34°51'06" E	180.35'
	(N 34°51'06" E)	(180.37')
L4	N 57°09'36" E	63.81'
	[N 57°09'36" E]	[63.81']
	(S 57°09'36" W)	(63.81')
L5	S 32°50'24" E	60.00'
	[N 32°50'24" W]	[60.00']
L6	S 57°09'36" W	63.81'
L7	S 34°51'06" W	180.35'
L8	S 45°11'39" E	10.65'
L9	S 45°31'45" W	272.14'
L10	S 45°31'45" W	70.16'
L11	S 45°30'43" W	69.83'
L12	N 45°35'17" W	130.12'
L13	N 45°11'39" W	68.83'
L14	N 57°09'29" E	60.00'
L15	N 57°09'41" E	10.00'
L16	N 62°19'55" W	144.25'
	[N 61°43'32" W]	([144.26'])

LINE TABLE

LINE #	BEARING	DISTANCE
L17	N 45°11'39" W	97.55'
L18	N 57°09'41" E	50.00'
L19	N 57°09'41" E	63.00'
	(S 57°09'41" W)	(63.00')
L20	N 57°09'29" E	50.00'
L21	S 04°25'57" W	133.12'
	([S 04°39'38" W])	([133.11'])
	([S 04°59'38" W])	([133.11'])
L22	N 04°25'57" E	63.14'
L23	S 04°25'57" W	63.55'
L24	N 13°13'05" W	124.09'
	([N 14°38'22" W])	([124.06'])
L25	S 45°35'19" E	100.08'
L26	N 45°35'19" W	100.08'
L27	S 44°24'41" W	60.00'
L28	N 44°24'41" E	60.00'
L29	S 57°09'37" W	63.81'
L30	N 57°09'37" E	63.81'
L31	N 32°50'24" W	8.00'
L32	N 32°45'02" W	44.07'
L33	N 16°21'09" W	49.85'

BENCHMARK LIST: – DATUM – NAVD88

BM080410–05:
SQUARE SET ON TOP OF CURB IN MEDIAN OF CROMWELL DRIVE, APPROXIMATELY N 25°31'43" E, 47.30 FEET FROM THE NORTH CORNER OF LOT 1, BLOCK A, PLUM CREEK PHASE I, SECTION 11E–1, CAB.16/269–270, O.P.R.H.C.TX.
ELEVATION=731.26'

BM080410–06:
SQUARE CUT SET ON THE NORTHWEST CORNER OF A STORM SEWER CURB INLET, ALONG THE WEST R.O.W. OF CROMWELL DRIVE, APPROXIMATELY 100 FEET NORTH OF THE SOUTHERN TERMINUS OF CROMWELL.
ELEVATION = 726.99 FEET

BM080410–07:
MAG–NAIL SET ON THE SOUTHWEST CORNER OF A CONCRETE TRANSFORMER PAD, AT THE SOUTHERN CORNER OF LOT 1, BLOCK A, PLUM CREEK PHASE I, SECTION 11B – VANTAGE AT PLUM CREEK, CAB.15/P.136–137, O.P.R.H.C.TX.
ELEVATION = 722.15 FEET

SHEET 2 OF 2

FILE: H:\SURVEY\PLUM_CRK_PH1\SETON-11_SEC-11D\PLATS\\11D_SAMPSON-ROW\PLUM-11D-PLAT.DWG			
DATE: 03-11-2013	DRAWN BY: G.T.	CREW: CAF, MK	
SCALE: 1"=100'	CHECKED BY: J.D.B.	FB #:	
JOB #: 5549	DRAWING #: 11D-PLAT	PLAN #: 1117	
NO.	REVISION	BY	DATE

PLOT DATE: Jul 02,2013-2:38pm

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FINAL PLAT
PLUM CREEK
PHASE I – SECTION 11D
HAYS COUNTY, TEXAS

PLAN NO. 1101

City of Kyle, Texas

5-Year CIP, Equipment, & Personnel Plan
For Fiscal Years 2014 -18

Section 4:

Capital Improvement Program Requirements

City of Kyle, Texas
Summary Capital Improvement Program Requirements - CIP
Fiscal Years 2014 through 2018

Department	Year 1 FY 2012-13	Year 2 FY 2013-14	Year 3 FY 2014-15	Year 4 FY 2015-16	Year 5 FY 2016-17	Total
GENERAL FUND:						
Administration - City Manager	$ -	$ -	$ -	$ -	$ -	$ -
Building Department	-	-	-	-	-	-
Communications	-	-	-	-	-	-
Economic Development	-	-	-	-	-	-
Engineering	5,283,000	4,027,000	6,850,000	7,300,000	11,840,000	35,300,000
Financial Services	-	-	-	-	-	-
Human Resources	-	-	-	-	-	-
Information Technology	-	-	-	-	-	-
Library	-	-	-	-	200,000	200,000
Parks & Recreation	37,500	5,000	65,000	440,000	1,410,000	1,957,500
Planning	-	-	-	-	-	-
Police Department	-	-	-	-	15,400,000	15,400,000
Public Works	380,000	-	-	-	-	380,000
General Fund Total:	$ 5,700,500	$ 4,032,000	$ 6,915,000	$ 7,740,000	$ 28,850,000	$ 53,237,500
UTILITY FUND:						
Engineering	$ 5,300,000	$ 8,670,000	$ 6,350,000	$ 4,950,000	$ -	$ 25,270,000
Financial Services	-	-	-	-	-	-
Public Works	1,399,997	465,530	500,350	102,000	131,000	2,598,877
Utility Fund Total:	$ 6,699,997	$ 9,135,530	$ 6,850,350	$ 5,052,000	$ 131,000	$ 27,868,877
Total All Funds:	**$ 12,400,497**	**$ 13,167,530**	**$ 13,765,350**	**$ 12,792,000**	**$ 28,981,000**	**$ 81,106,377**

City of Kyle, Texas
Capital Improvement Program Requirements
Fiscal Years 2014 through 2018

	Year 1 FY 2012-13	Year 2 FY 2013-14	Year 3 FY 2014-15	Year 4 FY 2015-16	Year 5 FY 2016-17	Total
GENERAL FUND						
Dept: Engineering						
Program: Road Improvements (Engineering)						
Study	$ 150,000	$ -	$ -	$ -	$ -	$ 150,000
Land Acquisition/ROW	100,000	-	-	-	-	100,000
Design	4,583,000	-	-	-	-	4,583,000
Construction	-	-	-	-	-	-
Contingency	450,000	-	-	-	-	450,000
Total	$ 5,283,000	$ -	$ -	$ -	$ -	$ 5,283,000
Program: Road Improvements (Bunton)						
Study	$ -	$ 27,000	$ -	$ -	$ -	$ 27,000
Land Acquisition/ROW	-	-	-	-	-	-
Design	-	-	-	-	-	-
Construction	-	3,600,000	-	-	-	3,600,000
Contingency	-	400,000	-	-	-	400,000
Total	$ -	$ 4,027,000	$ -	$ -	$ -	$ 4,027,000
Program: Road Improvements (Lehman)						
Study	$ -	$ -	$ -	$ -	$ -	$ -
Land Acquisition/ROW	-	-	-	-	-	-
Design	-	-	-	-	-	-
Construction	-	-	6,150,000	-	-	6,150,000
Contingency	-	-	700,000	-	-	700,000
Total	$ -	$ -	$ 6,850,000	$ -	$ -	$ 6,850,000
Program: Road Improvements (Burleson)						
Study	$ -	$ -	$ -	$ -	$ -	$ -
Land Acquisition/ROW	-	-	-	3,000,000	-	3,000,000
Design	-	-	-	1,300,000	-	1,300,000
Construction	-	-	-	2,250,000	-	2,250,000
Contingency	-	-	-	750,000	-	750,000
Total	$ -	$ -	$ -	$ 7,300,000	$ -	$ 7,300,000

	Year 1 FY 2012-13	Year 2 FY 2013-14	Year 3 FY 2014-15	Year 4 FY 2015-16	Year 5 FY 2016-17	Total
Program: Road Improvements (Marketplace)						
Study	$ -	$ -	$ -	$ -	$ 50,000	$ 50,000
Land Acquisition/ROW	-	-	-	-	-	-
Design	-	-	-	-	250,000	250,000
Construction	-	-	-	-	2,490,000	2,490,000
Contingency	-	-	-	-	600,000	600,000
Total	$ -	$ -	$ -	$ -	$ 3,390,000	$ 3,390,000
Program: Road Improvements (Goforth FY 2017-18)						
Study	$ -	$ -	$ -	$ -	$ 50,000	$ 50,000
Land Acquisition/ROW	-	-	-	-	-	-
Design	-	-	-	-	250,000	250,000
Construction	-	-	-	-	7,550,000	7,550,000
Contingency	-	-	-	-	600,000	600,000
Total	$ -	$ -	$ -	$ -	$ 8,450,000	$ 8,450,000
Total Engineering:	$ 5,283,000	$ 4,027,000	$ 6,850,000	$ 7,300,000	$ 11,840,000	$ 35,300,000
Dept: Library						
Program: Expanded Parking Lot						
Study	$ -	$ -	$ -	$ -	$ -	$ -
Land Acquisition/ROW	-	-	-	-	50,000	50,000
Design	-	-	-	-	24,000	24,000
Construction	-	-	-	-	113,400	113,400
Contingency	-	-	-	-	12,600	12,600
Total	$ -	$ -	$ -	$ -	$ 200,000	$ 200,000
Dept: Parks & Recreation						
Program: Lights on Kyle Parkway						
Study	$ -	$ -	$ -	$ -	$ -	$ -
Land Acquisition/ROW	-	-	-	-	-	-
Design	-	-	-	-	-	-
Construction	37,500	-	-	-	-	37,500
Contingency	-	-	-	-	-	-
Total	$ 37,500	$ -	$ -	$ -	$ -	$ 37,500

	Year 1 FY 2012-13	Year 2 FY 2013-14	Year 3 FY 2014-15	Year 4 FY 2015-16	Year 5 FY 2016-17	Total
Program: Wall to Enclose Guard Area						
Study	$ -	$ -	$ -	$ -	$ -	$ -
Land Acquisition/ROW	-	-	-	-	-	-
Design	-	1,000	-	-	-	1,000
Construction	-	4,000	-	-	-	4,000
Contingency	-	-	-	-	-	-
Total	$ -	$ 5,000	$ -	$ -	$ -	$ 5,000
Program: Covered Maintenance Storage						
Study	$ -	$ -	$ -	$ -	$ -	$ -
Land Acquisition/ROW	-	-	-	-	-	-
Design	-	-	5,000	-	-	5,000
Construction	-	-	55,000	-	-	55,000
Contingency	-	-	5,000	-	-	5,000
Total	$ -	$ -	$ 65,000	$ -	$ -	$ 65,000
Program: Lake Kyle						
Study	$ -	$ -	$ -	$ -	$ -	$ -
Land Acquisition/ROW	-	-	-	-	-	-
Design	-	-	-	15,000	-	15,000
Construction	-	-	-	145,000	-	145,000
Contingency	-	-	-	-	-	-
Total	$ -	$ -	$ -	$ 160,000	$ -	$ 160,000
Program: Steeplechase Park						
Study	$ -	$ -	$ -	$ -	$ -	$ -
Land Acquisition/ROW	-	-	-	-	-	-
Design	-	-	-	30,000	-	30,000
Construction	-	-	-	250,000	-	250,000
Contingency	-	-	-	-	-	-
Total	$ -	$ -	$ -	$ 280,000	$ -	$ 280,000
Program: Gregg-Clarke Park						
Study	$ -	$ -	$ -	$ -	$ -	$ -
Land Acquisition/ROW	-	-	-	-	-	-
Design	-	-	-	-	20,000	20,000
Construction	-	-	-	-	160,000	160,000
Contingency	-	-	-	-	-	-
Total	$ -	$ -	$ -	$ -	$ 180,000	$ 180,000

	Year 1 FY 2012-13	Year 2 FY 2013-14	Year 3 FY 2014-15	Year 4 FY 2015-16	Year 5 FY 2016-17	Total
Program: Kyle Vista Phase 1						
Study	$ -	$ -	$ -	$ -	$ -	$ -
Land Acquisition/ROW	-	-	-	-	-	-
Design	-	-	-	-	100,000	100,000
Construction	-	-	-	-	500,000	500,000
Contingency	-	-	-	-	50,000	50,000
Total	$ -	$ -	$ -	$ -	$ 650,000	$ 650,000
Program: Oso Ora Park						
Study	$ -	$ -	$ -	$ -	$ -	$ -
Land Acquisition/ROW	-	-	-	-	-	-
Design	-	-	-	-	40,000	40,000
Construction	-	-	-	-	180,000	180,000
Contingency	-	-	-	-	20,000	20,000
Total	$ -	$ -	$ -	$ -	$ 240,000	$ 240,000
Program: Waterleaf Park						
Study	$ -	$ -	$ -	$ -	$ -	$ -
Land Acquisition/ROW	-	-	-	-	-	-
Design	-	-	-	-	50,000	50,000
Construction	-	-	-	-	256,000	256,000
Contingency	-	-	-	-	34,000	34,000
Total	$ -	$ -	$ -	$ -	$ 340,000	$ 340,000
Total Parks & Recreation:	$ 37,500	$ 5,000	$ 65,000	$ 440,000	$ 1,410,000	$ 1,957,500
Dept: Police Department						
Program: PD Headquarters						
Study	$ -	$ -	$ -	$ -	$ -	$ -
Land Acquisition/ROW	-	-	-	-	-	-
Design	-	-	-	-	1,400,000	1,400,000
Construction	-	-	-	-	14,000,000	14,000,000
Contingency	-	-	-	-	-	-
Total	$ -	$ -	$ -	$ -	$ 15,400,000	$ 15,400,000

	Year 1 FY 2012-13	Year 2 FY 2013-14	Year 3 FY 2014-15	Year 4 FY 2015-16	Year 5 FY 2016-17	Total
Dept: Public Works -Street Dept.						
Program: Post Rd. (from 150E to CR158)						
Study	N/A	$ -	$ -	$ -	$ -	$ -
Land Acquisition/ROW	N/A	-	-	-	-	-
Design	20,000	-	-	-	-	20,000
Construction	200,000	-	-	-	-	200,000
Contingency	20,000	-	-	-	-	20,000
Total	$ 240,000	$ -	$ -	$ -	$ -	$ 240,000
Program: Low Water Crossing Reconstructions - Scott and Third St, Sledge St, Roland Lane (just west of I-35 access rd.), Kelly Smith Lane, ** Burleson (near I-35 access rd), Lehman x 2 - currently included in the upcoming Bond Election and not included in this study.						
Study	$ 100,000	$ -	$ -	$ -	$ -	$ 100,000
Land Acquisition/ROW	N/A					
Design	N/A					
Construction	N/A					
Contingency	N/A					
Total	$ 100,000	$ -	$ -	$ -	$ -	$ 100,000
Program: Drainage Improvement Study - * Burleson to DeLeon: including Moreno, Tenorio, Selvera, Barrera and Rodriguez St. * Front St. to Burleson: including South, Moore, and Miller St * Romero St						
Study	$ 40,000	$ -	$ -	$ -	$ -	$ 40,000
Land Acquisition/ROW	N/A	-	-	-	-	-
Design	N/A	-	-	-	-	-
Construction	N/A	-	-	-	-	-
Contingency	N/A	-	-	-	-	-
Total	$ 40,000	$ -	$ -	$ -	$ -	$ 40,000
Public Works Total:	$ 380,000	$ -	$ -	$ -	$ -	$ 380,000
General Fund Total:	$ 5,700,500	$ 4,032,000	$ 6,915,000	$ 7,740,000	$ 28,850,000	$ 53,237,500

	Year 1 FY 2012-13	Year 2 FY 2013-14	Year 3 FY 2014-15	Year 4 FY 2015-16	Year 5 FY 2016-17	Total
UTILITY FUND						
Dept: Engineering						
Program: Infrastructure - Water						
Study	$ 125,000	$ -	$ -	$ -	$ -	$ 125,000
Land Acquisition/ROW	-	500,000	450,000	-	-	950,000
Design	-	400,000	400,000	-	-	800,000
Construction	400,000	-	5,000,000	4,500,000	-	9,900,000
Contingency	-	-	500,000	450,000	-	950,000
Total	$ 525,000	$ 900,000	$ 6,350,000	$ 4,950,000	$ -	$ 12,725,000
Program: Infrastructure - Water						
Study	$ -	$ 275,000	$ -	$ -	$ -	$ 275,000
Land Acquisition/ROW	-	-	-	-	-	-
Design	275,000	70,000	-	-	-	345,000
Construction	4,500,000	6,750,000	-	-	-	11,250,000
Contingency	-	675,000	-	-	-	675,000
Total	$ 4,775,000	$ 7,770,000	$ -	$ -	$ -	$ 12,545,000
Total Engineering:	$ 5,300,000	$ 8,670,000	$ 6,350,000	$ 4,950,000	$ -	$ 25,270,000
Dept: Public Works						
Program: Pumphouse Rd / Melinda Lane Water Line						
Study	N/A	$ -	$ -	$ -	$ -	$ -
Land Acquisition/ROW	UNK	-	-	-	-	UNK
Design	10,285	-	-	-	-	10,285
Construction	102,850	-	-	-	-	102,850
Contingency	5,000	-	-	-	-	5,000
Total	$ 118,135	$ -	$ -	$ -	$ -	$ 118,135
Program: Old Hwy 81 12" Water Line						
Study	$ -	N/A	$ -	$ -	$ -	$ -
Land Acquisition/ROW	-	UNK	-	-	-	UNK
Design	-	9,050	-	-	-	9,050
Construction	-	90,500	-	-	-	90,500
Contingency	-	5,000	-	-	-	5,000
Total	$ -	$ 104,550	$ -	$ -	$ -	$ 104,550

	Year 1 FY 2012-13	Year 2 FY 2013-14	Year 3 FY 2014-15	Year 4 FY 2015-16	Year 5 FY 2016-17	Total
Program: Scott Street, Opal Lane, Stagecoach Water Line Improvements, Phase I						
Study	N/A	$ -	$ -	$ -	$ -	$ -
Land Acquisition/ROW	UNK	-	-	-	-	UNK
Design	15,000	-	-	-	-	15,000
Construction	150,000	-	-	-	-	150,000
Contingency	20,000	-	-	-	-	20,000
Total	$ 185,000	$ -	$ -	$ -	$ -	$ 185,000
Program: Scott Street, Opal Lane, Stagecoach Water Line Improvements, Phase II						
Study	$ -	N/A	$ -	$ -	$ -	$ -
Land Acquisition/ROW	-	UNK	-	-	-	UNK
Design	-	12,500	-	-	-	12,500
Construction	-	125,000	-	-	-	125,000
Contingency	-	20,000	-	-	-	20,000
Total	$ -	$ 157,500	$ -	$ -	$ -	$ 157,500
Program: Scott Street, Opal Lane, Stagecoach Water Line Improvements, Phase III						
Study	$ -	$ -	N/A	$ -	$ -	$ -
Land Acquisition/ROW	-	-	UNK	-	-	UNK
Design	-	-	15,000	-	-	15,000
Construction	-	-	150,000	-	-	150,000
Contingency	-	-	20,000	-	-	20,000
Total	$ -	$ -	$ 185,000	$ -	$ -	$ 185,000
Program: Water Storage Rehabilitations Phase I						
Study	N/A	$ -	$ -	$ -	$ -	$ -
Land Acquisition/ROW	N/A	-	-	-	-	-
Design	N/A	-	-	-	-	-
Construction	129,812	-	-	-	-	129,812
Contingency	20,000	-	-	-	-	20,000
Total	$ 149,812	$ -	$ -	$ -	$ -	$ 149,812
Program: Water Storage Rehabilitations Phase II						
Study	$ -	N/A	$ -	$ -	$ -	$ -
Land Acquisition/ROW	-	N/A	-	-	-	-
Design	-	N/A	-	-	-	-
Construction	-	76,480	-	-	-	76,480
Contingency	-	25,000	-	-	-	25,000
Total	$ -	$ 101,480	$ -	$ -	$ -	$ 101,480

	Year 1 FY 2012-13	Year 2 FY 2013-14	Year 3 FY 2014-15	Year 4 FY 2015-16	Year 5 FY 2016-17	Total
Program: Water Storage Rehabilitations Phase III						
Study	$ -	$ -	N/A	$ -	$ -	$ -
Land Acquisition/ROW	-	-	N/A	-	-	-
Design	-	-	N/A	-	-	-
Construction	-	-	203,350	-	-	203,350
Contingency	-	-	10,000	-	-	10,000
Total	$ -	$ -	$ 213,350	$ -	$ -	$ 213,350
Program: Water Model						
Study	N/A	$ -	$ -	$ -	$ -	$ -
Land Acquisition/ROW	N/A	-	-	-	-	-
Design	100,000	-	-	-	-	100,000
Construction	N/A	-	-	-	-	-
Contingency	N/A	-	-	-	-	-
Total	$ 100,000	$ -	$ -	$ -	$ -	$ 100,000
Program: Countyline Interconnect						
Study	$ -	$ -	$ -	$ -	N/A	$ -
Land Acquisition/ROW	-	-	-	-	N/A	-
Design	-	-	-	-	N/A	-
Construction	-	-	-	-	50,000	50,000
Contingency	-	-	-	-	5,000	5,000
Total	$ -	$ -	$ -	$ -	$ 55,000	$ 55,000
Program: Moreno Railroad Crossing WW Line						
Study	N/A	$ -	$ -	$ -	$ -	$ -
Land Acquisition/ROW	UNK	-	-	-	-	UNK
Design	15,000	-	-	-	-	15,000
Construction	150,000	-	-	-	-	150,000
Contingency	10,000	-	-	-	-	10,000
Total	$ 175,000	$ -	$ -	$ -	$ -	$ 175,000
Program: Tenorio Phase 1 B Wastewater Lines						
Study	N/A	$ -	$ -	$ -	$ -	$ -
Land Acquisition/ROW	N/A	-	-	-	-	-
Design	30,000	-	-	-	-	30,000
Construction	300,000	-	-	-	-	300,000
Contingency	25,000	-	-	-	-	25,000
Total	$ 355,000	$ -	$ -	$ -	$ -	$ 355,000

	Year 1 FY 2012-13	Year 2 FY 2013-14	Year 3 FY 2014-15	Year 4 FY 2015-16	Year 5 FY 2016-17	Total
Program: Abandon Barton Lift Station / Construct new gravity line						
Study	N/A	$ -	$ -	$ -	$ -	$ -
Land Acquisition/ROW	N/A	-	-	-	-	-
Design	9,550	-	-	-	-	9,550
Construction	95,500	-	-	-	-	95,500
Contingency	10,000	-	-	-	-	10,000
Total	$ 115,050	$ -	$ -	$ -	$ -	$ 115,050
Program: Wastewater Model						
Study	N/A	$ -	$ -	$ -	$ -	$ -
Land Acquisition/ROW	N/A	-	-	-	-	-
Design	100,000	-	-	-	-	100,000
Construction	N/A	-	-	-	-	-
Contingency	N/A	-	-	-	-	-
Total	$ 100,000	$ -	$ -	$ -	$ -	$ 100,000
Program: Manhole Rehabilitation Project						
Study	N/A	N/A	N/A	N/A	N/A	N/A
Land Acquisition/ROW	N/A	N/A	N/A	N/A	N/A	N/A
Design	$ 6,000	$ 6,000	$ 6,000	$ 6,000	$ 6,000	$ 30,000
Construction	60,000	60,000	60,000	60,000	60,000	300,000
Contingency	10,000	10,000	10,000	10,000	10,000	50,000
Total	$ 76,000	$ 76,000	$ 76,000	$ 76,000	$ 76,000	$ 380,000
Program: Retrofit all Lift Stations for SCADA / including electrical upgrades						
Study	N/A	N/A	N/A	N/A	$ -	$ -
Land Acquisition/ROW	N/A	N/A	N/A	N/A	-	-
Design	N/A	N/A	N/A	N/A	-	-
Construction	$ 16,000	$ 16,000	$ 16,000	$ 16,000	-	64,000
Contingency	10,000	10,000	10,000	10,000	-	40,000
Total	$ 26,000	$ 26,000	$ 26,000	$ 26,000	$ -	$ 104,000
Total Public Works:	$ 1,399,997	$ 465,530	$ 500,350	$ 102,000	$ 131,000	$ 2,598,877
Utility Fund Total:	$ 6,699,997	$ 9,135,530	$ 6,850,350	$ 5,052,000	$ 131,000	$ 27,868,877
Total All Funds:	**$ 12,400,497**	**$ 13,167,530**	**$ 13,765,350**	**$ 12,792,000**	**$ 28,981,000**	**$ 81,106,377**

Plan Implementation

To facilitate realization of community vision, the Comprehensive Plan must be fully implemented. In order to ensure effective and efficient implementation, the creation of a Long Range Planning Committee is recommended. The role of this group is explained, as well as the process by which the Comprehensive Plan should be amended and updated in the future.

Long Range Planning Committee

Creation of Long Range Planning Committee

The City of Kyle and its citizens have dedicated significant amounts of time and money to the Kyle Comprehensive Plan process, and the implementation of the plan and championing of its vision must be overseen with a complementary investment after the plan is adopted. The Planning Team therefore recommends that a Long Range Planning Committee be created to shepherd the Comprehensive Plan throughout the implementation of the plan. The Committee will ensure implementation of the Comprehensive Plan through the decision-making processes of City government. The Kyle City Council should enact the Long Range Planning Committee by ordinance, and the Council will appoint members to the Committee. The Committee will serve the City of Kyle and City Council as an advisory body to the Planning and Zoning Commission. The Planning and Zoning Commission evaluates proposals and applications presented to the City, and issues recommendations to the City Council regarding those applications. In this function, the Planning and Zoning Commission acts in a manner that responds to the cases presented to it by petitioners, and is primarily concerned with day-to-day development and land uses cases that come before it for consideration. For this reason the Long Range Planning Committee is necessary, to allow an advisory body of the City of Kyle to focus exclusively on the implementation of the Comprehensive Plan, and inform the regular evaluations of the Planning and Zoning Commission so that long-range planning issues are included in the considerations of the merits of individual development cases. The Long Range Planning Committee should give quarterly presentations at Planning and Zoning Commission meetings.

The Comprehensive Plan Facilitator Group served as community advocates and peer educators during the Comprehensive Plan process, and would be best equipped to serve as the initial appointees to the Long Range Planning Committee. The Facilitators have been intricately involved in the planning process, and evolved from a role of interested stakeholders to actually presenting the concepts and proposals for individual Plan Elements at Workshop #3. They are therefore knowledgeable of the purpose, intent, and

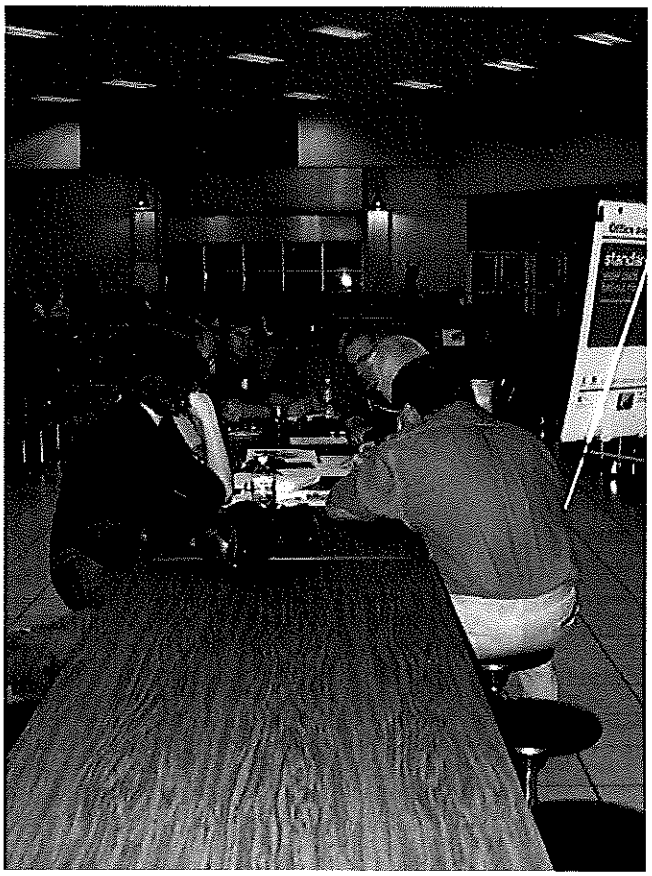
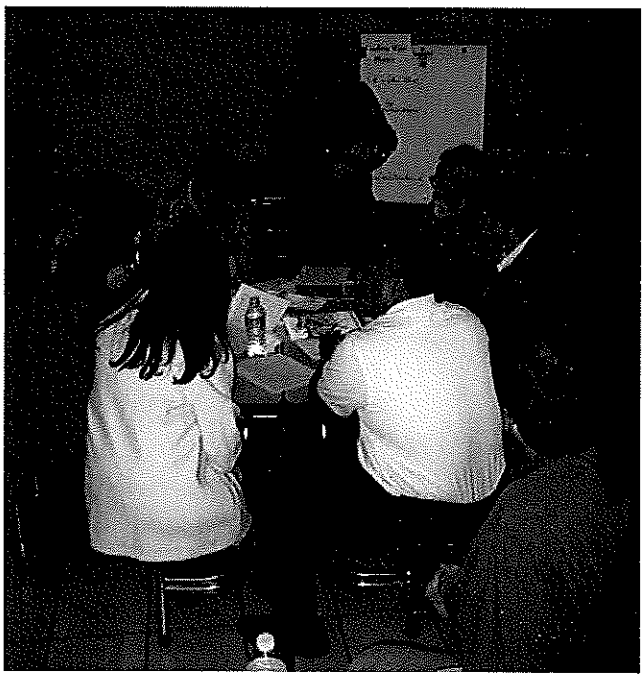


Figure 1. Community Goals related to Economic Development.

contents of the 2010 Kyle Comprehensive Plan, and are best suited to establish a high standard as the first appointees of the Long Range Planning Committee.

Upon adoption by the City Council, this Comprehensive Plan will become the official policy of the City of Kyle guiding its decisions regarding development and capital expenditure. The Comprehensive Plan is a guide, and should not be viewed as a rigid code. Therefore, the Plan is an ever-evolving process that will, in time, necessitate another reassessment and update. As a part of this continual evolution, the Long Range Planning Committee members will also change with time. The Facilitator Group for each subsequent comprehensive plan update will replace the existing Long Range Planning Committee at the time of adoption of the updated plan. In this way, the same citizens who guided the plan update will be able to contribute their insights to the implementation of the plan.



Advisory Process of the Long Range Planning Committee

To ensure effective plan implementation, the Long Range Planning Committee will be asked to review and advise on a variety of items before the Planning and Zoning Commission and City Council. The Committee should check for consistency with the vision and policies of the Comprehensive Plan in the contexts listed below as examples (though this list should not be considered as exhaustive or limiting to the advisory capacity of the Committee).

• **Annexation:** The Land Use Plan provides guidance on the character, intent, jurisdiction, authority, and application of Districts currently within the City of Kyle and its ETJ. As the City considers annexing adjacent land, the Long Range Planning Committee should evaluate the characteristics of the land to see how it might fit into the existing Districts in Kyle. Also worthy of consideration would be how the proposed annexation land would affect provision of City services and the associated impact on the municipal budget and tax base.

• **Capital Improvement Plan:** The Comprehensive Plan provides guidance for where Kyle should direct future growth in order to close the tax gap and ensure a high level of service for its citizens. The Plan should assist in determining criteria for the provision of future infrastructure projects in Kyle, including location, timing, and implementation.

• **Development Code:** The Committee should review sections of the City Code that currently relate to development as they are updated individually or if they are collectively gathered and expanded into a Kyle Development Code. The character and location of future development should be guided by City codes that are consistent with the Comprehensive Plan.

• **Economic Development Plans:** The Downtown Revitalization Plan, Land Use Plan, Transportation Plan, and Urban Design Plan in particular address how the City should create the conditions and direct growth for current and future economic development. Capture and transfer of value in Kyle must be optimized through adherence to the recommendations in these plan elements. The Long Range Planning Committee should consult the Plan in considering where development should be located, how it should be directed, and the resulting impact on the City.

• **Historic Preservation Planning:** The Land Use Plan provides information on how the unique character of each District impacts the planning approach in that area. The character influences the planning intent and application for each District, and historic properties and structures should be preserved in a manner consistent with the character and planning approach in the District. The Urban Design Plan defines Kyle's identity through its public streetscape and built environment. Historic properties should be preserved and enhanced in ways that complement the Urban Design goals of contributing to the overall form, scale, and visual

character that define Kyle's identity and unique sense of place.

• **Open Space Plan:** Decisions regarding open space in Kyle should grow out of a system-based approach, as outlined in the Open Space Plan element. Meaningful public spaces should form a network, and recommendations for sites of block parks, neighborhood parks, and community parks are each illustrated on maps included in the Open Space Plan. Much like the Public Facilities and other items, decisions about open space should be made in reference to benchmarks that are denominated in units of future population and service ratios.

• **Public Facilities Plan:** The Facilities Plan element offers benchmarks to guide Kyle in order to ensure that provision of fire and police services expands as the City grows. Ratios of staff to residents at current population levels, 2040 levels, and buildout levels in comparison to exemplary cities provide staffing guidance for the Long Range Planning Committee and the City. Maps of service zones should also serve the Committee in decisions about locations of future emergency response stations.

• **Taxes, Annual Municipal Budget:** The Tax Gap Analysis in the Assessments element and the Revised Tax Gap Analysis address Kyle's financial vitality based on the City's tax rate, population, and cost of government per capita (level of service). In order to support the City's population through an adequate level of provision of City services and attract growth, the city must seek to provide non-residential land uses to a degree that the resulting additional tax contribution closes the tax gap.

• **Watershed Protection Plan:** The recommendations on acquisition of natural areas, their management, and access to them in the Open Space Plan should guide the Long Range Planning Committee in deliberations about watershed protection. The Stormwater Management Suitability Map in the same section defines areas most favorable for watershed protection initiatives.

• **Zoning Ordinance:** In the process of reviewing items, the Committee should evaluate based on the vision established in the Land Use Plan that details how zoning categories apply to each of the Districts. Use Qualifications are provided in tabular form, with each zoning categories assigned a qualification of Recommended, Conditional, or Not Recommended.

Comprehensive Plan Updates and Amendments

Updates

The Kyle Comprehensive Plan should be updated regularly to address the changes to the City's context as growth continues and to ensure continued movement toward reaching long-range goals. The following benchmarks are advisable for determining need for update of the Comprehensive Plan:

Time following adoption. It is recommended that the Plan be updated at least every five years.

Attainment of population benchmarks. If population growth fluctuates significantly, causing attainment of the 2040 projection or build-out projection prematurely, it is recommended that the City perform a Plan Update.

Change in economic conditions. Should the economic base for the community change, due to significant growth in a new market sector or significant change in the employment base, a Plan Update should be performed.

Natural or unforeseeable change to the development environment. Should such events occur, such as natural or man-made disasters, a Plan Update should be performed.

The following process should be implemented when the City is preparing for a Comprehensive Plan Update:

• **Selection Committee:** The City Council should appoint members to a Selection Committee, which will be responsible for coordinating the process of selecting the team to update the Plan.

• **Request for Qualifications/Request for Proposal:** City staff should prepare the RFQ/RFP in accordance with the City Charter and/or ordinances for content of such an update, as well as for notification, evaluation, and consultant selection process for City-funded projects.

• **Resource Allocation for the Comprehensive Plan Update:** The City Manager, under the oversight of the City Council and Mayor, should allocate sufficient City resources for long range planning for Kyle. Just as it would be appropriate to allocate resources sufficient for various planning projects, it is recommended that the Kyle Comprehensive Plan be retained as an item in the annual budget, to permit accrual of such funds necessary for constructing and/or updating the Comprehensive Plan.

Amendments

Occasionally it may be necessary to amend the Comprehensive Plan. Other than grammatical or typographical corrections, each and any amendment to the Comprehensive Plan, including the Vision Plan, Plan Elements, or the Implementation Strategy should require:

• **Recommendation:** The Long Range Planning Committee should present its recommendation at a Planning and Zoning Commission (public) meeting regarding the particular amendment.

• **Opinion:** City staff should present its opinion at a Planning and Zoning Commission (public) meeting. This may be an additional P&Z meeting or the same meeting at which the Long Range Planning Committee makes its recommendation.

• **Planning and Zoning Meeting:** At minimum, one additional P&Z (public) meeting should take place, during which meeting the P&Z Commission makes its recommendation to City Council.

• **City Council Meeting:** The City Council should hold at least one council hearing regarding the proposed amendment.

MEMORANDUM

TO: **Planning and Zoning Commission**

FROM: **Sofia Nelson, Director of Planning**

DATE: **July 18, 2013**

SUBJECT: **Site Development Plan and Conditional Use Permit- Bank of America**

Summary of Request:

The subject property is located at the intersection of FM 1626 and Evans Drive, along Kyle Center Drive. The property is approximately 1.3392 acres and is zoned Retail Services (RS). The proposed banking center is approximately 3,398 square feet with an attached drive thru. The proposed banking center will include a drive thru with three lanes, 1-24 hour ATM and a future 24 hour ATM. The subject property is located within both the I-35 Overlay District and the FM 1626 Overlay District.

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.

The purpose of the conditional use permit is to insure the property within the overlay district is able 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.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.

Staff Analysis

Building, parking and landscaping requirements have been reviewed for compliance with the requirements of the zoning district. Water and wastewater will be provided by City of Kyle.

The front door of the bank will face FM 1626 and the drive-thru banking lanes will be located behind the bank. The proposed building materials will include two types of stone veneer, a cream color veneer and a red color stone veneer as an accent material.

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.

Site Plan Recommendation

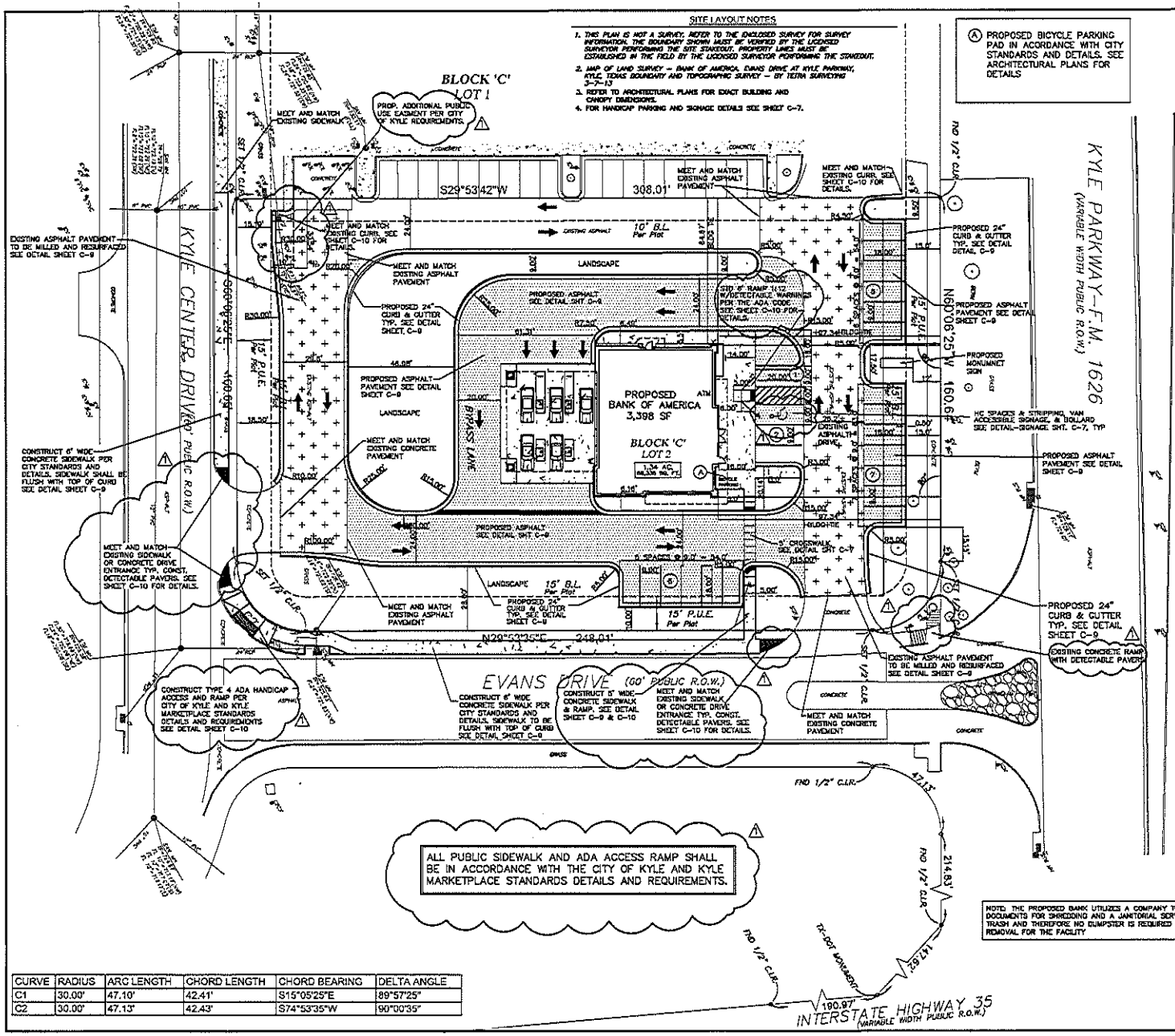
Staff is recommending approval of the request pending clearance of comments by the City Engineer and Public Works Director. Staff will provide an update to above comments at the meeting on the 23rd.

Conditional Use Permit Recommendation

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 store fronts within the shopping center.
- All site improvements are in place and are consistent across the shopping center.

ITEM 7A



CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	30.00'	47.10'	42.41'	S15°05'25"E	89°57'25"
C2	30.00'	47.13'	42.43'	S74°53'35"W	90°00'35"

SITE DATA TABLE

PROJECT DATA

OWNER: BANK OF AMERICA
9000 SOUTHSIDE BOULEVARD
JACKSONVILLE, FLORIDA 32256
(904) 353-4802

AGENT: H & T CONSULTANTS, INC.
9310 OLD KINGS ROAD, SUITE 1001
JACKSONVILLE, FLORIDA 32257
PHONE (904) 419-1001

PROJECT NAME: BANK OF AMERICA
USE: BANK WITH DRIVE-THRU TELLERS
NUMBER OF STORIES: 1 STORY
HEIGHT: 25' (MAX.)
BUILDING SQUARE FOOTAGE:
3,398 S.F. (TOTAL A/C AREA)
5,101 S.F. (TOTAL UNDER ROOF INCLUDING DRIVE-THRU)
TYPE OF CONSTRUCTION: TYPE V
NUMBER OF EMPLOYEES: 8

LAND USE DESIGNATION: COMMERCIAL

ZONING: RS — RETAIL SERVICE DISTRICT

SETBACK	REQUIRED	PROVIDED
FRONT (N)	25'	97.00'
REAR (S)	15'	118.15'
SIDES (W)	10'	64.67'
SIDES (E)	15'	58.74'

PARKING DATA:

USE	REQUIRED	PROVIDED
BANK ONLY	1/250S.F.= 14	22
H.C.	1 PER /25 SPACES = 1	1
TOTAL	15	23

LANDSCAPING/OPEN SPACE

SETBACK	REQUIRED	PROVIDED
FRONT (N)	15'	10.0'
REAR (S)	10'	18.5'
SIDE (E)	10'	10.0'
SIDE (W)	0-10'	9.0'

UTILITY DATA:

USE	PROVIDER
ELECTRIC	PEDERNALES ELECTRIC COOP
WATER & SEWER	CITY OF KYLE-PUBLIC WORKS
PHONE	VERIZON COMMUNICATIONS
GAS	CENTERPOINT ENERGY

LOT DATA:

ITEM	TOTAL (S.F.)	TOTAL %
LOT AREA	58,335	100%
PROPOSED BLDG	5,641	10%
IMPERVIOUS (EXISTING)	15,437	26%
IMPERVIOUS (PROPOSED)	11,508	20%
PERVIOUS	25,749	44%

TOTAL PROPOSED IMPERVIOUS AREA = 32,586SF – 56%

1.STACKING: 4 CARS PER DRIVE THRU AND ATM LANE (80') BY PASS LANE REQUIRED. (140' STACKING PROVIDED)

NEW ASPHALT PAVEMENT, SEE PAVEMENT DETAILS ON SHEET C-9

EXISTING ASPHALT PAVEMENT TO BE MILLED AND RESURFACED SEE PAVEMENT DETAILS ON SHEET C-9

DATE	REVISIONS
7/16/13	CITY REVIEW COMMENTS
5/24/13	100% CD'S

BANK OF AMERICA BRANCH
KYLE MARKETPLACE
KYLE PARKWAY AND EVANS DRIVE
KYLE, TEXAS

Bank of America

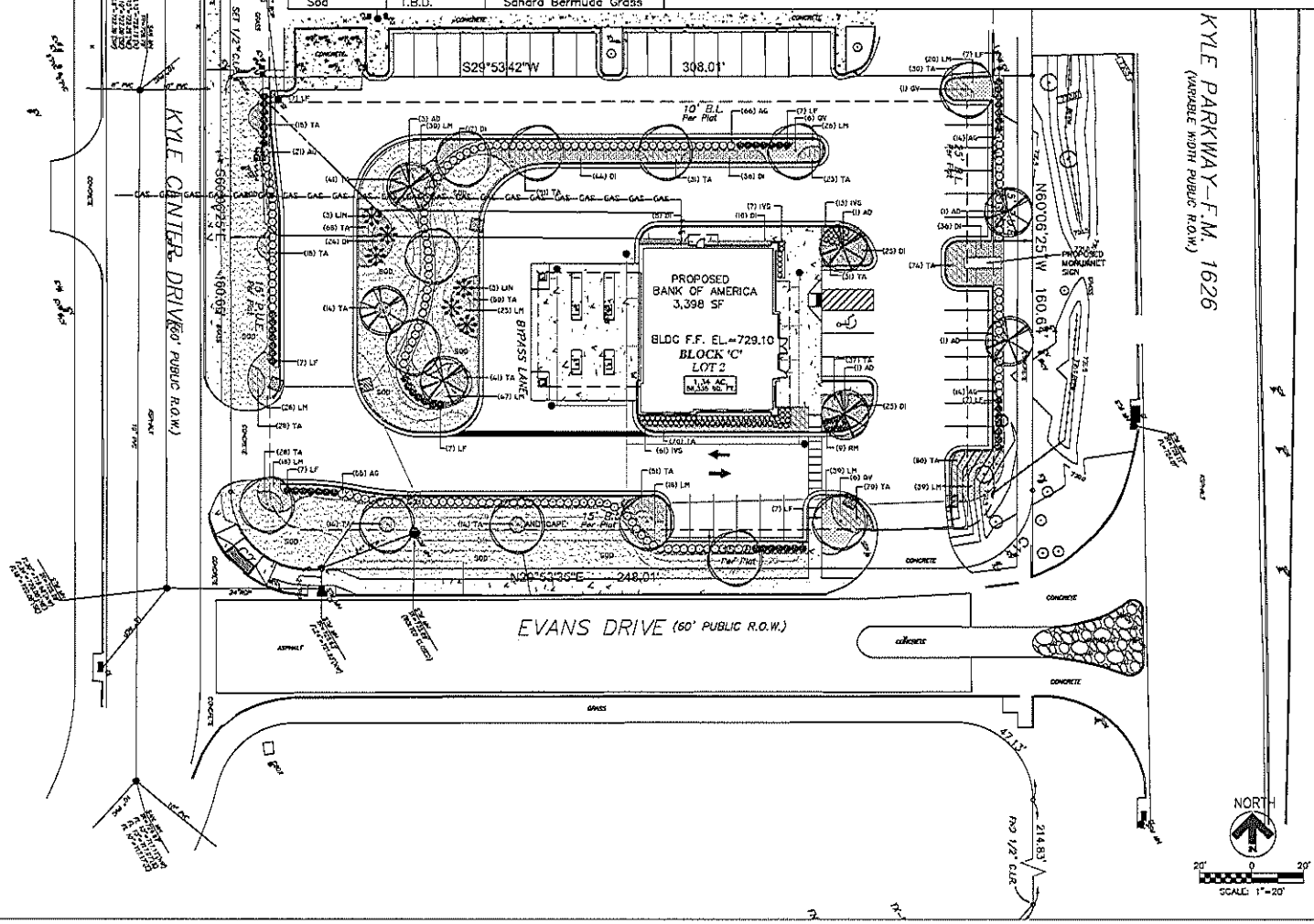
SITE GEOMETRY PLAN

H & T CONSULTANTS, INC.
PLANNING – ENGINEERING
9310 OLD KINGS ROAD SOUTH, SUITE 1001
JACKSONVILLE, FLORIDA 32257
PHONE: 904-419-1001 FAX: 904-419-1004

JOB NO:
DRAWN: JAC
CHECK: SGH
DATE: APRIL 2013
PLATE C-4
SHEET OF

PLANT SCHEDULE

SYMBOL	QUANTITY	COMMON NAME	LATIN NAME	SPACING	SPECIFICATIONS
TREES					
AD	7	Big Tooth Maple	Acer grandidentatum	AS SHOWN	4" cal. 12' ht. , 5' spd. minimum.
LIN	6	Twilight Crape Myrtle	Lagerstroemia indica 'Natchez'	AS SHOWN	4" cal. 12' ht. , 5' spd. minimum.
QV	13	Live Oak	Quercus virginiana	AS SHOWN	4" cal. 12' ht. , 5' spd. minimum.
SHRUBS AND GROUNDCOVER					
AG	170	Glossy Abelia	Abelia grandiflora	3' o.c.	36" ht. x 24" spd. minimum full & dense
DI	218	African Iris	Dietes iridiodes	2' o.c.	1 gal. minimum full & dense
IVS	89	Dwarf Youpon Holly	Ilex vomitoria 'Nana'	2' o.c.	1 gal. minimum full & dense
LF	56	Texas Sage	Leucophyllum frutescens	3' o.c.	36" ht. x 24" spd. minimum full & dense
LM	288	Liriope	Liriope muscari	2' o.c.	1 gal. minimum full & dense
RM	9	Drift Rose – Coral	Rosa meidriflora	2' o.c.	24" ht. x 24" spd. minimum full & dense
TA	876	Jasmine	Trachelospermum asiaticum	1.5' o.c.	24" ht. x 24" spd. minimum full & dense
Sod	T.B.D.	Sahara Bermuda Grass			



A & K LAND PLANNING & DESIGN Inc.

DATE	REVISIONS
7/17/13	PER CITY COMMENTS

Bank of America

BANK OF AMERICA BRANCH
KYLE MARKETPLACE
KYLE PARKWAY AND EVANS DRIVE
KYLE, TEXAS

LANDSCAPE PLAN

H & T CONSULTANTS, INC.
PLANNING – ENGINEERING
9310 OLD KINGS ROAD SOUTH, SUITE 1001
JACKSONVILLE, FLORIDA 32257
PHONE: 904-413-1001 FAX: 904-413-1004

JOB NO:
DRAWN: K.S.R.
CHECK: S.H.
DATE: 4/4/13
PLATE
L-1
SHEET OF

Bank of America

Kyle Crossing
Kyle, Texas

Architectural Design Collaborative, Inc

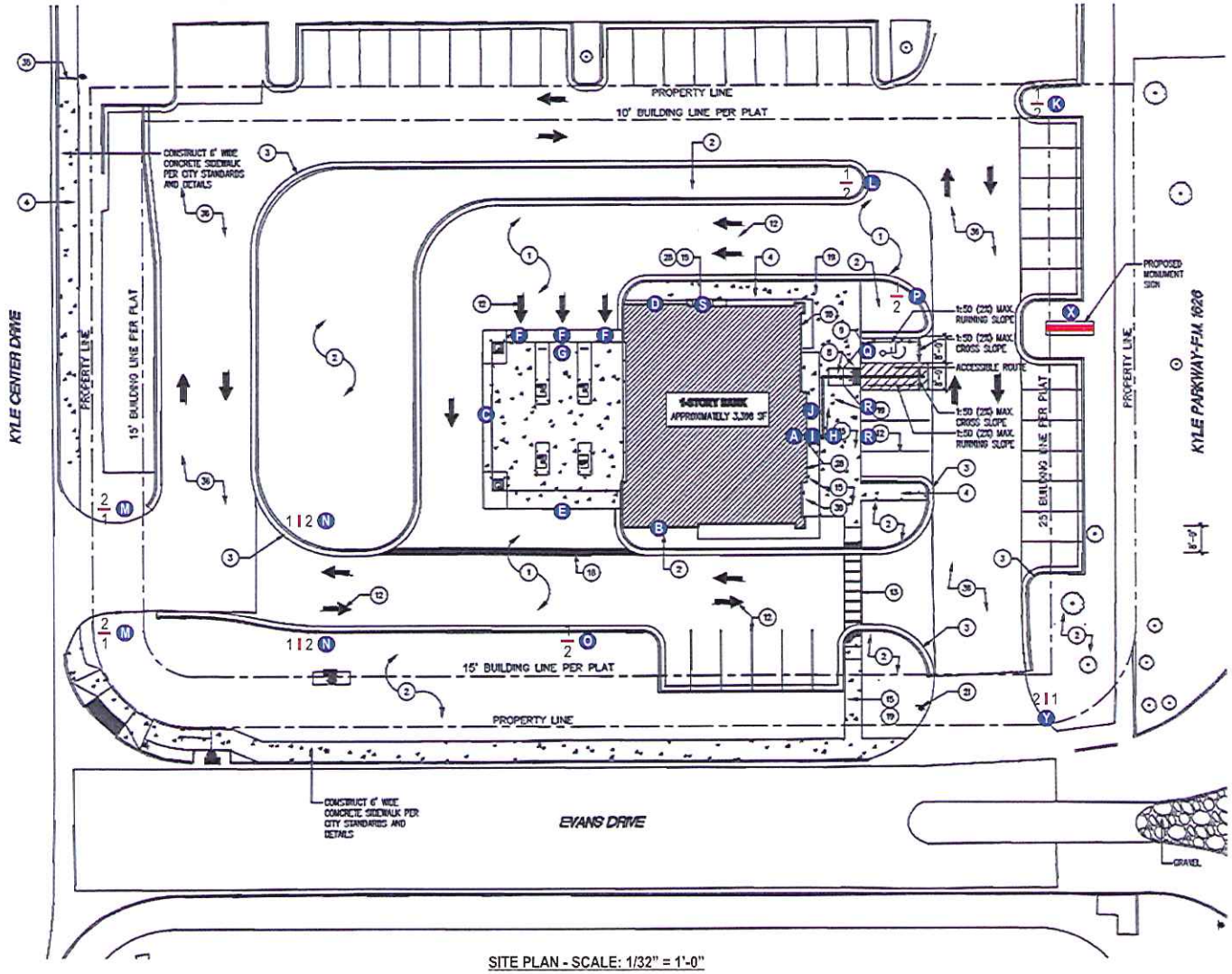
Bank of America

Kyle Crossing
Kyle, Texas

South Elevation

East Elevation

Architectural Design Collaborative, Inc



SITE PLAN - SCALE: 1/32" = 1'-0"

- A C FRONT / REAR ELEV. - K3 CHANNEL LETTERS
- B D LEFT / RIGHT ELEV. - K2 CHANNEL LETTERS
- E S2 REGULATORY (DO NOT ENTER)
- F S2 REGULATORY (DRIVE-UP ATM)
- G S2 REGULATORY (CLEARANCE)
- H ENTRANCE DOOR GRAPHICS
- I DOOR ADDRESS VINYL
- J CARD READER DECAL
- K DIRECTIONAL SIGNAGE P1
- L DIRECTIONAL SIGNAGE P1
- M DIRECTIONAL SIGNAGE P1
- N DIRECTIONAL SIGNAGE P1
- O DIRECTIONAL SIGNAGE P1
- P DIRECTIONAL SIGNAGE P1
- Q DOT HANDICAP PARKING SIGN
- R LOW EMITTING VEHICLE SIGN
- S NO SMOKING WITHIN 25' SIGN
- X CUSTOM MONUMENT
- Y DIRECTIONAL SIGNAGE P1

WALTON SIGNAGE
9419 East Commerce
San Antonio, TX 78219
waltonsigns.com
210.599.0944

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Client: BANK OF AMERICA
Address: FM 1226 & IH-35
Location: KYLE, TX 78640
Sales: MM Designer: AJ
Date: 04.29.13 PM WK

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Revision:
R1 5/2/13 REVISED P1 DIRECTIONALS - AJ

Path: H:\Bank of America\Locations\TX Kyle\Design\134165 R1.cdr

Signs will be manufactured with 120 Volts A/C. All Primary electrical service to the sign,and final connection thereof, is the responsibility of the buyer. All work is to be done in accordance with the purchase agreement attached hereto. In case of variance between the specifications of the purchase agreement and this drawing, the drawing shall prevail.

This sign is intended to be installed in accordance with the requirements of Article 600 of the National Electrical Code and/or other applicable local codes. This includes proper grounding and bonding of the sign.

Approvals:
Sales: Date:
P.M.: Date:
Design: Date:
Client: Date:

CID134165
Sheet: 2 of 21

A 01 FRONT ELEVATION
SCALE: 3/32" = 1'-0"

B 02 SIDE ELEVATION
SCALE: 3/32" = 1'-0"

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Client: BANK OF AMERICA
Address: FM 1226 & IH-35
Location: KYLE, TX 78640
Sales: MM Designer: AJ
Date: 04.29.13 PM: WK

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Revision:
R1 5/2/13 REVISED P1 DIRECTIONALS - AJ

Path: H:\Bank of America\Locations\TX Kyle\Design\134165 R1.cdr

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Approvals:
Sales: Date:
P.M.: Date:
Design: Date:
Client: Date:

CID134165
Sheet: 4 of 21

D 01 SIDE ELEVATION
1/4" = 1'-0"

C 02 REAR ELEVATION
1/4" = 1'-0"

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SIGNAGE
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San Antonio, TX 78219
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Client: BANK OF AMERICA
Address: FM 1226 & IH-35
Location: KYLE, TX 78640
Sales: MM Designer: AJ
Date: 04.29.13 PM: WK

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Revision:
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Approvals:
Sales: Date:
P.M.: Date:
Design: Date:
Client: Date:

CID134165
Sheet: 5 of 21

MEMORANDUM

TO: **Planning and Zoning Commission**

FROM: **Sofia Nelson, Director of Planning**

DATE: **July 18, 2013**

SUBJECT: **Site Development Plan- Mitchell Motorsports**

Summary of Request:

The subject property is located at 21701N IH 35. The property is approximately 2.24 acres and is zoned Retail Services (RS) and is within the IH-35 Overlay. The proposed development consists of an approximately 4,500 square foot building and associated parking and landscaping areas. This development is required to adhere to the new I-35 development standards.

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.

Utilities

Water will be provided by City of Kyle and wastewater service will be provided by a septic system due to the significant distance from a public waste water line.

Landscape Variance Request

The applicant is seeking the following four variances to landscape requirements outlined in the City's landscape ordinance:

1. Sec. 53-988. - Landscaping requirements.
   A minimum percentage of the total lot area shall be devoted to landscape development in accordance with the following schedule:

Zoning and/or Proposed Land Use	Percentage
CBD-2, RS, E, TU (SIC code 48811900 only)	15

- The applicant is seeking to reduce the area used to calculate landscaping from the entire property to the limits of construction. The property in its entirety is approximately 97,614 square feet. 15% of the entire area would require 14,642 square feet of the landscaping. If the limits of construction were used the area would be approximately 58,589 square feet and would require 8,788.35 square feet of landscaping.

2. Sec. 53-990. - Placement. Landscaping shall be placed upon that portion of a tract or lot that is being developed. Fifty percent of the required landscaped area and required plantings shall be installed between the front property lines and the building being constructed.

    - The applicant is requesting a variance to allow the calculation of the required landscaping be based off the limits of construction rather than the lot area. Based on the limits of construction calculation 62% of the required landscape area is planned to be installed between the front property lines and the building being constructed.

3. Sec. 53-987. - Planting criteria-*Trees.* Trees shall be a minimum of four inches in caliper measured three feet above finished grade immediately after planting.

    - The applicant is proposing to meet the size requirement for 8 of the required trees, however is seeking a variance for 10 trees to allow for a 2.5 inch caliper tree in lieu of the required 4 inch trees.

4. Sec. 53-992. - Additional required plantings. For every 600 square feet of landscape area required by this article, two trees and four shrubs shall be planted.

    - As indicated above the applicant is requesting the landscape area and planting calculation be calculated on the limits of construction rather than the lot area. In addition to the change in calculation the applicant is requesting a reduction in the required number of trees to allow for 20 trees rather than 30 trees.

Sec. 53-989 of the City Code allows for the Planning and Zoning Commission and Council to require a lesser amount of landscaping if the aesthetic, buffering and environmental intent of this chapter is met, and the reduction of the landscape area results in the preservation of natural features having comparable value to the reduced landscape requirements.

Staff Recommendation-site plan

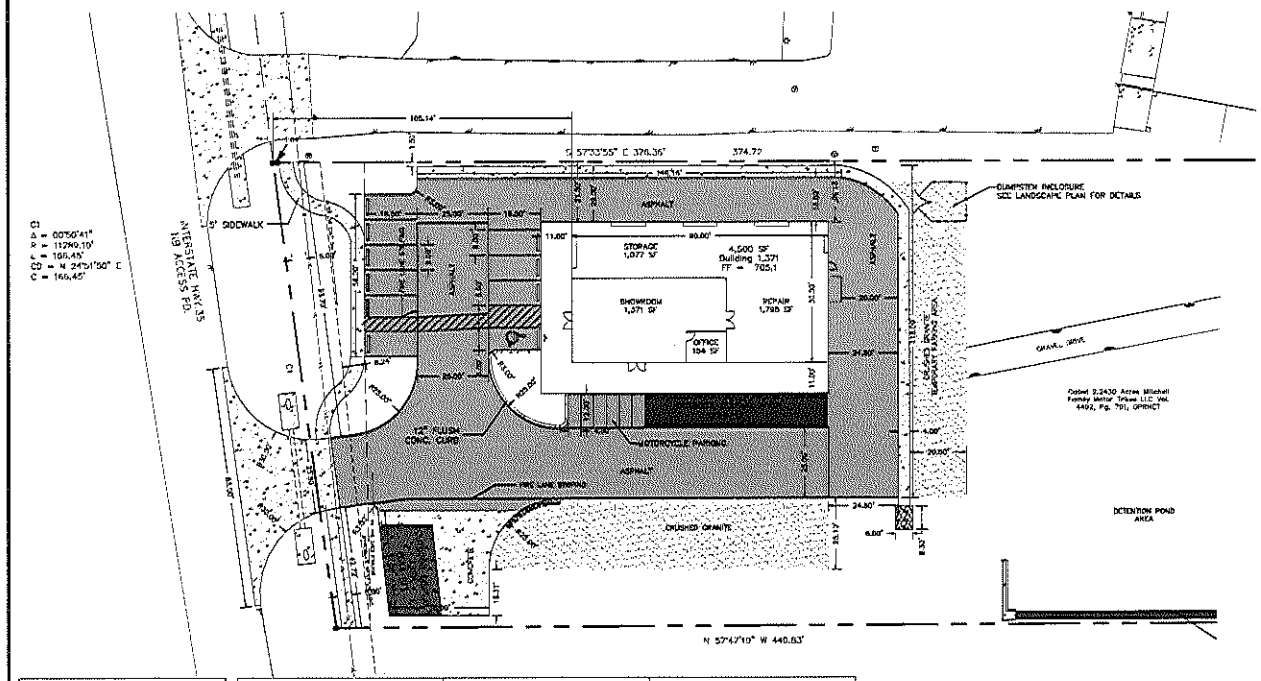
As of the date of writing this report there are still outstanding staff comments that have not been addressed by the applicant. While staff anticipates the applicant will address the comments, at this time staff is recommending the tabling of action on the site development plan until all staff comments have been addressed. Staff will provide an update to the response to comments at the public hearing.

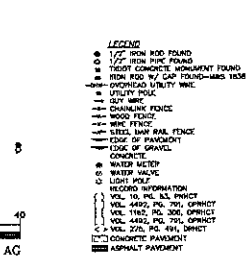
Staff Recommendation- landscape variance request.

The City code identifies the purpose of the landscape ordinance is, in conjunction with the other requirements, to promote and support the orderly, safe, attractive and healthful development of land located within the community, and to promote the general welfare of the community by preserving and enhancing ecological, environmental and aesthetic qualities, through established requirements for the installation and maintenance of landscaping elements and other means of site improvements in developed properties.

In reviewing the site plan and the landscape variance request there are a couple of features that stand out as unique features of this property. The first is the shape and size of the property relative to the size of the proposed development. Due to the shape of the lot any plantings incorporated to the rear of the development will not add to the purpose and intent of the landscape ordinance. Secondly, the use of the total lot area in calculating the required landscape area is beneficial and supported when the majority of the lot is being developed. However, when the majority of the land is being retained in its current state the calculation creates a situation where the required landscaping becomes difficult to accommodate for in the developed portion of the property.

As a result of the unique property features staff is recommending approval of the requested landscape variances.





FLEXIBLE PAVEMENT SECTION
PARKING AREAS

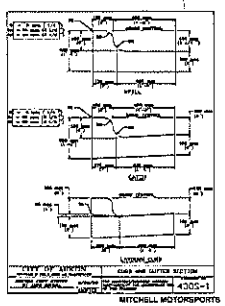
FLEXIBLE PAVEMENT SECTION
DRIVE AREAS

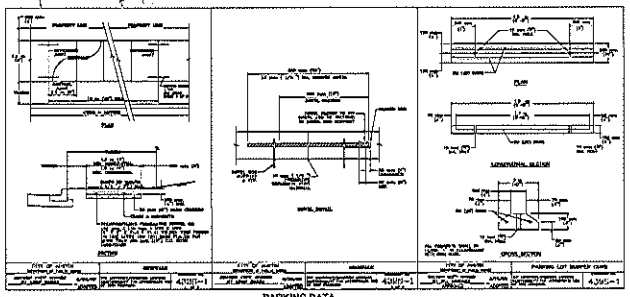
PAVING NOTES:

1. PAVEMENT DETAILS PROVIDED ABOVE ARE SHOWN FOR REFERENCE ONLY. THE CONTRACTOR MUST VERIFY THE DETAILS WITH THE MOST CURRENT GEOTECHNICAL RECOMMENDATIONS PRIOR TO CONSTRUCTION.
2. CONTRACTOR TO REFER TO GEOTECHNICAL RECOMMENDATIONS FOR PAVEMENT DESIGN PREPARED BY INTEC TERRADYNE, INC. DATED MAY 6, 2013. CONTRACTOR IS ALSO RESPONSIBLE FOR VERIFYING THAT THE REPORT HAS NOT BEEN MODIFIED OR UPDATED PRIOR TO CONSTRUCTION.

NOTES:

1. ON SITE SEPTIC FIELD AREA SHOWN FOR INFORMATION ONLY. REFER TO PLANS/PERMIT BY OTHERS FOR INFORMATION
2. SIDEWALK CROSS SLOPES SHALL NOT EXCEED ¼ PER FOOT UNLESS OTHERWISE NOTED.





MITCHELL MOTORSPORTS
MITCHELL MOTORSPORTS SUBDIVISION

PARKING DATA

ZONING DATA: R/S RETAIL/SERVICE-IH 35 OVERLAY

DESCRIPTION	REQUIRED	PROVIDED
MINIMUM LOT SIZE (SF):	0	97,706.50
MINIMUM LOT WIDTH:	0	166.45
MAXIMUM HEIGHT:	35	19.7
MINIMUM SETBACKS:		
FRONT YARD	0	0
STREET SIDE YARD	0	0
INTERIOR SIDE YARD	0	0
REAR YARD	0	0
MAXIMUM BUILDING COVERING	50%	4.60%
MAXIMUM IMPERVIOUS COVER	0	29%
MAXIMUM FLOOR AREA RATIO	1.8:1	4.60%

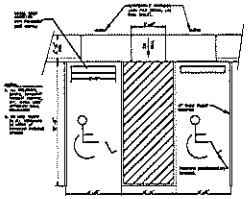
BUILDING DATA

BUILDING NO.	#STORIES	HEIGHT	FINISH FLOOR ELEVATION	BLDG. COVERAGE (SF)	FLOOR AREA (SF)	BLDG. USE
1	1	19.7	705.1	4,500	4,500	(SEE CHART)

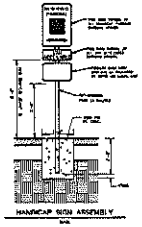
BUILDING USE	AREA (SF)	REQD. PARKING RATIO PER (SF)	REQD. SPACES
OFFICE	104	1 / 275	1
INDOOR			
SALES/DISPLAY	1371	1 / 500	3
STORAGE	1077	1 / 1000	1
CYCLE REPAIR	1795	1 / 275	7
OUTDOOR SALES	1348	1 / 2000	1
		TOTAL	12

PROVIDED	
TYPE	# OF SPACES
REGULAR	9
VAN HANDICAP	1
MOTORCYCLE	6
TOTAL	16

HANDICAP SIGN



HANDICAP PARKING/RAMP DETAIL



HANDICAP SIGN ASSEMBLY

REVISION	DATE

SCALE: 1"=20'
DATE: June 21, 2013
JOB: 1332-01
DRAWN BY: LEA
CHECKED BY: LEA

ALDERSON GROUP, INC.
TEXAS REGISTERED ENGINEERING FIRM F-13195
400 Hwy 290 West
Bldg. C Ste. 102
Dripping Springs, TX 78716
(512) 361-0989

MITCHELL MOTORSPORTS
21701 IH-35, KYLE, TEXAS

SITE PLAN

CITY CALCULATIONS

LANDSCAPE DEVELOPMENT SITE ZONED (RS)	REQUIRED	PROVIDED
TOTAL AREA OF SITE (L.O.C.)	N/A	58,589 S.F.
TOTAL AREA OF LANDSCAPE DEVELOPMENT	8,789 S.F. (15%)	51,996 S.F. (89%)
TOTAL AREA OF LANDSCAPE BETWEEN BUILDING AND FRONT PROPERTY LINE (50% OF REQ. LANDSCAPE DEVELOPMENT)	4,395 S.F. (50%)	5,423 S.F. (62%)

ADDITIONAL REQUIRED PLANTING	REQUIRED	PROVIDED
REQ. AREA OF LANDSCAPE DEVELOPMENT = 8,789 S.F. (15%)		
(2) 4" CAL. TREES PER 600 S.F. = (8,789/600)(2) =	30	30
(10) 4" CAL. TREES + (10) 2.5 - 3" CAL. TREES =		
(4) 1 GAL. SHRUBS PER 600 S.F. = (8,789/600)(4) =	60	
(22) 1 GAL. SHRUBS + (28) 5 GAL. SHRUBS =		60

PERENNIALS

QUANTITY	SYMBOL	COMMON NAME	SCIENTIFIC NAME	SIZE & CONDITION
7		BLTW GOLD LANTANA	Lantana trailri 'New Gold'	1 Gallon, spaced as shown
29		BLUE VERBENA	Verbena x hybrida	1 Gallon, spaced as shown
16		PINK SKULLCAP	Scutellaria suffrutescens	1 Gallon, spaced as shown
5		PURPLE CONEFLOWER	Echinacea purpurea	1 Gallon, spaced as shown
8		RUDBECKIA	Rudbeckia fulgida 'Goldstrum'	1 Gallon, spaced as shown

SOD

QUANTITY	SYMBOL	COMMON NAME	SCIENTIFIC NAME	SIZE & CONDITION
17,730 S.F.		COMMON BERMUDA GRASS	Cynodon dactylon	Solid sod

MISC.

QUANTITY	SYMBOL / CALLOUT	DESCRIPTION
114 L.F.	L.F. EDGE	Steel edge 1/8" X 4" with 12" stakes, green in color.
1,280 S.F.		2" deep hardwood mulch. (Texas Native or approved equal)

MAINTENANCE NOTE:
1. THE OWNERS AND SUBSEQUENT OWNERS OF THE LANDSCAPED PROPERTY, OR THE MANAGER OR AGENT OF THE OWNER, SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF ALL LANDSCAPED AREAS, AND AREAS SHALL BE MAINTAINED SO AS TO PRESENT A HEALTHY, NEAT AND ORDERLY APPEARANCE AT ALL TIMES. AND SHALL BE KEPT FREE OF REFUSE AND DEBRIS. ALL PLANTED AREAS SHALL BE PROVIDED WITH A READILY AVAILABLE WATER SUPPLY AND WATERED AS NECESSARY TO ENSURE CONTINUOUS HEALTHY GROWTH AND DEVELOPMENT. MAINTENANCE SHALL INCLUDE THE REPLACEMENT OF ALL DEAD PLANT MATERIAL IF THAT MATERIAL WAS USED TO MEET THE REQUIREMENTS OF CHAPTER 46, NARCOGDOCS.

CANOPY TREES

QUANTITY	SYMBOL	COMMON NAME	SCIENTIFIC NAME	SIZE & CONDITION
6		LIVE OAK	Quercus virginiana	4" caliper, 10' HU/9' spread.
3		CEDAR ELM	Ulmus crassifolia	4" caliper, 10' HU/9' spread.
5		CHINQUAPIN OAK	Quercus muhlenbergii	2.5"-3" caliper, 9' HU/9' spread, container.
5		MONTEREY OAK	Quercus polymorpha	2.5"-3" caliper, 9' HU/9' spread, container.

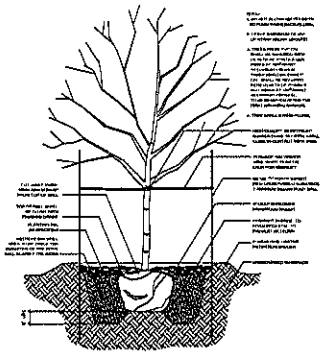
ORNAMENTAL TREES

QUANTITY	SYMBOL	COMMON NAME	SCIENTIFIC NAME	SIZE & CONDITION
2		PINK CRAPE MYRTLE	Lagerstroemia indica 'Hawaiian's Party Pink'	12' HU/4' spread, 1.5" caliper per trunk, B&B, specimen, 5 trunk minimum

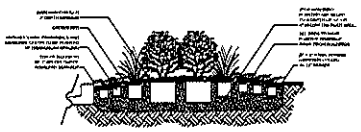
SHRUBS & ORNAMENTAL GRASSES

QUANTITY	SYMBOL	COMMON NAME	SCIENTIFIC NAME	SIZE & CONDITION
6		RED YUCCA	Hesperaloe parviflora	5 Gallon, 12" HU/12" spread
2		SOFT YUCCA	Yucca recurvifolia	5 Gallon, 18" HU/12" spread
8		MAIDEN GRASS	Miscanthus sinensis 'Gracillimus'	5 Gallon, 24" HU/24" spread
11		MEXICAN FEATHERGRASS	Stipa tenuissima	1 Gallon, 12" HU/12" spread
8	RO	ROSEMARY	Rosmarinus officinalis	5 Gallon, 18" HU/18" spread
8	CC	COTONEASTER	Cotoneaster glaucophylla	5 Gallon, 18" HU/18" spread
21		MEXICAN OREGANO	Poliomintha longiflora	1 Gallon, 12" HU/12" spread

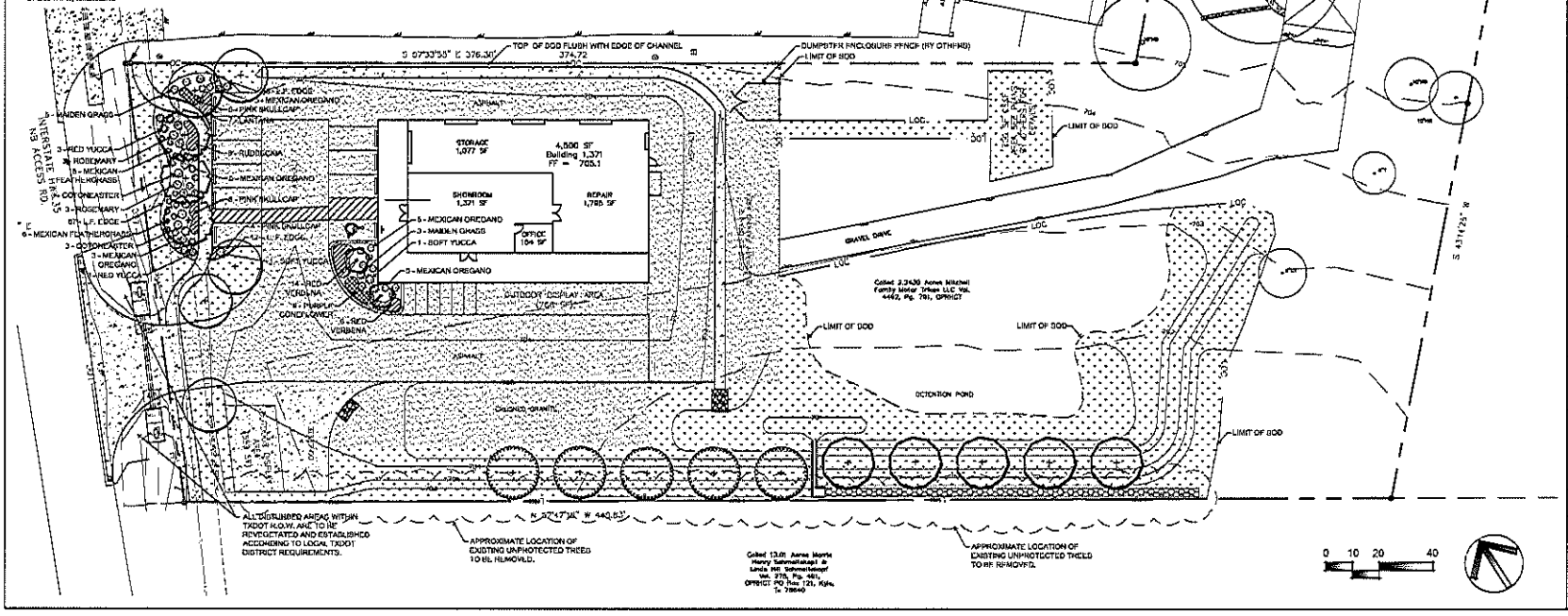
PLANTING NOTES:
1. ALL LANDSCAPE MATERIALS SHALL BE INSTALLED ACCORDING TO THE AMERICAN ASSOCIATION OF NURSERYMEN (ANA) STANDARDS.
2. THERE SHALL BE A MINIMUM OF (4") FOUR INCHES IN CALIPER MEASURED (3') THREE FEET ABOVE FINISHED GRADE IMMEDIATELY AFTER PLANTING.
3. SHRUBS, VINES AND GROUND COVER PLANTED PURSUANT TO THIS SECTION SHALL BE GOOD, HEALTHY NURSERY STOCK. SHRUBS MUST BE, AT A MINIMUM, A 1 GALLON CONTAINER SIZE.
4. ALL DISTURBED AREAS WITHIN TXDOT R.O.W. ARE TO BE REVEGETATED AND ESTABLISHED ACCORDING TO LOCAL TXDOT DISTRICT REQUIREMENTS.



TREE PLANTING DETAIL



SHRUB PLANTING DETAIL



GENERAL NOTES:

1. The contractor is responsible to locate all underground utilities prior to any work (ONE-CALL 1-800-545-6005).
2. Prior to any construction, the contractor shall apply for and secure all proper permits from the appropriate authorities.
3. The contractor shall comply with applicable Federal, State, County and Local regulations governing materials and work.
4. The contractor shall be responsible for field verification of existing conditions and shall perform field measurements prior to the fabrication of or purchase of any materials. The contractor shall notify the landscape architect should existing site conditions differ from the construction documents.
5. For all slopes or trenches greater than five feet in depth; All construction operations shall be accomplished in accordance with applicable regulations of the U.S. Occupational Safety and Health Administration.
6. The contractor shall provide positive drainage away from all buildings and notify the landscape architect of any potential drainage problems.
7. The contractor is to maintain all existing grades unless otherwise noted.
8. The contractor shall provide all materials, transportation, labor, supervision, etc. required for installation of plant material, complete in accordance with the plans.
9. The contractor is responsible for the quality of workmanship and schedule of work.
10. The contractor shall employ only experienced personnel who are familiar with the required work and shall provide full time supervision by a qualified foreman acceptable to landscape architect.
11. All quantities provided in the plant list are for general use and are to be verified by the contractor.
12. All plant material shall comply with size and conditions as stated in the plant list and as stated by the American Association of Nurserymen.
13. During the work, the premises shall be kept neat and orderly at all times. Storage areas for all materials shall be so organized that they, too, are neat and orderly. All trash and debris shall be removed from the site as work progresses. Keep paved areas clean by sweeping or hosing at end of each days work.

NO.	REVISION	DATE

carrillo DEAN
Landscape Architecture
4022 Manchaca Road • Austin, Texas 78704
Phone: 512-535-7303 • Fax: 512-535-6163

STATE OF TEXAS
CARLOS J. DEAN
3086
REGISTERED
LANDSCAPE ARCHITECT
06/24/13

PROJECT NAME
MITCHELL MOTORSPORTS

PROJECT ADDRESS
21701 N IH 35
KYLE, TX 78640

DATE	SCALE	JOB NO.
06/24/13	1" = 20'-0"	7086-01

SHEET TITLE
LANDSCAPE PLAN

SHEET NO.
L 1.1
of 1

Mitchell Family Motor Trikes LLC
21701 N IH 35 Kyle, TX 78640

mitchells-trikes.com
512-892-5800

CITY OF KYLE
JUN 26 2013
PLANNING DEPARTMENT

Variance Request by Mitchell Family Motor Trikes LLC

June 23, 2013

Mitchell Family Motor Trikes LLC would like to request four landscaping variances to the site plan we have submitted to the City of Kyle. These four variances are all interconnected. The reason for the request is because the specific layout of our property is unique -- it is much deeper than it is wide and has a residential house in the back -- making traditional compliance with the landscaping ordinance extremely impractical. Upon examination of the proposed landscaping we believe the board will find that Mitchell Family Motor Trikes LLC has indeed put forth a landscaping design which meets the aesthetic, buffering, and environmental intent of the landscaping ordinance, if not the letter.

The four variance requests are:

1. Reduce the area used to calculate landscaping from the entire property to the Limits of Construction. ***(Sec. 53-988. - Landscaping requirements.)***
    a. Our entire property is 97,614 sq ft, but we are only developing 58,589 sq ft. The back 40% of the property contains a residential house and we believe this portion should not be considered when calculating 15% of the total area to be landscaped.
2. Reduce the portion of landscaping required to be directly in front of the building. ***(Sec. 53-990. - Placement.)***
    a. Our specific property is 449' deep with only 166' of interstate frontage. The intent of the ordinance to place 50% of landscaping directly in front of the building is to make the property appealing from the interstate and to provide a buffer of trees between the highway and the building. We understand the City of Kyle's desire to have well landscaped developments on IH 35. We believe the proposed site plan demonstrates that we are not requesting variances to simply sidestep the City's requirements but to make compliance more practical given our property layout. In front of our building we have placed ten 4" caliper trees, 22 five gallon shrubs, 36

Mitchell Family Motor Trikes LLC
21701 N IH 35 Kyle, TX 78640

mitchells-trikes.com
512-892-5800

one gallon shrubs, and 61 one gallon perennials in every feasible location. We are also proposing a row of Chinquapin Oaks and Monterrey Oaks along the south border of the building which will be highly visible when traveling northbound on IH 35. We have left a small gap in the southwest corner of the property to help frame the building to the northbound traffic. It is important that our building -- which will not have a tall freeway sign -- be clearly visible. We have left a small area in which to accomplish this.

3. Reduce the 4" caliper requirements on the 10 trees bordering the south fence to 2.5". ***(Sec. 53-987a. - Planting criteria.)***
    a. These two tree species are not susceptible to oak wilt and are very difficult to find in the wholesale nursery trade in a 4" caliper, due to the fact that most of them are container grown. Container grown trees are usually a more desirable specimen. Since they do not have their root systems cut (as B&B (balled and burlapped) are) during the transplanting process, they will have more significant growth during the first year or two after they are planted.
4. Reduce the total number of trees planted ***(Sec. 53-988. - Landscaping requirements.)***
    a. The Limits of Construction would require Mitchell Family Motor Trikes LLC to plant 30 4" caliper trees on the property. After putting trees in every location along the east and south wall (without blocking view from the interstate) we were still ten trees short. The only place to put these trees would be in a cluster along the far east border. This location is completely out of view and next to the residential house which already has well-established trees. We believe planting these trees in a grove on the back of the property is not in the spirit of the landscaping ordinance and request a variance to not plant them.

In conclusion, Mitchell Family Motor Trikes LLC wants to reiterate that we are committed to building a dealership that is compliant with the City of Kyle IH 35 Overlay. We have spent the last five years in a lease in the City of Austin, waiting for the day when we could purchase land and build a dealership of our own. We are happy to make Kyle our home and want to establish this dealership as a unique and beautiful facility for decades to come.

Sincerely,

Travis Mitchell
CEO/Member
Mitchell Family Motor Trikes LLC

ITEM 10 A

Staff comments based on 6/21/13 resubmittal

General Comments

- The traffic impact analysis is currently under review with the contracted transportation engineer. As soon as comments are received from him staff will route those to you. Please be aware that due to a 2nd review of the TIA the contracted reviewer may need additional funds to be deposited if the initial fee has already been used.
- Please send a redline word version (with track changes) of the submitted copy of the PUD document.
- Please provide elevations for the truck pumps and service center (just as you did for the convenience store and gas stations).
- Please provide a site plan with topography lines (finished grade).
- Please provide a fence detail
- Are there some trees you can commit to preserving (for example the trees located within the proposed retaining wall areas)?
- The plan for signage along the I-35 frontage road has significantly changed since our last meeting. At our last meeting we discussed the use of 1 -80' tall sign that would only advertise the gas and truck stop, the use of monument signage and the use only a select few joint tenant signs. Please understand the signage plan that was included requests significantly more signage than the code permits and is contrary to our discussions on providing a superior product and only asking for minimal variances. The signage plan included is of significant concern to city staff and is not something that we can support at this time.
- In reading through the documents provided it appears that the PUD document and exhibit D have overlapping information (i.e. signage is included in both, but some development standards are written into exhibit d while others are included in the PUD document itself). Unless there is some reason you have done it this way please include the information in exhibit D into the PUD document and group all the development standards for the site together and all the development standards for the building together, etc.
- Last month you postponed your zoning request after we had already noticed in the newspaper and the adjacent properties as a result a postponement fee of $66.40 needs to be paid with your resubmittal.

PUD Development District

- Section 2.1- 5th line has an extra period
- Section 2.2- first sentence refers to this project as a mixed use community, please remove this project is a mixture of uses not a mixed use community.
- Section 3.2 b. – add the following sentence: A full site plan per the requirements of the City Code will be required as each individual lot is developed.
- Section 3.2c. - The second sentence appears to have an extra comma after the colon.
- Section 3.2d. - are you implying that all uses allowed in the Entertainment district should be included.
- Section 3.2f.- Parkland. The parkland proposal is less than what is required by city code. If you are going to vary from the parkland requirements outlined in the code you will need to seek approval from the Parks Advisory Board (*the park land*

what landscaping will be provided in the buffer zone. On page 6 of exhibit d you have provided some guidance regarding perimeter landscaping, are these your landscaping requirements for the 30 landscape buffer along the feeder road? Are you requesting to be exempted from the sidewalk requirements?

7. The row currently labeled b and titled Environmental, row c titled safety, and row d labeled cultural should be removed and included in exhibit d since you are not directly varying from a specific requirement of the code.

Exhibit D comments

- Under general design standards: 2nd row of paragraph after design concepts please add the following: , architectural them and materials, used...
- -As a result of the above edits to the first sentence remove the second sentence of the paragraph.
- Under general design standards, the second sentence from the end of the paragraph should read "Red brick and white limestone shall be used..."

- Page 3: are you seeking to vary from the sidewalk requirement along public streets? If so please state so under this section.

- Page 4 /drive through facilities #4 the word should be changed to shall.

- Page 5 /general signage standards: in the first sentence you reference an exhibit b but I believe it should be exhibit F. Am I missing something.

- Page 5 /general signage standards: please explain or provide an example of what halo, plex face, or routed pane with push letters are.

- Page 5 /general signage standards: the sign standards described in this exhibit must include detail on height, sign area, materials.

- Page 5 /landscape design standards: include how many shrubs, trees and size of each (we need to have standards that are reviewable)
- Page 6-/Perimeter landscaping: please identify if the plant height standards included in this section are to be at the time of planting or at the time of maturity. Include a minimum gallon size of plantings.
- Page 6 /parking area landscaping: #2 identifies large or medium trees. The development standards in this document need to include standards in which staff can review by. Include minimum size of plantings.
- Page 6 /Screenings areas. I want to make sure we are on the same page regarding what service areas are. Please include definition or list specific areas you are referring to.
- Page 7/ Streetscape. # 1 Add following sentence. If license agreement is not secured improvements will be placed within the property boundaries.

4CUATRO Consultants, LTD.
Firm Registration No. F-3524

June 20, 2013

Sofia Nelson
City of Kyle
100 W. Center Street
Kyle, Texas 78640

RE: **YARRINGTON SUBDIVISION: 24800 S IH 35 48 ACRE TRACT KYLE, TEXAS CCL 11-144**

Subject: **PROPOSED PUD UPDATE**

Dear Ms. Nelson:

Transmitted herewith, please find five (5) copies of the updated Proposed PUD for Yarrington Subdivision, per City review comments dated March 22, 2013.

I. **General to the Entire Document:**
   a. All references of agreement and development have been replaced with Development Overlay District.
      i. References to term limits have been removed and replaced with Sec. 53-725 of the code.
      ii. References to vesting dates and vesting requirements have been moved.
      iii. Section 5.3 – HB 1197 has been removed.
      iv. Section 5.5 – Land Owner's rights to continue development has been removed.
      v. Section 5.6 – Equivalent Substitute Obligation has been removed.
      vi. Section 5.8 – Litigation has been removed.
      vii. Section 3.5 – Amendments has been removed and updated according to Sec. 53-724.
      viii. Section 3.6 – Terms of Approval has been removed and updated according to Sec. 53-725.
   b. Comments noted.
   c. Section 3.4 has been updated accordingly.

II. **Land Use**
   a. Comments noted.
   b. **Storage Requirements** – Added Section 3.2, i.
   c. **Display Requirements** – Added Section 3.2, j.

3601 Kyle Crossing, Ste. B, Kyle, Texas 78640 Phone 512-312-5040 Fax 512-312-5399

d. **Proposed Residential Uses**
   - Section 3.2 (c) has been updated accordingly.

e. **Regulations regarding existing uses**
   - Section 3.2 (g) has been updated accordingly.

III. **Utilities**

a. Wastewater note has been added to Section 4.1.
b. Comment noted.

IV. **Signage**

a. Signage Plan, Exhibit "F" identifying sign locations, materials, and renderings of monument and pole signs is made part of this document.

V. **Public Roads, Trash, Fire, Police and Emergency Services**

a. Sections 4.4 – 4.8 have been removed.

VI. **Finance**

a. Comment noted.
   i. Section 3.2 (i) Fiscal deposit has been removed.
   ii. Section 4.9 has been removed.
   iii. Section 4.11 has been revised accordingly.

VII. **Traffic Impact Analysis**

a. Comment noted. Please find updated TIA in response to City's subconsultant's comments.
b. Additional: Please note we have completed a Parking Study for the truck parking spaces, attached hereto.

VIII. **Parkland**

a. There are no variances requested for Parkland requirements.
   i. Comment noted.

IX. **Development Standards**

- Comment noted.
- Detail of fencing shall be provided under separate cover.

Please review and advise if you have any questions regarding this matter.

Sincerely,

Hugo Elizondo, Jr., P.E.
Manager

Attachments

Nelson-PUD Update_6-19-13.doc

GILANI, INC. PLLC
3710 NORMAN LOOP, ROUND ROCK, TX 78664

April 25, 2013

Steven D. Widacki, PE
City Engineer
City of Kyle
100 W. Center Street
Kyle, TX 78640

Re: Yarrington Development TIA – Response to the Review Comments

Dear Mr. Widacki:

Thank you very much for providing the review comments for the Yarrington Development Traffic Impact Analysis (TIA). The following section summarizes the responses to the review comments provided on April 17th Letter.

Response to Comment 1: A revised site plan with labeled driveways and a table summarizing the land uses will be submitted with the revised study.

Response to Comment 2: The copies of TXDOT permits for the proposed driveways will be provided with the revised study.

Response to Comment 3: The traffic distribution was provided in tabular form. The traffic distribution will also be summarized in the form of exhibits in the revised study.

Response to Comment 4: A detailed description of the traffic distribution mythology will be provided in the revised study.

Response to Comment 5: The justification for an internal capture rate will be provided in the revised study.

Response to Comment 6: The calculations and CAMPO reference counts will be provided in the revised study.

Response to Comment 7: The peak hour trip rates from the 9th Edition of the ITE Trip Generation Manual will be provided in the revised study.

Response to Comment 8: The truck stop trip generation rates from the 2003 City of Fontana Truck Trip Generation Study will be provided in the revised study.

Response to Comment 9: The existing, site and total peak hour traffic will be provided on exhibits in the revised study.

Response to Comment 10: The reference information regarding the analysis software will be provided in the revised study.

Response to Comment 11: IH 35 and Yarrington Road Interchange will be modeled using Synchro.

Response to Comment 12: There are not improvements identified in the initial study.

I am available to go over the review comments and the responses provided in the letter, at your convenience. Please contact me at (210) 289 – 4739 if you have any questions or comments regarding this letter.

Sincerely,
GILANI, INC. PLLC

Amer Gilani, PE, PTOE

Kimley-Horn
and Associates, Inc.

10415 Morado Circle
Bldg 1, Suite 300
Austin, Texas
78759

April 17, 2013

Mr. Steven Widacki, P.E.
City of Kyle
520 East RR 150
Kyle, TX 78640

Re: Yarrington Development TIA– Review Comments

Dear Mr. Widacki:

Kimley Horn has reviewed the Traffic Impact Analysis (TIA) for the Yarrington Development prepared by Amer Gilani, P.E.. The TIA is dated March 18, 2013. Our comments are provided below:

Comment 1: The site plan provided in the report is too small to be legible. Please provide a larger scale site plan, with labeled driveways and a table summarizing the land uses.

Comment 2: The study assumes that six driveways will be located on the southbound frontage road of IH 35. Please provide copies of the approved TxDOT driveway permits. If the number of driveways must be reduced to meet TxDOT requirements, traffic must be redistributed amongst the remaining driveways in an update to the TIA.

Comment 3: Traffic counts were taken prior to the conversion of the frontage roads to one way operation. The future year analysis shows a large reduction in the number of turning vehicles for several movements. Please provide figures and calculations showing how traffic was redistributed through this interchange for future year analysis.

Comment 4: Existing traffic counts show that only 9 percent of the traffic at the IH 35 Yarrington Road interchange is oriented to / from the west. However, the TIA assumes that 25% of site traffic will use this approach. Please provide justification.

Comment 5: The study assumes an internal capture rate of 25%. Please provide internal capture calculations as shown in the ITE Trip Generation Handbook.

Comment 6: The report states that a 2% growth rate was assumed based on CAMPO maps. Please provide calculations and show reference counts that were used.

Comment 7: Site trips were calculated using the 8th Edition of the ITE Trip Generation Manual. Please note that this edition is not the most current version available. The 9th Edition was published in 2012.

Comment 8: Please explain why the trip generation rates for the truck stop do not match the rates provided in the 2003 City of Fontana Truck Trip Generation Study.

Comment 9: Please provide figures for each scenario that clearly show background, site and total traffic at each study intersection.

Comment 10: Analysis of the un-signalized intersections uses the Highway Capacity Manual (HCM) reporting module in Synchro. However, no mention is made of the version number for Synchro or HCM. Please confirm that Synchro 8 and the 2010 version of the HCM were used.

Comment 11: Analysis for the intersection of IH 35 and Yarrington Road was conducted using Synchro and each intersection was modeled independent of the other. Analyzing these two intersections separately does not consider the true operation of the intersection whereby the traffic flows and signal operations on both sides of the interchange are directly dependent on each other. The proper analysis for a diamond intersection such as this requires the use of the TxDOT PASSER software. Please provide an updated set of analysis results using PASSER.

Comment 12: Please provide cost estimates and pro-rata share calculations for any improvements needed. Note that the costs of site-specific improvements such as turn lanes and traffic signals are to be assumed as 100% funded by the applicant.

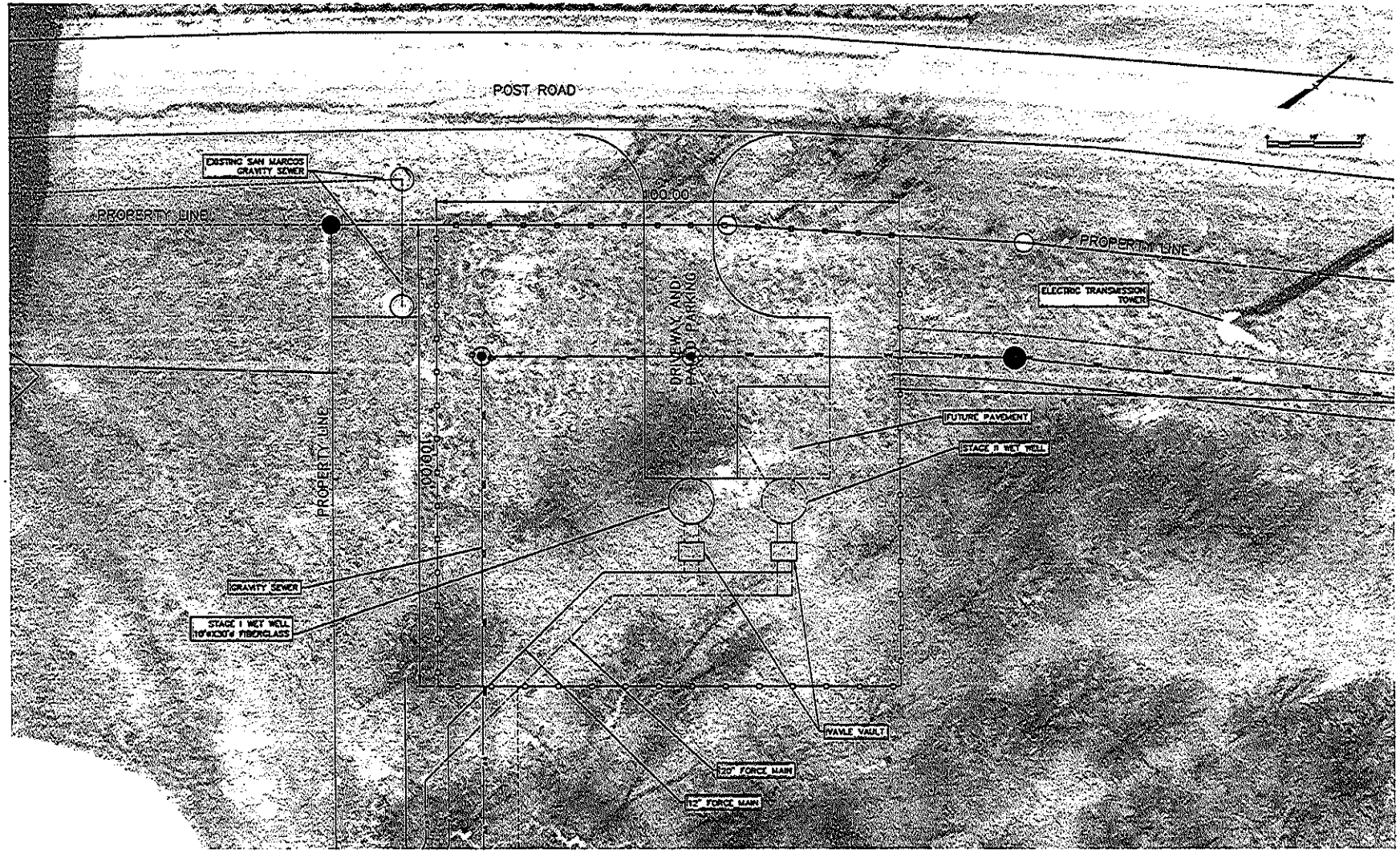
If you have any questions or need any additional information, please give me a call at (512) 418-4500.

Sincerely,

Kimley-Horn and Associates, Inc. (F-#928)

Brian D. Van De Walle

Brian D. Van De Walle, P.E. PTOE
Senior Transportation Engineer



RPS Espey
A MEMBER OF THE RPS GROUP PLC
TBPE No. F-393

EXHIBIT 3
LIFT STATION SITE
SOUTHSIDE WASTEWATER IMPROVMENTS
CITY OF KYLE, TX

FEBRUARY 2013 PROJECT NUMBER 12066.00

LIFT STATION AREA

CITY OF KYLE
SOUTHSIDE WASTEWATER IMPROVEMENTS

RPS Espey
A MEMBER OF THE RPS GROUP PLC
TBPE No. F-263

SHEET
X of X

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Permit to Construct Access Driveway Facilities on Highway Right of Way

Form 1058
(Rev. 11/10)
Page 1 of 2

PERMIT NUMBER:	008-13-33772-DP			
		GPS*	ROADWAY	
REQUESTOR		LATITUDE, LONGITUDE	HWY NAME	IH 35
		29.85222 -97.87955	FOR TxDOT'S USE	
			CONTROL	016
NAME	PGI INVESTMENTS C/O CUATRO CONSULTANTS		SECTION	02
MAILING ADDRESS	3601 KYLE CROSSING, SUITE B			
CITY, STATE, ZIP	KYLE, TEXAS 78640			
PHONE NUMBER	512 / 312-5040			
*GLOBAL POSITIONING SYSTEM COORDINATES AT INTERSECTION OF DRIVEWAY CENTERLINE WITH ABUTTING ROADWAY				

The Texas Department of Transportation, hereinafter called the State, hereby authorizes PGI INVESTMENTS C/O CUATRO CONSULTANTS, hereinafter called the Permittee, to ☑ construct / ☐ reconstruct a 40-FT COMMERCIAL (residential, convenience store, retail mall, farm, etc.) access driveway on the highway right of way abutting highway number IH35 in HAYS County, located WEST ROW, TxDOT STA 577+47.64, TRM 211+275 DRIVE # 3 CONV STORE (LOTS 6 & 7).

USE ADDITIONAL SHEETS AS NEEDED

Subject to the Access Driveway Policy described on page 2 and the following:

1. The undersigned hereby agrees to comply with the terms and conditions set forth in this permit for construction and maintenance of an access driveway on the state highway right of way.
2. Design of facilities shall be as follows and/or as shown on sketch on page 2 and is subject to conditions stated below:
   CONSTRUCT 40-FT CONCRETE COMMERCIAL JOINT USE ACCESS DRIVEWAY. USE ONE DESIGN 2 CMP WITH TWO 6:1 SET. DRIVEWAY DETAIL ATTACHED. PLACE ONE WAY SIGN ACROSS FROM ACCESS DRIVEWAY MOUNTED IN ACCORDANCE WITH TxDOT REQUIREMENTS. SEE ATTACHED STANDARD DETAIL.
   * KYLE TRAVEL CENTER DEVELOPMENT

   TRAFFIC CONTROL ACCORDING TO TxMUTCD MUST BE IN PLACE PRIOR TO WORKING IN THE TXDOT ROW

   All construction of materials shall be subject to inspection and approval by the State.
3. Maintenance of facilities constructed hereunder shall be the responsibility of the Permittee, and the State reserves the right to require any changes, maintenance or repairs as may be necessary to provide protection of life or property on or adjacent to the highway. Changes in design will be made only with approval of the State.
4. The Permittee shall hold harmless the State and its duly appointed agents and employees against any action for personal injury or property damage sustained by reason of the exercise of this permit.
5. Except for regulatory and guide signs at county roads and city streets, the Permittee shall not erect any sign on or extending over any portion of the highway right of way, and vehicle service fixtures such as fuel pumps, vendor stands, or tanks and shall be located at least 12 feet from the right of way line to ensure that any vehicle services from these fixtures will be off the highway right of way.
6. The State reserves the right to require a new access driveway permit in the event of a material change in land use or change in driveway traffic volume or vehicle types.
7. This permit will become null and void if the above-referenced driveway facilities are not constructed within six (6) months from the issuance date of this permit.
8. The Permittee will contact the State's representative HENRY RAMIREZ telephone, (512) 353-1061, at least twenty-four (24) hours prior to beginning the work authorized by this permit.
9. The requesting Permittee will be provided instructions on the appeal process if this permit request is denied by the State.

6/12/2013
Date of Issuance

Gary Moore
State Authorized Representative

The undersigned hereby agrees to comply with the terms and conditions set forth in this permit for construction and maintenance of an access driveway on the highway right of way.

Date: _____

Signed: ORIGINAL SIGNED
(Property owner or owner's representative)

Permit to Construct Access Driveway Facilities on Highway Right of Way

Form 1058
(Rev. 11/10)
Page 1 of 2

PERMIT NUMBER:	006-13-33770-DP			
REQUESTOR		GPS* LATITUDE, LONGITUDE	ROADWAY HWY NAME	IH 35
		29.95471 -97.87856	FOR TxDOT'S USE	
NAME	PGI INVESTMENTS C/O CUATRO CONSULTANTS		CONTROL	016
			SECTION	02
MAILING ADDRESS	3601 KYLE CROSSING, SUITE B			
CITY, STATE, ZIP	KYLE, TEXAS 78640			
PHONE NUMBER	512 / 312-5040			
*GLOBAL POSITIONING SYSTEM COORDINATES AT INTERSECTION OF DRIVEWAY CENTERLINE WITH ABUTTING ROADWAY				

The Texas Department of Transportation, hereinafter called the State, hereby authorizes PGI INVESTMENTS C/O CUATRO CONSULTANTS, hereinafter called the Permittee, to ☑ construct / ☐ reconstruct a 40-FT COMM JOINT USE (residential, convenience store, retail mall, farm, etc.) access driveway on the highway right of way abutting highway number IH35 in HAYS County, located WEST ROW, TxDOT STA 568+03.52, TRM 211+1220 DRIVE # 1 NORTH RV PARKING LOT (LOTS 10 & 11).
USE ADDITIONAL SHEETS AS NEEDED

Subject to the Access Driveway Policy described on page 2 and the following:

1. The undersigned hereby agrees to comply with the terms and conditions set forth in this permit for construction and maintenance of an access driveway on the state highway right of way.
2. Design of facilities shall be as follows and/or as shown on sketch on page 2 and is subject to conditions stated below:
   CONSTRUCT 40-FT CONCRETE COMMERCIAL JOINT USE ACCESS DRIVEWAY. NO PIPE REQUIRED. DRIVEWAY DETAIL ATTACHED. PLACE ONE WAY SIGN ACROSS FROM ACCESS DRIVEWAY MOUNTED IN ACCORDANCE WITH TxDOT REQMTS. SEE ATTACHED STANDARD DETAIL.
   * KYLE TRAVEL CENTER DEVELOPMENT

   TRAFFIC CONTROL ACCORDING TO TXMUTCD MUST BE IN PLACE PRIOR TO WORKING IN THE TXDOT ROW

   All construction of materials shall be subject to inspection and approval by the State.
3. Maintenance of facilities constructed hereunder shall be the responsibility of the Permittee, and the State reserves the right to require any changes, maintenance or repairs as may be necessary to provide protection of life or property on or adjacent to the highway. Changes in design will be made only with approval of the State.
4. The Permittee shall hold harmless the State and its duly appointed agents and employees against any action for personal injury or property damage sustained by reason of the exercise of this permit.
5. Except for regulatory and guide signs at county roads and city streets, the Permittee shall not erect any sign on or extending over any portion of the highway right of way, and vehicle service fixtures such as fuel pumps, vendor stands, or tanks and shall be located at least 12 feet from the right of way line to ensure that any vehicle services from these fixtures will be off the highway right of way.
6. The State reserves the right to require a new access driveway permit in the event of a material change in land use or change in driveway traffic volume or vehicle types.
7. This permit will become null and void if the above-referenced driveway facilities are not constructed within six (6) months from the issuance date of this permit.
8. The Permittee will contact the State's representative HENRY RAMIREZ telephone, (512) 353-1061, at least twenty-four (24) hours prior to beginning the work authorized by this permit.
9. The requesting Permittee will be provided instructions on the appeal process if this permit request is denied by the State.

6/12/2013
Date of Issuance

Gary Morris
State Authorized Representative

The undersigned hereby agrees to comply with the terms and conditions set forth in this permit for construction and maintenance of an access driveway on the highway right of way.

Date: _____

Signed: ORIGINAL SIGNED BY APPLICANT
(Property owner or owner's representative)

Permit to Construct Access Driveway Facilities on Highway Right of Way

PERMIT NUMBER:	008-13-33775-DP			
		GPS*	ROADWAY	
REQUESTOR		LATITUDE, LONGITUDE	HWY NAME	IH 35
		29.94902 -97.88012	FOR TxDOT'S USE	
			CONTROL	016
NAME	PGI INVESTMENTS C/O CUATRO CONSULTANTS		SECTION	02
MAILING ADDRESS	3601 KYLE CROSSING, SUITE B			
CITY, STATE, ZIP	KYLE, TEXAS 78640			
PHONE NUMBER	512 / 312-5040			

*GLOBAL POSITIONING SYSTEM COORDINATES AT INTERSECTION OF DRIVEWAY CENTERLINE WITH ABUTTING ROADWAY

The Texas Department of Transportation, hereinafter called the State, hereby authorizes PGI INVESTMENTS C/O CUATRO CONSULTANTS, hereinafter called the Permittee, to ☑ construct / ☐ reconstruct a 40-FT COMMERCIAL JOINT USE (residential, convenience store, retail mall, farm, etc.) access driveway on the highway right of way abutting highway number IH35 in HAYS County, located WEST ROW, TxDOT STA 589+22.73, TRM 211-902 DRIVE # 6 (LOTS 1, 2, & 3).

USE ADDITIONAL SHEETS AS NEEDED

Subject to the Access Driveway Policy described on page 2 and the following:

1. The undersigned hereby agrees to comply with the terms and conditions set forth in this permit for construction and maintenance of an access driveway on the state highway right of way.
2. Design of facilities shall be as follows and/or as shown on sketch on page 2 and is subject to conditions stated below:
   CONSTRUCT 40-FT HMAC COMMERCIAL JOINT USE ACCESS DRIVEWAY. USE ONE DESIGN 2 CMP WITH TWO 6:1 SET. PLACE ONE WAY SIGN ACROSS FROM ACCESS DRIVEWAY MOUNTED IN ACCORDANCE WITH TxDOT REQUIREMENTS. SEE ATTACHED STANDARD DETAIL.
   * KYLE TRAVEL CENTER DEVELOPMENT

   TRAFFIC CONTROL ACCORDING TO TXMUTCD MUST BE IN PLACE PRIOR TO WORKING IN THE TXDOT ROW

   All construction of materials shall be subject to inspection and approval by the State.
3. Maintenance of facilities constructed hereunder shall be the responsibility of the Permittee, and the State reserves the right to require any changes, maintenance or repairs as may be necessary to provide protection of life or property on or adjacent to the highway. Changes in design will be made only with approval of the State.
4. The Permittee shall hold harmless the State and its duly appointed agents and employees against any action for personal injury or property damage sustained by reason of the exercise of this permit.
5. Except for regulatory and guide signs at county roads and city streets, the Permittee shall not erect any sign on or extending over any portion of the highway right of way, and vehicle service fixtures such as fuel pumps, vendor stands, or tanks and shall be located at least 12 feet from the right of way line to ensure that any vehicle services from these fixtures will be off the highway right of way.
6. The State reserves the right to require a new access driveway permit in the event of a material change in land use or change in driveway traffic volume or vehicle types.
7. This permit will become null and void if the above-referenced driveway facilities are not constructed within six (6) months from the issuance date of this permit.
8. The Permittee will contact the State's representative HENRY RAMIREZ telephone, (512) 353-1061, at least twenty-four (24) hours prior to beginning the work authorized by this permit.
9. The requesting Permittee will be provided instructions on the appeal process if this permit request is denied by the State.

6/12/2013
Date of Issuance

Gary Morris
State Authorized Representative

The undersigned hereby agrees to comply with the terms and conditions set forth in this permit for construction and maintenance of an access driveway on the highway right of way.

Date: _____

Signed: ORIGINAL SIGNED BY APPLICANT
(Property owner or owner's representative)

Permit to Construct Access Driveway Facilities on Highway Right of Way

PERMIT NUMBER: 008-13-33771-DP				
REQUESTOR		GPS* LATITUDE, LONGITUDE	ROADWAY HWY NAME	IH 35
		29.95333 -97.87925	FOR TxDOT'S USE	
			CONTROL	016
NAME	PGI INVESTMENTS C/O CUATRO CONSULTANTS		SECTION	02
MAILING ADDRESS	3601 KYLE CROSSING, SUITE B			
CITY, STATE, ZIP	KYLE, TEXAS 78640			
PHONE NUMBER	512 / 312-5040			

*GLOBAL POSITIONING SYSTEM COORDINATES AT INTERSECTION OF DRIVEWAY CENTERLINE WITH ABUTTING ROADWAY

The Texas Department of Transportation, hereinafter called the State, hereby authorizes PGI INVESTMENTS C/O CUATRO CONSULTANTS, hereinafter called the Permittee, to ☑ construct / ☐ reconstruct a 40-FT COMM JOINT USE (residential, convenience store, retail mall, farm, etc.) access driveway on the highway right of way abutting highway number IH35 in HAYS County, located WEST ROW, TxDOT STA 573+11.72, TRM 211+710 DRIVE # 2 (LOTS 7, 8, & 9).

USE ADDITIONAL SHEETS AS NEEDED

Subject to the Access Driveway Policy described on page 2 and the following:

1. The undersigned hereby agrees to comply with the terms and conditions set forth in this permit for construction and maintenance of an access driveway on the state highway right of way.
2. Design of facilities shall be as follows and/or as shown on sketch on page 2 and is subject to conditions stated below:
   CONSTRUCT 40-FT CONCRETE COMMERCIAL JOINT USE ACCESS DRIVEWAY. USE ONE DESIGN 3 CMP WITH 6:1 SAFETY END TREATMENTS AND CONCRETE RIPRAP. DRIVEWAY DETAIL ATTACHED. PLACE ONE WAY SIGN ACROSS FROM ACCESS DRIVEWAY MOUNTED IN ACCORDANCE WITH TxDOT REQMTS. SEE ATTACHED STANDARD DETAIL.
   * KYLE TRAVEL CENTER DEVELOPMENT

   TRAFFIC CONTROL ACCORDING TO TxMUTCD MUST BE IN PLACE PRIOR TO WORKING IN THE TXDOT ROW

   All construction of materials shall be subject to inspection and approval by the State.
3. Maintenance of facilities constructed hereunder shall be the responsibility of the Permittee, and the State reserves the right to require any changes, maintenance or repairs as may be necessary to provide protection of life or property on or adjacent to the highway. Changes in design will be made only with approval of the State.
4. The Permittee shall hold harmless the State and its duly appointed agents and employees against any action for personal injury or property damage sustained by reason of the exercise of this permit.
5. Except for regulatory and guide signs at county roads and city streets, the Permittee shall not erect any sign on or extending over any portion of the highway right of way, and vehicle service fixtures such as fuel pumps, vendor stands, or tanks and shall be located at least 12 feet from the right of way line to ensure that any vehicle services from these fixtures will be off the highway right of way.
6. The State reserves the right to require a new access driveway permit in the event of a material change in land use or change in driveway traffic volume or vehicle types.
7. This permit will become null and void if the above-referenced driveway facilities are not constructed within six (6) months from the issuance date of this permit.
8. The Permittee will contact the State's representative HENRY RAMIREZ telephone, (512) 353-1061, at least twenty-four (24) hours prior to beginning the work authorized by this permit.
9. The requesting Permittee will be provided instructions on the appeal process if this permit request is denied by the State.

6/12/2013
Date of Issuance

Gary Morris
State Authorized Representative

The undersigned hereby agrees to comply with the terms and conditions set forth in this permit for construction and maintenance of an access driveway on the highway right of way.

Date: _____

Signed: ORIGINAL SIGNED
(Property Owner or Owner's Representative)

DO NOT APPROVE

Permit to Construct Access Driveway Facilities on Highway Right of Way

Form 1058
(Rev. 11/10)
Page 1 of 2

PERMIT NUMBER:	006-13-33773-DP			
REQUESTOR		GPS* LATITUDE, LONGITUDE	ROADWAY HWY NAME	IH 35
		29.95102 -97.87982	FOR TxDOT'S USE	
NAME	PGI INVESTMENTS C/O CUATRO CONSULTANTS		CONTROL	016
			SECTION	02
MAILING ADDRESS	3601 KYLE CROSSING, SUITE B			
CITY, STATE, ZIP	KYLE, TEXAS 78640			
PHONE NUMBER	512 / 312-5040			

*GLOBAL POSITIONING SYSTEM COORDINATES AT INTERSECTION OF DRIVEWAY CENTERLINE WITH ABUTTING ROADWAY

The Texas Department of Transportation, hereinafter called the State, hereby authorizes PGI INVESTMENTS C/O CUATRO CONSULTANTS, hereinafter called the Permittee, to ☑ construct / ☐ reconstruct a 45-FT COMMERCIAL (residential, convenience store, retail mall, farm, etc.) access driveway on the highway right of way abutting highway number IH35 in HAYS County, located WEST ROW, TxDOT STA 581+77.11, TRM 211+155 DRIVE # 4 TRUCK DRIVE (LOTS 6).

USE ADDITIONAL SHEETS AS NEEDED

Subject to the Access Driveway Policy described on page 2 and the following:

1. The undersigned hereby agrees to comply with the terms and conditions set forth in this permit for construction and maintenance of an access driveway on the state highway right of way.
2. Design of facilities shall be as follows and/or as shown on sketch on page 2 and is subject to conditions stated below:
   CONSTRUCT 45-FT CONCRETE COMMERCIAL ACCESS DRIVEWAY. USE ONE DESIGN 2 CMP WITH TWO 6:1 SET. PLACE ONE WAY SIGN ACROSS FROM ACCESS DRIVEWAY MOUNTED IN ACCORDANCE WITH TxDOT REQUIREMENTS. SEE ATTACHED STANDARD DETAIL. CONSTRUCTION OF RIGHT TURN LANE CONSTRUCTED UNDER DIFFERENT DOCUMENT.
   * KYLE TRAVEL CENTER DEVELOPMENT
   TRAFFIC CONTROL ACCORDING ~~TO TXMUTCD MUST BE IN PLACE~~ PRIOR TO WORKING IN THE TXDOT ROW
   All construction of materials shall be subject to inspection and approval by the State.
3. Maintenance of facilities constructed hereunder shall be the responsibility of the Permittee, and the State reserves the right to require any changes, maintenance or repairs as may be necessary to provide protection of life or property on or adjacent to the highway. Changes in design will be made only with approval of the State.
4. The Permittee shall hold harmless the State and its duly appointed agents and employees against any action for personal injury or property damage sustained by reason of the exercise of this permit.
5. Except for regulatory and guide signs at county roads and city streets, the Permittee shall not erect any sign on or extending over any portion of the highway right of way, and vehicle service fixtures such as fuel pumps, vendor stands, or tanks and shall be located at least 12 feet from the right of way line to ensure that any vehicle services from these fixtures will be off the highway right of way.
6. The State reserves the right to require a new access driveway permit in the event of a material change in land use or change in driveway traffic volume or vehicle types.
7. This permit will become null and void if the above-referenced driveway facilities are not constructed within six (6) months from the issuance date of this permit.
8. The Permittee will contact the State's representative HENRY RAMIREZ telephone, (512) 353-1061, at least twenty-four (24) hours prior to beginning the work authorized by this permit.
9. The requesting Permittee will be provided instructions on the appeal process if this permit request is denied by the State.

6/12/2013
Date of Issuance

Gary Moore
State Authorized Representative

The undersigned hereby agrees to comply with the terms and conditions set forth in this permit for construction and maintenance of an access driveway on the highway right of way.

Date: _____

Signed: ORIGINAL SIGNED BY APPLICANT
(Property owner or owner's representative)

Permit to Construct Access Driveway Facilities on Highway Right of Way

Form 1058
(Rev. 11/10)
Page 1 of 2

PERMIT NUMBER:	006-13-33774-DP			
REQUESTOR		GPS* LATITUDE, LONGITUDE	ROADWAY HWY NAME	IH 35
		29.95000 -97.87971	FOR TxDOT'S USE	
NAME	PGI INVESTMENTS C/O CUATRO CONSULTANTS		CONTROL	016
			SECTION	02
MAILING ADDRESS	3601 KYLE CROSSING, SUITE B			
CITY, STATE, ZIP	KYLE, TEXAS 78640			
PHONE NUMBER	512 / 312-5040			

*GLOBAL POSITIONING SYSTEM COORDINATES AT INTERSECTION OF DRIVEWAY CENTERLINE WITH ABUTTING ROADWAY

The Texas Department of Transportation, hereinafter called the State, hereby authorizes PGI INVESTMENTS C/O CUATRO CONSULTANTS, hereinafter called the Permittee, to ☑ construct / ☐ reconstruct a 40-FT COMMERCIAL JOINT USE (residential, convenience store, retail mall, farm, etc.) access driveway on the highway right of way abutting highway number IH35 in HAYS County, located WEST ROW, TxDOT STA 585+16.23, TRM 211-495 DRIVE # 5 (LOTS 4 & 5).

USE ADDITIONAL SHEETS AS NEEDED

Subject to the Access Driveway Policy described on page 2 and the following:

1. The undersigned hereby agrees to comply with the terms and conditions set forth in this permit for construction and maintenance of an access driveway on the state highway right of way.
2. Design of facilities shall be as follows and/or as shown on sketch on page 2 and is subject to conditions stated below:
   CONSTRUCT 40-FT HMAC COMMERCIAL ACCESS DRIVEWAY. USE ONE DESIGN 2 CMP WITH TWO 6:1 SET. PLACE ONE WAY SIGN ACROSS FROM ACCESS DRIVEWAY MOUNTED IN ACCORDANCE WITH TxDOT REQUIREMENTS. SEE ATTACHED STANDARD DETAIL.

   * KYLE TRAVEL CENTER DEVELOPMENT

   TRAFFIC CONTROL ACCORDING TO TXMUTCD MUST BE IN PLACE PRIOR TO WORKING IN THE TXDOT ROW

   All construction of materials shall be subject to inspection and approval by the State.
3. Maintenance of facilities constructed hereunder shall be the responsibility of the Permittee, and the State reserves the right to require any changes, maintenance or repairs as may be necessary to provide protection of life or property on or adjacent to the highway. Changes in design will be made only with approval of the State.
4. The Permittee shall hold harmless the State and its duly appointed agents and employees against any action for personal injury or property damage sustained by reason of the exercise of this permit.
5. Except for regulatory and guide signs at county roads and city streets, the Permittee shall not erect any sign on or extending over any portion of the highway right of way, and vehicle service fixtures such as fuel pumps, vendor stands, or tanks and shall be located at least 12 feet from the right of way line to ensure that any vehicle services from these fixtures will be off the highway right of way.
6. The State reserves the right to require a new access driveway permit in the event of a material change in land use or change in driveway traffic volume or vehicle types.
7. This permit will become null and void if the above-referenced driveway facilities are not constructed within six (6) months from the issuance date of this permit.
8. The Permittee will contact the State's representative HENRY RAMIREZ telephone, (512) 353-1061, at least twenty-four (24) hours prior to beginning the work authorized by this permit.
9. The requesting Permittee will be provided instructions on the appeal process if this permit request is denied by the State.

6/12/2013
Date of Issuance

Gary Morris
State Authorized Representative

The undersigned hereby agrees to comply with the terms and conditions set forth in this permit for construction and maintenance of an access driveway on the highway right of way.

Date: _____

Signed: ORIGINAL SIGNED BY APPLICANT
(Property owner or owner's representative)

PLANNED USE DEVELOPMENT OVERLAY DISTRICT

AND

DEVELOPMENT PLAN

BETWEEN

THE CITY OF KYLE

HAYS COUNTY, TEXAS

AND

PGI INVESTMENT, LLC

PLANNED USE DEVELOPMENT OVERLAY DISTRICT

STATE OF TEXAS §

COUNTY OF HAYS §

This Planned Use Development Overlay District ("PUD") is between the City of Kyle, Texas (the "City") and **PGI Investment, LLC** (PGI). In this PUD, the City and PGI are sometimes individually referred to as a "Party" and collectively referred to as the "Parties".

RECITALS:

PGI, directly or through an affiliate or one or more assignees, intends to develop approximately 47.74 acres of land (the "Land") located within the City of Kyle full purpose annexation area and in Hays County, Texas (the County"). The Land is more fully described on the attached Exhibit A. Owner and City desire that the entire Land be governed by this PUD.

PGI intends to develop the Land as a master-planned, mixed-use community that will include commercial and residential uses conforming with Chapter 53 Article III Planned Unit Development District requirements of the City of Kyle Zoning Ordinance. In this PUD, the Land, as it will be developed, is sometimes referred to as the "Project".

The City is located in a rapidly growing area of the County and new construction and land development will impact the future character of the City. The City has adopted a Comprehensive Master Plan with land use districts ("Master Plan") to guide the City in planning for future growth and development. PGI and the City wish to enter into this PUD to provide an alternative to the City's typical regulatory process for development, provide development that is harmonious with the intent of the Plan and PGI's vision for the Project development, encourage innovative and comprehensive master-planning of the Land, provide certainty of regulatory requirements throughout the term of this

PUD and provide assurance of a high-quality development that will benefit the present and future residents of the City of Kyle.

Therefore, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the City and PGI agree as follows:

ARTICLE 1 DEFINITIONS

1.1 Applicable Fees: The fees and charges to be paid by PGI to the City with respect to the development of the Land.

1.2 Applicable Rules: The City rules, regulations and official policies in effect as of Vesting Date, which, as modified by the Project Approvals, will be applicable to the development of the Land.

1.3 CCN: The right to service the property with water pursuant to a Certificate of Convenience and Necessity issued or established by the TCEQ or its predecessors.

1.4 City: The City of Kyle, Texas, a State of Texas, home rule city.

1.5 City Manager: The City Manager of the City of Kyle.

1.6 City Council: The City Council of the City.

1.7 City Engineer: The Engineer for the City.

1.8 City Rules: The City's ordinances, regulations and official policies.

1.9 Comprehensive Master Plan: The Comprehensive Master Plan currently in effect for the City.

1.10 County: Hays County, Texas.

1.11 Interstate: Interstate Highway 35 which bounds the Project

1.12 Land: Approximately 47.74 acres of land, more or less, in Hays County, Texas, and within the full purpose annexation area of the City of Kyle, as more fully described on the attached Exhibit A.

1.13 Planning and Zoning Commission: The Planning and Zoning Commission of the City.

1.14 Preliminary Site Plan: The preliminary site or conceptual plan of the entire Project attached as Exhibit B,

1.15 Project: The Land as it will be developed under this PUD.

1.16 Project Approvals: The approvals, variances, waivers and exceptions to the Applicable Rules approved by the City with respect to other development of the Land, as set forth on the attached Exhibit C.

1.17 TCEQ: The Texas Commission of Environmental Quality.

ARTICLE 2 PUBLIC BENEFITS, INFRASTRUCTURE AND AMENITIES

2.1 Orderly Growth. The City desires that development within its City limits occur in an orderly manner in order to protect the health, safety and welfare of its present and future citizens, protect property values and provide for the growth of the City's tax base and comply with the City's Comprehensive Plan in the manner prescribed by law.. This PUD will benefit the City by facilitating the development of a master-planned community within the City, which will allow for thoughtful and high-quality planning, the development of necessary roadways and utility facilities, the provision of required fire protection services, and the development of a balanced community that includes Interstate-compatible commercial, retail and residential uses.

2.2 Economic Growth. The development of the Project as a master-planned, mixed-use community will benefit the City by providing new employers and an expanded job market for the residents of the City and its extraterritorial jurisdiction, furthering the

development of an expanded commercial tax base increasing services available to residents of the City and its extraterritorial jurisdiction.

2.3 Provision of Housing. The development of Land under this PUD is intended to provide multi-family residential housing alternatives for the City's present and future citizens and, as contemplated by the City's Comprehensive Plan to allow the development of housing that will minimize negative environmental impacts and promote the aesthetic enhancement of the City and its extraterritorial jurisdiction.

ARTICLE 3 PROPERTY DEVELOPMENT

3.1 Governing Regulations. The PUD Overlay District shall constitute an "Agreement for Construction" as defined by Texas Local Gov't Code Ann. Section 245.001 with the rights attendant thereto. To the extent permitted by law, and subject to the exceptions contained in Chapter 245 Local Government Code, for the term of this agreement, the development and use of the Land will be controlled by the terms of this agreement, the base zoning district, PUD requirements of the City Code, the and the Applicable Rules.

3.2 Project Approval and Entitlements. The City has reviewed and approved certain development matters regarding the Land. The Parties have specifically agreed as follows:

a. Project Approvals. The City confirms that the Project Approvals set forth in Exhibit C (the "Project Approval") have been reviewed, and to the extent necessary approved, by all required City departments, boards and commissions and the City Council and are granted by the City with respect to the development of the Land.
b. Preliminary Site Plan. The City confirms that the Preliminary Site Plan attached as Exhibit B (including all footnotes and definitions thereon or attached thereto) complies with the rules and regulations set forth in this document, as amended, and that the Preliminary Site Plan has been reviewed,

and to the extent necessary approved, by all requisite City departments, boards and commissions and the City Council.

c. Density of Development. Anything contained in this PUD or City ordinances to the contrary notwithstanding, PGI will have the right to develop land at a density as set forth on Exhibit C. For purposes of this PUD there shall be allowed within areas noted as residential areas:, multifamily residential, residential condominium, apartment residential, parks, sports and playground facilities, amenity centers, clubhouses and similar uses. For purposes of this PUD there shall be allowed within areas noted as commercial areas: Retail Services and Entertainment.

d. Phasing of Development. PGI may plat the Land in phases as determined by the Parties

e. Replatting. Any portion of the Property may be replatted to change the use or designation of that previously platted portion so long as the entire platted portion of the Property meets the Applicable Rules.

f. Parkland. The total parkland required for the residential area shall be one acre per fifty lots or units. The parkland may be located in such locations as determined by the City of Kyle.

g. Land Use. The City acknowledges that the portions of the Land not under active development may remain in use for existing RV Park use or wildlife management or agricultural purposes and must conform to the requirements the City code has established for non-conforming uses, structures, and site.

h. Prohibited Uses. The following land uses are prohibited.

- Sale of motor vehicles (to include but not limited to golf carts, boats, motorcycles, jet ski, new and used automobiles)
- Car Wash
- Bus terminal Facility
- Auto Repair

i. Storage Requirements. Outdoor storage and container storage are permitted as an accessory use as follows:

- Such storage does not exceed twenty percent (20%) of the gross floor area of the primary building that houses the business storing such materials,
- Such storage or container is located no closer to a street frontage than the primary building that houses the business storing such materials,
- Such storage or container is screened from view from adjacent properties
- Such storage or container is not permitted within required setbacks.

j. Display Requirements.

- Outdoor display of merchandise is permitted when such display is of merchandise from a permanent business located in a permanent legal structure on site and such display is limited to not more than thirty percent (30%) of the gross floor area of the building which houses the business displaying such merchandise.
- Display is not permitted within required setbacks.

3.3 Further Approvals. The City agrees that, upon the effective date of this PUD, PGI has the vested right to develop the Land consistent with the Project Approvals and this PUD. Any approved amendments to the Project Approvals, will become a part of the Project, and shall be subject to the City rules, ordinances, state law and regulations then place to the extent permitted by law.

3.4 Standard for and Timing of Review. The Parties agree that they will use reasonable efforts to review and process approvals required by this PUD consistent with City rules and regulations. Final authority for the resolution of any unresolved dispute created by this PUD shall be vested in the Board of Adjustment.

3.5 Amendments. All amendments must comply with the requirements established in Section 53.724 of the City of Kyle Code.

3.6 Terms of Approval. The project is subject to the terms of approval outlined in Section 53.725 of the City of Kyle Code.

ARTICLE 4 UTILITIES/SERVICES

4.1 Wastewater. Wastewater service will be provided by the City of San Marcos until such time as the City of Kyle can provide wastewater service to this development. PGI is responsible for determining if the available wastewater infrastructure has sufficient capacity to serve the development. If the development will exceed the capacity of the City of San Marcos' existing wastewater infrastructure, improvements to the existing infrastructure to provide sufficient capacity will be provided by and at the cost of PGI. The development will also be responsible for meeting and maintaining compliance with all applicable City of San Marcos sewer use ordinance requirements such as the Industrial Waste Discharge Regulations and Sewer Surcharge Fees.

The City of Kyle shall use its best efforts to provide to the Project wastewater capacity as and when reasonably requested by PGI. PGI will at its costs install gravity flow wastewater lines within the Project necessary to service the Project in accordance with Applicable Rules (the "Wastewater Facilities"). All wastewater interceptor and offsite improvements and any necessary onsite lift stations, force mains, pumps or similar facilities for nongravity collection of wastewater will be provided by and at the cost of the City at such location as PGI may reasonably request subject to the City's ability to obtain project financing. The City and PGI will negotiate in good faith the location for the onsite wastewater lift station and route of the planned wastewater interceptor traversing the Land. PGI will provide the land area or site needed for the wastewater lift station to be constructed including construction easements as needed from time to time and maintained by the City. Once the public wastewater onsite improvements are completed in accordance with the Applicable Rules and Project Approvals, the City will accept the same for maintenance and operation.

4.2 Water. The City will provide to the Project water capacity as and when needed and reasonably requested by PGI. PGI will at its cost install all water lines within the Project necessary to service the Project in accordance with Applicable Rules (the "Water Facilities") subject to the City's ability to obtain project financing. If applicable,

once the water onsite improvements are completed in accordance with the Applicable Rules and Project Approvals, the City will accept the same for maintenance and operation.

4.3 Easements. PGI agrees to provide use of all necessary PGI lands, and easements and to provide further required easements or lands as may be necessary for construction of the City's segment of the wastewater Project.

4.4 The project shall include one (1) two-sided Monument Sign with a 35' maximum height and a maximum sign area of 210 s.f. plus 50 s.f. additional for each tenant, with a maximum of six (6) tenant signs and one (1) two-sided Pylon Sign, with a 60' maximum height and a maximum sign area of 210 s.f. plus 50 s.f. additional for each tenant, with a maximum of six (6) tenant signs. Electronic Message signs (including LED) shall be allowed on each sign. In addition, each lot or lot pair with joint access shall have, as a part of the project, one (1) monument sign a 35' maximum height and a maximum sign area of 210 s.f. plus 50 s.f. additional for each tenant, with a maximum of six (6) tenant signs. These signs shall comply with all requirements of the City sign ordinance as of the vested date of this document save and except any requirements in conflict with the number, sizes and types of signs stated above.

ARTICLE 5 GENERAL PROVISIONS

5.1 Applicable Law and Venue. The interpretation, performance, enforcement, and validity of this PUD is governed by the laws of the State of Texas. Exclusive venue for any dispute, interpretation, explanation or application of the PUD will be in a court of appropriate jurisdiction in Hays County, Texas.

5.2 No Third Party Beneficiary. This PUD is not intended, nor will it be construed, to create any third beneficiary rights in any person or entity who is not a Party, unless expressly otherwise proved.

5.3 Certificate of Compliance. Upon the written request by either Party given in accordance with this PUD, the other Party will reasonably execute and deliver to the requesting Party a statement certifying that: (a) this PUD is unmodified and in full force and effect or, if there have been modifications, that this PUD is in full force and effect as modified and stating the date and nature of each modification; (b) there are no current uncured defaults under this PUD, or specifying the date and nature of each default; and (c) any other information that may be reasonably requested. The City Manager will be authorized to execute any requested certificate on the behalf of the City.

5.4 Remedies for Default. If either Party defaults under this PUD and fails to cure the default within the applicable cure period, the non-defaulting Party will have all rights and remedies available under this PUD or applicable law, including the right to institute legal action to cure any default, to enjoin any threatened or attempted violation of this PUD or to enforce the defaulting Party's obligations under this PUD by specific performance or writ of mandamus, or to terminate this PUD. The City acknowledges that any refusal of or delay by the City to perform its obligations under this PUD may have a substantial and material impact on PGI, and its ability to exercise its rights and perform it obligations under this PUD. Accordingly, in the event of a default by the City, PGI will be entitled to seek a writ of mandamus, in addition to seeking any other available remedies. All remedies available to a Party will be cumulative and the pursuit of one remedy will not constitute an election of remedies or a waiver of the right to pursue any other available remedy.

5.5 Reservation of Rights. To the extent not inconsistent with this PUD, each Party reserves all available rights, privileges, and immunities under applicable laws. City specifically reserves all rights of sovereign immunity provided by the constitution, state law and the City Charter. Nothing contained herein shall ever be construed as a waiver of sovereign immunity the rights to which are specifically and expresslly reserved herein to the fullest extent permited by law and minimally to the exent then and there existing prior to the execution hereof.

5.6 Attorney's Fees. The prevailing Parting in any dispute under this PUD will be entitled to recover from the non-prevailing Party its reasonable attorneys' fees, expenses and court cost in connection with any original action, any appeals, and any post-judgment proceeding to collect or enforce a judgment.

5.7 Waiver. Any failure by a Party to insist upon strict performance by the other Party of any provision of this PUD will not, regardless of the length of time during which that failure continues, be deemed a waiver of that Party's right insist upon strict compliance with all terms of this PUD. In order to be effective as to a Party, any waiver of default under this PUD must be in writing, and a written waiver will only be effective as to the specific default and as to the specific period of item set forth in the written waiver. A written waiver will not constitute a waiver of any subsequent default, or of the right to require performance of the same or any other provisions of this PUD in the future.

5.8 Entire Agreement. This PUD and the Exhibits hereto contain the entire agreement of the Parties, and there are no other agreements or promises, oral or written, between the Parties regarding the subject matter of this PUD. This PUD may be amended only by written agreement signed by the Parties.

5.9 Exhibits, Headings, Construction and Counterparts. All Exhibits attached to this PUD are incorporated into and made a part of this PUD for all purposes. The paragraph headings contained in this PUD are for the convenience only and do not enlarge or limit the scope or meaning of the paragraphs. Wherever appropriate, words of the masculine gender may include the feminine or neuter, and singular may include the plural, and vice-versa. Each of the Parties has been actively and equally involved in the negotiation of this PUD. Accordingly, the rule of construction that any ambiguities are to be resolved against the drafting Party will not be employed in interpreting this PUD or its exhibits. This PUD may be executed in any number of counterparts, each of which will be deemed to be an original, all of which will together

constitute the same instrument. This PUD will become effective only when one or more counterparts, individually or taken together, bear the signatures of all the Parties.

5.10 **EMPLOYMENT OF UNDOCUMENTED WORKERS.** During the term of this PUD, if Developer shall knowingly employ any undocumented workers, and, if convicted of a violation under 8 U.S.C. Section 1324a(f), Developer shall be in Default of this PUD. Developer shall assure that any work done on the Project shall be performed by a contractor, subcontractor or other entity that shall observe the conditions provided for in this section.

5.11 **INDEMNITY.** Developer shall indemnify, defend, save and hold harmless the CITY and its officers, agents, contractors, volunteers, employees and assigns from and against any and all claims, actions, liabilities, damages, losses, or expenses (including court costs, attorneys' fees, and costs of claim processing, investigation and litigation) (hereinafter referred to as "Claims") for bodily injury or personal injury (including death), or loss or damage to tangible or intangible property caused, or alleged to be caused, in whole or in part, by the negligent or willful acts or omissions of Developer or any of its owners, officers, directors, agents, employees or contractors, arising out of or related to Developer's occupancy and use of the Licensed Premises. It is the specific intention of the Parties that the CITY shall, in all instances, except for Claims arising solely from the negligent or willful acts or omissions of the CITY, be indemnified by Developer from and against any and all claims. It is agreed that the Developer will be responsible for primary loss investigation, defense and judgment costs where this indemnification is applicable. In consideration for the use and occupancy of the Licensed Premises, the Developer agrees to waive all rights of subrogation against the CITY its officers, officials, agents and employees for losses arising from the use, occupancy or condition of the Licensed Premises which shall be separate and apart from the required blanket waivers of subrogation contained in the mandatory insurance required by Section 5.12 hereof.

5.12 **INSURANCE.** Developer shall procure and maintain during any term of this PUD such typical and ordinary insurance as required to secure the indemnity provisions contained herein. Such insurance shall include comprehensive general liability insurance containing coverage for public liability, bodily injury, property damage and death; automobile liability insurance; workers compensation; and errors omissions insurance. City shall be named as an additional insured on all polices required herein, shall provide certificates of insurance evidencing such coverage, with all required policies obtaining blanket waivers of subrogation.

5.13 **ALTERNATIVE DISPUTE RESOLUTION (ADR)/MEDIATION.** Prior to the initiation of any suit herein, and except in the case where either party may be entitled to request injuctive relief to avoid imminent and irrepairable harm, the Parties shall first engage in good faith negotations between the upper management of each. The City designates the City Manager as its representative for any negotiations provided for herein. If such negotations are unsuccesful, the Parties will thereafterl engage in mediation under the commercial mediation rules of the American Arbitration Association.

5.14 Notices. Any notices under this PUD may be sent by hand delivery, facsimile (with confirmation of delivery) or certified mail, return receipt requested, to the Parties at the address set forth by their signatures, or as such addresses may be changed from time to time by written notice to the other Parties. Either City or PGI may change its mailing address at any time by giving written notice of such change to the other in the manner provided herein at least ten days prior to the date such change is effected. All notices under this PUD will be deemed given on the earlier of the date personal delivery is effected or on the delivery date or attempted delivery date shown on the return receipt or facsimile confirmation.

5.15 Exhibits. The following exhibits are attached to this PUD, and made part hereof for all purposes:

Exhibit A - Metes and Bounds Description of the Land

Exhibit B	-	Preliminary Site Plan/Land Use Chart
Exhibit C	-	Project Approvals, including Variances and Exceptions
Exhibit D	-	PDD Development Standards
Exhibit E	-	Building Elevations
Exhibit F	-	Signage Plan

IN WITNESS WHEREOF, the undersigned Parties have executed this PUD on the dates indicated below, to be effective on the date the last party signs.

PGI INVESTMENT, LLC

By:_____

Name: Kamlesh Shah

Title: _____

Address: 19511 Comal River Drive, Cypress, Texas 77433

CITY OF KYLE

By:_____

Name:_____

Title:_____

Address: 100 W. Center Street, Kyle, TX 78640

EXHIBIT "A"

FIELD NOTES DESCRIBING 47.74 ACRES OF LAND OUT OF THE JAMES W. WILLIAM SURVEY NO. 11, HAYS COUNTY, TEXAS, AND BEING A PORTION OF THAT CALLED 49.61 ACRE TRACT DESCRIBED IN A WARRANTY DEED RECORDED IN DOCUMENT 9714749 OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, SAVE AND EXCEPT THAT PORTION CONVEYED FOR RIGHT-OF-WAY DESCRIBED IN VOLUME 3051, PAGE 217, OFFICIAL PUBLIC RECORDS OF SAID COUNTY AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½ inch iron rod found at the intersection in the west r.o.w. line of the Interstate Highway 35 and the northerly r.o.w. line of Yarrington Road for the most southerly corner hereof;

THENCE along the northerly r.o.w. line of Yarrington Road, North 45°16'08" West, 83.29 feet to cap iron rod set for the beginning of a curve to the right;

THENCE along said curve with a radius of 6000.63 feet and whose chord bearing distance bears North 42°11'18" West, 366.30 feet to a cotton spindle set for the beginning of a curve to the left;

THENCE along said curve with a radius of 6100.64 feet and whose chord bearing distance bears North 41°38'36" West, 256.41 feet to a fence post found for the end of said curve;

THENCE continuing along the north r.o.w. line of Yarrington Road North 33°21'32" West, 486.62 feet to a cap iron rod found for angle point and North 53°01'29" West, 172.81 feet to a cap iron rod set in the southerly r.o.w. line of Post Road for the most westerly corner hereof;

THENCE along the southerly r.o.w. line of Post Road the following courses:

1. North 37°13'35" East, 85.38 feet to a ½ inch iron rod found;
2. North 40°30'37" East, 63.93 feet to a ½ inch iron rod found;
3. North 43°21'19" East, 355.33 feet to a cap iron rod set;
4. North 44°08'43" East, 445.78 feet to a cap iron rod set;
5. North 44°05'17" East, 581.02 feet to a cap iron rod set;
6. North 44°34'12" East, 605.88 feet to a ½ inch iron rod found;
7. North 42°42'56" East, 484.50 feet to a concrete monument found for the most northerly corner hereof;

THENCE South 78°52'17" East, 50.24 feet to a concrete monument found in the westerly r.o.w. line of IH 35 for the most easterly corner hereof;

THENCE along the westerly r.o.w. line of IH 35 the following courses:

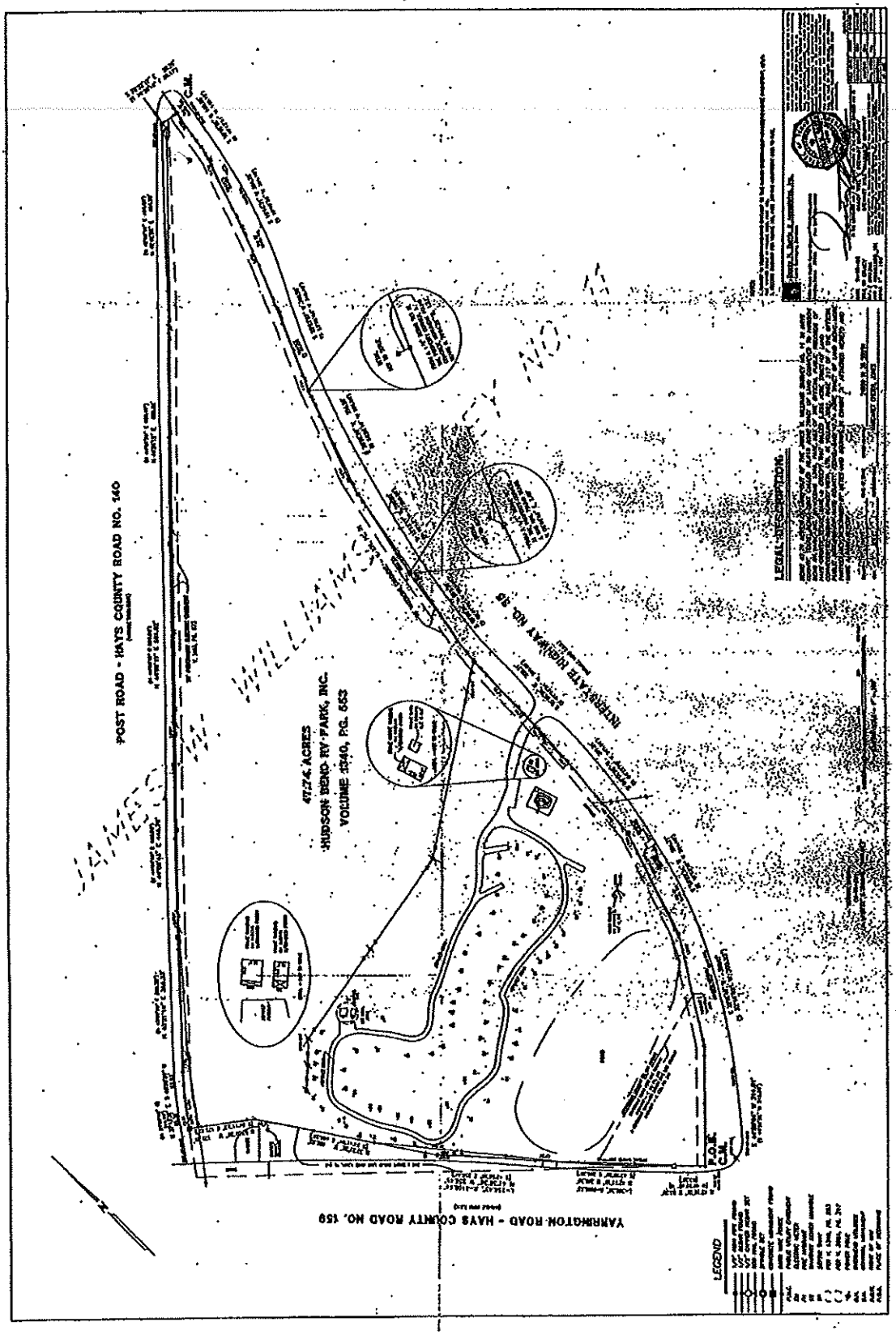
1. South 10°10'35" West, 149.65 feet to a concrete monument found;
2. South 19°44'31" West, 304.19 feet to a cap iron rod set;
3. South 23°23'07" West, 348.50 feet to a cap iron rod set;
4. South 20°56'10" West, 256.20 feet to a concrete monument found;
5. South 12°13'17" West, 290.20 feet to a cap iron rod set;
6. South 09°03'32" West, 291.79 feet to a concrete monument found;
7. South 01°48'59" West, 300.31 feet to a ½ inch iron rod found;
8. South 04°15'20" West, 301.31 feet to a concrete monument found;
9. South 18°22'34" West, 294.77 feet to a ½ inch iron rod found;
10. South 32°18'49" West, 300.47 feet to a 60d nail found;
11. South 44°50'04" West, 314.81 feet to the PLACE OF BEGINNING and containing 47.74 acres of land more or less.

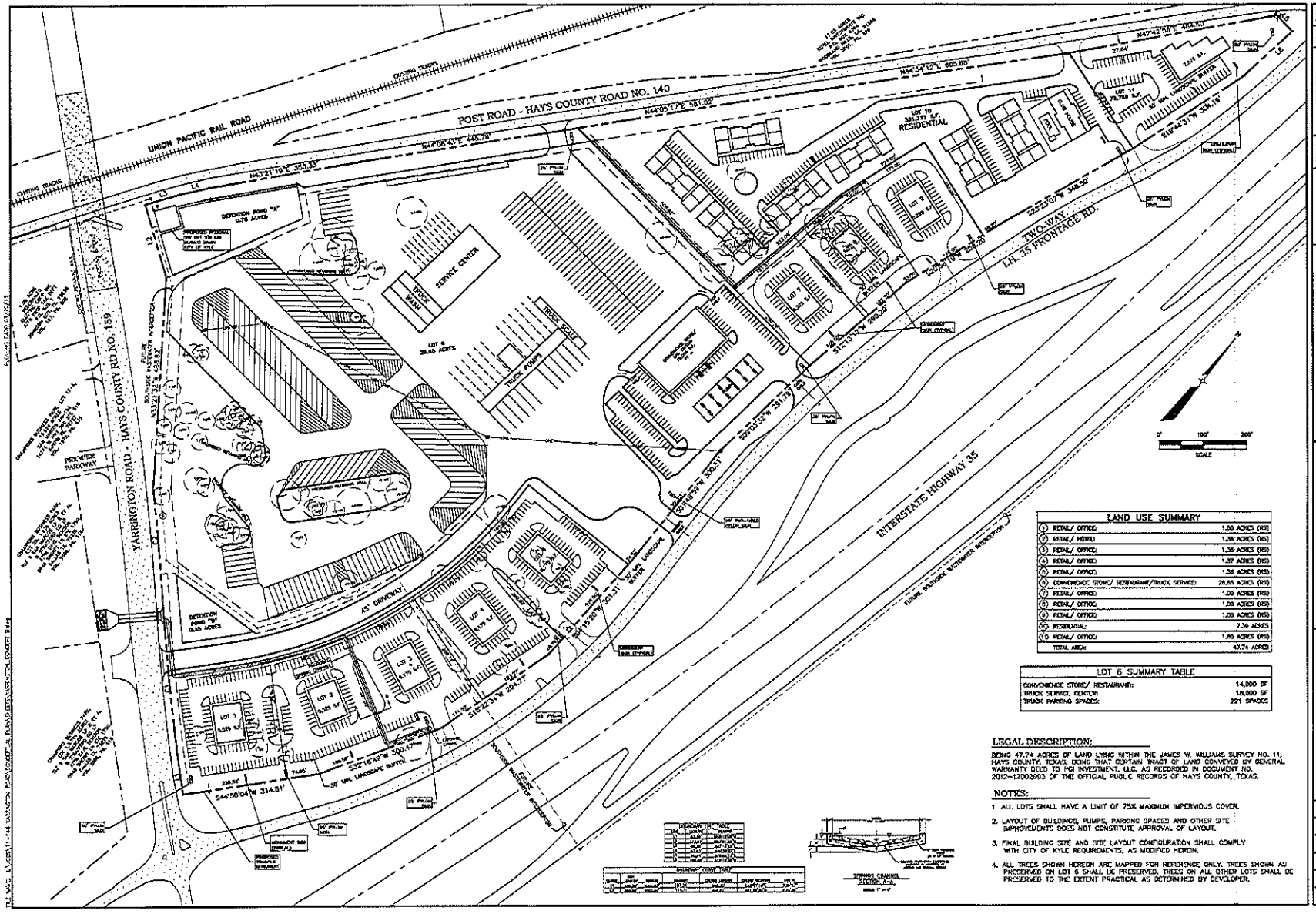
FIELD NOTES TO BE USED WITH THE ATTACHED PLAT.

STATE OF TEXAS REGISTERED VICTOR M. GARZA 4740 PROFESSIONAL LAND SURVEYOR

R0902208
9/9/08

EXHIBIT "A"


POST ROAD - HAYS COUNTY ROAD NO. 140
47.74 ACRES
HUDSON BEND RV PARK, INC.
VOLUME 3340, PG. 553
INTERMEDIATE HIGHWAY NO. 98
YARRINGTON ROAD - HAYS COUNTY ROAD NO. 159
LEGAL DESCRIPTION
LEGEND



LAND USE SUMMARY		
1	RETAIL/ OFFICE	1.56 ACRES (6%)
2	RETAIL/ HOTEL	1.36 ACRES (6%)
3	RETAIL/ OFFICE	1.36 ACRES (6%)
4	RETAIL/ OFFICE	1.37 ACRES (6%)
5	RETAIL/ OFFICE	1.36 ACRES (6%)
6	CONVENIENCE STORE/ RESTAURANT/TRUCK SERVICE	28.65 ACRES (60%)
7	RETAIL/ OFFICE	1.00 ACRES (6%)
8	RETAIL/ OFFICE	1.00 ACRES (6%)
9	RETAIL/ OFFICE	1.00 ACRES (6%)
10	RESIDENTIAL	7.36 ACRES
11	RETAIL/ OFFICE	1.86 ACRES (6%)
	TOTAL AREA	47.74 ACRES

LOT 6 SUMMARY TABLE	
CONVENIENCE STORE/ RESTAURANT:	14,000 SF
TRUCK SERVICE CENTER:	18,000 SF
TRUCK PARKING SPACES:	221 SPACES

LEGAL DESCRIPTION:

BEING 47.74 ACRES OF LAND LYING WITHIN THE JAMES W. WILLIAMS SURVEY NO. 11, HAYS COUNTY, TEXAS, BEING THAT CERTAIN TRACT OF LAND CONVEYED BY GENERAL WARRANTY DEED TO PGI INVESTMENT, LLC, AS RECORDED IN DOCUMENT NO. 2012-12002993 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS.

NOTES:

1. ALL LOTS SHALL HAVE A LIMIT OF 75% MAXIMUM IMPERVIOUS COVER.
2. LAYOUT OF BUILDINGS, PUMPS, PARKING SPACES AND OTHER SITE IMPROVEMENTS DOES NOT CONSTITUTE APPROVAL OF LAYOUT.
3. FINAL BUILDING SIZE AND SITE LAYOUT CONFIGURATION SHALL COMPLY WITH CITY OF KYLE REQUIREMENTS, AS MODIFIED HEREIN.
4. ALL TREES SHOWN HEREON ARE MAPPED FOR REFERENCE ONLY. TREES SHOWN AS PRESERVED ON LOT 6 SHALL BE PRESERVED. TREES ON ALL OTHER LOTS SHALL BE PRESERVED TO THE EXTENT PRACTICAL AS DETERMINED BY DEVELOPER.

REVISION	DESCRIPTION	BY	DATE

4 QUATRO Consultants, LTD.

EXHIBIT B
PRELIMINARY SITE PLAN

KYLE TRAVEL CENTER
CITY OF KYLE
HAYS COUNTY, TEXAS

OWNER:
PGI INVESTMENT, LLC.
19511 S COMAL RIVER DR.
CYPRESS, TX 77433
(832) 858-0389

DATE: MARCH 2013
PROJECT: JOB # 11-144
DRAWING'S NAME: YARRINGTON_CONCEPT B
DESIGN: MEK. CHECKED: MEK.
DRAWN: AS APPROVED: MEK.
SHEET: 1 OF 1

EXHIBIT C:
PROJECT APPROVALS, INCLUDING VARIANCES AND EXCEPTIONS

	CODE SECTION OR STANDARD	CODE	IH 35 OVERLAY	PUD
A	Front, side and rear setbacks	RS: 25', 10' and 15', R-3-3: 25', 7' and 15'	Same as Code	Propose 30 foot minimum landscape buffer along IH 35 and Yarrington Road.
B	Maximum Height	RS and R-3-3: 45 '	Same as Code	45' Maximum or as Governed by local airport requirements.
C	Maximum Lot Coverage	80 percent driven by 20 percent landscaping requirement	Same as Code	75 percent of Lot area
D	Floor Area Ratio:	1.8 to 1	Same as Code	2 to 1
E	Off Street Parking Requirements	RS: 1 space required per 250 square feet of gross floor area. R-3-3: Two spaces minimum for each living unit and 1/2 space per each bedroom above	Same as Code	RS: 1 space required per 275 square feet of gross floor area, or as agreed to with Staff based on hours of use and reciprocal parking agreements. R-3-3: One space per living unit minimum and 1/2 space per each bedroom above. Truck Parking: Numbers of spaces shall be determined by site specific Parking Study proposed for Lot 6.
F	Special District Requirements pertaining to base zoning	NA	100 percent masonry, no verbiage regarding trade dressing, 30 percent glazing minimum, massing and form requirement of 5 design features for buildings less than 50,000 square feet	Allow trade dressing on corporate brands, 90 percent masonry including front façade and sides limit, glazing on front of buildings to 25 percent, reduce building massing and form requirements to 5 for same.
G	Number of dwelling units per acre	RS: Not applicable, MF: 28 units/acre	Same as Code	28/acre
H	Accessory Building Regulations	N/A	N/A	N/A

EXHIBIT C:
PROJECT APPROVALS, INCLUDING VARIANCES AND EXCEPTIONS

	CODE SECTION OR STANDARD	CODE	IH 35 OVERLAY	PUD
I	Sign Standards	Per Sign Ordinance	Same as Code	Allow 60 foot high Monument at Yarrington and IH 35; 210 s.f. with up to 6 tenant signs (50 s.f. ea.). Place "City of Kyle" placard in said Monument Sign. Allow 60' high Pylon sign along IH 35, ; 210 s.f. with up to 6 tenant signs (50 s.f. ea.). Additional 35' monument sign for each lot or pair of joint access lots 210 s.f. with up to 6 tenant signs (50 s.f. ea.).
	ADDITIONAL ITEMS PER PUBLIC INPUT:			
	Tree Inventory and Preservation	Not required	Same as Code	Inventoried Live Oaks and other hardwoods. Plan around what is reasonably practical for pad layouts.
A	Sidewalks and Sidewalk Trees	5' sidewalk along ROW	5' sidewalk along ROWs and a 5" tree every 40' within a 7' buffer from sidewalk	No required trees in addition to buffer and landscape requirements + 20% per Staff discussions along IH-35 or Yarrington.
B	Environmental	Per Code	N/A	Construct a 6'-8' wide rock lined channel to convey spring flow. Truck parking reduced only to the amount justified by the site specific Parking Study. Lot Impervious Cover Buffer to be restricted to 75%. Increase IH35 setbacks (30') with additional landscape trees and understory screening. Increase internal lot perimeter setbacks as shown in Exhibit B for screening.
C	Safety	N/A	N/A	Coordinate with TXDOT to determine safe locations for IH ramps and driveways for the proposed uses. Include truck stop parking safety including perimeter fence and security personnel.
D	Cultural	N/A	N/A	Support Hays County Historical Commission in pursuing a historical marker for the Spring. Add a bench and kiosk as appropriate to enhance the marker designated for the DPS Trooper as currently marked.

EXHIBIT "D"

DEVELOPMENT STANDARDS
KYLE TRAVEL CENTER
KYLE, TEXAS

GENERAL DESIGN STANDARDS

The buildings and other improvements constructed for the project shall be consistent with the design concepts used in the construction of Kyle City Hall. Buildings shall be designed with an overall Architectural theme and materials consistent with the Kyle City Hall. The project shall include several building front facade designs that will carry the theme throughout the site. The buildings constructed within the Kyle Travel Center shall have a minimum of ninety (90%) percent masonry walls as defined below, exclusive of storefronts and other openings. Red brick shall be used throughout the Kyle Travel Center as a design element on building facades facing a public street and shall be similar in color. Landscaping, hardscape features, site furnishings and signage will employ similar materials and compatible designs to further the perception of the Kyle City Hall.

Any design standard not specially addressed in this Exhibit, shall comply with the City's IH 35 Overlay Ordinance and Zoning Ordinance.

MATERIAL SELECTIONS

A. Masonry

1. For this project "Masonry" shall be defined to include the following:

   Brick
   Natural Stone
   Concrete Masonry Units
   Stucco/Plaster/Synthetic Stucco to be used in detail applications only
   Concrete either exposed, sandblasted or texture and painted

2. All brick used throughout the site shall be red in color and be compatible with any indigenous stone used.

3. Natural stone will come from sources within the regional proximity and may be used in varying sizes and shapes throughout the Project.

4. Stucco/Plaster/Synthetic Stucco in general will be integrally colored in hues and tones pulled from and compatible with the red brick and natural colors of the stone. However, other colors may be introduced in specific small areas when necessary to accomplish the design.

5. Concrete and/or Concrete Masonry Units may be used in any of several finishes ranging from exposed to textured and painted to resemble stucco. Colors for the textured/painted surfaces shall be integrally colored in hues and tones pulled from and compatible with the red brick and natural colors of the stone.

B. Other Wall Materials

The ten (10%) percent of exterior walls not included in the masonry requirements may be covered with a variety of materials that could include but not limited to non-reflective corrugated steel panels, wood, prefinished metal panels, glass block, or other materials that are compatible with the overall design and use for the specific area in which they are placed.

C. Elevations

1. The following shall apply:

- All facades, including back and side elevations of any building generally visible from public view or adjacent to residential areas, shall be architecturally treated and relate. All elevations generally visible from public view shall reflect the overall design, colors and textures used on the front facade.

- Building elevations shall incorporate architectural features and patterns that include pedestrian scale.

- Utilize architectural features, screen walls, landscaping into the overall building design.

- All anchor tenant buildings shall have a clearly defined customer entrance(s) incorporating elements such as:

  (1) Canopies or Porticos
  (2) Overhangs
  (3) Recesses/Projections
  (4) Raised corniced parapets over the door.
  (5) Peaked roof forms
  (6) Arches
  (7) Entrance framed by outdoor pedestrian features or enhanced landscaping
  (8) Integral planters or wing walls that incorporate landscaped areas and/or sitting areas
  (9) Enhanced pedestrian surfaces

- Other canopies, trellis, pergolas, and awnings will also be incorporated into the front façade and sidewalk areas. In some cases these may be no more than minor

shading devices, but in other situations they may be large enough to provide shade for outdoor seating. Permitted materials for these include steel, wood and canvas.

D. Roofing

1. Materials for the roof areas include the following:

- Standing Seam Metal Panels in either Preweathered Galvalume or Prefinished Painted Finishes. No reflective finishes are allowed.

- Clay tile may be used on some of the slope roof elements. Color blends will be chosen to be compatible with the other materials present.

E. Storefronts

The majority of the storefronts will be framed with typical prefinished aluminum components. The color of the finishes may vary as the façade materials vary from the stone to red brick, etc. in an attempt to add variety and interest at the pedestrian level. Glass will be clear and or lightly tinted with no reflective type glazing allowed.

F. Sidewalks

Sidewalls may be of typical concrete construction, provided however that ten (10%) percent of the sidewalk area around the buildings will be constructed with red brick or red stained and scored concrete to have the appearance of red brick. These accent areas are to emphasize important interceptions, building entrances and desirable pedestrian routes. All interior sidewalks shall be minimum of five (5) feet in width.

G. Railings

Guardrails, handrails, and any other miscellaneous site related railing that may be required per code or for aesthetic reasons may be constructed of wood, masonry, or metal.

H. Lighting

Site lighting is broken into two components, General and Pedestrian. The General site lighting refers to illumination of large portions of the parking areas, while the Pedestrian site lighting references those areas along building fronts, plaza, outdoor, dining areas, boulevards and areas where similar scale lighting is appropriate. Wall pack lighting shall only be used when the rear of the building does not face an area visible by the general public.

Fixture types used for General Site lighting shall be cut-off so that the source of the illumination is shielded from view to the maximum extent possible. Fixtures shall be mounted no higher than thirty five (35) feet with two (2) foot six (6) inch concrete bases.

I. Equipment

Mechanical equipment mounted on the ground shall be screened by ornamental fences and incorporated landscaping. Mechanical equipment mounted on roofs shall be screened by appropriate building elements such as parapet wall, ornamental tower, or pitched roof to the extent that the mechanical equipment is not readily visible from any street level location inside or immediately adjacent to the Project.

Parapet walls used to screen mechanical equipment mounted on roofs shall be a minimum of three (3) feet six (6) inches above the height of the roof.

J. Vehicle Circulation and Parking

1. Crosswalks shall be required for traffic calming interior to the site to enhance pedestrian safety. Speed humps shall not be permitted.

2. Only ninety (90) degree head in parking shall be allowed along two way drive aisles.

K. Loading Areas

Loading and service areas shall be screened with walls that match the building materials and colors. Screen walls shall be a minimum of eight (8) feet in height.

Berms, used in conjunction with intensive landscaping may be considered to reduce the height of the screen wall.

L. Drive-through Facilities

1. Circulation shall allow adequate length of stacking for drive-through facilities and not interfere with the movement of traffic.

2. A minimum of four (4) queue spaces shall be required per drive-through lane.

3. A twelve (12) foot by-pass lane or a convenient means to by-pass the drive-through activity shall be required to allow vehicles an opportunity to circumvent the drive-through activity and exit the site.

4. Drive-through lanes should be to the side or rear of the property.

5. A minimum five (5) foot landscape island shall be located between the drive-through lane and the adjacent parking areas or drive aisles.

GENERAL SIGNAGE STANDARDS

The sign improvements constructed for the Project will follow the design concepts illustrated on the attached Signage Plan, Exhibit B. The sign designs will incorporate shapes, forms, scale and materials associated with the building architecture. The signs for the Kyle Travel Center will be constructed with the following materials: red brick, stone, core tin, galvanized steel and painted metal.

Monument signs shall be illuminated either by (i) ground-mounted fixtures or (ii) with internally illuminated channel letters with reverse channel, halo, plex face or routed pane with push through letters.

Except to the extent that this Agreement provides for signage regulation that is in conflict with the City's Sign Ordinance, the signage regulations of the City's Sign Ordinance shall apply to the property.

A. Main Entrance Sign

For the purpose of directing traffic to the entrance of the shopping center, ten (10) double sided freestanding pylon signs may be installed and maintained by Owners. Nine (9) freestanding signs shall be located along the IH-35 frontage road and one (1) freestanding sign shall be located along Post Road. Each such freestanding sign shall have a stone or brick base and be consistent with the masonry and design standards applicable to the Property pursuant to the architectural guidelines. Entrance signs shall incorporate materials and colors that are complementary to the overall design of the shopping center.

The freestanding signs shall be in accordance to the Signage Exhibit Attached.

B. Monument Signs

Monument signs shall comply with the City's Sign Ordinance.

LANDSCAPE DESIGN STANDARDS

A. General Requirements

In addition to the basic landscape requirements established in the Zoning Ordinance the Property shall offer the following landscape amenities:

1. Enhanced landscape features at all major road intersections, including but not limited to boulders, water features, towers or a combination thereof.

2. Enhanced landscaping along the perimeter of the property, particularly along IH-35 frontage road and Yarrington Road.

3. Landscape end islands and medians in and along drives and in the parking areas shall meet or exceed the ordinance requirements and shall provide for pedestrian traffic so that the landscaping is not the compacted or destroyed by pedestrian traffic.

4. Grouping of plant materials.

5. Trees shall be planted to avoid interference with streetlights, signage and fixtures.

6. Trees shall be kept out of street intersection sight triangles at a minimum of thirty five (35) feet as measured from face of curb.

7. When possible trees shall be planted no less than five (5) linear feet (whether horizontal or an angle) from underground utilities and fifteen (15) feet from overhead lines.

8. Trees shall be planted no less than five (5) linear feet (whether horizontal or an angle) from fire hydrant.

B. Perimeter Landscaping

Parking areas and the rear of all buildings shall be screened visually from all roadways by a combination of earthen berms, trees and a continuous shrub or ornamental grass row between thirty (30) and forty (40) inches high measured from final grade or parking nearest the road. These shrubs and grasses shall be spaced on average four (4) to six (6) feet on center (depending on mature growth habit of plant) utilizing clustering and grouping to provide periodic open views to architectural elements, signs and additional landscape elements. Berms, not to exceed a four to one (4:1) slope, shall also be strategically located to prove maximum screening of parking while providing open views to architectural elements, signs and additional landscape elements.

C. Parking Area Landscaping

1. Landscaped end islands in the parking areas shall be a minimum of ten (10) feet wide. Minor deviations may be allowed due to topographic and other site constraints.

2. Each median island shall have a large or medium tree space on average a minimum of fifty (50) feet on center. Also, each end island shall have a minimum of one (1) large tree.

D. Screening Walls

1. Service areas shall be visually screened from all public right-of-way. Acceptable methods of screening include walled entrances, evergreen landscaping and depressed service areas.

2. Landscape buffer and screening requirements shall apply for ground mounted equipment, dumpsters, trash receptacles, refuse storage containers, loading docks, large utility cabinets and similar structures.

E. Streetscape

1. A license agreement from the City and/or TxDOT is required prior to any improvements in the public right-of-way.

2. Streetscapes shall be landscaped in accordance with the Zoning Ordinance.

3. Street trees shall be irrigated by a permanent automatic irrigation system.

4. Any landscaping and irrigation located within the public shall be installed, irrigated and maintained by the property owner's association.

F. Plant Material Palette

The list of plant material considered to be appropriate for the development shall be from the City's Approved Plant Guide. Other plant material may be used, but shall be plants that are chosen for hardiness to climate and utility in the landscape that will foster the Central Texas plant style.

EXHIBIT "E"

EAST (FRONT) ELEVATION 3/16" = 1'-0"

ARCHITECTURAL DESIGN SCHEMATICS MUST COMPLY WITH THE REQUIREMENTS STATED IN "I-35 OVERLAY DISTRICT DEVELOPMENT STANDS" SEC. 53-899 OF CITY OF KYLE ORDINANCE. THE USE OF MASONRY MATERIAL, GLASS, AND THE "FOUR SIDE" DESIGN MUST BE IN COMPLIANCE WITH SAID ORDINANCE.

FRONTAGE: GROUND UP TO 10FT AG. AREA = 10'x150' = 1500 S.F
30% REQUIRED GLAZING AREA = 450 S.F
PROVIDED: 616 S.F.(WINDOW) + 74 S.F.(DOORS) = 690 S.F. > 450 SF. OK

MAX. SIGN ALLOWANCE: 15' X 150' X 10% = 225 S.F OF SIGNAGE ON BUILDING.
PROPOSED SIGN BOARD : 120 S.F + 2X52.5 S.F = 225 S.F. = 225 S.F. OK

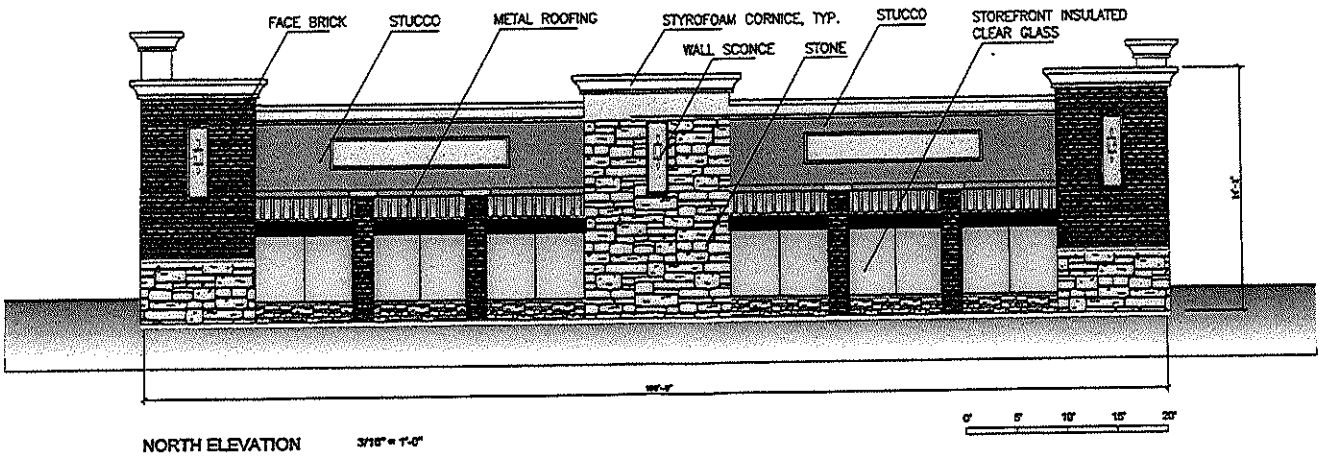
MAX. PYLON SIGN ALLOWANCE: 160 S.F. @ MAX. HEIGHT OF 35FT. (SEC. 29.17)

Tchen Architects

KYLE TRAVEL CENTER
24800 IH-35
KYLE, TEXAS 78640
ELEVATIONS

A-2.0

EXHIBIT "E"



NORTH ELEVATION 3/16" = 1'-0"

ARCHITECTURAL DESIGN SCHEMATICS MUST COMPLY WITH THE REQUIREMENTS STATED IN "I-35 OVERLAY DISTRICT DEVELOPMENT STANDS" SEC. 53-600 OF CITY OF KYLE ORDINANCE. THE USE OF MASONRY MATERIAL, GLASS, AND THE "FOUR SIDE" DESIGN MUST BE IN COMPLIANCE WITH SAID ORDINANCE.

FRONTAGE: GROUND UP TO 10FT AC. AREA = 10'x100' = 1000 S.F
30% REQUIRED GLAZING AREA = 300 S.F
PROVIDED: 456 S.F. > 300 SF. OK

MAX. SIGN ALLOWANCE: 15' X 100' X 10% = 150 S.F OF SIGNAGE ON BUILDING.
PROPOSED SIGN BOARD : 106 S.F. < 150 S.F. OK

MAX. PYLON SIGN ALLOWANCE: 160 S.F. @ MAX. HEIGHT OF 35FT. (SEC. 29.17)

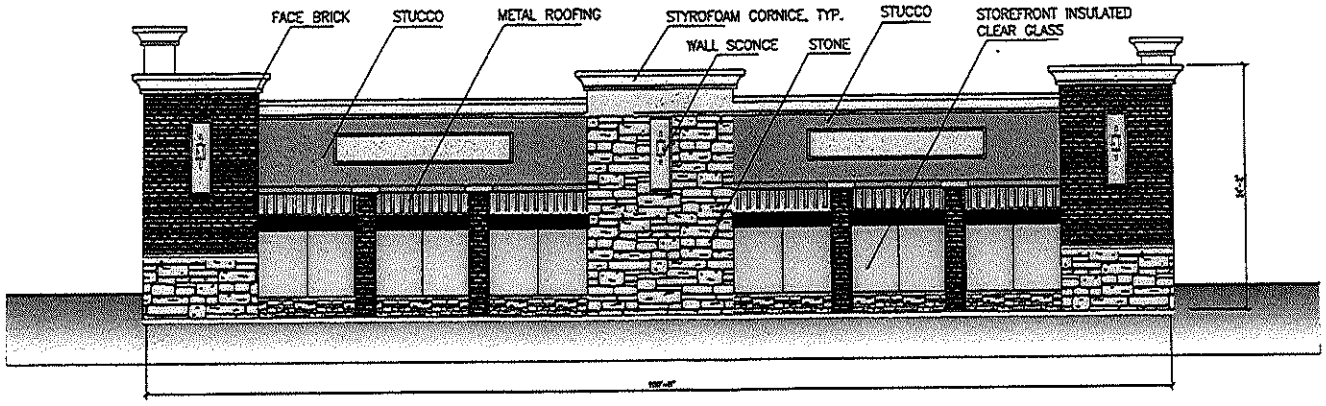
Tchen Architects

KYLE TRAVEL CENTER
24800 IH-35
KYLE, TEXAS 78640
ELEVATIONS

A-2.1

EXHIBIT "E"

WEST (REAR) ELEVATION 3/16" = 1'-0"



SOUTH ELEVATION 3/16" = 1'-0"

0' 5' 10' 15' 20'

ARCHITECTURAL DESIGN SCHEMATICS MUST COMPLY WITH THE REQUIREMENTS STATED IN "I-35 OVERLAY DISTRICT DEVELOPMENT STANDS" SEC. 53-899 OF CITY OF KYLE ORDINANCE. THE USE OF MASONRY MATERIAL, GLASS, AND THE "FOUR SIDE" DESIGN MUST BE IN COMPLIANCE WITH SAID ORDINANCE.

FRONTAGE; GROUND UP TO 10FT AG. AREA = 10'x100' = 1000 S.F
30% REQUIRED GLAZING AREA = 300 S.F
PROVIDED: 436 S.F. > 300 SF. OK

MAX. SIGN ALLOWANCE: 15" X 100' X 100% = 150 S.F OF SIGNAGE ON BUILDING.
PROPOSED SIGN BOARD : 108 S.F. < 150 S.F. OK

MAX. PYLON SIGN ALLOWANCE: 160 S.F. @ MAX. HEIGHT OF 35FT. (SEC. 29.17)

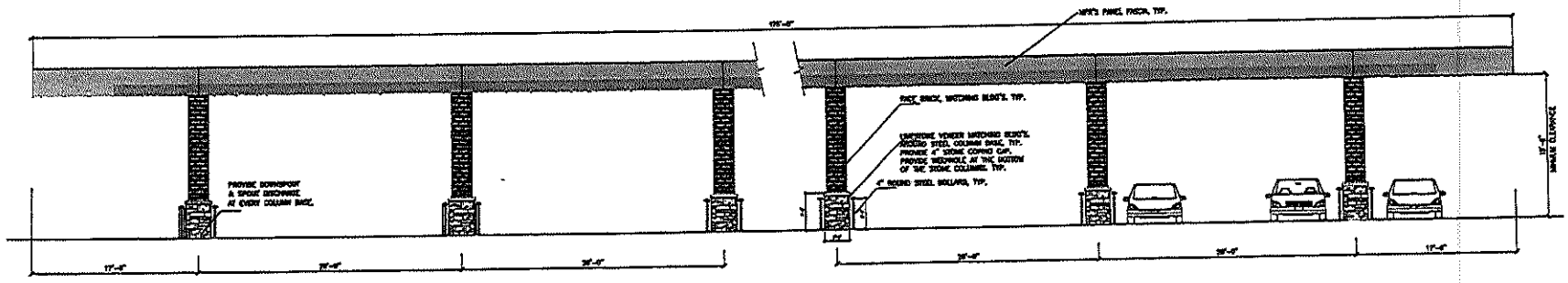
Tcher Architects

KYLE TRAVEL CENTER
24800 IH-35
KYLE, TEXAS 78640
ELEVATIONS

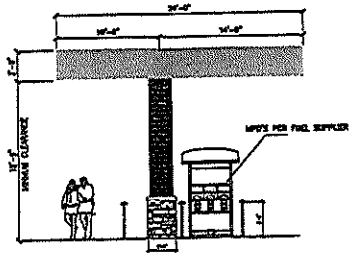
A-2.2

EXHIBIT "E"

WEST (REAR) ELEVATION 3/16" = 1'-0"



FUEL CANOPY ELEVATION 3/16" = 1'-0"



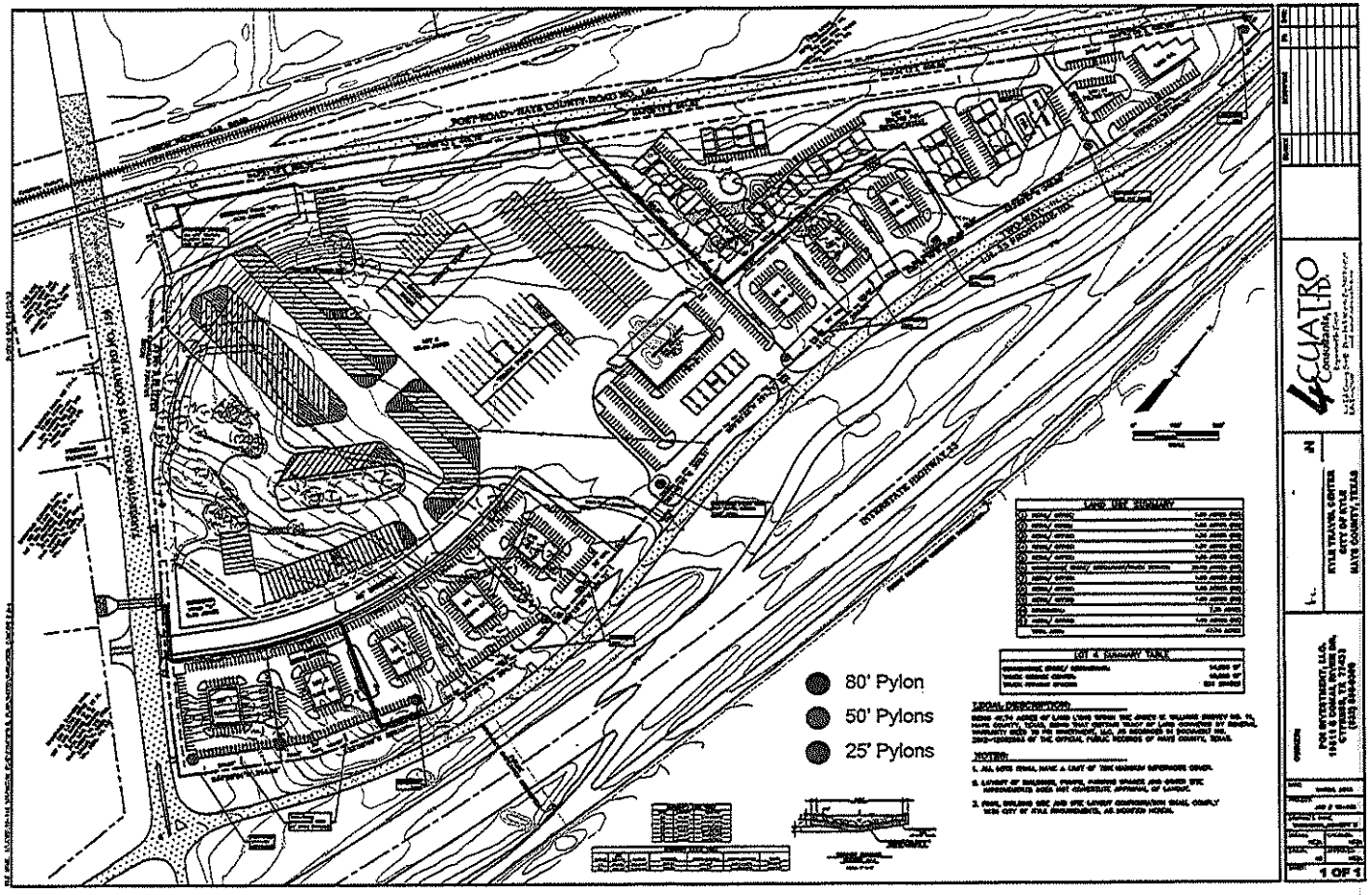
FUEL CANOPY ELEVATION 3/16" = 1'-0"

Tchen Architects

KYLE TRAVEL CENTER
24600 IH-35
KYLE, TEXAS 78640
REAR ELEVATION & CANOPY ELEVATION

A-2.2

EXHIBIT "F"
SIGNAGE PLAN



Aetna SIGN GROUP

2436 FREEDOM DRIVE + SAN ANTONIO, TX 78217 + PH: 210.826.2800

FAX: 210.477.2323 + WWW.AETNASIGN.COM + FOLLOW US ON

All signs will be engineered to accommodate 120 volt current unless otherwise indicated by customer. Note: Aetna will supply transformers, boxes, disconnects, conduits & lathes. Installers are to provide all other necessary hardware to accomplish installation.

CLIENT:	Kyle Travel Center	JOB NO.:	9782.4
ADDRESS:	24800 IH35	SALES REP:	Jeanette M.
CITY, STATE:	Kyle, Texas	DESIGNER:	Arnie V.
DATE:	5-5-13	CLIENT APPROVAL:	

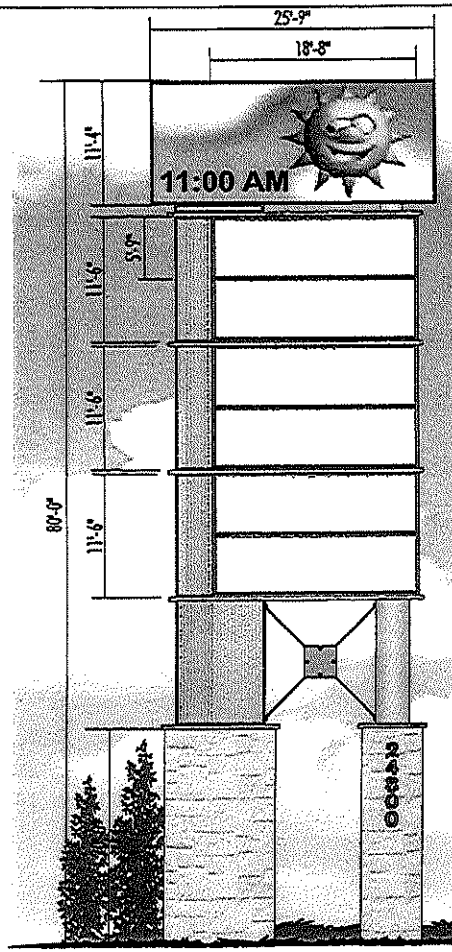
COMPUTER FILE: art\drw\yelec\9782_kyle travel center

REVISION HISTORY:

Unpublished Work. Aetna Sign Group, LTD. All rights reserved. This is an original drawing created by Aetna Sign Group, LTD. It is submitted for your personal use; however, it shall at all times remain the property of Aetna Sign Group, LTD. It may be used in connection with the project being planned for you by Aetna Sign Group, LTD., but not otherwise. ©2013 AETNA SIGN GROUP, LTD. You are not authorized to show this drawing to anyone outside your organization, nor is it to be reproduced, used, copied, or exhibited in any fashion. Violation of any of the above shall subject the violator(s) to all statutory and common law damages available to Aetna Sign Group, LTD., including, but not limited to, the value of man hours incurred in the production of this design, attorney's fees, and any and all other costs incurred by Aetna Sign Group, LTD. in the enforcement of it's copyrights.

National Building Code now states all signs that use neon transformers, special LED cabinets, or multi-face UL/ETL (GTL) transformers. This type of transformer must have a dedicated electrical (GFI) circuit with ground for the transformer to work. You are responsible to run the proper electrical service to the sign location. Please contact your Aetna Sign Group representative if you need additional information.

EXHIBIT F



Specifications:
Manufacture and install one (1) new D/F pylon sign.

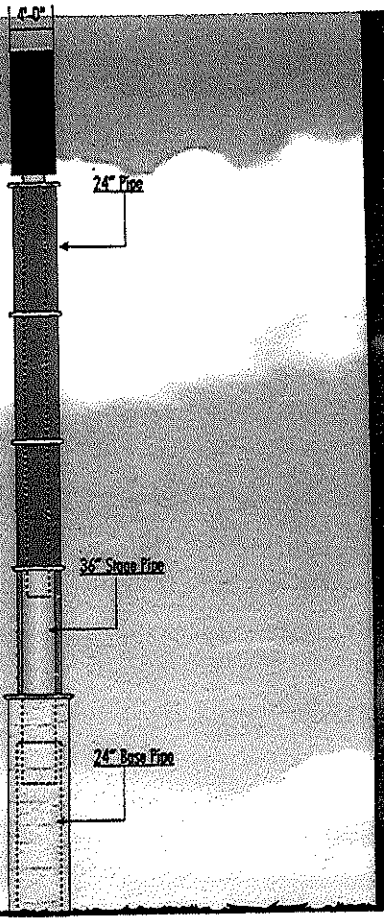
(2) S/F/ Full Color LED Display

Tenant Cabinets - alum. Construction, 4" retainers, White lexan faces, applied vinyl, Intnr. Illum. By H-O Lamps

Pole Cover - perforated alum. Construction, pld brush silver, 4" "C" channel reveals with exposed neon.

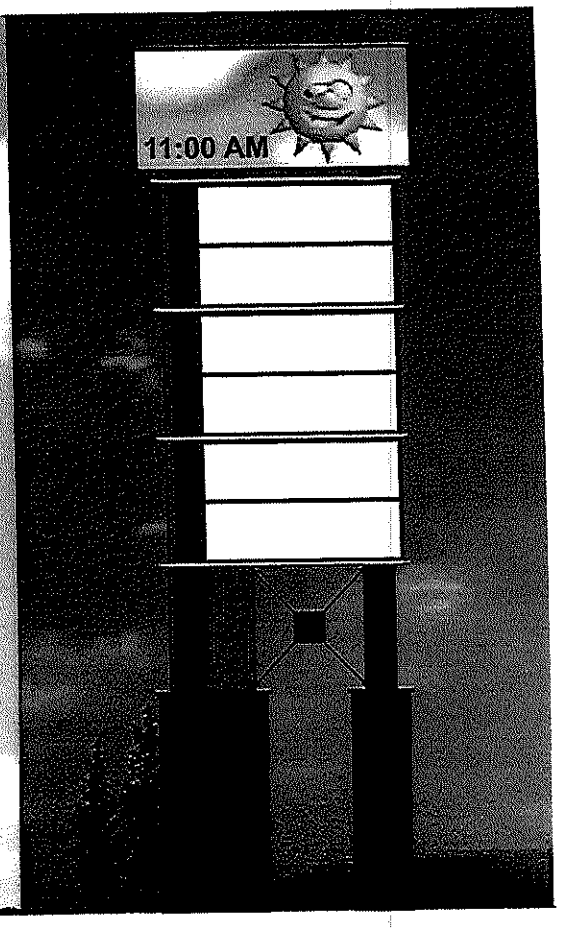
Note:
All Color And Specified Materials To Match Shopping Center

Stone work to match building by others.



Footing required:
6'-0" hole dia.
18'-0" deep.

Front View - Scale: 3/32" = 1'-0"



Night View

aetna SIGN GROUP

2438 FREEDOM DRIVE + SAN ANTONIO, TX 78217 + PH: 210.826.2800
FAX: 210.477.2323 + WWW.AETNASIGN.COM + FOLLOW US ON

All signs will be manufactured to accommodate 120 volt current unless otherwise instructed by customer. Note: Aetna will supply transformers, conduit, disconnects, switches & letters. Installers are to provide all other necessary hardware to accomplish installation.

PROJECT:	Kyle Travel Center	DRAWING #:	9782.3
ADDRESS:	24800 IH35	SALES REP:	Jeanette M.
CITY:	Kyle, Texas	DESIGNER:	Arnie V.
DATE:	5-6-13	CUSTOMER APPROVAL:	

COMPUTER FILE: art\dr wg\vaisc\9782_kyle travel center
REVISION HISTORY:

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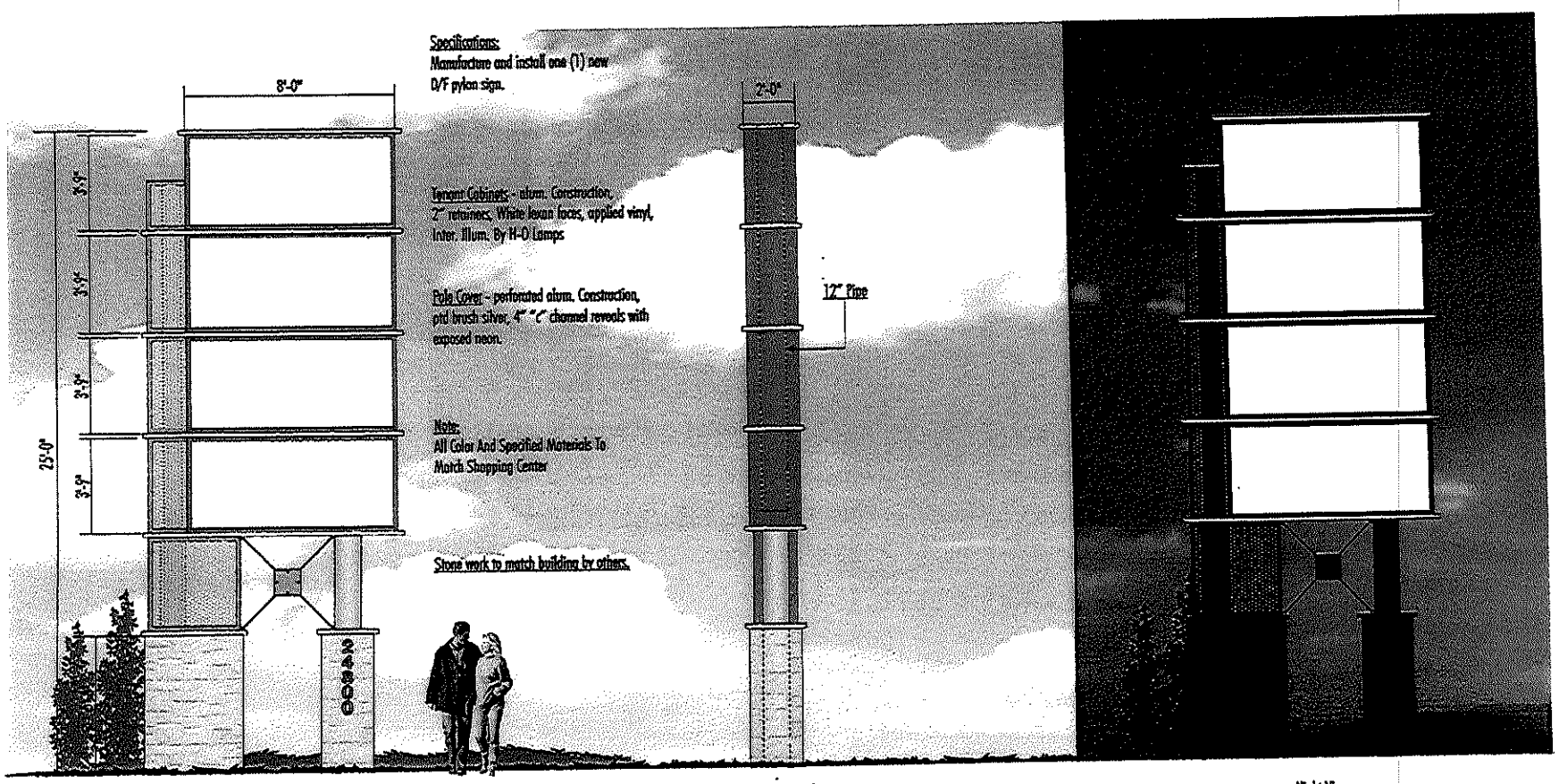
National Building Code and statutes require signs that utilize neon transformers, rated at 7,500 volts and up, must utilize UL 2161 (GR) is recommended. This type of transformer must have a dedicated electrical (GR) circuit with ground to the transformer case. You are responsible to have the proper electrical service to the sign location. Please contact your Aetna Sign Group representative if you need additional information.

EXHIBIT "F"



Front View - Scale: 1/4" = 1'-0"

Footing required:
3'-0" hole dia.
10'-0" deep.

Night View

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All signs will be manufactured to accommodate 120 volt current unless otherwise noted by customer. Note: Aetna will supply transformers, power disconnects, soffitts & other installation aids to provide all other necessary hardware to accomplish installation.

CLIENT:	Kyle Travel Center	DRAWING:	9782.2
ADDRESS:	24800 IH35	SALESPERSON:	Jeanette M.
CITY:	Kyle, Texas	ARTWORK:	Arnie V.
DATE:	5-6-13		

COMPUTER FILE: art/drwg/misc/9782_kyle travel center
REVISION HISTORY:

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National Building Code for states all signs that utilize neon transformers, rated at 7500 volts, must utilize UL1561 -GTI transformers. This type of transformer must have a dedicated electrical (GFI) circuit with ground to the transformer tower. You are required to have the proper electrical service to the sign location. Please contact your Aetna Sign Group representative if you need additional information.

EXHIBIT "F"

Specifications:
Manufacture and install one (1) new D/F pylon sign.

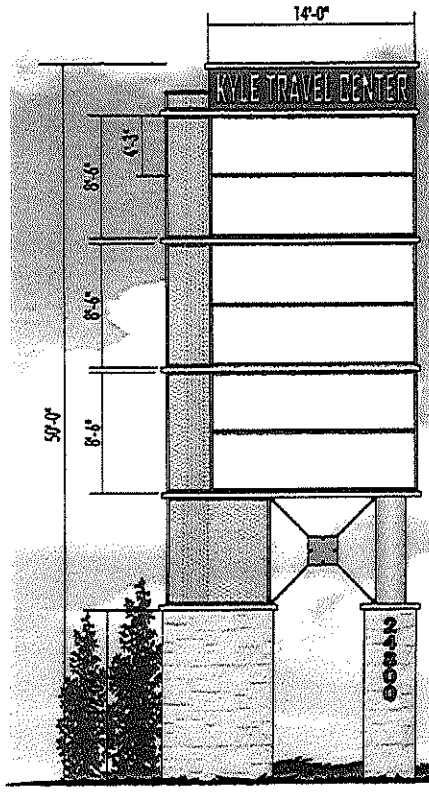
Main ID - alum. Construction, routed out pnt to match building, internally illum. by H-o lamps

Tenant Cabinets - alum. Construction, 2 1/2" retainers, White lexan faces, applied vinyl, Inter. Illum. By H-O Lamps

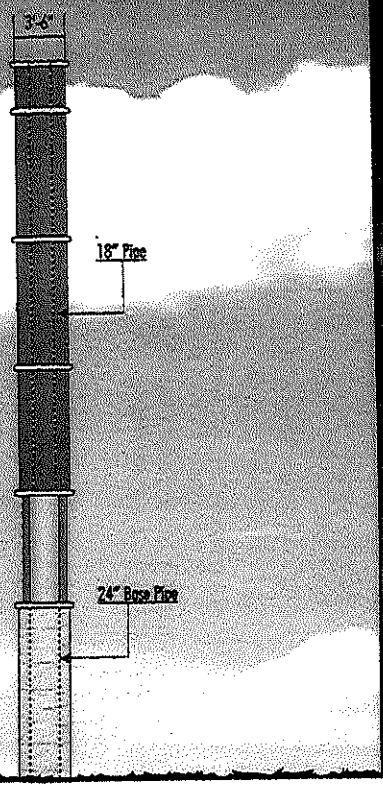
Pole Cover - perforated alum. Construction, pnt brush silver, 4" "C" channel reveals with exposed neon.

Note:
All Color And Specified Materials To Match Shopping Center

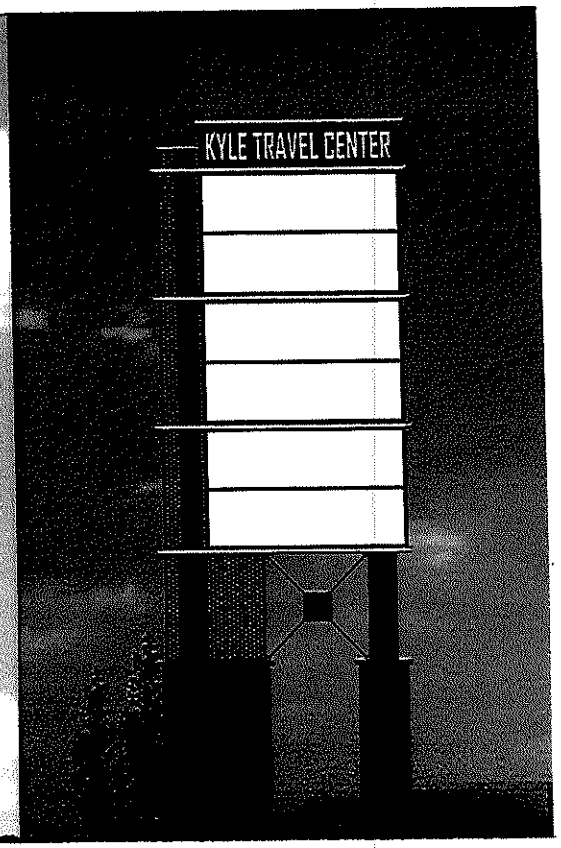
Stone work to match building by others.



Front View - Scale: 1/8" = 1'-0"



Footing required:
4'-0" hole dia.
12'-6" deep.



Night View

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All signs will be installed to accepted use. Will exceed unless otherwise noted. Customer Note: Aetna will supply the sign, frame, transformer, and all labor. Customer will provide all other necessary materials to accomplish installation.

CLIENT:	Kyle Travel Center	DRAWING #:	9782.1
ADDRESS:	24900 I35	CABS INFO:	Jeanette M.
CITY:	Kyle, Texas	DESIGNER:	Arnie V.
DATE:	5-6-13	PRINT ANNOUNCEMENT:	

COLPUTER FILE: art\sirw\misc\9782_kyle travel center
REVISION HISTORY:

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National Building Code and state all signs that utilize neon transformers must be GFCI with a group number UL listed. The type of transformer must have a dedicated electrical GFCI circuit with enough for the transformer to work. You are responsible to provide electrical service to the sign location. Please contact your Aetna Sign Group representative if you need assistance.