

CITY OF KYLE

Planning & Zoning Commission Kyle City Hall 100 W. Center Street



Notice is hereby given that the Planning and Zoning Commission of the City of Kyle, Texas will meet at 6:30 PM on May 27, 2014, at Kyle City Hall 100 W. Center St for the purpose of discussing the following agenda.

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

Posted this the 23rd day of May prior to 6:30 PM.

1. Call Meeting to Order
2. Roll Call
3. Citizen Comments
4. **CONSENT AGENDA:**

A. Creekside Village Phase 1 & Phase 2 (FP-14-006)

25.21 acres; 98 Single Family Lots

Located off of Burleson Road adjacent to the Railroad tracks

Owner: Orchard at Plum Creek, LLC. / Steve Tucker

Agent: J. Marcus Boyter

(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 above 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).

B. Kensington Trails Subdivision Section 5B & 5C (FP-14-005)

15.73 acres; 57 Single Family Lots – 2 Open Space/Landscape Lots

Located off of Bebee Road and at the end of Downing Way

Owner: Kensington Place Ventures, Ltd.

Agent: Hugo Elizondo, Jr., P.E., Cuatro Consultants

(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 above 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).

- C. Kyle 150/I-35 Subd. Replat of Lots 2-6 to Establish Lots 2A - 8A (SFP-14-002)
45.341 acres; 7 Commercial Lots
Located FM 150 East and IH-35 Northbound Frontage
Owner: Kyle 35 Retail, Ltd.
Agent: Carey Bresler, Doucet & Associates, Inc.

(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).

- D. Meadows at Kyle Phase 3 (FP-13-012)
10.958 acres; 58 Single Family Lots and ROW
Located on the north side of Windy Hill Road approximately 1 mile east of IH-35
Owner: Continental Homes of Texas, LP
Agent: John D. Hines, P.E., Gray Engineering, Inc.

CONSIDER AND POSSIBLE ACTION:

5. CONDITIONAL USE PERMIT:

- A. Consider a Conditional Use Permit request for additional changes to the design by O'Reilly Auto Enterprises, LLC. on property located at 22387 IH-35. (CUP-14-002)
- B. Consider a request by Arturo & Linda Gonzales and Danny & Amada Pavia (RR150 Retail Center) for a Conditional Use Permit to construct a 7,819.72 square foot building (Building #1) on property located at 1501 & 1601 RR 150. (CUP-14-007)
- C. Consider a request by Richard P. Edwards, IV & Rachel Lynne Edwards (Amazing Ice Designs, Phase 1) for a Conditional Use Permit to construct a 9,000 square foot building on property located at 181 Weldon Johnston Way, Lot 8. (CUP-14-008)
- D. Consider a request by Richard P. Edwards, IV & Rachel Lynne Edwards (Amazing Ice Designs, Phase II) for a Conditional Use Permit to construct a 9,000 square foot building on property located at 161 Weldon Johnston Way, Lot 9. (CUP-14-009)
- E. Consider a request by Qin Rong, LLC. (East Buffet) for a Conditional Use Permit for an existing 5,800 square foot building located at 103 W. Center Street. (CUP-14-010)

6. ZONING:

- A. Consider a request by David and Michael Saucedo to rezone approximately 0.3055 acres from 'R-1' Single Family to 'R-2' Residential Two Family on property located at 400 S. Main Street. (Z-14-004)

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

- B. Consider a request by Austin Brookside LP to rezone approximately 26.147 acres from Single Family 'R-1-1' to a Planned Unit Development Overlay District 'PUD' with a base zoning designation of Single Family Attached 'R-1-A' on property located at the end of Arbor Knot Drive and Ferrule Drive. (Z-14-011)

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

7. TRANSPORTATION MASTER PLAN REQUEST:

- A. Consider a request by Rodolfo Gonzalez property owner of 1200 Dacy Lane, to remove the extension of Kyle Parkway from the Transportation Master Plan.

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

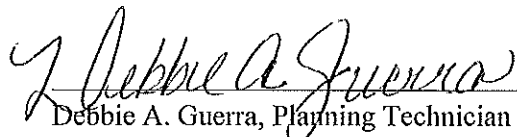
8. STAFF REPORT

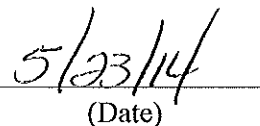
9. ADJOURNED

*Per Texas Attorney General Opinion No. JC-0169; Open Meeting & Agenda Requirements, Dated January 24, 2000: The permissible responses to a general member communication at the meeting are limited by 551.042, as follows: "SEC.551.042. Inquiry Made at Meeting. (a) If, at a meeting of a government body, a member of the public or of the governmental body inquires about a subject for which notice has not been given as required by the subchapter, the notice provisions of this subchapter, do not apply to:(1) a statement of specific factual information given in response to the inquiry; or (2) a recitation of existing policy in response to the inquiry. (b) Any deliberation of or decision about the subject of the inquiry shall be limited to a proposal to place the subject on the agenda for a subsequent meeting.

Certificate

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


Debbie A. Guerra, Planning Technician


(Date)

May 27, 2014

Planning and Zoning Commission

FINAL PLAT

Case Number: FP-13-012

Meadows at Kyle Phase Three

BACKGROUND

LOCATION:

The subject property is located along the northern side of Windy Hill Road and is approximately 1 mile east of Interstate Highway 35. The property falls within Kyle City Limits and is zoned R-1-A to be constructed according to the New Town Community Land Use designation.

SITE INFO & PROPOSAL:

The subject property is approximately 10.958 acres and is proposed to be subdivided into 58 single family lots along Northern Flicker Street and Song Sparrow Cove with main access from Purple Martin Avenue. Phase Three is part of an overall master planned community for 314 single family lots.

UTILITIES:

Wastewater service will be provided by the City of Kyle. Phase Three improvements will connect to main line stubs constructed with previous phased development. Water service is provided by Goforth Water Supply and Fire Service will be provided by Buda Fire Department Co.

ACCESS:

All lots will front on public streets.

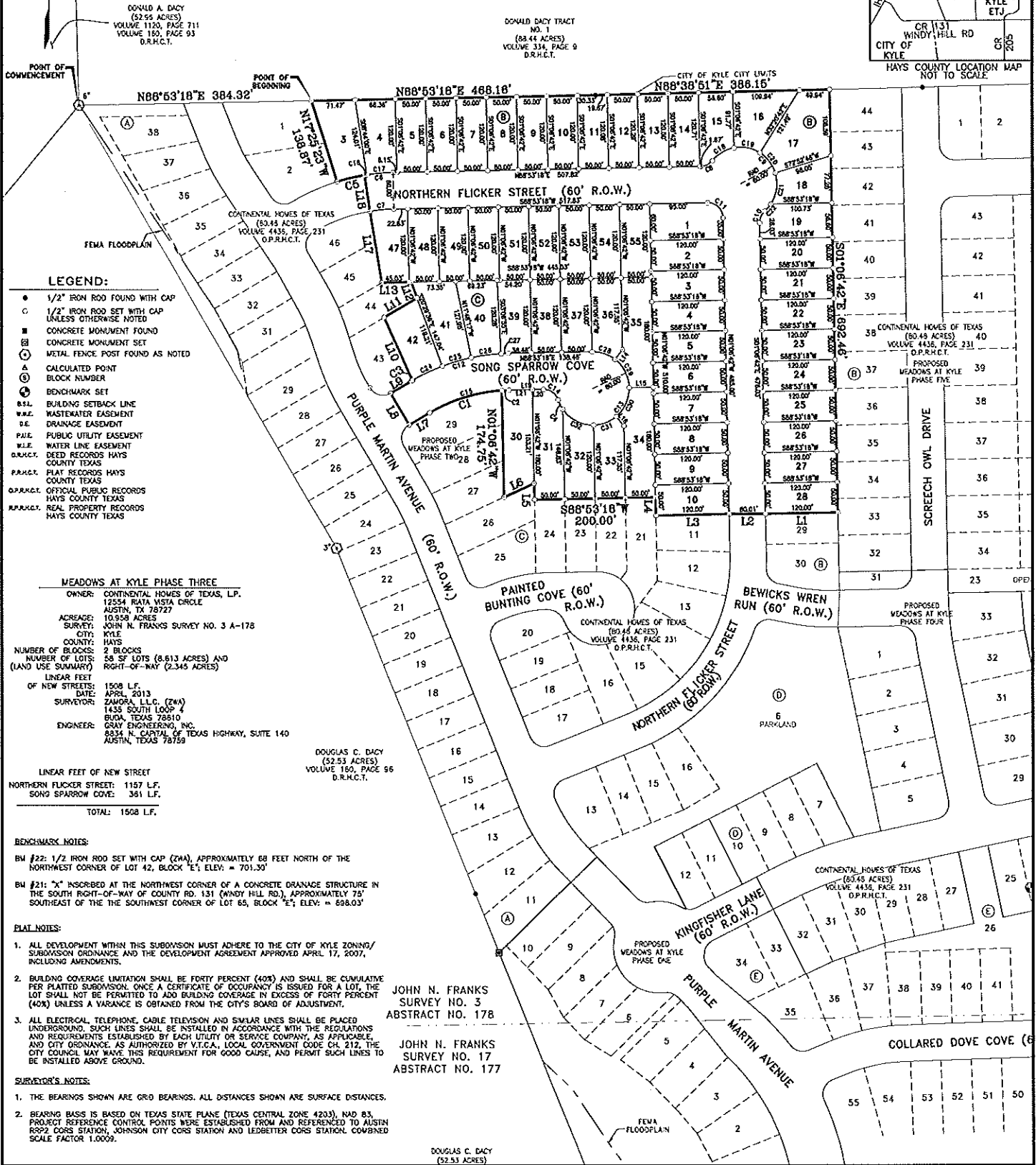
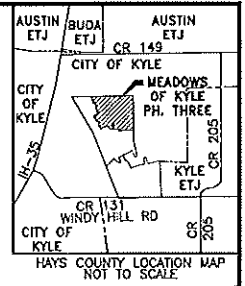
STAFF COMMENTS

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

- The plat is consistent with all zoning requirements and development agreement 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.

MEADOWS AT KYLE PHASE THREE

SCALE: 1" = 100'
DECEMBER 2013
HAYS COUNTY, TEXAS



PROJECT: MEADOWS AT KYLE
PHASE THREE
JOB NUMBER: 13-1008-04
DATE: DECEMBER, 2013
SCALE: 1" = 100'
SURVEYOR: G. RENE ZAMORA
TECHNICIAN: SEGURA
DRAWING: MKK-PH-381.dwg
FIELDNOTES:
PARTYCHIEF:
FIELDBOOKS:

ZWA
Zamora, L.L.C.
Professional Land Surveyors
1435 South Loop 4 • Buda, Texas 78610
Telephone (512) 295-6201 • Fax (512) 295-6001

PROJECT NO.: *
FILE NO.:
DATE: APRIL 2013
SCALE: 1" = 100'
DESIGNED BY:
DRAWN BY:
CHECKED BY: JB
REVISED BY:
8334 N. Capital of Texas Hwy.
Suite 140
Austin, Texas 78759
(512) 452-0371
FAX: (512) 454-9933
TBP FIRM #2946

**MEADOWS AT KYLE
PHASE THREE**
10.958 ACRES OF LAND OUT OF
THE JOHN N. FRANKS SURVEY
NO. 3 ABST. NO. 178
HAYS COUNTY, TEXAS

SHEET
1
OF
3
ZWA PLAT No.
13-1008-04

MEADOWS AT KYLE PHASE THREE

LEGAL DESCRIPTION

DESCRIPTION OF A 10.958 ACRE TRACT OF LAND SITUATED IN THE JOHN N. FRANKS SURVEY NO. 3, ABSTRACT NO. 178, IN HAYS COUNTY, TEXAS, AND BEING A PORTION OF THAT CERTAIN 80.45 ACRE TRACT OF LAND CONVEYED TO THE MEADOWS AT KYLE, LTD., BY WARRANTY DEED DATED DECEMBER 20, 2003 AND RECORDED IN VOLUME 2829, PAGE 188, DEED RECORDS OF HAYS COUNTY, TEXAS, SAID 11.453 ACRE TRACT AS SHOWN ON THE ACCOMPANYING PLAT, IS MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a 6 inch iron fence post found for the northwest corner of said 80.45 acre tract, being also the original 195.9 acre tract of land conveyed to Dick Selders Wilmon of record in Volume 345, Page 629, Deed Records of Hays County, Texas, being also the southwest corner of a called 88.44 acre tract of land conveyed to Douglas C. Dacy and Donald A. Dacy of record in Volume 334, Page 9 of the Deed Records of Hays County, Texas, being also an angle point in the east line of a called 52.96 acre tract of land conveyed to Donald A. Dacy of record in Volume 1123, Page 711 of the Official Public Records of Hays County, Texas, and described in Volume 160, Page 93 of the Deed Records of Hays County, Texas, being also the north corner of a called 52.53 acre tract of land conveyed to Douglas C. Dacy of record in Volume 160, Page 93 of the Deed Records of Hays County, Texas;

THENCE N 88°53'18" E, departing the east lines of said Dacy tracts, with the meanders of an old fence and south line of said 88.44 acre Dacy tract, the north line of said 80.45 acre tract and said 195.9 acre tract, common with the north line of the herein described tract, for a distance of 384.32 feet to a 1/2 inch iron rod with cap set (ZWA) for the POINT OF BEGINNING and northeast corner of the herein described tract;

THENCE continuing with the meanders of an old fence and south line of said 88.44 acre Dacy tract, the north line of said 80.45 acre tract and said 195.9 acre tract, common with the north lines of the herein described tract, the following two (2) courses and distances:

1. N 88°53'18" E, for a distance of 468.16 feet to a 1/2 inch iron rod found, and
2. N 83°33'51" E, for a distance of 385.15 feet to a 1/2 inch iron rod with cap set (ZWA) for the northeast corner of the herein described tract;

THENCE departing the south line of said 88.44 acre Dacy tract, the north line of said 80.45 acre tract and said 195.9 acre tract, and the north line of the herein described tract, and over and across said 80.45 acre tract, with the east, south, and west lines of the herein described tract, the following twenty-two (22) courses and distances:

1. S 01°06'42" E, for a distance of 692.46 feet to a 1/2 inch iron rod with cap set (ZWA) for the southeast corner of the herein described tract,
2. S 88°53'18" W, for a distance of 120.00 feet to a 1/2 inch iron rod with cap set (ZWA),
3. S 89°41'39" W, for a distance of 60.01 feet to a 1/2 inch iron rod with cap set (ZWA),
4. S 88°53'18" W, for a distance of 120.00 feet to a 1/2 inch iron rod with cap set (ZWA),
5. N 01°06'42" W, for a distance of 39.03 feet to a 1/2 inch iron rod with cap set (ZWA),
6. S 88°53'18" W, for a distance of 200.00 feet to a 1/2 inch iron rod with cap set (ZWA),
7. N 01°06'42" W, for a distance of 26.79 feet to a 1/2 inch iron rod with cap set (ZWA),
8. S 63°20'44" W, for a distance of 54.54 feet to a 1/2 inch iron rod with cap set (ZWA),
9. N 01°06'42" W, for a distance of 174.75 feet to a 1/2 inch iron rod with cap set (ZWA) at the beginning of a curve to the left,
10. 126.32 feet along the arc of said curve to the right, having a radius of 270.00 feet, a delta angle of 26°45'25", and a chord bearing and distance of S 73°02'09" W, 125.18 feet to a 1/2 inch iron rod with cap set (ZWA),
11. S 59°37'56" W, for a distance of 39.32 feet to a 1/2 inch iron rod with cap set (ZWA),
12. N 30°22'04" W, for a distance of 60.00 feet to a 1/2 inch iron rod with cap set (ZWA),
13. N 59°37'56" E, for a distance of 39.32 feet to a 1/2 inch iron rod with cap set (ZWA) at the beginning of a curve to the right,
14. 2.01 feet along the arc of said curve to the right, having a radius of 330.00 feet, a delta angle of 09°29'53", and a chord bearing and distance of N 59°45'25" E, 2.01 feet to a 1/2 inch iron rod with cap set (ZWA),
15. N 24°06'00" W, for a distance of 113.24 feet to a 1/2 inch iron rod with cap set (ZWA),
16. N 59°37'56" E, for a distance of 62.65 feet to a 1/2 inch iron rod with cap set (ZWA),
17. N 20°29'39" W, for a distance of 27.83 feet to a 1/2 inch iron rod with cap set (ZWA),
18. S 88°53'18" W, for a distance of 48.26 feet to a 1/2 inch iron rod with cap set (ZWA),
19. N 09°37'29" W, for a distance of 118.34 feet to a 1/2 inch iron rod with cap set (ZWA),
20. N 68°29'32" W, for a distance of 60.01 feet to a 1/2 inch iron rod with cap set (ZWA) at the beginning of a curve to the left,
21. 45.33 feet along the arc of said curve to the left, having a radius of 330.00 feet, a delta angle of 08°02'39", and a chord bearing and distance of S 76°35'57" W, 45.29 feet to a 1/2 inch iron rod with cap set (ZWA), and
22. N 17°25'23" W, for a distance of 138.87 feet to the POINT OF BEGINNING and containing 10.958 acres of land.

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD
C1	126.32	270.00	26°48'25"	S73°02'09"W	125.18
C2	11.54	270.00	2°26'56"	N87°39'50"E	11.54
C3	2.01	330.00	0°20'57"	N59°48'25"E	2.01
C4	17.23	60.00	16°27'10"	S26°26'34"E	17.17
C5	46.33	330.00	8°02'39"	S76°35'57"W	46.29
C6	47.62	330.00	8°16'02"	S84°45'17"W	47.57
C7	40.04	270.00	8°29'47"	S84°38'24"W	40.00
C8	21.68	25.00	49°40'47"	N84°02'54"E	21.00
C9	198.30	60.00	189°21'34"	N46°06'42"W	119.60
C10	21.68	25.00	49°40'47"	S23°43'41"W	21.00
C11	39.27	25.00	90°00'00"	N46°06'42"W	35.36
C12	168.50	330.00	29°15'21"	S74°15'37"W	166.68
C13	264.83	60.00	252°53'43"	N35°20'09"E	96.53
C14	31.81	25.00	72°53'43"	N54°39'51"W	29.70
C15	137.87	270.00	29°15'21"	S74°15'37"W	136.37
C16	3.72	330.00	0°38'44"	S80°56'38"W	3.72
C17	43.90	330.00	7°37'18"	S85°04'39"W	43.87
C18	42.10	60.00	40°11'59"	S59°18'30"W	41.24
C19	44.96	60.00	42°56'13"	N79°07'24"W	43.92
C20	42.45	60.00	40°32'04"	N37°23'16"W	41.57
C21	53.21	60.00	50°48'38"	N08°17'06"E	51.48
C22	15.58	60.00	14°52'40"	N41°07'45"E	15.54
C23	6.82	330.00	1°11'02"	S60°13'28"W	6.82
C24	54.86	330.00	9°31'27"	S64°44'37"W	54.79
C25	50.05	330.00	8°41'22"	S73°51'02"W	50.00
C26	50.05	330.00	8°41'22"	S82°32'24"W	50.00
C27	11.54	330.00	2°00'12"	S87°53'11"W	11.54
C28	40.51	60.00	38°40'56"	N71°46'14"W	39.74
C29	53.74	60.00	51°19'04"	N26°46'14"W	51.96
C30	53.74	60.00	51°19'04"	N24°32'50"E	51.96
C31	40.51	60.00	38°40'56"	N69°32'50"E	39.74
C32	59.11	60.00	56°26'34"	S62°53'25"E	56.75

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S88°53'18"W	120.00
L2	S89°41'39"W	60.01
L3	S88°53'18"W	120.00
L4	N01°06'42"W	30.00
L5	N01°06'42"W	26.79
L6	S65°20'44"W	54.54
L7	S59°37'56"W	39.32
L8	N30°22'04"W	60.00
L9	N59°37'56"E	39.32
L10	N24°06'00"W	113.24
L11	N59°37'56"E	62.65
L12	N20°29'39"W	27.83
L13	S88°53'18"W	48.26
L14	S37°34'14"W	20.00
L15	N88°53'18"E	40.00
L16	N39°47'38"W	20.00
L17	N09°38'29"W	118.34
L18	N08°20'52"W	60.01
L19	S88°53'18"W	57.22
L20	S88°53'18"W	18.76
L21	S88°53'18"W	38.46

		FRONT SETBACK	
BLOCK	LOT	25 FT	30 FT
C	10	X	X
C	9	X	X
C	8	X	X
C	7	X	X
C	6	X	X
C	5	X	X
C	4	X	X
C	3	X	X
C	2	X	X
C	1	X	X
C	54	X	X
C	53	X	X
C	52	X	X
C	51	X	X
C	50	X	X
C	49	X	X
C	48	X	X
C	47	X	X
C	46	X	X
C	45	X	X
C	44	X	X
C	43	X	X
C	42	X	X
C	41	X	X
C	40	X	X
C	39	X	X
C	38	X	X
C	37	X	X
C	36	X	X
C	35	X	X
C	34	X	X
C	33	X	X
C	32	X	X
C	31	X	X
C	30	X	X

		FRONT SETBACK	
BLOCK	LOT	25 FT	30 FT
B	28	X	X
B	27	X	X
B	26	X	X
B	25	X	X
B	24	X	X
B	23	X	X
B	22	X	X
B	21	X	X
B	20	X	X
B	19	X	X
B	18	X	X
B	17	X	X
B	16	X	X
B	15	X	X
B	14	X	X
B	13	X	X
B	12	X	X
B	11	X	X
B	10	X	X
B	9	X	X
B	8	X	X
B	7	X	X
B	6	X	X
B	5	X	X
B	4	X	X
B	3	X	X
B	2	X	X
B	1	X	X

PROJECT: MEADOWS AT KYLE
PHASE THREE
JOB NUMBER: 13-1008-04
DATE: DECEMBER, 2013
SCALE: 1" = 100'
SURVEYOR: G. KYLE ZAMORA
TECHNICIAN: SEGURA
DRAWING: WK-RJ-S2.dwg
FIELDNOTES:
PARTYCHIEF:
FIELDBOOKS:

ZWA
Zamora, L.L.C.
Professional Land Surveyors
1435 South Loop 4 • Buckle, Texas 78601
Telephone: (512) 295-6201 • Fax: (512) 295-6091

PROJECT NO: *
FILE NO:
DATE: APRIL 2013
SCALE: 1" = 100'
GRAY
ENGINEERING

DESIGNED BY:
DRAWN BY:
CHECKED BY: JB
REVISED BY:
8834 N. Capital of Texas Hwy.
Suite 140
Austin, Texas 78759
(512) 452-0371
FAX: (512) 454-9933
T&PE FIRM #2946

MEADOWS AT KYLE
PHASE THREE
10.958 ACRES OF LAND OUT
OF THE JOHN N. FRANKS SURVEY
NO. 3 ABST. NO. 178
HAYS COUNTY, TEXAS

SHEET
2
OF
3
ZWA PLAT No.
13-1008-04

MEADOWS AT KYLE PHASE THREE

THE STATE OF TEXAS §
THE COUNTY OF HAYS §

KNOW ALL MEN BY THESE PRESENTS THAT CONTINENTAL HOMES OF TEXAS, L.P., ACTING HEREIN BY AND THROUGH RICHARD MAIER, VICE-PRESIDENT, OWNER OF 10.958 ACRES OF LAND OUT OF THE JOHN N. FRANKS SURVEY NO. 3, ABSTRACT NO. 178 SITUATED IN HAYS COUNTY TEXAS, BEING A PORTION OF THAT CERTAIN 80.48 ACRE TRACT OF LAND CONVEYED BY DEED RECORDED IN VOLUME 4439, PAGE 231, OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, DOES HEREBY SUBDIVIDE SAID 10.958 ACRES OF LAND TO BE KNOWN AS:

MEADOWS AT KYLE, PHASE THREE

IN ACCORDANCE WITH THE PLAT SHOWN HEREON, SUBJECT TO ANY AND ALL EASEMENTS OR RESTRICTIONS HERETOFORE GRANTED AND NOT RELEASED, AND DOES HEREBY DEDICATE TO THE PUBLIC THE USE OF THE STREETS AND EASEMENTS SHOWN HEREON.

WITNESS MY HAND THIS 28 DAY OF APRIL, 2014, A.D.

CONTINENTAL HOMES OF TEXAS, L.P.
12854 RIATA VISTA CIRCLE
AUSTIN, TEXAS 78727

RICHARD MAIER, VICE-PRESIDENT

THE STATE OF TEXAS §
THE COUNTY OF TRAVIS §

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED RICHARD MAIER, VICE-PRESIDENT OF CONTINENTAL HOMES OF TEXAS, L.P., 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 CONSIDERATION THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED.

WITNESS MY HAND AND SEAL THIS 28 DAY OF APRIL, 2014, A.D.

NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

PRINTED NAME OF NOTARY

MY COMMISSION EXPIRES ON

GENERAL NOTES:

1. THE PROVISIONS OF THE CITY OF KYLE UNITED DEVELOPMENT CODE AND THE PROVISIONS OF THE APPROVED DEVELOPER AGREEMENT SHALL GOVERN THIS PROJECT.
2. THE FULLY DEVELOPED CONCENTRATED STORM RUNOFF FOR 100 YEAR STORM SHALL BE CONTAINED WITHIN DRAINAGE EASEMENTS AND RIGHTS-OF-WAY.
3. ALL DRAINAGE EASEMENTS ON PRIVATE PROPERTY SHALL BE MAINTAINED BY THE PROPERTY OWNER OR ASSIGNS.
4. PROPERTY OWNER SHALL PROVIDE FOR ACCESS TO DRAINAGE EASEMENTS AS MAY BE NECESSARY AND SHALL NOT PROHIBIT ACCESS BY GOVERNMENTAL AUTHORITIES.
5. A 15' PUBLIC UTILITY EASEMENT IS HEREBY DEDICATED ALONG ALL STREET RIGHTS-OF-WAY. A 6' PUE IS HEREBY DEDICATED ALONG ALL SIDE LOT LINES OF ALL SINGLE FAMILY LOTS.
6. ALL STREETS IN THIS SUBDIVISION ARE PUBLIC STREETS.
7. RESIDENTIAL LOTS ARE LIMITED TO ONE SINGLE FAMILY DWELLING PER LOT.
8. FOR A MINIMUM TRAVEL DISTANCE OF 20' FROM THE ROADWAY EDGE, DRIVEWAY GRADES MAY EXCEED 14% ONLY WITH SPECIFIC APPROVAL OF SURFACE AND GEOMETRIC DESIGN PROPOSALS BY THE CITY OF KYLE.
9. ALL STREETS, DRAINAGE, SIDEWALKS, EROSION CONTROLS AND WATER AND WASTEWATER LINES ARE REQUIRED TO BE CONSTRUCTED AND INSTALLED TO CITY OF KYLE STANDARDS.
10. OPERATION AND MAINTENANCE OF THE DETENTION POND FACILITIES SERVING ALL SINGLE FAMILY LOTS WILL BE OWNED AND OPERATED BY THE HOMEOWNERS ASSOCIATION.
11. NO OBJECTS, INCLUDING BUT NOT LIMITED TO BUILDINGS, FENCES, OR LANDSCAPING AND OTHER STRUCTURES SHALL BE PERMITTED IN DRAINAGE EASEMENTS. FENCES ARE ALLOWED ALONG LOT LINES ONLY, PROVIDED THEY DO NOT OBSTRUCT FLOW FOR SURFACE USE DRAINAGE EASEMENTS.
12. SIDEWALKS ARE REQUIRED ALONG BOTH SIDES OF ALL STREETS, AS FOLLOWS: LOCAL STREETS, 4' BOTH SIDES, COLLECTOR STREETS, 6' BOTH SIDES.
13. WATER SERVICE WILL BE PROVIDED BY GOFORTH WATER SUPPLY CORPORATION.
14. WASTEWATER SERVICE WILL BE PROVIDED BY THE CITY OF KYLE.
15. PRIOR TO CONSTRUCTION OF ANY IMPROVEMENTS ON LOTS IN THIS SUBDIVISION, SITE DEVELOPMENT PERMITS AND BUILDING PERMITS WILL BE OBTAINED FROM THE CITY OF KYLE.
16. THERE ARE NO ENVIRONMENTALLY SENSITIVE AREAS DISCOVERED WITHIN THIS SITE.
17. PUBLIC UTILITY EASEMENTS TO BE USED FOR UTILITY SERVICE PROVIDED TO LOTS WITHIN THIS SUBDIVISION ONLY; NOT ALLOWED FOR PASS-THRU OR PRIMARY MAINS SERVICING OUTSIDE DEVELOPMENT.
18. ALL RESIDENTIAL LOTS SHALL HAVE A 6 FOOT SIDE BUILDING SETBACK AND 10 FOOT REAR SETBACK. THERE SHALL ALSO BE A SIDE SETBACK OF 15 FEET FOR SIDE YARDS ADJACENT TO A PUBLIC STREET. FRONT SETBACKS SHALL BE A MINIMUM OF 25 FEET AND ALTERNATE AS DESCRIBED IN THE TABLE ON SHEET 2.

THE STATE OF TEXAS §
THE COUNTY OF HAYS §

I, G. RENE ZAMORA, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, AM AUTHORIZED UNDER THE LAWS OF THE STATE OF TEXAS TO PRACTICE THE PROFESSION OF SURVEYING, AND HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND ABILITY, AND THAT IT WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE ON THE GROUND UNDER MY DIRECT SUPERVISION.

G. RENE ZAMORA, R.P.L.S.
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 54682
STATE OF TEXAS
ZAMORA, L.L.C. (TVA)
1436 SOUTH LOOP 4
BUDA, TEXAS 78610
PHONE: (512) 295-6201, FAX: (512) 295-6091

DATE

THE STATE OF TEXAS §
THE COUNTY OF HAYS §

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

LEON BARBA, P.E.
CITY ENGINEER

DATE

THE STATE OF TEXAS §
THE COUNTY OF HAYS §

I, LIZ GONZALEZ, COUNTY CLERK OF HAYS COUNTY, TEXAS, DO HEREBY CERTIFY THE FOREGOING INSTRUMENT OF WRITING WITH ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORD IN MY OFFICE ON THE

OF

THE

IN THE PLAT RECORDS OF HAYS COUNTY, TEXAS, IN BOOK

LIZ GONZALEZ, COUNTY CLERK
HAYS COUNTY, TEXAS

THIS PLAT, MEADOWS AT KYLE PHASE THREE, HAS BEEN SUBMITTED TO AND CONSIDERED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KYLE, TEXAS, AND IS HEREBY APPROVED BY SUCH PLANNING AND ZONING COMMISSION.

DATED THIS

ATTEST:

BY:

SHANE ARABIE
PLANNING AND ZONING COMMISSION CHAIR, CITY OF KYLE, TEXAS

THE STATE OF TEXAS §
THE COUNTY OF TRAVIS §

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

WITNESS MY HAND THIS

GRAY ENGINEERING, INC.
8834 N. CAPITAL OF TEXAS HIGHWAY, SUITE 140
AUSTIN, TEXAS 78759
PHONE: (512) 452-0371 FAX: (512) 454-9933
TBP# FIRM # 2946

JOHN D. HINES
REGISTERED PROFESSIONAL ENGINEER NO. 96691

DATE

PROJECT: MEADOWS AT KYLE
PHASE THREE
JOB NUMBER: 13-1008-04
DATE: DECEMBER, 2013
SCALE: 1" = 100'
SURVEYOR: G. RENE ZAMORA
TECHNICIAN: SEGURA
DRAWING: WQ-FN-SH-10g
FIELDNOTES:
PARTYCHIEF:
FIELDBOOKS:

ZWA

Zamora, L.L.C.
Professional Land Surveyors
1436 South Loop 4 • Buda, Texas 78610
Telephone: (512) 295-6201 • Fax (512) 295-6091

PROJECT NO: *
FILE NO:
DATE: APRIL 2013
SCALE: 1" = 100'
DESIGNED BY:
DRAWN BY:
CHECKED BY: JB
REVISED BY:
8834 N. Capital of Texas Hwy.
Suite 140
Austin, Texas 78759
(512) 452-0371
FAX: (512) 454-9933
TBP# FIRM #2946
GRAY
ENGINEERING

MEADOWS AT KYLE
PHASE THREE
10.958 ACRES OF LAND OUT OF
THE JOHN N. FRANKS SURVEY
NO. 3 ABST. NO. 178
HAYS COUNTY, TEXAS

SHEET
3
OF
3
ZWA PLAT No.
13-1008-04

May 27, 2014
Conditional Use
Permit

Planning and Zoning Commission

Case Number: CUP-14-002

OWNER/APPLICANT: O'Reilly Auto Enterprises, LLC

AGENT: Lesley Guillot

PROJECT NAME: O'Reilly Auto Parts

LOCATION: 22387 IH-35 (IH- 35 & FM 150)

AREA: 1.171 Acres (Lot 5 of Center Street Village Subdivision)

EXISTING ZONING: Retail Services

SITE INFORMATION:

Transportation: The development site is located north bound IH-35 service road, north of E. RR 150.

Surrounding Zoning:

- North: R/S
- South: R/S
- East : R/S
- West: R/S

Future Land Use Designation: Regional Node

Comprehensive Plan Guidance

The primary goal of the Regional Node is to capture commercial opportunities necessary to close Kyle's tax gap. To achieve this goal, these Nodes should draw upon anticipated regional growth and aggregate density to enhance value and activity levels in a concentrated and visible location. Regional Nodes should provide a mixture of uses that complements regional commercial activity, as well as encourage high intensity residential development. These Nodes should respond to other regional areas of growth, specifically along I-35 and FM 1626, and to growth toward Hwy 21, SH 45 and SH 130.

Location:

22387 IH-35. Lot 5 of Center Street Village, immediately south of Auto Zone.

May 27, 2014

Conditional Use
Permit

Planning and Zoning Commission

Case Number: CUP-14-002

Zoning District

Retail Service District allows general retail sales of consumable products and goods within buildings of products that are generally not hazardous and that are commonly purchased and used by consumers in their homes, including most in-store retail sales of goods and products that do not pose a fire or health hazard to neighboring areas, e.g., clothing, prescription drugs, furniture, toys, hardware, electronics, pet supply, variety, department, video rental and antique stores, art studio or gallery, hobby shops and florist shops., and the retail sale of goods and products (in the following listed use areas) to which value has been added on site, including sales of goods and services outside of the primary structure as customary with the uses specifically listed, and the following: Any use permitted in CBD-1 or CBD-2 and RS districts.

STAFF ANALYSIS:

Background

O'Reilly Auto Enterprises is requesting approval of a conditional use permit to allow the alteration of the exterior of the structure to be located at 22387 IH-35. The proposed alteration to the structure as stated for approval for the initial Conditional Use Permit consisted of the removal of the red sign on the side elevation and to increase the height of the required masonry to extend to the top of the store front glazing on the front elevation – mirror what was displayed in the Buda, TX example. The applicant has made design revisions to meet the Commissions requirements aside from two exceptions:

- O'Reilly requests to use Red behind the side elevation sign
- Raising the height of stone to the height of the storefront created conflicts with side signage and mechanical penetrations – amended by dropping the stone 1'-0" below the height of the storefront.

Recommendations/Findings

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

May 27, 2014

Conditional Use
Permit

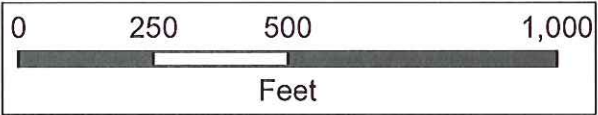
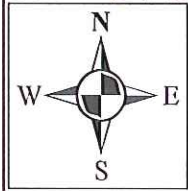
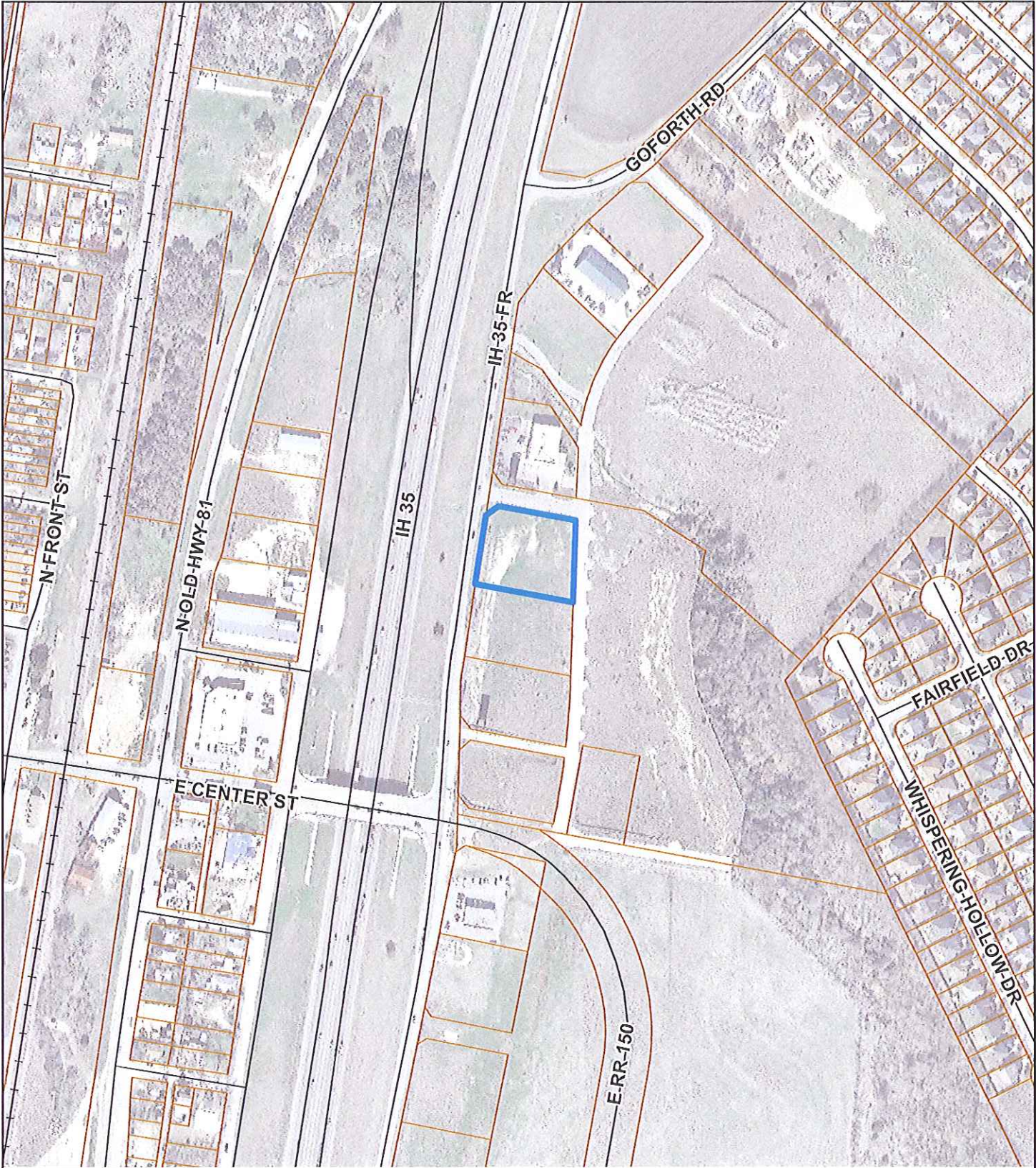
Planning and Zoning Commission

Case Number: CUP-14-002

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

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

O'Reilly Auto Parts Site





FW: O'Reilly Auto Parts - Kyle, TX (KYL) revised elevations

Sofia Nelson <snelson@cityofkyle.com>
To: Debbie Guerra <dguerra@cityofkyle.com>

Wed, Apr 9, 2014 at 3:23 PM

Can you add this email and the attachment to the CUP file paper and server file. Also please add them to your rolling agenda for the may meeting.

thanks

From: Lesley Guillot [mailto:lesley@webbarch.com]
Sent: Wednesday, March 26, 2014 8:43 AM
To: snelson@cityofkyle.com
Subject: O'Reilly Auto Parts - Kyle, TX (KYL) revised elevations

Good morning, Sofia! I outlined the Planning Commission's contingencies for O'Reilly. In turn, O'Reilly requested some additional changes to the design, reflected in the attached elevations. I believe this design meets the PC's requirements with (2) exceptions:

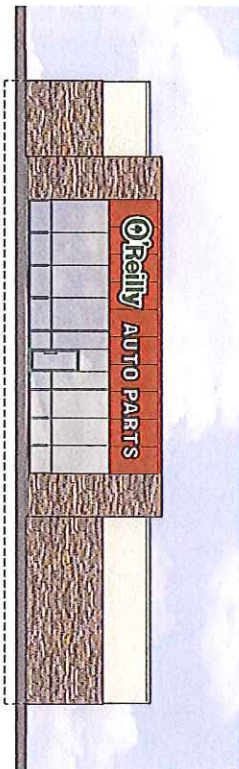
1. In addition to using red behind the sign on the front elevation, O'Reilly requests to use red behind the side elevation sign, as well.
2. Raising the height of the stone up to the height of the storefront created some conflicts with the side sign and some of the necessary mechanical penetrations. So, we dropped it down to 1'-0" below the height of the storefront.

Please let us know what our next step needs to be to continue with the review and approval process. Thank you,

Lesley Guillot, NCARB, CSI, LEED AP
Buddy Webb and Company, Architect – Consultant
3057 E. Cairo
Springfield, MO 65802
417-877-1385

1 FRONT ELEVATION

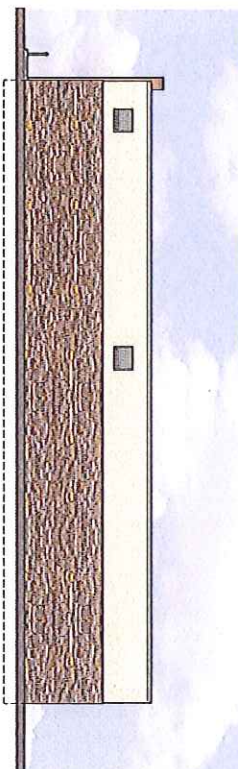
A3 SCALE: 1/F = TWO



SPECIAL NOTE:
PROVIDE A MAXI MAX PER LOCAL
FIRE DEPARTMENT
REQUIREMENTS. (612) 266-3731.

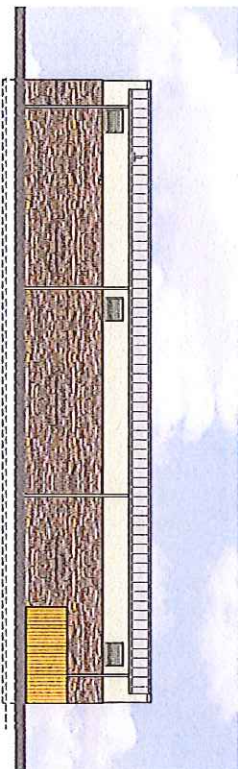
2 SIDE ELEVATION

A3 **Result:** $1/2^2 = 1/4$



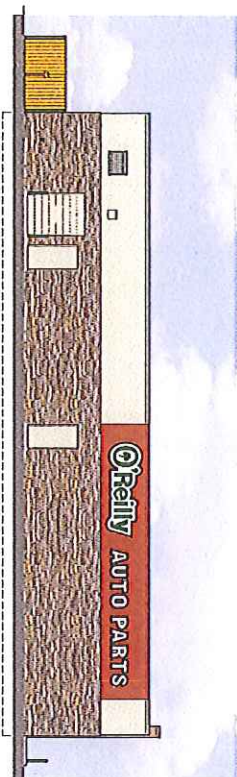
3 REAR ELEVATION

SCALE: 1/8" = 1'-0"



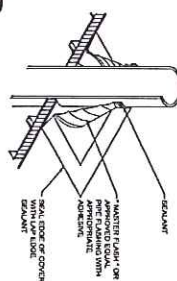
4 SIDE ELEVATION

AS SCALE: 1/8" = 1'-0"



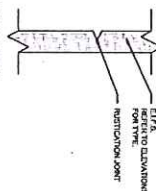
5	VENT PIPE
---	-----------

AD **DECEMBER 14, 1988**



6	JOINT DETAIL
---	---------------------

SCALE N.Y.S.



EXTERIOR FINISH SCHEDULE		FINISH CODE	
NATURAL, TYPICAL STONE	EQUAL TO LUDLOW STONE	FIELD COLOR	BORDER COLOR
EXTENSION INSULATION AND FINISH E.T.F.	SPROUT - GUTTER/FLASHING SHOULDER FINISH	FIELD COLOR, EQUAL TO SPROUT-GUTTER FINISH	BORDER COLOR/SPROUT
STREPPANT (NO SUBSTITUTES)	EGG MARBLE WITH A WALL	DARK BROWN DARK BROWN DARK BROWN	EQUAL TO PORTLAND CEMENT PORTLAND CEMENT
ISOLATION	IN FIELD	EQUAL TO INTERIOR WALLING NOTES IN FINISH SCHEDULE	EQUAL TO PORTLAND CEMENT PORTLAND CEMENT
EXTENSION DOORS	OWNER	EQUAL TO PORTLAND CEMENT	EQUAL TO PORTLAND CEMENT
OVERHEAD DOOR	OWNER	EQUAL TO PORTLAND CEMENT	EQUAL TO PORTLAND CEMENT
SHEET METAL, GALV. PLATING IN ACCORDANCE WITH A.S.T.M. A 653	IN METAL BUILDING WITH FIVE FOOT FINISH, TYPICAL	EQUAL TO PORTLAND CEMENT	EQUAL TO PORTLAND CEMENT
PIPE - FINISHED SHEET METAL GALV. PLATING	IN METAL BUILDING WORK	EQUAL TO PORTLAND CEMENT	EQUAL TO PORTLAND CEMENT



GENERAL NOTES:

- A. REFER TO PROJECT MANUAL FOR ADDITIONAL REQUIREMENTS.
- B. REFER TO PRE-INFORMED METAL BUILDING DRAWINGS FOR ADDITIONAL REQUIREMENTS.
- C. REFER TO MECHANICAL/ELECTRICAL PLAN FOR SYSTEM TYPE AND LOCATION.
- D. REFER TO SITE DEVELOPMENT PLAN FOR ADDITIONAL REQUIREMENTS.

KEY NOTES:

- EXTENSION, INSULATION AND FINISH SYSTEMS FOR
REFS TO EXISTING FISH SCHEDULES**
- NATURAL STONE VENEER:**
REFERS TO EXISTING FISH SCHEDULE, IF AND WHILE
THE FISHING STANDS IN THE ROOM.
- PRO-ENGINEERING BUILDING COMPANY**

- [illegible]

A3 SHEET 3 OF 3	DRAWN: JDC CHECKED: JDC DATE: 10/1/01 JOB NO.: 22387 TXL CUST.:	 AUTO PARTS	PROJECT: NEW O'REILLY AUTO PARTS STORE 22387 IH-35 KYLE, TEXAS	 Buddy D. Webb Architect - Consultant 1501 East Sunshine - Suite B Springfield, Missouri 65804 (417) 877-1388 (417) 877-9738 (FAX)	1. PROJECT LOCATION: 22387 IH-35, KYLE, TEXAS 2. PROJECT TYPE: NEW AUTO PARTS STORE 3. PROJECT STATUS: IN PROGRESS 4. PROJECT OWNER: O'REILLY AUTO PARTS STORE 5. PROJECT ARCHITECT: BUDDY D. WEBB	REVISIONS: A. 10/1/01 B. 10/1/01 C. 10/1/01
	EXTERIOR ELEVATIONS					

May 27, 2014

Planning and Zoning Commission

Conditional Use
Permit

Case Number: CUP-14-007

OWNER/APPLICANT: Arturo & Linda Gonzales (1501 RR 150)
Danny & Amada Pavia (1601 RR 150)

AGENT: Diane Bernal
Professional StruCIVIL Engineers, Inc.

PROJECT NAME: RR 150 Retail Center

LOCATION: 1501 & 1601 East RR 150

AREA: 2 Acres (1.00 – Gonzales, 1.00 – Pavia)

EXISTING ZONING: Retail Services

SITE INFORMATION:

Transportation: The subject property is located off East RR 150 at the corner of New Country Road.

Surrounding Zoning:

- *North:* M-3 (Manufactured Home Park), R-1-2
- *South:* Retail Services (Bounded by RR 150)
- *West:* M-3
- *East:* R-1-2

Future Land Use Designation: New Settlement District

Comprehensive Plan Guidance

The New Settlement Community is located in the eastern and southern portions of Kyle. Flat land and large parcel size in the New Settlement District result in a high level of development potential, which is beginning to be realized through market-driven demand for new housing stock. New Settlement District should serve as a transition between the higher intensity of use within the core districts and the low intensity of use of the Farm Districts.

Zoning District

Retail Service District allows general retail sales of consumable products and goods within buildings of products that are generally not hazardous and that are commonly purchased and used by consumers in their homes, including most in-store retail sales of goods and products that do not pose a fire or health hazard to neighboring areas, e.g.,

May 27, 2014

Planning and Zoning Commission

Conditional Use
Permit

Case Number: CUP-14-007

clothing, prescription drugs, furniture, toys, hardware, electronics, pet supply, variety, department, video rental and antique stores, art studio or gallery, hobby shops and florist shops., and the retail sale of goods and products (in the following listed use areas) to which value has been added on site, including sales of goods and services outside of the primary structure as customary with the uses specifically listed, and the following: Any use permitted in CBD-1 or CBD-2 and RS districts as provided in section 53-1230.

STAFF ANALYSIS:

Background

The applicant is requesting approval of a conditional use permit to allow the construction of a convenient store, gas station with pumps, and a restaurant within Phase I of development to conclude with Phase II of a Retail Store at a later time. Currently the property has two single-family homes (1501 and 1601 E. RR 150) that will need to be cleared upon new development of RR 150 Retail Center.

Recommendations/Findings:

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

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

- (1) Height, which shall conform to the zoning requirements;
- (2) Building mass, which shall include the relationship of the building width to its height and depth, and its relationship to the visual perception;
- (3) Exterior detail and relationships, which shall include all projecting and receding elements of the exterior, including, but not limited to, porches and overhangs and the horizontal or vertical expression which is conveyed by these elements;
- (4) Roof shape, which shall include type, form, and materials;

May 27, 2014

Planning and Zoning Commission

Conditional Use
Permit

Case Number: CUP-14-007

(5) Materials, texture, and color, which shall include a consideration of material compatibility among various elements of the structure;

(6) Compatibility of design and materials, which shall include the appropriateness of the use of exterior design details;

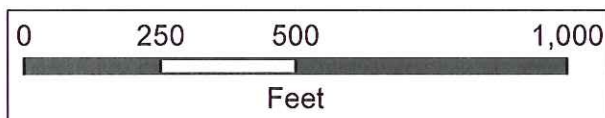
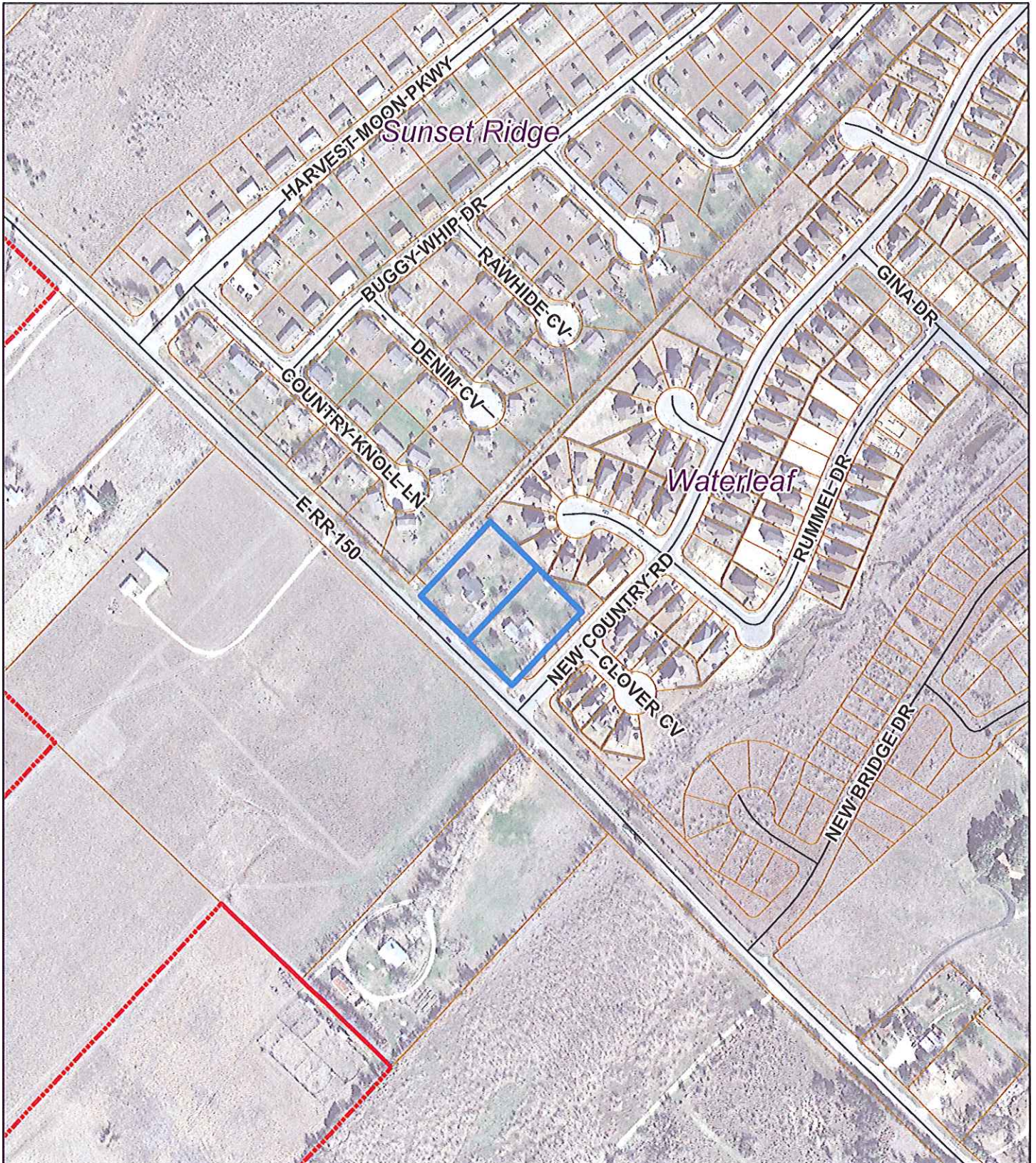
(7) Landscape design and plantings, which shall include lighting and the use of landscape details to highlight architectural features or screen or soften undesirable views;

(8) Vehicular and pedestrian access, which shall include location, width, and type of surface for all points of ingress and egress;

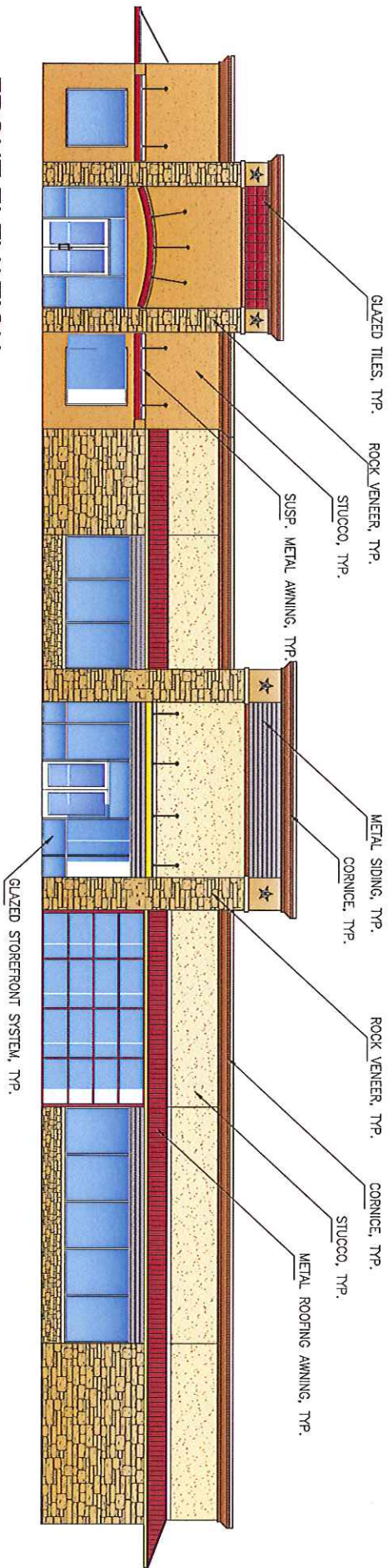
(9) Signage, which shall include, in addition to the requirements chapter 29, pertaining to signs, the appropriateness of signage to the building in relation location, historical significance of the structure and neighboring structures, traffic visibility; obstruction of views from neighboring property;

(10) Exterior lighting, which shall included location, type, and/or design of lighting and/or lighting fixtures to be used.

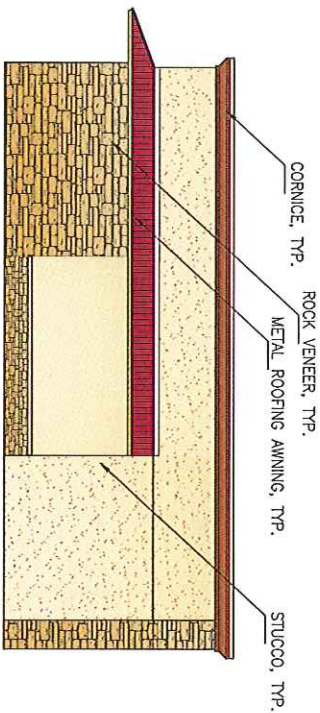
1501 & 1601 E RR 150 Site




-  Parcel Lines
-  Kyle City Limits

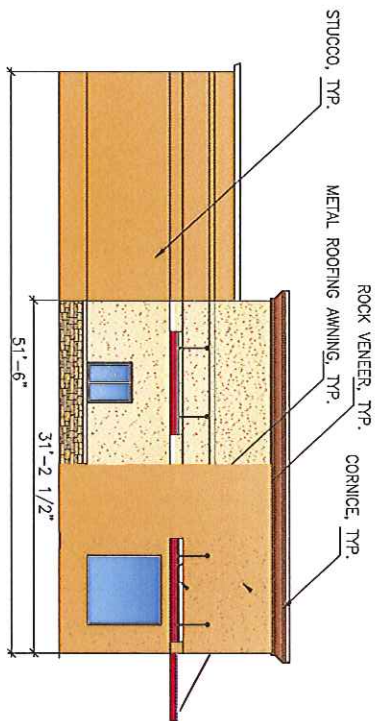


FRONT ELEVATION RR-150

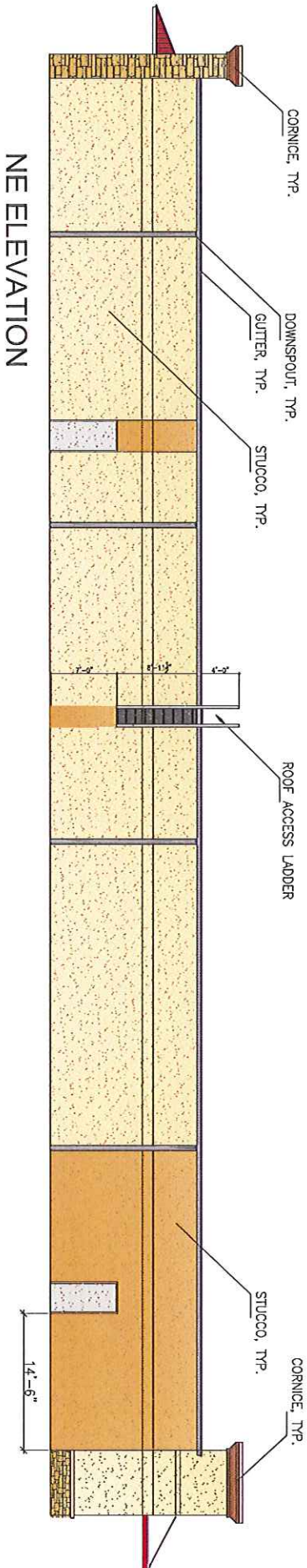


FRONT ELEVATION NEW COUNTRY ROAD

<div>Tchen Architects</div> <div>11008 ANDERSON HILL, #205 AUSTIN, TEXAS 78726 512.251.1801 info@tchenarch.com tchen@tchenarch.com website: www.tchenarch.com</div>		<div></div> <div>SCALE: 3/8" = 1'-0"</div> <div>DATE: 08/20/24</div> <div>PROJECT: FM 150 MART 1601 FM 150 KYLE, TEXAS ELEVATIONS</div>		<div>SHEET NUMBER</div> <div>A-2.0</div>
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NW ELEVATION

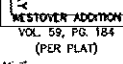
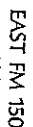


NE ELEVATION

<h1>Tchen Architects</h1> <p>11008 ADDICTON BLVD. #205 ADDICTON, ONTARIO M1V 4Y5 512.351.1801 m2m2a2c7@tchen.com tchen@tchenarch.com website: www.tchenarch.com</p>				<p>PROJECT NAME: FM 150 MART</p> <p>ISSUE DATE: 03/20/14</p> <p>SCALE: 200" = 1'-0"</p> <p>REVISIONS:</p> <table border="1"> <tr> <td>NO.</td> <td>DATE</td> <td>DESCRIPTION</td> </tr> <tr> <td>1</td> <td>03/20/14</td> <td>100% FM 150 KTL, TDBAS</td> </tr> <tr> <td>2</td> <td>03/20/14</td> <td>CLAYTONS</td> </tr> </table>		NO.	DATE	DESCRIPTION	1	03/20/14	100% FM 150 KTL, TDBAS	2	03/20/14	CLAYTONS	<p>PROJECT NUMBER: A-2.1</p>	
NO.	DATE	DESCRIPTION														
1	03/20/14	100% FM 150 KTL, TDBAS														
2	03/20/14	CLAYTONS														

1. STOPS ON ACCESSIBLE PORTS MAY NOT EXCEED 180 UNITS SPACED AS A PAIR. (VIA 4.3.1)
2. ACCESSIBLE PORTS MUST HAVE A CROSS-SLOPE NO GREATER THAN 1:50 (VIA 4.3.2)
3. THE MAXIMUM SLOPE OF A PAVE IN NEW CONSTRUCTION IS 1:12. THE MAXIMUM RISE FOR ANY PAVE RUN IS 30". THE MAXIMUM HORIZONTAL PROJECTION IS 30". FOR A PAVE WITH A SLOPE BETWEEN 1:12 AND 1:15, AND 40' FOR A PAVE WITH A SLOPE BETWEEN 1:15 AND 1:20 (VIA 4.3.3)
4. ACCESSIBLE PARKING SPACES MUST BE LOCATED ON A SURFACE WITH SLOPE NOT GREATER THAN 1:50 (VIA 4.3.5)

1. **NECESSARY** TRADING SPACE MUST BE SECURED BY A SINK
ENTRANCE AT THE MOUTH OF THE PASSAGE SYSTEM. THE SINK MUST INCLUDE
THE NECESSARY CHANNEL OF ACCESSIBILITY AND SINK CHANNEL, BUT
NO DOWNSTREAM CHANNEL. COLLECTORS AND SPILLWAYS OF SUCH SINKS MUST
BE LOCATED ON REMOTE AREA PROXIMATE TO THE SINK CHANNEL
OR DISCHARGE OF A REMOTE PASSAGE IN THE SINK. (SEE: 101-3, 101-5, 101-7, 101-8, 101-9, 101-10, 101-11, 101-12, 101-13, 101-14, 101-15, 101-16, 101-17, 101-18, 101-19, 101-20, 101-21, 101-22, 101-23, 101-24, 101-25, 101-26, 101-27, 101-28, 101-29, 101-30, 101-31, 101-32, 101-33, 101-34, 101-35, 101-36, 101-37, 101-38, 101-39, 101-40, 101-41, 101-42, 101-43, 101-44, 101-45, 101-46, 101-47, 101-48, 101-49, 101-50, 101-51, 101-52, 101-53, 101-54, 101-55, 101-56, 101-57, 101-58, 101-59, 101-60, 101-61, 101-62, 101-63, 101-64, 101-65, 101-66, 101-67, 101-68, 101-69, 101-70, 101-71, 101-72, 101-73, 101-74, 101-75, 101-76, 101-77, 101-78, 101-79, 101-80, 101-81, 101-82, 101-83, 101-84, 101-85, 101-86, 101-87, 101-88, 101-89, 101-90, 101-91, 101-92, 101-93, 101-94, 101-95, 101-96, 101-97, 101-98, 101-99, 101-100, 101-101, 101-102, 101-103, 101-104, 101-105, 101-106, 101-107, 101-108, 101-109, 101-110, 101-111, 101-112, 101-113, 101-114, 101-115, 101-116, 101-117, 101-118, 101-119, 101-120, 101-121, 101-122, 101-123, 101-124, 101-125, 101-126, 101-127, 101-128, 101-129, 101-130, 101-131, 101-132, 101-133, 101-134, 101-135, 101-136, 101-137, 101-138, 101-139, 101-140, 101-141, 101-142, 101-143, 101-144, 101-145, 101-146, 101-147, 101-148, 101-149, 101-150, 101-151, 101-152, 101-153, 101-154, 101-155, 101-156, 101-157, 101-158, 101-159, 101-160, 101-161, 101-162, 101-163, 101-164, 101-165, 101-166, 101-167, 101-168, 101-169, 101-170, 101-171, 101-172, 101-173, 101-174, 101-175, 101-176, 101-177, 101-178, 101-179, 101-180, 101-181, 101-182, 101-183, 101-184, 101-185, 101-186, 101-187, 101-188, 101-189, 101-190, 101-191, 101-192, 101-193, 101-194, 101-195, 101-196, 101-197, 101-198, 101-199, 101-200, 101-201, 101-202, 101-203, 101-204, 101-205, 101-206, 101-207, 101-208, 101-209, 101-210, 101-211, 101-212, 101-213, 101-214, 101-215, 101-216, 101-217, 101-218, 101-219, 101-220, 101-221, 101-222, 101-223, 101-224, 101-225, 101-226, 101-227, 101-228, 101-229, 101-230, 101-231, 101-232, 101-233, 101-234, 101-235, 101-236, 101-237, 101-238, 101-239, 101-240, 101-241, 101-242, 101-243, 101-244, 101-245, 101-246, 101-247, 101-248, 101-249, 101-250, 101-251, 101-252, 101-253, 101-254, 101-255, 101-256, 101-257, 101-258, 101-259, 101-260, 101-261, 101-262, 101-263, 101-264, 101-265, 101-266, 101-267, 101-268, 101-269, 101-270, 101-271, 101-272, 101-273, 101-274, 101-275, 101-276, 101-277, 101-278, 101-279, 101-280, 101-281, 101-282, 101-283, 101-284, 101-285, 101-286, 101-287, 101-288, 101-289, 101-290, 101-291, 101-292, 101-293, 101-294, 101-295, 101-296, 101-297, 101-298, 101-299, 101-300, 101-301, 101-302, 101-303, 101-304, 101-305, 101-306, 101-307, 101-308, 101-309, 101-310, 101-311, 101-312, 101-313, 101-314, 101-315, 101-316, 101-317, 101-318, 101-319, 101-320, 101-321, 101-322, 101-323, 101-324, 101-325, 101-326, 101-327, 101-328, 101-329, 101-330, 101-331, 101-332, 101-333, 101-334, 101-335, 101-336, 101-337, 101-338, 101-339, 101-340, 101-341, 101-342, 101-343, 101-344, 101-345, 101-346, 101-347, 101-348, 101-349, 101-350, 101-351, 101-352, 101-353, 101-354, 101-355, 101-356, 101-357, 101-358, 101-359, 101-360, 101-361, 101-362, 101-363, 101-364, 101-365, 101-366, 101-367, 101-368, 101-369, 101-370, 101-371, 101-372, 101-373, 101-374, 101-375, 101-376, 101-377, 101-378, 101-379, 101-380, 101-381, 101-382, 101-383, 101-384, 101-385, 101-386, 101-387, 101-388, 101-389, 101-390, 101-391, 101-392, 101-393, 101-394, 101-395, 101-396, 101-397, 101-398, 101-399, 101-400, 101-401, 101-402, 101-403, 101-404, 101-405, 101-406, 101-407, 101-408, 101-409, 101-410, 101-411, 101-412, 101-413, 101-414, 101-415, 101-416, 101-417, 101-418, 101-419, 101-420, 101-421, 101-422, 101-423, 101-424, 101-425, 101-426, 101-427, 101-428, 101-429, 101-430, 101-431, 101-432, 101-433, 101-434, 101-435, 101-436, 101-437, 101-438, 101-439, 101-440, 101-441, 101-442, 101-443, 101-444, 101-445, 101-446, 101-447, 101-448, 101-449, 101-450, 101-451, 101-452, 101-453, 101-454, 101-455, 101-456, 101-457, 1

[illegible]

CABLE TELEVISION AND SATELLITE DISH SHALL BE PLACED UNDERGROUND. SUCH LINES SHALL BE INSTALLED IN ACCORDANCE WITH THE REGULATIONS AND REQUIREMENTS ESTABLISHED BY EACH UTILITY OR SERVICE COMPANY, A APPLICANT, AND CITY ORDINANCE.

May 27, 2014
Conditional Use
Permit

Planning and Zoning Commission

Case Number: CUP-14-008

OWNER/APPLICANT: Richard P. Edwards, IV and Rachel Lynn Edwards

PROJECT NAME: Amazing Ice Designs, Phase I

LOCATION: 181 Weldon Johnston Way (Lot 8 in Schulle Subdivision)

AREA: 1.00 Acres

EXISTING ZONING: Warehouse (W)

SITE INFORMATION:

Transportation: The subject property is located at 181 Weldon Johnston Way, south of Downtown Kyle on the east side of IH-35. Weldon Johnston Way can be accessed from the north bound feeder road of IH-35.

Surrounding Zoning:

- *North:* Agriculture and R-1-2
- *South:* Warehouse
- *East :* Warehouse and Agriculture
- *West:* Warehouse

Future Land Use Designation: New Settlement Community

Comprehensive Plan Guidance

The New Settlement Community is located in the eastern and southern portions of Kyle. Flat land and large parcel size in the New Settlement District result in a high level of development potential, which is beginning to be realized through market-driven demand for new housing stock. New Settlement District should serve as a transition between the higher intensity of use within the core districts and the low intensity of use of the Farm Districts.

Zoning District

The warehouse district W is designed to provide locations for outlets offering goods and services to a targeted segment of the general public as well as industrial users. The permitted uses include those that primarily serve other commercial and industrial enterprises and do not include any use listed in the construction and manufacturing district (CM).

May 27, 2014

Conditional Use
Permit

Planning and Zoning Commission

Case Number: CUP-14-008

STAFF ANALYSIS:

Background

The applicant is requesting approval of a conditional use permit to allow the construction of a 9,000 square foot building on the east side of IH-35 off of the north bound feeder road located at 181 Weldon Johnston Way.

Recommendations/Findings:

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

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

- (1) Height, which shall conform to the zoning requirements;
- (2) Building mass, which shall include the relationship of the building width to its height and depth, and its relationship to the visual perception;
- (3) Exterior detail and relationships, which shall include all projecting and receding elements of the exterior, including, but not limited to, porches and overhangs and the horizontal or vertical expression which is conveyed by these elements;
- (4) Roof shape, which shall include type, form, and materials;
- (5) Materials, texture, and color, which shall include a consideration of material compatibility among various elements of the structure;
- (6) Compatibility of design and materials, which shall include the appropriateness of the use of exterior design details;
- (7) Landscape design and plantings, which shall include lighting and the use of landscape details to highlight architectural features or screen or soften undesirable views;
- (8) Vehicular and pedestrian access, which shall include location, width, and type of surface for all points of ingress and egress;

May 27, 2014

Planning and Zoning Commission

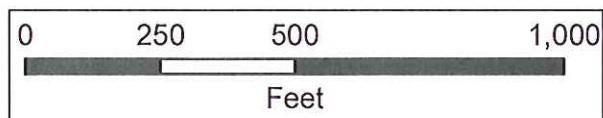
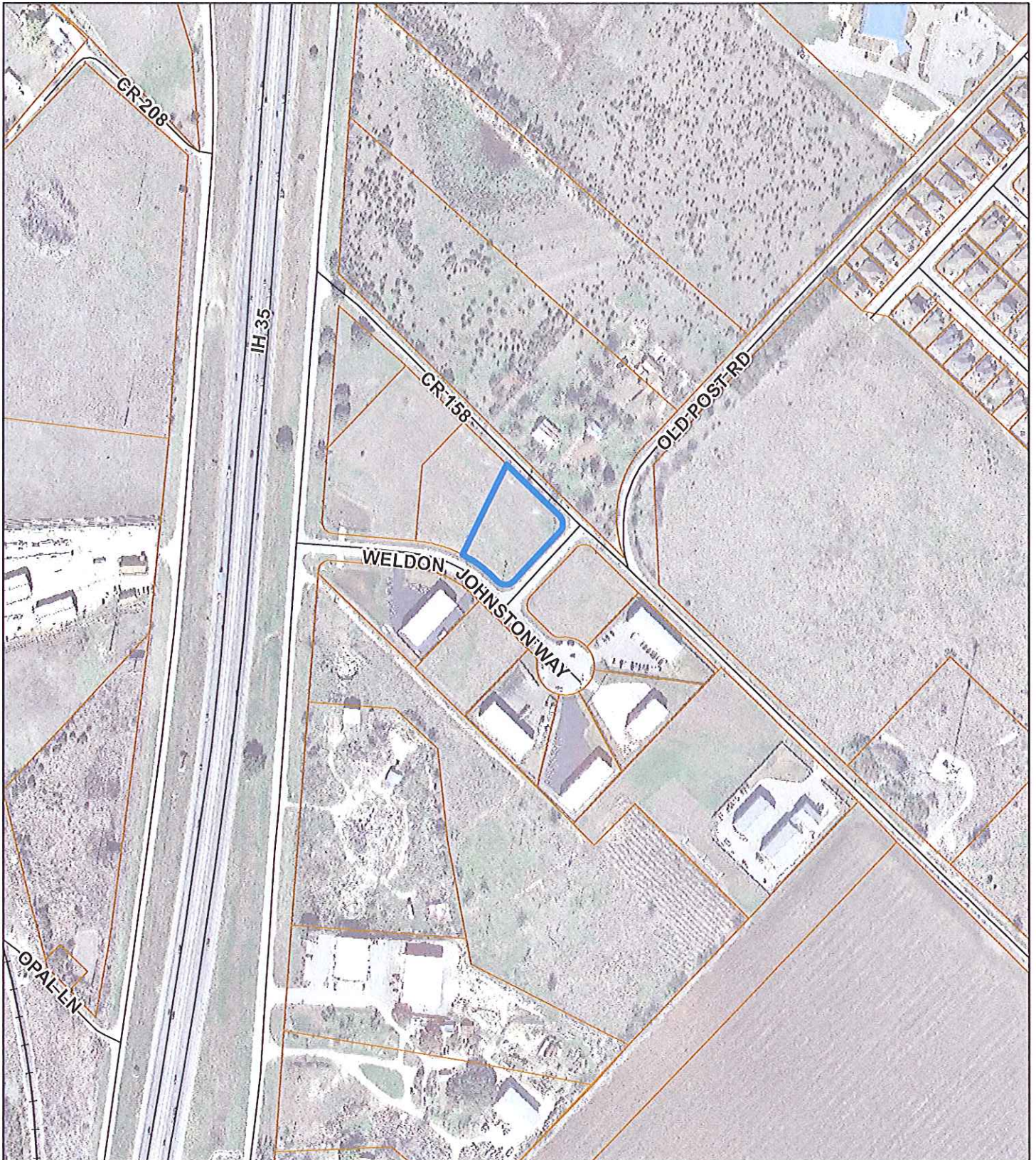
Conditional Use
Permit

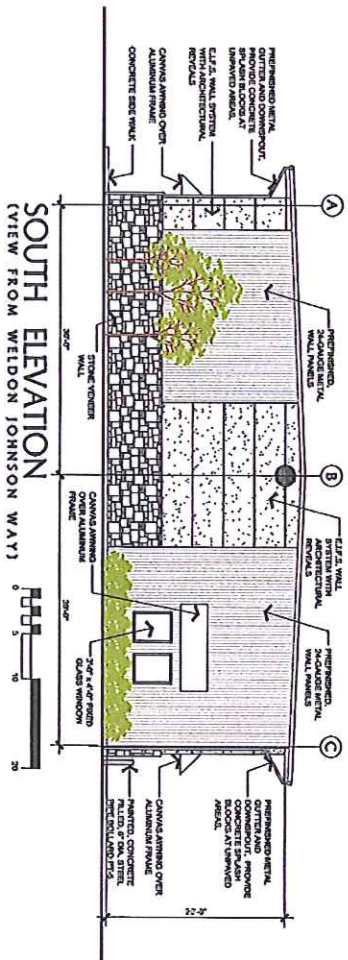
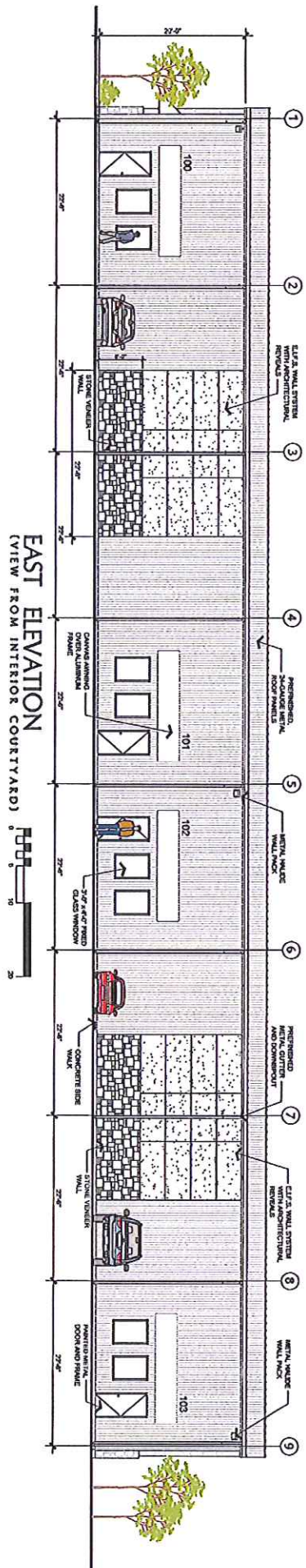
Case Number: CUP-14-008

(9) Signage, which shall include, in addition to the requirements chapter 29, pertaining to signs, the appropriateness of signage to the building in relation location, historical significance of the structure and neighboring structures, traffic visibility; obstruction of views from neighboring property;

(10) Exterior lighting, which shall include location, type, and/or design of lighting and/or lighting fixtures to be used.

Amazing Ice Designs Phase 1 Site





BUILDING ONE ELEVATIONS

PROPOSED STORAGE FACILITY
181 WELDON JOHNSTONE WAY, KYLE, TEXAS 78640





May 27, 2014

Conditional Use
Permit

Planning and Zoning Commission

Case Number: CUP-14-009

OWNER/APPLICANT: Richard P. Edwards, IV and Rachel Lynn Edwards

PROJECT NAME: Amazing Ice Designs, Phase II

LOCATION: 161 Weldon Johnston Way (Lot 9 in Schulle Subdivision)

AREA: 1.14 Acres

EXISTING ZONING: Warehouse (W)

SITE INFORMATION:

Transportation: The subject property is located at 161 Weldon Johnston Way, south of Downtown Kyle on the east side of IH-35. Weldon Johnston Way can be accessed from the north bound feeder road of IH-35.

Surrounding Zoning:

- *North:* Agriculture and R-1-2
- *South:* Warehouse
- *East :* Warehouse and Agriculture
- *West:* Warehouse

Future Land Use Designation: New Settlement Community

Comprehensive Plan Guidance

The New Settlement Community is located in the eastern and southern portions of Kyle. Flat land and large parcel size in the New Settlement District result in a high level of development potential, which is beginning to be realized through market-driven demand for new housing stock. New Settlement District should serve as a transition between the higher intensity of use within the core districts and the low intensity of use of the Farm Districts.

Zoning District

The warehouse district W is designed to provide locations for outlets offering goods and services to a targeted segment of the general public as well as industrial users. The permitted uses include those that primarily serve other commercial and industrial enterprises and do not include any use listed in the construction and manufacturing district (CM).

May 27, 2014

Conditional Use
Permit

Planning and Zoning Commission

Case Number: CUP-14-009

STAFF ANALYSIS:

Background

The applicant is requesting approval of a conditional use permit to allow the construction of a 9,000 square foot building on the east side of IH-35 off of the north bound feeder road located at 161 Weldon Johnston Way.

Recommendations/Findings:

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

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

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

May 27, 2014

Planning and Zoning Commission

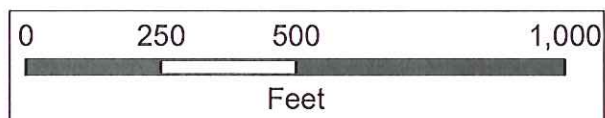
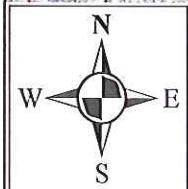
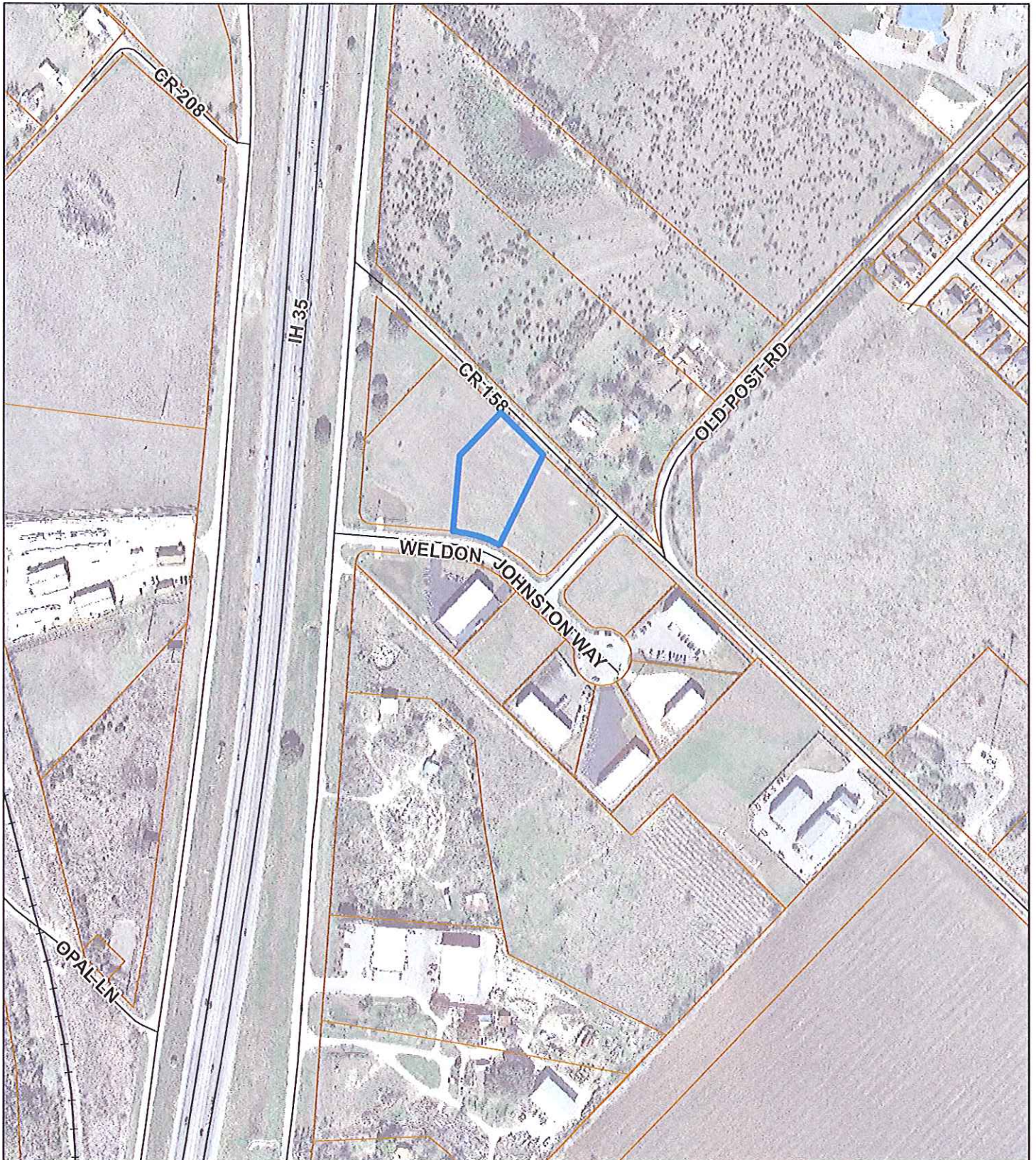
Conditional Use
Permit

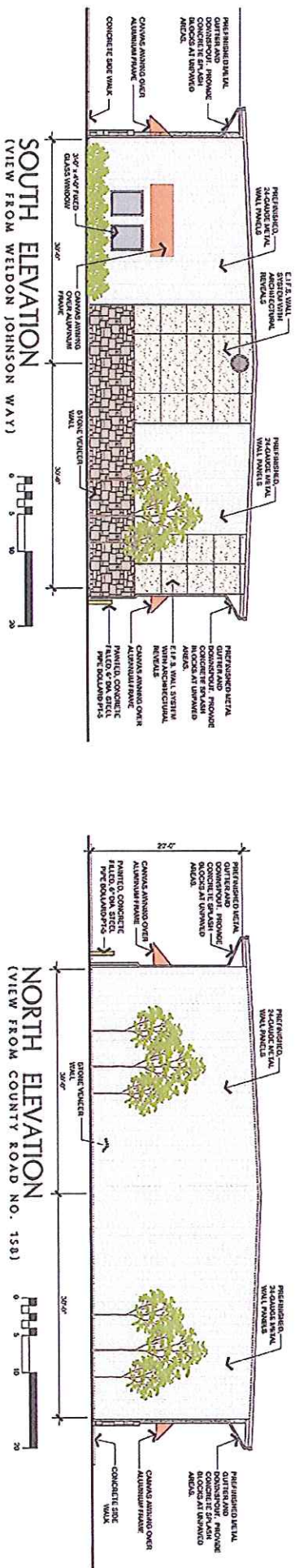
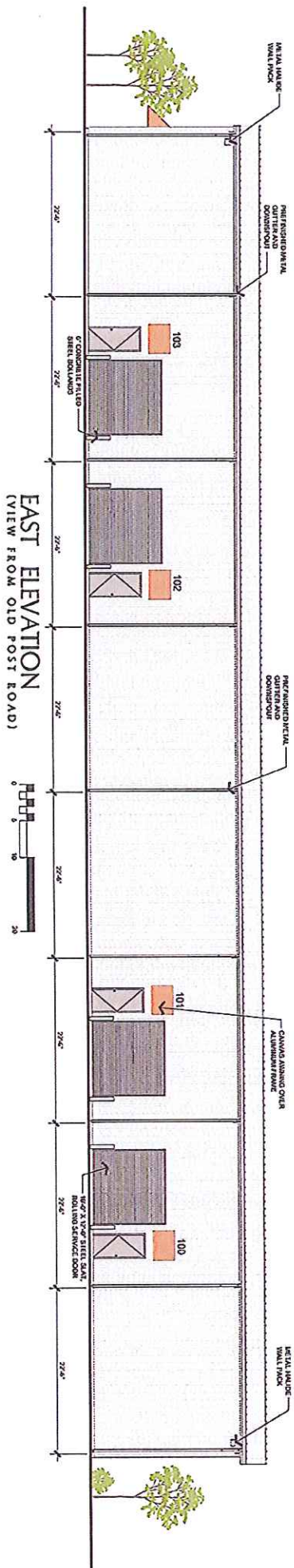
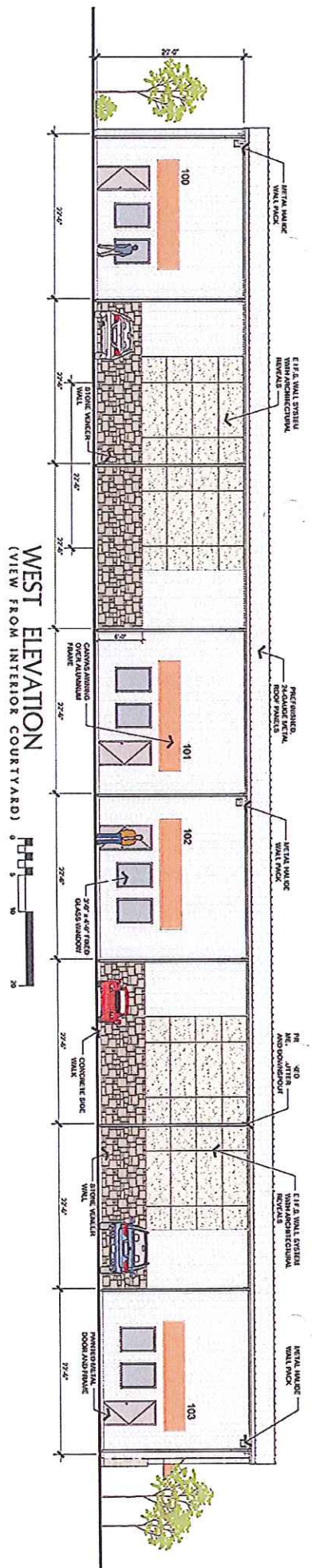
Case Number: CUP-14-009

historical significance of the structure and neighboring structures, traffic visibility; obstruction of views from neighboring property;

(10) Exterior lighting, which shall include location, type, and/or design of lighting and/or lighting fixtures to be used.

Amazing Ice Designs Phase 2 Site



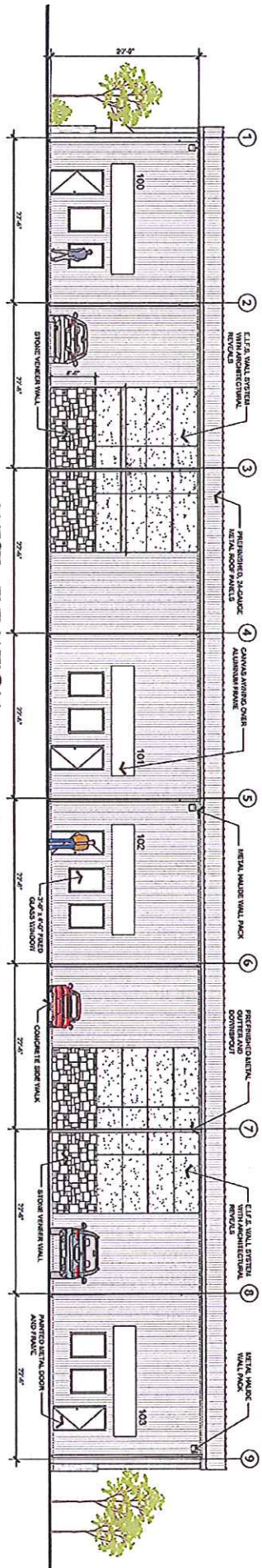


BUILDING TWO ELEVATIONS (REVISED 4/22/14)

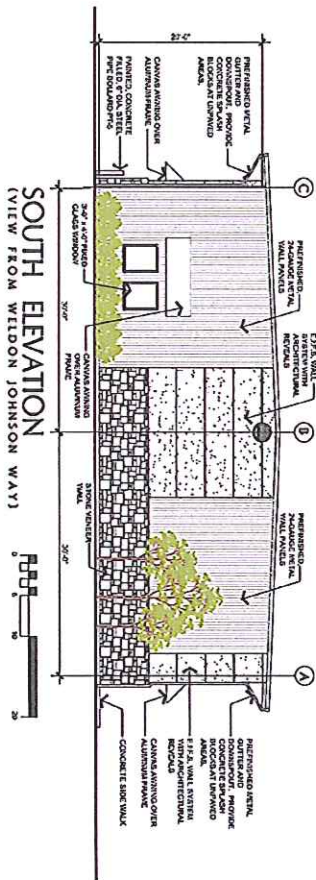
PROPOSED STORAGE FACILITY

161 WELDON JOHNSTONE WAY, KYLE, TEXAS 78640

DESIGNED BY
BURNS & MCDONNELL
ENGINEERS, P.C.
10000 W. L. BURNETT
SUITE 100
DALLAS, TEXAS 75243
(214) 343-7000
WWW.BURNSANDMCDONNELL.COM



WEST ELEVATION
(VIEW FROM INTERIOR COURTYARD)



SOUTH ELEVATION
(VIEW FROM WILSON JOHNSON WAY)

BUILDING TWO ELEVATIONS

PROPOSED STORAGE FACILITY
161 WELDON JOHNSTONE WAY, KYLE, TEXAS 78640





May 27, 2014

Planning and Zoning Commission

Conditional Use
Permit

Case Number: CUP-14-010

OWNER/APPLICANT: Qin Rong LLC. (J.J.)

PROJECT NAME: East Buffet

LOCATION: 103 W. Center Street

AREA: 5,800 Square Feet

EXISTING ZONING: CBD-2

SITE INFORMATION:

Transportation: The subject property is located across the street from City Hall on the southwest corner of Front Street and Main Street.

Surrounding Zoning:

- North: CBD-2
- South: CBD-2
- East : RS
- West: CBD-2

Future Land Use Designation: Old Town Community

STAFF ANALYSIS:

Background

On February 11, 2014 the Planning and Zoning Commission voted 7-0 to approve the Conditional Use Permit to allow for the alteration of the front exterior of the structure located at 103 W. Center Street. The proposed alteration to the existing building includes the removal of a door on both the Center Street and Front Street building facades. The doors are proposed to be replaced with a rock veneer to match the remainder of the façade.

The applicant is requesting approval of a conditional use permit to allow for the alteration of the exterior of the structure located at 103 W. Center Street. The proposed alteration to the existing building includes a color change to the existing mansard roof from blue to red. Alterations also extend to the removal of a door on both the Center Street and Front Street building facades. The pallet of coloring consists of *A – Positive Red* for Roofing, *B – Solaria* for Exterior walls and *C – Black Bean* for window trim. The doors are proposed to be replaced with a dark, stained cedar to match the trim of the windows (C-Black Bean).

May 27, 2014

Planning and Zoning Commission

Conditional Use
Permit

Case Number: CUP-14-010

Comprehensive Plan Guidance

The Old Town District is called to be preserved and promoted. As the historic core of Kyle, the Old Town District must be re-established as the central community of the City. This district is called to cater both local service commercial activities and residential uses.

Zoning District

The CBD-2 central business district 2 is less restrictive than CBD-1 and principally addresses development in the original town and central area of the city, allowing a mix of uses including, office, and restricted commercial, restricted multi-family and residential uses.

Findings/Recommendations

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

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

- (1) Height, which shall conform to the zoning requirements;
- (2) Building mass, which shall include the relationship of the building width to its height and depth, and its relationship to the visual perception;
- (3) Exterior detail and relationships, which shall include all projecting and receding elements of the exterior, including, but not limited to, porches and overhangs and the horizontal or vertical expression which is conveyed by these elements;
- (4) Roof shape, which shall include type, form, and materials;
- (5) Materials, texture, and color, which shall include a consideration of material compatibility among various elements of the structure;

May 27, 2014

Planning and Zoning Commission

Conditional Use
Permit

Case Number: CUP-14-010

(6) Compatibility of design and materials, which shall include the appropriateness of the use of exterior design details;

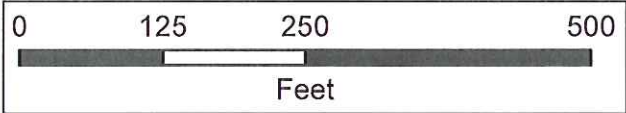
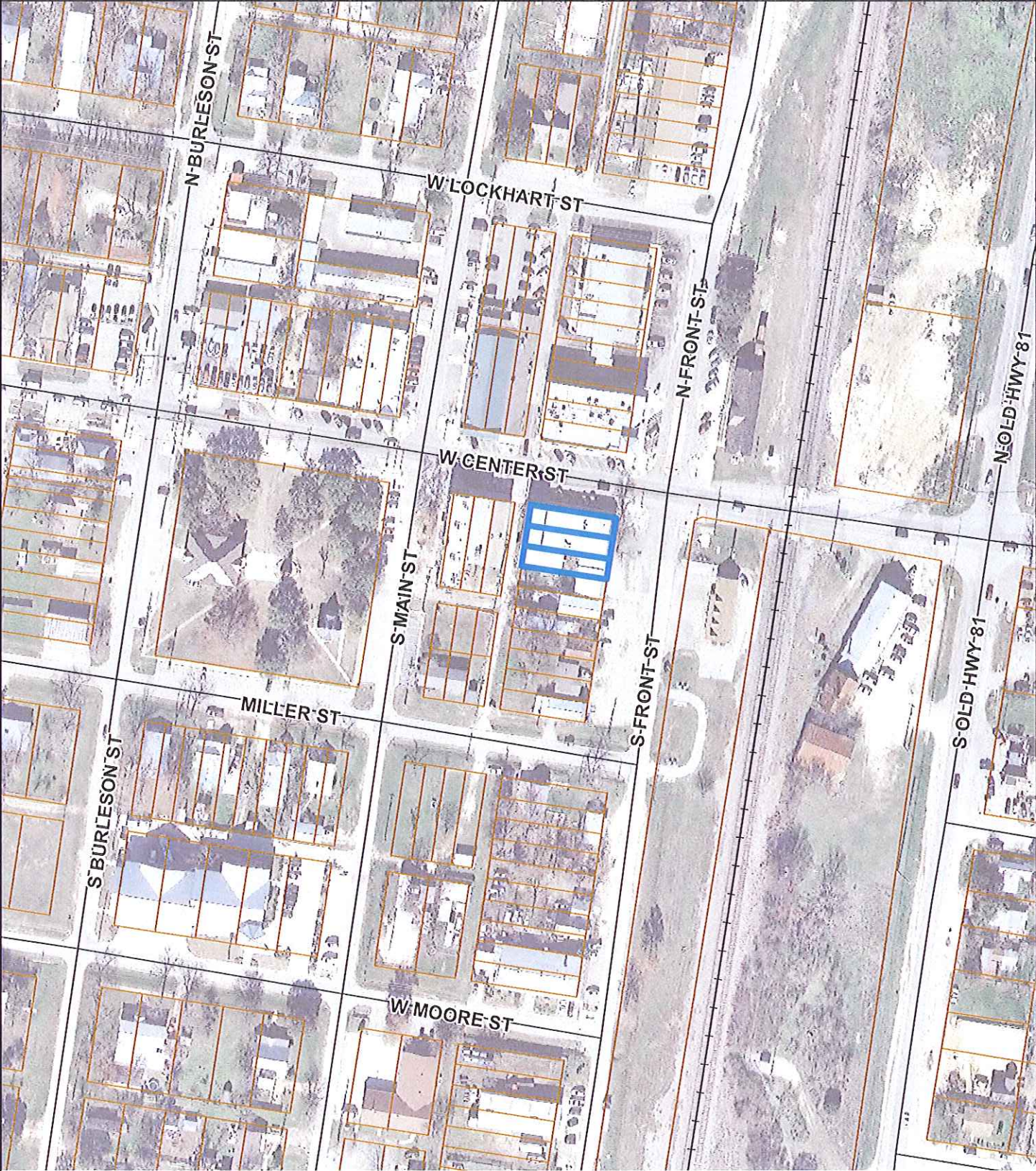
(7) Landscape design and plantings, which shall include lighting and the use of landscape details to highlight architectural features or screen or soften undesirable views;

(8) Vehicular and pedestrian access, which shall include location, width, and type of surface for all points of ingress and egress;

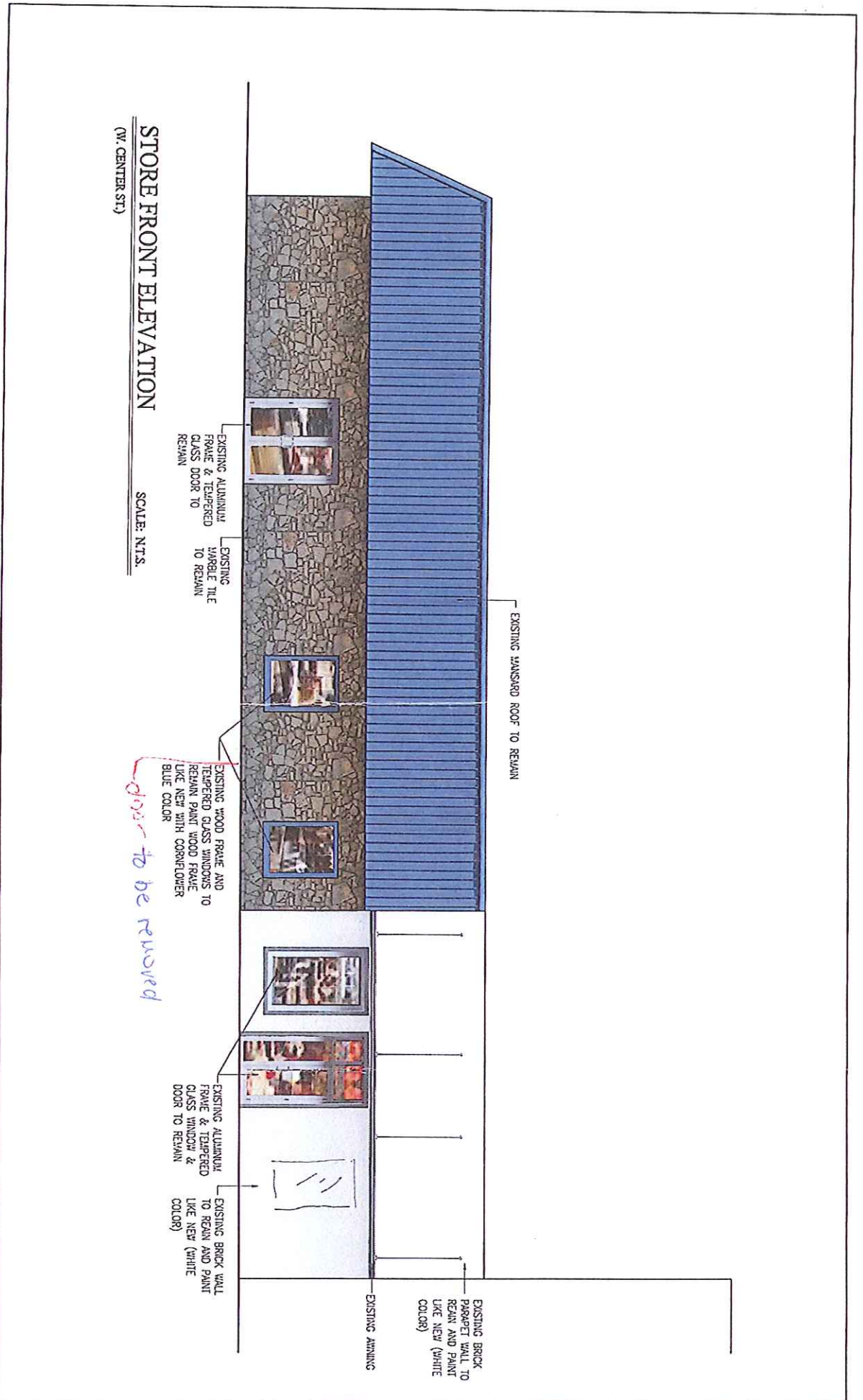
(9) Signage, which shall include, in addition to the requirements chapter 29, pertaining to signs, the appropriateness of signage to the building in relation location, historical significance of the structure and neighboring structures, traffic visibility; obstruction of views from neighboring property;

(10) Exterior lighting, which shall include location, type, and/or design of lighting and/or lighting fixtures to be used.

East Buffet Site

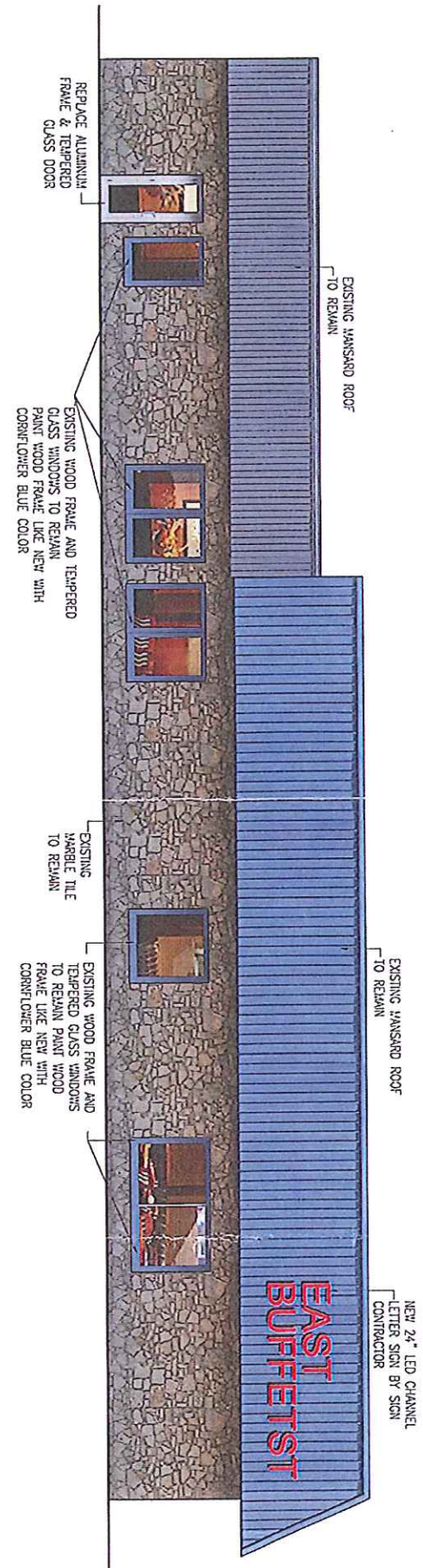


Approved 2/11/14

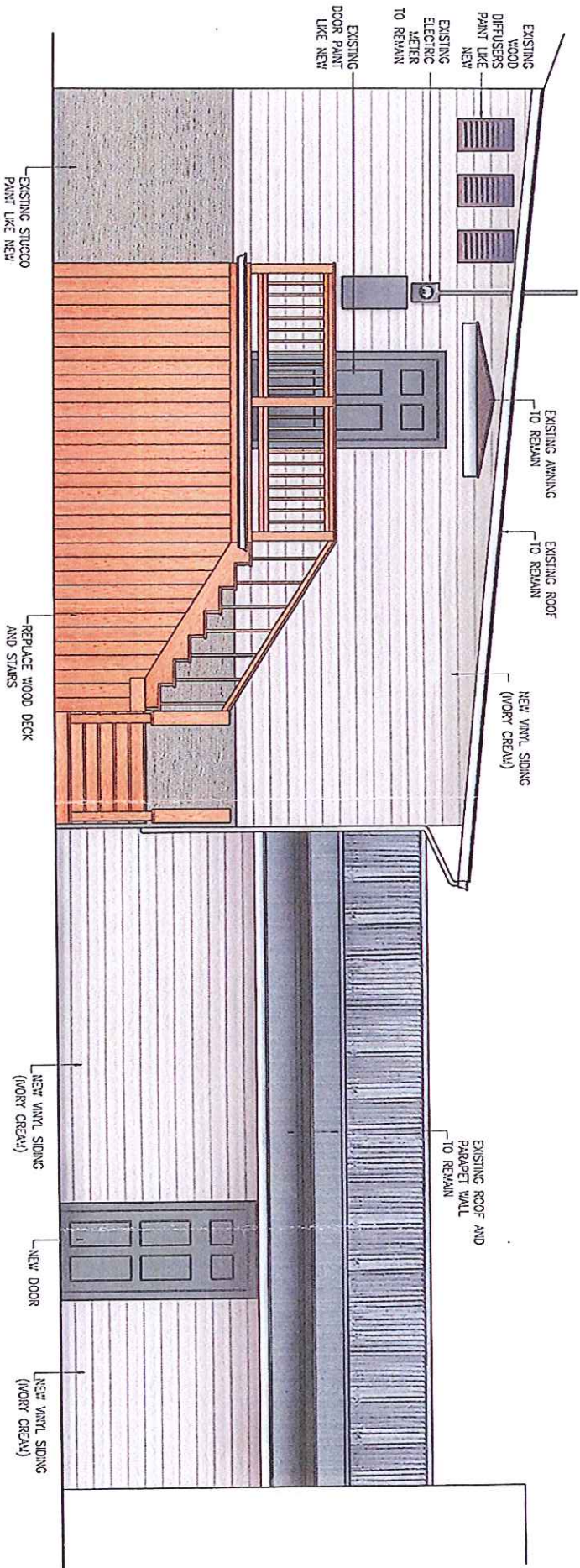


Approved 2/11/14

STORE SIDE ELEVATION
(S. FRONT ST.)
SCALE: N.T.S.



Approved 2/11/14



STORE REAR ELEVATION

SCALE: N.T.S.

Proposed Revision

A - Positive Red

B - ~~Black~~ Solaria



C - Black Bean

103. W. Center St.



A - Roof



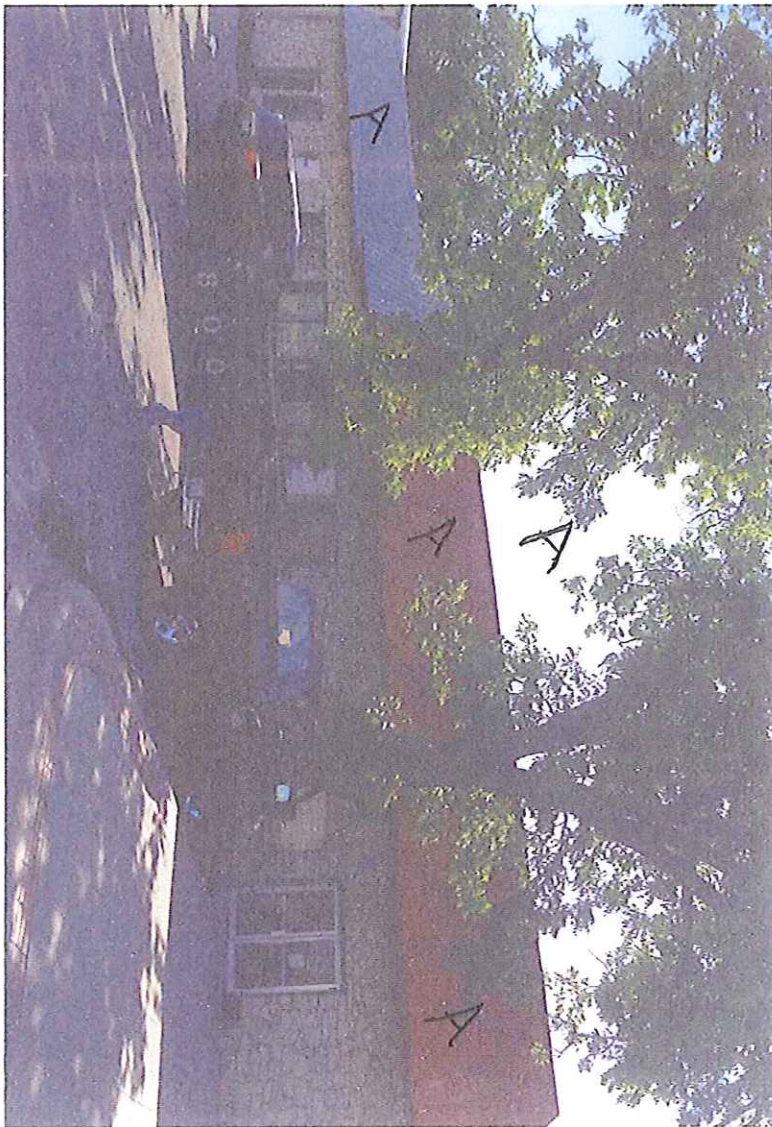
B - Exterior Wall
(Black Beans)



C - Trim
Windows
Fascia Trim

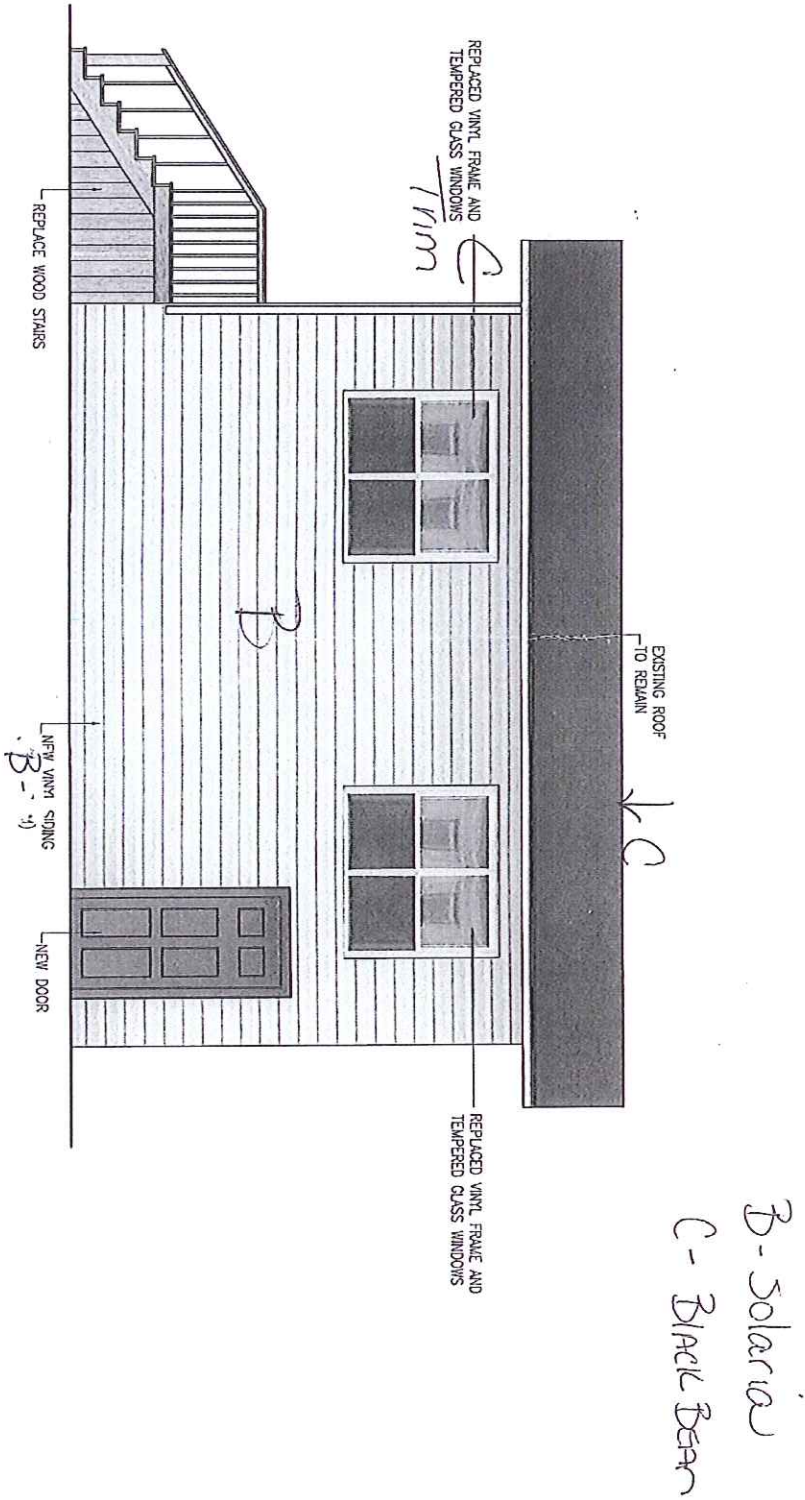
Proposed Revision

A.
Positive
Red



Front St.

Proposed Revision



STORE REAR ELEVATION

SCALE: N.T.S.

May 27, 2014

Planning and Zoning Commission

Zoning

Case Number: Z-14-004

OWNER/APPLICANT: David Saucedo & Michael Saucedo

LOCATION: 400 S. Main Street

AREA: 0.3055 Acres

PROPOSED CITY COUNCIL HEARINGS: First Reading: June 3, 2014
Second Reading: June 17, 2014

EXISTING ZONING: R-1 (Single Family Zoning from pre-2003 ordinance)

PROPOSED ZONING: R-2 Duplex residential – (single-family dwellings and duplex housing not to exceed six units per buildable acre).

SITE INFORMATION:

Transportation: The subject property is on the southwest corner of S. Main St. and W. South St. South three blocks of W. Center Street.

Surrounding Zoning:

- North: R-1
- North-East: CBD-2 & R/S
- South: R-1
- East: R-1
- West: Dominantly R-1 but also includes R-1-A

Future Land Use Designation: Old Town Community

PUBLIC INPUT:

Notice of the proposed change was sent to property owners within 200' of the subject property. Under the new notification requirements a sign was also posted on the site. A letter of opposition from the property owner of 107 West South Street was received on April 12, 2014. A Neighborhood Citizen Petition was formed and submitted on April 14, 2014. The petition consists of ten signatures from residents within the 200' buffer and eleven signatures by residents within the neighborhood and outside of the 200' buffer. Also, attached letters of opposition were received.

BACKGROUND:

The subject property is currently undeveloped. The applicant is seeking to redevelop the site and construct a duplex. On April 14, 2014 a public information session took place to answer any questions on the rezoning request.

May 27, 2014

Planning and Zoning Commission

Zoning

Case Number: Z-14-004

PROPOSED ZONING DISTRICT:

The Residential Two- Family District of R-2 allows single-family dwellings and duplex housing that shall have a minimum living area on each side of 900 square feet. All buildings and structures, garages, and/or accessory buildings constructed within this district must have all four sides composed of 100 percent brick, stone, hardiplank or other approved masonry product.

COMPREHENSIVE PLAN GUIDANCE:

The Comprehensive Plan provides the following guidance:

Character and Intent of the future land use district

- Encourage appropriate infill development and redevelopment
- In order to ensure a smooth transition building height should not vary by not more than 2 stories from the average height within any one block.
- The form of the district should be preserved and promoted

Urban Design Plan

- The property is generally located on the boundary between core and transition urban design designations
- Within the transitional designation communities should contain a mixture of housing types
- Lower density and horizontal mixture of residential types characterize the intensity of transitional area.

Downtown Revitalization Plan

- Connect downtown Kyle to surrounding neighborhoods
- Create integrated and inter-connected mixed use districts

RECOMMENDATION:

The Old Town future land use district identifies R-2 as a conditional zoning district. In reviewing the existing conditions of the area and guidance provided in the Comprehensive Plan staff has made the following findings:

- The subject property is a corner lot and meets all of the lot dimensional standards for the proposed zoning district.
- The block where the subject property is located is generally single family residential (catty-corner to the property is currently developed and used as a church).
- The area the property is located in is not an exclusively single family residential area. One block to the west (Front Street) contains commercial development and Center Street is located three blocks to the north.
- The Old Town future land use district encourages infill development (Comprehensive Plan – Pg. 136).

May 27, 2014

Planning and Zoning Commission

Zoning

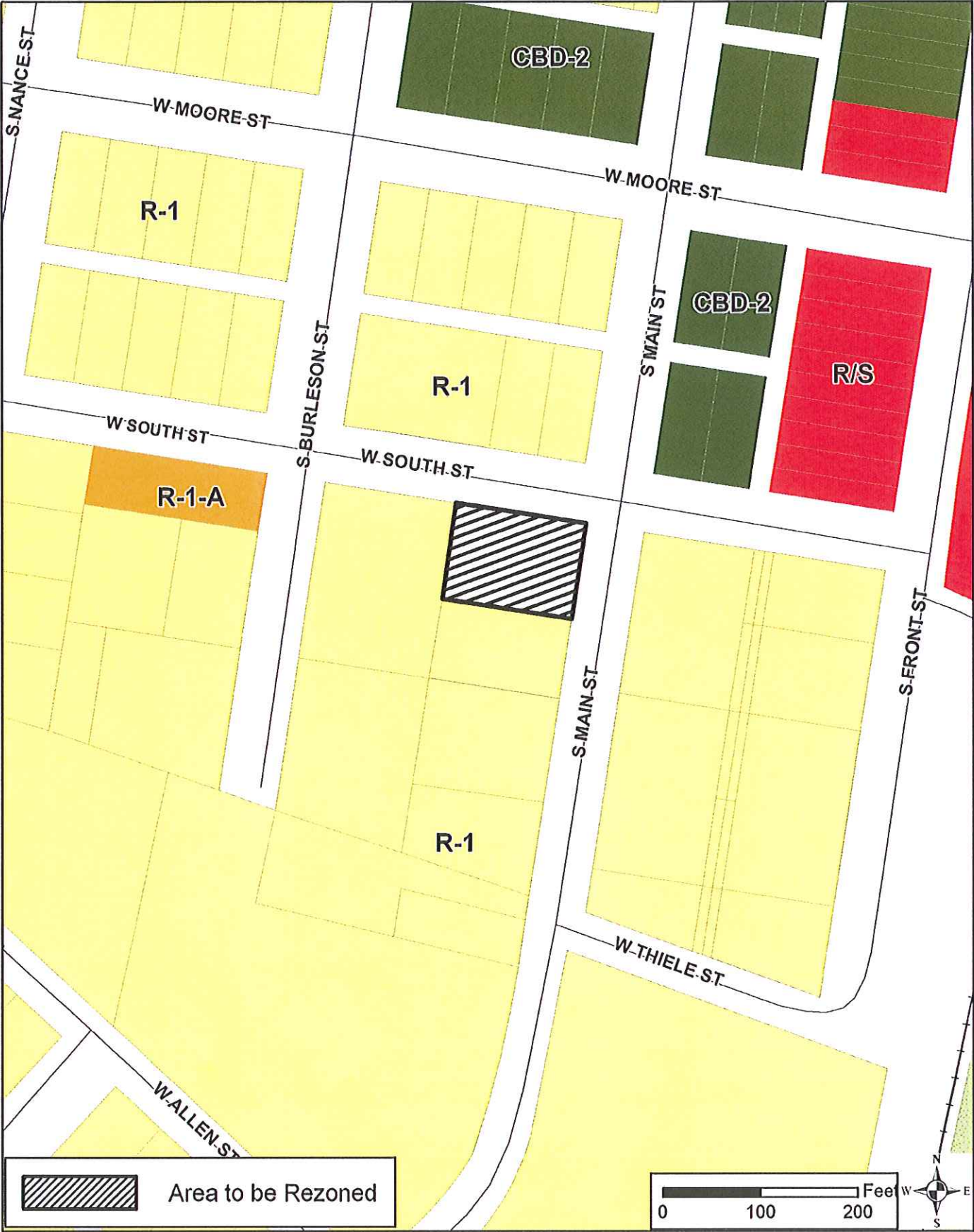
Case Number: Z-14-004

- As the Original Town of Kyle continues to develop and redevelop the incorporation of a variety of residential types is critical to the livability of downtown. A variety of housing types will allow for a variety of ages and income ranges to live within this area of Kyle.
- As a corner lot the property allow for two different access points to the lot.
- The proposed zoning map amendment appears to implement the policies of the adopted Comprehensive Plan
- The uses permitted by the proposed change in zoning classification and the standards applicable to such uses appear to be appropriate for the subject property
- It does not appear that the proposed zoning will substantially affect the public health, safety or general welfare of the surrounding area.

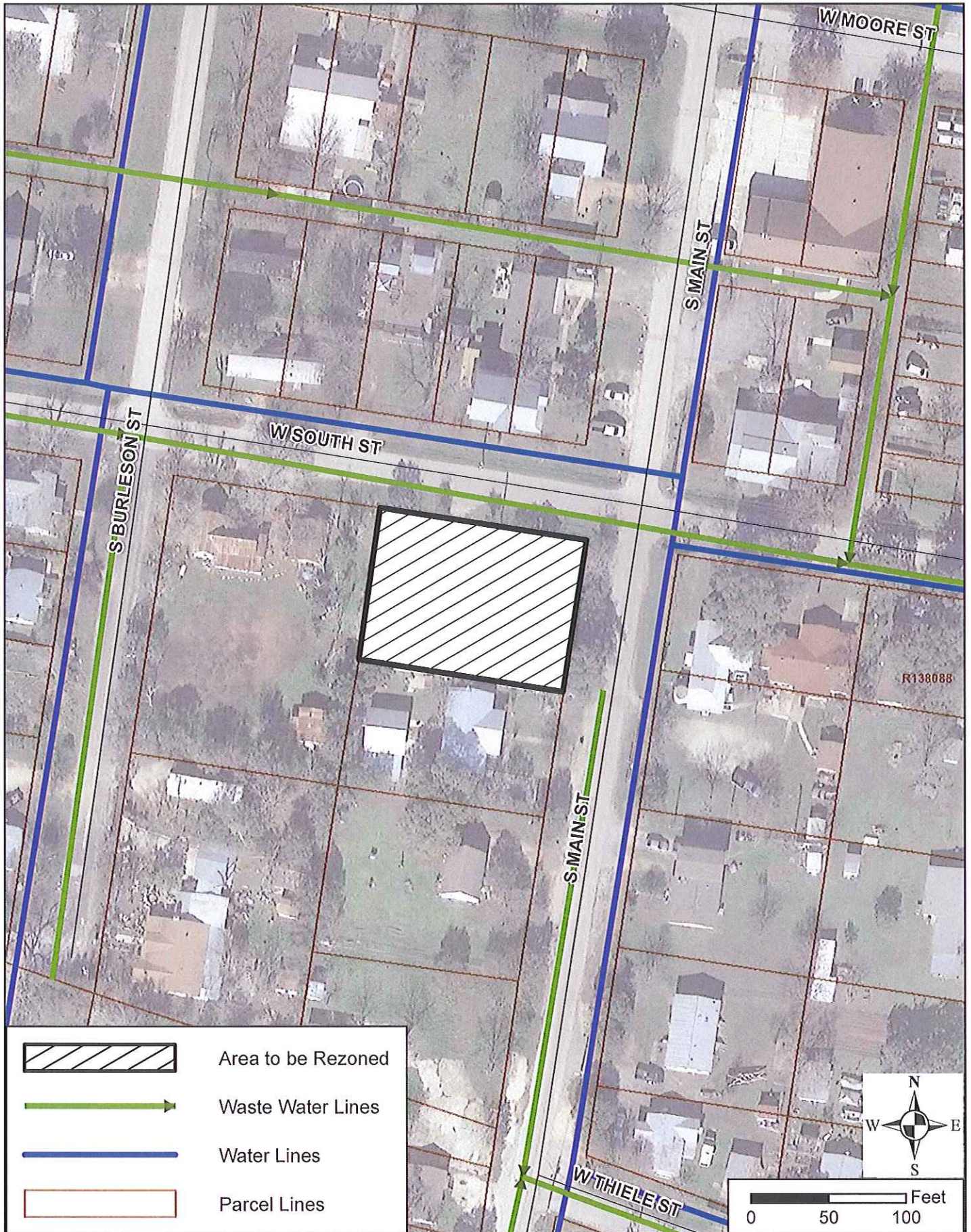
CITY LEGAL STAFF:

After reviewing the case information, the City Attorney does not agree with the allegation of spot zoning.

Exhibit B



Utilities Near Z-14-004 Rezoning





Debbie Guerra <dguerra@cityofkyle.com>

FW: Proposed Duplex at the Southwest Corner of Main & South St.

1 message

Sofia Nelson <snelson@cityofkyle.com>
To: Debbie Guerra <dguerra@cityofkyle.com>

Fri, Apr 4, 2014 at 1:02 PM

Debbie- Will you attach this email and the attachments to the rezoning agenda item for 400 Main Street?

Thank you

Sofia

From: Harper Wilder [mailto:hwilder@cityofkyle.com]
Sent: Thursday, April 03, 2014 1:48 PM
To: Sofia Nelson
Subject: Fwd: Proposed Duplex at the Southwest Corner of Main & South St.

FYI

----- Forwarded message -----

From: Harper Wilder <hwilder@cityofkyle.com>
Date: Thu, Apr 3, 2014 at 12:00 PM
Subject: Proposed Duplex at the Southwest Corner of Main & South St.
To: Lanny Lambert <llambert@cityofkyle.com>
Cc: City Engineer <lbarba@cityofkyle.com>, Jimmy Haverda <jimmyh@cityofkyle.com>, Mario Perez <mperez@cityofkyle.com>

Mr. Lambert, as requested, I have reviewed all info with Leon, Jimmy and Mario for the proposed duplex at the above location. We have found no immediate reason to deny this proposal based on the existing utility infrastructure. This site previously had a single family residence on it in the past and was tied into existing water and wastewater services. The house has since been demolished/removed and all that remains there now is a vacant lot including a concrete pad site. Water and wastewater services are available to this site and the addition of one duplex will provide minimal to no increase on the existing services (as everyone is not using their facilities at the same time or running water at the same time). It has been noted that the duplex if approved, will be required to have separate wastewater taps (one for each single family residence). Water may have one single larger sized service if desired, but must be split to accommodate the installation of two separate meters. Though

the proposed duplex has not been deemed to be a utility issue in this area, I would add that if a significant sized development wished to develop in this same area, potential utility upgrades would need to be carefully evaluated prior to any approval.

I have included three attachments for your convenience: an aerial photo of the site, a ground view photo of the site and a wastewater map of the site that shows existing wastewater lines along Main St. and South St. I did not include a water map, as there is no issue with supply and line sizes involving water. Please let me know if you have any questions.

--

Harper Wilder

Public Works Director

City of Kyle Public Works
520 E. RR150
Kyle, Tx. 78640

Off.# 512-262-3024 / ext. 4002
E-mail: hwilder@cityofkyle.com

Please consider the environment before printing this e-mail

CONFIDENTIALITY NOTICE: This email and attached documents may contain confidential information. All information is intended only for the use of the named recipient. If you are not the named recipient, you are not authorized to read, disclose, copy, distribute or take any action in reliance on the information and any action other than immediate delivery to the named recipient is strictly prohibited. If you have received this email in error do not read the information and please immediately notify sender by telephone to arrange for a return of the original documents. If you are the named recipient you are not authorized to reveal any of this information to any other unauthorized person. If you did not receive all pages listed or if pages are not legible, please immediately notify sender by phone.

--

Harper Wilder

Public Works Director

City of Kyle Public Works
520 E. RR150
Kyle, Tx. 78640

Off.# **512-262-3024 / ext. 4002**
E-mail: hwilder@cityofkyle.com

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3 attachments



Aerial of Main & South St Duplex Site.jpg
180K



Ground View of Main & South St Duplex Site.jpg
107K

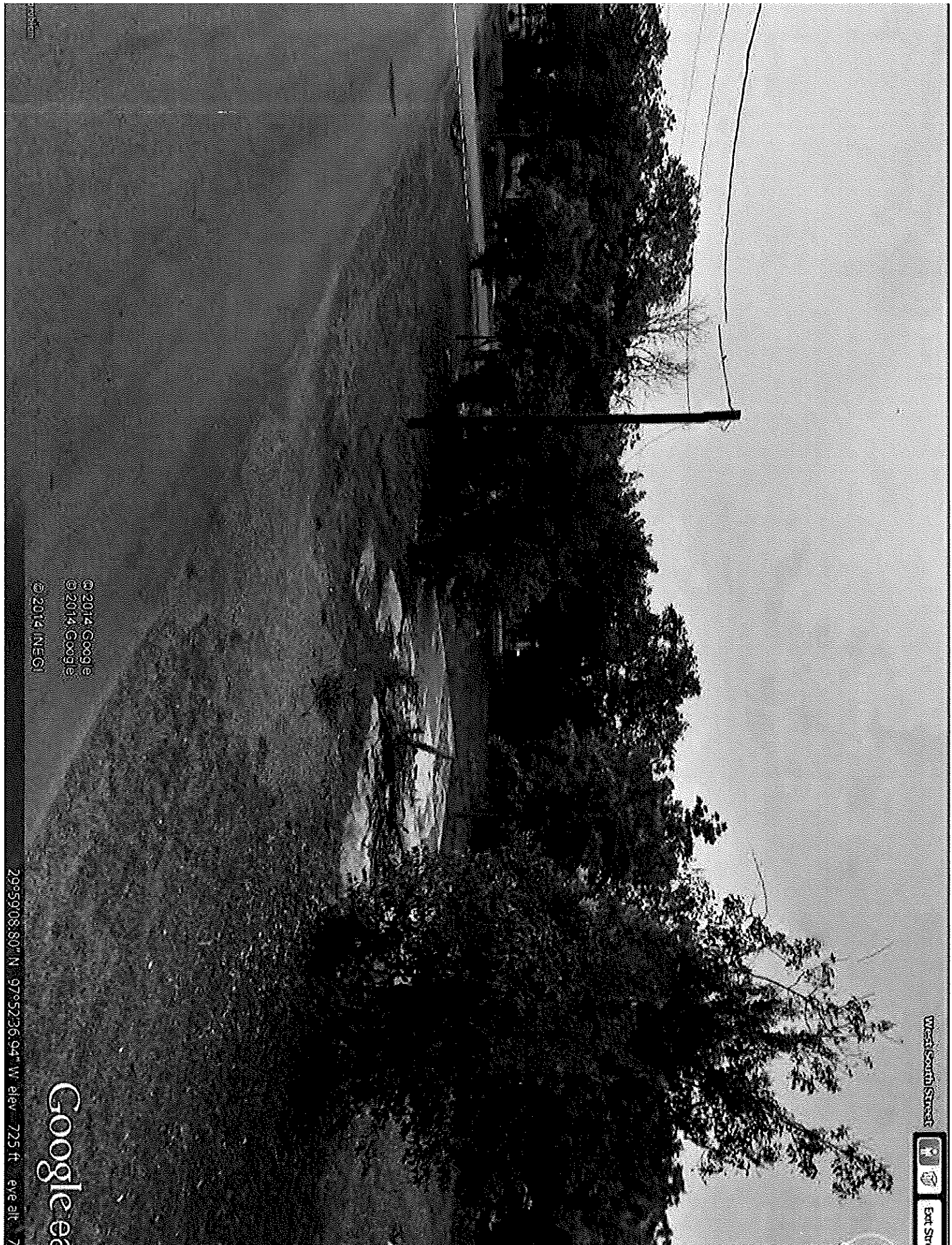


Main & South St Wastewater.pdf
138K

West South Street



Est. Street

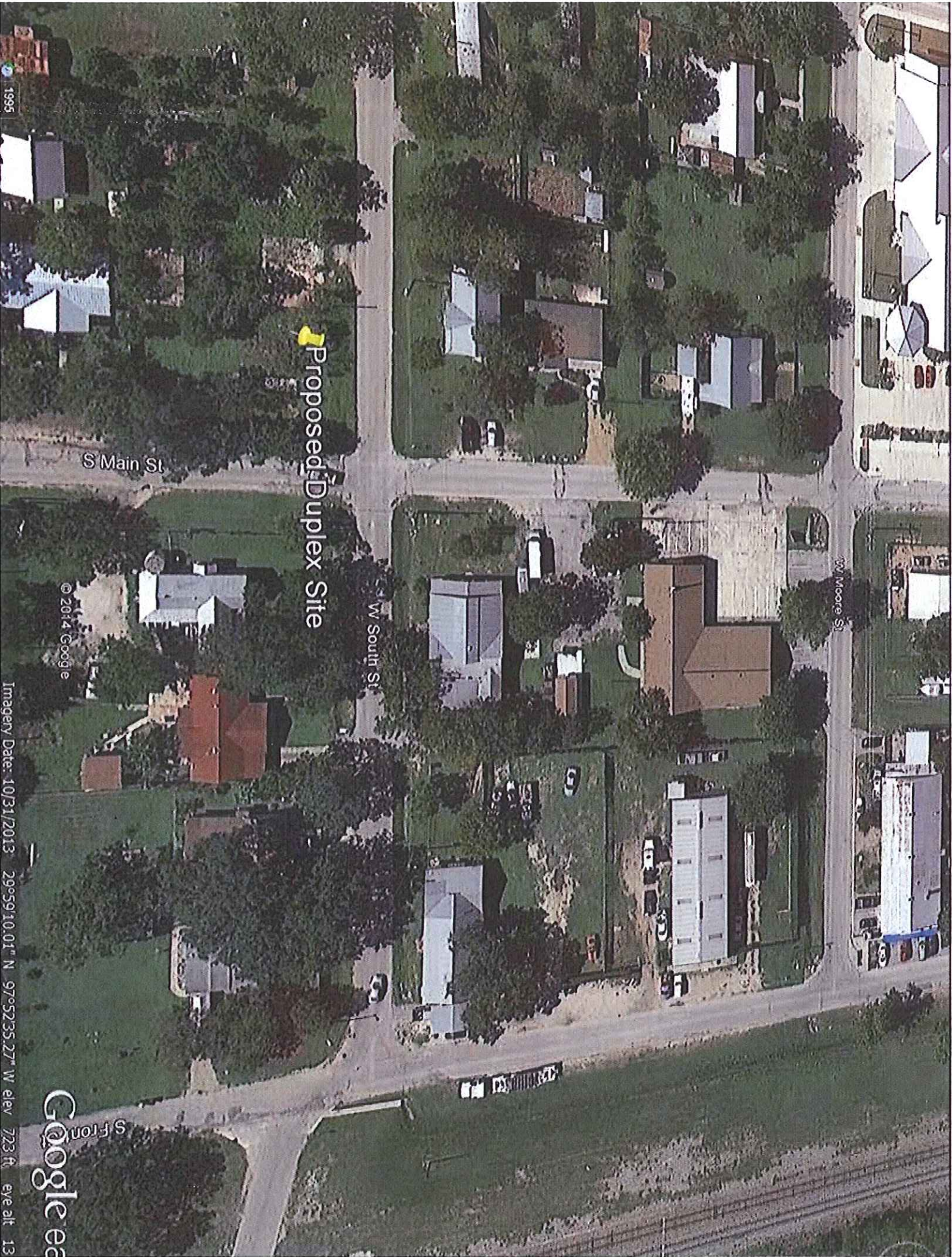


© 2014 Google
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© 2014 NEGI

Google

29°59'08.80" N 97°52'36.94" W elev 725 ft eye alt 7



Proposed Duplex Site

S Main St

W Moore St

W South St

S Front

© 2014 Google

Imagery Date: 10/31/2013 29°59'10.01" N 97°52'35.27" W elev 723 ft eye alt 13

Google

1995

Hays Free Press

113 West Center Street § 122 N. Main St.

Kyle, Texas 78640 § P.O. Box 339 • Buda, Texas 78610

(512) 262-NEWS (Kyle office) • (512) 295-9760 (Buda office) • (512) 268-0262 (fax)

State of Texas
County of Hays

§
§

Affidavit of Publication

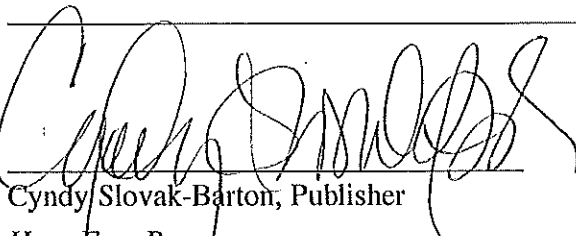
My name is Cyndy Slovak-Barton, and I am Publisher of the Hays Free Press. I am over the age of 18, have personal knowledge of the facts stated herein, and am otherwise competent to make this affidavit.

The Hays Free Press is a legal newspaper publication under Texas law, headquartered and regularly published in Hays County, Texas. It is a newspaper of general circulation, and is generally circulated in Hays, Travis, and Caldwell Counties.

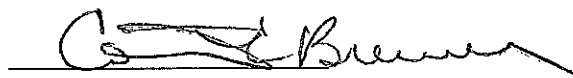
The attachment hereto was published in the Hays Free Press on the following dates at or below the classified legals rate:

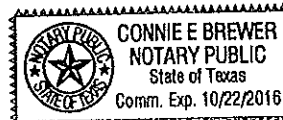
May 7, 2014

214-004


Cyndy Slovak-Barton, Publisher
Hays Free Press

Subscribed and sworn before me this the 8 day of May, 2014.


Notary Public
Connie Brewer



Deputy

HAYS CISD IS REQUESTING PROPOSALS

Hays CISD is Requesting Proposals for RFP #18-051401SP Uniform Services. RFP's will be accepted until May 16, 2014 at 2:00 p.m. local time. Specifications are available in the HCISD Pur-

16870 S. I.H. 35, BUDA, TX. 78610. RUSH RESERVES THE RIGHT TO ACCEPT OR REJECT ANY BID. PAYMENT MUST BE MADE BY CASH OR CERTIFIED FUNDS ONLY. VEHICLE AVAILABLE FOR INSPECTION PRIOR TO SALE. SALE SUBJECT TO CANCELLATION IN EVENT OF SETTLEMENT.

Unit #138 - Lawn chairs, clothes

Unit #145 - Furniture

Unit #221- Entertainment center, dresser

Unit #222 - Bed, recliner

Unit #276 - DVD Player, Camcorder, Xmas decorations, 5 Disc CD Changer, TV, Reel to Reel Recorder, Toys

Unit #287 - Bar stool,

Public Notice

Notice of Public Hearing

NOTICE IS HEREBY GIVEN TO ALL INTERESTED PERSONS, THAT: The City of Kyle shall hold a public hearing on a request by David and Michael Saucedo to rezone approximately 0.3055 acres from "R-1" Single Family to "R-2" Residential Two Family on property located at 400 S. Main Street, in Hays County, Texas.

The Planning and Zoning Commission may recommend and the City Council may consider assigning any zoning district which is equivalent or more restrictive and is also consistent with the Comprehensive Plan.

A public hearing will be held by the Planning and Zoning Commission on Tuesday, May 27, 2014 at 6:30 p.m.

A public hearing will be held by the Kyle City Council on Tuesday, June 3, 2014, at 7:00 p.m.

Council action and second reading may be considered at the meeting to follow the public hearing (June 17, 2014).

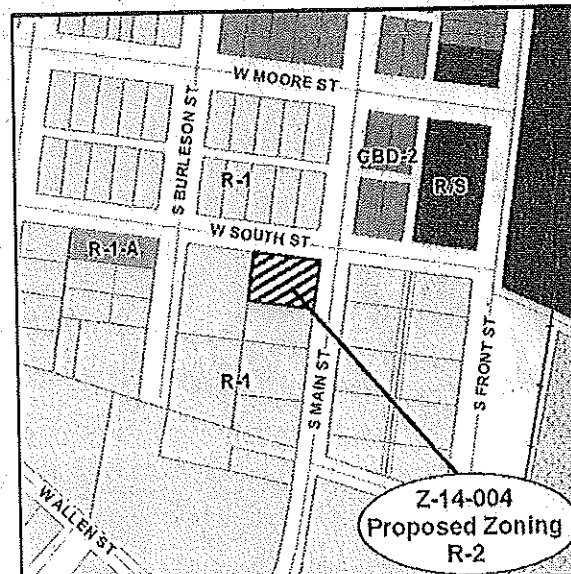
Kyle City Hall Council Chambers
100 W Center St., Kyle, Texas

Owner: David and Michael Saucedo

Agent: Yolanda Saucedo
(512) 297-4407

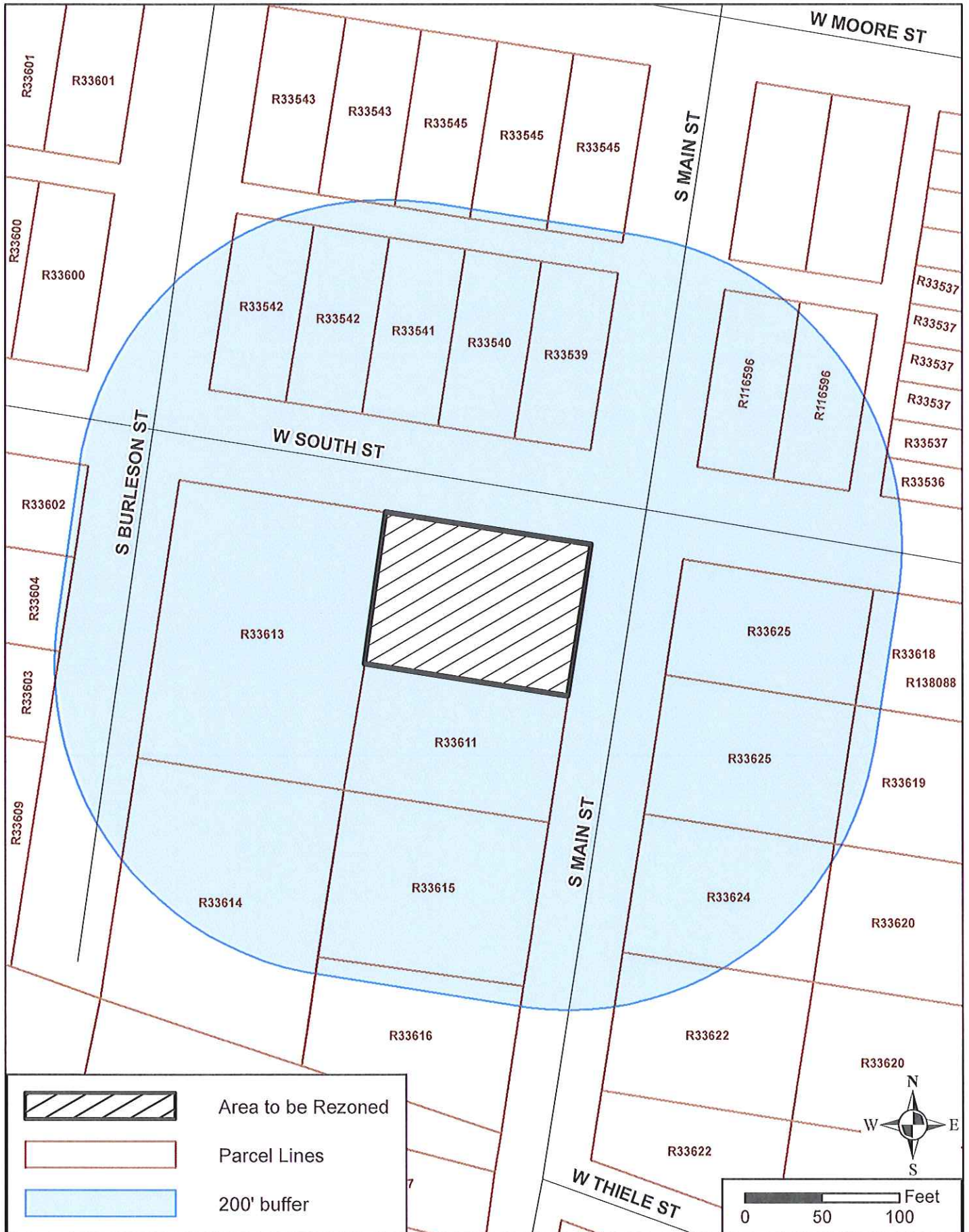
Publication Date: May 7, 2014

Z-14-004



S A L

200' Buffer Z-14-004



Zoning	Case Number: Z-14-004
	Owner/Applicant: Saucedo
	Date Letters Mailed : May 15, 2014

List of adjacent property owners within 200' of subject tract

R33536, R33537	CISNEROS PETE (LIFE ESTATE) c/o STEVE CISNEROS P O BOX 1571 KYLE, TX 78640-1571
R33539	ALEXANDRA SMITH 306 S MAIN ST KYLE, TX 78640-4097
R33540	MARJANN WARREN P O BOX 876 KYLE, TX 78640-0876
R33541	DWIGHT & MARJANN WARREN P O BOX 876 KYLE, TX 78640-0876
R33542	CAROL HOUSE 417 W MASON LOOP TRINITY, TX 75862
R33543	EDIE C MANZI 209 W MOORE ST KYLE, TX 78640-5634
R33545	JEFFREY BRYANT 201 W MOORE ST KYLE, TX 78640-5634
R33602	TY J & MONICA V DAVIDSON 2046 CORNELIA TRIMBLE WAY BUDA, TX 78610
R33603	NATIVIDAD ROMO, Jr. 202 W LOCKHART ST KYLE, TX 78640-9351
R33604	AMY MARCEL SAUCEDO P O BOX 131 KYLE, TX 78640-0131
R33611	JUAN & JUSTINA H ROJAS P O BOX 292 KYLE, TX 78640-0292
R33613	OPHELIA S & BLASITA ESCALONA BIGFORD 6034 MUSKINGUM HOUSTON, TX 77053

R33614	ROSIE A BARRIENTES 409 S BURLESON ST KYLE, TX 78640
R33615	ELVA V GARCIA P O BOX 144 KYLE, TX 78640-0144
R33616	RODOLFO & GUADALUPE MARTINEZ 1000 N OLD HWY 81 KYLE, TX 78640
R33618	JUAN ROJAS P O BOX 292 KYLE, TX 78640-0292
R33619, R33620	VICTORIANO MEDINA P O BOX 212 KYLE, TX 78640-0212
R33622	GUADALUPE D SAUCEDO P O BOX 314 KYLE, TX 78640-0314
R33624	ORALIA SANDOVAL P O BOX 1 KYLE, TX 78640-0001
R33625	PAULA S ALVAREZ PO BOX 1083 KYLE, TX 78640
R116596	KYLE FIRST BAPTIST MEXICAN MISSION P O BOX 962 KYLE, TX 78640-0962
R138088	FIDEL ALVAREZ, Jr. PO BOX 362 KYLE, TX 78640-0362

Rec'd
4/14/14 @
6:57pm
Submitted by
David Sergei

Neighborhood Citizens Petition

We are against the recommendation by P&Z to rezone lot located at 400 South Main Street in Old Town Kyle from R1 to R3. We believe the idea of rezoning this lot is not compatible to the R1 zoning of our neighborhood.

The following citizens from the neighborhood of South Main Street, South Front Street, and West South Street, here by give permission for Paula and Fidel Alvarez to speak in their behalf at the Workshop provided by the City of Kyle Planning Commission staff on April 14, 2014.

Name	Address	Phone number
Aralia Sandoval	407 S. M. St.	512-268-9501- 4/13/2014
Jose D. Sancedo	411 S. M. St.	4/13/14
Domingo Rubio	410 S. FRONT ST.	512-268-7181 4-13-2014
Lorena Medina	410 S. Front St.	512-268-7181 4-13-2014
Autthavit	406 S. Front St	512-787-0402 7/13
Maria R. Medina	406 S. Front St	4/13/14
Margaret Warren	308 S. Main	512-395-5082
Tom Warren	308 S. Main	512-395-5081
Edie	209 W Moore	512 629-6457
John	209 W Moore	512 629-6456
Amber Bray	302 S Burleson	512 461-1279
John Bray	302 S Burleson	512-914-8490
John	310 S. Burleson	(512) 484-5182

Neighborhood Citizens Petition

We are against the recommendation by P&Z to rezone lot located at 400 South Main Street in Old Town Kyle from R1 to RS. We believe the idea of rezoning this lot is not compatible to the R1 zoning of our neighborhood.

The following citizens from the neighborhood of South Main Street, South Front Street, and West South Street, here by give permission for Paula and Fidel Alvarez to speak in their behalf at the Workshop provided by the City of Kyle Planning Commission staff on April 14, 2014.

Name	Address	Phone number
<u>[Signature]</u>	<u>402S Burleson</u>	<u>512 903 7215</u>
<u>[Signature]</u>	<u>402 S Burleson</u>	<u>512 963 4261</u>
<u>Elena An</u>	<u>4106 S Main</u>	<u>512-745-7731</u>
<u>Rupe Sandoz</u>	<u>411 S main</u>	<u>512-299-4249</u>
<u>X Guadalupe Sandoz</u>	<u>411 S main</u>	<u>512-299-4249</u>
<u>Estelle Popata</u>	<u>409 S Main</u>	<u>512-665-0538</u>
<u>Juan H. Rojas</u>	<u>404 S. main</u>	<u>512-268-0660</u>
<u>Fidel Sif</u>	<u>107 W. South</u>	<u>512-924-2515 4/15/14</u>
<u>Paula Alvarez</u>	<u>109 W. South</u>	<u>512-557-1995 4/15/14</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____



CITY OF KYLE

100 W. Center • P.O. Box 40 • Kyle, Texas 78640 • (512) 262-1010 • FAX (512) 262-3800

CITY OF KYLE

Notice of Public Hearings on a Proposed Zoning Change

MAY 22 2014

PLANNING DEPARTMENT

NOTICE IS HEREBY GIVEN TO ALL INTERESTED PERSONS, THAT:
Z-14-004

The City of Kyle shall hold a public hearing on a request by David and Michael Saucedo to rezone approximately 0.3055 acres from "R-1" Single Family to "R-2" Residential Two Family, on property located 400 S. Main Street, in Hays County, Texas.

A public hearing will be held by the Planning and Zoning Commission on Tuesday, May 27, 2014 at 6:30pm.

A public hearing will be held by the Kyle City Council on Tuesday, June 3, 2014 at 7:00pm.

Council action and second reading may be considered at the meeting to follow the public hearing (June 17, 2014).

Kyle City Hall, Council Chambers
100 W. Center St., Kyle, Texas

Owner: David and Michael Saucedo
Agent: Yolanda Saucedo
Phone: (512) 297-4407

For more information regarding this application
call the Planning Department
at (512) 262-3959.



You may send your written comments to the Planning Department, 100 W. Center St., Kyle, Texas 78640
(attention: Zoning File #: Z-14-004)

Name: Fidel S Alvarez Address: 107 West South St

☐ I am in favor, this is why _____ ☒ I am not in favor, and this is why see attached

CITY OF KYLE

MAY 22 2014

PLANNING DEPARTMENT

The neighborhood is asking the Zoning Committee after reviewing the letter submitted to the Mayor, Lucy Johnson, April 12, 2014 by David Sergi upon the request from the neighborhood representatives to make a judgment on the merits rather than on technical or procedural grounds on whether the request by the Saucedo brothers contradicts the "Spot Zoning" law which was upheld in the Texas Supreme Court.

Also the neighborhood asks the committee to make an educated judgment instead of making a judgment solely on allegations and information contained in the pleading made by the Saucedo brothers' real-estate representative.

The neighborhood citizens have submitted a petition after denied due process and the neighborhood are asked again to resubmit a second letter of denial after the city staff make mistakes on the process of zone changing which cause the director's job. The city Planning Department staff failed to comply with all necessary Local Government Code notice requirements for rezoning proceedings.

The neighborhood through the people appointed as their representatives will ask through open records request all documents reviewed by the committee with the direction of the person in charge of the committee. The issue is whether "spot zoning", exists not whether the duplex meets specifications like it was done the first reading. The city is opening itself for a class action suit by citizens of Kyle who have been wronged by the city not addressing "spot zoning" in past zoning changes made by the city. The city needs to be more transparent in their educated decision making process when it deals with "spot zoning."

If the city has no answer after making a decision on the request of zoning changing, one of Kyle's oldest Hispanic neighborhood requests that the city set a moratorium until the city puts in place a methodology where committee members can make educated decisions when reporting to the city council. This way, there will not be any doubts when the committee submits their approval or disapproval to the city council.

7.10.5 [signature] 5/22/14

Please see attached documents

DAVID K. SERGI & ASSOCIATES, P.C.

P.O. BOX 887, 329 S. GUADALUPE
SAN MARCOS, TEXAS 78667
WWW.SERGILAW.COM
PHONE: 512-392-5010/FAX: 512-392-5042

April 12, 2014

CITY OF KYLE

MAY 22 2014

PLANNING DEPARTMENT

The Hon. Lucy Johnson
Mayor, The City of Kyle
100 West Center Street
Kyle, Texas 78640

Via Email

Re: Zoning Request by David and Michael Saucedo to rezone approx. 0.3055 acres from R-1 to R-2 on Property located at 400 Center Street.

Dear Mayor Johnson:

Please be advised that I have been retained to represent the interest of Fidel Alvarez and Paula Alvarez the property owner of 107 West South Street. As you know my client's property is located in one of Kyle's oldest Hispanic neighborhoods and is in close proximity to the property at 400 Center Street.

As you also know the Comprehensive Plan adopted by the City of Kyle on June 15, 2010 pays close attention to the area known as "Old Town" which appears to be part of the "Town Center" in your Comprehensive plan. The area where these properties are located are in the historical center of Kyle and consist of overwhelmingly single family residences that are owner occupied and represent a unique part of Kyle's population.

My clients believe that the unique character of the Old Town Neighborhood would be detrimentally affected by permitting the rezoning of the tract at 400 Main street from R1 to R2 as that would attract a different type of transient resident that relies of rental property as opposed to owner occupied property.

In addition, as you are aware, given the current Comprehensive Plan in effect, any zoning change must be viewed thru the lens of "Spot Zoning". The Texas Supreme

Court set out a four-prong test for reviewing zoning ordinances and amendments that could be considered "Spot zoning" in *City of Pharr v. Trippitt* as set out below:

1. The approved zoning plan should be respected and not altered for the special benefit of the landowner when the change will cause substantial detriment to the surrounding lands or serve no substantial purpose.
2. The nature and degree of an adverse impact upon neighboring lands is important.
3. The suitability or unsuitability of the tract for use as presently zoned is a factor to be considered.
- ✓ 4. The amendatory ordinance must bear a substantial relationship to the public health, safety, morals or general welfare or protect and preserve historical and cultural places and areas.

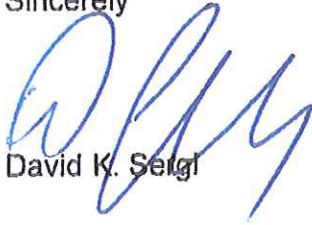
See *City of Pharr v. Trippitt*, 616 S.W.2d at 176-177.

In reviewing the City's report regarding this application I noted that there was no analysis of the *Trippitt* factors. In fact, in light of *Trippitt* this area cannot be changed merely to encourage infill. In our view a proper analysis of the *Trippitt* factors yield the following:

1. The property has been purchased as an investment to build a duplex that substantially increases the value of the property and benefits the landowner. The fact is that the tract is currently suitable for single-family housing and there are plenty of other multi family housing tracts available in other areas mitigate against approval of the proposed zoning change.
2. The impact of changing the residential character from owner occupiers and residents from long term established families who have lived in this area for many years to one where transient tenants are asked to rent a duplex will have a substantial impact on the surrounding community.
3. The tract is ideal for single-family residences.
4. There is simply no need to change the zoning to protect the public health, safety, and morals or to protect the general welfare; the building of single-family residences will in fact aid in the preserve the historical character of this neighbor.

As a result, I ask that you instruct your planning staff to review the application in light of *Trippitt* and its progeny. I believe that any objective review will lead to the inescapable conclusion that this zoning change cannot be made in light of *Trippitt*.

Sincerely

A handwritten signature in blue ink, appearing to read 'D. Serfaty', written over the printed name.

David K. Serfaty

The Supreme Court employs several criteria to determine whether an ordinance constitutes "spot zoning."

1st: The approved zoning plan should be respected and not altered for the special benefit of the landowner when the change will cause substantial detriment [**SUBSTANTIAL EVIDENCE: EVIDENCE OFFERED TO SUPPORT A FACT IN ISSUE, AS OPPOSED TO IMPEACHMENT OR CORROBORATING EVIDENCE.**] [**DEF.: DETRIMENT 1. ANY LOSS OR HARM SUFFERED BY A PERSON OR PROPERTY. 2. CONTRACTS; THE RELINQUISHMENT OF SOME LEGAL RIGHT THAT A PROMISE WOULD HAVE OTHERWISE BEEN ENTITLED TO EXERCISE.**] to the surrounding lands or serve no substantial public purpose." Tippitt 616 S.W. 2d at 176

2nd. The nature and degree of an adverse impact upon neighboring land is important. Lots that are rezoned in a way that is substantially inconsistent with the zoning of the surrounding area, whether more or less restricting, or likely to be invalid. 'Id. at 177

3rd The suitability or unsuitability of the tract as presently zoned is a factor, "id fourth," the amending ordinance must bear a substantial relationship to the public health, safety, morals or general welfare or protect and preserve historical and cultural places and areas.

The city presents no evidence of changed conditions that warrant a change in zoning other than the duplex meets the physical specifications for R-2 residential two family.

We claim that there are "genuine issues, of material facts as to whether the ordinance involving a duplex were arbitrary, capricious, unreasonable, abusive and not substantially related to the public health, safety, morals, or general welfare of the neighborhood.

1st issue:

The impetus (a force that causes something such as a process or activity to be done) for the zoning change was the desire of David and Michael Saucedo is to gain monetary profitability.

2nd issue

A genuine issue of material fact exists as to whether the city violated their substantive due process rights by acting arbitrarily (based on random choice or personal whim, rather than any reason or system) and capriciously (.subject to, led by, or indicative of a sudden, odd notion or unpredictable change; erratic)

The city violated citizens of Neighborhood substantive due process right if the contested ordinance had "no foundation in reason and were a mere arbitrary or irrational exercise of power having no

substantial relation to the public health, the public morals, the public safety or the public welfare.
Mayhew. 964 S. W. 2d at 938

To be constitutional, an ordinance must be designed to achieve a legitimate governmental objective and be rationally related to its purpose. Id.

Land owners file suit against City declaring ordinances invalid. The district court upheld the ordinance but the court of civil appeals nullified it. 600 S.W. 2d 1951

2 City had rezoned from R-I, single Family residence use to R2, multi-family residence use. Court of civil appeals acted on -that the city acted arbitrarily because the amendatory ordinance was spot zoning that was not warranted by any change in conditions in the area.

These general rules for review of zoning ordinances have often been stated, but there has been little discussion of the actual legal criteria or standards against which legislative action should be tested. It has been suggested that such a statement would help to restrain arbitrary, capricious and unreasonable actions by city legislative bodies, improve the quality of the legislation; assists in eliminating ad hoc (formed for a particular purpose, the board created an ad hoc committee to discuss funding for the new arena) and focus the evidence from interested parties upon the real issues. We call attention to some of the important criteria.

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Court of appeals of Texas, 3rd District no. 03-08-00790-cv Jan. 12, 2010

Issues of material fact exists: as to whether the city performed "spot zoning" by creating duplex (R-2 residential family on property located on 400 south main street land formerly zoned R-1 single family property.

Spot zoning is an "unacceptable amendatory ordinance that singles out a small tract for treatment that differs from that accorded similar surrounding land without proof of changes in condition. Tippitt. 616 S.W.2nd at 177

It is "a preferential treatment which defeats a pre-established comprehension plan. It is piecemeal zoning, the antithesis of planned zoning."

Because of lack of Standards of rezoning decisions, the exercise of pressure groups increases the likelihood that zoning bodies will be influenced by special interest rather than by the facts and circumstance bearing upon the merits of the redoing request standards usually have the effect of making all of the parties concerned—the zoning body, applicant and neighborhood opposition.



CITY OF KYLE

RECEIVED
MAY 20 2014
BY: P: 30 AM COT

100 W. Center • P.O. Box 40 • Kyle, Texas 78640 • (512) 262-1010 • FAX (512) 262-3800

Notice of Public Hearings on a Proposed Zoning Change

NOTICE IS HEREBY GIVEN TO ALL INTERESTED PERSONS, THAT:
Z-14-004

The City of Kyle shall hold a public hearing on a request by David and Michael Saucedo to rezone approximately 0.3055 acres from "R-1" Single Family to "R-2" Residential Two Family, on property located 400 S. Main Street, in Hays County, Texas.

A public hearing will be held by the Planning and Zoning Commission on Tuesday, May 27, 2014 at 6:30pm.

A public hearing will be held by the Kyle City Council on Tuesday, June 3, 2014 at 7:00pm.

Council action and second reading may be considered at the meeting to follow the public hearing (June 17, 2014).

Kyle City Hall, Council Chambers
100 W. Center St., Kyle, Texas

Owner: David and Michael Saucedo
Agent: Yolanda Saucedo
Phone: (512) 297-4407

For more information regarding this application
call the Planning Department
at (512) 262-3959.



• • • • •

You may send your written comments to the Planning Department, 100 W. Center St., Kyle, Texas 78640
(attention: Zoning File #: Z-14-004)

Name: Juan Rojas Sr. Address: 103 W. South Street
Kyle Tx 78640

☐ I am in favor, this is why _____
☒ I am not in favor, and this is why _____



CITY OF KYLE

MAY 20 2014
BY: 10:50 AM

100 W. Center • P.O. Box 40 • Kyle, Texas 78640 • (512) 262-1010 • FAX (512) 262-3800

Notice of Public Hearings on a Proposed Zoning Change

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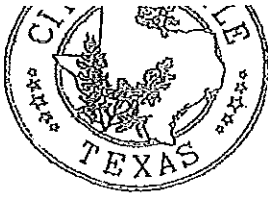
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call the Planning Department
at (512) 262-3959.



.....

You may send your written comments to the Planning Department, 100 W. Center St., Kyle, Texas 78640
(attention: Zoning File #: Z-14-004)

Name: Justin Rigas Address: 103 W. South Street
Kyle TX 78640
☐ I am in favor, this is why _____ ☒ I am not in favor, and this is why _____



CITY OF KYLE

PUBLIC COMMENTS FORM

The City Council welcomes general comments from the general public at the appropriate time as part of each regular meeting agenda. The Council may also accept, at the discretion of the Chair, comments or input from Citizens relative to specific agenda items.

Citizens and other visitors wishing to address the Council must complete this form and sign in before the meeting begins in the foyer of the City Hall. Speakers will have the opportunity to speak during the designated time period in accordance with the approved *Rules of City Council*, and all speakers must comply with the three (3) minute time limitation for said comments.

Inquires from speakers about matters not listed on the agenda will either be directed to the City Manager or placed on a future agenda for Council consideration.

Date of Meeting: 15 Apr /

Agenda Item No: 13 Position: ☐ For ☒ Against ☐ Resource ☐ Other

Testimony: ☒ Oral ☐ Written ☐ Registering position, but not testifying

Name: David Serg AHS
First Last Title

Representing: Worshippers

Street Address: 329 South Bandana St

City: SL State: TX Zip Code: 78666 Telephone: (512) 392-5010

I am a City of Kyle: Resident: ☐ Property Owner: ☐ Business Owner: ☒

I hereby certify that the above statements by me are true and accurate, and that I have listed all persons, firms, corporations, classes or groups that I represent in reference to the matters on which I am appearing. I further certify that the testimony I give and statements that I make before the Kyle City Council will be true and accurate, under penalty of perjury.

[Signature]
Signature of Speaker

15 Apr 14
Date



CITY OF KYLE

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Date of Meeting: 4/15/14

Agenda Item No: VI #13 Position: () For (☒) Against () Resource () Other

Testimony: (☒) Oral () Written () Registering position, but not testifying

Name: Paula Alvarez
First Last Title

Representing: Neighbors & self

Street Address: 109 S. South St.

City: Kyle State: Tx Zip Code: 78640 Telephone: (512) 357-1995

I am a City of Kyle: Resident: ☒ Property Owner: ☒ Business Owner: ☐

I hereby certify that the above statements by me are true and accurate, and that I have listed all persons, firms, corporations, classes or groups that I represent in reference to the matters on which I am appearing. I further certify that the testimony I give and statements that I make before the Kyle City Council will be true and accurate, under penalty of perjury.

Paula Alvarez
Signature of Speaker

4/15/14
Date



CITY OF KYLE

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Date of Meeting: 4/15/14

Agenda Item No: VI #13 Position: () For (☒) Against () Resource () Other

Testimony: (☒) Oral () Written () Registering position, but not testifying

Name: Fidel Alvarez
First Last Title

Representing: neighbors

Street Address: 107 S. South St

City: Kyle State: Tx Zip Code: 78640 Telephone: (512) 924-2515

I am a City of Kyle: Resident: _____ Property Owner: ☒ Business Owner: _____

I hereby certify that the above statements by me are true and accurate, and that I have listed all persons, firms, corporations, classes or groups that I represent in reference to the matters on which I am appearing. I further certify that the testimony I give and statements that I make before the Kyle City Council will be true and accurate, under penalty of perjury.

Fidel Alvarez
Signature of Speaker

4/15/14
Date



CITY OF KYLE

not talking

PUBLIC COMMENTS FORM

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Date of Meeting: 4-15-2014

Agenda Item No: VI¹⁸ Position: () For (x) Against () Resource () Other

Testimony: () Oral () Written (x) Registering position, but not testifying

Name: Oralia Sondreal
First Last Title

Representing: _____

Street Address: 407 S. Main St

City: Kyle State: TX Zip Code: 78640 Telephone: () _____

I am a City of Kyle: Resident: ☒ Property Owner: ☒ Business Owner: _____

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Signature of Speaker

Date



CITY OF KYLE

not talking

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Date of Meeting: 4-15-14

Agenda Item No: VI-B13 Position: () For (X) Against () Resource () Other

Testimony: () Oral () Written (X) Registering position, but not testifying

Name: Gary Hlvaer
First Last Title

Representing: Self Self

Street Address: 188 Terry Lees

City: Kyle State: TX Zip Code: 78640 Telephone: (512) 351-5217

I am a City of Kyle: Resident: ☒ Property Owner: ☐ Business Owner: ☐

I hereby certify that the above statements by me are true and accurate, and that I have listed all persons, firms, corporations, classes or groups that I represent in reference to the matters on which I am appearing. I further certify that the testimony I give and statements that I make before the Kyle City Council will be true and accurate, under penalty of perjury.

As 702
Signature of Speaker

4-15-14
Date



CITY OF KYLE

Not talking

PUBLIC COMMENTS FORM

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Date of Meeting: 4/15/14

Agenda Item No: _____ Position: () For ☒ Against () Resource () Other

Testimony: () Oral () Written ☒ Registering position, but not testifying

Name: Lyssa Thames
First Last Title

Representing: _____

Street Address: 209 W Moore St

City: Kyle State: TX Zip Code: 78640 Telephone: (817) 629 6456

I am a City of Kyle: Resident: _____ Property Owner: ☒ Business Owner: _____

I hereby certify that the above statements by me are true and accurate, and that I have listed all persons, firms, corporations, classes or groups that I represent in reference to the matters on which I am appearing. I further certify that the testimony I give and statements that I make before the Kyle City Council will be true and accurate, under penalty of perjury.

Lyssa Thames
Signature of Speaker

4/15/14
Date



CITY OF KYLE

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Date of Meeting: 4-15-14

Agenda Item No: V1-13 Position: () For () Against () Resource () Other

Testimony: () Oral () Written (☒) Registering position, but not testifying

Name: Elena V. Garcia
First Last Title

Representing: _____

Street Address: 406 South Main

City: Kyle State: TX Zip Code: 78400 Telephone: (92) 265-2731

I am a City of Kyle: Resident: ☒ Property Owner: _____ Business Owner: _____

I hereby certify that the above statements by me are true and accurate, and that I have listed all persons, firms, corporations, classes or groups that I represent in reference to the matters on which I am appearing. I further certify that the testimony I give and statements that I make before the Kyle City Council will be true and accurate, under penalty of perjury.

Elena V. Garcia
Signature of Speaker

4-15-14
Date



CITY OF KYLE

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Date of Meeting: 4-16-14

Agenda Item No: _____ Position: () For (☒) Against () Resource () Other

Testimony: () Oral () Written (☒) Registering position, but not testifying

Name: Juan 20345
First Last Title

Representing: _____

Street Address: 404 S main

City: Kyle State: TX Zip Code: 78640 Telephone: (512) 268-0660

I am a City of Kyle: Resident: _____ Property Owner: ☒ Business Owner: _____

I hereby certify that the above statements by me are true and accurate, and that I have listed all persons, firms, corporations, classes or groups that I represent in reference to the matters on which I am appearing. I further certify that the testimony I give and statements that I make before the Kyle City Council will be true and accurate, under penalty of perjury.

J H M
Signature of Speaker

4-16-14
Date



CITY OF KYLE

100 W. Center • P.O. Box 40 • Kyle, Texas 78640 • (512) 262-1010 • FAX (512) 262-3800

Notice of Public Hearings on a Proposed Zoning Change

NOTICE IS HEREBY GIVEN TO ALL INTERESTED PERSONS, THAT:
Z-14-004

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A public hearing will be held by the Planning and Zoning Commission on Tuesday, March 25, 2014 at 6:30pm.

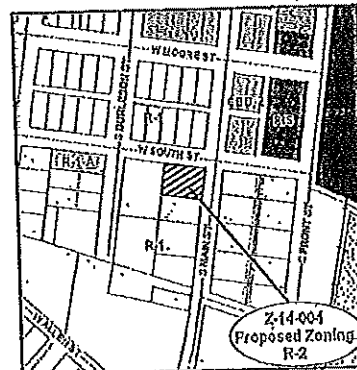
A public hearing will be held by the Kyle City Council on Tuesday, April 1, 2014 at 7:00pm.

Council action and second reading may be considered at the meeting to follow the public hearing (April 15, 2014).

Kyle City Hall, Council Chambers
100 W. Center St., Kyle, Texas

Owner: David and Michael Saucedo
Agent: Yolanda Saucedo
Phone: (512) 297-4407

For more information regarding this application
call the Planning Department
at (512) 262-3925.



You may send your written comments to the Planning Department, 100 W. Center St., Kyle, Texas 78640
(attention: Zoning File #: Z-14-004)

Name: Fidel S Alvarez Jr Address: 107 West South St

☐ I am in favor, this is why _____ ☒ I am not in favor, and this is why _____

Name: Fidel S. Alvarez

Address: 107 West South Street

☐ I am in favor, this is why _____

☒ I am not in favor, and this is why

In looking at the Comprehensive Plan for Kyle, it recommends Single family zoning for the particular property located 400 S. Main Street in Kyle, Texas. Their decision was made for certain reasons that was thought to be beneficial for Old Town Kyle. I am sure the decision made for this property to be R-1 Single Family was based on scientific evidence from all the studies that the city did on developing the Comprehensive Plan. This decision should remain intact.

Excerpts from the Comprehensive Plan:

"Ordinances makes understanding, applying, and enforcing the ordinances difficult for residents, developers, and City staff and officials. Clearly defined and executed enforcement is critical to maintaining standards in Kyle. Currently, the City relies on home owner associations (HOAs) for enforcement of some regulations, but there is evidence that the HOAs are not following uniform enforcement. The enforcement of all City standards and regulations, even if by private entities, must be held accountable and overseen in a uniform fashion by the City."

" Zoning maps should then be constructed as a tool to implement the land use maps and Comprehensive Plan. Currently, land use decisions made by the City of Kyle are guided by the Zoning Map." (Which they were by the city)

"If the zoning so mapped is not cumulative, then the zoning map tends to be reactionary, as it records decisions made by Council action on individual parcels. Because the document records actions taken, it is a map and not a plan. Rather, a land use plan should be prescriptive, serving as a guide. A plan."

The Zoning Committee should let the Comprehensive Plan take it's course for lots of years so that it can become a true living document before any changes are made to the zoning proposed by the zoning commission to make changes on zonings.

May 27, 2014

Planning and Zoning Commission

Zoning

Case Number: Z-14-011

OWNER/APPLICANT: Austin Brookside, LP

LOCATION: End of Arbor Knot Drive and Ferrule Drive

AREA: 26.147 Acres

PROPOSED CITY COUNCIL HEARINGS: First Reading: June 3, 2014
Second Reading: June 17, 2014

EXISTING ZONING: R-1-1 (Single Family Residential - 1)

PROPOSED ZONING: PUD (Planned Unit Development) with a base zoning designation of R-1-A (Single Family Attached)

SITE INFORMATION:

Transportation: The subject property is located off East RR 150 within the Brookside Estates Subdivision, on property at the end of Arbor Knot Drive and Ferrule Drive.

Surrounding Zoning:

- North: R-1-1 (North East of Property), Agriculture (North West of Property)
- South: Agriculture, R-1-2, and R-1-A
- East : Agriculture
- West: Along Arbor Knot Drive: R-1-2, R-1-A and R/S
Along Estival Drive: R-1-1

Future Land Use Designation: Midtown Community

PUBLIC INPUT:

Notice of the proposed change was sent to property owners within 200' of the subject property. At the time of publishing no correspondence has been received in support or in opposition of this request. Under the new notification requirements a sign was also posted on the site.

STAFF ANALYSIS:

Background

The applicant originally applied on March 12, 2014 but, withdrew the application in order to weigh and incorporate certain items raised by the public process into the applicants plan. The applicant has now resubmitted their application and is seeking to rezone property located at the end of Arbor Knot Drive to a Planned Unit Development with a base zoning designation of R-1-A. This zoning is a category permitted within the zoning

May 27, 2014

Planning and Zoning Commission

Zoning

Case Number: Z-14-011

ordinance and consistent with the surrounding zoning districts and surrounding development. Previous meetings have brought about citizen's concerns of:

- Proximity to neighboring communities,
- Durability of streets and sidewalks,
- Traffic congestion, (Applicant has included a traffic analysis, attached)
- Environmental concerns (flooding, detention ponds and the like),
- Density increase within the zoning change (106 residential dwellings to 162 residential dwellings),
- Parking accommodations
- Overall safety precautions pertaining to the construction of alleyways

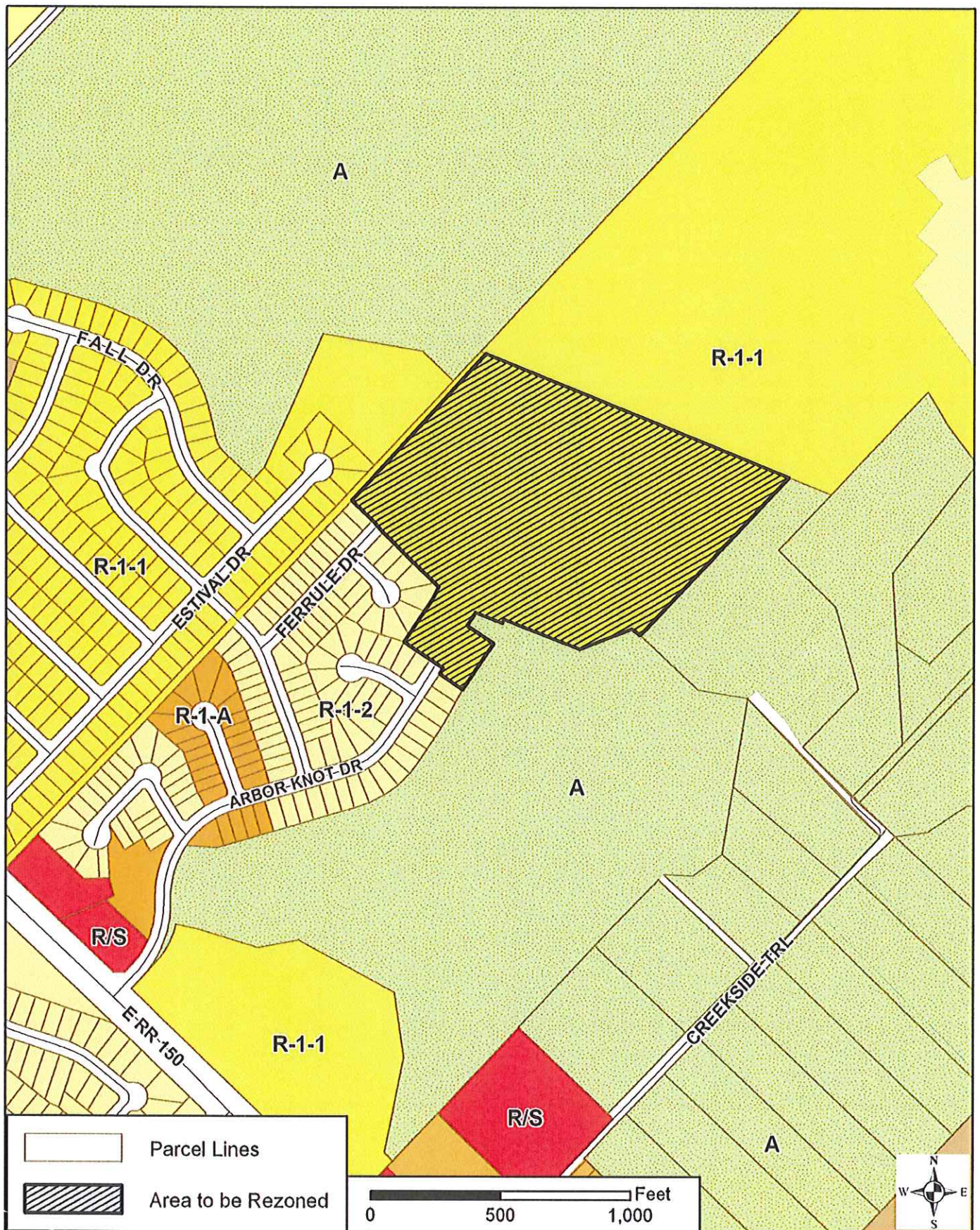
Comprehensive Plan Guidance

The purpose of the Mid-Town District is to maximize the value capture of new residential development in Kyle. This District enjoys unusual proximity to amenities, such as open space, Downtown, commercial nodes, and transit options. The area is therefore well-positioned to define an economic and lifestyle pattern that is unique to Kyle. New development should accommodate mid- to high-density residential uses within the unique landscape forms that are present in the District. Legibility of neighborhood identity, definition, and transportation should be improved within the Mid-Town District through such elements as trails, sidewalks, signage, and interconnected shared spaces.

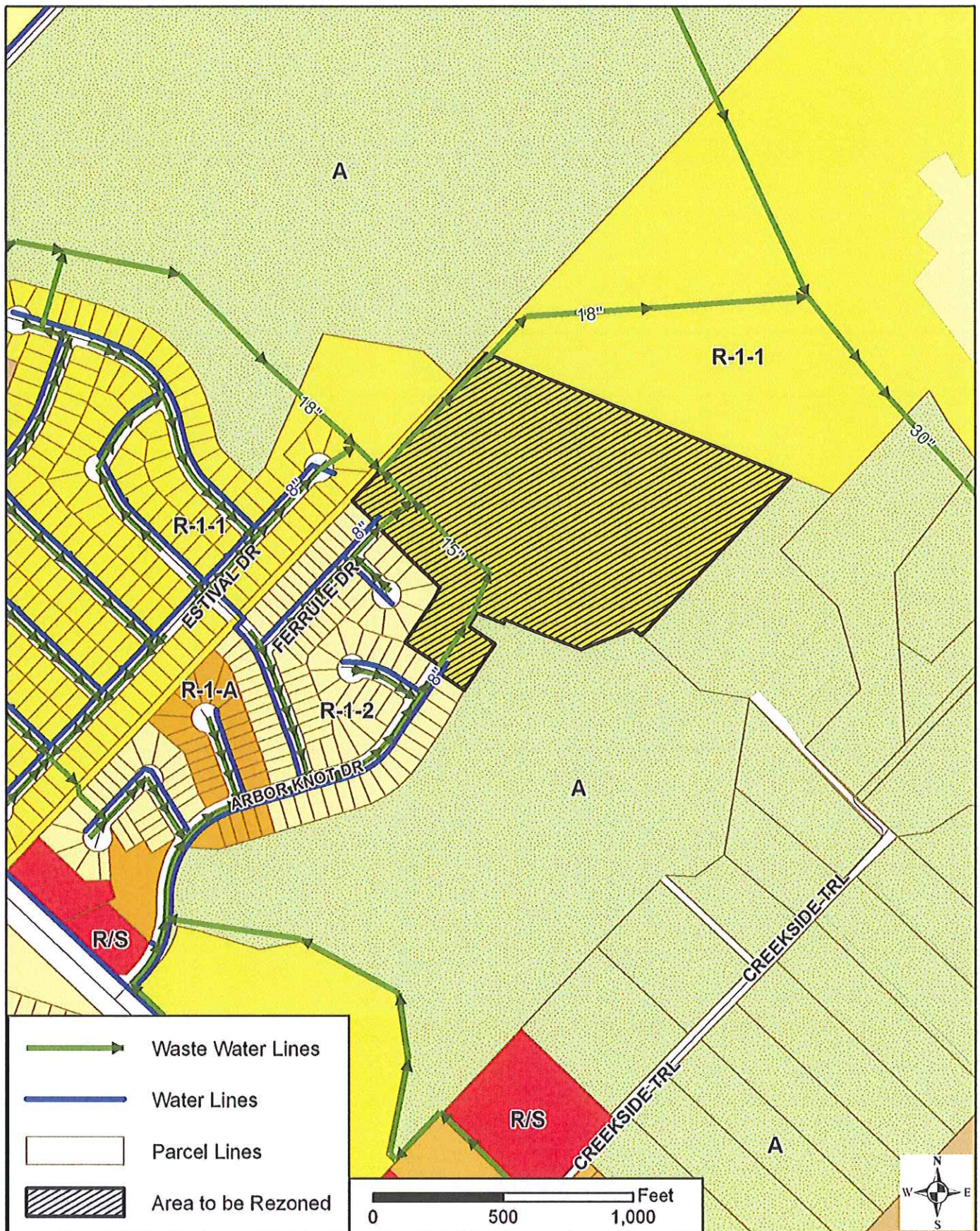
Proposed Zoning District

Austin Brookside is proposing a Planned Unit Development Overlay District (PUD) with a base zoning designation of R-1-A (Single Family Attached) for approximately 26.147 acres located within the Brookside Subdivision. The request for a PUD overlay district would allow for single family detached homes on individual lots that front onto a central green (courtyard) rather than fronting on a public street.

Exhibit B



Utilities Near Austin Brookside Rezoning



Brookside

Reasons for Zoning Change and PUD

The change of the underlying zoning from R-1 to R-1-A in concert with the establishment of a Planned Unit Development (PUD) district will provide the opportunity to develop this site with a courtyard community similar to the courtyard pocket neighborhoods that are now being developed in Plum Creek.

As a housing type, courtyards are particularly appealing to empty nesters, singles, and families with no school age children. Families with school age children are not discouraged or prohibited; however, they usually prefer larger private yards than are provided in courtyard communities.

By far the most desired amenity by empty nesters and singles is trails. This is the perfect location to draw these market segments to the East side because this community will be bordered on 3 sides by Lake Kyle Park, Linebarger Lake Park and the Plum Creek Preserve, which will have miles and miles of Nature Trails.

These market segments are generally 1 or 2 member households and require far fewer public amenities and improvements than families with school age children. For example, this courtyard community of approximately 165 homes will have 2,420 linear feet of public street, which is 15 linear feet of public street per lot. The R-1 community previously planned would have had 4,530 linear feet of public street, or 45 linear feet of public street per lot. That is 300% more public street and public utility infrastructure per lot that the city would be required to maintain in perpetuity. One reason that there is so much less public street is that private alleys provide much of the automobile circulation.

Furthermore, this courtyard development will provide the long anticipated connection between Lake Kyle Park and Linebarger Lake so that the City may begin park improvements for the City Park around Linebarger Lake. It will also provide for some of the long-awaited park improvements that will benefit residents of Brookside Estates and Four Seasons Farm.

All homes will be single family detached homes on individual lots. All garages will be accessed from alleys, so cars will never back across public sidewalks, nor will cars ever be parked across public sidewalks.

The variances are necessary to accomplish a well-designed courtyard community. Standards have been added that will assure a human scale living environment in each courtyard.

Finally, since this community is tucked back around the park a quarter mile from Rt. 150, the developer is requesting that a sign be permitted at the edge of the right-of-way of Arbor Knot Drive immediately below the existing Brookside Development monument and that a temporary sales trailer be permitted on Lot 3, which it owns.

BROOKSIDE
DEVELOPMENT REGULATIONS, STANDARDS AND VARIANCES

4/22/14

- A. Cul-de-sac streets shall be 34' back to back of curb in a 54' Right of Way and shall have parking on both sides.
- B. Public Sidewalks shall be 5' wide.
- C. Public street parkways shall be planted with approved trees at 25' to 35' intervals.
- D. Alleys shall be private and maintained by HOA.
 - 1. 2-way alley paving width shall be 15' minimum
 - 2. Garage setback from edge of 15' paved alley: 5' minimum.
 - 3. Each alley shall be posted "No Parking".
 - 4. Alley curb radius at public street: Per PUD site plan.
 - 5. Dead-end alleys shall be permitted.
 - 6. The ends of all alleys shall be buffered from view with fencing or landscaping.
- E. Minimum Lot size: 3,000 sq. ft.
- F. Minimum Lot Width: 30'
- G. Maximum dwelling units per lot: One (1) principle dwelling unit and (1) accessory dwelling unit (ADU). An ADU will not be counted as a unit of density or as an LUE. An ADU shall not have separate utility services.
- H. Minimum Setbacks:
 - 1. Front yard: there shall be a front yard setback having the depth of not less than 8' from the courtyard walk or public sidewalk to the front line of the building.
 - 2. Side yard: there shall be no sideyard set back required. Except that there shall be a side yard set back having a depth of not less than 8' from the property line at public streets to the side line of the building.
 - 3. Rear yard: there shall be no rear yard setback required.
- I. Garages: may either be attached or detached.
 - 1. Garages shall be accessed from a private alley.
 - 2. The minimum garage size shall be 215 sq. ft.
- J. Courtyards shall meet the following standards:
 - 1. A "gateway" (examples: trellis, fencing, and/or landscaping).
 - 2. A gathering place with a minimum of 4 chairs or 2 benches.
 - 3. The Courtyard sidewalk(s) shall be the following minimum width for at least 70% of the length:
 - a. Single sidewalk: 5'
 - b. Double sidewalk: 4' - 6"
 - 4. Each dwelling unit shall have a front porch or front patio having a minimum depth of 5' and a minimum length of 7'.
 - 5. Except for the house closest to the street, for all homes within a courtyard provide a service walk from the alley or drive apron to the rear door of the house that goes around the garage.
 - 6. Each courtyard house shall be addressed on both the courtyard side and the alley side.
 - 7. Minimum separation between interior dwelling units from back side of porch or garden patio to back side of porch or garden patio: 40'
 - 8. Minimum separation of dwelling units at street: 20'
 - 9. Minimum separation of dwelling units at rear of courtyard: 10'
- K. There may be no front yard utility easements in courtyards.
- L. There may be no side yard utility easements.

- M. House elevations will be primarily Texas vernacular Craftsman Cottages detailed per the attached elevations.
- N. There shall be an active Homeowners Association (HOA). The HOA CCR's shall contain the following:
 - 1. There shall be no parking on alley paving.
 - 2. The view of refuse containers shall be impeded by fencing or landscaping.
 - 3. The courtyard and the open space between the park trail and public shall be maintained by the HOA.
- O. Developer shall be permitted to erect and maintain a 12' x 36' sign at the edge of the ROW of Arbor Knot Dr. immediately behind the existing Brookside development monument.
- P. Developer shall be permitted to install temporary sales trailer on lot 3, Phase 1 with a 2' setback from Arbor Knot Dr.

	Requirement	Requested Variance
cul-de-sac size	ROW 55' and 45' pavement radius	ROW (54' ROW and 34' back of curb)
public sidewalk width	not less than four feet in width and shall be two feet from curb	5' wide
street trees	no current requirement in residential area	planted at 25' to 35' intervals
Alleys	code requires 20' paving	2 way alley paving width of 15' minimum
Garage setback from Alley		5'
alley curb radius		
dead end alley	code requires turnaround	dead end alleys shall be permitted
minimum lot size	4500 square feet	3,000 square feet
lot width	30'	35'
Accessory dwelling unit		1 principle dwelling and 1 accessory dwelling unit
setbacks-front	25'	
	Requirement	Requested Variance

setbacks- rear	15'	0'
setbacks- side	ten feet on one side and zero lot line is permitted on the other side	0'
setbacks- corner side	10'	8'
garage size	480 square feet	215 square feet
front yard easement	A 15-foot wide easement abutting the right-of-way of each street shall be dedicated as an easement for utilities, drainage and excavation and/or embankments.	no easements in the courtyards
sideyard easements	In side lot locations, the utility easements shall be no less than five feet in width. Unless abutting an alley, water and wastewater utility easements in the rear are not favored and will not be approved except under special circumstances.	no side yard utility easements



May 5, 2014

Mr. Perry Bigelow
Bigelow Development, LLC
P.O. Box 848
San Marcos, Texas 78667

Subject: Trip Generation Comparison

Dear Mr. Bigelow:

Brown & Gay Engineers, Inc. has completed a comparison between the previously proposed and newly proposed Brookside Development site plans. We have provided the following review and assessment with regard to the potential trip rate reduction due to the proposed development type.

Background

The proposed Brookside Development is located north of FM 150 along and north of Arbor Knot Drive. As originally proposed, the Brookside Development was to have 106 traditional single family dwelling units (DU) consisting of 60 foot residential lots. The proposed housing would be similar to the adjacent houses and those nearby along FM 150. The current demographics include large, moderately priced housing, targeted at families with school aged children. These children primarily attend either the elementary or middle schools along FM 150 or Lehman High School along Goforth Road. Therefore, the families contribute to the traffic utilizing FM 150 and the surrounding roadways.

As currently proposed, the Brookside Development would be redesigned to accommodate 162 aged targeted residential DU. The proposed units would consist of courtyard style housing built in a pod-like fashion, which generally consists of 12 to 18 homes around a common courtyard. The lots would be smaller than the original 60 foot which would significantly reduce the yard size.

The target demographic includes empty nesters and single/double-income-with-no-kids. While the community is not aged restricted, similar courtyards in the Plum Creek area have attracted very few families with children and primarily the targeted demographic.

Trip Generation Calculation

In order to perform the comparison between the two land use types, BGE has to complete trip generation calculations for each and then determine the difference. The land use and trip generation information is derived from the Institute of Transportation Engineers (ITE) Trip Generation Manual.

Previous Land Use Type

The previously proposed development consisted of 106 traditional single family dwelling units and the ITE land use that is similar to this previously proposed land use is "Single Family Detached Housing" (ITE Code 210). Using the proposed number of dwelling units, the daily, AM and PM peak period trip estimates were calculated. These projections are presented below. Under this typical land use type a development of this size would, on average, generate over 1,100 trips per day.

Trip Generation: Traditional Single Family

Land Use	Number of Dwelling Units	Daily	AM Peak	PM Peak
		Total Trips	Total Trips	Total Trips
Single Family Detached Housing	102 DU	1,108	84	111

New Development Type

The newly proposed development type consists of 162 age targeted residential dwelling units. The land use that most closely matches with the proposed land use is - Senior Adult Housing - Detached (ITE Code 251). This housing type is designed for active adults who do not have children living at home. The projections for this land use type are in the table below.

Trip Generation: Age Targeted Residential

Land Use	Number of Dwelling Units	Daily	AM Peak	PM Peak
		Total Trips	Total Trips	Total Trips
Senior Adult Housing Detached	162 DU	596	57	64

Mr. Perry Bigelow
May 5, 2014
Page 3

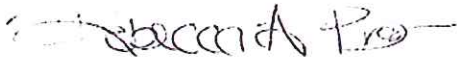
Trip Generation Comparison

Using the information and methodologies presented above, the site is forecasted to generate fewer trips on a daily basis as well as during both the AM and PM peak periods. Under the previously proposed land use it was estimated that a total of 1,108 daily trips would be generated by the 106 single family DU. However, under the newly proposed land use, Age Targeted Residential DU, the 162 DU site is anticipated to generate fewer than 600 trips per day, a 46% reduction. In reviewing the AM and PM peak periods, the reductions are 27 and 47 vehicles respectively; reductions of 32% and 42%.


Summary

After reviewing both of the trip generation calculations presented above, it is concluded that the proposed Brookside Development will generate on average far fewer trips than the previously proposed 106 traditional signal family units.

Sincerely,



Rebecca A. Bray, PE., PTOE, AICP
Senior Project manager
Brown & Gay Engineers, Inc.
TBPE Firm Registration No. F - 046



James Bigelow

From: Aaron Parker [aaronmparker@gmail.com]
Sent: Thursday, May 22, 2014 12:35 PM
To: James Bigelow
Subject: Fwd: Brookside Estates

Jamie,

Please share the following with the City of Kyle Planning & Zoning Commission:

City of Kyle:

Over the past month the Four Seasons Farm Homeowners Association and Four Seasons Farm HOA Board has met with Bigelow Homes Development on two occasions as they consider further development of land adjacent to our community.

The Board first met with Bigelow Development on April 30th where the Board reviewed Bigelow's plans for Brookside Estates, including the differences between the proposed plan and the original plan for Brookside.

Additionally, in an effort to educate and provide info to all Association members, the Board invited Bigelow Homes to present to the Association in conjunction with our Annual Meeting on May 6th. A quorum of Association members received information on the proposed development and had a forum to ask questions and provide feedback. No major objections were expressed by homeowners to the Board at the meeting or have been expressed in the period of time between the meeting and this correspondence.

The Board is appreciative of the proactive outreach from Bigelow Homes and the opportunity they provided to the Association members to provide input. Four Seasons Farm hopes for similar outreach and input opportunities with future developments as Kyle continues to grow.

Best regards,

Aaron Parker
Four Seasons Farm HOA Board President

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5/22/2014

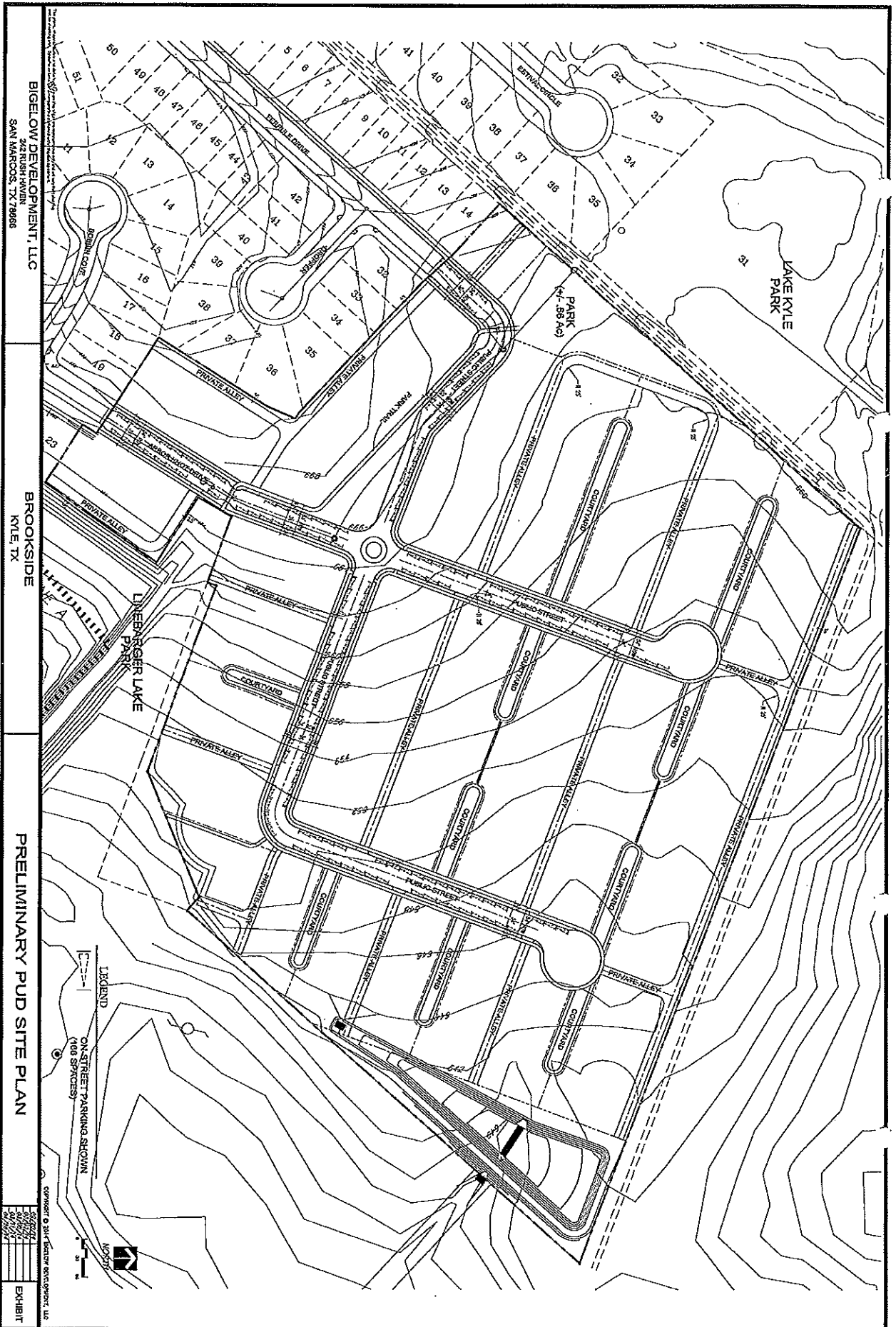


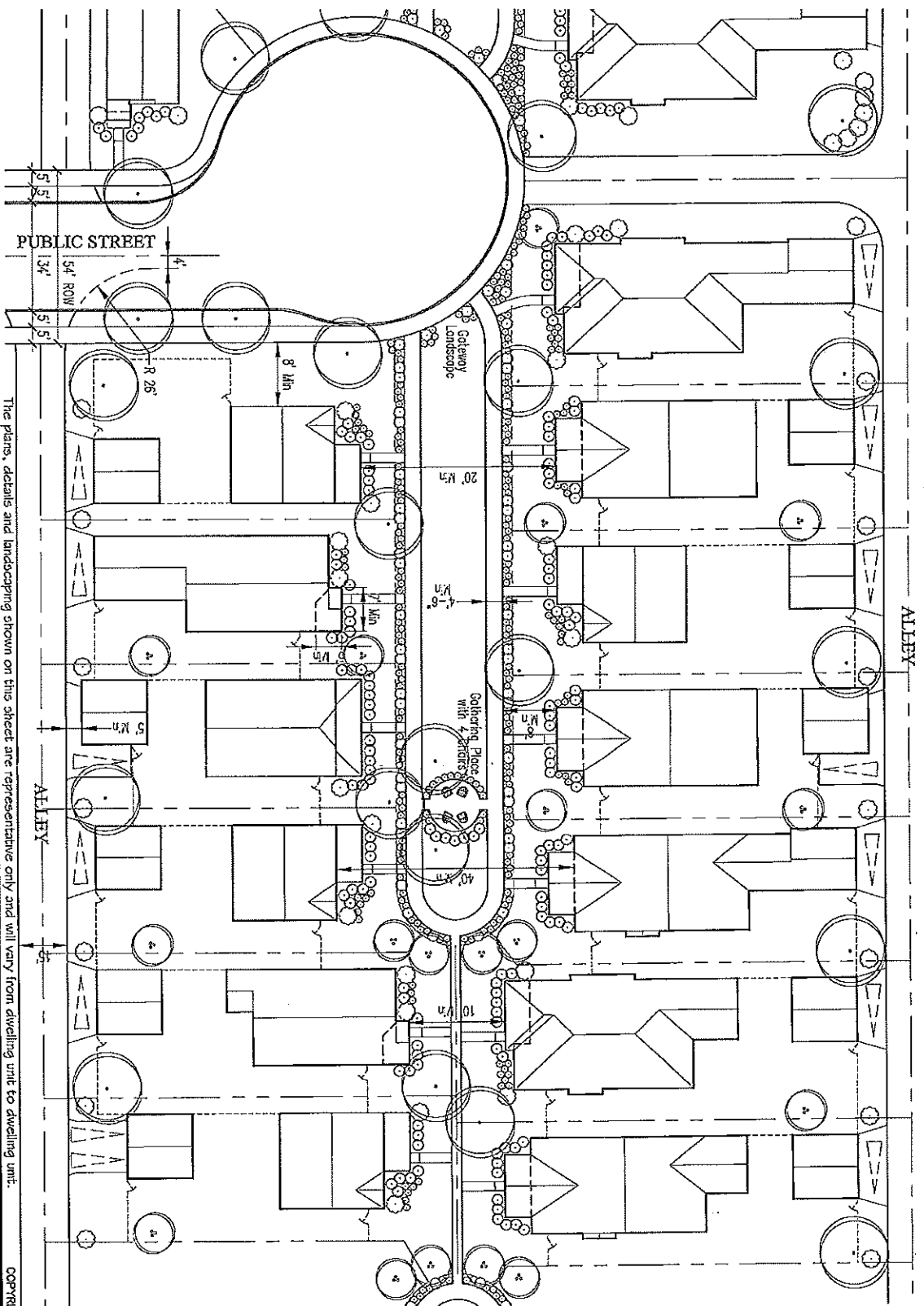












BIGELOW DEVELOPMENT, LLC
P.O. BOX 848
SAN MARCOS, TX 78667

BROOKSIDE
KYLE, TX

PRELIMINARY PUD SITE PLAN TYPICAL COURTYARD

The plans, details and landscaping shown on this sheet are representative only and will vary from dwelling unit to dwelling unit.

COPYRIGHT © 2014 BIGELOW DEVELOPMENT, LLC

3/11/14
4/28/14

EXHIBIT

1. Courtyards shall meet the following standards:
 - a. A "gateway" examples: trellis, fencing, and/or landscaping).
2. A gathering place with a minimum of 4 chairs or 2 benches.
3. The Courtyard sidewalk(s) shall be the following minimum width for at least 70% of the length:
 - a. Single sidewalk: 5' b. Double sidewalk: 4'-6"
4. Each dwelling unit shall have a front porch or front patio having a minimum depth of 5' and a minimum length of 7'.
5. Except for the house closest to the street, for all homes within a courtyard provide a service walk from the alley or drive apron to the rear door of the house that goes around the garage.
6. Each courtyard house shall be addressed on both the courtyard side and the alley side.
7. Minimum separation between interior dwelling units from back side of porch or garden patio to back side of porch or garden patio: 40'.
8. Minimum separation of dwelling units at stoop: 20'.
9. Minimum separation of dwelling units at rear of courtyard: 10'.

Hays Free Press

113 West Center Street § 122 N. Main St.
Kyle, Texas 78640 § P.O. Box 339 • Buda, Texas 78610

(512) 262-NEWS (Kyle office) • (512) 295-9760 (Buda office) • (512) 268-0262 (fax)

State of Texas
County of Hays

§
§

Affidavit of Publication

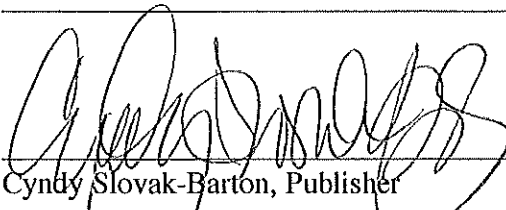
My name is Cyndy Slovak-Barton, and I am Publisher of the Hays Free Press. I am over the age of 18, have personal knowledge of the facts stated herein, and am otherwise competent to make this affidavit.

The Hays Free Press is a legal newspaper publication under Texas law, headquartered and regularly published in Hays County, Texas. It is a newspaper of general circulation, and is generally circulated in Hays, Travis, and Caldwell Counties.


The attachment hereto was published in the Hays Free Press on the following dates at or below the classified legals rate:

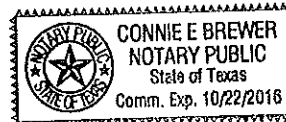
May 7, 2014

_____ 2-14-011 _____


Cyndy Slovak-Barton, Publisher
Hays Free Press

Subscribed and sworn before me this the 8 day of May, 2014.


Notary Public
Connie Brewer



Public Notice

Notice of Public Hearing

NOTICE IS HEREBY GIVEN TO ALL INTERESTED PERSONS, THAT: The City of Kyle shall hold a public hearing on a request by Austin Brookside LP to rezone approximately 26.147 acres from Single Family Residential 1 "R-1-1" to a Planned Unit Development Overlay District "PUD" with a base zoning designation of Single Family Attached "R-1-A" on property located at the end of Arbor Knot Drive and Ferrule Drive.

A public hearing will be held by the Planning and Zoning Commission on Tuesday, May 27, 2014 at 6:30 p.m.

A public hearing will be held by the Kyle City Council on Tuesday, June 3, 2014 at 7:00 p.m.

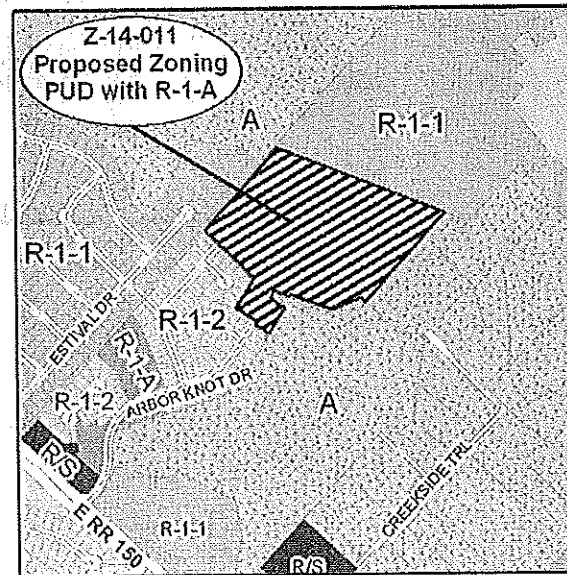
Council action and second reading may be considered at the meeting to follow the public hearing (June 17, 2014).

Kyle City Hall Council Chambers
100 W Center St., Kyle, Texas

Owner: Austin Brookside LP
Agent: Scott Bauer
Bigelow Development, LLC
Phone: (512) 392-6231

Publication Date: May 7, 2014

Z-14-011



Located on Hwy. 1

FINANCING &

Thousands

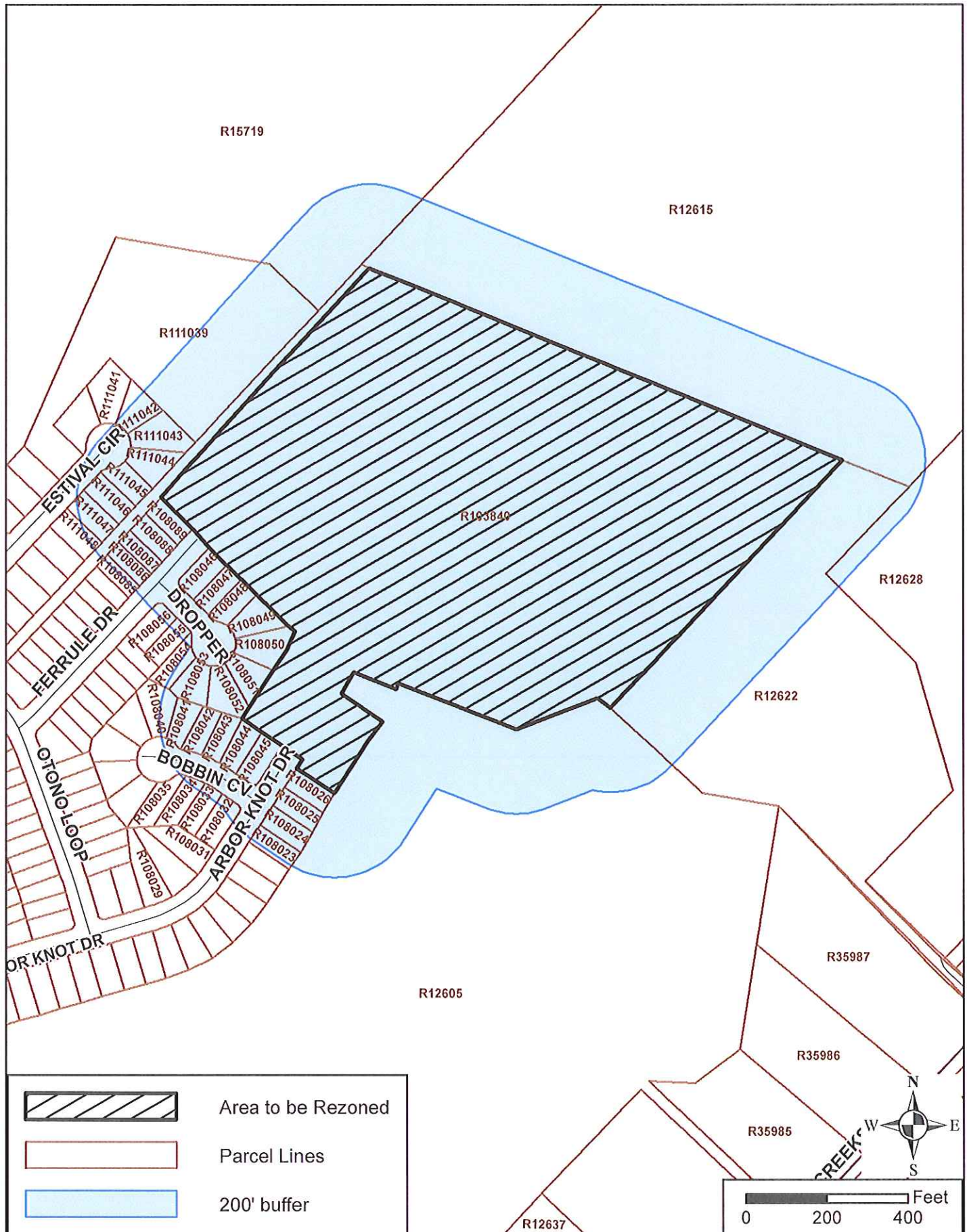
Refrigerator
TVs, VCRs
Mattress

Broyhill, Wh
Mitsubishi, LG
Ashley, Jackso
Serta, Lane, C
Are

Voc

512-398-2825

200' Buffer Z-14-011



Zoning	Case Number: Z-14-011
	Owner/Applicant: Austin Brookside LP
	Date Letters Mailed: May 15, 2014

List of adjacent property owners (44) within 200' of subject tract

R108023	DANIEL DAVID RUSSELL TRUSTEE 24210 POSTAL AVE # E MORENO VALLEY, CA 92553
R108024	STACEY & GREG MITCHUM 1340 ARBOR KNOT DR KYLE, TX 78640
R108025	ONEYDA RIVERA 1350 ARBOR KNOT DR KYLE, TX 78640
R108026	KRISTA NICOLE PRINGLE 1360 ARBOR KNOT DR KYLE, TX 78640
R108032	KAREN BARR TURPIN 109 BOBBIN CV KYLE, TX 78640
R108033	BARRY & AUDRY DUNN 125 BOBBIN CV KYLE, TX 78640
R108034	JOHN A FASKE & CHRISTIANE JOHNSTON 253 GARDNER CV CIBOLO, TX 78108-4366
R108035	DAVID E MARTIN PO BOX 1611 BUDA, TX 78610-1611
R108040	MIKE & DARLENE POGOJEFF 4308 HARVEST CT ROHNERT PARK, CA 94928-1400
R108041	MARY ANN FEBLES 144 BOBBIN CV KYLE, TX 78640
R108042	EDWARD VELA 237 AVILA DR LAREDO, TX 78046-7409
R108043	MAURICIO CASTILLON 132 BOBBIN CV KYLE, TX 78640
R108044	DOLORES C TORRES 1300 BRANDI CIR KYLE, TX 78640-4975
R108045	BERTHA & DAVID DE LA CRUZ 108 BOBBIN CV KYLE, TX 78640

R108046	LELAND & MARY JUEL 109 DROPPER KYLE, TX 78640
R108047	VINOD KARIAT CHARTIBLE UNITRUST 125 DROPPER KYLE, TX 78640-8001
R108048	BAC HOME LOANS SERVICING LP FKA COUNTRYWIDE HOME LOANS 7105 CORPORATE DR PTX-B-35 PLANO, TX 75024
R108049	SANDRA SABATINO 1554 NORINE DR PITTSBURG, CA 94565
R108050	EDWARD PHILLIP & ADELINE Y MEYER 149 DROPPER KYLE, TX 78640-8001
R108051	CHRISTINE WAHL 156 DROPPER KYLE, TX 78640
R108052	SYLVIA S ABBENANTE & VERONICA S SEVILLA 148 DROPPER KYLE, TX 78640-8001
R108053 & R108056	WILLIE EALY 10501 ENGLEWOOD DR OAKLAND, CA 94605
R108054	LANIEL H JR & SHELLE N ROBERSON 132 DROPPER KYLE, TX 78640-8001
R108055	MICHAEL I RAMIREZ & JENNIFER A TOVAR 124 DROPPER KYLE, TX 78640
R108085	LUZ ADRIANA LOPEZ 1901 ONION CREEK PKWY APT #14204 AUSTIN, TX 78748-1980
R108086	WILLIAM A & CANDI J NADEKOW 12721 ASTON OAKS DR FORT MYERS, FL 33912-1462
R108087	JORDON K & MELLISSA J TURCOTTE 596 SAMPSON KYLE, TX 78640-5264
R108088	JEFFREY R A LEWIS 356 Y PL LAGUNA BEACH, CA 92651-2326
R108089	MARY L BARRIOS 217 FERRULE DR KYLE, TX 78640
R111041	FREDERICK E CARTER 1385 ESTIVAL CIR KYLE, TX 78640
R111042	BRENT A CLEVELAND 1397 ESTIVAL CIR KYLE, TX 78640-5879

R111043	JAMES C MOORE III & LINDA C MOORE 1396 ESTIVAL CIR KYLE, TX 78640-5879
R111044	JUAN & BRIDGET ELAINE MARMOLEJO 1384 ESTIVAL CIR KYLE, TX 78640-5879
R111045	LAWRENCE & YOLANDA SANDERS 1372 ESTIVAL CIR KYLE, TX 78640
R111046	MICHAEL J & TANYA J LIVINGSTON 1360 ESTIVAL CIR KYLE, TX 78640
R111047	CARLOS J CARDEC 1348 ESTIVAL CIR KYLE, TX 78640-5879
R111048	Unlisted
R12605, R111039 & R15719	City of Kyle
R12615	WALTON TEXAS LP 4800 N SCOTTSDALE RD STE #4000 SCOTTSDALE, AZ 85251-7696
R12622	ALAN J PETLOWANY 599 CREEKSIDE TRL KYLE, TX 78640
R12628	TERRY LEWIS & DEBORAH NAZEMI 555 REBEL RD #14 KYLE, TX 78640

May 27, 2014

Planning and Zoning Commission

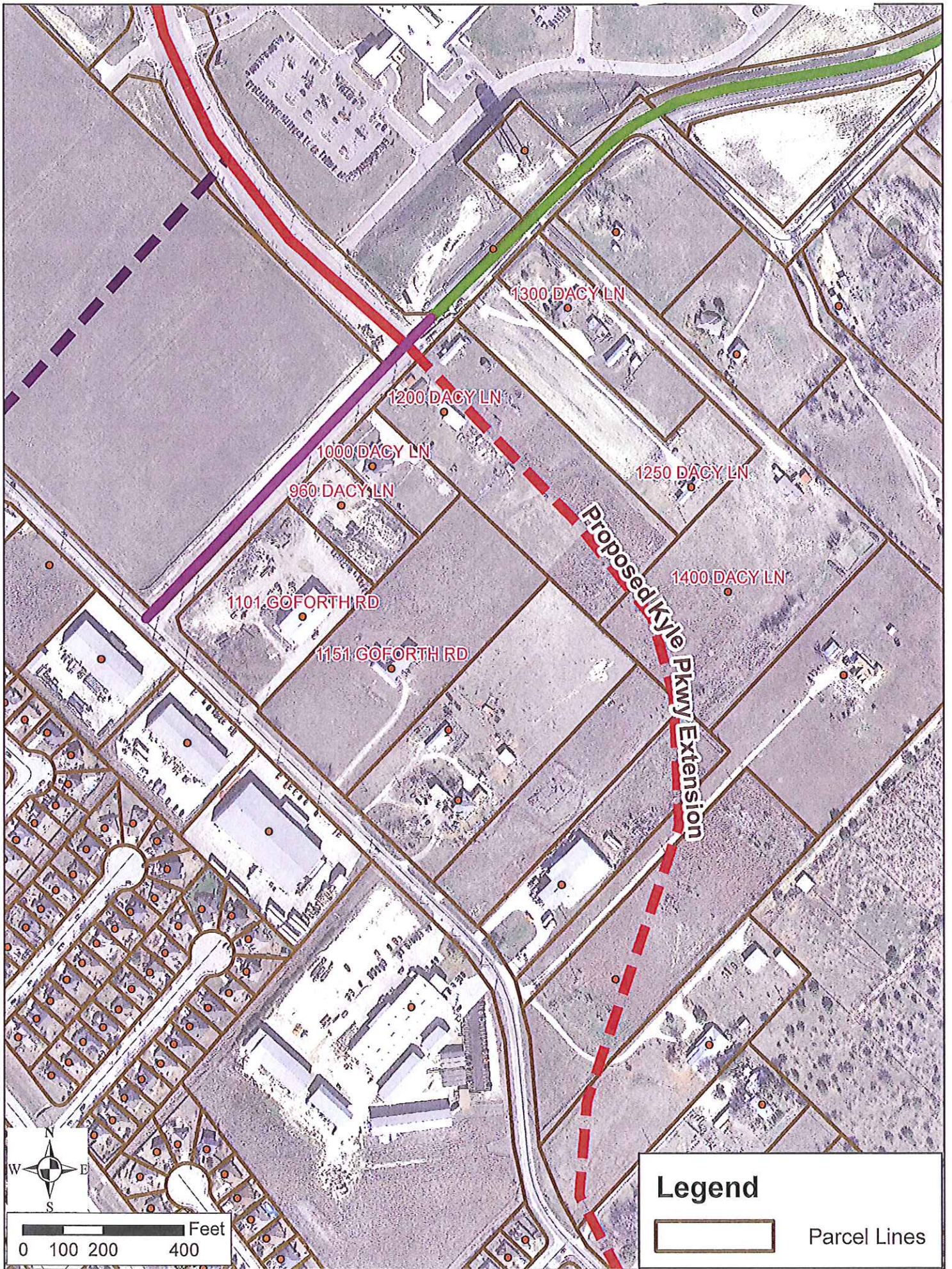
Transportation Master Plan

OWNER/APPLICANT: Rodolfo Gonzalez

LOCATION: 1200 Dacy Ln

Background

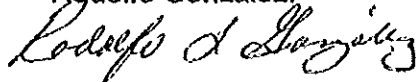
Property owner Rodolfo Gonzalez is requesting an amendment to the Transportation Master Plan to remove the extension of Kyle Pkwy. The plan currently shows Kyle Pkwy cutting through the center of his 5 acre lot on the way to connect with Goforth Rd to the southeast.



October 10, 2013
Ms Sofia Nelson
Road Planning Director

Very appreciable Ms. Nelson through this I affirm to you my disagreement with the project have decided to do want to go through half of my property Kyle Parkway Boulevard first for the city it would do unnecessary and costly expense as traffic can flip by Dacy Ln. south and take the right goforth. It would also be a great damage that would cause me to this project, and that with hard work and much sacrifice, took us to pay this property for over 15 years, this does not seem right as engineers only trace lines in some plans without taking into account how many are people going to be affected, I understand that the city is progressing but I appeal to your good judgment and good Heart this project was canceled, I hope your answer and says goodbye.

Sincerely
Rodolfo Gonzalez.

A handwritten signature in cursive script, appearing to read "Rodolfo Gonzalez", written in dark ink.

October 10, 2013

Sra Sofia Nelson

Directora de Planeacion vial

Muy appreciable Sra. Nelson por medio de el presente hago constar a usted mi inconformidad por el proyecto que han decidido hacer al querer pasar por un medio de mi propiedad el Boulevard Kyle Parkway en primer lugar seria para la ciudad un gasto Inecesario y costoso ya que el trafico puede voltear por Dacy Ln. al sur y tomen la goforth a la derecha. Tambien seria un gran daño que me causarían con este proyecto, ya que con mucho trabajo y mucho sacrificio, Tardamos en pagar esta propiedad por mas de 15 años esto no me parece justo ya que los Ingenieros solamente trazan rayas en un plano sin tomar en cuenta cuanto gente van a perjudicar, comprendo que la ciudad va progresando pero yo apelo a su buen juicio y su buen Corazon que se cancelara este proyecto, espero su respuesta y se despide.

Attentamente

Rodolfo Gonzalez.

A handwritten signature in cursive script, reading "Rodolfo Gonzalez". The ink is dark and the signature is fluid, with a long, sweeping tail on the final letter.