

CITY OF KYLE

Planning & Zoning Commission Regular Meeting



Kyle City Hall
100 W. Center Street

Notice is hereby given that the Planning and Zoning Commission of the City of Kyle, Texas will meet at 6:30 PM on November 10, 2015, at Kyle City Hall 100 W. Center Street for the purpose of discussing the following agenda.

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

Posted this the 6th day of November prior to 6:30 PM.

1. CALL MEETING TO ORDER

2. ROLL CALL

3. CITIZEN COMMENTS

4. CONSENT

A. Woodlands Subdivision Phase III, IV & V – Preliminary Plan (PP-15-003)

74.863 acres; 273 Single Family Lots, 2 Open Space/Drainage Easement Lots, 2 Open Space Lots and 1 Lift Station Lot

Located off of E. RR 150 and Woodlands Drive

Owner: Kyle Riverbend Cottonwood Investments, LC

Agent: Shervin Nooshin, P.E., Bury, Inc.

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

B. Hays Commerce Center Phase 1 – Final Plat (FP-15-005)

7.542 acres; 2 Commercial Lots

Located at the northwest corner of IH-35 and Kyle Crossing

Owner: RR HPI, LP and Liquid Waste Solutions, LLC.

Agent: Stephen Jamison, P.E., Hanrahan Pritchard Engineering, Inc.
Staff Proposal to P&Z: Approve Final Plat

C. Hays Commerce Center Phase 2 – Final Plat (FP-15-006)

70.057 acres; 21 Commercial Lots

Located at the northwest corner of IH-35 and Kyle Crossing

Owner: RR HPI, LP

Agent: Stephen Jamison, P.E., Hanrahan Pritchard Engineering, Inc.

Staff Proposal to P&Z: Approve Final Plat

5. ZONING

A. Consider a request by Mike Pentecost to assign original zoning to approximately 5.1 acres of land from Agriculture “AG” to Warehouse District “W” on property located at 1151 Goforth Road. (Z-15-016)

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

B. Consider a request by Sandra De Leon to assign original zoning to approximately 1 acre of land from Agriculture “AG” to Manufactured Home Subdivision “M-2” on property located at 1489 E. RR 150. (Z-15-017)

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

6. CONSIDER AND POSSIBLE ACTION

A. Consider a request for a conditional use permit (Comfort Suites – 5213 Physicians Way) to construct a 46,768 square foot building located within the IH-35 overlay district.

7. STAFF REPORT

- Future meeting dates
- Comprehensive plan mid-term update process

8. ADJOURN

*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

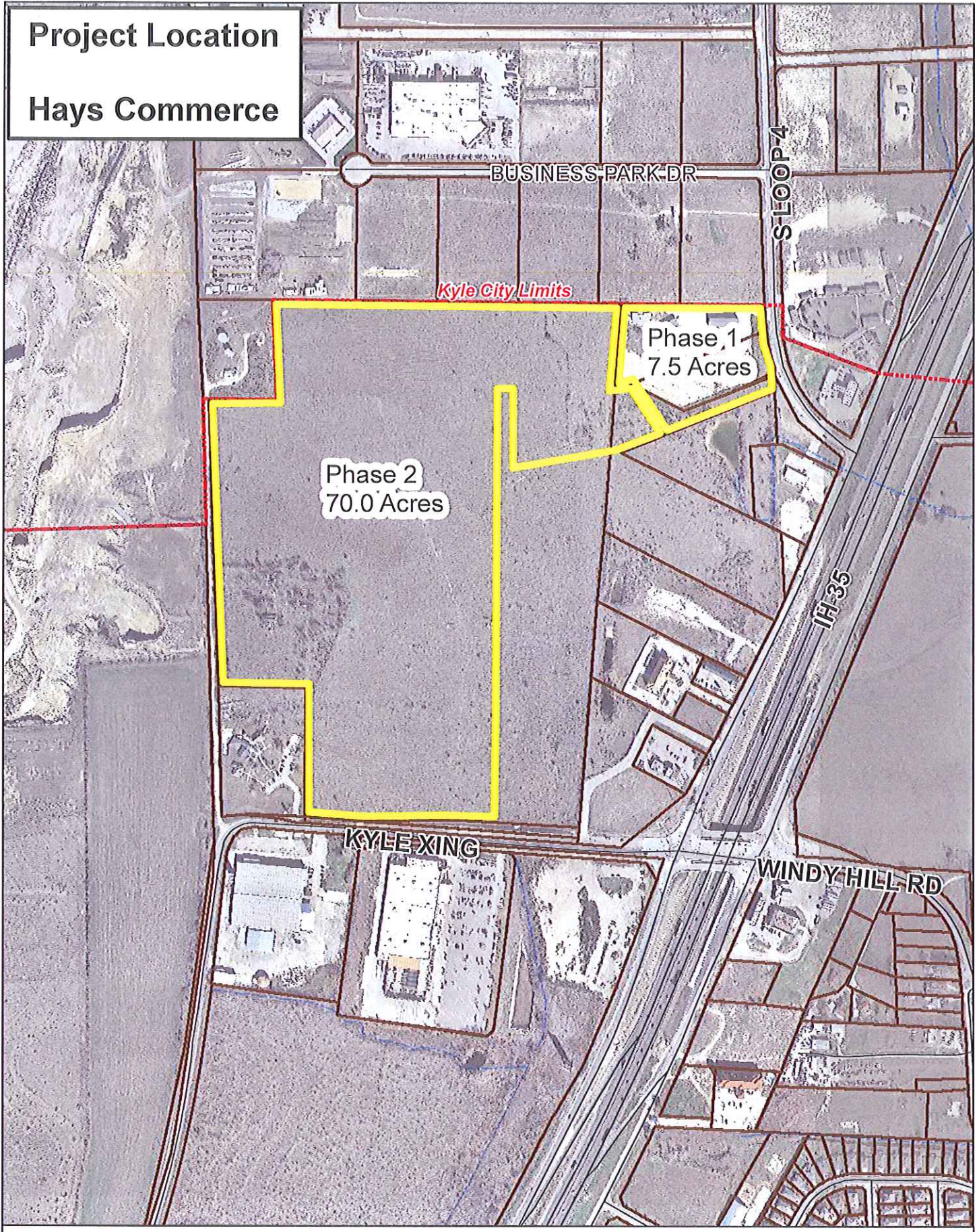
I certify that the above notice of the Planning and Zoning Commission Regular Meeting of the City of Kyle, Texas was posted on the bulletin board of the City of Kyle City Hall, 100 W. Center St, Kyle, Texas. This notice was posted on:


Howard J. Koontz, AICP
Director of Planning and Community Development

11/6/2015
Date

Project Location

Hays Commerce



Phase 1
7.5 Acres

Phase 2
70.0 Acres

Kyle City Limits

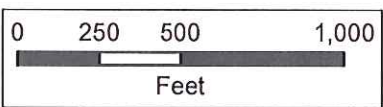
BUSINESS PARK DR

SLOOP 4

I-35

KYLE XING

WINDY HILL RD

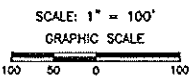
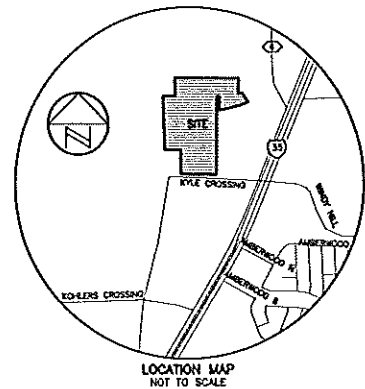


 Property Boundary

 Parcel Lines

HAYS COMMERCE PHASE 2

A McKOWNE SURVEY
ABS NO. 328

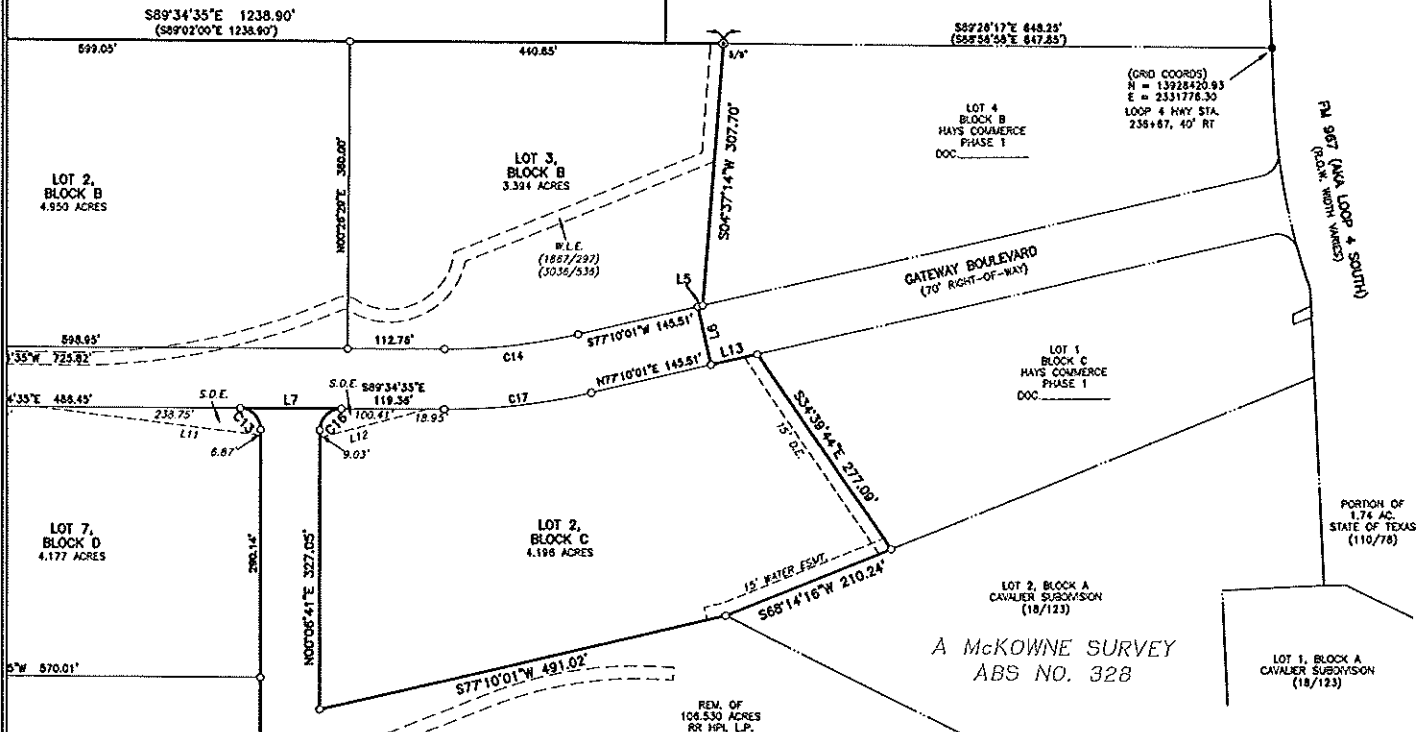


SCALE: 1" = 100'
GRAPHIC SCALE

14.955 AC.
DOUBLE R FAMILY INVESTMENT LP
(3409/480)

PORTION OF
34.760 AC.
CX PROPERTIES, LP.
(3312/478)

LOCATION MAP
NOT TO SCALE



(GRID COORDS)
N = 13928420.93
E = 2331776.33
LOOP 4 HWY STA.
236+87.40' RT

A McKOWNE SURVEY
ABS NO. 328

OWNER:
RR HPL LP
3600 N. CAPITAL OF TEXAS HIGHWAY
BLDG. B, SUITE 250
AUSTIN, TEXAS 78746

ENGINEER (AGENT):
HANRAHAN FRITCHARD ENGINEERING, INC.
TEXAS PE FIRM REG. NO. 418
8333 CROSS PARK DRIVE
AUSTIN, TEXAS 78754
(512) 459-4734

SURVEYOR:
CHAPARRAL PROFESSIONAL
LAND SURVEYING, INC.
3500 MC CALL LANE
AUSTIN, TEXAS 78744
512-443-1724 T
512-389-0943 F

LINE	BEARING	DISTANCE
L1	N74°22'42"E	111.03'
L2	N13°32'45"W	70.02'
L3	S74°22'42"W	111.03'
L4	N89°31'05"W	6.55'
L5	S77°10'01"W	6.98'
L6	S12°49'59"E	70.00'
L7	N89°34'35"W	120.00'
L8	N86°47'01"W	160.65'
L9	S86°14'01"W	184.68'
L10	S79°43'22"W	228.90'
L11	N82°43'03"W	265.69'
L12	S75°10'38"W	129.94'
L13	N77°10'01"E	56.34'

LAND USE:	ACREAGE:	NO. OF LOTS:	NO. OF BLOCKS:
LOTS:	64.958	21	4
R.O.W.:	5.053		
TOTAL:	70.011		

- LEGEND
- 1/2" REBAR FOUND (OR AS NOTED)
 - 1/2" REBAR WITH "CHAPARRAL" CAP FOUND
 - 1/2" REBAR WITH ALUMINUM CAP FOUND
 - 1/2" REBAR WITH "DOUCET" CAP FOUND
 - △ MAG NAIL WITH "CHAPARRAL" WASHER SET
 - 1/2" REBAR WITH "BASELINE" CAP FOUND
 - 1/2" REBAR WITH "CHAPARRAL" CAP SET
 - IRON PIPE FOUND (SIZE NOTED)
 - CONTROL POINT
 - W.W.E. WASTEWATER EASEMENT
 - W.L.E. WATER LINE EASEMENT
 - S.D.E. SIGHT DISTANCE EASEMENT
 - D.E. DRAINAGE EASEMENT
 - A.E. ACCESS EASEMENT
 - P.U.E. PUBLIC UTILITY EASEMENT
 - () RECORD INFORMATION

CURVE	RADIUS	DELTA	ARC	BEARING	CHORD
C1	780.00'	16°08'13"	213.81'	N82°25'49"E	212.90'
C2	690.00'	0°44'38"	8.95'	N74°45'00"E	8.95'
C3	780.00'	0°51'58"	11.49'	S74°53'50"W	11.49'
C4	690.00'	16°08'13"	193.93'	S82°25'49"W	193.29'
C5	25.00'	93°08'18"	40.62'	S46°39'50"W	36.30'
C6	25.00'	97°05'15"	42.36'	S56°20'05"E	37.47'
C7	690.00'	7°54'08"	95.17'	S03°50'23"E	95.09'
C8	25.00'	94°05'38"	41.06'	S47°09'30"W	36.60'
C9	25.00'	90°32'47"	39.51'	N45°09'42"W	35.52'
C10	780.00'	7°54'08"	104.82'	N03°50'23"W	104.74'
C11	25.00'	93°18'18"	40.70'	N38°50'41"E	36.35'
C12	690.00'	4°58'35"	59.53'	N87°57'08"E	59.51'
C13	25.00'	89°41'15"	39.13'	S44°43'57"E	35.28'
C14	690.00'	13°15'24"	159.65'	S83°47'43"W	159.29'
C15	780.00'	15°10'45"	201.34'	S82°49'45"W	200.78'
C16	25.00'	90°18'45"	39.41'	N45°16'03"E	35.45'
C17	780.00'	13°15'24"	175.84'	N83°47'43"E	175.45'
C18	780.00'	3°27'20"	45.84'	N88°45'15"E	45.83'
C19	780.00'	12°38'53"	167.77'	N80°42'09"E	167.43'
C20	690.00'	0°20'37"	64.35'	S05°07'09"E	64.33'
C21	690.00'	1°14'47"	15.01'	S01°49'27"E	15.01'
C22	780.00'	1°18'58"	17.48'	S03°02'11"E	17.48'
C23	690.00'	1°14'44"	15.00'	S00°34'42"E	15.00'
C24	690.00'	0°04'00"	0.80'	S00°04'41"W	0.80'



Chaparral
Professional Land Surveying, Inc.
Surveying and Mapping

3500 McCall Lane
Austin, Texas 78744
512-443-1724
Firm No. 10124500

PROJECT NO.:
030-039
DRAWING NO.:
030-039-PL2
PLOT DATE:
09/24/15
PLOT SCALE:
1"=100'
DRAWN BY:
JDB/RCH

SHEET
01 OF 04

HAYS COMMERCE PHASE 2

A McKOWNE SURVEY
ABS NO. 32B

H068 (GRD COORDS)
N = 13931118.17
E = 2325165.63

H067 (GRD COORDS)
N = 13931112.45
E = 2326240.80

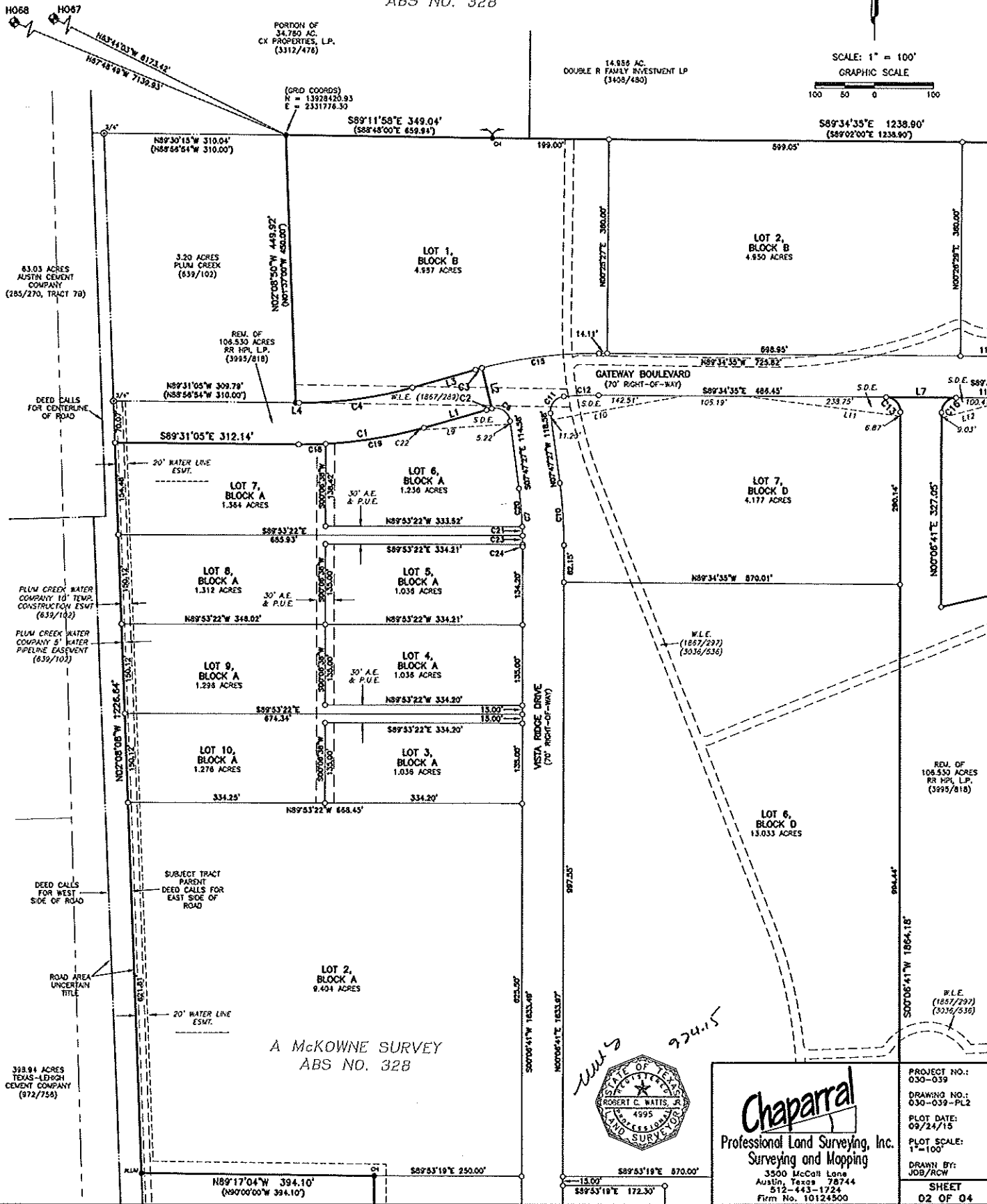
PORTION OF
34.780 AC.
CX PROPERTIES, LP.
(3312/476)

(GRD COORDS)
N = 13928420.93
E = 2331776.32

14.856 AC.
DOUBLE R FAMILY INVESTMENT LP
(3409/480)

SCALE: 1" = 100'
GRAPHIC SCALE
100 50 0 100

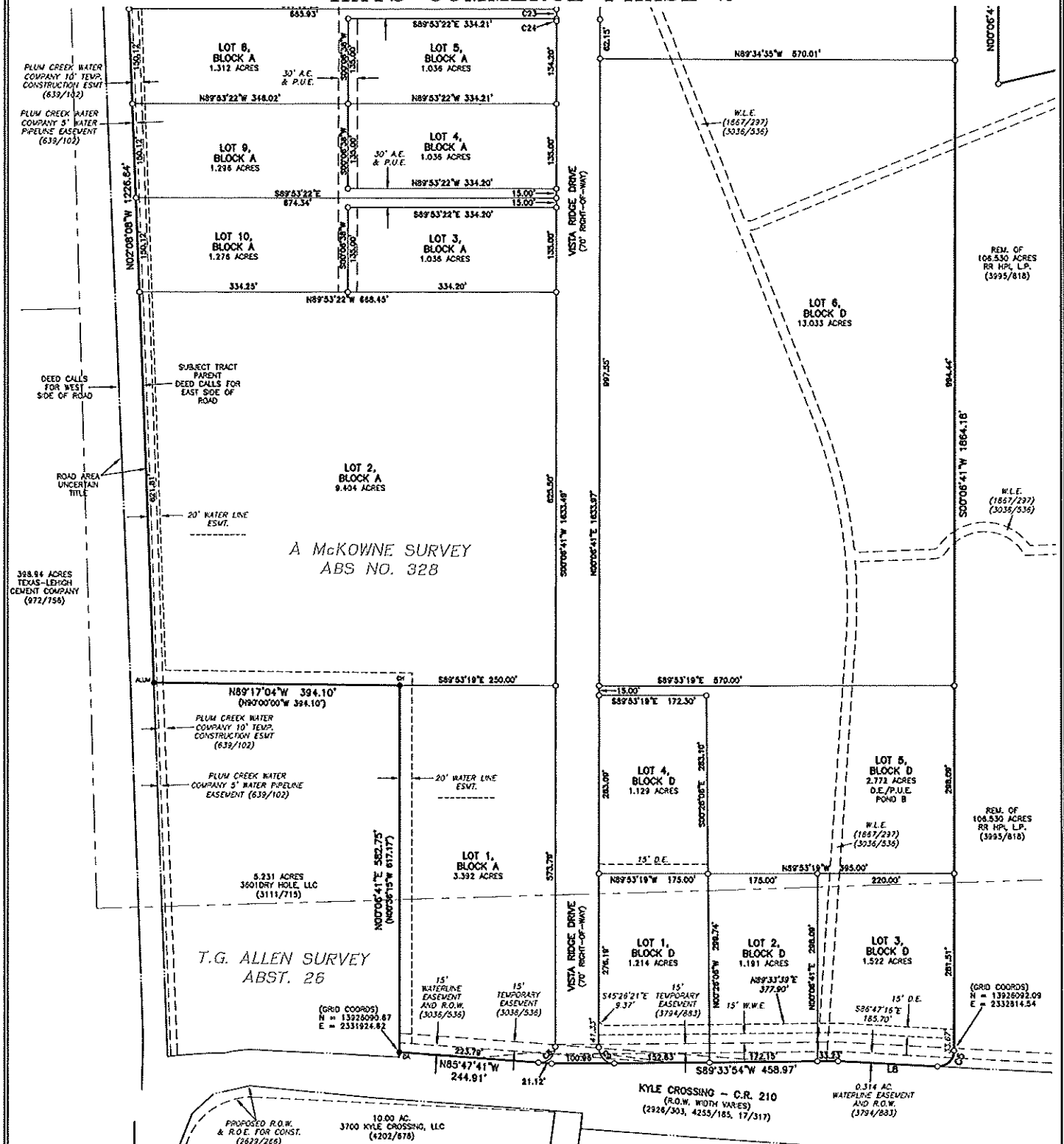
S89°34'35"E 1238.90'
(S89°02'00"E 1238.90')



Chaparral
Professional Land Surveying, Inc.
Surveying and Mapping
3500 McCall Lane
Austin, Texas 78744
512-443-1724
Firm No. 10124500

PROJECT NO.:
030-039
DRAWING NO.:
030-039-PL2
PLOT DATE:
09/24/15
PLOT SCALE:
1" = 100'
DRAWN BY:
JDB/RCW
SHEET
02 OF 04

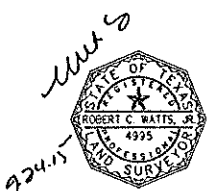
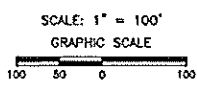
HAYS COMMERCE PHASE 2



A McKOWNE SURVEY
ABS NO. 328

T.G. ALLEN SURVEY
ABST. 26

THIS IS A SURFACE DRAWING.
 CHAPARRAL CONTROL POINT P241:
 ALUMINUM DISC SET IN CONCRETE
 SURFACE COORDINATES:
 N 13927834.3686
 E 2334121.6825
 TEXAS SOUTH CENTRAL ZONE (4204)
 STATE PLANE COORDINATES:
 N 13926538.8037
 E 2333904.1443
 COMBINED SCALE FACTOR = 0.99990650
 (FOR SURFACE TO GRID CONVERSION)
 INVERSE SCALE FACTOR = 1.0000932088
 (FOR GRID TO SURFACE CONVERSION)
 SCALED ABOUT 0.0
 TEXAS SOUTH CENTRAL ZONE 4204



Chaparral
 Professional Land Surveying, Inc.
 Surveying and Mapping
 3500 McCall Lane
 Austin, Texas 78744
 512-443-1724
 Firm No. 10124500

PROJECT NO.:
030-039
 DRAWING NO.:
030-039-PL2
 PLOT DATE:
09/24/15
 PLOT SCALE:
1" = 100'
 DRAWN BY:
JOB/RCW
 SHEET
03 OF 04

HAYS COMMERCE PHASE 2

OWNER'S ACKNOWLEDGMENT

STATE OF TEXAS
COUNTY OF TRAVIS

KNOW ALL MEN BY THESE PRESENTS:

THAT RR HPI, L.P., OWNER OF THAT CERTAIN 104.530 ACRE TRACT OF LAND IN THE ALEXANDER MCKINANE SURVEY, ABSTRACT NO. 328, THE N.M. GULIN SURVEY, ABSTRACT NO. 188, AND THE J.M. FRANKS SURVEY, ABSTRACT NO. 177, AND THE T.G. ALLEN SURVEY IN HAYS COUNTY, TEXAS, CONVEYED BY DEED OF RECORD IN VOLUME 3995, PAGE 818 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS;

DOES HEREBY PLAT 70.011 ACRES, BEING THE LAND CONVEYED IN THE AFORESTATED DEEDS AND SHOWN ON THIS PLAT, AND DESIGNATED HEREIN AS "HAYS COMMERCE PHASE 2" AND WHOSE NAME IS SUBSCRIBED HERETO, HEREBY DEDICATE TO THE USE OF THE PUBLIC FOREVER ALL STREETS AND EASEMENTS THEREON SHOWN FOR THE PURPOSE AND CONSIDERATION THEREIN EXPRESSED.

RR HPI, LP, A TEXAS LIMITED PARTNERSHIP

BY: RR HPI GP, INC., A TEXAS CORPORATION, GENERAL PARTNER

BY: Richard S. Hill
NAME: RICHARD S. HILL
TITLE: PRESIDENT

RR HPI, LP
THE CAPITAL OF TEXAS HIGHWAY
BLDG. B, SUITE 250
AUSTIN, TEXAS 78746

STATE OF TEXAS
COUNTY OF TRAVIS

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THE 5 DAY OF OCT 2015 BY
RICHARD S. HILL ON BEHALF OF RR HPI, LP.

My Office
NOTARY PUBLIC, STATE OF TEXAS



SURVEYOR'S CERTIFICATION:

STATE OF TEXAS
COUNTY OF TRAVIS

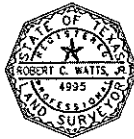
I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECT, THAT IT WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND, AND THAT ALL NECESSARY SURVEY MONUMENTS ARE CORRECTLY SET OR FOUND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

TO THE BEST OF MY KNOWLEDGE, THIS PLAT COMPLIES WITH ORDINANCE NO. 439 OF THE CITY CODE OF KYLE, ALL PLOTTABLE EASEMENTS OF RECORD AS FOUND ON THE TITLE POLICY ISSUED BY FIRST AMERICAN TITLE INSURANCE COMPANY, G.P. NO. 00102037, EFFECTIVE DATE SEPTEMBER 30, 2010, ISSUED TO THE OWNER OF THE PROPERTY, ARE SHOWN.

BEARING BASIS: GRID AZIMUTH FOR THE TEXAS SOUTH CENTRAL ZONE 1983/93 FROM GPS OBSERVATIONS.

DATE OF SURVEY: MAY 6, 2014.

10-2-15
ROBERT C. WATTS, JR., R.P.L.S. 4995
CHAPARRAL PROFESSIONAL LAND SURVEYING, INC.
3500 McCALL LANE
AUSTIN, TEXAS 78744
512-443-1724 T
512-399-0943 F
TBL'S FIRM NO. 10124500



ENGINEER'S CERTIFICATION:

STATE OF TEXAS
COUNTY OF TRAVIS

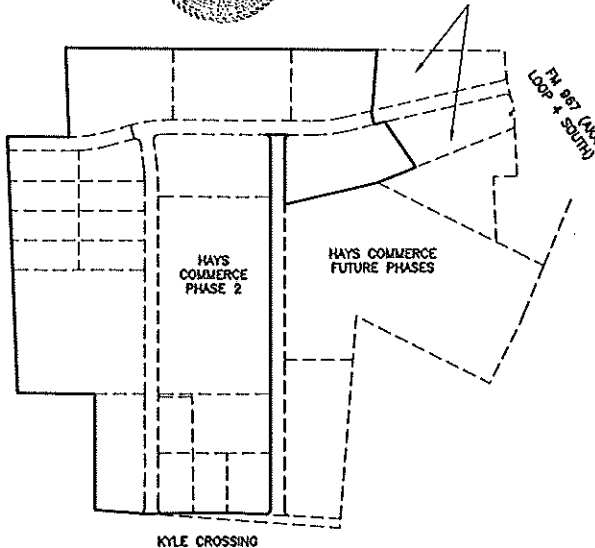
I, STEPHEN R. JAMISON, P.E., AN AUTHORIZED UNDER THE LAWS OF THE STATE OF TEXAS TO PRACTICE THE PROFESSION OF ENGINEERING, AND HEREBY CERTIFY THAT THIS PLAT IS FEASIBLE FROM AN ENGINEERING STANDPOINT, AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

THE TRACT SHOWN HEREON LIES WITHIN ZONE "X" (AREAS DETERMINED TO BE OUTSIDE 500-YEAR FLOOD-PLAIN), AS IDENTIFIED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, FEDERAL INSURANCE ADMINISTRATION, AS SHOWN ON MAP NO. 482060290F, DATED SEPTEMBER 2, 2005, FOR HAYS COUNTY, TEXAS AND INCORPORATED AREAS.

10/2/15
STEPHEN R. JAMISON, P.E. 86931
MANAHAN PRITCHARD ENGINEERING, INC.
TEXAS PE FIRM REG. NO. 416
8333 CROSS PARK DRIVE
AUSTIN, TEXAS 78754
(512) 459-4734



HAYS COMMERCE
PHASE 1



PLANNING AND ZONING COMMISSION CERTIFICATION:

STATE OF TEXAS
COUNTY OF HAYS

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

BY: _____
CHAIRPERSON

REVIEWED BY:

BY: _____
HARPER WILDER, PUBLIC WORKS DIRECTOR

REVIEWED BY:

LEON BARBA, P.E. DATE _____
CITY ENGINEER

GENERAL NOTES:

EASEMENTS ARE RESERVED AS FOLLOWS: A FIFTEEN (15) FOOT PUE IS HEREBY DEDICATED ADJACENT TO ALL STREET ROW. A FIVE (5) FOOT PUE IS HEREBY DEDICATED ALONG EACH SIDE LOT LINE AND A TEN (10) FOOT PUE IS HEREBY DEDICATED ADJACENT TO ALL REAR LOT LINES ON ALL LOTS.

THIS PLAN SHALL BE DEVELOPED IN COMPLIANCE WITH ORDINANCE 311 AND 338.

PERMIT APPROVAL FROM TxDOT SHALL BE REQUIRED FOR ANY DRIVEWAY AND STREET ACCESSING IN 33 NOT PREVIOUSLY PERMITTED BY TxDOT.

ELECTRIC UTILITY CONSTRUCTION ON A LOT SHALL BE INCLUDED IN THE SITE DEVELOPMENT PERMIT. ELECTRIC SERVICE TO EACH LOT SHALL BE UNDERGROUND.

TYPICAL LANDSCAPE MAINTENANCE, CUTTING AND TRIMMING, WITHIN THE SUBDIVISION, ALL EASEMENTS, DETENTION POND AND RIGHT OF WAYS TO THE PAVEMENT TO BE THE RESPONSIBILITY OF PROPERTY OWNERS AND/OR PROPERTY OWNERS ASSOCIATIONS.

SIDEWALKS, PEDESTRIAN CROSSINGS AND OTHER PUBLIC AMENITIES TO BE DEDICATED TO THE CITY OF KYLE SHALL MEET OR EXCEED ALL 2010 ADA STANDARDS OF ACCESSIBILITY DESIGN AND ALL CURRENT FEDERAL AND STATE LAWS REGARDING ACCESS FOR PEOPLE WITH DISABILITIES FOR TITLE II ENTITIES.

SITE DEVELOPMENT NOTE:

SITE DEVELOPMENT PLAN FOR EACH LOT SHALL BE SUBMITTED FOR REVIEW AND APPROVAL BY THE CITY OF KYLE IN ACCORDANCE WITH ORDINANCE 311 PRIOR TO ISSUANCE OF SITE DEVELOPMENT PERMIT.

SIDEWALK NOTE:

SIDEWALKS SHALL BE INSTALLED ON THE SUBDIVISION SIDE OF FM 987. THOSE SIDEWALKS NOT ABUTTING A RESIDENTIAL, COMMERCIAL OR INDUSTRIAL LOT SHALL BE INSTALLED WHEN THE ADJOINING STREET IS CONSTRUCTED. WHERE THERE ARE DOUBLE FRONTAGE LOTS, SIDEWALKS ON THE STREET TO WHICH ACCESS IS PROHIBITED AREA ALSO REQUIRED TO BE INSTALLED WHEN STREETS IN THE SUBDIVISION ARE CONSTRUCTED. (ORD. #439, ARTICLE V, SEC. 10; KYLE CODE)

DRAINAGE EASEMENT NOTE:

OBSTRUCTIONS WITHIN DRAINAGE EASEMENTS ARE PROHIBITED.

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.

COUNTY CLERK CERTIFICATION

STATE OF TEXAS
COUNTY OF HAYS

KNOW ALL MEN BY THESE PRESENTS:

THAT LIZ Q. GONZALEZ, CLERK OF HAYS COUNTY COURT, DOES HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT OF WRITING AND CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORD IN MY OFFICE ON

THE _____ DAY OF _____, 20____ A.D. IN THE PLAT RECORDS OF SAID COUNTY AND STATE IN PLAT CABINET _____ PAGE(S) _____ WITNESS MY HAND AND SEAL OF OFFICE OF THE COUNTY CLERK OF SAID COUNTY ON THIS THE _____ DAY OF _____, 20____ FRED FOR RECORD AT _____

O'CLOCK AM THIS THE _____ DAY OF _____, 20____ A.D.

LIZ Q. GONZALEZ, COUNTY CLERK

<p>Chaparral Professional Land Surveying, Inc. Surveying and Mapping 3500 McCall Lane Austin, Texas 78744 512-443-1724 Firm No. 10124500</p>	PROJECT NO.: 030-039
	DRAWING NO.: 030-039-PL2
	PLOT DATE: 10/02/15
	PLOT SCALE: 1"=100'
	DRAWN BY: JOB/RCW
SHEET 04 OF 04	

Property Location	1151 Goforth Road
Petitioner	William Melton, Warehouse Properties 2607 Walnut Hill Lane, Suite 101 Dallas, Texas 75229
Owner	Mike Pentecost 1151 Goforth Road Kyle, Texas 78640
Request	Rezone 5.1 acres from AG (Agriculture) to W (Warehouse)

Vicinity Map



The site is located at 1151 Goforth Road, which is approximately 375 feet southeast of the intersection of Goforth Road and Dacy Lane. The property, comprising 5.1 acres, is currently zoned AG (Agriculture), and is developed with a single-wide trailer structure near the center of the lot, and attached shed-style buildings of industrial architecture to the rear of that. The lot in question is located on the north side of Goforth; the adjacent lot to the northwest is zoned R/S (Retail/Service); the lots to the northeast and southeast are zoned AG. The property to the southwest, across Goforth Road, is zoned C/M (Construction/Manufacturing). These lots on this section of Goforth essentially

form the eastern boundary of an impromptu industrial/manufacturing district, as traveling further southeast along Goforth enters the viewer into a residential and rural agricultural area. The applicant seeks to rezone the subject property to W (Warehouse), a commercial zoning category crafted “to provide assembly, packaging, treatment, processing and manufacture of products that do not pose any materially potential hazard to persons and property outside the boundaries of the property”.

Conditions of the Zoning Ordinance

§53-1205 – Amendments

...

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

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

Comprehensive Plan Text

The subject site is located in the ‘New Town’ character area. In New Town, it is not recommended that W be approved, nor is it recommended in the neighboring Mid-Town and Super Regional communities.

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

New Town “Intent”: “The New Town District is designed to contain a horizontal mix of land uses that should be integrated across the area to express a cohesive community form. Many differing uses are encouraged throughout the District, but are distributed in autonomous land parcels instead of vertically aggregated in fewer land parcels. Horizontal mixed uses provide a transition to integrate the community form of New Town with surrounding communities, landscapes, and nodes. The purpose of the New

Town District is to harness economic development potential and establish its position as the sustainable center of surrounding growth. This District should provide economic support to Kyle based on locational advantages gained by access to growth advancing from south Austin and nodal developments on the northern side of Kyle. Mixed-use development should be encouraged, not only permitted, to maximize economic development. This can be achieved by aggregating appropriate densities in order to support a mixture of uses. Development patterns and employment opportunities should be created in the New Town District that do not conflict with the surrounding community fabric. Public spaces in this District should be used to preserve the character of ranch heritage, where appropriate.”

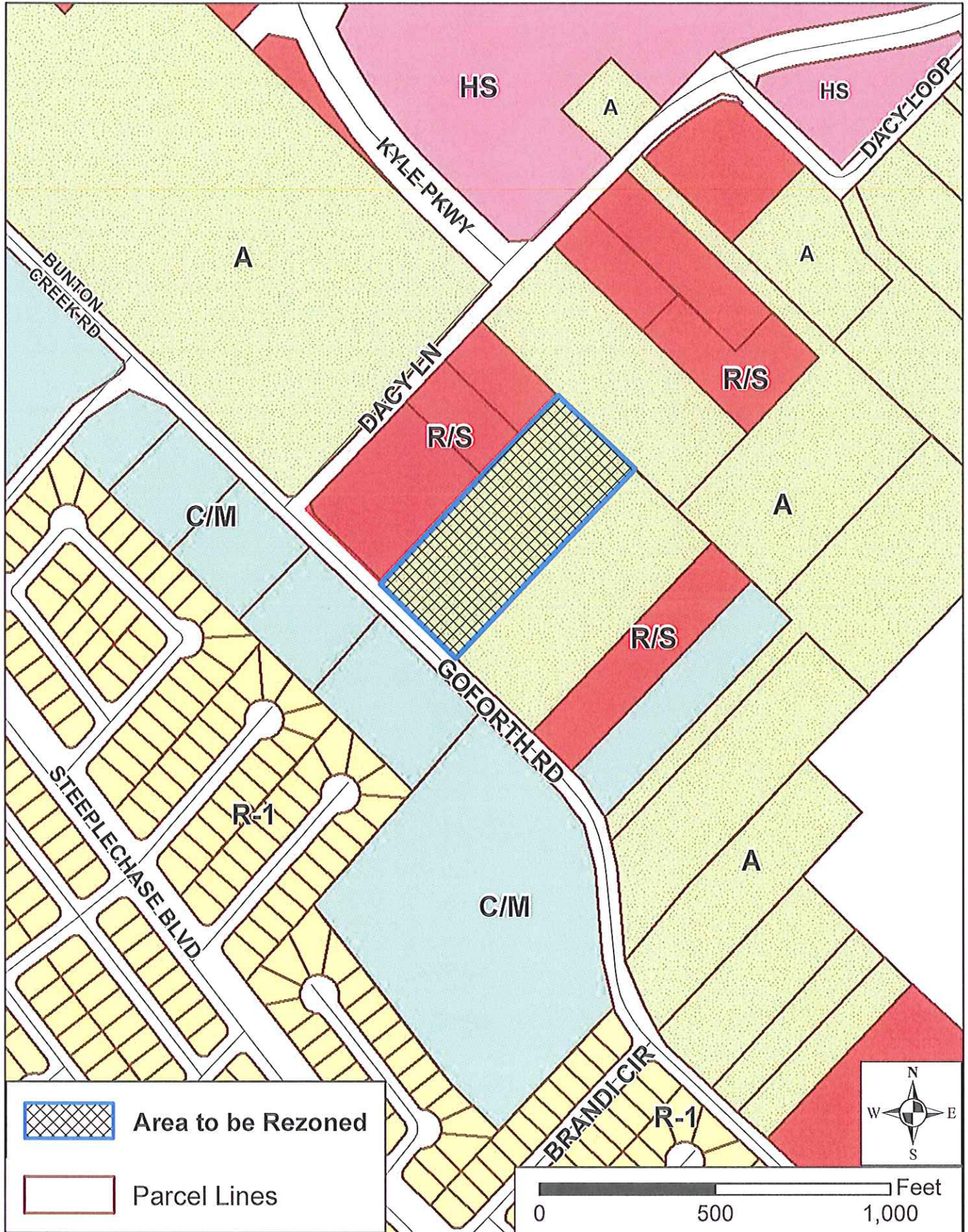
Recommendation

In this case, the W designation is completely appropriate for this area of the city, in light of the actual development pattern that is presenting itself along this corridor. This request should be considered favorably.

Attachments

- Application
- Letter of intent
- Zoning map of the subject vicinity

Exhibit B



APPLICATION & CHECKLIST - ZONING CHANGE

CITY OF KYLE

Zoning: Mike Pentecost

(Name of Owner)

(Submittal Date)

SEP 29 2015

INSTRUCTIONS: (Z-15-016)

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

REQUIRED ITEMS FOR SUBMITTAL PACKAGE:

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

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

Newspaper Publication Fee: \$190.21

Total Fee: 636.73

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

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

1. Zoning Request:

Current Zoning Classification: Agricultural

Proposed Zoning Classification: Warehouse

Proposed Use of the Property: Warehouse - Distribution

Acreage/Sq. Ft. of Zoning Change: Approximately 5.1 Acres

2. Address and Legal Description:

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

Street Address: 1151 Goforth Road, Kyle, Texas 78645

Subdivision Name/Lot & Block Nos.: Kyle Heights - Section 2 - Lot 18

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

3. Ownership Information:
Name of Property Owner(s): Mike Pentecost

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

Address of Owner: 1151 Goforth
Kyle, Texas 78640

Phone Number: 512.789.4344

Fax Number: _____

Email Number: mike.78640@earthlink.net

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

Signed: [Signature]

Date: 8/12/15

4. Agent Information:
If an agent is representing the owner of the property, please complete the following information:

Agent's Name: William Melton - Warehouse Properties

Agent's Address: 2607 Walnut Hill Lane, Suite 101
Dallas, Texas 75229

Agent's Phone Number: 214.634.7777 Ext. 25

Agent's Fax Number: 214.351.0211

Agent's Mobile Number: 214.558.3558

Agent's Email Number: will.melton@warehouseproperties.com

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

Owner's Signature: [Signature]

Date: 8/12/15

Do Not Write Below This Line
Staff Will Complete

Tax Certificates: County School City

Certified List of Property Owners Within 200'

CITY OF KYLE

All Fees Paid: Filing/Application Mail Out Costs

SEP 29 2015

Attached Map of Subject Property

Accepted for Processing By: *Shirley A. Green* Date: PLANNING DEPARTMENT

Date of Public Notification in Newspaper: 10/21/15

Date of Public Hearing Before Planning and Zoning Commission: 11/10/15

Date of Public Hearing Before City Council: 11/17/15 & 12/1/15

July 28, 2015

To RHW Investments, LLC,

This letter is to inform you that you have my permission to seek a zoning change for my property, 1151 Goforth Rd., in the pursuit of the approval from the City of Kyle of your development plans.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Pentecost". The signature is fluid and cursive, with the first name "Mike" and last name "Pentecost" clearly distinguishable.

Mike Pentecost
1151 Goforth Rd.
Kyle, TX. 78640



APARTMENT GLASS SPECIALISTS

September 23, 2015

City of Kyle - Zoning Board

RE: 1151 Goforth rezoning

I am requesting the rezoning of 1151 Goforth to develop a office/warehouse district for my company Ameristar Screen and Glass and similar companies. Ameristar has been in business since 1989 with current locations in Dallas, Houston and Atlanta, GA. You may explore our website at ameristarglass.com. We are currently expanding into the Austin/San Antonio markets and feel Kyle would be the perfect location for Ameristar. Ameristar currently has approximately 140 current employees and is looking forward to expanding our employee count with our Kyle location.

The Industrial Flex Warehouse Complex for 1151 Goforth has been planed to attract small to medium commercial companies. The complex will have approximately 50,000 sq.ft. of leasable space with concrete drives and yard space. It will contain insulated warehouse space with small office spaces The metal buildings will be constructed with a stone / brick front façade with landscaped green spaces. This will be a well maintained facility since we will be owner users for a portion of the space.

I look forward to a long business relationship with the City of Kyle and am anxious to get this project moving forward.

Regards

Richard Wood

Richard Wood
President

Notice:
Complete a separate certification for each signer

Notary's Certification

GF/ORDER NO.: 1518286-BUD

STATE OF Texas

COUNTY OF Dallas

I hereby certify, under penalty of perjury, that I am authorized to act as a Notary Public in and for the above County and State, and that, in performing my duties as a Notary Public, I have complied with all applicable state and local laws, and that I have been presented with original government issued identification that has not expired and that bears a photo or physical description and has a signature that matches the signature on the documents being executed herein.

*Please attach a copy of the identification presented.

I notarized the signature of: RICHARD H WOOD
(enter ONE name only)

Date of notarial act: 09/14/2015

Capacity of signer: _____ Individual
_____ Corporate Officer (Title: _____)
_____ Partner (_____ Limited/_____ General)
_____ Attorney-in-Fact for _____
_____ Trustee
_____ Guardian/Conservator for _____
_____ Executor/Legal Representative (Estate: _____)
_____ Administrator (Estate: _____)
 Other (i.e. Manager/Receiver) Managing Member

Identification used: PERSONALLY KNOWN

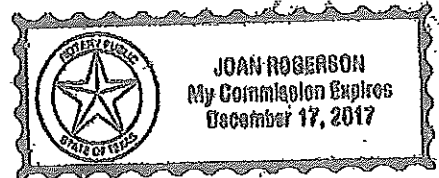
Title and Date of Document(s) executed: Loan Agreement, 09/14/2015

Joan Rogerson
Notary Public's signature

JOAN ROGERSON
Printed Name of Notary

2405 McIVER LN, CARROLLTON TX 75006
Printed Address of Notary

978.406.3200
Phone Number of Notary



**Note: This document is for internal purposes only, not to be recorded.



A. Settlement Statement (HUD-1)

OMB No. 2502-0265

B. Type of Loan				6. File Number	7. Loan Number	8. Mortgage Ins Case Number
1. <input type="checkbox"/> FHA	2. <input type="checkbox"/> RHS	3. <input checked="" type="checkbox"/> Conv Unins	4. <input type="checkbox"/> VA	1518266-BUD	10122183	
5. <input type="checkbox"/> Conv Ins.	6. <input type="checkbox"/> Seller Fin					
7. <input type="checkbox"/> Cash Sale.						
C. Note: This form is furnished to give you a statement of actual settlement costs. Amounts paid to and by the settlement agent are shown. Items marked "(p.o.s.)" were paid outside the closing; they are shown here for informational purposes and are not included in the totals.						
D. Name & Address of Borrower RHW Investments, LLC 2405 Melver Lane Carrollton, TX 75006		E. Name & Address of Seller Mike Pentecost 1151 Goforth Road Kyle, TX 78640		F. Name & Address of Lender Texas Bank and Trust Company 300 E. Whaley Longview, TX 75601		
G. Property Location SEE ATTACHED EXHIBIT A 1151 Goforth Road Kyle, TX 78640		H. Settlement Agent Name Independence Title 5900 Shepherd Mountain Cove Blgd 2, Ste 200 Austin, TX 78730 512-454-4500 Underwritten By National Investors Title Insurance Co Place of Settlement Independence Title 251 N FM 1579 P.O. Buda, TX 78610		I. Settlement Date 9/14/2015 Fund: 9/15/2015		

J. Summary of Borrower's Transaction	
100. Gross Amount Due from Borrower	
101. Contract sales price	
102. Personal property	
103. Settlement charges to borrower	
104.	
105.	
Adjustments for items paid by seller in advance:	
106. Property taxes	
107. City property taxes	
108. County property taxes	
109. School property taxes	
110. HOA Dues	
111. MUD Taxes	
112.	
113.	
114.	
115.	
116.	
120. Gross Amount Due From Borrower	
200. Amounts Paid By Or in Behalf Of Borrower	
201. Deposit or earnest money	
202. Principal amount of new loan(s)	
203. Existing loan(s) taken subject to	
204.	
205.	
206.	
207.	
208. Portion of Owner's Policy Paid by Seller	
209. Option Fee	
Adjustments for items unpaid by seller:	
210. Property taxes 01/01/15 thru 09/14/15	
211. City property taxes	
212. County property taxes	
213. School property taxes	
214. HOA Dues	
215. MUD Taxes	
216.	
217.	
218.	
219.	
220. Total Paid By/for Borrower	
300. Cash At Settlement From/To Borrower	
301. Gross Amount due from borrower (line 120)	
302. Less amounts paid by/for borrower (line 220)	
303. Cash To Borrower	

K. Summary of Seller's Transaction	
400. Gross Amount Due to Seller	
401. Contract sales price	
402. Personal property	
403.	
404.	
405.	
Adjustments for items paid by seller in advance:	
406. Property taxes	
407. City property taxes	
408. County property taxes	
409. School property taxes	
410. HOA Dues	
411. MUD Taxes	
412.	
413.	
414.	
415.	
416.	
420. Gross Amount Due to Seller	
500. Reductions in Amount Due to Seller	
501. Excess deposit (see instructions)	
502. Settlement charges to seller (line 1400)	
503. Existing loan(s) taken subject to	
504. Payoff to	
505. Payoff to	
506.	
507. (BMD \$30,000 Disbursed as Proceeds)	
508. Portion of Owner's Policy Paid by Seller	
509. Option Fee	
Adjustments for items unpaid by seller:	
510. Property taxes 01/01/15 thru 09/14/15	
511. City property taxes	
512. County property taxes	
513. School property taxes	
514. HOA Dues	
515. MUD Taxes	
516.	
517.	
518.	
519.	
520. Total Reduction Amount Due Seller	
600. Cash At Settlement To/From Seller	
601. Gross Amount due to seller (line 420)	
602. Less reductions in amt. due seller (line 520)	
603. Cash To Seller	

The Public Reporting Burden for this collection of information is estimated to average 35 minutes per response for collecting, reviewing, and reporting the data. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number. No confidentiality is assured; this disclosure is mandatory. This is designed to provide the parties to a RESPA covered transaction with information during the settlement process.

POC (B) - Paid Outside of Closing by Borrower. POC (S) - Paid Outside of Closing by Seller. POC (L) - Paid Outside of Closing by Lender.

L. Settlement Charges

700. Total Real Estate Broker Fees		Paid From	Paid From
Division of Commission (line 700) as follows:		Borrower's	Seller's
		Funds at	Funds at
		Settlement	Settlement
701. \$17,850.00	to ERA Colonial Real Estate		
702. \$17,850.00	to Warehouse Properties		
703. Commission Paid at Settlement		\$0.00	
704. The following persons, firms or	to		
705. corporations received a portion	to		
706. of the real estate commission amount	to		
	shown above		

800. Items Payable in Connection with Loan			
801. Origination charges		\$0.00	(from GFB #1)
802. Your credit or charge (points) for the specific rate chosen		\$0.00	(from GFB #2)
803. Your adjusted origination charges	to		(from GFB #4)
804. Appraisal Fee	to The Aealis Group, Inc.		(from GFB #3)
805. Credit report	to	\$2,000.00	(from GFB #3)
806. Tax service	to		(from GFB #3)
807. Processing Fee	to Texas Bank and Trust	\$475.00	(from GFB #3)

900. Items Required by Lender To Be Paid in Advance			
901. Daily interest charges from 9/15/2015 to 10/1/2015 @ \$0/day			(from GFB #10)
902. Mortgage Insurance Premium for months to			(from GFB #3)
903. Homeowner's Insurance for years to			(from GFB #11)

1000. Reserves Deposited With Lender			
1001. Initial Deposit for your escrow account		\$0.00	(from GFB #9)
1002. Homeowner's Insurance	months @	per month	
1003. Mortgage Insurance	months @	per month	
1004. Property taxes	months @	\$249.41 per month	
1005. City property taxes	months @	per month	
1006. County property taxes	months @	per month	
1007. School property taxes	months @	per month	
1008. MUD Taxes	months @	per month	
1009. HOA Dues	0 months @		
1010. Flood Insurance	0 months @		
1011. Aggregate Adjustment			

1100. Title Charges			
1101. Title services and lender's title insurance	to Independence Title Co.	\$392.00	(from GFB #4)
1102. Settlement or closing fee	to Independence Title Co.	\$250.00	
1103. Owner's title insurance	to Independence Title Co.		(from GFB #5)
1104. Lender's title insurance	to Independence Title Co.	\$100.00	
1105. Lender's title policy limit \$			
1106. Owner's title policy limit \$			
1107. Agent's portion of the total title insurance premium	to Independence Title Co.		
1108. Underwriter's portion of the total title insurance premium	to National Investors Title		
1109.	to		
1110.	to		
1111. Tax Certificate	to Texas Real Tax Services, Ltd.	\$43.30	(from GFB #4)
1112. Courier Fee	to Independence Title Co.	\$35.00	(from GFB #4)
1113. e-Recording	to Independence Title Co.	\$7.00	(from GFB #4)
1114. Doc Prep Fee Deed & Release	to Doyle Law Firm	\$150.00	
1115. Area & Boundary and T-1 OP	to Independence Title Co.	\$442.55	
1116. End T-19, Non-Rest & Avail and Avnd	to Independence Title Co.	\$361.70	

1200. Government Recording and Transfer Charges			
1201. Government recording charges		\$65.00	(from GFB #7)
1202. Deed \$30.00 ; Mortgage \$66.00 ; Release \$0.00	to Independence Title Co.	\$30.00	
1203. Transfer taxes			(from GFB #8)
1204. City/County tax/stamps	Deed \$0.00 ; Mortgage \$0.00		
1205. State tax/stamps	Deed \$0.00 ; Mortgage \$0.00		

1300. Additional Settlement Charges			
1301. Required services you can shop for			(from GFB #6)
1302. Property Taxes	to		
1303. Home Warranty	to		
1304. Survey	to Holt Carton, Inc.		
1305. MUD WCID Notice	to Texas Real Tax, Inc.		

1400. Total Settlement Charges (enter on lines 103, Section J and 502, Section IC)

POC (B) - Paid Outside of Closing by Borrower. POC (S) - Paid Outside of Closing by Seller. POC (L) - Paid Outside of Closing by Lender.

Comparison of Good Faith Estimate (GFE) and HUD-1 Charges	
Charges That Cannot Increase	HUD-1 Line Number
Your origination charge	# 801
Your credit or charge (points) for the specific rate chosen	# 802
Your adjusted origination charges	# 803
Transfer taxes	# 1203

Good Faith Estimate	HUD-1
\$0.00	\$0.00
\$0.00	\$0.00
\$0.00	\$0.00
\$0.00	\$0.00

Charges That in Total Cannot Increase More Than 10%	
Government recording charges	# 1201
Total	
Increase between GFE and HUD-1 Charges	

Good Faith Estimate	HUD-1
\$0.00	\$66.00
\$0.00	\$66.00
\$66.00	or 100%

Charges That Can Change	
Initial deposit for your escrow account	# 1001
Daily interest charges	# 901 \$0/day
Homeowner's insurance	# 903

Good Faith Estimate	HUD-1
\$0.00	\$0.00
\$0.00	\$0.00
\$0.00	\$0.00

Loan Terms

Your initial loan amount is	
Your loan term is	30 Years
Your initial interest rate is	%
Your initial monthly amount owed for principal, interest, and any mortgage insurance is	\$0.00 Includes <input type="checkbox"/> Principal <input type="checkbox"/> Interest <input type="checkbox"/> Mortgage Insurance
Can your interest rate rise?	<input checked="" type="checkbox"/> No. <input type="checkbox"/> Yes, it can rise to a maximum of 0%. The first change will be on and can change again every after. Every change date, your interest rate can increase or decrease by 0%. Over the life of the loan, your interest rate is guaranteed to never be lower than 0% or higher than 0%.
Even if you make payments on time, can your loan balance rise?	<input checked="" type="checkbox"/> No. <input type="checkbox"/> Yes, it can rise to a maximum of \$0.00
Even if you make payments on time, can your monthly amount owed for principal, interest, and mortgage insurance rise?	<input checked="" type="checkbox"/> No. <input type="checkbox"/> Yes, the first increase can be on and the monthly amount owed can rise to \$0.00. The maximum it can ever rise to is \$0.00.
Does your loan have a prepayment penalty?	<input checked="" type="checkbox"/> No. <input type="checkbox"/> Yes, your maximum prepayment penalty is \$0.00
Does your loan have a balloon payment?	<input checked="" type="checkbox"/> No. <input type="checkbox"/> Yes, you have a balloon payment of \$0.00 due in 0 years on
Total monthly amount owed including escrow account payments	<input checked="" type="checkbox"/> You do not have a monthly escrow payment for items, such as property taxes and homeowner's insurance. You must pay these items directly yourself. <input type="checkbox"/> You have an additional monthly escrow payment of that results in a total initial monthly amount owed of. This includes principal, interest, any mortgage insurance and any items checked below: <input type="checkbox"/> Property taxes <input type="checkbox"/> Homeowner's Insurance <input type="checkbox"/> Flood insurance <input type="checkbox"/> <input type="checkbox"/>

Note: If you have any questions about the Settlement Charges and Loan Terms listed on this form, please contact your lender.

I have carefully reviewed the HUD-1 Settlement Statement and to the best of my knowledge and belief, it is a true and accurate statement of all receipts and disbursements made on my account or by me in this transaction. I further certify that I have received a completed copy of pages 1, 2 and 3 of this HUD-1 Settlement Statement.

RHW Investments, LLC

Richard Wood
By *Michael M. ...*

Mike Pentecost

SETTLEMENT AGENT CERTIFICATION

The HUD-1 Settlement Statement which I have prepared is a true and accurate account of this transaction. I have caused the funds to be disbursed in accordance with this statement.

Settlement Agent	Date
Warning: It is a crime to knowingly make false statements to the United States on this or any other similar form. Penalties upon conviction can include a fine and imprisonment. For details see: Title 18 U.S. Code Section 1001 and Section 1010.	

**** Electronically Filed Document ****

Hays County Texas
Liz Q. Gonzalez
County Clerk

Document Number: 2015-15013887
Recorded As : ELECTRONIC RECORDING

Recorded On: May 11, 2015
Recorded At: 09:36:11 am
Number of Pages: 5
Book-VI/Pg: Bk-OPR VI-5209 Pg-535
Recording Fee: \$38.00

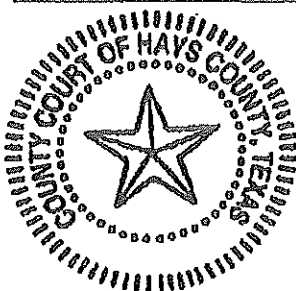
Parties:

Direct- PENTECOST MIKE
Indirect-

Receipt Number: 396785
Processed By: Lynn Curry

***** THIS PAGE IS PART OF THE INSTRUMENT *****

Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY because of color or race is invalid and unenforceable under federal law.



I hereby certify that this instrument was filed for record in my office on the date and time stamped hereon and was recorded on the volume and page of the named records of Hays County, Texas

Liz Q. Gonzalez

Liz Q. Gonzalez, County Clerk

STATUTORY CORRECTION AFFIDAVIT

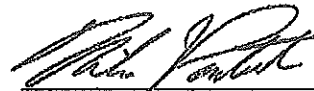
Date: ~~April~~ ^{May} ~~8~~ ⁸, 2015

Description of Original Instrument ("Original Instrument"):

Son Dau Trust was the Grantor, and Mike Pentecost was the Grantee in the Warrant Deed with Vendor's Lien, dated September 28, 1995, recorded in Volume 1180 Page 154 of the Official Public Records of Hays County, Texas.

Affiants declare under oath that the following statements are true and correct as matters of Affiant's personal knowledge:

1. "My name is Mike Pentecost. I am over the age of eighteen (18) years and qualified to make this Affidavit.
2. I have personal knowledge of the real property transaction of the Original Instrument.
3. I make this Affidavit as a correction instrument pursuant to TEX. PROPERTY CODE §§5.027—5.031 with regard to the following non-material error in the Original Instrument: Legal description was incorrect.
4. The Original Instrument is hereby corrected to read as follows with respect to the non-material error described above: The true and correct legal description is described on Exhibit "B."
5. I have given notice of this correction of the Original Instrument by sending a copy of this Correction Affidavit via USPS first-class mail to each party to the Original Instrument in accordance with TEX. PROPERTY CODE §5.028 (d)(2), as evidenced by the attached EXHIBIT "A".



Mike Pentecost



EXHIBIT "A"

Date: ~~April~~ ^{May} 8, 2015

To: Mike Pentecost
4610 Silverstone
Austin, Texas 78744

To: Brenda Swinney, Trustee of the Son Dau Trust
16070 Pearce Lane
Del Valle, Texas 78617

From: Enriqueta Reyes, Escrow Officer
205 Cimarron Park Loop, Suite B
Buda, Texas 78610

Re: GF#01247-36815
Statutory Correction Affidavit

To Whom It May Concern:

Enclosed herewith, please find a copy of a Statutory Correction Affidavit as a correction instrument pursuant to TEX. PROPERTY CODE Section 5.027-5.031 with regard to a non-material error in the original instrument. This notice is being sent in accordance with TEX. PROPERTY CODE Section 5.028(d)(2). This copy is for your records only. No action on your part is required.

If you should require anything further, please contact the undersigned.

Sincerely,

Enriqueta Reyes, Escrow Officer

Exhibit "B"

Deed of Trust

1180 751

THE STATE OF TEXAS,

COUNTY OF HAYS

KNOW ALL MEN BY THESE PRESENTS:

THAT MIKE PENTECOST DEED 388053

of TRAVIS County, Texas, hereinafter called Grantors (whether one or more) for the purpose of securing the indebtedness hereinafter described, and in consideration of the sum of TEN DOLLARS (\$10.00) to us in hand paid by the Trustee hereinafter named, the receipt of which is hereby acknowledged, and for the further consideration of the uses, purposes and trusts hereinafter set forth, have Granted, Sold and Conveyed, and by these presents do Grant, Sell and Convey unto SON DAU TRUST

BRENDA SWINNEY, Trustee, of TRAVIS County, Texas, and his substitutes or successors, all of the following described property situated in HAYS County, Texas, to-wit:

5.10 acres, Lot 18, Kyle Heights, Section II, as recorded in Volume 6, Pages 395 and 396 of Hays County, Texas Plat Records.

TO HAVE AND TO HOLD the above-described property, together with the rights, privileges and appurtenances thereto belonging unto the said Trustee, and to his substitutes or successors forever. And Grantors do hereby bind themselves, their heirs, executors, administrators and assigns to WARRANT AND FOREVER DEFEND the said premises unto the said Trustee, his substitutes or successors and assigns forever, against the claim, or claims, of all persons claiming or to claim the same or any part thereof.

This conveyance, however, is made in TRUST to secure payment of one certain promissory note of even date herewith in the principal sum of twenty thousand DOLLARS (\$20,000.00) executed by Grantors, payable to the order of Son Dau Trust, Brenda Swinney, Trustee

In the City of Del Valle Travis County, Texas as follows, to-wit:

In the principal sum of \$20,000.00 of even date herewith, executed by Grantor herein and each of them individually, bearing interest and being due and payable to the order of Beneficiary as provided therein until the full amount of the indebtedness evidenced by said note is paid, said note showing that the payment thereof is secured by a Vendor's Lien retained in a Deed from Beneficiary herein to the Grantor herein, and is additionally secured by a Lien of this Deed of Trust, which said Note and Deed are made a part hereof as fully as if set forth herein verbatim.

OFFICIAL PUBLIC RECORDS
Hays County, Texas

1180 754

WARRANTY DEED WITH VENDOR'S LIEN
Conforms to State Bar of Texas Form

Date: September 28, 1995

DOC# 388054

Grantor: Son Dau Trust

Grantor's Mailing Address (including county): 16070 Pearce Lane
Del Valle, Travis County, TX 78617

Grantee: Mike Pentecost

Grantee's Mailing Address (including county): 4610 Silverstone
Austin, Travis, County, TX 78744

Consideration: Ten Dollars and other valuable consideration to the undersigned paid by the grantee herein named, the receipt of which is hereby acknowledged, and the further consideration of the execution and delivery by grantee of Grantee's one certain promissory note of even date herewith, in the principal sum of Twenty thousand and 00/100 Dollars (\$20,000.00) payable to the order of Grantor and bearing interest as therein provided; containing the usual clauses providing for acceleration of maturity and for attorney's fees, the payment of which note is secured by the vendor's lien herein retained, and is additionally secured by a Deed of Trust of even date herewith to Son Dau Trust, Brenda Swinney, Trustee.

Property (including any improvements): Lot 18, Kyle Heights Section II, Hays County, Texas, more particularly described in Exhibit "A" attached hereto and made a part hereof.

Reservations from and Exceptions to Conveyance and Warranty:

This instrument is made and accepted subject to all restrictions, covenants, conditions, rights-of-ways, easements, and other documents, if any, affecting the above described property that are valid, existing and properly filed of record, and subject further to taxes for the year 1995 and subsequent years.

Grantor, for the consideration and subject to the reservations from, and exceptions to conveyance and warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and hold it to Grantee, Grantee's heirs, executors, administrators, successors, or assigns forever. Grantor binds Grantor and Grantor's heirs, executors, administrators, and successors to warrant and forever defend all and singular the property to Grantee and Grantee's heirs, executors, administrators, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the reservations from and exceptions to warranty.

The vendor's lien against and superior title to the property are retained until each note described is fully paid according to its terms, at which time this deed shall become absolute.

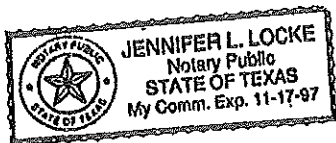
When the context requires, singular nouns and pronouns include the plural.

Brenda Swinney, Trustee
Brenda Swinney, Trustee
Son Dau Trust

(Acknowledgment)

State of Texas
County of HAYS

This instrument was acknowledged before me on the 28th of September, 1995, by Brenda Swinney.



Jennifer L. Locke
Notary Public, State of Texas

AFTER RECORDING RETURN TO:
Mike Pentecost
4610 Silverstone
Austin, TX 78744

(vlenf8.wrt)

Doc# 388054
Pages: 1
Date: 10-11-1995
Time: 03:55:52 P.M.
Filed & Recorded in
Official Records
of Hays County, TX.
MARTE T VILLALBA
COUNTY CLERK
Rec. \$ 9.00
OFFICIAL PUBLIC RECORDS
Hays County, Texas

1180 756

STATE OF TEXAS
COUNTY OF HAYS
I hereby certify that this instrument was FILED on
the date and at the time indicated herein by me and was duly
RECORDED, in the Volume and Page of the named RECORDS
of Hays County, Texas, as stamped hereon by me.

OCT 11 1935

Margie T. Villalpando



COUNTY CLERK
HAYS COUNTY, TEXAS

Myra Jean Depuy

DESCRIPTION OF 0.2438 OF ONE ACRE

DESCRIPTION OF 0.2438 OF ONE ACRE OR 10,622 SQUARE FEET OF LAND, MORE OR LESS, OUT OF LOT 18, KYLE HEIGHTS SECTION 2, A SUBDIVISION OF RECORD IN BOOK 6, PAGES 395-396, PLAT RECORDS, HAYS COUNTY, TEXAS, SAID LOT 18 DESCRIBED IN A DEED TO MIKE PENTECOST, OF RECORD IN VOLUME 1180, PAGE 754, OFFICIAL PUBLIC RECORDS, HAYS COUNTY, TEXAS; SAID 0.2438 OF ONE ACRE BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a calculated corner at the south corner of this tract, said Lot 18, and said Pentecost tract and the west corner of Lot 19, in said Kyle Heights Section 2 subdivision, said Lot 19 described in a deed to Moises Maldonado, of record in Volume 2590, Page 304, Official Public Records, Hays County, Texas, same being in the northeast line of Goforth Road (County Road 157), from which a 1/2" iron rod found with cap at the south corner of said Lot 19 and said Maldonado tract and the west corner of Lot 20, in said Kyle Heights Section 2 subdivision bears S45°56'26"E 300.83 feet, and said point of beginning having State Plane Coordinates (Texas South Central Zone, NAD83, U.S. Feet, Combined Grid to Surface Scale Factor of 1.00010) grid value of N=13,913,881.25 E=2,331,220.02;

THENCE, with the southwest line of this tract, said Lot 18, and said Pentecost tract and the northeast line of Goforth Road, N45°56'26"W 299.38 feet to a 1/2" iron rod found with cap at the west corner of this tract, said Lot 18, and said Pentecost tract;

THENCE, with the northwest line of this tract, said Lot 18, and said Pentecost tract, N43°41'53"E passing at 11.30 feet a calculated point at the south corner of Lot 17A, Kyle Heights Section 2, Replat of Lot 17, a subdivision of record in Book 16, Page 332, Plat Records, Hays County, Texas, said Lot 17A described in a deed to Armando Garcia and Ana Luisa Garcia, of record in Volume 1180, Page 759, Official Public Records, Hays County, Texas, continuing 23.93 feet for a total distance of 35.23 feet to a 1/2" iron rod set with a plastic cap at the north corner of this tract;

THENCE, with the northeast line of this tract, crossing said Lot 18 and said Pentecost tract, S46°02'11"E 299.38 feet to a 1/2" iron rod set with a plastic cap at the east corner of this tract, same being in the southeast line of said Lot 18 and said Pentecost tract and the northwest line of said Lot 19 and said Maldonado tract;

EXHIBIT A

0.2438 AC

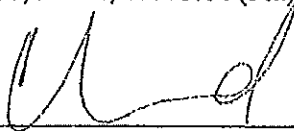
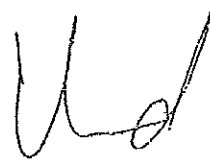
THENCE, with the southeast line of this tract, said Lot 18, and said Pentecost tract and the northwest line of said Lot 19 and said Maldonado tract, S43°41'53"W 35.73 feet to the POINT OF BEGINNING, and containing 0.2438 of one acre, or 10,622 square feet, more or less, contained within these metes and bounds.

Bearing Basis Note

The bearings described herein are Texas State Plane Grid bearings (Texas South Central Zone, NAD83 (CORS96). The Combined Grid to Surface Scale Factor is 1.00010) and was established by GPS observations.

SURVEYED BY:

McGRAY & McGRAY LAND SURVEYORS, INC.
3301 Hancock Dr., Ste. 6, Austin, TX 78731 (512) 451-8591



02/13/15

Chris Conrad, Reg. Professional Land Surveyor No. 5623

Date

Note: This copy of this description is not valid unless an original signature through an original seal appears on its face. There is a plat to accompany this description.

Descriptions 2015/Bunton/0.2438 ac
Issued 02/09/15, Revised 02/13/15

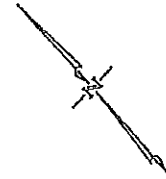
HCAD # 11-4627-0000-01800-2

SKETCH TO ACCOMPANY DESCRIPTION OF
0.2438 AC. OR 10,622 SQ. FT. OF LAND OUT OF
LOT 18, KYLE HEIGHTS SECTION 2
HAYS COUNTY, TEXAS.

RE: HAYS COUNTY

EXHIBIT A

LINE TABLE		
LINE	BEARING	LENGTH
L1	N43°41'53"E	35.23
L2	S43°41'53"W	35.73
L3	N43°41'53"E	11.30
L4	N43°41'53"E	23.93



SCALE 1" = 50'

KYLE HEIGHTS
SECTION 2
BK. 6, PGS. 395-396
P.R.H.C.

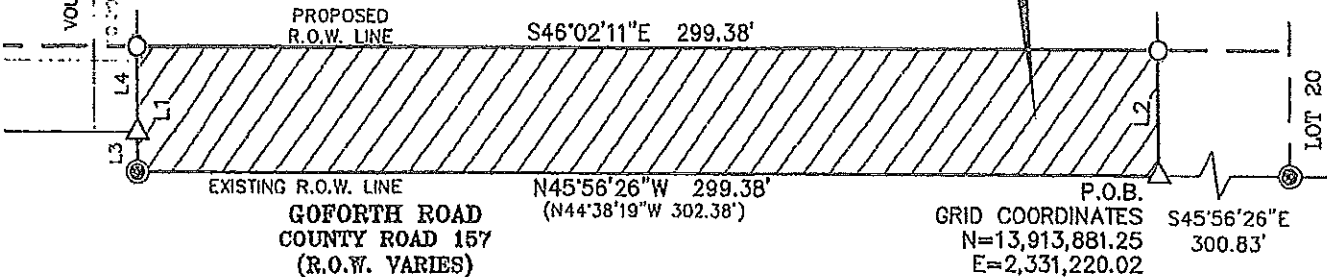
LOT 18
±5.10 AC.

MIKE PENTECOST
VOL. 1180, PG. 754
O.P.R.H.C.
LOT 18

PROPOSED R.O.W.
0.2438 AC. OR
10,622 SQ. FT.

(N45°00'00"E 738.13')
LOT 19
±5.10 AC.
MOISES MALDONADO
VOL. 2950, PG. 304
O.P.R.H.C.
LOT 19

KYLE HEIGHTS SECTION 2,
REPLAT OF LOT 17
BK. 16, PG. 332, P.R.H.C.
ARMANDO GARCIA AND
ANA LUISA GARCIA
VOL. 1180, PG. 759, O.P.R.H.C.
LOT 17A
2.86 AC.
LOT 18
±5.10 AC.
LOT 19
±5.10 AC.
LOT 20
±5.10 AC.



NOTES:
1. THE COORDINATE SHOWN HEREON IS BASED ON THE TEXAS STATE PLANE
COORDINATE SYSTEM, CENTRAL ZONE, NAD83 (CORS96) DATUM AND WAS
ESTABLISHED BY GPS OBSERVATION. THE BEARINGS SHOWN ARE GRID BEARINGS.
THE COMBINED GRID TO SURFACE SCALE FACTOR IS 1.00010. ALL DISTANCES
SHOWN ARE SURFACE DISTANCES.

- LEGEND**
- ⊙ 1/2" IRON ROD FOUND (UNLESS OTHERWISE NOTED)
 - ⊕ 1/2" IRON ROD FOUND CAPPED (UNLESS OTHERWISE NOTED)
 - 1/2" IRON ROD SET WITH CAP "MCGRAY MCGRAY"
 - △ CALCULATED POINT
 - (XXX) RECORD INFORMATION
 - ℙ PROPERTY LINE
 - P.O.B. POINT OF BEGINNING
 - P.R.H.C. PLAT RECORDS HAYS COUNTY
 - D.R.H.C. DEED RECORDS HAYS COUNTY
 - O.P.R.H.C. OFFICIAL PUBLIC RECORDS HAYS COUNTY

Chris Conrad
McGray & McGray

02/13/15

CHRIS CONRAD, REG. PROF. LAND SURVEYOR NO. 5623 DATE
Note: This copy of this plat is not valid unless an original signature
through an original seal appears on its face. There is a description to
accompany this plat.

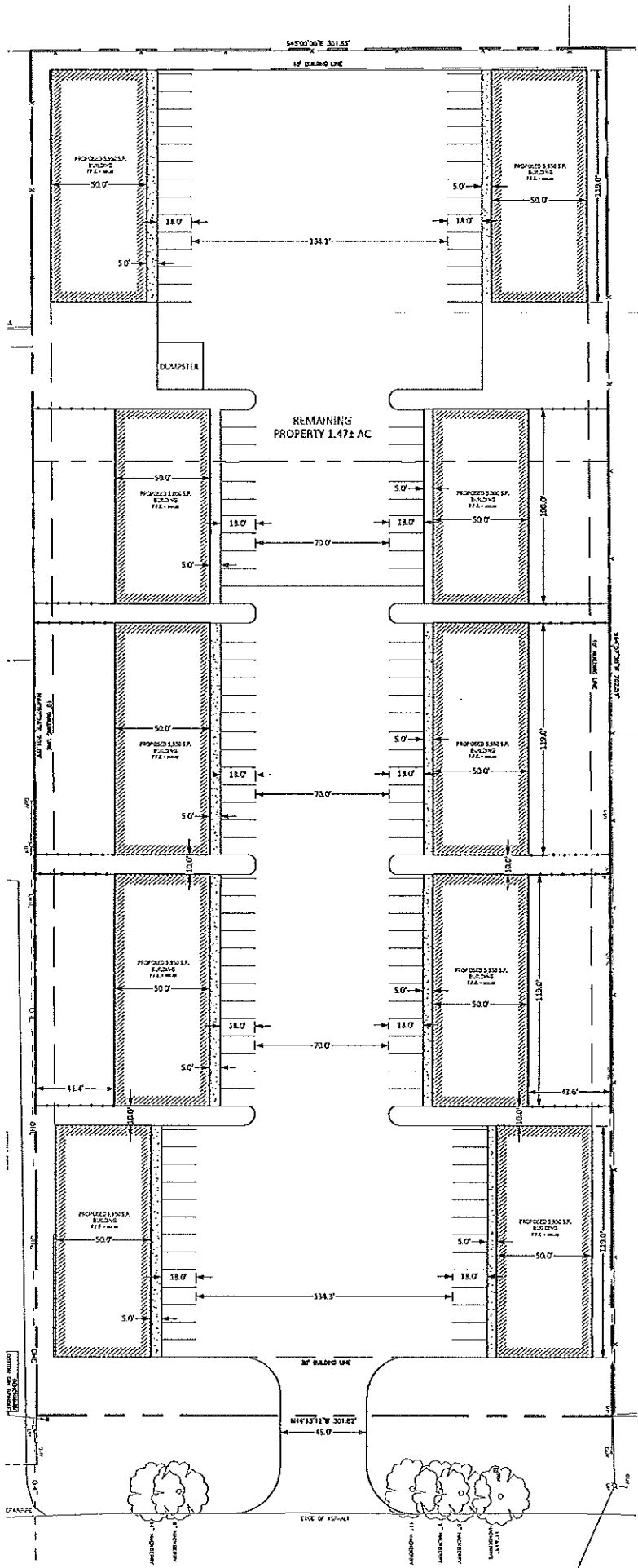
HCAD# 11-4627-0000-01800-2

M:\LJA~13-118~Bunton Creek Road\DWG\Parcels\Parcel 6~Pentecost--Rev1.dwg

ISSUED: 02/19/15 REVISED: 02/13/15
SURVEYED BY: PAGE 3 OF 3

McGRAY & McGRAY
LAND SURVEYORS, INC.
3301 HANCOCK DRIVE #6
AUSTIN, TEXAS 78731
(512) 451-8591

JOB NO.: 14-158



HAYS COUNTY ROAD NO. 157

Property Details	
Account	
Property ID:	R62683
Legal Description:	KYLE HEIGHTS SEC 2, Lot 18, SERIAL # MP221682, TITLE # CARE, LABEL # PFS363799, ACRES 5.1
Geographic ID:	11-4627-0000-01800-2
Agent Code:	
Type:	Real
Location	
Address:	1151 GOFORTH RD, KYLE, TX 78640
Map ID:	05792
Neighborhood CD:	KYHT
Owner	
Owner ID:	O525115
Name:	PENTECOST, MIKE
Mailing Address:	1151 GOFORTH RD KYLE, TX 78640
% Ownership:	100.0%
Exemptions:	HS - Homestead

Property Values	
Improvement Homesite Value:	\$54,510
Improvement Non-Homesite Value:	\$0
Land Homesite Value:	\$53,030
Land Non-Homesite Value:	\$0
Agricultural Market Valuation:	\$0
Market Value:	\$107,540
Ag Use Value:	\$0
Appraised Value:	\$107,540
HS Cap:	\$0
Assessed Value:	\$107,540

2015 Certified Values

DISCLAIMER: Information provided for research purposes only. Legal descriptions and acreage amounts are for appraisal district use only and should be verified prior to using for legal purpose and or documents. Please contact Hays Central Appraisal District at (512) 268-2522 to verify all information for accuracy.

Property Taxing Jurisdiction

Entity	Description	Market Value	Taxable Value
ACCD	AUSTIN COMMUNITY COLLEGE DIST	\$107,540	\$107,540
CAD	APPRAISAL DISTRICT	\$107,540	\$107,540
CKY	CITY OF KYLE	\$107,540	\$107,540
FHA	HAYS CO ES DIST #5	\$107,540	\$107,540
GHA	HAYS COUNTY	\$107,540	\$107,540
PCC	PLUM CREEK CONSERVATION DIST	\$107,540	\$107,540
RSP	SPECIAL ROAD	\$107,540	\$107,540
SHA	HAYS CISD	\$107,540	\$107,540
WPC	PLUM CREEK GROUND WATER CONSERVATION DISTRICT	\$107,540	\$107,540

Property Improvement - Building

Type: Mobile Home State Code: A2 Living Area: 1,216.00sqft Value: \$54,510

Type	Description	Class CD	Year Built	SQFT
MB	METAL BLDG		2010	1,650.00
MA	Main Area	MHSG	1995	1,216.00
BLDG	BUILDING		1999	900.00

Property Land

Type	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
A2	Mobile Home/land < 5 Ac	5.10				\$53,030	\$0

Property Roll Value History							
Year	Improvements	Land Market	Ag Valuation	Appraised	HS Cap	Assessed	
2016	N/A	N/A	N/A	N/A	N/A	N/A	
2015	\$54,510	\$53,030	\$0	\$107,540	\$0	\$107,540	
2014	\$54,510	\$44,190	\$0	\$98,700	\$0	\$98,700	
2013	\$51,560	\$44,190	\$0	\$95,750	\$0	\$95,750	
2012	\$51,560	\$44,190	\$0	\$95,750	\$0	\$95,750	
2011	\$51,560	\$44,190	\$0	\$95,750	\$0	\$95,750	
2010	\$33,630	\$44,190	\$0	\$77,820	\$0	\$77,820	
2009	\$36,760	\$44,190	\$0	\$80,950	\$0	\$80,950	
2008	\$36,760	\$43,480	\$0	\$80,240	\$0	\$80,240	
2007	\$36,760	\$43,480	\$0	\$80,240	\$4,796	\$75,444	

Property Deed History							
Deed Date	Type	Description	Grantor	Grantee	Volume	Page	Number
9/28/1995	CVD	CVD		PENTECOST, MIKE	1180	754	

2015 Certified Values

DISCLAIMER: Information provided for research purposes only. Legal descriptions and acreage amounts are for appraisal district use only and should be verified prior to using for legal purpose and or documents. Please contact Hays Central Appraisal District at (512) 268-2522 to verify all information for accuracy.

Property Location	1489 East RR 150
Owner/Petitioner	Sandra Nineth de Leon 1203 Uhland Road San Marcos, Texas 78666
Request	Rezone approximately 1 acre from AG (Agriculture) to M-2 (Manufactured Home Subdivision)

Vicinity Map



The site is located on the north side of the 1400 block of RR 150 East, between its intersections with Harvest Moon Parkway and New Country Road. The property is a land-locked remnant, 1,000' back from the 150 right of way, between the Sunset Ridge and Waterleaf communities. The lot takes access from a 30' wide access easement that accesses RR 150 E. The access easement is platted in the Waterleaf subdivision plat, and is zoned R-1-2, but the subject site is zoned AG. All the adjacent properties to the southeast are zoned R-1-2 (Waterleaf), and the properties to the northwest are zoned M-3 (Manufactured Home Park). The applicant seeks to rezone the 1-acre lot to

M-2 (Manufactured Home Subdivision), a residential zoning category intended to “be planned, used, approved, platted and occupied as a manufactured home subdivision with all lots sold and conveyed to individual lot owners.” Manufactured homes placed on land zoned M-2 must have a minimum of 1,200 square feet of living area.

Conditions of the Zoning Ordinance

§53-1205 – Amendments

...

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

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

Comprehensive Plan Text

The subject site is located in the ‘New Settlement’ character area. In New Settlement, it is recommended that the zoning districts allowable by right be limited to R-1-1, R-1-2, CC, and NC. M-2 is only recommended to be approved conditionally.

New Settlement “Character”: “Stretching over both Plum Creek and I-35, the New Settlement District is comprised primarily of farm fields and new residential developments that are being carved out of former farm fields. Northwest to southeast roadway patterns are strong, while northeast to southwest connections are lacking. Traditional residential enclaves predominate in the New Settlement District, aggregated in neighborhoods of unique housing forms. Private and public spaces are clearly separate, with the public domain defined by shared neighborhood amenities and the private domain defined by privatized landscapes. Public space is not encroached on by private functions. The New Settlement District has a lower density and intensity of development than the adjacent Mid-Town District, and the open character of the landscape should evoke the agricultural heritage of the District. Physical and visual partitioning and division of land should be avoided where possible in this District.”

New Settlement “Intent”: “The 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. The City of Kyle should seek to

capitalize on this "developability," while emphasizing community amenities, enhancing the neighborhood lifestyle through shared spaces, and improving connectivity within and without the District. The unique water features, such as creekways and detention/retention facilities, in the New Settlement District should be utilized as form-giving elements and corridors for connections. Use patterns should be established that complement residential development and facilitate beneficial land use transitions. In this way, the 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 District."

Recommendation

The parcel is a land-locked lot, roughly 104 feet wide and 417 feet wide. Although slightly narrow (1:4 ratio), the property will fit a manufactured home with the longest length of the home facing the front lot line, as per the city zoning ordinance. There is a precedent for manufactured homes to be located in the area, as an entire subdivision directly adjacent to the west-northwest is comprised of manufactured homes. There will be no appreciable harm to the public by instituting this land use, so for those reasons the application should be considered favorably.

Attachments

- Application packet
- Zoning map of the subject vicinity



M-3

M-3

M-3

M-3

M-3

M-3

M-3

M-3

M-3

R/S

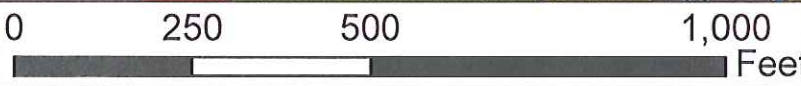
R/S

R/S

R-1-2

A

A



Legend

- ▶ Waste Water Lines
- WW manholes
- Water Lines

APPLICATION & CHECKLIST – ZONING CHANGE

Zoning: _____

SANDRA DE LEÓN
(Name of Owner)

10/05/2015
(Submittal Date)

INSTRUCTIONS:

(2-15-017)

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

REQUIRED ITEMS FOR SUBMITTAL PACKAGE:

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

- 1. Completed application form with owner's original signature.
- 2. Letter explaining the reason for the request.
- 3. Application fee: \$428.06, plus \$3.62 per acre or portion thereof.
Newspaper Publication Fee: \$190.21

CITY OF KYLE

OCT 05 2015

PLANNING DEPARTMENT

Total Fee: \$621.89

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

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

1. Zoning Request:

Current Zoning Classification: A
 Proposed Zoning Classification: M-2
 Proposed Use of the Property: MOBILE HOME
 Acreage/Sq. Ft. of Zoning Change: 1 ACRE

2. Address and Legal Description:

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

Street Address: 1489 E FM 150 KYLE TEXAS

Subdivision Name/Lot & Block Nos.: _____

Property Recording Information:
Volume/Cabinet No. _____

Hays County

Page/Slide No. _____

3. Ownership Information:

Name of Property Owner(s):

SANDRA NINETH DE LEÓN

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

Address of Owner:

1203 UHLAND RD, ^{TEL. 25} SAN MARCOS TEXAS 78666

Phone Number:

512 5571091

Fax Number:

Email Number:

gstiones@yahoo.com

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

Signed:

Date:

4. Agent Information:

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

Agent's Name:

Agent's Address:

Agent's Phone Number:

Agent's Fax Number:

Agent's Mobile Number:

Agent's Email Number:

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

Owner's Signature:

Date:

Do Not Write Below This Line
Staff Will Complete

Tax Certificates: County School City

Certified List of Property Owners Within 200'

CITY OF RYLE

All Fees Paid: Filing/Application Mail Out Costs

OCT 05 2015

Attached Map of Subject Property

Accepted for Processing By: Hebbie A. Juma

Date: PLANNING DEPARTMENT

Date of Public Notification in Newspaper: 10/21/15

Date of Public Hearing Before Planning and Zoning Commission: 11/10/15

Date of Public Hearing Before City Council: 11/17/15 + 12/1/15

OCTOBER 05, 2015

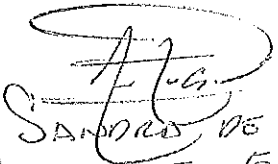
TO WHOM IT MAY CONCERN:

I SANDRA DE LEÓN AS THE OWNER OF THE PROPERTY
WITH A QUICK-REFERENCE P. 12639 10-0021-0048-00000-2
IN THE STREET ADDRESS: E FM 150 KYLE TEXAS 78640,

I NEED TO BE ASSIGNED THE ADDRESS TO THE
PROPERTY TO CONNECT THE MAIN SERVICES, THE PROPERTY
WILL BE USED AS A LIVING PLACE.

I HOPE YOU CAN CONSIDER MY APPLICATION AND NOTIFY
ME YOUR ANSWER.

GRATEFUL,


SANDRA DE LEÓN
CELLPHONE 512 5571091
E-MAIL: gstiones@yahoo.com

HAYS CENTRAL APPRAISAL DISTRICT
21001 IH 35
KYLE, TEXAS 78640
512-268-2522
www.hayscad.com

2015 NOTICE OF APPRAISED VALUE

This is NOT a Tax Bill

Date: 05/01/2015

6104 1 AV 0.381*****AUTO**5-DIGIT 78612 5DGS 1 FT 21



DE LEON SANDRA NINETH
 2799 FM 1966
 MAXWELL TX 78656-4518

QuickRef#: (Refer to this # when inquiring about your property)
 R12639 10-0021-0048-00000-2
Street Address:
 E FM 150 KYLE TX 78640
Property Description:
 ABS 21 MILTON B ATKINSON SURVEY 1.00 AC
 GEO#90621937

DBA:

Dear Property Owner:

We have appraised the property listed above for the 2015 tax year. Based on the appraisal date of January 1 of this year, the appraisal is as follows:

Appraised Information	Tax Year 2010	2010/2015 % Difference	Last Year	Proposed This Year
Land's Market Value	12,500		12,500	15,000
Agricultural Market Value	0		0	0
Agricultural Productivity Value	0		0	0
Improvements (Buildings) Appraised Value	0		0	0
Personal Property Appraised Value	0		0	0
Mineral Interest Appraised Value	0		0	0
Total Market Value of this Property	12,500		12,500	15,000
Total Appraised Value (with Homestead Limit) **	12,500	20 %	12,500	15,000
Exemptions				

Last Year's Taxable	Taxing Units	Proposed Appraised	Proposed Exemptions	Proposed Taxable (Less Exemptions)	Last Year's Tax Rate	Proposed Tax Estimate
12,500	AUSTIN COMMUNITY COL	15,000	0	15,000	0.094200	14.13
12,500	CITY OF KYLE	15,000	0	15,000	0.538300	80.75
12,500	HAYS CO ES DIST #5	15,000	0	15,000	0.100000	15.00
12,500	HAYS COUNTY	15,000	0	15,000	0.425200	63.78
12,500	PLUM CREEK CONSERVAT	15,000	0	15,000	0.022000	3.30
12,500	SPECIAL ROAD	15,000	0	15,000	0.043800	6.57
12,500	HAYS CISD	15,000	0	15,000	1.537700	230.66
12,500	PLUM CREEK GROUND WA	15,000	0	15,000	0.022000	3.30
	TOTAL					417.49

The above tax estimates use last year's tax rate for the taxing units. The governing body of each taxing unit listed on this notice decides whether property taxes increase. The appraisal district only determines property values.

The Texas Legislature does not set the amount of your local taxes. Your property tax burden is decided by your locally elected officials, and all inquiries concerning your taxes should be directed to those officials.

*If you are 65 or older or disabled and received the \$10,000 school tax exemption on your home last year from the school listed above, your school taxes for this year will not be higher than when you first received the exemption on this home. If your county or city has approved a limitation on your taxes, your county or city taxes will not be higher than the first year your county or city approved the limitation or the first year you qualified for the limitation. If you have improved your property (by adding rooms or buildings), your school tax ceiling may increase for improvements. If you are a surviving spouse age 55 or older, you may retain the tax ceiling.

**Your residence homestead is protected from future appraisal value increases in excess of 10% of the appraised value of the property for the preceding tax year plus the value of any new improvements.

Contact the appraisal office if you disagree with this year's proposed value for your property or if you have any problems with the property description or address information. If the problem cannot be resolved, you have the right to schedule a hearing with the Appraisal Review Board (ARB) by filing a WRITTEN protest with the board. You may either use the form provided or prepare a letter (including your name, your property's description, and any appraisal office actions with which you disagree). Your protest must be delivered by mail to the address above or in person at the appraisal district office before the protest deadline.

If you have any questions or need more information, please contact the appraisal office at the phone number or address listed above.

Sincerely,
 David G Valle, RPA
 Chief Appraiser

Enclosure

Protest Deadline: 06/01/2015
ARB Hearings Begin: 06/02/2015
Location of ARB Hearings: 21001 IH 35, KYLE TX.

Hays County
Liz Q. Gonzalez
County Clerk
San Marcos, Texas 78666



70 2013 13032092

Instrument Number: 2013-13032092

Recorded On: September 20, 2013
As
OPR RECORDINGS

Parties: RIVAS DELLOYD
To DE LEON SANDRA NINETH

Billable Pages: 3
Number of Pages: 4

Comment:

(Parties listed above are for Clerks reference only)

**** Examined and Charged as Follows: ****

OPR RECORDINGS	34.00
Total Recording:	34.00

***** DO NOT REMOVE. THIS PAGE IS PART OF THE INSTRUMENT *****

Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY because of color or race is invalid and unenforceable under federal law.

File Information:

Document Number: 2013-13032092
Receipt Number: 348907
Recorded Date/Time: September 20, 2013 10:45:19A
Book-Vol/Pg: BK-OPR VL-4755 PG-488
User / Station: A Herzog - Cashiering #3

Record and Return To:

HC KYLE III
ATTORNEY AT LAW
110 NORTH LBJ DR
SAN MARCOS TX 78666



State of Texas |
County of Hays

I hereby certify that this instrument was filed for record in my office on the date and time stamped hereon and was recorded on the volume and page of the named records of Hays County, Texas

Liz Q. Gonzalez
Liz Q. Gonzalez, County Clerk

NOTICE OF CONFIDENTIALITY RIGHTS:
IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

WARRANTY DEED WITH VENDOR'S LIEN

Date: July 16, 2013

Grantor: DeLLOYD RIVAS

Grantor's Mailing Address: 1130 Hwy. 123
San Marcos, Texas 78666
in Hays County

Grantee: SANDRA NINETH De LEON

Grantee's Mailing Address: 2799 FM 1966
Maxwell, Texas 78656
in Caldwell County

Consideration:

TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration, the receipt of which is hereby acknowledged and for which no lien, express or implied, is retained, and a note of even date executed by Grantee and payable to the order of Grantor in the principal amount of TWENTY-FOUR THOUSAND FIVE HUNDRED AND NO/100 DOLLARS (\$24,500.00). The note is secured by a first and superior vendor's lien and superior title retained in this deed and by a first-lien deed of trust of even date from Grantee to H.C. KYLE, III, Trustee.

Property (including any improvements):

All of that certain tract or parcel of land situated in Hays County, State of Texas, consisting of 1.00 acre of land and being a part of the M.B. Atkinson Survey and being also a part of a 200.52 acre tract of land conveyed to Walter Schmeltekopf by Emil Schmeltekopf by deed recorded in Volume 166, Page 31, of the Deed Records of Hays County, Texas, said 1.00 acre tract being more particularly described by metes and bounds in Exhibit "A" attached hereto;

TOGETHER WITH a non-exclusive perpetual 30 foot access easement for right-of-way only, over and across the 30 foot strip, as more fully described in Exhibit "A" attached hereto.

Reservations from Conveyance: None.

Exceptions to Conveyance and Warranty:

Liens described as part of the Consideration and any other liens described in this deed as being either assumed or subject to which title is taken; validly existing easements, rights-of-way, and prescriptive rights, whether of record or not; all presently recorded and validly existing instruments, other than conveyances of the surface fee estate, that affect the Property; and taxes for the year 2013 and subsequent years, which Grantee assumes and agrees to pay.

Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever. Grantor binds Grantor and Grantor's heirs and successors to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

The Vendor's Lien against and Superior Title to the Property are retained until the note assumed by Grantee has been fully paid according to its terms, at which time this deed will become absolute. Holder's release of the assumed liens will release this Vendor's Lien without the joinder of Grantor.

When the context requires, singular nouns and pronouns include the plural.


DeLLOYD RIVAS

STATE OF TEXAS

COUNTY OF HAYS

§
§
§

This instrument was acknowledged before me on this the 5th day of September, 2013, by DeLLOYD RIVAS.




Notary Public - State of Texas

PREPARED IN THE LAW OFFICE OF:

H.C. Kyle, III
Attorney at Law
118 North LBJ Drive
San Marcos, Texas 78666

CLAUDE HINKLE SURVEYORS

REGISTERED PUBLIC SURVEYORS
LOCKHART, TEXAS 78644CLAUDE F. HINKLE
P. O. BOX 1087CLAUDE F. HINKLE, JR.
TELEPHONE 508-2008

FIELD NOTES

All of a certain tract or parcel of land situated in Hays County, State of Texas and being a part of the M.B. Atkinson Survey and being also a part of a 200.52 acre tract of land conveyed to Walter Schaeltekopf by Emil Schaeltekopf by deed recorded in Volume 166, Page 31 of the Deed Records of Hays County, Texas and being more particularly described as follows:

BEGINNING at an iron pin set in the NW line of the above mentioned 200.52 acre tract for the West corner this tract and from which iron pin the West corner of the said 200.52 acre tract bears S 45 degrees 51 minutes W 1063.33 feet.

THENCE N 45 degrees 23 minutes E 417.56 feet to an iron pin set in the NW line of the said 200.52 acre tract for the North corner this tract.

THENCE S 43 degrees 13 minutes E 104.35 feet to an iron pin set for the East corner this tract.

THENCE S 45 degrees 23 minutes W 417.56 feet to an iron pin set for the South corner this tract.

THENCE N 43 degrees 13 minutes W 104.35 feet to the place of beginning containing 1.00 acres of land.

EASEMENT

BEGINNING at an iron pin found in the intersection of the NW line of the above mentioned 200.52 acre tract and the NE line of F-M #150.

THENCE N 45 degrees 51 minutes E 1033.63 feet to an iron pin set in the West corner of the above described 1.00Acre tract.

THENCE S 43 degrees 13 minutes E with the SW line of the said 1.00 acre tract 30.0 feet.

THENCE S 45 degrees 51 minutes W 1033.51 feet to a point in the NE line of F-M #150.

THENCE N 44 degrees 08 minutes W 30.00 feet to the place of beginning.

I hereby certify that the foregoing field notes are a true and correct description of a survey made on the ground by me on August 27, 1984.


Claude F. Hinkle, RPS #1612

Clerks Note: At the time of recordation, this instrument was found to be inadequate for the best reproduction, because of illegibility, carbon photocopy, discolored paper, etc. All blackouts, additions and changes were present at the time the instrument was filed.

EXHIBIT "A"



CITY OF KYLE

Community Development Department



MEMORANDUM

TO: Planning Commission

FROM: Howard J. Koontz, AICP – Community Development Director

DATE: November 10, 2015

SUBJECT: Conditional Use, I-35 Overlay District – Comfort Suites

PURPOSE OF APPLICATION

The purpose of overlay districts is to maintain a high character and quality of community development, to promote compatible uses and standards, to preserve and enhance property values, to promote economic growth, to provide for orderly development, to provide for proper movement of traffic, and to secure the general safety of citizens by regulating the exterior architectural characteristics of structures and the characteristics of the property as a whole throughout each of the conditional use overlay districts. This purpose shall be served by the regulation of exterior design, use of materials, the finish grade line, ingress and egress, and landscaping and orientation of all structures hereinafter altered, constructed, reconstructed, reacted, enlarged, remodeled, removed, or demolished.

REQUEST

The applicant is seeking to construct a 71-room, three-story hotel.

LOCATION

The property is located in 'The Kyle Crossing' shopping center, at the corner of Kyle Center Drive and Physician's Way, on a parcel directly adjacent to the south of the Target department store.

OVERLAY DISTRICT

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

STAFF ANALYSIS

Staff has reviewed the request and has made the following findings:

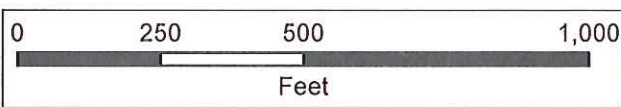
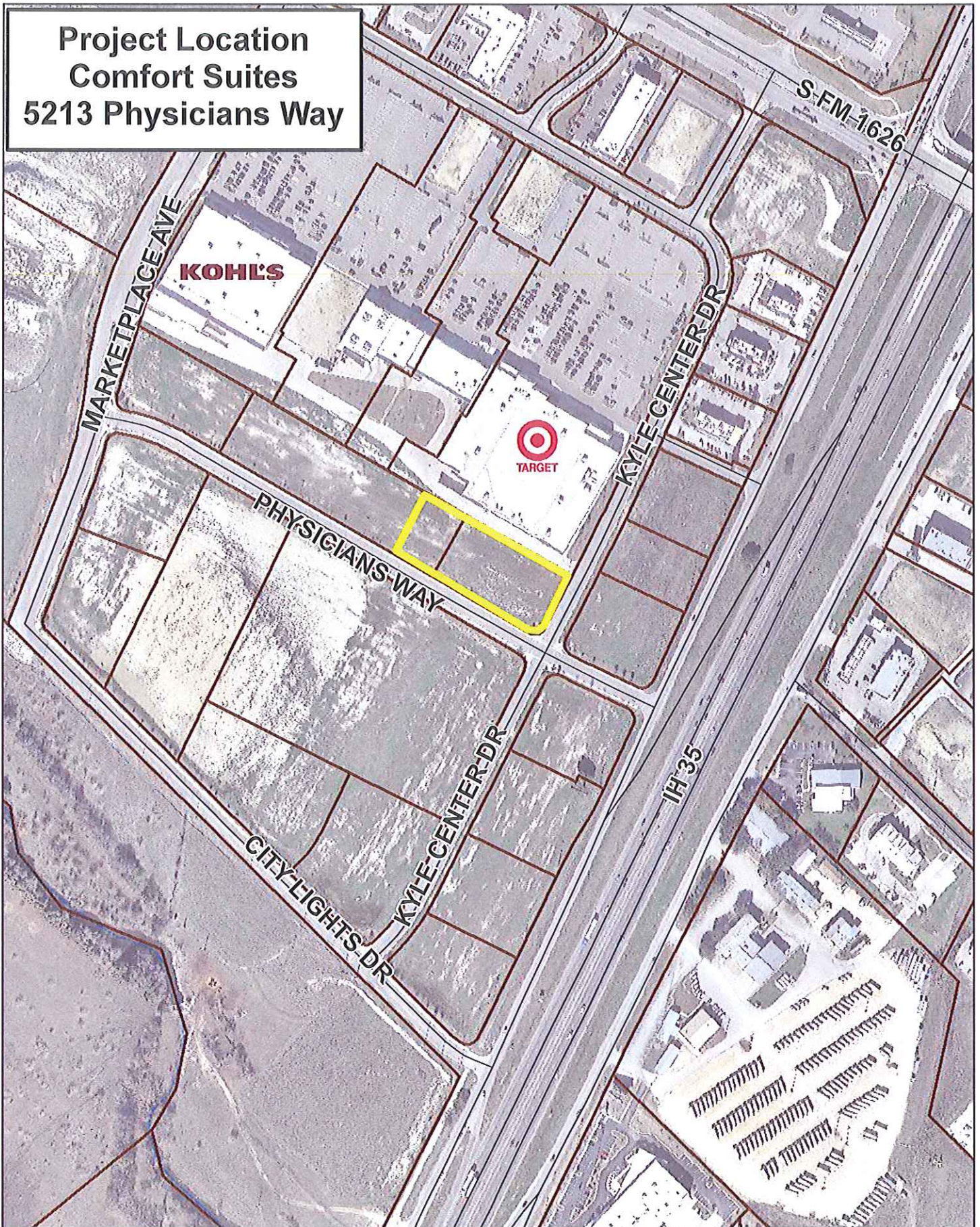
1. The drawings provided do not indicate what materials will be used in what fashion on the building exterior. More details can and should be provided to the commission before a recommendation can be reasonably decided upon.

It should be noted that the architecture and landscape design of the Kyle Crossing shopping center is conditioned by development agreement between the city and the original developer of the center. The relevant portions of that agreement are attached to this memo.

ATTACHMENTS

1. Application submittal
2. Exterior elevations
3. Site plan
4. Exhibit 'B' (pps. 1-6) of the Kyle Crossing development agreement.

**Project Location
Comfort Suites
5213 Physicians Way**



 Property Boundary

 Parcel Lines

CONDITIONAL USE PERMIT APPLICATION

A Conditional Use Permit shall be required prior to any existing structure within one of the Overlay Districts being altered, reconstructed, enlarged, or remodeled for a commercial, retail, or business use, which altering or remodeling would increase or decrease the total gross building area by fifty percent (50%) or more; and if such work requires any additional curb cut, or the reconstruction, enlargement, remodeling, or alteration of the exterior design, material, finish grade line, landscaping, or orientation of the structure.

CITY OF KYLE

Date: 10/29/2015

OCT 29 2015

(CUP-15-007)

PROJECT INFORMATION

PLANNING DEPARTMENT

Project Name: <u>COMFORT SUITES</u>	
Project address: <u>5213 PHYSICIANS WAY</u>	
Subdivision: <u>KYLE MARKETPLACE SECTION 2</u>	
Lot: <u>5A</u>	Block: <u>G</u> Section:
Zoning: <u>RS</u>	Square Footage of Building: <u>46,768</u>

APPLICANT INFORMATION

Owner's Name: <u>RAMESH PATEL, Manager, NEO HOSPITALITY LLC</u>	
Owner's Signature: <u>R Patel</u>	Date: <u>10/20/2015</u>
Address: <u>12402 PACKARD BEND TRL, HOUSTON, TX 77089</u>	
Phone: <u>510-565-2503</u>	Fax: E-mail: <u>RAMESH.PATEL@QMARL.COM</u>
Please Note: The signature of the owner authorizes City of Kyle staff to visit and inspect the property for which this application is being submitted.	
(Check One)	
<input type="checkbox"/> I will represent my application.	
<input checked="" type="checkbox"/> I hereby authorize the person named below to act as my agent in processing this application.	
Agent: <u>Darrel Kotzur - Crosspoint Engineering</u>	
Agent's Address: <u>5620 Old Bullard Rd, Suite 130 Tyler, TX 75703</u>	
Phone: <u>903-705-4416</u>	Fax: <u>N/A</u> E-mail: <u>darrelk@cp-eng.com</u>

Conditional Use Permit Application Checklist

Please note that the checklist is required to be filled out by the applicant or designated agent. Place a check mark on the line in front of the number if you have complied with that item. If the checklist item is not applicable to your application, indicate such. This checklist is provided only as a guide. All conditional use permit requirements cannot be reflected on this checklist. If the applicant has any questions regarding the regulations, the applicant should consult the Zoning Ordinance or contact City staff. City ordinances can be obtained from the City of Kyle and on line at www.cityofkyle.com.

Project Name: Comfort Suites

REQUIREMENTS FOR SUBMITTAL PACKAGE

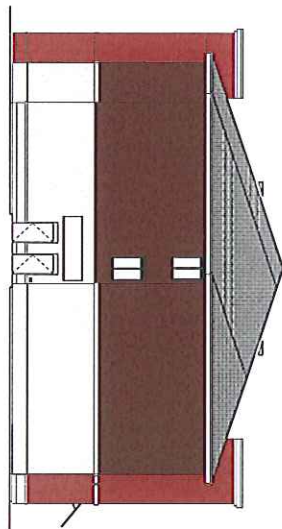
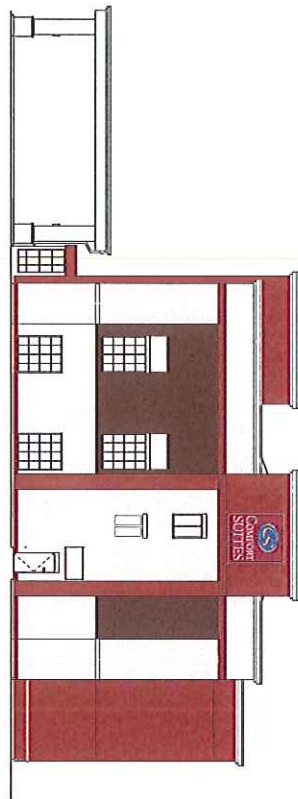
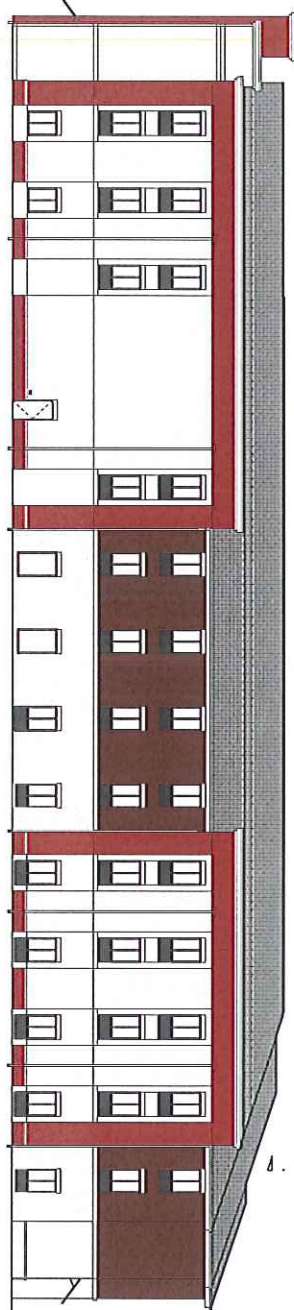
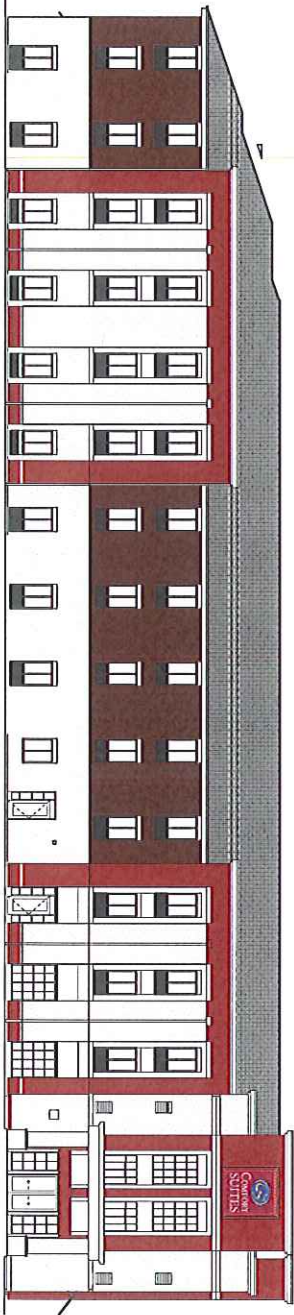
The following items are required to be submitted to the Planning Department in order for the Application to be accepted.

- CITY OF KYLE
OCT 29 2015
PLANNING DEPARTMENT
- 1. Completed application form with owner's original signature.
 - 2. Application fee: \$190.21, plus \$3.78 per acre or portion thereof.
Total Fee: 196.83
 - 3. A map or plat showing the area being proposed for change and the zoning classification of all abutting zoning districts, all public and private right-of-ways and easement bounding and intersecting the property.
 - 4. A site plan and building elevations drawn to scale showing at a minimum, the lot dimensions, size, shape, and dimensions of the proposed and/or existing structure(s); the location and orientation of the structure(s) on the lot and the actual or proposed building setback lines; and all points of ingress and egress. 2 paper copies and 1 digital file must accompany the application.
 - 5. Applications shall be accompanied by 2 paper copies and 1 digital file of appropriate, relevant colored elevations showing at a minimum, the design, use of materials, finish grade line, landscaping, signage and orientation of the buildings and any significant architectural features.
 - 6. Copy of Deed showing current ownership. Title commitment

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

**Please note: The Commission/Council may also require the submission of colored perspectives or architectural renderings in applications or any other information it deems reasonable and/or useful in review of the application.*

2 SOUTH ELEVATION
1/8" = 1'-0"



SHEET TITLE:
BUILDING ELEVATIONS
SCALE OF SHEET:
DATE: 1-14-2015
SHEET NUMBER:
A201-A

COMFORT SUITES
5213 PHYSICIAN'S WAY, KYLE, TX 78640
PREPARED FOR:
NEO HOSPITALITY LLC

PAREKH ARCHITECTS PLLC
1421 E WYF SANDERSON DRIVE, CHURCHES, TX 75603
PH: 281.278.1222 | FAX: 281.278.1222 | WWW.PAREKHARCHITECTS.COM | P: 201-748-7538

REVISIONS:
DATE
BY
APP'D
DATE

PROJECT INFO:
PROJECT NUMBER: 1401
DATE: 1-14-2015



NOT FOR
REGULATORY
REVIEW OR
CONSTRUCTION

EXHIBIT "B"

DEVELOPMENT STANDARDS KYLE MARKETPLACE SECTION 2 KYLE, TEXAS

GENERAL DESIGN STANDARDS

The buildings and other improvements constructed for the project shall be consistent with the design concepts used in the construction of the Kyle City Hall. Buildings shall be designed with an overall Architectural materials consistent with the Kyle City Hall. The project shall include several building front facade designs that will carry the theme throughout the site. The buildings constructed within the Kyle Marketplace Section 2 Development shall have a minimum of ninety (90%) percent masonry walls as defined below, exclusive of storefronts and other openings. Red brick shall be used throughout the Kyle Marketplace Section 2 Development as a design element on building facades facing a public street and shall be similar in color. Landscaping, hardscape features, site furnishings and signage will employ similar materials and compatible designs to further the perception of the Kyle City Hall.

Any design standard not specially addressed in this Exhibit, shall comply with the City's Ordinances.

MATERIAL SELECTIONS

- A. Masonry.
1. For this project "Masonry" shall be defined to include the following:
 - Brick
 - Natural Stone
 - Concrete Masonry Units
 - Stucco/Plaster/Synthetic Stucco to be used in detail applications only
 - Concrete either exposed, sandblasted or texture and painted
 2. All brick used throughout the site shall be red in color and be compatible with any indigenous stone used.
 3. Natural stone will come from sources within the regional proximity and may be used in varying sizes and shapes throughout the Project.
 4. Stucco/Plaster/Synthetic Stucco in general will be integrally colored in hues and tones pulled from and compatible with the red brick and natural colors of the stone. However, other colors may be introduced in specific small areas when necessary to accomplish the design.
 5. Concrete and/or Concrete Masonry Units may be used in any of several finishes ranging from exposed to textured and painted to resemble stucco. Colors for the textured/painted surfaces shall be integrally colored in hues and tones pulled from and compatible with the red brick and natural colors of the stone.

B. Other Wall Materials

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

C. Elevations

I. The following shall apply:

- All facades, including back and side elevations of any building generally visible from public view or adjacent to residential areas, shall be architecturally treated and relate. All elevations generally visible from public view shall reflect the overall design, colors and textures used on the front facade.
- Building elevations shall incorporate architectural features and patterns that include pedestrian scale.
- Utilize architectural features, screen walls, landscaping into the overall building design.
- All anchor tenant buildings shall have a clearly defined customer entrance(s) incorporating elements such as:
 - (1) Canopies or Porticos
 - (2) Overhangs
 - (3) Recesses/Projections
 - (4) Raised corniced parapets over the door.
 - (5) Peaked roof forms
 - (6) Arches
 - (7) Entrance framed by outdoor pedestrian features or enhanced landscaping
 - (8) Integral planters or wing walls that incorporate landscaped areas and/or sitting areas
 - (9) Enhanced pedestrian surfaces
- Other canopies, trellis, pergolas, and awnings will also be incorporated into the front facade and sidewalk areas. In some cases these may be no more than minor shading devices, but in other situations they may be large enough to provide shade for outdoor seating. Permitted materials for these include steel, wood and canvas.

D. Roofing

I. Materials for the roof areas include the following:

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

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

E. Storefronts

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

F. Sidewalks

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

G. Railings

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

H. Lighting

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

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

I. Equipment

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

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

J. Vehicle Circulation and Parking

1. Crosswalks shall be required for traffic calming interior to the site to enhance pedestrian safety. Speed humps shall not be permitted.
2. Only ninety (90) degree head in parking shall be allowed along two way drive aisles.

K. Loading Areas

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

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

L. Drive-through Facilities

1. Circulation shall allow adequate length of stacking for drive-through facilities and not interfere with the movement of traffic.
2. A minimum of four (4) queue spaces shall be required per drive-through lane.
3. A twelve (12) foot by-pass lane or a convenient means to by-pass the drive-through activity shall be required to allow vehicles an opportunity to circumvent the drive-through activity and exit the site.
4. Drive-through lanes should be to the side or rear of the property.
5. A minimum five (5) foot landscape island shall be located between the drive-through lane and the adjacent parking areas or drive aisles.

GENERAL SIGNAGE STANDARDS

The sign improvements constructed for the Project will follow the design concepts illustrated on the attached Signage Exhibit approved by City Council on February 19, 2008. The sign designs will incorporate shapes, forms, scale and materials associated with the building architecture. The signs for the Kyle Marketplace Section 2 will be constructed with the following materials: red brick, stone, core tin, galvanized steel and painted metal.

Monument signs shall be illuminated either by (i) ground-mounted fixtures or (ii) with internally illuminated channel letters with reverse channel, halo, plex face or routed pane with push through letters. Only the business symbol/logo may be flex face, white area shall not exceed forty (40%) percent of the area of the plex face sign.

Except to the extent that this Agreement provides for signage regulation that is in conflict

with the City's Sign Ordinance, the signage regulations of the City's Sign Ordinance shall apply to the property.

A. Main Entrance Sign

For the purpose of directing traffic to the entrance of the shopping center, six (6) double sided freestanding signs may be installed and maintained by Owner. Four (4) freestanding signs shall be located along the IH-35 frontage road and two (2) freestanding signs shall be located along FM 1626. Each such freestanding sign shall have a red brick base and be consistent with the masonry and design standards applicable to the Property pursuant to the architectural guidelines. Entrance signs shall incorporate materials and colors that are complementary to the overall design of the shopping center.

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

B. Monument Signs

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

LANDSCAPE DESIGN STANDARDS

A. General Requirements

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

1. Enhanced landscape features at all major road intersections, including but not limited to boulders, water features, towers or a combination thereof.
2. Enhanced landscaping along the perimeter of the property, particularly along IH-35 frontage road and FM 1626.
3. Landscape end islands and medians in and along drives and in the parking areas shall meet or exceed the ordinance requirements and shall provide for pedestrian traffic so that the landscaping is not compacted or destroyed by pedestrian traffic.
4. Grouping of plant materials.
5. Additional screening of loading dock area, as noted in *Screening Wall Landscaping* below.
6. Trees shall be planted to avoid interference with streetlights, signage and other fixtures.
7. Trees shall be kept out of street intersection sight triangles at a minimum of thirty five (35) feet as measured from face or curb.
8. When possible trees shall be planted no less than five (5) linear feet (whether horizontal or an angle) from underground utilities and fifteen (15) feet from overhead lines.
9. Trees shall be planted no less than five (5) linear feet (whether horizontal or an angle) from fire hydrants.

B. Perimeter Landscaping

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

C. Parking Area Landscaping

1. Landscaped end islands in the parking areas shall be a minimum of ten (10) feet wide. Minor deviations may be allowed due to topographic and other site constraints.
2. Each median island shall have a large or medium tree space on average a minimum of fifty (50) feet on center. Also, each end island shall have a minimum of one (1) large tree.

D. Screening Walls

1. Service areas shall be visually screened from all public right-of-way. Acceptable methods of screening include walled entrances, evergreen landscaping and depressed service areas.
2. Landscape buffer and screening requirements shall apply for ground mounted equipment, dumpsters, trash receptacles, refuse storage containers, loading docks, large utility cabinets and similar structures.

E. Streetscape

1. A license agreement from the City and/or TxDOT is required prior to any improvements in the public right-of-way.
2. Streetscapes shall be landscaped in accordance with the Zoning Ordinance.
3. Street trees shall be irrigated by a permanent automatic irrigation system.
4. Any landscaping and irrigation located within the public right-of-way shall be installed, irrigated and maintained by the property owner's association.

F. Plant Material Palette

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