

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 December 22, 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 18th day of December prior to 6:30 PM.

1. CALL MEETING TO ORDER

2. ROLL CALL

3. CITIZEN COMMENTS

4. CONSENT

A. Plum Creek Phase 1 Section 6F – Preliminary Plan (PP-15-004)

17.716 acres; 2 Mixed Use Lots and 1 Private Park Lot

Located at southwest corner of Kohler's Crossing and Benner

Owner: Plum Creek Operating Partners, Ltd.

Agent: Alan Rhames, P.E., Axiom Engineers

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

B. Plum Creek Phase 1 Section 6F – Final Plat (FP-15-011)

17.716 acres; 2 Mixed Use Lots and 1 Private Park Lot

Located at the southwest corner of Kohler's Crossing and Benner

Owner: Plum Creek Operating Partners, Ltd.

Agent: Alan Rhames, P.E., Axiom Engineers

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

- C. Plum Creek Phase 1 Section 6H – Preliminary Plan (PP-15-005)
26.603 acres; 176 Single Family Lots, 14 Park Lots and 3 Landscape Easement Lots
Located within 1500 Block of Sanders
Owner: Plum Creek Operating Partners, Ltd.
Agent: Alan Rhames, P.E., Axiom Engineers
Staff Proposal to P&Z: Statutorily disapprove to meet the 30 day statutory requirement.
- D. Plum Creek Phase 1 Section 6H-1 – Final Plat (FP-15-012)
11.466 acres; 79 Single Family Lots and 6 Park Lots
Located east of Sanders and north of Fairway
Agent: Alan Rhames, P.E., Axiom Engineers
Staff Proposal to P&Z: Statutorily disapprove to meet the 30 day statutory requirement.
- E. Blas M. Tenorio Subd. , Replat of Lots 3 & 4, Block 12 and the east 150 feet of Block I
.50 acres; 1 Single Family Lot
Located at 200 Gonzales Street
Owner: Yanet Riquejo
Staff Proposal to P&Z: Statutorily disapprove to meet the 30 day statutory requirement.
- F. Rolling Hills Section 1 Replat of Lot 3, Block 5 (SFP-15-012)
1.29 acres; 2 Single Family Lots
Located at 140 Rolling Hills Drive
Owner: Jorge Volla
Agent: Richard McDaniel, Ash & Associates
Staff Proposal to P&Z: Statutorily disapprove to meet the 30 day statutory requirement.
- G. SEC FM 150 – IH-35 – Final Plat (SFP-15-006)
4.841 acres; 3 Lots
Located off of RR 150 and Hill Street
Owner: MNT & S Development, Ltd.
Agent: James Ingalls, P.E., Moeller & Associates
Staff Proposal to P&Z: Approve the Final Plat.

5. ZONING

- A. Consider a request by WS Live Oak, LLC. to rezone approximately 14.083 acres of land from Single Family Residential “R-1” to Residential Townhome “R-1-T” on property located at the northwest corner of Live Oak Street and St. Anthony’s Drive. (Z-15-019)
- **Public Hearing**
 - **Recommendation to City Council**

B. Consider a request by Richard Giberson to rezone approximately 1.30 acres of land from Single Family Residential “R-1” to Residential Townhome “R-1-T” on property located at 707 Live Oak Street. (Z-15-020)

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

6. CONSIDER AND POSSIBLE ACTION

A. Consider a request for a conditional use permit (Taco Cabana – 20745 IH-35) to construct a 3,699 square foot building located within the IH-35 overlay district. (CUP-15-008)

B. Consider a request for a conditional use permit (Lone Star Delights – 108 S. Front Street) to allow for the alteration of the front exterior of the structure for property located within the IH-35 and Center Street overlay district. (CUP-15-010)

C. Consider a request for a conditional use permit (Milts Pit BBQ – 208 W. Center Street) to allow for the alteration of the front and west exterior of the structure for property located within the Center Street overlay district. (CUP-15-011)

D. Consider a request by Krishna Kyle, LLC. (Hampton Inn Suites – 151 Bunton Creek Road) for a conditional use permit to construct a building with a height greater than 45 feet as required by Chapter 53 (Zoning) Section 1047 (Authorized Conditional Uses (13) of the City of Kyle Code of Ordinances, which states buildings with a height of up to 150 feet may be allowed in the Retail Service District.

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

E. Consider a request for a conditional use permit (Hampton Inn Suites, 151 Bunton Creek Road) to construct a 54,078 square foot building located within the IH-35 overlay district. (CUP-15-008)

7. GENERAL DISCUSSION

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

8. STAFF REPORT

9. 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.

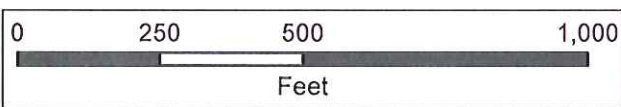
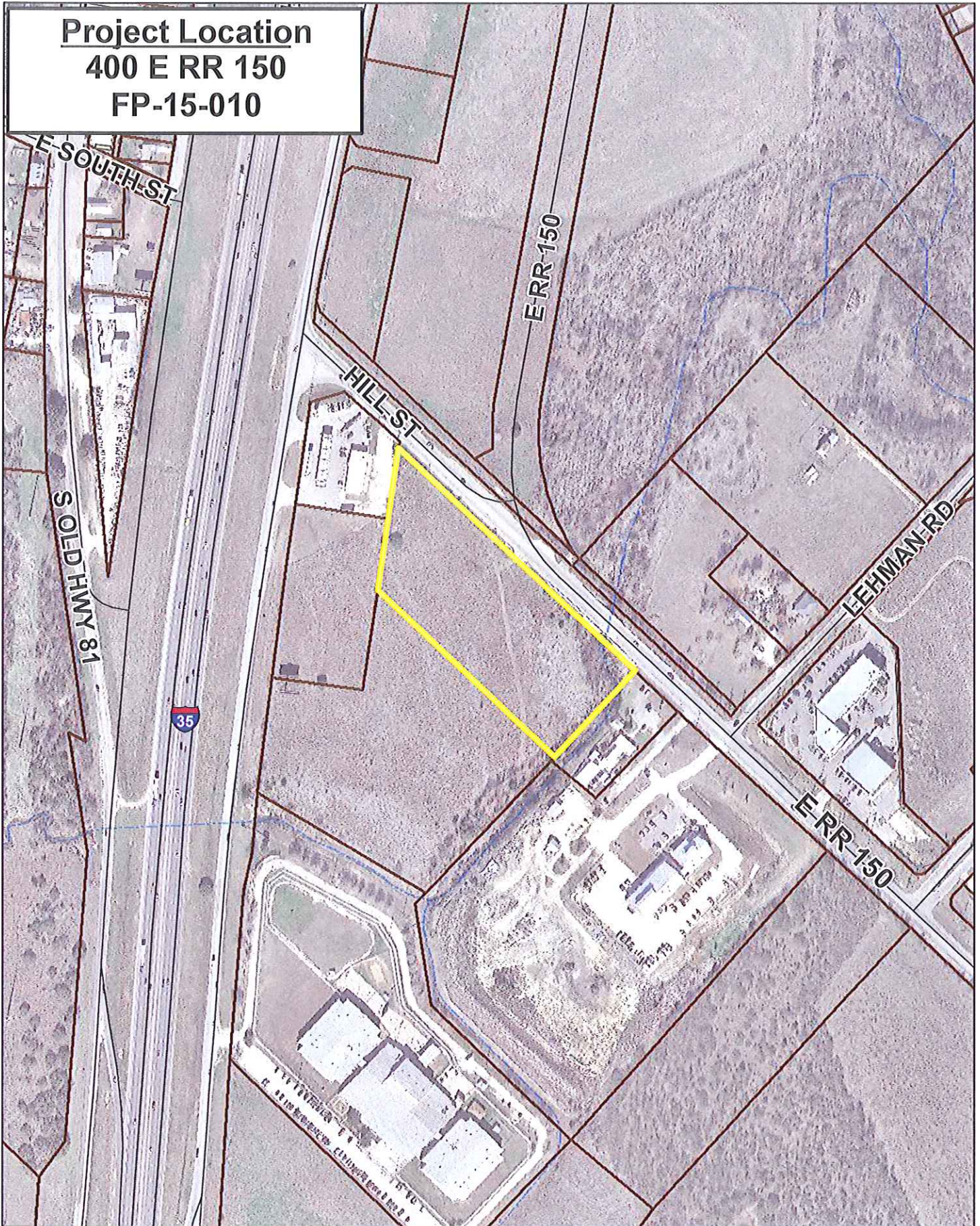
Certificate

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

12/18/2015
Date

Project Location
400 E RR 150
FP-15-010



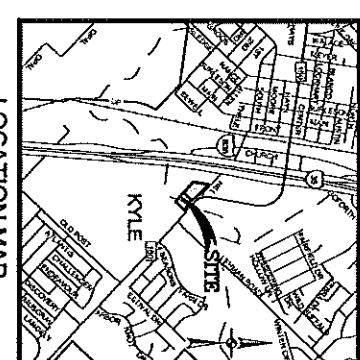
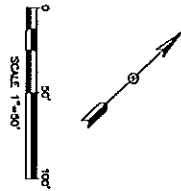
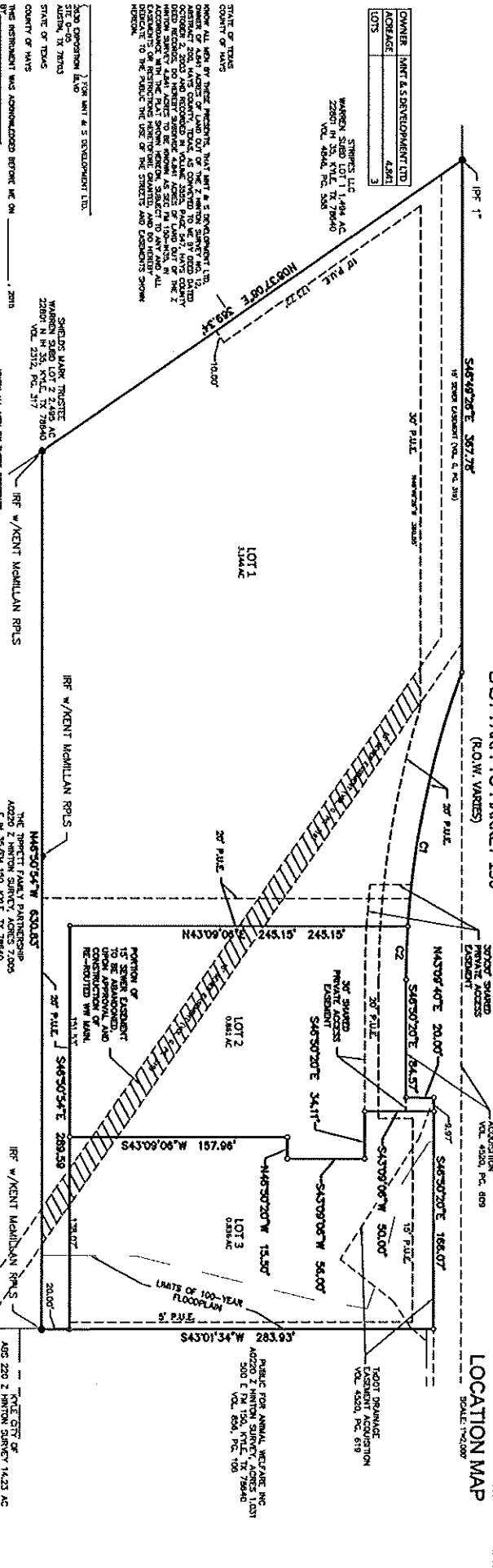
 Property Boundary

 Parcel Lines

NOTES

1. A PLOTION (10) FOOT PUBLIC UTILITY EASEMENT IS HEREBY DEDICATED ADJACENT TO ALL STREET FRONT-OF-YARD. ALL OTHER PLOTS TO BE DEDICATED ADJACENT TO LOT LINES ARE DELETED.
2. SERVICES NOT SHOWN ON THIS PLAN SHALL BE THE CITY OF KYLE ZONING ORDINANCE.
3. A PORTION OF THIS SUBDIVISION IS LOCATED WITHIN A SPECIAL FLOOD HAZARD AREA ZONE AS DEFINED BY THE HAYS COUNTY, TEXAS COMMUNITY PANEL NUMBER 48000000, EFFECTIVE DATE SEPTEMBER 2, 2000 AS PREPARED BY THE COUNTY ENGINEER'S DEPARTMENT RECORDS.
4. ALL LOTS WITHIN THE SUBDIVISION WILL BE PROVIDED WATER AND SEWER BY THE CITY OF KYLE. ELECTRIC SERVICE BY THE METROPLANS ELECTRIC COOPERATIVE. TELEPHONE SERVICE FOR THE SUBDIVISION WILL BE PROVIDED BY AT&T.
5. THE SUBDIVISION SHALL BE BOUNDARIED BY THE LINES OF SURVEYED ADJACENT PROPERTY. THE CITY OF KYLE HAS JURISDICTION OVER THE RIGHT OF WAY OF ANY ADJACENT STREET. THE CITY OF KYLE HAS JURISDICTION OVER THE RIGHT OF WAY OF ANY ADJACENT STREET. THE CITY OF KYLE HAS JURISDICTION OVER THE RIGHT OF WAY OF ANY ADJACENT STREET.
6. SPECIALTY SHALL BE INSTALLED ON THE SUBDIVISION SIDE OF EAST FARM TO MARKET 150. THESE SPECIALTY SHALL BE INSTALLED TO MAINTAIN THE RIGHT OF WAY OF EAST FARM TO MARKET 150. THESE SPECIALTY SHALL BE INSTALLED TO MAINTAIN THE RIGHT OF WAY OF EAST FARM TO MARKET 150. THESE SPECIALTY SHALL BE INSTALLED TO MAINTAIN THE RIGHT OF WAY OF EAST FARM TO MARKET 150.
7. THE SUBDIVISION IS WITHIN THE HAYS COUNTY UNINCORPORATED SCHOOL DISTRICT.
8. DEEDING BASED ON THE TEXAS STATE PLAT COMMISSION SYSTEM, TEXAS SOUTH CENTRAL ZONE (S20), NORTH AMERICAN DATUM 1983.
9. PROPERTY CORNERS WILL BE SET WITH 1/2" IRON PIN WITH PLASTER CAP LABELED WITH PLAT NUMBER, CORNER NUMBER, PRACTICAL COURSE, A MONUMENT THAT IS PERMANENT AND STABLE WILL BE USED UNLESS OTHERWISE NOTED.
10. EXISTING UTILITIES SHALL BE SHOWN WITHIN THE CITY LIMITS OF THE CITY OF KYLE.
11. EXISTING UTILITIES SHALL BE SHOWN WITHIN THE CITY LIMITS OF THE CITY OF KYLE.
12. WORK TO COMPLETION OF ANY IMPROVEMENTS ON LOTS IN THIS SUBDIVISION, SITE DEVELOPMENT PERMITS AND BUILDING PERMITS WILL BE OBTAINED FROM THE CITY OF KYLE.
13. NO PORTION OF THIS PROPERTY IS WITHIN THE EXISTING ADJACENT RECORDS ZONE.
14. THE SHADDED PORTION OF THE 1ST SEWER EASEMENT (VOL. 4, P.C. 378) IS TO BE ABANDONED UPON FINAL ACCEPTANCE OF THE RE-DEVELOPED SEWER MAIN BY THE CITY OF KYLE.

OWNER	HANT & S DEVELOPMENT LTD
ADDRESS	4881
ADRESAGE	4.881
LOTS	3



STATE OF TEXAS
COUNTY OF HAYS

SECTION 150-1H31 FOR HANT & S DEVELOPMENT LTD.
ADRESAGE 4.881
LOTS 3

WARRANTY SURVEY
SECTION 150, LOT 1, 484 AC
SECTION 150, LOT 2, 17,744 AC
VOL. 4848, P.C. 588

SECTION 150-1H31 FOR HANT & S DEVELOPMENT LTD.
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CURVE	LENGTH	RADIUS	DELTA	TANGENT	CHORD	CHORD BEARING
C1	32.84'	450.00'	70.53°	14.82'	28.47'	293.21°
C2	30.47'	400.00'	72.97°	13.27'	26.37'	293.51°

MOELLER & ASSOCIATES
Engineering Solutions

1040 N. Walnut Ave., Ste. B
New Braunfels, TX 78130
P: (830) 358-7127
www.mhaz.com T8PE FIRM P-113351

LEADER:
P.O.B. - POINT OF BEGINNING
B.L. - BEARING
D.S. - DISTANCE
R.O.W. - RIGHT-OF-WAY
O.S. - OPEN SPACE LOT
R.F. - RIGHT-OF-FWAY
R.P. - RIGHT-OF-PWAY

4.841 ACRES OF LAND, SITUATED IN THE Z HINTON SURVEY NO. 12, ABSTRACT 200, HAYS COUNTY, TEXAS AN BEING THE REMAINING PORTION OF A 5.125 ACRE TRACT OF LAND AS CONVEYED IN A DEED FROM RELIANT BUTTE DEVELOPMENT LTD TO HANT & S DEVELOPMENT LTD, DATED OCTOBER 2, 2003, RECORDED IN VOL. 3555, P.C. 547 OF THE HAYS COUNTY DEED RECORDS.

SUBDIVISION PLAT ESTABLISHING
SEC FM 150-1H35

STATE OF TEXAS
COUNTY OF HAYS

I, _____, COUNTY CLERK, HAYS COUNTY, TEXAS

DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT WAS FILED FOR RECORD IN THE PUBLIC RECORDS OF HAYS COUNTY, TEXAS ON _____ DAY OF _____, A.D. 2015, AT _____ O'Clock _____ P.M. OF _____ DAY OF _____, A.D. 2015.

Property Location	Live Oak Street, approximately 900 feet northeast of its intersection with Porter Street
Owner/Petitioner	Tyler Williams or Dan Slovak 16205 Remuda Trail Buda, Texas 78610
Request	Rezone 14.083 acres from R-1 (Single Family Detached) to R-1-T (Single Family Attached)

Vicinity Map



The site is located on the northwest side of Live Oak Street, west of- and approximately across Live Oak Street from St. Anthony's Catholic Church. The property is 14.083 acres and is currently zoned R-1 (Single Family). The property is not developed with any structures. The site has 115 feet of frontage along Live Oak Street on the southeast, and is also bordered by the Silverado subdivision (zoned R-1, Single Family Detached) to the northeast and northwest, and 'W' (Warehouse), R-1-T (Townhouse Residential), and R-1 (Single Family Detached) zoned property on the southwest. The applicant seeks to rezone the parcel to R-1-T (Townhouse Residential), a residential zoning category for attached single-family structures with a minimum of 1,000 square

feet of living area, generally referred to as townhouses, at a density no greater than 10 units to the acre.

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 2010 Comprehensive Plan Future Land Use Plan identifies the subject site as being located in the 'Old Town' character area. In Old Town, it is recommended that the allowable residential zoning districts be limited to R-1-1 and R-1-T.

Old Town "Character": "Development within the Old Town District follows the historic and regular street grid, which should be preserved while also encouraging appropriate infill development and redevelopment. Primary uses within this District are civic, specialty commercial, and residential. Significant features include I-35, the railroad, and the City Square. The Old Town District embodies the characteristics of a Rural Town Center through consistent community form, continuity, and scale. The scale of reference is a uniform Old Town block, reinforced by the regular street grid. In order to ensure smooth transitions and maintain this fabric, building height should not vary by more than two stories from the average height within any one block."

Old Town "Intent": "As the historic core of Kyle, the Old Town District must be re-established as the central community of the City. Specialized commercial activity, appropriate to the function of this historic area, should be encouraged. The form of the District should also be preserved and promoted, especially the street grid and historic building stock. Overall, this District should offer both local service commercial activities and residential uses in order to create a lively and livable area. In order for the Old Town District to truly function as the center of Kyle, clear access must also be provided to communities, landscapes, and nodes in order to knit the City together in a legible

system. Additionally, new development in the Old Town District should span I-35, creating greater east-west connections. Uses in the Old Town District are addressed in greater detail in the Downtown Revitalization Plan element of this Comprehensive Plan document.”

In the ‘Form Analysis’, the Comprehensive Plan concludes that ‘attention should be paid to preserving the unique mixture of land uses in the Town Center district’, and ‘development of the Town Center District must respect a historical “blurring” between urban and rural forms to retain the unique character of Kyle’. Further, the historical growth pattern of Kyle’s downtown features “voids” within the built form, that is to say there are a number of undeveloped parcels that exist among the mix of land use types along the street grid. Recognizing and preserving this land use pattern could translate to creating open spaces for passive recreation as land use pressures result in more and more infill development in the downtown area.

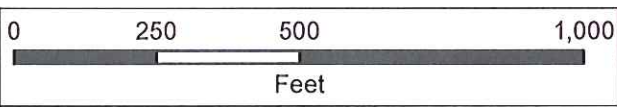
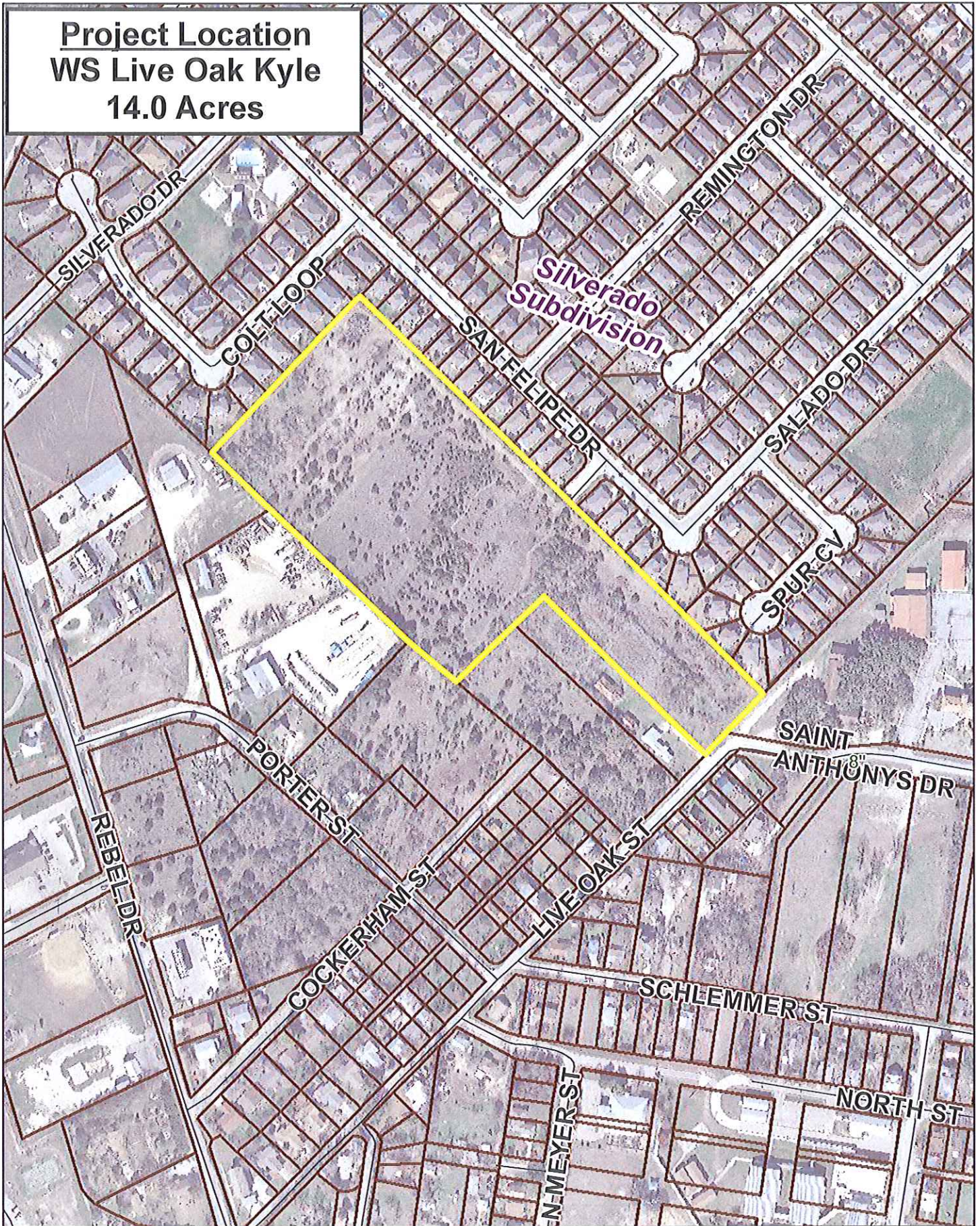
Recommendation

Because the site has never been developed, there are no redevelopment pressures that would preclude development of this property at a regionally appropriate scale and density. The introduction of a townhome product follows the Comprehensive Plan’s recommendation for a mix of land uses in the downtown district to support the region’s future success. Architectural and open space design recommendations are documented in the Plan text, and should be implemented in conjunction with connectivity to the city’s commercial downtown to preserve the character of the area. The request should be considered favorably by the Commission.

Attachments

- Application packet
- Overhead map of the subject vicinity
- Letters in support/objection

Project Location
WS Live Oak Kyle
14.0 Acres



 Property Boundary

 Parcel Lines

APPLICATION & CHECKLIST - ZONING CHANGE CITY OF KYLE

Zoning: WS Live Oak Kyle, LLC (Name of Owner) NOV 20 2015 (Submittal Date)

INSTRUCTIONS: 2-15-019

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

PLANNING DEPARTMENT

REQUIRED ITEMS FOR SUBMITTAL PACKAGE:

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

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

Total Fee: \$669.25

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

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

1. **Zoning Request:**

Current Zoning Classification: R-1 Single Family

Proposed Zoning Classification: R-1-T Residential Townhome

Proposed Use of the Property: Townhome Community

Acreage/Sq. Ft. of Zoning Change: 14.083 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: Legal 14.083 AC Tract of Land

Subdivision Name/Lot & Block Nos.: John Pharrass Survey ABS.361

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

Page/Slide No. _____

3. Ownership Information:

Name of Property Owner(s): Tyler Williams
Dan Slovak

(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: Tyler - 6704 Manchaca Rd #41, Austin, Tx. 78745
Dan - 16205 Remuda Trail, Buda, Tx. 78610

Phone Number: Tyler 512-738-6882 / Dan 512-529-1420

Fax Number: _____

Email Number: tylerwgl@gmail.com / dan.slovak@
austin,rr.com

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

Signed: [Signature] [Signature]

Date: 11-19-15

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: [Signature] [Signature]

Date: 11-19-15

*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

NOV 20 2015

Attached Map of Subject Property

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

Date of Public Notification in Newspaper: 12/2/15

Date of Public Hearing Before Planning and Zoning Commission: 12/22/15

Date of Public Hearing Before City Council: 1/5/16 & 1/19/16

From: WS Liveoak Kyle, LLC

To whom it may concern,

We are requesting a rezoning of following property so that it can be developed as town home use. The adjacent property is also being requested for zoning at the same time.

Sincerely,

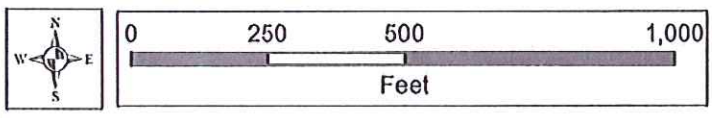
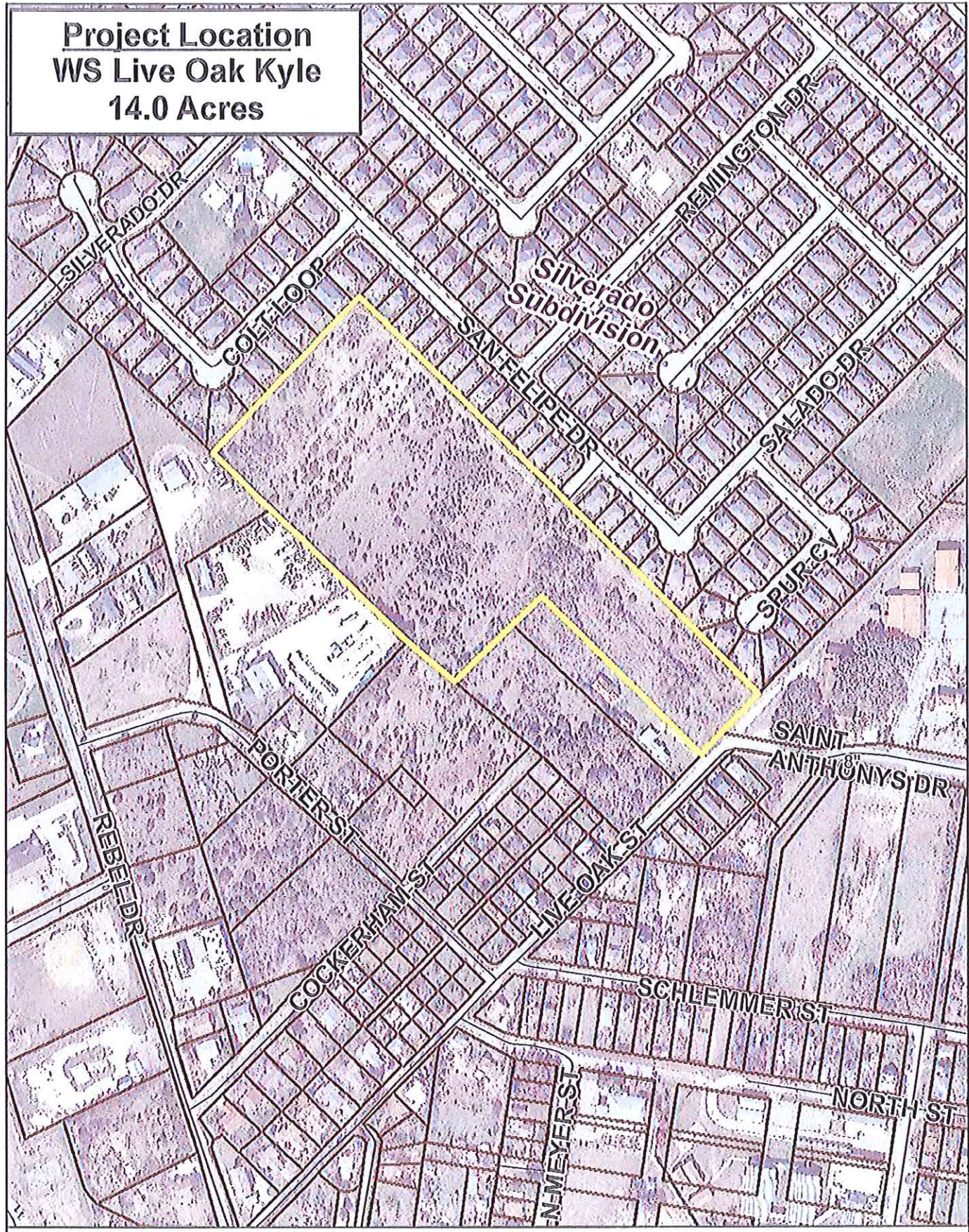
A handwritten signature in blue ink, appearing to read "Dan Slovak", written in a cursive style.

Dan Slovak

Subject Property Legal:

ABS 361, John Pharass Survey, 14.083 Acres

Project Location
WS Live Oak Kyle
14.0 Acres



-  Property Boundary
-  Parcel Lines

GENERAL WARRANTY DEED WITH VENDOR'S LIEN

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.

DATE: November 6, 2015

Grantor: William C. Aguirre, Francisco A. Castilleja, Jr. and Hilda Yvonne Castilleja f/k/a Yvonne Cruz

Address: PO Box 2168 Kyle, Texas 78640

Grantee: WS Live Oak Kyle, LLC

Address: 6704 Manchaca Road #41 Austin, Texas 78745

CONSIDERATION:

Ten Dollars (\$10.00) and other valuable consideration paid by the Grantee, receipt of which is hereby acknowledged, and a note of even date that is in the principal amount of Three Hundred Twelve Thousand and No/100 Dollars (\$312,000.00) and is executed by WS Live Oak Kyle, LLC payable to the order of Crockett National Bank. This note is secured by a vendor's lien retained in favor of Crockett National Bank in this deed and by a Deed of Trust of even date from Grantee to Todd E. Huckabee, Trustee.

PROPERTY (including any improvements):

See Exhibit A Attached Hereto

RESERVATIONS FROM AND EXCEPTIONS TO CONVEYANCE AND WARRANTY:


This conveyance is made and accepted subject to all restrictions, covenants, conditions, rights-of-way, assessments, outstanding royalty and mineral reservations and easements, if any, affecting the above described property that are valid, existing and properly of record and subject, further, to taxes for the year 2016 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 anywise belonging, to have and hold it to Grantee, Grantee's heirs, executors, administrators, successors, or assigns forever. Grantor hereby binds Grantor and Grantor's heirs, executors, administrators, successors and assigns 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 conveyance and warranty.

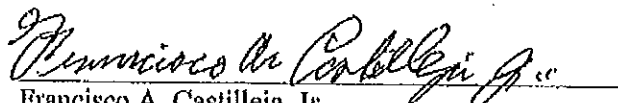
The vendor's lien against and superior title to the property are retained until each note described is fully paid according to its terms, at which time this deed shall become absolute.

Crockett National Bank, at Grantee's request, has paid in cash to Grantor that portion of the purchase price of the Property that is evidenced by the note. The vendor's lien against the title to the Property is retained for the benefit of Crockett National Bank and is transferred to Crockett National Bank without recourse against Grantor.

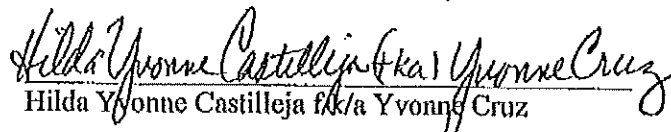
When the context requires, singular nouns and pronouns include the plural.



William C. Aguirre



Francisco A. Castilleja, Jr.

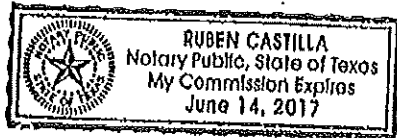



Hilda Yvonne Castilleja fka Yvonne Cruz

Acknowledgement

State of Texas
County of Travis

This instrument was acknowledged before me on the 6th day of November, 2015, by William C. Aguirre, Francisco A. Castilleja, Jr. and Hilda Yvonne Castilleja f/k/a Yvonne Cruz.




Notary Public, State of Texas

After Recording Return To:

Law Offices of T. Alan Ceshker
13413 Galleria Circle, Suite 120
Austin, Texas 78738
(512) 961-7848
(512) 961-7849 (fax)

HAYS COUNTY 2015 TAX STATEMENT

Make Checks Payable To:
Hays County Tax Office
 Luanno Caraway, Tax Assessor/Collector
 712 S. Stagecoach Trail (512)393-5545
 San Marcos, TX 78666-5620



DESCRIPTION
 10-0361-0057-00000-2
 O9138112
 R16966
 ABS 361 JOHN PHARASS SURVEY 10.511 AC 53.33% UND INT,
 63.340000% UDI
 LIVE OAK ST KYLE, TX 78640

AGUIRRE, WILLIAM C
 P O BOX 254
 KYLE, TX 78640-0254

#1852.94
PA 11-18-15

IF TAXES ARE PAID IN	TOTAL TAX DUE
OCT 2015	1852.94
NOV 2015	1852.94
DEC 2015	1852.94
JAN 2016	1852.94
FEB 2016	1982.65

PLEASE RETURN TOP PORTION WITH PAYMENT - ENCLOSE SELF-ADDRESSED STAMPED ENVELOPE WITH PAYMENT FOR RECEIPT
 RETAIN THIS PORTION FOR YOUR RECORDS

EXEMPTIONS

Valuation Breakdown

LAND	IMPV	AG-MKT	AG-USE	TIMBER-MKT	TIMBER-USE	CAP ADJ.	ASSESSED
0	0						66414
JURISDICTION	TAX RATE	EXEMPTIONS	TAXABLE	FREEZE AMOUNT	YEAR	SALES TAX REDUCED BY	TAX AMOUNT
Hays Consolidated ISD			0	66414			1021.25
Speclal Road Dist			0	66414			29.09
Hays County	0.4232		0	66414			281.06
Hays Co ESD #5			0	66414			66.41
City Of Kyle			0	66414			388.39
AUSTIN COMMUNITY COLLEGE DISTRICT			0	66414			66.74

10-0361-0057-00000-2

R16966

IF TAXES ARE PAID IN	LESS (-) DISCOUNT OR PLUS (+) PENALTY / INTEREST	TOTAL TAX DUE
OCT 2015		1852.94
NOV 2015		1852.94
DEC 2015		1852.94
JAN 2016		1852.94
FEB 2016	7% 129.71	1982.65
MAR 2016	9% 166.76	2019.70
APR 2016	11% 203.82	2056.76
MAY 2016	13% 240.88	2093.82
JUN 2016	15% 277.94	2130.88
JUL 2016	18%/15% 661.50	2514.44



AD VALOREM TAXES ARE DUE ON OCTOBER 1ST AND BECOME DELINQUENT FEBRUARY 1ST.

IF YOU ARE 65 YEARS OF AGE OR OLDER OR ARE DISABLED AND THE PROPERTY DESCRIBED IN THIS DOCUMENT IS YOUR RESIDENCE HOMESTEAD, YOU SHOULD CONTACT THE APPRAISAL DISTRICT REGARDING ANY ENTITLEMENT YOU MAY HAVE TO A POSTPONEMENT IN THE PAYMENT OF THESE TAXES.

HAYS COUNTY 2015 TAX STATEMENT

Make Checks Payable To:

Hays County Tax Office

Luanne Caraway, Tax Assessor/Collector

712 S. Stagecoach Trail (512)393-5545

San Marcos, TX 78666-5620



DESCRIPTION

10-0361-0057-00001-2

O9138112

R16967

ABS 361 JOHN PHARASS SURVEY 3.239 AC 53.33% UND INT (IN CITY KYLE), 53.340000% UDI

LIVE OAK ST KYLE, TX 78640

AGUIRRE, WILLIAM C
P O BOX 254
KYLE, TX 78640-0254

*\$571.02
Pd 11-18-15*

IF TAXES ARE PAID IN	TOTAL TAX DUE
OCT 2015	571.02
NOV 2015	571.02
DEC 2015	571.02
JAN 2016	571.02
FEB 2016	610.99

PLEASE RETURN TOP PORTION WITH PAYMENT - ENCLOSE SELF ADDRESSED STAMPED ENVELOPE WITH PAYMENT FOR RECEIPT

EXEMPTIONS

RETAIN THIS PORTION FOR YOUR RECORDS

Valuation Breakdown

LAND	IMPV	AG-MKT	AG-USE	TIMBER-MKT	TIMBER-USE	CAP ADJ.	ASSESSED	
0	0						20467	
JURISDICTION		TAX RATE	EXEMPTIONS	TAXABLE	FREEZE AMOUNT	YEAR	SALES TAX REDUCED BY	TAX AMOUNT
Hays Consolidated ISD			0	20467				314.72
Special Road Dist			0	20467				8.96
Hays County		0.4232	0	20467				86.61
Hays Co ESD #5			0	20467				20.47
City Of Kyle			0	20467				119.69
AUSTIN COMMUNITY COLLEGE DISTRICT			0	20467				20.57

10-0361-0057-00001-2

R16967

IF TAXES ARE PAID IN	LESS (-) DISCOUNT OR PLUS (+) PENALTY / INTEREST	TOTAL TAX DUE
OCT 2015		571.02
NOV 2015		571.02
DEC 2015		571.02
JAN 2016		571.02
FEB 2016	7% 39.97	610.99
MAR 2016	9% 51.39	622.41
APR 2016	11% 62.81	633.83
MAY 2016	13% 74.23	645.25
JUN 2016	15% 85.65	656.67
JUL 2016	18%/15% 203.85	774.87



AD VALOREM TAXES ARE DUE ON OCTOBER 1ST AND BECOME DELINQUENT FEBRUARY 1ST.

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HAYS COUNTY 2015 TAX STATEMENT

Make Checks Payable To:
Hays County Tax Office
 Luanne Caraway, Tax Assessor/Collector
 712 S. Stagecoach Trail (512)393-5545
 San Marcos, TX 78666-5620



10-0361-0057-00003-2
 OC59842
 R16969
 ABS 361 JOHN PHARASS SURVEY 10.511 AC 53.33% UND INT,
 33.330000% UDI
DESCRIPTION
 PROPERTY
 LIVE OAK ST KYLE, TX 78640

CASTILLEJA, FRANCISCO A, JR
 P O BOX 502
 KYLE, TX 78640-0502

*As of 11-20-15
 Still Due*

IF TAXES ARE PAID IN	TOTAL TAX DUE
OCT 2015	1157.84
NOV 2015	1157.84
DEC 2015	1157.84
JAN 2016	1157.84
FEB 2016	1238.89

PLEASE RETURN TOP PORTION WITH PAYMENT - ENCLOSE SELF ADDRESSED STAMPED ENVELOPE WITH PAYMENT FOR RECEIPT
 EXEMPTIONS RETAIN THIS PORTION FOR YOUR RECORDS

Valuation Breakdown

LAND	IMPV	AG-MKT	AG-USE	TIMBER-MKT	TIMBER-USE	CAP ADJ.	ASSESSED
0	0						41499
JURISDICTION	TAX RATE	EXEMPTIONS	TAXABLE	FREEZE AMOUNT	YEAR	SALES TAX REDUCED BY	TAX AMOUNT
Hays Consolidated ISD		0	41499				638.13
Special Road Dist		0	41499				18.18
Hays County	0.4232	0	41499				175.63
Hays Co ESD #5		0	41499				41.50
City Of Kyle		0	41499				242.69
AUSTIN COMMUNITY COLLEGE DISTRICT		0	41499				41.71

10-0361-0057-00003-2

R16969



IF TAXES ARE PAID IN	LESS (-) DISCOUNT OR PLUS (+) PENALTY / INTEREST	TOTAL TAX DUE
OCT 2015		1157.84
NOV 2015		1157.84
DEC 2015		1157.84
JAN 2016		1157.84
FEB 2016	7% 81.05	1238.89
MAR 2016	9% 104.21	1262.05
APR 2016	11% 127.36	1285.20
MAY 2016	13% 150.52	1308.36
JUN 2016	15% 173.68	1331.52
JUL 2016	18%/15% 413.35	1571.19

AD VALOREM TAXES ARE DUE ON OCTOBER 1ST AND BECOME DELINQUENT FEBRUARY 1ST.

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HAYS COUNTY 2015 TAX STATEMENT

Make Checks Payable To:
Hays County Tax Office
 Luanno Caraway, Tax Assessor/Collector
 712 S. Stagecoach Trail (512)393-5545
 San Marcos, TX 78666-5620



DESCRIPTION
 10-0361-0057-00004-2
 O869795
 R16970
 ABS 361 JOHN PHARASS SURVEY 10.511 AC 53.33% UND INT,
 13.330000% UDI
 LIVE OAK ST KYLE, TX 78840

CASTILLEJA, DEMECIO, JR
 252 BENTWOOD DR
 SPRING BRANCH, TX 78070

*As of 11-20-15
 still due*

IF TAXES ARE PAID IN	TOTAL TAX DUE
OCT 2015	463.06
NOV 2015	463.06
DEC 2015	463.06
JAN 2016	463.06
FEB 2016	495.47

PLEASE RETURN TOP PORTION WITH PAYMENT - ENCLOSE SELF ADDRESSED STAMPED ENVELOPE WITH PAYMENT FOR RECEIPT

EXEMPTIONS

RETAIN THIS PORTION FOR YOUR RECORDS

Valuation Breakdown

LAND	IMPV	AG-MKT	AG-USE	TIMBER-MKT	TIMBER-USE	CAP ADJ.	ASSESSED
0	0						16597
JURISDICTION	TAX RATE	EXEMPTIONS	TAXABLE	FREEZE AMOUNT	YEAR	SALES TAX REDUCED BY	TAX AMOUNT
Hays Consolidated ISD			0	16597			255.21
Special Road Dist			0	16597			7.27
Hays County	0.4232		0	16597			70.24
Hays Co ESD #5			0	16597			16.60
City Of Kyle			0	16597			97.06
AUSTIN COMMUNITY COLLEGE DISTRICT			0	16597			16.68

10-0361-0057-00004-2

R16970

IF TAXES ARE PAID IN	LESS (-) DISCOUNT OR PLUS (+) PENALTY / INTEREST	TOTAL TAX DUE
OCT 2015		463.06
NOV 2015		463.06
DEC 2015		463.06
JAN 2016		463.06
FEB 2016	7% 32.41	495.47
MAR 2016	9% 41.68	504.74
APR 2016	11% 50.94	514.00
MAY 2016	13% 60.20	523.26
JUN 2016	15% 69.46	532.52
JUL 2016	18%/15% 165.31	628.37



AD VALOREM TAXES ARE DUE ON OCTOBER 1ST AND BECOME DELINQUENT FEBRUARY 1ST.

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HAYS COUNTY 2015 TAX STATEMENT

Make Checks Payable To:
Hays County Tax Office
 Luanno Caraway, Tax Assessor/Collector
 712 S. Stagecoach Trail (512)393-5545
 San Marcos, TX 78666-5620



10-0361-0057-00005-2
 O869795
 R16971
 ABS 361 JOHN PHARASS SURVEY 3.239 AC 53.33% UND INT (IN CITY KYLE), 13.330000% UDI
DESCRIPTION
 LIVE OAK ST KYLE, TX 78640

CASTILLEJA, DEMECIO, JR
 252 BENTWOOD DR
 SPRING BRANCH, TX 78070

IF TAXES ARE PAID IN	TOTAL TAX DUE
OCT 2015	142.72
NOV 2015	142.72
DEC 2015	142.72
JAN 2016	142.72
FEB 2016	152.71

*As of 11-20-15
 Still Due*

PLEASE RETURN TOP PORTION WITH PAYMENT - ENCLOSE SELF ADDRESSED STAMPED ENVELOPE WITH PAYMENT FOR RECEIPT

EXEMPTIONS

RETAIN THIS PORTION FOR YOUR RECORDS

Valuation Breakdown

LAND	IMPV	AG-MKT	AG-USE	TIMBER-MKT	TIMBER-USE	CAP ADJ.	ASSESSED
0	0						5115
JURISDICTION	TAX RATE	EXEMPTIONS	TAXABLE	FREEZE AMOUNT	YEAR	SALES TAX REDUCED BY	TAX AMOUNT
Hays Consolidated ISD		0	5115				78.66
Special Road Dist		0	5115				2.24
Hays County	0.4232	0	5115				21.64
Hays Co ESD #5		0	5115				5.12
City Of Kyle		0	5115				29.92
AUSTIN COMMUNITY COLLEGE DISTRICT		0	5115				5.14

10-0361-0057-00005-2

R16971

IF TAXES ARE PAID IN	LESS (-) DISCOUNT OR PLUS (+) PENALTY / INTEREST	TOTAL TAX DUE
OCT 2015		142.72
NOV 2015		142.72
DEC 2015		142.72
JAN 2016		142.72
FEB 2016	7% 9.99	152.71
MAR 2016	9% 12.84	155.56
APR 2016	11% 15.70	158.42
MAY 2016	13% 18.55	161.27
JUN 2016	15% 21.41	164.13
JUL 2016	18%/15% 50.95	193.67



AD VALOREM TAXES ARE DUE ON OCTOBER 1ST AND BECOME DELINQUENT FEBRUARY 1ST.

IF YOU ARE 65 YEARS OF AGE OR OLDER OR ARE DISABLED AND THE PROPERTY DESCRIBED IN THIS DOCUMENT IS YOUR RESIDENCE HOMESTEAD, YOU SHOULD CONTACT THE APPRAISAL DISTRICT REGARDING ANY ENTITLEMENT YOU MAY HAVE TO A POSTPONEMENT IN THE PAYMENT OF THESE TAXES.

HAYS COUNTY 2015 TAX STATEMENT

Make Checks Payable To:
Hays County Tax Office
 Luanno Caraway, Tax Assessor/Collector
 712 S. Stagecoach Trail (512)393-5545
 San Marcos, TX 78666-5620



DESCRIPTION OF PROPERTY
 10-0361-0057-00002-2
 OC58842
 R16968
 ABS 361 JOHN PHARASS SURVEY 3.239 AC 53.33% UND INT (IN CITY KYLE), 33.330000% UDI
 LIVE OAK ST KYLE, TX 78640

CASTILLEJA, FRANCISCO A, JR
 P O BOX 502
 KYLE, TX 78640-0502

*As of 11-20-15
 still due*

IF TAXES ARE PAID IN	TOTAL TAX DUE
OCT 2015	356.82
NOV 2015	356.82
DEC 2015	356.82
JAN 2016	356.82
FEB 2016	301.80

PLEASE RETURN TOP PORTION WITH PAYMENT - ENCLOSE SELF ADDRESSED STAMPED ENVELOPE WITH PAYMENT FOR RECEIPT

EXEMPTIONS

RETAIN THIS PORTION FOR YOUR RECORDS

Valuation Breakdown

LAND	IMPV	AG-MKT	AG-USE	TIMBER-MKT	TIMBER-USE	CAP ADJ.	ASSESSED	
0	0						12789	
JURISDICTION		TAX RATE	EXEMPTIONS	TAXABLE	FREEZE AMOUNT	YEAR	SALES TAX REDUCED BY	TAX AMOUNT
Hays Consolidated ISD			0	12789				196.66
Special Road Dist			0	12789				5.60
Hays County		0.4232	0	12789				54.13
Hays Co ESD #5			0	12789				12.79
City Of Kyle			0	12789				74.79
AUSTIN COMMUNITY COLLEGE DISTRICT			0	12789				12.85

10-0361-0057-00002-2

R16968

IF TAXES ARE PAID IN	LESS (-) DISCOUNT OR PLUS (+) PENALTY / INTEREST	TOTAL TAX DUE
OCT 2015		356.82
NOV 2015		356.82
DEC 2015		356.82
JAN 2016		356.82
FEB 2016	7% 24.98	381.80
MAR 2016	9% 32.11	388.93
APR 2016	11% 39.25	396.07
MAY 2016	13% 46.39	403.21
JUN 2016	15% 53.52	410.34
JUL 2016	18%/15% 127.38	484.20



AD VALOREM TAXES ARE DUE ON OCTOBER 1ST AND BECOME DELINQUENT FEBRUARY 1ST.

IF YOU ARE 65 YEARS OF AGE OR OLDER OR ARE DISABLED AND THE PROPERTY DESCRIBED IN THIS DOCUMENT IS YOUR RESIDENCE HOMESTEAD, YOU SHOULD CONTACT THE APPRAISAL DISTRICT REGARDING ANY ENTITLEMENT YOU MAY HAVE TO A POSTPONEMENT IN THE PAYMENT OF THESE TAXES.

Property Location	707 Live Oak Street
Owner/Petitioner	Richard Giberson 707 Live Oak Street Kyle, Texas 78640
Request	Rezone 1.30 acres from R-1 (Single Family Detached) to R-1-T (Single Family Attached)

Vicinity Map



The site is located on the northwest side of Live Oak Street, southwest of and approximately across Live Oak Street from St. Anthony's Catholic Church. The property is 1.30 acres, and is developed with a single family detached home and related accessory structures. It is currently zoned R-1 (Single Family). The applicant seeks to assemble and include this parcel with the 14 acre +/- parcel that is the subject of City of Kyle rezoning case Z-15-019. All relevant observation and analysis for that case is also true of this site and should be considered concurrently.

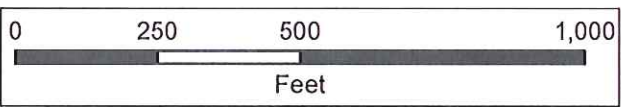
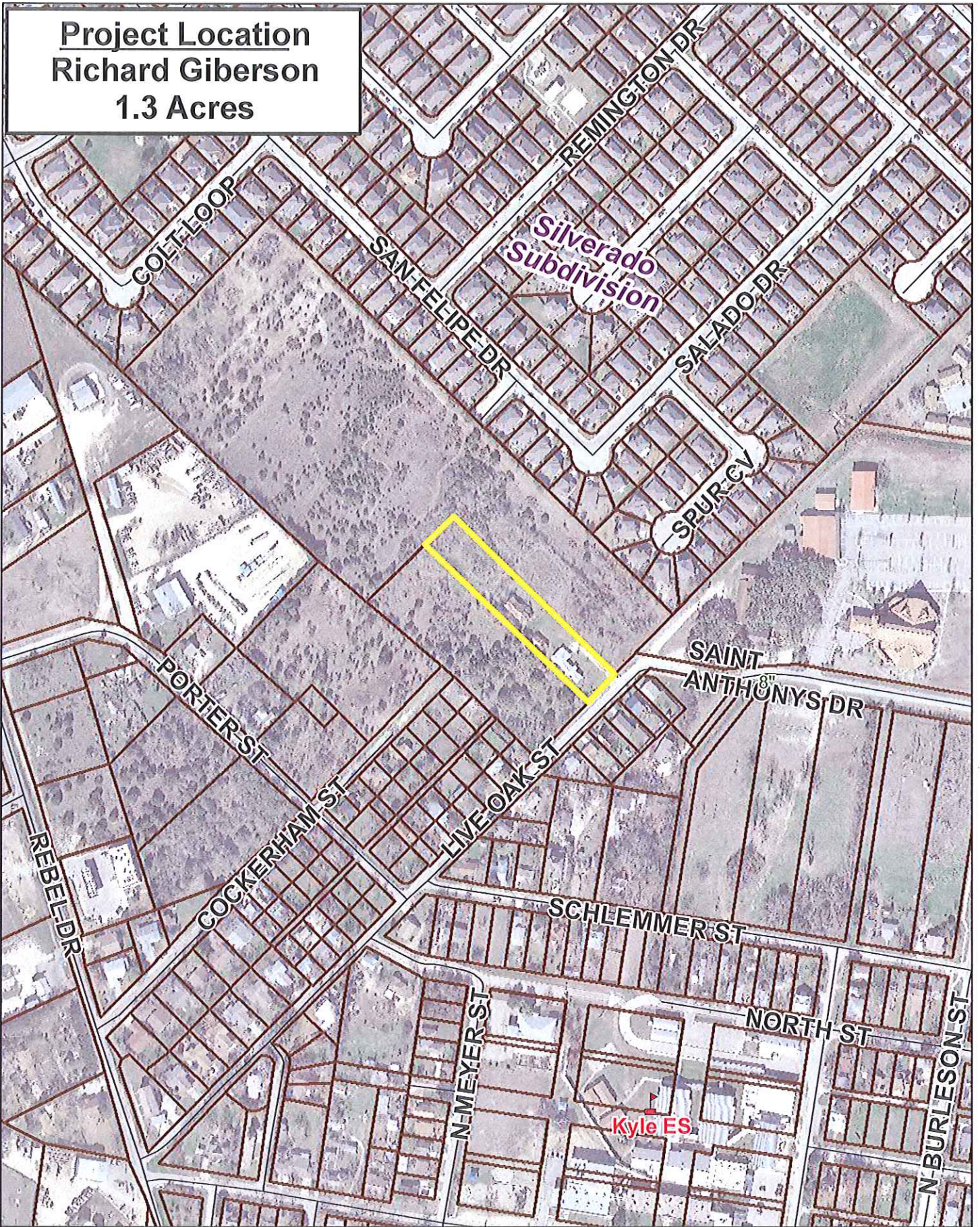
Recommendation

Similarly to case Z-15-019, this request should be considered favorably by the Commission for the same reasons previously stated.

Attachments

- Application
- Letter of intent
- Overhead map of the subject vicinity
- Letters in support/objection

Project Location
Richard Giberson
1.3 Acres



 Property Boundary

 Parcel Lines

APPLICATION & CHECKLIST - ZONING CHANGE CITY OF KYLE

Zoning: Richard Giberson
(Name of Owner)

(Submittal Date) NOV 20 2015

INSTRUCTIONS: 2-15-020

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

REQUIRED ADMINISTRATOR 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: 622.98
4. A map or plat showing the area being proposed for rezoning.
5. A clear and legible copy of field notes (metes and bounds) describing the tract (when not a subdivided lot).
6. Certified Tax certificates: County School City
7. Copy of Deed showing current ownership.

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

1. **Zoning Request:**

Current Zoning Classification: R-1 Single family

Proposed Zoning Classification: R-1-T Residential Townhome

Proposed Use of the Property: Townhome Community

Acreage/Sq. Ft. of Zoning Change: 1.30 AC

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: 707 Live Oak St., Kyle, Tx, 78640

Subdivision Name/Lot & Block Nos.: ABS 361 John Pharras Survey
1.30 AC GEO# 90602813

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

Page/Slide No. _____

3. Ownership Information:

Name of Property Owner(s): Richard Giberson

(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:

PO Box 455
Buda, Tx. 78610

Phone Number:

512-560-3589

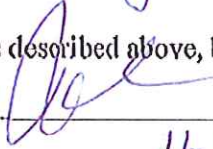
Fax Number:

Email Number:

richardgiberson@aol.com

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

Signed:



Date:

11-18-15

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: _____

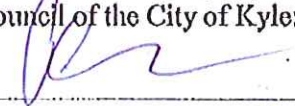
Agent's Fax Number: _____

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:

11-18-15

*Do Not Write Below This Line
Staff Will Complete*

Tax Certificates: County School City

Certified List of Property Owners Within 200'

All Fees Paid: Filing/Application Mail Out Costs

Attached Map of Subject Property

CITY OF KYLE

NOV 20 2015

Accepted for Processing By: Abbie Guerrero Date: PLANNING DEPARTMENT

Date of Public Notification in Newspaper: 12/2/15

Date of Public Hearing Before Planning and Zoning Commission: 12/22/15

Date of Public Hearing Before City Council: 1/5/16 & 1/19/16

707 Live OAK Rezone

Dan Slovak <danslovak@austin.rr.com>

Tue 12/8/2015 6:17 PM

Inbox

To:Debbie Guerra <dguerra@cityofkyle.com>;

Debbie,

Please put down my contact information for the rezoning of Richard Giberson's property and remove his cell phone number from any future notices. Thank you.

Sincerely,

Dan Slovak

REALTOR

Keller Williams Realty

Texas Heritage Team

512-529-1400 cell

512-870-9478 fax

Texas law requires all real estate licensees to give the following information about brokerage services to prospective buyers, tenants, sellers and landlords.

<http://www.trec.state.tx.us/pdf/contracts/op-k.pdf>

From: WS Liveoak Kyle, LLC

To whom it may concern,

We are requesting a rezoning of following property so that it can be developed as town home use. The adjacent property is also being requested for zoning at the same time.

Sincerely,

A handwritten signature in blue ink, appearing to read "Dan Slovak". The signature is fluid and cursive, with a long horizontal stroke at the end.

Dan Slovak

Subject Property: 707 Live Oak St, Kyle, Tx. 78640

Account Summary

2015



Luanne Caraway, Tax Assessor/Collector
 Courthouse Annex, 102 LBJ Drive
 (512)393-5545
 San Marcos, TX 78666-5620
 Ph: 512-393-5545 Fax: 512-393-5517

GIBERSON, RICHARD
 P O BOX 455
 BUDA, TX 78610

Property: 10-0361-0008-00000-2
 Quick Ref ID: R16913
 Owner: GIBERSON, RICHARD
 Situs Address: 707 LIVE OAK ST KYLE, TX 78640
 Legal Description: ABS 361 JOHN PHARASS SURVEY
 1.30 AC GEO#90602813

Exemptions:

Tax Bill (Effective Date: 11/20/2015)

Balance Due if Paid By 11/30/2015: \$2,977.50

Bill	Levy	Levy Balance	P & I	Collection Penalty	Amt Paid	Balance
Hays Consolidated ISD	\$1,641.04	\$1,641.04	\$0.00	\$0.00	\$0.00	\$1,641.04
Special Road Dist	\$46.74	\$46.74	\$0.00	\$0.00	\$0.00	\$46.74
Hays County	\$451.64	\$451.64	\$0.00	\$0.00	\$0.00	\$451.64
Hays Co ESD #5	\$106.72	\$106.72	\$0.00	\$0.00	\$0.00	\$106.72
City Of Kyle	\$624.10	\$624.10	\$0.00	\$0.00	\$0.00	\$624.10
AUSTIN COMMUNITY COLLEGE DISTRICT	\$107.26	\$107.26	\$0.00	\$0.00	\$0.00	\$107.26
Totals	\$2,977.50	\$2,977.50	\$0.00	\$0.00	\$0.00	\$2,977.50

**** Electronically Filed Document ****

Hays County Texas
Liz Q. Gonzalez
County Clerk

Document Number: 2013-13013903
Recorded As : ELECTRONIC RECORDING

Recorded On: April 29, 2013
Recorded At: 02:09:19 pm
Number of Pages: 4
Book-VI/Pg: Bk-OPR VI-4621 Pg-731
Recording Fee: \$24.00

Parties:

Direct- PETERSON MARTHA ESTATE
Indirect- GIBERSON RICHARD

Receipt Number: 335090
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

15/ITC/LBA/#1310800-SMA

General Warranty Deed

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.

Date: April 26, 2013

Grantor: TRACY FORESTER, Independent Executrix of the ESTATE OF MARTHA EARLY PETERSON, Deceased

Grantor's Mailing Address:

1600 Old Kelly Road
Lockhart, Texas 78644
Caldwell County

Grantee: RICHARD GIBERSON, a single person

Grantee's Mailing Address:

P.O. Box 455
Buda, Texas 78610
Hays County

Consideration: Cash and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged.

Property (including any improvements):

A tract of land containing 1.2816 acres out of and part of the JOHN PHARASS SURVEY, ABSTRACT NO. 361, in Hays County, Texas, and being that same tract, called 1.00 acres, as conveyed by deed to W.A. Becker and wife, Martha Becker, as recorded and described in Volume 274, Page 777, of the Hays County Deed Records, and being more particularly described by a metes and bounds description in Exhibit "A" attached hereto and made a part hereof.

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 restrictions, reservations, covenants, conditions, oil and gas leases, mineral interests, and water interests outstanding in persons other than Grantor, and other instruments, other than conveyances of the surface fee estate, that affect the Property;

validly existing rights of adjoining owners in any walls and fences situated on a common boundary; any discrepancies, conflicts, or shortages in area or boundary lines; any encroachments or overlapping of improvements; and taxes for 2013, which Grantee assumes and agrees to pay, and subsequent assessments for that and prior years due to change in land usage, ownership, or both, the payment of which Grantee assumes.

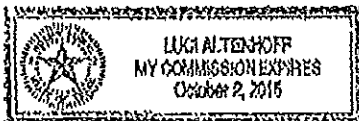
Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee 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.

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

Tracy Forester
TRACY FORESTER, Independent Executrix of the
ESTATE OF MARTHA EARLY PETTERSON,
Deceased

STATE OF TEXAS §
COUNTY OF HAYS §
§

This instrument was acknowledged before me on the 25th day of April, 2013, by TRACY FORESTER, Independent Executrix of the ESTATE OF MARTHA EARLY PETTERSON, Deceased, on behalf of said Estate.



Luci Altenhoff
NOTARY PUBLIC, State of Texas

HAYES SURVEYING

202 SUNFLOWER DRIVE
KYLE, TEXAS 78640

EXHIBIT A

METES & BOUNDS DESCRIPTION FOR 1.2816 ACRES OF LAND

A tract of land containing 1.2816 acres out of and part of the John Pharriss Survey, Abstract No. 361, in Hays County, Texas, and being that same tract, called 1.00 acres, as conveyed by deed to W. A. Becker and wife, Martha Becker, as recorded and described in Volume 274, Page 777, of the Hays County Deed Records, and being more particularly described by metes and bounds as follows:

BEGINNING at a $\frac{1}{4}$ " iron rod found in the northwest right-of-way of Live Oak Street in the City of Kyle, Texas, accepted for the southeast corner of the herein described tract and for a southwest corner of the remainder of the Aguirre Tract as described in Clark's Document #9924796 of the Official Public Records of Hays County, from which for reference, a 60D nail found in a wood fence post for the southeast corner of the Aguirre Tract and the west southerly corner of Lot Nineteen (19), Block 'L', of Silverado at Plum Creek, Section 3A, a subdivision recorded in Volume 11, Page 128 of the Hays County Plat Records bears N 45° 48' 40" E, a distance of 215.34 feet;

THENCE S 46° 08' 31" W, along the Live Oak Street right-of-way, a distance of 94.81 feet to a wood fence post found and accepted for the southwest corner of the herein described tract and the southeast corner of the Barton Tract as described in Volume 2473, Page 612, of the Official Public Records of Hays County, from which for reference a $\frac{1}{4}$ " iron pipe found for the southwest corner of the Barton Tract and the southeast corner of Lot 1, Block 2 of the W. R. Blincock Addition, as recorded in Volume 8, Page 163 of the Hays County Deed Records, bears S 45° 09' 29" W, a distance of 216.29 feet;

THENCE leaving the right-of-way and following the accepted southwest property line of this tract the following four (4) courses,

1. N 44° 49' 28" W, a distance of 179.30 feet to a wood fence post found with a shiner for an angle point;
2. N 45° 12' 16" W, a distance of 174.17 feet to a wood fence post found with a shiner for an angle point;
3. N 44° 40' 01" W, a distance of 45.98 feet to a wood fence post found with a shiner for an angle point;
4. N 45° 31' 49" W, a distance of 188.96 feet to a wood fence post found in the southeast property line of the aforementioned Aguirre Tract for the accepted northwest corner of the herein described tract and the northeast corner of the Barton Tract, from which for reference, a fence post found for an angle point of the Aguirre Tract and the Barton Tract bears S 46° 53' 33" W, a distance of 92.32 feet;

THENCE N 45° 47' 43" E, a distance of 96.35 feet to an iron rod with a plastic cap found for the accepted northeast corner of this tract and an interior ell corner of the Aguirre Tract;

THENCE S 45° 00' 00" E (bearing basis used herein), a distance of 538.87 feet to the POINT OF BEGINNING, containing 1.2816 acres.

This is to certify that this description of land represents an actual survey made on the ground under my supervision in April of 2013. Only those documents with a red surveyor's signature and an accompanying red surveyor's seal shall be deemed reliable and authentic. Reference to the attached sketch marked EXHIBIT B, File LVKSTR07.

Ronald D. Hayes, Registered Professional Land Surveyor, No. 5703





CITY OF KYLE

Community Development Department



MEMORANDUM

TO: Planning Commission

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

DATE: December 22, 2015

SUBJECT: Conditional Use Approval, I-35 Overlay District – Taco Cabana

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 3,071 square foot restaurant with an EIFS and simulated stone exterior finish.

LOCATION

The property is located in 'The Village at Kyle' shopping center, which is located on the northeast corner of the northbound I-35 frontage road and the westbound lane of Highway 1626.

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

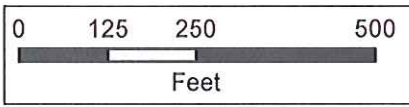
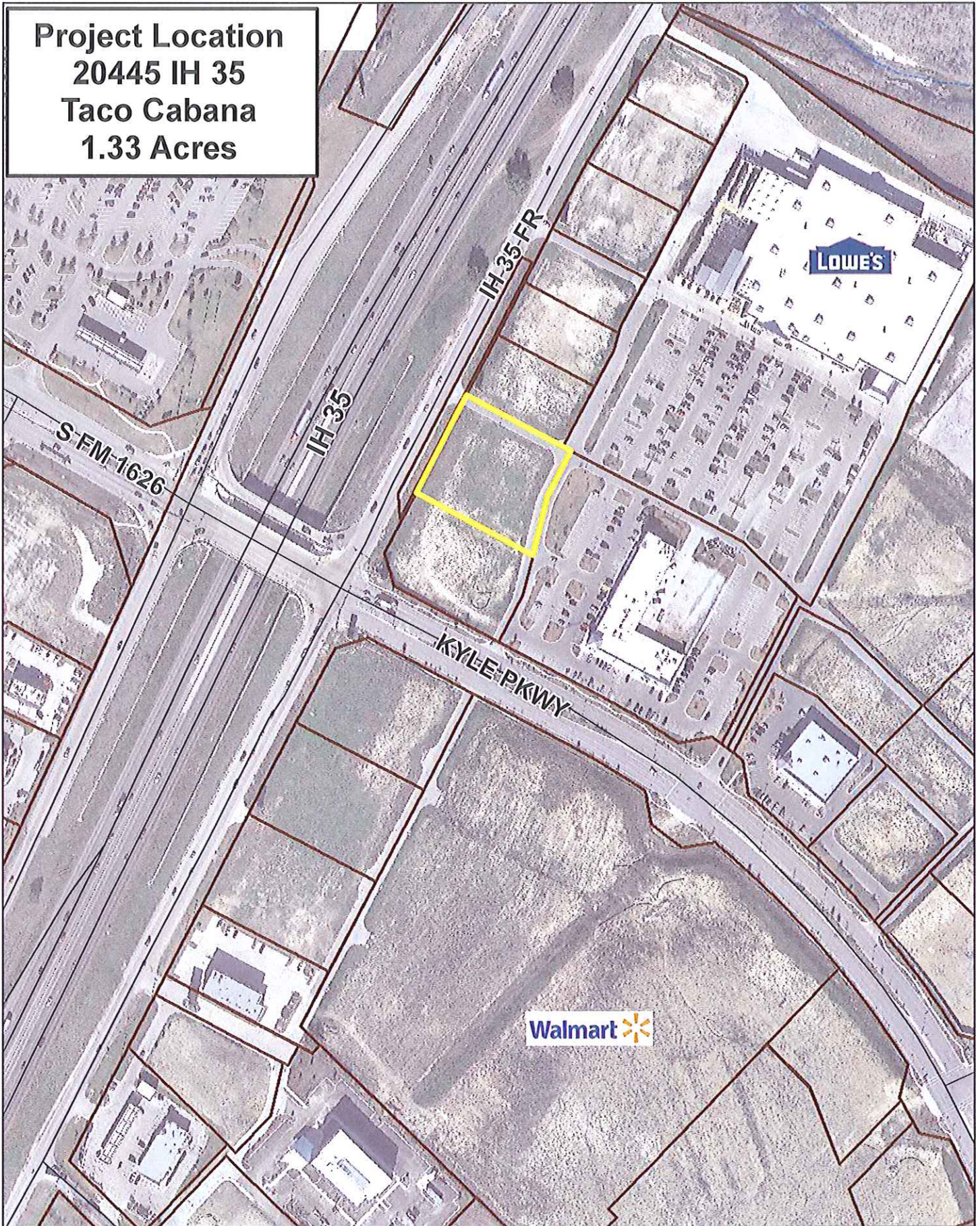
Staff has reviewed the request and has made the following finding:

1. The proposed aesthetic of the building design is in keeping with the retail services zoning standards found in §53-483, including "The exterior walls facing front and side streets shall be constructed of at least 100 percent stone, brick, masonry, stucco, masonry veneer, or similar granular product excluding doorways and windows".
2. Adjacent properties have used EIFS as a decorative accent to the primary exterior materials of stone and stucco. It appears that EIFS is proposed to be the primary exterior building material for this restaurant.

ATTACHMENTS

1. Exterior elevations
2. Site plan
3. Application submittal
4. Proposed building materials

Project Location
20445 IH 35
Taco Cabana
1.33 Acres



 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.

Date: November 6, 2015

PROJECT INFORMATION

Project Name: Taco Cabana - Kyle		
Project address: 20745 IH-35		
Subdivision: Seton Hays County Sub. Replat of Lot 1, Block 'B'		
Lot: 1-H	Block: B	Section: NA
Zoning: RS	Square Footage of Building: 3,699 S.F.	

APPLICANT INFORMATION

Owner's Name: Taco Cabana		
Owner's Signature: 	Brad Vickers - FRGI	Date: 11-9-15
Address: 8918 Tesoro Drive, San Antonio, Texas 78217		
Phone: 210-283-5511	Fax:	E-mail: Bvickers@frgi.com
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>I will represent my application.</i>		
<input checked="" type="checkbox"/> <i>I hereby authorize the person named below to act as my agent in processing this application.</i>		
Agent: Shelly Mitchell, P.E. with Pape-Dawson Engineers, Inc.		
Agent's Address: 7800 Shoal Creek Blvd., Suite 220 West, Austin, Texas 78757		
Phone: 512-454-8711	Fnx: 512-454-8867	E-mail: smitchell@pape-dawson.com

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: Taco Cabana - Kyle

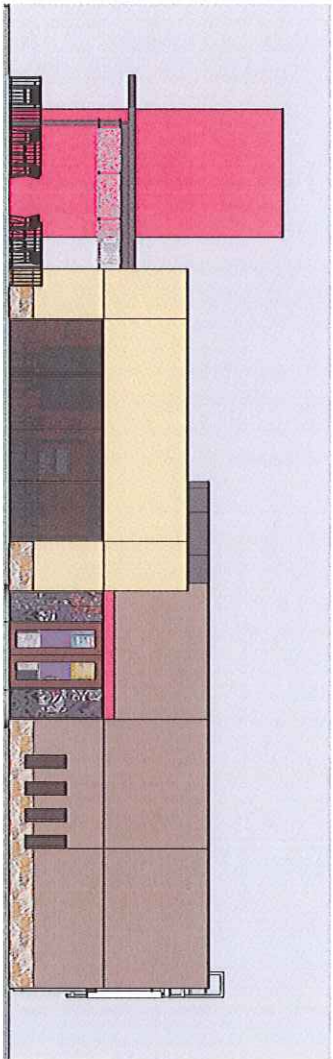
REQUIRED ITEMS FOR SUBMITTAL PACKAGE

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

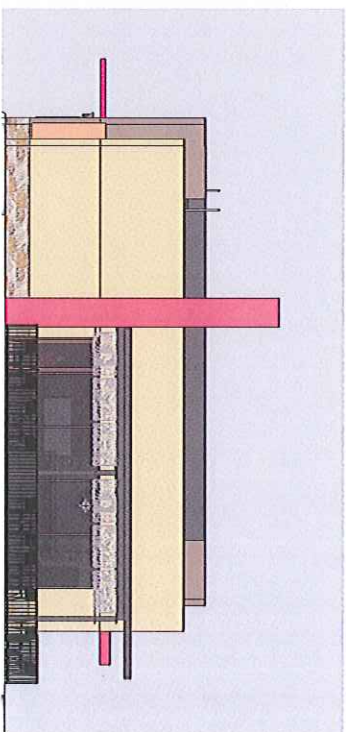
1. Completed application form with owner's original signature.
2. Application fee: \$190.21, plus \$3.78 per acre or portion thereof, (1.344 AC.)
Total Fee: \$194.95
3. A map or plat showing the area being proposed for change and the zoning classification of all abutting zoning districts, all public and private right-of-ways and easement bounding and intersecting the property. Lot 1-A
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.

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

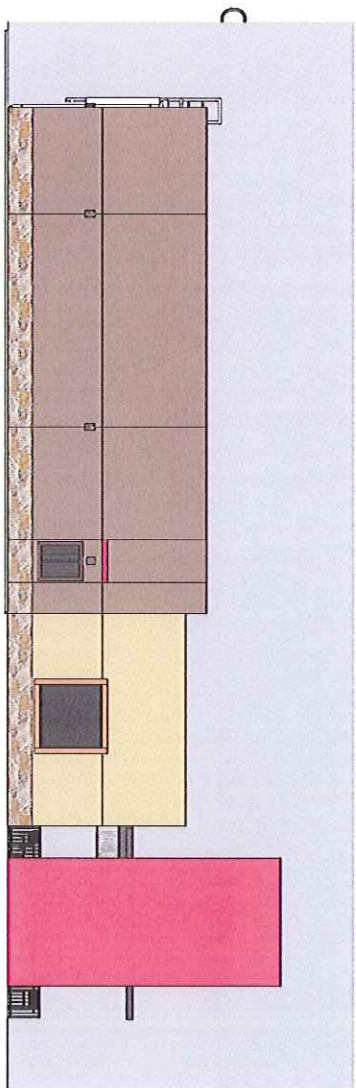
**Please note: The Commission/Council may also require the submission of colored perspectives or architectural renderings in applications or any other information it deems reasonable and/or useful in review of the application.*



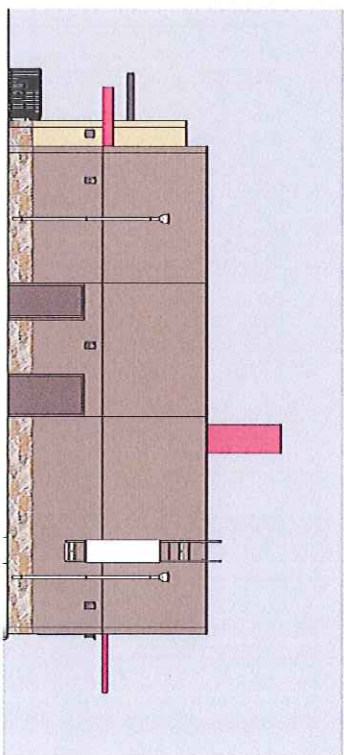
ENTRY EXTERIOR ELEVATION



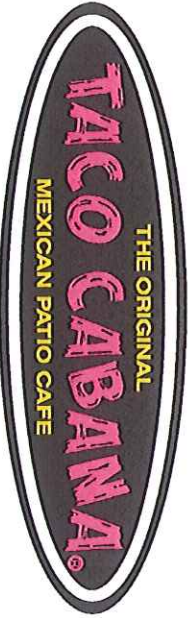
FRONT EXTERIOR ELEVATION



DRIVE-THRU EXTERIOR ELEVATION



REAR EXTERIOR ELEVATION

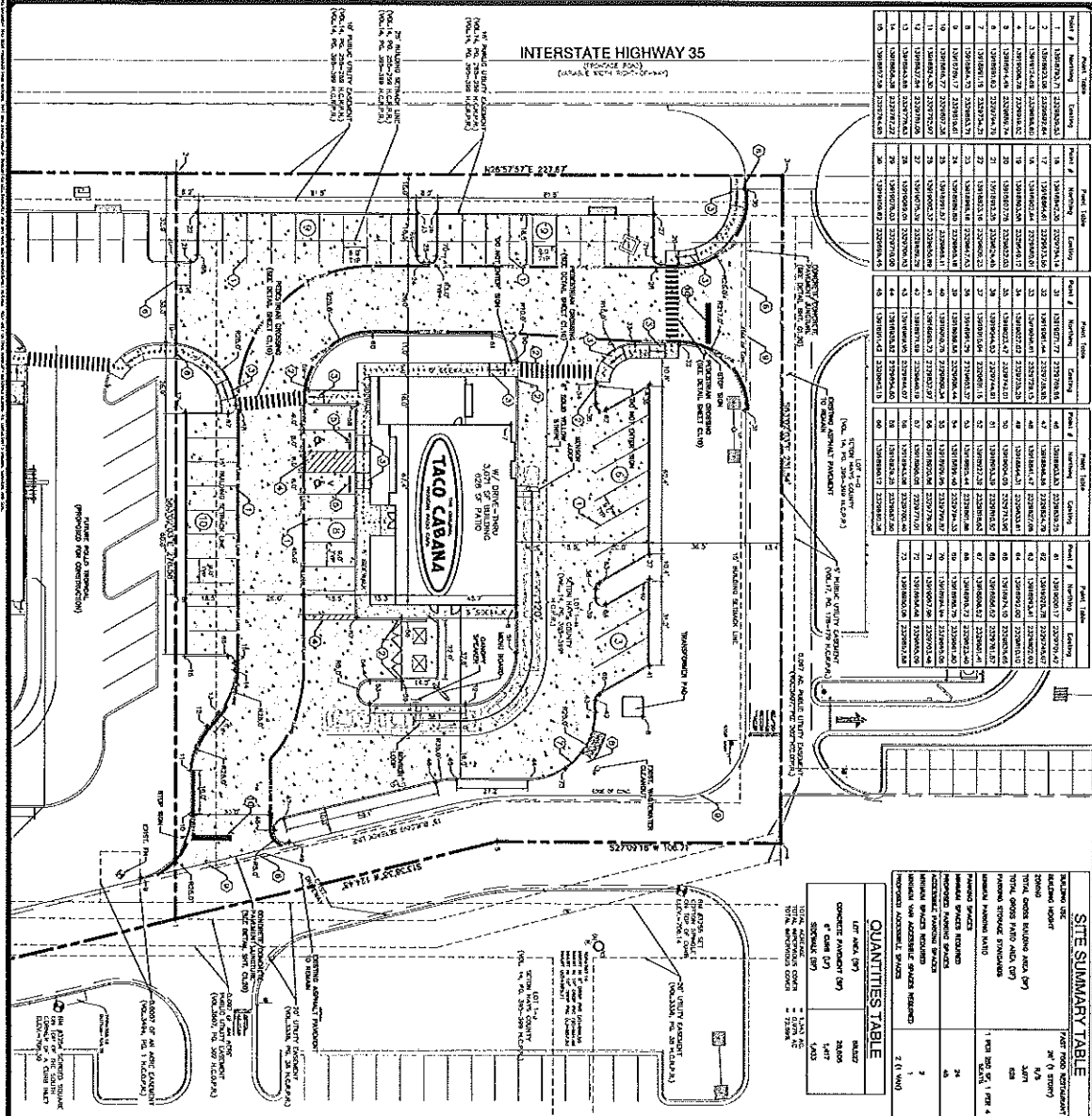


INTERSTATE HIGHWAY 35 @ KYLE PARKWAY
SAN ANTONIO, TEXAS

GENERIC REPRESENTATION ONLY/NOT FOR CONSTRUCTION
Building, structure, and site plan drawings represent one of graphic
representations of the project. This drawing is not intended to be used
in color, materials, construction that may occur due to local
material differences, and final design detailing. Landscaping
shown is preliminary and does not reflect the final landscaping
design that conforms with local code.

9639 MCGULLOUGH AVE. PH. 210.340.2400
SAN ANTONIO, TEXAS 78216 FAX. 210.340.2449
PROJECT NO. 20115086 DATE: 10/01/15





Panel #	Panel Title	Panel #	Panel Title	Panel #	Panel Title	Panel #	Panel Title
1	INTERSTATE 35	11	LANDSCAPING	21	LANDSCAPING	31	LANDSCAPING
2	LANDSCAPING	12	LANDSCAPING	22	LANDSCAPING	32	LANDSCAPING
3	LANDSCAPING	13	LANDSCAPING	23	LANDSCAPING	33	LANDSCAPING
4	LANDSCAPING	14	LANDSCAPING	24	LANDSCAPING	34	LANDSCAPING
5	LANDSCAPING	15	LANDSCAPING	25	LANDSCAPING	35	LANDSCAPING
6	LANDSCAPING	16	LANDSCAPING	26	LANDSCAPING	36	LANDSCAPING
7	LANDSCAPING	17	LANDSCAPING	27	LANDSCAPING	37	LANDSCAPING
8	LANDSCAPING	18	LANDSCAPING	28	LANDSCAPING	38	LANDSCAPING
9	LANDSCAPING	19	LANDSCAPING	29	LANDSCAPING	39	LANDSCAPING
10	LANDSCAPING	20	LANDSCAPING	30	LANDSCAPING	40	LANDSCAPING

SITE SUMMARY TABLE	
STATIONING	10+00 TO 10+50
CONCRETE	10,000 SQ YD
ASPHALT	10,000 SQ YD
PAVEMENT	10,000 SQ YD
LANDSCAPING	10,000 SQ YD
TOTAL	40,000 SQ YD

QUANTITIES TABLE	
LET AREA (SQ)	2400
CONCRETE (CUBIC YD)	1400
ASPHALT (CUBIC YD)	1400
TOTAL	2800

LEGEND:

- PROPOSED LANE
- EXISTING LANE
- PROPOSED DRIVEWAY
- PROPOSED DRIVEWAY - 10' SETBACK
- PROPOSED DRIVEWAY - 20' SETBACK
- PROPOSED DRIVEWAY - 30' SETBACK
- PROPOSED DRIVEWAY - 40' SETBACK
- PROPOSED DRIVEWAY - 50' SETBACK
- PROPOSED DRIVEWAY - 60' SETBACK
- PROPOSED DRIVEWAY - 70' SETBACK
- PROPOSED DRIVEWAY - 80' SETBACK
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- PROPOSED DRIVEWAY - 460' SETBACK
- PROPOSED DRIVEWAY - 470' SETBACK
- PROPOSED DRIVEWAY - 480' SETBACK
- PROPOSED DRIVEWAY - 490' SETBACK
- PROPOSED DRIVEWAY - 500' SETBACK

KEYED NOTES:

- PROPOSED DRIVEWAY - 10' SETBACK
- PROPOSED DRIVEWAY - 20' SETBACK
- PROPOSED DRIVEWAY - 30' SETBACK
- PROPOSED DRIVEWAY - 40' SETBACK
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- PROPOSED DRIVEWAY - 470' SETBACK
- PROPOSED DRIVEWAY - 480' SETBACK
- PROPOSED DRIVEWAY - 490' SETBACK
- PROPOSED DRIVEWAY - 500' SETBACK

GENERAL NOTES:

- CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE TEXAS CONSTRUCTION CODES AND ALL APPLICABLE LOCAL ORDINANCES.
- ALL MATERIALS SHALL BE TESTED AND APPROVED BY THE ENGINEER BEFORE USE.
- ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
- ALL UTILITIES SHALL BE PROTECTED AND MARKED PRIOR TO CONSTRUCTION.
- ALL EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT CONSTRUCTION.
- ALL TRAFFIC CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT CONSTRUCTION.
- ALL NEIGHBORING PROPERTIES SHALL BE NOTIFIED PRIOR TO CONSTRUCTION.
- ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE TEXAS CONSTRUCTION CODES AND ALL APPLICABLE LOCAL ORDINANCES.
- ALL MATERIALS SHALL BE TESTED AND APPROVED BY THE ENGINEER BEFORE USE.
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- ALL UTILITIES SHALL BE PROTECTED AND MARKED PRIOR TO CONSTRUCTION.
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- ALL TRAFFIC CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT CONSTRUCTION.
- ALL NEIGHBORING PROPERTIES SHALL BE NOTIFIED PRIOR TO CONSTRUCTION.

PAVEMENT NOTES:

- CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE TEXAS CONSTRUCTION CODES AND ALL APPLICABLE LOCAL ORDINANCES.
- ALL MATERIALS SHALL BE TESTED AND APPROVED BY THE ENGINEER BEFORE USE.
- ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
- ALL UTILITIES SHALL BE PROTECTED AND MARKED PRIOR TO CONSTRUCTION.
- ALL EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT CONSTRUCTION.
- ALL TRAFFIC CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT CONSTRUCTION.
- ALL NEIGHBORING PROPERTIES SHALL BE NOTIFIED PRIOR TO CONSTRUCTION.

STRIPING/SIGNAGE NOTES:

- CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE TEXAS CONSTRUCTION CODES AND ALL APPLICABLE LOCAL ORDINANCES.
- ALL MATERIALS SHALL BE TESTED AND APPROVED BY THE ENGINEER BEFORE USE.
- ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
- ALL UTILITIES SHALL BE PROTECTED AND MARKED PRIOR TO CONSTRUCTION.
- ALL EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT CONSTRUCTION.
- ALL TRAFFIC CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT CONSTRUCTION.
- ALL NEIGHBORING PROPERTIES SHALL BE NOTIFIED PRIOR TO CONSTRUCTION.

DIMENSIONAL CONTROL NOTES:

- CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE TEXAS CONSTRUCTION CODES AND ALL APPLICABLE LOCAL ORDINANCES.
- ALL MATERIALS SHALL BE TESTED AND APPROVED BY THE ENGINEER BEFORE USE.
- ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
- ALL UTILITIES SHALL BE PROTECTED AND MARKED PRIOR TO CONSTRUCTION.
- ALL EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT CONSTRUCTION.
- ALL TRAFFIC CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT CONSTRUCTION.
- ALL NEIGHBORING PROPERTIES SHALL BE NOTIFIED PRIOR TO CONSTRUCTION.

<p>TACO CABANA 20745 IH 35 KYLE, TEXAS</p>	<p>PAPE-DAWSON ENGINEERS</p>	
<p>SITE PLAN</p>	<p>NO. 1047</p>	<p>DATE</p>
<p>SCALE: 1" = 20'</p>	<p>FOR PERMIT</p>	



CITY OF KYLE

Community Development Department



MEMORANDUM

TO: Planning Commission

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

DATE: December 22, 2015

SUBJECT: Conditional Use Approval – Lone Star Delights

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 proposes to remodel the exterior of "Lone Star Delights", located at 108 South Front Street in accordance with the provided renderings and designs. Therefore, the applicant seeks a conditional use approval, pursuant to §53-893(2), to complete the work.

LOCATION

The property is located at 108 South Front Street, which is on the west side of Front Street, south of its intersection with Center Street, directly across the street from the VFW building.

CONDITIONS OF THE ZONING ORDINANCE

Sec. 53-892. - Districts and boundaries.

(a) Established. Four conditional use overlay districts are established as follows:

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

- (2) The Old Highway 81 overlay district. The Old Highway 81 corridor conditional use overlay district (the Old Highway 81 overlay district) extends from the intersection of Burlson Street and Old Highway 81 on the north to the intersection of Opal Lane and Old Highway 81 on the south, and includes all real property within 200 feet from the outer most edge of the highway right-of-way of Old Highway 81;
 - (3) **The Center Street overlay district. The Center Street conditional use overlay district (the Center Street overlay district), Center Street is also known as Farm-to-Market Road No. 150, extends from the intersection of Center Street and 1-35 on the east to the intersection of Center Street and Rebel Drive on the west, and includes all real property within 200 feet from the centerline of Center Street; and all real property within all central business district-1 (CBD-1) and central business district-2 (CBD-2) zoning districts; and**
 - (4) The Rebel Drive overlay district. The Rebel Drive conditional use overlay district (the Rebel Drive overlay district), Rebel Drive is also known as Farm-to-Market Road No. 150, extends from the intersection of Rebel Drive and Center Street on the south to the northernmost city limit boundary at Rebel Drive on the north, and includes all real property within 400 feet of the outer most edge of the street right-of-way of Rebel Drive.
- (b) Map. The boundaries of the conditional use overlay districts are additionally set forth on the city map which is attached to the ordinance from which this article is derived and made part hereof. The 1-35 overlay district, the Old Highway 81 overlay district, Center Street overlay district, and the Rebel Drive overlay district are hereinafter collectively sometimes referred to as the overlay districts.

Sec. 53-893. - Conditional use permit required.

- (a) A conditional use permit shall be required prior to the construction or erection of any new structure for a commercial, retail, or business use within one of the overlay districts. A conditional use permit shall also be required:
 - (1) 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 50 percent or more; and
 - (2) **If such work requires any additional curb cut, or the reconstruction, enlargement, remodeling, or alteration of the exterior design, material, material, finish grade line, landscaping, or orientation of the structure.**
- (b) The conditional use permit shall be in addition to and not in lieu of the required site plan and the appropriate underlying zoning required for the proposed use.

STAFF ANALYSIS

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

1. The proposed aesthetic of the building design should be evaluated with considerations for the CBD-2 zoning standards found in §53-446, including "All new buildings constructed or existing buildings within this district for any use or occupancy listed in CBD-2 or CBD-1 shall be constructed or maintained in the same architectural style as those buildings found within district, and if the building is within

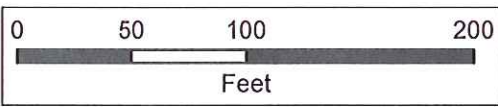
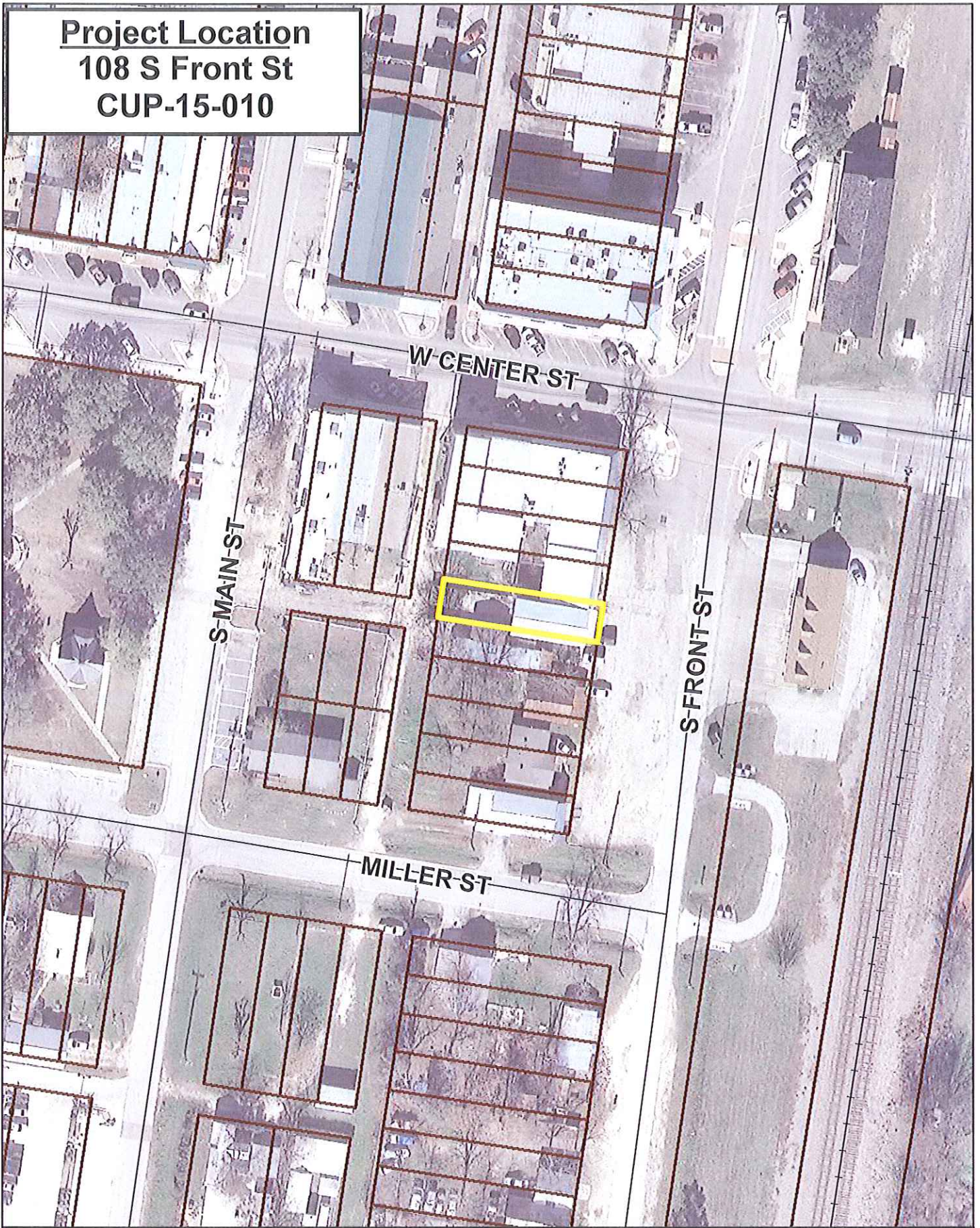
the historical district the review and action by the historic preservation commission will be required.”.

-
2. The proposed alterations are to be funded by a matching grant offered by the City of Kyle, as recommended by the city's economic development board and approved by the Mayor & City Council.

ATTACHMENTS

1. Exterior elevations
2. Application submittal

Project Location
108 S Front St
CUP-15-010



 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.

Date: 11/2/15

PROJECT INFORMATION

Project Name: <u>Lone Star Delights</u>		
Project address: <u>108 S Front St Kyle TX 78640</u>		
Subdivision:		
Lot:	Block:	Section:
Zoning:	Square Footage of Building: <u>900</u>	

APPLICANT INFORMATION

Owner's Name: <u>Jose M. Ramirez</u>	
Owner's Signature: <u>Marceely</u>	Date: <u>11/2/15</u>
Address: <u>510 W. Schlemmer St Kyle TX 78640</u>	
Phone: <u>(512) 954-7780</u> Fax:	E-mail:
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>Mary Halarza</u>	
Agent's Address: <u>232 M. Garity</u>	
Phone: <u>817 905 8327</u> Fax:	E-mail: <u>info@LoneStarKettle.com.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: Lone Star Delights Building Store Front Upgrades

(CUP-15-010)

REQUIRED ITEMS 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

1. Completed application form with owner's original signature.

NOV 18 2015

2. Application fee: \$190.21, plus \$3.78 per acre or portion thereof.

PLANNING DEPARTMENT

Total Fee: \$193.99



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.

***** 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.*



* Logo Detail

DATE: 9/16/15

CLIENT: Lone Star Delights

PROJECT: Store Front



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CITY OF KYLE

Community Development Department



MEMORANDUM

TO: Planning Commission

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

DATE: December 22, 2015

SUBJECT: Conditional Use Approval – Milt's Pit Barbecue

PURPOSE OF OVERLAY DISTRICTS

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 proposes to remodel the exterior of "Milt's Pit Barbecue", located at 208 West Center Street in accordance with the provided renderings and designs. The applicant seeks a conditional use approval, pursuant to §53-893(2), to complete the work.

LOCATION

The property is located at 208 West Center Street, which is on the north side of Center Street, between Main and Burleson Streets, directly across the street from Kyle's Old City Hall building.

CONDITIONS OF THE ZONING ORDINANCE

Sec. 53-892. - Districts and boundaries.

(a) Established. Four conditional use overlay districts are established as follows:

- (1) **The 1-35 overlay district. The Interstate Highway 35 corridor conditional use overlay district (the 1-35 overlay district) extends from the northernmost city limit boundary at 1-35 to the southernmost city limit**

boundary at 1-35, and includes all real property within 1,500 feet of the outer most edge of the highway right-of-way of 1-35;

- (2) The Old Highway 81 overlay district. The Old Highway 81 corridor conditional use overlay district (the Old Highway 81 overlay district) extends from the intersection of Burleson Street and Old Highway 81 on the north to the intersection of Opal Lane and Old Highway 81 on the south, and includes all real property within 200 feet from the outer most edge of the highway right-of-way of Old Highway 81;
 - (3) **The Center Street overlay district. The Center Street conditional use overlay district (the Center Street overlay district), Center Street is also known as Farm-to-Market Road No. 150, extends from the intersection of Center Street and 1-35 on the east to the intersection of Center Street and Rebel Drive on the west, and includes all real property within 200 feet from the centerline of Center Street; and all real property within all central business district-1 (CBD-1) and central business district-2 (CBD-2) zoning districts; and**
 - (4) The Rebel Drive overlay district. The Rebel Drive conditional use overlay district (the Rebel Drive overlay district), Rebel Drive is also known as Farm-to-Market Road No. 150, extends from the intersection of Rebel Drive and Center Street on the south to the northernmost city limit boundary at Rebel Drive on the north, and includes all real property within 400 feet of the outer most edge of the street right-of-way of Rebel Drive.
- (b) Map. The boundaries of the conditional use overlay districts are additionally set forth on the city map which is attached to the ordinance from which this article is derived and made part hereof. The 1-35 overlay district, the Old Highway 81 overlay district, Center Street overlay district, and the Rebel Drive overlay district are hereinafter collectively sometimes referred to as the overlay districts.

Sec. 53-893. - Conditional use permit required.

- (a) A conditional use permit shall be required prior to the construction or erection of any new structure for a commercial, retail, or business use within one of the overlay districts. A conditional use permit shall also be required:
 - (1) 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 50 percent or more; and
 - (2) **If such work requires any additional curb cut, or the reconstruction, enlargement, remodeling, or alteration of the exterior design, material, material, finish grade line, landscaping, or orientation of the structure.**
- (b) The conditional use permit shall be in addition to and not in lieu of the required site plan and the appropriate underlying zoning required for the proposed use.

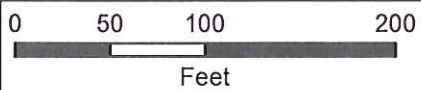
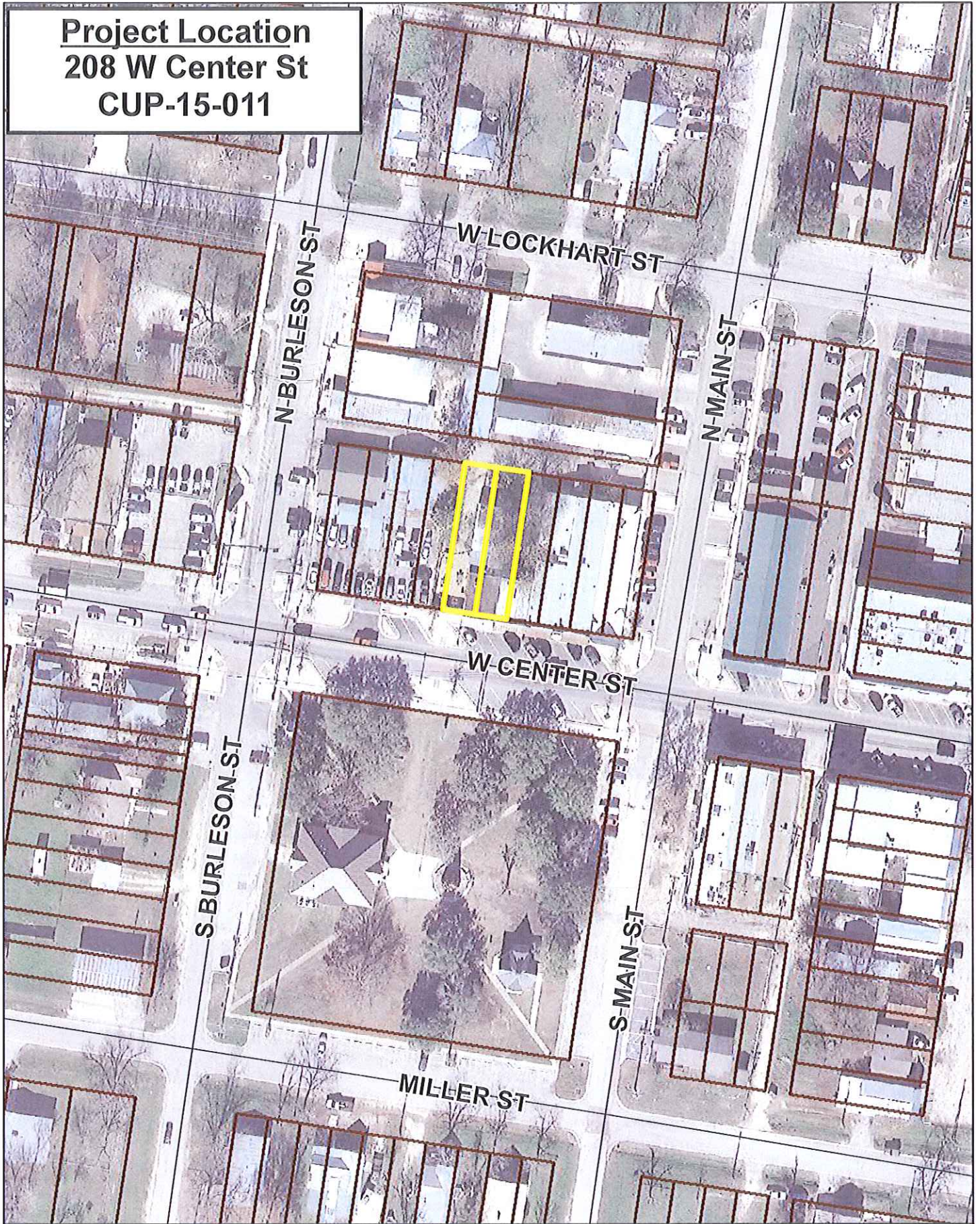
STAFF ANALYSIS

Staff has reviewed the request and recommends the application be approved, as submitted.

ATTACHMENTS

1. Application submittal
2. Exterior elevations

Project Location
208 W Center St
CUP-15-011



 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 any 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.

DEC 14 2015

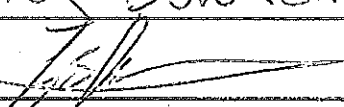
Date: ~~PLANNING DEPARTMENT~~

(CUP-15-011)

PROJECT INFORMATION

Project Name: <i>Milts Pit BBQ</i>		
Project address: <i>208 W Center St</i>		
Subdivision:		
Lot:	Block:	Section:
Zoning:	Square Footage of Building:	

APPLICANT INFORMATION

Owner's Name: <i>Greg Devonshire</i>		
Owner's Signature: 	Date: <i>11/18/15</i>	
Address: <i>208 W Center St</i>		
Phone: <i>512-268-4731</i>	Fax: <i>N/A</i>	E-mail: <i>milspitbbq@gmail.com</i>
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 type="checkbox"/> I hereby authorize the person named below to act as my agent in processing this application.		
Agent:		
Agent's Address:		
Phone:	Fax:	E-mail:

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: _____

REQUIRED ITEMS FOR SUBMITTAL PACKAGE

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

___ 1. Completed application form with owner's original signature.

___ 2. Application fee: \$190.21, plus \$3.78 per acre or portion thereof.

Total Fee: 193.99

___ 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.

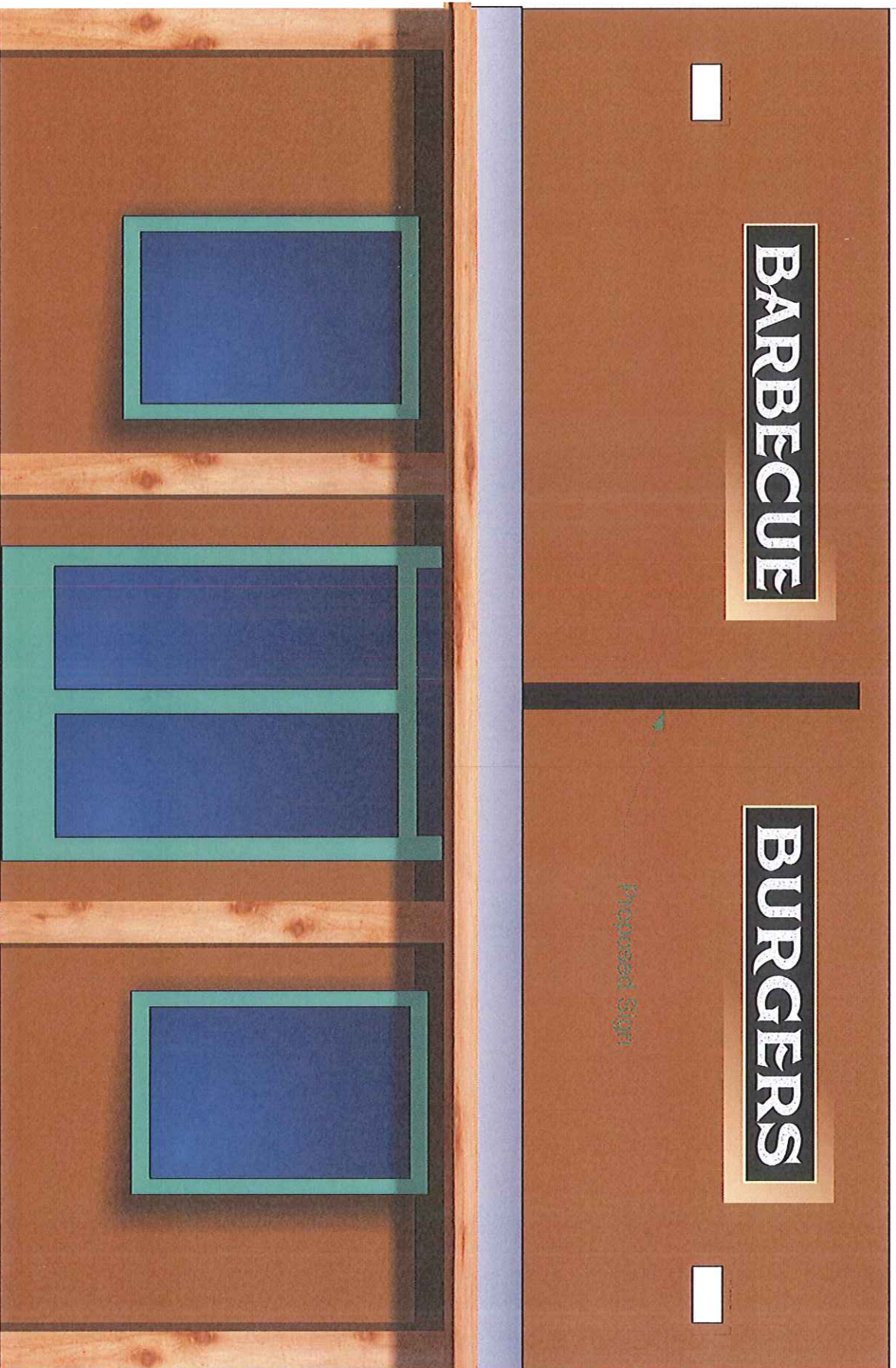
___ 5. Applications shall be accompanied by 2 paper copies and 1 digital file of appropriate, relevant colored elevations showing at a minimum, the design, use of materials, finish grade line, landscaping, signage and orientation of the buildings and any significant architectural features.

___ 6. Copy of Deed showing current ownership.

***** 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.*

24'-6"



Proposed Sign

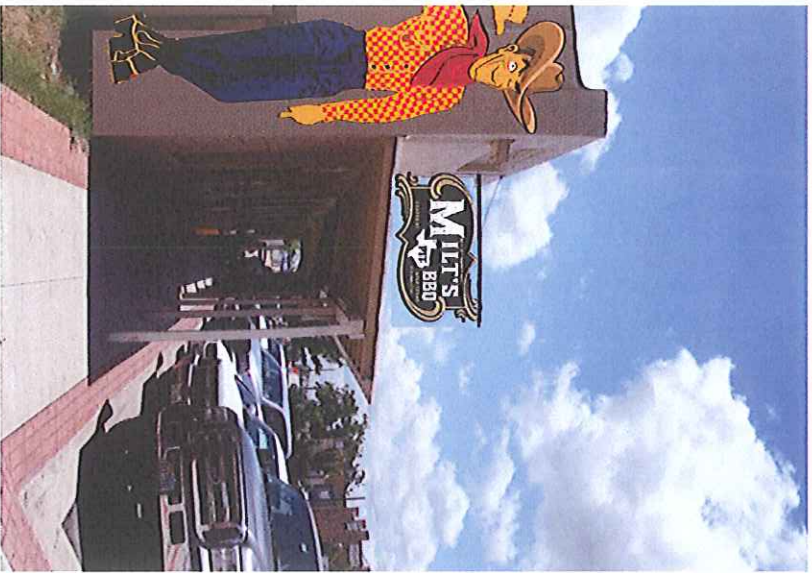
DATE: 10/9/15

CLIENT: Mitts BBQ

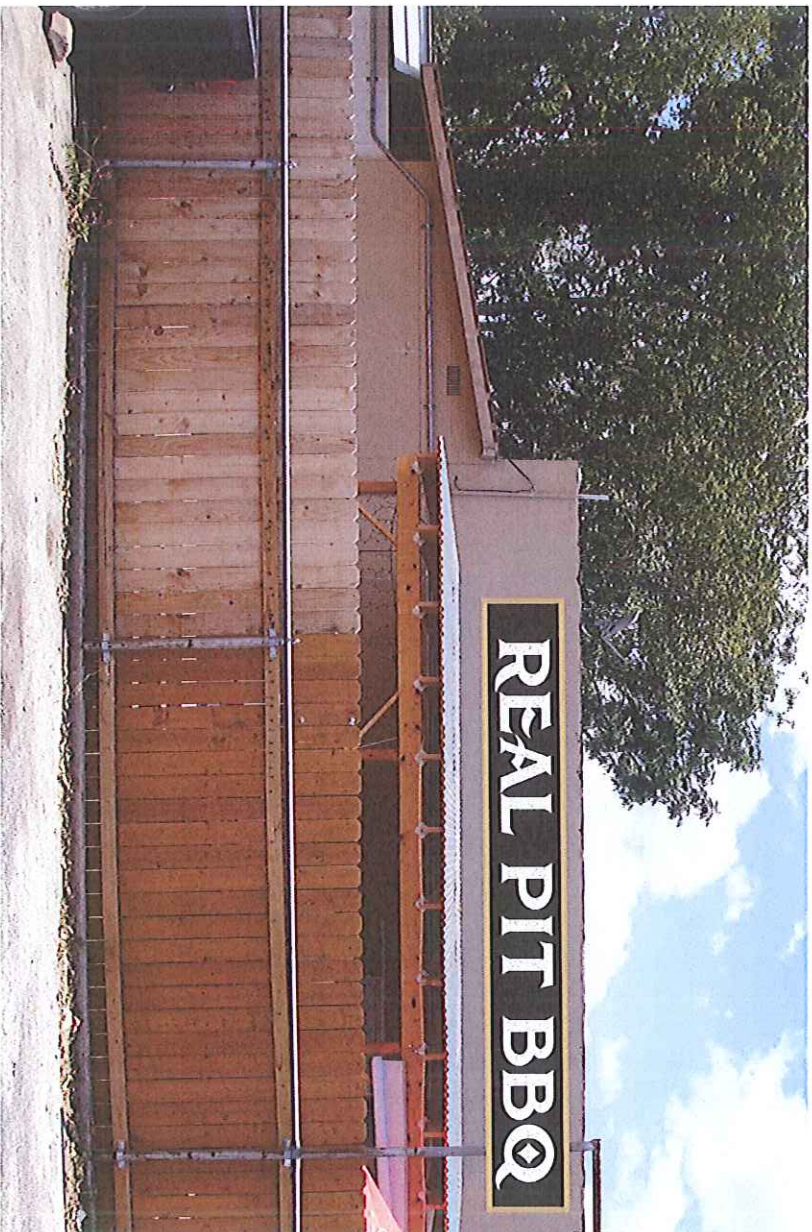
PROJECT: Existing Store Front (Refurbish)

Scope of work on storefront shown. #1. Resurface existing stucco (Removal of current texture included) #2. Repainting existing windows & door #3. Removal of existing 4" x 4"s & replace with 9" cedar posts. Reface existing fascia with cedar also. #4 Two small signs as shown to obtain max ** Not to exceed 16.75 SF

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Sq.Ft. out of 36.75 Sq.Ft. Allowed)



(69 Sq.Ft. out of 70 Sq.Ft. Allowed)

DATE: 10/8/15 CLIENT: MILTS BBQ

PROJECT: Signs & Side Elevations

Scope of work in these 2 photos. #1. Resurface stucco.#2. Cowboy Rustic Patina finish metal. #3. Real Pit BBQ Painted 3' x 23' #4. Hanging sign

*I am considering cowboy as "ART" in that it doesn't directly connect to services or products. Decoration only.



.com

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.com

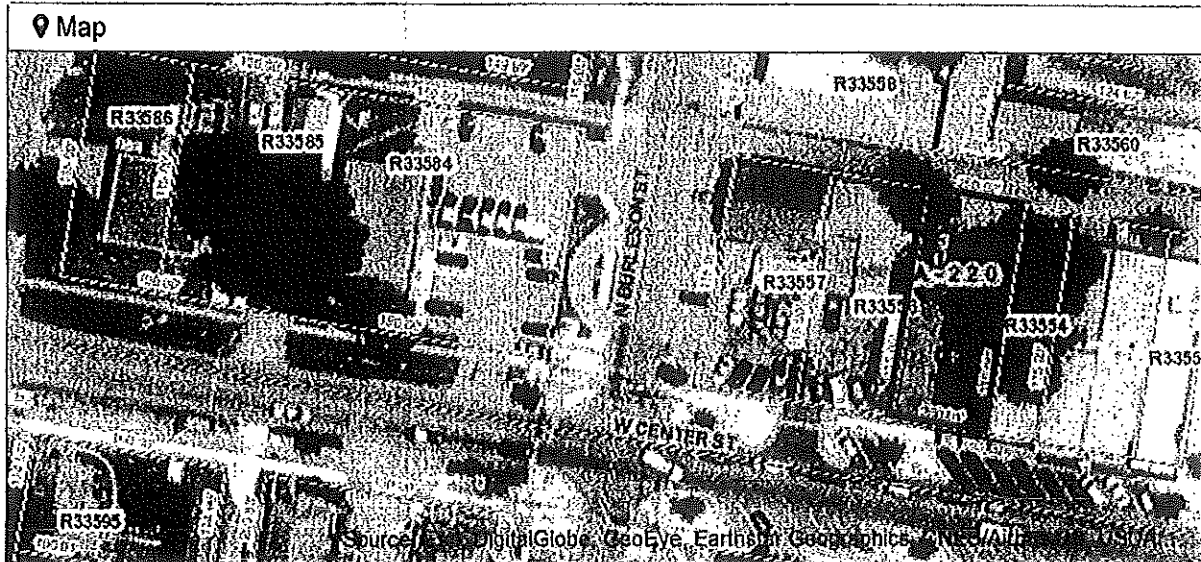
THIS DESIGN IS PROPERTY OF GREAT BIG SIGNS INC. IT IS NOT TO BE TRANSFERRED OR SHOWN TO OTHERS WITHOUT PERMISSION OF GRE

Hays CAD eSearch

EXHIBIT "A"

15011393 Bk Vol Pg
OPR 5190 864

Property ID: R33555 For Year 2015



Property Details	
Account	
Property ID:	R33555
Legal Description:	KYLE ORIGINAL TOWN LOTS 5-6 BLK 10 GEO#90613252
Geographic ID:	11-4635-1000-00800-2
Agent Code:	
Type:	Real
Location	
Address:	208 W CENTER ST, KYLE, TX 78640
Map ID:	
Neighborhood CD:	C-KYLE-CBD
Owner	
Owner ID:	236633
Name:	SAUCEDO MARY HELEN
Mailing Address:	130 RUDY LN KYLE, TX 78640-5675
% Ownership:	100.0%
Exemptions:	No Exemptions

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.

General Warranty Deed

Date: April 17, 2015

Grantor: Mary Helen Saucedo, a single person

Grantor's Mailing Address:

Mary Helen Saucedo
130 Rudy Lane
Kyle, Texas 78640

Hays County

Grantee: Saucedo Holdings, LLC

Grantee's Mailing Address:

Saucedo Holdings, LLC
Mary Helen Saucedo
130 Rudy Lane
Kyle, Texas 78640

Hays County

Consideration:

Cash and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged.

Property (including any improvements):

KYLE ORIGINAL TOWN LOTS 5-6 BLK 10 GEO#90613252. C-KYL-CBD2(C0KYL-CBD2 Commercial Kyle CBD 2) See Deed Book 4493 Deed Page 200. This property is commonly known as 208 W. Center Street, Kyle, Hays County, Texas 78640.

SEE EXHIBIT A ATTACHED HERETO.

Reservations from Conveyance:

None

Exceptions to Conveyance and Warranty:

None

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.

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

This instrument was prepared based on information furnished by the parties, and no independent title search has been made.

Mary Helen Saucedo
Mary Helen Saucedo, Grantor

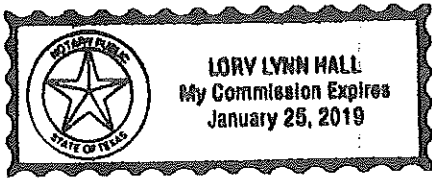
Mary Helen Saucedo
Saucedo Holdings, LLC, Grantee, by Mary Helen Saucedo, Officer and Registered Agent

STATE OF TEXAS)

COUNTY OF HAYS)

Before me, Lory L. Hall on this day personally appeared Mary Helen Saucedo, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that Mary Helen Saucedo executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this 17 day of April, 2015.



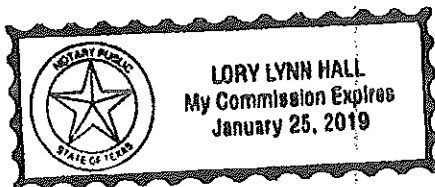
Lory Lynn Hall
Notary Public, State of Texas
My commission expires: 1-25-19

STATE OF TEXAS)

COUNTY OF HAYS)

Before me, Lory L. Hall on this day personally appeared Mary Helen Saucedo, Officer of Saucedo Holdings, LLC known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that Mary Helen Saucedo executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this 17 day of April, 2015.



Lory Lynn Hall
Notary Public, State of Texas
My commission expires: 1-25-19

PREPARED IN THE OFFICE OF:

John A. Hall & Associates, P.C.
130 Hall Professional Center
Kyle, TX 78640
Tel: (512) 268-6425
Fax: (512) 268-5404

AFTER RECORDING RETURN TO:

Mary Helen Saucedo
130 Rudy Lane
Kyle, Texas 78640

Hays County

Applicants must complete the *Kyle Downtown Business Revitalization Program* application form and submit it to the Economic Development Department at 100 West Center Street. Decisions regarding the grant applications are the sole discretion of the City of Kyle, and will usually be formally considered at the first City Council meeting, following review/recommendation by the City of Kyle ED&T Committee. The deadline for the ED&T Committee agenda is one week prior to the meeting, which is held on the second Thursday of each month. It is mandatory that the applicant be present at the appropriate ED&T Committee meeting and City Council meeting to answer any questions.

**CITY OF KYLE ECONOMIC DEVELOPMENT
DOWNTOWN BUSINESS REVITALIZATION PROGRAM
GRANT APPLICATION**

Part A: (Please type or print requested information)

Business Name: Mike's Pit BBQ

Type or Nature of Business: Restaurant

Property Owner: Saucedo Holdings LLC

Mailing Address: PO Box 1762

City/State/Zip: Kyle / Texas / 78640

Address of Property (if different from above): 208 W Center St.

Contact Person: Greg Devonshire

Telephone: 512-227-0394

Email: Greg.Devonshire@gmail.com

Project Manager/Contractor: Lynn Willkerson

Telephone: 512-262-2157

Email: gbskyie@gmail.com

Requested Amount: \$8,928-

Matching Funds Amount: \$5,952-

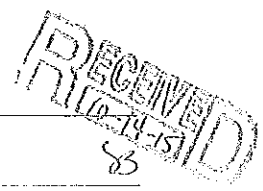
Total Projects Costs (please attach detailed cost summary): \$14,880-

Source for Matching Funds: Business Capital

Estimated Timetable for Completion

Project Start Date: Nov. 15 pending approval Project Completion Date: Feb. 15

Goals of Program Addressed: Improve attractiveness and utility of building



- To promote economic vitality of downtown.
- To promote developing business within downtown.
- To promote restoration and continued maintenance of historic downtown

Description of Proposed Project (attach copies of all applicable construction bids/estimates):

- 1. Resurface existing Stucco. #2 Repairing existing windows
- doors - trim. #3 Removal of existing 4x4's & replace
- with 9" cedar posts. #4 Two small signs out and
- hanging sandblasted HDU. #5 Rustic Cowboy Pulla metal on side
- #6 Real PT BRD Painted on West side 3' x 23'

.....
 In consideration and acceptance of the grant application above, I hereby release the City of Kyle, and certify that I have the legal authority to execute this release on behalf of the above address. I understand that the City of Kyle and program staff have the right to use grant projects and photographs for marketing and promotion purposes.



 Signature of Applicant

owner

 Title

10/13/15

 Date

46-4824187

 Tax ID#

(Decisions regarding awarding Grants are at the sole discretion of the City of Kyle).
 Please submit application to:
 Department of Economic Development
 City of Kyle
 100 West Center Street
 Kyle, TX 78640
 Kyle-ED@cityofkyle.com

(If grant applicant is not property owner, please include the following)

PROPERTY OWNER AUTHORIZATION MUST BE OBTAINED, IF APPLICANT IS NOT THE PROPERTY OWNER:

In consideration and acceptance of the grant application above, I hereby release the City of Kyle, and certify that I have the legal authority to execute this release on behalf of the above address. I understand that the City of Kyle and program staff have the right to use grant projects and photographs for marketing and promotion purposes.

I, Sue Savella, owner of the property at 208 W Center, give my authorization for Greg Dabshire to make the improvement(s) described in this grant application.

Sue Savella
Signature, Property Owner

10/14/15
Today's Date

Attach separate sheet with "Designated Downtown Area, City of Kyle"

PROPOSAL

DATE	10/13/2015
------	------------



GreatBigSignsInc.com

Award Winning Signs, Murals & Sculptures

(512) 262-2157

gbskyle@gmail.com

200 Opal Lane Kyle, Tx 78640

NAME / ADDRESS
Milt's BBQ Buda, Texas 78610

TERMS		PROJECT	
50% DOWN- 50% UPON COMPLETION		Estimate	
DESCRIPTION	QTY	COST	TOTAL
Stucco - colored (awaiting a couple of answers & written agreement) (*Side)		3,000.00	3,000.00
3' x 23' MDO - painted per artwork, framework and installed (*Side)	1	1,325.00	1,325.00
COWBOY - Larger size as shown - distressed metal with framework, painted per art with patina finish (will look re-purposed) We can reduce size to reduce \$ but I think I would go with WOW! (*Side)	1	2,200.00	2,200.00
Doors and trim covered in (*Front) number			
Stucco - colored (*Front) (awaiting a couple of answers & written agreement)	1	2,500.00	2,500.00
Trim - painting Doors & windows (estimate - awaiting price from DeLarosa)		1,200.00	1,200.00
Cedar posts & Trim (remove 4' x4" and replace with 9" x 9" cap fascia & trim)		1,575.00	1,575.00
		TOTAL	

TERMS ARE 50% DOWN WITH
REMAINDER DUE UPON COMPLETION OF
WORK. CHANGES BY CLIENT AFTER
WORK IS BEGUN MAY RESULT IN ADDED
CHARGES. WORK WILL BEGIN UPON

SIGNATURE

PROPOSAL

DATE 10/13/2015



GreatBigSignsInc.com
Award Winning Signs, Murals & Sculptures
(512)262-2157

gbskyle@gmail.com 200 Opal Lane Kyle, Tx 78640

NAME / ADDRESS
Milt's BBQ Buda, Texas 78610

TERMS		PROJECT	
50% DOWN- 50% UPON COMPLETION		Estimate	
DESCRIPTION	QTY	COST	TOTAL
Option 1 - Hanging sign (*Front) per art Cut to shape, HDU sign with carved border with sandblasted graphics, Glass Smalts background & 23.5 KT gold leaf on border, doublefaced with metal framework inside	1	3,080.00	3,080.00
<p>\$14,880⁰⁰ plus or minus</p> <p>Let me know what you are thinking about items and artwork!</p> <p>Thanks, Lynn</p> <p>Sales Tax</p>		7.25%	0.00
TOTAL			\$14,880⁰⁰

TERMS ARE 50% DOWN WITH
REMAINDER DUE UPON COMPLETION OF
WORK. CHANGES BY CLIENT AFTER
WORK IS BEGUN MAY RESULT IN ADDED
CHARGES. WORK WILL BEGIN UPON

SIGNATURE



CITY OF KYLE

Community Development Department



MEMORANDUM

TO: Planning Commission

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

DATE: December 22, 2015

SUBJECT: Conditional Use Permit for a new structure in excess of the R/S district height maximum – Hampton Inn

REQUEST

The applicant seeks conditional use approval to erect a four-story, 82-room hotel structure in the Retail-Service zoning district with a maximum height above grade of 59 feet.

PURPOSE OF APPLICATION

The Kyle Zoning ordinance, §53-1047(13) requires any structure in the Retail-Service zoning district to receive a conditional use permit to exceed the district maximum height requirement of 45 feet. The applicant for this proposal, Krishna Kyle, LLC, seeks to build a four-story hotel structure that will be 59 feet high at completion.

LOCATION

The property is located on the northeast side Bunton Road, approximately 400 feet southeast of its intersection with the I-35 North Frontage Road, directly adjacent to the Hays Surgery Center.

RECOMMENDATION

Staff has reviewed the request and supports the application. The Commission should recommend the application be approved by the Mayor & City Council.

ATTACHMENTS

1. Application submittal
2. Exterior elevations

R
S
S
A

103 S. MESQUITE STREET.
SUITE B
ARLINGTON, TX 76010
PH: 817/538-9258

ARCHITECTS, L.L.C.

Waiver Request Letter

Hampton Inn Hotel Project

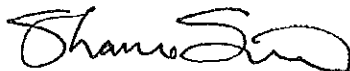
SD-15-013
Bunton Creek Road
Kyle, Texas

12-15-2015

We are requesting waiver / conditional use approval for the following item:

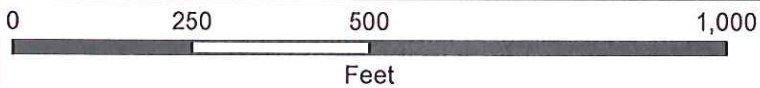
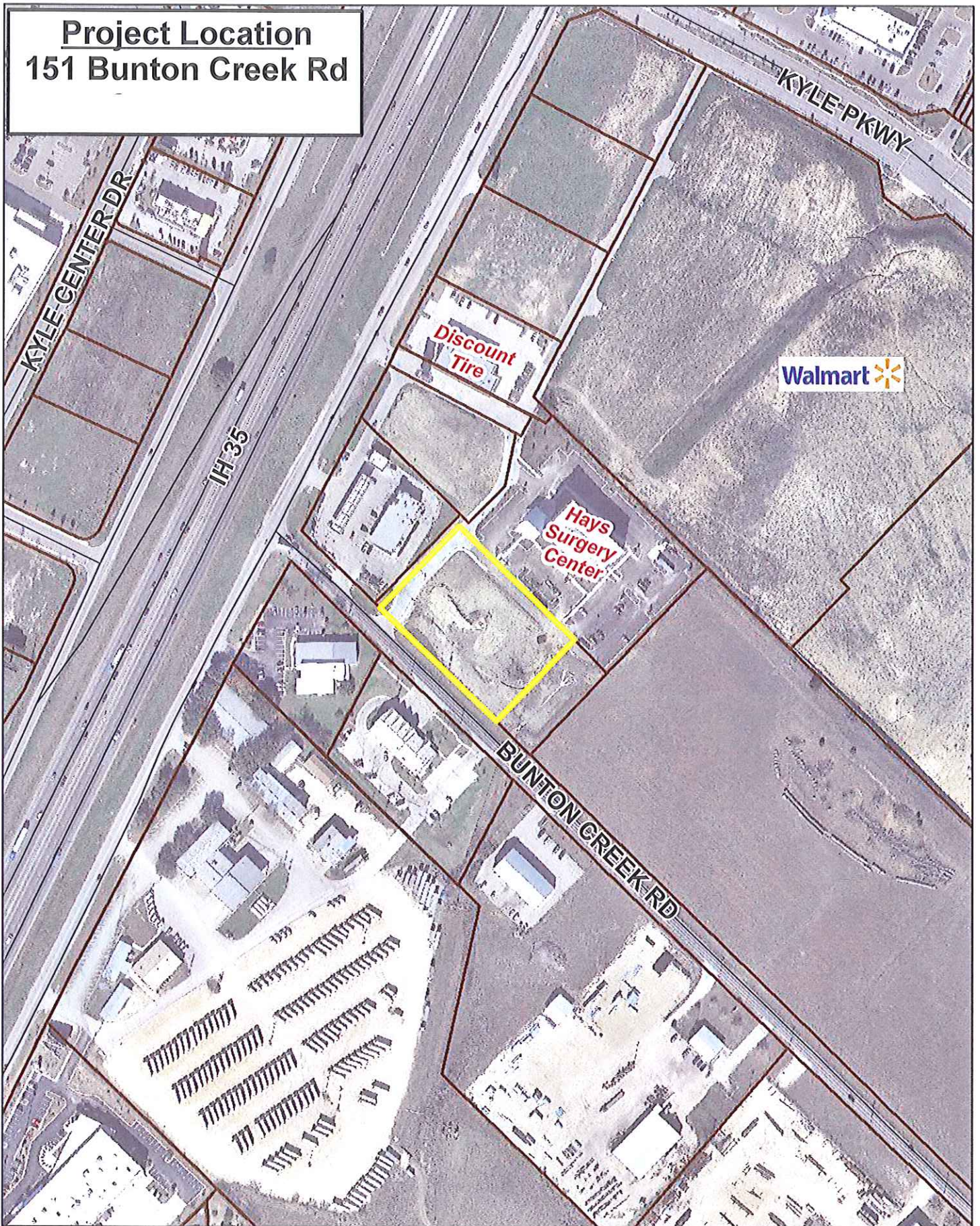
ITEM 1: BUILDING HEIGHT
Building height exceeds 45 feet. Building height, to highest point, is 59 feet. Refer attached color elevations and color rendering for overall design of building for approval.

Sincerely,



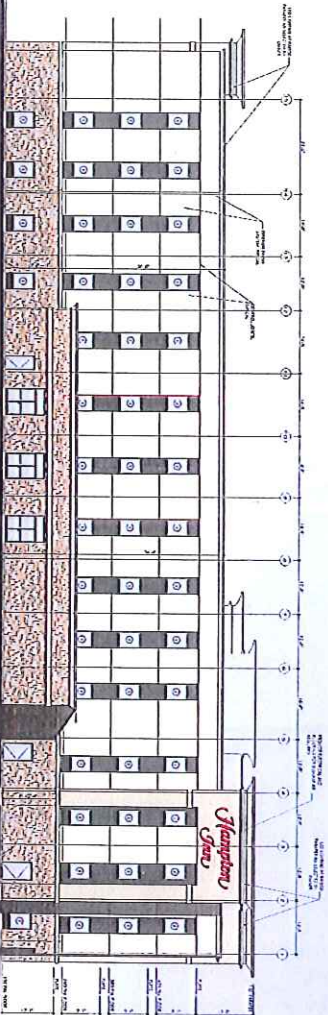
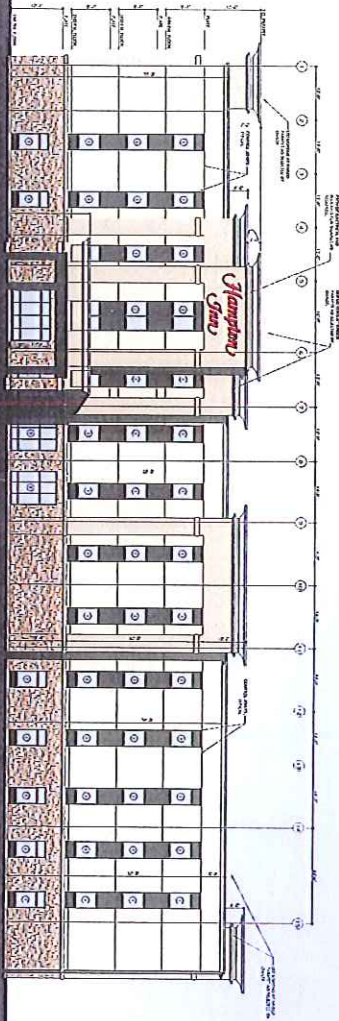
Shane Sigrist, Architect

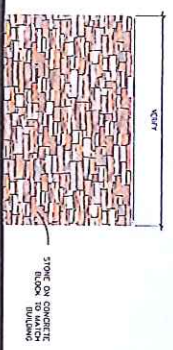
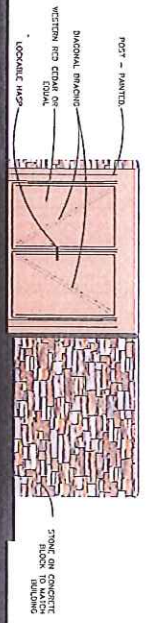
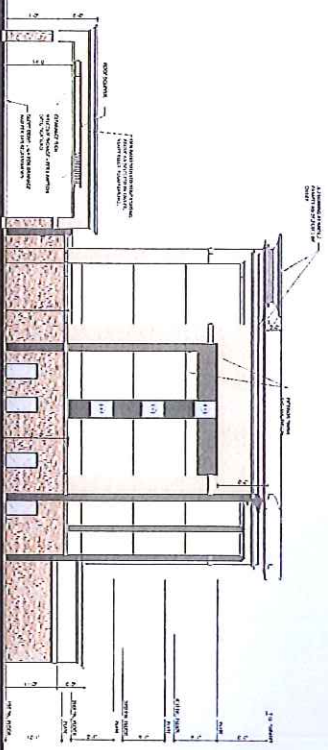
Project Location
151 Bunton Creek Rd



-  Property Boundary
-  Parcel Lines









CITY OF KYLE

Community Development Department



MEMORANDUM

TO: Planning Commission

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

DATE: December 22, 2015

SUBJECT: Conditional Use, I-35 Overlay District – Hampton Inn

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 four-story, 78,787 square foot hotel in the I-35 Overlay district.

LOCATION

The property is located on the northeast side of Bunton Road, approximately 400 feet southeast of its intersection with the I-35 North Frontage Road.

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

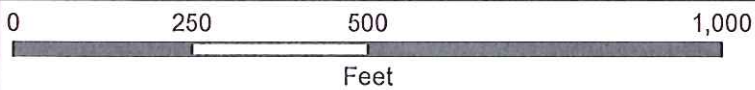
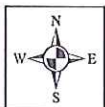
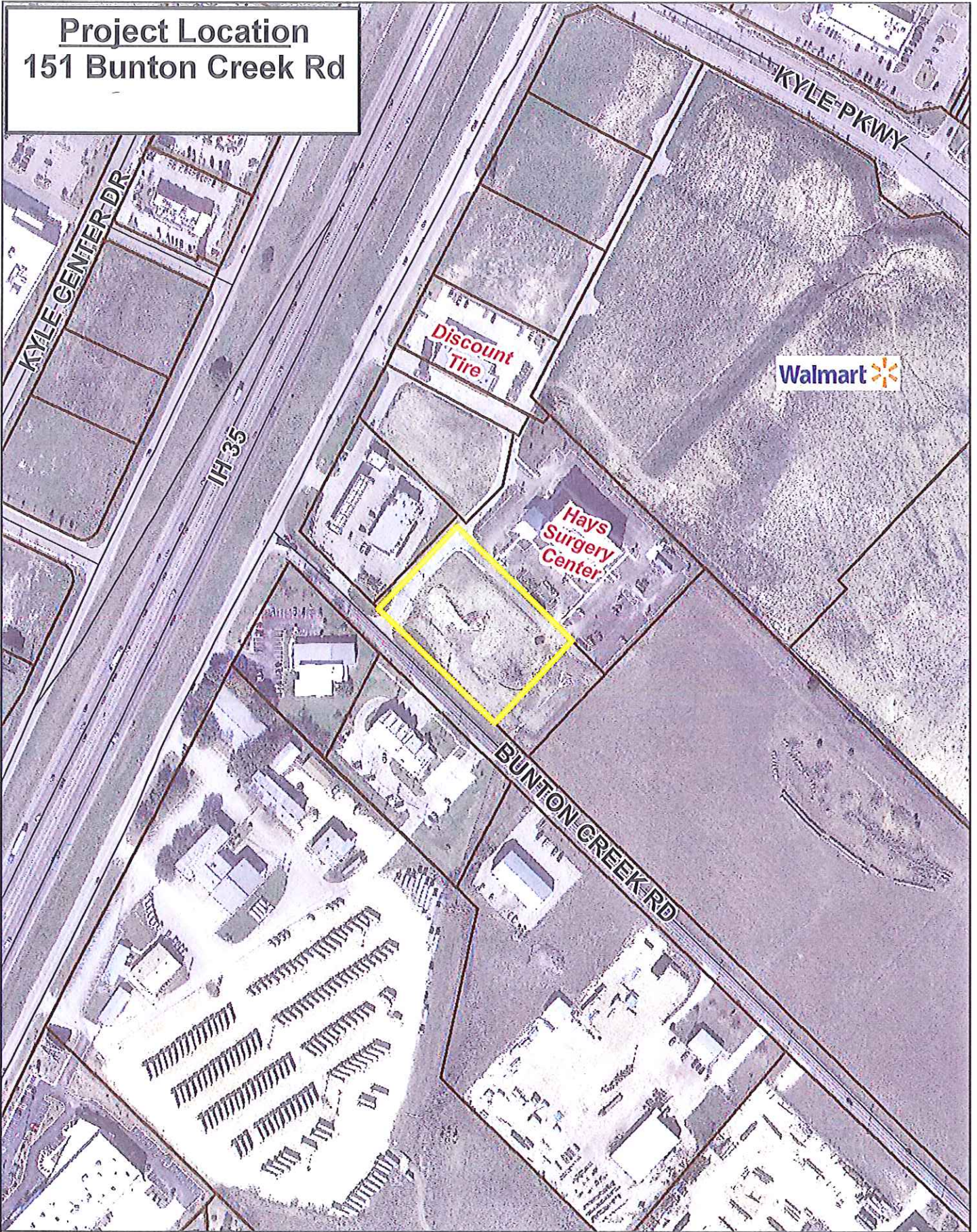
Staff has reviewed the request and has made the following findings:

1. The drawings provided indicate exterior materials that resemble stone veneer along the first floor, stucco on the exterior walls of floors two through four, and synthetic architectural accents along the soffits and fascia's; however (and the labeling on the supplied renderings is nearly unintelligible), it appears that the exterior materials will in fact be synthetic Exterior Insulation and Finish System (EIFS). This is arguably not in keeping with the retail services zoning standards found in §53-483, specifically "The exterior walls facing front and side streets shall be constructed of at least 100 percent stone, brick, masonry, stucco, masonry veneer, or similar granular product excluding doorways and windows". More details can and should be provided to the commission before a recommendation can be reasonably decided upon.

ATTACHMENTS

1. Application submittal
2. Exterior elevations

Project Location
151 Bunton Creek Rd



 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: 11/10/2015

NOV 17 2015

PROJECT INFORMATION PLANNING DEPARTMENT

Project Name:		Hampton Inn	
Project address:		Bunton Creek Road <i>151 Bunton Creek Rd</i>	
Subdivision:		GHH Bunton Creek	
Lot: 3	Block: A	Section:	
Zoning:		Square Footage of Building: 54,078	

APPLICANT INFORMATION

Owner's Name:		Krishna Kyle LLC	
Owner's Signature:		Date: 11/10/2015	
<i>Birju</i>			
Address: 7118 Crista Bulivar San Antonio, TX 78256			
Phone: 254/214-0958		Fax:	
		E-mail: birju217@yahoo.com	
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>I will represent my application.</i>			
<input checked="" type="checkbox"/> <i>I hereby authorize the person named below to act as my agent in processing this application.</i>			
Agent:		Shane Sigrist	
Agent's Address:		103 S. Mesquite Suite B, Arlington, TX 76010	
Phone: 817/538-9258		Fax: 682/307-4034	
		E-mail: Shane@RSS-Architects.com	

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: Hampton Inn

REQUIRED ITEMS 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

1. Completed application form with owner's original signature.

NOV 17 2015

2. Application fee: \$190.21, plus \$3.78 per acre or portion thereof.

Total Fee: \$197.05

PLANNING DEPARTMENT

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.

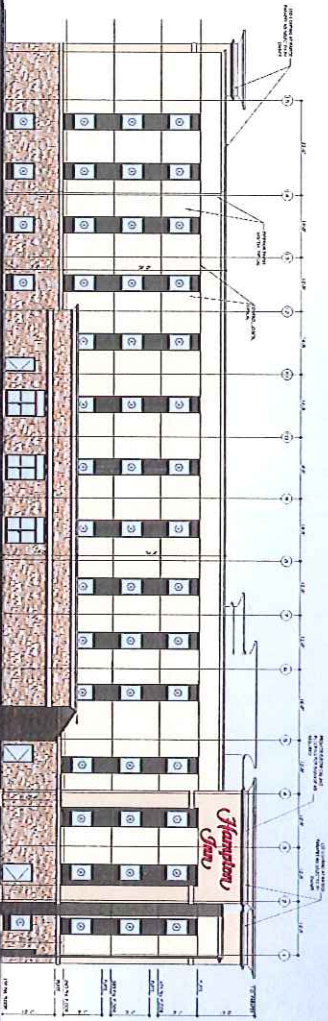
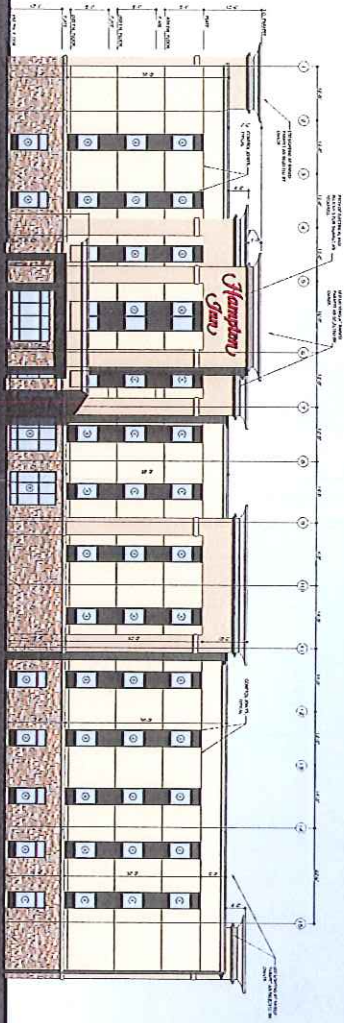
5. Applications shall be accompanied by 2 paper copies and 1 digital file of appropriate, relevant colored elevations showing at a minimum, the design, use of materials, finish grade line, landscaping, signage and orientation of the buildings and any significant architectural features.

6. Copy of Deed showing current ownership.

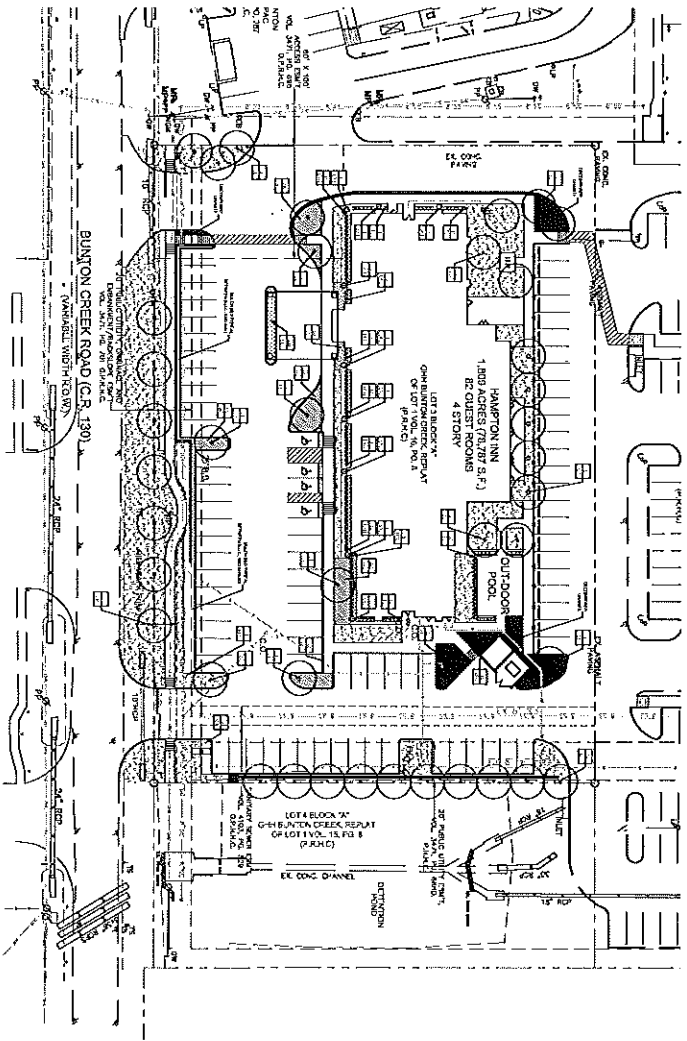
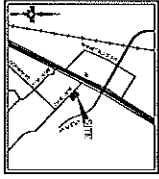
***** A submittal meeting is required. Please schedule an appointment with Debbie Guerra at (512) 262-3959 to schedule an appointment.**

**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.*





HAMPTON INN SITE DEVELOPMENT
 1.808 ACRES LOT 3 BLOCK 'A'
 OF THE GHH BUNTON CREEK ADDITION
 CITY OF KYLE, HAYS COUNTY, TEXAS



PLANT LIST

TYPE	QUANTITY	DESCRIPTION	SIZE	REMARKS
1	1	Central Air Conditioning	12" Dia	12" Dia
2	1	Central Air Conditioning	12" Dia	12" Dia
3	1	Central Air Conditioning	12" Dia	12" Dia
4	1	Central Air Conditioning	12" Dia	12" Dia
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99	1	Central Air Conditioning	12" Dia	12" Dia
100	1	Central Air Conditioning	12" Dia	12" Dia

LANDSCAPE MATERIALS

1. All plants shall be supplied by the contractor.

2. All plants shall be delivered to the site in good condition and ready for planting.

3. All plants shall be planted in accordance with the landscape plan.

4. All plants shall be watered and mulched in accordance with the landscape plan.

5. All plants shall be maintained in good condition throughout the term of the contract.

6. All plants shall be replaced if they die or become diseased within the term of the contract.

7. All plants shall be protected from damage by vehicles, equipment, and other site activities.

8. All plants shall be protected from damage by frost, drought, and other weather conditions.

9. All plants shall be protected from damage by insects and other pests.

10. All plants shall be protected from damage by fire and other hazards.

11. All plants shall be protected from damage by theft and other security concerns.

12. All plants shall be protected from damage by vandalism and other intentional acts.

13. All plants shall be protected from damage by natural disasters and other unforeseen events.

14. All plants shall be protected from damage by any other cause whatsoever.

15. All plants shall be protected from damage by any other cause whatsoever.

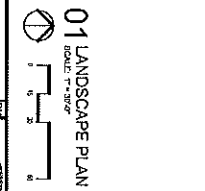
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19. All plants shall be protected from damage by any other cause whatsoever.

20. All plants shall be protected from damage by any other cause whatsoever.



01 LANDSCAPE PLAN

DATE: 12/1/2015

BY: [Signature]

FOR THE CITY OF KYLE

BY: [Signature]

FOR THE CITY OF KYLE

DATE: 12/1/2015

BY: [Signature]

FOR THE CITY OF KYLE

DATE: 12/1/2015

BY: [Signature]

FOR THE CITY OF KYLE

- LANDSCAPE NOTES**
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 20. All plants shall be protected from damage by any other cause whatsoever.
- GENERAL LAYOUT NOTES**
1. All construction shall be in accordance with the approved plans and specifications.
 2. All construction shall be completed within the specified time frame.
 3. All construction shall be done in a professional and workmanlike manner.
 4. All construction shall be done in accordance with all applicable laws and regulations.
 5. All construction shall be done in a safe and sound manner.
 6. All construction shall be done in a clean and orderly manner.
 7. All construction shall be done in a responsible and ethical manner.
 8. All construction shall be done in a fair and honest manner.
 9. All construction shall be done in a transparent and accountable manner.
 10. All construction shall be done in a collaborative and communicative manner.
 11. All construction shall be done in a respectful and courteous manner.
 12. All construction shall be done in a professional and dignified manner.
 13. All construction shall be done in a responsible and ethical manner.
 14. All construction shall be done in a fair and honest manner.
 15. All construction shall be done in a transparent and accountable manner.
 16. All construction shall be done in a collaborative and communicative manner.
 17. All construction shall be done in a respectful and courteous manner.
 18. All construction shall be done in a professional and dignified manner.
 19. All construction shall be done in a responsible and ethical manner.
 20. All construction shall be done in a fair and honest manner.
- CONCRETE NOTES**
1. All concrete shall be poured in accordance with the approved plans and specifications.
 2. All concrete shall be cured in accordance with the approved plans and specifications.
 3. All concrete shall be finished in accordance with the approved plans and specifications.
 4. All concrete shall be protected from damage by vehicles, equipment, and other site activities.
 5. All concrete shall be protected from damage by frost, drought, and other weather conditions.
 6. All concrete shall be protected from damage by insects and other pests.
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STRANGLE BENCHMARK LLC

LANDSCAPE ARCHITECTS, INC.

1100 W. 14TH STREET, SUITE 100

AMARILLO, TEXAS 79102

PHONE: (806) 335-1133

FAX: (806) 335-1134

WWW.STRANGLEBENCHMARK.COM

DATE: 12/1/2015

BY: [Signature]

FOR THE CITY OF KYLE

DATE: 12/1/2015

BY: [Signature]

FOR THE CITY OF KYLE

**** Electronically Filed Document ****

Hays County Texas
Liz Q. Gonzalez
County Clerk

Document Number: 2015-15018722
Recorded As : ELECTRONIC RECORDING

Recorded On: June 19, 2015
Recorded At: 03:03:00 pm
Number of Pages: 3
Book-VI/Pg: Bk-OPR VI-5246 Pg-180
Recording Fee: \$30.00

Parties:

Direct- GREEN HERRINGTON & HOWELL LLC
Indirect- KRISHNA KYLE LLC

Receipt Number: 400504
Processed By: Patricia Gomez

***** 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

00-10010722 DR-011 110240 1g-101

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.

SPECIAL WARRANTY DEED

DATE: June 18, 2015

GRANTOR: **GREEN, HERRINGTON & HOWELL, LLC,**
a Texas limited liability company

GRANTOR'S MAILING ADDRESS: P. O. Box 3379
Texarkana, Texas 75504

GRANTEE: **KRISHNA KYLE, LLC,**
a Texas limited liability company

GRANTEE'S MAILING ADDRESS: 7118 Cresta Bulivar
San Antonio, Texas 78256

CONSIDERATION: TEN AND NO/100 DOLLARS (\$10.00) and other valuable consideration

PROPERTY (INCLUDING ALL IMPROVEMENTS): (the "Property")

Lot 3, Block "A", of the GHH BUNTON CREEK SUBDIVISION REPLAT OF LOT 1, a subdivision in Hays County, Texas, according to the map or plat thereof recorded in Volume 16, pages 8-9, of the Map and Plat Records of Hays County, Texas.

RESERVATIONS FROM AND EXCEPTIONS TO CONVEYANCE AND WARRANTY:
This conveyance is made and accepted subject to any and all covenants, conditions, restrictions and easements of record against the Property.

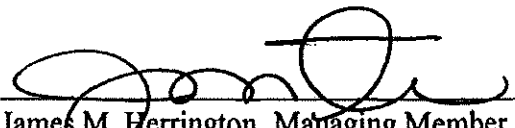
Grantor, for the consideration and subject to the reservations from and exceptions to conveyance and warranty, expressly reserved and excepted in this deed, GRANTS, SELLS, AND CONVEYS to Grantee the Property, together with all and singular the rights and appurtenances thereto in any wise belonging, TO HAVE AND TO HOLD it to Grantee, Grantee's heirs, executors, administrators, successors, or assigns forever. Grantor hereby 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, expressly reserved and excepted in this deed, by, through, or under it, but not otherwise.

Except for Grantor's special warranty of title and the representations, warranties and agreements contained within the agreement for sale and purchase of the Property between Grantor and Grantee, it is hereby expressly stipulated and agreed as follows.

Except for Grantor's special warranty of title and the representations and warranties contained within the agreement for sale and purchase of the Property between Grantor and Grantee, it is hereby expressly stipulated and agreed that the Property is sold to Grantee "AS IS", in its presently existing condition and with all faults, and this conveyance is made and accepted WITH NO WARRANTIES OF ANY KIND OR NATURE, EXPRESS OR IMPLIED, CONCERNING THE IMPROVEMENTS AND PERSONALTY, INCLUDING, BUT NOT LIMITED TO, ANY WARRANTY OR REPRESENTATION OF MERCHANTABILITY, SUITABILITY, HABITABILITY OR FITNESS FOR ANY PARTICULAR PURPOSE.

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

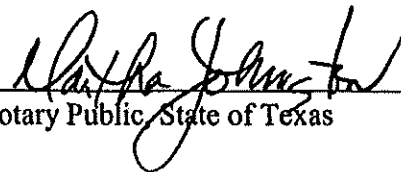
GREEN, HERRINGTON & HOWELL, LLC,
a Texas limited liability company

By: 
James M. Herrington, Managing Member

STATE OF TEXAS §
 §
COUNTY OF BOWIE §

This instrument was acknowledged before me on the 16th day of June, 2015, by James M. Herrington, Managing Member of Max Alley Investments, LLC, a Texas limited liability company.




Notary Public, State of Texas