

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 January 26, 2016, 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 22nd day of January prior to 6:30 PM.

1. CALL MEETING TO ORDER

2. ROLL CALL

3. CITIZEN COMMENTS

4. CONSENT

- A. Replat of Lot 1B of the SCC Bunton Creek Subd., Replat of Lot 6A, Block A (SFP-16-001)
7.6144 acres; 2 Commercial Lots and extension of Seton Parkway
Located off of Kyle Parkway and Seton Parkway
Owner: SCC Kyle Partners, Ltd.
Agent: Jeff Shindler, P.E., Texas Design Interest, LLC.
Staff Proposal to P&Z: Statutorily Disapprove to meet the 30 day requirement.

5. CONSIDER AND POSSIBLE ACTION

- A. Consider a request for a conditional use permit (Sonic Drive In) to construct a 1,411 square foot building located within the IH-35 overlay district (CUP-15-012)

- B. Consider a request for a conditional use permit (Kyle Chapman Motor Sales) to construct a 4,950 square foot building located within the IH-35 overlay district. (CUP-16-001)
- C. Consider a request by Noe and Maria Briseno (114-A and 114-B Sunrise Circle) on a proposed variance request to Chapter 41 (Subdivision) Section 82 (Rural Subdivision Standards (e) (2) of the City of Kyle Code of Ordinances, which states all lots in rural subdivisions shall have a minimum width at the front property line of 130 feet.

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

- D. Consider a request by Sylvia Vera on a proposed variance request to Chapter 41 (Subdivision) Section 82 (Rural Subdivision Standards (e) (2) of the City of Kyle Code of Ordinances, which states all lots in rural subdivisions shall have a minimum width at the front property line of 130 feet for property located at the south west corner of 2001 and Rolling Hills Drive.

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

6. ZONING

- A. Consider a request by PGI Investment, LLC. to assign original zoning to approximately 47.74 acres of land from Agriculture "AG" to Warehouse District "W" on property located at 24800 IH-35. (Z-15-021)

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

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


Date



CITY OF KYLE

Community Development Department



MEMORANDUM

TO: Planning Commission

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

DATE: January 26, 2016

SUBJECT: Conditional Use Approval, I-35 Overlay District, Sonic Drive-In

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 1,411 square foot drive-in restaurant with a stone and brick exterior veneer with metal sill, cap, and flashing accents.

LOCATION

The property is located on the south side of RR150 East, approximately at the intersection of Lehman Road and 150, right next door to the PAWS Animal Center.

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

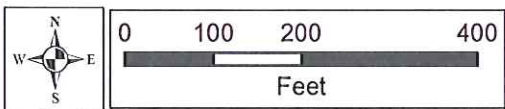
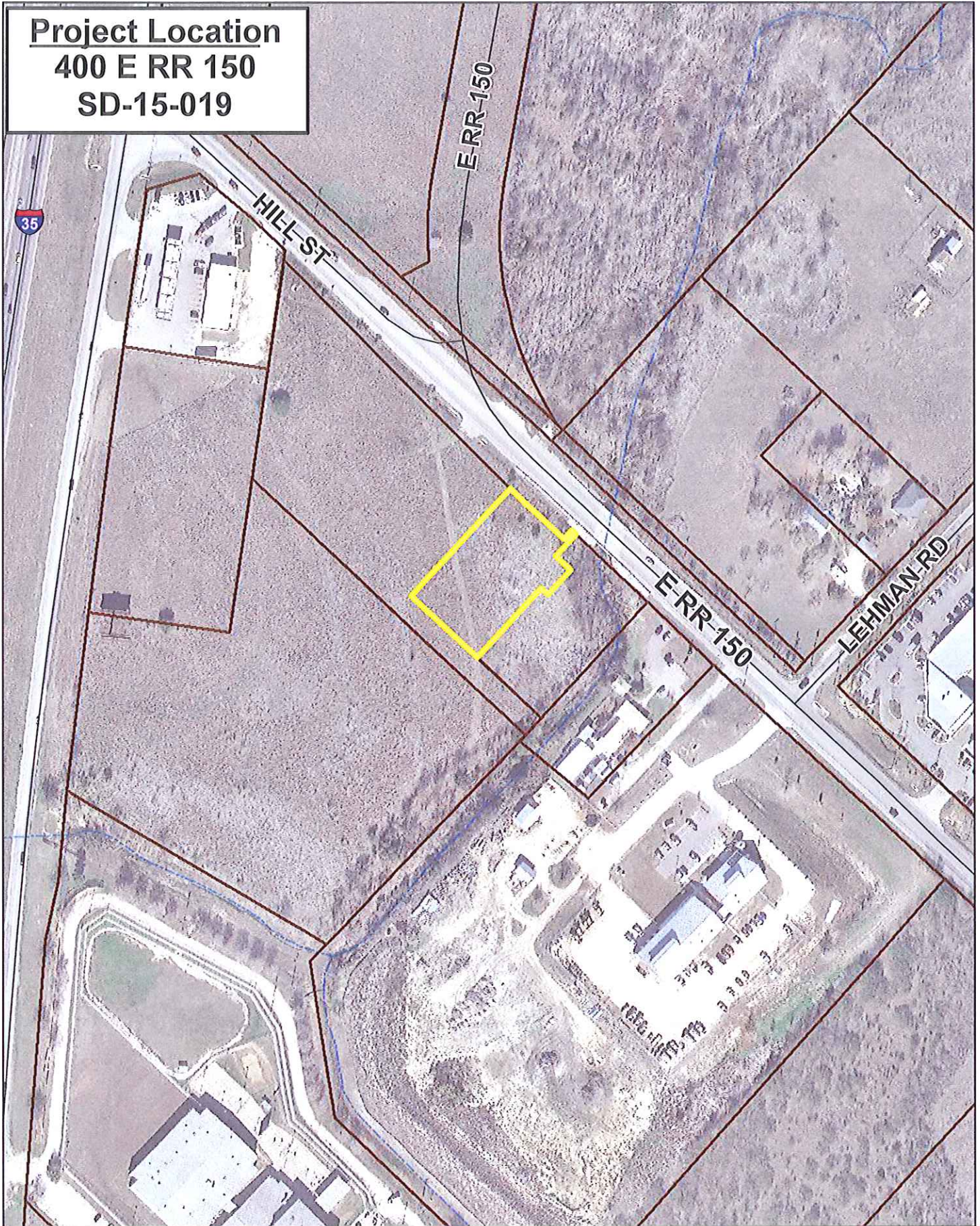
Staff has reviewed the request and has made the following finding:

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".

ATTACHMENTS

1. Exterior elevations
2. Site plan
3. Application submittal

Project Location
400 E RR 150
SD-15-019



 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: 12/22/15

PROJECT INFORMATION

Project Name: Sonic Drive-In		
Project address: #TBD, FM 150 E, Kyle TX78640		
Subdivision: SEC FM 150-IH35		
Lot: 2	Block:	Section:
Zoning: CS	Square Footage of Building:	1,411

APPLICANT INFORMATION

Owner's Name: MGCC Texas Enterprises LLC		
Owner's Signature: <i>John F Patton</i>	John F Patton Director of Development	Date: 12/22/15
Address: P. O. Box 17788 Austin TX 78760		
Phone: 512-923-0529	Fax:	E-mail: jpatton@austinsonic.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 checked="" type="checkbox"/> <i>I will represent my application.</i>		
<input type="checkbox"/> <i>I hereby authorize the person named below to act as my agent in processing this application.</i>		
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: Sonic Drive-In #128-FM 150 E

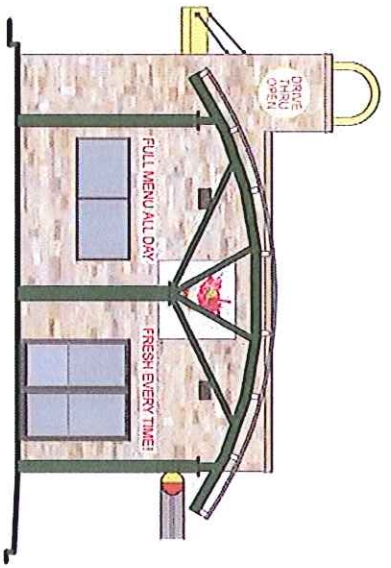
REQUIRED ITEMS FOR SUBMITTAL PACKAGE

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

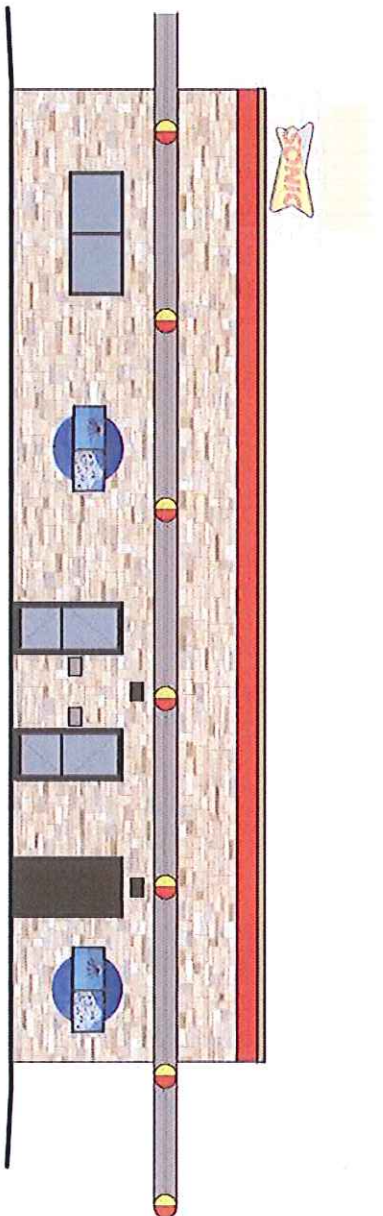
- 1. Completed application form with owner's original signature.
- 2. Application fee: \$190.21, plus \$3.78 per acre or portion thereof.
Total Fee: \$190.21+\$3.78 (less than 1ac)= \$193.99
- 3. A map or plat showing the area being proposed for change and the zoning classification of all abutting zoning 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.**

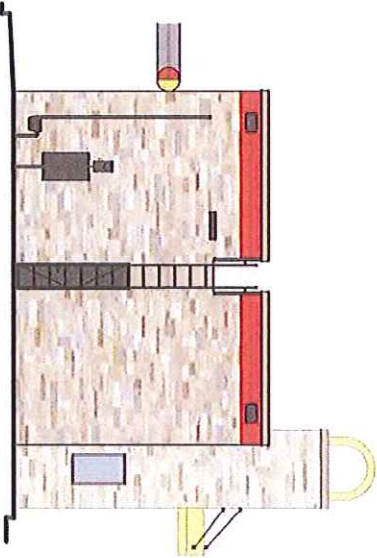
**Please note: The Commission/Council may also require the submission of colored perspectives or architectural renderings in applications or any other information it deems reasonable and/or useful in review of the application.*



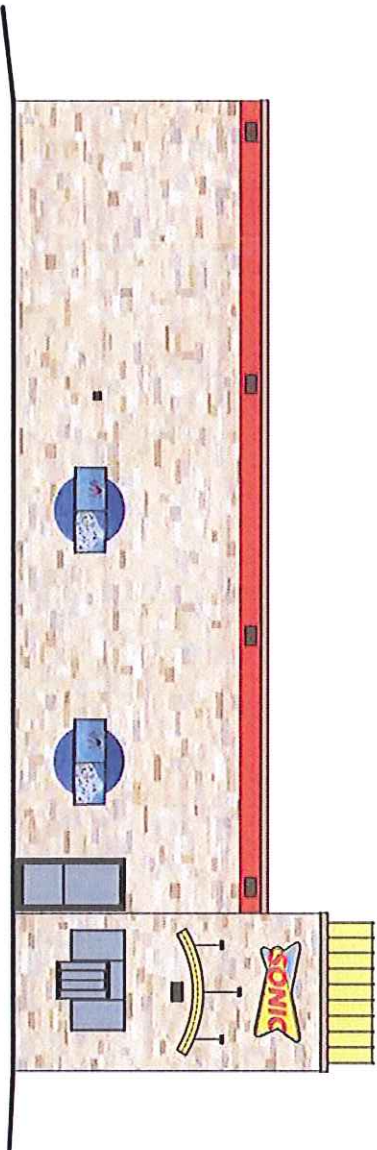
NORTH ELEVATION



WEST ELEVATION



SOUTH ELEVATION



EAST ELEVATION

WILKUS
ARCHITECTS

15 Ninth Avenue North
Hopkins, MN 55343
Phone: 952.941.8680
www.wilkusarch.com

- FINISH SCHEDULE**
- WINDOW AND STOREFRONT DOORS:
COLOR: DARK BRONZE ANODIZED
MANUF: US ALUMINIUM CORR.
 - PREFINISHED METAL SILL/CAP FLASHING:
COLOR: PAINT SW TO MATCH STONE
 - EXTERIOR HOLLOW METAL DOOR AND FRAMES:
COLOR: PAINT SW TO MATCH STONE
 - STONE VENEER:
STYLE/ COLOR: CHALK/ HILL COUNTRY
GROUT: MATCH LIBERTY HILL
MANUF: LONE STAR STONE
 - THIN BRICK/ STONE VENEER:
COLOR: RED
MANUF: T80



PROJECT LOCATION:
SONIC DRIVE-IN
400 EAST RR 150
KYLE, TX 78640

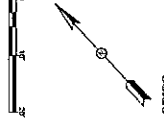
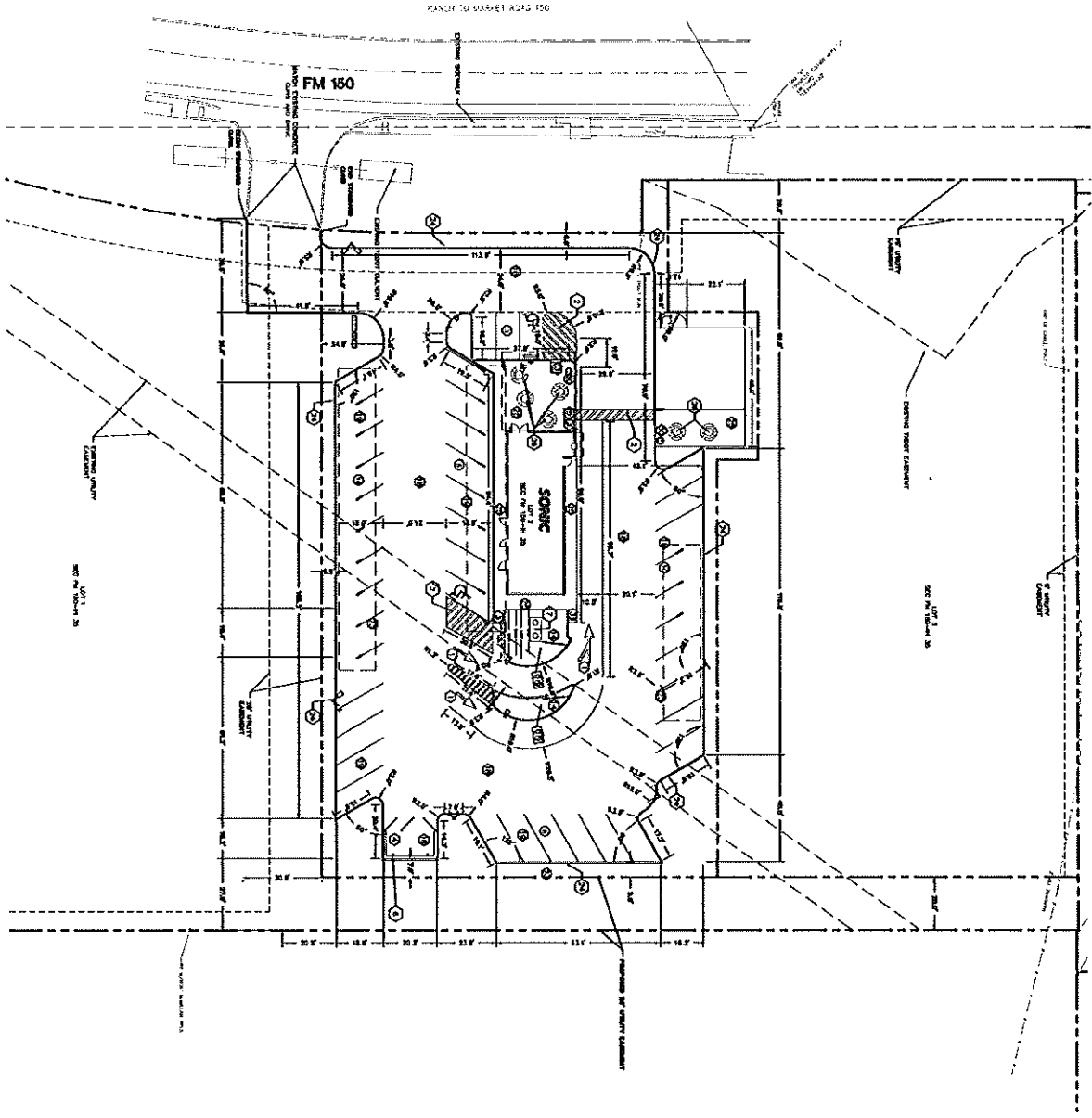
- ### LEGEND
- ① SET CONSTRUCTION LEGEND
 - ② PROPOSED PARKING SPACES
 - ③ PROPOSED PROPERTY LINE
 - ④ PROPOSED DECKING LINE
- ALL DIMENSIONS TO FACE OF CURB UNLESS OTHERWISE NOTED

SITE PLAN RENOVATES

ITEM	NOTE
①	TRAFFIC FLOW ARROW (TYPICAL)
②	① FINISHED FINISHES (TYPICAL) NOT ARCHITECTURAL
③	② FINISHED FINISHES (TYPICAL) NOT ARCHITECTURAL
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- ### SITE PLAN NOTES
- ALL PARKING SPACES ARE 5' WIDE AND 10' DEEP UNLESS OTHERWISE NOTED.
 - ALL DIMENSIONS ARE TO FACE OF CURB UNLESS OTHERWISE NOTED.
 - SEE THE ARCHITECTURAL PLANS FOR DETAILS OF BUILDING CONSTRUCTION.
 - THE ARCHITECT HAS CONDUCTED VISUAL SURVEILLANCE OF THE SITE AND HAS OBSERVED THE EXISTING CONDITIONS OF THE SITE. THE ARCHITECT HAS CONDUCTED VISUAL SURVEILLANCE OF THE SITE AND HAS OBSERVED THE EXISTING CONDITIONS OF THE SITE. THE ARCHITECT HAS CONDUCTED VISUAL SURVEILLANCE OF THE SITE AND HAS OBSERVED THE EXISTING CONDITIONS OF THE SITE.
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- ### ACCESSIBILITY NOTES
- SEE THE ARCHITECTURAL PLANS FOR DETAILS OF BUILDING CONSTRUCTION.
 - THE ARCHITECT HAS CONDUCTED VISUAL SURVEILLANCE OF THE SITE AND HAS OBSERVED THE EXISTING CONDITIONS OF THE SITE. THE ARCHITECT HAS CONDUCTED VISUAL SURVEILLANCE OF THE SITE AND HAS OBSERVED THE EXISTING CONDITIONS OF THE SITE.
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PARKING SUMMARY

STANDARD	REQUIREMENTS
STANDARD	25
MINIMUM	12
TOTAL	37
MINIMUM	1
TOTAL	38
TOTAL	38

DATE: 10/27/13

C1.0

SONIC DRIVE-IN SONIC TYPE 12_60 CSTM
 KYLE, TEXAS

SONIC CORPORATION
 1600 JOHNNY BENCH DRIVE
 OKLAHOMA CITY, OK 73104
 OFFICE: 405-225-8000
 MOBILE: 405-225-8000

MOELLER & ASSOCIATES
 Engineering Solutions
 1040 N. SHALUTE AVE. STE. B, NEW BROOKFIELD, TX 78150
 PH: 830-336-7117 FAX: 830-336-7100
 TBP# FORM 7-13351

NO.	DATE	REVISIONS





CITY OF KYLE

Community Development Department



MEMORANDUM

TO: Planning Commission

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

DATE: January 26, 2016

SUBJECT: Conditional Use, I-35 Overlay District – Kyle Chapman Motors

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 seeks to construct a 4,950 square foot repair shop building on the grounds of Kyle Chapman Motor Sales, located at 18300 IH 35 South, Buda, TX 78610.

LOCATION

The property is located at the southwest corner of the southbound I-35 frontage road and FM 967 (formerly known as Loop 4), directly adjacent to the south of the Valero gas station.

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.

CONDITIONS OF THE ZONING ORDINANCE

Sec. 53-483. - Building facade requirements.

All new buildings constructed within the RS district shall comply with the following requirements:

- (1) 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) All roofs surfaces visible from the street shall be surfaced with metal, concrete, clay tile, or minimum of 25-year dimensional shingles;
- (3) Any variation requests to subsection (1) or (2) of this section must present actual technical drawings, and/or architectural plans and models and be approved by the planning and zoning commission;
- (4) It is recommended, but not required, that improvements to existing buildings in this district comply with subsections (1) or (2) of this section; and
- (5) Glare. No use or operation in an RS district may be located or conducted so as to produce intense glare or direct illumination across the bounding property line from a visible source of illumination nor may any such light be of such intensity as to create a nuisance or detract from the use and enjoyment of adjacent property.

STAFF ANALYSIS

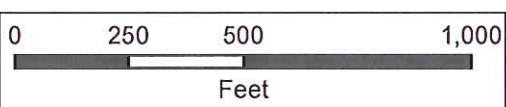
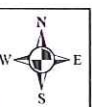
Staff has reviewed the request and has made the following findings:

1. The drawings provided do not indicate the use of masonry on the building exterior, pursuant to §53-483(1). Approval of the use of steel wall panels can granted by the planning commission, pursuant to §53-483(3).

ATTACHMENTS

1. Application submittal
2. Exterior elevations
3. Site plan

Project Location.
Kyle Chapman Motors
CUP-16-001



 Property Boundary

 Parcel Lines

CONDITIONAL USE PERMIT APPLICATION

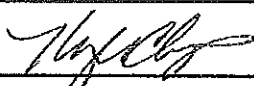
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Date: 01/13/16

PROJECT INFORMATION

Project Name: Kyle Chapman Motor Sales		
Project address: 18300 S. IH 35, Kyle, TX 78640		
Subdivision: Cavalier		
Lot: 1	Block: A	Section:
Zoning: RS	Square Footage of Building: 4,950	

APPLICANT INFORMATION

Owner's Name: Kyle Chapman Motor Sales, LP		
Owner's Signature: 	Date: 01/13/16	
Address: PO Box 594, Buda, TX 78610		
Phone: 512-782-0111	Fax:	E-mail: kchapman@chapmanmotors.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 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: Hugo Elizondo, Jr., P.E./Cuatro Consultants, Ltd.		
Agent's Address: 3601 Kyle Crossing, Ste. B		
Phone: 512-312-5040	Fax: 512-312-5399	E-mail: hugo@cuatroconsultants.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: Kyle Chapman Motor Sales

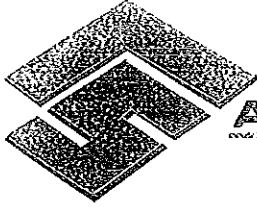
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- 1. Completed application form with owner's original signature.
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Total Fee: \$200.78
- 3. A map or plat showing the area being proposed for change and the zoning classification of all abutting zoning 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.
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- 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.*



**ATLANTA STEEL
BUILDING**

Company Name: ATLANTA STEEL

Missing Information

Color

Profile

- Roof Panel ASH GREY
- Wall Panel LAG STONE
- Trim (all)
 - Rake Trim CHARCOAL
 - Gutter CHARCOAL
 - Eave Trim CHARCOAL GREY
 - Downspouts RUSTIC RED
 - Corner Trim CHARCOAL
 - Base Trim
 - Accessory Trim CHARCOAL
- Panel support trim (White or Bronze)
- Walk Door (White or Bronze) WHITE
- Soffit POLAR WHITE
- Linear Panel
- Interior Partition POLAR WHITE
- Exterior Partition
- Common Wall Sheeting
- Mansard Roof Panel
- Mansard Face Panel
- Mansard Soffit Panel
- Canopy Roof Panel
- Canopy Soffit Panel POLAR WHITE
- Canopy Trim
- Masonry Trim
- Cap Trim
- Back Sheet Panel
- Louvers

Z655X
24 Super-Seam-II
26 Monarch X

Customer Signature: _____

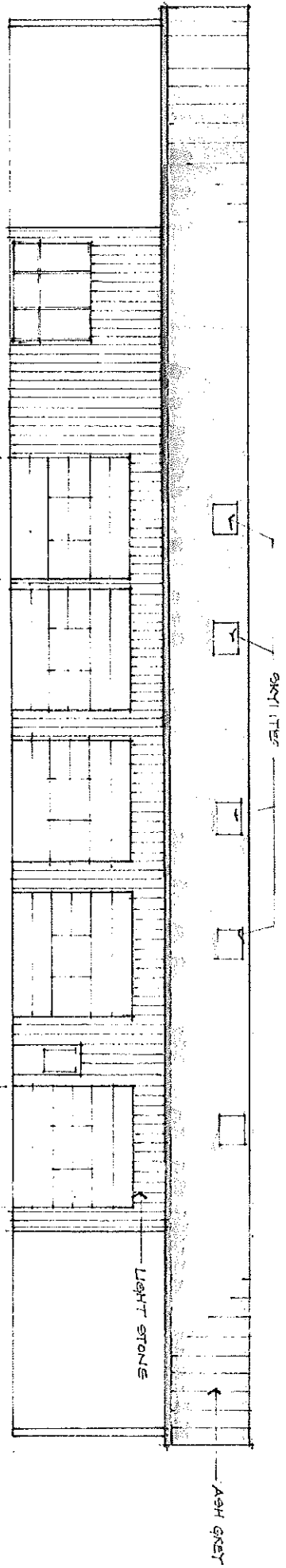
Date: _____

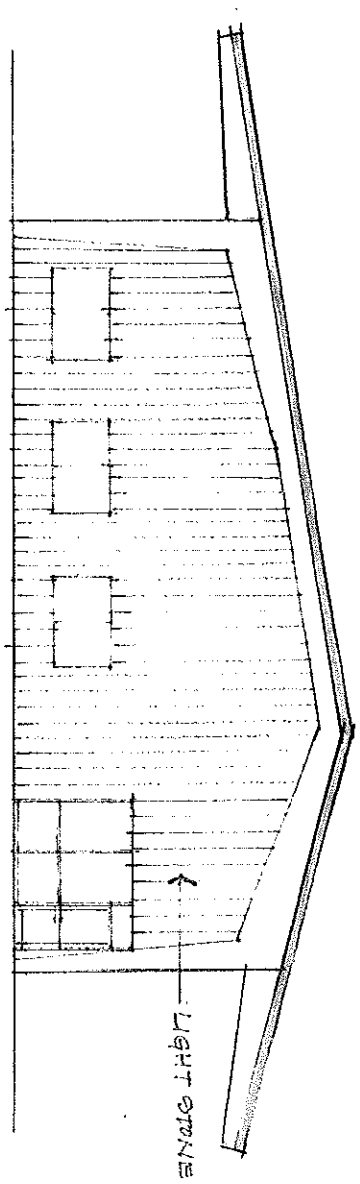
02/26/15



ELEVATION EAST

1/8" = 1'-0"





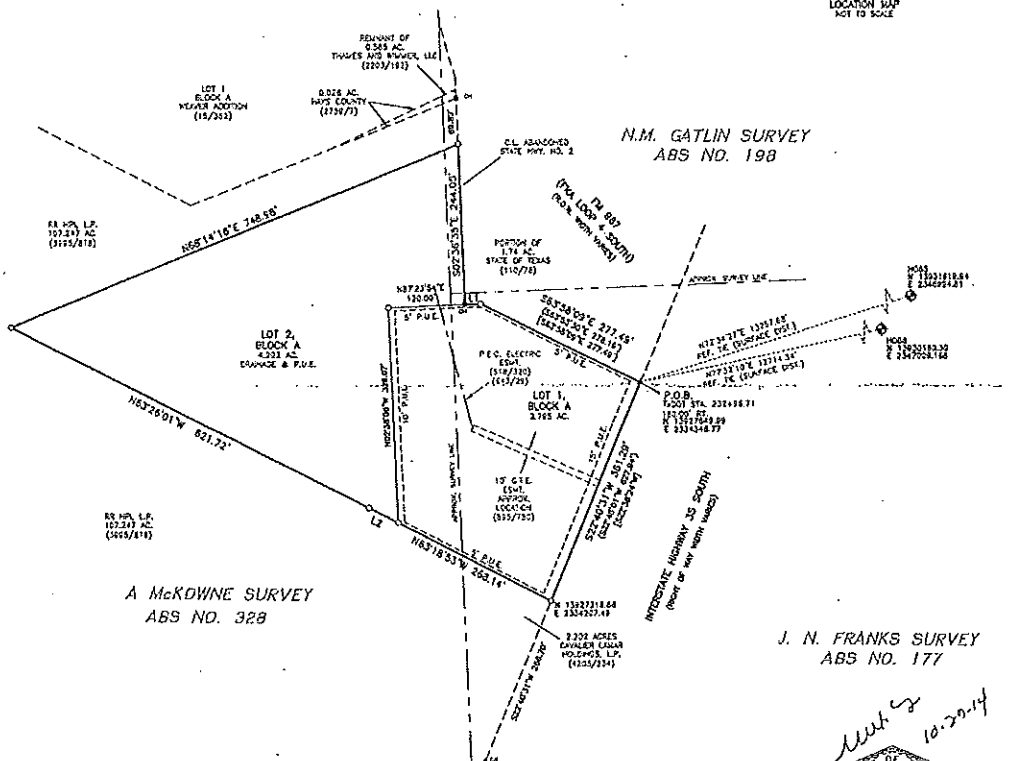
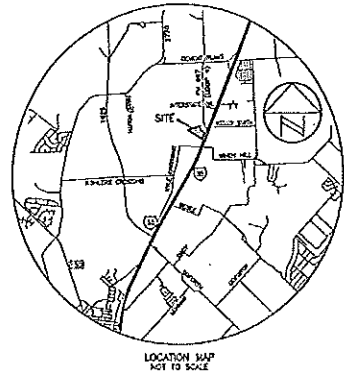
ELEVATION SOUTH

1/8" = 1'-0"

CAVALIER SUBDIVISION



- LEGEND**
- 1/2" REBAR FOUND (OR AS NOTED)
 - ⊙ 1/2" REBAR WITH CHAPARRAL CAP FOUND
 - CONG. HOUSING MOD. FOUND
 - ▲ CALCULATED POINT
 - ⊕ BENCHMARK/CONTROL LOCATION
 - 1/2" REBAR WITH 'CHAPARRAL' CAP SET
 - ▲ MET BAIL FOUND IN CONG.
 - () RECORD DEED INFORMATION
 - [] RECORD TPOCT INFORMATION



OWNERS:

88 N.H. LP
3800 N. CAPITAL OF TEXAS HIGHWAY
SUITE B, SUITE 159
AUSTIN, TEXAS 78718

CHANDLER LAGAR HOLDINGS, LP
2011 SOUTH TAMAR BLVD.
AUSTIN, TEXAS 78704

ACREAGE: 6,158 AC.

SURVEY: A. MCKOWNE SURVEY, ABSTRACT NO. 328 AND
J.N. FRANKS SURVEY, ABSTRACT NO. 177

NUMBER OF LOTS AND PROPOSED USE: 1 COMMERCIAL

DATE: SEPTEMBER 24, 2012

SURVEYOR: ROBERT C. WATTE, JR.
CHAPARRAL PROFESSIONAL LAND SURVEYING, INC.
2500 NICHOLS AVE.
PHONE: (512) 443-1724 FAX: (512) 389-0543

ENGINEER:

STEPHEN R. JAWORSKI, P.E. NO. 85551
FAULKNER PARTNERS ENGINEERS, INC.
15000 RICHWOOD BLVD. SUITE 410
HOUSTON, TEXAS 77058
PHONE: (281) 428-4331

SETBACKS NOT SHOWN
OR LOTS SHALL CONFORM
TO THE CITY OF ARLV ZONING ORDINANCE

THIS IS A SURFACE DRAWING.

DRAWING CONTROL POINT 2241
ALUMINUM ONE SET IN CONCRETE

SURFACE COORDINATES:
N 1322734.3269
E 2354151.8025

TEXAS SOUTH CENTRAL ZONE (2008)
STATE PLANE COORDINATES
N 1322734.3269
E 2354151.8025

CONVERSION SCALE FACTOR = 0.99999999
(FOR SURFACE TO GRID CONVERSION)

INVERSE SCALE FACTOR = 1.00000001
(FOR GRID TO SURFACE CONVERSION)

SEALED ABOUT 60
TEXAS SOUTH CENTRAL ZONE 4304

No.	BEARING	LENGTH	(COORDS)
L1	N85°44'31"E	24.60'	(N2271130'E 14.83')
L2	N8°02'58"W	50.81'	

Just
10-20-14



Chaparral
Professional Land Surveying, Inc.
Surveying and Mapping

3500 Woodloch
Austin, Texas 78744
512-443-1724

PROJECT NO.:
030-039

DRAWING NO.:
030-039-PL1

PLOT DATE:
10/20/14

PLOT SCALE:
1" = 50'

DRAWN BY:
RCW/JCB

SHEET
01 OF 02

Variance Application Number: VR-15-002

Property Location 114-A&B Sunrise Circle

Property Owner Noe Briseno & Maria Martinez
114-B Sunrise Circle
Kyle, Texas 78640

Variance Request Applicant seeks a variance to the minimum lot width of 130 feet at the front property line.

Vicinity Map



The site is located at 114-A & 114-B Sunrise Circle, which is at the western terminus of Sunrise Circle northwest of its intersection with Sunrise Drive. The property is located in Hays County, outside the city limits but within the city's extraterritorial jurisdiction. The applicant seeks to plat a re-subdivision of the existing Lot 33, which has been split into 'A' and 'B' lots via metes & bounds, sold, and developed with a single family detached structure.

Site Plan Analysis

Lot 33 in Sunrise Acres is 126,977.4 square feet (2.915 acres), having 74.62 feet of frontage along the cul-de-sac, and was originally developed with a collection of manufactured home structures located in the middle of the rear of the lot. The lot is flat

and is not bordered by any natural features. The property is surrounded on all sides by similar buildings and land uses, a mix of stick built and manufactured home sites. The request by the applicant is to formally record the subdivision of the property into two lots, one north and one south -including the existing buildings- sectioning the lot via property line down the middle, so that a sewer septic system permit can be obtained from the county for the newly created southern lot.

Kyle's current subdivision regulations do not allow for this subdivision, as the resultant lot would be non-conforming with regard to lot frontage by the strict letter of the regulations (§41-82(e)(2)). The division of the lot has already occurred in the field, and a structure has already been constructed on the lot.

For further information related to the specific request, please see the supplemental drawings submitted by the applicant, attached.

Conditions of the Zoning Ordinance

Article 1, §41-10 identifies the following criteria for evaluation that should be examined when determining the appropriateness of a variance:

§41-10. - Exceptions.

- (a) It is the expressed intent of this chapter that all sections and parts should be complied with, except in those instances when the provisions of this section are applicable. It is further the intent of this chapter that the granting of an exception to this chapter (i.e., a variance from the requirements hereof) shall not be a substitute for the amending of this chapter.
- (b) The planning and zoning commission may recommend to the council that an exception from these regulations be granted when, in its opinion, undue hardship will result from requiring strict compliance. In considering, recommending and granting an exception, either the planning and zoning commission or the council shall prescribe such conditions that it deems necessary or desirable in the public interest. In making the findings required in subsection (c) of this section, both bodies shall take into account, at least, the nature of the proposed use of the land involved, existing uses of land in the vicinity, the number of persons who will reside or work in the proposed subdivision, and the probable effect of such exception upon traffic conditions and upon the public health, safety, convenience and welfare in the vicinity.
- (c) No exception shall be granted unless the following conditions are met:
 - (1) That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this chapter would have a substantial adverse impact on the applicant's reasonable use of his land;
 - (2) That the granting of the exception will not be detrimental to the public health, safety or welfare, or injurious to other property in the area; and
 - (3) That the granting of the exception will not have the effect of preventing the orderly subdividing of other land in the area in accordance with the provisions of this chapter.

- (d) Such findings of the planning and zoning commission and council, together with the specific facts upon which such findings are based, shall be incorporated into the official minutes of the meeting at which such exception is recommended and granted.
- (e) Exceptions may be granted only when in harmony with the general purpose and intent of this chapter so that the public health, safety and welfare may be secured and substantial justice served.

§41-82. - Rural subdivision standards.

- (a) Purpose. The provisions of this section are designed and intended to permit development of undeveloped agricultural land while preserving the rural character of the area until such time as development of a more intensive urban nature is appropriate and can be supported by the necessary public facilities and services. These design standards modify, and/or reinforce other requirements found in these regulations. By qualifying other particular requirements of these regulations, these rural subdivision design standards ensure minimum conditions for establishing a low density rural living environment while providing the necessary foundation upon which more intensive urban development can occur in the future.
- (b) Applicability. The requirements contained in this section shall apply to all land within the jurisdictional limits of the city that is outside the utility service area of the city for water and/or wastewater services, and for which the provision of such services will be accommodated through the use of individual, privately owned systems. No land or property within the city's certificated service area shall be entitled to be developed pursuant to this section, except upon a waiver given by the city council. Further, except as specifically qualified in this section, all other standards, terms, conditions and provisions of this chapter shall apply to such rural subdivisions.
- (c) Streets. All streets within rural subdivisions shall be designed and constructed in accordance with the requirements for rural streets set forth in the city's construction standards and specifications for roads, streets, structures, and utilities. The right-of-way required shall be the same as for all other subdivisions.
- (d) Blocks. Blocks in rural subdivisions shall not exceed 1,500 feet in length and shall adequately accommodate two tiers of lots arranged back to back.

(e) Lots. All lots in rural subdivisions shall:

- (1) Be greater than one acre in area;
 - (2) Have a minimum width at the front property line of 130 feet; and
 - (3) Be designed so that all access is provided from a local street except access may be permitted from a major thoroughfare or street; state highway, farm to market road or ranch road; or numbered/or named county roadway if a minimum driveway centerline spacing of 200 feet is provided between driveways.
- (f) Easements and dedications. In addition to all other right-of-way dedications and/or easements required by this chapter, all rural subdivisions shall be

required to dedicate not less than an additional ten feet of right-of-way along that portion of all property abutting:

- (1) Major thoroughfares;
- (2) State highways, farm to market or ranch roads; or
- (3) Numbered county roads.

(g) Utilities.

(1) Wastewater collection systems. For all rural subdivisions where public wastewater utility services are not available, the city reserves the right to require the installation of improvements required for nonrural subdivisions in accordance with the provisions of these subdivision regulations, when public wastewater services are available within one-quarter mile of the subdivision, the city is coordinating with the private sector to extend a public wastewater system to within one-quarter mile of the subdivision within two years, or the extension of urban services to within one-quarter mile of any portion of the subdivision is scheduled in the city's capital improvements program to occur within five years from the date of preliminary plan approval.

(2) Water distribution system. To enhance the overall efficiency and service level for water distribution in rural subdivisions, the city will cooperate with existing non-municipal water utility providers in the city's extraterritorial jurisdiction. Through joint coordination and planning both the city and the non-municipal water utilities will work towards ensuring the availability throughout the jurisdiction of this chapter of a water distribution system that satisfies the fire flow requirements.

a. Rural subdivisions designed for other than single-family detached residential development shall satisfy the applicable state and city fire flow standards;

b. All single-family detached residential rural subdivisions shall install water distribution system improvements meeting the design requirements of this chapter, and:

1. Where a public water system capable of providing required fire flows to the development is located within one-quarter mile of any part of the subdivision, then it shall be the responsibility of the developer to extend service and connect to the public utility in order to provide fire protection to the development; or

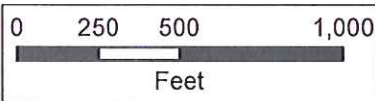
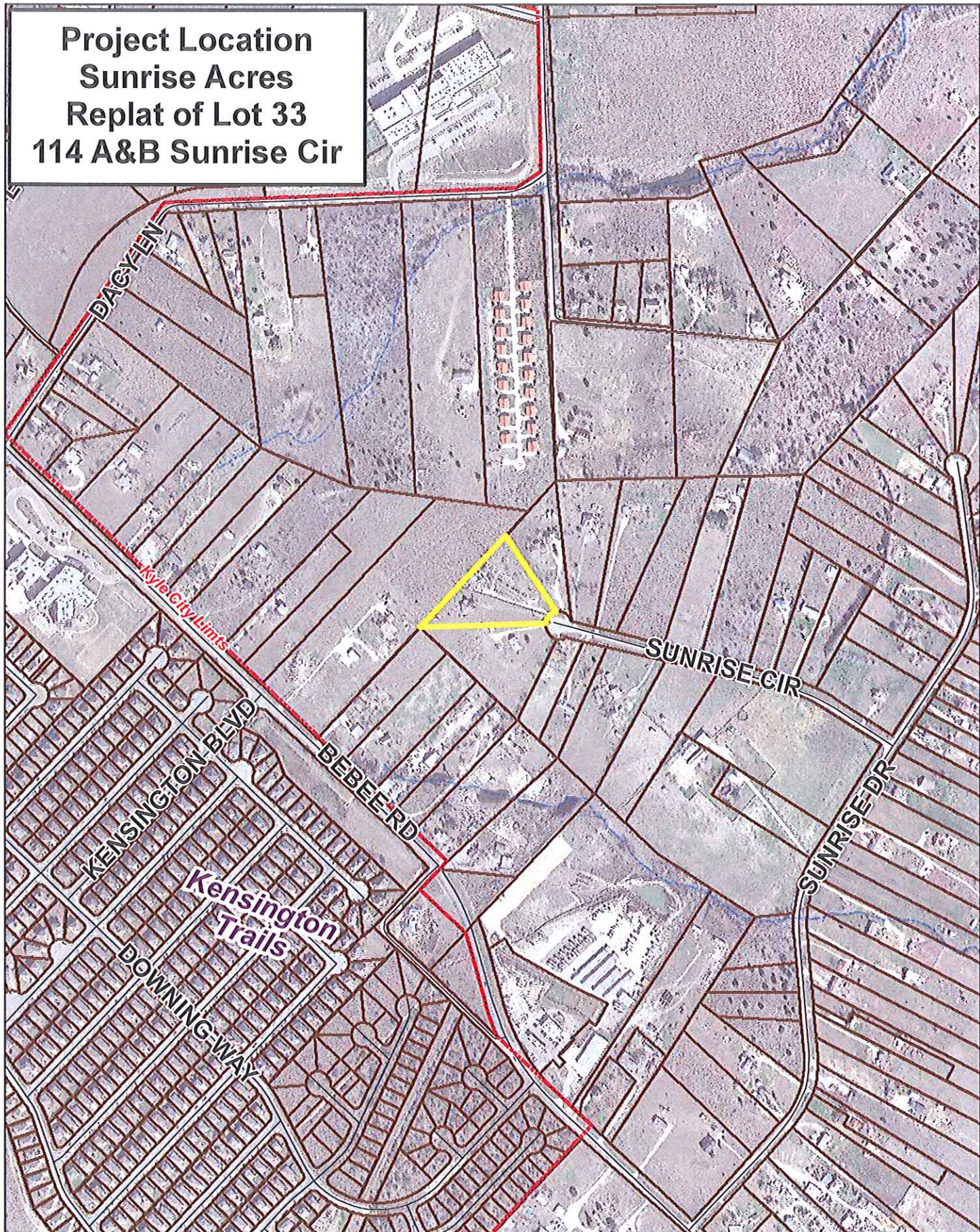
2. For all rural subdivisions, which are not to be served by a public water supply, the subdivider must show proof of a safe and adequate water supply.

(h) Additional provisions. In addition to any and all other provisions of this chapter, prior to any resubdivision of a rural subdivision being approved by the city, the level of improvements and urban services required by this chapter for nonrural subdivisions shall be available to and satisfied by the resubdivided property.

Attachments

1. Original application and request by the applicant.
2. Proposed amended plat – dated February 16, 2015, drawn by William C. Stewart of Ranger Land Surveying, Leander, Texas.

**Project Location
Sunrise Acres
Replat of Lot 33
114 A&B Sunrise Cir**



 Property Boundary

 Parcel Lines

October 12, 2015

To whom it may concern,

On November 30, 2009, Jesse Frias Jr and Juan Riojas split their property into the addresses 114-A Sunrise Cir, Kyle, Texas 78640 and 114-B Sunrise Cir, Kyle, Texas 78640. At that time, they sold the property 114-B Sunrise Cir, Kyle, Texas 78640 to Noe Briseno and Maria Martinez Briseno. At the time of sale Noe Briseno and Maria Martinez Briseno bought the property in good faith and with the understanding that the sellers, Jesse Frias Jr and Juan Riojas, believed the property to be in compliance with all municipal codes.

Sincerely,

A handwritten signature in cursive script that reads "Maria Martinez Briseno". The signature is written in black ink and is positioned to the right of the typed name below it.

Maria Martinez Briseno

Variance Application Number: VR-15-004

Property Location Rolling Hills Estate, Section 1, Lot 6A, Block 1

Property Owner Sylvia Vera
101 Rolling Hills Drive
Buda, Texas 78610

Variance Request Applicant seeks a variance to the minimum lot width of 130 feet at the front property line.

Vicinity Map



The site is located on the southwest corner of the intersection of FM 2001 and Rolling Hill Road, in Kyle's extraterritorial jurisdiction. The applicant requests to re-plat Lot 6A into two (2) lots, 6A-A and 6A-B.

Site Plan Analysis

Lot 6A in Rolling Hills Estate is 2.13 acres, and has 221 feet of frontage along FM 2001. The owner of the lot wishes to divide the lot into two (2) separate lots for two (2) dwellings. The lot is flat and is not bordered by any substantial natural features. The property is surrounded on all sides by similar buildings and land uses, a mix of home sites and small pastures.

Kyle's current subdivision regulations do not allow for this subdivision, as the resultant lot would be non-conforming with regard to lot frontage per the standards found in §41-82(e)(2). Adjusting the shared side property line to the east -so that lot 6A-A has the requisite frontage along FM 2001 and lot 6A-B has its required frontage along Rolling Hills Road- most likely will result in lot 6A-B having less than the required 1-acre for rural lots in Kyle's extraterritorial jurisdiction. This variance request is the least the applicant can seek to complete the division, because the lot simply lacks the frontage needed to create two lots under the terms of Kyle's subdivision requirements.

For further information related to the specific request, please see the supplemental drawings submitted by the applicant, attached.

Conditions of the Zoning Ordinance

Chapter 41, Article 1, §41-10 identifies the following criteria for evaluation that should be examined when determining the appropriateness of a variance:

§41-10. - Exceptions.

- (a) It is the expressed intent of this chapter that all sections and parts should be complied with, except in those instances when the provisions of this section are applicable. It is further the intent of this chapter that the granting of an exception to this chapter (i.e., a variance from the requirements hereof) shall not be a substitute for the amending of this chapter.
- (b) The planning and zoning commission may recommend to the council that an exception from these regulations be granted when, in its opinion, undue hardship will result from requiring strict compliance. In considering, recommending and granting an exception, either the planning and zoning commission or the council shall prescribe such conditions that it deems necessary or desirable in the public interest. In making the findings required in subsection (c) of this section, both bodies shall take into account, at least, the nature of the proposed use of the land involved, existing uses of land in the vicinity, the number of persons who will reside or work in the proposed subdivision, and the probable effect of such exception upon traffic conditions and upon the public health, safety, convenience and welfare in the vicinity.
- (c) No exception shall be granted unless the following conditions are met:
 - (1) That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this chapter would have a substantial adverse impact on the applicant's reasonable use of his land;

- (2) That the granting of the exception will not be detrimental to the public health, safety or welfare, or injurious to other property in the area; and
- (3) That the granting of the exception will not have the effect of preventing the orderly subdividing of other land in the area in accordance with the provisions of this chapter.
- (d) Such findings of the planning and zoning commission and council, together with the specific facts upon which such findings are based, shall be incorporated into the official minutes of the meeting at which such exception is recommended and granted.
- (e) Exceptions may be granted only when in harmony with the general purpose and intent of this chapter so that the public health, safety and welfare may be secured and substantial justice served.

§41-82. - Rural subdivision standards.

- (a) Purpose. The provisions of this section are designed and intended to permit development of undeveloped agricultural land while preserving the rural character of the area until such time as development of a more intensive urban nature is appropriate and can be supported by the necessary public facilities and services. These design standards modify, and/or reinforce other requirements found in these regulations. By qualifying other particular requirements of these regulations, these rural subdivision design standards ensure minimum conditions for establishing a low density rural living environment while providing the necessary foundation upon which more intensive urban development can occur in the future.
- (b) Applicability. The requirements contained in this section shall apply to all land within the jurisdictional limits of the city that is outside the utility service area of the city for water and/or wastewater services, and for which the provision of such services will be accommodated through the use of individual, privately owned systems. No land or property within the city's certificated service area shall be entitled to be developed pursuant to this section, except upon a waiver given by the city council. Further, except as specifically qualified in this section, all other standards, terms, conditions and provisions of this chapter shall apply to such rural subdivisions.
- (c) Streets. All streets within rural subdivisions shall be designed and constructed in accordance with the requirements for rural streets set forth in the city's construction standards and specifications for roads, streets, structures, and utilities. The right-of-way required shall be the same as for all other subdivisions.
- (d) Blocks. Blocks in rural subdivisions shall not exceed 1,500 feet in length and shall adequately accommodate two tiers of lots arranged back to back.

(e) Lots. All lots in rural subdivisions shall:

- (1) Be greater than one acre in area;
- (2) Have a minimum width at the front property line of 130 feet; and
- (3) Be designed so that all access is provided from a local street except access may be permitted from a major thoroughfare or street; state highway, farm to market road or ranch road; or numbered/or named county roadway if a

minimum driveway centerline spacing of 200 feet is provided between driveways.

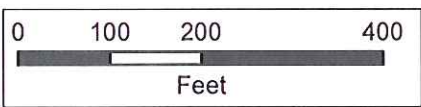
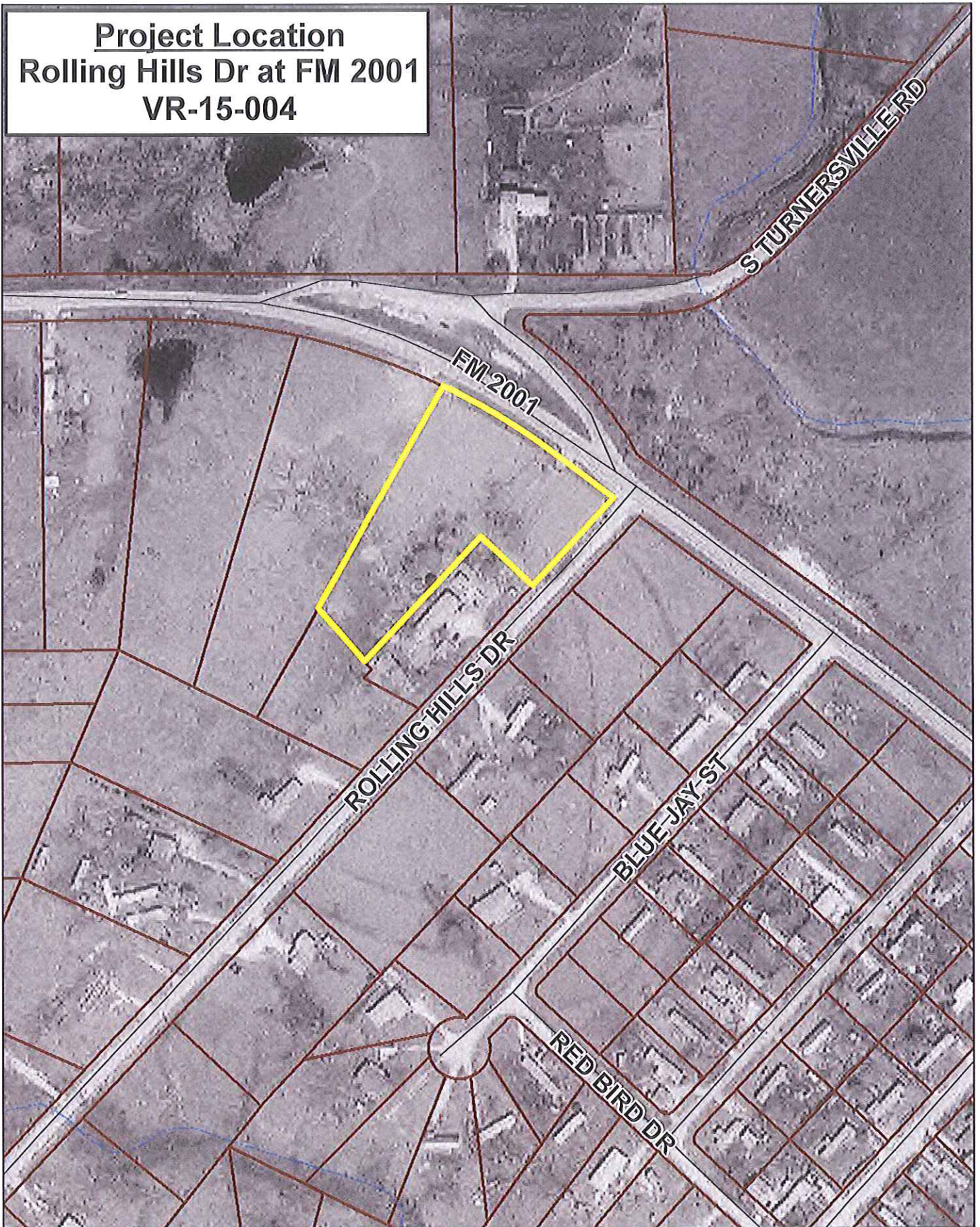
- (f) Easements and dedications. In addition to all other right-of-way dedications and/or easements required by this chapter, all rural subdivisions shall be required to dedicate not less than an additional ten feet of right-of-way along that portion of all property abutting:
 - (1) Major thoroughfares;
 - (2) State highways, farm to market or ranch roads; or
 - (3) Numbered county roads.
- (g) Utilities.
 - (1) Wastewater collection systems. For all rural subdivisions where public wastewater utility services are not available, the city reserves the right to require the installation of improvements required for nonrural subdivisions in accordance with the provisions of these subdivision regulations, when public wastewater services are available within one-quarter mile of the subdivision, the city is coordinating with the private sector to extend a public wastewater system to within one-quarter mile of the subdivision within two years, or the extension of urban services to within one-quarter mile of any portion of the subdivision is scheduled in the city's capital improvements program to occur within five years from the date of preliminary plan approval.
 - (2) Water distribution system. To enhance the overall efficiency and service level for water distribution in rural subdivisions, the city will cooperate with existing non-municipal water utility providers in the city's extraterritorial jurisdiction. Through joint coordination and planning both the city and the non-municipal water utilities will work towards ensuring the availability throughout the jurisdiction of this chapter of a water distribution system that satisfies the fire flow requirements.
 - a. Rural subdivisions designed for other than single-family detached residential development shall satisfy the applicable state and city fire flow standards;
 - b. All single-family detached residential rural subdivisions shall install water distribution system improvements meeting the design requirements of this chapter, and:
 - 1. Where a public water system capable of providing required fire flows to the development is located within one-quarter mile of any part of the subdivision, then it shall be the responsibility of the developer to extend service and connect to the public utility in order to provide fire protection to the development; or
 - 2. For all rural subdivisions, which are not to be served by a public water supply, the subdivider must show proof of a safe and adequate water supply.
- (h) Additional provisions. In addition to any and all other provisions of this chapter, prior to any resubdivision of a rural subdivision being approved by the city, the

level of improvements and urban services required by this chapter for nonrural subdivisions shall be available to and satisfied by the resubdivided property.

Attachments

1. Original application and request by the applicant.
2. Proposed amended plat – dated September 8, 2015, drawn by Richard Taylor of Ash & Associates, San Marcos, Texas.

Project Location
Rolling Hills Dr at FM 2001
VR-15-004



 Property Boundary

 Parcel Lines



SURVEYING · ENGINEERING · ARCHITECTURE

"Serving the Community of Texas"®

142 Jackson Lane
San Marcos, TX 78666
(512) 392-1719

December 8, 2015

City of Kyle
100 W Center St.
Kyle, TX 78640

CITY OF KYLE

DEC 09 2015

RE: Amended Plat of Lot 6A
Rolling Hills Estates, Section 1
City of Kyle ETJ
Hays County, Texas

PLANNING DEPARTMENT

Board of Adjustment;

The owner of this lot, Sylvia Vera wishes to amend her Lot 6A, of the above referenced recorded subdivision, to provide 2 lots as she wants to provide for her children. The proposed lot frontage of 100' on FM 2001 allows the configuration of the lots to more easily maintain the required area for the proper use of a septic system and allow the existing structures and concrete slabs to be located in the various lots.

Thank you for your assistance and if you have any questions please call.

Respectfully,

A handwritten signature in black ink, appearing to read "Richard McDaniel", with a large loop at the end.

Richard McDaniel
Ash & Associates

Enclosures
Xc:

APPLICATION & CHECKLIST – BOARD OF ADJUSTMENT

Variance: Variance to Lot frontage

CITY OF KYLE

(Submittal Date)

INSTRUCTIONS: (VR-15-004) ^(Variance Requested) Requirement

DEC 09 2015

- Fill out the following application and checklist completely prior to submission.
- Use the most current application from the City's website (www.cityofkyle.com) or at city hall. **PLANNING DEPARTMENT**
- Place a check mark on each line if you have complied with that item. Indicate with N/A if the item does not apply to your subdivision. *This checklist is only a guide.*

REQUIRED ITEMS FOR SUBMITTAL PACKAGE:

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

1. Letter to Board of Adjustment signed by owner in which written appeal states all facts and circumstances making a variance or special exception necessary.
2. Name and address of property owners within 200 feet of property and from that a location map and key showing the notification boundaries and numbered key listing the names and mailing addresses of those to be notified.
3. Number of property owners to be notified: 7
4. Two prints of the plan.
Site plan or plot plan of property must include north arrow, scale, dimensions, setbacks, property lines, easements, right-of-way, adjacent streets, and any other information to assist in consideration of request.
- N/A 5. Photographs and/or drawings to support request.
6. Application fee: \$428.06 * 3.62 per acre \$435.91
- N/A 7. Findings Statements (see attached)
- N/A 8. Additional support information: _____

A meeting will be scheduled for the Board of Adjustment after the application has been received and notification requirements have been met.

Variance Application:

1. Ownership Information:
Name of Property Owner SYLVIA VERA

(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: 101 Rolling Hills Dr
Buda, TX 78610

Phone: 512-295-4583
Fax: _____

Signed: *Sylvia Vera*
Date: 12-1-2015

2. Nature of Request
The above named applicant hereby requests a variance from the following portion of the City of Kyle Ordinances:

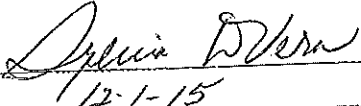
Ordinance #: 82(c)(2)
Section: 41
Current Zoning of Property: N/A
Legal description: Lot 6A
Brief explanation of request: Lot frontage of 100.00'
on Road. (130' Required)

3. Agent Information:

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

Agent's Name: Richard McDaniel
Agent's address: 142 Jackson Lane, San Marcos
78666
Agent's Phone Number: 512-665-0529
Agent's Fax Number: _____
Agent's Mobile Number: _____
Agent's Email Address: rickmack@hotmail.com

I hereby authorize the person named above to act as my agent in processing this application before the Board of Adjustment of the City of Kyle:

Owner's Signature: 
Date: 12-1-15

4. The Board of Adjustment must determine the existence of, sufficiency of and weight of evidence supporting the findings below. Therefore, you must complete each applicable Findings Statement as part of your application. Failure to do so may result in your application being rejected as incomplete:

(A) Reasonable Use:

The zoning regulations applicable to the property do not allow for a reasonable use because:

There is no zoning on this tract.
Variance to road frontage requirements
allow a more variable useage.

(B) Hardship:

(1) The hardship for which the variance is requested is unique to the property in that:

No hardship anticipated. Driveway already
installed. configuration better suited
to the property.

(2) The hardship is not general to the area in which the property is located because:

the hardship would make the configuration
to maintain 1.0 acre lot size for septic

(C) Area Character:

The variance will not alter the character of the area adjacent to the property, will not impair the use adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:

Lot configurations conform to
the general area.

Note: The Board cannot grant a variance that would provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.

I hereby certify that the above information provided to the City of Kyle is true and accurate and that I am the owner of the above described property.

[Signature]
Owner's Signature

12-1-2015
Date

Do Not Write Below This Line -- Staff Will Complete

Hearing Date Before Board of Adjustment: _____

Action: _____

Property Location	24800 IH 35 South
Owner	PGI Investments, LLC 19511 South Comal River Drive Cypress, Texas 77433
Owner's Representative	Hugo Elizondo, Jr., P.E. Cuatro Consultants, LTD 3601 Kyle Crossing, Suite 'B' Kyle, Texas 78640
Request	Rezone 47.74 acres from AG (Agriculture) to 'W' (Warehouse)

Vicinity Map



The site is located at the city's southern border with the City of San Marcos, in the northwest corner of the intersection of Interstate 35 south and Yarrington Road. The property is currently zoned AG (Agriculture), and is partially developed with a recreational vehicle campground. Of adjacent properties inside the city limits, there is one to the west across Post Road, and it is zoned R/S (Retail/Services). The only other city property on

the west side of I-35 within reasonable proximity to the site is northwest of the railroad right of way, and is zoned M-3 (Manufactured Home Park). The applicant seeks to rezone the 47.74 acres to W (Warehouse District), a commercial zoning category "to provide locations for outlets offering goods and services to a targeted segment of the general public as well as industrial users."

Conditions of the Zoning Ordinance

§53-1205 – Amendments

...

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

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

Comprehensive Plan Text

The subject site is located in the 'New Settlement Community' character area, and contains a portion of the 'Regional Node' at Yarrington and I-35, with a slight majority of the property located in the Regional Node.

In 'New Settlement', it is recommended that the allowable zoning districts be limited by right to R-1-1, R-1-2 CC and NC, and AG, E, HS, M-2, M-3, R-1-A, R-1-T, R-2, R-3-1, R-3-2, R-3-3, R/S, T/U and UE conditionally.

In 'Regional Nodes', it is recommended to assign R-1-C, R-3-2, R-3-3, CC and NC zoning by right, and CBD-1, CBD-2, E, HS, R-3-1 and R/S conditionally.

The Warehouse zoning category is only recommended for the 'Employment District', a section of the city located in the far northeast corner of Kyle's corporate limits, which is not served by Kyle water (the region is served primarily by Goforth water) nor wastewater.

New Settlement "Character": "Stretching over both Plum Creek and I-35, the New Settlement District is comprised primarily of farm fields and new residential developments that are being carved out of former farm fields. Northwest to southeast roadway patterns are strong, while northeast to southwest connections are lacking. Traditional residential

enclaves predominate in the New Settlement District, aggregated in neighborhoods of unique housing forms. Private and public spaces are clearly separate, with the public domain defined by shared neighborhood amenities and the private domain defined by privatized landscapes. Public space is not encroached on by private functions. The New Settlement District has a lower density and intensity of development than the adjacent Mid-Town District, and the open character of the landscape should evoke the agricultural heritage of the District. Physical and visual portioning and division of land should be avoided where possible in this District.”

New Settlement “Intent”: “The flat land and large parcel size in the New Settlement District result in a high level of development potential, which is beginning to be realized through market-driven demand for new housing stock. The City of Kyle should seek to capitalize on this “developability,” while emphasizing community amenities, enhancing the neighborhood lifestyle through shared spaces, and improving connectivity within and without the District. The unique water features, such as creekways and detention/retention facilities, in the New Settlement District should be utilized as form-giving elements and corridors for connections. Use patterns should be established that complement residential development and facilitate beneficial land use transitions. In this way, the New Settlement District should serve as a transition between the higher intensity of use within the core Districts and the low intensity of use of the Farm District.”

Regional Node ‘Character’: “Regional Nodes should have regional scale retail and commercial activity complemented by regional scale residential uses. These Nodes should represent the character and identity of Kyle, and signal these traits to the surrounding community. Regional Nodes have a radius of approximately 1/3 of a mile so that they are walkable, but are able to contain a greater range of uses at a larger scale than those found in Local Nodes. Appropriate uses may include grocery stores, retail shopping centers, multi-family housing, and municipal services, such as libraries and recreation centers.”

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

Recommendation

Benefits:

- The site’s location at an interchange of Interstate 35 lends itself to support high-intensity commercial/retail/employment services geared to the needs of both the local region, and super-region of the state, as well as larger-scale industrial operations that don’t fit in or directly adjacent to established in-town neighborhoods.

- A current plan shows the Hays County "West Side Parkway" (RR150 re-alignment) emerging from the city's southwest side and crossing I-35 at this location, essentially increasing the Yarrington Road street category from collector to county arterial.
- High-intensity commercial land uses generate considerable high-impact vehicle traffic. It is best to limit the reach of these trips into the city by keeping them as close to major transportation routes as possible.

Challenges:

- The request fails to meet the intent of the Regional Node and the New Settlement character area as listed in the Kyle Comprehensive Plan.
- There is not now, nor will there be for some time, Kyle wastewater service available at the site. There is a plan that is being designed for a wastewater line to serve the entirety of the southwest quadrant of the city (including this site), but the exact date that project will be let and installed are not yet finalized. The best estimate for an in-service date of the required lift station and that sewer line is currently the middle of 2017.

Staff believes it's not insignificant that the city Comprehensive Plan does not support the establishment of high intensity commercial uses in this region of the city. In the past, applications have been brought forward that were considered and approved on the basis that they were located on border regions where the use was acceptable; this is not the case for this application. By the strict terms of the Comprehensive Plan, the Kyle's Warehouse district is not recommended outside of the most northeast region of the city.

Additionally, the application is probably premature for 2016, in that there is no development potential at the property's highest and best use until such time that the off-site wastewater utility line can be permitted, installed, and brought into service. That timeline will be no less than 18 months, and likely 24 months.

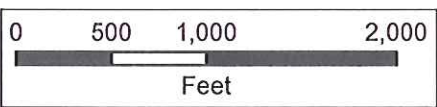
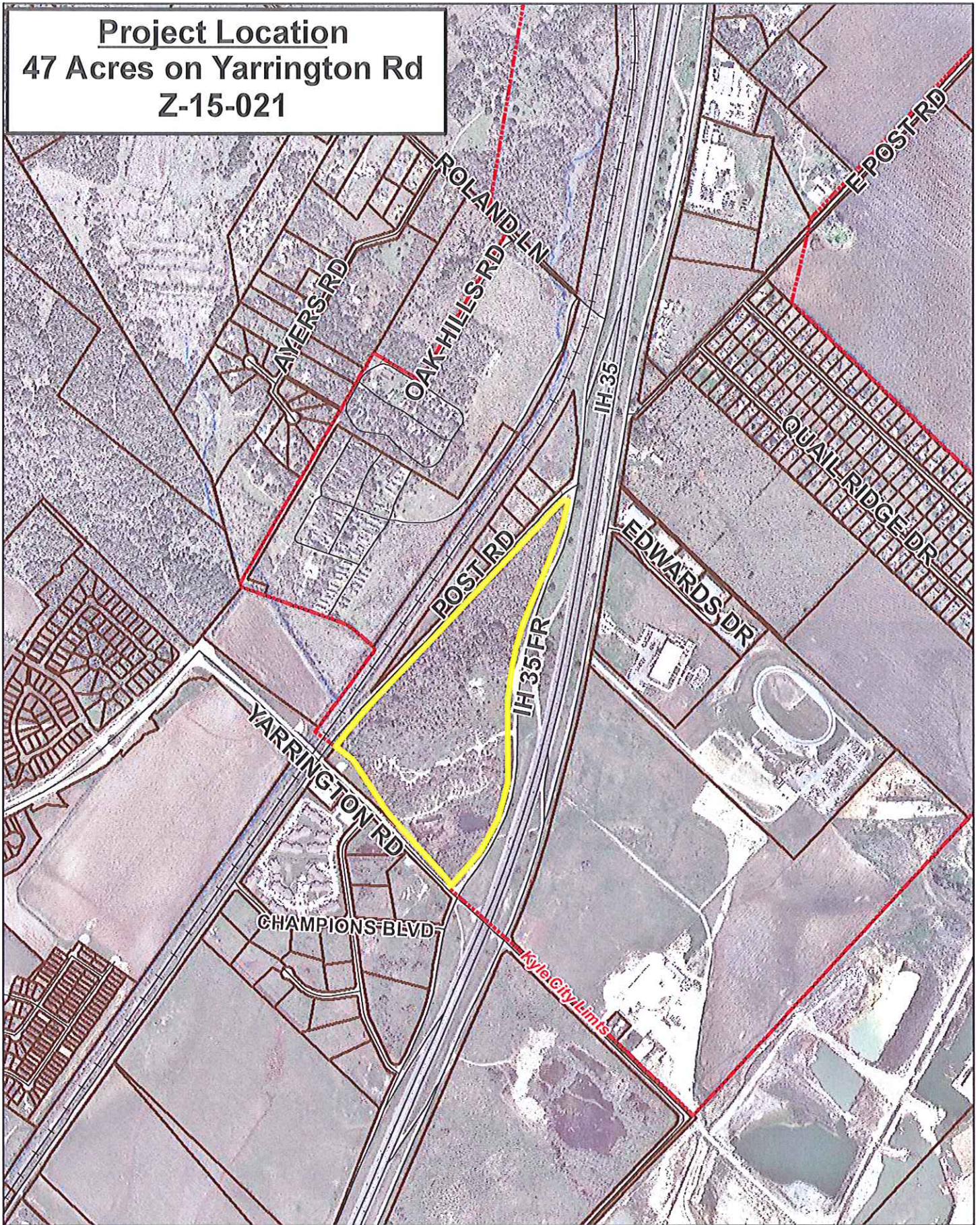
Temporal objection notwithstanding, at some point in the near future the site will have utility service available, and once that occurs, the property -- with its proximity to interstate and rail, and it's remote location from established stable neighborhoods -- will be well-suited to those uses permissible in the Warehouse district.

This application for Warehouse zoning which will facilitate high-density, high-turnover commercial and employment uses is completely appropriate for the location proposed.

Attachments

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

Project Location
47 Acres on Yarrington Rd
Z-15-021



 Property Boundary

 Parcel Lines

3. Ownership Information:

Name of Property Owner(s): PGI Investment, LLC.

(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: 19511 S. Comal River Drive

Cypress, TX 77433

Phone Number: (832) 858-3089

Fax Number: (512) 396-8300

Email Number: miranchomeatmarket@gmail.com

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

Signed: K v Shah

Date: Dec 15/2015

4. Agent Information:

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

Agent's Name: Hugo Elizondo, Jr., P.E./Cuatro Consultants, Ltd.

Agent's Address: 3601 Kyle Crossing Ste. B

Kyle, TX 78640

Agent's Phone Number: (512) 312-5040

Agent's Fax Number: (512) 312-5399

Agent's Mobile Number: (512) 565-9040

Agent's Email Number: hugo@cuatroconsultants.com

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

Owner's Signature: K v Shah

Date: Dec 15/2015

*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

Accepted for Processing By: *Debra A. Johnson* Date: *12/16/15*

Date of Public Notification in Newspaper: *1/16/16*

Date of Public Hearing Before Planning and Zoning Commission: *1/26/16*

Date of Public Hearing Before City Council: *2/2/16 & 2/16/16*

LAW OFFICE OF TERRENCE L. IRION

1250 S. Capital of Texas Highway
3 Cielo Center, Suite 601
Austin, Texas 78746

Terrence L. Irion

Attorney at Law

(512) 347-9977

(512) 306-8903-FAX

tirion@tirionlaw.com

January 4, 2016

VIA EMAIL:

City of Kyle
Planning Commission
Chair & Members
P.O. Box 40
Kyle, Texas 78640

RE: PGI Investments, LLC – Rezoning Request “AG” to “W” Zone
District – 24800 S. Interstate Highway 35

Dear Commission Members:

I represent PGI Investments, LLC, owners of the 47.74 acre tract along the southern boundary of the City of Kyle between the southbound frontage road west of IH-35 and east of the railroad tracts. The site is currently partially developed with an aging trailer park which will be removed with the future development of this property pursuant to the rezoning.

PGI Investments, LLC purchased the property four years ago and is eager to put the property to productive commercial use. Timing is right to do this in 2016 as wastewater utility infrastructure, pursuant to Kyle’s Capital Improvement Program, is scheduled to commence in the second quarter of 2016. Water service is already available to the site.

The property is ideally located for “W” warehouse district zoning, which is designed to provide locations for goods and services to targeted segments of the general public, as well as industrial users. Transportation related services, such as a truck/travel center and warehouse facilities are ideal uses for this property located on the frontage road of IH-35 and in close proximity to the railroad tracts to the west.

As has often been said by Kyle Officials in recent years, business growth is key to stabilizing the tax base and taking the burden of paying for growth off the shoulders of homeowners in the community. Recent annexations have required the extension of water and wastewater infrastructure through Capital Improvement Projects. This has increased the bonded indebtedness of the City to a level that is somewhat higher than comparable sized Central Texas communities. Now that this infrastructure is being built, commercial development is needed to provide the utility customer revenue necessary to support such projects. The sales tax and property tax revenues such commercial development will generate will be key to supporting the rapid growth this community is experience.

Planning Commission Members
City of Kyle
January 4, 2016
Page 2

Once zoning is approved, the owners will fund the next stage of project development, which will include specific project design that addresses all site plan issues, including frontage road and Yarrington Road access, lighting, screening, drainage and noise abatement.

We look forward to working with your Planning staff in a collaborative manner to develop this important commercial tract on the City's southern boundary.

Sincerely,



Terrence L. Irion

TLL:lm
Enclosures

Cc: Howard J. Koontz, Planning Director –via email: hkoontz@cityofkyle.com
Hugo Elizondo, Applicant's Agent –via email: hugo@cuatroconsultants.com
Asif Karowalia –via email: miranchomeatmarket@gmail.com
Iqbal Budhwani – via email: iqbal786110@yahoo.com



September 16, 2015

Firm Registration No. F-3524

Debbie Guerra, Planning Technician
City of Kyle
100 W. Center Street
Kyle, TX 78640

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

Subject: ENGINEER'S SUMMARY LETTER

Dear Ms. Guerra:

This correspondence is being sent as an Engineer's Summary letter for a Zoning Change application for the proposed Yarrington Subdivision located at the northwest corner of the intersection of Interstate 35 and Yarrington Road. The entire site contains 47.74 acres.

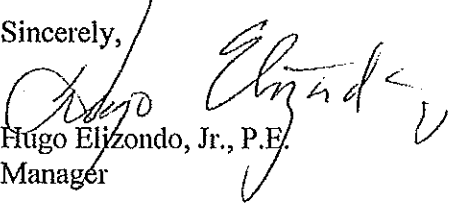
Future development shall consist of a commercial/retail center. Final Development Plans are not available at this time.

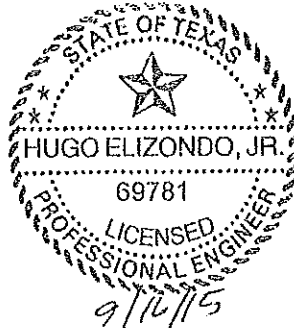
The site is located within the Blanco River watershed. This site requires rezoning to best develop this tract harmoniously with surrounding uses.

Water, wastewater, and electric are all available and will be provided by the City of Kyle and Pedernales Electric Corporation, respectively.

Please advise if you have any questions concerning this matter.

Sincerely,


Hugo Elizondo, Jr., P.E.
Manager



Attachments

**** Electronically Filed Document ****

Hays County Texas
Liz Q. Gonzalez
County Clerk

Document Number: 2012-12002993
Recorded As : ELECTRONIC RECORDING

Recorded On: February 07, 2012
Recorded At: 09:28:15 am
Number of Pages: 4
Book-VI/Pg: Bk-OPR VI-4274 Pg-833
Recording Fee: \$24.00

Parties:

Direct- HUDSON BEND RV PARK INC
Indirect- PGI INVESTMENT LLC

Receipt Number: 295216
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

Grantee's Address:

19511 S COMAL RIVER DR
CYPRESS, TX 77433

STATE OF TEXAS

§
§
§

COUNTY OF Harris

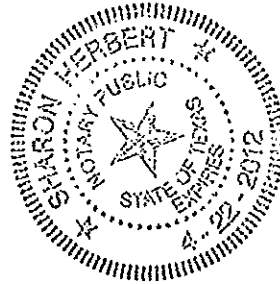
This instrument was acknowledged before me on the 30th day of January, 2012
by Margaret C. Griffin Jones, Pres. of Hudson Bend RV Park, Inc., a Texas
corporation, on behalf of said corporation.

Sharon Herbert

Notary Public, State of Texas

My Commission Expires: _____

2011-013 assump



"EXHIBIT A"

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

BEGINNING at a 1/2 inch iron rod found at the intersection in the west r.o.w. line of the Interstate Highway 35 and the northerly r.o.w. line of Yarrington Road for the most southerly corner hereof;

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

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

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

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

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

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

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

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

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

FIELD NOTES TO BE USED WITH THE ATTACHED PLAT.

R0902208
9/9/08

[Handwritten Signature]



You may send your written comments to the Planning Department, 100 W. Center St., Kyle, Texas 78640
(attention: Zoning File #: Z-15-021)

Name: ANDY THOMPSON (GAR & SONS LLC) Address: P.O. BOX 845, DUMAX, CO 81427

- I am in favor, this is why _____
- I am not in favor, and this is why Our Property is +
CITY OF KYLE • WAS ZONED R/S BECAUSE THATS WHAT CITY
JAN 07 2016 • WANTED, ITS NOT FAIR TO HAVE -W- ACROSS
PLANNING DEPARTMENT • THE STREET FROM R/S. WE WANTED -W-
ZONING AS WELL BUT AGREED TO R/S.

ANDY THOMPSON
512-789-3401

FIELD NOTE DESCRIPTION FOR A 38.67-ACRE TRACT OF LAND, HAYS COUNTY, TEXAS, TRACT 1:

BEING A 38.67 ACRE TRACT OF LAND, LYING PARTIALLY WITHIN THE W. WARD SURVEY, ABSTRACT NO. 467 AND THE JAMES W. WILLIAMS SURVEY, ABSTRACT NO.473, AND BEING OUT OF THAT CERTAIN 47.74 ACRE TRACT CONVEYED BY GENERAL WARRANTY DEED TO PGI INVESTMENT, LLC, AS RECORDED IN DOCUMENT NO. 2012-12002993, OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½ inch iron steel stake found marking the intersection of the north right-of-way line of Yarrington Road (Hays County Road 159), a public street, and the west right-of-way line of Interstate Highway 35, same being the south corner of that certain 47.74 acre tract conveyed to PGI Investment, LLC, as recorded in Document No. 2012-12002993, of the Official Public Records, Hays County, Texas, for the south corner of this described 38.67 acre tract;

THENCE northwest along the said north right-of-way line of Yarrington Road (Hays County Road No. 159), the following five (5) courses:

- 1). North 45°18'08" West, a distance of 83.29 feet to a ½ inch stake found at a point of curvature of a curve to the right;
- 2). Along said curve to the right, an arc length of 366.36 feet; said curve having a radius of 6,000.63 feet, a delta angle of 3°29'53", and a chord which bears North 42°11'18" West, a distance of 366.30 feet to a ½ inch steel stake found at a point of reverse curvature of a curve to the left;
- 3). Along said curve to the left, an arc length of 256.59 feet; said curve having a radius of 6,100.64 feet, a delta angle of 2°24'35", and a chord which bears North 41°38'30" West, a distance of 256.57 feet to a ½ inch steel stake found at its point of tangency along the north line of this tract;
- 4). North 33°21'32" West, a distance of 486.62 feet to a ½ inch steel stake found for an angle point;
- 5). North 53°01'29" West, a distance of 172.81 feet to a ½ inch steel stake found marking the west corner of said 47.74 acre tract, same being at the intersection of the north right-of-way line of Yarrington Road and the east line of Post Road (Hays County Road No. 140), a public street, for the west corner of the herein described 38.67 acre tract;

THENCE along the west line of this tract common with said east right-of-way line of Post Road and the west line of said 47.74 acre tract, the following five (5) courses:

- 1). North 37°13'25" East, a distance of 85.38 feet to a ½ inch steel stake found for an angle point hereof;
- 2). North 40°30'37" East, a distance of 63.93 feet to a ½ inch steel stake found for an angle point;
- 3). North 43° 21'19" East, a distance of 355.33 feet to a ½ inch steel stake found for an angle point;
- 4). North 44° 08'43" East, a distance of 445.78 feet to a ½ inch steel stake found for an angle point;
- 5). North 44° 05'17" East, a distance of 53.44 feet to a calculated point for an angle corner of this tract;

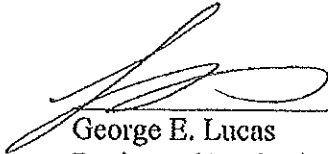
THENCE departing from said east line of Post Road, along the north line of this tract, the following four (4) courses:

- 1). South 80° 56'28" East, a distance of 508.82 feet to a calculated point at an interior corner;
- 2). North 12°13'17" East, a distance of 323.06 feet to a calculated point at an angle point;
- 3). North 20°56'10" East, a distance of 227.05 feet to a calculated point for the northwest corner of the herein described tract;
- 4). South 69° 03'50" East, a distance of 250.00 feet to a calculated point lying in the west right-of-way line of Interstate Highway 35 for the northeast corner hereof;

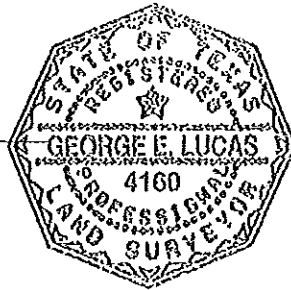
THENCE along the east line of this described tract common with the said west right-of-way line of Interstate Highway 35 and east line of said 47.74 acre tract, the following eight (8) courses:

- 1). South 20°56'10" West, a distance of 208.00 feet to a ½ inch steel stake for an angle point;
- 2). South 12°13'17" West, a distance of 290.20 feet to a ½ inch steel stake for an angle point;
- 3). South 09°03'32" West, a distance of 291.79 feet to a concrete monument for an angle point;
- 4). South 01°48'59" West, a distance of 300.31 feet to a ½ inch steel stake for an angle point;
- 5). South 04°15'20" West, a distance of 301.31 feet to a concrete monument for an angle point;
- 6). South 18°22'34" West, a distance of 294.77 feet to a ½ inch steel stake for an angle point;

- 7). South $32^{\circ}16'49''$ West, a distance of 300.47 feet to a 1/2 inch steel stake for an angle point;
- 8). South $44^{\circ}50'04''$ West, a distance of 314.81 feet to the POINT OF BEGINNING, and containing 38.67 acres of land, more or less.



George E. Lucas
Registered Professional
Land Surveyor No. 4160
State of Texas
Date: December 18, 2012



FIELD NOTE DESCRIPTION FOR A 7.38 ACRE TRACT OF LAND, HAYS COUNTY, TEXAS, TRACT 2:

BEING A 7.38 ACRE TRACT OF LAND, LYING WITHIN THE JAMES W. WILLIAMS SURVEY, ABSTRACT NO. 473 AND BEING OUT OF THAT CERTAIN 47.74 ACRE TRACT CONVEYED BY GENERAL WARRANTY DEED TO PGI INVESTMENT, LLC, AS RECORDED IN DOCUMENT NO. 2012-12002993, OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a ½ inch steel stake found marking the intersection of the west right-of-way line of Interstate Highway 35 and the cutoff from Post Road (Hays County Road 140), same being the northeasterly corner of that certain 47.74 acre tract conveyed to PGI Investment, LLC, as recorded in Document No. 2012-12002993, of the Official Public Records, Hays County, Texas;

THENCE southwest along the said west right-of-way line of Interstate Highway 35 common with the east line of said 47.74 acre tract, the following two (2) courses:

- 1). South 10°10'35" West, a distance of 149.65 feet to a ½ inch stake found at an angle point of said 47.74 acre tract;
- 2). South 19°44'31" West, a distance of 304.19 feet to a ½ inch steel stake found marking the northeasterly corner and POINT OF BEGINNING of this described tract;

THENCE continuing along the east line of this tract common with said west right-of-way line of Interstate Highway 35 common with the east line of said 47.74 acre tract, South 23°23'07" West, a distance of 348.50 feet to a ½ inch steel stake found for an angle point;

THENCE South 20°56'10" West, a distance of 48.20 feet to a calculated point for the apparent southeast corner of the herein described 7.38 acre tract;

THENCE departing said west right-of-way of Interstate Highway 35 common with the east line of this tract, and along the south line of this described tract, the following four (4) courses:

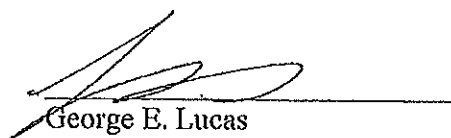
- 1). North 69°03'50" West, a distance of 250.00 feet to a calculated point for an angle point hereof;
- 2). South 20°56'10" West, a distance of 227.05 feet to a calculated point for an angle point;
- 3). South 12°13'17" West, a distance of 323.06 feet to a calculated point at an interior corner;

- 4). North $80^{\circ}56'28''$ West, a distance of 508.82 feet to a calculated point lying on the east right-of-way line of Post Road (Hays County Road No. 140), a public street, for the southwest corner of this tract;

THENCE along the west line of this described tract common with the east right-of-way of said Post Road common with the east line of said 47.74 acre tract, the following two (2) courses:

- 1). North $44^{\circ}05'17''$ East, a distance of 527.58 feet to a $\frac{1}{2}$ inch steel stake for an angle point;
- 2). North $44^{\circ}34'12''$ East, a distance of 605.88 feet to a $\frac{1}{2}$ inch steel stake for the northwesterly corner of this described tract;

THENCE departing said east right-of-way line of Post Road (Hays County Road No. 140), along the north line of this tract, South $70^{\circ}39'26''$ East, a distance of 263.65 feet to the POINT OF BEGINNING, containing 7.38 acres of land, more or less.



George E. Lucas
Registered Professional
Land Surveyor No. 4160
State of Texas
Date: December 18, 2012

FIELD NOTE DESCRIPTION FOR A 1.69 ACRE TRACT OF LAND, HAYS COUNTY, TEXAS, TRACT 3:

BEING A 1.69 ACRE TRACT OF LAND, LYING WITHIN THE JAMES W. WILLIAMS SURVEY, ABSTRACT NO. 473, AND BEING OUT OF THAT CERTAIN 47.74 ACRE TRACT CONVEYED BY GENERAL WARRANTY DEED TO PGI INVESTMENT, LLC, AS RECORDED IN DOCUMENT NO. 2012-12002993, OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½ inch steel stake found marking the intersection of the west right-of-way line of Interstate Highway 35 and the cutoff from Post Road (Hays County Road 140), same being the northeasterly corner of that certain 47.74 acre tract conveyed to PGI Investment, LLC, as recorded in Document No. 2012-12002993, of the Official Public Records, Hays County, Texas, for the northeasterly corner of this described 1.69 acre tract;

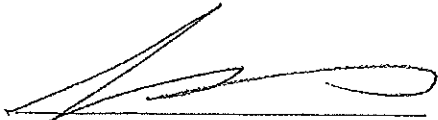
THENCE southwest along the east line of this described tract common with said west right-of-way line of Interstate Highway 35 common with the east line of said 47.74 acre tract, the following two (2) courses:

- 1). South 10°10'35" West, a distance of 149.65 feet to a ½ inch stake found at an angle point;
- 2). South 19°44'31" West, a distance of 304.19 feet to a ½ inch steel stake found marking the southeast corner of the herein described 1.69 acre tract;

THENCE departing said west right-of-way of Interstate Highway 35 common with the east line of this tract, and along the south line of this described tract, North 70°39'26" West, a distance of 263.65 feet to a ½ inch steel stake lying on the east right-of-way line of Post Road (Hays County Road No. 140), a public street, for the southwest corner of this tract;

THENCE along the west line of this described tract common with the east right-of-way of said Post Road common with the west line of said 47.74 acre tract, North 42° 42'56" East, a distance of 484.50 feet to a ½ inch steel stake found at the west end of the right-of-way cutoff between Post Road and Interstate Highway 35 for the northwesterly corner of said 47.74 acre tract and the northwesterly corner of this described tract;

THENCE along the north line of this tract common with the north line of said 47.74 acre tract and along the cutoff, South 78°52'17" East, a distance of 50.24 feet to the POINT OF BEGINNING, containing 1.69 acres of land, more or less.



George E. Lucas
Registered Professional
Land Surveyor No. 4160
State of Texas
Date: December 18, 2012

Issue Date : 9/16/2015

TAX CERTIFICATE

Luanne Caraway Tax Assessor-Collector, Hays County
712 S. Stagecoach Trail
San Marcos, TX 78666
Ph: 512-393-5545 Fax: 512-393-5517

This certificate includes tax years up to 2014

Entities to which this certificate applies:

RSP - Special Road Dist
FHA - Hays Co ESD #5
ACCD - AUSTIN COMMUNITY COLLEGE DISTRICT

SHA - Hays Consolidated ISD
GHA - Hays County
CKY - City Of Kyle

Property Information

Property ID : 10-0473-0013-00002-2
Quick-Ref ID : R70252

24800 S IH 35 KYLE, TX
78640

ABS 473 JAMES WILLIAMS
SURVEY 47.74 ACRES

Value Information

Land HS : \$0.00
Land NHS : \$1,516,280.00
Imp HS : \$0.00
Imp NHS : \$138,010.00
Ag Mkt : \$0.00
Ag Use : \$0.00
Tim Mkt : \$0.00
Tim Use : \$0.00
HS Cap Adj : \$0.00
Assessed : \$1,654,290.00

Owner Information

Owner ID : O0137529

PGI INVESTMENT LLC
19511 S COMAL RIVER DR
CYPRESS, TX 77433

Ownership: 100.00%

This Document is to certify that after a careful check of the Tax Records of this Office, the following Current or Delinquent Taxes, Penalties, and Interest are due on the Property for the Taxing Entities described above:

Entity	Year	Tax	Discount	P&I	Atty Fee	TOTAL
SHA	2014	25,438.02	0.00	0.00	0.00	0.00
RSP	2014	724.58	0.00	0.00	0.00	0.00
GHA	2014	7,034.05	0.00	0.00	0.00	0.00
FHA	2014	1,654.29	0.00	0.00	0.00	0.00
CKY	2014	8,905.05	0.00	0.00	0.00	0.00
ACCD	2014	1,558.34	0.00	0.00	0.00	0.00

Total for current bills if paid by 9/30/2015 : \$0.00

Total due on all bills 9/30/2015 : \$0.00

2014 taxes paid for entity SHA \$25,438.02

2014 taxes paid for entity RSP \$724.58

2014 taxes paid for entity GHA \$7,034.05

2014 taxes paid for entity FHA \$1,654.29

2014 taxes paid for entity CKY \$8,905.05

2014 taxes paid for entity ACCD \$1,558.34

2014 Total Taxes Paid : \$45,314.33

Date of Last Payment : 01/28/15

If applicable, the above-described property is receiving special valuation based on its use. Additional rollback taxes that may become due based on the provisions of the special valuation are not indicated in this document.

This certificate does not clear abuse of granted exemptions as defined in Section 11.43, Paragraph (i) of the Texas Property Tax Code.

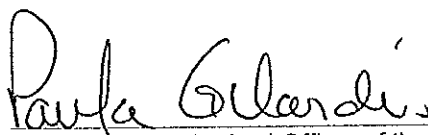
Date of Issue : 09/16/2015

Requestor : PGI INVESTMENT LLC

Receipt : KY-2015-26714

Fee Paid : \$10.00

Payer : PGI INVESTMENT LLC


Signature of Authorized Officer of the Tax Office

TAX RECEIPT

Luanne Caraway Tax Assessor-Collector, Hays County
712 S. Stagecoach Trail
San Marcos, TX 78666
Ph: 512-393-5545 Fax: 512-393-5517



Receipt Number: KY-2015-23165

Payor: PGI INVESTMENT LLC (00137529)
19511 S COMAL RIVER DR
CYPRESS, TX 77433

Owner: PGI INVESTMENT LLC (00137529)
19511 S COMAL RIVER DR
CYPRESS, TX 77433

Quick Ref ID: R70252
Owner: PGI INVESTMENT LLC (00137529) - 100%
Owner Address: 19511 S COMAL RIVER DR
CYPRESS, TX 77433

Property: 10-0473-0013-00002-2
Legal Description: ABS 473 JAMES WILLIAMS SURVEY
47.74 ACRES
Situation Address: 24800 S IH 35 KYLE, TX 78640

Tax Year/Taxing Unit	Taxable Value	Tax Rate	Levy	Tax Paid	Amount Paid
2014					
Hays Consolidated	1,654,290	1.537700	25,438.02	25,438.02	25,438.02
Special Road Dist	1,654,290	0.043800	724.58	724.58	724.58
Hays County	1,654,290	0.425200	7,034.05	7,034.05	7,034.05
Hays Co ESD #5	1,654,290	0.100000	1,654.29	1,654.29	1,654.29
City Of Kyle	1,654,290	0.538300	8,905.05	8,905.05	8,905.05
AUSTIN COMMUNITY	1,654,290	0.094200	1,558.34	1,558.34	1,558.34

Total Payment Amount **45,314.33**
Check Payment (Ref # 1318) Tendered 45,314.33
Total Tendered **45,314.33**

Remaining Balance Due, including other fees,
as of 1/28/2015 **0.00**

Date Paid: 01/28/2015
Effective Date: 01/28/2015
Station/Till: cathyr/Cathy's Till
Cashier: CathyR