

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 May 10, 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 6th day of May prior to 6:30 PM.

1. CALL MEETING TO ORDER

2. ROLL CALL

3. CITIZEN COMMENTS

4. CONSENT

A. Kyle Industrial Center – Final Plat (FP-15-010)

10.02 acres; 2 Lots

Located at 23703 IH-35

Owner: Eckols Properties, LLC

Agent: Shaylon Eckols

Staff Proposal to P&Z: Approve

B. Replat of Lot 1B, Block A of the SCC Bunton Creek Subdivision (SFP-16-001)

7.6144 acres; 2 Commercial Lots

Located at 901 Seton Parkway

Owner: SCC Kyle Partners, Ltd.

Agent: Jeff Shindler, P.E., Texas Design Interest, LLC.

Staff Proposal to P&Z: Approve

5. ZONING

- A. Consider a request by Jassiel Reyes to assign original zoning to approximately 1.118 acres from Agriculture "AG" to Retail Service District "RS" on property located at 289 Anton Drive. (Z-16-004)
- **Public Hearing**
 - **Recommendation to City Council**
- B. Consider a request by Tom Jordan to assign original zoning to approximately 5 acres from Agriculture "AG" to Warehouse District "W" on property located at 245 Lehman Road. (Z-16-005)
- **Public Hearing**
 - **Recommendation to City Council**
- C. Consider a request by WS Live Oak Kyle, LLC. to rezone approximately 3.576 acres from Single Family Residential - 1 "R-1" to Community Commercial "CC" on property located at on the southwest corner of Porter Street and Cockerham Street. (Z-16-006)
- **Public Hearing**
 - **Recommendation to City Council**

6. CONSIDER AND POSSIBLE ACTION

- A. Consider a request for a conditional use permit (Goodwill Store – 901 Seton Parkway.) to construct a 30,001 square foot building located within the IH-35 Overlay District. (CUP-16-005)
- B. Consider a request for a conditional use permit (Eckols properties LLC. - 23703 IH-35) to construct two buildings (Bldg. C 12,500) (Bldg. D 10,000) square feet located within the IH-35 Overlay District. (CUP-16-006)
- C. Consider a request by Teeple Partners (Oaks on Marketplace – 20400 Marketplace Ave.) for a variance to the City of Kyle Code of Ordinances, Section 53-992 and Section 53-988..
- D. Planning and Zoning Commission recommendation to City Council on the Comprehensive Plan mid-term update.

7. STAFF REPORT

8. GENERAL DISCUSSION


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

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:

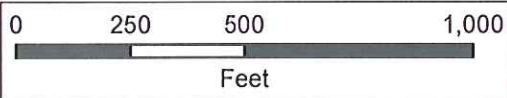
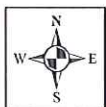

Howard J. Koontz, AICP
Director of Planning and Community Development

05/06/2016
Date

CONSENT AGENDA

- A. Kyle Industrial Center – (FP-15-018)
- B. Replat of Lot 1B, Blk A of SCC Bunton Creek (SFP-16-001)

**Property Location
23703 & 23705 IH 35**



 Property Boundary

 Parcel Lines

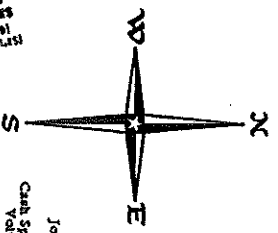
SCALE: 1" = 100'

KYLE INDUSTRIAL CENTER

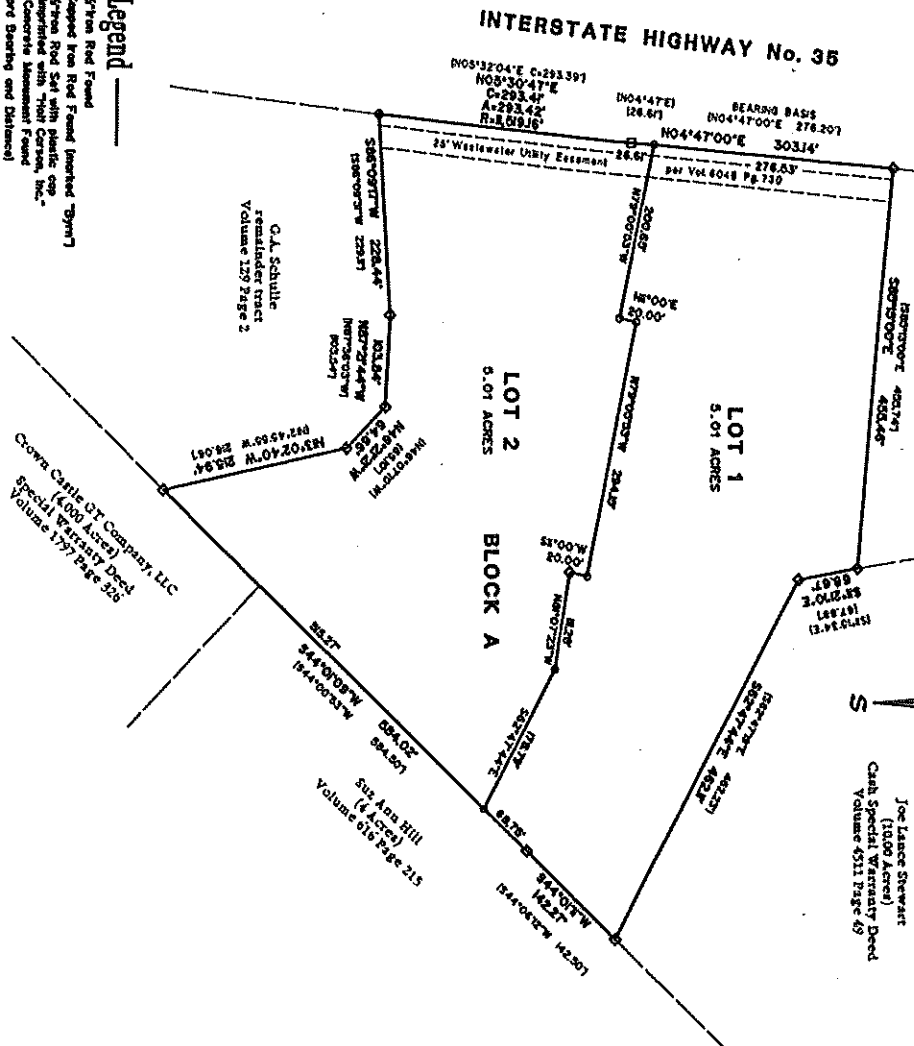
JAMES W. WILLIAMS SURVEY
ABSTRACT No. 473

The Wm Realty Limited Partnership
 (5.01 Acres)
 Special Warranty Deed
 Volume 4504 Page 759

Joe Lasse Stewart
 (1,000 Acres)
 Cash Special Warranty Deed
 Volume 4511 Page 49



INTERSTATE HIGHWAY No. 36



Legend

- ⊙ X-Tra Red Found
- ◊ Copied Iron Rod Found (marked "3pm")
- X-Tra Rod 5/4 with plastic cap
- Copied Iron Rod Found
- Concrete Measurement Found
- (Bracket Bearing and Distance)

OWNER

Edulis Properties, LLC
 880 Old Sam Antonio Road
 Buda, Texas 78010

LOT SUMMARY

Number of Lots = 2
 Lot 1 = 5.01 Acres
 Lot 2 = 5.01 Acres
 Total Area = 10.02 Acres

SURVEYOR

HNT Carson, Inc.
 7002 Fairview Road
 Austin, Texas 78704

Survey Engineering and Consulting, PLLC
 1022 Robert Wooding Drive
 Austin, Texas 78718

KYLE INDUSTRIAL CENTER

subject to any easements and/or restrictions herebefore granted, and not released.

WITNESS MY HAND this the ____ day of _____, A.D. 20__.

Sherron Eckels designated agent for
 Sherron Eckels Managing Partner of
 Edulis Properties, LLC
 880 Old Sam Antonio Road
 Buda, Texas 78010

THE STATE OF TEXAS

THE COUNTY OF _____

I, the undersigned authority, on this the ____ day of _____, A.D. 20__ did personally appear Sherron Eckels, known to me to be the person whose name is subscribed to the foregoing instrument of writing, and he acknowledged before me that he executed the same for the purposes and considerations therein expressed.

NOTARY PUBLIC

Printed Name _____
 Commission Expires _____

REVIEWED BY:

LEON BARBA, CITY ENGINEER

MAURER WILDER, DIRECTOR OF PUBLIC WORKS

I HEREBY CERTIFY THAT THE ABOVE AND FOREGOING PLAT OF KYLE INDUSTRIAL CENTER, ADDITION TO THE CITY OF RYLE WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF RYLE ON THE ____ DAY OF _____, 20__ SAID ADDITION SHALL BE SUBJECT TO ALL THE REQUIREMENTS OF THE SUBDIVISION ORDINANCE OF THE CITY OF RYLE, TEXAS. _____

WITNESS MY HAND THIS THE ____ DAY OF _____, 20__.

ANGELA SANCHEZ
 CITY SECRETARY

KYLE INDUSTRIAL CENTER

CITY OF KYLE
JAN 03 2016
PLANNING DEPARTMENT

GENERAL NOTES:

1. Subjects not shown herein shall conform to the City of Kyle Zoning Ordinance.
2. No portion of this subdivision is within the boundaries of the 30-Year Flood Plain according to the Federal Emergency Management Agency Flood Insurance Rate Map Panel No. dated September 2, 2005.
3. Prior to construction of any improvements on lots in this subdivision, the development permits and building permits will be obtained from the City of Kyle.
4. No objects, including signs, buildings, accessory buildings, fencing or landscaping which would interfere with convergence of storm water shall be placed or erected within any drainage easements without the prior approval of the City of Kyle.
5. Each property owner of a lot on which drainage easements are placed shall be responsible for keeping grass and weeds neatly cut and easement area free of debris and tree/stump remains.
6. Ownership of property with drainage and utility easements shall allow access for inspection, repair, maintenance and reconstruction as may be necessary.
7. A ten-foot (10') easement is hereby dedicated adjacent to all street ROW a five (5) foot PUE is hereby dedicated along the side of the lot and a ten (10) foot PUE is hereby dedicated adjacent to all rear lot lines on all lots.
8. Typical landscape maintenance, watering and pruning, within the subdivision, are easements, detention ponds and rights-of-way to the pavement to be the responsibility of property owners and/or property owners associations.
9. Sidewalks, pedestrian crossings and other public amenities to be dedicated to the City of Kyle shall meet or exceed all 2010 ADA Standards of Accessibility Design and all current federal and state laws regarding access for people with disabilities for Title 2 entities.

FIELD NOTE DESCRIPTION OF 10.02 ACRES OF LAND OWN BY THE JAMES W. WILLIAMS SURVEY ABSTRACT No. 475 IN HAYS COUNTY, TEXAS. BEING COMPREHENSIVE OF ALL OF THAT CERTAIN (3.01 ACRES) TRACT OF LAND AS OWNED BY CONNOR'S PROPERTIES, LLC BY WARRANTY DEED RECORDED IN DOCUMENT No. 9928029 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS. BEING THE SAME AS THE LAND AS OWNED BY CONNOR'S PROPERTIES, LLC BY WARRANTY DEED RECORDED IN DOCUMENT No. 9928029 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS. AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a capped iron rod found (marked "Bgrn-1") in the East right-of-way line of Interstate Highway No. 35 for the intersection of said road and the road conveyed to Echo's Properties, LLC by Warranty Deed recorded in Document No. 9928028 at the Official Public Records of Hays County, Texas, and for the Southeast corner of that (3.01 acre) tract of land as conveyed to The Williams Family Limited Partnership by Special Warranty Deed recorded in Volume 4304 Page 708 of the Official Public Records of Hays County, Texas, and being the Northwest corner and PLACE OF BEGINNING of the herein described tract of land.

THENCE leaving the East right-of-way line of Interstate Highway No. 35 with the common line of said Echo's Properties (3.01 acre) tract and said Villa Family (3.01 acre) tract, S 85 deg. 15' 00" E 405.46 ft. to a capped iron rod found (marked "Bgrn-1") in the West line of that certain (10.00 acre) tract of land as conveyed to Joe Lamar Stewart by Cash Special Warranty Deed recorded in Document No. 9928025 of the Official Public Records of Hays County, Texas, and being the Northwest corner of said Villa Family (3.01 acre) tract and being the North corner of said Echo's Properties (3.01 acre) tract and being the North corner of this tract.

THENCE with the common line of said Echo's Properties (3.01 acre) tract and said Stewart (10.00 acre) tract, the following two (2) courses:

1) S 11 deg. 21' 10" E 68.87 ft. to a capped iron rod found (marked "Bgrn-1").
 2) S 62 deg. 47' 44" E 482.41 ft. to a capped iron rod found (marked "Bgrn-1") in the Northwest line of that certain (4 acre) tract of land as conveyed to Son Ann Hill by deed recorded in Volume 616 Page 210 of the Deed Records of Hays County, Texas, and being the easterly Northwest corner of this tract.

THENCE with the common line of said Echo's Properties (3.01 acre) tract and said Hill (4 acre) tract, S 44 deg. 01' 11" W 142.27 ft. to a capped iron rod found (marked "Bgrn-1") for the Southeast corner of said Echo's Properties (3.01 acre) tract and for the Northwest corner of that certain (3.01 acre) tract of land as conveyed to Echo's Properties, LLC by Warranty Deed recorded in Document No. 9928029 of the Official Public Records of Hays County, Texas.

THENCE with the Southeast line of said Echo's Properties (3.01 acre) tract (Document No. 9928028) S 44 deg. 01' 09" W 384.02 ft. to a capped iron rod found (marked "Bgrn-1") for the Southeast corner of said Echo's Properties (3.01 acre) tract (Document No. 9928029) and being the Southeast corner of this tract.

THENCE with the South line of said Echo's (3.01 acre) tract (Document No. 9928028), the following four (4) courses:

1) N 13 deg. 02' 40" W 210.94 ft. to a capped iron rod found (marked "Bgrn-1").
 2) N 46 deg. 21' 21" W 64.96 ft. to a capped iron rod found (marked "Bgrn-1").
 3) N 07 deg. 21' 44" W 103.04 ft. to a capped iron rod found (marked "Bgrn-1").
 4) S 84 deg. 09' 17" W 238.04 ft. to a capped iron rod found in the curving East right-of-way line of Interstate Highway No. 35 for the Southeast corner of said Echo's Properties (3.01 acre) tract (Document No. 9928028) and being the Southeast corner of this tract.

THENCE with the East right-of-way line of Interstate Highway No. 35, the following two (2) courses:

1) along a curve to the left with a radius of 11,219.38 ft., for an arc length of 233.42 ft. and which chord bears N 00 deg. 30' 47" E 233.41 ft., to a concrete monument found for a point of tangency.
 2) N 04 deg. 47' 00" E 503.14 ft. to the PLACE OF BEGINNING, containing 10.02 acres of land.

THE STATE OF TEXAS
 THE COUNTY OF TRAVIS
 I do hereby certify that the engineering work being submitted herein complies with all provisions of the Texas Engineering Practice Act, including Section 532.03(6), thereby acknowledging that any misrepresentation regarding this certification constitutes a violation of the Act and may result in criminal, civil and/or administrative penalties against me as authorized by the Act.

No portion of this subdivision is within the boundaries of the 30-year flood plain of any waterway that is within the limits of study of the Federal Flood Administration Panel dated 4/20/05 dated September 2, 2005.

Richard J. ...
 Registered Professional Land Surveyor No. 5185
 904 Fairburn Road Austin, Texas 78704
 512-442-0990

Date 12-22-2015



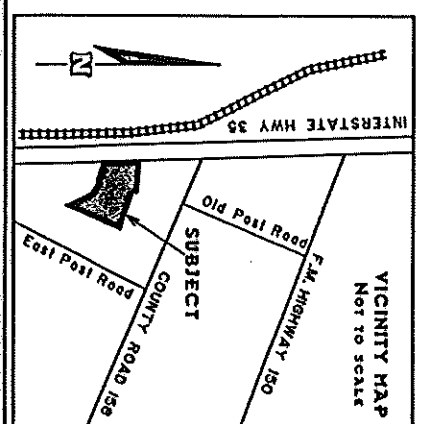
THE STATE OF TEXAS
 THE COUNTY OF TRAVIS
 I, Matt Carson, an authorized under the laws of the State of Texas to practice the profession of surveying and hereby certify that this plat is true and correct and that it was prepared from an actual survey of the property made under my supervision on the ground, and that all necessary survey monuments are correctly set or found as shown herein.

Matt Carson
 Registered Professional Land Surveyor No. 5185
 HOLT CARSON, INC.
 904 Fairburn Road Austin, Texas 78704
 512-442-0990

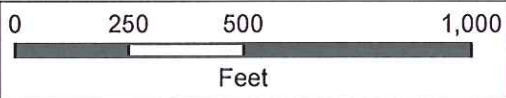
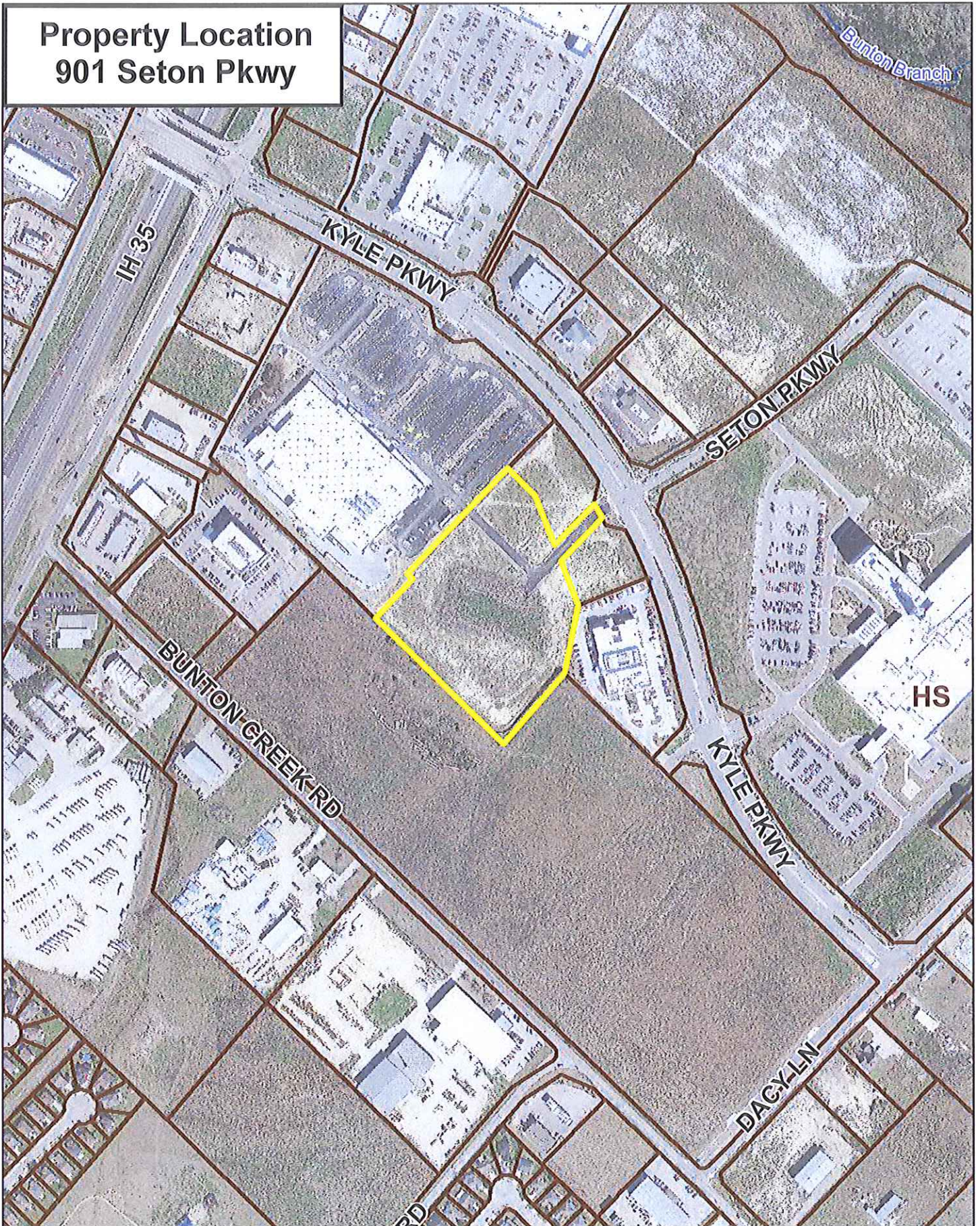
Date 12-22-2015

THE STATE OF TEXAS
 THE COUNTY OF HAYS
 I, LIZ GONZALEZ COUNTY CLERK OF HAYS COUNTY, TEXAS DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT OF WRITING WITH ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORD IN MY OFFICE ON THE 22 DAY OF DECEMBER A.D. 2015 AT 10 O'CLOCK AM IN THE PLAT RECORDS OF HAYS COUNTY, TEXAS, IN BOOK PAGES

WITNESS MY HAND AND SEAL OF OFFICE THIS THE DAY OF A.D. 2015.



**Property Location
901 Seton Pkwy**



 Property Boundary

 Parcel Lines

VICINITY MAP

SCALE: 1" = 2000'



JOHN M. GREEN
SURVEY NO. 21
ABSTRACT NO. 200



LEGEND

- PROPERTY LINE
- DRAINAGE PROPERTY LINE
- DRAINAGE EASEMENT
- IRON ROD WITH "TIGER" CAP
- IRON ROD (UNLESS NOTED)
- 1/2" IRON ROD CAP
- 3/4" IRON ROD CAP
- 5/8" IRON ROD RING
- 1" IRON ROD RING
- ALUMINUM CAP FOUND
- RIGHT-OF-WAY
- PUBLIC UTILITY EASEMENT
- VOLUNTARY EASEMENT
- DRAINAGE
- DRAINAGE RECORDS
- HAYS COUNTY, TEXAS
- PERMITS
- PLAT RECORDS, TEXAS
- RECORD INFORMATION PER PLAT VOL. 10 PAGES 340-350
- RECORD INFORMATION PER PLAT VOL. 17 PAGES 54-55

REPLAT OF LOT 1B, BLOCK "A"
OF THE SCC BUNTON
CREEK SUBDIVISION,
REPLAT OF LOT 6A, BLOCK "A"
City of Kyle,
Hays County, Texas

AWARD
Land Surveying

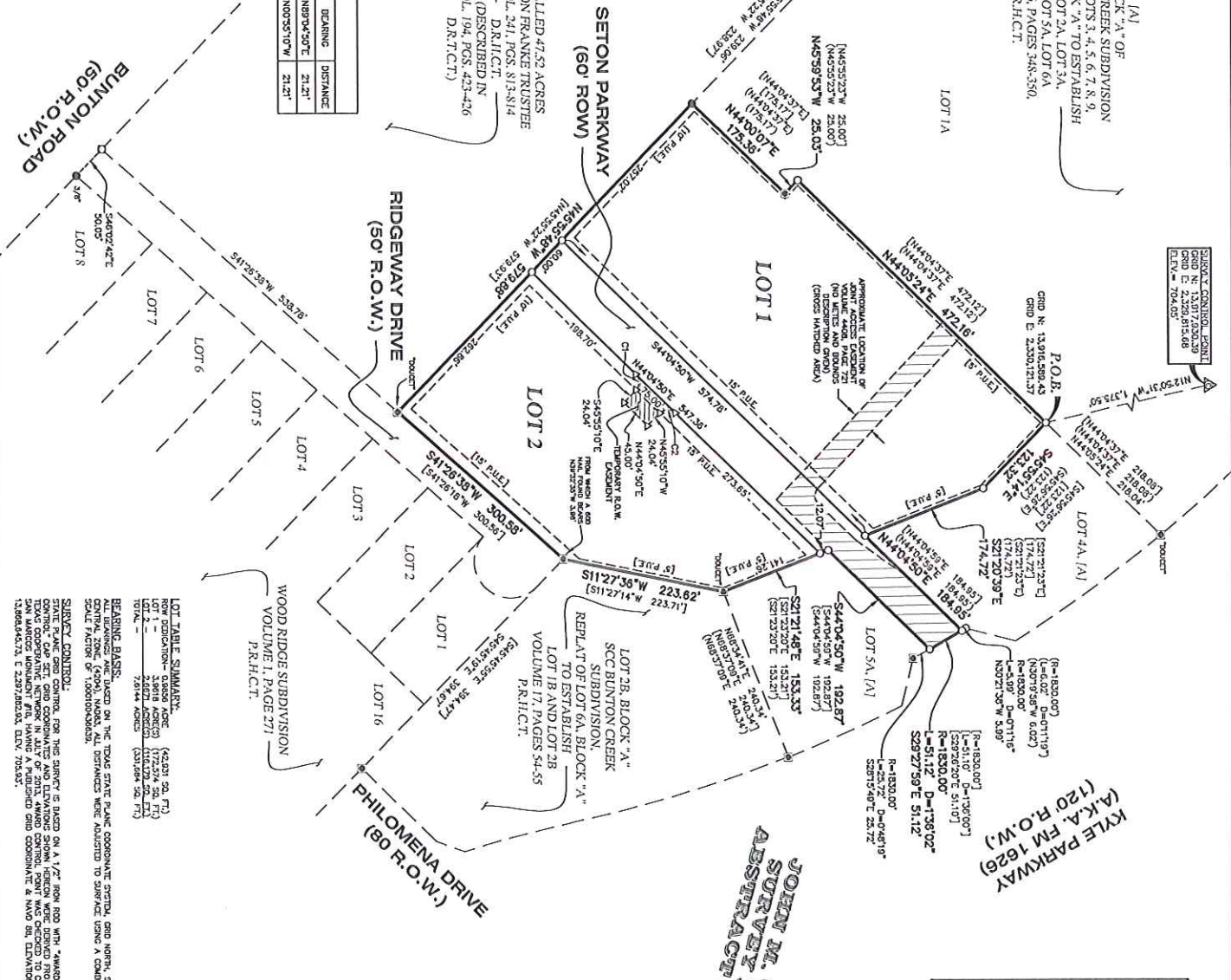
Date:	5/2/2016
Project:	1 - 100'
Scale:	1" = 100'
Reviewer:	JSM
Check:	JDH/HT
Field Date:	JAN 2016
Survey Date:	JAN 2016
Sheet:	1 OF 2

CURVE TABLE

CURVE #	LENGTH	RAIUS	DELTA	BEARING	DISTANCE
C1	23.56'	13.00'	90°00'00"	N89°24'30"E	21.21'
C2	23.56'	13.00'	90°00'00"	N00°55'10"W	21.21'

OWNER(S): SCC BUNTON PARKING, LITTLE 1500
 1500
 AUSTIN, TEXAS 78701
 OFFICE: (512) 288-4581

APPROVE: JOHN M. GREEN SURVEY NO. 21, ABSTRACT NO. 200
 DATE: AUGUST 2013
 NEW: 5/2/2016
 ENGINEER: JEFF SCHROEDER, HAYS COUNTY, TEXAS DESIGN INDUSTRISTS



LOT TABLE SUMMARY:

ROW CALCULATION - 0.000 ACRES	(62.031 SQ. FT.)
LOT 1 - 3.800 ACRES	(172,274 SQ. FT.)
LOT 2 - 3.800 ACRES	(172,274 SQ. FT.)
TOTAL - 7.600 ACRES	(344,548 SQ. FT.)

BEARING BASIS:
 ALL DISTANCES ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, GRID NORTH, SOUTH CENTRAL ZONE (GDA04, NAD83). ALL DISTANCES WERE ADJUSTED TO SURFACE USING A CORRECTION SCALE FACTOR OF 1.0000000000000000.

SURVEY CONTROL:
 STATE PLANE GRID CONTROL FOR THIS SURVEY IS BASED ON A 1/2" IRON ROD WITH "TIGER" CAP AND A 3/4" IRON ROD WITH "TIGER" CAP. THE SAN MARCOS MONUMENT IS ALAT OF 2012. AWARD CONTROL POINT WAS CHECKED TO CITY OF SAN MARCOS MONUMENT PL. HAVING A PUBLISHED GRID COORDINATE & NAVD 83 ELEVATION OF N 12868462.1 E 22872825.0 DEL. 705353.

ZONING

ITEM A

JASSIEL REYES

Property Location	289 Anton Drive
Petitioner	Brandon Torres 116 Hunter's Drive Kyle, Texas 78640
Owner	Jassiel Reyes 1891 Bebee Road Kyle, Texas 78640
Request	Rezone 1.118 acres from AG (Single Family) to RS (Retail/Services)

Vicinity Map



The site is addressed as 289 Anton Drive, which is along the south side Bebee Road at its intersection with Anton, at the eastern border of the city's limits. The property, comprising 1.118 acres, is currently zoned AG (Agriculture), and is developed with a gravel parking lot and portable storage building along the western property boundary. The adjacent lots to the north and east (across Bebee Road) are located outside of the Kyle city limits; the lots to the south and west (Kensington Trail subdivision) are zoned

R-1-2. The applicant seeks to rezone the subject property to R/S, a commercial zoning category for "general retail sales of consumable products and goods within buildings of products that are generally not hazardous and that are commonly purchased and used by consumers in their homes, including most in-store retail sales of goods and products that do not pose a fire or health hazard to neighboring areas, e.g., clothing, prescription drugs, furniture, toys, hardware, electronics, pet supply, variety, department, video rental and antique stores, art studio or gallery, hobby shops and florist shops., and the retail sale of goods and products, to which value has been added on site, including sales of goods and services outside of the primary structure".

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 primarily in the 'New Settlement' character area, on the border with the extra-territorial 'Heritage Community' character area. In New Settlement, it is recommended that R/S only be approved conditionally.

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

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

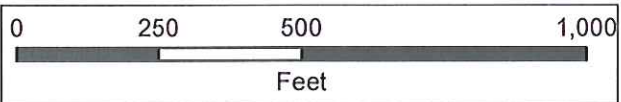
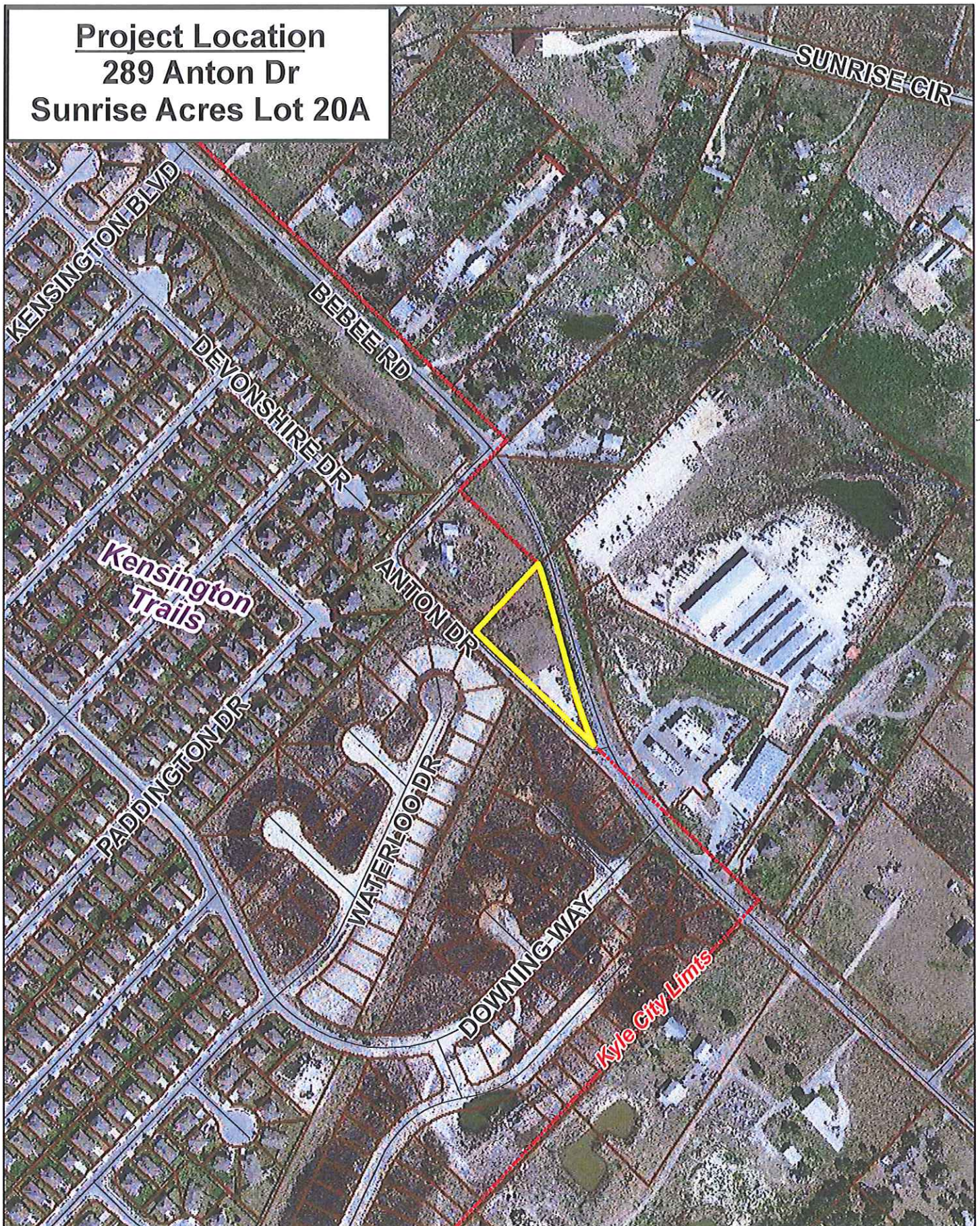
Recommendation



Through thoughtful design and the implementation of contextual amenities, the R/S designation can be appropriate for this area of the city. This request should be considered favorably.

Attachments

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

Project Location
289 Anton Dr
Sunrise Acres Lot 20A



 Property Boundary  Parcel Lines

APPLICATION & CHECKLIST – ZONING CHANGE


Zoning: Jessiel Reyes 3-23-16
(Name of Owner) (Submittal Date)

INSTRUCTIONS: 7-16-004

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

REQUIRED ITEMS FOR SUBMITTAL PACKAGE:

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

- | | | |
|---|--|---------------------|
| <input checked="" type="checkbox"/> | 1. Completed application form with owner's original signature. | CITY OF KYLE |
| <input checked="" type="checkbox"/> | 2. Letter explaining the reason for the request. | MAR 23 2016 |
| <input checked="" type="checkbox"/> | 3. Application fee: \$428.06, plus \$3.62 per acre or portion thereof. | PLANNING DEPARTMENT |
|  | Newspaper Publication Fee: \$190.21 | |
| | Total Fee: <u>622.32</u> | |
| <input checked="" type="checkbox"/> | 4. A map or plat showing the area being proposed for rezoning. | |
| <input checked="" type="checkbox"/> | 5. A <u>clear and legible</u> copy of field notes (metes and bounds) describing the tract (when not a subdivided lot). | |
| <input checked="" type="checkbox"/> | 6. Certified Tax certificates: County <u> </u> School <u> </u> City <u> </u> | |
| <input checked="" type="checkbox"/> | 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: Agriculture / Res.
 Proposed Zoning Classification: Commercial R5
 Proposed Use of the Property: state vehicle inspection station
 Acreage/Sq. Ft. of Zoning Change: 1.118 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: 289 Anton Drive
 Subdivision Name/Lot & Block Nos.: Sunrise Acres / Lot 20A
HCT plat book Vol. 16 Pg 207-208

Property Recording Information: Hays County

Volume/Cabinet No. 116

Page/Slide No. 207-208

3. Ownership Information:

Name of Property Owner(s): Sassiel Reyes

(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: 1891 bebee rd

Kyle TX. 78640

Phone Number: 512-276-4668

Fax Number: _____

Email Number: _____

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

Signed: J Reyes

Date: 3-23-16

4. Agent Information:

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

Agent's Name: Brandon Torres

Agent's Address: 116 Hunters Drive

Kyle TX. 78640

Agent's Phone Number: 512-787-0773

Agent's Fax Number: _____

Agent's Mobile Number: 512-787-0773

Agent's Email Number: Brandon.Torres76@gmail.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: J Reyes

Date: 3-23-16

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: Hebbie A Guerra

Date: PLANNING DEPARTMENT

Date of Public Notification in Newspaper: 4/20/16

Date of Public Hearing Before Planning and Zoning Commission: 5/10/16

Date of Public Hearing Before City Council: 5/17/16 - and read 6/7/16

CITY OF KYLE

MAR 23 2016

To whom it may concern;

This letter is to advise on intent to change zoning for 289 Anton Drive in Kyle TX. Jassiel Reyes owner of said property would like for the zoning to be changed from AGRACULTURAL/RESIDENTIAL to COMMERCIAL zoning. The change is needed to do any further planning or development of said property into a State Vehicle Inspection station. Jassiel Reyes owner of J Reyes Auto has been servicing the Kyle community for over 10 years. We are an accredited member of the BBB. Seeing the growth in our area we would like to grow with our community. This will let us keep up with the demand of our customers and their needs. In doing so we ensure that we keep customers business in our community. Being a small city with the growing compactly of a big city it is very important to keep local businesses growing as well. This will provide a mutual beneficial growth to both us and our city.

Thank you for your consideration,

A handwritten signature in cursive script that reads "J. Reyes". The signature is written in black ink and is positioned above the printed name and title.

Jassiel Reyes
Owner operator

J Reyes Auto
1891 Bebee Road
Kyle, Tx 78640
512-276-4668
Jreyesautosales@gmail.com

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



70 2015 15031965

Instrument Number: 2015-15031965

As

Recorded On: October 05, 2015

OPR RECORDINGS

Parties: ELGIN GROCERY INCORPORATED

Billable Pages 2

To REYES JASSIEL

Number of Pages: 3

Comment:

(Parties listed above are for Clerk's reference only)

**** THIS IS NOT A BILL ****

OPR RECORDINGS	30.00
Total Recording:	30.00

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

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

File Information:

Document Number: 2015-15031965
Receipt Number: 410489
Recorded Date/Time: October 05, 2015 04:00:35P
Book-Vol/Pg: BK-OPR VL-5343 PG-459
User / Station: C Rodriguez - Cashiering #7

Record and Return To:

HILGERS & LANGHAM PC
C/O WAYNE A LANGHAM
9501 N CAPITAL OF TEXAS HWY STE 202
AUSTIN TX 78759-7250



State of Texas |
County of Hays

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

Liz Q. Gonzalez

Liz Q. Gonzalez, County Clerk

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: August 18th, 2015

Grantor: Elgin Grocery, Incorporated,
a Texas corporation

Grantor's Mailing Address: Elgin Grocery, Incorporated
2101 Bebee Road, #5
Kyle, Texas 78640

Grantee: Jassiel Reyes

Grantee's Mailing Address: Jassiel Reyes
3165 Misty Lane
Maxwell, Texas 78656

Consideration: Ten dollars (\$10.00) and other good and valuable
cash consideration

Property (including any improvements):

Lot 20A, Sunrise Acres Replat of Lots 20 and 21, a subdivision in Hays County, Texas, according to the map or plat of record in Plat Book Volume 16, Pages 207-208, of the Plat Records of Hays County, Texas.

Reservations from Conveyance: None

Exceptions to Conveyance and Warranty:

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 2015, 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.

ELGIN GROCERY, INCORPORATED
a Texas corporation

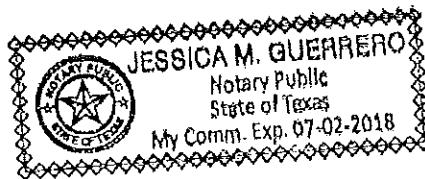
BY: *Merlin Friesenhahn*
Merlin Friesenhahn
Its duly authorized President

THE STATE OF TEXAS
COUNTY OF TRAVIS

§
§
§

This instrument was acknowledged before me on August 18th, 2015, by Merlin Friesenhahn, President of Elgin Grocery, Incorporated, a Texas corporation, on behalf of said corporation.

Jessica M. Guerrero
Notary Public, State of Texas



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 78666-6073



DESCRIPTION

11-8400-0000-020A0-2
 09161002
 R136928
 SUNRISE ACRES, LOT 20A, ACRES 1.118
 BEBEE RD KYLE, TX 78640

Statement No.
 2015 - 63826



1096 T5 P1*****AUTO**5-DIGIT 78640
 ELGIN GROCERY INCORPORATED
 2101 BEBEE RD
 KYLE, TX 78640-5582

IF TAXES ARE PAID IN	TOTAL TAX DUE
OCT 2015	874.28
NOV 2015	874.28
DEC 2015	874.28
JAN 2016	874.28
FEB 2016	935.50



2015R13692800000874280000087428000008742800000874280000093550

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

EXEMPTIONS

Statement No.
 2015 - 63826

Valuation Breakdown

LAND	IMPV	AG-MKT	AG-USE	TIMBER-MKT	TIMBER-USE	CAP/ADJ	ASSESSED
30850	0	0	0	0	0	0	30850
JURISDICTION	TAX RATE	EXEMPTIONS	TAXABLE	FREEZE AMOUNT	YEAR	SALES TAX REDUCED BY	TAX AMOUNT
Plum Creek Conservation Dist	0.0225000	0	30850			0.00	6.94
Hays Consolidated ISD	1.5377000	0	30850			0.00	474.38
Special Road Dist	0.0438000	0	30850			0.00	13.51
Plum Creek Groundwater Distr	0.0215000	0	30850			0.00	6.63
Hays County	0.4232000	0	30850			0.00	130.56
Hays Co ESD #5	0.1000000	0	30850			0.00	30.85
City Of Kyle	0.5848000	0	30850			0.00	180.41
AUSTIN COMMUNITY COLLEGE DIS	0.1005000	0	30850			0.00	31.00

Late Rendition Penalty Due 0.00



11-8400-0000-020A0-2
 09161002
 R136928
 SUNRISE ACRES, LOT 20A, ACRES 1.118

BEBEE RD KYLE, TX 78640
 ELGIN GROCERY INCORPORATED
 2101 BEBEE RD
 KYLE, TX 78640

Over 65 or disability	
Quarterly Payment Schedule	
1st due by 1/31/2016	
2nd due by 3/31/2016	
3rd due by 5/31/2016	
4th due by 7/31/2016	

IF TAXES ARE PAID IN	LESS (-) DISCOUNT OR PLUS (+) PENALTY/INTEREST	TOTAL TAX DUE
OCT 2015	-	874.28
NOV 2015	-	874.28
DEC 2015	-	874.28
JAN 2016	-	874.28
FEB 2016	7%	935.50
MAR 2016	9%	952.98
APR 2016	11%	970.47
MAY 2016	13%	987.94
JUN 2016	15%	1005.41
JUL 2016	18%/15%	1186.38

As per Sec 33.07 of the Texas property tax code 15% additional penalty will be added to 2015 taxes that remain unpaid 7/1/16.

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.

ANNUAL RATES	
PENALTY	INTEREST
12%	12%

To pay by Credit Card
 Visit our online site
www.hayscountytax.com or by

phone at 888-546-4337
 There will be a fee charged

ZONING

ITEM B

TOM JORDAN

Property Location	245 Lehman Road
Owner	Tom & Lyndee Jordan 850 Bluff Drive Wimberley, Texas 78676
Agent	Kelly Kilber Bec-Lin Engineering 100 E. San Antonio Street, Suite 100 San Marcos, Texas 78666
Request	Rezone 5 acres from A (Agriculture) to W (Warehouse)

Vicinity Map



The site is located along the northwest side of Lehman Road, just north of its intersection with RR 150 East. The site is developed with a vacant single family home and two out buildings. The property, comprising exactly 5 acres, is currently zoned A (Agriculture), and has up until now been residential with small scale agricultural accessory uses. Of

note is approximately 60% of the lot is located in FEMA Zone 'AE', the 100-year floodplain of the Elliot Branch.

The adjacent parcels to the west and north are zoned 'R/S' (Retail/Services); the 3-acre parcel to the south and east (across Lehman Road) is zoned W (Warehouse), and that lot is adjacent to a proposed 10-acre duplex condominium site zoned R-2 (Residential Two-Family). The lots to the southwest are zoned A (Agriculture). The applicant seeks to assign Warehouse zoning to the subject property, a district "designed to provide locations for outlets offering goods and services to a targeted segment of the general public as well as industrial users; permitted uses include those that primarily serve other commercial and industrial enterprises and do not include any use listed in the construction and manufacturing district (CM)".

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 'Regional Node'. In the Regional Node, it is neither recommended nor conditionally recommended that "W" be approved as a zoning 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. The Regional Nodes located along I-35 at the northern and southern boundaries of Kyle should be designed as entryways into Kyle with elements that are symbolic of Kyle and serve to attract I-35 travelers into Kyle. Transitions between

Regional Nodes and surrounding districts must be carefully constructed to avoid abrupt shifts in land uses. Trails and sidewalks should be present throughout all Regional Nodes and should connect to surrounding neighborhoods.

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."

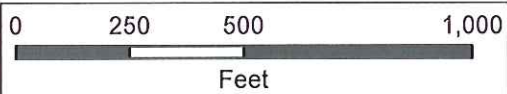
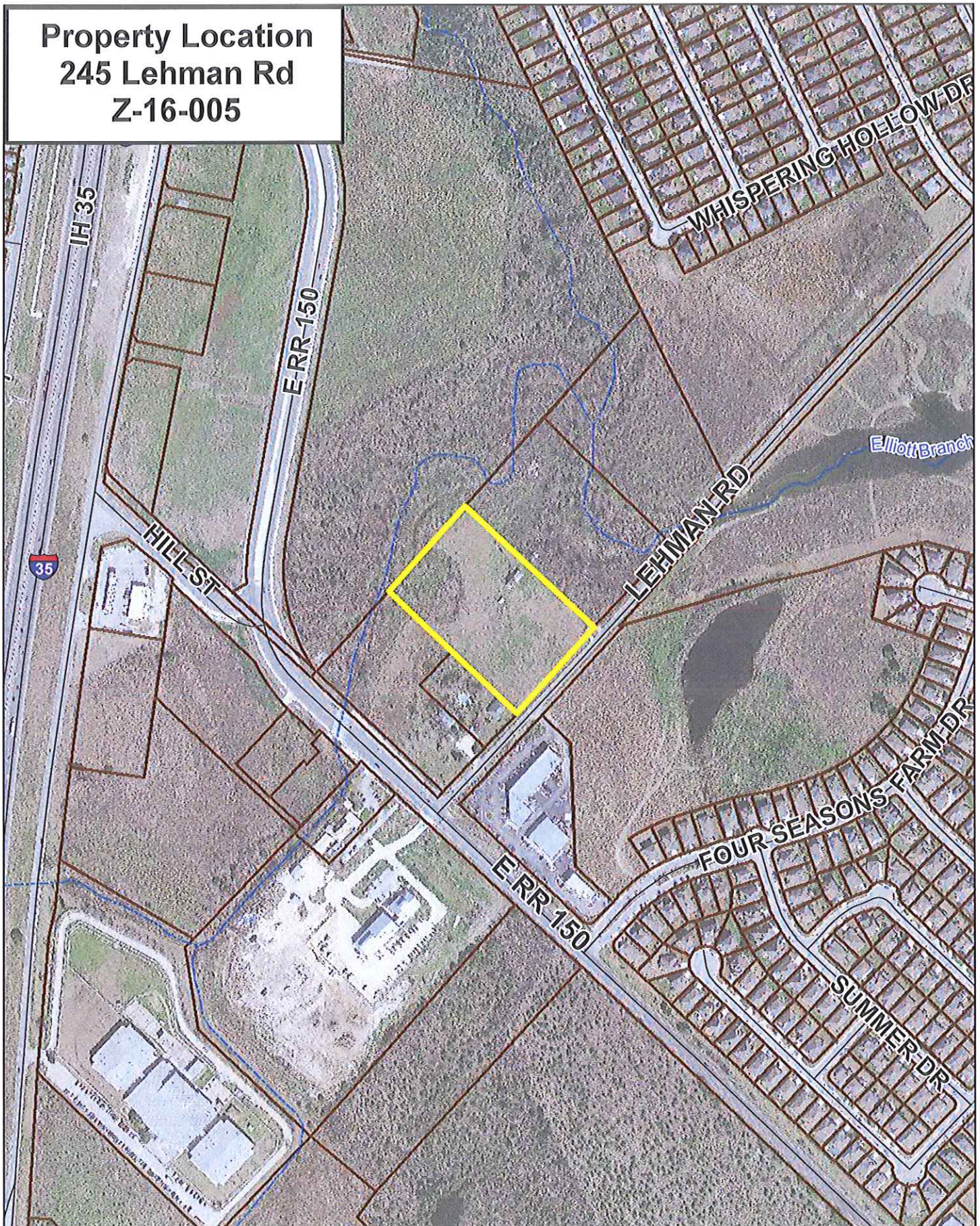
Recommendation

The proposed zoning is not recommended, even conditionally, by the city's comprehensive plan. In the field, the tenants of the comprehensive plan line up with the site-specific conditions of this parcel very well. Due to the exhaustive list of permissible uses in the warehouse district, coupled with the environmentally fragile condition of more than half of the property, it is reasonable to expect the uses permissible can cause more harm than good to the parcel in a post-development condition. A more-restrictive zoning classification that would promote use and enjoyment of the property as prescribed by the comprehensive plan --and still respect the floodplain on site-- would be more appropriate. For that reason, staff recommends that the request be considered for denial.

Attachments

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

Property Location
245 Lehman Rd
Z-16-005



Property
Boundary



Parcel Lines

APPLICATION & CHECKLIST – ZONING CHANGE

CITY OF KYLE

Zoning: Tom & Lyndee Jordan

(Name of Owner)

(Submittal Date)

MAR 31 2016

INSTRUCTIONS:

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

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: \$636.37

- 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: Agriculture

Proposed Zoning Classification: Warehouse

Proposed Use of the Property: Commercial

Acreage/Sq. Ft. of Zoning Change: 5.00 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: 245 Lehman Road, Kyle, TX 78640

Subdivision Name/Lot & Block Nos.: n/a

3. Ownership Information:
Name of Property Owner(s): Tom & Lyndee Jordan

(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.)

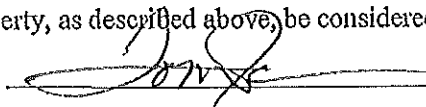
Address of Owner: 850 Bluff Drive
Wimberley, TX 78676

Phone Number: 409-658-9550

Fax Number: n/a

Email Number: tjordan@usflag.com

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

Signed: 

Date: _____

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

Agent's Name: Bec-Lin Engineering, Kelly Kilber, R.P.L.S., P.E.

Agent's Address: 100 E. San Antonio St., Ste. 100
San Marcos, TX 78666

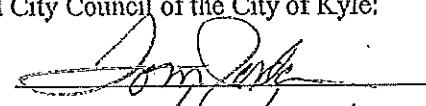
Agent's Phone Number: 512-353-3335

Agent's Fax Number: 512-396-0224

Agent's Mobile Number: _____

Agent's Email Number: kkilber@bec-lin.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: 

Date: 3/29/2016

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

Page/Slide No. _____

3. **Ownership Information:**
Name of Property Owner(s): Tom & Lyndee Jordan

(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: 850 Bluff Drive
Wimberley, TX 78676

Phone Number: 409-658-9550

Fax Number: n/a

Email Number: tjordan@usflag.com

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

Signed: _____
Date: _____

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

Agent's Name: Bec-Lin Engineering, Kelly Kilber, R.P.L.S., P.E.

Agent's Address: 100 E. San Antonio St., Ste. 100
San Marcos, TX 78666

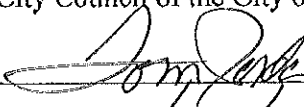
Agent's Phone Number: 512-353-3335

Agent's Fax Number: 512-396-0224

Agent's Mobile Number: _____

Agent's Email Number: kkilber@bec-lin.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: 

Date: 3/29/2016

*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

CITY OF KYLE

Attached Map of Subject Property

MAR 31 2016

Accepted for Processing By: Hebbie A. Guerra

Date: _____

PLANNING DEPARTMENT

Date of Public Notification in Newspaper: 4/20/16

Date of Public Hearing Before Planning and Zoning Commission: 5/10/16

Date of Public Hearing Before City Council: 5/17/16 & 6/17/16



BEC-LIN ENGINEERING, L.P.
Structural • Civil • Surveying • Construction Management

March 30, 2016

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

CITY OF KYLE

Attn: Howard Koontz
Director of Planning & Community Development

MAR 31 2016

Re: Zoning Change Application
245 Lehman Road

PLANNING DEPARTMENT

Howard:

Enclosed herewith please find the following submittal for the above referenced project:

1. Zoning Change Application with the following attachments:
 - a. Deed
 - b. Map showing the area being proposed for rezoning
 - c. Fees in the amount of \$636.37
 - d. Original tax certificate

Please review this information at your earliest convenience. If you have any questions please call.

Respectfully,
Bec-Lin Engineering, L.P.

Kelly Kilber, P.E., R.P.L.S.
Director of Engineering

xc: Tom & Lyndee Jordan
P-16-1077

**** Electronically Filed Document ****

Hays County Texas
Liz Q. Gonzalez
County Clerk

Document Number: 2016-16007720
Recorded As : ELECTRONIC RECORDING

Recorded On: March 15, 2016
Recorded At: 10:08:45 am
Number of Pages: 4

Recording Fee: \$34.00

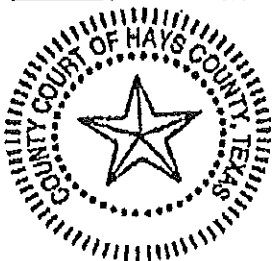
Parties:

Direct- MOSQUEDA JUAN
Indirect- JORDAN TOM

Receipt Number: 423443
Processed By: Christina Rodriguez

***** 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

General Warranty Deed

NOTICE OF CONFIDENTIALITY RIGHTS

IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY 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: March 4 2016

Chicago Title
GF# Ch1600382Pae

Grantor: Juan Mosqueda and Gloria G Mosqueda, Co-Trustees of the Juan Mosqueda and Gloria G. Mosqueda Revocable Living Trust, such Trust having been established under that certain revocable Declaration of Trust dated May 11, 2011

Grantor's Mailing Address: PO BOX 654, Kyle TX 78640

Grantee: Tom Jordan and Lyndee Jordan

Grantee's Mailing Address: 850 Bluffview, Wimberly TX 78676

Consideration: Cash and other good and valuable consideration.

Property (Including any improvements):

5.00 ACRES of land being out of and a portion of the Z, Hinton Survey, Abstract 220, in Hays County, Texas, and being part of a tract called 107.50 acres in conveyance by Ida Hill to Adolph Hill, et al by deed recorded in Volume 212, Page 474, of the Deed Records of Hays County, Texas. Said 5.00 acres being more particularly described by metes and bounds in Exhibit "A", attached hereto.

Reservations from Conveyance: None


Exceptions to Conveyance and Warranty:

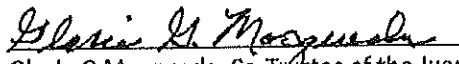
Liens described as part of the Consideration and any other liens described in this deed as being either assumed or subject to which title is taken; validly existing easements, rights-of-way, and prescriptive rights, whether of record or not; all presently recorded and validly existing restrictions, reservations, covenants, conditions, oil and gas leases, mineral 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; all rights, obligations, and other matters arising from and existing by reason of any water, utility, road, or improvement districts which affect the Property; standby fees, taxes, and assessments by any taxing authority for the current year, 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, but not subsequent assessments for that and prior years due to change in land usage, ownership, or both, the payment of which Grantor 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.

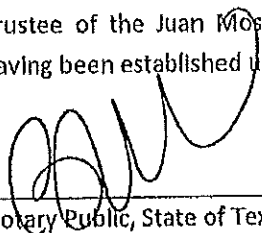
When the context requires, singular nouns and pronouns include the plural.


Juan Mosqueda, Co-Trustee of the Juan Mosqueda
and Gloria G. Mosqueda Revocable Living Trust, such
Trust having been established under that certain revocable
Declaration of Trust dated May 11, 2011

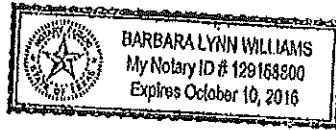

Gloria G Mosqueda, Co-Trustee of the Juan Mosqueda
and Gloria G. Mosqueda Revocable Living Trust, such
Trust having been established under that certain revocable
Declaration of Trust dated May 11, 2011

State of Texas
County of Travis

This document was acknowledged before me on March 14, 2016 by Juan Mosqueda, Co-Trustee of the Juan Mosqueda and Gloria G. Mosqueda Revocable Living Trust, such Trust having been established under that certain revocable Declaration of Trust dated May 11, 2011.

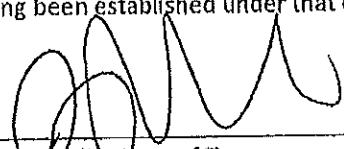


Notary Public, State of Texas

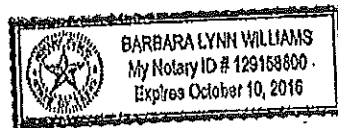


State of Texas
County of Travis

This document was acknowledged before me on March 14, 2016 by Gloria G Mosqueda, Co-Trustee of the Juan Mosqueda and Gloria G. Mosqueda Revocable Living Trust, such Trust having been established under that certain revocable Declaration of Trust dated May 11, 2011.



Notary Public, State of Texas



AFTER RECORDING RETURN TO:

**** Electronically Filed Document ****

Hays County Texas
Liz Q. Gonzalez
County Clerk

Document Number: 2016-16008430
Recorded As : ELECTRONIC RECORDING

Recorded On: March 21, 2016
Recorded At: 03:12:11 pm
Number of Pages: 3

Recording Fee: \$30.00

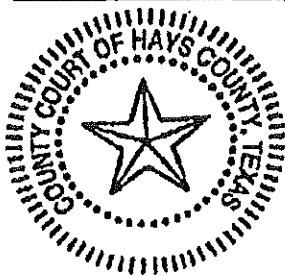
Parties:

Direct- WILLIAMS BARBARA
Indirect-

Receipt Number: 423968
Processed By: Christina Rodriguez

***** 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

CORRECTION INSTRUMENT AS TO A RECORDED ORIGINAL INSTRUMENT

[Non-material correction pursuant to §5.028, Texas Property Code, where the parties to the recorded original instrument have not signed the correction affidavit (instrument)]

Date: March 21, 2016
GF No: CTA1600382
Title Company: Chicago Title of Texas, LLC
Affiant: Barbara Williams, Escrow Officer

Chicago Title
GF# CTA1600382
BCW

Description of Original Instrument:

General Warranty Deed dated March 14, 2016, executed by Juan Mosqueda and Gloria G. Mosqueda, Co-Trustees of the Juan Mosqueda and Gloria G. Mosqueda Revocable Living Trust, to Tom Jordan and Lyndee Jordan, recorded March 15, 2016, in Document No. 2016-16007720, Official Public Records of Hays County, Texas

Affiant on oath swears that the following statements are true and within the personal knowledge of Affiant:

1. My name is Barbara Williams. I am over the age of eighteen (18) years and am otherwise competent to make this Correction Affidavit.
2. I have personal knowledge of the facts relevant to the correction of the above referenced Original Instrument as evidenced by the following facts:

As a licensed escrow officer for Chicago Title of Texas, LLC, I conducted the recent closing wherein the above cited document was executed and recorded.

3. I am making this Affidavit as a correction instrument pursuant to §5.028 of the Texas Property Code, with regard to the following clerical error in the Original Instrument:

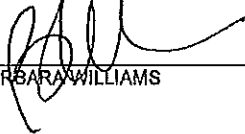
The Exhibit 'A' referenced in the Property description wasn't attached prior to recording.

4. The Original Instrument should correctly read as follows with respect to the clerical error described above, this being a non-material change to the Original Instrument:

The original instrument should have included the Exhibit 'A' attached hereto.

5. I have given notice of this correction of the Original Instrument by sending a copy of this Correction Affidavit by email (describe a method of providing notice) I to each party to the Original Instrument, in accordance with §5.028 (d) (2) of the Texas Property Code. The evidence of said notice is attached to this affidavit as required by §5.028 (d) (1) of the Texas Property Code.

AFFIANT:

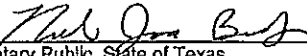

BARBARA WILLIAMS

STATE OF TEXAS §

COUNTY OF TRAVIS §

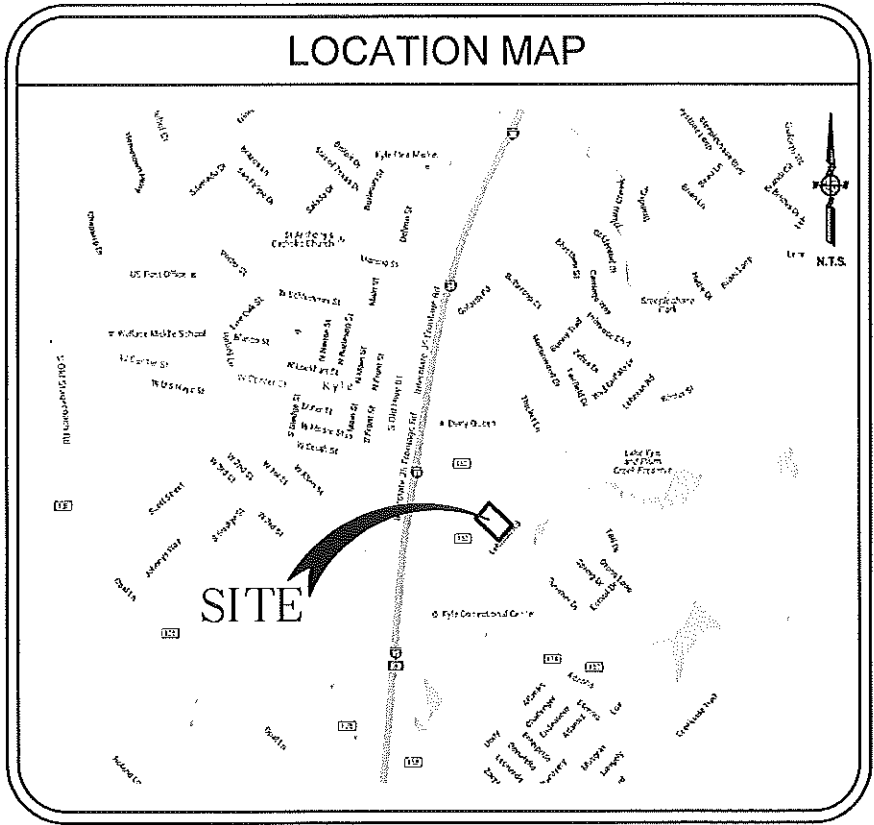
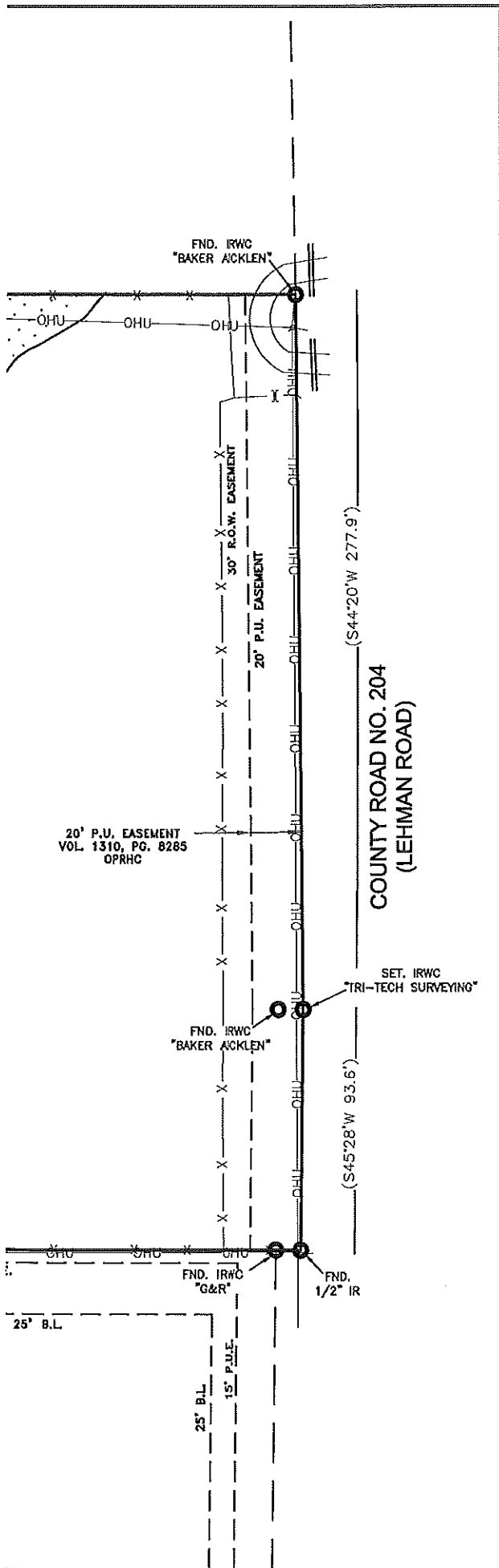
SWORN TO AND SUBSCRIBED before me on this 21 day of March, 2016, by Barbara Williams, to certify which witness my hand and seal of office.

My Commission Expires:


Notary Public, State of Texas

Notary Name Printed: Nicole Jones Brady

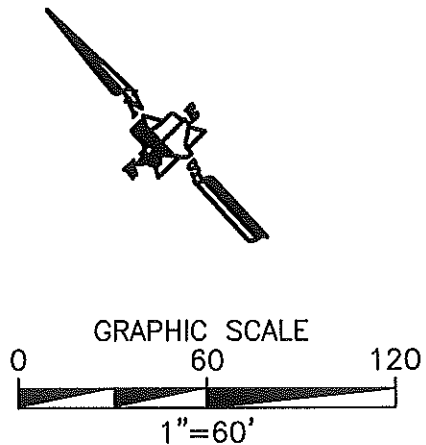




Zoning Application:
Supporting Document

245 LEHMAN ROAD,
KYLE, TX 78640

TOM & LYNDEE JORDAN



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 2015

Entities to which this certificate applies:

SHA - Hays Consolidated ISD
WPC - Plum Creek Groundwater District
FHA - Hays Co ESD #5
ACCD - AUSTIN COMMUNITY COLLEGE DISTRICT

PCC - Plum Creek Conservation District
RSP - Special Road Dist
GHA - Hays County
CKY - City Of Kyle

Property Information

Property ID : 10-0220-0192-00000-2
Quick-Ref ID : R14803

Value Information

	Land HS	:	\$0.00
245 LEHMAN RD KYLE, TX	Land NHS	:	\$85,090.00
78640	Imp HS	:	\$0.00
	Imp NHS	:	\$54,330.00
A0220 Z HINTON SURVEY,	Ag Mkt	:	\$0.00
ACRES 5.00	Ag Use	:	\$0.00
	Tim Mkt	:	\$0.00
	Tim Use	:	\$0.00
	HS Cap Adj	:	\$0.00
	Assessed	:	\$139,420.00

Owner Information

Owner ID : O0126946

MOSQUEDA JUAN & GLORIA G
REVOCABLE LIVING TRUST
MOSQUEDA JUAN & GLORIA G
CO-TRUSTEE
P O BOX 654
KYLE, TX 78640-0654

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
PCC	2015	31.37	0.00	0.00	0.00	0.00
SHA	2015	2,143.86	0.00	0.00	0.00	0.00
RSP	2015	61.07	0.00	0.00	0.00	0.00
WPC	2015	29.98	0.00	0.00	0.00	0.00
GHA	2015	590.03	0.00	0.00	0.00	0.00
FHA	2015	139.42	0.00	0.00	0.00	0.00
CKY	2015	815.33	0.00	0.00	0.00	0.00
ACCD	2015	140.12	0.00	0.00	0.00	0.00

Total for current bills if paid by 3/31/2016 : \$0.00

Total due on all bills 3/31/2016 : \$0.00

2015 taxes paid for entity PCC \$31.37

2015 taxes paid for entity SHA \$2,143.86

2015 taxes paid for entity RSP \$61.07

2015 taxes paid for entity WPC \$29.98

2015 taxes paid for entity GHA \$590.03

2015 taxes paid for entity FHA \$139.42

2015 taxes paid for entity CKY \$815.33

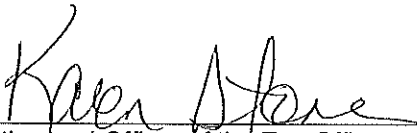
2015 taxes paid for entity ACCD \$140.12

2015 Total Taxes Paid : \$3,951.18

Date of Last Payment : 11/03/15

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.



Signature of Authorized Officer of the Tax Office

Date of Issue : 03/30/2016
Requestor : MOSQUEDA JUAN & GLORIA G REVOC/
Receipt : SM-2016-900404
Fee Paid : \$10.00
Payer : US FLAG & FLAGPOLE SUPPLY

ZONING

ITEM C

WS LIVE OAK KYLE, LLC

Property Location	Western corner of the intersection of Porter and Cockerham Streets
Owner	WS Live Oak Kyle, LLC 6704 Manchaca Road, Unit 41 Austin, Texas 78745
Request	Rezone 3.576 acres from R-1 (Single Family Detached) to CC (Community Commercial)

Vicinity Map



The site is located on the western side of the intersection of Porter and Cockerham Streets. The property is 3.576 acres and is currently zoned R-1 (Single Family). The property is not developed with any structures. The site has approximately 300 feet of frontage along Cockerham Street on the southeast, and over 420 feet of frontage along Porter Street on the northeast. The property is bordered by equal zoning to the northwest, a fuel station with convenience store to the west (zoned C-2, Commercial - General Business), 'R-2' (Residential two family) to the southeast (across Cockerham Street), and R-1-T (Townhouse Residential) to the northeast (across Porter Street). The applicant seeks to rezone the parcel to CC (Community Commercial), a commercial zoning category "established to provide areas for quality retail establishments and service facilities. This district should generally consist of retail nodes located along or at the intersection of major collectors or thoroughfares to accommodate higher traffic volumes".

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 'Historic Core Area Transition' (HCAT) character area. In the HCAT, it is not recommended, even conditionally, that CC be recommended for approval.

Historic Core Area Transition "Character": "The Historic Core Area Transition serves as a transition between the regular gridded development pattern that characterizes Downtown and the more rural patterns to the south and west, as well as newer development to the north. Significant features of this District include the intersection of Old Stagecoach Road and Center Street and the Gregg Clarke Park. This District is a "middle landscape" of historic residential forms that transition to more rural residential forms. The District should embody the historic character of existing uses while anticipating appropriate expansion of Old Town. Development in the Historic Core Area Transition District has historically been on a small, lot-by-lot basis, rather than on a larger, project-by-project basis. Because of this, the street serves as the organizing feature of the District. Therefore, as new development extends into the District from the Old Town District, care should be taken to ensure that the historic street pattern is preserved."

Historic Core Area Transition "Intent": "The purpose of the Historic Core Area Transition District is to accommodate the growth of residential and neighborhood commercial uses around the Old Town District, while preserving the historic rural fabric. The core of Kyle should be allowed to expand into this area as population growth increases in order to strengthen the core of the City. Land use transitions are critical in this District, and the shift from township to rural landscape should be maintained. This can be accomplished by transition in the built form and function from commercial uses to residential uses and finally to rural agricultural residential uses and by establishing transitions in density,

decreasing outwardly from the Old Town District. Public spaces in this District should be used to preserve the character of ranch heritage, where appropriate.”

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.

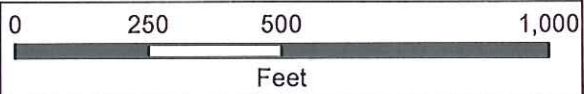
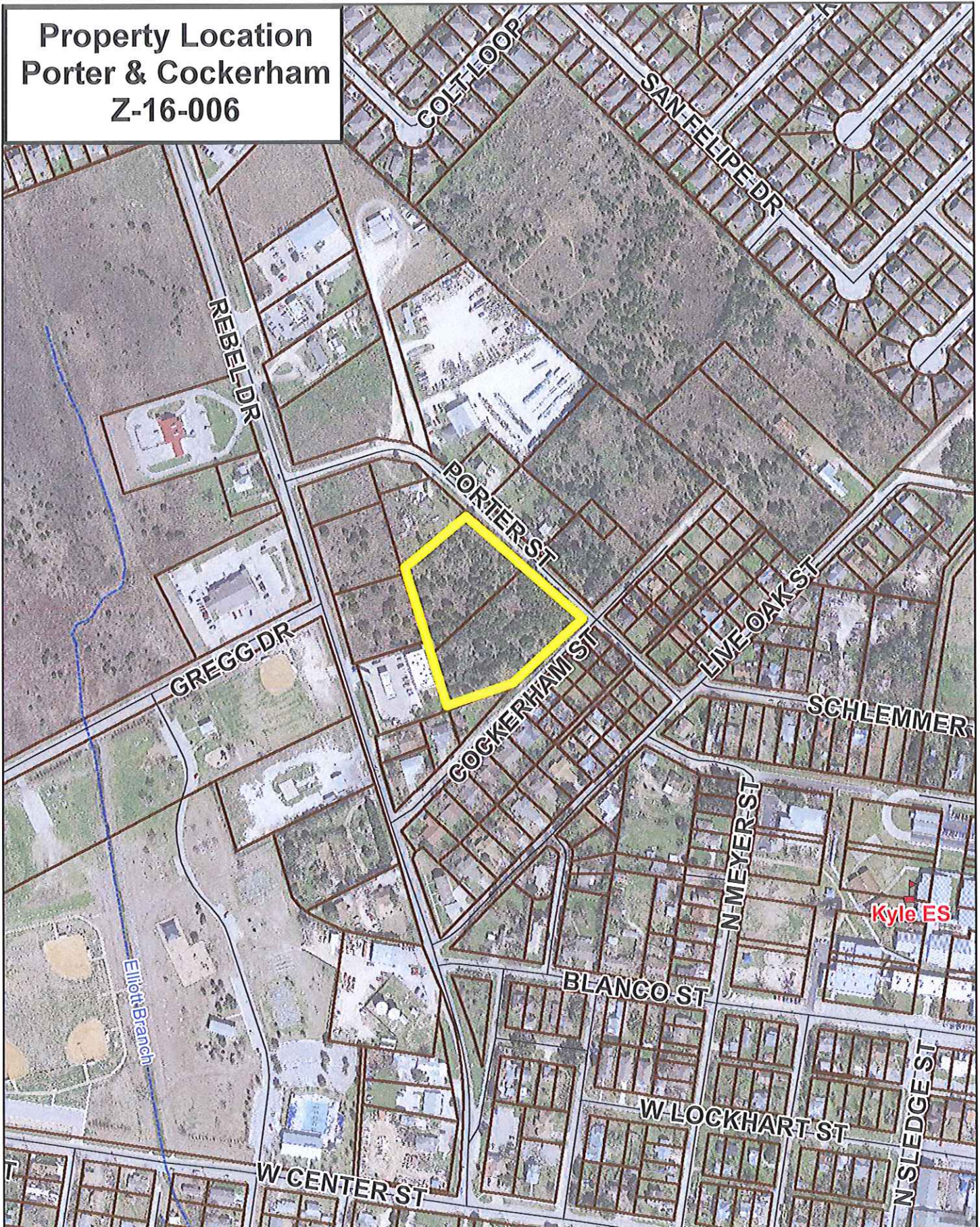
Recommendation

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 commercial product for the benefit of the residential in the immediate area 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

**Property Location
Porter & Cockerham
Z-16-006**



 Property Boundary

 Parcel Lines

APPLICATION & CHECKLIST - ZONING CHANGE CITY OF KYLE

Zoning: WS Live Oak Kyle, LLC
(Name of Owner)

(Submittal Date) APR 13 2016

INSTRUCTIONS: 2-16-006

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

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: ~~627.06~~ 631.22 *af*

- 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
 Proposed Zoning Classification: CC
 Proposed Use of the Property: Community Commercial
 Acreage/Sq. Ft. of Zoning Change: 3.576 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: O Porter
 Subdivision Name/Lot & Block Nos.: Legal Attached

Property Recording Information:
Volume/Cabinet No. _____

Hays County

Page/Slide No. _____

3. Ownership Information:

Name of Property Owner(s):

WS Live Oak Kyle, 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:

6704 Manchaca Rd Unit 41
Austin, Tx. 78745

Phone Number: _____

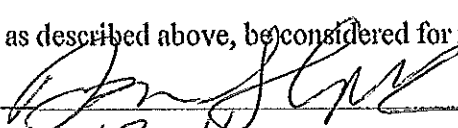
Fax Number: _____

Email Number: _____

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

Signed: _____

Date: _____


4-12-16

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: _____

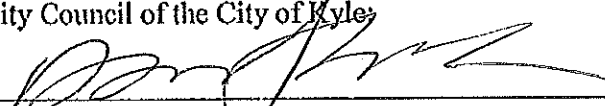
Agent's Mobile Number: _____

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: _____


4-12-16

*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

CITY OF KYLE

APR 13 2016

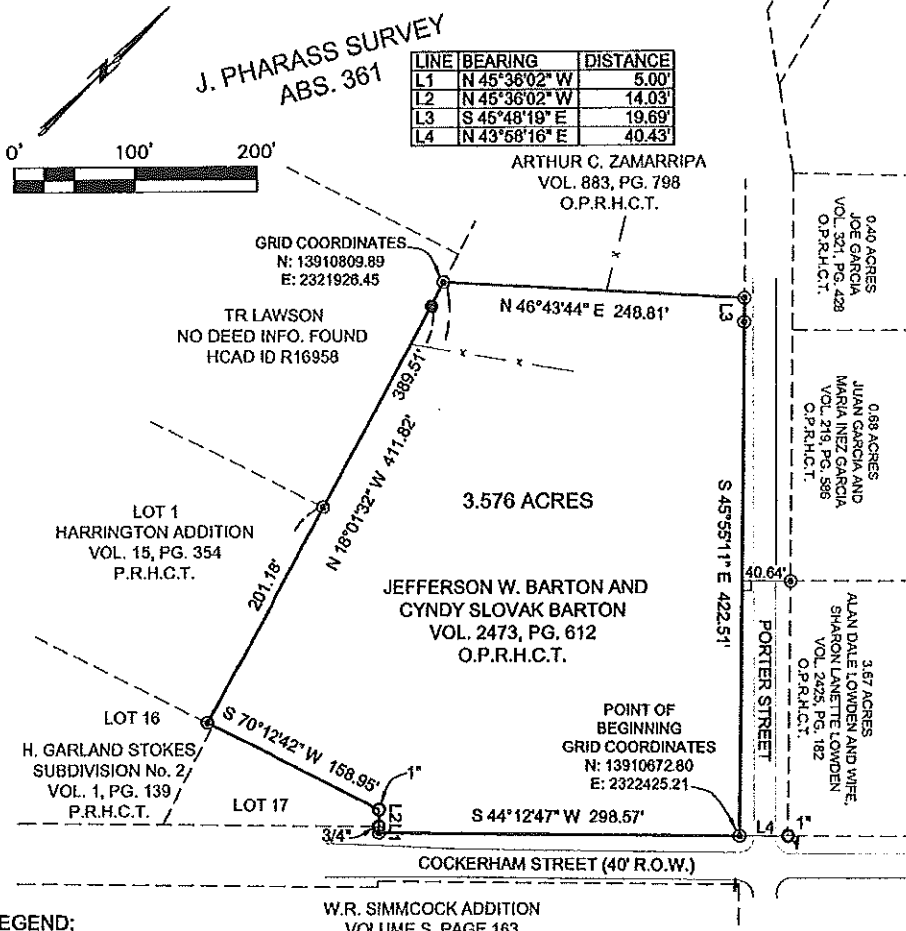
Attached Map of Subject Property

Accepted for Processing By: Hebbia Guerra Date: PLANNING DEPARTMENT

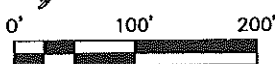
Date of Public Notification in Newspaper: 4/20/16

Date of Public Hearing Before Planning and Zoning Commission: 5/10/16

Date of Public Hearing Before City Council: 5/17/16 & 6/7/16



LINE	BEARING	DISTANCE
L1	N 45°36'02" W	5.00'
L2	N 45°36'02" W	14.03'
L3	S 45°48'19" E	19.69'
L4	N 43°58'16" E	40.43'



LEGEND:

- ⊙ IRON PIPE FOUND (SIZE AS NOTED)
- ⊙ IRON ROD FOUND W/CAP (PRO-TECH)
- ⊙ IRON ROD SET W/CAP (GEOMATICS 5516)
- FENCE POST
- † SIGN

NOTES:

1. Surveyor makes no expressed or implied warranties as to the fee ownership of the property shown.
 2. No subsurface utility investigation was performed by Geomatics Surveying and Mapping Inc. for the benefit of this survey.
 3. Bearings and directional control based on Texas State Plane Coordinate System, South Central Zone (4200) NAD 83 (2011).
- Geomatics Surveying and Mapping Inc., in performance of this survey, has relied upon Stewart Title Guaranty Company, Title Commitment File No. 01247-48368, Effective Date August 14, 2015, for all publicly recorded easements considered for this survey, located or noted herein, the easements shown in said commitment are listed below:
 Schedule "B":
 No Recorded Easements Listed

FLOOD NOTE: By graphic plotting only, this property is in "ZONE X" of the Federal Emergency Management Agency, Flood Insurance Rate Map, Community Panel No. 4820900355F, effective date of September 2, 2005. The Surveyor makes no assurance as to the accuracy of the definitions shown on Federal Emergency Management Agency Flood Insurance Rate Map (4). This statement is for insurance purposes only and is not an opinion that the property will or will not flood.

SURVEYORS CERTIFICATION:

I, JEFFREY J. CURCI, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THIS SURVEY PLAT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND IS BASED ON AN ON THE GROUND SURVEY PERFORMED UNDER MY DIRECT SUPERVISION DURING THE MONTH OF SEPTEMBER 2015.

Jeffrey J. Curci 10/28/2015
 JEFFREY J. CURCI
 REGISTERED PROFESSIONAL LAND SURVEYOR
 No. 5518 - STATE OF TEXAS



METES AND BOUNDS DESCRIPTION

A DESCRIPTION OF A 3.576 ACRE TRACT OR PARCEL OF LAND, LOCATED IN THE JOHN PHARASS SURVEY, ABSTRACT 361 OF HAYS COUNTY, TEXAS, SAID 3.576 ACRE TRACT, BEING ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND DESCRIBED AS CONTAINING 3.46 ACRES OF LAND IN A SPECIAL WARRANTY DEED, DATED JUNE 1, 2004, FROM ALAN DALE LOWDEN AND WIFE, SHARON LAHETTE LOWDEN TO JEFFERSON W. BARTON AND WIFE, CYNDY SLOVAK-BARTON, OF RECORD IN VOLUMES 2473, PAGE 412 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, SAID 3.576 ACRES, AS SHOWN ON THE ACCOMPANYING SURVEY SKETCH, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at an iron rod with aluminum cap stamped "PRO-TECH ENG 2219" (Grid Coordinates = N 13910672.80, E 2322425.21) found monumenting the east corner of said 3.46 acres and the intersection of the northeast right-of-way of Cockerham Street, a 40 foot right-of-way, with the southeast right-of-way of Porter Street, a variable width right-of-way, from which a 1 inch iron pipe found monumenting the south corner of that certain tract or parcel of land described as containing 3.67 acres of land, Tract 2, in a County's Tax Deed, dated March 9, 2004, from Lupo Cruz, Co-estate of Hays County, to Alan Dale Lowden and wife, Sharon Lnette Lowden, of record Volume 2425, Page 182 of the Official Public Records of Hays County, Texas, and the intersection of the northwest right-of-way of said Cockerham Street with the northeast right-of-way of said Porter Street bears, N 43° 38' 16" E, a distance of 40.43 feet.

THENCE, S 44° 12' 47" W, with the northwest right-of-way of said Cockerham Street, a distance of 298.57 feet to an iron rod with plastic cap stamped "GEOMATICS RPLS 5516" set to monument an angle point in the northwest right-of-way of said Cockerham Street, and an exterior corner of the herein described tract;

THENCE, N 45° 38' 02" W, continuing with the northwest right-of-way of said Cockerham Street, a distance of 5.00 feet to a 1/2 inch iron pipe found monumenting the east corner of Lot 17, H. Garland Stokes Subdivision No. 2, a subdivision of record in Book 1, Page 139 of the Plat Records of Hays County, Texas, and an angle point in the northwest right-of-way of said Cockerham Street;

THENCE, N 45° 39' 02" W, departing the northwest right-of-way of said Cockerham Street, with the east line of said Lot 17, a distance of 11.83 feet to a 1 inch iron pipe found monumenting the north corner of said Lot 17;

THENCE, S 70° 12' 42" W, with the north line of said H. Garland Stokes Subdivision No. 2, a distance of 158.95 feet to an iron rod with aluminum cap stamped "PRO-TECH ENG 2219" found monumenting the southeast corner of Lot 1, Harrington Addition, a subdivision of record in Volume 15, Page 354 of the Plat Records of Hays County, Texas, and the north line of said H. Garland Stokes Subdivision No. 2;

THENCE, N 18° 01' 32" W, departing the north line of said H. Garland Stokes Subdivision No. 2, with the east line of said Lot 1, Harrington Addition, and the east line of a tract shown to be owned by TR Lawson in the Hays County Appraisal Districts tax roll but with no recording information found, a passing distance of 201.18 feet to an iron rod with aluminum cap stamped "PRO-TECH ENG 2219" found monumenting the northeast corner of said Lot 1, Harrington Addition, and the southeast corner of said TR Lawson tract, containing another passing distance of 389.51 feet to a fence post called for in the description of said 3.46 acres, in a total distance of 411.82 feet to an iron rod with aluminum cap stamped "PRO-TECH ENG 2219" (Grid Coordinates = N 13910672.80, E 2321926.45) found monumenting the south corner of that certain tract or parcel of land described as containing 0.89 acres in a Warranty Deed, dated July 30, 1991, from Robert C. McLaurin to Arthur C. Zamarripa, of record in Volume 883, Page 798 of the Official Public Records of Hays County, Texas, and the east line of the said TR Lawson tract;

THENCE, N 46° 43' 44" E, departing the east line of said TR Lawson tract, with the southeast line of said 0.89 acre tract, a distance of 248.81 feet to an iron rod found with aluminum cap stamped "PRO-TECH ENG 2219" found monumenting the east corner of said 0.89 acre tract, and the southwest right-of-way of said Porter Street;

THENCE, S 45° 48' 19" E, with the southwest right-of-way of said Porter Street, a distance of 19.69 feet to an iron rod with aluminum cap stamped "PRO-TECH ENG 2219" found monumenting an angle point in the southwest right-of-way of said Porter Street;

THENCE, S 43° 55' 11" E, continuing with the southwest right-of-way of said Porter Street, a distance of 422.51 feet to the **POINT OF BEGINNING** of the herein described tract and containing 3.576 acres of land, more or less.



GEOMATICS
 SURVEYING AND MAPPING, INC.
 7500 Amanda Ellis Way, Austin, TX 78749 (512) 917-0184
 TBPLS FIRM REGISTRATION No. 10194101

SURVEY OF 3.576 ACRE TRACT
J. PHARASS SURVEY, ABSTRACT No. 361
KYLE, TEXAS

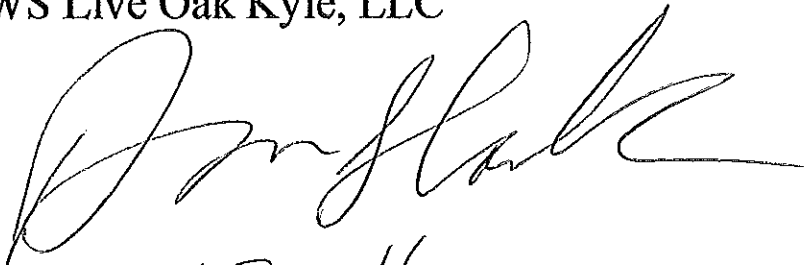
To Whom it May Concern:

We are requesting a rezoning of the property at 0 Porter. (3.576 SW corner of Porter and Cockerham)

We feel that Community Commercial would be a better fit for this parcel.

Dan Slovak

WS Live Oak Kyle, LLC

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

4-12-16

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: Jefferson W. Barton and Cyndy Slovak-Barton

Address: 201 Mariettas Way Buda, Texas 78610

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:

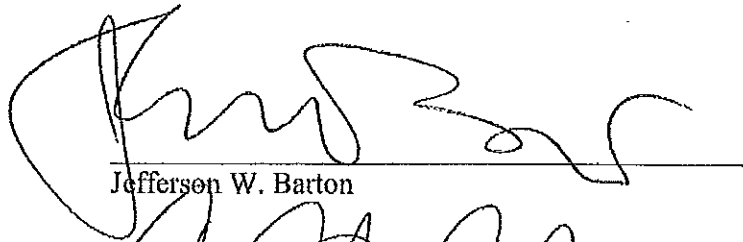
This conveyance is made and accepted subject to all restrictions, covenants, conditions, rights-of-way, assessments, outstanding royalty and mineral reservations and easements, if any, affecting the above described property that are valid, existing and properly of record and subject, further, to taxes 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.

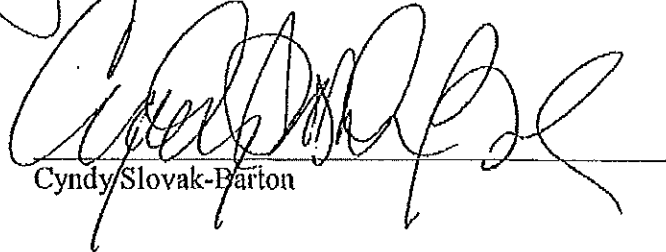
The vendor's lien against and superior title to the property are retained until each note described is fully paid according to its terms, at which time this deed shall become absolute.

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.



Jefferson W. Barton

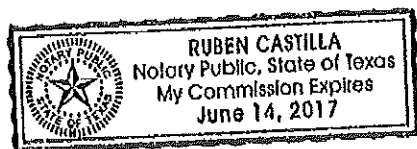


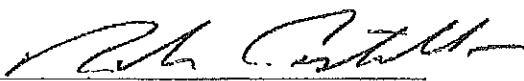
Cyndy Slovak-Barton

Acknowledgement

State of Texas
County of Travis

This instrument was acknowledged before me on the 6th day of November, 2015, by Jefferson W. Barton and Cyndy Slovak-Barton.





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 CAD eSearch

Property ID: R16980 For Year 2016

 Map

Unable to determine the physical location of the property. Please contact Hays Central Appraisal District for more information.

 Property Details	
Account	
Property ID:	R16980
Legal Description:	ABS 361 JOHN PHARASS SURVEY 1.776 AC GEO#90602883 PT OF TRACT 1
Geographic ID:	10-0361-0067-00000-2
Agent Code:	
Type:	Real
Location	
Address:	PORTER ST, KYLE, TX 78640
Map ID:	HW1
Neighborhood CD:	
Owner	
Owner ID:	O0067416
Name:	WS LIVE OAK KYLE LLC
Mailing Address:	6704 MANCHACA RD UNIT 41 AUSTIN, TX 78745-4944
% Ownership:	100.0%
Exemptions:	For privacy reasons not all exemptions are shown online.

Property Values	
Improvement Homesite Value:	N/A
Improvement Non-Homesite Value:	N/A
Land Homesite Value:	N/A
Land Non-Homesite Value:	N/A
Agricultural Market Valuation:	N/A
Market Value:	N/A
Ag Use Value:	N/A
Appraised Value:	N/A
HS Cap:	N/A
Assessed Value:	N/A

DISCLAIMER Information provided for research purposes only. Legal descriptions and acreage amounts are for appraisal district use only and should be verified prior to using for legal purpose and or documents. Please contact the Appraisal District to verify all information for accuracy.

Property Taxing Jurisdiction			
Entity	Description	Market Value	Taxable Value
ACCD	AUSTIN COMMUNITY COLLEGE DIST	N/A	N/A
CAD	APPRAISAL DISTRICT	N/A	N/A
CKY	CITY OF KYLE	N/A	N/A
FHA	HAYS CO ES DIST #5	N/A	N/A
GHA	HAYS COUNTY	N/A	N/A
RSP	SPECIAL ROAD	N/A	N/A
SHA	HAYS CISD	N/A	N/A
WEU	Edwards Undgr Water Dist	N/A	N/A

Property Improvement - Building

Property Land							
Type	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
C3	Vac Platted > 5 Ac	1.776				N/A	N/A

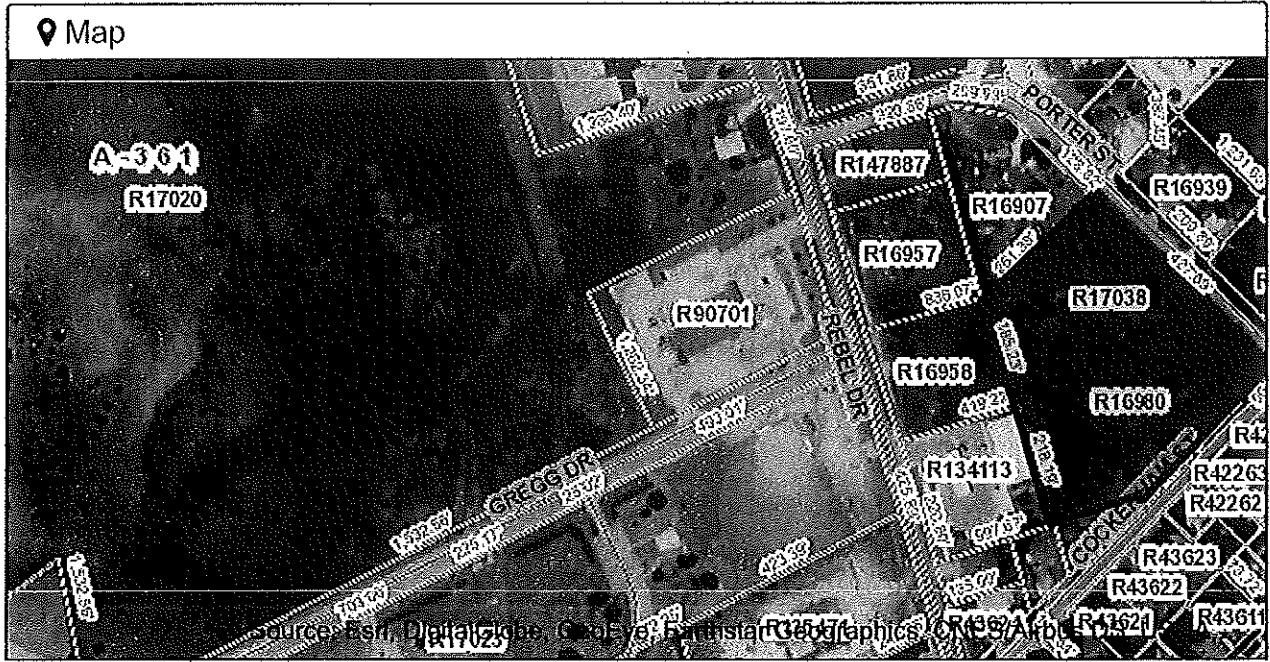
Property Roll Value History							
Year	Improvements	Land Market	Ag Valuation	Appraised	HS Cap	Assessed	
2016	N/A	N/A	N/A	N/A	N/A	N/A	N/A
2015	\$0	\$43,610	\$0	\$43,610	\$0	\$43,610	
2014	\$0	\$43,610	\$0	\$43,610	\$0	\$43,610	
2013	\$0	\$43,610	\$0	\$43,610	\$0	\$43,610	
2012	\$0	\$43,610	\$0	\$43,610	\$0	\$43,610	
2011	\$0	\$43,610	\$0	\$43,610	\$0	\$43,610	
2010	\$0	\$43,610	\$0	\$43,610	\$0	\$43,610	
2009	\$0	\$43,610	\$0	\$43,610	\$0	\$43,610	

Property Deed History							
Deed Date	Type	Description	Grantor	Grantee	Volume	Page	Number
11/6/2015	GWDVL	General Warranty Deed With Vendor's Lien		WS LIVE OAK KYLE LLC	5376	60	15036573
6/1/2004	SWD	Special Warranty Deed	LOWDEN ALAN D & SHARON L	BARTON JEFFERSON W & SLOVAK-BARTON CYNDY	2473	612	
3/2/2004	CONST	Constable's Deed		LOWDEN ALAN D & SHARON L	2425	182	04007273

DISCLAIMER Information provided for research purposes only. Legal descriptions and acreage amounts are for appraisal district use only and should be verified prior to using for legal purpose and or documents. Please contact the Appraisal District to verify all information for accuracy.

Hays CAD eSearch

Property ID: R17038 For Year 2016



Property Details	
Account	
Property ID:	R17038
Legal Description:	ABS 361 JOHN PHARASS SURVEY 1.80 AC GEO#90601745 PT OF TRACT 1
Geographic ID:	10-0361-0116-00000-2
Agent Code:	
Type:	Real
Location	
Address:	PORTER ST, KYLE, TX 78640
Map ID:	HW1
Neighborhood CD:	
Owner	
Owner ID:	O0067416
Name:	WS LIVE OAK KYLE LLC
Mailing Address:	6704 MANCHACA RD UNIT 41 AUSTIN, TX 78745-4944
% Ownership:	100.0%
Exemptions:	For privacy reasons not all exemptions are shown online.

Property Values	
Improvement Homesite Value:	N/A
Improvement Non-Homesite Value:	N/A
Land Homesite Value:	N/A
Land Non-Homesite Value:	N/A
Agricultural Market Valuation:	N/A
Market Value:	N/A
Ag Use Value:	N/A
Appraised Value:	N/A
HS Cap:	N/A
Assessed Value:	N/A

DISCLAIMER Information provided for research purposes only. Legal descriptions and acreage amounts are for appraisal district use only and should be verified prior to using for legal purpose and or documents. Please contact the Appraisal District to verify all information for accuracy.

Property Taxing Jurisdiction

Entity	Description	Market Value	Taxable Value
ACCD	AUSTIN COMMUNITY COLLEGE DIST	N/A	N/A
CAD	APPRAISAL DISTRICT	N/A	N/A
CKY	CITY OF KYLE	N/A	N/A
FHA	HAYS CO ES DIST #5	N/A	N/A
GHA	HAYS COUNTY	N/A	N/A
RSP	SPECIAL ROAD	N/A	N/A
SHA	HAYS CISD	N/A	N/A
WEU	Edwards Undgr Water Dist	N/A	N/A

Property Improvement - Building

Property Land

Type	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
C3	Vac Platted > 5 Ac	1.8				N/A	N/A

Property Roll Value History

Year	Improvements	Land Market	Ag Valuation	Appraised	HS Cap	Assessed
2016	N/A	N/A	N/A	N/A	N/A	N/A
2015	\$0	\$43,610	\$0	\$43,610	\$0	\$43,610
2014	\$0	\$43,610	\$0	\$43,610	\$0	\$43,610
2013	\$0	\$43,610	\$0	\$43,610	\$0	\$43,610
2012	\$0	\$43,610	\$0	\$43,610	\$0	\$43,610
2011	\$0	\$43,610	\$0	\$43,610	\$0	\$43,610
2010	\$0	\$43,610	\$0	\$43,610	\$0	\$43,610
2009	\$0	\$43,610	\$0	\$43,610	\$0	\$43,610

Property Deed History							
Deed Date	Type	Description	Grantor	Grantee	Volume	Page	Number
11/6/2015	GWDVL	General Warranty Deed With Vendor's Lien		WS LIVE OAK KYLE LLC	5376	60	15036573
6/1/2004	SWD	Special Warranty Deed	LOWDEN ALAN D & SHARON L	BARTON JEFFERSON W & SLOVAK-BARTON CYNDY	2473	612	
3/2/2004	CONST	Constable's Deed		LOWDEN ALAN D & SHARON L	2425	182	04007273

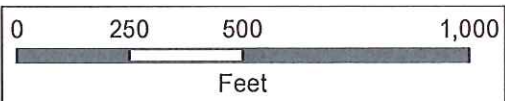
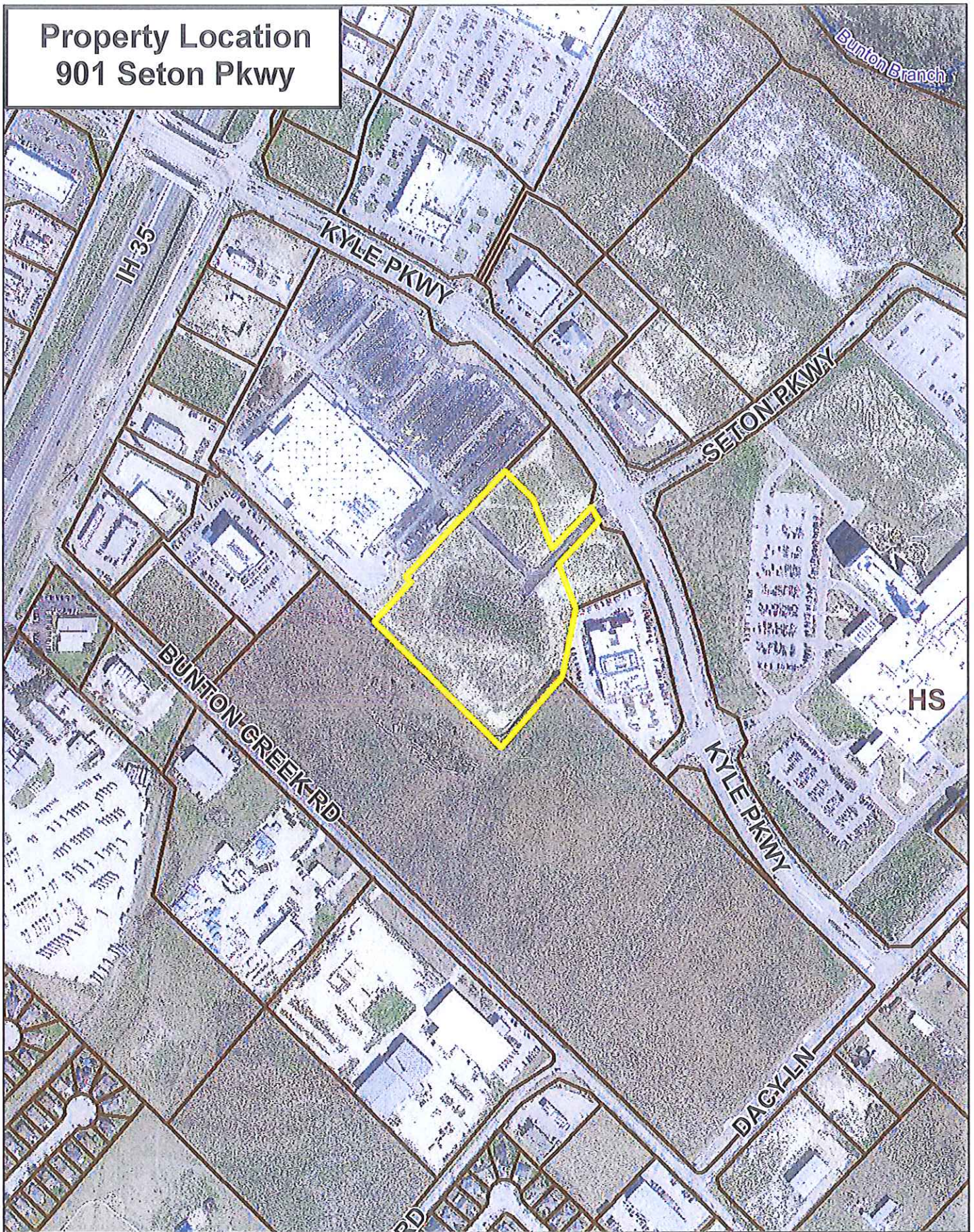
DISCLAIMER Information provided for research purposes only. Legal descriptions and acreage amounts are for appraisal district use only and should be verified prior to using for legal purpose and or documents. Please contact the Appraisal District to verify all information for accuracy.

CONSIDER AND POSSIBLE ACTION

ITEM A

GOODWILL – CONDITIONAL USE PERMIT

**Property Location
901 Seton Pkwy**



 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: 13 April 2016

APR 14 2016

(CUP-16-005)

PROJECT INFORMATION

PLANNING DEPARTMENT

Project Name: Goodwill Store	
Project address: Seton Parkway	
Subdivision: SCC Bunton Creek Subdivision	
Lot:	Block: Lot 1, Replat of Lot 1B, Block "A"
Zoning: RS	Square Footage of Building: 30,001

APPLICANT INFORMATION

Owner's Name: <i>Central Southwest Texas Development LLC</i>	
Owner's Signature: <i>[Signature]</i>	Date: <i>4/12/16</i>
Address: <i>2711 W Anderson Lane</i>	
Phone: <i>512 751 3944</i>	Fax: _____ E-mail: <i>khutor@cswddevelopment.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 checked="" type="checkbox"/> I hereby authorize the person named below to act as my agent in processing this application.	
Agent: Marla Busa, Delta Permitting	
Agent's Address: 8203 Wexford Dr., Austin TX 78759	
Phone: 713-419-2960	Fax: _____ E-mail: <i>deltapermitting@gmail.com</i>

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: Goodwill STORE

REQUIRED ITEMS FOR SUBMITTAL PACKAGE

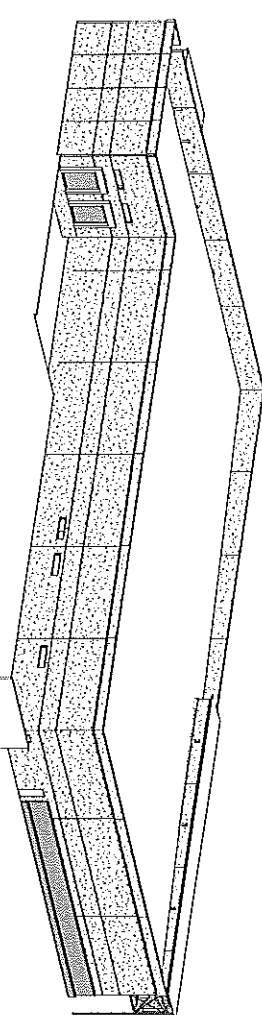
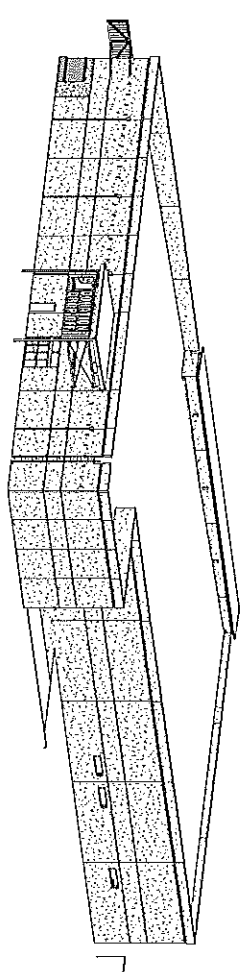
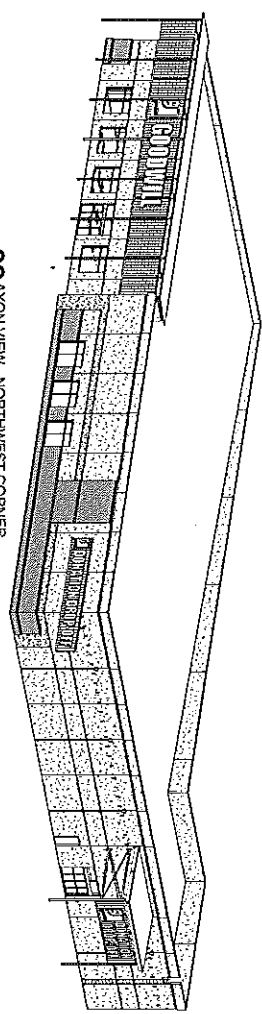
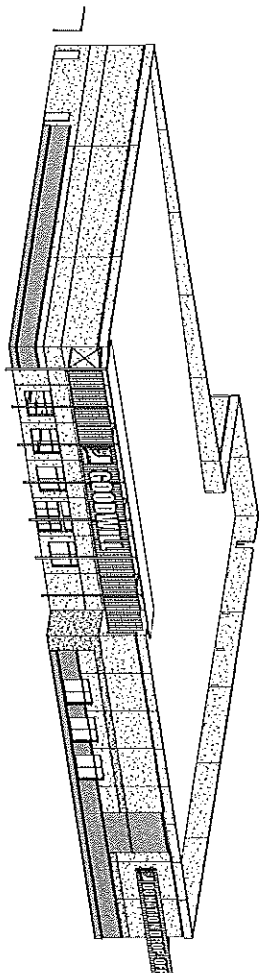
The following items are required to be submitted to the Planning Department in order for the Application to be accepted.

- 1. Completed application form with owner's original signature.
- 2. Application fee: \$190.21, plus \$3.78 per acre or portion thereof.
Total Fee: \$ 205.19
- 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.*

T T T T T T T T



DRAWINGS INDEX

SHEET NO.	SHEET NAME
01	GENERAL INFORMATION
02	ARCHITECTURE DRAWINGS
03	STRUCTURAL DRAWINGS
04	MECHANICAL DRAWINGS
05	ELECTRICAL DRAWINGS
06	PLUMBING DRAWINGS
07	ISSUED FOR PERMIT ONLY

GENERAL INFORMATION

PROJECT NO.	10000
CLIENT	PRELIMINARY
DATE	01.15.2018
SCALE	AS SHOWN
DESIGNED BY	ARCHITECTURE
DRAWN BY	ARCHITECTURE
CHECKED BY	ARCHITECTURE
DATE	01.15.2018

ARCHITECTURE DRAWINGS

01	GENERAL INFORMATION	
02	ARCHITECTURE DRAWINGS	
03	STRUCTURAL DRAWINGS	
04	MECHANICAL DRAWINGS	
05	ELECTRICAL DRAWINGS	
06	PLUMBING DRAWINGS	
07	ISSUED FOR PERMIT ONLY	

STRUCTURAL DRAWINGS

01	GENERAL INFORMATION	
02	ARCHITECTURE DRAWINGS	
03	STRUCTURAL DRAWINGS	
04	MECHANICAL DRAWINGS	
05	ELECTRICAL DRAWINGS	
06	PLUMBING DRAWINGS	
07	ISSUED FOR PERMIT ONLY	

MECHANICAL DRAWINGS

01	GENERAL INFORMATION	
02	ARCHITECTURE DRAWINGS	
03	STRUCTURAL DRAWINGS	
04	MECHANICAL DRAWINGS	
05	ELECTRICAL DRAWINGS	
06	PLUMBING DRAWINGS	
07	ISSUED FOR PERMIT ONLY	

ELECTRICAL DRAWINGS

01	GENERAL INFORMATION	
02	ARCHITECTURE DRAWINGS	
03	STRUCTURAL DRAWINGS	
04	MECHANICAL DRAWINGS	
05	ELECTRICAL DRAWINGS	
06	PLUMBING DRAWINGS	
07	ISSUED FOR PERMIT ONLY	

PLUMBING DRAWINGS

01	GENERAL INFORMATION	
02	ARCHITECTURE DRAWINGS	
03	STRUCTURAL DRAWINGS	
04	MECHANICAL DRAWINGS	
05	ELECTRICAL DRAWINGS	
06	PLUMBING DRAWINGS	
07	ISSUED FOR PERMIT ONLY	

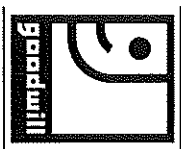
ISSUED FOR PERMIT ONLY

01	GENERAL INFORMATION	
02	ARCHITECTURE DRAWINGS	
03	STRUCTURAL DRAWINGS	
04	MECHANICAL DRAWINGS	
05	ELECTRICAL DRAWINGS	
06	PLUMBING DRAWINGS	
07	ISSUED FOR PERMIT ONLY	

GENERAL RENDERING NOTES:

- 01 All photographs and renderings are subject to the Architect's interpretation and shall be used as part of the permit documents.
- 02 The Architectural and rendering work is to be used as supplemental information and is not intended to be used as a substitute for the permit documents.
- 03 The Architect is not responsible for the accuracy of the information provided by the client or other sources.
- 04 The Architect is not responsible for the accuracy of the information provided by the client or other sources.

NoackLittie
 architecture and interiors
 10000
 10000
 10000



Goodwill Store
 5000
 5000
 5000

SHEET INDEX & BUILDING VIEWS
 10000
 10000
 10000

G.001

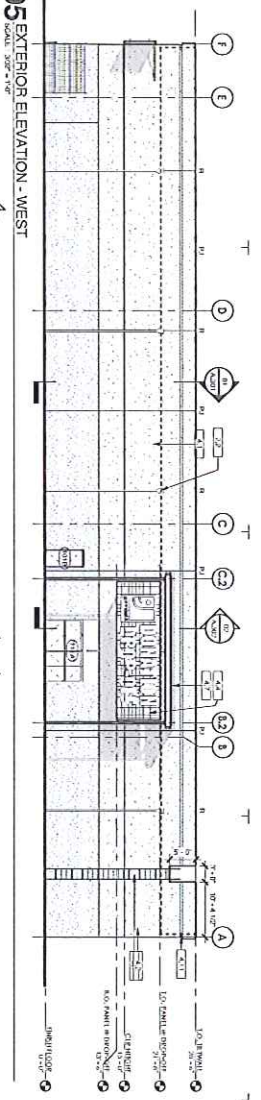
GENERAL ELEVATION NOTES:

- 01 Finish is as noted unless (L) is for metal finished masonry and (S) is for stone.
- 02 Refer to sheet C&T for accessibility requirements.
- 03 All exterior elevations are intended to be finished and are not to be used for construction.
- 04 All exterior elevations are intended to be finished and are not to be used for construction.
- 05 All exterior elevations are intended to be finished and are not to be used for construction.
- 06 All exterior elevations are intended to be finished and are not to be used for construction.
- 07 All exterior elevations are intended to be finished and are not to be used for construction.
- 08 All exterior elevations are intended to be finished and are not to be used for construction.
- 09 All exterior elevations are intended to be finished and are not to be used for construction.
- 10 All exterior elevations are intended to be finished and are not to be used for construction.

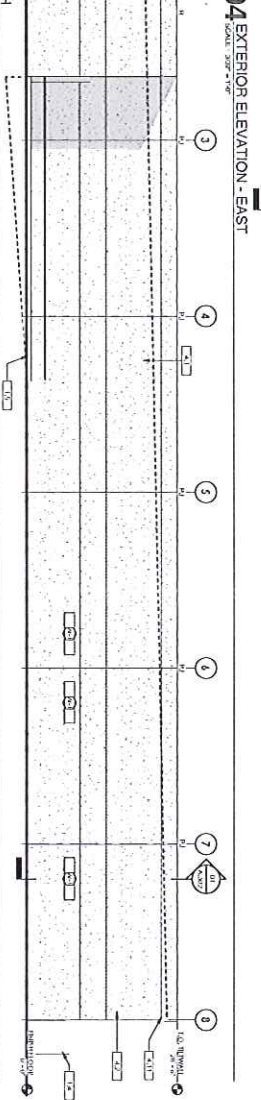
KEY NOTE LEGEND

- 1.1 Masonry is as noted unless (L) is for metal finished masonry and (S) is for stone.
- 1.2 Concrete is as noted unless (L) is for metal finished masonry and (S) is for stone.
- 1.3 Concrete is as noted unless (L) is for metal finished masonry and (S) is for stone.
- 1.4 Concrete is as noted unless (L) is for metal finished masonry and (S) is for stone.
- 1.5 Concrete is as noted unless (L) is for metal finished masonry and (S) is for stone.
- 1.6 Concrete is as noted unless (L) is for metal finished masonry and (S) is for stone.
- 1.7 Concrete is as noted unless (L) is for metal finished masonry and (S) is for stone.
- 1.8 Concrete is as noted unless (L) is for metal finished masonry and (S) is for stone.
- 1.9 Concrete is as noted unless (L) is for metal finished masonry and (S) is for stone.
- 1.10 Concrete is as noted unless (L) is for metal finished masonry and (S) is for stone.

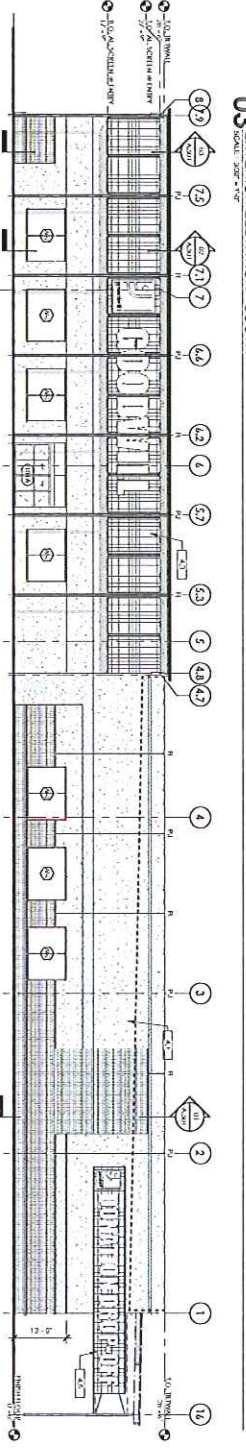
05 EXTERIOR ELEVATION - WEST
SCALE: 3/8" = 1'-0"



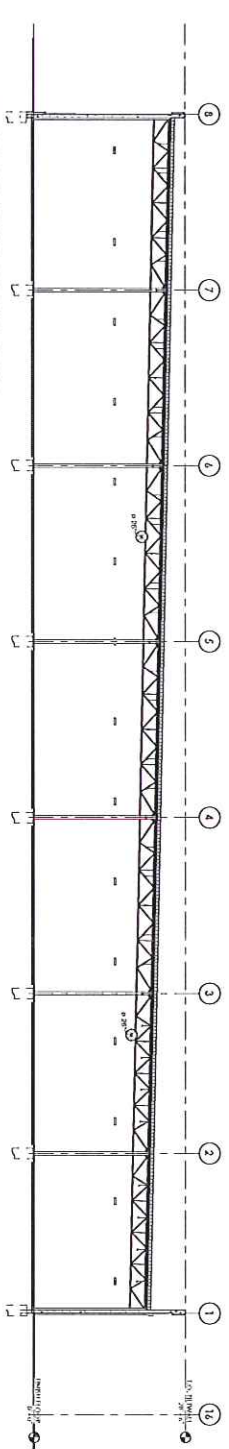
04 EXTERIOR ELEVATION - EAST
SCALE: 3/8" = 1'-0"



03 EXTERIOR ELEVATION - SOUTH
SCALE: 3/8" = 1'-0"



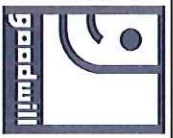
02 EXTERIOR ELEVATION - NORTH
SCALE: 3/8" = 1'-0"



01 BUILDING SECTION LOOKING SOUTH
SCALE: 3/8" = 1'-0"



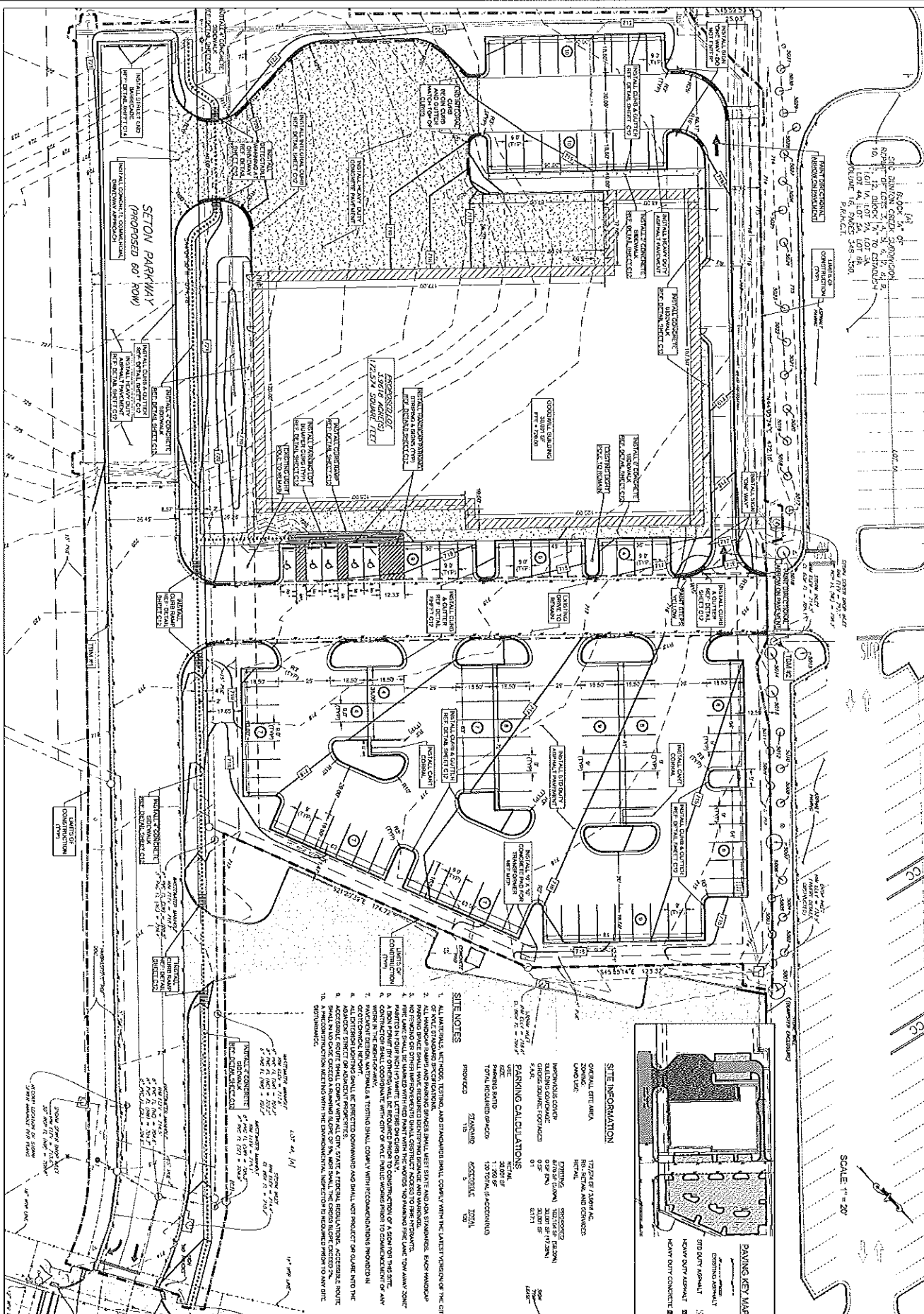
NoackLittle
Architecture and Interiors
1911 S. Lamar Avenue
Austin, TX 78748
737.478.1100
www.noacklittle.com



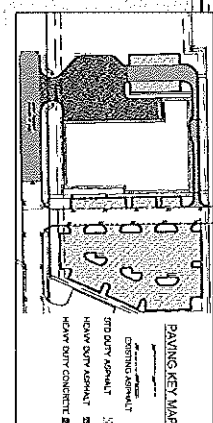
Goodwill Store
3801 Parkway, Kyle, TX 78640

Construction Documents

EXTERIOR ELEVATIONS & BLDG SECTIONS
A.301



1. 10' SETBACK FROM ADJACENT PROPERTY
 2. 10' SETBACK FROM ADJACENT PROPERTY
 3. 10' SETBACK FROM ADJACENT PROPERTY
 4. 10' SETBACK FROM ADJACENT PROPERTY
 5. 10' SETBACK FROM ADJACENT PROPERTY
 6. 10' SETBACK FROM ADJACENT PROPERTY
 7. 10' SETBACK FROM ADJACENT PROPERTY
 8. 10' SETBACK FROM ADJACENT PROPERTY
 9. 10' SETBACK FROM ADJACENT PROPERTY
 10. 10' SETBACK FROM ADJACENT PROPERTY
 11. 10' SETBACK FROM ADJACENT PROPERTY
 12. 10' SETBACK FROM ADJACENT PROPERTY
 13. 10' SETBACK FROM ADJACENT PROPERTY
 14. 10' SETBACK FROM ADJACENT PROPERTY
 15. 10' SETBACK FROM ADJACENT PROPERTY
 16. 10' SETBACK FROM ADJACENT PROPERTY
 17. 10' SETBACK FROM ADJACENT PROPERTY
 18. 10' SETBACK FROM ADJACENT PROPERTY
 19. 10' SETBACK FROM ADJACENT PROPERTY
 20. 10' SETBACK FROM ADJACENT PROPERTY
 21. 10' SETBACK FROM ADJACENT PROPERTY
 22. 10' SETBACK FROM ADJACENT PROPERTY
 23. 10' SETBACK FROM ADJACENT PROPERTY
 24. 10' SETBACK FROM ADJACENT PROPERTY
 25. 10' SETBACK FROM ADJACENT PROPERTY
 26. 10' SETBACK FROM ADJACENT PROPERTY
 27. 10' SETBACK FROM ADJACENT PROPERTY
 28. 10' SETBACK FROM ADJACENT PROPERTY
 29. 10' SETBACK FROM ADJACENT PROPERTY
 30. 10' SETBACK FROM ADJACENT PROPERTY
 31. 10' SETBACK FROM ADJACENT PROPERTY
 32. 10' SETBACK FROM ADJACENT PROPERTY
 33. 10' SETBACK FROM ADJACENT PROPERTY
 34. 10' SETBACK FROM ADJACENT PROPERTY
 35. 10' SETBACK FROM ADJACENT PROPERTY
 36. 10' SETBACK FROM ADJACENT PROPERTY
 37. 10' SETBACK FROM ADJACENT PROPERTY
 38. 10' SETBACK FROM ADJACENT PROPERTY
 39. 10' SETBACK FROM ADJACENT PROPERTY
 40. 10' SETBACK FROM ADJACENT PROPERTY
 41. 10' SETBACK FROM ADJACENT PROPERTY
 42. 10' SETBACK FROM ADJACENT PROPERTY
 43. 10' SETBACK FROM ADJACENT PROPERTY
 44. 10' SETBACK FROM ADJACENT PROPERTY
 45. 10' SETBACK FROM ADJACENT PROPERTY
 46. 10' SETBACK FROM ADJACENT PROPERTY
 47. 10' SETBACK FROM ADJACENT PROPERTY
 48. 10' SETBACK FROM ADJACENT PROPERTY
 49. 10' SETBACK FROM ADJACENT PROPERTY
 50. 10' SETBACK FROM ADJACENT PROPERTY
 51. 10' SETBACK FROM ADJACENT PROPERTY
 52. 10' SETBACK FROM ADJACENT PROPERTY
 53. 10' SETBACK FROM ADJACENT PROPERTY
 54. 10' SETBACK FROM ADJACENT PROPERTY
 55. 10' SETBACK FROM ADJACENT PROPERTY
 56. 10' SETBACK FROM ADJACENT PROPERTY
 57. 10' SETBACK FROM ADJACENT PROPERTY
 58. 10' SETBACK FROM ADJACENT PROPERTY
 59. 10' SETBACK FROM ADJACENT PROPERTY
 60. 10' SETBACK FROM ADJACENT PROPERTY
 61. 10' SETBACK FROM ADJACENT PROPERTY
 62. 10' SETBACK FROM ADJACENT PROPERTY
 63. 10' SETBACK FROM ADJACENT PROPERTY
 64. 10' SETBACK FROM ADJACENT PROPERTY
 65. 10' SETBACK FROM ADJACENT PROPERTY
 66. 10' SETBACK FROM ADJACENT PROPERTY
 67. 10' SETBACK FROM ADJACENT PROPERTY
 68. 10' SETBACK FROM ADJACENT PROPERTY
 69. 10' SETBACK FROM ADJACENT PROPERTY
 70. 10' SETBACK FROM ADJACENT PROPERTY
 71. 10' SETBACK FROM ADJACENT PROPERTY
 72. 10' SETBACK FROM ADJACENT PROPERTY
 73. 10' SETBACK FROM ADJACENT PROPERTY
 74. 10' SETBACK FROM ADJACENT PROPERTY
 75. 10' SETBACK FROM ADJACENT PROPERTY
 76. 10' SETBACK FROM ADJACENT PROPERTY
 77. 10' SETBACK FROM ADJACENT PROPERTY
 78. 10' SETBACK FROM ADJACENT PROPERTY
 79. 10' SETBACK FROM ADJACENT PROPERTY
 80. 10' SETBACK FROM ADJACENT PROPERTY
 81. 10' SETBACK FROM ADJACENT PROPERTY
 82. 10' SETBACK FROM ADJACENT PROPERTY
 83. 10' SETBACK FROM ADJACENT PROPERTY
 84. 10' SETBACK FROM ADJACENT PROPERTY
 85. 10' SETBACK FROM ADJACENT PROPERTY
 86. 10' SETBACK FROM ADJACENT PROPERTY
 87. 10' SETBACK FROM ADJACENT PROPERTY
 88. 10' SETBACK FROM ADJACENT PROPERTY
 89. 10' SETBACK FROM ADJACENT PROPERTY
 90. 10' SETBACK FROM ADJACENT PROPERTY
 91. 10' SETBACK FROM ADJACENT PROPERTY
 92. 10' SETBACK FROM ADJACENT PROPERTY
 93. 10' SETBACK FROM ADJACENT PROPERTY
 94. 10' SETBACK FROM ADJACENT PROPERTY
 95. 10' SETBACK FROM ADJACENT PROPERTY
 96. 10' SETBACK FROM ADJACENT PROPERTY
 97. 10' SETBACK FROM ADJACENT PROPERTY
 98. 10' SETBACK FROM ADJACENT PROPERTY
 99. 10' SETBACK FROM ADJACENT PROPERTY
 100. 10' SETBACK FROM ADJACENT PROPERTY



SITE INFORMATION

OVERALL SITE AREA: 17,247 SF ± 1,548 AC
 ZONING: RS - RESIDENTIAL AND COMMERCIAL
 CVD USE: RESIDENTIAL AND COMMERCIAL
 BUILDING IS CODED: 10,000 SF ±
 BUILDING COVERED: 10,000 SF ±
 STORAGE SQUARE FOOTAGE: 10,000 SF ±
 TOTAL SQUARE FOOTAGE: 10,000 SF ±

PARKING CALCULATIONS

TOTAL PARKING SPACES: 100
 TOTAL TRUCK SPACES: 10
 TOTAL HEAVY DUTY SPACES: 10
 TOTAL TRUCK AND HEAVY DUTY SPACES: 20
 TOTAL PARKING SPACES: 100

SITE NOTES

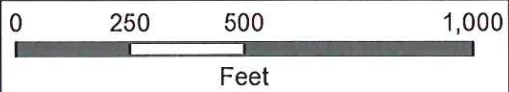
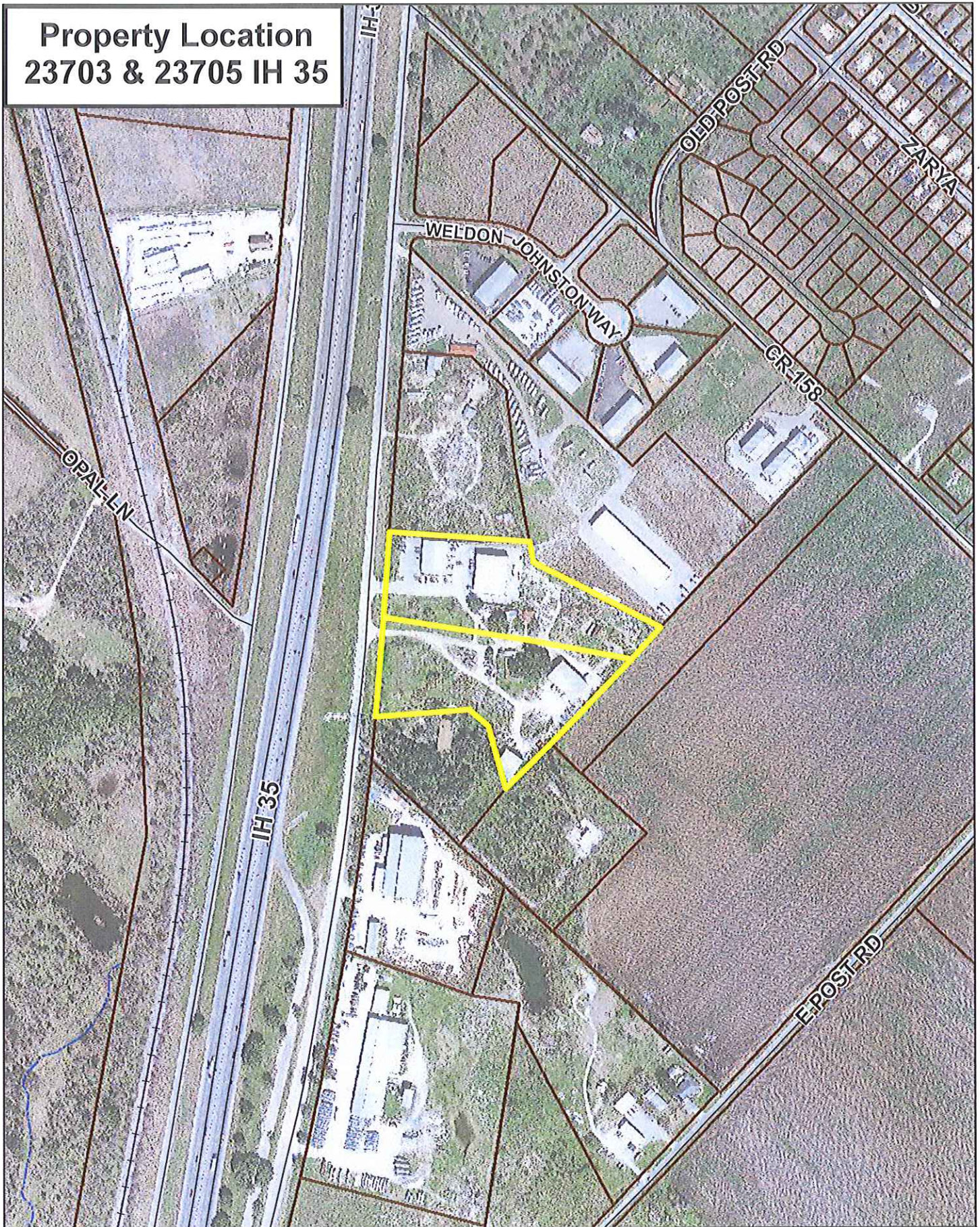
1. ALL UTILITIES, METERS, TAPPING, AND STRADDLES SHALL SHOW UP WITH THE LATEST VERSION OF THE CITY OF KYLE STANDARD SPECIFICATIONS.
2. ALL LANDSCAPE TREES AND SHRUBS SHALL BE MAINTAINED AND PROTECTED. EACH TREE SHALL BE MAINTAINED AND PROTECTED BY A TREE GUARD. TREE GUARDS SHALL BE INSTALLED PRIOR TO CONSTRUCTION OF ANY IMPROVEMENTS.
3. A SIGN POSTER (SEE OTHER SHEET) SHALL BE INSTALLED PRIOR TO CONSTRUCTION OF ANY IMPROVEMENTS.
4. ALL UTILITIES SHALL BE MAINTAINED AND PROTECTED. EACH TREE SHALL BE MAINTAINED AND PROTECTED BY A TREE GUARD. TREE GUARDS SHALL BE INSTALLED PRIOR TO CONSTRUCTION OF ANY IMPROVEMENTS.
5. ALL UTILITIES SHALL BE MAINTAINED AND PROTECTED. EACH TREE SHALL BE MAINTAINED AND PROTECTED BY A TREE GUARD. TREE GUARDS SHALL BE INSTALLED PRIOR TO CONSTRUCTION OF ANY IMPROVEMENTS.
6. ALL UTILITIES SHALL BE MAINTAINED AND PROTECTED. EACH TREE SHALL BE MAINTAINED AND PROTECTED BY A TREE GUARD. TREE GUARDS SHALL BE INSTALLED PRIOR TO CONSTRUCTION OF ANY IMPROVEMENTS.
7. ALL UTILITIES SHALL BE MAINTAINED AND PROTECTED. EACH TREE SHALL BE MAINTAINED AND PROTECTED BY A TREE GUARD. TREE GUARDS SHALL BE INSTALLED PRIOR TO CONSTRUCTION OF ANY IMPROVEMENTS.
8. ALL UTILITIES SHALL BE MAINTAINED AND PROTECTED. EACH TREE SHALL BE MAINTAINED AND PROTECTED BY A TREE GUARD. TREE GUARDS SHALL BE INSTALLED PRIOR TO CONSTRUCTION OF ANY IMPROVEMENTS.
9. ALL UTILITIES SHALL BE MAINTAINED AND PROTECTED. EACH TREE SHALL BE MAINTAINED AND PROTECTED BY A TREE GUARD. TREE GUARDS SHALL BE INSTALLED PRIOR TO CONSTRUCTION OF ANY IMPROVEMENTS.
10. A PRE-CONSTRUCTION MEETING WITH THE ENVIRONMENTAL INSPECTOR IS REQUIRED PRIOR TO ANY DIRT MOVEMENT.

CONSIDER AND POSSIBLE ACTION

ITEM B

ECKOLS PROPERTIES – CONDITIONAL USE PERMIT

Property Location 23703 & 23705 IH 35



 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: 5/16/16

PROJECT INFORMATION

Project Name: <u>Kyle Industrial Center</u>		
Project address: <u>23703 IH 35</u>		
Subdivision:		
Lot: <u>1</u>	Block:	Section:
Zoning: <u>C/M</u>	Square Footage of Building: <u>C: 12,500; A: 10,000</u>	

APPLICANT INFORMATION

Owner's Name: <u>Eckob Properties, LLC</u>		
Owner's Signature: <u>[Signature]</u>		Date: <u>5/16/16</u>
Address: <u>P.O. Box 1658 Kyle, TX 78140</u>		
Phone: <u>512-265-8888</u>	Fax:	E-mail: <u>skeckob@txunet.com</u>
Please Note: The signature of the owner authorizes City of Kyle staff to visit and inspect the property for which this application is being submitted.		
(Check One)		
<input type="checkbox"/> I will represent my application.		
<input 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: Kyle Industrial Center

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: 228.01
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.*

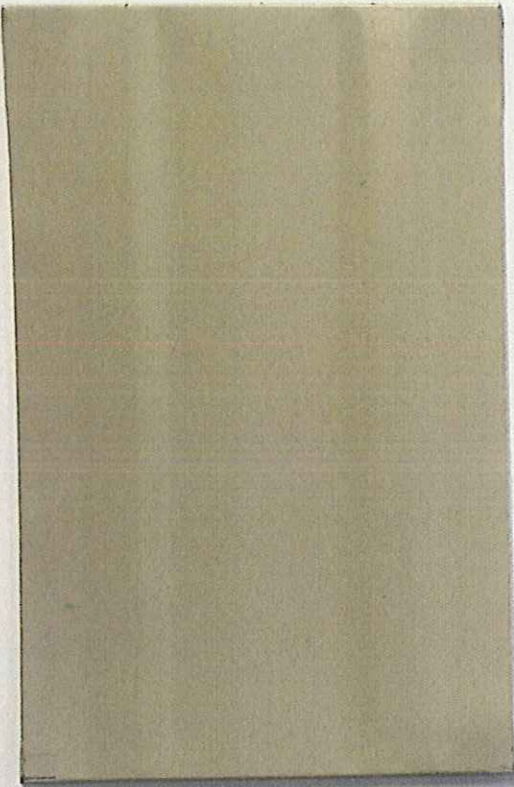


Kyle Industrial Center

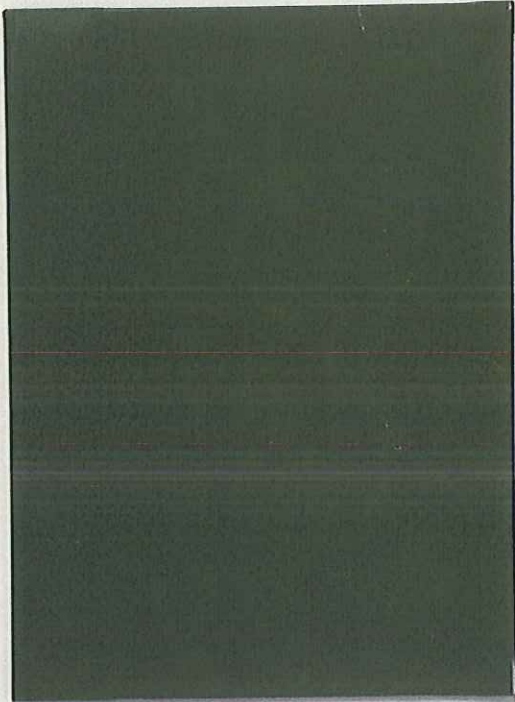
23703 IH 35

Kyle Industrial Center

26 Ga. Light Stone Wall Panel

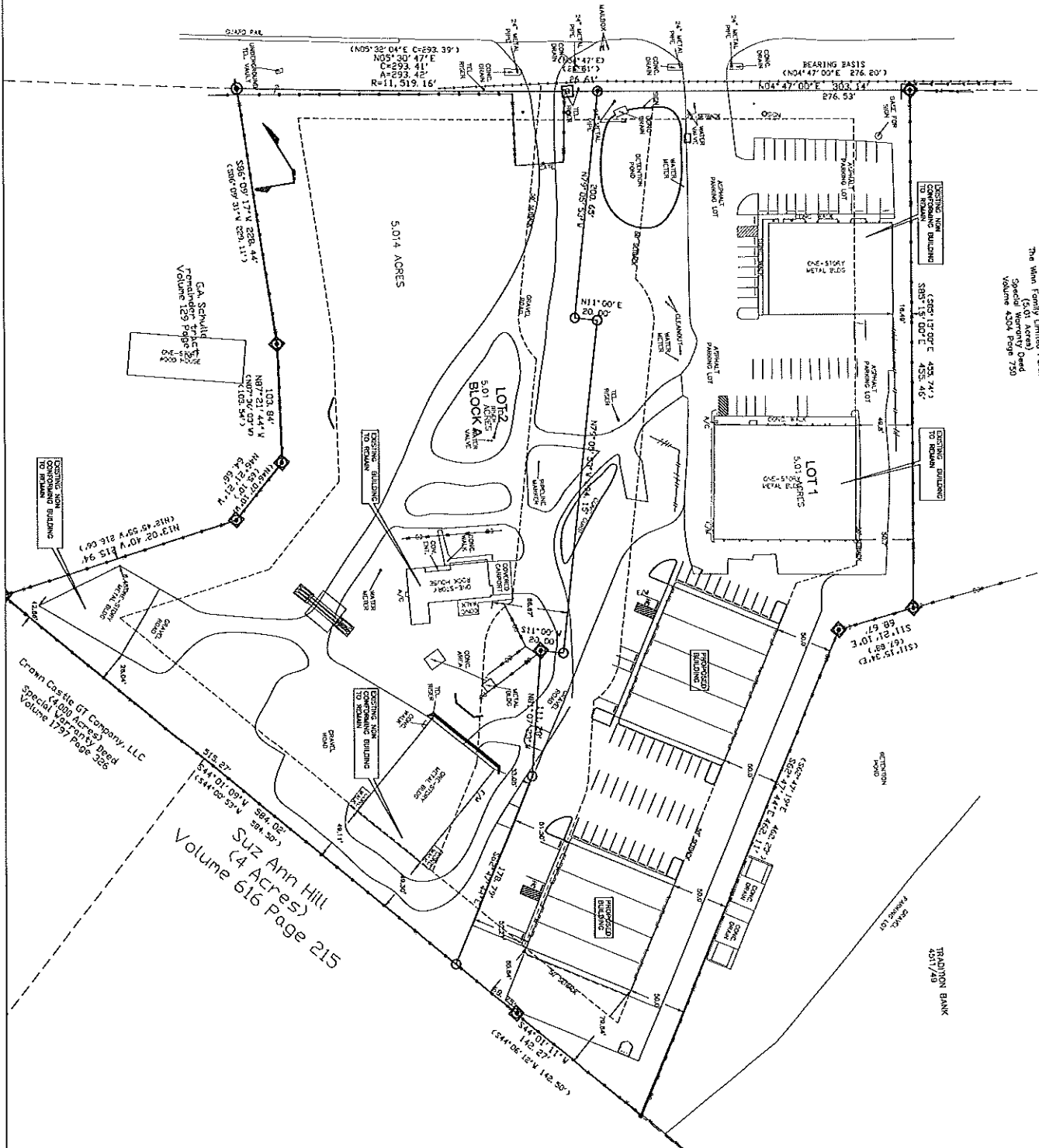


26 Ga. Evergreen Trim & Gutters



Amarillo White Stucco





The Whitt Family Limited Partnership
 Grantor (CO) University Deed
 Volume 4304 Page 750

Crown Castle GT Company, LLC
 14,000 Acres
 Special Use Permit Deed
 Volume 1797 Page 316

Suz Ann Hill
 (4 Acres)
 Volume 616 Page 215

CITY OF KYLE
 JAN 05 2016
 SCALE 1"=40' PLANNING DEPARTMENT

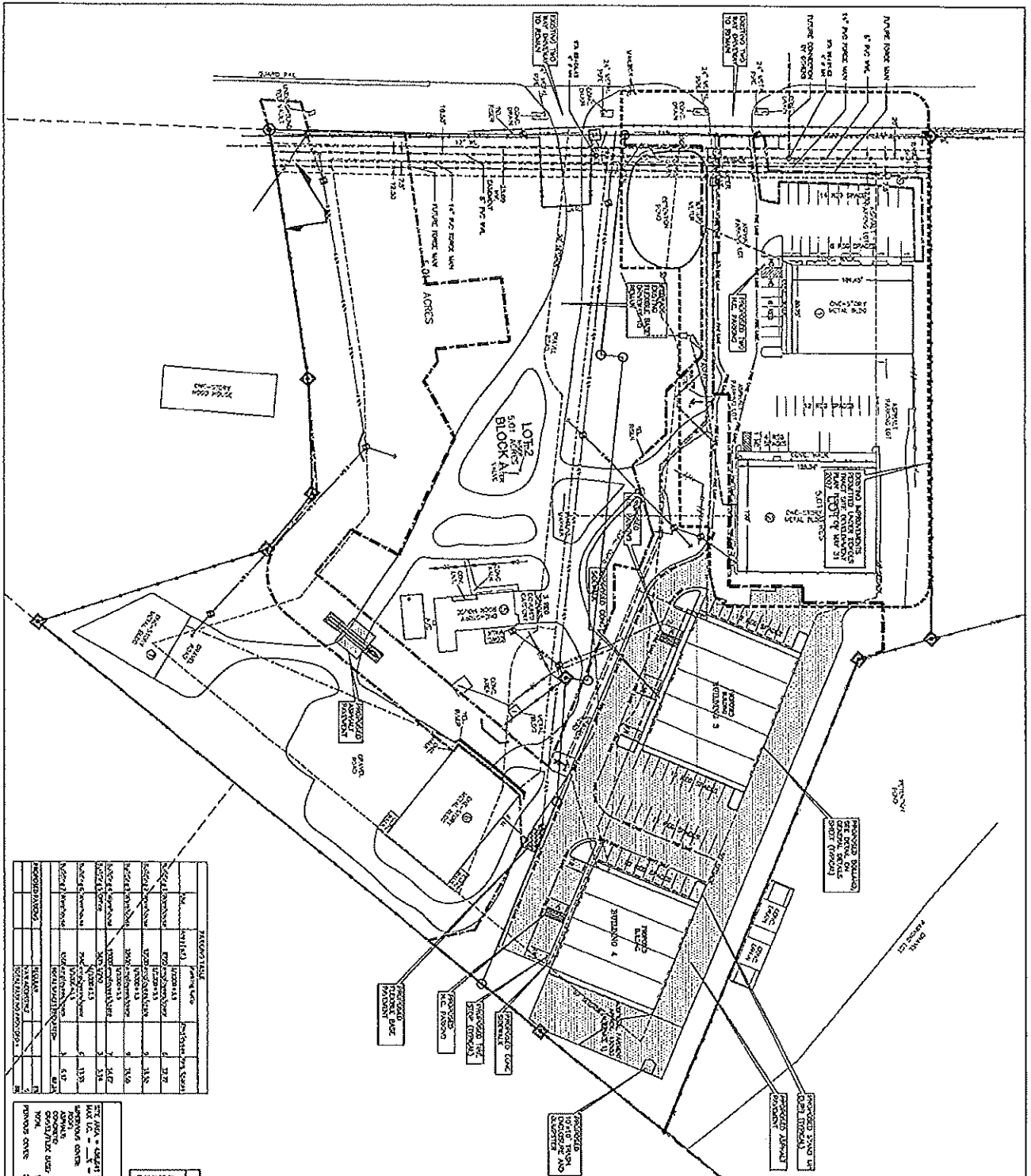
- LEGEND**
- PROPOSED LINE
 - EXISTING LINE
 - PROPERTY LINE
 - GRAVEL/PAVEMENT
 - WOOD FENCE
 - WOOD POST AND RAIL FENCE
 - EXISTING WATER
 - EXISTING WASTEWATER
 - UTILITY OF CONSTRUCTION
 - OVERHEAD CABLE/TELEPHONE LINE
 - CONCRETE DRIVE AND WALKER
 - WATER WELLS
 - CLEAN CUT
 - CGS METERS
 - MANHOLE
 - STREET SIGN
 - THREE CORNER POINT ZONE
 - ROAD-CORNER
 - ROAD-CORNER
 - SOILTYPE CATALOGIC POINT
 - 50'FT DILATION
 - 1/2" IRON ROD FOUND

EXISTING & PROPOSED BUILDINGS
KYLE INDUSTRIAL CENTER
 23703 IH 35
 KYLE, TEXAS

SERVANT ENGINEERING & CONSULTING, PLLC
 F-16504
 11312 ROBERT WOODROW DR
 AUSTIN, TEXAS 78745
 (512) 659-4368 TEL.
 (512) 251-8714 FAX

NO.	REVISION/CORRECTION	BY	DATE

DATE: 12-17-15
 DRAWN: WMB
 SHEET: 1 OF 1



PROPERTY	OWNER	ADDRESS	DATE	REMARKS
1
2
3
4
5
6
7
8
9
10

NO.	REVISION/CORRECTION	BY	DATE

GENERAL NOTES

1. THIS PLAN SHOWS THE PROPOSED LOTS AND BUILDINGS TO BE PROVIDED WITH A TYPICAL 1.5" X 1.5" LOT AREA.
2. THE LOT AREA IS TO BE PROVIDED BY THE CITY OF PUE.
3. THE PROPOSED LOTS ARE TO BE PROVIDED BY THE CITY OF PUE.
4. THE CITY OF PUE SHALL BE RESPONSIBLE FOR THE PROVISION OF ALL UTILITIES AND SERVICES TO THE LOTS AND BUILDINGS.
5. THE CITY OF PUE SHALL BE RESPONSIBLE FOR THE PROVISION OF ALL EASEMENTS AND RIGHTS-OF-WAY TO THE LOTS AND BUILDINGS.
6. THE CITY OF PUE SHALL BE RESPONSIBLE FOR THE PROVISION OF ALL ACCESS TO THE LOTS AND BUILDINGS.
7. THE CITY OF PUE SHALL BE RESPONSIBLE FOR THE PROVISION OF ALL PARKING AND TRAVEL AREAS.
8. THE CITY OF PUE SHALL BE RESPONSIBLE FOR THE PROVISION OF ALL LANDSCAPING AND PLANTING.
9. THE CITY OF PUE SHALL BE RESPONSIBLE FOR THE PROVISION OF ALL UTILITIES AND SERVICES TO THE LOTS AND BUILDINGS.
10. THE CITY OF PUE SHALL BE RESPONSIBLE FOR THE PROVISION OF ALL EASEMENTS AND RIGHTS-OF-WAY TO THE LOTS AND BUILDINGS.
11. THE CITY OF PUE SHALL BE RESPONSIBLE FOR THE PROVISION OF ALL ACCESS TO THE LOTS AND BUILDINGS.
12. THE CITY OF PUE SHALL BE RESPONSIBLE FOR THE PROVISION OF ALL PARKING AND TRAVEL AREAS.
13. THE CITY OF PUE SHALL BE RESPONSIBLE FOR THE PROVISION OF ALL LANDSCAPING AND PLANTING.

THE LAND SURVEYOR'S NOTES

BEFORE ANY CONSTRUCTION OF THIS PROJECT, THE LAND SURVEYOR SHALL BE PROVIDED WITH A TYPICAL 1.5" X 1.5" LOT AREA AND SHALL BE RESPONSIBLE FOR THE PROVISION OF ALL UTILITIES AND SERVICES TO THE LOTS AND BUILDINGS.

LEGEND

- PROPOSED LOT LINE
- EXISTING LOT LINE
- PROPOSED DRIVE
- EXISTING DRIVE
- PROPOSED WALKWAY
- EXISTING WALKWAY
- PROPOSED SIDEWALK
- EXISTING SIDEWALK
- PROPOSED CURB
- EXISTING CURB
- PROPOSED PAVEMENT
- EXISTING PAVEMENT
- PROPOSED UTILITY LINE
- EXISTING UTILITY LINE
- PROPOSED EASEMENT
- EXISTING EASEMENT
- PROPOSED RIGHT-OF-WAY
- EXISTING RIGHT-OF-WAY
- PROPOSED ENCROACHMENT
- EXISTING ENCROACHMENT
- PROPOSED SIGN
- EXISTING SIGN
- PROPOSED LIGHT
- EXISTING LIGHT
- PROPOSED FENCE
- EXISTING FENCE
- PROPOSED WALL
- EXISTING WALL
- PROPOSED GATE
- EXISTING GATE
- PROPOSED POST
- EXISTING POST
- PROPOSED RAIL
- EXISTING RAIL
- PROPOSED BRIDGE
- EXISTING BRIDGE
- PROPOSED TOWER
- EXISTING TOWER
- PROPOSED MAST
- EXISTING MAST
- PROPOSED ANTENNA
- EXISTING ANTENNA
- PROPOSED SIGN
- EXISTING SIGN
- PROPOSED LIGHT
- EXISTING LIGHT
- PROPOSED FENCE
- EXISTING FENCE
- PROPOSED WALL
- EXISTING WALL
- PROPOSED GATE
- EXISTING GATE
- PROPOSED POST
- EXISTING POST
- PROPOSED RAIL
- EXISTING RAIL
- PROPOSED BRIDGE
- EXISTING BRIDGE
- PROPOSED TOWER
- EXISTING TOWER
- PROPOSED MAST
- EXISTING MAST
- PROPOSED ANTENNA
- EXISTING ANTENNA

SCALE 1"=40'

ORIENTED NORTH

SITE PLAN
ECKOLS PROPERTIES
 23703 IH 35
 KYLE, TEXAS

SERVANT ENGINEERING & CONSULTING, PLLC
 F-15024
 12000 MANCHINGA DR SUITE C
 ALVINE, TEXAS 77645
 (409) 462-4356 TEL.
 (409) 464-5262 FAX



CONSIDER AND POSSIBLE ACTION

ITEM C

OAKS ON MARKETPLACE - VARIANCE



CITY OF KYLE

Community Development Department



MEMORANDUM

To: Kyle Planning Commission

From: Howard J. Koontz, Community Development Director

Date: 05/10/2016

Subject: **Variance to the landscape requirements for street and interior trees at "Oaks on Marketplace" apartment complex**

SITE LOCATION

The property is located at 20400 Marketplace Avenue, on the west side of Marketplace, at its intersection with Physician's Way. The property comprises 14.40 acres and is the site of a proposed apartment complex with 254 dwelling units.

APPLICANT'S REQUEST

The applicant seeks a variance from the terms of the landscape ordinance to install fewer canopy trees than what is required in the city's landscape ordinance. The site will have approximately 70% impervious surface coverage, in a district allowing 80% total impervious surface coverage. In the remaining areas where landscape trees will be installed (street trees, interior lot trees, parking area islands, etc.), the applicant proposes to install 168 trees overall, a reduction of nearly 44% from the minimum requirement of 298 trees. Fifteen of those 168 trees will be larger than the code minimum size at the time of installation (five (5) trees will be 6" in caliper and ten (10) trees will be 8" in caliper).

STAFF ANALYSIS AND RECOMMENDATION

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

STAFF RECOMMENDATION

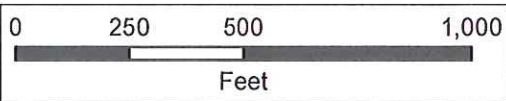
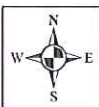
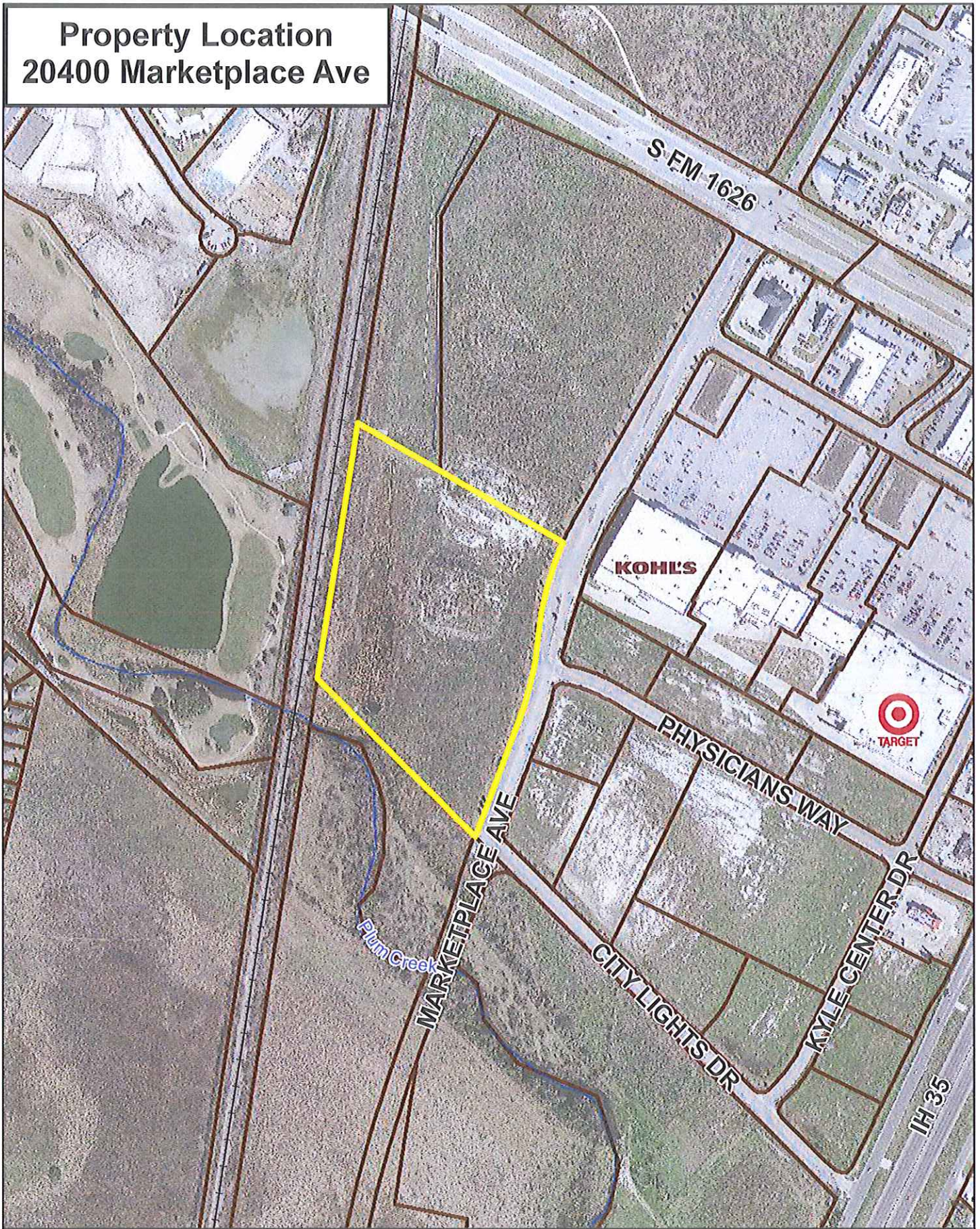
Staff has reviewed the request and is recommending approval of the request for the following reasons:

1. The proposal to reduce the total number of trees is not necessarily a reduction to the overall area of landscaping in buildable areas of the site, and appears to meet the intent of the landscape ordinance to promote an attractive and ecologically sensitive site.
2. Granting the variance petition will not be detrimental to the public health, safety or welfare, or injurious to other property within the area;
3. The request for a variance is not based exclusively on the petitioner's desire for increased financial gain from the property, or to reduce an existing financial hardship

ATTACHMENTS

1. Letter of Intent
2. Site Plan showing intended landscape installation plan

Property Location
20400 Marketplace Ave



 Property Boundary

 Parcel Lines



SAGE GROUP, INC.

MASTER PLANNING LANDSCAPE ARCHITECTURE SITE PLANNING
6106 BROADWAY SAN ANTONIO 78209
TEL 210.493.3747 FAX 210.493.3749

Project: **Oaks on Marketplace**

Date: April 12, 2016

To: City of Kyle

Fax Number:

Attn: Planning and Zoning

Tel Number:

From: Austin Dove

Number of Pages Sent: 1

Re: Landscape Tree Ordinance Compliance

To Whom it May Concern,

This is a formal request for variance to Section 53-988 and Section 53-922 of the City of Kyle ordinance relative to the tree requirements for the proposed Oaks on Marketplace Apartments for Teeple Partners.

Please find attached exhibit.

SITE TABULATIONS

14.40 Acres: Total Land Area

10.23 Acres: Total Buildable Area (land area minus rear drainage easement)

3.10 Acres: Total Pervious Cover of Developable Area (including rear, west electrical easement)

2.14 Acres: Total Pervious Cover of Developable Area (without rear, west electrical easement)

TREE REQUIREMENTS PER ORDINANCE

Section 53-988 Calculations (20% Landscape Area Requirement for R-3-3 Zoning)

445,750 sf (10.12 Acres Buildable Area) x .20 (20% Landscape Area Requirement) = 89,150 sf

Section 53-992 Calculations (per 600 sf of landscape area required, two trees and four shrubs shall be planted)

89,150 / 600 sf = 148.5

149 x 2 trees = 298 Trees required by ordinance at 4" minimum caliper

149 x 4 shrubs = 596 Shrubs required by ordinance

298 Trees x 4" = 1,192 Total Inches Required

1,192 total inches are required for planting on 2.14 total pervious acres



SAGE GROUP, INC.

MASTER PLANNING LANDSCAPE ARCHITECTURE SITE PLANNING
6106 BROADWAY SAN ANTONIO 78209
TEL 210.493.3747 FAX 210.493.3749

TREE PROPOSAL

612" = 153 Trees at 4" Proposed
30" = 5 Trees at 6" Proposed
80" = 10 Trees at 8" Proposed
98" = Total Inches of Saved Trees

820" Total Inches Proposed

820" Proposed of 1,192" Required = 69%

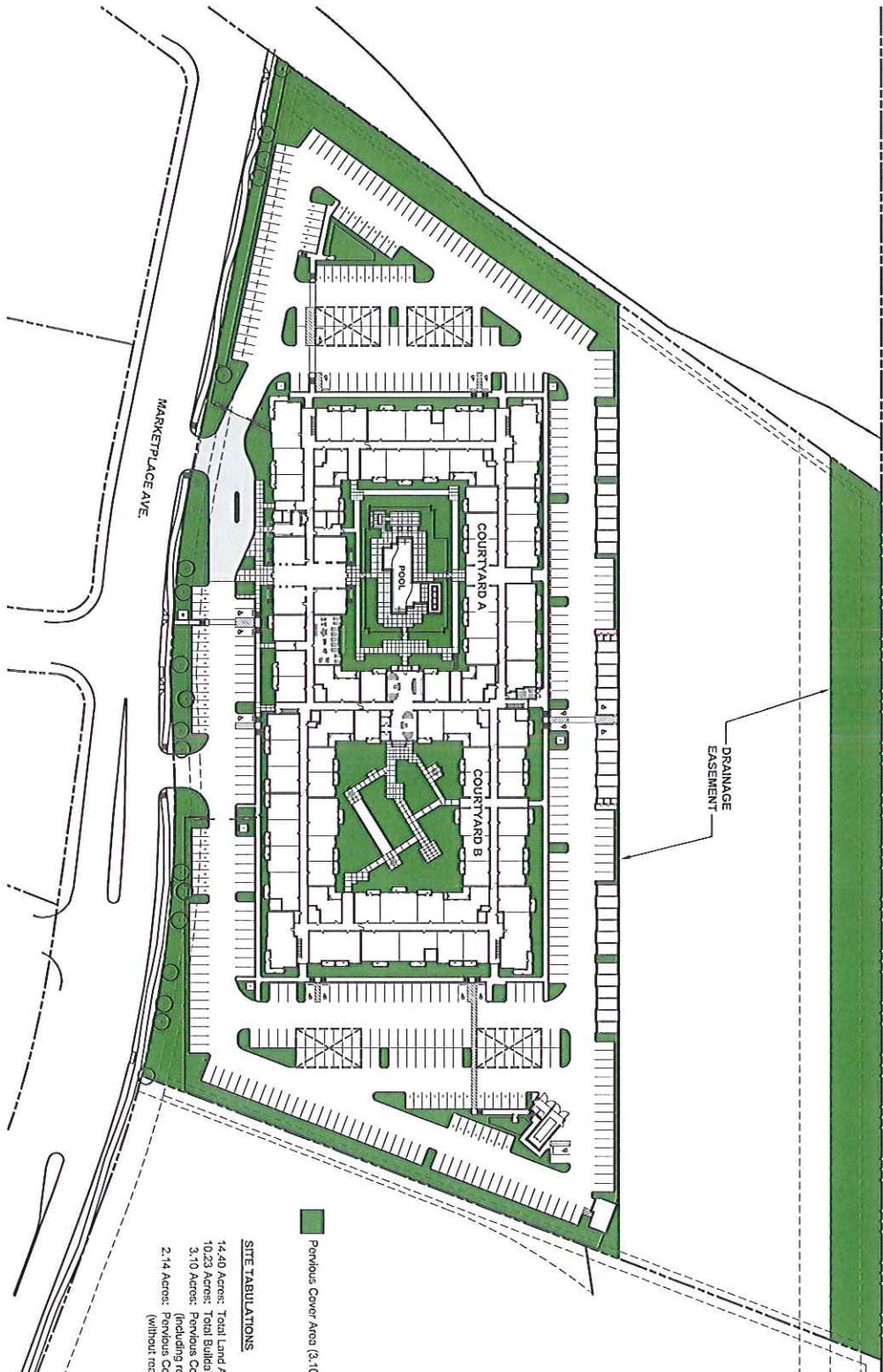
We respectfully request a variance for the required 298 trees at 4" caliper (total of 1,192 inches) to be planted) due to the congestion and difficulties in planting 298 trees in a 2.14 acre total pervious planting area.

It is in our professional opinion, that the aesthetic, buffering, and environmental intent is being met within the submitted Landscape Permit Plan.

Thank you for your time and consideration.

Respectfully,

Austin Dove
The Sage Group

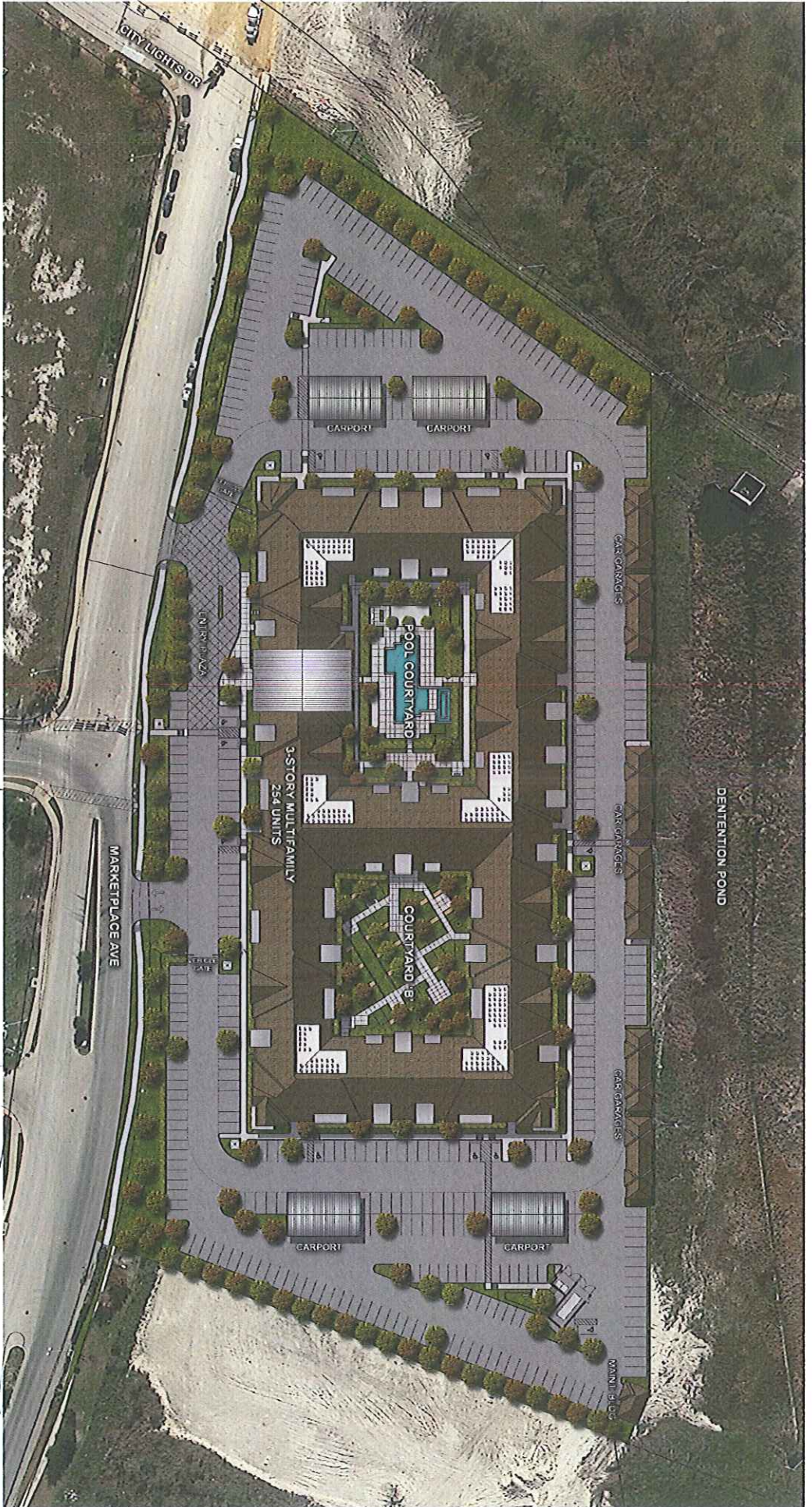


■ Pervious Cover Area (3.10 Acres)

SITE TABULATIONS

- 14.40 Acres: Total Land Area
- 10.23 Acres: Total Bulidable Area (minus rear drainage easmt.)
- 3.10 Acres: Pervious Cover of Bulidable Area (Including rear, west electric easement)
- 2.14 Acres: Pervious Cover of Bulidable Area (without rear, west electric easement)

SOUTH PACIFIC RAILROAD

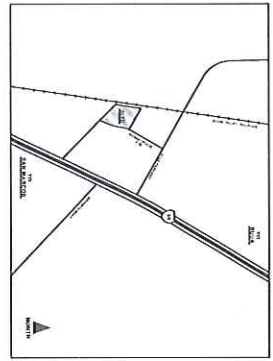


TEEPLE
PARTNERS

01 SITE PLAN
SCALE: 1"=40'-0"

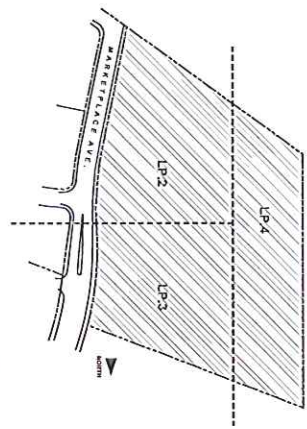


Neighborhood Map



Map 10-2016

Site Key



Map 10-2016

Existing Tree Inventory

Table with 4 columns: QTY, Key, Common Name, Botanical Name, Size, Condition. Lists trees like 151 6' Oak, 152 6' Oak, etc.

City of Austin and the general an ordinance provided by the City of Austin...

Permit Notes and Calculations

Permit Notes and Calculations text detailing permit requirements and calculations for the project.

Plant List

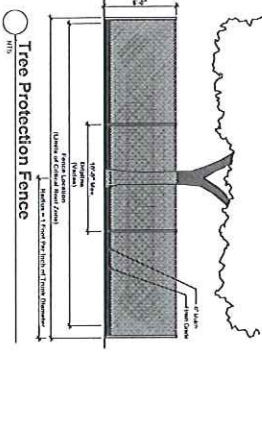
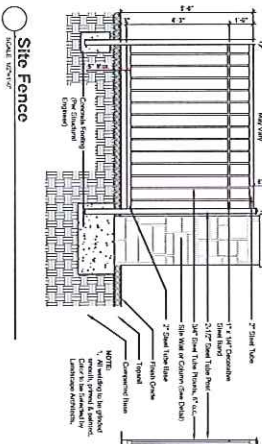
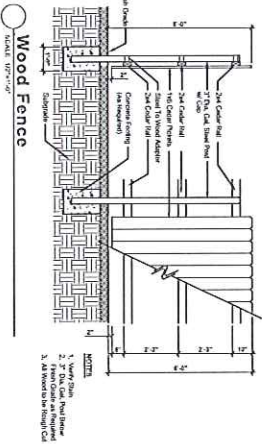
Plant List table with columns: QTY, Key, Common Name, Botanical Name, Size, Condition. Lists plants like 6 HO Texas Bird Oak, 7 CL Cedar Elm, etc.

General Notes

- General Notes list including items like 1. All trees and shrubs to be removed... 2. Landscaping shall be provided and installed...

Construction Notes

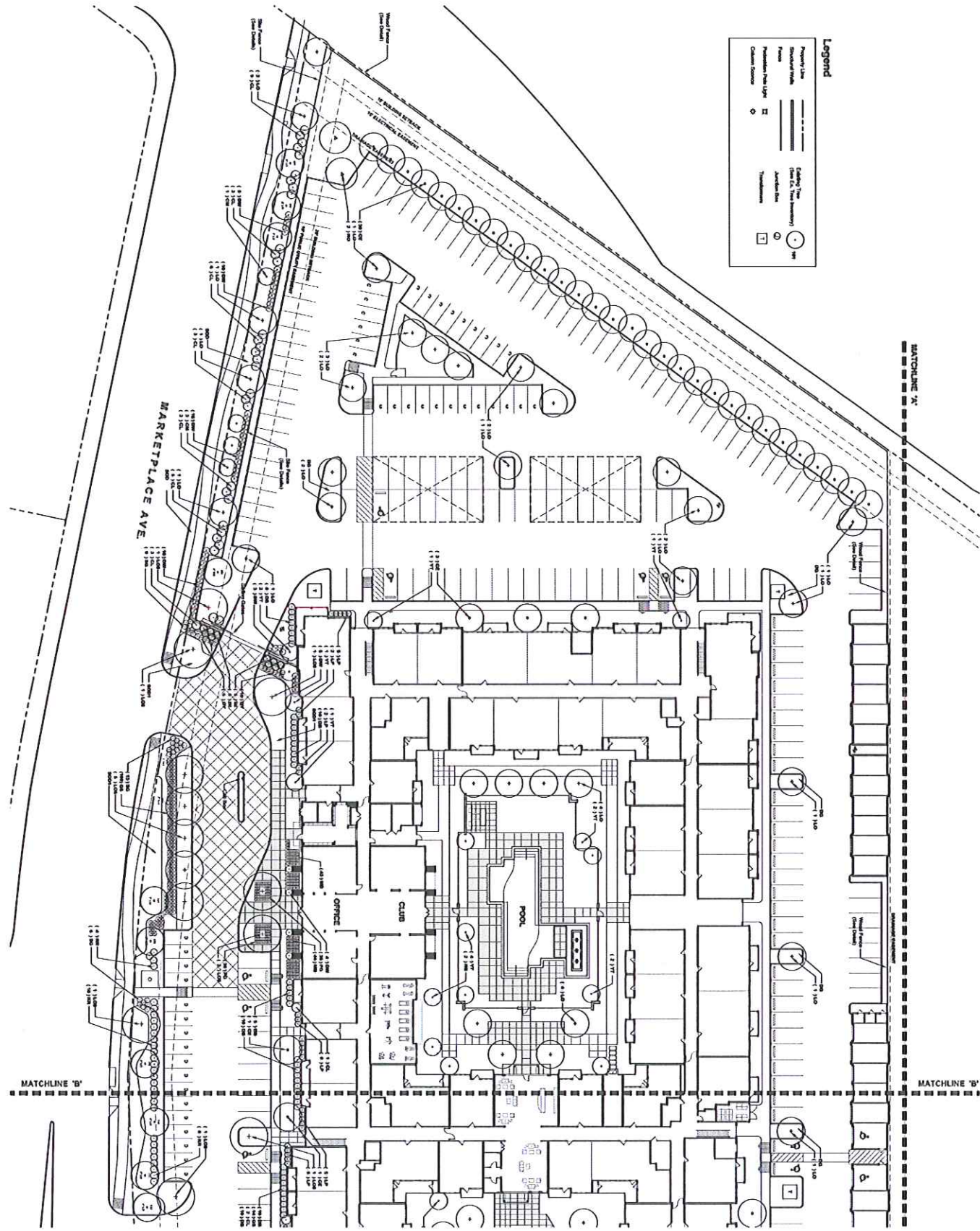
- Construction Notes list including items like 1. All plant material to be verified by Landscape Contractor... 2. All stems must comply with the American Standard for Nursery Stock...



Project information block including OAKS ON MARKETPLACE, 20400 MarketPlace Ave, Kyle, Texas 78640, Teple Partners, 1301 Capital of Texas Highway South, Suite A-134, Austin, Texas 78746.

Logos for SAFC GROUP, INC., SAFC GROUP, LLC, and SAFC GROUP, LP, along with the City of Austin seal.

Site Development Permit and Landscape Notes section with various checkboxes and notes.



Legend

Property Line	Existing Site	Existing Tree (Over 10' High)	Proposed Tree (Over 10' High)
Proposed Site	Proposed Site	Existing Tree (Under 10' High)	Proposed Tree (Under 10' High)
Proposed Tree (Over 10' High)	Proposed Tree (Under 10' High)	Proposed Tree (Over 10' High)	Proposed Tree (Under 10' High)
Proposed Tree (Over 10' High)	Proposed Tree (Under 10' High)	Proposed Tree (Over 10' High)	Proposed Tree (Under 10' High)
Proposed Tree (Over 10' High)	Proposed Tree (Under 10' High)	Proposed Tree (Over 10' High)	Proposed Tree (Under 10' High)

OAKS ON MARKETPLACE
 20400 Marketplace Ave.
 Kyle, Texas 78640

Teepie Partners
 1301 Capital of Texas Highway South, Suite A-134
 Austin, Texas 78748

LAND GROUP, INC.
 LANDSCAPE ARCHITECTS
 1100 N. BRIDGES
 AUSTIN, TEXAS 78701
 TEL: 512.476.1234
 FAX: 512.476.1235



LANDSCAPE PLAN

DATE:	10/15/01
PROJECT:	OAKS ON MARKETPLACE
OWNER:	TEEPIE PARTNERS
DESIGNED BY:	LAND GROUP, INC.
CHECKED BY:	LAND GROUP, INC.
DATE:	10/15/01

SITE DEVELOPMENT PERMIT

1. Landscaping Plan

2. Site Development Permit

3. Final Site Plan

4. Final Site Plan

5. Final Site Plan

6. Final Site Plan

7. Final Site Plan

8. Final Site Plan

9. Final Site Plan

10. Final Site Plan

11. Final Site Plan

12. Final Site Plan

13. Final Site Plan

14. Final Site Plan

15. Final Site Plan

16. Final Site Plan

17. Final Site Plan

18. Final Site Plan

19. Final Site Plan

20. Final Site Plan

21. Final Site Plan

22. Final Site Plan

23. Final Site Plan

24. Final Site Plan

25. Final Site Plan

26. Final Site Plan

27. Final Site Plan

28. Final Site Plan

29. Final Site Plan

30. Final Site Plan

31. Final Site Plan

32. Final Site Plan

33. Final Site Plan

34. Final Site Plan

35. Final Site Plan

36. Final Site Plan

37. Final Site Plan

38. Final Site Plan

39. Final Site Plan

40. Final Site Plan

41. Final Site Plan

42. Final Site Plan

43. Final Site Plan

44. Final Site Plan

45. Final Site Plan

46. Final Site Plan

47. Final Site Plan

48. Final Site Plan

49. Final Site Plan

50. Final Site Plan

51. Final Site Plan

52. Final Site Plan

53. Final Site Plan

54. Final Site Plan

55. Final Site Plan

56. Final Site Plan

57. Final Site Plan

58. Final Site Plan

59. Final Site Plan

60. Final Site Plan

61. Final Site Plan

62. Final Site Plan

63. Final Site Plan

64. Final Site Plan

65. Final Site Plan

66. Final Site Plan

67. Final Site Plan

68. Final Site Plan

69. Final Site Plan

70. Final Site Plan

71. Final Site Plan

72. Final Site Plan

73. Final Site Plan

74. Final Site Plan

75. Final Site Plan

76. Final Site Plan

77. Final Site Plan

78. Final Site Plan

79. Final Site Plan

80. Final Site Plan

81. Final Site Plan

82. Final Site Plan

83. Final Site Plan

84. Final Site Plan

85. Final Site Plan

86. Final Site Plan

87. Final Site Plan

88. Final Site Plan

89. Final Site Plan

90. Final Site Plan

91. Final Site Plan

92. Final Site Plan

93. Final Site Plan

94. Final Site Plan

95. Final Site Plan

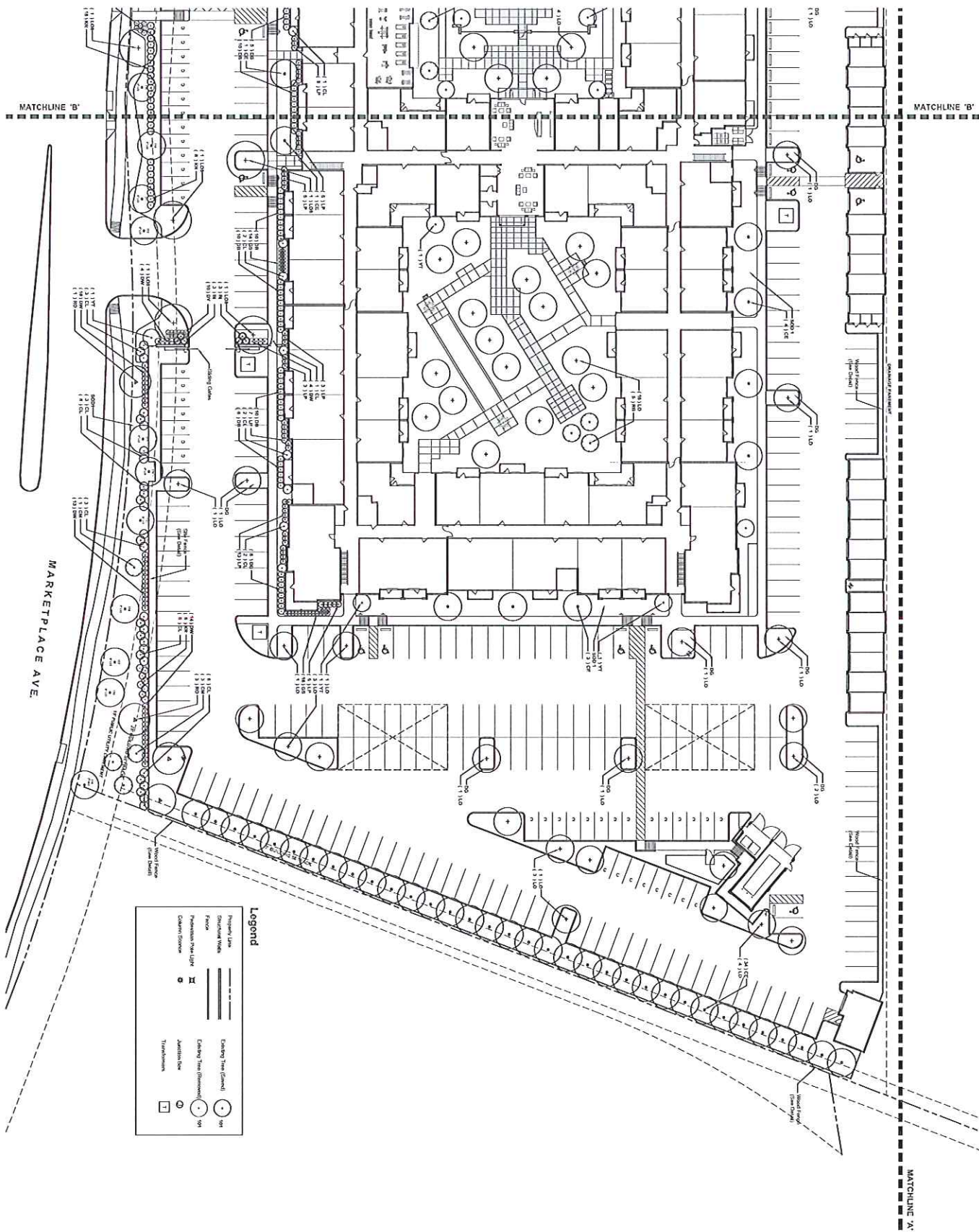
96. Final Site Plan

97. Final Site Plan

98. Final Site Plan

99. Final Site Plan

100. Final Site Plan



Legend

Thermal Line	—————	Casting Stone (Green)	○
Structural Wall	—————	Casting Stone (Brown)	○
Frame	—————	American Oak	○
Perimeter Post (Green)	○	Trunkless	○
Cast-in-Place Concrete	○		

LP3 . 5

Site Development Permit

Project Information:

Project Name: OAKS ON MARKETPLACE

Site Address: 20400 Marketplace Ave., Kyle, TX 78640

Owner: L&C GROUP, INC.

Architect: [Faded]

Engineer: [Faded]

Permit Number: [Faded]

Issue Date: [Faded]

Scale: [Faded]

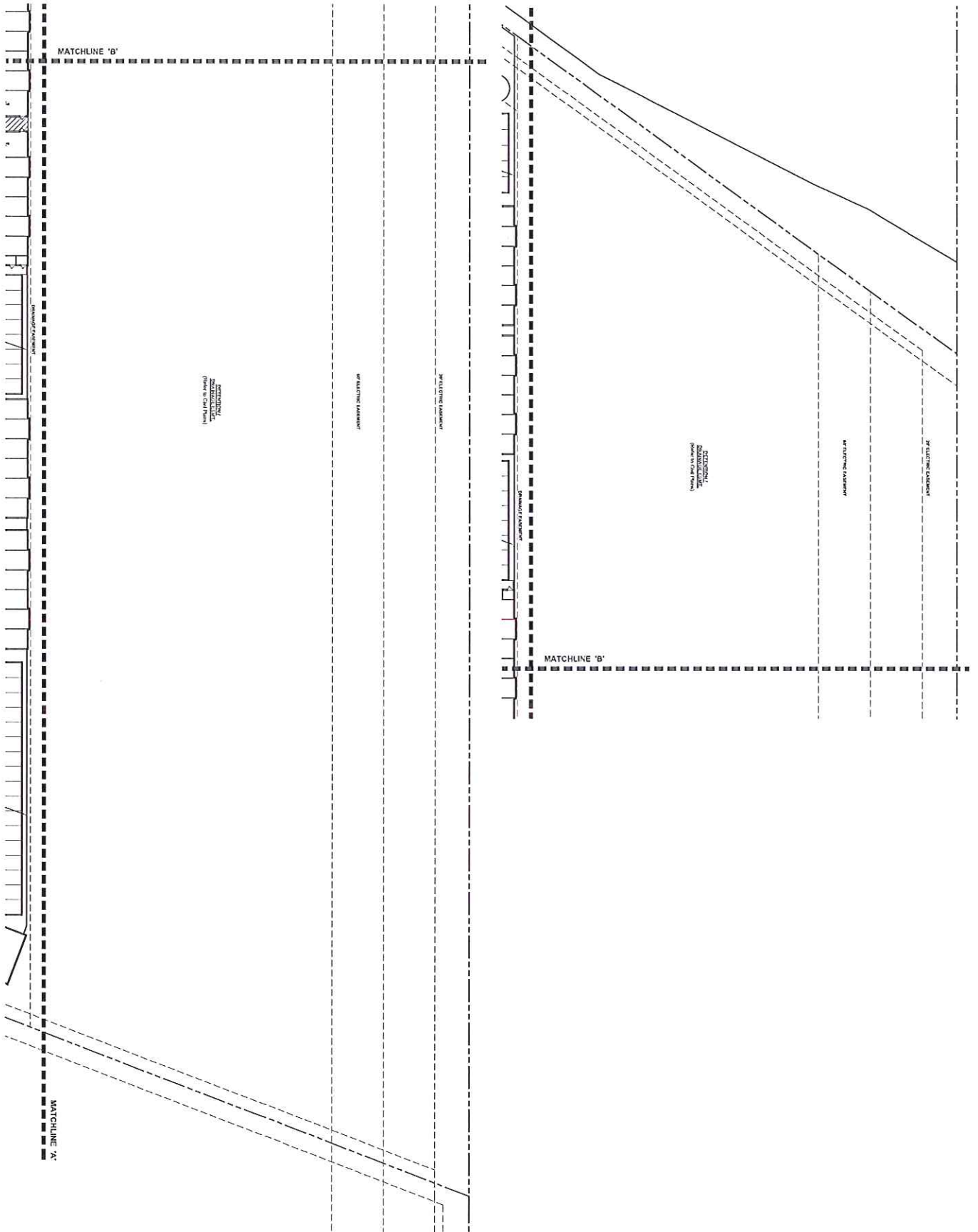
Sheet: [Faded]



L&C GROUP, INC.
 1301 CAPITAL OF TEXAS HIGHWAY SOUTH, SUITE A-134
 AUSTIN, TEXAS 78745
 TEL: 512.452.1122
 FAX: 512.452.1123

OAKS ON MARKETPLACE
 20400 Marketplace Ave.
 Kyle, Texas 78640

Teple Partners
 1301 Capital of Texas Highway South, Suite A-134
 Austin, Texas 78745



Landscaping Plan
 This plan shows the location and quantity of trees and shrubs to be planted on the site. The trees and shrubs are to be planted in accordance with the specifications set forth in the attached schedule. The trees and shrubs are to be planted in the locations shown on this plan. The trees and shrubs are to be planted in the locations shown on this plan.

SITE DEVELOPMENT PERMIT
 I hereby certify that the information furnished on this form is true and correct to the best of my knowledge and belief, and that I am a duly qualified professional engineer or architect as defined in the Texas State Constitution, Article 16, Section 101, and in the Texas Education Code, Chapter 1043, Subchapter C, Section 1043.001, and that I am a duly licensed professional engineer or architect in the State of Texas.

NO.	DESCRIPTION	QUANTITY	PLANT SPECIES	PLANT SIZE	PLANTING DATE	PLANTING LOCATION
1
2
3
4
5
6
7
8
9
10



VADE GROUP, INC.
 20400 Marketplace Ave.
 Kyle, Texas 76640
 254.333.1111
 www.vadegroup.com

OAKS ON MARKETPLACE
 20400 Marketplace Ave.
 Kyle, Texas 76640
Teeple Partners
 1301 Capital of Texas Highway South, Suite A-134
 Austin, Texas 78746

LANDSCAPE PERFORMANCE SPECIFICATIONS

PART 1 - GENERAL

GENERAL

Design and Construction. Contractor shall provide and construct, install, and maintain all work and materials necessary to complete the Landscaping Installation. The Contractor shall be responsible for the Contractor's schedule and for the Contractor's performance. The Contractor shall be responsible for the Contractor's schedule and for the Contractor's performance. The Contractor shall be responsible for the Contractor's schedule and for the Contractor's performance.

SCOPE

Provide all material and labor necessary for the completion of the Landscaping Installation. The Contractor shall be responsible for the Contractor's schedule and for the Contractor's performance. The Contractor shall be responsible for the Contractor's schedule and for the Contractor's performance. The Contractor shall be responsible for the Contractor's schedule and for the Contractor's performance.

MANUAL EXAMINATION

A. **ANALYSIS:** American Association of Nurserymen, Inc., "Nursery Standard of Nursery Stock," ANSI Z601.1-1996. B. All applicable quality standards set forth by the State of Texas Department of Agriculture, Division and Land Use Control Division. All items must meet or exceed the requirements of the Texas Department of Agriculture. C. All applicable quality standards set forth by the State of Texas Department of Agriculture, Division and Land Use Control Division. All items must meet or exceed the requirements of the Texas Department of Agriculture.

GENERAL NOTES

The Landscaping Installation shall be in accordance with the specifications set forth in the Contract Documents. The Contractor shall be responsible for the Contractor's schedule and for the Contractor's performance. The Contractor shall be responsible for the Contractor's schedule and for the Contractor's performance. The Contractor shall be responsible for the Contractor's schedule and for the Contractor's performance.

GENERAL NOTES

The Landscaping Installation shall be in accordance with the specifications set forth in the Contract Documents. The Contractor shall be responsible for the Contractor's schedule and for the Contractor's performance. The Contractor shall be responsible for the Contractor's schedule and for the Contractor's performance. The Contractor shall be responsible for the Contractor's schedule and for the Contractor's performance.

GENERAL NOTES

The Landscaping Installation shall be in accordance with the specifications set forth in the Contract Documents. The Contractor shall be responsible for the Contractor's schedule and for the Contractor's performance. The Contractor shall be responsible for the Contractor's schedule and for the Contractor's performance. The Contractor shall be responsible for the Contractor's schedule and for the Contractor's performance.

GENERAL NOTES

The Landscaping Installation shall be in accordance with the specifications set forth in the Contract Documents. The Contractor shall be responsible for the Contractor's schedule and for the Contractor's performance. The Contractor shall be responsible for the Contractor's schedule and for the Contractor's performance. The Contractor shall be responsible for the Contractor's schedule and for the Contractor's performance.

GENERAL NOTES

The Landscaping Installation shall be in accordance with the specifications set forth in the Contract Documents. The Contractor shall be responsible for the Contractor's schedule and for the Contractor's performance. The Contractor shall be responsible for the Contractor's schedule and for the Contractor's performance. The Contractor shall be responsible for the Contractor's schedule and for the Contractor's performance.

GENERAL NOTES

The Landscaping Installation shall be in accordance with the specifications set forth in the Contract Documents. The Contractor shall be responsible for the Contractor's schedule and for the Contractor's performance. The Contractor shall be responsible for the Contractor's schedule and for the Contractor's performance. The Contractor shall be responsible for the Contractor's schedule and for the Contractor's performance.

GENERAL NOTES

The Landscaping Installation shall be in accordance with the specifications set forth in the Contract Documents. The Contractor shall be responsible for the Contractor's schedule and for the Contractor's performance. The Contractor shall be responsible for the Contractor's schedule and for the Contractor's performance. The Contractor shall be responsible for the Contractor's schedule and for the Contractor's performance.

Landscaping Specifications

PART 2 - MATERIALS

GENERAL

Provide all material and labor necessary for the completion of the Landscaping Installation. The Contractor shall be responsible for the Contractor's schedule and for the Contractor's performance. The Contractor shall be responsible for the Contractor's schedule and for the Contractor's performance. The Contractor shall be responsible for the Contractor's schedule and for the Contractor's performance.

GENERAL

Provide all material and labor necessary for the completion of the Landscaping Installation. The Contractor shall be responsible for the Contractor's schedule and for the Contractor's performance. The Contractor shall be responsible for the Contractor's schedule and for the Contractor's performance. The Contractor shall be responsible for the Contractor's schedule and for the Contractor's performance.

GENERAL

Provide all material and labor necessary for the completion of the Landscaping Installation. The Contractor shall be responsible for the Contractor's schedule and for the Contractor's performance. The Contractor shall be responsible for the Contractor's schedule and for the Contractor's performance. The Contractor shall be responsible for the Contractor's schedule and for the Contractor's performance.

GENERAL

Provide all material and labor necessary for the completion of the Landscaping Installation. The Contractor shall be responsible for the Contractor's schedule and for the Contractor's performance. The Contractor shall be responsible for the Contractor's schedule and for the Contractor's performance. The Contractor shall be responsible for the Contractor's schedule and for the Contractor's performance.

GENERAL

Provide all material and labor necessary for the completion of the Landscaping Installation. The Contractor shall be responsible for the Contractor's schedule and for the Contractor's performance. The Contractor shall be responsible for the Contractor's schedule and for the Contractor's performance. The Contractor shall be responsible for the Contractor's schedule and for the Contractor's performance.

GENERAL

Provide all material and labor necessary for the completion of the Landscaping Installation. The Contractor shall be responsible for the Contractor's schedule and for the Contractor's performance. The Contractor shall be responsible for the Contractor's schedule and for the Contractor's performance. The Contractor shall be responsible for the Contractor's schedule and for the Contractor's performance.

GENERAL

Provide all material and labor necessary for the completion of the Landscaping Installation. The Contractor shall be responsible for the Contractor's schedule and for the Contractor's performance. The Contractor shall be responsible for the Contractor's schedule and for the Contractor's performance. The Contractor shall be responsible for the Contractor's schedule and for the Contractor's performance.

GENERAL

Provide all material and labor necessary for the completion of the Landscaping Installation. The Contractor shall be responsible for the Contractor's schedule and for the Contractor's performance. The Contractor shall be responsible for the Contractor's schedule and for the Contractor's performance. The Contractor shall be responsible for the Contractor's schedule and for the Contractor's performance.

GENERAL

Provide all material and labor necessary for the completion of the Landscaping Installation. The Contractor shall be responsible for the Contractor's schedule and for the Contractor's performance. The Contractor shall be responsible for the Contractor's schedule and for the Contractor's performance. The Contractor shall be responsible for the Contractor's schedule and for the Contractor's performance.

GENERAL

Provide all material and labor necessary for the completion of the Landscaping Installation. The Contractor shall be responsible for the Contractor's schedule and for the Contractor's performance. The Contractor shall be responsible for the Contractor's schedule and for the Contractor's performance. The Contractor shall be responsible for the Contractor's schedule and for the Contractor's performance.

OAKS ON MARKETPLACE
 20400 Marketplace Ave.
 Kyle, Texas 76640
Teple Partners
 1301 Capital of Texas Highway South, Suite A-134
 Austin, Texas 78746

5432 GROUP - INC.
 1301 CAPITAL OF TEXAS HIGHWAY SOUTH, SUITE A-134
 AUSTIN, TEXAS 78746
 TEL: 787.866.0000
 FAX: 787.866.0000
 WWW: WWW.5432GROUP.COM



Landscaping Specifications

SECTION 01100 - GENERAL

1. SUMMARY

A. Section Includes

1. Landscaping Installation

B. Related Sections

1. Site Preparation

2. Irrigation System

3. Fencing

2. REFERENCES

A. Manual

1. American Association of Nurserymen, Inc., "Nursery Standard of Nursery Stock," ANSI Z601.1-1996.

B. Specifications

1. Division 01, Section 01100, "Landscaping Installation," 2013 MasterFormat.

3. MATERIALS

A. Plants

1. All plants shall be of the highest quality and shall be selected by the Contractor in consultation with the Architect.

2. All plants shall be of the appropriate size and quantity for the project.

3. All plants shall be of the appropriate variety and shall be selected by the Contractor in consultation with the Architect.

B. Soil

1. All soil shall be of the highest quality and shall be selected by the Contractor in consultation with the Architect.

2. All soil shall be of the appropriate type and shall be selected by the Contractor in consultation with the Architect.

C. Fertilizer

1. All fertilizer shall be of the highest quality and shall be selected by the Contractor in consultation with the Architect.

2. All fertilizer shall be of the appropriate type and shall be selected by the Contractor in consultation with the Architect.

D. Mulch

1. All mulch shall be of the highest quality and shall be selected by the Contractor in consultation with the Architect.

2. All mulch shall be of the appropriate type and shall be selected by the Contractor in consultation with the Architect.

E. Water

1. All water shall be of the highest quality and shall be selected by the Contractor in consultation with the Architect.

2. All water shall be of the appropriate type and shall be selected by the Contractor in consultation with the Architect.

4. EXECUTION

A. Preparation

1. The Contractor shall prepare the site in accordance with the specifications set forth in the Contract Documents.

2. The Contractor shall prepare the site in accordance with the specifications set forth in the Contract Documents.

B. Installation

1. The Contractor shall install the Landscaping Installation in accordance with the specifications set forth in the Contract Documents.

2. The Contractor shall install the Landscaping Installation in accordance with the specifications set forth in the Contract Documents.

C. Maintenance

1. The Contractor shall maintain the Landscaping Installation in accordance with the specifications set forth in the Contract Documents.

2. The Contractor shall maintain the Landscaping Installation in accordance with the specifications set forth in the Contract Documents.

CONSIDER AND POSSIBLE ACTION

ITEM E

RECOMMENDATION TO CITY COUNCIL ON THE
COMPREHENSIVE PLAN MID-TERM UPDATE

To: Kyle City Council members and Mayor Todd Webster
From: Kyle Planning and Zoning Commissioners

Subject: City of Kyle Comprehensive Plan Mid-Term Update Recommendations

Dear Mayor Webster and Council members:

The City of Kyle Planning and Zoning Commission is pleased to report that a mid-term analysis of the 2010 Comprehensive Plan indicates that a professionally executed update will allow the Plan to remain viable for another five years and a full scale renovation is not recommended at this time. This report is the product of individual inspection and discussion by Planning Commissioners plus input from the general public and a large group of business stakeholders between August 2015 and March 2016. Listed below are some of the suggested modifications and updates that have come out of these meetings.

1. Critical Update Areas:

Update the included Future Land Use Map (2006) and the Zoning Map (2009).

Replace the included Hays County Master Transportation Plan with the 2016 version of the plan currently in development.

Add a reference to the Wastewater Capacity Study to the Comprehensive Plan.

Make references to the new Economic Development Strategic Plan and use the demographics included in this plan to update the Tax Gap Analysis section of the Comprehensive Plan.

Review current location of Employment District and assess possibilities of alternate locations.

Revise the existing Application Chart in each of the twelve Land Use Districts to reflect the zoning use changes to each district that have been revised in the last five years.

Re-evaluate the current Land Use Districts and the three categories of nodes to determine if they are still appropriate.

Consider creating a mixed use zoning category.

Consider creating a office/institutional category.

2. Suggested Update Areas:

Economic Development plans should be coordinated with correct land uses for specific areas such as the Hospital District.

Identify and create tools necessary to facilitate and implement the goals of the Comprehensive Plan.

Modify City web page to include the Comprehensive Plan as a key link to make it more accessible.

Encourage making infrastructure decisions for neighborhood designs that include more than one housing type in planned developments.

Encourage development with more quality of life initiatives such as walkable neighborhoods, integrated office space and neighborhood commercial development.

Encourage the sustainability of site designs: such as the capture and re-use of storm water runoff to irrigate landscape, encourage xeriscaping policies and implementation of dark sky ordinances to curb light pollution.

3. Consider inclusion of the following ideas from citizen and business stakeholder input:

Develop a Priorities and Principles Policy to make the city more selective about the type and quality of businesses being invited into Kyle and put infrastructure in place for high quality growth and real estate investment opportunities.

Plan for better interconnectivity between new and existing developments and access to community businesses including wider sidewalks and improved road technology.

Put the onus of responsibility for facilities development on the developers themselves.

Revise existing traffic impact analysis threshold numbers for new development that anticipate future needs of infrastructure improvement.

Facilitate the ease of diversity in housing types in the City's existing codes and regulations.

Development density should be targeted toward high growth corridors

Highlight growth policy statements within the Comprehensive Plan.

4. Summary Statement:

The Planning and Zoning Commissioners do not imply that all of these suggestions be implemented into the Comprehensive Plan but we do recommend that our City Council should contract a team of professionals to incorporate whatever modifications are deemed appropriate to bring our existing Comprehensive Master Plan up to date and insure that it will remain a viable document for the next five years.

Thank you on behalf of all the contributing Kyle Planning and Zoning Commissioners.

Michele Christie, Dex Ellison, Lori Huey, Timothy Kay, Irene Melendez, Mike Rubsam, Dan Ryan, Allison Wilson and Mike Wilson