

# CITY OF KYLE

## Planning & Zoning Commission Special Called 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 June 28, 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 24th day of June prior to 6:30 PM.

**1. CALL MEETING TO ORDER**

**2. ROLL CALL**

**3. CITIZEN COMMENTS**

**4. PRESENTATION**

A. Recognition of Mike Wilson for years of service to the Planning and Zoning Commission.

**5. ELECTION VICE-CHAIR**

**6. CONSENT**

A. Woodlands Park Phase III – Final Plat (FP-16-008)

27.324 acres; 102 Lots

Located off of CR 158 (Woodlands Subdivision)

Owner: Woodlands 75, LLC.

Agent: Dustin Goss, Pape-Dawson Engineers

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

- B. Urbina Addition – Short Form Final Plat (SFP-16-002)  
5 acres; 2 Lots  
Located at 3931 Dacy Lane  
Owner: Anita Urbina  
Agent: Richard McDaniel, Ash & Assoc.  
Staff Proposal to P&Z: Statutorily disapprove to meet the 30 day requirement.
- C. Dacy Village Subdivision, Lot 1 and 3, Block B – Final Plat (FP-16-004)  
2.54 acres; 2 Lots  
Located at the southwest corner of Bebee Road and Dacy Lane  
Owner: Dacy Lane, LLC.  
Agent: Hugo Elizondo, Jr., P.E., Cuatro Consultant  
Staff Proposal to P&Z: Approve the Final Plat
- D. Bunton Creek Phase 6C – Final Plat (FP-16-003)  
20.747 acres; ---84 Single Family Lots  
Located at the extension of Violet Lane and the extension of Twin Estate Drive  
Owner: LGI Homes, Texas, LLC.  
Agent: Jon Adame, P.E., Pape-Dawson Engineers  
Staff Proposal to P&Z: Approve the Final Plat
- E. Fairway Landings at Plum Creek – Site Plan (SD-16-006)  
14.066 acres; 1 Lot  
Located at 510 Kohler’s Crossing  
Owner: PC Operating Partners, Ltd.  
Agent: Charles D. Steinman, P.E., CSF Civil Group  
Staff Proposal to P&Z: Approve the Site Development Plan

## **7. CONSIDER AND POSSIBLE ACTION**

- A. Consider an amendment to the City of Kyle, Code of Ordinances, Chapter 11, Article IV (Peddlers, Solicitors and Vendors).
- Public Hearing
  - Recommendation to City Council

## **8. GENERAL DISCUSSION**

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

## **9. STAFF REPORT**

## 10. 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 Special Called 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:

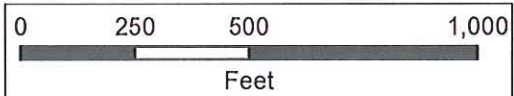
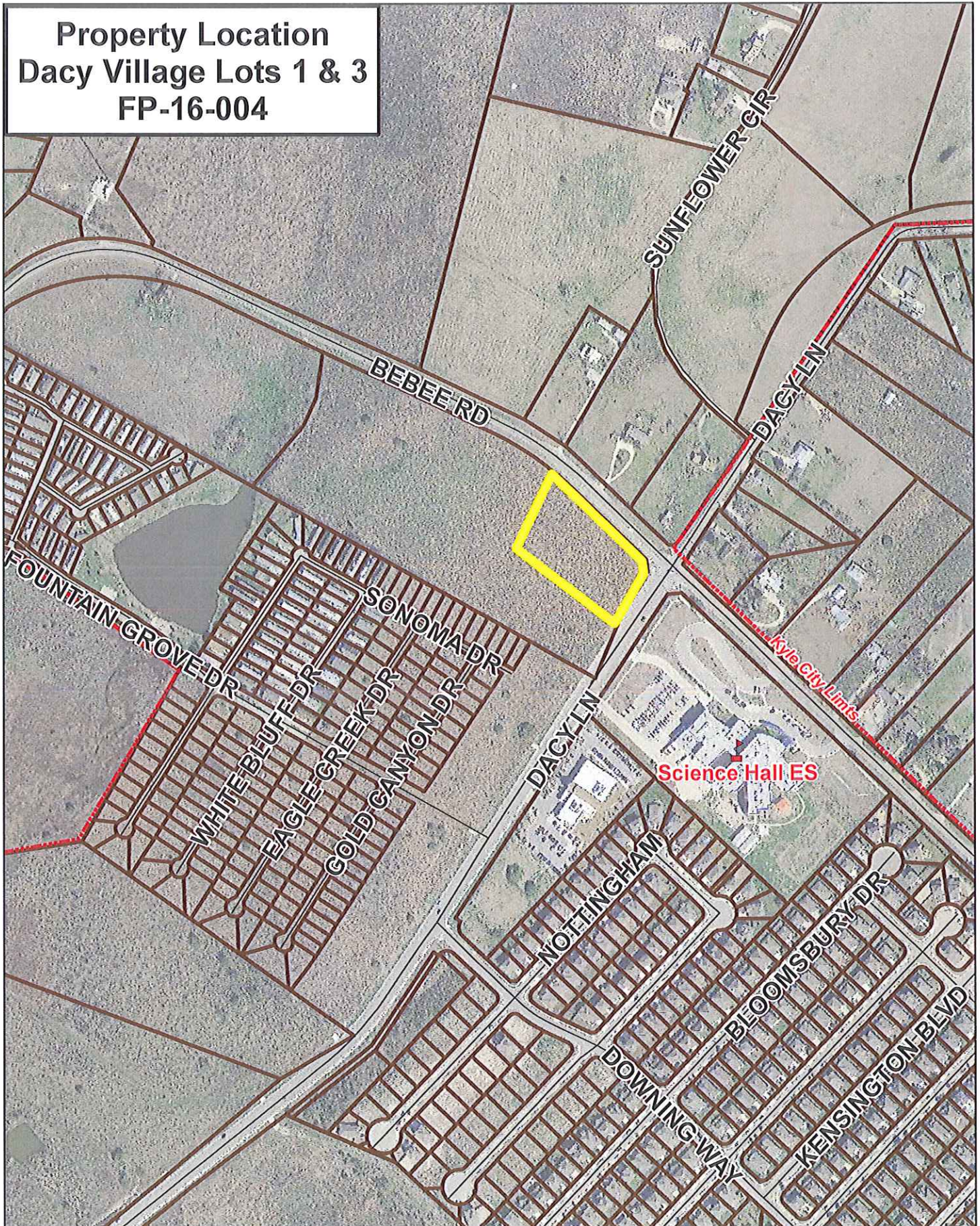
  
Howard J. Koontz, AICP  
Director of Planning and Community Development

06/24/2016  
Date

## **6. CONSENT AGENDA – ITEM C**

DACY VILLAGE SUBD. LOT 1 & 3, BLOCK B (FP-16-004)

**Property Location**  
**Dacy Village Lots 1 & 3**  
**FP-16-004**



 Property Boundary

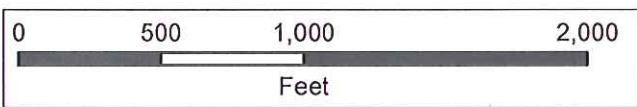
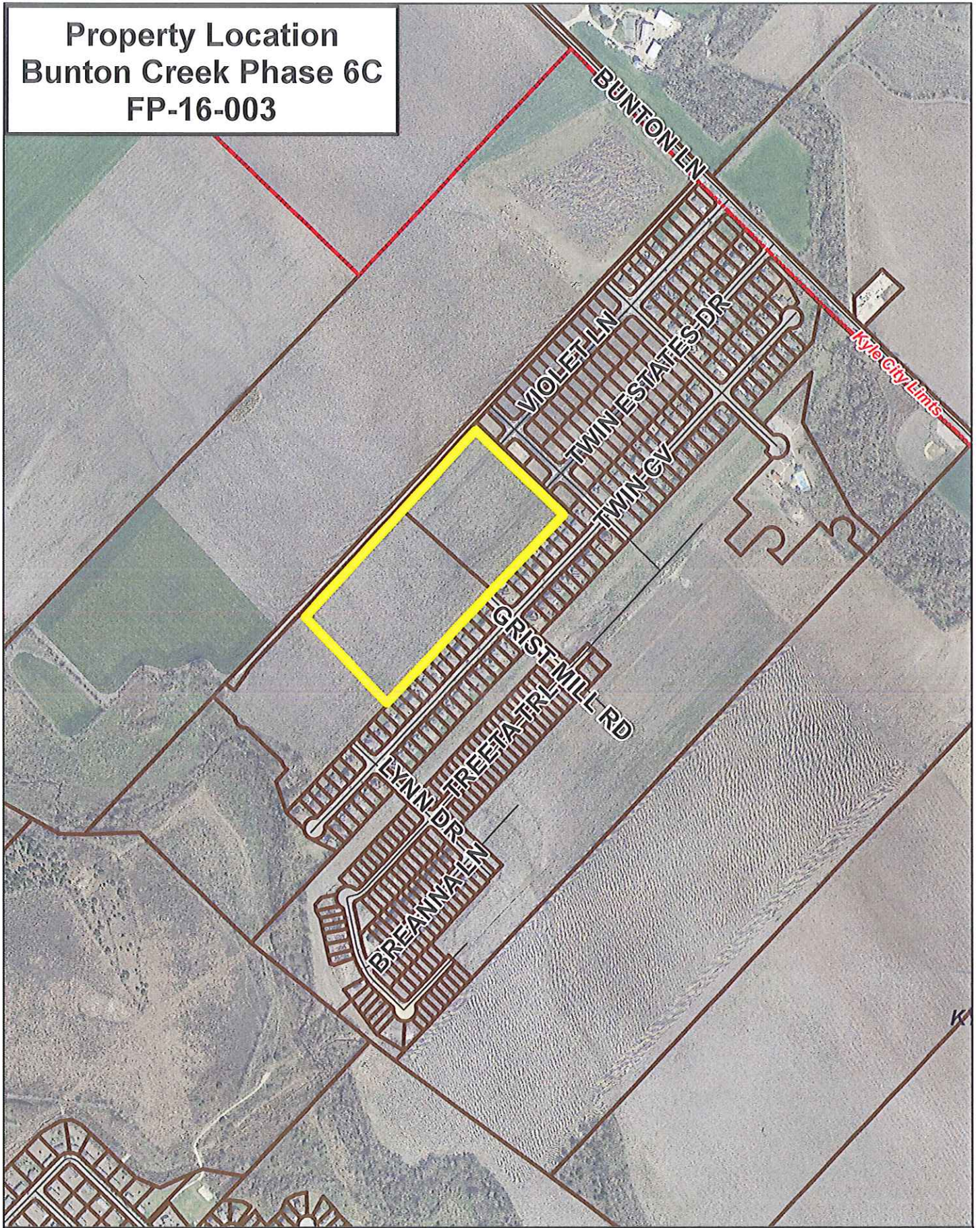
 Parcel Lines



**6. CONSENT AGENDA – ITEM D**

BUNTON CREEK PHASE 6C – FINAL PLAT (FP-16-003)

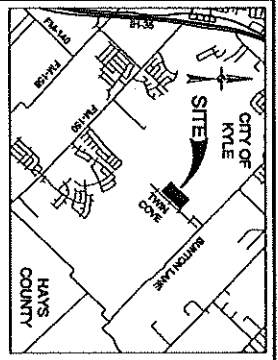
Property Location  
Bunton Creek Phase 6C  
FP-16-003



Property Boundary

Parcel Lines



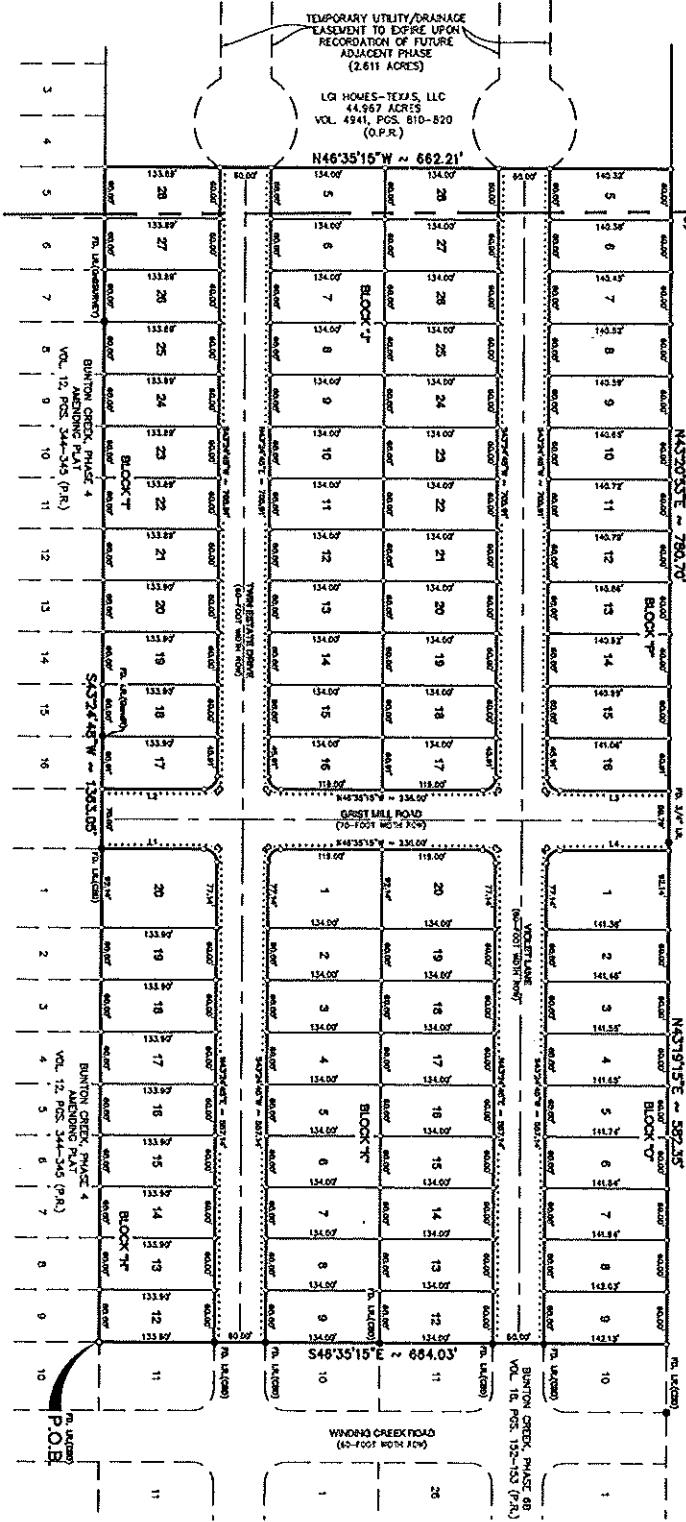


**FINAL PLAT**  
**OF**  
**BUNTON CREEK PHASE 6C**

A 20.27 ACRE TRACT OF LAND BEING OUT OF A CALLED AS AT THE PROJECT, DESCRIBED IN COMPANION TO THE RECORDS OF HAYS COUNTY, TEXAS, LAUDATORY DEEDS RECORDED IN VOLUME 404, PAGE 280 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, SITUATED IN THE M.B. ATKINSON SURVEY NO. 10, ABSTRACT NO. 21, IN THE CITY OF KYLE, HAYS COUNTY, TEXAS.

A 10.00 ACRE TRACT OF LAND BEING OUT OF A CALLED AS AT THE PROJECT, DESCRIBED IN COMPANION TO THE RECORDS OF HAYS COUNTY, TEXAS, LAUDATORY DEEDS RECORDED IN VOLUME 404, PAGE 280 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, SITUATED IN THE M.B. ATKINSON SURVEY NO. 10, ABSTRACT NO. 21, IN THE CITY OF KYLE, HAYS COUNTY, TEXAS.

MATCHLINE  
 SHEET 2 OF 3



WALTON TEXAS, LP  
 342.14 ACRES  
 VOL. 439, PGS. 768-776 (O.P.R.)

M.B. ATKINSON  
 SURVEY NO. 10  
 ABSTRACT NO. 21

N43°19'15"E = 582.35'

N43°20'35"E = 786.70'

N43°19'15"E = 582.35'

**OWNERS:**  
 LGI HOMES-TEXAS, LLC  
 44.967 ACRES  
 VOL. 434, PGS. 810-820 (O.P.R.)

**ENGINEER:**  
 M.B. ATKINSON SURVEYING, INC.  
 7800 SHILOH CREEK BLVD., SUITE 200 WEST  
 AUSTIN, TX 78757  
 (817) 488-8877  
 (817) 488-8877

**SERVER:**  
 M.B. ATKINSON SURVEYING, INC.  
 AUSTIN, TX 78757

**NUMBER OF BLOCKS:** 8  
**DISMEMBERMENT LOTS:** 14  
**SUBMITTAL DATE:** MARCH 2018

**CURVE TABLE**

CURVE # / RADIIUS	DELTA	CHORD BEARING	CHORD LENGTH
C1	15.00'	S89°07'00"W	25.21'
C2	15.00'	S89°07'00"W	25.21'
C3	15.00'	S89°07'00"W	25.21'
C4	15.00'	S89°07'00"W	25.21'
C5	15.00'	S89°07'00"W	25.21'
C6	15.00'	S89°07'00"W	25.21'
C7	15.00'	S89°07'00"W	25.21'
C8	15.00'	S89°07'00"W	25.21'

**LINE TABLE**

LINE #	BEARING	LENGTH
L1	N43°19'15"E <td>582.35'</td>	582.35'
L2	S49°35'15"W <td>684.03'</td>	684.03'
L3	S49°35'15"W <td>684.03'</td>	684.03'
L4	N43°19'15"E <td>582.35'</td>	582.35'

**LEGEND**

--- BOUNDARY

--- CURVE

--- POINT OF BEGINNING

--- POINT OF CURVATURE

--- POINT OF TANGENCY

--- POINT OF BEGINNING

--- POINT OF TANGENCY

--- POINT OF BEGINNING

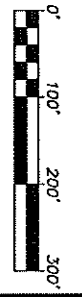
--- POINT OF TANGENCY

--- POINT OF BEGINNING

--- POINT OF TANGENCY

--- POINT OF BEGINNING

--- POINT OF TANGENCY



**FINAL PLAT  
OF  
BUNTON CREEK, PHASE 6C**

A 20.747 ACRE TRACT OF LAND, BEING OUT OF A CALLED 44,987 ACRE TRACT DESCRIBED IN CONVEYANCE TO LGI HOMES-TEXAS, LLC IN SPECIAL WARRANTY DEED RECORDED IN VOLUME 4841, PAGES 818-820 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, SITUATED IN THE M&A ATTORNSON SURVEY NO. 18, ABSTRACT NO. 21, IN THE CITY OF RUEL, HAYS COUNTY, TEXAS.

**FIELD NOTES**

A 20.747 ACRE, OR 800,754 SQUARE FEET MORE OR LESS, TRACT OF LAND, BEING OUT OF A CALLED 44,987 ACRE TRACT, DESCRIBED IN CONVEYANCE TO LGI HOMES-TEXAS, LLC IN SPECIAL WARRANTY DEED RECORDED IN VOLUME 4841, PAGES 818-820 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, SITUATED IN THE M&A ATTORNSON SURVEY NO. 18, ABSTRACT NO. 21, IN THE CITY OF RUEL, HAYS COUNTY, TEXAS, BEING MORE FULLY DESCRIBED AS FOLLOWS: WITH BEARINGS BASED ON THE NORTH AMERICAN DATUM OF 1983 (NAD 2011) EPOCH 2010.00, FROM THE TEXAS COORDINATE SYSTEM ESTABLISHED FOR THE SOUTH CENTRAL ZONE.

BEGINNING at an iron rod with a cap marked "C307" found, the west corner of Lot 10, Block H and the north corner of Lot 9, Block H, both of the Bunton Creek, Phase 4 Amending Plat recorded in Volume 12, Pages 344-345 of the Plat Records of Hays County, Texas, the south corner of Lot 11, Block H of the Bunton Creek, Phase 6B Subdivision recorded in Volume 18, Pages 152-153 of the Plat Records of Hays County, Texas:

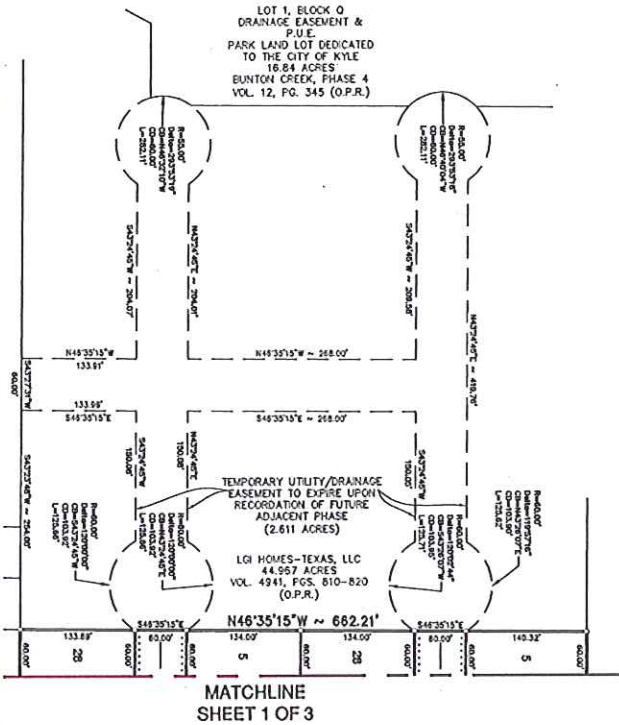
THENCE S 42°24'42" W, with the northwest line of said Bunton Creek, Phase 4 Amending Plat, a distance of 1382.05 feet to a 1/2" iron rod with a yellow cap marked "Pape-Dawson" set, the north corner of Lot 4, Block H and the west corner of Lot 5, Block H, both recorded in said Bunton Creek, Phase 4 Amending Plat;

THENCE N 46°35'15" W, departing the northwest line of said Bunton Creek, Phase 4 Amending Plat, through the interior of the aforementioned called 44,987 acre tract, a distance of 682.21 feet to a 1/2" iron rod with a yellow cap marked "Pape-Dawson" set, on the southeast line of a called 342.14 acre tract recorded in Volume 4389, Pages 768-776 of the Official Public Records of Hays County, Texas, same being a point in the northwest line of said called 44,987 acre tract;

THENCE with the southeast line of said called 342.14 acre tract, same being the northwest line of said called 44,987 acre tract, the following two (2) courses and distances:

1. THENCE N 42°20'23" E, a distance of 750.70 feet to a 1/2" iron rod found;
2. THENCE N 42°19'15" E, a distance of 522.25 feet to a 1/2" iron rod with a yellow cap marked "Pape-Dawson" set, the west corner of Lot 10, Block O recorded in the aforementioned Bunton Creek, Phase 6B;

THENCE S 48°25'15" E, departing the southeast line of said called 342.14 acre tract, with the southeast line of said called 44,987 acre tract, a distance of 20.747 acres to the POINT OF BEGINNING of the herein described tract and comprising 20.747 acres in the City of Ruel, Hays County, Texas. Said tract being described in accordance with a plat by Pape Dawson Engineers.



**GENERAL NOTES:**

1. THIS PLAT IS SUBJECT TO THE DEVELOPMENT AND SETTLEMENT AGREEMENT FOR THE BUNTON CREEK SUBDIVISION RECORDED IN VOLUME 12, PAGES 344-345 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, AND THE CITY OF RUEL ON APRIL 15, 2004. SUBDIVISION RECORDS SHALL BE IN ACCORDANCE WITH THE AGREEMENT.
2. ALL STREETS, DRAINAGE STRUCTURES AND PERMANENT EROSION CONTROLS SHALL BE CONSTRUCTED AND INSTALLED TO THE CITY OF RUEL STANDARDS.
3. NO LOT IN THIS SUBDIVISION SHALL BE OCCUPIED UNTIL CONNECTED TO AN APPROVED PUBLIC WATER SUPPLY SYSTEM.
4. NO LOT IN THIS SUBDIVISION SHALL BE OCCUPIED UNTIL CONNECTED TO AN APPROVED WASTEWATER DISPOSAL SYSTEM.
5. NO PORTION OF SUBJECT TRACT IS LOCATED WITHIN THE 100-YEAR FLOODPLAIN, PER FEMA 2006. NO OCCUPANCY RATE MAP NUMBER ASSOCIATION, EFFECTIVE DATE OF SEPTEMBER 2, 2006.
6. UTILITY SERVICE: WASTEWATER - THE WATER SUPPLY CORPORATION WASTEWATER - CITY OF RUEL ELECTRIC - FREDERICKS ELECTRIC COOPERATIVE SCHOOL - HAYS COUNTY - DENTX TELEPHONE - THE WARRNER CABLE
7. EROSION CONTROL: CERTAIN AREAS WITH A WARRNER BARBED WIRE CORNER AT THE NORTHEAST CORNER OF A SUB LOT AT THE SOUTH END OF BUNTON CREEK DRIVE AS SHOWN ON THE BUNTON CREEK, PHASE 5A FINAL PLAT.
8. NO OCCUPYING RESIDING ACCESSORY BUILDING, POOL OR LANDSCAPING SHALL BE INSTALLED TO BE USED OR BUILT WITHIN DRAINAGE CATCHMENTS DESIGNATED AS APPROVED BY THE CITY OF RUEL.
9. PROPERTY OWNERS SHALL ALLOW ACCESS TO DRAINAGE AND UTILITY EASEMENTS FOR INSPECTION, REPAIR, MAINTENANCE AND RECONSTRUCTION AS MAY BE NECESSARY.
10. DRAINAGE EASEMENTS ON PRIVATE PROPERTY SHALL BE MAINTAINED BY THE HOMEOWNER OR HIS/HER ASSOCIATION.
11. SIGNAGES SHALL BE INSTALLED ON THE SUBDIVISION SIDE OF TWIN ESTATED DRIVE GATE AT THE ENTRANCE TO THE SUBDIVISION. THE SIGNAGE SHALL BE IN ACCORDANCE WITH THE COMMERCIAL OR INDUSTRIAL LOT SHALL BE INSTALLED WHEN THE ADJOINING STREET IS CONSTRUCTED WHERE THERE ARE DOUBLE FRONTAGE LOTS. SIGNAGES ON THE STREET TO WHICH ACCESS IS PROVIDED ARE ALSO REQUIRED TO BE INSTALLED WHEN THE STREET IS IN THE SUBDIVISION AND CONSTRUCTED.
12. THIS SUBDIVISION IS LOCATED WITHIN THE PLUM CREEK WATERSHED.
13. TYPICAL LANDSCAPE MAINTENANCE, CUTTING AND TRIMMING, WITHIN THE SUBDIVISION, ALL EASEMENTS, DETENTION POND AND RIGHT OF WAYS TO THE DEVELOPER TO BE THE RESPONSIBILITY OF PROPERTY OWNERS AND/OR PROPERTY OWNERS ASSOCIATION.

FOR REVIEW ONLY, NOT FOR FINAL RECORDATION

**Pape-Dawson**  
**ENGINEERS**

7000 SPICAL CORNER L&D | ALSTWICKS WEST | PHONE 512.843.1171  
RAIFTS 201 WEST |

**FINAL PLAT  
OF  
BUNTON CREEK, PHASE 6C**

A 20.72 ACRE TRACT OF LAND BEING PART OF A 64.00 ACRE TRACT, BEING BUNTON CREEK PHASE 6C, AS SHOWN ON THE PUBLIC RECORDS OF HAYS COUNTY, TEXAS, BEING MORE FULLY DESCRIBED IN VOLUME 441, PAGE 380 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, SITUATED IN THE S.W. 1/4 SECTION NO. 21, T.12N. R.12E. AS IN THE CITY OF WYLLIE, HAYS COUNTY, TEXAS.

KNOW ALL MEN BY THESE PRESENTS, THAT L. LOU HENDERSON, LLC, A TEXAS LIMITED LIABILITY COMPANY, WITH ITS HOME ADDRESS AT 1480 LAKE ROBERTS DRIVE, STE. 420, THE WOODLANDS, TEXAS 77380, OWNER OF THE ABOVE DESCRIBED TRACT OF LAND, HAS CAUSED THIS PLAT TO BE PREPARED AND RECORDED IN THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, DOES HEREBY SUBSCRIBE SAID PLAT AS ONE OF THE ATTESTATION SURVEY NO. 10, ABSTRACT NO. 21, TO BE KEPT AS:

BUNTON CREEK, PHASE 6C

IN ACCORDANCE WITH THE PLAT SHOWN HEREON, SUBJECTS TO ANY AND ALL RESTRICTIONS HERETOFORE PRINTED, AND DO HEREBY DEDICATE TO THE PUBLIC THE USE OF STREETS AND EASEMENTS SHOWN HEREON.

L. LOU HENDERSON, LLC  
BY: JACK LAMAR  
DIRECTIVE VICE PRESIDENT  
1480 LAKE ROBERTS DRIVE, SUITE 420  
THE WOODLANDS, TEXAS 77380

THE STATE OF TEXAS  
COUNTY OF MONTGOMERY

BEFORE ME, THE UNDERSIGNED AUTHORITY ON THIS DAY PERSONALLY APPEARED \_\_\_\_\_, HEREINAFTER TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND HEREBY ACKNOWLEDGED TO ME THAT HE/SHE THAT EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREON EXPRESSED AND IN THE CAPACITY THEREIN AND HEREBY SET OUT, AND AS THE ACT AND DEED OF SAID SUBSCRIBER GIVES UNDER MY HAND AND SEAL OF OFFICE THIS DAY OF \_\_\_\_\_, A.D., 20\_\_.

NOTARY PUBLIC, STATE OF TEXAS

PRINTED NOTARY'S NAME \_\_\_\_\_  
MY COMMISSION EXPIRES: \_\_\_\_\_

BY: DOUG CRISMAN  
COUNTY OF \_\_\_\_\_  
STATE OF TEXAS

BEFORE ME, THE UNDERSIGNED AUTHORITY ON THIS DAY PERSONALLY APPEARED DOUG CRISMAN, WELLS FARGO BANK, WELLS FARGO BANK NATIONAL ASSOCIATION, OWNER AND HOLDER OF LIENS AGAINST THE PROPERTY DESCRIBED IN THE PLAT HEREON AS BUNTON CREEK, PHASE 6C, AGAINST THE PROPERTY DESCRIBED IN INSTRUMENT OF RECORD IN VOLUME 441, PAGE 380 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, DO HEREBY IN ALL THINGS SUBSCRIBES TO SAID PLAT, SAID LIENS AND HEREBY CONSENTS TO THE PLAT AND THE PRESENT OWNER OF SAID LIENS AND HAVE NOT ASSIGNED THE SAME FOR ANY PART THEREOF.

NOTARY PUBLIC IN AND FOR  
THE STATE OF TEXAS

THE STATE OF TEXAS  
COUNTY OF TARRANT

I, PHOENIX J. GRANVILLE, 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 WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY SHOWN UNDER MY SUPERVISION AND THAT THE MEASUREMENTS WERE PROBABLY CHECKED BY MY SUPERVISION.

PHOENIX J. GRANVILLE  
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5288  
STATE OF TEXAS  
1200 WEST 10TH STREET, SUITE 100  
DALLAS, TEXAS 75208  
DATE: 01/26/2011

THE STATE OF TEXAS  
COUNTY OF TARRANT  
I, MICHAEL S. FISHER, A PROFESSIONAL ENGINEER, HEREBY CERTIFY THAT PROPER ENGINEERING HAS BEEN GIVEN THIS PLAT TO THE MATTERS OF STREETS, LOTS AND DRAINAGE LAYOUT, TO THE BEST OF MY KNOWLEDGE THIS PLAT COMPLIES TO ALL REQUIREMENTS OF THE DEVELOPMENT CODE.

MICHAEL S. FISHER  
REGISTERED PROFESSIONAL ENGINEER NO. 87704  
STATE OF TEXAS  
1200 WEST 10TH STREET, SUITE 100  
DALLAS, TEXAS 75208  
DATE: 01/26/2011

REVIEW BY:

CITY ENGINEER  
CITY OF WYLLIE  
DATE: \_\_\_\_\_

DIRECTOR OF PUBLIC WORKS  
CITY OF WYLLIE  
DATE: \_\_\_\_\_

I, THE UNDERSIGNED, CITY SECRETARY OF THE CITY OF WYLLIE, HEREBY CERTIFY THAT THIS PLAT IS IN ACCORDANCE WITH THE ORDINANCES OF THE CITY OF WYLLIE, TEXAS, AND HEREBY RECOMMENDS APPROVAL.

CITY SECRETARY

CITY OF WYLLIE  
CERTIFICATE OF APPROVAL.

APPROVED AND AUTHORIZED TO BE RECORDED ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_  
BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF WYLLIE.

COMMISSIONER

THE STATE OF TEXAS  
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 \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. AT \_\_\_\_\_ O'CLOCK \_\_\_\_\_ M. IN THE PLAT RECORDS OF HAYS COUNTY, TEXAS AT BOOK \_\_\_\_\_ PAGE(S) \_\_\_\_\_.

WITNESS MY HAND AND SEAL OF OFFICE OF THE COUNTY CLERK OF SAID COUNTY THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_ A.D.  
LIZ GONZALEZ, COUNTY CLERK  
HAYS COUNTY, TEXAS

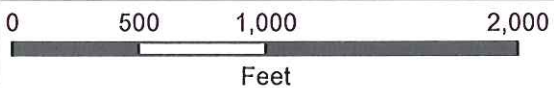
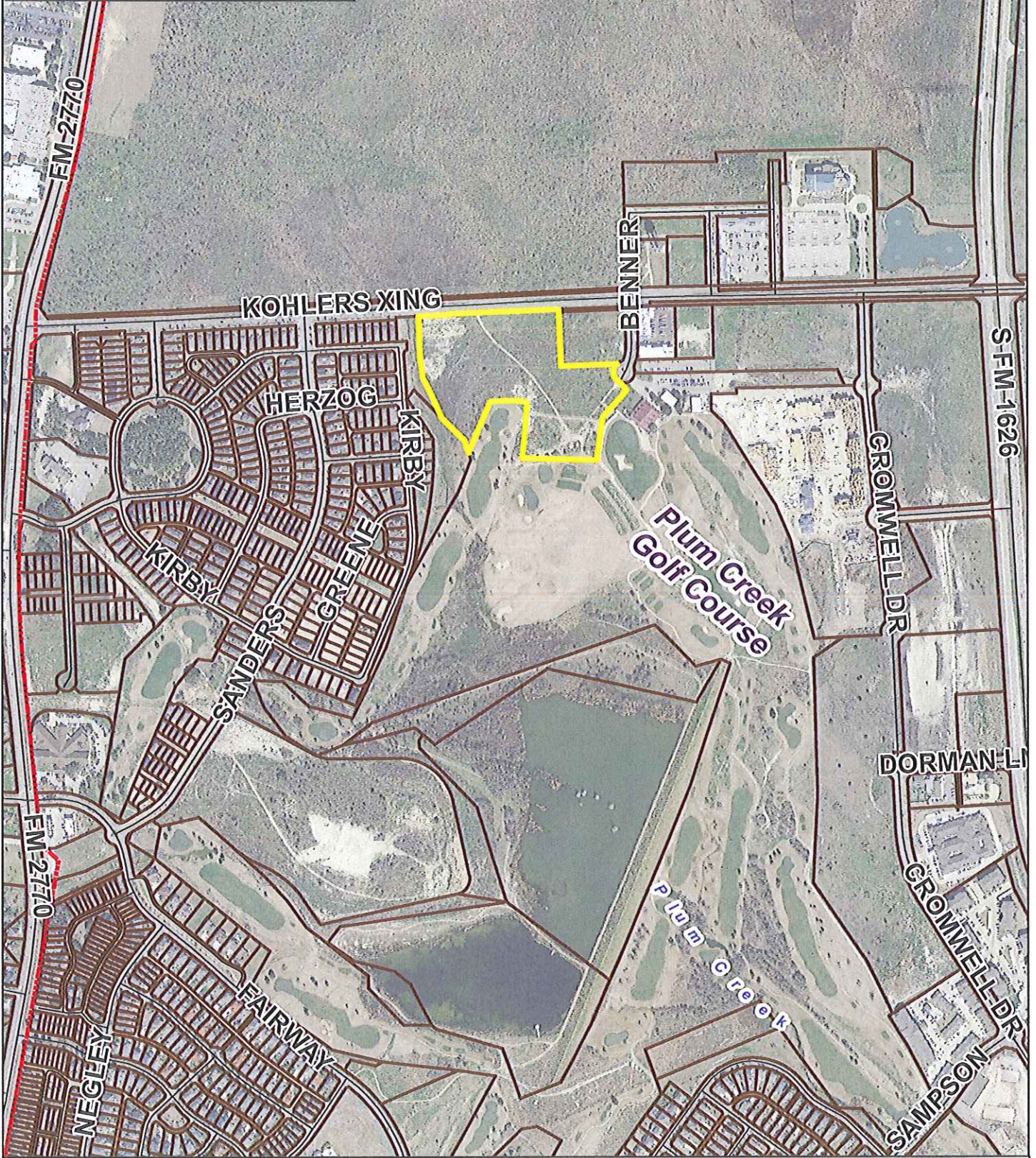


FOR REVIEW ONLY, NOT FOR FINAL RECORDECTION  
1200 WEST 10TH STREET, SUITE 100, DALLAS, TEXAS 75208  
PHONE: 214-343-8887  
FAX: 214-343-8887

## **6. CONSENT AGENDA – ITEM E**

FAIRWAY LANDINGS AT PLUM CREEK (SD-16-006)

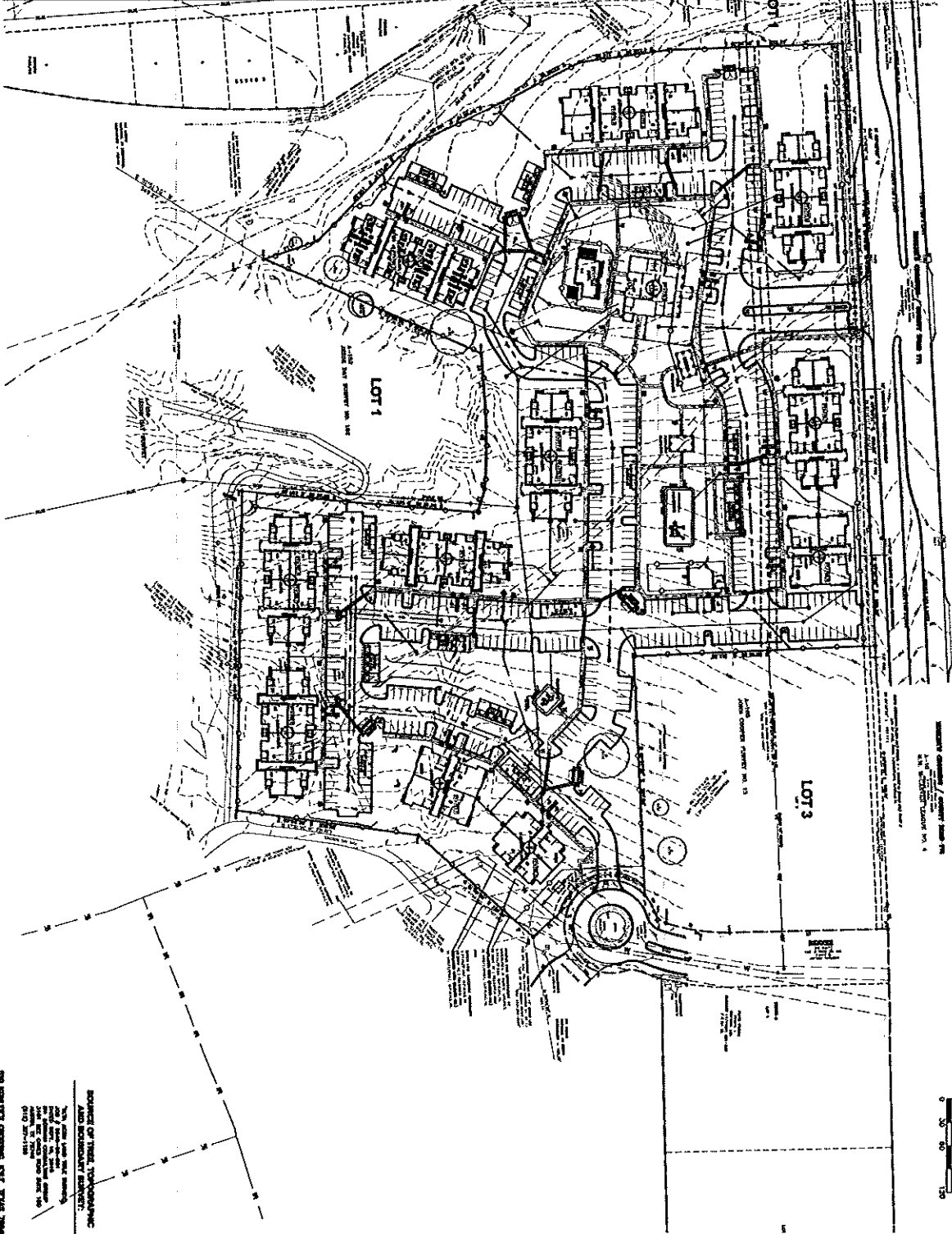
Property Location  
Fairway Landings  
SD-16-006



 Property Boundary

 Parcel Lines

NO.	DATE	DESCRIPTION	BY	CHECKED
1	01/11/07	ISSUED FOR PERMITS	J. G. GIBSON	J. G. GIBSON
2	01/11/07	ISSUED FOR PERMITS	J. G. GIBSON	J. G. GIBSON
3	01/11/07	ISSUED FOR PERMITS	J. G. GIBSON	J. G. GIBSON
4	01/11/07	ISSUED FOR PERMITS	J. G. GIBSON	J. G. GIBSON
5	01/11/07	ISSUED FOR PERMITS	J. G. GIBSON	J. G. GIBSON
6	01/11/07	ISSUED FOR PERMITS	J. G. GIBSON	J. G. GIBSON
7	01/11/07	ISSUED FOR PERMITS	J. G. GIBSON	J. G. GIBSON
8	01/11/07	ISSUED FOR PERMITS	J. G. GIBSON	J. G. GIBSON
9	01/11/07	ISSUED FOR PERMITS	J. G. GIBSON	J. G. GIBSON
10	01/11/07	ISSUED FOR PERMITS	J. G. GIBSON	J. G. GIBSON
11	01/11/07	ISSUED FOR PERMITS	J. G. GIBSON	J. G. GIBSON
12	01/11/07	ISSUED FOR PERMITS	J. G. GIBSON	J. G. GIBSON
13	01/11/07	ISSUED FOR PERMITS	J. G. GIBSON	J. G. GIBSON
14	01/11/07	ISSUED FOR PERMITS	J. G. GIBSON	J. G. GIBSON
15	01/11/07	ISSUED FOR PERMITS	J. G. GIBSON	J. G. GIBSON
16	01/11/07	ISSUED FOR PERMITS	J. G. GIBSON	J. G. GIBSON
17	01/11/07	ISSUED FOR PERMITS	J. G. GIBSON	J. G. GIBSON
18	01/11/07	ISSUED FOR PERMITS	J. G. GIBSON	J. G. GIBSON
19	01/11/07	ISSUED FOR PERMITS	J. G. GIBSON	J. G. GIBSON
20	01/11/07	ISSUED FOR PERMITS	J. G. GIBSON	J. G. GIBSON
21	01/11/07	ISSUED FOR PERMITS	J. G. GIBSON	J. G. GIBSON
22	01/11/07	ISSUED FOR PERMITS	J. G. GIBSON	J. G. GIBSON
23	01/11/07	ISSUED FOR PERMITS	J. G. GIBSON	J. G. GIBSON
24	01/11/07	ISSUED FOR PERMITS	J. G. GIBSON	J. G. GIBSON
25	01/11/07	ISSUED FOR PERMITS	J. G. GIBSON	J. G. GIBSON
26	01/11/07	ISSUED FOR PERMITS	J. G. GIBSON	J. G. GIBSON
27	01/11/07	ISSUED FOR PERMITS	J. G. GIBSON	J. G. GIBSON
28	01/11/07	ISSUED FOR PERMITS	J. G. GIBSON	J. G. GIBSON
29	01/11/07	ISSUED FOR PERMITS	J. G. GIBSON	J. G. GIBSON
30	01/11/07	ISSUED FOR PERMITS	J. G. GIBSON	J. G. GIBSON
31	01/11/07	ISSUED FOR PERMITS	J. G. GIBSON	J. G. GIBSON
32	01/11/07	ISSUED FOR PERMITS	J. G. GIBSON	J. G. GIBSON
33	01/11/07	ISSUED FOR PERMITS	J. G. GIBSON	J. G. GIBSON
34	01/11/07	ISSUED FOR PERMITS	J. G. GIBSON	J. G. GIBSON
35	01/11/07	ISSUED FOR PERMITS	J. G. GIBSON	J. G. GIBSON
36	01/11/07	ISSUED FOR PERMITS	J. G. GIBSON	J. G. GIBSON
37	01/11/07	ISSUED FOR PERMITS	J. G. GIBSON	J. G. GIBSON
38	01/11/07	ISSUED FOR PERMITS	J. G. GIBSON	J. G. GIBSON
39	01/11/07	ISSUED FOR PERMITS	J. G. GIBSON	J. G. GIBSON
40	01/11/07	ISSUED FOR PERMITS	J. G. GIBSON	J. G. GIBSON
41	01/11/07	ISSUED FOR PERMITS	J. G. GIBSON	J. G. GIBSON
42	01/11/07	ISSUED FOR PERMITS	J. G. GIBSON	J. G. GIBSON
43	01/11/07	ISSUED FOR PERMITS	J. G. GIBSON	J. G. GIBSON
44	01/11/07	ISSUED FOR PERMITS	J. G. GIBSON	J. G. GIBSON
45	01/11/07	ISSUED FOR PERMITS	J. G. GIBSON	J. G. GIBSON
46	01/11/07	ISSUED FOR PERMITS	J. G. GIBSON	J. G. GIBSON
47	01/11/07	ISSUED FOR PERMITS	J. G. GIBSON	J. G. GIBSON
48	01/11/07	ISSUED FOR PERMITS	J. G. GIBSON	J. G. GIBSON
49	01/11/07	ISSUED FOR PERMITS	J. G. GIBSON	J. G. GIBSON
50	01/11/07	ISSUED FOR PERMITS	J. G. GIBSON	J. G. GIBSON



THE INFORMATION CONTAINED HEREIN IS THE PROPERTY OF PEDCOR AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF PEDCOR.

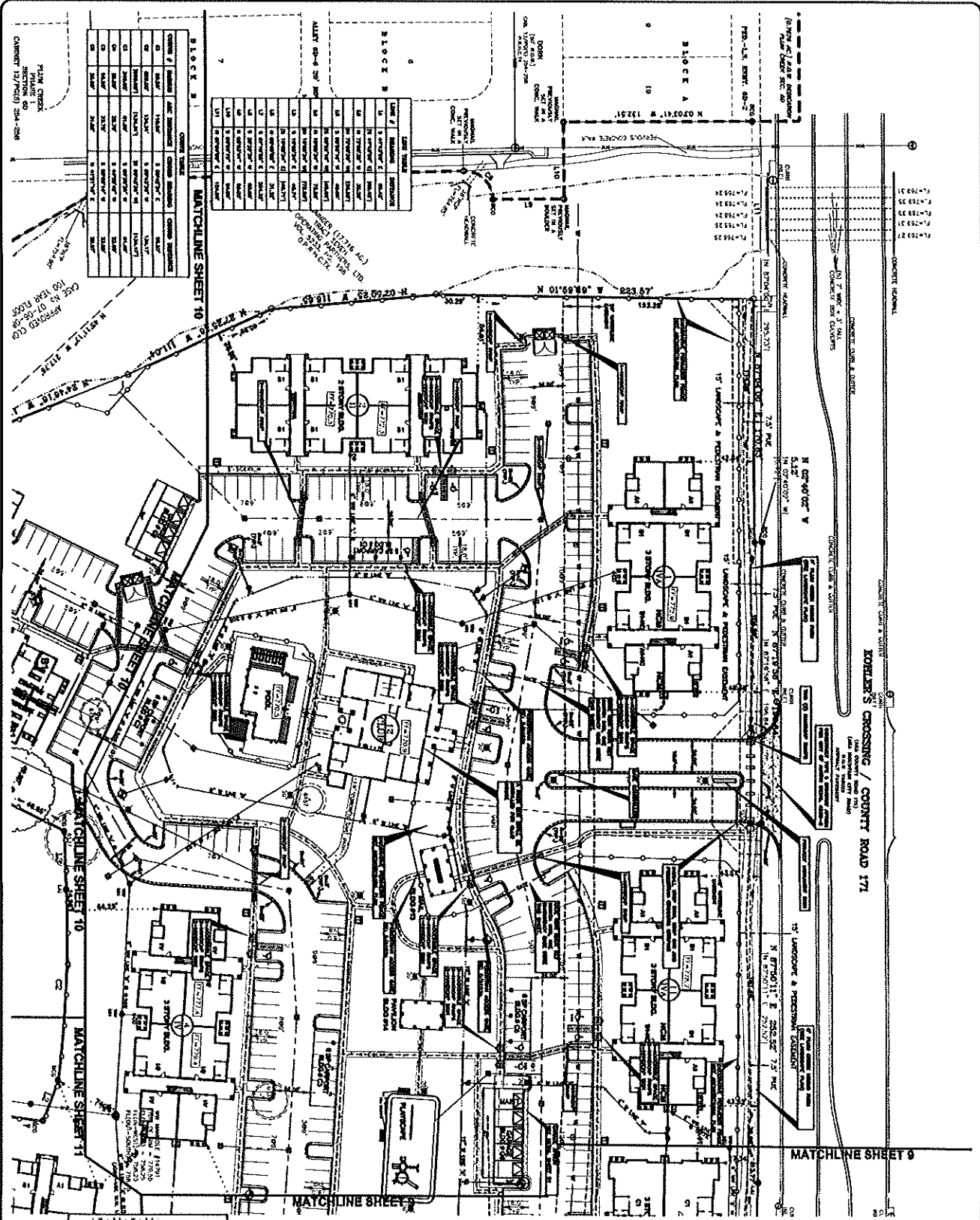
**6**  
 SHEET NO.

**PEDCOR**  
 ANIMATIONS  
 One Feder Square  
 770 1st Ave. S.W.  
 Coral Gables, Florida 33134  
 (305) 447-4300  
 FAX (305) 447-4340

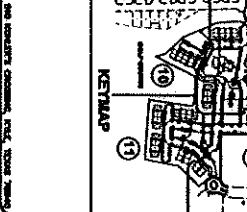
**FAIRWAY LANDINGS AT PLUM CREEK**  
**CITY OF KYLE OVERALL PROJECT LAYOUT**



**CSF**  
**Civil Group**  
 Austin, Texas  
 Tel: (512) 814-4488  
 www.csfgroup.com  
 Texas Registered Firm No. P-10277  
**CSF • STAMENOS FLORES**  
 PLANNING, ENGINEERING & CONSTRUCTION SERVICES

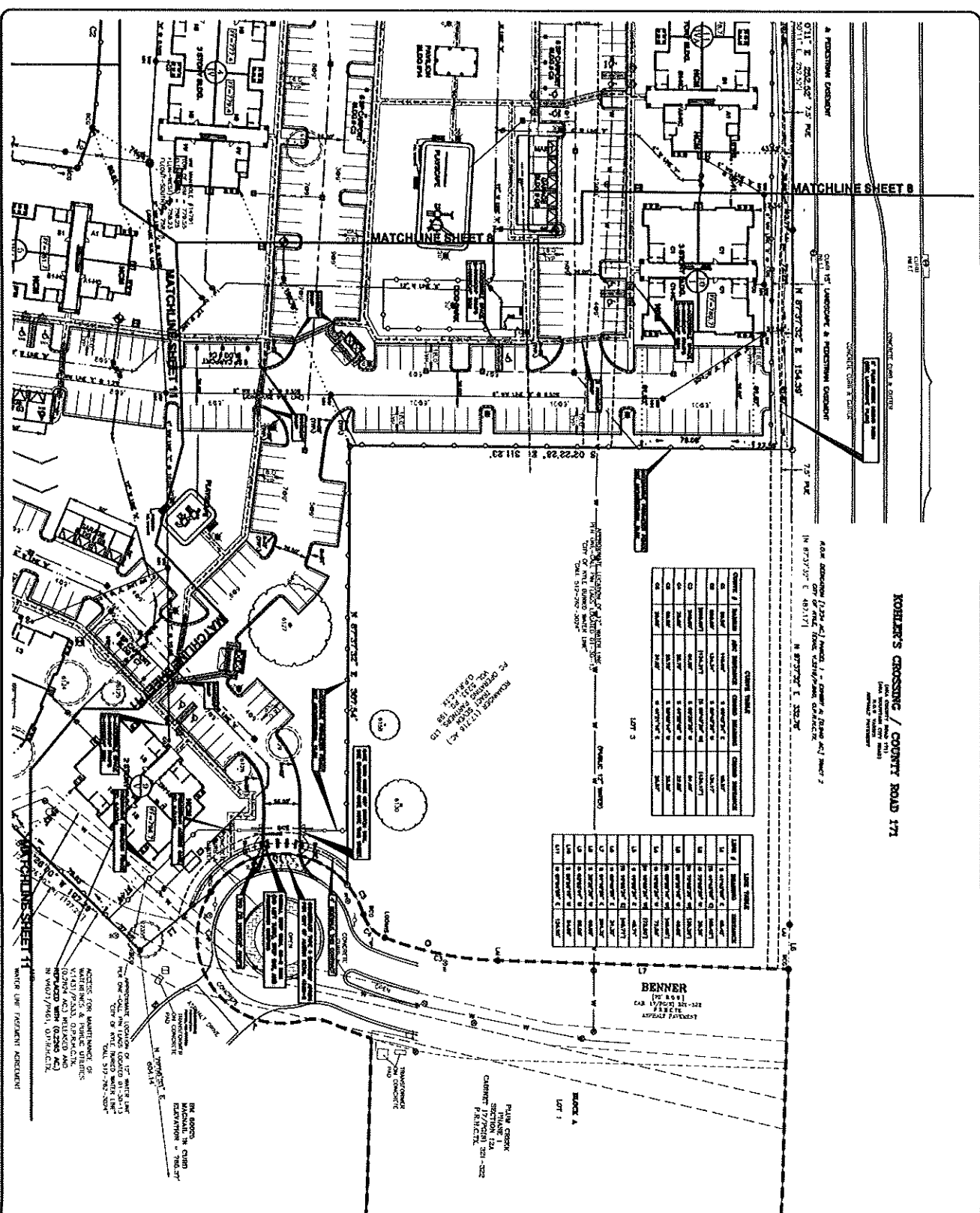


NO.	DESCRIPTION	DATE	BY	CHECKED
01	ISSUED FOR PERMITS	08/14/07	J. G. ...	J. G. ...
02	ISSUED FOR CONSTRUCTION	08/14/07	J. G. ...	J. G. ...
03	ISSUED FOR RECORDS	08/14/07	J. G. ...	J. G. ...
04	ISSUED FOR RECORDS	08/14/07	J. G. ...	J. G. ...
05	ISSUED FOR RECORDS	08/14/07	J. G. ...	J. G. ...
06	ISSUED FOR RECORDS	08/14/07	J. G. ...	J. G. ...
07	ISSUED FOR RECORDS	08/14/07	J. G. ...	J. G. ...
08	ISSUED FOR RECORDS	08/14/07	J. G. ...	J. G. ...
09	ISSUED FOR RECORDS	08/14/07	J. G. ...	J. G. ...
10	ISSUED FOR RECORDS	08/14/07	J. G. ...	J. G. ...
11	ISSUED FOR RECORDS	08/14/07	J. G. ...	J. G. ...
12	ISSUED FOR RECORDS	08/14/07	J. G. ...	J. G. ...
13	ISSUED FOR RECORDS	08/14/07	J. G. ...	J. G. ...
14	ISSUED FOR RECORDS	08/14/07	J. G. ...	J. G. ...
15	ISSUED FOR RECORDS	08/14/07	J. G. ...	J. G. ...
16	ISSUED FOR RECORDS	08/14/07	J. G. ...	J. G. ...
17	ISSUED FOR RECORDS	08/14/07	J. G. ...	J. G. ...
18	ISSUED FOR RECORDS	08/14/07	J. G. ...	J. G. ...
19	ISSUED FOR RECORDS	08/14/07	J. G. ...	J. G. ...
20	ISSUED FOR RECORDS	08/14/07	J. G. ...	J. G. ...



- LEGEND**
- 1. EXISTING BUILDING FOOTPRINT
  - 2. EXISTING PARKING SPACES
  - 3. EXISTING DRIVEWAYS
  - 4. EXISTING SIDEWALKS
  - 5. EXISTING CURBS
  - 6. EXISTING UTILITY LINES
  - 7. EXISTING TREES
  - 8. EXISTING LANDSCAPE
  - 9. EXISTING FENCES
  - 10. EXISTING SIGNAGE
  - 11. EXISTING LIGHT FIXTURES
  - 12. EXISTING ELECTRICAL PANELS
  - 13. EXISTING MECHANICAL EQUIPMENT
  - 14. EXISTING WATER MAINS
  - 15. EXISTING SANITARY MAINS
  - 16. EXISTING GAS MAINS
  - 17. EXISTING TELEPHONE LINES
  - 18. EXISTING CABLE TV LINES
  - 19. EXISTING FIBER OPTIC LINES
  - 20. EXISTING POWER LINES
  - 21. EXISTING WATER SERVICE LINES
  - 22. EXISTING SANITARY SERVICE LINES
  - 23. EXISTING GAS SERVICE LINES
  - 24. EXISTING TELEPHONE SERVICE LINES
  - 25. EXISTING CABLE TV SERVICE LINES
  - 26. EXISTING FIBER OPTIC SERVICE LINES
  - 27. EXISTING POWER SERVICE LINES
  - 28. EXISTING WATER MAIN SERVICE LINES
  - 29. EXISTING SANITARY MAIN SERVICE LINES
  - 30. EXISTING GAS MAIN SERVICE LINES
  - 31. EXISTING TELEPHONE MAIN SERVICE LINES
  - 32. EXISTING CABLE TV MAIN SERVICE LINES
  - 33. EXISTING FIBER OPTIC MAIN SERVICE LINES
  - 34. EXISTING POWER MAIN SERVICE LINES
  - 35. EXISTING WATER MAIN SERVICE LINES
  - 36. EXISTING SANITARY MAIN SERVICE LINES
  - 37. EXISTING GAS MAIN SERVICE LINES
  - 38. EXISTING TELEPHONE MAIN SERVICE LINES
  - 39. EXISTING CABLE TV MAIN SERVICE LINES
  - 40. EXISTING FIBER OPTIC MAIN SERVICE LINES
  - 41. EXISTING POWER MAIN SERVICE LINES
  - 42. EXISTING WATER MAIN SERVICE LINES
  - 43. EXISTING SANITARY MAIN SERVICE LINES
  - 44. EXISTING GAS MAIN SERVICE LINES
  - 45. EXISTING TELEPHONE MAIN SERVICE LINES
  - 46. EXISTING CABLE TV MAIN SERVICE LINES
  - 47. EXISTING FIBER OPTIC MAIN SERVICE LINES
  - 48. EXISTING POWER MAIN SERVICE LINES
  - 49. EXISTING WATER MAIN SERVICE LINES
  - 50. EXISTING SANITARY MAIN SERVICE LINES
  - 51. EXISTING GAS MAIN SERVICE LINES
  - 52. EXISTING TELEPHONE MAIN SERVICE LINES
  - 53. EXISTING CABLE TV MAIN SERVICE LINES
  - 54. EXISTING FIBER OPTIC MAIN SERVICE LINES
  - 55. EXISTING POWER MAIN SERVICE LINES
  - 56. EXISTING WATER MAIN SERVICE LINES
  - 57. EXISTING SANITARY MAIN SERVICE LINES
  - 58. EXISTING GAS MAIN SERVICE LINES
  - 59. EXISTING TELEPHONE MAIN SERVICE LINES
  - 60. EXISTING CABLE TV MAIN SERVICE LINES
  - 61. EXISTING FIBER OPTIC MAIN SERVICE LINES
  - 62. EXISTING POWER MAIN SERVICE LINES
  - 63. EXISTING WATER MAIN SERVICE LINES
  - 64. EXISTING SANITARY MAIN SERVICE LINES
  - 65. EXISTING GAS MAIN SERVICE LINES
  - 66. EXISTING TELEPHONE MAIN SERVICE LINES
  - 67. EXISTING CABLE TV MAIN SERVICE LINES
  - 68. EXISTING FIBER OPTIC MAIN SERVICE LINES
  - 69. EXISTING POWER MAIN SERVICE LINES
  - 70. EXISTING WATER MAIN SERVICE LINES
  - 71. EXISTING SANITARY MAIN SERVICE LINES
  - 72. EXISTING GAS MAIN SERVICE LINES
  - 73. EXISTING TELEPHONE MAIN SERVICE LINES
  - 74. EXISTING CABLE TV MAIN SERVICE LINES
  - 75. EXISTING FIBER OPTIC MAIN SERVICE LINES
  - 76. EXISTING POWER MAIN SERVICE LINES
  - 77. EXISTING WATER MAIN SERVICE LINES
  - 78. EXISTING SANITARY MAIN SERVICE LINES
  - 79. EXISTING GAS MAIN SERVICE LINES
  - 80. EXISTING TELEPHONE MAIN SERVICE LINES
  - 81. EXISTING CABLE TV MAIN SERVICE LINES
  - 82. EXISTING FIBER OPTIC MAIN SERVICE LINES
  - 83. EXISTING POWER MAIN SERVICE LINES
  - 84. EXISTING WATER MAIN SERVICE LINES
  - 85. EXISTING SANITARY MAIN SERVICE LINES
  - 86. EXISTING GAS MAIN SERVICE LINES
  - 87. EXISTING TELEPHONE MAIN SERVICE LINES
  - 88. EXISTING CABLE TV MAIN SERVICE LINES
  - 89. EXISTING FIBER OPTIC MAIN SERVICE LINES
  - 90. EXISTING POWER MAIN SERVICE LINES
  - 91. EXISTING WATER MAIN SERVICE LINES
  - 92. EXISTING SANITARY MAIN SERVICE LINES
  - 93. EXISTING GAS MAIN SERVICE LINES
  - 94. EXISTING TELEPHONE MAIN SERVICE LINES
  - 95. EXISTING CABLE TV MAIN SERVICE LINES
  - 96. EXISTING FIBER OPTIC MAIN SERVICE LINES
  - 97. EXISTING POWER MAIN SERVICE LINES
  - 98. EXISTING WATER MAIN SERVICE LINES
  - 99. EXISTING SANITARY MAIN SERVICE LINES
  - 100. EXISTING GAS MAIN SERVICE LINES

<p><b>PEDCOR</b> 8133 MCHESNEY One Pedcor Square 770 3rd Ave. S.W. Corvallis, Indiana 46032 (317) 562-4300 FAX (317) 562-4301</p>	<p><b>FAIRWAY LANDINGS AT PLUM CREEK</b></p> <p><b>SITEPLAN</b></p>		<p><b>Civil Group</b> Austin, Texas Tel: 512-354-4444 www.civilgroup.com Texas Registered Firm No. P-42871</p> <p><b>PLANNING, ENGINEERING &amp; CONSTRUCTION SERVICES</b></p>
---	---	--	--

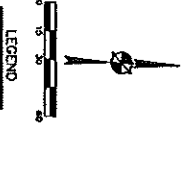
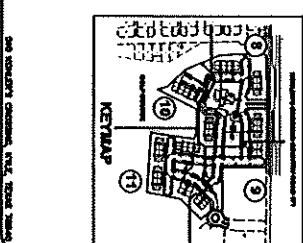


ROHBERG'S CROSSING / COUNTY ROAD 171  
LOT 10  
LOT 9  
LOT 8  
LOT 7  
LOT 6  
LOT 5  
LOT 4  
LOT 3  
LOT 2  
LOT 1



CHERRY TRAIL
CHERRY TRAIL 1
CHERRY TRAIL 2
CHERRY TRAIL 3
CHERRY TRAIL 4
CHERRY TRAIL 5
CHERRY TRAIL 6
CHERRY TRAIL 7
CHERRY TRAIL 8
CHERRY TRAIL 9
CHERRY TRAIL 10
CHERRY TRAIL 11
CHERRY TRAIL 12
CHERRY TRAIL 13
CHERRY TRAIL 14
CHERRY TRAIL 15
CHERRY TRAIL 16
CHERRY TRAIL 17
CHERRY TRAIL 18
CHERRY TRAIL 19
CHERRY TRAIL 20

LOT 1
LOT 1
LOT 2
LOT 3
LOT 4
LOT 5
LOT 6
LOT 7
LOT 8
LOT 9
LOT 10
LOT 11
LOT 12
LOT 13
LOT 14
LOT 15
LOT 16
LOT 17
LOT 18
LOT 19
LOT 20

BENNER  
[20 ROW]  
CAB 17762-302-312  
3.8%  
ASPHALT PAVED



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

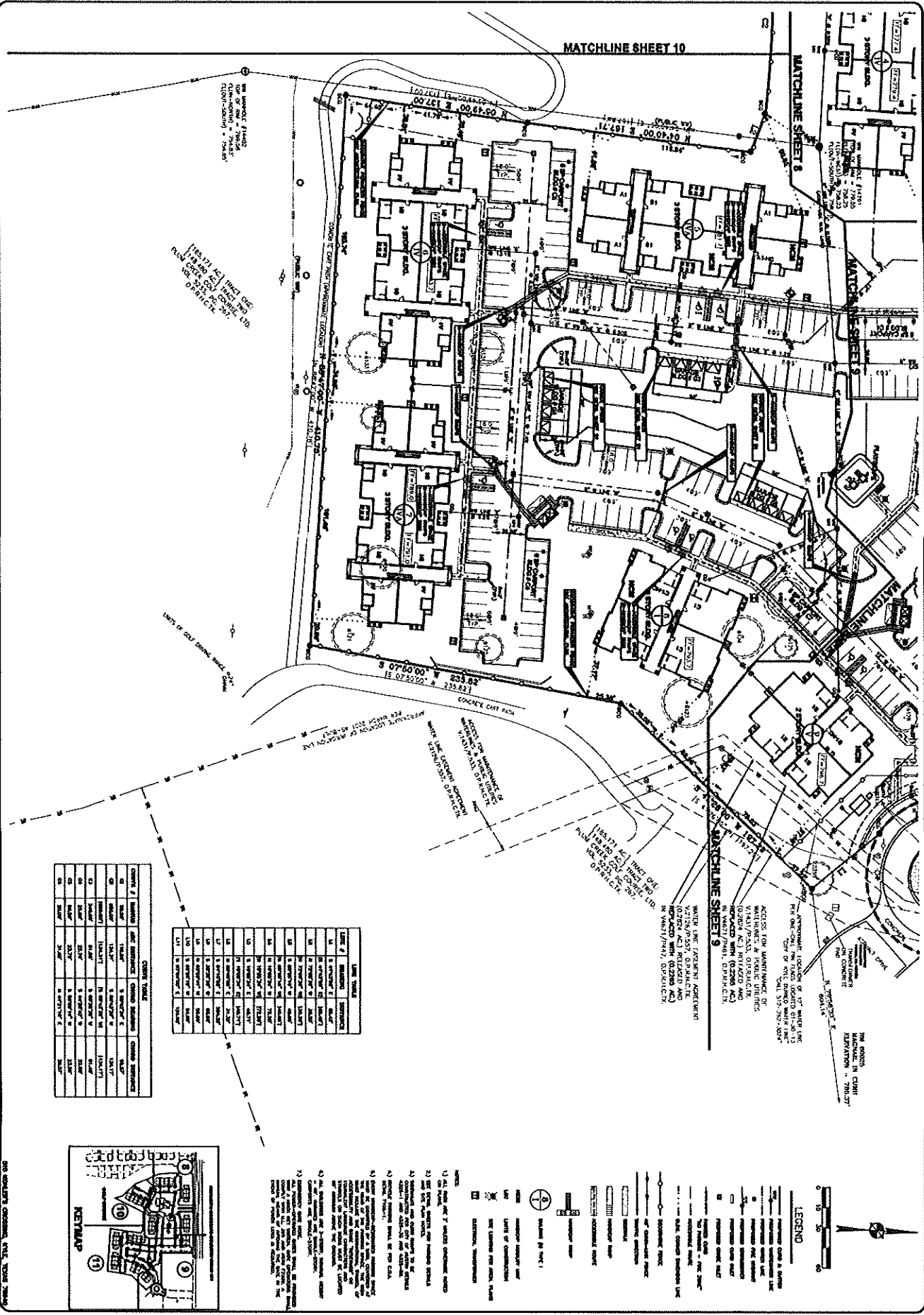
 <p>Pedcor One Pedcor Square 770 24th Ave. S.E. Cromwell, Idaho 83402 (208) 847-4230 FAX (208) 847-4248</p>	<p><b>FAIRWAY LANDINGS AT PLUM CREEK</b> SITEPLAN</p>	 <p>CSF Civil Group Austin, Texas Tel: (512) 444-4444 www.csfgroup.com Trans: Registered Firm No. 8-10079 A Division of PLANNING, ENGINEERING &amp; CONSTRUCTION SERVICES</p>
--	---	--

PROJECT NO. 01-2010-0001  
DATE: 07/15/2010  
DRAWN BY: JLS  
CHECKED BY: [Signature]  
SCALE: AS SHOWN





MATCHLINE SHEET 10

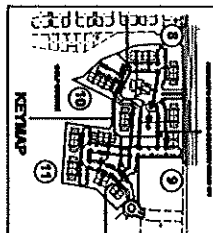


THE 171 AC TRACT ONE  
 PLUM CREEK, INDIANA  
 171 AC TRACT ONE  
 171 AC TRACT ONE  
 171 AC TRACT ONE

ACCESS FOR MAINTENANCE OF  
 THE DRIVEWAY TO THE LOT 12  
 DRIVEWAY SHALL BE MAINTAINED  
 BY THE OWNER OF THE LOT 12  
 DRIVEWAY. THE DRIVEWAY SHALL  
 BE MAINTAINED IN ACCORDANCE  
 WITH THE CITY OF PLUM CREEK  
 ORDINANCE NO. 100-100-001  
 AND THE CITY OF PLUM CREEK  
 ORDINANCE NO. 100-100-002.

LOT	AREA	DESCRIPTION
1	1.00	LOT 1
2	1.00	LOT 2
3	1.00	LOT 3
4	1.00	LOT 4
5	1.00	LOT 5
6	1.00	LOT 6
7	1.00	LOT 7
8	1.00	LOT 8
9	1.00	LOT 9
10	1.00	LOT 10
11	1.00	LOT 11
12	1.00	LOT 12
13	1.00	LOT 13

LINE #	DESCRIPTION
1	LOT 1
2	LOT 2
3	LOT 3
4	LOT 4
5	LOT 5
6	LOT 6
7	LOT 7
8	LOT 8
9	LOT 9
10	LOT 10
11	LOT 11
12	LOT 12
13	LOT 13



- 1. ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.
- 2. ALL DIMENSIONS ARE TO THE CENTERLINE UNLESS OTHERWISE NOTED.
- 3. ALL DIMENSIONS ARE TO THE CENTERLINE UNLESS OTHERWISE NOTED.
- 4. ALL DIMENSIONS ARE TO THE CENTERLINE UNLESS OTHERWISE NOTED.
- 5. ALL DIMENSIONS ARE TO THE CENTERLINE UNLESS OTHERWISE NOTED.
- 6. ALL DIMENSIONS ARE TO THE CENTERLINE UNLESS OTHERWISE NOTED.
- 7. ALL DIMENSIONS ARE TO THE CENTERLINE UNLESS OTHERWISE NOTED.
- 8. ALL DIMENSIONS ARE TO THE CENTERLINE UNLESS OTHERWISE NOTED.
- 9. ALL DIMENSIONS ARE TO THE CENTERLINE UNLESS OTHERWISE NOTED.
- 10. ALL DIMENSIONS ARE TO THE CENTERLINE UNLESS OTHERWISE NOTED.
- 11. ALL DIMENSIONS ARE TO THE CENTERLINE UNLESS OTHERWISE NOTED.
- 12. ALL DIMENSIONS ARE TO THE CENTERLINE UNLESS OTHERWISE NOTED.
- 13. ALL DIMENSIONS ARE TO THE CENTERLINE UNLESS OTHERWISE NOTED.

- EXISTING CONCRETE DRIVE
- NEW CONCRETE DRIVE
- EXISTING ASPHALT DRIVE
- NEW ASPHALT DRIVE
- EXISTING GRAVEL DRIVE
- NEW GRAVEL DRIVE
- EXISTING DIRT DRIVE
- NEW DIRT DRIVE
- EXISTING SIDEWALK
- NEW SIDEWALK
- EXISTING CURB
- NEW CURB
- EXISTING LANDSCAPING
- NEW LANDSCAPING
- EXISTING UTILITY
- NEW UTILITY

**LEGEND**

1. ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.

2. ALL DIMENSIONS ARE TO THE CENTERLINE UNLESS OTHERWISE NOTED.

3. ALL DIMENSIONS ARE TO THE CENTERLINE UNLESS OTHERWISE NOTED.

4. ALL DIMENSIONS ARE TO THE CENTERLINE UNLESS OTHERWISE NOTED.

5. ALL DIMENSIONS ARE TO THE CENTERLINE UNLESS OTHERWISE NOTED.

6. ALL DIMENSIONS ARE TO THE CENTERLINE UNLESS OTHERWISE NOTED.

7. ALL DIMENSIONS ARE TO THE CENTERLINE UNLESS OTHERWISE NOTED.

8. ALL DIMENSIONS ARE TO THE CENTERLINE UNLESS OTHERWISE NOTED.

9. ALL DIMENSIONS ARE TO THE CENTERLINE UNLESS OTHERWISE NOTED.

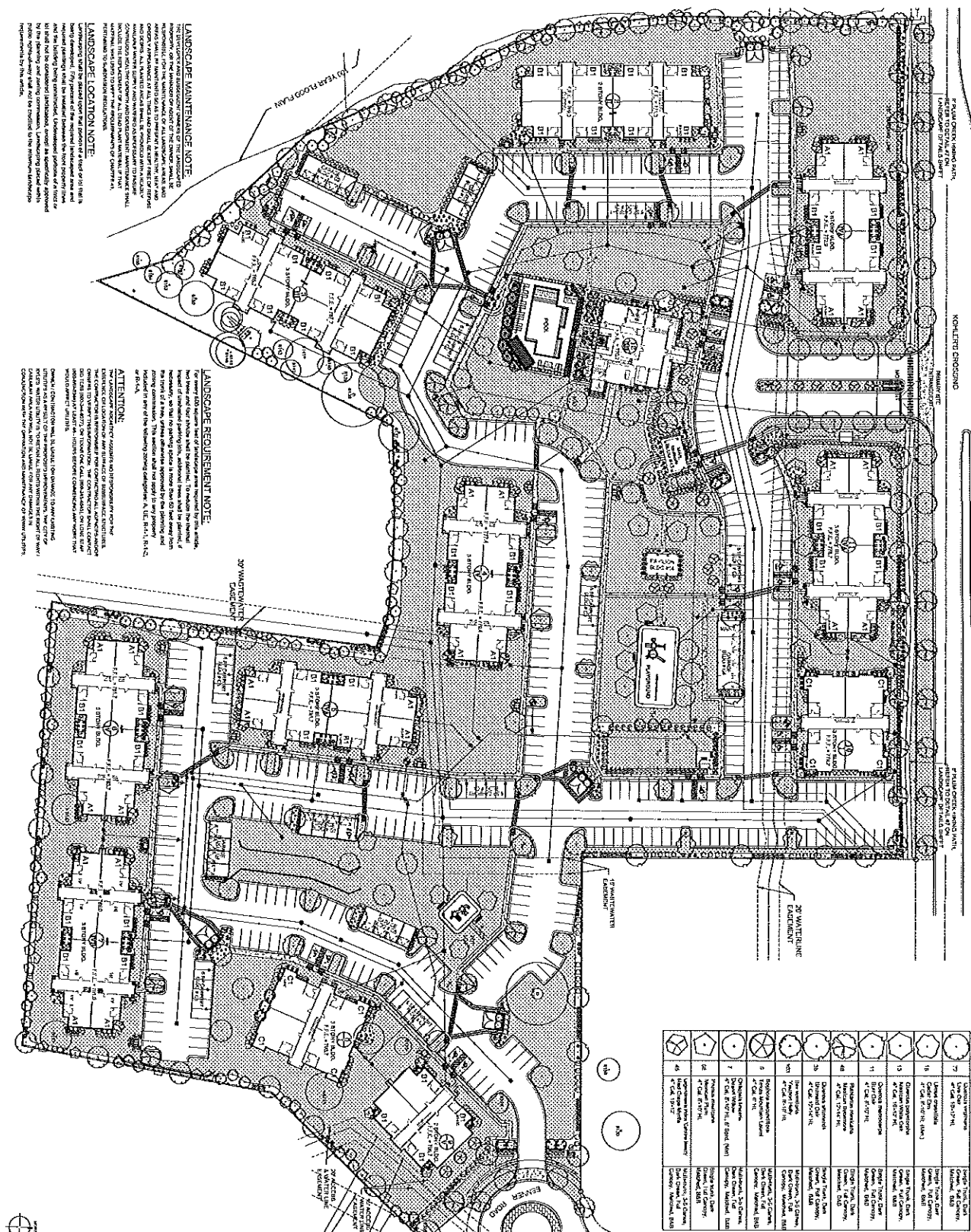
10. ALL DIMENSIONS ARE TO THE CENTERLINE UNLESS OTHERWISE NOTED.

11. ALL DIMENSIONS ARE TO THE CENTERLINE UNLESS OTHERWISE NOTED.

12. ALL DIMENSIONS ARE TO THE CENTERLINE UNLESS OTHERWISE NOTED.

13. ALL DIMENSIONS ARE TO THE CENTERLINE UNLESS OTHERWISE NOTED.





**LANDSCAPE MAINTENANCE NOTE:**  
 THE LANDSCAPE MAINTENANCE PLAN FOR THIS PROJECT IS TO BE MAINTAINED IN ACCORDANCE WITH THE MAINTENANCE PLAN FOR THE PROJECT. THE MAINTENANCE PLAN FOR THE PROJECT IS TO BE MAINTAINED IN ACCORDANCE WITH THE MAINTENANCE PLAN FOR THE PROJECT. THE MAINTENANCE PLAN FOR THE PROJECT IS TO BE MAINTAINED IN ACCORDANCE WITH THE MAINTENANCE PLAN FOR THE PROJECT.

**LANDSCAPE LOCATION NOTE:**  
 THE LANDSCAPE LOCATION NOTE IS TO BE MAINTAINED IN ACCORDANCE WITH THE MAINTENANCE PLAN FOR THE PROJECT. THE LANDSCAPE LOCATION NOTE IS TO BE MAINTAINED IN ACCORDANCE WITH THE MAINTENANCE PLAN FOR THE PROJECT. THE LANDSCAPE LOCATION NOTE IS TO BE MAINTAINED IN ACCORDANCE WITH THE MAINTENANCE PLAN FOR THE PROJECT.

**LANDSCAPE REQUIREMENT NOTE:**  
 THE LANDSCAPE REQUIREMENT NOTE IS TO BE MAINTAINED IN ACCORDANCE WITH THE MAINTENANCE PLAN FOR THE PROJECT. THE LANDSCAPE REQUIREMENT NOTE IS TO BE MAINTAINED IN ACCORDANCE WITH THE MAINTENANCE PLAN FOR THE PROJECT. THE LANDSCAPE REQUIREMENT NOTE IS TO BE MAINTAINED IN ACCORDANCE WITH THE MAINTENANCE PLAN FOR THE PROJECT.

**ATTENTION:**  
 THE ATTENTION NOTE IS TO BE MAINTAINED IN ACCORDANCE WITH THE MAINTENANCE PLAN FOR THE PROJECT. THE ATTENTION NOTE IS TO BE MAINTAINED IN ACCORDANCE WITH THE MAINTENANCE PLAN FOR THE PROJECT. THE ATTENTION NOTE IS TO BE MAINTAINED IN ACCORDANCE WITH THE MAINTENANCE PLAN FOR THE PROJECT.

SYMBOL	COMMON NAME	PLANTING
1	PLUM CREEK WALKWAY	...
2	...	...
3	...	...
4	...	...
5	...	...
6	...	...
7	...	...
8	...	...
9	...	...
10	...	...
11	...	...
12	...	...
13	...	...
14	...	...
15	...	...
16	...	...
17	...	...
18	...	...
19	...	...
20	...	...
21	...	...
22	...	...
23	...	...
24	...	...
25	...	...
26	...	...
27	...	...
28	...	...
29	...	...
30	...	...
31	...	...
32	...	...
33	...	...
34	...	...
35	...	...
36	...	...
37	...	...
38	...	...
39	...	...
40	...	...
41	...	...
42	...	...
43	...	...
44	...	...
45	...	...
46	...	...

SYMBOL	COMMON NAME	PLANTING
131	...	...
132	...	...
133	...	...
134	...	...
135	...	...
136	...	...
137	...	...
138	...	...
139	...	...
140	...	...
141	...	...
142	...	...
143	...	...
144	...	...
145	...	...
146	...	...
147	...	...
148	...	...
149	...	...
150	...	...
151	...	...
152	...	...
153	...	...
154	...	...
155	...	...
156	...	...
157	...	...
158	...	...
159	...	...
160	...	...

SYMBOL	COMMON NAME	PLANTING
161	...	...
162	...	...
163	...	...
164	...	...
165	...	...
166	...	...
167	...	...
168	...	...
169	...	...
170	...	...
171	...	...
172	...	...
173	...	...
174	...	...
175	...	...
176	...	...
177	...	...
178	...	...
179	...	...
180	...	...

SYMBOL	COMMON NAME	PLANTING
181	...	...
182	...	...
183	...	...
184	...	...
185	...	...
186	...	...
187	...	...
188	...	...
189	...	...
190	...	...
191	...	...
192	...	...
193	...	...
194	...	...
195	...	...
196	...	...
197	...	...
198	...	...
199	...	...
200	...	...

**PARKING LOT TREE PLANTING:**  
 PAVED LOT LANDSCAPE TREE DENOTED BY 'P'  
 STREET TREE DENOTED BY 'S'

SYMBOL	COMMON NAME	PLANTING
201	...	...
202	...	...
203	...	...
204	...	...
205	...	...
206	...	...
207	...	...
208	...	...
209	...	...
210	...	...
211	...	...
212	...	...
213	...	...
214	...	...
215	...	...
216	...	...
217	...	...
218	...	...
219	...	...
220	...	...

**LANDSCAPE PLAN**  
 SCALE: 1" = 10'  
 NORTH ARROW

PROJECT  
**FAIRWAY LANDINGS  
 AT PLUM CREEK**  
 510 KOHLERS CROSSING, KYLE, TEXAS, HAYS COUNTY 78843

REVISIONS

NO.	DATE	BY	CHKD.	DESCRIPTION
1	06/10/2016	AS	JMK	...

DRAWING TITLE:  
**LANDSCAPE PLAN FOR  
 REPLACEMENT PLAN**

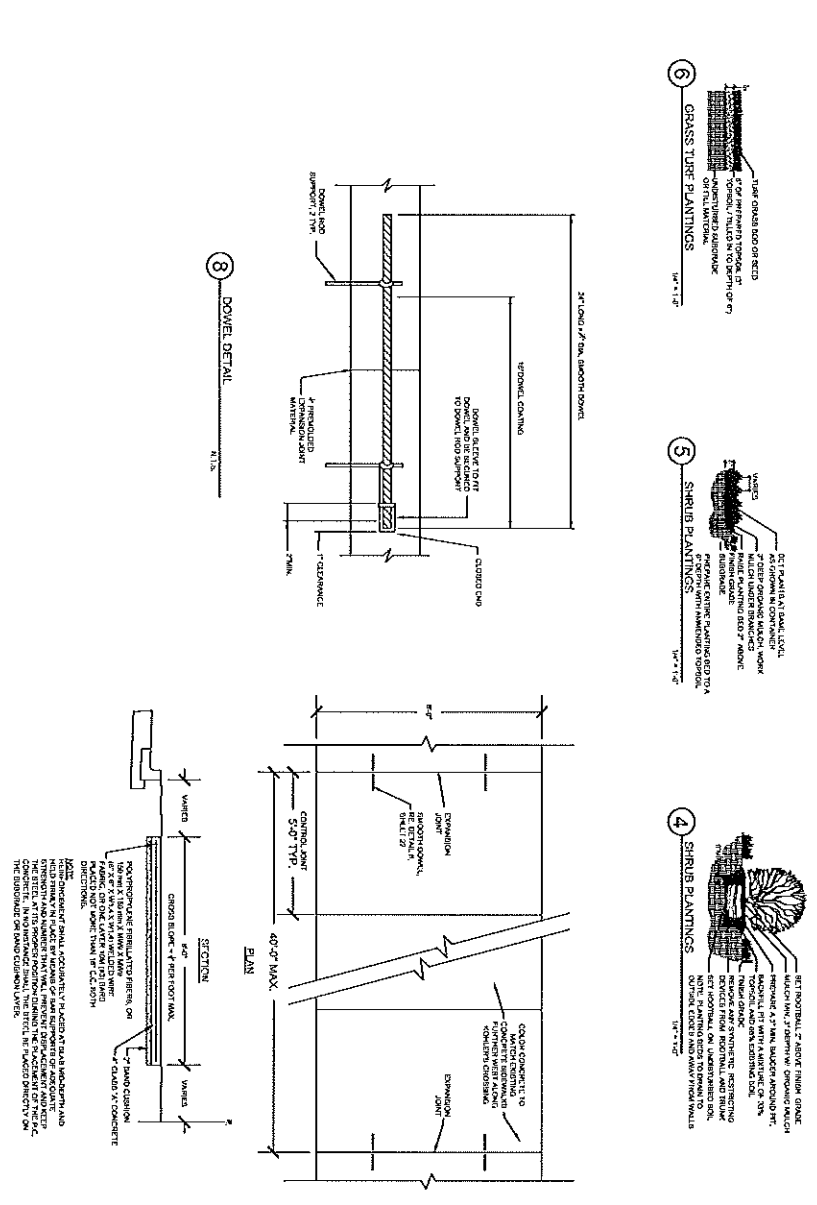
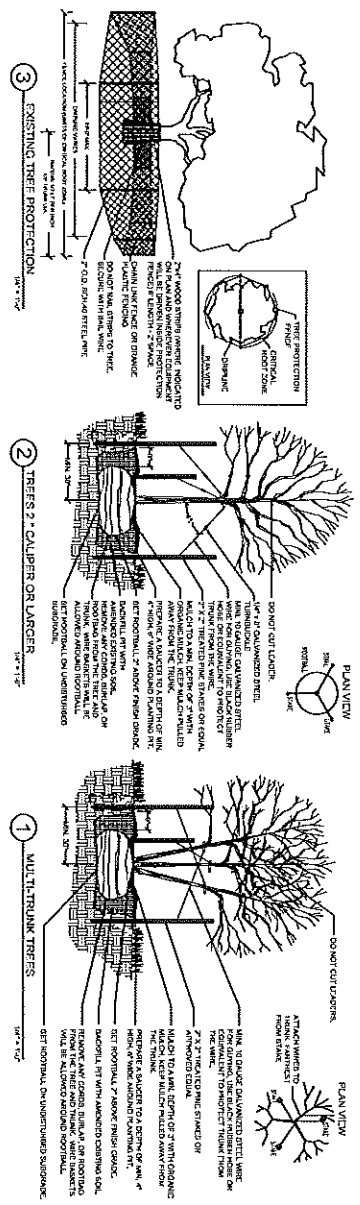
PROJECT NUMBER:  
**15-2085**

CERTIFIED BY:

DATE: 06-10-2016  
 DRAWING NUMBER:  
**21** of 27

OWNER: **PEDDOR**

DESIGNER: **GENIVÉ GROUP**



**LANDSCAPE NOTES:**

1. THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF PLUM CREEK AND THE STATE OF TEXAS.
2. THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF PLUM CREEK AND THE STATE OF TEXAS.
3. THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF PLUM CREEK AND THE STATE OF TEXAS.
4. THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF PLUM CREEK AND THE STATE OF TEXAS.
5. THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF PLUM CREEK AND THE STATE OF TEXAS.
6. THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF PLUM CREEK AND THE STATE OF TEXAS.
7. THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF PLUM CREEK AND THE STATE OF TEXAS.
8. THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF PLUM CREEK AND THE STATE OF TEXAS.
9. THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF PLUM CREEK AND THE STATE OF TEXAS.
10. THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF PLUM CREEK AND THE STATE OF TEXAS.

**PERMITS AND APPROVALS:**

1. THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF PLUM CREEK AND THE STATE OF TEXAS.
2. THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF PLUM CREEK AND THE STATE OF TEXAS.
3. THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF PLUM CREEK AND THE STATE OF TEXAS.
4. THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF PLUM CREEK AND THE STATE OF TEXAS.
5. THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF PLUM CREEK AND THE STATE OF TEXAS.
6. THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF PLUM CREEK AND THE STATE OF TEXAS.
7. THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF PLUM CREEK AND THE STATE OF TEXAS.
8. THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF PLUM CREEK AND THE STATE OF TEXAS.
9. THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF PLUM CREEK AND THE STATE OF TEXAS.
10. THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF PLUM CREEK AND THE STATE OF TEXAS.

**REVISIONS**

NO.	DATE	BY	DESCRIPTION
1	05-10-2018	JMK	ISSUED FOR PERMITS
2	05-10-2018	JMK	ISSUED FOR PERMITS
3	05-10-2018	JMK	ISSUED FOR PERMITS
4	05-10-2018	JMK	ISSUED FOR PERMITS
5	05-10-2018	JMK	ISSUED FOR PERMITS
6	05-10-2018	JMK	ISSUED FOR PERMITS
7	05-10-2018	JMK	ISSUED FOR PERMITS
8	05-10-2018	JMK	ISSUED FOR PERMITS
9	05-10-2018	JMK	ISSUED FOR PERMITS
10	05-10-2018	JMK	ISSUED FOR PERMITS

**PROJECT**

**FAIRWAY LANDINGS AT PLUM CREEK**

510 KOHLERS CROSSING, KYLE TEXAS, HAYS COUNTY 76640

**LANDSCAPE CONTRACTOR:** PEDDOR

**DATE:** 05-10-2018

**DRAWING NUMBER:** 15-2085

**PROJECT NUMBER:** 15-2085

**CHECKED BY:** JMK

**DESIGNED BY:** JMK

**SCALE:** AS SHOWN

**DATE:** 05-10-2018

**PROJECT NUMBER:** 15-2085

**DRAWING NUMBER:** 15-2085

**PROJECT NUMBER:** 15-2085

**DRAWING NUMBER:** 15-2085

**PROJECT NUMBER:** 15-2085

**DRAWING NUMBER:** 15-2085

**PROJECT NUMBER:** 15-2085

**DRAWING NUMBER:** 15-2085

**PERMITS AND APPROVALS:**

**REVISIONS**

**PROJECT**

**FAIRWAY LANDINGS AT PLUM CREEK**

510 KOHLERS CROSSING, KYLE TEXAS, HAYS COUNTY 76640

**LANDSCAPE CONTRACTOR:** PEDDOR

**DATE:** 05-10-2018

**DRAWING NUMBER:** 15-2085

**PROJECT NUMBER:** 15-2085

**CHECKED BY:** JMK

**DESIGNED BY:** JMK

**SCALE:** AS SHOWN

**DATE:** 05-10-2018

**PROJECT NUMBER:** 15-2085

**DRAWING NUMBER:** 15-2085

**PROJECT NUMBER:** 15-2085

**DRAWING NUMBER:** 15-2085

**PROJECT NUMBER:** 15-2085

**DRAWING NUMBER:** 15-2085

## **7. CONSIDER AND POSSIBLE ACTION – ITEM A**

CONSIDER AN AMENDMENT TO THE CITY OF KYLE, CODE OF ORDINANCES, CHAPTER 11, ARTICLE IV (PEDDLERS, SOLICITORS AND VENDORS).



# CITY OF KYLE

## Community Development Department

---



### MEMORANDUM

To: Kyle Planning Commission

From: Howard Koontz, Community Development Director

Date: 06/28/2016

Subject: **Proposed Text Change to the Kyle Zoning Ordinance, Chapter 11, Article IV, Specifically Related to 'Peddlers, solicitors, and vendors.'**

---

#### ITEM DESCRIPTION

Under the direction and guidance of the City Council, staff presents to the Planning Commission a proposal for a text amendment to the city's peddlers, solicitors, and vendors ordinance. This change creates new definitions, expands upon requirements to receive a permit from the city, and expands and clarifies the manner in which the city prescribes the operation of mobile food vendors and temporary food vendors.

The amendment is contained in Chapter 11, Article IV 'Peddlers, Solicitors, and vendors'. Currently, the city's zoning ordinance makes specific provisions for the permitting and operation of mobile and temporary food vendors, and similarly establishes restrictions on their use. This text change opens up more areas of the city in which these types of uses are permissible, and creates more specific language for who can receive a permit to operate the use and who is precluded from receiving a permit, and clarifies the signage allowed by the operator in conjunction with the temporary use.

The complete text of Chapter 11, Article IV is attached to this memo for your review and recommendation to the City Council.

#### ATTACHMENTS

- Ordinance

ARTICLE IV. – FOOD PEDDLERS, MOBILE AND TEMPORARY:

Sec. 11-162. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Commercial Design is a detailed and knowledgeable plan of the aesthetics and functionality of a commercial space.

Commissary also known as a Central Preparation Facility is a licensed food establishment that fully meets the Texas Food Establishment Rules. It is used by the food peddler to store supplies, prepare food, and package items. The mobile vending unit is returned to the commissary daily for replenishing supplies, and servicing of the mobile vending unit.

*Mobile food vendor* means a vendor who operates or sells food for human consumption, hot or cold, from a cart, trailer or kitchen mounted on chassis, with an engine for propulsion or that remains connected to a vehicle with an engine for propulsion.

*Mobile food vendor—cold* means a vendor who operates or sells cold food for human consumption from a cart, trailer or kitchen mounted on chassis, with an engine propulsion or that remains connected to a vehicle with an engine for propulsion.

*Mobile food vendor—hot* means a vendor who operates or sells hot food for human consumption from a cart, trailer or kitchen mounted on chassis, with an engine for propulsion or that remains connected to a vehicle with an engine for propulsion.

Portable food establishment means an establishment that sells food or beverages from a structure that can be moved from place to place, but stays at one location during a normal business day.

Sandwich Board means a specific style of temporary, free-standing signage composed of two facades displaying a message(s) or graphic(s), being erected in an 'A-frame' shape, hinged along the top.

*Temporary food vendor* means a vendor who operates or sells food for human consumption, hot or cold, from a stationary stand, cart, trailer or kitchen mounted on chassis, without an engine for propulsion, that is not connected to a motorized vehicle, or that does not have a foundation or is otherwise a temporary structure.

*Temporary food vendor—cold* means a vendor who operates or sells cold food for human consumption from a stand, cart, trailer or kitchen mounted on chassis,

without an engine for propulsion, that is not connected to a motorized vehicle, or that does not have a foundation or is otherwise a temporary structure.

*Temporary food vendor—hot* means a vendor who operates or sells hot food for human consumption from a stand, cart, trailer or kitchen mounted on chassis, without an engine for propulsion, that is not connected to a motorized vehicle, or that does not have a foundation or is otherwise a temporary structure.

*Vendors* means any itinerant merchant, itinerant vendor, temporary merchant, or temporary vendor and shall be held to be any person, firm, company, partnership, corporation, or association engaged in any activity mentioned in sections 11-165 and 11-166.

(Ord. No. 629, § 1, 8-3-2010)

Sec. 11-163. - Penalty.

Any person who shall pursue, follow, permit, or allow to continue any occupation, calling, or profession, or do any act regulated by ordinance of this city, without first obtaining licenses therefore, shall have committed an offense and shall be fined as provided in section 1-10. Each day that a person is found to be in violation of this article shall constitute a separate violation. A culpable mental state is not required for the commission of an offense under this article.

(Ord. No. 629, § 1, 8-3-2010)

Sec. 11-164. - Purpose.

This entire article is and shall be deemed an exercise of the police power of the state, and the city for the public safety, convenience and protection of the city and the citizens of the city, and all of the provisions hereof shall be construed for the accomplishment of that purpose.

(Ord. No. 629, § 1, 8-3-2010)

Sec. 11-165. - Itinerant vendors.

It shall hereafter be unlawful for a person to go from house to house or from place to place in the city soliciting, selling or taking orders for or offering for sale or take orders for any goods, wares, merchandise, services, photographs, magazines, or subscriptions to newspapers or magazines or go from house to house distributing handbills, circulars, or any other literature, without having first applied for and obtained a permit from the city building department. It shall also hereafter be unlawful to go from house to house for any of the purposes expressed in this section without carrying such permit which must be displayed upon request by the landowner or occupant of any such house or a peace officer. Upon the application



for such a permit, the applicant shall make a written application to the city building department, which application shall show the name, address, proof of notification of the state comptroller's office (sales tax number) or driver's license number of the person, if any, that he represents, the nature of his business, and the period of time such applicant wishes to do business in the city; should a vehicle be used in sales, the applicant shall show proof of valid liability insurance provided for vehicle sales; applicants using vehicles to sell food or refreshments shall also show valid hazard insurance and a recent passing health inspection report from the agency or political subdivision enforcing food establishment regulations in the City for the vehicle. Permits shall not be transferred from one vehicle to another. The application shall be routed to the city police department for review and concurrence prior to the issuance of a permit by the city building department.

(Ord. No. 629, § 1, 8-3-2010)

Sec. 11-166. - Temporary vendors.

It shall hereafter be unlawful for person to set up a temporary stand or location on a public street or right-of-way, or on private property without written consent of the property owner, as applicable, for the purpose of displaying, selling, soliciting, taking orders for sale, or offering for sale of goods, wares, merchandise, services, photographs, magazines, or subscriptions to newspapers or magazines, or for distributing handbills, circulars, or any other literature, without having first applied for and obtained a permit from the city building department. It shall also hereafter be unlawful to operate such stand or location without carrying such permit which must be displayed upon request by any person or peace officer. Upon the application for such a permit, the applicant shall make a written application to the city building department, which application shall show the name, address, proof of notification of the state comptroller's office (sales tax number) or driver's license number of the person, firm or corporation, if any, that he represents, the nature of his business, and the period of time such applicant wishes to do business in the city; should a vehicle be used in sales, applicant shall show proof of valid liability insurance provided for vehicle sales; applicants using vehicles to sell food or refreshments shall also show valid hazard insurance and a recent passing health inspection report from the agency or political subdivision enforcing food establishment regulations in the City for the vehicle. Permits shall not be transferred from one vehicle to another. The application shall be routed to the city police department for review and a concurrence prior to the issuance of a permit by the city building department.

(Ord. No. 629, § 1, 8-3-2010)

Sec. 11-167. - Additional requirements.

Any person desiring to go from house to house or from place to place, or to own, operate, or control a temporary location or stand on a public street or right-of-way

in the city, to sell or solicit orders for goods, wares, merchandise, services, photographs, newspaper, magazines, or subscriptions to magazines, shall in addition to securing a permit as provided for in sections 11- 165 and 11-166, make application to the city building department for a license to do so, which application shall show the name and address of the person, if any, that he represents and the kind of goods offered for sale, and whether such applicant upon such sale or order shall demand, accept or receive payment or deposit or money in advance of final delivery, and the period of time such applicant wishes to sell or solicit in the city.

(Ord. No. 629, § 1, 8-3-2010)

Sec. 11-168. - Fees.

The license and permit fees for an itinerant merchant, itinerant vendor, temporary merchant, or temporary vendor shall be as provided in appendix A to this Code and payable in advance.

(Ord. No. 629, § 1, 8-3-2010)

Sec. 11-169. - Exemptions.

The provisions of this article shall not apply to unless otherwise stated:

1. Sales made under authority of a state statute and by order of any court;
2. Sheriff constables, bona fide assignees, receivers or trustees in bankruptcy or other public officers selling goods, wares and merchandise according to law;
3. Newspaper carriers and newspaper vending machines;
4. The sale of personal property goods which occurs on a person's own private property by the owner thereof at his private residence or business;
5. The sale of goods which occurs during organized community and special events held by the authority of agreements or special permits issued by the city council or held upon public premises or in or upon public parks under the auspices or sponsorship or within the regular administration of the parks and recreation department of the city; or

6. The sale of goods or services for noncommercial purposes or causes, whether community service, charitable, civic, religious or educational, which shall not be required to obtain a permit or license.

(Ord. No. 629, § 1, 8-3-2010)

Sec. 11-170. - Request for waiver.

The city manager or designated representative shall have the authority to waive the license, permit or fee requirements of this article. Persons or organizations which wish to be considered for waivers of this article, or any part thereof, must make written request for waiver, in addition to the regular application for permit and license. Each request shall be considered individually, and a response to each request shall be determined within three working days. Should the request for waiver be denied, the person or organization may appeal such denial to the city council. The council shall have final authority to make determinations on all appeals, by any person or organization, to any or all provisions of this article.

(Ord. No. 629, § 1, 8-3-2010)

Sec. 11-171. - Dismissal of prosecution.

Any person prosecuted under the provisions of section 11-163 shall have the right at any time before conviction to have such prosecution dismissed upon payment of said fees and all costs of prosecution; and no prosecution shall be commenced against any person after the payment of said fees, notwithstanding he may have followed such occupation, calling, or profession before paying fees, provided said license shall cover the time said person has actually followed said occupation, calling or profession.

(Ord. No. 629, § 1, 8-3-2010)

Sec. 11-172. - Authority to enforce.

The chief of police, or designated representative, shall have authority to enforce the provisions of this article, and to enlist the assistance of all appropriate agencies in the enforcement effort.

(Ord. No. 629, § 1, 8-3-2010)

Sec. 11-173. - Permit and license revocation.

Nothing in this article shall prevent the chief of police, or designee, from immediately revoking a peddler's, vendor's or itinerant vendor's license and permit

should such peddler or vendor be in violation of this or any other city code or ordinance.

(Ord. No. 629, § 1, 8-3-2010)

Sec. 11-174. - All codes and ordinances effective.

In addition to the provisions of this article, all other applicable city codes and ordinances shall apply to the operation of any itinerant and/or temporary vendor, and shall be in full force and effect. This policy shall be effective even if the vendor has applied for and obtained a valid license and permit to operate, should the violations occur either prior or subsequent to obtaining such permit.

(Ord. No. 629, § 1, 8-3-2010)

Sec. 11-175. - Mobile food vendors.

It shall be unlawful for mobile food vendors to operate within the city limits, without having first applied for and obtained a permit from the City Building Department as provided for in this section. It shall be unlawful for a mobile food vendor permit holder to fail to comply with any condition of such permit.

(1) *Permit requirements.* To receive and hold a permit for a Mobile Food Vendor operation, the applicant/permittee must meet each of the following minimum requirements:

- a. Meet all requirements set forth by section 11-165 of this Code.
- b. Be at least 18 years of age
- c. Be a citizen of the United States
- d. Licensed by the state of Texas to operate a vehicle
- e. Will have submitted a sworn statement that the driver has not been finally convicted within the past seven years of a felony or the following offenses involving moral turpitude:
  1. Prostitution or related offenses;
  2. Driving while intoxicated;
  3. Driving while under the influence of drugs;
  4. Violations of the Controlled Substance Act;
  5. Rape, murder, attempted murder, aggravated assault;
  6. Theft offenses of a class B misdemeanor or higher

- f. Meet all state and local laws and regulations applicable to Mobile Food Vendors and food establishments, including but not limited to 25 Texas Administrative Code 229, Subchapter K, as amended (the "Food Establishment Rules" or the "Rules").
  
- g. In addition, where not in conflict with the Food Establishment Rules, comply with the following:
  - 1. All foods must be from an approved source and bear a label demonstrating that they are from an approved source.
  
  - 2. Mobile units must operate from an approved commissary. A residential home commissary is not allowed. The commissary shall comply with all Food Establishment Rules, and hold current licenses and permits as required by the Rules. The mobile unit shall return to that commissary for weekly replenishing of supplies, and servicing of the mobile unit. If the commissary is located outside the city, valid copies of the commissary's current licenses and permits issued under the Food Establishment Rules and most recent health inspection report must be kept on file with the City.
  
  - 3. Only single service/use items are allowed (i.e. styrofoam, plastic or paper).
  
  - 4. Plumbing. Mobile food vendors may not connect to the city water or wastewater system except at an approved commissary or other facility approved by the city for such purposes.
  
  - 5. The mobile food vendor must operate out of a clean and enclosed unit or vehicle.
  
  - 6. The mobile food vendors unit or vehicle must be equipped with the following:
    - i. Self—contained pressurized (by pump) hot and cold potable water system.
  
    - ii. A hand washing sink (equipped with soap and paper towels).

- iii. A three compartment ware wash sink (must have capacity for largest piece of ware/equipment).
  - iv. A permanently installed wastewater holding tank (15 percent greater in size than potable water capacity).
  - v. Covered trash receptacles.
  - vi. Thermometers (cold hold, hot hold and stem type for cooked food).
  - vii. Smooth, easily cleanable, & nonabsorbent surfaces,
7. Mobile food vendors shall properly sanitize all food contact surfaces.
  8. All employees must have a valid food handler's training certificate.
  9. All mobile food vendors must provide the city with a copy of Texas sales tax certificate.
  10. If a mobile food vendor unit or vehicle is not commercially designed, the **applicant must** submit a floor plan drawn to scale that includes the location and identification of all equipment, plumbing fixtures and storage areas to the city building department. **Additionally, a site plan** must be submitted to the city building department for review with the application for permit. **A site plan should include the following:**
    - a. **Setbacks from structures and property lines;**
    - b. **Electrical service or supply to the Mobile Food Establishment;**
  11. Mobile food vendors must complete a commissary certification letter.
  12. All mobile food vendors ~~may only operate from 6:00 a.m. to 30 minutes past dusk and~~ may not remain longer than 60 minutes at any one location.

- h. Visibly display the City of Kyle permit number on the top left rear of the vehicle in vinyl, or other temporary lettering no less than two inches in height before vehicle is put into operation under any permit.
- i. Make a deposit of funds as provided for in appendix A of this code which shall be returned in full when the permittee chooses to non-renew their mobile food vendor permit in writing, except when forfeited as provided below.
  - 1. The deposit shall be forfeited for the following reasons:
    - i. Any violation of this code.
    - ii. Any violation of Food Establishment Rules or an applicable regulation of the Texas Health and Human Services Commission, or successor agency, or any other State laws, rules, or regulations dealing with food, beverage, or health and human services.
    - iii. Operating as a mobile food vendor with an expired permit.
  - 2. Should the deposit be forfeited for any reason, a new deposit and any permit fees will be required before any new application for a permit under this section to be considered.

*(2) Permit revocation.*

- a. Compliance with subsection (2) of this section shall be a condition of the mobile food vendor permit. If the permittee fails to comply with a subsection (2), then the mobile food vendor permit may be revoked.
- b. If a mobile food vendor permit is revoked, any deposits and fees paid to the city will be forfeited.
- c. The former permittee may appeal the revocation of a mobile food vendor permit by submitting a written request for appeal to the city secretary within ten days of receiving the notice of revocation. The City manager will hold a hearing within a reasonable time of receipt of the appeal, but no later than 30 days after receipt, at which the former permittee will have an opportunity to explain why the permit should not be revoked. The city manager shall issue his decision within 30 days of the date of the hearing. The City manager's decision shall be final.

(3) *Permit renewal and fees.*

- a. Mobile food vendor permits expire ~~at the end of the calendar quarter~~ after 12 months from the date in which they were issued and must be renewed ~~every calendar quarter~~ annually. A permittee's violation of this Code, the Food Establishment Rules, or any applicable Texas State law, rule or regulation shall be grounds for denial of a permit. Denial of a permit may be appealed pursuant to the procedure for appealing revocation of permits.
- b. Fees for the mobile food vendor—hot and mobile food vendor—cold are provided for in appendix A of this Code and payable in advance. Where both hot and cold food are offered, only one permit is required, and the permit for hot food will prevail. Permits will not be prorated, though the permittee may choose which calendar quarter during which the permit will be valid.

**(4) Items to be sold.**

- a. A person operating a mobile food establishment may only sell a food item described in the permit;
- b. A person operating a mobile food establishment may not sell a non-food item.

**(5) Prohibited Vending.**

- a. Tobacco products;
- b. Alcoholic products;
- c. Sexually explicit and/or drug related paraphernalia;
- d. Real estate transactions and vacation packages;
- e. Marketing and Advertising activities;
- f. Tickets for events;
- g. Other services or products not approved by the City prior to issuance of the permit;
- h. No vending is permitted in such a manner as to impede pedestrian traffic along the right-of- way/pathway;
- i. No vending is permitted in such a manner as to impede vehicular traffic around the mobile food kitchen



(Ord. No. 629, § 1, 8-3-2010)

Sec. 11-176. - Temporary food vendors.

It shall be unlawful for temporary food vendors to operate within the city limits, without having first applied for and obtained a permit from the city building department as provided for in this section. It shall be unlawful for a temporary food vendor permit holder to fail to comply with any condition of such permit.

(1) *Permit requirements.* To receive and hold a permit for a temporary food vendor operation, the applicant/permittee must meet each of the following minimum requirements:

- a. Meet all requirements set forth by section 11-166 of this Code.
- b. Be at least 18 years of age
- c. Be a citizen of the United States
- d. Submitted a sworn statement that no operator or employee has been finally convicted within the past seven years of a felony or the following offenses involving moral turpitude:
  1. Prostitution or related offenses;
  2. Driving while intoxicated;
  3. Driving while under the influence of drugs;
  4. Violations of the Controlled Substance Act;
  5. Rape, murder, attempted murder, aggravated assault;
  6. Theft offenses of a class B misdemeanor or higher
- e. Meet all state and local laws and regulations applicable to mobile food vendors and food establishments, including but not limited to the Food Establishment Rules.
- f. In addition, where not in conflict with the Food Establishment Rules, comply with the following:

(2) All foods must be from an approved source and bear a label demonstrating that they are from an approved source.

- (3) Temporary food vendors—hot must operate from an approved commissary; a residential home commissary is not allowed. The commissary shall comply with all Texas Food Establishment Rules and hold current licenses and permits as required by the Rules. The mobile unit shall return to that commissary for replenishing of supplies, and servicing of the mobile unit. If the commissary is located outside of the city limits, valid copies of the commissary's current licenses and permits issued under the Food Establishment Rules and the most recent health inspection report must be kept on file with the city.

The Commissary servicing a mobile food-vending unit must have the following facilities in addition to the licensed kitchen:

- a. Overhead protection for supplying, cleaning, and servicing the mobile unit
  - b. Areas for flushing and cleaning liquid waste storage facility on mobile unit that is separate from water servicing area
  - c. Surface of servicing area is constructed of smooth, non-absorbent material
  - d. Time/date device to record when a mobile vending unit is serviced
- (4) Temporary food vendors must complete a commissary certification letter.
- (5) Temporary food vendors—cold and vendors offering only shaved ice or prepackaged frozen treats are exempt from commissary requirements so long as there is no history of violations of this Code.
- (6) Only single service/use items are allowed (i.e. styrofoam, plastic or paper).
- (7) The temporary food vendor shall properly sanitize all food contact surfaces.
- (8) All employees must have a valid food handler's training certificate.
- (9) If a temporary food vendor unit or vehicle is not commercially designed, then a plan or drawing showing the layout of the mobile unit must be submitted to the city building department for review with the application for permit. Additionally, a site plan must be submitted.

a) A site plan should include:

1. Setbacks from structures and property lines;
2. Electrical service or supply to the Mobile Food Establishment;
3. Water connection or supply (if included);
4. Outside equipment or accessories

b) A floor plan should include:

1. All mechanical equipment
2. Sinks and drains
3. Cooking appliances
4. Storage of hazardous materials/ fuel supplies
5. Cold storage/ ice machines
6. Hot holding (storage)
7. Potable water holding tank and size (volume)
8. Wastewater holding tank

7. The temporary food vendor must operate out of a clean and enclosed unit/vehicle.
8. The temporary food unit or vehicle must be equipped with the following:
  - a) Covered trash receptacles.
  - b) Smooth, easily cleanable, and nonabsorbent surfaces.
  - c) Thermometers (cold hold, hot hold and stem type for cooked foods).
  - d) Trash receptacle for customers.
- d. Temporary Food Vendors are permitted in "RS" Retail Services, "CBD-1" and "CBD-2" Central Business Districts and "E" Entertainment Zoning Districts only, where each of the following conditions are met:
  1. The temporary food vendor is or will be located on private property where an existing, permanent business operates in a building with a Certificate of Occupancy at all times while the temporary food vendor occupies the property.
  2. Temporary connections to utilities such as potable water and city sewer or electricity are not-utilized prohibited. Water shall be obtained from an internal-source tank. Wastewater shall be handled with an internal tank which may not be emptied into the city sewer system. Electricity shall be used from a generator or an electrical outlet via a portable cord that is in

- conformance with the National Electrical Code as adopted by the city, including amendments thereto.
3. The temporary food vendor is located no closer than 50 feet from ~~major thoroughfares, as designated on the city's thoroughfare plan, as it exists or may be amended.~~
  4. A drive through is not utilized in conjunction with the temporary food vendor.
  5. Except in the CBD-2 zoning district, temporary food vendors may not be located within 150 feet of another temporary food vendor on the same lot, except that two temporary food vendors may cluster (be within 150 feet of each other on the same lot) but the buffer then becomes 300 feet for any other temporary food vendors;
  6. Except in the CBD-2 zoning district, the temporary food vendor shall be located no closer than 150 feet from a property used or zoned for residential purposes.
- e. Temporary food vendors may operate only during the hours allowed by the zoning district they are located in so long as restroom access is still available.
  - f. A temporary food vendor may not remain on a particular property for a period of time that ~~cumulatively~~ exceeds nine twelve months ~~within a calendar year~~.
  - g. The Temporary food vendor may not use amplifiers, loudspeakers, musical instruments or any other devices for the production of sound.
  - h. ~~No tables, chairs, ice chests or equipment are allowed outside the stationary cart or trailer, except for use by temporary food vendor employees;~~  
Tables, chairs and ice chests are permitted for customers/employees use, but no visible storage outside of the food unit is accepted and anything stored underneath the trailer must be screened from view. Food establishments with outdoor seating cannot use required minimum parking area(s) for operating businesses.
  - i. Dogs are permitted at the site but are required to be on leashes and watched over by their owners.

- j. Every temporary food vendor must visibly display the approved permit issued by the City.
- k. ~~No signage is allowed other than what is permitted by the city building department and permanently installed on the stationary cart or trailer itself except for one sandwich board which may be placed during business hours, but must be removed daily.~~
  - 1. Owners are permitted one temporary sign attached to the cart for public display. The temporary sign:
    - a) cannot measure larger than 16 square feet, and
    - b) cannot extend more than nine (9) feet above grade, and
    - c) must be constructed from durable materials intended to be used as a temporary sign, and
    - d) must be securely affixed, either independently or via poles, to the unit.
  - 2. Additionally, one "sandwich board" of no more than twelve (12) square feet per façade (twenty-four (24) square feet total) is permitted during business hours only, but must be removed and stored away from public view daily.
- l. Temporary food vendors must submit with the permit application written authorization or other suitable documentation showing that the owner of the property consents to the temporary food vendor operating on said property.
- m. A temporary food vendor shall submit a site map depicting the location of the temporary food vendor on the property, shall secure a health permit from the county, and a permit from Building Inspections prior to the operation of such use.
- n. The operator of the temporary food vendor operation shall possess a valid Texas sales and use tax permit.

(2) **Prohibited Vending.**

- a. Tobacco products;
- b. Alcoholic products;
- c. Sexually explicit and/or drug related paraphernalia;
- d. Real estate transactions and vacation packages;
- e. Marketing and Advertising activities;
- f. Tickets for off-site events;
- g. Other services or products not approved by the City prior to issuance of the permit;

- h. No vending is permitted in such a manner as to impede vehicle or pedestrian traffic along any right-of-way/pathway;
- i. No vending is permitted in such a manner as to impede vehicular traffic around the use.

(3) *Permit revocation.*

- a. Compliance with subsection (2) of this section shall be a condition of the temporary food vendor permit. If the permittee fails to comply with subsection (2), then the temporary food vendor permit may be revoked.
- b. If a temporary food vendor permit is revoked, any deposits and fees paid to the city will be forfeited.
- c. The former permittee may appeal the revocation of a temporary food vendor permit by submitting a written request for appeal to the city secretary within ten days of receiving the notice of revocation. The city manager will hold a hearing within a reasonable time of receipt of the appeal, but no later than 30 days after receipt, at which the former permittee will have an opportunity to explain why the permit should not be revoked. The city manager shall issue his decision within 30 days of the date of the hearing. The city manager's decision shall be final.

(4) *Permit renewal and fees.*

- a. Temporary food vendor permits expire ~~at the end of the month~~ a year from the date on which they were issued and must be renewed ~~every calendar month annually~~. A permittee's violation of this code, the Food Establishment Rules, or any applicable Texas state law, shall be grounds for denial of a permit. Denial of a permit may be appealed pursuant to the procedure for appealing revocation of permits.
- b. A permittee may not hold a temporary food vendor permit for more than ~~nine consecutive months, nor more than nine months total in any given year~~ 12 consecutive months.
- c. Fees for the temporary food vendor—hot and temporary food vendor—cold are provided for in appendix A of this Code and payable in advance. Where both hot and cold food are offered, only one permit is required, and the permit for hot

food will prevail. Permits will not be prorated, though the permittee may choose which calendar month during which the permit will be valid.

(Ord. No. 629, § 1, 8-3-2010)

Secs. 11-315—11-330. - Reserved.

***[all numbering formats and outline hierarchy may be amended for clarity once the text has been finalized and adopted.]***