

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING CHAPTER 53 (ZONING) OF THE CITY OF KYLE, TEXAS, FOR THE PURPOSE OF REZONING APPROXIMATELY 4.566 ACRES OF LAND FROM MULTI-FAMILY RESIDENTIAL-3 'R-3-3' TO RETAIL SERVICE DISTRICT 'RS' FOR PROPERTY LOCATED AT THE NORTHWEST CORNER OF MARKETPLACE AVENUE AND S. FM 1626, IN HAYS COUNTY, TEXAS. (SHELDON-TANGLEWOOD, LTD. – Z-17-011); AUTHORIZING THE CITY SECRETARY TO AMEND THE ZONING MAP OF THE CITY OF KYLE SO AS TO REFLECT THIS CHANGE; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KYLE, TEXAS, THAT:

SECTION 1. That the zoning district map of the City of Kyle adopted in Chapter 53 (Zoning) be and the same is hereby amended to rezone approximately 4.566 acres of land from Multi-Family Residential-3 'R-3-3' to Retail Service District 'RS' for property located at the northwest corner of Marketplace Avenue and S. FM 1626, as shown on the property location map labeled Exhibit B.

SECTION 2. That the City Secretary is hereby authorized and directed to designate the tract of land zoned herein as such on the zoning district map of the City of Kyle and by proper endorsement indicate the authority for said notation.

SECTION 3. If any provision, section, sentence, clause, or phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid (or for any reason unenforceable), the validity of the remaining portions of this Ordinance or the application to such other persons or sets of circumstances shall not be affected hereby, it being the intent of the City Council of the City of Kyle in adopting this Ordinance, that no portion hereof or provision contained herein shall become inoperative or fail by reason of any unconstitutionality or invalidity of any other portion or provision.

SECTION 4. This Ordinance shall be published according to law and shall be and remain in full force and effect from and after the date of publication.

SECTION 5. It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required by law.

READ, CONSIDERED, PASSED AND APPROVED ON FIRST READING by the City Council of Kyle at a regular meeting on the \_\_\_\_\_ day of \_\_\_\_\_, 2017, at which a quorum was present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

READ, CONSIDERED, PASSED AND APPROVED ON SECOND AND FINAL READING by the City Council of Kyle at a regular meeting on the \_\_\_\_\_ day of \_\_\_\_\_, 2017, at which a quorum was present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
R. Todd Webster, Mayor

ATTEST:

\_\_\_\_\_  
Jennifer Vetrano, City Secretary

# Exhibit A

Lidl Rezoning Request  
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## METES AND BOUNDS DESCRIPTION

BEING a 4.566 acre tract of land situated in the John King Survey, Abstract Number 276, Hays County, Texas in the City of Kyle. Being a portion of the tract of land described as Tract 1 in the deed to Sheldon-Tanglewood, Ltd. recorded in Volume 2495, Page 658, Deed Records of Hays County, Texas, said 4.566 acre tract of land being more particularly described as follows:

BEGINNING at a 5/8 inch iron rod with a cap stamped "Dunaway Assoc LP" set for the point of intersection of the northerly right-of-way line of F. M. 1626 (a variable width right-of-way) with the westerly right-of-way line of Marketplace Avenue as shown on the plat recorded in Cabinet 14, Page 84, Plat Records of Hays County, Texas;

THENCE with the northerly right-of-way line of F. M. 1626 North 60° 05' 52" West (Volume 2495 Page 658 = North 60° 49' 01" West) a distance of 282.32 feet to a 5/8 inch iron rod with a cap stamped "Dunaway Assoc LP" set for corner;

THENCE departing the northerly right-of-way line of F. M. 1626 North 29° 54' 08" East a distance of 637.49 feet to a 5/8 inch iron rod with a cap stamped "Dunaway Assoc LP" set for corner;

THENCE South 60° 05' 02" East a distance of 312.22 feet to a 5/8 inch iron rod with a cap stamped "Dunaway Assoc LP" set in the westerly right-of-way line of Marketplace Avenue;

THENCE with the westerly right-of-way line of Marketplace Avenue the following:

South 29° 53' 34" West (Cabinet 14 Page 84 = South 29° 10' 25" West) a distance of 607.49 feet to a 5/8 inch iron rod with a cap stamped "Dunaway Assoc LP" set for the point of curvature of a curve to the right having a radius of 30.00 feet;

Southwesterly along said curve through a central angle of 90° 00' 35" an arc distance of 47.13 feet with a chord bearing of South 74° 53' 51" West and a chord distance of 42.43 feet to the POINT OF BEGINNING;

CONTAINING a computed area of 4.566 acres (198,881 square feet) of land.



# Exhibit B

Z-17-011 4.56 Acres on Marketplace Ave at FM 1626

