

CITY OF KYLE

PLANNING & ZONING COMMISSION REGULAR MEETING

Kyle City Hall, 100 W. Center Street,
Kyle, TX 78640; Spectrum 10;
<https://www.cityofkyle.com/kyletv/kyle-10-live>

SPECIAL NOTE: Pursuant to the March 16, 2020 proclamation issued by Governor Abbott, this meeting will be held in-person and by videoconference in order to advance the public health goal of limiting face-to-face meetings (also called 'social distancing') to slow the spread of COVID-19. Some Planning and Zoning Commissioners will be present in the chamber while others will attend the meeting via videoconferencing. This meeting can be viewed live online at <https://www.cityofkyle.com/kyletv/kyle-10-live> OR Spectrum10.



Notice is hereby given that the Planning and Zoning Commission of the City of Kyle, Texas will meet at 6:30 PM on June 9, 2020, at Kyle City Hall, 100 W. Center Street, Kyle, TX 78640; Spectrum 10; <https://www.cityofkyle.com/kyletv/kyle-10-live>, 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 5th day of June, 2020, prior to 6:30 P.M.

1. Call Meeting To Order

2. Roll Call

3. Minutes

A.Planning and Zoning Commission Meeting Minutes for May 12, 2020 (Regular Meeting), May 26, 2020 (Special Called Meeting) and May 26, 2020 (Workshop).

4. Citizen Comments

A.Members of the public that wish to provide citizen comment have the following options:

- In-Person at Kyle City Hall
- Virtual Attendance - Persons wishing to submit their thoughts during the citizen comment period of a public meeting must provide their comments in writing to <https://www.cityofkyle.com/council/citizen-comment-sign> no later than 12 P.M. (Noon) on the day of the meeting. Timely submitted comments will be read aloud by the Chair (of Staff) during the citizen comment portion of the meeting.

5. Consent

A.Plum Creek Phase 1, Section 7C - Final Plat (SUB-20-0117) 80.639 acres; 4 Lots for property located near the southwest corner of Marketplace Ave. and Kohler's Crossing.

Staff Proposal to P&Z: Approve the Final Plat

6. Zoning

A.Consider a request by John H. Spooner Revocable Trust (Z-20-0056) to assign original zoning to approximately 179.33 acres of land from Agriculture 'AG' to Single Family Residential-Attached 'R-1-A' for property located off of E. Post Road, just north of Quail Ridge Subdivision.

- Public Hearing
- Recommendation to City Council

B.(POSTPONE UNTIL 7/28/20) Consider a request by LC 2012 Investments, LP, a Texas Limited Partnership (Z-20-0057) to assign original zoning to approximately 15.48 acres from Agriculture 'AG' to Retail Service 'RS' and to assign original zoning to approximately 12.25 acres of land from Agriculture 'AG' to Multi-Family Residential-3 'R-3-3' for property located on the southwest corner of Kohler's Crossing & I-35 Frontage Road.

- Public Hearing

- Recommendation to City Council

7. General Discussion

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

8. Staff Report

A. Staff Report by Howard J. Koontz, Director of Planning and Community Development.

9. Adjournment



CITY OF KYLE, TEXAS

Minutes

Meeting Date: 6/9/2020

Date time:6:30 PM

Subject/Recommendation: Planning and Zoning Commission Meeting Minutes for May 12, 2020 (Regular Meeting), May 26, 2020 (Special Called Meeting) and May 26, 2020 (Workshop).

Other Information: Please see attached.

Legal Notes: N/A

Budget Information: N/A

ATTACHMENTS:

Description

- May 12, 2020 - Regular Meeting Minutes
- May 26, 2020 - Special Called Meeting Minutes
- May 26, 2020 - Workshop Meeting Minutes

REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION

The Planning and Zoning Commission of the City of Kyle, Texas met in a regular meeting on May 12, 2020 at 6:30 P.M. in a virtual meeting, with the following persons present:

Madam Chair, Michele Christie

Lila Knight

Vice-Chair, Tim McHutchion
Commissioner, Paul Scheibmeir
Commissioner, Priscilla Harrell
Commissioner, Alex Guerra
Commissioner, Tim McHutchion
Commissioner, Rebecca Voss
Planning Director, Howard J. Koontz
City Planner, William Atkinson
Planning Technician, Debbie A. Guerra

CALL MEETING TO ORDER

Madam Chair Christie called the meeting to order at 6:30 P.M.

ROLL CALL OF COMMISSION

Madam Chair Christie called for roll call. No one was absent.

MINUTES

MEETING MINUTES FOR FEBRUARY 25, 2020 (WORKSHOP), MARCH 10, 2020 (REGULAR MEETING) AND APRIL 14, 2020 (REGULAR MEETING).

Vice-Chair McHutchion moved to approve the meeting minutes. Commissioner Voss seconds the motion. All votes aye. Motion carried.

CITIZENS COMMENTS

Madam Chair Christie opened the citizens comment period at 6:32 P.M. and called for comments on items not on the agenda or posted for public hearing. Lila Knight addressed the Commission regarding item 6E – K50 Subdivision Preliminary Plan. Ms. Knight asked if there will be a disclosure for Kinder Morgan pipeline for that subdivision and it wasn't mentioned in the plat notes. Madam Chair Christie closed the public hearing at 6:33 P.M.

CONSENT

TRAILS AT WINDY HILL PHASE 2 – FINAL PLAT (SUB-19-0071) 29.748 ACRES; 99 RESIDENTIAL LOTS, 1 LIFT STATION, 1 OPEN SPACE/DRAINAGE LOT, 2 OPEN SPACE LOTS AND RIGHT-OF-WAY FOR PROPERTY LOCATED OFF OF WINDY HILL ROAD AND MATHIAS LANE.

STAFF PROPOSAL TO P&Z: APPROVE THE FINAL PLAT.

CYPRESS FOREST COMMERCIAL – FINAL PLAT (SUB-20-0110) 15.27 ACRES; 1 COMMERCIAL LOT FOR PROPERTY LOCATED AT THE NORTHWEST CORNER OF N. OLD STAGECOACH ROAD AND CYPRESS ROAD.

STAFF PROPOSAL TO P&Z: APPROVE THE FINAL PLAT.

GOFORTH RETAIL SUBDIVISION – FINAL PLAT (SUB-20-0106) 1.71 ACRES; 1 COMMERCIAL LOT FOR PROPERTY LOCATED OFF OF BUNTON CREEK ROAD AND GOFORTH ROAD.

STAFF PROPOSAL TO P&Z: APPROVE THE FINAL PLAT.

Commissioner Guerra moved to approve the consent agenda. Vice-Chair McHutchion seconds the motion. All votes aye. Motion carried.

CONSIDER AND POSSIBLE ACTION

SUNSET HILLS SUBDIVISION, PHASE 2 – FINAL PLAT (SUB-20-0118) 15.6316 ACRES; 77 SINGLE FAMILY LOTS FOR PROPERTY LOCATED OFF OF BEBEE ROAD, JUST WEST OF DACY LANE.

Commissioner Scheibmeir moved to approve the final plat. Commissioner Voss seconds the motion. All votes aye. Motion carried.

A PUBLIC HEARING FOR THE PURPOSE OF RECEIVING TESTIMONY, COMMENTS AND WRITTEN EVIDENCE FROM THE PUBLIC REGARDING A CONCEPT PLAN APPLICATION TO SUBDIVIDE APPROXIMATELY 119.433 ACRES OF LAND FOR PROPERTY LOCATED AT THE NORTHERN CORNER OF GOFORTH ROAD AND BUNTON CREEK ROAD. (GOFORTH KYLE SUBDIVISION – SUB-19-0084)

Madam Chair Christie opened the public hearing at 6:37 P.M. and called for comments for or against the request. Madam Chair Christie read comments received by mail. Brent Brod in favor. Cynthia DeLeon, Michael Green, Karen and Dwight Meyer not in favor of the request due to the roads not able to handle additional traffic. Madam Chair Christie closed the public hearing at 6:39 P.M.

Commissioner Scheibmeir moved to approve the application to subdivide. Vice-Chair McHutchion seconds the motion. All votes aye. Motion carried.

GOFORTH KYLE SUBDIVISION – CONCEPT PLAN (SUB-19-0084) 119.433 ACRES, 400 SINGLE FAMILY LOTS LOCATED AT THE NORTHERN CORNER OF GOFORTH AND BUNTON CREEK ROAD.

Vice-Chair McHutchion moved approve the concept. Commissioner Voss seconds the motion. All votes aye. Motion carried.

A PUBLIC HEARING FOR THE PURPOSE OF RECEIVING TESTIMONY, COMMENTS AND WRITTEN EVIDENCE FROM THE PUBLIC REGARDING A PRELIMINARY PLAN APPLICATION TO SUBDIVIDE APPROXIMATELY 49.6 ACRES OF LAND FOR PROPERTY LOCATED AT 1200 ROLAND LANE. (KYLE 50 SUBDIVISION – SUB-20-0107)

Madam Chair Christie opened the public hearing at 6:47 P.M. and called for comments for or against the request. There were no comments. Madam Chair Christie closed the public hearing at 6:47 P.M.

Vice-Chair McHutchion moved to approve the application to subdivide. Commission Voss seconds the motion. All votes aye. Motion carried.

KYLE 50 SUBDIVISION – PRELIMINARY PLAN (SUB-20-0107) 49.6 ACRES; 130 SINGLE FAMILY LOTS, 2 RETAIL LOTS AND 5 OPEN SPACE LOTS FOR PROPERTY LOCATED AT 1200 ROLAND LANE.

Commissioner Scheibmeir moved to approve the preliminary plan. Commissioner Voss seconds the motion. All votes aye. Motion carried.

A PUBLIC HEARING FOR THE PURPOSE OF RECEIVING TESTIMONY, COMMENTS AND WRITTEN EVIDENCE FROM THE PUBLIC REGARDING A PRELIMINARY PLAN APPLICATION TO SUBDIVIDE APPROXIMATELY 47.062 ACRES OF LAND FOR PROPERTY LOCATED ON THE NORTHWEST CORNER OF REBEL DRIVE AND GREGG DRIVE. (K47 SUBDIVISION - SUB-20-109)

Madam Chair Christie opened the public hearing at 6:55 P.M. and called for comments for or against the request. There were no comments. Madam Chair Christie closed the public hearing at 6:55 P.M.

Commissioner Scheibmeir moved to approve the application to subdivide. Commissioner Harrell seconds the motion. All votes aye. Motion carried.

K47 SUBDIVISION PRELIMINARY PLAN (SUB-20-0109) 47.062 ACRES; 159 RESIDENTIAL LOTS, 1 TOWNHOME LOT, 6 OPEN SPACE LOTS AND 2 RETAIL LOTS FOR PROPERTY LOCATED ON THE NORTHWEST CORNER OF REBEL DRIVE AND GREGG DRIVE.

Vice-Chair McHutchion moved to approve the preliminary plan. Commissioner Voss seconds the motion. All votes aye. Motion carried.

A PUBLIC HEARING FOR THE PURPOSE OF RECEIVING TESTIMONY, COMMENTS AND WRITTEN EVIDENCE FROM THE PUBLIC REGARDING A PRELIMINARY PLAN APPLICATION TO SUBDIVIDE APPROXIMATELY 47.25 ACRES OF LAND FOR PROPERTY LOCATED WITHIN THE 1300-1600 BLOCK OF REBEL DRIVE. (BROOKS RANCH SUBDIVISION – SUB-20-0112)

Madam Chair Christie opened the public hearing at 7:14 P.M. and called for comments for or against the request. Dr. Mark Trahan stated he'd like clarity regarding the subdivision layout and stated he worked with Council to have a 10-foot barrier between the subdivisions. Madam Chair Christie closed the public hearing at 7:15 P.M.

Vice-Chair McHutchion moved to approve the application to subdivide. Commissioner Harrell seconds the motion. Commissioners Voss, Harrell, Christie, McCall, Guerra and McHutchion vote aye. Commissioner Scheibmeir votes nay. Motion carried.

BROOKS RANCH PRELIMINARY PLAN (SUB-20-0112) 47.25 ACRES; 138 SINGLE FAMILY LOTS, 2 OPEN SPACE/AMENITY LOT AND 4 D.E./M.U.E. LOTS FOR PROPERTY LOCATED WITHIN THE 1300-1600 BLOCK FOR REBEL DRIVE.

Commissioner Voss moved to approve the preliminary plan. Commissioner Harrell seconds the motion. Commissioners Voss, Harrell, Christie, McHutchion, Guerra and McCall vote aye. Commissioner Scheibmeir votes nay. Motion carried.

GENERAL DISCUSSION

DISCUSSION ONLY REGARDING PLANNING AND ZONING COMMISSION REQUEST FOR FUTURE AGENDA ITEMS.

Vice-Chair McHutchion stated he'd like to see Planning and Zoning having a stronger role with the Economic Development Department.

STAFF REPORT

STAFF REPORT BY HOWARD J. KOONTZ, DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT.

- Work session on May 26th
- Comprehensive Plan Consultant may be selected at the May 19th City Council meeting
- The City is looking into the State neighboring Cities for City Hall opening.

ADJOURN

With no further business to discuss, Vice-Chair McHutchion moved to adjourn. Commissioner Harrell seconds the motion. All votes aye. Motion carried.

The Planning and Zoning Commission regular meeting adjourned at 8:01 P.M.

Prepared by Debbie A. Guerra
Christie

Madam Chair Michele

**REGULAR MEETING OF THE
PLANNING AND ZONING COMMISSION**

The Planning and Zoning Commission of the City of Kyle, Texas met in a special called meeting on May 26, 2020 at 6:30 P.M. in a virtual meeting, with the following persons present:

Madam Chair, Michele Christie
Commissioner, Paul Scheibmeir
Commissioner, Alex Guerra
Commissioner, Megan McCall
Commissioner, Rebecca Voss
Planning Director, Howard J. Koontz
City Planner, William Atkinson
Planning Technician, Debbie A. Guerra

CALL MEETING TO ORDER

Madam Chair Christie called the meeting to order at 6:30 P.M.

ROLL CALL OF COMMISSION

Madam Chair Christie called for roll call. Commissioners Harrell and McHutchion were absent. Commissioner McCall was absent from roll call (arrived at 6:31 P.M.)

CITIZENS COMMENTS

Madam Chair Christie opened the citizens comment period at 6:30 P.M. and called for comments on items not on the agenda or posted for public hearing. There were no comments. Madam Chair Christie closed the public hearing at 6:30 P.M.

CONSENT

MAJESTIC INDUSTRIAL PARK REPLAT OF LOTS 2 AND 3, BLOCK 1 (SUB-20-0126) 30.810 ACRES; 2 COMMERCIAL LOTS FOR PROPERTY LOCATED ON THE SOUTHWEST CORNER OF KYLE CROSSING AND KOHLER'S CROSSING.

STAFF PROPOSAL TO P&Z: APPROVE THE REPLAT.

Commissioner McCall moved to approve the consent agenda. Commissioner Scheibmeir seconds the motion. All votes aye. Motion carried.

ADJOURN

With no further business to discuss, Commissioner Scheibmeir moved to adjourn. Commissioner McCall seconds the motion. All votes aye. Motion carried.

The Planning and Zoning Commission special called meeting adjourned at 6:32 P.M.

Prepared by Debbie A. Guerra

Madam Chair Michele Christie

**REGULAR MEETING OF THE
PLANNING AND ZONING COMMISSION**

The Planning and Zoning Commission of the City of Kyle, Texas met in a workshop meeting on May 26, 2020 at 6:35 P.M. in a virtual meeting, with the following persons present:

Madam Chair, Michele Christie
Commissioner, Paul Scheibmeir
Commissioner, Alex Guerra
Commissioner, Megan McCall
Commissioner, Rebecca Voss
Planning Director, Howard J. Koontz
City Planner, William Atkinson
Planning Technician, Debbie A. Guerra

CALL MEETING TO ORDER

Madam Chair Christie called the meeting to order at 6:35 P.M.

ROLL CALL OF COMMISSION

Madam Chair Christie called for roll call. Commissioners Harrell and McHutchion were absent.

CITIZENS COMMENTS

Madam Chair Christie opened the citizens comment period at 6:35 P.M. and called for comments on items not on the agenda or posted for public hearing. There were no comments. Madam Chair Christie closed the public hearing at 6:35 P.M.

GENERAL DISCUSSION

THE PLANNING COMPREHENSIVE PROCESS.

- 1. THE CONVENTIONAL PROCESS**
- 2. COMPREHENSIVE PLANS IN THE DIGITAL ERA**
- 3. PUBLIC PARTICIPATION**
- 4. STRENGTHS, WEAKNESSES, OPPORTUNITIES, THREATS**

Discussion only. No action taken.

ADJOURN

With no further business to discuss, Commissioner Voss moved to adjourn. Commissioner Scheibmeir seconds the motion. All votes aye. Motion carried.

The Planning and Zoning Commission workshop meeting adjourned at 7:52 P.M.

Prepared by Debbie A. Guerra

Madam Chair Michele Christie



CITY OF KYLE, TEXAS

Citizen Comment Information

Meeting Date: 6/9/2020

Date time:6:30 PM

Subject/Recommendation: Members of the public that wish to provide citizen comment have the following options:

- In-Person at Kyle City Hall
- Virtual Attendance - Persons wishing to submit their thoughts during the citizen comment period of a public meeting must provide their comments in writing to <https://www.cityofkyle.com/council/citizen-comment-sign> no later than 12 P.M. (Noon) on the day of the meeting. Timely submitted comments will be read aloud by the Chair (of Staff) during the citizen comment portion of the meeting.

Other Information:

Legal Notes:

Budget Information:

ATTACHMENTS:

Description

No Attachments Available



CITY OF KYLE, TEXAS

Plum Creek Phase 1, Section 7C - Final Plat (SUB-20-0117)

Meeting Date: 6/9/2020
Date time:6:30 PM

Subject/Recommendation: Plum Creek Phase 1, Section 7C - Final Plat (SUB-20-0117) 80.639 acres; 4 Lots for property located near the southwest corner of Marketplace Ave. and Kohler's Crossing.

Staff Proposal to P&Z: Approve the Final Plat

Other Information: See attached.

Legal Notes: N/A

Budget Information: N/A

ATTACHMENTS:

Description

☐ Final Plat

FINAL PLAT PLUM CREEK PHASE 1, SECTION 7C HAYS COUNTY, TEXAS

"PRELIMINARY"
This Document shall not be Recorded
for any purpose

STATE OF TEXAS
COUNTY OF HAYS

KNOW ALL MEN BY THESE PRESENTS, THAT WE, MOUNTAIN PLUM, LTD., A LIMITED PARTNERSHIP ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF TEXAS, WITH ITS HOME ADDRESS AT 4040 BROADWAY, SUITE 501, SAN ANTONIO, TEXAS 78209, BEING THE OWNER OF 80.639 ACRES IN THE JESSE DAY SURVEY NO. 162, ABSTRACT 152 AND THE JESSE DAY SURVEY, ABSTRACT 159, BEING A PORTION OF A CERTAIN CALLED 185.77 ACRE TRACT DESIGNATED AS TRACT 4, EXHIBIT "A" AND DESCRIBED IN VOLUME 2297, PAGE 139, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, DO HEREBY SUBDIVIDE SAID 80.639 ACRES AS SHOWN ON THIS PLAT, AND DESIGNATED HEREIN AS THE **PLUM CREEK PHASE 1, SECTION 7C** SUBDIVISION TO THE CITY OF KYLE, TEXAS, AND HEREBY DEDICATE TO THE USE OF THE PUBLIC FOREVER PUBLIC RIGHT OF WAY AND DRAINS, EASEMENTS (EXCLUDING LANDSCAPE AREA WITHIN EASEMENTS), PARKS AND PUBLIC PLACES THEREON SHOWN, EXCEPT AREAS IDENTIFIED AS PRIVATE OR CREATED BY SEPARATE INSTRUMENT, FOR THE PURPOSE AND CONSIDERATION THEREIN EXPRESSED.

WHEREOF THE SAID MOUNTAIN PLUM, LTD., OWNER, HAS CAUSED THESE PRESENTS TO BE EXECUTED BY ITS GENERAL PARTNER, MP GENERAL, LLC, A TEXAS LIMITED LIABILITY COMPANY, THEREUNTO DULY AUTHORIZED, GENERAL PARTNER HAS CAUSED THESE PRESENTS TO BE EXECUTED BY ITS MANAGERS, _____, AND MOUNTAINCITYLAND, LLC HAS CAUSED THESE PRESENTS TO BE EXECUTED BY _____, ITS MANAGER, THEREUNTO DULY AUTHORIZED.

MOUNTAIN PLUM, LTD., A TEXAS LIMITED PARTNERSHIP

BY: MP GENERAL, LLC, A TEXAS LIMITED LIABILITY COMPANY, ITS GENERAL PARTNER

BY: _____, NAME: _____, MANAGER

BY: _____, NAME: _____, MANAGER

BY: MOUNTAINCITYLAND, LLC, A TEXAS LIMITED LIABILITY COMPANY, MANAGER

BY: _____, NAME: _____, MANAGER

STATE OF TEXAS
COUNTY OF HAYS

I, THE UNDERSIGNED AUTHORITY, ON THIS THE ____ DAY OF _____, 20____ A.D. DID PERSONALLY APPEAR _____, MANAGER OF MP GENERAL, LLC, A TEXAS LIMITED LIABILITY COMPANY, THE GENERAL PARTNER OF MOUNTAIN PLUM, LTD., A TEXAS LIMITED PARTNERSHIP, KNOW TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FORGOING INSTRUMENT OF WRITING, AND HE ACKNOWLEDGED BEFORE ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATION THEREIN EXPRESSED, ON BEHALF OF SAID LIMITED LIABILITY COMPANY AND LIMITED PARTNERSHIP.

NOTARY PUBLIC

STATE OF TEXAS
COUNTY OF HAYS

I, THE UNDERSIGNED AUTHORITY, ON THIS THE ____ DAY OF _____, 20____ A.D. DID PERSONALLY APPEAR _____, MANAGER OF MP GENERAL, LLC, A TEXAS LIMITED LIABILITY COMPANY, THE GENERAL PARTNER OF MOUNTAIN PLUM, LTD., A TEXAS LIMITED PARTNERSHIP, KNOW TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FORGOING INSTRUMENT OF WRITING, AND HE ACKNOWLEDGED BEFORE ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATION THEREIN EXPRESSED, ON BEHALF OF SAID LIMITED LIABILITY COMPANY AND LIMITED PARTNERSHIP.

NOTARY PUBLIC

STATE OF TEXAS
COUNTY OF HAYS

I, THE UNDERSIGNED AUTHORITY, ON THIS THE ____ DAY OF _____, 20____ A.D. DID PERSONALLY APPEAR _____, MANAGER OF MOUNTAINCITYLAND, LLC, A TEXAS LIMITED LIABILITY COMPANY, MANAGER OF MP GENERAL, LLC, A TEXAS LIMITED LIABILITY COMPANY, THE GENERAL PARTNER OF MOUNTAIN PLUM, LTD., A TEXAS LIMITED PARTNERSHIP, KNOW TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FORGOING INSTRUMENT OF WRITING, AND HE ACKNOWLEDGED BEFORE ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATION THEREIN EXPRESSED, ON BEHALF OF SAID LIMITED LIABILITY COMPANIES AND LIMITED PARTNERSHIP.

NOTARY PUBLIC

STATE OF TEXAS
COUNTY OF HAYS

KNOW ALL MEN BY THESE PRESENTS

THAT, ELAINE H. CARDENAS, CLERK OF HAYS COUNTY COURT 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 _____, 20____, A.D., IN THE PLAT RECORDS OF HAYS COUNTY, TEXAS UNDER

CLERK'S FILE NUMBER _____ WITNESS MY HAND AND SEAL OF OFFICE OF HAYS

COUNTY ON THIS THE ____ DAY OF _____, 20____, A.D.

FILED FOR RECORD AT _____ O'CLOCK ____M. THIS THE ____ DAY OF _____, 20____, A.D.

ELAINE H. CARDENAS
COUNTY CLERK
HAYS COUNTY, TEXAS

APPROVAL CITY OF KYLE

I, THE UNDERSIGNED CHAIRPERSON OF THE PLANNING COMMISSION OF THE CITY OF KYLE HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS OF THE SUBDIVISION REGULATIONS OF THE CITY AS TO WHICH THE COMMISSION'S APPROVAL IS REQUIRED.

BY: _____
CHAIRPERSON

THIS PLAT (**PLUM CREEK PHASE 1, SECTION 7C**) HAS BEEN SUBMITTED TO AND CONSIDERED BY THE CITY COUNCIL OF THE CITY OF KYLE, TEXAS AND IS HEREBY APPROVED BY THE COUNCIL.

DATED THIS ____ DAY OF _____, 20____.

BY: _____
ATTEST:

SECRETARY

REVIEWED BY:

LEON BARBA, CITY ENGINEER _____ DATE _____

REVIEWED BY:

HARPER WILDER, DIRECTOR OF PUBLIC WORKS _____ DATE _____

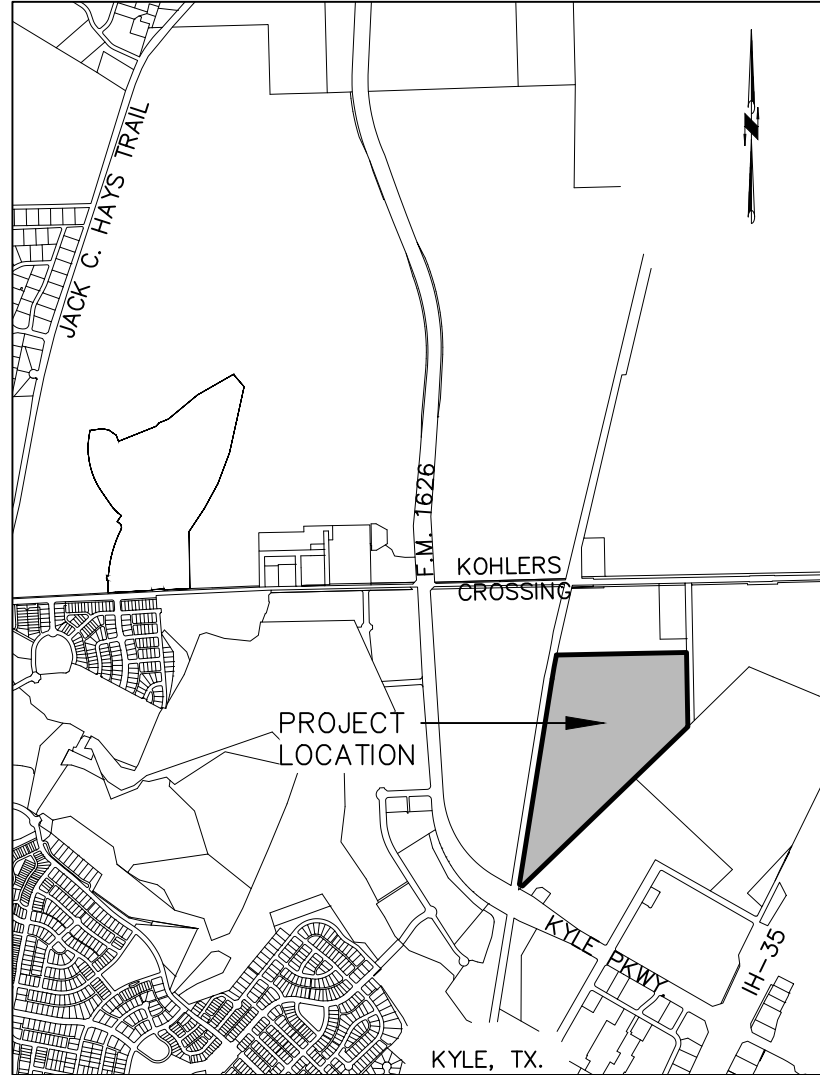
STATE OF TEXAS §
COUNTY OF HAYS §

I THE UNDERSIGNED, A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, HEREBY CERTIFY THAT THE PLAT AND ALL PLANS AND SPECIFICATIONS WHICH ARE INCLUDED WITH THE PLAT ARE, TO THE BEST OF MY PROFESSIONAL CAPACITY, COMPLETE AND ACCURATE AND IN COMPLIANCE WITH ALL RELEVANT CITY ORDINANCES, CODES, PLANS, AND RELEVANT STATE STANDARDS.

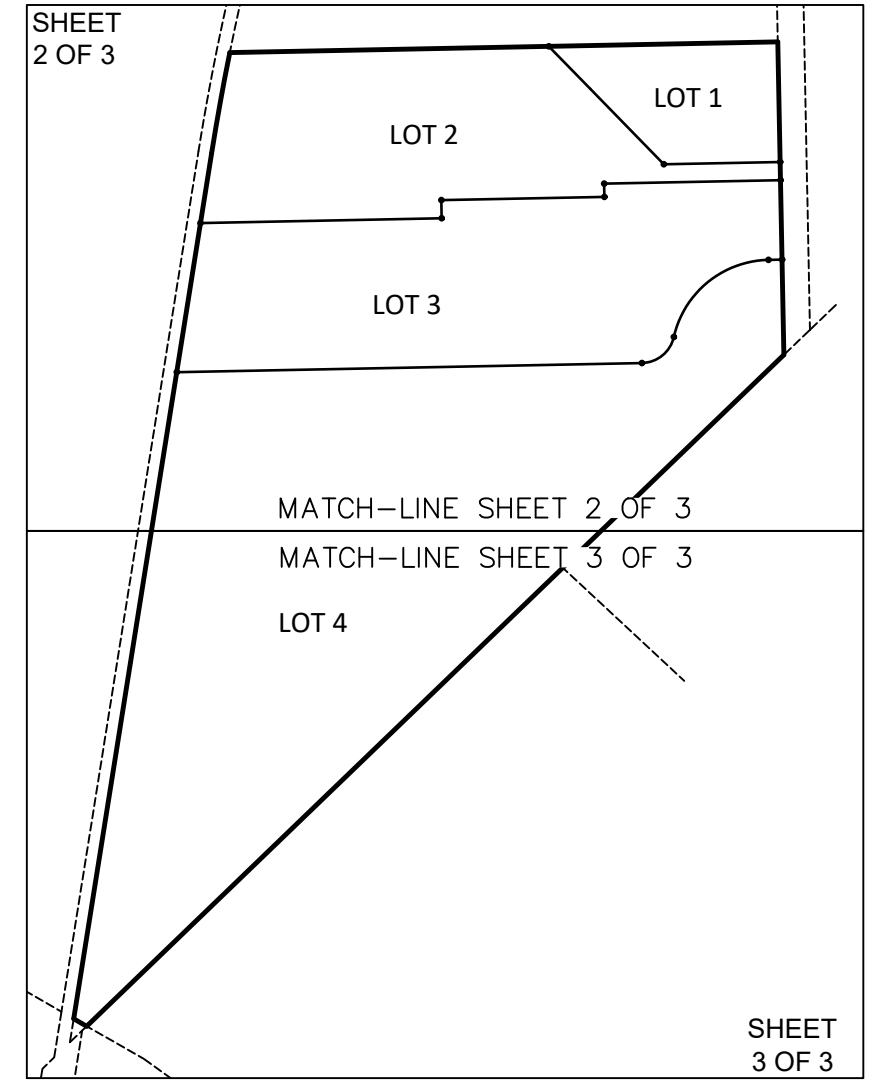
BY: _____
ANTHONY J. ENNIS, P.E.
REGISTERED PROFESSIONAL ENGINEER
NO. 125658- STATE OF TEXAS
LANDDEV CONSULTING, LLC.
FIRM# F-16384
4201 WEST PARMER LANE, SUITE C-100
AUSTIN, TEXAS 78727
(512) 872-6696

PLAT PREPARATION DATE: FEBRUARY 15, 2020
APPLICATION SUBMITTAL DATE: MARCH 9, 2020

VICINITY MAP - NTS



SHEET INDEX



SURVEYOR'S CERTIFICATION:

I, ERNESTO NAVARRETE, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HEREBY CERTIFY THAT THIS PLAT WAS PREPARED FROM AN ACTUAL ON-THE-GROUND SURVEY MADE UNDER MY SUPERVISION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

ERNESTO NAVARRETE, R.P.L.S.
REGISTERED PROFESSIONAL LAND SURVEYOR
NO. 6642 - STATE OF TEXAS
LANDDEV CONSULTING, LLC.
FIRM# 10194101
5508 HIGHWAY 290 WEST, SUITE 150
AUSTIN, TEXAS 78735
(512) 872-6696

NOTES:

1. TOTAL ACREAGE: 80.639 ACRES.
2. THE TOTAL AREA OF PUBLIC STREET RIGHT-OF-WAY TO BE DEDICATED IN THIS SUBDIVISION IS: 0.0 ACRES.
3. TOTAL NUMBER OF LOTS: 4.
4. PLAT COMPLETELY CONFORMS WITH PLUM CREEK P.U.D. MASTER PLAN & CITY OF KYLE ORDINANCE 308 AND 311 AS AMENDED.
5. SETBACKS NOT SHOWN ON LOTS SHALL CONFIRM TO THE CITY OF KYLE ZONING ORDINANCES.
6. A 7.5 FOOT PUBLIC UTILITY EASEMENT ADJACENT TO MARKETPLACE AVENUE AND 20 FOOT PUBLIC UTILITY EASEMENT ADJACENT TO F.M. 1626 IS HEREBY DEDICATED AS SHOWN AND DEPICTED HEREON.
7. NO OBJECT INCLUDING BUILDING, ACCESSORY BUILDING, FENCING OR LANDSCAPING WHICH WOULD INTERFERE WITH THE CONVEYANCE OF STORM WATER SHALL BE PLACED OR ERRECTED WITHIN DRAINAGE EASEMENTS, EXCEPT AS APPROVED BY THE CITY OF KYLE.
8. ALL UTILITIES WITHIN THIS SUBDIVISION SHALL BE UNDERGROUND.
9. ALL OPEN SPACES, DRAINAGE EASEMENT AND LANDSCAPE EASEMENT AREAS DEPICTED HEREON SHALL BE MAINTAINED, KEPT NEATLY CUT, FREE FROM DEBRIS AND, WITH RESPECT TO DRAINAGE EASEMENTS, FREE FROM TREE/BRUSH RE-GROWTH. TYPICAL LANDSCAPE MAINTENANCE, CUTTING AND TRIMMING WITHIN THE SUBDIVISION, ALL EASEMENTS AND RIGHT-OF-WAYS TO THE PAVEMENT TO BE THE RESPONSIBILITY OF THE PROPERTY OWNERS.
10. THE OWNER OF LOT 1, LOT 2, LOT 3 AND LOT 4, BLOCK A, ARE REQUIRED TO SUBMIT THE SITE DEVELOPMENT PLAN FOR LOT 1, LOT 2, LOT 3 AND LOT 4, BLOCK A, TO THE CITY OF KYLE, PLUM CREEK DEVELOPMENT PARTNERS, LTD., A TEXAS LIMITED PARTNERSHIP, AND, IF NOT THE SAME PARTIES AS ARE IN PLUM CREEK DEVELOPMENT PARTNERS, THEN THE ARCHITECTURAL REVIEW COMMITTEE FOR THE PLUM CREEK HOME OWNER'S ASSOCIATION, FOR THEIR RESPECTIVE REVIEW AND APPROVALS PRIOR TO COMMENCING ANY CONSTRUCTION ACTIVITY ON OR AROUND LOT 1, LOT 2, LOT 3 AND LOT 4, BLOCK A, INCLUDING, WITHOUT LIMITATION, THE INSTALLATION OF THE SIDEWALK AND ANY OTHER IMPROVEMENTS REQUIRE HEREIN.
11. PRIOR TO CONSTRUCTION OF ANY IMPROVEMENTS ON LOT 1, LOT 2, LOT 3 AND LOT 4, BLOCK A, IN THIS SUBDIVISION, A SITE DEVELOPMENT AND/OR BUILDING PERMITS WILL BE OBTAINED FROM THE CITY OF KYLE.
12. THIS SUBDIVISION LIES WITHIN THE BUNTON BRANCH-PLUM CREEK WATERSHED.
13. EASEMENTS SHOWN HEREON WHICH ARE CREATED BY SEPARATE INSTRUMENTS AND NOT DEDICATED PER THIS PLAT ARE GOVERNED BY THE TERMS OF SUCH SEPARATE INSTRUMENTS.
14. SIDEWALKS ALONG PUBLIC RIGHT-OF-WAY ADJACENT TO LOT 1, LOT 2, LOT 3 AND LOT 4, BLOCK A, SHALL BE INSTALLED BY THE OWNER OF LOT 1, LOT 2, LOT 3 AND LOT 4, BLOCK A, AT THE TIME OF SITE DEVELOPMENT AND PRIOR TO SUCH OWNER'S OCCUPANCY OF LOT 1, LOT 2, LOT 3 AND LOT 4, BLOCK A. SIDEWALKS, PEDESTRIAN CROSSING AND OTHER PUBLIC AMENITIES THAT ARE 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 II ENTITIES.
15. THE OWNER OF THE LAND DEDICATED BY THIS PLAT RESERVES THE RIGHT TO USE AND ENJOY THE SURFACE OF ALL EASEMENT AREAS FOR ALL PURPOSES THAT DO NOT INTERFERE WITH THE USE OF SAID EASEMENT AREAS FOR THE PURPOSE OF SAID EASEMENT, INCLUDING BUT NOT LIMITED TO THE RIGHT TO PLACE SURFACING MATERIALS OVER AND ACROSS THE EASEMENT AREA AND TO USE THE SAME FOR PARKING AREAS, DRIVEWAYS, WALKWAYS, SIDEWALK, LANDSCAPING AND LIGHTING.
16. FLOODPLAIN ANALYSIS MAY BE REQUIRED PER CITY ADOPTED RAINFALL DEPTH AT THE TIME OF SITE DEVELOPMENT.

NOTES:

1. BEARING BASIS IS TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD83, GRID.
2. DISTANCES SHOWN HEREON ARE BASED ON SURFACE MEASUREMENTS, TO CONVERT SURFACE DISTANCES TO GRID, MULTIPLY BY THE COMBINED SCALE FACTOR.
3. THE COMBINED SCALE FACTOR FOR THIS PROJECT IS 0.999902.

PUBLIC UTILITY INFORMATION:

THIS SUBDIVISION IS SERVICED BY THE FOLLOWING UTILITIES:

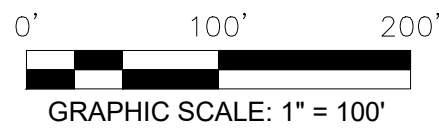
| | |
|---|--|
| WATER: CITY OF KYLE 100 W. CENTER ST. KYLE, TEXAS 78640 | WASTEWATER: CITY OF KYLE 100 W. CENTER ST. KYLE, TEXAS 78640 |
|---|--|

ELECTRIC:
PEDERNALES ELECTRIC COOPERATIVE
1819 RANCH TO MARKET RD 150
KYLE, TX 78640

CITY PROJECT
NUMBER 2020-SUB-20-0117

LANDDEV
CONSULTING, LLC
5508 HIGHWAY 290 WEST, SUITE 150
AUSTIN, TX 78735
OFFICE: 512.872.6696
TBPLS FIRM NO. 10194101

SHEET 1 OF 3



(126.130 ACRES)
TRACT 1
SHELDON - TANGLEWOOD, LTD.,
VOL. 2495, PG. 677
O.P.R.H.C.TX.

- LEGEND
- 1/2" IRON ROD FOUND
 - LAI ● 1/2" IRON ROD WITH PLASTIC CAP STAMPED "LAI" FOUND
 - LOOMIS ● 1/2" IRON ROD WITH PLASTIC CAP STAMPED "LOOMIS" FOUND
 - BCG ● 1/2" IRON ROD WITH PLASTIC CAP STAMPED "BCG" FOUND
 - 1/2" IRON ROD WITH PLASTIC CAP STAMPED "LANDDEV" SET
 - P.R.H.C.TX. PLAT RECORDS HAYS COUNTY, TEXAS
 - O.P.R.H.C.TX. OFFICIAL PUBLIC RECORDS HAYS COUNTY, TEXAS
 - () RECORD INFORMATION

BENCHMARK LIST: NAVD88 - OPUS

BM005549-633:
SQUARE FOUND ON A CONCRETE INLET IN THE SOUTH RIGHT-OF-WAY OF KOHLERS CROSSING APPROXIMATELY 588' EAST OF THE UNION PACIFIC RAIL ROAD RIGHT-OF-WAY, AND APPROXIMATELY 850' WEST OF THE MARKETPLACE RIGHT-OF-WAY.

ELEVATION = 718.35 FEET.

BM005549-634:
SQUARE SET ON A CONCRETE INLET AT THE SOUTHEAST INTERSECTION OF KOHLERS CROSSING AND MARKETPLACE AVENUE.

ELEVATION = 708.46 FEET.

FLOOD NOTE:

A PORTION OF THE SUBJECT TRACT IS SHOWN TO BE IN FLOOD ZONE A, A SPECIAL FLOOD HAZARD AREA SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD, WITH NO BASE FLOOD ELEVATIONS DETERMINED, AS IDENTIFIED BY THE FLOOD INSURANCE RATE MAP PANEL NO. 48209C0290F, DATED REVISED SEPTEMBER 2, 2005.

THE ABOVE STATEMENT IS MEANT FOR FLOOD INSURANCE DETERMINATION ONLY AND THIS SURVEYOR ASSUMES NO LIABILITY FOR THE CORRECTNESS OF THE CITED MAP(S).

"PRELIMINARY"
This Document shall not be Recorded
for any purpose

**FINAL PLAT
PLUM CREEK PHASE 1,
SECTION 7C
HAYS COUNTY, TEXAS**

CITY PROJECT
NUMBER 2020-SUB-20-0117

LANDDEV

CONSULTING, L.L.C.
5508 HIGHWAY 290 WEST, SUITE 150
AUSTIN, TX 78735
OFFICE: 512.872.6696
TBPFS FIRM NO. 16384
TBPLS FIRM NO. 10194101

LOT 4
44.011 AC.

BLOCK A

JESSE DAY SURVEY,
A-159

(S 46°04'38" W 2923.83')
S 46°04'38" W 2923.73'

UNION PACIFIC RAILROAD (40' R.O.W.)
N 09°02'55" E 2648.04'
1977.82'

INTERNATIONAL AND GREAT NORTHERN RAILROAD CO.
VOL. H, PG. 25, D.R.H.C.TX.

(5.313 ACRE)
TRACT 1
PEDERNALES ELECTRIC COOPERATIVE, INC.
VOL. 659, PG. 861
R.P.R.H.C.TX.
AMENDMENT IN
DOCUMENT NO. 18037613
O.P.R.H.C.TX.

(70.657 ACRES)
KIRKHAM TRACT 1
SHELDON - TANGLEWOOD, LTD
VOL. 2495, PG. 658
O.P.R.H.C.TX.

(APPROXIMATE LOCATION OF SURVEY LINE)
JOHN KING SURVEY NO. 20,
A-276

| LINE TABLE | | |
|------------|----------------------------------|----------------------|
| LINE | BEARING | DISTANCE |
| L1 | N 59°58'23" W (S 60°06'37" E) | 45.18' (45.32') |
| L2 | N 46°10'14" E (N 46°04'39" E) | 108.98' (109.03') |
| L3 | S 01°07'29" E | 40.00' |
| L4 | S 01°07'29" E | 55.00' |
| L5 | S 88°52'31" W | 41.12' |

| CURVE TABLE | | | | |
|-------------|------------------------|----------------------|----------------------------------|----------------------|
| CURVE | RADIUS | ARC LENGTH | CHORD BEARING | CHORD LENGTH |
| C1 | 7380.00' (7380.00') | 308.36' (308.33') | N 10°15'15" E (N 10°14'07" E) | 308.34' (308.30') |
| C2 | 299.00' | 397.24' | S50°48'53"W | 368.66' |
| C3 | 101.00' | 134.19' | S50°48'53"W | 124.53' |

PLUM CREEK PHASE 1, SECTION 8
LOT 1, BLK. A
CABINET 16, PG. 58-61
P.R.H.C.TX.

LOT 1, BLK. A
AUSTIN COMMUNITY COLLEGE DISTRICT
PUBLIC FACILITY CORPORATION
VOL. 4331, PG. 547
O.P.R.H.C.TX.

(22.83 ACRES)
CITY OF KYLE, TEXAS
VOL. 4122, PG. 67
O.P.R.H.C.TX.

F.M. (R.O.W. VARIES)
1626

(0.04 ACRE)
CITY OF KYLE, TEXAS
VOL 1871, PG. 241
O.P.R.H.C.TX.

DEDICATED PUBLIC R.O.W.
EXHIBIT "A"
VOL. 4122, PG. 67
O.P.R.H.C.TX.

20' P.U.E. HEREBY DEDICATED

F.M. (R.O.W. VARIES)
1626

(9.20 ACRE)
CITY OF KYLE, TEXAS
VOL 2022, PG. 363
O.P.R.H.C.TX.



CITY OF KYLE, TEXAS

John H. Spooner Revocable Trust
(Z-20-0056)

Meeting Date: 6/9/2020
Date time: 6:30 PM

Subject/Recommendation: Consider a request by John H. Spooner Revocable Trust (Z-20-0056) to assign original zoning to approximately 179.33 acres of land from Agriculture 'AG' to Single Family Residential-Attached 'R-1-A' for property located off of E. Post Road, just north of Quail Ridge Subdivision.

- Public Hearing
- Recommendation to City Council

Other Information: Please see attachments.

Legal Notes: N/A

Budget Information: N/A

ATTACHMENTS:

Description

- Staff Memo
- Application
- Location Map
- Land Use Districts Map
- Waterstone Overall Project
- Phase 1 Waterstone Project
- City of Kyle Engineering Statement (Wastewater)

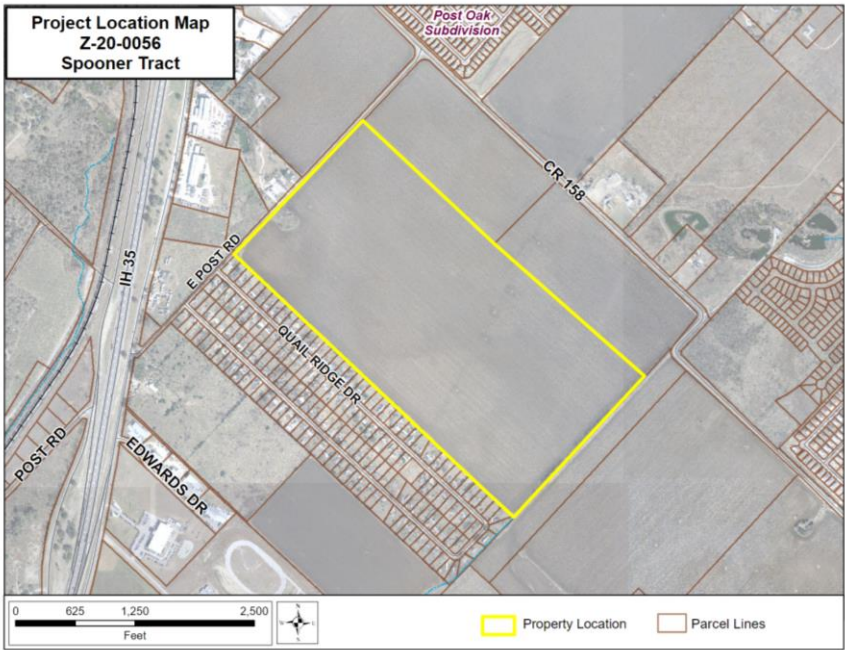
Property Location E. Post Road, north of Quail Ridge Subdivision, Kyle, TX 78640

Owner John H. Spooner Revocable Trust
324 43rd Street
Des Moines, IA 50312

Agent John Hines, P.E.
Dannenbaum Engineering
512-427-3237

Request Rezone 179.33-Acres A (Agriculture) to R-1-A (Single Family Attached Residential)

Vicinity Map

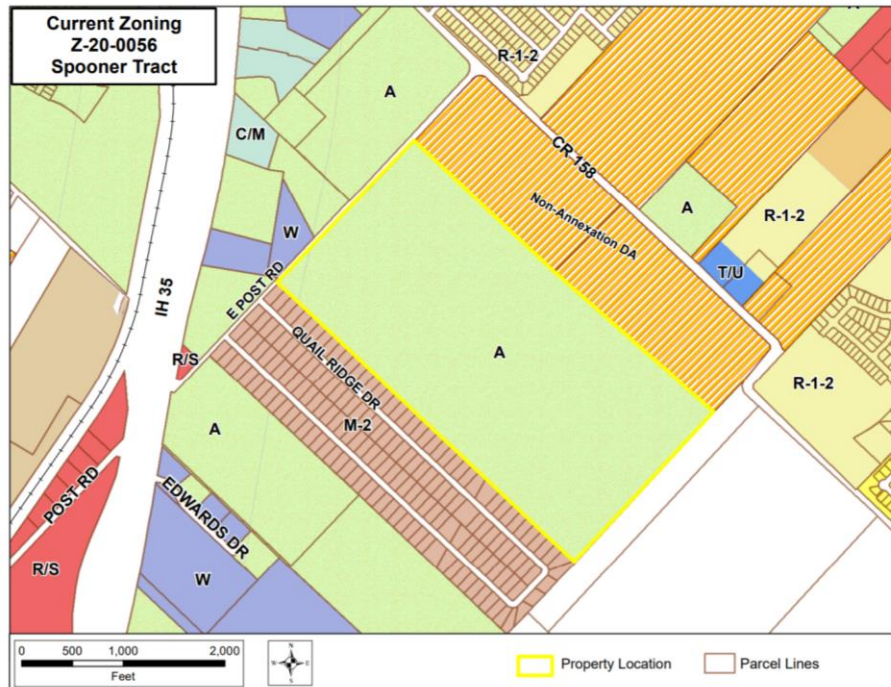


Site Description

The site, also known as the “Spooner Tract” is an undeveloped parcel zoned Agriculture (A). It is currently used for agricultural purposes, typically row crops. To the north is vacant land, utilized for agriculture and zoned “A” (across E. Post Road). The land adjacent to and north of the parcel is in the City of Kyle’s extra-territorial jurisdiction (ETJ), and is used for agricultural purposes. To the east and southeast, is land in the San Marcos ETJ.

The site is proposed to be developed with a regionally dense residential subdivision, taking access from a boulevard that will be constructed through the Spooner Tract. To the south is the Quail Ridge community, zoned M-2. It allows for manufactured homes on fee simple lots/public streets. To the west are properties zoned Warehouse (vacant) and Agriculture (auto body shop and residence).

The applicant seeks to rezone the property from “A” (Agriculture) to “R-1-A” (Single Family Residential Attached).



Current Zoning

A (Agriculture)

Sec. 53-36. - Agricultural district A.

The permitted uses in the agricultural district A allow farming, ranching, pasturage, detached single-family residences and related accessory structures, on a minimum one acre tract. Parks, playgrounds, greenbelts and other public recreational facilities, owned and/or operated by the municipality or other public agency are permitted.

(Ord. No. 438, § 23, 11-24-2003)

Requested Zoning

Single-Family Attached District R-1-A, Garden Home

Sec. 53-111. - Purpose and permitted uses.

The single-family attached district R-1-A, garden home allows attached single-family structures with a minimum of 1,000 square feet of living area per dwelling unit and permitted accessory structures on a minimum lot size of 4,800 square feet. There shall be no more than 6.8 houses per buildable acre. The single-family attached residences authorized in this zoning district include those generally referred to as garden homes, paired homes, patio homes and zero lot line homes. Additionally, single family detached structures are permitted in this district as a conditional use, as provided in V.T.C.A., Local Government Code ch. 211; provided that a conditional use permit may only be approved after a public hearing is held by the city council after having received a report and recommendation from the planning and zoning commission concerning the effect of the proposed use on the adjacent and neighboring properties and neighborhoods.

(Ord. No. 438, § 27(a), 11-24-2003; Ord. No. 438-35, § 3(a), 8-2-2005; Ord. No. 928, § 1(Exh. A), 1-17-2017)

Sec. 53-33(k)(Chart 1)

| Land Use District | Front Setback (feet) | Side Setback (feet) | Corner Lot at Alleyway Setback (feet) | Street Side Yard setback (feet) | Rear Setback (feet) | Min. Lot Square Footage Area | Min. Lot Street Line Width (feet) | Height Limit (feet) |
|-------------------|----------------------|---------------------|---------------------------------------|---------------------------------|---------------------|------------------------------|-----------------------------------|---------------------|
| R-1-A | 25 | (2) | 10 | 15 | 15 | 4550 | 35 | 35 |

Notes for chart—

(1) On approval by the city council:

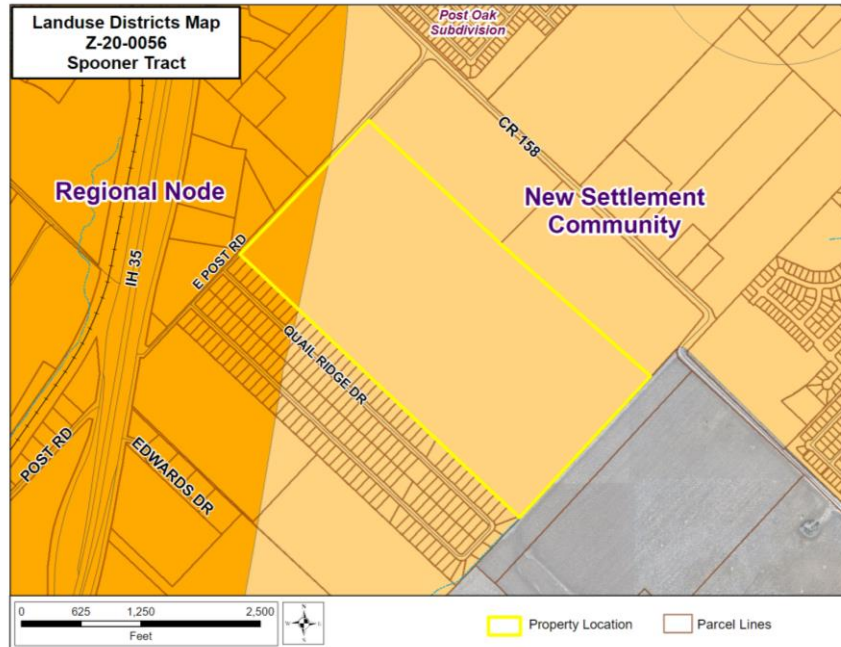
- e. Up to 25 percent of R-1-A lots may be less than 4,550 square feet in area but not less than 4,000 square feet, and up to 25 percent of the lots may be less than 35 feet in width but not less than 30 ft in width.

(2) Side yard setback for the R-1-A district is ten feet on one side, and a zero lot line is permitted on the other side. See definition for zero-lot-line lot.

Conditions of the Zoning Ordinance

Sec. 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 primarily located in the “New Settlement Community” District. The R-1-A zoning district is considered conditionally in the “New Settlement Community” District. The remainder of the property (west corner) is within the “Regional Node”. The R-1-A zoning district is not considered in the “Regional Node”.

Current Land Use Chart

New Settlement Community

Recommended Zoning Categories: O/I

Conditional Zoning Categories: E, **R-1-A**, R-1-1, R-1-2, R-1-3, R-1-C, R-1-T, R-2, T/U, UE, NC, CC, MXD, RS, W

Regional Node

Recommended Zoning Categories: R-1-C, R-3-2, R-3-3, CC, NC, R/S, MXD

Conditional Zoning Categories: CBD-1, CBD-2, E, HS, R-3-1, O/I

New Settlement Community

'Character': The New Settlement District is comprised primarily of farm fields, and new residential developments that are being carved out of former farm fields in an area that stretches across the city's southern-most region, from Old Stagecoach Road on the west, across I-35 to the east, to the western border of the Plum Creek Riparian Landscape. The character of the district is as diverse as the district is expansive, as the New Settlement District spans the largest portion of the southern region of Kyle. For this reason, owing to such a diverse cross-section of Kyle's landscape, the character of the district is defined more by the function of the streets and neighborhoods that serve any particular block being examined, and less by the multiple landforms characteristic of the region as a whole. 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. Some landscapes are bisected by I-35, others are permeated by feeder creeks and tributaries which should require heightened standards for physical development going forward. The region is dominated by legacy agricultural lands which feature old growth stands of trees and sparse one-family residences. However, there are areas experiencing significant development pressures to fulfill the current need for single family residential, and with few barriers to development, the region is growing in popularity for new housing, held back in the western region by the large portion of the district being under-served by public waste water utilities. Private and public spaces are clearly separate, with the public domain defined by shared neighborhood amenities and private domain defined by privatized landscapes. Acreage tracts abound in the Districts, some of which are uniquely suited for high turnover, high density retail and service uses by their location close to available roadways and wet utilities. Other properties are not yet ripe for development for their location along under-performing roadways, or from being so far removed from sewer and/or sufficient water supply. 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 removed from the interstate corridor should evoke the agricultural heritage of the District. Physical and visual partitioning and division of land should be avoided where possible in this district.

'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. Future development will occur along the roadways best suited for access, and in the best proximity to the emerging water and waste water infrastructure expansion planned for in the city’s capital improvement plan. Use patterns should be established that compliment residential development and facilitate beneficial land use transitions. In this way, the New Settlement District should serve as a transition between the higher intensity of use within the core Districts and the low intensity of use of the Farm District.

Regional Node

‘Character’: Regional Nodes should have regional scale retail and commercial activity complimented by regional scale residential uses. These Nodes should represent the character and identity of Kyle, and signal these traits to the surrounding community. Regional Nodes have a radius of approximately 1/3 of a mile so that they are walkable, but are able to contain a greater range of uses at a larger scale than those found in Local Nodes. Appropriate uses may include grocery stores, retail shopping centers, multi-family housing, and municipal services, such as libraries and recreation centers. Regional Nodes are scaled and designed as activity centers where users not only secure goods and services, but also congregate and remain for extended periods, unlike Local Nodes which are designed around quick turnaround convenience retail. 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.

‘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 down 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 compliments regional commercial activity, as well as encourage high density

residential development. These Nodes should respond to other regional areas of growth, specifically along I-35 and FM 1626, and to grow 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.

Analysis

The Spooner tract is approximately 179.33-acres and currently zoned "A". All but the western corner (about 12.6-acres) is within the "New Settlement Community" land use district. The 12.6-acres is in the "Regional Node" land use district. Per the September 3rd, 2019 update to the comprehensive plan, the R-1-A zoning district continues to be considered in a conditional manner (New Settlement Community). The R-1-A zoning district is not considered in the "Regional Node" land use district, due to the expectation of a higher use intensity.

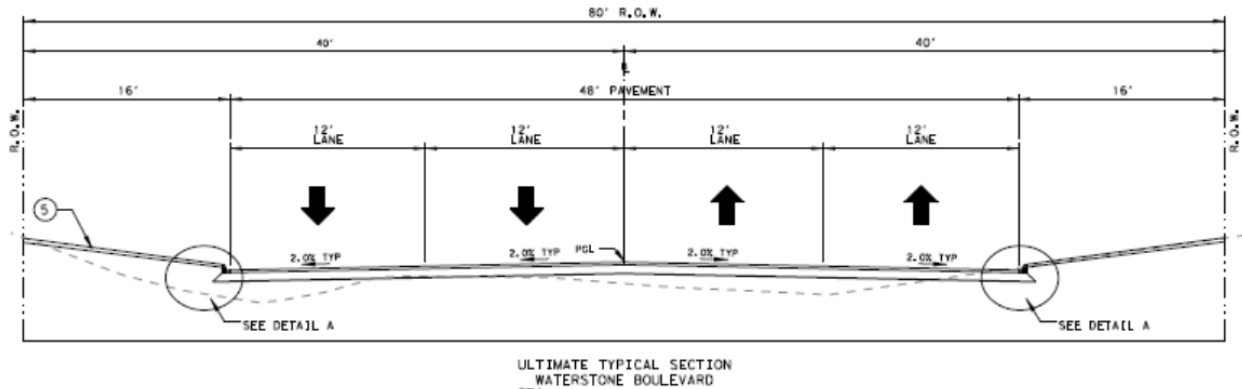
In discussion with the applicant, the R-1-A zoning district might be considered appropriate for the Spooner tract. This is due to a number of discussion points.

- Proximity to IH-35 and Waterstone development.
- Adequate road network to and from the site.
- Adequate wastewater availability.
- Alley loaded residential design.

Proximity to IH-35 and Waterstone development

In the "New Settlement Community" land use district, staff typically recommends lower density, single family residential, zoning districts. These are usually R-1-1 (80' wide), R-1-2 (65' wide) and R-1-3 (50' wide). These recommendations are largely due to existing land use patterns around the proposed project and also based on the "wedding cake" pattern of development. Essentially, this part of the city is primarily made up of R-1-2 & R-1-1 zoning districts (flanking E FM 150), and one should incorporate larger lots/lower density the closer one is to the city limit border.

However, in the case of the Spooner tract, the western edge of the property is actually in the "Regional Node" requiring higher density/intensity of use (12-acres). Additionally, between IH-35 and E. Post Road, all the land will likely develop in a commercial manner. This follows the intensity of use, if not higher density. The remainder of the property will be between what should be higher density development and the Waterstone development (La Salle MUD, San Marcos ETJ). The portion of the Waterstone development next to the Spooner tract will have similar lot widths (36' -50')



Adequate Wastewater Availability

Per the City of Kyle’s Southside Wastewater project, the western 84-acres of the Spooner tract will receive wastewater. The Southside Wastewater project shows the 84-acres to be built at a net density of 7.7 residential units per acre. This exceeds the maximum of 6.8 residential units per buildable acre in the R-1-A zoning district. The remainder of the tract will also be serviced by the City of Kyle, with sufficient capacity (see statement from Engineering Department).

Alley Loaded Residential Design

Per the Residential Style Guide, all single family and two family residential subdivisions are required to be alley loaded (take vehicular access from back of lot), if they are less than 50-feet wide. The R-1-A zoning district has a minimum lot width of 35-feet. As the buildable density is much higher than the R-1-1, R-1-2, and R-1-3 districts (6.8 residences per acre), developers are more likely to want to use the R-1-A zoning district.

As alley loaded design is an idea that the City of Kyle is encouraging, this zoning district is the most likely of all the residential districts in Kyle to achieve this (density and lot width). Additionally, the project will go through the Residential Style Guide public hearing process, to ensure adequate amenities (street trees, pocket parks, trails, etc.).

Regional Node Land Use District

As previously stated, approximately 12-acres of the tract are in the “Regional Node” land use district. This constitutes 7% of the overall land area of the subject site. The R-1-A zoning district is not considered in the “Regional Node”; however, the boundaries listed in the future land use map are provided for reference, and the actual transition from one district to an adjacent district should be determined on the ground from an

in-person observation. In this case, the 12-acres are more akin to the neighboring 93% of development site than they are to the regional node to the west. For that reason, staff has no objection to recommending rezoning the portion of the tract in the “Regional Node” to R-1-A, like the remainder of the lot. If the current or future owner/developer would like to upzone this portion of the site for an adjacent and complimentary commercial use, then a new application would have to be filed and the specific request would be considered on its own merits.

Recommendation

In conclusion, staff supports the rezoning from “A” (Agriculture) to R-1-A (Single Family Attached Residential) for all of the Spooner tract, pursuant to the allowed conditional analysis provision in the city’s comprehensive plan.

Attachments

- Application
- Location Map
- Land Use Districts Map
- Waterstone Phase 1 Exhibit
- Engineering Waste Water Statement

APPLICATION & CHECKLIST – ZONING CHANGE

Zoning: John H. Spooner Revocable Trust
(Name of Owner) (Submittal Date)

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.

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. x 179.33 acres

Newspaper Publication Fee: \$190.21 Sign Notice Fee: \$127.00

Total Fee: \$1394.45

- 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: Unzoned (Temp. Ag)
Proposed Zoning Classification: R-1-A
Proposed Use of the Property: Residential
Acreage/Sq. Ft. of Zoning Change: 179.33 +/- 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: Old Post Rd

Subdivision Name/Lot & Block Nos.: _____

Property Recording Information: Hays County
Volume/Cabinet No. 2940

Page/Slide No. 806

3. **Ownership Information:**

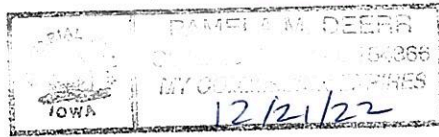
Name of Property Owner(s): John H. Spooner Revocable Trust

Certified Public Notary:

This document was acknowledged before me on the 23rd day of April, 2020, by
James C Spooner (Owner(s)).

Notary Public State of ~~Texas~~ Iowa

(Seal)



Pamela M Deerr
Notary Public - State of Iowa

(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: 324 43RD ST.
DES MOINES, IA 50312

Phone Number: _____

Fax Number: _____

Email Number: _____

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

Signed: [Signature]

Date: 23 April 20

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: _____

May 6, 2020

Mr. Howard J. Koontz, AICP
Director, Planning & Community Development
City of Kyle
100 Center Street
Kyle, Texas 78640

Re: Letter of Request for Zoning Change

Dear Mr. Koontz:

Please find the attached application for Zoning Change of the approximate 179.33 acres of land, more or less, in two parcels out of the James W. Williams 1/3 League Survey Abstract No. 473, identified as Hays Central Appraisal District R18884 and R18885; referenced on Item 4 and attached herein (referred to as the "Property"). The Property is within the incorporated limits of the City of Kyle, following the recent annexation under City Ordinance No. 1065 and recorded as document number 20002402 on 01/21/20 (attached).

The purpose for this request is to convert the Temporary Agricultural District A identified in Section 7 of the above referenced annexation Ordinance into a **Permanent Zoning of R-1-A**.

Zoning District R-1-A is listed as a Conditional Use for the New Settlement and Regional Node Districts depicted in the City's amended 2017 Mid-Term Comprehensive Plan that encompasses the Property. The property is adjacent to the proposed Waterstone development (also referred to LaSalle MUD) in the San Marcos etj on the east in which similar R-1-A lot types are planned. The property north is still utilized as agricultural but anticipated to be developed at some point in the near future and the property south is an existing mobile home park. The property also abuts the existing East Post Oak Road on the west boundary line. The proposed R-1-A Zoning will fit as a matching zoning district designation appropriate for the surrounding parcels.

For additional information, you may reach me at Johngjenkins23@gmail.com .

Sincerely,

Sandera Land Company



J. Grant Jenkins

-

ORDINANCE NO. 1065

AN ORDINANCE OF THE CITY OF KYLE, TEXAS ANNEXING 181.31 ACRES OF LAND, MORE OR LESS, INTO THE CORPORATE LIMITS OF THE CITY, INCLUDING THE ABUTTING ROADWAYS AND RIGHTS-OF-WAY; APPROVING A SERVICE PLAN FOR THE ANNEXED AREA; MAKING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Kyle, Texas, (the “City”), is a home rule municipality authorized by State law and the City’s Charter to annex territory lying adjacent and contiguous to the City;

WHEREAS, the City Council, in compliance with §43.061, *Tex. Local Gov’t Code*, instituted proceedings for the annexation of certain areas of land, more particularly described herein (the “Property”);

WHEREAS, after review and consideration of the Property, the City Council finds that the Property is exempt from the City’s annexation plan pursuant to §43.052 (h)(1) of the *Tex. Loc. Gov’t. Code*;

WHEREAS, the Property is adjacent and contiguous to the present city limits;

WHEREAS, the annexation of the Property causes an area to be entirely surrounded by the City that will not be included within the City and such surrounding of the area is in the public interest.

WHEREAS, two separate public hearings were conducted prior to consideration of this Ordinance in accordance with §43.063 of the *Tex. Loc. Gov’t. Code*;

WHEREAS, the hearings were conducted and held not more than forty (40) nor less than twenty (20) days prior to the institution of annexation proceedings;

WHEREAS, notice of the public hearings was published not more than twenty (20) nor less than ten (10) days prior to the public hearings;

WHEREAS, the City intends to provide services to the Property to be annexed according to the Service Plan attached hereto as Exhibit “B”.

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

SECTION 1. That all of the above premises and findings of fact are found to be true and correct and are incorporated into the body of this Ordinance as if copied in their entirety.

SECTION 2. All portions of the following described properties, including the abutting roadways and rights-of-way, not previously annexed into the City, are hereby annexed into the corporate limits of the City of Kyle:

A 179.33 acre tract, more or less, in the James Williams Survey, Abstract No. 0473, in Hays County, Texas, being the same more particularly described in a Warranty Deed to John H Spooner Revocable Trust recorded in Document Number 06016877 of the Official Public Records of Hays County, Texas (Tax Parcel Nos. R18884 and R18885).

1.98 acres, more or less, of the adjacent right-of-way of E Post Road.

SECTION 3. In the event of conflict between the description of the Property in this Ordinance and the map attached hereto as Exhibit "A", Exhibit "A" shall control.

SECTION 4. That the Service Plan submitted herewith is hereby approved as part of this Ordinance, made a part hereof and attached hereto as Exhibit "B".

SECTION 5. That the future owners and inhabitants of the Property shall be entitled to all of the rights and privileges of the City as set forth in the Service Plan attached hereto as Exhibit "B", and are further bound by all acts, ordinances, and all other legal action now in full force and effect and all those which may be hereafter adopted.

SECTION 6. That the official map and boundaries of the City, heretofore adopted and amended be and hereby are amended so as to include the Property as part of the City of Kyle.

SECTION 7. That the Property shall be temporarily zoned agricultural district A as provided in the City Zoning Ordinance, as amended, until permanent zoning is established therefore.

SECTION 8. That the Property shall be assigned to Council District No. 6.

SECTION 9. That if any provision of this Ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

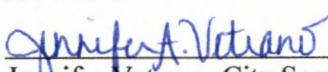
SECTION 10. That this Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the *Tex. Loc. Gov't. Code*.

SECTION 11. That it is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, *Chapt. 551, Tex. Gov't. Code*.

PASSED AND APPROVED on First Reading this 3rd day of December, 2019.

FINALLY PASSED AND APPROVED on this 16th day of December, 2019.

ATTEST:


Jennifer Vetrano, City Secretary

CITY OF KYLE, TEXAS

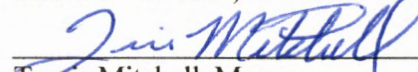

Travis Mitchell, Mayor

Exhibit "A"

PROPERTY DESCRIPTION

EXHIBIT A

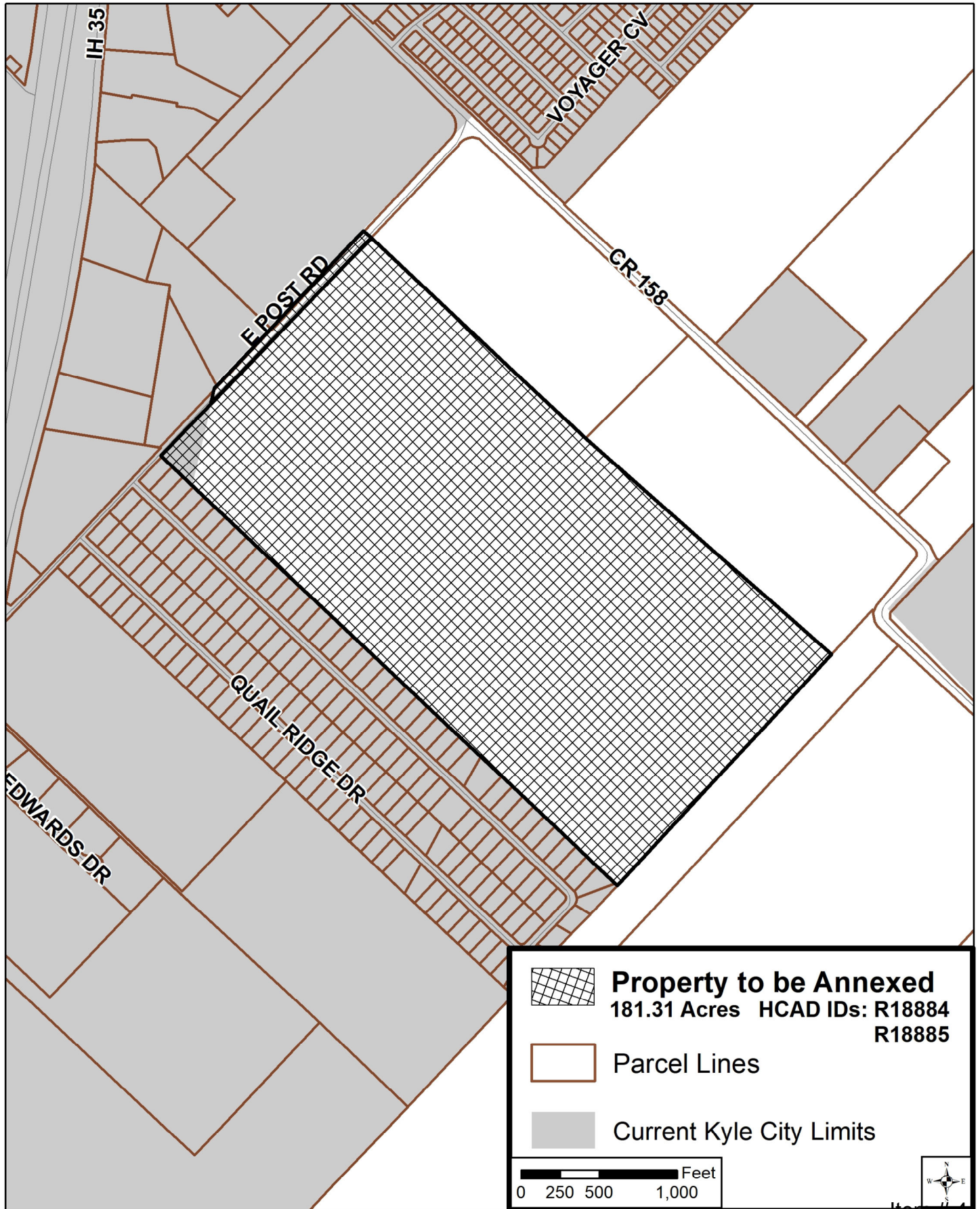


Exhibit “B”

MUNICIPAL SERVICES PLAN FOR PROPERTY TO BE ANNEXED TO THE CITY OF KYLE

WHEREAS, the City of Kyle, Texas (the “City”) intends to institute annexation proceedings for a tract of land described more fully hereinafter (referred to herein as the “Property”);

WHEREAS, *Section 43.056, Loc. Gov't. Code*, requires a municipal service plan be adopted with the annexation ordinance;

WHEREAS, the Property is not included in the municipal annexation plan and is exempt from the requirements thereof;

WHEREAS, infrastructure provided for herein and that are existing are sufficient to service the Property on the same terms and conditions as other similarly situated properties currently within the City limits and no capital improvements by the City are required to offer municipal services on the same terms and conditions as other similarly situated properties within the City;

WHEREAS, it is found that all statutory requirements have been satisfied and the City is authorized by *Chapt. 43, Loc. Gov't. Code*, to annex the Property into the City; and

WHEREAS, the Property will benefit from the City’s development restrictions and zoning requirements, as well as other municipal services provided by the City, which are good and valuable consideration for this service plan;

NOW, THEREFORE, the following municipal services will be provided for the Property on the effective date of annexation:

(1) **General Municipal Services.** Pursuant to this Plan, the following municipal services shall be provided immediately from the effective date of the annexation:

A. Police protection as follows:

Routine patrols of areas, radio response to calls for police service and all other police services now being offered to the citizens of the City.

B. Solid waste collection services as follows:

Solid waste collection and services as now being offered to the citizens of the City.

C. Animal control as follows:

Service by present personnel, equipment and facilities or by contract with a third party, as provided within the City.

- D. Maintenance of parks and playgrounds within the City.
- E. Inspection services in conjunction with building permits and routine City code enforcement services by present personnel, equipment and facilities.
- F. Maintenance of other City facilities, buildings and service.
- G. Land use regulation as follows:

On the effective date of annexation, the zoning jurisdiction of the City shall be extended to include the annexed area, and the use of all property therein shall be grandfathered; and shall be temporarily zoned Agricultural District "A" with the intent to rezone the Property upon request of the landowner(s) or city staff. The Planning & Zoning Commission and the City Council will consider rezoning the Property at future times in response to requests submitted by the landowner(s) or requested by city staff.

(2) **Scheduled Municipal Services.** Depending upon the Property owner's plans and schedule for the development of the Property or redevelopment of the Property, the following municipal services will be provided on a schedule and at increasing levels of service as provided in this Plan:

- A. Water service and maintenance of water facilities as follows:

- (i) Inspection of water distribution lines or wells as provided by statutes of the State of Texas.

- (ii) In accordance with the rules and regulations for water service extension, water service will be provided by the utility holding a water certificate of convenience and necessity ("CCN") for the Property, or absent a utility holding a CCN, in whose jurisdiction the Property is located, in accordance with all the ordinances, regulations, and policies of the City in effect from time to time for the extension of water service. If the property will be served by the City's system, the Property owner(s) shall construct the internal water lines and pay the costs of water line extension and necessary facilities to service the Property as required in City ordinances at the time of the request. Upon acceptance of the water lines within the subject properties and any off-site improvements, water service will be provided by the City utility department on the same terms, conditions and requirements as are applied to all similarly situated areas and customers of the City; subject to all the ordinances, regulations and policies of the City in effect from time to time. The system will be accepted and maintained by the City in accordance with its usual acceptance and maintenance policies. New water line extensions will be installed and extended upon request under the same costs and terms as with other similarly situated customers of the City. The ordinances of the City in effect at the time a request for service is submitted shall govern the costs and request for service. The continued use of a water well that is in use on the effective date of the annexation and is in compliance with applicable rules and regulations shall be permitted and such use may continue until the subject properties' owner requests and is able to connect to the City's water utility system. The City shall have no obligation to service in another CCN.

- B. Wastewater service and maintenance of wastewater service as follows:

(i) Inspection of sewer lines or septic systems as provided by statutes of the State of Texas.

(ii) The Property owner(s) shall construct the internal and off-site sewer lines and facilities (the "Sewer System") and pay the costs of line extension and facilities as required in City ordinances. Upon acceptance of the Sewer System, sewer service will be provided by the City utility department on the same terms, conditions and requirements as are applied to all similarly situated areas and customers of the City, subject to all the ordinances, regulations and policies of the City in effect from time to time. The Sewer System will be accepted and maintained by the City in accordance with its usual policies. Requests for new sewer extensions will be installed and extended upon request under the same costs and terms as with other similarly situated customers of the City. The City ordinances, policies, and agreements between the City and the Property owner(s) in effect at the time a request for additional service is submitted shall govern the costs and request for service.

C. Maintenance of public streets and rights-of-way as appropriate as follows:

(i) Provide maintenance services on public streets within the Property that are dedicated and finally accepted by the City. The maintenance of such public streets and roads will be limited as follows:

(A) Emergency maintenance of streets, repair of hazardous potholes, measures necessary for traffic flow, etc.;

(B) Routine maintenance as presently performed by the City; and

(C) The Property owner(s) have specifically agreed that maintenance services will be of little benefit and will not be required or needed on the Property, prior to the Property owner(s), its grantees, successors and assigns completing the construction and dedication of streets to the City in compliance with City subdivision regulations.

(ii) Following installation of the roadways, including any required traffic signals, traffic signs, street markings, other traffic control devices and street lighting, the City will maintain the public streets, roadways and rights-of-way within the boundaries of the Property if dedicated and accepted, as follows:

(A) As provided in C(i)(A)&(B) above;

(B) Reconstruction and resurfacing of streets, installation of drainage facilities, construction of curbs, gutters and other such major improvements as the need therefore is determined by the governing body under City policies;

(C) Installation and maintenance of traffic signals, traffic signs, street markings and other traffic control devices as the need therefore is established by appropriate study and traffic standards; and

(D) Installation and maintenance of street lighting in accordance with established policies of the City;

(iii) The outer boundaries of the Property abut existing roadways. The Property owner(s) agree that no City improvements are required on such roadways to service the Property. If the owner(s) develop the Property so as to impact abutting roadways pursuant to the City's subdivision regulation, the owner(s) agree to comply with such ordinances.

(3) **Special Services and Actions.** Although the City reserves all its governmental authority, powers and discretion, if the City shall unreasonably refuse to grant the permits and approvals above provided in (2)(A), (B) & (C), then in that event the owner(s) may request and obtain disannexation of the Property pursuant to this service plan; provided that if the City shall, in the exercise of its discretion and authority, approve the permits and events set forth in (2)(A), (B) & (C) above, the Property shall be and remain within the corporate limits of the City.

(4) **Capital Improvements.** Construction of the following capital improvements shall be initiated after the effective date of the annexation: None. Upon development of the Property or redevelopment, the landowner(s) will be responsible for the development costs the same as a developer or landowner in a similarly situated area under the ordinances in effect at the time of development or redevelopment. No additional capital improvements are necessary at this time to service the Property. The Property owner(s) for itself, its grantees, successors, and assigns agree that no capital improvements are required to service the Property the same as similarly situated properties already within the City.

(5) **Term.** If not previously expired, this service plan expires at the end of ten (10) years.

(6) **Property Description.** The legal description of the Property is as set forth in the Annexation Ordinance and exhibits attached to the Annexation Ordinance to which this Service Plan is attached.

THE STATE OF TEXAS

COUNTY OF HAYS

I hereby certify that this instrument was FILED on the
date and the time stamped hereon by me and was duly
RECORDED in the Records of Hays County, Texas.

20002402 ORDINANCE
01/21/2020 03:53:06 PM Total Fees: \$54.00

 Elaine H. Cardenas

Elaine H. Cárdenas, MBA, PhD, County Clerk
Hays County, Texas

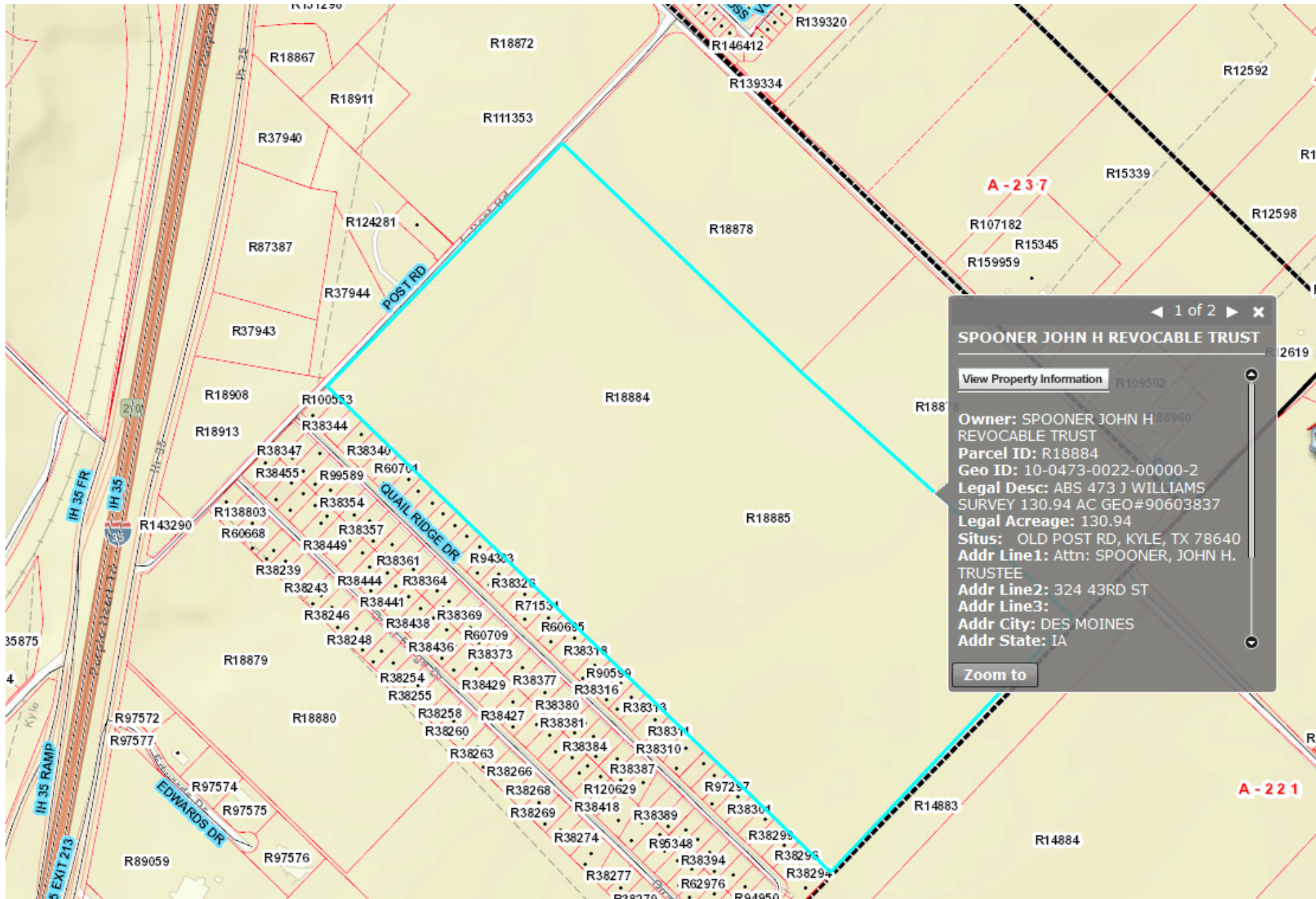
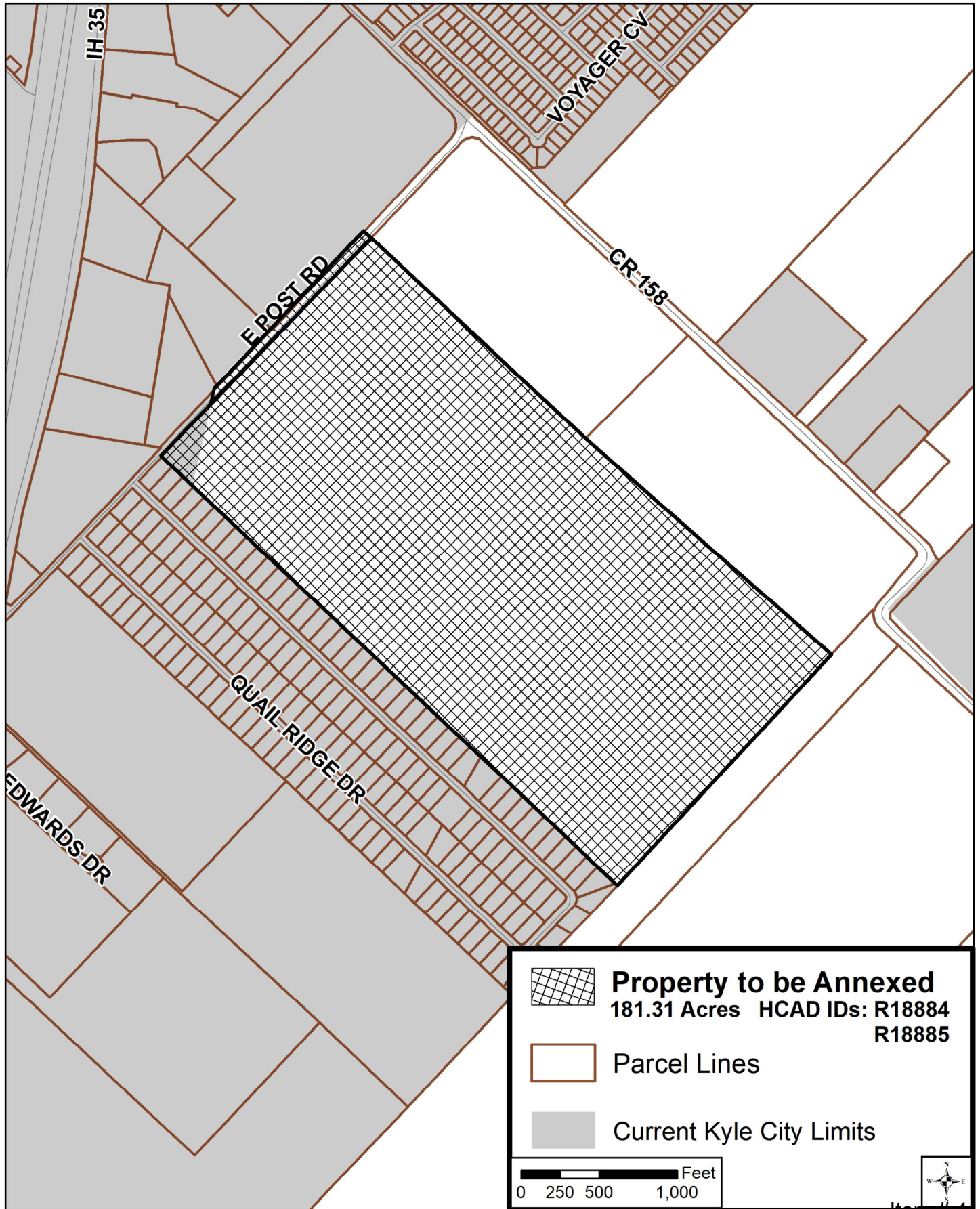


EXHIBIT A



Legal Descriptions

All that certain tract or parcel of land situated in Hays County, Texas, about 3 miles South of the town of Kyle, Texas, containing 179.33 acres, more or less, and consisting of the following surveys and parts of surveys to-wit:

Described in two tracts as follows:

First Tract: 134 ½ acres of land, more or less, a part of the James W. Williams 1/3 League Survey Abstract No. 473;

Beginning on the S E line of the Jas. W. Williams 1/3 League Survey at the south corner of a tract of 89-2/3 acres conveyed by deed from C.B. Donalson and wife, to S.J. Donalson, dated November 1st, 1911, and of record in Vol. 61, pages 118-19, Hays County Deed Records; being 1051 vrs S 45 E from the East corner of said Survey;

Thence North 45 deg. West with the common line between the tracts of said S.J. Donalson and Lee Donalson, 1443 varas;

Thence North 45 deg. East 525-3/4 vrs. to a stake;

Thence South 45 deg. East 1443 vrs. to a stake;

Thence South 45 deg. West 525-3/4 varas to the place of Beginning.

Being the same land conveyed to S.J. Donalson by C.B. Donalson and wife, by deed dated November 1st, 1911, recorded in Volume 61, page 118-19; and by Chas. D. Wallace and wife by deed dated the 4th day of October, 1916, and shown of record in Volume 70, pages 315-16, Deed Records of Hays County, Texas.

And being the same land described in Substitute Trustee's Deed dated August 1, 1939, executed by C.C. Wade, Attorney-in-fact for A.C. Williams Substitute Trustee, to The Federal Land Bank of Houston, recorded in Vol. 119, pages 29-31, Deed Records of Hays County, Texas, reference to which is hereby made for all legal purposes.

Second Tract:

Being 44.83 acres, more or less, a part of said James W. Williams 1/3 League Survey, Abstract No. 473;

Beginning at the west corner of an 89-2/3 acre tract; conveyed by C.B. Donalson and wife, to Miss Jennie T. Donalson by deed dated November 1, 1911, recorded in Vol. 61, page 113, Hays County Deed Records;

Thence S 45 deg. W. 175 ¼ varas to stake for corner;

Thence S 45 deg. East 1443 vrs. to the SE line of the James W. Williams Survey;

Thence N 45 deg. E 175 ¼ vrs. to the south corner of the said Miss Jennie T.

Donalson's tract.

Thence N 45 deg. W. 1443 vrs. with her SW line to the place of beginning;

Said Second Tract above described being the same land described as Second Tract in Substitute Trustee's deed dated June 12, 1939, executed by E.W. Jones, Attorney-in-Fact for A.C. Williams, Substitute Trustee, to The Federal Land Bank of Houston, recorded in Vol. 118, page 531, Deed Records of Hays County, Texas; reference to which is hereby made for all legal purposes;

SAVE AND EXCEPT an undivided one/thirty-second (1/32nd) interest (same being one-fourth (1/4) of the usual 1/8th royalty) in and to all of the oil, gas, and other minerals in, to and under or that may be produced from the land herein conveyed, to be

paid or delivered unto said Bank, its successors and assigns, as its or their own property, free of cost from royalty oil, gas, and/or other minerals for a period of then (10) years from and after June 23, 1941, together with the right of ingress and egress at all times for the purpose of storing, treating, marketing and removing the same therefrom. Said interest in and to said minerals hereby reserved is a non-participating royalty interest and shall not participate in the bonus paid for any oil, gas, or other mineral lease covering said land, nor shall it participate in the money rentals which may be paid to extend the time within which a well may be begun under the terms of any lease covering said land. In the event oil, gas, and/or other minerals are produced from said land within said ten (10) year period, then said bank, its successors and assigns, shall receive a full one/thirty-second ($1/32^{\text{nd}}$) portion thereof as its or their own property, to be paid or delivered to said Bank, its successors and assigns, free of cost during said ten (10) year period from and after June 23, 1941.

TAX RECEIPT

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

Receipt Number: **SM-2020-1259868**

Payor: SPOONER JOHN H REVOCABLE TRUST
(00193824)
ATTN: SPOONER, JOHN H. TRUSTEE
324 43RD ST
DES MOINES, IA 50312-2532

Owner: SPOONER JOHN H REVOCABLE TRUST
(00193824)
ATTN: SPOONER, JOHN H. TRUSTEE
324 43RD ST
DES MOINES, IA 50312-2532

Quick Ref ID: R18884
Owner: SPOONER JOHN H REVOCABLE TRUST
(00193824) - 100%
Owner Address: ATTN: SPOONER, JOHN H. TRUSTEE
324 43RD ST
DES MOINES, IA 50312-2532

Property: 10-0473-0022-00000-2
Legal Description: ABS 473 J WILLIAMS SURVEY 130.94
AC GEO#90603837
Situs Address: OLD POST RD KYLE, TX 78640

| Schedule | Charge | Payment Amount |
|-----------------|--|----------------|
| Tax Certificate | 10.00 | 10.00 |
| | Total Payment Amount | 10.00 |
| | Credit Card (Ref # 5125054416) Tendered | 10.00 |
| | Total Tendered | 10.00 |
| | Remaining Balance Due, including other fees, as of 5/5/2020 | 0.00 |

Date Paid: 05/05/2020
Effective Date: 05/05/2020
Station/Till: JessicaA/Jessica Alcorn's Till
Cashier:

TAX CERTIFICATE

Jenifer OKane 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 2019

Entities to which this certificate applies:

RSP - Special Road Dist
 FHA - Hays County ESD #5 - FIRE
 EHA - HAYS COUNTY ESD #9 - EMS

SHA - Hays Consolidated ISD
 GHA - Hays County
 ACCD - AUSTIN COMMUNITY COLLEGE DISTRICT

Property Information

Property ID : 10-0473-0022-00000-2
 Quick-Ref ID : R18884

| | Value Information | |
|--|-------------------|----------------|
| OLD POST RD KYLE, TX 78640 | Land HS : | \$0.00 |
| | Land NHS : | \$0.00 |
| | Imp HS : | \$0.00 |
| | Imp NHS : | \$0.00 |
| ABS 473 J WILLIAMS SURVEY 130.94 AC GEO#90603837 | Ag Mkt : | \$1,364,760.00 |
| | Ag Use : | \$22,470.00 |
| | Tim Mkt : | \$0.00 |
| | Tim Use : | \$0.00 |
| | HS Cap Adj : | \$0.00 |
| | Assessed : | \$22,470.00 |

Owner Information

Owner ID : O0193824

 SPOONER JOHN H REVOCABLE TRUST
 ATTN: SPOONER, JOHN H. TRUSTEE
 324 43RD ST
 DES MOINES, IA 50312-2532

 Ownership: 100.00%

This is to certify that after a careful check of the tax records of this office, the following delinquent taxes, penalties, interest and any known costs and expenses as provided by Tax Code Section 33.48 are due on the described property for the following taxing unit(s)

| Entity | Year | Tax | Discount | P&I | Atty Fee | TOTAL |
|--------|------|--------|----------|------|----------|-------|
| SHA | 2019 | 329.79 | 0.00 | 0.00 | 0.00 | 0.00 |
| RSP | 2019 | 7.59 | 0.00 | 0.00 | 0.00 | 0.00 |
| GHA | 2019 | 87.61 | 0.00 | 0.00 | 0.00 | 0.00 |
| FHA | 2019 | 24.42 | 0.00 | 0.00 | 0.00 | 0.00 |
| ACCD | 2019 | 23.57 | 0.00 | 0.00 | 0.00 | 0.00 |
| EHA | 2019 | 13.44 | 0.00 | 0.00 | 0.00 | 0.00 |

Total for current bills if paid by 5/31/2020 : \$0.00

Total due on all bills 5/31/2020 : \$0.00

2019 taxes paid for entity SHA \$329.79

2019 taxes paid for entity RSP \$7.59

2019 taxes paid for entity GHA \$87.61

2019 taxes paid for entity FHA \$24.42


2019 taxes paid for entity ACCD \$23.57

2019 taxes paid for entity EHA \$13.44

2019 Total Taxes Paid : \$486.42

Date of Last Payment : 12/04/19

If applicable, the above-described property has / is receiving special appraisal based on its use, and additional rollback taxes may become due based on the provisions of the special appraisal (Comptroller Rule 9.3040) or property omitted from the appraisal roll as described under Tax Code Section 25.21 is not included in this certificate.]



 Signature of Authorized Officer of the Tax Office

Date of Issue : 05/05/2020
 Requestor : SPOONER JOHN H REVOCABLE TRUST
 Receipt : SM-2020-1259868
 Fee Paid : \$10.00
 Payer : SPOONER JOHN H REVOCABLE TRUST

Item # 4

TAX RECEIPT

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

Receipt Number: **SM-2020-1259867**

Payor: SPOONER JOHN H REVOCABLE TRUST
(00193824)
ATTN: SPOONER, JOHN H. TRUSTEE
324 43RD ST
DES MOINES, IA 50312-2532

Owner: SPOONER JOHN H REVOCABLE TRUST
(00193824)
ATTN: SPOONER, JOHN H. TRUSTEE
324 43RD ST
DES MOINES, IA 50312-2532

Quick Ref ID: R18885
Owner: SPOONER JOHN H REVOCABLE TRUST
(00193824) - 100%
Owner Address: ATTN: SPOONER, JOHN H. TRUSTEE
324 43RD ST
DES MOINES, IA 50312-2532

Property: 10-0473-0023-00000-2
Legal Description: A0473 JAMES W WILLIAMS SURVEY,
ACRES 48.08, GEO#90603838
Situs Address: OLD POST RD KYLE, TX 78640

| Schedule | Charge | Payment Amount |
|-----------------|--|----------------|
| Tax Certificate | 10.00 | 10.00 |
| | Total Payment Amount | 10.00 |
| | Credit Card (Ref # 5125054416) Tendered | 10.00 |
| | Total Tendered | 10.00 |
| | Remaining Balance Due, including other fees, as of 5/5/2020 | 0.00 |

Date Paid: 05/05/2020
Effective Date: 05/05/2020
Station/Till: JessicaA/Jessica Alcorn's Till
Cashier:

TAX CERTIFICATE

Jenifer OKane 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 2019

Entities to which this certificate applies:

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

SHA - Hays Consolidated ISD
 GHA - Hays County
 CKY - CITY OF KYLE
 EHA - HAYS COUNTY ESD #9 - EMS

Property Information

Property ID : 10-0473-0023-00000-2
 Quick-Ref ID : R18885

| | Value Information | |
|--|-------------------|--------------|
| OLD POST RD KYLE, TX 78640 | Land HS | \$0.00 |
| | Land NHS | \$0.00 |
| | Imp HS | \$0.00 |
| | Imp NHS | \$0.00 |
| A0473 JAMES W WILLIAMS SURVEY, ACRES 48.08, GEO#90603838 | Ag Mkt | \$334,090.00 |
| | Ag Use | \$8,250.00 |
| | Tim Mkt | \$0.00 |
| | Tim Use | \$0.00 |
| | HS Cap Adj | \$0.00 |
| | Assessed | \$8,250.00 |

Owner Information

Owner ID : O0193824

 SPOONER JOHN H REVOCABLE
 TRUST
 ATTN: SPOONER, JOHN H. TRUSTEE
 324 43RD ST
 DES MOINES, IA 50312-2532

 Ownership: 100.00%

This is to certify that after a careful check of the tax records of this office, the following delinquent taxes, penalties, interest and any known costs and expenses as provided by Tax Code Section 33.48 are due on the described property for the following taxing unit(s)

| Entity | Year | Tax | Discount | P&I | Atty Fee | TOTAL |
|--------|------|--------|----------|------|----------|-------|
| SHA | 2019 | 121.09 | 0.00 | 0.00 | 0.00 | 0.00 |
| RSP | 2019 | 2.79 | 0.00 | 0.00 | 0.00 | 0.00 |
| GHA | 2019 | 32.17 | 0.00 | 0.00 | 0.00 | 0.00 |
| FHA | 2019 | 8.97 | 0.00 | 0.00 | 0.00 | 0.00 |
| CKY | 2019 | 44.68 | 0.00 | 0.00 | 0.00 | 0.00 |
| ACCD | 2019 | 8.66 | 0.00 | 0.00 | 0.00 | 0.00 |
| EHA | 2019 | 4.93 | 0.00 | 0.00 | 0.00 | 0.00 |

Total for current bills if paid by 5/31/2020 : \$0.00

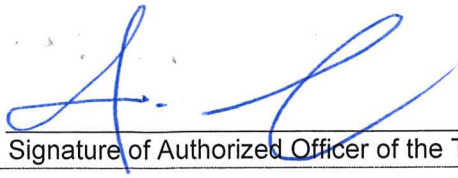
Total due on all bills 5/31/2020 : \$0.00

2019 taxes paid for entity SHA \$121.09
 2019 taxes paid for entity RSP \$2.79
 2019 taxes paid for entity GHA \$32.17
 2019 taxes paid for entity FHA \$8.97
 2019 taxes paid for entity CKY \$44.68
 2019 taxes paid for entity ACCD \$8.66
 2019 taxes paid for entity EHA \$4.93

2019 Total Taxes Paid : \$223.29

Date of Last Payment : 12/04/19

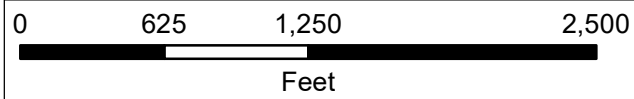
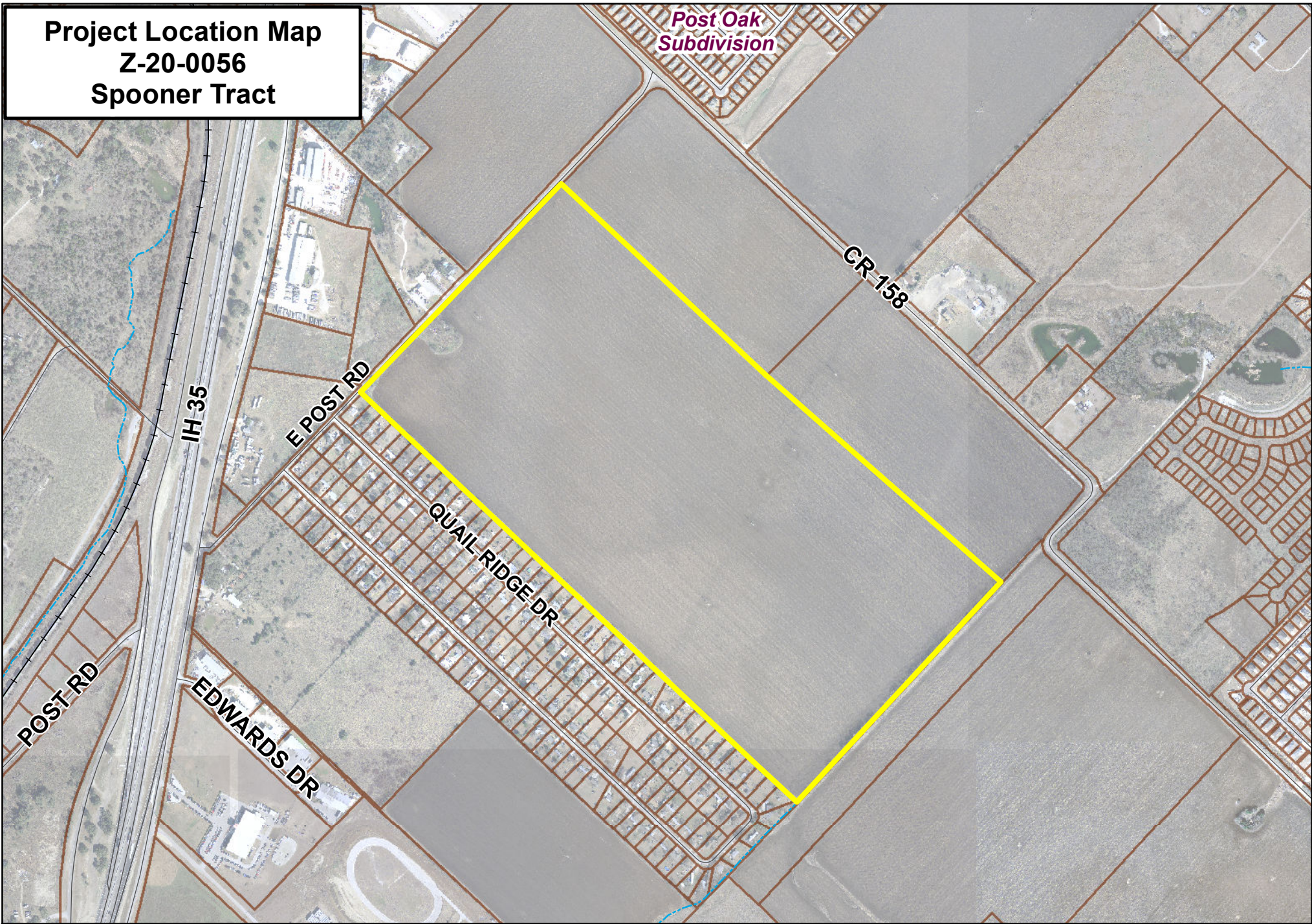
If applicable, the above-described property has / is receiving special appraisal based on its use, and additional rollback taxes may become due based on the provisions of the special appraisal (Comptroller Rule 9.3040) or property omitted from the appraisal roll as described under Tax Code Section 25.21 is not included in this certificate.]



Signature of Authorized Officer of the Tax Office

Date of Issue : 05/05/2020
Requestor : SPOONER JOHN H REVOCABLE TRUST
Receipt : SM-2020-1259867
Fee Paid : \$10.00
Payer : SPOONER JOHN H REVOCABLE TRUST

Project Location Map
Z-20-0056
Spoooner Tract



 Property Location

 Parcel Lines

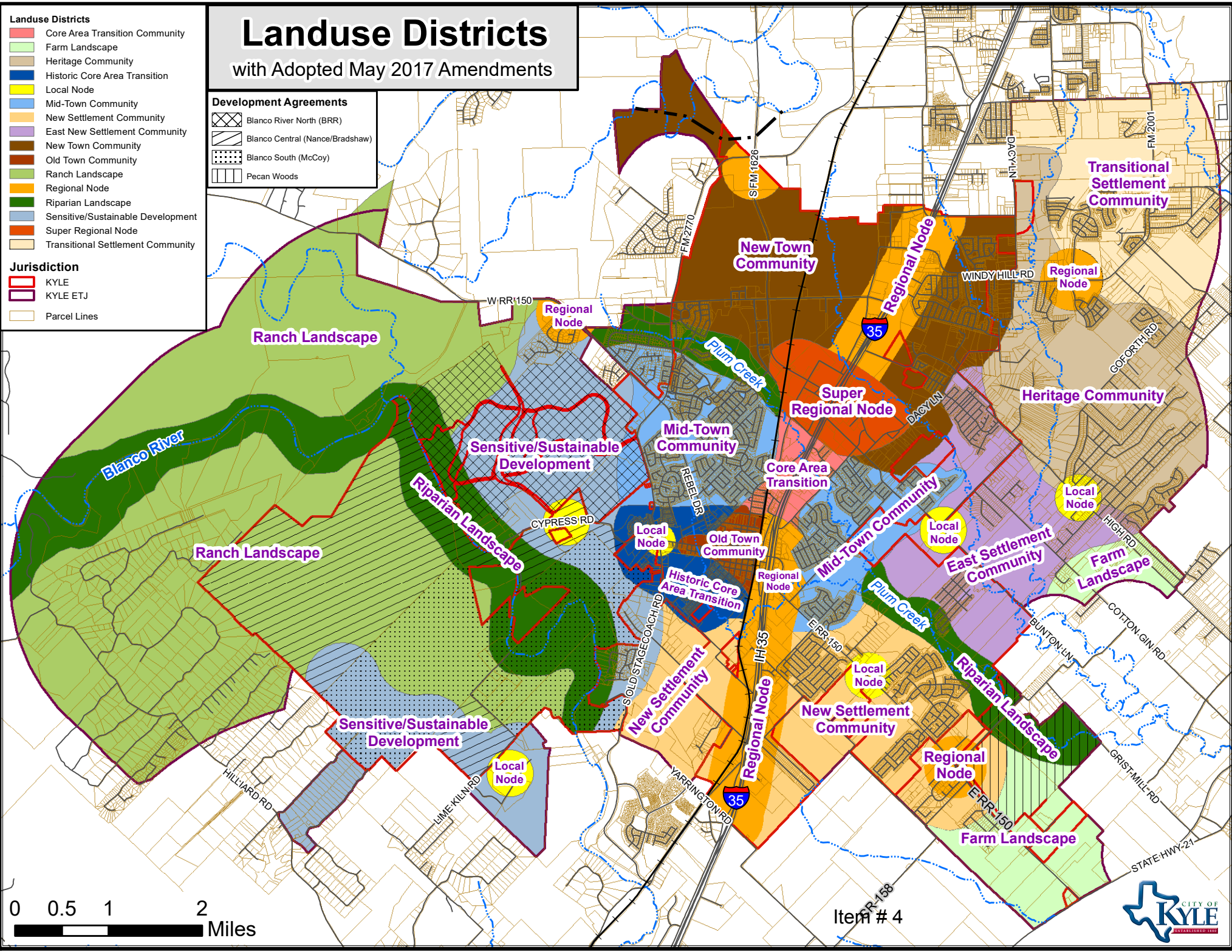
Item # 4

Landuse Districts

with Adopted May 2017 Amendments

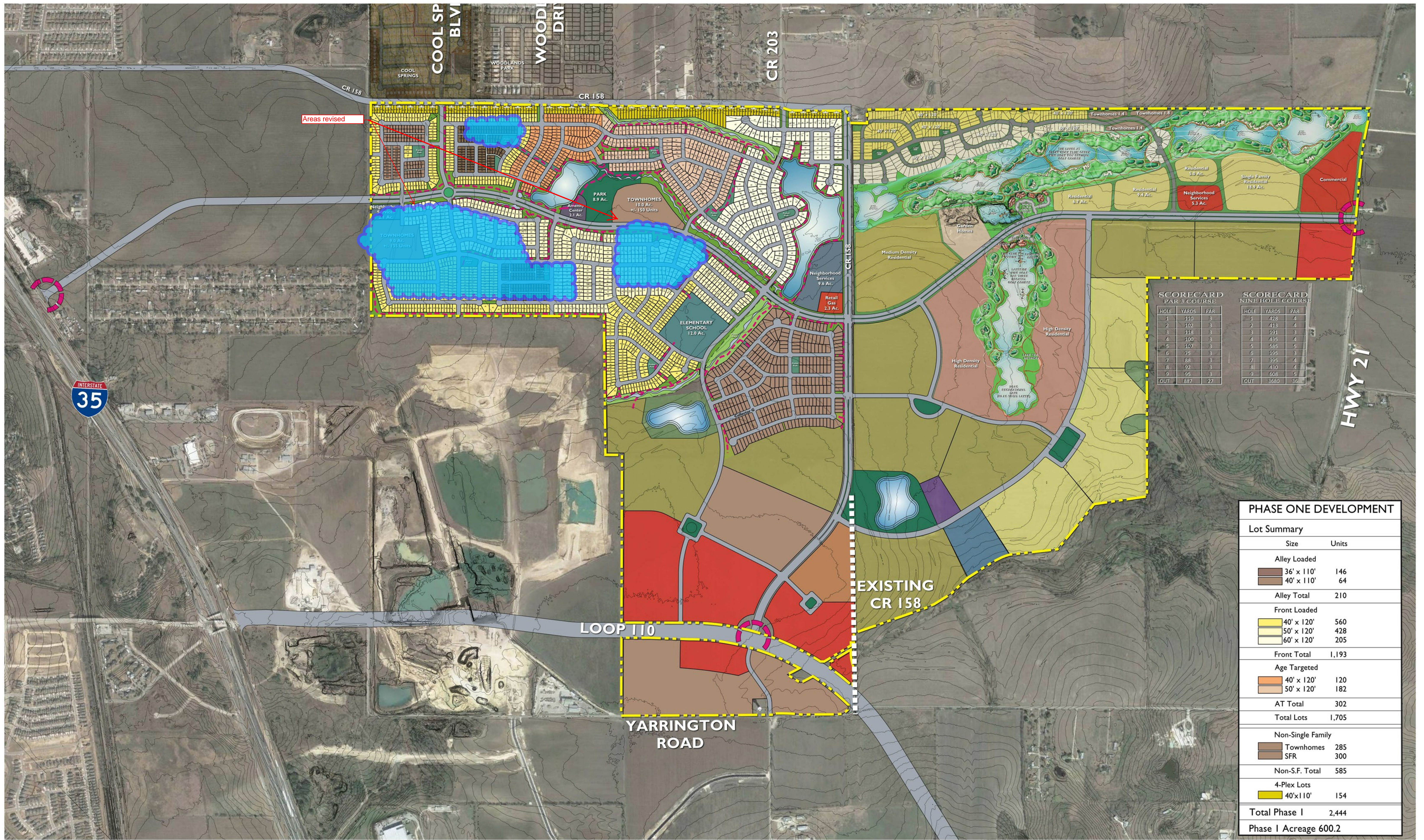
- Landuse Districts**
- Core Area Transition Community
 - Farm Landscape
 - Heritage Community
 - Historic Core Area Transition
 - Local Node
 - Mid-Town Community
 - New Settlement Community
 - East New Settlement Community
 - New Town Community
 - Old Town Community
 - Ranch Landscape
 - Regional Node
 - Riparian Landscape
 - Sensitive/Sustainable Development
 - Super Regional Node
 - Transitional Settlement Community
- Jurisdiction**
- KYLE
 - KYLE ETJ
 - Parcel Lines

- Development Agreements**
- Blanco River North (BRR)
 - Blanco Central (Nance/Bradshaw)
 - Blanco South (McCoy)
 - Pecan Woods



Item # 4





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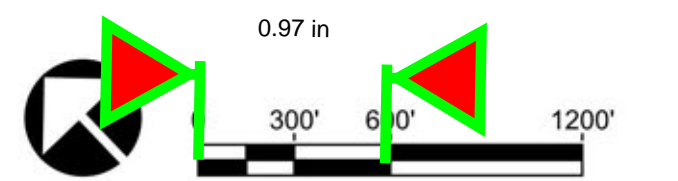
Aerial Photography: January 18, 2018



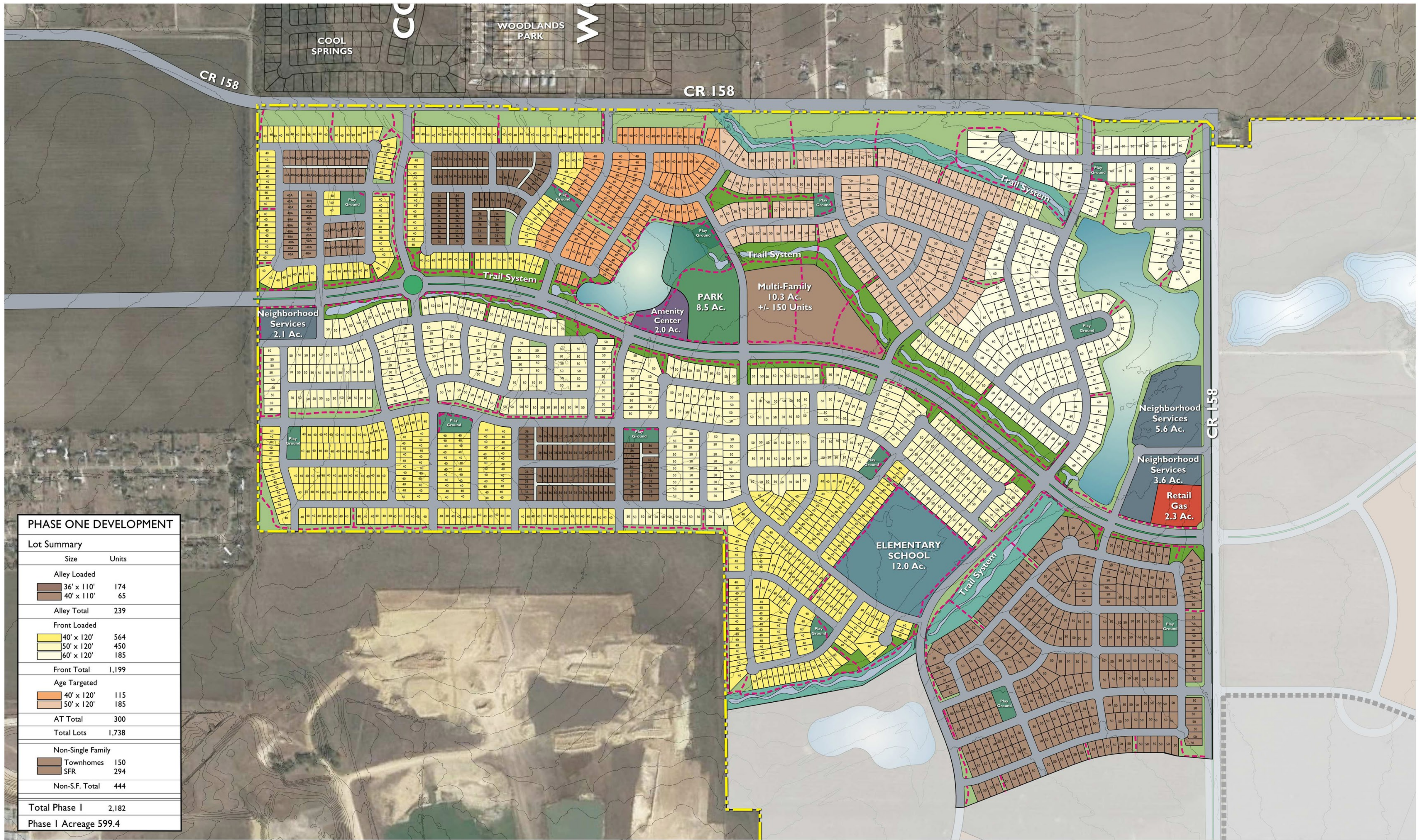
WATERSTONE • OVERALL PLAN

- Hays County, Texas
- October 31, 2019
- # 17001932
- Tack Development

712 Congress Avenue
Suite 300
Austin, Texas 78701
Tel: 512-480-0032
www.rviplanning.com



Information furnished regarding this property is from sources deemed reliable. RVI has not made an independent investigation of these sources and no warranty is made as to their accuracy or completeness. This plan is conceptual, subject to change, and does not represent any regulatory approval.
L:\2017\17001932 Waterstone\Submittal Plans\Conceptual Plan - submittal 2019-09-18 - image-updated.dwg



| PHASE ONE DEVELOPMENT | |
|--------------------------|--------------|
| Lot Summary | |
| Size | Units |
| Alley Loaded | |
| 36' x 110' | 174 |
| 40' x 110' | 65 |
| Alley Total | 239 |
| Front Loaded | |
| 40' x 120' | 564 |
| 50' x 120' | 450 |
| 60' x 120' | 185 |
| Front Total | 1,199 |
| Age Targeted | |
| 40' x 120' | 115 |
| 50' x 120' | 185 |
| AT Total | 300 |
| Total Lots | 1,738 |
| Non-Single Family | |
| Townhomes | 150 |
| SFR | 294 |
| Non-S.F. Total | 444 |
| Total Phase I | 2,182 |
| Phase I Acreage | 599.4 |

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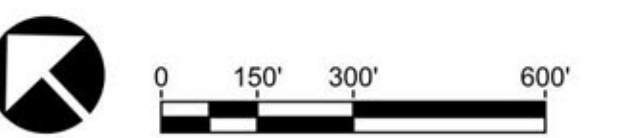
Aerial Photography: January 18, 2018



WATERSTONE • CONCEPTUAL LOTTING PLAN - Phase 1 Area

- 📍 Hays County, Texas
- 📅 April 20, 2020
- 🏠 # 17001932
- 👤 Tack Development

712 Congress Avenue
Suite 300
Austin, Texas 78701
Tel: 512.480.0032
www.rviplanning.com



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L:\2017\17001932 Waterstone - Lotting Plans\2020-04 lotting update\Conceptual Plan - CR158 2020-04-20 update.dwg

Spoooner Tract - WW Availability



Jeff Prato

Wed 6/3/2020 1:22 PM

To: William Atkinson

Cc: Leon Barba



Will,

In regards to the Spoooner Tract, City wastewater service will be available.

Thanks,

Jeff

Thank you!

Thank you for the information.

Great, thanks!

Are the suggestions above helpful? Yes No



CITY OF KYLE, TEXAS

LC 2012 Investments, LP (Z-20-0057)

Meeting Date: 6/9/2020
Date time: 6:30 PM

Subject/Recommendation: (POSTPONE UNTIL 7/28/20) Consider a request by LC 2012 Investments, LP, a Texas Limited Partnership (Z-20-0057) to assign original zoning to approximately 15.48 acres from Agriculture 'AG' to Retail Service 'RS' and to assign original zoning to approximately 12.25 acres of land from Agriculture 'AG' to Multi-Family Residential-3 'R-3-3' for property located on the southwest corner of Kohler's Crossing & I-35 Frontage Road.

- Public Hearing
- Recommendation to City Council

Other Information: Please see attachments.

Legal Notes: N/A

Budget Information: N/A

ATTACHMENTS:

Description

No Attachments Available



CITY OF KYLE, TEXAS

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

Meeting Date: 6/9/2020
Date time:6:30 PM

Subject/Recommendation: Discussion only regarding Planning and Zoning Commission request for future agenda items.

Other Information:

Legal Notes:

Budget Information:

ATTACHMENTS:

Description

No Attachments Available



CITY OF KYLE, TEXAS

Staff Report by Howard J. Koontz

Meeting Date: 6/9/2020

Date time: 6:30 PM

Subject/Recommendation: Staff Report by Howard J. Koontz, Director of Planning and Community Development.

Other Information:

Legal Notes:

Budget Information:

ATTACHMENTS:

Description

No Attachments Available