

# 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 Commissioner's 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 July 27, 2021, 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 23rd day of July, 2021, prior to 6:30 P.M.

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1. **Call Meeting To Order**
  2. **Roll Call**
  3. **Minutes**  
A.Planning and Zoning Commission Minutes - May 11, 2021 and June 8, 2021.
  4. **Citizen Comments**

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

1. In-Person at Kyle City Hall
2. Virtual Attendance - Submit the online registration form found at: <https://www.cityofkyle.com/bc/citizen-comment-sign>. Registration must be received by 12 p.m. on the day of the meeting.

## **5. Consent**

A.Talavera Subdivision Phase 1 - Final Plat (SUB-21-0169) 34.084 acres; 121 residential lots, 1 amenity lot and 5 open space lots located at the northwest intersection of Goforth Road and Bunton Creek Road.

Staff Proposal to P&Z: Approve the Final Plat.

B.Poco Loco Yarrington , Lot 1, Block A - Final Plat (SUB-21-0177) 13.564 acres; 1 commercial lot for property located at the intersection of IH-35 and C.R. 208.

Staff Proposal to P&Z: Approve the Final Plat.

C.6 Creeks Phase 1, Section 4B - Final Plat (SUB-20-0163) 21.679 acres; 91 residential lots and 4 open space lots located off of N. Old Stagecoach Road, in the 6 Creeks Subdivision.

Staff Proposal to P&Z: Approve the Final Plat.

## **6. Zoning**

A.Consider a request by Estate of Janelle Hadsell (Z-21-0083) to assign original zoning to approximately 24.65 acres of land from Agriculture ‘AG’ to Manufactured Home Park District ‘M-3’ for property located 600 Bebee Road, in Hays County, Texas.

- Public Hearing
- Recommendation to City Council

## **7. Consider and Possible Action**

A.A public hearing to amend Chapter 53 (Zoning) of the City of Kyle, Code of Ordinances. The following sections will be considered: Sec. 53-5 Definitions (Building Acre, Multifamily Residential Restricted, Townhouse); Sec. 53-443 – Permitted Uses; Sec. 54-5 (Note 1).

- Public Hearing
- Recommendation to City Council

B.A public hearing to amend Chapter 53 (Zoning) of the City of Kyle, Code of Ordinances. The following sections will be considered: Sec. 53-1047 – Authorized Conditional Uses; Exhibit A. – Plum Creek Planned Unit Development, Article II. – Planned Unit Development District, Part D. – Additional Use Regulations Sec. 1. - Additional use, height and area regulations and exceptions applicable to PUD districts unless otherwise approved by the city council.

- Public Hearing
- Recommendation to City Council

C.(Postponed on 6/8/21 & 6/22/21) Consideration of Exception to Sec. 41-10(b)(c), City of Kyle Subdivision Code (Exception to requiring platting for 400, 402, 404 S. Burlson).

## **8. General Discussion**

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

## **9. Staff Report**

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

## **10. Adjournment**



# CITY OF KYLE, TEXAS

Minutes - May 11, 2021 and June 8,  
2021

**Meeting Date: 7/27/2021**

**Date time:6:30 PM**

**Subject/Recommendation:** Planning and Zoning Commission Minutes - May 11, 2021 and June 8, 2021.

**Other Information:** See attached.

**Legal Notes:** N/A

**Budget Information:** N/A

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**ATTACHMENTS:**

**Description**

- Minutes - May 11, 2021
- Minutes - June 8, 2021



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

The Planning and Zoning Commission of the City of Kyle, Texas met in a regular called meeting on May 11, 2021, at 6:30 P.M. in a hybrid meeting with the following persons present:

Vice-Chair, Alex Guerra  
Commissioner, Megan McCall  
Commissioner, Paul Scheibmeir  
Commissioner, Brandon James  
Commissioner, Patricia Snidow

Planning Director, Howard J. Koontz  
City Planner, William Atkinson  
Planning Technician, Debbie A. Guerra

### **CALL MEETING TO ORDER**

Vice-Chair Guerra called the meeting to order at 6:31 P.M.

### **ROLL CALL OF COMMISSION**

Vice-Chair Guerra called for roll call. Commissioners Christie and Chase were absent.

### **CITIZENS COMMENTS**

Vice-Chair Guerra 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. There were no comments. Vice-Chair Guerra closed the public hearing at 6:32 P.M.

### **CONSENT**

**TRAILS AT WINDY HILL, PHASE 4 – FINAL PLAT (SUB-20-0114) ACRES; 58 RESIDENTIAL LOTS, 1 OPEN SPACE/DRAINAGE EASEMENT/POND, 1 DRAINAGE EASEMENT, RIGHT-OF-WAY, AND 1 RIGHT-OF-WAY DEDICATION FOR PROPERTY LOCATED OFF OF WINDY HILL ROAD AND MATHIAS LANE.**

**TRAILS AT WINDY HILL, PHASE 5 – FINAL PLAT (SUB-20-0116) 20.630 ACRES; 104 RESIDENTIAL LOTS, 1 OPEN SPACE LOT, 1 RIGHT-OF-WAY AND 1 RIGHT-OF-WAY DEDICATION FOR PROPERTY LOCATED OFF OF WINDY HILL ROAD AND MATHIAS LANE.**

**WINDY HILL DEVELOPMENT – FINAL PLAT (SUB-20-0161) 4.62 ACRES, 1 COMMERCIAL LOT FOR PROPERTY LOCATED AT 400 WINDY HILL ROAD.**

**BROOKS RANCH, PHASE 2 – FINAL PLAT (SUB-20-0162) 25.67 ACRES; 83 SINGLE FAMILY LOTS, 1 BUFFER LOT AND 2 D.E. AND M.U.E. LOTS FOR PROPERTY LOCATED OFF REBEL DRIVE AND BROOKS RANCH DR.**

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

## **CONSIDER AND POSSIBLE ACTION**

### **CONSIDER A REQUEST BY GOFORTH PARTNERS, INC. (Z-21-0078) TO REZONE APPROXIMATELY 1.63 ACRES OF LAND FROM CONSTRUCTION MANUFACTURING 'CM' TO RETAIL SERVICE DISTRICT 'RS' FOR PROPERTY LOCATED AT 1050 BUNTON CREEK ROAD, IN HAYS COUNTY, TEXAS.**

Vice-Chair Guerra called for comments for or against the request at 6:33 P.M. There were no comments. Vice-Chair Guerra closed the public hearing at 6:33 P.M.

Commissioner James moved to approve the request. Commissioner McCall seconds the motion. All votes aye. Motion carried.

### **CONSIDER A REQUEST BY CTX, LLC (Z-21-0079) TO ASSIGN ORIGINAL ZONING TO APPROXIMATELY 1.105 ACRES OF LAND FROM AGRICULTURE 'AG' TO RETAIL SERVICE DISTRICT 'RS' FOR PROPERTY LOCATED WITHIN THE 1800 BLOCK OF GOFORTH ROAD, IN HAYS COUNTY, TEXAS.**

Vice-Chair Guerra called for comments for or against the request at 6:44 P.M. There were no comments. Madam Chair Christie closed the public hearing at 6:44 P.M.

Commissioner Snidow moved to approve the request. Commissioner James seconds the motion. All votes aye. Motion carried.

### **CONSIDER A REQUEST FOR THE PURPOSE OF AMENDING (SEC. 53-893) RELATING TO WHEN A CONDITIONAL USE PERMIT IS REQUIRED FOR COMMERCIAL DEVELOPMENT.**

Vice-Chair Guerra called for comments for or against the request at 7:09 P.M. Ms. Lila Knight addressed the Commission with some concerns (1) changing and to or, Ms. Knight stated she prefers the greater protection controlling exterior design, and concern with landscaping will now trigger the condition use permit. (2) Including the word color isn't a good idea to tell someone what color they can paint their building. (3) There are no definitions for the terms, reconstruction enlargement, remodeling and alterations. (4) No map online regarding overlay districts. Also, may be a good time to rename the Goforth overlay to Philomena (6) Clarification that is amendment is for commercial property not residential. Vice-Chair Guerra closed the public hearing at 7:09 P.M.

Commissioner McCall moved to approve the request as written. Commissioner James seconds the motion.

Vice-Chair Guerra moved to amend the original motion to add the introduction (A) to item No. 2. Commissioner James seconds the amended motion.

Vice-Chair Guerra moved to amend the motion by restating by clarifying the wording in No. 2 to include the wording from No. 1 to clarify there are two separate 'or' items. Commissioner James seconds the motion. Commissioners Guerra, McCall, James and Snidow vote aye. Commissioner Scheibmeir votes nay.

Original motion – Commissioners McCall, Snidow, Guerra aye. Commissioners James and Scheibmeir votes nay. Motion carried.

## **GENERAL DISCUSSION**

### **DISCUSSION ONLY REGARDING PLANNING AND ZONING COMMISSION REQUESTS FOR FUTURE AGENDA ITEMS.**

Commissioner James would like to discuss overlay districts in the upcoming meetings.

### **MUNICIPAL OUTDOOR LIGHTING DISCUSSION ~ COMMISSIONER SNIDOW**

Commissioner Snidow mentioned she would like to see an education campaign, add links, and promote on website for Kyle citizens.

## **STAFF REPORT**

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

Mr. Koontz stated that there will not be a work session on May 22<sup>nd</sup>.

## **ADJOURN**

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

The Planning and Zoning Commission regular called meeting adjourned at 8:07 P.M.

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Prepared by Debbie A. Guerra

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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 regular called meeting on June 8, 2021, at 6:30 P.M. in a hybrid meeting with the following persons present:

Madam Chair, Michele Christie  
Vice-Chair, Alex Guerra  
Commissioner, Patricia Snidow  
Commissioner, Matthew Chase  
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 Scheibmeir, McCall and James were absent.

Madam Chair Christie made an announcement that item 7E will be postponed for two weeks.

### **MINUTES**

#### **PLANNING AND ZONING COMMISSION MEETING MINUTES FROM APRIL 13, 2021 (REGULAR MEETING), APRIL 27, 2021 (SPECIAL CALLED MEETING AND WORKSHOP)**

Commissioner Chase moved to approve the minutes. Commissioner Snidow seconds the motion. All votes aye. Motion carried.

### **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.

### **CONSENT**

**CASSETTA RANCH SUBDIVISION SECTION 3 – FINAL PLAT (SUB-21-0174) 23.6922 ACRES; 88 SINGLE FAMILY LOTS, 1 POCKET PARK, 1 DRAINAGE/DETENTION LOT AND R-O-W LOCATED SOUTHWEST OF THE INTERSECTION OF BUNTON CREEK ROAD, GOFORTH ROAD, AND BUNTON LANE.**

**CASSETTA RANCH SUBDIVISION SECTION 4 - (SUB-21-0175) 97.646 ACRES; 86 SINGLE FAMILY LOTS, 4 OPEN SPACE/DRAINAGE EASEMENT LOTS AND**

**RIGHT-OF-WAY FOR PROPERTY LOCATED SOUTHWEST OF THE INTERSECTION OF BUNTON CREEK ROAD, GOFORTH ROAD, AND BUNTON LANE.**

**CYPRESS FOREST PHASE THREE, SECTION B – FINAL PLAT (SUB-21-0181) 11.86 ACRES; 39 SINGLE FAMILY LOTS AND 1 OPEN SPACE LOT LOCATED WEST OF N. OLD STAGECOACH ROAD IN CYPRESS FOREST SUBDIVISION.**

**CYPRESS FOREST PHASE FOUR, SECTION B – FINAL PLAT (SUB-21-0182) 11.57 ACRES; 35 SINGLE FAMILY LOTS AND 1 OPEN SPACE LOT LOCATED WEST OF N. OLD STAGECOACH ROAD IN CYPRESS FOREST SUBDIVISION.**

**HEROES MEMORIAL PARK – FINAL PLAT (SUB-21-0191) 5.5440 ACRES; 1 LOT LOCATED ON THE NORTHWEST CORNER OF KOHLER’S CROSSING AND KYLE PARKWAY INTERSECTION.**

**HEREOS MEMORIAL PARK – SITE PLAN (SD-20-0088) 4.86 ACRES; 1 LOT LOCATED ON THE NORTHWEST CORNER OF KOHLER’S CROSSING AND KYLE PARKWAY INTERSECTION.**

**DAIRY QUEEN – REPLAT (SUB-21-0185) 2.28 ACRES; 2 LOTS LOCATED AT 22601 IH-35.**

**FINDLEY SUBDIVISION – FINAL PLAT (SUB-21-0170) 9.993 ACRES; 2 LOTS LOCATED AT 1691 N. OLD STAGECOACH ROAD.**

**SIX CREEKS BOULEVARD PHASE 1, SECTION 3 – FINAL PLAT (SUB-21-0186) 7.0340 ACRES; 1 RIGHT-OF-WAY LOCATED OFF OF SIX CREEKS BOULEVARD.**

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

## **ZONING**

**CONSIDER A REQUEST BY LUCIA HERNANDEZ (Z-21-0081) TO ASSIGN ORIGINAL ZONING TO APPROXIMATELY 4.56 ACRES OF LAND FROM AGRICULTURE ‘AG’ TO RETAIL SERVICE DISTRICT ‘RS’ FOR PROPERTY LOCATED AT 145 LEHMAN ROAD, IN HAYS COUNTY, TEXAS.**

Madam Chair Christie called for comments for or against the request at 6:37 P.M. There were no comments. Madam Chair Christie closed the public hearing at 6:37 P.M.

Vice-Chair Guerra moved to approve the request. Commissioner Snidow seconds the motion. All votes aye. Motion carried.

**CONSIDER A REQUEST BY SUNRISE VILLAGE INVESTMENTS, LLC (Z-21-0082) TO ASSIGN ORIGINAL ZONING TO APPROXIMATELY 1081 ACRES OF LAND TO RETAIL SERVICE DISTRICT ‘RS’ AND APPROXIMATELY 34.83 ACRES TO MULTI-FAMILY RESIDENTIAL-3 ‘R-3-3’ FOR PROPERTY LOCATED AT 20139 IH-35, IN HAYS COUNTY, TEXAS.**

Madam Chair Christie called for comments for or against the request at 6:41 P.M. There were no comments. Madam Chair Christie closed the public hearing at 6:42 P.M.

Commissioner Snidow moved to approve the request. Vice-Chair Guerra seconds the motion. All votes aye. Motion carried.

**CONSIDER A REQUEST BY LD ENTERPRISES, LLC (Z-21-0084) TO ASSIGN ORIGINAL ZONING AND REZONE APPROXIMATELY 11.08 ACRES OF LAND FROM AGRICULTURE 'AG' (.023 ACRES) AND SINGLE FAMILY 'R-1' (10.85 ACRES) TO SINGLE FAMILY RESIDENTIAL-3 'R-1-3' FOR PROPERTY LOCATED BETWEEN SCOTT STREET AND THE 800 BLOCK OF SOUTH SLEDGE STREET, IN HAYS COUNTY, TEXAS.**

Madam Chair Christie called for comments for or against the request at 7:00 P.M. Rose C. Ortiz addressed the Commission with concerns of flooding, housing prices for the area. Madam Chair Christie read comment from David Wiley stating he is not in favor of the request. Madam Chair Christie closed the public hearing at 7:06 P.M.

Vice-Chair Guerra moved to approve the request. Commissioner Chase seconds the motion. All votes aye. Motion carried.

**CONSIDER AND POSSIBLE ACTION**

**LIMESTONE CREEK SUBDIVISION – RESIDENTIAL STYLE GUIDE (SUB-21-0173) 179.278 ACRES; 487 SIGNAL FAMILY LOTS, 2 COMMERCIAL LOTS, 7 TOWNHOME LOTS, 4 OPEN SPACE LOTS, 1 AMENITY CENTER AND 5 DETENTION PONDS/OPEN SPACE LOTS FOR PROPERTY LOCATED OFF OF E. POST ROAD, JUST NORTH OF QUAIL RIDGE SUBDIVISION**

Madam Chair Christie called for comments for or against the request at 7:15 P.M. There were no comments. Madam Chair Christie closed the public hearing at 7:15 P.M.

Commissioner Chase moved to approve the Residential Style Guide. Vice-Chair Guerra seconds the motion. All votes aye. Motion carried.

**LIMESTONE CREEK SUBDIVISION – PRELIMINARY PLAN (SUB-21-0173) 179.278 ACRES; 487 SIGNAL FAMILY LOTS, 2 COMMERCIAL LOTS, 7 TOWNHOME LOTS, 4 OPEN SPACE LOTS, 1 AMENITY CENTER AND 5 DETENTION PONDS/OPEN SPACE LOTS FOR PROPERTY LOCATED OFF OF E. POST ROAD, JUST NORTH OF QUAIL RIDGE SUBDIVISION**

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

**CONSIDER A REQUEST TO CONSTRUCT APPROXIMATELY 2,300 SQUARE FOOT STARBUCKS FREE STANDING BUILDING LOCATED AT 22449 IH-35 AND E. FM 150 WITHIN THE IH-35 OVERLAY DISTRICT. (STARBUCKS CENTER STREET VILLAGE – CUP-21-0029)**

Commissioner Snidow moved to approve the conditional use permit. Vice-Chair Snidow seconds the motion. All votes aye. Motion carried.

**CONSIDER A REQUEST TO CONSTRUCT AN APPROXIMATELY 2,700 SQUARE FOOT STANDING RESTAURANT AND A DRIVE-THRU FOR PROPERTY LOCATED** Item # 1

**AT 18940 IH-35, APPROXIMATELY 1,400 FEET SOUTH OF THE INTERSECTION OF IH-35 AND KYLE CROSSING WITHIN THE IH-35 OVERLAY DISTRICT. (P TERRY'S - CUP-21-0030)**

Commissioner Chase moved to approve the conditional use permit. Vice-Chair Guerra seconds the motion. All votes aye. Motion carried.

**CONSIDERATION OF EXCEPTION TO SECTION 41-10(B)(C), CITY OF KYLE SUBDIVISION CODE (EXCEPTION TO REQUIRING PLATTING FOR 400 ,402,404 S. BURLESON)**

Madam Chair Christie moved to postpone this item until the June 22<sup>nd</sup> meeting. Vice-Chair Guerra seconds the motion. All votes aye. Motion carried.

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

None.

**STAFF REPORT**

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

Mr. Koontz stated that the next voting meeting will be on July 27<sup>th</sup>. There will be a workshop meeting and special called meeting for June 22<sup>nd</sup>.

The text amendment for streetlights will be on the next agenda for recommendation to City Council.

**ADJOURN**

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

The Planning and Zoning Commission regular called meeting adjourned at 7:57 P.M.

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Prepared by Debbie A. Guerra

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Madam Chair Michele Christie



# CITY OF KYLE, TEXAS

## Citizen Comment Information

**Meeting Date: 7/27/2021**

**Date time:6:30 PM**

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

1. In-Person at Kyle City Hall
2. Virtual Attendance - Submit the online registration form found at:  
<https://www.cityofkyle.com/bc/citizen-comment-sign>. Registration must be received by 12 p.m. on the day of the meeting.

**Other Information:**

**Legal Notes:**

**Budget Information:**

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**ATTACHMENTS:**

**Description**

No Attachments Available





# CITY OF KYLE, TEXAS

## Talavera Subdivision Phase 1 - Final Plat (SUB-21-0169)

**Meeting Date: 7/27/2021**

**Date time:6:30 PM**

**Subject/Recommendation:** Talavera Subdivision Phase 1 - Final Plat (SUB-21-0169) 34.084 acres; 121 residential lots, 1 amenity lot and 5 open space lots located at the northwest intersection of Goforth Road and Bunton Creek Road.

Staff Proposal to P&Z: Approve the Final Plat.

**Other Information:** See attached.

**Legal Notes:** N/A

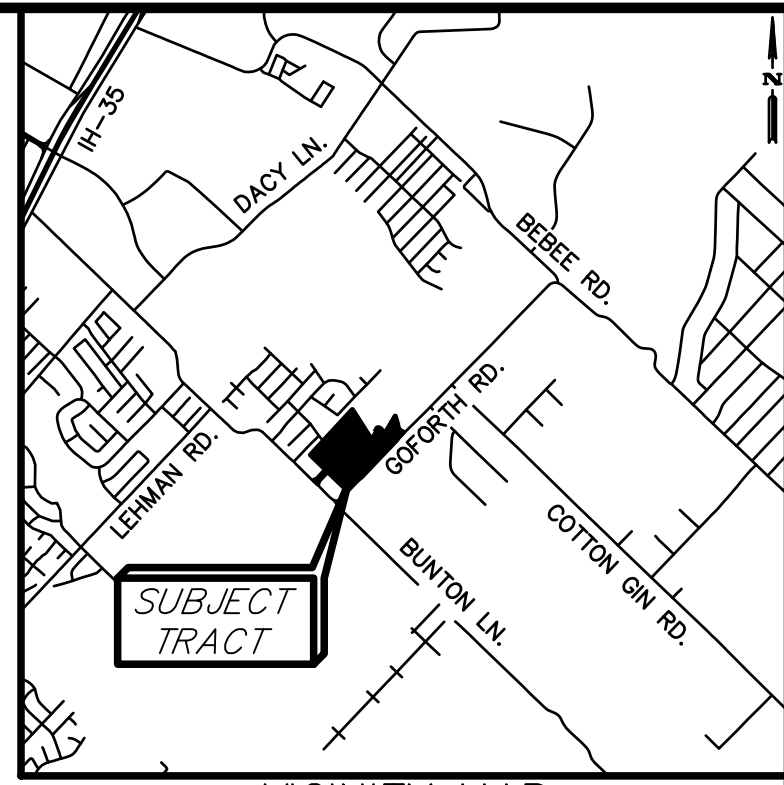
**Budget Information:** N/A

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### ATTACHMENTS:

#### **Description**

Final Plat



**SUBJECT TRACT**

RANCH ROAD TALAVERA CALLED 67.23 ACRES DOC. NO. 20045729 O.P.R.H.C.

30' PIPELINE ESMT. VOL. 254, PG. 274 D.R.H.C.

50' GAS ESMT. VOL. 95, PG. 137 H.C.D.R. & VOL. 102, PG. 417 H.C.D.R. AMENDED IN DOC. NO. 20038581 O.P.R.H.C.

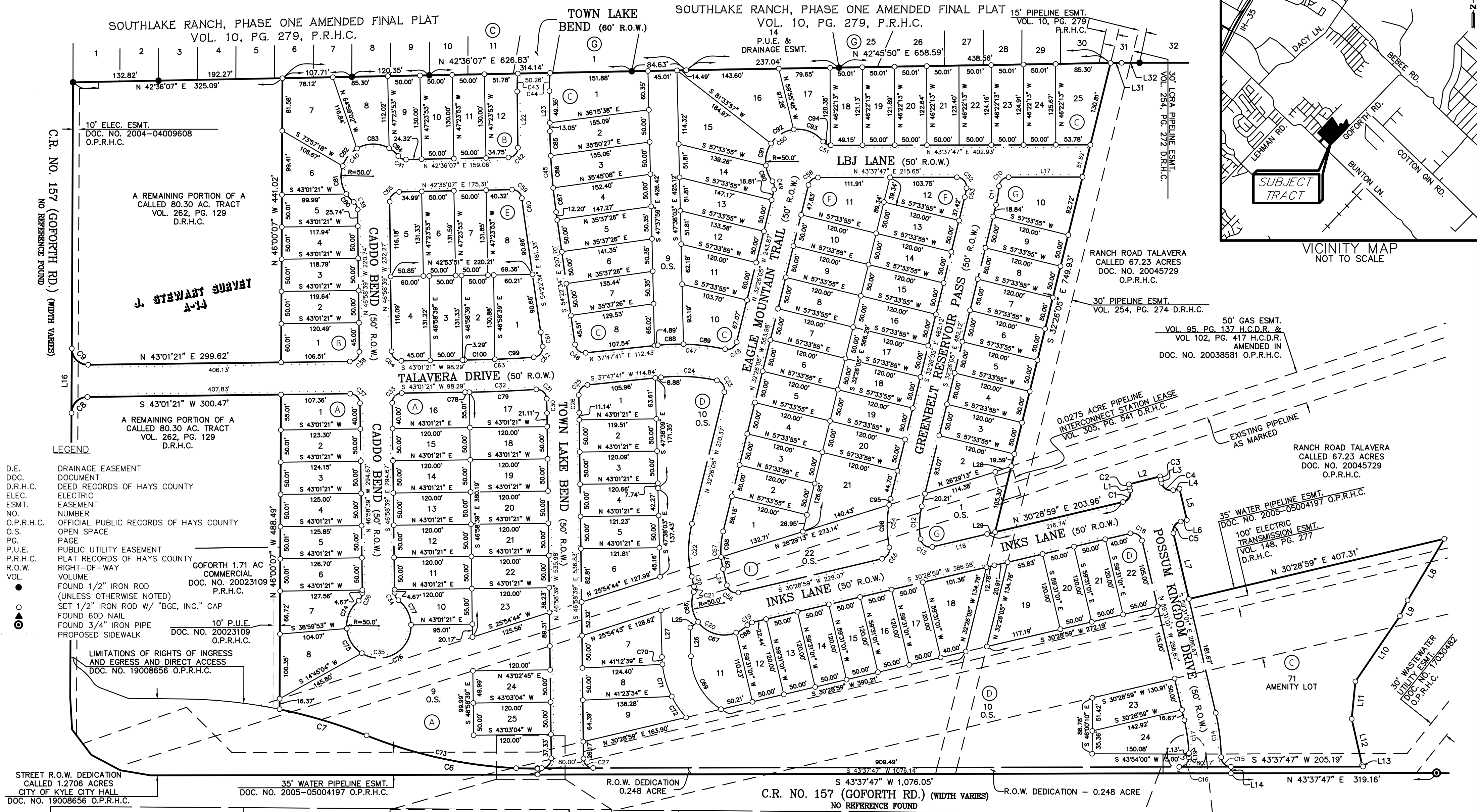
RANCH ROAD TALAVERA CALLED 67.23 ACRES DOC. NO. 20045729 O.P.R.H.C.

35' WATER PIPELINE ESMT. DOC. NO. 2005-05004197 O.P.R.H.C.

100' ELECTRIC TRANSMISSION ESMT. VOL. 148, PG. 277 D.R.H.C.

AMENITY LOT 71

30' WASTEWATER UTILITY ESMT. DOC. NO. 17030482 O.P.R.H.C.



- LEGEND**
- D.E. DRAINAGE EASEMENT
  - DOC. DOCUMENT
  - D.R.H.C. DEED RECORDS OF HAYS COUNTY
  - ELEC. ELECTRIC EASEMENT
  - ESMT. EASEMENT
  - NO. NUMBER
  - O.P.R.H.C. OFFICIAL PUBLIC RECORDS OF HAYS COUNTY
  - O.S. OPEN SPACE
  - PG. PAGE
  - P.U.E. PUBLIC UTILITY EASEMENT
  - P.R.H.C. PLAT RECORDS OF HAYS COUNTY
  - R.O.W. RIGHT-OF-WAY
  - VOL. VOLUME
  - FOUND 1/2" IRON ROD (UNLESS OTHERWISE NOTED)
  - SET 1/2" IRON ROD W/ "BGE, INC." CAP
  - FOUND 60D NAIL
  - FOUND 3/4" IRON PIPE
  - PROPOSED SIDEWALK
  - LIMITATIONS OF RIGHTS OF INGRESS AND EGRESS AND DIRECT ACCESS DOC. NO. 19008656 O.P.R.H.C.

**STREET R.O.W. DEDICATION**  
CALLED 1.2706 ACRES  
CITY OF KYLE CITY HALL  
DOC. NO. 19008656 O.P.R.H.C.

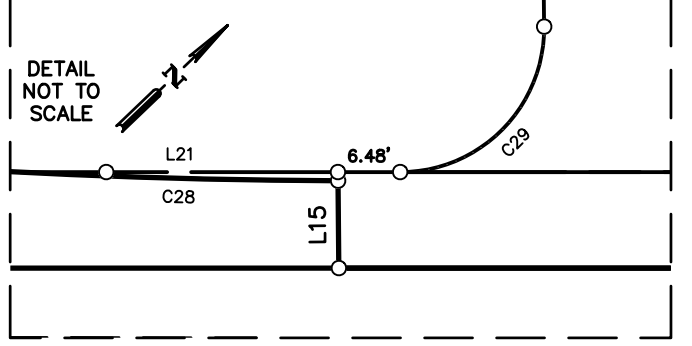
**35' WATER PIPELINE ESMT.**  
DOC. NO. 2005-05004197 O.P.R.H.C.

**CALLLED 2.07 ACRES PEDERNALES ELECTRIC COOPERATIVE, INC**  
DOC. NO. 199915016

**CALLLED 13.731 ACRES CTX PARK, LLC**  
DOC. NO. 17040519 O.P.R.H.C.

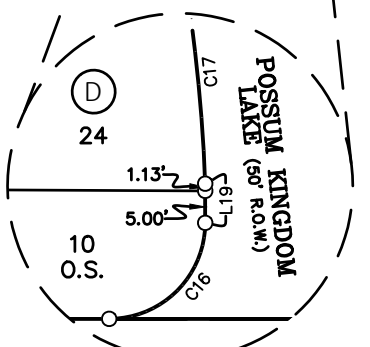
**BEARING BASIS:**  
BEARING ORIENTATION IS BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE 4204, NAD83. COMBINED SCALE FACTOR = 0.9999038970

A FIFTEEN (15) FOOT M.U.E. IS HEREBY DEDICATED ADJACENT TO ALL STREET ROW, A FIVE (5) FOOT M.U.E. IS HEREBY DEDICATED ALONG EACH SIDE LOT LINE AND A TEN (10) FOOT M.U.E. IS HEREBY DEDICATED ADJACENT TO ALL REAR LOT LINES ON ALL LOTS.



# FINAL PLAT TALAVERA PHASE 1

A SUBDIVISION OF 34.084 ACRES OF LAND LOCATED IN THE JOHN STEWART SURVEY, ABSTRACT NO. 14 HAYS COUNTY, TEXAS



**BGE, Inc.**  
7330 San Pedro Ave., Suite 202  
San Antonio, TX 78216  
Tel: 210-581-3600 • www.bgeinc.com  
TBPELS Registration No. F-1046  
TBPELS Licensed Surveying Firm No. 10194490

| CURVE TABLE |            |           |            |               |                |
|-------------|------------|-----------|------------|---------------|----------------|
| NUMBER      | ARC LENGTH | RADIUS    | DELTA      | CHORD BEARING | CHORD DISTANCE |
| C1          | 23.56'     | 15.00'    | 90°00'00"  | N 14°31'01" W | 21.21'         |
| C2          | 4.22'      | 325.00'   | 0°44'37"   | N 59°08'43" W | 4.22'          |
| C3          | 5.00'      | 275.00'   | 1°02'27"   | S 58°59'47" E | 5.00'          |
| C4          | 23.56'     | 15.00'    | 90°00'00"  | N 75°28'59" E | 21.21'         |
| C5          | 23.56'     | 15.00'    | 90°00'00"  | S 14°31'01" E | 21.21'         |
| C6          | 271.87'    | 715.00'   | 21°47'11"  | S 54°45'21" W | 270.24'        |
| C7          | 141.14'    | 785.00'   | 10°18'07"  | S 60°29'54" W | 140.95'        |
| C8          | 38.84'     | 25.00'    | 89°01'27"  | S 01°29'22" E | 35.05'         |
| C9          | 39.70'     | 25.00'    | 90°58'32"  | N 88°30'37" E | 35.66'         |
| C10         | 22.43'     | 15.00'    | 85°40'16"  | S 00°47'42" W | 20.40'         |
| C11         | 29.34'     | 175.00'   | 9°36'21"   | N 37°14'16" W | 29.31'         |
| C12         | 51.19'     | 125.00'   | 23°27'51"  | S 44°10'01" E | 50.83'         |
| C13         | 24.51'     | 15.00'    | 93°37'04"  | N 77°17'32" E | 21.87'         |
| C14         | 69.53'     | 320.00'   | 12°26'57"  | N 53°17'32" W | 69.39'         |
| C15         | 23.38'     | 15.00'    | 89°18'10"  | N 88°16'52" E | 21.08'         |
| C16         | 23.56'     | 15.00'    | 90°00'00"  | N 01°22'13" W | 21.21'         |
| C17         | 51.74'     | 270.00'   | 10°58'49"  | N 54°01'36" W | 51.66'         |
| C18         | 23.56'     | 15.00'    | 90°00'00"  | S 75°28'59" W | 21.21'         |
| C19         | 8.58'      | 15.00'    | 32°47'16"  | S 14°05'21" W | 8.47'          |
| C20         | 135.77'    | 50.00'    | 155°34'32" | N 75°28'59" E | 97.74'         |
| C21         | 8.58'      | 15.00'    | 32°47'16"  | N 43°07'23" W | 8.47'          |
| C22         | 82.72'     | 175.00'   | 27°04'55"  | S 45°58'33" E | 81.95'         |
| C23         | 23.97'     | 15.00'    | 91°34'05"  | N 78°13'08" W | 21.50'         |
| C24         | 87.37'     | 275.00'   | 18°12'08"  | S 46°53'45" W | 87.00'         |
| C25         | 22.60'     | 15.00'    | 86°18'30"  | S 05°21'34" E | 20.52'         |
| C26         | 27.48'     | 1,025.00' | 1°32'10"   | N 47°44'44" W | 27.48'         |
| C27         | 23.40'     | 15.00'    | 89°23'34"  | N 88°19'34" E | 21.10'         |
| C28         | 33.11'     | 715.00'   | 2°39'10"   | N 45°11'20" E | 33.10'         |
| C29         | 23.72'     | 15.00'    | 90°36'26"  | N 01°40'26" W | 21.33'         |
| C30         | 22.28'     | 975.00'   | 1°18'34"   | N 47°37'56" W | 22.28'         |
| C31         | 24.04'     | 15.00'    | 91°49'21"  | S 85°48'06" W | 21.55'         |
| C32         | 110.69'    | 2,025.00' | 3°07'55"   | N 41°27'23" E | 110.68'        |
| C33         | 23.56'     | 15.00'    | 90°00'00"  | S 01°58'39" E | 21.21'         |
| C34         | 13.62'     | 15.00'    | 52°01'13"  | S 72°59'15" E | 13.16'         |
| C35         | 247.87'    | 50.00'    | 284°02'24" | N 43°01'21" E | 61.54'         |
| C36         | 13.62'     | 15.00'    | 52°01'13"  | N 20°58'03" W | 13.16'         |
| C37         | 23.56'     | 15.00'    | 90°00'00"  | S 88°01'21" W | 21.21'         |
| C38         | 23.56'     | 15.00'    | 90°00'00"  | N 01°58'39" W | 21.21'         |
| C39         | 13.62'     | 15.00'    | 52°01'13"  | N 72°59'15" W | 13.16'         |
| C40         | 168.96'    | 50.00'    | 193°36'28" | S 02°11'37" E | 99.30'         |
| C41         | 13.62'     | 15.00'    | 52°01'13"  | N 68°36'43" E | 13.16'         |
| C42         | 23.45'     | 15.00'    | 89°34'46"  | N 02°11'16" W | 21.14'         |
| C43         | 27.81'     | 325.00'   | 4°54'12"   | S 44°31'33" E | 27.80'         |
| C44         | 28.20'     | 275.00'   | 5°52'30"   | S 44°02'24" E | 28.19'         |
| C45         | 125.90'    | 975.00'   | 7°23'55"   | S 50°40'36" E | 125.81'        |
| C46         | 22.99'     | 15.00'    | 87°49'45"  | N 81°42'34" E | 20.81'         |
| C47         | 105.34'    | 325.00'   | 18°34'17"  | S 47°04'49" W | 104.88'        |
| C48         | 23.25'     | 15.00'    | 88°48'03"  | N 11°57'56" E | 20.99'         |
| C49         | 13.56'     | 15.00'    | 51°47'43"  | N 58°19'57" W | 13.10'         |
| C50         | 157.00'    | 50.00'    | 179°54'21" | S 05°43'23" W | 100.00'        |

| CURVE TABLE |            |           |            |               |                |
|-------------|------------|-----------|------------|---------------|----------------|
| NUMBER      | ARC LENGTH | RADIUS    | DELTA      | CHORD BEARING | CHORD DISTANCE |
| C51         | 13.63'     | 15.00'    | 52°02'46"  | N 69°39'10" E | 13.16'         |
| C52         | 25.52'     | 15.00'    | 97°29'33"  | N 87°37'26" W | 22.55'         |
| C53         | 14.06'     | 125.00'   | 6°26'34"   | N 35°39'23" W | 14.05'         |
| C54         | 76.32'     | 175.00'   | 24°59'18"  | S 44°55'45" E | 75.72'         |
| C55         | 23.01'     | 15.00'    | 87°54'23"  | N 13°28'12" W | 20.82'         |
| C56         | 23.56'     | 15.00'    | 90°00'00"  | N 75°28'59" E | 21.21'         |
| C57         | 59.08'     | 125.00'   | 27°04'56"  | S 45°58'33" E | 58.54'         |
| C58         | 19.91'     | 15.00'    | 76°03'52"  | S 05°35'51" W | 18.48'         |
| C59         | 22.16'     | 15.00'    | 84°37'52"  | S 84°55'03" W | 20.20'         |
| C60         | 28.78'     | 1,025.00' | 1°36'32"   | S 53°34'18" E | 28.78'         |
| C61         | 22.34'     | 975.00'   | 1°18'46"   | N 53°43'11" W | 22.34'         |
| C62         | 24.34'     | 15.00'    | 92°58'37"  | N 06°34'29" W | 21.76'         |
| C63         | 107.17'    | 1,975.00' | 3°06'32"   | N 41°28'05" E | 107.15'        |
| C64         | 23.56'     | 15.00'    | 90°00'00"  | N 88°01'21" E | 21.21'         |
| C65         | 23.45'     | 15.00'    | 89°34'46"  | S 02°11'16" E | 21.14'         |
| C66         | 48.68'     | 50.00'    | 55°47'01"  | S 54°37'16" E | 46.78'         |
| C67         | 66.14'     | 50.00'    | 75°47'15"  | N 59°35'36" E | 61.42'         |
| C68         | 20.95'     | 50.00'    | 24°00'16"  | N 09°41'51" E | 20.79'         |
| C69         | 98.28'     | 100.00'   | 56°18'35"  | S 75°47'20" E | 94.37'         |
| C70         | 11.51'     | 145.00'   | 4°32'57"   | S 49°54'31" E | 11.51'         |
| C71         | 52.17'     | 145.00'   | 20°36'55"  | S 62°29'27" E | 51.89'         |
| C72         | 39.44'     | 145.00'   | 15°35'03"  | S 80°35'26" E | 39.32'         |
| C73         | 238.77'    | 715.00'   | 19°08'01"  | N 56°04'56" E | 237.66'        |
| C74         | 48.91'     | 50.00'    | 56°02'41"  | S 22°58'47" E | 46.98'         |
| C75         | 46.51'     | 50.00'    | 53°18'06"  | S 77°39'11" E | 44.86'         |
| C76         | 107.95'    | 50.00'    | 123°42'25" | N 13°50'34" E | 88.17'         |
| C77         | 44.49'     | 50.00'    | 50°59'12"  | N 73°30'15" W | 43.04'         |
| C78         | 6.71'      | 2,025.00' | 0°11'23"   | N 42°55'41" E | 6.71'          |
| C79         | 103.99'    | 2,025.00' | 2°56'32"   | N 41°21'42" E | 103.97'        |
| C80         | 16.90'     | 50.00'    | 19°22'07"  | S 89°18'48" E | 16.82'         |
| C81         | 45.37'     | 50.00'    | 51°59'31"  | S 53°38'00" E | 43.83'         |
| C82         | 35.76'     | 50.00'    | 40°58'28"  | S 07°09'00" E | 35.00'         |
| C83         | 52.36'     | 50.00'    | 60°00'00"  | S 43°20'14" W | 50.00'         |
| C84         | 18.57'     | 50.00'    | 21°17'06"  | S 83°58'47" W | 18.47'         |
| C85         | 38.08'     | 975.00'   | 2°14'17"   | S 48°05'47" E | 38.08'         |
| C86         | 50.01'     | 975.00'   | 2°56'20"   | S 50°41'06" E | 50.00'         |
| C87         | 37.81'     | 975.00'   | 2°13'18"   | S 53°15'55" E | 37.80'         |
| C88         | 40.17'     | 325.00'   | 7°04'57"   | S 41°20'09" W | 40.15'         |
| C89         | 65.17'     | 325.00'   | 11°29'19"  | S 50°37'18" W | 65.06'         |
| C90         | 26.91'     | 50.00'    | 30°50'16"  | S 68°48'40" E | 26.59'         |
| C91         | 35.85'     | 50.00'    | 41°04'54"  | S 32°51'05" E | 35.09'         |
| C92         | 42.37'     | 50.00'    | 48°32'53"  | S 11°57'48" W | 41.11'         |
| C93         | 51.87'     | 50.00'    | 59°26'19"  | S 65°57'24" W | 49.58'         |
| C94         | 12.77'     | 15.00'    | 48°46'45"  | N 71°17'11" E | 12.39'         |
| C95         | 9.77'      | 175.00'   | 3°11'52"   | S 34°02'01" E | 9.77'          |
| C96         | 66.56'     | 175.00'   | 21°47'26"  | S 46°31'41" E | 66.16'         |
| C97         | 19.10'     | 125.00'   | 8°45'12"   | S 55°08'25" E | 19.08'         |
| C98         | 39.99'     | 125.00'   | 18°19'44"  | S 41°35'57" E | 39.82'         |
| C99         | 60.45'     | 1,975.00' | 1°45'13"   | N 40°47'26" E | 60.45'         |
| C100        | 46.71'     | 1,975.00' | 1°21'19"   | N 42°20'41" E | 46.71'         |

| LINE TABLE |               |          |
|------------|---------------|----------|
| NUMBER     | BEARING       | DISTANCE |
| L1         | N 59°31'01" W | 5.46'    |
| L2         | N 29°35'29" E | 50.02'   |
| L3         | S 59°31'01" E | 5.46'    |
| L4         | N 30°28'59" E | 10.02'   |
| L5         | S 59°31'01" E | 50.00'   |
| L6         | S 30°28'59" W | 10.02'   |
| L7         | S 59°31'01" E | 105.00'  |
| L8         | S 15°26'53" E | 111.29'  |
| L9         | S 20°06'23" E | 26.98'   |
| L10        | S 11°59'59" E | 122.91'  |
| L11        | S 40°37'23" E | 58.31'   |
| L12        | S 58°59'20" E | 73.70'   |
| L13        | S 80°32'16" E | 2.67'    |
| L14        | S 46°22'13" E | 10.00'   |
| L15        | N 46°54'15" W | 9.10'    |
| L16        | N 46°00'07" W | 100.01'  |
| L17        | S 43°37'50" W | 114.65'  |
| L18        | N 30°28'59" E | 87.26'   |
| L19        | N 46°22'13" W | 6.13'    |
| L20        | N 59°31'01" W | 16.01'   |
| L21        | N 43°37'49" E | 33.08'   |
| L22        | N 46°58'39" W | 87.34'   |
| L23        | S 46°58'39" E | 62.39'   |
| L24        | N 59°31'01" W | 25.86'   |
| L25        | N 07°29'13" E | 14.92'   |
| L26        | S 47°32'47" E | 44.66'   |
| L27        | N 47°38'03" W | 72.42'   |
| L28        | N 24°20'00" E | 26.35'   |
| L29        | S 30°28'59" W | 12.78'   |
| L32        | N 43°44'18" E | 27.91'   |

| LAND USE SCHEDULE       |            |                   |
|-------------------------|------------|-------------------|
| DESCRIPTION             | NO.        | ACREAGE           |
| RESIDENTIAL             | 121        | 18.813 AC.        |
| AMENITY LOT             | 1          | 1.859 AC.         |
| RIGHT-OF-WAY            | -          | 7.022 AC.         |
| RIGHT-OF-WAY DEDICATION | -          | 0.248 AC.         |
| OPEN SPACE              | 5          | 6.142 AC.         |
| <b>TOTAL</b>            | <b>128</b> | <b>34.084 AC.</b> |

| STREET NAMES             |              |                   |
|--------------------------|--------------|-------------------|
| STREET                   | R.O.W. WIDTH | CENTERLINE LENGTH |
| POSSUM KINGDOM DRIVE     | 50 FT.       | 455 FT.           |
| INKS LANE                | 50 FT.       | 743 FT.           |
| GREENBELT RESERVOIR PASS | 50 FT.       | 648 FT.           |
| EAGLE MOUNTAIN TRAIL     | 50 FT.       | 722 FT.           |
| CADDO BEND               | 50 FT.       | 950 FT.           |
| LBJ LANE                 | 50 FT.       | 448 FT.           |
| TOWN LAKE BEND           | 50 FT.       | 1,081 FT.         |
| TALAVERA DRIVE           | 50 FT.       | 1,049 FT.         |
| <b>TOTAL LINEAR FEET</b> |              | <b>6,096 FT.</b>  |

# FINAL PLAT TALAVERA PHASE 1

A SUBDIVISION OF 34.084 ACRES OF LAND  
LOCATED IN THE  
JOHN STEWART SURVEY, ABSTRACT NO. 14  
HAYS COUNTY, TEXAS



**BGE, Inc.**  
7330 San Pedro Ave., Suite 202  
San Antonio, TX 78216  
Tel: 210-581-3600 • www.bgeinc.com  
TBPELS Registration No. F-1046  
TBPELS Licensed Surveying Firm No. 10194490

STATE OF TEXAS §  
COUNTY OF HAYS §

KNOW ALL MEN BY THESE PRESENTS:

THAT RANCH ROAD TALAVERA, LLC, ACTING HEREIN BY AND THROUGH SCOTT MILLER, MANAGER, BEING THE OWNER OF THE 67.23 ACRE TRACT OF LAND AS CONVEYED TO THEM BY SPECIAL WARRANTY DEED RECORDED IN DOC. NO. 20045729 OF THE HAYS COUNTY OFFICIAL PUBLIC RECORDS, DO HEREBY SUBDIVIDE 34.084 ACRES OF LAND OUT OF THE JOHN STEWART SURVEY, ABSTRACT NO. 14 SITUATED IN HAYS COUNTY, TEXAS, IN ACCORDANCE WITH THE ATTACHED MAP OR PLAT SHOWN HEREON, PURSUANT TO CHAPTER 212 AND 232 OF THE TEXAS LOCAL GOVERNMENT CODE, TO BE KNOWN AS:

**TALAVERA PHASE 1**

AND DOES HEREBY DEDICATE TO THE PUBLIC THE USE OF THE STREETS AND EASEMENTS SHOWN HEREON, SUBJECT TO ANY EASEMENTS AND/OR RESTRICTIONS HERETOFORE GRANTED AND NOT RELEASED.

WITNESS MY HAND, THIS THE \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, A.D.

SCOTT MILLER  
MANAGER

STATE OF TEXAS §  
COUNTY OF HAYS §

BEFORE ME, THE UNDERSIGNED AUTHORITY, PERSONALLY APPEARED SCOTT MILLER, MANAGER, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATION THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED.

NOTARY PUBLIC, STATE OF TEXAS

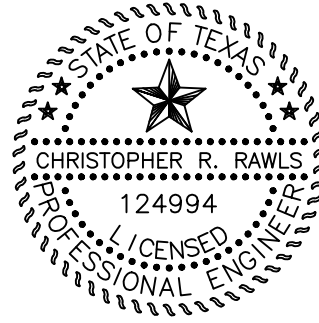
PRINT NOTARY'S NAME \_\_\_\_\_  
MY COMMISSION EXPIRES \_\_\_\_\_

I, CHRISTOPHER R. RAWLS, AM AUTHORIZED UNDER THE LAWS OF THE STATE OF TEXAS, TO PRACTICE THE PROFESSION OF ENGINEERING, AND DO HEREBY CERTIFY THAT THIS PLAT IS FEASIBLE FROM AN ENGINEERING STANDPOINT, AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND SHALL COMPLY WITH CHAPTER 482, TRAVIS COUNTY SUBDIVISION REGULATIONS.

**PRELIMINARY, THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE AND SHALL NOT BE USED OR VIEWED OR RELIED UPON AS A FINAL SURVEY DOCUMENT**

CHRISTOPHER R. RAWLS  
LICENSED PROFESSIONAL ENGINEER NO. 124994  
BGE, INC.  
1701 DIRECTORS BLVD, SUITE 1000  
AUSTIN, TX 78744

DATE \_\_\_\_\_



I, DION P. ALBERTSON, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECT, THAT IT WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE BY EMPLOYEES OF BGE INC ON THE GROUND, AND THAT ALL NECESSARY SURVEY MONUMENTS WILL BE CORRECTLY SET OR FOUND AS SHOWN THEREON UPON COMPLETION OF CONSTRUCTION.

**PRELIMINARY, THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE AND SHALL NOT BE USED OR VIEWED OR RELIED UPON AS A FINAL SURVEY DOCUMENT**

DION P. ALBERTSON, R.P.L.S.  
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 4963  
BGE, INC.  
7330 SAN PEDRO AVE, SUITE 202  
SAN ANTONIO, TEXAS 78216

DATE \_\_\_\_\_

STATE OF TEXAS §  
COUNTY OF HAYS §

REVIEWED BY: \_\_\_\_\_  
LEON BARBA, CITY ENGINEER

REVIEWED BY: \_\_\_\_\_  
HARPER WILDER, DIRECTOR OF PUBLIC WORKS

THIS FINAL PLAT HAS BEEN SUBMITTED TO AND CONSIDERED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KYLE, TEXAS, AND IS HEREBY APPROVED BY SUCH PLANNING AND ZONING COMMISSION.

DATED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

CHAIRPERSON

# FINAL PLAT TALAVERA PHASE 1

A SUBDIVISION OF 34.084 ACRES OF LAND  
LOCATED IN THE  
JOHN STEWART SURVEY, ABSTRACT NO. 14  
HAYS COUNTY, TEXAS

STATE OF TEXAS §  
COUNTY OF HAYS §

I, ELAINE H. CARDENAS, COUNTY CLERK OF HAYS COUNTY, TEXAS DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT OF WRITING AND ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORD IN MY OFFICE ON THE \_\_\_\_ DAY OF \_\_\_\_\_,

20\_\_\_\_, A.D., AT \_\_\_\_ O'CLOCK \_\_\_\_M. IN THE PLAT RECORDS OF HAYS COUNTY, TEXAS, IN

DOCUMENT NUMBER \_\_\_\_\_

WITNESS MY HAND AND SEAL OF OFFICE, THIS THE \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, A.D.

ELAINE H. CARDENAS, MBA, PhD  
COUNTY CLERK  
HAYS COUNTY, TEXAS

SEWAGE DISPOSAL/INDIVIDUAL WATER SUPPLY CERTIFICATION, TO-WIT:

NO STRUCTURE IN THIS SUBDIVISION SHALL BE OCCUPIED UNTIL CONNECTED TO AN INDIVIDUAL WATER SUPPLY OR A STATE-APPROVED COMMUNITY WATER SYSTEM. DUE TO DECLINING WATER SUPPLIES AND DIMINISHING WATER QUALITY, PROSPECTIVE PROPERTY OWNERS ARE CAUTIONED BY HAYS COUNTY TO QUESTION THE SELLER CONCERNING GROUND WATER AVAILABILITY. RAIN WATER COLLECTION IS ENCOURAGED AND IN SOME AREAS MAY OFFER THE BEST RENEWABLE WATER RESOURCE.

NO STRUCTURE IN THIS SUBDIVISION SHALL BE OCCUPIED UNTIL CONNECTED TO A PUBLIC SEWER SYSTEM OR TO AN ON-SITE WASTEWATER SYSTEM WHICH HAS BEEN APPROVED AND PERMITTED BY HAYS COUNTY DEVELOPMENT SERVICES.

TALAVERA PHASE 1 IS LOCATED ENTIRELY WITHIN THE BOUNDARIES AND SERVICE AREA OF GOFORTH SPECIAL UTILITY DISTRICT WATER AS REGULATED BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY, WILL BE PROVIDED TO ALL LOTS REQUIRING SERVICE THROUGH THE DISTRICT'S PUBLIC WATER SYSTEM.

MARIO TOBIAS, GENERAL MANAGER \_\_\_\_\_ DATE \_\_\_\_\_  
GOFORTH SPECIAL UTILITY DISTRICT

**GENERAL NOTES:**

1. THIS SUBDIVISION IS LOCATED WITHIN THE FULL PURPOSE JURISDICTION OF THE CITY OF KYLE.
2. THIS SUBDIVISION IS LOCATED WITHIN THE BOUNDARY OF THE HAYS CONSOLIDATED INDEPENDENT SCHOOL DISTRICT.
3. THIS SUBDIVISION DOES NOT LIE WITHIN THE BOUNDARIES OF THE RECHARGE ZONE OR THE CONTRIBUTING ZONE OF THE EDWARDS AQUIFER.
4. THIS SUBDIVISION IS WITHIN UNSHADED ZONE "X" AS DELINEATED ON THE FLOOD INSURANCE RATE MAP FOR HAYS COUNTY, TEXAS AND INCORPORATED AREAS, MAP NUMBER 48209C0405F, REVISED SEPTEMBER 2, 2005.
5. ALL STREETS SHALL BE DESIGNED IN ACCORDANCE WITH APPLICABLE CITY OF KYLE REQUIREMENTS AND APPROVED BY CITY OF KYLE PUBLIC WORKS DEPARTMENT AND UPON ACCEPTANCE SHALL BE DEDICATED TO THE CITY FOR MAINTENANCE.
6. NO OBJECT INCLUDING FENCING OR LANDSCAPING WHICH WOULD INTERFERE WITH CONVEYANCE OF STORM WATER SHALL BE PLACED OR ERECTED WITHIN DRAINAGE EASEMENTS.
7. GREENBELT/DRAINAGE EASEMENTS SHALL BE MAINTAINED BY THE HOME OWNERS ASSOCIATION.
8. SIDEWALKS SHALL BE CONSTRUCTED ALONG BOTH SIDES OF EACH RESIDENTIAL STREET AND MAINTAINED BY THE ADJACENT PROPERTY OWNER. SIDEWALKS, PEDESTRIAN CROSSINGS 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.
9. GAS IS PROVIDED BY CENTERPOINT ENERGY.
10. TELEPHONE/CABLE PROVIDED BY FRONTIER.
11. ELECTRICITY PROVIDED BY PEDERNALES ELECTRIC COMPANY.
12. WASTEWATER SERVICES ARE PROVIDED AND OPERATED BY THE CITY OF KYLE.
13. WATER IS PROVIDED BY GOFORTH SPECIAL UTILITY DISTRICT.
14. TYPICAL LANDSCAPE MAINTENANCE, CUTTING AND TRIMMING WITHIN THE SUBDIVISION, ALL EASEMENTS, DETENTION PONDS AND RIGHTS-OF-WAY TO THE PAVEMENT TO BE THE RESPONSIBILITY OF PROPERTY OWNERS AND/OR PROPERTY AND/OR HOME OWNERS ASSOCIATIONS.
15. POST-CONSTRUCTION STORMWATER CONTROL MEASURES SHALL HAVE A MAINTENANCE PLAN. THE MAINTENANCE PLAN MUST BE FILED IN THE REAL PROPERTY RECORDS OF THE COUNTY IN WHICH THE PROPERTY IS LOCATED. THE OWNER OR OPERATOR OF ANY NEW DEVELOPMENT OR REDEVELOPED SITE SHALL DEVELOP AND IMPLEMENT A MAINTENANCE PLAN ADDRESSING MAINTENANCE REQUIREMENTS FOR ANY STRUCTURAL CONTROL MEASURES INSTALLED ON SITE. OPERATION AND MAINTENANCE PERFORMED SHALL BE DOCUMENTED AND RETAINED ON SITE, SUCH AS AT THE OFFICES OF THE OWNER OR OPERATOR, AND MADE AVAILABLE FOR REVIEW BY THE CITY.
16. THE TOTAL NUMBER OF LOTS (RIGHT-OF-WAY DEDICATIONS NOT INCLUDED) IS 127. THE AVERAGE LOT SIZE IS 0.196 ACRE. THE NUMBER OF LOTS GREATER THAN 10 ACRES IS 0. THE NUMBER OF LOTS BETWEEN 5-10 ACRES IS 0. THE NUMBER OF LOTS BETWEEN 2-5 ACRES IS 1. THE NUMBER OF LOTS BETWEEN 1-2 ACRES IS 1. THE NUMBER OF LOTS SMALLER THAN 1 ACRE IS 125.
17. POST-DEVELOPMENT CONDITIONS RUNOFF RATE SHALL BE NO GREATER THAN THE PRE-DEVELOPMENT CONDITION FOR 2, 5, 10, 25, AND 100 YEAR STORM EVENTS, PER HAYS COUNTY DEVELOPMENT REGULATIONS, CHAPTER 725, SUBCHAPTER 3.02. PRE AND POST DEVELOPMENT RUNOFF CALCULATIONS SHALL BE INCLUDED WITH THE CONSTRUCTION DRAWINGS FOR THIS SUBDIVISION.
18. FOR ALL LOTS, A 15-FOOT MUNICIPAL UTILITY EASEMENT IS HEREBY DEDICATED ADJACENT TO ALL PUBLIC RIGHTS-OF-WAY, A 5-FOOT MUNICIPAL UTILITY EASEMENT IS HEREBY DEDICATED TO ALL INTERNAL SIDE LOT LINES, AND A 10-FOOT MUNICIPAL UTILITY EASEMENT IS HEREBY DEDICATED TO ALL REAR LOT LINES.
19. OPEN SPACE LOTS A-9 AND D-10 ARE HEREBY DEDICATED AS PUBLIC UTILITY EASEMENTS.
20. NO BUILDING PERMITS WILL BE ISSUED UNTIL CITY ACCEPTANCE OF THE BUNTON CREEK INTERCEPTOR WASTEWATER IMPROVEMENTS



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TBPELS Licensed Surveying Firm No. 10194490



# CITY OF KYLE, TEXAS

Poco Loco Yarrington , Lot 1, Block  
A - Final Plat (SUB-21-0177)

Meeting Date: 7/27/2021  
Date time:6:30 PM

**Subject/Recommendation:** Poco Loco Yarrington , Lot 1, Block A - Final Plat (SUB-21-0177) 13.564 acres; 1 commercial lot for property located at the intersection of IH-35 and C.R. 208.

Staff Proposal to P&Z: Approve the Final Plat.

**Other Information:** See attached.

**Legal Notes:** N/A

**Budget Information:** N/A

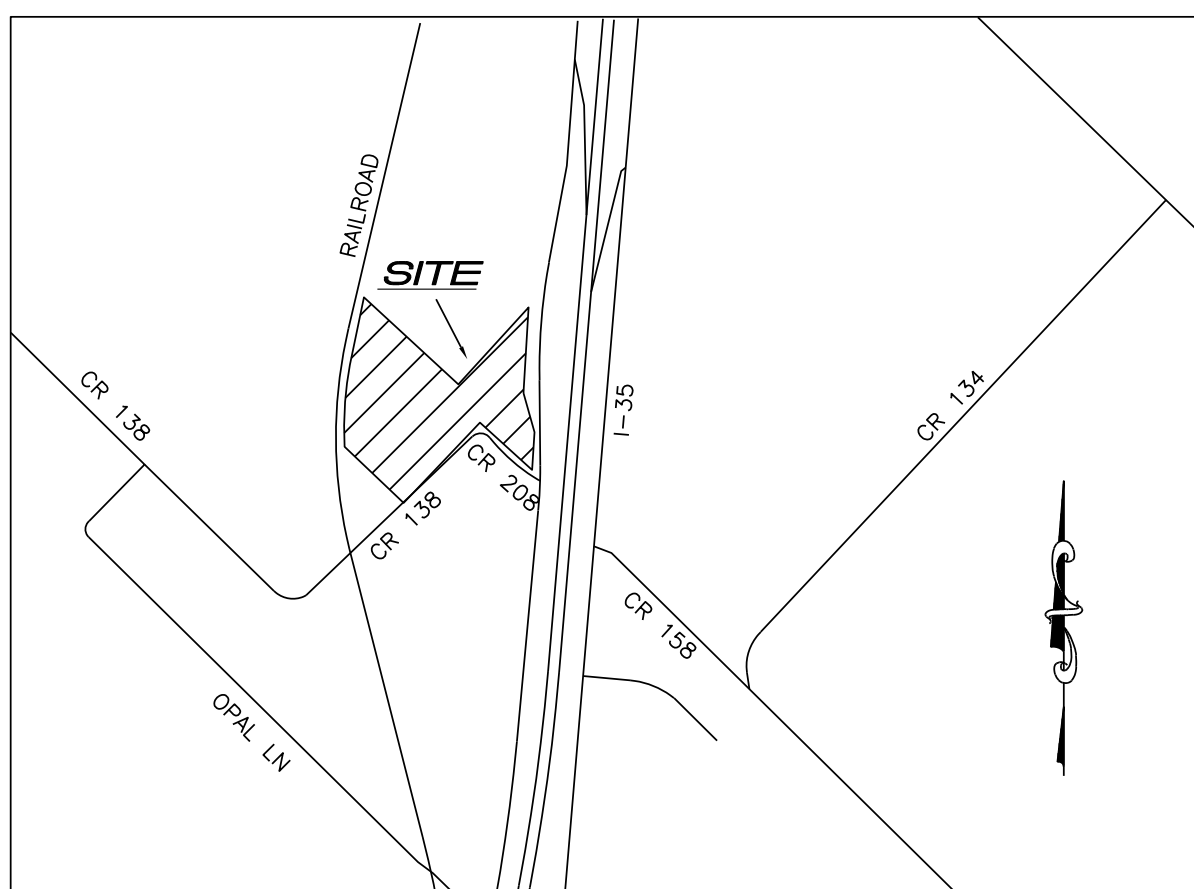
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**ATTACHMENTS:**

**Description**

☐ Plat





VICINITY MAP  
NOT TO SCALE

**LEGEND / ABBREVIATIONS**

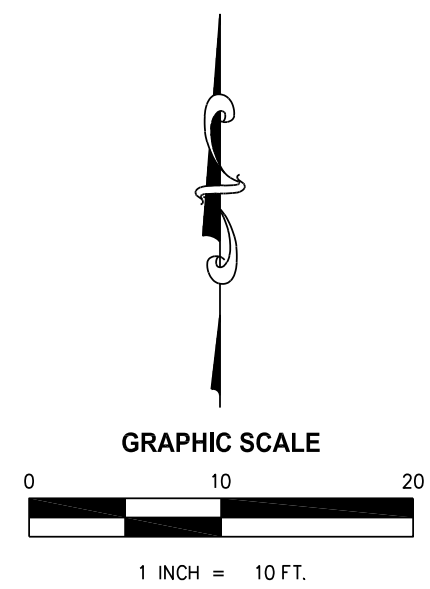
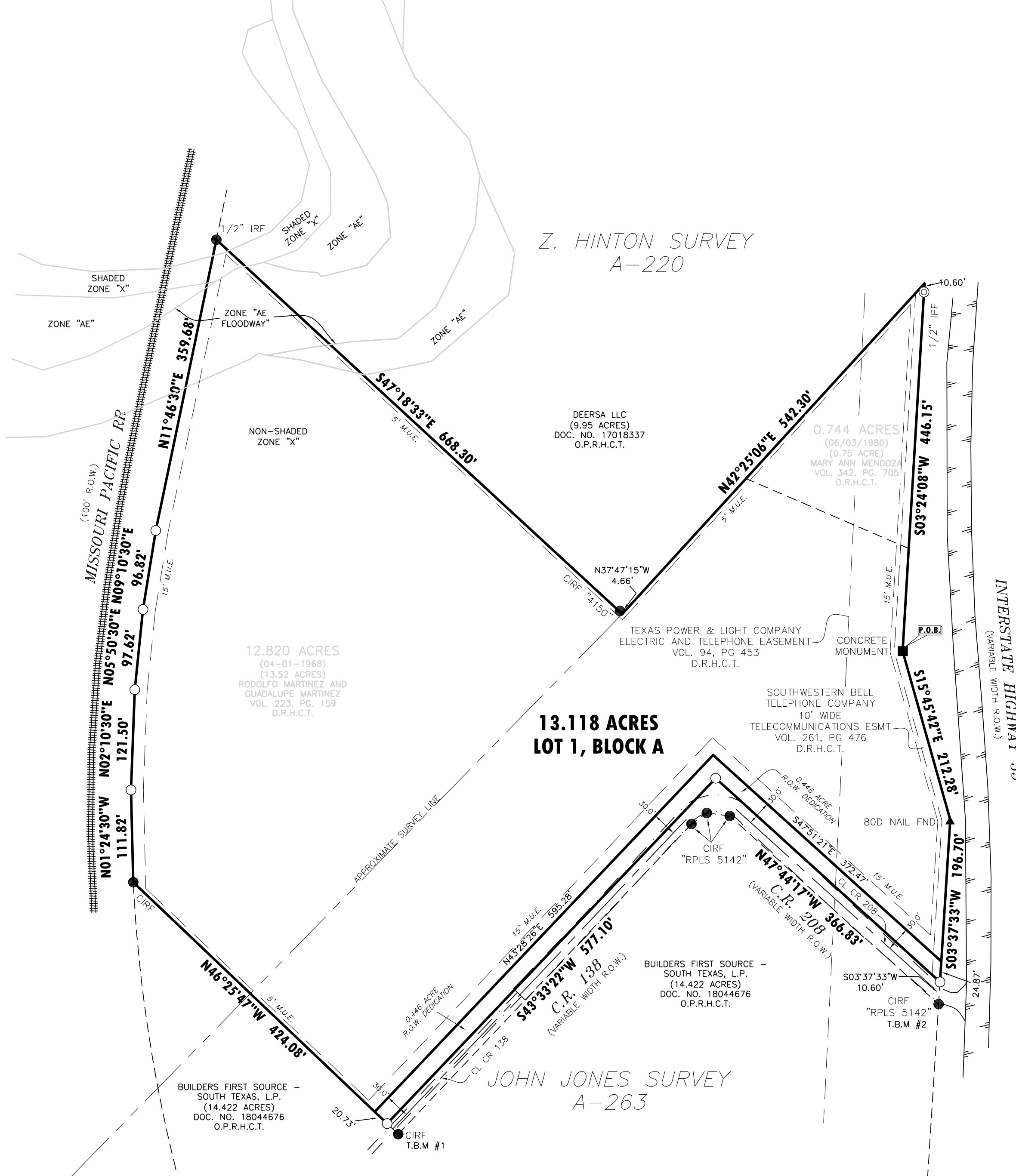
- ADJOINER LINE
- BOUNDARY LINE
- CENTERLINE
- EASEMENT LINE
- ASPHALT
- GRAVEL
- IRON ROD FOUND
- CAPPED IRON ROD SET
- ⊗ FENCE CORNER POST
- D.R.H.C.T. DEED RECORDS, HAYS COUNTY, TEXAS
- O.P.R.H.C.T. OFFICIAL PUBLIC RECORDS, HAYS COUNTY, TEXAS
- IRF IRON ROD FOUND
- CIRF CAPPED IRON ROD FOUND
- M.U.E. MUNICIPAL UTILITY EASEMENT

**GENERAL NOTES**

1. The surveyor has not abstracted the site. This survey was performed without benefit of title commitment and does not show all easements and encumbrances of record.
2. Bearing based on Texas State Plane Coordinates, Central Zone, 4203, NAD83-US Survey feet, derived from GPS observations.
3. All "CIRS" are 5/8-inch iron rod with plastic cap stamped "Landpoint" unless otherwise noted.
4. This original work is protected under copyright laws, Title 17 United States Code Sections 101 and 102. All violators will be prosecuted to the fullest extent of the law. This survey is being provided solely for the use of the recipients named and no license has been created, express or implied, to copy the survey except as is necessary in conjunction with the original transaction, which shall take place within thirty (30) days from the date adjacent to the signature line herein.
5. BENCHMARKS:


**T.B.M. 1**  
1/2" CAPPED IRON ROD 6.65' SOUTHEAST OF SOUTHEAST EDGE OF PAVEMENT, +/- 21' SOUTHEAST OF FENCE CORNER AT THE SOUTHWEST CORNER 13.654 ACRE TRACT, +/- 150' SOUTHWEST OF A POWERPOLE LOCATED SOUTHWEST OF WESTERNMOST DRIVE.  
N: 9962482.66'  
E: 3074270.79'  
ELEV = 705.23'

**T.B.M. 2**  
1/2" CAPPED IRON ROD STAMPED "5142", 1.9' SOUTH OF SOUTH EDGE OF PAVEMENT, 20' WIDE GRAVEL, 29' SOUTH OF CATV PEDESTAL AT THE SOUTHEAST CORNER 13.654 ACRE TRACT, +/- 33' WEST OF A WEST EDGE OF PAVEMENT OF THE SOUTHBOUND ACCESS ROAD OF IH 35.  
N: 9962640.12'  
E: 3074924.80'  
ELEV = 728.93'



OWNER: RODOLFO MARTINEZ AND GUADALUPE MARTINEZ  
ACREAGE: 13.564 ACRES  
SURVEY: JOHN JONES SURVEY, A-263  
DATE: 11/23/20  
SURVEYOR: LANDPOINT INC. 6410 SOUTHWEST BLVD, STE. 127 FORT WORTH, TX 76109 (817) 554-1805  
ENGINEER: SOUTHWEST ENGINEERS 205 CIMARRON PARK LOOP, SUITE B BUDA, TX 78610 512-312-4336

FINAL PLAT  
**LOT 1, BLOCK A**  
**POCO LOCO YARRINGTON SUBDIVISION**  
BEING 13.564 ACRES IN THE  
Z. HINTON SURVEY, A-220 AND THE  
JOHN JONES SURVEY, A-263  
HAYS COUNTY, TEXAS  
**NOVEMBER 2020**

**SURVEYOR:**  **OWNER:** JESUS MARTINEZ JR. & PAOLA MARTINEZ  
1202 WEST STRONG PRKY  
GRAND PRAIRIE, TEXAS 75050  
817-933-2042  
6410 SOUTHWEST BLVD, STE. 127  
FORT WORTH, TX 76109  
(817) 554-1805  
www.landpoint.net  
TBPLS REG. NO. 10194220

H:\2020 Download\20-0638\DWG\20-0638 PLAT.dwg



OWNER'S DEDICATION

STATE OF TEXAS §  
COUNTY OF HAYS §

Whereas, Rodolfo Martinez and Guadalupe Martinez are the owners of all that certain tract or parcel of land situated in the Z. Hinton Survey, Abstract No. 220, and the John Jones Survey, Abstract No. 263, being a part of that certain called 13.52 acre tract of land conveyed to Rodolfo Martinez and Guadalupe Martinez by deed of record in Volume 223, Page 159 of the Deed Records of Hays County, Texas and whereas, Mary Ann Mendoza is the owner of all that certain tract or parcel of land situated in the John Jones Survey, Abstract No. 263, being all of that certain called 0.75 acre tract of land conveyed to Mary Ann Mendoza by deed of record in Volume 342, Page 705 of the Deed Records of Hays County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a TxDOT concrete monument in the east line of said Martinez tract, same being the west right-of-way line of Interstate Highway No. 35 (R.O.W. varies), said Point of Beginning have coordinates: y: 9,963,067.56; X: 3,074,881.28) and being the an angle point in the east line of the herein described tract, same being the west right-of-way line of Interstate Highway No. 35;

THENCE along the east line of the herein described tract, same being the west right-of-way line of Interstate Highway No. 35 the following two (2) courses and distances:

1. South 15°45'42" East a distance of 212.28 feet (record - South 14°18' East a distance of 212.28 feet) to a calculated point from which a 120D nail found bears South 25°23'45" West a distance of 0.56 feet;
2. South 03°37'33" West a distance of 196.70 feet (record - South 04°58' West a distance of 196.4 feet) to a calculated point at the southeast corner of the Martinez tract, same being the intersection of the east right-of-way line of Interstate Highway No. 35 and the north right-of-way line of County Road 208 (variable width R.O.W.) from which a 1/2" Iron Rod Found at the northeast corner of a 14.422 acre tract of land conveyed to bBuilders First Source -South Texas, L.P. by instrument of record in Document No. 18044676 of the Official Public Records of Hays County, Texas, and being the intersection of the west right-of-way line of Interstate Highway No. 35 and the south right-of-way line of CR 208 bears, South 03°37'33" West a distance of 26.73 feet;

THENCE North 47°44'17" West (record -North 46°07' West), along the south line of the Martinez tract, same being the north right-of-way line of CR 208, a distance of 366.83 feet (record -367.10 feet) to a calculated point for an angle point in the south line of the Martinez tract, and the point of intersection of the north right-of-way line of CR 208 and the west right-of-way line of County Road 138 (variable width R.O.W.)

THENCE South 43°33'22" West (record - South 45°00' West), along the south line of the Martinez tract, same being the west right-of-way line of CR 138 a distance of 577.10 feet (record -577.1 feet) to a calculated point in the in the north line of said Builders First Source -South Texas tract, from which a 1/2" Iron Rod Found at an angle point in the west line of the Builders First Choice -South Texas tract, same being in the east right-of-way line of CR 138 bears, South 46°25'47" East a distance of 18.53 feet;

THENCE North 46°25'47" West (record -North 44°56' West), along the south line of the Martinez tract, same being the north line of the Builders First Choice -South Texas tract a distance of 424.08 feet (record -423.6') to a 1/2" Iron Rod found at the southwest corner of the Martinez tract, same being the northwest corner of the Builders First Choice -South Texas tract, and being in the east right-of-way line of the Missouri Pacific Railroad tract (100' R.O.W.)

THENCE along the west line of the Martinez tract, same being the east right-of-way line of the Missouri Pacific Railroad the following five (5) courses:

1. North 01°24'30" West a distance of 111.82 feet (record -North 00°10' West a distance of 111.45' feet) to a calculated point;
2. North 02°10'30" East a distance of 121.50 feet (record -North 03°25' East a distance of 121.1 feet) to a calculated point;
3. North 05°50'30" East a distance of 97.62 feet (record -North 07°05' East a distance of 97.3 feet) to a calculated point;
4. North 09°10'30" East a distanced of 96.82 feet (record -North 10°25' East a distance of 96.5 feet) to a calculated point;
5. North 11°46'30" East a distance of 359.68 feet (record -North 13°01' East a distance of 358.5 feet) to 1/2" Iron Rod found at the northwest corner of the Martinez tract, same being at the southwest corner of a 9.95 acre tract conveyed to Deersa LLC by instrument of record in Document No. 17018337 of the Official Public Records of Hays County, Texas;

THENCE along the north line of the Martinez tract and the north line of the Mendoza tract, same being the south line of said Deersa tract the following two (2) courses and distances:

1. South 47°18'33" East (record -South 45°57' East, a distance of 668.30 feet (record - 668.3 feet) to a calculated point from which a 1/2" Iron Rod found with plastic cap which reads "4160" bears, North 37°47'15" West a distance of 4.66 feet;
2. North 42°25'06" East a distance of 542.30 feet (record -North 43°48' East a distance of 542.30 feet) to a calculated point at the north corner of the Mendoza tract, from which a 1" Iron Pipe found bears, South 03°24'08" West a distance of 10.60 feet;

THENCE South 03°24'08" West along the east line of said Mendoza tract, the east line of said Martinez tract and the west right-of-way line of said Interstate Highway No. 35, a distance of 446.15 feet the POINT OF BEGINNING, containing 13.564 acres of land.

STATE OF TEXAS §  
COUNTY OF HAYS §

KNOWN ALL MEN BY THESE PRESENTS

THAT THE UNDERSIGNED, RODOLPHO MARTINEZ AND GUADALUPE MARTINEZ, OWNERS OF 12.820 ACRES OF LAND AS SHOWN ON THE PLAT, BY VIRTUE OF GENERAL WARRANTY DEED OF RECORD IN VOLUME 223, PAGE 159 OF THE DEED RECORDS OF HAYS COUNTY, TEXAS, AND THAT THE UNDERSIGNED MARY ANN MENDOZA, OWNERS OF 0.744 OF AN ACRE OF LAND AS SHOWN ON THIS PLAT, BY VIRTUE OF GENERAL WARRANTY DEED OF RECORD IN VOLUME 342, PAGE 705 OF THE DEED RECORDS IN HAYS COUNTY, TEXAS.

OWNER(S) OF THE PROPERTY, RODOLPHO MARTINEZ AND GUADALUPE MARTINEZ AND MARY ANN MENDOZA, DO HEREBY SUBDIVIDE SAID 13.564 ACRES IN ACCORDANCE WITH THE ATTACHED PLAT TO BE KNOWN AS:

POCO LOCO YARRINGTON SUBDIVISION"

KNOWN ALL MEN BY THESE PRESENTS: THE OWNERS OF THE LAND SHOWN ON THIS PLAT WHOSE NAMES ARE SUBSCRIBED HERETO, AND IN PERSON OR THROUGH A DULY AUTHORIZED AGENT, HEREBY DEDICATE TO THE USE OF THE PUBLIC FOREVER ALL STREETS, PARKS, WATER COURSES, DRAINS, MUNICIPAL EASEMENTS, AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED.

I FURTHER ACKNOWLEDGE THAT THE DEDICATIONS AND/OR EXACTIONS MADE HEREIN ARE PROPORTIONAL TO THE IMPACT OF THE SUBDIVISION UPON THE PUBLIC SERVICES REQUIRED IN ORDER THAT THE DEVELOPMENT WILL COMPORT WITH THE PRESENT AND FUTURE GROWTH, NEEDS OF THE CITY: I, MY SUCCESSORS AND ASSIGNS HEREBY WAIVE ANY CLAIM, DAMAGE, OR CAUSE OF ACTION THAT I MAY HAVE AS A RESULT OF THE DEDICATION OF EXACTIONS MADE HEREIN.

----- DATE  
RODOLPHO MARTINEZ

----- DATE  
GUDALUPE MARTINEZ

STATE OF TEXAS §  
COUNTY OF HAYS §

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED \_\_\_\_\_, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT THE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS, THE \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 20\_\_\_\_\_.

----- DATE  
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS  
MY COMMISSION EXPIRES:

KNOWN ALL MEN BY THESE PRESENTS: THE OWNERS OF THE LAND SHOWN ON THIS PLAT WHOSE NAMES ARE SUBSCRIBED HERETO, AND IN PERSON OR THROUGH A DULY AUTHORIZED AGENT, HEREBY DEDICATE TO THE USE OF THE PUBLIC FOREVER ALL STREETS, PARKS, WATER COURSES, DRAINS, MUNICIPAL EASEMENTS, AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED.

I FURTHER ACKNOWLEDGE THAT THE DEDICATIONS AND/OR EXACTIONS MADE HEREIN ARE PROPORTIONAL TO THE IMPACT OF THE SUBDIVISION UPON THE PUBLIC SERVICES REQUIRED IN ORDER THAT THE DEVELOPMENT WILL COMPORT WITH THE PRESENT AND FUTURE GROWTH, NEEDS OF THE CITY: I, MY SUCCESSORS AND ASSIGNS HEREBY WAIVE ANY CLAIM, DAMAGE, OR CAUSE OF ACTION THAT I MAY HAVE AS A RESULT OF THE DEDICATION OF EXACTIONS MADE HEREIN.

----- DATE  
MARY ANN MENDOZA

STATE OF TEXAS §  
COUNTY OF HAYS §

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED \_\_\_\_\_, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT THE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS, THE \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 20\_\_\_\_\_.

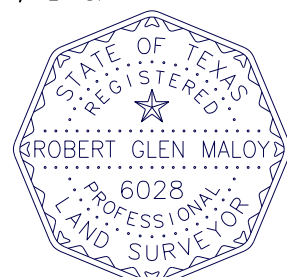
----- DATE  
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS  
MY COMMISSION EXPIRES:

STATE OF TEXAS §  
COUNTY OF HAYS §

I, ROBERT GLEN MALOY, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECTLY MADE AND IS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND AND THAT THE CORNER MONUMENTS WERE PROPERLY PLACED UNDER MY SUPERVISION.

A PORTION OF THIS TRACT LIES IN ZONE AE, AREA DETERMINED TO BE FLOODWAY AREA IN ZONE AE, THE AREA FLOODWAY IS CHANNEL OF A STREAM PLUS ANY ADJACENT FLOODPLAIN AREA THAT MUST BE KEPT FREE OF ENCROACHMENT SO THAT THE 1% ANNUAL CHANCE FLOOD CAN BE CARRIED WITHOUT SUBSTANTIAL INCREASES IN FLOOD HEIGHTS. AS DEPICTED ON FIRM MAP NUMBER 48209C0355F, EFFECTIVE SEPTEMBER 2, 2005, FOR HAYS COUNTY, TEXAS.

----- DATE  
ROBERT GLEN MALOY  
R.P.L.S. NO. 6028, STATE OF TEXAS  
6410 SOUTHWEST BLVD., STE 127  
FORT WORTH, TX 76109



STATE OF TEXAS §  
COUNTY OF HAYS §

I, \_\_\_\_\_, A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THIS PLAT IS TO THE BEST OF MY PROFESSIONAL CAPACITY, COMPLETE AND ACCURATE AND IN COMPLIANCE WITH ALL RELEVANT CITY ORDINANCES, CODES, PLANS AND RELEVANT STATE STANDARDS.

----- DATE

P.E. NO. \_\_\_\_\_, STATE OF TEXAS  
SOUTHWEST ENGINEERS  
205 CIMARRON PARK LOOP  
UNIT B  
BUDA, TX 78610  
TBPE:  
512-312-7546

STATE OF TEXAS §  
COUNTY OF HAYS §

I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THIS PLAT COMPLIES WITH ORDINANCE #439 OF THE CITY CODE OF KYLE AND THAT ALL EASEMENTS OF RECORDS AS FOUND ON THE TITLE POLICY OR DISCOVERED WITH A TITLE SEARCH PREPARED IN CONJUNCTION WITH THE MOST RECENT PURCHASE OF PROPERTY.

----- DATE  
ROBERT GLEN MALOY  
R.P.L.S. NO. 6028, STATE OF TEXAS  
6410 SOUTHWEST BLVD., STE 127  
FORT WORTH, TX 76109

GENERAL NOTES:

1. THIS SUBDIVISION IS LOCATED WITHIN THE CITY LIMITS OF KYLE, HAYS COUNTY, TEXAS.
2. A PORTION OF THIS TRACT LIES IN ZONE AE, AREA DETERMINED TO BE FLOODWAY AREA IN ZONE AE, THE AREA FLOODWAY IS CHANNEL OF A STREAM PLUS ANY ADJACENT FLOODPLAIN AREA THAT MUST BE KEPT FREE OF ENCROACHMENT SO THAT THE 1% ANNUAL CHANCE FLOOD CAN BE CARRIED WITHOUT SUBSTANTIAL INCREASES IN FLOOD HEIGHTS. AS DEPICTED ON FIRM MAP NUMBER 48209C0355F, EFFECTIVE SEPTEMBER 2, 2005, FOR HAYS COUNTY, TEXAS.
3. NO FENCE OR OTHER OBSTRUCTION SHALL BE PLACED OR INSTALLED IN ANY DRAINAGE EASEMENT SHOWN HEREON.
4. BUILDING SETBACK LINES SHALL BE IN ACCORDANCE WITH THE CITY OF KYLE, TEXAS CODE OF ORDINANCES.
5. NO LOTS OF THIS SUBDIVISION LIE WITHIN THE BOUNDARIES OF THE EDWARDS AQUIFER RECHARGE ZONE OR TRANSITION ZONE.
6. THIS TRACT LIES WITHIN THE HAYS CONSOLIDATED INDEPENDENT SCHOOL DISTRICT.
7. UTILITY SERVICE:  
ELECTRIC SERVICE: PEDERNALES ELECTRIC COOPERATIVE, INC.  
TELEPHONE SERVICE: VERIZON  
WATER: CITY OF KYLE  
WASTEWATER: CITY OF KYLE
8. A SITE DEVELOPMENT PERMIT ISSUED BY THE CITY OF KYLE SHALL BE REQUIRED PRIOR TO DEVELOPMENT OF THE LOTS.
9. PEDERNALES ELECTRIC HAS THE RIGHT TO PRUNE AND/OR REMOVE TREES, SHRUBBERY, AND OTHER OBSTRUCTIONS TO THE EXTENT NECESSARY TO KEEP THESE MUNICIPAL UTILITY EASEMENTS CLEAR. PEDERNALES ELECTRIC WILL PERFORM ALL TREE WORK IN COMPLIANCE WITH THE CITY OF KYLE UNIFIED DEVELOPMENT CODE.
10. TYPICAL LANDSCAPE MAINTENANCE, CUTTING OR TRIMMING, WITHIN THE SUBDIVISION, ALL EASEMENTS, DETENTION PONDS AND RIGHTS OF WAY TO THE PAVEMENT TO BE THE RESPONSIBILITY OF PROPERTY OWNERS AND/OR PROPERTY AND/OR HOME OWNERS ASSOCIATION.
11. SIDEWALKS, PEDESTRIAN CROSSINGS AND OTHER PUBLIC AMENITIES THAT ARE TO BE BUILT WITH 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 & ENTITIES.
12. WITH THE RECENTLY ADOPTED STORMWATER MANAGEMENT ORDINANCE, A GENERAL NOTE NEED TO BE ADDED THAT STATES "POST-CONSTRUCTION STORMWATER CONTROL, MEASURES SHALL HAVE A MAINTENANCE PLAN. THE MAINTENANCE PLAN MUST BE FILED IN THE REAL PROPERTY RECORDS OF THE COUNTY IN WHICH THE PROPERTY IS LOCATED. THE OWNER OR OPERATOR OF ANY NEW DEVELOPMENT OR REDEVELOPED SITE SHALL DEVELOP AND IMPLEMENT A MAINTENANCE PLAN ADDRESSING MAINTENANCE REQUIREMENTS FOR ANY STRUCTURAL CONTROL MEASURES INSTALLED ON SITE, OPERATION AND MAINTENANCE PERFORMED SHALL BE DOCUMENTED AND RETAINED ON SITE, SUCH AS AT THE OFFICES OF THE OWNER OR OPERATOR, AND MADE AVAILABLE FOR REVIEW BY THE CITY.
13. SIDEWALKS SHALL BE INSTALLED ON THE SUBDIVISION SIDES OF CR 208, CR 138 AND I35. THOSE SIDEWALKS NOT ABUTTING A RESIDENTIAL, COMMERCIAL, OR INDUSTRIAL LOT SHALL BE INSTALLED WHEN THE ADJOINING STREET IS CONSTRUCTED WHERE THERE ARE DOUBLE FRONTAGE LOTS. SIDEWALKS ON THE STREET TO WHICH ACCESS IS PROHIBITED IS REQUIRED ARE ALSO REQUIRED TO BE INSTALLED WHEN THE STREETS IN THE SUBDIVISION ARE CONSTRUCTED.
14. Right-of-Way with Valuable Consideration will not be withheld by the property owner relating to future dedication for a road or bridge crossing the Union Pacific Railroad R.O.W. and potentially spanning IH-35.

STATE OF TEXAS §  
COUNTY OF HAYS §

I, ELAINE H. CARDENAS, 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 \_\_\_\_\_, 20\_\_\_\_ A.D. AT \_\_\_\_\_ O'CLOCK \_\_\_\_ M. AND DULY RECORDED ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_ A.D. AT \_\_\_\_\_ O'CLOCK \_\_\_\_M. IN THE PLAT RECORDS OF HAYS COUNTY, TEXAS IN PLAT INSTRUMENT NO. \_\_\_\_\_ WITNESS MY HAND AND SEAL OF OFFICE OF THE COUNTY CLERK, THE DAY OF \_\_\_\_\_, 20\_\_\_\_, A.D.

----- DATE  
COUNTY CLERK OF HAY COUNTY, TEXAS

----- DATE  
LEON BARBA, CITY ENGINEER

----- DATE  
HARPER WILDER, DIRECTOR OF PUBLIC WORKS

THIS FINAL PLAT HAS BEEN SUBMITTED TO AND CONSIDERED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KYLE, TEXAS, AND IS HEREBY APPROVED BY SUCH PLANNING AND ZONING COMMISSION.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_\_.

----- DATE  
MADAM CHAIRPEROSN



6410 SOUTHWEST BLVD, STE. 127  
FORT WORTH, TX 76109  
(817) 554-1805  
www.landpoint.net  
TBPLS REG. NO. 10194220

OWNER:  
JESUS MARTINEZ JR. &  
PAOLA MARTINEZ  
1202 WEST STRONG PRKY  
GRAND PRAIRIE, TEXAS 75050  
817-933-2042

FINAL PLAT  
LOT 1, BLOCK A  
POCO LOCO YARRINGTON SUBDIVISION  
BEING 13.564 ACRES IN THE  
Z. HINTON SURVEY, A-220 AND THE  
JOHN JONES SURVEY, A-263  
HAYS COUNTY, TEXAS  
NOVEMBER 2020



# CITY OF KYLE, TEXAS

## 6 Creeks Phase 1, Section 4B - Final Plat (SUB-20-0163)

**Meeting Date: 7/27/2021**

**Date time:6:30 PM**

**Subject/Recommendation:** 6 Creeks Phase 1, Section 4B - Final Plat (SUB-20-0163) 21.679 acres; 91 residential lots and 4 open space lots located off of N. Old Stagecoach Road, in the 6 Creeks Subdivision.

Staff Proposal to P&Z: Approve the Final Plat.

**Other Information:** See attached.

**Legal Notes:** N/A

**Budget Information:** N/A

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### ATTACHMENTS:

#### **Description**

- Final Plat
- 1445 Approval Letter from Hays County

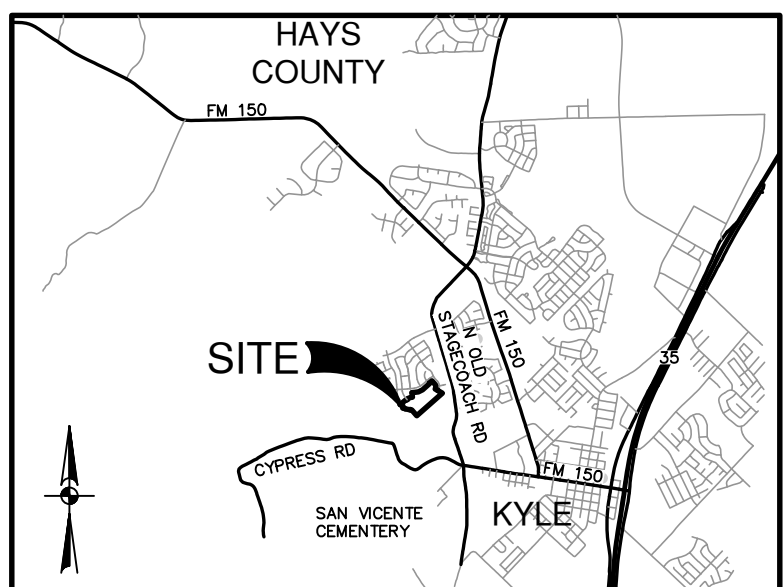
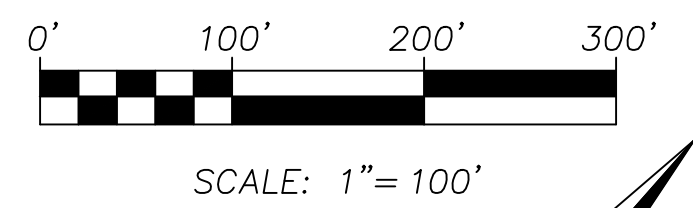




SAN ANTONIO | AUSTIN | HOUSTON | FORT WORTH | DALLAS  
2000 NW LOOP 410 | SAN ANTONIO, TX 78213 | 210.375.9000  
TPELS ENGINEERING FIRM #470 | TPELS SURVEYING FIRM #10028000  
DATE OF PREPARATION: July 22, 2021

### FINAL PLAT OF 6 CREEKS-PHASE 1, SECTION 4B

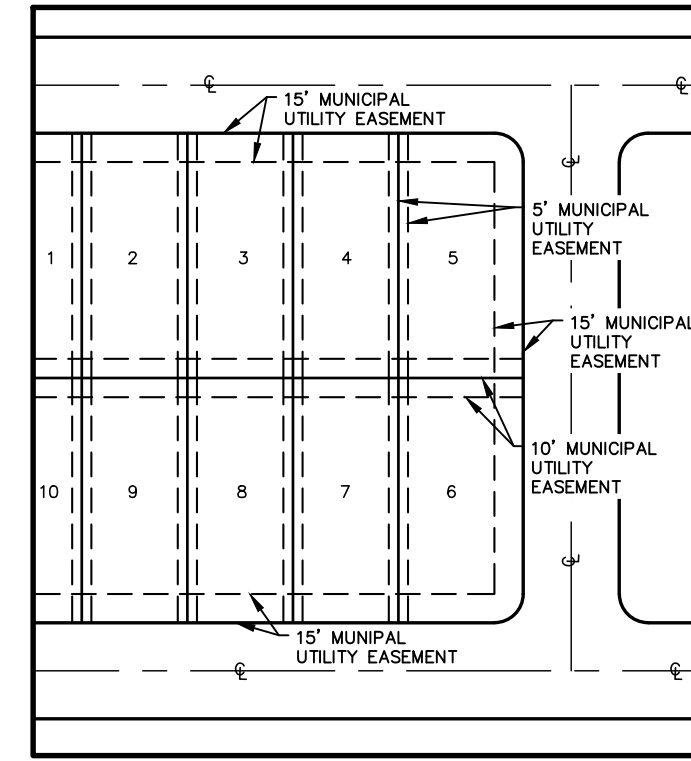
A 21.679 ACRE TRACT OF LAND BEING COMPRISED OF A PORTION OF A 153.0288 ACRE TRACT DESCRIBED IN DOCUMENT NUMBER 20006092 AND A PORTION OF A 61.49 ACRE TRACT DESCRIBED IN DOCUMENT NUMBER 17034173, BOTH OUT OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, IN THE SAMUEL PHARASS 1/4 LEAGUE NO. 14, ABSTRACT 360, IN HAYS COUNTY, TEXAS.



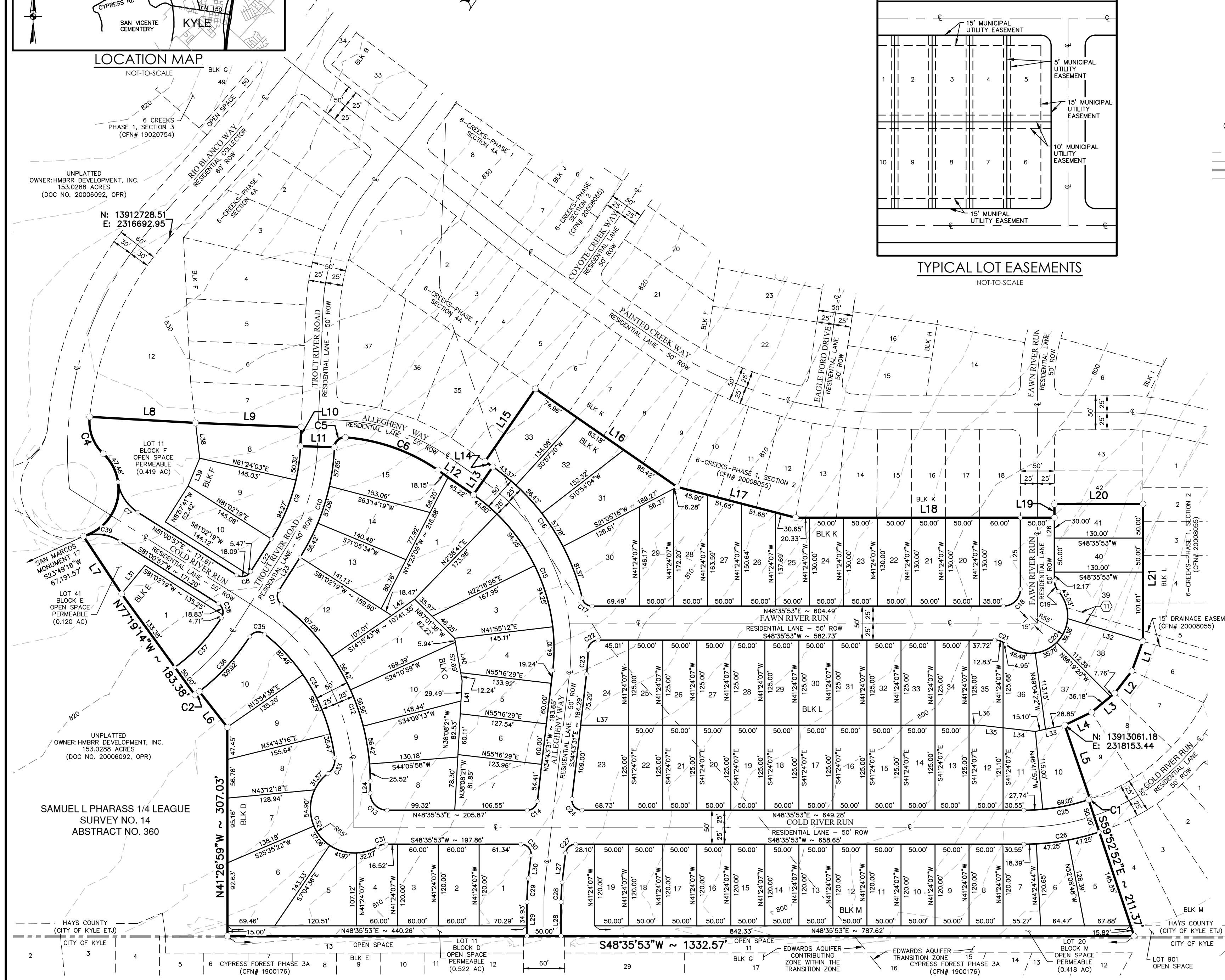
| STREET NAME      | STREET CLASSIFICATION | STREET LENGTH |
|------------------|-----------------------|---------------|
| COLD RIVER RUN   | RESIDENTIAL LANE      | 1716.20'      |
| ALLEGHENY WAY    | RESIDENTIAL LANE      | 714.37'       |
| FAWN RIVER RUN   | RESIDENTIAL LANE      | 842.90'       |
| TROUT RIVER ROAD | RESIDENTIAL LANE      | 404.82'       |

#### LEGEND

- CFN CLERK FILE NUMBER
- AC ACRE(S)
- BLK BLOCK
- ESMT EASEMENT
- ETJ EXTRATERRITORIAL JURISDICTION
- VOL VOLUME
- PG PAGE(S)
- ROW RIGHT-OF-WAY
- GETCTV GAS, ELECTRIC, TELEPHONE AND CABLE TELEVISION
- DOC NO. DOCUMENT NUMBER
- OPR OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS
- H CPR PLAT RECORDS OF HAYS COUNTY, TEXAS
- HCDR DEED RECORDS OF HAYS COUNTY, TEXAS
- FOUND 1/2" IRON ROD (UNLESS NOTED OTHERWISE)
- SET 1/2" IRON ROD (FD)
- SET 1/2" IRON ROD (PD)-ROW
- EXISTING CONTOURS
- PROPOSED CONTOURS
- KYLE CITY LIMITS
- CENTERLINE
- Ⓜ 15' DRAINAGE EASEMENT



TYPICAL LOT EASEMENTS  
NOT-TO-SCALE



UNPLATTED  
OWNER: HMBRR DEVELOPMENT, INC.  
153.0288 ACRES  
(DOC NO. 20006092, OPR)

N: 13912728.51  
E: 2316692.95

SAN MARCOS MONUMENT 17  
S23°49'16"W  
67,191.57'

UNPLATTED  
OWNER: HMBRR DEVELOPMENT, INC.  
153.0288 ACRES  
(DOC NO. 20006092, OPR)

SAMUEL L PHARASS 1/4 LEAGUE  
SURVEY NO. 14  
ABSTRACT NO. 360

OWNER: HMBRR DEVELOPMENT, INC.  
1011 N. LAMAR  
AUSTIN, TEXAS 78703  
(512) 481-0303 P  
(512) 481-0333 F

ACREAGE: 21.679 ACRES

SURVEY: SAMUEL PHARASS 1/4 LEAGUE  
SURVEY NO. 14  
ABSTRACT 360

PROPOSED RESIDENTIAL LOTS: 91  
PROPOSED OPEN SPACE LOTS: 4

DATE: JULY 20, 2021

ENGINEER & SURVEYOR:  
PAPE-DAWSON ENGINEERS, INC.  
2000 NW LOOP 410  
SAN ANTONIO, TX 78213  
(210) 375-9000 P  
(210) 375-9010 F

A FIFTEEN (15) FOOT MUNICIPAL UTILITY EASEMENT IS HEREBY DEDICATED ADJACENT TO ALL STREET ROW.

A FIVE (5) FOOT MUNICIPAL UTILITY EASEMENT IS HEREBY DEDICATED ALONG ALL SIDE LOTS WITHIN THE SINGLE FAMILY LOT.

A TEN (10) FOOT MUNICIPAL UTILITY EASEMENT IS HEREBY DEDICATED ALONG ALL REAR LOT LINES WITHIN THE SINGLE FAMILY LOT.

FINAL PLAT  
OF  
6 CREEKS-PHASE 1, SECTION 4B

A 21.679 ACRE TRACT OF LAND BEING COMPRISED OF A PORTION OF A 153.0288 ACRE TRACT DESCRIBED IN DOCUMENT NUMBER 20006092 AND A PORTION OF A 61.49 ACRE TRACT DESCRIBED IN DOCUMENT NUMBER 17034173, BOTH OUT OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, IN THE SAMUEL PHARASS 1/4 LEAGUE NO. 14, ABSTRACT 360, IN HAYS COUNTY, TEXAS.



SAN ANTONIO | AUSTIN | HOUSTON | FORT WORTH | DALLAS  
2000 NW LOOP 410 | SAN ANTONIO, TX 78213 | 210.375.9000  
TPELS ENGINEERING FIRM #470 | TPELS SURVEYING FIRM #1002800

DATE OF PREPARATION: July 22, 2021

\* LOT WIDTHS ARE MEASURED AT A 20' SETBACK FROM THE RIGHT-OF-WAY.

| LINE TABLE |             |         |
|------------|-------------|---------|
| LINE #     | BEARING     | LENGTH  |
| L1         | S21°09'38"E | 46.64'  |
| L2         | S3°37'26"E  | 41.26'  |
| L3         | S9°11'38"W  | 43.95'  |
| L4         | S22°50'13"W | 43.95'  |
| L5         | S60°20'29"E | 115.00' |
| L6         | N79°25'32"W | 66.67'  |
| L7         | S74°56'18"E | 101.57' |
| L8         | N51°53'41"E | 155.81' |
| L9         | N50°53'03"E | 155.42' |
| L10        | S39°06'57"E | 28.04'  |
| L11        | N50°23'20"E | 50.00'  |
| L12        | N83°18'36"E | 63.37'  |
| L13        | N6°41'24"W  | 50.00'  |
| L14        | S83°18'36"W | 13.89'  |
| L15        | N6°41'24"W  | 130.00' |
| L16        | N83°18'36"E | 253.56' |
| L17        | N63°07'22"E | 179.85' |
| L18        | N48°35'53"E | 380.33' |
| L19        | N41°24'07"W | 20.00'  |
| L20        | N48°35'53"E | 130.00' |
| L21        | S41°24'07"E | 201.61' |
| L22        | N8°59'03"W  | 57.05'  |
| L23        | S8°57'41"E  | 58.03'  |
| L24        | S41°24'07"E | 17.47'  |
| L25        | N41°24'07"W | 105.00' |
| L26        | S41°24'07"E | 92.17'  |
| L27        | S34°43'31"E | 43.04'  |
| L28        | S41°24'07"E | 49.93'  |
| L29        | N41°24'07"W | 49.93'  |
| L30        | N34°43'31"W | 33.68'  |
| L31        | N1°52'42"W  | 54.06'  |
| L32        | N65°20'05"E | 115.64' |
| L33        | N36°28'47"E | 43.94'  |
| L34        | N54°57'16"E | 47.92'  |
| L35        | N54°57'16"E | 35.26'  |
| L36        | N48°35'53"E | 14.95'  |
| L37        | N48°35'53"E | 70.96'  |
| L38        | N48°11'07"W | 52.26'  |
| L39        | N18°46'49"W | 44.34'  |
| L40        | N51°21'13"W | 51.38'  |
| L41        | N38°08'21"W | 48.36'  |
| L42        | N13°15'28"E | 41.35'  |

| CURVE TABLE |         |            |               |         |         |
|-------------|---------|------------|---------------|---------|---------|
| CURVE #     | RADIUS  | DELTA      | CHORD BEARING | CHORD   | LENGTH  |
| C1          | 300.00' | 0°27'37"   | S29°53'20"W   | 2.41'   | 2.41'   |
| C2          | 315.00' | 1°30'26"   | S11°55'33"W   | 8.29'   | 8.29'   |
| C4          | 65.00'  | 52°43'35"  | N61°35'10"W   | 57.73'  | 59.82'  |
| C5          | 15.00'  | 92°01'56"  | N6°51'05"E    | 21.59'  | 24.09'  |
| C6          | 275.00' | 30°26'33"  | N68°05'19"E   | 144.40' | 146.11' |
| C7          | 65.00'  | 48°48'11"  | S74°34'57"E   | 53.71'  | 55.37'  |
| C8          | 15.00'  | 90°00'00"  | N36°00'57"E   | 21.21'  | 23.56'  |
| C9          | 275.00' | 30°07'53"  | N24°03'00"W   | 142.96' | 144.62' |
| C10         | 325.00' | 30°12'12"  | S24°03'47"E   | 169.35' | 171.32' |
| C11         | 15.00'  | 85°40'41"  | S51°48'02"E   | 20.40'  | 22.43'  |
| C12         | 325.00' | 53°14'15"  | S68°01'15"E   | 291.23' | 301.98' |
| C13         | 25.00'  | 90°00'00"  | S86°24'07"E   | 35.36'  | 39.27'  |
| C14         | 15.00'  | 83°19'24"  | N6°56'11"E    | 19.94'  | 21.81'  |
| C15         | 275.00' | 61°57'53"  | N65°42'28"W   | 283.13' | 297.41' |
| C16         | 325.00' | 42°07'25"  | S75°37'42"E   | 233.59' | 238.94' |
| C17         | 15.00'  | 76°50'08"  | N87°00'57"E   | 18.64'  | 20.12'  |
| C18         | 25.00'  | 90°00'00"  | N3°35'53"E    | 35.36'  | 39.27'  |
| C19         | 25.00'  | 40°44'54"  | S61°46'34"E   | 17.41'  | 17.78'  |
| C20         | 55.00'  | 171°29'49" | N3°35'53"E    | 109.70' | 164.63' |
| C20         | 55.00'  | 171°29'49" | N3°35'53"E    | 109.70' | 164.63' |
| C21         | 25.00'  | 40°44'54"  | S68°58'20"W   | 17.41'  | 17.78'  |
| C22         | 15.00'  | 89°34'04"  | S3°48'51"W    | 21.13'  | 23.45'  |
| C23         | 325.00' | 6°14'39"   | S37°50'51"E   | 35.40'  | 35.42'  |
| C24         | 15.00'  | 96°40'36"  | S83°03'49"E   | 22.41'  | 25.31'  |
| C25         | 300.00' | 18°28'45"  | N39°21'31"E   | 96.34'  | 96.76'  |
| C26         | 350.00' | 18°28'45"  | S39°21'31"W   | 112.39' | 112.88' |
| C27         | 15.00'  | 83°19'24"  | S6°56'11"W    | 19.94'  | 21.81'  |
| C28         | 250.00' | 6°40'36"   | S38°03'49"E   | 29.12'  | 29.13'  |
| C29         | 300.00' | 6°40'36"   | N38°03'49"W   | 34.94'  | 34.96'  |
| C30         | 15.00'  | 96°40'36"  | N83°03'49"W   | 22.41'  | 25.31'  |
| C31         | 25.00'  | 31°07'06"  | S33°02'20"W   | 13.41'  | 13.58'  |
| C32         | 65.00'  | 174°08'56" | N75°26'45"W   | 129.83' | 197.57' |
| C33         | 25.00'  | 60°16'00"  | N18°30'17"W   | 25.10'  | 26.30'  |
| C34         | 275.00' | 44°38'20"  | N70°57'27"W   | 208.87' | 214.25' |
| C35         | 15.00'  | 95°32'40"  | S38°57'04"W   | 22.21'  | 25.01'  |
| C36         | 315.00' | 21°30'03"  | N1°55'45"E    | 117.51' | 118.21' |
| C37         | 265.00' | 21°44'38"  | N1°48'27"E    | 99.97'  | 100.57' |
| C38         | 15.00'  | 89°55'11"  | N54°01'28"W   | 21.20'  | 23.54'  |
| C39         | 65.00'  | 49°13'47"  | S56°24'01"W   | 54.15'  | 55.85'  |

| LOT SUMMARY |     |           |          |
|-------------|-----|-----------|----------|
| LOT         | BLK | LOT WIDTH | LOT AREA |
| 1           | C   | 83.95'    | 12300 SF |
| 2           | C   | 86.97'    | 11143 SF |
| 3           | C   | 86.97'    | 10624 SF |
| 4           | C   | 78.44'    | 9415 SF  |
| 5           | C   | 60.00'    | 7776 SF  |
| 6           | C   | 60.00'    | 7545 SF  |
| 7           | C   | 70.10'    | 9062 SF  |
| 8           | C   | 69.61'    | 9114 SF  |
| 9           | C   | 60.04'    | 9442 SF  |
| 10          | C   | 60.19'    | 11267 SF |
| 11          | C   | 60.04'    | 11199 SF |
| 12          | C   | 73.51'    | 11595 SF |
| 13          | C   | 60.05'    | 9570 SF  |
| 14          | C   | 59.91'    | 9765 SF  |
| 15          | C   | 77.19'    | 12154 SF |
| 1           | D   | 75.86'    | 8645 SF  |
| 2           | D   | 60.00'    | 7200 SF  |
| 3           | D   | 60.00'    | 7200 SF  |
| 4           | D   | 60.00'    | 6891 SF  |
| 5           | D   | 55.68'    | 9165 SF  |
| 6           | D   | 49.82'    | 13431 SF |
| 7           | D   | 60.76'    | 9249 SF  |
| 8           | D   | 70.86'    | 10216 SF |
| 9           | D   | 88.58'    | 10221 SF |
| 10          | D   | 90.59'    | 10381 SF |
| 11          | D   | N/A       | 6604 SF  |
| 1           | E   | 97.00'    | 10841 SF |
| 41          | E   | N/A       | 5276 SF  |
| 8           | F   | 74.55'    | 9741 SF  |
| 9           | F   | 86.99'    | 10125 SF |
| 10          | F   | 62.39'    | 9055 SF  |
| 11          | F   | N/A       | 18234 SF |
| 19          | K   | 60.00'    | 7666 SF  |
| 20          | K   | 50.00'    | 6500 SF  |
| 21          | K   | 50.00'    | 6500 SF  |
| 22          | K   | 50.00'    | 6500 SF  |
| 23          | K   | 50.00'    | 6500 SF  |
| 24          | K   | 50.00'    | 6500 SF  |
| 25          | K   | 50.00'    | 6614 SF  |
| 26          | K   | 50.00'    | 7208 SF  |
| 27          | K   | 50.00'    | 7856 SF  |
| 28          | K   | 50.00'    | 8491 SF  |
| 29          | K   | 50.00'    | 7959 SF  |
| 30          | K   | 86.18'    | 11549 SF |
| 31          | K   | 61.50'    | 12317 SF |
| 32          | K   | 60.04'    | 9756 SF  |
| 33          | K   | 60.02'    | 8653 SF  |
| 10          | L   | 66.51'    | 6678 SF  |

| LOT SUMMARY |     |           |          |
|-------------|-----|-----------|----------|
| LOT         | BLK | LOT WIDTH | LOT AREA |
| 11          | L   | 56.41'    | 6251 SF  |
| 12          | L   | 50.00'    | 6182 SF  |
| 13          | L   | 50.00'    | 6250 SF  |
| 14          | L   | 50.00'    | 6250 SF  |
| 15          | L   | 50.00'    | 6250 SF  |
| 16          | L   | 50.00'    | 6250 SF  |
| 17          | L   | 50.00'    | 6250 SF  |
| 18          | L   | 50.00'    | 6250 SF  |
| 19          | L   | 50.00'    | 6250 SF  |
| 20          | L   | 50.00'    | 6250 SF  |
| 21          | L   | 50.00'    | 6250 SF  |
| 22          | L   | 50.00'    | 6250 SF  |
| 23          | L   | 83.25'    | 9721 SF  |
| 24          | L   | 60.09'    | 7972 SF  |
| 25          | L   | 50.00'    | 6250 SF  |
| 26          | L   | 50.00'    | 6250 SF  |
| 27          | L   | 50.00'    | 6250 SF  |
| 28          | L   | 50.00'    | 6250 SF  |
| 29          | L   | 50.00'    | 6250 SF  |
| 30          | L   | 50.00'    | 6250 SF  |
| 31          | L   | 50.00'    | 6250 SF  |
| 32          | L   | 50.00'    | 6250 SF  |
| 33          | L   | 50.00'    | 6250 SF  |
| 34          | L   | 50.00'    | 6250 SF  |
| 35          | L   | 50.00'    | 6306 SF  |
| 36          | L   | 51.77'    | 6386 SF  |
| 37          | L   | 50.55'    | 8111 SF  |
| 38          | L   | 50.36'    | 7646 SF  |
| 39          | L   | 74.36'    | 10072 SF |
| 40          | L   | 50.00'    | 6500 SF  |
| 41          | L   | 50.00'    | 6500 SF  |
| 5           | M   | 50.02'    | 7684 SF  |
| 6           | M   | 50.02'    | 6882 SF  |
| 7           | M   | 50.01'    | 6256 SF  |
| 8           | M   | 50.00'    | 6000 SF  |
| 9           | M   | 50.00'    | 6000 SF  |
| 10          | M   | 50.00'    | 6000 SF  |
| 11          | M   | 50.00'    | 6000 SF  |
| 12          | M   | 50.00'    | 6000 SF  |
| 13          | M   | 50.00'    | 6000 SF  |
| 14          | M   | 50.00'    | 6000 SF  |
| 15          | M   | 50.00'    | 6000 SF  |
| 16          | M   | 50.00'    | 6000 SF  |
| 17          | M   | 50.00'    | 6000 SF  |
| 18          | M   | 50.00'    | 6000 SF  |
| 19          | M   | 50.00'    | 6000 SF  |
| 20          | M   | N/A       | 18229 SF |

LOT SUMMARY

|  |                       |
|--|-----------------------|
| TOTAL NUMBER OF LOTS                           | 95                    |
| AVERAGE SIZE OF LOTS                           | 0.228 ACRES / 9932 SF |
| NUMBER OF LOTS ≥ 10 ACRES                      | 0                     |
| NUMBER OF LOTS > 5 ACRES, < 10 ACRES           | 0                     |
| NUMBER OF LOTS ≥ 2 ACRES AND ≤ 5 ACRES         | 0                     |
| NUMBER OF LOTS > 1 ACRE AND < 2 ACRES          | 0                     |
| NUMBER OF LOTS < 1 ACRE                        | 95                    |
| NUMBER OF 50' SINGLE FAMILY LOTS (5500 MIN SF) | 59                    |
| NUMBER OF 60' SINGLE FAMILY LOTS (7200 MIN SF) | 32                    |



FINAL PLAT  
OF  
6 CREEKS-PHASE 1, SECTION 4B

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DATE OF PREPARATION: July 22, 2021

**FINAL PLAT NOTES:**

1. THIS FINAL PLAT IS LOCATED ENTIRELY WITHIN HAYS COUNTY.
2. THIS PLAT FALLS ENTIRELY WITHIN THE BOUNDARIES OF THE EDWARDS AQUIFER TRANSITION ZONE, AND THE EDWARDS AQUIFER CONTRIBUTING ZONE WITHIN THE TRANSITION ZONE.
3. THIS PLAT IS LOCATED WITHIN THE BOUNDARY OF THE HAYS CONSOLIDATED INDEPENDENT SCHOOL DISTRICT.
4. NO PORTION OF THIS PROPERTY IS LOCATED WITHIN A DESIGNATED 100-YEAR FLOOD PLAIN AS DELINEATED ON THE FLOOD INSURANCE RATE MAP NUMBERS 48209C0270F, AND 48209C0385F, BOTH EFFECTIVE DATE OF SEPTEMBER 2, 2005, AS PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.
5. ALL STREETS SHALL BE DESIGNED IN ACCORDANCE WITH APPLICABLE HAYS COUNTY REQUIREMENTS AND APPROVED BY THE HAYS COUNTY TRANSPORTATION DEPARTMENT AND UPON ACCEPTANCE SHALL BE DEDICATED TO THE COUNTY FOR MAINTENANCE.
6. STREETS TO BE ACCESSED WILL BE CONSTRUCTED WITH CURB AND GUTTER.
7. LINEAR FOOTAGE OF STREET IMPROVEMENTS: ±3678 L.F.
8. THIS PLAT HAS BEEN PREPARED IN ACCORDANCE WITH THE HAYS COUNTY REQUIREMENTS AS APPLICABLE TO THIS DEVELOPMENT.
9. AREA WITHIN NEW ROAD RIGHT-OF-WAY = 4.246 ACRES.
10. ALL STREETS TO BE PAVED, PUBLIC AND MAINTAINED BY THE COUNTY.
11. NO OBJECT INCLUDING FENCING OR LANDSCAPING WHICH WOULD INTERFERE WITH CONVEYANCE OF STORM WATER SHALL BE PLACED OR ERECTED WITHIN DRAINAGE EASEMENTS.
12. ALL DRAINAGE EASEMENTS WITHIN THE SUBDIVISION, DETENTION PONDS AND RIGHT OF WAYS TO THE PAVEMENT SHALL BE THE RESPONSIBILITY OF PROPERTY OWNERS AND/OR PROPERTY AND/OR HOMEOWNERS ASSOCIATIONS.
13. SIDEWALKS, PEDESTRIAN CROSSINGS 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.
14. THIS SUBDIVISION IS WITHIN THE ETJ OF THE CITY OF KYLE, TEXAS.
15. GAS IS PROVIDED BY CENTERPOINT ENERGY. (800) 427-7142
16. ELECTRICITY IS PROVIDED BY PERDANALES ELECTRIC COMPANY. (888) 554-4732
17. THE WASTEWATER TREATMENT PLANT IS OWNED AND OPERATED BY THE CITY OF KYLE, TEXAS.
18. WASTEWATER IS PROVIDED BY THE CITY OF KYLE, TEXAS (512) 262-3960 (SEE NOTE ABOVE).
19. WATER IS PROVIDED BY THE CITY OF KYLE, TEXAS. (512) 262-3960
20. INTERNET/PHONE IS PROVIDED BY CENTRIC FIBER. (877) 342-7270
21. TRASH IS PROVIDED BY TEXAS DISPOSAL SYSTEMS. (800) 375-8375
22. THE REQUIREMENT CONCERNING CONSTRUCTION STANDARDS FOR MAILBOXES INSTALLED WITHIN THE RIGHT-OF-WAY OF STREETS AND HIGHWAYS AND REQUIRING ALL SUCH MAILBOXES TO BE MADE OF COLLAPSIBLE MATERIALS, AS DEFINED IN THE ORDINANCE. COMMUNITY MAILBOXES SHALL HAVE A SEPARATE LIGHT/STREET LIGHT TO ILLUMINATE THE MAILBOX AREA.
23. FOR THE TWO (2), FIVE (5), TEN (10), TWENTY-FIVE (25), AND ONE HUNDRED (100) YEAR, TWENTY-FOUR (24) HOUR STORM EVENTS, POST DEVELOPED CONDITION RUNOFF RATES SHALL BE LESS THAN OR EQUAL TO THE PRE-DEVELOPED CONDITION RUNOFF RATES. PRE AND POST DEVELOPMENT RUNOFF CALCULATIONS SHALL BE INCLUDED WITH THE CONSTRUCTION DRAWINGS FOR THIS SUBDIVISION. THIS SITE IS LOCATED WITHIN HAYS COUNTY ESD #5 AND #9.
24. CONSTRUCTION STANDARDS AND SPECIFICATIONS WILL BE AS AGREED TO IN THE BLANCO RIVER RANCH (PHASE ONE RESIDENTIAL AREA) DE-ANNEXATION AND DEVELOPMENT AGREEMENT (INSTRUMENT #17018505) APPROVED BY THE HAYS COUNTY COMMISSIONER'S COURT ON MARCH 21, 2017.
25. POST CONSTRUCTION STORMWATER CONTROL MEASURES SHALL HAVE A MAINTENANCE PLAN. THE MAINTENANCE PLAN MUST BE FILED IN THE REAL PROPERTY RECORDS OF THE COUNTY IN WHICH THE PROPERTY IS LOCATED. THE OWNER OR OPERATOR OF ANY NEW DEVELOPMENT OR REDEVELOPED SITE SHALL DEVELOP AND IMPLEMENT A MAINTENANCE PLAN ADDRESSING MAINTENANCE REQUIREMENTS FOR ANY STRUCTURAL CONTROL MEASURES INSTALLED ON SITE. OPERATION AND MAINTENANCE PERFORMED SHALL BE DOCUMENTED AND RETAINED ON SITE, SUCH AS AT THE OFFICES OF THE OWNER OR OPERATOR, AND MADE AVAILABLE FOR REVIEW BY THE CITY.
26. IN ORDER TO PROMOTE SAFE USE OF ROADWAYS AND PRESERVE THE CONDITIONS OF PUBLIC ROADWAYS, NO DRIVEWAY CONSTRUCTED ON ANY LOT WITHIN THIS SUBDIVISION SHALL BE PERMITTED TO ACCESS ONTO A PUBLIC ROADWAY UNLESS (A) A PERMIT FOR USE OF THE COUNTY ROADWAY RIGHT-OF-WAY HAS BEEN ISSUED UNDER CHAPTER 751, AND, (B) THE DRIVEWAY SATISFIES THE MINIMUM SPACING REQUIREMENT SET FORTH IN CHAPTER 721 OF THE HAYS COUNTY DEVELOPMENT REGULATIONS.
27. IN APPROVING THIS PLAT BY THE COMMISSIONERS COURT OF HAYS COUNTY, TEXAS, IT IS UNDERSTOOD THAT THE BUILDING OF ALL STREETS, ROADS, AND OTHER PUBLIC THOROUGHFARES DELINEATED AND SHOWN ON THIS PLAT, AND ALL BRIDGES AND CULVERTS NECESSARY TO BE CONSTRUCTED OR PLACED IN SUCH STREETS, ROADS, OR OTHER PUBLIC THOROUGHFARES, OR IN CONNECTION THEREWITH SHALL BE THE RESPONSIBILITY OF THE OWNER AND/OR THE DEVELOPER OF THE TRACT OF LAND COVERED BY THIS PLAT IN ACCORDANCE WITH THE PLANS AND SPECIFICATIONS PRESCRIBED BY THE COMMISSIONERS COURT OF HAYS COUNTY, TEXAS AND THE COMMISSIONERS COURT OF HAYS COUNTY, TEXAS, ASSUMES NO OBLIGATION TO BUILD THE STREETS, ROADS, OR OTHER PUBLIC THOROUGHFARES SHOWN ON THIS PLAT OR OF CONSTRUCTING ANY BRIDGES OR CULVERTS IN CONNECTION THEREWITH.
28. SIDEWALKS SHALL BE INSTALLED ON THE SUBDIVISION SIDE OF TROUT RIVER ROAD. THOSE SIDEWALKS NOT ABUTTING RESIDENTIAL, COMMERCIAL OR INDUSTRIAL LOT SHALL BE INSTALLED WHEN THE ADJOINING STREET IS CONSTRUCTED WHERE THERE ARE DOUBLE FRONTAGE LOTS, SIDEWALKS ON THE STREET TO WHICH ACCESS IS PROHIBITED ARE ALSO REQUIRED TO BE INSTALLED WHEN THE STREETS IN THE SUBDIVISION ARE CONSTRUCTED. (ORD #439, ARTICLE V, SEC 10; KYLE CODE)
29. ALL CULVERTS, WHEN REQUIRED SHALL COMPLY WITH THE CURRENT HAYS COUNTY STANDARD, PER HAYS COUNTY DEVELOPMENT REGULATIONS, CHAPTER 705, SUBCHAPTER 8.03.
30. THE MAINTENANCE OF SIDEWALKS SHALL BE THE RESPONSIBILITY OF THE PROPERTY OWNERS OR HOMEOWNERS ASSOCIATION OR THEIR SUCCESSORS AND NOT THE RESPONSIBILITY OF THE CITY OF KYLE OR HAYS COUNTY.
31. ROAD WAY CLASSIFICATIONS ARE PER THE BLANCO RIVER RANCH (PHASE 1 RESIDENTIAL AREA) DE-ANNEXATION AND DEVELOPMENT AGREEMENT (INSTRUMENT #17018505).
32. COORDINATES SHOWN ARE BASED ON THE NORTH AMERICAN DATUM OF 1983 NAD83 (NA2011) EPOCH 2010.00 FROM THE TEXAS COORDINATE SYSTEM ESTABLISHED FOR THE SOUTH CENTRAL ZONE DISPLAYED IN GRID VALUES DERIVED FROM THE NGS COOPERATIVE CORS NETWORK.
33. MONUMENTS AND LOT MARKERS WILL BE SET WITH 1/2" IRON ROD WITH CAP MARKED "PAPE-DAWSON" OR MAG NAIL WITH DISK MARKED "PAPE-DAWSON" AFTER THE COMPLETION OF UTILITY INSTALLATION AND STREET CONSTRUCTION UNLESS NOTED OTHERWISE.
34. DIMENSIONS SHOWN ARE SURFACE.
35. BEARINGS ARE BASED ON THE NORTH AMERICAN DATUM OF 1983 NAD83 (NA2011) EPOCH 2010.00, FROM THE TEXAS COORDINATE SYSTEM ESTABLISHED FOR THE SOUTH CENTRAL ZONE.
36. THIS SITE IS LOCATED WITHIN THE BARTON SPRINGS/EDWARDS AQUIFER CONSERVATION DISTRICT.

FINAL PLAT  
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A 21.679 ACRE TRACT OF LAND BEING COMPRISED OF A PORTION OF A 153.0288 ACRE TRACT DESCRIBED IN DOCUMENT NUMBER 20006092 AND A PORTION OF A 61.49 ACRE TRACT DESCRIBED IN DOCUMENT NUMBER 17034173, BOTH OUT OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, IN THE SAMUEL PHARASS 1/4 LEAGUE NO. 14, ABSTRACT 360, IN HAYS COUNTY, TEXAS.



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DATE OF PREPARATION: July 22, 2021

THE STATE OF TEXAS §  
COUNTY OF HAYS §

KNOW ALL MEN BY THESE PRESENTS, THAT HMBRR DEVELOPMENT, INC., A CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF TEXAS, WITH ITS HOME ADDRESS AT 1011 N. LAMAR, AUSTIN, TEXAS, AS CONVEYED TO IT BY DEED DATED FEBRUARY 20, 2020, RECORDED IN DOCUMENT 20006092, AND DEED DATED SEPTEMBER 27, 2017, RECORDED IN DOCUMENT 17034173, BOTH OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, DOES HEREBY SUBDIVIDE 21.679 ACRES OF LAND OUT OF THE SAMUEL PHARASS 1/4 LEAGUE SURVEY NO. 14, ABSTRACT 360, TO BE KNOWN AS:

6 CREEKS-PHASE 1, SECTION 4B

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

HMBRR DEVELOPMENT, INC.  
BY: JAY HANNA  
VICE PRESIDENT  
1011 N. LAMAR  
AUSTIN, TEXAS 78703

THE STATE OF TEXAS §  
COUNTY OF HAYS §

BEFORE ME, THE UNDERSIGNED AUTHORITY ON THIS DAY PERSONALLY APPEARED \_\_\_\_\_, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND HE/SHE ACKNOWLEDGED TO ME THAT HE/SHE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN AND HEREIN SET OUT, AND AS THE ACT AND DEED OF SAID CORPORATION, GIVEN 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 \_\_\_\_\_

THE STATE OF TEXAS §  
COUNTY OF HAYS §

I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HEREBY CERTIFY, THAT THIS PLAT IS TRUE AND CORRECT, THAT IT WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND, AND THAT ALL NECESSARY SURVEY MONUMENTS ARE CORRECTLY SET OR FOUND AS SHOWN THEREON.

DAVID CASANOVA  
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 4251  
STATE OF TEXAS  
PAPE-DAWSON ENGINEERS, INC.  
TBPELS, TEXAS SURVEYING FIRM # 10028800  
2000 NW LOOP 410  
SAN ANTONIO, TX 78213

DATE \_\_\_\_\_

THE STATE OF TEXAS §  
COUNTY OF HAYS §

I, THE UNDERSIGNED, A LICENSED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, HEREBY CERTIFY THAT PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN THIS PLAT.

REBECCA ANN CARROLL  
REGISTERED PROFESSIONAL ENGINEER NO. 92666  
PAPE-DAWSON ENGINEERS, INC.  
TBPELS, TEXAS ENGINEERING FIRM # 470  
2000 NW LOOP 410  
SAN ANTONIO, TX 78213

DATE \_\_\_\_\_

THE STATE OF TEXAS §  
COUNTY OF HAYS §

KNOW ALL MEN BY THESE PRESENTS, THAT CHRIS CROWLEY, SVP, BUSINESS PARTNER, OF AMERICAN BANK, N.A., THE LIEN HOLDER OF THE TRACTS OF LAND SHOWN HEREON AND DESCRIBED IN RECORDED DOCUMENT NUMBER 17034176 AND RECORDED DOCUMENT NUMBER 20006092, BOTH OUT OF THE OFFICIAL PUBLIC RECORDS, HAYS COUNTY TEXAS, DOES HEREBY CONSENT TO THE SUBDIVISION OF SAID TRACTS OF LAND AS SHOWN HEREON, DOES FURTHER HEREBY JOIN, APPROVE, AND CONSENT TO ALL PLAT NOTE REQUIREMENTS SHOWN HEREON, AND TO THE DEDICATION TO THE PUBLIC THE USE OF THE STREETS, PUBLIC TRAILS, AND EASEMENTS SHOWN HEREON.

TO CERTIFY WHICH, WITNESS BY MY HAND THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 20\_\_\_\_.

CHRIS CROWLEY  
SVP, BUSINESS PARTNER  
AMERICAN BANK OF COMMERCE  
610 WEST 5TH STREET  
AUSTIN, TX 78701

THE STATE OF TEXAS §  
COUNTY OF HAYS §

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, ON THIS DAY PERSONALLY APPEARED CHRIS CROWLEY, SVP, BUSINESS PARTNER, KNOWN TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATION THEREIN EXPRESSED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

NOTARY PUBLIC, STATE OF TEXAS

PRINTED NOTARY'S NAME \_\_\_\_\_

NO STRUCTURE IN THIS SUBDIVISION SHALL BE OCCUPIED UNTIL CONNECTED TO AN INDIVIDUAL WATER SUPPLY OR A STATE-APPROVED COMMUNITY WATER SYSTEM. DUE TO DECLINING WATER SUPPLIES AND DIMINISHING WATER QUALITY, PROSPECTIVE PROPERTY OWNERS ARE CAUTIONED BY HAYS COUNTY TO QUESTION THE SELLER CONCERNING GROUNDWATER AVAILABILITY. RAINWATER COLLECTION IS ENCOURAGED AND IN SOME AREAS MAY OFFER THE BEST RENEWABLE WATER RESOURCE. NO STRUCTURE IN THIS SUBDIVISION SHALL BE OCCUPIED UNTIL CONNECTED TO A PUBLIC SEWER SYSTEM OR TO AN ON-SITE WATERWATER SYSTEM WHICH HAS BEEN APPROVED AND PERMITTED BY HAYS COUNTY DEVELOPMENT SERVICES. NO CONSTRUCTION OR OTHER DEVELOPMENT WITHIN THIS SUBDIVISION MAY BEGIN UNTIL ALL HAYS COUNTY DEVELOPMENT PERMIT REQUIREMENTS HAVE BEEN MET.

ERIC VAN GAASBEEK, R.S., C.F.M.  
HAYS COUNTY FLOODPLAIN ADMINISTRATOR

MARCUS PACHECO  
DIRECTOR, HAYS COUNTY DEVELOPMENT SERVICES

REVIEWED BY:

DIRECTOR OF PUBLIC WORKS, CITY OF KYLE

REVIEWED BY:

CITY ENGINEER, CITY OF KYLE

I, THE UNDERSIGNED, DIRECTOR OF HAYS COUNTY DEVELOPMENT SERVICES DEPARTMENT, HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL HAYS COUNTY REQUIREMENTS AS STATED IN THE INTERLOCAL COOPERATION AGREEMENT BETWEEN HAYS COUNTY AND THE CITY OF KYLE FOR SUBDIVISION REGULATION WITHIN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF KYLE.

MARCUS PACHECO  
DIRECTOR, HAYS COUNTY DEVELOPMENT SERVICES

THE STATE OF TEXAS §  
COUNTY OF HAYS §

I, ELAINE H. CARDENAS, 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 \_\_\_\_\_, 20\_\_\_\_, A.D., AT \_\_\_\_\_ O'CLOCK \_\_\_\_\_ M. AND DULY RECORDED ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, A.D., AT \_\_\_\_\_ O'CLOCK \_\_\_\_\_ M. IN THE PLAT RECORDS OF HAYS COUNTY, TEXAS IN CFN # \_\_\_\_\_.

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

ELAINE H. CARDENAS, COUNTY CLERK  
HAYS COUNTY, TEXAS

THE STATE OF TEXAS §  
COUNTY OF HAYS §

THIS PLAT HAS BEEN SUBMITTED AND CONSIDERED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KYLE, TEXAS, AND IS HEREBY APPROVED BY SUCH PLANNING AND ZONING COMMISSION.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

MICHELLE CHRISTIE MADAM CHAIR



**Hays County Development Services**  
P.O Box 1006 San Marcos TX 78667-1006  
2171 Yarrington Road San Marcos TX 78666  
512-393-2150 / [www.hayscountytexas.com](http://www.hayscountytexas.com)

July 14th, 2021

Howard Koontz  
Director of Planning  
City of Kyle

**Re: 6 Creeks, Phase 1, Section 4B, Final (PLN-1656-NP)**

Mr. Koontz,

The Hays County Development Services staff has had an opportunity to review the aforementioned subdivision for compliance with Hays County subdivision and development regulations. Hays County staff has no further review comments at this time.

Pursuant to the Interlocal Cooperation Agreement between Hays County and the City of Kyle for subdivision regulation within the extraterritorial jurisdiction of the City of Kyle, please move forward with approval of the plat as submitted.

If you have any questions please let me know.

Regards,

*Marcus Pacheco*

Marcus Pacheco  
Director  
Hays County Development Services



# CITY OF KYLE, TEXAS

Estate of Janelle Hadsell - Zoning  
(Z-21-0083)

Meeting Date: 7/27/2021  
Date time: 6:30 PM

**Subject/Recommendation:** Consider a request by Estate of Janelle Hadsell (Z-21-0083) to assign original zoning to approximately 24.65 acres of land from Agriculture 'AG' to Manufactured Home Park District 'M-3' for property located 600 Bebee Road, in Hays County, Texas.

- Public Hearing
- Recommendation to City Council

**Other Information:** See attached.

**Legal Notes:** N/A

**Budget Information:** N/A

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## ATTACHMENTS:

### **Description**

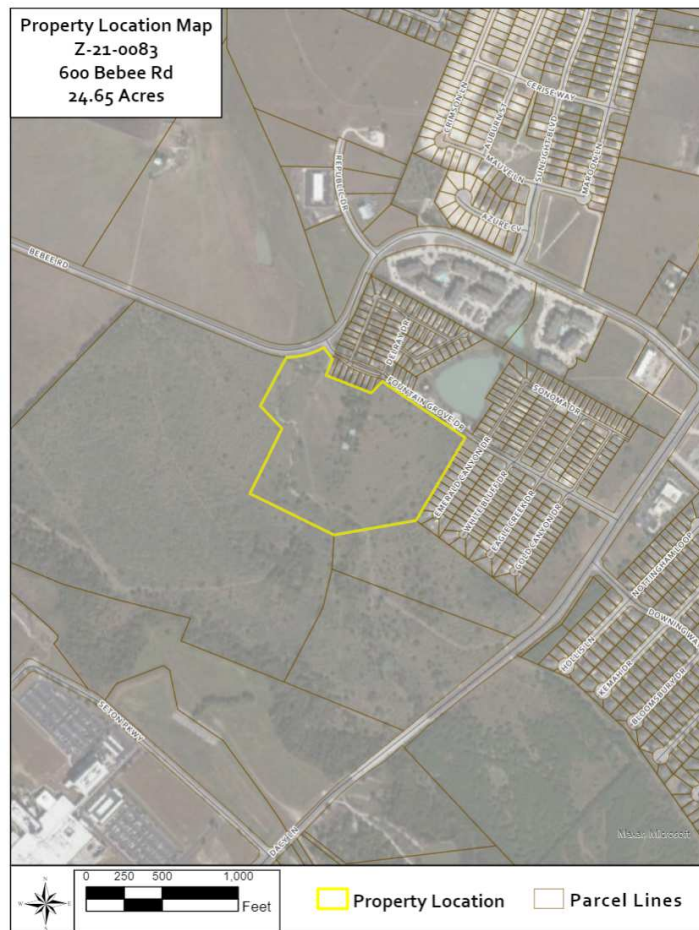
- Staff Memo
- Summary Letter
- Landowner Authorization Letter
- Deeds & Letters Testamentary
- Surveys
- Project Location Map
- Current Zoning Map
- Land Use Districts Map

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|                          |  |
|--------------------------|--|
| <b>Property Location</b> | <b>600 Bebee Road, Kyle, TX 78640</b>  |
| <b>Owner</b>             | <b>Estate of Janelle Hadsell<br/>304 Bridgepoint Drive,<br/>Kingsland, TX 78639</b>                |
| <b>Agent</b>             | <b>Nikelle Meade<br/>Husch Blackwell, LLP<br/>111 Congress Ave, Ste. 1400<br/>Austin, TX 78701</b> |
| <b>Request</b>           | <b>Rezone 24.65-Acres "A" (Agriculture) to "M-3"<br/>(Manufactured Home Park, District 3).</b>     |

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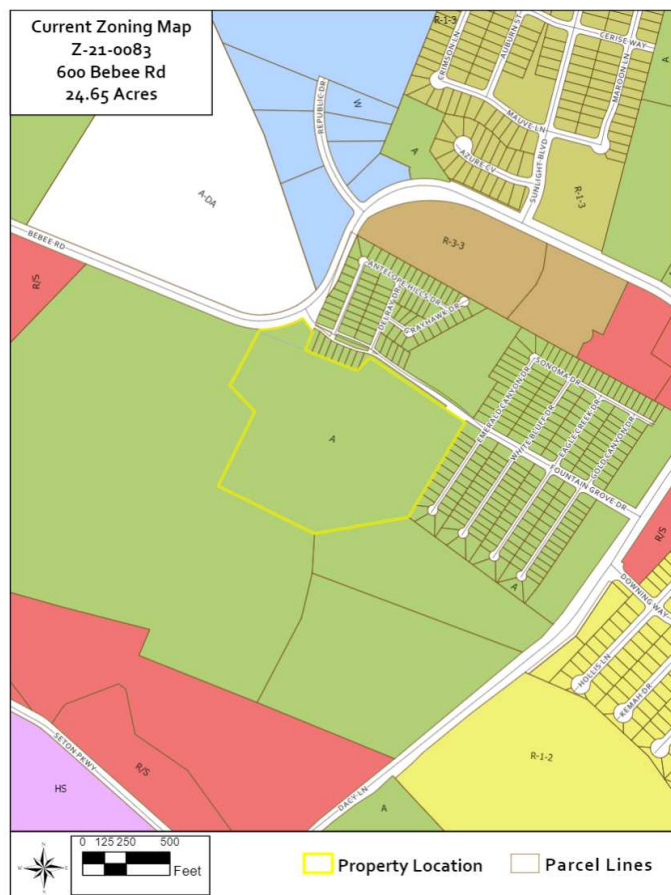
### Vicinity Map



## Site Description

The site is a largely undeveloped lot located at 600 Bebee Road. It's currently zoned "A" or Agriculture. An abandoned homestead exists on site, at one time being used as a residence for the farm/ranch for the property. To the north is Bebee Road, and the Lakeside Crossing Manufactured Home community (Agriculture zoning). The same community is also east of the site. To the southeast, south, southwest and west, is undeveloped land used for agricultural purposes and zoned as such.

## Zoning Map





## **Existing Zoning**

### A (Agriculture)

#### **Sec. 53-36**

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**

### Manufactured Home Park, District M-3

#### **Sec. 53-382. – Purpose and permitted uses**

Property and areas of the city zoned M-3 may be planned, used, approved, platted and occupied as a manufactured home park with lots held under common ownership and rented or leased to individual tenant occupants. Land and areas of the city zoned M-3 and having an approved subdivision plat may be used for manufactured homes having a minimum of 1,000-square feet of living area.

(Ord. No. 438, § 36(a), 11-24-2003; Ord. No. [1025](#), §§ 2, 3(Exh. A), 2-5-2019)

## **Conditions of the Zoning Ordinance**

### **Sec. 53-1205 Amendments**

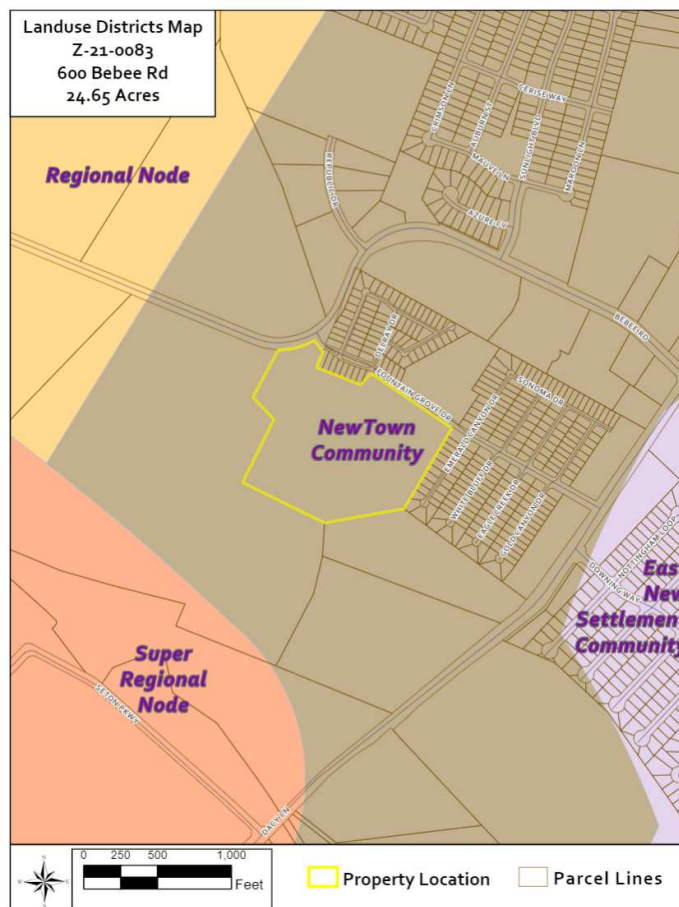
(d)

*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 located within the “New Town Community” land use districts. The “M-3” zoning district is a conditional district in both the “New Town Community” land use district. Both the “M-2” and “M-3” zoning districts were added to the “New Town District” by the City Council on May 18, 2021.

## New Town Community

Recommended: R-1-1, R-1-2, R-1-3, R-1-C, R-1-T, R-2, R-3-2, R-3-3, CC, NC, RS, MXD, O/I  
Conditional: E, A, C/M, R-1-A, R-3-1, RV, T/U, UE, HS, W, M-2, **M-3**

## **New Town Community**

'Character': Currently consisting of primarily residential uses, open fields, some commercial uses along I-35, and the City's new Performing Arts Center, the New Town District will likely experience significant development pressures in the near future. This District straddles both I-35 and FM 1626, and growth from Austin and Buda is spreading south along these roadways. These land uses and the forms that follow are wide ranging and varying according to the existing development pattern in place today, and the availability for utility service to as-yet undeveloped lands. The New Town District includes undeveloped residential areas, the proposed site for an 'Uptown' shopping/activity center, proposed and existing commercial along higher classified roadways, and legacy residential that has existed for many years. This District should be livable, comfortable, and convenient for all residents of Kyle and surrounding region. Elements of form and design are critical to ensuring transitions between neighboring uses.

'Intent': The New Town District is designed to contain a horizontal mix of land uses that should be integrated across the area to express a cohesive community form. Many differing uses are encouraged throughout the District, but are distributed in autonomous land parcels instead of vertically aggregated in fewer land parcels. Horizontal mixed uses provide a transition to integrate the community form of New Town with surrounding communities, landscapes and nodes.

As parcels along major roadways and along side high capacity wet utilities come available, the development density of those parcels should be established higher than other areas of the city, especially any properties in proximity to either I-35, FM 1626 or both. The purpose of the New Town District is to harness economic development potential and establish its position as the sustainable center of surrounding growth. The leading way to make this a reality is to build off the strength of the urban form supported in the Core Area Transition District, make use of the transportation network already in place that runs through and along this district, and enable more uses and architectural types that blend well into the urban design form. This District should provide economic support to Kyle based on locational advantages gained by access to growth advancing from south Austin and nodal developments on the northern side of Kyle. Mixed-Use development should be

encouraged, not only permitted, to maximize economic development. This can be achieved by aggregating appropriate densities in order to support a mixture of uses. Development patterns and employment opportunities should be created in the New Town District that do not conflict with the surrounding community fabric. Establishing mixed use zoning districts and employment districts will compliment the existing retail and service uses present today, and should be supported by the adjacent residential and future integrated multi-family residential.

## **Analysis**

The 24.65-acres adjacent to the existing Lakeside Crossing Manufactured Home community, is currently vacant and zoned "A". Other than the manufactured home community, the surrounding land matches the "A" designation with agriculture uses. The applicant requests the property to be rezoned to "M-3", a zoning district allowing manufactured home parks, where lots are leased to residents and with private, internal roads.

The "New Town" land use district is an area in the north central portion of the City of Kyle. It spans both sides of IH-35, but for practical reasons (Plum Creek PUD), the area east of IH-35 is primarily affected by the district. This area has a wide variety of horizontal land uses (several types of residential, office/institutional, retail, warehouse, light industrial), spread out in a standard lot by lot configuration. It has a mix of development preceding annexation by the City, and those following annexation. The primary land use, however, is residential.

Over a year ago, representatives of Husch Blackwell, LLP began coordinating with development staff to bring the 24.64-acres into the City of Kyle and develop it as a manufactured home community. Given the current housing climate of expensive homes (i.e. supply and demand), and the need for more affordable housing, staff felt it would be appropriate to include both the "M-2" & "M-3" zoning districts as conditional uses within the "New Town" land use district. This request was approved by City Council on May 18, 2021. The next step is to apply for a rezoning on the site, which the applicant has completed.

The site is adjacent to Bebee Road, which will be upgraded to a three-lane collector, per the City of Kyle's Transportation Master Plan. As part of the platting process (subdivision), staff will review the plat, to ensure adequate right-of-way dedication is provided. This will help facilitate future road improvements. Additionally, development staff will look at the new collector shown on the transportation master plan. This collector starts near Seton Hays spans the creek to the north. It will intersect with Bebee Road in close vicinity of the 24.65-acres. Water and wastewater will be served by the City of Kyle, and the developer will tie into the system in an appropriate manner per our code.

To provide an idea of how the project will develop, the "bulk standards" for zoning is as follows:

| Land Use District | Front Setback (feet) | Side Setback (feet) | Corner Lot at Side Street or 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) |
|-------------------|----------------------|---------------------|--|---------------------------------|---------------------|------------------------------|-----------------------------------|---------------------|
| M-2               | 25                   | 7                   | 25   | 25                              | 25                  | 8,190                        | 80                                | 35                  |

In Sec. 53-384, the code requires “M-3” zoning districts to meet the requirements of the “M-2” district. Additionally, only one home is allowed per lot, and the long face of the home must face and be parallel to the street (public or private).

### Recommendation

Because of the lack of diversity in Kyle’s housing market, the decreasing affordability of Kyle’s housing stock, the equal land use adjacent, and support from the comprehensive plan, staff supports the request to rezone the acreage to “M-3”. Staff asks the Planning & Zoning Commission to support a recommendation vote for the requested zoning.

### Attachments

- Staff Report
- Location Map
- Current Zoning Map
- Land Use Districts Map
- Landowner Authorization Form
- Deed
- Applicant Request Letter

# HUSCH BLACKWELL

111 Congress Avenue  
Suite 1400  
Austin, Texas 78701-4093  
512.472.5456 main

**STACEY L. MILAZZO**  
**PARALEGAL**  
512.370.3441 direct  
stacey.milazzo@huschblackwell.com

May 5, 2021

City of Kyle Planning Dept.  
100 W. Center Street  
Kyle, Texas 78640

Re: Z-21-0075; Zoning Application for CR/122 Bebee Rd, Kyle, Texas 78640

To Whom it May Concern:

We understand that we may proceed with filing a zoning application since the Plan Amendment was approved last night. Accordingly, as agent for the Estate of Janelle Hadsell, we respectfully submit a zoning application to change the zoning from A-DA and A to M-3 for the property located at CR/122 Bebee Rd, Kyle, Texas 78640 in the New Town Community District.

Please let me know if you have any questions or need additional information.

Very truly yours,



Stacey L. Milazzo,  
Paralegal

LANDOWNER AUTHORIZATION AND AFFIDAVIT OF OWNERSHIP

SUBJECT PROPERTY INFORMATION

Subdivision Name, Block, Lot, or legal description if not subdivided:

- (1) R13831 - ABS 151 DANIEL DOWNS SURVEY 1.00 AC GEO#90601180;
(2) R13832 - ABS 151 DANIEL DOWNS SURVEY 23.03 AC GEO#90601181; and
(3) R132787 - DANIEL DOWNS SURVEY, ACRES 0.62, ABANDONED PORTION OF BEBEE RD

# of lots (if subdivided): # of acres: 24.653
Site APN #(s): Property ID Nos: R13831 (1.00 ac); R13832 (23.03 ac); R132787 (0.62 ac)
Location: CR 122/Bebee Rd County: Hays
Development Name: Kyle Lakeside
Development Number(s):

OWNER Sheila Lynn Webb and Rebecca Ann Hadsell, Independent Co-Executors of
Company/Applicant Name: the Estate of Janell Hadsell
Authorized Company Representative (if company is owner):
Type of Company and State of Formation:
Title of Authorized Company Representative (if company is owner):
Applicant Address: 304 Bridgepoint Dr., Kingsland, TX 78639-9617
Applicant Fax:
Applicant Phone:
Applicant/Authorized Company Representative Email:

APPLICANT REPRESENTATIVE

Check one of the following:

I will represent the application myself; or

X I hereby designate Nikelle Meade (Husch Blackwell LLP) (name of project representative) to act in the
capacity as the agent for filing, processing, representation, and/or presentation of this development
application. The designated agent shall be the principal contact person for responding to all requests for
information and for resolving all issues of concern relative to this application.

I hereby certify that the above-named owner is the rightful owner of the Property. I am either the owner of
the property identified above or a partner/manager/officer/director/member of the company who is
authorized to act on behalf of the company. I further certify that the information provided herein and in the
application for the development is true and correct. By signing below, I agree that the City of Kyle (the
"City") is authorized and permitted to provide information contained within this application, including the
email address, to the public.

Owner's Signature: See attached executed and notarized Agent Designation Letter. Date:

State of Texas §
County of Llano §

This instrument was acknowledged before me on , 2021 by Sheila Lynn Webb, Co-
Executor of the Estate of Janelle Hadsell.

SUBSCRIBED AND SWORN TO before me, this
the day of , 2021.

(Notary Seal)

Notary Public's Signature
My Commission Expires

PROJECT REPRESENTATIVE

Representative Name: Nikelle Meade

Representative Address: 111 Congress Ave., Suite 1400, Austin, TX 78701

Representative Phone: (512) 992-6001

Representative Email: nikelle.meade@huschblackwell.com

Representative's Signature:  Date: 03/02/2021



Estate of Janelle Hadsell  
c/o Sheila Webb  
304 Bridgepoint Drive  
Kingsland, TX 78639-9617

**AGENT DESIGNATION LETTER**

October 26, 2020

City of Kyle Planning Dept.  
100 W. Center Street  
Kyle, Texas 78640

Re: Designation of agent for proposed annexation, zoning, platting and related matters for 24.653 acres of land located at CR 122/Bebee Rd, Kyle, TX 78640 under Property ID numbers R13831, R13832 and R132787 (the "Property")

To Whom It May Concern:

The undersigned, as the owner of the above-referenced Property, hereby appoints Husch Blackwell LLP (Nikelle Meade), as agent in connection with the annexation, zoning, platting and any related matters concerning the Property with the City of Kyle.

A map of the Property is attached hereto as Exhibit A.

**Estate of Janelle Hadsell**

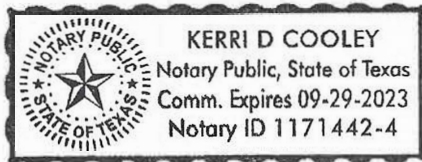
By: Sheila Lynn Webb  
Sheila Lynn Webb, Independent  
Co-Executor

By: Rebecca Ann Hadsell  
Rebecca Ann Hadsell, Independent  
Co-Executor

*[Notary blocks are on following page]*

THE STATE OF TEXAS   §  
                                  §  
                                  §  
COUNTY OF LLANO   §

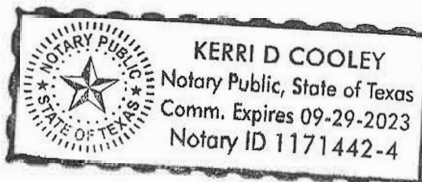
This instrument was acknowledged before me on the 28<sup>th</sup> day of October, 2020, by **Sheila Lynn Webb**, Independent Co-Executor of the Estate of Janelle Hadsell, on behalf of said estate.



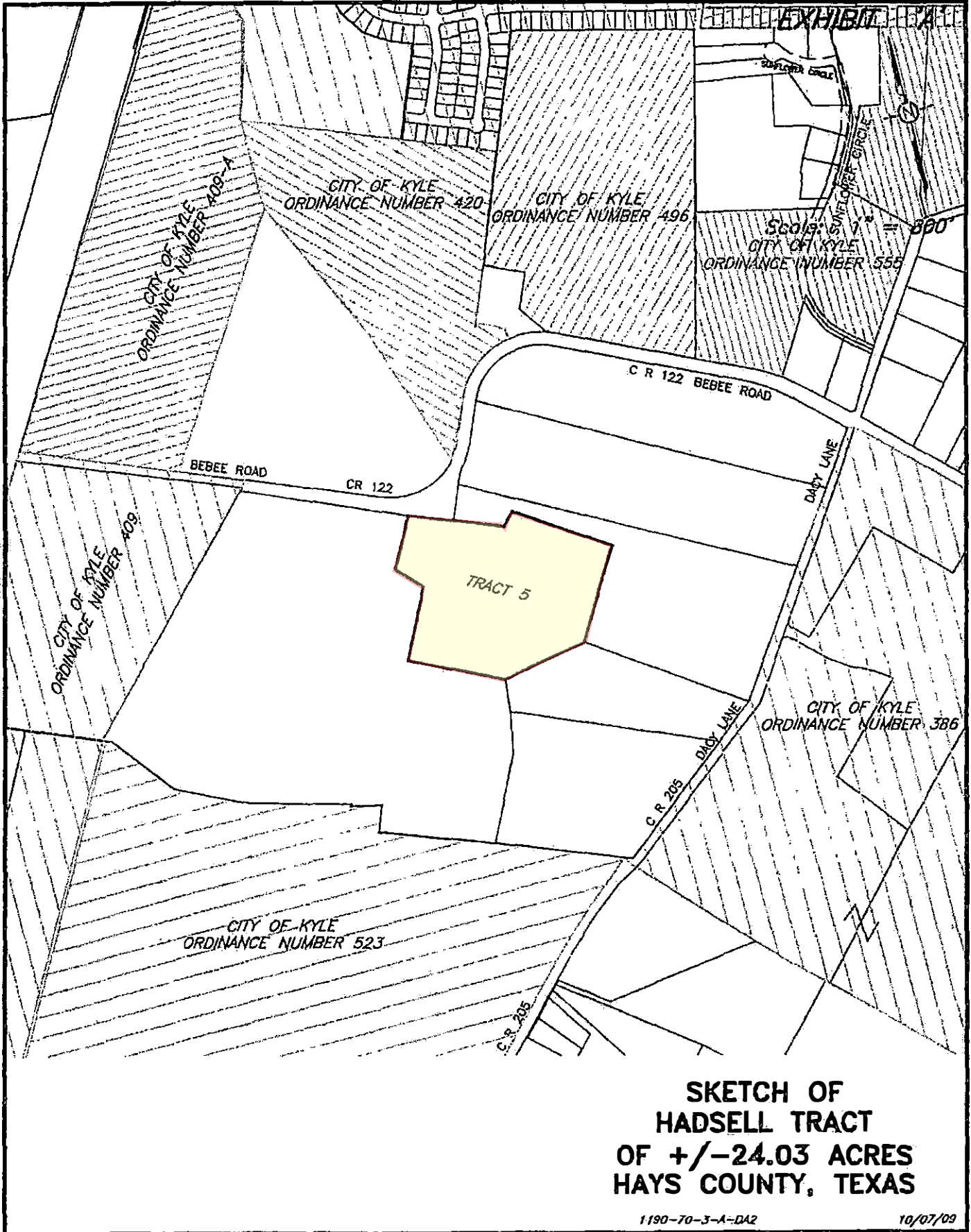
Kerri D Cooley  
Notary Public, State of Texas

THE STATE OF TEXAS   §  
                                  §  
                                  §  
COUNTY OF LLANO   §

This instrument was acknowledged before me on the 28<sup>th</sup> day of October, 2020, by **Rebecca Ann Hadsell**, Independent Co-Executor of the Estate of Janelle Hadsell, on behalf of said estate.



Kerri D Cooley  
Notary Public, State of Texas



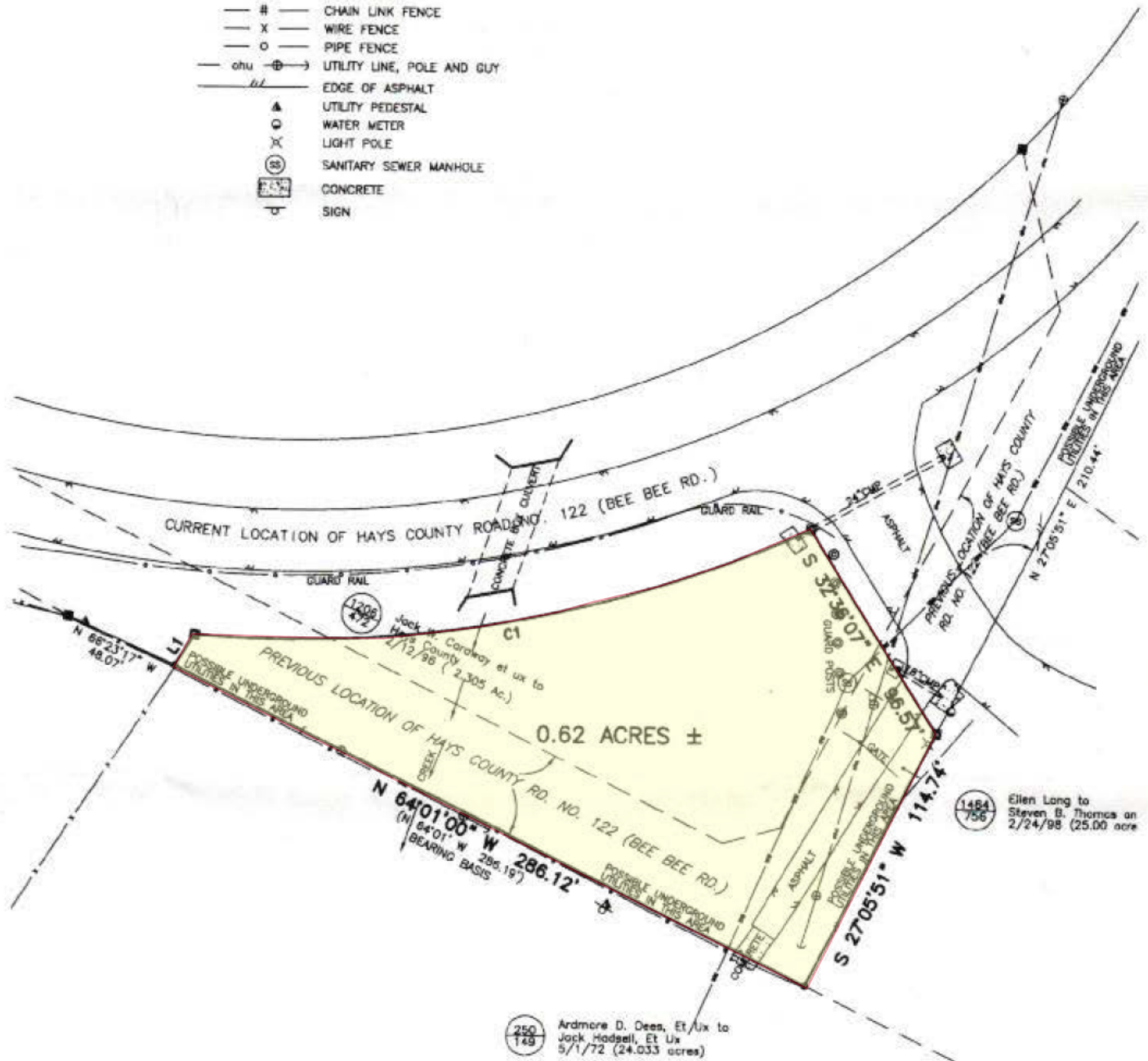
**SKETCH OF  
HADSELL TRACT  
OF +/- 24.03 ACRES  
HAYS COUNTY, TEXAS**

1190-70-3-A-DA2

10/07/09

**LEGEND**

- VOL  
PG HAYS COUNTY DEED, REAL PROPERTY OR OFFICIAL PUBLIC RECORDS
- 1/2" IRON ROD SET WITH PLASTIC CAP STAMPED "BYRN SURVEY"
- 1/2" IRON ROD FOUND OR DIAMETER NOTED
- 5/8" IRON ROD FOUND WITH PLASTIC CAP STAMPED "RPLS 4532"
- // — WOOD FENCE
- # — CHAIN LINK FENCE
- X — WIRE FENCE
- O — PIPE FENCE
- ohu — UTILITY LINE, POLE AND GUY
- / / — EDGE OF ASPHALT
- ▲ UTILITY PEDESTAL
- WATER METER
- × LIGHT POLE
- ⊗ SANITARY SEWER MANHOLE
- ⊞ CONCRETE
- ⊞ SIGN



| BEARING       | DISTANCE |
|---------------|----------|
| N 32°57'08" E | 14.90'   |

| ΔVE | DELTA ANGLE | RADIUS  | ARC LENGTH | CHORD BEARING | CHORD LENGTH |
|-----|-------------|---------|------------|---------------|--------------|
|     | 29°27'53"   | 498.37' | 256.29'    | N 79°37'27" E | 253.48'      |

STATE OF TEXAS  
 COUNTY OF HAYS

Y  
 Y  
 X

KNOW ALL MEN BY THESE PRESENTS:

#76546

76546

That we, Ardmore D. Dees and wife, Iris S. Dees, of the County of Hays and State of Texas, for the consideration hereinafter shown as paid and secured to be paid by Jack Hadsell and wife, Janelle R. Hadsell, have granted, sold and conveyed, and by these presents do grant, sell and convey, unto the said Jack Hadsell and Janelle R. Hadsell of the County of **TRAVIS** and State of Texas, subject to the hereinafter mentioned taxes, liens and mineral reservation, all of that certain parcel of land situated in Hays County, Texas, being 24.033 acres of land, same being out of and a part of the D. Downer Survey No. 22 and the A. Brichta Survey in Hays County, Texas; said 24.033 acres of land being more particularly described by metes and bounds as follows:

BEGINNING at an iron pipe found at the most easterly corner, as fenced, of that certain 30 acres, more or less, of land conveyed to Mrs. C. C. Young by deed of record in Volume 123 at Pages 128-131 of the Deed Records of Hays County, Texas, which point of beginning is the most easterly corner of this tract;

THENCE, with a fence, S 35° 16' W 633.31 feet to an iron pipe found and S 84° 30' W 547.01 feet to an iron pin set at the most southerly corner of this tract;

THENCE, with a fence, N 59° 22' W 616.67 feet to an iron pin set, N 30° 43' E 475.78 feet to an iron pin set and N 39° 14' W 205.56 feet to an iron pin set at the most northerly west corner of this tract;

THENCE, N 32° 44' E 348.26 feet to an iron pin set on the south line, as fenced, of the Kyle-Science Hall Road, which point is the most northerly corner of this tract;

THENCE, with the south line, as fenced, of the Kyle-Science Hall Road, S 64° 01' E 286.19 feet to an iron pipe found at a corner fence post;

THENCE, with a fence, S 64° 12' E 320.46 feet to an iron pipe found, N 48° 25' E 105.47 feet to an iron pipe found and S 51° 23' E 658.67 feet to the POINT OF BEGINNING and containing 24.033 acres of land.

This conveyance is made subject to that undivided one sixteenth (1/16th) mineral estate reserved by the Federal Land Bank of Houston in that deed from said Bank to Mrs. C. C. Young, dated September 16, 1938, and recorded in Volume 123, pages 128-131, Hays County Deed Records.

To have and to hold the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging unto the said Jack Hadsell and Janelle R. Hadsell, their heirs and assigns, forever; and we do hereby bind ourselves, our heirs, executors

vol 250 p 150

and administrators, to warrant and forever defend, all and singular the said premises unto the said Jack Hadsell and Janelle R. Hadsell, their heirs and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, subject to the hereinabove mentioned mineral reservation and the hereinafter described taxes and liens.

The consideration for this conveyance is as follows:

1. The assumption on the part of the said Jack Hadsell and Janelle R. Hadsell, effected by the acceptance of this conveyance, of all ad valorem taxes levied and assessed for the year of 1972 against the premises conveyed hereby.

2. The sum of Ten Dollars (\$10.00) cash to us in hand paid by the said Jack Hadsell and Janelle R. Hadsell, the receipt and sufficiency of which is hereby acknowledged and confessed, and for which no lien, express or implied, is retained.

3. The execution and delivery to the said Ardmore D. Dees by the said Jack Hadsell and Janelle R. Hadsell of their one certain promissory note dated of even date herewith, for the sum of Eight Thousand and No/100 Dollars (\$8,000.00) and payable to the said Ardmore D. Dees, or order, with interest and in installments as in said note provided. Said note is here referred to and made a part hereof for all pertinent purposes.

The vendor's lien is retained against the above described premises and improvements for the security and until the full and final payment of the above described note, when and whereupon this deed shall become absolute. Said note is further secured by a deed of trust of even date herewith from the maker of said note to Henry C. Kyle, Trustee, conveying said premises for the use and benefit of the holder of said note. Said deed of trust is here referred to for all pertinent purposes.

Witness our hands this the 1st day of May, 1972.

*Ardmore D. Dees*  
Ardmore D. Dees

*Iris S. Dees*  
Iris S. Dees

STATE OF TEXAS    Y  
                          Y  
COUNTY OF HAYS    Y

BEFORE ME, the undersigned authority, on this day personally

NOTARIAL PUBLIC STATE OF TEXAS  
COUNTY OF HAYS  
I, \_\_\_\_\_, Notary Public for the State of Texas, do hereby certify that the foregoing is a true and correct copy of the original as the same appears in my records.



Vol. 250 p. 152

appeared Ardmore D. Dees and Iris S. Dees, husband and wife, known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 2nd day of

May, 1972.

*Albert G. Walker*

Notary Public, Hays County, Texas.

THE STATE OF TEXAS }  
COUNTY OF HAYS }

I, LYDELL B. CLAYTON, Clerk of the County Court within and for the County and State aforesaid, do hereby certify that the within and foregoing instrument of writing with its Certificate of Authentication, was filed for record in my office on the 3rd day of May A.D., 1972 at 3:20 o'clock P.M., and duly recorded on the 4th day of May A.D., 1972 at 10:20 o'clock A.M., in the Deeds Records of said County in Book Number 250 Pages 149-152 Inclusive.

WITNESS MY HAND AND SEAL OF THE COUNTY COURT OF HAYS COUNTY, TEXAS, the date last above written.

*Lydell B. Clayton* By *[Signature]* Deputy  
LYDELL B. CLAYTON, Clerk of the County Court within and for the County



NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

QUITCLAIM DEED

10028678 Bk Vol Pg  
0PR 3988 777

THE STATE OF TEXAS §  
§  
COUNTY OF HAYS §

Grantor: HAYS COUNTY, TEXAS  
a political subdivision of the State of Texas

Grantor's Mailing Address: 111 E. San Antonio Street, Suite 300  
San Marcos, Hays County, Texas 78667

Grantee: Jack Hadsell

Grantee's Mailing Address: 2702 Jefferson  
Austin, Texas 78703

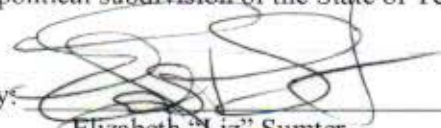
Property: That certain real property situated in Hays County, Texas, and being more particularly described on Exhibit "A" attached hereto and incorporated herein by reference for all purposes.

By operation of law, the sufficiency of which is hereby acknowledged, and as authorized pursuant to that certain Resolution to Abandon, adopted by the Hays County Commissioners Court, dated May 12, 2010 and numbered 26129, a copy of which is attached hereto as Exhibit "B", Grantor quitclaims to Grantee all of Grantor's right, title, and interest in and to the Property, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever. Neither Grantor nor Grantor's heirs, successors, or assigns will have, claim, or demand any right or title to the Property or any part of it.

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

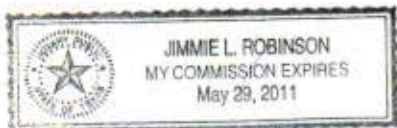
IN WITNESS WHEREOF, Grantor has caused this instrument to be executed on this the 12<sup>th</sup> day of October, 2010.

HAYS COUNTY, TEXAS  
a political subdivision of the State of Texas

By:   
Elizabeth "Liz" Sumter  
Hays County Judge

STATE OF TEXAS §  
§  
COUNTY OF HAYS §

This instrument was acknowledged before me on October 12<sup>th</sup>, 2010 by Elizabeth "Liz" Sumter as County Judge of Hays County.



  
Notary Public, State of Texas



Bk Vol Pg  
90012572 OPR 3651 873

Bk Vol Pg  
10028678 OPR 3988 778

DESCRIPTION OF 0.62 OF AN ACRE, MORE OR LESS, OF LAND AREA IN THE D. DOWNER SURVEY, ABSTRACT NO. 151, HAYS COUNTY, TEXAS, BEING A PORTION OF THAT TRACT DESCRIBED AS 2.305 ACRES IN A DEED FROM JACK W. CARAWAY ET UX TO HAYS COUNTY DATED FEBRUARY 12, 1996 AND RECORDED IN VOLUME 1206, PAGE 472 OF THE HAYS COUNTY OFFICIAL PUBLIC RECORDS, BEING A PORTION OF THE PREVIOUS LOCATION OF HAYS COUNTY ROAD NO. 122/BEE BEE ROAD, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** at a ½" iron rod found at the end of a wire fence in the southwest line of the previous location of Bee Bee Road for the west corner of this description, the north corner of that tract described as 24.033 acres in a deed from Ardmore D. Dees et ux to Jack Hadsell et ux dated May 1, 1972 and recorded in Volume 250, Page 149 of the Hays County Deed Records, and for the east corner of the remaining portion of that tract described as "Third Tract - 76 acres" in a deed from Ardmore D. Dees et ux to Alton J. Franke et ux dated November 12, 1975 and recorded in Volume 279, Page 565 of the Hays County Deed Records (said Hadsell 24.033 acre tract being a portion of the Franke 76 acre Third Tract), from which a 5/8" iron rod found with a plastic cap stamped "RPLS 4532" in the curving south line of the current location of Bee Bee Road for the east corner of that tract described as 0.484 acres in a deed from Evelyn B. Franke to Hays County dated March 8, 1996 and recorded in Volume 1214, Page 357 of the Hays County Official Public Records bears N 66°23'17" W 48.07 feet (said Hays County 0.484 acre tract being a portion of the Franke 76 acre Third Tract);

**THENCE** leaving the Franke tract, the Hadsell 24.033 acre tract, and the **PLACE OF BEGINNING** as shown on that plat numbered 26361-09-c dated February 24, 2009 prepared for Hays County by Byrn & Associates, Inc., of San Marcos, Texas, crossing portions of the previous location of Bee Bee Road and the Hays County 2.305 acre tract, the following three courses:

1. N 32°57'08" E 14.90 feet to a ½" iron rod set,



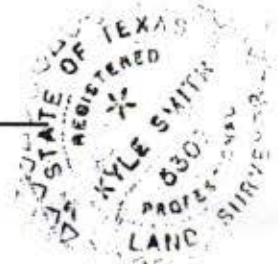
2. With a left-breaking curve having the following characteristics: **delta angle = 29°27'53"**, **radius = 498.37 feet**, **arc = 256.29 feet**, and a chord which bears **N 79°37'27" E 253.48 feet** to a ½" iron rod set for the north corner of this description, and
  
3. **S 32°36'07" E 96.57 feet** to a ½" iron rod set in the southeast line of the previous location of Bee Bee Road and northwest line of that tract described as 25.00 acres in a deed from Ellen Long to Steven B. Thomas and Rebecca J. Thomas Dated February 24, 1998 and recorded in Volume 1464, Page 756 of the Hays County Official Public Records for the east corner of this description, from which a 5/8" iron rod found in the curving southeast line of the current location of Bee Bee Road and northwest line of that tract described as 25.00 acres in a deed from Elon C. Nash to Steven B. Thomas and Rebecca J. Thomas dated February 24, 1998 and recorded in Volume 1464, Page 350 of the Hays County Official Public Records for the south corner of that tract described as 0.173 of an acre in a deed from Elon C. Nash to Hays County dated August 8, 1995 and recorded in Volume 1166, Page 738 of the Hays County Official Public Records bears **N 27°05'51" E 210.44 feet**;

**THENCE** with the common northwest line of the Thomas 25.00 acre tract recorded in Volume 1464, Page 756 and southeast line of the previous location of Bee Bee Road, **S 27°05'51" W 114.74 feet** to a ½" iron rod found in the northeast line of the previously mentioned Hadsell 24.033 acre tract for the south corner of this description and the previous location of Bee Bee Road and west corner of the Thomas 25.00 acre tract;

**THENCE** leaving the Thomas 25.00 acre tract with the common northeast line of the Hadsell 24.033 acre tract and southwest line of the previous location of Bee Bee Road, **N 64°01'00" W (being the bearing basis for this description) 286.12 feet** to the **PLACE OF BEGINNING**.

THERE are contained within these metes and bounds 0.62 of an acre, more or less, as prepared from public records and a survey made on the ground on February 24, 2009 by Byrn & Associates, Inc., of San Marcos, Texas. All 1/2" iron rods set are capped with a plastic cap stamped "Byrn Survey".

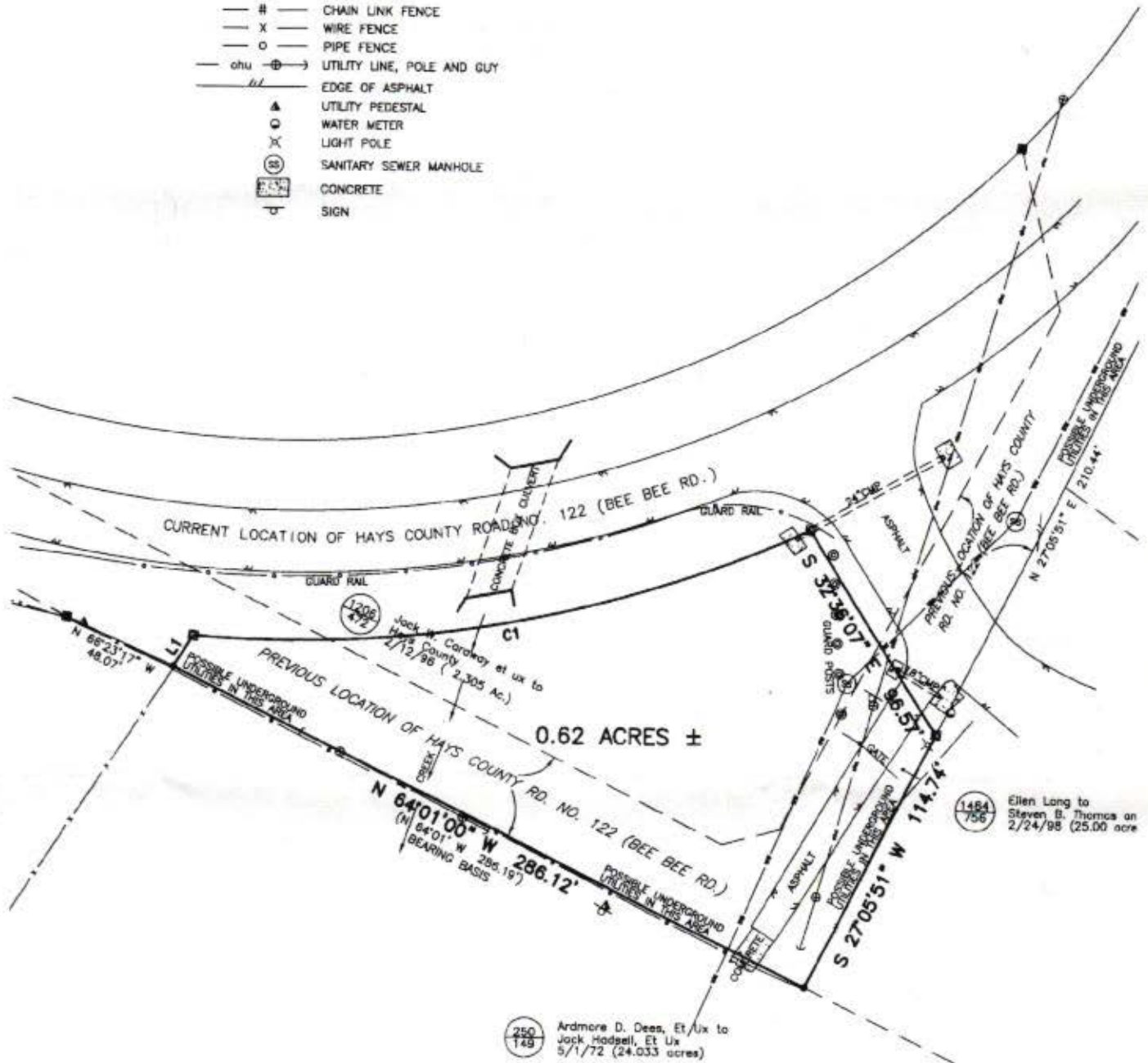
  
\_\_\_\_\_  
Kyle Smith, R.P.L.S. # 5307



Client: Hays County  
Date: February 24, 2009  
Survey: Downer, D. A-151  
County: Hays, Texas  
Job No: 26361-09  
END0.62

**LEGEND**

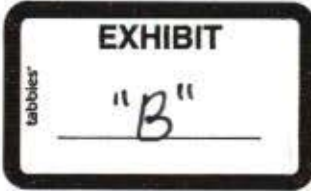
- (VOL PG) HAYS COUNTY DEED, REAL PROPERTY OR OFFICIAL PUBLIC RECORDS
- 1/2" IRON ROD SET WITH PLASTIC CAP STAMPED "BYRN SURVEY"
- 1/2" IRON ROD FOUND OR DIAMETER NOTED
- 5/8" IRON ROD FOUND WITH PLASTIC CAP STAMPED "RPLS 4532"
- // — WOOD FENCE
- # — CHAIN LINK FENCE
- X — WIRE FENCE
- O — PIPE FENCE
- ohu ⊕ — UTILITY LINE, POLE AND GUY
- // — EDGE OF ASPHALT
- ▲ UTILITY PEDESTAL
- WATER METER
- X LIGHT POLE
- ⊗ SANITARY SEWER MANHOLE
- CONCRETE
- ⊕ SIGN



| BEARING       | DISTANCE |
|---------------|----------|
| N 32°57'08" E | 14.90'   |

| Δ  | DELTA ANGLE | RADIUS  | ARC LENGTH | CHORD BEARING | CHORD LENGTH |
|----|-------------|---------|------------|---------------|--------------|
| 29 | 27°53'      | 498.37' | 256.29'    | N 79°37'27" E | 253.48'      |





**CERTIFIED COPY OF HAYS COUNTY COMMISSIONERS' COURT MINUTES**

**STATE OF TEXAS \*  
COUNTY OF HAYS \***

ON THIS THE 12<sup>TH</sup> DAY OF MAY A.D., 2010, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

|                                 |                             |
|---------------------------------|-----------------------------|
| <b>ELIZABETH "LIZ" SUMTER</b>   | <b>COUNTY JUDGE</b>         |
| <b>DEBBIE GONZALES INGALSBE</b> | <b>COMMISSIONER, PCT. 1</b> |
| <b>JEFFERSON W. BARTON</b>      | <b>COMMISSIONER, PCT. 2</b> |
| <b>WILL CONLEY</b>              | <b>COMMISSIONER, PCT. 3</b> |
| <b>KAREN FORD</b>               | <b>COMMISSIONER, PCT. 4</b> |
| <b>LINDA C. FRITSCHÉ</b>        | <b>COUNTY CLERK</b>         |

**AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:**

**26129 CLOSE, ABANDON, AND VACATE .62 ACRES OF COUNTY RIGHT-OF-WAY ON ROAD IN PRECINCT 1; AND TO RECORD THE ORDER CLOSING, ABANDONING, AND VACATING THIS PROPERTY IN THE OFFICIAL COUNTY RECORDS [T1-1821]**

RPTP Director Jerry Borcharding advised that this property is of no value to the county. Special Counsel Mark Kennedy spoke of Order conveying the property and he spoke of Chapter 251 of the Transportation Code. **A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to close, abandon, and vacate .62 acres of county Right-of-Way on BeBee Road in Precinct 1; and to record the order closing, abandoning, and vacating this property in the official County Records. All voting "Aye". MOTION PASSED**

**THE STATE OF TEXAS  
COUNTY OF HAYS**

I, Linda C. Fritsche, County Clerk and Ex-Officio Clerk of the Commissioners' Court of Hays County, Texas, do hereby certify that the following contains a true and correct copy of the minutes of **MAY 12, 2010** under Resolution #26129 in the Commissioners' Court Minutes of Hays County, Texas:

Given under my hand and seal of office at San Marcos, Texas this the 16<sup>TH</sup> day of **JULY**, 2010.

**LINDA C. FRITSCHÉ, COUNTY CLERK AND  
EXOFFICIO CLERK OF THE HAYS  
COUNTY COMMISSIONERS' COURT**

BY  **DEPUTY**

Clerk's Note: Property Owner – Jack Hadsell, 2702 Jefferson St. Austin, TX 78703

**LETTERS TESTAMENTARY**

ESTATE OF  
**JANELLE HADSELL**  
DECEASED

**C-1-PB-20-000850**  
IN PROBATE COURT NUMBER ONE  
TRAVIS COUNTY, TEXAS

**THE STATE OF TEXAS       \***  
**COUNTY OF TRAVIS        \***

I, the undersigned Clerk of the Probate Court No. 1 of Travis County Texas, do hereby certify that on **July 30, 2020**, **REBECCA ANN HADSELL AND SHEILA LYNN WEBB** was duly granted by said Court, Letters Testamentary of the Estate of **JANELLE HADSELL** Deceased, and that **they** qualified as **Independent Co-Executors** without bond of said estate on **July 30, 2020** as the law requires, said appointment is still in full force and effect.

Given under my hand and seal of office at Austin, Texas, on **July 30, 2020**.

Dana DeBeauvoir

County Clerk, Travis County, Texas

P.O. Box 149325 Austin, Texas 78714-9325

By Deputy

  
**B. HICKS**



|                  |   |                      |
|------------------|---|----------------------|
| ESTATE OF        | § | IN THE PROBATE COURT |
| JANELLE HADSELL, | § |                      |
| DECEASED         | § | NO. 1 OF             |
|                  | § |                      |
|                  | § | TRAVIS COUNTY, TEXAS |

**PROOF OF DEATH AND OTHER FACTS**

On this day, Sheila Lynn Webb ("Affiant") personally appeared in open court, and after being duly sworn, deposed and said:

1. My name is Sheila Lynn Webb and I am the daughter of Janelle Hadsell. Janelle Hadsell ("Decedent") died on January 24, 2020 at the Windchime Assisted Living Facility, 216 Covenant Lane, Kingsland, Llano County, Texas, 78639 at the age of 92 years. Four years have not elapsed since the date of Decedent's death.

2. Although Decedent died in Llano Country, the Decedent was domiciled and had a fixed place of residence in Austin, Travis County, Texas at the date of death.

3. The document dated November 5, 2009, now shown to me and which purports to be Decedent's Will, was never revoked so far as I know.

4. A necessity exists for the administration of this Estate because the Decedent owned assets that require administration.

5. After the date of the Will, no children were born to or adopted by Decedent.

6. After the date of this Will no marriage of Decedent was ever dissolved.

7. The State of Texas, a governmental agency of the State of Texas, or a charitable organization are not named by Decedent's Will as a Devisee.

8. Decedent's Will named Rebecca Ann Hadsell and Sheila Lynn Webb, the Applicants herein, as Independent Co-Executors to serve without bond, and they are duly qualified and not disqualified by law from accepting Letters Testamentary or from serving as executors of this estate and are entitled to such letters.

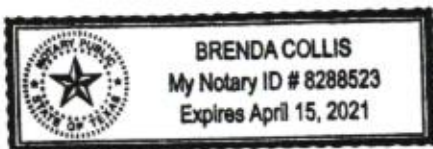


C-1-PB-20-000850

SIGNED this 30<sup>th</sup> day of July, 2020.

*Sheila Lynn Webb*  
Sheila Lynn Webb, Affiant

SUSCRIBED AND SWORN TO BEFORE ME by Sheila Lynn Webb this 30<sup>th</sup> day of July, 2020,  
to certify which witness my hand and seal of office.



*Brenda Collis*  
Notary Public in and for the State of Texas



**STATE OF TEXAS**  
**CERTIFICATION OF VITAL RECORD**

**DEPARTMENT OF STATE HEALTH SERVICES**  
**VITAL STATISTICS**

TEXAS DEPARTMENT OF STATE HEALTH SERVICES - VITAL STATISTICS

Jan 28 2020

STATE OF TEXAS

CERTIFICATE OF DEATH

STATE FILE NUMBER

142-20-011177

|   |  |   |  |  |   |   |  |
|---|--|---|--|--|---|---|--|
| 1. LEGAL NAME OF DECEASED (include AKA's, if any) (First, Middle, Last)<br>JANELLE HAUSELL  |  |   |  | (Before Marriage)<br>RAPE  |   | 2. DATE OF DEATH - ACTUAL OR PRESUMED<br>(mm-dd-yyyy)<br>JANUARY 24, 2020   |  |
| 3. SEX<br>FEMALE  |  | 4. DATE OF BIRTH (mm-dd-yyyy)<br>MARCH 22, 1927   |  | 5. AGE - Last Birthday (Years)<br>92   |   | 6. BIRTHPLACE (City & State or Foreign Country)<br>MINEOLA, TX  |  |
| 7. SOCIAL SECURITY NUMBER<br>457-38-9673  |  | 8. MARITAL STATUS AT TIME OF DEATH:<br><input type="checkbox"/> Married<br><input type="checkbox"/> Divorced (but not remarried)<br><input checked="" type="checkbox"/> Widowed (but not remarried)<br><input type="checkbox"/> Never Married<br><input type="checkbox"/> Unknown |  |  | 9. SURVIVING SPOUSE'S NAME (If spouse, give name prior to first marriage) |   |  |
| 10a. RESIDENCE STREET ADDRESS<br>1804 REDD ST   |  |   |  | 10b. APT. NO.  |   | 10c. CITY OR TOWN<br>AUSTIN   |  |
| 10d. COUNTY<br>TRAVIS   |  | 10e. STATE<br>TEXAS   |  | 10f. ZIP CODE<br>78745   |   | 10g. INSIDE CITY LIMITS?<br><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No   |  |
| 11. FATHER/PARENT 2 NAME PRIOR TO FIRST MARRIAGE<br>GRADY RAPE  |  |   |  | 12. MOTHER/PARENT 1 NAME PRIOR TO FIRST MARRIAGE<br>ETNA HORTON  |   |   |  |
| 13. PLACE OF DEATH (CHECK ONLY ONE)<br>IF DEATH OCCURRED IN A HOSPITAL:<br><input type="checkbox"/> Inpatient <input type="checkbox"/> ER/Outpatient <input type="checkbox"/> DOA<br>IF DEATH OCCURRED SOMEWHERE OTHER THAN A HOSPITAL:<br><input type="checkbox"/> Hospice Facility <input checked="" type="checkbox"/> Nursing Home <input type="checkbox"/> Decedent's Home <input type="checkbox"/> Other (Specify) |  |   |  |  |   |   |  |
| 14. COUNTY OF DEATH<br>LLANO  |  |   |  | 15. CITY/TOWN, ZIP - (IF OUTSIDE CITY LIMITS, GIVE PRECINCT NO)<br>KINGSLAND, 78639  |   | 16. FACILITY NAME (If not institution, give street address)<br>WINDCHIME  |  |
| 17. INFORMANT'S NAME & RELATIONSHIP TO DECEASED<br>SHEILA WEBB - DAUGHTER   |  |   |  | 18. MAILING ADDRESS OF INFORMANT (Street and Number, City, State, Zip Code)<br>304 BRIDGEPOINT DRIVE, KINGSLAND, TX 78639  |   |   |  |
| 19. METHOD OF DISPOSITION:<br><input type="checkbox"/> Burial <input checked="" type="checkbox"/> Cremation <input type="checkbox"/> Donation<br><input type="checkbox"/> Entombment <input type="checkbox"/> Removal from state <input type="checkbox"/> Mausoleum<br><input type="checkbox"/> Other (Specify)   |  |   |  | 20. SIGNATURE AND LICENSE NUMBER OF FUNERAL DIRECTOR OR PERSON ACTING AS SUCH<br>ELIJAH M. HEATLEY, BY ELECTRONIC SIGNATURE - 116789   |   | 21. <input checked="" type="checkbox"/> Unknown<br>Section _____<br>Block _____<br>Lot _____<br>Space _____   |  |
| 22. PLACE OF DISPOSITION (Name of cemetery, crematory, other place)<br>PUTNAM CREMATORY   |  |   |  | 23. LOCATION (City/Town, and State)<br>KINGSLAND, TX   |   |   |  |
| 24. NAME OF FUNERAL FACILITY<br>PUTNAM FUNERAL HOME, LLC  |  |   |  | 25. COMPLETE ADDRESS OF FUNERAL FACILITY (Street and Number, City, State, Zip Code)<br>145 TEXAS AVE., KINGSLAND, TX 78639   |   |   |  |
| 26. CERTIFIER (Check only one)<br><input checked="" type="checkbox"/> Certifying physician - To the best of my knowledge, death occurred due to the cause(s) and manner stated.<br><input type="checkbox"/> Medical Examiner/Judge of the Peace - On the basis of examination, and/or investigation in my opinion, death occurred at the time, date and place, and due to the cause(s) and manner stated.               |  |   |  |  |   |   |  |
| 27. SIGNATURE OF CERTIFIER<br>ALAN LEIFESTE, BY ELECTRONIC SIGNATURE  |  |   |  | 28. DATE CERTIFIED (mm-dd-yyyy)<br>JANUARY 27, 2020  |   | 29. LICENSE NUMBER<br>M0791   |  |
| 31. PRINTED NAME, ADDRESS OF CERTIFIER (Street and Number, City, State, Zip Code)<br>ALAN LEIFESTE 525 RANCH ROAD 2900, KINGSLAND, TX 78639   |  |   |  | 30. TIME OF DEATH (Actual or presumed)<br>03:24 PM   |   |   |  |
| 32. TITLE OF CERTIFIER<br>MD  |  |   |  |  |   |   |  |
| 33. PART 1. ENTER THE CHAIN OF EVENTS - DISEASES, INJURIES, OR COMPLICATIONS - THAT DIRECTLY CAUSED THE DEATH. DO NOT ENTER TERMINAL EVENTS SUCH AS CARDIAC ARREST, RESPIRATORY ARREST, OR VENTRICULAR FIBRILLATION WITHOUT SHOWING THE ETIOLOGY. DO NOT ABBREVIATE. ENTER ONLY ONE CAUSE ON EACH.  |  |   |  |  |   |   |  |
| IMMEDIATE CAUSE (Final disease or condition resulting in death)   |  | a. SENILE DEGENERATION OF BRAIN<br>Due to (or as a consequence of)  |  |  |   | Approximate interval Onset to death<br>MONTHS   |  |
| Sequentially list conditions, if any, leading to the cause listed on line a. Enter the UNDERLYING CAUSE (disease or injury that initiated the events resulting in death) LAST   |  | b. _____<br>Due to (or as a consequence of)   |  |  |   |   |  |
|   |  | c. _____<br>Due to (or as a consequence of)   |  |  |   |   |  |
|   |  | d. _____<br>Due to (or as a consequence of)   |  |  |   |   |  |
| PART 2. ENTER OTHER SIGNIFICANT CONDITIONS CONTRIBUTING TO DEATH BUT NOT RESULTING IN THE UNDERLYING CAUSE GIVEN IN PART 1.   |  |   |  |  |   |   |  |
| 34. WAS AN AUTOPSY PERFORMED?<br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No  |  |   |  | 35. WERE AUTOPSY FINDINGS AVAILABLE TO COMPLETE THE CAUSE OF DEATH?<br><input type="checkbox"/> Yes <input type="checkbox"/> No  |   |   |  |
| 36. MANNER OF DEATH:<br><input checked="" type="checkbox"/> Natural<br><input type="checkbox"/> Accident<br><input type="checkbox"/> Suicide<br><input type="checkbox"/> Homicide<br><input type="checkbox"/> Pending Investigation<br><input type="checkbox"/> Could not be determined   |  | 37. DID TOBACCO USE CONTRIBUTE TO DEATH?<br><input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No<br><input type="checkbox"/> Previously<br><input type="checkbox"/> Probably<br><input type="checkbox"/> Unknown  |  | 38. IF FEMALE:<br><input type="checkbox"/> Not pregnant within past year<br><input type="checkbox"/> Pregnant at time of death<br><input type="checkbox"/> Not pregnant, but pregnant within 42 days of death<br><input type="checkbox"/> Not pregnant, but pregnant 43 days to one year before death<br><input type="checkbox"/> Unknown if pregnant within the past year |   | 39. IF TRANSPORTATION INJURY, SPECIFY:<br><input type="checkbox"/> Driver/Operator<br><input type="checkbox"/> Passenger<br><input type="checkbox"/> Pedestrian<br><input type="checkbox"/> Other (Specify) |  |
| 40a. DATE OF INJURY (mm-dd-yyyy)  |  | 40b. TIME OF INJURY   |  | 40c. INJURY AT WORK?<br><input type="checkbox"/> Yes <input type="checkbox"/> No   |   | 40d. PLACE OF INJURY (e.g. Decedent's home, construction site, restaurant, wooded area)   |  |
| 40e. LOCATION (Street and Number, City, State, Zip Code)  |  |   |  | 40f. COUNTY OF INJURY  |   |   |  |
| 41. DESCRIBE HOW INJURY OCCURRED  |  |   |  |  |   |   |  |
| 42a. REGISTRAR FILE NO.   |  | 42b. DATE RECEIVED BY LOCAL REGISTRAR   |  | 42c. REGISTRAR<br><i>Tara Das</i>  |   |   |  |

TEXAS DEPARTMENT OF STATE HEALTH SERVICES - VITAL STATISTICS UNIT

WARNING: The penalty for knowingly making a false statement in this form can be 2-10 years in prison and a fine up to \$10,000. (Health and Safety Code, Sec. 191.199)

VS-112 REV 1/2006



This is a true and correct copy of the record as registered in the State of Texas. Issued under the authority of Section 191.051, Health and Safety Code.

ISSUED Jan 30 2020

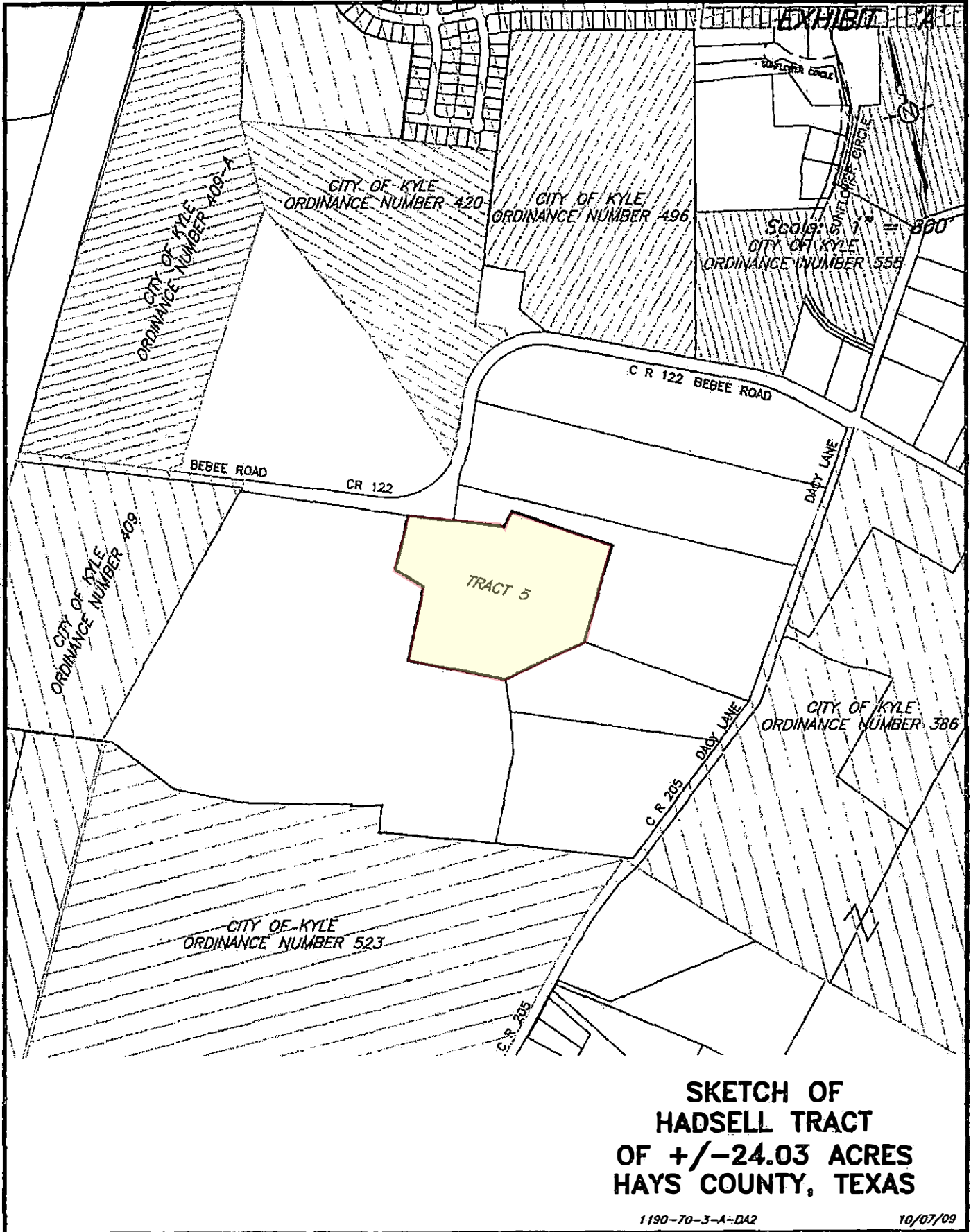
*Tara Das*  
TARA DAS  
STATE REGISTRAR

WARNING: THIS DOCUMENT HAS A DARK BLUE BORDER AND A COLORED BACKGROUND

ANY ALTERATION OR ERASURE VOIDS THIS CERTIFICATE

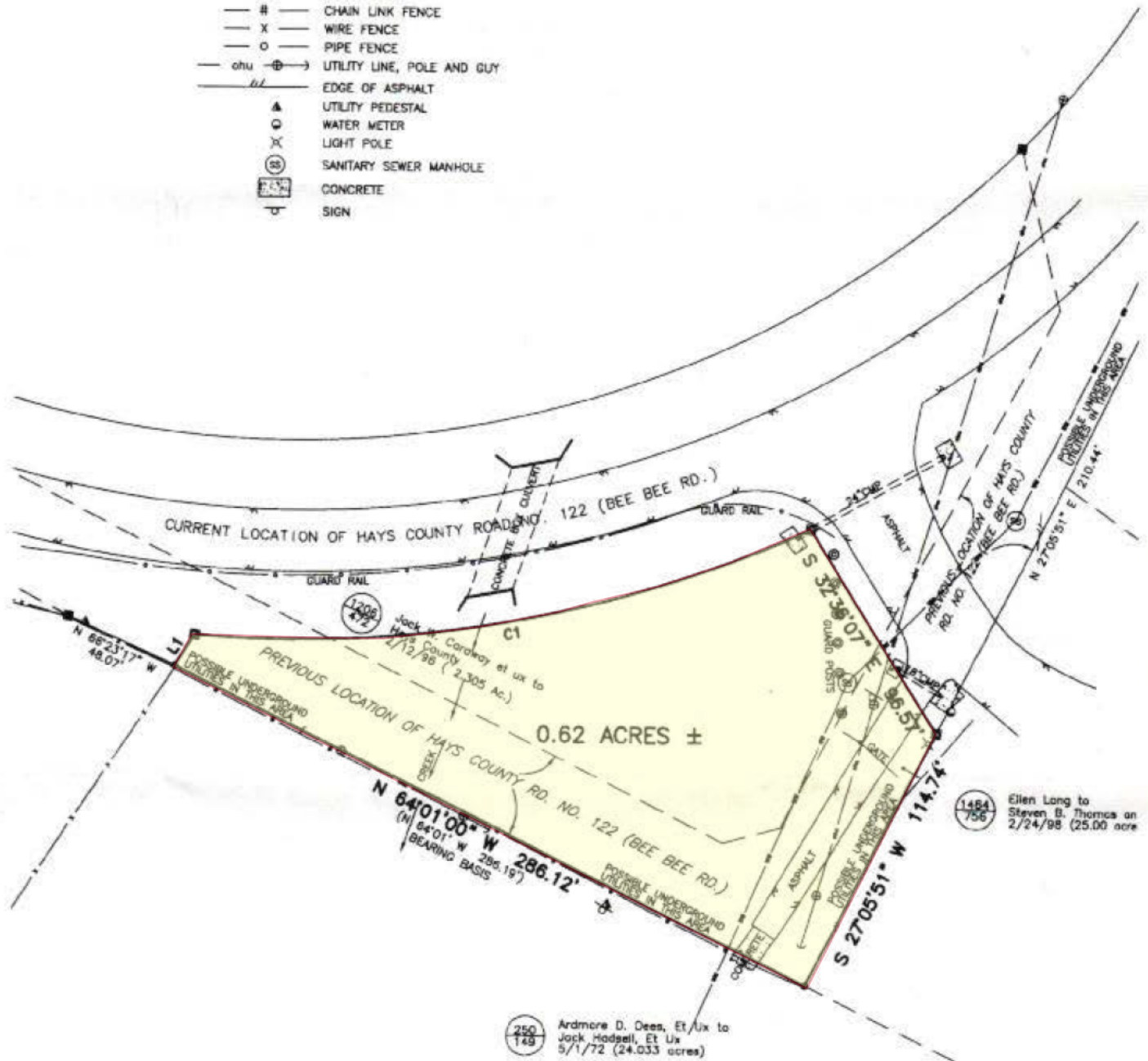
Item # 6





**LEGEND**

- VOL  
PG HAYS COUNTY DEED, REAL PROPERTY OR OFFICIAL PUBLIC RECORDS
- 1/2" IRON ROD SET WITH PLASTIC CAP STAMPED "BYRN SURVEY"
- 1/2" IRON ROD FOUND OR DIAMETER NOTED
- 5/8" IRON ROD FOUND WITH PLASTIC CAP STAMPED "RPLS 4532"
- // — WOOD FENCE
- # — CHAIN LINK FENCE
- X — WIRE FENCE
- O — PIPE FENCE
- ohu — UTILITY LINE, POLE AND GUY
- / / — EDGE OF ASPHALT
- ▲ UTILITY PEDESTAL
- WATER METER
- × LIGHT POLE
- ⊗ SANITARY SEWER MANHOLE
- ⊞ CONCRETE
- ⊞ SIGN



| BEARING       | DISTANCE |
|---------------|----------|
| N 32°57'08" E | 14.90'   |

| ΔVE | DELTA ANGLE | RADIUS  | ARC LENGTH | CHORD BEARING | CHORD LENGTH |
|-----|-------------|---------|------------|---------------|--------------|
|     | 29°27'53"   | 498.37' | 256.29'    | N 79°37'27" E | 253.48'      |



# Property Location Map

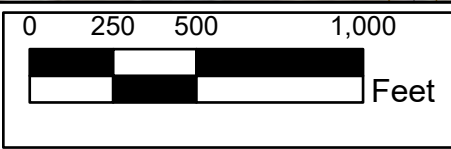
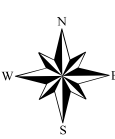
Z-21-0083

600 Bebee Rd

24.65 Acres



Maxar, Microsoft

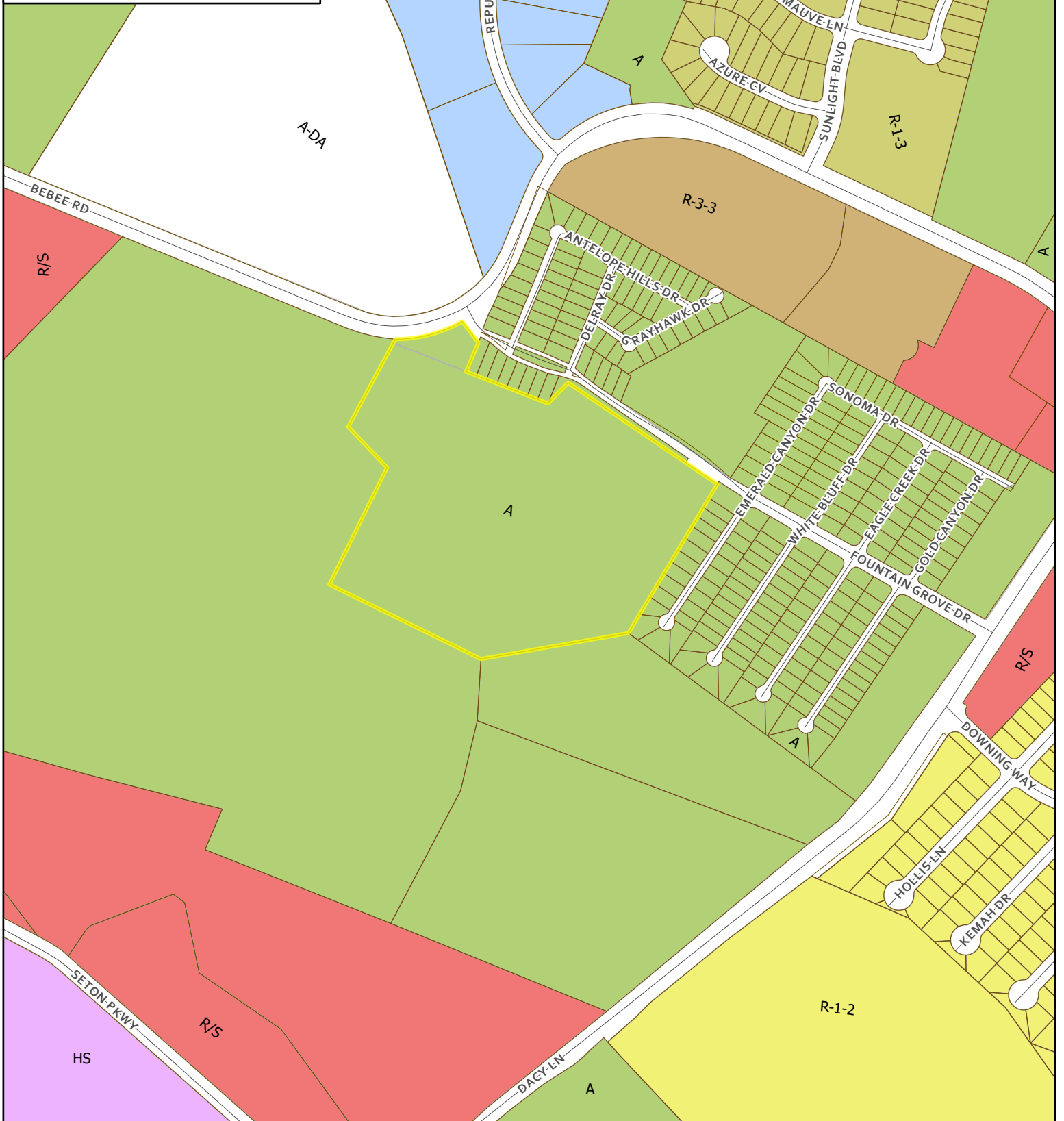


 Property Location

 Parcel Lines

Item # 6

**Current Zoning Map**  
**Z-21-0083**  
**600 Bebee Rd**  
**24.65 Acres**



 **Property Location**

 **Parcel Lines**



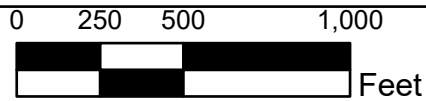
Landuse Districts Map  
Z-21-0083  
600 Bebee Rd  
24.65 Acres

**Regional Node**

**NewTown  
Community**

**Super  
Regional  
Node**

**East  
New  
Settlement  
Community**



 **Property Location**

 **Parcel Lines**

Item # 6



# CITY OF KYLE, TEXAS

Sec. 53-5 Definitions (Building Acre, Multifamily Residential Restricted, Townhouse); Sec. 53-443 – Permitted Uses; Sec. 54-5 (Note 1).

Meeting Date: 7/27/2021  
Date time: 6:30 PM

**Subject/Recommendation:** A public hearing to amend Chapter 53 (Zoning) of the City of Kyle, Code of Ordinances. The following sections will be considered: Sec. 53-5 Definitions (Building Acre, Multifamily Residential Restricted, Townhouse); Sec. 53-443 – Permitted Uses; Sec. 54-5 (Note 1).

- Public Hearing
- Recommendation to City Council

**Other Information:**

**Legal Notes:**

**Budget Information:**

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**ATTACHMENTS:**

**Description**

- Staff Memo
- Ordinance



# CITY OF KYLE

## Community Development Department

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### MEMORANDUM

**TO:** Planning & Zoning Commission

**FROM:** Howard J. Koontz – Director of Planning and Community Development

**DATE:** Tuesday, July 27, 2021

**SUBJECT:** Amendments to Sec. 53-5 *Definitions*, Sec. 53-443 *Permitted Uses* & Sec. 54-5 (Note 1)

### REQUEST

Staff presents for your consideration an amendment to Sec. 53-5 *Definitions* and Sec. 53-443 *Permitted Uses*, Sec. 54-5 (Note 1).

### TEXT OF THE ZONING ORDINANCE

#### **Sec. 53-5. - Definitions.**

*Building acre* means the area within the total subdivision boundary upon which living unit equivalents (LUEs) can be built and is calculated by subtracting from the total area of the subdivision the sum total of floodplain area, park area, hike and bike trail area and street right-of-way area (i.e., buildable acre equals total acres of subdivision less sum total of floodplain area, park area, hike and bike trail area and right-of-way area). [For clarification purposes, this is net density \(gross acreage minus streets, parks, hike and bike trails, floodplain, detention, etc.\).](#)

*Multi-family residential, restricted* means multiple-family residences, containing **five ten** or fewer dwelling units which are located above the first floor of a structure that has a nonresidential use, such as an office or retail shop, operating on the first floor.

*Townhouse* means a structure on an individual lot, which is one of a series of **three four** or more dwelling units designed for single-family occupancy, which dwelling units are structurally connected, immediately adjacent to and abutting each other between individual dwelling units. A condominium apartment (as defined in V.T.C.A., Property Code ch. 82) in a condominium structure may be considered a townhouse if no other

dwelling unit or use of any kind exists immediately above or below it. Any project including three or more such condominiums or townhouses shall be considered a townhouse project.

**Sec. 53-443. - Permitted uses.**

(a) The CBD-2 central business district 2 is less restrictive than CBD-1 and principally addresses development in the original town and central area of the city, allowing a mix of uses including, office, restricted commercial, restricted multi-family residential and residential uses. Each multi-family dwelling unit shall be required to have a minimum of five hundred (500) square feet of living area.

(b) The uses permitted in the CBD-2 central business district 2 shall be as provided in [section 53-1230](#).

[\(c\) 1 multi-family dwelling unit is allowed on the ground floor. The dwelling unit will be located at the rear of the building.](#)

**Sec. 54-5 (Note 1) Landscaping requirements**

A minimum percentage of the total lot area shall be devoted to landscape development in accordance with the following schedule:

| Zoning and/or Proposed Land Use                   | Percentage |
|---|------------|
| R-1-T, R-1-C, R-3-1, R-3-2, R-3-3, CBD-1          | 15         |
| R-1-1, R-1-2, R-1-A, R-2, M-1, M-2, M-3           | Note 1     |
| CBD-2, RS, E, TU (SIC code 48811900 only), CC, RV | 10         |
| W, CM   | 15         |
| PUD   | Note 2     |
| Agricultural, E                                   | None       |
| Private and public park/public area               | 20         |

Note 1—Minimum landscape requirements for each lot on which a single-family, duplex, triplex or fourplex dwelling, or a manufactured home, is constructed or installed after the date of the ordinance from which this chapter is derived shall be a minimum of ~~two three-inch trees~~, six two-gallon shrubs and lawn grass from the front property line to the front two corners of the structure all plants shall be of native and adapted species and drought resistant. [A total of two, two-inch trees are required to be planted per residential lot. Front yards with limited room for planting, may plant one tree in the rear yard. The remaining tree may be planted in the front yard, in the public ROW or access easement \(street tree\).](#) Residential structures on reverse frontage lots shall also be required to screen the rear of the structure from the abutting highway, access road, or other public rights-of-way.

## ANALYSIS

With the Planning & Zoning Commission's consent, staff has brought forward a handful of simple code edits to better facilitate the City of Kyle's development code. The above text changes are also shown in a draft ordinance but not redlined, to show how the ordinance would read in the case of approval.

As previously discussed, the edit to the definition of *Building Acre* is to clarify how the City of Kyle defines net density. Staff frequently has to explain to developers how the City defines net density (building acre), and this amendment should help in that regard.

The amendment to the definition of *Townhouse* is needed because in the existing definition, a townhouse is three (3) or more, side by side, attached, residential uses. Sec. 53-140 states a townhouse is four (4) or more attached residential units. Changing Sec. 53-5 from three units to four units establishes consistency.

The proposed amendment to Sec. 54-5 (Note 1) is important for a couple reasons. The first, changing the minimum caliper (trunk diameter) to two (2) inches, helps a newly planted tree to adapt to its new planting area better. It helps the tree become more resistant to adverse weather conditions (drought, floods, ice, etc.), when the tree is planted at a younger age. The two (2) inch caliper is also standard for most nurseries across the United States, which in turn helps developers source appropriate trees easier and for less expense.

The second edit to Sec. 54-5 (Note 1), is to allow greater flexibility for planting areas when a home is constructed. As residential lots decrease in size, and home placement on those lots varies with design and access needs, there is sometimes less room in the front yard for trees. Between the standard front municipal utility easement (15'), and the front setback of the house (20'-30'), there's not much room for planting a tree. This edit allows for one tree to be planted in the rear yard, and the "front yard" tree to be also in the planting strip of public right-of-way (advocated for in the Residential Style Guide). This will help prevent unnecessary overcrowding of mature trees, and reduce the chance of tree roots causing foundation issues and interfering with water or wastewater service lines for the home.

The last proposed edits to the zoning code takes us back up to Sec. 53-5, with the definition of *Multifamily Residential, Restricted* and Sec. 53-443 *Permitted Uses*.

- Amending the definition of *Multifamily Residential, Restricted* to increase the allowable residential units in the CBD-2 zoning district, will help better facilitate vertical mixed-use buildings in Downtown Kyle. Vertical mixed-use is already allowed in the CBD-2 zoning district (Hays Free Press & 225 S. Main), but the limit of five (5) residential units has not proven itself to be attractive enough to make vertical mixed use more prevalent in Kyle's CBD-2 district.

The CBD-2 zoning district allows a building to be a maximum of four (4) stories and forty-five (45) feet high. Each residential unit is required to have a minimum of 500 sq. ft (efficiency apartment). Given the small size of standard lots around Mary Hartson Square, increasing the number of residential units to ten (10) above the first floor, would allow all the units to fit into a four (4) story building, without changing any other portion of the CBD-2 zoning district. This would accomplish two (2) items: 1) Spreading the construction cost out over the same leasable space

at a more affordable rent for the tenant; and 2) bring more residents to live on or near the downtown core, thus creating a more active atmosphere. This would help downtown businesses have more customers within walking distance.

- Amending Sec. 53-443 *Permitted Uses*, to allow one (1) ground floor residence per building will also help accomplish a couple goals. The first, is to allow an ADA compliant ground floor unit (at rear of building to preserve street front commercial space), to meet the requirements of the Fair Housing Act. This in turn, helps achieve a second goal of not requiring an elevator to the residential units on floors two through four (2-4). This is important, as requiring an elevator adds tens of thousands of dollars to the cost of constructing a building. This will both help lower the cost of constructing a vertical mixed-use building, and capture an under-served market of disabled tenants, making the idea of building multi-family in downtown Kyle more palatable.

The amendments to Sec. 53-5 *Multifamily Residential*, Restricted and Sec. 53-443 *Permitted Uses* go hand in hand. The combined efforts of passing these amendments will likely have an effect of increased development interest for the core of our downtown, and also in manner that is appropriate for a traditional central business district.

## **RECOMMENDATION**

Staff recommends approval of the amendments as written, and asks the Planning & Zoning Commission to vote recommending affirmation of the amendments.

## **ATTACHMENTS**

1. Draft Ordinance
2. Red-Lined Amendment



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

AN ORDINANCE AMENDING CHAPTER 53 (ZONING) OF THE CITY OF KYLE, TEXAS, FOR THE PURPOSE OF MODIFYING SECTION 53-5 – DEFINITIONS, SECTION 53-443 – PERMITTED USES AND SECTION 54-5 – LANDSCAPING REQUIREMENTS (NOTE 1); AUTHORIZING THE CITY SECRETARY TO AMEND THE CITY OF KYLE CODE OF ORDINANCES 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 Sections 53-5, 53-443 and 54-5 (Note 1) of the City of Kyle adopted in Chapter 53 (Zoning) be and the same is hereby amended to modify definitions and building allowances in the CBD-2 zoning district, as shown on the code section labeled Exhibit A.

SECTION 2. That the City Secretary is hereby authorized and directed to amend Sections 53-5, 53-443 and 54-1 (Note 1) in the Code of Ordinances of the City of Kyle, as shown in Exhibit A 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 \_\_\_\_\_, 2021, 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 \_\_\_\_\_, 2021, 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 \_\_\_\_\_, 2021.

ATTEST:

\_\_\_\_\_  
Jennifer Holm, City Secretary

\_\_\_\_\_  
Travis Mitchell, Mayor

## **Exhibit A**

**Sec. 53-5. - Definitions.**

*Building acre* means the area within the total subdivision boundary upon which living unit equivalents (LUEs) can be built and is calculated by subtracting from the total area of the subdivision the sum total of floodplain area, park area, hike and bike trail area and street right-of-way area (i.e., buildable acre equals total acres of subdivision less sum total of floodplain area, park area, hike and bike trail area and right-of-way area). For clarification purposes, this is net density (gross acreage minus streets, parks, hike and bike trails, floodplain, detention, etc.).

*Multi-family residential, restricted* means multiple-family residences, containing ten or fewer dwelling units which are located above the first floor of a structure that has a nonresidential use, such as an office or retail shop, operating on the first floor.

*Townhouse* means a structure on an individual lot, which is one of a series of four or more dwelling units designed for single-family occupancy, which dwelling units are structurally connected, immediately adjacent to and abutting each other between individual dwelling units. A condominium apartment (as defined in V.T.C.A., Property Code ch. 82) in a condominium structure may be considered a townhouse if no other dwelling unit or use of any kind exists immediately above or below it. Any project including three or more such condominiums or townhouses shall be considered a townhouse project.

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(b) The uses permitted in the CBD-2 central business district 2 shall be as provided in [section 53-1230](#).

(c) 1 multi-family dwelling unit is allowed on the ground floor. The dwelling unit will be located at the rear of the building.

**Sec. 54-5. - Landscaping requirements**

A minimum percentage of the total lot area shall be devoted to landscape development in accordance with the following schedule:

| Zoning and/or Proposed Land Use          | Percentage |
|--|------------|
| R-1-T, R-1-C, R-3-1, R-3-2, R-3-3, CBD-1 | 15         |
| R-1-1, R-1-2, R-1-A, R-2, M-1, M-2, M-3  | Note 1     |

|   |        |
|---|--------|
| CBD-2, RS, E, TU (SIC code 48811900 only), CC, RV | 10     |
| W, CM   | 15     |
| PUD   | Note 2 |
| Agricultural, E                                   | None   |
| Private and public park/public area               | 20     |

Note 1—Minimum landscape requirements for each lot on which a single-family, duplex, triplex or fourplex dwelling, or a manufactured home, is constructed or installed after the date of the ordinance from which this chapter is derived shall be a minimum of six two-gallon shrubs and lawn grass from the front property line to the front two corners of the structure all plants shall be of native and adapted species and drought resistant. A total of two, two-inch trees are required to be planted per residential lot. Front yards with limited room for planting, may plant one tree in the rear yard. The remaining tree may be planted in the front yard, in the public ROW or access easement (street tree). Residential structures on reverse frontage lots shall also be required to screen the rear of the structure from the abutting highway, access road, or other public rights-of-way.



# CITY OF KYLE, TEXAS

Amend Chapter 53 (Zoning) of the City of Kyle, Code of Ordinances.

The following sections will be considered: Sec. 53-1047 – Authorized Conditional Uses; Exhibit A. – Plum Creek Planned Unit Development, Article II. – Planned Unit Development District, Part D. – Additional Use Regulations Sec. 1. - Additional use, height and area regulations and exceptions applicable to PUD districts unless otherwise approved by the city council

Meeting Date: 7/27/2021  
Date time:6:30 PM



**Subject/Recommendation:** A public hearing to amend Chapter 53 (Zoning) of the City of Kyle, Code of Ordinances. The following sections will be considered: Sec. 53-1047 – Authorized Conditional Uses; Exhibit A. – Plum Creek Planned Unit Development, Article II. – Planned Unit Development District, Part D. – Additional Use Regulations Sec. 1. - Additional use, height and area regulations and exceptions applicable to PUD districts unless otherwise approved by the city council.

- Public Hearing
- Recommendation to City Council

**Other Information:** See attached.

**Legal Notes:** N/A

**Budget Information:** N/A

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## ATTACHMENTS:

### Description

- Staff Memo
- Ordinance



# CITY OF KYLE

## Community Development Department

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### MEMORANDUM

**TO:** Planning & Zoning Commission

**FROM:** Howard J. Koontz – Director of Planning and Community Development

**DATE:** Tuesday, July 27, 2021

**SUBJECT:** Sec. 53-1047 – Authorized Conditional Uses; Exhibit A. – Plum Creek Planned Unit Development, Article II. – Planned Unit Development District, Part D. – Additional Use Regulations Sec. 1. - Additional use, height and area regulations and exceptions applicable to PUD districts unless otherwise approved by the city council.

### REQUEST

Staff presents for your consideration an amendment to Sec. 53-1047 – Authorized Conditional Uses; Exhibit A. – Plum Creek Planned Unit Development, Article II. – Planned Unit Development District, Part D. – Additional Use Regulations Sec. 1. - Additional use, height and area regulations and exceptions applicable to PUD districts unless otherwise approved by the city council.

### TEXT OF THE ZONING ORDINANCE

#### **Sec. 53-1047. - Authorized conditional uses.**

The following listed conditional uses, and none other, may be authorized subject to the terms of this section and compliance with all conditional terms, regulations and requirements established by the city council:

- (1) Heliport in CM, W and PUD districts only;
- (2) Municipal service facilities and buildings in all districts;
- (3) Circus or carnival, but not within 300 feet of any residential district;

- (4) Privately operated community building or recreation field in all districts;
- (5) Telephone, radio or television broadcasting tower or station in T, CM, W and PUD districts only;
- ~~(6) Churches in all districts where not otherwise specifically permitted;~~
- ~~(7)~~(6) Cemeteries in A, TU, E, CBD-2, RS, W, CM, or PUD districts;
- ~~(8)~~(7) Schools, public and denominational, but not day care in all districts where not otherwise specifically permitted;
- ~~(9)~~(8) Manufactured homes in the limited areas as specifically authorized by this chapter;
- ~~(10)~~(9) Quarry operations are permitted in the CM district as conditional uses, subject to the requirements in division 2 of this article;
- ~~(11)~~(10) The specific manufacturing and warehouse uses set forth in the table in [section 53-1106](#) may be permitted as provided in division 3 in this article;
- ~~(12)~~(11) RV sales in the RS district within the I-35 overlay district only;

and

- ~~(13)~~(12) Buildings with a height of up to 150 feet ~~in the RS district in all zoning districts, including Planned Unit Developments, but not including the Plum Creek PUD.~~

Zoning districts not allowed a height exception:

- Single-family residential zoning districts (both attached and detached), including two-family structures (duplexes), three-family structures (triplexes), and townhomes.

**Chapter 53 Zoning, Exhibit A. – Plum Creek Planned Unit Development, Article II. – Planned Unit Development District, Part D. – Additional Use Regulations  
Sec. 1. - Additional use, height and area regulations and exceptions applicable to PUD districts unless otherwise approved by the city council.**

- (F) *Exceptions to height regulations.* The height limitations set forth in the ordinance do not apply to spires, belfries, cupolas, water tanks, ventilators, chimneys or other appurtenances usually required to be placed above the roof level and not intended for ~~human consumption~~ occupation. A maximum height of 80 feet is allowed for all civic structures not within 150 feet of a single-family residence. Civic is defined as a not-for-profit organization dedicated to arts, culture, education, religion,

recreation, government, transit, and municipal parking, or for use approved by the city council.

- 1) The City Council is authorized to approve exceptions to height maximums for multifamily, vertical mixed use, or commercial structures. The City Council may consider and act on exceptions to allow increase of height for such structures, following the special exceptions process.
  - a) Special Exceptions Process. An applicant may request to be placed on the City Council agenda for consideration. City staff will review the request, draft a report regarding the request, and City Council will determine if the request is appropriate.
  - b) The City Council may, with an affirmative vote of four or more of the members, request a recommendation from the Planning Commission prior to making a decision on the special exception request.

## **ANALYSIS**

With the Planning & Zoning Commission's consent, staff has brought forward a second series of code edits to better facilitate the City of Kyle's development code. The above text changes are also shown in a draft ordinance but not redlined, as to show how the ordinance would be upon approval.

The two (2) sections to be edited effectively accomplish the same goal. However, in the City of Kyle staff manages two (2) separate development codes (Plum Creek PUD & City of Kyle). As the city continues to grow, staff has found that the development code generally needs to be more flexible, especially regarding height restrictions.

- The first portion to be amended, is Sec. 53-1047. This section allows the City Council special consideration over certain land use types and metrics through the conditional use process, though not to be confused with the Planning & Zoning Commission's authority over the conditional use process regarding the IH-35 Overlay.

When initially drafted Sec. 53-1047 allowed special consideration as shown above. The two (2) most significant changes is to removal of churches or places of worship from this section, and changing the maximum height allowance of one-hundred-fifty feet (150') in the Retail Services zoning district, to include all zoning districts. Single and two-family residential districts are exempt from this proposal, as staff has not seen a request to exceed the standard thirty-five feet (35') maximum allowed in such districts.

Removing the requirement that churches or places of worship seek special consideration from the city council for geographic locations, brings our code into compliance with the federal law of RLUIPA (Religious Land Use and Institutionalized Persons Act). In short, this law prevents any state or local government entity from disallowing a church or house of worship to operate, without substantial reason.

Relating to the height restrictions portion, the most prevalent request we've seen is to allow four (4) story multi-family. Currently our code is capped at three (3) stories.

- The second portion to be amended is in the special exceptions clause of the Plum Creek PUD development code. In an effort to be fair to the Plum Creek portion of the City of Kyle, staff has brought forth the following changes to this section of code.

The first edit is to replace "human consumption" with "occupation". Simply speaking, staff feels this edit works with the code better, than the existing phrase.

The second edit is to allow height exceptions to multifamily, vertical mixed use and commercial structures. This mirrors Sec. 53-1047, which is outside the Plum Creek PUD. It also spells out the process of a special exception, as one does not currently exist.

## **RECOMMENDATION**

Staff recommends approval of the amendments as written, and asks the Planning & Zoning Commission to vote recommending affirmation of the amendments.

## **ATTACHMENTS**

1. Draft Ordinance
2. Red-Lined Amendment



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

AN ORDINANCE AMENDING CHAPTER 53 (ZONING) OF THE CITY OF KYLE, TEXAS, FOR THE PURPOSE OF MODIFYING SECTION 53-1047 – AUTHORIZED CONDITIONAL USES AND CHAPTER 53 ZONING, EXHIBIT A. – PLUM CREEK PLANNED UNIT DEVELOPMENT, ARTICLE II. – PLANNED UNIT DEVELOPMENT DISTRICT, PART D. – ADDITIONAL USE REGULATIONS, SECTION 1. – ADDITIONAL USE, HEIGHT AND AREA REGULATIONS AND EXCEPTIONS APPLICABLE TO PUD DISTRICTS UNLESS OTHERWISE APPROVED BY THE CITY COUNCIL; AUTHORIZING THE CITY SECRETARY TO AMEND THE CITY OF KYLE CODE OF ORDINANCES 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 Section 53-1047 and Part D. – Additional Use Regulations, Section 1 (Plum Creek PUD) of the City of Kyle adopted in Chapter 53 (Zoning) be and the same is hereby amended to modify conditional uses and building height exceptions, as shown on the code section labeled Exhibit A.

SECTION 2. That the City Secretary is hereby authorized and directed to amend Section 53-1047 and Part D. – Additional Use Regulations, Section 1 (Plum Creek PUD) in the Code of Ordinances of the City of Kyle, as shown in Exhibit A 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 \_\_\_\_\_, 2021, 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 \_\_\_\_\_, 2021, 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 \_\_\_\_\_, 2021.

ATTEST:

\_\_\_\_\_  
Jennifer Holm, City Secretary

\_\_\_\_\_  
Travis Mitchell, Mayor

## **Exhibit A**

## Sec. 53-1047. - Authorized conditional uses.

The following listed conditional uses, and none other, may be authorized subject to the terms of this section and compliance with all conditional terms, regulations and requirements established by the city council:

- (1) Heliport in CM, W and PUD districts only;
- (2) Municipal service facilities and buildings in all districts;
- (3) Circus or carnival, but not within 300 feet of any residential district;
- (4) Privately operated community building or recreation field in all districts;
- (5) Telephone, radio or television broadcasting tower or station in T, CM, W and PUD districts only;
- (6) Cemeteries in A, TU, E, CBD-2, RS, W, CM, or PUD districts;
- (7) Schools, public and denominational, but not day care in all districts where not otherwise specifically permitted;
- (8) Manufactured homes in the limited areas as specifically authorized by this chapter;
- (9) Quarry operations are permitted in the CM district as conditional uses, subject to the requirements in division 2 of this article;
- (10) The specific manufacturing and warehouse uses set forth in the table in [section 53-1106](#) may be permitted as provided in division 3 in this article;
- (11) RV sales in the RS district within the I-35 overlay district only; and
- (12) Buildings with a maximum height determined as appropriate by city council in all zoning districts, including Planned Unit Developments, but not including the Plum Creek PUD.

Zoning districts not allowed a height exception:

- Single-family residential zoning districts
- Two-family residential zoning districts

**Chapter 53 Zoning, Exhibit A. – Plum Creek Planned Unit Development, Article II. –  
Planned Unit Development District, Part D. – Additional Use Regulations**

**Sec. 1. - Additional use, height and area regulations and exceptions applicable to PUD  
districts unless otherwise approved by the city council.**

(F) *Exceptions to height regulations.* The height limitations set forth in the ordinance do not apply to spires, belfries, cupolas, water tanks, ventilators, chimneys or other appurtenances usually required to be placed above the roof level and not intended for occupation. A maximum height of 80 feet is allowed for all civic structures not within 150 feet of a single-family residence. Civic is defined as a not-for-profit organization dedicated to arts, culture, education, religion, recreation, government, transit, and municipal parking, or for use approved by the city council.

1) The City Council is permitted to approve exceptions to height maximums for multifamily, vertical mixed use, or commercial structures. The City Council may consider and act on exceptions to allow increase of height for such structures, following the special exceptions process.

a) *Special Exceptions Process.* An applicant may request to be placed on the City Council agenda for consideration. City staff will review the request, draft a report regarding the request, and City Council will determine if the request is appropriate. No public hearing is required.





# CITY OF KYLE, TEXAS

Consideration of Exception to Sec.  
41-10(b)(c), City of Kyle  
Subdivision Code

Meeting Date: 7/27/2021  
Date time: 6:30 PM

**Subject/Recommendation:** (Postponed on 6/8/21 & 6/22/21) Consideration of Exception to Sec. 41-10(b)(c), City of Kyle Subdivision Code (Exception to requiring platting for 400, 402, 404 S. Burleson).

**Other Information:** See attached.

**Legal Notes:** N/A

**Budget Information:** N/A

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**ATTACHMENTS:**

**Description**

- Staff Memo
- 400 S. Burleson Request
- 400 S. Burleson Deed
- 404 S. Burleson Deed & Request



# CITY OF KYLE

## Community Development Department

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### MEMORANDUM

**TO:** Planning & Zoning Commission

**FROM:** Will Atkinson – City Planner

**DATE:** Tuesday, June 8, 2021

**SUBJECT:** Sec. 41-10(b & c) – Exception to Platting (400, 402 & 404 S. Burleson, Kyle, TX)

### REQUEST

Upon the request of property owners of 400 & 404 S. Burleson, staff presents a request to allow an exception to replatting for property owners at 400, 402 & 404 S. Burleson (Sec. 41-10(b & c)).

### SUBDIVISIONS

#### **Sec. 41-10. - Exceptions.**

- (a) It is the expressed intent of this chapter that all sections and parts should be complied with, except in those instances when the provisions of this section are applicable. It is further the intent of this chapter that the granting of an exception to this chapter (i.e., a variance from the requirements hereof) shall not be a substitute for the amending of this chapter.
- (b) The planning and zoning commission may recommend to the council that an exception from these regulations be granted when, in its opinion, undue hardship will result from requiring strict compliance. In considering, recommending and granting an exception, either the planning and zoning commission or the council shall prescribe such conditions that it deems necessary or desirable in the public interest. In making the findings required in subsection (c) of this section, both bodies shall take into account, at least, the nature of the proposed use of the land involved, existing uses of land in the vicinity, the number of persons who will reside or work in the proposed subdivision, and the probable effect of such exception upon traffic conditions and upon the public health, safety, convenience and welfare in the vicinity.

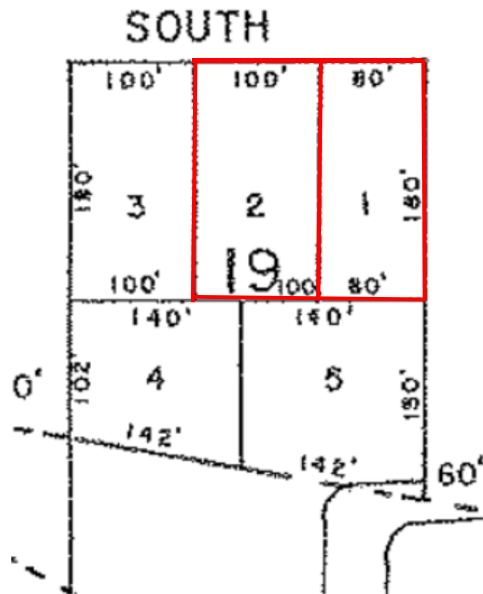
- (c) No exception shall be granted unless the following conditions are met:
- (1) That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this chapter would have a substantial adverse impact on the applicant's reasonable use of his land;
  - (2) That the granting of the exception will not be detrimental to the public health, safety or welfare, or injurious to other property in the area; and
  - (3) That the granting of the exception will not have the effect of preventing the orderly subdividing of other land in the area in accordance with the provisions of this chapter.
- (d) Such findings of the planning and zoning commission and council, together with the specific facts upon which such findings are based, shall be incorporated into the official minutes of the meeting at which such exception is recommended and granted.
- (e) Exceptions may be granted only when in harmony with the general purpose and intent of this chapter so that the public health, safety and welfare may be secured and substantial justice served.

(Ord. No. 296, art. I, § 10, 10-1-1996; Ord. No. 439, art. I, § 10, 11-24-2003)

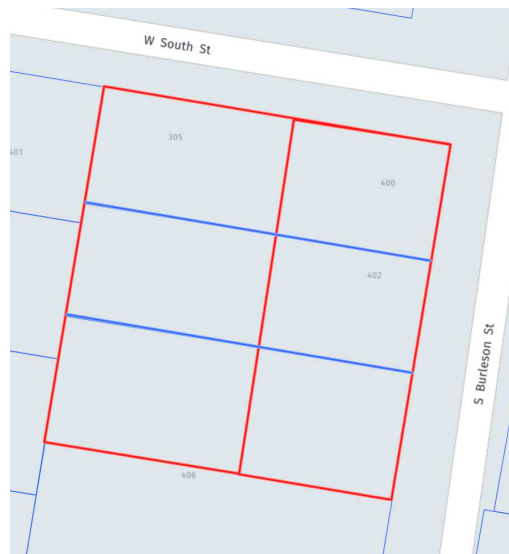
### **STAFF ANALYSIS**

The owner's of 400 & 404 S. Burleson are each wanting to construct a single family home on each lot. The City of Kyle requires lots to be platted in a uniform manner to tie into city water and wastewater. 400, 402 & 404 S. Burleson all have water and wastewater availability.

It has recently come to staff's attention that the properties located at 400, 402 & 404 S. Burleson are platted, but not in a manner that is compliant. The platted lots for the three (3) addresses are two (2) lots running in a north/south fashion (front lines facing onto W. South Street). The ownership boundaries do not match the platted lot boundaries, except at the perimeter. The ownership boundaries for all three lots run east/west.



Red Lines Indicate Platted Lots of 400, 402, 404 S. Burleson



Red Lines = Platted Lots  
Blue Lines = Ownership Boundaries

Early on, staff informed the property owners for 400 & 404 S. Burleson that a re-plat is required, to match the actual ownership boundaries, replacing the actual platted lot boundaries. This is due to the idea that a house built within the ownership boundaries, may actually cross a platted lot line. When building structures, it's illegal to cross boundary lines per Kyle's zoning ordinance.

However, as 2 out of the 3 property owners are currently trying to build homes, the administration of the permitting process is causing them delays. Staff informed the owners about Sec. 41-10, which allows a request for an exception to re-platting, as is their right. Approval of the exception is provided without cost to the landowners and could, if approved, expedite their building permits.

\*Only 2 of the 3 property owners responded to staff inquiries to provide ownership documents (400 & 404 S. Burleson). However, this should not pose a problem for 402 S. Burleson, as it will make it easier to receive building permits, if they choose to apply for such permits.

**\*\* As of 6/18/21, the owner of 402 S. Burleson has not given consent to pursue the platting exception. Therefore the exception request cannot be considered at this meeting.**

Staff believes the request for the exception meets the requirements and intent of Sec. 41-10(c)(1-3), as all three properties are within the perimeter boundary of both platted lots.

- “That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this chapter would have a substantial adverse impact on the applicant's reasonable use of his land;”
  - Attempting to replat one property will require all 3 properties to be replatted, even if one or more properties are not pursuing permits.
- “It will not be detrimental to the public health, safety or welfare, or injurious to other property in the area; and”
  - The ownership lines already exist, as does water and wastewater service. The ownership boundary lines meet the standards for the zoning districts on the properties, as if they were already platted.
- “The granting of the exception will not have the effect of preventing the orderly subdividing of other land in the area in accordance with the provisions of this chapter.”
  - The 3 properties are within the exact perimeter of the originally platted 2 lots. Not requiring a re-plat will have no effect of orderly subdividing of other land in accordance of Chapter 41.

The exception will only be allowed for properties located at 400, 402, & 404 S. Burleson, per this agenda item. The Planning & Zoning Commission will vote with a recommendation for City Council. At the June 15, 2021 City Council meeting, the Council will vote to consider this request.

## **RECOMMENDATION**

Because not all of the property owners have granted permission to pursue the platting exception, staff cannot ask the Planning & Zoning Commission to recommend approval. The Commission may delay the vote to a date certain or deny the request of the applicants.

## **ATTACHMENTS**



- 400 S. Burleson Request
- 400 S. Burleson Deed
- 404 S. Burleson Request
- 404 S. Burleson Deed

FROM: David Sheedy  
401 Fairfield Dr.  
Kyle Tx, 78640

TO: City Planner William Atkinson  
100 W. Center St.  
Kyle Tx, 78640

Dear William,

I am writing to request an exemption from platting for property I own located at 400 S. Burseson St. Kyle Texas. The City of Kyle Code of Ordinances provides for this exemption under section 41-10 -Exemptions sub-section (b).

My wife and I purchased a home in Kyle in 1999. Our family moved to Kyle in early 2000 and we have resided at 401 Fairfield Dr. since that time. In 2016 we purchased property at 400 S. Burseson in the original downtown area of Kyle. It was our intent to build a home and retire there. Records show that this property has been sold at least 3 times in its current configuration and that there had been 2 structures on the property. Both structures had been removed prior to our purchasing it in 2016.

In 2018, my wife and I went to the Planning and Zoning Dept. at City Hall. We spoke with someone from that department and discussed the planning and permitting process for construction of a single-family residence on our property. I subsequently met the same individual a second time with some follow-up questions. At no time where we given any indication that there was an issue with building on our lot.

In July of 2020 I retired from the Austin Fire Dept. with over 32 years of service. At that time, my wife and I began planning for our retirement home. We secured a builder, designed a one-story ranch style 2000 sq. foot home that blended well into the neighborhood. By late April 2021 we were prepared to close on the home and begin construction. Our builder had applied for all necessary permits and we were waiting final approval from the city when the problem was discovered. This was our first indication that there was any issue with platting.

This issue has created a financial hardship on my wife and myself. Additionally, it has jeopardized our contract with our builder due to the extended length of time the platting process takes. Most estimates we received from survey companies ranged from 6 to 8 months. As we all know, the price of lumber and building materials has sky rocketed in recent months and we were able to lock in a contract price for construction of our home prior to these increases. If we are not granted an exemption, we will have to begin the process all over and will be looking at a significant price increase.

Please consider my request for exemption from platting. Doing so will allow my wife and I to build our retirement home. I can assure you that we will be an asset to the original downtown community.

Thank you so much for your help.

Sincerely,

David Sheedy



**T-47 RESIDENTIAL REAL PROPERTY AFFIDAVIT  
(MAY BE MODIFIED AS APPROPRIATE FOR COMMERCIAL TRANSACTIONS)**

Date: March 29, 2016

GF No. \_\_\_\_\_

Name of Affiant(s): Jimmie Ortiz, James Ortiz

Address of Affiant: 301 Sunflower Cir, Kyle TX 78640

Description of Property: ORIGINAL TOWN OF KYLE, BLOCK 19, LOT N PT OF 1-2

County Hays, Texas

"Title Company" as used herein is the Title Insurance Company whose policy of title insurance is issued in reliance upon the statements contained herein.

Before me, the undersigned notary for the State of TEXAS, personally appeared Affiant(s) who after by me being sworn, stated:

1. We are the owners of the Property. (Or state other basis for knowledge by Affiant(s) of the Property, such as lease, management, neighbor, etc. For example, "Affiant is the manager of the Property for the record title owners."):

2. We are familiar with the property and the improvements located on the Property.

3. We are closing a transaction requiring title insurance and the proposed insured owner or lender has requested area and boundary coverage in the title insurance policy(ies) to be issued in this transaction. We understand that the Title Company may make exceptions to the coverage of the title insurance as Title Company may deem appropriate. We understand that the owner of the property, if the current transaction is a sale, may request a similar amendment to the area and boundary coverage in the Owner's Policy of Title Insurance upon payment of the promulgated premium.

4. To the best of our actual knowledge and belief, since July 25, 2013 there have been no:  
a. construction projects such as new structures, additional buildings, rooms, garages, swimming pools or other permanent improvements or fixtures;  
b. changes in the location of boundary fences or boundary walls;  
c. construction projects on immediately adjoining property(ies) which encroach on the Property;  
d. conveyances, replattings, easement grants and/or easement dedications (such as a utility line) by any party affecting the Property;

EXCEPT for the following (If None, Insert "None" Below): ALL STRUCTURES ON PROPERTY HAVE BEEN REMOVED.

5. We understand that Title Company is relying on the truthfulness of the statements made in this affidavit to provide the area and boundary coverage and upon the evidence of the existing real property survey of the Property. This Affidavit is not made for the benefit of any other parties and this Affidavit does not constitute a warranty or guarantee of the location of improvements.

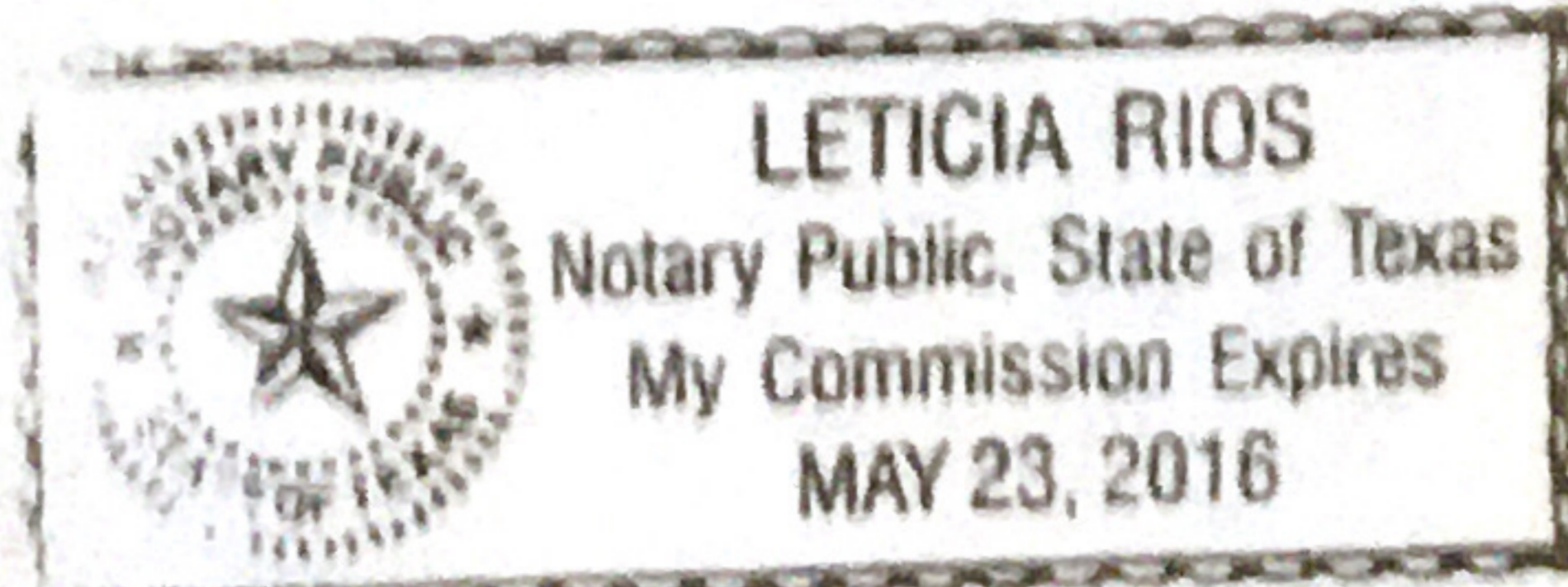
6. We understand that we have no liability to Title Company that will issue the policy(ies) should the information in this Affidavit be incorrect other than information that we personally know to be incorrect and which we do not disclose to the Title Company.

X [Signature]

X James Ortiz

SWORN AND SUBSCRIBED this 5th day of April, 2014

[Signature]  
Notary Public

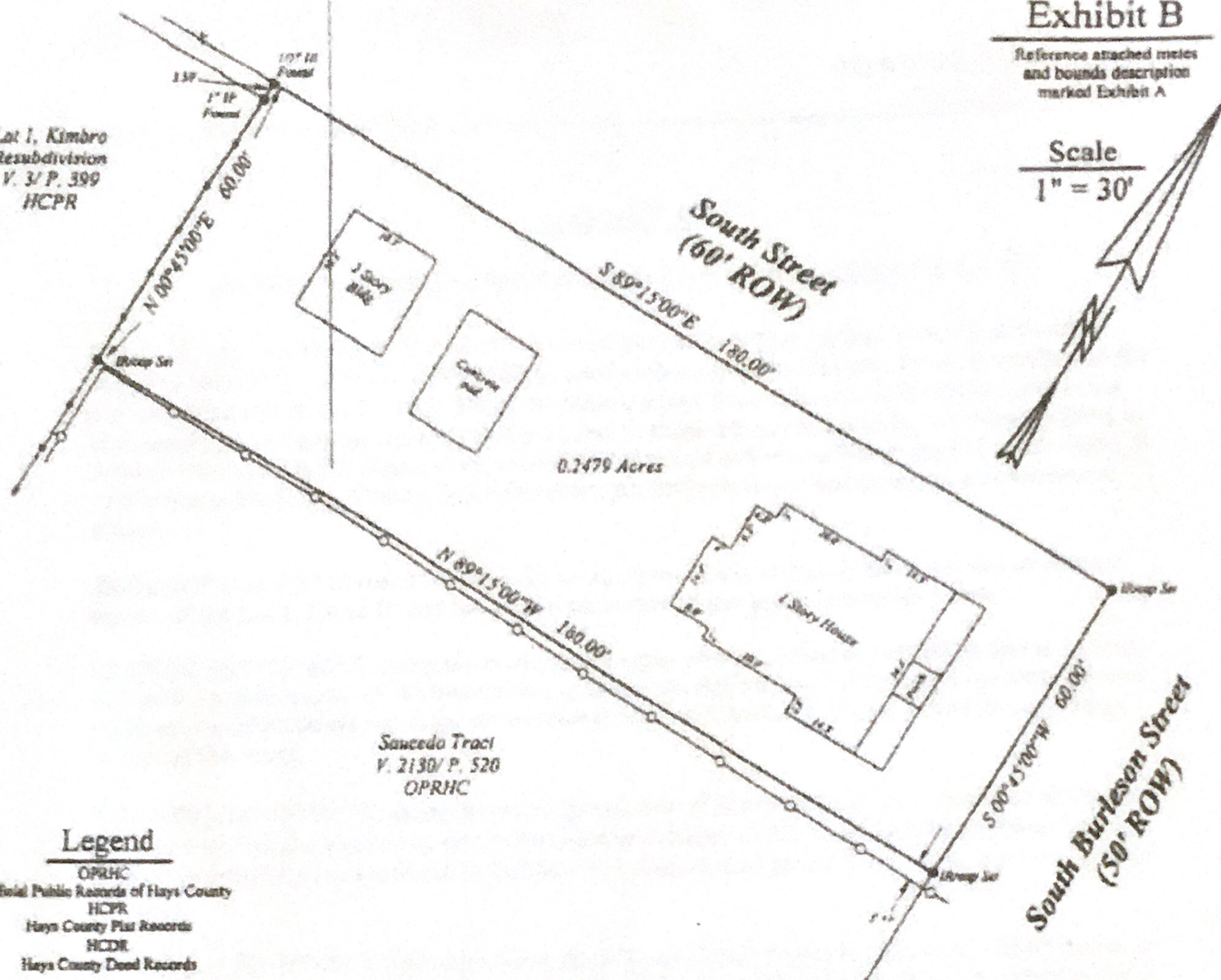




Reference attached notes and bounds description marked Exhibit A

Scale  
1" = 30'

Lot 1, Kimbro  
Resubdivision  
V. 3/P. 399  
HCPR



Saweedo Tract  
V. 2130/P. 520  
OPRHC

Legend

- OPRHC
- Official Public Records of Hays County
- HCPR
- Hays County Plat Records
- HCDR
- Hays County Deed Records
- ( ) Data from recorded documents
- V. 880/P. 373 - OPRHC
- Chastefence
- Woodfence

X-Monica Davidson

Surveyor's Notes: The bearing basis was determined from a 1" square bolt found at the intersection of the centerline of Hance Street with the centerline of South Street and a 1" square bolt found at the intersection of the South Street with the centerline of South Burleson Street between Block 7 and Block 6, of the Town of Kyle. Volume 4116, Page 608, OPRHC, does not affect this tract.

**PLAT SHOWING SURVEY OF 0.2479 ACRES OUT OF AND PART OF LOTS 1 AND 2, BLOCK 19 OF THE THE ORIGINAL TOWN OF KYLE, A SUBDIVISION IN HAYS COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN VOLUME 62, PAGE 599, OF THE HAYS COUNTY DEED RECORDS.**

**FOR: Ty Davidson and Monica Davidson**

**GF: 01247-10128/ Gracy Title**

**DATE: July 25, 2013**

**ADDRESS: 400 South Burleson Street, Kyle, Texas.**

The undersigned does hereby certify that this survey was made on the ground of the property legally described hereon and is essentially correct and that there are no visible discrepancies, encroachments, overlapping of improvements, visible utility easements or roadways, except as shown and that said property has access to a public road. Only those plats with a red surveyors seal and red signature shall be deemed reliable and authentic.

*[Signature]*  
**Ronald D. Hayes, Registered Professional Land Surveyor, No. 5703**

According to the scaling of Map Panel 0F of the September 2, 2005 insurance rate map for the County of Hays, Texas, the property described hereon is in the Zone "X" of the flood hazard area and determined to be outside the 100 year flood zone.



**HAYES SURVEYING  
202 SUNFLOWER DRIVE  
KYLE, TEXAS 78640  
512-268-4813**



5/26/2021

Attn: William Atkinson/City Planner

100 W. Center St

Kyle Tx, 78640

Re: 404 S. Burleson

This letter is in regards to the replatting of lots 400-406 S. Burleson of which we are the owners of lot 404.

It is my understanding that the City has an Ordinance in place requiring the replatting of said lots. We met with you April 2020 as did Mr. Rex Nellis from Palm Harbor homes and discussed the placing of a Modular Home and preparation and permits of the lot as required by the City yet never once was replatting mentioned as such I am curious when this was adopted and do the owners get notified? I want to mention that we became aware of this via Mr. Nellis second visit to the City for permits 2 weeks ago.

I am aware of another owner @400 S. Burleson having the same concern of this Ordinance as well as the other homeowners. This places a financial hardship on us as we are retired and can not afford the financial burden being placed on us as there are additional expenses to get utilities to the property that are quite costly.

I am asking for consideration of the exemption that is in place under City of Kyle Code of Ordinances section 41-10 Exemptions sub-section (b).

Thank You,

Natividad Romo Jr. & Eloise Romo

*Natividad Romo Jr. Eloise Romo*

VOL 268 386

STATE OF TEXAS

I

COUNTY OF HAYS

I

KNOW ALL MEN BY THESE PRESENTS:

I

I

88854

THAT WE, Jose Gonzales and wife, Argelia Gonzales of Hays County, in the State of Texas, for and in consideration of the money paid and assumed to be paid by Natividad Romo and wife, Eloisa Romo, as hereinafter shown and stated, have GRANTED, SOLD AND CONVEYED, and by these presents do GRANT, SELL AND CONVEY, unto the said Natividad Romo and wife, Eloisa Romo, of the County of Hays and the State of Texas, subject to the hereinafter mentioned taxes and liens:

Situated in the Town of Kyle, in Hays County, Texas, being the South 1/3 of Lots Nos. One (1) and Two (2) in Block No. Nineteen (19) of the said Town of Kyle, according to the map or plat thereof recorded in Volume R. page 336, Hays County Deed Records, said property fronting 60 feet on Burleson Street and extending in a westerly direction between parallel lines for a distance of 180 feet, the South line of said property being the South line of said Lots Nos. 1 and 2 of Block 19; and being that same identical real property conveyed by and described in deed from E.D. Hauptrief, a single man, to E.H. Woods, dated March 29, 1963, recorded in Vol. 199, pages 163-4, Hays County Deed Records; and said map or plat and said deed, together with their respective records, are here referred to and made a part hereof for all pertinent, legal and descriptive purposes.

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging unto the said Natividad Romo and wife, Eloisa Romo, their heirs and assigns forever; and we do hereby bind ourselves, our heirs, executors and administrators, to warrant and forever defend all and singular, the said premises unto the said Natividad Romo and wife, Eloisa Romo, their heirs and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, subject to the hereinafter described taxes and liens.

The consideration for this conveyance is as follows:

1. The sum of TEN AND NO/100 DOLLARS (\$10.00) and other



good and valuable consideration to us in hand paid by the said Natividad Romo and wife, Eloisa Romo, the receipt whereof is hereby acknowledged and confessed.

2. The assumption on the part of the said Natividad Romo and wife, Eloisa Romo, effected by the acceptance of this conveyance, of the unpaid balance now due and owing upon one certain promissory note, in the original principal sum of FOUR THOUSAND EIGHT HUNDRED AND NO/100 DOLLARS (\$4,800.00), dated the 15th day of July, 1968 and executed by Grantors herein and payable to the First Federal Savings and Loan Association of San Marcos, or order, at San Marcos, Texas with interest and other terms as set out in said note, the terms and conditions of which note are incorporated herein by reference and made a part hereof for all pertinent purposes.

The above described note is secured by Vendor's Lien retained in the above mentioned deed to Grantors herein, and the payment of said note is additionally secured by deed of trust from Grantors herein in favor of the said First Federal Savings and Loan Association of San Marcos said deed of trust conveying the above described real property and dated of even date with said deed and note, and being of record in Volume 124, pages 490-492, Hays County Deed of Trust Records. Grantees herein expressly assume and promise to pay said note, according to its face, tenor, effect and reading; and, said Grantees expressly assume and obligate themselves to perform and carry out all of the duties and obligations imposed by said deed of trust upon the makers thereof the same extent and in the same way as though Grantees herein were the original makers of said note and Grantors in said deed of trust.

3. The further consideration of the execution and delivery by Grantees of their one certain promissory note of even date herewith, payable to the order of Grantors in the sum of THREE THOUSAND SIX HUNDRED AND NO/100 DOLLARS (\$3,600.00) payable in monthly installments and bearing the interest as therein provided and containing the usual clauses relating to acceleration of maturity

and for attorney's fees, and providing for payment of the note hereby assumed, at the option of the holder, in the event of default in the payment of the note hereby assumed, or default in any covenant or condition of the Deed of Trust securing said note hereby assumed, the payment of which said note of even date herewith is secured by a Vendor's Lien herein retained.

BUT it is expressly agreed that the Vendor's Lien, as well as the Superior Title in and to the above described premises, is retained against the above described property, premises and improvements until the above described notes and all interest thereon are fully paid according to the face, tenor, effect and reading thereof, when this Deed shall become absolute.

It is further expressly agreed that the Vendor's Lien herein retained shall secure the note of even date herewith and the note assumed by Grantee herein and, in the event of default in the payment of said note so assumed (or default in any covenant or condition of any instrument securing payment of said note so assumed), the Grantors herein shall have the right and privileges of foreclosing the Vendor's Lien reserved in their favor herein

WITNESS OUR HAND on this the 14th day of June, A.D., 1974.

*Jose Gonzales*  
Jose Gonzales

*Argelia Gonzales*  
Argelia Gonzales

STATE OF TEXAS

COUNTY OF HAYS

BEFORE ME, the undersigned authority, in and for Hays County, Texas, on this day personally appeared Jose Gonzales and wife, Argelia Gonzales, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 14th day of June, A.D., 1974.



*L.R. Molina*  
Notary Public in and for  
Hays County, Texas

THE STATE OF TEXAS }  
COUNTY OF HAYS }

I, LYDELL B. CLAYTON, Clerk of the County Court within and for the County and State aforesaid, do hereby certify that the within and foregoing instrument of writing with its Certificate of Authentication, was filed for record in my office on the 14th day of June, A.D. 1974, at 3:15 o'clock P.M., and duly recorded on the 20th day of June, A.D. 1974, at 4:50 o'clock A.M. in the Deed Records of said County in Book Number 288 Page 386-388 Inclusive.  
WITNESS MY HAND AND SEAL OF THE COUNTY COURT OF HAYS COUNTY, TEXAS, the date last above written.  
*Lydell B. Clayton*  
LYDELL B. CLAYTON, Clerk of the County Court within and for the County By *[Signature]* Deputy



# CITY OF KYLE, TEXAS

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

**Meeting Date: 7/27/2021**  
**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:**

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**ATTACHMENTS:**

**Description**

No Attachments Available





# CITY OF KYLE, TEXAS

## Staff Report

Meeting Date: 7/27/2021

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:**

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**ATTACHMENTS:**

**Description**

No Attachments Available