

CITY OF KYLE

PLANNING AND ZONING COMMISSION SPECIAL CALLED MEETING



Kyle City Hall, 100 W. Center Street, Kyle, TX 78640
The public can watch remotely at: Spectrum 10;
<https://www.cityofkyle.com/kyletv/kyle-10-live>. One or more members of the governing body may participate in the meeting by videoconference pursuant to Section 551.127, Texas Government Code, provided that a quorum of the governing body will be present at Kyle City Hall.

Notice is hereby given that Planning and Zoning Commission of the City of Kyle, Texas will meet at 6:00 PM on January 18, 2022, at Kyle City Hall, 100 W. Center Street, Kyle, TX 78640, 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 14th day of January, 2022, prior to 6:00 pm

1. CALL THE MEETING TO ORDER

A.Roll Call

2. CITIZEN COMMENTS

3. CONSENT

A Kalterra Addition Lots 1-5 - Final Plat (SUB-21-0222) 6.506 acres; 5 commercial lots located at 2600 Kyle Crossing.

Staff Proposal to P&Z: Approve the final plat.

B Shadow Creek Phase 1 Section 5, Block A, Lot B, Commercial Addition - Replat (SUB-21-0165) 7.785 acres; 2 commercial lots located within the 1700 block of

Windy Hill Road.

Staff Proposal to P&Z: Approve the replat.

4. EXECUTIVE SESSION

A.Executive Session pursuant to Texas Local Government Code section 551.071
Consultation with Attorney regarding procedural matters related to a request by the City of Kyle , (Z-21-0092) to rezone approximately 45.5 acres of land from 'RS' to 'PUD' (RS - 19 acres, MXD - 26.5 acres) for property located at 20139 IH-35, in Hays County, Texas.

B.Reconvene into open session.

5. CONSIDER AND POSSIBLE ACTION

A Consider a request by the City of Kyle, (Z-21-0092) to rezone approximately 45.5 acres of land from 'RS' to 'PUD' (RS – 19 acres, MXD – 26.5 acres) for property located at 20139 IH-35, in Hays County, Texas.

At the January 11, 2022, Planning & Zoning Commission meeting, the Commission voted 2-2 to recommend approval of the rezoning. Sec. 2-72 Quorum, vote and records, requires a 3-1 vote with 4 members present, to move the item forward to City Council.

- *Recommendation to City Council*

6. GENERAL DISCUSSION

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

7. ADJOURNMENT

*Per Texas Attorney General Opinion No. JC-0169; Open Meeting & Agenda Requirements, Dated January 24, 2000: The permissible responses to a general member communication at the meeting are limited by 551.042, as follows: "SEC. 551.042. Inquiry Made at Meeting. (a) If, at a meeting of a government body, a member of the public or of the governmental body inquires about a subject for which notice has not been given as required by the subchapter, the notice provisions of this subchapter, do not apply to:(1) a statement of specific factual information given in response to the inquiry; or (2) a recitation of existing policy in response to the inquiry. (b) Any deliberation of or decision about the subject of the inquiry shall be limited to a proposal to place the subject on the agenda for a subsequent meeting."



CITY OF KYLE, TEXAS

Kalterra Addition Lots 1-5 - Final Plat (SUB-21-0222)

Meeting Date: 1/18/2022
Date time: 6:00 PM

Subject/Recommendation: Kalterra Addition Lots 1-5 - Final Plat (SUB-21-0222) 6.506 acres; 5 commercial lots located at 2600 Kyle Crossing.

Staff Proposal to P&Z: Approve the final plat.

Other Information: See attached.

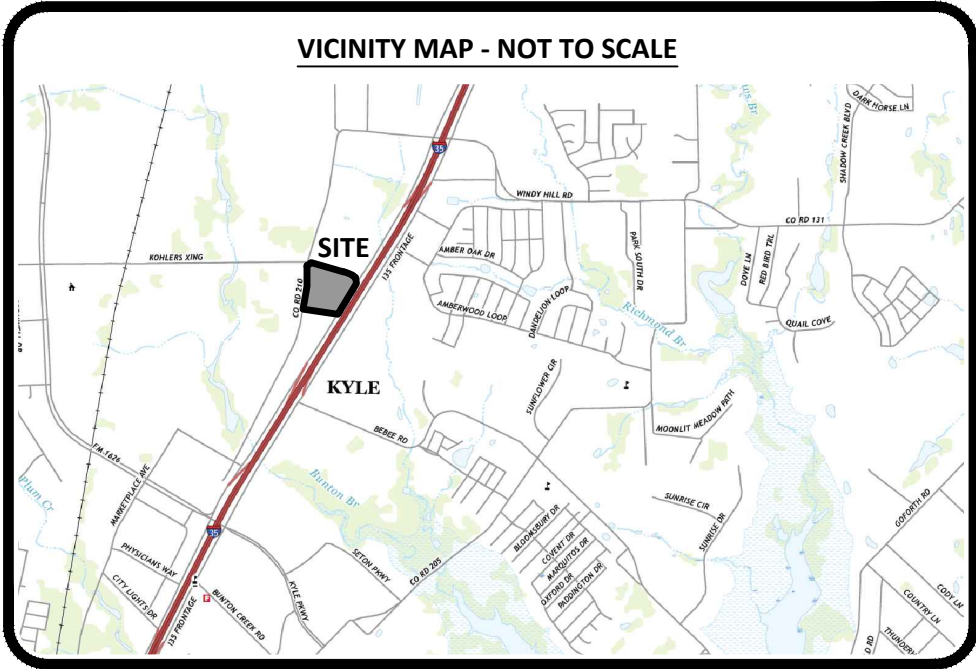
Legal Notes: N/A

Budget Information: N/A

ATTACHMENTS:

Description

❏ Final Plat



KALTERRA ADDITION LOTS 1-5

5 LOTS
6.506 ACRES OUT OF THE
T.G. ALLEN SURVEY, ABSTRACT #26
CITY OF KYLE
HAYS COUNTY, TEXAS

LINE TYPE LEGEND

PROPERTY BOUNDARY

ADJOINING BOUNDARY

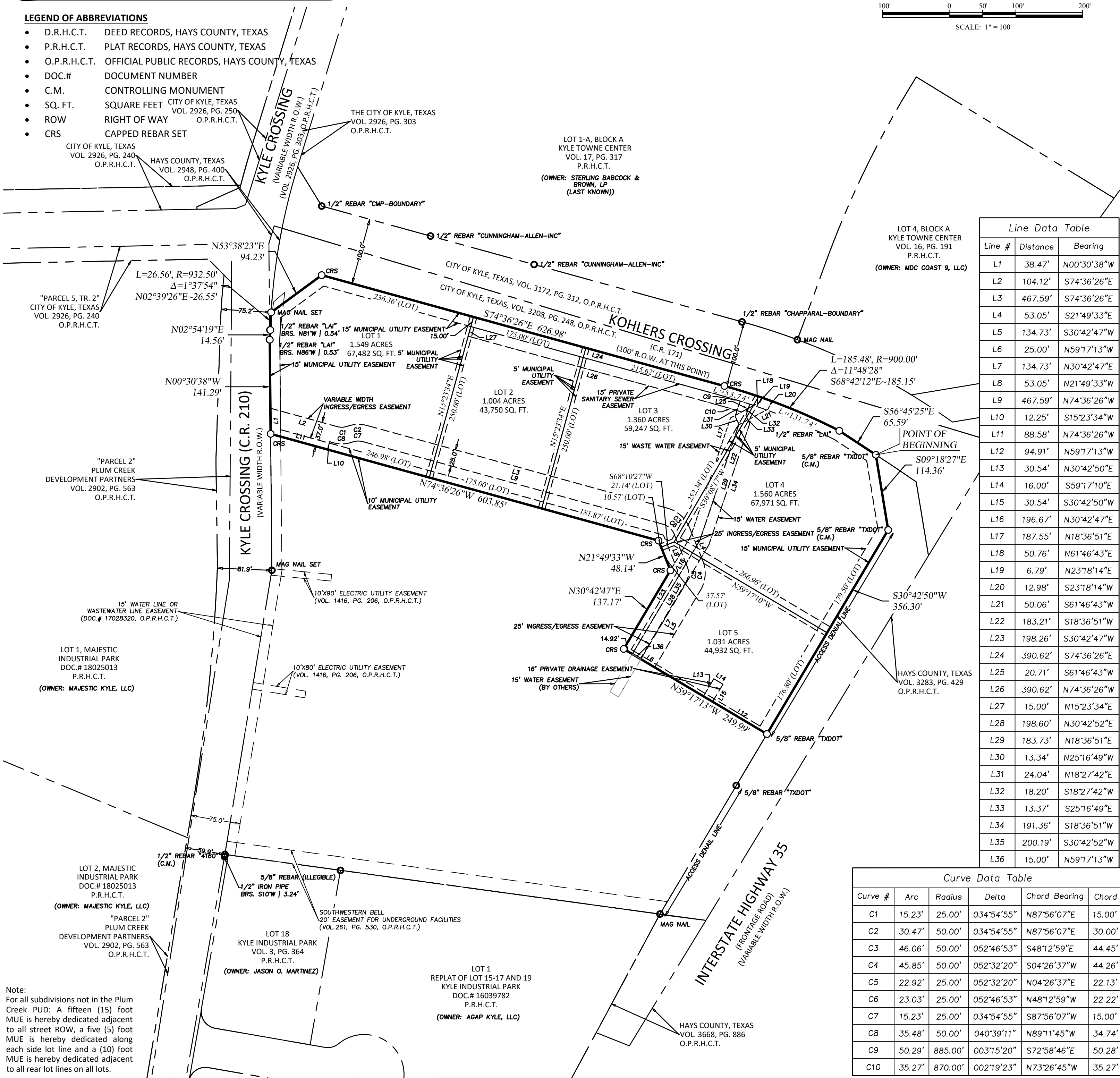
CENTERLINE

100' 0 50' 100' 200'

SCALE: 1" = 100'

LEGEND OF ABBREVIATIONS

- D.R.H.C.T. DEED RECORDS, HAYS COUNTY, TEXAS
- P.R.H.C.T. PLAT RECORDS, HAYS COUNTY, TEXAS
- O.P.R.H.C.T. OFFICIAL PUBLIC RECORDS, HAYS COUNTY, TEXAS
- DOC.# DOCUMENT NUMBER
- C.M. CONTROLLING MONUMENT
- SQ. FT. SQUARE FEET
- ROW RIGHT OF WAY
- CRS CAPPED REBAR SET



Line Data Table		
Line #	Distance	Bearing
L1	38.47'	N00°30'38"W
L2	104.12'	S74°36'26"E
L3	467.59'	S74°36'26"E
L4	53.05'	S21°49'33"E
L5	134.73'	S30°42'47"W
L6	25.00'	N59°17'13"W
L7	134.73'	N30°42'47"E
L8	53.05'	N21°49'33"W
L9	467.59'	N74°36'26"W
L10	12.25'	S15°23'34"W
L11	88.58'	N74°36'26"W
L12	94.91'	N59°17'13"W
L13	30.54'	S30°42'50"E
L14	16.00'	S59°17'10"E
L15	30.54'	S30°42'50"W
L16	196.67'	N30°42'47"E
L17	187.55'	N18°36'51"E
L18	50.76'	N61°46'43"E
L19	6.79'	N23°18'14"E
L20	12.98'	S23°18'14"W
L21	50.06'	S61°46'43"W
L22	183.21'	S18°36'51"W
L23	198.26'	S30°42'47"W
L24	390.62'	S74°36'26"E
L25	20.71'	S61°46'43"W
L26	390.62'	N74°36'26"W
L27	15.00'	N15°23'34"E
L28	198.60'	N30°42'52"E
L29	183.73'	N18°36'51"E
L30	13.34'	N25°16'49"W
L31	24.04'	N18°27'42"E
L32	18.20'	S18°27'42"W
L33	13.37'	S25°16'49"E
L34	191.36'	S18°36'51"W
L35	200.19'	S30°42'52"W
L36	15.00'	N59°17'13"W

Curve Data Table					
Curve #	Arc	Radius	Delta	Chord Bearing	Chord
C1	15.23'	25.00'	034°54'55"	N87°56'07"E	15.00'
C2	30.47'	50.00'	034°54'55"	N87°56'07"E	30.00'
C3	46.06'	50.00'	052°46'53"	S48°12'59"E	44.45'
C4	45.85'	50.00'	052°32'20"	S04°26'37"W	44.26'
C5	22.92'	25.00'	052°32'20"	N04°26'37"E	22.13'
C6	23.03'	25.00'	052°46'53"	N48°12'59"W	22.22'
C7	15.23'	25.00'	034°54'55"	S87°56'07"W	15.00'
C8	35.48'	50.00'	040°39'11"	N89°11'45"W	34.74'
C9	50.29'	885.00'	003°15'20"	S72°58'46"E	50.28'
C10	35.27'	870.00'	002°19'23"	N73°26'45"W	35.27'

Note:
For all subdivisions not in the Plum
Creek PUD: A fifteen (15) foot
MUE is hereby dedicated adjacent
to all street ROW, a five (5) foot
MUE is hereby dedicated along
each side lot line and a (10) foot
MUE is hereby dedicated adjacent
to all rear lot lines on all lots.



**BARTON CHAPA
SURVEYING**

5200 State Highway 121
Colleyville, TX 76034
Phone: 817-864-1957
info@bcsdfw.com
TBPLS Firm #10194474



TBPE Firm No. F-12878
Foresite Group, LLC
100 NE Loop 410
Suite 1105
San Antonio, TX 78216
www.foresitegroup.net
D/B/A Foresite Consulting Group of Texas,
LLC

Owners: KCP KOHLERS, LLC

Address: 1701 NORTH MARKET STREET, SUITE 325
DALLAS, TEXAS, 75202

Phone: _____ Fax: _____

Acres: 6.506 ACRES

Survey: T.G. ALLEN SURVEY, ABSTRACT #26

Number of lots and proposed use (if more than one use is planned for the lots, provide land use
summary showing # of lots are planned for each use): 5 LOTS (RETAIL)

Date: 12-14-2021

Surveyor: BARTON CHAPA SURVEYING

Phone: 817.864.157 Fax: _____

Engineer: FORESITE GROUP

Phone: 770.368.1399 Fax: 770.368.1944

JOB NO. 2020.095.001
DRAWN: BCS
CHECKED: JHB

TABLE OF REVISIONS

DATE	SUMMARY
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SHEET 1 OF 2

KALTERRA ADDITION LOTS 1-5

5 LOTS
6.506 ACRES OUT OF THE
T.G. ALLEN SURVEY, ABSTRACT #26
CITY OF KYLE
HAYS COUNTY, TEXAS

STATE OF TEXAS §
COUNTY OF HAYS §

WHEREAS KCP KOHLERS, LLC is the owner of a tract of land out of the T.G. Allen Survey, Abstract Number 26, in the City of Kyle, Hays County, Texas, and being a portion of that same tract of land described by deed to KCP KOHLERS, LLC, a Texas limited liability company, as recorded under Document Number 20055533, Official Public Records of Hays County, Texas, (O.P.R.H.C.T.), the subject tract being more particularly described by metes and bounds as follows (bearings are based on State Plane Coordinate System, Texas South Central Zone (4204) North American Datum of 1983 (NAD '83)):

BEGINNING at a 5/8 inch rebar with pink cap stamped, “TEXAS DEPARTMENT OF TRANSPORTATION” found (hereinafter called “capped rebar found”) for the easternmost northeast corner of said LC 2012 tract and the herein described tract;

THENCE South 09 degrees 18 minutes 27 seconds East, with the northeast line of said LC 2012 tract, a distance of 114.36 feet to a capped rebar found;

THENCE South 30 degrees 42 minutes 47 seconds West, with the east line of said LC 2012 tract, a distance of 356.30 feet to a capped rebar set;

THENCE through the interior of said LC 2012 tract, the following calls:

- 1. North 59 degrees 17 minutes 13 seconds West, a distance of 249.99 feet;
- 2. North 30 degrees 42 minutes 47 seconds East, a distance of 137.17 feet;
- 3. North 21 degrees 49 minutes 33 seconds West, a distance of 48.14 feet;
- 4. North 74 degrees 36 minutes 26 seconds West, a distance of 603.85 feet to a point in the west line of said LC 2012 tract;

THENCE with the west and north lines of said LC 2012 tract, the following calls:

- 1. North 00 degrees 30 minutes 38 seconds West, a distance of 141.29 feet to a point from which a 1/2 inch rebar with cap stamped, “LAI” bears North 86 degrees West, a distance of 0.53 feet;
- 2. North 02 degrees 54 minutes 19 seconds East, a distance of 14.56 feet to a point from which a 1/2 inch rebar with cap stamped, “LAI” bears North 81 degrees West, a distance of 0.54 feet, said point being the beginning of a non-tangent curve to the right, having a radius of 932.50 feet, with a delta angle of 01 degrees 37 minutes 54 seconds, whose chord bears North 02 degrees 39 minutes 26 seconds East, a distance of 26.55 feet;
- 3. Along said non-tangent curve to the right, an arc length of 26.56 feet to a MAG nail set;
- 4. North 53 degrees 38 minutes 23 seconds East, a distance of 94.23 feet to a 1/2 inch rebar with pink cap stamped, “BARTON CHAPA” set (hereinafter called “capped rebar set”);
- 5. South 74 degrees 36 minutes 26 seconds East, a distance of 626.98 feet to a capped rebar set at the beginning of a tangent-curve to the right, having a radius of 900.00 feet, with a delta angle of 11 degrees 48 minutes 28 seconds, whose chord bears South 68 degrees 42 minutes 12 seconds East, a distance of 185.15 feet;
- 6. Along said tangent-curve to the right, an arc length of 185.48 feet to a 1/2 inch rebar with cap stamped, “LAI” found;
- 7. South 56 degrees 45 minutes 25 seconds East, a distance of 65.59 feet to the POINT OF BEGINNING and enclosing 6.506 acres (283,383 square feet), more or less.

KNOWN ALL MEN BY THESE PRESENTS

That KCP Kohlers, LLC, a Texas limited liability company, as the owner of that certain tract of land recorded in Document Number 20055533, of the Official Records of Williamson County, Texas does hereby dedicate to the public forever use of all additional ROW, streets, alleys, easements, parks, and all other lands intended for public dedication, or when the subdivider has made provision for perpetual maintenance thereof, to the inhabitants of the subdivision as shown hereon to be known as **Kalterra Addition Lots 1-5**.

KCP Kohlers, LLC, a Texas limited liability company

Member

STATE OF TEXAS §
COUNTY OF §

BEFORE ME, the undersigned authority, a Notary Public in and for said County and State, on this the day of , 20, personally appeared, as of KCP Kohlers, LLC, a Texas limited liability company, on behalf of said KCP Kohlers, LLC, a duly authorized agent with authority to sign said document, personally known to me (and proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that (s)he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the day of , 20.

Notary Public-State of

Printed Name:

My Commission Expires:

KNOWN ALL MEN BY THESE PRESENTS

That VeraBank, a National Association, as the Lienholder of that certain tract of land recorded in Document Number 20055533, of the Official Records of Williamson County, Texas does hereby dedicate to the public forever use of all additional ROW, streets, alleys, easements, parks, and all other lands intended for public dedication, or when the subdivider has made provision for perpetual maintenance thereof, to the inhabitants of the subdivision as shown hereon to be known as **Kalterra Addition Lots 1-5**.

VeraBank, a National Association

STATE OF TEXAS §
COUNTY OF §

BEFORE ME, the undersigned authority, a Notary Public in and for said County and State, on this the day of , 20, personally appeared, as of VeraBank, a National Association, on behalf of said VeraBank, a duly authorized agent with authority to sign said document, personally known to me (and proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that (s)he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the day of , 20.

Notary Public-State of

Printed Name:

My Commission Expires:

SURVEYOR'S CERTIFICATE

This is to certify that I, John H. Barton III, a Registered Professional Land Surveyor of the State of Texas, have prepared this plat from an actual survey on the ground, and that this map correctly represents that survey made by me or under my direction and supervision. Corner monuments were found or properly placed under my supervision in accordance with the subdivision regulations of the City of Kyle and with Ordinance# 439 of the City of Kyle. Existing easements of record shown hereon per Title Commitment G.F.# CTMJ63-8055632000513. Fieldwork was completed on October 23, 2020.

Date of Plat/Map: **December 14, 2021**

PRELIMINARY

THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE AND SHALL NOT BE USED, VIEWED, OR RELIED UPON AS A FINAL SURVEY DOCUMENT December 14, 2021

John H. Barton III, RPLS# 6737

This plat has been submitted to and considered by the Planning and Zoning Commission of the City of Kyle, Texas and is hereby approved by the commission.

Dated this day of , 20.

Planning and Zoning Chairperson

PLAT NOTES:

- 1. Obstructions in drainage easements are prohibited.
- 2. Setbacks are not shown on lots and shall conform to the City of Kyle Zoning Ordinance.
- 3. Limited access from Interstate Highway 35 as shown hereon.
- 4. Sidewalks shall be installed on the subdivision side of Kohlers Crossing. 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 are also required to be installed when the streets in the subdivision are constructed. Ord. # 439, Article V, Sec. 10, Kyle Code.

SURVEYOR'S NOTES:

- 1. Bearings are based on the State Plane Coordinate System, Texas South Central Zone (4204) North American Datum of 1983 (NAD '83), distances are surface with a combined scale factor of 1.00011.
- 2. This property lies within Zone "X" of the Flood Insurance Rate Map for Hays County, Texas and Incorporated Areas, map no. 48209C0290F, with an effective date of September 2, 2005, via scaled map location and graphic plotting.
- 3. Monuments are found unless specifically designated as set.
- 4. Elevations (if shown) are North American Vertical Datum of 1988 (NAVD '88).
- 5. Owner information shown hereon is per Hays County Appraisal District

Reviewed by:

Harper Wilder
Director of Public Works

Date

Reviewed by:

Leon Barba, City Engineer

Date

LEGEND OF ABBREVIATIONS

- D.R.H.C.T. DEED RECORDS, HAYS COUNTY, TEXAS
- P.R.H.C.T. PLAT RECORDS, HAYS COUNTY, TEXAS
- O.P.R.H.C.T. OFFICIAL PUBLIC RECORDS, HAYS COUNTY, TEXAS
- DOC.# DOCUMENT NUMBER
- C.M. CONTROLLING MONUMENT
- SQ. FT. SQUARE FEET
- ROW RIGHT OF WAY
- CRS CAPPED REBAR SET

JOB NO. 2020.095.001

DRAWN: BCS

CHECKED: JHB

TABLE OF REVISIONS

DATE SUMMARY

SHEET 2 OF 2



CITY OF KYLE, TEXAS

Shadow Creek Phase 1 Section 5,
Block A, Lot B, Commercial
Addition - Replat (SUB-21-0165)

Meeting Date: 1/18/2022

Date time: 6:00 PM

Subject/Recommendation: Shadow Creek Phase 1 Section 5, Block A, Lot B, Commercial Addition - Replat (SUB-21-0165) 7.785 acres; 2 commercial lots located within the 1700 block of Windy Hill Road.

Staff Proposal to P&Z: Approve the replat.

Other Information: See attached.

Legal Notes: N/A

Budget Information: N/A

ATTACHMENTS:

Description

- ☐ 1445 Approval Letter from Hays County and Replat



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

January 10, 2022

William Atkinson
City Planner
City of Kyle

Re: **Shadow Creek, Ph 1, Sec 5, Blk A, Lot B and Commercial Addition, Replat (PLN-1704-PC)**

Mr. Atkinson,

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.

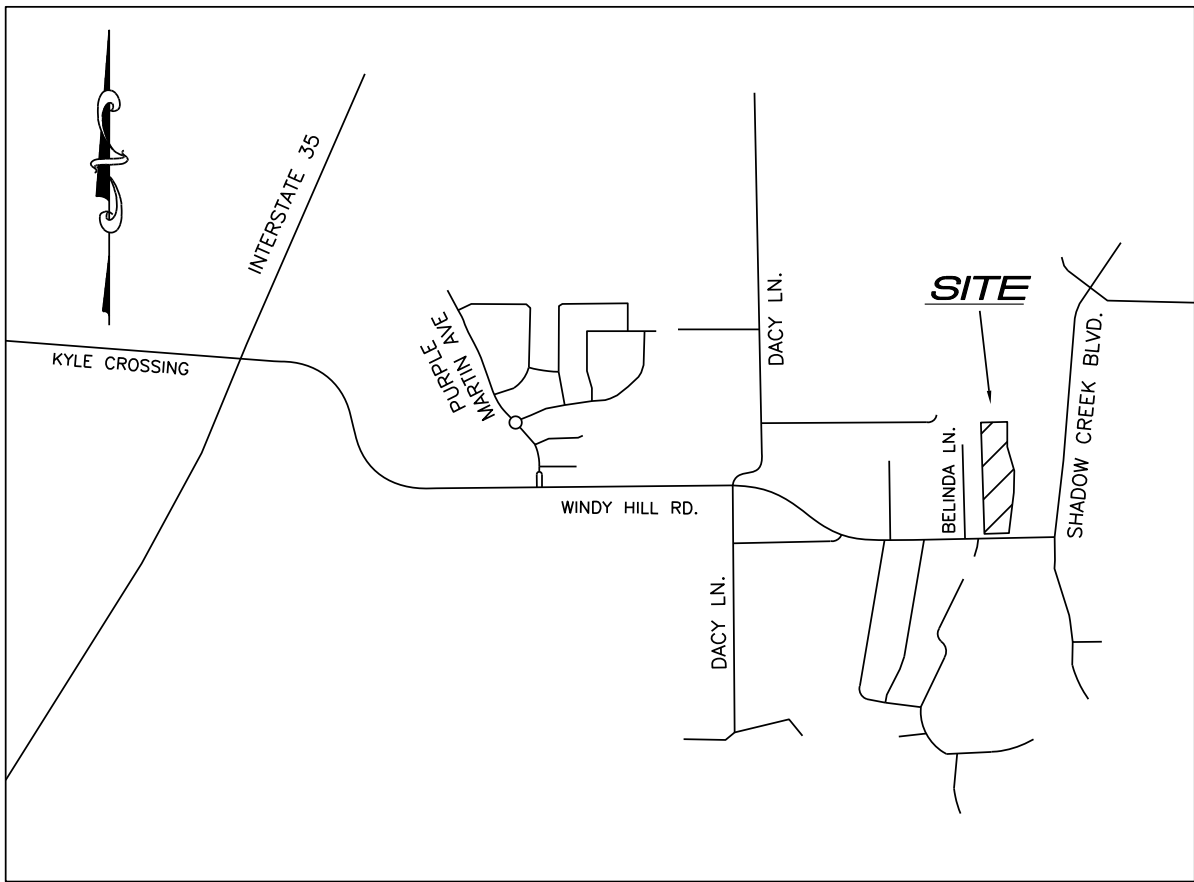
Pursuant to the Interlocal Cooperation Agreement between Hays County and the City of Kyle for subdivision regulation within the extraterritorial jurisdiction of the City of Kyle, please move forward with approval of the plat as submitted.

If you have any questions please let me know.

Regards,

Marcus Pacheco

Marcus Pacheco
Director
Hays County Development Services



VICINITY MAP
NOT TO SCALE

LEGEND / ABBREVIATIONS

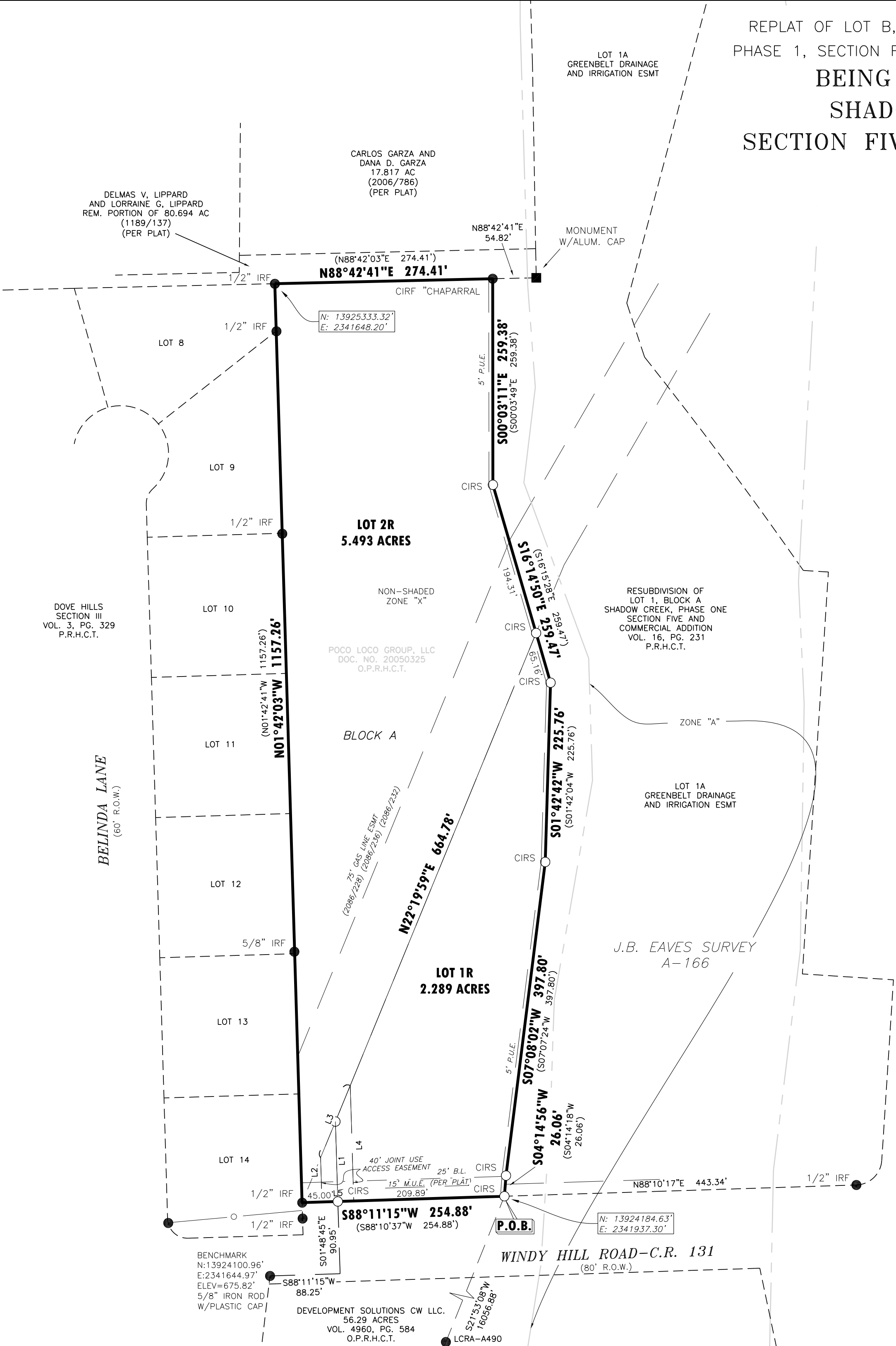
- ADJOINER LINE
- BOUNDARY LINE
- CENTERLINE
- EASEMENT LINE
- ASPHALT
- GRAVEL
- IRON ROD FOUND
- FENCE CORNER POST
- D.R.H.C.T. DEED RECORDS, HAYS COUNTY, TEXAS
- O.P.R.H.C.T. OFFICIAL PUBLIC RECORDS, HAYS COUNTY, TEXAS
- IRF IRON ROD FOUND
- CIRF CAPPED IRON ROD FOUND
- CIRS 5/8" CAPPED IRON ROD FOUND STAMPED "LANDPOINT"
- M.U.E. MUNICIPAL UTILITY EASEMENT

OWNER:	POCO LOCO GROUP, LLC
ADDRESS:	1095 WINDY HILL ROAD KYLE, TX 78640
PHONE:	512-295-2225
ACREAGE:	7.782 ACRES
NUMBER OF LOTS:	2 LOTS
SURVEY:	J.B. EAVES SURVEY
DATE:	9/30/20
SURVEYOR:	LANDPOINT INC. 6410 SOUTHWEST BLVD, STE. 127 FORT WORTH, TX 76109 (817) 554-1805
PROPOSED WATER:	GOFORTH SUD
PROPOSED WASTEWATER:	NORTH HAYS COUNTY MUD #1
GROUNDWATER:	PLUM CREEK GROUND WATER
CONSERVATION DISTRICT:	CONSERVATION DISTRICT
ELECTRIC UTILITY:	PEDERNALES ELECTRIC COOPERATIVE, INC.
ISD:	HAYS COUNTY CONSOLIDATED SCHOOL DISTRICT

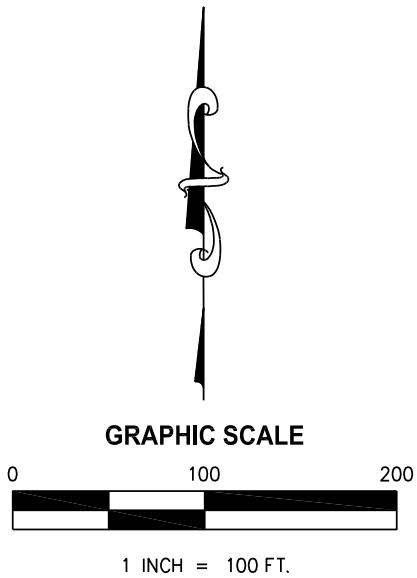
TOTAL ACREAGE:	338,969.52 SQ. FT.	7.782 TOTAL ACREAGE
LOT SUMMARY:	LOT SIZE SQ. FT.	ACREAGE TYPE
LOT 1R:	99,678.08	2.289 COMMERCIAL
LOT 2R:	229,499.77	5.493 COMMERCIAL

GENERAL NOTES

- The surveyor has not abstracted the site. This survey was performed with the benefit of title commitment as provided by Fidelity National Title Insurance Company, G.F. No. 41443, issued date of August 19, 2020 and on effective date of August 10, 2020. However other easements and encumbrances not of public record may exist.
- Bearing based on Texas State Plane Coordinates, South Central Zone, 4204, NAD83-US Survey feet, derived from GPS observations.
- All 'CIRS' are 5/8-inch iron rod with plastic cap stamped "Landpoint" unless otherwise noted.
- 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.
- Flood Statement: This site is situated in Non-shaded Zone "X" in Hays County, Texas according to FEMA map number 48209C0290F, dated SEPTEMBER 2, 2005. Warning: This statement does not imply that the property and/or the structures thereon will be free from flooding or flood damage. This determination has been made by scaling the property on the referenced map and is not the result of an elevation survey. This flood statement shall not create liability on the part of the surveyor.
- 25' building line (B.L.) based on Table 721.02 of the Hays County Development Regulations.



REPLAT OF LOT B, RESUBDIVISION LOT 1, BLOCK A SHADOW CREEK,
PHASE 1, SECTION FIVE AND COMMERCIAL ADDITION, VOL. 16, PG, 231
BEING LOT 1R & 2R, BLOCK A
SHADOW CREEK, PHASE ONE,
SECTION FIVE AND COMMERCIAL ADDITION
J.B. EAVES SURVEY A-166
HAYS COUNTY, TEXAS



LINE TABLE		
LINE	DIRECTION	LENGTH
L1	N01°42'03"W	100.70'
L2	S01°42'03"E	55.89'
L3	N22°19'59"E	98.21'
L4	S01°42'03"E	145.51'
L5	S88°11'15"W	40.00'

OWNER:
POCO LOCO GROUP, LLC
1095 WINDY HILL ROAD
KYLE, TX 78640
512-295-2225

SURVEYOR:
LANDPOINT
INC.

4100 INTERNATIONAL PLAZA, STE. 240
FORT WORTH, TX 76109
(817) 554-1805
www.landpoint.net
TBPLS REG. NO. 10194220

OWNER'S DEDICATION

STATE OF TEXAS §
COUNTY OF HAYS §

Whereas, POCO LOCO GROUP, LLC., 1095 Windy Hill Road, Kyle, Texas, 78640, are the owners of all that certain tract or parcel of land situated in the J.B. Eaves Survey, Abstract No. 166, being a part of that certain called 7.781 acre tract of land conveyed to POCO LOCO SUPERMERCADO, LLC inc., by deed of record in Instrument Number 20050326 of the Deed Records of Hays County, Texas, also being Lot B of the Resubdivision of Lot 1, Block A, Shadow Creek, Phase One, Section Five and Commercial Addition, an Addition in Hays County, Texas, according to the Map or Plat thereof recorded in Volume 16, Page 231, Plat Records, Hays County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at the Southeast corner of the tract being described herein at a 5/8–inch iron rod with plastic cap stamped "Landpoint" set (herein referred to as capped iron rod set) in the North right–of–way line of Windy Hill Road for the Southwest corner of Lot 1A, of said Resubdivision of Lot 1 and the Southeast corner of said Lot B, from which a 1/2–inch iron rod found for the Southeast corner of said Lot 1A bears N88°10'17"E, a distance of 443.34 feet;

THENCE S88°11'15"W, with the North right–of–way line of said Windy Hill road, a distance of 254.88 feet to a 1/2–inch iron rod found in the East line of Lot 14, Dove Hills, Section III, according to the plat thereof recorded in Volume 3, page 329, Plat Records, Hays County, Texas for the Southwest corner of said Lot B;

THENCE N01°42'03"W, with the East line of said Dove Hills, Section III and the West line of said Lot B, a distance of 1157.26 feet to a 1/2–inch iron rod found in the South line of the remainder of that certain called 80.694 acre tract of land described in the deed to Delmas V. Lippard and Lorraine G. Lippard, recorded in Volume 1189, Page 137, Deed Records, Hays County, Texas for the Northeast corner of Lot 8 of said Dove Hills, Section III and the Northwest corner of said Lot B;

THENCE N88°42'41"E, with the South line of said 80.694 acre tract of land and the North line of said Lot B, a distance of 274.41 feet to a capped iron rod stamped "Choparral" found for the most Westerly Northwest corner of said Lot 1A and the Northeast corner of said Lot B;

THENCE with the West line of said Lot 1A and the East line of said Lot B, the following calls and distances:

S00°03'11"E, a distance of 259.38 feet to a capped iron rod set for corner;

S16°14'50"E, a distance of 259.47 feet to a capped iron rod set for corner;

S01°42'42"W, a distance of 225.76 feet to a capped iron rod set for corner;

S07°08'02"W, a distance of 397.80 feet to a capped iron rod set for corner;

S04°14'56"W, a distance of 26.06 feet to the POINT OF BEGINNING and containing 7.782 acres of land.

STATE OF TEXAS §
COUNTY OF HAYS §

KNOWN ALL MEN BY THESE PRESENTS

THAT THE UNDERSIGNED, POCO LOCO GROUP, LLC, OWNERS OF 7.782 ACRES OF LAND AS SHOWN ON THE PLAT, BEING A PORTION OF LOT B OF LOT 1, BLOCK A, SHADOW CREEK PHASE ONE, SECTION FIVE AND COMMERCIAL ADDITION 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 POCO LOCO GROUP, LLC, OWNERS OF 7.782 OF AN ACRE OF LAND AS SHOWN ON THIS PLAT, BY VIRTUE OF GENERAL WARRANTY DEED OF RECORD IN INSTRUMENT NUMBER 20050326 OF THE DEED RECORDS IN HAYS COUNTY, TEXAS.

OWNER(S) OF THE PROPERTY, HAYS SHADOW CREEK DEVELOPMENT, INC. DO HEREBY SUBDIVIDE SAID 7.782 ACRES IN ACCORDANCE WITH THE ATTACHED PLAT TO BE KNOWN AS:

LOT 1R & LOT 2R, BLOCK A SHADOW CREEK, PHASE ONE, SECTION FIVE AND COMMERCIAL ADDITION

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.

REPRESENTATIVE FOR POCO LOCO DATE

STATE OF TEXAS §
COUNTY OF HAYS §

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED -----
REPRESENTATIVE FOR POCO LOCO, 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-----.

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.

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

STATE OF TEXAS §
COUNTY OF HAYS §

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED ROBERT GLEN MALOY, 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-----.

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

HAYS COUNTY 1445 APPROVAL BLOCK:

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 ----- FOR SUBDIVISION REGULATION WITHIN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF -----

MARCUS PACHECO
DIRECTOR
HAYS COUNTY DEVELOPMENT SERVICES

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 NY HAYS COUNTY TO QUESTION THE SELLER CONCERNING GROUNDWATER AVAILABILITY. RAINWATER COLLECTION IS ENCOURAGED AND 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.

NO CONSTRUCTION OR OTHER DEVELOPMENT WITHIN THIS SUBDIVISION MAY BEGIN UNTIL ALL HAYS COUNTY DEVELOPMENT PERMIT REQUIREMENTS HAVE BEEN MET.

MARCUS PACHECO
DIRECTOR
HAYS COUNTY DEVELOPMENT SERVICES

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

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.

ROBERT GLEN MALOY DATE
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 ETJ, HAYS COUNTY, TEXAS.

2. FLOOD STATEMENT: THIS TRACT LIES IN ZONE X, AREA DETERMINED TO BE OUTSIDE THE 1% AND 0.2% CHANCE FLOOD PLAIN, AS DEPICTED ON FIRM MAP NUMBER 48209C0290F, 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. NO LOTS OF THIS SUBDIVISION LIE WITHIN THE BOUNDARIES OF THE EDWARDS AQUIFER CONTRIBUTING ZONE, RECHARGE ZONE, OR TRANSITION ZONE.

5. THIS TRACT LIES WITHIN THE HAYS CONSOLIDATED INDEPENDENT SCHOOL DISTRICT.

6. THIS TRACT FALLS IN PLUM CREEK GROUNDWATER DISTRICT.

7. UTILITY SERVICE:
ELECTRIC SERVICE: PEDERNALES ELECTRIC COOPERATIVE, INC.
TELEPHONE SERVICE: VERIZON
WATER: GOFORTH SUD
WASTEWATER: NORTH HAYS COUNTY MUD #1

8. A SITE DEVELOPMENT PERMIT ISSUED BY HAYS COUNTY MAY 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. ALL MAINTENANCE, WITHIN THE SUBDIVISION OF EASEMENT, DETENTION PONDS AND RIGHTS OF WAY TO THE PAVEMENT TO BE THE RESPONSIBILITY OF PROPERTY OWNERS AND/OR PROPERTY AND/OR HOMEOWNERS ASSOCIATION.

11. 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.

12. SIDEWALKS SHALL BE INSTALLED ON THE SUBDIVISION SIDES OF CR 131. OWNER/DEVELOPER WILL BE RESPONSIBLE OF MAINTAINING SIDEWALKS.

13. 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 OF THE HAYS COUNTY DEVELOPMENT REGULATIONS.

14. ALL CULVERTS, WHEN REQUIRED, SHALL COMPLY WITH THE CURRENT HAYS COUNTY STANDARD, PER HAYS COUNTY DEVELOPMENT REGULATIONS, CHAPTER 705, SUBCHAPTER 8.03.

15. ALL MAILBOXES LOCATED IN THE RIGHT–OF–WAY SHALL BE OF AN APPROVED TXDOT OR FHWA APPROVED DESIGN, PER HAYS COUNTY DEVELOPMENT REGULATIONS, CHAPTER 721, SUBCHAPTER 2.01.

16. HAYS COUNTY IS NOT RESPONSIBLE FOR SIDEWALK MAINTENANCE. A FULLY EXECUTED LICENSE AGREEMENT MUST BE IN PLACE PRIOR RO CONSTRUCTION OF SIDEWALKS WITHIN HAYS COUNTY ROW.

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. IN THE PLAT RECORDS OF HAYS COUNTY, TEXAS IN INSTRUMENT NO. -----.

WITNESS MY HAND AND SEAL OF OFFICE, THIS THE ____ DAY OF -----, A.D. 20-----.

ELAINE H. CARDENAS
COUNTY CLERK
HAYS COUNTY, TEXAS

LEÓN BARBA, CITY ENGINEER DATE

HARPER WILDER, DIRECTOR OF PUBLIC WORKS DATE

STATE OF TEXAS §
COUNTY OF HAYS §

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____

MADAM CHAIRPERSON

REPLAT OF LOT B, RESUBDIVION LOT 1, BLOCK A SHADOW CREEK,
PHASE 1, SECTION FIVE AND COMMERCIAL ADDITION, VOL. 16, PG, 231
BEING LOT 1R & 2R, BLOCK A
SHADOW CREEK, PHASE ONE,
SECTION FIVE AND COMMERCIAL ADDITION

J.B. EAVES SURVEY A–166
HAYS COUNTY, TEXAS

OWNER:
POCO LOCO GROUP, LLC
1095 WINDY HILL ROAD
KYLE, TX 78640
512–295–2225

SURVEYOR:
LANDPOINT
INC.

4100 INTERNATIONAL PLAZA, STE. 240
FORT WORTH, TX 76109
(817) 554–1805
www.landpoint.net
TBPLS REG. NO. 10194220

SHEET 2 OF 2

CITY OF KYLE, TEXAS



Executive Session pursuant to Texas
Local Government Code section
551.071 Consultation with Attorney
regarding procedural matters related
to a request by the City of Kyle , (Z-
21-0092) to rezone approximately
45.5 acres of land from 'RS' to 'PUD'
(RS - 19 acres, MXD - 26.5 acres)
for property located at 20139 IH-35,
in Hays County, Texas.

Meeting Date: 1/18/2022
Date time:6:00 PM

Subject/Recommendation: Executive Session pursuant to Texas Local Government Code section 551.071
Consultation with Attorney regarding procedural matters related to a request by the City
of Kyle , (Z-21-0092) to rezone approximately 45.5 acres of land from 'RS' to 'PUD'
(RS - 19 acres, MXD - 26.5 acres) for property located at 20139 IH-35, in Hays County,
Texas.

Other Information:

Legal Notes:

Budget Information:

ATTACHMENTS:

Description

No Attachments Available



CITY OF KYLE, TEXAS

Reconvene into open session.

Meeting Date: 1/18/2022

Date time: 6:00 PM

Subject/Recommendation: Reconvene into open session.

Other Information:

Legal Notes:

Budget Information:

ATTACHMENTS:

Description

No Attachments Available



CITY OF KYLE, TEXAS

20139 IH-35 - Zoning (Z-21-0092)

Meeting Date: 1/18/2022

Date time: 6:00 PM

Subject/Recommendation: Consider a request by the City of Kyle, (Z-21-0092) to rezone approximately 45.5 acres of land from 'RS' to 'PUD' (RS – 19 acres, MXD – 26.5 acres) for property located at 20139 IH-35, in Hays County, Texas.

At the January 11, 2022, Planning & Zoning Commission meeting, the Commission voted 2-2 to recommend approval of the rezoning. Sec. 2-72 Quorum, vote and records, requires a 3-1 vote with 4 members present, to move the item forward to City Council.

- *Recommendation to City Council*

Other Information: See attached.

Legal Notes: N/A

Budget Information: N/A

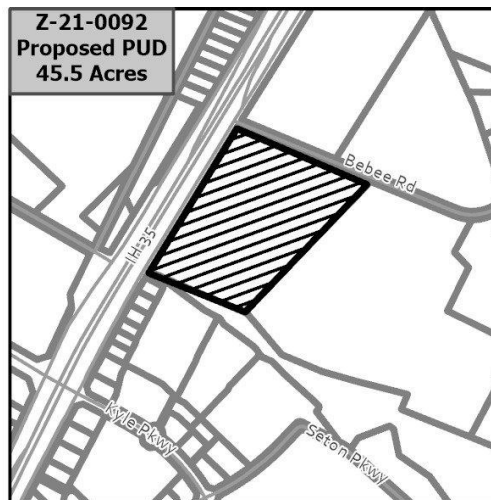
ATTACHMENTS:

Description

- ☐ Staff Memo
- ☐ Ordinance With Exhibits
- ☐ Landowner Authorization Letter
- ☐ Deed
- ☐ Franchise Tax Account Status

Property Location	20139 IH-35, Kyle, TX 78640
Owner	Sunrise Village Investment, LLC 1095 Windy Hill Road, Kyle, TX 78640 Asifali Karowalia, Managing Partner
Agent	City of Kyle 100 W. Center Street Kyle, TX 78640 Will Atkinson, Senior Planner
Request	Rezone Approximately 45.5-Acres “RS” (Retail Services) to “PUD” (Planned Unit Development, 19-Acres “RS”, 26.5-Acres “MXD”)

Vicinity Map



Site Description

The site proposed to be rezoned, is an undeveloped parcel located at 20139 IH-35. It's currently zoned "RS" or "Retail Services". Immediately to the west is IH-35 (no zoning), to the north is Bebee Road with acreage zoned for Agriculture. Adjacent and east of the Agriculture zoning area, is an area of land not inside the city limits (non-annexation

development agreement. To the east of the 45.5-acre tract is land zoned Agriculture. To the south is

Existing Zoning

RS (Retail Services)

Sec. 53-480. – Permitted Uses

This district allows general retail sales of consumable products and goods within buildings of products that are generally not hazardous and that are commonly purchased and used by consumers in their homes, including most in-store retail sales of goods and products that do not pose a fire or health hazard to neighboring areas, e.g., clothing, prescription drugs, furniture, toys, hardware, electronics, pet supply, variety, department, video rental and antique stores, art studio or gallery, hobby shops and florist shops., and the retail sale of goods and products (in the following listed use areas) to which value has been added on site, including sales of goods and services outside of the primary structure as customary with the uses specifically listed, and the following: Any use permitted in CBD-1 or CBD-2 and RS districts as provided in [section 53-1230](#).

(Ord. No. 438, § 45(a), 11-24-2003)

Requested Zoning

PUD MXD (Planned Unit Development, Mixed-Use)

Sec. 53-674. - Purpose and findings.

The mixed-use district (MXD) is generally intended to further and promote the tenants of the cities' master plans and comprehensive plan. The district is a commercial zoning classification that requires a vertical mix of commercial and residential uses within the same building(s) on multiple floors. The district is intended to accommodate a physical pattern of development often found in high traffic activity areas, along major streets and especially at intersections of major thoroughfares, and in neighborhood commercial areas of older cities. The district, where appropriately located, will accommodate mixed-use buildings with activity center retail, service, and other commercial uses on the ground and lower floor(s), and residential units above those nonresidential space(s); as well as encourage development that exhibits the physical design characteristics of

pedestrian-oriented, store front-style shopping; and promote the health and well-being of residents by encouraging physical activity and greater social interaction.

([Ord. No. 978](#), § 2(Exh. A), 11-21-2017)

Sec. 53-703. - Flexible planning.

- (a) When considering a planned unit development (PUD), the unique nature of each proposal for a PUD may require, under proper circumstances, the departure from the strict enforcement of certain present codes and ordinances, e.g., without limitation, the width and surfacing of streets and highways, lot size, parking standards, set backs, alleyways for public utilities, signage requirements, curbs, gutters, sidewalks and streetlights, public parks and playgrounds, drainage, school sites, storm drainage, water supply and distribution, sanitary sewers, sewage collection and treatment, single use districts, etc.
- (b) Final approval of a PUD by the city council shall constitute authority and approval for such flexible planning to the extent that the PUD as approved, departs from existing codes and ordinances.
- (c) The flexibility permitted for a PUD does not imply that any standard or requirement will be varied or decreased.

Sec. 53-704. - Rules applicable.

The city council, after public hearing and proper notice to all parties affected and after recommendation from the planning and zoning commission, may attach a planned unit development district designation to any tract of land equal to or greater than three buildable acres. Under the planned development designation the following rules apply:

- (1) The approval of any proposed PUD or combination of uses proposed therein shall be subject to the discretion of the city council, and no such approval will be inferred or implied.
- (2) Permitted uses are those listed under the applicable zoning districts for the base zoning to be applied to the PUD (for example, the permitted uses in a PUD proposed to be developed as CBD-2, RS, W, CM districts). In addition, a planned unit development district may be established where the principal purpose is to serve as a transitional district, or as an extension of an existing district whereby the provision of off-street parking, screening walls, fences, open space and/or

planting would create a protective transition between a lesser and more restrictive district. In approving a planned unit development, additional uses may be permitted, and specific permitted uses may be prohibited from the base district.

- (3) Standards required by the base zoning apply in a planned unit development except that the following regulations and standards may be varied in the adoption of the planned unit development; provided that the plan is consistent with sound urban planning and good engineering practices.
 - a. Front, side and rear setbacks.
 - b. Maximum height.
 - c. Maximum lot coverage.
 - d. Floor area ratio.
 - e. Off-street parking requirements.
 - f. Special district requirements pertaining to the base zoning.
 - g. Number of dwelling units per buildable acre.
 - h. Accessory building regulations.
 - i. Sign standards.
- (4) In approving a planned unit development, no standards may be modified unless such modification is expressly permitted by this chapter, and in no case may standards be modified when such modifications are prohibited by this chapter.
- (5) In approving a planned unit development, the city council may require additional standards deemed necessary to create a reasonable transition to, and protection of, adjacent property and public areas, including but not limited to, light and air, orientation, type and manner of construction, setbacks, lighting, landscaping, management associations, open space, and screening.
- (6) The planning and zoning commission and city council, in approving modifications to standards and regulations, shall be guided by the purpose intended by the base zoning and general intent of this chapter.

(Ord. No. 438, § 39(e), 11-24-2003)

Conditions of the Zoning Ordinance

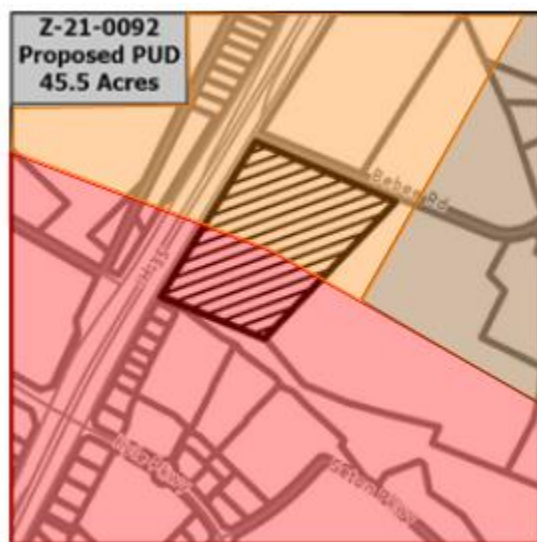
Sec. 53-1205 Amendments

(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...



Red = Super Regional Node
Brown = New Town Community
Orange = Regional Node

Comprehensive Plan Text

The subject site is located within the “Super Regional Node” and “Regional Node”. The “MXD” and “RS” zoning districts are a recommended district in both the “Super Regional Node” and “Regional Node”. For the purposes of this report, we will not be considering the “Super Regional Node”, as the Bunton Branch of Plum Creek creates a clear delineation between the two land use districts.

Regional Node

Recommended: E, HS, R-3-2, R-3-3, **R/S, MXD, O/I**

Conditional: ----

‘Character’: Regional Nodes should have regional scale retail and commercial activity complimented by regional scale residential uses. These Nodes should represent the character and identity of Kyle, and signal these traits to the surrounding community. Regional Nodes have a radius of approximately 1/3 of a mile so that they are walkable, but are able to contain a greater range of uses at a larger scale than those found in Local Nodes. Appropriate uses may include grocery stores, retail shopping centers, multi-family housing, and municipal services, such as libraries and recreation centers. Regional Nodes are scaled and designed as activity centers where users not only secure goods and services, but also congregate and remain for extended periods, unlike Local Nodes which are designed around quick turnaround convenience retail. The Regional Nodes located along I-35 at the northern and southern boundaries of Kyle should be designed as entryways into Kyle with elements that are symbolic of Kyle and serve to attract I-35 travelers into Kyle. Transitions between Regional Nodes and surrounding districts must be carefully constructed to avoid abrupt shifts in land uses. Trails and sidewalks should be present throughout all Regional Nodes and should connect to surrounding neighborhoods.

‘Intent’: The primary goal of the Regional Nodes is to capture commercial opportunities necessary to close Kyle’s tax gap. To achieve this goal, these Nodes should draw down upon anticipated regional growth and aggregate density to enhance value and activity levels in a concentrated and visible location. Regional Nodes should provide a mixture of uses that compliments regional commercial activity, as well as encourage high density residential development. These Nodes should respond to other regional areas of growth, specifically along I-35 and FM 1626, and to grow toward Hwy 21, SH 45 and SH 130. The anchor of each Regional Node should be regional commercial uses, and Regional Nodes should have a high level of development intensity.

Analysis

The subject property is located on approximately 45.5-acres and zoned “RS” (Retail Services). This site is currently undeveloped, and primarily within the “Regional Node” land use district. The site is an undeveloped lot at the south corner of IH-35 & Bebee Road. With the exception of Lowe’s to the south, all adjacent property is undeveloped.

The Regional Node is the land use district associated with the 45.5-acres. T The “Regional Node” is intentionally designed to capture higher intensity uses and residential density. While not generally as intense as the “Super Regional Node” to the south, it does share similar attributes at a smaller scale. From a comprehensive plan perspective, it provides a step down in development patterns, but still allows much of the same zoning districts and land uses.

When staff first met with the applicant/developer, staff made sure the applicant knew that the city expected to see vertical mixed-use, higher density residential and a portion of the new Vybe trail system incorporated into the project. After several iterations of the project, a concept plan was agreed upon and the zoning for the “PUD” was applied for.

A Planned Unit Development (PUD) is a zoning district that establishes a base zoning (MXD in this case), and then modifies the district to better enable marketability, city policies and code. The intent of the district is to create a better project and allowing flexibility, where warranted. This PUD reflects this process. The major variations and improvements in our code are outlined in the “PUD Standards”, and are as follows:

- Multiple, vertical mixed use buildings flanking Bebee Road, and the western boundary of the MXD zoning district (original intent was to allow this area to be live/work units).
- Approximately 600 +/- linear feet of The Vybe Trail at on north bank of Bunton Branch of Plum Creek, paralleling the creek way. A Vybe spot will be integrated into the project.
- East/West internal street, with parking and street trees.
- Dedication of ROW and improvements to Bebee Road (create a 3rd lane).
- Certain exemptions in the MXD code that adversely effect the creation of vertical mixed-use projects (see PUD standards).
- Changes to parking ratio calculations in the MXD zoning district to better clarify expectations.

At the January 11, 2022, Planning & Zoning Commission meeting, the Commission voted 2-2. This vote created a situation as to where the Planning & Zoning Commission

is required to re-consider the rezoning request and requires another vote. In Sec. 2-72 of the Charter of the City of Kyle, when 4 members of the Commission are present, and a vote of 3-1 does not occur, the request cannot be heard by the Mayor and Council. At the meeting, the Commission had significant discussion regarding vertical-mixed use. The Commission was split between allowing ground floor live/work units, verses requiring ground floor commercial (not allowing ground floor live/work units).

***Following the Commission's vote, one of the multi-family developers as agreed to approximately 10,000 sq. ft. of ground floor commercial along Bebee Road.**

The result of the city/developer discussions is a project that meets the comprehensive plan goals, those of staff and City Council (VMU, The Vybe Trail & Vybe Spot).

Recommendation

The site has sufficient utilities, road infrastructure, and supports the Comprehensive Plan. At the January 11, 2022 Planning & Zoning Commission meeting, the Commission voted 2-2 on the PUD request. The vote failed to move the item forward to City Council, and the Commission will reconsider the item. Commissioner Brandon James was unable to attend the meeting. Staff supports the request and asks the Planning & Zoning Commission to vote recommending the approval of the amended PUD.

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 53 (ZONING) OF THE CITY OF KYLE, TEXAS, FOR THE PURPOSE OF REZONING APPROXIMATELY 45.5 TOTAL ACRES PUD ZONING – (APPROXIMATELY 19 ACRES TO ‘RETAIL SERVICES’ ‘RS’) AND (APPROXIMATELY 26.5 ACRES TO ‘MIXED USE’ ‘MXD’) FOR PROPERTY LOCATED AT 20139 IH-35, IN HAYS COUNTY, TEXAS; 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 the zoning district map of the City of Kyle adopted in Chapter 53 (Zoning) be and the same is hereby amended to rezone approximately 45.5 Acres to PUD Zoning (Approximately 19 Acres to Retail Services ‘RS’) (Approximately 26.5 Acres to Mixed Use ‘MXD’) on property located at 20319 IH-35, Hays County, Texas and the property location map labeled ‘Exhibit A’.

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

SECTION 3. The associated PUD standards and concept plan are attached as ‘Exhibit B’, and the PUD standards will control over portions of City of Kyle development code where such standards vary from the City of Kyle requirements.

SECTION 4. 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 5. 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 6. 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 _____, 2022, 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 _____, 2022, 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 _____, 2022.

ATTEST:

Jennifer Holm, City Secretary

Travis Mitchell, Mayor

Exhibit A

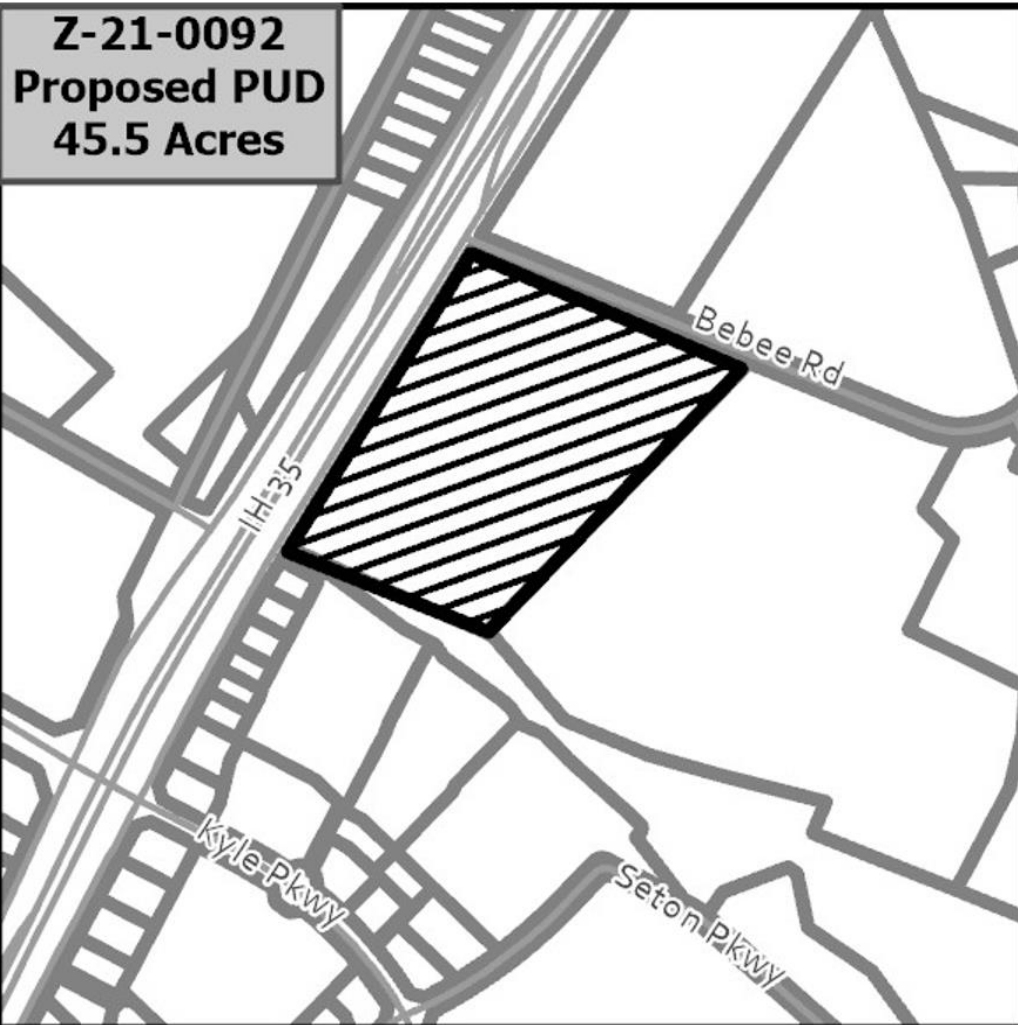


Exhibit B

Bebee Road PUD (Poco Loco)

Development Standards

Section 1. General Provisions

(A) Project Described. The Bebee Road PUD shall include compatible residential and commercial uses as more particularly described on **Exhibit 1** (the “Concept Plan”). The property shall be developed as a combination of commercial, vertical mixed use and multifamily consisting of approximately 19-acres of Retail Services zoning and associated commercial pads, and approximately 26.5-acres of Mixed-Use zoning (VMU). Both zoning districts are integrated as one project per development standards and will include a portion of The Vybe trail and a Vybe spot along the southern boundary of the parcel (along the Bunton Branch of Plum Creek).

(1) Per this PUD, the developers are allowed to develop in the eastern 10-acres of the RS tract as if the zoning was MXD, as further described in Exhibit B, Section 3. Exhibits 1-3 may be referenced for general site design but are not to scale. Further site design may vary as long as the intent of Exhibits 1-3 are upheld.

(B) Project Enhancements The Developer will provide the following enhancements in conjunction with the project:

(1) Dedication of one half of the required Bebee Road right-of-way, if needed (3-lane Collector, 60’ ROW). The developer will widen Bebee Road to account for a 3rd lane, for the length of the property along Bebee Road.

(2) Construction of an internal local, east/west, public street, a design which shall be generally perpendicular to Interstate 35 Service Road and run generally along the gas easement (60’ ROW), to the eastern property line. This internal streetscape shall be urban in nature and shall contain parallel parking and street trees into the design **(Exhibit 1)**.

(3) Construction of a sidewalk parallel to the IH-35 service road that matches the 10’ section constructed by TxDOT north of Bebee Road. Said sidewalk will tie into The Vybe trail stipulated in Sec. 1(B)(4) and extend from Bebee Road to the southern property line, to connect with the driveway access to northwest access point of the Lowe’s parcel. Design will be reviewed at time of subdivision or site development permits. **(Exhibit 2)**.

(4) Construction of The Vybe trail (12’ wide) and associated improvements (lighting, conduit, landscaping, etc.) per the standard detail for the City of Kyle. The required public access easement shall be 20’ wide. The expected length is approximately +/- 600

linear feet, and will be along the north side of the Bunton Branch of Plum Creek (Exhibit 2). The onsite portion of the trail shall be constructed above the floodplain and shall be maintained by the associated property owners and/or property owners association **(Exhibit 2)**.

- (5)** Construction of a Vybe Spot integrating the trail, at least 3 golf cart parking stalls with charging stations and 20 standard parking spaces between the trail and “Amenity Area” of buildings on southern end of MXD tract. Amenity areas will allow for public access.**(Exhibit 1)**.

(C) Applicability. Development of and uses within the Bebee Road PUD shall conform to the limitations and conditions set forth herein. If the regulations of the Bebee Road PUD and the attached exhibits conflict with the City Code, the regulations set forth herein shall control. Except as otherwise specifically modified by the Bebee Road PUD, all other rules, regulations, and ordinances of the City in effect at the time of the permit application apply to development within the Bebee Road PUD.

Section 2. Development Standards

(a) Development Requirements.

- (i)** Subject to approval of zoning that authorizes the land uses set forth in this Agreement as to the Retail Services Tract and MXD Tract, the Development will be designed and constructed in accordance with **Exhibit 2**, and shall include an active trail network (“Vybe”), open space, and other enhancements to maximize placemaking and experience within the development. The Vybe, generally in the location shown in **Exhibit 1**, and shall be designed with a water feature or other similar centerpiece approved by the City and vegetative buffer approved by the City in the site development permit, along the southern boundary of the Retail Services Tract and MXD Tract in substantial compliance with this Agreement. The Developer shall obtain City approval of the plans for the Vybe prior to commencing construction of that portion of the improvements covered by a given set of plans, which approval shall not be unreasonably delayed, conditioned, or withheld (site development and subdivision plans). Completion of the Vybe shall be a condition of the City’s issuance of the Certificate of Occupancy for the first retail building on the Retail Services Tract and Mixed-Use building on the MXD Tract. The Vybe will be maintained initially by the developer and ultimately may be maintained by a property owner’s association or other qualified party designated by Developer. Maintenance of the Vybe and all public and common areas shall be to a standard consistent with first-class standards found in other commercial Class A, Mixed Use developments. The City may review these maintenance standards and adjust them from time to time during the term of this agreement. Construction of a Vybe Spot

integrating the trail, parking between the trail and “Amenity Area” of buildings on southern end of MXD tract is required. Pavement in this area will be a herringbone pattern and a minimum of 3 golf cart parking spaces with associated charging stations are required. An area may be designed to allow for food trucks to operate as a temporary vendor, but food trucks do are not intended to be a permanent fixture within a Vybe Spot. The Vybe Spot may have an area for a small outdoor stage and shall a publicly accessible restroom. The restroom will be owned/maintained by the property owner and will be accessible daily from 6 AM until 10 PM. Use of the Vybe shall always be accessible to the public and include but not limited to recreational amenities and open space.

(ii) Parking ratios shall meet at minimum the following requirements, but may be reduced through a shared mixed-use parking strategy, which will be approved through the administrative site planning process:

- Commercial Uses, not including restaurants = 3 spaces per 1,000 sq. ft. of GFA, minimum.
- Multifamily (including VMU) = 1.3 spaces per residential unit.
- Golf cart parking is allowed to encourage the use of The Vybe trail network. Minimum dimensions will be 4-feet wide and 6-feet deep. If golf cart parking is installed, golf cart charging stations are required, with a minimum of 2 charging stations for the first 20,000 sq. ft. of a building. Golf cart parking is allowed to replace standard parking spaces at a 2:1 ratio (maximum of 20% of required parking).

(iii) Sidewalks. All public roads, except the IH-35 service road, shall include a parallel sidewalk of at least 5’ wide. The sidewalk along the IH-35 service road will match the 10’ wide section that TxDOT has recently constructed north of Bebee Road. Both north/south drives in the MXD tract, connecting to Bebee Road will have a minimum 5’ wide sidewalk. All buildings within the PUD will have perimeter sidewalks connecting to public sidewalks. –conceptually shown on **Exhibit 2**.

*The required sidewalk along Bebee Road should be designed to be within the property lines, as Bebee Road may be subject to a future bond program.

(iv) Security Fencing. Fencing shall be limited, where possible. Developer reserves the right to limit direct access (from the street) to the property as shown in the exhibit, however, Developer shall use building design, landscaping, and other features to function as transitions and dividers of different areas, rather than fencing where possible. Nothing shall limit the use of fences around private yards, enclosing dog parks, pool areas, and other similar areas, as needed, except for the area between the courtyards of the buildings and the Vybe Spot.

- (v) Buffers. Meter screens shall be buffered from street view.
- (vi) Fencing / Barriers. Any fencing at the perimeter, and interior of the project shall be steel tubing (wrought iron) or wire mesh with steel perimeter frame. There may be some areas where contemporary decorative wood slat fencing will be utilized, but this will be minimal, and shall be approved by the Planning Director.
- (vii) Trash / Dumpster Screens. All dumpster or compactors shall be screened with masonry walls and screened with an opaque metal frame gate system.
- (viii) Public Art. Public art pieces, preferably from local artists, will be included in the Development as appropriate in the discretion of the Developer, subject to reasonable approval of the City.
- (ix) Adjacent Lane Mile Fee. Improvement cost of Bebee Road may be credited towards the estimated ALM fee for the entire project.

(b) **Use Restrictions.** The following uses are prohibited on any lots within the Development.

- (i) More than one Gas Station (limited to one within the RS zoning tract).
- (ii) More than one Convenience Store (limited to one within the RS zoning tract).
- (iii) Daycare facility
- (iv) "Second Hand" store or/ "Surplus" Store, however, this provision shall not apply to a Nike Factory Outlet, Last Call, Nordstrom Rack, or other similar national discount retailer
- (v) Automotive service/repair facility
- (vi) Freestanding financial Institutions
- (vii) Freestanding mattress store

Section. 3 MXD Tract.

The MXD tract(s) must have vertical mixed-use design for Buildings facing Bebee and west along the property facing the Commercial/RS tract as shown on Exhibit 1 . Ground floor live/work units are not allowed in the buildings adjacent to Bebee Road and at least 10,000 square feet of ground floor retail is required for said buildings along Bebee Road. Live/Work units are allowed along ~~and~~ the western edge of the MXD tract (facing RS tract). Buildings shall be oriented toward the major street and The Vybe, with primary entrances along major streets and The Vybe to encourage pedestrian activity, and shall also conform to the following standards:

- Commercial frontage shall have commercial oriented storefronts with vertical proportioned windows and doors.

- At least 50% of the storefronts shall be transparent materials.
- Building massing shall serve to identify entry points. Porches, stoops, eaves, awnings, blade signage, arcades, colonnades, shall be used along commercial storefronts, and may protrude within the setback line so long as they do not impede pedestrian movement within the public right of way. Balconies on all residential units should be inset rather than protruding.
- Variations in the rhythms within individual building façades shall be achieved within any block of building façades with architectural elements such as bays, columns, doors, windows, etc.
- An expression line or equivalent architectural element shall delineate divisions between floors of all buildings, and a cornice shall delineate the tops of building façades that do not utilize a pitched roof.
- For retail storefronts, a transom, display window area and bulkhead at the base shall be utilized.
- Breaks in the predominant rhythm should also be used to reinforce changes in massing and important elements such as building entrances, terminated vistas, or corner sites.
- All retail space shall be constructed using first-class commercial standards and accommodate ground floor commercial shall have minimum floor to ceiling height of 12 feet with a minimum depth of 40 feet and maximum width of 100'.
- Minimum 70 percent of ground floor wall area shall be windows.
- Infrastructure shall be provided to support retail and restaurant uses.

(c) Exhibit 1).

- (i) Front Build to Line = 0'-90'
- (ii) Side Build to Line to Retail Services Tract = 0'-90'
- (iii) Side Setback = 0'
- (iv) Rear Setback = 0'
- (v) Maximum Residential Density = 40 units per buildable acre
- (vi) Sec. 53-677(a-c) are exempted in the PUD, except ground floor residential is allowed for non-vertical mixed-use buildings. as shown on the attached **(Exhibit 1)**.
- (vii) Sec. 53-679(b) is exempted in the PUD.
- (viii) Non-vertical mixed-use buildings are exempted from Sec. 53-686.

- (ix) The buildings along public roadways and the Vybe shall, at a minimum, be four (4)-story buildings, at a maximum five (5) story or 65 feet high buildings. Interior buildings shall have a minimum height of two (2) stories and no maximum height.
 - (x) Any unleased commercial space may be “shadowboxed” until leased.
 - (xi) Any commercial space in a building on the MXD Tract may be converted into a condominium regime.
- (d) **Traffic.** Developer shall not be required to provide traffic studies for the development of the Property.
- (e) **Building Permits.** The Developer acknowledges and agrees that compliance with Section 3 will be a condition of issuance of building permits and certificates of occupancy for the applicable portion of the Retail Services Tract or the MXD Tract. Developer further agrees that the City may use its building permitting, inspection, and enforcement processes and procedures to enforce the requirements of Section 2 governing building materials with respect to each Development, including but not limited to rejection of applications and plans, stop work orders, and disapproval of inspections for applications and/or work that does not comply with this Agreement. Applications and plans for a building permit must demonstrate compliance with this Agreement in order for a building permit to be issued. Applications for building permits must comply with this Agreement, as well as the Applicable Regulations, in order for such application to be approved and a building permit issued. Plans demonstrating compliance with this Agreement must accompany a building permit application and will become a part of the approved permit. Any structure constructed on the Property must comply with this Agreement and the Applicable Regulations for a certificate of occupancy to be issued for such structure.
- (f) **Stormwater.** Stormwater drainage infrastructure and detention facilities shall be provided to accommodate for the development of the Property, per City requirements.
- (g) **Shared Use Path.** Developer shall be responsible for the design, construction and maintenance for the portions of The Vybe trail network generally shown on **Exhibit 2** and such portion of The Vybe Trail shall be constructed with the phase in which it is located. The Vybe Trail shall be composed of concrete or other material acceptable by City, and no replacement requirements, fees in lieu, or other penalties will be imposed on the Development for removal of trees, landscaping, or other features in the right of way or site as required to construct the Shared Use Path. The Developer shall obtain City approval of the design and materials for The Vybe Trail before commencing construction.
- (h) **Landscaping.** Landscaping will be accounted for on a per lot basis.
- Minimum of 10% of lot area
 - 2 trees and 6 shrubs for every 600 sq. ft. of minimum lot area

- Trees to be planted with a 2" caliper minimum
- All parking spaces must be within 50' of a tree trunk

Streetscapes (public or private) will require street trees planted every 30-50 linear feet (spacing depends on species, practical design etc). A planting of strip of at least 5' wide will be required for the street trees. The planting strip will be between the sidewalk and back of curb for all public and private streets. Required areas for street trees are generally shown in **Exhibit 3**, but internal areas may be adjusted upon final site plan approval.

*Relating to Bebee Road, street trees may be inside the property line. Bebee Road may be subject to a future bond program.

Exhibit 1



Exhibit 2

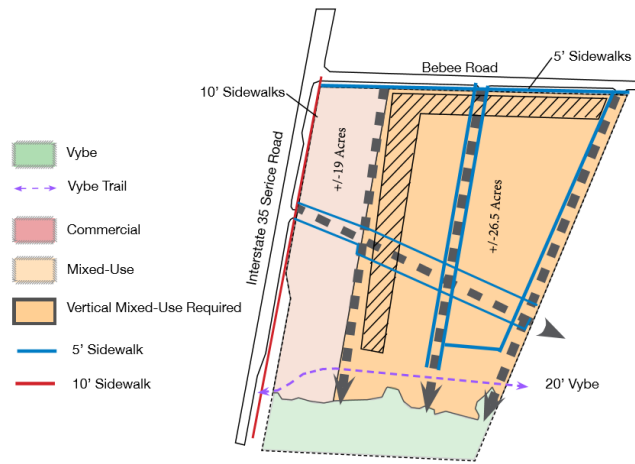


Exhibit 3



LANDOWNER AUTHORIZATION AND AFFIDAVIT OF OWNERSHIP

SUBJECT PROPERTY INFORMATION

Subdivision Name, Block, Lot, or legal description if not subdivided: ABS 151 DANIEL DOWNES
SURVEY 46.217 AC GEO#90601178 # of lots (if subdivided): _____ # of acres:

46.217
Site APN/Property ID #(s): R13829
Location: BEBEE RD, KYLE, TX 78640 County: Hays
Development Name: BEBEE RD PUD

OWNER

Company/Applicant Name: SUNRISE VILLAGE INVESTMENT LLC
Authorized Company Representative (if company is owner): ASIFALI KAROWALIA
Type of Company and State of Formation: LLC, TEXAS
Title of Authorized Company Representative (if company is owner): MANAGING MEMBER
Applicant Address: 1095 WINDY HILL RD KYLE, TX 78640-6127
Applicant Fax: _____
Applicant Phone: (512) 524 06 77
Applicant/Authorized Company Representative Email: miranchomeatmarket@gmail.com

APPLICANT REPRESENTATIVE

Check one of the following:

____. I will represent the application myself; or

X I hereby designate Luis Granillo (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.

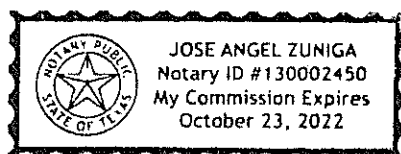
I hereby certify that the above-named owner is the rightful owner of the Property. I am either the owner of the property identified above or a partner/manager/officer/director/member of the company who is authorized to act on behalf of the company. I further certify that the information provided herein 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: _____ Date: 12/17/2021

State of Texas

County of Hays §

This instrument was acknowledged before me on (date) by (name of authorized company representative) who is a(n) (member, manager, authorized officer, etc.) of (name of company), a (Texas) (limited liability company, corporation, partnership, etc.).



SUBSCRIBED AND SWORN TO before me, this
the 17th day of December, 2021.

Notary Public's Signature
10/23/2022
My Commission Expires

PROJECT REPRESENTATIVE

Representative Name: Luis Granillo

Representative Address: 2211 S IH 35 Frontage Rd, Suite 107, Austin, TX 78741

Representative Phone: (915) 262-9021

Representative Email: luis@loccivil.com

Representative's Signature: Luis Granillo Date: 12/17/21

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.

SPECIAL WARRANTY DEED WITH VENDOR'S LIEN

Date: July 30, 2020

Grantor: CR TWO INVESTMENT, LTD., GAWLS, Ltd., MKK ASSOCIATES, LP., CLIFTON OSWALT, Trustee of the Clifton Oswalt Trust under 2005 Trust Agreement, EVELYN E. NICHOLSON, Trustee of the Evelyn Nicholson Trust under 2005 Trust Agreement, ALTON E. FRANKE and DEANNA K. FRANKE, spouses

Grantor's Mailing Address:

Grantee: SUNRISE VILLAGE INVESTMENT, LLC

Grantee's Mailing Address:

1095 Windy Hill Road
Kyle, Texas 78640

Consideration: Cash and a note of even date executed by Grantee and payable to the order of PIONEER FINANCE, INC. ("LENDER") in the principal amount of FIVE MILLION THREE HUNDRED FIFTY THOUSAND AND NO/100 DOLLARS (\$5,350,000.00). The note is secured by a first and superior vendor's lien and superior title retained in this deed in favor of LENDER and by a first-lien deed of trust of even date from Grantee to ARIF LAWJI, Trustee.

Property (including any improvements):

Being 51.07 acres of land comprised of two tracts of land out of the D. DOWNER SURVEY No. 22, Abstract No. 151 and the JOHN KING SURVEY No 20, Hays County Texas, Tract 1 being 45.64 acres of land and Tract 2 being 5.43 acres of land, both tracts being portions of two tracts of land referenced and described in deed from a Adele Grimes Castle to Alton Franke and A. W. Gregg dated October 3, 1974, recorded in Volume 271, page 300, Deed Records of Hays County, Texas both of said tracts of land being described by metes and bounds in Exhibit "A" attached.

Reservation of Minerals: For Grantor, and Grantor's successors, a reservation of all of the mineral estate owned by Grantor. Grantor does not reserve the implied rights of ingress and egress and the reasonable use of the Property (including surface materials) for mining, drilling, exploring, operating, developing or removing the oil, gas and other minerals.

Exceptions to Conveyance and Warranty: The conveyance of the Property is being made by Grantor and accepted by Grantees subject to the matters (the "Permitted Exceptions") set forth in Exhibit "B" attached hereto and made a part hereof for all purposes.

Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever. Grantor binds Grantor and Grantor's heirs and successors to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, when the claim is by, through or under grantor, but not otherwise.

LENDER, at Grantee's request, has paid in cash to Grantor that portion of the purchase price of the Property that is evidenced by the note. The first and superior vendor's lien against and superior title to the Property are retained for the benefit of LENDER and are transferred to LENDER without recourse against Grantor.

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

Signatures and acknowledgments appear on the following pages.

CR TWO INVESTMENT, LTD.

By: CR TWO MANAGEMENT, LLC

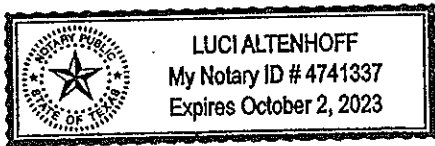
By: *Robin Gail Robinson*
ROBIN GAIL ROBINSON, Manager

STATE OF TEXAS

COUNTY OF HAYS

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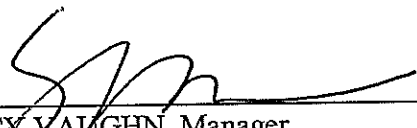
This instrument was acknowledged before me on July 30, 2020 by ROBIN GAIL ROBINSON, Manager of CR TWO MANAGEMENT, LLC, General Partner of CR TWO INVESTMENT, LTD.



Luci Altenhoff
Notary Public, State of Texas

GAWLS, Ltd.

By: GAWLS MANAGEMENT, LLC

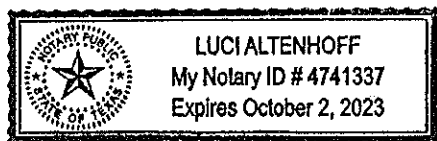
By: 
STACY VAUGHN, Manager

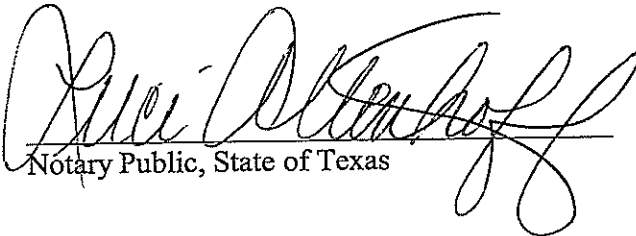
STATE OF TEXAS

COUNTY OF HAYS

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This instrument was acknowledged before me on July 30, 2020 by STACY VAUGHN,
Manager of GAWLS MANAGEMENT, LLC, General Partner of GAWLS, Ltd.




Notary Public, State of Texas

MKK ASSOCIATES, LP

By: MKK MANAGEMENT, LLC

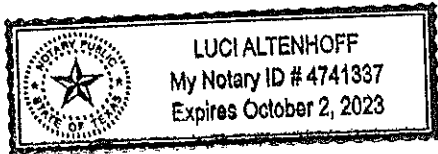
By: Mary G. Kinsala, manager
MARY G. KINSALA, Manager

STATE OF TEXAS

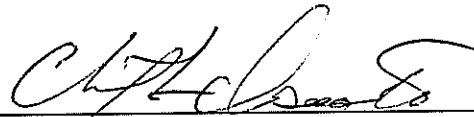
COUNTY OF HAYS

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This instrument was acknowledged before me on July 30, 2020 by MARY G. KINSALA, Manager of MKK MANAGEMENT, LLC, General Partner of MKK ASSOCIATES, LP.



Luci Altenhoff
Notary Public, State of Texas



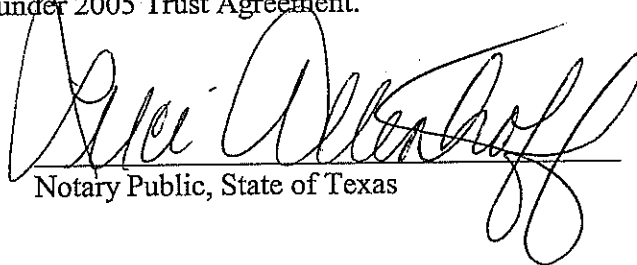
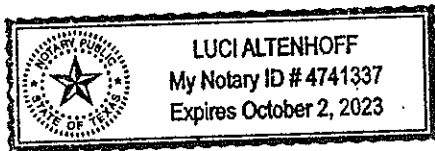
CLIFTON OSWALT
Trustee of the Clifton Oswald Trust
Under 2005 Trust Agreement

STATE OF TEXAS

}
}
}

COUNTY OF HAYS

This instrument was acknowledged before me on July 30, 2020 by CLIFTON OSWALT Trustee of the Clifton Oswald Trust under 2005 Trust Agreement.



Notary Public, State of Texas

Evelyn E. Nicholson

EVELYN E. NICHOLSON

Trustee of the Evelyn Nicholson Trust

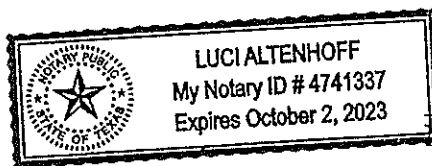
Under 2005 Trust Agreement

STATE OF TEXAS

COUNTY OF HAYS

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This instrument was acknowledged before me on July 30, 2020 by EVELYN E. NICHOLSON Trustee of the Evelyn Nicholson Trust under 2005 Trust Agreement.



Luci Altenhoff

Notary Public, State of Texas

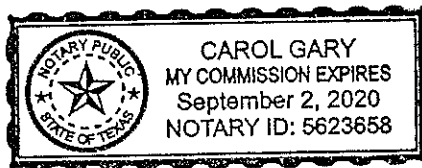
Alton E. Franke
ALTON E. FRANKE

Deanna K. Franke
DEANNA K. FRANKE

STATE OF TEXAS

COUNTY OF HAYS

This instrument was acknowledged before me on July 30, 2020 by ALTON E. FRANKE and DEANNA K. FRANKE, spouses.



Carol Gary
Notary Public, State of Texas

EXHIBIT 'A'



Metes and Bounds:

BEING 51.07 ACRES OF LAND COMPRISED OF TWO TRACTS OF LAND OUT OF THE DANIEL DOWNER SURVEY, SECTION NO. 22, ABSTRACT NO. 151 AND THE JOHN KING SURVEY, SECTION 20, ABSTRACT NO. 276, HAYS COUNTY, TEXAS TRACT 1 BEING 45.64 ACRES OF LAND AND TRACT 2 BEING 5.43 ACRES OF LAND, BOTH TRACTS BEING PORTIONS OF TWO TRACTS OF LAND REFERENCED AND DESCRIBED IN THE DEED TO ADELE GRIMES CASTLE TO ALTON FRANKE AND A.W. GREGG DATED OCTOBER 3, 1974, RECORDED IN VOLUME 271, PAGE 300, DEED RECORDS OF HAYS COUNTY, TEXA AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

TRACT 1

BEGINNING at a 5/8-inch iron rod with cap stamped "Landpoint" set (hereinafter referred to as capped iron rod set) at the intersection of the Easterly right-of-way line of Interstate Highway 35 and the Southerly right-of-way line of Beebee Road for the West corner of that certain called 0.783 acre tract of land described in the deed to the State of Texas, recorded in Document No. 396678, Official Public Records, Hays County, Texas and the North corner of said tract herein described, from which a 1/2-inch iron rod found for the North corner of that certain called 0.739 acre tract of land described as Parcel 17 in the deed to State of Texas, recorded in Document No. 2010-10035140, Official Public Records, Hays County, Texas bears North 64°22'09": West, a distance of 426.63 feet;

THENCE South 67°39'51" East, with the Southerly right-of-way line of said Beebee Road and the Southerly line of said 0.783 acre tract of land, a distance of 1416.64 feet to a 1/2-inch iron rod found in the Westerly line of that certain called 76 acre tract of land described as Third Tract in the deed to Alton J. Franke and wife, Evelyn B. Franke, recorded in Volume 279, Page 565, Deed Records, Hays County, Texas and the Easterly line of said 46.44 acre tract of land for the South corner of said 0.783 acre tract of land and the East corner of said tract herein described;

THENCE South 44°01'17" West, with the Westerly line of said 76 acre tract of land and the Easterly line of said 46.44 acre tract of land, a distance of 1790.04 feet to a capped iron rod set in the Northerly line of Lot 3, Seton Hays Subdivision, according to the plat thereof recorded in Volume 14, Page 255, Plat Records, Hays County, Texas for the West corner of said 76 acre tract of land, the South corner of said 46.44 acre tract of land and the South corner of said tract herein described;

EXHIBIT 'A'



THENCE North 66°43'03" West, with the Northerly line of said Lot 3 and the Southerly line of said 46.44 acre tract of land, a distance of 978.61 feet to a concrete monument found in the Easterly right-of-way line of said Interstate Highway 35 for the North corner of said Lot 3, the West corner of said 46.44 acre tract of land and the West corner of said tract herein described;

THENCE with the Easterly right-of-way line of said Interstate Highway 35, the following calls and distances:

North 31°29'04" East, a distance of 712.12 feet to a capped iron rod set for corner;

North 09°36'57" East, a distance of 107.90 feet to a concrete monument found for corner;

North 31°23'57" East, a distance of 849.47 feet to the **POINT OF BEGINNING** and containing 45.64 acres of land.

TRACT 2

BEGINNING at a 1/2-inch iron rod found in the Westerly right-of-way line of Interstate Highway 35 for the North corner of that certain called 0.739 acre tract of land described as Parcel 17 in the deed to State of Texas, recorded in Document No. 2010-10035140, Official Public Records, Hays County, Texas and the East corner of said tract herein described, from which a 1/2-inch iron rod found for reference bears North 31°38'11" East, a distance of 31.04 feet;

THENCE South 31°34'07" West, with the Westerly right-of-way line of said Interstate Highway 35 and the Westerly line of said 0.739 acre tract of land, passing the South corner thereof and continuing on said course with the Westerly right-of-way line of said Interstate Highway 35 and the Easterly line of said 7.703 acre tract of land, a distance of 1237.33 feet to a 5/8-inch iron rod with cap stamped "Landpoint" set (hereinafter referred to as capped iron rod set) for the East corner of Lot 1, North Branch Subdivision, according to the plat thereof recorded in Volume 4, Page 51, Plat Records, Hays County, Texas and the South corner of said tract herein described;

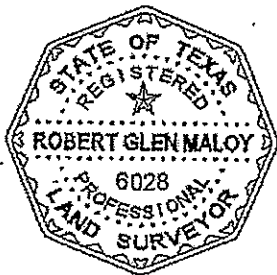


THENCE North 25°27'22" West, with the Northerly line of said Lot 1, a distance of 188.60 to a capped iron rod set in the Easterly right-of-way line of County Road 210 and the Westerly line of said 7.703 acre tract of land for the North corner of said Lot 1 and the West corner of said tract herein described;

THENCE North 26°45'58" East, with the Easterly right-of-way line of said County Road 210 and the Westerly line of said 7.703 acre tract of land, a distance of 1098.52 feet to a 1/2-inch iron rod found for the North corner of said 7.703 acre tract of land and the North corner of said tract herein described;

THENCE South 67°31'10" East, with the Northerly line of said 7.703 acre tract of land, a distance of 253.37 feet to the **POINT OF BEGINNING** and containing 5.43 acres of land.

The herein referenced tract is referenced to State Plane Coordinates, Texas South Central Zone, 4204.



Robert Glen Maloy

7/24/20

Robert Glen Maloy
Registered Professional Land Surveyor
Texas Registration No. 6028

EXHIBIT "B"

Standby fees, taxes and assessments by any taxing authority for the year 2020, and subsequent years; and subsequent taxes and assessments by any taxing authority for prior years due to change in land usage or ownership.

Easement and right-of-way in favor of Southwestern Bell Telephone Company recorded in Volume 124, page 203, Deed Records, Hays County, Texas.

Easement and right-of-way in favor of Lower Colorado River Authority recorded in Volume 254, page 259, Deed Records, Hays County, Texas.

Easement in favor of the City of Kyle for wastewater facilities recorded in Volume 3014, page 878, Official Public Records, Hays County, Texas.

Easement in favor of the City of Kyle for wastewater facilities recorded in Volume 3014, page 888, Official Public Records, Hays County, Texas.

Easement in favor of Hays County and State of Texas for temporary utility relocation easement recorded in Volume 3761, page 315, Official Public Records, Hays County, Texas.

Inclusion within the Hays County Special Road.

Inclusion within the Plum Creek Conservation District.

Inclusion within the Plum Creek Groundwater District.

**THE STATE OF TEXAS
COUNTY OF HAYS**

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

20032482 DEED
08/04/2020 11:41:30 AM Total Fees: \$72.50

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





Franchise Tax Account Status

As of : 04/28/2021 13:30:48

This page is valid for most business transactions but is not sufficient for filings with the Secretary of State

SUNRISE VILLAGE INVESTMENT LLC	
Texas Taxpayer Number	32074476055
Mailing Address	1095 WINDY HILL RD KYLE, TX 78640-6127
❓ Right to Transact Business in Texas	ACTIVE
State of Formation	TX
Effective SOS Registration Date	06/01/2020
Texas SOS File Number	0803635584
Registered Agent Name	RAHIM MOMIN
Registered Office Street Address	1095 WINDY HILL RD KYLE, TX 78640



CITY OF KYLE, TEXAS

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

Meeting Date: 1/18/2022

Date time: 6:00 PM

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

Other Information:

Legal Notes:

Budget Information:

ATTACHMENTS:

Description

No Attachments Available