CITY OF KYLE

PLANNING & ZONING COMMISSION REGULAR MEETING

Kyle City Hall Council Chambers, 100 W. Center Street, Kyle Texas, 78640

Notice is hereby given that the Planning and Zoning Commission of the City of Kyle, Texas will meet at 6:30 PM on March 14, 2017, at Kyle City Hall Council Chambers, 100 W. Center Street, Kyle Texas, 78640, for the purpose of discussing the following agenda.

Posted this 10th day of March, 2017 prior to 6:30 P.M.

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1. Call Meeting To Order

2. Roll Call

3. Minutes

1. Planning and Zoning Commission meeting minutes for November 7, 2016 (Special Called and Regular Meeting), November 22, 2016, December 13, 2016, December 28, 2016, January 10, 2017 and (2) February 14, 2017.

4. Citizen Comments

5. Consent

1. Railhouse Subdivision Lots 1, 2, and 3 - Final Plat (FP-16-013) 3.49 acres; 3 commercial lots located at the southwest corner of Center Street and South Front Street (Old Highway 81).

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

6. Zoning

1. Consider a request by MooreRood Properties, LLC (Magdalena Rood and Leslie Moore) to assign original zoning to approximately 27.66 acres (Tract 1) and 4.19 acres (Tract 2) from Agriculture 'AG' to Retail Service District 'RS' for properties located at (Tract 1: 900 and 1000 Scott Street) (Tract 2: 1101 Old Stagecoach Road). (Z-17-003)

   - Public Hearing
   - Recommendation to City Council

2. Consider a request by South Center Street Holdings, LLC to rezone approximately 1.67 acres of land from Retail Service District 'RS' to dual zoning of Retail Service District 'RS' and Entertainment 'E' for property located at 107 E. Center Street. (Z-17-004)

    - Public Hearing
    - Recommendation to City Council

3. Consider a request by Rodolfo and Guadalupe Martinez and Mary Ann Mendoza to assign original zoning to approximately 13.52 acres of land from Agriculture 'AG' to Construction Manufacturing 'CM' for property located off of IH-35 and CR 208. (Z-17-005)

    - Public Hearing
    - Recommendation to City Council

7. Consider and Possible Action

1. Consider text amendments to the City of Kyle, Code of Ordinances, Section 53-899 (I-35 Overlay District Development Standards).

    - Public Hearing
    - Recommendation to City Council

8. General Discussion

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

9. Staff Report

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

10. 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

Minutes

Meeting Date: 3/14/2017
Date time:6:30 PM

Subject/Recommendation: Planning and Zoning Commission meeting minutes for November 7, 2016 (Special Called and Regular Meeting), November 22, 2016, December 13, 2016, December 28, 2016, January 10, 2017 and (2) February 14, 2017.

Other Information: Please see attached.

Legal Notes: N/A

Budget Information: N/A

ATTACHMENTS:

Description

- November 7, 2016 - Special Called Meeting
- November 7, 2016 - Regular Meeting
- November 22, 2016 - Regular Meeting
- December 13, 2016 - Regular Meeting
- December 28, 2016 - Special Called
- January 10, 2017 - Regular Meeting
- February 14, 2017 Regular Meeting (1)
- February 14, 2017 - Regular Meeting (2)

SPECIAL CALLED MEETING OF THE
PLANNING AND ZONING COMMISSION

The Planning and Zoning Commission of the City of Kyle, Texas met in a special called meeting on November 7, 2016 at 6:30 P.M. at Kyle City Hall, with the following persons present:

Commissioner Dex Ellison
Commissioner Lori Huey
Commissioner Bradley Growt
Chairman Mike Rubsam
Commissioner Allison Wilson
Vice-Chair Tim Kay
Commissioner Irene Melendez
Grady Reed
Perwez Moheet
Fred Dipple, Jr.
Planning and Community Director, Howard J. Koontz
Planning Technician, Debbie A. Guerra
City Planner, William Atkinson

CALL MEETING TO ORDER

Chairman Rubsam called the meeting to order at 6:30 P.M.

ROLL CALL OF COMMISSION

Chairman Rubsam called for roll call. No one was absent.

CITIZENS COMMENTS

Chairman Rubsam opened the citizens comment period at 6:30 P.M. and call for comments on items not on the agenda or posted for public hearing. There were no comments. Chairman Rubsam closed the citizens comment period at 6:30 P.M.

CONSIDER AND POSSIBLE ACTION

REVIEW AND APPROVE THE LAND USE ASSUMPTIONS AND CAPITAL IMPROVEMENTS PLANS USED IN THE CALCULATION OF THE WATER AND WASTEWATER IMPACT FEE AND PROVIDE A RECOMMENDATION TO CITY COUNCIL TO ADOPT THE WATER AND WASTEWATER IMPACT FEE REPORT INCLUDING THE MAXIMUM WATER AND WASTEWATER IMPACT FEE AMOUNTS. ~ PERWEZ MOHEET, CPA, DIRECTOR OF FINANCE AND GRADY REED, HDR, INC.

Vice-Chair Kay moved to recommend approval. Commissioner Wilson seconds the motion. All votes aye. Motion carried.

ADJOURN

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

The Planning and Zoning Commission meeting adjourned at 7:10 P.M.

_____ _____

Prepared by: Debbie A. Guerra Mike Rubsam, Chairman

REGULAR MEETING OF THE
PLANNING AND ZONING COMMISSION

The Planning and Zoning Commission of the City of Kyle, Texas met in regular session November 7, 2016 at 6:30 P.M. at Kyle City Hall, with the following persons present:

Commissioner Dex Ellison
Commissioner Bradley Growt
Vice-Chair Tim Kay
Commissioner Allison Wilson
Commissioner Rick Koch
Commissioner Irene Melendez
Eric Drazkowski
Ryan Mattox
Planning and Community Director, Howard J. Koontz
Planning Technician, Debbie A. Guerra
City Planner, William Atkinson

CALL MEETING TO ORDER

Vice-Chair Kay called the meeting to order at 7:15 P.M.

ROLL CALL OF COMMISSION

Vice-Chair Kay called for roll call. Commissioner Torres was absent.

CITIZENS COMMENTS

Vice-Chair Kay opened the citizens comment period at 7:15 P.M. and call for comments on items not on the agenda or posted for public hearing. There were no comments. Vice-Chair Kay closed the citizens comment period at 7:15 P.M.

PRESENTATION

PRESENTATION FOR YEARS OF SERVICE ON THE PLANNING AND ZONING COMMISSION.

- **MIKE RUBSAM**
- **LORI HUEY**

CONSENT

RESUBDIVISION OF LOTS 1A AND 2A OF THE HILL REPLAT OF LOTS 1 AND 2 (SFP-16-003) 2.168 ACRES; 2 LOTS LOCATED AT (LOT 1A) 102 CREEKSIDE TRAIL (LOT 2A) 1051 E. RR 150.

STAFF PROPOSAL: STATUTORILY DISAPPROVE TO MEET 30 DAY REQUIREMENT.

Commissioner Ellison moved to statutorily disapprove. Commissioner Wilson seconds the motion. All votes aye. Motion carried.

PLUM CREEK PHASE 1, SECTION 6B-2 – FINAL PLAT (FP-16-005) 2.319 ACRES; 24 LOTS LOCATED SOUTH OF HELLMAN AND EAST OF FM 2770.
STAFF PROPOSAL: APPROVE

ESPIRITU ADDITION – FINAL PLAT (SFP-15-001) 3.24 ACRES; 3 SINGLE FAMILY LOTS LOCATED AT 401 S. OLD STAGECOACH ROAD.
STAFF PROPOSAL: APPROVE

Commissioner Growt moved to approve Plum Creek Phase 1, Section 6B-2 (FP-16-005) and Espiritu Addition (SFP-15-001). Commissioner Ellison seconds the motion. All votes aye. Motion carried.

ZONING

CONSIDER A REQUEST BY LENNAR HOMES OF TEXAS LAND AND CONSTRUCTION, LTD. TO ASSIGN ORIGINAL ZONING TO APPROXIMATELY 51.48 ACRES FROM AGRICULTURE 'AG' TO PLUM CREEK R-2 'SINGLE FAMILY' FOR PROPERTY LOCATED SOUTH WEST OF THE INTERSECTION OF FM 2770 AND FM 1626. (Z-16-008)

Vice-Chair Kay opened the public hearing at 7:24 P.M. and called for comments for or against the request. There were no comments. Vice-Chair Kay closed the public hearing at 7:24 P.M.

Commissioner Ellison moved to recommend approval of the request by Lennar Homes to assign original zoning of Plum Creek R-2 'Single Family'. Commissioner Melendez seconds the motion. All votes aye. Motion carried.

CONSIDER A REQUEST BY THE MEADOWS OF KYLE II, LTD. TO REZONE APPROXIMATELY 52.990 ACRES FROM SINGLE FAMILY RESIDENTIAL-2 'R-1-2' TO SINGLE FAMILY DETACHED RESIDENTIAL 'R-1-A' FOR PROPERTY LOCATED ON THE NORTH SIDE OF BEBEE ROAD, ¼ MILE WEST OF DACY LANE. (Z-16-009)

Howard Koontz, Director of Planning and Community Development stated that the applicant is requesting a postponement until the December 13th Planning and Zoning Commission meeting.

Vice-Chair Kay opened the public hearing at 7:29 P.M. and called for comments for or against the request. There were no comments. (Public hearing remains open)

Commissioner Growt moved to postpone the request until the December 13th Planning and Zoning Commission meeting. Commissioner Ellison seconds the motion. All votes aye. Motion carried.

CONSIDER AND POSSIBLE ACTION

CONSIDER A LANDSCAPE WAIVER REQUEST BY BIOLIFE PLASMA SERVICES TO SECTION 53-988, SECTION 53-990 AND SECTION 53-992 OF THE CITY OF KYLE, CODE OF ORGINANCES.

Vice-Chair Kay moved to remove the tree requirement on the south wall and reduce the total number of trees to 46 with 20% to be placed on the north side. Commissioner Growt seconds the motion. Commissioner's Ellison, Growt, Kay, Wilson and Koch vote aye. Commissioner Melendez votes nay.

Vice-Chair Kay amends his motion to remove the tree requirement and the requirement for a tree within 50' of a parking space on the south wall. Also, to reduce the total number of trees to 46 with 20% to be placed on the north side. Commissioner Growt seconds the motion. Commissioner's Ellison, Growt, Kay, Wilson and Koch vote aye. Commissioner Melendez votes nay. Motion carried.

NOMINATION

NOMINATION(S) FOR COMMISSION CHAIR.

Commissioner's Ellison, Growt and Kay would like to be considered as the next Planning and Zoning Commission Chairman.

GENERAL DISCUSSION

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

None

STAFF REPORT

Howard Koontz, Director of Planning and Community Development stated that there would be a special called meeting on November 22nd.

ADJOURN

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

The Planning and Zoning Commission meeting adjourned at 8:11 P.M.

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Prepared by: Debbie A. Guerra Tim Kay, Vice-Chair

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 November 22, 2016 at 6:30 P.M. at Kyle City Hall, with the following persons present:

Commissioner Dex Ellison
Commissioner Mike Torres
Commissioner Bradley Growt
Vice-Chair Tim Kay
Commissioner Allison Wilson
Commissioner Rick Koch
Planning and Community Director, Howard J. Koontz
Planning Technician, Debbie A. Guerra
City Planner, William Atkinson

Lila Knight
Tim Miller
Brian Lawrence
Alfonso Hernandez
John Lawrence
Rudy Cedillo
Carol Whisenant
Chad Durham
Madison Inselmann
Michele Christie

CALL MEETING TO ORDER

Vice-Chair Kay called the meeting to order at 6:30 P.M.

ROLL CALL OF COMMISSION

Vice-Chair Kay called for roll call. Commissioner Melendez was absent.

CITIZENS COMMENTS

Vice-Chair Kay opened the citizens comment period at 6:31 P.M. and call for comments on items not on the agenda or posted for public hearing. Lila Knight stated that she doesn't appreciate vicious attacks that the Planning Commission has been subject to recently. Ms. Knight also stated her concerns with the mid-term amendments to the comprehensive plan. Vice-Chair Kay closed the citizens comment period at 6:35 P.M.

ELECTION OF CHAIR

Commissioner Ellison moved to postpone the election until December 13th when all seven (7) Commissioners are present. Commissioner Growt seconds the motion. Commissioners Ellison, Torres, Growt, Wilson and Koch vote aye. Vice-Chair Kay votes nay. Motion carried.

CONSENT

RAILHOUSE SUBDIVISION LOTS 1, 2 & 3 – FINAL PLAT (FP-16-013) 3.49 ACRES; 3 COMMERCIAL LOTS LOCATED AT THE SOUTHWEST CORNER OF CENTER STREET AND OLD HIGHWAY 81.

STAFF PROPOSAL: STATUTORILY DISAPPROVE TO MEET 30 DAY REQUIREMENT.

PLUM CREEK PHASE 1 SECTION 12B – PRELIMINARY PLAN (PP-16-003) 0.971 ACRES; 1 COMMERCIAL LOT LOCATED OFF OF KOHLER'S CROSSING AND CROMWELL.
STAFF PROPOSAL: APPROVE

PLUM CREEK PHASE 1 SECTION 12B – FINAL PLAT (FP-16-012) 0.971 ACRES; 1 COMMERCIAL LOT LOCATED OFF OF KOHLER'S CROSSING AND CROMWELL.
STAFF PROPOSAL: APPROVE

CREEKSIDE VILLAGE REVISED PRELIMINARY PLAN (PP-16-004) 73.454 ACRES; 166 SINGLE FAMILY LOTS AND 4 DRAINAGE LOTS LOCATED EAST OF FALL CREEK DRIVE, WEST OF UNION PACIFIC RAILROAD AND NORTH OF BURLESON.
STAFF PROPOSAL: APPROVE

DACY VILLAGE LOT 5, BLOCK B – FINAL PLAT (FP-16-010) 5.45 ACRES; 1 COMMERCIAL LOT LOCATED ON THE SOUTH SIDE OF BEBEE ROAD JUST WEST OF DACY LANE.
STAFF PROPOSAL: APPROVE

KYLE WELLNESS CENTER – SITE PLAN (SD-16-019 0.971 ACRES; 1 COMMERCIAL LOT LOCATED AT 1001 KOHLER'S CROSSING.
STAFF PROPOSAL: APPROVE

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

ZONING

CONSIDER A REQUEST BY BLANTON FAMILY LIMITED PARTNERSHIP TO REZONE APPROXIMATELY 68.5 ACRES OF LAND FROM SINGLE FAMILY RESIDENTIAL-2 'R-1-2' AND REZONE APPROXIMATELY 10.38 ACRES OF LAND FROM CENTRAL BUSINESS DISTRICT-1 'CBD-1' TO SINGLE FAMILY DETACHED.

Howard Koontz, Director of Planning and Community Development stated that the applicant is requesting a postponement until the December 13th meeting. Mr. Koontz also recommended that the public hearing not be opened or act on the request.

Vice-Chair Kay stated since there were citizens in the audience pertaining to zoning request he would allow them to speak.

Vice-Chair Kay opened the public hearing at 6:44 P.M. and called for comments for or against the request. Tim Miller, Brian Lawrence, Alfonso Hernandez, John Lawrence, Rudy Cedillo addressed the Commission stating concerns with increased traffic and flooding that a new subdivision would bring to the area and are opposed to the request. (Public hearing remains open).

Vice-Chair Kay moved to postpone the request by Blanton Family Limited Partnership until December 13th. Commissioner Koch seconds the motion. All votes aye. Motion carried.

CONSIDER A REQUEST BY THOMAS KAMINSKI TO REZONE APPROXIMATELY 7.26 ACRES OF LAND FROM SINGLE FAMILY 'R-1' TO SINGLE FAMILY DETACHED RESIDENTIAL 'R-1-A' FOR PROPERTY LOCATED AT ON THE SOUTHWEST CORNER OF ZAPATA STREET AND W. HAYS STREET. (Z-16-011)

Vice-Chair Kay opened the public hearing at 6:59 P.M. and called for comments for or against the request. Carol Whisenant addressed the Commission on behalf of Ms. Lindsey and stated the map appeared to have Ms. Lindsey's property included however, now sees that it's not included. Ms. Whisenant also stated concerns that survey stakes may be on Ms. Lindsey's property. Luis Lopez stated his concerns that the development would bring traffic and crime to the area. (Public hearing remains open).

Commissioner Wilson moved to postpone the request by Thomas Kaminski until December 13th. Commissioner Ellison seconds the motion. All votes aye. Motion carried.

CONSIDER AMENDMENTS TO THE CITY OF KYLE CODE OF ORDINANCES, CHAPTER 53, ZONING: SPECIFICALLY, ARTICLE I, SECTION 53-33 (GENERAL REQUIREMENTS AND LIMITATIONS); AND ARTICLE II, DIVISION 2, 3, 4 AND 5, AS WELL AS CREATING A NEW DIVISION AND RE-NUMBERING EXISTING DIVISIONS, AND PRIOR ORDINANCE 824 (PROVIDING STANDARDS FOR DETERMINING A FRONT WALL FOR THE PURPOSE OF ESTABLISHING GARAGE SETBACK).

Vice-Chair Kay opened the public hearing at 7:23 pm and called for comments for or against the amendments. Chad Durham with David Weekly Homes addressed the Commission and stated that he appreciated working with City staff on the amendment however, would propose additional language to the amendment. Madison Inselmann stated that he would like for the Commission to take into consideration the different types of depths for garage fronts and feels overall that its creating the esthetics that the they and the community is looking for. Michele Christi addressed the Commission and stated that the Planning and Zoning Commission needs to remember that they are representing the citizens of Kyle. Ms. Christie stated that she is hearing

the developer dictate to the City what they want our ordinances to read and stated the ordinances should be written for what's best for the City not the developer. Vice-Chair Kay closed the public hearing at 7:36 pm.

Commissioner Torres moved to postpone recommendation until the December 13th Planning and Zoning Commission meeting. Commission Koch seconds the motion. All votes aye. Motion carried.

CONSIDER AN AMENDMENT TO THE CITY OF KYLE CODE OF ORDINANCES, CHAPTERS 11, ARTICLE IV (PEDDLERS, SOLICITORS AND VENDORS), AND 53, ARTICLE II, SECTIONS 53-481, 53-665 AND 53-672.

Commissioner Torres moved to recommend approval with the exception of page #16, item (4) Permit renewal and fees. (b.) be deleted in its entirety, as it is obsolete following the associated changes in item (a.), Commissioner Ellison seconds the motion. Commissioner's Ellison, Torres, Kay, Wilson, Koch vote aye. Commissioner Growt votes nay. Motion carried.

GENERAL DISCUSSION

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

None

STAFF REPORT

Howard Koontz, Director of Planning and Community Development stated there will be an election for Chair at the December 13th meeting.

ADJOURN

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

The Planning and Zoning Commission meeting adjourned at 8:02 P.M.

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Prepared by: Debbie A. Guerra Tim Kay, Vice-Chair

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 December 13, 2016 at 6:30 P.M. at Kyle City Hall, with the following persons present:

Chairman Dex Ellison
Commissioner Mike Torres
Commissioner Bradley Growt
Vice-Chair Tim Kay
Commissioner Allison Wilson
Commissioner Rick Koch
Commissioner Irene Melendez
Planning and Community Director, Howard J. Koontz
Planning Technician, Debbie A. Guerra
City Planner, William Atkinson

CALL MEETING TO ORDER

Vice-Chair Kay called the meeting to order at 7:00 P.M.

ROLL CALL OF COMMISSION

Vice-Chair Kay called for roll call. No one was absent.

CITIZENS COMMENTS

Vice-Chair Kay opened the citizens comment period at 7:01 P.M. and call for comments on items not on the agenda or posted for public hearing. There were no speakers. Vice-Chair Kay closed the citizens comment period at 7:02 P.M.

ELECTION OF CHAIR

Commissioner Ellison received the majority of the votes for Chairman.

CONSENT

PLUM CREEK PHASE 1, SECTION 11F – PRELIMINARY PLAN (PP-16-005) 6.999 ACRES; 1 COMMERCIAL LOT LOCATED FRONTING CROMWELL DRIVE APPOXIMATELY 500 WEST OF FM 1626, SOUTH OF KOHLER'S CROSSING. STAFF PROPOSAL: STATUTORILY DISAPPROVE

PLUM CREEK PHASE 1, SECTION 11F – FINAL PLAT (FP-16-014) 6.999 ACRES; 1 COMMERCIAL LOT LOCATED FRONTING CROMWELL DRIVE APPOXIMATELY 500 WEST OF FM 1626, SOUTH OF KOHLER'S CROSSING.
STAFF PROPOSAL: STATUTORILY DISAPPROVE

PLUM CREEK PHASE 1, SECTION 4B – PRELIMINARY PLAN (PP-16-002) 3.828 ACRES; 40 SINGLE FAMILY LOTS LOCATED ON THE EAST CORNER OF FAIRWAY AND HARTSON.
STAFF PROPOSAL: APPROVE

PLUM CREEK PHASE 1, SECTION 4B – FINAL PLAT (FP-16-011) 3.828 ACRES; 40 SINGLE FAMILY LOTS LOCATED ON THE EAST CORNER OF FAIRWAY AND HARTSON.
STAFF PROPOSAL: APPROVE

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

ZONING

CONSIDER A REQUEST BY THE MEADOWS OF KYLE II, LTD. TO REZONE APPROXIMATELY 52.990 ACRES FROM SINGLE FAMILY RESIDENTIAL-2 'R-1-2' TO SINGLE FAMILY DETACHED RESIDENTIAL 'R-1-A' FOR PROPERTY LOCATED ON THE NORTH SIDE OF BEBEE ROAD, ¼ MILE WEST OF DACY LANE. (Z-16-009)

Howard Koontz, Director of Planning and Community Development stated that the applicant is requesting a postponement until the January 10th meeting.

Chairman Ellison called for public comments for or against the request. There were no speakers. (Public hearing remains open).

Commissioner Wilson moved to postpone the rezone until the January 10th meeting. Commissioner Melendez seconds the motion. All votes aye. Motion carried.

CONSIDER A REQUEST BY BLANTON FAMILY LIMITED PARTNERSHIP TO REZONE APPROXIMATELY 68.5 ACRES OF LAND FROM SINGLE FAMILY RESIDENTIAL-2 'R-1-2' AND REZONE APPROXIMATELY 10.38 ACRES OF LAND FROM CENTRAL BUSINESS DISTRICT-1 'CBD-1' TO SINGLE FAMILY DETACHED.

Howard Koontz, Director of Planning and Community Development stated that the applicant is requesting a postponement until the January 10th meeting.

Chairman Ellison called for public comments for or against the request. John Lawrence addressed the Commission stated he is opposed to the request due to flooding and increased traffic flow for the area. (Public hearing remains open).

Vice-Chair moved to postpone the request by Blanton Family Limited Partnership until January 10th. Commissioner Torres seconds the motion. All votes aye. Motion carried.

CONSIDER A REQUEST BY THOMAS KAMINSKI TO REZONE APPROXIMATELY 7.26 ACRES OF LAND FROM SINGLE FAMILY 'R-1' TO SINGLE FAMILY DETACHED RESIDENTIAL 'R-1-A' FOR PROPERTY LOCATED AT ON THE SOUTHWEST CORNER OF ZAPATA STREET AND W. HAYS STREET. (Z-16-011)

Howard Koontz, Director of Planning and Community Development stated that the applicant is requesting a postponement until the January 10th meeting.

Chairman Ellison called for public comments for or against the request. Luis Lopez stated his concerns that the development would bring increased traffic and crime to the area. (Public hearing remains open).

Commissioner Wilson moved to postpone the request by Thomas Kaminski until January 10th. Vice-Chair Kay seconds the motion. All votes aye. Motion carried.

CONSIDER AMENDMENTS TO THE CITY OF KYLE CODE OF ORDINANCES, CHAPTER 53, ZONING: SPECIFICALLY, ARTICLE I, SECTION 53-33 (GENERAL REQUIREMENTS AND LIMITATIONS); AND ARTICLE II, DIVISION 2, 3, 4 AND 5, AS WELL AS CREATING A NEW DIVISION AND RE-NUMBERING EXISTING DIVISIONS, AND PRIOR ORDINANCE 824 (PROVIDING STANDARDS FOR DETERMINING A FRONT WALL FOR THE PURPOSE OF ESTABLISHING GARAGE SETBACK).

Commissioner Wilson moved to approve as written. Commissioner Growt seconds the motion. Commission Wilson amends her motion to approve as written and for staff create a style guide. Commission Growt seconds the motion. All votes aye. Motion carried.

GENERAL DISCUSSION

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

None

STAFF REPORT

Howard Koontz, Director of Planning and Community Development stated that there will be a joint workshop with City Council on January 7th.

ADJOURN

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

The Planning and Zoning Commission meeting adjourned at 8:27 P.M.

_____ _____

Prepared by: Debbie A. Guerra Dex Ellison, Chairman

SPECIAL CALLED MEETING OF THE
PLANNING AND ZONING COMMISSION

The Planning and Zoning Commission of the City of Kyle, Texas met in special called session December 28, 2016 at 6:30 P.M. at Kyle City Hall, with the following persons present:

Chairman Dex Ellison
Commissioner Mike Torres
Commissioner Bradley Growt
Commissioner Irene Melendez
Planning and Community Director, Howard J. Koontz
City Planner, William Atkinson

CALL MEETING TO ORDER

Commissioner Ellison called the meeting to order at 6:45 P.M.

ROLL CALL OF COMMISSION

Chairman Ellison called for roll call. Commissioner's Kay, Wilson and Koch were absent.

CITIZENS COMMENTS

Chairman Ellison opened the citizens comment period at 6:46 P.M. and call for comments on items not on the agenda or posted for public hearing. There were no comments. Chairman Ellison closed the citizens comment period at 6:46 P.M.

CONSENT

CROSSWINDS SUBDIVISION PHASE 1 – FINAL PLAT - 70.546 ACRES; 233 SINGLE FAMILY LOTS AND 6 OPEN SPACE LOTS LOCATED ON THE SOUTH SIDE OF THE 1800 BLOCK OF WINDY HILL ROAD.

Commissioner Growt moved to approve the consent agenda. Commissioner Melendez seconds the motion. All votes aye. Motion carried.

ADJOURN

With no further business to discuss, Commissioner Ellison called the meeting to adjourn at 6:47 P.M.

_____ _____

Prepared by: Debbie A. Guerra Dex Ellison, Chairman

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 January 10, 2017 at 6:30 P.M. at Kyle City Hall, with the following persons present:

Chairman Dex Ellison
Commissioner Mike Torres
Commissioner Bradley Growt
Vice-Chair Tim Kay
Commissioner Rick Koch
Tim Miller
John Lawrence
Ward Davidson
Zach Bitteman
Planning and Community Director, Howard J. Koontz
Planning Technician, Debbie A. Guerra
City Planner, William Atkinson

CALL MEETING TO ORDER

Chairman Ellison called the meeting to order at 6:32 P.M.

ROLL CALL OF COMMISSION

Chairman Ellison called for roll call. Commissioner's Wilson and Melendez were absent.

Chairman Ellison stated that the applicants for The Meadows of Kyle II, Ltd. (Sunset Hills – Zoning - Z-16-009 / Development Agreement), Blanton Family Limited Partnership (Z-16-010) and Thomas Kaminski (Z-16-011) are requesting to postpone their requests until the February 14th meeting.

Chairman Ellison moved to postpone The Meadows at Kyle II, Ltd (Sunset Hills – Z-16-009), Blanton Family Limited Partnership (Z-16-010), Thomas Kaminski (Z-16-011) and the proposed development agreement for Meadows of Kyle II, Ltd. (Sunset Hills) until the February 14th meeting. Commissioner Torres seconds the motion. Commissioners Torres, Ellison, Growt and Koch vote aye. Vice-Chair Kay abstained. Motion carried.

CITIZENS COMMENTS

Chairman Ellison opened the citizens comment period at 6:34 P.M. and call for comments on items not on the agenda or posted for public hearing. Tim Miller stated his opposition and concerns with traffic that the Blanton development would bring to downtown and Opal Lane the way it's currently designed. Mr. Miller stated he spoke to Mr. Koontz and suggested a commuter road near the south end of the development traveling from Stagecoach Road east ward all the way to the frontage road. Mr. Miller stated that he would like to see roundabouts on Scott and Opal as well as Sledge and Opal Lane. John Lawrence addressed the Commission and stated his

opposition to the Blanton / Kaminski rezone. Mr. Lawrence also stated he was concerned with traffic and flooding that this development would bring to the area. Chairman Ellison closed the public hearing at 6:44 P.M.

CONSENT

HD SUPPLY SUBDIVISION – SHORT FORM FINAL PLAT (SFP-16-004) 4.421 ACRES; 2 COMMERCIAL LOTS LOCATED AT 1100 PORTER STREET.
STAFF PROPOSAL: STATUTORILY DISAPPROVE

PLUM CREEK PHASE 2, SECTION 1 – FINAL PLAT (FP-16-015) 89.739 ACRES; 312 SINGLE FAMILY, 1 SCHOOL, 1 AMENITY CENTER, 2 OPEN SPACE AND 7 EASEMENT LOTS LOCATED ON THE NORTHEAST CORNER OF KOHLER'S CROSSING AND FM 2770.
STAFF PROPOSAL: STATUTORILY DISAPPROVE

PLUM CREEK PHASE 1, SECTION 6B-3 – FINAL PLAT (FP-17-001) 2.848 ACRES; 20 RESIDENTIAL LOTS LOCATED IMMEDIATELY SOUTH OF HELLMAN AND EAST OF FM 2770.
STAFF PROPOSAL: STATUTORILY DISAPPROVE

THE RESUBDIVISION OF LOTS 1A AND 2A OF THE HILL REPLAT OF LOTS 1 AND 2, REPLAT (SFP-16-003) 2.168 ACRES; 2 LOTS LOCATED ON THE NORTH SIDE OF E. RR 150 AT THE INTERSECTION OF CREEKSIDE TRAIL.
STAFF PROPOSAL: APPROVE

Commissioner Growt moved to approve the consent agenda as presented. Chairman Ellison seconds the motion. All votes aye. Motion carried.

ZONING

(POSTPONED) CONSIDER A REQUEST BY THE MEADOWS OF KYLE II, LTD. TO REZONE APPROXIMATELY 52.990 ACRES FROM SINGLE FAMILY RESIDENTIAL-2 'R-1-2' TO SINGLE FAMILY DETACHED RESIDENTIAL 'R-1-A' FOR PROPERTY LOCATED ON THE NORTH SIDE OF BEBEE ROAD, ¼ MILE WEST OF DACY LANE. (Z-16-009)

(POSTPONED) CONSIDER A REQUEST BY BLANTON FAMILY LIMITED PARTNERSHIP TO REZONE APPROXIMATELY 68.5 ACRES OF LAND FROM SINGLE FAMILY RESIDENTIAL-2 'R-1-2' AND REZONE APPROXIMATELY 10.38 ACRES OF LAND FROM CENTRAL BUSINESS DISTRICT-1 'CBD-1' TO SINGLE FAMILY DETACHED.

(POSTPONED) CONSIDER A REQUEST BY THOMAS KAMINSKI TO REZONE APPROXIMATELY 7.26 ACRES OF LAND FROM SINGLE FAMILY 'R-1' TO SINGLE FAMILY DETACHED RESIDENTIAL 'R-1-A' FOR PROPERTY LOCATED AT ON THE SOUTHWEST CORNER OF ZAPATA STREET AND W. HAYS STREET. (Z-16-011)

CONSIDER A REQUEST BY JOHN R. AND GAYLA SIMON TO ASSIGN ORIGINAL ZONING TO APPROXIMATELY 4.01 ACRES OF LAND FROM AGRICULTURE 'AG' TO WAREHOUSE DISTRICT 'W' FOR PROPERTY LOCATED AT 1381 GOFORTH ROAD. (Z-16-013)

Chairman Ellison opened the public hearing at 6:45 P.M. and called for comments for or against the request. There were no comments. Chairman Ellison closed the public hearing at 6:46 P.M.

Vice-Chair Kay moved to recommend approval of Warehouse District. No second to the motion. Motion fails.

Commissioner Growt moved to recommend a rezoning of Retail Service District to City Council. Commission Koch seconds the motion. Commissioners Torres, Growt and Koch vote aye. Commissioners Ellison and Kay vote nay. Motion carried.

CONSIDER AND POSSIBLE ACTION

(POSTPONED) CONSIDER AND POSSIBLE ACTION REGARDING A PROPOSED DEVELOPMENT AGREEMENT FOR MEADOWS OF KYLE II, LTD. (SUNSET HILLS).

GENERAL DISCUSSION

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

Commissioner Torres would like to see additional information regarding environmental changes for the Blanton/Kaminski zoning requests. Commissioner Torres also stated that he would like a transportation plan map added to the backup material. Vice-Chair also stated he'd like more information added to the backup material for the Blanton/Kaminski zoning cases.

STAFF REPORT

Howard Koontz, Director of Planning and Community Development stated that there will be a joint workshop with City Council on January 24th to discuss possible amendments to the comprehensive plan.

ADJOURN

With no further business to discuss, Commissioner Growt moved to adjourn. Chairman Ellison seconds the motion. All votes aye. Motion carried.

The Planning and Zoning Commission meeting adjourned at 7:35 P.M.

_____ _____

Prepared by: Debbie A. Guerra Dex Ellison, Chairman

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 February 14, 2017 at 6:30 P.M. at Kyle City Hall, with the following persons present:

Chairman Dex Ellison
Commissioner Bradley Growt
Vice-Chair Tim Kay
Commissioner Allison Wilson
Commissioner Irene Melendez
Commissioner Rick Koch
Planning Director, Howard J. Koontz
Planning Technician, Debbie A. Guerra
City Planner, William Atkinson
John Zinsmeyer
Luis Lopez
Brad Whittington
Mark Zupan
Sarah Files
Marta Lyons
Mary Alice Cantu
Terrell Terhune
Daryl Nutt
Terry Lewis
Beverley Peeler

CALL MEETING TO ORDER

Chairman Ellison called the meeting to order at 6:33 P.M.

ROLL CALL OF COMMISSION

Chairman Ellison called for roll call. Commissioner Torres was absent.

Chairman Ellison stated that the application for Thomas Survivors Trust (Z-17-001) has been withdrawn. Chairman Ellison added that the applicant for item 5A – Meadows of Kyle II (Sunset Hills) was stuck in traffic therefore, item 5A will be moved in item 5D's place.

CITIZENS COMMENTS

Chairman Ellison opened the citizens comment period at 6:35 P.M. and call for comments on items not on the agenda or posted for public hearing. There were no comments. Chairman Ellison closed the public hearing at 6:35 P.M.

CONSENT

PLUM CREEK PHASE 1, SECTION 11E-2 – FINAL PLAT (FP-17-002) 13.736 ACRES; 1 MULTI-FAMILY LOT LOCATED ON THE CORNER OF DORMAN AND CROMWELL DRIVE.
STAFF PROPOSAL: APPROVE

AMENDING PLAT OF THE REPLAT OF LOT 1B, BLOCK A OF THE SCC BUNTON CREEK SUBDIVISION, REPLAT OF LOT 6A, BLOCK A (FP-17-003) 2.67 ACRES; 2 LOTS WITH RIGHT-OF-WAY LOCATED AT 901 AND 906 SETON PARKWAY.
STAFF PROPOSAL: APPROVE

PLUM CREEK PHASE 1, SECTION 6B-3 – FINAL PLAT (FP-17-001) 2.848 ACRES; 20 RESIDENTIAL LOTS LOCATED IMMEDIATELY SOUTH OF HELLMAN AND EAST OF FM 2770.
STAFF PROPOSAL: APPROVE

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

ZONING

CONSIDER A REQUEST BY BLANTON FAMILY LIMITED PARTNERSHIP TO REZONE APPROXIMATELY 68.5 ACRES OF LAND FROM SINGLE FAMILY RESIDENTIAL-2 'R-1-2' AND REZONE APPROXIMATELY 10.38 ACRES OF LAND FROM CENTRAL BUSINESS DISTRICT-1 'CBD-1' TO SINGLE FAMILY DETACHED.

Applicant is requesting zoning of Single Family Residential-3 'R-1-3'.

Chairman Ellison called for public comments for or against the request. There were no comments. Chairman Ellison closed the public hearing at 6:38 P.M.

Vice-Chair Kay moved to recommend approval of Single Family Residential-3 'R-1-3' and that the developer will not exceed 3.2 houses per acre. Commissioner Koch seconds the motion. All votes aye. Motion carried.

CONSIDER A REQUEST BY THOMAS KAMINSKI TO REZONE APPROXIMATELY 7.26 ACRES OF LAND FROM SINGLE FAMILY 'R-1' TO SINGLE FAMILY DETACHED RESIDENTIAL 'R-1-A' FOR PROPERTY LOCATED AT ON THE SOUTHWEST CORNER OF ZAPATA STREET AND W. HAYS STREET. (Z-16-011)

Applicant is requesting zoning of Single Family Residential-3 'R-1-3'.

Chairman Ellison called for public comments for or against the request. Luis Lopez addressed the Commission and stated his opposition to the request. Mr. Lopez stated that the request is spot zoning and the proposed development will increase taxes for the area. Marta Lyons also addressed the Commission and stated concerns with traffic. Chairman Ellison closed the public hearing at 7:33 P.M.

Vice-Chair Kay moved to recommend approval of Single Family Residential-3 ‘R-1-3’ and that the developer will not exceed 3.2 houses per acre. Chairman Ellison seconds the motion. All votes aye. Motion carried.

CONSIDER A REQUEST BY THE MEADOWS OF KYLE II, LTD. TO REZONE APPROXIMATELY 52.990 ACRES FROM SINGLE FAMILY RESIDENTIAL-2 ‘R-1-2’ TO SINGLE FAMILY DETACHED RESIDENTIAL ‘R-1-A’ FOR PROPERTY LOCATED ON THE NORTH SIDE OF BEBEE ROAD, ¼ MILE WEST OF DACY LANE. (Z-16-009)

Applicant is requesting zoning of Single Family Residential-3 ‘R-1-3’.

Chairman Ellison called for public comments for or against the request. There were no comments. Chairman Ellison closed the public hearing at 7:54 P.M.

Chairman Ellison moved to recommend approval of Single Family Residential-3 ‘R-1-3’ to City Council. Vice-Chair Kay seconds the motion. All votes aye. Motion carried.

CONSIDER A REQUEST BY LIFE’S JOURNEY HOSPICE AND PALLIATIVE CARE, LLC (SARAH FILES) TO ASSIGN ORIGINAL ZONING TO APPROXIMATELY 35.5 ACRES OF LAND FROM AGRICULTURE ‘AG’ TO PLANNED UNIT DEVELOPMENT ‘PUD’ FOR PROPERTY LOCATED AT 602 CREEKSIDE TRAIL. (Z-17-002)

Chairman Ellison opened the public hearing at 8:20 P.M. and called for comments for or against the request. Beverly Peeler stated her concerns with increased traffic, flooding and lack of water/waste-water to the property. Mary Alice Cantu stated her concerns with increased taxes, traffic, noise and light pollution. Terrell Terhune is concerned with drainage. Daryl Nutt is concerned with flooding. Terry Lewis is concerned with run-off / drainage and waste management. Chairman Ellison closed the public hearing at 8:32 P.M.

Commissioner Growt moved to recommend approval of ‘PUD’ to City Council. Commission Melendez seconds the motion. Commissioners Growt, Wilson, Ellison, Melendez and Koch vote aye. Vice-Chair Kay votes nay. Motion carried.

CONSIDER AND POSSIBLE ACTION

CONSIDER AND POSSIBLE ACTION REGARDING A PROPOSED DEVELOPMENT AGREEMENT FOR MEADOWS OF KYLE II, LTD. (SUNSET HILLS).

Vice-Chair Kay moved that the proposed development agreement move forward to City Council as is. Commissioner Wilson seconds the motion. All votes aye. Motion carried.

GENERAL DISCUSSION

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

Commissioner Growt asked about the status of the comprehensive plan land use recommendations discussed at the joint workshop with City Council. Howard J. Koontz, Director of Planning and Community Development stated that there will be a workshop on March 28th to discuss. Vice-Chair Kay asked that a copy be distributed to the Commission a few days prior to the meeting for review.

STAFF REPORT

Howard Koontz mentioned that there may not be a workshop meeting in February.

ADJOURN

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

The Planning and Zoning Commission meeting adjourned at 9:21 P.M.

_____ _____

Prepared by: Debbie A. Guerra Dex Ellison, Chairman

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 February 14, 2017 at 6:30 P.M. at Kyle City Hall, with the following persons present:

Chairman Dex Ellison
Commissioner Bradley Growt
Vice-Chair Tim Kay
Commissioner Allison Wilson
Commissioner Irene Melendez
Commissioner Rick Koch
Planning Director, Howard J. Koontz
Planning Technician, Debbie A. Guerra
City Planner, William Atkinson

CALL MEETING TO ORDER

Chairman Ellison called the meeting to order at 9:23 P.M.

ROLL CALL OF COMMISSION

Chairman Ellison called for roll call. Commissioner Torres was absent.

CITIZENS COMMENTS

Chairman Ellison opened the citizens comment period at 9:23 P.M. and call for comments on items not on the agenda or posted for public hearing. There were no comments. Chairman Ellison closed the public hearing at 9:23 P.M.

CONSENT

PLUM CREEK PHASE 1, SECTION 11F – PRELIMINARY PLAN (PP-16-005) 6.999 ACRES; 1 COMMERCIAL LOT LOCATED FRONTING CROMWELL DRIVE APPROXIMATELY 500 WEST OF FM 1626, SOUTH OF KOHLER'S CROSSING.
STAFF PROPOSAL: APPROVE

PLUM CREEK PHASE 1, SECTION 11F – FINAL PLAT (FP-16-014) 6.999 ACRES; 1 COMMERCIAL LOT LOCATE FRONTING CROMWELL DRIVE APPROXIMATELY 500 WEST OF FM 1626, SOUTH OF KOHLER'S CROSSING.
STAFF PROPOSAL: APPROVE

Chairman Ellison moved to approve the consent agenda. Vice-Chair Kay seconds the motion. All votes aye. Motion carried.

ADJOURN

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

The Planning and Zoning Commission meeting adjourned at 9:24 P.M.

_____ _____

Prepared by: Debbie A. Guerra Dex Ellison, Chairman

CITY OF KYLE, TEXAS

Railhouse Subdivision Lots 1, 2 & 3 - Final Plat

Meeting Date: 3/14/2017
Date time:6:30 PM

Subject/Recommendation: Railhouse Subdivision Lots 1, 2, and 3 - Final Plat (FP-16-013) 3.49 acres; 3 commercial lots located at the southwest corner of Center Street and South Front Street (Old Highway 81).

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

Other Information: Please see the attached plat.

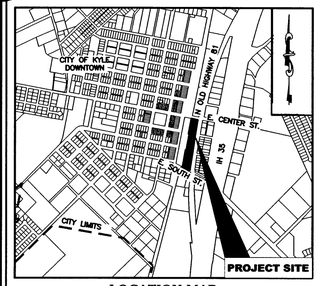
Legal Notes: N/A

Budget Information: N/A

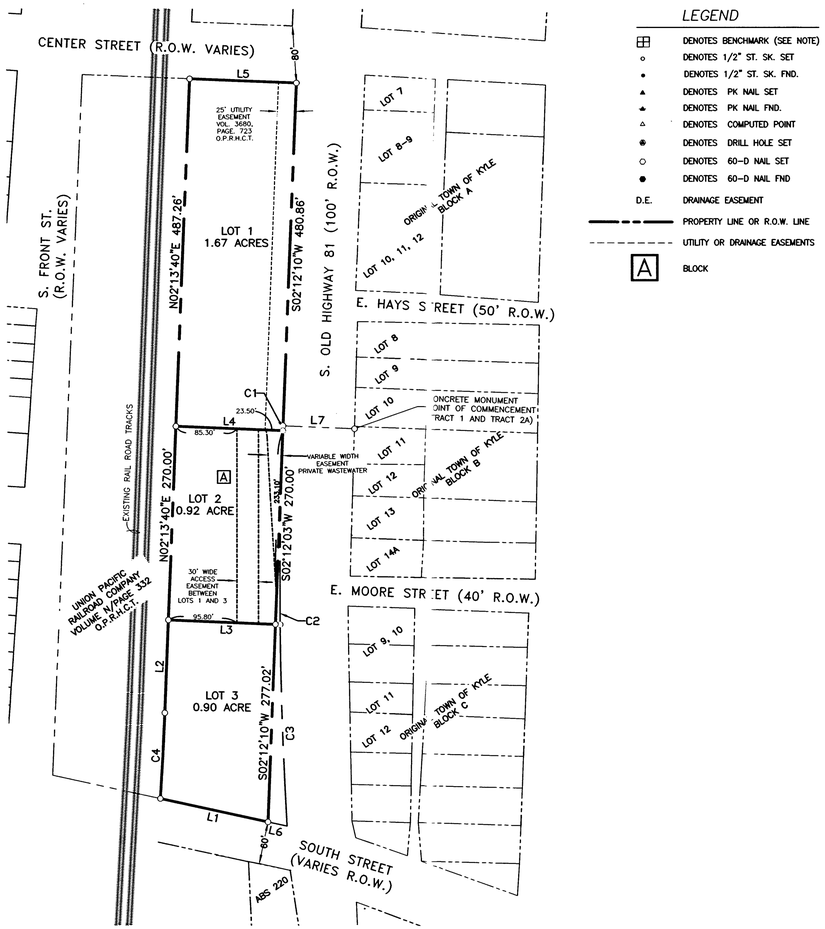
ATTACHMENTS:

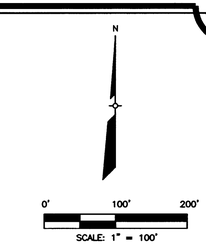
	Description
🗋	Final Plat

PLAT OF
RAILHOUSE SUBDIVISION
LOTS 1, 2 AND 3
3.49 ACRES
CITY OF KYLE
HAYS COUNTY, TEXAS



LOCATION MAP
SCALE: 1"=1,500'





LEGEND

⊞	DENOTES BENCHMARK (SEE NOTE)
○	DENOTES 1/2" ST. SK. SET
•	DENOTES 1/2" ST. SK. FND.
▲	DENOTES PK NAIL SET
♣	DENOTES PK NAIL FND.
△	DENOTES COMPUTED POINT
❋	DENOTES DRILL HOLE SET
○	DENOTES 60-D NAIL SET
●	DENOTES 60-D NAIL FND
D.E.	DRAINAGE EASEMENT
	PROPERTY LINE OR R.O.W. LINE
	UTILITY OR DRAINAGE EASEMENTS
A	BLOCK

Line Table		
Line #	Length	Direction
L1	153.76'	S77°47'35"E
L2	130.16'	N02°13'40"E
L3	149.69'	S87°45'33"E
L4	149.56'	S87°45'35"E
L5	149.34'	S87°51'50"E
L6	27.44'	N77°47'31"W
L7	100.00'	N87°47'50"W

Curve Table						
Curve #	Arc Length	Radius	Tangent	Chord Length	Chord Bearing	Delta
C1	6.67'	6576.824	3.34'	6.67'	N02°08'19"E	000°03'29"
C2	270.11'	5783.190	135.08'	270.09'	S00°47'59"W	002°40'34"
C3	282.55'	5783.190	141.30'	282.52'	S01°56'31"E	002°47'57"
C4	120.26'	6541.420	60.13'	120.26'	N03°00'10"E	001°03'12"

4CUATRO Consultants, LTD.
Registration No. F-5524
3601 Kyle Crossing, Suite A Phone: (512) 312-3090 Fax: (512) 312-5599
Kyle, Texas 78640 e-mail: custro@cuatroconsultants.com

PLAT OF
RAILHOUSE SUBDIVISION
LOTS 1, 2 AND 3
3.49 ACRES
CITY OF KYLE
HAYS COUNTY, TEXAS

STATE OF TEXAS
COUNTY OF HAYS

KNOW ALL MEN BY THESE PRESENTS, THAT SOUTH CENTER STREET HOLDINGS, LLC. OWNER OF TRACT 1 AND TRACT 2A, AS CONVEYED BY DEED RECORDED IN DOC#: 17003530 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, AND UNION PACIFIC RAILROAD COMPANY OWNER OF THE REMAINING PORTION OF THAT CERTAIN 200 ACRES CONVEYED BY DEED RECORDED IN VOLUME N, PAGE 332 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS. DO HEREBY SUBDIVIDE SAID TRACT OF LAND IN ACCORDANCE WITH THE ATTACHED MAP OR PLAT TO BE KNOWN AS "RAILHOUSE SUBDIVISION LOTS 1, 2 AND 3". SUBJECT TO ANY EASEMENTS OR RESTRICTIONS HERETOFORE GRANTED, AND DOES HEREBY DEDICATE TO THE PUBLIC THE USE OF THE STREETS AND EASEMENTS SHOWN HEREON.

WITNESS MY HAND THIS _____ DAY OF_____, 20___.

_____
JOHN R. NELSON
SOUTH CENTER STREET HOLDINGS, LLC.
P.O. BOX 1945
MANCHACA, TX 78652

WITNESS MY HAND THIS _____ DAY OF_____, 20___.

_____
UNION PACIFIC RAILROAD COMPANY
_____
_____

BEFORE ME, A NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS, ON THIS DAY PERSONALLY APPEARED JOHN R. NELSON, KNOWN TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT OF WRITING, AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS _____ DAY OF _____, 20___.

(SEAL)

_____
NOTARY PUBLIC'S SIGNATURE

BEFORE ME, A NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS, ON THIS DAY PERSONALLY APPEARED _____, OF THE UNION PACIFIC RAILROAD COMPANY KNOWN TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT OF WRITING, AND HE/SHE ACKNOWLEDGED TO ME THAT HE/SHE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS _____ DAY OF _____, 20___.

(SEAL)

_____
NOTARY PUBLIC'S SIGNATURE

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 IS 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 HEREIN.

STATE OF TEXAS · REGISTERED · GEORGE E. LUCAS · 4160 · PROFESSIONAL · LAND SURVEYOR

2-24-17

GEORGE E. LUCAS,
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 4160
STATE OF TEXAS
CELCO SURVEYING
2205 STONECREST PATH
NEW BRAUNFELS, TEXAS 78130

STATE OF TEXAS
COUNTY OF HAYS

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

STATE OF TEXAS · HUGO ELIZONDO, JR. · 69781 · LICENSED · PROFESSIONAL ENGINEER

2/24/17

HUGO ELIZONDO JR.
REGISTERED PROFESSIONAL ENGINEER NO. 69781
CUATRO CONSULTANTS, LTD
3601 KYLE CROSSING, SUITE A
KYLE, TX 78640

PLAT NOTES

1. NO PORTION OF THIS SUBDIVISION IS WITHIN THE BOUNDARIES OF A 100 YEAR FLOODPLAIN AS INDICATED ON THE NATIONAL FLOOD INSURANCE ADMINISTRATION FIRM PANEL #48209 C0405F AND 48209 C0385E DATED SEPTEMBER 2, 2005, HAYS COUNTY, TEXAS.
2. THIS TRACT IS WITHIN THE HAYS CONSOLIDATED INDEPENDENT SCHOOL DISTRICT BOUNDARIES.
3. THIS PROJECT LIES WITHIN THE CITY OF KYLE CITY LIMITS.
4. PUBLIC UTILITY EASEMENTS ARE DESIGNATED AS FOLLOWS:
   FRONT: 15' P.U.E.
   SIDE: 5' P.U.E.
   REAR: 10' P.U.E.
5. BUILDING SETBACK LINES SHALL COMPLY WITH CURRENT ZONING REQUIREMENTS.
6. THE FULLY DEVELOPED, CONCENTRATED STORM WATER RUNOFF FOR THE 100 YEAR STORM AND THE 100 YEAR REGULATORY FLOODPLAIN SHALL BE CONTAINED WITHIN DRAINAGE EASEMENTS.
7. NO PORTION OF THIS SITE LIES WITHIN THE BOUNDARIES OF THE EDWARDS AQUIFER RECHARGE ZONE.
8. UTILITY PROVIDERS:
   WATER: CITY OF KYLE
   WASTEWATER: CITY OF KYLE
   ELECTRICITY: PEDERNALES ELECTRIC COMPANY
   TELEPHONE: FRONTIER COMMUNICATIONS
9. OBSTRUCTION IN DRAINAGE EASEMENTS IS PROHIBITED.
10. ALL EASEMENTS OF RECORD ARE SHOWN OR NOTED ON THE PLAN.
11. TYPICAL LANDSCAPE MAINTENANCE, CUTTING AND TRIMMING, WITHIN THE SUBDIVISION, ALL EASEMENTS, DETENTION PONDS AND RIGHT OF WAYS TO THE PAVEMENT TO BE THE RESPONSIBILITY OF PROPERTY OWNERS AND/OR PROPERTY OWNERS ASSOCIATIONS.
12. ZONING: R/S: RETAIL / SERVICE
13. PRIOR TO ANY CONSTRUCTION OF ANY IMPROVEMENTS ON LOTS IN THIS SUBDIVISION SITE DEVELOPMENT PERMITS AND BUILDING PERMIT WILL BE OBTAINED FROM THE CITY OF KYLE.
14. PUBLIC SIDEWALKS WILL BE CONSTRUCTED AT TIME OF DEVELOPMENT OF EACH LOT.
15. SIDEWALKS, PEDESTRIAN CROSSING AND OTHER PUBLIC AMENITIES 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.

CITY OF KYLE

REVIEWED BY:

_____ _____
CITY ENGINEER DATE

_____
DIRECTOR OF PUBLIC WORKS DATE

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

STATE OF TEXAS
COUNTY OF HAYS

I, LIZ GONZALEZ, COUNTY CLERK OF HAYS COUNTY, TEXAS, DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT OF WRITING WITH ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORD IN MY OFFICE

ON THE _____ _____ DAY OF _____, A.D.,

2015, AT _____ _____ O'CLOCK _____M., IN THE PLAT RECORDS OF

HAYS COUNTY, TEXAS IN DOCUMENT NO. _____.

WITNESS MY HAND AND SEAL OF OFFICE THIS THE _____ DAY OF

_____ _____, A.D., 20___.

_____
LIZ GONZALEZ
COUNTY CLERK
HAYS COUNTY, TEXAS

4CUATRO Consultants, LTD.
Registration No. F-5524
3601 Kyle Crossing, Suite A Phone: (512) 312-3090 Fax: (512) 312-5599
Kyle, Texas 78640 e-mail: custro@cuatroconsultants.com

CITY OF KYLE, TEXAS

MooreRood Properties, LLC - Zoning

Meeting Date: 3/14/2017
Date time:6:30 PM

Subject/Recommendation: Consider a request by MooreRood Properties, LLC (Magdalena Rood and Leslie Moore) to assign original zoning to approximately 27.66 acres (Tract 1) and 4.19 acres (Tract 2) from Agriculture 'AG' to Retail Service District 'RS' for properties located at (Tract 1: 900 and 1000 Scott Street) (Tract 2: 1101 Old Stagecoach Road). (Z-17-003)

- Public Hearing
- Recommendation to City Council

Other Information: Please see attachments

Legal Notes: N/A

Budget Information: N/A

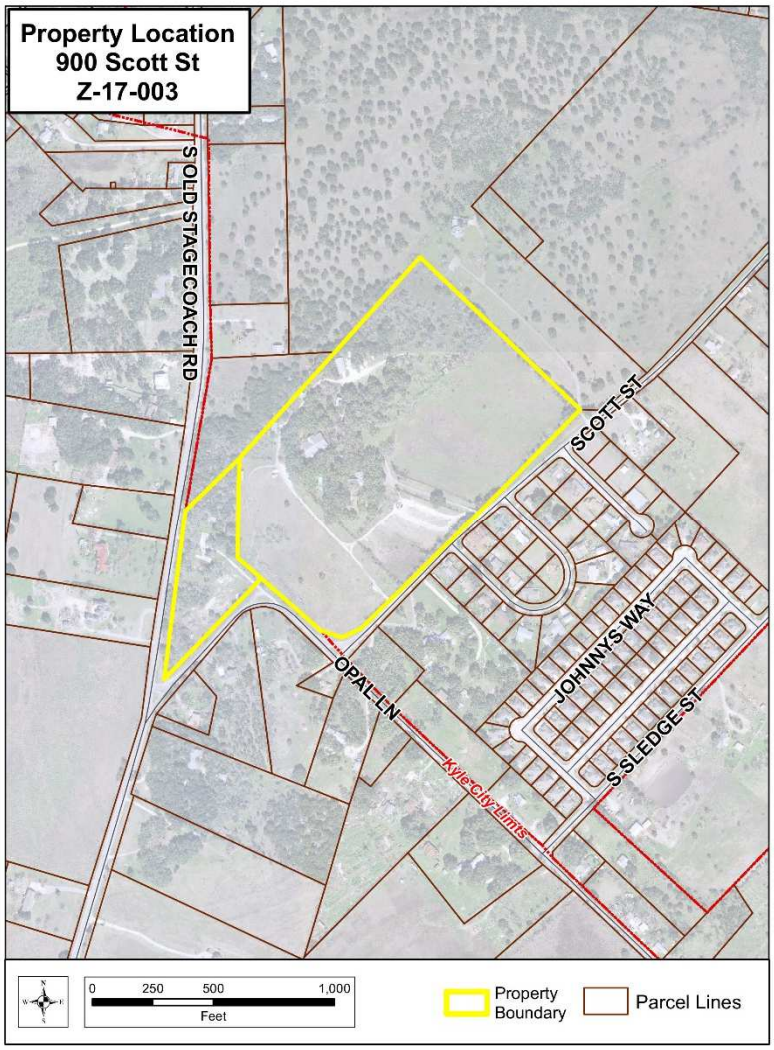
ATTACHMENTS:

	Description
🗋	Staff Memo
🗋	Application and Letter of Request
🗋	Location Map
🗋	Letter of Opposition

Petition No. Z-17-003

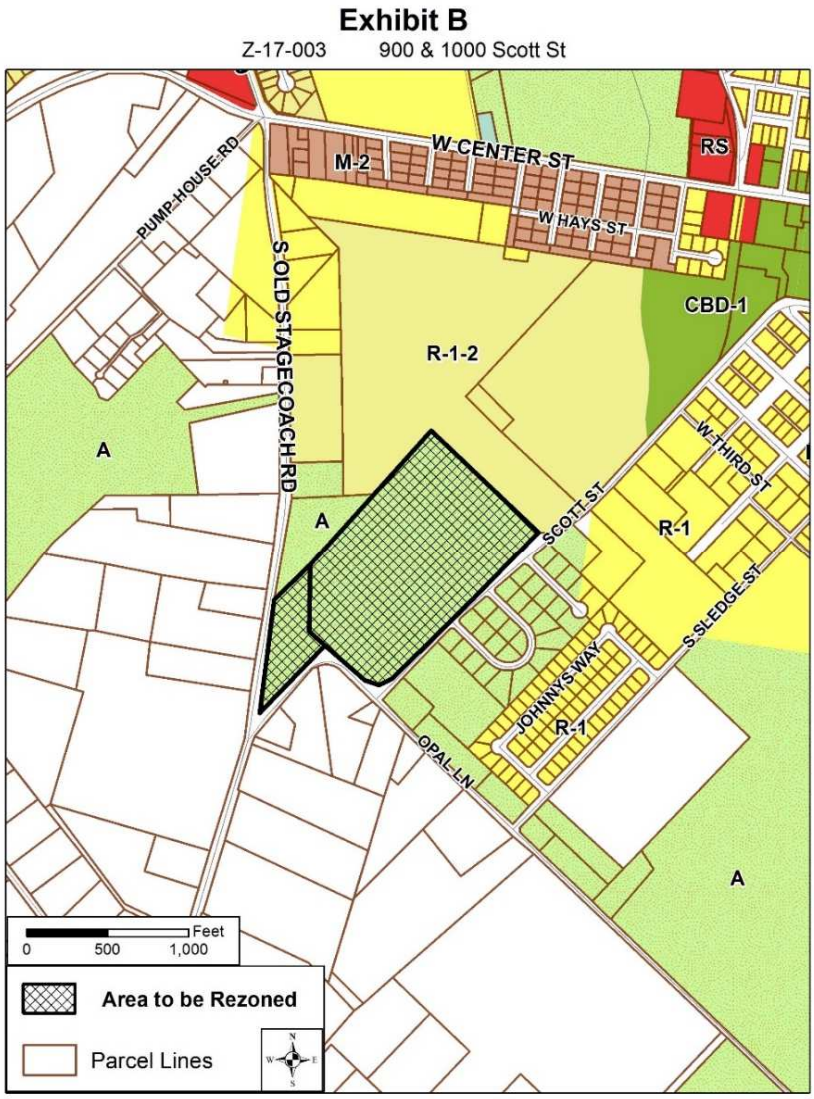
Property Location	**900 Scott St, 1000 Scott St, 1101 Old Stagecoach Rd**
Owner	**MooreRood Properties, LLC** **Magdalena Rood & Leslie Moore** **1800 Alta Vista** **Austin, TX 78704**
Request	**Rezone 27.66 Acres A & 4.19 Acres A, to R/S**

Vicinity Map



Site Description

The total development site is comprised of two lots of record in a partnership, located on acreage bordered by Scott Street to the southeast, a short stretch of Opal Lane to the south and S. Old Stagecoach Road to the west. There is a large tract of land zoned R-1-3 bordering the subject property to the north and northeast. Existing single family residential uses are zoned A (Agriculture) to the southeast, across Scott Street. Parcels immediately to the south, across Opal Lane, are not within the city limits, nor are the residential parcels to the west, across Old Stagecoach Road. The *total* development property comprises 31.85 acres, and currently has one zoning category, Agriculture, assigned to it. The two parcels are split, one comprising of 27.66 acres and the other, 4.19 acres.



The applicant seeks to rezone the property from A (Agriculture) to R/S (Retail/Services, a commercial zoning category allowing for;

"…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."

Conditions of the Zoning Ordinance

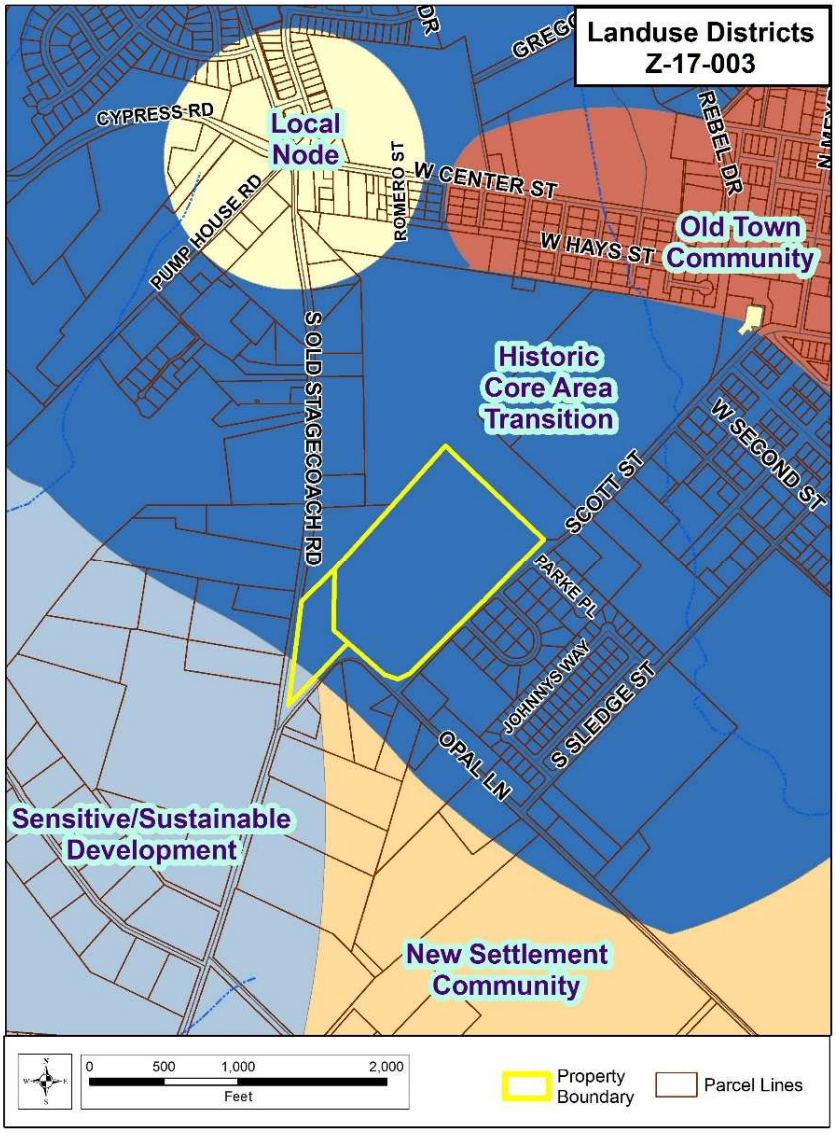
Sec. 53-1205 Amendments

(d)

Referral of amendment to planning and zoning commission. Upon its own motion, a request by the planning and zoning commission, or the receipt of an administratively complete petition and application to zone or rezone a lot, tract or parcel of land, which petition and application has been examined and approved as to form by the city manager, shall be referred to the planning and zoning commission for consideration, public hearing, and recommendation to the city council. The council may not enact a rezoning amendment until the planning and zoning commission has held a public hearing and made its recommendation to the city council, or has made a final vote on the matter without obtaining a majority, on the zoning or rezoning of the property.

(e)

Action by the planning and zoning commission. The planning and zoning commission shall cause such study and review to be made as advisable and required, shall give public notice and hold a public hearing as provided by state law, and shall recommend to the council such action as the planning and zoning commission deems proper…



Comprehensive Plan Text

The subject site is primarily located in the "Historic Core Area Transition District" with the southernmost tip within the "Sensitive/Sustainable Development District". Within the "Historic Core Area Transition District", it is recommended that the R/S (Retail/Services) zoning district be approved conditionally, as to ensure the built environment preserves the historic and rural ideals of the surrounding area.

Character: The Historic Core Area Transition District serves as a transition between the regular gridded development pattern that characterizes Downtown and the more rural

patterns to the south and west, as well as newer development to the north. Significant features of this District include the intersection of Old Stagecoach Road and Center Street and the Gregg-Clarke Park. This District is a "middle landscape" of historic residential forms that transition to more rural residential forms. The District should embody the historic character of existing uses while anticipating appropriate expansion of Old Town. Development in the Historic Core Area Transition District has historically been on a small, lot-by-lot basis, rather than on a larger, project-by-project basis. Because of this, the street serves as the organizing feature of the District. Therefore, as new development extends into the District from the Old Town District, care should be taken to ensure that the historic street pattern is preserved.

Intent: The purpose of the Historic Core Area Transition District is to accommodate the growth of residential and neighborhood commercial uses around the Old Town District, while preserving the historic rural fabric. The core of Kyle should be allowed to expand into this area as population growth increases in order to strengthen the core of the City. Land use transitions are critical in this District, and the shift from township to rural landscape should be maintained. This can be accomplished by transition in the built form and function from commercial uses to residential uses and finally to rural agricultural residential uses and by establishing transitions in density, decreasing outwardly from the Old Town District. Public spaces in this District should be used to preserve the character of ranch heritage, where appropriate.

Analysis

The property requested to be rezoned sits in a transition area that bridges the gap between the original City of Kyle and the rural housing along Old Stagecoach Road. This area is likely to be primarily single family residences with direct access to downtown Kyle via Scott Street, and access to the Blanco River for recreational amenities and interstate connections, via Old Stagecoach Road. However, with most residential, there's typically some retail and service offerings which complement area residents.

Currently, the parcels are used as a special events facility and wedding venue. The use of the property was initiated prior to annexation into the city. When a property in the county is annexed into the city, it is assigned the Agriculture zoning designation, or what's termed "original zoning". However, if there is a business on the property which doesn't conform to that original district designation -Agriculture- the operation of the business would be non-conforming per Kyle ordinance. To expand the existing use or

the intensity of the use, appropriate zoning needs to be in place to allow for lawful expansion or alterations.

The use of wedding venues is absolutely an appropriate use with Retail/Services. While the chart shows the primary zoning categories for wedding venues as CBD-1 and CBD-2, these zoning districts are typically restricted to the Historic Downtown, and are not currently nor *to be* recommended, within the Historic Core Area Transition District.

8129 9002	Services Wedding Chapel	CBD-1	CBD-2	RS	CM/W/E
8129 9001	Services Wedding Planning and Coordinating	CBD-1	CBD-2	RS	CM/W/E

Additionally, the Neighborhood Commercial zoning district is conditionally recommended within the Historic Core Area Transition District. It does have restrictive design guidelines, as to blend into the surrounding built environment, however special event facility/venues like Wedding Chapels are not specifically called out as allowable uses within this zoning district.

A 4.19-acre portion of the property at the intersection of Opal Lane and Old Stagecoach Road is appropriately situated to capitalize on future commercial opportunities and vehicular traffic. In its proximity to the residential zoning adjacent, retail and or service related commercial uses can be appropriate and complimentary to the surrounding area. The other 27.66 acres, fronting Scott Street, is likely to continue to be used to maintain or expand the existing special event facility venue or related land uses. Since it is already known what is currently in use, this is only part of the consideration when making a recommendation for appropriate zoning designation. As a land use decision, every use allowed under the Retail/Services zoning designation must be considered.

Though retail and service based commercial uses were not included in the calculations for future transportation demand modeling and required upgrades to surrounding road networks, at a basic level, traffic impacts are easily calculated. To help relieve the effects of unplanned or increased traffic, developers pay fees to help offset traffic impacts or they offer to upgrade portions of the surrounding road network in addition to improvements made to the parcel during development. Staff will work with applicable parties in the event of site development, to ensure appropriate

infrastructure upgrades related to vehicular traffic and on site conditions, are implemented.

The proposed district can be developed in a manner complimentary to existing, surrounding land uses, and supports the expectations of the city's comprehensive plan. Staff would advise the Commission that the application for Retail/Services can be favorably recommended for approval to the City Council.

Attachments

- Application
- Location map
- Surrounding Zoning Map
- Land Use Districts Map

APPLICATION & CHECKLIST – ZONING CHANGE CITY OF KYLE

Zoning: MooreRood Properties, LLC (Name of Owner) (Submittal Date) JAN 2 4 2017

INSTRUCTIONS: Z-17-003 Text PLANNING DEPARTMENT

- Fill out the following application and checklist completely prior to submission.
- Place a check mark on each line when you have complied with that item.
- Use the most current application from the City's website at www.cityofkyle.com or at City Hall. City ordinances can be obtained from the City of Kyle.

REQUIRED ITEMS FOR SUBMITTAL PACKAGE:

The following items are required to be submitted to the Planning Department in order for the Zoning Application to be accepted.

✓ 1. Completed application form with owner's original signature.

✓ 2. Letter explaining the reason for the request.

___ 3. Application *fee*: $428.06, plus $3.62 per acre or portion thereof. ~~Text~~

Newspaper Publication Fee: $190.21

Total Fee: $733.57

✓ 4. A map or plat showing the area being proposed for rezoning.

✓ 5. A clear and legible copy of field notes (metes and bounds) describing the tract (when not a subdivided lot).

___ 6. Certified Tax certificates: County __ School __ City __

✓ 7. Copy of Deed showing current ownership.

**** A submittal meeting is required. Please contact Debbie Guerra at (512) 262-3959 to schedule an appointment.*

1. Zoning Request:

Current Zoning Classification: A Agriculture

Proposed Zoning Classification: R/S Retail Services

Proposed Use of the Property: continued use Wedding Venue

Acreage/Sq. Ft. of Zoning Change: Tract 1: 27.66 acres, Tract 2: 4.19 acres

2. Address and Legal Description:

Provide certified field notes describing the property being proposed for rezoning.
Provide complete information on the location of the property being proposed for rezoning.

Street Address: 900 Scott Street, 1000 Scott Street, 1101 Old Stagecoach Rd

Subdivision Name/Lot & Block Nos.: Hays CAD: R14740, R14741, R14647

Property Recording Information: ☐ Hays County
Volume/Cabinet No. _____ Page/Slide No. _____

3. Ownership Information:

Name of Property Owner(s): MooreRood Properties, LLC

(If property ownership is in the name of a partnership, corporation, joint venture, trust or other entity, please list the official name of the entity and the name of the managing partner.)

Address of Owner: 1800 Alta Vista
Austin, TX 78704

Phone Number: Magdalena Rood: 512-922-7337 Leslie Moore: 512-914-8734

Fax Number: _____

Email Number: mrood@me.com leslie@wordofmouthcatering.com

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

Signed: Magdalena Rood

Date: Jan 24, 2017

4. Agent Information:

If an agent is representing the owner of the property, please complete the following information:

Agent's Name: _____

Agent's Address: _____

_____

Agent's Phone Number: _____

Agent's Fax Number: _____

Agent's Mobile Number: _____

Agent's Email Number: _____

I hereby authorize the person named above to act as my agent in processing this application before the Planning and Zoning Commission and City Council of the City of Kyle:

Owner's Signature: _____

Date: _____

Do Not Write Below This Line
Staff Will Complete

Tax Certificates: ☐ County ☐ School ☐ City

Certified List of Property Owners Within 200" ☐

All Fees Paid: ☐ Filing/Application ☐ Mail Out Costs

Attached Map of Subject Property ☐

CITY OF KYLE
JAN 24 2017
PLANNING DEPARTMENT

Accepted for Processing By: Debbie A Guerra Date: 2/22/17

Date of Public Notification in Newspaper: _____

Date of Public Hearing Before Planning and Zoning Commission: 3/14/17

Date of Public Hearing Before City Council: 3/21/17

MooreRood Properties LLC
Magdalena Rood, Partner
Leslie M. Moore, Partner
1800 Alta Vista
Austin TX 78704

CITY OF KYLE

JAN 2 4 2017

PLANNING DEPARTMENT

January 23, 2017

Mr. Howard J. Koontz
Director of Planning, City of Kyle
100 W. Center Street
Kyle, Texas 78640

Dear Mr. Koontz:

We are hereby requesting a zoning change for our property at 900 Scott Street, 1000 Scott Street, and 1101 Old Stagecoach Rd, also known as the Winfield Inn (www.thewinfieldinn.com). We purchased the property in 2014 to operate the Winfield Inn, the business that was then, and continues to be, the properties' sole occupant. The property was annexed by the City of Kyle in 2016, at which time zoning was established at A-Agriculture. We request that the zoning be changed to R/S – Retail Services to bring it in line with current use.

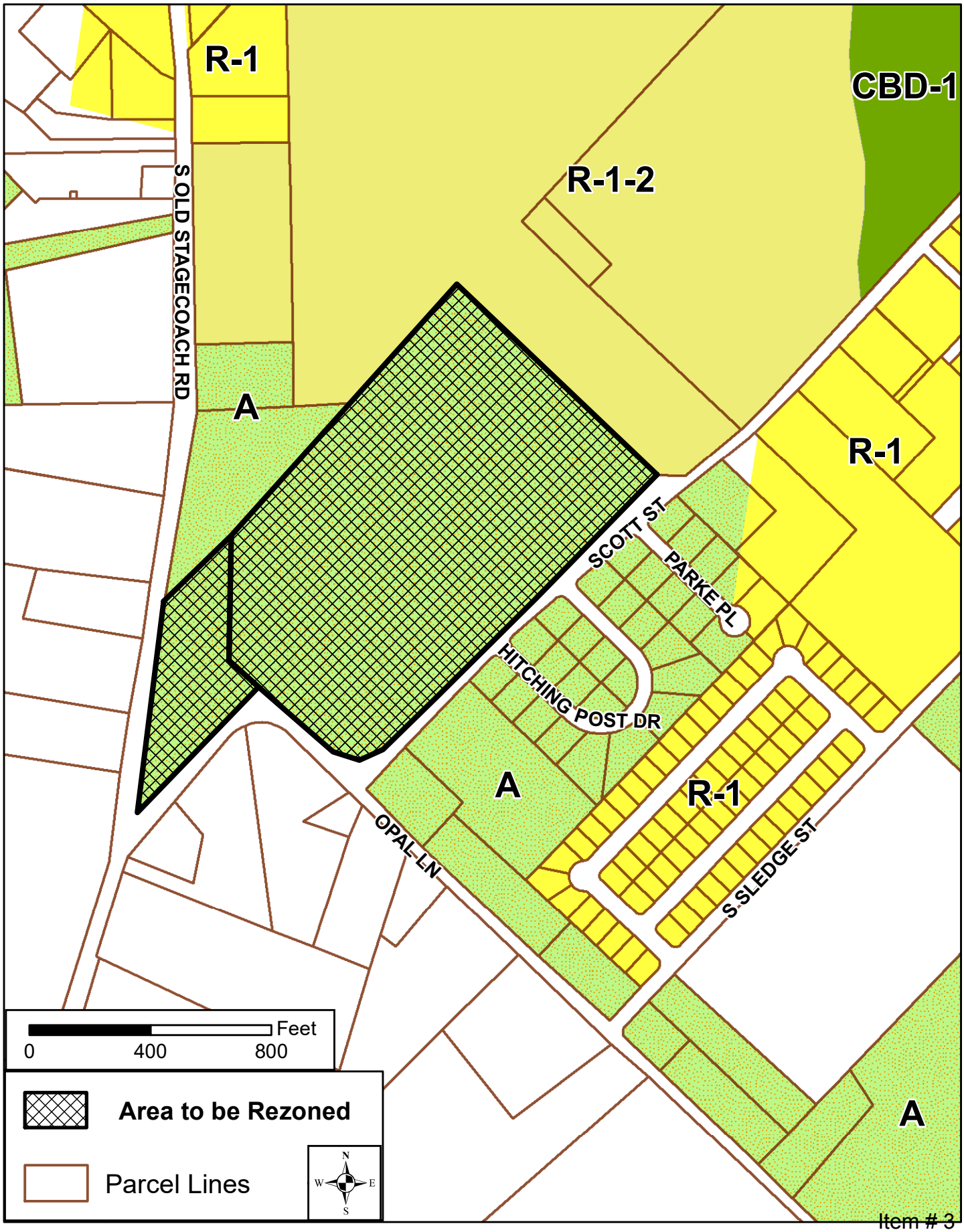
Sincerely

Magdalena Rood

Magdalena Rood
Partner, MooreRood Properties LLC

Exhibit B

Z-17-003 900 & 1000 Scott Street



Item # 3

You may send your written comments to the Planning Department, 100 W. Center St., Kyle, Texas 78640 (attention: Zoning File # **Z-17-003**).

Name: JOSEPH W. HARPER Address: 601 S. OLD STAGECOACH RD. KYLE, TX 78640

- o I am in favor, this is why _____

- ● I am not if favor, and this is why: THE OWNERS OF THIS PROPERTY PLAY OR ALLOW TO BE PLAYED EXTREMELY LOUD, OBNOXIOUS MUSIC THAT INVADES THE PEACE AND PRIVACY OF THE CITIZENS THAT LIVE AROUND THIS PROPERTY. THE ZONING OF THIS PROPERTY AS "RETAIL SERVICE" WILL ONLY GIVE THE OWNERS KYLE CITY PERMISSION TO CONTINUE SUCH REPUGNANT ACTIVITY. Joseph W. Harper

CITY OF KYLE, TEXAS

South Center Street Holdings, LLC - Zoning

Meeting Date: 3/14/2017
Date time:6:30 PM

Subject/Recommendation: Consider a request by South Center Street Holdings, LLC to rezone approximately 1.67 acres of land from Retail Service District 'RS' to dual zoning of Retail Service District 'RS' and Entertainment 'E' for property located at 107 E. Center Street. (Z-17-004)

- Public Hearing
- Recommendation to City Council

Other Information: Please see attachments

Legal Notes: N/A

Budget Information: N/A

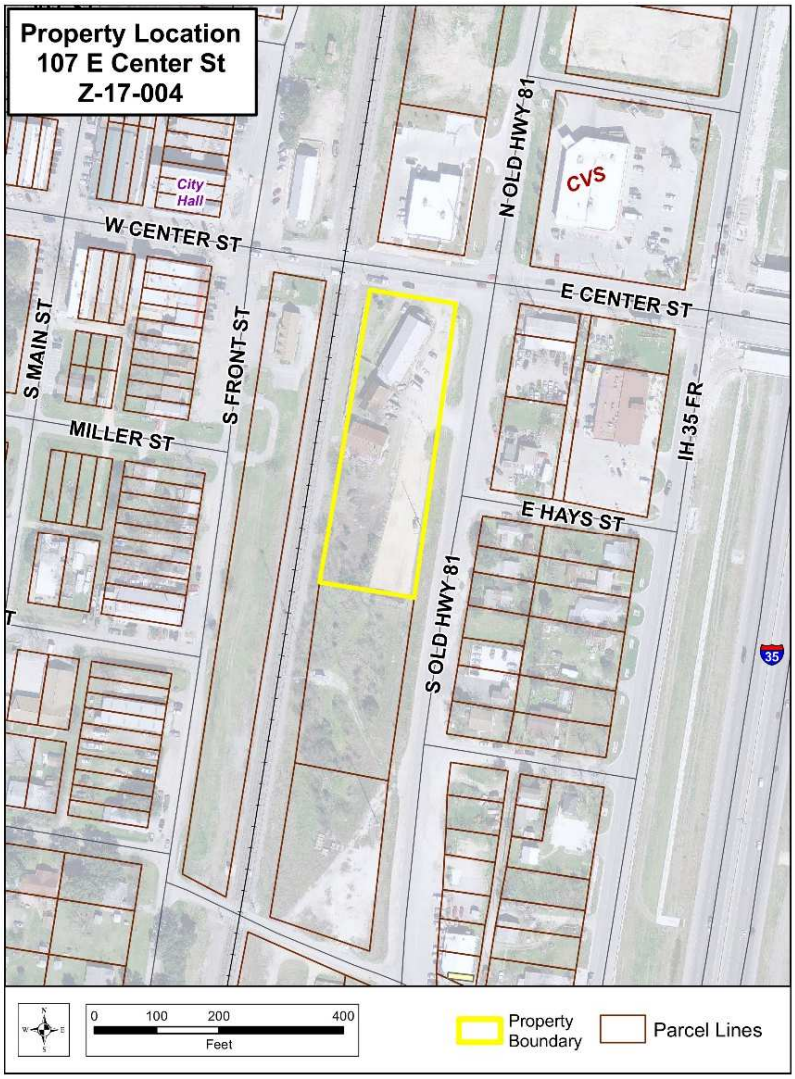
ATTACHMENTS:

	Description
🗋	Staff Memo
🗋	Application and Letter of Request
🗋	Location Map

Petition No. Z-17-004

Property Location	**107 E. Center Street, Kyle, Texas 78640**
Owner	**John Nelson** **South Center Street Holdings, LLC.** **13201 FM 812** **Del Valle TX, 78617**
Request	**Rezone 1.67 Acres, RS to E/RS**

Vicinity Map

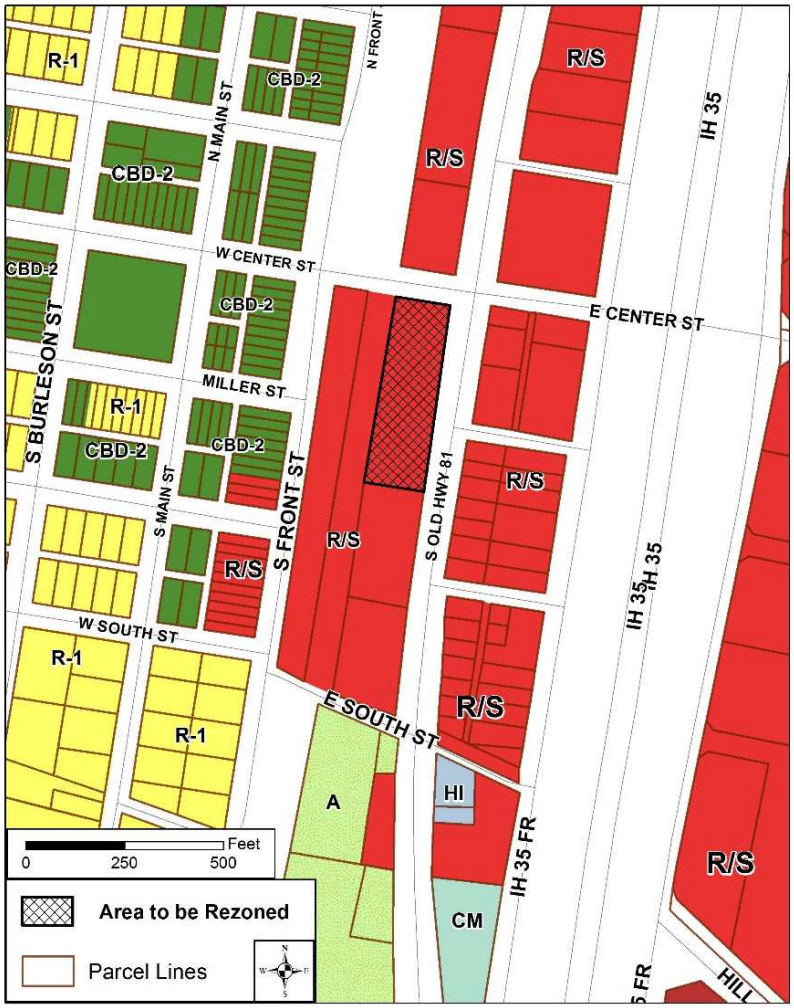


Site Description

The site is located at 107 E. Center Street (Formerly Down South Railhouse) and is currently zoned R/S (Retail/Services). It is bordered to the west by the Union Pacific Rail Road, and across the track lies the eastern edge of the traditional limits of Kyle's historic downtown. This edge of downtown Kyle, represents a mix of commercial and legacy residential uses (CBD-2, R/S). Kyle City Hall (CBD-2) and the historic train depot lie to the northwest, across Center Street, with Advanced Auto Parts (R/S) to the north. To the northeast is CVS Pharmacy (R/S) and to the east of the parcel, across Old Highway 81, commercial activity and additional legacy residential. Both the commercial residential uses zoned Retail Services (R/S), and fill the block between Old Highway 81 and IH-35. Immediately to the south is an undeveloped parcel, similarly zoned R/S.

Exhibit B

Z-17-004 107 E. Center St



The applicant seeks to rezone the property from R/S to E/RS, a dual zoning encompassing the Entertainment and Retail/Services zoning category allowing for the following:

Entertainment (E)

- **Sec. 53-584. - Purpose and permitted uses.**

  The entertainment district E allows general entertainment businesses from amusement parks to golf courses as provided in section 53-12300.

(Ord. No. 438, § 46(a), 11-24-2003)

- **Sec. 53-585. - Conditions and limitations.**

  The conditions and limitations on uses in the entertainment district are as follows:

  (1) The use is conducted wholly within an enclosed building when applicable, other uses to be determined by city council.

Retail/Services (R/S)

Sec. 53-480. - Purpose and 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.,…"

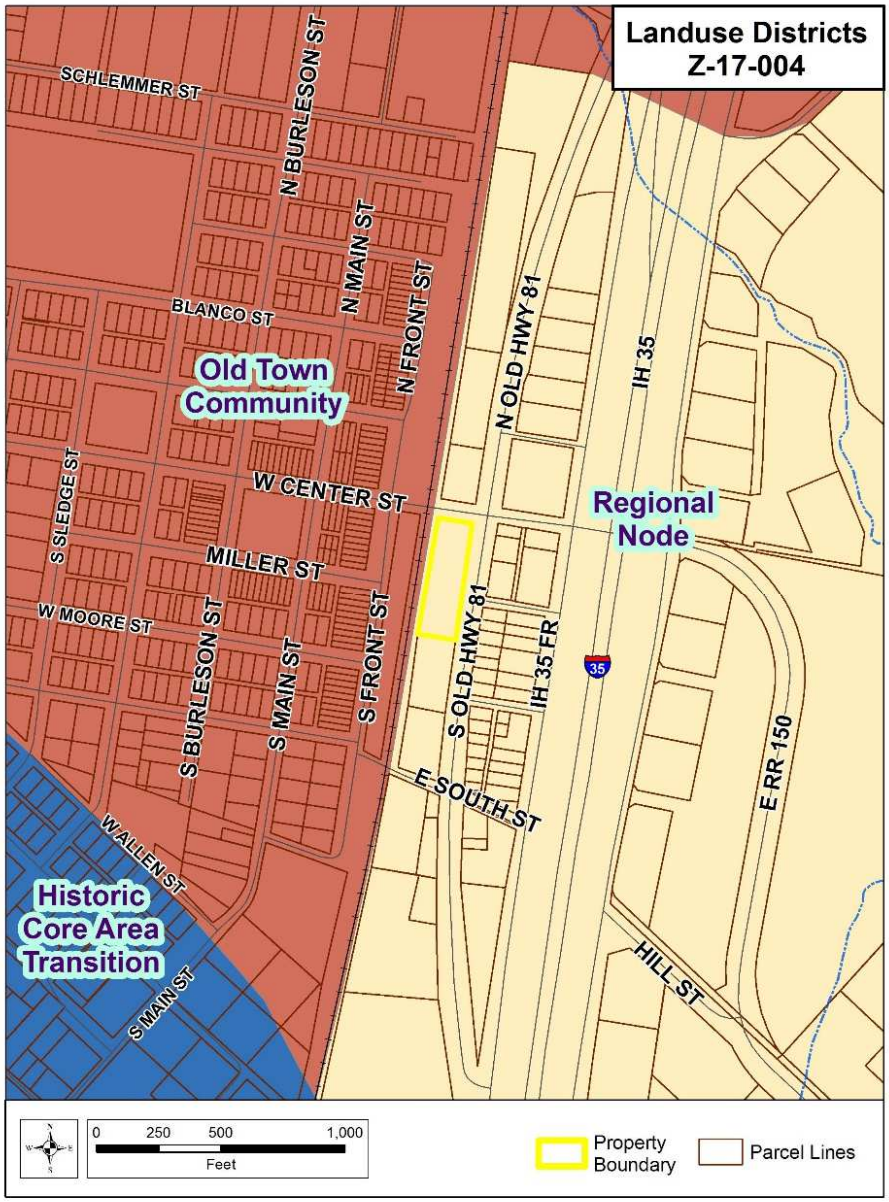
Conditions of the Zoning Ordinance

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 in the "Regional Node" District. It is currently recommended that the E and R/S zoning districts be approved conditionally, with an expectation that the R/S zoning district will be a recommended use with the 2017 Comprehensive Plan Update.

'Character': Regional Nodes should have regional scale retail and commercial activity complemented 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. The Regional Nodes located at 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 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 intensity residential development. These Nodes should respond to other regional areas of growth, specifically along I-35 and FM 1626, and growth 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 density.

Analysis

The property in question is sited in an area that is ripe for commercial redevelopment, and in this specific case, renovation of existing structures in addition to planned site work. The parcel is within the "Regional Node" encompassing the area of Center Street and I-35, and more specifically the intersection of Old Highway 81 and Center Street. This area has retail and service offerings, lining the Center Street corridor and a mix of commercial and housing options along Old Highway 81. Additionally, its

western property line marks the border of the Old Town District, which upon adoption of the 2017 Comprehensive Plan Update, is expected to have Entertainment zoning as recommended.

In the recent past, 107 E. Center Street was utilized as a restaurant and entertainment venue, within the confines of the structure. It did help contribute to a vibrant and much needed evening use for Downtown Kyle, by drawing crowds to the business. This is significant, considering a portion of existing downtown businesses close in the early evening.

The property is already zoned RS or Retail Services; however, the applicant is requesting the dual zoning of E/RS or Entertainment/Retail Services. The property would be authorized to engage in activities enumerated within the city's Entertainment zoning district, including outdoor areas for concerts, and both passive and active recreation.

Within the Regional Node, "the primary goal is to capture commercial opportunities necessary to close Kyle's tax gap. To achieve this goal, these Nodes should draw upon anticipated regional growth and aggregate density to enhance value and activity levels in a concentrated and visible location." In this specific case, an approval of dual zoning can potentially maximize what the current property can offer to the public in the form of an entertainment venue.

While outdoor concerts are not specifically listed within the allowed uses for Entertainment zoning, Section 53-585(1) states: "The use is conducted wholly within an enclosed building when applicable, other uses to be determined by city council." Outdoor recreation consistent with the property's prior uses would be an appropriate amenity, for which the Planning & Zoning Commission can make a recommendation, and for which the City Council can approve. In addition, the Planning & Zoning Commission will also consider all allowable uses within the Entertainment zoning when making a recommendation.

The section of Old Highway 81 adjacent to the parcel will likely receive much of the additional vehicular traffic. Most of the expected venue's business will likely be during the evening and in normal circumstances, the timing of the increased vehicular

load shouldn't significantly add to peak hour traffic on the surrounding road networks traffic capacity.

With its location, adjacent to Downtown Kyle, and near Interstate Highway I-35, the rezoning of this parcel from R to E/RS is appropriate for the City of Kyle and the redevelopment of the area. Staff asks the Planning and Zoning Commission to make a favorable recommendation to City Council.

Attachments

- Application
- Location Map
- Surrounding Zoning Map
- Land Use District Map

APPLICATION & CHECKLIST – ZONING CHANGE

Zoning: John Nelson (Name of Owner) 1/31/17 (Submittal Date)

INSTRUCTIONS: (Z-17-004)

- Fill out the following application and checklist completely prior to submission.
- Place a check mark on each line when you have complied with that item.
- Use the most current application from the City's website at www.cityofkyle.com or at City Hall. City ordinances can be obtained from the City of Kyle.

REQUIRED ITEMS FOR SUBMITTAL PACKAGE:

The following items are required to be submitted to the Planning Department in order for the Zoning Application to be accepted.

✓ 1. Completed application form with owner's original signature.

✓ 2. Letter explaining the reason for the request.

CITY OF KYLE
JAN 31 2017
PLANNING DEPARTMENT

✓ 3. Application *fee*: $428.06, plus $3.62 per acre or portion thereof.

Newspaper Publication Fee: $190.21

Total Fee: 624.32

✓ 4. A map or plat showing the area being proposed for rezoning.

✓ 5. A clear and legible copy of field notes (metes and bounds) describing the tract (when not a subdivided lot).

✓ 6. Certified Tax certificates: County __ School __ City __

✓ 7. Copy of Deed showing current ownership.

**** A submittal meeting is required. Please contact Debbie Guerra at (512) 262-3959 to schedule an appointment.*

1. Zoning Request:

Current Zoning Classification: RS

Proposed Zoning Classification: E/RS

Proposed Use of the Property: Live Music Venue

Acreage/Sq. Ft. of Zoning Change: 1.67 acre

2. Address and Legal Description:

Provide certified field notes describing the property being proposed for rezoning.
Provide complete information on the location of the property being proposed for rezoning.

Street Address: 107 E. Carter St

Subdivision Name/Lot & Block Nos.:

Property Recording Information: ☐ Hays County
Volume/Cabinet No. _____ Page/Slide No. _____

3. Ownership Information:
Name of Property Owner(s): South Centro Street Holdings LLC.

(If property ownership is in the name of a partnership, corporation, joint venture, trust or other entity, please list the official name of the entity and the name of the managing partner.)

Address of Owner: 13201 FM 812
Del Valle TX. 78617

Phone Number: 512-680-6673

Fax Number: 512 597 4732

Email Number: johnruelsa@hotmail.com

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

Signed: _____

Date: 1/31/17

4. Agent Information:
If an agent is representing the owner of the property, please complete the following information:

Agent's Name: _____

Agent's Address: _____

_____

Agent's Phone Number: _____

Agent's Fax Number: _____

Agent's Mobile Number: _____

Agent's Email Number: _____

I hereby authorize the person named above to act as my agent in processing this application before the Planning and Zoning Commission and City Council of the City of Kyle:

Owner's Signature: _____

Date: 1/31/17

Do Not Write Below This Line
Staff Will Complete

Tax Certificates: ☐ County ☐ School ☐ City

Certified List of Property Owners Within 200" ☐

All Fees Paid: ☐ Filing/Application ☐ Mail Out Costs

Attached Map of Subject Property ☐

CITY OF KYLE
JAN 31 2017
PLANNING DEPARTMENT

Accepted for Processing By: Debbie A Guerra Date: _____

Date of Public Notification in Newspaper: 2/22/17

Date of Public Hearing Before Planning and Zoning Commission: 3/14/17

Date of Public Hearing Before City Council: 3/21/17

To whom it may concern;

I am proposing a zoning change to create a duel zoning the property located at 107 E Center Street previously known as Down South Railhouse (DSR) and Railroad BBG. It is currently zoned RS and we would like to propose a dual zoning of RS/E. Our goal is to offer a outdoor entertainment venue for the City of Kyle and surrounding areas and offer live music. We believe it will be a perfect complement to the existing property. Please feel free to contact me with any questions. John Nelson, 512-680-6673

Sincerely,

John R. Nelson

Heart of Texas Demolition LLC
13201 FM 812
Del Valle, TX. 78617
O. 512-276-2494
P. 512-680-6673
F. 512-597-4732

Exhibit B

Z-17-004 107 E. Center St

Item # 4

CITY OF KYLE, TEXAS

Rodolfo & Guadalupe Martinez & Mary Ann Mendoza - Zoning

Meeting Date: 3/14/2017
Date time:6:30 PM

Subject/Recommendation: Consider a request by Rodolfo and Guadalupe Martinez and Mary Ann Mendoza to assign original zoning to approximately 13.52 acres of land from Agriculture 'AG' to Construction Manufacturing 'CM' for property located off of IH-35 and CR 208. (Z-17-005)

- Public Hearing
- Recommendation to City Council

Other Information: Please see attachments

Legal Notes: N/A

Budget Information: N/A

ATTACHMENTS:

	Description
🗋	Staff Memo
🗋	Application and Zoning Request Letter
🗋	Location Map

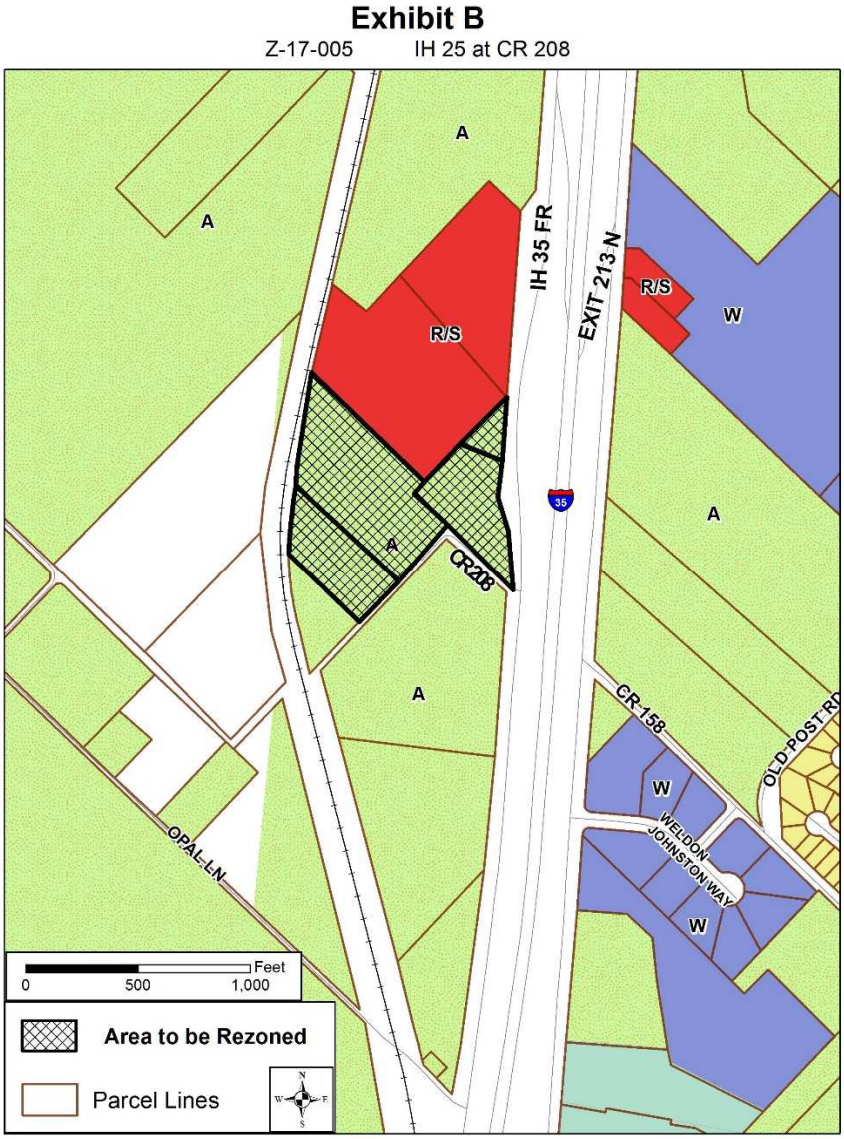
Petition No. Z-17-005

Property Location	**400 County Road 208, Kyle, Texas 78640**
Owner	**Roldolfo & Guadalupe Martinez,** **Mary Ann Mendoza** **400 County Road 208,** **Kyle, Texas 78640**
Agent	**Dustin Inderman** **305 Railroad Street** **Buda, Texas 78610**
Request	**Rezone 13.52 Acres, A to C/M**

Vicinity Map

Site Description

The site is located on land currently zoned A (Agriculture), comprised of 13.52 acres and developed with single family residences and related outbuildings. It is bordered on the west by the Union Pacific Railroad, and undeveloped parcels across the Union Pacific tracks. Two tracts of land, totaling 16.24 acres and zoned R/S (Retail/Services) lie immediately to the north. IH-35 and access road are adjacent to the eastern property lines and three tracts zoned Agriculture (A) are to the south, with Cedar Supply Incorporated, utilizing the middle of the three tracts.



The applicant seeks to rezone the property from A to C/M, the Construction/Manufacturing zoning category allowing for the following:

Sec. 53-556. - Permitted uses.

(a) The construction and manufacturing district CM allows assembly, packaging, treatment, processing and manufacture of products that do not pose any materially potential hazard to persons and property outside the boundaries of the property, and the following specifically listed uses to the extent such uses are contained or included within property as to not pose a potential hazard outside of the property on which such use is conducted.

Conditions of the Zoning Ordinance

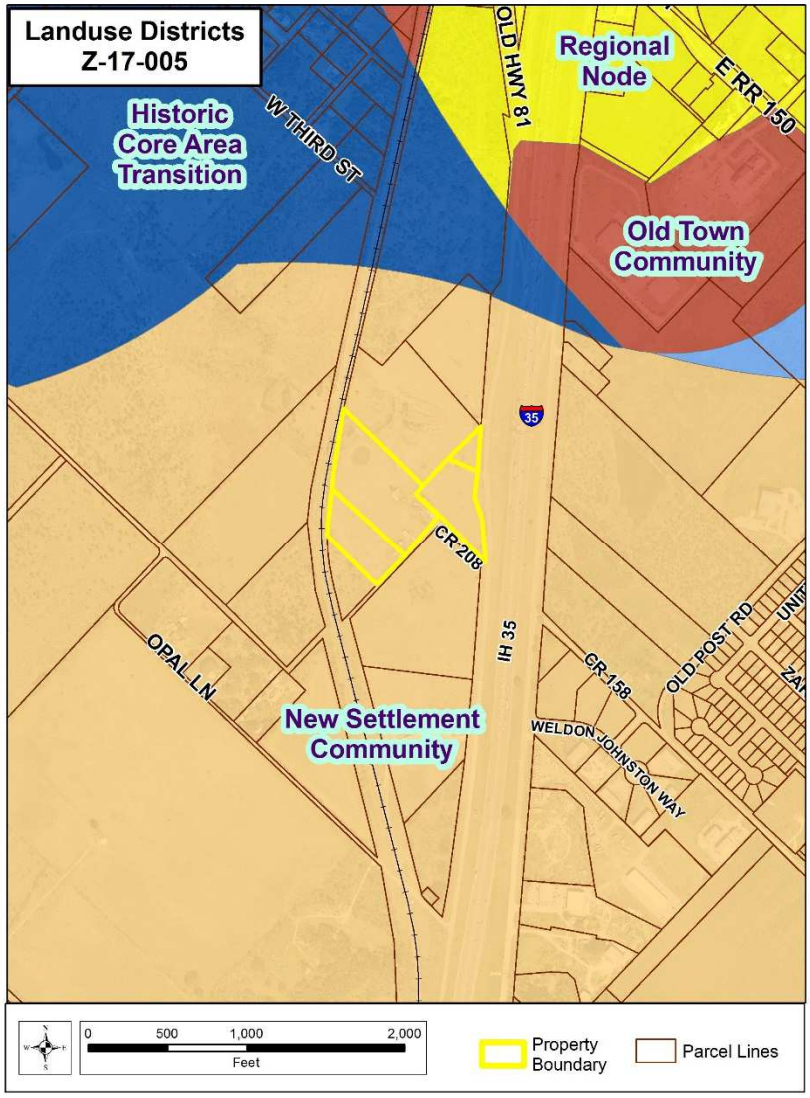
Sec. 53-1205 Amendments

(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 in the "New Settlement District". It is not recommended that the C/M zoning district be an allowable zoning district.

'Character': Stretching over both Plum Creek and I-35, the New Settlement District is comprised primarily of farm fields and new residential developments that are being carved of former fields. Northwest to southeast roadway patterns are strong, while northeast to southwest connections are lacking. Traditional residential enclaves predominate in the New Settlement District, aggregated in neighborhoods of unique

housing forms. Private and public spaces are clearly separate, with the public domain by shared neighborhood amenities and the private domain defined by privatized landscapes. Public space is not encroached on by private functions. The New Settlement District has a lower density and intensity of development than the adjacent Mid-Town District, and the open character of the landscape should evoke the agricultural heritage of the District. Physical and visual portioning and division of land should be avoided where possible in this District.

'Intent': The flat land and large parcel size in the New Settlement District result in a high level of development potential, which is beginning to be realized through market-driven demand for new housing stock. The City of Kyle should seek to capitalize on this "developability", while emphasizing community amenities, enhancing the neighborhood lifestyle through shared spaces, and improving connectivity within and without the District. The unique water features, such as creek ways and detention/retention facilities, in the New Settlement District should be utilized as form-giving elements and corridors for connections. Use patterns should be established that complement residential development and facilitate beneficial land use transitions. In this way, the New Settlement District should serve as a transition between the higher intensity of use within the core Districts and the low intensity of use of the Farm District.

Analysis

The property requesting to be rezoned is sited on the west side of I-35 in an area that is mostly undeveloped, or developed at a very low intensity. The area has yet to be serviced by community waste water lines, and extending potable water lines is somewhat hindered by the presence of the rail lines on the western sides of the lots.

While the New Settlement Land Use District does not recommend Construction/Manufacturing (C/M) zoning, there is significant, existing C/M and W (Warehouse) zoning, southeast, across I-35. These parcels and uses were largely in existence at the time of Ordinance Number 438 in 2003. Most of these were zoned to capture the appropriate preexisting use.

The 2010 Comprehensive Plan indicates; "Use patterns should be established that complement residential development and facilitate beneficial land use transitions". In the future, it is expected that a significant number of single family residential units will be built within the vicinity, primarily to the west across the tracks and south of Opal

Lane. Due to the land zoned for Retail Services immediately to the north, and considering the future residential to the south, the requested zoning is arguably not a complimentary land use.

With its location adjacent to Retail/Services zoning, expected future land uses in the immediate vicinity, and the community vision for high-turnover retail and service uses which can capture patrons accessing the land from the interstate, the rezoning of this parcel from A to C/M is not appropriate for the City of Kyle and the development of the area.

Attachments

- Application
- Location Map
- Surrounding Zoning Map
- Land Use District Map

APPLICATION & CHECKLIST – ZONING CHANGE

Zoning: Rodolfo & Guadalupe Martinez & 2·13·2017
(Name of Owner) MARY ANN MENDOZA (Submittal Date)
(Z-17-005)

INSTRUCTIONS:

- Fill out the following application and checklist completely prior to submission.
- Place a check mark on each line when you have complied with that item.
- Use the most current application from the City's website at www.cityofkyle.com or at City Hall. City ordinances can be obtained from the City of Kyle.

REQUIRED ITEMS FOR SUBMITTAL PACKAGE:

The following items are required to be submitted to the Planning Department in order for the Zoning Application to be accepted.

✓ 1. Completed application form with owner's original signature.

✓ 2. Letter explaining the reason for the request.

✓ 3. Application *fee*: $428.06, plus $3.62 per acre or portion thereof.

Newspaper Publication Fee: $190.21

Total Fee: 618.27

CITY OF KYLE
FEB 13 2017
PLANNING DEPARTMENT

✓ 4. A map or plat showing the area being proposed for rezoning.

✓ 5. A clear and legible copy of field notes (metes and bounds) describing the tract (when not a subdivided lot).

✓ 6. Certified Tax certificates: County __ School __ City __

✓ 7. Copy of Deed showing current ownership.

**** A submittal meeting is required. Please contact Debbie Guerra at (512) 262-3959 to schedule an appointment.*

1. Zoning Request:

Current Zoning Classification: Ag

Proposed Zoning Classification: RS C/M ⊗

Proposed Use of the Property: STORAGE AND SALE OF LANDSCAPE MATERIALS

Acreage/Sq. Ft. of Zoning Change: 13.52 Ac

2. Address and Legal Description:

Provide certified field notes describing the property being proposed for rezoning.
Provide complete information on the location of the property being proposed for rezoning.

Street Address: CR 205 #400

Subdivision Name/Lot & Block Nos.:

Property Recording Information: ☐ Hays County
Volume/Cabinet No. 223 Page/Slide No. 159

3. Ownership Information:
Name of Property Owner(s): RODOLFO AND GUADALUPE MARTINEZ; MARY ANN MENDOZA

(If property ownership is in the name of a partnership, corporation, joint venture, trust or other entity, please list the official name of the entity and the name of the managing partner.)

Address of Owner: CR 208 #400
KYLE, TEXAS 78640

Phone Number:

Fax Number:

Email Number:

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

Signed:

Date: 2/13/17

4. Agent Information:
If an agent is representing the owner of the property, please complete the following information:

Agent's Name: Dustin Inderman
Agent's Address: 305 Railroad
Buda, TX 78610
Agent's Phone Number: 512-567-7709
Agent's Fax Number: —
Agent's Mobile Number: —
Agent's Email Number: dustin.inderman@gmail.com

I hereby authorize the person named above to act as my agent in processing this application before the Planning and Zoning Commission and City Council of the City of Kyle:

Owner's Signature: Rodolfo Martinez Guadalupe Martinez Mary Ann Mendoza
Date: 2-8-17

Do Not Write Below This Line
Staff Will Complete

Tax Certificates: ☐ County ☐ School ☐ City

Certified List of Property Owners Within 200" ☐

All Fees Paid: ☐ Filing/Application ☐ Mail Out Costs

Attached Map of Subject Property ☐

CITY OF KYLE
FEB 13 2017
PLANNING DEPARTMENT

Accepted for Processing By: Debbie A Guerra Date: 2/22/17

Date of Public Notification in Newspaper: 3/14/17

Date of Public Hearing Before Planning and Zoning Commission: 3/21/17

Date of Public Hearing Before City Council: _____

Turner
Law Office, PLLC
2012 E. CESAR CHAVEZ ST.
AUSTIN, TEXAS 78702
T: 512.442.8300
F: 512.442.6872

February 13, 2017

City of Kyle Planning Department
Kyle City Hall
100 W Center St
Kyle, Texas 78640

RE: Zoning Change Request

To Whom it May Concern:

I represent Marcelo's Sand and Loam in all matters pertaining to its intended purchase of +/- 13.52 acres located within the Kyle city limits. The land is currently zoned for agricultural use. My client intends to store and sell landscaping materials such as mulch, topsoil, sand and gravel from this location. This use requires a change to C/M zoning.

In conjunction with the proposed purchase of the land by my client, the Seller has agreed to make application for the required zoning, which application and supporting documents are attached hereto. Should you have any questions or need further information, please feel free to call me or email at turnerlaw2000@yahoo.com.

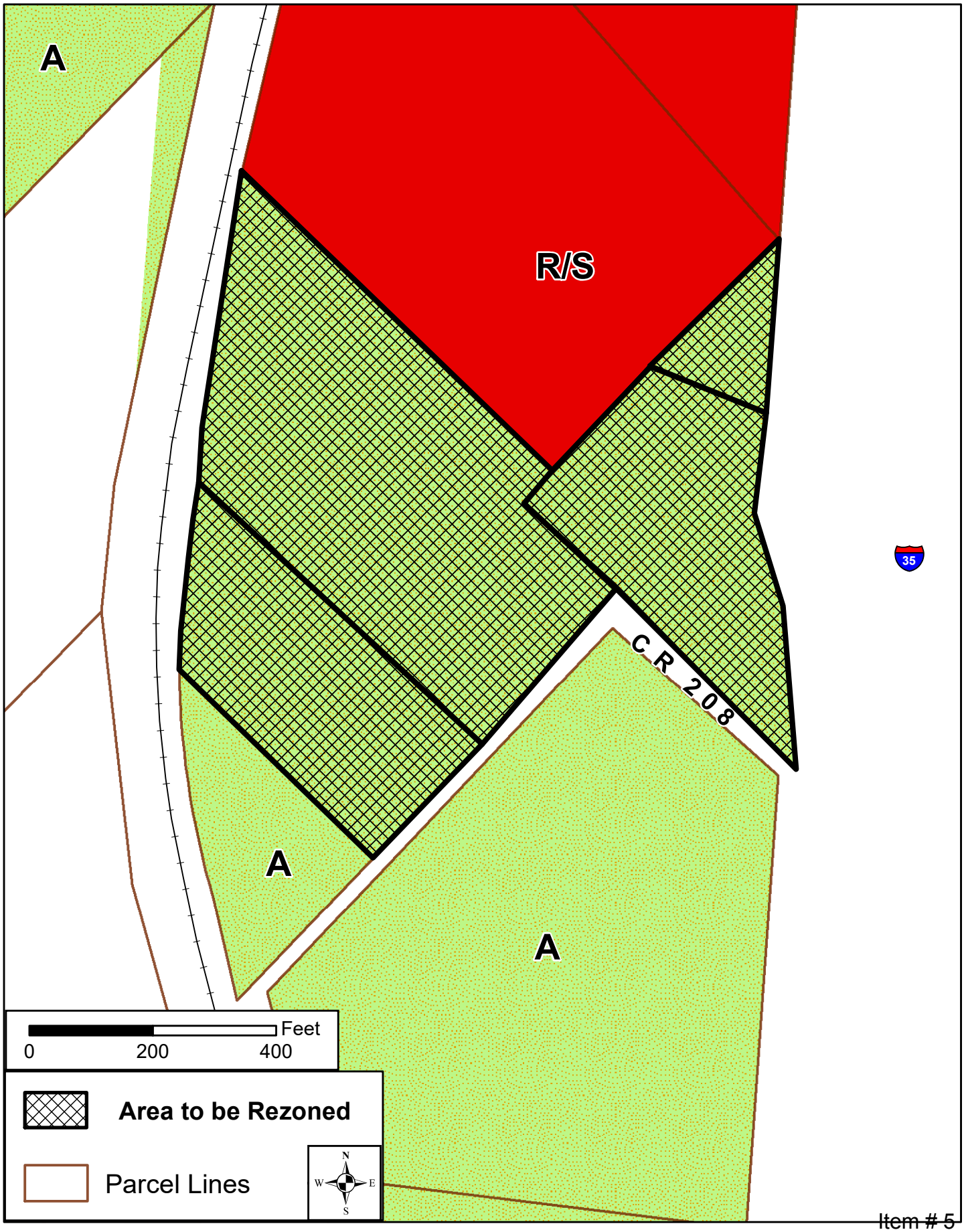
Thank you for your courtesy and cooperation in this matter.

Sincerely,

Sam Turner

Exhibit B

Z-17-005 IH 35 at CR 208



Item # 5

CITY OF KYLE, TEXAS

Text Amendments to the I-35 Overlay District Development Standards (53-899)

Meeting Date: 3/14/2017
Date time:6:30 PM

Subject/Recommendation: Consider text amendments to the City of Kyle, Code of Ordinances, Section 53-899 (I-35 Overlay District Development Standards).

- Public Hearing
- Recommendation to City Council

Other Information: Please see attachments.

Legal Notes: N/A

Budget Information: N/A

ATTACHMENTS:

	Description
🗋	Staff Memo

CITY OF KYLE

Community Development Department

March 14, 2017

To: Planning & Zoning Commission
From: Howard J. Koontz, Community Development Director
Re: Text amendment to §53-899 I-35 Overlay District Development Standards

Kyle continues to review its development patterns and past performance to predict future growth. In so doing, it has come to the attention of development staff that a text amendment should be put forward to preclude the possible institution of a land use that, in too great of numbers, provides no appreciable benefit to Kyle's emerging I-35 corridor.

The proposed text of this amendment would preclude motor vehicle and trailer sales, rental and leasing from establishing in the I-35 overlay corridor. Motor vehicle dealers most often situate themselves in clusters, and those lots consume large tracts of land area for outdoor displays of their merchandise. Since automobile sales do not generate local sales tax for the city, only the land on which the dealership exists would be liable for property tax, there is very little incentive for the city to accommodate them as land uses. Similarly, auto dealerships are not typically high volume employers, meaning there would be few opportunities for employment as related to the expansive land area consumed for the use. As it stands today, the high visibility areas along I-35 should be reserved for those uses that provide for the needs of the motoring public, and for those uses that are less desirable as locations in toward our neighborhoods.

Currently, auto dealers are only allowable as a conditional use in the overlay, but upon further review of their impact and effect on Kyle's economic development and employment sectors, that provision needs to be further restricted. It should be noted that the indoor, enclosed sales of these types of vehicles won't be altered, and such uses can continue to establish via conditional use permit.

The revised text of §53-899 would read as follows:

(d) Uses. The permitted uses of the property shall be determined by the use regulations set forth in the base zoning district for the property except as follows:

- ~~All outdoor sales of vehicle sales (new or used) within the I-35 overlay district shall require a conditional use permit."~~

1. All motor vehicle and trailer sales, rentals or leasing are prohibited from operating outdoors in the I-35 Overlay District. This includes, but is not

limited to, the sale, rental and leasing of cars, trucks, vans, motorcycles, water craft, recreational vehicles, all terrain vehicles, OHV vehicles, buses, trailers, farm and lawn equipment, construction equipment, demolition equipment, commercial vehicles, limousines, and all other similar vehicles not listed. This description of outdoor vehicle sales applies to this entire section, including the "Exceptions" subsection.

2. Exceptions - Motor vehicles sales, rentals, and leasing as described in this section are permitted within a covered, enclosed building, following City Council approval of a Conditional Use Permit. In all cases, all sales inventory and sales display models must be stored and presented for sale/lease/rental within a covered, enclosed building.

3. Land uses in operation at the time of adoption of this provision must operate in accordance with §53-1140 - Non-conforming uses, Code of Ordinances, City of Kyle.

CITY OF KYLE, TEXAS

P&Z Request for future agenda items

Meeting Date: 3/14/2017
Date time:6:30 PM

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

Other Information: N/A

Legal Notes: N/A

Budget Information: N/A

ATTACHMENTS:

Description

No Attachments Available

CITY OF KYLE, TEXAS

Staff Report

Meeting Date: 3/14/2017
Date time:6:30 PM

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

Other Information:

Legal Notes:

Budget Information:

ATTACHMENTS:

Description

No Attachments Available