

CITY OF KYLE

Planning & Zoning Commission Regular Meeting



Kyle City Hall
100 W. Center Street

Notice is hereby given that the Planning and Zoning Commission of the City of Kyle, Texas will meet at 6:30 PM on September 13, 2016, at Kyle City Hall 100 W. Center Street for the purpose of discussing the following agenda.

NOTE: There may be a quorum of the City Council of Kyle, Texas present at the meeting who may participate in the discussion. No official action will be taken by the City Council members in attendance.

Posted this the 9th day of September prior to 6:30 PM.

1. CALL MEETING TO ORDER

2. ROLL CALL

3. CITIZEN COMMENTS

4. MINUTES – Planning and Zoning Commission meeting minutes for June 14, 2016 and June 28, 2016.

5. CONSENT

- A. Woodlands Park Subdivision Phase III – Final Plat (FP-16-008)
27.324 acres; 102 single family lots
Located southeast of Woodlands Drive and E. RR 150 intersection
Owner: Woodlands 75, LLC
Agent: Dustin Goss, Pape-Dawson Engineers
Staff Proposal to P&Z: Approve the Final Plat

- B. Hays Commerce Phase 1 - Final plat (FP-15-005)
7.542 acres; 2 commercial lots and right-of-way
Located at 2788 S. Loop 4
Owner: Liquid Waste Solutions, LLC
Agent: Hanrahan Pritchard Engineering, Inc.
Staff Proposal to P&Z: Approve the Final Plat
- C. Hays Commerce Phase 2A – Final Plat (FP-15-006)
71.037 acres; 14 commercial lots and right-of-way
Located at 3751 Kyle Crossing
Owner: RR HPI, LP
Agent: Hanrahan Pritchard Engineering, Inc.
Staff Proposal to P&Z: Approve the Final Plat
- D. Stepping Stone School XXI – Site Plan (SD-16-012)
1.3 acres; 1 commercial lot
Located at 1020 Lightfoot
Staff Proposal to P&Z: Approve the Site Plan

6. CONSIDER AND POSSIBLE ACTION

- A. Consider a request by Dennis Artale (Windmill Center Lot 1 – 21511 IH-35) for a conditional use permit to construct a 9,000 square foot building located within the IH-35 Overlay District. (CUP-16-009)
- B. Consider a request by SCC Kyle Partners (BioLife Plasma Services – 906 Seton Parkway) for a conditional use permit to construct a 16,686 square foot building located within the IH-35 Overlay District. (CUP-16-010)
- C. Text amendment to Section 53-5 (Definitions) and Section 53-33(l) (Impervious Coverage) as they relate to impervious surfaces.
- **Public Hearing**
 - **Recommendation to City Council**
- D. Text amendment to Chapter 53, Article I, Section 53-5 (Definitions), and Chapter 53, Article V, Landscaping and Screening Requirements; for the purpose of adding, deleting and revising the text of the City's Landscape, Screening and Tree Ordinances.
- **Public Hearing**
 - **Recommendation to City Council**

7. GENERAL DISCUSSION

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

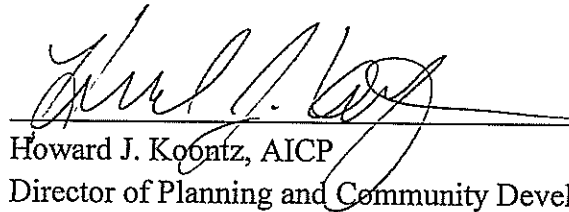
8. STAFF REPORT

9. ADJOURN

*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.

Certificate

I certify that the above notice of the Planning and Zoning Commission Regular Meeting of the City of Kyle, Texas was posted on the bulletin board of the City of Kyle City Hall, 100 W. Center St, Kyle, Texas. This notice was posted on:


Howard J. Koontz, AICP
Director of Planning and Community Development

09/09/16
Date

REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION

The Planning and Zoning Commission of the City of Kyle, Texas met in regular session June 14, 2016 at 6:30 p.m. at Kyle City Hall, with the following persons present:

Commissioner Bradley Growt	Jerry Kolacny
Chairman Mike Rubsam	Mike Wilson
Commissioner Allison Wilson	Kirk Brumley
Commissioner Tim Kay	
Commissioner Irene Melendez	
Planning and Community Development Director, Howard J. Koontz	
Planning Technician, Debbie Guerra	

CALL MEETING TO ORDER

Chairman Rubsam called the meeting to order at 6:30 p.m.

ROLL CALL OF BOARD

Chairman Rubsam called for roll call. Commissioner's Ellison and Huey were absent.

CITIZEN COMMENTS

Chairman Rubsam opened the citizens comment period at 6:30 pm and called for comments on items not on the agenda or posted for public hearing. Jerry Kolacny addressed the Commission asking why there were no public hearings on the meeting agenda. Mike Wilson also addressed the Commission regarding the conditional use permit for Kyle Village. Mr. Wilson stated that he would like to see the front of the building facing Old Highway 81 instead of the rear of the building. Chairman Rubsam closed the citizens comment period at 6:35 pm.

MINUTES

PLANNING AND ZONING COMMISSION MEETING MINUTES FOR MARCH 8, 2016, MARCH 22, 2016, APRIL 12, 2016 AND MAY 10, 2016.

Commissioner Kay moved to approve the minutes as written. Commissioner Melendez seconds the motion. All votes aye. Motion carried.

ELECTION OF VICE-CHAIR

Chairman Rubsam moved to postpone the election until the meeting in July. Commissioner Melendez seconds the motion. Chairman Rubsam amended his motion to postpone the election until the June 28th meeting. Commissioner Melendez second the amendment. All votes aye. Motion carried.

CONSENT

PLUM CREEK PHASE 1, SECTION 6B-2 – FINAL PLAT (FP-16-005) 2.310 ACRES; 24 LOTS LOCATED SOUTH OF HELLMAN AND EAST OF FM 2770, NORTH OF PLUM CREEK SECTION 6A.

STAFF PROPOSAL: APPROVE

ACC HAYS CAMPUS PHASE 2A, PARKING LOT – SITE PLAN (SD-16-009) 3 ACRES, PARKING LOT LOCATED AT 1200 KOHLER'S CROSSING.

STAFF PROPOSAL: APPROVE

Chairman Rubsam moved to approve Plum Creek Phase 1 Section 6B-2 (FP-16-005) and ACC Hays Campus Phase 2A, Parking Lot (SD-16-009). Commissioner Melendez seconds the motion. All votes aye. Motion carried.

CONSIDER AND POSSIBLE ACTION

CONSIDER AND POSSIBLE RECOMMENDATION TO VACATE THE SUBDIVISION PLAT FOR WOOD RIDGE SUBDIVISION RECORDED IN HAYS COUNTY, VOLUME 1 PAGE 271.

Commissioner Kay moved to recommend approval to vacate the Subdivision Plat for Wood Ridge Subdivision. Commissioner Melendez seconds the motion. All votes aye. Motion carried.

CONSIDER A REQUEST BY SAC N PAC STORES, INC. (KYLE VILLAGE – 22510 IH-35) FOR A CONDITIONAL USE PERMIT TO CONSTRUCT A 17,300 SQUARE FOOT BUILDING LOCATED WITHIN THE IH-35 OVERLAY DISTRICT.

Chairman Rubsam moved to postpone the conditional use permit request until the July 26th Planning and Zoning Commission meeting. Commissioner Kay seconds the motion. All votes aye. Motion carried.

GENERAL DISCUSSION

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

Chairman Rubsam stated that he would like to see the landscape ordinance update completed before his term is up.

STAFF REPORT

Howard Koontz, Director of Planning and Community Development stated that he will be on vacation on July 12th therefore, all action items will be heard on July 26th.

ADJOURNED

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

The Planning & Zoning Meeting adjourned at 6:58 p.m.

City Secretary

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 June 28, 2016 at 6:30 p.m. at Kyle City Hall, with the following persons present:

Commissioner Dex Ellison	Mike Wilson
Commissioner Lori Huey	Will Caldwell
Commissioner Bradley Growt	
Commissioner Tim Kay	
Commissioner Irene Melendez	
Planning and Community Development Director, Howard J. Koontz	
Planning Technician, Debbie Guerra	

CALL MEETING TO ORDER

Commission Kay called the meeting to order at 6:30 p.m.

ROLL CALL OF BOARD

Commissioner Kay called for roll call. Chairman Rubsam and Commissioner Wilson were absent.

CITIZEN COMMENTS

Commissioner Kay opened the citizens comment period at 6:30 pm and called 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 pm.

PRESENTATION

RECOGNITION OF MIKE WILSON FOR YEARS OF SERVICE TO THE PLANNING AND ZONING COMMISSION.

A Certificate of Appreciation was presented to Mike Wilson for his years of service.

ELECTION OF VICE-CHAIR

Commissioner Growt moved to postpone the election to the July 26th meeting. Commissioner Huey seconds the motion. All votes aye. Motion carried.

CONSENT

**WOODLANDS PARK PHASE III – FINAL PLAT (FP-16-008) 27.324 ACRES; 102
LOTS LOCATED OFF OF CR 158 (WOODLANDS SUBDIVISION).
STAFF PROPOSAL: STATUTORILY DISAPPROVE TO MEET THE 30 DAY
RQUIREMENT.**

URBINA ADDITION – SHORT FORM FINAL PLAT (SFP-16-002) 5 ACRES; 2 LOTS LOCATED AT 3931 DACY LANE.

STAFF PROPOSAL: STATUTORILY DISAPPROVE TO MEET THE 30 DAY REQUIREMENT.

Commissioner Huey moved to statutorily disapprove Woodlands Park, Phase III and Urbina Addition. Commissioner Melendez seconds the motion. All votes aye. Motion carried.

DACY VILLAGE SUBDIVISION, LOT 1 AND 3, BLOCK B - FINAL PLAT (FP-16-004) 2.54 ACRES; 2 LOTS LOCATED AT THE SOUTHWEST CORNER OF BEBEE ROAD AND DACY LANE.

STAFF PROPOSAL: APPROVE FINAL PLAT.

BUNTON CREEK SUBDIVISION, PHASE 6C – FINAL PLAT (FP-16-003) 20.747 ACRES; 84 SINGLE FAMILY LOTS LOCATED AT THE EXTENSION OF VIOLET LAND AND EXTENSION OF TWIN ESTATE DRIVE.

STAFF PROPOSAL: APPROVE FINAL PLAT.

FAIRWAY LANDINGS AT PLUM CREEK – SITE PLAN (SD-16-006) 14.065 ACRES; 1 LOT LOCATED AT 510 KOHLER'S CROSSING.

STAFF PROPOSAL: APPROVE SITE PLAN

Commissioner Growt moved to approve Dacy Village Subdivision, Lot 1 and 3, Block B – Final Plat (FP-16-004), Bunton Creek Subdivision, Phase C – Final Plat (FP-16-003) and Fairway Landings at Plum Creek – Site Plan (SD-16-006). Commissioner Melendez seconds the motion. All votes aye. Motion carried.

CONSIDER AND POSSIBLE ACTION

CONSIDER AN AMENDMENT TO THE CITY OF KYLE, CODE OF ORDINANCES, CHAPTER 11, ARTICLE IV (PEDDLERS, SOLICITORS AND VENDORS).

Commissioner Kay opened the public hearing at 6:35 pm and called for comments for or against the request. Mike Wilson addressed the Commission and stated the following recommendations for the amendment to the Peddlers, Solicitors and Vendors. The duration for a mobile food vendor should be changed from 60 to 90 – 120 minutes, needs to have enforcement of trash clean up, distance between food vendors should be closer, allow mobile food vendors in other zoning categories and allow vendors to stay in a location for more than 9 months. Will Caldwell addressed the Commission and stated that he is in support of the idea and would like to have food vendor set up at his business however, would like to have a temporary Porta potty with a hand washing station to help with the flow of customers. Commissioner Kay closed the public hearing at 6:43 pm.

Commissioner Ellison moved to recommend approval to an amendment to the City of Kyle, Code of Ordinances, Chapter 11, Article IV (Peddlers, Solicitors and Vendors). Commissioner Melendez seconds the motion. Commissioners Ellison, Huey, Kay and Melendez vote aye. Commissioner Growt votes nay. Motion carried.

GENERAL DISCUSSION

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

No discussion.

STAFF REPORT

Howard Koontz, Director of Planning and Community Development stated that he will be on vacation on July 12th therefore, all action items will be heard on July 26th.

ADJOURNED

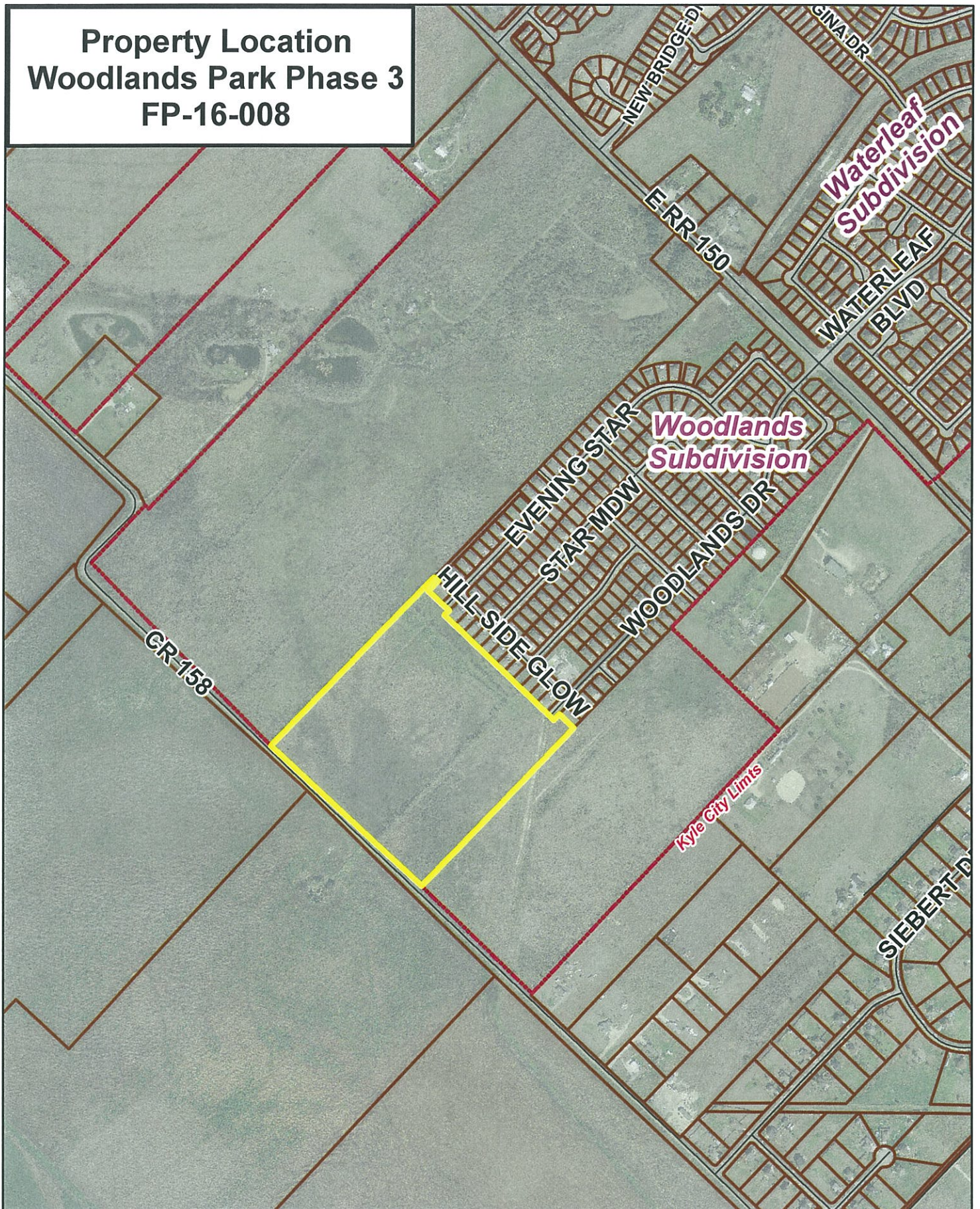
With no further business to discuss, Commissioner Ellison moved to adjourn. Commissioner Huey seconds the motion. All votes aye. Motion carried.

The Planning & Zoning Meeting adjourned at 7:29 p.m.

City Secretary

Tim Kay, Commissioner

Property Location
Woodlands Park Phase 3
FP-16-008



0 500 1,000 2,000
Feet



Property
Boundary



Parcel Lines

A 27.334 ACRE TRACT OF LAND OUT OF A CALLED 74.75 ACRE TRACT RECORDED IN DOCUMENT NO. 2018-1500787 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, SITUATED IN THE W/4, HEMPILL, SECTION NO. 4, A83TRACT NO. 221 IN HAYS COUNTY, TEXAS.

A CALLED 74.75 ACRE
TRACT
DOC. NO. 2015-1600769
(O.P.R.)

[illegible]

1. 54°40'37" W, a distance of 30.12 feet to an iron rod with cap marked "CSD" found.
2. 54°40'37" W, a distance of 80.89 feet to an iron rod with cap marked "CSD" found.
3. 54°59'11" E, a distance of 104.86 feet to an iron rod with cap marked "Chapman" found.
4. 54°42'54" W, a distance of 38.44 feet to an iron rod with cap marked "Chapman" found.
5. 54°42'59" E, a distance of 55.55 feet to an iron rod with cap marked "Chapman" found.
6. N 44°40'05" E, a distance of 45.32 feet to an iron rod with cap marked "Chapman" found, and
7. 54°40'37" W, a distance of 115.00 feet to an iron rod with cap marked "Chapman" found for the easement corner found.

THENCE: through the interior of said T-4.75 acre tract the following north (N) courses and distances:
1. S 44°40'37" W, a distance of 324.68 feet to a 1/2" iron rod with yellow cap marked "Three-Dawson" set for the 44°40'37" W corner found.

2.N 44°59'43"W., a distance of 715.00 feet to a ½" iron rod with yellow cap marked "Pape-Daniels" set.

3.M 44°17"E., a distance of 28.23 feet to a ¼" iron rod with yellow cap marked "Pape-Daniels" set.

4.N 44°56'45"E., a distance of 115.00 feet to a ¾" iron rod with yellow cap marked "Pape-Daniels" set.

5.S 44°03'17"W., a distance of 78.00 feet to a ½" iron rod with yellow cap marked "Pape-Daniels" set.

6.N 44°56'45"E., a distance of 21.00 feet to a ½" iron rod with yellow cap marked "Pape-Daniels" set.

7.S 44°03'17"W., a distance of 115.00 feet to a ¾" iron rod with yellow cap marked "Pape-Daniels" set.

8.S 44°56'45"E., a distance of 136.00 feet to a ¾" iron rod with yellow cap marked "Pape-Daniels" set.

9.S 44°56'45"E., a distance of 71.88 feet to a ¾" iron rod with yellow cap marked "Pape-Daniels" set.
margin of County Road 17.88 feet for the southeastern corner noted.

THEREBE N 44°56'45"W., with the southeast line at said 74.75 acre tract, across being the northeast margin of said 74.75 acre tract, to the intersection of the centerline of said road, as shown by the plat incorporated under Act No. 5088-03 by Pape-Daniels & Sons, Ltd., said tract hereby described in accordance with a full incorporated under Act No. 5088-03 by Pape-Daniels

1. THIS PLAN IS SUBJECT TO THE COMPROMISE AGREEMENT EXECUTED BY THE DEVELOPER AND THE CITY OF KYLE ON SEPTEMBER 29, 2006. BUILDING SETBACKS SHALL BE IN ACCORDANCE WITH THIS AGREEMENT.

2. ALL STREETS, DRAINAGE STRUCTURES AND PERMANENT EROSION CONTROLS SHALL BE CONSTRUCTED AND INSTALLED TO THE CITY OF KYLE STANDARDS.

3. NO LOT IN THIS SUBDIVISION SHALL BE OCCUPIED UNTIL CONNECTED TO AN APPROVED PUBLIC WATER SUPPLY SYSTEM.

4. NO LOT IN THIS SUBDIVISION SHALL BE OCCUPIED UNTIL CONNECTED TO AN APPROVED WASTEWATER DISPOSAL SYSTEM.

5. NO PORTION OF SUBJECT TRACT IS LOCATED WITHIN THE 100-YEAR FLOODPLAIN, PER FEMA FLOOD INSURANCE RATE MAP NUMBER 48209C0406F, EFFECTIVE DATE OF SEPTEMBER 2, 2015.

6. UTILITY SERVICE:

WASTEWATER - CITY OF KYLE
ELECTRIC - FEDERALES ELECTRIC COOPERATIVE
SCHOOL - HAVES COUNTY I.D.

TELEPHONE - VERIZON

INLET, BENCHMARK 101, CHISELED SQUARE ON NORTHEAST CORNER OF CURB INLET
BENCHMARK 102, SET COTTON SPINDLE AT NORTHEAST SIDE OF UTILITY POLE; BENCHMARK
103, SET COTTON SPINDLE AT NORTHEAST SIDE OF UTILITY POLE

5. NO OBJECT INCLUDING BUILDING, ACCESSORY BUILDING, FENCING OR LANDSCAPING SHALL BE ALLOWED TO BE ERCTED OR ERCTED WITHIN DRAINAGE EASEMENTS EXCEPT AS

APPROVED BY THE CITY OF KYLE.

9. PROPERTY OWNER SHALL ALLOW ACCESS TO DRAINAGE AND UTILITY EASEMENTS FOR

10. DRAINAGE EASEMENTS ON PRIVATE PROPERTY SHALL BE MAINTAINED BY THE HOMEOWNER. INSPECTION, REPAIR, MAINTENANCE AND RECONSTRUCTION AS MAY BE NECESSARY.

11. SIDEWALKS SHALL BE INSTALLED ON THE SUBDIVISION SIDE OF SUNSHINE LANE, EVENING

SHALL BE INSTALLED WHEN THE ADJOINING STREET IS CONSTRUCTED. WHERE THERE ARE DRIVE, THOSE SIDEWALKS NOT ABUTTING A RESIDENTIAL, COMMERCIAL OR INDUSTRIAL LOT SHALL DRIVE, MORNING DEW DRIVE, EVENING DUST DRIVE, RED SUN DRIVE AND WOODLANDS DRIVE.

DOUBLE FRONTAGE LOTS, SIDEWALKS ON THE STREET TO WHICH ACCESS IS PROHIBITED ARE ALSO REQUIRED TO BE INSTALLED WHEN THE STREETS IN THE SUBDIVISION ARE CONSTRUCTED.

12. A 15' PUBLIC UTILITY EASEMENT IS HEREBY DEDICATED ADJACENT TO AND PARALLEL WITH ALL PUBLIC STREET.

13. A 10' PUBLIC UTILITY EASEMENT IS HEREBY DEDICATED ADJACENT TO AND PARALLEL WITH ALL REAR LOT LINES.

14. SIDE BUILDING SETBACKS SHALL BE A MINIMUM OF 7' FOR INTERIOR LOTS AND MINIMUM 15' ALONG STREET.

15. FRONT YARD SETBACKS SHALL BE 25 EXCLUDING PORCHES.

17. THIS SUBDIVISION IS LOCATED WITHIN THE PLUM CREEK WATERSHED.

18. 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 THE PROPERTY OWNER.

19. LOT 26, BLOCK P SHALL BE OWNED AND MAINTAINED BY THE HOMEOWNERS ASSOCIATION
/NOA/ AND/OR ITS SUCCESSIONS

20. LOT 29, BLOCK P SHALL BE OWNED AND MAINTAINED BY THE CITY OF KYLE.

PAPE DAISCONI

7000 E-COL CREDIT LTD
SUITE 220 WEST

AUSTIN TEXAS 78737

PHONE: 512/464-
FAX: 512/433-8

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SHEET 2 OF 3

**PAPE-DAWSON
ENGINEERS**

FINAL PLAT
OF

WOODLANDS PARK, PHASE 3

A 27.334 ACRE TRACT OF LAND OUT OF A CALLED 74.75 ACRE TRACT RECORDED IN DOCUMENT NO. 2016-180727 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS DOES HEREBY SUBDIVIDE 27.334 ACRES OUT OF THE WAL. HERPHILL, SECTION NO. 4, ATRACT NO. 221 IN HAYS COUNTY, TEXAS.

KNOW ALL MEN BY THESE PRESENTS, THAT I, WOODLANDS TR, LLC, WITH ITS HOME OFFICES AT 3773 GREENWALL AVENUE, DALLAS, TEXAS 75206, OWNER OF 74.75 ACRE TRACT, RECORDED IN DOCUMENT NO. 2016-180727 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS DOES HEREBY SUBDIVIDE 27.334 ACRES OUT OF THE WAL. HERPHILL, SECTION NO. 4, ATRACT NO. 221, TO BE KNOWN AS:

WOODLANDS PARK, PHASE 3

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

WOODLANDS TR, LLC
BY JUSTIN W. WOOD
EXECUTIVE VICE PRESIDENT
3773 GREENWALL AVENUE
DALLAS, TEXAS 75206

THE STATE OF TEXAS
COUNTY OF DALLAS

BEFORE ME, THE UNDERSIGNED AUTHORITY ON THIS DAY PERSONALLY APPEARED, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND HEREBY CERTIFY THAT HE OR SHE IS THE OWNER OF THE PROPERTY SHOWN ON THE PLAT, AND THAT THE PLAT IS A TRUE AND CORRECT REPRESENTATION OF THE ACT AND DEED OF SAID CORPORATION, GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS DAY OF _____, A.D. 20____.

NOTARY PUBLIC, STATE OF TEXAS

PRINTED NOTARY NAME
MY COMMISSION EXPIRES: _____

THE STATE OF TEXAS
COUNTY OF HAYS

I, JAMES A. HUBBARD, JR., DO HEREBY CERTIFY THAT PROPER ENGINEERING HAS BEEN DONE THIS PLAT TO THE MATTERS OF CONSTRUCTION AND DESIGN, AND THAT THE PLAT IS A TRUE AND CORRECT REPRESENTATION OF THE ACT AND DEED OF SAID CORPORATION, GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS DAY OF _____, A.D. 20____.

PROFESSIONAL ENGINEER
JAMES A. HUBBARD, JR.
STATE OF TEXAS
TYPE: PROFESSIONAL ENGINEER, NO. 55253
7800 SHOUL CREEK BOULEVARD, SUITE 200 WEST
AUSTIN, TEXAS, 78757



DATE 8-25-16

THE STATE OF TEXAS
COUNTY OF HAYS

THAT I, JAMES A. HUBBARD, JR., DO HEREBY CERTIFY THAT PROPER ENGINEERING HAS BEEN DONE THIS PLAT TO THE MATTERS OF CONSTRUCTION AND DESIGN, AND THAT THE PLAT IS A TRUE AND CORRECT REPRESENTATION OF THE ACT AND DEED OF SAID CORPORATION, GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS DAY OF _____, A.D. 20____.

JAMES A. HUBBARD, JR.
REGISTERED PROFESSIONAL ENGINEER NO. 55253
STATE OF TEXAS
TYPE: PROFESSIONAL ENGINEER, NO. 55253
7800 SHOUL CREEK BOULEVARD, SUITE 200 WEST
AUSTIN, TEXAS, 78757

DATE 8-25-16



REVIEW BY:

CITY ENGINEER
CITY OF KYLE DATE

DIRECTOR OF PUBLIC WORKS
CITY OF KYLE DATE

CITY OF KYLE
CERTIFICATE OF APPROVAL

APPROVED AND AUTHORIZED TO BE RECORDED ON THE _____ DAY OF _____, 20____,
BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KYLE.

COMMISSIONER

THE 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 _____, 20____, AT _____ O'CLOCK _____ A.M. IN THE PLAT RECORDS OF HAYS COUNTY, TEXAS IN DOCUMENT NUMBER _____.

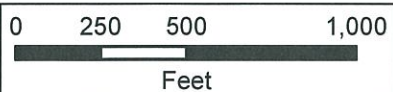
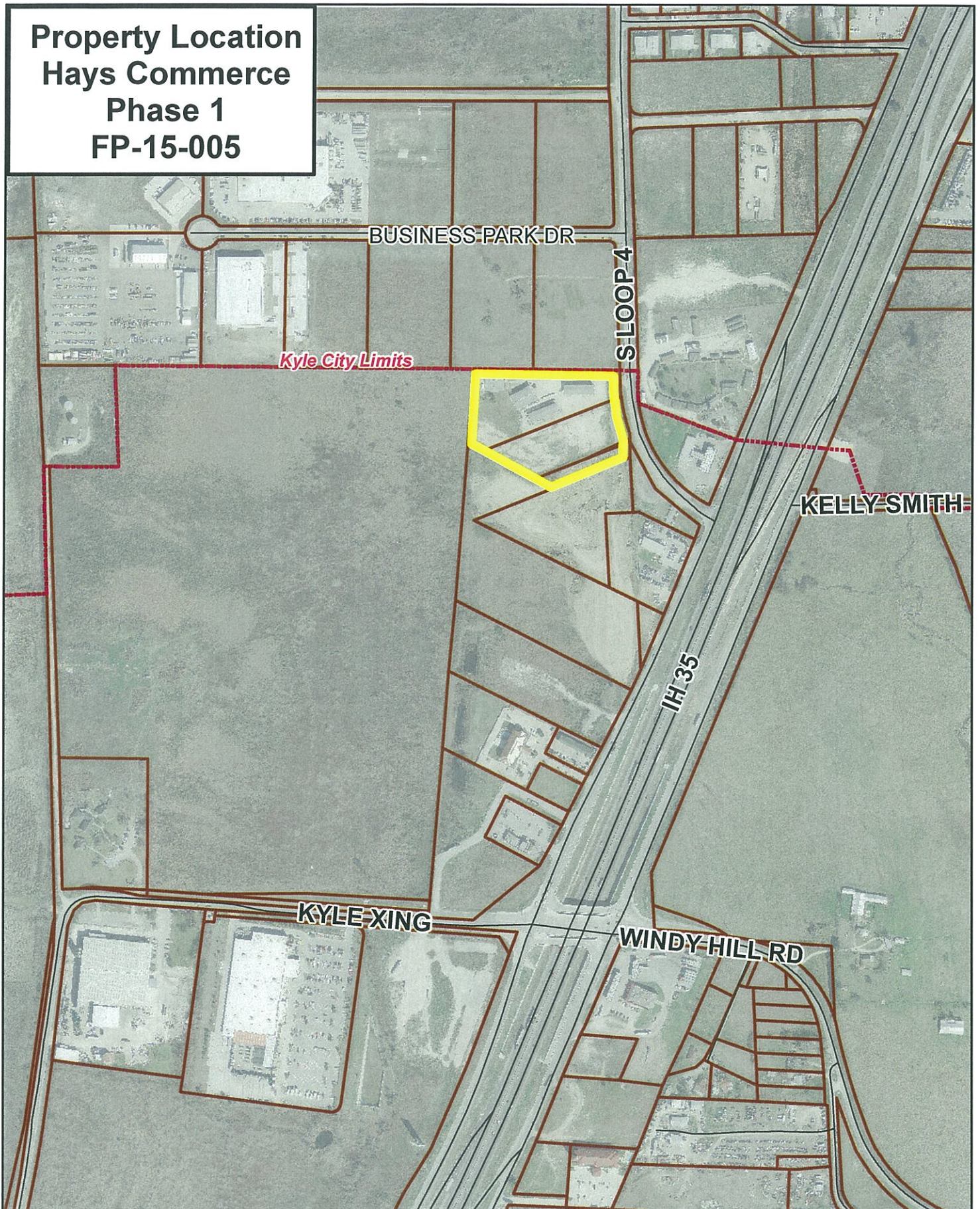
WITNESSES MY HAND AND SEAL OF OFFICE OF THE COUNTY CLERK OF SAID COUNTY THE _____ DAY OF _____, 20____, A.D.

LIZ GONZALEZ, COUNTY CLERK
HAYS COUNTY, TEXAS

PAPE-DAWSON
ENGINEERS

7800 SHOUL CREEK BOULEVARD, SUITE 200 WEST
AUSTIN, TEXAS 78757
PHONE 512-444-1111
FAX 512-444-1111
WWW.PAPE-DAWSON.COM

**Property Location
Hays Commerce
Phase 1
FP-15-005**



Property
Boundary



Parcel Lines

HAYS COMMERCE PHASE 1

SCALE: 1" = 100'

GRAPHIC SCALE

HO68 (GRID COORDS)
N = 13931116.87
E = 2325165.63

HO67 (GRID COORDS)
N = 13931152.85
E = 2326240.50

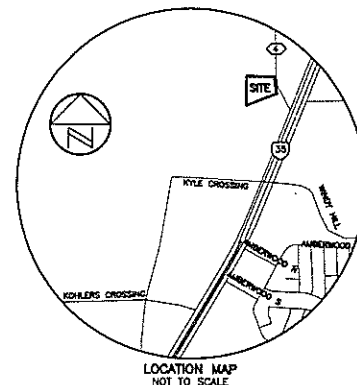
14.886 AC.
DOUBLE R FAMILY INVESTMENT LP
(3408/480)

A MCKOWNE SURVEY
ABS NO. 328

PORTION OF
54,780 AC.
CK PROPERTIES, L.P.
(3312/478)

(GRID COORDS)
N = 13928420.93
E = 2331776.30
LOOP 4 HWY. STA.
236+67, 40' RT

S89°26'17"E 648.25'
(588°58'58"E 647.85')



LOCATION MAP
NOT TO SCALE

LOT 2, BLOCK A
COLEMAN SUBDIVISION
(BOOK 7, PAGE 39)

N.M. GATLIN SURVEY
ABS NO. 198

REMANANT OF
0.585 AC.
THAMES AND WINNER, LLC
(2203/192)
(SEE DETAIL)

OWNER:
RR HPI, LP
3500 H. CAPITAL OF TEXAS HIGHWAY
BLDG. B, SUITE 250
AUSTIN, TEXAS 78748

OWNER:
LIQUID WASTE SOLUTIONS, LLC
11512 VIA GRANDE DRIVE
AUSTIN, TEXAS 78739-1922

ENGINEER (AGENT):
HANRAHAN PRITCHARD ENGINEERING, INC.
TEXAS PE FIRM REG. NO. 416
8333 CROSS PARK DRIVE
AUSTIN, TEXAS 78754
(512) 459-4734

SURVEYOR:
CHAPARRAL PROFESSIONAL
LAND SURVEYING, INC.
3500 McCall Lane
AUSTIN, TEXAS 78744
512-443-1724 T
512-369-0943 F

LAND USE:	ACREAGE:	NO. OF LOTS:	NO. OF BLOCKS:
LOTS:	6.403	2	2
R.O.W.:	1.139		
TOTAL:	7.542		

LINE	BEARING	DISTANCE
L1	S01°48'02"E	53.95'
L2	S03°22'04"E	20.19'
L3	S01°45'22"E	13.42'
L4	S02°36'35"E	70.02'
L5	N02°36'35"W	122.30'
L6	N12°49'59"W	62.28'
L7	N77°10'01"E	15.00'
L8	S12°49'59"E	63.62'
L9	S02°36'35"E	118.43'
L10	S68°14'16"W	15.88'
L11	N77°10'01"E	3.30'
L12	S08°43'31"E	63.58'
L13	S02°36'35"E	113.49'
L14	N08°43'31"W	63.80'
L15	S68°14'16"W	15.88'
L16	N68°14'16"E	26.48'
L17	S65°02'22"W	23.88'
L18	S03°14'50"E	11.04'
L19	N70°16'35"E	22.77'
L20	S77°10'01"W	56.34'
L21	N12°49'59"W	70.00'
L22	N77°10'01"E	5.98'

CURVE	RADIUS	DELTA	ARC	BEARING	CHORD
C1	756.20'	4°46'02"	62.92'	S04°28'43"E	62.90'
C2	756.20'	12°53'28"	170.14'	S17°59'52"E	169.78'
C3	756.20'	0°26'17"	5.78'	S06°46'17"E	5.78'
C4	756.20'	8°48'21"	116.22'	S11°23'36"E	116.11'
C5	756.20'	3°38'50"	48.14'	S17°37'11"E	48.13'
C6	25.00'	84°54'28"	37.05'	N35°31'42"E	33.75'
C7	25.00'	87°03'32"	37.99'	N59°28'04"E	34.44'
C8	25.00'	27°22'35"	11.95'	S89°18'32"E	11.83'
C9	25.00'	59°40'57"	26.04'	S45°46'48"E	24.88'

- LEGEND
- 1/2" REBAR FOUND (OR AS NOTED)
 - 1/2" REBAR WITH "CHAPARRAL" CAP FOUND
 - 1/2" REBAR WITH HOLT CARSON CAP FOUND
 - 1/2" REBAR WITH "3693" CAP FOUND
 - 1/2" REBAR WITH "BASELINE" CAP FOUND
 - MAG NAIL WITH "CHAPARRAL" WASHER SET
 - 1/2" REBAR WITH "CHAPARRAL" CAP SET
 - IRON PIPE FOUND (SIZE NOTED)
 - CONTROL POINT
 - W.W.E. WATERWATER EASEMENT
 - W.L.E. WATER LINE EASEMENT
 - D.E. DRAINAGE EASEMENT
 - () RECORD INFORMATION

THIS IS A SURFACE DRAWING.
CHAPARRAL CONTROL POINT P241:
ALUMINUM DISC SET IN CONCRETE

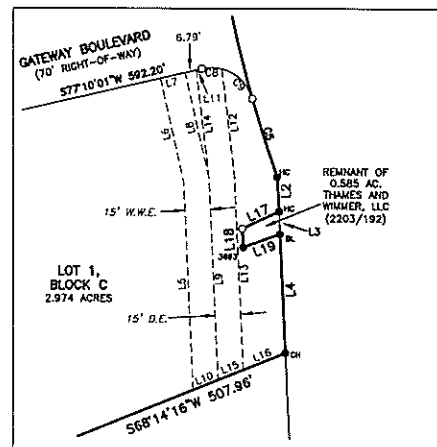
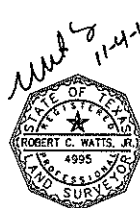
SURFACE COORDINATES:
N 13927834.3688
E 2334121.6825

TEXAS SOUTH CENTRAL ZONE (4204)
STATE PLANE COORDINATES:
N 13926536.3037
E 2333904.1445

COMBINED SCALE FACTOR = 0.99990680
(FOR SURFACE TO GRID CONVERSION)

INVERSE SCALE FACTOR = 1.0000932066
(FOR GRID TO SURFACE CONVERSION)

SCALED ABOUT 0.0
TEXAS SOUTH CENTRAL ZONE 4204

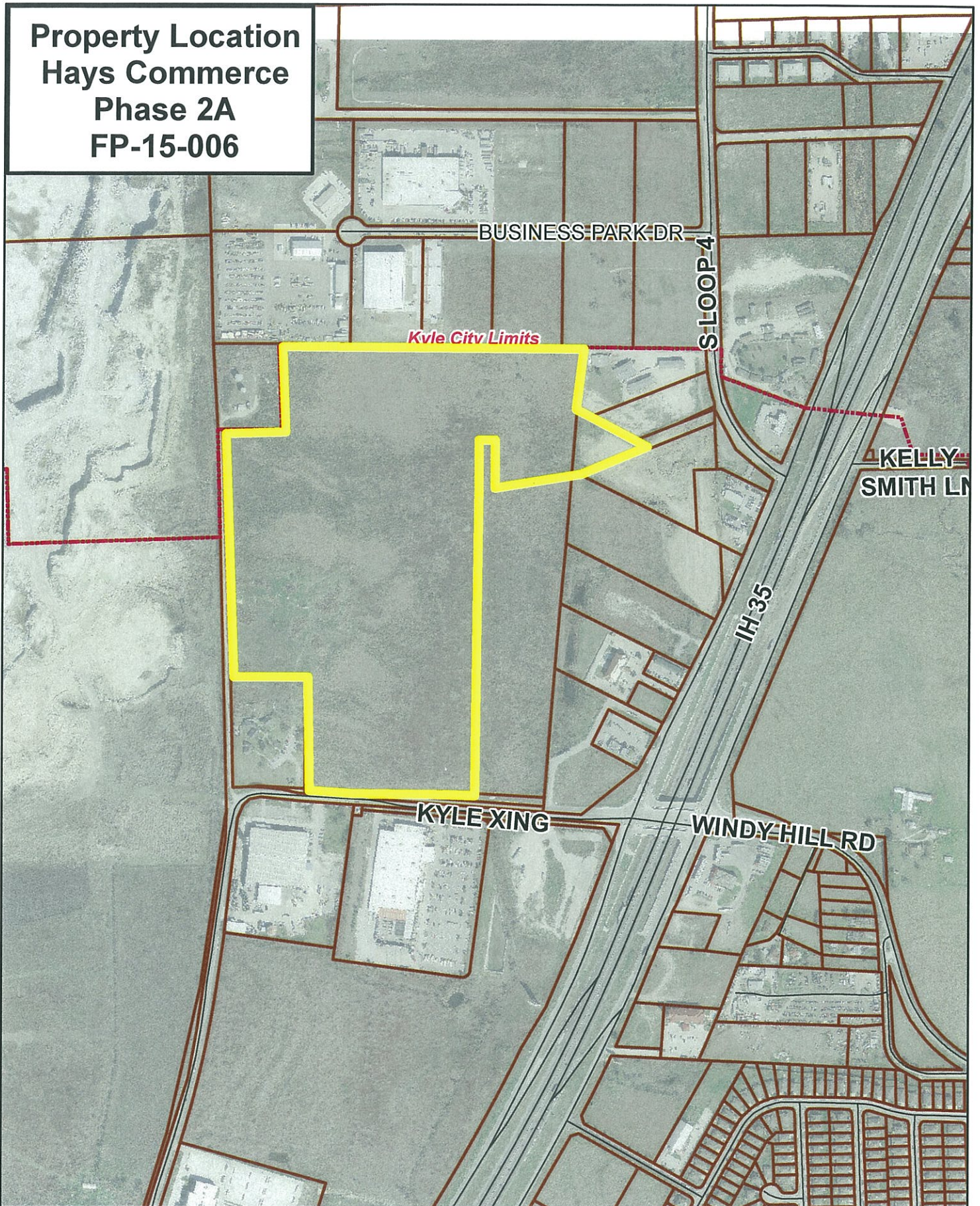


DETAIL
1"=50'

Chaparral
Professional Land Surveying, Inc.
Surveying and Mapping
3500 McCall Lane
Austin, Texas 78744
512-443-1724
Firm No. 10124500

PROJECT NO.:
030-039
DRAWING NO.:
030-039-PL3
PLOT DATE:
11/04/2015
PLOT SCALE:
1"=100'
DRAWN BY:
RCW/JDB
SHEET
01 OF 02

**Property Location
Hays Commerce
Phase 2A
FP-15-006**



0 500 1,000 2,000
Feet



Property
Boundary



Parcel Lines

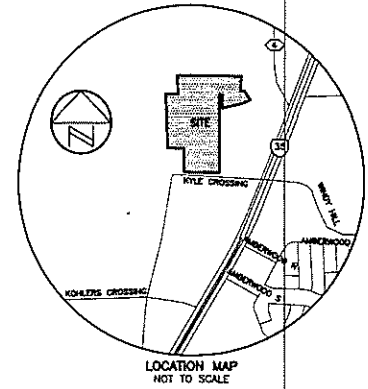
HAYS COMMERCE PHASE 2A

A McKOWNE SURVEY
ABS NO. 328

SCALE: 1" = 100'
GRAPHIC SCALE
100 50 0 100

14,986 AC.
DOUBLE R FAMILY INVESTMENT LP
(3406/480)

PORTION OF
34,780 AC.
CX PROPERTIES, L.P.
(3312/476)



LOCATION MAP
NOT TO SCALE

S89°34'35"E 1238.90'
(S89°02'00"E 1238.90')

S89°26'17"E 848.25'
(S89°55'50"E 847.85')

(GRID COORDS)
N = 13928422.93
E = 2331776.30
LOOP 4 HWY STA.
238+07.40' RT

LOT 2,
BLOCK B
4.950 ACRES

LOT 3,
BLOCK B
3.394 ACRES

LOT 4,
BLOCK B
HAYS COMMERCE
PHASE 1
DOC.

GATEWAY BOULEVARD
(70' RIGHT-OF-WAY)

LOT 1,
BLOCK C
HAYS COMMERCE
PHASE 1
DOC.

LOT 7,
BLOCK D
4.177 ACRES

LOT 2,
BLOCK C
4.186 ACRES

LOT 2, BLOCK A
CAVALIER SUBDIVISION
(18/123)

A McKOWNE SURVEY
ABS NO. 328

PORTION OF
1.74 AC.
STATE OF TEXAS
(110/78)

LOT 1, BLOCK A
CAVALIER SUBDIVISION
(18/123)

REM. OF
106,530 ACRES
RR HPI, L.P.
(3995/818)

LAND USE:	ACREAGE:	NO. OF LOTS:	NO. OF BLOCKS:
LOTS:	65.808	14	4
R.O.W.:	5.129		
TOTAL:	71.037		

OWNER:
RR HPI, LP
3600 N. CAPITAL OF TEXAS HIGHWAY
BLDG. B, SUITE 250
AUSTIN, TEXAS 78746

ENGINEER (AGENT):
HANRAHAN PRITCHARD ENGINEERING, INC.
TEXAS PE FIRM REG. NO. 416
8333 CROSS PARK DRIVE
AUSTIN, TEXAS 78754
(512) 459-4734

SURVEYOR:
CHAPARRAL PROFESSIONAL
LAND SURVEYING, INC.
3500 McCall Lane
AUSTIN, TEXAS 78744
512-443-1724 T
512-389-0943 F

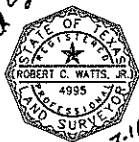
LINE	BEARING	DISTANCE
L1	S77°10'01"W	5.98'
L2	S12°49'59"E	70.00'
L3	N77°10'01"E	56.34'
L4	N89°34'35"W	120.00'
L5	N88°47'01"W	160.65'
L6	S79°43'22"W	226.90'
L7	N82°43'03"W	265.69'
L8	S75°10'38"W	129.94'

CURVE	RADIUS	DELTA	ARC	BEARING	CHORD
C1	25.00'	50°50'00"	22.18'	N33°12'27"W	21.46'
C2	70.00'	192°46'53"	235.53'	N37°46'00"E	139.13'
C3	25.00'	48°05'58"	20.99'	S69°53'32"E	20.38'
C4	760.00'	4°21'39"	57.84'	N88°14'18"E	57.83'
C5	25.00'	93°06'18"	40.62'	S46°39'50"W	36.30'
C6	70.00'	20°37'38"	25.20'	N48°18'38"W	25.07'
C7	690.00'	7°54'08"	95.17'	S03°50'23"E	95.09'
C8	25.00'	94°05'38"	41.06'	S47°09'30"W	36.60'
C9	25.00'	90°32'47"	39.51'	N45°09'42"W	35.52'
C10	760.00'	7°54'08"	104.82'	N03°50'23"W	104.74'
C11	25.00'	93°16'18"	40.70'	N38°50'41"E	36.35'
C12	690.00'	4°56'35"	59.53'	N87°57'08"E	59.51'
C13	25.00'	89°41'15"	39.13'	S44°43'57"E	35.26'
C14	690.00'	13°15'24"	159.65'	S83°47'43"W	159.29'
C15	70.00'	172°09'15"	210.33'	N48°04'49"E	139.67'
C16	25.00'	90°18'45"	39.41'	N45°16'03"E	35.45'
C17	760.00'	13°15'24"	175.84'	N83°47'43"E	175.45'

- LEGEND
- 1/2" REBAR FOUND (OR AS NOTED)
 - 1/2" REBAR WITH "CHAPARRAL" CAP FOUND
 - 1/2" REBAR WITH ALUMINUM CAP FOUND
 - 1/2" REBAR WITH "DOUCET" CAP FOUND
 - △ MAG NAIL WITH "CHAPARRAL" WASHER SET
 - 1/2" REBAR WITH "BASELINE" CAP FOUND
 - 1/2" REBAR WITH "CHAPARRAL" CAP SET
 - IRON PIPE FOUND (SIZE NOTED)
 - CONTROL POINT
 - W.W.E. WASTEWATER EASEMENT
 - W.L.E. WATER LINE EASEMENT
 - S.D.E. SIGHT DISTANCE EASEMENT
 - D.E. DRAINAGE EASEMENT
 - A.E. ACCESS EASEMENT
 - P.U.E. PUBLIC UTILITY EASEMENT
 - () RECORD INFORMATION

Chaparral
Professional Land Surveying, Inc.
Surveying and Mapping
3500 McCall Lane
Austin, Texas 78744
512-443-1724
Firm No. 10124500

PROJECT NO.:
030-039
DRAWING NO.:
030-039-PL4
PLOT DATE:
06/03/2016
PLOT SCALE:
1"=100'
DRAWN BY:
JDB/RW
SHEET
01 OF 04



W.L.E.
(1867/297)
(3036/536)

6-316

HAYS COMMERCE PHASE 2A

A MCKOWNE SURVEY
ABS NO 328

H068 (GRID COORDS)
N = 13931118.87
E = 2325165.63

H067 (GRID COORDS)
N = 13931118.85
E = 2326240.80

PORTION OF
34.780 AC.
CX PROPERTIES, L.P.
(3312/476)

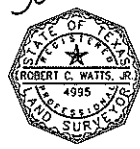
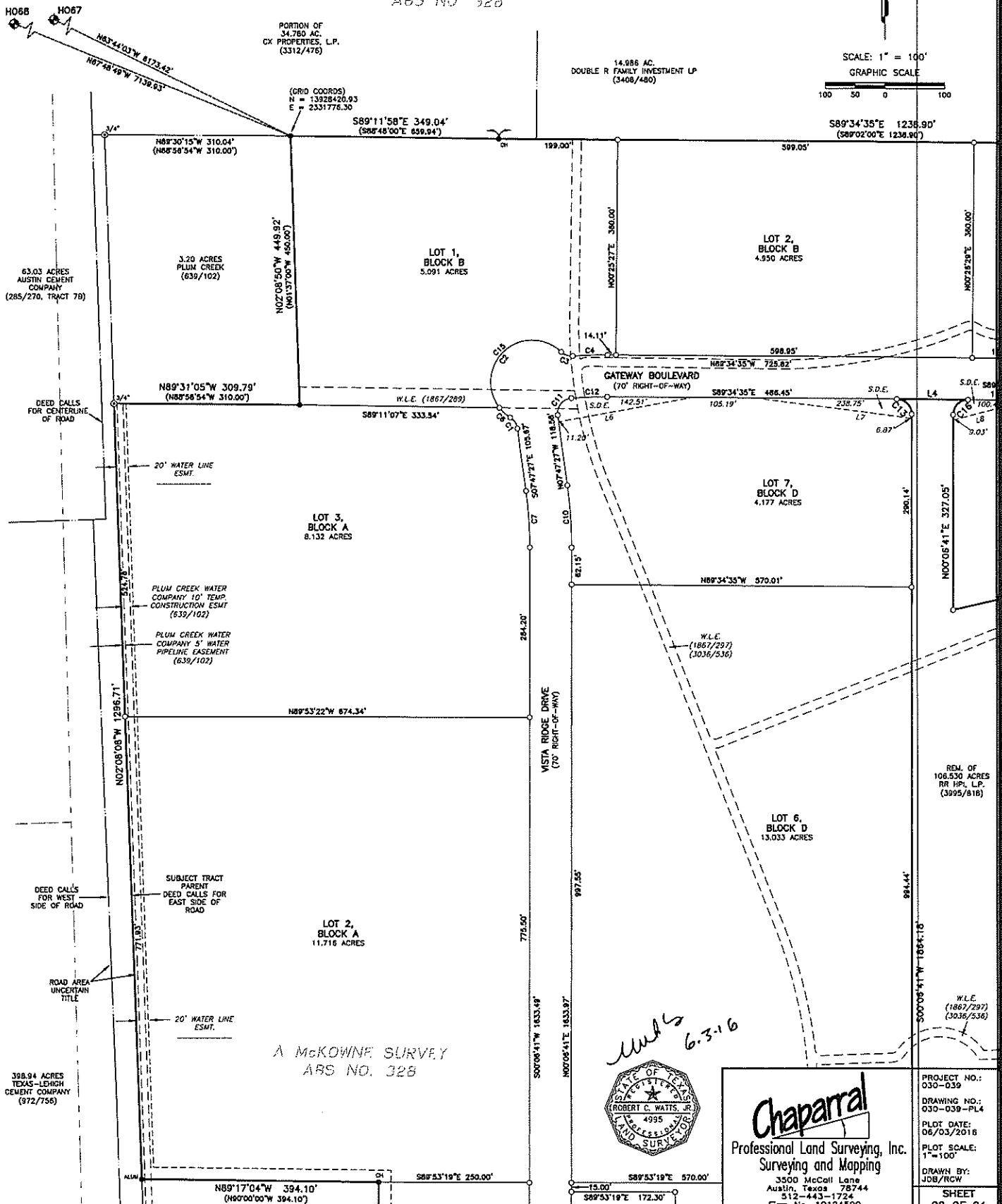
(GRID COORDS)
N = 13928420.93
E = 2331776.30

14.986 AC.
DOUBLE R FAMILY INVESTMENT LP
(3408/480)

SCALE: 1" = 100'
GRAPHIC SCALE

100 50 0 100

S89°34'35"E 1238.90'
(S89°02'00"E 1238.90')



Chaparral
Professional Land Surveying, Inc.
3500 McCall Lane
Austin, Texas 78744
512-443-1724
Firm No. 10124500

PROJECT NO.:
030-039
DRAWING NO.:
030-039-PL4
PLOT DATE:
06/03/2016
PLOT SCALE:
1"=100'
DRAWN BY:
JDB/RCW
SHEET
02 OF 04

PLUM CREEK WATER COMPANY 10' TEMP. CONSTRUCTION ESMT (639/102)

PLUM CREEK WATER COMPANY 5' WATER PIPELINE EASEMENT (639/102)

DEED CALLS FOR WEST SIDE OF ROAD

ROAD AREA UNCERTAIN TITLE

398.94 ACRES TEXAS-LEHIGH CEMENT COMPANY (972/756)

SUBJECT TRACT PARENT DEED CALLS FOR EAST SIDE OF ROAD

20' WATER LINE ESMT.

A McKOWNE SURVEY
ABS NO. 328

LOT 3, BLOCK A
8.136 ACRES

LOT 2, BLOCK A
11.716 ACRES

LOT 1, BLOCK A
3.392 ACRES

LOT 4, BLOCK D
1.128 ACRES

LOT 5, BLOCK D
2.772 ACRES
D.E./P.U.E. POND B

LOT 1, BLOCK D
1.214 ACRES

LOT 2, BLOCK D
1.191 ACRES

LOT 3, BLOCK D
1.522 ACRES

LOT 2, BLOCK A
KYLE TOWNE CENTER
(11/356)

3700 KYLE CROSSING, LLC
(4202/678)

10.00 AC.

PROPOSED R.O.W. & R.O.E. FOR CONST.
(2629/266)

THIS IS A SURFACE DRAWING.
CHAPARRAL CONTROL POINT #241:
ALUMINUM DISC SET IN CONCRETE
SURFACE COORDINATES:
N 13927834.366
E 2334121.6825
TEXAS SOUTH CENTRAL ZONE (4204)
STATE PLANE COORDINATES:
N 13928536.3037
E 2333904.1445
COMBINED SCALE FACTOR = 0.99990680
(FOR SURFACE TO GRID CONVERSION)
INVERSE SCALE FACTOR = 1.000093206
(FOR GRID TO SURFACE CONVERSION)
SCALED ABOUT 0.0
TEXAS SOUTH CENTRAL ZONE 4204

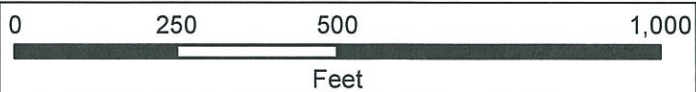
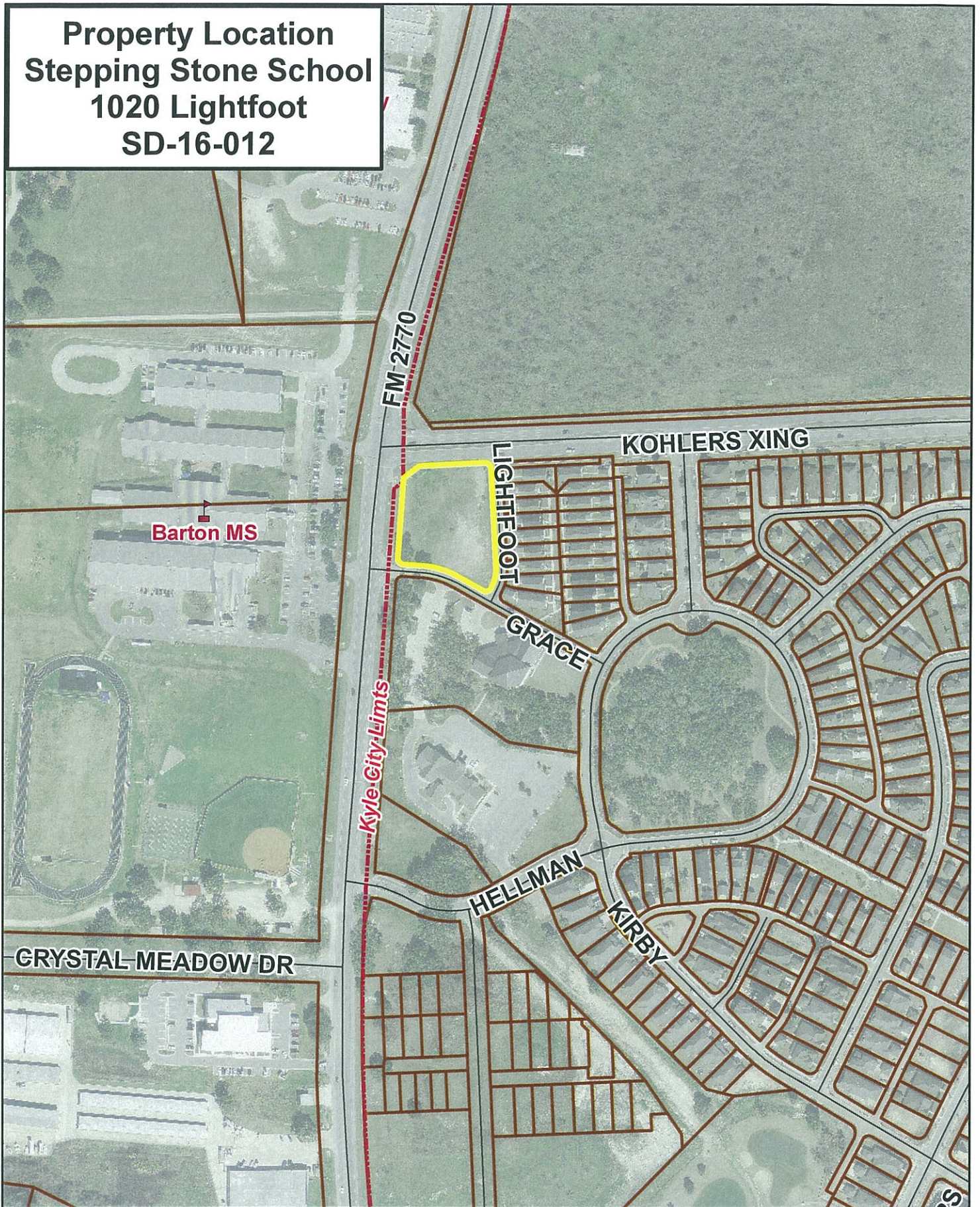
SCALE: 1" = 100'
GRAPHIC SCALE

Chaparral
Professional Land Surveying, Inc.
Surveying and Mapping
3500 McCall Lane
Austin, Texas 78744
512-443-1724
Firm No. 10124500

PROJECT NO.:
030-039
DRAWING NO.:
030-039-PL4
PLOT DATE:
08/03/2016
PLOT SCALE:
1"=100'
DRAWN BY:
JDB/RGW
SHEET
03 OF 04

PROJECT NO.:
030-039
DRAWING NO.:
030-039-PL4
PLOT DATE:
05/03/2016
PLOT SCALE:
1"=100'
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JDB/RCW
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03 OF 04

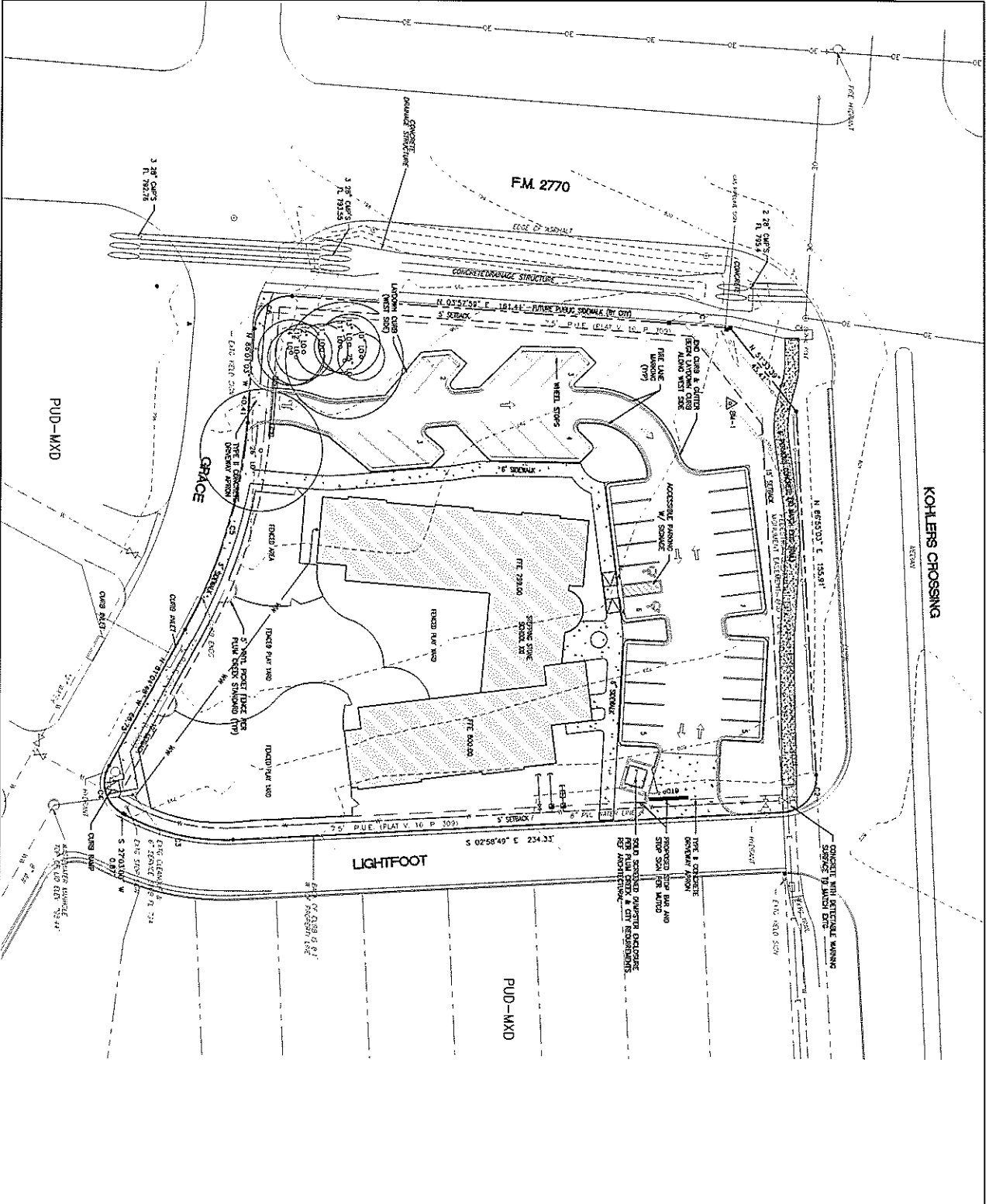
Property Location
Stepping Stone School
1020 Lightfoot
SD-16-012



Property
Boundary

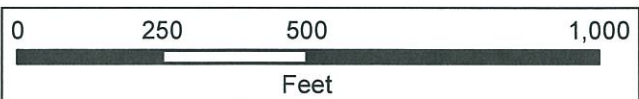


Parcel Lines



NOTES	
1. TOTAL SITE AREA: 1.75 AC.	
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99. TOTAL SITE AREA: 1.75 AC.	
100. TOTAL SITE AREA: 1.75 AC.	

Property Location
Windmill Center
21511 IH 35
CUP-16-008



Property
Boundary



Parcel Lines



CITY OF KYLE

Community Development Department



MEMORANDUM

TO: Planning Commission

FROM: William Atkinson, City Planner

DATE: September 13, 2016

SUBJECT: Conditional Use Approval, I-35 Overlay District – Windmill Center

REQUEST

The applicant seeks to construct a 9,000 square foot, one-story, multi-tenant retail center along the Interstate 35 southbound frontage road, consisting of an exterior finish of similarly colored, rock masonry and brushed concrete. 21511 IH-35 is zoned R/S or Retail Services.

LOCATION

The property is located at 21511 IH-35, along the northbound frontage road. The property. The proposed project is one parcel north of the existing AMM Collision Center, also along the IH-35 northbound frontage road, with an undeveloped parcel immediately to the north of the proposed Windmill Center.

OVERLAY DISTRICT

The I-35 overlay district. The Interstate Highway 35 corridor conditional use overlay district (the I-35 overlay district) extends from the northernmost city limit boundary at I-35 to the southernmost city limit boundary at I-35, and includes all real property within 1,500 feet of the outer most edge of the highway right-of-way of I-35.

TEXT OF THE ZONING ORDINANCE

Sec. 53-896. - Standards for review.

- (a) The planning and zoning commission shall determine whether the application and project is consistent and compliant with the terms and intent of this division, this chapter, chapter 32, article II, pertaining to the site development plan, and all other codes and ordinances of the city. The planning and zoning commission will determine if the proposed use, occupancy and structure will promote, preserve, and enhance, and will not damage or detract from the distinctive character of the community; will preserve and protect property values and taxable values; will not be detrimental or inconsistent with neighboring uses and occupancies; will not be detrimental to the general interests of the citizens; and will not be detrimental to the public health, safety

and welfare. In conducting its review, the planning and zoning commission shall make examination of and give consideration to the traffic flow, development density, neighboring historical designs, neighboring uses, and elements of the application, including, but not limited to:

- (1) Height, which shall conform to the requirements of this chapter;
 - (2) Building mass, which shall include the relationship of the building width to its height and depth, and its relationship to the visual perception;
 - (3) Exterior detail and relationships, which shall include all projecting and receding elements of the exterior, including, but not limited to, porches and overhangs and the horizontal or vertical expression which is conveyed by these elements;
 - (4) Roof shape, which shall include type, form, and materials;
 - (5) Materials, texture, and color, which shall include a consideration of material compatibility among various elements of the structure;
 - (6) Compatibility of design and materials, which shall include the appropriateness of the use of exterior design details;
 - (7) Landscape design and plantings, which shall include lighting and the use of landscape details to highlight architectural features or screen or soften undesirable views;
 - (8) Vehicular and pedestrian access, which shall include location, width, and type of surface for all points of ingress and egress;
 - (9) Signage, which shall include, in addition to the requirements chapter 29, pertaining to signs, the appropriateness of signage to the building in relation location, historical significance of the structure and neighboring structures, traffic visibility; obstruction of views from neighboring property;
 - (10) Exterior lighting, which shall include location, type, and/or design of lighting and/or lighting fixtures to be used.
- (b) The planning and zoning commission may request from the applicant such additional information, sketches, and data as it shall reasonably require. It may call upon experts and specialists for testimony and opinion regarding matters under examination. It may recommend to the applicant changes in the plans it considers desirable and may accept a voluntary amendment to the application to include or reflect such changes. The planning and zoning commission shall keep a record of its proceedings and shall attach to the application copies of information, sketches, and data needed to clearly describe any amendment to the application.
- (c) If the conditional use permit is granted by the planning and zoning commission, the applicant shall be required to obtain a building permit and/or a development permit, if required, provided all other requirements for a building permit and/or a development permit are met. The building permit and/or a development proposal as approved shall be valid from one year from the date of approval. The planning and zoning commission may grant an extension of the one-year limitation if sufficient documentation can be provided to warrant such an extension.

STAFF ANALYSIS

Staff has reviewed the request and has made the following findings:

1. The proposed building and site largely meets the intent of the retail services zoning standards for the building and site work.
2. It should be noted that by code, four-sided masonry should be in place, as opposed to the three-sided solution presented; The limestone on the remaining three facades, is not present on the North façade.

Sec. 53-899 (j)

(2) Four-sided design. All walls must include materials and design characteristics consistent with those on the front of the building and/or same design character.

3. A provision for off-site water quality/quantity management is existing on the parcel adjacent and to the north of Windmill Center, tying into a regional system.
4. A list of materials types and specific colors would be preferable to the marketing renderings submitted; notes not clear on elevation renderings
5. No indication for any monument signage was submitted;
6. The overall masonry design, does meet a majority of the standards for the I-35 Overlay design standards.

ATTACHMENTS

1. Exterior elevations
2. Site plan
3. Landscape plan
4. Application submittal

CONDITIONAL USE PERMIT APPLICATION

A Conditional Use Permit shall be required prior to any existing structure within one of the Overlay Districts being altered, reconstructed, enlarged, or remodeled for a commercial, retail, or business use, which altering or remodeling would increase or decrease the total gross building area by fifty percent (50%) or more; and if such work requires any additional curb cut, or the reconstruction, enlargement, remodeling, or alteration of the exterior design, material, finish grade line, landscaping, or orientation of the structure.

CITY OF KYLE

Date: 7/14/16

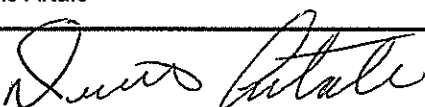
AUG 09 2016

PROJECT INFORMATION

PLANNING DEPARTMENT

Project Name: Windmill Center Lot 1		
Project address: 21511 IH 35		
Subdivision: Windmill Center		
Lot: 1	Block: A	Section:
Zoning: R/S		Square Footage of Building: 9,000

APPLICANT INFORMATION

Owner's Name: Dennis Artale		
Owner's Signature: 		Date: 7/14/16
Address: 3200 Doe Run, Austin, Texas 78748		
Phone: 512-775-8414	Fax: 512-280-9672	E-mail: dennisartale@sbcglobal.net
Please Note: The signature of the owner authorizes City of Kyle staff to visit and inspect the property for which this application is being submitted.		
(Check One)		
<input type="checkbox"/> <i>I will represent my application.</i>		
<input checked="" type="checkbox"/> <i>I hereby authorize the person named below to act as my agent in processing this application.</i>		
Agent: Cuatro Consultants, Ltd./ Hugo Elizondo, Jr., P.E.		
Agent's Address: 3601 Kyle Crossing, Suite A, Kyle, Texas 78640		
Phone: 512-312-5040	Fax: 512-312-5399	E-mail: hugo@cuatroconsultants.com

Conditional Use Permit Application Checklist

Please note that the checklist is required to be filled out by the applicant or designated agent. Place a check mark on the line in front of the number if you have complied with that item. If the checklist item is not applicable to your application, indicate such. This checklist is provided only as a guide. All conditional use permit requirements cannot be reflected on this checklist. If the applicant has any questions regarding the regulations, the applicant should consult the Zoning Ordinance or contact City staff. City ordinances can be obtained from the City of Kyle and on line at www.cityofkyle.com.

Project Name: Windmill Center, Lot 1

REQUIRED ITEMS FOR SUBMITTAL PACKAGE

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

CITY OF KYLE

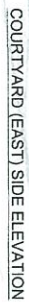
- ✓ 1. Completed application form with owner's original signature. AUG 09 2016
- ✓ 2. Application fee: \$190.21, plus \$3.78 per acre or portion thereof. PLANNING DEPARTMENT
- Total Fee: \$194.94
- ✓ 3. A map or plat showing the area being proposed for change and the zoning classification of all abutting zoning districts, all public and private right-of-ways and easement bounding and intersecting the property.
- ✓ 4. A site plan and building elevations drawn to scale showing at a minimum, the lot dimensions, size, shape, and dimensions of the proposed and/or existing structure(s); the location and orientation of the structure(s) on the lot and the actual or proposed building setback lines; and all points of ingress and egress. 2 paper copies and 1 digital file must accompany the application.
- ✓ 5. Applications shall be accompanied by 2 paper copies and 1 digital file of appropriate, relevant colored elevations showing at a minimum, the design, use of materials, finish grade line, landscaping, signage and orientation of the buildings and any significant architectural features.
- ✓ 6. Copy of Deed showing current ownership.

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

**Please note: The Commission/Council may also require the submission of colored perspectives or architectural renderings in applications or any other information it deems reasonable and/or useful in review of the application.*

21511 INTERSTATE HWY. 35
KYLE, TEXAS 78640

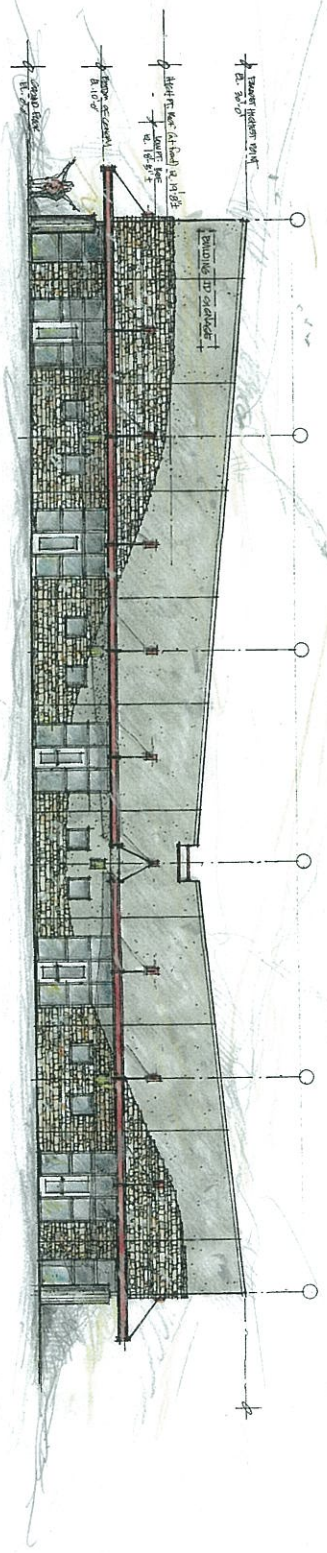
architecture



IH35 (WEST) SIDE ELEVATION



REAR (NORTH) ELEVATION

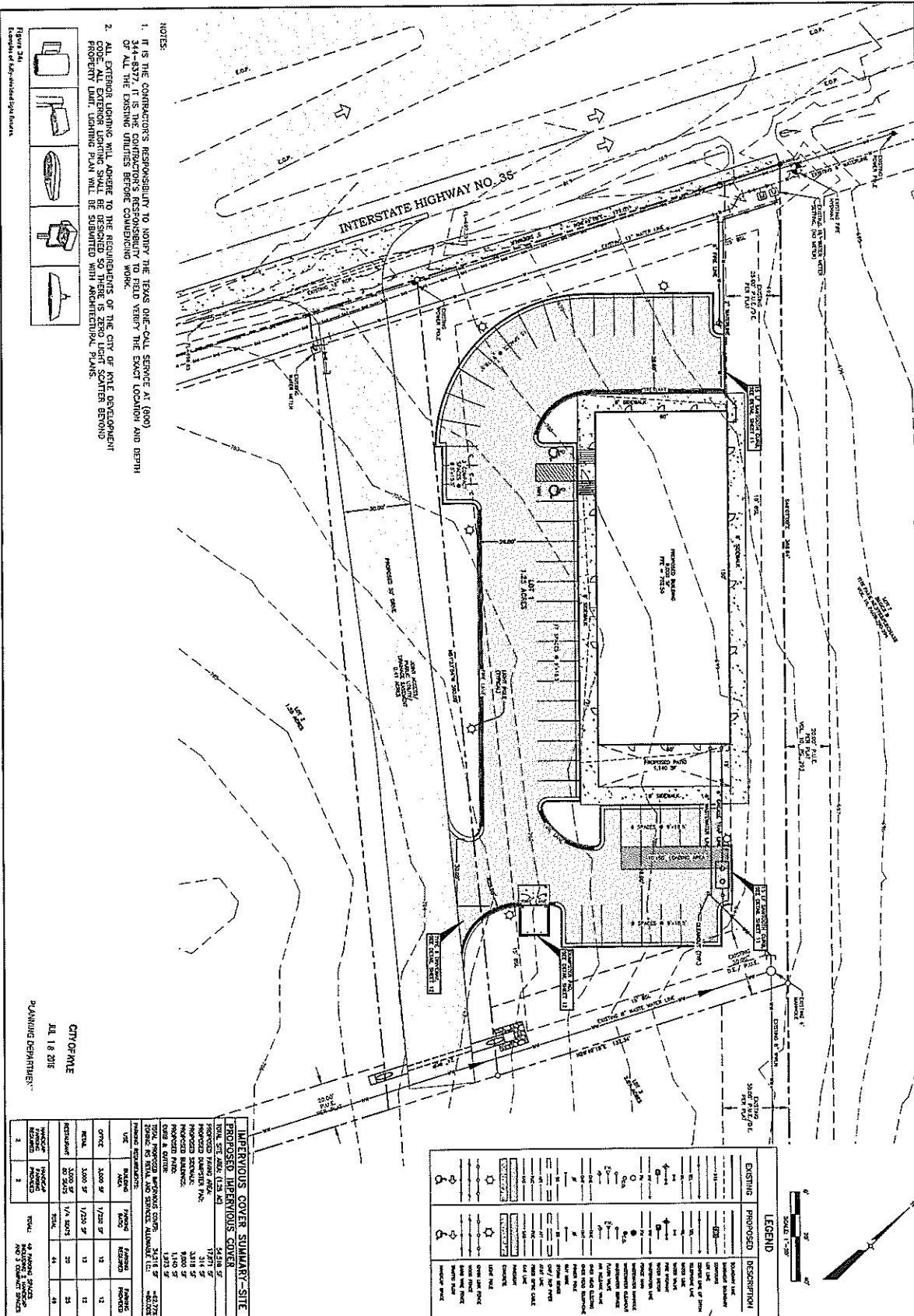


WINDMILL CENTER: MAIN ELEVATION

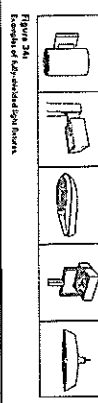


architecture TDC

5000 S. 10th Ave.
Suite 100
Denver, CO 80202
303.733.0000



- NOTES:
1. IT IS THE CONTRACTOR'S RESPONSIBILITY TO NOTIFY THE TEXAS ONE-CALL SERVICE AT (800) 345-5123 OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK.
 2. ALL EXTERIOR LIGHTING WILL ADHERE TO THE REQUIREMENTS OF THE CITY OF ARLING DEVELOPMENT CODE. ALL EXTERIOR LIGHTING SHALL BE DESIGNED SO THERE IS ZERO LIGHT SCATTER BEYOND PROPERTY LIMIT. LIGHTING PLAN WILL BE SUBMITTED WITH ARCHITECTURAL PLANS.



CITY OF ARLING
JUL 18 2015
PLANNING DEPARTMENT

PERVIOUS COVER SUMMARY - SITE

USE	AREA	PERVIOUS COVER	PERVIOUS COVER
OFFICE	3,000 SF	1/250 SF	12
RETAIL	3,000 SF	1/250 SF	12
RESTAURANT	20,000 SF	1/4,000 SF	20
LANDSCAPE	1,000 SF	1/4,000 SF	40
TOTAL	37,000 SF	1/2,000 SF	84

PERVIOUS COVER SUMMARY - SITE

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RESTAURANT	20,000 SF	1/4,000 SF	20
LANDSCAPE	1,000 SF	1/4,000 SF	40
TOTAL	37,000 SF	1/2,000 SF	84

LEGEND

EXISTING	PROPOSED	DESCRIPTION
[Symbol]	[Symbol]	Boundary Line
[Symbol]	[Symbol]	Proposed Building Footprint
[Symbol]	[Symbol]	Proposed Parking Lot
[Symbol]	[Symbol]	Proposed Driveway
[Symbol]	[Symbol]	Proposed Easement
[Symbol]	[Symbol]	Proposed Setback
[Symbol]	[Symbol]	Proposed Stormwater Management
[Symbol]	[Symbol]	Proposed Landscaping
[Symbol]	[Symbol]	Proposed Lighting
[Symbol]	[Symbol]	Proposed Fencing
[Symbol]	[Symbol]	Proposed Signage
[Symbol]	[Symbol]	Proposed Access
[Symbol]	[Symbol]	Proposed Utility
[Symbol]	[Symbol]	Proposed Other

CLIENT:

DENNIS ARTALE
3200 DOE RUN
AUSTIN, TX 78748
(512) 775 8414

SITE PLAN

WINDMILL CENTER LOT 1
1.25 ACRES
HAYS COUNTY, TEXAS

4CUATRO
Consultants, LTD.

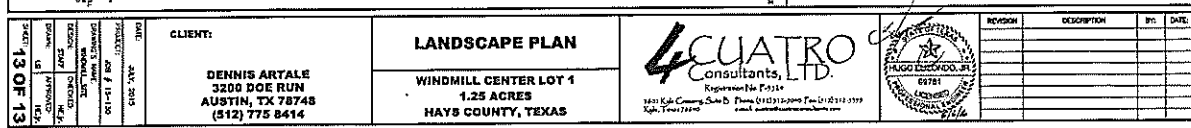
Registration File T-1314
1001 East Commerce Street, Suite 100 Austin, Texas 78701-1107
Tel: 512.444.4444 Fax: 512.444.4444

DATE: JAN 2015
DRAWN BY: J. L. HARRIS
CHECKED BY: J. L. HARRIS
APPROVED BY: J. L. HARRIS
SCALE: 1" = 20'

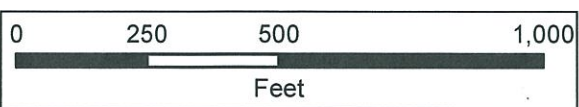
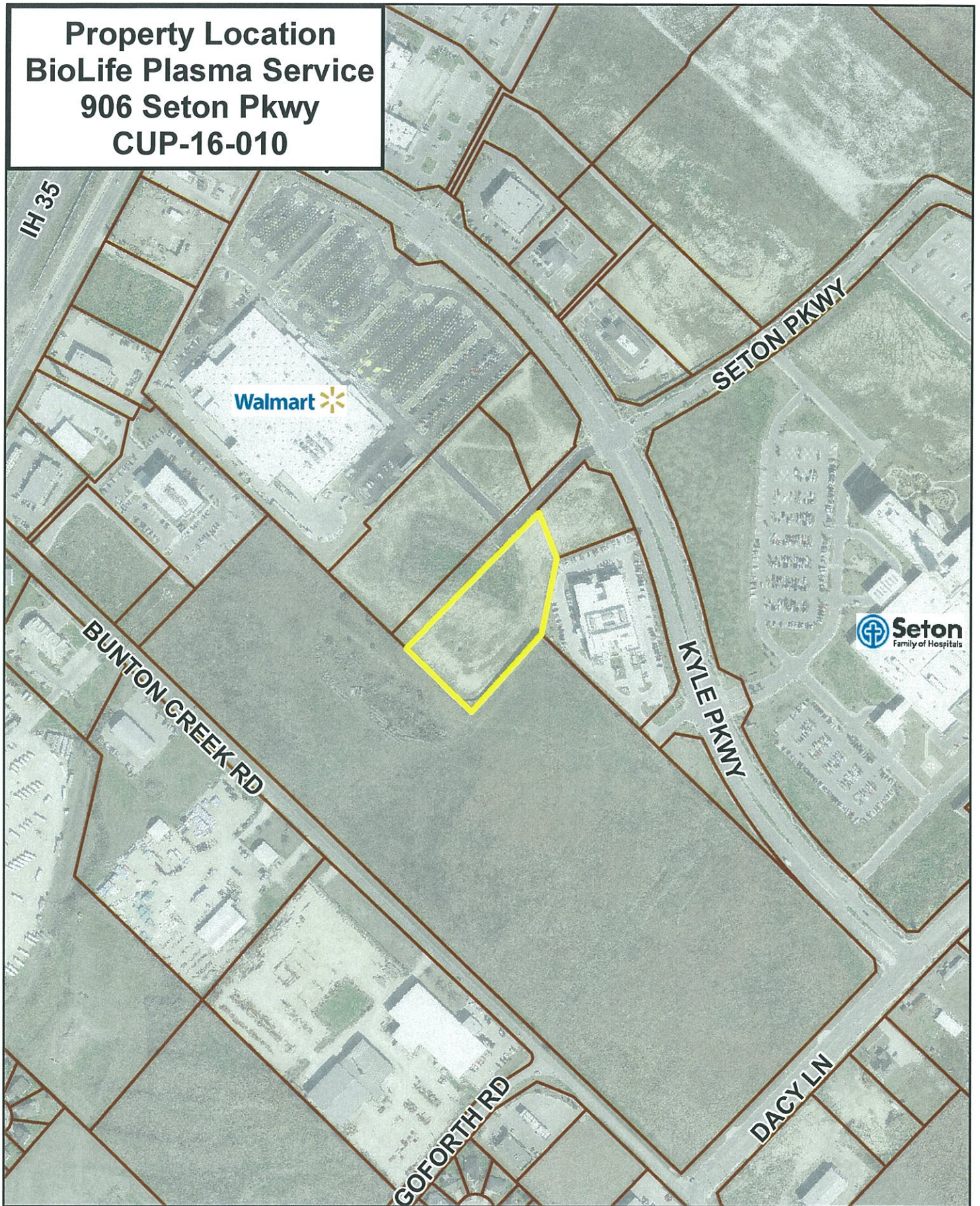
7 OF 13

REVISION

NO.	DESCRIPTION	BY	DATE
1			
2			
3			



Property Location
BioLife Plasma Service
906 Seton Pkwy
CUP-16-010



 Property Boundary

 Parcel Lines



CITY OF KYLE

Community Development Department



MEMORANDUM

TO: Planning Commission

FROM: William A. Atkinson- City Planner

DATE: September 13, 2016

SUBJECT: Conditional Use Approval, I-35 Overlay District – BioLife Plasma Services

REQUEST

The applicant seeks to construct a 16,686 square foot, one-story, single-tenant facility along Seton Parkway, consisting of an exterior finish of brick, limestone masonry, and windows to provide an appropriate architectural distinctiveness. Hues of red, contrasting with white limestone and reflective glass contribute to a cohesive color scheme.

LOCATION

The property is located 906 Seton Parkway on the east side of IH-35, behind Warm Springs Rehabilitation Hospital and across Seton Parkway from Goodwill Industries (under construction).

OVERLAY DISTRICT

The I-35 overlay district. The Interstate Highway 35 corridor conditional use overlay district (the I-35 overlay district) extends from the northernmost city limit boundary at I-35 to the southernmost city limit boundary at I-35, and includes all real property within 1,500 feet of the outer most edge of the highway right-of-way of I-35.

TEXT OF THE ZONING ORDINANCE

Sec. 53-896. - Standards for review.

- (a) The planning and zoning commission shall determine whether the application and project is consistent and compliant with the terms and intent of this division, this chapter, chapter 32, article II, pertaining to the site development plan, and all other codes and ordinances of the city. The planning and zoning commission will determine if the proposed use, occupancy and structure will promote, preserve, and enhance, and will not damage or detract from the distinctive character of the community; will preserve and protect property values and taxable values; will not be detrimental or inconsistent with neighboring uses and occupancies; will not be detrimental to the general interests of the citizens; and will not be detrimental to the public health, safety

and welfare. In conducting its review, the planning and zoning commission shall make examination of and give consideration to the traffic flow, development density, neighboring historical designs, neighboring uses, and elements of the application, including, but not limited to:

- (1) Height, which shall conform to the requirements of this chapter;
 - (2) Building mass, which shall include the relationship of the building width to its height and depth, and its relationship to the visual perception;
 - (3) Exterior detail and relationships, which shall include all projecting and receding elements of the exterior, including, but not limited to, porches and overhangs and the horizontal or vertical expression which is conveyed by these elements;
 - (4) Roof shape, which shall include type, form, and materials;
 - (5) Materials, texture, and color, which shall include a consideration of material compatibility among various elements of the structure;
 - (6) Compatibility of design and materials, which shall include the appropriateness of the use of exterior design details;
 - (7) Landscape design and plantings, which shall include lighting and the use of landscape details to highlight architectural features or screen or soften undesirable views;
 - (8) Vehicular and pedestrian access, which shall include location, width, and type of surface for all points of ingress and egress;
 - (9) Signage, which shall include, in addition to the requirements chapter 29, pertaining to signs, the appropriateness of signage to the building in relation location, historical significance of the structure and neighboring structures, traffic visibility; obstruction of views from neighboring property;
- (b) The planning and zoning commission may request from the applicant such additional information, sketches, and data as it shall reasonably require. It may call upon experts and specialists for testimony and opinion regarding matters under examination. It may recommend to the applicant changes in the plans it considers desirable and may accept a voluntary amendment to the application to include or reflect such changes. The planning and zoning commission shall keep a record of its proceedings and shall attach to the application copies of information, sketches, and data needed to clearly describe any amendment to the application.
- (c) If the conditional use permit is granted by the planning and zoning commission, the applicant shall be required to obtain a building permit and/or a development permit, if required, provided all other requirements for a building permit and/or a development permit are met. The building permit and/or a development proposal as approved shall be valid from one year from the date of approval. The planning and zoning commission may grant an extension of the one-year limitation if sufficient documentation can be provided to warrant such an extension.

STAFF ANALYSIS

Staff has reviewed the request and has made the following findings:

1. The proposed building meets the intent of the retail services zoning standards for the building and site work; with the exception of parking requirements.

Current Retail Services zoning allows for 67 parking spaces with a 150% maximum of 101 spaces. BioLife Plasma Services will be requesting 170 spaces on the October 3rd Board of Adjustment meeting, as to meet the public notice requirement. The Board of Adjustment will hear BioLife Plasma Service's case and take a vote.

2. A proper list and sample of materials types and specific colors are available along with the marketing renderings submitted;
3. The overall design aesthetic and color palette does parallel the current ideals within the I-35 Overlay standard for the preferable appearance of the Kyle I-35 corridor.

ATTACHMENTS

1. Exterior elevations
2. Site plan
3. Landscape plan
4. Application submittal

CONDITIONAL USE PERMIT APPLICATION

A Conditional Use Permit shall be required prior to any existing structure within one of the Overlay Districts being altered, reconstructed, enlarged, or remodeled for a commercial, retail, or business use, which altering or remodeling would increase or decrease the total gross building area by fifty percent (50%) or more; and if such work requires any additional curb cut, or the reconstruction, enlargement, remodeling, or alteration of the exterior design, material, finish grade line, landscaping, or orientation of the structure.

CITY OF KYLE

Date: August 29, 2016

AUG 31 2016

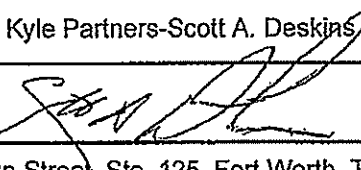
(CUP-16-010)

PROJECT INFORMATION

PLANNING DEPARTMENT

Project Name: Biolife Plasma Services		
Project address: SE corner of Seton Pkwy, Kyle, TX		
Subdivision: Lot 2 of SCC Bunton Creek Subdivision		
Lot: 2	Block: A	Section:
Zoning: RS w/ I-35 Overlay		Square Footage of Building: 16,686 sf

APPLICANT INFORMATION

Owner's Name: SCC Kyle Partners-Scott A. Deskins		
Owner's Signature: 	Date: 8/29/16	
Address: 201 S. Calhoun Street, Ste. 125, Fort Worth, TX 76104		
Phone: 512-329-9947	Fax: 512-329-9948	E-mail: sdeskins@sccdevelopment.com
Please Note: The signature of the owner authorizes City of Kyle staff to visit and inspect the property for which this application is being submitted.		
(Check One)		
<input type="checkbox"/> I will represent my application.		
<input checked="" type="checkbox"/> I hereby authorize the person named below to act as my agent in processing this application.		
Agent: W.D.S. Construction-Ben Westra		
Agent's Address: 111 Rowell Street, Beaver Dam, WI 53916		
Phone: 920-356-1255	Fax: 920-356-1270	E-mail: bwestra@wdsconstruction.net

Conditional Use Permit Application Checklist

Please note that the checklist is required to be filled out by the applicant or designated agent. Place a check mark on the line in front of the number if you have complied with that item. If the checklist item is not applicable to your application, indicate such. This checklist is provided only as a guide. All conditional use permit requirements cannot be reflected on this checklist. If the applicant has any questions regarding the regulations, the applicant should consult the Zoning Ordinance or contact City staff. City ordinances can be obtained from the City of Kyle and on line at www.cityofkyle.com.

Project Name: Biolife Plasma Services

REQUIRED ITEMS FOR SUBMITTAL PACKAGE

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

- X 1. Completed application form with owner's original signature.
- X 2. Application fee: \$190.21, plus \$3.78 per acre or portion thereof.
- Total Fee: \$200.29
- X 3. A map or plat showing the area being proposed for change and the zoning classification of all abutting zoning districts, all public and private right-of-ways and easement bounding and intersecting the property.
- X 4. A site plan and building elevations drawn to scale showing at a minimum, the lot dimensions, size, shape, and dimensions of the proposed and/or existing structure(s); the location and orientation of the structure(s) on the lot and the actual or proposed building setback lines; and all points of ingress and egress. 2 paper copies and 1 digital file must accompany the application.
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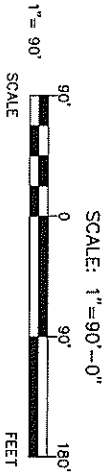
*Please note: The Commission/Council may also require the submission of colored perspectives or architectural renderings in applications or any other information it deems reasonable and/or useful in review of the application.

PARKING STALL COUNT:
 +/- 174 STALLS PROPOSED
 ON-SITE, ISLANDS NOT INCLUDED

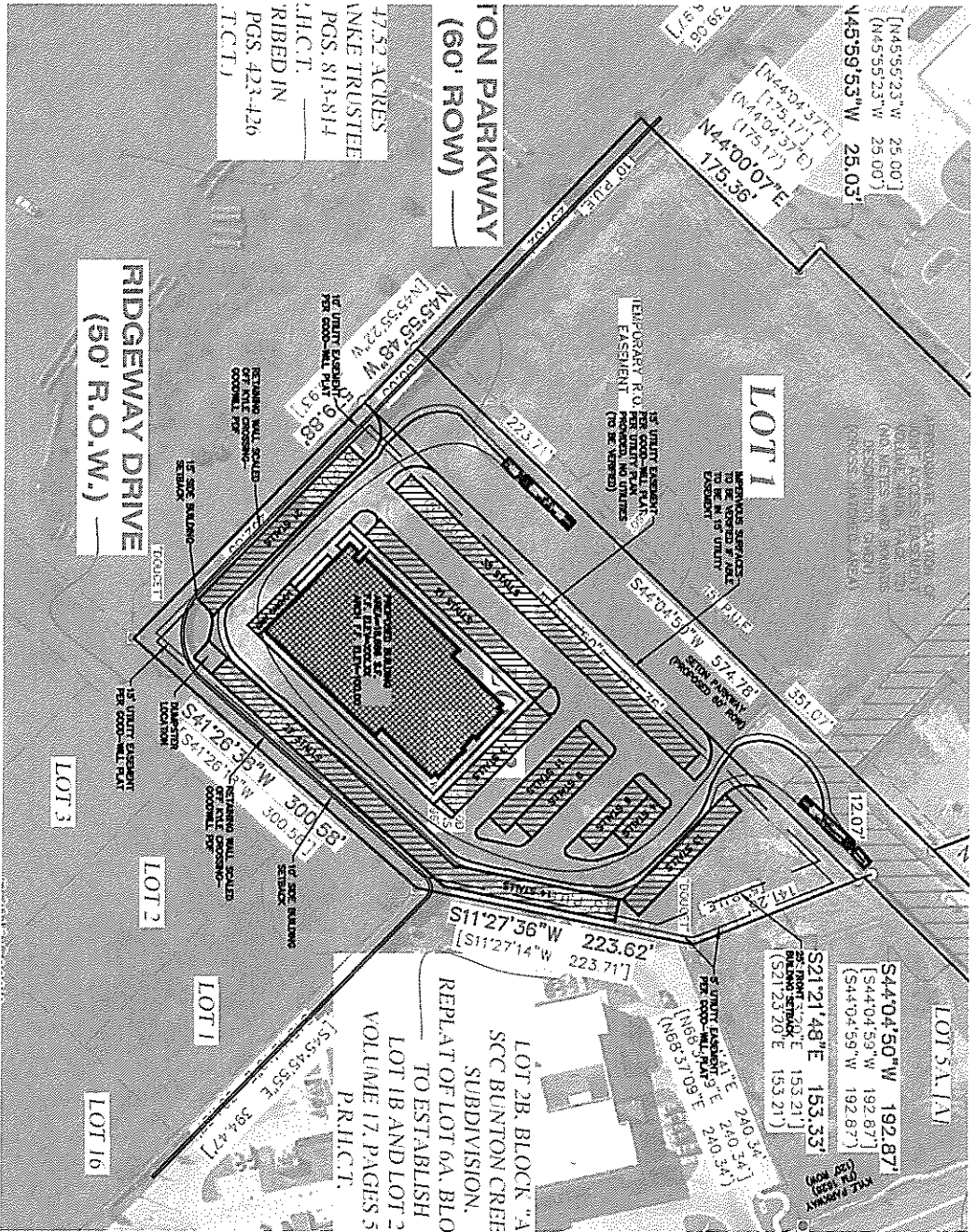
LEGEND:
 — = PARKING AREA TO BE MODIFIED
 — = SETBACKS
 — = EASEMENT



CONCEPT SITE PLAN



PRELIMINARY PLAN DATE:	
PROJECT:	BRIDGE PLAZA CENTER
OWNER:	BRIDGE PLAZA SERVICES, LP
DESIGNED BY:	EXCEL ENGINEERING INC.
DATE:	4-19-2016
DESIGN NO.:	1608680
SHEET	C1



- DESIGN NOTES:**
1. ZONING: RS
 2. PERMITTED USE PER RS & OTHER ZONING USES
 3. SETBACKS:
 - A. 25' FRONT, 10' SIDE, 15' REAR
 - B. 6'-8' FENCE REQ'D FOR ABUTTING RESIDENTIAL. CALL INTO CITY TO DETERMINE IF WALL WILL SUBSTITUTE.
 - C. PARKING STALLS: 9'X18' MINIMUM.
 - D. STORM TO BE CONNECTED TO STORM SEWER. STORMWATER REQUIREMENTS ADDRESSED OFF-SITE. TO BE VERIFIED.
 - E. WASTEWATER LOCATED ON OPPOSITE SIDE OF SETON PKWY. TO BE VERIFIED IF INSTALLED CURRENTLY.
 - F. PROPERTY DRAW OFF GOOD-WILL PLAT & KYLE CROSSING-GOODWILL PLAN FOR RETAINING WALL.
 - G. GRADES LOOK TO BE RELATIVELY FLAT WITH 3'-5' OF ELEVATION CHANGE THROUGHOUT THE SITE.
 - H. PROPERTY AREA USED FOR CONCEPT 2.67 AC
 - I. RETAINING WALL CURRENTLY LOCATED ON SOUTH AND EAST SIDES OF SITE AND LOCATED ON CONCEPT PROPERTY
 - J. ALL INFORMATION TO BE VERIFIED INTO CITY. CALLS HAVE BEEN PLACED INTO CITY STAFF. NO CALLS HAVE BEEN RETURNED.
 - K. LOCATED IN THE IH-35 OVERLAY CORRIDOR. ADDITIONAL REQUIREMENTS BEYOND CITY CODE TO BE FOLLOWED. (EX. SIDEWALKS, SCREENING, UTILITIES, BUILDING REQ'S, OPEN SPACE REQ'S, ETC.) TO BE VERIFIED UPON FURTHER INVESTIGATION.



CITY OF KYLE

Community Development Department



MEMORANDUM

Date: September 13, 2016

To: City of Kyle Planning Commission

From: Howard J. Koontz, Community Development Director

Re: Amendment to Kyle's Impervious Surface Ratio Standards

Kyle's continued growth is most clearly seen in the construction of new structures, both residential and commercial. New roads, buildings, driveways, parking areas, and sidewalks all introduce impervious surfaces to the previously undeveloped (or in some cases under-developed), pervious landscape. In the usual and customary regulation of development standards in the city limits, staff administers regulations that limit the maximum amount of development allowable on any one parcel. The reasoning behind this is two-fold: there is an environmental component, and an aesthetic component.

The environmental portion of the regulation reserves a certain amount of each lot as pervious, to permit the continued ground water recharge of the land through collection and percolation of stormwater. The aesthetic component is related to the idea that a certain portion of a lot should be held in a natural state; the amount of that portion of the land is decided by the expected sense of place. A dense urban environment may only necessitate five percent or less pervious area, but low-density estate residential should be built at a more appropriate standard, closer to 25% - 50% impervious.

Recently, staff has uncovered a few conditions of zoning that are causing related challenges to development. The definition of impervious surface in the City of Kyle does not include a provision that adequately addresses compacted gravel and similar improved surfaces. In the case of redevelopment, existing sites containing areas of "compacted base" are being credited with pre-existing impervious surface, negating a requirement for infill development to adequately detain stormwater of a post-development site. However, for a new development site, compacted road base would then be considered impervious and improved, and could be interpreted to qualify as improved for the purpose of parking and outdoor storage. This text amendment proposal clarifies the city's position of what constitutes impervious surface and what is pervious, especially when considering surfaces required for parking and drive aisles.

Also, the impervious surface ratio for residential lots does not calculate non-structures in the ratio total. This manifests itself as a problem, because stormwater detention facilities are effectively sized for expected impervious surfaces, but in Kyle usual and customary

paved surfaces like driveways, sidewalks, patios, pool decks, etc. can't be adequately calculated to be contained during a storm event.

Through further clarification of impervious surface and allowable maximums of impervious surfaces, it is expected that more effective stormwater control can be implemented in the development process.

Impervious cover means roads, parking areas, buildings, rooftop landscapes, patios, decking, and other construction limiting the absorption of water by covering the natural land surface; this shall include, but not be limited to, all streets and pavement within the development, and all other surfaces comprised of wood, stone, concrete, asphalt, metal, brick and other masonry, decorative water features like ponds and pools, and swimming pools. Improved areas established on a suitably engineered sub-base, whose purpose is to capture stormwater from the two-year storm event and recharge ground water, are not impervious.

Off-street parking space means an area of privately owned land not less than nine feet by 18½ feet not on a public street or alley, with a paved, all-weather surface. A public street, private street or joint-use driveway shall not be classified as such, nor shall head-in parking adjacent to a public street and dependent upon such street for maneuvering space; provided that, not more than 25 percent of any required off street parking spaces may be compact parking spaces of not less than 128 square feet (eight feet by 16 feet) exclusive of the driveways connecting said space with the street or alley.

Paved area means an area surfaced with asphalt, concrete or similar durable pavement, providing a permanent, erosion-resistant, all-weather surface. Gravel, river rock, and/or stone dust (road base) are not acceptable paved surfaces. Proprietary engineered pre-cast systems incorporating natural materials which allow for stormwater management as well as load-bearing vehicle storage such as Geoblocks, Grasscrete, and Truckpave, etc., also qualify as pavement.

Sec. 53-33. - General requirements and limitations.

- (a) *Conformity to zoning district required.* No building shall be erected and no existing buildings shall be moved, structurally altered, added to or enlarged, nor shall any land, building or premises be used, or designated for use for any purpose or in any manner other than provided for hereinafter in the district in which the building, land or premises is located; provided, however, that necessary structural repairs may be made where health and safety are endangered.
- (b) *Signs and billboards.* No sign or billboard shall be erected, moved, altered, added to, enlarged, painted, or modified unless it shall conform to the provisions of this chapter and all applicable city ordinances governing the placement, location, permitting, construction and maintenance of signs. Except as otherwise expressly authorized by ordinance, all off-premises signs and billboards are expressly prohibited.
- (c) *Structures and buildings.* No building, structure or accessory structure shall be erected, converted or enlarged, nor shall any such existing building or structure be structurally altered or rebuilt, nor shall any open space surrounding any building be encroached upon or reduced in any manner, unless the same shall be done and completed in a manner to comply with all applicable city codes and ordinances, and such work and structure shall:
 - (1) Conform to the building setback line, building site area, building location and land use regulations hereinafter designated for the district in which such building or open space is located.
 - (2) Not exceed the height limit herein established for the district in which such building is located, except as specifically authorized as follows:
 - a. The height limits prescribed herein shall not apply to television and radio towers, church spires, belfries, monuments, tanks, water and fire towers, stage towers, scenery lofts, cooling towers, ornamental towers and spires, chimneys, elevator bulkheads, smokestacks, necessary public or private utilities, conveyors, flagpoles, and necessary mechanical appurtenances. The height limits and other applicable regulations for television, radio and communications towers and antennas may be established by separate ordinance.
 - b. Public or semipublic service buildings, institutions or schools, where permitted, may be erected to a height not exceeding 60 feet and churches and other places of worship may be erected to a height not exceeding 75 feet when each of the required yards is increased by one foot for each two feet of additional building height above the height limits for the district in which the building is located.
- (d) *Accessory structures and uses.* Accessory structures designed, constructed and located for a use permitted in the district, in compliance with this chapter and all other applicable city ordinances, are permitted in each zoning district.
- (e) *Conformity to construction plan requirements.* No structure or building shall be erected, converted, enlarged, reconstructed or structurally altered unless construction plans meeting the requirements of this chapter have been approved by the city engineer and/or city building official.
- (f) *Conformity to parking and loading space requirements.* No structure or building shall be erected, converted, enlarged, reconstructed, or structurally altered unless it shall conform to the off-street parking and loading requirements of this chapter.
- (g) *Conformity to landscaping and screening requirements.* No building or structure shall be erected, converted, enlarged, reconstructed, or structurally altered unless it shall conform to the landscaping and screening requirements of the this chapter.
- (h) *Conformity to building setback requirements.* No yard or other open space provided around any structure or building for the purpose of complying with provisions of this chapter shall be considered as providing a yard or open space for a building on any other lot.
- (i) *Outdoor lighting.* All outdoor lighting shall be installed and maintained in compliance with all applicable city ordinances. Such lighting shall be located and maintained in a manner so as to not be directed

onto any public street or adjacent property; provided that, such lighting may be directed directly down upon a public street as provided for streetlights.

- (1) *Multifamily, business and industrial.* Outdoor lighting for multifamily, general retail, commercial, office and industrial property will be in accordance with the provisions of this chapter and city building codes. A lighting plan shall be included with the site plan submitted for a building permit.
 - (2) *Residential.* Outdoor lighting on residential property will be installed in accordance with applicable city ordinances. It will be located so as not to be directed directly upon adjoining property or create a nuisance for adjoining property owners. Lighting used for security purposes, which will be operated during night hours will be located as close as is practicable to main dwellings.
- (j) *Height and placement requirements.* Except as otherwise specifically provided in this chapter, no building shall be erected or maintained within the required building setback line set forth herein, or which exceeds the height limits specified in chart 1 in subsection (k) of this section. The minimum street line width of all residential lots situated on a cul-de-sac shall be 35 feet, excluding width of side yard, drainage and/or public utility easements in which pipe will be laid as part of the initial development. The minimum street line width of all other lots situated on a cul-de-sac shall be 50 feet, excluding width of side lot line drainage and/or public utility easements in which pipe will be laid as part of the initial development.
- (k) *Common areas.* If any part or portion of a development or property includes a common area or common open area, a home and/or property owners association shall be created and established in which all property owners shall be members. The articles and bylaws for the corporation and the declarations, conditions, covenants and restrictions for the proposed development shall provide for the assessment and collection of fees adequate and as necessary to maintain all such common areas in a good, clean and safe condition, and in compliance with all codes and ordinances of the city.

Chart 1

Land Use District	Front Setback (feet)	Side Setback (feet)	Corner Lot at Side Street or Alleyway Setback (feet)	Street Side Yard Setback (feet)	Rear Setback (feet)	Min. Lot Square Footage Area	Min. Lot Street Line Width (feet)	Height Limit (feet)
A	25	25	25	25	25	43,500	150	45
UE	25	25	25	25	25	22,500	100	45
R-1-1	30 ⁹	7	10	15	10	8,190 ¹	80 ¹	35
R-1-2	30 ⁹	5	10	15	10	6,825 ¹	65 ¹	35
R-1-A	25	(2)	10	15	15	4,550 ¹	35	35
R-1-T	(3)	(3)	10	15	(3)	2,844 ³	35	35
R-1-C	(4)	(4)		15	(4)	9,000 ⁴	80	45

R-2	25 ⁹	7	10	15	25	9,000	80	35
R-3-1	25	15	15	15	25	(5)	80	35 ⁶
R-3-2	25	20	15	15	25	(5)	80	45 ⁷
R-3-3	25	7	15	15	25	(13)	90	45 ⁷
M-1	25	7	15	15	25	8,190	80	35
M-2	25	7	25	25	25	8,190	80	35
CBD-1	25 ⁸	(8)	15	15	(8)	(8)	(8)	35 ⁸
CBD-2	0	0	0	0	0	2,500	25	45
RS	25	10	15	15	15	6,000	50	45
HS	50	50	50	50	50	10 acres	200	100 ^{14/15}
W	25	25	25	25	25	9,000	80	45
CM	25	50	50	50	50	43,500	150	45
E	25	25	15	15	15	6,000	50	45 ¹⁴
TU	25	7	15	15	15	(10)	(10)	(10)
B	25	25	25	15	15	(11)	(11)	(11)
PUD	(8)	(8)	(8)	15	(8)	5 acres	(8)	(8)

Notes for chart—

- (1) On approval by the city council: in a section or phase of a subdivision up to 25 percent of R-1-1 lots may be less than 8,190 square feet in area but not less than 7,200 square feet, and up to 25 percent of the lots may be less than 80 feet in width but not less than 65 feet in width; and up to 25 percent of R-1-2 lots may be less than 6,825 square feet in area but not less than 5,825 square feet, and up to 25 percent of the lots may be less than 65 feet in width but not less than 55 feet in width; and up to 25 percent of R-1-T lots may be less than 2,844 square feet in area but not less

than 2,500 square feet, and up to 25 percent of the lots may be less than 35 feet in width but not less than 20 ft in width; and up to 25 percent of R-1-A lots may be less than 4,550 square feet in area but not less than 4,000 square feet, and up to 25 percent of the lots may be less than 35 feet in width but not less than 30 ft in width. If the city council approves any lots to be platted that have less area than the minimum area provided in the chart 1 in this section for any such zoning district, the percentage of such smaller lots actually platted and fully developed in any section or phase shall not at anytime exceed the percentage of smaller lots approved by the city council for the entire subdivision or development. In no event shall more than 25 percent of the lots in any phase or section of a subdivision have less land area than the minimum lot area established in chart 1.

- (2) Side yard setback for the R-1-A district is ten feet on one side, and a zero lot line is permitted on the other side. See definition for zero-lot-line lot.
 - (3) See division 5 of this article, pertaining to residential townhouse district R-1-T.
 - (4) See division 6 of this article, pertaining to residential condominium district R-1-C.
 - (5) Minimum lot area for property in the R-3-1 and R-3-2 district is 12,000 square feet, plus an additional 1,500 square feet for each dwelling unit in excess of four units; provided that the density limitations set forth for each such district shall apply.
 - (6) Not to exceed two stories.
 - (7) Not to exceed three stories.
 - (8) The conditions and limitations, setbacks and lot requirements set forth in chart 1 applicable to the district governing the proposed base use of the property shall apply within this district, i.e., if the proposed use of property within the district is a use provided for in the CBD-1 district the conditions and limitations applicable to the CBD-1 district shall apply to the property.
 - (9) An approval by the city council up to 50 percent of the lots within a subdivision may have a front setback line of less than 30 feet but not less than 20 feet; provided that no more than three consecutive and abutting lots shall have less than 30 feet front setback; and no more than 25 percent of the lots shall have a minimum front setback of 25 feet; and not more than 25 percent of the lots shall have a minimum front setback of 20 feet.
 - (10) The conditions, limitations, setbacks and lot requirements shall be determined by the planning commission as part of the site development approval process subsequent to review and recommendation by staff.
 - (11) The conditions, limitations, setbacks and lot size requirements shall comply fully with chapter 29, pertaining to signs.
 - (12) Minimum lot area for property in the R-3-3 district is 12,000 plus 1,500 square feet for each residential unit; minimum lot width shall be 90 feet.
 - (13) Height limitation applies to buildings; height for amusement rides shall be determined on a case-by-case basis.
 - (14) Not to exceed 100 feet for the main hospital building, and not to exceed 75 feet for any other building. No portion of any building within 100 feet of the property line of a single-family residential use shall exceed 35 feet in height.
 - (15) Permitted heights can exceed the maximum feet shown when and only when structured parking is included in the construction design of the building and occurs in the same phase of construction as the building and providing for a minimum of one-third of the number of the required parking spaces that are required by ordinance to separately serve the uses within the building.
- (l) *Impervious coverage.* The maximum percentage of lot area which may hereafter be covered by ~~the main buildings and all accessory buildings~~improved surfaces and structures which do not allow for the penetration and/or percolation of stormwater into the soil beneath such as, but not limited to, wood, stone, concrete, asphalt, roofing veneers, metal, swimming and decorative pools (both surface area

and surrounding decking), brick, and hardened masonry pavers* shall not exceed that set forth in chart 2 in this subsection. *Pavers established on a suitable, engineered sub-base which is designed to capture and retain stormwater are not calculated in impervious surface ratios. In the following zoning districts, the maximum building lot coverage for multiple-family dwellings must conform to the following schedule:

Chart 2		
District	Maximum Lot Coverage	
	Main buildings (in percent)	Main building and accessory buildings (in percent)
R-1-1	35	40-50
R-1-2	35	45-60
R-1-A	40	60-65
R-1-T	40	60-80
R-1-C	40	50-55
R-2	40	50-55
R-3-1	40	50-65
R-3-2	40	50-65
R-3-2	40	50-65
CBD-1	60	65 ⁽¹⁾
CBD-2	100	100
RS	60	65-80
HS	60	65-80
W	50	60-75

CM	40	<u>4575</u>
E	60	<u>6575</u>
TU	60	<u>65As determined by the Planning Commission during the site review process</u>

~~Note—Open off-street parking and loading areas will not be considered as lot coverage under this subsection. Note – all single family detached land uses operated on lots in excess of 22,000 square feet are limited to an impervious surface ratio of 35%.~~

- (1) Maximum lot coverage of 70 percent for the main building and for all buildings is permitted on lots where existing buildings were located prior to the date of the ordinance from which this chapter is derived. This only applies to buildings that existed on the date of the ordinance from which this chapter is derived, and that are within the area hereafter zoned CBD-1.
- (m) *Floor area ratio.* Except as hereinafter provided, no building or structure may be erected, added to or altered to exceed the maximum floor area ratio standards in the various zoning districts as set forth in chart 3 in this subsection. In the zoning districts listed in the chart in this subsection, the maximum floor area ratio (FAR) for any building or structure shall be as follows:

Chart 3	
District	Building Area, Maximum Floor Area Ratio to Land Area
CBD-1	1.8:1
CBD-2	2.5:1
RS	1.8:1
HS	1.8:1
W	1.5:1
CM	1.2:1
E	1.8:1
TU	1.8:1

Structures used for off-street parking of vehicles shall not be included in calculating the building area to determine floor area ratio (FAR) standards.

- (n) *Parking.* Automotive vehicles or trailers not bearing current license plates and state motor vehicle inspection stickers, excluding racing cars, antique cars, and cars belonging to members of armed forces who are on active duty, shall be parked or stored in any residential area only in completely enclosed buildings. No vehicle, trailer or major recreational equipment shall be parked or stored on any lot except that it shall be enclosed in a building or parked on a driveway or a concrete, paved or stone pad installed for such a purpose and subject to the following requirements:
- (1) *Parking regulations.* Where any lot and/or structure is erected, reconstructed or converted for any of the business or commercial uses permitted in this chapter, designated on-street or off-street parking spaces shall be provided in a number not less than as provided in chart 4, set forth in this subsection.
 - (2) *Handicap parking.* Nonresidential handicap parking and handicap accessible routes shall be provided and constructed in compliance with the Texas Accessibility Standards (TAS).
 - (3) *Maximum parking.* The maximum number of parking spaces for a general retail, commercial, office or industrial use area shall not exceed 150 percent of the parking required pursuant to chart 4.
 - (4) *Width of parking spaces.* Except for all required handicap parking, not less than 50 percent of all parking spaces, for any given commercial use must be a minimum of nine feet in width, and all remaining parking spaces must not be less than 8½ feet in width.
 - (5) *Reduction of parking.* The total number of required motor vehicle parking spaces for a nonresidential use may be reduced by five percent for each of the activities listed in this subsection provided by the owners or operators, up to a maximum of ten percent reduction in the total number of motor vehicle spaces:
 - a. Participate in an area wide carpool/vanpool ride matching program for employees; designating at least ten percent of the employee motor vehicle parking spaces as carpool/vanpool parking and placing such spaces closer to the building than other employee parking;
 - b. Providing showers and lockers for employees who commute by bicycle;
 - c. Providing covered, secured bicycle parking racks or facilities;
 - d. Providing a transit facility that is approved by the local transit authority, and related amenities. Related amenities include, but are not limited to, a public plaza, pedestrian sitting areas, and additional landscaping.
 - (6) *Development and maintenance standards for parking areas.* Every parcel of land hereafter used as a public or private parking area, including commercial parking lots, shall be developed as follows:
 - a. Off-street parking areas for more than five vehicles shall be effectively screened by a sight-obscuring fence, hedge or planting, on each side which adjoins a residential use or property situated in a residential area.
 - b. Except for parking to serve residential uses, parking and loading areas adjacent to or within residential zones or adjacent to residential uses shall be designed to minimize disturbance of residents.
 - c. Access aisles shall be of sufficient width for vehicular turning and maneuvering.
 - (7) *Council determination.* Off-street and on-street parking, for all uses not within the categories listed in this subsection, shall be adequate to meet the anticipated needs and shall be determined by

the city council using standards outlined for special exceptions and with a view towards providing adequate parking and carrying out the general scheme of the parking requirements herein set out.

- (8) *Special exception.* The city council may grant a special exception to allow two or more uses to share parking spaces upon a showing that the particular uses in question will require parking at different times. Any spaces the council allows to be shared count toward the number of spaces each use must provide.

Chart 4 ⁽¹⁾	
Use (See exhibit A for list of SIC codes)	Number of Parking Spaces ⁽¹⁾
CBD-1	One space for every 200 square feet of floor space.
CBD-2	If located on Center, Main or Front Streets, parking requirements will be decided on case-by-case basis. All others will provide one space for every 200 square feet of floor space.
R-1-1, R-1-2, R-1-A, R-1-T, R-1-C, R-2, R-3-1, R-3-2, R-3-3, M-1, M-2 and M-3 districts	Two spaces minimum for each living unit, and one-half space for each additional bedroom above two.
W and CM districts	One space per 1,000 feet of gross floor area and one space for every 1½ employees.
SIC codes: 72111000 (hotels); 72111001 (motels)	One space per bedroom and one space for each two employees.
SIC codes: 62149300 (emergency clinic); 62311000 (convalescent and nursing home); 62221000 (rehabilitation services); 62221001 (rehabilitation clinic); 62331100 (retirement homes)	One space for each two employees, and one space for each four patient beds.
Bars, cafes, restaurants, taverns, night clubs, and similar uses. RS SIC codes 72211006—72211017 (fast-food); 72211000—72211005 (restaurants); 72221200 (cafeteria); 72241001 (bar); 72241004 (brew pub)	One space for every four seats provided for customer services provided food is served. Bars and brew pubs which do not serve food shall have one space for three persons up to the maximum capacity allowed by fire codes for establishment.
RS district, E district unless SIC code stated additional requirements above.	One space for each 250 square feet of gross floor area.

HS district (hospital, extended care facility, intermediate care facility, longterm care facility).	Two for each bed, plus one for each two employees on the largest shift at full design capacity.
HS district (ambulance service)	Two for each ambulance vehicle.
HS district (medical educational institution)	One per each facility member, plus one for each three students.
HS district (clinic or doctor's office)	One per 200 square feet of gross floor area.

Note—⁽¹⁾The city council may, based on a site plan approved by council, waive all or part of these parking space requirements for buildings within the original town.

- (o) *Uses noncumulative.* Uses within each district are restricted solely to those uses expressly permitted in each district, and are not cumulative unless so stated.
- (p) *Exceptions.* Nothing in this section shall prohibit the approval of a comprehensive zero lot line residential development or other innovative housing development in compliance with the other terms and provisions of this chapter.
- (q) *Mandated exceptions.* To the extent required by state or federal law, a personal care facility is an additional permitted use in any zoning district; provided that:
 - (1) Homes and residential units not designed and constructed in compliance with the ordinance and code requirements applicable to multiple-occupancy residential buildings and nursing homes, shall meet the following requirements:
 - a. The structure shall comply with provisions of the fire code, electrical code and building code that are applicable to nursing homes;
 - b. There shall be two parking spaces, plus one additional space for each three residents;
 - c. There shall be not less than 50 square feet of living space within a sleeping room for each occupant assigned to such room;
 - d. There shall be not less than 175 square feet of living area in the structure for each occupant/resident of the structure, and attendant on duty; and
 - e. The structure and operation shall comply with the standards established by the state department of human services as licensing standards for personal care facilities for a type B facility.
 - (2) The home must meet all applicable state licensing requirements;
 - (3) A personal care facility must have at least one paid staff member on duty 24-hours per day, and one supervisor for each six residents during waking hours;
 - (4) A personal care facility may not have more than 15 residents.

(Ord. No. 438, § 20, 11-24-2003; Ord. No. 438-35, §§ 1, 2, 8-2-2005; Ord. No. 526, §§ 2—6, 1-8-2008; Ord. No. 568, § 1, 5-5-2009; Ord. No. 663, §§ 1, 2, 7-19-2011)



CITY OF KYLE

Community Development Department



MEMORANDUM

To: Kyle Planning Commission

From: Howard Koontz, Community Development Director

Date: September 13, 2016

Subject: **Proposed Text Change to the Kyle Zoning Ordinance, Chapter 53, Article V, Landscaping and Screening**

ITEM DESCRIPTION

Staff presents to the Planning Commission a proposal for a text amendment to the city's zoning ordinance. This change comprises the revisions to the city's landscape ordinance that has been in process for several years. The changes are numerous, but largely comprise updated reference standards, and greater clarity of planting and maintenance requirements city-wide.

Attached is the redline and strike-through version of the ordinance changes.

~~ARTICLE V.—LANDSCAPING AND SCREENING REQUIREMENTS~~

~~Sec. 53-984.—Purpose.~~

The purpose of this article is, in conjunction with the other requirements of this chapter, to promote and support the orderly, safe, attractive and healthful development of land located within the community, and to promote the general welfare of the community by preserving and enhancing ecological, environmental and aesthetic qualities, through established requirements for the installation and maintenance of landscaping elements and other means of site improvements in developed properties. The following are additional factors considered in establishing the requirements of this article:

- (1) Paved surfaces, automobiles, buildings and other improvements produce increases in air temperatures, a problem especially noticeable in this southern region, whereas plants have the opposite effect through transpiration and the creation of shade. Likewise, impervious surfaces created by development generate greater water runoff causing problems from contamination, erosion and flooding. Preserving and improving the natural environment and maintaining a working ecological balance are of increasing concern. The fact that the use of landscape elements can contribute to the processes of air purification, oxygen regeneration, water absorption, water purification, and noise, glare and heat abatement as well as the preservation of the community's aesthetic qualities indicates that the use of landscape elements is of benefit to the health, welfare and general well-being of the community and, therefore, it is proper that the use of such elements be required.
- (2) The city experiences frequent droughts and periodic shortages of adequate water supply; therefore, it is the purpose of this article to require the use of drought resistant vegetation that does not consume large quantities of water. (See section 53-1231, grow green plant guide for native and adapted landscape plants.) [HJK1]

~~(Ord. No. 438, § 61(a), 11-24-2003)~~

Sec. 53-985. - Installation and plan.

~~(a) All landscape materials shall be installed according to American Association of Nurserymen (AAN) standards. All applications for a development permit must be accompanied by a landscape plan prepared and sealed by a registered landscape architect, certified arborist, or registered forester. An approved landscape plan shall be required for all new development in any zoning district, except for developments in the A, UE, R-1-1, R-1-2 and R-1-A districts.~~

~~(b) All landscape plans shall be prepared and sealed by a registered landscape architect, certified arborist, or registered forester.~~

(c) -All landscape materials shall be installed according to ANSI A300 standards.

(d) Replacement of trees in the minimum required landscape areas, as determined by this section, must occur under the following conditions:

a. To establish the minimum tree density requirements for the site.

b. Where grading occurs outside the buildable area of the lot.

c. Where specimen trees or specimen stands of trees within the buildable portion of the lot are to be removed.

a. Where specimen trees or specimen stands of trees, and trees within otherwise designated tree protective zones have been irreparably damaged or removed through development or construction activities.

~~(Ord. No. 438, § 61(b), 11-24-2003)~~

Sec. 53-986. - Maintenance.

- (a) The owner of the landscaped property shall be responsible for the maintenance of all landscape areas. Said areas shall be maintained so as to present a healthy, neat and orderly appearance at all times and shall be kept free of refuse and debris. All planted areas shall be provided with a readily available water supply and watered as necessary to ensure continuous healthy growth and development. Maintenance shall include the replacement of all dead plant material if that material was used to meet the requirements of this article. Landscape material must be trimmed and maintained for roadway visibility.
- (b) All property within the city limits will adhere to city drought management program when watering.

~~(Ord. No. 438, § 61(c), 11-24-2003)~~

Sec. 53-987. - Planting criteria.

(a) (a) —Trees.

1. -Trees shall be a minimum of ~~four~~three (3) inches in caliper measured ~~three feet~~six (6) inches above ~~finished grade~~the root flare immediately after planting. A list of recommended landscape trees may be obtained from the city. If the developer chooses to substitute trees not included on the recommended list, those trees shall have an average mature crown greater than 15 feet in diameter to meet the requirements of this article. Trees having an average mature crown less than 15 feet in diameter may be substituted by grouping trees so as to create at maturity the equivalent of a 15-foot diameter crown if the drip line area is maintained. A minimum area three feet in radius is required around the trunks of all existing and proposed trees.

(b) TREE SELECTION

1. Trees selected for planting must meet minimum requirements as provided below and in the American Standard of Nursery Stock.
 2. Trees selected for planting must be free from injury, pests, disease, or nutritional disorders.
 3. Trees selected for planting must be of good vigor. The determination of vigor is a subjective evaluation, and dependent upon species variability. The following criteria is generally used for the determination of vigor:
 4. Foliage should have a green or dark green color. Vigorous trees will have large leaves and dense foliage when compared to trees with poor vigor.
 5. Shoot growth for most vigorous trees will be at least one foot per year. At least one-half of the branches should arise from the top one-third and one-half from the center one-third.
 6. Bark texture can denote vigor. Smooth or shiny bark on the trunk and branches of a young tree usually signifies good vigor, conversely, rough and full bark could indicate poor vigor.
 7. Trunk taper. The trunks of vigorous trees will generally have an increase in diameter with a decrease in height. Trees with reverse tapers or no taper should be avoided.
 8. Root color. Young roots of most trees will be light in color.
 9. Trees selected for planting must be free of root defects. Two types of root defects generally occur:
 10. Kinked roots, in which taproots, major branch roots, or both are bent more than 90 degrees with less than 20 percent of the root system originating above the kink. A tree with such roots will probably bend at the soil line when released from a supporting stake.
 11. Circling or girdling roots which circle 80 percent or more of the root system by 360 degrees or more. A tree with such roots would ultimately have less than 20 percent of its system available for support.
- (b) Shrubs and ground cover. Shrubs, vines and ground cover planted pursuant to this section shall be good, healthy nursery stock. Shrubs must be, at a minimum, a one gallon container size, but shall average two (2) gallon for the entire project, and be drought resistant species. This applies to all zoning classifications.
- (c) Lawn grass. In order to limit the volume of water required for the turf, it is required that grass areas be planted with drought resistant species normally grown as permanent lawns, such as Bermuda, Zoysia, Buffalo or other similar drought resistant grasses. Grass areas may be sodded, plugged, sprigged or seeded except that solid sod shall be used in areas subject to erosion. This applies to all zoning classifications.
- (1) Other low water requirement turf products will be considered and may be approved by a designated city official or body on a case-by-case basis.

- (2) These requirements for specific types of turf are adopted to establish conservation practices under the drought management plan of the city.
- (3) The requirements set forth in this subsection shall not prohibit the installation or planting of any turf not described in this section (nonconforming turf) if at least 50 percent of the nonimpervious cover area of the lot or parcel was planted with a nonconforming turf prior to the effective date of the ordinance from which this chapter is derived and the same nonconforming turf is being installed or planted.
- (d) Synthetic plants. Synthetic or artificial lawns or plants shall not be used in lieu of plant requirements in this section.
- (e) Architectural planters. ~~The use of architectural planters may be permitted in fulfillment of landscape requirements.~~ The community development director or his/her designee is authorized to approve the use of architectural planters when he/she determines the overall intent of the division and/or specific guidelines can be met.
- (f) Other. ~~Any a~~Approved decorative aggregate or pervious brick pavers shall qualify for landscaping credit if contained in planting areas, but no credit shall be given for concrete or other impervious surfaces. No more than 50% of the required total landscape area may covered in aggregate and/or pervious pavers.

~~(Ord. No. 438, § 61(d), 11-24-2003)~~

Sec. 53-988. - Landscaping requirements.

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

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

Note 1—Minimum landscape requirements for each lot on which a single-family, duplex, triplex or fourplex dwelling, or a manufactured home, is constructed or installed after the date of the ordinance from which this chapter is derived shall be a minimum of two ~~(2) four~~three-inch trees, six ~~(6)~~ two-gallon shrubs and lawn grass from the front property line to the front two corners of the structure all plants shall be of native and adapted species and drought resistant. Residential structures on reverse frontage lots shall also be required to screen the rear of the structure from the abutting highway, access road, or other public rights-of-way.

Note 2—Landscaping requirements will apply to planned unit developments in the same manner as the requirements listed in note 1, to be determined by the zoning classification assigned to the planned unit development.

~~(Ord. No. 438, § 61(e), 11-24-2003)~~

Sec. 53-989. - Exceptions.

- ~~(a) In order to address atypical, site-specific development/redevelopment challenges, the community development director and/or his/her designee is authorized to approve alternative compliance landscape plans when s/he determines that one or more of the following conditions are present:~~
- ~~(1) The site has space limitations or an unusual shape that makes strict compliance impossible or impractical;~~
 - ~~(2) Conditions on or adjacent to the site such as topography, soils, vegetation or existing structures or utilities are such that strict compliance is impossible, impractical or of no value in terms of advancing the general purposes of this division;~~
 - ~~(3) Safety considerations such as intersection visibility, utility locations, etc., make alternative compliance necessary; or~~
 - ~~(4) Creative, alternative landscape plans will provide an equal or better means of meeting the intent of the landscaping and screening regulations of this division.~~
- ~~(b) Those parties with standing, aggrieved by that decision of the director or his/her designee for alternate method(s) of compliance described in this section, may appeal the decision to the planning commission if the appeal request is made within 30 days of the decision being issued. At the subsequent hearing, the Planning Commission can affirm the staff decision, reverse and/or remand the staff decision, or modify the decision to any standard approved as appropriate by the Commission.~~

~~Exceptions to these provisions may be granted by the planning and zoning commission and/or council to require a lesser amount of landscaping if the aesthetic, buffering and environmental intent of this chapter is met, and the~~

~~reduction of the landscape area results in the preservation of natural features having comparable value to the reduced landscape requirements.~~

~~(Ord. No. 438, § 61(f), 11-24-2003)~~

Sec. 53-990. - Placement.

Landscaping shall be placed upon that portion of a tract or lot that is being developed. ~~A minimum thirty-five (35)~~Fifty percent of the required landscaped area and required plantings shall be installed between the front property lines and the building being constructed, unless a lesser percentage is approved by planning staff. Undeveloped portions of a tract or lot shall not be considered landscaped, except as specifically approved by the planning and zoning commission. Landscaping placed within public rights-of-way shall not be credited to the minimum landscape requirements by this article.

~~(Ord. No. 438, § 61(g), 11-24-2003)~~

Sec. 53-991. - Credit.

The ~~building official and/or city engineer~~community development director or his/her designee shall, with respect to the issuance of a building permit or approval of a construction or site development plan, give a credit against the requirements of this article for trees preserved on the site; provided that, in order to reward the preservation of significant trees, a credit may be given for such preservation only if no more than ~~50~~thirty (30) percent of the critical root zone is disturbed or distressed with impervious cover; ~~and provided further that the remaining critical root zone must consist of at least 100 square feet.~~

~~(Ord. No. 438, § 61(h), 11-24-2003)~~

Sec. 53-992. - Additional required plantings.

For every 600 square feet of landscape area required by this article, two trees and four shrubs shall be planted. To reduce the thermal impact of unshaded parking lots, additional trees shall be planted, if necessary, so that no parking space is more than 50 feet away from the trunk of a tree, unless otherwise approved by the planning and zoning commission. This section shall not apply to any property included in any of the following zoning categories: A, ~~UE~~, R-1-1, R-1-2, ~~or~~ R-1-A, C/M, or W.

For all non-residential properties except agriculture and planned unit developments (PUDs), or residential properties larger than one (1) acre, the following scale of required planting shall apply:

Case 1: Required landscape area – less than 10k square feet = One (1) 3" caliper tree and three (3) 1 gallon shrubs per 1,000 square feet [maximum 10 trees and 30 shrubs].

Case 2: Required landscape area – between 10,000 square feet and 110,000 square feet = Ten (10) 3" caliper trees and thirty (30) 1 gallon shrubs [maximum 50 trees and 30 shrubs].

Case 3: Required landscape area – greater than 110k square feet = Fifty (50) 3" caliper trees and thirty (30) 1 gallon shrubs plus one (1) 3" caliper tree per 10,000 square feet.

Planting Option – Four (4) 4" trees or three (3) 4" - 5" trees count as credit for five 3" trees.

If more than 30 trees will be used, a mixture of three or more tree species must be used. If more than 50 shrubs will be used, a mixture of three or more shrub species must be used.

~~(Ord. No. 438, § 61(i), 11-24-2003)~~

Sec. 53-993. - Replacement of required trees.

Upon the death or removal of a tree planted pursuant to the terms of this article, a replacement tree of equal size and type shall be required to be planted. A smaller tree that will have a mature crown similar to the tree removed may be substituted if the planting area or pervious cover provided for the larger tree in this article is retained.

~~(Ord. No. 438, § 61(j), 11-24-2003)~~

Sec. 53-994. - Screening.

The following requirements shall be in addition to the landscaping and planting requirements in this article:

- (1) Required to be screened. All off-street parking lots serving five (5) or more spaces, loading spaces and docks, outside storage areas, satellite dishes larger than 18 inches in diameter, antennas, mechanical equipment, and the rear of structures on reverse frontage lots, must be screened from view from the street or public rights-of-way.
- (2) Approved techniques. Approved screening techniques include privacy fences, evergreen vegetative screens, landscape berms, existing vegetation or any combination thereof.
- (3) Privacy fences.
 - a. All fences required by this subsection and along a common property boundary shall be a minimum of six feet in height.
 - b. Fences up to eight feet in height, but not less than six feet, shall be allowed for impeding access to hazardous facilities including, but not limited to, electrical substations, swimming pools and chemical or equipment storage yards, where the slope of a line drawn perpendicular to the fence line averages 20 percent or more on either side of the fence over a distance no

less than 15 feet, or where the fence forms a continuous perimeter around a subdivision and the design of said perimeter fence is approved by the planning and zoning commission.

- c. Fences less than or equal to three feet in height shall be allowed in front yards.
 - d. No fence or other structure more than 30 percent solid or more than three feet high shall be located within 25 feet of the intersection of any rights-of-way.
 - e. All fences shall be constructed to maintain structural integrity against natural forces such as wind, rain and temperature variations.
 - f. The finished side of all fences built to comply with these regulations shall face away from the screened object.
- (4) Evergreen vegetative screens. Evergreen plant materials shall be shrubs, at least 30 inches in height and at a minimum spacing of 48 inches at the time of installation. Shrubs may be used in combination with landscape trees to fulfill the requirements of this article.
 - (5) Landscape berms. Landscape berms may be used in combination with shrubs and trees to fulfill the screening requirements of this article if the berm is at least three feet in height and has a maximum side slope of four feet of horizontal run for every one foot in vertical rise.
 - (6) Native vegetation. Existing vegetation, demonstrating significant visual screening capabilities and as approved by the planning and zoning commission may fulfill the requirements of this article.

~~(Ord. No. 438, § 61(k), 11-24-2003)~~

Sec. 53-995. - Trees.

- (a) Purpose. The purpose of this section is to conserve, protect and enhance existing trees and natural landscape that are healthy and contribute to a safe and livable community. It is recognized that the preservation of existing trees contributes to the overall quality of life and environment of the city. Trees play a vital role in water and air quality. They protect the health of aquifers and creek watersheds, function in storm water management as well as erosion and dust control, abatement of noise, provision of wildlife habitat and enhancement of property values. This section establishes requirements for the following:
 - Clearing of natural vegetation;
 - Removal/mitigation of trees;
 - Exception to mitigation/permits;
 - Tree protection standards on construction sites;

- Incentives for retaining trees;
- Penalties.

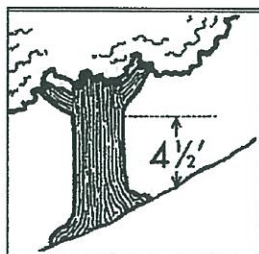
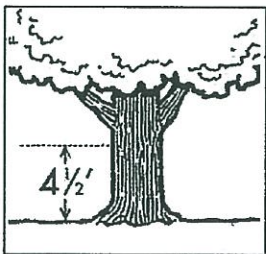
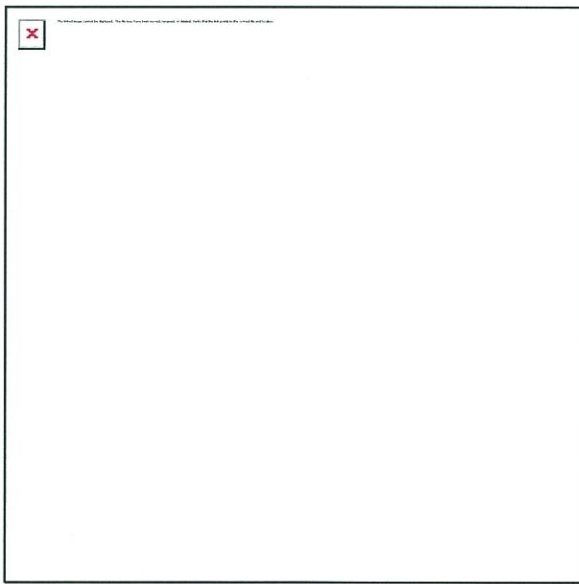
(b) Applicability. The provisions of this section are applicable to the following:

~~• Any activity on real property which requires the issuance of a land development permit within the City of Kyle. No land development permit may be issued by the city without it being determined that the proposed development is in conformance with the provisions of these regulations. All new residential and nonresidential development within the city.~~

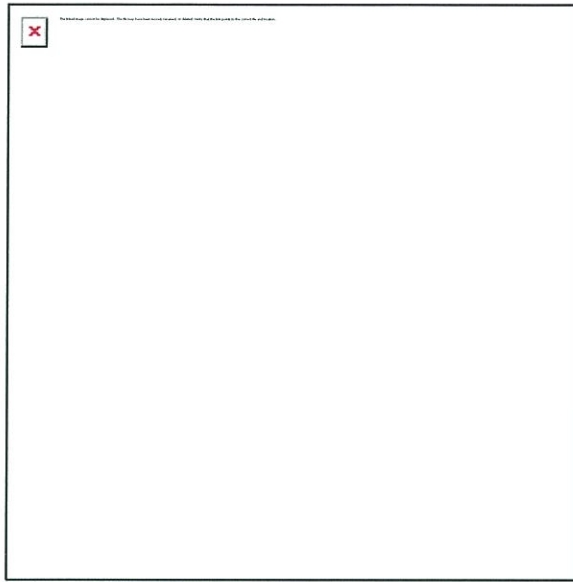
~~• Redevelopment of any residential or nonresidential property within the city limits that results in an increase in building footprint or total destruction and reconstruction (not applicable to existing development wanting to remove a tree).~~

(c) Definitions. For the purposes of this Code, the following definitions will be used:

- (1) Caliper. The ~~American Association of Nurserymen~~ ANSI Z60.1 standard for trunk measurement (diameter) for nursery stock. ~~Caliper of the trunk shall be measured six inches above the root ball for four-inch caliper size and smaller, and 12 inches above the root ball for larger sizes.~~
- (2) Circumference. Circumference is measured four and one-half feet from the ground's level surface or directly below the first branches, whichever is lower.

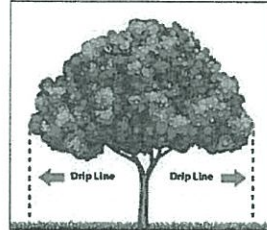
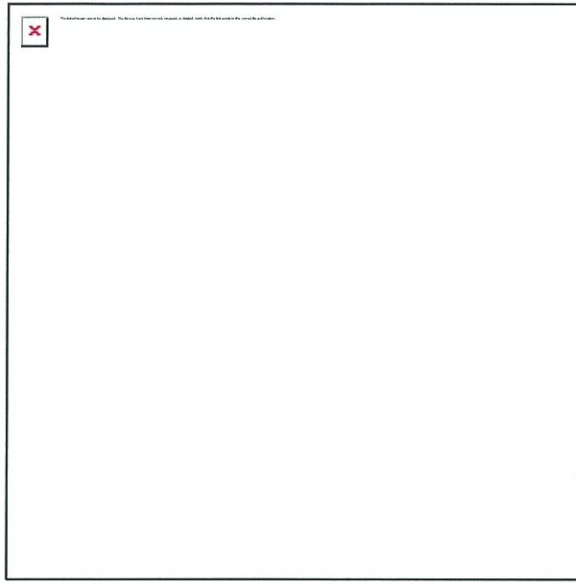


* If the tree is on a slope, measure from the high side of the slope

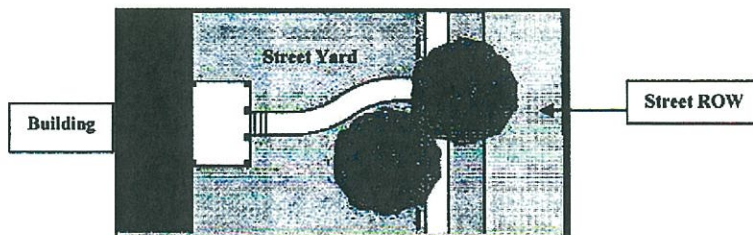


For multiple trunk trees, the circumference is deemed to equal the circumference of the largest trunk plus half the circumference of each additional trunk. For example, a tree that has three trunks with circumferences of 22", 18", and 12" you would have a circumference of 37" ($22" + (\frac{1}{2} \times 18") + (\frac{1}{2} \times 12")$).

- (3) Clearing. The act of cutting down, removing all or a substantial part of, or damaging a tree or other vegetation that will cause the tree to decline and/or die (which includes but is not limited to chemical, physical, compaction or grading damage).
- (4) Critical root zone. The root protection zone is an area with a radius-diameter of one-half foot for each inch of trunk diameter measured four and one-half feet above the ground, or if branching occurs at four and one-half feet, the diameter is measured at the point where the smallest diameter closest to the branching occurs. ~~The zone need not be exactly centered around the tree or circular in shape, but it should be positioned so that no disturbance occurs closer to the tree than one-half of the radius of the zone or within five feet of the tree, whichever is more.~~
- (5) Drip line. A vertical line extending from the outermost portion of the tree canopy to the ground.



- (6) Protected tree. Trees with a circumference-diameter between of 2812 and 24.9999 inches-or-greater of.
- (7) Public tree. All trees partially or completely resting on public property.
- (8) Removal of tree. An act that causes or may be reasonably expected to cause a tree to die, including, but not limited to: uprooting, severing the main trunk, damaging the root system by machinery, storage of materials or soil compaction; substantially changing the natural grade above the root system or around the trunk; paving with concrete, asphalt, or other impervious materials in a manner which may reasonably be expected to kill the tree.
- (9) Specimen tree. Trees with a circumference-diameter of 725 inches or greater, which must be relatively upright, sound, with a solid trunk having no extensive decay; have no more than one major and several minor dead limbs; have no major insect or pathological problems; have no major pruning deficiencies, i.e. topping; and have at least 75 percent of the critical root zone in a natural, undisturbed state.
- (10) ~~Street yard. The area behind the street right-of-way (ROW), and in front of any building on private property is known as the street yard.~~



(d) Requirements.

- (1) Clearing or stripping of natural vegetation on a lot is expressly prohibited. Any part of a site not used for buildings, parking, driveways, walkways, utilities, on-site septic facilities (OSSF) and approved storage areas shall be retained in a natural state, or reclaimed to its natural state.
- (2) The following trees are exempt from mitigation requirements of this section:
 - Celtis Occidentalis (hackberry);
 - Juniperus Virginiana, Juniperis Ashei (common cedar);
 - Chinaberry;
 - Mesquite;
 - Ligustrum.

Nothing in these regulations may be construed as allowing the removal of vegetation in a natural, undisturbed buffer required by zoning or land development regulations.

- (3) The removal of any protected tree with a circumference-diameter of 2812 inches or larger must be specifically requested by the applicant, and approved in writing by the community development director ~~of planning~~ or his/her designee prior to any action being taken to remove the tree or to damage or disturb the tree in any way. The location of all trees over 2812 inches in circumference-diameter to be preserved or removed within the area proposed for development shall be designated at one of the following steps in the development process:
 - On an application for a site plan for non-residential and multi-family developments;
 - On a tree survey at the time of platting for development seeking to install infrastructure; or
 - At the time of building permit for residential lots already platted and seeking to develop or redevelop.

Removal of any such trees without city approval is expressly prohibited. Such trees shall be tagged and numbered, and numbers shall be graphically depicted on the applicable plan submitted. The tags and related numbers shall remain on the trees until the certificate of occupancy is issued.

- (4) Trees over 2812 inches in circumference-diameter but less than 725 inches in circumference-diameter that are not located in one of the following areas shall be replaced on-site at a ratio of two and one-half trees per tree 1½ caliper inches for every 1 caliper inches removed and shall be credited toward the number of trees required for site development:
 - Within a building footprint.

- Within ten feet of a building footprint.
- Within the area over the septic system.
- Within areas necessary for reasonable site access.
- Within areas designated for the construction or installation of public facilities such as streets or utilities, that the property owner requests and receives approval to remove may be removed.

Replacement trees shall have a minimum circumference of 12 inches (four-inch caliper tree). If two-inch caliper trees are utilized for mitigation then trees must be replaced at a ratio of five trees per tree removed. Replacement trees installed as a function of compensation for protected tree removals are in addition to the minimum required tree density for the site.

- (5) All reasonable efforts be made to save specimen trees. ("Reasonable effort" includes alternate building design, building location, parking area layout, parking area location, storm water management and equivalent or similar measures). The removal of specimen trees, which for the purposes of these requirements are trees with ~~7~~25-inch circumference-diameter or greater, must be specifically approved by the planning and zoning commission prior to any action being taken to remove the tree or to damage or disturb the tree in any way. Any specimen tree that is removed shall be replaced circumference-for-circumference-inch-for-inch (a ratio of ~~one~~two-to-one) regardless of the location on the site of the specimen tree ~~(even if the tree is within the building footprint).~~ Replacement trees installed as a function of compensation for specimen tree removals are in addition to the minimum required tree density for the site.
- (6) Trees must be planted prior to the issuance of a certificate of occupancy unless a bond for the cost of the trees is posted with the city. If a bond is posted the property owner shall have up to 12 months to plant the required trees. Trees may be donated or a fee-in-lieu of planting the required trees may be paid to the City of Kyle if the following conditions exist:
 - a. There is not adequate space on the site for all of the required trees to be planted on the site in which the tree(s) were removed.
 - b. Weather conditions are such that do not make it favorable for the required planted trees to survive and thrive.

Species, size, quantity, and delivery date of trees shall be approved by the director of parks and recreation.

- (7) Tree replacement fund. Occasionally, the tree replacement requirements of this section cannot be met because a project site will not accommodate the required density of trees. In this case, the community development director is authorized to approve a contribution to the City of Kyle Tree Replacement Fund. The following standards have been established for administering these contributions:

(a) The community development director must review and approve all requests for alternative compliance. In no instance may 100 percent of the required site density be met through alternative compliance. As many trees as can reasonably be expected to survive must be planted on the site in question.

(b) No permit may be issued until the required contribution has been made to the tree replacement fund.

(c) The amount of the contribution must be determined by the director of the community development department or his/her designee.

(d) The City of Kyle Tree Replacement Fund must be used for planting trees on public property. Funds may be used for the purchase of trees, installation of trees and irrigation, and the purchase of mulch and soil amendments for the planted areas.

(e) Species selected for replacement must be quality specimens and must be ecologically compatible with the specifically intended growing site. No single tree species may be used for more than 35 percent of replacement trees. Evergreens may not be used for more than 25 percent of the trees in non-buffer areas. Standards for transplanting and selecting quality replacement stock must be in accordance with standards of the International Society of Arboriculture, and American Standard for Nursery Stock.

(f) Understory replacement trees may account for no greater than 25 percent of the required tree density units. The community development director is authorized to approve the additional use of understory trees for meeting density requirements on single-family lots if the size and/or layout of the lot does not allow for large overstory trees.

(g) Species selection and replacement densities are subject to approval by the community development director.

(e) Exemptions to mitigation.

~~(1) Trees over 28 inches in circumference but less than 75 inches in circumference that are located within a building footprint or within ten feet of a building footprint, within the area over the septic system, or within areas necessary for reasonable site access (but not including parking areas), such as a driveway, shall not be required to be replaced.~~

~~(2) Protected Trees over 28 inches in circumference but less than 75 inches in circumference~~ that are located within areas designated for the construction or installation of public facilities such as streets or utilities, shall not be required to be replaced, but must still submit a formal request for removal with the submittal of public improvement construction plans.

(f) Tree removal permit.

(1) The removal of an existing tree(s) from a development site must be in accordance with this and all other applicable ordinances of the city. Prior to the removal of

any protected or specimen tree, as defined within this section, the property owner must first submit a letter detailing the following tree removal plan for approval:

- Which tree(s) will be removed (as shown on a site plan).
- How the removal will be performed (and machinery and equipment needed), and the date and time when the anticipated removal will occur.
- If a specimen or protected tree is proposed for removal ~~is within or not within the following~~:
 - ~~• A building footprint or within ten feet of a building footprint.~~
 - ~~• Within the area over the septic system.~~
 - ~~• Within an area necessary for reasonable site access.~~
 - ~~• Within an area designated for the construction or installation of public facilities such as streets or utilities.~~ a letter of justification for the removal must accompany the tree removal plan. The justification must include photographs and where appropriate, a letter of condition from a certified arborist.

(g) Tree Protection. The following minimum tree protection measures must be in place for all tree save areas:

- (1) Tree protection fencing. Trees identified for preservation must have protection fencing that is a minimum of four feet high installed at the edge of the critical root zones. The community development director is authorized to require the installation of four-foot high minimum chain link fencing in those areas where the likelihood of possible encroachment occurs. All tree protection zones must be designated as such with signage posted visibly on all sides of the fenced area. Signs requesting workers' cooperation and compliance with tree protection standards are recommended at the site entrance(s).
- (2) Silt fences. All tree protection zones must be designed to prevent the sedimentation of erosion material. Silt fences must be placed along the outer uphill edges of tree protection zones at the development interface.
- (3) Encroachment. No person may encroach into the tree protection zones. Construction activities, including but not limited to, parking, vehicle and foot traffic, material storage, concrete washout, debris burning, and other activities must be arranged so as to prevent disturbance within the protected areas.
- (4) Utilities. Reasonable efforts must be made to locate utility lines along corridors between tree protection zones. If utility lines must encroach into the protection zones, they must be installed by horizontal, directional boring rather than trenching.
- (5) Maintenance of tree protection. All tree protection devices must remain in fully functioning condition until the certificate of occupancy is issued.

- a. Any tree, designated for preservation, which is negligently damaged during construction or removed without the appropriate review and approval, as determined by the *community development director*, must be treated in accordance with the American National Standards. If fatally damaged, the tree(s) must be replaced with four-inch caliper trees equal to the unit value of the tree removed. Any specimen tree damaged as described above must be replaced with trees equal to three times the unit value of the tree removed.
 - b. All tree protection zones must be mulched with at least four inches and not more than eight inches of organic mulch, such as pine straw, wood chips, tree leaves, or compost.
 - c. Construction activity is prohibited inside the tree save areas, including but not limited to, grading, paving, and construction of buildings and other structures.
 - d. The site must be designed and maintained in a manner to ensure proper drainage in tree save areas during and after construction.
- (6) Tree protection supervisors. The developer must designate a tree protection supervisor. This person must demonstrate knowledge in the area of tree protection practices during construction and must be on-site to ensure tree protection measures are enforced. The tree protection supervisor must participate in a pre-construction conference with the city prior to the commencement of any development. The tree protection supervisor must notify the *community development director* immediately should any tree damage occur on the site.
- (7) Inspections. Tree protection inspections must be performed by a certified arborist or registered forester during construction. The inspections must be conducted prior to the commencement of development, immediately following the clearing and grubbing phase, immediately following the grading phase, and at the end of the project before a certificate of occupancy (commercial developments) is issued or the final plat approved (residential developments). The site must be inspected to ensure all tree protection regulations are being met and to identify any existing or developing tree-related problems that require treatment. An inspection report must be prepared and certified by the inspector and submitted to the *community development director*. Any damage noted must be treated in accordance with the recommendation of the inspector prior to the issuance of a certificate of occupancy or approval of the final plat. The *community development director* is authorized to require additional reports should he/she determine significant construction damage has occurred, the tree protection supervisor has failed to enforce minimum protection standards, or if other development processes, including but not limited to utility placement and building construction, may impact the tree save areas.

On-site tree protection requirements.

- (1) All protected trees within or next to an excavation site or construction site for any building, structure, or street work, shall be guarded with a good substantial protective fence, frame, or box not less than four feet high and surrounding the

~~drip line of the tree. In addition, three inches of mulch or compost shall be spread beneath the drip line of the tree when the drip line is completely fenced off and eight to 12 inches of mulch if there will be any encroachment within the area under the drip line of the tree.~~

~~(2) — The barriers other than what is required per this section shall be approved by the building official and shall be in place before any site clearance or other site-disturbing act commences.~~

~~(3) — All building material, dirt, excavation or fill materials, chemicals, construction vehicles or equipment, debris, and other materials shall be kept outside the barrier.~~

~~(4) — Barriers shall remain in place until the final building and landscape site inspections are satisfactorily completed for the issuance of the certificate of occupancy.~~

(5) Activities hazardous to the health of any protected tree being preserved are prohibited, including but not limited to the following:

- Physical damage.
- Equipment cleaning and liquid disposal. Cleaning equipment, depositing or allowing harmful liquids to flow overland within the limits of the critical root zone. This includes paint, oil, solvents, asphalt, concrete, mortar, tar or similar materials.
- Grade changes. Grade changes (cut or fill) within the limits of the critical root zone.
- Material storage. Storing materials intended for use in construction or allowing waste materials due to excavation or demolition to accumulate within the limits of the drip line.
- Tree attachments. Attaching to a tree any signs, wires, or other items, other than those of a protective nature.
- Vehicular traffic. Vehicular and/or construction equipment traffic, parking, or storage within the limits of the drip line, other than on pre-existing or approved pavement. This restriction does not apply to single incident access within the drip line for purposes of clearing underbrush, vehicular access necessary for emergency services, routine utility maintenance, emergency restoration of utility service, or routine mowing operations.
- Utility encroachment. Installation of utilities and appurtenances within the drip line.
- Excavation and trenching. Excavation and trenching within the limits of the drip line.

~~(h) Incentives for retaining trees.~~

~~(1) Application. The provisions of this section apply to all new nonresidential and multi-family development within the City of Kyle limits.~~

~~(2) Incentives to retain existing trees. As an incentive to retain existing trees in the street yard, existing trees shall receive credit against the landscaping requirements according to the following schedule:~~

~~a. Greater than 28-inch circumference: credit for two required trees.~~

~~b. Greater than 12-inch but less than 28-inch circumference: credit for one and one-half trees.~~

~~c. Any existing tree in the street yard which is at least 18 inches in circumference and at least 15 feet tall shall be considered as two and one-half trees for the purposes of satisfying the requirements of landscaping code.~~

~~d. Any existing specimen tree (75-inch circumference or greater) shall be considered as a circumference-for-circumference match for the purposes of satisfying the requirements of the landscaping ordinance. For example, a 75-inch circumference tree can be counted for up to 12 trees each that have a six-inch circumference.~~

~~(ih) Penalty. Any person who shall violate any provision of this section or technical codes adopted herein, or shall fail to comply therewith, or with any of the requirements thereof shall be liable for a fine not to exceed the sum of \$2,000.00. Each tree removed and each day the violation exists shall constitute a separate offense.~~

~~(Ord. No. 725, § 2(Exh. A), 5-8-2013)~~

Secs. 53-996—53-1016. - Reserved.

APPENDIX A - TREE SELECTION

(1) Trees selected for planting must meet minimum requirements as provided below and in the American Standard of Nursery Stock.

(2) Trees selected for planting must be free from injury, pests, disease, or nutritional disorders.

(3) Trees selected for planting must be of good vigor. The determination of vigor is a subjective evaluation, and dependent upon species variability. The following criteria is generally used for the determination of vigor:

(4) Foliage should have a green or dark green color. Vigorous trees will have large leaves and dense foliage when compared to trees with poor vigor.

(5) Shoot growth for most vigorous trees will be at least one foot per year. At least one-half of the branches should arise from the top one-third and one-half from the center one-third.

(6) Bark texture can denote vigor. Smooth or shiny bark on the trunk and branches of a young tree usually signifies good vigor, conversely, rough and full bark could indicate poor vigor.

(7) Trunk taper. The trunks of vigorous trees will generally have an increase in diameter with a decrease in height. Trees with reverse tapers or no taper should be avoided.

(8) Root color. Young roots of most trees will be light in color.

(9) Trees selected for planting must be free of root defects. Two types of root defects generally occur:

(10) Kinked roots, in which taproots, major branch roots, or both are bent more than 90 degrees with less than 20 percent of the root system originating above the kink. A tree with such roots will probably bend at the soil line when released from a supporting stake.

(11) Circling or girdling roots which circle 80 percent or more of the root system by 360 degrees or more. A tree with such roots would ultimately have less than 20 percent of its system available for support.

APPENDIX B - TREE TRANSPLANTING

The transplanting of new trees can result in major injury to their root system. If proper transplanting techniques are employed, conditions will be more favorable for tree recovery, and the rate of attrition for newly planted trees will be reduced. Transplanting procedures must follow standards established by the International Society of Arboriculture in the Trees and Shrub Transplanting Manual, and the booklet by the Georgia Extension Service entitled "Plant Trees Right!" The following is a summary several of the more important considerations provided in the manual and booklet.

Preplanting considerations:

(1) Only healthy trees with a well-developed root system and a well-formed top, characteristic of the species should be planted.

(2) Trees selected for planting must be compatible with the specific site conditions.

(3) The ability of a species to regenerate a new root system and to become reestablished should be considered. Generally, deciduous trees should be planted in the fall after leaf drop, or in early spring before bud break. There are indications that bare root trees will reestablish more readily if planted in early spring just prior to bud break.

Planting procedures:

(1) Planting holes should be at least three times the diameter of the root ball.

(2) Trees should not be planted deeper than they were in their former location or container.

(3) Spade compacted bottom and sides of the planting hole should be roughed or scarified to allow the penetration of developing roots.

(4) Good water drainage from the bottom of the planting hole is essential for root regeneration.

(5) Once the transplanted tree is set, the hole should be backfilled with soil of good texture and structure. Traditionally, backfill material is comprised of a mix of native soil, organic matter such as peat, and inorganic material such as perlite or vermiculite in a 1:1:1 ratio. There are indications that a backfill with native soil alone may be adequate.

(6) The addition of fertilizer to backfill soil can cause root injury, and is therefore not recommended. If fertilizer must be added, a low rate should be used. Approximately 1.5 pounds of nitrogen per cubic yard of backfill is recommended for bare root plants, and 2.5 pounds of nitrogen per cubic yard of backfill for balled and burlapped trees.

(7) The backfill should be gently tamped (but not compacted), and soaked for settling.

(8) The soil should be slightly mounded to allow for settling; a ridge or dike around the perimeter of the hole can facilitate watering.

APPENDIX C - PLANTING STANDARDS

(1) After selecting a suitable location, mark out a planting area that is five times the diameter of the planting ball. Use a rototiller or shovel to loosen and mix the soil in this entire area to a depth of about 12 inches.

- (2) In the center of the prepared area, dig a shallow hole to set the tree or shrub. The hole should allow the root ball to sit on solid ground rather than loose soil. Once the ball is set the hole, its upper surface should be level with the existing soil.
- (3) After the tree is properly situated, cut and remove the rope or wires holding the burlap in place and securing any part of the tree.
- (4) Backfill around the root area, and gently firm the soil to prevent major air pockets. Do not pack the soil. Water can be used to help the soil settle and prevent overpacking. Rake the soil even over the entire area, and cover it with two to four inches of mulch. Maintaining the mulch layer carefully will improve tree growth substantially.
- (5) Water berms or dikes are not recommended as they encourage abnormal root growth.
- (6) It is best not to stake the tree, but if wind is a problem or the tree starts to lean, support it with a flexible stake so the trunk will sway in the wind. The movement is necessary for building the trunk's strength. Remove the stake and wire after one growing season since leaving wire or string around the tree can cause death.
- (7) Do not wrap the trunk with "protective" tape. It will slow the tree's ability to adapt to the site and provide a home for insects. Tree bark needs air and sunlight in order to build a healthy protective sheath.