

CITY OF KYLE



Notice of Regular City Council Meeting

KYLE CITY HALL
100 W. Center Street

Notice is hereby given that the governing body of the City of Kyle, Texas will meet at 8:30 PM on 10/2/2012, at Kyle City Hall, 100 West Center Street, Kyle, Texas for the purpose of discussing the following agenda.

Posted this 27th day of September, 2012 prior to 7:00 p.m.

I. Call Meeting To Order

II. Citizen Comment Period With City Council

The City Council welcomes comments from Citizens early in the agenda of regular meetings. Those wishing to speak must sign in before the meeting begins at the Kyle City Hall. Speakers may be provided with an opportunity to speak during this time period, and they must observe the three-minute time limit.

III. Consent Agenda

1. Crystal Meadows Drive (ROW)

4.557 acres

Located off of Crystal Meadows Drive

Owner: Century Acres Property Owners Association

Agent: Jenn Dermanci, P.E., Doucet & Associates

~ Sofia Nelson, Director of Planning

Planning and Zoning Commission voted 7-0 to Statutorily Disapprove the plat.

Statutory Disapproval (Note: In accordance with the statutory requirements of the Texas Local Government Code reflected in Sections 12.03.001, 12.05.004, 12.06.004 the following applications are recommended for statutory disapproval in order to allow the City to process the application. These applications will continue through the review process without bias and will be placed on the agenda in a timely manner once the review process is complete. Statutory disapproval in order to meet statutory requirements under these sections shall not bias future consideration of this application by the Planning and Zoning Commission.

 [Attachments](#)

2. Plum Creek Phase 1 Section 11J - Final Plat

19.100 acres; 1 Lot

Located southwest of the intersection of Kohlers Crossing and FM 1626, adjacent to the Plum Creek Golf Course Driving Range

Owner: Plum Creek Development Partners, LTD

Agent: Alan Rhames, P.E., Axiom Engineers, Inc.

~ Sofia Nelson, Director of Planning

Planning and Zoning Commission voted 7-0 to Statutorily Disapprove the plat.

Statutory Disapproval (Note: In accordance with the statutory requirements of the Texas Local Government Code reflected in Sections 12.03.001, 12.05.004, 12.06.004 the following applications are recommended for statutory disapproval in order to allow the City to process the application. These applications will continue through the review process without bias and will be placed on the agenda in a timely manner once the review process is complete. Statutory disapproval in order to meet statutory requirements under these sections shall not bias future consideration of this application by the Planning and Zoning Commission.

 [Attachments](#)

3. Plum Creek Phase 1 Section 11J - Preliminary Plan

19.100 acres; 1 Lot

Located southwest of the intersection of Kohlers Crossing and FM 1626, adjacent to the Plum Creek Golf Course Driving Range

Owner: Plum Creek Development Partners, Ltd.

Agent: Alan Rhames, P.E., Axiom Engineers, Inc.

~ Sofia Nelson, Director of Planning

Planning and Zoning Commission voted 7-0 to Statutorily Disapprove the Preliminary Plan.

Statutory Disapproval (Note: In accordance with the statutory requirements of the Texas Local Government Code reflected in Sections 12.03.001, 12.05.004, 12.06.004 the following applications are recommended for statutory disapproval in order to allow the City to process the application. These applications will continue through the review process without bias and will be placed on the agenda in a timely manner once the review process is complete. Statutory disapproval in order to meet statutory requirements under these sections shall not bias future consideration of this application by the Planning and Zoning Commission.

 [Attachments](#)

4. Plum Creek Phase 1 Section 6E 2-3 Preliminary Plan

10.100 acres; 53 Lots

Located to the northeast of the current end of Hellman Drive, just east of 2770

Owner: Plum Creek Development Partners, Ltd.

Agent: Alan Rhames, P.E., Axiom Engineers, Inc.

~ Sofia Nelson, Director of Planning

Planning and Zoning Commission voted 7-0 to Statutorily Disapprove the Preliminary Plan.

Statutory Disapproval (Note: In accordance with the statutory requirements of the Texas Local Government Code reflected in Sections 12.03.001, 12.05.004, 12.06.004 the following applications are recommended for statutory disapproval in order to allow the City to process the application. These applications will continue through the review process without bias and will be placed on the agenda in a timely manner once the review process is complete. Statutory disapproval in order to meet statutory requirements under these sections shall not bias future consideration of this application by the Planning and Zoning Commission.

 [Attachments](#)

5. Post Oak Phase 4B (FP-09-005)
19.341 acres; 63 Lots
Located off of CR158, just east of Post Road
Applicant: PO Ltd.
Agent: Matt Mitchell, P.E., ALM Engineering
~ Sofia Nelson, Director of Planning

Planning and Zoning Commission voted 7-0 to approve the plat.

 [Attachments](#)

IV. Consider and Possible Action

6. Austin Community College - Hays Campus (SD-12-014)
96.115 acres; 1 Lot
Located at 1200 Kohlers Crossing
Applicant: Austin Community College District
Agent: Debra Sappington - Gensler
~ Sofia Nelson, Director of Planning

Planning and Zoning Commission voted 7-0 to approve the Site Plan with Conditions outlined in Staff Report.

- *Public Hearing*

 [Attachments](#)

7. First Baptist Church (SD-12-015)
1.66 acres; 1 Lot
Located at 400 W. Center Street
Applicant: First Baptist Church
Agent: Javier Barajas, P.E.
~ Sofia Nelson, Director of Planning

Planning and Zoning Commission voted 7-0 to approve the site plan with conditions and variance request as outlined in staff report

- *Public Hearing*
- *Act on Request for an exception to non-conformities - non-conforming building*

 [Attachments](#)

8. Consider a request by First Baptist Church for a Conditional Use Permit to construct a 10,059 Square foot building located at 400 W. Center Street and within the Center Street Overlay District ~ *Sofia Nelson, Director of Planning*

Planning and Zoning Commission voted 7-0 to approve the Conditional Use Permit.

- *Public Hearing*

 [Attachments](#)

9. Consider a request by First Baptist Church for a Conditional Use Permit to construct a parking lot located at 110 N. Nance and within the Center Street Overlay District ~ *Sofia Nelson, Director of Planning*

Planning and Zoning Commission voted 7-0 to approve the Conditional Use Permit.

- *Public Hearing*

 [Attachments](#)

10. *(First Reading)* AN ORDINANCE AMENDING CHAPTER 53 (ZONING) OF THE CITY OF KYLE, TEXAS, FOR THE PURPOSE OF ASSIGNING ORIGINAL ZONING OF 'RS' RETAIL SERVICES DISTRICT TO APPROXIMATELY 1.180 ACRES, ON PROPERTY LOCATED AT THE CORNER OF E. POST ROAD AND IH-35 (AB 473 JAS W. WILLIAMS SURVEY 1.180 ACRES), IN HAYS COUNTY, TEXAS. (HDF INVESTMENTS - Z-12-006); AUTHORIZING THE CITY SECRETARY TO AMEND THE ZONING MAP OF THE CITY OF KYLE SO AS TO REFLECT THIS CHANGE; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW ~ *Sofia Nelson, Director of Planning*

Planning and Zoning Commission voted 6-1 to approve the zoning request.

- *Public Hearing*

 [Attachments](#)

11. Consider a request by John Sanford for an amendment to the City of Kyle Zoning Ordinance, Section 53-1230 Land Use Table to allow "Gun Shops" within the "CBD-2" Central Business District-2 Zoning District ~ *Sofia Nelson, Director of Planning*

Planning and Zoning Commission voted 5-2 to amend the City of Kyle Zoning Ordinance, Section 53-1230 Land Use Table to allow "Gun Shops" within the "CBD-2 District".

- *Public Hearing*

 [Attachments](#)

V. Executive Session

12. Convene into Executive Session pursuant to Section 551.071, Tex. Government Code, Consultation with the City Attorney to discuss the Extraterritorial Jurisdiction Boundary and Land Swap with the City of San Marcos

 [Attachments](#)

13. Reconvene into Open Session to Take Action as Deemed Appropriate in the City Council's Discretion regarding the Extraterritorial Jurisdiction Boundary and Land Swap with the City of San Marcos

 [Attachments](#)

VI. ADJOURN

At any time during the Regular City Council Meeting, the City Council may adjourn into an Executive Session, as needed, on any item listed on the agenda for which state law authorizes Executive Session to be held

*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.