

**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, 2011 at 6:30 p.m. at Kyle City Hall, with the following persons present:

Commissioner Samantha Bellows
Commissioner Cicely Kay
Vice-Chair John Atkins
Chairman Cale Baese
Commissioner Jenny DiLeo
Commissioner Michael Rubsam
Shira Rodgers, Director of Planning

Lila Knight
Cyndy Slovak-Barton
Casey Bump
Gene Harris
Kanton Labaj

CALL MEETING TO ORDER

Chairman Baese called the meeting to order at 6:31 p.m.

ROLL CALL OF BOARD

Chairman Baese called for roll call. Present were: Commissioners Bellows, Kay, Baese, DiLeo, and Rubsam. Vice-Chair Atkins was absent during roll call.

MINUTES OF PREVIOUS MEETING

PLANNING AND ZONING COMMISSION MEETING – APRIL 26, 2011.

Commissioner Rubsam moved to approve the minutes for April 26, 2011. Commissioner DiLeo seconded the motion. All votes aye. Motion carried.

CITIZENS COMMENTS

Chairman Baese opened the citizens comment period at 6:32 p.m. and called for comments on items not on the agenda or posted for public hearing. Gene Harris addressed the Commission with a concern that his property is located in the Super Regional Node within the Comprehensive Plan and that this may cause his property taxes to rise. Chairman Baese closed the citizens comment period at 6:35 p.m.

CONSIDER AND POSSIBLE ACTION

CONSIDER AND POSSIBLE ACTION REGARDING A VARIANCE REQUEST FROM CYNDY SLOVAK-BARTON FOR THE BARTON WORD BUILDING TO BE LOCATED AT 113 W. CENTER STREET. THE VARIANCE REQUESTED IS FROM CHAPTER 41 SUBDIVISIONS, ARTICLE V. STANDARDS AND SPECIFICATIONS, SECTION 41-141 UTILITY EASEMENTS OF THE CODE OF ORDINANCES WHICH REQUIRES ALL ELECTRICAL LINES TO BE LOCATED UNDERGROUND.

Chairman Baese opened the public hearing at 6:37 p.m. and called for comments for or against the request by Cyndy Slovak-Barton for the Barton Word Building to be located at 113 W. Center Street. The variance requested is from Chapter 41 Subdivisions, Article V. Standards and Specifications, Section 41-141 Utility Easements of the Code of Ordinances which requires all

electrical lines to be located underground. Lila Knight addressed the Commission and stated that she is in support of the variance request. Chairman Baese closed the public hearing at 6:38 p.m.

Commissioner Bellows moved to approve the request by Cyndy Slovak-Barton for the Barton Word Building to be located at 113 W. Center Street. The variance requested is from Chapter 41 Subdivisions, Article V. Standards and Specifications, Section 41-141 Utility Easements of the Code of Ordinances which requires all electrical lines to be located underground. Chairman Baese seconds the motion. All votes aye. Motion carried.

CONSENT AGENDA

HIDDEN OAKS SECTION TWO REPLAT OF LOTS 65 AND 66R (SFP-11-03) 1,575 ACRES; COMMERCIAL LOTS LOCATED AT 100 HALL PROFESSIONAL CENTER.

KYLE TOWNE CENTER REPLAT OF LOT 1, BLOCK A (SFP-11-004) 80.801 ACRES; 2 COMMERCIAL LOTS LOCATED AT THE SOUTHWEST INTERSECTION OF KYLE CROSSING AND IH-35.

KYLE MARKETPLACE SECTION 1 REPLAT OF LOT 1, BLOCK A (SFP-11-002) 37.624 ACRES; 2 COMMERCIAL LOTS LOCATED AT THE NORTHWEST INTERSECTION OF KYLE PARKWAY/FM 1626 AND IH-35.

Commissioner Rubsam moved to statutorily disapprove Hidden Oaks Section Two Replat of Lots 65 and 66R (SFP-11-003) 1,575 acres; 3 commercial lots located at 100 Hall Professional Center. Kyle Towne Center Replat of Lot 1, Block A (SFP-11-004) 80.801 acres; 2 commercial lots located at the southwest intersection of Kyle Crossing and IH-35. Kyle Marketplace Section 1 Replat of Lot 1, Block A (SFP-11-002) 37.624 acres; 2 commercial lots located at the northwest intersection of Kyle Parkway/FM 1626 and IH-35. Commissioner Bellows seconds the motion. All votes aye. Motion carried.

SUBDIVISION PLAT – NONE

ZONING PUBLIC HEARINGS

CONSIDER A REQUEST BY FHC CONSOLIDATED TO ASSIGN ORIGINAL ZONING OF ‘RS’ RETAIL SERVICES DISTRICT TO APPROXIMATELY 1.007 ACRES, ON PROPERTY LOCATED AT 1371 RR 150 EAST (Z-11-005).

Chairman Baese opened the public hearing at 6:44 p.m. and called for comments for or against the request by FHC Consolidated to assign original zoning of ‘RS’ Retail Services District to approximately 1.007 acres, on property located at 1371 RR 150 East (Z-11-005). There were no comments. Chairman Baese closed the public hearing at 6:44 p.m.

Commissioner Rubsam moved to approve the request by FHC Consolidated to assign original zoning of ‘RS’ Retail Services District to approximately 1.007 acres, on property located at 1371 RR 150 East (Z-11-005). Commissioner Bellows seconds the motion. All votes aye. Motion carried.

CONSIDER A REQUEST BY N.B. KYLE #1, LLC TO ASSIGN ORIGINAL ZONING OF ‘RS’ RETAIL SERVICES DISTRICT TO APPROXIMATELY 1,466 ACRES, ON PROPERTY LOCATED AT 1930 KYLE CROSSING (Z-11-006).

Chairman Baese opened the public hearing at 6:52 p.m. and called for comments for or against the request by N.B. Kyle #1, LLC. To assign original zoning of 'RS' Retail Services District to approximately 1,466 acres, on property located at 1930 Kyle Crossing (Z-11-006). Lila Knight stated that she would like for the Planning and Zoning Commission table this item until the proposed Comprehensive Plan Amendment to the Super Regional Node is approved. Chairman Baese closed the public hearing at 6:54 p.m.

Vice-Chair Atkins arrived at 6:57 p.m.

Commissioner Bellows moved to table the request by N.B. Kyle #1, LLC. to assign original zoning of 'RS' Retail Services District to approximately 1.466 acres, on property located at 1930 Kyle Crossing (Z-11-006) until the July 26, 2011 Planning and Zoning Commission meeting. Commissioner Rubsam seconds the motion. All votes aye. Motion carried.

CONSIDER A REQUEST BY CENTER STREET VILLAGE, LP TO REZONE APPROXIMATELY 27.01 ACRES FROM 'RS' RETAIL SERVICES DISTRICT TO 'R-3-2' MULTI-FAMILY RESIDENTIAL DISTRICT, ON PROPERTY LOCATED ON THE EAST SIDE OF IH-35, NORTH OF EAST RR 150 AND SOUTH OF GOFORTH ROAD (Z-11-007).

Chairman Baese opened the public hearing at 7:03 p.m. and called for comments for or against the request by Center Street Village, LP to rezone approximately 27.01 acres from 'RS' Retail Services District to 'R-3-2' Multi-Family Residential District, on property located on the east side of IH-35, north of east RR 150 and south of Goforth Road (Z-11-007). Lila Knight spoke in opposition to the applicant's request stating her concerns with the amount of existing multi-family zoning within the City; driveway access to the future extension of RR 150, issues with the property and the amount of acres that are located within the floodplain. Daphne Tenorio spoke in opposition to the applicant's request stating concerns with traffic issues and loss of taxable revenue for the City. Chairman Baese closed the public hearing at 7:12 p.m.

Commissioner Rubsam moved to approve the request by Center Street Village, LP to rezone approximately 27.01 acres from 'RS' Retail Services District to 'R-3-2' Multi-Family Residential District, on property located on the east side of IH-35, north of east RR 150 and south of Goforth Road (Z-11-007). Vice-Chair Atkins seconds the motion. Roll call vote: Commissioner Bellows and Kay vote nay. Commissioner Atkins, Baese, DiLeo and Rubsam vote aye. Motion carried.

Commissioner Rubsam left the dais at 7:49 p.m.

FUTURE LAND USE PLAN AMENDMENTS

FIRST PUBLIC HEARING ON THE PROPOSED COMPREHENSIVE PLAN AMENDMENT TO THE SUPER REGIONAL NODE (RELATED TO ITEM VII.B.)

Chairman Baese opened the public hearing at 7:49 p.m. and called for comments for or against the proposed Comprehensive Plan Amendment to the Super Regional Node. There were no comments. Chairman Baese closed the public hearing at 7:50 p.m.

No action taken.

SITE DEVELOPMENT PLAN

ORIGINAL TOWN OF KYLE CANTINA AND BAKERY (SD-10-013) 4,970 SQUARE FOOT BUILDING LOCATED AT 22604 S IH-35.

Chairman Baese opened the public hearing at 7:50 p.m. and called for comments for or against the Original Town of Kyle Cantina and Bakery (SD-10-013) 4,970 square foot building located at 22604 S IH-35. There were no comments. Chairman Baese closed the public hearing at 7:51 p.m.

Commissioner Bellows moved to approve the Original Town of Kyle Cantina and Bakery (SD-10-013) 4,970 square foot building located at 22604 S IH-35. Commissioner DiLeo seconds the motion. All votes aye. Motion carried.

Commissioner Rubsam returned to the dais at 7:52 p.m.

MATHESON TRI-GAS (SD-11-004) 8,595 SQUARE FOOT BUILDING LOCATED AT 2550 KYLE CROSSING.

Chairman Baese opened the public hearing at 7:53 p.m. and called for comments for or against the Matheson Tri-Gas (SD-11-004) 8,595 square foot building located at 2550 Kyle Crossing. There were no comments. Chairman Baese closed the public hearing at 7:53 p.m.

Commissioner Bellows moved to approve the Matheson Tri-Gas (SD-11-004) 8,595 square foot building located at 2550 Kyle Crossing. Commissioner DiLeo seconds the motion. All votes aye. Motion carried.

BROADWAY NATIONAL BANK (SD-11-007) 3,304 SQUARE FOOT BUILDING LOCATED AT 5809 KYLE PARKWAY.

Chairman Baese opened the public hearing at 7:56 p.m. and called for comments for or against the Broadway National Bank (SD-11-007) 3,304 square foot building located at 5809 Kyle Parkway. There were no comments. Chairman Baese closed the public hearing at 7:56 p.m.

Commissioner DiLeo moved to approve the Broadway National Bank (SD-11-007) 3,304 square foot building located at 5809 Kyle Parkway. Commissioner Baese seconds the motion. All votes aye. Motion carried.

CONDITIONAL USE PERMIT/CONDITIONAL USE OVERLAY DISTRICT

CONSIDER A REQUEST BY PHILEMON MARTINEZ FOR A CONDITIONAL USE PERMIT TO OCCUPY AND REMODEL A 4,970 SQUARE FOOT BUILDING LOCATED WITHIN THE IH-35 ZONING OVERLAY DISTRICT.

Chairman Baese opened the public hearing at 8:01 p.m. and called for comments for or against a request by Philemon Martinez for a conditional use permit to occupy and remodel a 4,970 square foot building located within the IH-35 zoning overlay district. There were no comments. Chairman Baese closed the public hearing at 8:01 p.m.

Commissioner Bellows moved to approve the request by Philemon Martinez for a conditional use permit to occupy and remodel a 4,970 square foot building located within the IH-35 zoning overlay district. Vice-Chair Atkins seconds the motion. All votes aye. Motion carried.

CONSIDER A REQUEST BY MATHESON TRI-GAS FOR A CONDITIONAL USE PERMIT TO CONSTRUCT AN 8,595 SQUARE FOOT BUILDING LOCATED WITHIN THE IH-35 ZONING OVERLAY DISTRICT.

Chairman Baese opened the public hearing at 8:04 p.m. and called for comments for or against a request by Matheson Tri-Gas for a conditional use permit to construct an 8,595 square foot building located within the IH-35 zoning overlay district. There were no comments. Chairman Baese closed the public hearing at 8:04 p.m.

Commissioner Rubsam moved to approve the request by Matheson Tri-Gas for a conditional use permit to construct an 8,595 square foot building located within the IH-35 zoning overlay district. Commissioner DiLeo seconds the motion. All votes aye. Motion carried.

CONSIDER AND POSSIBLE ACTION ITEMS

CONSIDER AND POSSIBLE ACTION REGARDING AN ORDINANCE AMENDING CHAPTER 53 ZONING, ARTICLE II ZONING DISTRICTS AND REGULATIONS, DIVISION 1 GENERALLY, SECTION 53-33 CHART 2 AND CHART 3 TO AMEND THE CENTRAL BUSINESS DISTRICTS 1 AND 2 OF THE CITY OF KYLE, CODE OF ORDINANCES.

Chairman Baese opened the public hearing at 8:07 p.m. and called for comments for or against an Ordinance Amending Chapter 53 Zoning, Article II Zoning Districts and Regulations, Division 1 Generally, Section 53-33 Chart 2 and Chart 3 to amend the Central Business Districts 1 and 2 of the City of Kyle, Code of Ordinances. Lila Knight stated that she would like for the Commissioner's to consider another revision to the Central Business District 2 (CBD-2) to allow multi-family since a multi-family project was just approved within the CBD-2 for the Barton Word Building. Chairman Baese closed the public hearing at 8:09 p.m.

Commissioner Bellows moved to approve an Ordinance Amending Chapter 53 Zoning, Article II Zoning Districts and Regulations, Division 1 Generally, Section 53-33 Chart 2 and Chart 3 to amend the Central Business Districts 1 and 2 of the City of Kyle, Code of Ordinances. Chairman Baese seconds the motion. All votes aye. Motion carried.

ADMINISTRATIVE ITEMS

REPORT ON CITY COUNCIL ACTIONS REGARDING PREVIOUS P&Z ITEMS

Shira Rodgers, Director of Planning stated that all the agenda items from the April 26th meeting were approved by City Council.

DIRECTOR AND STAFF COMMENTS – SPECIAL CALLED P&Z MEETING ON JULY 12, 2011 AND P&Z WORKSHOP ON JULY 12, 2011.

Commissioner Bellows stated she would like to have an item on the July 12th workshop agenda to discuss a proposed landscape ordinance.

COMMISSIONER COMMENTS - None

FUTURE AGENDA ITEMS

Revision to the Central Business District 2 to allow multi-family as a use.

ADJOURN

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

The Planning & Zoning Meeting adjourned at 8:35 p.m.

Amelia Sanchez, City Secretary

Cale Baese, Chairman

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

The Planning and Zoning Commission of the City of Kyle, Texas met in regular session July 12, 2011 at 6:30 p.m. at Kyle City Hall, with the following persons present:

Commissioner Samantha Bellows
Commissioner Cicely Kay
Vice-Chair John Atkins
Chairman Cale Baese
Commissioner Jenny DiLeo
Commissioner Michael Rubsam
Shira Rodgers, Director of Planning

Lila Knight
Dennis Rose

CALL MEETING TO ORDER

Chairman Baese called the meeting to order at 6:37 p.m.

ROLL CALL OF BOARD

Chairman Baese called for roll call. Present were: Commissioners Bellows, Kay, Atkins, Baese, DiLeo, and Rubsam.

APPROVAL OF MINUTES: None

CITIZENS COMMENTS

Chairman Baese opened the citizens comment period at 6:38 p.m. and called for comments on items not on the agenda or posted for public hearing. There were no comments. Chairman Baese closed the citizens comment period at 6:38 p.m.

SUBDIVISION PLATS: None

ZONING PUBLIC HEARINGS: None

FUTURE LAND USE PLAN AMENDMENTS:

SECOND PUBLIC HEARING ON THE PROPOSED COMPREHENSIVE PLAN AMENDMENT TO THE SUPER REGIONAL NODE.

Chairman Baese opened the public hearing at 6:39 p.m. and called for comments on items not on the agenda or posted for public hearing. *Lila Knight* stated that for the record the Long Range Planning Committee will be considering this proposed amendment on Thursday, July 14th and stated that she is confused with all the amendments to the comprehensive plan. She also stated that in the super regional node Planning and Zoning were going to delete CBD-1 and CBD-2 and add RS, MU, and EC, but for now just going forward with adding RS. She stated that this amendment appears to primarily be because someone wanting to rezone a parcel of land RS and her biggest issue is it seems that they are amending the comprehensive plan based on property owners who want to address specific issues right now. *Lila Knight* also stated that she knows that there needs to be some tweaking to the comprehensive plan, but she is beginning to wonder why the original consultants made the recommendation they did because there are a lot of things that

are in CBD-1 and CBD-2 that you would want to see in the super regional node, but when you add RS to the mix you really don't want to see those type of uses there. She also wondered if Planning and Zoning should be doing a little more analysis before they make these changes that will affect our City for a very long time. *Dennis Rose* stated that he is a member of the Long Range Planning Committee and would agree with Lila Knight's comments and feels like Planning and Zoning are making decision too quickly and not looking the comprehensive plan. He also stated that there is a lot of good data in the comprehensive plan. Chairman Baese closed the public hearing at 6:40 p.m.

Commissioner Rubsam moved to make a recommendation to the City Council to add Retail Service District as a recommend use to the Super Regional Node. Commissioner DiLeo seconds the motion. All votes aye. Motion carried.

SITE DEVELOPMENT PLANS: None

CONDITIONAL USE PERMIT/CONDITIONAL USE OVERLAY DISTRICT APPLICATIONS: None

CONSIDER AND POSSIBLE ACTION ITEMS: None

ADMINISTRATIVE ITEMS

REPORT ON CITY COUNCIL ACTIONS REGARDING PREVIOUS P&Z ITEMS

Shira Rodgers, Director of Planning stated that the zoning for Center Street Village failed at City Council with a 2 – 2 vote. However, Council Member's who were absent at the City Council meeting are requesting that the item be placed back the agenda.

The revision to the Central Business Districts 1 and 2 was approved by City Council on July 5, 2011.

DIRECTOR AND STAFF COMMENTS - None

COMMISSIONER COMMENTS - None

FUTURE AGENDA ITEMS

Shira Rodgers, Director of Planning stated that the next revision to Central Business District 2 to allow multi-family as a use will be on July 26th.

ADJOURN

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

The Planning & Zoning Meeting adjourned at 6:50 p.m.

Amelia Sanchez, City Secretary

Cale Baese, Chairman

MEMORANDUM

TO: Planning and Zoning Commissioners

FROM: Shira Rodgers, Director of Planning

DATE: July 22, 2011

SUBJECT: Subdivision Plat
Kyle Marketplace Section 1 Replat of Lot 1 Block A
(SFP-11-002)

INFORMATION:

Proposed Replat of the above referenced subdivision to divide out a 0.695 acre Lot from the 37.60 acre single lot subdivision.

STAFF RECOMMENDATION:

All staff comments have been addressed. Approve the short form final plat.

OWNER'S ACKNOWLEDGMENT.

STATE OF TEXAS
COUNTY OF TRAVIS
I, THE UNDERSIGNED, CITY ENGINEER OF THE CITY OF KYLE, TEXAS, HEREBY CERTIFY THAT THIS SUBDIVISION PLAN CONFORMS TO ALL REQUIREMENTS OF THE SUBDIVISION ORDINANCE AS AMENDED AND HEREBY RECOMMENDED APPROVAL.

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GENERAL NOTES:
1. SITE DEVELOPMENT PLAN FOR EACH LOT SHALL BE SUBMITTED FOR REVIEW AND APPROVAL BY CITY, IN ACCORDANCE WITH THE CITY OF KYLE DEVELOPMENT ORDINANCE 37A AS AMENDED ZONING ORDINANCE 438 AS AMENDED PRIOR TO ISSUANCE OF SITE DEVELOPMENT AND CONDITIONAL USE PERMITS.

2. NO OBJECT INCLUDING SIGNAGE, BUILDING, ACCESSORY BUILDING, FENCING OR LANDSCAPING WHICH WOULD INTERFERE WITH EASEMENT ACCESS SHALL BE PLACED OR ERRECTED WITHIN UTILITY EASEMENT(S).

3. PROPERTY OWNERS SHALL ALLOW THE CITY ACCESS TO UTILITY EASEMENT(S) FOR INSPECTION, REPAIR, MAINTENANCE AND RECONSTRUCTION AS MAY BE NECESSARY.

4. EACH PROPERTY OWNER OF A LOT ON WHICH DRAINAGE EASEMENT(S) IS PLATTED SHALL BE RESPONSIBLE FOR KEEPING GRASS AND WEEDS NEATLY CUT AND THE EASEMENT AREA FREE OF DEBRIS AND ALL TREE/BUSH RE-GROWTH. MAINTENANCE AND UPKEEP OF ALL STORM WATER FACILITIES IS THE RESPONSIBILITY OF EACH OWNER ON WHICH SUCH FACILITIES ARE LOCATED.

5. NO PORTION OF THIS SUBDIVISION LIES WITHIN THE BOUNDARIES OF THE EDWARDS AQUIFER RECHARGE ZONE.

6. NO PORTION OF THIS SUBDIVISION LIES WITHIN THE BOUNDARIES OF THE CONTRIBUTING ZONE OF THE BARTON SPRINGS SEGMENT OF THE EDWARDS AQUIFER.

7. THIS SUBDIVISION LIES WITHIN THE CORPORATE LIMITS OF THE CITY OF KYLE.

8. REPAIRS TO SURFACE PARKING DUE TO MAINTENANCE AND/OR REPAIR OF CITY UTILITIES WITHIN REPLAT OF LOT 1 SHALL BE THE RESPONSIBILITY OF THE LOT OWNER.

9. SLOPE ENCROACHMENT UP TO A HEIGHT OF 4 FEET IS ALLOWED WITHIN THE RIGHT-OF-WAY OF OLD BRIDGE TRAIL WITH THE AREA INDICATED AS "SLOPE ENCROACHMENT AREA."

10. THE SUBDIVISION PLAN (KYLE MARKETPLACE, CAB. 14, PG. 64) CALLS FOR A SLIGHT ANGLE POINT IN THE RIGHT OF WAY LINE AT THIS LOCATION. RIGHT OF WAY DEDICATION DEEDS INDICATE THE RIGHT OF WAY LINE TO BE STRAIGHT. THE SOUTH BOUNDARY LINE OF THIS SURVEY WAS ESTABLISHED USING MONUMENT FOUND ALONG THE NORTH RIGHT OF WAY LINE OF KYLE PARKWAY.

11. OBSTRUCTIONS IN DRAINAGE EASEMENTS ARE PROHIBITED.

12. CONSTRUCTION OF ANY IMPROVEMENTS ON LOTS IN THIS SUBDIVISION, SITE DEVELOPMENT PERMITS AND BUILDING PERMITS WILL BE OBTAINED FROM THE CITY OF KYLE.

13. ALL LOTS CONTAINED IN THIS SUBDIVISION AND USERS THEREOF SHALL HAVE RECIPROCAL ACCESS FOR INGRESS AND EGRESS THROUGH ALL LINES AND FIRE LINES FROM TIME TO TIME EXISTING WITHIN THE LOTS COVERED BY THIS SUBDIVISION PLAN; PROVIDED, HOWEVER, THAT THE EGRESS SHALL BE THROUGH THE EXISTING DRIVE OR ALLEY OF THE LOTS WITHIN REPLAT OF LOT 1, BLOCK "A".

14. ANY NEW ELECTRIC SERVICE SHALL BE UNDERGROUND.

15. LOTS 1 AND 2 WILL SHARE PARKING SO THAT REQUIRED PARKING FOR THE DEVELOPMENT WILL BE CALCULATED FOR THE SUM OF LOTS 1 AND 2.

16. LOT 2 SHALL UTILIZE STORM SEWER AND DETENTION POND LOCATED ON LOT 1. CAPACITY FOR UP TO 833 IMPERVIOUS COVER FOR LOT 2 IS INCLUDED IN THE EXISTING DETENTION POND. NO ADDITIONAL CAPACITY WILL BE REQUIRED.

17. BUILDING SETBACK LINES SHALL CONFORM TO THE CITY OF KYLE ZONING ORDINANCE.

SURVEYOR'S CERTIFICATION:
STATE OF TEXAS
COUNTY OF TRAVIS
I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HEREBY CERTIFY THAT THIS PLAT COMPLIES WITH ORDINANCE 439 OF THE CITY CODE OF KYLE AND THAT ALL EASEMENTS OF RECORD AS FOUND ON THE TITLE POLICY OR ASCERTAINED WITH A REASONABLE DILIGENCE FROM THE PUBLIC RECORDS OF THE COUNTY OF TRAVIS, TEXAS, AND THAT ALL NECESSARY SURVEY MEASUREMENTS ARE CORRECTLY SET OR FOUND AS SHOWN THEREON.



ENGINEER'S CERTIFICATION:
STATE OF TEXAS
COUNTY OF TRAVIS
I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, HEREBY CERTIFY THAT PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN THIS PLAN.

STATE OF TEXAS
COUNTY OF TRAVIS
I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL ENGINEER, NO. 84159
REGISTERED PROFESSIONAL ENGINEER, NO. 84159
DOUCET & ASSOCIATES, INC.
7401 B HIGHWAY 71 WEST, STE 100
AUSTIN, TX 78725
512-583-2800



OWNER/DEVELOPER:
KYLE MARKETPLACE LTD.
100 CONGRESS AVE., STE. 200
AUSTIN, TX 78701
512-583-9875 (FAX)

ENGINEER:
SIDNEY SMITH JAMES, P.E.
DOUCET & ASSOCIATES, INC.
7401 B HIGHWAY 71 WEST, STE 100
AUSTIN, TX 78725
512-583-2800 (FAX)

UTILITY NOTES:
WATERS: CITY OF KYLE
WASTEWATER: CITY OF KYLE
ELECTRIC: FREDERVALES ELECTRIC CO-OP
PHONE: VERIZON
GAS: TEXAS GAS SERVICE

FLOODPLAIN NOTE:
THIS PROPERTY IS LOCATED WITHIN ZONE "X" AREAS OF THE FLOODPLAIN AS SHOWN ON FLOODPLAIN NO. 48008C 0206F, HAYS COUNTY, TEXAS DATED SEPTEMBER 2, 2006.

THIS FLOOD STATEMENT DOES NOT IMPLY THAT THE PROPERTY AND/OR THE STRUCTURES THEREON WILL BE PROTECTED FROM FLOODING OR FLOOD DAMAGE. THIS FLOOD STATEMENT DOES NOT CREATE LIABILITY ON THE PART OF THE SURVEYOR.

**KYLE MARKETPLACE, SECTION 1,
REPLAT OF
LOT 1, BLOCK A**

CERTIFICATION OF THE CITY SECRETARY:

STATE OF TEXAS
COUNTY OF TRAVIS
I, HEREBY CERTIFY THAT THE ABOVE AND FOREGOING FINAL PLAT OF "KYLE MARKETPLACE, SECTION 1, REPLAT OF LOT 1, BLOCK "A", AN ADDITION TO THE CITY OF KYLE ON THE COUNTY OF TRAVIS, TEXAS, WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF KYLE ON THE _____ DAY OF _____, 20____. SAID ADDITION SHALL BE SUBJECT TO ALL THE REQUIREMENTS OF THE SUBDIVISION ORDINANCE AS AMENDED OF THE CITY OF KYLE, TEXAS.
WITNESS MY HAND THIS _____ DAY OF _____, 20____.

NAME: AMELIA SAIGHEZ
CITY SECRETARY

CITY ENGINEER CERTIFICATION:

STATE OF TEXAS
COUNTY OF HAYS
I, THE UNDERSIGNED, CITY ENGINEER OF THE CITY OF KYLE, TEXAS, HEREBY CERTIFY THAT THIS SUBDIVISION PLAN CONFORMS TO ALL REQUIREMENTS OF THE SUBDIVISION ORDINANCE AS AMENDED AND HEREBY RECOMMENDED APPROVAL.

NAME: JOHN BARTLE
CITY OF KYLE ENGINEER

DIRECTOR OF PUBLIC WORKS CERTIFICATION:

STATE OF TEXAS
COUNTY OF HAYS
I, THE UNDERSIGNED, DIRECTOR OF PUBLIC WORKS OF THE CITY OF KYLE, TEXAS, HEREBY CERTIFY THAT THIS SUBDIVISION PLAN CONFORMS TO ALL REQUIREMENTS OF THE SUBDIVISION ORDINANCE AS AMENDED AND HEREBY RECOMMENDED APPROVAL.

NAME: HARPER WILDER
DIRECTOR OF PUBLIC WORKS

PLANNING AND ZONING COMMISSION CERTIFICATION:

STATE OF TEXAS
COUNTY OF HAYS
THIS FINAL PLAT HAS BEEN SUBMITTED AND CONSIDERED BY THE PLANNING AND ZONING COMMISSION AND IS HEREBY APPROVED BY SUCH PLANNING AND ZONING COMMISSION.

DATED THIS _____ DAY OF _____, 20____

CLERK OF HAYS COUNTY
COUNTY OF HAYS
KNOWN ALL MEN BY THESE PRESENTS:

CLERK OF HAYS COUNTY
COUNTY OF HAYS
I, _____, CLERK OF HAYS COUNTY, DO HEREBY CERTIFY THAT THE FOREGOING WRITING AND CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORDS OF THE PLAT RECORDS OF SAID COUNTY AND STATE IN PLAT CABINET _____ A.D. IN _____ DAY OF _____, 20____.

CLERK OF SAID COUNTY ON THIS _____ DAY OF _____, 20____, AT _____ O'CLOCK _____ M. THIS THE _____ DAY OF _____, 20____.

NAME: LIZ DONAZALES
COUNTY CLERK HAYS COUNTY, TEXAS

DATE: 7/27/2011
SCALE: 1"=100'
DRAWN BY: DH
REVIEWER: SSX

PROJECT: 389-015
SHEET: 1 of 2
FILED IN: 213
PARTY ORDER: JM

DATE: 7/27/2011
SCALE: 1"=100'
DRAWN BY: DH
REVIEWER: SSX

PROJECT: 389-015
SHEET: 1 of 2
FILED IN: 213
PARTY ORDER: JM

D&A Doucet & Associates, Inc.
7401 B Highway 71 West, Ste 100
Austin, TX 78725, Phone: (512) 583-2800 Fax: (512) 583-2801
AUSTIN TEXAS - MEMPHIS TN - HOUSTON TX - FORT WORTH TX - DALLAS TEXAS
www.doucetandassociates.com

July 26, 2011	<i>Planning and Zoning Commission</i>
Zoning	N.B. Kyle #1, LLC Zoning
Case Number: Z-11-006	

OWNER/APPLICANT: N.B. Kyle #1, LLC **AGENT:** Kanton Labaj

LOCATION: 1930 Kyle Crossing

COUNTY: Hays County **AREA:** 1.466 acres

PROPOSED CITY COUNCIL HEARINGS: August 2, 2011 ~ 1ST Reading
August 16, 2011 ~ 2ND Reading

EXISTING ZONING: Interim "A" Agricultural

All territory hereafter annexed to the City shall be automatically classified as Agricultural District "A", pending subsequent action by the Commission and Council for permanent zoning; provided that upon application, by either the City or the property owner of the land being annexed, for zoning other than Agricultural, notice may be given and hearings held in compliance with *Chapt. 211, Tex. Loc. Gov't. Code*, and, upon annexation, such property may be permanently zoned as determined by the City Council after considering the Commission's recommendation.

In an area temporarily classified as Agricultural District "A", no permits for the construction of a building or use of land other than uses allowed in said District under this Ordinance shall be issued by the City Building Official.

PROPOSED ZONING: "RS" Retail Services

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

SITE INFORMATION:

Transportation:

The site will have access off of Kyle Crossing and the IH-35 frontage road.

This is an existing building that was used as a model home for Tilson Homes. The owner is converting the building to meet commercial codes. The site will have to go through the Site Development Process.

July 26, 2011

Planning and Zoning Commission

Zoning

N.B. Kyle #1, LLC Zoning

Case Number: Z-11-006

Subdivision:

A subdivision plat will not be required for this development.

Surrounding Land Use and Zoning:

North: A' Agricultural (Undeveloped Land)

South: 'RS' Retail Services (HEB Shopping Center)

East: 'RS' Retail Services (Lowe's)

West: 'RS' Retail Services (HEB Shopping Center)

PUBLIC INPUT:

Currently, Staff has received one comment in support from the general public regarding the requested zoning change.

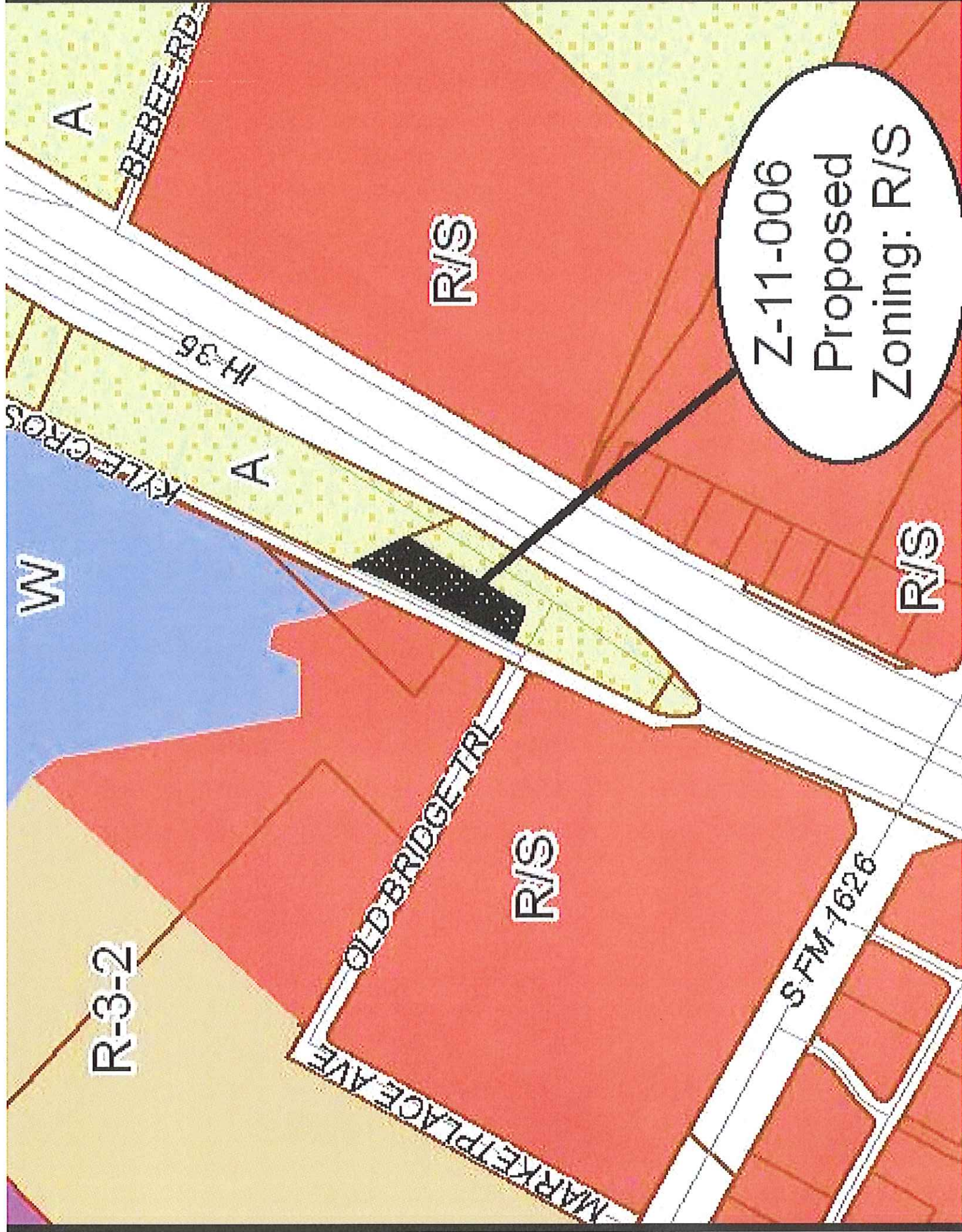
CONFORMANCE WITH COMPREHENSIVE PLAN:

The site is designated as Super Regional Node in the Comprehensive Plan. The Super Regional Node currently does not allow for Retail Services District as a use. However, City Council approved the First Reading of the amendment to the Super Regional Node to allow Retail Services as a recommended Use. The Super Regional Node as stated within the Comprehensive Plan "should contain large-scale institutional, commercial, and retail land uses, with the Seton Medical Center as the key distinguishing feature."

STAFF RECOMMENDATION:

The request of the Retail Services District is consistent with the surrounding land uses and with the intent of the Super Regional Node as described within the Comprehensive Plan.

The request for this zoning classification is a reasonable request and is in the public interest because it promotes some of the goals adopted in the Comprehensive Plan.



Z-11-006
Proposed
Zoning: R/S

R/S

R/S

R/S

R-3-2

W

A

IH-36

A

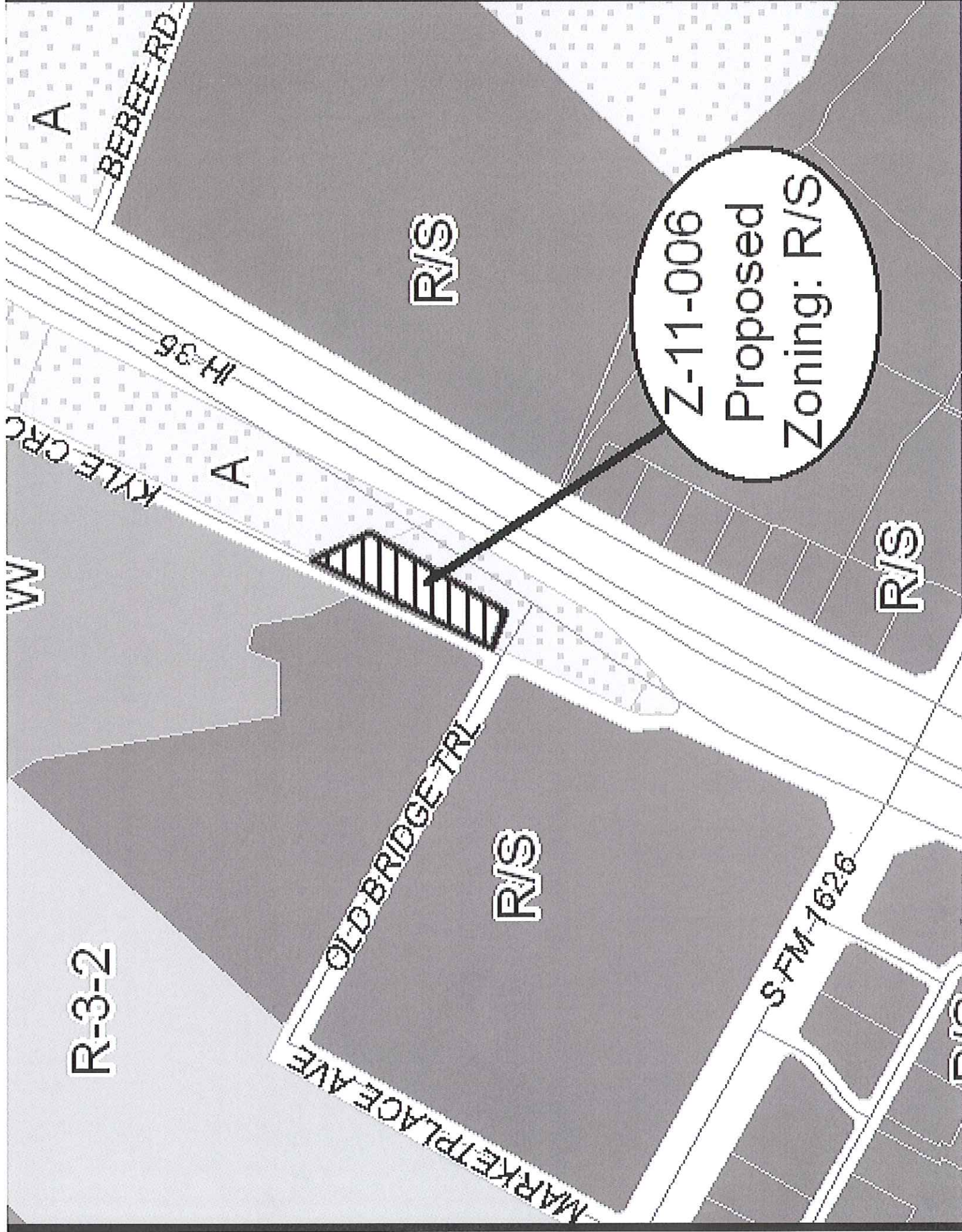
OLD BRIDGE TRL

MARKET PLACE AVE

S FM 1626

BEBEE RD

KYLE GROS



Z-11-006
Proposed
Zoning: R/S

R/S

R/S

R/S

R-3-2

BEBEE RD.

OLD BRIDGE TRL

S FM 1626

KYLE CIRC

VV

A

H-36

V

MARKET PLACE AVE

2010 Comp Plan Landuse Recommendations

Farm District	Recommended: A, UE Conditional: R-1-1, R/S
Ranch District	Recommended: A, UE Conditional: R-1-1, R/S
Riparian District	Recommended: A, UE Conditional: R-1-1, R/S
Old Town District	Recommended: CBD-1, CBD-2, R-1-T Conditional: E, R-1-A, R-1-C, R-2, R-3-2, R-3-3
Core Area Transition	Recommended: CBD-1, CBD-2, R-1-T, R-1-C, R-3-2, R-3-3, RS Conditional: E, HS, R-1-A
Historic Core Area	Recommended: R-1-1, R-1-2, R-1-T Conditional: A, R-1-A, R-2, R-3-1, R/S, UE
Mid-Town District	Recommended: R-1-2, R-2 Conditional: E, R-1-1, R-1-A, R-1-T, R-3-1, R-3-2, R/S
New Settlement	Recommended: R-1-1, R-1-2 Conditional: A, E, HS, R-1-A, R-1-T, R-2, R-3-1-, R-3-2, R/S, T/U, UE
New Town District	Recommended: R-1-1, R-1-2, R-1-C, R-1-T, R-2, R-3-2, R-3-3 Conditional: A, C/M, E, HS, R-1-A, R-3-1, R/S, T/U, UE, W
Employment District	Recommended: A, C/M, R-1-2, R-1-A, R-1-C, R-1-T, R-2, R-3-2, R-3-3, W Conditional: M-2, M-3, R-1-1, R-3-1, R/S, RV, T/U, UE
Sensitive/Sustainable Development	Recommended: A, UE Conditional: C/M, E, R-1-1, R-1-A, R-2, R-1-T, R/S, T/U, W
Heritage District	Recommended: A, R-1-1, R-1-2, UE Conditional: C/M, E, M-2, M-3, R-1-A, R-1-T, R-2, R-3-1, R/S, RV, T/U, W
Local Node	Recommended: R-1-C, R-3-2, R-3-3, R/S Conditional: R-1-T, R-3-1
Regional Node	Recommended: R-1-C, R-3-2, R-3-3 Conditional: CBD-1, CBD-2, E, HS, R-3-1, R/S
Super Regional Node	Recommended: CBD-1, CBD-2, HS, R-1-C, R-3-2, R-3-3 Conditional: E

Amendment #1 Added 'RS' to Core Area Transition (Approved May 17, 2011)

7B

July 26, 2009	<i>Planning and Zoning Commission</i>
Zoning	Mountain Plum, LTD
Case Number: Z-11-008	

OWNER/APPLICANT: Mountain Plum, LTD

AGENT: Myra Goepp, Benchmark Land Dev.

LOCATION: Located within the Plum Creek Planned Unit Development, on property located behind the Plum Creek Club House off of Kohler's Crossing

COUNTY: Hays County

AREA: 27.01 acres

PROPOSED CITY COUNCIL HEARINGS: August 2, 2011 ~ 1ST Reading
August 16, 2011 ~ 2ND Reading

EXISTING ZONING: Open Space within the Plum Creek Planned Unit Development

An open space PUD district is a tract of land provided as a general benefit for the community. Common open space may be usable for recreational purposes or may provide visual, aesthetic and environmental amenities. The uses authorized for the common open space should be appropriate to the scale and character of the surrounding development considering its size, density, expected population, topography, and the number and type of dwellings to be provided. Common open space should be improved for its intended use, but open space containing natural features worthy of preservation may be left unimproved. Any buildings, structures and improvements to be located in the common open space must be appropriate to the uses which are intended and, therefore, must conserve and enhance the amenities of the common open space having regard to its topography and the intended function of the common open space, and must be secondary to open space component.

PROPOSED ZONING: Mixed Use within the Plum Creek Planned Unit Development

This area is intended to provide locations for a relatively wide range of small businesses and services which complement the residential development pattern as a convenience to residents in the PUD. Mixed use development areas of this type are intended to be located and developed in a manner consistent with the Plum Creek PUD master plan and a site development plan. It is intended to allow for a mix of uses that:

- (1) Provide a variety of employment opportunities and housing types;
- (2) Foster pedestrian and other non-motor vehicle activity;
- (3) Ensure functionally coordinated, aesthetically pleasing and cohesive site planning and design; and
- (4) Ensure compatibility of uses within mixed use developments with other uses within such development and with the surrounding area and minimize off-site impacts associated with the development.

July 26, 2009

Planning and Zoning Commission

Zoning

Mountain Plum, LTD

Case Number: Z-11-008

SITE INFORMATION:

Transportation:

Kohler's Crossing is classified as a major arterial.

Subdivision:

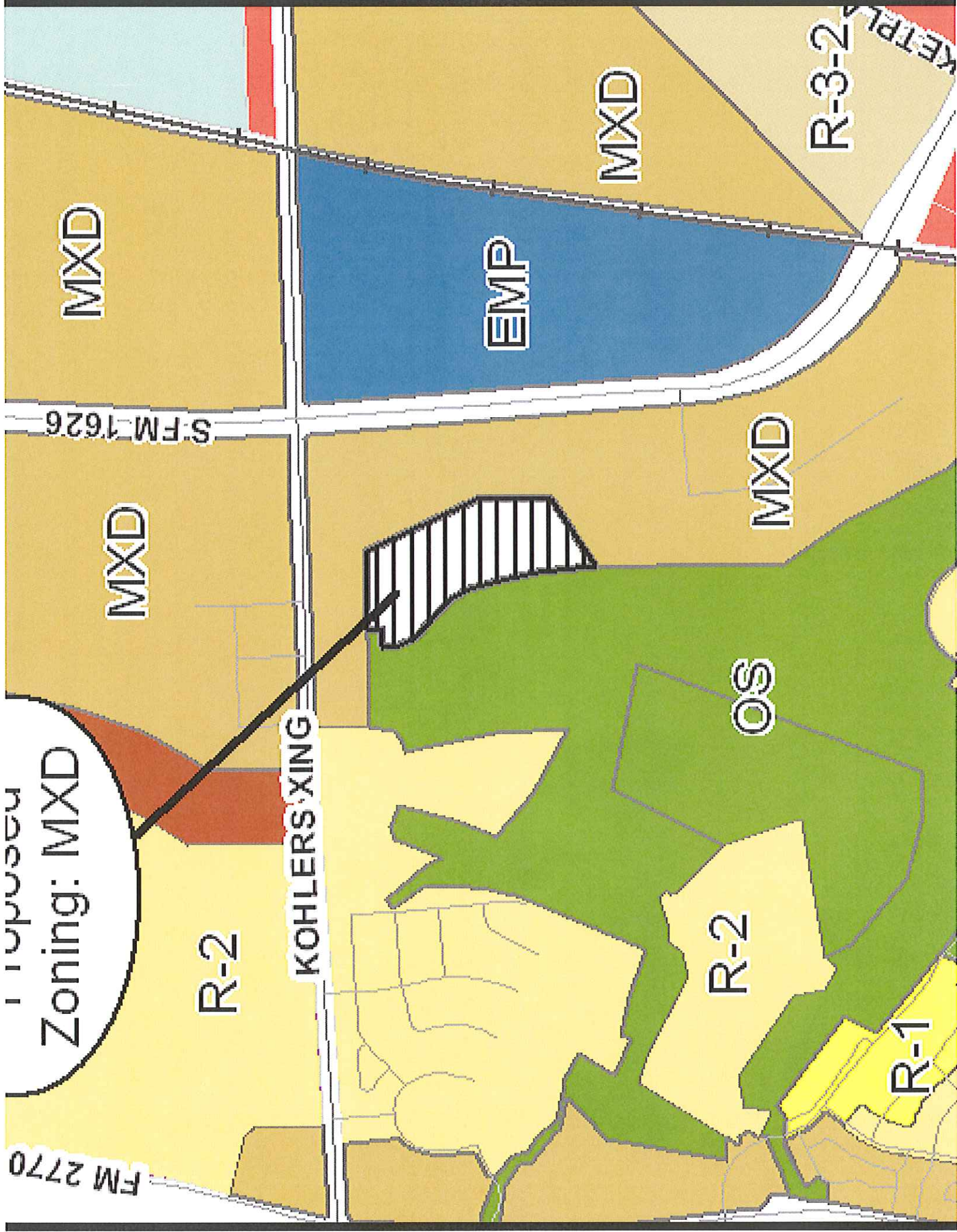
A preliminary plan may be required, depending on if any public roadways are to be dedicated and the number of lots to be platted.

PUBLIC INPUT:

Currently, Staff has not received any comments regarding the zoning change.

STAFF RECOMMENDATION:

This property is located off of Kohler's Crossing. The property is currently serving as the driving range, however the plan is to relocate the driving range to the old Par 3 course. Staff recommends approval of the requested zoning of Mixed Use to approximately 27.01 acres of land.



1100000000

Zoning: MXD

R-2

KOHLERS XING

S.F.M. 1626

MXD

MXD

EMP

MXD

R-3-2
KETPLA

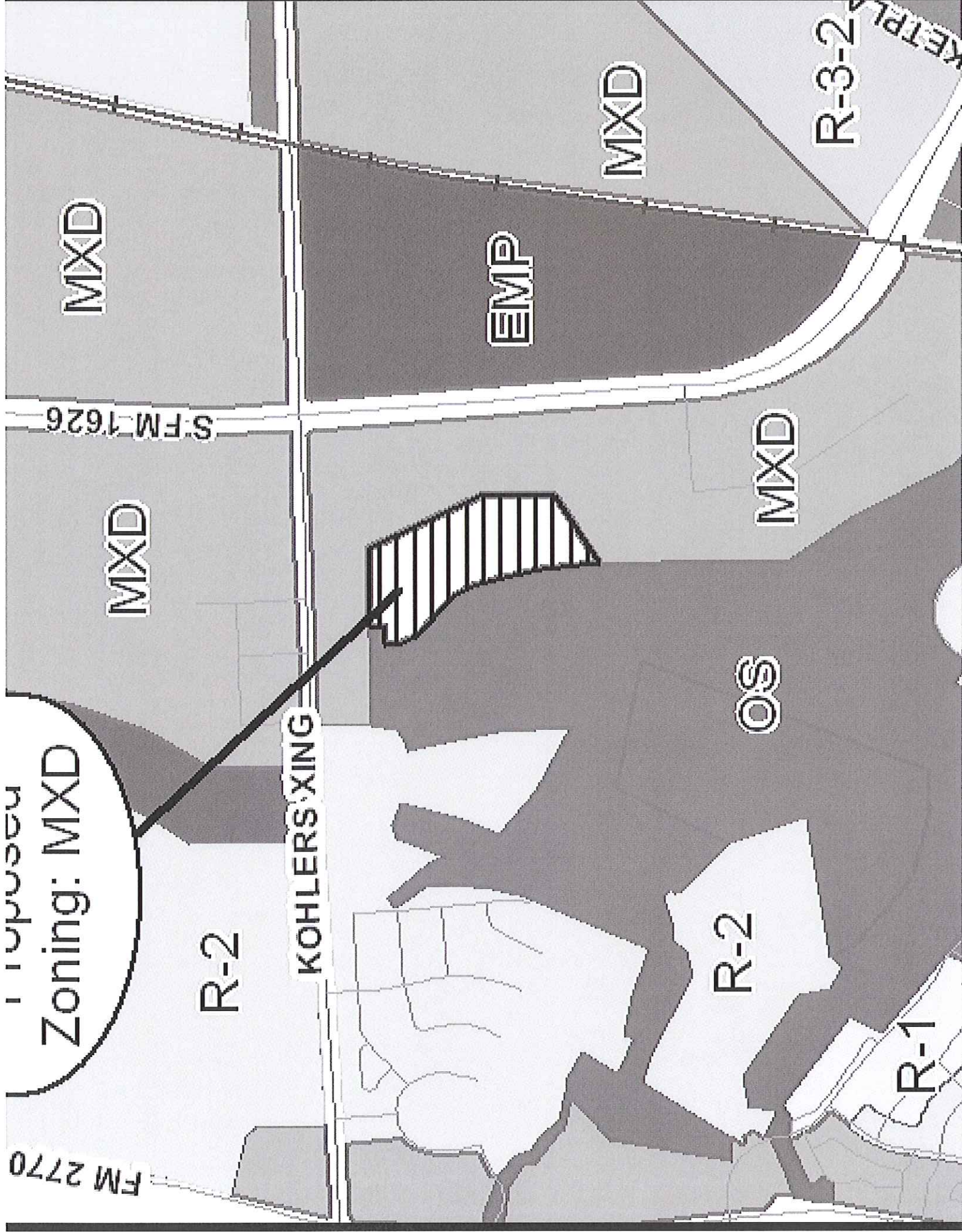
MXD

OS

R-2

R-1

FM 2770



1100000000

Zoning: MXD

R-2

KOHLERS XING

MXD

EMP

R-3-2

MXD

S.F.M. 1626

MXD

MXD

OS

R-2

R-1

FM 2770

7C

July 26, 2011	<i>Planning and Zoning Commission</i>
Zoning	RR HPI, LP Rezoning
Case Number: Z-11-002 Recovery HP Business Park	

OWNER/APPLICANT: RR HPI, LP **AGENT:** Bill Faust, Faust Group

LOCATION: Northwest corner of Kyle Crossing and IH-35.

COUNTY: Hays County **AREA:** 107.247 acres

PROPOSED CITY COUNCIL HEARINGS: August 2, 2011 ~ 1ST Reading
August 16, 2011 ~ 2ND Reading

EXISTING ZONING: “RS” Retail Services

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

PROPOSED ZONING: “PUD” Planned Unit Development to allow for a mixed use business park.

The purpose and intent of the Planned Unit Development District is to provide a flexible, alternative procedure to encourage imaginative and innovative designs for the unified development of property in the City consistent with this Ordinance and accepted urban planning, with overall mixed-use regulations as set forth below and in accordance with the City's comprehensive plan. The PUD rules are designed: (i) to allow development which is harmonious with nearby areas; (ii) to enhance and preserve areas which are unique or have outstanding scenic, environmental, cultural or historic significance; (iii) to provide an alternative for more efficient use of land, resulting in smaller utility networks, safer streets, more open space, and lower construction and maintenance costs; (iv) to encourage harmonious and coordinated development, considering natural features, community facilities, circulation patterns and surrounding properties and neighborhoods; (v) to facilitate the analysis of the effect of development upon the tax base, the local economy, population, public facilities and the environment; (vi) to provide and result in an enhanced residential and/or work environment for those persons living and/or working within the district; and (vii) to require the application of professional planning and design techniques to achieve overall coordinated mixed use developments and avoid the negative effects of piecemeal, segregated, or unplanned development. Toward these ends, rezoning of land and development under this district will be permitted only in accordance with the intent and purpose of the City's comprehensive plan and

July 26, 2011

Planning and Zoning Commission

Zoning

RR HPI, LP Rezoning

**Case Number: Z-11-002 Recovery HP Business
Park**

this Ordinance, and to that end the PUD plan must be prepared and approved in accordance with the provisions of this Ordinance.

Planned Unit Development Definition from the City's Zoning Ordinance:

Planned Unit Development means a zoning district which permits development of three (3) acres or more under single or multiple ownership pursuant to a master plan and which requires specific approval by the City Council. It is a development of land under unified control, planned and developed as a whole in a single development operation or a programmed phasing of developments, including streets, utilities, lots or building sites, structures, open spaces and other improvements. This district may permit mixed uses of land (e.g. industrial, commercial, residential) within a single or multiple subdivisions as part of or pursuant to a Master Plan which seeks to minimize adverse impacts when development occurs to protect the environment and nearby neighborhoods.

SITE INFORMATION:

Transportation:

The site will have access off of the IH-35 frontage road, as well as off of Kyle Crossing.

Based on the City's Transportation Master Plan a portion of FM 967/Loop 4 is required to be constructed through the site. The road is shown as an arterial on the Transportation Master Plan.

Local streets exist primarily to provide access to properties immediately adjacent to the street right-of-way, such as single family homes. These streets are typically narrower, with low speed limits, on street parking, and numerous driveways.

Collector streets serve the same functions as local streets, but also link neighborhoods to one another, connect local streets to arterials and serve short distance trips such as home to retail. Collector streets may or may not be multi-lane or divided, but typically have lower speed limits and frequent driveways.

Arterial roadways primary function is to move traffic throughout the community. They often draw commercial and retail activity precisely because they carry larger volumes of traffic. Arterials will often have multi-lanes, sometimes medians and typically have some sort of restrictions on driveway spacing.

Subdivision:

A subdivision plat will be required for this development.

Surrounding Land Use and Zoning:

North: Buda's ETJ. Buda's Future Land Use Map (Attached) indicates this area as Manufacturing Processing, Light Industrial/Warehouse and Arterial Commercial/Office.

July 26, 2011

Planning and Zoning Commission

Zoning

RR HPI, LP Rezoning

**Case Number: Z-11-002 Recovery HP Business
Park**

South: Palm Harbor Homes ('A' Agriculture); Home Depot ('RS' Retail Services)
East: Burger King, Best Western, Christian Brother's Automotive ('RS' Retail Services)
West: A mixture of professional offices ('A' Agriculture) and future blasting area for Texas
Lehigh Cement Factory ('CM' Construction Manufacturing)

PUBLIC INPUT:

Currently, Staff has not received any comments from the general public regarding the requested zoning change.

CONFORMANCE WITH COMPREHENSIVE PLAN:

The majority of this site is designated as New Town District in the Comprehensive Plan. The New Town District allows for Retail Services District as a recommended use and lists the Construction Manufacturing District and Warehouse District as conditional uses.

Applicable policies of the New Town District are:

The intent of the New Town District is designed to contain a horizontal mix of land uses that should be integrated across the area to express a cohesive community form.

The purpose of the New Town District is to harness economic development potential and establish its position as the sustainable center of surrounding growth.

This District should provide an economic support to Kyle based on locational advantages gained by access to growth advancing from south Austin and nodal developments on the northern side of Kyle.

Mixed-use development should be encouraged, not only permitted, to maximize economic development. This can be achieved by aggregating appropriate densities in order to support a mixture of uses.

Development patterns and employment opportunities should be created in the New Town District that do not conflict with the surrounding community fabric.

There is a portion of this property that is located within a Regional Node. Regional Nodes allow the Retail Services District as a conditional use. Regional Nodes do not recommended the Construction Manufacturing District or the Warehouse District. Therefore, the portion of property that is located within the Regional Node will only be allowed to have uses that are specifically listed within the Retail Services District, so that the PUD is consistent with the Comprehensive Plan.

July 26, 2011

Planning and Zoning Commission

Zoning

RR HPI, LP Rezoning

**Case Number: Z-11-002 Recovery HP Business
Park**

Applicable policies of the Regional Node are:

The primary goal of the Regional Nodes is to capture commercial opportunities necessary to close Kyle's tax gap. To achieve this goal, these Nodes should draw upon anticipated regional growth and aggregate density to enhance value and activity levels in a concentrated and visible location.

STAFF RECOMMENDATION:

The proposed PUD is compatible with nearby properties and no detrimental effects are expected as a result of the rezoning with respect to use, compatibility with nearby properties, lighting, traffic, noise, and storm drainage. The proposed PUD is consistent with the intent and purposes of the Zoning Regulations and the intent of the PUD Regulations.

EXHIBIT B
DEVELOPMENT PLAN
RECOVERY HP BUSINESS PARK
PLANNED UNIT DEVELOPMENT

THE STATE OF TEXAS
COUNTY OF HAYS

THIS DEVELOPMENT PLAN (this “Plan”) is adopted and approved by the CITY OF KYLE, TEXAS (hereinafter referred to as the “City”).

SECTION 1. GENERAL PROVISIONS

1. CONFORMITY WITH DEVELOPMENT STANDARDS

That all uses and development within the Property shall conform to the Development Standards included in Section II herein.

2. CHANGES AND MODIFICATIONS

No changes or modifications will be made to the Plan unless all provisions pertaining to changes or modifications as stated in Section II.13 below are followed.

3. ZONING VIOLATION

Any person, firm, corporation or other entity violating any conditions or terms of the Plan shall be subject to any and all penalties for the violation of any zoning ordinance provisions as stated in Chapter 53, Article IX Administration, Section 53-1203 and Section 53-1204, Code of Ordinances, City of Kyle, Texas, as amended.

4. MISCELLANEOUS PROVISIONS

4.1 Severability

In case one or more provisions contained in this Plan are deemed invalid, illegal or unenforceable in a respect such invalidity, illegality, or unenforceability shall not affect any

other provisions of this Plan and in such event, this Plan shall be construed as if such invalid, illegal or unenforceable provision had never been contained in the Plan.

4.2 Venue

All obligations of the Plan are performable in Hays County, Texas, and venue for any action shall be in Hays County.

4.3 Effective Date

This Plan shall be effective from and after the date of approval by the City Council.

SECTION II. DEVELOPMENT STANDARDS

1. DEFINITIONS

Words and terms used herein shall have their usual force and meaning, or as defined in the Code of Ordinances of the City of Kyle, Texas, as amended, hereinafter referred to as “the Code”.

2. PROPERTY

This Plan covers approximately 107.247 acres of land, located within the city limits of Kyle, Texas, and more particularly described in **EXHIBIT “A”**.

3. PURPOSE

The purpose of the Plan is to ensure a PUD that 1) is equal to, superior than and/or more consistent than that which would occur under the standards ordinance requirements, 2) is in harmony with the Comprehensive Plan, as amended, 3) does not have an undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utilities or any other matters affecting the public health, safety and welfare, 4) is adequately provisioned by essential public facilities and services, and 5) will be developed and maintained so as not to dominate, by scale or massing of structures, the immediate neighboring properties or interfere with their development or use.

4. APPLICABILITY OF CITY ORDINANCES

4.1 Zoning and Subdivision Ordinances

The Property shall be regulated for the purpose of development and occupancy by the Plan, this ordinance, and applicable provisions of the Zoning Ordinance. All aspects not specifically covered by this Plan shall be regulated by the **CM Construction Manufacturing and W Warehouse Zoning Districts** and other sections of the Zoning Ordinance and the Code, as applicable and as amended. If there is a conflict between this Plan and the Zoning Ordinance or the Code, the Plan shall supersede conflicting provisions of the Code.

4.2 Other Ordinances

All other Ordinances within the Code shall apply to the Property, except as clearly modified by this Plan. In the event of a conflict, the Plan shall control.

5. COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The majority of this property is located within the New Town Community District which specifies the Retail Services District as a recommended use and the Construction Manufacturing District and Warehouse District as conditional uses.

The frontage along IH-35 is located within a Regional Node which specifies the Retail Services District as a conditional use. The Construction Manufacturing District and Warehouse District are not listed as recommended or conditional uses within a Regional Node. Therefore, the portion of property that is located within the Regional Node will only be allowed to have uses that are specifically listed in the Retail Services District, so that the PUD is consistent with the Comprehensive Plan.

6. PERMITTED AND PROHIBITED USES

6.1 Permitted Uses

The following principal uses are permitted on the Property:

All uses permitted in the RS Retail Services Zoning District except prohibited uses listed in this Plan;

All uses permitted in the W Warehouse Zoning District except prohibited uses listed in this Plan; and

All uses permitted in the CM Construction Manufacturing Zoning District except prohibited uses listed in this Plan.

6.2 Prohibited Uses

The following uses are prohibited on the Property: mini-warehouses, sexually oriented businesses, portable buildings sales, amusement parks or carnivals, wholesale nurseries, recreational vehicle parks, recreational vehicle sales, new and used car sales, outdoor shooting ranges, pawn shops, heavy equipment sales, kennels (not prohibiting veterinary clinics with overnight facilities), auto body shops and paint shops, truck stops, flea markets, R.V. or boat sales, wrecking yards, tattoo parlors, concrete ready mix plant, explosives manufacturer, industrial gases manufacturer, lime manufacturer, limestone mining, lumber mill, manufactured homes manufacturer, mobile homes manufacturer, mulch and reconstituted wood manufacturer, precast concrete manufacturer, sawmill, steel and pipe manufacturer, trailer hitch and trailer manufacturer, used and salvaged auto part sales, construction sand and gravel sales, heavy equipment rentals, garage collection service, oil and well drilling service, scrap and metals recycling, septic tank cleaning, portable toilet rentals and sales, petroleum bulk terminals, and uses not otherwise authorized in the RS, W, and CM Districts.

7. LOT STANDARDS

7.1 Height

The maximum height of buildings on the Property shall be sixty (60) feet.

7.2 Building Setbacks

Minimum front yard setbacks shall be twenty five (25) feet.

Minimum front yard setback along IH-35 frontage road and Kyle Crossing shall be twenty five (25) feet and shall be designated on the Final Plat and Site Development Plans as a Pedestrian and Landscape Easement. No parking or structures are allowed within the Pedestrian and Landscape Easement. The IH-35 frontage road and Kyle Crossing shall both be considered as the front of the property.

Minimum side yard setbacks shall be twenty (20) feet from all side lot lines and any internal streets.

Minimum rear yard setbacks shall twenty (20) feet from all rear lot lines and any internal streets.

8. LANDSCAPE STANDARDS

8.1 Landscape Area

At least 20 percent of street yard must be landscaped.

8.2 Determining Street Yard

The exact configuration of a street yard (or street yards) on a site will depend on how a number of factors interrelate on that site. Among these factors are:

- Type and location of building walls.
- Number of streets that border the site.
- Number, size, and orientation of buildings on the site.
- Whether there is a building on the site or just a parking lot.

The street yard area is calculated by finding the total lot square footage which lies between the street right-of-way line and the front wall of a building or buildings on a site. This street yard boundary extends from the outward-most corners of the front wall, parallel to the street until it intersects with the side property lines, or another building on site, then to the side property lines.

The building wall line shall include irregular shapes or indentions of the building wall, but exclude unenclosed porches, canopies and exterior columns.

On a site or portion of a site used only for parking purposes or as a commercial or private parking lot, the street yard shall consist of the area between the street right-of-way line and the midpoint of the lot.

8.3 Drip Line Credit

In order to encourage the preservation and continued growth of smaller trees, the following credit toward landscape area is possible. Each square foot of landscape area which is permeable and within the area encompassed by the drip line of a surveyed tree at least two (2) inches in trunk diameter measured at four (4) feet above the ground, shall count as one and one-quarter (1.25) square feet of landscape area.

The forgoing credit shall be subject to the following limitations:

- Overlapping drip line area cannot be counted twice.

- No credit will be given if more than twenty percent (20%) of the drip line is impervious.
- No credit will be given where damaging grade changes within the drip line (of a tree) has occurred.
- In no case can the actual landscape area in the street yard of a lot be less than one-third (1/3) the required twenty percent (20%).

8.4 Street Yard Trees

Within the area described as street yard, a minimum amount of trees are required to be planted or preserved with at least sixty percent (60%) of the trees planted from a list approved by the City of Kyle and attached hereto. No tree shall be planted within five feet of a water or a wastewater line which is in a city-maintained easement. Heat-absorbing surfaces such as courtyards and the west-facing walls of buildings are encouraged to be shaded. A minimum of fifty percent (50%) of the trees required in the landscape yard area, which is not utilized for parking, are to be large shade-providing trees.

In all cases automatic irrigation systems shall be utilized.

<u>Total Street Yard Area</u>	<u>Required Trees</u>
1,000 to 10,000 Sq. ft.	1 tree/1,000 sq. ft.
10,000 to 110,000 sq. ft.	10 trees for first 10,000 sq. ft. plus 1 tree/2,500 sq. ft. over 10,000 sq. ft.
Over 110,000 sq. ft.	50 trees for first 110,000 sq. ft. plus 1 tree/5,000 sq. ft. over 110,000 sq. ft.

8.5 Existing Tree Credit

All existing surveyed trees over two (2) inches in trunk diameter or tree clusters of at least four (4) one-inch diameter trees preserved within the street yard boundaries may satisfy these requirements one for one. All trees measuring six (6) inches or more in trunk diameter measured at four (4) feet above the ground shall count double toward satisfying these requirements.

8.6 Landscape in Parking Lots

Ninety (90) square feet of landscaped area is required for each fifteen (15) parking spaces within a parking lot located in the street yard. Sixty (60) square feet for each fifteen (15) parking spaces is required for all non-street yard parking lots.

This landscape area should occur entirely within the parking lot boundaries as landscaped medians, landscaped islands or as landscaped peninsulas.

8.7 Landscape Islands, Medians or Peninsulas

A landscape island, median or peninsula should be located within 90 feet of each entire parking space on a lot. This distance should be measured from the curb line of the landscape island, median or peninsula and should encompass the entire parking space.

No more than fifty percent (50%) of the plants from the same species may be planted on anyone island, median or peninsula.

To provide significant space for the growth of trees planted within these areas, the minimum width for landscaped islands, medians or peninsulas which contain new trees is six (6) feet measured from the inside of the curb.

8.8 Trees in Parking Lots

One tree must be located within ninety (90) feet of each parking space. A minimum of sixty percent (60%) of the trees required for parking lot areas are to be from the List approved by the City of Kyle and attached hereto. No tree shall be planted within five (5) feet of a water or a wastewater line which is in a city-maintained easement. In areas where utility lines are present or proposed, only trees that are Utility Compatible shall be planted within:

- Ten (10) lateral feet from any overhead distribution conductor;
- Thirty (30) to Forty (40) lateral feet from any overhead transmission conductor, unless a more restrictive dedicated right-of-way has been established;
- Ten (10) lateral feet from any underground electric facility. Any plantings near transmission facilities must also allow for required access to the facilities. Variations to these planting distances and species may be made only with the explicit written approval of the City of Kyle, Texas, or the affected utility owner. Approved utility compatible trees are attached herewith.

8.9 Special Provisions for Large Parking Lots

The above paragraphs 8.2 and 8.3, do not apply if this Section 8.9 is required. For parking lots with more than three (3) parking modules, a ten (10) foot minimum-width median (measured from inside of curb) will be required for every second parking module. Trees within the median must be located so that one (1) tree shall be located within fifty (50) feet of each parking space adjacent to the median. No additional islands shall be required except for end islands for each parking module. All landscape islands and peninsulas must be six (6) foot minimum width measured from inside of curb.

9. ARCHITECTURAL STANDARDS

9.1 Permitted Building Materials

The exterior finish of all buildings (walls) shall be masonry, except for doors, windows and trim. Masonry shall mean stone, simulated stone, brick, stucco, concrete masonry units, tile, hardiplank, tilt wall or such other suitable material as may be approved by the Planning Director and the Building Official.

9.2 Prohibited Building Materials

The follow building materials are prohibited for use on the exterior of all buildings:

Sheet and corrugated metal, and unfinished aluminum

Galvanized Steel

Mirrored Glass

E.I.F.S (Exterior Insulation Finish System), except for decorative trim purposes

9.3 Service and Loading Areas

No dock high loading area is permitted along the IH-35 frontage road or Kyle Crossing unless such area is visually screened from public view from public streets. Services areas shall be screened from adjacent tracts and all public rights-of-way.

Methods of screening include walled entrances, evergreen landscaping, and depressed service areas. Screening walls must be constructed of the same building materials as the main building.

9.4 Loading Areas

All loading and service docks must be clearly signed. Loading docks must be clearly denoted on the pavement and designed so as not to prohibit on-site vehicular circulation when occupied. Loading docks must be designed to accommodate backing and maneuvering on-site, not from a public street.

9.5 Trash Storage

Refuse storage enclosures are required for all buildings. Enclosures must be of sufficient height to completely screen all refuse containers and must be provided with gates, so as to provide screening from view from adjacent lots and public rights-of-way. All enclosures must be constructed using a permitted building material as listed in Section 9.1.

9.6 Street Level Mechanical Equipment

All ground-mounted service equipment (e.g. air conditioners and transformers) related to each building shall be consolidated in one or more service area. Landscaping shall be used to soften the visual appearance of each service area.

9.7 Roof Mounted Mechanical Equipment

All roof mounted mechanical elements shall be screened from view from the public right-of-way along IH-35 frontage road and Kyle Crossing. Screening must be compatible with the building design.

9.8 Screening Outdoor Storage

All outdoor storage areas must be the following criteria:

Outdoor storage must be located in the rear yard or side yard of the buildings.

Solid, continuous fencing up to eight (8) feet in height, but not less than six (6) feet in height; and/or solid landscaping of at least four (4) feet in width and at least six (6) feet in height.

The finished side of all fences built to comply with this section shall face away from the screened property.

10. RIGHT-OF-WAY DEDICATION

The required right-of-way for the proposed extension of RR 967/Loop 4 shall be dedicated or cause to be dedicated to the City, free of all monetary liens, with the final plat. The right-of-way to be dedicated shall be in accordance with the Transportation Plan.

Further, Owner shall construct, or cause to be constructed, the right-of-way described above in accordance with applicable City standards and approved construction plans.

11. SIGNAGE

All signage shall be in accordance with the Code.

12. UNDERGROUD UTILITY SERVICE

All electrical, telephone and cablevision distribution and service lines, shall be placed underground, except for existing lines and the addition of one new overhead electric line that will extend through the property and service the lots from the rear. All electric service line drops shall be underground.

13. BUILDING CODES

All structures shall comply with the City's adopted building codes with the following exception:

All buildings shall be supplied with an approved fire suppression system.

14. DEVELOPMENT PROCESS

As required by City Code, the property owner shall be required to complete the remaining steps in the City's development process, including but not limited to subdivision platting and site development plan approval. No site development plan approval on the Property shall be granted until the Final Plat is recorded. No building permit on the Property shall be issued until the site development plan is approved.

15. CHANGES TO DEVELOPMENT PLAN

15.1 Minor Changes

Minor changes to this plan which do not substantially or adversely change this Plan may be approved administratively, if approved in writing, by the City Engineer, the Director of Planning, and the City Manager.

Such minor changes may include but not be limited to small site alterations such as realignment of streets and relocation of utility lines due to engineering necessity. The developer shall request such amendment in writing, clearly setting forth the reasons for such changes. If approved, the Plan shall be so amended prior to submission of any preliminary plan-site plan application involving or affecting such amendment. Appeal from the decision of the City Engineer, the Director of Planning and the City Manager may be taken to the City Council.

15.2 Major Changes

All changes not permitted under section 15.1 above shall be resubmitted following the same procedure required by the original PUD Application.

Such major changes shall include, but not be limited to, increased density, land use, location of use, condition(s) of planning and zoning commission approval and street pattern.

Z-11-009

Proposed
Zoning: PUD

Buda ETJ

IH 35

A

R/S

A

KYLEEXING

C/M

A

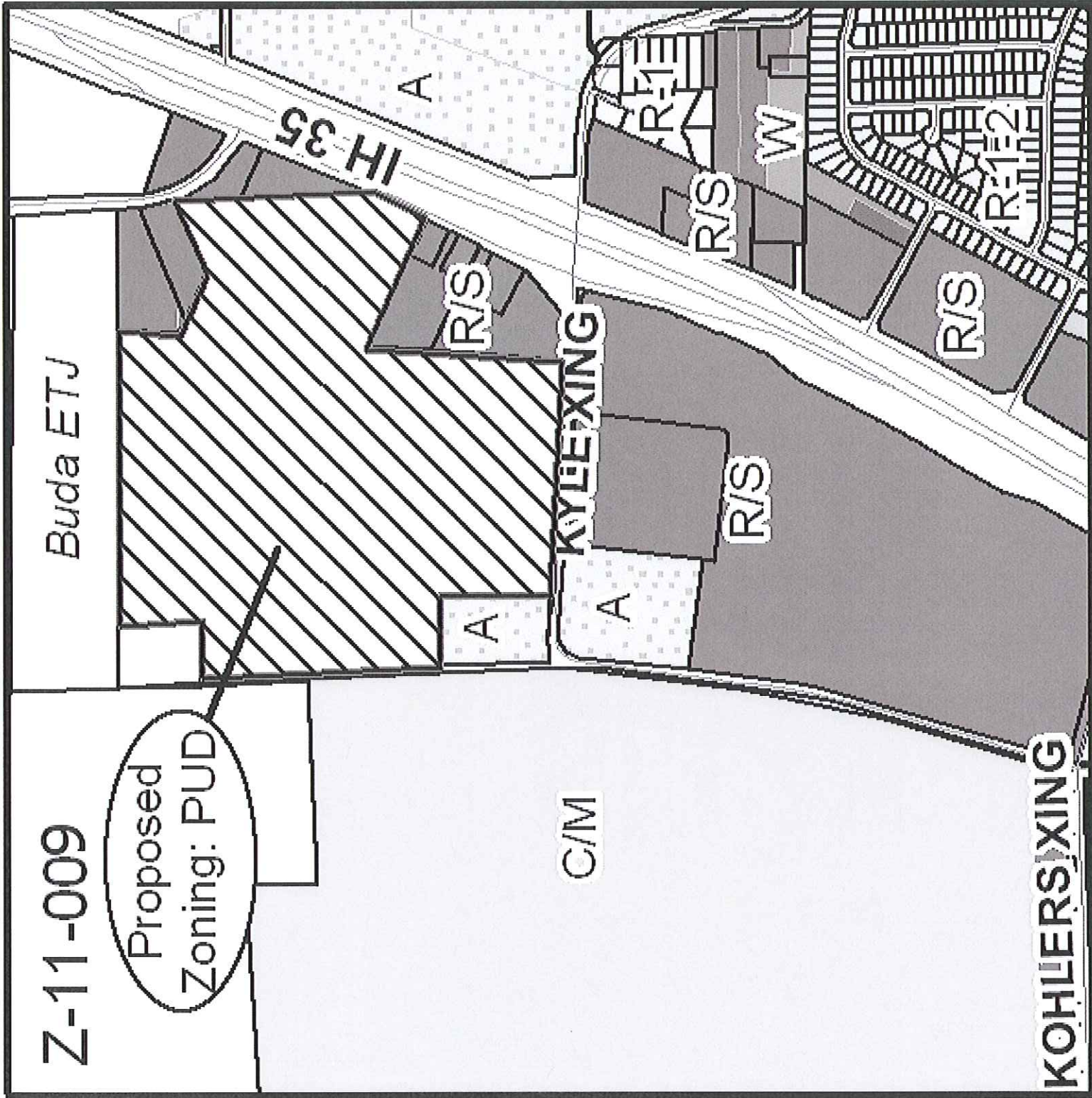
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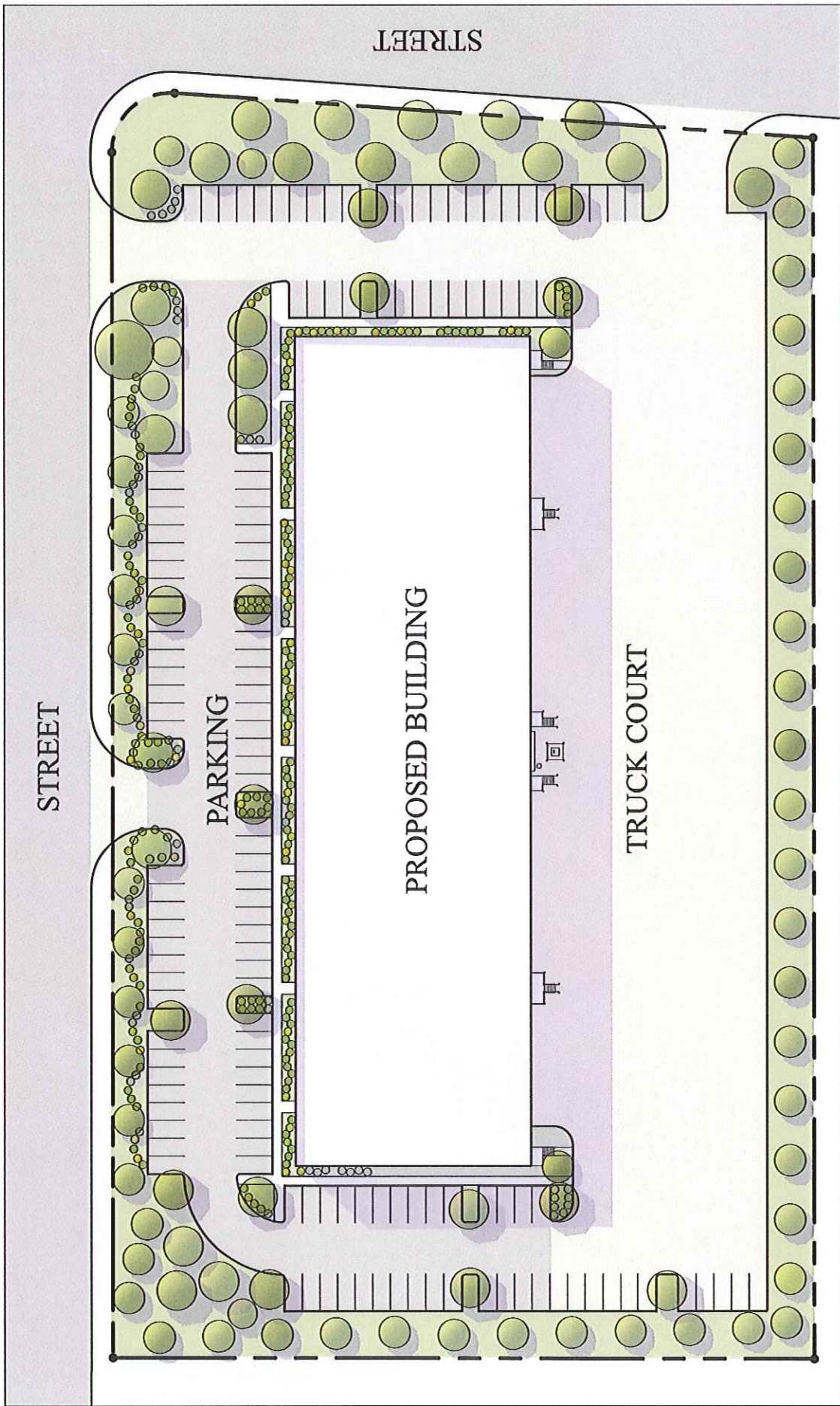
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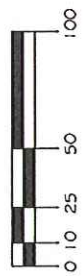
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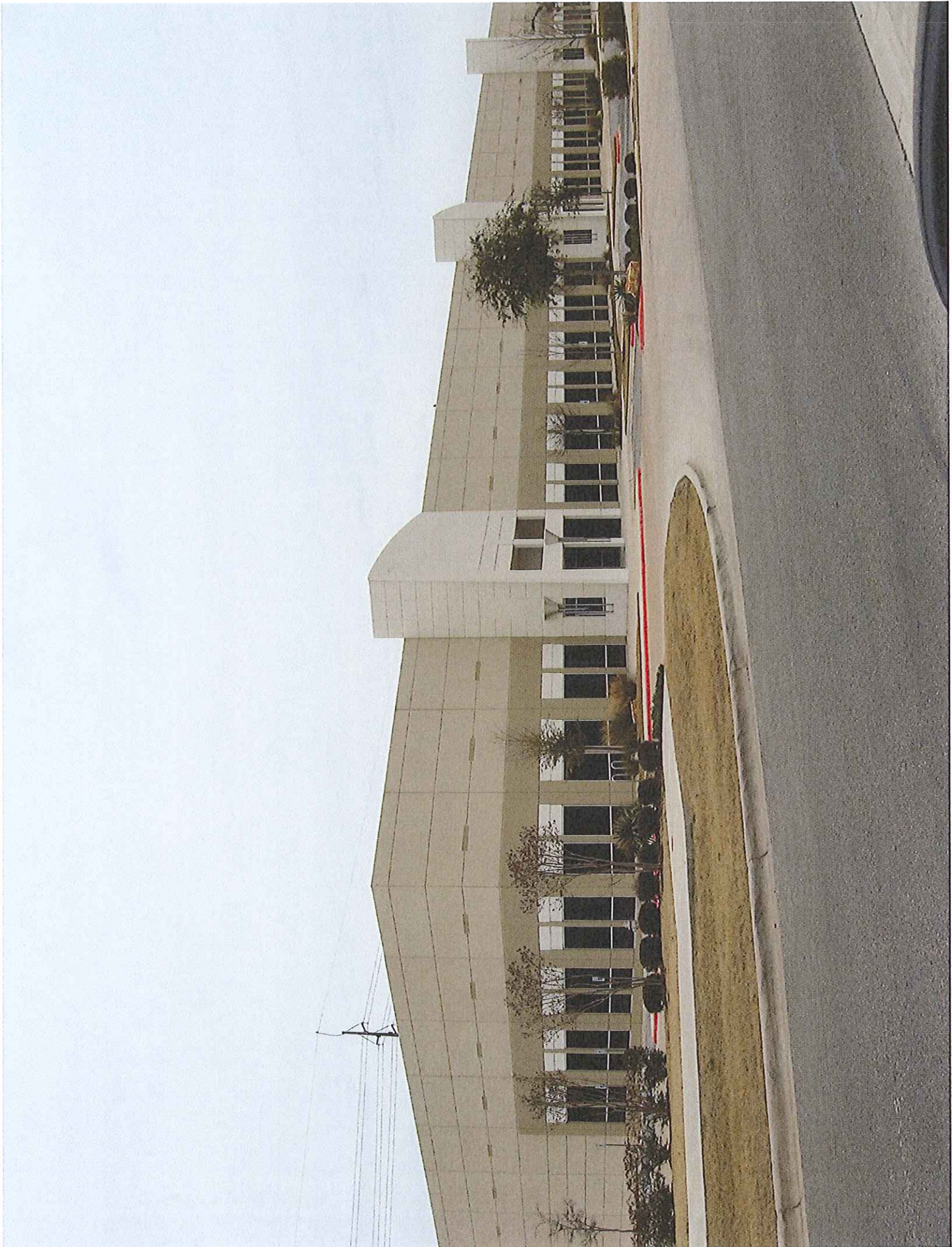




KYLE BUSINESS PARK











STONEHOLLOW A

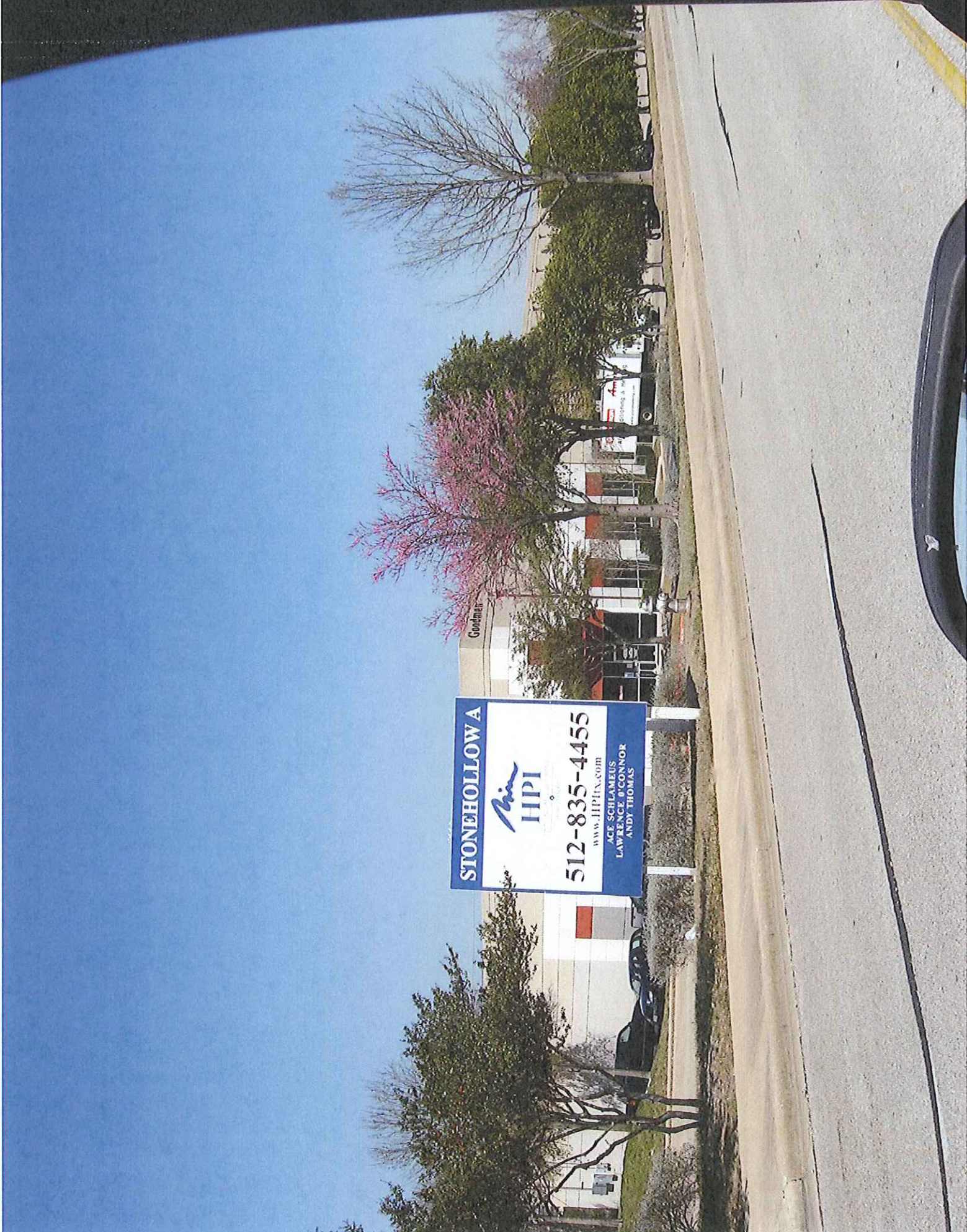
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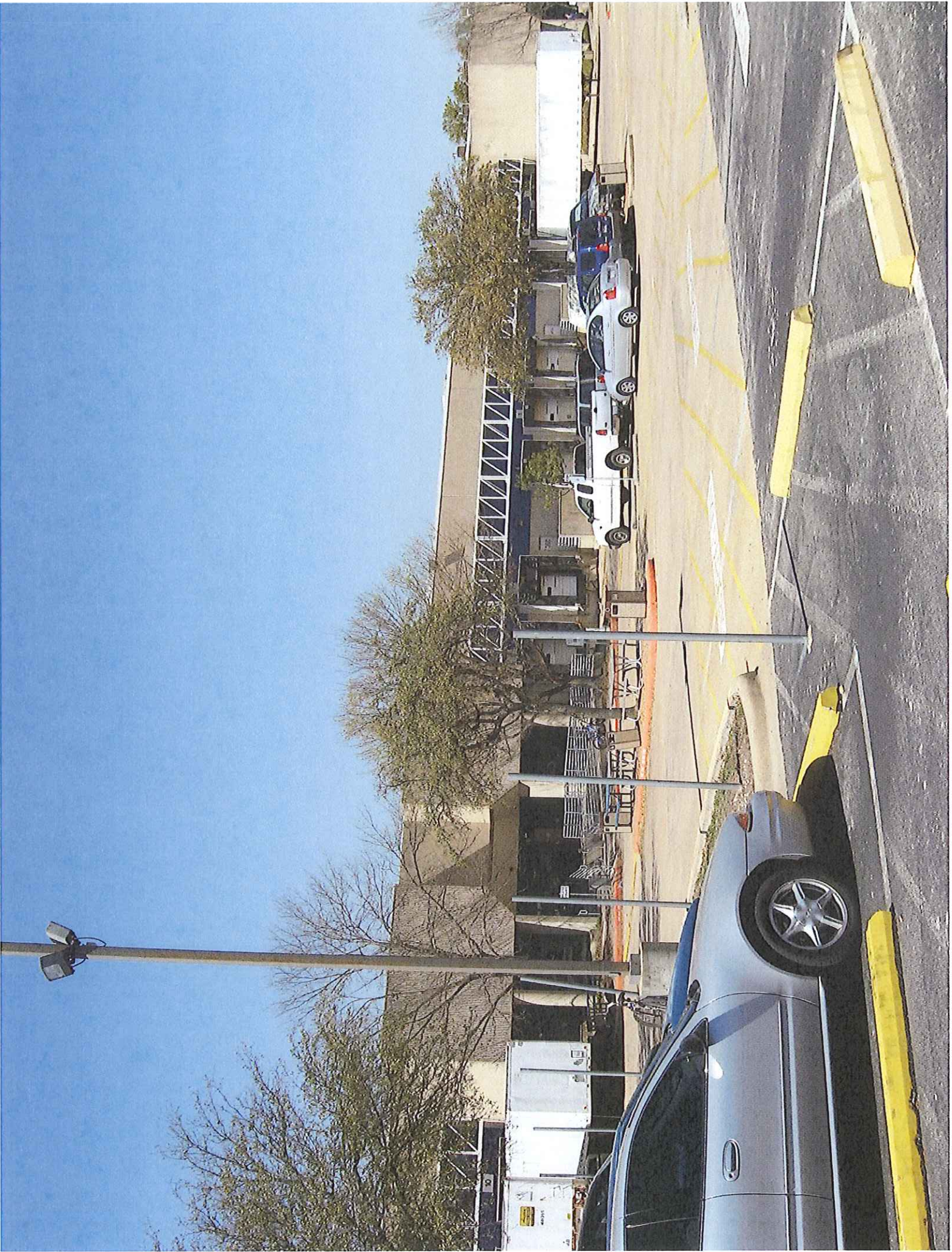




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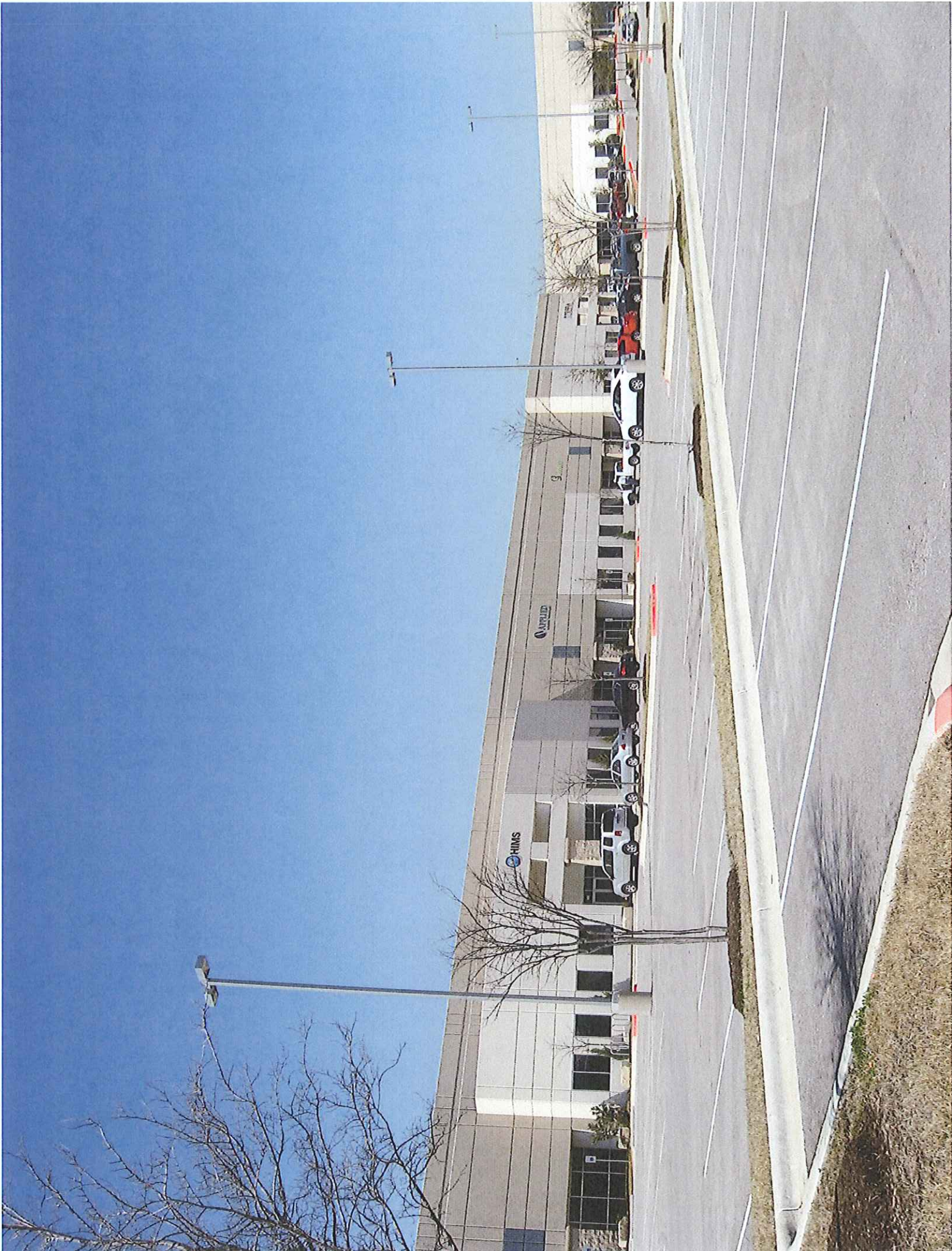
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ANDY THOMAS











4616-7

WESTERN INDUSTRIES

PL ZONE TOP JAW ZONE

EVENING STRIKES

 World Wide Technology, Inc.



STOP



2010 Comp Plan Landuse Recommendations

Farm District	Recommended: A, UE Conditional: R-1-1, R/S
Ranch District	Recommended: A, UE Conditional: R-1-1, R/S
Riparian District	Recommended: A, UE Conditional: R-1-1, R/S
Old Town District	Recommended: CBD-1, CBD-2, R-1-T Conditional: E, R-1-A, R-1-C, R-2, R-3-2, R-3-3
Core Area Transition	Recommended: CBD-1, CBD-2, R-1-T, R-1-C, R-3-2, R-3-3, RS Conditional: E, HS, R-1-A
Historic Core Area	Recommended: R-1-1, R-1-2, R-1-T Conditional: A, R-1-A, R-2, R-3-1, R/S, UE
Mid-Town District	Recommended: R-1-2, R-2 Conditional: E, R-1-1, R-1-A, R-1-T, R-3-1, R-3-2, R/S
New Settlement	Recommended: R-1-1, R-1-2 Conditional: A, E, HS, R-1-A, R-1-T, R-2, R-3-1-, R-3-2, R/S, T/U, UE
New Town District	Recommended: R-1-1, R-1-2, R-1-C, R-1-T, R-2, R-3-2, R-3-3 Conditional: A, C/M, E, HS, R-1-A, R-3-1, R/S, T/U, UE, W
Employment District	Recommended: A, C/M, R-1-2, R-1-A, R-1-C, R-1-T, R-2, R-3-2, R-3-3, W Conditional: M-2, M-3, R-1-1, R-3-1, R/S, RV, T/U, UE
Sensitive/Sustainable Development	Recommended: A, UE Conditional: C/M, E, R-1-1, R-1-A, R-2, R-1-T, R/S, T/U, W
Heritage District	Recommended: A, R-1-1, R-1-2, UE Conditional: C/M, E, M-2, M-3, R-1-A, R-1-T, R-2, R-3-1, R/S, RV, T/U, W
Local Node	Recommended: R-1-C, R-3-2, R-3-3, R/S Conditional: R-1-T, R-3-1
Regional Node	Recommended: R-1-C, R-3-2, R-3-3 Conditional: CBD-1, CBD-2, E, HS, R-3-1, R/S
Super Regional Node	Recommended: CBD-1, CBD-2, HS, R-1-C, R-3-2, R-3-3 Conditional: E

Amendment #1 Added 'RS' to Core Area Transition (Approved May 17, 2011)

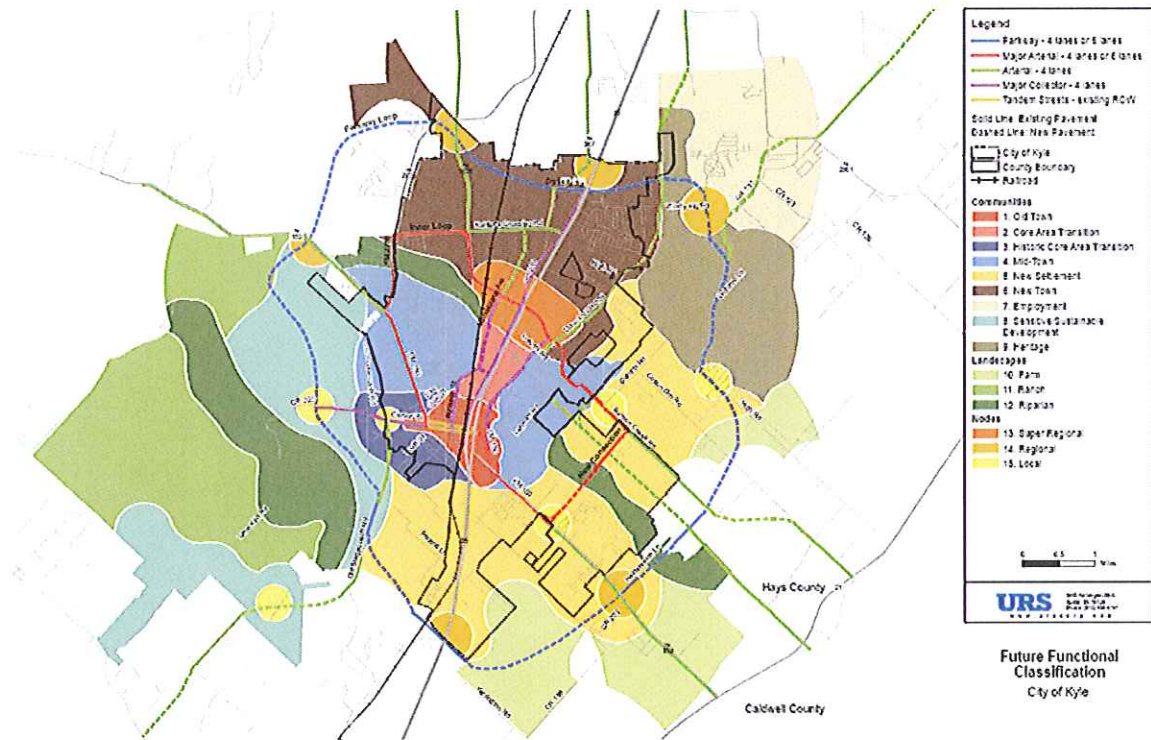


Figure 3: Future Functional Classification with Land Use Communities, Landscapes, and Nodes

REGIONAL NODE

CHARACTER

Regional Nodes should have regional scale retail and commercial activity complemented by regional scale residential uses. These Nodes should represent the character and identity of Kyle, and signal these traits to the surrounding community. Regional Nodes have a radius of approximately 1/3 of a mile so that they are walkable, but are able to contain a greater range of uses at a larger scale than those found in Local Nodes. Appropriate uses may include grocery stores, retail shopping centers, multi-family housing, and municipal services, such as libraries and recreation centers. The Regional Nodes located along I-35 at the northern and southern boundaries of Kyle should be designed as entryways into Kyle with elements that are symbolic of Kyle and serve to attract I-35 travelers into Kyle. Transitions between Regional Nodes and surrounding districts must be carefully constructed to avoid abrupt shifts in land uses. Trails and sidewalks should be present throughout all Regional Nodes and should connect to surrounding neighborhoods.

INTENT

The primary goal of the Regional Nodes is to capture commercial opportunities necessary to close Kyle's tax gap. To achieve this goal, these Nodes should draw upon anticipated

regional growth and aggregate density to enhance value and activity levels in a concentrated and visible location. Regional Nodes should provide a mixture of uses that complements regional commercial activity, as well as encourage high intensity residential development. These Nodes should respond to other regional areas of growth, specifically along I-35 and FM 1626, and to growth toward Hwy 21, SH 45 and SH 130. The anchor of each Regional Node should be regional commercial uses, and Regional Nodes should have a high level of development intensity.

JURISDICTION

Regional Nodes are positioned at intersections of regional roadways and at intersections of local and regional roadways. Largely, these Nodes form an outer ring around the City of Kyle that will concentrate regional activity along the regional roadways. Figure 19 indicates the location of the Regional Nodes.

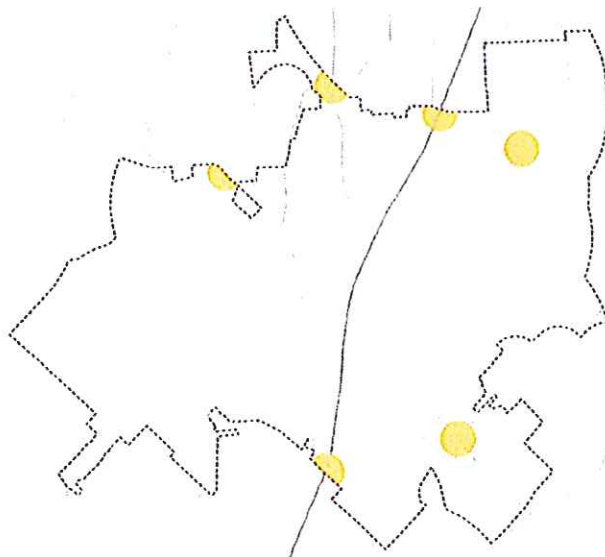
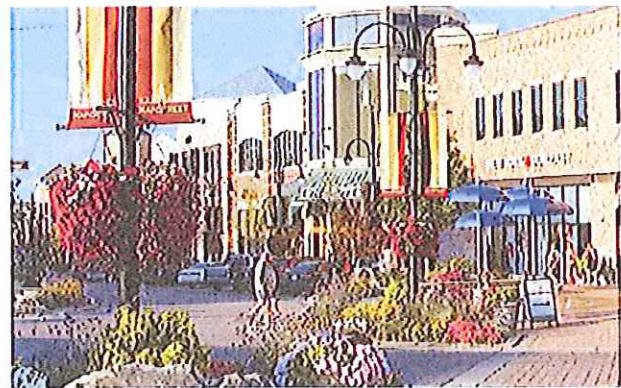
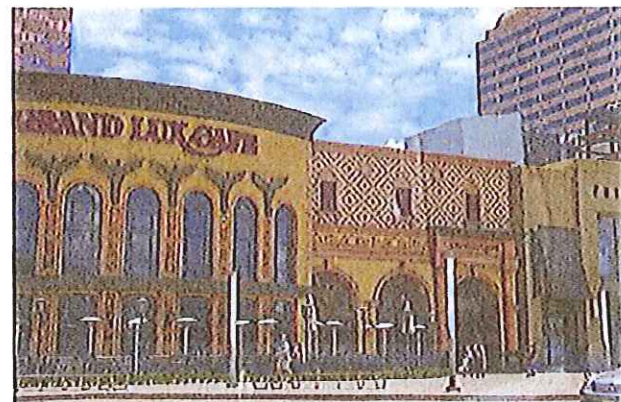


Figure 19: Regional Node Key Map.



Illustrative Photograph



Illustrative Photograph

AUTHORITY

The following chart defines the appropriateness of various density ranges (residential and non-residential) by tying density to the development approval process. The three levels of development approval are:

- Preferred: No conditions required for approval.
- Conditional: Review by City staff required. Design improvements shall be made to ensure compliance with intent and character objectives of the Regional Nodes.
- Not Recommended: Development plan is not appropriate for the Regional Nodes.

	Residential (dwelling units/acre)	Non-Residential (Floor to Area Ratio)
Preferred	> 25	0.4 - 1.5
Conditional	12 - 25	0.2 - 0.39
Not Recommended	< 12	< 0.2

APPLICATION

The following chart displays existing zoning categories and their applicability to the Regional Nodes.

Zoning Category	Abbreviation	Use Qualification
Agricultural District	A	Not Recommended
Central Business District 1	CBD-1	Conditional
Central Business District 2	CBD-2	Conditional
Construction/Manufacturing	C/M	Not Recommended
Entertainment	E	Conditional
Hospital Services	HS	Conditional
Manufactured Home	M-1	Not Recommended
Manufactured Home Subdivision	M-2	Not Recommended
Manufactured Home Park	M-3	Not Recommended
Single-family Residential 1	R-1-1	Not Recommended
Single-family Residential 2	R-1-2	Not Recommended
Single-family Attached	R-1-A	Not Recommended
Residential Condominium	R-1-C	Recommended
Residential Townhouse	R-1-T	Not Recommended
Residential Two-family	R-2	Not Recommended
Multi-family Residential 1	R-3-1	Conditional
Multi-family Residential 2	R-3-2	Recommended
Apartments Residential	R-3-3	Recommended
Retail/Service	R/S	Conditional
Recreational Vehicle Park	RV	Not Recommended
Transportation/Utilities	T/U	Not Recommended
Urban Estate District	UE	Not Recommended
Warehouse	W	Not Recommended

When development falls within the Corridor Condition, those uses approved for this District are conditional upon satisfactory implementation of design standards as conveyed in the Urban Design Plan.

NEW TOWN DISTRICT

CHARACTER

Currently consisting primarily of residential uses, open fields, some commercial uses along I-35, and the City's new Performing Arts Center, the New Town District will likely experience significant development pressures in the near future. This District straddles both I-35 and FM 1626, and growth from Austin and Buda is spreading south along these roadways. This District should be livable, comfortable, and convenient for all residents of Kyle and the surrounding region. Elements of form and design are critical to ensuring transitions between neighboring uses.

INTENT

The New Town District is designed to contain a horizontal mix of land uses that should be integrated across the area to express a cohesive community form. Many differing uses are encouraged throughout the District, but are distributed in autonomous land parcels instead of vertically aggregated in fewer land parcels. Horizontal mixed uses provide a transition to integrate the community form of New Town with surrounding communities, landscapes, and nodes. The purpose of the New Town District is to harness economic development potential and establish its position as the sustainable center of surrounding growth. This District

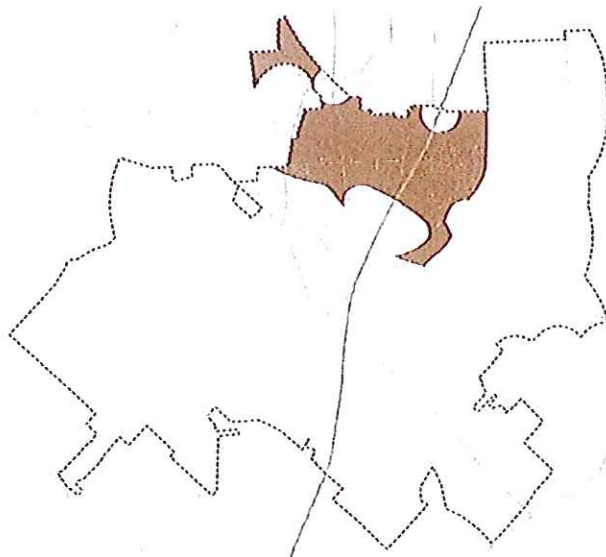


Figure 13: New Town District Key Map.

should provide economic support to Kyle based on locational advantages gained by access to growth advancing from south Austin and nodal developments on the northern side of Kyle. Mixed-use development should be encouraged, not only permitted, to maximize economic development. This can be achieved by aggregating appropriate densities in order to support a mixture of uses. Development patterns and employment opportunities should be created in the New Town District that do not conflict with the surrounding community fabric. Public spaces in this District should be used to preserve the character of ranch heritage, where appropriate.

JURISDICTION

The New Town District is in the northern portion of Kyle, on both the east and west sides of I-35. The most prominent features of this District are I-35, FM 1626, and Kohler's Crossing. Figure 13 indicates the location of the New Town District.



Illustrative Photograph



Illustrative Photograph

AUTHORITY

The following chart defines the appropriateness of various density ranges (residential and non-residential) by tying density to the development approval process. The three levels of development approval are:

- Preferred: No conditions required for approval.
- Conditional: Review by City staff required. Design improvements shall be made to ensure compliance with intent and character objectives of the New Town District.
- Not Recommended: Development plan is not appropriate for the New Town District.

	Residential (dwelling units/acre)	Non-Residential Single Use (Floor to Area Ratio)	Non-Residential Mixed Use (Floor to Area Ratio)
Preferred	4 - 6	0.2 - 0.4	0.3 - 1.0
Conditional	2 - 4; > 6	0.4 - 0.6	1.0 - 3.0
Not Recommended	< 2	< 0.2; > 0.6	< 0.3; > 3.0

APPLICATION

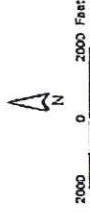
The following chart displays existing zoning categories and their applicability to the New Town District.

Zoning Category	Abbreviation	Use Qualification
Agricultural District	A	Conditional
Central Business District 1	CBD-1	Not Recommended
Central Business District 2	CBD-2	Not Recommended
Construction/Manufacturing	C/M	Conditional
Entertainment	E	Conditional
Hospital Services	HS	Conditional
Manufactured Home	M-1	Not Recommended
Manufactured Home Subdivision	M-2	Not Recommended
Manufactured Home Park	M-3	Not Recommended
Single-family Residential 1	R-1-1	Recommended
Single-family Residential 2	R-1-2	Recommended
Single-family Attached	R-1-A	Conditional
Residential Condominium	R-1-C	Recommended
Residential Townhouse	R-1-T	Recommended
Residential Two-family	R-2	Recommended
Multi-family Residential 1	R-3-1	Conditional
Multi-family Residential 2	R-3-2	Recommended
Apartments Residential	R-3-3	Recommended
Retail/Service	R/S	Conditional
Recreational Vehicle Park	RV	Not Recommended
Transportation/Utilities	T/U	Conditional
Urban Estate District	UE	Conditional
Warehouse	W	Conditional

When development falls within the Corridor Condition, those uses approved for this District are conditional upon satisfactory implementation of design standards as conveyed in the Urban Design Plan.

Illustration 8-3 Future Land Use

CITY OF BUDA
COMPREHENSIVE PLAN
2002-2012



Future Land Use Map Classification Key

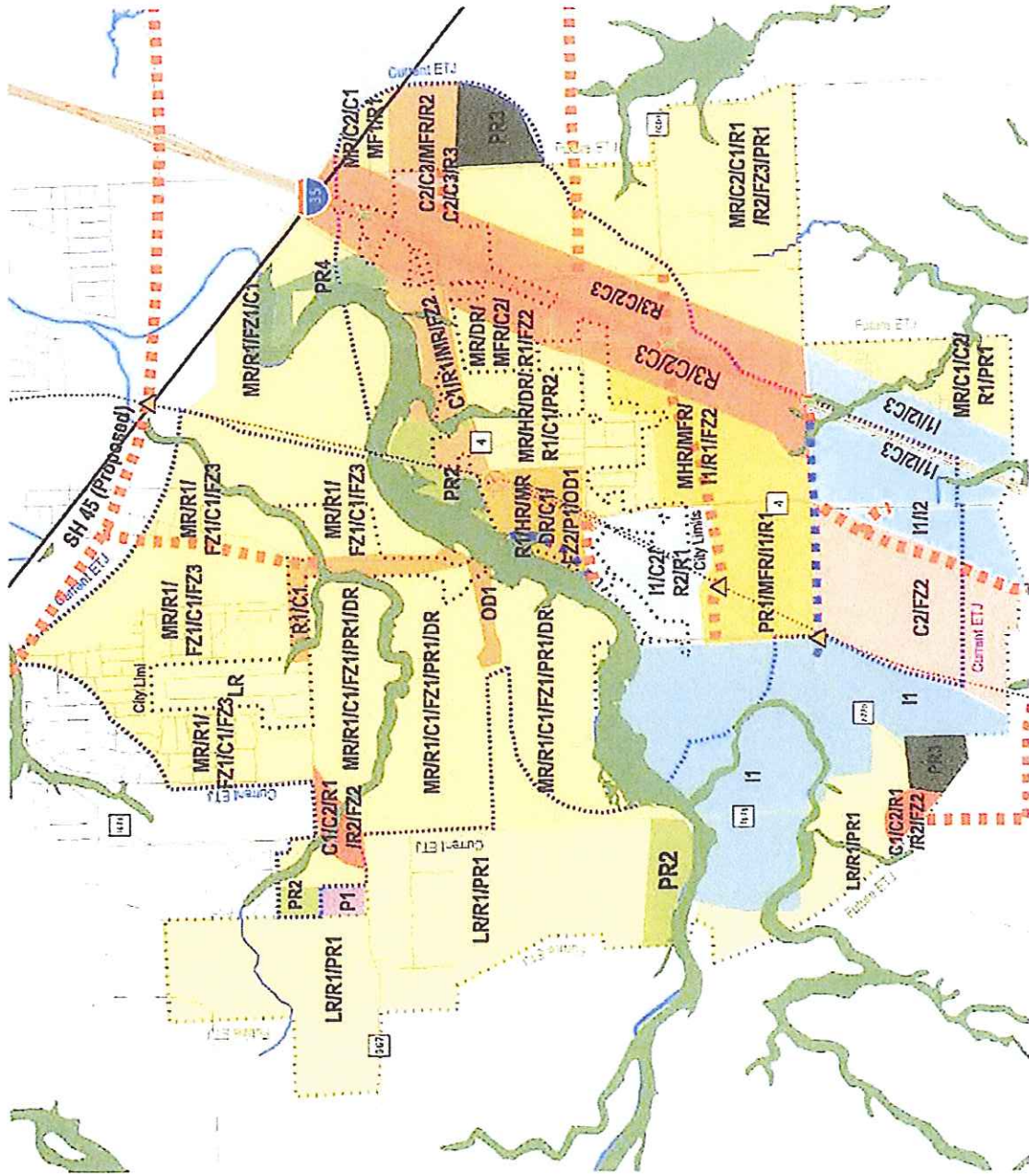
- | | |
|--|---|
| R. Residential | C. Commercial/Service/Office |
| 1. Low Density (LR) (1-3 units/acre) | 1. Neighborhood Service Commercial (C1) |
| 2. Medium Density (MR) (3-8 units/acre) | 2. Atypical Commercial/Office (C2) |
| 3. High Density (HR) (8-4 units/acre) | 3. Atypical Commercial/Office (C3) |
| 4. District (DR) | 4. Industrial |
| 5. Multifamily (MR) | 5. Light Industrial/Warehousing (I1) |
| 6. Manufactured Housing (MHR) | 6. Manufacturing/Processing (I2) |
| 7. Public | 7. Floating Zones |
| 8. Community Facility (P1) | 8. Cluster Development (FZ1) |
| 9. Infrastructure Facility (e.g. Water Plant) (P2) | 9. Mixed Use (FZ2) |
| 10. Parks and Recreation | 10. School Site (FZ3) |
| 11. Neighborhood Park (PR1) | 11. District Overlay (OD) |
| 12. City Park (PR2) | 12. Historical District Overlay (OD1) |
| 13. Regional Park (PR3) | |
| 14. Private Park (PR4) | |

- ### Legend
- City Limits
 - Current EIU
 - Future EIU
 - Rail Line
 - Freightline Corridor
 - Transportation Improvements (Points)
 - Alameda Railroad Crossing
 - Grade Separated Crossing
 - New/Improved Bridges
 - Transportation Improvements (Lines)
 - New Roadways
 - Roadway Improvements

LOOMIS
AUSTIN
INC.

Map produced by Loomis Austin, Inc.
May 6, 2002

a comprehensive plan shall not constitute zoning
regulation, nor establish, amend or alter boundaries



MEMORANDUM

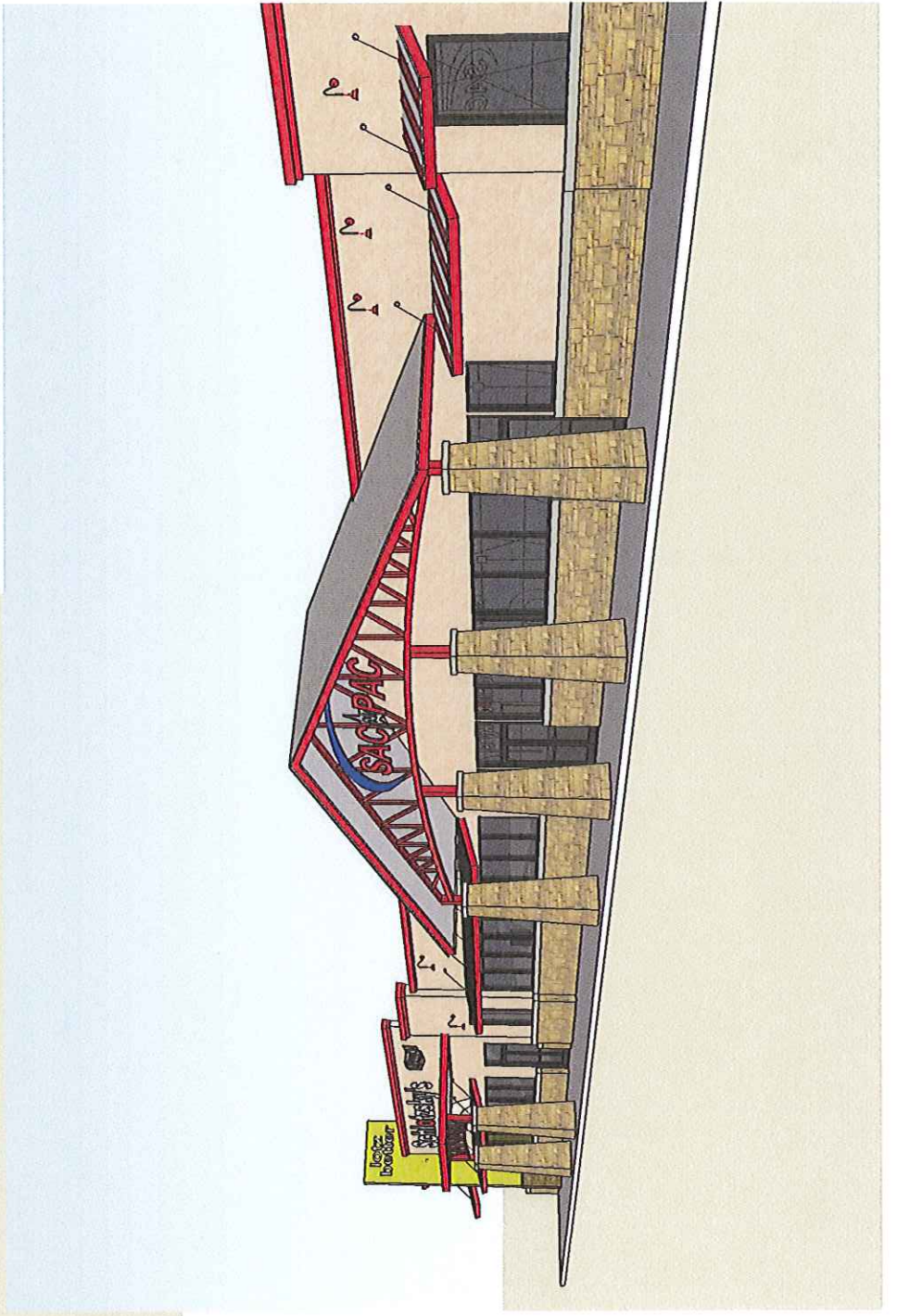
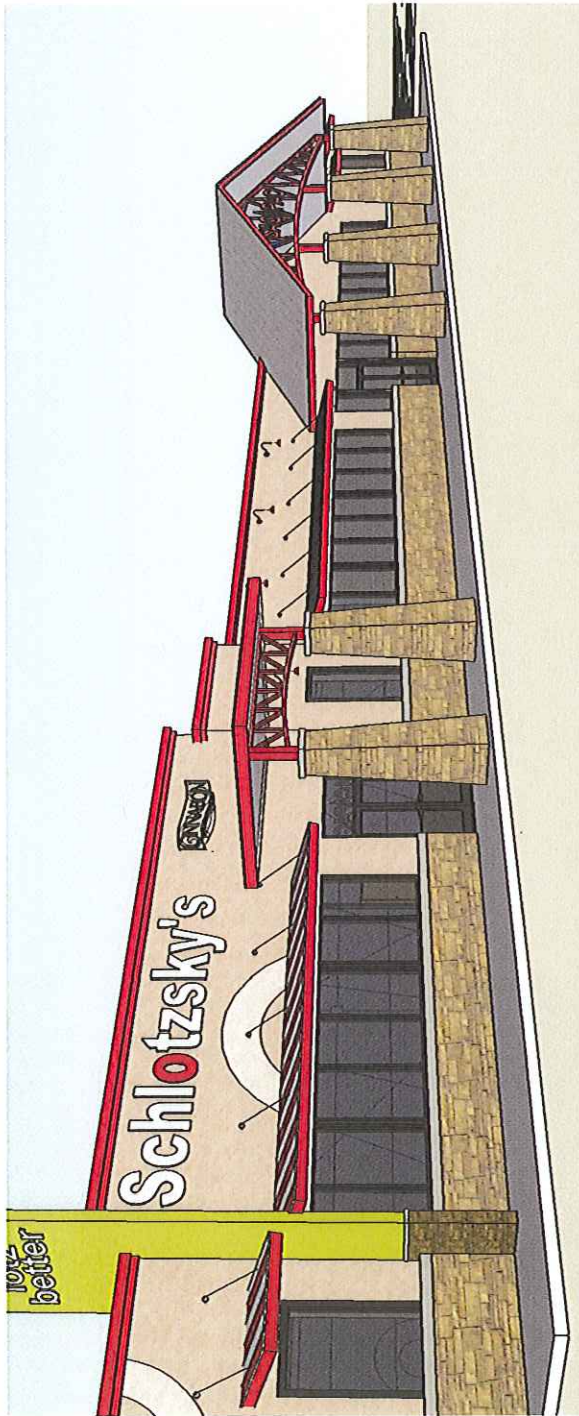
TO: Planning and Zoning Commissioners
FROM: Shira Rodgers, Director of Planning
DATE: June 28, 2011
SUBJECT: CONDITIONAL USE OVERLAY
SAC-N-PAC

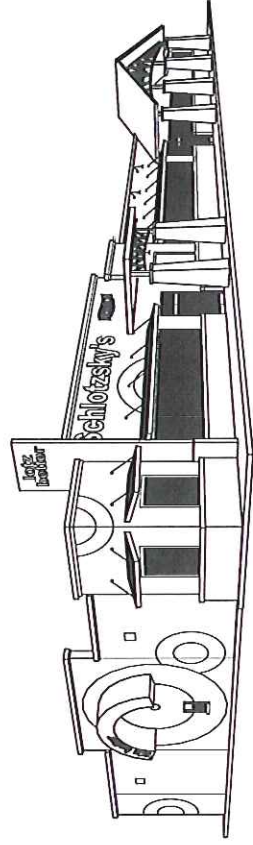
INFORMATION:

Proposed 10,000 square foot building for Sac-n-Pac and Schlotzsky's. The Site Development Plans aren't ready to be considered by the Planning Commission, the applicant has not addressed all staff comments. Therefore, the site plans will be presented to the Planning Commission on August 9th.

STAFF RECOMMENDATION:

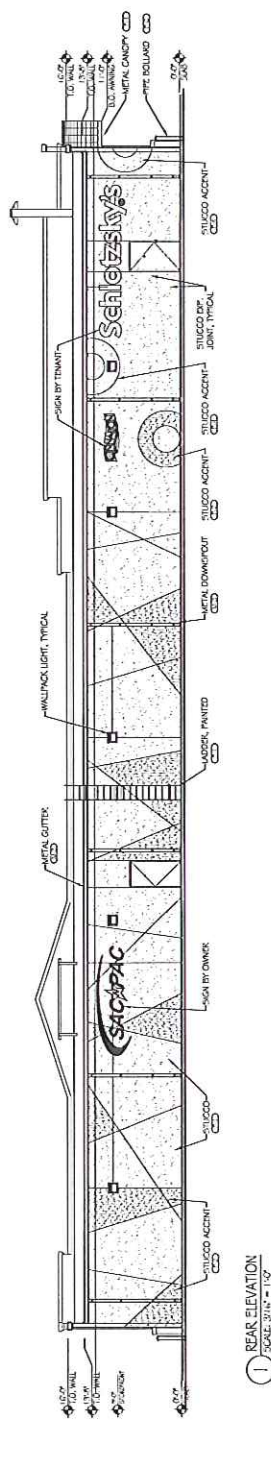
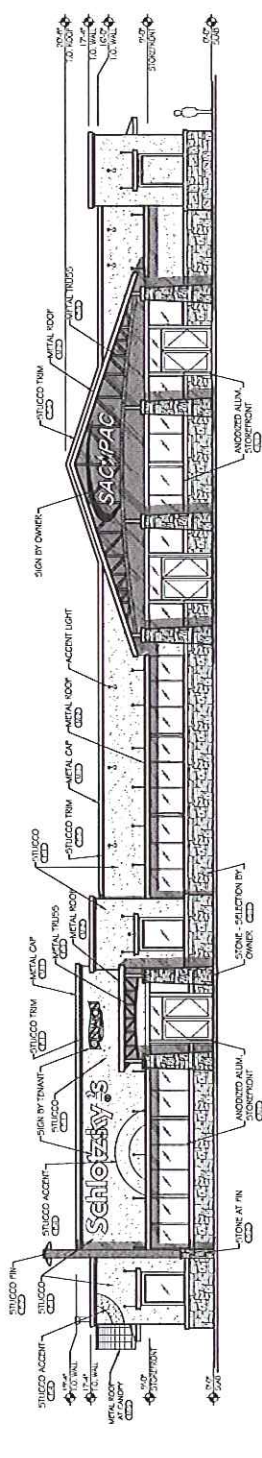
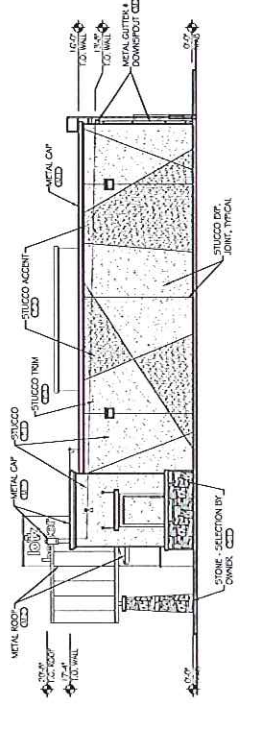
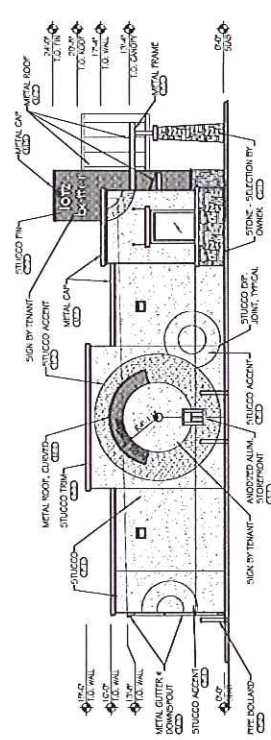
Approve the conditional use overlay permit.





MATERIAL	FINISH SELECTIONS	FINISH	FINISH SELECTIONS
METAL DWP AT WALL	METAL DWP AT WALL	FACTORY FINISH	FACTORY FINISH
METAL ROOF	METAL ROOF	FACTORY FINISH	FACTORY FINISH
GUTTER/ DOWNSPOUT	GUTTER/ DOWNSPOUT	FACTORY FINISH	FACTORY FINISH
METAL ROOF - RED	METAL ROOF - RED	FACTORY FINISH	FACTORY FINISH
METAL ROOF - GREEN	METAL ROOF - GREEN	FACTORY FINISH	FACTORY FINISH
STONE - ONYX	STONE - ONYX	FACTORY FINISH	FACTORY FINISH
STONE - PINKER AT FN	STONE - PINKER AT FN	FACTORY FINISH	FACTORY FINISH
ANODIZED ALUM. - SMOOTH	ANODIZED ALUM. - SMOOTH	FACTORY FINISH	FACTORY FINISH
FACTORY FINISH	FACTORY FINISH	FACTORY FINISH	FACTORY FINISH

MATERIAL	FINISH SELECTIONS	FINISH	FINISH SELECTIONS
7" WALL - RED COLOR	7" WALL - RED COLOR	FACTORY FINISH	FACTORY FINISH
FACTORY FINISH	FACTORY FINISH	FACTORY FINISH	FACTORY FINISH
FACTORY FINISH	FACTORY FINISH	FACTORY FINISH	FACTORY FINISH
FACTORY FINISH	FACTORY FINISH	FACTORY FINISH	FACTORY FINISH
FACTORY FINISH	FACTORY FINISH	FACTORY FINISH	FACTORY FINISH
FACTORY FINISH	FACTORY FINISH	FACTORY FINISH	FACTORY FINISH
FACTORY FINISH	FACTORY FINISH	FACTORY FINISH	FACTORY FINISH
FACTORY FINISH	FACTORY FINISH	FACTORY FINISH	FACTORY FINISH



MEMORANDUM

TO: Planning and Zoning Commissioners
FROM: Shira Rodgers, Director of Planning
DATE: July 26, 2011
SUBJECT: CENTRAL BUSINESS DISTRICT REVISIONS

INFORMATION:

This is an amendment to the Central Business 2 District. The amendment will allow for multi-family restricted as a permitted use within the Central Business 2 District.

Red font indicates additions
Strike through indicates deletions

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 53 ZONING, ARTICLE I. IN GENERAL, SECTION 53-5 DEFINITIONS TO ADD A DEFINITION FOR “MULTI-FAMILY RESIDENTIAL, RESTRICTED” AND ARTICLE II ZONING DISTRICTS AND REGULATIONS, DIVISION 15 CENTRAL BUSINESS DISTRICT 2, SECTION 53-443 PERMITTED USES TO ADD MULTI-FAMILY RESIDENTIAL RESTRICTED AS A PERMITTED USE, OF THE CITY OF KYLE, CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KYLE, TEXAS:

SECTION 1: That Chapter 53 Zoning, Article I. In General, Section 53-5 Definitions, City of Kyle Code of Ordinances (the “Code”) is hereby amended to add the following definition:

Multi-Family Residential, Restricted means multiple-family residences, containing five (5) or fewer dwelling units which are located above the first floor of a structure that has a non-residential use, such as an office or retail shop, operating on the first floor.

SECTION 2: That Chapter 53 Zoning, Article II Zoning Districts and Regulations, Division 15 Central Business District 2, Section 53-443 Permitted Uses, City of Kyle Code of Ordinances (the “Code”) is hereby amended as written:

Sec. 53-443. - Permitted uses.

- (a) The CBD-2 central business district 2 is less restrictive than CDB-1 and principally addresses development in the original town and central area of the city, allowing a mix of uses including, office, restricted commercial, **restricted multi-family residential** and residential uses. **Each multi-family dwelling unit shall be required to have a minimum of five hundred (500) square feet of living area.** ~~excluding multifamily, which uses include the specifically listed uses in section 53-1230~~
- (b) The uses permitted in the CBD-2 central business district 2 shall be as provided in section 53-1230

SECTION 3: The remainder of Chapter 53 Zoning, Article I. In General, Section 53-5 and Chapter 53 Zoning, Article II Zoning Districts and Regulations, Division 15 Central Business District 2, Section 53-443, remain unchanged.

SECTION 4. If any provision, section, subsection, sentence, clause or phrase of this ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid (or for any reason unenforceable), the validity of the remaining portions of this ordinance or the application to such other persons or sets of circumstances shall not be affected hereby, it being the intent of the City Council of the City of Kyle, in adopting this ordinance, that no portion hereof or provision contained herein shall become inoperative or fail by reason of any unconstitutionality or invalidity of any portion or provision.

SECTION 5. This Ordinance shall be published according to law and shall be and remain in full force and effect from and after the date of publication.

SECTION 6. It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required by law.

READ, CONSIDERED, PASSED AND APPROVED ON FIRST READING by the City Council of Kyle at a regular meeting on the _____ day of _____, 2011, at which a quorum was present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

READ, CONSIDERED, PASSED AND APPROVED ON SECOND AND FINAL READING by the City Council of Kyle at a regular meeting on the ___ day of _____ 2011, at which a quorum was present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

APPROVED this _____ day of _____, 2011.

Lucy Johnson, Mayor

ATTEST:

Amelia Sanchez, City Secretary