

Doucet & Associates, Inc.
Consulting Engineers

7401 B Highway 71 West
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May 2, 2012

Sofia Nelson, AICP
Director of Planning
City of Kyle
100 W. Center Street
Kyle, TX 78640

Re: Sac-n-Pac, Kyle Towne Center, Overhead Electric Street Crossing Request

Dear Ms. Nelson,

Please accept this letter as a waiver request for SD-11-009 to modify the original plans for electric service by changing one small road crossing area from underground to overhead. We would maintain the underground service within our site and only request that we are allowed to cross into our site with an overhead crossing along Kyle Crossing.

At the time of the original site design, we believed that we were required to use all underground electric facilities. Our approved SD-11-009 permit plans reflect this. However, it is now our understanding that we can seek approval for a small amount of overhead if Planning Commission and City Council will approve the modification.

Below, I will explain how this project has some unique attributes that make this request very reasonable at this specific location. And, I have included photos and a sketch at the end to further illustrate these points.

1) Small Section Outside Subdivision Boundary

First, we are only asking for a very small piece of line to be overhead. This would only be outside the subdivision boundary in the existing right-of-way of Kyle Crossing (also CR 210, formerly Dry Hole) where the line has to cross the roadway to extend service into the project site. And, this part of Kyle Crossing already has overhead three-phase overhead electric along the west.



- 2) Texas Lehigh is our Neighbor
Our site is across from Texas Lehigh. So, it is reasonable to expect that the Texas Lehigh land will not develop, and, therefore this area will continue to have overhead electric along Kyle Crossing and Kohler's Crossing at this intersection and beyond. For this reason, the addition of the one crossing and one pole would not make a difference aesthetically in the future of this area. (see photos)
- 3) Visual Effect of Curving Road has Overhead Electric In View Anyway
Second, Kyle Crossing curves toward the east in this area so the view north and south at this intersection is of the overhead electric on the west. The overhead crossing and one additional pole that we would add would be lost visually in this view. (see photos)
- 4) Matches other properties in the area (north and south along Kyle Crossing)
Additionally, all the services to properties north and south of this site along Kyle Crossing are already installed as overhead crossings. (see photos)
- 5) Savings of up to \$100,000
And, this would result in a savings to the project of as much as \$100,000 according to the construction manager and utility contractor. This is because we could eliminate the need for a bore under Kyle Crossing and the switchgear (described below), both of which are large cost items.
- 6) Visual Impact Proportionate to Underground
Lastly, the electric equipment (called a switchgear) that we would be required to install on the northeast corner of Kyle Crossing and Kohler's Crossing would be a very large green box. We think that a single pole and overhead crossing is visually similar in impact. (See attached photo of similar near the Plum Creek development further west on Kohler's Crossing.)

For all of these reasons this site has unique considerations that make it reasonable to allow an overhead crossing to the site, at which point all service interior to the project would be underground.

Thank you for your time and consideration.

Sincerely,



Carey Bresler, AICP
Client Manager



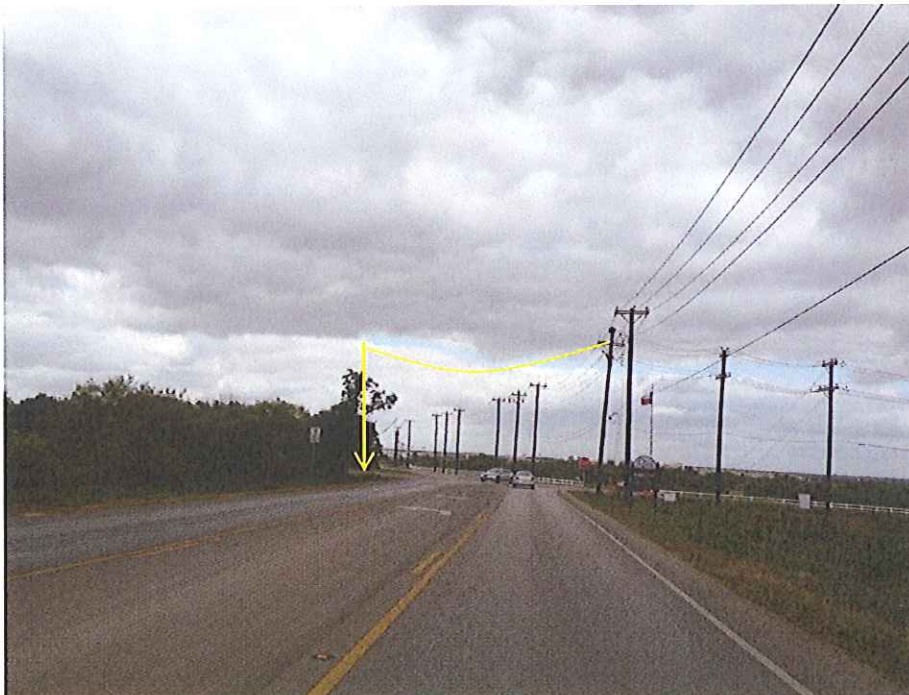
Sac-n-Pac, Kyle Towne Center, Overhead Electric Street Crossing Request
SD-11-009

PHOTOS

Note: new pole location shown with yellow arrow, line with yellow arc



Kyle Crossing/Kohler's Crossing Intersection – Facing West



Kyle Crossing/Kohler's Crossing Intersection – Facing South

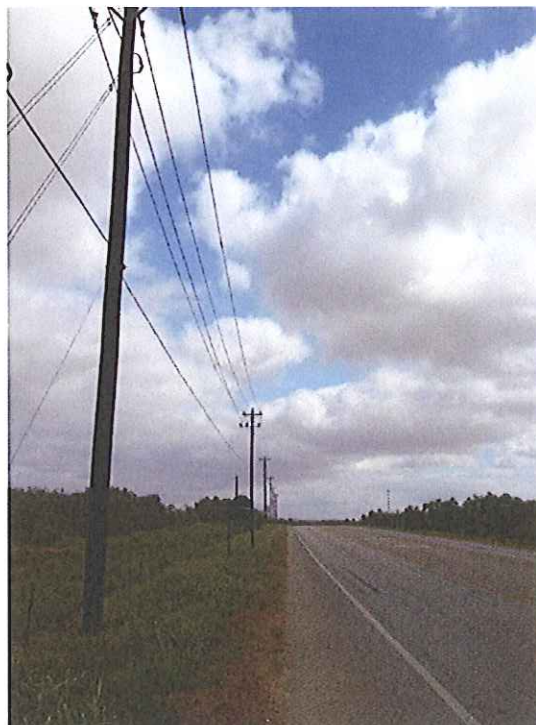
Sac-n-Pac, Kyle Towne Center, Overhead Electric Street Crossing Request
SD-11-009

PHOTOS

Note: new pole location shown with yellow arrow, line with yellow arc



Kyle Crossing/Kohler's Crossing Intersection – Facing North



Texas Lehigh Boundary along Kyle Crossing

Sac-n-Pac, Kyle Towne Center, Overhead Electric Street Crossing Request
SD-11-009

PHOTOS

Note: new pole location shown with yellow arrow, line with yellow arc



Texas Lehigh Boundary along Kohler's Crossing



Kyle Crossing overhead electric east-west crossing north of site

Sac-n-Pac, Kyle Towne Center, Overhead Electric Street Crossing Request
SD-11-009

PHOTOS

Note: new pole location shown with yellow arrow, line with yellow arc



Kyle Crossing cell tower and electric north of site



Kyle Crossing overhead electric east-west crossing south of site

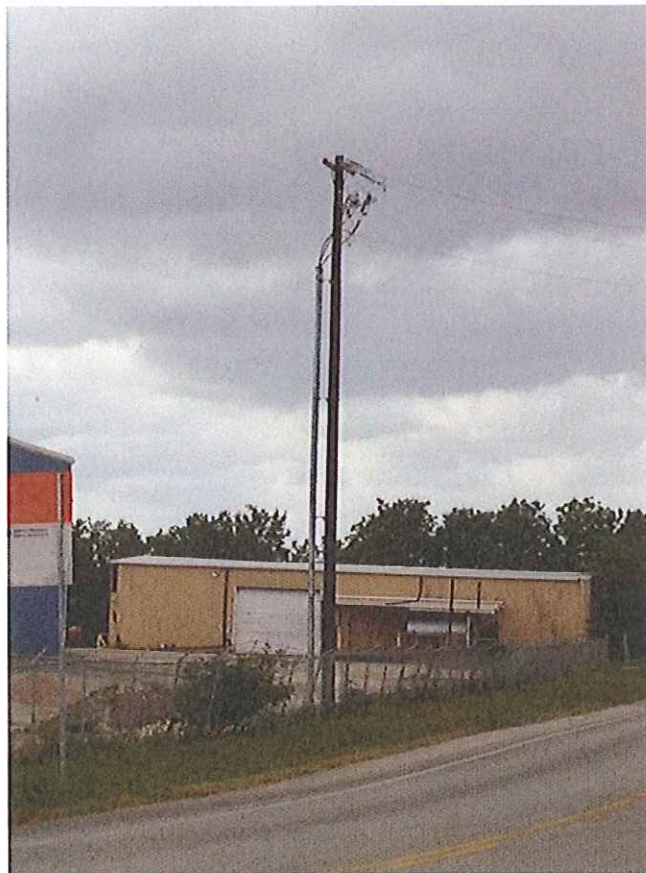
Sac-n-Pac, Kyle Towne Center, Overhead Electric Street Crossing Request
SD-11-009

PHOTOS

Note: new pole location shown with yellow arrow, line with yellow arc



Switchgear Boxes (for visual comparison to the below option)



View of single pole after overhead crossing where service transitions to underground
(for visual comparison to the switchgears shown above)

MEMORANDUM

TO: Planning and Zoning Commission
FROM: Sofia Nelson, Director of Planning
DATE: April 18, 2012
SUBJECT: Goforth Dollar General Subdivision

BACKGROUND

Site Information and Proposal

The subject property is approximately 2.9 acres and is located at the intersection of CR 157 (Goforth Rd.) and CR.122 (Goforth Road). The property is located outside the city limits within the City's ETJ. The proposed subdivision would subdivide the 2.9 acre parcel into two lots.

Utilities

The property will be served by Goforth Water Supply Company and wastewater service will be handled through an onsite septic system.

Access

The property in its current configuration has street frontage on two streets. Due to the location of the property at the intersection of two streets staff has requested a shared access easement be added to the plat. The shared access easement will allow Lot 2 to utilize Lot 1 for street access and vice-versa. The applicant has submitted the attached letter requesting that a shared access easement not be required and the deferment of payment for a portion of the perimeter fee be considered.

STAFF RECOMMENDATION:

Variance Request- Cross Access Easement

The purpose of a subdivision plat is to provide for orderly and safe development and to promote the health, safety and general welfare of the community. In order to assure the safe development of properties located both inside the city limits and city the ETJ staff reviews a variety of requirements outlined in the subdivision ordinance. These requirements vary from lot size, setbacks, road frontage and layout, location of utilities and access management.

The spacing of access for driveways and streets is an important element in the planning and review of subdivisions. Access points are the main source of accidents and congestion. Their location and spacing is crucial, too many streets and driveway intersections, for example, increase accident potential and delays and preclude effective traffic signal coordination. Too few inhibit access and over-concentrate traffic. While the City of Kyle does not have specific driveway approach requirements it states the following regarding being designed to acceptable engineering practices:

Sec. 41-145. - Drive approaches. Drive approaches shall be in conformance with standards approved and adopted by the council from time to time; provided that if no applicable standard has been adopted such approaches shall be designed pursuant to acceptable engineering practices and approved by the city engineer. The city may impose a more restrictive standard than contained in any such standard or design proposal, in conjunction with review of a subdivision plat, if anticipated development under the standards will result in a dangerous or unsafe condition to the public.

Staff has reviewed the plat and the length of road frontage provided for each of the lots. It appears that based on the length of the frontage along Goforth Road that it is highly likely that any driveway access on lot 1 will be limited to right-in-right-out access points (i.e. prohibit left-turns). In an effort to help facilitate traffic that would need to turn left a cross-access easement was requested to allow patrons from lot 1 to access a safe driveway to turn left onto CR122 and then make the left onto Goforth. If the cross access easement was not provided and the lot is limited to right-in-right-out only access all patrons would be forced to turn right and make a U-turn somewhere down the street.

Perimeter Road Fee

Staff has reviewed the request for the deferment of a perimeter road fee. While staff understands that the intent of applicant to only develop lot 2, the platting of lot 1 makes the property eligible for redevelopment. Because the property is not located within the city limits and therefore not subject to city issued building permits there would be no way of assuring the property owner will pay the road fee if and when the property was redeveloped.

Variances

The City of Kyle code states that following regarding variances to the subdivision ordinance

Sec. 41-10. - Exceptions

(a)It is the expressed intent of this chapter that all sections and parts should be complied with, except in those instances when the provisions of this section are applicable. It is further the intent of this chapter that the granting of an exception to this chapter (i.e., a variance from the requirements hereof) shall not be a substitute for the amending of this chapter.

(b)The planning and zoning commission may recommend to the council that an exception from these regulations be granted when, in its opinion, undue hardship will result from requiring strict compliance. In considering, recommending and granting an exception, either the planning and zoning commission or the council shall prescribe such conditions that it deems necessary or desirable in the public interest. In making the findings required in subsection (c) of this section, both bodies shall take into account, at least, the nature of the proposed use of the land involved, existing uses of land in the vicinity, the number of persons who will reside or work in the proposed subdivision, and the probable effect of such exception upon traffic conditions and upon the public health, safety, convenience and welfare in the vicinity.

(c)No exception shall be granted unless the following conditions are met:

(1)That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this chapter would have a substantial adverse impact on the applicant's reasonable use of his land;

(2)That the granting of the exception will not be detrimental to the public health, safety or welfare, or injurious to other property in the area; and

(3) That the granting of the exception will not have the effect of preventing the orderly subdividing of other land in the area in accordance with the provisions of this chapter.

(d) Such findings of the planning and zoning commission and council, together with the specific facts upon which such findings are based, shall be incorporated into the official minutes of the meeting at which such exception is recommended and granted.

(e) Exceptions may be granted only when in harmony with the general purpose and intent of this chapter so that the public health, safety and welfare may be secured and substantial justice served.

Staff has reviewed the variance request and has not determined the above criteria to be met. Staff recommends approval of the plat with the following conditions:

- A cross access easement be provided between lots 1 and 2
- Payment of the full perimeter road fee prior to the recordation of the plat.



April 17, 2012

Sophia Nelson
Director of Planning
City of Kyle
100 West Center
Kyle, Texas 78640

RE: Goforth Dollar General
Subdivision (FP-12-001)

Dear Ms. Nelson:

On behalf of the developer of the Dollar General property (Lot 2) and the owner of the remainder tract (Lot 1), I am writing to request a variance to the requirement of a cross access easement between the two lots and a second variance related to the proposed perimeter access fee.

The sole purpose of the proposed subdivision is to create a single lot for construction of a new Dollar General store. Lot 1 is currently an auto repair shop with an existing access drive to Goforth Road. There are no plans to improve or change the use of Lot 1. The original subdivision plat given preliminary approval by Hays County included only the single Dollar General lot. The remainder tract was included in the subdivision as a requirement of the City of Kyle.

Given the background above, the developer of Lot 2 and the owner of Lot 1 are asking for a variance to remove the access easement requirement. Because no improvements are planned for Lot 1, neither the developer nor the owner wishes to encumber Lot 2 with an access easement that will require a maintenance agreement along with use restrictions. With approval of the variance, the access to Lot 1 from Goforth Road would continue to be used as it currently exists until development occurs on Lot 1.

Secondly, the developer and owner request a variance for deferral of the Lot 1 portion of the perimeter access fee. As before, the basis for this request is that Lot 1 will not be developed at this time.

The total perimeter fee of \$40,398 is based upon improvement of 780 l.f. of Goforth Road. The developer will immediately pay the perimeter fee associated with the 210 l.f. of Lot 2 frontage (\$10,876.38). The owner of Lot 1 is requesting a deferral of the balance of the perimeter fee (\$29,521.62) associated with the remaining 570 l.f. of frontage. With approval of the variance, the perimeter fee associated with Lot 1 would be paid when/if development occurs on Lot 1.

Thank you for your consideration.

Please let me know if you have any questions or comments.

OVERLAND ENGINEERING, LLC

A handwritten signature in blue ink that reads "Rusty Doss". The signature is written in a cursive style with a large, stylized "R" and "D".

Rusty Doss, P.E.

MEMORANDUM

TO: Planning and Zoning Commission
FROM: Sofia Nelson, Director of Planning
DATE: May 15, 2012
SUBJECT: Plum Creek Phase 1 Section 11C-Final Plat

BACKGROUND

Site Information and Proposal

The proposed plat is a final plat that consists of 16.304 acres and consists of two lots and the right-of-way for the extension of Cromwell. Lot 1 is approximately 4.296 acres and is zoned Light Industrial and Lot 2 is approximately 11.152 acres and is identified to be used as Open Space/PUE Drainage Easement and Landscape Easement. The remaining acreage of 0.856 acres is to be dedicated as right of way for the extension of Cromwell.

Utilities

Water service for the project will be obtained by extending a 12 inch main southeasterly in the Cromwell right of way.

Access

Cromwell will be extended from its current terminus at the Cromwell/Sampson roundabout to serve as access for Lots 1 and 2.

STAFF RECOMMENDATION:

Staff is recommending approval of the request for the following reasons:

- The plat is consistent with all zoning requirements for the property.
- The proposed provision and configuration of roads, water, wastewater, drainage and easements and rights-of-way are adequate to serve the subdivision.

PLUM CREEK PHASE I, SECTION 11C - FINAL PLAT

STATE OF TEXAS
COUNTY OF TRAVIS

KNOW ALL MEN BY THESE PRESENTS, THAT WE, PLUM CREEK DEVELOPMENT PARTNERS, LTD., A LIMITED PARTNERSHIP ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF TEXAS, WITH ITS HOME ADDRESS AT 200 CONGRESS AVENUE, SUITE 8A, AUSTIN, TEXAS 78701, BEING THE OWNER OF 1,709 ACRES OF LAND IN THE HEVLY LOLLER SURVEY NO. 19, A-299, HAYS COUNTY, TEXAS, SAID 1,709 ACRES BEING A PORTION OF A CALLED 3,145 ACRE TRACT OF LAND DESIGNATED AS TRACT 1-1 IN VOLUME 2126, PAGE 304, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, AND MOUNTAIN PLUM LTD., A LIMITED PARTNERSHIP ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF TEXAS, WITH ITS HOME ADDRESS AT 4040 BROADWAY, SUITE 501, SAN ANTONIO, TEXAS 78290, BEING THE OWNER OF 14,559 ACRES OF LAND IN THE JESSE DAY SURVEY, A-159, THE JOHN KING SURVEY NO. 20, A-278 AND THE HEVLY LOLLER SURVEY NO. 19, A-299, HAYS COUNTY, TEXAS, SAID 14,559 ACRES BEING A PORTION OF THE REMAINDER OF A CERTAIN 849.87 ACRE TRACT DESCRIBED IN THE DEED TO WILLIAM NEBLEY, LIFE TENANT OF RECORD IN VOLUME 322, PAGE 289, DEED RECORDS OF HAYS COUNTY, TEXAS, AND ALSO IN THE DEED TO MOUNTAIN PLUM, LTD. OF RECORD IN VOLUME 2047, PAGE 133, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, DO HEREBY SUBSCRIBE SAID 1,709 ACRES AND SAID 14,559 ACRE TRACTS, CONTAINING A TOTAL OF 16,305 ACRES, AS SHOWN ON THIS PLAT, AND DESIGNATED HEREIN AS THE PLUM CREEK PHASE I, SECTION 11C SUBDIVISION TO THE CITY OF KYLE, TEXAS, AND WHOSE NAME IS SUBSCRIBED HERETO, HEREBY DEDICATE TO THE USE OF THE PUBLIC FOR EVERY PUBLIC RIGHT OF WAY, WATER COURSES, DRAINS, EASEMENTS (INCLUDING LANDSCAPE EASEMENTS), PARKS AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSE AND CONSIDERATION THEREIN EXPRESSED.

WHEREOF THE SAID PLUM CREEK DEVELOPMENT PARTNERS, LTD., OWNER, HAS CAUSED THESE PRESENTS TO BE EXECUTED BY ITS GENERAL PARTNER, BOB PLUM CREEK DEVELOPERS, LTD., THEREUNTO DULY AUTHORIZED, GENERAL PARTNER HAS CAUSED THESE PRESENTS TO BE EXECUTED BY ITS GENERAL PARTNER, BENCHMARK LAND DEVELOPMENT, INC., AND WHEREOF THE SAID MOUNTAIN PLUM LTD., HAS CAUSED THESE PRESENTS TO BE EXECUTED BY THE MANAGERS OF MP GENERAL, L.L.C., ITS GENERAL PARTNER, RICHARD B. NEBLEY AND LAURA N. GILL, THEREUNTO DULY AUTHORIZED.

PLUM CREEK DEVELOPMENT PARTNERS, LTD.,
A TEXAS LIMITED PARTNERSHIP
BY: BOB PLUM CREEK DEVELOPERS, LTD.,
A TEXAS LIMITED PARTNERSHIP, GENERAL PARTNER
BY: BENCHMARK LAND DEVELOPMENT, INC.,
A TEXAS CORPORATION, GENERAL PARTNER
BY: DAVID C. MAHN, VICE PRESIDENT

MOUNTAIN PLUM LTD.,
A TEXAS LIMITED PARTNERSHIP
BY: MP GENERAL, L.L.C., GENERAL PARTNER
A TEXAS LIMITED LIABILITY COMPANY
BY: RICHARD B. NEBLEY, MANAGER
LAURA N. GILL, MANAGER

STATE OF TEXAS
COUNTY OF TRAVIS

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED, DAVID C. MAHN, VICE PRESIDENT OF BENCHMARK LAND DEVELOPMENT, INC., KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN STATED, GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS

DAY OF _____, 2012.

NOTARY PUBLIC, STATE OF TEXAS
MY COMMISSION EXPIRES: _____
(PRINTED NAME OF NOTARY)

STATE OF TEXAS
COUNTY OF BEXAR

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THE _____ DAY OF _____, 2012, BY RICHARD B. NEBLEY, MANAGER OF MOUNTAIN PLUM, L.L.C., A TEXAS LIMITED LIABILITY COMPANY, THE GENERAL PARTNER OF MOUNTAIN PLUM, LTD., A TEXAS LIMITED PARTNERSHIP, FOR AND ON BEHALF OF SAID LIMITED PARTNERSHIP.

NOTARY PUBLIC, STATE OF TEXAS
MY COMMISSION EXPIRES: _____
(PRINTED NAME OF NOTARY)

STATE OF TEXAS
COUNTY OF BEXAR

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THE _____ DAY OF _____, 2012, BY LAURA N. GILL, MANAGER OF MOUNTAIN PLUM, L.L.C., A TEXAS LIMITED LIABILITY COMPANY, THE GENERAL PARTNER OF MOUNTAIN PLUM, LTD., A TEXAS LIMITED PARTNERSHIP, FOR AND ON BEHALF OF SAID LIMITED PARTNERSHIP.

NOTARY PUBLIC, STATE OF TEXAS
MY COMMISSION EXPIRES: _____
(PRINTED NAME OF NOTARY)

STATE OF TEXAS
COUNTY OF HAYS

KNOW ALL MEN BY THESE PRESENTS:

THAT, LIZ GONZALEZ, CLERK OF HAYS COUNTY COURT DOES HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT OF WRITING AND THE CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORDS IN MY OFFICE ON THE _____ DAY OF _____, 2012, A.D., IN THE PLAT RECORDS OF SAID COUNTY AND STATE IN PLAT CABINET _____, PAGE(S) _____. WITNESS MY HAND AND SEAL OF OFFICE OF COUNTY CLERK OF SAID COUNTY ON THIS THE _____ DAY OF _____, 2012, A.D. FILED FOR RECORD AT _____ O'CLOCK _____ M. THIS THE _____ DAY OF _____, 2012, A.D.

BY: LIZ GONZALEZ
COUNTY CLERK
HAYS COUNTY, TEXAS

I, THE UNDERSIGNED CHAIRPERSON OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF KYLE HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS OF THE SUBDIVISION REGULATIONS OF THE CITY AS TO WHICH THE COMMISSION'S APPROVAL IS REQUIRED.

BY: CHAIRPERSON

THIS PLAT (PLUM CREEK PHASE I, SECTION 11C) HAS BEEN SUBMITTED TO AND CONSIDERED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KYLE, TEXAS AND IS HEREBY APPROVED BY THE COMMISSION.

DATED THIS _____ DAY OF _____, 2012.

BY: _____
ATTEST: _____
SECRETARY

THIS PLAT (PLUM CREEK PHASE I, SECTION 11C) HAS BEEN SUBMITTED TO AND CONSIDERED BY THE CITY COUNCIL OF THE CITY OF KYLE, TEXAS AND IS HEREBY APPROVED BY THE COUNCIL.

DATED THIS _____ DAY OF _____, 2012.

BY: _____
ATTEST: _____
SECRETARY

STATE OF TEXAS
COUNTY OF TRAVIS

I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, HEREBY CERTIFY THAT THE PLAT AND ALL PLANS AND SPECIFICATIONS WHICH ARE INCLUDED WITH THE PLAT ARE, TO THE BEST OF MY PROFESSIONAL CAPACITY, COMPLETE AND ACCURATE AND IN COMPLIANCE WITH ALL RELEVANT CITY ORDINANCES, PLANS, AND RELEVANT STATE STATUTES.

FOR REVIEW ONLY

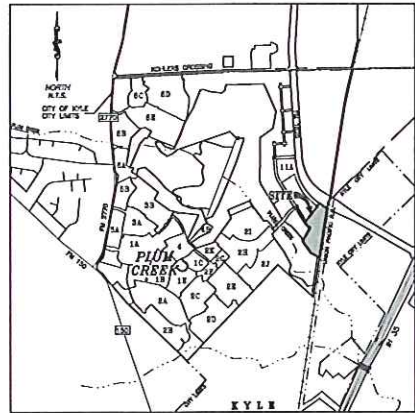
BY: LAWRENCE W. HANSHAW, P.E.
REGISTERED PROFESSIONAL ENGINEER
NO. 52474 - STATE OF TEXAS
HANSHAW-PROFESSIONAL ENGINEERING, INC.
8333 CROSS PARK DRIVE
AUSTIN, TEXAS 78754
512-453-4734

STATE OF TEXAS
COUNTY OF TRAVIS

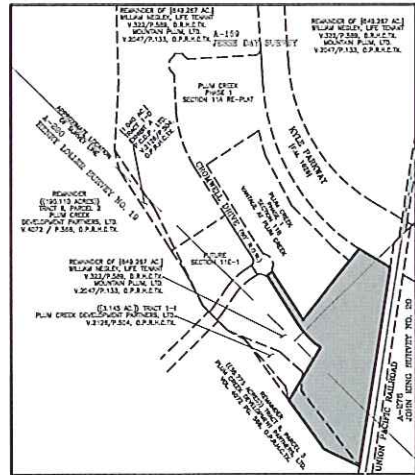
I, JOHN D. BARNARD, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THIS PLAT WAS PREPARED FROM AN ACTUAL ON-THE-GROUND SURVEY MADE UNDER MY DIRECTION AND SUPERVISION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

FOR REVIEW ONLY

BY: JOHN D. BARNARD
REGISTERED PROFESSIONAL LAND SURVEYOR
NO. 5749 - STATE OF TEXAS
BARNARD PARTNERS
3101 BEE CAVE RD., SUITE 100
AUSTIN, TEXAS 78748
512-327-1180



VICINITY MAP
NTS



SITE MAP
SCALE: 1" = 500'

NOTES:

- TOTAL ACREAGE: 16,305 ACRES.
- THE TOTAL AREA OF PUBLIC STREET RIGHT OF WAY (CROWMELL DRIVE) TO BE DEDICATED IN THIS SUBDIVISION IS 0.958 ACRE.
- TOTAL NUMBER OF LOTS: 2
- PLAT COMPLETELY CONFORMS WITH PLUM CREEK P.U.D. MASTER PLAN & CITY OF KYLE ORDINANCE 308 AND 311.
- SIDEWALKS ALONG OR WITHIN CROWMELL RIGHT OF WAY SHALL BE INSTALLED BY LOT OWNER / DEVELOPER. SIDEWALK WITH PEDESTRIAN EASEMENT SHALL BE CONSTRUCTED AND MAINTAINED BY LOT OWNER.
- PARKING ALONG CROWMELL DRIVE IS PROHIBITED, EXCEPT WHERE ON-STREET PARKING MAY BE APPROVED BY THE CITY OF KYLE.
- NO OBJECT INCLUDING BUILDING, ACCESSORY BUILDING, FENCING OR LANDSCAPING WHICH WOULD INTERFERE WITH CONVEYANCE OF STORM WATER SHALL BE PLACED OR ERRECTED WITHIN DRAINAGE EASEMENTS.
- OFFSITE WATER AND WASTEWATER LINES MUST BE CONSTRUCTED AND ACCEPTED BY CITY PRIOR TO OCCUPANCY OF ANY BUILDING(S) ON THIS PROPERTY.
- ALL UTILITIES WITHIN THIS SUBDIVISION SHALL BE UNDERGROUND.
- ALL OPEN SPACES, DRAINAGE EASEMENTS AND LANDSCAPE EASEMENT AREAS SHALL BE MAINTAINED BY THE HOMEOWNERS ASSOCIATION AND IT SHALL BE THE HOMEOWNERS ASSOCIATIONS RESPONSIBILITY FOR KEEPING AREAS NEATLY CUT AND FREE OF DEBRIS AND ALL TREE/BRUSH REGROWTH.
- LOT 1 REQUIRES APPROVAL OF SITE DEVELOPMENT PLAN FROM THE CITY OF KYLE AND PLUM CREEK DEVELOPMENT PARTNERS, LTD. PRIOR TO BEGINNING ANY CONSTRUCTION ACTIVITY.
- PRIOR TO CONSTRUCTION OF ANY IMPROVEMENTS ON LOT 1 IN THIS SUBDIVISION, SITE DEVELOPMENT AND BUILDING PERMITS WILL BE OBTAINED FROM THE CITY OF KYLE.
- MAINTENANCE AND UPKEEP OF DETENTION BASIN AND RELATED APPURTENANCES SHALL BE THE RESPONSIBILITY OF THE OWNER(S) OF LOT UPON WHICH FACILITIES ARE LOCATED.

FLOOD NOTE:

NO PORTION OF THIS SUBDIVISION (PLUM CREEK PHASE I, SECTION 11C) IS CONTAINED IN THE 100 YEAR FLOOD ZONE, PER FLOOD INSURANCE RATE MAP FOR HAYS COUNTY TEXAS (CITY OF KYLE: 481108) COMMUNITY-PANEL NUMBER 48209C 0290F, EFFECTIVE DATE: SEPTEMBER 2, 2005.

PUBLIC UTILITY INFORMATION:

THIS SUBDIVISION IS SERVICED BY THE FOLLOWING UTILITIES:

| | | |
|---|---|--|
| WATER: CITY OF KYLE PUBLIC WORKS 520 E. RR 150 KYLE, TEXAS 78640 | ELECTRIC: FEDERALS ELECTRIC COOP 1810 FM 150 WEST KYLE, TEXAS 78640 | PHONE: VERIZON 6601 F.M. 3237 WIMBERLEY, TEXAS 78738 |
| WASTEWATER: CITY OF KYLE PUBLIC WORKS 520 E. RR 150 KYLE, TEXAS 78640 | GAS: CENTERPOINT ENERGY 328 CHEATHAM STREET SAN MARCOS, TEXAS 78668 | |

SHEET 1 OF 2

| | | | |
|--|--------------------------|----------------|---------------|
| FILE: H:\SURVEY\PLUM_CRK_PH1\SECTION-11C_SECTION-11C\WORK\PLAT\PLUM-11C-PLAT.DWG | DATE: 04-18-2012 | DRAWN BY: G.T. | CREW: CAF, MK |
| SCALE: 1" = 500' | CHECKED BY: J.O.B. | FR #: | |
| JOB #: 111003 | DRAWING #: PLUM-11C-PLAT | PLAN #: 1103 | |
| NO. | REVISION | BY | DATE |



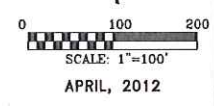
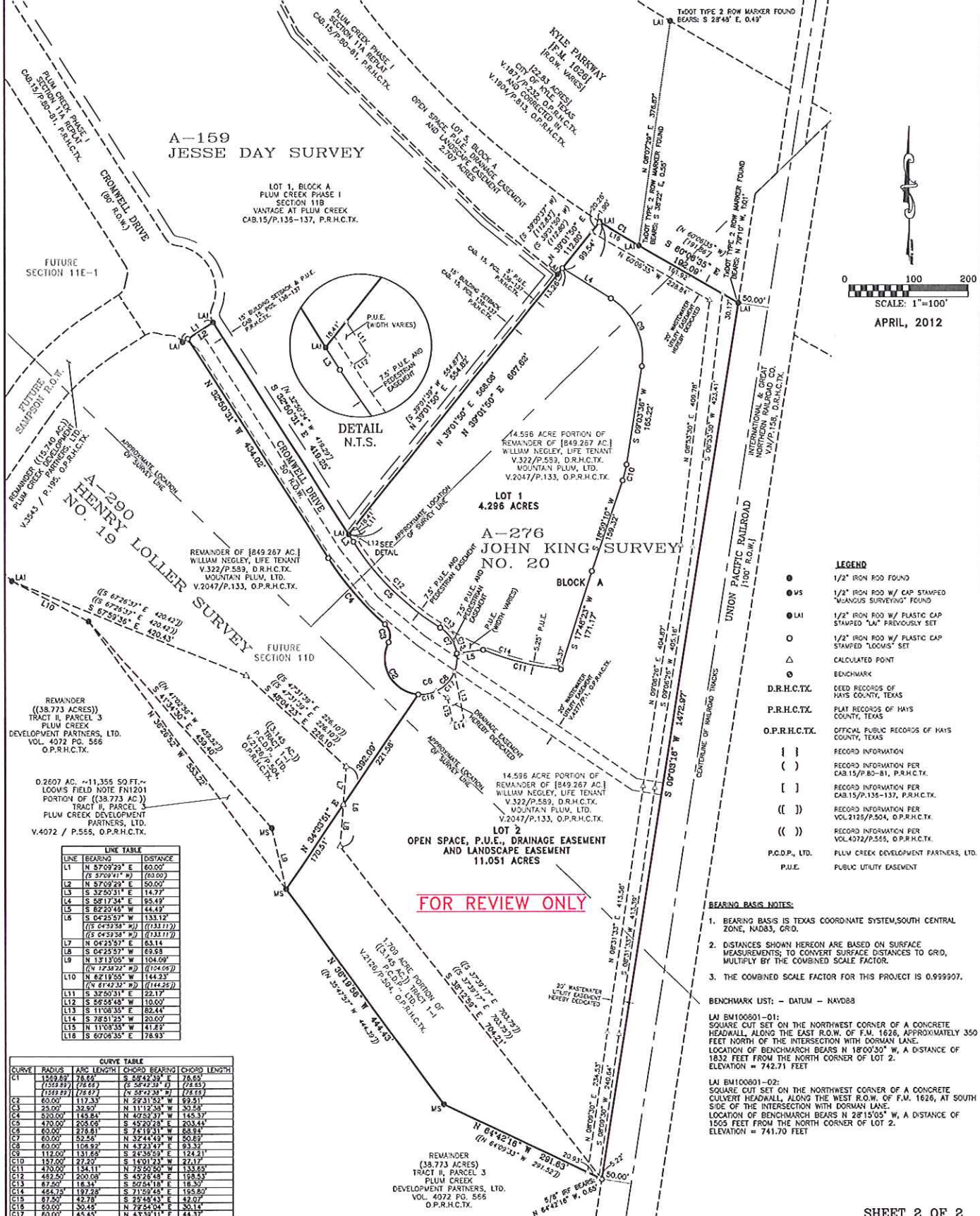
LOOMIS PARTNERS

ENGINEERING • LAND SURVEYING • ENVIRONMENTAL CONSULTING •

3101 Bee Cave Road, Suite 100 • Austin, Texas 78748
(TEL) 512.327.1180 • (FAX) 512.327.4062 • www.loomis-partners.com

FINAL PLAT
PLUM CREEK
PHASE I - SECTION 11C
HAYS COUNTY, TEXAS

PLUM CREEK PHASE I, SECTION 11C - FINAL PLAT



- LEGEND**
- 1/2" IRON ROD FOUND
 - VS 1/2" IRON ROD W/ CAP STAMPED "MANGUS SURVEYING" FOUND
 - LAI 1/2" IRON ROD W/ PLASTIC CAP STAMPED "LA" PREVIOUSLY SET
 - 1/2" IRON ROD W/ PLASTIC CAP STAMPED "LOOMS" FOUND
 - △ CALCULATED POINT
 - △ BENCHMARK
 - D.R.H.C.T.X. DEED RECORDS OF HAYS COUNTY, TEXAS
 - P.R.H.C.T.X. PLAT RECORDS OF HAYS COUNTY, TEXAS
 - O.P.R.H.C.T.X. OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS
 - { } RECORD INFORMATION
 - () RECORD INFORMATION PER CAB.15/P.80-81, P.R.H.C.T.X.
 - [] RECORD INFORMATION PER CAB.15/P.135-137, P.R.H.C.T.X.
 - (() RECORD INFORMATION PER VOL.2128/P.504, O.P.R.H.C.T.X.
 - ((() RECORD INFORMATION PER VOL.4072/P.555, O.P.R.H.C.T.X.
 - P.C.D.P., LTD. PLUM CREEK DEVELOPMENT PARTNERS, LTD.
 - P.U.E. PUBLIC UTILITY EASEMENT

- BEARING BASIS NOTES:**
1. BEARING BASIS IS TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD83, GRID.
 2. DISTANCES SHOWN HEREON ARE BASED ON SURFACE MEASUREMENTS; TO CONVERT SURFACE DISTANCES TO GRID, MULTIPLY BY THE COMBINED SCALE FACTOR.
 3. THE COMBINED SCALE FACTOR FOR THIS PROJECT IS 0.999997.

- BENCHMARK LIST:** - DATUM - NAVD83
- LAI EM100801-01: SQUARE CUT SET ON THE NORTHWEST CORNER OF A CONCRETE HEADWALL, ALONG THE WEST R.O.W. OF F.M. 1626, APPROXIMATELY 350 FEET NORTH OF THE INTERSECTION WITH DORMAN LANE. LOCATION OF BENCHMARK BEARS N 18°00'30" W, A DISTANCE OF 1832 FEET FROM THE NORTH CORNER OF LOT 2. ELEVATION = 742.71 FEET
 - LAI EM100801-02: SQUARE CUT SET ON THE NORTHWEST CORNER OF A CONCRETE CURBHEAD WALL, ALONG THE WEST R.O.W. OF F.M. 1626, AT SOUTH SIDE OF THE INTERSECTION WITH DORMAN LANE. LOCATION OF BENCHMARK BEARS N 28°18'05" W, A DISTANCE OF 1505 FEET FROM THE NORTH CORNER OF LOT 2. ELEVATION = 741.70 FEET

LINE TABLE

| LINE | BEARING | DISTANCE |
|------|-----------------|-----------|
| L1 | N 57°09'23" E | 60.00' |
| L2 | (S 37°09'41" W) | (63.00') |
| L3 | N 57°09'23" E | 50.00' |
| L4 | S 32°50'11" E | 14.77' |
| L5 | S 58°17'34" E | 95.49' |
| L6 | S 82°20'45" W | 44.49' |
| L7 | S 04°25'57" W | 133.12' |
| L8 | (S 04°25'57" W) | (133.12') |
| L9 | (S 04°25'57" W) | (133.12') |
| L10 | (S 04°25'57" W) | (133.12') |
| L11 | (S 04°25'57" W) | (133.12') |
| L12 | (S 04°25'57" W) | (133.12') |
| L13 | (S 04°25'57" W) | (133.12') |
| L14 | (S 04°25'57" W) | (133.12') |
| L15 | (S 04°25'57" W) | (133.12') |
| L16 | (S 04°25'57" W) | (133.12') |
| L17 | (S 04°25'57" W) | (133.12') |
| L18 | (S 04°25'57" W) | (133.12') |

CURVE TABLE

| CURVE | RADIUS | ARC LENGTH | CHORD BEARING | CHORD LENGTH |
|-------|---------|------------|---------------|--------------|
| C1 | 1259.82 | 78.62' | S 58°42'03" E | 76.65' |
| C2 | 1159.82 | 78.62' | S 58°42'03" E | 76.65' |
| C3 | 60.00' | 117.33' | N 29°31'52" W | 69.51' |
| C4 | 25.00' | 92.67' | N 11°12'54" W | 30.58' |
| C5 | 60.00' | 145.84' | N 47°52'37" W | 145.37' |
| C6 | 470.00' | 205.06' | S 42°20'28" E | 203.44' |
| C7 | 60.00' | 126.81' | S 74°18'11" W | 68.84' |
| C8 | 60.00' | 52.58' | N 52°44'49" W | 50.82' |
| C9 | 60.00' | 106.92' | N 43°23'47" E | 93.37' |
| C10 | 112.00' | 131.68' | S 43°38'50" E | 124.81' |
| C11 | 157.00' | 27.22' | S 14°01'21" W | 27.17' |
| C12 | 470.00' | 134.11' | N 28°20'20" W | 133.65' |
| C13 | 482.50' | 200.08' | S 45°18'48" W | 198.83' |
| C14 | 87.50' | 18.34' | S 50°54'18" E | 18.30' |
| C15 | 464.75' | 187.28' | S 71°29'42" E | 185.80' |
| C16 | 87.50' | 42.78' | S 84°44'11" E | 42.07' |
| C17 | 60.00' | 30.45' | N 72°24'04" E | 30.14' |
| C18 | 60.00' | 45.45' | N 43°39'11" E | 44.37' |

FILE: H:\SURVEY\PLUM_CRK_PH1\SECTION-11_SEC-11C\WORK\PLAT_PLUM-11C-PLAT.DWG


DATE: 04-18-2012 **DRAWN BY:** G.T. **CREW:** CAF, MK

SCALE: 1"=100' **CHECKED BY:** J.O.B. **FB #:**

JOB #: 111003 **DRAWING #:** PLUM-11C-PLAT **PLAN #:** 1103

| NO. | REVISION | BY | DATE |
|-----|----------|----|------|
| | | | |
| | | | |
| | | | |

PLOT DATE: Apr 18, 2012 - 3:40pm



LOOMIS PARTNERS

ENGINEERING AND SURVEYING ENVIRONMENTAL CONSULTING

3101 Bee Cave Road, Suite 100 Austin, Texas 78746

(TEL) 512.327.1180 • (FAX) 512.327.4062 • www.loomis-partners.com

FINAL PLAT
PLUM CREEK
PHASE I - SECTION 11C
HAYS COUNTY, TEXAS

SHEET 2 OF 2

PLAN NO. 1103

MEMORANDUM

TO: Planning and Zoning Commission

FROM: Sofia Nelson, Director of Planning

DATE: May 15, 2012

SUBJECT: SCC Bunton Creek Subdivision Replat of Lots 3,4,5,6,7,8,9,10,11,12 Block A to Establish Lot 1A, 2A,3A,4A,5A and 6A

BACKGROUND

Site Information and Proposal

The subject property is approximately 32.404 acres and is located at southeast corner of I-35 and Kyle Parkway. The property is zoned retail services and a conditional use permit and landscape variance was approved for this property for the future construction of a Walmart Store. The proposed plat will replat 10 existing lots into 6 commercial lots.

Utilities

The City of Kyle will provide water and wastewater to the site.

Access

The 6 proposed commercial lots will be subject to a cross access easement and will be able to take access off of the I-35 frontage road or Kyle Pkwy.

Variance Request

Section 41-135 of the City of Kyle Code requires block lengths not to exceed more than 1,000 feet in length. Block length, up to 1,200 feet, may be approved for good and sufficient reasons (example: curvilinear streets or paved alleys). Anytime a property is replatted staff is required to review for all subdivision ordinances as outlined in the City Code. The current block extends from I-35 to Dacy Lane, with no existing connections from Kyle Pkwy to the south. The length of the area proposed to be replatted is approximately 2,015 feet.

As the applicant has identified in the attached variance request the presence of a retaining wall, on the south end of the property, creates a significant obstruction in the ability to extend Seton Pkwy and meet the intent of block length requirements. Below I have included pictures that demonstrate the unique condition present on the property.



Seton Pkwy

Retaining wall



STAFF RECOMMENDATION:

Staff has reviewed the request for a variance and for approval of the final plat and is recommending approval of both requests for the following reasons:

- The plat is consistent with all zoning requirements for the property.
- The proposed provision and configuration of roads, water, wastewater, drainage and easements and rights-of-way are adequate to serve the subdivision.

- The presence of the retaining wall on the south end of the property presents a special condition affecting the land involved such that the strict application of the provisions of this chapter would have a substantial adverse impact on the proposed development.
- That the granting of the exception will not be detrimental to the public health, safety or welfare, or injurious to other property in the area; and
- That the granting of the exception will not have the effect of preventing the orderly subdividing of other land in the area in accordance with the provisions of this chapter.

Doucet & Associates, Inc.
Consulting Engineers

7401 B Highway 71 West
Suite 160 • Austin, TX 78735
p 512.583.2600
f 512.583.2601

April 26, 2012

City of Kyle
Planning Department
100 W. Center Street
Kyle, TX 78640

RE: SCC Bunton Creek Subdivision Replat
Block Length Variance Request

To City of Kyle Planning Staff:

It was brought to our attention in Staff's comment report of the SCC Bunton Creek Subdivision Replat the need to extend Seton Parkway to the south through the property to comply with the City of Kyle Code of Ordinances Block Length Requirement.

After conversations with staff regarding this item, it was determined a variance to the block length requirement would be supported by staff due to the City of Kyle approved construction of the +/- 15 foot retaining wall extending along the southern boundary of the platted lots.

Please accept this letter as a request for a variance to the block length requirement in the City of Kyle Code in Section 41-135.

Should you have any questions regarding this application or the Landscaping plan, please do not hesitate to contact me.

Sincerely,



Robert J. Smith, P.E.



MEMORANDUM

TO: Planning and Zoning Commission

FROM: Sofia Nelson, Planning Director

DATE: May 16, 2012

SUBJECT: Site Development Permit and Conditional Use Permit
802 W. Center Street Office Building

Background

Summary of Request:

The subject property is located at 802 W. Center Street (at the intersection of Wallace and Center Street), in the CBD-1 zoning district. The applicant's are proposing to renovate the existing house into a professional office. The purpose of the site plan is to secure a permit to construct a parking lot in the rear of the home. The site is 0.44 acres in size and in its current state consists of approximately 10.22% impervious cover. The proposed improvements would increase the percentage of the lot covered in impervious cover to approximately 44%.

Drainage:

The site currently drains from W. Center Street to the north and onto Wallace Street. Both the City Engineer and the applicant's engineer have concluded that the runoff caused from the development of a parking lot on the site will not cause any adverse impact to downstream properties.

Access

The site does not currently have a driveway. The applicant is proposing a new two way commercial concrete driveway acing from Wallace Street. The site plan does demonstrate compliance with all parking requirements for the site.

Utilities

The site will be served by the City of Kyle for water and wastewater service.

Landscape

The site has some existing trees that will be used for credit to comply with landscape requirements. The owner will plant small shrubs to comply with the minimum landscape requirements as shown on the landscape plan. As part of this development a 12" pecan tree needs to be removed and the applicant is proposing to mitigate for removal of the tree with six 2 inch caliper trees.

Variance Request

Section 53-420 of the City of Kyle Code requires the site plan include sidewalks (pedestrian walkways) that must be constructed of brick, pavers, or concrete with an exposed broom finish, and connect to the adjacent property. While there is a sidewalk along Center Street the submittal of a site plan would require a sidewalk be constructed along Wallace Street as well. Attached to this staff report is a variance letter from the applicant outlining the following reasons why the sidewalk variance shall be granted:

- Current pedestrian activity occurs West to East along W. Center Street and not North to South
- The construction of a sidewalk along Wallace Street will not provide sidewalk connectivity since currently there are no sidewalks long Wallace Street.
- Wallace Street currently does not have curb and gutter and therefore drainage is accommodated in a side ditch, space is limited to accommodate the sidewalk along Wallace Street, particularly at the driveway crossing.

STAFF ANALYSIS AND RECOMMENDATION

Overlay District

The Center Street overlay district. The Center Street conditional use overlay district (the Center Street overlay district), Center Street is also known as Farm-to-Market Road No. 150, extends from the intersection of Center Street and I-35 on the east to the intersection of Center Street and Rebel Drive on the west, and includes all real property within 200 feet from the centerline of Center Street; and all real property within all central business district-1 (CBD-1) and central business district-2 (CBD-2) zoning districts.

Purpose of Application

A site development plan provides detailed graphic information indicating property boundaries, easements, land use, streets, utilities, drainage, off-street parking, lighting, signage, landscaping, vehicle and pedestrian circulation, open spaces, and general conformance with the master plan and ordinances of the city.

Comprehensive Master Plan Guidance

The subject property is located in the Old Town Community future land use district. The urban design plan identifies this property to be located within the urban core. As a result of its location the following guidance is provided:

- Maintain continuity in the general use of materials within any block
- Make every effort to expand the sidewalk pedestrian space with outdoor restaurants or other gathering spaces for sales or display
- Promote vertical mixed land uses where possible
- Maintain a building to line that is located at the edge of the sidewalk spaces and place parking behind the buildings.

Analysis

The proposed development meets or exceeds all the required landscaping and off-street parking requirements, and all other zoning requirements outlined in the City of Kyle code. Additionally, since the

proposed improvements only include the construction of parking lot in the rear of the lot and the applicant is not proposing any alterations to the existing structure staff finds that the integrity and character of the overlay district will be maintained. Staff has made the following findings regarding the requested variance:

- The downtown plan, a component of the comprehensive master plan, has a stated goal of utilizing sidewalks to connect residential areas to commercial areas and destinations.
- The proposed development does not appear to be a use that would substantially increase the overall pedestrian activity within the area. However since the use of the property is changing to office professional the number vehicles accessing Wallace Street will increase.
- Staff understands that the pedestrian traffic may be less along Wallace Street than Center Street. However staff does feel that the Planning Commission needs to discuss and weigh the policy implications of this variance request. As more and more downtown properties redevelop sidewalks will be required to be constructed with any new development occurring.

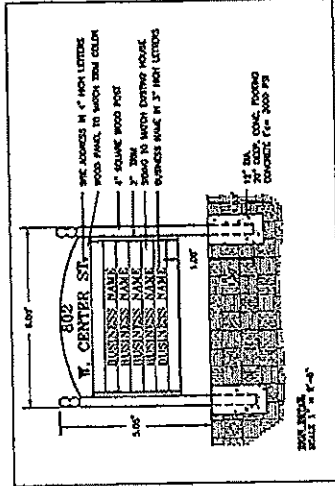
| NO. | REVISION/CORRECTION | BY | DATE |
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| | | | |

SITE PLAN

MAVRIQ CONSULTING, P.C.
F-11164

DATE: 11/11/10
DRAWN BY: JMM
CHECKED BY: JMM

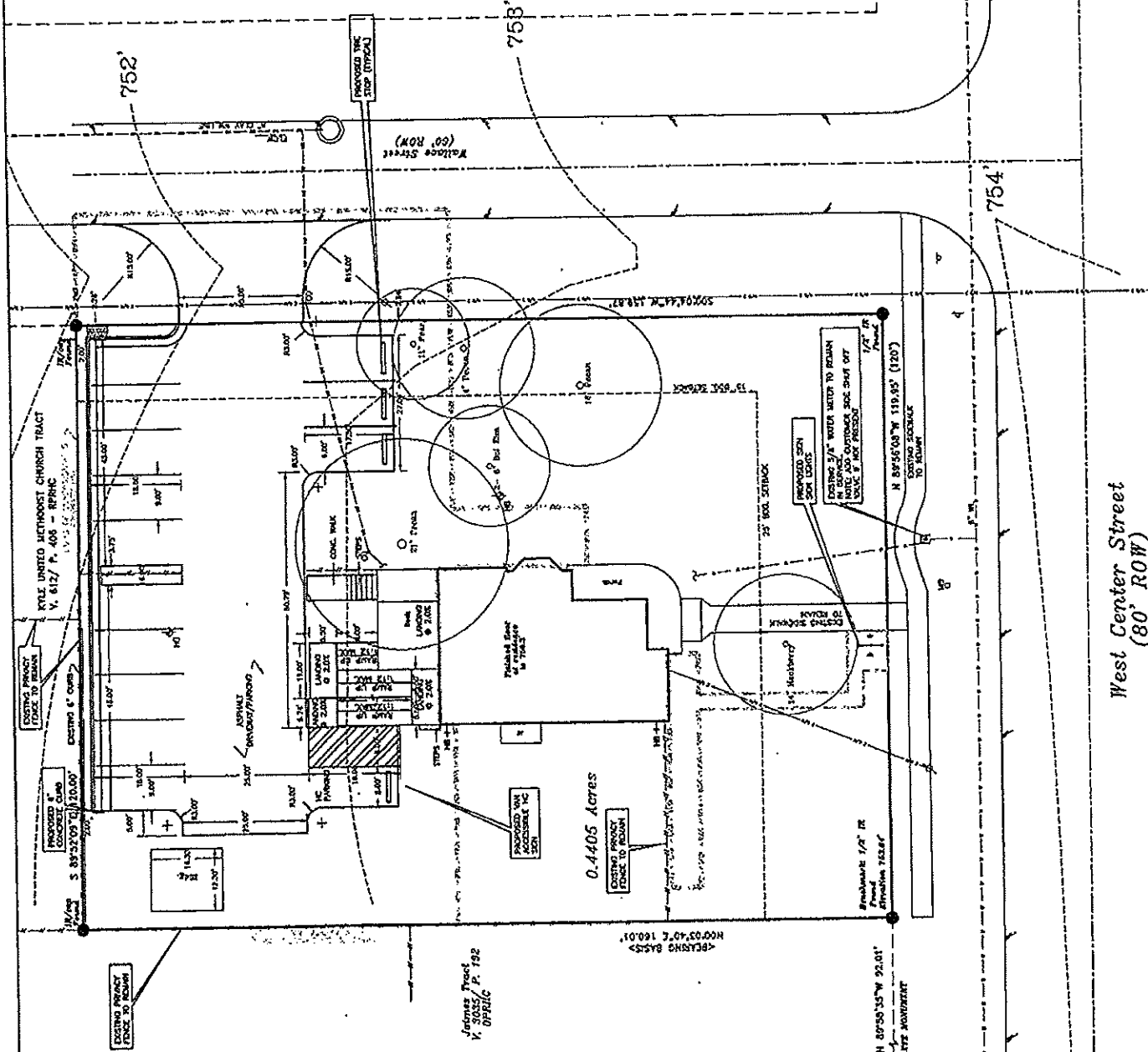
| SUPERFICIAL COVER CALCULATIONS | |
|--------------------------------|---------------|
| SITE AREA = 14,332.54 | PERCENT COVER |
| ASPHALT | 1.00% |
| CONCRETE | 1.00% |
| PAVEMENT | 1.00% |
| GRAVEL | 1.00% |
| WOOD | 1.00% |
| ROCK | 1.00% |
| OTHER | 1.00% |
| TOTAL | 14,332.54 |



- SCALE 1"=10'
- PROPERTY LINE
 - CONCRETE FENCE
 - WOOD FENCE
 - EXISTING RAILROAD
 - STARTS OF CONSTRUCTION
 - OVERHEAD ELECTRIC/TELEPHONE LINE
 - 20' WIDE AND WIDER
 - WATER METER
 - CLEAN OUT
 - GAS METER
 - HAULWAY
 - STREET SKIN
 - THEIR OFFICIAL ROOF ZONE
 - POINT-OF-BUY
 - ASPHALT
 - POLYMER CONCRETE PIPE
 - 1/2" DIA. 800 R/O/D
 - RECORDED INFORMATION
 - VOLUME 2001, PAGE 832 OFFICIAL
 - OF THIS COUNTY, MISSOURI
 - TEMPORARY BOUNDARY MARK

GENERAL NOTES

1. THERE ARE NO COMMENTS ATTACHED TO THE SITE PLAN.
2. MATERIALS TO BE PROVIDED BY THE CITY OF MOBILE.
3. A 20' WIDE AND WIDER SHALL BE PROVIDED FOR ALL SIZES.
4. EXISTING UTILITIES SHALL BE MAINTAINED AND PROTECTED.
5. EXISTING UTILITIES SHALL BE MAINTAINED AND PROTECTED.
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19. EXISTING UTILITIES SHALL BE MAINTAINED AND PROTECTED.
20. EXISTING UTILITIES SHALL BE MAINTAINED AND PROTECTED.



West Center Street
(80' ROW)

0.4405 Acres

James P. ...
V. ...
OFFICIAL

<BEARINGS BACKS>
N00°03'40"E 160.01'

N 89°55'55"W 95.01'
LET'S MONUMENT

Mauricio Quintero-Rangel, P.E.

F-12164

11312 Robert Wooding Drive
Austin, Texas 78748

Tel. 512-659-4386
Fax 512-291-8714

April 7, 2012

CITY OF KYLE

Ms. Sofia Nelson, Director of Planning
City of Kyle Planning Department
City of Kyle
100 W. Center Street
PO Box 40
Kyle, Texas 78640

APR 10 2012

PLANNING DEPARTMENT

Re: 802 W. Center St. Office Building
802 W. Center Street
Kyle, Texas, 78640.
SIDEWALK VARIANCE ALONG WALLACE STREET

Dear Ms. Nelson,

The Owner, Mrs. Luann and Mr. Scott Sandahl, are proposing to remodel his house located at 802 W. Center Street, Kyle Texas and change its use from residential to office. The site consists of portion of lot 7 of Young Woods addition to the City of Kyle per Plat recorded in Volume 117 page 178 of the Hays County Deed Records. The site area is 19,190 square feet (0.44 acres). The site is currently developed with one single family residence and no driveway or parking. As part of City of Kyle site plan requirements, it is required to construct public sidewalks along streets abutting the property. The site already has a 4' concrete sidewalk along West Center Street, and it does not have a sidewalk along Wallace Street. I would like to request a variance to this requirements based on the following reasons:

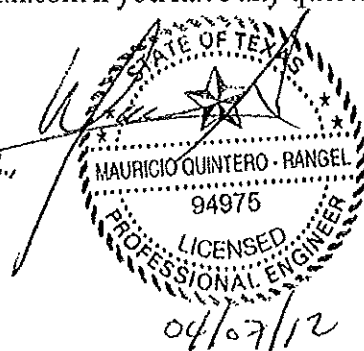
- Current pedestrian activity occurs West to East along W. Center Street and not North to South
- The construction of a Sidewalk along Wallace Street will not provide sidewalk connectivity since currently there are no sidewalks along Wallace Street.
- Wallace Street currently does not have curb and gutter, and therefore drainage is accommodated in a side ditch, space is limited to accommodate the sidewalk along Wallace Street, particularly at the driveway crossing.

We appreciate your favorable consideration on this matter. Please call me at (512) 659-4386 or e-mail me at Mauricio_qr@hotmail.com if you have any questions.

Sincerely,

Mauricio Quintero-Rangel, P.E.,

cc: file



MEMORANDUM

TO: Planning and Zoning Commission

FROM: Sofia Nelson, Planning Director

DATE: May 17, 2012

SUBJECT: Site Development Permit and Conditional Use Permit
Plaza East Building 3

Summary of Request:

The subject property is located at the intersection of FM-150 and Lehman Road (within the existing shopping center located at that intersection). The property is zoned Retail Services and the proposed development would add a 3rd building to the site. The proposed building would be approximately 3500 square feet in size and approximately 16 feet in height. The proposed building is intended to be used as mixed retail/ office professional space and utilize the same materials used in the buildings within the existing commercial center.

Purpose of Application:

A site development plan provides detailed graphic information indicating property boundaries, easements, land use, streets, utilities, drainage, off-street parking, lighting, signage, landscaping, vehicle and pedestrian circulation, open spaces, and general conformance with the master plan and ordinances of the city.

Comprehensive Master Plan Guidance

The subject property is located in the Old Town Community future land use district, near the transition into the Midtown Community Future Land Use District. The Urban Design Plan identifies the subject property to be located within the urban core. As a result of its location the urban design plan provides the following guidance:

- Maintain continuity in the general use of materials within any block
- Make every effort to expand the sidewalk pedestrian space with outdoor restaurants or other gathering spaces for sales or display
- Promote vertical mixed land uses where possible
- Maintain a building to line that is located at the edge of the sidewalk spaces and place parking behind the buildings.
- Development between nodal areas should provide larger setbacks and/or deep landscape areas at the edge of parking areas.

STAFF ANALYSIS

The subject property is located within the E. FM 150 overlay district. The proposed development will have access to both FM 150 and Lehman Road. When the lot to the rear of the proposed development is developed access will be extended to provide for access onto Four Seasons Farm Blvd. The proposed development meets all landscaping and parking requirements outlined for the retail services zoning designation and all applicable site development requirements.

Staff is recommending approval of the requests with the following condition:

- **Reconstruction of the retaining wall take place prior to the issuance of a certificate of occupancy for the proposed structure (plans for the reconstruction of the retaining wall have been submitted to the city for review and are pending corrections by the applicant prior to the issuance of a permit).**

MEMORANDUM

TO: Planning and Zoning Commission

FROM: Sofia Nelson, Planning Director

DATE: May 17, 2012

SUBJECT: Site Development Permit
Sonic- Plum Creek

Background

Request:

The applicant is requesting approval of a site development permit for the development of a 0.666 acre site. The development of the site is proposed to include a 1389 square foot Sonic Restaurant. The property is zoned MXD and located within the Plum Creek PUD overlay district.

Location:

The subject property is located at 1736 Rebel Drive (FM 150). The site is located at the intersection of Wetzel Road and FM 150 (just south of the Walgreens currently under construction).

STAFF ANALYSIS

Purpose of Application:

A site development plan provides detailed graphic information indicating property boundaries, easements, land use, streets, utilities, drainage, off-street parking, lighting, signage, landscaping, vehicle and pedestrian circulation, open spaces, and general conformance with the master plan and ordinances of the city.

Analysis:

The developed site will include an entrance/ exit on Wetzel Street and a restricted right-in-right-out entrance/ exit on FM 150 (via the Walgreens site). The site plan also identifies an access point to the adjacent lot to provide for cross access between adjacent lots. The development of the site will include a 5' sidewalk around the perimeter of the site for pedestrian access.

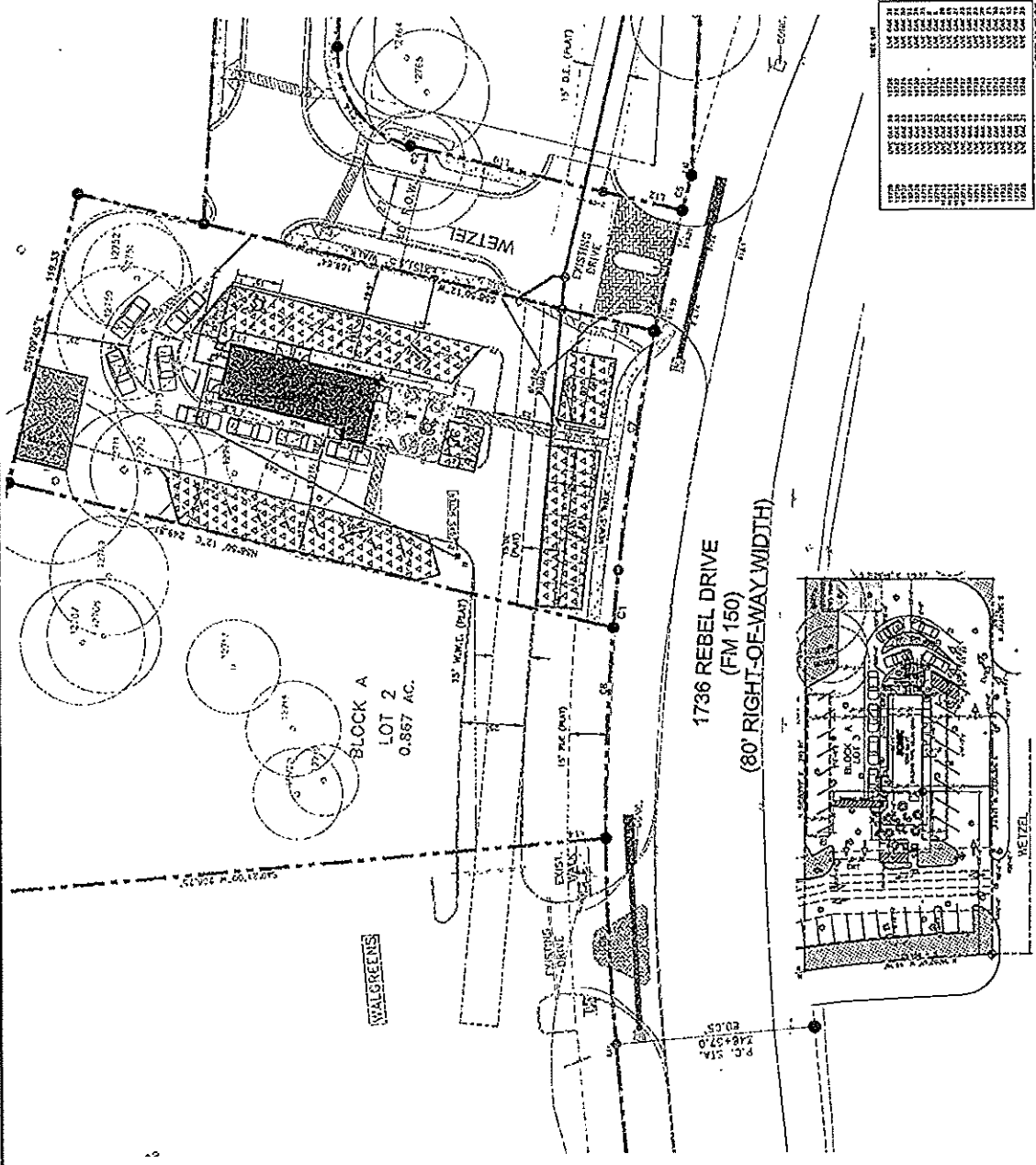
The proposed development exceeds all landscaping requirements outlined in the Plum Creek PUD development standards. The property has a number of large trees in the rear of the site. The site plan has identified 7 large trees to be removed on the site as part of the development of the lot. The sizes of the removed trees vary from 27-22 caliper inches. In total approximately 174 caliper inches of trees are

proposed to be removed. The site plan also identifies 3 significant trees in the northeastern corner of the site to be preserved. The 3 trees vary in size from 33 to 23 caliper inches.

The Plum Creek PUD states the following with regards to the site plan review process.

Sec. 4. - Additional development and amendment guidelines for Plum Creek PUD (E)-The planning commission and the city council shall review the proposed site plan and approve it if it complies with all the site development regulations set forth in this ordinance for an MXD PUD district.

Staff has reviewed the site plan for compliance with the Plum Creek PUD and while the number and size of the trees being removed are concerning the proposed development adheres to the Plum Creek PUD requirements for development.



SITE DATA

LAND USE: OFFICE-BUSINESS (LUBS 37)

ZONING: MAIN STREET AND BUS

PARCEL NUMBER: 28 SPACES

WATER/SEWER: CITY OF AILE

1. ALL PARKING AREAS & DRIVE PILES ARE PROVIDED WITH AN ALL

2. ALL DRIVE PILES ARE TO BE CONCRETE OR STEEL PIPE WITH

3. ALL DRIVE PILES ARE TO BE CONCRETE OR STEEL PIPE WITH

4. ALL DRIVE PILES ARE TO BE CONCRETE OR STEEL PIPE WITH

5. ALL DRIVE PILES ARE TO BE CONCRETE OR STEEL PIPE WITH

OWNER: KOWALSKI COMPANY LP
ADDRESS: 4511 DUNLISON BL.
 AUSTIN, TX 78744

PHONE: 512-451-9993

FAX: 512-451-5533

APPROVAL: RA479

TOTAL INTERESTED PARTY: 0.867 AC

LEGAL DESCRIPTION: LOT 2, BLOCK A, MAIN STREET
 PHASE 1, SECTION 1, H

ADDRESS: FM 150

LAND USE: SUBDIVISION

DATE: APRIL 2012

DESIGN: GREGORY GRIFFIN, PE

PREPARED BY: GRIFFIN ENGINEERING GROUP, INC

ADDRESS: 11711 NORTH LAMAR BLVD.
 AUSTIN, TX 78753

PHONE: 512-856-3113

FAX: 512-856-3113

SIGNATURE: _____

| NO. | DESCRIPTION | DATE | BY | CHKD. |
|-----|------------------|----------|----|-------|
| 1 | PRELIMINARY PLAN | 04/12/12 | GG | GG |
| 2 | FINAL PLAN | 04/12/12 | GG | GG |
| 3 | AS-BUILT | | | |
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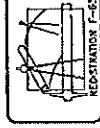
| NO. | DESCRIPTION | DATE | BY | CHKD. |
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| 1 | PRELIMINARY PLAN | 04/12/12 | GG | GG |
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| 33 | REVISION | | | |
| 34 | REVISION | | | |
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| 47 | REVISION | | | |
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| 49 | REVISION | | | |
| 50 | REVISION | | | |

SONIC - KYLE
 FM 150
 LAND USE PLAN

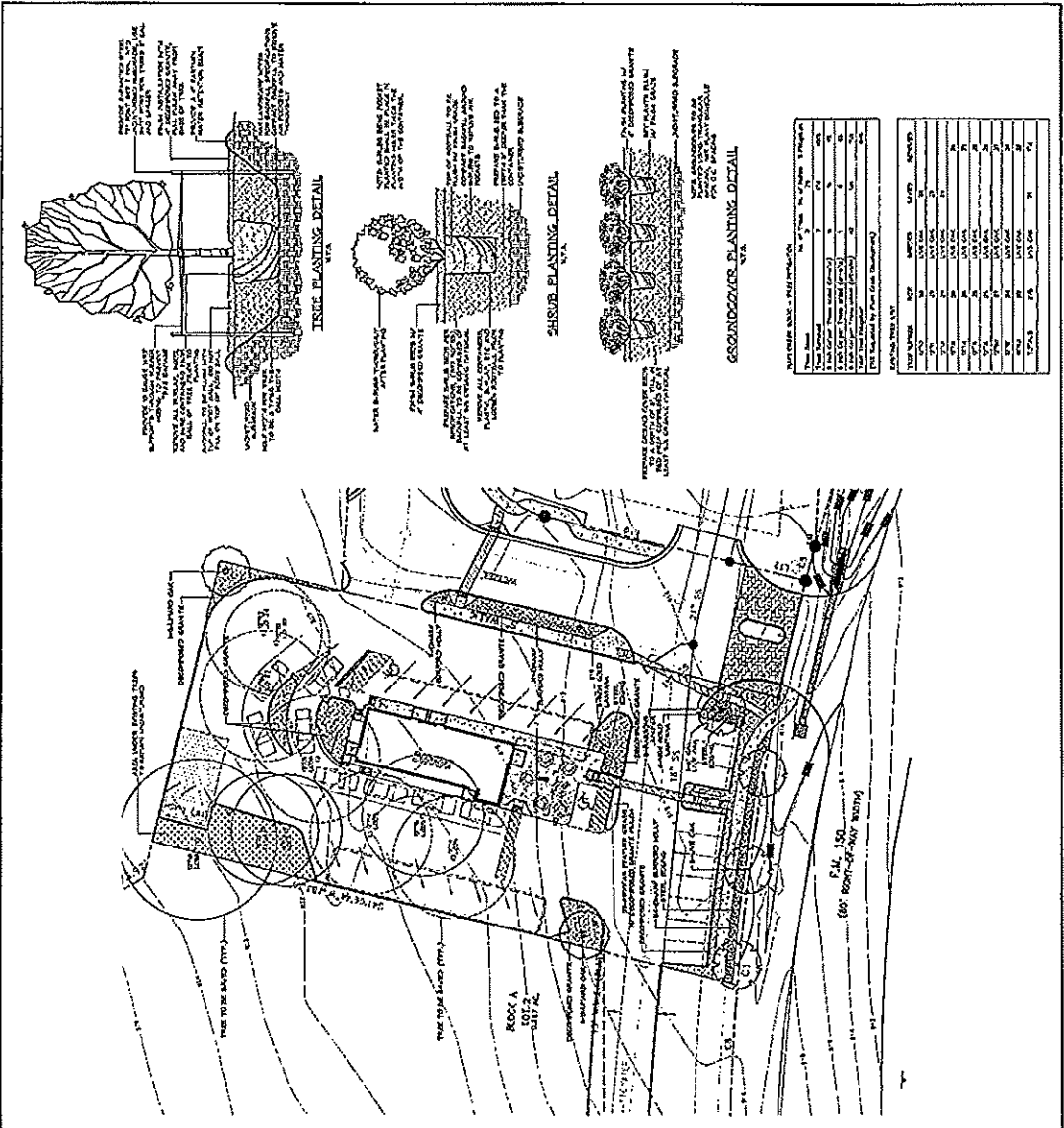
SHEET NUMBER
 2 OF 2



GRIFFIN ENGINEERING GROUP INC.
 11711 NORTH LAMAR BLVD., AUSTIN, TEXAS 78753 (512) 856-3113



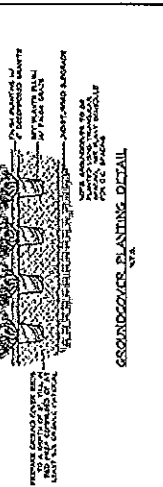
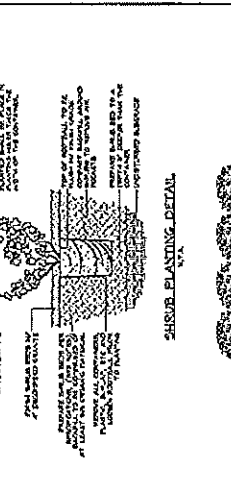
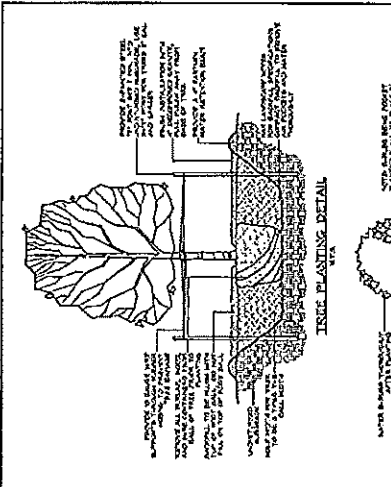
REGISTERED PROFESSIONAL ENGINEER
 STATE OF TEXAS
 GREGORY GRIFFIN, PE
 NO. 12345



PLANT LIST

| QUANTITY | SYMBOL | COMMON NAME | BOTANICAL NAME | SIZE & CONDITION |
|----------|--------|-------------|----------------|------------------|
| 7 | | Shrub | ... | ... |
| 3 | | ... | ... | ... |
| 1 | | ... | ... | ... |

| NO. | SYMBOL | COMMON NAME | BOTANICAL NAME | SIZE & CONDITION |
|-----|--------|-------------|----------------|------------------|
| 01 | | ... | ... | ... |
| 02 | | ... | ... | ... |
| 03 | | ... | ... | ... |
| 04 | | ... | ... | ... |



PLANTING SCHEDULE

| PLANT | NO. | DATE | BY |
|-------|-----|------|-----|
| ... | ... | ... | ... |

PLANTING SCHEDULE

| PLANT | NO. | DATE | BY |
|-------|-----|------|-----|
| ... | ... | ... | ... |

MEMORANDUM

TO: Planning and Zoning Commission

FROM: Sofia Nelson, Planning Director

DATE: May 16, 2012

SUBJECT: Site Development Permit and Conditional Use Permit
409 W. Center Street

Background

Summary of Request:

The subject property is located at 409 W. Center Street (the southeast corner of Sledge and Center Street), in the CBD-1 zoning district. The applicant is proposing to utilize the existing house as a specialty retail store. The purpose of the site plan is to secure a permit to construct 5 parking spaces within the ROW to serve as the required parking for the retail store. The site is approximately 0.267 acres and consists of both lots 6 and 7 of block 31 of the Original Town of Kyle Subdivision.

Drainage:

The site currently drains north towards Center Street. Both the City Engineer and the applicant's engineer have concluded that the runoff caused from the development of a parking lot will not cause any adverse impact to downstream properties.

Access

The site currently has a drive on W. Center Street and the applicant is requesting to allow the driveway to be resurfaced with decomposed granite.

Utilities

The site is served by the City of Kyle for water and wastewater service.

Landscape

The site has some existing trees that will be used for credit to comply with landscape requirements. The applicant has provided a landscape plan showing the location of existing landscape and proposed plants.

Variance Request

The applicant is requesting the following two variances:

1. **Variance to allow the use of decomposed granite over the existing driveway on Center Street.**

Section 53.33(n) states the following no vehicle, trailer or major recreational equipment shall be parked or stored on any lot except if is to be enclosed in a building or parked on a driveway or a concrete, paved or stone pad.

2. Variance to allow on street parking to count towards the off-street parking requirement for the site.

The City of Kyle parking requirements require developments within the CBD-1 zoning district to provide 1 space for every 200 square feet of floor space. As a result the proposed development would be required to provide 5 off-street parking spaces. The city council may, based on a site plan approved by council, waive all or part of these parking space requirements for buildings within the original town. While the proposed development is not seeking a waiver of the requirements it is seeking approval of the parking plan to provide the required number of spaces with the Sledge Street ROW.

STAFF ANALYSIS

Purpose of Application:

A site development plan provides detailed graphic information indicating property boundaries, easements, land use, streets, utilities, drainage, off-street parking, lighting, signage, landscaping, vehicle and pedestrian circulation, open spaces, and general conformance with the master plan and ordinances of the city.

Comprehensive Master Plan Guidance:

The subject property is located in the Old Town Community future land use district. The urban design plan identifies this property to be located within the urban core. As a result of its location the following guidance is provided:

- Maintain continuity in the general use of materials within any block
- Make every effort to expand the sidewalk pedestrian space with outdoor restaurants or other gathering spaces for sales or display
- Promote vertical mixed land uses where possible
- Maintain a building to line that is located at the edge of the sidewalk spaces and place parking behind the buildings.

The applicant is proposing to use the existing house located at 409 W. Center Street as a specialty retail store (see attached description provided by the applicant). Additionally the applicant is requesting to utilize the rear yard as a demonstration site for sustainable gardening practices.


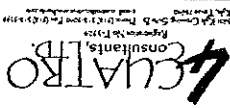
Staff has reviewed both variance requests and has made the following findings:

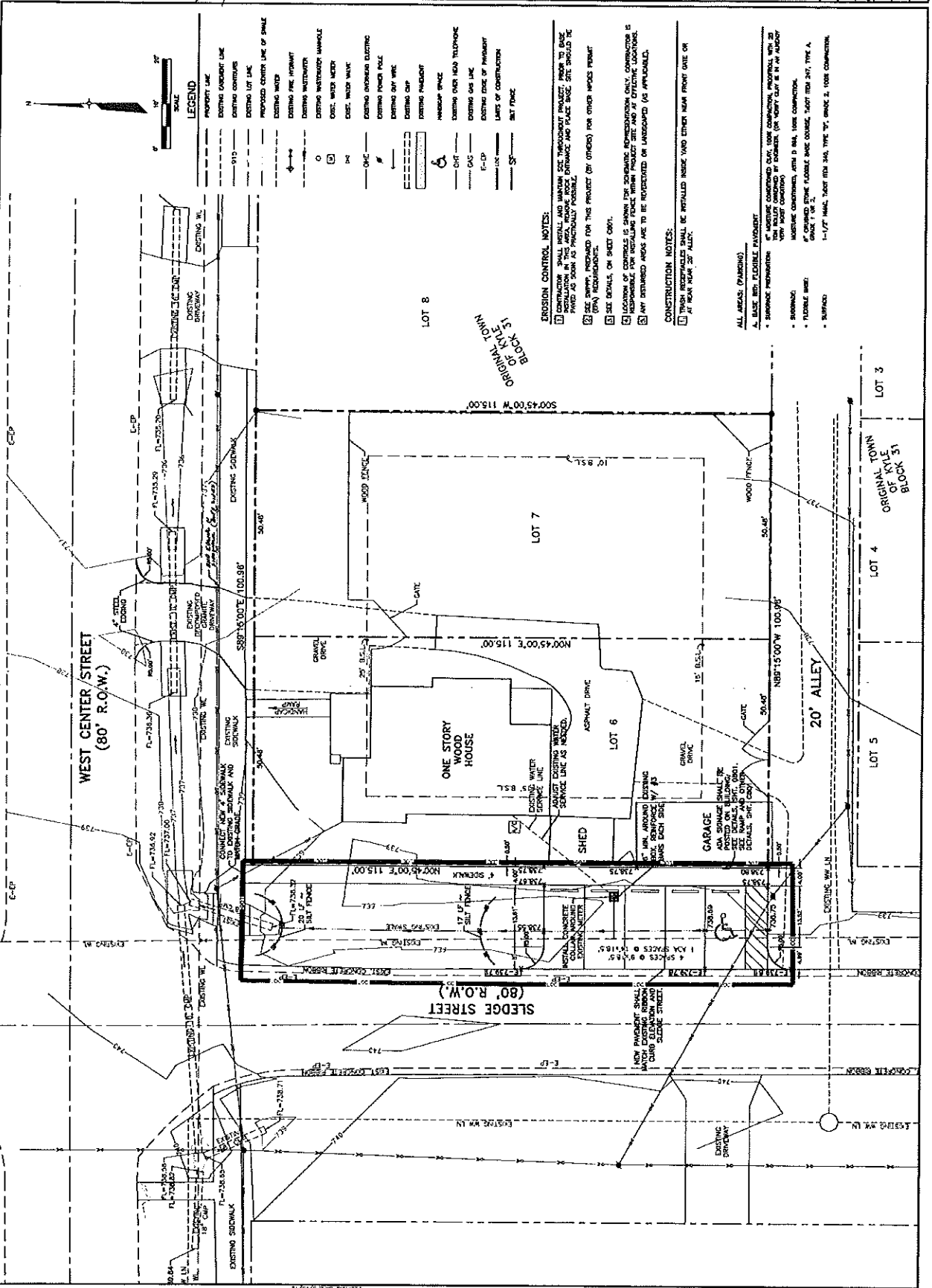
- Variance #1- The use of decomposed granite has many economical and environmental benefits associated with its use. While generally surrounding communities are beginning to accept the use of decomposed granite for commercial parking lots they are generally only permitted with strict compacting and bordering requirements or in areas that do not receive a lot of in and out traffic. At

the time of writing this report the city engineer is reviewing the compacting and bordering proposal provided by the applicant and will be available the day of the meeting to provide more details on the proposal. However staff believes if it is the Commission's desire to grant this variance staff is recommending the driveway be limited to loading and unload of materials by the owner and not a be publicly used parking space.

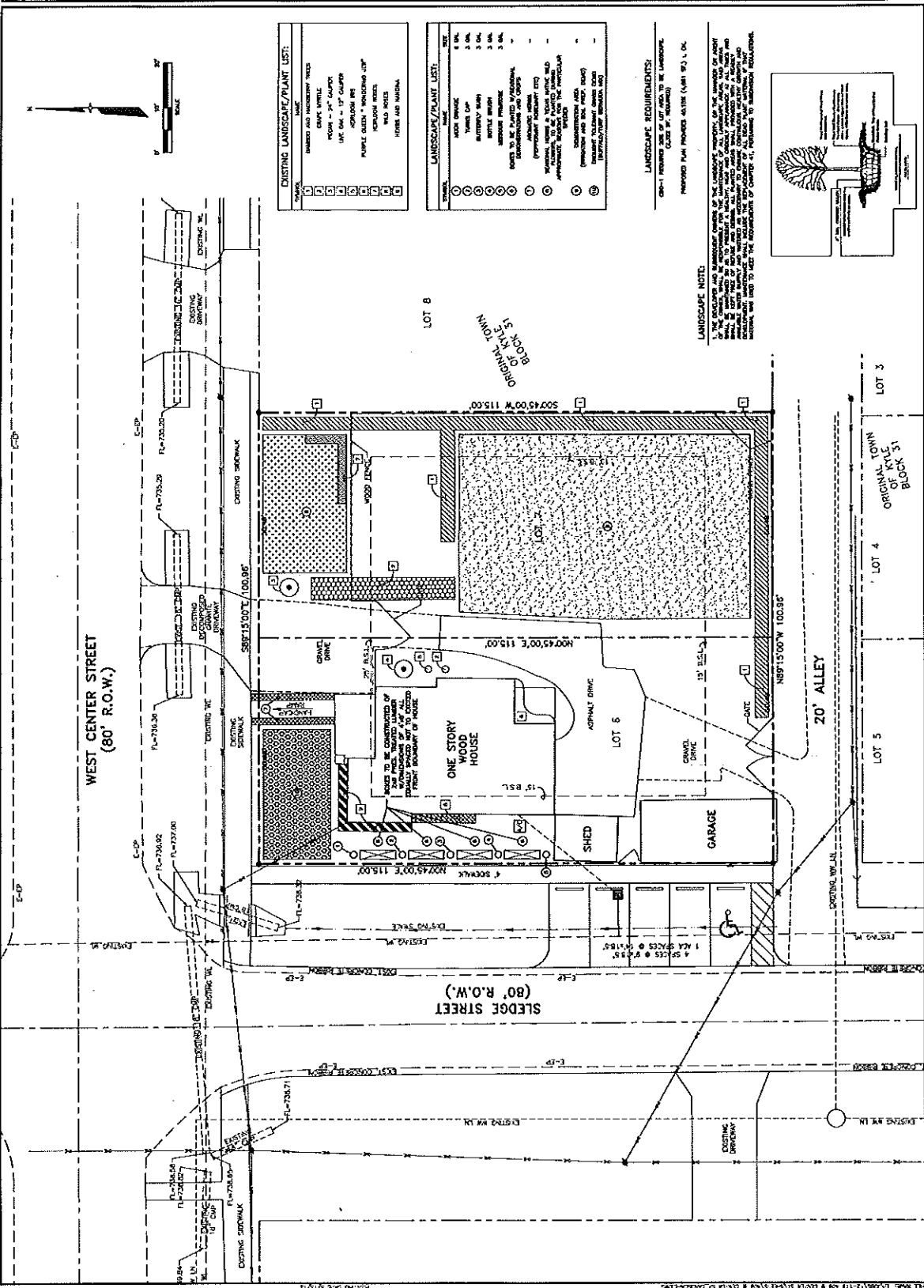
- Variance #2- As seen in the attached site plan the applicant has provided a potential layout for 5 head-in parking spaces along Sledge Street within the public right-of-way. While the use of head in parking is not a new practice within the Central Business area it is a request that must be approved by the Planning and zoning Commission should the applicant want to count the parking spaces towards the required off-street parking. Because the parking is located within the public-right-way the parking could be used by other's and would not be solely limited to patrons of 409 W. Center Street. As seen in the attached aerial view of the subject property businesses along Sledge Street, north of Center Street, also utilize head-in parking within the public right-of-way before transitioning into residential uses.

Staff has reviewed the site plan and is recommending approval of the site development and conditional use permits. Should the Planning Commission approve the variance requests staff recommends that a note be added to the site plan indicating that the existing driveway only be utilized for loading and unloading and not as a public parking space.

| | | | | | | | | | |
|---|--|---|--|---|--|--|--|--|--|
|  | |  | | 409 WEST CENTER STREET KYLE, TEXAS | | OWNER: GORDON R. A. YARRO 409 WEST CENTER STREET KYLE, TEXAS 78640 | | DATE: MAY, 2012 PROJECT NO: 12-0118 DRAWING NO: EROSION CONTROL UTILITY LAYOUT SHEET NO: 58 | |
| LEGEND | | EROSION CONTROL NOTES: | | CONSTRUCTION NOTES: | | ALL AREAS (PAVING): | | APPROVALS: | |
| EXISTING CENTER LINE OF SIDEWALK EXISTING CENTER LINE OF DRIVE EXISTING LOT LINE PROPOSED CENTER LINE OF SIDEWALK EXISTING WALK EXISTING FIRE ALARM EXISTING WATER MAIN EXISTING WATER METER EXIST. WATER METER EXIST. WATER MAIN EXISTING OVERHEAD ELECTRIC EXISTING POWER POLE EXISTING CUP WIRE EXISTING PADLOCK EXISTING FENCE EXISTING OVERHEAD TELEPHONE EXISTING GAS LINE EXISTING END OF PAVEMENT LINES OF CONSTRUCTION SET PINE | | CONTRACTOR SHALL INSTALL AND MAINTAIN SEE THROUGHOUT PROJECT PERIOD FROM TO BASE. PAVED TO MATCH EXISTING PAVEMENT AND PLACE BASE. SITE SHOULD BE REVEGETATED FOR THIS PROJECT (BY OTHER) FOR OTHER WORK PERIOD. SEE DETAILS ON SHEET 001. LOCATION OF CONTROL IS SHOWN FOR SCHEDULING INFORMATION ONLY. CONTRACTOR IS RESPONSIBLE FOR INSTALLING FENCE WITHIN PROJECT SITE AND AT OTHER LOCATIONS. ANY DISTURBED AREAS ARE TO BE REVEGETATED OR LANDSCAPED (AS APPLICABLE). TYPICAL RECEPTABLES SHALL BE INSTALLED BASED UPON OTHER NEAR FRONT YARD OR AT NEAR NEAR 20' ALLEY. | | ALL AREAS (PAVING) A. BASE AND FLEXIBLE PAVEMENT B. ASPHALT C. ASPHALT D. ASPHALT E. ASPHALT F. ASPHALT G. ASPHALT H. ASPHALT I. ASPHALT J. ASPHALT K. ASPHALT L. ASPHALT M. ASPHALT N. ASPHALT O. ASPHALT P. ASPHALT Q. ASPHALT R. ASPHALT S. ASPHALT T. ASPHALT U. ASPHALT V. ASPHALT W. ASPHALT X. ASPHALT Y. ASPHALT Z. ASPHALT | | APPROVED BY: _____ DATE: _____ TITLE: _____ | | | |



| | | |
|--|---|---|
| OWNERS GORDON R. A. JANA E. WYBO 409 WEST CENTER STREET KYLE, TEXAS 78640 | | DATE: MAY, 2012 PROJECT: LOT 5 JOB # 12-119 DRAWN BY: J. W. WILSON CHECKED BY: J. W. WILSON SCALE: AS SHOWN SHEET NO.: L100 |
| LANDSCAPE PLAN SUBINACYLE, LLC 409 WEST CENTER STREET KYLE, TEXAS | | CONSULTANTS J. W. WILSON & ASSOCIATES 10150 N. LOOP WEST, SUITE 100 DALLAS, TEXAS 75243 |
| DESIGNER: J. W. WILSON DATE: 05/11/12 | CHECKER: J. W. WILSON DATE: 05/11/12 | APPROVER: J. W. WILSON DATE: 05/11/12 |



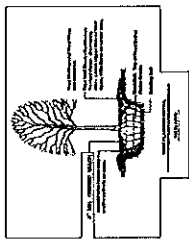
EXISTING LANDSCAPE/PLANT LIST:

| SYMBOL | NAME |
|--------|------------------------|
| ○ | SHRUBS AND SMALL TREES |
| ○ | EMERALD NIPPUR |
| ○ | PROSPER - 4" CALIPER |
| ○ | LIVE OAK - 12" CALIPER |
| ○ | SPRING BURNING BUSH |
| ○ | PEOPLE'S CHOICE PALM |
| ○ | FLORIDA PALM |
| ○ | WILD IRIS |
| ○ | HERN AND MARIOLA |

LANDSCAPE/PLANT LIST:

| SYMBOL | NAME |
|--------|------------------------|
| ○ | WILD IRIS |
| ○ | HERN AND MARIOLA |
| ○ | FLORIDA PALM |
| ○ | PEOPLE'S CHOICE PALM |
| ○ | SPRING BURNING BUSH |
| ○ | LIVE OAK - 12" CALIPER |
| ○ | PROSPER - 4" CALIPER |
| ○ | EMERALD NIPPUR |
| ○ | SHRUBS AND SMALL TREES |

LANDSCAPE REQUIREMENTS:
 1. THE DEVELOPER AND MANAGER OF THE LANDSCAPE SHALL BE RESPONSIBLE FOR THE SELECTION OF PLANT MATERIALS AND THE INSTALLATION OF THE LANDSCAPE. THE LANDSCAPE SHALL BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF THE CITY OF KYLE, TEXAS, AND THE TEXAS LANDSCAPE ACT. THE LANDSCAPE SHALL BE MAINTAINED IN ACCORDANCE WITH THE REQUIREMENTS OF THE CITY OF KYLE, TEXAS, AND THE TEXAS LANDSCAPE ACT. THE LANDSCAPE SHALL BE MAINTAINED IN ACCORDANCE WITH THE REQUIREMENTS OF THE CITY OF KYLE, TEXAS, AND THE TEXAS LANDSCAPE ACT.





May 15, 2012

Firm Registration No. F-3524

Sofia Nelson, Planning Director
and Plan and Zoning Commission
City of Kyle
100 W. Center Street
Kyle, Texas 78640

CITY OF KYLE

MAY 16 2012

PLANNING DEPARTMENT

**RE: SUSTAINACYCLE, LLC; (SD-12-011)
KYLE, TEXAS
CCL 12-119**

**Subject: Exception Request; Use of Decomposed Granite over Existing Driveway on
Center Street**

Dear Madame Chair and Commission Members:

We respectfully request the following exception which we believe to be the minimum change necessary to allow a reasonable use of the property. The proposed development is located within the City of Kyle Full Purpose Jurisdiction.

On behalf of the Owner, Sustainacycle, LLC, we propose the following exception:

- 1) Allow capping of existing base drive way on Center Street and install appropriate steel edging.

We submit this exception request by meeting the following conditions:

(i) That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this ordinance would have a substantial adverse impact on the applicant's reasonable use of his land;

The capping of existing base driveway will provide a dust-free surface and be contained with appropriate steel edging.

(ii) That the granting of the exception will not be detrimental to the public health, safety or welfare, or injurious to other property in the area; and

The granting of this exception will not be detrimental to the public health, safety or welfare, or injurious to other property in the area.

(iii) *That the granting of the exception will not have the effect of preventing the orderly subdividing of other land in the area in accordance with the provisions of this ordinance.*

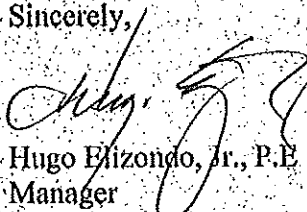
The granting of this exception will not be detrimental to the public health, safety or welfare, or injurious to other property in the area.

(iv) *Exceptions may be granted only when in harmony with the general purpose and intent of this ordinance so that the public health, safety and welfare may be secured and substantial justice served.*

The proposed Site Plan improvements and layout are in harmony and within the general purpose and intent of the Site Plan Ordinance. Allowing a decomposed granite surface on existing base driveway on Center Street right-of-way will secure the public health, safety, and welfare.

Thank you for your consideration of this exception request. We will gladly answer any questions you may have on this matter.

Sincerely,


Hugo Elizondo, Jr., P.E.
Manager



May 15, 2012

Firm Registration No. F-3524

Sofia Nelson, Planning Director
and Plan and Zoning Commission
City of Kyle
100 W. Center Street
Kyle, Texas 78640

CITY OF KYLE

MAY 16 2012

PLANNING DEPARTMENT

RE: SUSTAINACYCLE, LLC: (SD-12-011)
KYLE, TEXAS
CCL 12-119

Subject: Exception Request: Proposed Parking in Sledge Street R.O.W.

Dear Madame Chair and Commission Members:

We respectfully request the following exception which we believe to be the minimum change necessary to allow a reasonable use of the property. The proposed development is located within the City of Kyle Full Purpose Jurisdiction.

On behalf of the Owner, Sustainacycle, LLC, we propose the following exception:

- 1) The addition of parking in the public right-of-way to serve this business.

We submit this exception request by meeting the following conditions:

(i) That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this ordinance would have a substantial adverse impact on the applicant's reasonable use of his land;

The placement of parking in the public right-of-way will allow functional use of this existing site for conversion to commercial use.

(ii) That the granting of the exception will not be detrimental to the public health, safety or welfare, or injurious to other property in the area; and

The granting of this exception will not be detrimental to the public health, safety or welfare, or injurious to other property in the area.

(iii) *That the granting of the exception will not have the effect of preventing the orderly subdividing of other land in the area in accordance with the provisions of this ordinance.*

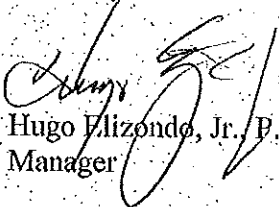
The granting of this exception will not be detrimental to the public health, safety or welfare, or injurious to other property in the area.

(iv) *Exceptions may be granted only when in harmony with the general purpose and intent of this ordinance so that the public health, safety and welfare may be secured and substantial justice served.*

The proposed Site Plan improvements and layout are in harmony and within the general purpose and intent of the Site Plan Ordinance. Allowing parking improvements to be located within the Sledge Street right-of-way will secure the public health, safety, and welfare.

Thank you for your consideration of this exception request. We will gladly answer any questions you may have on this matter.

Sincerely,


Hugo Elizondo, Jr., P.E.
Manager

MEMORANDUM

TO: Planning and Zoning Commission

FROM: Sofia Nelson, Planning Director

DATE: May 16, 2012

SUBJECT: Site Development Permit
Walmart Store- southeast corner of I-35 Frontage Road and Kyle Pkwy

Background

Summary of Request:

The subject property is located at the southeast corner of the I-35 Frontage Road and Kyle Pkwy, in the Retail Services zoning district. The applicant is proposing to develop a 156,059 square foot retail store on a 16.22 acre tract. A conditional use permit and a landscape variance for this development have already been developed.

Drainage:

The drainage from the proposed development will be handled via a regional detention pond developed at the time the hospital was developed.

Access

The plat for the subject property has included a cross access easement and as a result patrons from the development will be able to gain access to and from the site via the I-35 frontage road and Kyle Pkwy. A traffic light is proposed at the intersection of the first Walmart Driveway and Kyle Pkwy (the city engineer is currently reviewing a traffic impact analysis and traffic light warrant request).

Utilities

The site is served by the City of Kyle for water and wastewater service.

Landscape

The retail services zoning designation requires 15% of the site be landscaped, which equates to approximately 105,288 square feet, the proposed development has exceeded that requirement by providing approximately 145,813 square feet of landscaping. A landscape variance was approved by the Planning and Zoning Commission and City Council which allowed the clustering of the required parking lot trees within 3 large landscape islands.

STAFF ANALYSIS AND RECOMMENDATION

Purpose of Application:


A site development plan provides detailed graphic information indicating property boundaries, easements, land use, streets, utilities, drainage, off-street parking, lighting, signage, landscaping, vehicle and pedestrian circulation, open spaces, and general conformance with the master plan and ordinances of the city.

Analysis and Recommendation:


The proposed site plan is consistent with all zoning, access, parking, and landscaping requirements for the site. As mentioned above the drainage for the site is being handled via a regional detention facility. At the time of writing this staff report staff is continuing to work with the applicant to address comments issued by the city engineer. The outstanding comments are very standard in nature and the applicant has demonstrated the ability to gather the outstanding information. The requested engineering information does not impact the proposed layout of the site nor does it change any information shown on the site plan attached to this staff report.

Staff has reviewed the request and is recommending approval of the request conditional on all outstanding engineering and public works comments being addressed.

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 Donald & Associates, Inc.
 7824 Highway 77, Suite 100, Dallas, TX 75241
 P.E. # 00000000000000000000
 FIRM REGISTRATION #3937

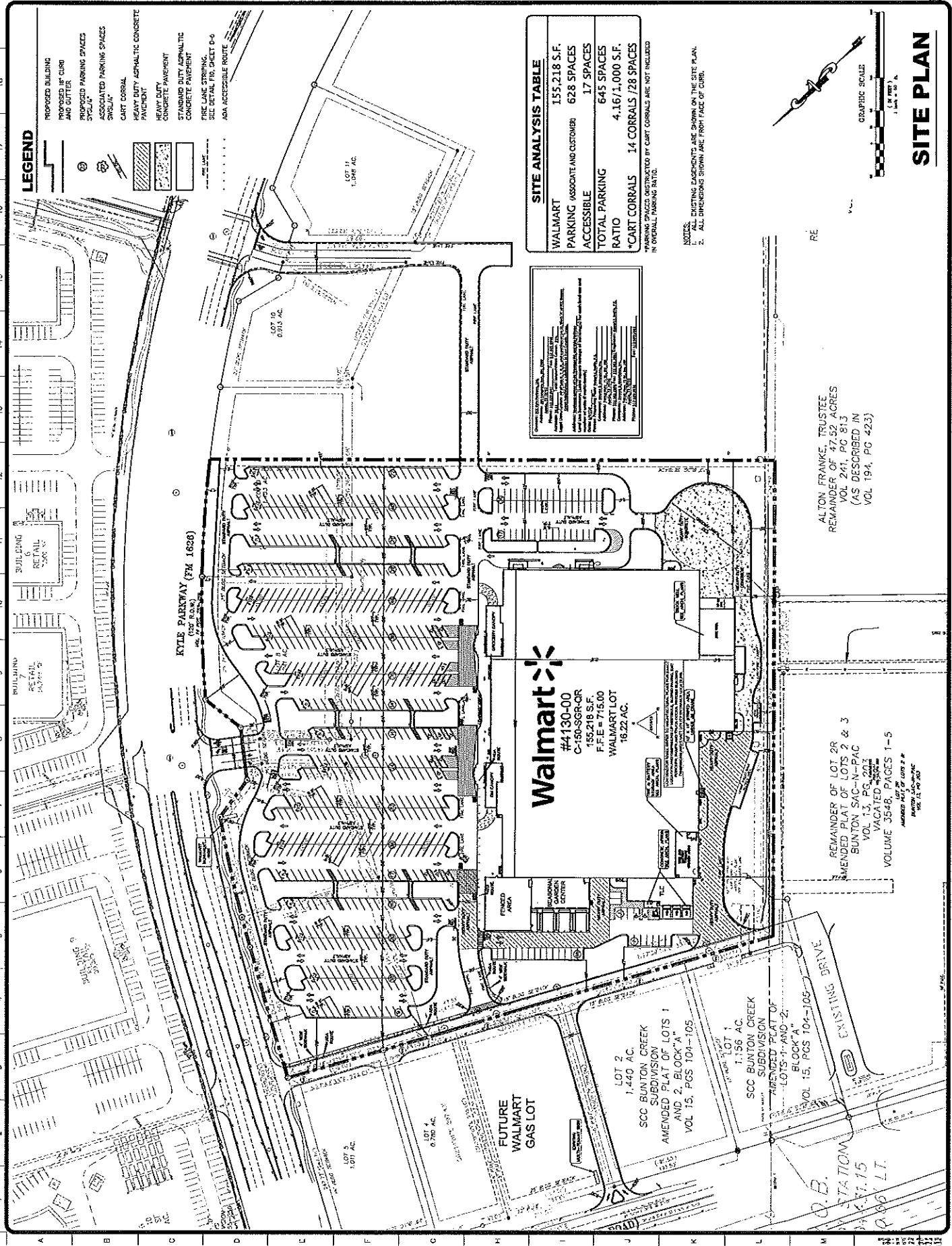


 Kyle Hart Stores, Inc.
 2001 SE 97th Street
 Bentonville, AR 72716
 WALMART STORE #4130-00
 KYLE HART STORES, INC.
 KYLE HART COUNTY, TEXAS



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LEGEND

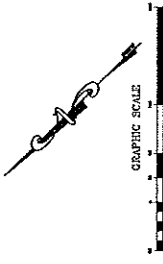
- PROPOSED BUILDING
- PROPOSED CURB AND GUTTER
- PROPOSED PARKING SPACES
- PROPOSED DRIVEWAYS
- ASSOCIATED PARKING SPACES
- SWALL
- CART CORRAL
- HEAVY DUTY ASPHALTIC CONCRETE PAVEMENT
- HEAVY DUTY CONCRETE PAVEMENT
- STANDARD DUTY ASPHALTIC CONCRETE PAVEMENT
- FIRE LANE STRIPING
- SEE DETAIL FIG. SHEET D-6
- ADA ACCESSIBLE ROUTE

SITE ANALYSIS TABLE

| | |
|----------------------------------|------------------------|
| WALMART | 155,218 S.F. |
| PARKING (ASSOCIATE AND CUSTOMER) | 628 SPACES |
| ACCESSIBLE | 17 SPACES |
| TOTAL PARKING | 645 SPACES |
| RATIO | 4.16/1,000 S.F. |
| *CART CORRALS | 14 CORRALS / 28 SPACES |

*PARKING SPACES DEDUCTED BY CART CORRALS ARE NOT INCLUDED IN ORIGINAL PARKING RATIO.

NOTES:
 1. EXISTING EASEMENTS ARE SHOWN ON THE SITE PLAN.
 2. ALL DIMENSIONS SHOWN ARE FROM FACE OF CURB.



SITE PLAN

Walmart
 #4130-00
 C-150-SGR-QR
 155,218 S.F.
 F.F.E. = 715.00
 WALMART LOT
 16.22 AC.

ALTON FRANKIE, TRUSTEE
 REMAINDER OF 47.52 ACRES
 VOL. 241, PG. 813
 (AS DESCRIBED IN
 VOL. 194, PG. 423)

REMAINDER OF LOT 2R
 AMENDED PLAT OF LOTS 2 & 3
 BUNTON SAC-N-PAC
 VOL. 13, PG. 203
 VACATED
 VOLUME 3548, PAGES 1-5
 NUMBERED LOT # OF LOTS 2 & 3
 BUNTON SAC-N-PAC
 VOL. 13, PG. 203

LOT 2
 1.44 AC.
 SCC BUNTON CREEK
 SUBDIVISION
 AMENDED PLAT OF LOTS 1
 AND 2, BLOCK "A"
 VOL. 15, PGS 104-105.

LOT 1
 1.58 AC.
 SCC BUNTON CREEK
 SUBDIVISION
 AMENDED PLAT OF
 LOTS 1-1 AND 2,
 BLOCK "A"
 VOL. 15, PGS 104-105.

LOT 3
 0.70 AC.
 FUTURE
 WALMART
 GAS LOT

LOT 4
 0.70 AC.

LOT 5
 1.01 AC.

LOT 6
 0.91 AC.

LOT 7
 1.08 AC.

LOT 8
 1.08 AC.

LOT 9
 1.08 AC.

LOT 10
 1.08 AC.

LOT 11
 1.08 AC.

LOT 12
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LOT 13
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LOT 14
 1.08 AC.

LOT 15
 1.08 AC.

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MEMORANDUM

TO: Planning and Zoning Commission

FROM: Sofia Nelson, Planning Director

DATE: May 17, 2012

SUBJECT: Site Development Permit and Conditional Use Permit
Water Works Auto Spa

Summary of Request:

The subject property is located at 22287 IH-35 and is approximately 1.26 acres in size (along the northbound access road/ immediately adjacent to Goodyear Auto Center). The property is zoned Retail Services and the applicant is proposing the development of a car wash facility. The development will contain two structures and a parking area where the interior of a car can be cleaned.

Purpose of Application:

A site development plan provides detailed graphic information indicating property boundaries, easements, land use, streets, utilities, drainage, off-street parking, lighting, signage, landscaping, vehicle and pedestrian circulation, open spaces, and general conformance with the master plan and ordinances of the city.

STAFF ANALYSIS AND RECOMMENDATION

Overlay District

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

a) The purpose of the of the overlay district is to maintain a high character and quality of community development, to promote compatible uses and standards, to preserve and enhance property values, to promote economic growth, to provide for orderly development, to provide for proper movement of traffic, and to secure the general safety of citizens by regulating the exterior architectural characteristics of structures

(b)The conditional use overlay districts will assist the community to recognize and preserve the distinctive architectural character of this community, which has been greatly influenced by the architecture of an earlier period in this community's history. This purpose shall be served by the regulation of exterior design, use of materials, the finish grade line, ingress and egress, and landscaping and orientation of all structures

hereinafter altered, constructed, reconstructed, reacted, enlarged, remodeled, removed, or demolished in the conditional use overlay district.

Comprehensive Plan Guidance

The subject property is located in the Old Town Community future land use district near its transition into the Core Area Transition District. As a result of its location the urban design plan provides the following guidance:

- Maintain continuity in the general use of materials within any block
- Make every effort to expand the sidewalk pedestrian space with outdoor restaurants or other gathering spaces for sales or display
- Promote vertical mixed land uses where possible
- Maintain a building to line that is located at the edge of the sidewalk spaces and place parking behind the buildings.
- Development between nodal areas should provide larger setbacks and/or deep landscape areas at the edge of parking areas.

The comprehensive master plan identifies the following enhancements to be made along I-35 in order to visually communicate a sense of arrival:

- Terraced embankment of the side slopes with architectural retention structures
- Planting of colorful ornamental grasses on certain terraces.
- Planting of ornamental flowers on other terraces

Analysis:

The proposed development fronts on the I-35 access road, however gains access to and from the site via platted access easements located along the side and rear of the lot. The applicant is proposing that patrons enter and exit the car wash from the rear of the lot, with additional exit provided near the front of the lot.

As new development occurs construction of a sidewalk is required at the time of development. The construction of a sidewalk at the time of development allows for the incremental construction of sidewalk connectivity. The applicant is requesting a variance to the sidewalk construction along the I-35 access road.

Staff has reviewed the request for a variance, conditional use permit and site development permit:

- Staff understands that the pedestrian traffic may be less along the IH-35 access road. However staff does feel that the Planning Commission needs to discuss and weigh the policy implications of this variance request. As more and more properties redevelop sidewalks will be required to be constructed with any new development occurring.
- The proposed development meets all landscaping and parking requirements outlined for the retail services zoning designation.
- Should the commission approve the site development request the approval shall be conditional on the applicant addressing all engineering comments.



Debbie Guerra <dguerra@cityofkyle.com>

Request for Variance on Sidewalk

1 message

Dan Brouillette <dbrouillette@sgbuildersltd.com>

Fri, May 18, 2012 at 3:36 PM

To: planning@cityofkyle.com

Cc: Trent Clark <trentclark@apdg.us>, Jeff Blansit <jeff.blansit@yahoo.com>

Sophia

Please allow this email to serve as our request for a variance on the requirement of sidewalks at the site.

As you are aware the sidewalk requirement would be for the IH 35 frontage.

Thank You

Dan Brouillette**S G Builders Ltd.****PO Box 341076****Lakeway Texas, 78734**dbrouillette@sgbuildersltd.comwww.sgbuildersltd.com

(512) 845-4690 Mobile

(512) 681-7030 Fax



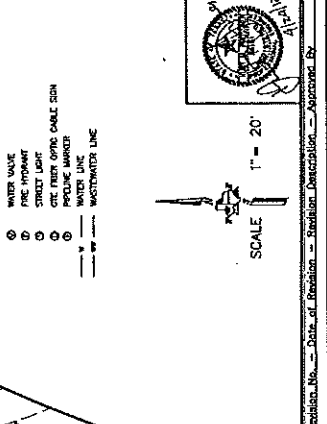
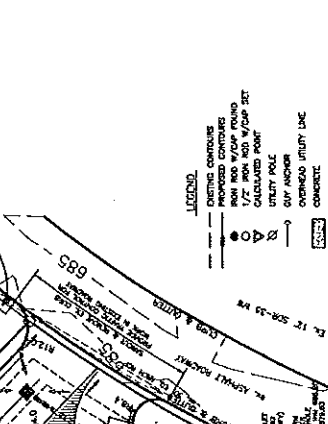
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| CURVE | DELTA ANGLE | RADIUS | ARC | CHORD | CHORD BEARING |
|-------|-------------|----------|----------|----------|---------------|
| C1 | 224.432° | 504.000' | 243.220' | 241.200' | S 227.133° W |
| C2 | 224.432° | 504.000' | 243.220' | 241.200' | S 227.133° W |

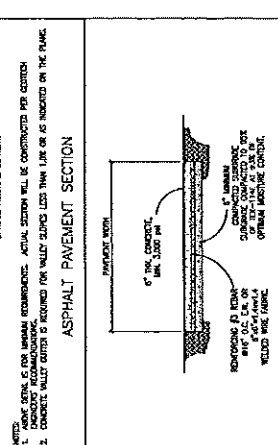
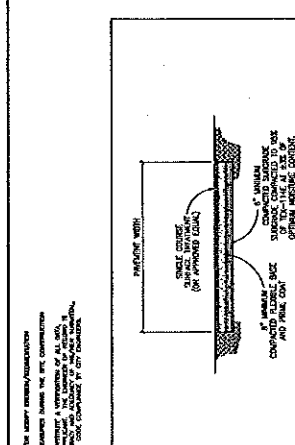
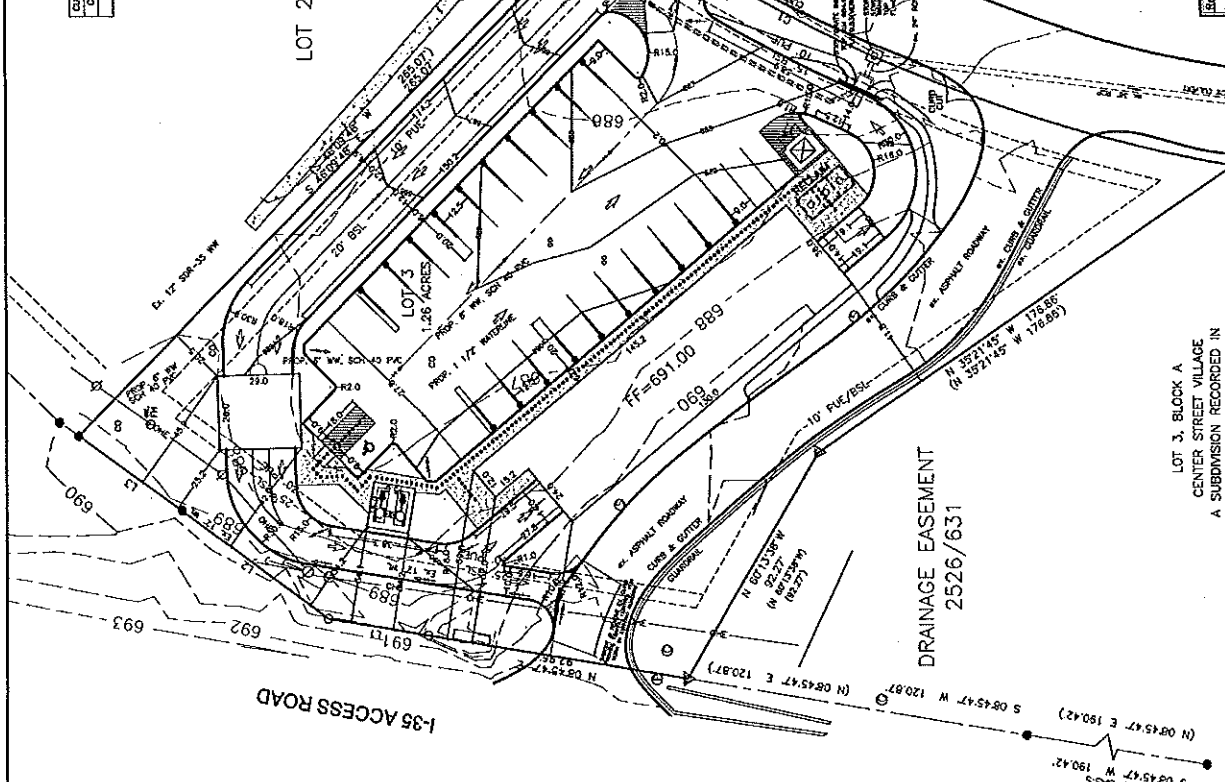
| LINE | BEARING | DISTANCE |
|------|-------------|----------|
| L1 | N 87.403° E | 35.00' |
| L2 | N 87.403° E | 64.34' |
| L3 | N 87.403° E | 45.14' |

IMPERVIOUS COVER CALCULATIONS
 SITE AREA 54,376 S.F.
 PROP. BLDG. 5,855 S.F.
 P.A.R. 13,108 S.F.
 TOTAL IMPER. 34,349 S.F. (71.2%)

PARKING TABLE
 REQUIRED 28
 PROVIDED 28 (29x12.5')
 5 REGULAR (20x10')
 1 HANDICAP (VAN) (18x49')
 18 VACCUUM (20x12.5')



LOT 3, BLOCK A
 CENTER STREET VILLAGE
 A SUBDIVISION RECORDED IN
 VOLUME 12, PAGE 72,
 PLAT RECORDS OF
 HAYS COUNTY, TEXAS



NOTES:
 1. PAVEMENT SHALL BE CONSTRUCTED PER CURRENT CONCRETE TECHNOLOGY.
 2. CONCRETE SHALL BE 4000 PSI STRENGTH WITH 4% AIR ENTRAINMENT.
 3. CURBS SHALL BE 6" HIGH AND 12" WIDE.
 4. ALL PAVEMENT SHALL BE FINISHED TO A 1/4" FINISH.

NOTES:
 1. ALL UTILITY LINES SHALL BE 12" DIA. UNLESS OTHERWISE NOTED.
 2. ALL UTILITY LINES SHALL BE 12" DIA. UNLESS OTHERWISE NOTED.
 3. ALL UTILITY LINES SHALL BE 12" DIA. UNLESS OTHERWISE NOTED.

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MEMORANDUM

TO: Planning and Zoning Commission

FROM: Sofia Nelson, Planning Director

DATE: May 16, 2012

SUBJECT: Site Development Permit and Conditional Use Permit
802 W. Center Street Office Building

Background

Summary of Request:

The subject property is located at 802 W. Center Street (at the intersection of Wallace and Center Street), in the CBD-1 zoning district. The applicant's are proposing to renovate the existing house into a professional office. The purpose of the site plan is to secure a permit to construct a parking lot in the rear of the home. The site is 0.44 acres in size and in its current state consists of approximately 10.22% impervious cover. The proposed improvements would increase the percentage of the lot covered in impervious cover to approximately 44%.

Drainage:

The site currently drains from W. Center Street to the north and onto Wallace Street. Both the City Engineer and the applicant's engineer have concluded that the runoff caused from the development of a parking lot on the site will not cause any adverse impact to downstream properties.

Access

The site does not currently have a driveway. The applicant is proposing a new two way commercial concrete driveway acing from Wallace Street. The site plan does demonstrate compliance with all parking requirements for the site.

Utilities

The site will be served by the City of Kyle for water and wastewater service.

Landscape

The site has some existing trees that will be used for credit to comply with landscape requirements. The owner will plant small shrubs to comply with the minimum landscape requirements as shown on the landscape plan. As part of this development a 12" pecan tree needs to be removed and the applicant is proposing to mitigate for removal of the tree with six 2 inch caliper trees.

Variance Request

Section 53-420 of the City of Kyle Code requires the site plan include sidewalks (pedestrian walkways) that must be constructed of brick, pavers, or concrete with an exposed broom finish, and connect to the adjacent property. While there is a sidewalk along Center Street the submittal of a site plan would require a sidewalk be constructed along Wallace Street as well. Attached to this staff report is a variance letter from the applicant outlining the following reasons why the sidewalk variance shall be granted:

- Current pedestrian activity occurs West to East along W. Center Street and not North to South
- The construction of a sidewalk along Wallace Street will not provide sidewalk connectivity since currently there are no sidewalks long Wallace Street.
- Wallace Street currently does not have curb and gutter and therefore drainage is accommodated in a side ditch, space is limited to accommodate the sidewalk along Wallace Street, particularly at the driveway crossing.

STAFF ANALYSIS AND RECOMMENDATION

Overlay District

The Center Street overlay district. The Center Street conditional use overlay district (the Center Street overlay district), Center Street is also known as Farm-to-Market Road No. 150, extends from the intersection of Center Street and I-35 on the east to the intersection of Center Street and Rebel Drive on the west, and includes all real property within 200 feet from the centerline of Center Street; and all real property within all central business district-1 (CBD-1) and central business district-2 (CBD-2) zoning districts.

Purpose of Application

A site development plan provides detailed graphic information indicating property boundaries, easements, land use, streets, utilities, drainage, off-street parking, lighting, signage, landscaping, vehicle and pedestrian circulation, open spaces, and general conformance with the master plan and ordinances of the city.

Comprehensive Master Plan Guidance

The subject property is located in the Old Town Community future land use district. The urban design plan identifies this property to be located within the urban core. As a result of its location the following guidance is provided:

- Maintain continuity in the general use of materials within any block
- Make every effort to expand the sidewalk pedestrian space with outdoor restaurants or other gathering spaces for sales or display
- Promote vertical mixed land uses where possible
- Maintain a building to line that is located at the edge of the sidewalk spaces and place parking behind the buildings.

Analysis

The proposed development meets or exceeds all the required landscaping and off-street parking requirements, and all other zoning requirements outlined in the City of Kyle code. Additionally, since the

proposed improvements only include the construction of parking lot in the rear of the lot and the applicant is not proposing any alterations to the existing structure staff finds that the integrity and character of the overlay district will be maintained. Staff has made the following findings regarding the requested variance:

- The downtown plan, a component of the comprehensive master plan, has a stated goal of utilizing sidewalks to connect residential areas to commercial areas and destinations.
- The proposed development does not appear to be a use that would substantially increase the overall pedestrian activity within the area. However since the use of the property is changing to office professional the number vehicles accessing Wallace Street will increase.
- Staff understands that the pedestrian traffic may be less along Wallace Street than Center Street. However staff does feel that the Planning Commission needs to discuss and weigh the policy implications of this variance request. As more and more downtown properties redevelop sidewalks will be required to be constructed with any new development occurring.









MEMORANDUM

TO: Planning and Zoning Commission

FROM: Sofia Nelson, Planning Director

DATE: May 17, 2012

SUBJECT: Site Development Permit and Conditional Use Permit
Plaza East Building 3

Summary of Request:

The subject property is located at the intersection of FM-150 and Lehman Road (within the existing shopping center located at that intersection). The property is zoned Retail Services and the proposed development would add a 3rd building to the site. The proposed building would be approximately 3500 square feet in size and approximately 16 feet in height. The proposed building is intended to be used as mixed retail/ office professional space and utilize the same materials used in the buildings within the existing commercial center.

Purpose of Application:

A site development plan provides detailed graphic information indicating property boundaries, easements, land use, streets, utilities, drainage, off-street parking, lighting, signage, landscaping, vehicle and pedestrian circulation, open spaces, and general conformance with the master plan and ordinances of the city.

Comprehensive Master Plan Guidance

The subject property is located in the Old Town Community future land use district, near the transition into the Midtown Community Future Land Use District. The Urban Design Plan identifies the subject property to be located within the urban core. As a result of its location the urban design plan provides the following guidance:

- Maintain continuity in the general use of materials within any block
- Make every effort to expand the sidewalk pedestrian space with outdoor restaurants or other gathering spaces for sales or display
- Promote vertical mixed land uses where possible
- Maintain a building to line that is located at the edge of the sidewalk spaces and place parking behind the buildings.
- Development between nodal areas should provide larger setbacks and/or deep landscape areas at the edge of parking areas.

STAFF ANALYSIS

The subject property is located within the E. FM 150 overlay district. The proposed development will have access to both FM 150 and Lehman Road. When the lot to the rear of the proposed development is developed access will be extended to provide for access onto Four Seasons Farm Blvd. The proposed development meets all landscaping and parking requirements outlined for the retail services zoning designation and all applicable site development requirements.

Staff is recommending approval of the requests with the following condition:

- **Reconstruction of the retaining wall take place prior to the issuance of a certificate of occupancy for the proposed structure (plans for the reconstruction of the retaining wall have been submitted to the city for review and are pending corrections by the applicant prior to the issuance of a permit).**

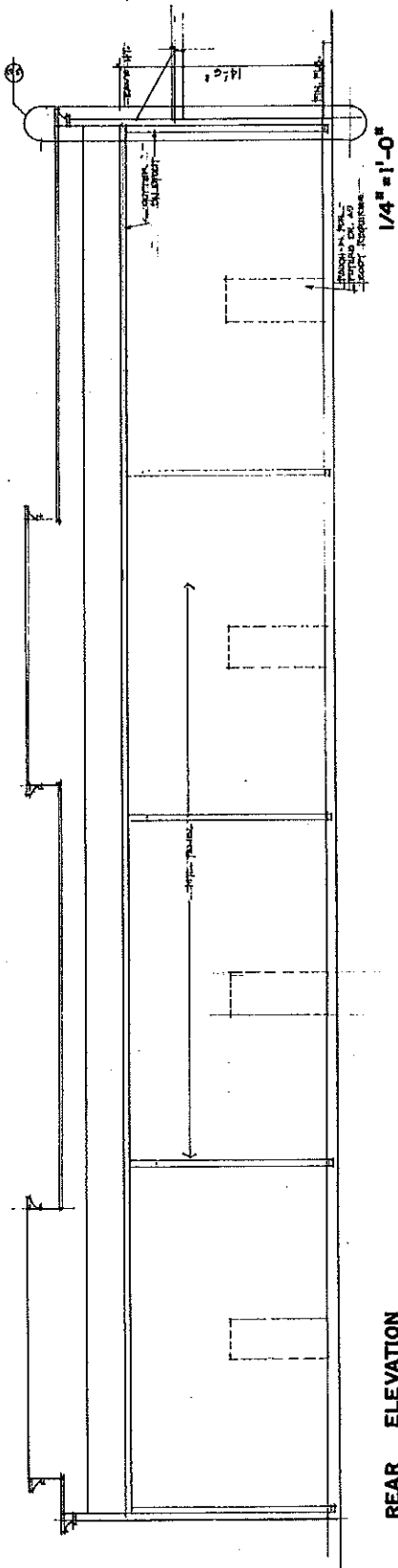


FAMILY DOLLAR

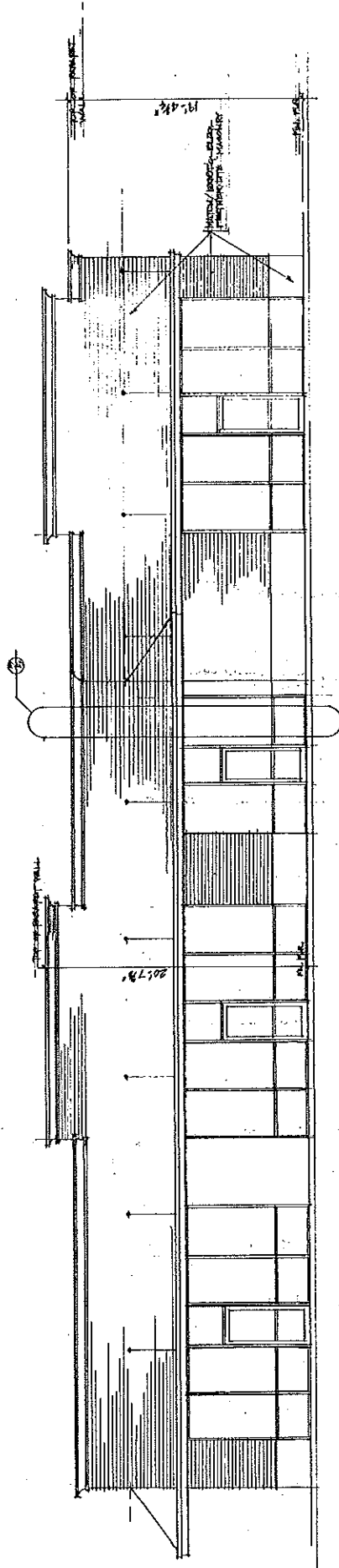
575-811-2310

Reddy Ice



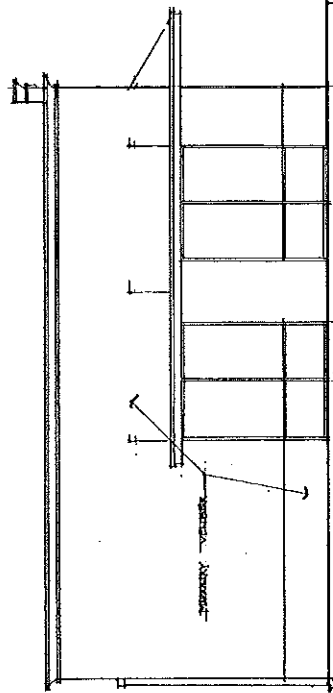


REAR ELEVATION



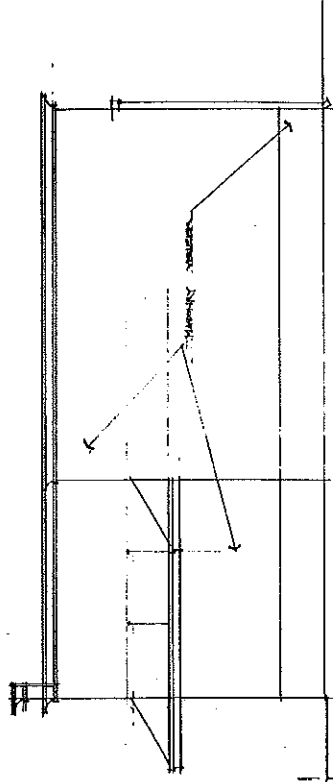
FRONT ELEVATION





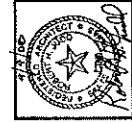
LEFT ELEVATION

1/4" = 1'-0"



RIGHT ELEVATION

1/4" = 1'-0"



PLAZA EAST BLDG. 3
 150 ST. LEONARD, HO.
 DALLAS, TEX. 75240



MEMORANDUM

TO: Planning and Zoning Commission

FROM: Sofia Nelson, Planning Director

DATE: May 16, 2012

SUBJECT: Site Development Permit and Conditional Use Permit
409 W. Center Street

Background

Summary of Request:

The subject property is located at 409 W. Center Street (the southeast corner of Sledge and Center Street), in the CBD-1 zoning district. The applicant is proposing to utilize the existing house as a specialty retail store. The purpose of the site plan is to secure a permit to construct 5 parking spaces within the ROW to serve as the required parking for the retail store. The site is approximately 0.267 acres and consists of both lots 6 and 7 of block 31 of the Original Town of Kyle Subdivision.

Drainage:

The site currently drains north towards Center Street. Both the City Engineer and the applicant's engineer have concluded that the runoff caused from the development of a parking lot will not cause any adverse impact to downstream properties.

Access

The site currently has a drive on W. Center Street and the applicant is requesting to allow the driveway to be resurfaced with decomposed granite.

Utilities

The site is served by the City of Kyle for water and wastewater service.

Landscape

The site has some existing trees that will be used for credit to comply with landscape requirements. The applicant has provided a landscape plan showing the location of existing landscape and proposed plants.

Variance Request

The applicant is requesting the following two variances:

1. **Variance to allow the use of decomposed granite over the existing driveway on Center Street.**

Section 53.33(n) states the following no vehicle, trailer or major recreational equipment shall be parked or stored on any lot except if is to be enclosed in a building or parked on a driveway or a concrete, paved or stone pad.

2. Variance to allow on street parking to count towards the off-street parking requirement for the site.

The City of Kyle parking requirements require developments within the CBD-1 zoning district to provide 1 space for every 200 square feet of floor space. As a result the proposed development would be required to provide 5 off-street parking spaces. The city council may, based on a site plan approved by council, waive all or part of these parking space requirements for buildings within the original town. While the proposed development is not seeking a waiver of the requirements it is seeking approval of the parking plan to provide the required number of spaces with the Sledge Street ROW.

STAFF ANALYSIS

Purpose of Application:

A site development plan provides detailed graphic information indicating property boundaries, easements, land use, streets, utilities, drainage, off-street parking, lighting, signage, landscaping, vehicle and pedestrian circulation, open spaces, and general conformance with the master plan and ordinances of the city.

Comprehensive Master Plan Guidance:

The subject property is located in the Old Town Community future land use district. The urban design plan identifies this property to be located within the urban core. As a result of its location the following guidance is provided:

- Maintain continuity in the general use of materials within any block
- Make every effort to expand the sidewalk pedestrian space with outdoor restaurants or other gathering spaces for sales or display
- Promote vertical mixed land uses where possible
- Maintain a building to line that is located at the edge of the sidewalk spaces and place parking behind the buildings.

The applicant is proposing to use the existing house located at 409 W. Center Street as a specialty retail store (see attached description provided by the applicant). Additionally the applicant is requesting to utilize the rear yard as a demonstration site for sustainable gardening practices.

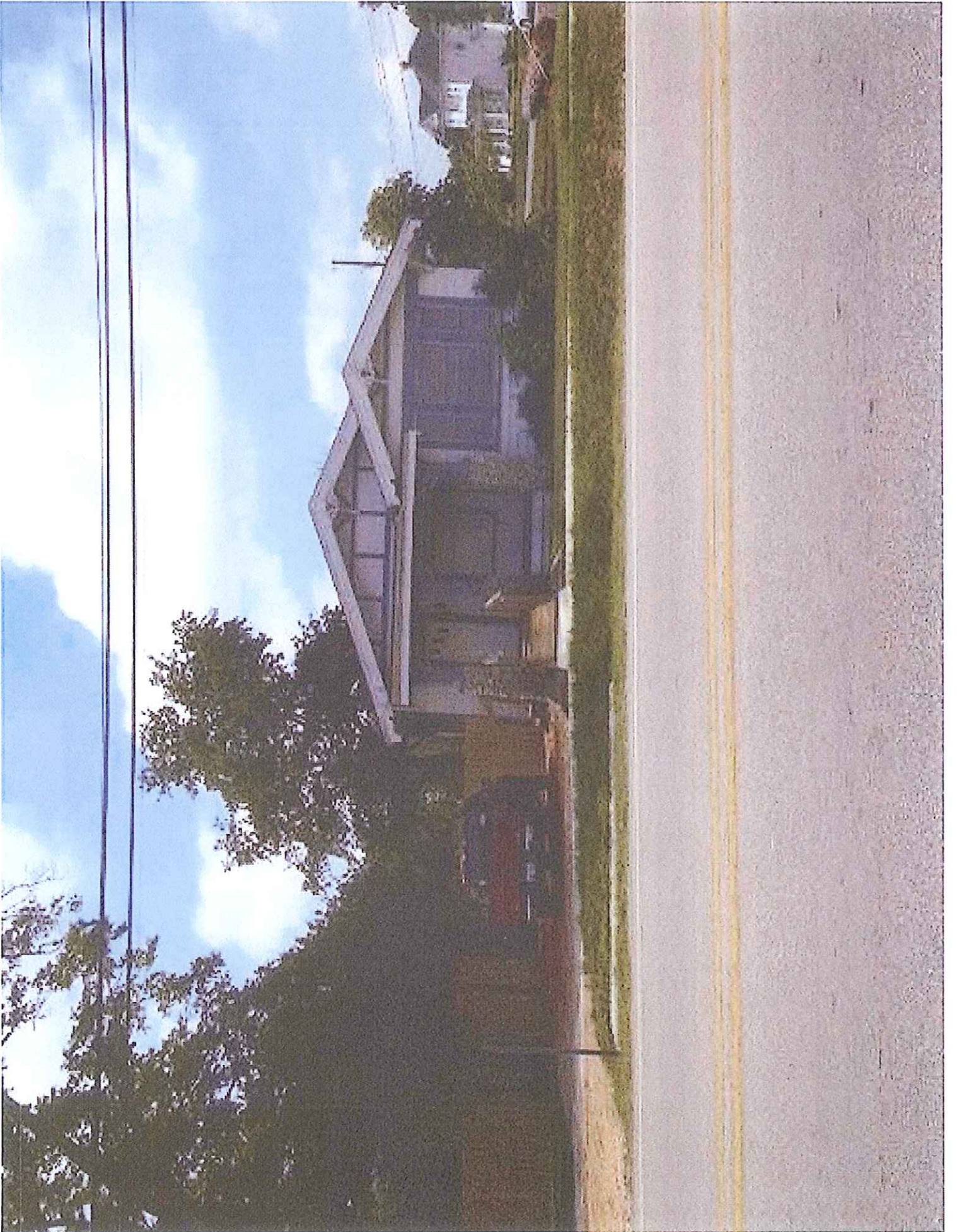
Staff has reviewed both variance requests and has made the following findings:

- Variance #1- The use of decomposed granite has many economical and environmental benefits associated with its use. While generally surrounding communities are beginning to accept the use of decomposed granite for commercial parking lots they are generally only permitted with strict compacting and bordering requirements or in areas that do not receive a lot of in and out traffic. At

the time of writing this report the city engineer is reviewing the compacting and bordering proposal provided by the applicant and will be available the day of the meeting to provide more details on the proposal. However staff believes if it is the Commission's desire to grant this variance staff is recommending the driveway be limited to loading and unload of materials by the owner and not a be publicly used parking space.

- Variance #2- As seen in the attached site plan the applicant has provided a potential layout for 5 head-in parking spaces along Sledge Street within the public right-of-way. While the use of head in parking is not a new practice within the Central Business area it is a request that must be approved by the Planning and zoning Commission should the applicant want to count the parking spaces towards the required off-street parking. Because the parking is located within the public-right-way the parking could be used by other's and would not be solely limited to patrons of 409 W. Center Street. As seen in the attached aerial view of the subject property businesses along Sledge Street, north of Center Street, also utilize head-in parking within the public right-of-way before transitioning into residential uses.

Staff has reviewed the site plan and is recommending approval of the site development and conditional use permits. Should the Planning Commission approve the variance requests staff recommends that a note be added to the site plan indicating that the existing driveway only be utilized for loading and unloading and not as a public parking space.



MEMORANDUM

TO: Planning and Zoning Commission

FROM: Sofia Nelson, Planning Director

DATE: May 17, 2012

SUBJECT: Site Development Permit and Conditional Use Permit
Water Works Auto Spa

Summary of Request:

The subject property is located at 22287 IH-35 and is approximately 1.26 acres in size (along the northbound access road/ immediately adjacent to Goodyear Auto Center). The property is zoned Retail Services and the applicant is proposing the development of a car wash facility. The development will contain two structures and a parking area where the interior of a car can be cleaned.

Purpose of Application:

A site development plan provides detailed graphic information indicating property boundaries, easements, land use, streets, utilities, drainage, off-street parking, lighting, signage, landscaping, vehicle and pedestrian circulation, open spaces, and general conformance with the master plan and ordinances of the city.

STAFF ANALYSIS AND RECOMMENDATION

Overlay District

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

a) The purpose of the of the overlay district is to maintain a high character and quality of community development, to promote compatible uses and standards, to preserve and enhance property values, to promote economic growth, to provide for orderly development, to provide for proper movement of traffic, and to secure the general safety of citizens by regulating the exterior architectural characteristics of structures

(b)The conditional use overlay districts will assist the community to recognize and preserve the distinctive architectural character of this community, which has been greatly influenced by the architecture of an earlier period in this community's history. This purpose shall be served by the regulation of exterior design, use of materials, the finish grade line, ingress and egress, and landscaping and orientation of all structures

hereinafter altered, constructed, reconstructed, reacted, enlarged, remodeled, removed, or demolished in the conditional use overlay district.

Comprehensive Plan Guidance

The subject property is located in the Old Town Community future land use district near its transition into the Core Area Transition District. As a result of its location the urban design plan provides the following guidance:

- Maintain continuity in the general use of materials within any block
- Make every effort to expand the sidewalk pedestrian space with outdoor restaurants or other gathering spaces for sales or display
- Promote vertical mixed land uses where possible
- Maintain a building to line that is located at the edge of the sidewalk spaces and place parking behind the buildings.
- Development between nodal areas should provide larger setbacks and/or deep landscape areas at the edge of parking areas.

The comprehensive master plan identifies the following enhancements to be made along I-35 in order to visually communicate a sense of arrival:

- Terraced embankment of the side slopes with architectural retention structures
- Planting of colorful ornamental grasses on certain terraces.
- Planting of ornamental flowers on other terraces

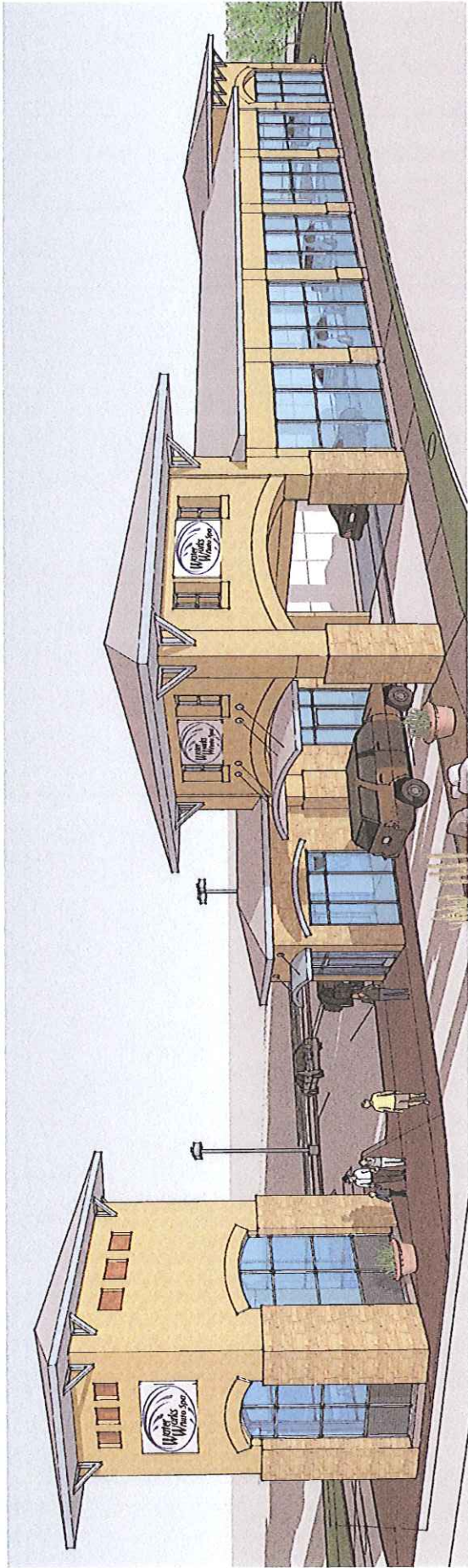
Analysis:

The proposed development fronts on the I-35 access road, however gains access to and from the site via platted access easements located along the side and rear of the lot. The applicant is proposing that patrons enter and exit the car wash from the rear of the lot, with additional exit provided near the front of the lot.

As new development occurs construction of a sidewalk is required at the time of development. The construction of a sidewalk at the time of development allows for the incremental construction of sidewalk connectivity. The applicant is requesting a variance to the sidewalk construction along the I-35 access road.

Staff has reviewed the request for a variance, conditional use permit and site development permit:

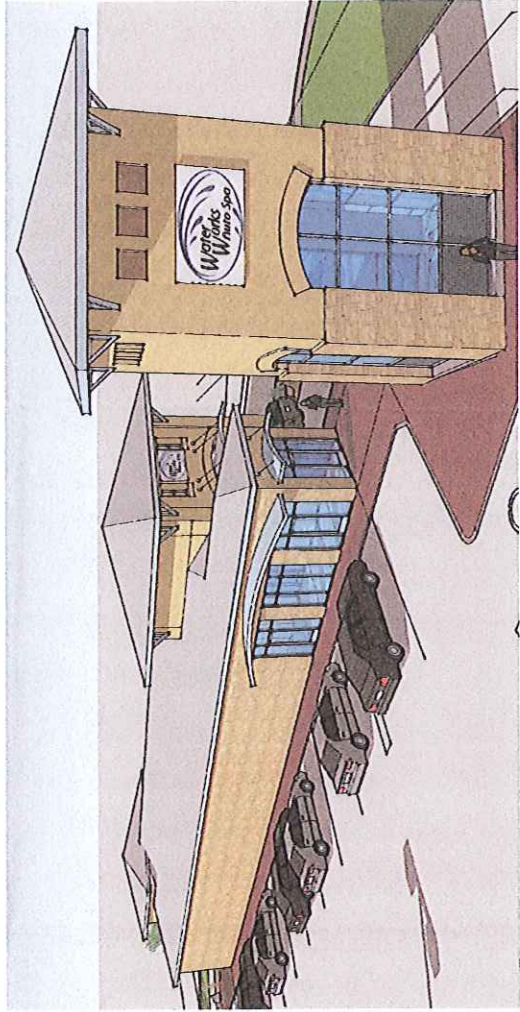
- Staff understands that the pedestrian traffic may be less along the IH-35 access road. However staff does feel that the Planning Commission needs to discuss and weigh the policy implications of this variance request. As more and more properties redevelop sidewalks will be required to be constructed with any new development occurring.
- The proposed development meets all landscaping and parking requirements outlined for the retail services zoning designation.
- Should the commission approve the site development request the approval shall be conditional on the applicant addressing all engineering comments.



VIEW FROM SOUTH WEST



VIEW FROM WEST



VIEW FROM NORTH EAST



A PLUS DESIGN GROUP, COPYRIGHT 2012

WATER WORKS AUTO SPA

KYLE, TEXAS

MEMORANDUM

TO: Planning and Zoning Commission
FROM: Sofia Nelson, Planning Director
DATE: May 18, 2012
SUBJECT: 275 Main Street

Background

Attached to this memo is a letter from Mr. Alfredo Bosquez outlining a development request for 275 Main Street. The subject property is located at the northeast corner of Main and Moore Street (across the street from the fire station). The subject property is located within the CBD-2 zoning district. The CBD-2 zoning district is less restrictive than the CBD-1 zoning district and principally addresses development in the original town and central area of the city, allowing a mix of uses including office, restricted commercial, and restricted multifamily.

As outlined in the attached request the applicant would like to utilize one of the existing structures as a food commissary where he and possibly 3 other employees would prepare ice-cream for off-site sales. While the use is an allowed use under the CBD-2 zoning district prior to the issuance of a certificate of occupancy one of the steps that staff must take is assuring that the site meets parking requirements for the proposed use. It is determining the site requirements for this project that has led the applicant and staff to seek the Planning and Zoning Commission's direction. The parking requirements for the CBD-2 district state the following:

If located on Center, Main, or Front Streets parking requirements will be decided on a case-by-case basis. All others will provide one space for every 200 square feet of floor space.

In the attached letter the applicant indicates that there are up to 6 parking spaces within the boundaries of site. However it appears that the parking is on a non-paved surface. If the Commission determines that a paved parking lot is to be provided for the proposed use then the applicant will be required to submit a site development plan which demonstrates full compliance with parking, landscaping, drainage, screening and sidewalk requirements. Should you not require any additional parking then the building would be considered legal non-conforming and a site development plan would not be required, since no new improvements to the site would be being made.

Action needed

The action needed from the Planning and Zoning Commission is as follows:

- Establish a parking standard for the proposed use.

- **Should you not require any additional parking please indicate any conditions you would like to impose on the property before parking and a site development request would be required (i.e. whenever the use changes or the scope of work being proposed changes).**

Staff Analysis

As the central business area continues to develop and redevelop the request for parking, sidewalk, and general site development requirements must be clear and predictable in order to inform developers of the cost of developing in Kyle (both hard costs in terms of applications and improvements to be made to a site but also how much time it will take to get through the process). While staff understands that Mr. Bosquez's request is minor in nature it is important to assure that any development standard waived or required will set a precedent for future development requests.