

CITY OF KYLE

Planning & Zoning Commission

Regular Meeting Agenda

KYLE CITY HALL

100 W. Center Street



Notice is hereby given that the governing body of the City of Kyle, Texas will meet at 6:30 PM on 9/25/2012, at Kyle City Hall, 100 W. Center Street, Kyle, Texas for the purpose of discussing the following agenda.

Posted this 21st Day of September prior to 6:30 P.M.

Sofia Nelson
Planning Director
9/21/12

I. Call Meeting To Order

1 Roll Call of Board

2 Minutes of Previous Meeting

- - Planning and Zoning Commission Meeting - July 24, 2012

 [Attachments](#)

II. Citizens Comments

III. Staff Reports

- - Report on City Council Action
 - Director Comments
 - Commissioner Comments
 - Future Agenda Items

 [Attachments](#)

IV. Consider and Act on:

Zoning

3. Consider a request by HDF Investments to assign original zoning to approximately 1.180 acres from interim zoning designation 'AG' Agriculture to 'RS' Retail Service on property located at the corner of E. Post Road and IH-35 (AB 473 Jas W Williams Survey 1.180 acres).
 - Public Hearing
 - P&Z Recommendation to City Council

 [Attachments](#)

Plats

4. Crystal Meadows Drive (ROW)
4.557 acres
Located off of Crystal Meadows Drive
Owner: Century Acres Property Owners Association
Agent: Jenn Dermanci, P.E., Doucet & Associates
Staff Proposal to P&Z : Statutory Disapprove to meet 30 day statutory requirements

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

 [Attachments](#)

5. Plum Creek Phase 1 Section 11J - Final Plat
19.100 acres; 1 Lot
Located southwest of the intersection of Kohlers Crossing and FM 1626, adjacent to the Plum Creek Golf Course Driving Range
Owner: Plum Creek Development Partners, LTD
Agent: Alan Rhames, P.E., Axiom Engineers, Inc.
Staff Proposal to P&Z: Statutorily Disapprove to meet 30 day statutory requirements.

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 [Attachments](#)

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

19.100 acres; 1 Lot

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

Owner: Plum Creek Development Partners, Ltd.

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

Staff Proposal to P&Z: Statutorily Disapprove to meet 30 day statutory requirements

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 [Attachments](#)

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

10.100 acres; 53 Lots

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

Owner: Plum Creek Development Partners, Ltd.

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

Staff Proposal to P&Z: Statutorily Disapprove to meet 30 day statutory requirements

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 [Attachments](#)

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

- P&Z Recommendation to City Council

 [Attachments](#)

Site Development Plan

9. Austin Community College - Hays Campus (SD-12-014)
96.115 acres; 1 Lot
Located at 1200 Kohlers Crossing
Applicant: Austin Community College District
Agent: Debra Sappington - Gensler

- Public Hearing
- P&Z Recommendation to City Council

 [Attachments](#)

10. First Baptist Church (SD-12-015)
1.66 acres; 1 Lot
Located at 400 W. Center Street
Applicant: First Baptist Church
Agent: Javier Barajas, P.E.

- Public Hearing
- Act on Request for an exception to non-conformities - non-conforming building
- P&Z Recommendation to City Council

 [Attachments](#)

Conditional Use Permit/Conditional Use Overlay District

11. Consider a request by First Baptist Church for a Conditional Use Permit to construct a 10,059 Square foot building located at 400 W. Center Street and within the Center Street Overlay District.

- Public Hearing
- P&Z Recommendation to City Council

 [Attachments](#)

12. Consider a request by First Baptist Church for a Conditional Use Permit to construct a parking lot located at 110 N. Nance and within the Center Street Overlay District.

- Public Hearing
- Recommendation to City Council

 [Attachments](#)

Comprehensive Master Plan

13. Consider a request by Hugo Elizondo, on behalf of PGI Investment, LLC for a Comprehensive Master Plan Amendment to identify the RV Zoning within the New Settlement District and Regional Node as Conditional rather than Not Recommended.

- Public Hearing

 [Attachments](#)

Other

14. Discussion regarding public input received for the proposed I-35 Overlay District

 [Attachments](#)

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

- Public Hearing
- P&Z Recommendation to City Council

 [Attachments](#)

16. Discussion regarding a Proposed Tree Ordinance

 [Attachments](#)

*Per Texas Attorney General Opinion No. JC-0169; Open Meeting & Agenda Requirements, Dated January 24, 2000: The permissible responses to a general member communication at the meeting are limited by 551.042, as follows: "SEC.551.042. Inquiry Made at Meeting. (a) If, at a meeting of a government body, a member of the public or of the governmental body inquires about a subject for which notice has not been given as required by the subchapter, the notice provisions of this subchapter, do not apply to:(1) a statement of specific factual information given in response to the inquiry; or (2) a recitation of existing policy in response to the inquiry. (b) Any deliberation of or decision about the subject of the inquiry shall be limited to a proposal to place the subject on the agenda for a subsequent meeting.



CITY OF KYLE, TEXAS

Minutes

Meeting Date: 9/25/2012
Date time: 6:30 PM

Subject/Recommendation: • Planning and Zoning Commission Meeting - July 24, 2012

Other Information:

Budget Information:

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Attachments / click to download

[Minutes](#)

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

The Planning and Zoning Commission of the City of Kyle, Texas met in regular session July 24, 2012 at 6:30 p.m. at Kyle City Hall, with the following persons present:

| | | |
|------------------------------------|----------------|------------------|
| Commissioner Dan Ryan | Tim Miller | Frederick Rucker |
| Commissioner Cicely Kay | Gary Whited | Jerry Gafford |
| Chairman Cale Baese | Bill Faust | Mark Culvert |
| Commissioner Pat Fernandez | Lila Knight | |
| Vice-Chair Jenny DiLeo | Kate Johnson | |
| Commissioner Michele Christie | Hugo Elizondo | |
| Sofia Nelson, Director of Planning | Sammie Tritico | |
| Steve Clamons, Planning Department | John Tritico | |

CALL MEETING TO ORDER

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

ROLL CALL OF BOARD

Chairman Baese called for roll call. Present were: Commissioners Ryan, Kay, Baese, Fernandez, DiLeo and Christie. Commissioner Fulton was absent.

APPROVAL OF MINUTES:

Planning and Zoning Commission Meeting – June 26, 2012

Vice-Chair DiLeo moved to approve the Planning and Zoning Commission Meeting Minutes for June 26, 2012. Vice-Chair DiLeo moved to approve the Planning and Zoning Meeting Minutes for June 26, 2012. Commissioner Ryan seconds the motion. All votes aye. Motion carried.

CITIZENS COMMENTS

Chairman Baese opened the citizens comment period at 6:31 p.m. and called for comments on items not on the agenda or posted for public hearing. Tim Miller addressed the Commission regarding implementing a Tree Preservation Ordinance for the City of Kyle. He also stated his concern with all the tree removal on IH-35 and Yarrington Road and concerned with the spring pond being filled in order build a truck stop. Chairman Baese closed the citizens comment period at 6:36 p.m.

Chairman Baese stated that the applicant is requesting that the Liquid Waste Solutions is asking for the item to be pushed to the end of the agenda.

Chairman Baese moved to move item number 5 (Liquid Waste Solutions) to the end of the agenda. Commissioner Ryan seconds the motion. All votes aye. Motion carried.

CONSIDER AND ACT ON:***ZONING***

Sofia Nelson, Director of Planning recused herself at 6:36 p.m.

CONSIDER A REQUEST BY FIRST BAPTIST CHURCH OF KYLE TO REZONE APPROXIMATELY .23 ACRES FROM "R1" SINGLE FAMILY RESIDENTIAL 1 TO "CBD-2" CENTRAL BUSINESS DISTRICT-2 ON PROPERTY LOCATED AT 110 N. NANCE. (Z-12-004)

Steve Clamons, Planning Department presented the case to the Planning and Zoning Commission and was available to answer any questions that the Commission may have regarding the rezone request.

Chairman Baese opened the public hearing at 6:39 p.m. and called for comments for or against the request by First Baptist Church of Kyle to rezone approximately .23 acres from "R1" Single Family Residential 1 to "CBD-2" Central Business District-2 on property located at 110 N. Nance. (Z-12-004) There were no comments. Chairman Baese closed the public hearing at 6:39 p.m.

Vice-Chair DiLeo moved to approve the request by First Baptist Church of Kyle to rezone approximately .23 acres from "R1" Single Family Residential 1 to "CBD-2" Central Business District-2 on property located at 110 N. Nance. (Z-12-004) Commissioner Ryan seconds the motion. All votes aye. Motion carried.

Sofia Nelson, Director of Planning returned at 6:43 p.m.

CONSIDER A REQUEST BY KCW INTEREST 3 LLC AND FHC CONSOLIDATED TO REZONE APPROXIMATELY 3.846 ACRES FROM "R-3-1" MULTI-FAMILY RESIDENTIAL 1 TO "R-1-T" RESIDENTIAL TOWNHOME ON PROPERTY LOCATED AT 110 CREEKSIDE TRAIL. (Z-12-005)

Chairman Baese opened the public hearing at 6:50 p.m. and called for comments for or against the request by KCW Interest 3 LLC and FHC Consolidated to rezone approximately 3.846 acres from "R-3-1" Multi-Family Residential 1 to "R-1-T" Residential Townhome on property located at 110 Creekside Trail. (Z-12-005) There were no comments. Chairman Baese closed the public hearing at 6:50 p.m.

Gary Whited, Applicant/Agent addressed the Commission to answer any questions that they had regarding the rezone.

Vice-Chair DiLeo moved to approve the request by KCW Interest 3 LLC and FHC Consolidated to rezone approximately 3.846 acres from "R-3-1" Multi-Family Residential 1 to "R-1-T" Residential Townhome on property located at 110 Creekside Trail. (Z-12-005) Commissioner Christie seconds the motion. All votes aye. Motion carried.

CONSIDER A REQUEST BY PGI INVESTMENTS, LLC TO ASSIGN ORIGINAL ZONING TO APPROXIMATELY 37.37 ACRES FROM “AG” AGRICULTURE TO “RS” RETAIL SERVICE DISTRICT AND TO ASSIGN ORIGINAL ZONING TO APPROXIMATELY 10.37 ACRES FROM “AG” AGRICULTURE TO “RV” RECREATIONAL VEHICLE PARK DISTRICT ON PROPERTY LOCATED AT 24800 S. IH-35. (Z-12-003)

Chairman Baese opened the public hearing at 7:01 p.m. and called for comments for or against the request by PGI Investments, LLC to assign original zoning to approximately 37.37 acres from “AG” Agriculture to “RS” Retail Service District and to assign original zoning to approximately 10.37 acres from “AG” Agriculture to “RV” Recreational Vehicle Park District on property located at 24800 S. IH-35. (Z-12-003) Kate Johnson addressed the Commission stating that the zoning request is not within the character intent of the Comprehensive Plan and is in opposition of the zoning request. Lila Knight addressed the Commission and stated that they cannot legally zone part of this property RV if it is not recommended or conditional within the Comprehensive Plan. Ms. Knight also stated that RS is conditional and would hope that the Commission would start considering what conditional means because there is a vision for the community and it is laid out in the Comprehensive Plan and feels like a truck stop is not part of that vision. Chairman Baese closed the public hearing at 7:07 p.m.

Hugo Elizondo, Jr., Agent addressed the Commission regarding the zoning request and was available to answer questions from the Commission.

Commissioner Fernandez moved to table the request by PGI Investments, LLC to assign original zoning to approximately 37.37 acres from “AG” Agriculture to “RS” Retail Service District and to assign original zoning to approximately 10.37 acres from “AG” Agriculture to “RV” Recreational Vehicle Park District on property located at 24800 S. IH-35 (Z-12-003) until more detailed plans and information can be provided to the Planning and Zoning Commission of what the project would look like. Also, if RV Park is not recommended to provide a plan that would provide the same character and intent that the New Settlement and the Regional Node is trying to accomplish within the Comprehensive Plan. Commissioner Kay seconds the motion. Roll call vote: Commissioners Ryan, DiLeo, and Christie vote nay. Commissioners Baese, Fernandez and Kay vote aye. Motion failed.

Vice-Chair DiLeo moves to deny this request by PGI Investments, LLC to assign original zoning to approximately 37.37 acres from “AG” Agriculture to “RS” Retail Service District and to assign original zoning to approximately 10.37 acres from “AG” Agriculture to “RV” Recreational Vehicle Park District on property located at 24800 S. IH-35 (Z-12-003). Commissioner Ryan seconds the motion. Roll call vote: Commissioners Ryan, DiLeo and Christie vote aye. Commissioners Kay, Baese, and Fernandez vote nay. Motion failed.

Sofia Nelson, Director of Planning stated that there will be no recommendation by the Planning and Zoning Commission to City Council.

CONSIDER A LANDSCAPE VARIANCE REQUEST BY SAC-N-PAC FOR PROPERTY LOCATED AT 19350 IH-35 TO ALLOW FOR A REDUCTION IN THE NUMBER AND SIZE OF TREES.

Bill Faust, Agent addressed the Commission with a request to allow a reduction in the number and size of trees to the site.

Chairman Baese moved to approve the Variance Request for the number of trees to 49 where half will be 4 inch caliper and half will be 2 inch caliper and the remaining 15 trees to be donated to the Parks Department with the same formula 8 trees at 4 inch and 7 trees at 2 inch caliper. Commissioner Ryan seconds the motion. All votes aye. Motion carried.

PLATS

HOMETOWN KYLE PHASE 4A – FINAL PLAT (FP-12-004) 8.948 ACRES; 40 SINGLE FAMILY LOTS LOCATED OFF OF CHAPPARO DRIVE.

Chairman Baese moved to Statutorily Disapprove Hometown Kyle Phase 4A – Final Plat (FP-12-004) 8.948 acres; 40 Single Family Lots located off of Chapparo Drive. Vice-Chair DiLeo seconds the motion. All votes aye. Motion carried.

YARRINGTON SUBDIVISION PRELIMINARY PLAN (PP-12-002) 48 ACRES; 3 COMMERCIAL LOTS, 1 RESIDENTIAL LOT LOCATED AT 24800 S. IH-35.

Chairman Baese moved to Statutorily Disapprove Yarrington Subdivision Preliminary Plan (PP-12-002) 48 acres; 3 Commercial Lots, 1 Residential Lot located at 24800 S. IH-35. Commissioner Fernandez seconds the motion. All votes aye. Motion carried.

SITE DEVELOPMENT PLAN

ORCHARD PARK OF KYLE (SD-12-006) 5.139 ACRES; 69,910 SQUARE FOOT BUILDING LOCATED AT 4701 RATCLIFFE.

Chairman Baese opened the public hearing at 8:00 p.m. and called for comments for or against the Orchard Park of Kyle (SD-12-006) 5.139 acres; 69,910 square foot building located at 4701 Ratcliffe. There were no comments. Chairman Baese closed the public hearing at 8:00 p.m.

Commissioner Fernandez moved to approve Orchard Park of Kyle (SD-12-006) 5.139 acres; 69,910 square foot building located at 4701 Ratcliffe. Vice-Chair DiLeo seconds the motion. All votes aye. Motion carried.

OTHER

AMENDMENT TO PLUM CREEK PUD ARTICLE II SECTION I-PART D (F) EXCEPTION TO HEIGHT.

Chairman Baese opened the public hearing at 8:04 p.m. and called for comments for or against the Amendment to Plum Creek PUD Article II Section I-Part D (f) Exception to Height. There were no comments. Chairman Baese closed the public hearing at 8:04 p.m.

Chairman Baese moved to approve the Amendment to Plum Creek PUD Article II Section I-Part D (f) Exception to Height. Commissioner Ryan seconds the motion. All votes aye. Motion carried.

Vice-Chair DiLeo requested a point of order for Debbie Guerra to capture Vice-Chair DiLeo voting aye for the statutory disapprovals in the minutes.

ZONING

CONSIDER A REQUEST BY JOHN AND SAMMIE TRITICO ON BEHALF OF LIQUID WASTE SOLUTIONS, LLC TO REZONE APPROXIMATELY 6.29 ACRES FROM "RS" RETAIL SERVICE DISTRICT TO "CM" CONSTRUCTION MANUFACTURING DISTRICT ON PROPERTY LOCATED AT 2270 AND 2788 S. LOOP 4. (Z-12-001)

Chairman Baese opened the public hearing at 8:11 p.m. and called for comments for or against the request by John and Sammie Tritico on behalf of Liquid Waster Solutions, LLC to rezone approximately 6.29 acres from "RS" Retail Service District to "CM" Construction Manufacturing District on property located at 2270 and 2788 S. Loop 4 (Z-12-001) Bill Faust agent for the adjacent property owner spoke in opposition of the rezone request. Chairman Baese closed the public hearing at 8:16 p.m.

John and Sammie Tritico with Liquid Waste Solution addressed the Commission and asked that the rezone be granted.

Vice-Chair DiLeo moved to deny the request by John and Sammie Tritico on behalf of Liquid Waster Solutions, LLC to rezone approximately 6.29 acres from "RS" Retail Service District to "CM" Construction Manufacturing District on property located at 2270 and 2788 S. Loop 4 (Z-12-001), but allow 180 days to make arrangements. Commissioner Christie seconds the motion. Commissioners DiLeo, Christie, Ryan, Baese, and Kay vote aye. Commissioner Fernandez votes nay. Motion carried.

OTHER

PRESENTATION BY FREDERICK RUCKER REGARDING RUCKSKI BOWLING AND ENTERTAINMENT CENTER.

Frederick Rucker and Jerry Gafford gave a presentation to the Planning and Zoning Commission for Ruckski Bowling and Entertainment Center.

STAFF REPORTS

Sofia Nelson, Director of Planning stated that the next Planning and Zoning Workshop will be on July 31st to discuss the IH-35 Overlay, Tree Preservation Ordinance and the Landscape Ordinance.

Chairman Baese stated that Commissioner Fernandez was officially appointed as Liaison to the Long Range Planning Committee.

ADJOURN

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

The Planning & Zoning Meeting adjourned at 9:11 p.m.

Amelia Sanchez, City Secretary

Cale Baese, Chairman



CITY OF KYLE, TEXAS

Staff Report

Meeting Date: 9/25/2012
Date time: 6:30 PM

Subject/Recommendation:

- Report on City Council Action
- Director Comments
- Commissioner Comments
- Future Agenda Items

Other Information: N/A

Budget Information: N/A

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CITY OF KYLE, TEXAS

HDF Investments

Meeting Date: 9/25/2012

Date time: 6:30 PM

Subject/Recommendation: Consider a request by HDF Investments to assign original zoning to approximately 1.180 acres from interim zoning designation 'AG' Agriculture to 'RS' Retail Service on property located at the corner of E. Post Road and IH-35 (AB 473 Jas W Williams Survey 1.180 acres).

- Public Hearing
- P&Z Recommendation to City Council

Other Information: Please see attachments

Budget Information: N/A

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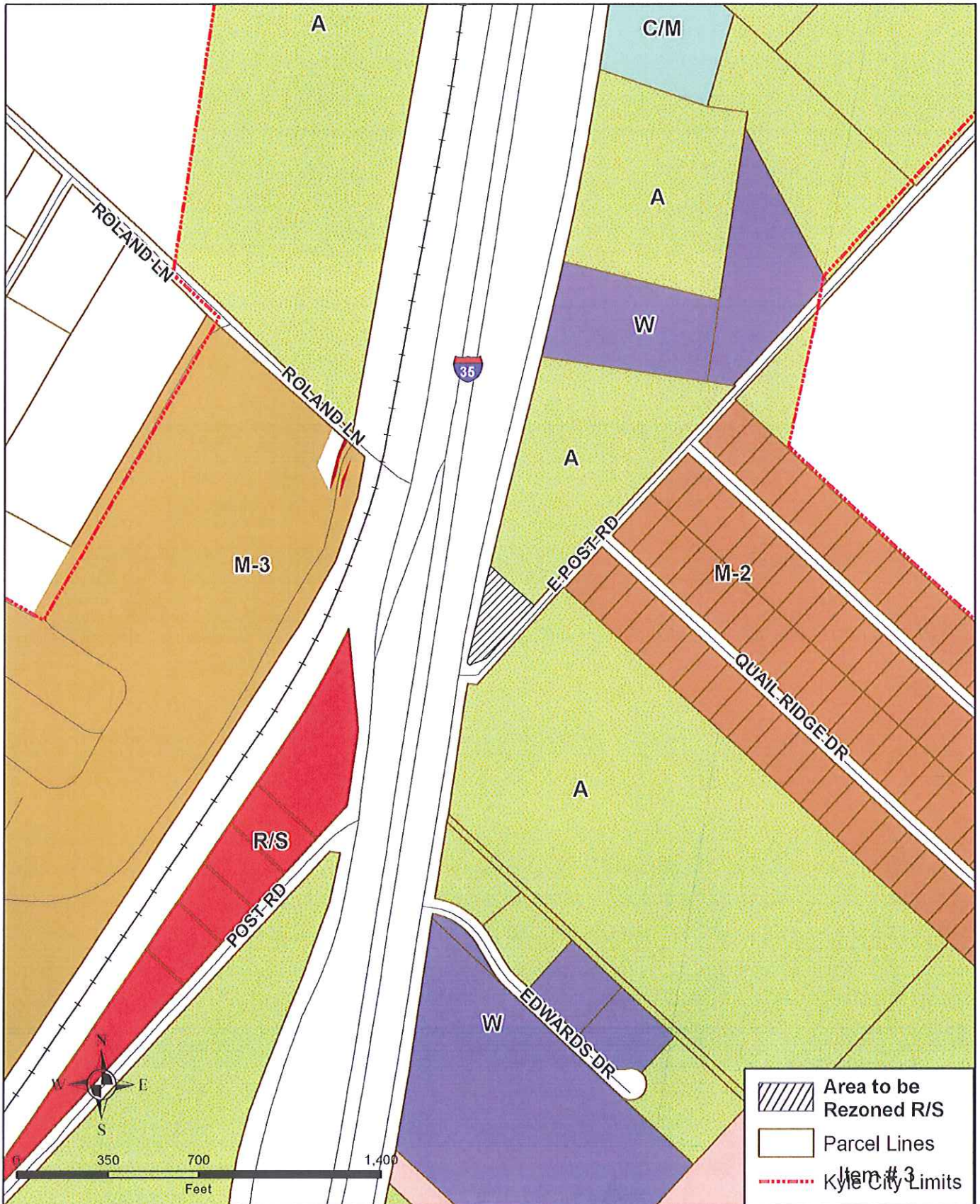
[Location Map](#)

[Location Map](#)

[P&Z Memo](#)

Cover Memo

Item # 3



| | |
|---------------------------------|-----------------------------------------------------------------|
| September 21, 2012 Zoning | <i>Planning and Zoning Commission</i> HDF Investments |
| Case Number: Z-12-006 | |

OWNER/APPLICANT: HDF Investments

LOCATION: 6200 E. Post Road

AREA: 1.180 acres

EXISTING ZONING: Agriculture (Ag) Interim Zoning- Located within the I-35 Overlay District

PROPOSED ZONING: Retail Services (RS)

SITE INFORMATION:

Transportation: The subject property fronts on I-35, and Post Road

Surrounding Zoning:

- *North- Agriculture*
- *South- Agriculture/Post Road*
- *East – Post Road/ Agriculture*
- *West- I-35*

Future Land Use Designation: New Settlement District

PUBLIC INPUT:

None have been submitted as of the date of this report.

STAFF ANALYSIS:

Background

The subject property is located east of I-35 and is bounded by Post Road and IH-35. The property was initially annexed into the City in 2002 and received its current interim zoning designation of AG at that time.

Requested Zoning District

Intent of Requested Zoning District

The Retail Services zoning district allows general retail sales of consumable products and goods within buildings of products that are generally not hazardous and that are commonly purchased and used by consumers in their homes, including most in-store retail sales of goods and products that do not pose a fire or health hazard to neighboring areas, e.g., clothing, prescription drugs, furniture, toys, hardware, electronics, pet supply, variety, department, video rental and antique stores, art studio or gallery, hobby shops and florist shops., and the retail sale of goods and products (in the following listed use areas) to which value has been added on site, including sales of goods and services outside of the primary structure as customary with the uses specifically listed, and the following: Any use permitted in CBD-1 or CBD-2 and RS districts as provided in [section 53-1230](#).

| | |
|---------------------------------|------------------------------------------------------------------------|
| September 21, 2012 Zoning | <i>Planning and Zoning Commission</i> HDF Investments |
| Case Number: Z-12-006 | |

Comprehensive Plan Guidance

The Future Land Use map identifies the subject property to be located within the New Settlement Future Land Use District. The Comprehensive Master Plan identifies the New Settlement District to have a high level of development potential. Additionally the Comprehensive Master Plan states The City of Kyle should seek to capitalize on the develop ability of the future land use district, while emphasizing community amenities, enhancing the neighborhood lifestyle through shared spaces and improving connectivity within and outside the district. Furthermore the district encourages use patterns to be established in a manner that complement residential development and facilitate beneficial land use transitions. The New Settlement District identifies the retail services “RS” zoning district as a conditional zoning category within the district. When a zoning district is identified conditional the comprehensive master plan states that design improvements shall be made to ensure compliance with intent and character objectives of the future land use district and implementation of the design standards as conveyed in the urban design plan shall be incorporated into the development. The Comprehensive Master Plan provides the following policy statements with regards to commercial land use, economic development activity, and development along I-35:

- Discourage residential development along I-35 to preserve those parcels for regionally oriented development
- Encourage smaller scale commercial uses to be located on the eastern side of I-35
- Establish commercial centers that provide transitions between commercial and residential use.
- Promote specialized retail away from I-35

Urban Design Plan Guidance

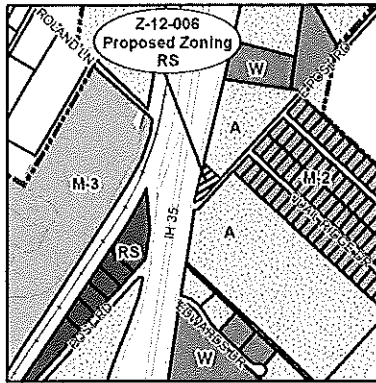
The Urban Design identifies the subject property to be located in an area that is subject to the transitional condition of the Urban Design Plan (specifically within component 3: Interstate 35 Approachways). The urban design plan identifies the primary function of the transitional district is to visually and cognitively establish a separation from the ordinary interstate landscape (as seen in Buda and San Marcos) and create a sense of approach to the destination portion of the interstate corridor. Additionally it provides the following guidance regarding development

Private Realm Interface:

- Service roads prevent building development from directly fronting the Interstate edge. However, where development fronts the service road, it should relate to such roadways in a more typical pattern (e.g. parking located between the building and the roadway).
- Provisions should be made in the site design for a landscape edge of parking areas that brings a portion of the native planting (within the corridor right of way) into the private realm.

Enhancements:

- In order for a clear separation from the ordinary Interstate landscapes of Buda and San Marcos to be realized, the Approachway section of I-35 must present a more pastoral image. Therefore, key enhancements of the Approachway sections of the I-35 corridor include:
 - A forested Interstate edge created by a program of denser tree planting using native species and the use of understory plant materials to create an image of an undisturbed landscape.
 - Planting of colorful ornamental grasses on certain terraces.





CITY OF KYLE, TEXAS

Meeting Date: 9/25/2012
Date time: 6:30 PM

Crystal Meadow Drive (ROW)

Subject/Recommendation: Crystal Meadows Drive (ROW)
4.557 acres
Located off of Crystal Meadows Drive
Owner: Century Acres Property Owners Association
Agent: Jenn Dermanci, P.E., Doucet & Associates
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Other Information: N/A

Budget Information: N/A

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CITY OF KYLE, TEXAS

Plum Creek Phase 1 Section 11J - Final Plat

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Date time: 6:30 PM

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Cover Memo

Item # 6



CITY OF KYLE, TEXAS

Plum Creek Phase 1 Section 6E 2-3 Preliminary

Meeting Date: 9/25/2012

Date time: 6:30 PM

Subject/Recommendation: Plum Creek Phase 1 Section 6E 2-3 Preliminary Plan
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Agent: Alan Rhames, P.E., Axiom Engineers, Inc.
Staff Proposal to P&Z: Statutorily Disapprove to meet 30 day statutory requirements

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

Other Information: N/A

Budget Information: N/A

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Attachments / click to download

Cover Memo

Item # 7



CITY OF KYLE, TEXAS

Post Oak 4B

Meeting Date: 9/25/2012
Date time: 6:30 PM

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

- P&Z Recommendation to City Council

Other Information: Please see attachments

Budget Information: N/A

Viewing Attachments Requires Adobe Acrobat. [Click here](#) to download.

Attachments / click to download

[Plat](#)

[P&Z Memo](#)

MEMORANDUM

TO: Planning and Zoning Commission

FROM: Sofia Nelson, Director of Planning

DATE: September 21, 2012

SUBJECT: Post Oak Phase 4B

BACKGROUND

Site Information and Proposal

The subject property is approximately 19.341 acres and is part of the existing Post Oak Subdivision. The property is zoned R-1-2 and the applicant is seeking to plat 59 residential lots that are approximately 60'X120'.

Utilities

The City of Kyle will provide water and wastewater to the site. The applicant has submitted public improvement construction plans for the extension of water and wastewater utilities.

Access

The proposed subdivision plat will extend Voyager Cove, Ames Cove and will construct Jernigan and Wallops Streets.

STAFF RECOMMENDATION:

Staff has reviewed the request for of the final plat and is recommending approval conditional on approval of the public improvement construction plans by the City Engineer 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.

METES AND BOUNDS DESCRIPTION:

ALL OF THAT CERTAIN 19.341 ACRE TRACT OR PARCEL OF LAND SITUATED IN THE M.B. ATKINSON SURVEY, ABSTRACT NUMBER 21, HAYS COUNTY, TEXAS, AND BEING A PORTION OF THE CALLED 'VOLUME _____' PAGE _____ DESCRIBED BY METES AND BOUNDS AS FOLLOWS: (Bearing are based on the recorded plat of Post Oak Subdivision, Phase 4A, Vol. 15, Pg. 67-68, Hays County Plat Records)

BEGINNING at a 1/2-inch iron rod set with cap stamped 'DIAMOND SURVEYING' monumenting the east-northerly corner of said acre Continental Homes of Texas, LP tract, said iron rod also being on a point in the westerly boundary line of the called 100 acre tract of land recorded in the name of Rex Dale Wiegand and Mary Martha Loewer Wiegand in Volume 1333, Page 333 of the Hays County Official Public Records (H.C.O.P.R.) some being on the most southerly corner of Lot 86, Block A, Post Oak Subdivision, Phase 4A, a subdivision recorded in Plat Book 15, Pages 67-68 of the Hays County Plat Records (H.C.P.R.), and from which an iron rod found monumenting the minor easterly corner of Post Oak Subdivision, Phase 4A, bears North 42 degrees 00 minutes 23 seconds East a distance of 790.98 feet;

Thence, with the easterly line of said _____ acre Continental Homes of Texas, LP tract and the westerly line of said 100 acre Wiegand tract, South 42 degrees 00 minutes 23 seconds West, a distance of 1780.69 feet to an iron rod found on the southeasterly corner of said Continental Homes of Texas, LP tract, said iron rod being on _____ acre of said 100 acre _____ tract, said iron rod also being on the northerly Right-of-Way (R.O.W.) line of County Road (C.R.) 158;

Thence, with the southeasterly line of said _____ acre Continental Homes of Texas, LP tract and the northerly R.O.W. line of said C.R. 100, North 47 degrees 39 minutes 45 seconds West, a distance of 308.74 feet to a 1/2-inch iron rod set with cap stamped 'DIAMOND SURVEYING', and from which a 1/2-inch iron rod found on the most southerly southwest corner of said _____ acre Continental Homes of Texas tract bears North 47 degrees 39 minutes 45 seconds West, a distance of 2,428.80 feet;

Thence, through the interior of said 170.29 acre PO, Ltd. tract the following thirteen (13) courses and distances:

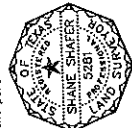
- 1. North 42 degrees 18 minutes 43 seconds East, a distance of 35.00 feet to a 1/2-inch iron rod set with cap stamped 'DIAMOND SURVEYING';
2. North 88 degrees 25 minutes 35 seconds East, a distance of 78.71 feet to a 1/2-inch iron rod set with cap stamped 'DIAMOND SURVEYING';
3. North 40 degrees 51 minutes 50 seconds East, a distance of 620.20 feet to a 1/2-inch iron rod set with cap stamped 'DIAMOND SURVEYING';
4. North 49 degrees 32 minutes 02 seconds West, a distance of 180.00 feet to a 1/2-inch iron rod set with cap stamped 'DIAMOND SURVEYING';
5. North 40 degrees 27 minutes 58 seconds East, a distance of 34.27 feet to a 1/2-inch iron rod set with cap stamped 'DIAMOND SURVEYING';
6. North 47 degrees 40 minutes 48 seconds West, a distance of 133.07 feet to a 1/2-inch iron rod set with cap stamped 'DIAMOND SURVEYING';
7. North 42 degrees 19 minutes 12 seconds East, a distance of 120.00 feet to a 1/2-inch iron rod set with cap stamped 'DIAMOND SURVEYING';
8. North 47 degrees 40 minutes 48 seconds West, a distance of 15.88 feet to a 1/2-inch iron rod set with cap stamped 'DIAMOND SURVEYING';
9. North 42 degrees 19 minutes 12 seconds East, a distance of 174.53 feet to a 1/2-inch iron rod set with cap stamped 'DIAMOND SURVEYING';
10. North 47 degrees 40 minutes 48 seconds West, a distance of 10.61 feet to a 1/2-inch iron rod set with cap stamped 'DIAMOND SURVEYING';
11. North 42 degrees 19 minutes 12 seconds East, a distance of 242.53 feet to a 1/2-inch iron rod set with cap stamped 'DIAMOND SURVEYING';
12. North 41 degrees 12 minutes 35 seconds East, a distance of 479.28 feet to a 1/2-inch iron rod set with cap stamped 'DIAMOND SURVEYING';
13. North 48 degrees 33 minutes 06 seconds East, a distance of 119.33 feet to an iron rod found on the northerly line of said _____ acre Continental Homes of Texas, LP tract, said iron rod being the southeasterly corner of Lot 34, Block H of afeared Post Oak Subdivision, Phase 4A;

Thence, with the northerly line of said _____ acre Continental Homes of Texas, LP tract and the southerly line of said Post Oak Subdivision, Phase 4A, the following six (6) courses and distances:

- 1. South 48 degrees 06 minutes 23 seconds East, a distance of 115.60 feet to an iron rod found;
2. South 33 degrees 09 minutes 22 seconds East, a distance of 60.97 feet to an iron rod found;
3. South 47 degrees 34 minutes 54 seconds East, a distance of 114.93 feet to an iron rod found;
4. South 47 degrees 37 minutes 47 seconds East, a distance of 80.04 feet to an iron rod found;
5. South 47 degrees 37 minutes 47 seconds East, a distance of 80.04 feet to an iron rod found;
6. South 47 degrees 48 minutes 27 seconds East, a distance of 120.18 feet to the POINT OF BEGINNING and containing 19.341 acres of land, more or less.

STATE OF TEXAS [X]
COUNTY OF HAYS [X]

I, the undersigned, a Registered Professional Land Surveyor in the State of Texas, hereby certify that this plat was prepared and that it is a true and correct copy of the original on the ground, and that all necessary survey monuments are correctly set or found on the ground hereon, and this plat complies with Ordinance #433 of the City Code of Kyle and that all comments of record as found on the title policy or discovered with a title search prepared in conjunction with the most recent purchase of the property are shown hereon.
SHANE SHAFER
Registered Professional Land Surveyor No. 5291
September 10, 2012
Date



NOTES

- 1. Front building setback line varies as shown, other building line setbacks shall conform to the current revision of the City of Kyle Zoning Ordinance.
2. On any street corner, within a triangle defined by the property lines and a line joining two points located 20 feet back from the property lines intersection, nothing shall be erected, planted or allowed to grow that impairs vision from three to six feet above the curb line elevation.
3. No objects including buildings, accessory buildings, fencing, or landscaping which would interfere with conveyance of stormwater shall be placed or erected within drainage easements.
4. Property owner shall allow access to drainage and utility easements for inspection, repair, maintenance, and reconstruction as may be necessary.
5. Typical landscape maintenance, cutting and trimming, within this subdivision, all easements and rights of ways to the pavement to be the responsibility of property owners and/or property owners associations.

- 6. A Fifteen (15) foot PUE is hereby dedicated adjacent to all street ROW, a five (5) foot PUE is hereby dedicated along each side lot line and a seven and ten (10) foot PUE is hereby dedicated adjacent to all rear lot lines on all lots.
7. Sidewalks shall be installed on the subdivision side of Wallops, Jernigan, Ames Cove and Voyager Cove. These sidewalks not abutting a residential, commercial or industrial lot shall be installed when the adjoining parcel is constructed. Where sidewalks are prohibited are also required to be installed when the streets in the subdivision are constructed.
8. Prior to construction of any improvements on lots in this subdivision, site development permits and building permits will be obtained from the City of Kyle.
9. No lot may be re-plotted into a smaller lot or otherwise reduced in size.

STATE OF TEXAS [X]
COUNTY OF HAYS [X]

I, the undersigned, a licensed professional engineer in the State of Texas, hereby certify that proper engineering consideration has been given this plot. No portion of this subdivision lies within the boundaries of the 100 year floodplain as delineated on Hays County FEMA Community Panel No. 480321 0165 E dated February 18, 1998.

Matthew W. Mitchell, Licensed Engineer No. 83335
Date: 9-11-2012
ALM ENGINEERING, INC. F3565
2525 WALLINGWOOD DR., SUITE 800
AUSTIN, TX 78746



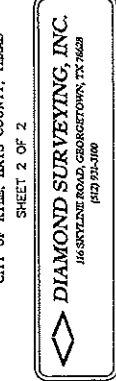
STATE OF TEXAS [X]
COUNTY OF HAYS [X]

I, Liz Gonzalez, Clerk of Hays County, Texas, do hereby certify that the foregoing instrument of Writing and its Certificate of Authentication was filed for record in my office on the _____ day of _____, 20____ A.D., at _____ o'clock _____ M., and duly recorded on the _____ day of _____, 20____ A.D., at _____ o'clock _____ M., in the Plat Records of said County and State in Plat Book _____ Page(s) _____

WITNESS MY HAND AND SEAL OF THE COUNTY COURT OF said County, the _____ day of _____, 20____ A.D.

Liz Gonzalez, County Clerk
Hays County, Texas

FINAL PLAT
POST OAK SUBDIVISION,
PHASE 4B
19.341 ACRES
CITY OF KYLE, HAYS COUNTY, TEXAS
SHEET 2 OF 2



ALM F3565
ENGINEERING, INC.
2525 WALLINGWOOD DR., SUITE 800
AUSTIN, TX 78746
FAX (813) 457-0535



CITY OF KYLE, TEXAS

ACC

Meeting Date: 9/25/2012
Date time: 6:30 PM

Subject/Recommendation: Austin Community College - Hays Campus (SD-12-014)
96.115 acres; 1 Lot
Located at 1200 Kohlers Crossing
Applicant: Austin Community College District
Agent: Debra Sappington - Gensler

- Public Hearing
- P&Z Recommendation to City Council

Other Information: Please see attachments

Budget Information: N/A

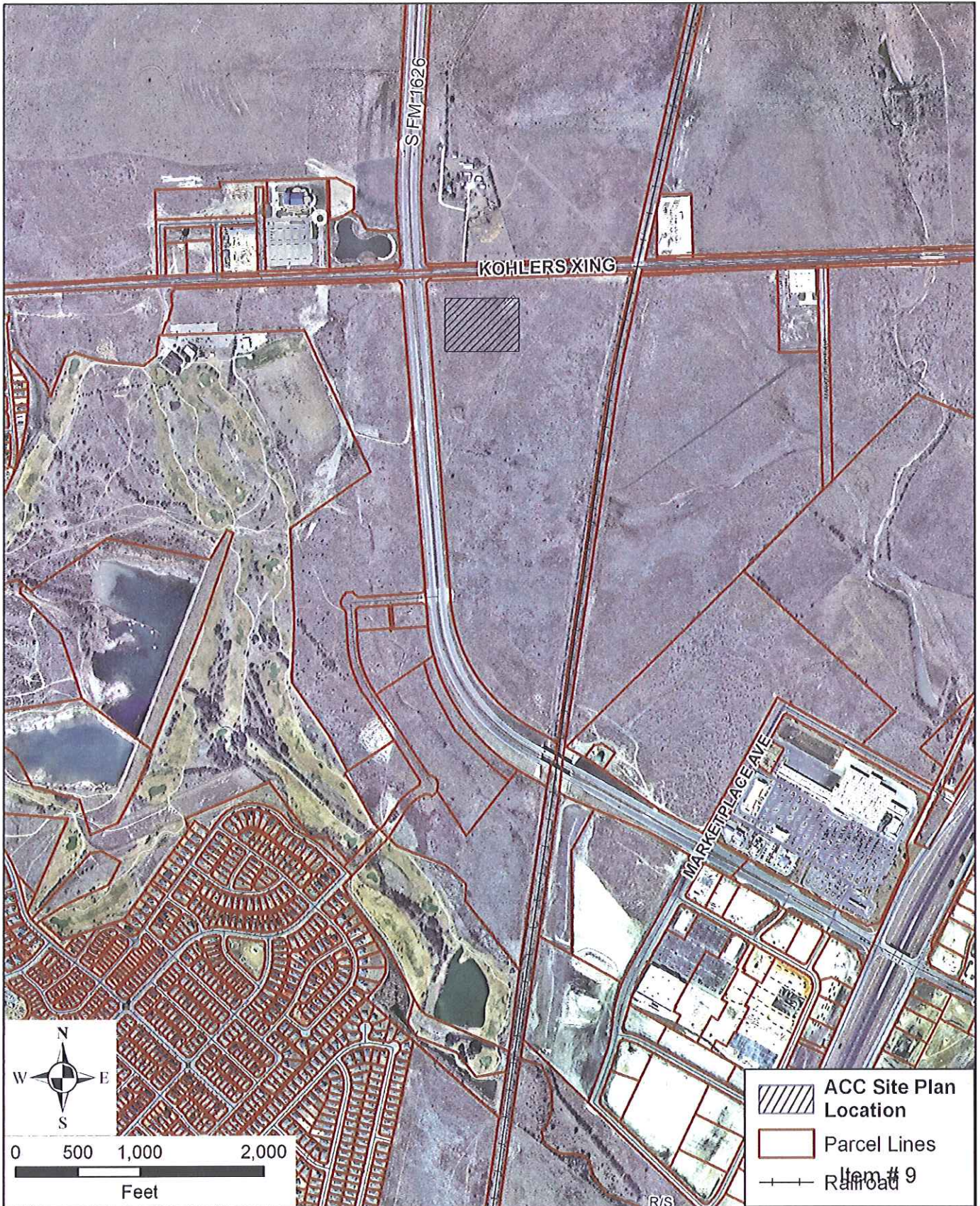
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Attachments / click to download

- [Site Plan](#)
- [Landscape Plan](#)
- [Location Map](#)
- [P&Z Memo](#)

Cover Memo

Item # 9



MEMORANDUM

TO: Planning and Zoning Commission

FROM: Sofia Nelson, Planning Director

DATE: September 20, 2012

SUBJECT: Site Development Permit
Austin Community College- Hays Campus

Background

Location:

The subject property is located at the southeast corner of FM 1626 and Kohlers Crossing, and is approximately 96.115 acres. The property is part of the Plum Creek Planned Unit Development District (PUD) and has a zoning designation of Employment.

Proposal:

The applicant is requesting approval of a site development permit for the first phase of the ACC- Hays County campus. The proposed development area is approximately 19.6 acres and will consist of a three story academic building with site work and parking.

Utilities:

Water and wastewater service will be provided by the City of Kyle.

Drainage:

The site plan submittal has included a site grading and drainage plan as well as a stormwater reuse pond plan.

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:

This is an undeveloped site and the applicant is proposing to construct an approximately 91,105 square foot academic building facility. Staff has reviewed the site plan for compliance with the Plum Creek zoning ordinance and site development requirements and it appears that all requirements are satisfied with some outstanding Engineering and Public Works comments still needing to be addressed. The outstanding Engineering and Public Works comments relate to stormwater calculations, however will not change the site layout as shown in the attached site plan. **Staff is recommending approval conditional on all outstanding engineering comments being addressed.**



**Austin Community
College District
Hays Campus**

1200 Kohlers Crossing
N.W., Texas 75440

Gensler

211 Lexington Street
Austin, TX 78702
Tel: 787.444.0000
Fax: 787.444.0001

2111 Jones Street
Austin, TX 78701
Tel: 787.444.0000
Fax: 787.444.0001

2111 Jones Street
Austin, TX 78701
Tel: 787.444.0000
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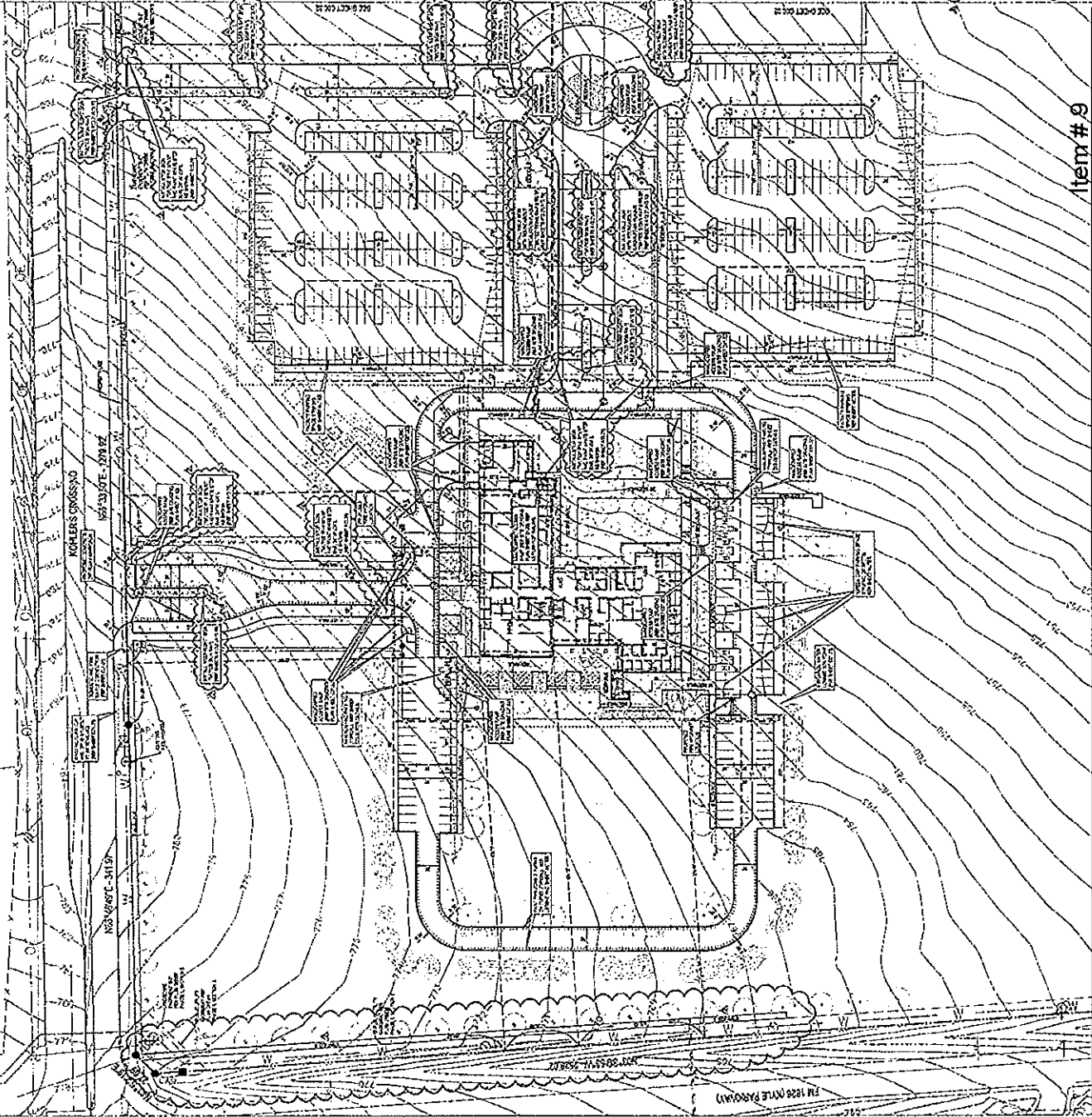
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KEY NOTES

LEGEND

SHEET NOTES



Item # 9



Austin Community
College District
Hays Campus
1900 Kellen Crossing
Kyle, Texas 78640

General Plot
111 Eastwood Street
Austin, TX 78703
Phone: 787-844-6000
Fax: 787-844-6000

Gensler

Principal Architect
1000 West 10th Street
Austin, TX 78703
Phone: 512-476-1000
Fax: 512-476-1000

Principal Engineer
1000 West 10th Street
Austin, TX 78703
Phone: 512-476-1000
Fax: 512-476-1000

Principal Architect
1000 West 10th Street
Austin, TX 78703
Phone: 512-476-1000
Fax: 512-476-1000

Principal Engineer
1000 West 10th Street
Austin, TX 78703
Phone: 512-476-1000
Fax: 512-476-1000

Principal Architect
1000 West 10th Street
Austin, TX 78703
Phone: 512-476-1000
Fax: 512-476-1000

Principal Engineer
1000 West 10th Street
Austin, TX 78703
Phone: 512-476-1000
Fax: 512-476-1000

Principal Architect
1000 West 10th Street
Austin, TX 78703
Phone: 512-476-1000
Fax: 512-476-1000



Project Number
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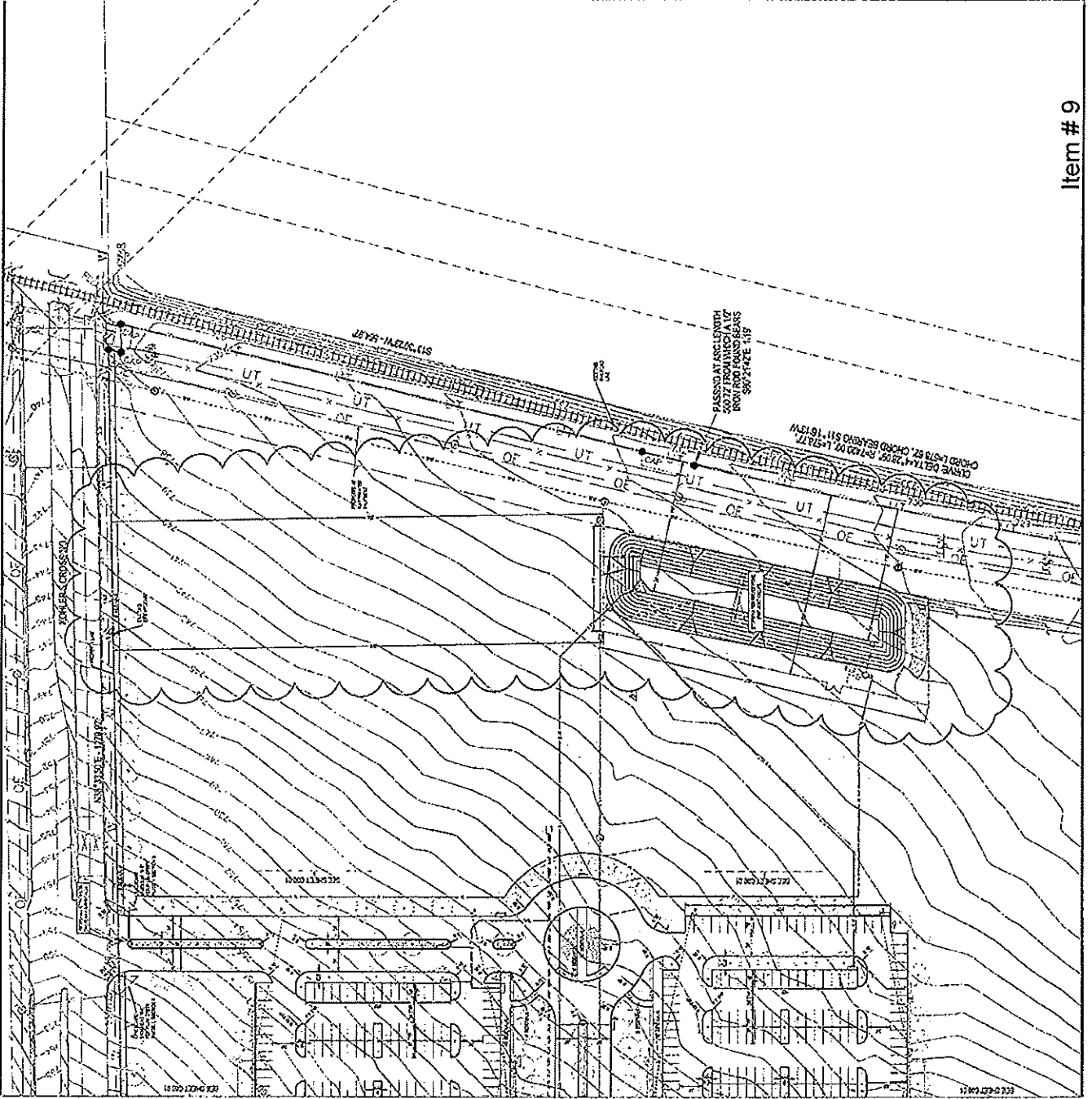
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KEY NOTES

LEGEND

SHEET NOTES

Item # 9





Austin Community College District
Hays Campus
 1300 Koppers Crossing
 Killeen, Texas 78949

Approved For:
 Date: 11/11/2010
 Drawn By: JAC
 Checked By: JAC
 Scale: 1/8" = 1'-0"

Gensler

Project Location:
 General Location:
 Project No.:
 Date: 11/11/2010

Client Name:
 Client Address:
 Client City/State/Zip:
 Client Phone:

Project Name:
 Project Address:
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 Project Phone:

Architect Name:
 Architect Address:
 Architect City/State/Zip:
 Architect Phone:

Engineer Name:
 Engineer Address:
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 Engineer Phone:

Contractor Name:
 Contractor Address:
 Contractor City/State/Zip:
 Contractor Phone:

Subcontractor Name:
 Subcontractor Address:
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 Subcontractor Phone:

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 Manufacturer Address:
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 Manufacturer Phone:

Supplier Name:
 Supplier Address:
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 Supplier Phone:

Installer Name:
 Installer Address:
 Installer City/State/Zip:
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Architect Name:
 Architect Address:

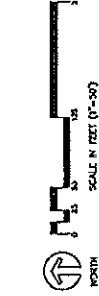
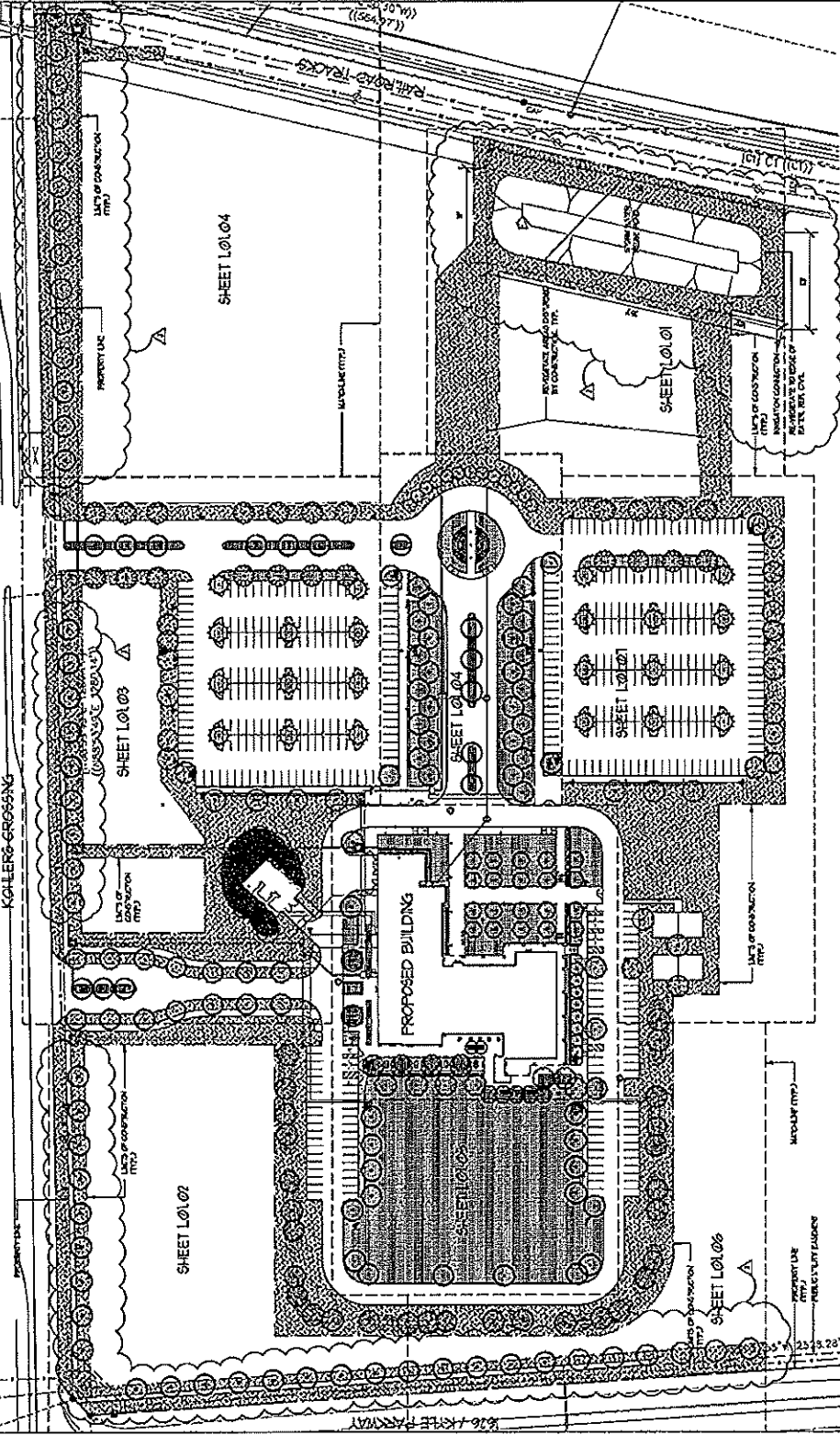
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Contractor Name:
 Contractor Address:

Subcontractor Name:
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 Manufacturer Address:

Supplier Name:
 Supplier Address:



LEED NOTE:
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Item # 9

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Sheet No.



Austin Community
College District
Hayes Campus

1360 Kohlers Crossing
KVC, Texas 78749

Project No. 2009-001
Drawing No. 14-13-14-001

Gensler

1333 Avenue of the Americas
New York, NY 10105

300 Park Avenue
New York, NY 10022

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New York, NY 10022

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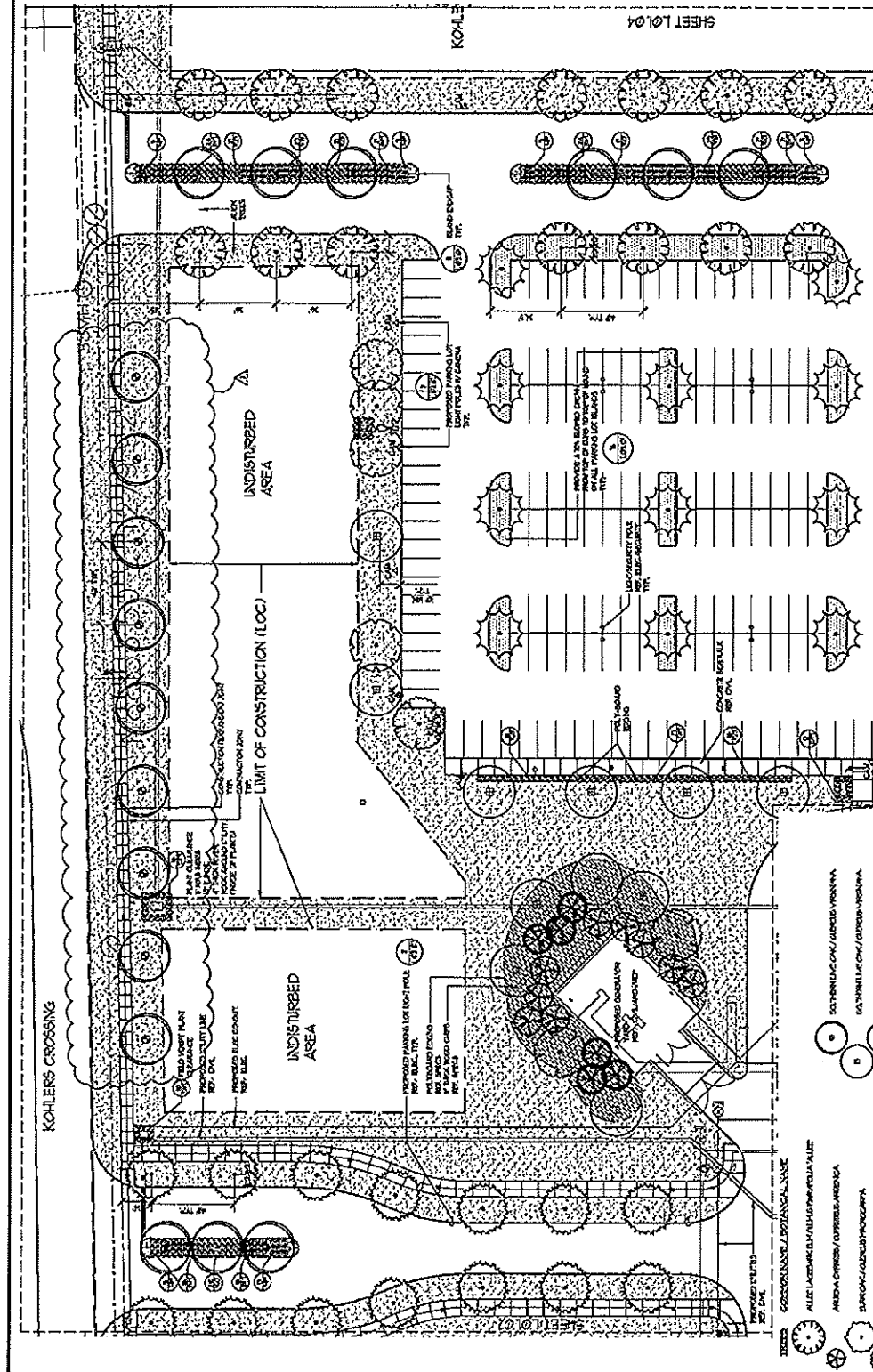
300 Park Avenue
New York, NY 10022



Project No. 2009-001
Drawing No. 14-13-14-001

L01.03

2013 Gensler



GENERAL CONSTRUCTION NOTES

1. CONTRACTOR SHALL BE RESPONSIBLE FOR ALL NECESSARY PERMITS AND REGULATIONS FOR THE PROJECT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND REGULATIONS FOR THE PROJECT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND REGULATIONS FOR THE PROJECT.
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PLANTING

- 1. 30' TALL / 12" DBH / 10' SPREAD
- 2. 20' TALL / 8" DBH / 8' SPREAD
- 3. 15' TALL / 6" DBH / 6' SPREAD
- 4. 10' TALL / 4" DBH / 4' SPREAD
- 5. 8' TALL / 3" DBH / 3' SPREAD
- 6. 6' TALL / 2" DBH / 2' SPREAD
- 7. 4' TALL / 1" DBH / 1' SPREAD
- 8. 3' TALL / 1" DBH / 1' SPREAD
- 9. 2' TALL / 1" DBH / 1' SPREAD
- 10. 1' TALL / 1" DBH / 1' SPREAD

Item # 9



Austin Community College District
Hays Campus

1300 Robert Crossage
N.W.C. TEXAS 78660

Project No. 2002
2002-01
Drawing No. 213-04-001

Gensler

1300 Robert Crossage
N.W.C. TEXAS 78660

1300 Robert Crossage
N.W.C. TEXAS 78660

1300 Robert Crossage
N.W.C. TEXAS 78660

1300 Robert Crossage
N.W.C. TEXAS 78660

1300 Robert Crossage
N.W.C. TEXAS 78660

| NO. | DATE | DESCRIPTION |
|-----|----------|------------------|
| 1 | 11/17/00 | ISSUE FOR PERMIT |
| 2 | 01/10/01 | CONSTRUCTION |
| 3 | 02/02/01 | CONSTRUCTION |



Professional Engineer

Registration No.

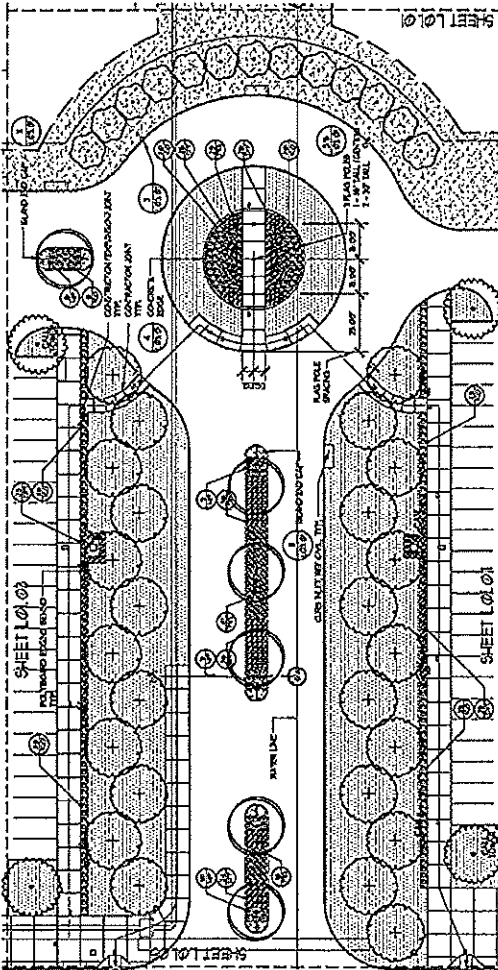
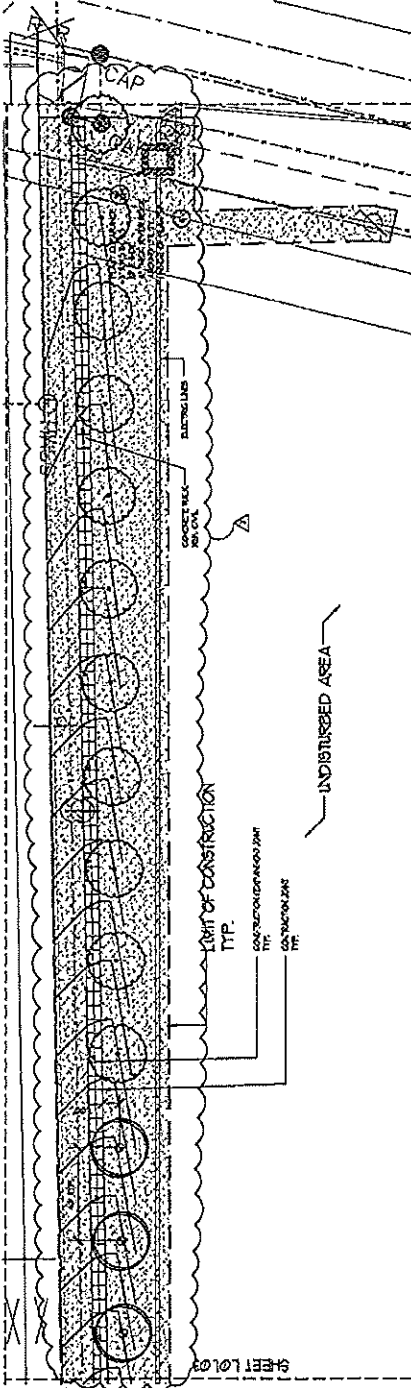
Expiration Date

Project No.

Sheet No.

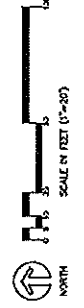
L01.04

2002



GENERAL NOTES

- CONTRACT SHALL BE IN ACCORDANCE WITH THE STANDARD SPECIFICATIONS FOR CONSTRUCTION OF PUBLIC WORKS, LATEST EDITION, AS APPLICABLE TO THIS PROJECT.
- ALL PLANTINGS SHALL BE INSTALLED IN ACCORDANCE WITH THE LATEST EDITION OF THE TEXAS NURSERY AND LANDSCAPE INDUSTRY ASSOCIATION (TLIA) STANDARD SPECIFICATIONS FOR PLANTINGS.
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Item # 9

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Austin Community
College District
Hays Campus

1500 Kibler Crossing
A9 87, TEXAS 78760

Project Name
1500 Kibler Crossing

Project No. 7862

Project Date 7/14/01

231 South Ave
55372

78113-1170

Gensler

1000 North Loop West
Suite 2000
Dallas, TX 75201

Phone 214.759.2000
Fax 214.759.2006

1500 Kibler Crossing
1500 Kibler Crossing
A9 87, TEXAS 78760

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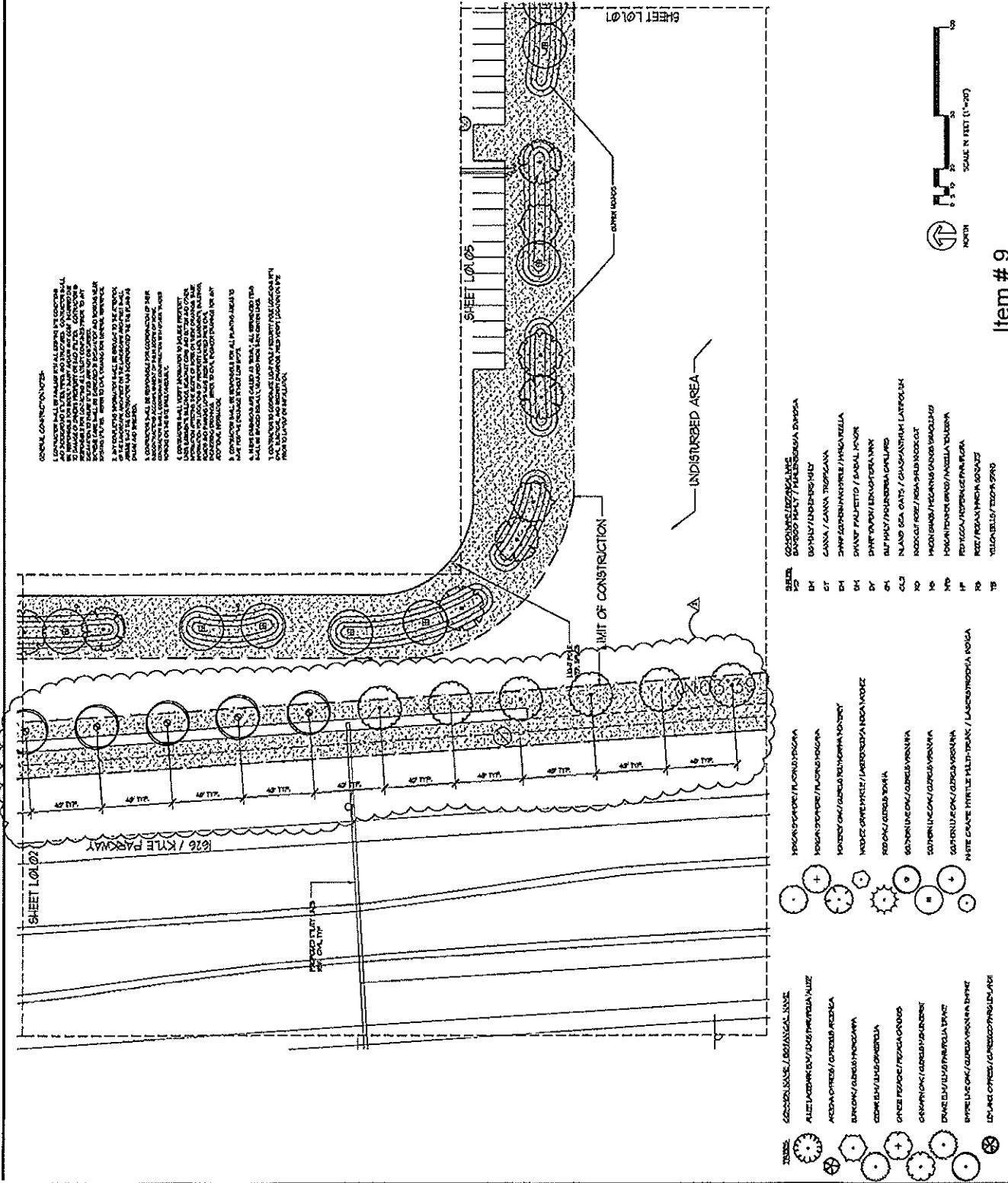
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GENERAL NOTES:

1. CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND LOCATIONS OF ALL EXISTING UTILITIES AND STRUCTURES AND SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL AFFECTED AGENCIES AND UTILITIES PRIOR TO CONSTRUCTION.
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| SYMBOL | DESCRIPTION |
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| (Symbol) | 6" BROWN OAK / 6" REDBUD / 6" NINEBARK |
| (Symbol) | 4" BROWN OAK / 4" REDBUD / 4" NINEBARK |
| (Symbol) | 3" BROWN OAK / 3" REDBUD / 3" NINEBARK |
| (Symbol) | 2" BROWN OAK / 2" REDBUD / 2" NINEBARK |
| (Symbol) | 1" BROWN OAK / 1" REDBUD / 1" NINEBARK |
| (Symbol) | 6" BROWN OAK / 6" REDBUD / 6" NINEBARK |
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| (Symbol) | 1" BROWN OAK / 1" REDBUD / 1" NINEBARK |



L01.06

4/20/01

Item # 9



CITY OF KYLE, TEXAS

First Baptist Church

Meeting Date: 9/25/2012
Date time: 6:30 PM

Subject/Recommendation: First Baptist Church (SD-12-015)
1.66 acres; 1 Lot
Located at 400 W. Center Street
Applicant: First Baptist Church
Agent: Javier Barajas, P.E.

- Public Hearing
- Act on Request for an exception to non-conformities - non-conforming building
- P&Z Recommendation to City Council

Other Information: Please see attachments

Budget Information: N/A

Viewing Attachments Requires Adobe Acrobat. [Click here](#) to download.

Attachments / click to download

- [Variance Request Letter](#)
- [Site Plan](#)
- [Landscape Plan](#)
- [Location Map](#)
- [P&Z Memo](#)

Cover Memo

Item # 10



MEMORANDUM

TO: Planning and Zoning Commission

FROM: Sofia Nelson, Planning Director

DATE: September 21, 2012

SUBJECT: Site Development Permit
400 W. Center Street and 110 N. Nance Street

Background

Summary of Request:

The subject property is located at 400 W. Center Street and 110 N. Nance Street. Both properties are under the ownership of the First Baptist Church. The applicant is proposing to redevelop both sites. 400 W. Center Street (the southeast corner of Lockhart and Sledge Street) into a two story religious education facility, and 110 N. Nance Street into parking lot to serve the First Baptist Church facility.

Drainage:

Both the City Engineer and the applicant's engineer have concluded that the runoff caused from the development of a parking lot and religious education building will not cause any adverse impact to downstream properties.

Access

The applicant is proposing additional parking along the Sledge ROW as well as improving the on-street parking on Nance Street.

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.

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.

In order to maintain the building line that is established with rest of the site the applicant is requesting the extension of a nonconformity to allow for a 5' side and front building line rather than the required 15' setback. As shown in the attached site plan the applicant has provided a potential layout for head-in parking spaces along Sledge Street within the public right-of-way. 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 the First Baptist Church.

Staff has reviewed the requests and recommends approval conditional on all outstanding engineering and public works comments being addressed.

Landmark

Civil Engineering Services, PLLC

Texas Board of Professional Engineers Registration # F-11930

July 23, 2012

CITY OF KYLE

JUL 23 2012

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

PLANNING DEPARTMENT

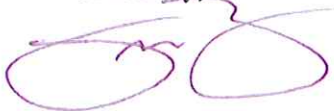
RE: Variance Request from City of Kyle Ordinance Article 438, Chart 1

Dear Ms. Nelson:

On behalf of the First Baptist Church, Landmark CES, PLLC is requesting a variance from City Ordinance Article 438, Chart 1. This request is to allow the placement of the proposed building within the 15' setback line as outlined for CBD1 Zoning. The proposed placement would be 5' off of the property line. Justification for this request is that the 5' setback would allow for the alignment of the existing church with the proposed building, and, most importantly, provide the proposed separation between these buildings needed to meet fire safety code requirements for a non-sprinklered building.

Should you have any questions or require additional information with regard to this variance request, please feel free to contact me. I may be reached at (512) 913-5080 or by email at jbarajas@landmarkces.com.

Sincerely,



Javier Barajas, P.E.

Item # 10

| | | |
|-----|---------|------------------------------|
| NO. | DATE | REVISIONS |
| 1 | 1/13/77 | ISSUE FOR REVIEW AND PERMITS |
| 2 | | |
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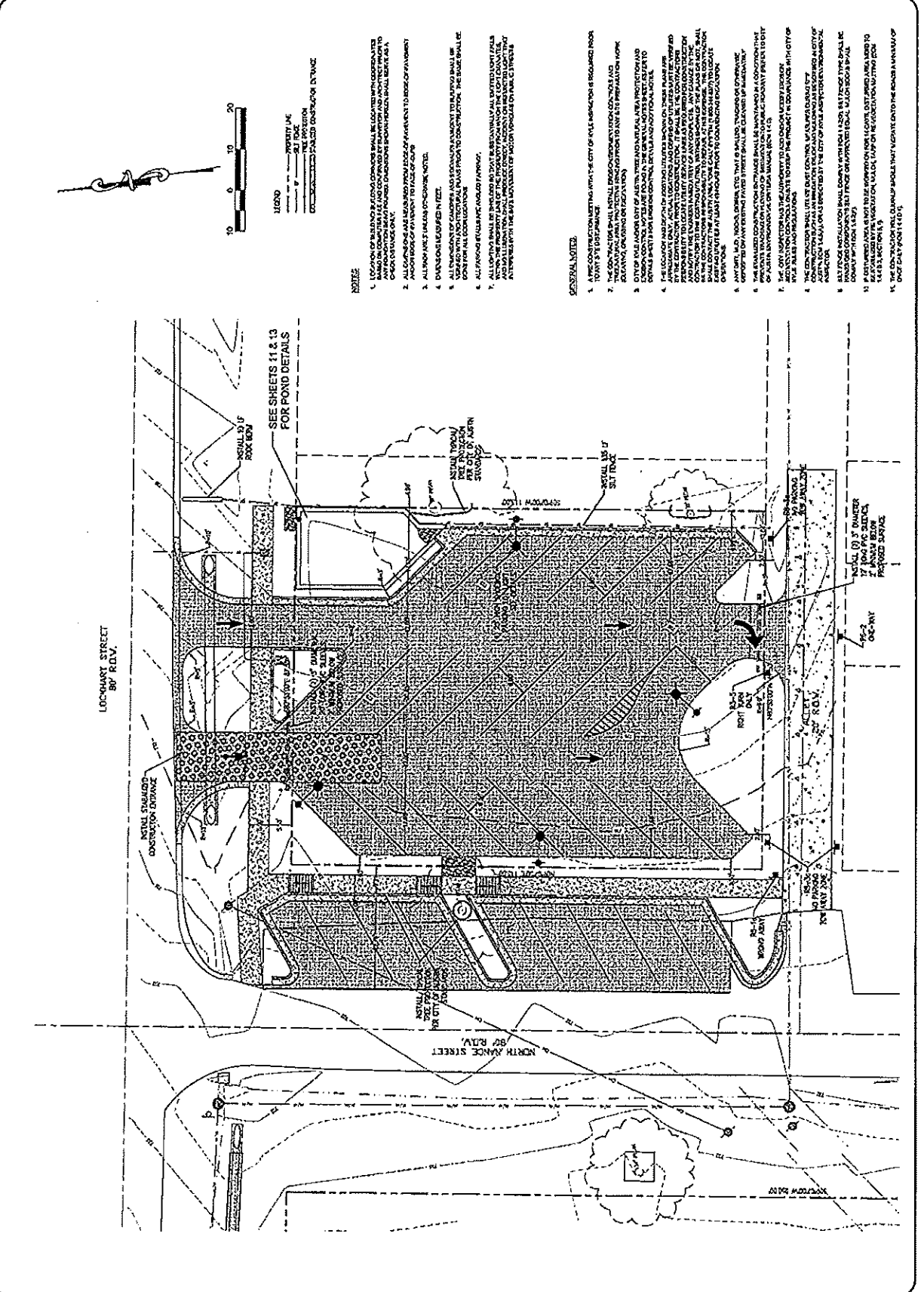


CONTRACT NO. 10000
 PROJECT NO. 10000
 SHEET NO. 10000

Landmark CES
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FIRST BAPTIST CHURCH
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 PROSIN CONTROL PLAN

ALLOT 2017
 STREET
 8 OF 15

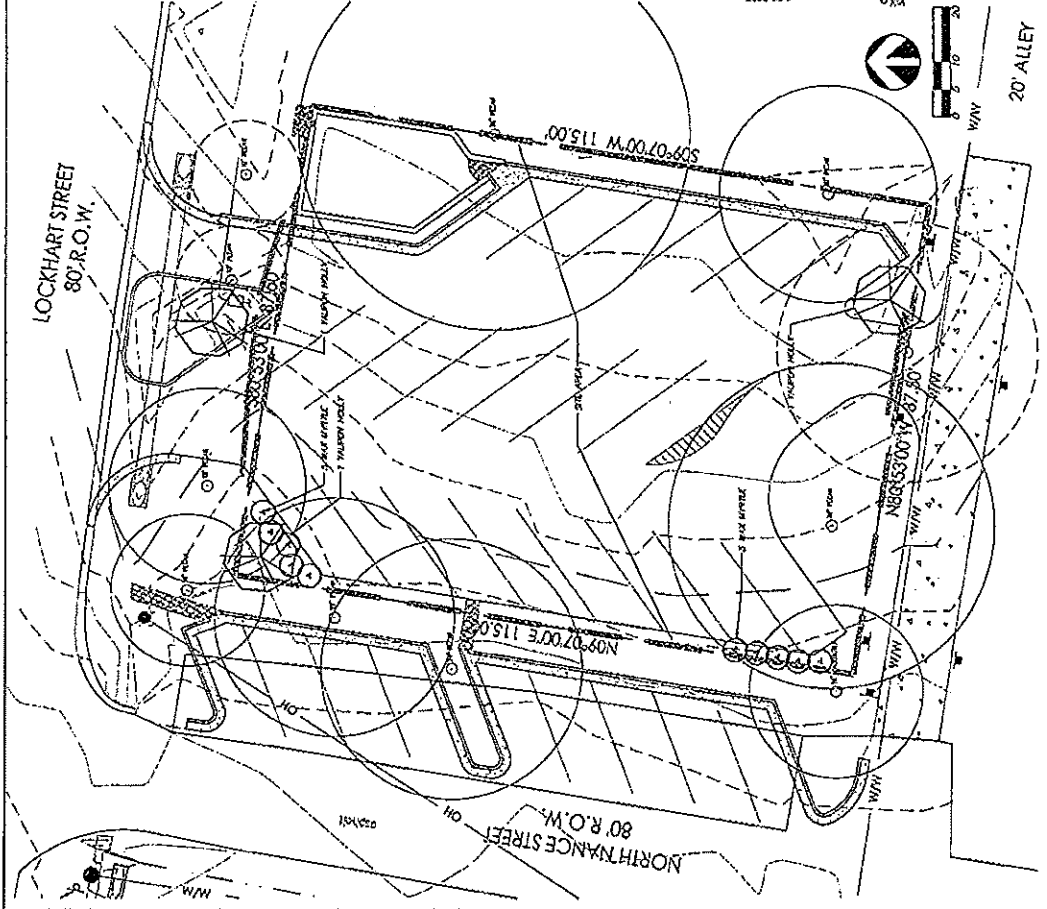


NOTES

1. LOCATION OF ALL EROSION CONTROL DEVICES SHALL BE LOCATED WITH COORDINATES TO THE CENTERLINE OF THE ROAD OR DRIVEWAY. ALL DEVICES SHALL BE LOCATED TO THE DOWN-SLOPE OF THE ROAD OR DRIVEWAY. ALL DEVICES SHALL BE LOCATED TO THE DOWN-SLOPE OF THE ROAD OR DRIVEWAY.
2. ALL DEVICES SHALL BE MAINTAINED AND REPAIRED TO REMAIN IN GOOD ORDER AT ALL TIMES.
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10. ALL DEVICES SHALL BE MAINTAINED AND REPAIRED TO REMAIN IN GOOD ORDER AT ALL TIMES.

GENERAL NOTES

1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF ST. LOUIS, MISSOURI, ORDINANCE NO. 10000.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF ST. LOUIS, MISSOURI, AND THE MISSOURI DEPARTMENT OF REVENUE.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF ST. LOUIS, MISSOURI, AND THE MISSOURI DEPARTMENT OF REVENUE.
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10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF ST. LOUIS, MISSOURI, AND THE MISSOURI DEPARTMENT OF REVENUE.



LANDSCAPE PLAN NOTES

1. Prior to beginning construction, the contractor shall verify the location of all existing utilities.
2. All dimensions of the shrubs and trees shall be to the maximum height of the shrub or tree at the time of planting. An exception to this rule shall be made for trees which are to be planted in a row or rows, in which case the height of the trees shall be to the maximum height of the trees at the time of planting.
3. Contractor is responsible for verification of the location of underground utilities. Responsibility for the location of underground utilities shall be the responsibility of the contractor. The contractor shall verify the location of all underground utilities prior to beginning construction. The contractor shall be responsible for the location of all underground utilities. The contractor shall be responsible for the location of all underground utilities. The contractor shall be responsible for the location of all underground utilities.
4. All trees shall be planted in the ground, not in a pot or container. The contractor shall be responsible for the location of all trees. The contractor shall be responsible for the location of all trees. The contractor shall be responsible for the location of all trees. The contractor shall be responsible for the location of all trees.
5. All plants shall be planted in the ground, not in a pot or container. The contractor shall be responsible for the location of all plants. The contractor shall be responsible for the location of all plants. The contractor shall be responsible for the location of all plants. The contractor shall be responsible for the location of all plants.
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MAINTENANCE NOTES

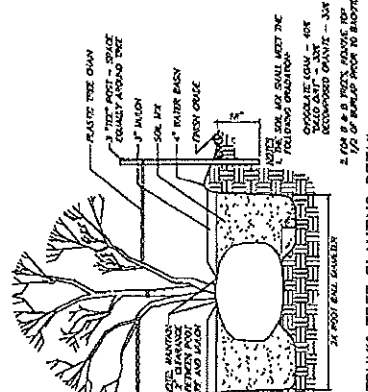
1. The contractor shall be responsible for the maintenance of all plants and trees.
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4. The contractor shall be responsible for the maintenance of all plants and trees.

LANDSCAPE CALCULATIONS

| ITEM | QUANTITY | UNIT | PRICE | TOTAL |
|--------------|-------------------------|---------|-------|--------------------------|
| 1. PLANTING | 150 | SQ. FT. | 1.50 | 225.00 |
| 2. PLANTING | 100 | SQ. FT. | 1.50 | 150.00 |
| 3. PLANTING | 50 | SQ. FT. | 1.50 | 75.00 |
| 4. PLANTING | 25 | SQ. FT. | 1.50 | 37.50 |
| 5. PLANTING | 12.5 | SQ. FT. | 1.50 | 18.75 |
| 6. PLANTING | 6.25 | SQ. FT. | 1.50 | 9.375 |
| 7. PLANTING | 3.125 | SQ. FT. | 1.50 | 4.6875 |
| 8. PLANTING | 1.5625 | SQ. FT. | 1.50 | 2.34375 |
| 9. PLANTING | 0.78125 | SQ. FT. | 1.50 | 1.171875 |
| 10. PLANTING | 0.390625 | SQ. FT. | 1.50 | 0.5859375 |
| 11. PLANTING | 0.1953125 | SQ. FT. | 1.50 | 0.29296875 |
| 12. PLANTING | 0.09765625 | SQ. FT. | 1.50 | 0.146484375 |
| 13. PLANTING | 0.048828125 | SQ. FT. | 1.50 | 0.0732421875 |
| 14. PLANTING | 0.0244140625 | SQ. FT. | 1.50 | 0.03662109375 |
| 15. PLANTING | 0.01220703125 | SQ. FT. | 1.50 | 0.018310546875 |
| 16. PLANTING | 0.006103515625 | SQ. FT. | 1.50 | 0.0091552734375 |
| 17. PLANTING | 0.0030517578125 | SQ. FT. | 1.50 | 0.00457763671875 |
| 18. PLANTING | 0.00152587890625 | SQ. FT. | 1.50 | 0.002288818359375 |
| 19. PLANTING | 0.000762939453125 | SQ. FT. | 1.50 | 0.0011444091796875 |
| 20. PLANTING | 0.0003814697265625 | SQ. FT. | 1.50 | 0.00057220458984375 |
| 21. PLANTING | 0.00019073486328125 | SQ. FT. | 1.50 | 0.000286102294921875 |
| 22. PLANTING | 0.000095367431640625 | SQ. FT. | 1.50 | 0.0001430511474609375 |
| 23. PLANTING | 0.0000476837158203125 | SQ. FT. | 1.50 | 0.00007152557373046875 |
| 24. PLANTING | 0.00002384185791015625 | SQ. FT. | 1.50 | 0.000035762786865234375 |
| 25. PLANTING | 0.000011920928955078125 | SQ. FT. | 1.50 | 0.0000178813934326171875 |

PLANT LIST

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SHRUB PLANTING DETAIL

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MULTI-TRUNK TREE PLANTING DETAIL

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CITY OF KYLE, TEXAS

Meeting Date: 9/25/2012
Date time: 6:30 PM

First Baptist Church - CUP

Subject/Recommendation: Consider a request by First Baptist Church for a Conditional Use Permit to construct a 10,059 Square foot building located at 400 W. Center Street and within the Center Street Overlay District.

- Public Hearing
- P&Z Recommendation to City Council

Other Information: Please see attachments

Budget Information: N/A

Viewing Attachments Requires Adobe Acrobat. [Click here](#) to download.

Attachments / click to download

- [Color Rendering](#)
 - [Location Map](#)
 - [Elevation 1](#)
 - [Elevation 2](#)
 - [Parking Lot](#)
 - [P&Z Memo](#)
-

MEMORANDUM

TO: Planning and Zoning Commission

FROM: Sofia Nelson, Planning Director

DATE: 9/21/12

SUBJECT: Conditional Use Permit- First Baptist Church Building Addition

Summary of Request:

The subject property is located at the southeast corner of Sledge and Lockhart, in the CBD-1 zoning district. The buildings on the site have already been demolished and the applicant's are proposing to construct a two story religious education building/ mother's day out facility.

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.

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.

Staff Analysis

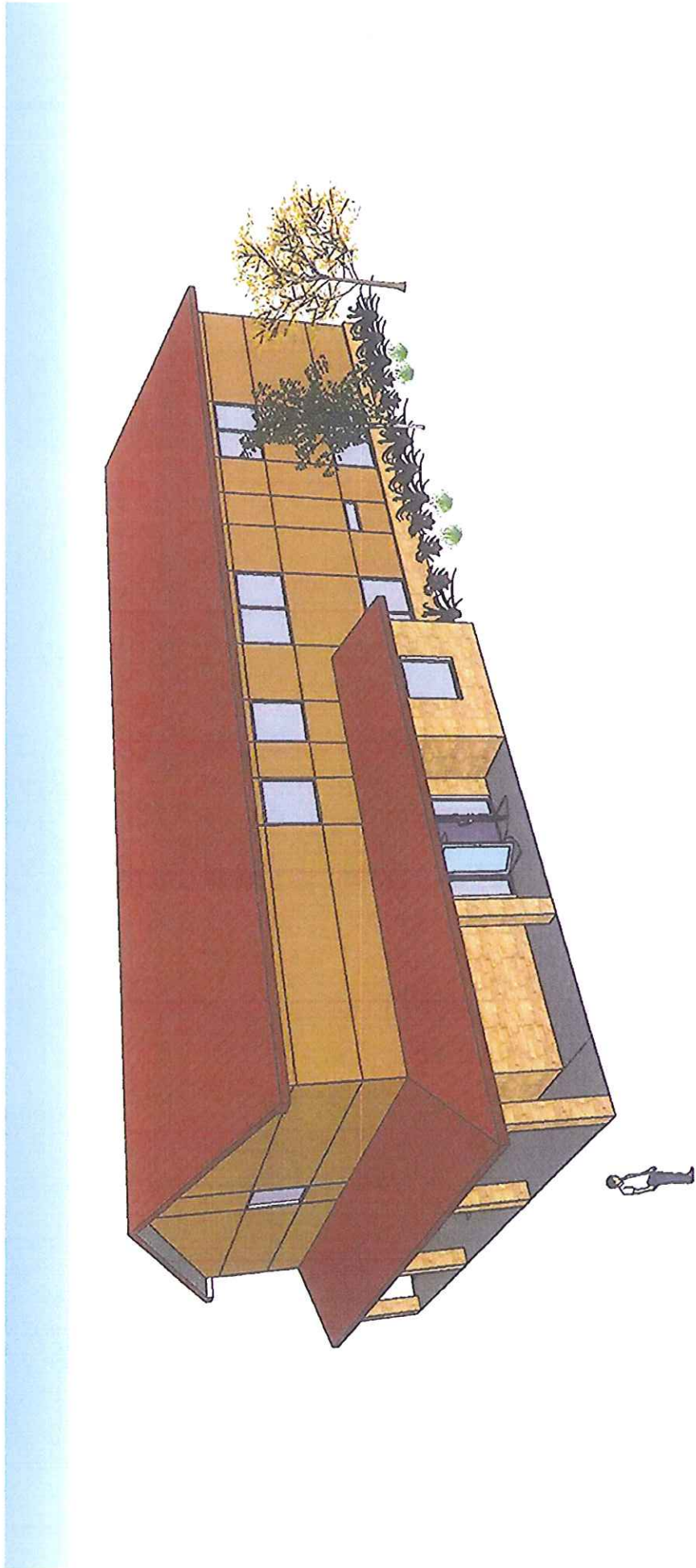
The applicant is proposing to construct a building that contains a masonry wainscoting and a stucco finish. Additionally, the proposed building will contain a standing seam metal roof that is shown on the color rendering to be red. In order maintain the building line that is established with rest of the site the applicant is requested the extension of a nonconformity to allow for a 5' side building line rather than the required 15' setback. Staff has reviewed the request and has made the following findings:

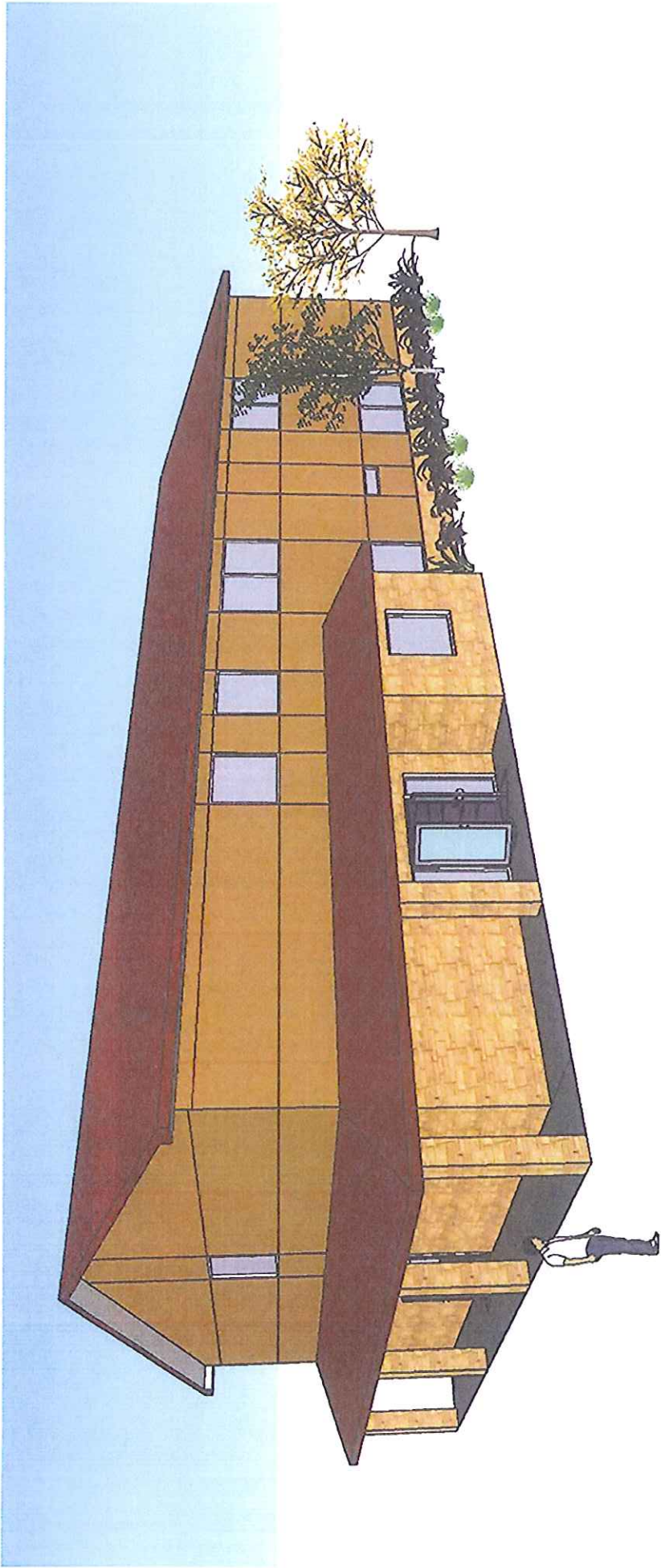
- The proposed masonry appears to match the masonry used on the existing buildings.

- The proposed sides and rear of the building appear to be well balanced with a change in materials and the inclusion of windows. However the front of the building, the façade facing Lockhart Street, does not appear to maintain the same level of balance. I would encourage the use of more than one window on the second level and a change in the metal door that is shown on the first floor. Additionally, the inclusion of windows on the first floor would help to promote visual interest in the building.

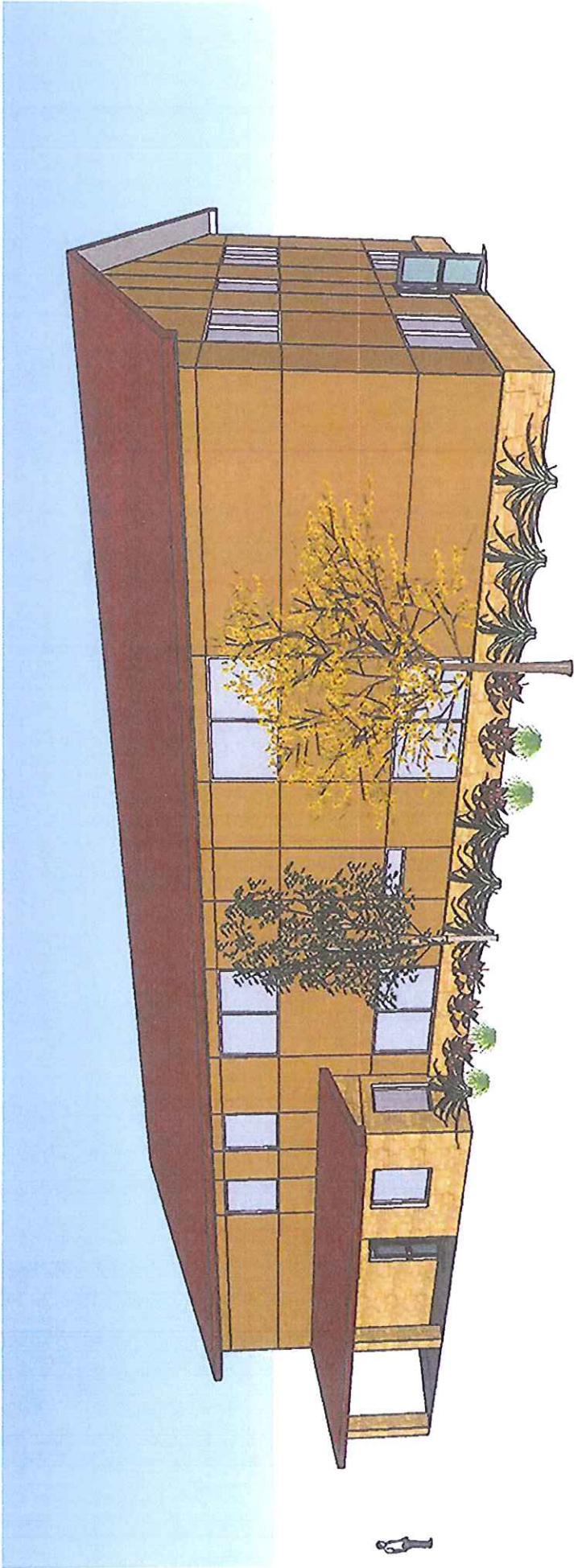


Item # 11





Item # 11



Item # 11



CITY OF KYLE, TEXAS

First Baptist Church - CUP (Parking Lot)

Meeting Date: 9/25/2012

Date time: 6:30 PM

Subject/Recommendation: Consider a request by First Baptist Church for a Conditional Use Permit to construct a parking lot located at 110 N. Nance and within the Center Street Overlay District.

- Public Hearing
- Recommendation to City Council

Other Information: Please see attachments

Budget Information: N/A

Viewing Attachments Requires Adobe Acrobat. [Click here](#) to download.

Attachments / click to download

[Location Map](#)

[Parking Lot](#)

[P&Z Memo](#)

Cover Memo

Item # 12

MEMORANDUM

TO: Planning and Zoning Commission

FROM: Sofia Nelson, Planning Director

DATE: 9/21/12

SUBJECT: Conditional Use Permit- First Baptist Church Parking Lot

Summary of Request:

The subject property is located at the southeast corner of Nance Street and Lockhart Street in the CBD-2 zoning district. The subject property is a vacant site that the applicant is seeking to redevelop the lot into a 20 space parking lot.

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.

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:

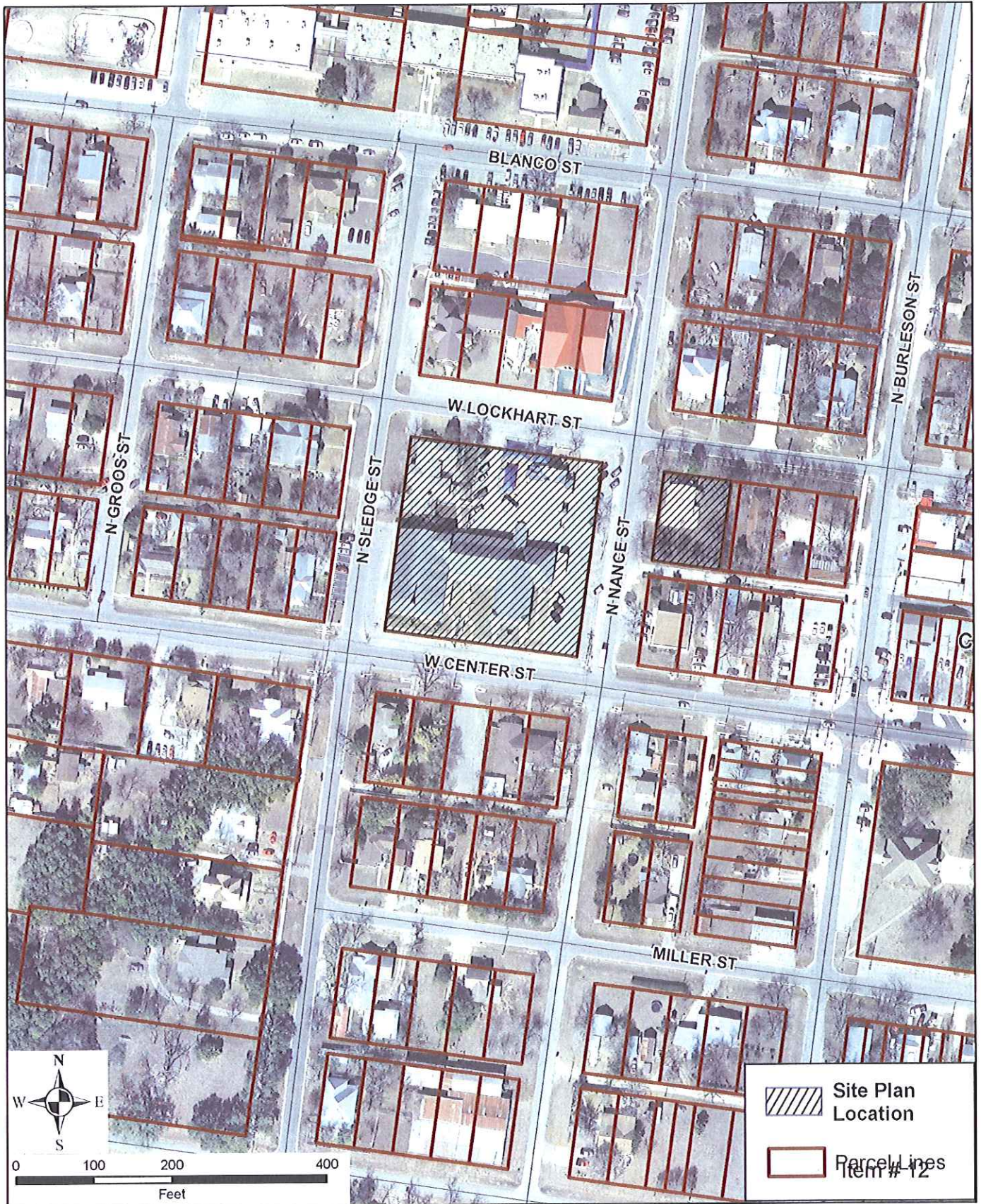
- Maintain continuity in the general use of materials within any block
- Make every effort to expand the sidewalk pedestrian space with outdoor restaurants or other gathering spaces for sales or display
- Promote vertical mixed land uses where possible
- Maintain a building to line that is located at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

Staff Analysis

The applicant is seeking to develop a 20 space parking lot for the use of the First Baptist Church. Staff has reviewed the request and has made the following findings:

- While the development of a parking lot does not maintain the continuity of the general use of materials within the block the applicant has taken steps to retain a significant amount of the tree canopy on the site

- The development of a parking lot on this site does not appear to be harmful to the adjacent properties and does not appear to disturb or distract from future redevelopment of the adjacent property.



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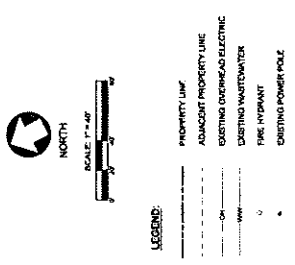


OWNER:
FIRST BAPTIST CHURCH
1001 W. BAYVIEW
DALLAS, TEXAS 75201

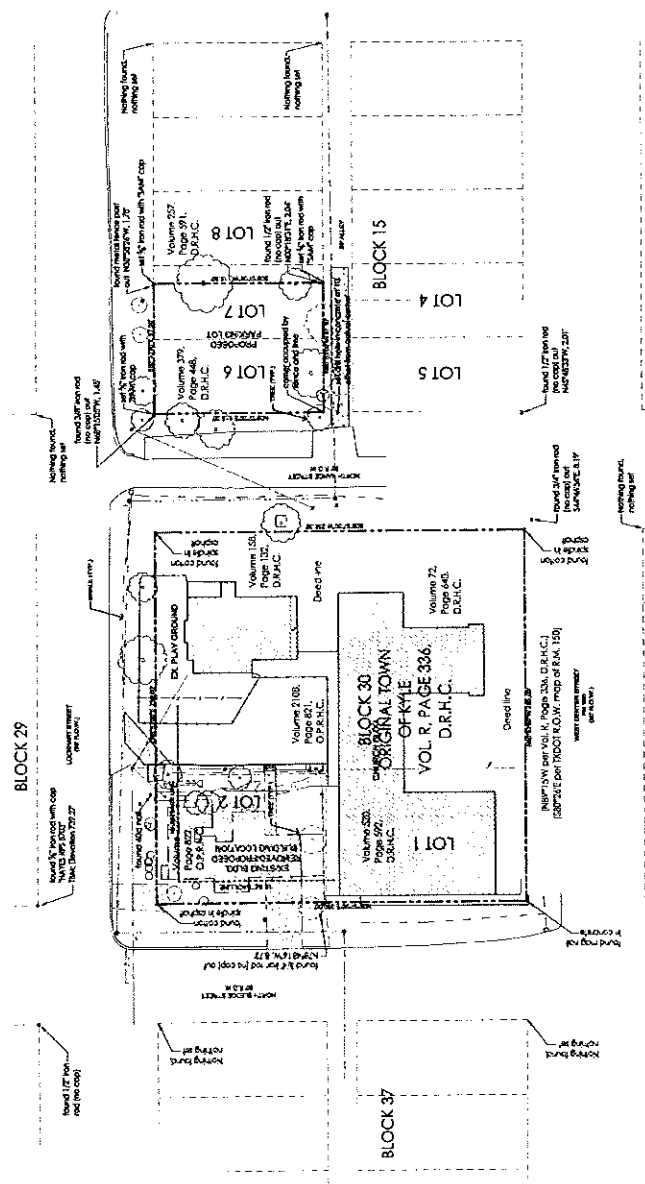
Landmark CBS
CITY ENGINEERING SERVICES, P.L.L.C.
7512 DALLAS AVENUE
DALLAS, TEXAS 75230
TEL: 972-442-7447
FAX: 972-442-7448
THE REGISTRATION # IS 19130

FIRST BAPTIST CHURCH
MPL, TEXAS
EXISTING & PROPOSED SITE PLAN EXHIBIT
CONDITIONAL USE PERMIT APPLICATION

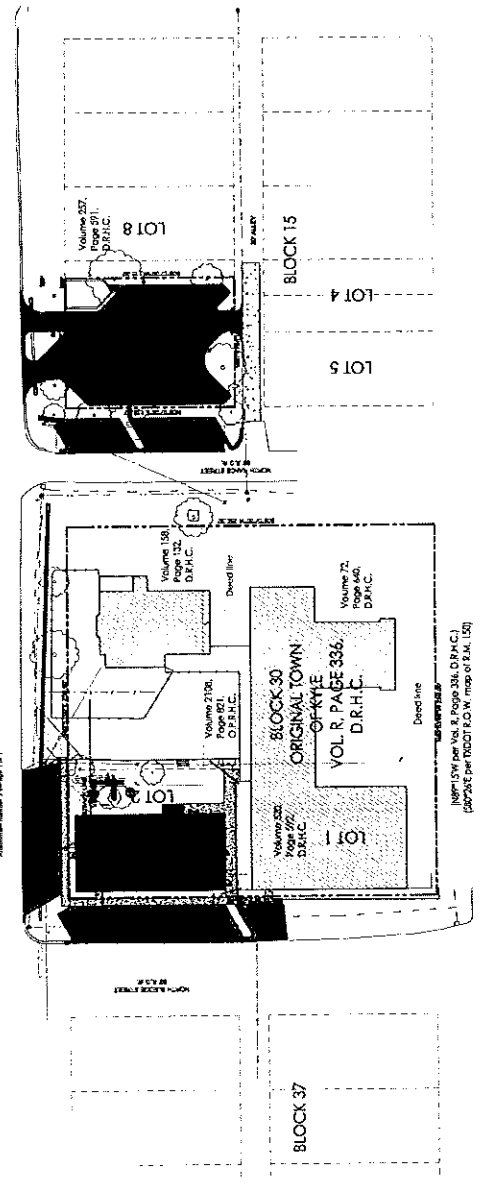
DATE: JUNE 2012
PROJECT NO.: 120401
SHEET
OF 1 1



- LEGEND:
- PROPERTY LINE
 - ADJACENT PROPERTY LINE
 - EXISTING OVERHEAD ELECTRIC
 - EXISTING WATERWATER
 - FIRE HYDRANT
 - EXISTING POWER POLE



EXISTING CONDITIONS



PROPOSED CONDITIONS



CITY OF KYLE, TEXAS

PGI Investment Comp Plan Amendment Request

Meeting Date: 9/25/2012
Date time: 6:30 PM

Subject/Recommendation: Consider a request by Hugo Elizondo, on behalf of PGI Investment, LLC for a Comprehensive Master Plan Amendment to identify the RV Zoning within the New Settlement District and Regional Node as Conditional rather than Not Recommended.

- Public Hearing

Other Information: Please see attachments

Budget Information: N/A

Viewing Attachments Requires Adobe Acrobat. [Click here](#) to download.

Attachments / click to download

- [Memo](#)
- [P&Z Memo](#)
- [New Settlement District](#)
- [Regional Node](#)
- [RV Ordinance](#)

Cover Memo

Item # 13

MEMO

To: Planning and Zoning Commission
From: Sofia Nelson, Director of Planning
Date: September 20, 2012
RE: Request for a Comprehensive Master Plan Amendment

Background

Hugo Elizondo, on behalf of PGI Investment owners of, 24800 S. IH-35 has requested a comprehensive master plan amendment to allow the RV zoning district within the New Settlement Future Land Use District and the Regional Node Future Land Use District as a conditional zoning district. Currently the comprehensive master plan identifies the RV zoning district as "not recommended" within both the New Settlement Future Land Use District and the Regional Node Future Land Use District. If the request is granted the amendment would be applicable to all properties within the two future land use districts.

The City Charter requires the Planning and Zoning Commission to hold two public hearings prior to making a recommendation to the City Council. The first public hearing is scheduled for September 25th and the second public hearing and recommendation to the City Council is scheduled for October 23rd.

Long Range Planning Committee Recommendation


On September 19th the Long Range Planning Committee recommended the following with regards to the request:

- Recommended against amending the comprehensive master plan for the New Settlement Future Land Use District
- Recommended to amend the comprehensive master plan for the Regional Node Future Land Use District to allow the RV zoning district as a conditional zoning district.

Attachments

- New Settlement District Description- Comprehensive Master Plan pages 144-145
- Regional Node Description- Comprehensive Master Plan pages 158-159
- Recreational Vehicle District Ordinance- City of Kyle Zoning Ordinance- Chapter 53 Division 23

To: The Honorable Lucy Johnson and Members of the Council
City of Kyle

From:  Hugo Elizondo, Jr., P. E., Cuatro Consultants, Ltd.
on behalf of PGI Investment, LLC

RE: Case No. Z-12-003
24800 S. Interstate 35
47.74 acres

Subject: RS Conditional Zoning and RV Zoning

This summary describes the overall plan for development of the 48 acre tract situated at the northwest corner of Interstate 35 and Yarrington Road. This tract is isolated by IH 35 on its east side and the Union Pacific railroad not far from its west boundary. The attached Concept Plan shows the proposed uses. Those uses are listed below:

- Travel Center/Convenience Store: 28.65 acres
 - Hotel: 1.38 acres
 - Retail Services/Office: 7.34 acres
 - RV Park: Relocate existing Park 10.37 acres
- Total: 47.74 acres

At the Planning and Zoning Commission meeting held July 18, 2012, the vote was 3-3 for the proposed zoning. Commission concerns were that they did not have proper exhibits or layout that adequately showed how the development complied with the intent of the Comprehensive Plan particularly the regional node and the Urban Design Plan elements. The Commission did not have the benefit of reviewing the additional visual image information and clarifications as described below:

RV Park Zoning: The Comprehensive Plan does not address the existing RV Park within the planned regional node or any other existing uses in areas that have not been zoned. The existing Plum Creek RV Park has been in operation since mid 1990s. Presently, the existing park accommodates 75 spaces in an area of about 12 acres within the radius of the planned Regional Node. This park normally maintains over 90 percent occupancy. Almost 60 percent of the occupants are permanent residents of Kyle. Approximately 15 to 20 children live in this Park.

The Park is a legal, non-conforming use as defined by Code. We understand that we risk losing the right to this vested use if we propose relocation of the existing RV Park. Our discussions with Staff and subsequent submittals of Concept Plan and Preliminary Plan as reviewed by Staff have been consistent and transparent since we began this process with the City in January of this year.

In our opinion, the re-location of the existing Plum Creek RV Park meets the intent of the Regional Node uses by providing multi-family needs although in a different format than a typical apartment or duplex and conforms with the density proposed in the Urban Design Plan for this area. The Park also provides transient overnight accommodations for visitors to Kyle. Our Plan expands the Regional

Node from the planned 1/3 mile circumference which encompasses 22 acres to almost 48 acres. The re-located RV Park is part of this expanded node, yet re-positioned to allow more aggregate density near the center of the identified node.

RS Zoning: The proposed RS zoning consists of 8 commercial use lots totaling 37.37 acres. The anchor of the development has limited access to IH 35 near the midpoint of the tract and will consist of a 15,000 square foot convenience/grocery store with restaurants. These restaurants will be within the travel center and currently include a potential Subway or sandwich chain and a mexican food chain type of eatery to provide a variety of food types. It is intended to be a destination stop for the full range of IH 35 travelers. This lot will also house the service center and overnight parking for long haul trucks.

This is not just a truck stop as current site signage may have mislead the general public. This site will not look like other facilities at the north regional node which developed before the City's review jurisdiction included the area. This Project will comply and is consistent with the Comprehensive Plan.

Per the Concept Plan and to enhance the visual image of Kyle for the typical traveler and potential visitor and customer, we have situated 7 commercial pad sites along the frontage of IH 35. These lots provide aggregate density and screening of the overnight parking facility elements of this anchor. The attached exhibits show our vision to screen the truck paving and service area from IH 35. The enhanced plantings of native trees and grasses and shrubs will provide a more landscaped image of this corridor as you enter Kyle. All lots shall have reciprocal parking agreements and sidewalk connectivity between the uses.

The conversion of this vacant undeveloped area of the tract to a Regional Node requires relocation of the RV Park and filling and leveling of this area to elevate and improve visibility and provide accessible sites.

Prospective users of the smaller commercial lots include:

- Hotel: Holiday Inn Express or comparable
- Restaurants: Chuck-E-Cheese Pizza or other destination restaurant with children's entertainment.
- Restaurants: Denny's
- Restaurants: Steakhouse, to be determined
- Other: Supporting business such as coffee shops, dry cleaners, etc.

The Concept Plan has been developed to provide a corridor of enhanced frontage to distinguish it from adjacent communities. The plan considered the desired elements and is consistent with the intent of the Comprehensive Plan.

We propose to enhance the required plantings as described in the Urban Design Plan particularly the IH 35 Corridor – Approachways by creating a more forested Interstate edge and pastoral image. We propose a 20 percent increase in current landscape requirements by the planting of native species trees and an understory of plantings to create a buffer of landscaping. Final selection of species and size upon maturity will determine spacing of the different types of plantings, however, the goal shall be to

present an undisturbed appearance. We will work with Staff on final planting arrangements on all lots fronting IH 35. Restrictive Covenants will be adopted so all prospective buyers and owners know of these additional screening measures.

Wastewater: The existing RV Park is served by a lift station that pumps wastewater to the City of San Marcos collection system per the inter-local agreement between the Cities. The long term plan is to construct a regional lift station to pump the Southside Interceptor and Blanco Interceptors towards the existing wastewater plant.

We have reserved an area for this City-planned lift station and have been working with the City Engineer and the design consultant to route the interceptor line through our tract in appropriately sized and accessible easements. Ultimately, this lift station will need to be placed in service to accept flows from this development. The value of this lift station site easily totals over \$115,000. This does not include the value of easements. It is our intent to donate the lift station site and necessary easements to serve as the catalyst for this needed infrastructure project. Without construction of the wastewater interceptor, only limited development can occur in the New Settlement District and none within the Regional Node.

Historical: We received public comments regarding preserving the Live Oak Spring and its history as watering location for travelers in the early stages of settlement and commerce in the area. We have made provisions to preserve the spring flow and lift it to the surface and provide a man-made channel to allow this flow conveyance through the site and discharge at the low point leaving the site. This will consist of a rock lined concrete channel approximately 3 feet wide and about 12 to 18 inches deep. This will pay respect to the history of the spring and also provides a unique water feature for this development.

We are also prepared to solicit a historical marker for the spring working with the landowner and the Hays County Historical Commission.

The landowner will also work to enhance the marker designated for the DPS trooper that is currently at this location. This includes a bench and kiosk as is appropriate.

Signage: The Travel Center is proposed to be named the Kyle Travel Center and we propose a stone monument sign to welcome residents to the City and the center.

Financial: The Owner has commissioned a third party report to estimate gross billings and fuel consumption. Their projections for the anchor alone project earnings to the City of Kyle of almost \$500,000 annually from sales tax and property tax assessments. This does not include the hotel or RV park or any of the other 6 pad sites.

In summary, we appreciate your consideration of our request for the proposed zoning. If Council supports the proposed zoning, we recommend a Conditional Overlay be placed on the entire tract that includes design elements of increased plantings, spring flow routing, historical markers and signage.

If the RV zoning is not possible at this time, then we ask the RS zoning be considered for approval without the RV zoning.

If a Comprehensive Plan amendment is required to support the RV zoning request, we ask that it be expedited for this project so we can begin the re-location of the residents as timely as possible.

If the Council can not support the RV Park relocation, then we ask they let us know so we can advise residents and amend our zoning application for supported uses within the area currently requested to be zoned RV.

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- [Sec. 53-651. - Definitions.](#)
- [Sec. 53-652. - Purpose and permitted uses.](#)
- [Sec. 53-653. - Additional permitted uses.](#)
- [Sec. 53-654. - Conditions and limitations.](#)
- [Sec. 53-655. - Site development regulations.](#)
- [Sec. 53-656. - Additional requirements and regulations.](#)
- [Secs. 53-657—53-674. - Reserved.](#)

Sec. 53-651. - Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Dependent recreational vehicle and *dependent travel trailer* means a recreational vehicle or travel trailer which does not have a flush toilet and a bath or shower.

Independent recreational vehicle and *independent travel trailer* means a recreational vehicle or travel trailer which has a flush toilet and a bath or shower.

Natural barrier and *artificial barrier* means any river, pond, canal, railroad, levee, embankment, fence or hedge.

Park means a recreational vehicle and/or travel trailer park; and does not include, permit or authorize mobile or manufactured homes.

Recreational vehicle and *travel trailer* means a vehicle or similar portable structure designed for recreational use and travel having no foundation other than wheels, jacks, blocks or skirting, having 600 square feet or less of enclosed area, and so designed or constructed as to permit occupancy for dwelling or sleeping purposes; provided, however, a mobile home or manufactured home is not a recreational vehicle or travel trailer, and, for purposes of determining the distances specified herein, the term "recreational vehicle and travel trailer" includes any portable, prefabricated, temporary room, commonly called a cabana, that is attached to such recreational vehicle.

Recreational vehicle lot and *travel trailer lot* means a plot of ground within a recreational vehicle and/or travel trailer park designed for the accommodation of one recreational vehicle or travel trailer.

Recreational vehicle park and *travel trailer park* means any plot of ground upon which one or more recreational vehicles or travel trailers are located, or are occupied for dwelling or sleeping purposes during travel, vacation, periods of temporary work such as construction, and other periods of time generally less than 12 months in duration, regardless of whether or not a charge is made for such accommodations.

(Ord. No. 438, § 41(c), 11-24-2003)

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Sec. 53-652. - Purpose and permitted uses.

Property and areas of the city zoned RV may be planned, used, approved, platted and occupied as a recreational vehicle park with lots held under common ownership and rented or leased to individual occupants. Land in areas of the city zoned RV and having an approved plat may be used for dependent recreational vehicle, dependent travel trailers, independent recreational vehicles, independent travel trailers, recreational vehicles and travel trailers as defined in section 53-651.

(Ord. No. 438, § 41(a), 11-24-2003)

Sec. 53-653. - Additional permitted uses.

Additional permitted uses in the RV park district are as follows:

- (1) Accessory buildings located on a lot for use by the owner or occupant of a structure that is located on such lot.
- (2) Recreational, civic and/or commercial facilities designed for exclusive use of the occupants of the recreational vehicle park.
- (3) Accessory buildings for use by the owner or manager of the park.
- (4) One single-family dwelling unit on a 6,000 square foot or larger lot for use as the owner's or manager's residence.

(Ord. No. 438, § 41(b), 11-24-2003)

Sec. 53-654. - Conditions and limitations.

(a) *Park license required.* It is unlawful for any person to maintain or operate within the city, any recreational vehicle and/or travel trailer park unless such person first obtains a license therefor. A minimum of ten lots shall be required to qualify for RV zoning and no license shall be issued or renewed for a recreational vehicle and/or travel trailer park unless such park has at least ten lots.

(b) *License application.* Application for a recreational vehicle and/or travel trailer park license shall be filed with the city for review and approval by the city council. Applications shall be in writing, signed by the applicant, and shall contain the following:

- (1) The name and address of the applicant;
- (2) The location and legal description of the recreational vehicle and/or travel trailer park;
- (3) A complete plan of the park showing compliance with this chapter;
- (4) Plans and specifications of all buildings and other improvements constructed, or to be constructed, within the recreational vehicle and/or travel trailer park;
- (5) Such further information as may be requested by the city council to enable it to determine if the recreational vehicle and/or travel trailer park will comply with the legal requirements.

(c) *Inspection.* The city shall investigate the application, and inspect the proposed plans and specifications. A report shall then be made to the city manager concerning such applicant, together with recommendations relating to the issuance of a license. If the recreational vehicle and/or travel trailer

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park will be in compliance with all provisions of this division, and, in the case of proposed parks, make such approval contingent upon the completion of the park according to the plans and specifications submitted with the application.

(d) *Issuance.* If the application satisfies the requirements of this division, the city manager shall issue the license.

(e) *Transfer prohibited.* A license issued pursuant to this chapter is not transferable.

(f) *License fee.* The annual license fee for each recreational vehicle and/or travel trailer park shall be as provided in appendix A of this Code per year for the first ten lots or spaces, plus an amount as provided in appendix A of this Code for additional lots or spaces over ten, or the fee established in the city administrative fees ordinance.

(g) *License display and posting.* The license certificate shall be conspicuously posted in the office of or on the premises of the recreational vehicle and/or travel trailer park at all times.

(h) *License revocation.* The city council may revoke any license issued under this division if any of the provisions of this division are violated. Before any such license may be revoked, the city must give ten days' notice to the holder of such license and hold a hearing thereon. If the license is revoked, the license may be reissued to the same licensee, if the reasons for such revocation have been duly corrected, or a license may be issued to another qualified applicant.

(i) *Location of parks.* The recreational vehicle and/or travel trailer park may be located only in conformity with the comprehensive zoning ordinance of the city, and, in addition to the requirements contained therein, unless the park is separated from neighboring properties by a natural or artificial barrier, each boundary of the park must have a solid barrier wall or fence of at least six feet in height; no lot or boundary line of any space or lot within the park shall be closer than 25 feet to such barrier wall or fence; and the 25-foot area shall be required to be maintained as a clear zone at all times. The provisions of this division do not apply to recreational vehicle and/or travel trailer parks already in existence and operation at the time of the passage of the ordinance from which this chapter is derived, and such existing operating parks are treated as a nonconforming use insofar as the requirements of this division are concerned.

(Ord. No. 438, § 41(d), 11-24-2003)

Sec. 53-655. - Site development regulations.

(a) *Park plan requirements.* The recreational vehicle and/or travel trailer park shall conform to the following requirements:

(1) The park shall be located on a well drained site, properly graded to ensure rapid drainage and freedom from stagnant pools of water, in compliance with the city's subdivision drainage requirements.

(2) Recreational vehicle and/or travel trailer lots shall be provided, consisting of a minimum of 2,500 square feet for each lot, which shall be at least 35 feet wide and clearly defined. Recreational vehicles or travel trailers shall be so harbored on each lot that there shall be at least a 25-foot clearance between recreational vehicles and travel trailers; provided, however, with respect to recreational vehicles or travel trailers parked end-to-end, the end-to-end clearance between the same may be less than 25 feet, but not less than ten feet. No recreational vehicle or

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travel trailer shall be located closer than ten feet from any building within the park or from any property line bounding the park.

(3) All recreational vehicle and/or travel trailer lots shall abut upon a driveway of not less than 36 feet in width which shall have unobstructed access to a public street, alley or highway. All driveways shall be hard surfaced, well-marked in the daytime, and lighted at night. The minimum quality of such driveway surfacing shall be a two-course hot top surface.

(4) Walkways not less than 44 inches wide shall be provided from the recreational vehicle and/or travel trailer lots to the service building.

(5) Separate restroom and shower facilities shall be provided within the park for men and women. Such restroom and shower facilities shall be designed, constructed and maintained in compliance with the city building codes and ordinances and centrally and conveniently located within the park. A minimum of two showers, lavatories and commodes shall be included in each restroom and shower facility building for each sex. One additional shower, lavatory and commode (hereinafter collectively "unit") shall be added to each such men's and women's facility for each additional increment of 15 pad sites or lots, or fraction thereof, in excess of 25 pad sites or lots within the park. For example, the minimum facilities shall be required for any park with 25 or less pad sites or lots; one additional unit shall be required for parks that have 26 to 40 pad sites or lots; two additional units will be required for parks having 41 to 60 pad sites or lots; and three additional units will be required for parks having 61 to 75 pad sites or lots.

(b) *Utility connections.* Water, sewer and electrical system must be provided to each lot or pad site in accordance with city specifications.

(c) *Office building.* Each recreational vehicle and/or travel trailer park shall be provided with a building to be known as the office in which shall be kept copies of all records pertaining to the management and supervision of the park, as well as all rules and regulations of the park; such records, rules and regulations to be available for inspection by law enforcement officers, public health officials and other officials whose duties necessitate acquisition of the information contained therein.

(d) *Site drainage plan.* The site plan shall include a site drainage plan showing the necessary drainage related facilities designed and provided for in compliance with this policy and the drainage criteria manuals, regulations and ordinances of the city (Drainage Criteria Manual). Such plans and design calculations for all drainage facilities shall be submitted to the city for acceptance prior to issuance of any utility or building permit. The design engineer shall certify that the plans and calculations for all drainage facilities are in compliance with the policies and criteria of the city.

(e) *Stormwater requirements.*

(1) *Facility design requirements.* Storm drainage facilities should be designed in compliance with the Drainage Criteria Manual.

(2) *Drainage and storm sewers.*

a. Adequate drainage shall be provided within the limits of the property. The protection of adjoining property from any increase in runoff is mandatory. The city may eliminate the detention requirement for properties adjacent to floodplains defined on the flood insurance rate map and when in the judgment of the city such elimination would not result in an increase in the peak flood flow.

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b. Drainage and storm sewer plans shall be certified by a licensed professional engineer and approved by the city. Review and approval shall in no manner make the city liable for defects in such plans. Criteria established in the Drainage Criteria Manual and good engineering practices will be used for all calculations relative to rainfall runoff quantities, and the design of channels, culverts, storm sewers and detention facilities. The owners of the tracts upon which are located such easements, appurtenances and detention facilities shall maintain same and be responsible for their upkeep. Notice of such duty to maintain shall be shown on the plats.

c. Drainage and storm sewer plans. Construction plans for streets and utility installation required by the city shall include drainage and storm sewer plans prepared by a licensed professional engineer which shall be reviewed and approved by the city prior to such construction. The city shall make inspections as are deemed necessary to ensure proper installation. Neither the review nor approval of such plans nor the inspection of the completed work will create any liability on the part of the city.

(3) *Plan approval.* Plans for proposed drainage facilities shall be submitted to the city for acceptance prior to construction. Further, computations for all drainage related design shall be submitted with the plans for review. Data submitted shall include a drainage area map, a summary of methodology employed and resulting data, land use and runoff coefficient assumptions and other pertinent hydrologic and hydraulic data. Certification shall be submitted by the design engineer that the plans and computations are in compliance with the requirements of this policy and the Drainage Criteria Manual. Following construction, but prior to acceptance of improvements by the city, the design engineer shall furnish certification that based upon his periodic inspection of the work all improvements, including those covered by this chapter, have been constructed in compliance with the city's requirements.

(4) *Applicable criteria.* If the city has not adopted a Drainage Criteria Manual, the stormwater and drainage provisions of chapter 17, article II, pertaining to the flood hazard area regulations, chapter 41, pertaining to subdivisions, and good engineering practices shall govern; provided that if the city engineer and the applicant cannot agree on the applicable criteria the terms, provisions, conditions, and requirements of the City of Austin Drainage Criteria Manual shall be applicable.

(Ord. No. 438, § 41(e), 11-24-2003)

Sec. 53-656. - Additional requirements and regulations.

(a) *Maintenance.* Every person owning or operating a recreational vehicle and/or travel trailer park shall maintain such park, and any facilities, fixtures and permanent equipment in connection therewith, in a clean and sanitary condition and shall maintain such equipment in a state of good repair.

(b) *Cooking and heating fuel.* Bottled gas for cooking purposes shall not be used at individual recreational vehicles or travel trailer lots unless the containers are properly connected by copper or other suitable tubing. Bottled gas cylinders shall be securely fastened in place. Bottled gas shall be located in a recreational vehicle or travel trailer, and outside such vehicle, in compliance with state regulations. State and local regulations applicable to the handling of bottled gas and fuel oil must be followed.

(c) *Park rules and regulations.* It is the duty of the owner, agent, representative or manager to prescribe rules and regulations for the management of the park, to make adequate provisions for the enforcement of such rules and to subscribe to all subsequent rules and regulations which may be

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adopted for the management of such park. Copies of all such rules and regulations shall be furnished to the city. In addition thereto, it is the duty of the owner, agent, representative or manager to comply strictly with the following:

- (1) Provide for regular inspection of the water and sanitary conveniences;
- (2) Provide for the collection and removal of garbage and other waste material;
- (3) Provide for the concealment or storage of unsightly material or vehicles of any kind;
- (4) Not allow any recreational vehicle, travel trailer or other structure not in compliance with this chapter to be or remain in the park; and
- (5) Not allow, suffer or permit any person to occupy any lot, plot or parcel for sleeping, eating and living purposes other than for interim or temporary periods of time that are less than 12 months in duration.

(Ord. No. 438, § 41(f), 11-24-2003)

Secs. 53-657—53-674. - Reserved.

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NEW SETTLEMENT DISTRICT

CHARACTER

Stretching over both Plum Creek and I-35, the New Settlement District is comprised primarily of farm fields and new residential developments that are being carved out of former farm fields. Northwest to southeast roadway patterns are strong, while northeast to southwest connections are lacking. Traditional residential enclaves predominate in the New Settlement District, aggregated in neighborhoods of unique housing forms. Private and public spaces are clearly separate, with the public domain defined by shared neighborhood amenities and the private domain defined by privatized landscapes. Public space is not encroached on by private functions. The New Settlement District has a lower density and intensity of development than the adjacent Mid-Town District, and the open character of the landscape should evoke the agricultural heritage of the District. Physical and visual partitioning and division of land should be avoided where possible in this District.

INTENT

The flat land and large parcel size in the New Settlement District result in a high level of development potential, which is beginning to be realized through market-driven demand for new housing stock. The City of Kyle should

seek to capitalize on this “developability,” while emphasizing community amenities, enhancing the neighborhood lifestyle through shared spaces, and improving connectivity within and without the District. The unique water features, such as creekways and detention/retention facilities, in the New Settlement District should be utilized as form-giving elements and corridors for connections. Use patterns should be established that complement residential development and facilitate beneficial land use transitions. In this way, the New Settlement District should serve as a transition between the higher intensity of use within the core Districts and the low intensity of use of the Farm District.

JURISDICTION

The New Settlement District is located in the eastern and southern portions of Kyle. Figure 12 indicates the location of the New Settlement District.

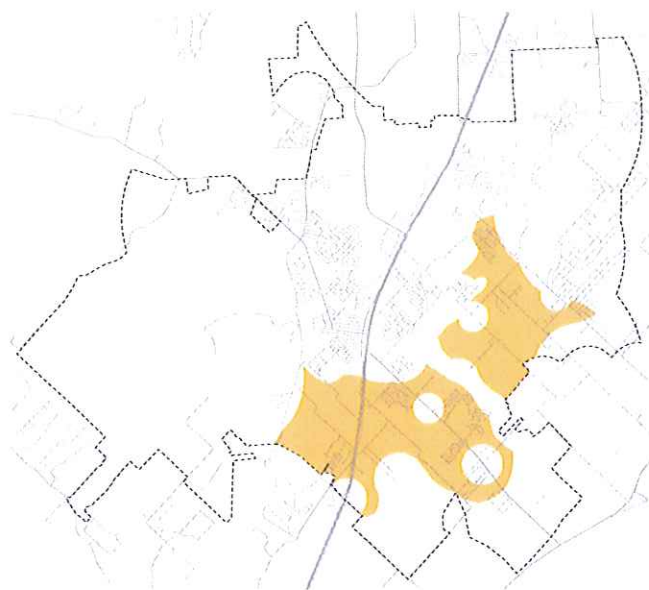
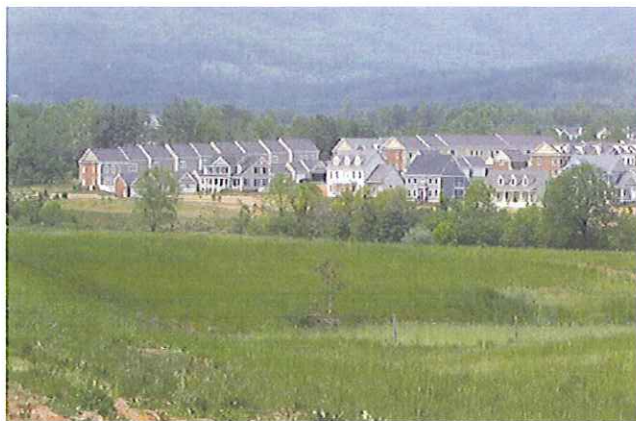


Figure 12: New Settlement District Key Map.



Illustrative Photograph



Illustrative Photograph

AUTHORITY

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

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

| | Residential (dwelling units/acre) | Non-Residential (Floor to Area Ratio) |
|-----------------|--------------------------------------|------------------------------------------|
| Preferred | 4 - 6 | 0.15 - 0.2 |
| Conditional | < 4; 6.1 - 15 | 0.2 - 0.3 |
| Not Recommended | > 15 | > 0.3 |

APPLICATION

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

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

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

REGIONAL NODE

CHARACTER

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

INTENT

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

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

JURISDICTION

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

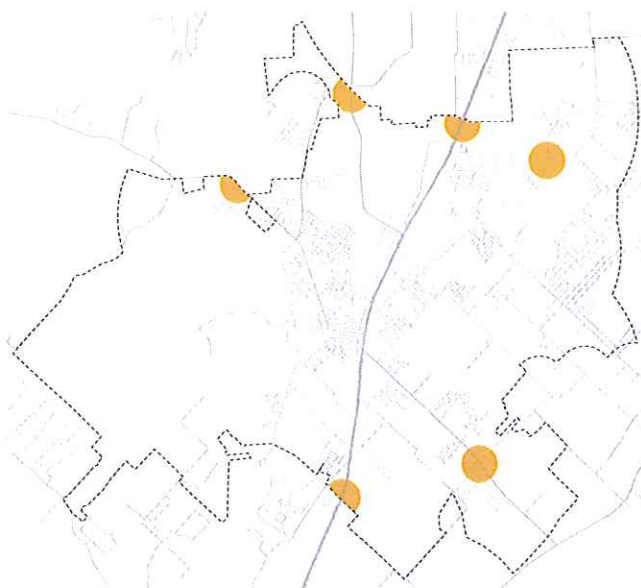
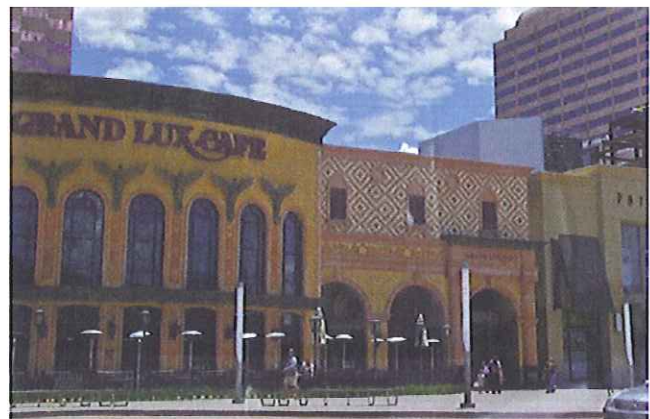


Figure 19: Regional Node Key Map.



Illustrative Photograph



Illustrative Photograph

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AUTHORITY

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

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

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

APPLICATION

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

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

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



CITY OF KYLE, TEXAS

IH-35 Overlay

Meeting Date: 9/25/2012
Date time: 6:30 PM

Subject/Recommendation: Discussion regarding public input received for the proposed I-35 Overlay District

Other Information:

Budget Information: N/A

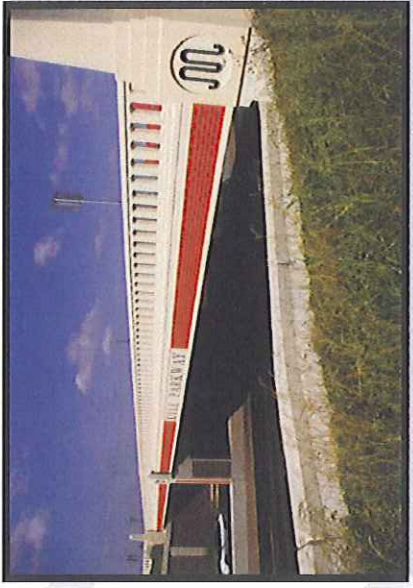
Viewing Attachments Requires Adobe Acrobat. [Click here](#) to download.

Attachments / click to download

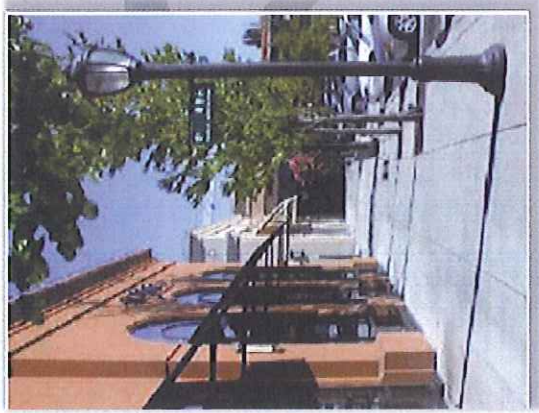
[Proposed I-35 Overlay District Development Standards](#)

Cover Memo

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I-35 Overlay District Development Standards



FORBIDDEN

Item # 14

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Purpose

The I-35 Overlay Development Standards are intended to be concise and user-friendly. The development review process is intended to be predictable and flexible, and to facilitate the timely approval of projects that conform to the general development principles for I-35.

The requirements outlined in this document are intended to implement the vision, goals, policies and objectives outlined in the Comprehensive Master Plan and to ensure new development incorporates the following:

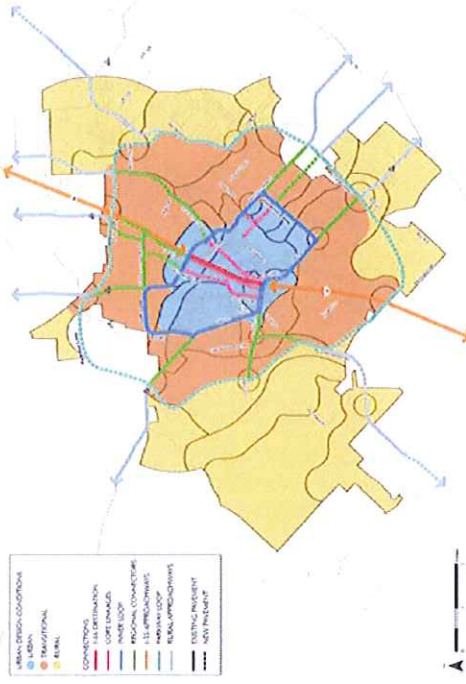
- Development that does not turn its back on streets
- Streets and sidewalks that form a connected network, providing a variety of pedestrian and vehicular routes to any single destination in and out of the development.
- Building facades that create visual interest through horizontal and vertical articulation with windows, multiple entrances facing streets and sidewalks, and minimizing blank walls.

Background

In 2010 the City of Kyle adopted a Comprehensive Master Plan that contains a variety of elements which shape the requirements outlined in this document. The Urban Design Plan (UDP) is a component of the Comprehensive Master Plan, which provides direct guidance regarding development within the public and private realm.

The UDP complements land use and zoning regulations by providing a more specific depiction of community, project and building attributes by establishing three different design conditions (urban, transitional, and rural). It is strongly recommended that property owners and developers review the urban design plan in conjunction with

this document.



Applicability

Location: These standards apply to all new non-residential development within the I-35 Overlay District.

Exemptions: These standards do not apply to the following:

- Change in use of an existing structure or expansion of an existing use that is lawfully permitted by the underlying zoning district.
- Use or development for which only a single-family residential building permit or certificate of occupancy is required.
- Rehabilitation of an existing building or structure that does not change the use or enlarge the building or structure.

Relationship to Other Regulatory Documents: The I-35 Overlay District standards supplement the base zoning district classification. Whenever there is a conflict between the I-35 Overlay District requirements and other sections of the City of Kyle Zoning Ordinance or other applicable regulations, the more restrictive requirement shall prevail.

Uses

mitted uses of the property shall be determined by regulations set forth in the base zoning district for the property except as follows:

Indoor sales of vehicle sales (new and used) shall not be permitted within the I-35 overlay district

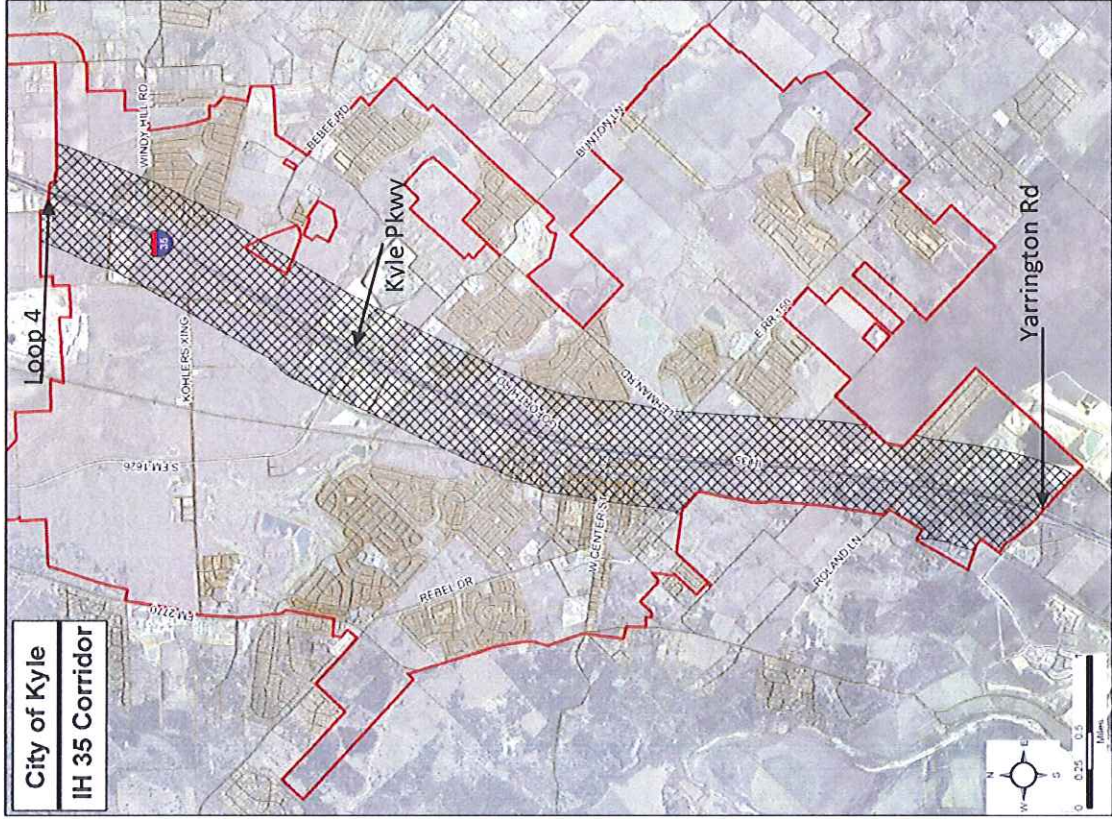
Site Standards

The purpose of the site standards outlined within this ordinance are to create development patterns that encourage motorists, pedestrians, and cyclists while providing development standards that visually and functionally establish a separation from the ordinary landscape. Development within the I-35 overlay district should have a "front door" feel in the way they approach or face the roadway. The layout of parking areas and buildings should promote safe and efficient pedestrian

design standards are intended to:

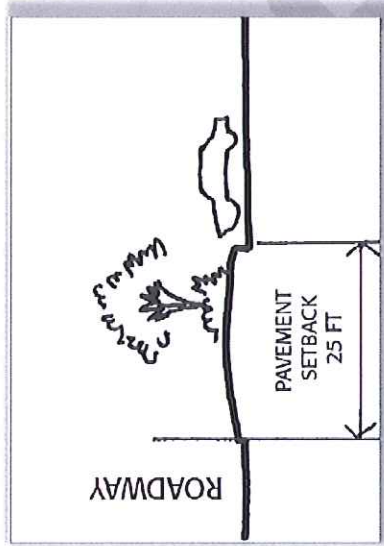
1. Preserve and protect Kyle's character through clear design goals and policies, design guidelines and minimum design standards.

2. Encourage and promote Kyle's long-term vitality through standards that encourage high quality development, discouraging less attractive and less enduring uses.



Landscape

A 25' landscape buffer between I-35 and parking lots must be provided. The landscape buffer shall only contain plants listed in the City of Kyle preferred plant list. A minimum of a 5 foot sidewalk is required along all public streets.



Screening

Loading areas must be fully screened from view of public ROWs and residential districts. Wing walls, landscape screens, changes in building orientation, and/or other architectural elements must be used to buffer loading docks, mechanical equipment, and commercial uses. Waste and recycling disposal areas must be screened from public streets, pedestrian gathering areas, and primary entrances with walls and/or landscaping.



Wing wall used to screen loading dock

Do this



Example of unscreened utility and waste disposal areas

Not this

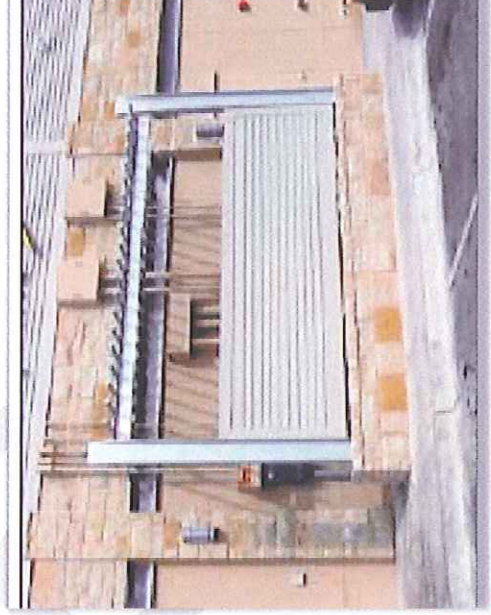
Utilities

All new utility lines must be placed underground. Utility boxes must be as small as possible. Utility boxes greater than 2 ft. tall cannot be placed in the clear vision area, or interfere with use of streets, alleys, sidewalks, and bicycle paths. Utility boxes must be painted a uniform earth tone color or to match the adjacent wall.



Utility equipment screening

- Electrical meters, switch boxes, panels, conduit, and related utility equipment must be placed in the most inconspicuous location possible.
- Utility equipment must be painted or coated to match the color of the mounting surface.
- Utility equipment located in an area that may be frequently seen by the general public must be screened with a wing wall architecturally integrated into the host structure.

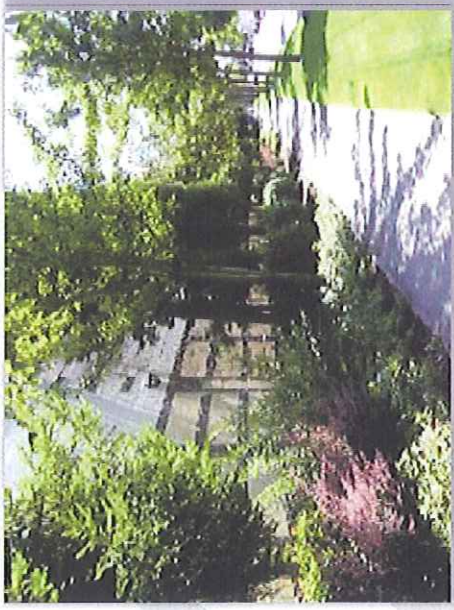


Siting and Orientation

Blank Walls

Blank walls adjacent to a public street, sidewalks, trails, or interior pathways are prohibited. Design methods to eliminate blank walls can include:

- Transparent windows or doors.
- Display windows.
- Landscape planting bed at least 5 feet wide or a raised planter bed at least 2 feet high and 3 feet wide in front of the wall. Such planting areas shall include planting materials that are sufficient to obscure or screen at least 60 percent of the wall's surface within 3 years.
- Installing a vertical trellis in front of the wall with climbing vines or plant materials sufficient to obscure or screen at least 60 percent of the wall's surface within 3 years. For large areas, trellises should be used in conjunction with other blank wall treatments.
- Other methods such as murals or special building material treatments may also be approved.



This single-story commercial building has similar detailing on all visible walls.



This commercial building on a street corner has a similar level of detail on each facade.

Orientation to streets

The primary façade and pedestrian entrance of a building must be oriented towards the public right-of-way or courtyard. If a building cannot have its primary entrance facing a public right-of-way, then the requirements for the façade facing the public right-of-way shall include the following:

- Excluding window glazing, employ the same materials and colors as the building façade with the primary entrance.
- Utilize architectural treatments, detail and scale elements such as canopies, that are consistent with the primary building façade.
- Enclose dumpsters, recycle bins and compactors with screening walls that match style and colors of the adjacent building.
- Locate dumpsters and service areas on the side of the buildings.
- Screen service areas, including storage, meter banks, HVAC equipment, generators and similar equipment with screening walls and/or landscaping.

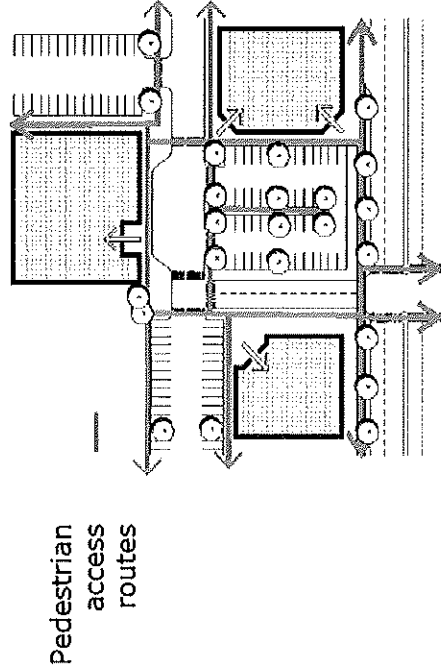
Orientation to walkways

One main building entrance must open directly onto a connecting walkway with pedestrian frontage.

Circulation

Circulation patterns must be as simple as possible. All likely pedestrian routes must be considered in the design phase

of a development to prevent shortcuts through parking and landscape areas. An internal pedestrian walkway at least 6 ft. wide must be provided from the perimeter public sidewalk to the primary public entrance.



Example of an integrated pedestrian circulation system. Note the connection from the street, between buildings through parking lots and adjacent sites.

Conflict points

Internal pedestrian walkways must be distinguished from driving surfaces by textured pavement and lighting.



An example of a walkway with bollards that include light fixtures to clearly identify the pedestrian access.

Water bodies and detention/retention areas

Shape

Detention and water quality ponds shall utilize earthen berms and be designed with a curvilinear contoured shape. Any structural stabilization shall be limited to the use of native stone (except for outlet structure) and shall be limited to not more than 30% of the perimeter of the pond and shall be seamlessly integrated with landscape. No drainage facilities shall be allowed in the landscape buffer. Natural and manmade water bodies at least 20,000 sq. ft. placed next to a public right-of-way must be integrated into the overall design of a project in one of the following ways:

- Provide a walkway, with native tall trees on average 25 ft. centers, and shaded benches or picnic tables every 150 linear feet.
- Provide a public access area with covered structure and seating and appropriate pedestrian access.
- Provide a plaza or courtyard at least 200 sq. ft. with shaded benches and/or picnic tables next to the water body.



Do this

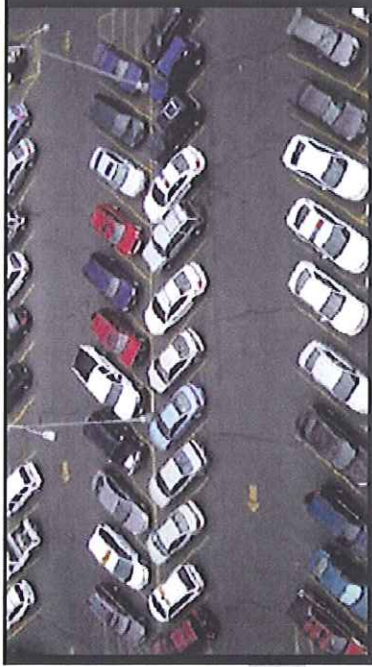


Not this

Parking lots

Large parking lots must be visually and functionally segmented into smaller lots with no more than 150 parking spaces per parking area. For every parking area a minimum of a 15 foot landscape median/divider shall be installed to help break up "rooms" of large parking fields. These medians shall contain pedestrian walkways to offer safe, marked routes between parking spaces and building entries.

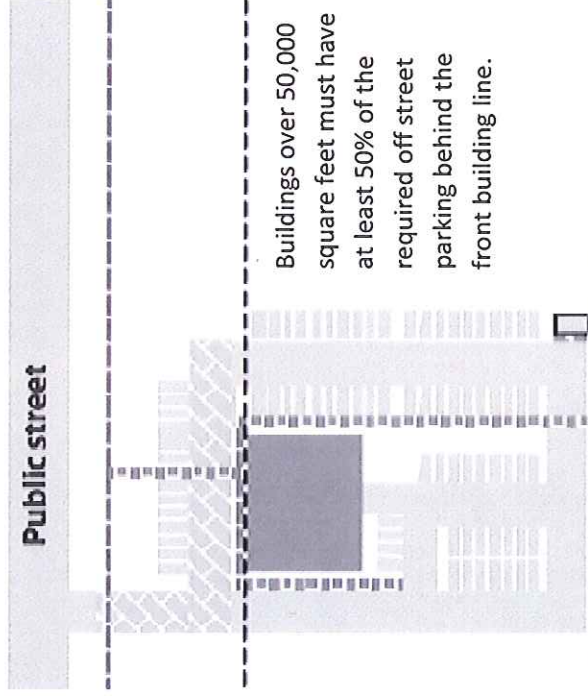
Only one drive aisle is permitted between a public right-of-way and a structure no more than 50,000 sq. ft. that fronts it is permitted. Buildings over 50,000 square feet must have at least 50% of the required off street parking behind the front building line or utilize liner buildings to screen the parking lot.



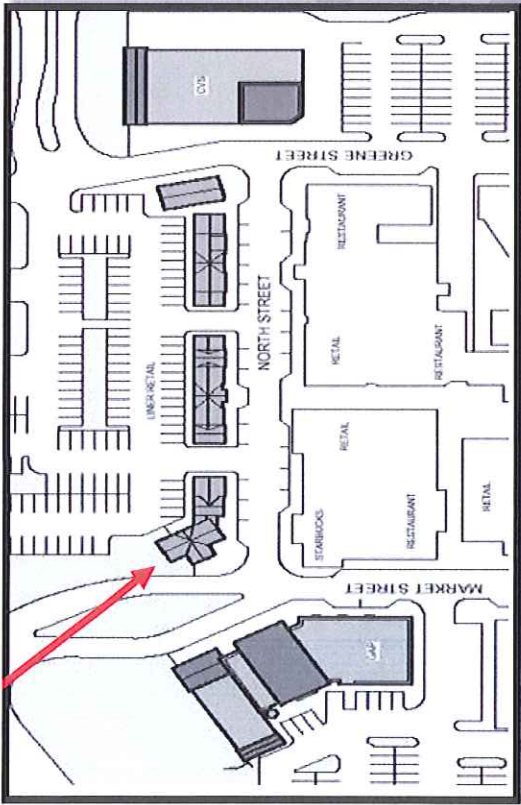
Not this



Do this



Liner buildings



- a. Such storage does not exceed twenty percent (20%) of the gross floor area of the primary building that houses the business storing such materials,
- b. Such storage or container is located no closer to a street frontage than the primary building that houses the business storing such materials,
- c. Such storage or container is screened from view from adjacent properties
- d. Such storage or container is not permitted within required setbacks.

Building Requirements

Materials

Buildings constructed shall have a minimum of 90% masonry walls as defined below.

Masonry shall be defined to include the following:

- Brick
- Natural Stone
- Concrete Masonry Units
- Stucco/Plaster/Synthetic Stucco to be used in detail applications only
- Concrete sandblasted, textured and painted

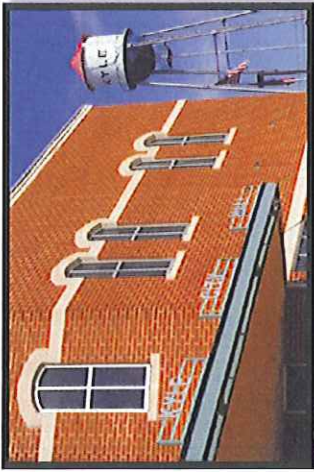
The 10% of the exterior walls not included in masonry requirements may be covered with a variety of materials that could include but not limited to non-reflective corrugated steel panels, wood, prefinished metal panels, glass block, or other materials that are compatible with the overall design and use for the specific areas in which they are placed.

Outdoor Storage

Outdoor display of merchandise is permitted when such display is of merchandise from a permanent business located in a permanent legal structure on site and such display is limited to not more than thirty percent (30%) of the gross floor area of the building which houses the business displaying such merchandise.

Display is not permitted within required setbacks. Except for items that would normally be utilized and stored outside, outdoor display shall occur only during the business hours of the applicable business establishment.

Outdoor storage and container storage are permitted as an accessory use as follows:



Building Massing and Form

Retail

A single large dominant building mass must be avoided in new buildings. 50% of the first story of a retail buildings shall consist of windows / doors (Windows shall have a maximum exterior reflectivity of twenty percent (20%))

Retail anchor stores, at least 25% of the stores in a shopping center, and freestanding, single-use buildings, must have a clearly defined, highly visible customer entrance with four or more of the following elements:

- o Arcades
- o Arches
- o Canopies or porticos
- o Details such as tile work and moldings integrated into the building structure and design
- o Display windows
- o Integral planters or wing walls that include landscaped areas and/or places for sitting
- o Outdoor patios
- o Overhangs
- o Peaked roof forms

Four-sided design

All walls must include materials and design characteristics consistent with those on the front of the building.

Exterior walls cannot have a blank, uninterrupted length greater than 30 ft. without including two or more of these features: change in plane, change in texture or masonry pattern, windows, or other equivalent element(s) that subdivide the wall into human scale proportions. Side or rear walls which do not face a public street, sidewalk, trails, or interior pathways may include false windows and door openings defined by frames, sills and lintels, or similarly proportioned modulations, only when actual doors and windows are not possible because of the building use.

Roof

The continuous plane of a roof line cannot be more than 100 feet.

- o Raised corniced parapets over the door
- o Recesses and/or projections

Non-retail/ Office Buildings

All building fronts shall have at least five different design features to break the wall plane; buildings over 50,000 square feet in size shall have at least seven different design features, and buildings over 100,000 square feet shall have at least nine different design features. The following are examples of the types of design features that shall be utilized:

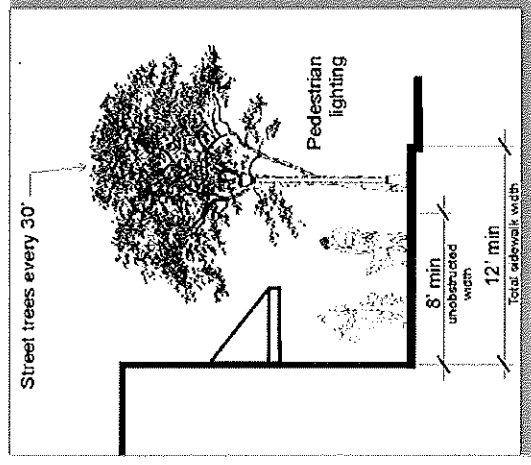
Horizontal off-sets, recesses or projections, porches, breezeways, porte-cocheres, courtyards, awnings, canopies, alcoves, recessed entries, ornamental cornices, display or other ornamental windows, vertical "elevation" off-sets, peaked roof forms, arches, outdoor patios, architectural details such as tile work or moldings integrated into the façade, integrated planters or wing walls, accent materials, varied roof heights, premium roofing materials such as tile or standing seam metal, or similar design features approved by the Director of Planning and appealable to the Planning and Zoning Commission.

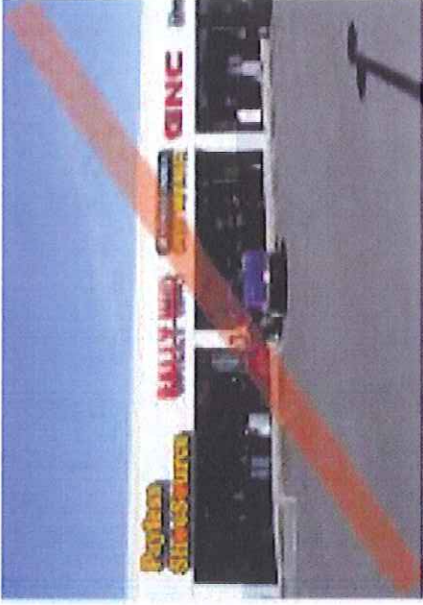
Warehouse, mini-warehouse and overhead (commercial service) doors shall not be oriented so as to face a street(s) or residential property or shall be screened from view from the street(s) or residential property unless approved by the Director of Planning, appealable to the Planning and Zoning Commission, determines that there is no other feasible.

Walkway Width and Design

Sidewalks and walkways along the facades of mixed-use and retail buildings 100 feet or more in length (measured along the facades) that are not located adjacent to a street must be at least 12 feet wide (8' of the sidewalk shall remain unobstructed) and include the following:

- Trees, shall be placed at an average of 30 feet on-center and placed in grates (except where trees are placed in planting strips). Breaks in the tree coverage will be allowed near major building entries to enhance visibility. However, no less than one tree per 60 lineal feet of building facades must be provided.





Not this

Garage doors

- o Garage bay doors must be segmented, with windows covering at least 50% of the garage surface. Garage doors must be recessed at least 2 ft. behind the building façade.
- o Vehicle service areas and bays must be screened or sited so visibility from the public right-of-way is as low as possible. Bay doors cannot face a public street.
- o Garage bay doors must be integrated into the overall design of the site with color, texture, and windows.

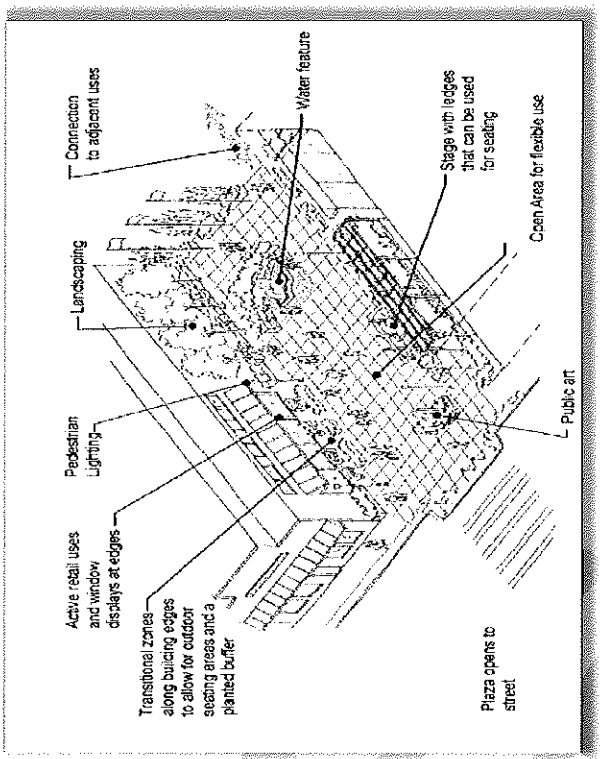
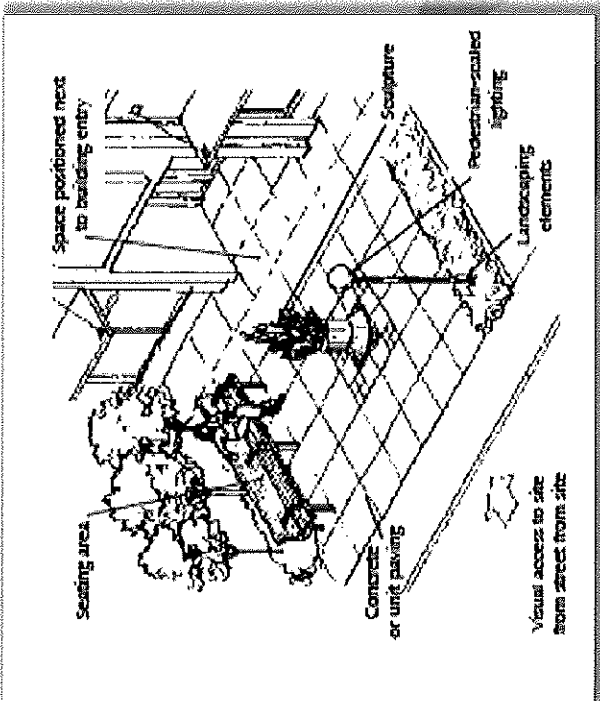
Open Space

Intent: To provide a variety of accessible and inviting areas for outdoor dining, socializing and relaxing in commercial areas and to enhance the pedestrian environment.

All commercial developments shall incorporate open space on-site. This could include a single public open space for larger developments or a variety of pedestrian-oriented spaces.

These are predominately hard-surfaced, plaza or courtyard type spaces. Pedestrian-oriented space shall have the following:

- Pedestrian-scaled lighting (no more than 15 feet in height) may be on-site or building-mounted lighting.
- Be sited in areas with significant pedestrian traffic to provide interest and security, such as adjacent to a building entry.
- Integrate landscaping features that add interest to the space.
- Pedestrian amenities, such as a water feature, drinking fountain, tables, and/or distinctive paving or artwork.
- Pedestrian-oriented building facades on some or all buildings facing the space.



LEVER

Item # 14



CITY OF KYLE, TEXAS

John Sanford

Meeting Date: 9/25/2012
Date time: 6:30 PM

Subject/Recommendation: Consider a request by John Sanford for an amendment to the City of Kyle Zoning Ordinance, Section 53-1230 Land Use Table to allow "Gun Shops" within the "CBD-2" Central Business District-2 Zoning District.

- Public Hearing
- P&Z Recommendation to City Council

Other Information: Please see attachments

Budget Information: N/A

Viewing Attachments Requires Adobe Acrobat. [Click here](#) to download.

Attachments / click to download

[Request Letter](#)

[P&Z Memo](#)

MEMO

To: Planning and Zoning Commission

From: Sofia Nelson, Director of Planning

Date: September 19, 2012

Re: Request to allow Gun Shops- within Central Business District 2 "CBD-2"

Background

John Sanford, owner of 109 Center Street, has requested a zoning ordinance amendment to allow "gun shops" within the CBD-2 zoning district. Currently gun shops are allowed in the following zoning districts: Retail Services "RS", Warehouse "W", and Construction Manufacturing "CM". The CBD-2 district is less restrictive than CBD-1 and principally addresses development in the original town and central area of the city, allowing a mix of uses including, office, restricted commercial, restricted multi-family residential and residential uses. The conditions and limitations on uses in the CBD-2 district are as follows:

- (1)The use be conducted wholly within an enclosed building.
- (2)Required yards and outdoor areas not be used for display, sale vehicles, equipment, containers or waste material, save and except for screened dumpster collection areas.
- (3)The use is not objectionable because of odor, excessive light, smoke, dust, noise, vibration or similar nuisance; and that, excluding that caused customer and employee vehicles, such odors, smoke, dust, noise or vibration be generally contained within the property.
- (4)Signs (advertising) must be in compliance with all applicable ordinances.
- (5)The conditions and limitations and permitted uses applicable to the district governing the proposed use of the property shall apply within the central business district 2.
- (6)Uses as determined by the planning and zoning commission and the council which are closely related and similar to those listed and that are not likely to create any more offensive noise, vibration, dust, heat, smoke, odor, glare, or other objectionable influences than the minimum amount normally resulting from listed uses permitted.

Staff Recommendation

Staff has reviewed the use of a gun shop for consistency with the intent of the CBD2 district and has determined that the use will not create any more offensive noise, vibration, dust, heat, smoke, odor, glare, or other objectionable influences than the minimum amount normally resulting from listed

uses permitted. The business must adhere to all signage requirements for the district and the location of the business and any exterior alterations will require a conditional use permit.

August 29, 2012

Sofia Nelson
City of Kyle Planning Department
Kyle, Tx 78640

Sent via e-mail to snelson@cityofkyle.com

Dear Ms Nelson:

I am a partner owner of the property located at 109 Center Street. Many people in Kyle know this building as the Original Kyle Bank Building. I have been approached by Mr. Hal Skaggs to lease the property to him for a gun shop.

It is my understanding that the current zoning CBD-2 does not allow gun shops. In this letter I am requesting that the city of Kyle zoning ordinance be amended to allow gun shops in CBD-2. As I am sure you are aware gun shops must also meet many BATFE and insurance requirements for safety, security, and alarms.

Best regards,

John

John B. Sanford, Realtor owner/agent of 109 Center Street
PO Box 8 Buda, Tx 78610
(512) 312-1301 ofc (512) 922-5633 mobile



CITY OF KYLE, TEXAS

Proposed Tree Ordinance

Meeting Date: 9/25/2012

Date time: 6:30 PM

Subject/Recommendation: Discussion regarding a Proposed Tree Ordinance

Other Information: Please see attachments

Budget Information: N/A

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Attachments / click to download

[Proposed Tree Ordinance](#)

TREE ORDINANCE

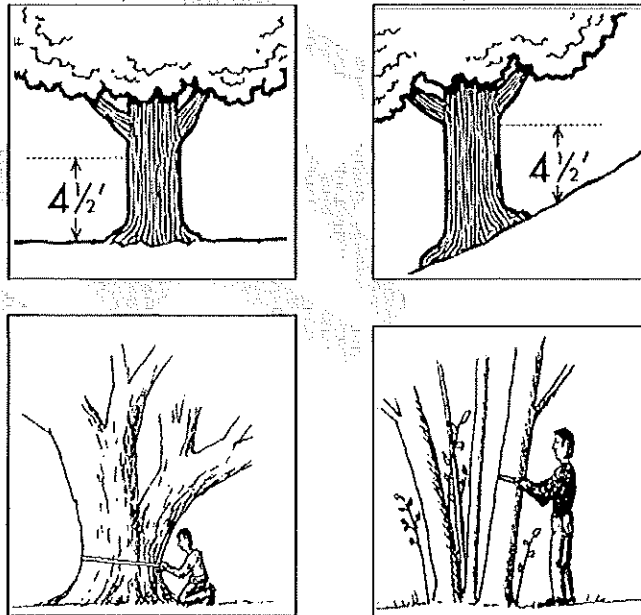
Purpose

The purpose of this ordinance is to conserve, protect and enhance existing trees and natural landscape that are healthy and contribute to a safe and livable community. It is recognized that the preservation of existing trees contributes to the overall quality of life and environment of the City. Trees play a vital role in water and air quality. They protect the health of aquifers and creek watersheds, function in storm water management as well as erosion and dust control, abatement of noise, provision of wildlife habitat and enhancement of property values.

(a) Definitions:

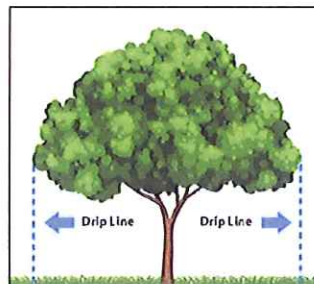
For the purposes of this code, the following definitions will be used:

1. Circumference –Is measured 4 ½ feet from the ground’s level surface or directly below the first branches, whichever is lower.

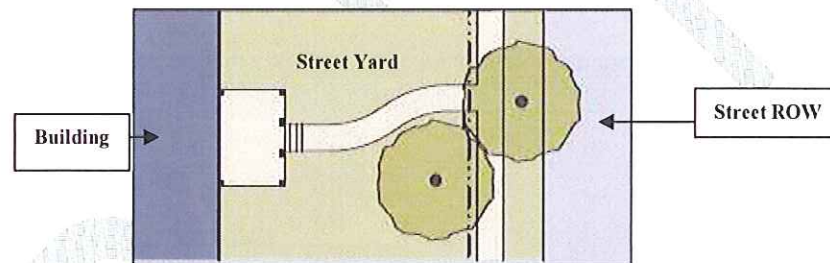


For multiple trunk trees, the circumference is deemed to equal the circumference of the largest trunk plus half the circumference of each additional trunk. For example, a tree that has three trunks with circumferences of 22", 18", and 12" you would have a circumference of 37 "(22" + (1/2 x 18") + (1/2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

2. Drip Line- A vertical line extending from the outermost portion of the tree canopy to the ground.



3. Protected Tree- Trees with a circumference of twenty-eight (28) inch or greater
 4. Public Tree- All trees partially or completely resting on public property.
 5. Specimen Tree- Trees with a circumference of seventy-five (75) inch or greater
 6. Street Yard- The area behind the street right-of-way (ROW), and, in front of any building on private property is known as the street yard.



(b) *Applicability.*

The provisions of this section are applicable to the following:

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

(c) *Requirements*

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

3. The removal of any tree with a circumference of twenty-eight (28) inches or larger must be specifically requested by the applicant and approved in writing by the Director of Planning prior to any action being taken to remove the tree or to damage or disturb the tree in any way. The location of all trees over twenty-eight (28) inches in circumference to be preserved or removed within the area proposed for development shall be designated at one of the following steps in the development process:

- On an application for a site plan for non-residential and multi-family developments;
- On a tree survey at the time of platting for development seeking to install infrastructure; or
- At the time of building permit for residential lots already platted and seeking to develop or redevelop

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

4. The removal of specimen trees, which for the purposes of these requirements are trees with seventy-five (75) inch circumference or greater, must be specifically requested by the applicant and approved in writing by the Director of Planning prior to any action being taken to remove the tree or to damage or disturb the tree in any way. Any specimen tree that is removed shall be replaced circumference-for-circumference (a ratio of one-to-one), even if the tree removed is within the building footprint area.
5. Trees over twenty-eight (28) inches in circumference but less than seventy-five (75) inches in circumference that are not located in one of the following areas shall be replaced on-site at a ratio of two-and-one-half trees per tree removed and shall be credited toward the number of trees required for site development:
- within a building footprint
 - within 10 feet of a building footprint
 - within the area over the septic system
 - within areas necessary for reasonable site access
 - within areas designated for the construction or installation of public facilities such as streets or utilities, that the property owner requests and receives approval to remove may be removed

Replacement trees shall have a minimum circumference of twelve (12) inches.

6. Any trees that cannot be replaced on site can be donated to the City for planting within city owned property. Species, size, quantity, and delivery date of trees shall be approved by the Director of Parks and Recreation.

Exemptions to Mitigation

1. Trees over twenty-eight (28) inches in circumference but less than seventy-five (75) inches in circumference that are located within a building footprint or within ten (10) feet of a building footprint, within the area over the septic system, or

within areas necessary for reasonable site access (but not including parking areas), such as a driveway, shall not be required to be replaced.

2. Trees over twenty-eight (28) inches in circumference but less than seventy-five (75) inches in circumference that are located within areas designated for the construction or installation of public facilities such as streets or utilities, shall not be required to be replaced, but must still submit a formal request for removal.
3. Any specimen tree (75 inch circumference or greater) that is located within the building footprint, or areas necessary for site access (but not including parking areas), such as a driveway, shall not be required to be preserved. However, the tree that is removed shall be replaced circumference-for-circumference (a ratio of one-to-one).

(e) *Tree Removal Permit*

1. The removal of an existing tree(s) from a development site must be in accordance with this and all other applicable ordinances of the City. Prior to the removal of any protected or specimen tree, as defined within this section, the property owner must first submit a letter detailing the following:
 - Which tree(s) will be removed (as shown on a Site Plan)
 - How the removal will be performed (and machinery and equipment needed), and the date and time when the anticipated removal will occur.
 - If a specimen or protected tree proposed for removal is within or not within the following:
 - a building footprint or within ten (10) feet of a building footprint,
 - within the area over the septic system
 - within an area necessary for reasonable site access
 - within an area designated for the construction or installation of public facilities such as streets or utilities

(f) *Onsite Tree Protection Requirements*

1. All protected trees within or next to an excavation site or construction site for any building, structure, or street work, shall be guarded with a good substantial fence, frame, or box not less than four (4) feet high and surrounding the trunk of the tree. In addition, at least three (3) inches of mulch or compost shall be spread beneath the drip line of the tree.
2. The barriers other than what is required per this ordinance shall be approved by the Building Official and shall be in place before any site clearance or other site-disturbing act commences.
3. All building material, dirt, excavation or fill materials, chemicals, construction vehicles or equipment, debris, and other materials shall be kept outside the barrier.
4. Barriers shall remain in place until the final building and landscape site inspections are satisfactorily completed for the issuance of the Certificate of Occupancy.

(g) *Incentives for Retaining Trees*

1. *Application.* The provisions of this Section apply to all new nonresidential and Multi-family Development within the City of Kyle limits
2. *Incentives to Retain Existing Trees.* As an incentive to retain existing trees in the street yard, existing trees shall receive credit against the landscaping requirements according to the following schedule:
 - a. Greater than 38-inch circumference: credit for two required trees.
 - b. Greater than 12-inch but less than 38-inch circumference: credit for one-and-one-half trees.
 - c. Any existing tree in the street yard which is at least 18 inches in circumference and at least 15 feet tall shall be considered as two-and-one-half trees for the purposes of satisfying the requirements of landscaping code.
 - d. Any existing specimen tree (75-inch circumference or greater) shall be considered as a circumference-for-circumference match for the purposes of satisfying the requirements of landscaping code. For example, a 75 inch circumference tree can be counted for up to 12 trees each that have a six-inch circumference.