



CITY OF KYLE, TEXAS

Minutes

Meeting Date:
10/23/2012
Date time: 6:30 PM

Subject/Recommendation: Planning and Zoning Commission Meeting - August 28, 2012
Planning and Zoning Commission Meeting - September 25, 2012

Other Information: Please see attachments

Budget Information: N/A

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[Minutes](#)

Cover Memo

Item # 1

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

The Planning and Zoning Commission of the City of Kyle, Texas met in regular session August 28, 2012 at 6:30 p.m. at Kyle City Hall, with the following persons present:

Commissioner Dan Ryan	Lila Knight
Commissioner Cicely Kay	Audie Gibson
Commissioner Mike Fulton	Chris Randazzo
Chairman Cale Baese	Eric deYoung
Vice-Chair Jenny DiLeo	
Commissioner Michele Christie	
Sofia Nelson, Director of Planning	
Raquel Garcia, City Grant Administrator	

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, Fulton, Baese, DiLeo and Christie. Commissioner Fernandez was absent.

APPROVAL OF MINUTES:

Planning and Zoning Commission Meeting – July 24, 2012

Chairman Baese moved to table the minutes from the July 24, 2012 until the next Planning and Zoning Commission Meeting. Vice-Chair DiLeo seconds the motion. All votes aye. Motion carried.

CITIZENS COMMENTS

Chairman Baese opened the citizens comment period at 6:32 pm and called for comments on items not on the agenda or posted for public hearing. There were no comments. Chairman Baese closed the citizens comment period at 6:32 pm.

Chairman Baese moved to move item number 7 (Kyle Fair and Music Festival) to the beginning of the agenda. Commissioner Fulton seconds the motion. All votes aye. Motion carried.

Chairman Baese left the Dias at 6:33 p.m.

CONDITIONAL USE PERMIT/CONDITIONAL USE OVERLAY DISTRICT

CONSIDER A REQUEST BY MARYANN NAUMANN AND THE KYLE AREA CHAMBER OF COMMERCE FOR A CONDITIONAL USE PERMIT TO HOLD A KYLE FAIR AND MUSIC FESTIVAL ON PROPERTY LOCATED AT 24801 IH-35 (THUNDERHILL RACEWAY).

Vice-Chair DiLeo opened the public hearing at 6:34 p.m. and called for comments for or against the request by Maryann Naumann and the Kyle Area Chamber of Commerce for a Conditional Use Permit to hold a Kyle Fair and Music Festival on property located at 24801 IH-35 (Thunderhill Raceway). There were no comments. Vice-Chair DiLeo closed the public hearing at 6:34 p.m.

Commissioner Ryan moved to approve the request by Maryann Naumann and the Kyle Area Chamber of Commerce for a Conditional Use Permit to hold a Kyle Fair and Music Festival on property located at 24801 IH-35 (Thunderhill Raceway). Commissioner Fulton seconds the motion. All votes aye. Motion carried.

Chairman Baese returned to the Dias at 6:34 p.m.

CONSIDER AND ACT ON:

PLATS

CASTRO ADDITION (FP-12-006) 1.50 ACRES; 2 LOTS LOCATED AT 4455 AND 4440 DACY LANE.

Chairman Baese moved to statutorily disapprove the Castro Addition (FP-12-006) 1.50 acres; 2 Lots Located at 4455 and 4440 Dacy Lane. Commissioner Ryan seconds the motion. All votes aye. Motion carried.

PLUM CREEK PHASE 1 SECTION 6E 2-3 (FP-12-005) 10.1 ACRES; 49 SINGLE FAMILY, 1 GREENBELT, 1 PARK AND 2 EASEMENTS LOCATED TO THE NORTHEAST OF THE CURRENT END OF HELLMAN DRIVE, JUST EAST OF FM 2770.

Chairman Baese moved to statutorily disapprove the Plum Creek Phase 1 Section 6E 2-3 (FP-12-005) 10.1 acres; 49 Single Family, 1 Greenbelt, 1 Park and 2 Easements located to the Northeast of the current end of Hellman Drive, just east of FM 2770. Commissioner Kay seconds the motion. All votes aye. Motion carried.

SITE DEVELOPMENT PLAN

CONLEY CAR WASH – ICE MACHINE (SD-12-013) 1.079 ACRES; 825 SQUARE FOOT MACHINE LOCATED AT 6150 JACK C. HAYS TRAIL.

ACT ON LANDSCAPE VARIANCE REQUEST

Chairman Baese opened the public hearing at 6:40 p.m. and called for comments for or against the Conley Car Wash – Ice Machine (SD-12-013) 1.079 acres; 825 square foot machine on property located at 6150 Jack C. Hays Trail. Audie Gibson addressed the

Commission asking for site plan approval. Chairman Baese closed the public hearing at 6:41 p.m.

Commissioner Kay moved to approve the site plan and landscape variance with the condition that one tree and four shrubs be installed at the time of development and either a sidewalk variance be granted or construction of a sidewalk take place. Vice-Chair DiLeo seconds the motion. All votes aye. Motion carried.

CONDITIONAL USE PERMIT/CONDITIONAL USE OVERLAY DISTRICT

CONSIDER A REQUEST BY SCC KYLE PARTNERS (FIRESTONE) FOR A CONDITIONAL USE PERMIT TO CONSTRUCT A 8,142 SQUARE FOOT BUILDING LOCATED WITHIN THE IH-35 ZONING OVERLAY DISTRICT ON PROPERTY LOCATION AT 20301 IH-35.

Chairman Baese opened the public hearing at 6:54 p.m. and called for comments for or against the request by SCC Kyle Partners (Firestone) for a Conditional Use Permit on property located at 20301 IH-35. There were no comments. Chairman Baese closed the public hearing at 6:54 p.m.

Chris Randazzo addressed the Commission and stated that he was available for any questions that they may have.

Vice-Chair DiLeo moved to approve the request by SCC Kyle Partners (Firestone) for a Conditional Use Permit on property located at 20301 IH-35. Commissioner Ryan seconds the motion. All votes aye. Motion carried.

OTHER

CONSIDER A REQUEST BY DAVID ARMBRUST, ON BEHALF OF LEE GOODMAN TO AMEND A COMPROMISE AGREEMENT BETWEEN THE DEVELOPER OF THE WOODLANDS PARK SUBDIVISION AND THE CITY OF KYLE TO ALLOW FOR GARAGES OF REDUCED SIZE AND REDUCED SETBACK.

Eric deYoung addressed the Commission asking for the request to be granted. He was also available for any questions.

Commissioner Ryan moved to deny the request by David Armbrust, on behalf of Lee Goodman to amend a compromise agreement between the developer of the Woodlands Park Subdivision and the City of Kyle to allow for garages of reduce size and reduced setback. Vice-Chair DiLeo seconds the motion. All votes aye. Motion carried.

DISCUSSION AND RECOMMENDATION OF AN APPLICATION TO THE TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM UNDER THE PLANNING AND CAPACITY BUILDING FUND.

Raquel Garcia, City Grant Administrator gave a presentation to the Planning and Zoning Commission regarding an application to the Texas Community Development Block Grant program under the Planning and Capacity Building Fund.

Commissioner Ryan moved to approve the request to apply for the Texas Community Development Block Grant. Vice-Chair DiLeo amended the motion to include that the City seeks a minimum of \$20,000 instead of \$10,000 that staff had originally requested. Commissioner Kay seconds the motion. Commissioners Ryan, Kay, Baese, DiLeo, and Christie vote aye. Commissioner Fulton votes nay. Motion carried.

Chairman Baese opened the public hearing at 7:26 p.m. and called for comments for or against the request to apply for the Texas Community Development Block Grant. Lila Knight addressed the Commission and stated her concern the public hearing posting. She stated that there was not enough information in the newspaper regarding the purpose of the grant. Chairman Baese closed the public hearing at 7:28 p.m.

DISCUSSION ON PROPOSED I-35 OVERLAY ORDINANCE.

Sofia Nelson, Director of Planning updated the Planning and Zoning Commission on the proposed I-35 Overlay Ordinance.

STAFF REPORTS

Sofia Nelson, Director of Planning addressed the Commission asking for a workshop date for the proposed IH-35 Overlay Ordinance. The Commission agreed to have a workshop on September 17th at 6:30 p.m.

ADJOURN

With no further business to discuss, Chairman Baese moved to adjourn. Vice-Chair DiLeo seconds the motion. All votes aye. Motion carried.

The Planning & Zoning Meeting adjourned at 8:40 p.m.

Amelia Sanchez, City Secretary

Cale Baese, Chairman

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

The Planning and Zoning Commission of the City of Kyle, Texas met in regular session September 25, 2012 at 6:30 p.m. at Kyle City Hall, with the following persons present:

Commissioner Dan Ryan	Lila Knight
Commissioner Cicely Kay	Mike Bingham
Commissioner Mike Fulton	Eric Cromwell
Chairman Cale Baese	Ray Creswell
Commissioner Pat Fernande	Mike Watkins
Vice-Chair Jenny DiLeo	Gene Harris
Commissioner Michele Christie	Javier Barajas
Sofia Nelson, Director of Planning	Mike Bingham
Raquel Garcia, City Grant Administrator	

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, Fulton, Baese, Fernandez, DiLeo and Christie. No one was absent.

APPROVAL OF MINUTES:

Planning and Zoning Commission Meeting – July 24, 2012

Commissioner Ryan moved to approve the minutes from the July 24, 2012 Planning and Zoning Commission Meeting. Commissioner Fulton seconds the motion. All votes aye. Motion carried.

CITIZENS COMMENTS

Chairman Baese opened the citizens comment period at 6:31pm and called for comments on items not on the agenda or posted for public hearing. Gene Harris addressed the Commission with his concerns with the RV Park not be able to relocate. Mr. Harris stated that the City needs to embrace I-35 as a tool for this City and for the City not to say they don't want an RV Park or Truck Stop. Mr. Harris also stated that he was in favor of item #15 to allow a Gun Shop within CBD-2. Chairman Baese closed the citizens comment period at 6:32 pm.

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

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).

Chairman Baese opened the public hearing at 6:36 p.m. and called for comments for or against the request by HDF Investment. There were no comments. Chairman Baese closed the public hearing at 6:36 p.m.

Commission Fulton moved to approve the 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). Commissioner Ryan seconds the motion. Commissioners Ryan, Kay, Fulton, Baese, Fernandez and Christie vote aye. Vice-Chair DiLeo votes nay. Motion carried.

PLATS

CRYSTAL MEADOWS DRIVE (ROW) 4.557 ACRES; LOCATED OFF OF CRYSTAL MEADOWS DRIVE.

Chairman Baese moved to statutorily disapprove Crystal Meadows Drive (ROW). Vice-Chair DiLeo seconds the motion. All votes aye. Motion carried.

PLUM CREEK PHASE 1 SECTION 11J – FINAL PLAT; 19.100 ACRES; 1 LOT LOCATED SOUTHWEST OF THE INTERSECTION OF KOHLERS CROSSING AND FM 1626M ADJACENT TO THE PLUM CREEK GOLF COURSE DRIVING RANGE.

Commissioner Fulton moved to statutorily disapprove the Plum Creek Phase 1 Section 11J – Final Plat. Commissioner Ryan seconds the motion. All votes aye. Motion carried.

PLUM CREEK PHASE 1 SECTION 11J – PRELIMINARY PLAN; 19.100 ACRES; 1 LOT LOCATED SOUTHWEST OF THE INTERSECTION OF KOHLERS CROSSING AND FM 1626M ADJACENT TO THE PLUM CREEK GOLF COURSE DRIVING RANGE.

Commissioner Fulton moved to statutorily disapprove the Plum Creek Phase 1 Section 11J - Preliminary Plan. Commissioner Ryan seconds the motion. All votes aye. Motion carried.

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.

Commissioner Fulton moved to statutorily disapprove the Plum Creek Phase 1 Section 6E 2-3 Preliminary Plan. Commissioner Ryan seconds the motion. All votes aye. Motion carried.

POST OAK PHASE 4B (FP-09-005) 19.341 ACRES; 63 LOTS LOCATED OFF OF CR 158, JUST EAST OF POST ROAD.

Vice-Chair DiLeo moved to approve Post Oak Phase 4B (FP-09-005) conditional of the approval of public improvement construction plans by City Engineer. Commissioner Fulton seconds the motion. All votes aye. Motion carried.

SITE DEVELOPMENT PLAN / CONDITIONAL USE PERMIT

AUSTIN COMMUNITY COLLEGE – HAYS CAMPUS (SD-12-014) 96.115 ACRES; 1 LOT LOCATED AT 1200 KOHLER'S CROSSING.

Chairman Baese opened the public hearing at 6:42 p.m. and called for comments for or against Austin Community College – Hays Campus (SD-12-014). Mike Bingham addressed the Commission asking what the square footage of the building is. Chairman Baese closed the public hearing at 6:42 p.m.

Vice-Chair DiLeo moved to approve the Site Plan for Austin Community College – Hays Campus with the conditional that all outstanding Engineering comments be addressed. Commissioner Ryan seconds the motion. All votes aye. Motion carried.

FIRST BAPTIST CHURCH – SITE PLAN (SD-12-015) 1.66 ACRES; 1 LOT LOCATED AT 400 W. CENTER STREET.

CONSIDER A REQUEST BY FIRST BAPTIST CHURCH FOR A CONDITIONAL USE PERMIT TO CONSTRUCT A 10,059 SQUARE FOOT BUILDING LOCATED AT 400 WEST CENTER STREET AND WITHIN THE CENTER STREET OVERLAY DISTRICT.

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.

Chairman Baese opened the public hearing at 6:50 p.m. and called for comments for or against the First Baptist Church – Site Plan (SD-12-015), Conditional Use Permit to construct a 10,059 square foot building and Conditional Use Permit to construct a parking lot. Gene Harris asked if the building had enough fire exits. Ray Creswell addressed the question stating that there were enough fire exits for the building. Chairman Baese closed the public hearing at 6:52p.m.

Eric Cromwell addressed the Commission to answer any questions that they may have.

Chairman Baese move to approve the First Baptist Church – Site Plan (SD-12-015) Conditional Use Permit to construct a 10,059 square foot building at 400 W. Center Street and Conditional Use Permit to construct a parking lot at 110 N. Nance and approve the request for an exception to a non-conformity conditional on all outstanding engineering and public works comments being addressed. Commissioner Ryan seconds the motion. All votes aye. Motion carried.

COMPREHENSIVE MASTER PLAN

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.

Lila Knight, Chair of the Long Range Planning Committee addressed the Commission stating that the Long Range Planning Committee recommended 3-1 against amending the Comprehensive Master Plan for the Regional Node Future Land Use District and recommended 3-2 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.

Chairman Baese opened the public hearing at 7:10 p.m. and called for comments for or against the request 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. There were no comments. Chairman Baese closed the public hearing at 7:10 p.m.

Chairman Baese re-opened the public hearing at 7:10 p.m. and called for comments for or against the request 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. Mike Watkins addressed the Commission and stated that he was against the request. Chairman Baese closed the public hearing at 7:13 p.m.

OTHER

DISCUSSION REGARDING PUBLIC INPUT RECEIVED FOR THE PROPOSED I-35 OVERLAY DISTRICT.

Sofia Nelson, Director of Planning gave a presentation to the Planning and Zoning Commission regarding the feedback from the public on the proposed I-35 Overlay District Ordinance.

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.

Chairman Baese opened the public hearing at 7:42 p.m. and called for comments for or against the request by John Sanford. John Sanford, Property Owner addressed the Commission asking that the request be granted. Gene Harris and Jeff Barton spoke in favor of the request. Chairman Baese closed the public hearing at 7:45 p.m.

Commissioner Fulton moved to approve the 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. Commissioner

Christie seconds the motion. Commissioners Ryan, Fulton, Baese, Christie and Fernandez vote aye. Commissioners DiLeo and Kay vote nay. Motion carried.

DISCUSSION REGARDING A PROPOSED TREE ORDINANCE

Sofia Nelson, Director of Planning addressed the Commission stating that she is working on the revisions for the proposed tree ordinance. The Planning and Zoning Commission gave additional feedback for Sofia to add to the propose tree ordinance.

STAFF REPORTS

None

ADJOURN

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

The Planning & Zoning Meeting adjourned at 8:03 p.m.

Amelia Sanchez, City Secretary

Cale Baese, Chairman



CITY OF KYLE, TEXAS

Election of Chair / Vice-Chair

Meeting Date:
10/23/2012
Date time: 6:30 PM

Subject/Recommendation: Election of Chair and Vice-Chair

Other Information:

Budget Information:

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CITY OF KYLE, TEXAS

Staff Report

Meeting Date:
10/23/2012
Date time: 6:30 PM

Subject/Recommendation: • Directors Report

Other Information:

Budget Information:

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Cover Memo

Item # 3



CITY OF KYLE, TEXAS

Noble Man Parking Variance Request

Meeting Date:
10/23/2012
Date time: 6:30 PM

Subject/Recommendation: Consider a request by Noble Man Services, LLC. for a waiver for parking space requirements for a building with in the Original Town, located at 300 S. Front Street.

- Planning and Zoning Recommendation to City Council

Other Information: Please see attachments

Budget Information: N/A

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Attachments / click to download

- [Variance Request Letter](#)
- [Staff Report](#)
- [Photo](#)

MEMO

To: Planning and Zoning Commission

From: Sofia Nelson, Director of Planning

Date: October 17, 2012

Re: Request to allow Nobleman Services- parking variance (300 S. Front Street)

Background

The subject property is located at 300 S. Front Street, two blocks south of Center Street. The property is zoned Retail Services (RS) and is utilized as mechanics garage. The current business opened in May 2011 without a Certificate of Occupancy and as a result opened without the required parking for the use. The RS zoning designation requires one parking space for each 250 square feet of gross floor area. As a result the use of the site would require 16 parking spaces, based on a 4,000 square foot facility. The code states the parking may be on street or off street and the City Council may, based on a site plan approved by council, waive all or part of these parking space requirements for buildings within the original town. The applicant is requesting a waiver of the requirements since the property is located within Original Town of Kyle and based on the nature of the business (please see the attached variance request letter for an explanation of the nature of the business). The applicant is seeking a waiver to the parking requirement prior to submittal of a site plan because should the business not be required to provide additional parking the applicant would not be required to submit a site plan. Should the applicant not be granted a waiver for the parking the applicant would be required to submit a site plan and bring the site into full-compliance with landscaping, parking and sidewalk requirements.

Staff Analysis

The subject property includes 6 lots, extending from the corner of Front and Moore Streets south towards South Street. The existing building is used as a mechanics garage and is built over a lot line. Additionally the building is built as a zero-lot line development along the front building line. As seen in the attached aerial photographs of the property, although on legally separate lots, the development has storage yard space on either side of the building that are enclosed with chain-link type fencing.

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

- It appears that there is a parking area (non-paved) within the right-of-way (ROW) outside of street travel lanes that is sufficient for short-term parking.
- It does not appear that the intent of the parking ordinance is to allow on-street parking for storage or overnight parking.

- The building is not increasing in size, however should paved parking be required for the business a site development permit will be required for the site.
- The business across Moore Street from the subject property, Chapa Auto Parts, appears to have been in the same situation as the Nobelman business with respect to the location of the building to the front property line. However it appears that Chapa Auto Parts has constructed a small paved area for parking area for customers in front of their building.
- If it is the Commission's desire to grant the variance the Commission should consider adding the following conditions to the variance:
 - Should the building be increased in size the variance shall become void
 - Should the use of the building be changed the variance shall become void
 - There shall be no overnight parking within the public ROW
 - Any storage or parking of vehicles within the property shall be on paved surface per Section 53-33 of the City of Kyle Code.

NOBLE MAN SERVICES, LLC
300 S. FRONT STREET
KYLE, TEXAS 78640
512-262-6166 or 512-468-1524

CITY OF KYLE
OCT 09 2012
PLANNING DEPARTMENT

October 9, 2012

Re: Parking Variance

Dear Ladies/Gentlemen:

We met with Sophia, Lupe and Mario on October 1, 2012 to discuss our options for obtaining the occupancy permit as required. As the lessor and not the owner of this building, we agreed to drop the U-Haul rentals from our business (in an effort to comply with city codes) which will release us from having to submit the Site Development Permit, Conditional Use Permit and Building Permit as previously requested by the City of Kyle. The U Haul equipment has been removed from the property except for one (1) truck and one (1) trailer, they are scheduled to go out today.

Therefore, the only other thing that needs to be addressed is the parking area in front of the business. Because we are a vehicle repair facility, 95% of our customer's vehicles are brought into the shop upon drop off or as soon as possible thereafter, leaving the front unoccupied, with the exception of our trucks. We don't do a lot of in and out work, our work is usually two (2) to three (3) days to complete because we do engine rebuilds, overhauls and things of that nature that take more time than a standard oil change. We rarely have overnight parking in the front as vehicles are moved inside the secured fenced yard or inside the shop daily when we close. For those reasons, we respectfully request that you grant Noble Man Services a variance in the parking requirements/city code which includes paving the front area of the business. We believe that since the area concerned is a city right-of-way that this matter can, hopefully in the future, be resolved by the property owner and the city.

Thank you in advance for your consideration regarding this variance and please feel free to contact us at the above referenced numbers or at noblemanservices@yahoo.com.

We have included the variance fee of \$415.58. Thank you again for the opportunity to comply with city code.

Sincerely,



Stephen Graham
Noble Man Services



0 25 50 100 Feet

N
W E
S
Item # 4



CITY OF KYLE, TEXAS

Crystal Meadow Drive (ROW)

Meeting Date:
10/23/2012
Date time: 6:30 PM

Subject/Recommendation: Crystal Meadow Drive (Private ROW) of Century Acres Amended Plat
4.557 acres, (Roadway)
Located off of Crystal Meadows Drive
Owner: Century Acres Property Owners Associates
Agent: Jenn Dermanci, P.E., Doucet & Associates

- Planning and Zoning Recommendation to City Council

Other Information: Please see attachments

Budget Information: N/A

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Attachments / click to download

[Plat](#)

[Staff Report](#)

Cover Memo

Item # 5

MEMORANDUM

TO: Planning and Zoning Commission
FROM: Sofia Nelson, Director of Planning
DATE: October 16, 2012
SUBJECT: Crystal Meadows Drive

BACKGROUND***Site Information and Proposal***

The subject property is approximately 0.505 acres and is located adjacent to the Hays County Precinct office, within the City's ETJ. The current Crystal Meadows Drive is a private street, however the 0.505 acres covered in this plat will become public ROW.

Utilities

The area covered within this subdivision plat is a public ROW; no utilities will be extended within this street.

Access

The subject property will provide additional access to the Hays County Precinct Office Development.

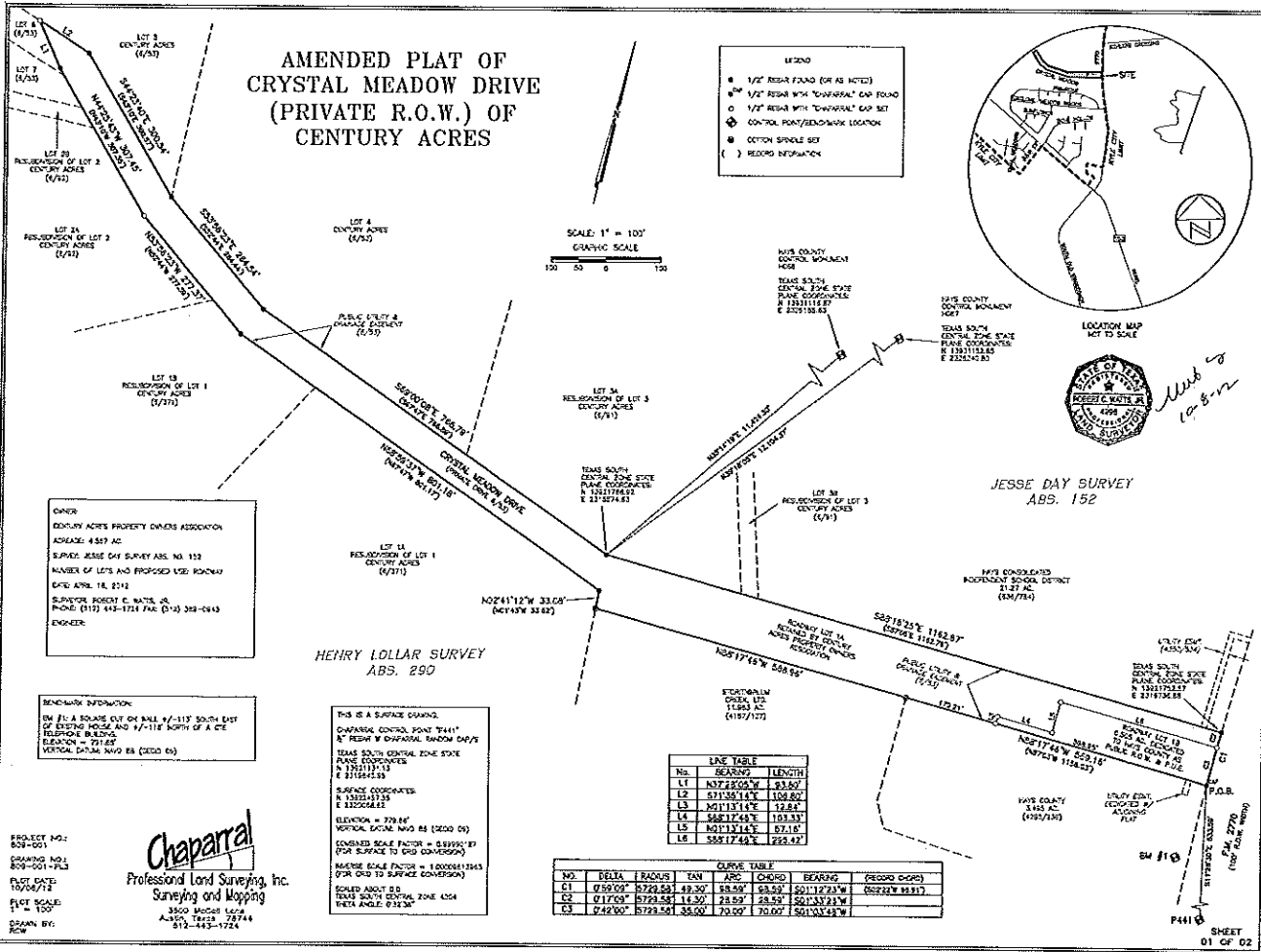
STAFF RECOMMENDATION:

The purpose of a Final Subdivision Plat is to assure that the division or development of the land subject to the plat is consistent with all standards of the City of Kyle Code pertaining to the adequacy of public facilities, that public improvements to serve the subdivision or development have been installed and accepted by the City or that provision for such installation has been made, that all other requirements and conditions have been satisfied or provided for to allow the plat to be record, and to assure that the subdivision meets all other zoning and subdivision requirements.

Staff has reviewed the proposed plats and has made the following findings:

- The plat is consistent with all subdivision requirements.
- The proposed provision and configuration of roads, water, wastewater, and drainage has been reviewed by the City Engineer and has been declared substantially complete.

AMENDED PLAT OF CRYSTAL MEADOW DRIVE (PRIVATE R.O.W.) OF CENTURY ACRES



OWNER
CENTURY ACRES PROPERTY OWNERS ASSOCIATION
ADDRESS: 4537 AVENUE
SURVEY: JESSE DAY SURVEY, NO. 112
NUMBER OF LOTS AND PROPOSED USE: RESIDENTIAL
DATE: APRIL 14, 2012
SURVEYOR: ROBERT C. WATTS, JR.
PHONE: (912) 432-1721 FAX: (912) 352-0543
ENGINEER

BENCHMARK INFORMATION
BM 11: A BOUNDS CORNER ON BALE 47-113' SOUTH EAST OF EXISTING HOUSE AND 47-118' NORTH OF A C&E TELEPHONE BLANK.
ELEVATION = 731.82'
VERTICAL DATUM: NAVD 83 (2000 EG)

PROJECT NO.: 200-001
DRAWING NO.: 200-001-PL-1
PLOT DATE: 10/06/12
PLOT SCALE: 1" = 100'
DRAWN BY: R.W.

Chaparral
Professional Land Surveying, Inc.
Surveying and Mapping
3500 Mitchell Lane
Atlanta, GA 30326
404-252-7274
404-252-1724

THIS IS A SURFACE DRAWING.
CONFORMS TO THE SURVEYING AND MAPPING ACT OF 1947 AS AMENDED BY THE SURVEYING AND MAPPING ACT OF 1977.
TEAMS SOUTH CENTRAL ZONE STATE PLANE COORDINATES: N 2311137.13 E 2315821.53
ELEVATION = 729.84'
VERTICAL DATUM: NAVD 83 (2000 EG)
CORNER SCALE FACTOR = 0.99999743
MAGNETIC SCALE FACTOR = 1.00001243
GRID GRID TO SURFACE CORRECTION
SOUND ABOUT 100
TEAMS SOUTH CENTRAL ZONE COG
MAGNETIC ANGLE 93.33'

LINE TABLE	
NO.	LENGTH
L1	837.2205 W 43.80'
L2	831.3551 W 108.80'
L3	821.1331 W 17.84'
L4	848.1143 E 113.33'
L5	821.1331 W 87.16'
L6	835.1742 E 252.47'

CURVE TABLE						
NO.	DELTA	RADIUS	TAN	ARC	CHORD	BEARING
C1	0.5902°	2729.28'	49.30'	58.50'	501.1273 W	202.22 W 93.81'
C2	0.7103°	2729.28'	49.30'	73.50'	28.50' S 14.73 W	
C3	0.4200°	2729.28'	49.30'	70.00'	501.1273 W	

AMENDED PLAT OF CRYSTAL MEADOW DRIVE (PRIVATE R.O.W.) OF CENTURY ACRES

OWNER'S ACKNOWLEDGMENT
I, _____, being one of the owners of the above described property, do hereby acknowledge that the above described plat was prepared by _____ a duly licensed Professional Land Surveyor, and that the same is a true and correct copy of the original plat on file in the office of the County Clerk of this County, Georgia.

STATE OF GEORGIA
COUNTY OF _____

BEFORE ME, the undersigned authority, on this _____ day of _____, 2012, _____, known to me to be the person whose name is subscribed to the foregoing plat, acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this _____ day of _____, 2012.

Notary Public for the State of Georgia

PLANNING AND ZONING COMMISSION CERTIFICATION
I, _____, Chairman of the Planning and Zoning Commission, do hereby certify that the above described plat complies with the provisions of the Comprehensive Zoning Ordinance of the City of Atlanta, Georgia, and that the same is a true and correct copy of the original plat on file in the office of the County Clerk of this County, Georgia.

CITY CLERK CERTIFICATION
I, _____, City Clerk, do hereby certify that the above described plat is a true and correct copy of the original plat on file in the office of the County Clerk of this County, Georgia.

PLAT INFORMATION
THIS PLAT (AMENDED PLAT OF CRYSTAL MEADOW DRIVE (PRIVATE R.O.W.) OF CENTURY ACRES) WAS FILED FOR RECORD IN THE OFFICE OF THE COUNTY CLERK OF THE COUNTY OF _____, GEORGIA, ON THIS _____ DAY OF _____, 2012.

CHAPARRAL
Professional Land Surveying, Inc.
Surveying and Mapping
3500 Mitchell Lane
Atlanta, GA 30326
404-252-7274
404-252-1724

THIS PLAT IS APPROVED BY THE FOLLOWING OFFICERS -
PLANNING AND ZONING COMMISSION: _____
CITY CLERK: _____
COUNTY CLERK: _____

THIS PLAT IS APPROVED BY THE FOLLOWING OFFICERS -
PLANNING AND ZONING COMMISSION: _____
CITY CLERK: _____
COUNTY CLERK: _____

THIS PLAT IS APPROVED BY THE FOLLOWING OFFICERS -
PLANNING AND ZONING COMMISSION: _____
CITY CLERK: _____
COUNTY CLERK: _____



CITY OF KYLE, TEXAS

Hometown Kyle 4-A - Final Plat

Meeting Date:
10/23/2012
Date time: 6:30 PM

Subject/Recommendation: Hometown Kyle Phase 4A - Final Plat (FP-12-004)
8.948 acres; 40 Single Family Lots
Located off of Chapparo Drive
Owner: RH of Texas, LP
Agent: Steven Ihnen, P.E., GICE, Inc.

- Planning and Zoning 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](#)

[Staff Report](#)

Cover Memo

Item # 6

MEMORANDUM

TO: Planning and Zoning Commission
FROM: Will Migl, Planning Intern
DATE: October 16, 2012
SUBJECT: Hometown Kyle Phase 4A- Development Agreement

BACKGROUND

Site Information and Proposal

The proposed development lies within the Hometown Kyle Subdivision and consists of 14.177 acres of land that is contiguous to the Hometown Kyle Subdivision- Phase II. The development will contain 40 single family residential lots located off of Chapparo Drive.

Utilities

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

Access

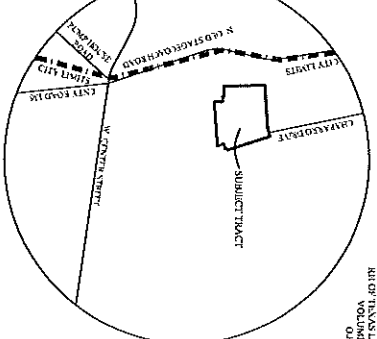
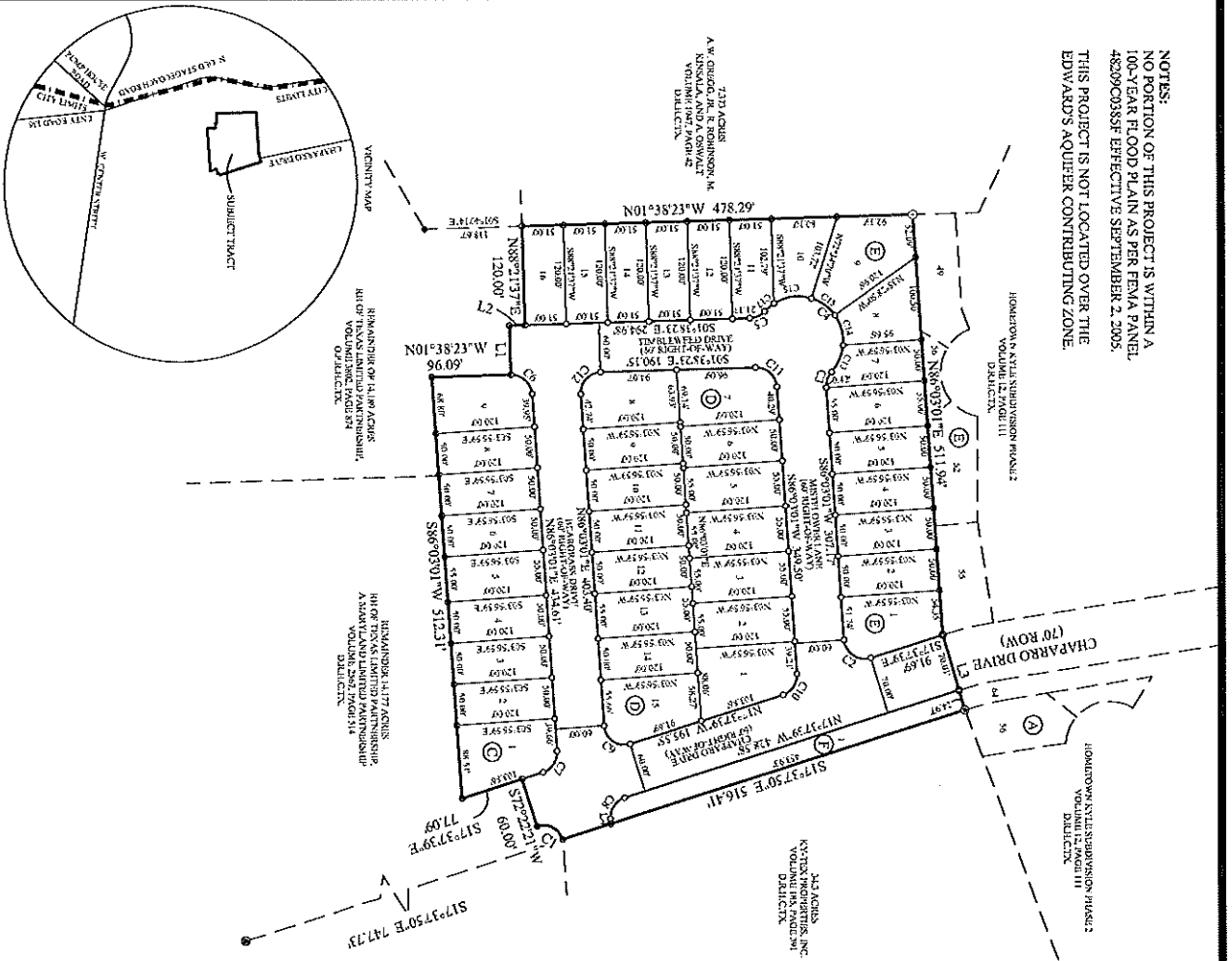
Lots will be accessible by an extension of Chapparo Drive and the construction of 3 new residential streets.

STAFF RECOMMENDATION:

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

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

NOTES:
 NO PORTION OF THIS PROJECT IS WITHIN A
 100-YEAR FLOOD PLAIN AS PER FEMA PANEL
 48399 CROSS SECTION EFFECTIVE SEPTEMBER 2, 2005.
 THIS PROJECT IS NOT LOCATED OVER THE
 EDWARDS' AQUIFER CONTRIBUTING ZONE.



OWNER/DEVELOPER
 BIT OF TEXAS LIMITED PARTNERSHIP
 1045 ONE MORADO CIRCLE
 SUITE 100
 AUSTIN, TEXAS 78759

ENGINEER
 DICE
 5600 W. PARKER LANE, SUITE 212
 AUSTIN, TEXAS 78727

SURVEYOR
 DELTA SURVEY GROUP, INC.
 8213 BRODIE LANE, SUITE 102
 AUSTIN, TEXAS 78745

LEGEND

- 1 INCH HIGH PIPE FOUND
- 1/2 INCH HIGH ROD WITH "MONOLAP" CAP ROUND
- 1/2 INCH HIGH ROD WITH "LAP" CAP ROUND
- 1/2 INCH HIGH ROD FOUND
- 1/2 INCH HIGH ROD WITH "DUAL SURVEY" CAP SET INCLUDING BACKSIGHT LINE
- PUBLIC UTILITY CONDUIT
- HIGHWAY RIGHT-OF-WAY
- DRAINAGE EASEMENT
- SPECIAL PUBLIC RECORDS, LAVIS COUNTY, TEXAS
- PART RECORDS, LAVIS COUNTY, TEXAS
- PUBLIC RECORDS, LAVIS COUNTY, TEXAS
- BLOCK DISCONTINUATION



LINE	BEARING	DISTANCE
1	N 89° 58' 12" W	14.88
2	S 89° 58' 12" E	14.88
3	N 89° 58' 12" W	14.88
4	S 89° 58' 12" E	14.88
5	N 89° 58' 12" W	14.88
6	S 89° 58' 12" E	14.88
7	N 89° 58' 12" W	14.88
8	S 89° 58' 12" E	14.88
9	N 89° 58' 12" W	14.88
10	S 89° 58' 12" E	14.88
11	N 89° 58' 12" W	14.88
12	S 89° 58' 12" E	14.88
13	N 89° 58' 12" W	14.88
14	S 89° 58' 12" E	14.88
15	N 89° 58' 12" W	14.88
16	S 89° 58' 12" E	14.88
17	N 89° 58' 12" W	14.88
18	S 89° 58' 12" E	14.88
19	N 89° 58' 12" W	14.88
20	S 89° 58' 12" E	14.88

LINE	BEARING	DISTANCE
1	N 89° 58' 12" W	14.88
2	S 89° 58' 12" E	14.88
3	N 89° 58' 12" W	14.88
4	S 89° 58' 12" E	14.88
5	N 89° 58' 12" W	14.88
6	S 89° 58' 12" E	14.88
7	N 89° 58' 12" W	14.88
8	S 89° 58' 12" E	14.88
9	N 89° 58' 12" W	14.88
10	S 89° 58' 12" E	14.88
11	N 89° 58' 12" W	14.88
12	S 89° 58' 12" E	14.88
13	N 89° 58' 12" W	14.88
14	S 89° 58' 12" E	14.88
15	N 89° 58' 12" W	14.88
16	S 89° 58' 12" E	14.88
17	N 89° 58' 12" W	14.88
18	S 89° 58' 12" E	14.88
19	N 89° 58' 12" W	14.88
20	S 89° 58' 12" E	14.88

LINE	BEARING	DISTANCE	CURVED LENGTH	CURVED BEARING	DETAILED
C1	N 89° 58' 12" W	14.88			
C2	S 89° 58' 12" E	14.88			
C3	N 89° 58' 12" W	14.88			
C4	S 89° 58' 12" E	14.88			
C5	N 89° 58' 12" W	14.88			
C6	S 89° 58' 12" E	14.88			
C7	N 89° 58' 12" W	14.88			
C8	S 89° 58' 12" E	14.88			
C9	N 89° 58' 12" W	14.88			
C10	S 89° 58' 12" E	14.88			
C11	N 89° 58' 12" W	14.88			
C12	S 89° 58' 12" E	14.88			
C13	N 89° 58' 12" W	14.88			
C14	S 89° 58' 12" E	14.88			
C15	N 89° 58' 12" W	14.88			
C16	S 89° 58' 12" E	14.88			
C17	N 89° 58' 12" W	14.88			
C18	S 89° 58' 12" E	14.88			
C19	N 89° 58' 12" W	14.88			
C20	S 89° 58' 12" E	14.88			

Delta Survey Group Inc.
 8213 Brodie Lane, Ste. 102, Austin, TX 78745
 office (512) 282-5200 fax (512) 282-5230

**HOMETOWN KYLE
 PHASE 4 SECTION 1**

JOHN PHARASS SURVEY NO. 13
 HAYS COUNTY, TEXAS
 MAY 2012

STATE OF TEXAS §
KNOW ALL THESE MEN BY PRESENTS:
COUNTY OF HAYS §

THAT, RH OF TEXAS LIMITED PARTNERSHIP, A MARYLAND LIMITED PARTNERSHIP, A CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF TEXAS, WITH HOME ADDRESS AT 1101 ARROW POINT DRIVE, SUITE 101, CEDAR PARK, TEXAS 78613, OWNER OF THAT CERTAIN 14.177 ACRE TRACT OF LAND OUT OF THE SAMUEL PHARASS SURVEY 14, ABSTRACT 360 AND THE JOHN PHARASS SURVEY 13, ABSTRACT 361, SITUATED IN HAYS COUNTY, TEXAS, AS CONVEYED TO IT BY DEED DATED OCTOBER 25, 2004, AND RECORDED IN VOLUME 2567, PAGE 514, HAYS COUNTY DEED RECORDS, AND OWNER OF THAT CERTAIN 14.189 ACRE TRACT OF LAND OUT OF THE JOHN PHARASS SURVEY 13, ABSTRACT 361, SITUATED IN HAYS COUNTY, TEXAS, AS CONVEYED TO IT BY DEED DATED JANUARY 6, 2010, AND RECORDED IN VOLUME 3502, PAGE 674, HAYS COUNTY DEED RECORDS, TOGETHER DO HEREBY SUBDIVIDE A COMBINED TOTAL OF 8.948 ACRES OF LAND OUT OF THE JOHN PHARASS SURVEY 13, ABSTRACT 361, TO BE KNOWN AS "HOMETOWN KYLE SUBDIVISION PHASE 4 SECTION 1", IN ACCORDANCE WITH THE PLAT SHOWN HEREON, SUBJECT TO ANY AND ALL EASEMENTS OR RESTRICTIONS HERETOFORE GRANTED, AND DO HEREBY DEDICATE TO THE PUBLIC THE USE OF THE STREETS, PUBLIC TRAILS, AND EASEMENTS SHOWN HEREON.

IN WITNESS WHEREOF THE SAID RH HOMES OF TEXAS LIMITED PARTNERSHIP, A MARYLAND LIMITED PARTNERSHIP HAS CAUSED THESE PRESENTS TO BE EXECUTED BY ITS VICE PRESIDENT, SCOTT TEETER, THEREUNTO DULY AUTHORIZED, THIS ___ DAY OF _____, 20__ A.D.

SCOTT TEETER, VICE PRESIDENT
1101 ARROW POINT DRIVE
SUITE 101
CEDAR PARK, TEXAS 78613

STATE OF TEXAS §
COUNTY OF HAYS §

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, ON THIS DAY PERSONALLY APPEARED SCOTT TEETER KNOWN TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATION THEREIN EXPRESSED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS THE ___ DAY OF _____, 20__ A.D.

(NOTARY PUBLIC IN AND FOR STATE OF TEXAS)

(PRINT OR TYPE NOTARY'S NAME)

STATE OF TEXAS §
COUNTY OF HAYS §

KNOW ALL MEN BY THESE PRESENTS:

THAT, LIZ Q. GONZALEZ, CLERK OF HAYS COUNTY COURT DOES HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT OF WRITING AND THE CERTIFICATE OF AUTHENTICATION WAS HELD FOR RECORD IN MY OFFICE ON THE ___ DAY OF _____, 20__ A.D. IN THE PLAT RECORDS OF SAID COUNTY AND STATE IN PLAT CABINET _____ PAGE(S) _____ WITNESS MY HAND AND SEAL OF OFFICE OF COUNTY CLERK OF SAID COUNTY ON THIS THE ___ DAY OF _____, 20__ A.D. FILED FOR RECORD AT _____ O'CLOCK ___ M. THIS THE ___ DAY OF _____, 20__ A.D.

LIZ Q. GONZALEZ
COUNTY CLERK
HAYS COUNTY, TEXAS

THIS FINAL PLAT (HOMETOWN KYLE SUBDIVISION, PHASE 4 SECTION 1) HAS BEEN SUBMITTED TO AND CONSIDERED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KYLE, TEXAS AND IS HEREBY APPROVED BY SUCH PLANNING AND ZONING COMMISSION. Attachment number 2 of Page 2 of 2

DATED THIS ___ DAY OF _____, 20__

BY: _____ ATTEST:
CHAIRPERSON

STATE OF TEXAS §
COUNTY OF HAYS §

I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECT, THAT IT WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND, AND THAT ALL NECESSARY SURVEY MONUMENTS ARE CORRECTLY SET OR FOUND AS SHOWN HEREON.

PRELIMINARY NOT FOR RECORDATION

JOHN C. NIELSEN DATE
REGISTERED PROFESSIONAL LAND SURVEYOR
NO. 5541 - STATE OF TEXAS
DELTA SURVEY GROUP, INC.
8213 BRODIE LANE, SUITE 102
AUSTIN, TEXAS 78745

I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, HEREBY CERTIFY THAT PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN THIS PLAT.

STEVE L. IHSEN DATE
PROFESSIONAL ENGINEER
No. 81916 STATE OF TEXAS
GARRETT-IHSEN CIVIL ENGINEERS
3600 WEST PARKER LANE, STE 212
AUSTIN, TEXAS 78727

I, THE UNDERSIGNED, CITY ENGINEER OF THE CITY OF KYLE, HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS OF THE SUBDIVISION ORDINANCE AND RECOMMEND APPROVAL.

STEVEN WIDACKI, P.E. DATE
CITY OF KYLE
100 WEST CENTER
KYLE, TX 78640

I, THE UNDERSIGNED, DIRECTOR OF PUBLIC WORKS OF THE CITY OF KYLE, HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS OF THE CITY OF KYLE AND RECOMMEND APPROVAL.

HARPER WILDER
DIRECTOR OF PUBLIC WORKS

I, THE UNDERSIGNED, MAYOR OF THE CITY OF KYLE, HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS OF THE CITY OF KYLE AND RECOMMEND APPROVAL.

LUCY JOHNSON
MAYOR

I HEREBY CERTIFY THAT THE ABOVE AND FOREGOING PLAT OF HOMETOWN KYLE SUBDIVISION, PHASE 4 SECTION 1 ADDITION TO THE CITY OF KYLE, WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF KYLE ON THE ___ DAY OF _____, 20__ SAID ADDITION SHALL BE SUBJECT TO ALL THE REQUIREMENTS OF THE SUBDIVISION ORDINANCE OF THE CITY OF KYLE, TEXAS.

WITNESS MY HAND THIS ___ DAY OF _____, 20__

AMELIA SANCHEZ
CITY SECRETARY

GENERAL NOTES:

1. A 20-FOOT PUBLIC UTILITY EASEMENT AND DRAINAGE EASEMENT IS HEREBY DEDICATED ADJACENT AND PARALLEL TO THE FRONT OF ALL LOTS EXCEPT FOR SIDE YARDS AND CORNER LOTS.
2. A 10-FOOT PUBLIC UTILITY EASEMENT AND DRAINAGE EASEMENT IS HEREBY DEDICATED ADJACENT AND PARALLEL TO THE RIGHT-OF-WAY WHERE THERE IS A 15-FOOT BUILDING LINE SHOWN ON THE FACE OF THE PLAT.
3. A 10-FOOT PUBLIC UTILITY EASEMENT AND DRAINAGE EASEMENT IS HEREBY DEDICATED ALONG THE REAR PROPERTY LINES.
4. A 5-FOOT PUBLIC UTILITY EASEMENT AND DRAINAGE EASEMENT IS HEREBY DEDICATED ALONG THE SIDE PROPERTY LINES.
5. 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.
6. SIDEWALKS SHALL BE BUILT ALONG BOTH SIDES OF ALL STREETS WITHIN THE HOMETOWN KYLE SUBDIVISION, PHASE 4 SECTION 1. ALL SIDEWALKS SHALL BE A MINIMUM OF 4-FEET IN WIDTH AND BUILT IN COMPLIANCE WITH THE REQUIREMENTS OF THE CITY OF KYLE. HANDICAP RAMPS ARE TO BE BUILT AS PART OF THE SUBDIVISION CONSTRUCTION AND SHALL BE IN PLACE PRIOR TO SUBDIVISION ACCEPTANCE. SIDEWALKS ACROSS FRONTAGE OF ALL HOMEOWNERS ASSOCIATION LOTS AND EASEMENTS LOTS SHALL BE BUILT AS PART OF SUBDIVISION STREET CONSTRUCTION.
7. NO OBJECTS INCLUDING SIGNAGE, BUILDING, ACCESSORY BUILDING, FENCING OR LANDSCAPING WHICH WOULD INTERFERE WITH CONVEYANCE OF STORM WATER SHALL BE PLACED OR ERECTED WITHIN ANY DRAINAGE EASEMENT WITHOUT PRIOR APPROVAL OF THE CITY OF KYLE.
8. EACH PROPERTY OWNER OF A LOT ON WHICH DRAINAGE EASEMENT(S) ARE PLATTED SHALL BE RESPONSIBLE FOR KEEPING GRASS AND WEEDS NEATLY CUT AND EASEMENT AREA FREE OF DEBRIS AND TREE BRUSH REGROWTH.
9. OWNER(S) OF PROPERTY WITH DRAINAGE AND UTILITY EASEMENT(S) SHALL ALLOW ACCESS FOR INSPECTIONS, REPAIR, MAINTENANCE AND RECONSTRUCTION AS MAY BE NECESSARY.
10. PLACEMENT OF FILL MATERIAL, OR STRUCTURES, OR CHANNEL MODIFICATIONS WITHIN 100-YEAR FLOOD PLAIN IS PROHIBITED.
11. MAINTENANCE AND UPKEEP OF DETENTION BASINS AND RELATED APPURTENANCES SHALL BE THE RESPONSIBILITY OF THE HOMEOWNERS ASSOCIATION LOTS UPON WHICH FACILITIES ARE LOCATED.
12. ACCESS TO EVERY LOT IS LIMITED TO ONLY STREETS PLATTED AS PART OF THIS SUBDIVISION. ACCESS TO ANY LOT FROM F.M. 150 OR OLD STAGECOACH ROAD IS PROHIBITED.
13. ALL SETBACKS SHALL CONFORM TO THE CITY OF KYLE ZONING ORDINANCE.
14. LOT 1, BLOCK F, IS A PUBLIC TRAIL EASEMENT AND SHALL BE MAINTAINED BY THE HOMEOWNERS ASSOCIATION.

DESCRIPTION OF A 8.948 ACRE TRACT PREPARED BY DELTA SURVEY GROUP INC., IN MAY 2012, LOCATED IN THE JOHN PHARASS SURVEY NO. 13, HAYS COUNTY, TEXAS AND BEING A PORTION OF A 14.177 ACRE TRACT CONVEYED TO RH OF TEXAS LIMITED PARTNERSHIP, A MARYLAND LIMITED PARTNERSHIP, AS DESCRIBED IN VOLUME 2567, PAGE 514, DEED RECORDS, HAYS COUNTY, TEXAS, AND BEING A PORTION OF A 14.189 ACRE TRACT CONVEYED TO SAID RH OF TEXAS IN VOLUME 3802, PAGE 674 DEED RECORDS, HAYS COUNTY, TEXAS, SAID 8.948 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1 inch iron pipe found for the northeast corner of said 14.177 acre tract, same being the southeast corner of Lot 64, Block A, Hometown Kyle Subdivision, Phase 2, a subdivision of record in Volume 12, Page 111, Plat Records, Hays County, Texas, also being the southwest corner of Lot 56 of said Block A, also being the northwest corner of a 34.3 acre tract conveyed to Ky-Tex Properties, Inc. in Volume 185, Page 391, Deed Records, Hays County, Texas for the POINT OF BEGINNING;

THENCE with the west line of said 34.3 acre tract, same being the east line of said 14.177 acre tract S 17°37'50" E a distance of 516.41 feet to a 1/2 inch iron rod with plastic "DELTA SURVEY" cap set, from which a 1" iron pipe found for the southeast corner of said 14.177 acre tract bears S 17°37'50" E a distance of 747.73 feet;

THENCE leaving said common line and crossing said 14.177 acre tract and said 14.189 acre tract the following eight (8) courses and distances:


1. thence with a curve to the left with an arc length of 39.27 feet, with a radius of 25.00 feet, with a chord bearing of S 27°21'09" W, with a chord length of 35.35 feet to a 1/2 inch iron rod with plastic "DELTA SURVEY" cap set;
2. S 72°22'21" W a distance of 60.09 feet to a 1/2 inch iron rod with plastic "DELTA SURVEY" cap set;
3. S 17°37'39" E a distance of 77.09 feet to a 1/2 inch iron rod with plastic "DELTA SURVEY" cap set;
4. S 86°03'01" W a distance of 512.31 feet to a 1/2 inch iron rod with plastic "DELTA SURVEY" cap set;
5. N 01°35'23" W a distance of 96.09 feet to a 1/2 inch iron rod with plastic "DELTA SURVEY" cap set;
6. S 85°21'37" W a distance of 60.09 feet to a 1/2 inch iron rod with plastic "DELTA SURVEY" cap set;
7. N 01°35'23" W a distance of 18.85 feet to a 1/2 inch iron rod with plastic "DELTA SURVEY" cap set;
8. S 85°21'37" W a distance of 120.00 feet to a 1/2 inch iron rod with plastic "DELTA SURVEY" cap set in the west line of said 14.189 acre tract, same being the east line of a 7.373 acre tract conveyed to A.W. Gregg, Jr., R. Robinson, M. Kinsala, and A. Orval in Volume 1947, Page 42, Deed Records, Hays County, Texas, from which a 1/2 inch iron rod found for the southeast corner of said 7.373 acre tract bears S 01°35'23" E a distance of 118.67 feet;

THENCE with the west line of said 14.189 acre tract and said 14.177 acre tract, same being the east line of said 7.373 acre tract N 01°35'23" W a distance of 478.29 feet to an iron rod with aluminum "MCMILLAN" cap found for the northwest corner of said 14.177 acre tract, same being the southeast corner of Lot 49, Block E of said Hometown Kyle Subdivision, Phase 2;

THENCE with the south line of said subdivision, same being the north line of said 14.177 acre tract the following two (2) courses and distances:

1. N 86°03'01" E a distance of 511.94 feet to an iron rod with plastic "LAI" cap found for the southeast corner of Lot 55, of said Block E, same being in the west right-of-way (R.O.W) line of Chaparral drive (70' R.O.W), end;
2. N 73°14'52" E a distance of 94.98 feet to the POINT OF BEGINNING and containing 8.948 acres of land more or less.

BEARING BASIS: Texas State Plane Coordinate System, South Central Zone, NAD83 HARN

 Delta Survey Group Inc.

8213 Brodie Lane Ste. 102 Austin, TX. 78745
offices (512) 282-5200 fax (512) 282-5230

HOMETOWN KYLE
PHASE 4 SECTION 1

Item # 6

SHEET
2
OF
2



CITY OF KYLE, TEXAS

Plum Creek Phase 1 Section 6E 2-3

Meeting Date:
10/23/2012
Date time: 6:30 PM

Subject/Recommendation: Plum Creek Phase 1 Section 6E 2-3 Final Plat (FP-12-005)
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, Axiom Engineers, Inc.

- Planning and Zoning 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](#)

[Staff Report](#)

Cover Memo

Item # 7

MEMORANDUM

TO: Planning and Zoning Commission
FROM: Sofia Nelson, Director of Planning
DATE: October 16, 2012
SUBJECT: Plum Creek Section 6E2-3- Preliminary and Final Plats

BACKGROUND**Site Information and Proposal**

The proposed development lies within the Plum Creek development and consists of 10.1 acres and is located northeast of the current end of Hellman Drive just east of FM 2770. The development will contain 49 single family residential lots, a greenway lot and a small park.

Utilities

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

Access

Lots 8 through 16 (Block E) and lots 19 through 23 (Block E) do not contain frontage on a public or private street, rather they will front on a central greenway. Vehicle access to these lots will be via alleys 1 and 5 with each lot having a rear load garage configuration.

STAFF RECOMMENDATION:

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

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

The following condition shall be placed on the approval of the plat:

- Pending the approval of the public improvement construction plans by the City Engineer. The construction plans are substantially complete and are pending revisions that do not affect the alignment or configuration of the roadways or utilities.

PLUM CREEK PHASE I, SECTION 6E2-3

STATE OF TEXAS
COUNTY OF TRAVIS

KNOW ALL MEN BY THESE PRESENTS, THAT WE, PLUM CREEK DEVELOPMENT PARTNERS, LTD., A LIMITED PARTNERSHIP ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF TEXAS, WITH ITS HOME ADDRESS AT 200 CONGRESS AVENUE, SUITE 8A, AUSTIN, TEXAS 78701, BEING THE OWNER OF THAT CERTAIN 10.100 ACRE TRACT OF LAND IN THE JESSE DAY SURVEY NO. 162, A-152 AND THE HENRY LOLLER SURVEY NO. 19, A-290, HAYS COUNTY, TEXAS, BEING A PORTION OF THE REMAINDER OF A CALLED 66.818 ACRE TRACT OF LAND DESIGNATED AS PARCEL 1, IN VOLUME 2881, PAGE 592, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, DO HEREBY SUBDIVIDE SAID 10.100 ACRES AS SHOWN ON THIS PLAN, AND DESIGNATED HEREIN AS THE PLUM CREEK PHASE I, SECTION 6E2-3 SUBDIVISION TO THE CITY OF KYLE, TEXAS, AND WHERE NAME IS SUBSCRIBED HERETO, HEREBY DEEDATE TO THE USE OF THE PUBLIC FOREVER PUBLIC RIGHT OF WAYS OF HELLMAN, HERZOG, AND KIRBY, AND DRAINAGE EASEMENTS (INCLUDING LANDSCAPE AREA WITHIN EASEMENTS), PARKS AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSE AND CONSIDERATION THEREIN EXPRESSED.

WHEREOF THE SAID PLUM CREEK DEVELOPMENT PARTNERS, LTD., OWNER, HAS CAUSED THESE PRESENTS TO BE EXECUTED BY ITS GENERAL PARTNER, B29 PLUM CREEK DEVELOPERS, LTD., THEREAFTER DULY AUTHORIZED, GENERAL PARTNER HAS CAUSED THESE PRESENTS TO BE EXECUTED BY ITS GENERAL PARTNER, BENCHMARK LAND DEVELOPMENT, INC.

PLUM CREEK DEVELOPMENT PARTNERS, LTD.,
A TEXAS LIMITED PARTNERSHIP
BY: B29 PLUM CREEK DEVELOPERS, LTD.,
A TEXAS LIMITED PARTNERSHIP, GENERAL PARTNER
BY: BENCHMARK LAND DEVELOPMENT, INC.,
A TEXAS CORPORATION, GENERAL PARTNER
BY:
DAVID C. MAHN, VICE PRESIDENT

STATE OF TEXAS
COUNTY OF TRAVIS

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED, DAVID C. MAHN, VICE PRESIDENT OF BENCHMARK LAND DEVELOPMENT, INC., KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN STATED, GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS _____ DAY OF _____, 2012.

BY: _____
NOTARY PUBLIC

STATE OF TEXAS
COUNTY OF HAYS

KNOW ALL MEN BY THESE PRESENTS:

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

BY: _____
LIZ Q. GONZALES
COUNTY CLERK
HAYS COUNTY, TEXAS

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

BY: _____
CHAIRPERSON

THIS PLAT (PLUM CREEK PHASE I, SECTION 6E2-3) HAS BEEN SUBMITTED TO AND CONSIDERED BY THE PLANNING COMMISSION OF THE CITY OF KYLE, TEXAS AND IS HEREBY APPROVED BY THE COMMISSION.

DATED THIS _____ DAY OF _____, 2012.
BY: _____
ATTEST:
SECRETARY

THIS PLAT (PLUM CREEK PHASE I, SECTION 6E2-3) HAS BEEN SUBMITTED TO AND CONSIDERED BY THE CITY COUNCIL OF THE CITY OF KYLE, TEXAS AND IS HEREBY APPROVED BY THE COUNCIL.

DATED THIS _____ DAY OF _____, 2012.
BY: _____
ATTEST:
SECRETARY

STATE OF TEXAS
COUNTY OF TRAVIS

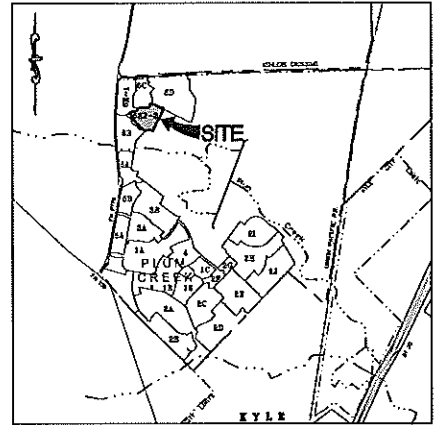
I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, HEREBY CERTIFY THAT THE PLAT AND ALL PLANS AND SPECIFICATIONS WHICH ARE INCLUDED WITH THE PLAT ARE, TO THE BEST OF MY PROFESSIONAL CAPACITY, COMPLETE AND ACCURATE AND IN COMPLIANCE WITH ALL RELEVANT CITY ORDINANCES, CODES,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

BY: _____
ALAN D. BRAMES, P.E.
REGISTERED PROFESSIONAL ENGINEER
NO. 72029 - STATE OF TEXAS
TYPE FIRM NO. F-43
ALAN ENGINEERS INC.
13278 RESEARCH BLVD., ST. 208
AUSTIN, TEXAS 78750
512-326-9335

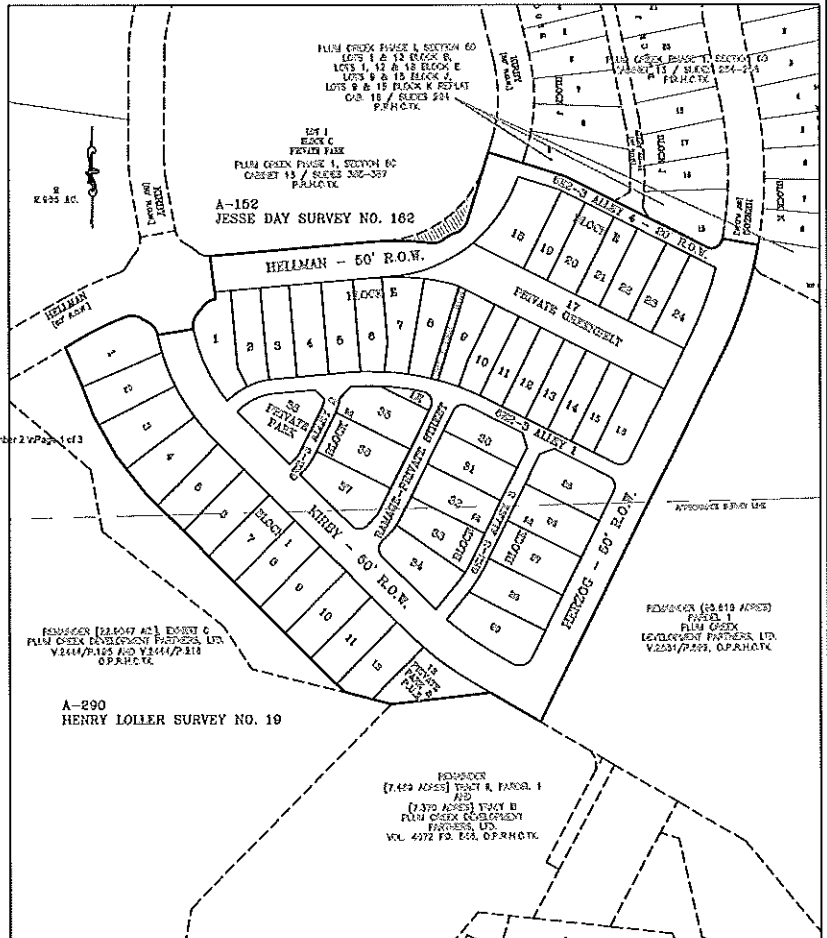
STATE OF TEXAS
COUNTY OF TRAVIS

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

BY: _____
JOHN D. BARNARD
REGISTERED PROFESSIONAL LAND SURVEYOR
NO. 5742 - STATE OF TEXAS
LOOMIS PARTNERS
3101 BEE CAVE RD., SUITE 100
AUSTIN, TEXAS 78746
512-327-1180



LOCATION MAP
NOT TO SCALE



SITE MAP
NOT TO SCALE

FLOOD NOTE:
A PORTION OF THIS SUBDIVISION (PLUM CREEK PHASE I, SECTION 6E2-3) IS CONTAINED IN THE 100 YEAR FLOOD ZONE, PER FLOOD INSURANCE RATE MAP FOR HAYS COUNTY TEXAS (UNINCORPORATED AREA) COMMUNITY-PANEL NUMBER 48209C 0270 F, EFFECTIVE DATE: SEPTEMBER 2, 2005, AS MODIFIED BY APPROVED CROWL CASE NO. 07-05-0898, DATED MARCH 25, 2008.

FILE: H:\SURVEY\PLUM_CRK_PHI\SECTION-6\SEC-6E\PLATS\6E-2\6E2-3\PLUM-6E2-3-PLAT.DWG	DATE: 10-15-2012	DESIGN BY: G.T. K.W.	CHECK BY: J.D.B.	CREW: CAF, VK
SCALE: 1"=60'	DRAWING #: PLUM-6E2-3-PLAT	PLAN #: 112G		
JOB #: 050410				
NO	REVISION	BY	DATE	

LOOMIS PARTNERS
ENGINEERING • LAND SURVEYING • ENVIRONMENTAL CONSULTING •
3101 Bee Cave Road, Suite 100 • Austin, Texas 78746
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SHEET 1 OF 3
FINAL PLAT
PLUM CREEK
PHASE I - SECTION 6E2-3
HAYS COUNTY, TEXAS

PLUM CREEK PHASE I, SECTION 6E2-3

LEGEND

- 3/4" IRON ROD FOUND (Unless Otherwise Noted)
- LAI 3/4" IRON ROD W/ PLASTIC CAP STAMPED "LAI" PREVIOUSLY SET (Unless Otherwise Noted)
- 3/4" IRON ROD W/ PLASTIC CAP STAMPED "LOUAS" SET
- △ CALCULATED POINT
- P.U.E. (Public Utility Easement)
- L.E. (Landscape Easement)
- LOT & STREET R.O.W. LINE
- EASEMENT LINE
- FEMA FIRM PANEL FLOODPLAIN
- APPROVED CLEAR 100 YEAR FLOODPLAIN

- FED. ESMT. PEDESTRIAN EASEMENT
- D.E. DRAINAGE EASEMENT
- L.E. LANDSCAPE EASEMENT
- P.U.E. PUBLIC UTILITY EASEMENT
- FED X-ING PEDESTRIAN CROSSING
- R.O.W. RIGHT OF WAY
- () RECORD INFORMATION
- [] ADJACENT INFORMATION
- D.R.H.C.T.X. DEED RECORDS OF HAYS COUNTY, TEXAS
- P.R.H.C.T.X. PLAT RECORDS OF HAYS COUNTY, TEXAS
- O.P.R.H.C.T.X. OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS
- CLOWR. ADDITIONAL LETTER OF MAP REVISION

BENCHMARK LIST: - DATUM - NAVD83

TEXAS DEPARTMENT OF TRANSPORTATION TYPE 2 MONUMENT FOUND, AT A POINT OF CURVATURE IN THE EAST R.O.W. LINE OF R.M. 2770, AT ENGINEER'S CENTERLINE STATION 2684+56.47, 70'-FEET LEFT OF CENTERLINE, ±11.5 FEET EAST OF A CONCRETE FLUME, ±30 FEET EAST OF THE EDGE OF ASPHALT ROAD AND APPROXIMATELY 625 FEET SOUTH OF THE INTERSECTION OF C.R. 171 AND R.M. 2770. ELEVATION = 797.33 FEET

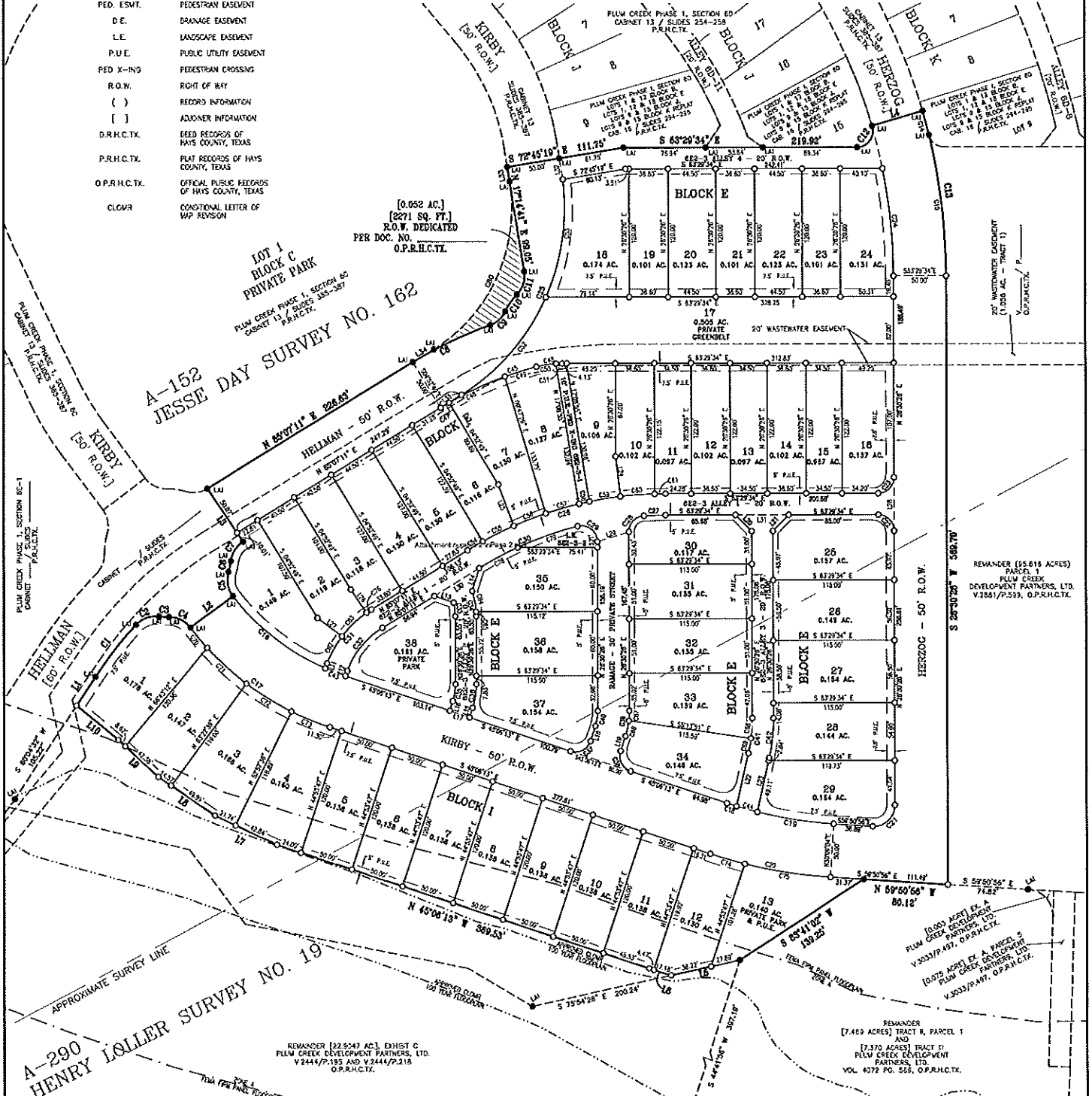
1/2" IRON ROD WITH PLASTIC CAP STAMPED LAI SET ALONG THE EAST R.O.W. LINE OF R.M. 2770, ±7.5 FEET WEST OF A CONCRETE FLUME, ±5 FEET EAST OF THE EDGE OF ASPHALT ROAD AND APPROXIMATELY 625 FEET SOUTH OF THE INTERSECTION OF C.R. 171 AND R.M. 2770. ELEVATION = 791.45 FEET

BEARING BASIS NOTES:

1. BEARING BASIS IS TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD83, GRID.
2. DISTANCES SHOWN HEREON ARE BASED ON SURFACE MEASUREMENTS; TO CONVERT SURFACE DISTANCES TO GRID, MULTIPLY BY THE COMBINED SCALE FACTOR.
3. THE COMBINED SCALE FACTOR FOR THIS PROJECT IS 0.999907.

SEE SHEET 3 FOR LINE AND CURVE TABLES.

0 60 120
SCALE: 1"=60'
OCTOBER, 2012
HAYS COUNTY, TEXAS



FILE: H:\SURVEY\PLUM_CRK_PHI\SECTION-6\SEC-6E\PLATS\6E-2\6E2-3\PLUM-6E2-3-PLAT.DWG	DATE: 10-15-2012	DRAWN BY: G.T. K.W.	CHECKED BY: J.D.B.	PLAN #: 1109
SCALE: 1"=60'				
JOB #: 080410				
NO.	REVISION	BY	DATE	

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(1) 512.327.1180 (FAX) 512.327.4062 www.loomis-partners.com

SHEET 2 OF 3

FINAL PLAT
PLUM CREEK
PHASE I - SECTION 6E2-3
HAYS COUNTY, TEXAS

REMANDER (56.616 ACRES) PARCEL 1 PLUM CREEK DEVELOPMENT PARTNERS, LTD. V.2551/P.539, O.P.R.H.C.T.X.

REMANDER (7.462 ACRES) TRACT R, PARCEL 1 AND (7.370 ACRES) TRACT B, PARCEL 1 PLUM CREEK DEVELOPMENT PARTNERS, LTD. VOL. 4072 PG. 565, O.P.R.H.C.T.X.

PLAT NO. 1109

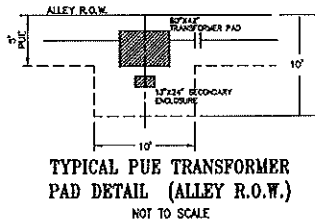
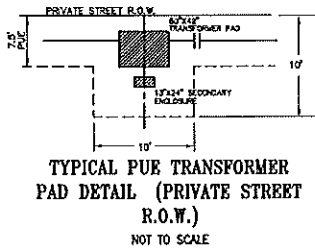
PLUM CREEK PHASE I, SECTION 6E2-3

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N 67°04'32" E	32.43'
L2	N 82°31'03" E	50.02'
L3	N 07°42'29" W	60.68'
L4	S 79°43'04" E	50.00'
L5	N 75°54'26" W	86.10'
L6	N 48°11'31" W	21.65'
L7	N 38°23'36" W	64.56'
L8	N 29°11'54" W	64.56'
L9	N 21°03'41" W	51.00'
L10	N 24°18'03" W	50.99'
L11	N 47°00'38" E	4.82'
L12	N 47°00'38" E	5.09'
L13	S 44°43'28" E	19.26'
L14	N 43°49'50" E	22.54'
L15	S 44°53'47" W	9.45'
L16	N 468'347" E	9.45'
L17	N 49°06'13" W	20.00'
L18	S 44°53'47" W	14.75'
L19	N 44°53'47" E	14.75'
L20	S 18°29'34" E	21.21'
L21	N 71°30'26" E	21.21'
L22	S 39°07'45" W	50.81'
L23	S 39°07'45" W	51.91'
L24	S 19°44'50" W	37.77'
L25	S 09°48'35" W	41.32'
L26	S 07°55'17" E	28.18'
L27	S 28°25'49" E	28.49'
L28	S 28°30'26" W	50.00'
L29	N 62°38'08" E	31.38'
L30	S 85°07'16" W	50.01'
L31	N 67°28'34" W	50.00'
L32	N 17°14'41" E	20.00'
L33	S 17°14'41" W	13.44'
L34	S 65°07'11" W	23.20'
L35	S 65°07'11" W	23.20'

CURVE TABLE				
CURVE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1	370.00'	63.02'	N 64°52'58" E	61.85'
C2	29.00'	23.94'	S 87°53'11" E	23.04'
C3	60.00'	9.27'	S 89°52'33" E	9.28'
C4	25.00'	23.25'	S 37°39'34" E	22.42'
C5	25.00'	23.93'	N 16°08'01" E	23.08'
C6	60.00'	10.22'	N 38°44'55" E	10.21'
C7	25.00'	22.36'	N 59°29'40" E	21.62'
C8	360.00'	61.25'	S 85°43'18" E	61.09'
C9	25.00'	19.60'	N 24°54'33" E	19.10'
C10	60.00'	19.85'	N 61°49'49" E	19.55'
C11	25.00'	23.55'	N 44°13'44" E	22.69'
C12	15.00'	28.58'	N 62°00'15" E	24.45'
C13	550.00'	155.49'	S 18°21'22" W	155.96'
C14	550.00'	23.27'	S 11°25'02" W	23.27'
C15	550.00'	133.22'	S 19°34'07" W	132.85'
C16	225.00'	111.20'	S 25°31'06" E	110.07'
C17	275.00'	163.59'	S 28°03'41" E	161.19'
C18	400.00'	9.56'	N 45°47'18" W	9.55'
C19	400.00'	73.35'	S 84°35'43" E	73.25'
C20	450.00'	115.81'	S 52°28'34" E	115.45'
C21	20.00'	32.69'	N 73°19'45" E	29.17'
C22	15.00'	23.56'	N 16°29'34" W	21.21'
C23	15.00'	23.56'	S 71°30'26" W	21.21'
C24	500.00'	101.20'	S 20°42'31" W	101.03'
C25	265.00'	238.39'	S 82°05'55" W	234.43'
C26	360.00'	197.21'	S 79°11'11" E	194.76'
C27	334.00'	20.22'	S 65°11'49" E	20.22'
C28	15.00'	22.67'	N 69°48'11" E	20.97'
C29	15.00'	22.67'	S 16°29'34" W	21.21'
C30	340.00'	101.61'	N 65°10'51" W	101.23'
C31	100.00'	66.51'	N 65°03'55" E	65.29'
C32	80.00'	53.21'	S 66°03'55" W	52.24'
C33	65.00'	12.90'	S 19°47'17" W	12.87'
C34	75.00'	23.88'	S 17°23'11" W	23.76'
C35	60.00'	18.08'	N 35°42'06" E	15.88'
C36	70.00'	23.47'	S 35°42'06" W	22.37'
C37	15.00'	23.56'	S 89°53'47" W	21.21'
C38	15.00'	23.56'	S 00°06'13" E	21.21'
C39	75.00'	24.07'	N 35°42'06" E	23.97'
C40	45.00'	14.44'	S 35°42'06" W	14.38'
C41	150.00'	33.04'	N 32°49'08" E	32.98'
C42	170.00'	37.45'	N 32°49'08" E	37.39'
C43	225.00'	20.01'	S 42°12'50" E	20.00'
C44	400.00'	20.03'	N 47°54'26" W	20.03'
C45	330.00'	89.15'	N 85°16'21" W	88.78'
C46	100.00'	24.73'	N 70°34'43" W	24.67'
C47	330.00'	9.22'	N 85°55'13" E	9.22'
C48	330.00'	58.62'	S 85°11'27" E	58.54'
C49	330.00'	31.32'	S 60°23'01" E	31.31'
C50	100.00'	18.75'	S 72°17'32" E	18.73'
C51	100.00'	5.99'	N 65°12'22" W	5.98'
C52	205.00'	123.39'	S 67°52'38" W	121.53'
C53	205.00'	112.91'	S 34°54'26" W	111.52'
C54	350.00'	16.68'	S 66°26'49" W	16.65'
C55	350.00'	32.98'	N 89°30'07" W	32.96'
C56	350.00'	32.50'	N 84°23'00" W	32.49'
C57	350.00'	32.85'	N 79°11'31" W	32.83'
C58	350.00'	10.01'	N 75°48'53" W	10.01'
C59	350.00'	29.73'	N 72°37'07" W	29.72'
C60	350.00'	32.23'	N 67°41'10" W	32.24'
C61	350.00'	10.22'	N 64°18'22" W	10.22'
C62	100.00'	28.60'	S 55°17'25" W	28.60'
C63	100.00'	32.30'	S 72°42'27" W	32.16'
C64	75.00'	19.59'	N 15°45'01" E	19.54'
C65	75.00'	4.28'	N 24°52'16" E	4.28'
C66	75.00'	14.76'	N 39°15'35" E	14.73'
C67	75.00'	9.31'	N 30°03'55" E	9.31'
C68	150.00'	18.91'	S 30°07'10" W	18.90'
C69	150.00'	14.13'	S 35°25'50" W	14.13'
C70	275.00'	24.89'	S 15°35'43" E	24.89'
C71	275.00'	50.00'	S 21°24'50" E	49.93'
C72	275.00'	50.00'	S 31°49'53" E	49.93'
C73	275.00'	38.70'	S 41°04'18" E	38.67'
C74	450.00'	33.72'	S 47°15'02" E	33.72'
C75	450.00'	82.08'	S 54°37'23" E	81.97'
C76	100.00'	5.31'	S 83°35'57" W	5.31'
C77	500.00'	41.13'	N 12°33'13" E	41.12'
C78	340.00'	41.44'	N 68°44'57" E	41.41'
C79	340.00'	60.17'	S 82°41'21" E	60.09'
C80	155.00'	183.62'	S 51°10'56" W	173.07'

AREA TABLE			
BLOCK	LOT	ACREAGE	SQ. FT.
E	1	0.118	5511
E	2	0.118	5180
E	3	0.118	6126
E	4	0.130	5652
E	5	0.130	5654
E	6	0.118	5068
E	7	0.130	5680
E	8	0.122	5550
E	9	0.102	4523
E	10	0.102	4428
E	11	0.097	4209
E	12	0.102	4465
E	13	0.097	4209
E	14	0.102	4465
E	15	0.097	4209
E	16	0.102	4465
E PRIVATE GREENBELT	17	0.505	22019
E	18	0.174	7583
E	19	0.101	4392
E	20	0.123	5340
E	21	0.101	4392
E	22	0.123	5340
E	23	0.101	4392
E	24	0.131	5696
E	25	0.157	6851
E	26	0.149	6498
E	27	0.154	6727
E	28	0.144	6273
E	29	0.164	7163
E	30	0.117	5117
E	31	0.135	5865
E	32	0.135	5865
E	33	0.139	6269
E	34	0.145	6353
E	35	0.150	6545
E	36	0.158	6900
E	37	0.154	6720
E PRIVATE PARK	38	0.161	7023
6E2-3 ALLEY 1	16	0.282	12283
6E2-3 ALLEY 2	16	0.063	2737
RANGE (PRIVATE ST)		0.148	6451
6E2-3 ALLEY 3		0.132	5762
6E2-3 ALLEY 4		0.141	6126
PUE 6E2-3-1		0.030	1320
UE 6E2-3-2		0.022	842
Total for Block E		8.051	263583
I	1	0.178	7671
I	2	0.147	6387
I	3	0.166	7245
I	4	0.160	6978
I	5	0.138	6000
I	6	0.138	6000
I	7	0.138	6000
I	8	0.138	6000
I	9	0.138	6000
I	10	0.138	6000
I	11	0.138	6000
I	12	0.130	5676
I PRIVATE PARK & PUE	13	0.140	6088
Total for Block I		1.884	82045
HELLMAN		0.542	23621
HERZOG		0.852	37120
KIRBY		0.771	33595
Total for PUBLIC ROW		2.165	94336
TOTAL 6E2-3		10.100	439987

- NOTES:
- TOTAL ACREAGE: 10.100 ACRES.
 - THE TOTAL AREA OF PUBLIC STREET RIGHT OF WAY (HELLMAN, HERZOG, KIRBY) TO BE DEDICATED IN THIS SUBDIVISION IS 2.165 ACRES.
 - THE TOTAL AREA OF PRIVATE STREET RIGHT OF WAY (RANGE AND ALLEY 1 THRU ALLEY 5) TO BE DEDICATED IN THIS SUBDIVISION IS 0.766 ACRE.
 - TOTAL NUMBER OF LOTS: 53 (48 SINGLE FAMILY LOTS, 1 PRIVATE PARK LOT, 1 PRIVATE PARK & P.U.E. LOT, 1 PRIVATE GREENBELT LOT AND 2 EASEMENT LOTS).
 - PLAT COMPLETELY CONFORMS WITH PLUM CREEK P.U.D. ORDINANCE 311 & PLUM CREEK SUBDIVISION ORDINANCE 308.
 - ALL UTILITIES WITHIN THE SUBDIVISION WILL BE UNDERGROUND.
 - ALL PRIVATE STREETS, ALLEYS, PEDESTRIAN RIGHT-OF-WAYS, PARK/DRAINAGE EASEMENT LOTS AND ALL LANDSCAPE EASEMENT AREAS SHOWN ON THIS PLAT SHALL BE MAINTAINED BY THE HOMEOWNERS ASSOCIATION (HOA). IT SHALL BE THE HOA'S RESPONSIBILITY FOR KEEPING SAID RIGHT-OF-WAYS, LOTS AND LANDSCAPE EASEMENT AREAS NEATLY CUT, FREE OF DEBRIS AND FREE OF ALL TREE/BRUSH REGROWTH.
 - PUBLIC UTILITY EASEMENTS ARE HEREBY DEDICATED AS SHOWN HEREON.
 - ACCESS TO ALL PRIVATE UTILITY EASEMENT ADJACENT TO AND PARALLEL WITH ALL PUBLIC AND PRIVATE STREETS, AND A 5 FOOT UTILITY EASEMENT ADJACENT TO AND PARALLEL WITH ALL ALLEYS IS HEREBY DEDICATED.
 - ACCESS TO ALL PRIVATE RIGHT-OF-WAYS HEREON IS GRANTED TO CITY OF KYLE FOR THE PURPOSE OF ACCESSING AND MAINTAINING CITY OWNED FACILITIES CONTAINED THEREIN.



PUBLIC UTILITY INFORMATION:
THIS SUBDIVISION IS SERVICED BY THE FOLLOWING UTILITIES:

WATER: CITY OF KYLE 100 W. CENTER KYLE, TEXAS 78640	ELECTRIC: PEDERNALES ELECTRIC COOP 1810 FM 180 WEST KYLE, TEXAS 78640	PHONE: VERIZON 6601 F.W. 3237 WIMBERLEY, TEXAS 78738
WASTEWATER: CITY OF KYLE 100 W. CENTER KYLE, TEXAS 78640	GAS: CENTERPOINT ENERGY 326 CHEATHAM STREET SAN MARCOS, TEXAS 78666	

FILE: H:\SURVEY\PLUM_CRC_FH1\SECTION-6\..._SEC-6E\PLATS\6E-2\6E2-3\PLUM-6E2-3-PLAT.DWG	DATE: 10-15-2012	DRAWN BY: G.T. K.M	CREW: CAF, MK
SCALE: 1"=80'	CHECKED BY: J.O.B	FB #:	
JOB #: 090410	DRAWING #: PLUM-6E2-3-PLAT	PLAN #: 1109	
NO	REVISION	BY	DATE

LOOMIS PARTNERS

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Phone: 727.1180 • FAX: 512.327.4062 • www.loomis-partners.com

FINAL PLAT
PLUM CREEK
PHASE I - SECTION 6E2-3
HAYS COUNTY, TEXAS



CITY OF KYLE, TEXAS

Plum Creek Phase 1 Section 6E 2-3 Preliminary

Meeting Date:
10/23/2012
Date time: 6:30 PM

Subject/Recommendation: Plum Creek Phase 1 Section 6E 2-3 Preliminary Plan (PP-12-004)
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.

- Planning and Zoning 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

- [Preliminary Plan](#)
- [Staff Report](#)

MEMORANDUM

TO: Planning and Zoning Commission
FROM: Sofia Nelson, Director of Planning
DATE: October 16, 2012
SUBJECT: Plum Creek Section 6E2-3- Preliminary and Final Plats

BACKGROUND**Site Information and Proposal**

The proposed development lies within the Plum Creek development and consists of 10.1 acres and is located northeast of the current end of Hellman Drive just east of FM 2770. The development will contain 49 single family residential lots, a greenway lot and a small park.

Utilities

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

Access

Lots 8 through 16 (Block E) and lots 19 through 23 (Block E) do not contain frontage on a public or private street, rather they will front on a central greenway. Vehicle access to these lots will be via alleys 1 and 5 with each lot having a rear load garage configuration.

STAFF RECOMMENDATION:

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

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

The following condition shall be placed on the approval of the plat:

- Pending the approval of the public improvement construction plans by the City Engineer. The construction plans are substantially complete and are pending revisions that do not affect the alignment or configuration of the roadways or utilities.

PLUM CREEK PHASE I, SECTION 6E2-3

STATE OF TEXAS
COUNTY OF TRAVIS

KNOW ALL MEN BY THESE PRESENTS, THAT WE, PLUM CREEK DEVELOPMENT PARTNERS, LTD., A LIMITED PARTNERSHIP ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF TEXAS, WITH ITS HOME ADDRESS AT 200 CONGRESS AVENUE, SUITE 8A, AUSTIN, TEXAS 78701, BEING THE OWNER OF THAT CERTAIN 10.100 ACRE TRACT OF LAND IN THE JESSE DAY SURVEY NO. 102, A-152 AND THE HENRY LOLLER SURVEY NO. 19, A-290, HAYS COUNTY, TEXAS, BEING A PORTION OF THE REMAINDER OF A CALLED 98.618 ACRE TRACT OF LAND DESIGNATED AS PARCEL 1, IN VOLUME 2381, PAGE 249, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, DO HEREBY SUBDIVIDE SAID 10.100 ACRES AS SHOWN ON THIS PLAN, AND DESIGNATED HEREIN AS THE PLUM CREEK PHASE I, SECTION 6E2-3 SUBDIVISION TO THE CITY OF KYLE, TEXAS, AND WHOSE NAME IS SUBSCRIBED HERETO, HEREBY DEDICATE TO THE USE OF THE PUBLIC (FOR THE PURPOSES OF RIGHT OF WAYS OF HELLMAN, HERRICK, AND HERRY, AND DRAINS, EASEMENTS (EXCLUDING LANDSCAPE AREA WITHIN EASEMENTS), PARKS AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSE AND CONSIDERATION THEREIN EXPRESSED.

WHEREOF THE SAID PLUM CREEK DEVELOPMENT PARTNERS, LTD., OWNER, HAS CAUSED THESE PRESENTS TO BE EXECUTED BY ITS GENERAL PARTNER, BOB PLUM CREEK DEVELOPERS, LTD., THEREUNTO DULY AUTHORIZED, GENERAL PARTNER HAS CAUSED THESE PRESENTS TO BE EXECUTED BY ITS GENERAL PARTNER, BENCHMARK LAND DEVELOPMENT, INC.

PLUM CREEK DEVELOPMENT PARTNERS, LTD.,
A TEXAS LIMITED PARTNERSHIP

BY: BOB PLUM CREEK DEVELOPERS, LTD.,
A TEXAS LIMITED PARTNERSHIP, GENERAL PARTNER

BY: BENCHMARK LAND DEVELOPMENT, INC.,
A TEXAS CORPORATION, GENERAL PARTNER

BY: DAVID C. MAHN, VICE PRESIDENT

STATE OF TEXAS
COUNTY OF TRAVIS

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

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS _____ DAY OF _____, 2012,

BY: _____
NOTARY PUBLIC

STATE OF TEXAS
COUNTY OF HAYS

KNOW ALL MEN BY THESE PRESENTS:

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

FILED FOR RECORD AT _____ O'CLOCK _____ M., THIS THE _____ DAY OF _____, 2012, A.D.

BY: _____
LIZ G. GONZALES
COUNTY CLERK
HAYS COUNTY, TEXAS

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

BY: _____
CHAIRPERSON

THIS PLAT (PLUM CREEK PHASE I, SECTION 6E2-3) HAS BEEN SUBMITTED TO AND CONSIDERED BY THE PLANNING COMMISSION OF THE CITY OF KYLE, TEXAS AND IS HEREBY APPROVED BY THE COMMISSION.

DATED THIS _____ DAY OF _____, 2012.

BY: _____
ATTEST:

SECRETARY

THIS PLAT (PLUM CREEK PHASE I, SECTION 6E2-3) HAS BEEN SUBMITTED TO AND CONSIDERED BY THE CITY COUNCIL OF THE CITY OF KYLE, TEXAS AND IS HEREBY APPROVED BY THE COUNCIL.

DATED THIS _____ DAY OF _____, 2012.

BY: _____
ATTEST:

SECRETARY

STATE OF TEXAS
COUNTY OF TRAVIS

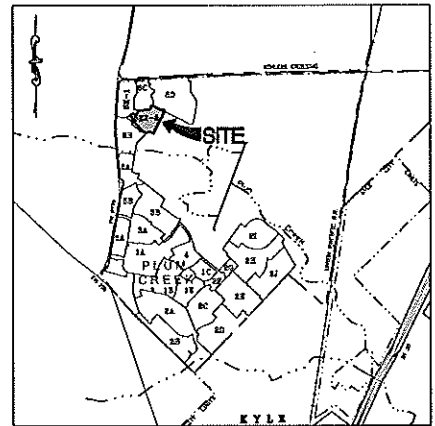
I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, HEREBY CERTIFY THAT THE PLAT AND ALL PLANS AND SPECIFICATIONS WHICH ARE INCLUDED WITH THE PLAT ARE, TO THE BEST OF MY PROFESSIONAL CAPACITY, COMPLETE AND ACCURATE AND IN COMPLIANCE WITH ALL RELEVANT CITY ORDINANCES, CODES,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

BY: _____
ALAN D. RHAMES, P.E.
REGISTERED PROFESSIONAL ENGINEER
NO. 72089 - STATE OF TEXAS
TYPE FIRM NO. F-43
ARCOM ENGINEERS, INC.
13278 RESEARCH BLVD., ST. 208
AUSTIN, TEXAS 78750
512-506-9335

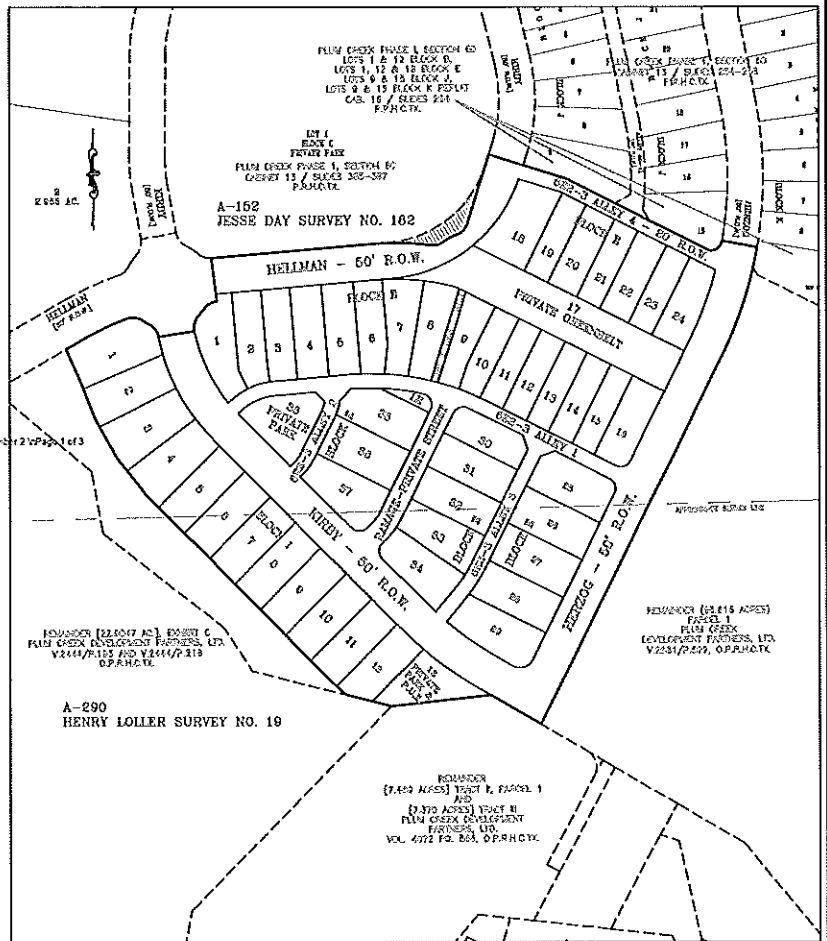
STATE OF TEXAS
COUNTY OF TRAVIS

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

BY: _____
JOHN D. BARNARD
REGISTERED PROFESSIONAL LAND SURVEYOR
NO. 5749 - STATE OF TEXAS
LOOMIS PARTNERS
3101 Bee Cave Road, Suite 100
AUSTIN, TEXAS 78746
512-327-1180



LOCATION MAP
NOT TO SCALE



SITE MAP
NOT TO SCALE

FLOOD NOTE:
A PORTION OF THIS SUBDIVISION (PLUM CREEK PHASE I, SECTION 6E2-3) IS CONTAINED IN THE 100 YEAR FLOOD ZONE, PER FLOOD INSURANCE RATE MAP FOR HAYS COUNTY TEXAS (UNINCORPORATED AREA) COMMUNITY-PANEL NUMBER 48209C 0270 F, EFFECTIVE DATE: SEPTEMBER 2, 2005, AS MODIFIED BY APPROVED CLEAR CASE NO. 07-06-0668R, DATED MARCH 25, 2008.

FILE: H:\SURVEY\PLUM_CRC_PFI\SECTION-6\SEC-6E\PLATS\6E-2\6E2-3\

PLUM-EE2-3-PLAT-FINAL.DWG

DATE: 10-15-2012 DRAWN BY: G.T., K.W. CREW: CAF, WK

SCALE: 1"=60' CHECKED BY: J.O.B. FB #: _____

JOB #: 050410 DRAWING #: PLUM-EE2-3-PLAT PLAN #: 1109-A

NO. _____ REVISION _____ BY _____ DATE _____

PLOT DATE: Oct 15, 2012 - 3:15pm



LOOMIS PARTNERS

ENGINEERING • LAND SURVEYING • ENVIRONMENTAL CONSULTING •
3101 Bee Cave Road, Suite 100 • Austin, Texas 78746
(HOURS) 512.327.1180 (FAX) 512.327.4062 www.loomis-partners.com

SHEET 1 OF 3

PRELIMINARY PLAT
PLUM CREEK
PHASE I - SECTION 6E2-3
HAYS COUNTY, TEXAS

PLAN NO. 1109-A

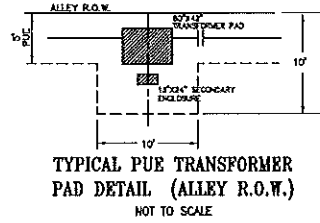
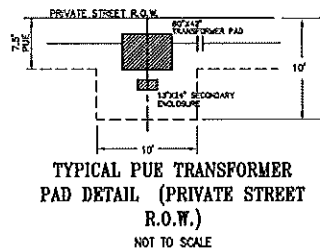
PLUM CREEK PHASE I, SECTION 6E2-3

LINE	BEARING	DISTANCE
L1	N 67°03'35" E	32.43
L2	N 87°31'03" E	50.02
L3	N 07°47'28" W	60.08
L4	S 79°43'04" E	50.00
L5	N 75°54'26" W	66.10
L6	N 46°11'51" W	21.63
L7	N 36°23'36" W	64.58
L8	N 29°11'54" W	64.56
L9	N 21°03'41" W	51.00
L10	N 24°18'03" W	50.59
L11	N 47°00'38" E	4.82
L12	N 47°00'38" E	5.09
L13	S 44°49'28" E	19.26
L14	N 43°49'30" E	22.54
L15	S 44°33'47" W	9.45
L16	N 44°33'47" E	9.45
L17	N 46°08'13" W	20.00
L18	N 44°33'47" W	14.75
L19	N 44°33'47" W	14.75
L20	S 18°29'34" E	21.21
L21	N 71°30'26" E	21.21
L22	S 39°07'45" W	50.91
L23	S 39°07'45" W	51.94
L24	S 19°44'50" W	37.77
L25	S 09°49'35" W	41.32
L26	S 07°55'17" E	28.18
L27	S 26°25'49" E	28.49
L28	S 26°30'28" W	50.00
L29	N 80°30'08" W	31.39
L30	S 85°07'18" W	50.01
L31	N 62°29'34" W	50.00
L32	N 17°14'41" E	20.00
L33	S 17°14'41" W	13.44
L34	S 85°07'11" W	23.20
L35	S 85°07'11" W	23.20

CURVE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1	390.00'	62.02'	N 65°59'58" E	61.95'
C2	25.00'	23.54'	S 82°53'11" E	23.04'
C3	60.00'	9.27'	S 59°52'33" E	9.28'
C4	25.00'	23.25'	S 37°39'34" E	22.42'
C5	25.00'	23.99'	N 16°08'01" E	23.00'
C6	80.00'	10.22'	N 58°44'55" E	10.21'
C7	25.00'	23.36'	N 59°29'40" E	21.62'
C8	360.00'	81.28'	S 88°49'18" E	81.09'
C9	25.00'	19.60'	N 74°54'32" E	19.10'
C10	80.00'	19.65'	N 61°49'49" E	19.56'
C11	25.00'	23.55'	N 44°13'44" E	22.68'
C12	15.00'	28.58'	N 62°00'15" E	24.45'
C13	550.00'	158.49'	S 18°21'22" W	155.96'
C14	550.00'	23.27'	S 11°35'02" W	23.27'
C15	550.00'	133.22'	S 19°34'07" W	132.89'
C16	225.00'	111.20'	S 25°31'08" E	110.07'
C17	275.00'	163.59'	S 28°03'41" E	161.19'
C18	400.00'	9.56'	N 45°47'18" W	9.56'
C19	400.00'	73.35'	S 54°35'43" E	73.25'
C20	450.00'	115.81'	S 52°28'54" E	115.49'
C21	20.00'	32.65'	N 73°19'45" E	29.17'
C22	15.00'	23.56'	N 18°29'34" W	21.21'
C23	15.00'	23.56'	S 71°30'26" W	21.21'
C24	900.00'	101.20'	S 20°42'31" W	101.03'
C25	205.00'	236.30'	S 52°05'55" W	223.43'
C26	360.00'	197.21'	S 79°11'11" E	194.76'
C27	340.00'	26.22'	S 65°11'49" E	26.22'
C28	15.00'	23.61'	N 23°19'11" E	23.78'
C29	15.00'	27.26'	N 25°33'22" E	23.65'
C30	340.00'	101.61'	N 86°10'51" W	101.23'
C31	100.00'	66.51'	N 66°03'55" E	65.29'
C32	80.00'	53.21'	S 69°03'55" W	52.24'
C33	55.00'	12.90'	S 19°47'17" W	12.87'
C34	75.00'	23.88'	S 17°23'11" W	23.78'
C35	50.00'	18.05'	N 35°42'06" E	15.94'
C36	70.00'	22.47'	S 35°42'06" W	22.37'
C37	15.00'	23.56'	S 89°53'47" W	21.21'
C38	15.00'	23.56'	S 00°06'13" E	21.21'
C39	75.00'	24.07'	N 35°42'06" E	23.97'
C40	45.00'	14.44'	S 35°42'06" W	14.38'
C41	150.00'	33.04'	N 32°43'06" E	32.97'
C42	170.00'	37.45'	N 32°43'06" E	37.37'
C43	225.00'	20.01'	S 42°12'50" E	20.00'
C44	400.00'	20.03'	N 47°54'28" W	20.03'
C45	330.00'	99.15'	N 66°16'21" W	88.78'
C46	100.00'	24.73'	N 70°34'43" W	24.67'
C47	330.00'	9.22'	N 65°55'13" E	9.22'
C48	330.00'	58.62'	S 68°11'21" E	58.54'
C49	330.00'	31.32'	S 60°23'01" E	31.31'
C50	100.00'	18.75'	S 72°17'32" E	18.73'
C51	100.00'	5.98'	N 65°12'22" W	5.98'
C52	205.00'	123.39'	S 67°22'38" W	121.53'
C53	205.00'	112.91'	S 34°54'26" W	111.52'
C54	360.00'	16.68'	S 65°28'49" W	16.68'
C55	360.00'	32.84'	N 62°35'07" E	32.95'
C56	360.00'	32.50'	N 84°23'30" W	32.49'
C57	360.00'	32.65'	N 79°11'31" W	32.63'
C58	360.00'	10.01'	N 75°46'53" W	10.01'
C59	360.00'	29.73'	N 72°37'07" W	29.72'
C60	360.00'	32.25'	N 67°41'10" W	32.24'
C61	360.00'	10.22'	N 64°16'22" W	10.22'
C62	100.00'	28.90'	S 95°17'25" W	28.90'
C63	100.00'	32.30'	S 72°49'27" W	32.16'
C64	75.00'	19.59'	N 15°43'01" E	19.54'
C65	75.00'	4.28'	N 24°52'16" E	4.28'
C66	75.00'	14.76'	N 39°15'35" E	14.73'
C67	75.00'	9.31'	N 30°03'55" E	9.31'
C68	150.00'	18.91'	S 30°07'09" W	18.90'
C69	150.00'	14.13'	S 38°25'50" W	14.13'
C70	275.00'	24.89'	S 13°36'43" E	24.88'
C71	275.00'	50.00'	S 21°24'50" E	49.93'
C72	275.00'	50.00'	S 31°49'53" E	49.93'
C73	275.00'	38.70'	S 41°04'19" E	38.67'
C74	450.00'	33.72'	S 47°15'02" E	33.72'
C75	450.00'	69.08'	S 54°37'23" E	61.97'
C76	100.00'	5.31'	S 83°35'57" W	5.31'
C77	500.00'	41.13'	N 12°33'13" E	41.12'
C78	340.00'	41.44'	N 85°44'57" E	41.41'
C79	340.00'	60.17'	S 82°41'21" E	60.09'
C80	153.00'	183.62'	S 51°10'56" W	173.07'

AREA TABLE			
BLOCK	LOT	ACREAGE	SQ. FT.
E	1	0.149	6511
E	2	0.119	5180
E	3	0.116	5126
E	4	0.130	5652
E	5	0.130	5654
E	6	0.116	5058
E	7	0.130	5660
E	8	0.132	5650
E	9	0.108	4623
E	10	0.102	4428
E	11	0.097	4209
E	12	0.102	4465
E	13	0.097	4209
E	14	0.102	4465
E	15	0.097	4209
E	16	0.137	5954
E PRIVATE GREENBELT	17	0.505	22019
E	18	0.174	7583
E	19	0.101	4392
E	20	0.123	5340
E	21	0.101	4392
E	22	0.123	5340
E	23	0.101	4392
E	24	0.131	5696
E	25	0.157	6851
E	26	0.149	6458
E	27	0.159	6727
E	28	0.144	6273
E	29	0.154	7153
E	30	0.117	5117
E	31	0.135	5885
E	32	0.135	5865
E	33	0.139	6060
E	34	0.148	6353
E	35	0.150	6545
E	36	0.158	6900
E	37	0.154	6720
E PRIVATE PARK	38	0.161	7023
BE2-3 ALLEY 1		0.232	12283
BE2-3 ALLEY 2		0.063	2737
RAMAGE (PRIVATE ST)		0.148	6451
BE2-3 ALLEY 3		0.132	5762
BE2-3 ALLEY 4		0.141	6128
PUE BE2-3-1		0.030	1320
IE BE2-3-2		0.022	842
Total for Block E		6.051	263583
I	1	0.178	7871
I	2	0.147	6387
I	3	0.166	7245
I	4	0.160	6976
I	5	0.138	6000
I	6	0.138	6000
I	7	0.138	6000
I	8	0.138	6000
I	9	0.138	6000
I	10	0.138	6000
I	11	0.138	6000
I	12	0.130	5676
I PRIVATE PARK & PUE	13	0.140	6068
Total for Block I		1.584	62045
HELLMAN		0.542	23621
HERZOG		0.852	37120
KIRBY		0.771	33595
Total for PUBLIC ROW		2.165	84336
TOTAL BE2-3		10.100	439967

- NOTES:
- TOTAL ACREAGE: 10.100 ACRES.
 - THE TOTAL AREA OF PUBLIC STREET RIGHT OF WAY (HELLMAN, HERZOG, KIRBY) TO BE DEDICATED IN THIS SUBDIVISION IS 2.165 ACRES.
 - THE TOTAL AREA OF PRIVATE STREET RIGHT OF WAY (RAMAGE AND ALLEY 1 THRU ALLEY 5) TO BE DEDICATED IN THIS SUBDIVISION IS 0.768 ACRE.
 - TOTAL NUMBER OF LOTS: 53 (48 SINGLE FAMILY LOTS, 1 PRIVATE PARK LOT, 1 PRIVATE PARK & PUE LOT, 1 PRIVATE GREENBELT LOT AND 2 EASEMENT LOTS).
 - PLAT COMPLETELY CONFORMS WITH PLUM CREEK P.U.D. ORDINANCE 311 & PLUM CREEK SUBDIVISION ORDINANCE 308.
 - ALL UTILITIES WITHIN THE SUBDIVISION WILL BE UNDERGROUND.
 - ALL PRIVATE STREETS, ALLEYS, PEDESTRIAN RIGHT-OF-WAYS, PARK/DRAINAGE EASEMENT LOTS AND ALL LANDSCAPE EASEMENT AREAS SHOWN ON THIS PLAT SHALL BE MAINTAINED BY THE HOMEOWNERS ASSOCIATION (HOA). IT SHALL BE THE HOA'S RESPONSIBILITY FOR KEEPING SAID RIGHT-OF-WAYS, LOTS AND LANDSCAPE EASEMENT AREAS NEATLY CUT, FREE OF DEBRIS AND FREE OF ALL TREE/BRUSH REGROWTH.
 - PUBLIC UTILITY EASEMENTS ARE HEREBY DEDICATED AS SHOWN HEREON.
 - A 7.5 FOOT PUBLIC UTILITY EASEMENT ADJACENT TO AND PARALLEL WITH ALL PUBLIC AND PRIVATE STREETS, AND A 5 FOOT UTILITY EASEMENT ADJACENT TO AND PARALLEL WITH ALL ALLEYS IS HEREBY DEDICATED.
 - ACCESS TO ALL PRIVATE RIGHT-OF-WAYS HEREOF IS GRANTED TO CITY OF KYLE FOR THE PURPOSE OF ACCESSING AND MAINTAINING CITY OWNED FACILITIES CONTAINED THEREIN.



PUBLIC UTILITY INFORMATION:
THIS SUBDIVISION IS SERVED BY THE FOLLOWING UTILITIES:

WATER: CITY OF KYLE 100 W. CENTER KYLE, TEXAS 78640	ELECTRIC: PEDERNALES ELECTRIC COOP 1810 F.W. 5237 KYLE, TEXAS 78640	PHONE: VERIZON 8601 F.W. 5237 WIMBERLEY, TEXAS 78738
WASTEWATER: CITY OF KYLE 100 W. CENTER KYLE, TEXAS 78640	GAS: CENTERPOINT ENERGY 326 CHEATHAM STREET SAN MARCOS, TEXAS 78666	

FILE: H:\SURV\PLUM_CRK_PH\SECTION-6_SEC-6E\PLATS\6E-2\6E2-3\PLUM-BE2-3-PLAT-FRMLM.DWG			
DATE: 10-15-2012	DRAWN BY: G.T. K.W.	CHKD: C.F. W.K.	
SCALE: 1"=60'	CHECKED BY: J.D.B.	FB #:	
JOB #: 080410	DRAWING #: PLUM-BE2-3-PLAT	PLAN #: 1109-A	
NO.	REVISION	BY	DATE

LOOMIS PARTNERS

ENGINEERING • LAND SURVEYING • ENVIRONMENTAL CONSULTING •

3101 Bee Cave Road, Suite 102 • Austin, Texas 78746
 TEL: 512.327.1160 • FAX: 512.327.4262 • www.loomis-partners.com

PRELIMINARY PLAT
PLUM CREEK
PHASE I - SECTION 6E2-3
HAYS COUNTY, TEXAS



CITY OF KYLE, TEXAS

Waterleaf Phase B Section 5

Meeting Date:
10/23/2012
Date time: 6:30 PM

Subject/Recommendation: Waterleaf Phase B Section 5 (FP-12-008)
33.749 acres; 88 Lots
Located off of East FM 150 and New Country Road
Applicant: KB Home Lone Star, Inc.
Agent: Steven P. Cates, P.E., Carlson, Brigance & Doering, 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/City Council).

Other Information: N/A

Budget Information: N/A

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

Attachments / click to download



CITY OF KYLE, TEXAS

Windmill Center Preliminary Plan

Meeting Date:
10/23/2012
Date time: 6:30 PM

Subject/Recommendation: Windmill Center Preliminary Plan (PP-10-001)
5.574 acres; 3 Lots
Located at East IH-35 Frontage - half mile North of Goforth Road
Owner: Dennis and Charles Artale
Agent: Hugo Elizondo, Jr., P.E., Cuatro Consultants

- Planning and Zoning 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

[Preliminary Plan](#)

[Staff Report](#)

Cover Memo

Item # 10

MEMORANDUM

TO: Planning and Zoning Commission

FROM: Sofia Nelson, Director of Planning

DATE: October 16, 2012

SUBJECT: PRELIMINARY PLAN
Windmill Center Subdivision

Summary of Request:

Location:

The proposed project consists of a 5.574 acre tract located at Goforth Road and County Road 180. The project lies within the City of Kyle city limits. The project site is bounded on the west by IH-35, on the northeast side by the Park at Steeplechase, on the southwest by AMM Collision Center.

Land Use:

The tract consists of three commercial lots zoned Retail Services.

Utilities:

Water and wastewater will be served by the City of Kyle.

Drainage:

The project will contain a series of swales, grate inlets, storm water pipes, and a detention pond. The project is not within the 100 year flood-plain.

STAFF RECOMMENDATION:

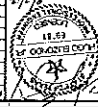
After the preliminary plan is deemed administratively complete, the planning and zoning commission shall recommend approval or disapproval of the preliminary plan or recommend conditional approval with modifications. A conditional approval recommendation can include the requirements and specific changes the planning and zoning commission determines necessary for the plan to comply with this chapter, or the conditional approval recommendation can be specifically given by the planning and zoning commission as an expression of recommended acceptance of the layout submitted on the preliminary plan as a guide to the installation of streets, drainage, water, sewer and other required improvements and utilities and to the preparation of the final or recorded plat.

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

- The plat is consistent with all zoning requirements

- The proposed provision and configuration of roads, water, wastewater, drainage has been preliminarily reviewed by the City Engineer and a detailed review of the infrastructure will take place prior to the approval of the final plat.
- Staff is recommending approval of the preliminary plan

REVISION	DATE	BY	DESCRIPTION
1	12/17/13	ME	ISSUED PER CITY COMMENTS
2	12/17/13	ME	ISSUED PER CITY COMMENTS
3	12/17/13	ME	ISSUED PER CITY COMMENTS
4	12/17/13	ME	ISSUED PER CITY COMMENTS



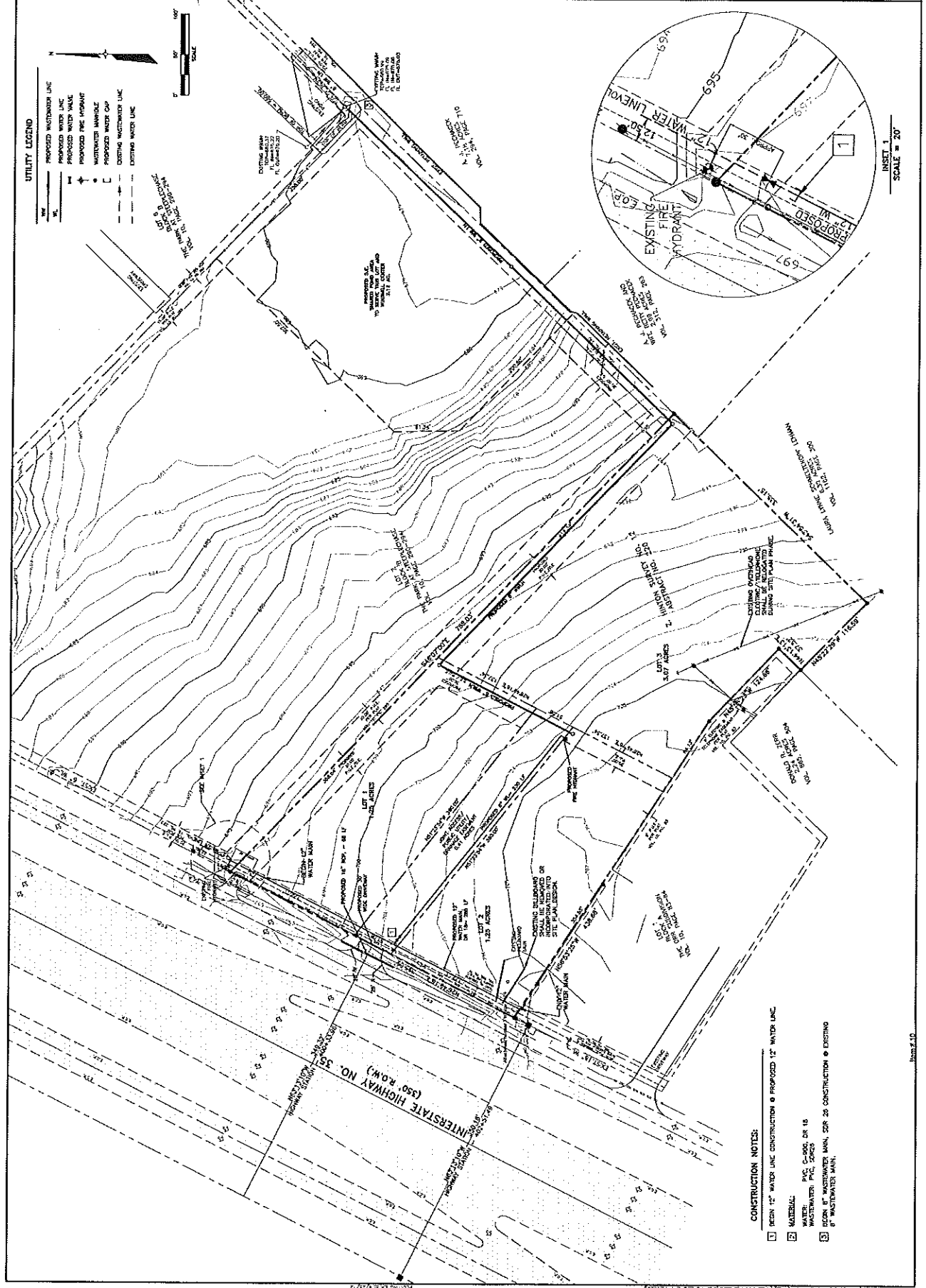
4 CUATRO
 CONSULTANTS, INC.
 12411 FORT MEADE, SUITE 200
 HOUSTON, TEXAS 77060
 TEL: 281-410-1234
 FAX: 281-410-1235
 WWW: WWW.4CUATRO.COM

UTILITY LAYOUT
 WINDMILL CENTER
 3.574 ACRES
 HAYS COUNTY, TEXAS

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

DATE:	NOVEMBER 2013
PROJECT:	WINDMILL CENTER
DRAWING NO.:	13-1129
DRAWN BY:	ME
CHECKED BY:	ME
SCALE:	AS SHOWN

4 OF 4



UTILITY LEGEND

---	PROPOSED WASTEWATER LINE
---	PROPOSED WATER LINE
+	PROPOSED FIRE HYDRANT
○	WASTEWATER MANHOLE
○	PROPOSED WATER CAP
○	EXISTING WASTEWATER LINE
---	EXISTING WATER LINE

- CONSTRUCTION NOTES:**
1. BEGIN 12" WATER LINE CONSTRUCTION @ PROPOSED 12" WATER LINE
 2. MATERIAL:
 WATER: PVC, C-900, DR 15
 WASTEWATER: PVC, SDR35
 3. BEGIN 12" WASTEWATER MAIN, DRP @ CONSTRUCTION @ EXISTING 12" WASTEWATER MAIN.

Sheet 1 of 4



CITY OF KYLE, TEXAS

Patriot Car Wash-Site

Meeting Date:
10/23/2012
Date time: 6:30 PM

Subject/Recommendation: Patriot Car Wash - Site Plan (SD-12-016)
1.099 acres; 602 square foot building
Located at 21195 N. IH 35
Applicant: Steeplechase Carwash, LLC.
Agent: Hugo Elizondo, Jr., P.E., Cuatro Consultants

- Public Hearing
- Consider and Act on

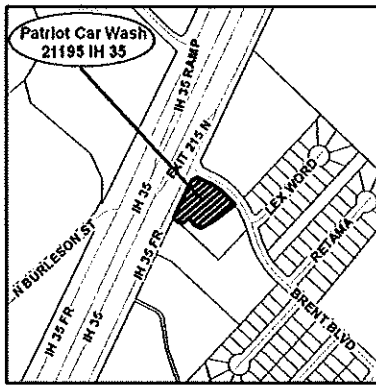
Other Information: Please see attachment

Budget Information: N/A

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

Attachments / click to download

- [Site Plan](#)
- [Landscape Plan](#)
- [Staff Report](#)
- [Map](#)



MEMORANDUM

TO: Planning and Zoning Commission

FROM: Sofia Nelson, Planning Director

DATE: October 16, 2012

SUBJECT: Site Development Permit and Conditional Use Permit
Patriot Car Wash

Summary of Request:

The subject property is located at 21195 N. IH35 and is approximately 1.9 acres in size (along the northbound access road/ at the intersection of Brent Blvd. and IH 35). The property is zoned Retail Services and the applicant is proposing to add an additional car wash bay to the existing car wash facility. The building materials of the proposed bay will match the existing carwash structure and will be approximately 502 square feet in size.

Purpose of Application:

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

STAFF ANALYSIS AND RECOMMENDATION

Overlay District

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

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

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

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

Comprehensive Plan Guidance

The subject property is located in the Core Area Transition District; the comprehensive master plan states the following with regards to the character and intent of the district:

- This district is important as a transitional zone between largely residential areas and commercial uses along I-35 and as a portion of Kyle that is visually significant to travelers along I-35.
- Vertical mixed use development models are well suited to the this district
- Development should be located close to roadways with minimal front yards, to maximize available land and visibility from main roads.
- As this district develops it should serve to create a consistent fabric that links Downtown and the super regional node, encouraging the expansion and strengthening of Kyle's core.

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

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

Analysis:

The proposed development fronts on the I-35 access road and gains access to and from the site from Brent Blvd and the access road. The original site development plan for this development was submitted in 2007 and included the additional bay. However the code only allows site plans to be valid for 12 months before expiration.

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

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

- The proposed development meets all zoning, landscaping and parking requirements outlined for the retail services zoning designation.
- The proposed development is in keeping with the existing development on site.
- Should the Commission approve the site development request the approval shall be conditional on the applicant constructing the sidewalk or being granted a variance by the Board of Adjustments.



CITY OF KYLE, TEXAS

Patriot Car Wash- CUP

Meeting Date:
10/23/2012
Date time: 6:30 PM

Subject/Recommendation: Consider a request by Steeplechase Carwash, LLC (Patriot Carwash) for a Conditional Use Permit to construct a 602 square foot building located within the Interstate Highway 35 Corridor District. 1.099 acres located at 21195 N. IH-35
Applicant: Steeplechase Carwash, LLC.
Agent: Hugo Elizondo, Jr., P.E., Cuatro Consultants

- Public Hearing
- Planning and Zoning 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

- [Staff Report](#)
- [Site Plan](#)
- [Color Rendering](#)

Cover Memo

Item # 12

MEMORANDUM

TO: Planning and Zoning Commission
FROM: Sofia Nelson, Planning Director
DATE: October 16, 2012
SUBJECT: Site Development Permit and Conditional Use Permit
 Patriot Car Wash

Summary of Request:

The subject property is located at 21195 N. IH35 and is approximately 1.9 acres in size (along the northbound access road/ at the intersection of Brent Blvd. and IH 35). The property is zoned Retail Services and the applicant is proposing to add an additional car wash bay to the existing car wash facility. The building materials of the proposed bay will match the existing carwash structure and will be approximately 502 square feet in size.

Purpose of Application:

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

STAFF ANALYSIS AND RECOMMENDATION

Overlay District

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

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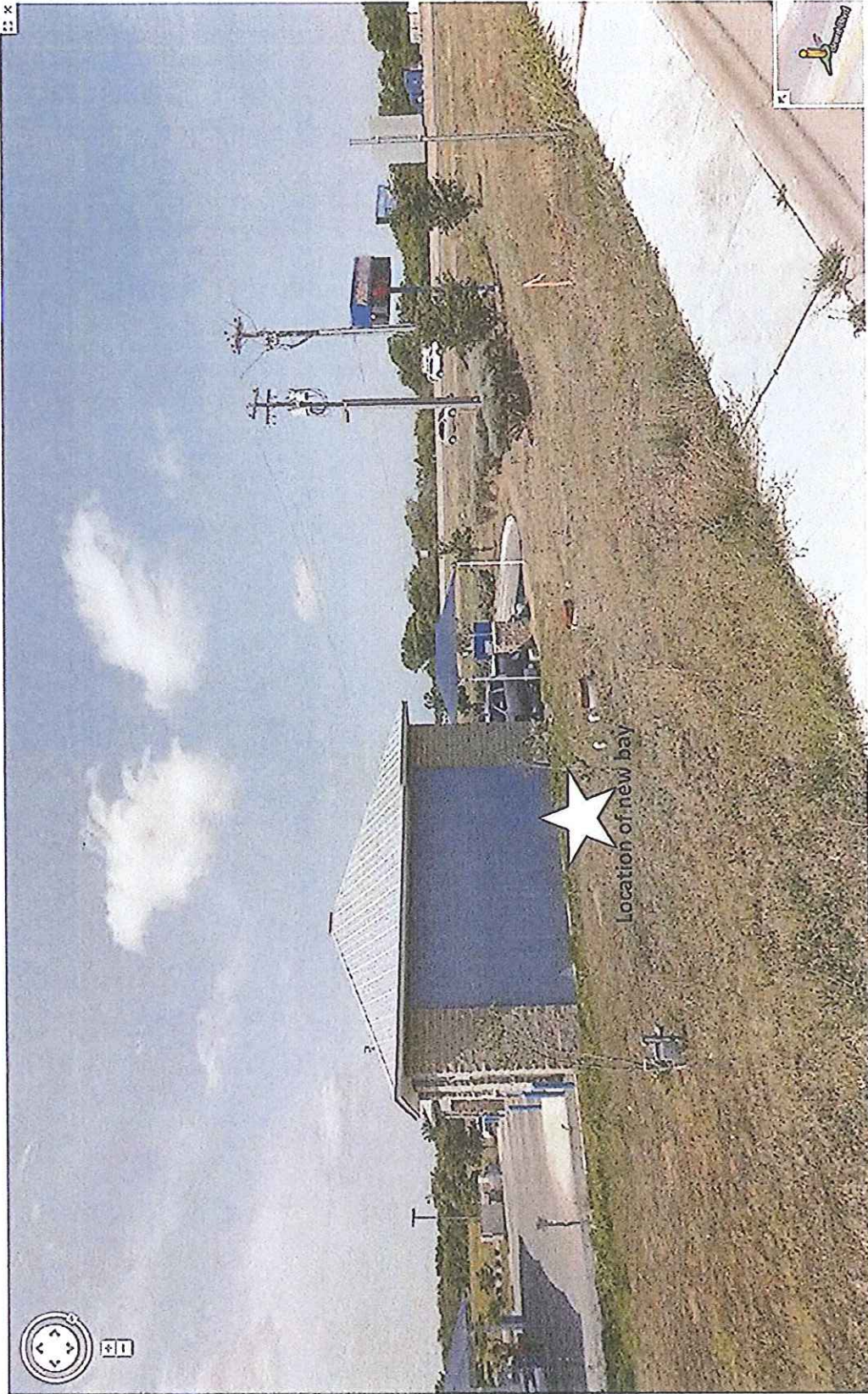
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As new development occurs construction of a sidewalk is required at the time of development. The construction of a sidewalk at the time of development allows for the incremental construction of sidewalk connectivity. The applicant is requesting a variance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

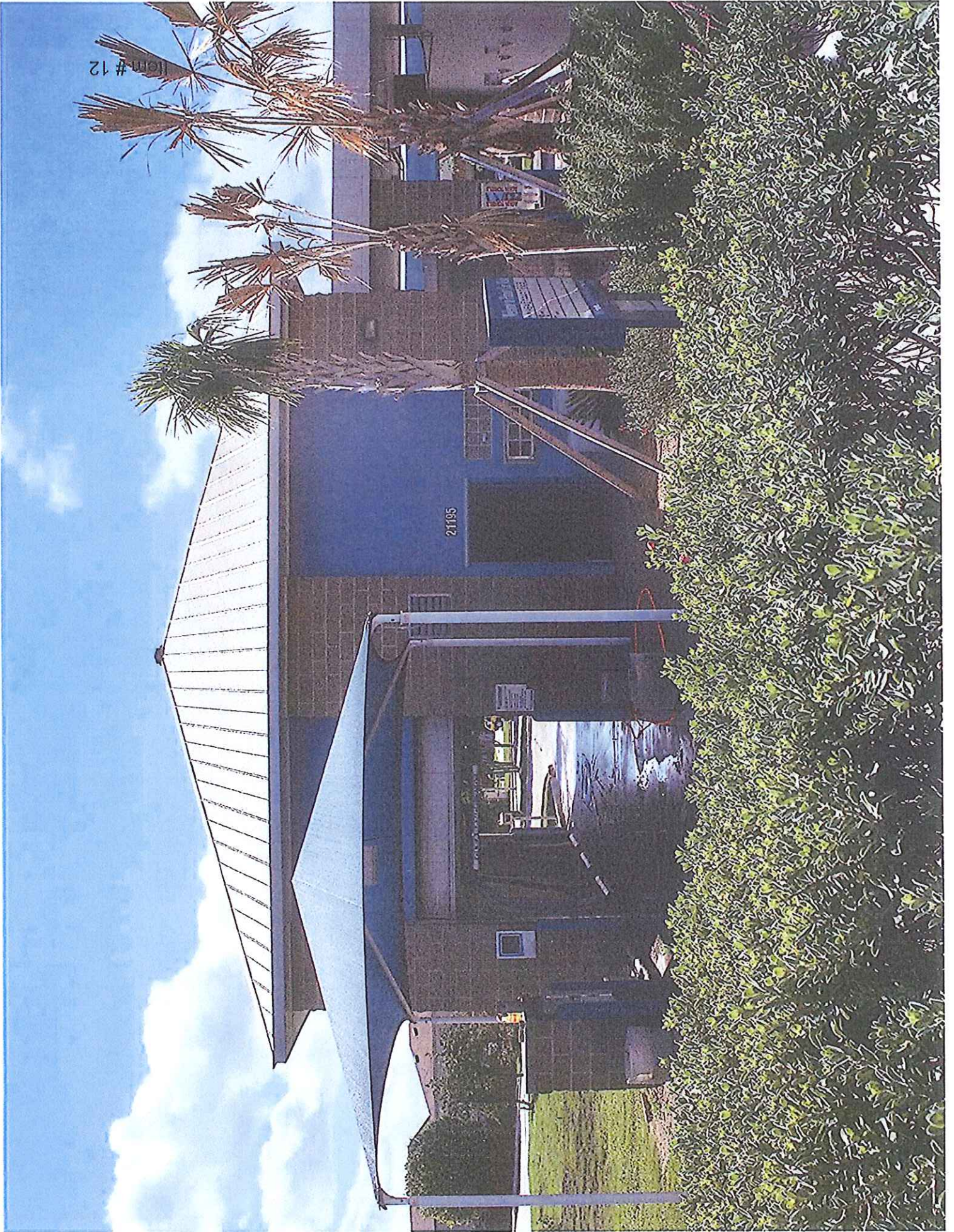
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- The proposed development meets all zoning, landscaping and parking requirements outlined for the retail services zoning designation.
- The proposed development is in keeping with the existing development on site.
- Should the Commission approve the site development request the approval shall be conditional on the applicant constructing the sidewalk or being granted a variance by the Board of Adjustments.





Item # 12



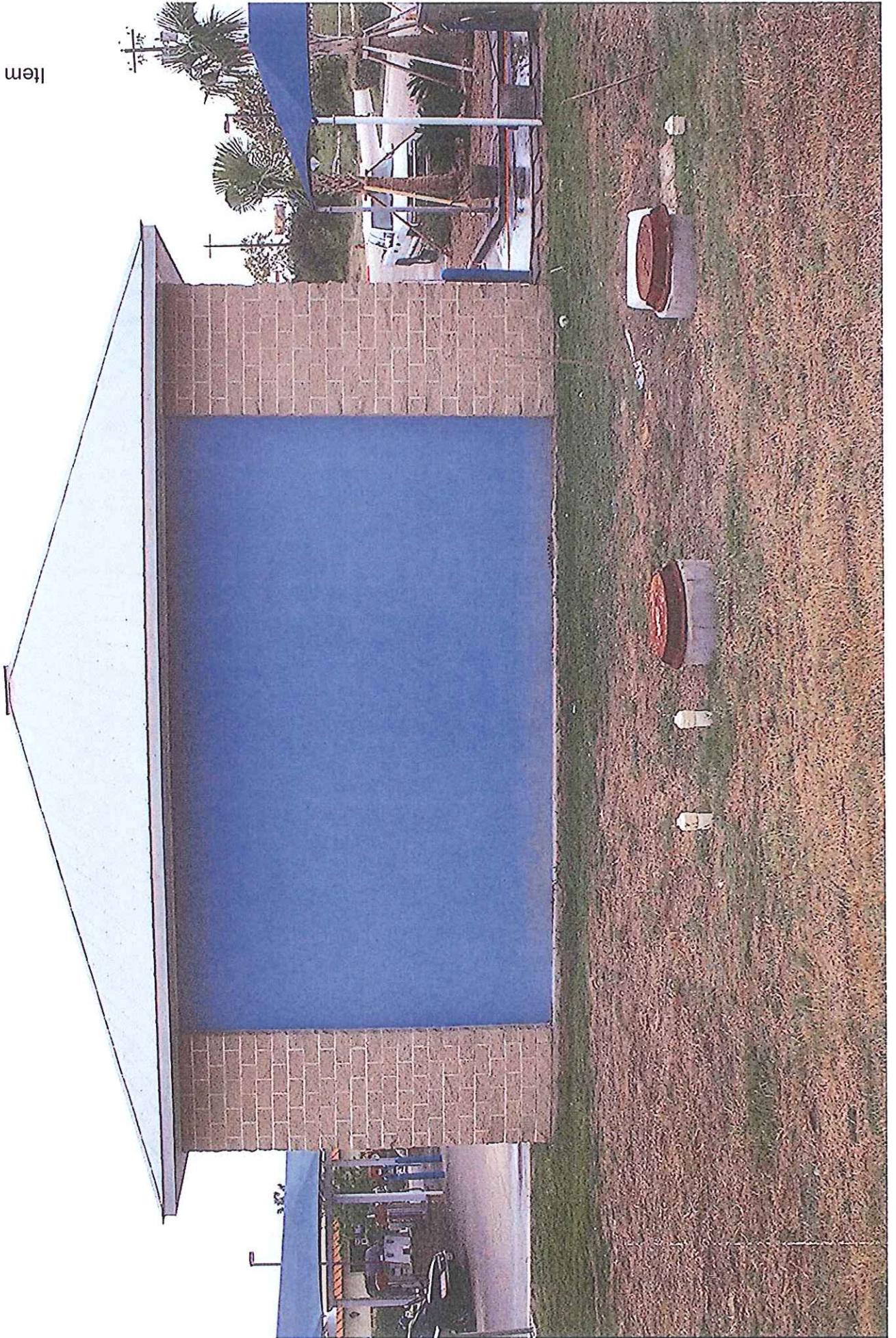
Item # 12

21195



Item # 12

Item # 12





CITY OF KYLE, TEXAS

IH-35 Overlay

Meeting Date:
10/23/2012
Date time: 6:30 PM

Subject/Recommendation: Hold a Public Hearing for the purpose of hearing comments regarding an Amendment to the City of Kyle Zoning Ordinance-Part II-Code of Ordinance Chapter 53, Zoning Article III - Overlay Districts, Division 4 - Conditional Use Overlay Districts to Amend and Establish Specific Development Requirements for property within the IH-35 Overlay District.

- Public Hearing
- Staff Recommendation to postpone action till November 27th

Other Information: Please see attachments

Budget Information: N/A

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

Attachments / click to download

- [Staff Report](#)
- [Proposed I-35 Overlay District Development Standards - Draft II](#)

MEMO

To: City Council

CC: Planning and Zoning Commission

From: Sofia Nelson, Director of Planning

Date: October 15, 2012

Re: Update on I-35 Overlay Standards- Process, Feedback, Next Steps

The purpose of this memo is to provide a briefing on the current status of the I-35 Overlay District. Below is a summary of the following:

- The process the Planning and Zoning Commission has taken to reach the current draft
- Feedback received from the public
- How the feedback has shaped the current draft of the ordinance
- Next steps

Process

Below is an outline of public meetings and public outreach held to discuss the I-35 Overlay District.

- September 4, 2012-** City Council received an update on the I-35 Overlay Ordinance. Staff reviewed the proposed draft, discussed the scheduling of public workshop, and asked for feedback from the City Council.
- September 13, 2012-** City staff mailed public notice to all property owners within the existing I-35 Overlay District.
- September 17, 2012-** Planning and Zoning Commission hosted a public workshop. Staff presented current draft and received feedback from attendees
- September 19, 2012-** City staff spoke at the Amberwood HOA meeting at the request of the HOA to give a briefing on the intent of the I-35 Overlay District.
- September 25, 2012-** The Planning and Zoning Commission received an update from staff on feedback received and discussed possible ways for amending the ordinance to reflect the public feedback received.

Prior to the above meetings the Planning and Zoning Commission met 5 times (April 10th, June 26th, July 31st, August 16th, August 28th) to draft the ordinance.

Feedback Received

Since the initial notification of the public workshop staff had received feedback from a variety of sources (property owners, real estate representatives, developers, citizens at large, development professionals etc.) regarding the draft development standards for the existing I-35 Overlay District. Below is a summary of feedback received along with different revisions that have been drafted for Planning Commission's review on how the feedback can be accommodated for. Additionally all written comments that staff has received have been attached to this memo for your review.

- Encourage the use of red brick and white limestone as used on City Hall- Not require the material but encourage the use by reducing another building design requirement.
 - Language has been added to reduce the number of design features required on each wall if red brick and white limestone are utilized.*
- Allow for the City Engineer to vary the detention shape requirement based on topography and shape of the property.
 - A variance procedure has been drafted that would require variances to go through the Planning and Zoning Commission and stop with them rather than going to the Board of Adjustments or City Council.*
 - A statement at the beginning of the document to address the review of the standards by stating the requirements of the overlay will be reviewed at the time of building permit and site plan review. This would remove the requirement for submitting a conditional use permit and a color rendering if no variances are being requested.*
- Review the requirement for Open Space and reduce or eliminate the requirement for smaller projects
 - This section of the draft has been updated to be required only for projects 3 acres in size or more.*
- Review the requirement for the 25' landscape buffer (consider eliminating the requirement or reducing/eliminating for smaller projects).
 - This section of the draft has to be titled "sidewalks" and instead of a 25 foot landscape buffer I have added a provision for street trees between the roadway and the sidewalk. Landscape screening of parking is already required by the current code.*
- Review requirement for parking location – parking located behind the front building line.
 - The percentage of the required parking behind the front building line has been reduced and based on the size of the building. Additionally a provision for which additional landscaping can be provided in return for a reduction in the amount of parking required to be behind the front building line has been added.*
- Review requirement for building glazing (the amount of area required to consist of windows or doors)
 - The language in the section has been clarified and the required percentage of area to be glazed has been reduced.*
- Standards vs. guidelines- Improve process for approval if all standards are met
 - A statement at the beginning of the document to address the review of the standards by stating the requirements of the overlay will be reviewed at the time*

of building permit and site plan review. This would remove the requirement for submitting a conditional use permit and a color rendering if no variances are being requested.

Next Steps

The next public hearing on this topic is scheduled on October 23rd at 6:30 during the regular Planning and Zoning Commission meeting. A public hearing is scheduled (property owners have been notified via mail notice and newspaper notice has been published), staff will recommend postponement till November 27th to allow the public to review and comment on the revisions made to the ordinance. The City Council will need to hold a public hearing on November 6th, since this is the date that was advertised in mailed notices and in the newspaper. Staff will recommend postponement for City Council action till after P&Z has made its recommendation. I expect the ordinance will be ready for Council review on December 4th.

From: [Jeff Barton](#)
To: [Sofia Nelson](#); [Steve Widacki](#);
cc: [Bert Bryan](#); [Rick Sheldon](#);
Subject: thanks for meeting
Date: Tuesday, September 25, 2012 3:45:32 PM
Attachments: [JWB signature.png](#)

Sofia and Steve,

Thanks for taking time to meet this morning about the proposed I-35 Overlay Ordinance. As we discussed, I'll plan to be at the P&Z meeting tonight as well, but I want to reiterate that we appreciate the opportunity to meet in advance and discuss in detail some of the practical implications of the ordinance language.

It's encouraging to see you so open to input and to addressing the concerns of landowners, the business community, and others who will actually use the rules. I know we won't agree on every item, but I thought it was a good meeting, and I believe Mr. Howell and Mr. Bryant felt the same way. I will share our discussion with my client, Rick Sheldon, and with friends in the engineering and business community.

Your willingness to consider slowing the process down just a little bit -- to let everyone get comfortable, and to make sure we've had the chance to work through the changes together -- is much appreciated. I know the final decision on timing will be up to the P&Z, and perhaps council, but thanks again for your open-mindedness on that score. As I said, I think it would go along way toward reassuring landowners that this is not a "railroad job" but rather something to be accomplished as public-private partners with a common interest in the welfare of Kyle.

As for one of the other big areas we discussed -- four-sided masonry -- I thought we made good progress. I think you go the idea, but I'll look through my photo catalogue to see if I can find something that illustrates what I was talking about.

Thanks again for taking the time, for the positive tone, and for your welcoming reaction to suggestions for improvement. In addition, I want to mention that I will definitely be speaking out in favor of taking this opportunity with the Overlay Ordinance to streamline the process and allow for certain decisions to be made administratively at the staff level without requiring a P&Z and council visit for every issue. I think that idea

makes sense on its own -- but it would also help applicants feel better about the new rules and any associated costs that may accrue out of those rules. I hope you will convey to your board that many professionals and landowners would view delegating some of these "consent" decisions to staff as good policy and good economics.

I'm copying Rick Sheldon and his assistant. We discussed his property (corner of Kyle Marketplace and Kyle Parkway) as an example.

Jeff

Jeff Barton, AICP

Principal

Gap Strategies

jeff@jeffersonbarton.com

(512) 964-0918





12 October 2012

Sofia Nelson, Director of Planning
City of Kyle
P.O. Box 40
Kyle, TX 78640

TO: Sofia Nelson

FROM: Maxwell Fisher, AICP and Dallas Cothrum, PhD

This memorandum pertains to the City of Kyle's consideration of adoption of new development standards for the Interstate Highway 35 (IH35) corridor. The services of Masterplan have been retained to engage in the development and consideration of the proposed IH35 Development Standards. Masterplan has played an integral role in the zoning and development entitlement for numerous large scale and high profile developments across Texas. As such, we have significant experience in the formulation of development standards that provide for quality development in its appropriate context.

North American Development Group (NADG), one of North America's leading shopping center acquisition and development companies, owns the 80-acre site area south of Kyle Crossing and west of IH35. The northern end of the property contains a successful anchor, Home Depot (separately owned), while the great majority of this parcel remains undeveloped.

NADG has finalized a contract for a multi-screen theater for the site as well as other retail development. A theatre would provide significant revenues and tax base as well as provide restaurant and entertainment options for the project and City. Under the proposed plan, such a theater could not feasibly open and operate in Kyle.

NADG was not notified of the City's consideration of the adoption of development standards until September 24th, well after the creation and initial consideration of the standards at the initial public workshop on Monday, September 17th and at the Planning and Zoning Commission meeting on September 25th. At this juncture, we have missed opportunities to provide input.

Notwithstanding, after reviewing the draft development standards available on the City's website, we are expressly against the proposal as it will severely limit and hand-cuff the development and materially adversely impact the current and future value of the project. There are elements of the standards that are impractical along an interstate highway and threaten the development in a predominately rural area. Moreover, these burdensome standards, stemming from unrealistic expectations, would particularly impede the development of large retail primary and junior anchors, which is what this project has been planned as, and has been developed as. Should the standards thwart a primary anchor, as the impetus for

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Dallas, Texas 75202
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Item # 13



a retail center, it would have extensive ramifications on the City of Kyle's ability to attract the full spectrum of retailers. We also do not see how the existing Home Depot development would tie into any development subject to the proposed new standards. Most notably, without the ability to attract significantly sized anchors at complete economic levels, an 80-acre development cannot move forward economically in a rural area. Anchor tenants are not willing to significantly adjust or alter their standard format in suburban locations; hence, such catalysts for a development would not have interest in opening in Kyle under such circumstances.

Given our property investment in Kyle and the lack of appropriate notice of this effort, we expect that the City will not place the item on the Planning and Zoning Commission agenda for action on October 23rd.

VESTING:

Our understanding is that properties with an approved development plan tied to zoning or property that has been platted or permitted for construction are exempt from any new standards adopted by City Council. Besides Home Depot, the undeveloped portion of the site area will be subdivided to accommodate future development and users. We are concerned that although the property has been platted, any subdivision of the property for future development would be subject to the new standards.

COMMENTS:

Page 4: "Development that does not turn its back on streets"

Development will inevitably back up to certain streets given the multiple roadways necessary to serve a community or regional scale retail development along the IH35 corridor. In order to achieve a town center approach, buildings will have to back to external streets. Consideration should be given to clarifying that rear facades are permitted to back to streets provided adequate screening of service bays is employed. In this particular case of the NADG tract, there is no development around the site that would be impacted by building orientation.

Page 8: "Electrical meters, switch boxes, panels, conduit, and related utility equipment must be placed in the most inconspicuous location possible." "All new utility lines must be placed underground."

These statements are vague and could be very costly in the event equipment is relegated to remote locations. Consideration should be given to generally re-wording language to state, "Ground-mounted utility equipment should be placed in inconspicuous locations when feasible; however, in the event that equipment is placed in a front or side yard adjacent to and visible from a street or residential district, it must be screened with vegetation or a wall."

Page 9: "Blank walls adjacent to a public street are prohibited"

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Consideration should be given to providing exclusionary language for development backing minor streets. It is unreasonable to expect the side and rear elevations of medium to large-scale retail shopping centers to adhere to this requirement. Reasonable provisions for development include high quality building materials and textures as well as appropriate screening of loading and services areas to minimize visual impact; however, application of vertical and horizontal articulation on rear and side building elevations is excessive and overly burdensome. The rear and side of buildings is generally a necessary service area for retail operation. Lessening this requirement would allow for funds to be invested in more visible areas of the site where aesthetics and site function are unequivocally more important.

Moreover, requiring large blank walls to be covered with vegetation or other screening devices can be problematic and an ongoing maintenance issue for the city and property owner. Large buildings should be exempt meeting this requirement, particularly on those western and southern elevations facing the sun. Regardless, requiring 60% of building elevations to be covered by vegetation is excessive. In certain applications, such as on front/side elevations of small to medium sized buildings, a much smaller percentage of coverage is adequate to break the monotony of expansive elevations and provide visual interest. These requirements would result in high watering and maintenance costs from these requirements. A minimum degree of building articulation is a realistic alternative to avoiding a monotonous building façade.

Page 9: "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."

"Large areas" needs to be defined and clarify "special building material treatments".

Page 10: "Orientation to Streets"

The concept of glazing and pedestrian connections throughout developments works in urban areas with interconnected street and pedestrian systems and in planned town centers; however, it isn't feasible to apply these standards throughout the corridor, particularly on larger retail development in exurban and rural milieus. Instead of requiring these standards for all development, consideration should be given to provide exclusionary language or a defined variance process based on certain criteria.

Page 12: "Water bodies and Detention/Retention Areas"
Curvilinear vs. straight peripheries

This requirement will waste space and could cause stagnant water issues without rigorous maintenance. Ponds and detention/retention facilities can be minimally shaped in an organic form to create an aesthetic appearance while conserving land. Also, these facilities can serve as landscape buffers with plantings along the periphery, thereby maximizing use of land.

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Page 13: "Parking Lots"

Fifteen foot landscape peninsulas or medians in the middle of a parking lot is excessive and displaces convenient parking to more distant or remote locations, in addition to raising the cost of construction. For retail buildings of 50,000 square feet or greater, requiring 50% of the parking behind the building is totally unreasonable for patrons unless development is such that there are multiple entrances such as found with a department store or town center. This provision could prevent retailers from developing on certain sites along IH35 in an already challenged economy. Anchor stores will not agree to this condition. It will eliminate development.

Consideration should be given to limiting internal parking lot landscaping and buffering to landscape islands of smaller sizes. This is an inefficient use of land requiring additional water and maintenance for the property owner. As opposed to requiring large landscape areas in the parking lot, consideration should be given to the requirement of additional drought tolerant plant material to increase site aesthetics. This improves site quality and aesthetics while avoiding impact to parking areas and creating ongoing maintenance costs. Also, adequate pedestrian connections can still be provided and demarcated with painting or enhanced paving applications at key locations within the parking lot without linear and raised landscaped corridors.

Consideration should also be given to reducing parking requirements for multiple uses on a site with complimentary times of peak trip generation. This provision would allow for increased landscaping opportunities, as opposed to requiring larger landscaped areas.

Page 14: "Buildings constructed shall have a minimum of 90% masonry walls as defined below."

Change 90% to 75% to allow for some flexibility in building materials while restricting or prohibiting questionable materials.

Page 15: "Four-sided Design"

The side or rear street-facing façade of large buildings should not be held to the same standard of no more than 30 feet of uninterrupted wall. Also, side or rear elevations not facing the street are many times hidden or less visible from the public. Requiring false windows and door openings on these less visible elevations is excessive and particularly burdens large-scale retail and other multi-tenant buildings on those elevations with minimal to no public interface.

Page 15: "Building Massing and Form" "A single large dominant building mass must be avoided in new buildings.

There needs to be exclusions for big-box retail. This would eliminate a Costco, Sam's, Wal-Mart or other large retail store from locating in this district.

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Also, providing four of the design elements would be challenging for big-box retail. Consideration should be given to reducing the number of required design elements to 2 or 3, or providing more options for compliance for big-box retail to avoid impractical display windows, patios, overhangs and peaked roof forms.

Page 16: "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."

Require fewer design features for large retail users.

Page 16: "Walkway Width and Design"

The requirement for 12-foot walkways is excessive unless it is in an urban/downtown, form-based or mixed use concept. This is not in context with the predominate development pattern in this area.

Page 17: "Open Space"

These standards are suitable for a downtown area or town center development but not for all retail development along IH35. The IH35 corridor is vehicle oriented and as such, customers of convenience goods and services uses will want the ability to quickly access these businesses.

While we appreciate the intention of providing standards that provide for quality development to improve the quality of life for the City of Kyle citizens and the surrounding communities, without significant changes, prospective retail development will go to neighboring cities with fewer entitlement hurdles. These standards will deter major retailers, which in turn, would thwart spin-off retailers from locating to Kyle. Ultimately, the City of Kyle will miss out on key economic development opportunities along its corridor, impacting the city's tax base.

We would be happy to convene with City officials to determine if there are mutually beneficial changes that could be adopted to enhance the property's current zoning and entitlements.

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Web: masterplanconsultants.com

October 15, 2012

To: Mayor Lucy Johnson, Kyle City council, and Sofia Nelson – Director of Planning

From: John B. Sanford, Realtor

Re: Proposed I 35 Overlay District - Development Standards

I represent many small commercial property owners in the area. Some of these are local residents and taxpayers. The proposed IH 35 overlay standards would impose undue hardships on many of them.

At this point in time many of the larger businesses that would want to locate along IH 35 have already done so. These include Wal-Mart, Home Depot, Lowes, Target, Kohls, HEB-plus, Seton Hospital, related medical offices, and others.

All of these developments were approved without these standards and these larger projects will have a long term advantage over medium and small developments that will be approved in the future if these standards are adopted. The larger developments are in place and the mid-sized to small developments that plan to follow them will have to bear the brunt of the costs of these new standards.

- (1) For a small business that would be locating on just an acre or two the requirement of the 12 foot wide sidewalks, the 25 foot set-back green area between IH 35 and parking lots, and interior plaza requirements and open space requirements represent a virtual taking of some of their most valuable and usable property. The size and shape of water detention ponds should be dictated by the low point on the site and by the slope of the terrain as indentified by a professional engineer.**

One solution to insuring that mid-sized to small businesses do not bear the brunt of the costs of these new standards is to only have them required only on developments of 20 acres or more.

- (2) The income considerations for tax money for the city of Kyle should also be taken into consideration. By eliminating the outdoor sale of new and used automobiles the city of Kyle will lose out on a significant amount of sales tax that these businesses generate. Again two used car dealerships have already opened in Kyle on IH 35. They did not have to abide by this restriction and now will have a competitive advantage over similar businesses that will locate along IH 35 later. This should generate more sales tax income for Buda, San Marcos, and Lockhart.
- (3) Another tax income consideration is that if the city of Kyle is at a point of needing additional tax revenue the policy should be to lessen requirements for businesses to locate in the area not make them more costly. If the costs to develop are high and they cannot use a portion of the land that they buy, many will decide to open in Buda, San Marcos, or Lockhart. From what is

reported in the newspaper, the city of Kyle is at a point financially that it can afford to have these businesses locate elsewhere because of new costly development standards.

One solution to insuring that Kyle has adequate new tax money generated by new businesses is to delay implementing these development standards for 5 years. This time would give Kyle the opportunity to build up its cash reserves before it implements standards that could put the brakes on new development.

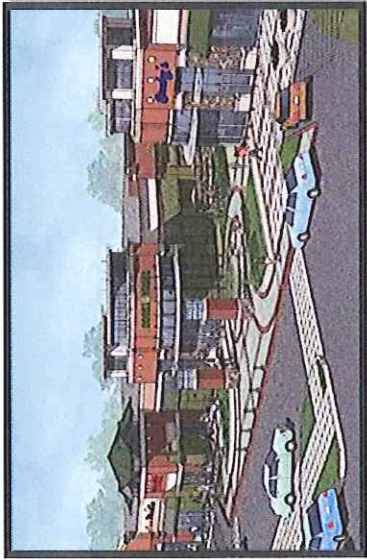
Kyle has made a similar mistake once before. This mistake was when difficult development standards were created for new homes in the area. This problem along with a recession did put the brakes on new home construction for a long time. Kyle is just now starting to recover from the combination of those new development standards and the recession. There was a lawsuit because of these residential standards, and Kyle did eventually win the lawsuit. What Kyle lost was new home construction and permit fees for many years. A city can take this kind of financial loss if it has determined that it has plenty of cash reserves.

- (4) Why have these development standards on a major highway where the speed of the drivers is 50 to 65 miles per hour. These drivers will not even be able to see these setbacks, sidewalks, and open areas?

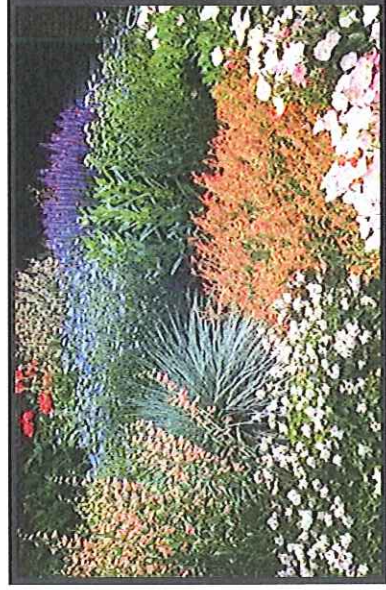
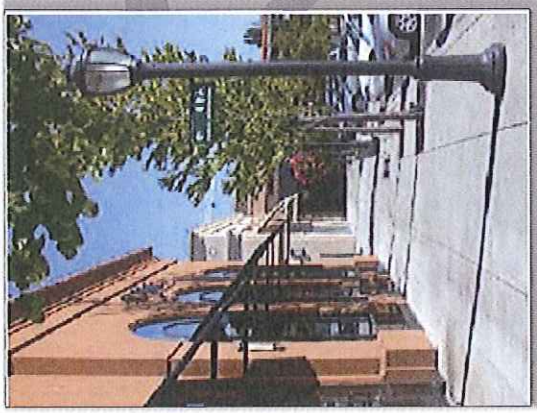
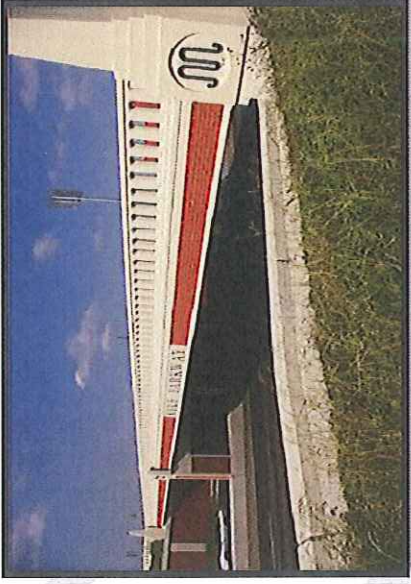
Possible Solution - Some cities take the position the IH 35 will be the place that they maximize development and maximize their sales tax income. They encourage dense development on IH 35. Development Standards and beautification projects are then located on east west arterials where the traffic is slower and the passengers in the cars are going slow enough to appreciate what has been created.

Respectfully submitted,

John b. Sanford, Realtor 312-1301 922-5633



I-35 Overlay District Development Standards



LEAD

Item # 13

Table of Contents

- Purpose
- Background
- Applicability
- Site Standards
- Building Standards
- Open Space

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.

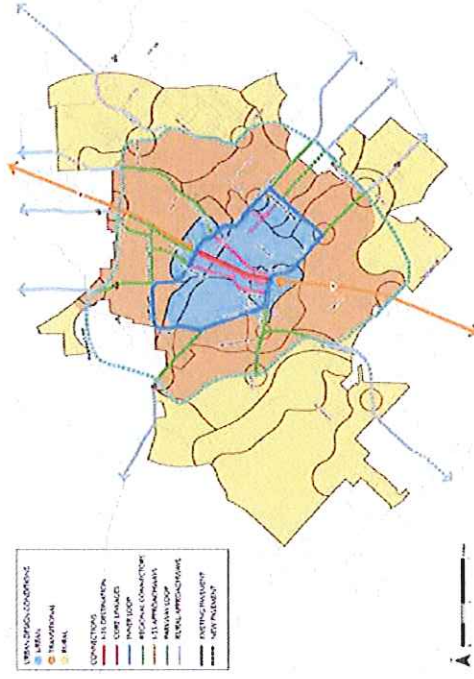
The requirements outlined in this document are intended to implement the vision, goals, policies and objectives outlined in the Comprehensive Master Plan and to ensure new development incorporates the following:

- 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.

Variances: Any variances to the standards within this document shall be approved by the Planning and Zoning Commission.

Review and Approval: The review of the following standards shall take place at the time of site development and building permit review.

Uses

Permitted 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 or used) shall not be permitted within the I-35 overlay district.

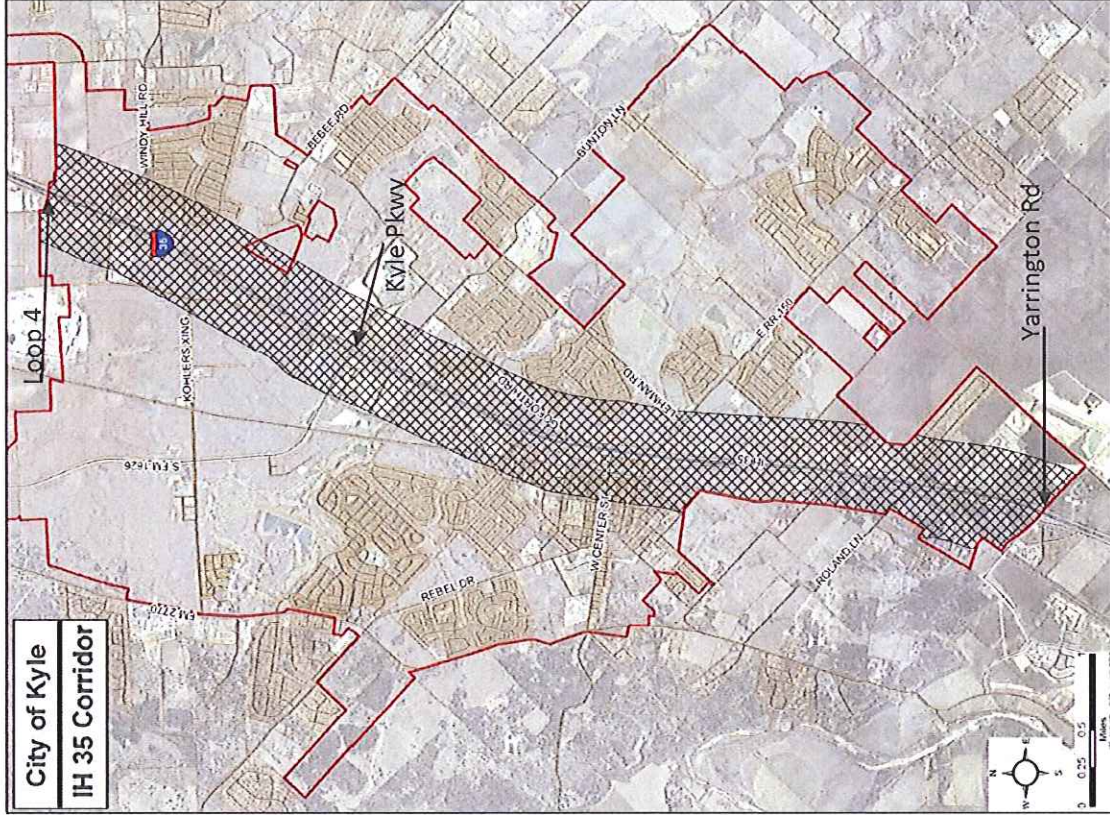
Site Standards

The purpose of the site standards outlined within the overlay district are to create development patterns that accommodate motorists, pedestrians, and cyclists while maintaining 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 face the roadway. The layout of parking areas and building footprints should promote safe and efficient pedestrian

Design standards are intended to:

1. Enhance and protect Kyle's character through clear design goals and policies and minimum standards.

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



Sidewalks

A minimum of a 5 foot sidewalk is required along all public streets. Street trees on an average of every 30 feet shall be planted between the street and the sidewalk within a tree planting zone of no-less than 7 feet wide. Sidewalks and trees are to be installed within the public right-of-way. Sidewalks and street trees may be installed within private property if not feasible to construct within the right-of-way due to limited width, location of utilities, or other public agencies.

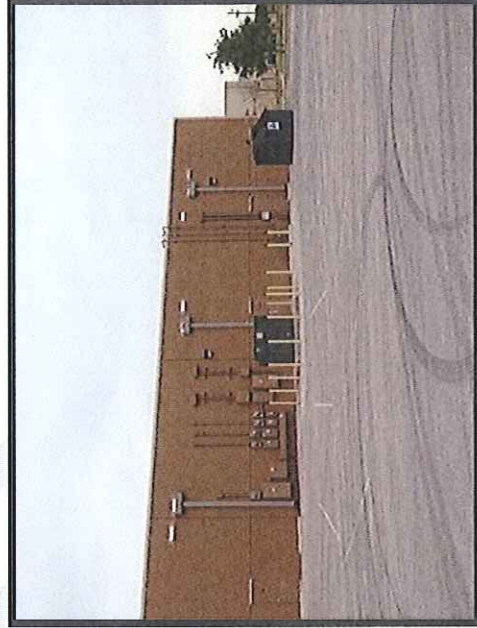
Screening

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 and mechanical equipment. 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

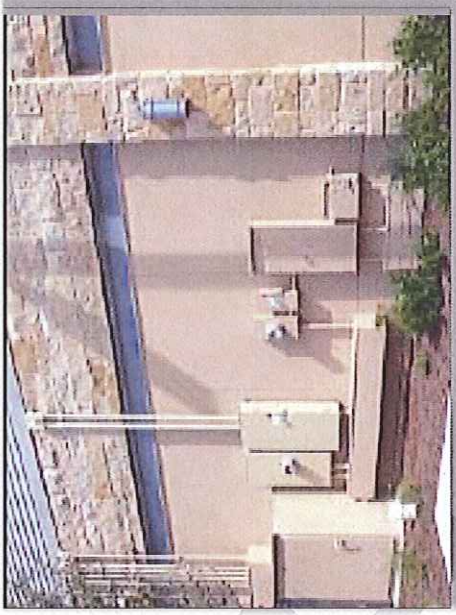


Example of unscrapped utility and waste disposal areas

Not this

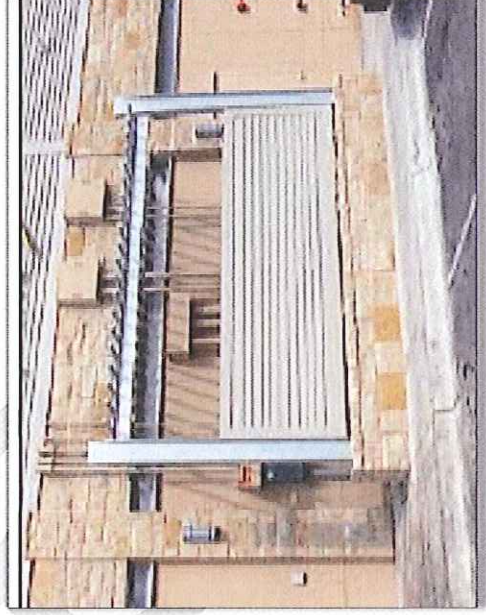
Utilities

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. When utility equipment is required by the electric company to be placed in clear vision of streets, alleys, or sidewalks written notice of the requirement from the electric company must be submitted with the site plan along with a landscaping plan for the screening of the utility equipment. Utility boxes must a uniform earth tone color.



Utility equipment screening

- Utility equipment must be painted or coated to match the color of the mounting surface.
- Utility equipment located in adjacent to a public street, viewable from a public street or circulation path or in an area frequently seen by the general public must be screened with a wing wall architecturally integrated into the host structure.

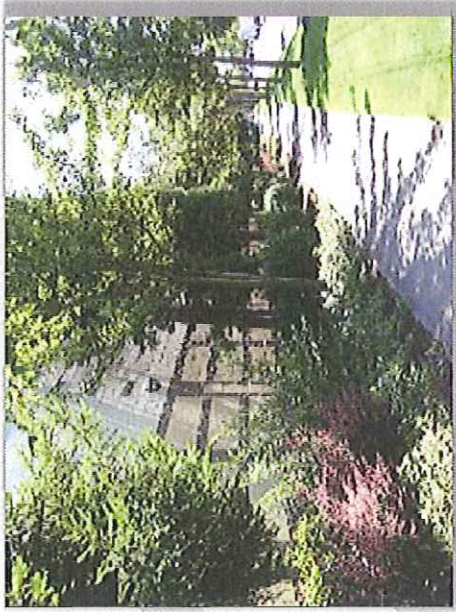


Siting and Orientation

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:

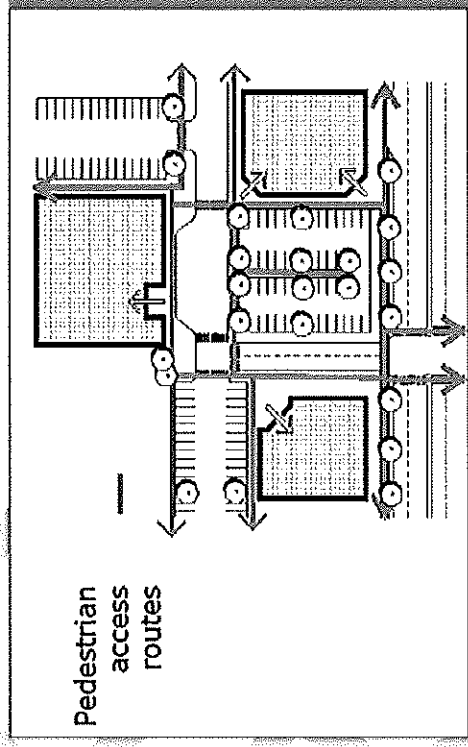
- Excluding window glazing, employ the same materials and colors as the building façade with the primary entrance.
- Utilize architectural treatments, detail and scale elements such as canopies, that are consistent with the primary building façade.
- Enclose dumpsters, recycle bins and compactors with 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 landscaping.

Orientation to walkways

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

Circulation

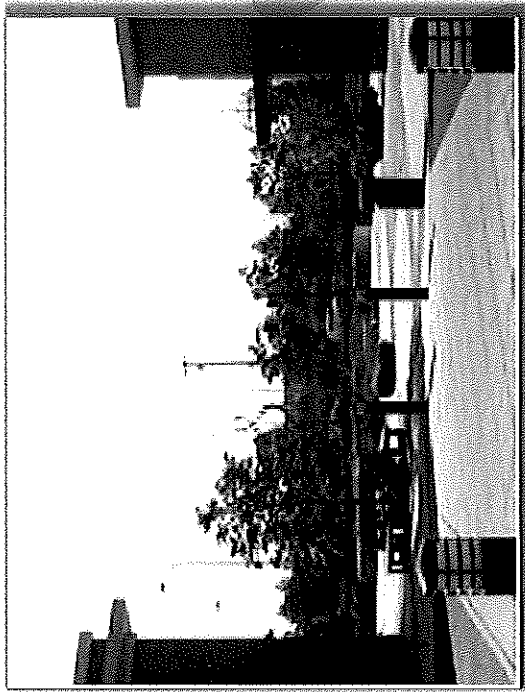
Circulation patterns must be as simple as possible. All likely pedestrian routes must be considered in the design phase of a development to prevent shortcuts through parking and landscape areas. An internal pedestrian walkway, ADA accessible, at least 6 ft. wide must be provided from the perimeter public 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. Natural and manmade water bodies at least 20,000 sq. ft. in size 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 trees on average 25 ft. centers
- 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.

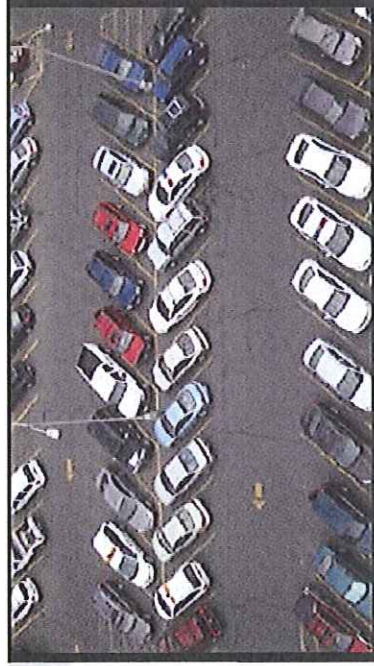
Only one drive aisle shall be permitted between a public right-of-way and a structure no more than 20,000 sq. ft. in size is permitted. Buildings more than 20,000 square feet and less 50,000 square feet in size must have at least 50% of the required off street parking behind the front building line. Buildings over 50,000 square feet must have at least 40% of the required off street parking behind the front building line.

Exemptions:

- Utilize liner buildings to screen the parking lot (a combination of liner buildings and parking behind the front building line may be used to achieve required percentage of screened parking).
- A reduction of up to 10% of the required screened parking may be granted if a minimum of 150% of the standard landscape requirements for the area and planting materials are provided.



Do this



Not this

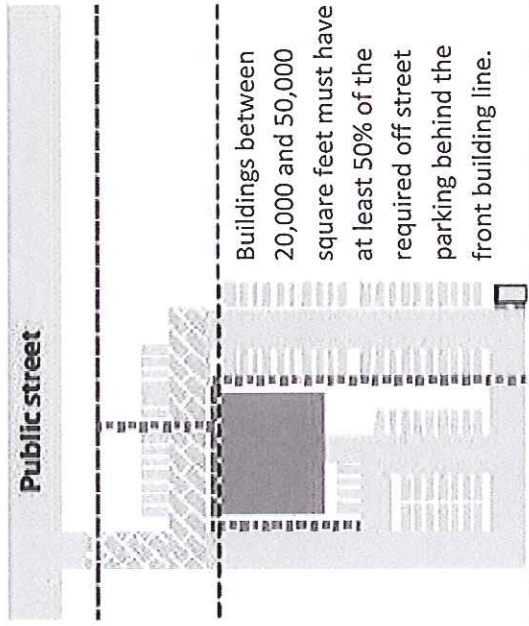
Outdoor Storage

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.

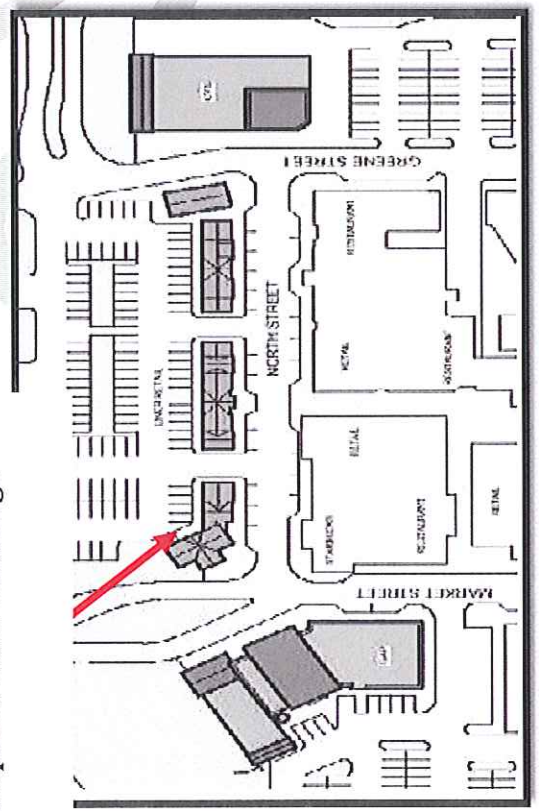
Display is not permitted within required setbacks. Except for items that would normally be utilized and stored outside, outdoor display shall occur only during the business hours of the applicable business establishment.

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

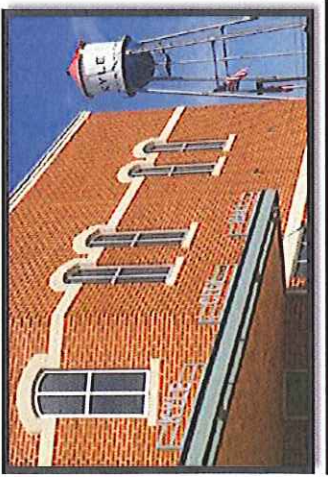
- a. Such storage does not exceed twenty percent (20%) of the gross floor area of the primary building that houses the business storing such materials,
- b. Such storage or container is located no closer to a street frontage than the primary building that houses the business storing such materials,
-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



Example of Liner buildings



Building Requirements



- 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.

Materials

Buildings constructed shall have a minimum of 90% masonry walls as defined below. The City of Kyle would like to encourage and support the use of red brick and white limestone, as used on Kyle City Hall. Retail buildings utilizing red brick and white limestone on 90% or more of new buildings shall be allowed a 10% reduction in glazing requirements and shall be allowed an uninterrupted length of up to 40 feet rather than 30 feet. Non-retail buildings utilizing red brick and white limestone on 90% or more of new buildings shall be allowed a reduction of 50% of the required number of building front design features.

Masonry shall be defined to include the following:

- Brick
- Natural Stone
- Concrete Masonry Units

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. All roof mounted mechanicals must be screened from public view.

Building Massing and Form

Retail

A single large dominant building mass must be avoided in new buildings.

40% of the wall area below ten (10) feet as measured from the finish floor level of the façade's entry shall consist of glazing (windows / doors).

25% of the wall area between 10 feet and 30 feet shall consist of glazing.

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

- 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:

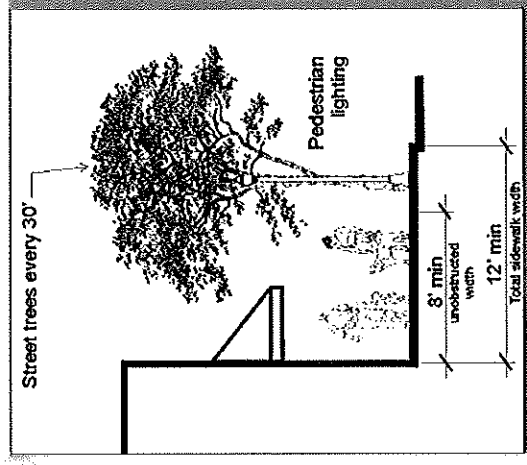
Horizontal off-sets, recesses or projections, porches, breezeways, porte-cocheres, courtyards, awnings, canopies, alcoves, recessed entries, ornamental cornices, display or other ornamental windows, vertical "elevation" off-sets, peaked roof forms, arches, outdoor patios, architectural details such as 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.



Do this

Item # 13

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, 3 acres or more in size, 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:

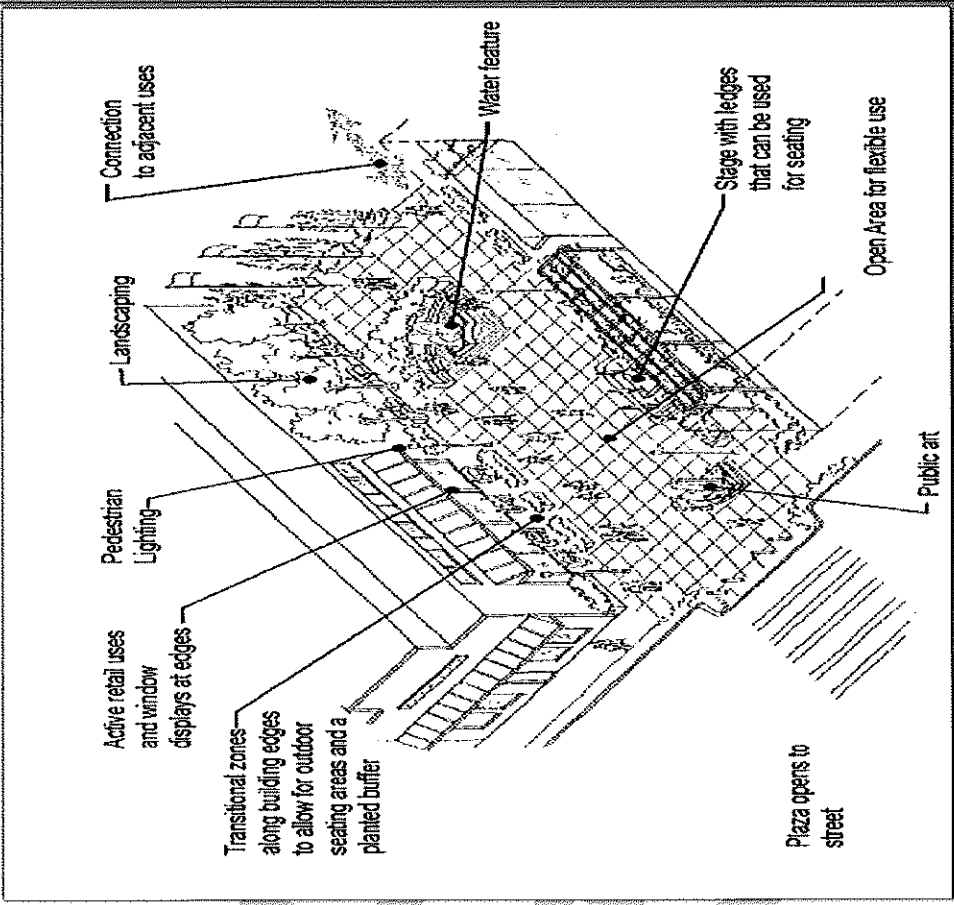
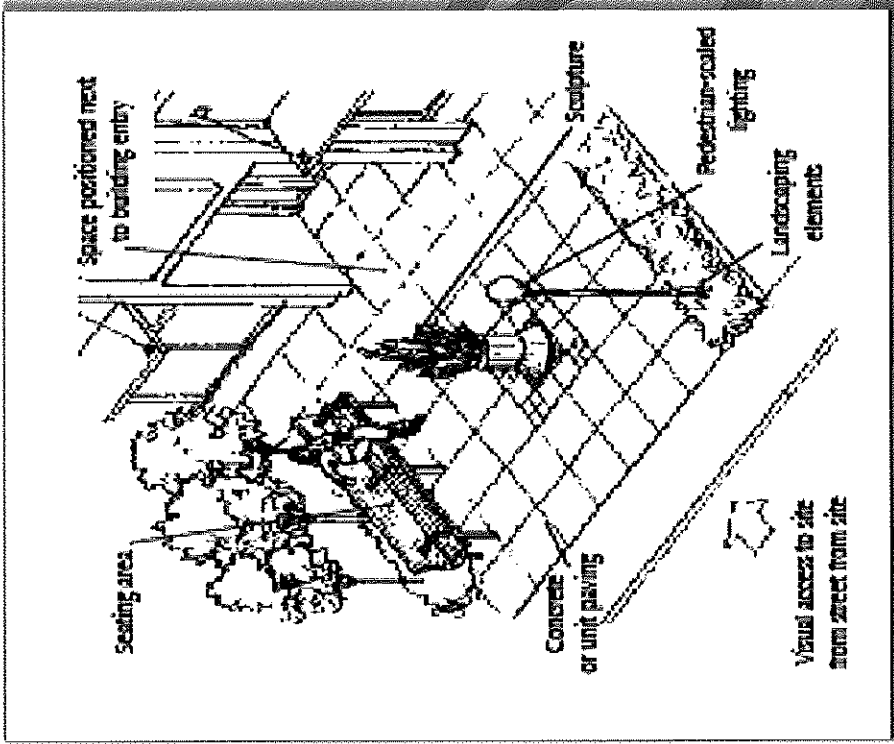
- Pedestrian-scaled lighting (no more than 15 feet in height) may be on-site or building-mounted lighting.
- Be sited in areas with significant pedestrian traffic to provide interest and security, such as adjacent to a building entry.
- Integrate landscaping features that add interest to the space.
- 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.



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.



LEAD

Item # 13



CITY OF KYLE, TEXAS

PGI Investment Comp Plan Amendment Request

Meeting Date:
10/23/2012
Date time: 6:30 PM

Subject/Recommendation: Consider a request by Hugo Elizondo, Jr., 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
- Planning and Zoning 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

- [New Settlement District](#)
- [Regional Node](#)
- [Request Letter](#)
- [Staff Report](#)
- [RV Ordinance](#)

Cover Memo

Item # 14

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

August 28, 2012



Sophía Nelson
Planning Director
City of Kyle
100 West Center Street
Kyle, TX 78640

**RE: YARRINGTON SUBDIVISION, 24800 SOUTH IH 35
CITY OF KYLE, TEXAS
CCL: 11-144**

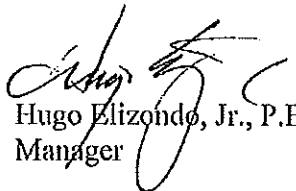
**Subject: Request for Change to a reference within the Kyle Comprehensive Plan and
the current Kyle Land Use Map**

Dear Mrs. Nelson:

It is our understanding, based on interpretations of the Kyle Land Use Map and the Kyle Comprehensive Plan, that a Recreational Vehicle Park would not be an allowed use within the proposed Yarrington Subdivision. Therefore, Cuatro Consultants, Ltd. formally requests on behalf of the owner, PGI Investments, LLC, that:

- The New Settlement District as described in the Kyle Comprehensive Plan reference Recreational Vehicle Use as "CONDITIONAL" instead of "NOT RECOMMENDED" and;
- The Kyle Land Use Map show allowable RV zoning within the limits of the proposed Yarrington Subdivision.

Sincerely,



Hugo Elizondo, Jr., P.E.
Manager

Item # 14

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 portioning 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.

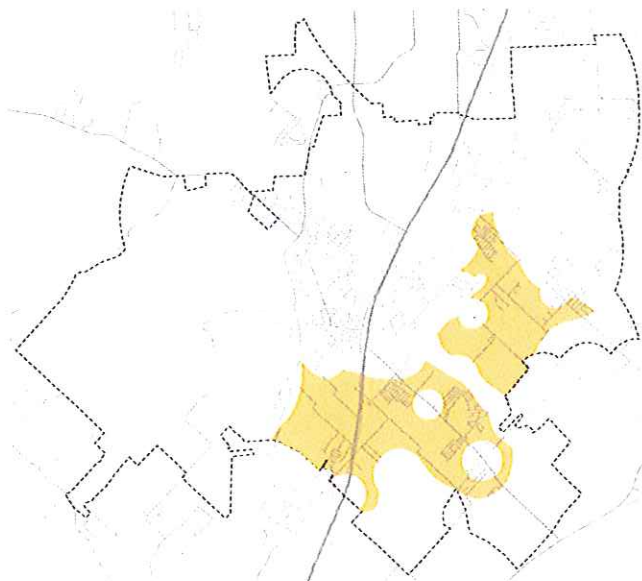
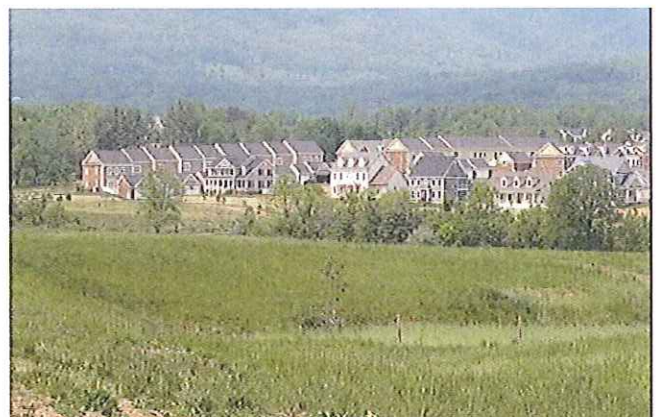


Figure 12: New Settlement District Key Map.



Illustrative Photograph



Illustrative Photograph

Item # 14

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



Figure 19: Regional Node Key Map.

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.



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.

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DIVISION 23. - RECREATIONAL VEHICLE PARK DISTRICT RV

- 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.

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(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~~14~~ months in duration.

(Ord. No. 438, § 41(f), 11-24-2003)

Secs. 53-657—53-674. - Reserved.

Item # 14



CITY OF KYLE, TEXAS

Woodlands Park

Meeting Date:
10/23/2012
Date time: 6:30 PM

Subject/Recommendation: Consider a request by David Armbrust, on behalf of Lee Goodman, to amend a compromise agreement between the developer of the Woodlands Park Subdivision and the City of Kyle to allow for a reduced garage setback.

- Planning and Zoning 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](#)

[Staff Report](#)

MEMORANDUM

TO: Planning and Zoning Commission

FROM: Sofia Nelson, Director of Planning

DATE: October 16, 2012

Re: Request for Amendment to Development Standards for Woodlands Parks Subdivision

Background:

- The Woodlands Park Subdivision is approximately 141.95 acres in size and is located along East FM150.
- Approximately 239 lots have been platted with a remaining 74.6 acres to be final platted.
- Phase I of Woodlands Park Subdivision had a Preliminary Plan for Phase 1 only with the balance of the property submitting a Concept Plan and then subsequently a Preliminary Plan. The February 2004 Preliminary Plan for Phases II, III and IV was prepared under Zoning Ordinance No. 378 and Subdivision Ordinance No. 439 (previous zoning and subdivision ordinance). Phase 2 has been final platted.
- The Preliminary Plan for Phase II, III and IV was approved with certain conditions including Pedestrian Trail crossing the property, a neighborhood pocket park and complete revegetation of the all drainage easements be provided., however the preliminary Plan expired prior to submitting a final plat.
- On September 29, 2006 the City of Kyle entered into a compromise agreement with the developer which allows this subdivision to proceed as previously approved with the following requirements
 - Reducing the number of residential from 398 to 392.
 - Providing a public neighborhood park at least one acre in size.
 - Front building line setback of all lots to be 25 feet with all other building line setbacks meeting requirements of Ordinance No. 438 for zoning classification R-1-1.
 - Woodlands Drive through Phases II, III and IV to provide sufficient space for bicycle traffic lane in addition to vehicular traffic lanes.
- August 28, 2012- The Planning and Zoning Commission denied the request for an amendment to the compromise agreement.
- September 4, 2012- The City Council tabled action on the request after the applicant suggested a change to the request and requested the Planning and Zoning Commission consider and make a recommendation on the applicant's suggested revisions.

Code Requirements Applicable to the Development:

Because the compromise agreement specifically states “Front building line setback of all lots to be 25 feet with all other building line setbacks meeting requirements of Ordinance No. 438 for zoning classification R-1-1” the below garage requirements shall be applicable (including setback and minimum square footage).

Sec. 53-65. - Conditions and limitations of the R-1-1

Garages are required and must be one of the following designs:

- a. Detached with a minimum setback of five feet from the front wall of the home facing front property line;
 - b. May be attached and must have a minimum setback of five feet from the front wall of the home facing front property line; or
 - c. May be attached and meet minimum front setback requirements, but must face side property line.
- Each garage must be designed and constructed with a minimum of 480 square feet.

Request:

At the August 28th meeting the developer requested an amendment to the 2006 Compromise Agreement to amend the following two provisions of the agreement:

- Modify the compromise agreement to allow garages with a minimum of 360 square feet rather than 480 square feet
- Remove the requirement for an attached garage to have a minimum setback of 5' from the front wall of the home facing the front property line.

At September 4th City Council meeting the applicant removed the request to reduce the required size of the garage and requested the below amendment be considered.

Remove the requirement for an attached garage to have a minimum setback of five feet (5') from the front wall of the home facing the front property line. In instances where the setback is not implemented, the home's exterior shall be a combination of building materials. For example, rather than one hundred percent (100%) brick elevation, a combination of brick and stone (or other materials) shall be used to provide architectural diversity.

Staff Analysis:

The current zoning designation of the subdivision is R-1-1. The zoning district requires all buildings and structures, garages, and/or accessory buildings constructed within this district to have four sides composed of 100 percent brick, stone, hardiplank or other approved masonry product. While the zoning district does not require a number of architectural off-set's or architectural features a combination of masonry materials is often used on the exterior elevation of homes.

The revised request still seeks to eliminate the requirements for attached garages to have a minimum setback of 5' from the front wall of the home facing the property line. In return for the elimination of the garage setback the applicant is offering to utilize a combination of materials to provide architectural diversity.

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

- The request for removal of the minimum garage setback would still allow for the garage to protrude in front of the front wall of the home.
- In reviewing the other homes within the subdivision it appears that the majority of homes have one consistent material on the front elevation of the home. The homes that contain a combination of materials, on the front of the home, usually contain one predominate material with another masonry material used as an accent in detail work.

ARMBRUST & BROWN, PLLC

ATTORNEYS AND COUNSELORS

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October 5, 2012

VIA ELECTRONIC MAIL
VIA FIRST CLASS MAIL

Sofia Nelson
Planning Director
City of Kyle
100 W. Center Street
Kyle, TX 78640
snelson@cityofkyle.com

Re: Woodlands Park

Dear Ms. Nelson:

On behalf of the developer of Woodlands Park, we would like to amend the existing variance request previously submitted to you on August 15th. The developer proposes the following variance request from the setback requirements for Single-Family Residential 1 – District “R-1-1” zoned homes prescribed in City Zoning Ordinance No. 438:

- Remove the requirement for an attached garage to have a minimum setback of five feet (5') from the front wall of the home facing the front property line. In instances where the setback is not implemented, the home's exterior shall be a combination of building materials. For example, rather than one hundred percent (100%) brick elevation, a combination of brick and stone (or other materials) shall be used to provide architectural diversity.

As we have previously pointed out, many homes have been constructed in the area without this setback. The developer believes the combination of building materials when the setback is not present will add architectural interest.

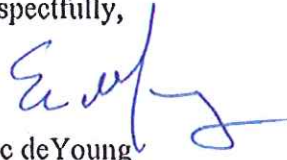
We would like for this request to be considered at the Planning & Zoning Commission's meeting on October 23, 2012. We are available to discuss the matter with you at your convenience.

{W0550962.3}

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ARMBRUST & BROWN, PLLC
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Respectfully,



Eric deYoung
Land Development Consultant

Cc: David Armbrust (in firm)
Ian Boyd (via email ian.boyd@lennar.com)
Lee Goodman (via email leegoodman@mail.com)

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