

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

The Planning and Zoning Commission of the City of Kyle, Texas met in regular session November 27, 2012 at 6:30 p.m. at Kyle City Hall, with the following persons present:

Commission Cicely Kay	Lila Knight
Commissioner Alfred Zambrano	Jeff Barton
Commissioner Mike Fulton	Dallas Calthrome
Chairman Dan Ryan	Clay Johnson
Vice-Chair Pat Fernandez	Leila Wurst
Commissioner Mike Rubsam	
Commissioner Michele Christie	
Director of Planning, Sofia Nelson	
Planning Intern, William Migil	

***CALL MEETING TO ORDER***

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

***ROLL CALL OF BOARD***

Commissioner Kay called for roll call. Present were: Commissioners Ryan, Kay, Fulton, Zambrano, Fernandez, Rubsam and Christie. No one was absent.

***APPROVAL OF MINUTES:***

Planning and Zoning Commission Meeting – October 23, 2012

Commissioner Fulton moved to approve the minutes from the October 23, 2012 Planning and Zoning Commission Meeting. Commissioner Christie seconds the motion. All votes aye. Motion carried.

***CITIZENS COMMENTS***

Chairman Ryan opened the citizens comment period at 6:31pm and called for comments on items not on the agenda or posted for public hearing. There were no comments. Chairman Ryan closed the citizens comment period at 6:31 pm.

***STAFF REPORTS***

Sofia Nelson, Director of Planning addressed the Commission stating that there are no items for the December meeting therefore, the December meeting has been cancelled.

***CONSIDER AND ACT ON:***

***PLATS***

**BUNTON CREEK PHASE 6A (FP-08-001) 5.93 ACRES; 20 SINGLE FAMILY LOTS LOCATED ON THE SOUTHSIDE OF BUNTON LANE, JUST EAST OF GOFORTH ROAD.**

Commissioner Rubsam moved to approve with the condition that all outstanding staff comments be addressed by applicant. Commissioner Fulton seconds the motion. All votes aye. Motion carried.

**BUNTON CREEK PHASE 1A (FP-08-002) 17.499 ACRES; 69 SINGLE FAMILY, 1 PARKLAND AND DE LOT LOCATED ON THE SOUTHSIDE OF BUNTON LANE, JUST EAST OF GOFORTH ROAD.**

Commissioner Rubsam moved to approve with the condition that all outstanding staff comments be addressed by applicant. Commissioner Fulton seconds the motion. All votes aye. Motion carried.

**PLUM CREEK PHASE 1 SECTION 6A, BLOCK B REPLAT OF LOTS 1 & 2 (SFP-12-009) 3.939 ACRES; 3 LOTS LOCATED AT THE SOUTH EAST CORNER OF FAIRWAY AND FM 2770.**

Commissioner Fulton moved to statutorily disapprove Plum Creek Phase 1 Section 6A, Block B Replat of Lots 1 & 2. Vice-Chair Fernandez seconds the motion. All votes aye. Motion carried.

***SITE DEVELOPMENT PLAN / CONDITIONAL USE PERMIT***

**FIRESTONE COMPLETE AUTO CARE (SD-12-017) 0.934 ACRES; 1 LOT LOCATED AT 20301 IH-35.**

Chairman Ryan opened the public hearing at 6:37 p.m. and called for comments for or against Firestone Complete Auto Care (SD-12-017). There were no comments. Chairman Ryan closed the public hearing at 6:37 p.m.

Commissioner Fulton moved to approve the Site Plan for Firestone Complete Auto Care (SD-12-017) contingent on execution of an access easement on adjacent lot. Commissioner Rubsam seconds the motion. All votes aye. Motion carried.

**PATRIOT CARWASH (SD-12-016) 1.099 ACRES; 602 SQUARE FOOT BUILDING LOCATED AT 21195 N. IH-35.**

Chairman Ryan opened the public hearing at 6:40 p.m. and called for comments for or against Patriot Carwash (SD-12-016). There were no comments. Chairman Ryan closed the public hearing at 6:40 p.m.

Clay Johnson, Applicant addressed the Commission stating that he is trying to address the adjacent neighbors' concerns and is asking for approval of the site plan.

Commissioner Fulton moved to approve Patriot Carwash (SD-12-016) with the condition that the sidewalk be constructed or a variance approved by the Board of Adjustments. Vice-Chair Fernandez seconds the motion. All votes aye. Motion carried.

**SAFE-N-SOUND SELF STORAGE (SD-12-002) 6.139 ACRES; 1 LOT LOCATED AT 1600 GOFORTH ROAD.**

Chairman Ryan opened the public hearing at 6:49 p.m. and called for comments for or against Safe-N-Sound Self Storage (SD-12-002). There were no comments. Chairman Ryan closed the public hearing at 6:49 p.m.

William Migel, Planning Intern gave a presentation to the Commission regarding the Safe-N-Sound Self Storage site plan.

Commissioner Fulton moved to approve Safe-N-Sound Self Storage (SD-12-002). Commissioner Christie seconds the motion. All votes aye. Motion carried.

***CONDITIONAL USE PERMIT/CONDITIONAL USE OVERLAY DISTRICT***

**CONSIDER A REQUEST BY MINERVA, LTD (7 ELEVEN STORE) LOCATED AT 22553 IH-35 FOR A CONDITIONAL USE PERMIT TO CONSTRUCT A 3,010 SQUARE FOOT BUILDING LOCATED WITHIN THE INTERSTATE HIGHWAY 35 CORRIDOR DISTRICT.**

Chairman Ryan opened the public hearing at 6:53 p.m. and called for comments for or against the request by Minerva, Ltd. (7 Eleven Store). There were no comments. Chairman Ryan closed the public hearing at 6:53 p.m.

Brian Nebel, Agent addressed the Commission to address concerns from the Commission.

Commissioner Fulton moved to approve the request by Minerva, Ltd (7 Eleven Store) with the condition that the gas pump canopy fascia must be the same color as the dominant color of the main building. Striping and banding on canopies is prohibited and Canopy support poles must include decorative corbels consistent with the overall architectural theme of the site, or pole covers at least 18 in. wide with a similar surface material and architectural treatments as the dominant material on the main structure. Commissioner Rubsam seconds the motion. Commissioners Kay, Zambrano, Fulton, Ryan, Fernandez and Rubsam vote aye. Commissioner Christie votes nay. Motion carried.

**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.**

Chairman Ryan opened the public hearing at 7:11 p.m. and called for comments for or against the request by Steeplechase Carwash, LLC (Patriot Carwash) for a Conditional

Use Permit to construct a 602 square foot building. There were no comments. Chairman Ryan closed the public hearing at 7:11 p.m.

Commissioner Rubsam moved to approve the request by Steeplechase Carwash, LLC (Patriot Carwash). Commissioner Christie seconds the motion. Commissioners Rubsam, Kay, Fernandez, Ryan, Fulton and Christie vote aye. Commissioners Zambrano votes nay. Motion carried.

**CONSIDER A REQUEST BY SAFE-N-SOUND STORAGE, LTD. FOR A CONDITIONAL USE PERMIT TO CONSTRUCT A 58,200 SQUARE FOOT BUILDING LOCATED WITHIN THE GOFORTH ROAD ZONING OVERLAY DISTRICT.**

Chairman Ryan opened the public hearing at 7:14 p.m. and called for comments for or against the request by Safe-N-Sound Storage, Ltd. for Conditional Use Permit to construct a 602 square foot building. Lila Knight addressed the Commission stating that on the Master Transportation Plan there is a proposed road and wanted to make sure that there is an adequate easement along this proposed project for that road. Chairman Ryan closed the public hearing at 7:15 p.m.

Commissioner Kay moved to approve the request by Safe-N-Sound Self Storage for a Conditional Use Permit. Commissioner Fulton seconds the motion. All votes aye. Motion carried.

***OTHER***

**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.**

Chairman Ryan opened the public hearing at 7:18 p.m. and called for comments for or against the request 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 with the IH-35 Overlay District. The follow people spoke during the public hearing Jeff Barton, Dallas Calthrome, Lila Knight and Leila Wurst. Chairman Ryan closed the public hearing at 7:43 p.m.

Sofia Nelson, Director of Planning addressed the Commission and gave an update presentation. The Planning and Zoning Commission discussed with proposed amendment with Sofia Nelson, Director of Planning.

Commissioner Fulton left the Dias at 7:19 p.m. and returned to the Dias at 7:20 p.m.

Commissioner Fulton moved to approve the 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 with the IH-35 Overlay District with the following conditions: Update the standards to require street trees every 40’ instead of every 30’; Update the standards to allow evergreen landscaping to screen mechanical equipment; Update the standards to allow utility boxes to be a uniform earth tone color or to match the wall color upon which the box is located; Update the standards to allow internal pedestrian walkways to be distinguished from driving surfaces by textured pavement or paint; Update to require parking lots to visually and functionally segment into smaller lots with no more than 250 parking spaces (rather than 150 parking spaces) per parking area; Update the building massing and form requirements to reduce the glazing requirement for option 1 from 40% to 30% ; Update the building massing and form requirements for non-retail development and retail development and retail development option 2- to reduce the design features from five different design features for buildings under 50,000 square feet, seven design features for buildings over 50,000 square feet, and nine design features for buildings over 100,000 square feet to five features for buildings over 100,000 square feet and six features for buildings over 100,000 square feet. Vice-Chair Fernandez seconds the motion. Commissioners Kay, Zambrano, Fulton, Ryan, Fernandez and Rubsam vote aye. Commissioner Christie votes nay. Motion carried.

***ADJOURN***

With no further business to discuss, Chairman Ryan adjourned the meeting.

The Planning & Zoning Meeting adjourned at 8:38 p.m.

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Amelia Sanchez, City Secretary

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Dan Ryan, Chairman



## MEMO

To: Planning and Zoning Commission

From: Sofia Nelson, Director of Planning

Date: January 16, 2013

**Re: Request to allow a shared parking agreement between 401 Center Street (First Baptist Church) and 405 Center Street**

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### **Background**

The First Baptist Church is in the process of selling 401 Center Street, located at the southwest corner of Nance and Center Street and previously used as the church parsonage, to Mr. Roger Faulk. While Mr. Faulk does not have a specific user for the property but he has reviewed the uses allowed within the CBD-1 zoning district and will utilize the property in compliance with the zoning district. Rather than add a parking lot to the site Mr. Faulk is seeking approval of a long term shared parking agreement to allow patrons of 401 Center Street to use the parking lot immediately adjacent to his property (owned by the First Baptist Church).

### **Site information**

The parking lot owned by the First Baptist Church is designed to have 16 spaces. In the attached letter from both applicants the First Baptist Church has indicated the only times they will use the property are Wednesday evenings and all day Sunday. The remainder of the week the parking lot remains unused and open for the use of the business that occupies 401 Center Street.

Under the current CBD-1 zoning regulations uses are required to provide one space for every 200 square feet of floor space. As a result of the parking requirements, 401 Center Street will be required to have 12 parking spaces. The site currently has two parking spaces within the existing driveway.

## **Staff Analysis**

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

- The applicants are proposing a shared parking agreement with each other for a minimum period of 50 years.
- It does appear that the intent of the parking ordinance is to allow for shared parking in instances where two uses are utilizing a parking space at two different times.
- If the shared parking agreement is approved it should be conditional on whatever business that occupies 401 Center Street shall not be opened to patrons on Wednesday evenings and Sunday all day.
- The request appears to allow for utilization of an existing building within the Old Town area without altering the character of the existing neighborhood.



January 9, 2013

CITY OF KYLE

Kyle Planning-Zoning Commission and City Council  
100 Center Street  
Kyle, Texas 78640

JAN 09 2013

PLANNING DEPARTMENT

Dear Planning-Zoning Commission and Council Members:

We're requesting a variance of the city parking code for 401 Center Street, block 31, lots 9 and 10 (Property). First Baptist Church (Church) is in the process of selling the Property, formerly used as its parsonage, to Roger S. Falk of Austin Texas (Purchaser) who intends to renovate and use the Property compliant with CB1 Zoning. The Church is retaining ownership of lot 8 (Parking Lot) for our worship service parking on Wednesday evenings and all day Sunday, the rest of the time it's unused. Our goal is to maintain compliance with parking codes for the church and to allow the Purchaser full access the remainder of the times so that he may be in compliance with the parking requirements as well. The church will not grant any third party any right to use, or use the parking lot itself, in any way that interferes with the purchaser's use and/or compliance with city variance or parking ordinance. Our sale includes legal agreement with the Purchaser for transferrable easement, access and use of the entire Parking Lot, compliant with City of Kyle parking code, at all times except all day on Sundays and Wednesday nights (5:30 – Midnight) for a minimum period of 50 years. Our sale is contingent upon the granting of parking variance for the Property by the City of Kyle.

We're including a site plan (Exhibit 1) showing the Property, structures and Parking Lot. The house is approximately 2,400 square feet with a 600 square foot garage. Two parking spaces exist at the Property with an additional 16 spaces in the Parking Lot, one to be designated for handicap use compliant with ADA rule, for a total of 18 parking spaces.

The Church's arrangement with the Purchaser best utilizes existing impervious cover and resolves potential parking requirement that would incur additional paving and environmental consequence. To that end we respectfully request your consideration and granting of variance.

First Baptist church has been blessed to have been able to serve our Lord and our community for well over a century and we look forward to many more years working with the City of Kyle to make our hometown and our neighbors in it the very best they can be. Thank you for your consideration in this matter of great importance to our family of faith.

Respectfully Yours,

  
\_\_\_\_\_  
Jeff English, Pastor - First Baptist Church

  
\_\_\_\_\_  
Roger S. Falk - Purchaser

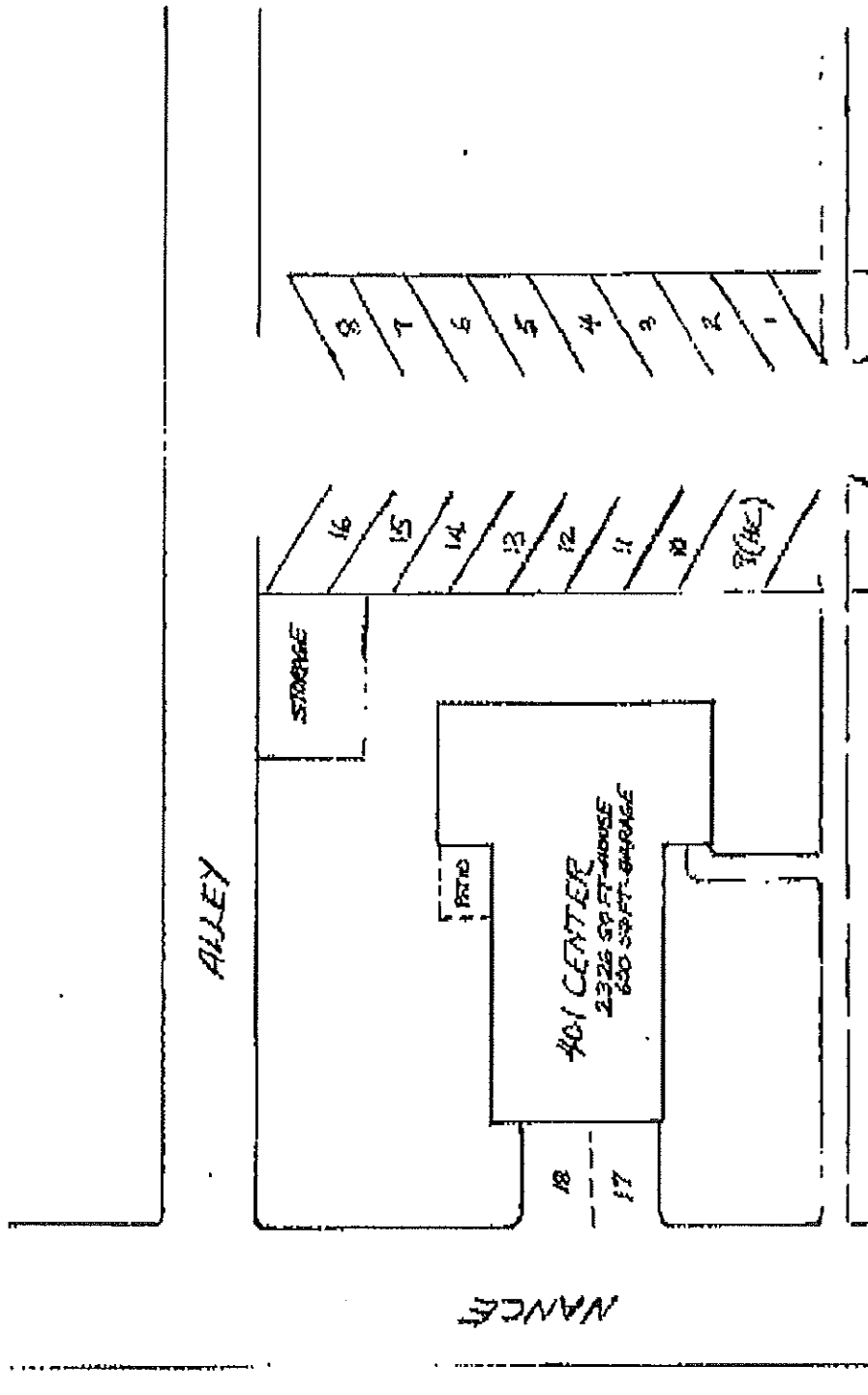


EXHIBIT 1

CITY OF KYLE

JAN 09 2013

PLANNING DEPARTMENT



January 22, 2013

Zoning

*City Council*

**Mountain Plum, Ltd.**

**Case Number: Z-12-007**

**OWNER/APPLICANT:** Mountain Plum, Ltd.

**LOCATION:** located within the 600 Block of Kohlers Crossing, just west of the Golf Clubhouse (see attached location map)

**AREA:** 18.44 acres (18.23 acres to be rezoned from R-2 to MXD and 0.21 acres to be rezoned from OS to MXD)

**EXISTING ZONING:** 18.23 acres currently zoned Residential 2 (R-2) and 0.21 acres zoned Open Space (OS)

**PROPOSED ZONING:** Mixed Use (MXD)

**SITE INFORMATION:**

***Transportation:*** The property fronts on Kohlers and Kirby.

***Surrounding Zoning:*** all of the adjacent properties are within the Plum Creek Overlay District

- *North- Kohlers Crossing/ R3*
- *South- Open Space (OS) and Residential 2 (R2)*
- *East – Open Space (OS) and Mixed Use (MXD)*
- *West- Residential 2 (R2)*

***Future Land Use Designation:*** New Town Community

**STAFF ANALYSIS:**

***Intent of Requested Zoning District***

***The Plum Creek PDD states the following purpose for the MXD zoning district:***

Sec. 8. - "MXD" mixed use development PUD district.

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

- (1) Provide a variety of employment opportunities and housing types;
- (2) Foster pedestrian and other non-motor vehicle activity;
- (3) Ensure functionally coordinated, aesthetically pleasing and cohesive site planning and design; and

January 22, 2013

Zoning

## City Council

Mountain Plum, Ltd.

Case Number: Z-12-007

- (4) Ensure compatibility of uses within mixed use developments with other uses within such development and with the surrounding area and minimize off-site impacts associated with the development.

### Comprehensive Plan Guidance

The Future Land Use map identifies the subject property to be located within the New Town Future Land Use District.

*"The New Town District is designed to contain a horizontal mix of land uses that should be integrated across the area to express a cohesive community form. Many differing uses are encouraged throughout the District, but are distributed in autonomous land parcels instead of vertically aggregated in fewer land parcels. Horizontal mixed uses provide a transition to integrate the community form of New Town with surrounding communities, landscapes, and nodes. The purpose of the New Town District is to harness economic development potential and establish its position as the sustainable center of surrounding growth. This District should provide economic support to Kyle based on locational advantages gained by access to growth advancing from south Austin and nodal developments on the northern side of Kyle. Mixed-use development should be encouraged, not only permitted, to maximize economic development. This can be achieved by aggregating appropriate densities in order to support a mixture of uses. Development patterns and employment opportunities should be created in the New Town District that do not conflict with the surrounding community fabric. Public spaces in this District should be used to preserve the character of ranch heritage, where appropriate" – City Comprehensive Master Plan*

### Permitted uses.

Uses permitted in the "R-1" residential PUD district are specifically prohibited and the following uses are permitted in the mixed use development district:

- (1) The following uses that are uses permitted in the "OS" open space PUD district:
  - (a) Wetlands;
  - (b) Conservation areas;
  - (c) Golf courses;
  - (d) Outdoor recreational and athletic facilities;
  - (e) Outdoor swimming pools;
  - (f) Parks, playgrounds and playfields;
  - (g) Wildlife sanctuaries;
  - (h) Streams, lakes, impounded waterways, or their drainageways; and
- (2) Any use permitted in the "R-2" residential PUD district, except the following "R-1" residential PUD district uses:
  - (a) Single family dwelling for residential use.
  - (b) Residential accessory dwelling units.

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Zoning

*City Council*

**Mountain Plum, Ltd.**

**Case Number: Z-12-007**

- (3) Any use permitted in the "R-3" multi-family residential PUD district.
  - (4) Any use permitted in the "NC" neighborhood commercial areas.
  - (5) Any use permitted in the "C" commercial PUD district.
- (C) *Additional permitted uses.* In addition to uses permitted in (B) above, the following uses are specifically allowed:
- (1) Branch banks and other financial institutions designed to serve the area businesses and adjacent neighborhoods.
  - (2) Business support service including copying, blueprinting, film developing and processing, photo reproduction, accounting, computer services, building and grounds maintenance, security services, and temporary help.
  - (3) Studio for manufacturing of pottery items, metal sculpture, and other artistic products.
  - (4) Hotel or similar lodging facilities.
  - (5) Conference center and meeting facilities when associated with a motel, hotel or similar lodging facility.
  - (6) Commercial recreational facilities such as indoor theaters and athletic clubs, but excluding intensive outdoor facilities such as go-cart tracks, bumper cars and boats, BMX courses, and target ranges.
  - (7) Offices.
  - (8) Restaurants, delicatessens, cafes, and similar food service establishments.
  - (9) Dwelling units that are located above or behind a permitted commercial or neighborhood commercial use and secondary to that commercial use.

*Site development regulations.* Because of the mixed-use character of this district, the commission's review of site development plans and amendments to the Plum Creek PUD master plan, and recommendation to the city council are required. The city council's approval of site development plans and amendments to the Plum Creek PUD master plan are required prior to construction for each development submitted. The plan, pursuant to the applicable requirements of this ordinance must ensure that each development satisfies parking and compatibility requirements.

(1) Development of any use permitted in the "OS" open space PUD district shall conform with the site development regulations established in the "OS" open space PUD district.

(2) Development of any use permitted in the "R-2" residential PUD district shall conform with the site development regulations established in the "R-2" residential PUD district.

(3) Development of any use permitted in the "R-3" multi-family residential PUD district shall conform with the site development regulations established in the "R-3" multi-family residential PUD district.

(4) Development of any use permitted in the "NC" neighborhood commercial PUD district shall conform with the site development regulations established in the "NC" neighborhood commercial PUD district.

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Zoning

*City Council*

**Mountain Plum, Ltd.**

**Case Number: Z-12-007**

(5)Development of any use permitted in the "C" commercial PUD district shall conform with the site development regulations established in the "C" commercial PUD district.

(6)The following site development regulations shall be applicable to nonresidential development within the MXD area:

(a)Minimum lot size: 4,000 square feet.

(b)Minimum lot width: 35 feet.

(c)Minimum lot depth: 100 feet.

(d)Maximum height: No building or structure shall be erected, enlarged or structurally altered to exceed five stories or 65 feet. A 25-foot minimum compatibility setback shall be required adjacent to a "R-2" development within the commercial site which limits maximum building height to three and one-half stories or 50 feet. Any development over three stories shall install an elevator to provide service to stories above three stories.

(e)Minimum setbacks:

(i)Front yard: none.

(ii)Side yard: none.

(iii)Rear yard: none.

(f)Maximum floor area ratio: 1.5 FAR of the lot area.

(7)Site development standards for residential development. Residential development within the MXD area shall conform to the applicable site development standards established for the "R-2" residential PUD district, "R-3" multi-family residential PUD district and "NC" neighborhood commercial PUD district as set forth in this ordinance.

(8)Additional site development requirements.

(a)Lighting: Parking lot lights, security lights, and other lights on a mixed-use site shall be designed to direct light down onto the site and away from adjacent residential property.

(b)Air emissions: There shall be no emission of odorous, toxic, noxious matter, or dust in such quantities from operations as to be readily detectable along or outside the MXD area so as to produce a public nuisance or hazard.

(c)Landscaping and open space. The design and development of landscaping and open space within the MXD area shall:

January 22, 2013

Zoning

*City Council*

**Mountain Plum, Ltd.**

**Case Number: Z-12-007**

- (i) Include street trees and parking area trees which are in scale with the development.
- (ii) Provide a cohesive open space and pedestrian network within the development, with appropriate connections to surrounding properties and uses.
- (d) Include open spaces and plazas which are in scale with the development and invite activity appropriate to adjoining uses.
- (e) Refuse collection and recycling areas for business shall be enclosed with a fence, wall or structure high enough to screen all collection bins.
- (f) Outside mechanical equipment, industrial or commercial heating, ventilation air conditioning, or other mechanical equipment on rooftops or ground, shall be screened with a material and design that is visually compatible with the building.

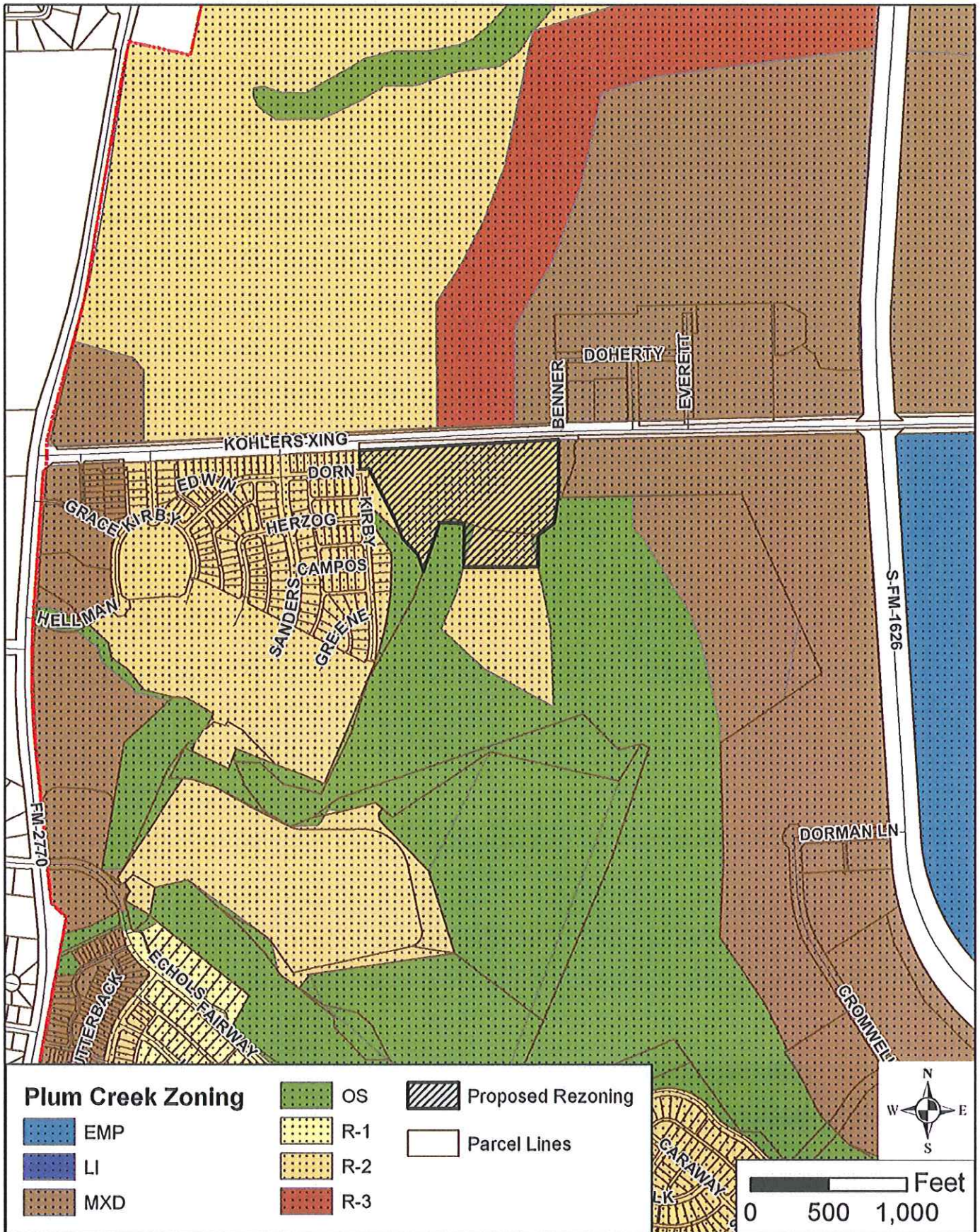
***Recommendation***

After thorough review of the zoning requests, comprehensive master plan goals and policy statements for the subject property staff has made the following findings:

- The request for the MXD zoning district is consistent with the intent of the future land use district and stated goals of the comprehensive master plan.
- Due to the additional site plan requirements outlined within the Plum Creek PDD, for properties zoned MXD, staff believes the uses permitted and the standards applicable in the proposed zoning designation will be appropriate in the immediate area.

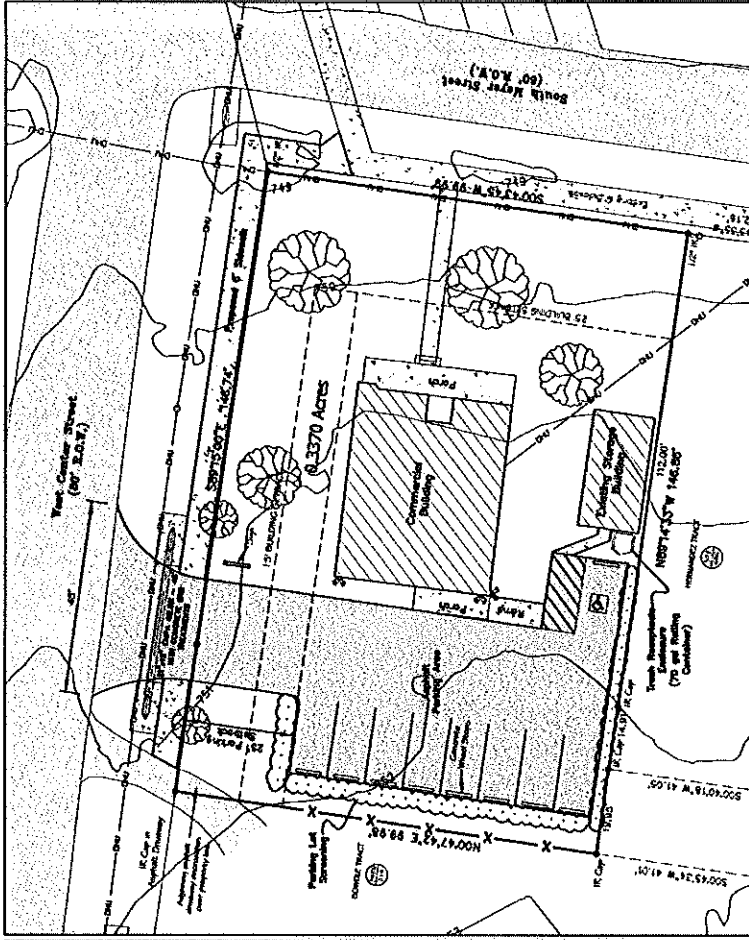


# Exhibit B

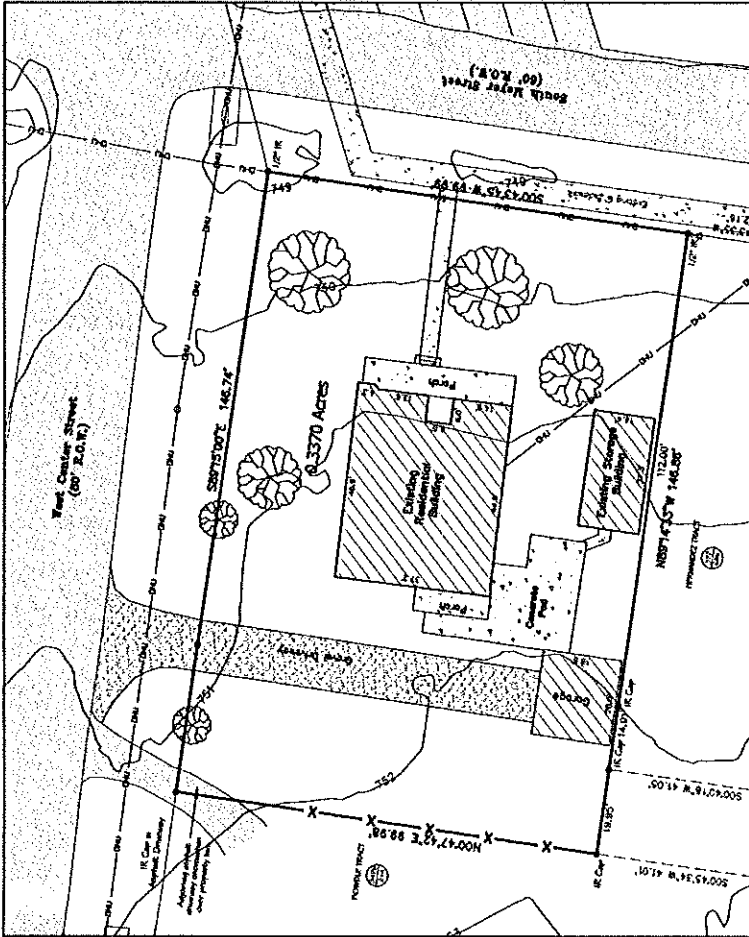




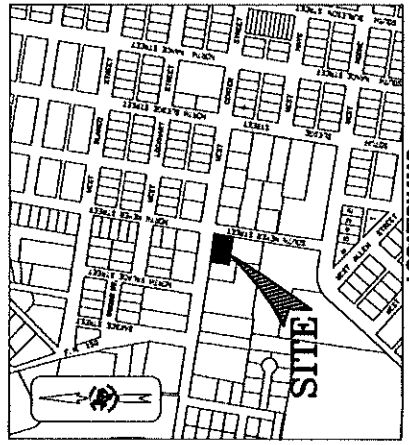
**SITE DEVELOPMENT PLAN  
SELLMAN SUBDIVISION  
PART OF BLOCK 46, ORIGINAL TOWN OF KYLE  
CITY OF KYLE  
HAYS COUNTY, TEXAS**



**PROPOSED SITE CONDITIONS**



**EXISTING SITE CONDITIONS**



**LOCATION MAP**  
N.T.S.

**PROJECT INFORMATION**

**ADDRESS:**  
102 S. MYER ST.  
KYLE, TX. 78640

**LOT OWNER/APPLICANT:**  
C. SELLMAN ENTERPRISES, INC.  
345 CHAMPIONS BLVD. #114  
SAN MARCOS, TX. 76866

**LEGAL DESCRIPTION:**  
PART OF BLOCK 46, ORIGINAL TOWN OF KYLE  
KYLE, HAYS COUNTY, TX.

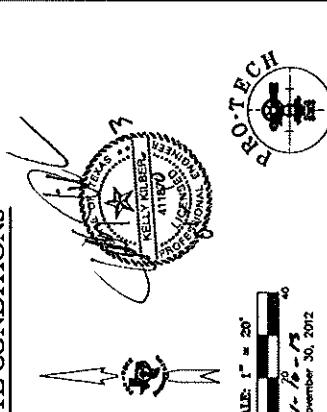
**LOT AREA:**  
9.337 ACRES

**ZONING:**  
CBD-1

**PARKING CALCULATIONS:**  
RETAIL R SERVICE USE  
PROVIDE 1 SPACE FOR EVERY 200 SF OF FLOOR SPACE  
CALCULATION:  
FLOOR SPACE - 165,557 SF. 165,557 / 200 = 827.78 (8) spaces required  
9 SPACES (1 handicap Accessible Space)

**TOTAL PROJECT PARKING SPACES PROVIDED:**  
9 SPACES (1 handicap Accessible Space)

**FLOOD INSURANCE RATE NOTE:**  
The street of land shown herein lies within Zone "X", areas determined to be outside the 100 year flood zone as shown on the Flood Insurance Rate Map (FIRM) for Hays County, Texas. Flood Insurance Policy Number: 442295 0257, dated September 2, 2004, for Hays County, Texas.

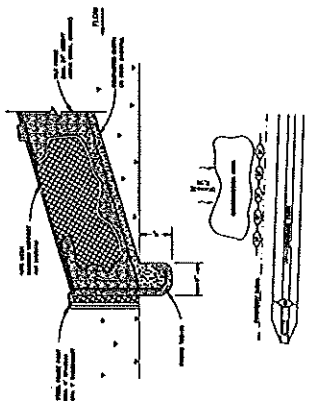


**PRO-T-TECH ENGINEERING GROUP INCORPORATED**  
100 E. San Antonio St., Suite 100  
San Antonio, TX 78205  
(512) 353-3330

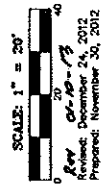
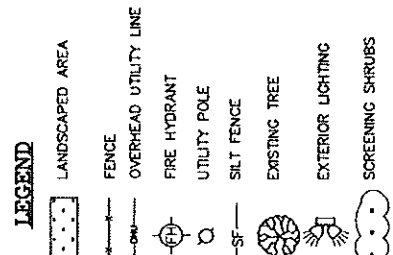
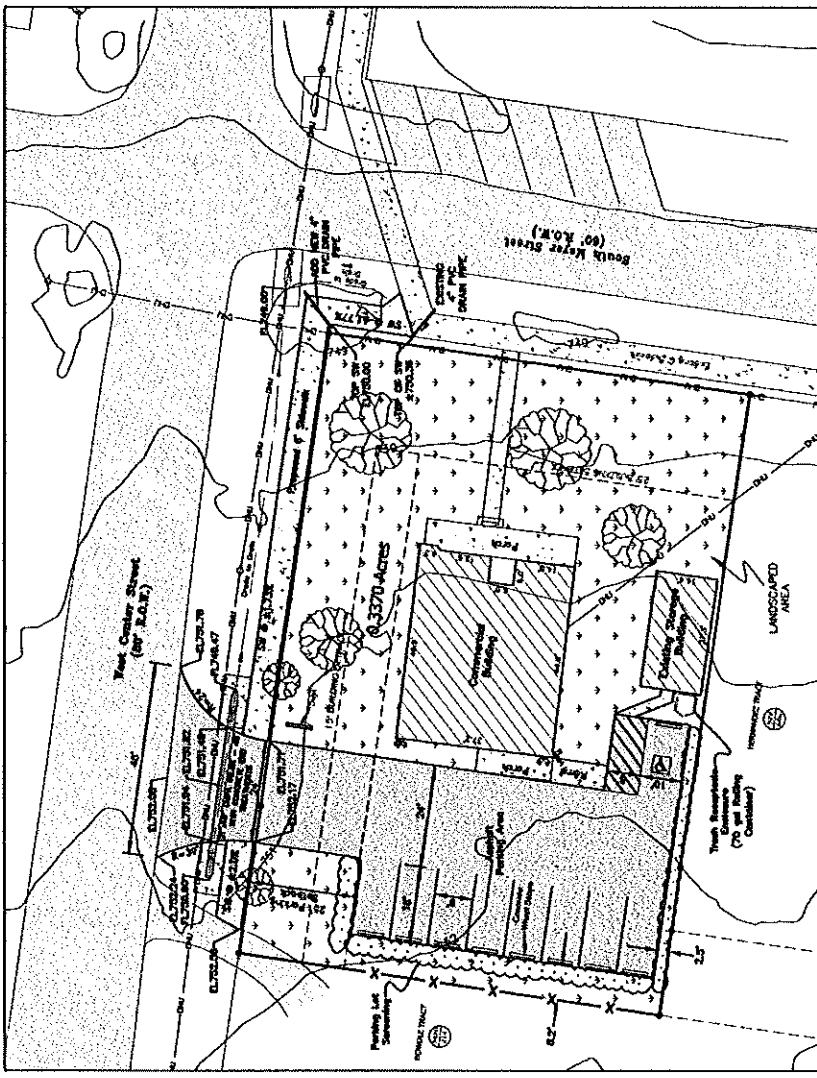
Prepared: November 30, 2012  
ENGINEERING CONDITION AND IMPROVEMENTS LOCATION PROVIDED BY A SURVEY BY RONALD HAYES, HAYES SURVEYING, INC.

ENGINEER/SURVEYOR:  
KELLY KULLER, P.E., S.T.S.  
PRO-T-TECH ENGINEERING GROUP, INC.  
100 E. SAN ANTONIO ST., SUITE 100  
SAN ANTONIO, TEXAS 78205  
(512) 353-3330

**SITE DEVELOPMENT PLAN  
SELLMAN SUBDIVISION  
PART OF BLOCK 46, ORIGINAL TOWN OF KYLE  
CITY OF KYLE  
HAYS COUNTY, TEXAS**



- NOTES:**
1. Visible utility lines are shown hereon.
  2. A water table elevation is hereby recognized based upon the 0.25 cfs increase and the volume of fill to be placed on the lot shown herein upon Code of Ordinance Chapter 41-140 (b) (3) 1.4.
  3. No additional utility services are required for this lot.
  4. A sign permit will be obtained for all signs proposed on this site.
  5. Lighting of all off-street parking, driveway and loading areas is required. All lighting shall be shielded to prevent light spillage into public streets so as to eliminate objectionable glare.
  6. The trash receptacle enclosures is required to be constructed on three concrete pads and shall have a minimum resistance of metal or concrete, not less than the height of the bin.
  7. Outdoor mechanical equipment such as compressors, above ground, air conditioning units, etc., shall be fully screened from view on all sides using a privacy fence, percent wall, or vegetative screen.
  8. Topographic information shown herein derived from 2009 LIDAR Data provided by GARCOS, Austin, TX.
  9. Vegetative Parking Lot Screening shall be Red Tip Phlox (10 gallon).



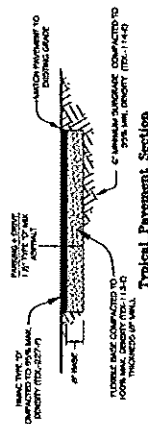
**PROPOSED SITE CONDITIONS**

**SITE DRAINAGE CALCULATIONS**

EXISTING	PROPOSED
DRAINAGE AREA	DRAINAGE AREA
0.337 AC GROSS	0.337 AC GROSS
C 25 TC-5 MIN.	C 25 TC-5 MIN.
EXISTING SITE-14,680 SF GROSS	PROPOSED SITE-14,680 SF GROSS
0.88 IMPERVIOUS	0.88 IMPERVIOUS
0.88 COMPOSITE C	0.88 COMPOSITE C
0.88 GRAVEL DRIVEWAY-686 SF	0.88 PROP ASPH-3,960 SF
0.34 REPAIRS-10,655 SF	0.34 REPAIRS-4,216 SF
0.49 COMPOSITE C	0.57 COMPOSITE C
9.6 INTENSITY	9.6 INTENSITY
THUS: QES-CH-4-49 X 9.6 X 0.337-LS-05	THUS: QES-CH-4-57 X 9.8 X 0.337-L-94 OF

**IMPERVIOUS COVER CALCULATIONS:**

Area	Existing	Proposed
Home Area	1,826 sf	1,826 sf
Additional Building Area	765 sf	793 sf
Courtyard, SW, & Terrace Area	1,118 sf	647 sf
Driveway Area	1,572 sf (Gravel)	3,960 sf (Asphalt)
Existing Asphalt Driveway Area	44 sf	44 sf
Total Impervious Area	4,923 sf	6,670 sf
Impervious Cover:	33.5%	45.6%



**PRO-TECH ENGINEERING GROUP**  
INCORPORATED  
109 E. San Antonio St., Suite 100  
San Antonio, Texas 78206  
(512) 353-3333







## MEMORANDUM

**TO:** Planning and Zoning Commission

**FROM:** Sofia Nelson, Director of Planning

**DATE:** January 16, 2013

**SUBJECT:** CONDITIONAL USE PERMIT  
JLS Recreation Vehicles and Storage

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**Site:**

The subject property is located at 23401 N. IH-35 (please see attached location map). The property is located on the northbound access road and is located just south of Weldon Johnson Drive. The site is approximately 10 acres in size. The properties adjacent to the subject property are zoned Warehouse "W" or have an interim zoning designation of Agriculture "A"

**Request:**

Joe Lance Stewart, on behalf of JLS Recreation Vehicles and Storage, is requesting a Conditional Use Permit prior to the development of the property located at 23401 N. IH-35 into the following:

- a recreational vehicle retail and consignment center
- mini storage
- dry/covered space for service and storage of recreational vehicles

The subject property is zoned warehouse "w" and therefore allows the proposed use of RV dealer and storage by right. The applicant is pursuing approval of the conditional use permit prior to starting the site development process.

**Project Description**

The proposed project will consist of an initial approximate 2,500 square feet of office/showroom and multiple, separate structures developed in phases. A total of approximately 217,500 square feet of building foot print, or 50% of the total site will be development. The applicant is proposing to construct the main building of steel with a metal clad exterior. The front façade will be a combination of 50% masonry (stucco, stone, or brick veneer). Exterior walls not directly facing the highway are proposed to include a combination of metal clad and 20% masonry.

Attached to this memo is a conceptual site plan and rendering of the front of the building, as submitted by the applicant. Currently the conceptual site plan shows the building to be parallel to the I-35 access road with associated parking adjacent to the building. Immediately behind the proposed building the applicant is proposing a detention area along with metal storage buildings be included with covered RV storage located to the east end of the property.

**STAFF RECOMMENDATION:**

Staff has reviewed the rendering and the project description outlining the proposed facility. Staff is recommending the following direction to the applicant:

- The building shown on the elevation and shown on the site plan shall be designed to include one of the following designs to be determined by the Planning and Zoning Commission and City Council:
  - Option 1- Construct the building to run parallel to the access road and move the roll-up doors to the east façade of the building. Retain the masonry columns( evenly distributed along the front) to break up the front façade of the building and only utilize metal clad on the rear of the building.
  - Option 2- Construct the building perpendicular to the access road (as shown on the conceptual site plan). Include the same finishes proposed on the north facade on the south facade, and include the stone veneer represented on the north elevation on 100% of the west building façade.
- Any and all storage activities or uses shall not occur before 6:00 a.m. or after 10:00 p.m. on any given night.
- Site lighting shall be shielded so that light sources are not visible from the public right-of-way or from adjacent property.



**Project-** JLS Recreational Vehicles and Storage

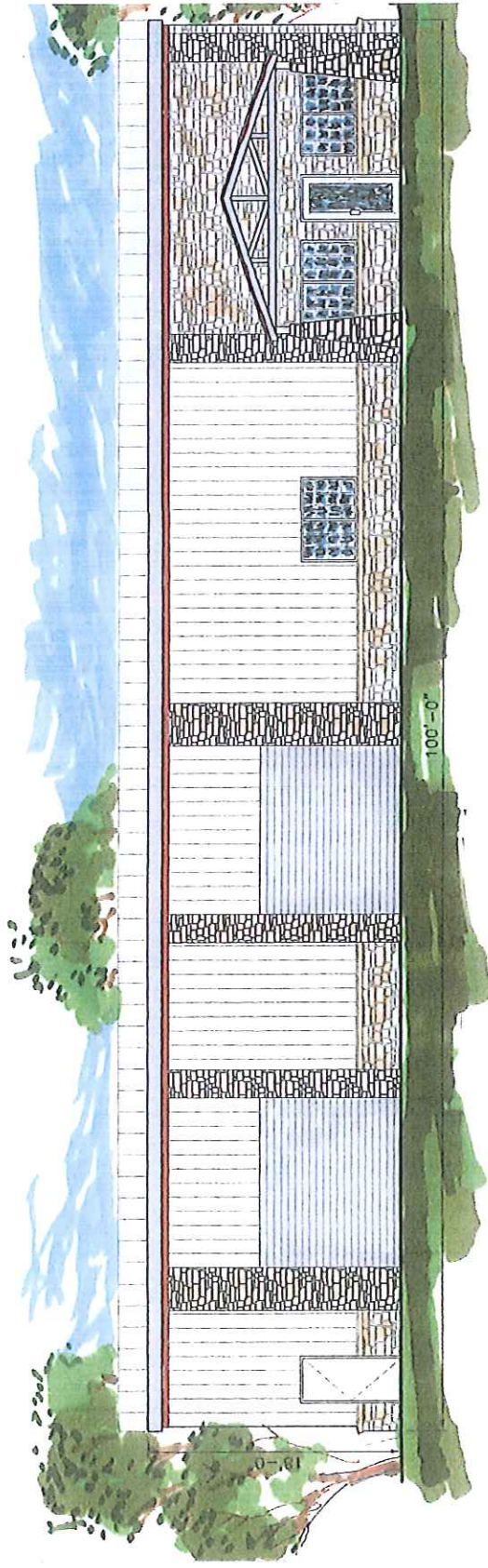
**Project Description-** A new construction project to include the development of a Recreational Vehicle retail and consignment center along with mini-storage and dry/covered space for service and storage of recreational vehicles and general mini-storage. The project will consist of an initial approximate 2,500 square foot office/showroom and multiple, separate structure(s) developed in phases for the storage component. A total of approximately 217,500 square feet of building footprint, or 50% of the total site, will be developed – not more than the current existing 50% impervious cover.

**Location-** Project will be located at 23401 North IH 35- which is located on the north-bound service road. Currently surrounded by light industrial and warehouse uses, the front part of the property has service road and some limited highway visibility- the majority of the property angles away from the front and is blocked from view. This project exists within the boundaries of the City of Kyle Overlay District.

**Site Zoning-** Site is currently zoned as “W” or Warehouse and the proposed uses above are allowable under the following SIC codes in that zoning district: 4931-1000, 5311-3000, and 4412-1000 (storage, warehouse, retail of trailers/RV dealers). **An application for a Conditional Use Permit to lock this projects entitlement to use the current zoning & design criteria in place as of November 20,2012 is attached.**

**Construction-** Main building structure will be steel with a metal clad exterior. The front façade will be a combination of 50% masonry (stucco, stone, or brick veneer) with a return of about 10’ along both side walls. Exterior walls not directly facing (perpendicular to) the highway will be a combination of metal clad and 20% masonry. The drawing submitted is an example and to demonstrate the concept- the exact design is yet to be completed. A buffer of landscape materials will be employed to further screen and soften the overall view from the highway.

**Contact Information** – Project Manager- TMG Commercial, Mark J Lander 512-569-6644, [mlander@moorelandgroup.com](mailto:mlander@moorelandgroup.com) .



ELEVATION  
SCALE: 1/8" = 1'-0"

NOT  
NOT

AA
FROG
ELEVAT
DESIGNED BY: A. ADLER
DATE: 25 MAR. 0



**JOHN JONES SURVEY, ABSTRACT NO. 263**

HAYS COUNTY ROAD NO. 158 ( NO RECORD R.O.W. DEDICATION FOUND )

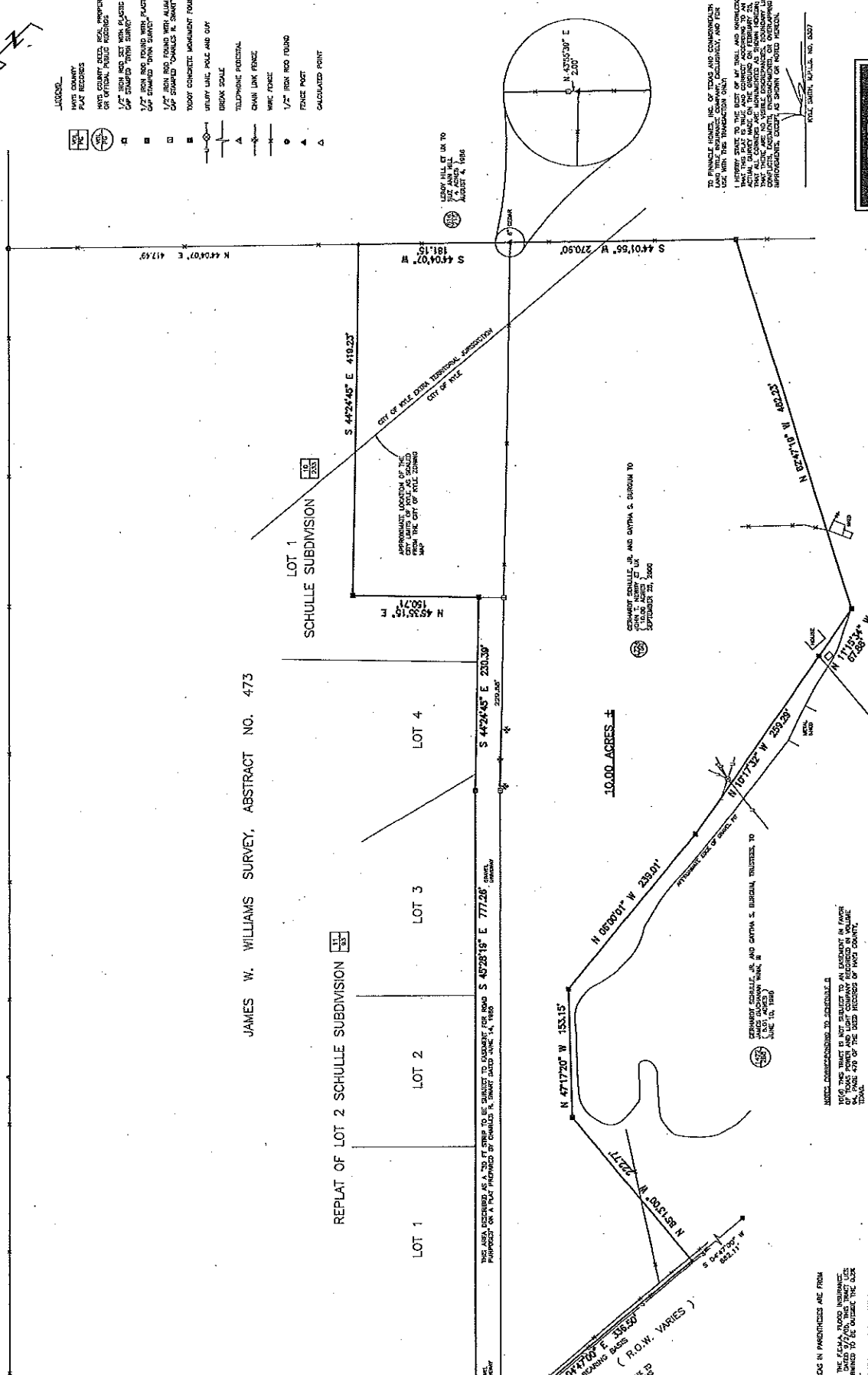
**JAMES W. WILLIAMS SURVEY, ABSTRACT NO. 473**

**REPLAT OF LOT 2 SCHULLE SUBDIVISION**

**LOT 1 SUBDIVISION**

**ORIGINAL SCALE**  
1"=60'

- LEGEND**
- HAYS COUNTY PLAT RECORDS
  - HAYS COUNTY DEED, BICAL PROPERTY OR VITAL, PUBLIC RECORDS
  - 1/2" IRON ROD SET WITH PLASTIC CAP CHANGED WITH SURVEY
  - 1/2" IRON ROD FOUND WITH PLASTIC CAP CHANGED WITH SURVEY
  - 1/2" IRON ROD FOUND WITH ALUMINUM CAP CHANGED WITH SURVEY
  - 100% CONCRETE MONUMENT FOUND
  - UTILITY MARK POLE AND CAP
  - BREAK SCALE
  - TELEPHONE FIDUCIAL
  - CHAIN LINK FENCE
  - WHIC FENCE
  - 1/2" IRON ROD FOUND
  - FENCE POST
  - CALCULATED POINT



TO PINNACLE HOMES, INC. OF TEXAS AND COMMONWEALTH LAND TITLE INSURANCE COMPANY, HOUSTON, TEXAS, FOR THE PART OF SAID DEED DATED JANUARY 14, 2003, WHICH WAS RECORDED IN HAYS COUNTY, TEXAS, BOOK 51, PAGE 156 OF THE HAYS COUNTY PUBLIC RECORDS.

I HEREBY STATE TO THE BEST OF MY KNOWLEDGE AND BELIEF THAT THIS PLAT IS A TRUE AND CORRECT REPRESENTATION OF THE ACTUAL SURVEY AND THAT ALL CORNER MARKS AND MONUMENTS ARE SHOWN IN THIS PLAT IN ACCORDANCE WITH THE ACTS AND LAWS OF THE STATE OF TEXAS, AND THAT I AM NOT AWARE OF ANY OTHER INTERESTS OR CLAIMS ON THE SURVEYED PROPERTY, EXCEPT AS SHOWN ON THIS PLAT.

DATE: \_\_\_\_\_  
 SURVEYOR: \_\_\_\_\_

**BYRNE & ASSOCIATES INC.**  
**ENGINEERS SURVEYORS**

115 WEST WYOMING ST. SUITE 400  
 SAN ANTONIO, TEXAS 78203  
 TEL: 512-349-2000  
 FAX: 512-349-2001

HAYS COUNTY RECORDS: 10-235  
 DEED: 10-235  
 JANUARY 14, 2003  
 RECORDED IN HAYS COUNTY, TEXAS  
 BOOK 51, PAGE 156

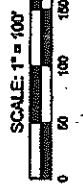
NOTE: THIS TRACT IS SUBJECT TO VOLUME 25A, PAGE 25A OF THE HAYS COUNTY RECORDS OF HAYS COUNTY, TEXAS.

AREAS IN PARADISES ARE FROM THE STATE OF TEXAS, PLAT RECORDS, AS SHOWN ON THE PLAT DATED JANUARY 14, 2003.

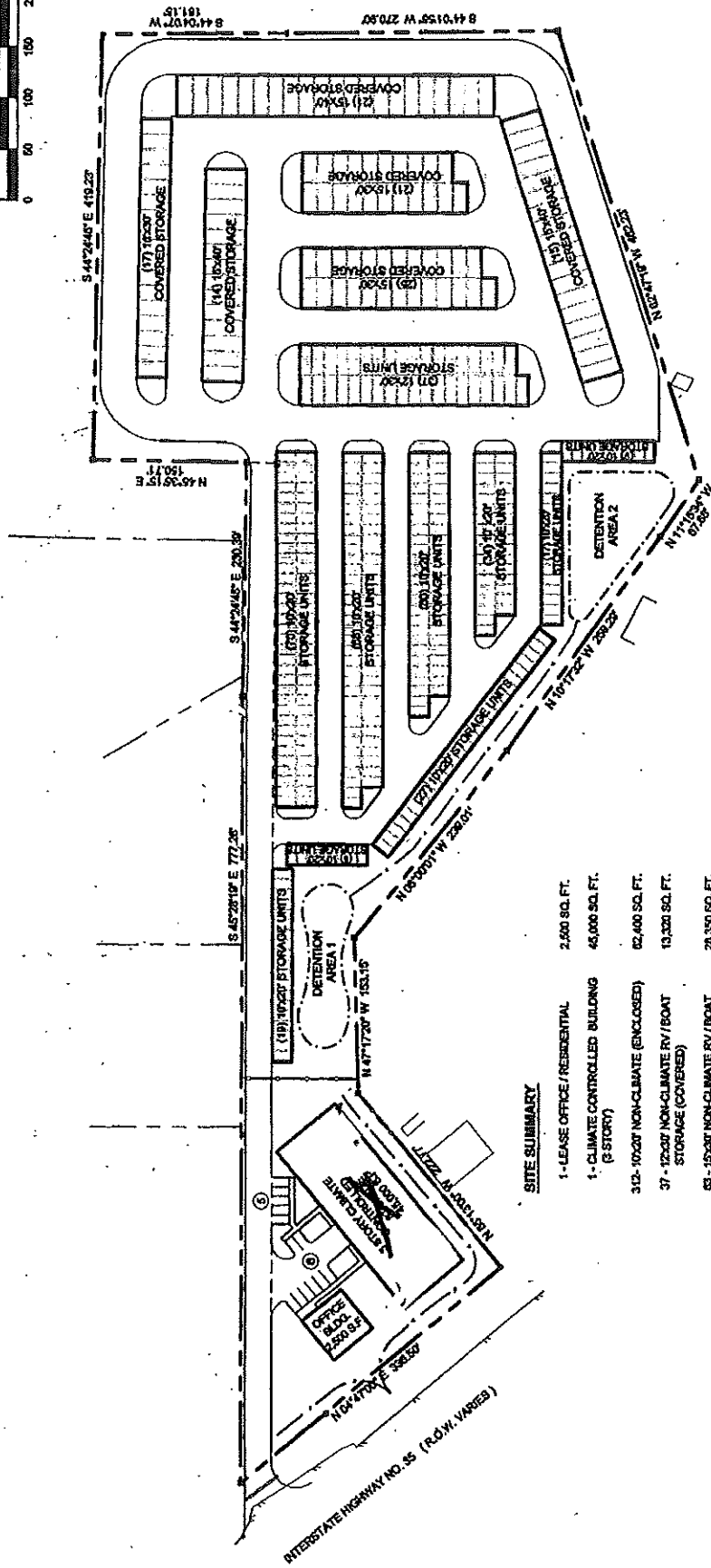
**PLAT OF 10.00 ACRES, MORE OR LESS, IN THE JAMES W. WILLIAMS SURVEY, ABSTRACT NO. 473, HAYS COUNTY, TEXAS**



NORTH



**Royer & Associates**  
 DEVELOPMENT AND ARCHITECTURE  
 1011 N. BASS STREET, SUITE 110  
 HOUSTON, TEXAS 77064  
 (713) 263-0744



**NOTE:**  
 1. ALL OUTDOOR STORAGE UNITS ARE NON CLIMATE CONTROLLED.

**SITE SUMMARY**

- 1 - LEASE OFFICE / RESIDENTIAL 2,500 SQ. FT.
- 1 - CLIMATE CONTROLLED BUILDING 45,000 SQ. FT. (3 STORY)
- 312 - 10x20 NON-CLIMATE (ENCLOSED) 62,400 SQ. FT.
- 37 - 12x20 NON-CLIMATE RV / BOAT STORAGE (COVERED) 13,320 SQ. FT.
- 63 - 15x20 NON-CLIMATE RV / BOAT STORAGE (COVERED) 24,300 SQ. FT.
- 50 - 15x40 NON-CLIMATE RV / BOAT STORAGE (COVERED) 30,000 SQ. FT.

**CONCEPT NO. 1**

**ELEVATION PHOTOGRAPHS OF 102 SOUTH MEYER - KYLE**



ELEVATION PHOTOGRAPHS OF 102 SOUTH MEYER - KYLE



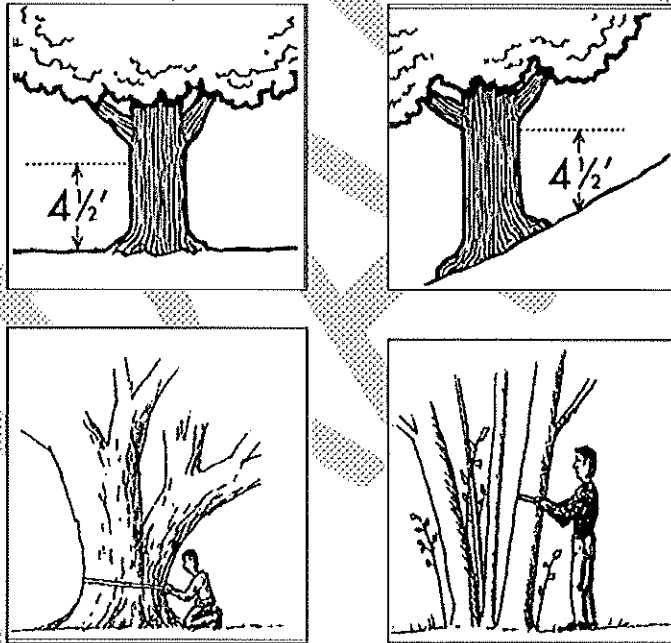
## Section 53-995 TREE ORDINANCE

### (a) Purpose.

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

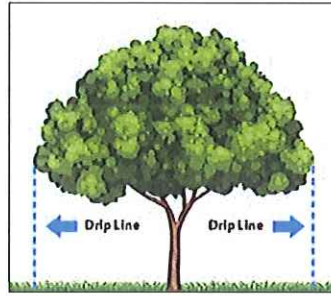
### (b) Definitions: For the purposes of this code, the following definitions will be used:

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

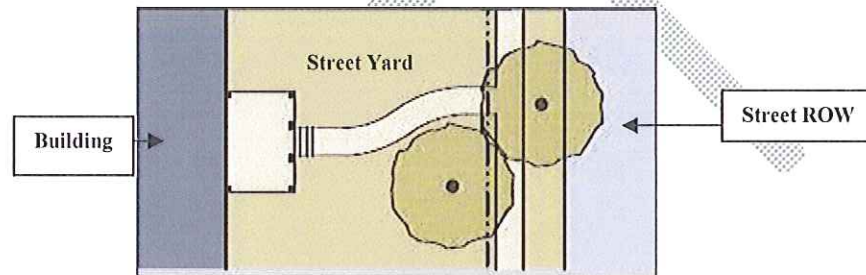


*For multiple trunk trees, the circumference is deemed to equal the circumference of the largest trunk plus half the circumference of each additional trunk. For example, a tree that has three trunks with circumferences of 22", 18", and 12" you would have a circumference of 37 "(22" + (1/2 x 18") + (1/2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

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



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



(c) *Applicability.*

The provisions of this section are applicable to the following:

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

(d) *Requirements*

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

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

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

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

(4) Trees over twenty-eight (28) inches in circumference but less than seventy-five (75) inches in circumference that are not located in one of the following areas shall be replaced on-site at a ratio of two-and-one-half trees per tree removed and shall be credited toward the number of trees required for site development:

- within a building footprint
- within 10 feet of a building footprint
- within the area over the septic system
- within areas necessary for reasonable site access
- within areas designated for the construction or installation of public facilities such as streets or utilities, that the property owner requests and receives approval to remove may be removed

Replacement trees shall have a minimum circumference of twelve (12) inches (4 inch caliper tree). If 2 inch caliper trees are utilized for mitigation then trees must be replaced at a ratio of five trees per tree removed.

(5) The removal of specimen trees, which for the purposes of these requirements are trees with seventy-five (75) inch circumference or greater, must be specifically requested by the applicant and approved in writing by the Director of Planning prior to any action being taken to remove the tree or to damage or disturb the tree in any way. Any specimen tree that is removed shall be replaced circumference-for-circumference (a ratio of one-to-one), even if the tree removed is within the building footprint area.

(6) Trees may be donated or a fee-in-lieu of planting the required trees may be paid to the City of Kyle if the following conditions exist:

- a. There is not adequate space on the site for all of the required trees to be planted on the site in which the tree(s) were removed.

b. Weather conditions are such that do not make it favorable for the required planted trees to survive and thrive.  
Species, size, quantity, and delivery date of trees shall be approved by the Director of Parks and Recreation.

*(e) Exemptions to Mitigation*

- (1) Trees over twenty-eight (28) inches in circumference but less than seventy-five (75) inches in circumference that are located within a building footprint or within ten (10) feet of a building footprint, within the area over the septic system, or within areas necessary for reasonable site access (but not including parking areas), such as a driveway, shall not be required to be replaced.
- (2) Trees over twenty-eight (28) inches in circumference but less than seventy-five (75) inches in circumference that are located within areas designated for the construction or installation of public facilities such as streets or utilities, shall not be required to be replaced, but must still submit a formal request for removal with the submittal of public improvement construction plans.
- (3) Any specimen tree (75 inch circumference or greater) that is located within the building footprint, or areas necessary for site access (but not including parking areas), such as a driveway, shall not be required to be preserved. However, the tree that is removed shall be replaced circumference-for-circumference (a ratio of one-to-one).

*(f) Tree Removal Permit*

(1) The removal of an existing tree(s) from a development site must be in accordance with this and all other applicable ordinances of the City. Prior to the removal of any protected or specimen tree, as defined within this section, the property owner must first submit a letter detailing the following:

- Which tree(s) will be removed (as shown on a Site Plan)
- How the removal will be performed (and machinery and equipment needed), and the date and time when the anticipated removal will occur.
- If a specimen or protected tree proposed for removal is within or not within the following:
  - a building footprint or within ten (10) feet of a building footprint,
  - within the area over the septic system
  - within an area necessary for reasonable site access
  - within an area designated for the construction or installation of public facilities such as streets or utilities

*(g) Onsite Tree Protection Requirements*

(1) All protected trees within or next to an excavation site or construction site for any building, structure, or street work, shall be guarded with a good substantial fence, frame, or box not less than four (4) feet high and surrounding the trunk of the tree. In



addition, at least three (3) inches of mulch or compost shall be spread beneath the drip line of the tree.

(2) The barriers other than what is required per this ordinance shall be approved by the Building Official and shall be in place before any site clearance or other site-disturbing act commences.

(3) All building material, dirt, excavation or fill materials, chemicals, construction vehicles or equipment, debris, and other materials shall be kept outside the barrier.

(4) Barriers shall remain in place until the final building and landscape site inspections are satisfactorily completed for the issuance of the Certificate of Occupancy.

(h) *Incentives for Retaining Trees*

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

(i) *Penalty.*

Any person who shall violate any provision of this ordinance or technical codes adopted herein, or shall fail to comply therewith, or with any of the requirements thereof shall be liable for a fine not to exceed the sum of two thousand dollars (\$2,000.00). Each tree removed and each day the violation exists shall constitute a separate offense.