

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

The Planning and Zoning Commission of the City of Kyle, Texas met in regular session January 22, 2013 at 6:30 p.m. at Kyle City Hall, with the following persons present:

Commission Cicely Kay	Tony Spano	Suzanne Par
Commissioner Alfred Zambrano	Sue Nebel	Sue Caldron
Commissioner Mike Fulton	Beverly Kelsey	
Chairman Dan Ryan .	Geoff Guerrero	
Vice-Chair Pat Fernandez	Faye Toland	
Commissioner Mike Rubsam	Bill Toland	
Commissioner Michele Christie	Joe Lance Stewart	
Director of Planning, Sofia Nelson	Glenda Rogers	

CALL MEETING TO ORDER

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

ROLL CALL OF BOARD

Chairman Ryan 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 – November 27, 2012

Vice-Chair Fernandez moved to approve the minutes from the November 27, 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. Tony Spano with Plum Creek Development addressed the Commission asking if they would consider a special called meeting on February 12th to act on Plum Creek Phase 1 Section 11J Preliminary and Final Plat. Chairman Ryan closed the citizens comment period at 6:32 pm.

CONSENT AGENDA

SOUTHBEND ONE RESUBDIVISION OF LOT 12 (SFP-12-010) 2.187 ACRES; 2 LOTS LOCATED AT 2330 BEBEE ROAD.

KENSINGTON TRAILS SUBDIVISION SECTION 5 – PRELIMINARY PLAN (PP-12-006) 36.04 ACRES; 119 LOTS LOCATED WITHIN THE 2200 BLOCK OF BEBEE ROAD, EAST END OF DOWNING WAY.

KENSINGTON TRAILS SUBDIVISION SECTION 5A – FINAL PLAT (FP-13-001) 12.11 ACRES; 38 LOTS LOCATED AT THE EAST END OF DOWNING WAY.

THE VILLAS AT CREEKSIDE (PP-13-001) 3.846 ACRES; 30 LOTS LOCATED AT 104 CREEKSIDE TRAIL.

OLD POST SUBDIVISION (AFP-13-002) 1.18 ACRES; 1 LOT LOCATED AT 24321 IH-35 (OLD POST ROAD & IH-35 FRONTAGE).

SETON HAYS SUBDIVISION REPLAT OF LOT 1, BLOCK B AMENDED PLAT OF LOT 1-F AND LOT 1G, BLOCK B (AFP-13-001).

PLUM CREEK PHASE 1 SECTION 6E 2-2 – PRELIMINARY PLAN (PP-12-007) 4.705 ACRES; 28 LOTS LOCATED WITHIN THE 2000 BLOCK OF HERZOG.

PLUM CREEK PHASE 1 SECTION 6E 2-2 – FINAL PLAT (FP-12-010) 4.705 ACRES; 28 LOTS LOCATED WITHIN THE 2000 BLOCK OF HERZOG.

ROJO SUBDIVISION (FP-13-002) 15.00 ACRES; 5 LOTS LOCATED AT 1626 ROLAND LANE

Commissioner Fulton moved to approve the Consent Agenda. Commissioner Rubsam seconds the motion. All votes aye. Motion carried.

CONSIDER AND POSSIBLE ACTION:

CONSIDER A REQUEST BY FIRST BAPTIST CHURCH & MR. ROGER FALK TO ALLOW A SHARED PARKING AGREEMENT FOR PARKING LOT LOCATED AT 405 CENTER STREET TO BE USED TO SATIFY PARKING REQUIREMENTS FOR 400 & 401 CENTER STREET.

Commissioner Rubsam moved to approve the request with the condition that the shared parking agreement is for 50 years and that the First Baptist Church is able to use the parking lot on Wednesdays from 5:30 p.m. to midnight and All day Sundays. Commissioner Fulton seconds the motion. All votes aye. Motion carried.

ZONING

CONSIDER A REQUEST BY MOUNTAIN PLUM, LTD. TO REZONE APPROXIMATELY 0.21 ACRES FROM ‘OS’ OPEN SPACE TO ‘MXD’ MIXED USE AND TO REZONE APPROXIMATELY 18.23 ACRES FROM ‘R-2’ RESIDENTIAL 2 TO ‘MXD’ MIXED USE WITHIN THE PLUM CREEK PLANNED UNIT DEVELOPMENT, ON PROPERTY LOCATED WITHIN THE 600 BLOCK OF KOHLER’S CROSSING, JUST WEST OF THE CLUB HOUSE.

Chairman Ryan opened the public hearing at 6:42 p.m. and called for comments for or against the request by Mountain Plum, Ltd. Sue Nebel, Sue Caldron and Suzanne Par addressed the Commission stating that they are opposed to the mixed use rezone request. Chairman Ryan closed the public hearing at 6:50 p.m.

Commissioner Fulton moved to approve the rezone of 18.23 acres from 'R-2' to Mixed Use, but to remove the 0.21 acres and leave as Open Space. Commissioner Christie seconds the motion. Commissioners Kay, Fulton, Ryan, Fernandez, Rubsam, and Christie vote aye. Commissioner Zambrano votes nay. Motion carried.

SITE DEVELOPMENT PLAN / CONDITIONAL USE PERMIT

102 SOUTH MEYER STREET (SD-11-008) 0.337 ACRES; 2,019 SQUARE FOOT BUILDING LOCATED AT 102 SOUTH MEYER STREET.

Chairman Ryan opened the public hearing at 7:05 p.m. and called for comments for or against 102 South Meyer Street (SD-11-008). There were no comments. Chairman Ryan closed the public hearing at 7:05 p.m.

Commissioner Fulton moved to approve the Site Plan for 102 South Meyer Street (SD-11-008). Commissioner Kay seconds the motion. All votes aye. Motion carried.

7 ELEVEN STORE #35881 (SD-12-020) 1.04 ACRES; 3,010 SQUARE FOOT BUILDING LOCATED AT 22553 IH-35 (CENTER STREET VILLAGE).

Chairman Ryan opened the public hearing at 6:40 p.m. and called for comments for or against 7 Eleven Store #35881 (SD-12-020). No speakers and continue to hold the public hearing open.

Commissioner Zambrano moved to table the site plan for 7 Eleven Store #35881 until the February 26th Planning and Zoning meeting. Commissioner Rubsam seconds the motion. All votes aye. Motion carried.

PLUM CREEK BREAD BASKET (SD-12-021) 1.338 ACRES; 4,600 SQUARE FOOT BUILDING LOCATED AT THE SOUTHEAST CORNER OF FAIRWAY AND FM 2770.

Chairman Ryan opened the public hearing at 7:10 p.m. and called for comments for or against Plum Creek Bread Basket (SD-12-021). Faye Toland, Beverly Kelsey, Bill Toland, Glenda Rogers, Suzanne Par and Sue Nebel addressed the Commission and stated their concerns and opposition regarding the proposed site plan. Chairman Ryan closed the public hearing at 7:27 p.m.

Geoff Guerrero, Agent addressed the Commission to address some of the concerns that the residents of Plum Creek had and was available to answer any questions that the Commission may have.

Commissioner Zambrano moved to deny the Plum Creek Bread Basket (SD-12-021). No second. Motion failed.

Commissioner Fulton moved to approve Plum Creek Bread Basket (SD-12-021). Commissioner Christie seconds the motion. Commissioners Kay, Fulton, Ryan, Fernandez, Rubsam and Christie vote aye. Commissioner Zambrano votes nay. Motion carried.

CONDITIONAL USE PERMIT/CONDITIONAL USE OVERLAY DISTRICT

CONSIDER A REQUEST BY JOE LANCE STEWART ON BEHALF OF TRADITION BANK (JLS RECREATIONAL VEHICLES AND STORAGE) FOR A CONDITIONAL USE PERMIT TO CONSTRUCT A 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 LOCATED WITHIN THE IH-35 CORRIDOR DISTRICT LOCATED AT 23401 N. IH-35.

Chairman Ryan opened the public hearing at 7:47 p.m. and called for comments for or against the request by Joe Lance Stewart on behalf of Tradition Bank (JLS Recreational Vehicles and Storage). There were no comments. Chairman Ryan closed the public hearing at 7:47 p.m.

Joe Lance Stewart, Agent addressed the Commission to answer any concerns that they may have.

Commissioner Rubsam moved to approve the request by Joe Lance Stewart on behalf of Tradition Bank (JLS Recreational Vehicles and Storage) with Staff's recommendation of Option 2 which states: Construct the building perpendicular to the access road (as shown on the conceptual site plan). Include the same finishes propose on the north façade on the south façade, and include the stone veneer represented on the north elevation on 100% of the west side façade. Also, that any and all storage activities or uses shall not occur before 6:00 am or after 10:00 pm on any given night. Also, Site lighting shall be shielded so that light sources are not visible from the public right-of-way or from adjacent property. Commissioner Zambrano seconds the motion. All votes aye. Motion carried.

CONSIDER A REQUEST BY CRAIG SELLMAN (102 SOUTH MEYER) FOR A CONDITIONAL USE PERMIT FOR AN EXISTING 2,019 SQUARE FOOT BUILDING LOCATED WITHIN THE CENTER STREET AND CENTRAL BUSINESS DISTRICT OVERLAY LOCATED AT 102 SOUTH MEYER STREET.

Chairman Ryan opened the public hearing at 7:57 p.m. and called for comments for or against the request by Craig Sellman (102 South Meyer) for a Conditional Use Permit for an existing 2,019 square foot building. There were no comments. Chairman Ryan closed the public hearing at 7:57 p.m.

Commissioner Fulton moved to approve the request by Craig Sellman (102 South Meyer). Commissioner Zambrano seconds the motion. All votes aye. Motion carried.

STAFF REPORTS

Sofia Nelson, Director of Planning addressed the Commission asking if the Commission would like to hold a meeting for the Plum Creek Phase 1 Section 11J plats and hold a Public Workshop for the Proposed Tree Ordinance on February 12th. The Planning and Zoning Commission agreed.

ADJOURN

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

The Planning & Zoning Meeting adjourned at 8:01 p.m.

Amelia Sanchez, City Secretary

Dan Ryan, Chairman

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

The Planning and Zoning Commission of the City of Kyle, Texas met in regular session February 12, 2013 at 6:30 p.m. at Kyle City Hall, with the following persons present:

Commission Cicely Kay
Commissioner Alfred Zambrano
Chairman Dan Ryan
Vice-Chair Pat Fernandez
Commissioner Mike Rubsam
Commissioner Michele Christie
Director of Planning, Sofia Nelson

Lila Knight

CALL MEETING TO ORDER

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

ROLL CALL OF BOARD

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

CITIZENS COMMENTS

Chairman Ryan opened the citizens comment period at 6:30 pm 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.

CONSENT AGENDA

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

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

Vice-Chair Fernandez moved to approve the consent agenda (Plum Creek Phase 1 Section 11J Preliminary Plan and Final Plat). Commissioner Rubsam seconds the motion. All votes aye. Motion carried.

PRESENTATION:

PRESENTATION BY THE CHAIR FROM THE LONG RANGE PLANNING COMMITTEE ON UPCOMING COMPREHENSIVE MASTER PLAN AMENDMENTS.

Lila Knight, Chair for the Long Range Planning Committee addressed the Commission to give an update on the upcoming Comprehensive Master Plan Amendments.

ADJOURN

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

The Planning & Zoning Meeting adjourned at 6:44 p.m.

Amelia Sanchez, City Secretary

Dan Ryan, Chairman

MEMORANDUM

TO: Planning and Zoning Commission

FROM: Sofia Nelson, Director of Planning

DATE: February 6, 2013

SUBJECT: The Villas at Creekside- Preliminary Plan (PP-13-001)

BACKGROUND

Site Information and Proposal

The subject property occupies 3.8 acres located approximately 650 feet north of FM 150. The proposed project will re-subdivide the land into 30 lots for townhome units with the R-1-T zoning classification along with a new street named Creekside Villa Drive which is a 60-foot right-of-way to serve the new development.

Utilities

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

Access

The proposed development will be made accessible by Creekside Trail.

Parkland

On January 28, 2013, the Parks & Recreation Committee met and item # 2 on their agenda was to "Consider and Possible Action - Parkland Dedication for Lot2C of the Hill Replat for a 30 unit townhome development". With a quorum and a unanimous vote, the committee recommends the following:

- Payment of Park Land Fee (\$600/LUE) plus Payment of Park Development Fee (\$600/LUE) = total of \$1,200/LUE. 30 LUE's x \$1,200 = \$36,000;

or if the applicant wishes

- Provide the following park improvements until the \$36,000 is justified:
- Connect a waste-water line and provide for future connection serving the future Oso Oro Park on Creekside Trail. This line would need to be large enough to serve the future park, meet all city requirements and have the proper city officials approve the plans, construction, inspection and values associated with this project; if fund value remain after this project is complete
- Construct tables and bbq grills at Lake Kyle; and if fund value still remain after these 2 projects are complete

- cash deposit into the Park Development Fund

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 appear to be adequate and will be further reviewed prior to the approval of the final plat.

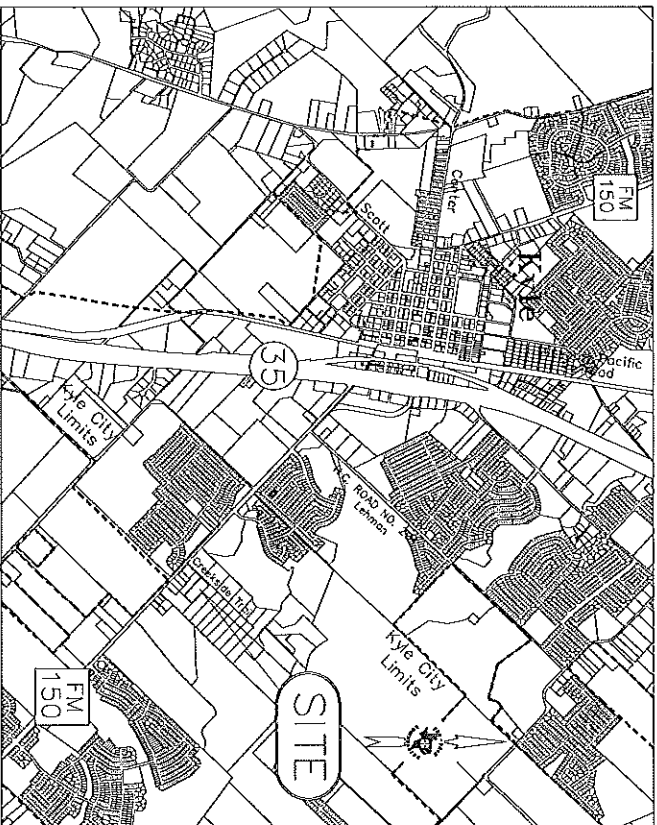
THE VILLAS AT CREEKSSIDE

Preliminary Improvement Plans

City of Kyle

Hays County, Texas

- SHEET INDEX**
1. Cover Sheet
 2. Preliminary Plat By Melvin Hodgkiss
 3. Drainage Plan
 4. Paving Grading Plan
 5. Water Distribution Plan
 6. Waste Water Plan
 7. Paving and Drainage Details
 8. Street Lighting Plan



LOCATION MAP

N.T.S.

SUBMITTED BY:

PRO-Tech Engineering Group, Inc.
 100 E. San Antonio St., Suite 100
 San Marcos, TX 78666
 (512) 353-3335

KELLY KILBER, P.E.

APPROVED BY:

CITY OF KYLE

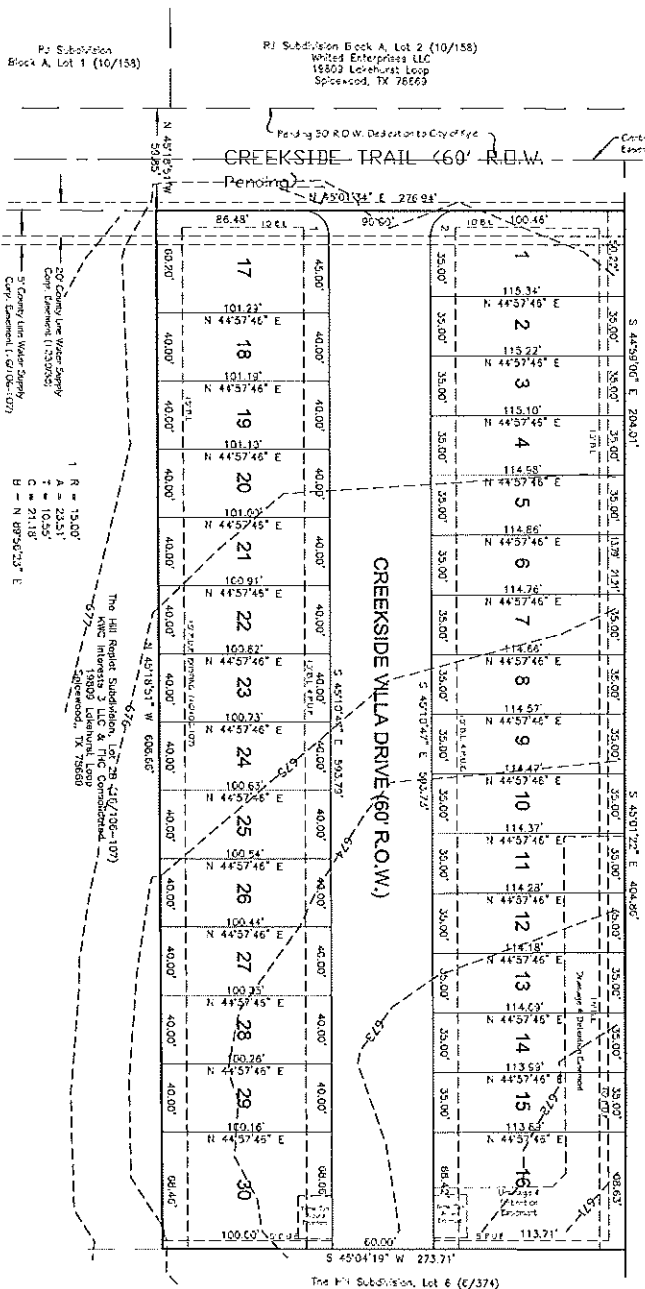


ENGINEERING GROUP
 INCORPORATED
 100 E. San Antonio St., Suite 100
 San Marcos, TX 78666
 (512) 353-3335

THE VILLAS AT CREEKSIDE

(Preliminary Plan)

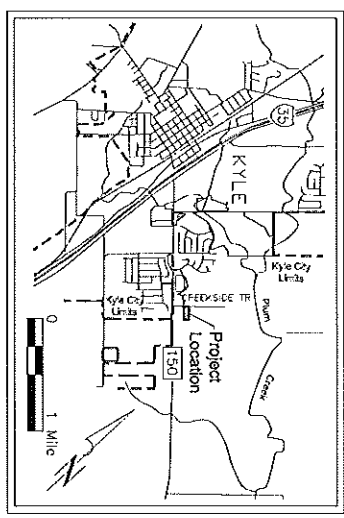
James and Yvonne Deason
 500 Ac (1237304)
 1200 Lakeside Loop
 Kyle, TX 78640



- GENERAL NOTES:**
- Proposed water and wastewater utilities:
 Water: County Line Special Utility District
 Wastewater: City of Kyle
 - No obstructions shall be placed in drainage easements.
 - Sidewalks shall be installed on the subdivision side of Creekside Villa Drive and Creekside Trail. These sidewalks not abutting a residential, commercial or industrial lot shall be installed when the adjoining street is constructed. Where there are double frontage lots, sidewalks on the street to which access is prohibited are required to be installed when the street in the subdivision is constructed. (Ord. #439, Article V, Sec. 18, Kyle Code)
 - No portion of this subdivision lies within the boundaries of the 100 year flood plain according to the Federal Emergency Management Agency Flood Insurance Rate Map Panel No. 48299C0405 F. dated September 2, 2005.
 - A 10-foot (10') foot PUE is hereby dedicated adjacent to all street ROW, a five (5) foot PUE is hereby dedicated along each side lot line and a ten (10') foot PUE is hereby dedicated adjacent to all rear lot lines on all lots.
 - A ten (10) foot wide PUE and drainage easement exists on all non-rear lot lines for Lot 2C, of record in The Hill Replat of Lots 1 and 2, Vol. 16, Pgs. 106-107.
 - The Temporary Turn Around Easement will be relinquished to the Villas at Creekside HOA when street is extended to adjoining property.
 - All drainage and detention easements are hereby dedicated to the Villas at Creekside HOA.
 - Property owner (association) shall maintain and cut the grass in the right of ways and easements that lie within or abut to their development.

Vertical Datum: City of Kyle
 Brocade Subdivision Water System

2	N	13.00'
A	23.62'	
T	10.66'	
C	21.25'	
0	S	07.04 37" E



LOCATION MAP

Owners: FHC Consolidated LP and KWC Interests 1, LLC
 Address: 1908 Lakehurst Loop
 Spicewood, TX 78669
 Phone: (512)-775-5208 Fax: NA
 Acreage: 3.846 Ac

Survey: The Hill Replat Lot 2C
 Number of lots and proposed use: 30 Townhouse Lots
 Date: 1-1-2013

Surveyor: Melvin B. Hodgkiss, P.E., RPLS No. 2808
 Address: 6310 E. Hill 53
 Kyle, TX 78640
 Phone: (512)-892-6303 Fax: (512)-892-6303

Engineer: Kelly Kliber, P.E., Pro-Tech Engineering Group, Inc.
 Phone: (512)-535-3335 Fax: (512)-596-0224

The undersigned, a registered professional land surveyor in the State of Texas, hereby certify that all easements of record are shown or noted on the plan.

Melvin B. Hodgkiss, RPLS No. 2808

MEMORANDUM

TO: Planning and Zoning Commission

FROM: Sofia Nelson, Director of Planning

DATE: February 20, 2013

SUBJECT: Waterleaf Phase A Section 5B- Final Plat (FP-13-003)

BACKGROUND

Site Information and Proposal

The subject property is approximately 16.815 acres in size and is located near the intersection of Waterleaf Boulevard and Sunnyside Drive just off of FM 150. The property consists of 52 single-family lots and is zoned R-1-1.

Utilities

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

Access

Access for this tract will come from 3 points: Sunnyside Drive, Apricot Drive, and Conner Elkins Drive.

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.

WATERLEAF SUBDIVISION PHASE A SECTION 5b FINAL PLAT

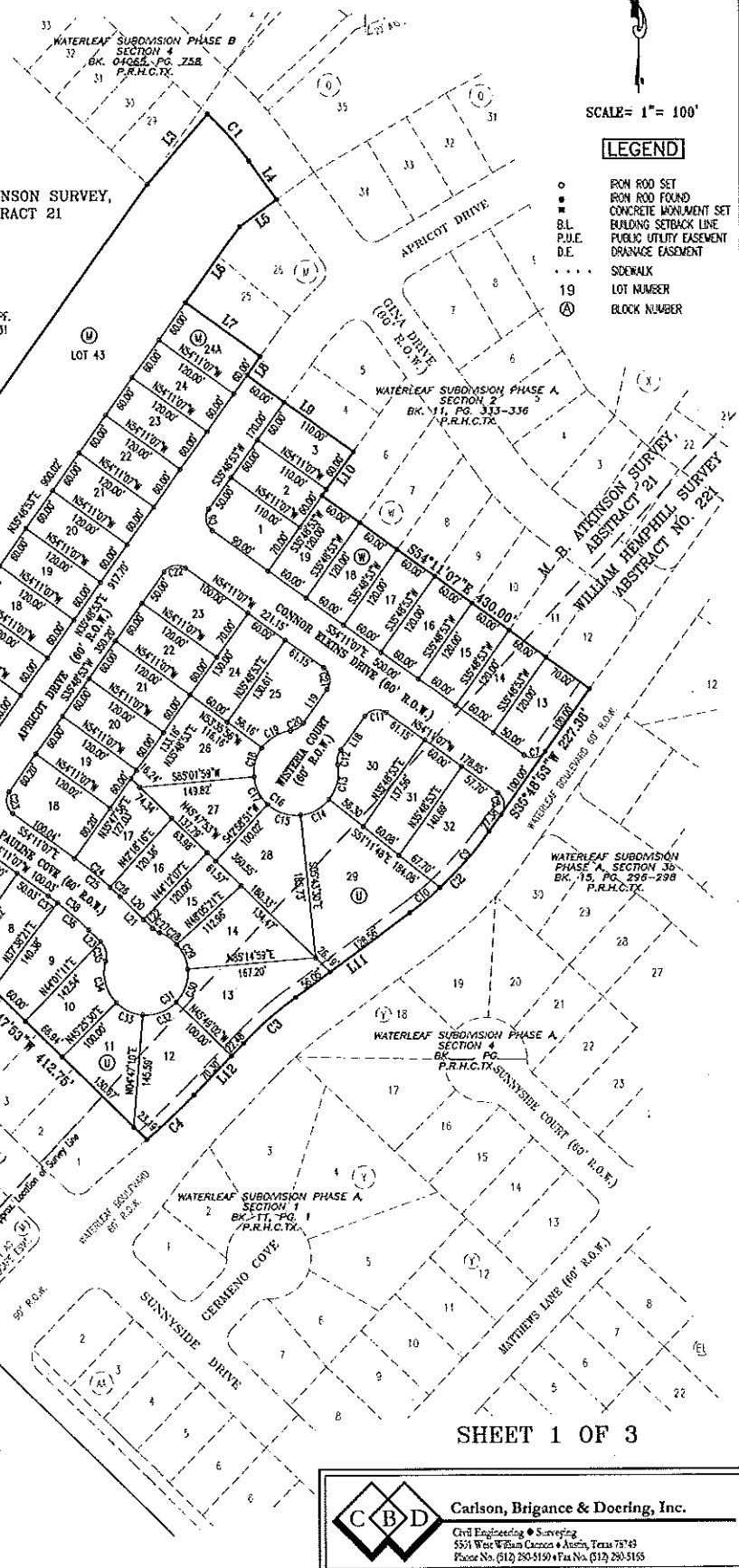
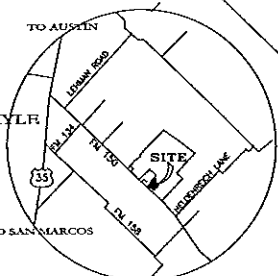
CURVE	RADIUS	LENGTH	CHORD	CHORD BEARING	TANGENT
C1	470.00'	80.88'	80.88'	S41°21'01"E	43.82
C2	470.00'	148.66'	148.04'	S44°32'33"W	74.99
C3	530.00'	90.23'	90.12'	S49°03'36"W	45.23
C4	800.00'	84.87'	84.85'	S47°13'19"W	43.81
C5	25.00'	18.89'	18.26'	S37°13'33"W	9.43
C6	20.00'	31.42'	28.28'	S30°11'07"E	20.00
C7	20.00'	31.42'	28.28'	S82°45'33"E	20.00
C8	20.00'	31.42'	28.28'	N57°11'07"W	20.00
C9	470.00'	97.54'	97.36'	S41°45'36"W	48.94
C10	470.00'	51.13'	51.13'	S57°48'18"W	25.59
C11	20.00'	31.42'	28.28'	S87°45'33"W	20.00
C12	20.00'	20.33'	18.76'	S12°21'51"W	10.76
C13	50.00'	47.57'	46.17'	S16°03'31"W	25.39
C14	50.00'	43.65'	42.51'	S41°32'21"W	23.05
C15	50.00'	46.18'	44.64'	S01°40'11"W	24.33
C16	50.00'	26.11'	25.67'	S84°11'07"W	13.07
C17	50.00'	45.84'	45.20'	N52°17'26"W	21.47
C18	50.00'	59.11'	58.52'	N15°45'01"E	20.77
C19	50.00'	44.14'	42.95'	N52°20'32"E	23.34
C20	20.00'	20.33'	18.76'	N59°00'54"E	10.76
C21	20.00'	31.42'	28.28'	N57°11'07"W	20.00
C22	20.00'	31.42'	28.28'	S87°45'33"W	20.00
C23	20.00'	31.42'	28.28'	S07°11'07"E	20.00
C24	530.00'	60.03'	60.00'	S57°56'28"E	30.05
C25	530.00'	77.58'	77.52'	S49°59'30"E	38.88
C26	500.00'	12.85'	12.55'	S46°44'40"E	6.78
C27	20.00'	10.26'	10.77'	S52°16'20"E	5.52
C28	50.00'	27.67'	27.30'	N52°16'33"E	14.14
C29	50.00'	35.67'	35.00'	S57°18'12"E	18.45
C30	50.00'	45.97'	45.56'	S19°42'59"W	25.03
C31	50.00'	256.29'	278.87'	S67°48'36"W	57.87
C32	50.00'	48.58'	47.61'	S52°28'04"W	26.00
C33	50.00'	38.01'	38.20'	N84°53'49"W	20.37
C34	50.00'	58.44'	56.73'	N1°09'04"W	31.32
C35	25.00'	27.19'	25.79'	N1°44'48"W	13.05
C36	470.00'	51.83'	53.81'	N49°04'40"E	25.59
C37	470.00'	14.97'	14.87'	N55°16'23"W	7.49
C38	470.00'	69.80'	68.14'	N49°59'30"E	34.46
C39	20.00'	31.42'	28.28'	S87°45'33"W	20.00

LINE	LENGTH	BEARING
L1	34.24'	N57°02'07"W
L2	54.09'	N52°11'37"W
L3	120.00'	N10°55'50"E
L4	62.21'	S39°19'17"E
L5	62.10'	S54°10'23"W
L6	121.25'	S35°48'33"W
L7	120.00'	S54°11'07"E
L8	30.33'	S39°45'33"W
L9	170.00'	S54°11'07"E
L10	70.00'	S39°45'33"W
L11	184.81'	S52°25'14"W
L12	92.25'	S52°25'14"W
L13	56.21'	S39°45'33"W
L14	61.00'	N5°11'07"W
L15	122.73'	N5°11'12"W
L16	53.65'	S44°02'33"W
L17	125.25'	S39°08'00"W
L18	53.66'	S39°45'33"W
L19	53.66'	N39°45'33"E
L20	42.40'	N49°17'33"W
L21	56.91'	N49°17'33"W
L22	18.46'	S49°17'33"W
L23	21.87'	S49°17'33"E
L24	191.33'	S39°45'33"W

PLAT DATE: NOVEMBER 28, 2012
 TOTAL ACREAGE= 16.815 ACRES
 SURVEY: M.B. ATKINSON SURVEY, ABSTRACT NO. 21, HAYS COUNTY, TEXAS
 F.E.W.A. MAP NO. 48209C 0405F
 DATED: SEPTEMBER 2, 2005
 NUMBER OF SINGLE FAMILY LOTS: 52
 NUMBER OF BLOCKS: 3

OWNER:
 KB HOME LONE STAR, L.P., A TEXAS CORPORATION
 10800 PECAN PARK BLVD. STE. 200
 AUSTIN, TEXAS 78758
 PH: (512) 651-8100 FAX: (512)795-6286

ENGINEER AND SURVEYOR:
 CARLSON, BRIGANCE & DOERING, INC.
 5501 WEST WILLIAM CANNON
 AUSTIN, TX 78749
 (512) 280-5160 phone
 (512) 280-5165 fax



SCALE= 1" = 100'

- LEGEND**
- IRON ROD SET
 - IRON ROD FOUND
 - CONCRETE MONUMENT SET
 - BUILDING SETBACK LINE
 - PUBLIC UTILITY EASEMENT
 - DRAINAGE EASEMENT
 - SIDERAILK
 - 19 LOT NUMBER
 - (A) BLOCK NUMBER

SHEET 1 OF 3

Carlson, Brigance & Doering, Inc.
 Civil Engineering • Surveying
 5501 West William Cannon • Austin, Texas 78749
 Phone No. (512) 280-5150 • Fax No. (512) 280-5165

WATERLEAF SUBDIVISION PHASE A SECTION 5b FINAL PLAT

KNOW ALL MEN BY THESE PRESENTS:

THAT, KB HOME LONE STAR, L.P., A TEXAS LIMITED PARTNERSHIP, ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF TEXAS, ACTING HEREIN BY AND THROUGH JOHN ZINSMEYER, VICE PRESIDENT, AND BEING OWNERS OF LAND OUT OF THE WILLIAM HEWPHILL SURVEY, ABSTRACT NO. 221, AND THE ROBERT CARSON SURVEY, ABSTRACT 135, HAYS COUNTY, TEXAS AS CONVEYED TO THEM BY DEED DATED MAY 7, 2002, AND RECORDED IN VOLUME 1994, PAGE 288 OF THE DEED RECORDS OF HAYS COUNTY, TEXAS, AND RECORDED IN VOLUME 2137, PAGE 179 OF THE DEED RECORDS OF HAYS COUNTY, TEXAS, DOES HEREBY SUBDIVIDE 16.815 ACRES OF LAND OUT OF SAID SURVEYS, TO BE KNOWN AS:

WATERLEAF SUBDIVISION PHASE A SECTION 5b

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 AND EASEMENTS SHOWN HEREON.

JOHN ZINSMEYER, VICE PRESIDENT
KB HOME LONE STAR, L.P.
10500 PECAN PARK BLVD. STE. 200
AUSTIN, TEXAS 78750

BEFORE ME THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED JOHN ZINSMEYER, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT OF WRITING, AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED.

WITNESS MY HAND AND SEAL OF OFFICE, THIS THE _____ DAY OF _____, 20____, A.D.

NOTARY PUBLIC, STATE OF TEXAS

THIS FINAL PLAT, WATERLEAF SUBDIVISION PHASE A SECTION 5b, 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. DATED THIS _____ DAY OF _____, 20____, A.D.

CHAIRPERSON

I HEREBY CERTIFY, TO THE CITY OF KYLE, TEXAS THAT THE ABOVE AND FOREGOING PLAT OF WATERLEAF SUBDIVISION PHASE A, SECTION 5b, WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF KYLE, TEXAS 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____.

CITY SECRETARY

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

DIRECTOR OF PUBLIC WORKS

STATE OF TEXAS }
COUNTY OF HAYS }

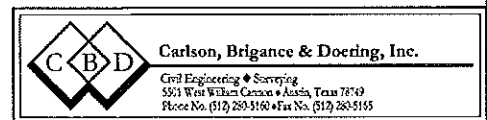
I, LIZ Q. GONZALEZ, COUNTY CLERK OF HAYS COUNTY, TEXAS, DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT OF WRITING WITH ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORD IN MY OFFICE ON THE _____ DAY OF _____, 20____, A.D., AND DULY RECORDED ON THE _____ DAY OF _____, 20____, A.D., AT _____ O'CLOCK _____ M., IN THE PLAT RECORDS OF HAYS COUNTY, TEXAS IN BOOK _____, PAGE(S) _____, WITNESS MY HAND AND SEAL OF OFFICE THIS THE _____ DAY OF _____, 20____, A.D.

LIZ Q. GONZALEZ
COUNTY CLERK
HAYS COUNTY, TEXAS

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

CITY ENGINEER

SHEET 2 OF 3



PATH: - J:\AC2004\LP\DWG\3970\SURVEY\PLAT A-5b.dwg

WATERLEAF SUBDIVISION PHASE A SECTION 5b FINAL PLAT

NOTES:

1. A 20' PUBLIC UTILITY EASEMENT AND DRAINAGE EASEMENT IS HEREBY DEDICATED ADJACENT AND PARALLEL TO THE FRONT OF ALL LOTS EXCEPT FOR SIDE YARDS ON CORNER LOTS.
2. A 10' PUBLIC UTILITY EASEMENT AND DRAINAGE EASEMENT IS HEREBY DEDICATED ADJACENT AND PARALLEL TO THE RIGHT-OF-WAY WHERE THERE IS A 15' BUILDING LINE SHOWN ON THE FACE OF THE PLAT.
3. A 10' PUBLIC UTILITY EASEMENT AND DRAINAGE EASEMENT IS HEREBY DEDICATED ALONG THE REAR PROPERTY LINES.
4. A 5' PUBLIC UTILITY EASEMENT AND DRAINAGE EASEMENT IS HEREBY DEDICATED ALONG THE SIDE PROPERTY LINES.
5. SIDEWALKS SHALL BE BUILT ALONG BOTH SIDES OF ALL STREETS WITHIN THE WATERLEAF SUBDIVISION PHASE A, SECTION 5b SUBDIVISION. THESE SIDEWALKS SHALL BE A MINIMUM OF 4' IN WIDTH AND BUILT IN COMPLIANCE WITH THE REQUIREMENTS OF THE CITY OF KYLE, TEXAS. HANDICAP RAMPS ARE TO BE BUILT AS PART OF SUBDIVISION CONSTRUCTION AND SHALL BE IN PLACE PRIOR TO SUBDIVISION ACCEPTANCE.
6. NO OBJECT INCLUDING SIGNAGE, BUILDING, ACCESSORY BUILDING, FENCING OR LANDSCAPING, WHICH WOULD INTERFERE WITH CONVEYANCE OF STORM WATER SHALL BE PLACED OR ERRECTED WITHIN ANY DRAINAGE EASEMENT WITHOUT THE PRIOR APPROVAL OF THE CITY OF KYLE.
7. 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.
8. OWNER(S) OF PROPERTY WITH DRAINAGE AND UTILITY EASEMENT(S) SHALL ALLOW ACCESS FOR INSPECTIONS, REPAIR, MAINTENANCE AND RECONSTRUCTION AS MAY BE NECESSARY.
9. PRIOR TO CONSTRUCTION OF ANY IMPROVEMENTS ON LOTS IN THIS SUBDIVISION, BUILDING PERMITS WILL BE OBTAINED FROM THE CITY OF KYLE.

STATE OF TEXAS:
COUNTY OF TRAVIS:

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

THE 100 YEAR FLOOD PLAIN IS CONTAINED WITHIN THE DRAINAGE EASEMENTS SHOWN HEREON. NO PORTION OF THIS TRACT IS WITHIN THE DESIGNATED FLOOD HAZARD AREA AS SHOWN ON THE FEDERAL INSURANCE RATE MAP PANEL NO. 48209C 0405 F, DATED SEPTEMBER 2, 2005; FOR HAYS COUNTY, TEXAS.

ENGINEERING BY: *Steven P. Cates* 2-18-13
DATE
STEVEN P. CATES, P.E. / 93648
CARLSON, BRIGANCE & DOERING, INC.
5501 WEST WILLIAM CANNON DRIVE
AUSTIN, TEXAS 78749



STATE OF TEXAS:
COUNTY OF TRAVIS:

I, ARON V. THOMASON, 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 THEREON.

SURVEYED BY: *Aron V. Thomason* 19 Feb 2013
DATE
ARON V. THOMASON, R.P.L.S. NO. 6214
CARLSON, BRIGANCE & DOERING, INC.
5501 WEST WILLIAM CANNON DRIVE
AUSTIN, TEXAS 78749



SHEET 3 OF 3

Carlson, Brigance & Doering, Inc.

Civil Engineering • Surveying
5501 West William Cannon • Austin, Texas 78749
Phone No. (512) 288-5150 • Fax No. (512) 288-5155

MEMORANDUM

TO: Planning and Zoning Commission

FROM: Sofia Nelson, Director of Planning

DATE: February 20, 2013

SUBJECT: Waterleaf Phase B Section 5- Final Plat (FP-12-008)

BACKGROUND

Site Information and Proposal

The subject property is approximately 33.749 acres in size and includes 88 family lots (83- single family lots, 1, open space lot, 1 park and mail lot, 2 greenbelt lots, and 1 PUE lot). The proposed plat will include the extension of Gina Drive and the construction of 3 new residential streets. The subject property is zoned R-1-2(single family residential).

Utilities

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

Access

The subject property will be made accessible by FM 150.

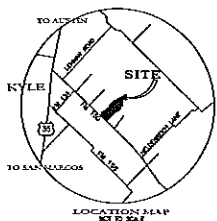
STAFF RECOMMENDATION:

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.

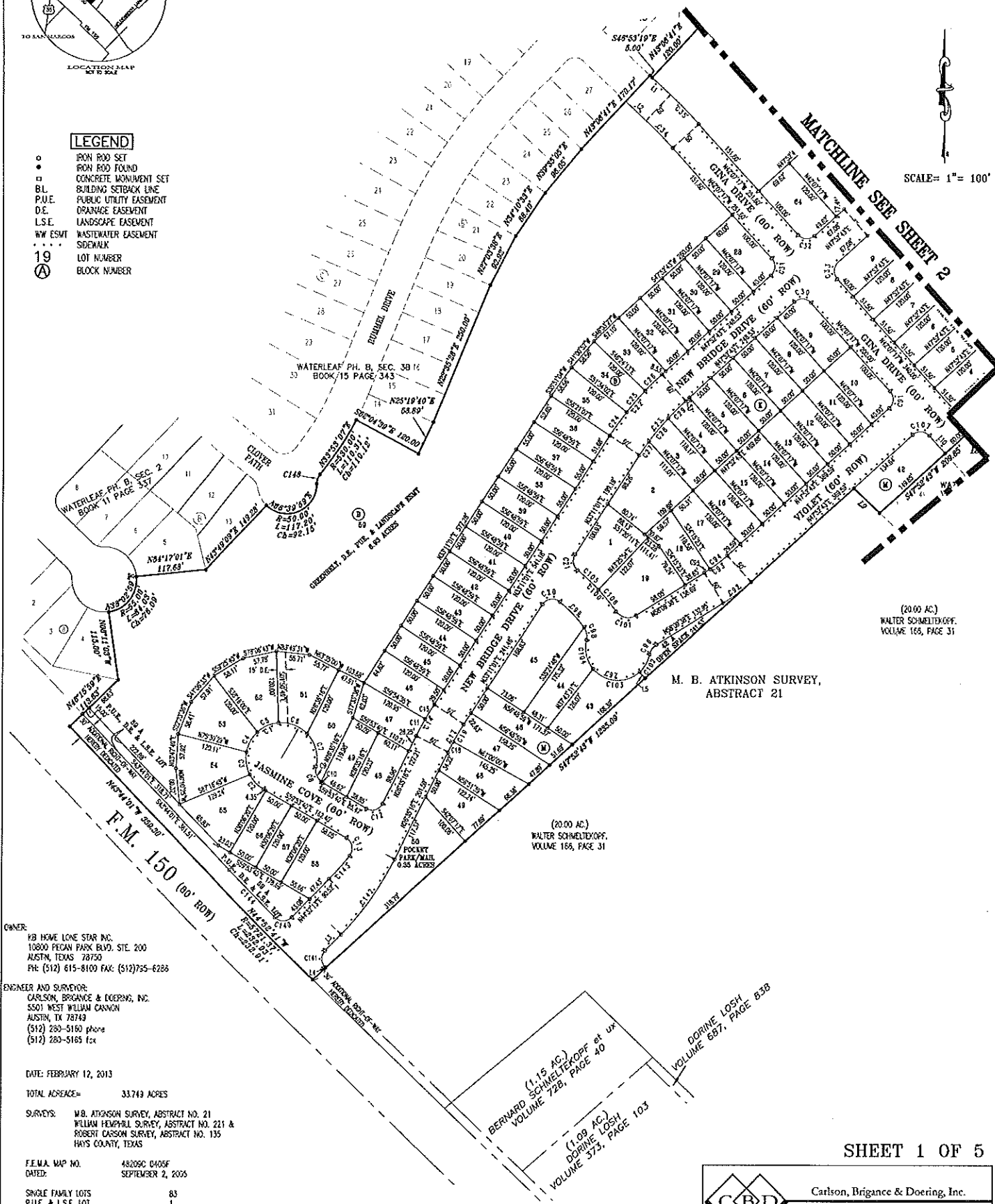
WATERLEAF PHASE B, SECTION 5 FINAL PLAT



LEGEND

- IRON ROD SET
- IRON ROD FOUND
- CONCRETE MONUMENT SET
- BL. BUILDING SETBACK LINE
- P.U.E. PUBLIC UTILITY EASEMENT
- D.E. DRAINAGE EASEMENT
- L.S.E. LANDSCAPE EASEMENT
- WW ESMIT WASTEWATER EASEMENT
- SIDEWALK
- 19 LOT NUMBER
- (A) BLOCK NUMBER

SCALE= 1" = 100'



(20.00 AC.)
WALTER SCHMELTEROFF,
VOLUME 166, PAGE 31

M. B. ATKINSON SURVEY,
ABSTRACT 21

(20.00 AC.)
WALTER SCHMELTEROFF,
VOLUME 166, PAGE 31

(1.15 AC.)
BERNARD SCHMELTEROFF et al
VOLUME 728, PAGE 40

(1.09 AC.)
DORINE LOSH
VOLUME 573, PAGE 103

DORINE LOSH
VOLUME 667, PAGE 658

OWNER:
FBI HOME LONE STAR INC.
10800 PECAN PARK BLVD. STE. 200
AUSTIN, TEXAS 78750
PH: (512) 615-8100 FAX: (512)725-6286

ENGINEER AND SURVEYOR:
CARLSON, BRIGANCE & DOERING, INC.
5501 WEST WILLIAM CANNON
AUSTIN, TX 78749
(512) 283-5180 phone
(512) 283-5185 fax

DATE: FEBRUARY 12, 2013
TOTAL ACREAGE= 33.749 ACRES
SURVEYS: M.B. ATKINSON SURVEY, ABSTRACT NO. 21
WILLIAM HEMPHILL SURVEY, ABSTRACT NO. 221 &
ROBERT CARSON SURVEY, ABSTRACT NO. 135
HAYS COUNTY, TEXAS

F.E.M.A. MAP NO. 48209C 0405F
DATED: SEPTEMBER 2, 2005

SINGLE FAMILY LOTS	83
P.U.E. & L.S.E. LOT	1
GREENBELT, D.E., & P.U.E. LOT	2
PARK AND MAIL LOT	1
OPEN SPACE LOT	1
TOTAL NO. OF LOTS	88

SHEET 1 OF 5

Carlson, Brigance & Doering, Inc.

Civil Engineering Surveying
 5501 West William Cannon Austin, Texas 78749
 Phone No. (512) 283-5180 Fax No. (512) 283-5185

WATERLEAF PHASE B, SECTION 5

FINAL PLAT

LINE TABLE		
LINE	LENGTH	BEARING
L1	47.34	S46°53'19"E
L2	47.34	S46°53'19"E
L3	38.31	N44°32'13"E
L4	1.31	S44°00'26"E
L5	13.92	S42°07'17"E
L6	30.71	S86°47'51"E
L7	16.57	S87°25'42"E
L8	7.94	N42°07'17"W
L9	60.21	N46°52'26"W
L10	40.00	N42°07'17"W

CURVE TABLE					
CURVE	RADIUS	LENGTH	CHORD	CHORD BEARING	TANGENT
C1	60.00'	264.83'	96.53'	S66°33'12"W	81.24
C2	60.00'	34.50'	34.03'	S43°25'12"E	17.74
C3	60.00'	38.68'	38.20'	S08°23'01"E	20.15
C4	60.00'	38.66'	38.19'	S28°44'04"W	20.14
C5	60.00'	40.14'	39.40'	S66°27'28"W	20.86
C6	60.00'	52.79'	51.10'	N69°10'10"W	28.24
C7	60.00'	59.65'	57.23'	N15°28'54"W	32.55
C8	25.00'	31.81'	29.70'	S23°26'48"E	18.46
C9	25.00'	28.31'	26.82'	S19°26'14"E	15.89
C10	25.00'	3.50'	3.50'	S55°53'05"E	1.75
C11	530.00'	32.40'	32.39'	S28°20'21"W	16.20
C12	20.00'	32.64'	29.14'	N73°20'48"E	21.27
C13	20.00'	34.37'	30.79'	N10°40'07"W	23.19
C14	530.00'	61.01'	60.98'	S29°53'08"W	30.54
C15	530.00'	28.61'	28.61'	S31°38'13"W	14.31
C17	470.00'	54.11'	54.08'	S29°53'08"W	27.08
C18	470.00'	19.79'	19.79'	S27°47'38"W	9.89
C19	470.00'	34.32'	34.31'	S31°05'30"W	17.17
C20	20.00'	33.84'	29.94'	S81°38'59"W	22.58
C21	20.00'	29.69'	27.04'	S09°20'37"E	18.34
C22	530.00'	135.93'	135.56'	S40°31'52"W	68.34
C23	470.00'	120.54'	120.21'	S40°31'52"W	60.60
C24	530.00'	48.56'	48.54'	S35°48'29"W	24.30
C25	530.00'	47.76'	47.75'	S41°00'52"W	23.90
C26	530.00'	39.61'	39.60'	S45°44'15"W	19.82
C27	470.00'	28.49'	28.49'	S34°55'12"W	14.25
C28	470.00'	50.53'	50.51'	S39°44'13"W	25.73
C29	470.00'	41.52'	41.51'	S45°20'52"W	20.77
C30	20.00'	31.42'	28.28'	N87°07'17"W	20.00
C31	20.00'	31.42'	28.28'	N02°52'43"E	20.00
C32	20.00'	31.42'	28.28'	S87°07'17"E	20.00
C33	20.00'	31.42'	28.28'	S02°52'43"W	20.00
C34	770.00'	64.07'	64.05'	N44°30'18"W	32.05
C35	830.00'	69.06'	69.04'	N44°30'18"W	34.55
C36	530.00'	413.42'	403.02'	S70°13'30"W	217.87
C37	470.00'	366.62'	357.40'	S70°13'30"W	193.21
C38	530.00'	36.56'	36.56'	S49°61'18"W	18.29
C39	530.00'	48.45'	48.43'	S54°27'01"W	24.24

CURVE TABLE					
CURVE	RADIUS	LENGTH	CHORD	CHORD BEARING	TANGENT
C40	530.00'	48.53'	48.52'	S59°41'34"W	24.28
C41	530.00'	48.53'	48.51'	S64°56'21"W	24.28
C42	530.00'	48.61'	48.60'	S70°11'24"W	24.32
C43	530.00'	48.59'	48.57'	S75°26'39"W	24.31
C44	530.00'	49.58'	49.57'	S87°45'03"W	24.81
C45	530.00'	47.84'	47.82'	S86°01'00"W	23.94
C46	530.00'	36.71'	36.71'	N89°24'46"W	18.36
C47	470.00'	32.95'	32.94'	S49°53'13"W	16.48
C48	470.00'	73.63'	73.55'	S56°22'59"W	36.69
C49	470.00'	58.91'	58.87'	S64°27'41"W	29.49
C50	470.00'	62.15'	62.11'	S71°50'25"W	31.12
C51	470.00'	58.07'	58.03'	S79°10'04"W	29.07
C52	470.00'	58.05'	58.02'	S86°14'44"W	29.06
C53	470.00'	22.87'	22.86'	N68°49'19"W	11.44
C91	20.00'	31.42'	28.28'	N02°52'43"E	20.00
C92	330.00'	59.22'	59.14'	N53°01'10"E	29.69
C93	270.00'	48.45'	48.39'	N53°01'10"E	24.29
C94	270.00'	37.06'	37.03'	N51°48'40"E	18.56
C95	270.00'	11.39'	11.39'	N56°57'08"E	5.70
C96	25.00'	20.32'	19.76'	S34°52'37"W	10.76
C97	55.00'	174.72'	109.98'	S77°23'58"E	3127.87
C98	25.00'	22.23'	21.50'	N11°51'45"W	11.91
C99	270.00'	59.15'	59.03'	N43°36'30"W	29.69
C100	330.00'	95.42'	95.09'	N43°35'12"W	48.05
C101	25.00'	-37.76'	34.27'	S78°34'16"E	23.53
C102	55.00'	34.83'	34.25'	N29°44'09"E	18.02
C103	55.00'	68.06'	78.95'	S66°15'05"E	55.70
C104	55.00'	51.83'	49.93'	S13°23'12"E	28.02
C105	330.00'	48.39'	48.35'	N47°40'12"W	24.24
C106	330.00'	47.04'	47.00'	N39°23'10"W	23.56
C107	20.00'	31.42'	28.28'	N87°07'17"W	20.00
C140	20.00'	31.63'	28.44'	N83°50'43"E	20.22
C141	20.00'	30.91'	27.92'	S07°15'54"W	19.50
C142	500.00'	156.64'	156.00'	N35°33'45"E	78.97
C143	500.00'	52.18'	52.16'	N41°32'50"E	26.12
C144	5691.37'	110.54'	110.54'	S44°17'24"E	55.27
C148	25.00'	17.60'	17.24'	S19°40'51"W	9.18
C149	570.00'	9.68'	9.68'	N15°08'51"W	4.84

Carlson, Briggance & Doering, Inc.
 Civil Engineering Surveying
 5501 West Wilham Canyon Aurora, Texas 78749
 Phone No. (512) 250-5160 Fax No. (512) 250-5165

WATERLEAF PHASE B, SECTION 5

FINAL PLAT

NOTES:

1. A 20' PUBLIC UTILITY EASEMENT AND DRAINAGE EASEMENT IS HEREBY DEDICATED ADJACENT AND PARALLEL TO THE FRONT OF ALL LOTS EXCEPT FOR SIDE YARDS ON CORNER LOTS.
2. A 10' PUBLIC UTILITY EASEMENT AND DRAINAGE EASEMENT IS HEREBY DEDICATED ADJACENT AND PARALLEL TO THE RIGHT-OF-WAY WHERE THERE IS A 15' BUILDING LINE SHOWN ON THE FACE OF THE PLAT.
3. A 10' PUBLIC UTILITY EASEMENT AND DRAINAGE EASEMENT IS HEREBY DEDICATED ALONG THE REAR PROPERTY LINES.
4. A 5' PUBLIC UTILITY EASEMENT AND DRAINAGE EASEMENT IS HEREBY DEDICATED ALONG THE SIDE PROPERTY LINES.
5. SIDEWALKS SHALL BE BUILT BOTH SIDES OF ALL STREETS WITHIN THE WATERLEAF SUBDIVISION PHASE B, SECTION 5 SUBDIVISION. THESE SIDEWALKS SHALL BE A MINIMUM OF 4' IN WIDTH AND BUILT IN COMPLIANCE WITH THE REQUIREMENTS OF THE CITY OF KYLE, TEXAS. HANDICAP RAMPS ARE TO BE BUILT AS PART OF SUBDIVISION CONSTRUCTION AND SHALL BE IN PLACE PRIOR TO SUBDIVISION ACCEPTANCE.
6. NO OBJECT 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 THE PRIOR APPROVAL OF THE CITY OF KYLE.
7. 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.
8. OWNER(S) OF PROPERTY WITH DRAINAGE AND UTILITY EASEMENT(S) SHALL ALLOW ACCESS FOR INSPECTIONS, REPAIR, MAINTENANCE AND RECONSTRUCTION AS MAY BE NECESSARY.
9. PLACEMENT OF FILL MATERIAL, OR STRUCTURES, OR CHANNEL MODIFICATIONS WITHIN 100-YEAR FLOOD PLAIN IS PROHIBITED.
10. MAINTENANCE AND UPKEEP OF DETENTION BASINS AND RELATED APPLIANCEANCES SHALL BE THE RESPONSIBILITY OF THE H.O.A. OF TRACT(S) UPON WHICH FACILITIES ARE LOCATED.
11. THE H.O.A. WILL BE THE SOLE OWNER OF BOTH LOT 59, BLOCK 'B' & LOT 65, BLOCK 'D', WHICH ARE EA. DESIGNATED AS GREENBELT, D.E., P.U.E. & LANDSCAPE ESMT.
12. THE H.O.A. WILL BE THE SOLE OWNER OF BOTH LOT 42 A, BLOCK 'M', DESIGNATED AS OPEN SPACE, AND LOT 50, BLOCK 'M', DESIGNATED AS POCKET PARK/WALK.
13. PRIOR TO CONSTRUCTION OF ANY IMPROVEMENTS ON LOTS IN THIS SUBDIVISION, BUILDING PERMIT WILL BE OBTAINED FROM THE CITY OF KYLE.

STATE OF TEXAS:
COUNTY OF TRAVIS:

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

THE 100 YEAR FLOOD PLAN IS CONTAINED WITHIN THE DRAINAGE EASEMENTS SHOWN HEREON. NO PORTION OF THIS TRACT IS WITHIN THE DESIGNATED FLOOD HAZARD AREA AS SHOWN ON THE FEDERAL INSURANCE RATE MAP PANEL NO. 48209C 0405 F, DATED SEPTEMBER 2, 2005; FOR HAYS COUNTY, TEXAS.

ENGINEERING BY: Steve P. Cates 22 FEB 2013
STEVE CATES, P.E. # 93648 DATE
CARLSON, BRIGANCE & DOERING, INC.
5501 WEST WILLIAM CANNON DRIVE
AUSTIN, TEXAS 78749



STATE OF TEXAS:
COUNTY OF TRAVIS:

I, AARON V. THOMASON, 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 THEREON.

SURVEYED BY: Aaron V. Thomason 22 Feb 2013
AARON V. THOMASON, R.P.L.S. NO. 6214 DATE
CARLSON, BRIGANCE & DOERING, INC.
5501 WEST WILLIAM CANNON DRIVE
AUSTIN, TEXAS 78749
aaaron@cbdong.com



SHEET 4 OF 5

Carlson, Brigance & Doering, Inc.

Civil Engineering ♦ Surveying

3531 West William Cannon • Austin, Texas 78749

Phone No. (512) 290-5150 • Fax No. (512) 290-5155

WATERLEAF PHASE B, SECTION 5 FINAL PLAT

KNOW ALL MEN BY THESE PRESENTS:

THAT, KB HOME LOAN STAR, L.P., A TEXAS LIMITED PARTNERSHIP, ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF TEXAS, ACTING HEREIN BY AND THROUGH JOHN ZINSMEYER, VICE PRESIDENT, AND BEING OWNERS OF LAND OUT OF THE M.B. ATKINSON SURVEY, ABSTRACT NO. 21, THE WILLIAM HEMPHILL SURVEY, ABSTRACT NO. 221, AND THE ROBERT CARSON SURVEY, ABSTRACT 135, HAYS COUNTY, TEXAS AS CONVEYED TO THEM BY DEED DATED MAY 7, 2002, AND RECORDED IN VOLUME 2137, PAGE 179 OF THE DEED RECORDS OF HAYS COUNTY, TEXAS, DOES HEREBY SUBDIVIDE 33.749 ACRES OF LAND OUT OF SAID SURVEYS, TO BE KNOWN AS:

WATERLEAF SUBDIVISION PHASE B, SECTION 5

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 AND EASEMENTS SHOWN HEREON.

JOHN ZINSMEYER, VICE PRESIDENT
KB HOME LOAN STAR INC.
10800 PECAN PARK BLVD. STE. 200
AUSTIN, TEXAS 78750

BEFORE ME THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED JOHN ZINSMEYER, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT OF WRITING, AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED.

WITNESS MY HAND AND SEAL OF OFFICE, THIS THE _____ DAY OF _____, 20____, A.D.

NOTARY PUBLIC, STATE OF TEXAS

THIS FINAL PLAT,

WATERLEAF SUBDIVISION PHASE B, SECTION 5, 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. DATED THIS _____ DAY OF _____, 20____, A.D.

CHAIRPERSON

I HEREBY CERTIFY, TO THE CITY OF KYLE, TEXAS THAT THE ABOVE AND FOREGOING PLAT OF WATERLEAF SUBDIVISION PHASE B, SECTION 5, WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF KYLE, TEXAS 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____.

CITY SECRETARY

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

DIRECTOR OF PUBLIC WORKS

STATE OF TEXAS }
COUNTY OF HAYS }

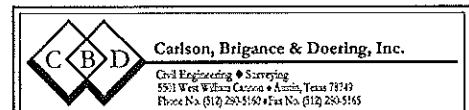
I, LIZ Q. GONZALEZ, COUNTY CLERK OF HAYS COUNTY, TEXAS, DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT OF WRITING WITH ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORD IN MY OFFICE ON THE _____ DAY OF _____, 20____, A.D., AND DULY RECORDED ON THE _____ DAY OF _____, 20____, A.D., AT _____ O'CLOCK _____ M., IN THE PLAT RECORDS OF HAYS COUNTY, TEXAS IN BOOK _____, PAGE(S) _____. WITNESS MY HAND AND SEAL OF OFFICE THIS THE _____ DAY OF _____, 20____, A.D.

LIZ Q. GONZALEZ
COUNTY CLERK
HAYS COUNTY, TEXAS

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

CITY ENGINEER

SHEET 5 OF 5



PATH-J:\AC2004LP\3973\SURVEY\PLAT 8-5

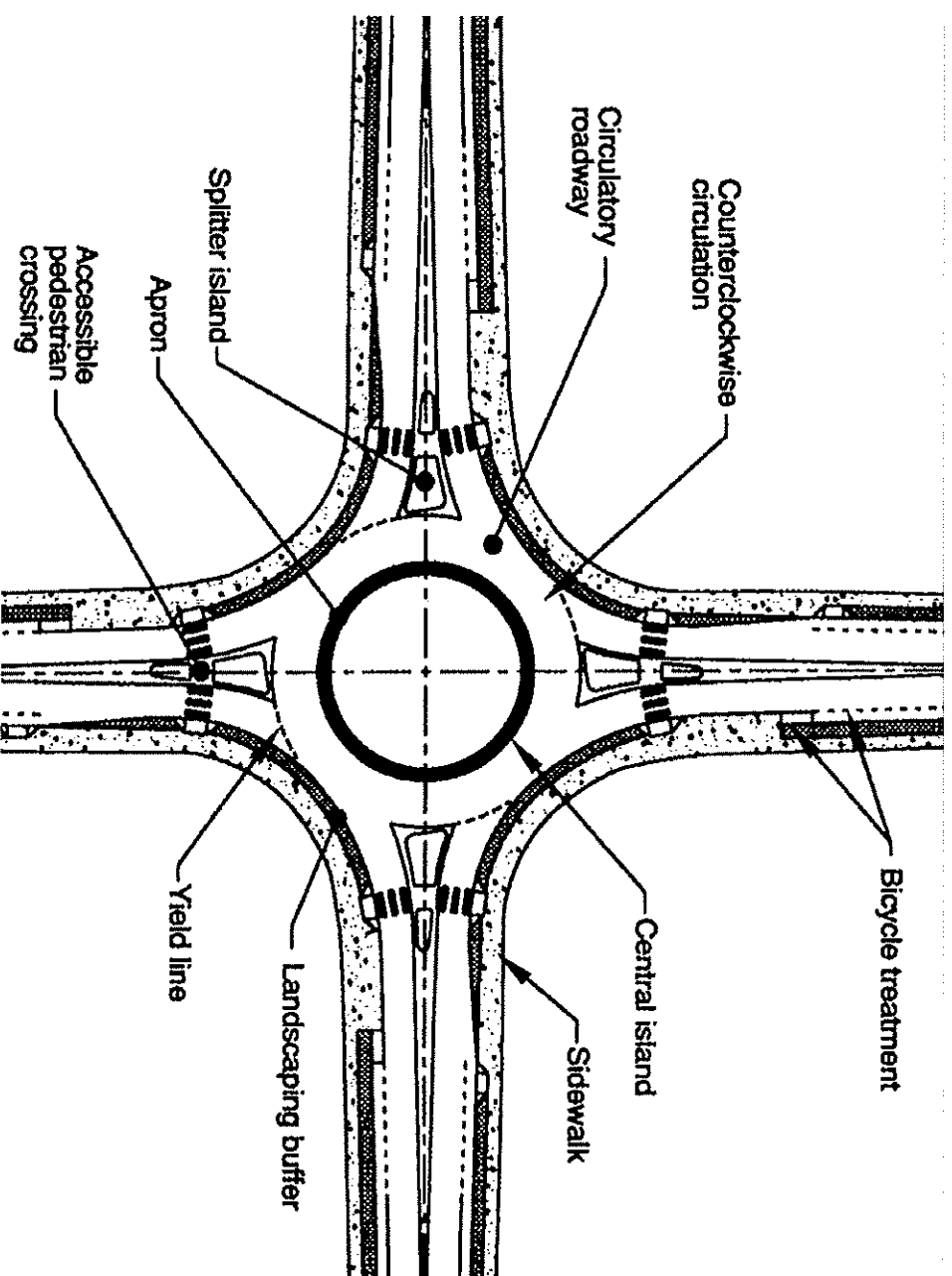
Modern Roundabouts: State of the Practice

**2011 Traffic Safety Conference
Austin, Texas**

**Gary W. Schatz, P.E., PTOE
Austin Transportation Department
March 22, 2011**

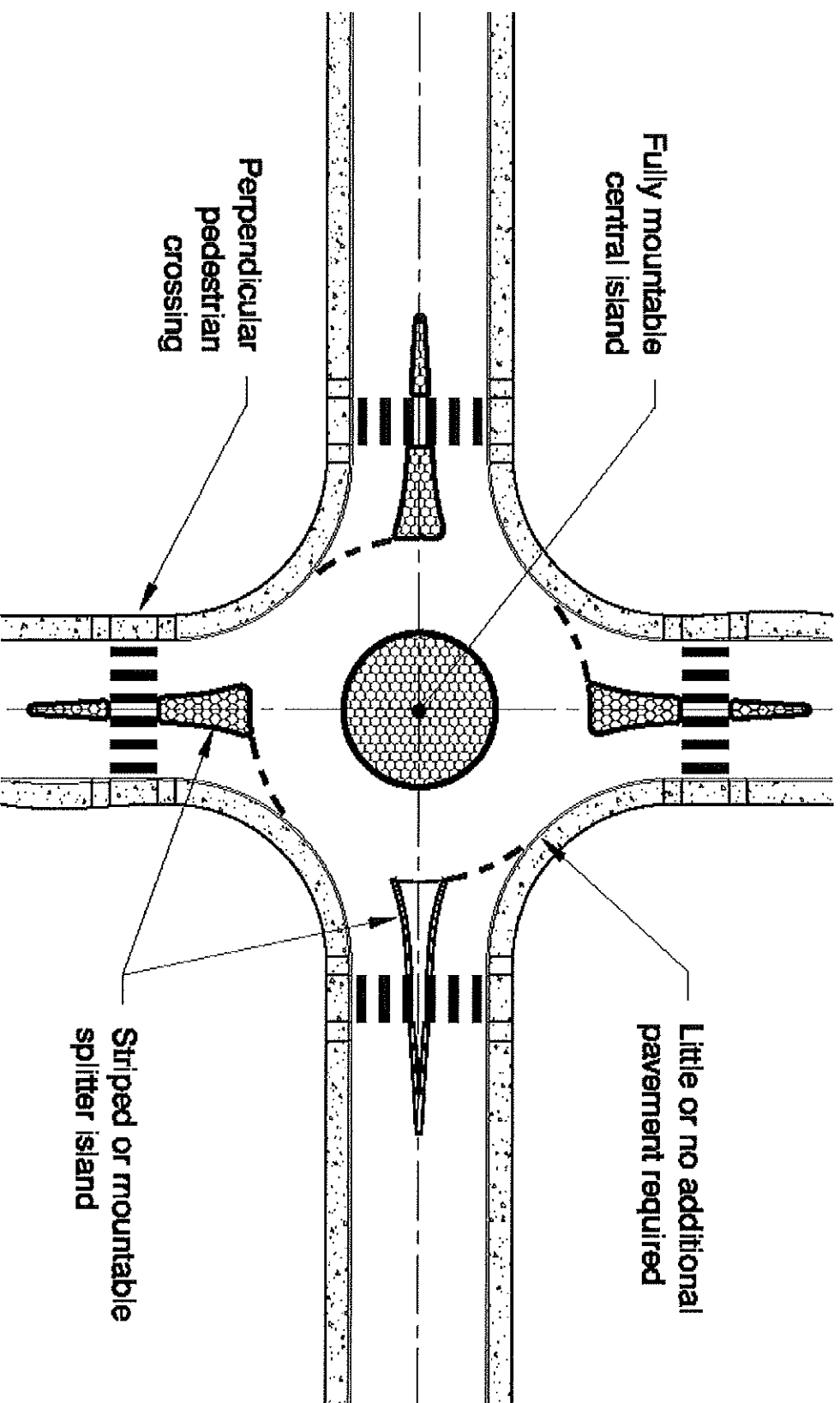


Modern Roundabout



From *Roundabouts: An Informational Guide*, Federal Highway Administration, 2010

Mini Roundabout



From *Roundabouts: An Informational Guide*, Federal Highway Administration, 2010

Advantages of Modern Roundabouts

- Safer than traditional intersections
- Efficient (high capacity/low delay)
- Serves all roadway users
- Geometric flexibility
- Gateways or focal points

Modern Roundabouts in Service



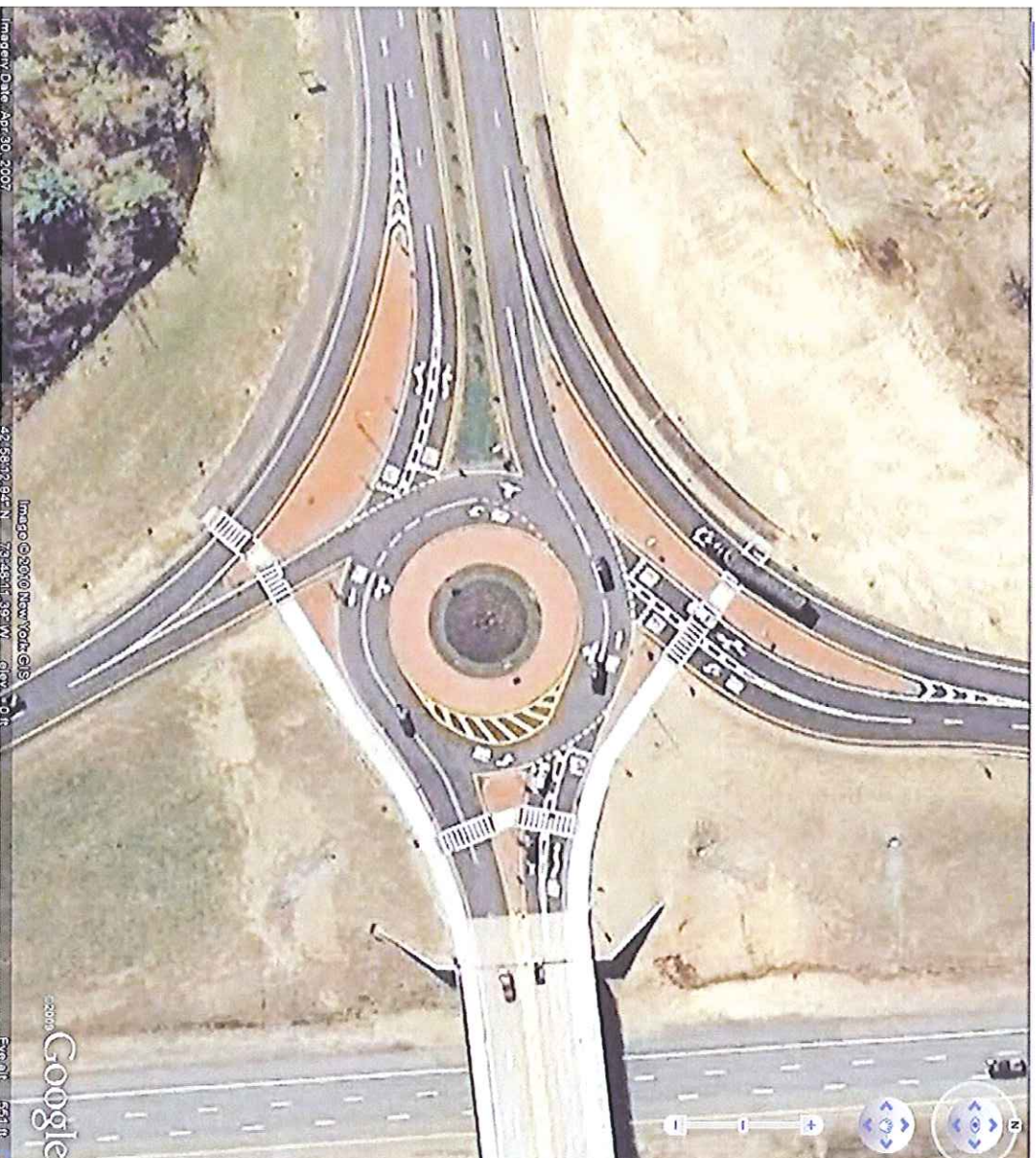
College Street – Asheville, North Carolina
(Images from www.iihs.org)

Modern Roundabouts in Service



Dunning Street (SR 9) – Malta, New York
(Image from Google Earth)

Modern Roundabouts in Service



Dunning Street (SR 9) – Malta, New York
(Image from Google Earth)

~165 Ft. ICD

Modern Roundabouts in Service



Dunning Street (SR 9) – Malta, New York
(Image from Google Earth)

Modern Roundabouts in Service



Dunning Street (SR 9) – Malta, New York
(Image from Google Earth)

~165 Ft. ICD

Modern Roundabouts in Service



East Lake Sammamish Parkway @ SE 43rd Way – Issaquah, Washington
(Image courtesy of Reid Middleton)

130 Ft to 160 Ft. ICDS

Modern Roundabouts in Service



164th Street SE @ SR 522/Tester Road – Monroe, Washington
(Image courtesy of Reid Middleton)

~230 Ft. ICD

Modern Roundabouts in Service



East Main/Idaho/Maryland Road/SH 20 Ramps Roundabout – Grass Valley, California
(Image courtesy of Reid Middleton)

130 Ft. ICD

Modern Roundabouts in Service



Jefferson/Webb/Coffey Roundabout – Daingerfield, Texas (Before)
(Image courtesy of Brown & Gay, Inc.)

Modern Roundabouts in Service



Jefferson/Webb/Coffey Roundabout – Daingerfield, Texas (After)
(Image courtesy of Brown & Gay, Inc.)

~130 Ft. ICD

Modern Roundabouts in Service



US 2 & US 302 Roundabout – Montpelier, Vermont
(Image courtesy of City of Montpelier, Vermont)

~150 Ft. ICD

Modern Roundabouts in Service



Grand Oaks – Austin, Texas
(Image from Google Earth)

~100 Ft. ICDS

Modern Roundabouts in Service



Grand Oaks – Austin, Texas
(Photo by Author)

~100 Ft. ICD

Modern Roundabouts in Service



SH 110 & US 302 Roundabout – East Barre, Vermont
(Photo by Author)

Modern Roundabouts in Service



SH 110 & US 302 Roundabout – East Barre, Vermont
(Photo by Author)

~110 Ft. ICD

Modern Roundabouts in Service



SH 110 & US 302 Roundabout – East Barre, Vermont
(Photo by Author)

~110 Ft. ICD

Modern Roundabouts in Service



SH 110 & US 302 Roundabout – East Barre, Vermont
(Photo by Author)

~110 Ft. ICD

Modern Roundabouts in Service



SH 110 & US 302 Roundabout – East Barre, Vermont
(Photo by Author)

~110 Ft. ICD

Modern Roundabouts in Service



SH 110 & US 302 Roundabout – East Barre, Vermont
(Photo by Author)

~110 Ft. ICD

Modern Roundabouts in Service



Roundabout at Cotton Elementary School – San Antonio, Texas
(Image from Google Earth)

~90 Ft. ICD

Modern Roundabouts in Service



Roundabout at Cotton Elementary School – San Antonio, Texas
(Photo by Author)

~90 Ft. ICD

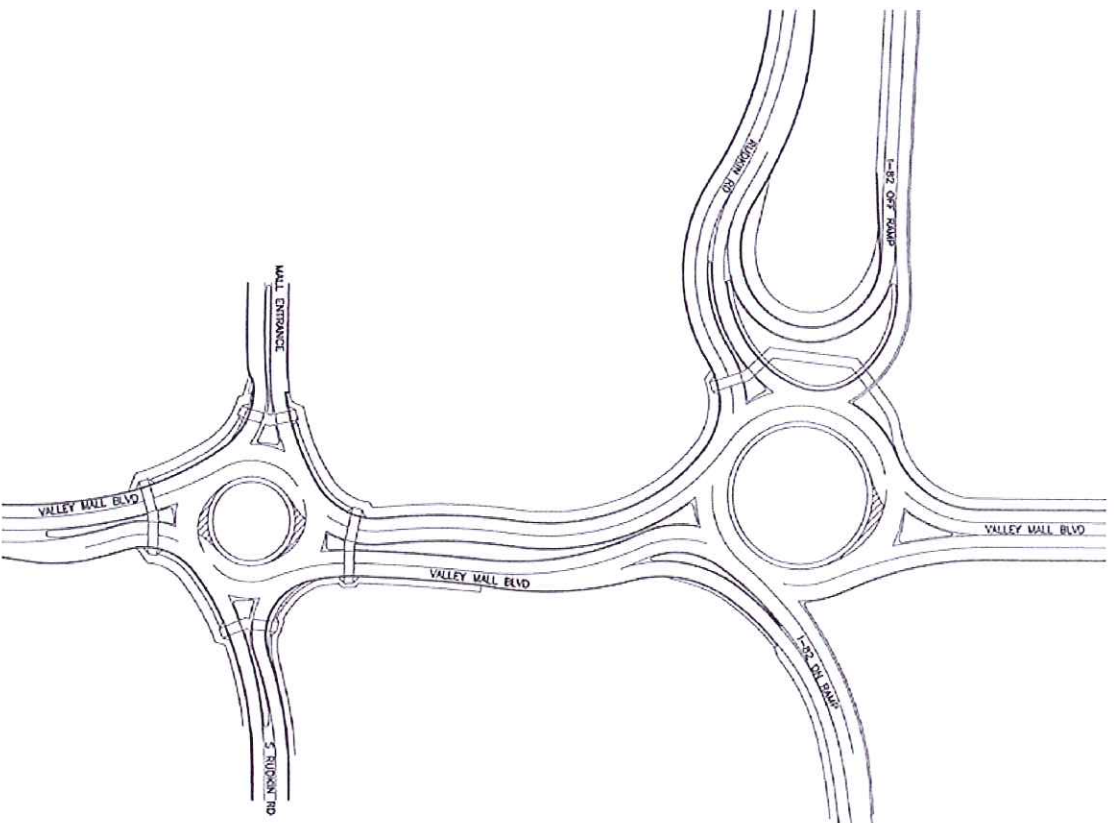
Modern Roundabouts in Service



SH 10 Roundabout – Hanover, New Hampshire
(Photo by Author)

~100 Ft. ICD

Modern Roundabouts in Service



I-82 & Valley Mall Boulevard – Union Gap, Washington
(Images courtesy of Reid Middleton)

210 Ft. and 152 Ft. ICDS

Modern Roundabouts in Design

The screenshot displays the 'CONNECTING WISCONSIN' website interface. At the top, a navigation menu includes 'Home', 'Construction updates', 'Contact us', 'Site index', 'Help', 'En Español', 'Homeing', 'WISDOT home', and 'US 41 Project'. A secondary menu contains 'OVERVIEW', 'TRAFFIC', 'CLOSURES', 'MAP', 'GALLERY', 'NEWS & EVENTS', and 'RESOURCES'. The main content area features a 'Sign up for updates' link, a 'Project progress:' indicator showing a blue bar at 10% completion, and a 'NEWS AND TRAFFIC UPDATES' section. The news section includes items such as 'Meeting set to discuss closure of US 41/Scheuring Road interchange' and 'New traffic signal makes for safer left turns in Winnebago County'. A 'Traffic and closures' section lists 'Winnebago County: Northbound Mainline Widening and Bell Street/Breezewood Lane Interchange' and 'Winnebago County: 9th Avenue Interchange - north US 41 Mainline Paving'. A 'MAP' section shows a map of the US 41 corridor from Oshkosh to Green Bay, with a red line indicating the project route.

CONNECTING WISCONSIN

Home | Construction updates | Contact us | Site index | Help | En Español | Homeing | WISDOT home

US 41 Project

OVERVIEW | TRAFFIC | CLOSURES | MAP | GALLERY | NEWS & EVENTS | RESOURCES

Sign up for updates

Project progress: 10% complete

NEWS AND TRAFFIC UPDATES

News

Meeting set to discuss closure of US 41/Scheuring Road interchange
January 7, 2011

New traffic signal makes for safer left turns in Winnebago County
January 6, 2011

More...

Traffic and closures

Winnebago County: Northbound Mainline Widening and Bell Street/Breezewood Lane Interchange
November 19, 2010

Winnebago County: 9th Avenue Interchange - north US 41 Mainline Paving
US 44 bridge painting
November 12, 2010

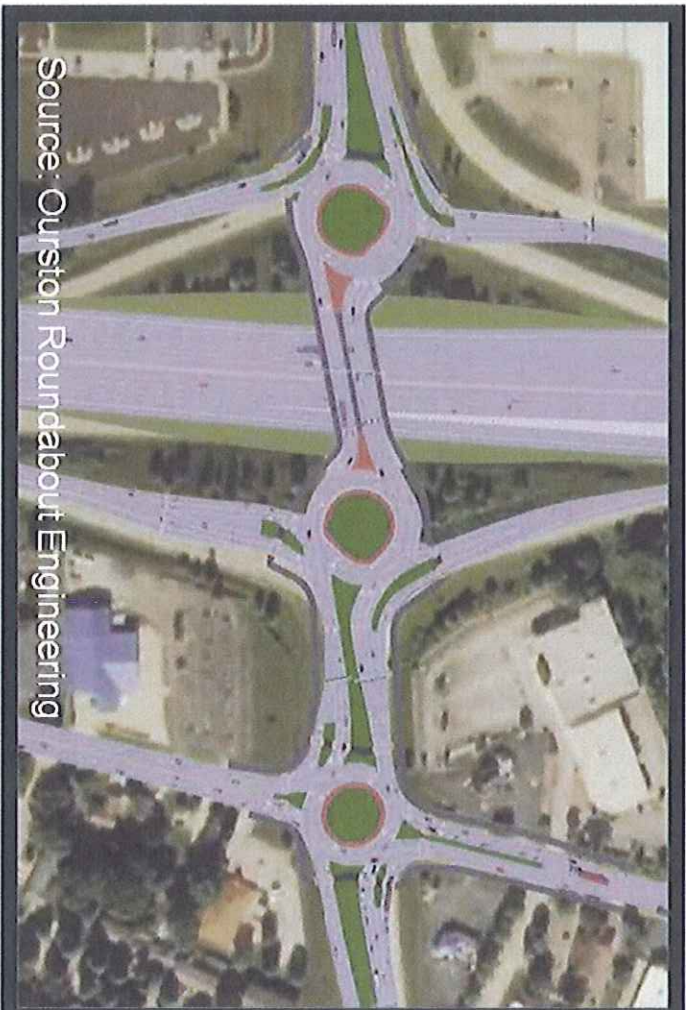
More...

MAP

US 41 Corridor - Wisconsin
(Image from www.us41wisconsin.gov)

Modern Roundabouts in Design

USH 41 Educational Tools



USH 41 DRIVING SIMULATOR



FLYER



FLASH

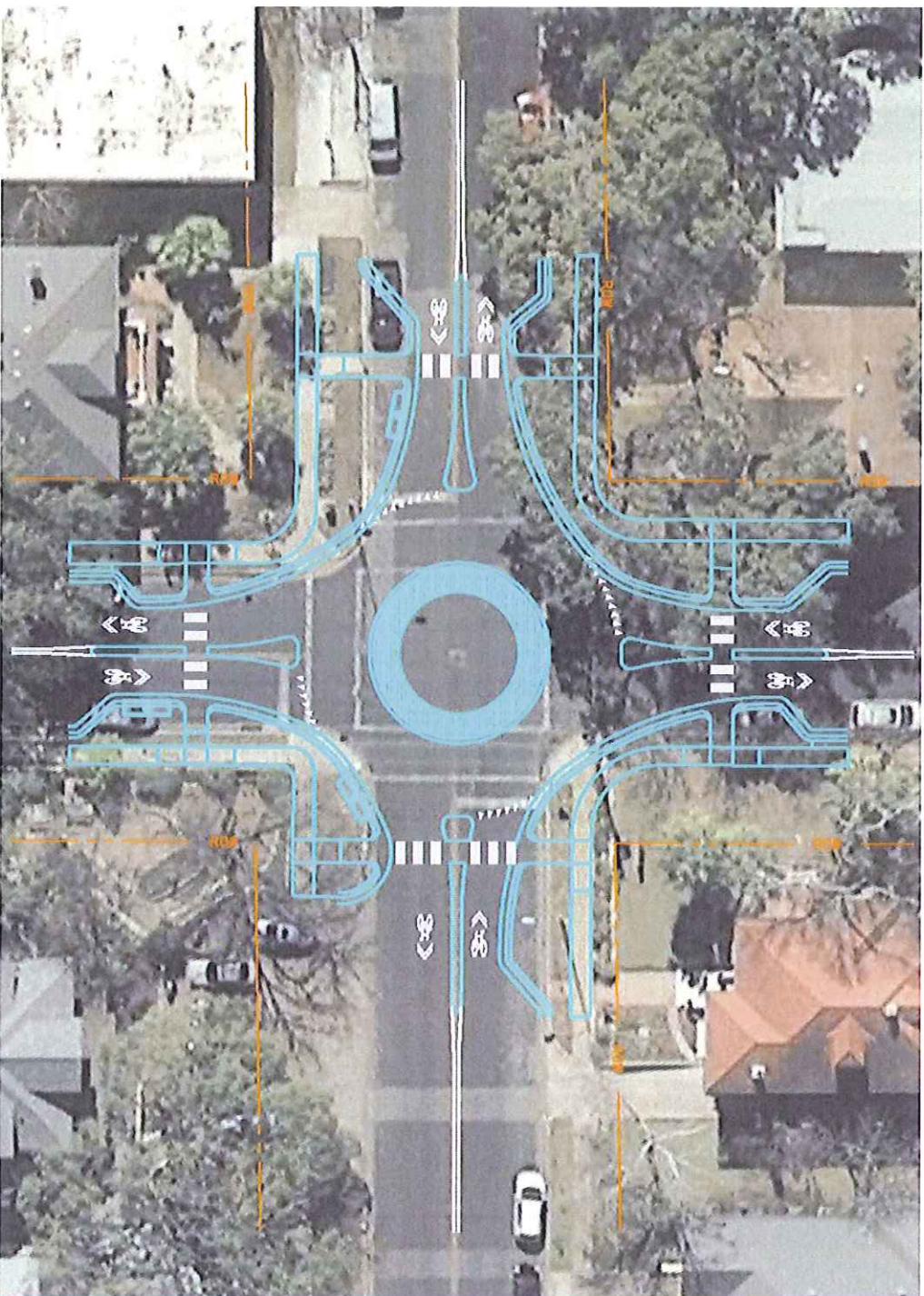
(Image courtesy of Ourston Roundabout Engineering, Inc.)

Modern Roundabouts in Design



Hybrid Modern Roundabout/Mini Roundabout - Austin, Texas
(Image courtesy of City of Austin, Texas)

Modern Roundabouts in Design



Hybrid Modern Roundabout/Mini Roundabout - Austin, Texas
(Image courtesy of City of Austin, Texas)

~60 Ft. ICD

Roundabout Policies

Roundabouts are the preferred safety alternative for a wide range of intersections. Although they may not be appropriate in all circumstances, they should be considered as an alternative for all proposed new intersections on Federally-funded highway projects.... Roundabouts should also be considered for all existing intersections that have been identified as needing major safety or operational improvements. This would include freeway interchange ramp terminals and rural intersections.

Federal Highway Administration

Consideration and Implementation of Proven Safety

Countermeasures, July 2008

Roundabout Policies

Roundabouts are frequently able to address [intersection design] objectives better than other intersection types in both urban and rural environments and on high- and low-speed highways. Thus, when a project includes reconstructing or constructing new intersections, a roundabout alternative is to be analyzed.... When the analysis shows that a roundabout is a feasible alternative, it should be considered the Department's preferred alternative due to the proven substantial safety benefits and other operational benefits.

New York State Department of Transportation
Highway Design Manual, August 2006

Roundabout Policies

Roundabout design is not a specific science, but more of an art form within the context of State and Federal guidelines. .. We encourage municipalities and state Departments of Transportation to have their roundabout designs (especially multilane roundabouts) reviewed by someone who has years of roundabout design experience and who is knowledgeable in all aspects of modern roundabout planning, design, construction and operation.

Kansas Department of Transportation

Preamble to [Kansas Roundabout Guide](#)

Roundabout Policies

Due to modern roundabouts' ... inherent complexity of their geometric and operational aspects, WisDOT ... requires that a qualified designer ... be involved with each stage of the process. ... A qualified designer must meet the skills, knowledge and experience level determined appropriate by the Wisconsin Department of Transportation for roundabout design.

Wisconsin Department of Transportation

Facilities Development Manual, December 2008

Ongoing Efforts

US Access Board

Public Rights of Way Accessibility Guidelines (PROWAG)

- NPRM still pending
- Joint DOJ/DOT rulemaking
- Considered “Best Practice” by FHWA (January 2006)

Accessible Public Rights-of-Way: Planning and Designing for Alterations

- Published August 2007
- Follows intent of PROWAG

Ongoing Efforts

FHWA

Technical Summaries

- Modern Roundabouts and Mini-Roundabouts
- Outreach materials now available

2009 MUTCD – Expanded Signing & Markings Info

Roundabouts Peer-to-Peer (P2P) Program

- New England 2009
- Florida 2010

Ongoing Efforts

TRB

Roundabouts: An Informational Guide – Second Edition

- Published Fall 2010
- Supersedes FHWA 2000 Guide

NCHRP 3-78A: Crossing Solutions at Roundabouts and Channelized Turn Lanes for Pedestrians with Vision Disabilities - Final report recommends more study

NCHRP 3-100: Roundabout Corridors Performance and Efficiency – FY 2011

Ongoing Efforts

ITE

Roundabout Task Force

- Formed August 2008
- Aligned with Transportation Safety Council

Programming

- ITE Technical Conferences & Annual Meetings
- Webinars
- Toolbox Topics

Draft Policy Considerations

- “Roundabouts First” – Shall? Should? May?

Ongoing Efforts

Local Research in Progress

Center for Transportation Research

- *Development of Guidelines for Implementation of Roundabouts in Texas*

Texas Transportation Institute:

- *Reducing Older Driver Injuries at Intersections*
- *Improving Pedestrian Safety at Unsignalized Crossings (Pedestrian Hybrid Beacons a.k.a. HAWKS)*

Ongoing Efforts

2011 National Roundabout Conference

Carmel, Indiana, May 18-20, 2011

- 63 roundabouts fielded; 3 under construction; 8 in design
- 39 traffic signals remaining

"I foresee a Carmel without traffic lights."



*Mayor James Brainard
Sarasota Observer
May 28, 2009*

Questions?



Modern Roundabouts: State of the Practice

**2011 Traffic Safety Conference
Austin, Texas**

**Gary W. Schatz, P.E., PTOE
Austin Transportation Department
March 22, 2011**





MEMO

To: Planning and Zoning Commission

From: Sofia Nelson, Director of Planning

Date: February 21, 2013

Re: Workshop Comments and Possible Options for Addressing Concerns.

On February 12th the Planning and Zoning Commission held a workshop to go over the proposed Tree Preservation Ordinance in its current draft form. Below is a summary of comments we received from those in attendance at the workshop:

- Clarify the tree protection standards for existing trees during construction.
 - *On site protection standards are included within the ordinance (pg5). The current draft requires protection around the drip line. For your review attached to this memo are two requirements from 2 different cities that require protection of a least a portion of the critical root zone. * This could be substantially more area that needs to be protected and therefore it is a policy discussion the Commission needs to have.*
- Allow trees to be planted within a 12 month period of time if a bond is posted
 - *Staff has added this option into the code if a bond is posted.*
- Include a definition of a critical root zone
 - *I have added a list of definitions from surrounding cities to this memo for your review.*
- Establish a mitigation requirement for any development that takes place in the critical root zone
 - *This is a policy discussion that the Commission needs to have. At the time of writing this memo I am still reviewing Tree Preservation Ordinances to be able to provide you a list of other cities that require mitigation for development in the critical root zone.*
- Establish incentives for citizens to look after heritage trees on their own property.
 - *This can be done separately from the adoption of this ordinance if the Commission would like to encourage the City Council to direct staff to start this effort.*
- Establish a tree inventory for trees on city property and require the City to preserve the trees
 - *This can be done separately from the adoption of this ordinance if the Commission would like to encourage the City Council to direct staff to start this effort.*

- Preserve trees that have been identified as historic trees
 - *This is a policy discussion that the Planning Commission needs to have as to whether you would like add in a definition for heritage/historic tree and establish a review process for this type of tree that differs from the review process establish for smaller trees (i.e. reviewed by the Commission rather than the Planning Director). * Please see the attached review of how other cities define a heritage or historic tree.*
- Consider stricter limitations on clear cutting trees
 - *Both the purpose statement and the requirements section of the ordinance prohibit clear cutting of trees.*
- Establish a building square footage maximum if saving a tree is possible
 - *This is a policy discussion that the Planning Commission needs to have. Practically this would be difficult to establish a maximum square footage for a structure. It would require staff to set-up a different square footage for each development.*
- Consider increasing the fine for violation of the ordinance
 - *The fine is established by the state penal code.*
- Consider additional language that would preserve a cluster of oak trees
 - *Within the definition section of the ordinance there is a definition that identifies how to measure a cluster of trees and therefore the replacement is based on the overall circumference of the trees.*
- Require PEC to trim trees in a manner that is more natural
 - *While city staff, the Planning and Zoning Commission and City Council can express some concern regarding the trimming of trees the City does not regulate PEC and therefore cannot dictate trimming standards*
- Emphasize the section of the ordinance that does not permit indiscriminate clearing or stripping
 - *The purpose statement of the ordinance has been reworded to re-emphasize this requirement and the intent of the ordinance.*
- Require a certified ordinance to certify if a tree is beyond saving for commercial development.
 - *This is a typical requirement included in tree ordinances. If it is the Commission's direction to include just for commercial development it can be added to the ordinance.*
- Establish a measuring technique for replacement trees
 - *A definition for caliper has been added to the definition section of the ordinance, it includes measuring technique.*

Tree, Heritage

- **Austin**- means a tree that has a diameter of 24 inches or more, measured four and one-half feet above natural grade, and is one of the following species: Ash, Texas, Cypress, Bald, Elm, American, Elm, Cedar, Madrone, Texas, Maple, Bigtooth, All Oaks, Pecan, Walnut, Arizona, and Walnut, Eastern Black.
- **Lancaster**- any tree planted and related to the heritage of the community, individual or homestead.
- **New Braunfels**-means any tree attaining a circumference of one-half of the state record for that tree species as defined by the Texas Forest Service or having a trunk circumference of 75 inches or more (about 24 inches in diameter) measured four and one-half feet above the ground.
- **Pearland**-means a significant tree located on a state designated historical site, within the Old Town Site, or within the floodplain.

Tree, Historic

- **Coppell**-means any tree that has been so designated by the city council, after public hearing and due notice to the owner, as a tree of notable historical interest or value to the city because of its location within or historical association to the community. A listing and map of all designated historic trees shall be maintained and updated by the department of leisure services and made available to the public upon request.
- **Grapevine**-a tree which has been found by the city to be of a notable historic interest because of its age, type, size or historic association and has been so designated as part of the official records of the city.
- **Lake Dallas**- means a tree which has been found by the city to be of notable historic interest because of its age, type, size or historic association and which has been so designated as part of the official records of the city.
- **Lancaster**-any tree that has been identified as having historical value (species, history, uniqueness) by the Tree Advisory Board and/or Landscape Administrator. The nomination for certification shall have a public hearing and be forwarded to the Council for confirmation. A listing of all trees so designated shall be maintained and updated by the Landscape Administrator and made available upon request to the public. (Tree Champion List is listed with Texas Forest Service.)
- **Oak Point**- A healthy tree or tree stand that stands at a place where an event of protected/historic significance occurred that had local, regional, or national importance; or at the home of a citizen who is famous on a local, regional, or national basis. A tree or tree stand that has taken on a legendary stature to the community; is mentioned in literature or documents of protected/historic value; or is considered unusual due to size, age or has landmark status.

Critical Root Zone

- **Beaumont-** a circular region measured outward from the tree trunk to the drip line representing the area of roots that must be maintained or protected for the tree's survival.
- **Bunker Hill Village-** of a tree shall mean the area within a circle centered on the trunk location, the diameter of said circle being one-half of the sum of the longest and shortest drip line diameters.
- **Carrollton-** the area of native soil around a tree defined by a concentric circle with a radius equal to the distance from the trunk to the outermost portion of the drip line, as shown in section 155.11, Figure 2.
- **Coppell-** means the top 12 inches of undisturbed natural soil around the tree, defined by a concentric circle with a radius equal to the distance from the trunk to the outermost portion of the drip line, wherein roots critical to its survival are growing.
- **Dallas-**means the circular area of ground surrounding a tree extending a distance of one foot per caliper inch of the tree, measured from the tree trunk or stem.
- **Denton-**means a circular region measured outward from a tree trunk representing the essential area of the roots that must be maintained or protected for the tree's survival. A tree's critical root zone is measured as one (1) foot of radial distance outward from the trunk for every inch of tree DBH, and may be no less than a radius of eight (8) feet.
- **Duncanville-** the area of native soil around a tree defined by a concentric circle with a radius equal to the distance from the trunk to the outermost portion of the drip line.
- **Fort Worth-**area around the trunk of the tree that is equal to a radius of one (1) foot per inch diameter measured at breast height (DBH) – four and one-half (4.5) feet.
- **Hedwig Village-** means the area of a tree within a circle centered on the trunk location, the diameter of such circle being one-half the sum of the longest and shortest drip line diameters.
- **Hillshire Village-** The area within a circle centered on the trunk location, the diameter of said circle being one-half the sum of the longest and shortest drip line diameters.
- **Hunters Creek Village-**means the area within the drip line of a tree. As a practical matter, this is the acute portion of the tree's root system. Approximately ninety percent (90%) of the tree's root mass occurs within the top three feet of the soil and most of the fine feeder roots which collect moisture and nutrients are located in the top six inches (6") of the soil. Typically, a tree's root system extends as much as two to three times the distance from the trunk to the drip line.
- **Kennedale-**means the area of undisturbed natural soil around a tree defined by a concentric circle with a radius equal to the distance from the trunk to the outermost portion of the drip line.
- **Lancaster-** the area of undisturbed natural soil around a tree defined by a circle with a radius equal to the distance from the trunk to the outermost portion of the drip line. If CRZ is compromised by site conditions, such as but not limited to, roads, sidewalks, existing buildings, utility easements, etc., the CRZ will be determined by the Landscape Administrator or designee.
- **Little Elm-**the area of undisturbed natural soil around a tree defined by a concentric circle with a radius equal to the distance from the trunk to the outermost portion of the drip line.

- **Mansfield**- the area of undisturbed natural soil around a tree defined by a concentric circle with a radius equal to the distance from the trunk to the outermost portion of the dripline.
- **McKinney**-the area of undisturbed natural soil around a tree defined by a concentric circle with a radius equal to the distance from the trunk to the outermost portion of the drip line.
- **Oak Point**- the area of undisturbed natural soil around a tree defined by a concentric circle with a radius equal to the distance from the trunk to the outermost portion of the drip line.
- **Pearland**-the area within the drip line of the tree. As a practical matter, this is the acute portion of the tree's root system. Approximately ninety-nine (99) percent of the tree's root mass occurs within the top three (3) feet of the soil and most of the fine feeder roots which collect moisture and nutrients are located in the top four (4) inches of the soil. Typically, a tree's root system extends as much as two (2) to three (3) times the distance from the trunk to the drip line.
- **Richland Hills**- means the area of undisturbed natural soil around a tree defined by a concentric circle with a radius equal to the distance from the trunk to the outermost portion of the drip line.
- **Rockport**-means, for any tree, the area within a circle centered on the location of the trunk. The circle's diameter is one-half the sum of the broadest and narrowest drip line diameters.
- **Round Rock**- shall mean a circular region measured outward from the tree trunk representing the essential area of the roots that must be maintained or protected for the tree's survival. Critical Root Zone is one foot of radial distance for every inch of tree DBH.
- **Rowlett**- means the area of undisturbed natural soil around a tree defined by a concentric circle with a radius equal to the distance from the trunk to the outermost portion of the drip line.
- **Weatherford**- the area of undisturbed natural soil around a tree defined by a concentric circle with a radius equal to the distance from the trunk to the outermost portion of the drip line.
- **West University Place**-means, for any given tree, the area within a circle centered on the trunk location. The circle's diameter is one-half the sum of the broadest and the narrowest drip line diameters. See figure 1b attached to the criteria manual.

Requirements for Critical Root Zones-

- **Pflugerville**- No construction is to occur within an area that constitutes more than 50% of the critical root zone (as measured from the edge of the drip line to the trunk of the tree) for each tree being preserved. No grading or tree removal shall occur on a lot until the Tree Protection Plan and/or Tree Removal Permit has been approved.
- **New Braunfels**- Prior to construction or land development, four-foot high safety fencing shall be installed around the root protection zone of a protected or heritage tree that is to be preserved. The root protection zone is an area with a radius of one-half foot for each inch of trunk measured four and one-half feet above the ground, or if branching occurs at four and one-half feet, the diameter is measured at the point where the smallest diameter closest to the

branching occurs. The zone need not be exactly centered around the tree or circular in shape, but it should be positioned so that no disturbance occurs closer to the tree than one-half of the radius of the zone or within five feet of the tree, whichever is less. For any tree or groups of trees, the zone need not exceed 1,000 square feet in size. The radial root protection zones of trees may overlap one another so that the area of protection required for one tree may be shared by the area of protection required for another tree to minimize the total square footage of protected area where possible.

•

Sofia Nelson

From: Janet Conte
Sent: Thursday, February 21, 2013 6:44 PM
To: planning@cityofkyle.com
Cc: district4 rep
Subject: question

Mrs Nelson,

I understand that the City of Kyle is in the process of preparing a Tree Ordinance. I was wondering if you or other city staff had consulted with the Texas Forest Service? If not, the Texas Forest Service has a web site that explains how to write a "Model Public Tree Care Ordinance". When reading the "Model" it states "a city official must be given the responsibility & authority to manage public trees.

If possible, this person should be a trained arborist or other professional." This document also states "all city departments should coordinate their activities that impact city trees with the director, city forester or city arborist." I'm not sure the City of Kyle has on staff a city forester or arborist, but there should be some forestry professional in attendance at the public meetings before & during the construction the new tree ordinance. I'm concerned that a city ordinance is being rushed through without regard to some input from the professionals in the forestry service. Please consider consulting with the Texas Forest Service before the tree ordinance is draw up.

Best Regards,
Janet Conte

Sofia Nelson

From: Sofia Nelson
Sent: Tuesday, February 19, 2013 3:56 PM
To: 'Tim P. Miller'
Subject: RE: subdivisions

There are two subdivisions within the City of Kyle that have Planned Unit Development Overlay District (PUD). Those two developments are Plum Creek and a Commercial area that has yet to be developed know as RR HPI property (located West of the interstate and north of Kyle Crossing). As PUDs they have development standards that have already been approved and adopted by the City Council.

From: Tim P. Miller [<mailto:millbergfarm@austin.rr.com>]
Sent: Saturday, February 16, 2013 4:44 PM
To: Sofia Nelson
Subject: subdivisions

You mentioned two subdivision that are excluded from a tree ordinance. What are their names? TPM

Sofia Nelson

From: Sofia Nelson
Sent: Wednesday, February 13, 2013 3:16 PM
To: Tim P. Miller
Subject: Re: proposed tree ordinance

No. The one presented last night

Sent from my iPad

On Feb 13, 2013, at 3:00 PM, "Tim P. Miller" <millbergfarm@austin.rr.com> wrote:

Is that the one that was missing the ETJ format?

From: [Sofia Nelson](#)
Sent: Wednesday, February 13, 2013 1:42 PM
To: [Tim P. Miller](#)
Subject: RE: proposed tree ordinance

It has already been sent to him and he has sent his comments.

From: Tim P. Miller [mailto:millbergfarm@austin.rr.com]
Sent: Wednesday, February 13, 2013 1:36 PM
To: Sofia Nelson
Subject: proposed tree ordinance

Could you send Paul Johnson the copy of the proposed tree ordinance. I will contact him about his thoughts of it, please. TPM

Sofia Nelson

From: Johnson, Paul
Sent: Tuesday, September 25, 2012 8:54 AM
To: Sofia Nelson
Cc: Rooni, Jim
Subject: RE: Tree Ordinance - Revised
Attachments: DRAFT_AFTER_PLANNING_COMMISSION_MEETING[1].doc

Hi,

Thank you for meeting with us yesterday. You have done a nice job creating a clear and concise ordinance.

I have attached the proposed ordinance with my comments.

You might also consider referring to a Technical Tree Manual to help answer technical questions about protection, preservation, and even approved species. Here is an example from Round Rock. [http://www.roundrocktexas.gov/docs/treetechnicalmanual_12-23-04 .pdf](http://www.roundrocktexas.gov/docs/treetechnicalmanual_12-23-04.pdf)

We can help develop a manual for Kyle, if you are interested.

Thanks,

Paul

Paul Johnson
Regional Urban Forester
Texas A&M Forest Service
15110 Jones-Maltsberger Suite 101
San Antonio, TX 78247

210-494-4771 office
210-494-2832 fax
pjohnson@tfs.tamu.edu<<mailto:pjohnson@tfs.tamu.edu>>

[about.me](http://about.me/PaulWmJohnson)<<http://about.me/PaulWmJohnson>>/<<http://about.me/PaulWmJohnson>>PaulWmJohnson

Alamo Forest Partnership on Facebook. <http://www.facebook.com/AlamoForestPartnership>
Or follow us on Twitter - <http://twitter.com/alamoforest>

From: Sofia Nelson [snelson@cityofkyle.com]
Sent: Monday, September 24, 2012 2:00 PM
To: Johnson, Paul
Subject: Fwd: Tree Ordinance - Revised

Sent from my iPad

Begin forwarded message:

From: Sofia Nelson <snelson@cityofkyle.com<<mailto:snelson@cityofkyle.com>>>
Date: September 6, 2012 4:44:37 PM CDT
To: cale@baese.net<<mailto:cale@baese.net>>, tallmike1@gmail.com<<mailto:tallmike1@gmail.com>>, pat@hart-properties.com<<mailto:pat@hart-properties.com>>,<

jldileo@yahoo.com<<mailto:jldileo@yahoo.com>>,
mpchristie46@yahoo.com<<mailto:mpchristie46@yahoo.com>>,
ryanskytx@gmail.com<<mailto:ryanskytx@gmail.com>>, <<mailto:cicelyckay@gmail.com>>
cicelyckay@gmail.com<<mailto:cicelyckay@gmail.com>>
Cc: Debbie Guerra <dguerra@cityofkyle.com<<mailto:dguerra@cityofkyle.com>>>
Subject: Tree Ordinance - Revised

Good Afternoon-

I have attached to this email the tree ordinance revised per our workshop in August. Please review and let me know if you have any changes or suggestions or if there was something we discussed at our workshop that I forgot to capture. When you reply to this email please DO NOT REPLY ALL to this email, as it could be a violation of open meetings requirements. I will add an item to our 9/25/12 agenda to have a discussion on the tree preservation ordinance.

Have a wonderful weekend!

Sofia Nelson

--

Sofia Nelson, CNU-A
Planning Director
City of Kyle
office- 512.262.3925
cell- 512.644.5432

Comments from Forest Service
9/25/12

TREE ORDINANCE

Purpose

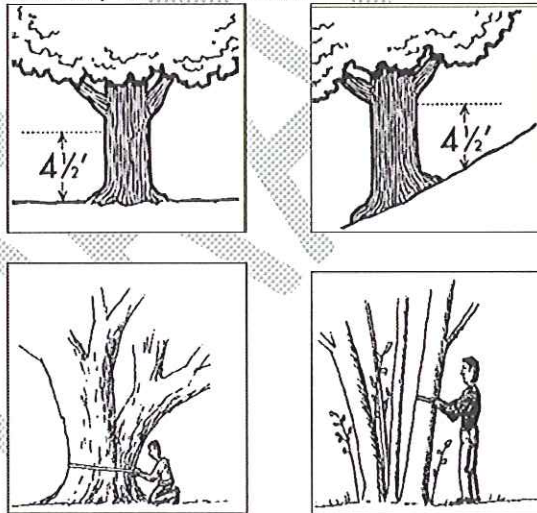
The purpose of this ordinance is to conserve, protect and enhance existing trees and natural landscape that are healthy and contribute to a safe and livable community. It is recognized that the preservation of existing trees contributes to the overall quality of life and environment of the City. Trees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

(a) Definitions:

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

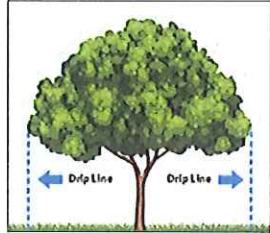
1. **Circumference** - Is measured 4 ½ feet from the ground's level surface or directly below the first branches, whichever is lower.

Comment [pwj1]: Diameter is more common, but circumference is more accessible to the public.

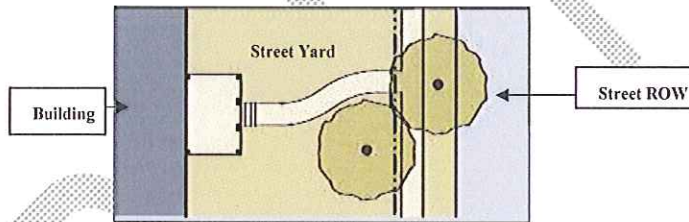


For multiple trunk trees, the circumference is deemed to equal the circumference of the largest trunk plus half the circumference of each additional trunk. For example, a tree that has three trunks with circumferences of 22", 18", and 12" you would have a circumference of 37" ($22" + (1/2 \times 18")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

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



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



(b) *Applicability.*

The provisions of this section are applicable to the following:

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

(c) *Requirements*

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

✓
 Comment [pwj2]: Was this list determined by the committee?

3. The removal of any tree with a circumference of twenty-eight (28) inches or larger must be specifically requested by the applicant and approved in writing by the Director of Planning prior to any action being taken to remove the tree or to damage or disturb the tree in any way. The location of all trees over twenty-eight (28) inches in circumference to be preserved or removed within the area proposed for development shall be designated at one of the following steps in the development process:
- On an application for a site plan for non-residential and multi-family developments;
 - On a tree survey at the time of platting for development seeking to install infrastructure; or
 - At the time of building permit for residential lots already platted and seeking to develop or redevelop

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

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

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

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

Exemptions to Mitigation

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

✓
Comment [pwj4]: Studies show about 50-60% survival after 20 years. It might be better to require mitigation on a diameter inch or circumference inch basis.

✓
Comment [pwj5]: A 4 inch tree is a large transplant. This is an area where you could reduce the impact by requiring a 2 inch diameter tree instead. I also prefer planting 2 inch over 4 inch.

✓
Comment [pwj6]: You might consider a tree mitigation fund, so that you can have payment before issuing Certificate of Occupancy. What happens in July when it isn't a good time to plant trees?

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

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

(e) *Tree Removal Permit*

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

(f) *Onsite Tree Protection Requirements*

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

✓
Comment [pwj7]: Where are you requiring installation of tree protection? Critical Root Zone is usually defined as 1 foot radius for each inch diameter. So a 9 inch diameter is a 18 feet diameter CRZ -- This is often very close to the dripline of the tree.

✓
Comment [pwj8]: You don't want more than 3 inches if the project is going to extend over 3-4 months. You may require 8-12 inches if there will be any encroachment into the Tree Protection Zone. Excess mulch needs to be removed within 3-4 months.

(g) *Incentives for Retaining Trees*

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

✓
Comment [pwj9]: This is good

Section 53-995 TREE ORDINANCE

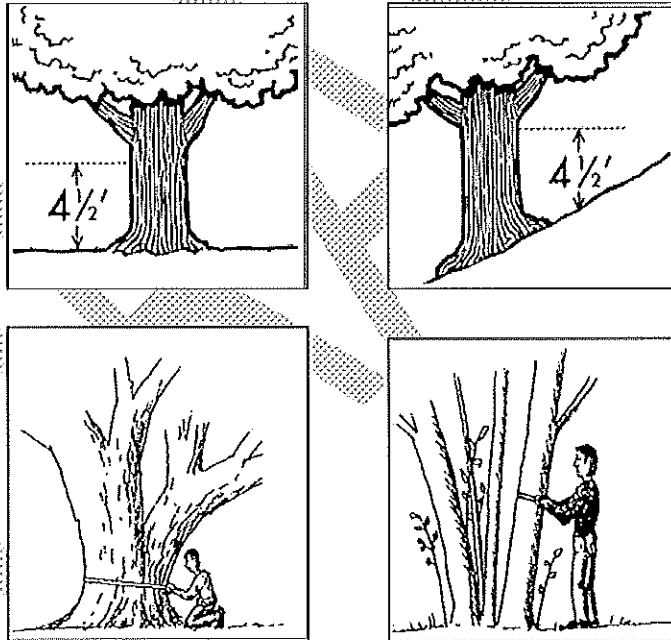
(a) Purpose.

In order to provide for orderly protection of specified trees, to protect property values, and to avoid significant negative impacts on the adjacent properties, while allowing the reasonable development of land within the City of Kyle and ETJ, this section establishes requirements for the following:

- tree preservation standards on construction sites
- removal of trees (Indiscriminate clearing or stripping of natural vegetation is prohibited)
- mitigation of trees removed
- incentives for trees retained

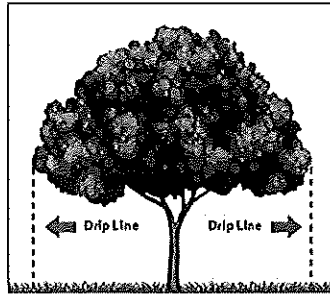
(b) Definitions: For the purposes of this code, the following definitions will be used:

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

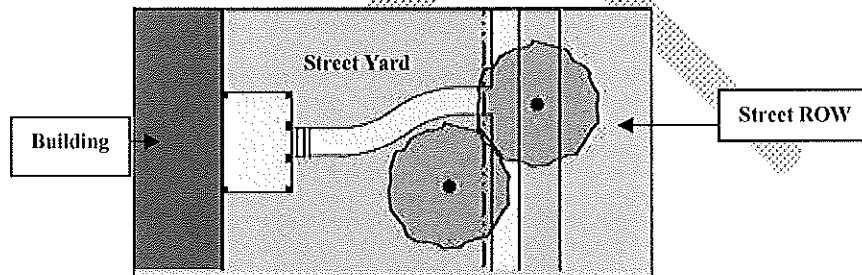


For multiple trunk trees, the circumference is deemed to equal the circumference of the largest trunk plus half the circumference of each additional trunk. For example, a tree that has three trunks with circumferences of 22", 18", and 12" you would have a circumference of 37" ($22" + (1/2 \times 18")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

- (2) Caliper- shall mean the American Association of Nursemeymen standard for trunk measurement (diameter) for nursery stock. Caliper of the trunk shall be measured six (6) inches above the root ball for four-inch caliper size and small, and twelve (12) inches for above the root ball for larger sizes.
- (3) Drip Line- A vertical line extending from the outermost portion of the tree canopy to the ground.



- (4) Protected Tree- Trees with a circumference of twenty-eight (28) inch or greater
- (5) Public Tree- All trees partially or completely resting on public property.
- (6) Specimen Tree- Trees with a circumference of seventy-five (75) inch or greater
- (7) 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 must be planted prior to the issuance of a Certificate of Occupancy unless a bond for the cost of the trees is posted with the City. If a bond is posted trees shall have up to 12 months to plant the required trees. 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.
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 - 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, (3) inches of mulch or compost shall be spread beneath the drip line of the tree when the drip line is completely fenced off and 8-12 inches of mulch if there will be any encroachment within the area under 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:

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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.*

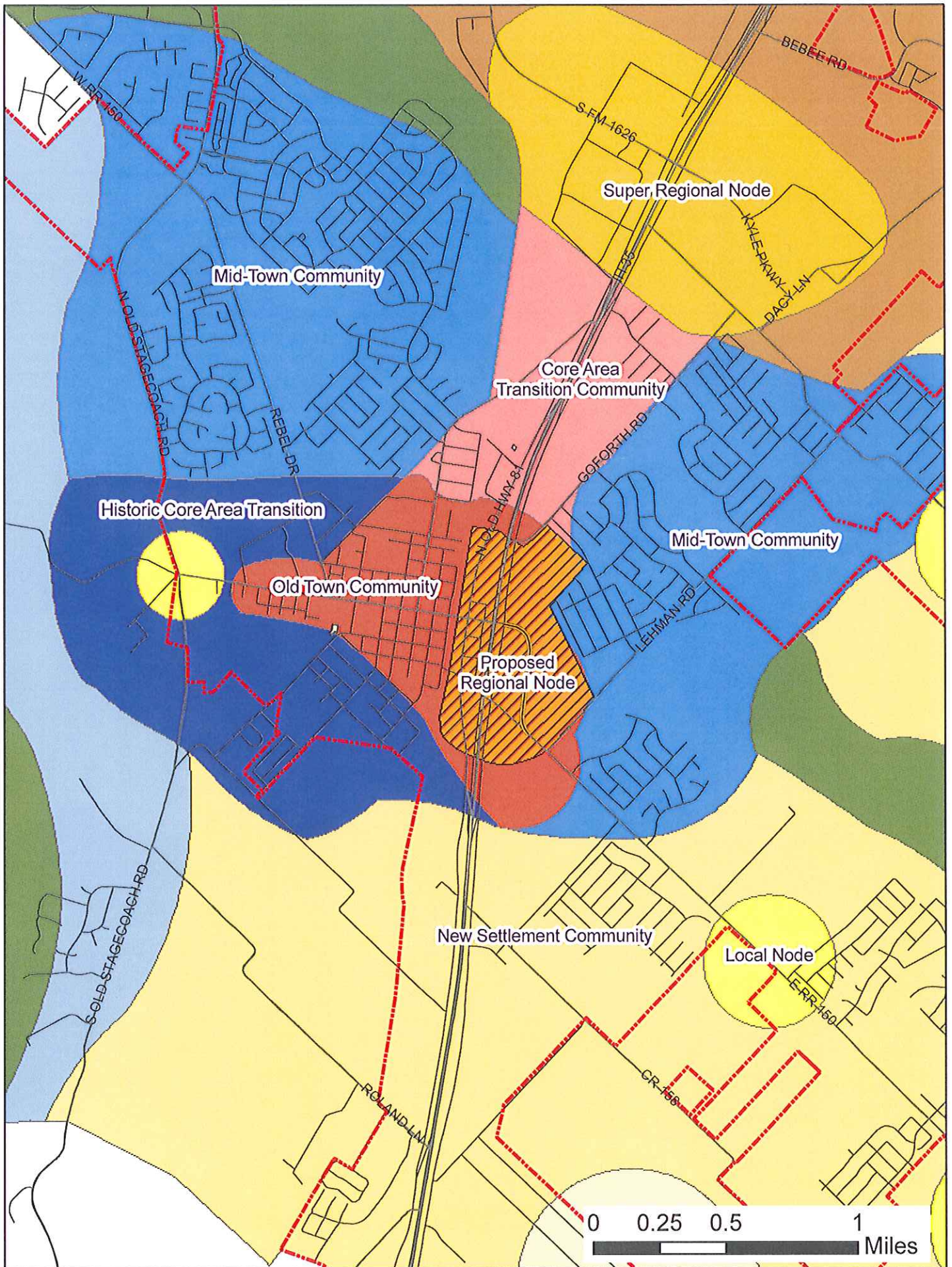
Any person who shall violate any provision of this ordinance or technical codes adopted herein, or shall fail to comply therewith, or with any of the requirements thereof shall be liable for a fine not to exceed the sum of two thousand dollars (\$2,000.00). Each tree removed and each day the violation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

DRAFT

Proposed Amendments to the Comprehensive Plan
Final Recommendations to the Planning and Zoning Commission

District	Neighborhood Commercial	Community Commercial	Additional Recommendations
Local Node	Recommended	Recommended	---
Regional Node	Recommended	Recommended	---
Super-Regional Node	Conditional	Conditional	Change CBD-1 to NOT Recommended Change CBD-2 to NOT Recommended
Riparian Landscape	Not Recommended	Not Recommended	change Retail/Services to NOT Recommended
Farm Landscape	Conditional	Not Recommended	change Retail/Services to NOT Recommended
Ranch Landscape	Conditional	Not Recommended	change Retail/Services to NOT Recommended
Old Town Community	Recommended	Not Recommended	change CBD-1 to Conditional change CBD-2 to Conditional add R-1-1 as Recommended
Core Area Transition	Recommended	Recommended	change Retail/Services to Conditional

District	Neighborhood Commercial	Community Commercial	Additional Recommendations
Historic Core Area Transition	Conditional	Not Recommended	change Retail/Services to NOT Recommended
Mid-Town Community	Conditional	Conditional	change Retail/Services to NOT Recommended
New Settlement Community	Conditional	Conditional	Change Apts.-Residential to Conditional Change M-2 to Conditional Change M-3 to Conditional
New Town Community	Recommended	Recommended	Add RV as Conditional
Employment Community	Recommended	Recommended	Add HS as Conditional Add E as Conditional
Sensitive/Sustainable Development	Recommended	Not Recommended	Change CM to NOT Recommended Change RS to NOT Recommended Change E to NOT Recommended Change W to NOT Recommended
Heritage Community	Recommended	Conditional	----



February 26, 2013

Planning and Zoning Commission

Zoning

Nester Development/Steve & Rebecca Enterprises, Inc

Case Number: Z-13-001

OWNER/APPLICANT: Nester Development/ Steve and Rebecca Enterprises, Inc.

APPLICANT: D. Scott Dye P.E., R.P.L.S

LOCATION: Southside of Windy Hill Road, approximately 200' east of Indian Paintbrush Drive

AREA: 5.115 acres

EXISTING ZONING: C-2 (general commercial zoning designation established in the previous zoning ordinance)

PROPOSED ZONING AND USE: Retail Services. The applicant is proposing to develop the site into a Dollar General Store.*If the zoning is approved any use permitted within the approved zoning designation could be developed.

SITE INFORMATION:

Transportation: The subject property fronts on Windy Hill Road. Windy Hill Road is identified as a local linkage within the urban design plan.

Surrounding Zoning:

- ***North-*** bounded on the north by Windy Hill Road (across the street the property is zoned R-1-A- the residential subdivision Meadows at Kyle is currently developed)
- ***South and West-*** on the south and west sides of the property the subject property is bounded by residential zoning.
- ***East –*** Not in the City limits currently developed as a storage facility

Future Land Use Designation: The subject property is located within the New Town Future Land Use Designation.

PUBLIC INPUT:

The City has not received any letters of support or concern.

STAFF ANALYSIS:

Background

- In 2001 the subject property was annexed into the city with a zoning designation of M2(manufacturing subdivision)
- In 2002 the property was rezoned to R-1-2 (Single Family Residential)
- May 2003 the property was rezoned from R-1-2 to C2
- November 2003 the City of Kyle adopted the current zoning ordinance. Within the ordinance adopted in 2003 the only commercial zoning designation adopted was Retail Services (outside of the Central Business Districts).

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Planning and Zoning Commission

Zoning

Nester Development/Steve & Rebecca Enterprises, Inc

Case Number: Z-13-001

- In 2012 the City of Kyle adopted a Neighborhood Commercial (NC) and Community Commercial (CC) zoning designation.

Requested Zoning District

Intent of Requested Zoning District

The Retail Services zoning district allows general retail sales of consumable products and goods that are commonly purchased and used by consumers in their homes, including most in-store retail sales of goods and products that do not pose a fire or health hazard to neighboring areas, e.g., clothing, prescription drugs, furniture, toys, hardware, electronics, pet supply, variety, department, video rental and antique stores, art studio or gallery, hobby shops and florist shops, auto dealerships, fast food restaurants, and auto repair. Any use permitted in CBD-1 or CBD-2 are also allowed in RS.

Conditions and limitations.

The conditions and limitations on uses in the RS district are as follows:

- (1) The use be conducted wholly within an enclosed building, except for delivery, catering, gasoline sales, nurseries and garden centers.
- (2) Required yards and outdoor areas not be used for display, sale vehicles, equipment, containers or waste material, save and except for screened dumpster collection areas.
- (3) All merchandise to be sold on the premises, except for delivery and catering.
- (4) The use is not objectionable because of odor, excessive light, smoke, dust, noise, vibration or similar nuisance; and that, excluding that caused customer and employee vehicles, such odors, smoke, dust, noise or vibration be generally contained within the property.
- (5) Establishments located on property that is within 300 feet of any property zoned for a residential use when the commercial use is first established may not to be open to the general public before 6:00 a.m. and must be closed to the general public by 10:00 p.m.

Site development regulations.

The site development regulations on uses in the RS district are as follows:

- (1) Paved sidewalks, driveways and parking areas are required. The sidewalks, pedestrian walkways must be constructed of brick, pavers, or concrete with an exposed broom finish, and connect to the adjacent property having a common frontage.
- (2) Screening of loading and storage facilities is required

Building facade requirements.

All new buildings constructed within the RS district shall comply with the following requirements:

February 26, 2013

Planning and Zoning Commission

Zoning

Nester Development/Steve & Rebecca Enterprises, Inc

Case Number: Z-13-001

- (1) The exterior walls facing front and side streets shall be constructed of at least 100 percent stone, brick, masonry, stucco, masonry veneer, or similar granular product excluding doorways and windows;
- (2) All roofs surfaces visible from the street shall be surfaced with metal, concrete, clay tile, or minimum of 25-year dimensional shingles;
- (3) Any variation requests to subsection (1) or (2) of this section must present actual technical drawings, and/or architectural plans and models and be approved by the planning and zoning commission;
- (4) It is recommended, but not required, that improvements to existing buildings in this district comply with subsections (1) or (2) of this section; and
- (5) Glare. No use or operation in an RS district may be located or conducted so as to produce intense glare or direct illumination across the bounding property line from a visible source of illumination nor may any such light be of such intensity as to create a nuisance or detract from the use and enjoyment of adjacent property.

Comprehensive Plan Guidance

Intent of Districts

The Comprehensive Master Plan identifies the following intent statements:

- Elements of form and design are critical to ensuring transitions between neighboring uses.
- The intent of the district is to contain a “horizontal” mix of land uses that should be integrated across the district.
- The New Town District is to harness economic development potential and establish its position as the sustainable center of surrounding growth.
- Mixed Use development should be encouraged, not only permitted, to maximize economic development
- This district should be livable, comfortable, and convenient for all residents of Kyle and the surround region.

The New Town District identifies the Retail Services zoning designation as Conditional.

Urban Design Plan

The subject property is located within the Transitional Condition. Within the transitional condition the area is intended to be a mid-step between the rural core (outer zone) and the urban core (inner zone). The Comprehensive Master Plan identifies the following goals for this condition:

- Private development on a local linkage frontage needs to indicate a general level of residential stability and appropriately integrated non-residential land uses.
- The intensity of Transitional communities is generally lower that in the Urban condition. At the community scale there is intended to be a mixture of housing types and possibly some neighborhood-scale commercial uses.

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Planning and Zoning Commission

Zoning

Nester Development/Steve & Rebecca Enterprises, Inc

Case Number: Z-13-001

Staff Recommendation

As indicated in the above zoning history summary, in 2012 the City Council adopted two new commercial zoning designations aimed at creating commercial zoning districts that include form and design requirements that ensure appropriate transitions between neighboring uses. The two zoning designations adopted by the City Council include Neighborhood Commercial (NC) and Community Commercial (CC).

The intent of the NC zoning designation is to provide for various types of small scale, limited impact commercial, retail, personal services, and office uses located in close proximity to their primary customers. The intent of the CC designation is to provide areas for quality retail establishments and service facilities. This district should generally consist of retail nodes located along or at the intersection of major collectors or thoroughfares to accommodate higher traffic volumes.

	NC	CC	RS
Parking	setback 10' from the front building line	70% of the required parking is required to be behind the front of the building	parking placement is not dictated
size of buildings	no more than 10,000 square feet on the first floor	buildings up to 15,000 square feet	a maximum building size is not dictated
front setback	20'	25'	25'
transitional yard	15' when adjacent to single family zoned or used property	10' when adjacent to single family zoned or used property	not required
building requirements	4-sided design; materials, glazing and architectural requirements identified	4-sided design, materials, glazing and architectural requirements identified	exterior walls facing front and side streets shall be constructed of at least 100 percent stone, brick, masonry, stucco, masonry veneer, or similar granular product

Staff is recommending an alternative recommendation of Community Commercial (CC) for the following reasons:

- The requested retail services zoning designation allows for a variety of intense commercial uses that do appear to be appropriate in close proximity to residential uses.

February 26, 2013

Planning and Zoning Commission

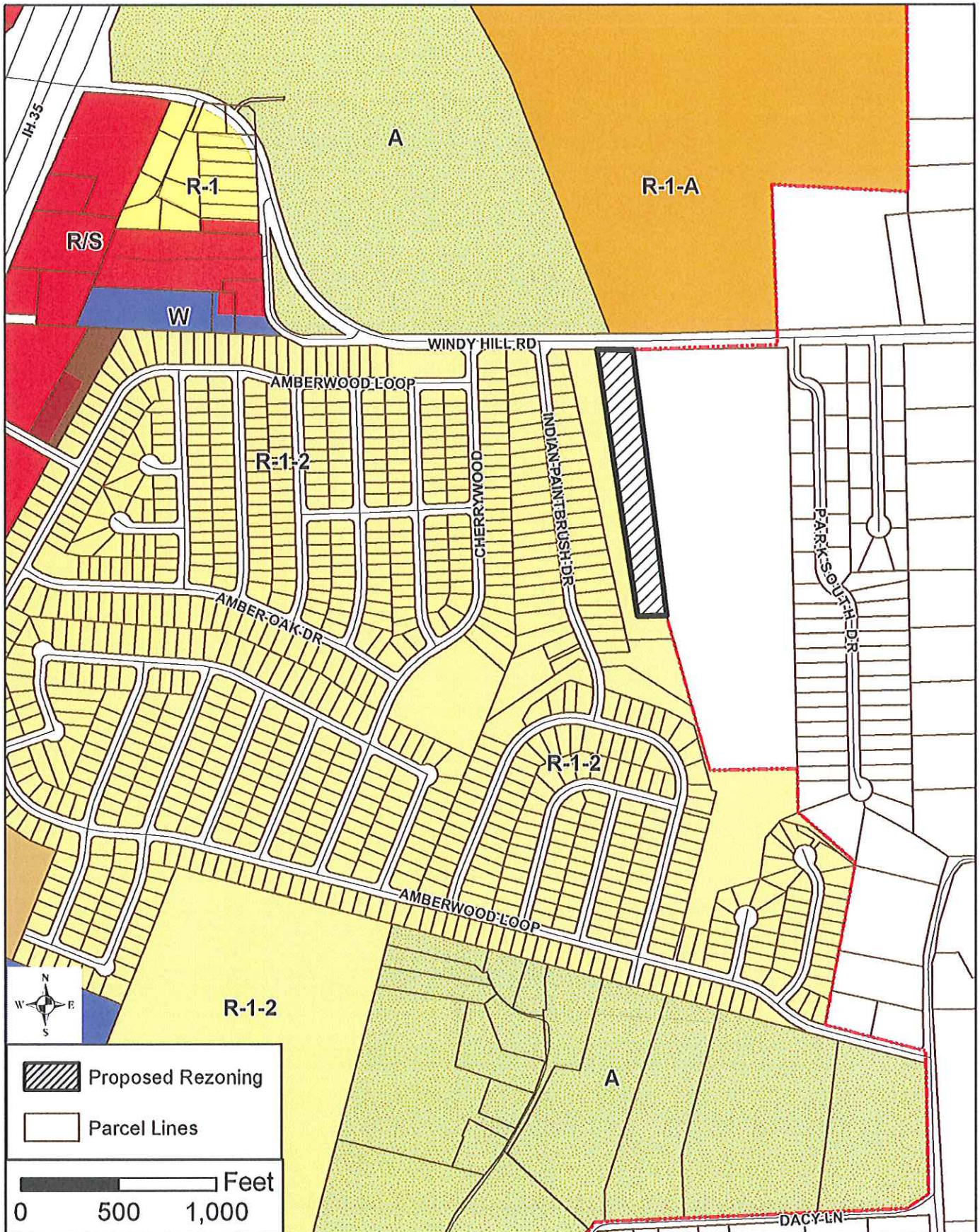
Zoning

Nester Development/Steve & Rebecca Enterprises, Inc

Case Number: Z-13-001

- The development standards associated with the RS zoning designation do not appear to support the goals of the Comprehensive Master Plan future land use district or urban design plan district.
- The Community Commercial zoning designation will still allow for the property to be used as a retail development however it incorporates form and site standards that bring it in closer compliance with the goals of the comprehensive master plan.

Exhibit B



MEMORANDUM

TO: Planning and Zoning Commission

FROM: Sofia Nelson, Planning Director

DATE: February 21, 2013

SUBJECT: Site Development Permit- 7-11(22553 IH-35)

Summary of Request:

The subject property is located at 22553 IH-35 (at the corner of the future extension of Center Street and I-35). The proposed development is a 3,010 square foot 7-11 Convenient Store. The Conditional Use Permit for this development has already been approved by the Planning and Zoning Commission and City Council. The building will be a single storey and will include paved parking, landscape, sidewalk, the construction of 12 fuel pumps with canopy and underground storage fuel tanks.

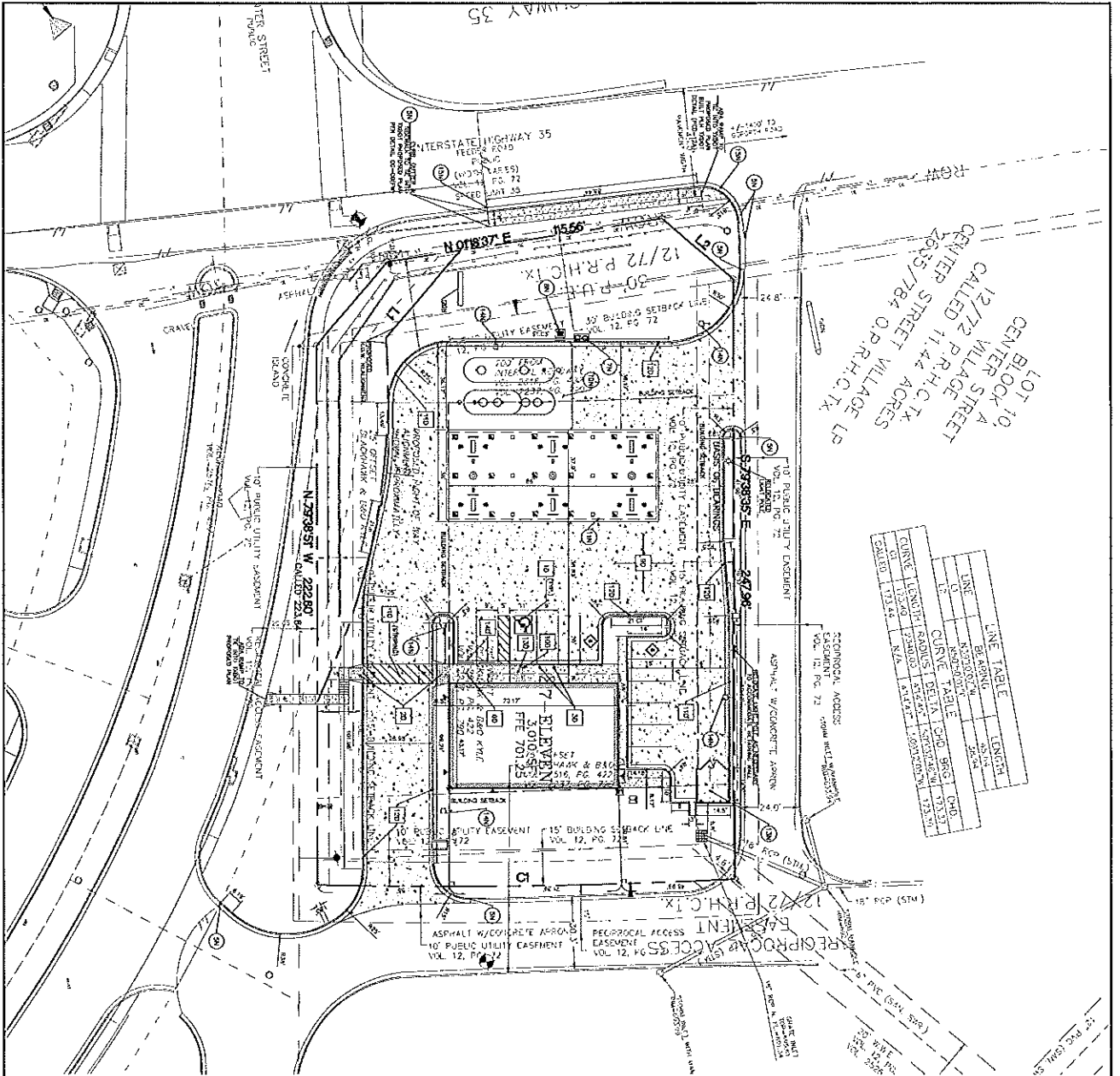
Purpose of Application:

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

The proposed development fronts on the I-35 access road and gains access to and from the site from a common driveway off of the I-35 access road and a common driveway along the rear of the lot off a common drive that comes off of the extension of Center Street(also known as the 150 extension). The proposed development meets all zoning, landscaping and parking requirements outlined for the retail services zoning designation.

Staff is recommending approval of the request.



LOT 10
 BLOCK A
 CENTER STREET
 VILLAGE
 12/72 P.R.H.C.T.
 CALLED 11.44 ACRES
 2635/784 O.P.R.H.C.T.

LINE	BEARING	LENGTH
1	N 89° 07' 58\" E	203.83
2	S 89° 07' 58\" E	203.83
3	N 00° 00' 00\" E	313.96
4	N 00° 00' 00\" E	313.96
5	S 89° 07' 58\" E	203.83
6	N 89° 07' 58\" E	203.83

SITE SUMMARY

EXISTING	PROPOSED
15 SPACES	15 SPACES
TOTAL AREA: 3,010 SQ. FT.	TOTAL AREA: 3,010 SQ. FT.
NET AREA: 2,700 SQ. FT.	NET AREA: 2,700 SQ. FT.
NET DENSITY: 1.5 SPACES / 1,800 SQ. FT.	NET DENSITY: 1.5 SPACES / 1,800 SQ. FT.
TOTAL PROPOSED: 1.5 SPACES	TOTAL PROPOSED: 1.5 SPACES
LANDSCAPING: 1.0 SPACES	LANDSCAPING: 1.0 SPACES
TOTAL PROPOSED: 1.4/27 (200)	TOTAL PROPOSED: 1.4/27 (200)

EXISTING LEGEND

- Public Utility Easement
- Asphalt Pavement
- Concrete
- Gravel
- Grass
- Street
- Driveway
- Lot
- Right of Way
- Boundary
- Proposed

PROPOSED

- Proposed Building
- Proposed Parking
- Proposed Driveway
- Proposed Lot
- Proposed Right of Way
- Proposed Boundary
- Proposed Street
- Proposed Driveway
- Proposed Lot
- Proposed Right of Way
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GENERAL SITE NOTES

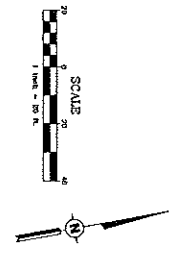
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DETAILS

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7-ELEVEN

22555 E. 83RD XT. KX 78649
 FROM NUMBER 12-11-11

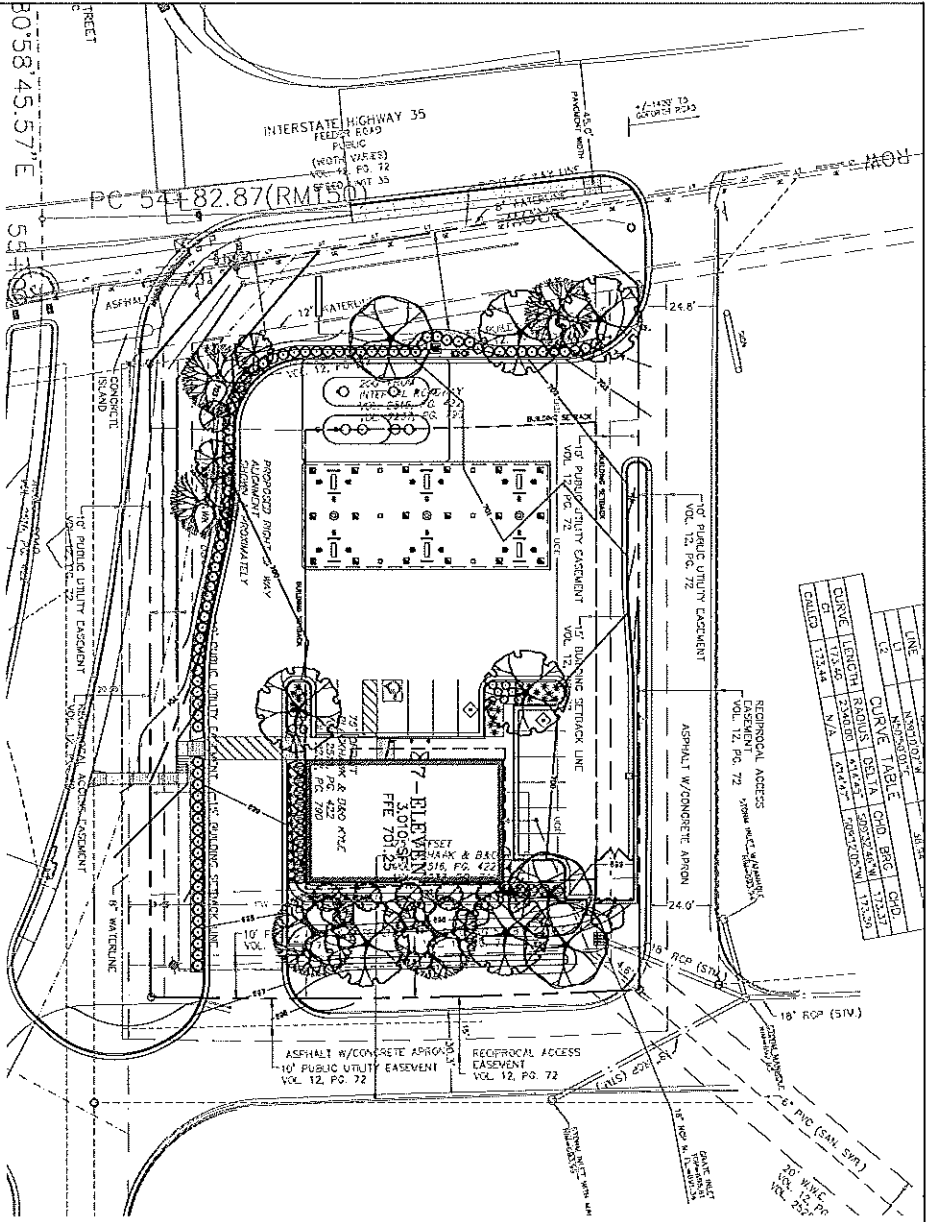


REV: 2
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 SITE PLAN
 TEXAS COA #1-8575



PROJ. NO.: 2015-1210-1
 SHEET NO.: 1 OF 1
 DATE: 7/27/2015

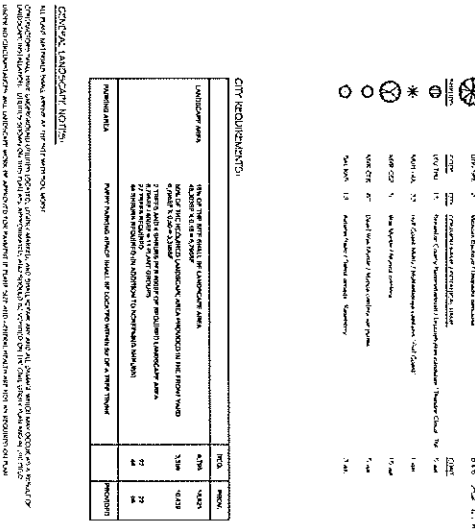
DATE: 7/27/2015
 TIME: 10:00 AM



LINE	DESCRIPTION	DATE
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2	DRIVE TABLE	02/07/23
3	CURB LENGTH	02/07/23
4	PAVING	02/07/23
5	LANDSCAPE	02/07/23
6	GENERAL ADDRESS	02/07/23
7	CONCRETE ISLAND	02/07/23
8	ASPHALT W/CONCRETE APPROACH	02/07/23
9	10' PUBLIC UTILITY EASEMENT	02/07/23
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GENERAL LANDSCAPE NOTES

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7-ELEVEN

15000 N. Loop West, Suite 1000
 Houston, TX 77040
 281.486.7662

PLANT SCHEDULE

SCALE 1" = 20'

GENERAL LANDSCAPE NOTES

CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT AND AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT AND AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT AND AGENCIES.

LANDSCAPE PLAN

REV-2

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02-13-13

7-ELEVEN

15000 N. Loop West, Suite 1000
 Houston, TX 77040
 281.486.7662

PLANT SCHEDULE

SCALE 1" = 20'

GENERAL LANDSCAPE NOTES

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MEMORANDUM

TO: Planning and Zoning Commission

FROM: Sofia Nelson, Planning Director

DATE: February 22, 2013

SUBJECT: CONDITIONAL USE OVERLAY- Ross Dress for Less
5086 Kyle Center Drive.

Background

Request:

The applicant is requesting approval of a Conditional Use permit for the construction of an approximately 25,000 square foot Ross Dress for less retail store within the I-35 Overlay District. The property is zoned Retail Services "RS" and as a result the use of property is permitted.

Location:

The subject property is located within the existing Kyle Marketplace shopping center and will be located between the existing Kohls Store and PetCo Store.

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.

Proposal

The proposed development is a retail store. The front door of the store will face FM 1626 and no additional parking or landscaping will be required. The proposed building materials will include two types of stone veneer. A cream color veneer will be located along the bottom ¼ of the front façade and a red color stone veneer as an accent around the main entrance of the store. The remainder of the building will utilize tilt wall with a cream color finish.

STAFF ANALYSIS AND RECOMMENDATION

COMPREHENSIVE MASTER PLAN GUIDENCE

The Comprehensive Master Plan identifies the site to be located within the Super Regional Node. The Comprehensive Master characterizes the Super Regional Node as follows:

- Should contain large-scale, institutional, commercial, and retail land uses, with the Seton Medical Center as the key distinguishing feature.
- The aggregation of commercial square footage in this Node should create a significant commercial destination that will be visible to regional travelers along the I-35 corridor.
- The purpose of the Super Regional Node is to capture employment opportunities and create a commercial destination within Kyle.

The Urban Design Plan identifies the stretch of I-35 the subject property fronts on to be located in the urban core along the destination segment of I-35. The Urban Design Plan states the following:

The Interstate 35 Destination is that portion of I-35 lying between the FM 1626 overpass and the Center Street overpass. This portion of I-35 is identified as a unique section in order to transform the freeway experience from one of passing through to one of arrival. Therefore the Destination section of I-35 has an appearance that is dramatically different than those portions north of FM 1626 or south of Center Street.

Location:

Generally located between two of Kyle's four landmark bridges (at the FM 1626 overpass and the Center Street overpass). This section of I-35 is clearly defined with a bridge portal at both ends and high embankments along its length.

Primary Function:

To transform the normal pass-through experience of the Interstate to an arrival experience and make sections of I-35 north of FM 1626 and south of Center Street function as approachways.

Staff Analysis

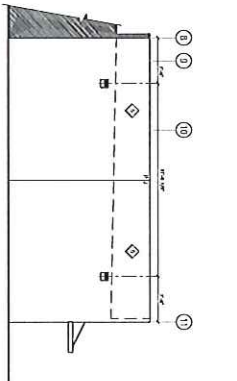
The Planning and Zoning commission will determine through the conditional use permit process if the proposed use, occupancy and structure will promote, preserve, and enhance, and will not damage or detract from the distinctive character of the community; will preserve and protect property values and taxable values; will not be detrimental or inconsistent with neighboring uses and occupancies; will not be detrimental to the general interests of the citizens; and will not be detrimental to the public health, safety and welfare.

In conducting its review, the planning and zoning commission shall make examination of and give consideration to the traffic flow, development density, neighboring historical designs, neighboring uses, and elements of the application including, but not limited to:

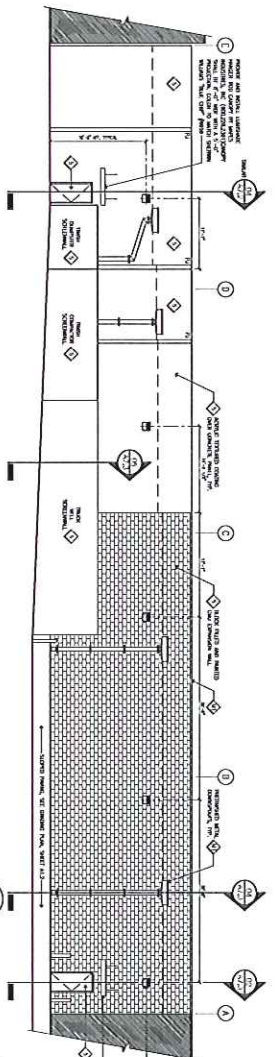
- (1) Height, which shall conform to the zoning requirements;
- (2) Building mass, which shall include the relationship of the building width to its height and depth, and its relationship to the visual perception;
- (3) Exterior detail and relationships, which shall include all projecting and receding elements of the exterior, including, but not limited to, porches and overhangs and the horizontal or vertical expression which is conveyed by these elements;
- (4) Roof shape, which shall include type, form, and materials;
- (5) Materials, texture, and color, which shall include a consideration of material compatibility among various elements of the structure;
- (6) Compatibility of design and materials, which shall include the appropriateness of the use of exterior design details;
- (7) Landscape design and plantings, which shall include lighting and the use of landscape details to highlight architectural features or screen or soften undesirable views;
- (8) Vehicular and pedestrian access, which shall include location, width, and type of surface for all points of ingress and egress;
- (9) Signage, which shall include, in addition to the requirements [chapter 29](#), pertaining to signs, the appropriateness of signage to the building in relation location, historical significance of the structure and neighboring structures, traffic visibility; obstruction of views from neighboring property;
- (10) Exterior lighting, which shall included location, type, and/or design of lighting and/or lighting fixtures to be used.

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

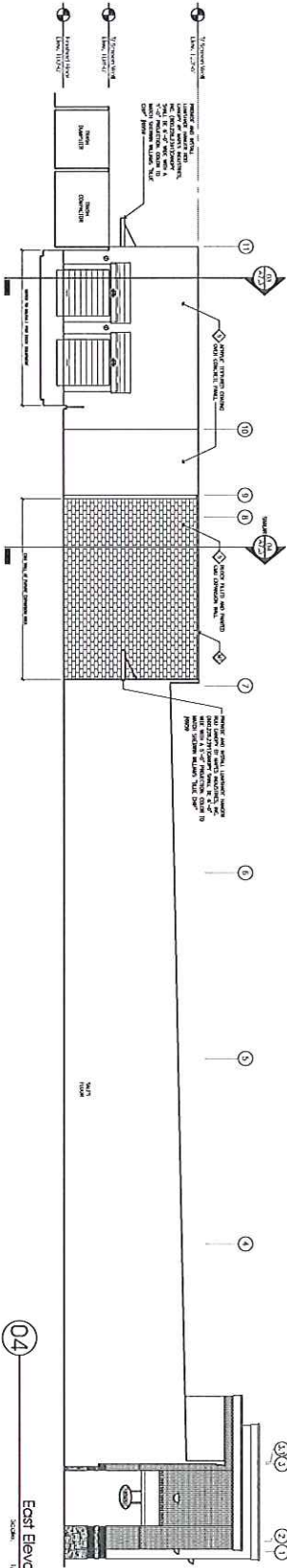
- **The height of the building conforms to the zoning requirements and is consistent with the surrounding buildings**
- **The building mass is appropriate for its location and surroundings.**
- **The proposed building materials, colors and textures are consistent with the store fronts within the shopping center.**
- **All site improvements are in place and are consistent across the shopping center.**



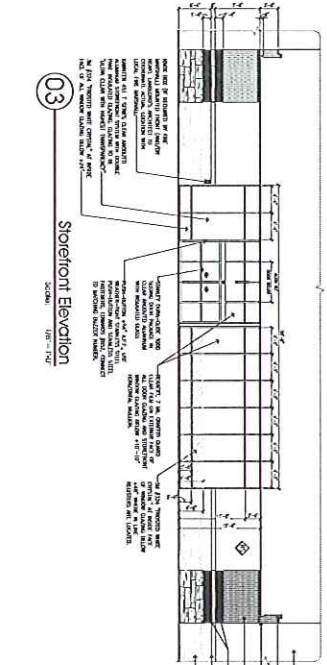
06 Partial West Elevation
SCALE: 1/8" = 1'-0"



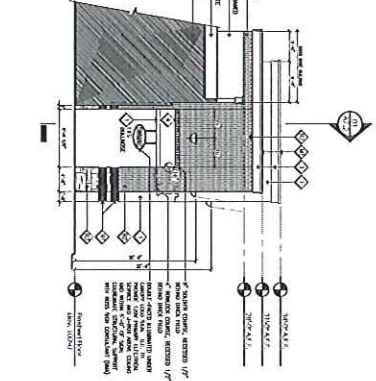
05 South Elevation
SCALE: 1/8" = 1'-0"



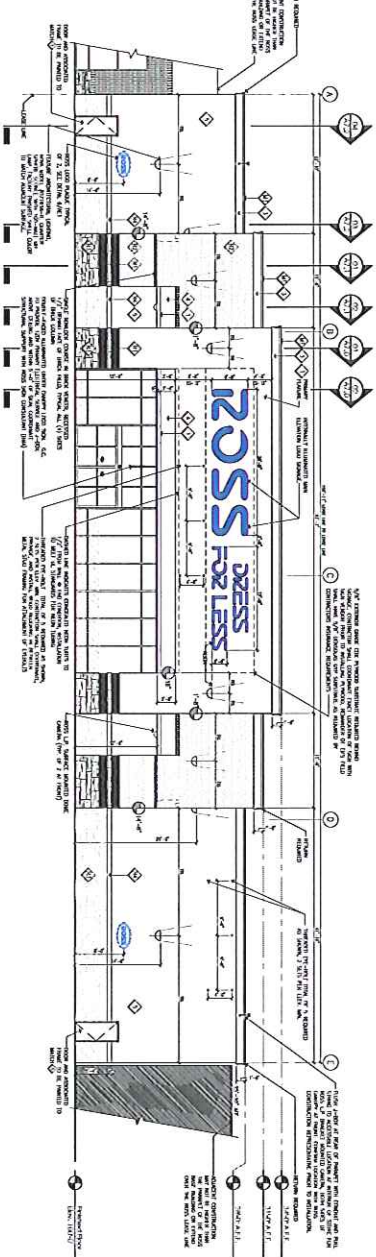
04 East Elevation
SCALE: 1/8" = 1'-0"



03 Storefront Elevation
SCALE: 1/8" = 1'-0"



02 Partial East Elevation
SCALE: 1/8" = 1'-0"



01 North Elevation
SCALE: 1/8" = 1'-0"

GENERAL NOTES:

1. ALL GLAZING AND WINDOW OR DOOR UNITS TO BE SUPPLIED BY THE CONTRACTOR. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITY.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITY.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITY.
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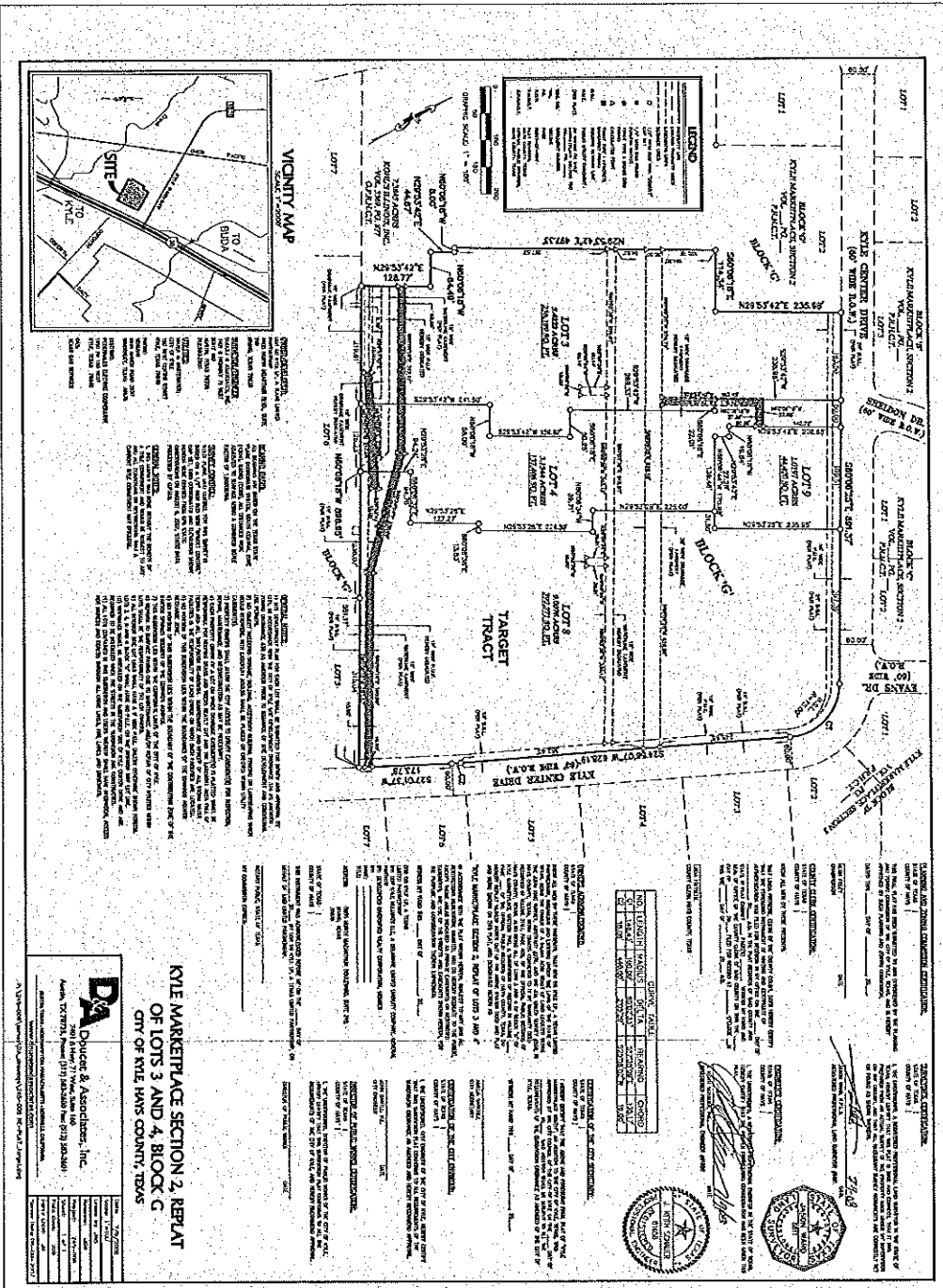
WINDOW FILM LEGEND:

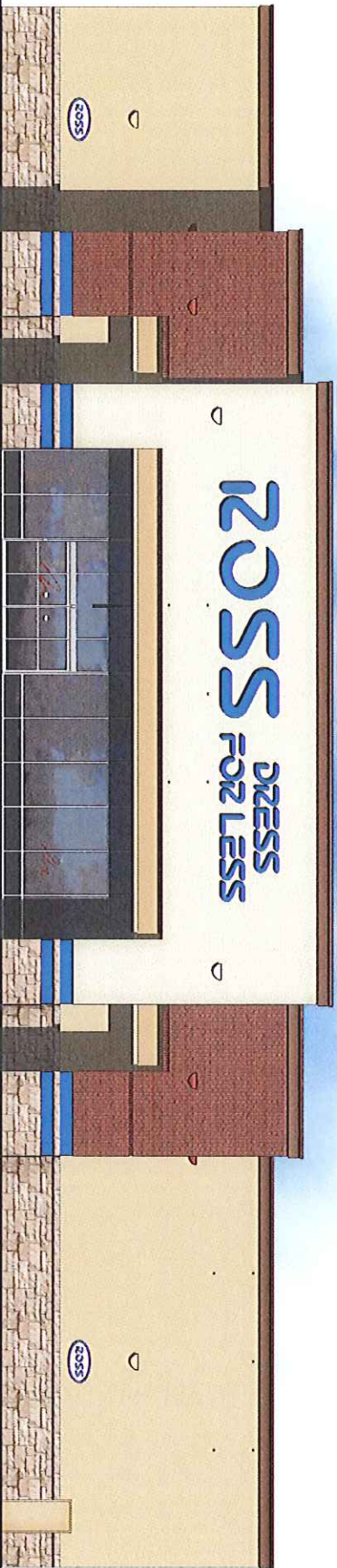
□	None	None	None
□	Low E	Low E	Low E
□	Low E	Low E	Low E
□	Low E	Low E	Low E
□	Low E	Low E	Low E

ROSS INTERIOR COLOR LEGEND BY UNITS

ROSS INTERIOR COLOR LEGEND BY UNITS
ROSS INTERIOR COLOR LEGEND BY UNITS
ROSS INTERIOR COLOR LEGEND BY UNITS

UNIT	NAME	SWATCH	DESCRIPTION
01	WALL	SW 001	WALL COLOR
02	CEILING	SW 002	CEILING COLOR
03	FLOOR	SW 003	FLOOR COLOR
04	DOOR	SW 004	DOOR COLOR
05	TRIM	SW 005	TRIM COLOR
06	ACCENT	SW 006	ACCENT COLOR

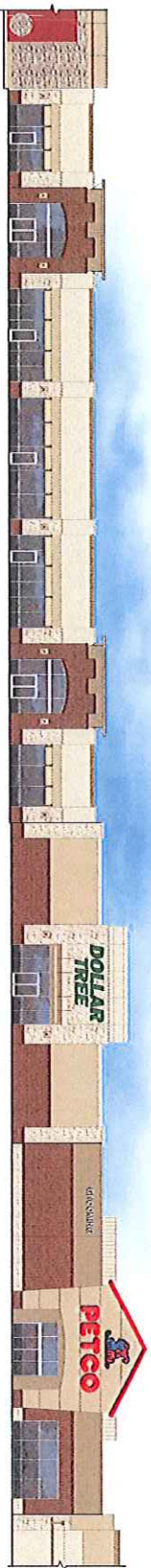
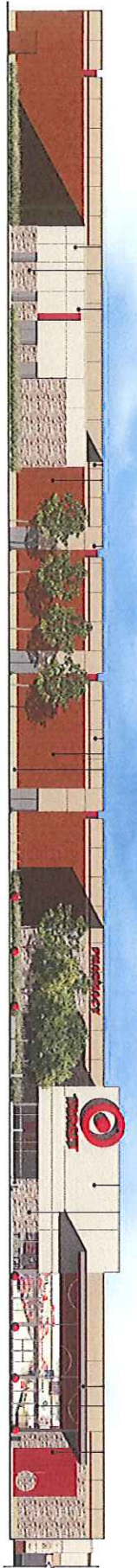




1662 Kyle-TX: Kyle Marketplace

DBI
David Berndt Interests, Inc.
Commercial Real Estate and Investments

Johnson
ARCHITECTS



DBI
David Berndt Interests, Inc.
COMMERCIAL REAL ESTATE AND INVESTMENTS

1662 Kyle-TX: Kyle Marketplace

Johnson
ARCHITECTS



MEMO

To: Planning and Zoning Commission

From: Sofia Nelson, Director of Planning

Date: February 21, 2013

Re: Request to allow a variance to maximum allowed parking on a site and to a parking space to be more than 50' away from a tree

Background

The subject property is located between City Lights Drive and Physicians Way and west of Kyle Center Drive and east of Marketplace Drive. The applicant is proposing the development of a 67,882 square foot Family Entertainment Center. Prior to starting work on a site development application the applicant is requesting approval the following two variances early in the development process so that the site can be designed based on the decision of the Planning and Zoning and City Council:

- A variance to allow the site to vary from the maximum number of parking spaces for a commercial development with the Retail Services zoning designation.
- A variance to allow parking spaces to be no further than 200 feet from a tree rather than the required no more than 50 feet from a tree

Staff Analysis

The subject property is approximately 8.40 acres in size and is an existing platted lot. The property is zoned Retail Services and is subject to both the general site development regulations of the code and those specific to the zoning district. Within the city code the parking ordinance identifies a minimum parking requirement that is based off of the zoning of the subject property (in some cases it is based off use however by in large the zoning district dictates the parking requirements regardless of the specific use).

Since the parking ordinance does not include a separate parking requirement for Family Entertainment Center the parking is based off of the Retail Services zoning designation (1 space per 250 square feet of gross floor area). Based on the parking requirements the proposed development would be subject to providing a minimum of 272 parking spaces and a maximum of 408 parking spaces. In order to meet the

needs of the high number of customers the applicant anticipates will be utilizing the venue the applicant is requesting approval to exceed the maximum of parking spaces and provide 562 parking spaces.

In reviewing the site requirements for the site the applicant is also seeking a variance to allow a parking space to be up to 200 feet from a tree. The variance request would not reduce the overall number or required size of the trees on the site (182- 4 inch caliper trees) simply the requirement for their proximity to each parking space.

Section 53-33 of the City Code states the following: City Council Determination. Off-street and on-street parking, for all uses not within the categories listed in this subsection, shall be adequate to meet the anticipated needs and shall be determined by the city council using standards outlined for special exceptions and with a view towards providing adequate parking and carrying out the general scheme of the parking requirements herein set out.

Sec. 53-989. - Exceptions.

Exceptions to these (landscape) provisions may be granted by the planning and zoning commission and/or council to require a lesser amount of landscaping if the aesthetic, buffering and environmental intent of this chapter is met, and the reduction of the landscape area results in the preservation of natural features having comparable value to the reduced landscape requirements.



www.hodgesusa.com

February 15, 2013

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

RE: Application for variances

Dear Ms Nelson:

Please accept this as our formal application for variances on the site plan for the family entertainment center at the proposed development on the west side of I-35 in Kyle. As you know, we have submitted a site plan which provides for parking that will require a variance as to the number from the current Kyle code and, also, a variance for the spacing of trees within the overall parking area.

Please advise as to any other required materials for this variance and we will be happy to forward.

Very truly yours,
HODGES & ASSOCIATES

A handwritten signature in black ink, appearing to read "Charles Hodges".

Charles Hodges

Enclosure

xc: File 11120-01

13642 Omega
Dallas, TX 75244
972.387.1000

THIS PLAN IS TO BE USED IN CONNECTION WITH THE SUBMITTAL AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT.



SITE AREA ANALYSIS

Land Area	8.40 ac
Building Area	67,882 sf
Landscaping Required	15%
Landscaping Provided	16%
Parking Required	259
Parking Provided	562
Existing Zoning	RS Retail Service

KYLE CROSSING KYLE, TEXAS

HODGES architecture planning
 5962 Green Oaks, Suite 7300 Dallas, TX 75241
 www.hodgesarchitect.com

PROJECT NO. 11170
 DATE 12/10/12
 SHEET NO. SP-5

SITE PLAN

INTERSTATE 35

SIGN A SIGN B SIGN R SIGN C



0' 20' 40' 100'