

CITY OF KYLE

Planning & Zoning Commission



Kyle City Hall
100 W. Center Street

Notice is hereby given that the governing body of the City of Kyle, Texas will meet at 6:30 PM on May 28, 2013, at Kyle City Hall 100 W Center St for the purpose of discussing the following agenda.

NOTE: There may be a quorum of the City Council of Kyle, Texas present at the meeting who may participate in the discussion. No official action will be taken by the City Council members in attendance.

Posted this the 24th day of May prior to 6:30 PM.

1. **Call Meeting to Order**
2. **Roll Call**
3. **Citizen Comments**
4. **Minutes: Planning and Zoning Meeting – April 9, 2013**

Consent Agenda:

5. Plats:

- A. Windmill Center Subdivision (FP-12-009)
5.74 acres; 3 lots
Located on the east side of IH-35 north of Goforth Road Intersection
Owner: Dennis Artale
Agent: Hugo Elizondo, Jr. P.E., Cuatro Consultants
- B. Hometown Kyle Phase 4 Section 2 (FP-13-004)
10.464 acres; 41 lots
Located off of Chapparo Drive adjacent to Phase II
Owner: RH of Texas
Agent: Steven Ihnen, P.E., GICE, Inc.
- C. The Villas at Creekside (FP-13-006)
3.847 acres; 30 Townhome lots
Located at 104 Creekside Trail
Owner: FHC Consolidated, LP and KCW Interests 3, LLC
Agent: Kelly Kilber, P.E., Pro-Tech Engineering Group, Inc.

- D. Plum Creek Phase 1 Section 12A –Preliminary (PP-13-002) & Final Plat (FP-13-008)
3.589 acres; 2 lots
Location: Fronting on a proposed extension of Benner approximately 2000 feet west of FM 1626, south of Kohler’s Crossing
Owner: Mountain Plum, Ltd.
Agent: Alan Rhames, P.E., Axiom Engineering, Inc.
- E. Hometown Kyle Phase 3 Section 6 (FP-13-009)
6.88 acres; 25 lots
Location: Extension of Sweet Gum Drive
Owner: RH of Texas
Agent: Steven Ihnen, P.E., GICE Inc.

(Note: Statutory Disapproval (Note: In accordance with the statutory requirements of the Texas Local Government Code reflected in Sections 12.03.001, 12.05.004, 12.06.04 the following applications are recommended for statutory disapproval in order to allow the City to process the application. These applications will continue through the review process without bias and will be placed on the agenda in a timely manner once the review process is complete. Statutory disapproval in order to meet statutory requirements under these sections shall not bias future consideration of this application by the Planning and Zoning Commission.

- F. Meadows at Kyle Phase Two (FP-13-010)
14.673 acres; 60 lots
Located on the north side of Windy Hill Road approximately 1 mile east of IH-35
Owner: Continental Homes of Texas, LP
Agent: John Hines, P.E., Gray Engineering, Inc.

(Note: Statutory Disapproval (Note: In accordance with the statutory requirements of the Texas Local Government Code reflected in Sections 12.03.001, 12.05.004, 12.06.04 the following applications are recommended for statutory disapproval in order to allow the City to process the application. These applications will continue through the review process without bias and will be placed on the agenda in a timely manner once the review process is complete. Statutory disapproval in order to meet statutory requirements under these sections shall not bias future consideration of this application by the Planning and Zoning Commission.

Consider and Possible Action Items:

6. Subdivision:

- A. Rojo Subdivision (FP-13-002)
15 acres; 5 lots
Located on Roland Lane approximately 1000 feet east of CR 136
Owner: Daniel Rivera
Agent: Mauricio Quintero-Rangel, P.E.

Consider and Act on the following variance request:

- B. Consider a variance request by Mauricio Quintero- Rangel, on behalf of Daniel Rivera, to Section 41.141 of the City of Kyle code which requires all electrical, telephone, cable television and similar lines shall be placed underground to allow for overhead electric at 1626 Roland Lane Kyle, Texas.
- C. Consider a variance request by Mauricio Quintero- Rangel, on behalf of Daniel Rivera, to Section 41-137 of the City of Kyle code which requires all subdivisions which front on a local or collector street to dedicate land for one-half of the required right-of-way of an adjacent local and collector street and pay the improvements costs or build one-half of the required width of adjacent local and collector streets, including curbs, gutters and storm drainage to not require the payment of the road improvement fee at 1626 Roland Lane Kyle, Texas.
- D. Consider a variance request by Mauricio Quintero- Rangel, on behalf of Daniel Rivera, to Chapter 41- Subdivisions of the City of Kyle code which requires all plats not considered a short-form plat to submit a concept plan, preliminary plan, and final plat to allow for the submittal of just a final plat for a proposed subdivision located at 1626 Roland Lane.

7. Site Development Plans:

A. RV Land (SD-13-006)

10 acres; 1 lot

Located at 23401 N. IH-35

Owner: Joe Lance Stewart

Agent: Jim Herbert, P.E.

- *Public Hearing*

- B. Consider a landscape variance request by Joe Lance Stewart for property located at 23401 N. IH-35 to allow for a reduction in the number and size of trees.

C. Post Road Gas Station (SD-13-001)

1.180 acres; 1 lot

Located at 24321 IH-35

Owner: HDF Investments, Ltd.

Agent: Professional StruCIVIL Engineers, Inc.

- *Public Hearing*

8. Conditional Use Permit/Conditional Use Overlay District:

- A. Consider a request by DDR DB Kyle, LP (Chicken Express) for a Conditional Use Permit to construct a 3,216.33 square foot building located within the Interstate Highway 35 Zoning Overlay District.

- *Public Hearing*
- *Planning and Zoning Recommendation to City Council*

9. Zoning:

A. Consider a request by Maria Castillo to rezone approximately 0.95 acres from 'R-1' Residential-1 to 'RS' Retail Service District on property located at 905 Old Highway 81 north. (Z-13-002)

- *Public Hearing*
- *Planning and Zoning Recommendation to City Council*

B. Consider a request by South Corridor Park, Ltd. to rezone approximately 7.634 acres from 'RS' Retail Service District to 'R-3-3' Apartments Residential-3 on property located south of Amberwood N. and east of IH-35 Frontage Road. (Z-13-005)

- *Public Hearing*
- *Planning and Zoning Recommendation to City Council*

C. Consider a request by South Corridor Park, Ltd. to rezone approximately 8.03 acres from 'RS' Retail Service District to 'R-3-3' Apartments Residential-3 on property located north of Amberwood N. and east of IH-35 Frontage Road. (Z-13-004)

- *Public Hearing*
- *Planning and Zoning Recommendation to City Council*

10. Other:

A. Hold a public hearing and make a recommendation to the City Council regarding a proposed agreement with the City of San Marcos for establishing extraterritorial jurisdiction (ETJ) boundaries, to include a proposed release of a portion of City of Kyle ETJ to the City of San Marcos and the release a portion of the City of San Marcos ETJ to the City of Kyle.

- *Public Hearing*
- *Planning and Zoning Recommendation to City Council*

B. Consider a request by Joe Lance Stewart to determine if a modified rendering of a proposed building to be located at 23401 N. IH-35 is similar to the approved color rendering for the site.

11. Staff Report

12. Adjourned

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

of existing policy in response to the inquiry. (b) Any deliberation of or decision about the subject of the inquiry shall be limited to a proposal to place the subject on the agenda for a subsequent meeting.

Certificate

I certify that the above notice of the Planning and Zoning Commission Meeting of the City of Kyle, Texas was posted on the bulletin board of the City of Kyle City Hall, 100 W. Center St, Kyle, Texas. This notice was posted on:

Sofia Nelson, Director of Planning 5/24/13
Sofia Nelson, Director of Planning (Month, Day, Year) ()