



MEMO

To: Board of Adjustments

From: Sofia Nelson, Director of Planning *SN*

Date: November 22, 2013

Re: Kyle Multi-family Community Parking Variance

Background

The subject property is located at the intersection of Amberwood South and I 35 (south of Amberwood South). The subject property is approximately 7.634 acres and is zoned R-3-2 (multi-family 21 units per acre). Based on the size of the property and the approved density the maximum number of units allowed on the site is 160 units.

Request

The applicant is requesting a variance to the parking requirements for a multi-family development. Chapter 53-263 of the City Code requires two spaces minimum for each living unit, and one-half space for each additional bedroom above two. As a result of the proposed units within the project the development is required to have 322 parking spaces. The applicant is requesting the parking calculation rate be reduced and calculated at 1.5 spaces per single bedroom unit, 2 spaces for every 2 bedroom unit, and 2.5 spaces for every 3 bedroom unit. The variance request would allow the developer to provide 294 parking spaces (7 spaces over the requested rate to accommodate for the leasing office) for 160 units.

Analysis

The Texas Local Government Code authorizes the Board of Adjustments in specific cases to grant a variance from the terms of a zoning ordinance if the variance is not contrary to the public interest and, due to special conditions the literal enforcement of the ordinance would result in unnecessary hardship, and so that the spirit of the ordinance is observed and substantial justice is done;

In review of the proposed request staff has made the following findings:

- The proposed parking plan would allow for the reduction of 28 spaces

- The difference in the required parking rate and the requested parking rate is only evident in the proposed rate for 1 bedroom apartments. The code stated parking rate requires 2 spaces and the proposed parking rate is 1.5.
- The proposed rate generally allows for 1 space per bedroom
- The proposed parking rate does not appear to be contrary to the public interest
- The literal enforcement of the ordinance would require the applicant to provide an additional 28 parking spaces or reduce the number of apartments developed on the site.

 **MARCUS**
ORGANIZATION
155 Schmitt Blvd.
Farmingdale, NY 11735

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

RE: Proposed Amberwood Development

Dear Sofia:

As previously discussed, The Marcus Organization is working on the development of a multifamily community in Kyle, Texas. This 160 unit property will provide high quality "market rate" housing to existing and future residents. These apartment homes will help satisfy the increased demand for rental housing that is needed in the area, due the continued economic expansion that Kyle is experiencing.

We would like to request a variance in the parking requirements for the project. Current requirements call for two (2) spaces minimum for each living unit, and one-half space for each additional bedroom above two. (Section 53-33, N. Parking, Chart 4). This would require 322 parking spaces for the project.

We are requesting that the rate be reduced from 2 spaces per single bedroom unit to 1.5 spaces per single bedroom unit. The number of spaces for two (2) bedroom units and three (3) bedroom units would not change. This reduction would require 293 parking spaces for the 160 units.

We thank you in advance for your consideration of this matter and remain excited about being a part of the tremendous growth that is occurring in your community. If you have any questions, please do not hesitate to call me at the number listed below.

Sincerely,

Dennis Young
Executive Project Manager
254.319.7694 C



MEMO

To: Board of Adjustments

From: Sofia Nelson, Director of Planning 

Date: November 26, 2013

Re: Friends of the Library Thrift Store- sidewalk variance

Background and Request

The subject property is located at the intersection of Lockhart Street and Front Street and is approximately .3228 acres in size. The property is currently developed as a single story retail thrift store. The property owner is seeking to expand the existing building to the east (closer to front street) and add a second floor to the building addition. With the redevelopment of the site the property is required to come into conformance with all applicable site requirements. As a result the applicant is seeking a variance to the following sidewalk construction requirement: section 53-445 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.

Analysis

The Texas Local Government Code authorizes the Board of Adjustments in specific cases to grant a variance from the terms of a zoning ordinance if the variance is not contrary to the public interest and, due to special conditions the literal enforcement of the ordinance would result in unnecessary hardship, and so that the spirit of the ordinance is observed and substantial justice is done;

In review of the request variance staff has made the following findings:

- The subject property is zoned Central Business District 2 (CBD-2). The stated intent of the zoning district and the requirements of the district are to address development in the original town and central area of the city, allowing a mix of uses including, office, restricted commercial, restricted multi-family residential and residential uses. As new development is constructed and existing sites are redeveloped the expansion of sidewalk connectivity is crucial in meeting the intent of the ordinance and in order for the spirit of the CBD2 district to be observed.

- It appears that the literal enforcement of the ordinance would result in a decrease number of parking spaces available to the development; however it does not appear that there are special conditions unique to this property that the literal enforcement of the ordinance would result in unnecessary hardship or inequity for the petitioner.
- Should the variance be approved and the property owner is not required to construct a sidewalk across either street frontage a gap in sidewalk connectivity would be created when the adjacent properties are redeveloped and are required to install sidewalks. Though the redevelopment of the property to the north and the city financing of a sidewalk across the water tower site may be many years away the loss in sidewalk construction on the subject property could cause lasting sidewalk connectivity issues.

Submitted by
Applicant with
site plan

Sidewalks [Section 53-899 (E) 1]

This project does not change access to the perimeter streets and does not include City or private sidewalks on the property perimeter. This is not typical "new construction" but only an addition to an existing structure. An internal sidewalk along the east frontage of the building, to provide improved pedestrian access from the parking area to the main entrance, is contemplated.

Screening [Section 53-899 (E) 2]

While the Thrift Store addition will include a door on the east side that will be used for informal "loading," there is no commercial loading dock of the type contemplated in the Overlay Ordinance. Thus, we believe the Thrift Store meets the City's screening requirement. To elaborate:

1. There is an existing entrance/exist on the east side of the building, unscreened, that is already used for the same purpose.
2. The purpose of this entrance or "loading area" is not to receive commercial loads for re-sale but to facilitate the orderly reception of donations from the public. These donations are typically clothing or other small articles.
3. The addition will help the Thrift Store and Friends of the Library more easily receive and store goods inside at all hours on the eastern front, improving existing aesthetics.
4. This receiving area will not include any type of raised dock and is not designed to receive (nor does the Thrift Store expect to receive on any regular basis) the type of sound-generating trucks that the screen in the Overlay Ordinance is designed to protect neighbors against.
5. The door on this loading area will not face any residences, nor other commercial establishments, nor any heavily trafficked street or "gateway," but rather will face railroad tracks and railroad right of way.
6. The owners are open to the idea of creating a screen if requested by the City but it does not seem feasible to create one that does not interfere with egress and is contained on the owner's property.

Utilities [Section 53-899 (E) 3]

The owners do not expect to move the existing utility box, which is not affected by this construction.

Utility Equipment Screening [Section 53-899 (E) 4]

The owners anticipate continuing to use the existing utility box and equipment, located on the west side of the building. No screening should be necessary as no utility box or substantial utility equipment is expected as part of the new construction.

A | **I**
B | **D**

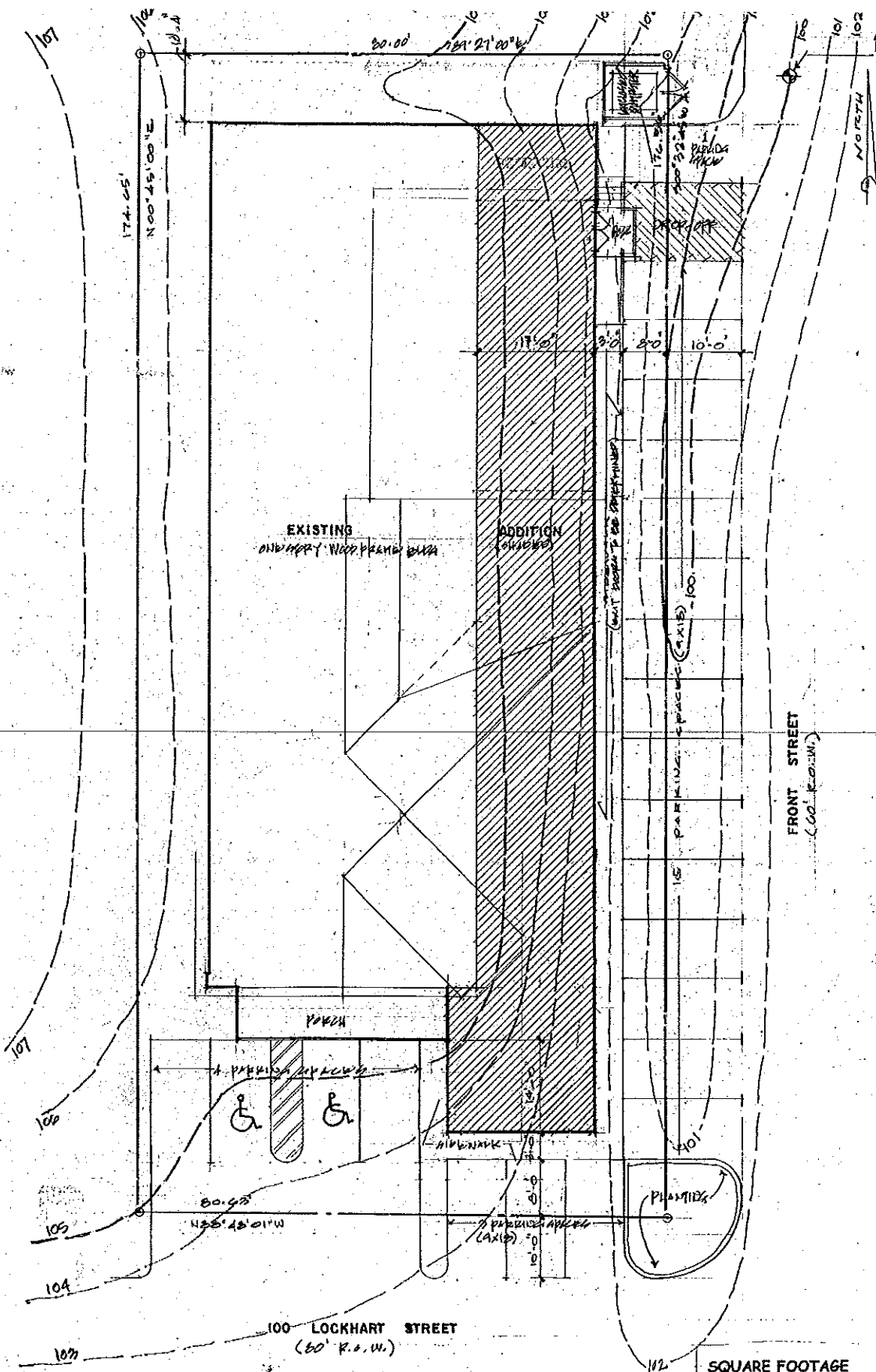
DATE:

**TIM BOATRIGHT
DESIGNER**

CERTIFIED PROFESSIONAL DESIGNER
107 COUNCIL BLVD
GEORGETOWN, TEXAS 75143
512/938 1148 FAX 512/989 2432
TOLL FREE 888/989 1148

KYLE LIBRARY THRIFT SHOP ADDITION

Perkins/owner	7/20/10
	8/12/12
	8/12/12
Drawn by	7/12/12
Scale	
Sheet No.	1 of 3



SITE PLAN sc: 1" = 10' - 0"

SQUARE FOOTAGE

EXISTING AREA	5,307.00 SQ. FT.
ADDITION AREA	2,282.00 SQ. FT.
TOTAL AREA	7,589.00 SQ. FT.

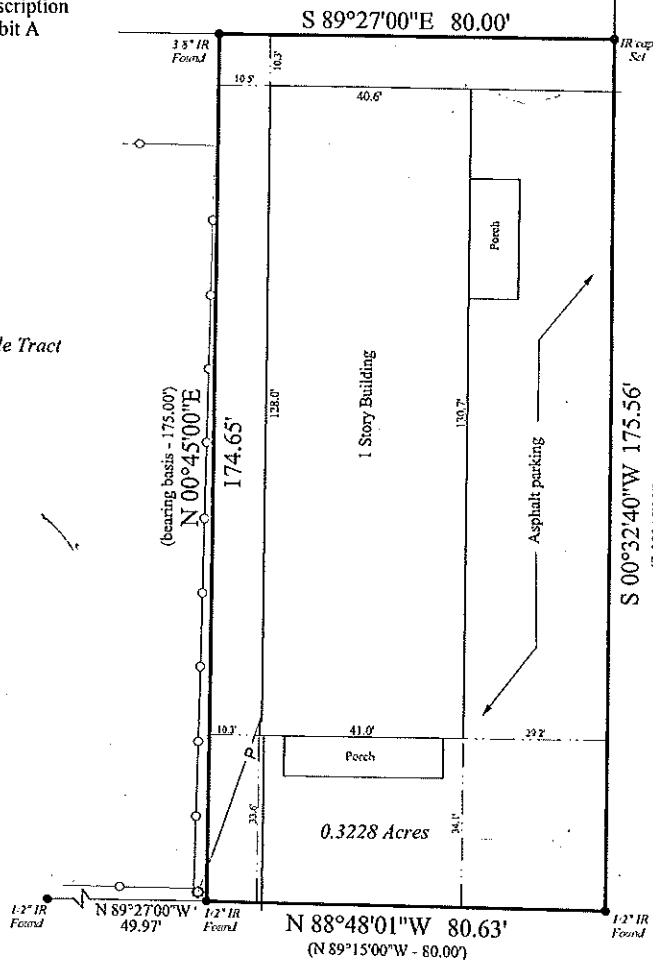
PARKING (TYP. SPACE - 9 X 18)
TOTAL SPACES 23
(2 HANDICAP SPACES INCLUDES 1 VAN SPACE)

Exhibit B

Reference attached metes and bounds description marked Exhibit A

Tyler Tract
V. 268/ P. 619
HCDR

Scale
1" = 30'



Legend

- OPRHC
- Official Public Records of Hays County
- HCDR
- Hays County Deed Records
- () Data from recorded documents
- V. 904/ P. 268 - OPRHC
- Chainfence
- Woodfence
- Overhead Powerline
- Powerpole

Surveyor's Notes: This survey was done without the use of a title search. There may be additional easements that affect this tract

PLAT SHOWING SURVEY OF 0.3228 ACRES OUT OF BLOCK 2 OF THE ORIGINAL TOWN OF KYLE, HAYS COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN VOLUME "R", PAGE 336, OF THE DEED RECORDS OF HAYS COUNTY.

FOR: Friends of the Kyle Library DATE: July 6, 2010

ADDRESS: 100 Lockhart Street, Kyle, Texas.

The undersigned does hereby certify that this survey was made on the ground of the property legally described hereon and is essentially correct and that there are no visible discrepancies, encroachments, overlapping of improvements, visible utility easements or roadways, except as shown and that said property has access to a public road. Only those plats with a red surveyors seal and red signature shall be deemed reliable and authentic.

Ronald D. Hayes
Ronald D. Hayes, Registered Professional Land Surveyor, No. 5703

According to the scaling of Map Panel 0385F of the September 2, 2005 insurance rate map for the County of Hays, Texas, the property described hereon is in the Zone "X" of the flood hazard area and determined to be outside the 100 year flood zone.



HAYES SURVEYING
202 SUNFLOWER DRIVE
KYLE, TEXAS 78640
512-268-4813

File # LCKHRT04
 Field Book # 64
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