

# CITY OF KYLE

## Planning & Zoning Commission Kyle City Hall 100 W. Center Street



Notice is hereby given that the Planning and Zoning Commission of the City of Kyle, Texas will meet at 6:30 PM on June 24, 2014, 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 20th day of June prior to 6:30 PM.

**1. CALL MEETING TO ORDER**

**2. ROLL CALL**

**3. CITIZEN COMMENTS**

**4. MINUTES** - April 8, 2014, April 22, 2014 and May 27, 2014.

**5. PRESENTATION**

A. Recognition of Cicely Kay for years of service to the Planning and Zoning Commission.

**6. CONSENT AGENDA**

A. Hays Commerce Center – Preliminary Plan (PP-14-001)

108.049 acres; 22 Lots

Located northwest of the intersection of Kyle Crossing & the southbound frontage road of IH-35

Owner: RR HPI, LP

Agent: Ron Pritchard and/or William Faust

*(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 above 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.*

- B. Kyle 47 Subdivision Phase 1 – Final Plat (FP-14-004)  
35.950 acres; 82 Lots  
Located off of Rebel Road just north of Silverado Subdivision  
Owner: D&L Brooks Investments, LLC.  
Agent: Geoff Guerrero, Carlson, Brigrance & Doering, Inc.

## 7. CONDITIONAL USE PERMIT

- A. Consider a request by Tommy Seargeant, CEO (Greater Texas Federal Credit Union) for a Conditional Use Permit to construct 1,755 square foot building on property located at 5433 Kyle Center Drive. (CUP-14-011)
- B. Consider a request by Wal-Mart Real Estate Business Trust (Wal-Mart Fuel Station) for a Conditional Use Permit to construct a 740 square fuel station kiosk, 16 fuel pumps on property located at 20585 IH-35. (CUP-14-012)
- C. Consider a request by Friends of the Library (Kyle Library Thrift Shop) for a Conditional Use Permit to construct an additional 2,282 square foot building on property located at 100 Lockhart Street. (CUP-14-013)

## 8. GENERAL DISCUSSION AND POSSIBLE ACTION

- A. A request by KB Home, for an interpretation of the front wall garage setback requirements.

## 9. STAFF REPORT

## 10. WORKSHOP DISCUSSION

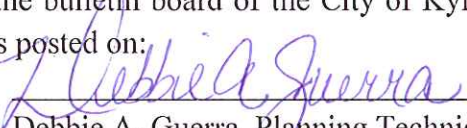
- A. Review and discuss the research on landscape variance requests and discuss revisions to the landscape ordinance.

## 11. 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:

  
Debbie A. Guerra, Planning Technician

  
Date

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

The Planning and Zoning Commission of the City of Kyle, Texas met in regular session April 8, 2014 at 6:30 p.m. at Kyle City Hall, with the following persons present:

James Collins, Student KAYAC Representative  
Commissioner Dan Ryan  
Commissioner Cicely Kay  
Commissioner Mike Wilson  
Chairman Shane Arabie  
Vice-Chair Mike Rubsam  
Commissioner Irene Melendez  
Director of Planning, Sofia Nelson

Perry Bigelow  
Jamie Bigelow  
Terry Lewis

### **CALL MEETING TO ORDER**

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

### **ROLL CALL OF BOARD**

Chairman Arabie called for roll call. Commissioner Zambrano was absent.

### **CITIZENS COMMENTS**

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

### **MINUTES – PLANNING AND ZONING COMMISSION MEETING MARCH 25, 2014.**

Commissioner Wilson moved to approve Planning and Zoning Commission meeting minutes for March 25, 2014 as written. Vice-Chair Rubsam seconds the motion. All votes aye. Motion carried.

### **CONSENT AGENDA:**

#### **AMENDED PLAT OF LOT 1-M, BLOCK B, SETON HAYS COUNTY SUBDIVISION REPLAT OF LOT 1, BLOCK B (AFP-14-003) 3.672 ACRES; 2 LOTS LOCATED AT 1300 WINDY HILL ROAD.**

*(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).*

#### **POST OAK SUBDIVISION PHASE 5B (FP-14-003) 15.441 ACRES; 64 SINGLE FAMILY LOTS. LOCATION: EXTENSION OF LANGLEY, GODDARD AND WALLOPS STREETS.**

**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.**

**MEADOWS AT KYLE PHASE FOUR (FP-13-015) 15.800 ACRES; 57 SINGLE FAMILY LOTS (11.99 AC.) & ROW (3.810 AC.) LOCATED ON THE NORTH SIDE OF WINDY HILL ROAD AND APPROXIMATELY 1 MILE EAST OF IH-35.**

**PLUM CREEK PHASE 1 SECTION 1G2 – PRELIMINARY PLAN (PP-13-010) 2.71 ACRES; 16 RESIDENTIAL LOTS LOCATED ALONG WETZEL, NORTHWEST CORNER OF WETZEL AND MATHER.**

**PLUM CREEK PHASE 1 SECTION 1G2 – FINAL PLAT (FP-13-016) 2.71 ACRES; 16 RESIDENTIAL LOTS LOCATED ALONG WETZEL, NORTHWEST CORNER OF WETZEL AND MATHER.**

Commissioner Ryan moved to statutorily disapprove the Amended Plat of Lot 1-M, Block B, Seton Hays County Subdivision Replat of Lot 1, Block B (AFP-14-003) and approve Post Oak Subdivision Phase 5B, Meadows at Kyle Phase Two, Meadows at Kyle Phase Four and remove Plum Creek Phase 1 Section 1G2 Preliminary Plan, and pull Plum Creek Phase 1 Section 1G2 Final Plat from the consent agenda for discussion. Commissioner Wilson seconds the motion. All votes aye. Motion carried.

Commissioner Ryan moved to approved Plum Creek Phase 1 Section 1G2 Preliminary Plan and Final Plat with the condition that staff work with the developer to create an additional buffer for Lots 15 & 16. Vice-Chair Rubsam seconds the motion. All votes aye. Motion carried.

#### **ZONING:**

**HOLD A PUBLIC HEARING AND DISCUSS THE REQUEST BY AUSTIN BROOKSIDE LP TO REZONE APPROXIMATELY 26.147 ACRES FROM SINGLE FAMILY “R-1” TO A PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT “PUD” WITH A BASE ZONING DESIGNATION OF SINGLE FAMILY ATTACHED “R-1-A” ON PROPERTY LOCATED AT THE END OF ARBOR KNOT AND FERRULE DRIVE.**

Sofia Nelson, Director of Planning gave a presentation to the Commission regarding the request by Austin Brookside LP. Perry Bigelow and Jamie Bigelow with Austin Brookside LP also addressed the Commission and gave a presentation and were available for questions.

Chairman Arabie opened the first of two public hearings at 7:10 p.m. and called for comments for or against the request by Austin Brookside LP. Terry Lewis, 720 Creekside Trail addressed the Commission stating his concerns with water run-off to his property and would like to see some type of buffer. Chairman Arabie closed the public hearing at 7:14 p.m.

This item was for public hearing and discussion only. No action was taken.

#### **ADJOURN REGULAR MEETING**

Commissioner Ryan moved to adjourn the regular meeting and go into the workshop discussion at 7:47 p.m. Commissioner Melendez seconds the motion. All voted aye. Motion carried.



## **WORKSHOP DISCUSSION:**

### **REVIEW AND DISCUSS THE RESEARCH ON LANDSCAPE VARIANCE REQUESTS AND DISCUSS REVISIONS TO THE LANDSCAPE ORDINANCE.**

Sofia Nelson, Director of Planning opened the discussion up with a hand out regarding the research she found for past variance requests. The Commission gave staff direction to redline the ordinance with changes that were discussed.

James Collins, Student KAYAC Representative excused himself from the workshop at 8:16 p.m.

## **STAFF REPORT**

## **ADJOURN**

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

The Planning & Zoning Meeting adjourned at 8:34 p.m.

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Amelia Sanchez, City Secretary

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Shane Arabie, Chairman

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

The Planning and Zoning Commission of the City of Kyle, Texas met in regular session April 22, 2014 at 6:30 p.m. at Kyle City Hall, with the following persons present:

Commissioner Dan Ryan	Joe Fernandez	David Erb
Commissioner Cicely Kay	Nicki Pringle	Marilou Petloway
Commissioner Mike Wilson	Terry Lewis	Deborah Lewis
Chairman Shane Arabie	Ed Henry	Debbie Scott
Vice-Chair Mike Rubsam	Ed Murphy	Sam Meneses
Commissioner Alfred Zambrano	Jim Hough	Perry Bigelow
Assistant City Manager, James Earp	Jamie Bigelow	Deborah Nazemi
	Nathan Cross	Jenn Cross
	William Atkinson	Francisco Martinez
	Marisol Martinez	

### **CALL MEETING TO ORDER**

Chairman Arabie called the meeting to order at 6:34 p.m.

### **ROLL CALL OF BOARD**

Chairman Arabie called for roll call. James Collins, Student KAYAC Representative and Commissioner Melendez were absent.

### **CITIZENS COMMENTS**

Chairman Arabie opened the citizens comment period at 6:34 pm and called for comments on items not on the agenda or posted for public hearing. There were no speakers. Chairman Arabie closed the citizens comment period at 6:34 pm.

### **CONSENT AGENDA**

#### **KYLE 47 SUBDIVISION PHASE 1 (FP-14-004) 35.950 ACRES; 82 LOTS LOCATED OFF OF REBEL ROAD JUST NORTH OF SILVERADO SUBDIVISION.**

*(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).*

### **ZONING**

**HOLD A PUBLIC HEARING AND DISCUSS THE REQUEST BY AUSTIN BROOKSIDE LP TO REZONE APPROXIMATELY 26.147 ACRES FROM SINGLE FAMILY "R-1" TO A PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT "PUD" WITH A BASE ZONING DESIGNATION OF SINGLE FAMILY ATTACHED "R-1-A" ON PROPERTY LOCATED AT THE END OF ARBOR KNOT AND FERRULE DRIVE.**

James Earp, Assistant City Manager gave a presentation to the Commission regarding the request by Austin Brookside LP. Perry Bigelow and Jamie Bigelow with Austin Brookside LP also addressed the Commission and gave a presentation and were available for questions.

Chairman Arabie opened the second of two public hearings at 6:46 p.m. and called for comments for or against the request by Austin Brookside LP. Joe Fernandez, David Erb, Nicki Pringle, Marilou Petloway, Terry Lewis, Deborah Lewis, Ed Henry, Debbie Scott, Ed Murphy and Sam Meneses spoke in opposition to the proposed rezone. Jim Hough spoke in favor of the proposed rezone. Chairman Arabie closed the public hearing at 7:13 p.m.

Chief Chris Alexander with the Hays County EMS and Captain Mark Schultz with Kyle Fire Department addressed the Commission and addressed the Commission's concerns.

Commissioner Wilson moved to approve the rezone request as written pending legal review. Commissioner Ryan seconds the motion. Commissioner Ryan, Wilson and Rubsam vote aye. Commissioners Kay, Arabie and Zambrano vote nay. Motion Failed.

Chairman Arabie called for recess at 8:11 p.m. The Planning and Zoning Commission reconvened from recess at 8:24 p.m.

#### **CONDITIONAL USE PERMIT**

**CONSIDER A REQUEST BY DDR DB KYLE LP (KYLE MARKETPLACE RETAIL 9) FOR A CONDITIONAL USE PERMIT TO CONSTRUCT A 19,200 SQUARE FOOT BUILDING ON PROPERTY LOCATED AT 151 EVANS DRIVE (KYLE MARKETPLACE SECTION 2 LOT 1, BLOCK D).**

Commissioner Wilson moved to approve the conditional use permit with the condition that the stone on the east and west elevations be raised up to the height of the store front glazing. Commissioner Ryan seconds the motion. All votes aye. Motion carried.

#### **VARIANCE**

**CONSIDER A REQUEST BY CROSS PLANTS AND PRODUCE, LLC, TO ALL OFF-STREET PARKING ON A SURFACE OTHER THAN A DRIVEWAY, A CONCRETE, PAVED OR STONE PAD FOR PROPERTY LOCATED AT 705 N. OLD HIGHWAY 81.**

Chairman Arabie opened the public hearing at 8:44 p.m. and called for comments for or against the request by Cross Plants and Produce, LLC. Deborah Nazemi spoke in favor of the request. Chairman Arabie closed the public hearing at 8:45 p.m.

Nathan and Jenn Cross addressed the Commission and asked that the variance be granted and were available to answer any comments or concerns from the Commission.

Commissioner Ryan moved to approve the request by Cross Plants and Produce, LLC. Commissioner Kay seconds the motion. All votes aye. Motion carried.

**CONSIDER A REQUEST BY CARL'S JR TO EXCEED THE MAXIMUM NUMBER OF PARKING SPACES FOR PROPERTY LOCATED AT 20417 IH-35.**

Chairman Arabie opened the public hearing at 8:56 p.m. and called for comments for or against the request by Carl's Jr. There were no comments. Chairman Arabie closed the public hearing at 8:56 p.m.

Commissioner Ryan moved to approve the request by Carl's Jr. Vice-Chair Rubsam seconds the motion. All votes aye. Motion carried.

## **ZONING**

**CONSIDER A REQUEST BY DACY LANE, LLC TO REZONE APPROXIMATELY 5.45 ACRES FROM 'R-1-T' RESIDENTIAL TOWNHOME TO 'R-3-3' APARTMENTS RESIDENTIAL 3 ON PROPERTY LOCATED ON THE SOUTH SIDE OF BEBEE ROAD, JUST WEST OF DACY LANE.**

Chairman Arabie opened the public hearing at 9:01 p.m. and called for comments for or against the request by Dacy Lane, LLC. There were no comments. Chairman Arabie closed the public hearing at 9:01 p.m.

Vice-Chair Rubsam moved to approve the request by Dacy Lane, LLC. Commissioner Ryan seconds the motion. All votes aye. Motion carried.

**CONSIDER A REQUEST BY JASON MARTINEZ TO ASSIGN ORIGINAL ZONING TO APPROXIMATELY 1.02 ACRES FROM 'AG' AGRICULTURE TO 'RS' RETAIL SERVICE DISTRICT ON PROPERTY LOCATED AT 2580 KYLE CROSSING.**

Chairman Arabie opened the public hearing at 9:07 p.m. and called for comments for or against the request by Jason Martinez. There were no comments. Chairman Arabie closed the public hearing at 9:07 p.m.

Commissioner Ryan moved to approve the request by Jason Martinez. Commissioner Zambrano seconds the motion. All votes aye. Motion carried.

**CONSIDER A REQUEST BY RR HPI, LP TO REZONE APPROXIMATELY 0.999 ACRES FROM 'PUD' PLANNED UNIT DEVELOPMENT TO 'RS' RETAIL SERVICE DISTRICT ON PROPERTY LOCATED ON THE WEST SIDE OF IH-35 BETWEEN LOOP 4 AND KYLE CROSSING.**

Chairman Arabie opened the public hearing at 9:12 p.m. and called for comments for or against the request by RR HPI, LP. There were no comments. Chairman Arabie closed the public hearing at 9:12 p.m.

Commissioner Wilson moved to approve the request by RR HPI, LP. Commissioner Ryan seconds the motion. All votes aye. Motion carried.

**CONSIDER A REQUEST BY CAVALIER LAMAR HOLDING, LP TO REZONE APPROXIMATELY 0.399 ACRES FROM 'RS' RETAIL SERVICE DISTRICT TO 'PUD' PLANNED UNIT DEVELOPMENT ON PROPERTY LOCATED ON THE WEST SIDE OF IH-35 BETWEEN LOOP 4 AND KYLE CROSSING.**

Chairman Arabie opened the public hearing at 9:13 p.m. and called for comments for or against the request by Cavalier Lamar Holding, LP. There were no comments. Chairman Arabie closed the public hearing at 9:13 p.m.

Commissioner Wilson moved to approve the request by Cavalier Lamar Holding, LP. Commissioner Ryan seconds the motion. All votes aye. Motion carried.



## **TRANSPORTATION MASTER PLAN REQUEST**

### **HOLD A PUBLIC HEARING AND DISCUSS A REQUEST BY RODOLFO GONZALEZ PROPERTY OWNER OF 1200 DACY LANE, TO REMOVE THE EXTENSION OF KYLE PARKWAY FROM THE TRANSPORTATION MASTER PLAN.**

Chairman Arabie opened the public hearing at 9:18 p.m. and called for comments for or against the request by Rodolfo Gonzalez. William Atkinson stated he is concerned that if the Commission removes the extension it may cause some traffic issues. Chairman Arabie closed the public hearing at 9:20 p.m.

Francisco Martinez addressed the Commission on behalf of Rodolfo Gonzalez asking to remove the extension of Kyle Parkway from the Transportation Master Plan (1200 Dacy Lane). He stated that the road is going through the middle of the property and creates a hardship with developing the property or the sale of the property.

Marisol Martinez, Realtor also addressed the Commission asking to remove the extension going through the property located at 1200 Dacy Lane.

No action taken

### **STAFF REPORT**

No items to report.

### **ADJOURN**

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

The Planning & Zoning Meeting adjourned at 9:30 p.m.

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Amelia Sanchez, City Secretary

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Shane Arabie, Chairman

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

The Planning and Zoning Commission of the City of Kyle, Texas met in regular session May 27, 2014 at 6:30 p.m. at Kyle City Hall, with the following persons present:

Commissioner Dan Ryan  
Commissioner Cicely Kay  
Commissioner Mike Wilson  
Chairman Shane Arabie  
Vice-Chair Mike Rubsam  
Commissioner Alfred Zambrano  
Commissioner Irene Melendez  
Assistant City Manager, James Earp  
City Attorney, Ken Johnson

Lesley Guittot  
Diane Bernal  
James Massaro  
Nicki Pringle  
Terry Lewis  
Deborah Nazemi  
Lila Knight

Fidel Alvarez  
Michael Saucedo  
Jamie Bigelow

### **CALL MEETING TO ORDER**

Chairman Arabie called the meeting to order at 6:34 p.m.

### **ROLL CALL OF BOARD**

Chairman Arabie called for roll call. James Collins, Student KAYAC Representative was absent and Commissioner Zambrano was absent from roll call. Commissioner Zambrano arrived at 6:59 p.m.

### **CITIZENS COMMENTS**

Chairman Arabie opened the citizens comment period at 6:34 pm and called for comments on items not on the agenda or posted for public hearing. Lila Knight addressed the Commission and stated that she was in opposition for item 5E (East Buffet Conditional Use Permit). Chairman Arabie closed the citizens comment period at 6:36 pm.

### **CONSENT AGENDA**

#### **CREEKSIDE VILLAGE PHASE 1 & PHASE 2 (FP-14-006) 25.21 ACRES; 98 SINGLE FAMILY LOTS LOCATED OFF OF BURLESON ROAD ADJACENT TO THE RAILROAD TRACKS.**

*(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).*

#### **KENSINGTON TRAILS SUBDIVISION SECTION 5B & 5C (FP-14-005) 15.73 ACRES; 57 SINGLE FAMILY LOTS – 2 OPEN SPACE/LANDSCAPE LOTS LOCATED OFF OF BEBEE ROAD AND AT THE END OF DOWNING WAY.**

*(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*  
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*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).*

**KYLE 150/I-35 SUBDIVISION REPLAT OF LOTS 2-6 TO ESTABLISH LOTS 2A-8A (SFP-14-002) 45.341 ACRES; 7 COMMERCIAL LOTS LOCATED OFF OF FM 150 EAST AND IH-35 NORTHBOUND FRONTAGE.**

*(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).*

**MEADOWS AT KYLE PHASE 3 (FP-13-012) 10.958 ACRES; 58 SINGLE FAMILY LOTS AND ROW LOCATED ON THE NORTH SIDE OF WINDY HILL ROAD APPROXIMATELY 1 MILE EAST OF IH-35.**

Commissioner Ryan moved to statutorily disapprove Creekside Village Phase 1 & Phase 2, Kensington Trails Subdivision Section 5B & 5C and Kyle 150/I35 Subdivision Replat of Lots 2-6 to Establish Lots 2A-8A and approve Meadows at Kyle Section 3 – Final Plat. Vice-Chair seconds the motion. All votes aye. Motion carried.

**CONSIDER AND POSSIBLE ACTION**

**CONSIDER A CONDITIONAL USE PERMIT REQUEST FOR ADDITIONAL CHANGES TO THE DESIGN BY O'REILLY AUTO ENTERPRISES, LLC. ON PROPERTY LOCATED AT 22387 IH-35. (CUP-14-002)**

Lesley Guittot addressed the Commission asking for two exceptions to the previously approved Conditional Use Permit.

- O'Reilly requests to use Red behind the side elevation sign
- Raising the height of stone to the height of the storefront created conflicts with side signage and mechanical penetrations – amended by dropping the stone 1' 0" below the height of the storefront.

Commissioner Ryan moved to approve the change to the design. Commissioner Melendez seconds the motion. All votes aye. Motion carried.

**CONSIDER A REQUEST BY ARTURO & LINDA GONZALES AND DANNY & AMADA PAVIA (RR 150 RETAIL CENTER) FOR A CONDITIONAL USE PERMIT TO CONSTRUCT A 7,819.72 SQUARE FOOT BUILDING (BUILDING #1) ON PROPERTY LOCATED AT 1501 & 1601 RR 150. (CUP-14-007)**

Vice-Chair Rubsam moved to approve the request by Arturo & Linda Gonzalez and Danny & Amada Pavia. Commissioner Ryan seconds the motion. All votes aye. Motion carried.

**CONSIDER A REQUEST BY RICHARD P. EDWARDS, IV & RACHEL LYNNE EDWARDS (AMAZING ICE DESIGNS PHASE I) FOR A CONDITIONAL USE PERMIT TO CONSTRUCT A 9,000 SQUARE FOOT BUILDING ON PROPERTY LOCATED AT 181 WELDON JOHNSTON WAY, LOT 8. (CUP-14-008)**

**CONSIDER A REQUEST BY RICHARD P. EDWARDS, IV & RACHEL LYNNE EDWARDS (AMAZING ICE DESIGNS PHASE II) FOR A CONDITIONAL USE PERMIT TO CONSTRUCT A 9,000 SQUARE FOOT BUILDING ON PROPERTY LOCATED AT 161 WELDON JOHNSTON WAY, LOT 9. (CUP-14-009)**

Vice-Chair Rubsam moved to approve the Conditional Use Permits for 181 and 161 Weldon Johnston Way, Lots 8 & 9. Commissioner Ryan seconds the motion. All votes aye. Motion carried.

**CONSIDER A REQUEST BY QIN RONG, LLC. (EAST BUFFET) FOR A CONDITIONAL USE PERMIT FOR AN EXISTING 5,800 SQUARE FOOT BUILDING LOCATED AT 103 W. CENTER STREET. (CUP-14-010)**

Vice-Chair Rubsam moved to deny the request by Qin Rong, LLC (East Buffet). Commissioner Wilson seconds the motion. Commissioners Kay, Wilson, Arabie, Rubsam and Melendez vote aye. Commissioner Ryan votes nay. Motion carried.

## **ZONING**

**CONSIDER A REQUEST BY AUSTIN BROOKSIDE LP TO REZONE APPROXIMATELY 26.147 ACRES FROM SINGLE FAMILY "R-1-1" TO A PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT "PUD" WITH A BASE ZONING DESIGNATION OF SINGLE FAMILY ATTACHED "R-1-A" ON PROPERTY LOCATED AT THE END OF ARBOR KNOT AND FERRULE DRIVE.**

James Earp, Assistant City Manager gave a presentation to the Commission regarding the request by Austin Brookside LP. Mr. Earp stated that the applicant withdrew the application before going to City Council in order to address some concerns from the public.

Jamie Bigelow with Austin Brookside LP also addressed the Commission and gave a brief presentation and was available for questions.

Chairman Arabie opened the public hearing at 6:57 p.m. and called for comments for or against the request by Austin Brookside LP. Nicki Pringle stated her concerns with traffic and the wear and tear on the roads. Terry Lewis stated his concerns with run-off from the detention pond. Deborah Nazemi stated that she would like to see some type of fencing/buffering around the development. Lila Knight stated that she is in favor of the request to build courtyard homes and would like to see more diversified housing throughout the City. Chairman Arabie closed the public hearing at 7:03 p.m.

**Commissioner Zambrano arrived at 6:59 p.m.**

Commissioner Wilson moved to recommend approval of the rezone request pending staff and legal review of the verbiage of the Brookside Development Regulation, Standards and Variances



Agreement. Commissioner Ryan seconds the motion. Commissioners Kay, Ryan, Wilson, Arabie, Rubsam and Melendez vote aye. Commissioner Zambrano votes nay. Motion carried.

**CONSIDER A REQUEST BY DAVID AND MICHAEL SAUCEDO TO REZONE APPROXIMATELY 0.3055 ACRES FROM 'R-1' SINGLE FAMILY TO 'R-2' RESIDENTIAL TWO FAMILY ON PROPERTY LOCATED AT 400 S. MAIN STREET. (Z-14-004)**

Chairman Arabie opened the public hearing at 7:20 p.m. and called for comments for or against the request by David and Michael Saucedo. Fidel Alvarez stated he is in opposition to the rezone request. Lila Knight stated is in favor of the rezone request. Chairman Arabie closed the public hearing at 7:29 p.m.

Commissioner Wilson moved to approve the request by David and Michael Saucedo. Commissioner Ryan seconds the motion. Commissioners Ryan, Kay, Wilson, Arabie and Melendez vote aye. Commissioners Rubsam and Zambrano vote nay. Motion carried.

**CONSIDER A REQUEST BY JASON MARTINEZ TO ASSIGN ORIGINAL ZONING TO APPROXIMATELY 1.02 ACRES FROM 'AG' AGRICULTURE TO 'RS' RETAIL SERVICE DISTRICT ON PROPERTY LOCATED AT 2580 KYLE CROSSING.**

James Earp, Assistant City Manager gave a brief presentation and also stated that an email was received by Jeff Barton on behalf of an Rick Sheldon, adjacent property owner asking the Commission to enforce the I-35 Overlay and other existing design standards to ensure quality development and healthy property values for all property owners in this area.

Chairman Arabie opened the public hearing at 9:07 p.m. and called for comments for or against the request by Jason Martinez. There were no comments. Chairman Arabie closed the public hearing at 9:07 p.m.

Commissioner Ryan moved to approve the request by Jason Martinez. Commissioner Zambrano seconds the motion. All votes aye. Motion carried.

**CONSIDER A REQUEST BY RR HPI, LP TO REZONE APPROXIMATELY 0.999 ACRES FROM 'PUD' PLANNED UNIT DEVELOPMENT TO 'RS' RETAIL SERVICE DISTRICT ON PROPERTY LOCATED ON THE WEST SIDE OF IH-35 BETWEEN LOOP 4 AND KYLE CROSSING.**

Chairman Arabie opened the public hearing at 9:12 p.m. and called for comments for or against the request by RR HPI, LP. There were no comments. Chairman Arabie closed the public hearing at 9:12 p.m.

Commissioner Wilson moved to approve the request by RR HPI, LP. Commissioner Ryan seconds the motion. All votes aye. Motion carried.

**CONSIDER A REQUEST BY CAVALIER LAMAR HOLDING, LP TO REZONE APPROXIMATELY 0.399 ACRES FROM 'RS' RETAIL SERVICE DISTRICT TO 'PUD' PLANNED UNIT DEVELOPMENT ON PROPERTY LOCATED ON THE WEST SIDE OF IH-35 BETWEEN LOOP 4 AND KYLE CROSSING.**

Chairman Arabie opened the public hearing at 9:13 p.m. and called for comments for or against the request by Cavalier Lamar Holding, LP. There were no comments. Chairman Arabie closed the public hearing at 9:13 p.m.

Commissioner Wilson moved to approve the request by Cavalier Lamar Holding, LP. Commissioner Ryan seconds the motion. All votes aye. Motion carried.

## **TRANSPORTATION MASTER PLAN REQUEST**

### **HOLD A PUBLIC HEARING AND DISCUSS A REQUEST BY RODOLFO GONZALEZ PROPERTY OWNER OF 1200 DACY LANE, TO REMOVE THE EXTENSION OF KYLE PARKWAY FROM THE TRANSPORTATION MASTER PLAN.**

James Earp, Assistant City Manager stated that the City is currently in the process of getting bids to hire a consultant to amend the Transportation Master Plan and staff's recommendation is to remand the proposed request to the Transportation Master Plan Committee to review and make a recommendation.

Chairman Arabie opened the public hearing at 9:18 p.m. and called for comments for or against the request by Rodolfo Gonzalez. Lila Knight stated that she is in agreement with the recommendation from James Earp, Assistant City Manager. Chairman Arabie closed the public hearing at 9:20 p.m.

Vice-Chair Rubsam moved to remand the request to the Transportation Master Plan Committee for re-evaluation of the extension of Kyle Parkway this summer. Commissioner Ryan seconds the motion. All votes aye. Motion carried.

## **STAFF REPORT**

No items to report.

## **ADJOURN**

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

The Planning & Zoning Meeting adjourned at 7:48 p.m.

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Amelia Sanchez, City Secretary

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Shane Arabie, Chairman

June 24, 2014

## *Planning and Zoning Commission*

Final Plat

**Case Number:** FP-14-004

**OWNER/APPLICANT:** D&L Brooks Investments

**PROJECT NAME:** Kyle 47 Subdivision Phase 1

**LOCATION:** 1000 Rebel Dr (East side of E RR 150, across from Hometown Kyle Subdivision)

**AREA:** 35.95 Acres

**EXISTING ZONING:** R-1-A (Single Family Attached) and CC (Community Commercial)

**SITE INFORMATION:**

**Transportation:** The subject property is located at 1000 block of Rebel Dr

***Surrounding Zoning:***

- *North:* Retail and Services (R/S)
- *South:* Single Family Residential (R-1-2)
- *East :* Single Family Residential (R-1)
- *West:* Single Family Residential (R-1-2)

***Future Land Use Designation:*** Mid-Town Community

***Comprehensive Plan Guidance***

The Mid-Town Community has more recent residential areas centering around curvilinear streets, but still has proximity to the Downtown area and commercial nodes.

***Zoning District***

R-1-A is the single family attached zoning category that allows smaller houses (Minimum of 1,000 sq ft) with up to 6.8 houses per acre. The lots that front Rebel Dr are zoned CC (Community Commercial) which allows a variety of retail and service uses with special standards to provide buffers between residential areas, lighting specifications and hours of operability.

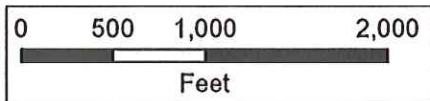
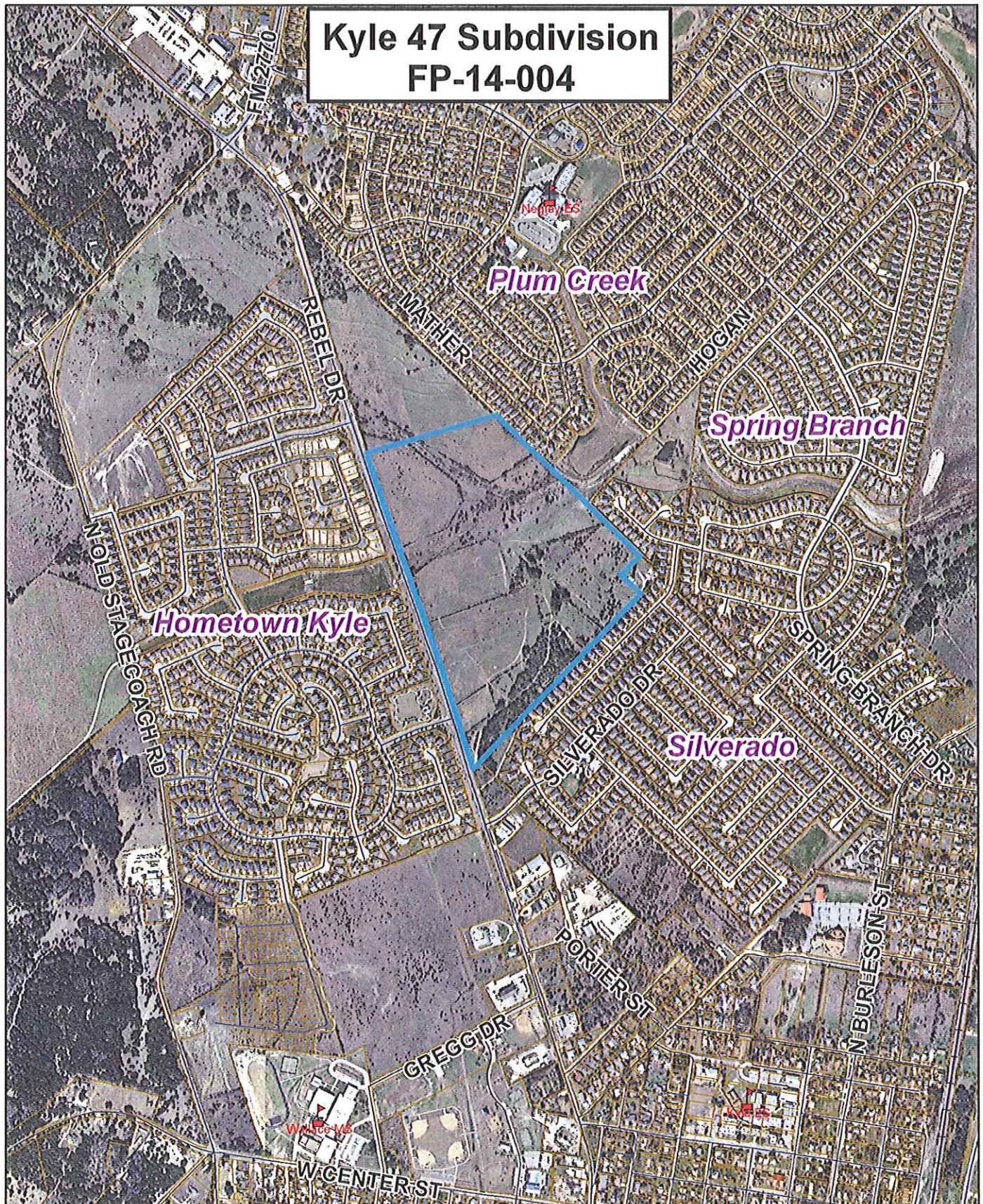
**STAFF ANALYSIS:**

***Background***

This phase of the project includes 74 single family residential lots and 5 commercial lots (8.12 acres) and 1 lot for a private park (8.417 acres) and 2 access/drainage easement lots.



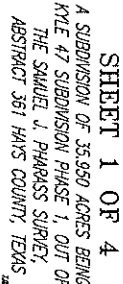
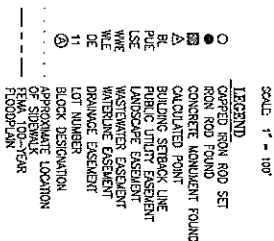
# Kyle 47 Subdivision FP-14-004



 Parcel Lines



D & L BROOKS INVESTMENTS LLC  
REMAINDER OF 100 ACRES  
VOL. 4412 PG. 245



Carlson, Bigance & Doering, Inc.

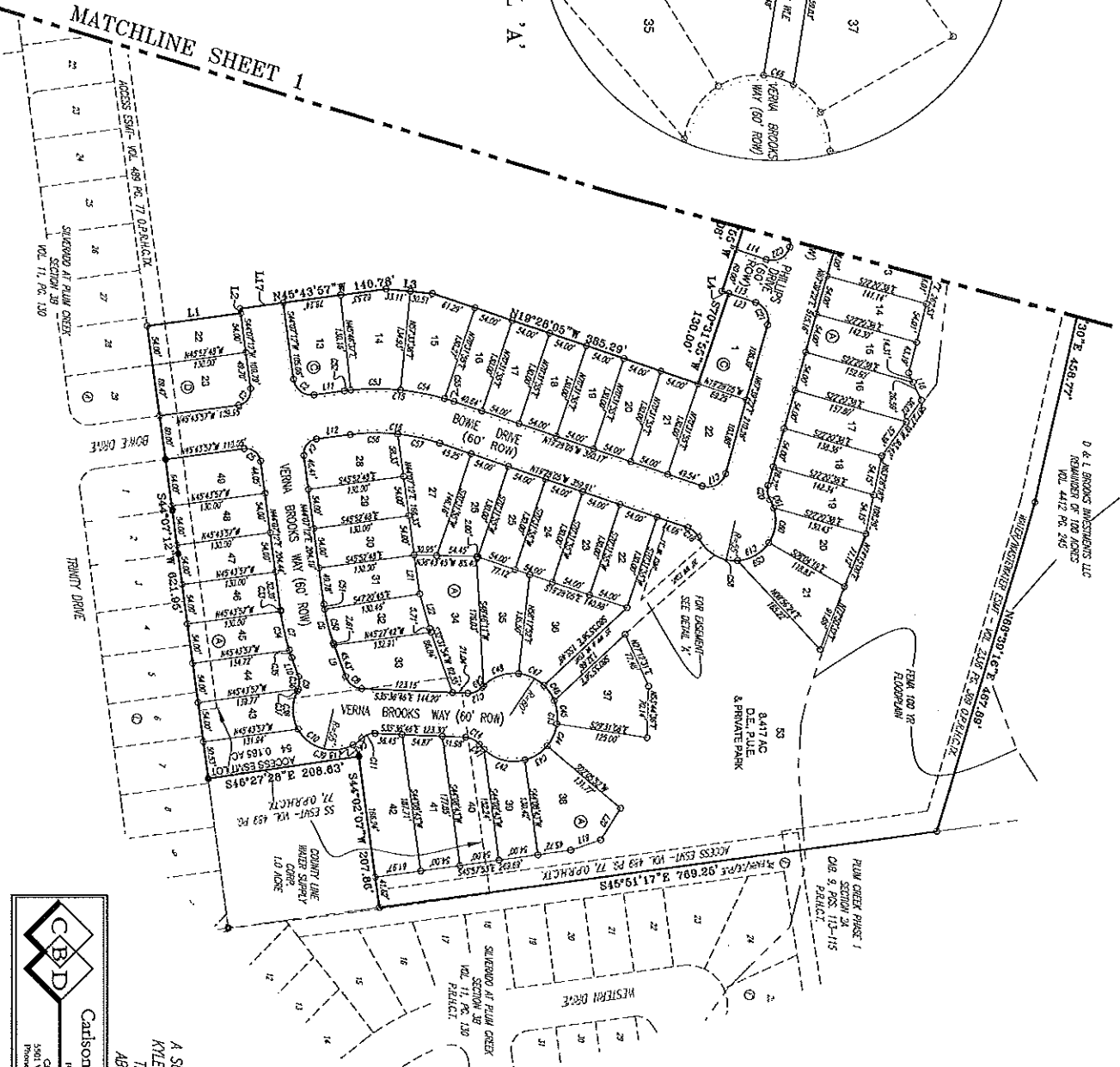
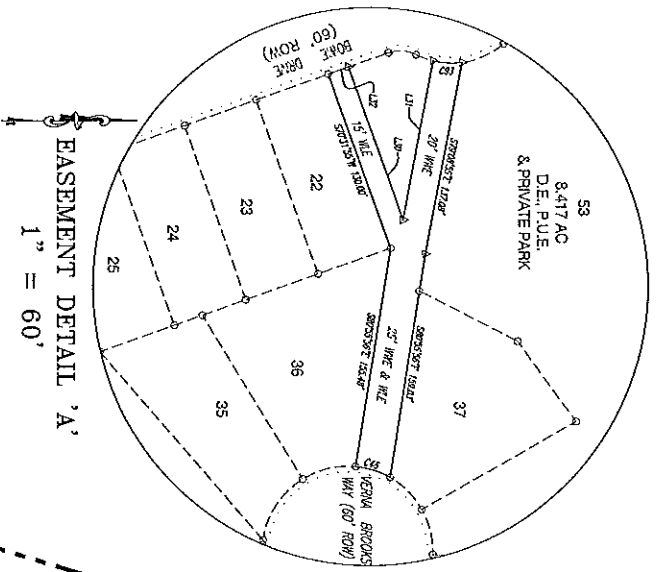
FILM ID #F5791 ♦ IUCG. # 10029920

**Civil Engineering** ♦ **Surveying**  
5501 West Williams Canyon ♦ Austin, Texas 78749

Phono No. (512) 280-5160 ♦ Fax No. (512) 280-5165

J:\4626\SURFEN\KTE 47 PHASE 1 PLAT.dwg

# KYLE 47 SUBDIVISION PHASE 1



SCALE: 1" = 100'

- LEGEND
- OPENED ROW ROAD SET
  - CONCRETE MONUMENT FOUND
  - △ CALCULATED POINT
  - BUILDING SETBACK LINE
  - PUBLIC UTILITY EASEMENT
  - LANDSCAPE EASEMENT
  - WASTEWATER EASEMENT
  - WATERLINE EASEMENT
  - DRAINAGE EASEMENT
  - LOT NUMBER
  - BLOCK DESIGNATION
  - APPROXIMATE LOCATION
  - FEMA 100-YEAR FLOODPLAIN

SHEET 2 OF 4

A SUBDIVISION OF 35,990 ACRES BEING KYLE 47 SUBDIVISION PHASE 1, OUT OF THE SAMUEL J. PHARRAS SURVEY, ABSTRACT 361 HAYS COUNTY, TEXAS

Carlson, Brigrance & Doering, Inc.

FRANK 22 H53791

DATE: 4/10/2000

Client: Engineering

Survey: Survey

Phone No: (512) 285-5100

Fax No: (512) 285-5105

4/10/01 SURVEY KYLE 47 PHASE 1 PLAT 104

## KYLE 47 SUBDIVISION PHASE 1

### AREA TABLE

[illegible]

### Curve Table

Curve Table						
Curve #	Length	Radius	Chord Direction	Chord Length	Tangent	DELTA
C1	194.53	5729.65	N18°23'21"W	194.52	97.26	175°43'
C2	39.21	25.00	N08°42'21"W	35.31	24.94	85°51'08"
C3	31.47	20.00	S50°11'30"W	20.32	20.05	90°09'51"
C4	31.47	20.00	N08°11'33"E	28.32	20.05	90°09'51"
C5	31.36	20.00	S00°48'13"E	28.25	19.95	85°51'08"
C6	54.61	270.00	N28°33'33"E	54.52	27.40	17°35'18"
C7	66.74	330.00	N28°33'33"E	66.63	33.49	17°35'18"
C8	23.23	25.00	N01°32'28"W	23.01	16.91	62°08'40"
C9	20.32	25.00	S05°46'36"W	19.76	14.75	46°30'48"
C10	154.62	25.00	N01°26'26"W	106.54	133.66	16°35'18"
C11	20.32	25.00	S05°33'42"E	19.76	14.75	46°30'48"
C12	21.68	25.00	N02°27'16"W	21.00	11.57	46°40'43"
C13	262.94	60.00	S3°42'31"W	17.65	50.92	27°51'34"
C14	21.68	25.00	S10°46'22"E	21.00	11.57	46°40'43"
C15	151.27	330.00	S32°36'01"E	149.95	78.99	28°15'50"
C16	123.77	270.00	S27°46'01"E	123.60	62.89	27°52'32"
C17	40.42	25.00	N05°31'21"W	35.23	26.29	92°53'33"
C18	20.32	25.00	S03°49'31"W	19.76	14.75	46°30'43"
C19	178.56	55.00	N05°51'21"W	106.85	104.19	136°00'39"
C20	20.32	25.00	N4°22'21"E	19.76	14.75	46°30'43"
C21	39.22	25.00	S2°49'36"W	34.46	23.28	87°01'22"
C22	40.32	25.00	N05°51'21"W	35.23	26.29	92°53'33"
C23	20.32	25.00	S05°49'31"W	19.76	14.75	46°30'43"
C24	162.60	55.00	S26°42'17"W	109.80	1211.78	171°48'38"
C25	20.32	25.00	N27°17'33"W	19.76	14.75	46°30'43"
C26	15.43	25.00	S26°49'21"W	12.89	91.61	81°46'03"
C27	50.47	530.00	S16°42'32"E	50.46	22.26	57°22'24"
C28	44.76	470.00	S16°44'33"E	44.74	22.40	57°21'24"
C29	31.42	20.00	N45°48'36"W	28.28	20.00	90°09'00"
C30	38.89	25.00	S26°18'33"W	34.87	24.33	88°23'01"
C31	39.29	25.00	S04°29'00"E	35.44	25.12	90°17'09"
C32	31.42	20.00	N25°31'55"E	28.28	20.00	90°09'00"
C33	1.61	330.00	N45°48'37"E	1.61	0.80	0°16'46"
C34	54.28	330.00	N39°17'47"E	54.22	27.20	9°25'27"
C35	10.66	330.00	N32°58'27"E	10.66	5.43	1°31'05"
C36	17.26	25.00	S27°35'55"W	16.92	8.99	6°59'39"
C37	3.06	25.00	S75°35'33"W	3.05	1.53	8°59'39"
C38	53.88	55.00	N21°02'01"E	51.75	29.32	56°07'53"
C39	85.43	55.00	N21°17'29"W	77.45	54.54	85°57'06"
C40	15.00	55.00	N47°13'57"W	14.96	7.56	15°37'46"

Curve Table

Curve Table						
Curve /	Length	Radius	Chord Direction	Chord Length	Tangent	Offset
C01	9.42	60.00	N02°34.16'E	9.41	4.72	0.5310"
C02	66.77	60.00	N62°56.36"W	58.21	33.88	5.90132"
C03	33.11	60.00	N07°25.42"W	30.03	18.89	3.35546"
C04	33.11	60.00	S05°17.22"W	22.69	16.89	3.13770"
C05	32.29	60.00	S04°04.06"W	21.89	16.54	3.04310"
C06	32.46	60.00	S17°29.50"W	22.37	12.93	2.41938"
C07	30.73	60.00	S13°10.53'E	28.12	20.10	3.71223"
C08	41.70	200.00	N07°35.94'E	41.64	22.81	1.00710"
C09	6.91	200.00	N03°21.31'E	6.91	3.45	1.72758"
C22	8.89	150.00	S04°59.40'E	8.89	4.35	1.73334"
C23	67.86	330.00	S03°19.53'E	67.75	34.05	1.114639"
C24	61.34	330.00	S27°05.32'E	61.26	30.76	1.02310"
C25	12.17	330.00	S20°17.43'E	12.12	6.69	2.78116"
C26	60.00	200.00	S05°50.03'E	60.66	30.68	1.53474"
C27	58.75	200.00	S25°42.07'E	58.64	29.49	1.28210"
C28	65.76	55.00	N07°09.17"W	61.91	37.46	0.67303"
C29	50.81	55.00	N07°32.17"W	49.02	21.38	0.52554"
C30	40.30	55.00	S35°56.17"W	41.75	28.55	5.12723"
C31	12.80	55.00	S27°28.39"W	12.57	6.33	1.50716"
C32	69.46	55.00	S57°37.24"W	73.92	58.16	9.31174"
C33	55.23	55.00	S08°11.53'E	54.25	31.85	5.99355"
C34	21.61	55.00	S04°19.28'E	21.47	10.94	2.27201"
C35	12.29	530.00	S14°40.31'E	12.29	6.14	1.71933"
C36	38.19	530.00	S17°24.13'E	38.19	19.11	4.07464"
C37	38.80	400.00	S15°49.19'E	38.79	14.60	3.75757"
C38	14.95	400.00	S18°15.21'E	14.95	7.49	1.94727"
C39	20.94	20.00	N07°28.05"W	20.89	11.56	6.03010"
C40	10.47	20.00	N04°28.05"W	10.25	5.35	3.00107"
C41	20.94	20.00	N04°31.55'E	20.80	11.55	6.03010"
C42	10.47	20.00	N04°28.05"W	10.25	5.35	3.00107"
C43	43.13	5720.05	N17°41.16"W	43.11	21.66	0.75359"
C44	129.46	5720.05	N18°15.06"W	129.45	64.73	3.71740"
C45	61.85	5720.05	N19°18.27"W	61.76	30.88	0.71033"
C46	32.86	5764.05	N17°46.48"W	32.86	16.43	0.61704"
C47	21.62	55.00	S32°26.42"W	21.17	11.41	2.25201"
C48	20.29	55.00	N02°20.44'E	20.17	10.26	2.13854"
C49	46.50	5759.05	N19°10.59"W	46.50	23.45	0.72807"

Line Table

Line Table		
Line #	Length	Direction
L1	130.00	NMS74°11'W
L2	6.09	S40°11'W
L3	6.62	N25°20'W
L4	9.85	S89°53'W
L5	60.02	S89°53'W
L6	85.46	S81°19'30"E
L7	118.85	N07°02'N
L8	104.55	N55°10'N
L9	48.04	S21°14'W
L10	32.15	S22°14'W
L11	40.85	N65°43'W
L12	45.38	N65°33'W
L13	48.84	N19°38'W
L14	43.01	N18°28'W
L15	44.60	N19°36'W
L16	40.51	N26°45'E
L17	8.06	S81°10'W
L18	115.82	S81°10'W
L19	42.39	S56°43'E
L20	51.09	N25°55'E
L21	53.55	N43°12'E
L22	49.14	N25°45'E
L23	38.89	N19°38'W
L24	28.76	S30°11'W
L25	65.01	N22°29'E
L26	65.03	N20°15'E
L27	65.03	N20°15'E
L28	174.65	N25°19'E
L29	15.03	N20°15'E
L30	114.89	S70°15'W
L31	114.89	S70°15'W
L32	15.00	N19°28'W
L33	128.80	S70°15'W
L34	122.42	S70°15'W

**SHEET 3 OF 4**  
A SUBDIVISION OF 35,990 ACRES BEING  
KYLE 47 SUBDIVISION PHASE 1, OUT OF  
THE SAMUEL J. PHARRAS SURVEY,  
ABSTRACT 361 HAYS COUNTY, TEXAS

Carlson, Brigrance & Doering, Inc.

PLM ID #FY771 ♦ RUC, #10024906

**Civil Engineering** ♦ **Surveying**

5501 West William Cannon ♦ Atuluri, Texas 78749

17th St. N.W. (212) 200-2100 • 17th St. N.W. (212) 200-2100

J:\4626\SURVEY\KME 47 PHASE 1 PLAT.dwg

# KYLE 47 SUBDIVISION PHASE 1

STATE OF TEXAS ]  
COUNTY OF HAYS ]

KNOW ALL MEN BY THESE PRESENTS:  
THAT D & L BROOKS INVESTMENTS LLC, BEING THE OWNER OF THE REMAINDER OF 100.00 ACRES OF LAND OUT OF THE JOHN  
PHARASS SURVEY, ABSTRACT NUMBER 361, SITUATED IN HAYS COUNTY, TEXAS AS CONVEYED BY DEED RECORDED IN VOLUME 4412,  
PAGE 245 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, DO HEREBY SUBDIVIDE 35.950 ACRES OF LAND IN ACCORDANCE  
WITH THIS PLAT, TO BE KNOWN AS:

## KYLE 47 SUBDIVISION PHASE 1

AND DO HEREBY DEDICATE TO THE PUBLIC THE USE OF THE EASEMENTS SHOWN HEREON, SUBJECT TO ANY EASEMENTS, COVENANTS OR  
RESTRICTIONS HERETOFORE GRANTED AND NOT RELEASED.

WITNESS MY HAND, THIS THE \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_ A.D.

D & L BROOKS INVESTMENTS LLC  
1503 ARNOLD MILLER TRAIL  
AUSTIN, TX 78745

STATE OF TEXAS ]  
COUNTY OF HAYS ]

BEFORE ME, THE UNDERSIGNED AUTHORITY ON THIS DAY PERSONALLY APPEARED \_\_\_\_\_  
KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND HE ACKNOWLEDGED TO ME THAT  
HE EXECUTED THE SAME FOR THE PURPOSE AND CONSIDERATION THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED.

NOTARY PUBLIC, STATE OF TEXAS

PRINTED NOTARY NAME \_\_\_\_\_  
MY COMMISSION EXPIRES: \_\_\_\_\_

THIS FINAL PLAT, KYLE 47 SUBDIVISION PHASE 1, HAS BEEN SUBMITTED TO AND CONSIDERED BY THE PLANNING AND ZONING  
COMMISSION OF THE CITY OF KYLE, TEXAS AND IS HEREBY APPROVED BY SAID 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 KYLE 47 SUBDIVISION, PHASE 1, WAS  
APPROVED BY THE CITY COUNCIL OF THE CITY OF KYLE, TEXAS ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_. SAID  
ACTION 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

REVIEWED BY DIRECTOR OF PUBLIC WORKS

REVIEWED BY CITY ENGINEER

STATE OF TEXAS ]  
COUNTY OF HAYS ]

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

DO HEREBY CERTIFY THAT A PORTION OF THIS PROPERTY IS LOCATED WITHIN A DESIGNATED 100-YEAR FLOOD ZONE  
AREA, AS DELINEATED ON THE FLOOD INSURANCE RATE MAP (FIRM) COMMUNITY PANELS 48029C 0270G, DATED  
SEPTEMBER 2, 2005, AS PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY. ADDITIONALLY, STORMWATER  
RUNOFF FROM THE 100 YEAR STORM EVENT SHALL BE CONTAINED WITHIN THE DRAINAGE FACILITIES TO BE LOCATED  
WITHIN THE RIGHTS-OF-WAY, AND /OR OPEN SPACE AND DRAINAGE EASEMENT LOTS.

CHARLES R. BRIGANCE, JR., P.E. No. 64346  
CARLSON, BRIGANCE & DOERING, INC.  
5501 WEST WILLOW CANYON  
AUSTIN, TEXAS 78749  
(512) 280-5180

DATE



CARLSON, BRIGANCE & DOERING, INC.  
EJ 13791

### GENERAL 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 LOTS 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. 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.
6. OWNER(S) OF PROPERTY WITH DRAINAGE AND UTILITY EASEMENT(S) SHALL ALLOW ACCESS FOR INSPECTIONS,  
REPAIR, MAINTENANCE AND RECONSTRUCTION AS MAY BE NECESSARY.
7. PRIOR TO CONSTRUCTION OF ANY IMPROVEMENTS ON LOTS IN THIS SUBDIVISION, BUILDING PERMITS WILL BE  
OBTAINED FROM THE CITY OF KYLE.
8. TYPICAL LANDSCAPE MAINTENANCE, CUTTING AND TRIMMING, WITHIN THE SUBDIVISION, ALL EASEMENTS, DETENTION  
PONDS AND RIGHT OF WAYS TO THE EXTENT TO BE THE RESPONSIBILITY OF PROPERTY OWNERS AND/OR PROPERTY  
OWNERS ASSOCIATIONS.
9. SIDEWALKS, PEDESTRIAN CROSSINGS AND OTHER PUBLIC AMENITIES TO BE DEDICATED TO THE CITY OF KYLE SHALL  
MEET OR EXCEED ALL 2010 ADA STANDARDS OF ACCESSIBILITY DESIGN AND ALL CURRENT FEDERAL AND STATE LAWS  
REGARDING ACCESS FOR PEOPLE WITH DISABILITIES FOR TITLE II ENTITIES.
10. LOTS 50 AND 51 BLOCK "A" AND LOTS 24, 25 AND 26 "D" RESPECTIVELY ARE REQUIRED TO PROVIDE  
REPROPORTIONATE JOINT USE ACCESS TO BE DETERMINED AT SITE PLAN.

I, LIZ GONZALEZ, COUNTY CLERK OF HAYS COUNTY, TEXAS, DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT IN  
WRITING WITH ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORD IN MY OFFICE ON THE \_\_\_\_ DAY OF  
\_\_\_\_\_, 20\_\_\_\_ A.D., AT \_\_\_\_ O'CLOCK \_\_\_\_ M. IN THE PLAT RECORDS OF  
HAYS COUNTY, TEXAS IN VOLUME \_\_\_\_\_, PAGE(S) \_\_\_\_\_.

WITNESS MY HAND AND SEAL OF OFFICE, THIS THE \_\_\_\_ DAY OF \_\_\_\_\_,  
20\_\_\_\_ A.D.

LIZ GONZALEZ, BY: \_\_\_\_\_  
COUNTY CLERK  
HAYS COUNTY, TEXAS

STATE OF TEXAS ]  
COUNTY OF HAYS ]

I, AARON V. THOMASON, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HEREBY  
CERTIFY THAT THIS PLAT IS TRUE AND CORRECTLY MADE AND IS PREPARED FROM AN ACTUAL SURVEY OF THE  
PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND AND THAT THE CORNER MONUMENTS WERE PROPERLY  
PLACED UNDER MY SUPERVISION.

SURVEYED BY:

AARON V. THOMASON, R.P.L.S. #5214  
CARLSON, BRIGANCE & DOERING, INC.  
5501 WEST WILLOW CANYON DR.  
AUSTIN, TEXAS 78749  
aaron@cbdoering.com

DATE



SHEET 4 OF 4  
A SUBDIVISION OF 35.950 ACRES BEING  
KYLE 47 SUBDIVISION PHASE 1, OUT OF  
THE SAMUEL J. PHARASS SURVEY,  
ABSTRACT 361 HAYS COUNTY, TEXAS



**Carlson, Brigance & Doering, Inc.**  
FIRM ID #F3721 REG. # 10024200  
Civil Engineering Surveying  
5501 West Willow Canyon Austin, Texas 78749  
Phone No. (512) 280-5160 Fax No. (512) 280-5165

J:\4628\SURVEY\KYLE 47 PHASE 1 PLAT.dwg



June 24, 2014

Conditional Use  
Permit

## *Planning and Zoning Commission*

**Case Number:** CUP-14-011

**OWNER/APPLICANT:** GTFCU, Tommy Seargeant, CEO

**PROJECT NAME:** Greater Texas Federal Credit Union

**LOCATION:** 5433 Kyle Center Dr (Lot 1A Block E of the Kyle Marketplace Section 2)

**AREA:** 1.33 Acres

**EXISTING ZONING:** Retail and Services (R/S); IH 35 Zoning Overlay

**SITE INFORMATION:**

**Transportation:** The subject property is located at 5433 Kyle Center Dr., on the corner of Physicians Way. It has frontage on the south bound IH 35 Service Rd., but has no driveway access to the frontage road.

***Surrounding Zoning:***

- *North:* Retail and Services (R/S)
- *South:* Retail and Services (R/S)
- *East :* Retail and Services (R/S)
- *West:* Retail and Services (R/S)

***Future Land Use Designation:*** Super Regional Node

***Comprehensive Plan Guidance***

The Super Regional Node should contain large-scale commercial and retail land uses, creating employment opportunities and a significant commercial destination on the IH 35 corridor.

***Zoning District***

The Retail and Services (R/S) allows general retail sales of consumable goods and any use also allowed in CBD-1 and CBD-2 zoning districts.

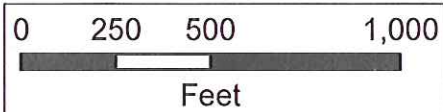
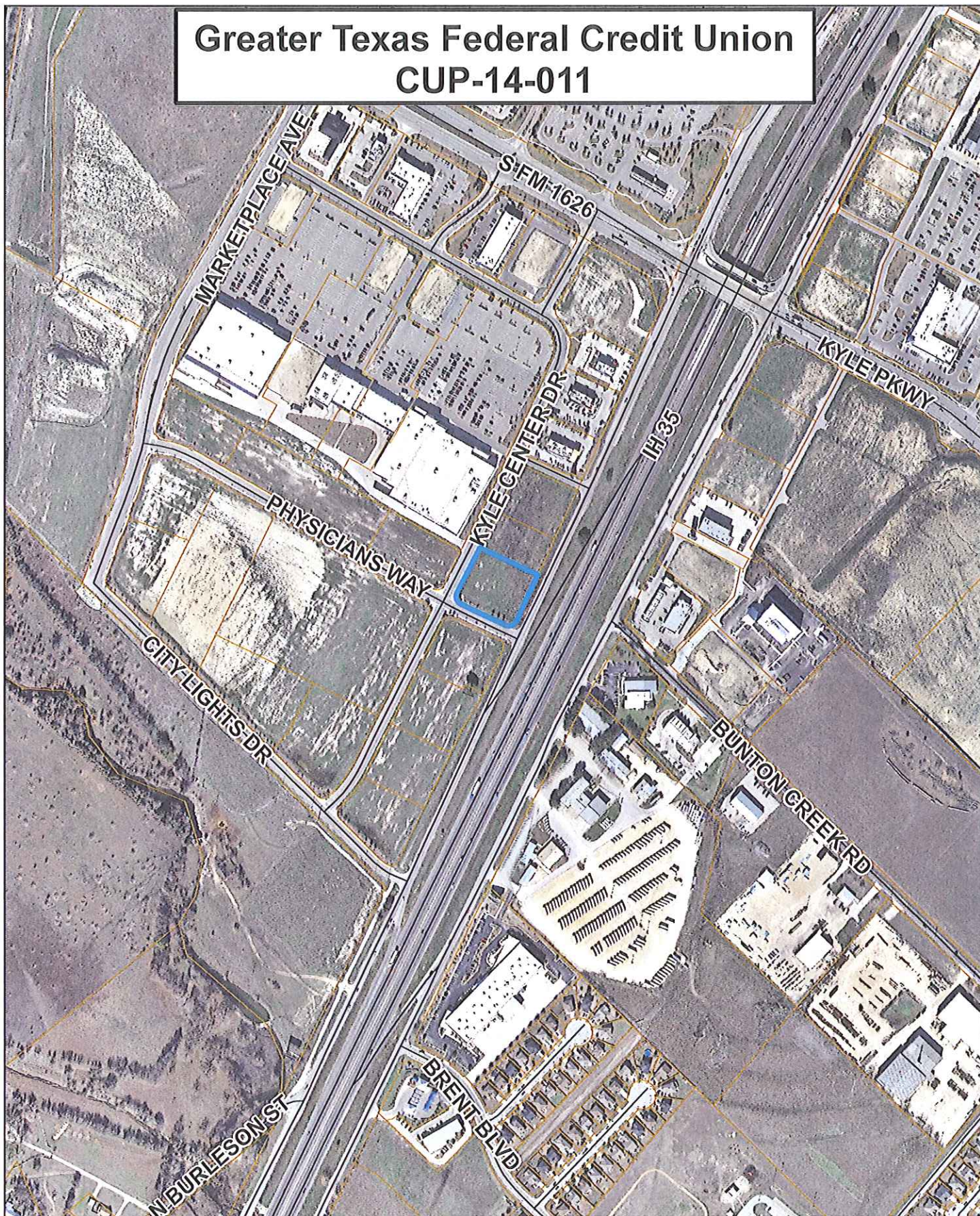
**STAFF ANALYSIS:**

***Background***

Due to the location inside the IH 35 Zoning Overlay, the applicant is requesting a conditional use permit for the construction of a 1,755 square foot bank building.

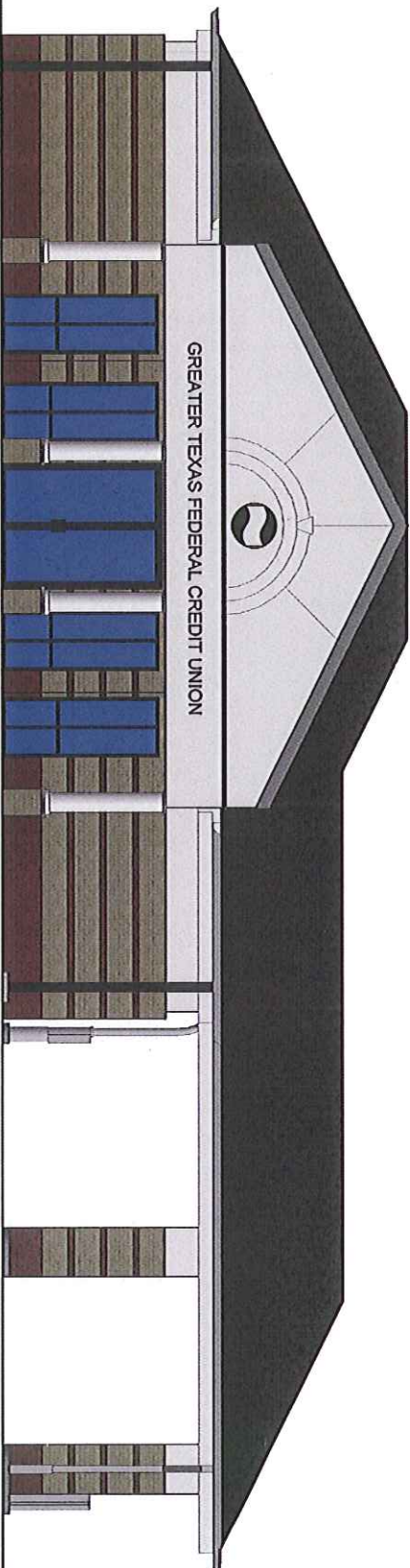


# Greater Texas Federal Credit Union CUP-14-011



 Parcel Lines





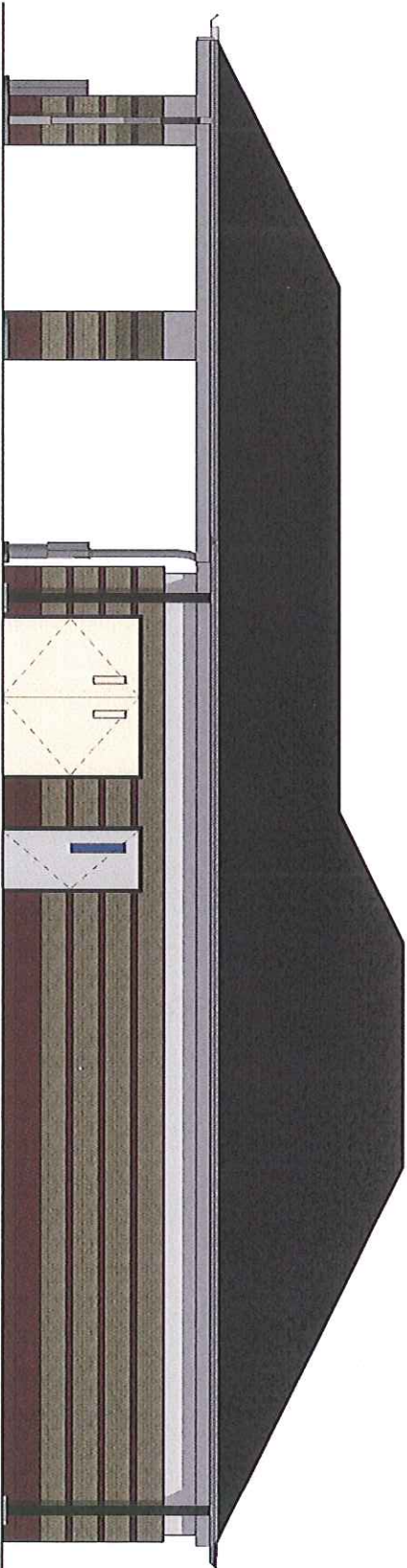
EAST ELEVATION  
SCALE: 3/16" = 1'-0"

1 A6.3

**pfluger**

05.14.2014

GREATER TEXAS FEDERAL CREDIT UNION



**WEST ELEVATION 1**

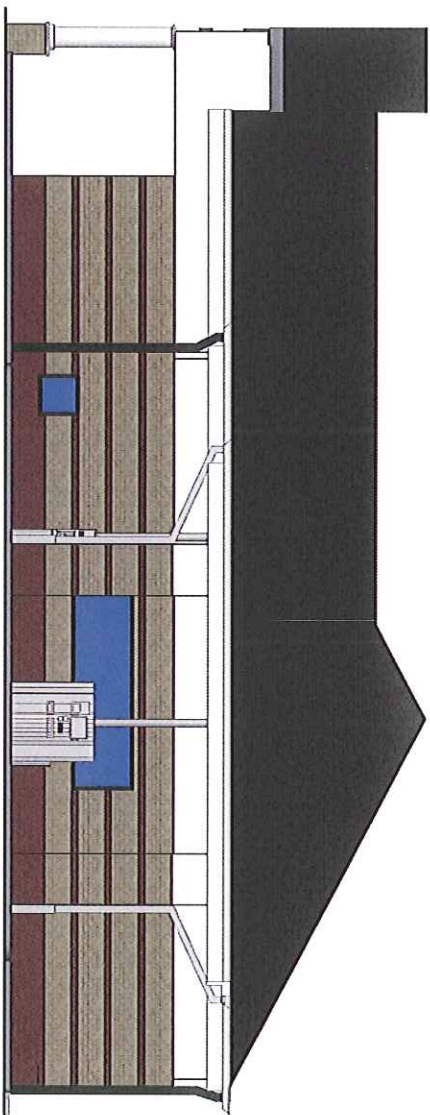
SCALE: 3/16" = 1'-0"

**A6.4**

**pfluger**

05.14.2014

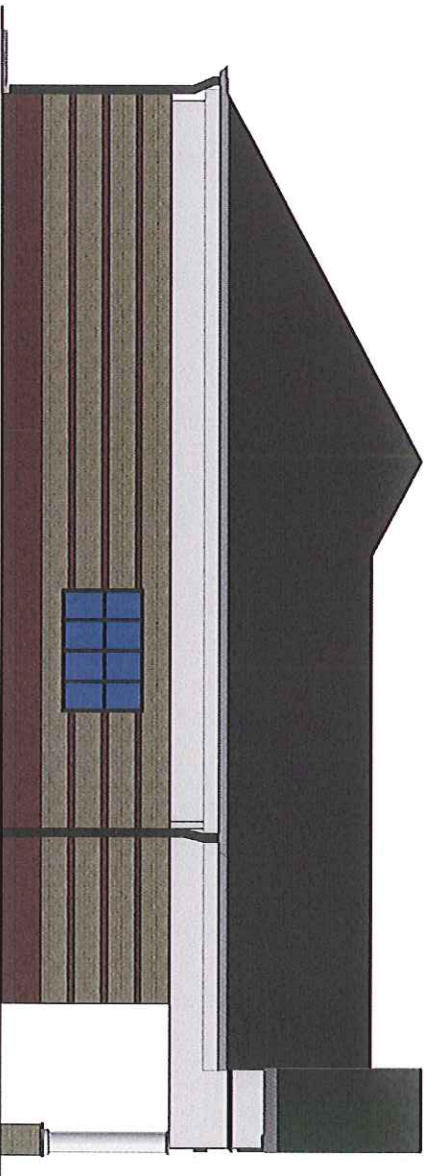
GREATER TEXAS FEDERAL CREDIT UNION



**NORTH ELEVATION**

SCALE: 3/16" = 1'-0"

**1 A6.5**

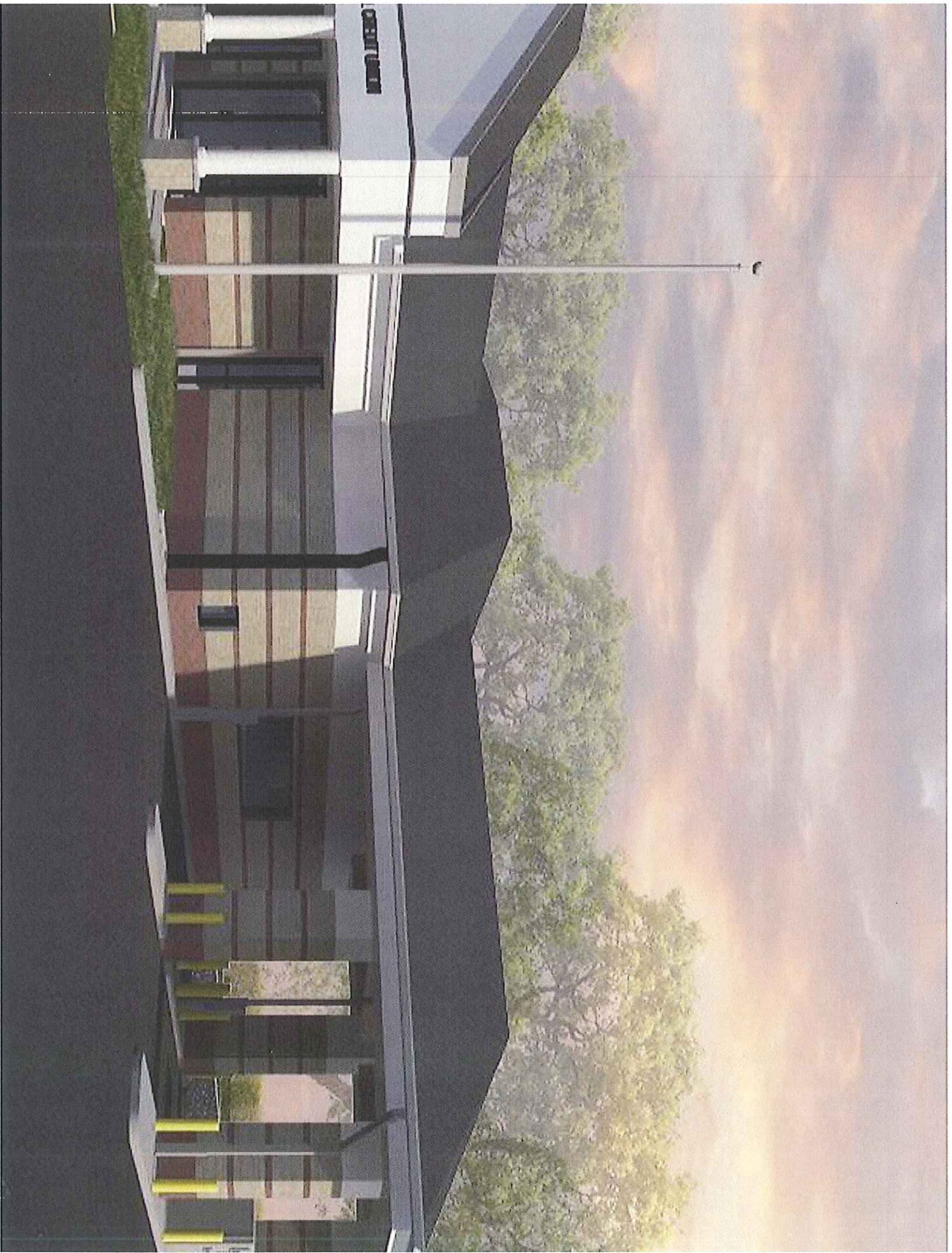


**SOUTH ELEVATION**  
SCALE: 3/16" = 1'-0"

**1**

**A6.6**









June 24, 2014

Conditional Use  
Permit

## *Planning and Zoning Commission*

**Case Number:** CUP-14-012

**OWNER/APPLICANT:** Wal-Mart Real Estate Business Trust

**PROJECT NAME:** Wal-Mart Fuel Station

**LOCATION:** 20585 IH 35 (Lot 2A of the Replat of SCC Bunton Creek Subdivision)

**AREA:** 1.45 Acres

**EXISTING ZONING:** Retail and Services (R/S); IH 35 Zoning Overlay

**SITE INFORMATION:**

**Transportation:** The subject property is located at 20585 IH 35, just south of Kyle Pkwy. It can be accessed directly from the north bound feeder road of IH-35 or from the back by existing internal driveways used by the entire SCC development.

***Surrounding Zoning:***

- *North:* Retail and Services (R/S)
- *South:* Retail and Services (R/S)
- *East :* Retail and Services (R/S)
- *West:* Retail and Services (R/S)

***Future Land Use Designation:*** Super Regional Node

***Comprehensive Plan Guidance***

The Super Regional Node should contain large-scale commercial and retail land uses, creating employment opportunities and a significant commercial destination on the IH 35 corridor.

***Zoning District***

The Retail and Services (R/S) allows general retail sales of consumable goods and any use also allowed in CBD-1 and CBD-2 zoning districts.

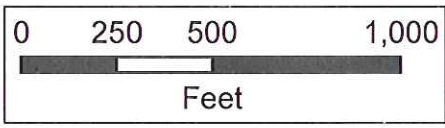
**STAFF ANALYSIS:**

***Background***

Due to the location inside the IH 35 Zoning Overlay, the applicant is requesting a conditional use permit for the construction of a 740 square foot fuel station kiosk and 16 gasoline pumps in conjunction with the Wal-Mart on the lot immediately to the east of this project.



# Wal-Mart Fuel Station CUP-14-012

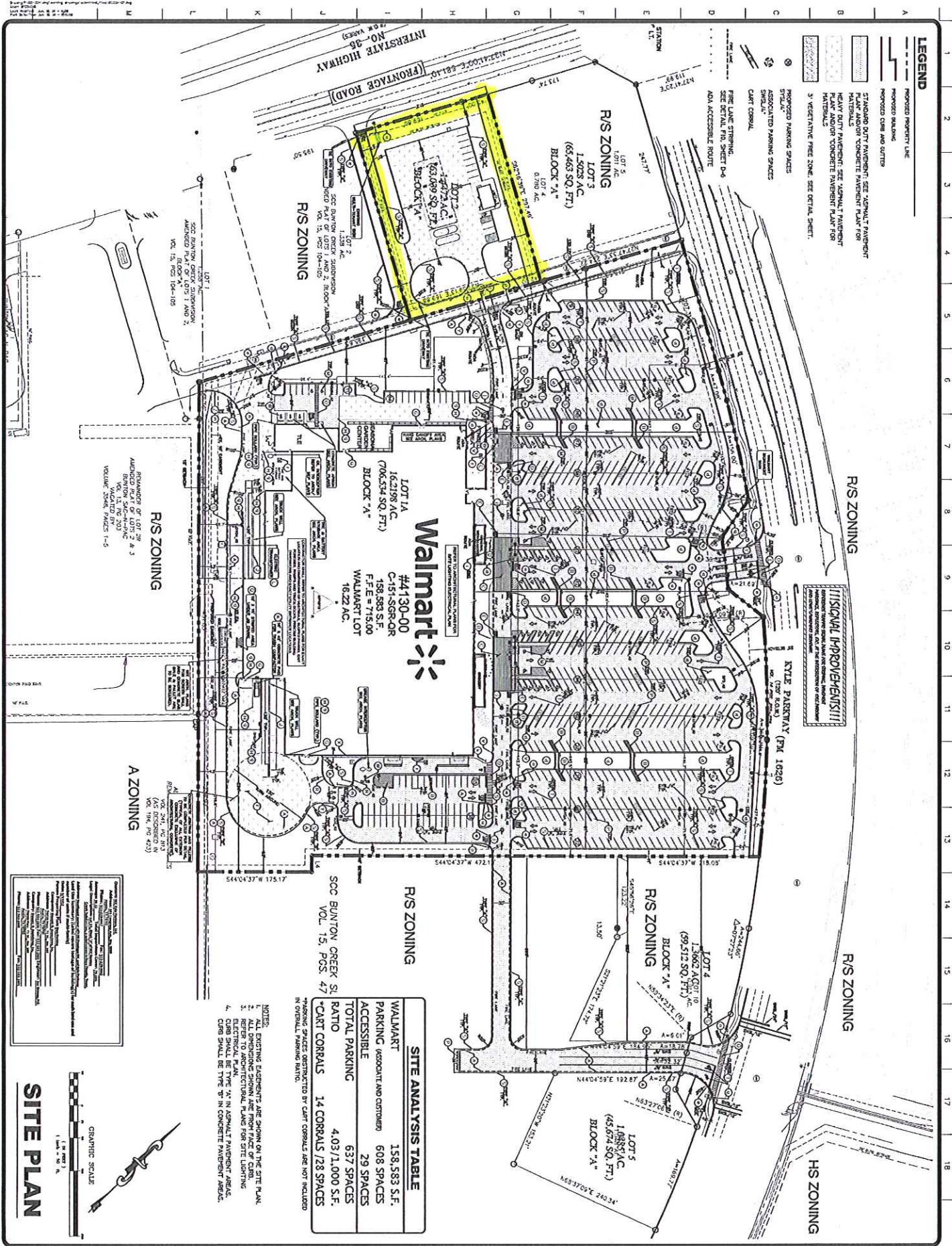


 Parcel Lines









- LEGEND**
- PROPOSED PROPERTY LINE
  - PROPOSED BUILDING
  - PROPOSED CURB AND GUTTER
  - STANDARD DUTY PAVEMENT SEE ASPHALT PAVEMENT PLAN ADOPT CONCRETE PAVEMENT PLAN FOR MATERIALS
  - PLAN ADOPT CONCRETE PAVEMENT PLAN FOR MATERIALS
  - 3' VEGETATIVE FIRE ZONE SEE DETAIL SHEET
  - PROPOSED PARKING SPACES
  - ASSOCIATED PARKING SPACES
  - CURT CORRAL
  - FIRE LINE STRIPPING SEE DETAIL TO SHEET D-4
  - ADA ACCESSIBLE ROUTE

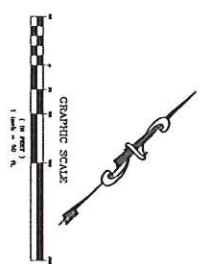
**Walmart\***

**SITE ANALYSIS TABLE**

WALMART	158,583 S.F.
PARKING (ASSOCIATE AND CUSTOMER)	608 SPACES
ACCESSIBLE	29 SPACES
TOTAL PARKING	637 SPACES
RATIO	4.03/1,000 S.F.
"CART CORRALS"	14 CORRALES / 28 SPACES

PAVING SPACES DEDUCTED BY CART CORRALES ARE NOT INCLUDED IN OVERALL PARKING RATIO.

- NOTES:**
- ALL EXISTING EXHIBITS ARE SHOWN ON THE SITE PLAN.
  - REFER TO ARCHITECTURAL PLANS FOR SITE LIGHTING.
  - ELECTRICAL PLAN.
  - CURB SHALL BE TYPE "A" IN ASPHALT PAVEMENT AREAS.
  - CURB SHALL BE TYPE "B" IN CONCRETE PAVEMENT AREAS.



**SITE PLAN**

**Walmart\***

WALMART STORE #4130-00  
KYLE, HAYS COUNTY, TEXAS

WAL-MART STORES, INC.  
2001 SE 10TH STREET  
BENTONVILLE, AR 72716

**DA DOUCET & ASSOCIATES**

Civil Engineering - Planning - Surveying - Mapping

7401 B. Highway 71 W, Suite 140  
Austin, Texas 78735, Phone: (512) 583-2100  
www.doucetandassociates.com  
Firm Registration Number: 5137

**REVISIONS**

NO.	DATE	DESCRIPTION

June 24, 2014

Conditional Use  
Permit

## *Planning and Zoning Commission*

**Case Number:** CUP-14-013

**OWNER/APPLICANT:** Wynette Barton, Friends of the Library

**PROJECT NAME:** Kyle Library Thrift Shop Addition

**LOCATION:** 100 W. Lockhart St (Lot 1-7 Block 2 of the Original Town of Kyle)

**AREA:** 0.323 Acres

**EXISTING ZONING:** Central Business District-2 (CBD-2); IH 35 and CBD Overlays

### **SITE INFORMATION:**

**Transportation:** The subject property is located at 100 W. Lockhart St, on the corner of W. Lockhart St and N. Front St., one block north of Center St.

### ***Surrounding Zoning:***

- *North:* Central Business District-2 (CBD-2)
- *South:* Central Business District-2 (CBD-2)
- *East :* Retail and Services (R/S)
- *West:* Central Business District-2 (CBD-2)

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

### ***Comprehensive Plan Guidance***

The Old Town Community encompasses the historic part of downtown Kyle. Primary uses are civic, specialty commercial and residential. This district should offer local commercial services while maintaining the historic character of the community.

### ***Zoning District***

Central Business District-2 (CBD-2) allows a mix of office restricted commercial developments and residential uses.

### **STAFF ANALYSIS:**

#### ***Background***

Due to the location inside the IH 35 Zoning Overlay and the Central Business District Overlay, the applicant is requesting a conditional use permit for the construction of a 2,282 square foot addition to the existing 1,479 square foot building.



## **Friends of the Kyle Library Thrift Shop Addition**

100 West Lockhart St., Kyle, Texas

Submitted June 4, 2014

The 18' x 152' addition to the east side of the present Thrift Shop is designed to give more space for work and sales inside and to enhance the outside appearance of the building. Outside construction will blend with and compliment the materials and design of the City Hall, one block away, and the new downtown fire station. The front of the addition will overlap a section of the current store front and extend outward 22' toward Lockhart Street to provide a more appealing store face with a large display window. The new front section will be covered by stone with red brick trim, with current front porch pillars wrapped partway up with red brick.

Stone on the building front will wrap around the building, showing on the east exterior wall (facing Front St.), which will be tan Hardie Board siding with stone trim running 2' upward from the sidewalk. The addition's extreme rear, which is two stories, will not carry stonework in order to break up the building's length and avoid a "shotgun" appearance.

Roof will be tan to complement the siding, in a lighter shade for contrast. The 5' east sidewalk will be partially covered by a roof overhang. Along the overhang's outer edge will hang small (approximately 8"x 24"), tasteful wooden signs, each hung by two short chains, announcing items for sale ("clothing", "housewares", "toys", "books", etc.) in the frontier style of early Kyle.

Double back doors at the rear of the new addition will contain a flapped opening for after-hours donations, large enough for depositing small items, but not large enough for a person to enter. Nearby will stand the small (refurbished) structure now used for night contributions. Just beyond this, to the east, will be the trash pickup area, shielded from public view by a stone and Hardie Board wall. This wall will also be used to carry instructional signage for dropping off donations which, when left improperly, constitute difficult and expensive problems for the Shop and its employees. Surveillance cameras will be installed in this area.

Upstairs area, for storage and work only, will not be accessible to the public. West side of building (facing water tower) and rear will remain unchanged. Not shown in the attached schematic drawing is the drop from the sidewalk to the parking lot at the building's eastern edge. This drop will be compensated by an ADA ramp with a metal railing to allow for safety and easy access. (Elevation and ramp are clearly shown in the designer's blueprint plan.) Sidewalks will be engineered by Ash & Associates, San Marcos.

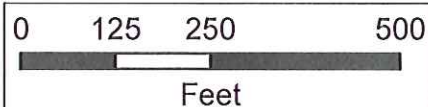
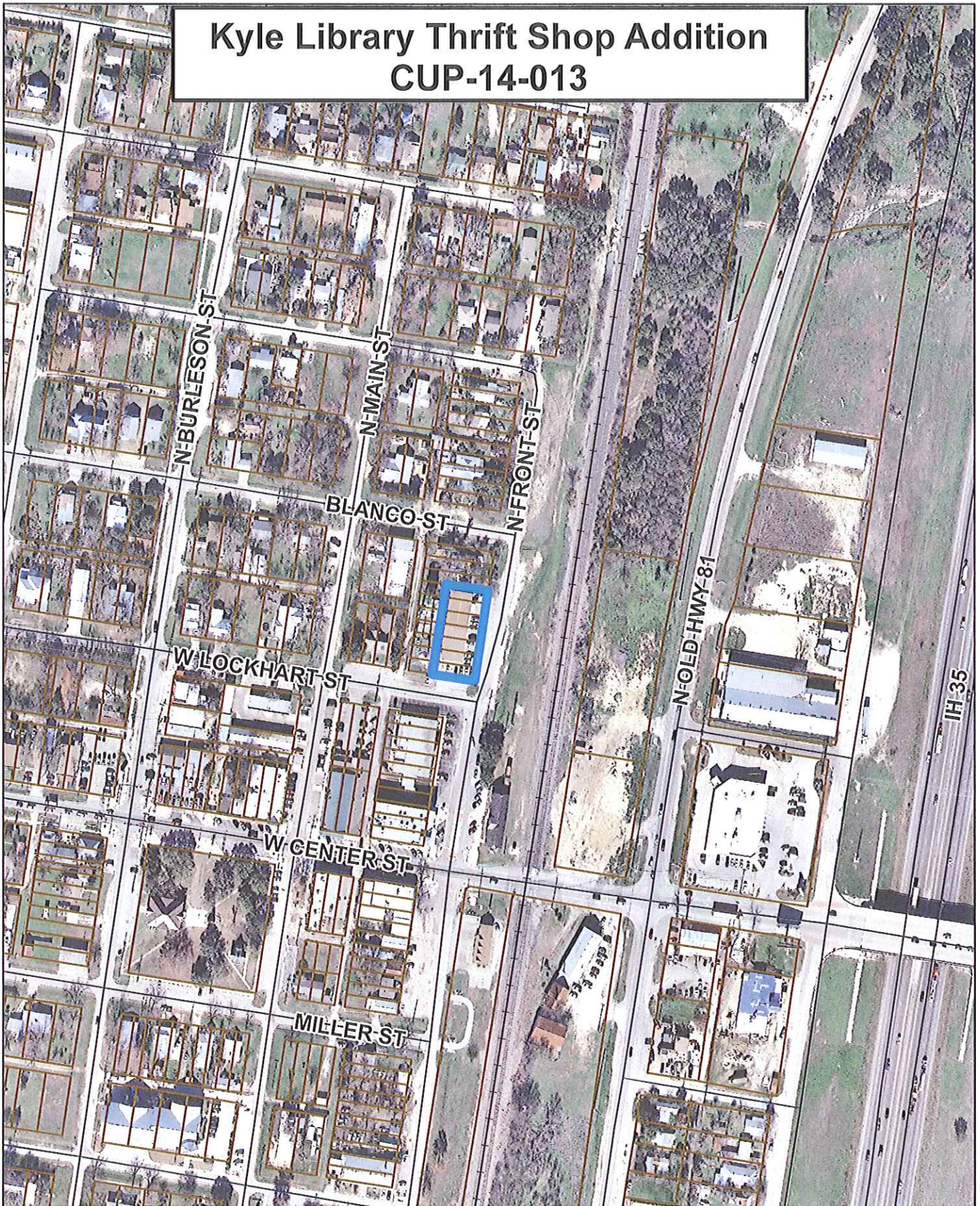
### **Contacts for further information:**

Wynette Barton, President, Friends of the Kyle Library, 1717 N. Burleson St., Kyle, TX 78640, 512-262-1110, [wbarton2@austin.rr.com](mailto:wbarton2@austin.rr.com)

Frank Hernandez, Toltec Construction, Builder 512-753-2811



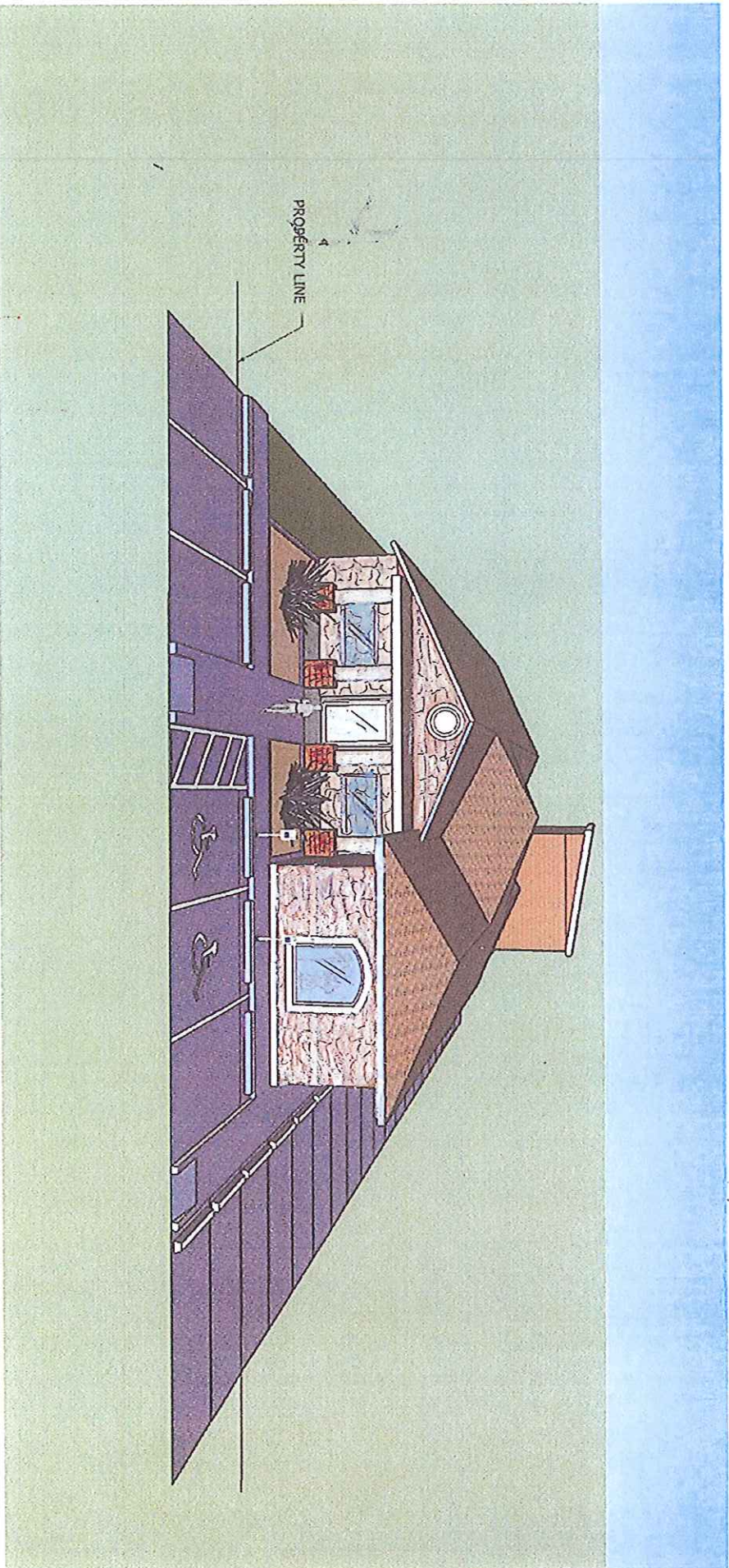
# Kyle Library Thrift Shop Addition CUP-14-013



Parcel Lines

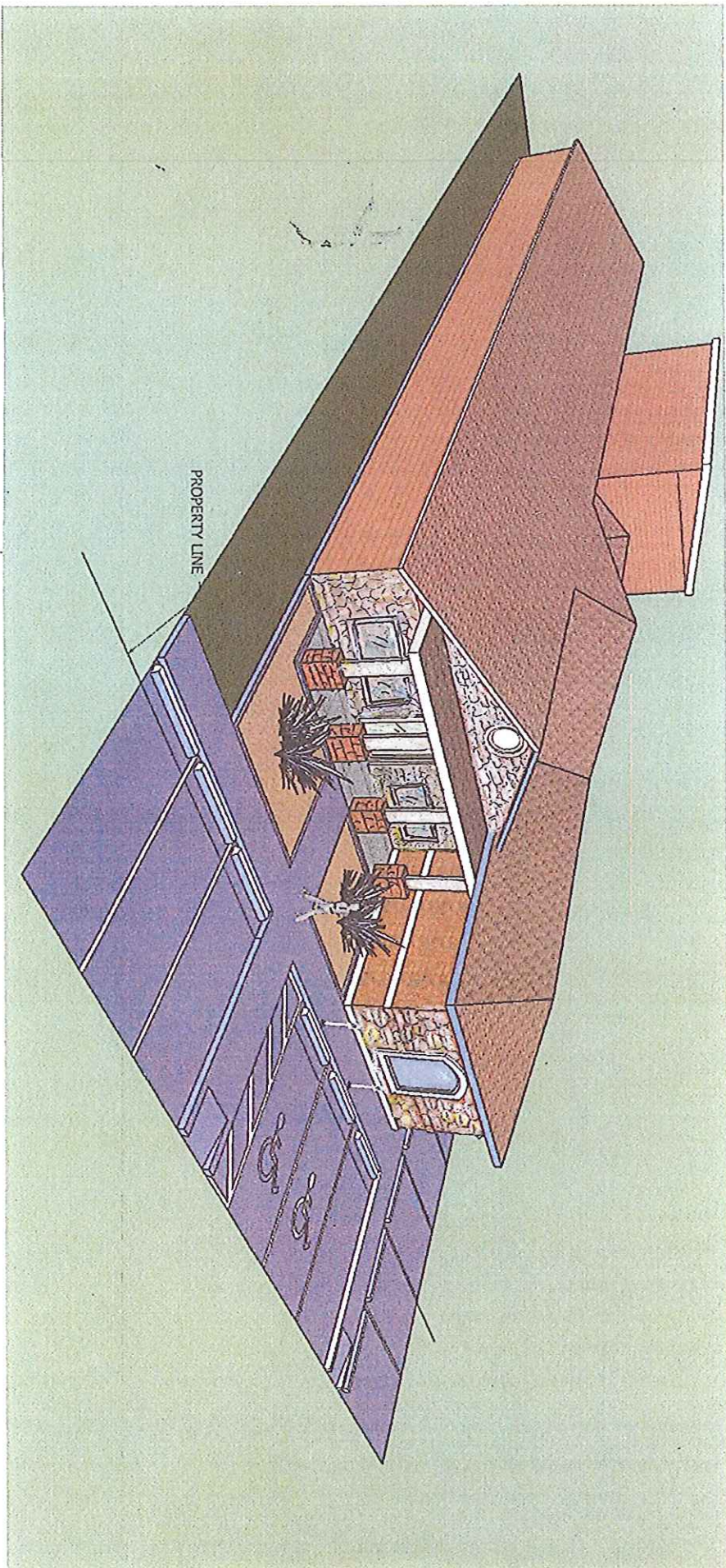


Schematic Drawing  
View of Front (from Lockhart Street)  
**Friends of the Kyle Library Thrift Shop Addition**  
100 West Lockhart St., Kyle, Texas  
Submitted June 4, 2014



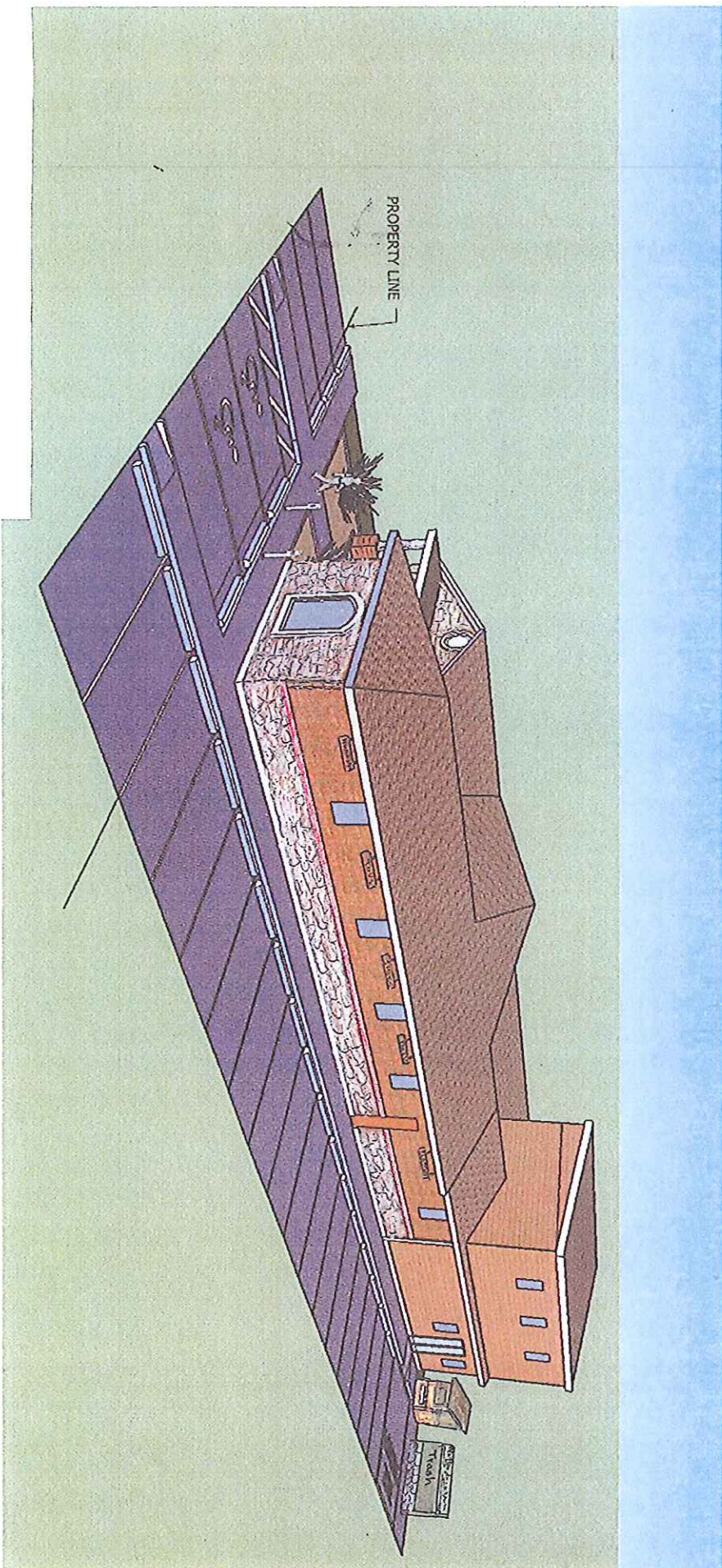


Schematic Drawing  
View of West Side (from Front Street)  
**Friends of the Kyle Library Thrift Shop Addition**  
100 West Lookhart St., Kyle, Texas  
Submitted June 4, 2014



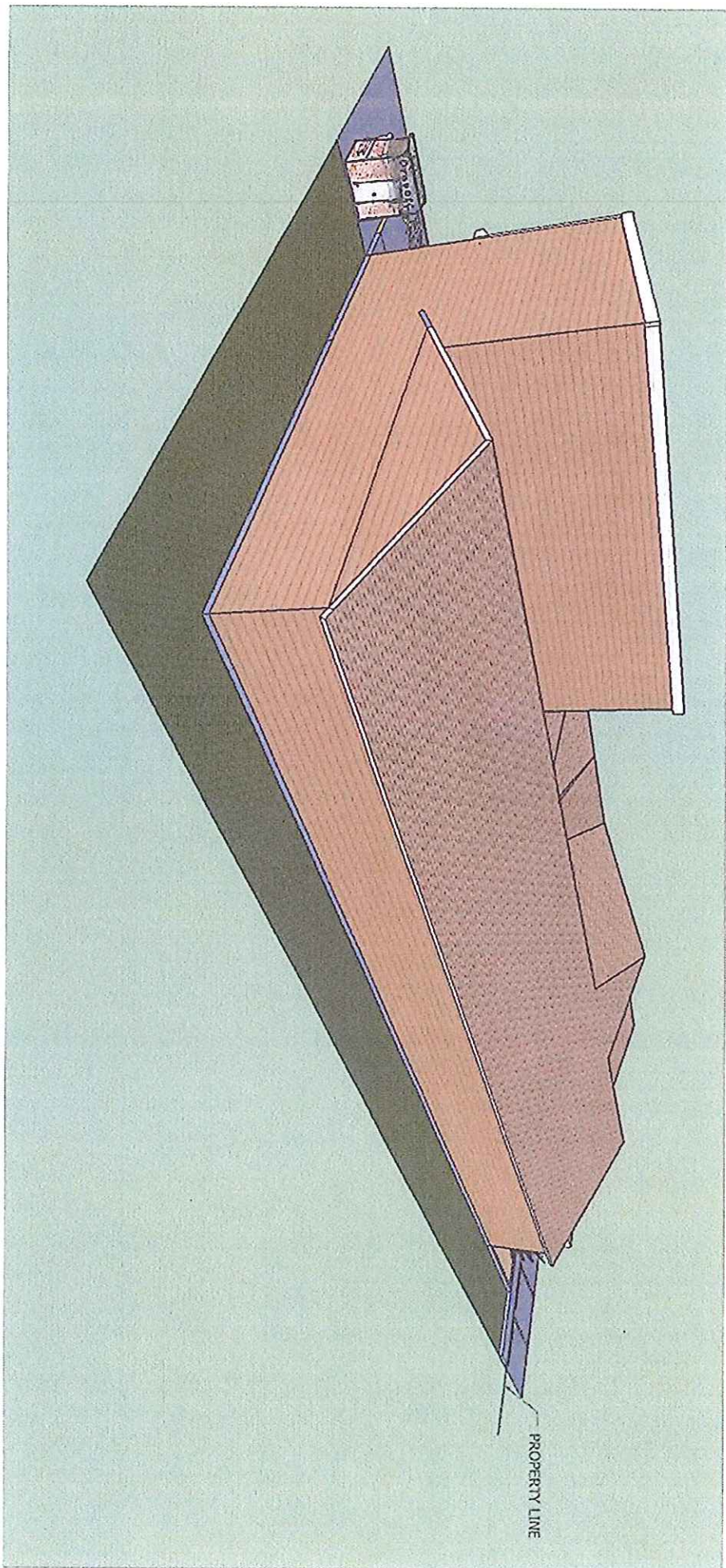


Schematic Drawing  
View of Front & East Side (from Lockhart Street)  
**Friends of the Kyle Library Thrift Shop Addition.**  
100 West Lockhart St., Kyle, Texas  
Submitted June 4, 2014





Schematic Drawing  
West and Back Side of Building  
Friends of the Kyle Library Thrift Shop  
100 West Lockhart St., Kyle, TX  
Submitted June 4, 2014



Kyle Library Thrift Shop Addition

SITE PLAN SC: 1"=10'-0"  
0.9733 Acres out of Block 2  
of the original town of Kyle  
Hwy 90  
TAXES

SQUARE FOOTAGE  
EXISTING AREA 5,307.00 SQ.FT.  
ADDITION AREA 2,282.00 SQ.FT.  
TOTAL AREA 7,589.00 SQ.FT.  
PARKING (177, SPACE - 9 X 18)  
TOTAL SPACES 23  
(2 HANDICAP SPACES INCLUDES 1 VAN SPACE)

Project Name	Kyle Library Thrift Shop Addition
Sheet No.	1 of 3
Scale	1"=10'-0"
Drawn by	1/10/10
Checked by	8/10/12
Approved by	7/14/12

# KYLE LIBRARY THRIFT SHOP ADDITION

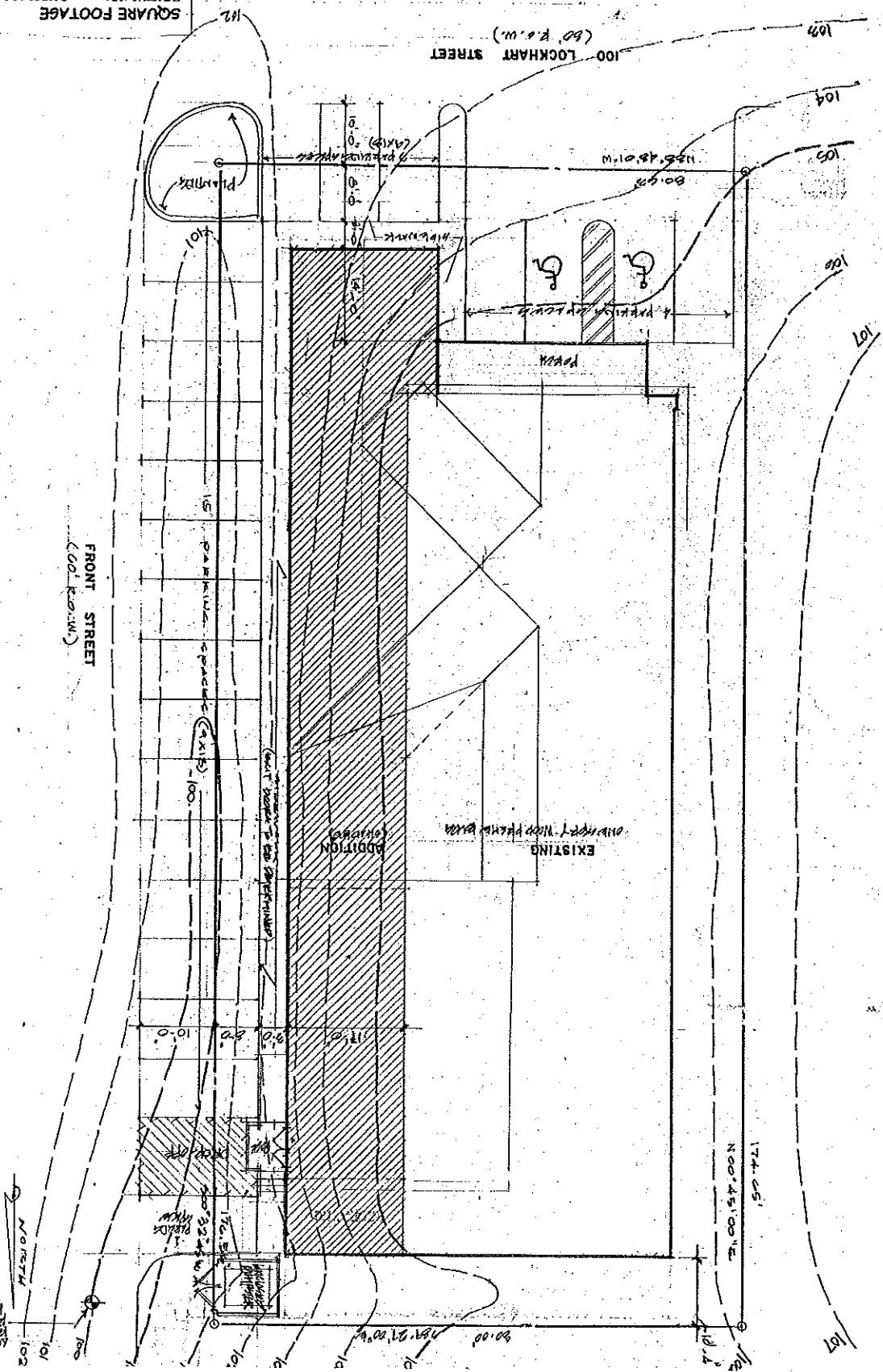
**TIM BOATRIGHT**  
DESIGNER

CERTIFIED PROFESSIONAL DESIGNER  
187 COUNCIL ROAD  
GEORGETOWN, TEXAS 75243  
STUDIO TIME: 855.527.0933  
TOLL FREE: 800.960.1166

DATE

**BD**  
—  
**A**

ALL SURVEY AND  
BOUNDARY DATA  
OBTAINED ON THE  
DATE OF A RECENT  
SURVEY OF THE  
PROPERTY



June 24, 2014

## *Planning and Zoning Commission*

### **KB Home – Garage Setback Requirements**

**REQUEST BY:** KB Home for an interpretation of the front wall garage setback requirements.

#### **BACKGROUND**

KB Homes is planning a new development on Rebel Road, and has asked for a ruling on the requirements of the city of Kyle Development Code that requires an offset of the garage from the front of the home.

The relevant excerpt from the code is provided below:

#### ***Zoning District***

R-1-A is the single family attached zoning category that allows smaller houses (Minimum of 1,000 sq ft) with up to 6.8 houses per acre.

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

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

Each garage must be designed and constructed with a minimum of 480 square feet.

Staff's understanding of the code in question is that it stemmed from a two pronged desire: 1) to require architecturally interesting home fronts prohibiting "flat front homes" 2) to prohibit garage dominated home elevations whereby the garage either dominates the view from street level, or the garage juts so far in front of the front wall of the house that the door and front wall are minimized.

KB is proposing products that have a garage offset from covered front porch outer walls that span the entirety of the remaining home front, rather than defining the front wall as the outer most enclosed wall, typically that of a bedroom or living space.

The issue in question is how the city defines "front wall".

June 24, 2014

## *Planning and Zoning Commission*

### **KB Home – Garage Setback Requirements**

KB is proposing that certain models of their product fulfill the 'spirit' of the ordinance, both creating architectural interest, and minimizing the dominance of the garage, and that while the garage front may not be offset five feet from the outer most wall of enclosed, air-conditioned space, that the end result is the same. A covered porch that spans the width of the non-garage front, effectively moves the "front wall", and should be considered such in regards to review of the compliance to city code.

#### **STAFF RESPONSE**

Staff is often called to interpret how to apply policy adopted by its governing bodies, and this case is no different. There is evidence that the spirit of the code is upheld by allowing the definition of "front wall" to include the outer most wall of a covered structure, including a covered porch. However, without additional review there is ample opportunity to abuse this interpretation, thus erecting a structure that could circumvent the requirement laid out, and violate the purpose of aforementioned and defined code. This is not the last of such requests that we are likely to see, however the request does have merit.

For this reason, Staff believes a reasonable, practical and responsible response that both protects the city's desire for a home stock diverse in appearance, and provides builders additional options on meeting the city's requirements is to require builders to submit a portfolio of home plans, and accompanying elevations, to be approved by staff as a part of the site development process. Staff will view the "front wall" setback and approve individual elevations for construction within each subdivision. Each builder will then have an approved list of home plans and elevations that they can use within the limits of their subdivision without concern of city code violations dealing with front garage set backs. An approved portfolio would assist staff in permitting and approving new construction and provide the public an opportunity to research and request plans for their model of home well into the future when the current homeowner may not necessarily be the one that built the home, and they desire to have access to original plans.

Staff recommends the Commission weigh in on the issue raised, such as to give the applicant a response to the question, and if the Commission so desires to interpret "front wall" to include the outer wall of a full span covered front porch, then staff recommends the commission direct staff to develop a proposed written policy to address such for consideration by the Commission.





Debbie Guerra &lt;dguerra@cityofkyle.com&gt;

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**Fwd: KB Home Kyle 47 project and garage ordinance interpretation**1 message

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**James R. Earp, CPM** <jrearp@cityofkyle.com>  
To: Debbie Guerra <dguerra@cityofkyle.com>

Wed, Jun 18, 2014 at 10:02 AM

----- Forwarded message -----

From: **Zinsmeyer, John** <JZinsmeyer@kbhome.com>  
Date: Wednesday, June 18, 2014  
Subject: KB Home Kyle 47 project and garage ordinance interpretation  
To: "James R. Earp, CPM" <jrearp@cityofkyle.com>  
Cc: "Lara, Laurie" <llara@kbhome.com>

Mr. Earp, thank you and your staff for assistance with this matter. As discussed I have included the attached representative examples of various front porch configurations for use in the ordinance interpretation issue with the Commission.

Please note that we consider this matter a City of Kyle interpretation matter and not a KB architectural approval matter specific to our project and that whatever the outcome from the meeting with the Commission that their ruling would be applied equally across the city no specifically to just our project.

With respect to the sidewalks in our Kyle 47 application KB Home has agreed to construct the sidewalks along FM 150 adjacent to our tract and I have confirmed that the plans currently submitted to the City now have the sidewalks shown and will be a requirement with our first phase of construction.

Thank you again for your quick action regarding this important matter and please feel free to use me and or Laurie Lara as a resource if we can be of further assistance.

**John Zinsmeyer**

VP, Land Planning and Development

KB Home Austin Division

10800 Pecan Park Blvd., Suite 200

Austin, Texas 78750

Ofc 512-651-8090

PART II - CODE OF ORDINANCES  
Chapter 53 - ZONING  
ARTICLE II. - ZONING DISTRICTS AND REGULATIONS

DIVISION 4. SINGLE-FAMILY ATTACHED/DETACHED DISTRICT R-1-A, GARDEN HOME

***DIVISION 4. SINGLE-FAMILY ATTACHED/DETACHED DISTRICT R-1-A, GARDEN HOME***

[Sec. 53-111. Purpose and permitted uses.](#)

[Sec. 53-112. Additional permitted uses.](#)

[Sec. 53-113. Conditions and limitations.](#)

[Secs. 53-114—53-139. Reserved.](#)

**Sec. 53-111. Purpose and permitted uses.**

The single-family attached/detached district R-1-A, garden home allows attached or detached single-family structures with a minimum of 1,000 square feet of living area and permitted accessory structures on a minimum lot size of 4,800 square feet. There shall be no more than 6.8 houses per buildable acre. The single-family residences authorized in this zoning district include those generally referred to as garden homes, patio homes and zero lot line homes.

(Ord. No. 438, § 27(a), 11-24-2003; Ord. No. 438-35, § 3(a), 8-2-2005)

**Sec. 53-112. Additional permitted uses.**

In addition to the uses permitted in this division, the following uses are permitted in the R-1-A district:

- (1) Temporary buildings for uses incidental to construction work on the premises, to be removed upon the completion or abandonment of construction work.
- (2) Accessory structures and uses customarily incident to the uses listed in this section and [section 53-111](#) and located on the same lot therewith, not involving the conduct of any business or commercial enterprise.

(Ord. No. 438, § 27(b), 11-24-2003; Ord. No. 438-35, § 3(b), 8-2-2005)

**Sec. 53-113. Conditions and limitations.**

The conditions and limitations for the R-1-A district are as follows:

- (1) Height and placement requirements. The height and placement requirements shall be as provided in chart 1, [section 53-33\(k\)](#).
- (2) Parking. The parking regulations and requirements shall be as provided in chart 4, [section 53-33\(n\)](#).
- (3) **Garages are required and must be one of the following designs:**
  - a. Detached with a minimum setback of five feet from the front wall of the home facing front property line;
  - b. May be attached and must have a minimum setback of five feet from the front wall of the home facing front property line; or
  - c. May be attached and meet minimum front setback requirements, but must face side property line.

PART II - CODE OF ORDINANCES  
Chapter 53 - ZONING  
ARTICLE II. - ZONING DISTRICTS AND REGULATIONS

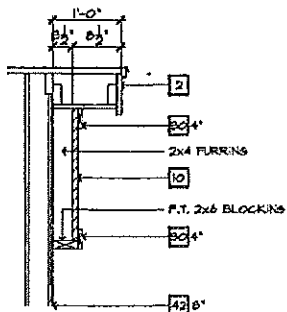
DIVISION 4. SINGLE-FAMILY ATTACHED/DETACHED DISTRICT R-1-A, GARDEN HOME

Each garage must be designed and constructed with a minimum of 480 square feet.

- (4) All buildings and structures, garages, and/or accessory buildings constructed within this district must have all four sides composed of 100 percent brick, stone, hardiplank or other approved masonry product.

(Ord. No. 438, § 27(c), 11-24-2003; Ord. No. 438-35, § 3(c), 8-2-2005)

**Secs. 53-114—53-139. Reserved.**

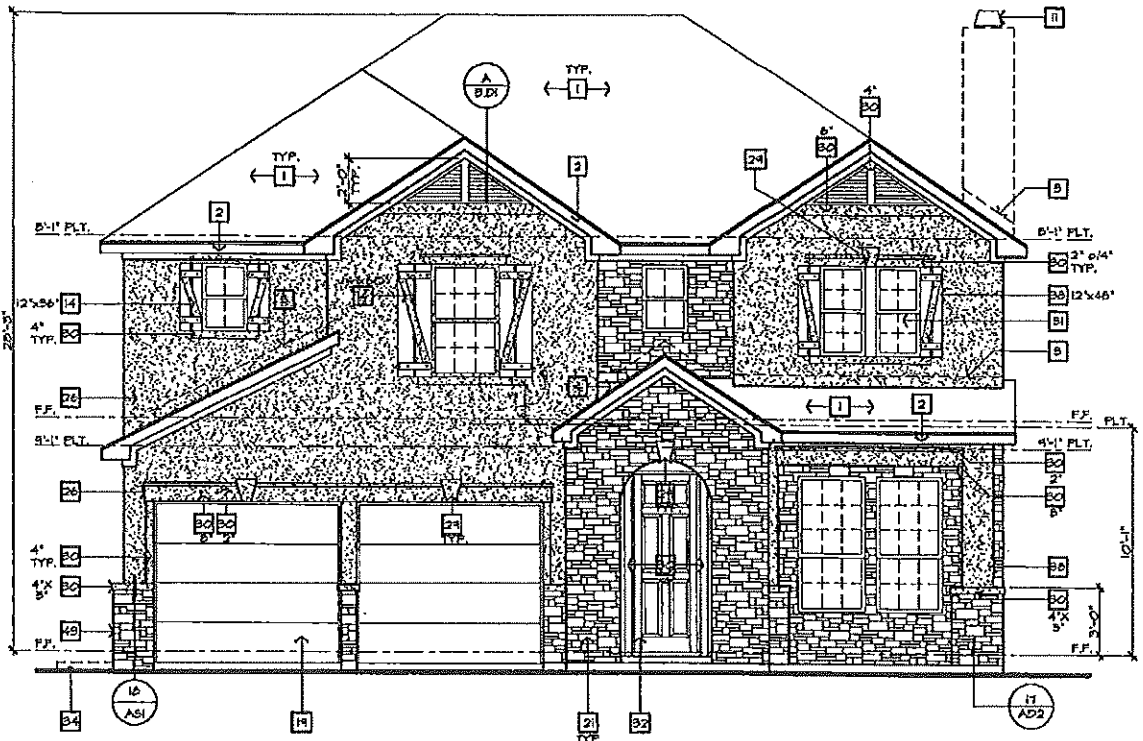


**DETAIL "A"**  
E. HOME

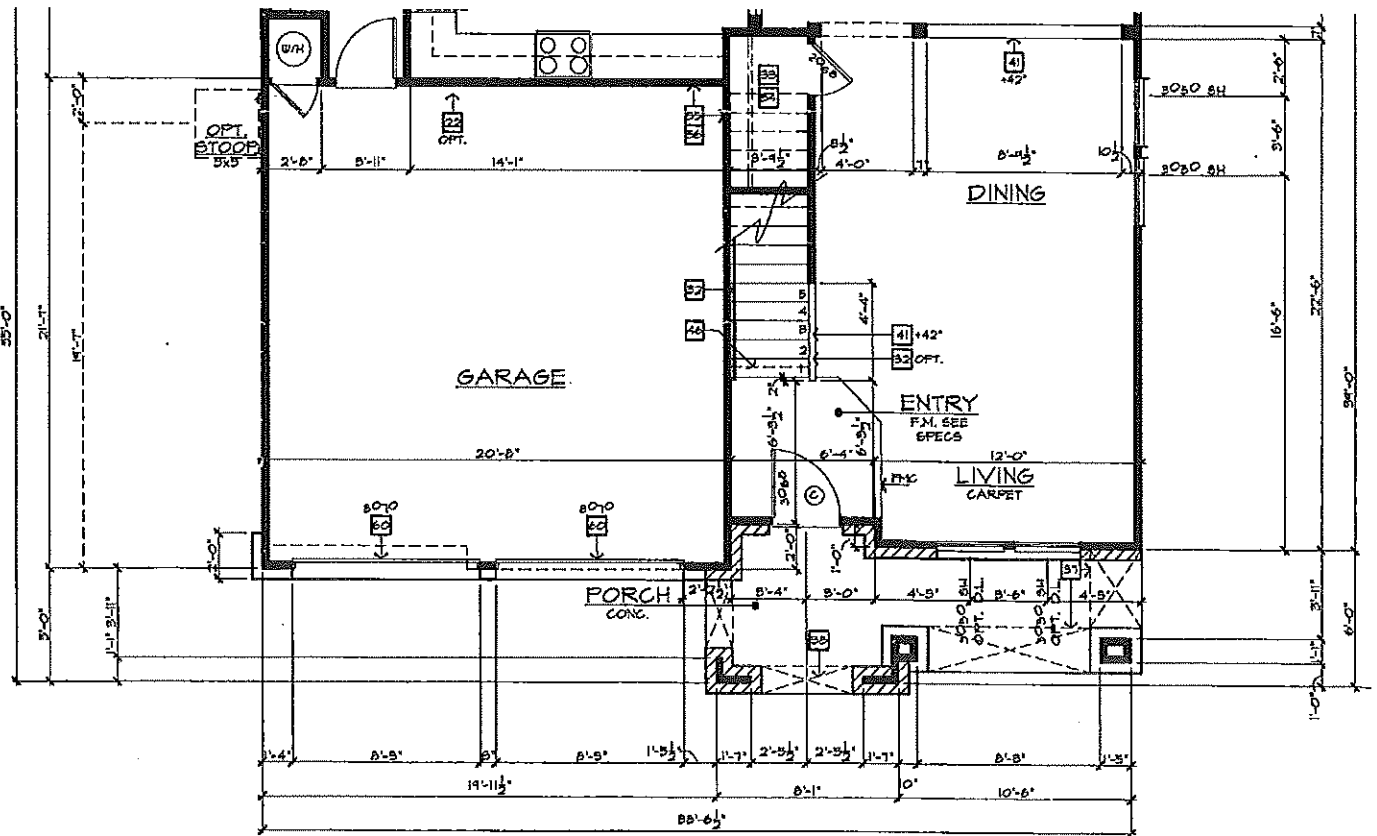
DUAL FIREPLACE CHIMNEY  
DOOR PLAN FOR LOCATION

N FASCIAS OF DIFFERENT  
PITCHES.  
FY WITH TRUSS MANUFACTURE.

10' VENTS (TYP)



**FRONT ELEVATION 'D' - 4**  
SCALE 1/8"=1'-0" (TYP)

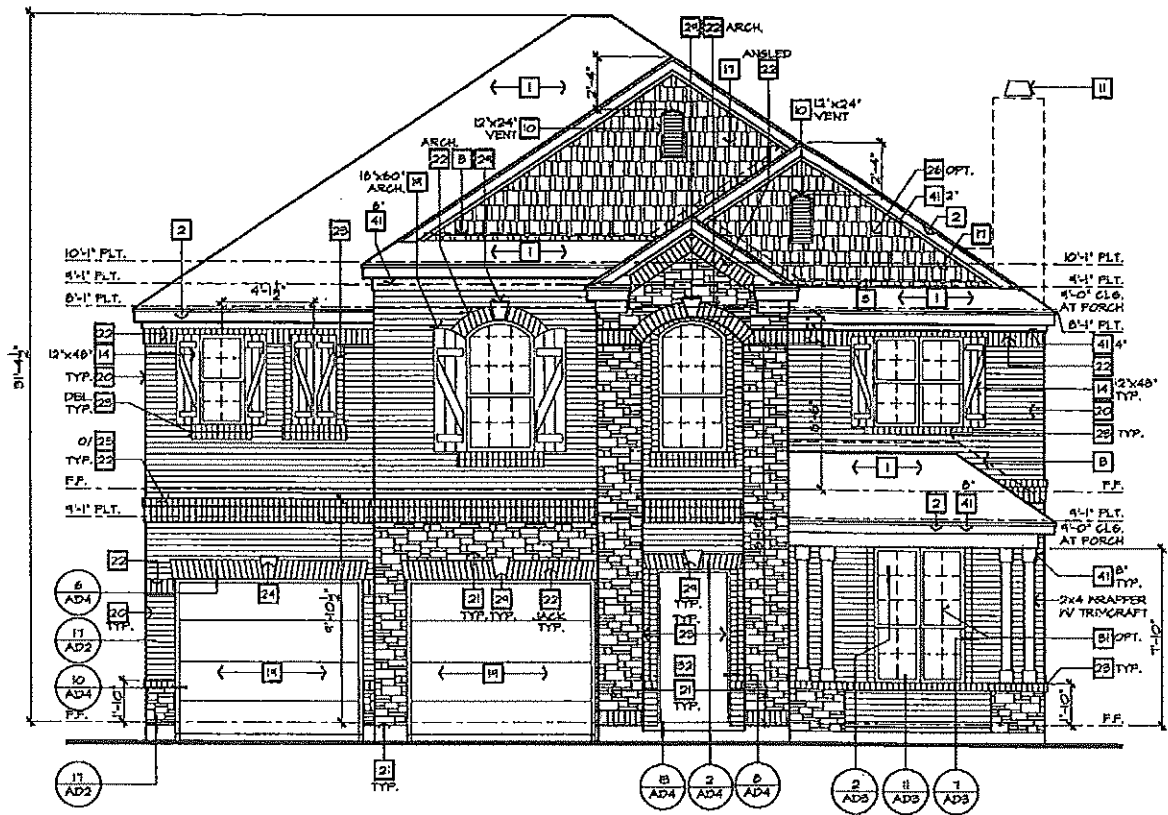


**PARTIAL FIRST FLOOR PLAN 'D' - 4**  
SCALE 1/8"=1'-0" (TYP)

U. FIREPLACE CHIMNEY  
OR PLAN FOR LOCATION

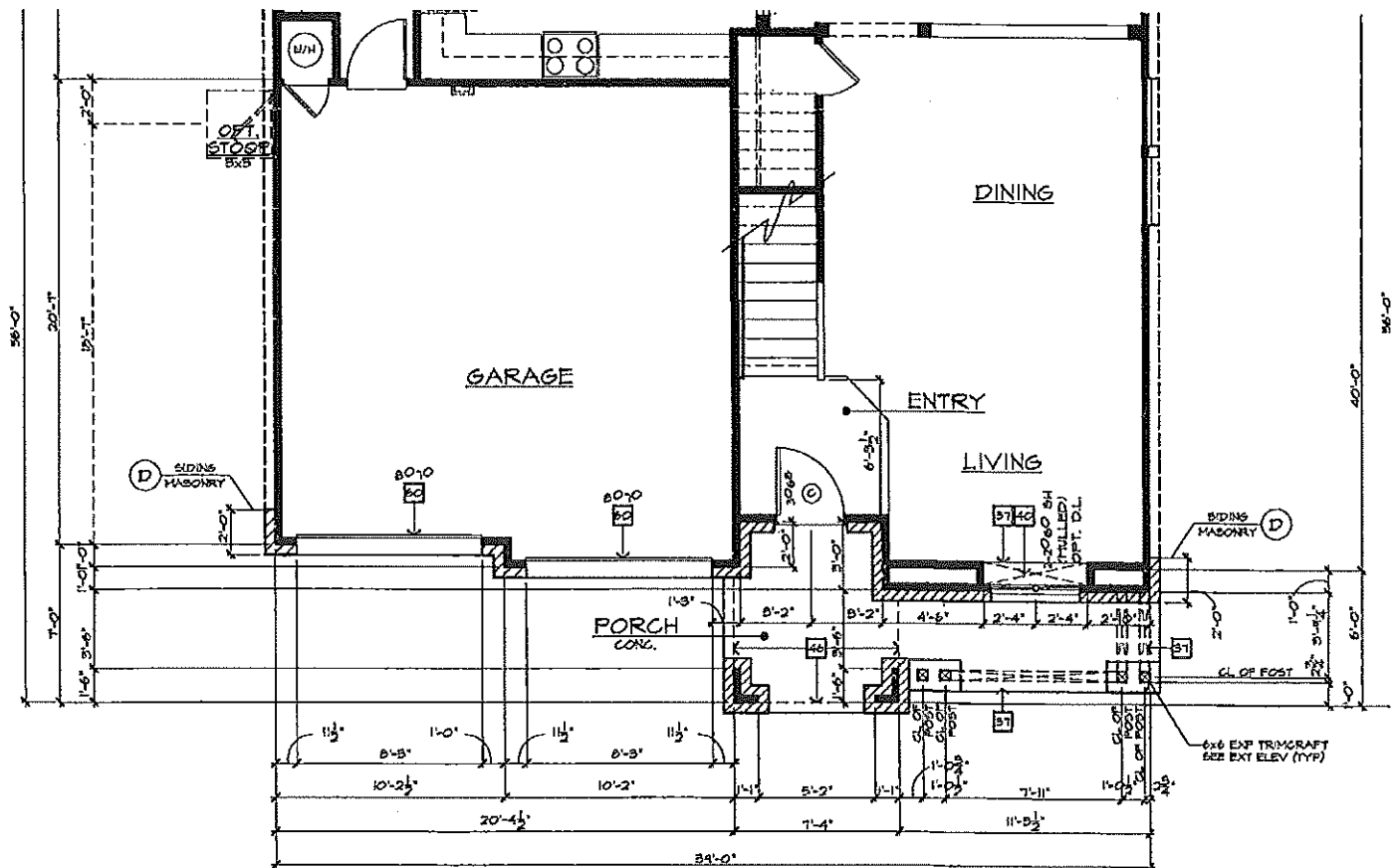
MASCIAS OF DIFFERENT  
KITCHES,  
WITH TRUES MANUFACTURE.

VENTS (TYP)



FRONT ELEVATION 'C'

SCALE 1/8"=1'-0" (TYP)

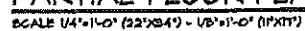
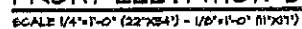


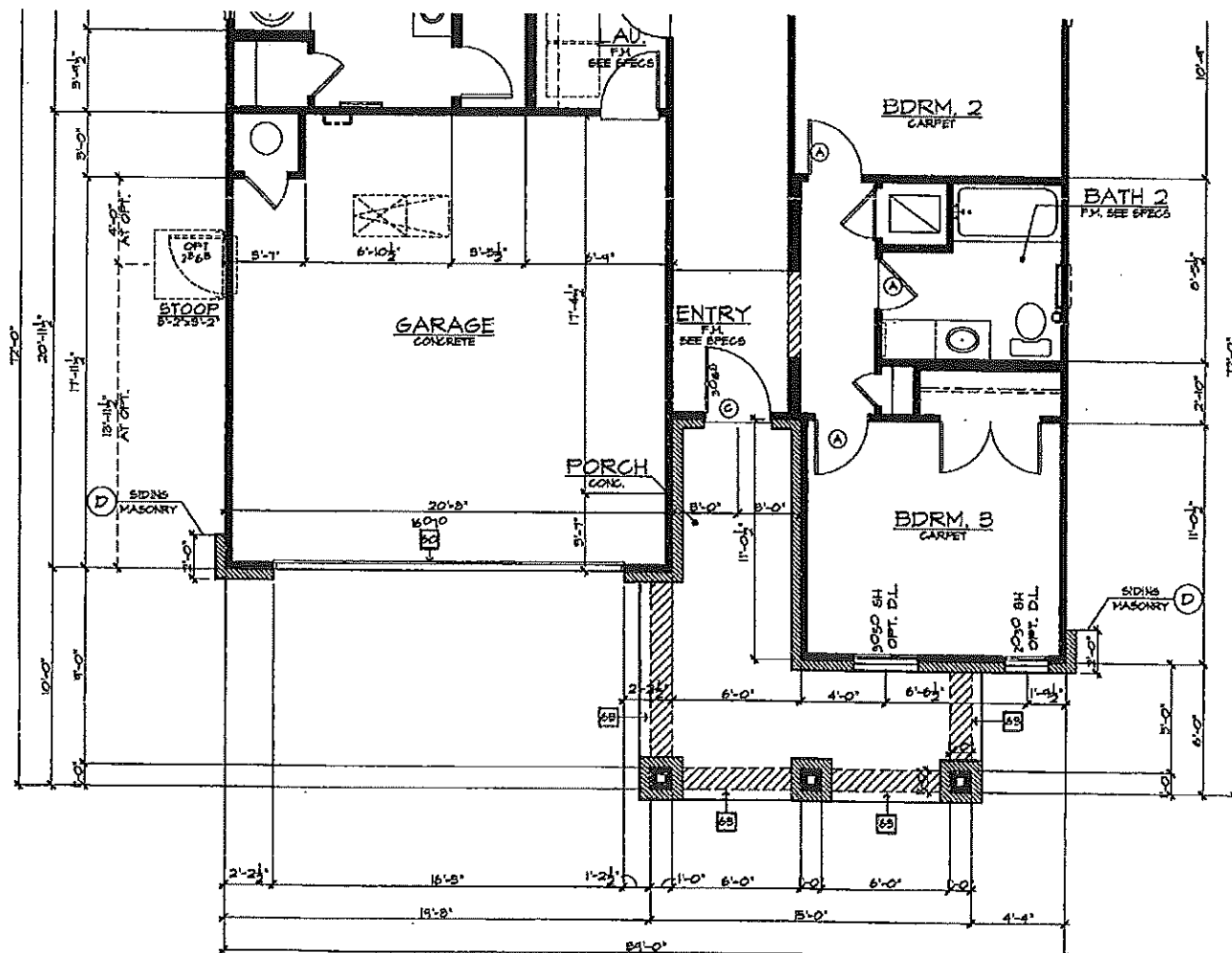
PARTIAL FIRST FLOOR PLAN 'C'

SCALE 1/8"=1'-0" (TYP)





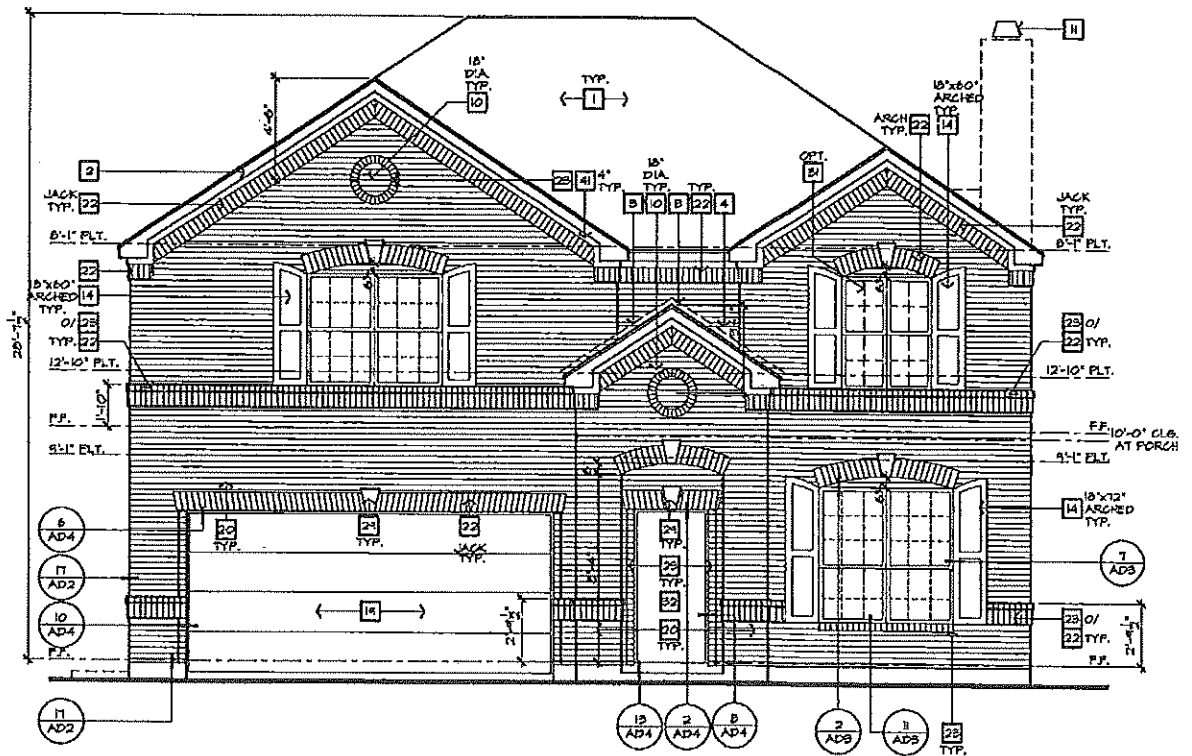


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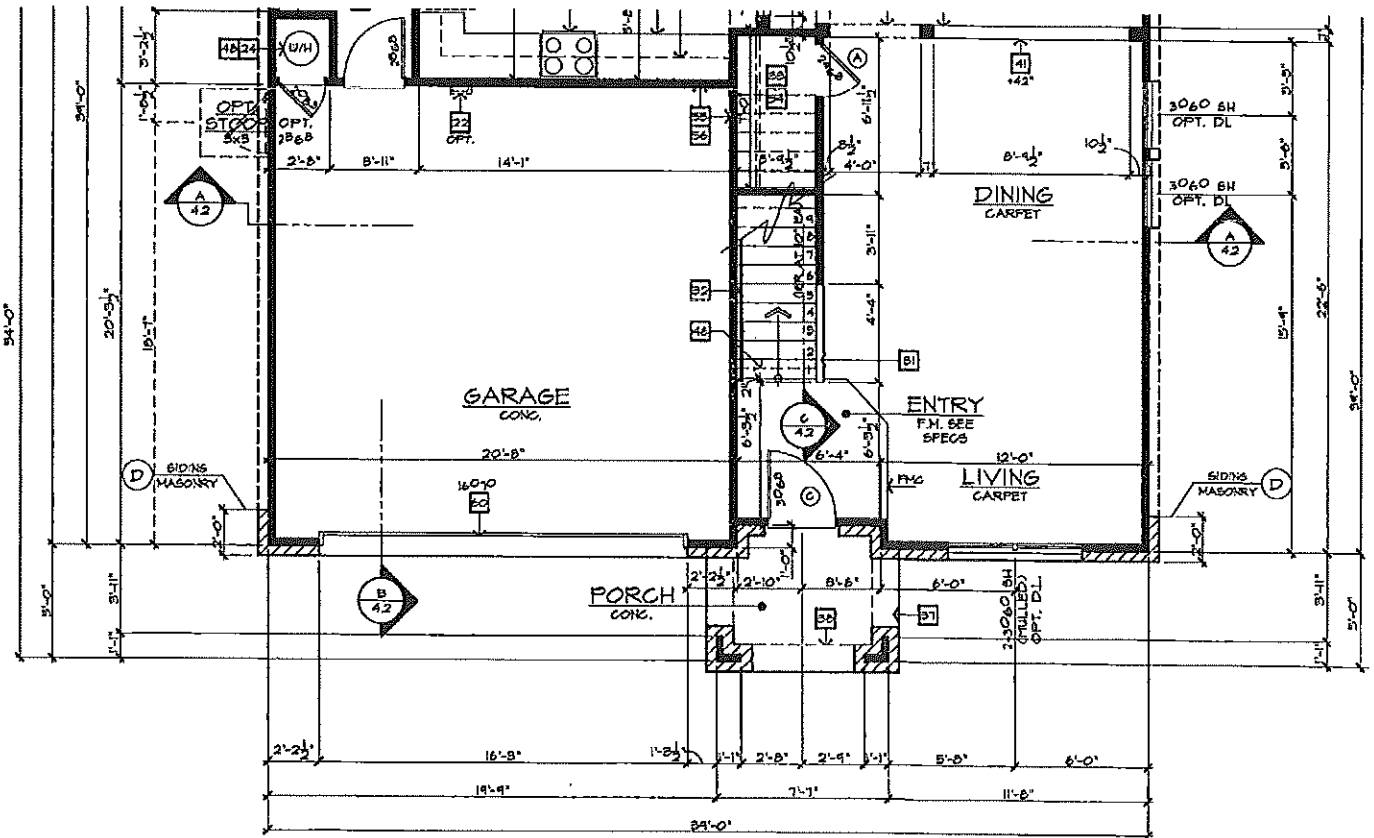
TOTAL FIREPLACE CHIMNEY  
FLOOR PLAN FOR LOCATION

6" FASCIAS OF DIFFERENT  
OF PITCHES.  
IFY WITH TRUSS MANUFACTURE.

100% VENTS (TYP)



FRONT ELEVATION 'A'  
SCALE 1/8"=1'-0" (TYP.)



PARTIAL FIRST FLOOR PLAN 'A'  
SCALE 1/8"=1'-0" (TYP.)

