

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 July 22, 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 18th day of July prior to 6:30 PM.

1. Call Meeting to Order
2. Roll Call
3. Citizen Comments
4. CONSENT AGENDA:

- A. Cervantes Addition – Short Form Final Plat (SFP-14-003)
3 acres; 3 Residential Lots
Located at 2317-F CR 158
Owners: Francisco Cervantes, Miguel A. Sanchez and Mario Vasquez
Agent: Nancy Mendez

(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. Garcia Subdivision – Short Form Final Plat (SFP-14-004)
10.02 acres; 2 Residential Lots
Located at 5120 Dacy Lane
Owners: Mayra & Matias Garcia

(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).

- C. Creekside Village Phase 1 & Phase 2 – Final Plat (FP-14-006)
25.21 acres; 98 Single Family Residential Lots, 1 Open Space Lot, 2 Drainage Easement & Open Space Lots and 1 Drainage Easement & Public Utility Easement Lot
Located on the north side of Burleson Road adjacent to the Railroad tracks
Owner: Orchard at Plum Creek, LLC. / Steve Tucker

5. STAFF REPORT:

- A. Update on the Long Range Planning Committee.
- B. Update on repealing and relocating the landscape requirements.

6. CONSIDER AND POSSIBLE ACTION:

- A. Consideration and possible action on recommending to City Council to repeal the landscaping requirements from the City's Code of Ordinances under the Zoning Chapter.
- B. Consideration and possible action on recommending to City Council to amend the City's Code of Ordinances to adopt the landscaping requirements in a new chapter within the Code.

7. DISCUSSION AND POSSIBLE ACTION:

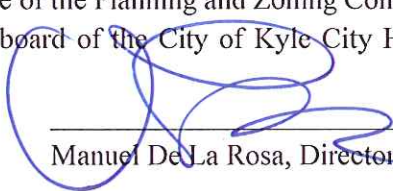
- A. Review discuss, and make recommendation on a proposed amendment to Chapter 53 dealing with the requirements for front wall garage setback.
- B. Review discuss, and make recommendation on a proposed policy dealing with the requirements for front wall garage setback.

8. 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:



Manuel DeLa Rosa, Director of Planning

7/18/14

(Date)

Item 4C

July 22, 2014

Planning and Zoning Commission

Final Plat

Case Number: FP-14-006

OWNER/APPLICANT: Orchard at Plum Creek, LLC. - Steve Tucker

PROJECT NAME: Creekside Village Phase 1 & 2

LOCATION: North side of Burleson Street adjacent to the railroad tracks.

AREA: 25.21 Acres

EXISTING ZONING: R-1 (Single Family Residential)

SITE INFORMATION:

Surrounding Zoning:

- o *North:* Single Family Residential (R-1)
- o *South:* Single Family Residential (R-1)
- o *East :* Retail Service District (R/S)
- o *West:* Single Family Residential (R-1)

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

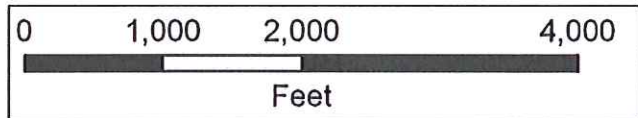
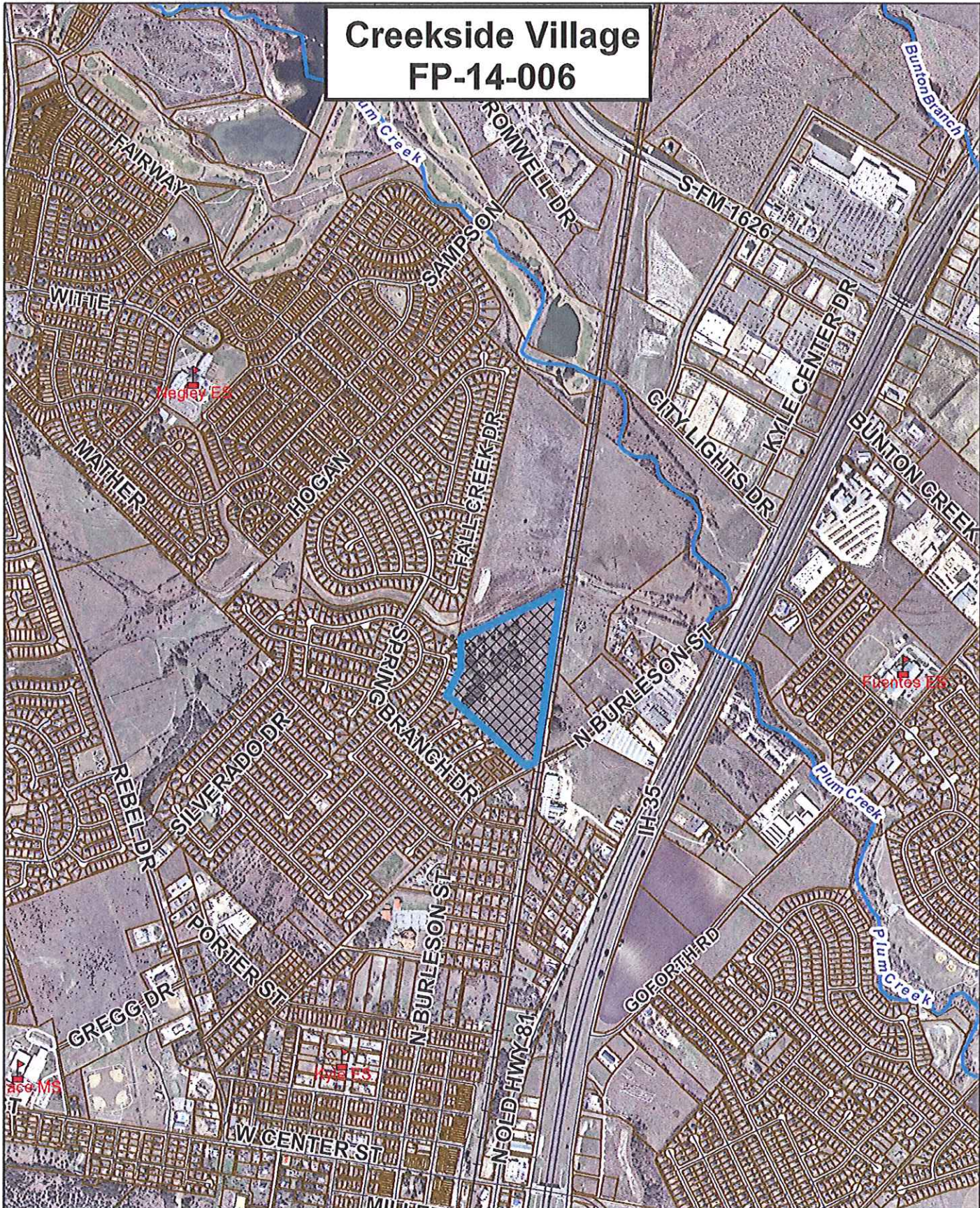
The R-1 district includes lands which are subdivided into tracts for residential purposes. The district is designed to protect these areas from the undesirable encroachment of nonresidential uses, dense residential development and other similar uses not compatible with the character of one-family detached home type land use, and provided with necessary services and facilities. Mobile homes are excluded from this district.

STAFF ANALYSIS:

Background

This project includes 98 single family residential lots, 1 open space lot, 2 drainage easement & open space lots and 1 drainage easement & public utility easement lot.

Creekside Village FP-14-006



CREEKSIDE VILLAGE SECTION 1 & 2

KNOW ALL MEN BY THESE PRESENTS, That We, ORCHARD AT PLUMB CREEK LLC, a corporation organized and existing under the laws of the State of Texas, with its home address at 3717 Allegro Lane, Austin, TX 78749, owner of 203.45 acres of land out of the 210-acre subdivision known as Creekside Village, Section 1 & 2, in accordance with the plat conveyed to it by deed recorded in Volume 4315, Page 653, Official Public Records Hays County, Texas, DOES HEREBY SUBDIVIDE 23.21 acres of land being 24.27 acres out of the Henry Lotter Survey, 4-296 and 0.94 acres out of the 2, Hinton Survey, 4-220, Hays County, Texas, to be known as the Creekside Village Section 1 & 2, in accordance with the plat shown herein, 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.

IN WITNESS WHEREOF the said Corporation Name has caused these presents to be executed by its Corporate Title, Name, and thereunto duly authorized,

ORCHARD AT PLUMB CREEK LLC,
a Texas limited liability corp.
By: Steve Tackler, Member
of the Board of Directors
3717 Allegro Lane
Austin TX 78749
Tel: (512) 892-2100

State of Texas §
County of Travis §
This instrument was acknowledged before me on _____ day of _____, 2014, by Steve Tackler, Member of ORCHARD AT PLUMB CREEK LLC a Texas corporation, on behalf of said corporation.

Seal (Signature of Notary)

Notary Public, State of Texas
State of Texas §
County of Hays §

KNOW ALL MEN BY THESE PRESENTS:

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 _____, A.D. 2014, at _____ o'clock _____ pm, in the plat records of Hays County, Texas, in book _____, page(s) _____, A.D. 2014.

Liz Gonzalez
County Clerk
Hays County, Texas

Reviewed By:
Leon Gordon, P.E., City Engineer

Reviewed By:

Harper Widder, Director of Public Works

State of Texas §
County of Hays §

This final plat 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____.

Chairperson

State of Texas §
County of Travis §

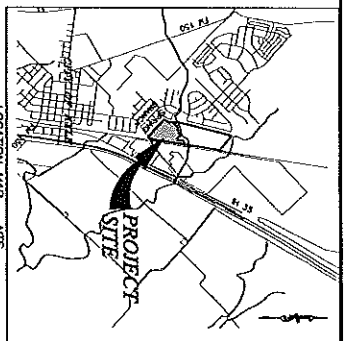
I, the undersigned, a registered professional land surveyor in the State of Texas, hereby certify that this plat is true and correct, that it was prepared from an accurate monument set of monuments as shown thereon.

Tandis A. Lenz, RPLS
Registered Professional Land Surveyor No. 4393
4303 Russell Drive
Austin TX 78704
Tel: (512) 443-1174
Firm No. 100290-00

State of Texas §
County of Travis §

I, the undersigned, a licensed professional engineer in the State of Texas, hereby certify that proper engineering consideration has been given this plat.
A portion of this subdivision lies within the boundaries of the 100 year flood plain as defined on Hays County Community Panel #48209C0270F and #48209C0290F dated September 2, 2005.

Tandis G. Egan, P.E.
Registered Professional Engineer No. 67030
4303 Russell Drive
Austin TX 78704
Tel: (512) 326-2867



CITY OF KYLE
JUN 23 2014
PLANNING DEPARTMENT

- Notes:
- The total area of public street right-of-way (Burrison St., Trecovez Creek Dr., Turtle Creek Dr., Ties Creek Dr., Cobble Creek Loop) to be dedicated in this subdivision is 5.95 acres.
 - Total acreage: 23.21 acres.
 - Total number of lots: 102 (98 single family lots, 1 open space lot, 2 drainage easement lot, and 1 drainage easement & public utility easement lot).
 - Special requirements, culling and trimming, within the subdivision, responsibility of the property owners and/or Homeowner's Association.
 - 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. Sidewalks will be constructed by the Homebuilder. Civil Construction is responsible for constructing the sidewalk across frontage of the Open Space lot (Lot 19, Block 2). Drainage easement & Open Space Lots (Lot 38, Block 1, Lot 19, Block 5), one drainage easement and Public Utility Easement Lot (Lot 17, Block 5).
 - The Homebuilder shall be responsible for obtaining all necessary Drainage Easements from the utility providers and Homeowner's Association.
 - Utility Providers:
Electric: PEC
Phone: Time Warner Cable
Water: City of Kyle
Wastewater: City of Kyle
 - Obstructions in drainage easements is prohibited.
 - Gas: Centergrip
 - A fifteen (15) foot P.U.E. is hereby dedicated adjacent to oil street ROW, a five (5) foot P.U.E. is hereby dedicated along each side lot line and a ten (10) foot P.U.E. is hereby dedicated adjacent to all rear lot lines on all lots.
 - The Homebuilder shall be issued for Lots 2 through 100, and other lots. A Home Building Permit shall be issued for Lots 2 through 100, and other lots. A Home Building Permit shall be issued for Lots 2 through 100, and other lots. A Home Building Permit shall be issued for Lots 2 through 100, and other lots. A Home Building Permit shall be issued for Lots 2 through 100, and other lots.

LENZ & ASSOCIATES, INC.

COMPLETE PROFESSIONAL LAND SURVEYING SERVICES
FIRM No. 100290-00
(512) 443-1174
4303 RUSSELL DRIVE
AUSTIN, TEXAS 78704
SURVEY # 2014-0155 F.R. 929/65

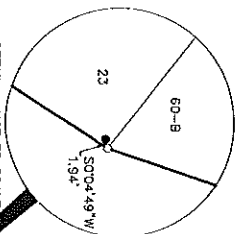
CREEKSIDE VILLAGE

SECTION 1 & 2

DATE: 4/24/2014

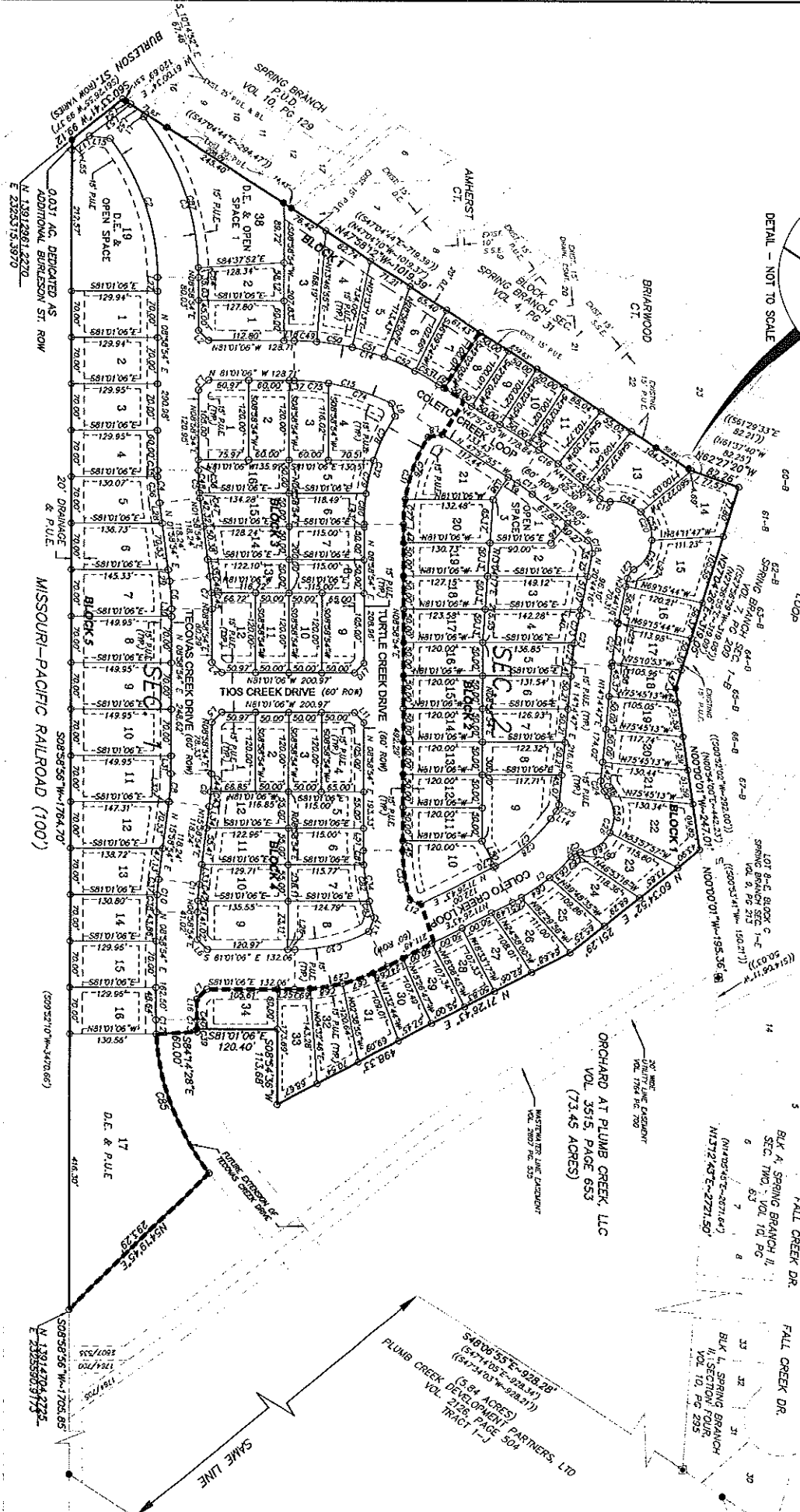
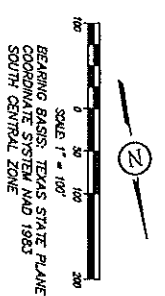
SHEET 1 OF 3

Creekside Village Ph. 1 + 2 (FP-14-006)



LEGEND

■	CONCRETE MONUMENT FOUND	(BRC-01ST) RECORD CALL
●	1/2" STEEL PIN FOUND	(BRC-01ST) RECORD CALL ADJOURNER (UNLESS NOTED)
○	1/2" STEEL PIN FOUND IN CONCRETE	P.U.E. PUBLIC UTILITY EASEMENT
○	1/2" STEEL PIN SET W/CAP	P.D.E. DRAINAGE EASEMENT
○	1/2" STEEL PIN SET W/P.A.P	B.L.E. BUILDING EASEMENT
○	MARKED LENZ & ASSOC.	S.S.E. SANITARY SEWER EASEMENT



LENZ & ASSOCIATES, INC.

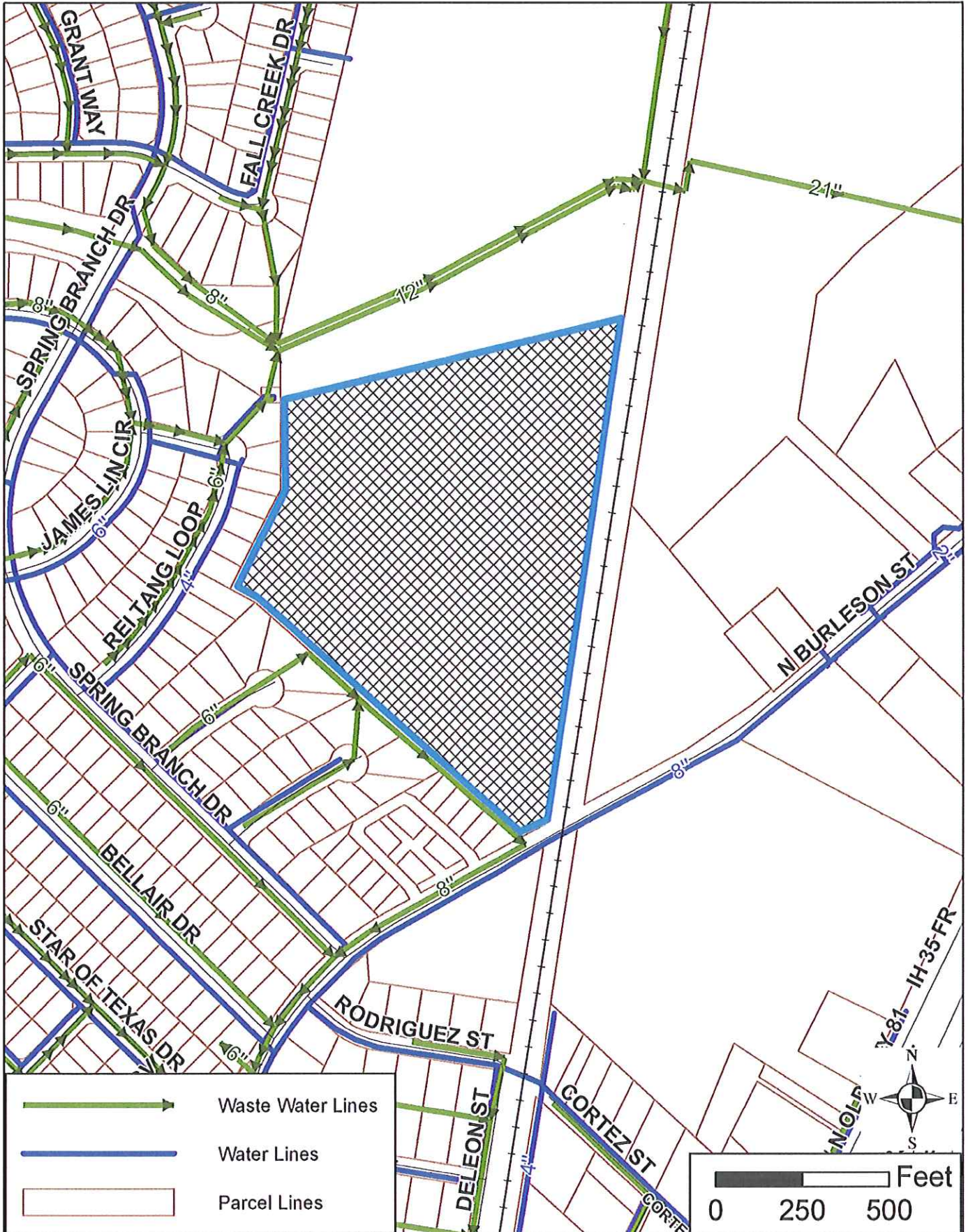
COMPLETE PROFESSIONAL LAND SURVEYING SERVICES
 (512) 443-1174
 4303 RUSSELL DRIVE
 AUSTIN, TEXAS 78704
 F.B. 339/08
 SURVEY # 2014-0155

NOTE:
 1. SEE SHEET 3 OF 3 FOR LINE AND CURVE TABLES
 2. SEE SHEET 3 OF 3 FOR TYPICAL DIMENSIONS AND LOCATIONS OF THE BUILDING SETBACK AND THE PUBLIC UTILITY EASEMENT (P.U.E.)

CREKESIDE VILLAGE
 SECTION 1 & 2
 DATE: 4/24/2014

SHEET 2 OF 3

Utilities Near Creekside Village FP-14-006



ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF KYLE, TEXAS, AMENDING THE CITY OF KYLE, TX CODE OF ORDINANCES; AMENDING PART II, CHAPTER 53, ARTICLE I, SECTION 53-5 DEFINITIONS, ADDING A DEFINITION FOR FRONT PROPERTY LINE, ADDING A DEFINITION FOR FRONT WALL, AND ADDING A DEFINITION FOR WALL; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE AND AN OPEN MEETINGS CLAUSES; AND PROVIDING FOR RELATED MATTERS.

Whereas, the City has experienced rapid growth; and,

Whereas, with rapid growth came a lack of diversity of housing product; and,

Whereas, the City determined that establishing garage setback requirements would help facilitate a more diverse home product offering; and,

Whereas, the City has established garage setback requirements from the front wall; and,

Whereas, the City has not clearly defined front wall for the purposes of determining garage setback..

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KYLE, TEXAS, THAT:

Section 1. Findings of Fact. The above and foregoing recitals are hereby found to be true and correct and are incorporated herein as findings of fact.

Section 2. Amendment of Part II, Chapter 53, Article I, Section 53-5 Definitions. City of Kyle, Texas, Code of Ordinances is hereby amended insofar, and insofar only, as is herein set forth, and in no other respect whatsoever.

The following definitions are to be added:

Front property line means the boundary of a parcel that generally is located immediately adjacent to a public street for which a structure shall face. In the case of side lots that have two boundaries adjacent to public streets, the front property line shall be toward the street that will be used for 911 addressing purposes.

Front wall means the wall as determined by the Planning Director or Planning Director designee by applying adopted standards of the Planning and Zoning Commission that may be amended from time to time, that establishes the criteria for being defined as a wall that faces the front property line being designated as the Front Wall for the purposes of establishing garage set back.

Wall means a structure of brick, stone, or other suitable building material, that surrounds an area, separates one area from another, that defines an area architecturally, or carries a load.

Section 3. Amendment of Ordinances. The City of Kyle, Texas Code of Ordinances is hereby amended to the extent of any conflict or inconsistency herewith only and all ordinances or parts thereof conflicting or inconsistent with the provisions of this Ordinance as adopted and amended herein, are hereby amended to the extent of such conflict. In the event of a conflict or inconsistency between this Ordinance and any other code or ordinance of the city, the terms and provisions of this Ordinance shall govern.

Section 4. Effective Date. This ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the *Tex. Loc. Gov't. Code*.

Section 5. Open Meetings. It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on First Reading this ____ day of _____, 2014.

FINALLY PASSED AND APPROVED on this ____ day of _____, 2014.

ATTEST:

THE CITY OF KYLE, TEXAS

Amelia Sanchez, City Secretary

Todd Webster, Mayor

**STANDARDS FOR
DETERMINATION OF A FRONT WALL
FOR THE PURPOSES OF
ESTABLISHING GARAGE SET BACK**

The Planning and Zoning Commission hereby adopts the following standards for City Staff to use in making a determination of what constitutes a front wall.

It is the desire of this commission that home front elevations not be dominated by front facing garages, nor by protruding front facing garages. However, it is also the desire of this commission to empower City Staff to make determinations as to what is and is not acceptable to be qualified as a front wall. To help facilitate this, the following general guidelines and procedures are hereby adopted for Staff to use as a guide in making such determinations:

- 1) Desiring diversity of housing product in Kyle the garage shall not dominate the front elevation either by percent of front elevation determined by width or by protrusion toward the front property line. A garage shall be deemed to violate this requirement if it is more than 50% of the front width of the home, or if it is set back less than 5' from the front wall.
- 2) The front wall is the forward most enclosed outer wall of the structure that faces the front property line.
- 3) A designation of "front wall" can be given to a load bearing wall that defines an area. This designation does not require the wall to be fully enclosed, but it shall dominate the non-garage portion of the front elevation such as the load bearing portion of a covered front porch, or the load bearing portion of a front porch where there is a covered balcony above. Final determination of what does and does not constitute the designation of front wall shall lie with the Planning Director and or the Planning Director's designee.
 - a. In order to qualify for this designation, a Builder or Developer, must submit a master set of color elevation plans along with the accompanying floor plans for the homes to be built within a subdivision where this designation is being requested.
 - b. The master set of elevations and floor plans will be reviewed by the Planning Director or Planning Director Designee and each elevation and floor plan will be considered for administrative approval. Once an elevation and floor plan receives administrative approval from the Planning Director or Planning Director designee, the Master Set shall govern the elevation and plans that have received the designation of front wall for a wall other than a standard fully enclosed outer most wall.
- 4) So long as a garage is deemed to be set back a minimum of 5' from either a front wall, or a designated front wall as provided for above, the set back shall be in compliance with the requirements of City Code and this policy.
- 5) If a Builder or Developer disagrees with administrative determination, the item may be appealed to the Planning and Zoning Commission who will make a determination.