

CITY OF KYLE

Planning & Zoning Commission Meeting 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 August 12, 2014, at Kyle City Hall 100 W. Center St in the Minerva Falcon Room 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 8th day of August prior to 6:30 PM.

1. **Call Meeting to Order**
2. **Roll Call**
3. **Citizen Comments**
4. **Minutes** – Planning and Zoning Commission Meeting – June 10, 2014, June 24, 2014 and July 8, 2014.
5. **CONSENT AGENDA:**
 - A. Amended Plat of Lot 24 & 28 Block C of Kensington Trails Section 3A, Establishing Lots 24A & 28A (AFP-14-005)
0.41 acres; 2 Lots
Located off of Bloomsbury Drive
Owner: Castlerock Communities, LLP
Agent: Dorothy Taylor, Tri-Tech Surveying Co., L.P.

(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 Heights Section 2 Replat of Lot 13B (SFP-14-005)

3.104 acres; 2 Lots

Located at 1250 Dacy Lane

Owner: Sergio & Teresa Lopez

Agent: Jesus A. Pena, Macina, Bose, Copeland & Associates

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C. Amended Plat of Lot 25 Sunrise Acres, Establishing Lots 25A – 25D (AFP-14-004)

4.68 acres; 4 Lots

Located at 231 Sunrise Drive

Owner: Marel Jr. & Rosa Alvarado

Agent: Kelly Kilber, Bec-Lin Engineering, L.P.

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D. Great Hills Section 5 (FP-14-007)

26.1 acres; 55 Single Family Lots

Located off of High Road and Extension of Railyard Drive

Owner: Donald Dempsey – Aus-Tex Parts & Service Ltd.

Agent: Chase Baromeo, Jr., P.E., LS, F.ASCE

E. Hometown Kyle Phase 4 Section 3 (FP-14-008)

8.942 acres; 35 Single Family Lots

Location: Old Stagecoach Road – Extension of Desert Rose Drive

Owner: Ryland Homes of Texas

Agent: Garrett-Ihnen Civil Engineers

6. CONSIDER AND POSSIBLE ACTION:

- A. Amendment to the Code of Ordinances, Chapter 53 (Zoning) Article 1 (In General) Section 53-5 (Definitions) by adding definitions for "Front Property Line", "Front Wall" and "Wall".

- **Public Hearing**
- **Recommendation to City Council**

- B. Consider a request by Greater Texas Federal Credit Union for a waiver to exceed the maximum number of parking spaces per the Code of Ordinances, Chapter 53 (Zoning), Section 53-33(n) (3) (Maximum Parking) for property located at 5433 Kyle Center Drive.

- **Public Hearing**

- C. Consider a request by K Lion, LLC. (Popeye's) for a waiver to exceed the maximum number of parking spaces per the Code of Ordinances, Chapter 53 (Zoning), Section 53-33 (n) (3) (Maximum Parking) for property located at 20529 IH-35.

- **Public Hearing**

7. STAFF REPORT

- A. An update to the amendment to the Code of Ordinances, Chapter 53 (Zoning) Article V (Landscaping and Screening Requirements) and Chapter 32 (Site Development), Section 32-45 (7) (Landscaping Plan) of the City of Kyle.

8. DISCUSSION ITEMS:

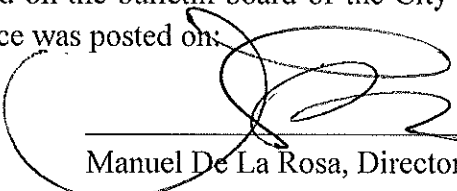
- A. Discussion regarding apartment setback requirements.

9. 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 De La Rosa, Director of Planning

8/8/14

(Date)

REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION

The Planning and Zoning Commission of the City of Kyle, Texas met in regular session June 10, 2014 at 6:30 p.m. at Kyle City Hall, with the following persons present:

Commissioner Lori Huey
Commissioner Mike Wilson
Chairman Shane Arabie
Vice-Chair Mike Rubsam
Commissioner Alfred Zambrano
Commissioner Irene Melendez
Assistant City Manager, James Earp

Lesia Schreckenghost
Lila Knight
Richard Grayum
Tony Spano

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. James Collins, Student KAYAC Representative and Commission Ryan were absent. Commissioner Zambrano was absent from roll call.

CITIZENS COMMENTS

Chairman Arabie opened the citizens comment period at 6:30 pm and called for comments on items not on the agenda or posted for public hearing. There were no comments. Chairman Arabie closed the citizens comment period at 6:30 pm.

CONSENT AGENDA

GREAT HILLS SECTION 5 (FP-14-007) 26.1 ACRES; 55 SINGLE FAMILY LOTS LOCATED OFF OF HIGH ROAD AND EXTENSION OF RAILYARD DRIVE.

(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).

HOMETOWN KYLE PHASE 4 SECTION 3 (FP-14-008) 8.9242 ACRES; 35 SINGLE FAMILY LOTS LOCATED OFF OF OLD STAGECOACH ROAD – EXTENSION OF DESERT ROSE DRIVE.

(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).

Commissioner Wilson moved to statutorily disapprove Great Hills Section 5 – Final Plat (FP-14-007) and Hometown Kyle Phase 4 Section 3 – Final Plat (FP-14-008). Chairman Arabie seconds the motion. All votes aye. Motion carried.

Commissioner Zambrano arrived at 6:33 p.m.

THE TRAILS AT PLUM CREEK – SITE PLAN (SD-13-020) 12.189 ACRES; 1 LOT LOCATED AT 4300 CROMWELL DRIVE.

Vice-Chair Rubsam moved to approve The Trails at Plum Creek – Site Plan (SD-13-020). Commissioner Melendez seconds the motion. All votes aye. Motion carried.

ZONING

CONSIDER A REQUEST BY FARIS BADIO TO REZONE APPROXIMATELY 0.132 ACRES FROM ‘R-1’ SINGLE FAMILY TO ‘R-1-T’ RESIDENTIAL TOWNHOME ON PROPERTY LOCATED AT 112 W. AUSTIN STREET. (Z-14-013)

Chairman Arabie opened the public hearing at 6:34 p.m. and called for comments for or against the request by Faris Badio. There were no comments. Chairman Arabie closed the public hearing at 6:34 p.m.

Vice-Chair Rubsam moved to recommend approval of the rezone request by Faris Badio. Commissioner Wilson seconds the motion. All votes aye. Motion carried.

CONSIDER A REQUEST BY ARTHUR JR. & SYLVIA SEDILLO TO REZONE APPROXIMATELY 6.03 ACRES FROM ‘RS’ RETAIL SERVICE DISTRICT TO ‘R-3-2’ MULTI-FAMILY RESIDENTIAL 2 ON PROPERTY LOCATED AT 210 GOFORTH ROAD. (Z-14-012)

CONSIDER A REQUEST BY JO RULE TO REZONE APPROXIMATELY 3.97 ACRES FROM ‘RS’ RETAIL SERVICE DISTRICT TO ‘R-3-2’ MULTI-FAMILY RESIDENTIAL 2 ON PROPERTY LOCATED AT 200 GOFORTH ROAD. (Z-14-014)

Chairman Arabie opened the public hearing at 6:40 p.m. and called for comments for or against the request by Arthur Jr. & Sylvia Sedillo and Jo Rule. Lesia Schreckenghost

addressed the Commission and stated her concerns regarding traffic through her neighborhood and asked what kind of buffers to help with the noise and also would like to know how units are being proposed. Lila Knight addressed the Commission stating that apartments can decrease the values of the neighboring properties. Ms. Knight stated that she would also like to see something a little for creative or some type of mixed use development. Ms. Knight stated that she is opposition of the rezone request. Chairman Arabie closed the public hearing at 6:44 p.m.

Commissioner Wilson moved to recommend approval of the request by Arthur Jr. & Sylvia Sedillo (Z-14-012) and Jo Rule (Z-14-014). Vice-Chair Rubsam seconds the motion. All votes aye. Motion carried.

WORKSHOP DISCUSSION:

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

Chairman Arabie stated that this item will be tabled until the next Planning and Zoning Commission meeting.

STAFF REPORT

James Earp, Assistant City Manager gave an update regarding the hiring of a Planning Director.

ADJOURN

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

The Planning & Zoning Meeting adjourned at 6:53 p.m.

Amelia Sanchez, City Secretary

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 June 24, 2014 at 6:30 p.m. at Kyle City Hall, with the following persons present:

Commissioner Dan Ryan
Commissioner Lori Huey
Commissioner Mike Wilson
Chairman Shane Arabie
Vice-Chair Mike Rubsam
Commissioner Alfred Zambrano
Assistant City Manager, James Earp

Cheronda Welch
Mayor R. Todd Webster
Joe Grasso
Doug Hummer
John Zinsmeyer
Cicely Kay

CALL MEETING TO ORDER

Chairman Arabie called the meeting to order at 6:31 p.m.

ROLL CALL OF BOARD

Chairman Arabie called for roll call. James Collins, Student KAYAC Representative and Commission Melendez were 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. Cheronda Welch addressed the Commission hoping to get some answers regarding the Plum Creek Section 1G2 subdivision going next to her house. Ms. Welch stated she is concerned with the tree removal causing sink holes, the distance from her home and the ally and also concerned with the corner that will be next to her son's bedroom. Mayor R. Todd Webster addressed the Commission stated that he would like to take the opportunity to thank the Commission for all the work that they do and is looking forward to working with them in the future. Chairman Arabie closed the citizens comment period at 6:36 pm.

MINUTES

PLANNING AND ZONING COMMISSION MEETING – APRIL 8, APRIL 22 AND MAY 27, 2014.

Vice-Chair Rubsam moved to approve the Planning and Zoning Commission meeting minutes for April 8, April 22 and May 27, 2014. Commissioner Wilson seconds the motion. All votes aye. Motion carried.

PRESENTATION

RECOGNITION OF CICELY KAY FOR HER YEARS OF SERVICE TO THE PLANNING AND ZONING COMMISSION.

Chairman Arabie presented Cicely Kay with a Certificate of Appreciation.

CONSENT AGENDA

HAYS COMMERCE CENTER – PRELEIMINARY PLAN (PP-14-001) 108.049 ACRES; 22 LOTS LOCATED NORTHWEST OF THE INTERSECTION OF KYLE CROSSING AND THE SOUTHBOUND FRONTAGE ROAD OF IH-35.

(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).

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.

(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).

Commissioner Ryan moved to statutorily disapprove Hays Commerce Center – Preliminary Plan (PP-14-001) and Kyle 47 Subdivision Phase 1 – Final Plat (FP-14-004). Commissioner Wilson seconds the motion. All votes aye. Motion carried.

CONDITIONAL USE PERMITS

CONSIDER A REQUEST BY TOMMY SEARGEANT, CEO (GREATER TEXAS FEDERAL CREDIT UNION) FOR A CONDITIONAL USE PERMIT TO CONSTRUCT A 1,755 SQUARE FOOT BUILDING LOCATED AT 5433 KYLE CENTER DRIVE. (CUP-14-011)

Commissioner Wilson moved to approve the conditional use permit. Commissioner Ryan seconds the motion. All votes aye. Motion carried.

CONSIDER A REQUEST BY WAL-MART REAL ESTATE BUSINESS TRUST (WAL-MART FUEL STATION) FOR A CONDITIONAL USE PERMIT TO CONSTRUCT A 740 SQUARE FOOT FUEL STATION KIOSK, 16 FUEL PUMPS ON PROPERTY LOCATED AT 20585 IH-35. (CUP-14-012)

Commissioner Ryan moved to approve the conditional use permit. Commissioner Huey seconds the motion. Commissioner's Ryan, Huey, Wilson, Arabie and Rubsam vote aye. Commissioner Zambrano abstained from voting. Motion carried.

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)

Commissioner Ryan moved to approve the conditional use permit. Vice-Chair Rubsam seconds the motion. All votes aye. Motion carried.

GENERAL DISCUSSION AND POSSIBLE ACTION

A REQUEST BY KB HOME FOR AN INTERPREATION OF THE FRONT WALL GARAGE SETBACK REQUIREMENTS.

Vice-Chair Rubsam moved to recommend that City Staff develop a procedure for master review and pre-approval of specific floor plans and elevations for new housing developments. Also, prepare an amendment to the Zoning Ordinance to define the front wall of a home and present to City Council for approval. Commissioner Ryan seconds the motion.

Vice-Chair Rubsam amends his motion that the preparation of the Zoning Ordinance to define the front wall is conditional on the approval of the master review process. Commissioner Ryan seconds the motion. Commissioner's Ryan, Arabie and Rubsam vote aye. Commissioner's Huey, Wilson and Zambrano vote nay. Motion failed.

Commissioner Wilson moved to amend the motion to direct staff to bring to the next Planning and Zoning Commission meeting the language which defines the front wall of a building for Planning and Zoning to consider. Vice-Chair Rubsam accepts the amendment with the condition that the development of the master review pre-approval process be added. Commissioner Ryan re-seconds the motion. All votes aye. Motion carried.

STAFF REPORT

James Earp, Assistant City Manager informed the Commission that a Planning Director, Manuel De La Rosa has been hired and will start on July 7th.

WORKSHOP DISCUSSION

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

Commissioner Wilson moved to table the workshop until the next Planning and Zoning Commission meeting. Chairman Arabie seconds the motion. All votes aye. Motion carried.

ADJOURN

With no further business to discuss, Commission Ryan moved to adjourn. Vice-Chair Rubsam seconds the motion. All votes aye. Motion carried.

The Planning & Zoning Meeting adjourned at 7:47 p.m.

Amelia Sanchez, City Secretary

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 July 8, 2014 at 6:30 p.m. at Kyle City Hall, with the following persons present:

Commissioner Dan Ryan
Commissioner Lori Huey
Commissioner Mike Wilson
Chairman Shane Arabie
Vice-Chair Mike Rubsam
Commissioner Alfred Zambrano
Commissioner Irene Melendez
Assistant City Manager, James Earp
Director of Planning, Manuel De La Rosa

CALL MEETING TO ORDER

Chairman Arabie called the meeting to order at 6:31 p.m.

ROLL CALL OF BOARD

Chairman Arabie called for roll call. James Collins, Student KAYAC Representative 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 comments. Chairman Arabie closed the citizens comment period at 6:31 pm.

CONSENT AGENDA

**CERVANTES ADDITION – FINAL PLAT (SFP-14-003) 3.315 ACRES; 3 LOTS
LOCATED OFF OF COUNTY ROAD 158 JUST WEST OF RAYMOND DRIVE
IN THE ETJ.**

(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).

Commissioner Ryan moved to statutorily disapprove Cervantes Addition – Final Plat (SFP-14-003). Commissioner Wilson seconds the motion. All votes aye. Motion carried.

RECOMMENDATION TO CITY COUNCIL FOR KYLE PARKWAY STORAGE SITE PLAN (SD-14-009) 4.296 ACRES; 1 LOTS LOCATED AT 5141 CROMWELL DRIVE.

Chairman Arabie pulled Kyle Parkway Storage – Site Plan (SD-14-009) from the consent agenda to discuss.

James Earp, Assistant City Manager gave a brief presentation.

Commissioner Ryan moved to recommend approval to City Council for Kyle Parkway Storage – Site Plan (SD-14-009). Vice-Chair Rubsam seconds the motion. All votes aye. Motion carried.

CONDITIONAL USE PERMITS

CONSIDER A REQUEST BY SCC KYLE PARTNERS, LTD. (FRESENIUS MEDICAL CARE) FOR A CONDITIONAL USE PERMIT TO CONSTRUCT A 7,942 SQUARE FOOT BUILDING LOCATED AT 5895 KYLE PARKWAY. (CUP-14-014)

Commissioner Ryan moved to approve the conditional use permit. Commissioner Zambrano seconds the motion. All votes aye. Motion carried.

CONSIDER AND POSSIBLE ACTION

CONSIDER A REQUEST BY ROBBIN THOMPSON TO WAIVE THE PERIMETER ROAD FEE REQUIREMENT FOR LOCAL AND COLLECTOR STREETS PER SECTION 41-137 (P) – CITY CODE.

Commissioner Ryan moved to recommend to City Council that the perimeter road fee requirement be waived. Vice-Chair Rubsam seconds the motion.

Commissioner Ryan amends his motion to also direct staff to make an amendment to the City Code. Vice-Chair Rubsam seconds the motion. All votes aye. Motion carried.

STAFF REPORT

James Earp, Assistant City Manager introduced the new Planning Director, Manuel De La Rosa.

WORKSHOP DISCUSSION

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

The Planning and Zoning Commission and City Staff held a workshop to discuss the landscape variance request that come before the Commission and discussed making revisions to the Landscape Ordinance.

ADJOURN

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


The Planning & Zoning Meeting adjourned at 7:51 p.m.

Amelia Sanchez, City Secretary

Shane Arabie, Chairman

MEMORANDUM

TO: Planning and Zoning Commission

FROM: Manuel De La Rosa, Director of Planning 

DATE: August 7, 2014

SUBJECT: Final Plat for Great Hills Section 5 (FP-14-007)

BACKGROUND

Site Information

The subject property is 20.66 acres and is located in the City of Kyle's extra-territorial jurisdiction (ETJ) and proposed to be subdivided into 54 single family lots. All streets in the subdivision shall be public and maintained by Hays County, Texas.

Utilities

Water utility service will be provided by the Goforth Special Utility District.

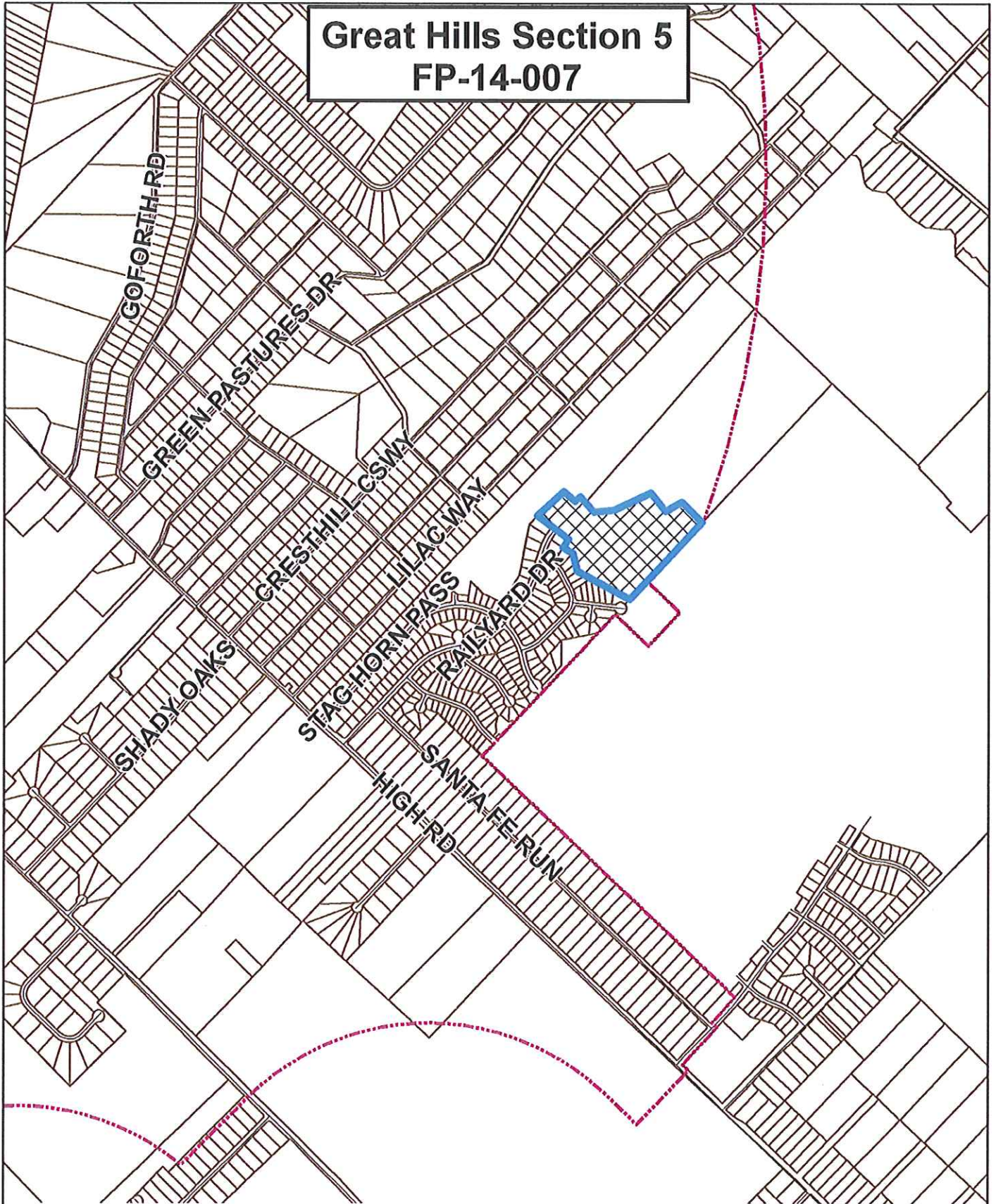
Wastewater utility service will be provided by Railyard Wastewater Treatment Facility.

STAFF RECOMMENDATION:

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

- The plat is consistent with all relevant City of Kyle ordinances.

**Great Hills Section 5
FP-14-007**



0 500 1,000 2,000
Feet



Kyle ETJ



Parcel Lines

GREAT HILLS

SECTION 5

FINAL PLAT

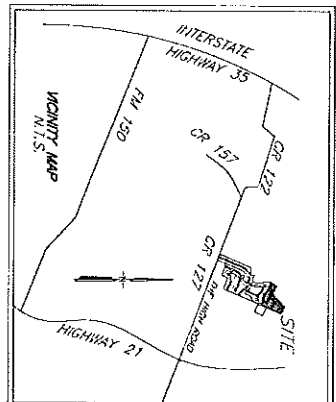
HAYS COUNTY, TEXAS

CITY OF KYLE
JUL 14 2014
PLANNING DEPARTMENT

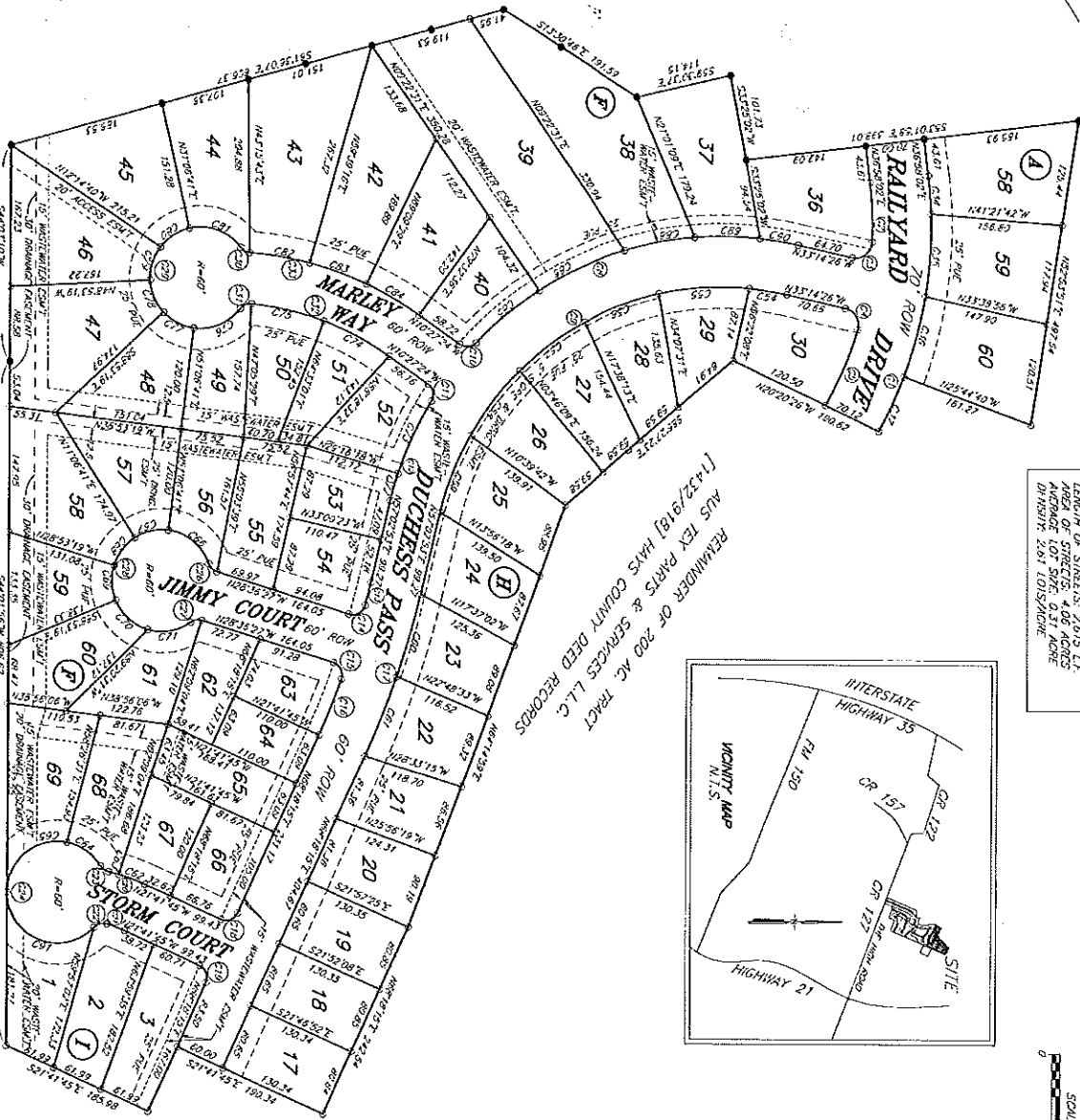
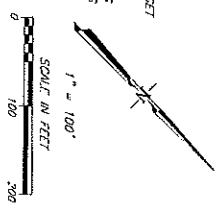
OWNER: DONALD DOWNEY, PARTNER
AUS TEX PARTS & SERVICES, L.L.C.
1512 N. HAYES BLVD., SUITE 100
KYLE, TEXAS 78140
TEL: 512-365-9100 FAX: 512-365-9114

ENGINEER: GREGG W. WATSON, P.E.
1512 N. HAYES BLVD., SUITE 100
KYLE, TEXAS 78140
TEL: 512-365-9100 FAX: 512-365-9114

TOTAL LOT: 54
TOTAL AREA: 20.66 ACRES
LENGTH OF STREETS: 2.615 L.F.
WIDTH OF STREETS: 4.06 ACRES
AREA OF LOT: 1.01 ACRES




LEGEND
● = 1/2" IRON ROD FOUND
○ = 1/2" CAPSULE IRON ROD TO SET
S = STAKE
[] = HAYS COUNTY PLAT RECORDS
[] = HAYS COUNTY DEED RECORDS
PLAT PREPARED: AUGUST 2013
LAST REVISION: 02/02/14



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MEMORANDUM

TO: Planning and Zoning Commission

FROM: Manuel De La Rosa, Director of Planning 

DATE: August 7, 2014

SUBJECT: Final Plat for Hometown Kyle Phase 4 Section 3 (FP-14-008)

BACKGROUND

Site Information

The subject property is 8.942 acres and is located within the corporate limits of the City of Kyle and proposed to be subdivided into 35 single family lots.

Utilities

Water and wastewater utility services will be provided by the City of Kyle.

Access

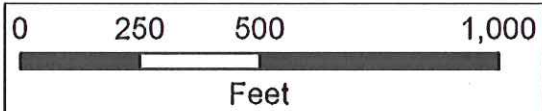
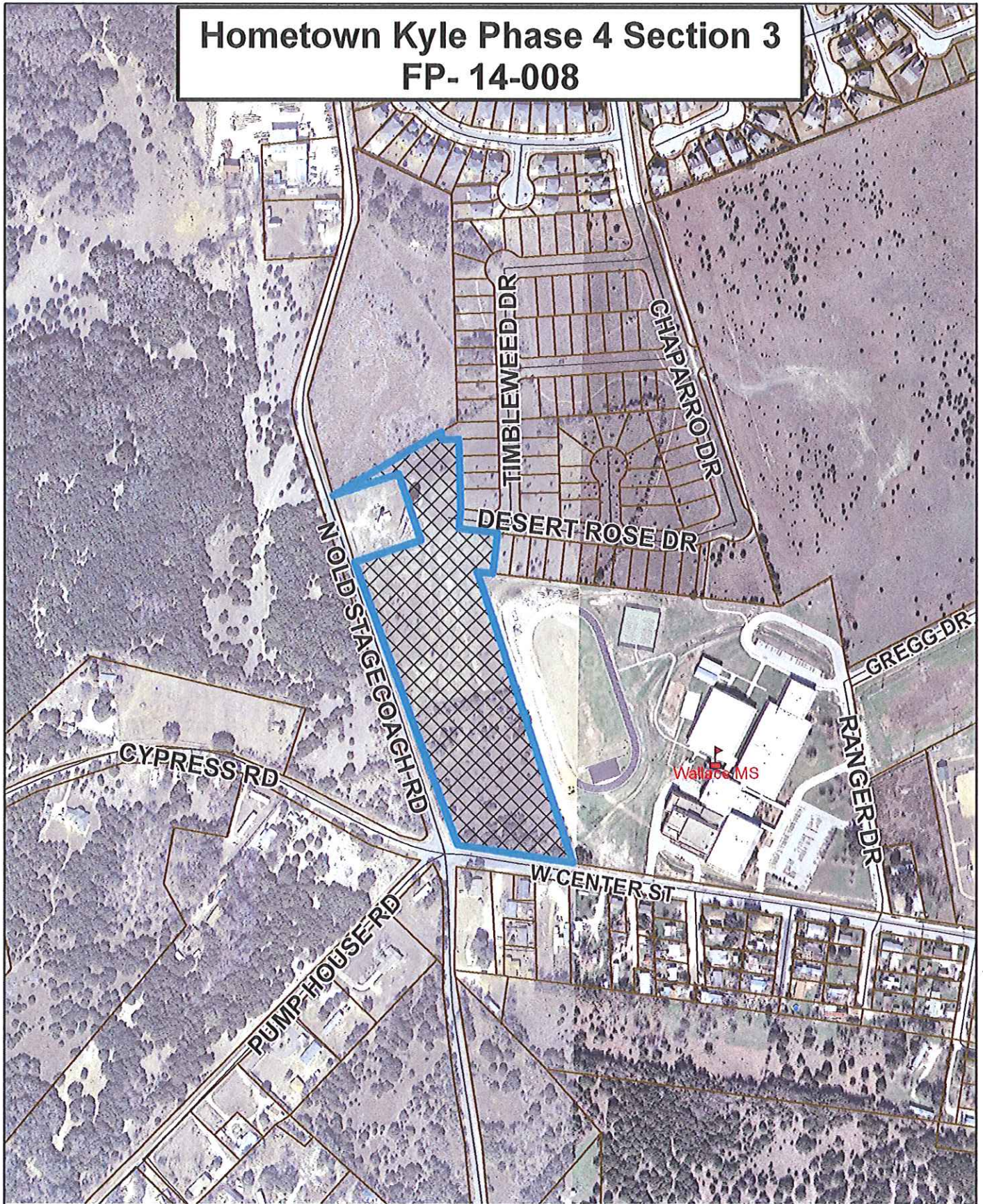
Access to every lot is limited to only streets platted as part of this subdivision. Access to F.M. 150 or Old Stagecoach Road is prohibited.

STAFF RECOMMENDATION:

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

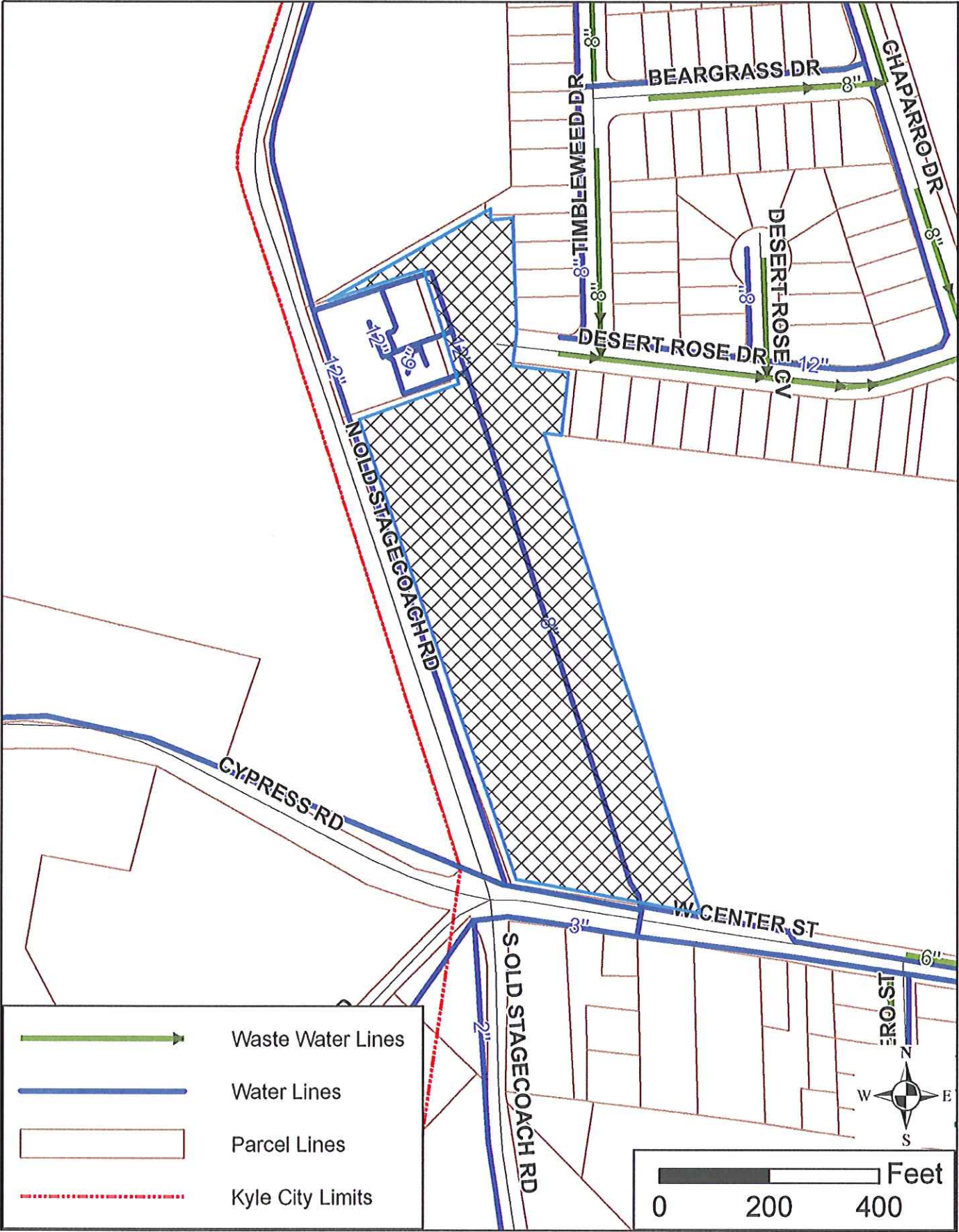
- The plat is consistent with all relevant City of Kyle ordinances.

Hometown Kyle Phase 4 Section 3 FP- 14-008




Parcel Lines

Utilities Near Hometown Kyle Phase 4 Section 3 (FP-14-008)



MEMORANDUM

TO: Planning and Zoning Commission

FROM: Manuel De La Rosa, Director of Planning 

DATE: August 8, 2014

SUBJECT: Ordinance amending Chapter 53 (Zoning) – establishing a garage setback

The city attorney has prepared an amending ordinance to Chapter 53 (Zoning) adding the definitions for a front property line, front wall, and wall. The proposed ordinance also has a severability clause. The intent of this amending ordinance is to provide a diverse home product and establish a certain garage setback from the front wall.

As you may recall, at the previous Planning and Zoning Commission meeting, Assistant City Manager James R. Earp discussed the proposed changes and a representative from KB Home also spoke in favor of the changes. It is staff's opinion that the amending ordinance provides the diversity in home product the City is seeking.

ORDINANCE NO. _____

AN ORDINANCE AMENDING CITY OF KYLE, TEXAS, CODE OF ORDINANCES CHAPTER 53 (ZONING), ARTICLE I (IN GENERAL), SECTION 53-5 (DEFINITIONS) BY ADDING DEFINITIONS FOR "FRONT PROPERTY LINE," "FRONT WALL," AND "WALL"; PROVIDING A SEVERABILITY CLAUSE; PROVIDING REPEAL OF CONFLICTING ORDINANCES; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; PROVIDING FOR AN EFFECTIVE DATE; AND MAKING SUCH OTHER FINDINGS AND PROVISIONS RELATED HERETO.

WHEREAS, the City has experienced rapid growth but a lack of diversity of housing product; and,

WHEREAS, the City Council finds that establishing certain garage setback requirements facilitates offering a more diverse home product; and,

WHEREAS, this amendment establishes garage setback requirements from the front wall;

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. Purpose of Amendment. The City of Kyle Code of Ordinances is hereby amended insofar, and only insofar, as is herein set forth and in no other respect whatsoever.

Section 3. Amendment of Chapter 53, Article I, Section 53-5 Definitions.

Sec. 53-5 ("Definitions") of Chapter 53, Article I of the Code of Ordinances of the City of Kyle, shall be amended to read as follows:

"Sec. 53-5. Definitions.

Front property line means the boundary of a parcel that is generally located immediately adjacent to a public street a structure faces. 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 9-1-1 address purposes.

Front wall means the wall that generally faces the front property line, or in the case of side lots that have two boundaries adjacent to public streets, the front wall shall be the wall where the front entrance to the structure on the parcel is located.

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

Section 4. Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance is declared unconstitutional or invalid for any purpose, the remainder of this ordinance shall not be affected thereby and to this end the provisions of this ordinance are declared to be severable.

Section 5. Conflicting Ordinances. 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 6. Open Meetings. It is hereby found, determined and declared that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Law, Chapter 551, TEX. GOV'T CODE, and that this meeting has been open to the public as required by law at all times during which this ordinance and the subject matter thereof has been discussed, considered and formally acted upon.

Section 7. Effective Date. This ordinance shall take effect from and after its final passage and publication as required by law.

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

PASSED AND ADOPTED on Second Reading this ____ day of _____, 2014.

THE CITY OF KYLE, TEXAS

BY: _____
R. Todd Webster, Mayor

ATTEST:


Amelia Sanchez, City Secretary

APPROVED AS TO FORM:

W. Ken Johnson, City Attorney

MEMORANDUM

TO: Planning and Zoning Commission

FROM: Manuel De La Rosa, Director of Planning 

DATE: August 8, 2014

SUBJECT: Greater Texas Federal Credit Union Waiver Request

BACKGROUND

Site Information

The subject property is located on Lot 7, Block D, Kyle Market Place Section 2. The site will be developed for a branch bank with a total of 1,975 gross square feet on the site. The property is zoned Retail/Service with a parking ratio of 1 space per 250 square feet.

In accordance with city code, eight (8) parking spaces are required for this site. The zoning ordinance allows for a maximum of twelve (12) spaces. Applicant is requesting the Planning and Zoning Commission grant twenty-two (22) parking spaces as explained in the letter dated July 31, 2014.

Variance from

City of Kyle Code of Ordinances, Chapter 53 (Zoning), Section 53-33(n)(3) *Maximum parking*. The maximum number of parking spaces for a general retail, commercial, office or industrial use area shall not exceed 150 percent of the parking required pursuant to chart 4.

STAFF RECOMMENDATION:

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

- The site development is meeting all other city code requirements.



CITY OF KYLE

AUG 05 2014

July 31, 2014

City of Kyle
100 W Center St.
Kyle, TX 78640

PLANNING DEPARTMENT

RE: Request for Zoning Variance
Lot 7, Block D, Kyle Market Place Section 2

To whom it may concern:

Greater Texas Federal Credit Union is requesting a variance to the zoning ordinance regarding maximum allowable parking (Chapter 53, Section 33.N.3). We are proposing a branch bank with a total of 1,975 gross square feet on the site. The current zoning ordinance does not have a specific use for Bank or Credit Union as other uses such as restaurants or clinics do. Therefore, our site is subject to the required parking ratio of 1 space per 250 square feet for the current zoning of Retail/Service. This results in 8 required parking spaces for the site. The zoning ordinance allows for a maximum allowable parking of 150% yielding a maximum 12 spaces for our development.

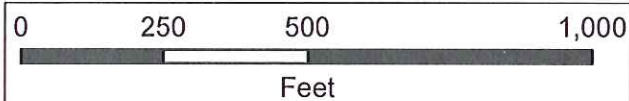
Our proposed branch will have a minimum of six employees on site occupying 50% of our maximum allowable parking at any given time. The remaining 5 regular spaces and 1 accessible parking space are insufficient for the typical parking needs of one of our branch banks and does not allow for reasonable use of the property. Because banks see a high peak volume of customers at specific times of the day, the limitation of parking creates a hardship specific to this property.

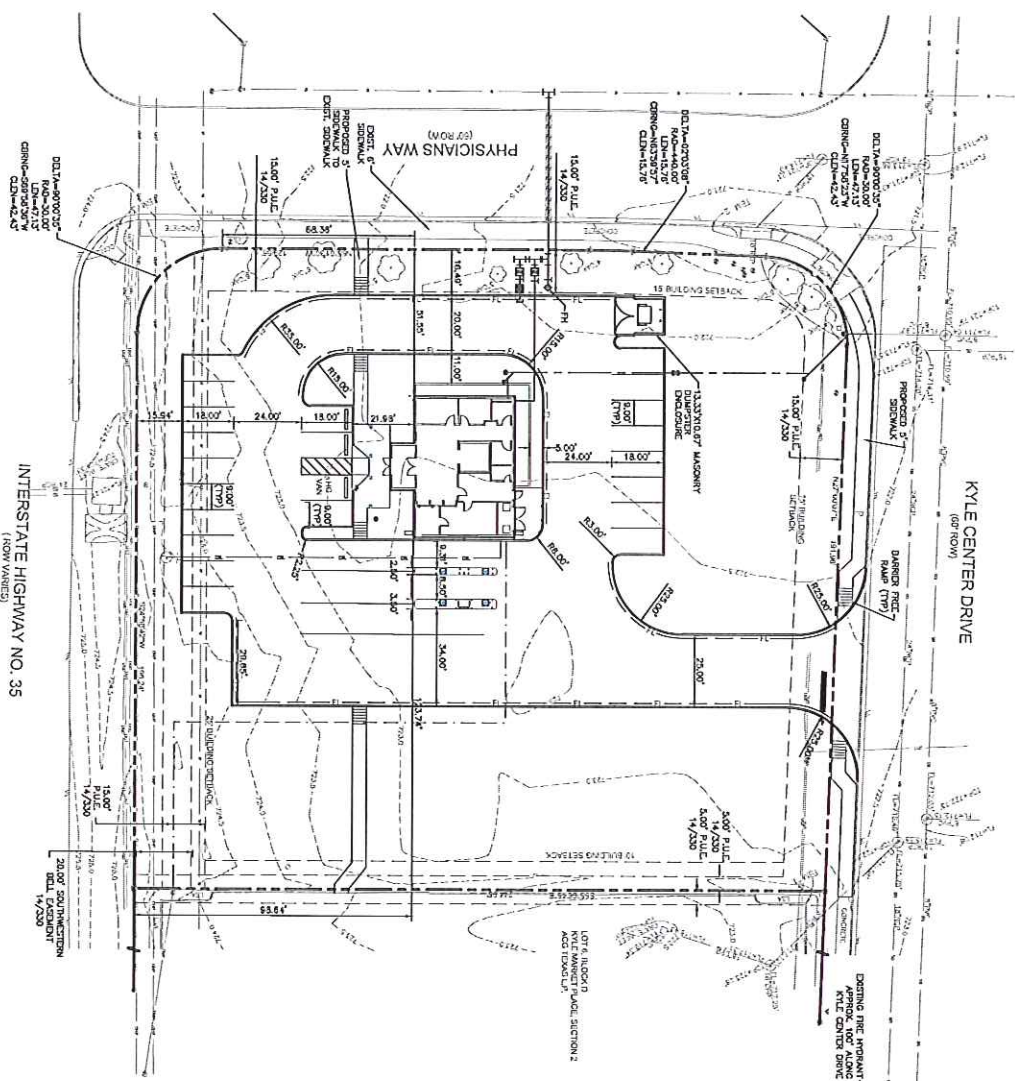
We are requesting the variance to the maximum parking requirement be granted to allow 22 parking spaces as shown on the included site plan for the project

Sincerely,
Greater Texas Federal Credit Union

Tommy Seargeant

Greater Texas Federal Credit Union





SITE DATA

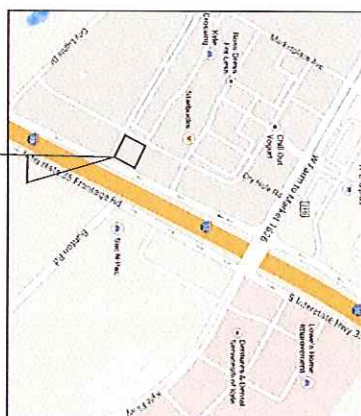
| | | |
|----------------|----------------|----------|
| CLIENT ZONING: | R2S | REMARKS: |
| PROPOSED USE: | BANK | |
| LOT SIZE: | 1.274 AC | |
| BUILDING: | 1975 SF | |
| PAR: | 1:0.030 | |
| PAVING: | 167,000 SF | |
| | 22 FT ADA C&OT | |

CAUTION!

DESIGN UNDERGROUND UTILITIES IN THE AREA CONTRACTOR IS RESPONSIBLE FOR DETERMINING THE HORIZONTAL AND VERTICAL LOCATION OF ALL UTILITIES PRIOR TO CONSTRUCTION. CONTRACTOR SHALL BE RESPONSIBLE FOR ANY REPAIRS TO EXISTING UTILITIES DUE TO DAMAGE INCURRED DURING CONSTRUCTION. CONTRACTOR SHALL NOTIFY THE OWNER OF ANY DISCREPANCIES ON THE PLANS.

NOTES

PROJECT LOCATION



NAME: _____
ADDRESS: _____
CITY: _____
STATE: _____
ZIP: _____
COUNTRY: _____
TELEPHONE: _____
FAX: _____
E-MAIL: _____
DATE: _____
TIME: _____
NAME: _____
ADDRESS: _____
CITY: _____
STATE: _____
ZIP: _____
COUNTRY: _____
TELEPHONE: _____
FAX: _____
E-MAIL: _____
DATE: _____
TIME: _____

LEGEND

GRAPHIC SCALE IN FEET
0 10 20 40

[illegible][illegible]

Kimley»Horn

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TEXAS HILTFIELD ENGINEERING FIRM F-928
2800 SOUTH TEXAS AVENUE, SUITE 201
IRVING, TX 77002
PHONE: 972 775 9282 WWW.KNULEY-HORN.COM

GREATER TEXAS FEDERAL CREDIT UNION

6411 NORTH LAMAR BLVD.
AUSTIN, TEXAS 78752

GREATER TEXAS FEDERAL CREDIT UNION

KYLE BRANCH #2
5433 KYLE CENTER DR. KYLE, TEXAS 78640


pfluger

office: 512.476.4045 • fax: 512.476.4769
209 E. Riverside Drive, Austin, Texas 78754

C3.01
SITE PLANC3.01
SITE PLAN

MEMORANDUM

TO: Planning and Zoning Commission

FROM: Manuel De La Rosa, Director of Planning 

DATE: August 8, 2014

SUBJECT: Popeyes Waiver Request

BACKGROUND

Site Information

Staff is currently reviewing site development plans for the proposed project at 20529 IH-35, located at the southeast corner of Kyle Parkway at IH-35, on a pad site in front of the Wal-Mart store.

The site will be developed for a restaurant with a building area of 2,478 square feet. The property is zoned Retail/Service with a parking ratio of 1 space for each 4 seats for restaurants.

In accordance with city code, twelve (12) parking spaces are required for this site. The zoning ordinance allows for a maximum of eighteen (18) spaces. The site plan proposes to provide 25 parking spaces.

Variance from

City of Kyle Code of Ordinances, Chapter 53 (Zoning), Section 53-33(n)(3) *Maximum parking*. The maximum number of parking spaces for a general retail, commercial, office or industrial use area shall not exceed 150 percent of the parking required pursuant to chart 4.

STAFF RECOMMENDATION:

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

- The site development is meeting all other city code requirements.

Z&H Foods, Inc.

4415 Highway 6 Sugar Land, TX 77478

August 8, 2014

Debbie Guerra
Planning Technician
City of Kyle
P.O. Box 40
100 W Center St.
Kyle, Texas 78640
[\(512\) 262-3959](tel:(512)262-3959)
[\(512\) 262-3987](tel:(512)262-3987) Fax

Re: Popeyes Louisiana Kitchen – Kyle TX - 20529 IH 35 78640
Parking Waiver Request

Ms. Guerra,

We are respectfully requesting a parking waiver that allows us to exceed the maximum parking count for our quick-serve restaurant building use. If you have any questions regarding this request, please contact me. Thanks.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Jeffrey L. Bennett', with a stylized flourish at the end.

Jeffrey L. Bennett
Director of Design & Construction

Popeye's

