

CITY OF KYLE

Planning & Zoning Commission Special Called 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 March 22, 2016, at Kyle City Hall 100 W. Center Street 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 March prior to 6:30 PM.

1. CALL MEETING TO ORDER

2. ROLL CALL

3. CITIZEN COMMENTS

4. CONSENT

A. Bunton Creek Phase 2A – Final Plat (FP-16-002)

11.906 acres; 75 Single Family Lots

Located at the extension of Breanna Lane

Owner: LGI Homes, Texas, LLC.

Agent: Jon Adame, P.E., Pape-Dawson Engineers

Staff Proposal to P&Z: Statutorily Disapprove to meet the 30 day requirement.

B. Bunton Creek Phase 6C – Final Plat (FP-16-003)

20.747 acres; ---84 Single Family Lots

Located at the extension of Violet Lane and the extension of Twin Estate Drive

Owner: LGI Homes, Texas, LLC.

Agent: Jon Adame, P.E., Pape-Dawson Engineers

Staff Proposal to P&Z: Statutorily Disapprove to meet the 30 day requirement.

5. CONSIDER AND POSSILBE ACTION

- A. Consider a request by Gorge Ulloa (Rolling Hills Estates, Lot 3, Block 5) on a proposed variance request to Chapter 41 (Subdivision) Section 82 (Rural Subdivision Standards (e) (1) of the City of Kyle Code of Ordinances, which states all lots in rural subdivisions shall be greater than one acre in area.
- B. Consider a request by SCC Kyle Partners, LTD. on a proposed variance request to Chapter 41 (Subdivision) Section 137 (Streets) (h)(1) (Cul-de-sacs) of the City of Kyle Code of Ordinances, which states Streets ending in a cul-de-sac shall generally not exceed 600 feet in length, nor 200 feet in the case of a residential lane.
- C. Consider a request by SCC Kyle Partners, LTD. on a proposed variance request to Chapter 41 (Subdivision) Section 137 (Streets) (h)(2) (Cul-de-sacs) of the City of Kyle Code of Ordinances, which states the minimum cul-de-sac dimensions for commercial/industrial.
- D. Consider a request by SCC Kyle Partners, LTD., on a proposed variance request to Chapter 41 (Subdivision) Section 137 (Streets) (K)(1) (Pavement and right-of-way width) of the City of Kyle Code of Ordinances, which states Minimum standards.

6. ADJOURN

*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 Special Called 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:


Howard J. Koontz, AICP
Director of Planning and Community Development

03/18/2016
Date

Property Location	Rolling Hills Estate, Section 1, Lot 3, Block 5
Property Owner	Gorge Ulloa 140 Rolling Hills Drive Buda, Texas 78610
Variance Request	Applicant seeks a variance to §41-82(e)(1), the minimum lot area required of rural subdivisions.

Vicinity Map



The site is located on the east side of Rolling Hills Road, just south of its intersection with FM2001, in Kyle's extraterritorial jurisdiction. The applicant requests to re-plot Lot 3 into two (2) lots, 3A and 3B.

Site Plan Analysis

Lot 3 in Rolling Hills Estate is 1.3 acres, and has roughly 288 feet of frontage along Rolling Hills Road. The owner of the lot wishes to divide the lot into two (2) separate lots for two (2) dwellings. The lot is flat and is not bordered by any substantial natural features. The property is surrounded on all sides by similar buildings and land uses, a mix of home sites and small pastures.

Kyle's current subdivision regulations do not allow for this subdivision, as the resultant lot would be non-conforming with regard to minimum required lot area per the standards found in §41-82(e)(1). There is no provision to accommodate this subdivision per the strict terms of the Kyle subdivision regulations, as the parent lot is less than 2 acres. This variance request is the least the applicant can seek to complete the division, because the lot simply lacks the area needed to create two compliant lots.

For further information related to the specific request, please see the attached rendering, drawn by Richard Taylor, the applicant's land surveyor.

Conditions of the Zoning Ordinance

Chapter 41, Article 1, §41-10 identifies the following criteria for evaluation that should be examined when determining the appropriateness of a variance:

§41-10. - Exceptions.

- (a) It is the expressed intent of this chapter that all sections and parts should be complied with, except in those instances when the provisions of this section are applicable. It is further the intent of this chapter that the granting of an exception to this chapter (i.e., a variance from the requirements hereof) shall not be a substitute for the amending of this chapter.
- (b) The planning and zoning commission may recommend to the council that an exception from these regulations be granted when, in its opinion, undue hardship will result from requiring strict compliance. In considering, recommending and granting an exception, either the planning and zoning commission or the council shall prescribe such conditions that it deems necessary or desirable in the public interest. In making the findings required in subsection (c) of this section, both bodies shall take into account, at least, the nature of the proposed use of the land involved, existing uses of land in the vicinity, the number of persons who will reside or work in the proposed subdivision, and the probable effect of such exception upon traffic conditions and upon the public health, safety, convenience and welfare in the vicinity.
- (c) No exception shall be granted unless the following conditions are met:
 - (1) That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this chapter would have a substantial adverse impact on the applicant's reasonable use of his land;
 - (2) That the granting of the exception will not be detrimental to the public health, safety or welfare, or injurious to other property in the area; and
 - (3) That the granting of the exception will not have the effect of preventing the orderly subdividing of other land in the area in accordance with the provisions of this chapter.
- (d) Such findings of the planning and zoning commission and council, together with the specific facts upon which such findings are based, shall be incorporated into the official minutes of the meeting at which such exception is recommended and granted.

- (e) Exceptions may be granted only when in harmony with the general purpose and intent of this chapter so that the public health, safety and welfare may be secured and substantial justice served.

§41-82. - Rural subdivision standards.

- (a) Purpose. The provisions of this section are designed and intended to permit development of undeveloped agricultural land while preserving the rural character of the area until such time as development of a more intensive urban nature is appropriate and can be supported by the necessary public facilities and services. These design standards modify, and/or reinforce other requirements found in these regulations. By qualifying other particular requirements of these regulations, these rural subdivision design standards ensure minimum conditions for establishing a low density rural living environment while providing the necessary foundation upon which more intensive urban development can occur in the future.
- (b) Applicability. The requirements contained in this section shall apply to all land within the jurisdictional limits of the city that is outside the utility service area of the city for water and/or wastewater services, and for which the provision of such services will be accommodated through the use of individual, privately owned systems. No land or property within the city's certificated service area shall be entitled to be developed pursuant to this section, except upon a waiver given by the city council. Further, except as specifically qualified in this section, all other standards, terms, conditions and provisions of this chapter shall apply to such rural subdivisions.
- (c) Streets. All streets within rural subdivisions shall be designed and constructed in accordance with the requirements for rural streets set forth in the city's construction standards and specifications for roads, streets, structures, and utilities. The right-of-way required shall be the same as for all other subdivisions.
- (d) Blocks. Blocks in rural subdivisions shall not exceed 1,500 feet in length and shall adequately accommodate two tiers of lots arranged back to back.

(e) Lots. All lots in rural subdivisions shall:

- (1) Be greater than one acre in area;
 - (2) Have a minimum width at the front property line of 130 feet; and
 - (3) Be designed so that all access is provided from a local street except access may be permitted from a major thoroughfare or street; state highway, farm to market road or ranch road; or numbered/or named county roadway if a minimum driveway centerline spacing of 200 feet is provided between driveways.
- (f) Easements and dedications. In addition to all other right-of-way dedications and/or easements required by this chapter, all rural subdivisions shall be required to dedicate not less than an additional ten feet of right-of-way along that portion of all property abutting:
 - (1) Major thoroughfares;
 - (2) State highways, farm to market or ranch roads; or

- (3) Numbered county roads.
- (g) Utilities.
- (1) Wastewater collection systems. For all rural subdivisions where public wastewater utility services are not available, the city reserves the right to require the installation of improvements required for nonrural subdivisions in accordance with the provisions of these subdivision regulations, when public wastewater services are available within one-quarter mile of the subdivision, the city is coordinating with the private sector to extend a public wastewater system to within one-quarter mile of the subdivision within two years, or the extension of urban services to within one-quarter mile of any portion of the subdivision is scheduled in the city's capital improvements program to occur within five years from the date of preliminary plan approval.
- (2) Water distribution system. To enhance the overall efficiency and service level for water distribution in rural subdivisions, the city will cooperate with existing non-municipal water utility providers in the city's extraterritorial jurisdiction. Through joint coordination and planning both the city and the non-municipal water utilities will work towards ensuring the availability throughout the jurisdiction of this chapter of a water distribution system that satisfies the fire flow requirements.
- a. Rural subdivisions designed for other than single-family detached residential development shall satisfy the applicable state and city fire flow standards;
- b. All single-family detached residential rural subdivisions shall install water distribution system improvements meeting the design requirements of this chapter, and:
1. Where a public water system capable of providing required fire flows to the development is located within one-quarter mile of any part of the subdivision, then it shall be the responsibility of the developer to extend service and connect to the public utility in order to provide fire protection to the development; or
2. For all rural subdivisions, which are not to be served by a public water supply, the subdivider must show proof of a safe and adequate water supply.
- (h) Additional provisions. In addition to any and all other provisions of this chapter, prior to any resubdivision of a rural subdivision being approved by the city, the level of improvements and urban services required by this chapter for nonrural subdivisions shall be available to and satisfied by the resubdivided property.

Attachments

1. Original application and request by the applicant.
2. Proposed amended plat – dated September 8, 2015, drawn by Richard Taylor of Ash & Associates, San Marcos, Texas.



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142 Jackson Lane
San Marcos, TX 78666
(512) 392-1719

March 9, 2016

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

CITY OF KYLE

MAR 09 2016

RE: Replat of Lot 3, Blk 5
Rolling Hills Estates, Section 1
City of Kyle ETJ
Hays County, Texas

PLANNING DEPARTMENT

Board of Adjustment;

The owner wishes to Replat the above referenced Lot, to provide to for his children. The proposed lot area will be less than 1.00 acre each and will require an advanced septic system which will meet the requirements of both Hays County Health Department and the TCEQ.

Thank you for your assistance and if you have any questions please call.

Respectfully,


Richard McDaniel
Ash & Associates

Enclosures
Xc: George Ulloa

STATE OF TEXAS •

Property Location	S. Seton Pkwy Ext. & 5800 Block of FM 1626
Property Owner	SCC Kyle Partners, GP, LLC Scott Deskins, Manager 201 South Calhoun Street, Suite 125 Fort Worth, Texas 76104
Variance Request	Applicant seeks a variance to §41-137(h)(1), §41-137(h)(2), and §41-137(k)(1), for a temporary cul-de-sac street.

Vicinity Map



The site is located south of FM1626 (Kyle Parkway), nearest its intersection with Seton Parkway, adjacent to the southeast of the Wal-Mart store. The applicant seeks to re-plot the existing single, 7.6144-acre lot, creating two new lots, and a dedicated roadway. The new lots will take access from the new roadway, which will be the extension of Seton Parkway. Seton Parkway partially enters the property now, and should eventually connect to development parcels to the south/southeast of the subject property.

Site Plan Analysis

The parent property of this request is 7.6144 total acres, located approximately 200 feet southwest of the FM1626 right-of-way, nearest the intersection of Seton Parkway. The lot is flat and is not bordered by any natural features. The property is bordered to the northwest by Wal-Mart, and to the northeast by two pad sites suitable for retail/service-type uses. The request by the applicant is to formally record a subdivision of the property into two lots, a 3.96-acre lot to the northwest, and a 2.67-acre lot to the southeast, with the remainder to be new Seton Parkway right-of-way bisecting the lot from northeast to southwest.

Kyle's current subdivision regulations do not allow for this plat to be drawn and recorded as shown, because new right-of-way would be non-conforming with regard to cul-de-sac street length (§41-137(h)(1)), cul-de-sac diameter (§41-137(h)(2)), and the overall width of the right-of-way for the new street (§41-137(k)(1)).

The caveat to the overall request is that for two of the aspects of design, the street length and cul-de-sac diameter, the existence of the non-conforming status will be temporary. It is assured that Seton Parkway will be continued toward the southwest at some indeterminate point in the future. Until that time comes, for the current property owner to develop his property, he needs to create access that permits the land to be divided. Once the street being created today gets extended to its ultimate terminus on off-site property under separate control, it will no longer be a cul-de-sac street, and no longer require a cul-de-sac for turn around.

Lastly, the request for a narrow right-of-way widths is partially driven by the existing distance between adjacent lots 4A [A] and 5A [A], which exist along the FM1626 roadway and are already platted. That portion of the right-of-way being drawn today by the applicant is conforming for width, per the terms of Kyle's streets ordinance; the portion of this new plat which is being drawn adjacent to off-site properties under separate control is the non-conforming aspect of the request.

For further information related to the specific request, please see the supplemental drawings submitted by the applicant's engineer and representative for this action, Jeff Shindler.

Conditions of the Zoning Ordinance

Article 1, §41-10 identifies the following criteria for evaluation that should be examined when determining the appropriateness of a variance:

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- (b) The planning and zoning commission may recommend to the council that an exception from these regulations be granted when, in its opinion, undue hardship will result from requiring strict compliance. In considering, recommending and granting an exception, either the planning and zoning commission or the council shall prescribe such conditions that it deems necessary or desirable in the public interest. In making the findings required in subsection (c) of this section, both bodies shall take into account, at least, the nature of the proposed use of the land involved, existing uses of land in the vicinity, the number of persons who will reside or work in the proposed subdivision, and the probable effect of such exception upon traffic conditions and upon the public health, safety, convenience and welfare in the vicinity.
- (c) No exception shall be granted unless the following conditions are met:
 - (1) That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this chapter would have a substantial adverse impact on the applicant's reasonable use of his land;
 - (2) That the granting of the exception will not be detrimental to the public health, safety or welfare, or injurious to other property in the area; and
 - (3) That the granting of the exception will not have the effect of preventing the orderly subdividing of other land in the area in accordance with the provisions of this chapter.
- (d) Such findings of the planning and zoning commission and council, together with the specific facts upon which such findings are based, shall be incorporated into the official minutes of the meeting at which such exception is recommended and granted.
- (e) Exceptions may be granted only when in harmony with the general purpose and intent of this chapter so that the public health, safety and welfare may be secured and substantial justice served.

Sec. 41-137 Streets

(h) Cul-de-sac.

(1) Streets ending in a cul-de-sac shall generally not exceed 600 feet in length, nor 200 feet in the case of a residential lane.

(2) Minimum cul-de-sac dimensions shall be as follows:

Usage Area	Pavement Radius (in feet)	Right-of-Way Radius (in feet)
Residential	45	55
Commercial/industrial	50—65	60—75

(k) Pavement and right-of-way width.

(1) Minimum standards. All pavement widths referred to in the table in this subsection are from curb face to curb face. Where a range of pavement or right-of-way width is shown, such decision shall be made during the subdivision approval process. Direct access from abutting property to arterial streets and major thoroughfares will be restricted.

Standard Category	Pavement Width (in feet)	Right-of-Way Width (in feet)
Residential lane	28	60
Local street	30—36	60
Collector street	38	60
Arterial street	44—48	80
Major thoroughfare	66—70	100—120

Attachments

1. Application and request by the applicant.
2. Proposed amended plat – dated February 19, 2016, drawn by Jeff Shindler of 4Ward Land Surveying, Austin, Texas.

February 19, 2016

CITY OF KYLE

Leon Barba, P.E.
City Engineer – City of Kyle
100 W. Center
Kyle, Texas 78640

FEB 19 2016

PLANNING DEPARTMENT

RE: Variance Request Letter

**Replat of Lot 1B of the SCC Bunton Creek Subdivision, Replat of Lot 6A
(SFP-16-001)**

Dear Mr. Barba:

Please accept this letter as formal request for variances for the above referenced project. This project is requesting variances to the following provisions of the Ordinances:

- 1) 41-137 (h)(1) – Cul-de-sac length
- 2) 41-137 (h)(2) – Cul-de-sac bubble
- 3) 41-137 (k)(1) – ROW width

Each variance is discussed below.

41-137 (h)(1) – Cul-de-sac length

Seton Parkway is getting dedicated through the site, with the possibility of future expansion. As such, the Seton Parkway would be considered a “temporary” dead-end. While the Seton Parkway ROW to be dedicated with this plat exceeds 600’, the actual roadway pavement to be installed does not. In the current, interim configuration, the proposed Seton Parkway pavement extends approximately 580’ south from Kyle Parkway. At the end of the paved portion of the proposed Seton Pkwy, a temporary 60’ radius Cul-de-sac ROW bubble is proposed. This location aligns with the location of the proposed Goodwill driveway on Lot 1, and it is intended that the Goodwill driveway will be used by any motorists that find themselves at the end of the paved Seton Parkway and needing to turn around.

41-137 (h)(2) – Cul-de-sac bubble

As discussed above, in lieu of a dedicated cul-de-sac bubble, this project is proposing a temporary ROW easement that conforms to the cul-de-sac standards (60’ radius). It is intended this easement will release upon future extension of Seton Parkway.


41-137 (k)(1) – ROW width

The project is providing a full 60’ ROW width for the length of the roadway through the plat. The existing flag to Kyle Parkway, which is getting dedicated with this plat as ROW, is less than 60’. To achieve the full 60’ ROW width, additional ROW would be required from Lot 5A, which is not part of this plat. A mitigating factor to this is that the

roadway is already constructed and functioning in this area, so granting of the variance for this portion of the road does not adversely impact future use of that area as ROW.

Thank you for your consideration of this variance request. Please contact me if you have any questions or require additional information.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jeff Shindler', with a stylized flourish extending to the right.

Jeff Shindler, P.E.

