



# CITY OF KYLE

## PLANNING & ZONING COMMISSION REGULAR 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 P.M. on October 11, 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 Planning and Zoning and/or City Council members in attendance.

Posted this 7<sup>th</sup> day of October prior to 6:30 P.M.

1. Call meeting to order
2. Roll Call
3. Citizen Comments
4. **CONSENT**

- A. Plum Creek Phase 2 – Preliminary Plan (PP-16-001)  
389.1 acres; 1,404 Single Family Lot, 1 School, 1 Amenity and 19 Parks  
Located northeast of Kohler's Crossing and FM 2770  
Owner: Lennar Homes of Texas Land and Construction, Ltd.  
Agent: Judd Willmann, P.E., LandDev Consulting, LLC.  
Staff Proposal: Statutorily disapprove to meet the 30 day statutory requirement.
- B. Plum Creek Phase 1 Section 4B – Preliminary Plan (PP-16-002)  
3.828 acres; 40 Single Family Lots  
Located east of the corner of Fairway and Hartson  
Owner: PC Operating Partners, Ltd.

Agent: Scott Bauer, Bigelow Development, LLC.

Staff Proposal: Statutorily disapprove to meet the 30 day statutory requirement.

C. Plum Creek Phase 1 Section 4B – Final Plat (FP-16-011)

3.828 acres; 40 Single Family Lots

Located east of the corner of Fairway and Hartson

Owner: PC Operating Partners, Ltd.

Agent: Scott Bauer, Bigelow Development, LLC.

Staff Proposal: Statutorily disapprove to meet the 30 day statutory requirement.

D. Plum Creek Phase 1 Section 12B – Preliminary Plan (PP-16-003)

0.971 acres; 1 Commercial Lot

Located off of Kohler's Crossing and Cromwell

Owner: Plum Creek Development Partners

Agent: Harrison M. Hudson, Kimley-Horn

Staff Proposal: Statutorily disapprove to meet the 30 day statutory requirement.

E. Plum Creek Phase 1 Section 12B – Final Plat (FP-16-012)

0.971 acres; 1 Commercial Lot

Located off of Kohler's Crossing and Cromwell

Owner: Plum Creek Development Partners

Agent: Harrison M. Hudson, Kimley-Horn

Staff Proposal: Statutorily disapprove to meet the 30 day statutory requirement.

F. Creekside Village Revised Preliminary Plan (PP-16-004)

73.454 acres; 166 Single Family Lots and 4 Drainage Lots

Located east of Fall Creek Dr., west of Union Pacific Railroad and north of Burleson

Owner: Orchard at Plumb Creek, LLC.

Agent: Josh Miksch, P.E., Jones/Carter

Staff Proposal: Statutorily disapprove to meet the 30 day statutory requirement.

## 5. ZONING

- A. Consider a request by Tom and Lyndee Jordan to assign original zoning to approximately 5 acres from Agriculture 'AG' to Retail Service District 'RS' on property located at 245 Lehman Road. (Z-16-007)

- **Public Hearing**

## 6. CONSIDER AND POSSIBLE ACTION

- A. Consider a request by SCC Kyle Partners (BioLife Plasma Services – 906 Seton Parkway) for a conditional use permit to construct a 16,686 square foot building located within the IH-35 Overlay District. (CUP-16-010)
- B. Consider a landscape waiver request by BioLife Plasma Services to Section 53-988 and Section 53-992 of the City of Kyle, Code of Ordinances.
- C. Consider a request by Dennis Artale (Windmill Center Lot 1 – 21511 IH-35) for a conditional use permit to construct a 9,000 square foot building located within the IH-35 Overlay District. (CUP-16-009)
- D. Consider a request by St. Anthony's Catholic Church for tree removal pursuant to Section 53-995 (d)(5) and (f)(1) of the City of Kyle, Code of Ordinances.


## 7. STAFF REPORT

## 8. ADJOURNMENT

Per Texas Attorney General Opinion No. JC-0169; Open Meeting & Agenda Requirements, Dated January 24, 2000. The permissible responses to 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 the 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

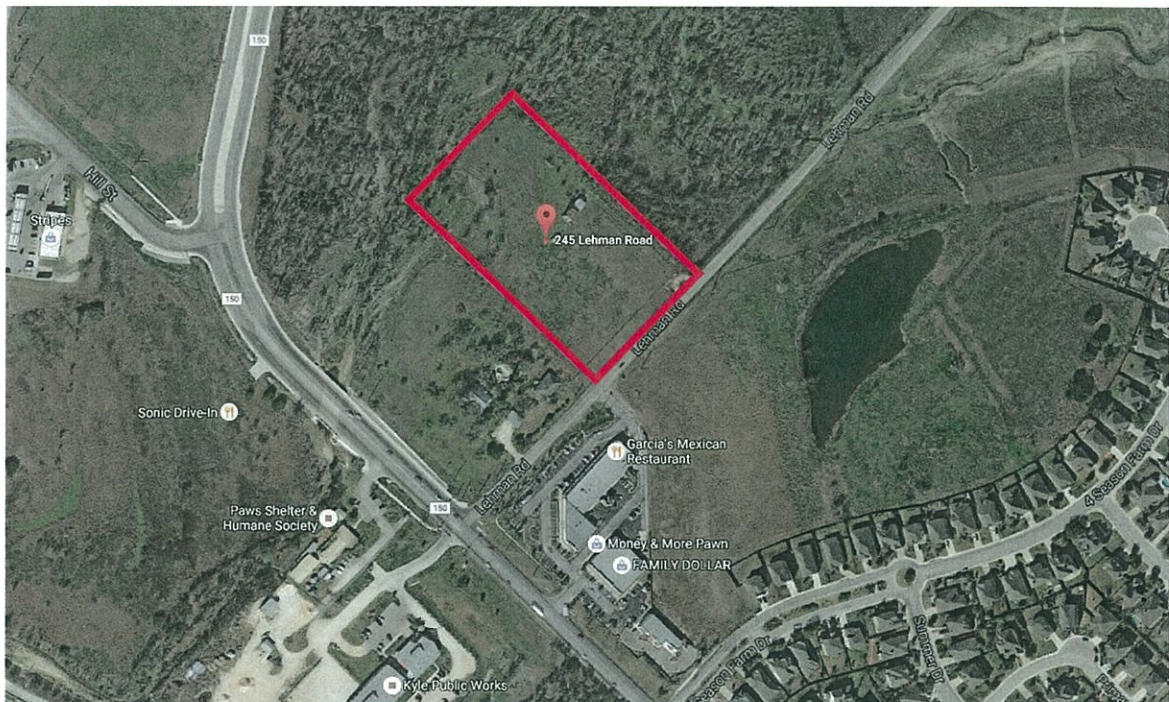
I certify that the above notice of the Planning and Zoning Commission meeting of the City of Kyle, Texas was posted on the bulletin board of the City of Kyle Hall, 100 W. Center Street, Kyle, Texas. This notice was posted on:

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

10/7/2016  
(Date)

<b>Property Location</b>	<b>245 Lehman Road</b>
<b>Owner</b>	<b>Tom &amp; Lyndee Jordan 850 Bluffview Drive Wimberley, Texas 78676</b>
<b>Agent</b>	<b>Kelly Kilber Bec-Lin Engineering 100 East San Antonio Street, Suite 100 San Marcos, Texas 78666</b>
<b>Request</b>	<b>Rezone 5 acres from A (Agriculture) to R/S (Retail /Services)</b>

### Vicinity Map



### Site Description

The site is located at 245 Lehman Road, on the northwest side of Lehman approximately 600 feet northeast of the intersection of Lehman Road and RR 150 East. The property, comprising 5.00 acres, is currently zoned A (Agriculture), and is developed with a vacant home structure and two accessory out structures. The lot is adjacent to similarly zoned properties on the northeast and southwest, to property zoned R/S (Retail/Services) to the northwest, and the properties to the southeast, across Lehman Road, are zoned both W (Warehouse) and R/S.



Although the lot fronts on Lehman Road, it is adjacent to a large block of parcels all zoned R/S, which are positioned around the intersection of the east Center Street extension and Interstate 35 from Goforth Road on the north side to Hill Street to the south.

The site is encumbered with no less than two-thirds of its land area consumed in 100-year floodplain (FEMA Zone 'AE'). The portion of the lot out of the floodplain is on the Lehman Road side; the remainder of the lot slopes down toward an unnamed feeder creek of Plum Creek.

The applicant seeks to rezone the subject property to R/S, a commercial zoning category for "general retail sales of consumable products and goods within buildings of products that are generally not hazardous and that are commonly purchased and used by consumers in their homes, including most in-store retail sales of goods and products that do not pose a fire or health hazard to neighboring areas".

## **Conditions of the Zoning Ordinance**

### **§53-1205 – Amendments**

...

(d) Referral of amendment to planning and zoning commission. Upon its own motion, a request by the planning and zoning commission, or the receipt of an administratively complete petition and application to zone or rezone a lot, tract or parcel of land, which petition and application has been examined and approved as to form by the city manager, shall be referred to the planning and zoning commission for consideration, public hearing, and recommendation to the city council. The council may not enact a rezoning amendment until the planning and zoning commission has held a public hearing and made its recommendation to the city council, or has made a final vote on the matter without obtaining a majority, on the zoning or rezoning of the property.

(e) Action by the planning and zoning commission. The planning and zoning commission shall cause such study and review to be made as advisable and required, shall give public notice and hold a public hearing as provided by state law, and shall recommend to the council such action as the planning and zoning commission deems proper...

## **Comprehensive Plan Text**

The subject site is located in the 'Regional Node' character area. In Regional Node, it is recommended that the R/S zoning district be approved conditionally.

Regional Node 'Character': "Regional Nodes should have regional scale retail and commercial activity complemented by regional scale residential uses. These Nodes should represent the character and identity of Kyle, and signal these traits to the surrounding community. Regional Nodes have a radius of approximately 1/3 of a mile so that they are walkable, but are able to contain a greater range of uses at a larger scale than those found in Local Nodes. Appropriate uses may include grocery stores, retail shopping centers, multi-family housing, and municipal services, such as libraries and recreation centers."

Regional Node 'Intent': "The primary goal of the Regional Nodes is to capture commercial opportunities necessary to close Kyle's tax gap. To achieve this goal, these Nodes should draw upon anticipated regional growth and aggregate density to enhance value and activity levels in a concentrated and visible location. Regional Nodes should provide a mixture of uses that complements regional commercial activity, as well as encourage high intensity residential development. These Nodes should respond to other regional areas of growth, specifically along I-35 and FM 1626, and to growth toward Hwy 21, SH 45 and SH 130. The anchor of each Regional Node should be regional commercial uses, and Regional Nodes should have a high level of development intensity."

## **Analysis**

This property presents a series of challenges to being utilized at its highest and best use. The most obvious of which is the physical environment itself. Well over two-thirds of the lot's area is located in 100-year floodplain, meaning special dispensations and development techniques will be required to develop in that portion of the lot at all. This does not mean the lot cannot be built upon, but to do so takes more effort than similar greenfield development not located along a creek. Additionally, although the adjacent acreage is located exactly at a major interstate exit and is appropriately zoned for commercial development, no builder or developer has yet stepped forward to establish the type of project envisioned in the city's comprehensive plan. These parcels are located on a state road at an exit for an interstate highway, and are largely vacant except for a few, stand-alone retail outlets.

In an effort to catalyze development along this block, the owner, Tom Jordan, originally had applied to the city to assign 'W' (Warehouse) zoning to this parcel. Staff could not recommend approval of that designation for this particular lot because of the lot's environmental considerations, the type and number of land uses permissible by right (especially in light of the acreage available), and lastly the incongruent uses enabled by Warehouse zoning as they relate to the eventual development of the R/S parcels to the northwest and north. Mr. Jordan continued to work with staff to develop a course of action where the unique traits of the land could be utilized and he could still add value to the parcel. Namely, he would like to operate uses that don't require physical improvements in the restricted portions of the lot. However, R/S land uses are primarily operated indoors. A few of the less intrusive land uses in 'W' zoning could be established on the site until such time that higher and better uses would lend themselves to this lot as well.

To that end, the city has in the past entered into development agreements that specifically enable listed uses on parcels of land for specific purposes, as enabled in the agreement text. Staff has included an addendum to this zoning request consistent with this procedure, which would permit Mr. Jordan to operate "warehouse and off-site storage", and "general warehouse and storage", as they are presented in the city's zoning ordinance.

This condition of zoning will expire six months after the use ceases operations, but in the immediate term will allow for the introduction of a viable use on the ground until the land appreciates to the point of redevelopment.

## **Attachments**

- Application
- Ordinance amendment text
- Boundary survey, "Zoning Application: Supporting Document, 245 Lehman Road"

## APPLICATION & CHECKLIST – ZONING CHANGE

Zoning: Tom & Lyndee Jordan

September 9, 2016

(Name of Owner)

(Submittal Date)

**INSTRUCTIONS:** 2-16-007

- Fill out the following application and checklist completely prior to submission.
- Place a check mark on each line when you have complied with that item.
- Use the most current application from the City's website at [www.cityofkyle.com](http://www.cityofkyle.com) or at City Hall. City ordinances can be obtained from the City of Kyle.

**REQUIRED ITEMS FOR SUBMITTAL PACKAGE:**

The following items are required to be submitted to the Planning Department in order for the Zoning Application to be accepted.

- ☒ 1. Completed application form with owner's original signature.
- ☒ 2. Letter explaining the reason for the request.
- ☒ 3. Application fee: \$428.06, plus \$3.62 per acre or portion thereof.

Newspaper Publication Fee: \$190.21

Total Fee: ~~\$636.37~~ 190.21

- ☒ 4. A map or plat showing the area being proposed for rezoning.
- ☒ 5. A clear and legible copy of field notes (metes and bounds) describing the tract (when not a subdivided lot).
- ☒ 6. Certified Tax certificates: County            School            City
- ☒ 7. Copy of Deed showing current ownership.

\*\*\* A submittal meeting is required. Please contact Debbie Guerra at (512) 262-3959 to schedule an appointment.

**1. Zoning Request:**

Current Zoning Classification: Agriculture

Proposed Zoning Classification: Retail Services (RS)

Proposed Use of the Property: Commercial

Acreage/Sq. Ft. of Zoning Change: 5.00 AC. See attached Exhibit A

**2. Address and Legal Description:**

Provide certified field notes describing the property being proposed for rezoning.

Provide complete information on the location of the property being proposed for rezoning.

Street Address: 245 Lehman Road, Kyle, TX 78640

Subdivision Name/Lot & Block Nos.: n/a



Property Recording Information: ☐ Hays County  
Volume/Cabinet No. \_\_\_\_\_

Page/Slide No. \_\_\_\_\_

**3. Ownership Information:**

Name of Property Owner(s): Tom & Lyndee Jordan

(If property ownership is in the name of a partnership, corporation, joint venture, trust or other entity, please list the official name of the entity and the name of the managing partner.)

Address of Owner: Bluffview  
850 Bluff Drive  
Wimberley, TX 78676

Phone Number: 409-658-9550

Fax Number: n/a

Email Number: tjordan@usflag.com

I hereby request that my property, as described above, be considered for rezoning:

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

**4. Agent Information:**

If an agent is representing the owner of the property, please complete the following information:

Agent's Name: Bec-Lin Engineering, Kelly Kilber, R.P.L.S., P.E.

Agent's Address: 100 E. San Antonio St., Ste. 100  
San Marcos, TX 78666

Agent's Phone Number: 512-353-3335

Agent's Fax Number: 512-396-0224

Agent's Mobile Number: \_\_\_\_\_

Agent's Email Number: kkilber@bec-lin.com

I hereby authorize the person named above to act as my agent in processing this application before the Planning and Zoning Commission and City Council of the City of Kyle:

Owner's Signature: Tom Jordan Lyndee Jordan

Date: 9/12/2016

**ORDINANCE AMENDMENT NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF KYLE, TEXAS, AMENDING THE ZONING ORDINANCE BY ZONING A 5.0-ACRE TRACT OF LAND LOCATED AT 245 LEHMAN ROAD – TRACT R14803 - FROM THE ZONING DISTRICT "A" TO THE ZONING DISTRICT "R/S"; PROVIDING FOR CONDITIONS OF ZONING; MAKING FINDINGS OF FACT; AND PROVIDING FOR RELATED MATTERS.**

**Whereas**, the owner of the property described hereinafter (the "Property") has requested that the Property be rezoned; and

**Whereas**, adjacent zoning of parcels include "R/S" (Retail Services) to the northwest and "W" (Warehouse) to the southeast; and

**Whereas**, zoning in Kyle is cumulative; and

**Whereas**, the owner has met with city staff and determined that a "W" zoning designation is not desirable on the Property, yet requests limited uses permitted in the W zoning district; and

**Whereas**, in order to comply with the zoning recommendations of the city staff and the comprehensive plan, while also affording certain uses allowable under the "W" zone, a development agreement is desired; and

**Whereas**, the City Council at public hearing has reviewed the request and the circumstances of the Property and finds that a substantial change in circumstances of the Property, sufficient to warrant a change in zoning of the Property through a development agreement has transpired;

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

**Section 1. Findings.** The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

**Section 2. Amendment of Zoning Ordinance.** City of Kyle Zoning Ordinance No. 438, as amended, the City of Kyle Zoning Ordinance No. 438 (the "Zoning Ordinance" or "Code"), is hereby modified and amended by rezoning the Property as set forth in Section 3.

**Section 3. Rezoned Property.** The Zoning Ordinance is hereby amended by changing the zoning district for the land located at 245 Lehman Road from "A" Agriculture to "R/S" Retail/Services. This property is hereby rezoned to "R/S" Retail/Services. A further description of the subject property is set forth in Exhibit "A" that is attached hereto and made a part of this ordinance.

**Section 4. Conditions of Zoning.** The property shall be developed and occupied in compliance the applicable requirements for the "R/S" District; and the additional restrictions on use set forth for this property only for the purpose of 4931-1000 Warehouse off-site storage (retail and wholesale) and 4931-1001 Warehousing and storage, general, as provided in the city's Zoning Ordinance.

**Section 5. Standards.** All uses built under 4931-1000 and 4931-1001 will be built at the standards set forth for "W" Warehouse, to wit:

- A. Number of Parking Spaces – One space per 1,000 feet of gross floor space and one space for every 1½ employees.
- B. Building Area, Maximum Floor Area to Land Area Ratio – 1.5:1.
- C. Maximum Lot Coverage – Main Building 60%, Main Building and Accessory Building 65%.
- D. Front, Side, Rear Setbacks – 25 ft.
- E. Minimum Lot Sq. Ft. Area – 9,000 sq. ft.
- F. Minimum Lot Street Line Width – 80 linear ft.
- G. Height Limit – 45 ft.
- H. Outdoor storage is permissible only in the rear yard.
- I. Outdoor storage will be set back from property lines consistent with the setback standard for structures, and suitably screened from adjoining views.
- J. Parking/storage will occur only on improved surfaces – concrete, hot-mix asphalt, or masonry pavers on a suitable base.\*
- K. Landscape buffers between this and adjacent properties will be installed.

\*Land uses on the property will be cumulative, i.e. each separate land use will have to individually accommodate adequate off-street parking for its use. Shared parking can be used to meet this standard, only if approved by the majority consent of the Mayor & City Council.

**Section 6. Conflicts.** Any conflicts of use standards or development standards with regard to R/S zoning, 4931-1000, and 4931-1001 will be resolved by utilizing the stricter of the conflicting code sections.

**Section 7. Sunset.** Once commenced, in the event the warehouse uses are discontinued for a period exceeding six (6) months, this development agreement will expire and the zoning of this property will remain R/S with no special exceptions.

**Section 8. 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 public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551, Texas Local Government Code.

**PASSED AND APPROVED on First Reading this \_\_\_\_\_ day of \_\_\_\_\_, 2016.**  
**FINALLY PASSED AND APPROVED on this \_\_\_\_\_ day of \_\_\_\_\_, 2016.**

\_\_\_\_\_  
 Jennifer Vetrano, City Secretary

\_\_\_\_\_  
 Todd Webster, Mayor









# CITY OF KYLE

## Community Development Department

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### MEMORANDUM

**TO:** Planning Commission

**FROM:** William A. Atkinson- City Planner

**DATE:** October 11, 2016

**SUBJECT:** Conditional Use Approval, I-35 Overlay District – BioLife Plasma Services

### REQUEST

The applicant seeks to construct a 16,686 square foot, one-story, single-tenant facility along Seton Parkway, consisting of an exterior finish of brick, limestone masonry, and windows to provide an appropriate architectural distinctiveness. Hues of red, contrasting with white limestone and reflective glass contribute to a cohesive color scheme.

### LOCATION

The property is located at 906 Seton Parkway on the east side of IH-35, behind Warm Springs Rehabilitation Hospital and across Seton Parkway from Goodwill Industries (currently under construction).

### OVERLAY DISTRICT

The I-35 overlay district. The Interstate Highway 35 corridor conditional use overlay district (the I-35 overlay district) extends from the northernmost city limit boundary at I-35 to the southernmost city limit boundary at I-35, and includes all real property within 1,500 feet of the outer most edge of the highway right-of-way of I-35.

### TEXT OF THE ZONING ORDINANCE

Sec. 53-896. - Standards for review.

- (a) The planning and zoning commission shall determine whether the application and project is consistent and compliant with the terms and intent of this division, this chapter, chapter 32, article II, pertaining to the site development plan, and all other codes and ordinances of the city. The planning and zoning commission will determine if the proposed use, occupancy and structure will promote, preserve, and enhance, and will not damage or detract from the distinctive character of the community; will preserve and protect property values and taxable values; will not be detrimental or inconsistent with neighboring uses and occupancies; will not be detrimental to the general interests of the citizens; and will not be detrimental to the public health, safety

and welfare. In conducting its review, the planning and zoning commission shall make examination of and give consideration to the traffic flow, development density, neighboring historical designs, neighboring uses, and elements of the application, including, but not limited to:

- (1) Height, which shall conform to the requirements of this chapter;
  - (2) Building mass, which shall include the relationship of the building width to its height and depth, and its relationship to the visual perception;
  - (3) Exterior detail and relationships, which shall include all projecting and receding elements of the exterior, including, but not limited to, porches and overhangs and the horizontal or vertical expression which is conveyed by these elements;
  - (4) Roof shape, which shall include type, form, and materials;
  - (5) Materials, texture, and color, which shall include a consideration of material compatibility among various elements of the structure;
  - (6) Compatibility of design and materials, which shall include the appropriateness of the use of exterior design details;
  - (7) Landscape design and plantings, which shall include lighting and the use of landscape details to highlight architectural features or screen or soften undesirable views;
  - (8) Vehicular and pedestrian access, which shall include location, width, and type of surface for all points of ingress and egress;
  - (9) Signage, which shall include, in addition to the requirements chapter 29, pertaining to signs, the appropriateness of signage to the building in relation location, historical significance of the structure and neighboring structures, traffic visibility; obstruction of views from neighboring property;
- (b) The planning and zoning commission may request from the applicant such additional information, sketches, and data as it shall reasonably require. It may call upon experts and specialists for testimony and opinion regarding matters under examination. It may recommend to the applicant changes in the plans it considers desirable and may accept a voluntary amendment to the application to include or reflect such changes. The planning and zoning commission shall keep a record of its proceedings and shall attach to the application copies of information, sketches, and data needed to clearly describe any amendment to the application.
- (c) If the conditional use permit is granted by the planning and zoning commission, the applicant shall be required to obtain a building permit and/or a development permit, if required, provided all other requirements for a building permit and/or a development permit are met. The building permit and/or a development proposal as approved shall be valid from one year from the date of approval. The planning and zoning commission may grant an extension of the one-year limitation if sufficient documentation can be provided to warrant such an extension.



## **STAFF ANALYSIS**

Staff has reviewed the request and has made the following findings:

1. The proposed development meets the intent of the retail services zoning standards for the building and site work; with the exception of parking and landscaping requirements.

Current Retail Services zoning requires a minimum 67 parking spaces and a 150% maximum of 101 spaces. BioLife Plasma Services attended & intended to request 156 spaces on the October 3rd Board of Adjustment meeting, as to meet the public notice requirement. However, the Board of Adjustment did not have the appropriate quorum to consider a vote. The Board of Adjustment will hear BioLife Plasma Services' request on the November 2<sup>nd</sup> meeting.

Contingent upon approval of parking increases from the Board of Adjustment, the Planning & Zoning Commission will hear a landscaping variance request, for a reduction of the required 58 trees. BioLife requests a higher volume of parking than allowed under Kyle regulations; and an existing retaining wall borders a portion of the property, and there are existing underground utilities present on the parcel; all these conditions combine to make the full compliment of landscape material a challenge to the site designers. It should be noted that while locations for planting trees is limited, the pervious (landscaped) area still exceeds the minimum 15% for R/S with a total of 27.8%, landscaped.

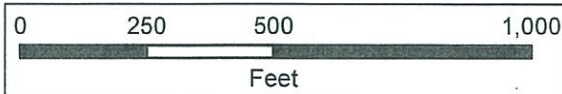
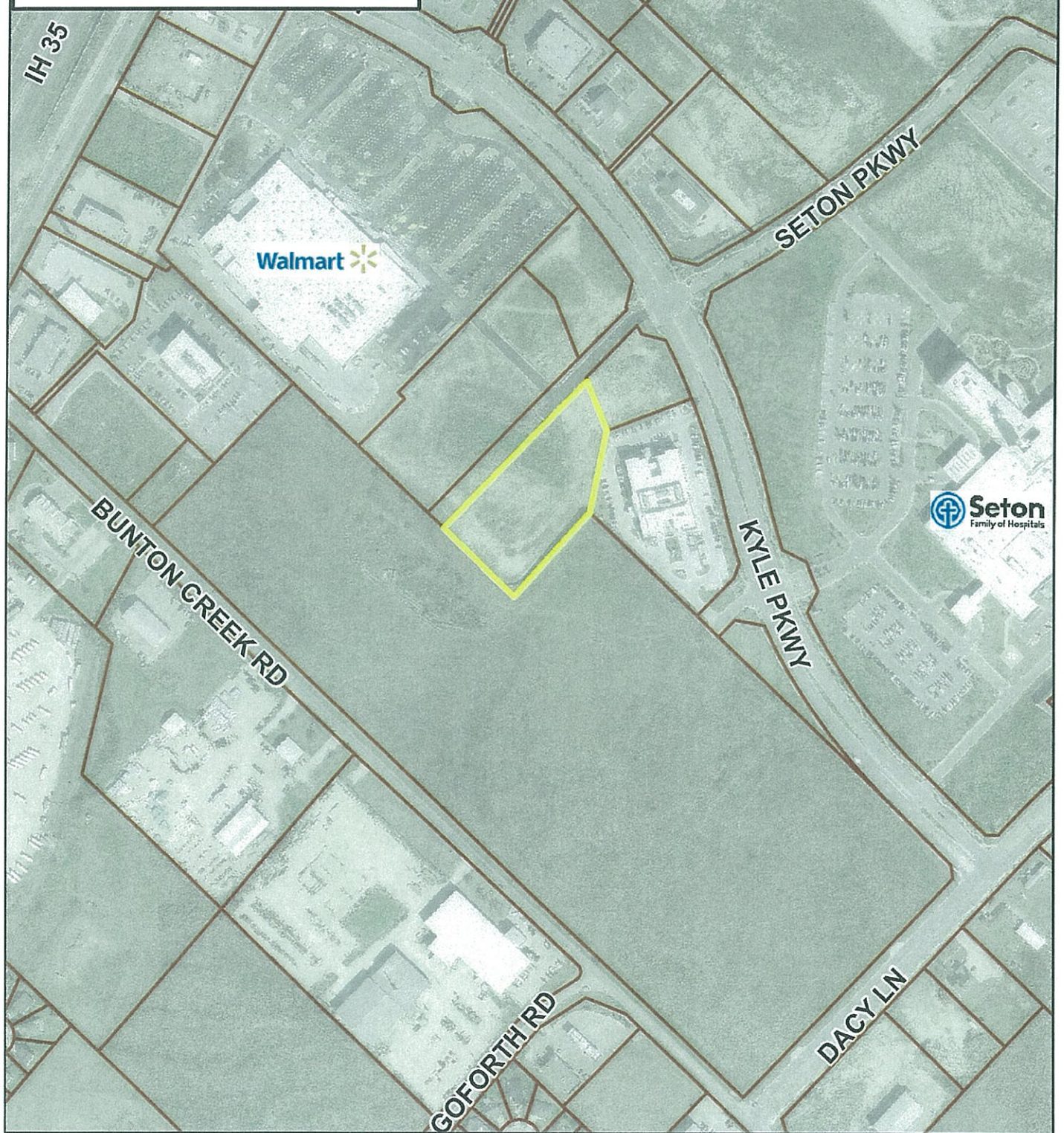
2. A proper list of materials types and specific colors are available along with the marketing renderings submitted;
3. The overall design aesthetic and color palette is in keeping with the general requirements of the I-35 Overlay standard for the preferable appearance of the Kyle I-35 corridor.

## **ATTACHMENTS**

1. Exterior elevations
2. Site plan
3. Landscape plan
4. Application submittal



Property Location  
BioLife Plasma Service  
906 Seton Pkwy  
CUP-16-010



 Property Boundary

 Parcel Lines



# CONDITIONAL USE PERMIT APPLICATION

A Conditional Use Permit shall be required prior to any existing structure within one of the Overlay Districts being altered, reconstructed, enlarged, or remodeled for a commercial, retail, or business use, which altering or remodeling would increase or decrease the total gross building area by fifty percent (50%) or more; and if such work requires any additional curb cut, or the reconstruction, enlargement, remodeling, or alteration of the exterior design, material, finish grade line, landscaping, or orientation of the structure.

CITY OF KYLE

Date: August 29, 2016

AUG 31 2016

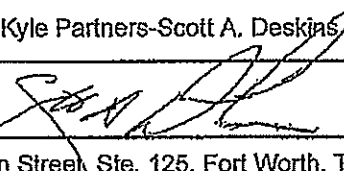
(CUP-16-010)

## PROJECT INFORMATION

PLANNING DEPARTMENT

Project Name: Biolife Plasma Services		
Project address: SE corner of Seton Pkwy, Kyle, TX		
Subdivision: Lot 2 of SCC Bunton Creek Subdivision		
Lot: 2	Block: A	Section:
Zoning: RS w/ I-35 Overlay		Square Footage of Building: 16,686 sf

## APPLICANT INFORMATION

Owner's Name: SCC Kyle Partners-Scott A. Deskins		
Owner's Signature: 	Date: 8/29/16	
Address: 201 S. Calhoun Street, Ste. 125, Fort Worth, TX 76104		
Phone: 512-329-9947	Fax: 512-329-9948	E-mail: sdeskins@scdevelopment.com
Please Note: The signature of the owner authorizes City of Kyle staff to visit and inspect the property for which this application is being submitted.		
(Check One)		
<input type="checkbox"/> I will represent my application.		
<input checked="" type="checkbox"/> I hereby authorize the person named below to act as my agent in processing this application.		
Agent: W.D.S. Construction-Ben Westra		
Agent's Address: 111 Rowell Street, Beaver Dam, WI 53916		
Phone: 920-356-1255	Fax: 920-356-1270	E-mail: bwestra@wdsconstruction.net

## Conditional Use Permit Application Checklist

Please note that the checklist is required to be filled out by the applicant or designated agent. Place a check mark on the line in front of the number if you have complied with that item. If the checklist item is not applicable to your application, indicate such. This checklist is provided only as a guide. All conditional use permit requirements cannot be reflected on this checklist. If the applicant has any questions regarding the regulations, the applicant should consult the Zoning Ordinance or contact City staff. City ordinances can be obtained from the City of Kyle and on line at [www.cityofkyle.com](http://www.cityofkyle.com).

Project Name: Biolife Plasma Services

### REQUIRED ITEMS FOR SUBMITTAL PACKAGE

The following items are required to be submitted to the Planning Department in order for the Application to be accepted.

- X 1. Completed application form with owner's original signature.
- X 2. Application fee: \$190.21, plus \$3.78 per acre or portion thereof.
- Total Fee: \$200.29
- X 3. A map or plat showing the area being proposed for change and the zoning classification of all abutting zoning districts, all public and private right-of-ways and easement bounding and intersecting the property.
- X 4. A site plan and building elevations drawn to scale showing at a minimum, the lot dimensions, size, shape, and dimensions of the proposed and/or existing structure(s); the location and orientation of the structure(s) on the lot and the actual or proposed building setback lines; and all points of ingress and egress. 2 paper copies and 1 digital file must accompany the application.
- X 5. Applications shall be accompanied by 2 paper copies and 1 digital file of appropriate, relevant colored elevations showing at a minimum, the design, use of materials, finish grade line, landscaping, signage and orientation of the buildings and any significant architectural features.
- X 6. Copy of Deed showing current ownership.

\*\*\* A submittal meeting is required. Please schedule an appointment with Debbie Guerra at (512) 262-3959 to schedule an appointment.

\*Please note: The Commission/Council may also require the submission of colored perspectives or architectural renderings in applications or any other information it deems reasonable and/or useful in review of the application.







# **SITE INFORMATION**

**LOCAL DESCRIPTION:** LOT 2, BUNTON CREEK SUBDIVISION, REPLAY OF LOT 2, BLOCK A, ACCORDING TO THE MAP OF PLAT 18,000,000, RECORDED IN VOLUME 18, PAGE 211, FPM RECORDS, TARRANT COUNTY, TEXAS.

**PROPERTY AREA:** AREA = 116,172 S.F. (2.67 ACRES)

**EXISTING ZONING:** R/S W/ - 1-15 OVERLAY

**PROPOSED ZONING:** MDCCL CLINIC-3000/PLASMA DONOR

**PROPOSED USE:** MEDICAL CLINIC-3000/PLASMA DONOR

**AREA OF SITE DISTURBANCE:** 2.81 AC (600,000 S.F./5284 FT.)

**SETBACKS:** BUILDING: 30' MIN. (10' MIN. FROM LOT LINE)

FRONT: 15' MIN. (10' MIN. FROM LOT LINE)

REAR: 15' MIN. (10' MIN. FROM LOT LINE)

SIDE: 15' MIN. (10' MIN. FROM LOT LINE)

**PROPOSED BUILDING HEIGHT:** 22' (MAX. HEIGHT 45')

**PARKING REQUIRED:** 1 SPACE PER 250 S.F. (67 SPACES REQ.)

**PARKING PROVIDED:** 170 SPACES (6 H.C. ACCESSIBLE)

**HANDICAPED PARKING:** 72 SPACES, 65 HANDICAPED, 8 38' WIDE

**CLASS OF BUILDING CONSTRUCTION:** 1-B

**LANDSCAPE REQUIREMENTS:** MIN. LANDSCAPE SURFACE RATIO: 15%

**MAXIMUM LOT COVERAGE:** BUILDING ONLY: 50%

**WATERSHED:** FULTON CREEK

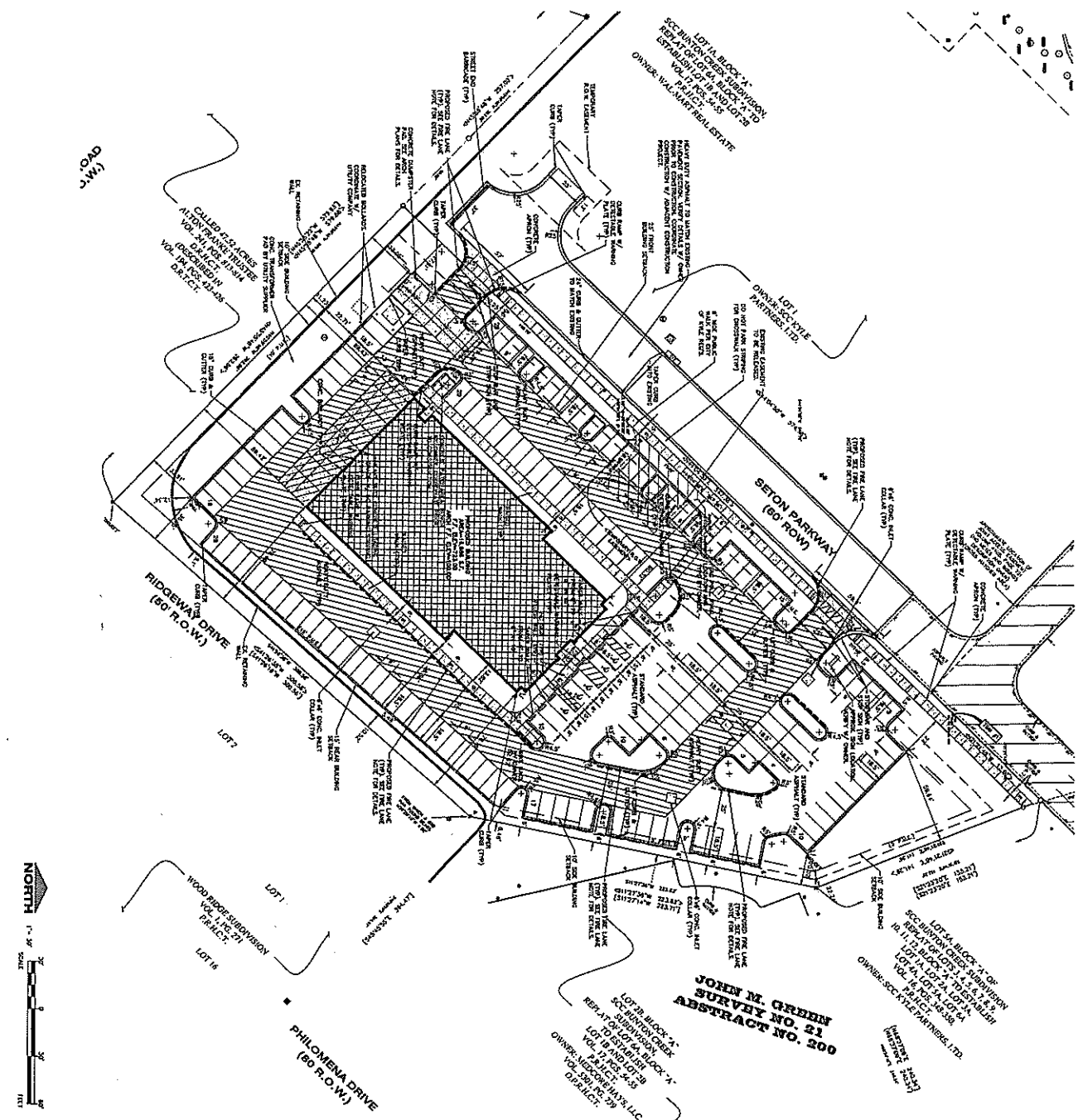
EXISTING SITE DATA			
PROJECT SITE	AREA (AC)	AREA (SQ)	AREA (SQ)
EXISTING BUILDING AREA	2,817	116,172	2,817
EXISTING PARKING AREA	0	0	0
TOTAL IMPROVEMENTS	2,817	116,172	2,817
LANDSCAPE/OPEN SPACE	2,817	116,172	116,172

PROPOSED SITE DATA			
PROJECT SITE	AREA (AC)	AREA (SQ)	AREA (SQ)
EXISTING BUILDING AREA	2,817	116,172	2,817
EXISTING PARKING AREA	0	0	0
TOTAL IMPROVEMENTS	2,817	116,172	2,817
LANDSCAPE/OPEN SPACE	2,817	116,172	116,172

THESE PLANS AND SPECIFICATIONS SHALL BE THE PROPERTY OF THE ARCHITECT. THEY ARE TO BE USED ONLY FOR THE PROJECT AND SITE DESCRIBED HEREIN. ANY REUSE OR MODIFICATION OF THESE PLANS WITHOUT THE WRITTEN CONSENT OF THE ARCHITECT IS PROHIBITED.

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**PROPOSED CENTER FOR:**  
**BIOLIFE PLASMA SERVICES, L.P.**  
 LOT 2, SCC BUNTON CREEK SUBDIVISION, KYLE, TX 78640

**EXCEL**  
 ARCHITECTS & ENGINEERS  
 10000 W. 10TH STREET, SUITE 100  
 FORT WORTH, TEXAS 76132  
 (817) 335-1000

**WDS**  
 CONSTRUCTION  
 10000 W. 10TH STREET, SUITE 100  
 FORT WORTH, TEXAS 76132  
 (817) 335-1000

**PRELIMINARY DATE:**  
 SEPTEMBER 8, 2018  
 SEPTEMBER 20, 2018

**NOT FOR CONSTRUCTION**

**C1.2**

CITY OF KYLE

OCT 05 2016

PLANNING DEPARTMENT



October 5, 2016

City of Kyle, TX  
**Attn:** William Atkinson  
100 W. Center Street  
Kyle, TX 78640

Re: Biolife – Seton Parkway – Landscaping Modification Request

City of Kyle Planning Commission,

Biolife Plasma Services is requesting a variance to the landscaping code to allow a reduction to the amount and required placement (50% in the front yard) of trees to be placed on the site. The proposed project is located on Lot 2 of the SCC Bunton Creek Subdivision off of Seton Pkwy. The site is on the southeast side of the road, east of Goodwill, and southwest of Warm Springs Rehabilitation Hospital of Kyle. The overall property boundary is 2.67 acres and is currently undeveloped. The site is zoned RS: Retail and Services District and is located within the I-35 Overlay Corridor.

The project will include the construction of a 16,686 sf building, asphalt parking area, loading area, installation of utilities, erosion control, landscaping, and irrigation. Upon completion of the construction, the site will be comprised of 72.2% impervious area and 27.8% open space. Based on the city's ordinance and storm water design requirements, there is a maximum threshold of 85% impervious and minimum of 15% open space and the proposed site is well below these thresholds. Based on the City code the required amount of trees on site is 58. The proposed plan specifies 36 trees. 50% of the required landscaping is to be placed in the front yard. These requirements cannot be met due to the presence of existing utilities, utility easements, and retaining walls on the site. In discussions with City staff, trees are not to be placed in the utility easements or over utilities. Also placing trees along or on top of the retaining wall has the potential to degrade the structure over time. For these reasons we cannot plant trees on the west, south and east lot lines and irrigate accordingly. Every effort has been made to place trees on the site as to not impact lighting and traffic patterns while avoiding the items previously listed. Additional parking stall islands were added to allow for the planting of more trees internally.

If you have any questions or need any additional information please contact me at any time.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric Drazkowski".

**Eric Drazkowski**  
Sr. Engineer

**SITE INFORMATION:**

**LEGAL DESCRIPTION:** LOT 2, BUNTON CREEK SUBDIVISION, SEC. 28, T.1N, R.1E, S.1W, CO. 10, TEXAS. (See map of plat thereof, recorded in Volume 18, Page 211, Public Records, Tarrant County, Texas.)

**PROPERTY AREA:** AREA = 18.178 SF (27.87 ACRES).

**EXISTING ZONING:** 9/5 W/ - 25 OVERLAY

**PROPOSED ZONING:** 9/5 W/ - 25 OVERLAY

**PROPOSED LOTS:** 100 LOTS, 100 ACRES

**AREA OF SITE DISTURBED:** 230 AC (P.L. 100, 100 AC)

**SCHEMATIC:** FRONT = 20' REAR = 15' SIDE = 10'

**PROPOSED BUILDING HEIGHT:** 22' (MAX. HEIGHT 45')

**PARKING REQUIRED:** 1 SPACE PER 250 SF, (67 SPACES REQ.)

**PARKING PROVIDED:** 170 SPACES (6 AC. ACCESSIBLE)

**HANDICAP STALLS REQUIRED:** 6 HANDICAP STALLS PROVIDED: 6

**LANDSCAPE REQUIREMENTS:** MIN. LANDSCAPE SURFACE RATIO: 15% MINIMUM LOT COVERAGE - BUILDING ONLY: 60%

**WATERBODIES:** BUNTON CREEK

**EXISTING SITE DATA**

PROJECT SITE	AREA (AC)	AREA (SQ. FT.)	AREA (SQ. YD.)
PROJECT SITE	2.87	124,778	2,870
EXISTING BUILDING AREA	0.00	0	0
EXISTING DRIVEWAY AREA	0.00	0	0
EXISTING DRIVEWAY/OPEN SPACE	2.87	124,778	2,870

**PROPOSED SITE DATA**

PROJECT SITE	AREA (AC)	AREA (SQ. FT.)	AREA (SQ. YD.)
PROJECT SITE	2.87	124,778	2,870
EXISTING BUILDING AREA	0.00	0	0
EXISTING DRIVEWAY AREA	0.00	0	0
EXISTING DRIVEWAY/OPEN SPACE	2.87	124,778	2,870

**NOTES:**

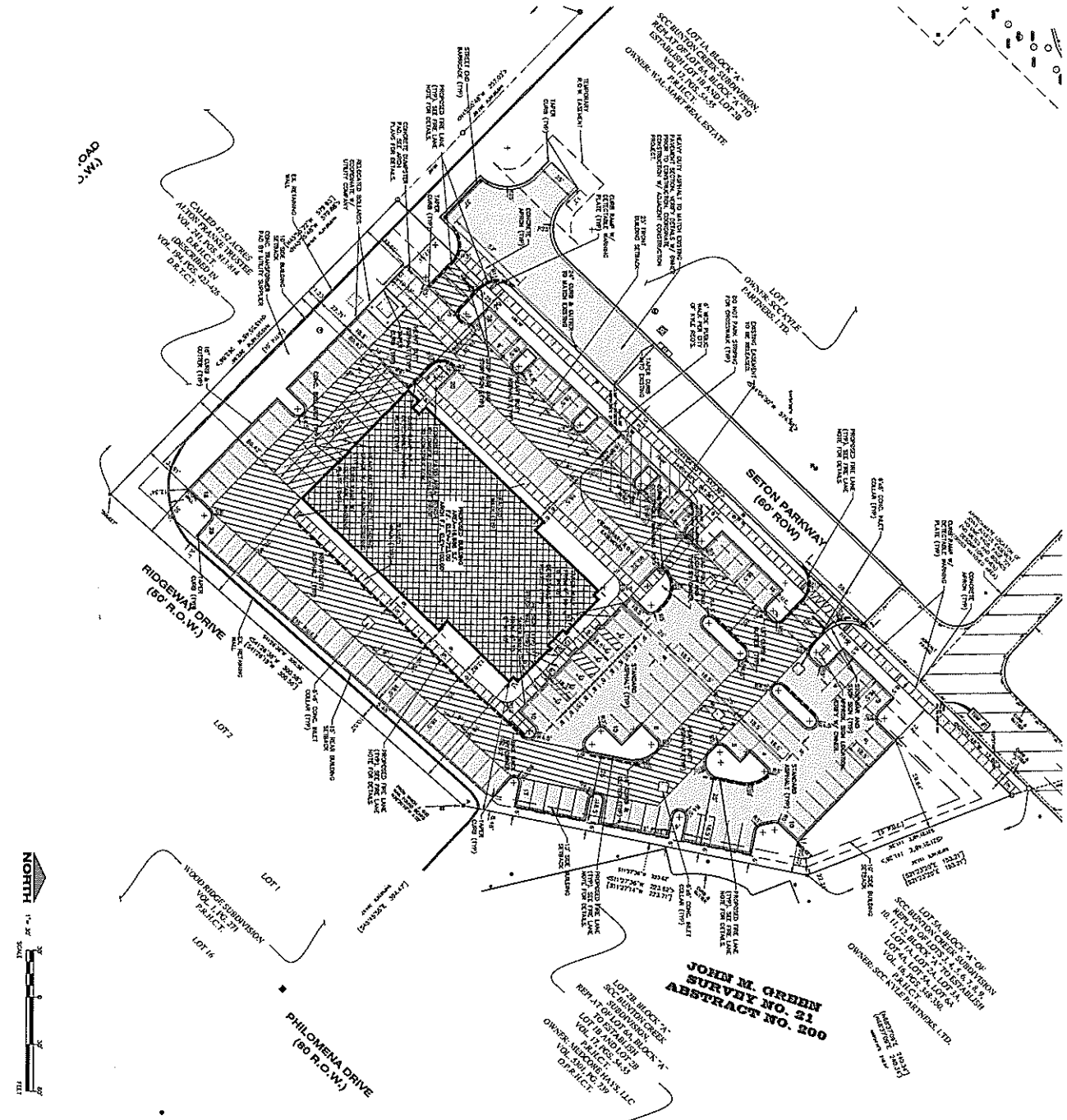
1. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE DRIVEWAY OR TO THE FACE OF THE CURB, UNLESS OTHERWISE NOTED.

2. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE DRIVEWAY OR TO THE FACE OF THE CURB, UNLESS OTHERWISE NOTED.

3. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE DRIVEWAY OR TO THE FACE OF THE CURB, UNLESS OTHERWISE NOTED.

4. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE DRIVEWAY OR TO THE FACE OF THE CURB, UNLESS OTHERWISE NOTED.

5. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE DRIVEWAY OR TO THE FACE OF THE CURB, UNLESS OTHERWISE NOTED.



**EXCEL**

IDENTIFY & LOCATE THE SURVEY

PROVIDE THE SURVEY DATA

WWW.EXCEL-CONSTRUCTION.COM

**WDS**

CONSTRUCTION

PROPOSED CENTER FOR:

**BIO LIFE PLASMA SERVICES, L.P.**

LOT 2, SCC BUNTON CREEK SUBDIVISION, KYLE, TX 78640

**C1.2**

1:1 E. COPIES AVAILABLE

**PREPARED DATE:**

SEPTEMBER 2, 2016

SEPTEMBER 23, 2016

**NOT FOR CONSTRUCTION**

**PROJECT INFORMATION:**

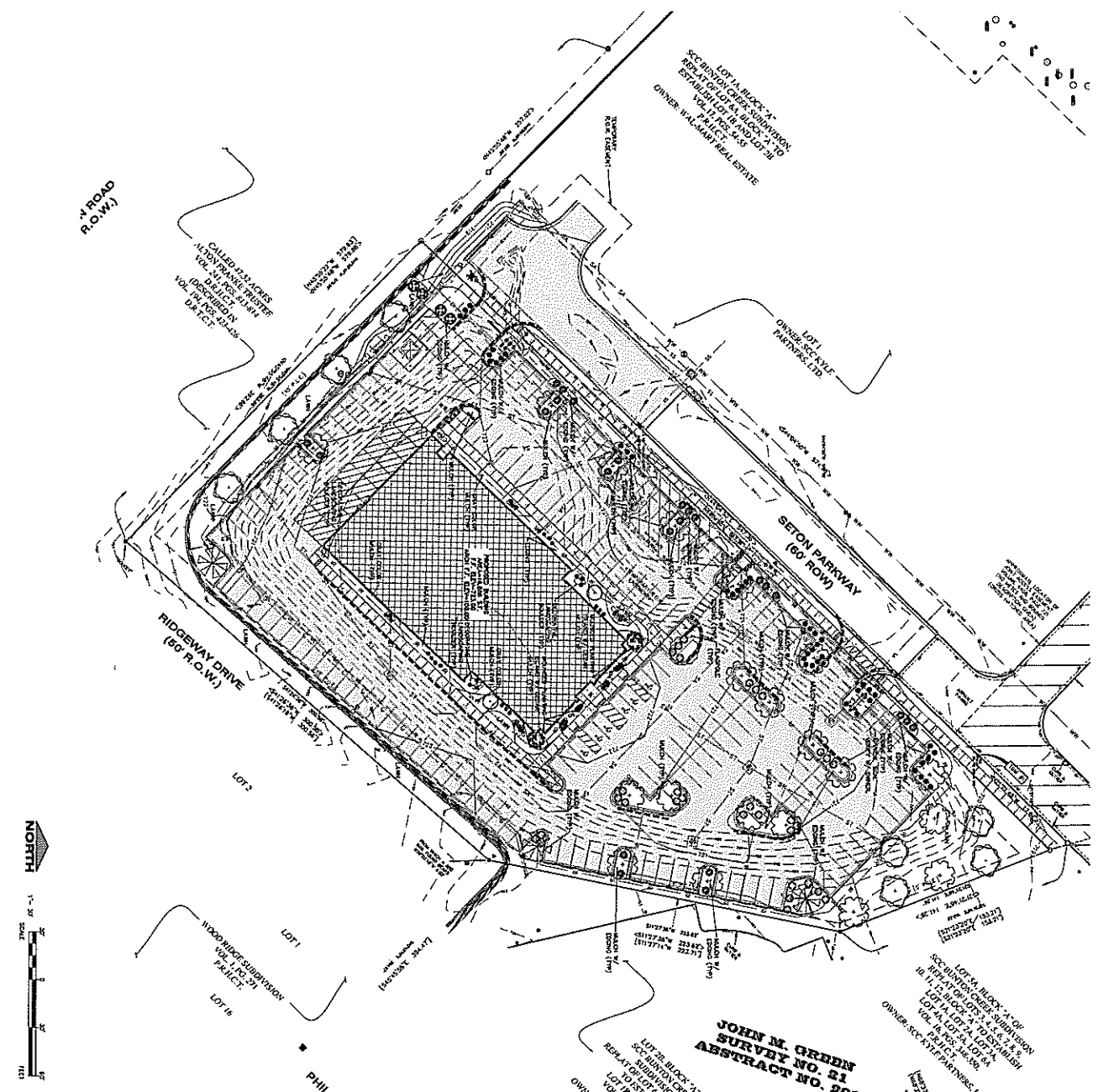
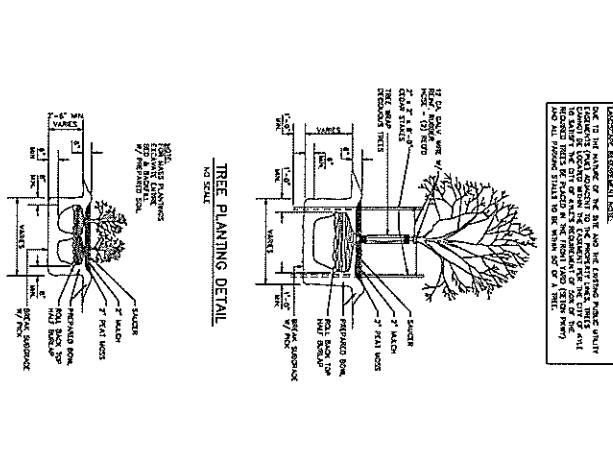
PROJECT NUMBER: 100440

**SHEET INFORMATION:**

SHEET NAME: SITE PLAN

LANDSCAPING NOTES			
SYMBOL	COMMON NAME	BOTANICAL NAME	PLANTED SITE QUANTITY
TERRAZZO TREES			
1	Large Palm	Trachycarpus fortunei	1
2	Medium Palm	Trachycarpus fortunei	2
3	Small Palm	Trachycarpus fortunei	3
4	Large Palm	Trachycarpus fortunei	4
TERRAZZO SHRUBS			
5	Large Shrub	Philadelphus	1
6	Medium Shrub	Philadelphus	2
7	Small Shrub	Philadelphus	3
TERRAZZO PERENNIALS			
8	Large Perennial	Philadelphus	1
9	Medium Perennial	Philadelphus	2
10	Small Perennial	Philadelphus	3
TERRAZZO GRASSES			
11	Large Grass	Philadelphus	1
12	Medium Grass	Philadelphus	2
13	Small Grass	Philadelphus	3
TERRAZZO ROCKS			
14	Large Rock	Philadelphus	1
15	Medium Rock	Philadelphus	2
16	Small Rock	Philadelphus	3

LANDSCAPING CALCULATIONS	
TOTAL PLANTING AREA	1,000 SQ. FT.
TOTAL PLANTING QUANTITY	1,000 PLANTS
TOTAL PLANTING COST	\$10,000.00
TOTAL PLANTING MATERIALS	\$5,000.00
TOTAL PLANTING LABOR	\$5,000.00
TOTAL PLANTING OVERHEADS	\$1,000.00
TOTAL PLANTING PROFIT	\$1,000.00
TOTAL PLANTING TOTAL	\$12,000.00



EXCEL  
ARCHITECTS & ENGINEERS, P.C.  
1100 S. DALLAS ST. SUITE 100  
DALLAS, TEXAS 75210  
PHONE: 214.742.1100  
WWW.EXCELARCHITECTS.COM

MDS  
CONSTRUCTORS

PROPOSED CENTER FOR:  
**BIOLIFE PLASMA SERVICES, L.P.**  
LOT 2, SCC BUNTON CREEK SUBDIVISION, KYLE, TX 78640

PERMIT NUMBER: 15000000

DATE: SEPTEMBER 20, 2018

NOT FOR CONSTRUCTION

15000000





# CITY OF KYLE

## Community Development Department

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### MEMORANDUM

**TO:** Planning Commission

**FROM:** William Atkinson, City Planner

**DATE:** October 11, 2016

**SUBJECT:** Conditional Use Approval, I-35 Overlay District – Windmill Center (SD-15-20)

### REQUEST

The applicant seeks to construct a 9,000 square foot, one-story, multi-tenant retail center along the Interstate 35 northbound frontage road, consisting of an exterior finish of similarly colored, rock masonry and brushed concrete. 21511 IH-35 is zoned R/S or Retail Services. Staff and the developer have continued to work together following the 09/13/16 Planning & Zoning Commission, and believe a suitable solution has come to fruition, regarding the North facing façade of the building.

### LOCATION

The property is located at 21511 IH-35, along the northbound frontage road. The proposed project is one parcel north of the existing AMM Collision Center, with an undeveloped parcel immediately to the north of the proposed Windmill Center.

### OVERLAY DISTRICT

The I-35 overlay district. The Interstate Highway 35 corridor conditional use overlay district (the I-35 overlay district) extends from the northernmost city limit boundary at I-35 to the southernmost city limit boundary at I-35, and includes all real property within 1,500 feet of the outer most edge of the highway right-of-way of I-35.

### TEXT OF THE ZONING ORDINANCE

Sec. 53-896. - Standards for review.

- (a) The planning and zoning commission shall determine whether the application and project is consistent and compliant with the terms and intent of this division, this chapter, chapter 32, article II, pertaining to the site development plan, and all other codes and ordinances of the city. The planning and zoning commission will determine if the proposed use, occupancy and structure will promote, preserve, and enhance, and will not damage or detract from the distinctive character of the community; will preserve and protect property values and taxable values; will not be detrimental or inconsistent with neighboring uses and occupancies; will not be detrimental to the

general interests of the citizens; and will not be detrimental to the public health, safety and welfare. In conducting its review, the planning and zoning commission shall make examination of and give consideration to the traffic flow, development density, neighboring historical designs, neighboring uses, and elements of the application, including, but not limited to:

- (1) Height, which shall conform to the requirements of this chapter;
  - (2) Building mass, which shall include the relationship of the building width to its height and depth, and its relationship to the visual perception;
  - (3) Exterior detail and relationships, which shall include all projecting and receding elements of the exterior, including, but not limited to, porches and overhangs and the horizontal or vertical expression which is conveyed by these elements;
  - (4) Roof shape, which shall include type, form, and materials;
  - (5) Materials, texture, and color, which shall include a consideration of material compatibility among various elements of the structure;
  - (6) Compatibility of design and materials, which shall include the appropriateness of the use of exterior design details;
  - (7) Landscape design and plantings, which shall include lighting and the use of landscape details to highlight architectural features or screen or soften undesirable views;
  - (8) Vehicular and pedestrian access, which shall include location, width, and type of surface for all points of ingress and egress;
  - (9) Signage, which shall include, in addition to the requirements chapter 29, pertaining to signs, the appropriateness of signage to the building in relation location, historical significance of the structure and neighboring structures, traffic visibility; obstruction of views from neighboring property;
  - (10) Exterior lighting, which shall include location, type, and/or design of lighting and/or lighting fixtures to be used.
- (b) The planning and zoning commission may request from the applicant such additional information, sketches, and data as it shall reasonably require. It may call upon experts and specialists for testimony and opinion regarding matters under examination. It may recommend to the applicant changes in the plans it considers desirable and may accept a voluntary amendment to the application to include or reflect such changes. The planning and zoning commission shall keep a record of its proceedings and shall attach to the application copies of information, sketches, and data needed to clearly describe any amendment to the application.
- (c) If the conditional use permit is granted by the planning and zoning commission, the applicant shall be required to obtain a building permit and/or a development permit, if required, provided all other requirements for a building permit and/or a development permit are met. The building permit and/or a development proposal as approved shall be valid from one year from the date of approval. The planning and zoning commission may grant an extension of the one-year limitation if sufficient documentation can be provided to warrant such an extension.



## **STAFF ANALYSIS**

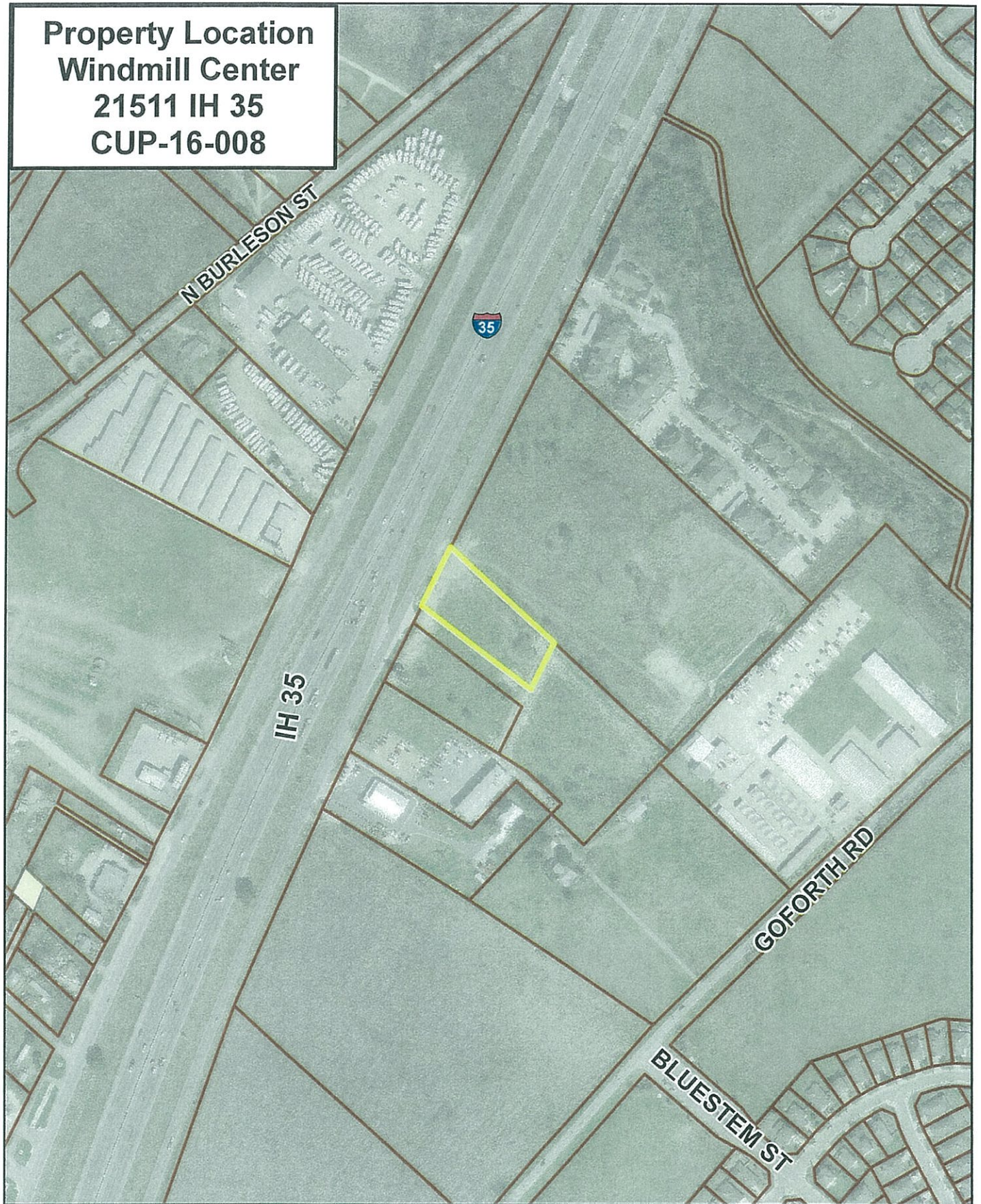
Staff has reviewed the request and has made the following findings:

1. The proposed building and site meets the intent of the retail services zoning standards for the building and site work.
2. It should be noted that by code, four-sided masonry is in place. The limestone on the North facing façade echoes the design of the three remaining sides, the brushed concrete comprises the remaining masonry and an appropriately designed screening wall shields the outdoor mechanicals.
3. A provision for off-site water quality/quantity management is existing on the parcel adjacent and to the north of Windmill Center, tying into a regional system.
4. A list of materials types and specific colors would be preferable to the marketing renderings submitted; some notes are not clear on the supplied elevation renderings.
5. No indication for any monument signage was submitted.
6. Overall, the use of masonry in the building design minimally meets the standards for the I-35 Overlay design requirements.

## **ATTACHMENTS**

1. Exterior elevations
2. Site plan
3. Landscape plan
4. Application submittal

**Property Location**  
**Windmill Center**  
**21511 IH 35**  
**CUP-16-008**



0 250 500 1,000  
Feet

 Property Boundary

 Parcel Lines



# CONDITIONAL USE PERMIT APPLICATION

A Conditional Use Permit shall be required prior to any existing structure within one of the Overlay Districts being altered, reconstructed, enlarged, or remodeled for a commercial, retail, or business use, which altering or remodeling would increase or decrease the total gross building area by fifty percent (50%) or more; and if such work requires any additional curb cut, or the reconstruction, enlargement, remodeling, or alteration of the exterior design, material, finish grade line, landscaping, or orientation of the structure.

CITY OF KYLE

Date: 7/14/16

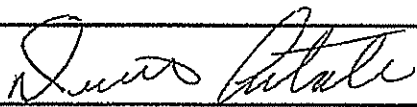
AUG 09 2016

## PROJECT INFORMATION

PLANNING DEPARTMENT

Project Name: Windmill Center Lot 1		
Project address: 21511 IH 35		
Subdivision: Windmill Center		
Lot: 1	Block: A	Section:
Zoning: R/S		Square Footage of Building: 9,000

## APPLICANT INFORMATION

Owner's Name: Dennis Artale		
Owner's Signature: 	Date: 7/14/16	
Address: 3200 Doe Run, Austin, Texas 78748		
Phone: 512-775-8414	Fax: 512-280-9672	E-mail: dennisartale@sbcglobal.net
Please Note: The signature of the owner authorizes City of Kyle staff to visit and inspect the property for which this application is being submitted.		
(Check One)		
<input type="checkbox"/> I will represent my application.		
<input checked="" type="checkbox"/> I hereby authorize the person named below to act as my agent in processing this application.		
Agent: Cuatro Consultants, Ltd./ Hugo Elizondo, Jr., P.E.		
Agent's Address: 3601 Kyle Crossing, Suite A, Kyle, Texas 78640		
Phone: 512-312-5040	Fax: 512-312-5399	E-mail: hugo@cuatroconsultants.com

## Conditional Use Permit Application Checklist

Please note that the checklist is required to be filled out by the applicant or designated agent. Place a check mark on the line in front of the number if you have complied with that item. If the checklist item is not applicable to your application, indicate such. This checklist is provided only as a guide. All conditional use permit requirements cannot be reflected on this checklist. If the applicant has any questions regarding the regulations, the applicant should consult the Zoning Ordinance or contact City staff. City ordinances can be obtained from the City of Kyle and on line at [www.cityofkyle.com](http://www.cityofkyle.com).

Project Name: Windmill Center, Lot 1

### REQUIRED ITEMS FOR SUBMITTAL PACKAGE

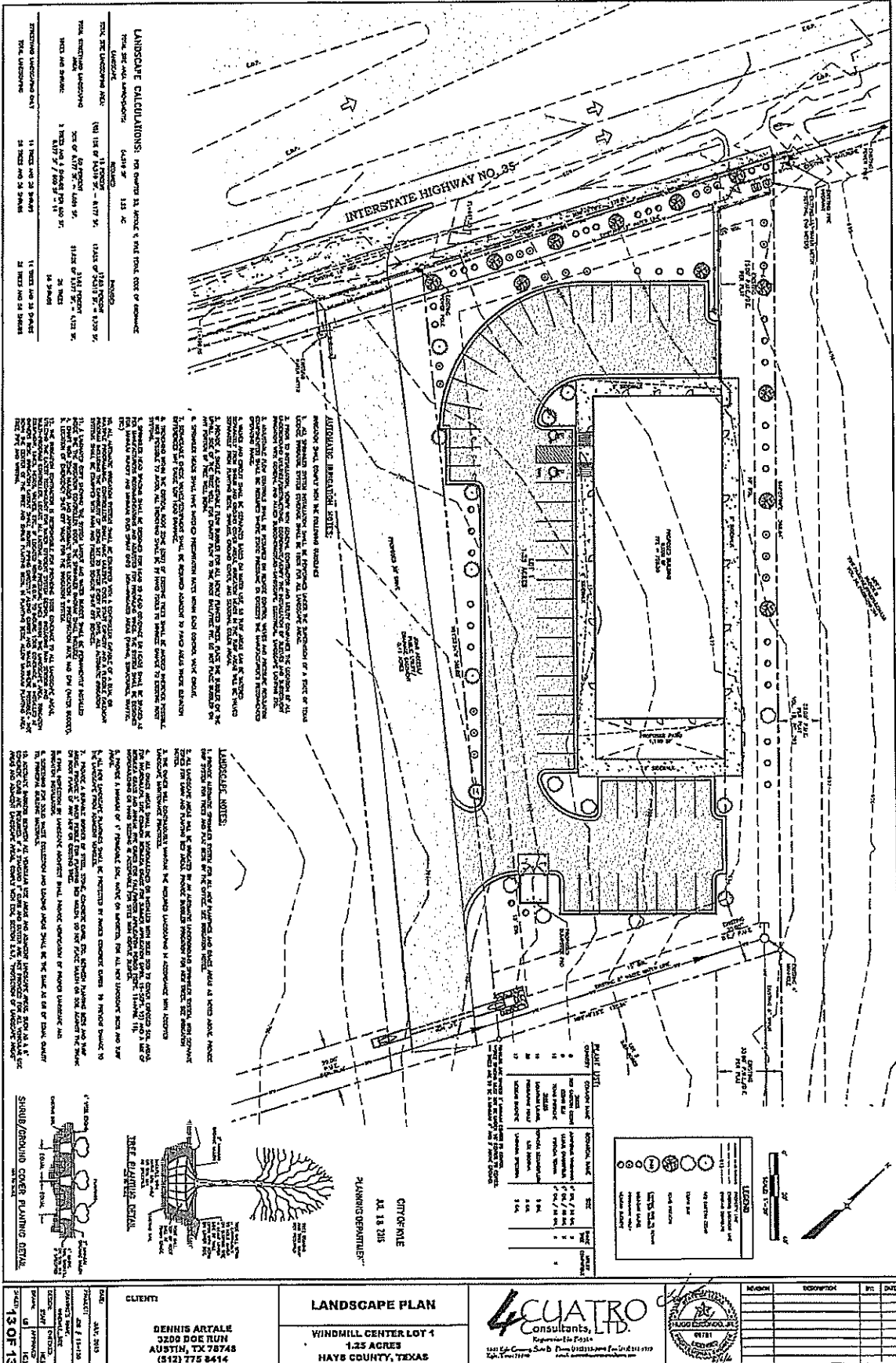
The following items are required to be submitted to the Planning Department in order for the Application to be accepted. CITY OF KYLE

- ✓ 1. Completed application form with owner's original signature. AUG 09 2016
- ✓ 2. Application fee: \$190.21, plus \$3.78 per acre or portion thereof. PLANNING DEPARTMENT
- Total Fee: \$194.94
- ✓ 3. A map or plat showing the area being proposed for change and the zoning classification of all abutting zoning districts, all public and private right-of-ways and easement bounding and intersecting the property.
- ✓ 4. A site plan and building elevations drawn to scale showing at a minimum, the lot dimensions, size, shape, and dimensions of the proposed and/or existing structure(s); the location and orientation of the structure(s) on the lot and the actual or proposed building setback lines; and all points of ingress and egress. 2 paper copies and 1 digital file must accompany the application.
- ✓ 5. Applications shall be accompanied by 2 paper copies and 1 digital file of appropriate, relevant colored elevations showing at a minimum, the design, use of materials, finish grade line, landscaping, signage and orientation of the buildings and any significant architectural features.
- ✓ 6. Copy of Deed showing current ownership.

\*\*\* A submittal meeting is required. Please schedule an appointment with Debbie Guerra at (512) 262-3959 to schedule an appointment.

*\*Please note: The Commission/Council may also require the submission of colored perspectives or architectural renderings in applications or any other information it deems reasonable and/or useful in review of the application.*

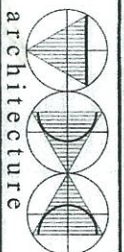






# WINDMILL CENTER EXTERIOR MATERIALS

21511 INTERSTATE HWY. 35  
KYLE, TEXAS 78640



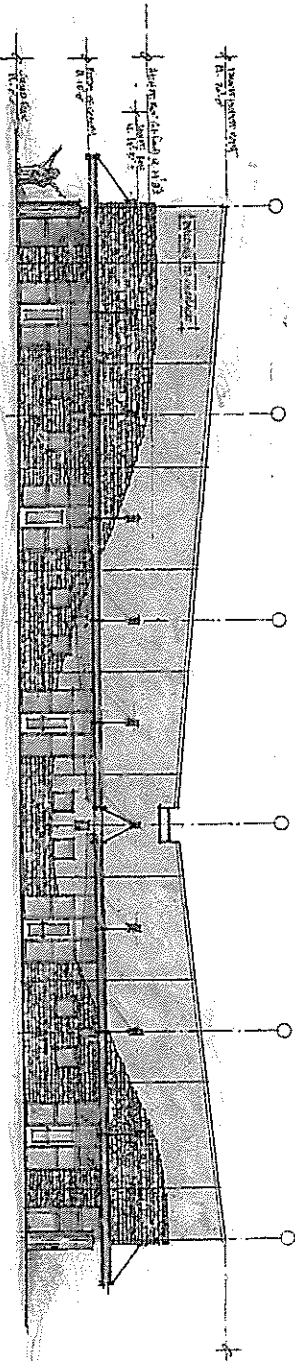
architecture & interiors  
3027 Westside  
Austin, Texas 78746  
(512) 251-0683

TDC


COURTYARD (EAST) SIDE ELEVATION

IH35 (WEST) SIDE ELEVATION

REAR (NORTH) ELEVATION



SEE PAGE 1  
LINDHILL CENTER: MAIN ELEVATION



DAVID L. L. & PARTNERS  
ARCHITECTS  
2001 LEXINGTON  
AVENUE, SUITE 100  
DENVER, CO 80202  
303.733.1100

architecture TDC





# CITY OF KYLE

## Community Development Department

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### MEMORANDUM

**TO:** Planning Commission

**FROM:** William A. Atkinson- City Planner

**DATE:** October 11, 2016

**SUBJECT:** Specimen Tree Removal, St. Anthony's Catholic Church

### REQUEST

St. Anthony's Catholic Church is seeking approval from the Planning & Zoning Commission to remove three specimen trees, pursuant to Sec. 53-995 (d)(5), (f)(1)

### LOCATION

The property is located 801 N Burleson St, Kyle, TX 78640, on the corner of Burleson Street and Live Oak Street. The property straddles the northern edge of the Old Town Community and southern edge of the Core Area Transition Community.

### TEXT OF THE ZONING ORDINANCE

Sec. 53-995 (d)(5), (f)(1);

(d)(5)

The removal of specimen trees, which for the purposes of these requirements are trees with 75-inch circumference or greater, must be specifically approved by the planning and zoning commission prior to any action being taken to remove the tree or to damage or disturb the tree in any way. Any specimen tree that is removed shall be replaced circumference-for-circumference (a ratio of one-to-one) regardless of the location of the specimen tree (even if the tree is within the building footprint).

*St. Anthony's Catholic Church is requesting the following trees to be removed; #6377 (75", circumference), #6378 (78", circumference) and #6386 (75", circumference). The three trees' total circumference inches are 228" or 72.61 (73") inches, diameter. To replace the 3 trees at a 1-to-1 ratio, 19 trees (4" caliper) are needed for replacing the specimen trees.*

#### (f) Tree Removal Permit

(1) The removal of an existing tree(s) from a development site must be in accordance with this and all other applicable ordinances of the city. Prior to the removal of any protected or specimen tree, as defined within this section, the property owner must first submit a letter detailing the following:

- Which tree(s) will be removed (as shown on a site plan).
- How the removal will be performed (and machinery and equipment needed), and the date and time when the anticipated removal will occur.
- If a specimen or protected tree proposed for removal is within or not within the following:
  - A building footprint or within ten feet of a building footprint.
  - Within the area over the septic system.
  - Within an area necessary for reasonable site access.
  - Within an area designated for the construction or installation of public facilities such as streets or utilities.

*All three trees are within the building footprint or within 10 feet of the building footprint of the proposed structure. It should be noted that this particular site was chosen due to proposed future expansion elsewhere on the church property that would be better suited for building.*

### **ANALYSIS**

Heritage and specimen trees are a unique and rare resource which add value to any property, developed or not. When undertaking a construction project, great care should always be taken to first and foremost design with nature, and capitalize on the natural resources already present on the site. Alternatives to design that preserve valuable commodities should be considered and prioritized.

In this case, the design alternatives are limited due to the presence of storm water management facilities, and the existing pattern of developed structures and parking. Short of re-constructing existing buildings to be re-purposed for this latest use, there are few alternatives to siting the new structure that don't involve either the removal of existing infrastructure, existing heritage and specimen trees, or both.

### **ATTACHMENTS**

1. Request letter
2. Outlined site area
3. Site plan
4. Tree removal plan & legend





**CIVILITUDE**  
ENGINEERS & PLANNERS

1210 Rosewood Avenue  
Austin, Texas 78702  
Firm Registration #12469

Phone 512 761 6161  
Fax 512 761 6167  
info@civiltude.com  
www.civiltude.com

October 6, 2016

Howard J. Koontz  
Director of Planning and Community Development  
City of Kyle  
100 W. Center Street  
Kyle, Texas 78640

CITY OF KYLE

OCT 06 2016

PLANNING DEPARTMENT

Re: Request to remove trees over 75" in trunk circumference  
Site Development Permit Application  
St Anthony's Catholic Church – Classroom Addition  
801 Burleson Street  
Kyle, Texas 78640

Dear Mr. Koontz,

On behalf of our clients, Civiltude LLC respectfully requests the removal of three trees on the subject property that are in close proximity and/or within the proposed building footprint of the new education building. Tree numbers - 6377, 6378, 6386 – are shown on the plans to be removed. The Architect and Church leadership carefully located the new building as it relates to programming in adjacent buildings. While there seems to be other "open" areas north of the large parking lot, those are slated for future expansion.

We understand that the removal of these trees requires a favorable action by the Planning & Zoning Commission per Section Sec. 53-995 (d)(5), (f)(1 and hereby request that this item be placed on the next P&Z agenda.

If you have any questions, please do not hesitate to contact us and inquire at 512-761-6161.

Sincerely,  
Fayez Kazi, PE





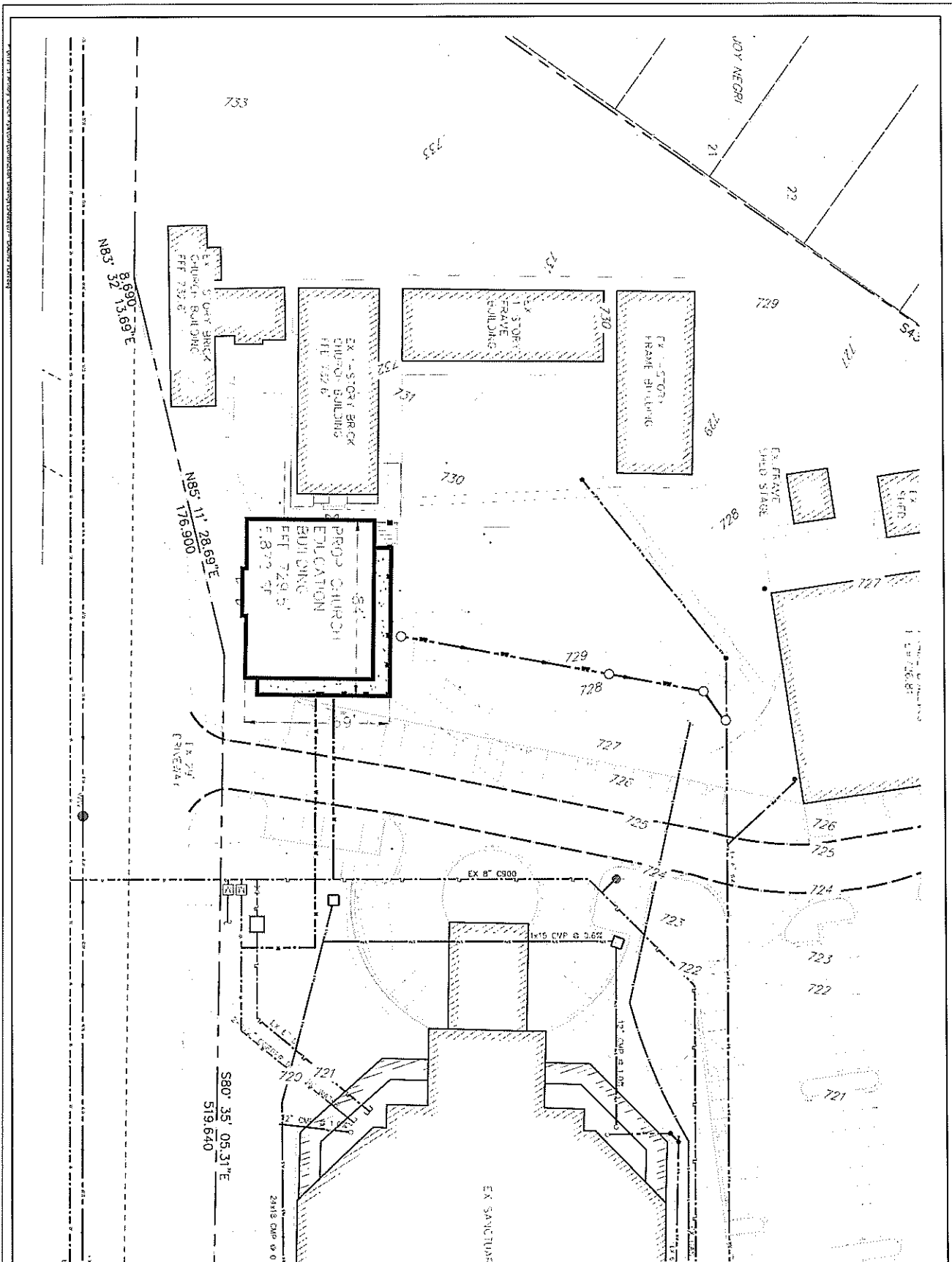


**ST ANTHONY'S CATHOLIC CHURCH**  
 801 N. BURLESON ST., AVE. TX 78640  
**NEW EDUCATION BUILDING**

**CIVILITUDE**  
 ENGINEERS & ARCHITECTS  
 1210 ROSEWOOD AVENUE, AUSTIN, TX 78702  
 PHONE 512.761.6161 FAX 512.761.6167  
 FIRM REG # 12469 HELLO@CIVILITUDE.COM

SCALE: NTS  
 DATE: 10/06/2016  
 JOB NO: A197 SHEET 1 OF 1





**CIVILTUDE**  
ENGINEERS & PLANNERS

1000 N. RICHMOND ST. SUITE 100  
DALLAS, TX 75201  
214.760.1000  
www.civiltude.com

DATE: 11/15/2018  
DRAWN BY: JMK  
CHECKED BY: JMK

**ST. ANTHONY'S CATHOLIC CHURCH**  
DEVELOPMENT  
801 N. BARTLETT ST. KYLE, TX 78840

**GRADING PLAN**

SHEET NO. 7 OF 8

SCALE: 1" = 20'

DATE: 11/15/2018

