

# CITY OF KYLE

## PLANNING & ZONING COMMISSION REGULAR MEETING



Kyle City Hall, 100 W. Center Street,  
Kyle, Texas 78640

Notice is hereby given that the Planning and Zoning Commission of the City of Kyle, Texas will meet at 6:30 PM on April 11, 2017, at Kyle City Hall, 100 W. Center Street, Kyle, Texas 78640, 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 7th day of April, 2017 prior to 6:30 P.M.

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**1. Call Meeting To Order**

**2. Roll Call**

**3. Minutes**

1. Planning and Zoning Commission meeting minutes for November 7, 2016 (Special Called and Regular Meeting), November 22, 2016, December 13, 2016, December 28, 2016, January 10, 2017, (2) February 14, 2017 and March 14, 2017.

**4. Citizen Comments**

**5. Presentation**

1. Recognition of Irene Melendez for years of service to the Planning and Zoning Commission.

**6. Public Hearing**

1. First of two public hearings for the purpose of receiving testimony, comments, and written evidence from the public regarding mid-term amendments to the 2010 Comprehensive Plan.

- Public Hearing

## **7. Consent**

1. Bunton Creek Phase 2B - Final Plat (FP-17-004) 15.062 acres; 99 single family lots located east of Breanna Lane and north continuation of Amy Drive.  
Staff Proposal to P&Z: Statutorily Disapprove to meet the 30 day statutory requirement.
2. Bunton Creek Phase 5 - Final Plat (FP-17-005) 9.70 acres; 33 single family lots located west of Twin Cove and south of Grist Mill Road.  
Staff Proposal to P&Z: Statutorily Disapprove to meet the 30 day statutory requirements.
3. Bunton Creek Phase 3 - Preliminary Plan (PP-17-001) 18.73 acres; 68 single family lots located approximately 300 feet south of the intersection of Twin Cove and Winding Creek Road.  
Staff Proposal to P&Z: Statutorily Disapprove to meet the 30 day statutory requirement.
4. Stagecoach Subdivision - Preliminary Plan (PP-17-002) 85.159 acres; 270 single family lots, 8 LSE, SWE & PUE lots, 3 Water Quality Esmt & D.E. lots, 1 park lot and 1 mail kiosk lot located east of Old Stagecoach Road and west of Scott Street.  
Staff Proposal to P&Z: Statutorily Disapprove to meet the 30 day statutory requirement.
5. Sunset Hills Subdivision - Preliminary Plan (PP-17-003) 52.990 acres; 210 single family lots and 5 open space lots located north of Bebee Road approximately 0.5 miles east of IH-35 and west of Dacy Lane.  
Staff Proposal to P&Z: Statutorily disapprove to meet the 30 day statutory requirement.
6. U.S. Storage Systems - Final Plat (FP-17-006) 5 acres; 1 commercial lot located at 245 Lehman Road.  
Staff proposal to P&Z: Statutorily Disapprove to meet the 30 day statutory requirement.
7. Cypress Forest Phase Two - Final Plat (FP-17-007) 26.85 acres; 73 Single Family Lots, 2 Open Space Lots and 4 Utility Lots located off of Center Street and Stagecoach Road.  
Staff Proposal to P&Z: Statutorily Disapprove to meet the 30 day statutory requirements.
8. Ariza at Plum Creek - Site Plan (SD-17-002) 13.736 acres; 1 multi-family lot located on the corner of Dorman and Cromwell Drive.  
Staff Proposal to P&Z: Approve the site plan.
9. Brookside Subdivision Phase 3 - Final Plat (FP-16-009) 3.709 acres; 29 Residential Lots; 1 PUSE and Access Easements and 2 Private Park, PUSE and Access Easements located along the north end of Arbor Knot Drive.  
Staff Proposal to P&Z: Approve the final plat.

## **8. Zoning**

1. Consider a request by Kyle Mortgage Investors, LLC to rezone approximately 57.26 acres of land from Retail Service District 'RS' and Single Family Residential-2 'R-1-2' to Planned Unit Development 'PUD' for property located off of W. FM 150 and Old

Stagecoach Road. (Z-17-007) (**Postpone until the May 9th P&Z meeting**).

- Public Hearing
  - Recommendation to City Council
2. Consider a request by Ansar and Ali Chmeis to rezone approximately 3.93 acres from Warehouse District 'W' to Retail Service District 'RS' for property located at 400 Windy Hill Road. (Z-16-006)
- Public Hearing
  - Recommendation to City Council
3. Consider a request by Steven Lynn Goss to assign original zoning to approximately 0.92 acres from Agriculture 'AG' to Retail Service District 'RS' for property located at 1900 Dacy Lane. (Z-17-008) (**Application withdrawn by applicant on April 3, 2017**).
- Public Hearing
  - Recommendation to City Council

## **9. Consider and Possible Action**

1. Consider and make a recommendation to City Council on amendments to multiple sections of Chapter 29, Sign Standards and Permits of the City of Kyle, Code of Ordinances.
- Public Hearing
  - Recommendation to City Council

## **10. General Discussion**

1. Discussion only regarding Planning and Zoning Commission request for future agenda items.

## **11. Staff Report**

## **12. Adjournment**

\*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."







# CITY OF KYLE, TEXAS

## Minutes

Meeting Date: 4/11/2017

Date time:6:30 PM

**Subject/Recommendation:** Planning and Zoning Commission meeting minutes for November 7, 2016 (Special Called and Regular Meeting), November 22, 2016, December 13, 2016, December 28, 2016, January 10, 2017, (2) February 14, 2017 and March 14, 2017.

**Other Information:** Please see attached.

**Legal Notes:** N/A

**Budget Information:** N/A

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### ATTACHMENTS:

#### **Description**

- November 7, 2016 - Special Called Meeting
- November 7, 2016 - Regular Meeting
- November 22, 2016 - Regular Meeting
- December 13, 2016 - Regular Meeting
- December 28, 2016 - Special Called
- January 10, 2017 - Regular Meeting
- February 14, 2017 Regular Meeting (1)
- February 14, 2017 - Regular Meeting (2)
- March 14, 2017 Regular Meeting

## **SPECIAL CALLED MEETING OF THE PLANNING AND ZONING COMMISSION**

The Planning and Zoning Commission of the City of Kyle, Texas met in a special called meeting on November 7, 2016 at 6:30 P.M. at Kyle City Hall, with the following persons present:

Commissioner Dex Ellison	Grady Reed
Commissioner Lori Huey	Perwez Moheet
Commissioner Bradley Growt	Fred Dipple, Jr.
Chairman Mike Rubsam	
Commissioner Allison Wilson	
Vice-Chair Tim Kay	
Commissioner Irene Melendez	
Planning and Community Director, Howard J. Koontz	
Planning Technician, Debbie A. Guerra	
City Planner, William Atkinson	

### **CALL MEETING TO ORDER**

Chairman Rubsam called the meeting to order at 6:30 P.M.

### **ROLL CALL OF COMMISSION**

Chairman Rubsam called for roll call. No one was absent.

### **CITIZENS COMMENTS**

Chairman Rubsam opened the citizens comment period at 6:30 P.M. and call for comments on items not on the agenda or posted for public hearing. There were no comments. Chairman Rubsam closed the citizens comment period at 6:30 P.M.

### **CONSIDER AND POSSIBLE ACTION**

**REVIEW AND APPROVE THE LAND USE ASSUMPTIONS AND CAPITAL IMPROVEMENTS PLANS USED IN THE CALCULATION OF THE WATER AND WASTEWATER IMPACT FEE AND PROVIDE A RECOMMENDATION TO CITY COUNCIL TO ADOPT THE WATER AND WASTEWATER IMPACT FEE REPORT INCLUDING THE MAXIMUM WATER AND WASTEWATER IMPACT FEE AMOUNTS. ~ PERWEZ MOHEET, CPA, DIRECTOR OF FINANCE AND GRADY REED, HDR, INC.**

Vice-Chair Kay moved to recommend approval. Commissioner Wilson seconds the motion. All votes aye. Motion carried.

**ADJOURN**

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

The Planning and Zoning Commission meeting adjourned at 7:10 P.M.

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Prepared by: Debbie A. Guerra

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Mike Rubsam, Chairman

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

The Planning and Zoning Commission of the City of Kyle, Texas met in regular session November 7, 2016 at 6:30 P.M. at Kyle City Hall, with the following persons present:

Commissioner Dex Ellison	Eric Drazkowski
Commissioner Bradley Growt	Ryan Mattox
Vice-Chair Tim Kay	
Commissioner Allison Wilson	
Commissioner Rick Koch	
Commissioner Irene Melendez	
Planning and Community Director, Howard J. Koontz	
Planning Technician, Debbie A. Guerra	
City Planner, William Atkinson	

**CALL MEETING TO ORDER**

Vice-Chair Kay called the meeting to order at 7:15 P.M.

**ROLL CALL OF COMMISSION**

Vice-Chair Kay called for roll call. Commissioner Torres was absent.

**CITIZENS COMMENTS**

Vice-Chair Kay opened the citizens comment period at 7:15 P.M. and call for comments on items not on the agenda or posted for public hearing. There were no comments. Vice-Chair Kay closed the citizens comment period at 7:15 P.M.

**PRESENTATION**

**PRESENTATION FOR YEARS OF SERVICE ON THE PLANNING AND ZONING  
COMMISSION.**

- **MIKE RUBSAM**
- **LORI HUEY**

**CONSENT**

**RESUBDIVISION OF LOTS 1A AND 2A OF THE HILL REPLAT OF LOTS 1 AND 2  
(SFP-16-003) 2.168 ACRES; 2 LOTS LOCATED AT (LOT 1A) 102 CREEKSIDE TRAIL  
(LOT 2A) 1051 E. RR 150.**

**STAFF PROPOSAL: STATUTORILY DISAPPROVE TO MEET 30 DAY REQUIREMENT.**

Commissioner Ellison moved to statutorily disapprove. Commissioner Wilson seconds the motion. All votes aye. Motion carried.

**PLUM CREEK PHASE 1, SECTION 6B-2 – FINAL PLAT (FP-16-005) 2.319 ACRES; 24 LOTS LOCATED SOUTH OF HELLMAN AND EAST OF FM 2770.  
STAFF PROPOSAL: APPROVE**

**ESPIRITU ADDITION – FINAL PLAT (SFP-15-001) 3.24 ACRES; 3 SINGLE FAMILY LOTS LOCATED AT 401 S. OLD STAGECOACH ROAD.  
STAFF PROPOSAL: APPROVE**

Commissioner Growt moved to approve Plum Creek Phase 1, Section 6B-2 (FP-16-005) and Espiritu Addition (SFP-15-001). Commissioner Ellison seconds the motion. All votes aye. Motion carried.

**ZONING**

**CONSIDER A REQUEST BY LENNAR HOMES OF TEXAS LAND AND CONSTRUCTION, LTD. TO ASSIGN ORIGINAL ZONING TO APPROXIMATELY 51.48 ACRES FROM AGRICULTURE ‘AG’ TO PLUM CREEK R-2 ‘SINGLE FAMILY’ FOR PROPERTY LOCATED SOUTH WEST OF THE INTERSECTION OF FM 2770 AND FM 1626. (Z-16-008)**

Vice-Chair Kay opened the public hearing at 7:24 P.M. and called for comments for or against the request. There were no comments. Vice-Chair Kay closed the public hearing at 7:24 P.M.

Commissioner Ellison moved to recommend approval of the request by Lennar Homes to assign original zoning of Plum Creek R-2 ‘Single Family’. Commissioner Melendez seconds the motion. All votes aye. Motion carried.

**CONSIDER A REQUEST BY THE MEADOWS OF KYLE II, LTD. TO REZONE APPROXIMATELY 52.990 ACRES FROM SINGLE FAMILY RESIDENTIAL-2 ‘R-1-2’ TO SINGLE FAMILY DETACHED RESIDENTIAL ‘R-1-A’ FOR PROPERTY LOCATED ON THE NORTH SIDE OF BEBEE ROAD, ¼ MILE WEST OF DACY LANE. (Z-16-009)**

Howard Koontz, Director of Planning and Community Development stated that the applicant is requesting a postponement until the December 13<sup>th</sup> Planning and Zoning Commission meeting.

Vice-Chair Kay opened the public hearing at 7:29 P.M. and called for comments for or against the request. There were no comments. (Public hearing remains open)

Commissioner Growt moved to postpone the request until the December 13<sup>th</sup> Planning and Zoning Commission meeting. Commissioner Ellison seconds the motion. All votes aye. Motion carried.

## **CONSIDER AND POSSIBLE ACTION**

### **CONSIDER A LANDSCAPE WAIVER REQUEST BY BIOLIFE PLASMA SERVICES TO SECTION 53-988, SECTION 53-990 AND SECTION 53-992 OF THE CITY OF KYLE, CODE OF ORGINANCES.**

Vice-Chair Kay moved to remove the tree requirement on the south wall and reduce the total number of trees to 46 with 20% to be placed on the north side. Commissioner Growt seconds the motion. Commissioner's Ellison, Growt, Kay, Wilson and Koch vote aye. Commissioner Melendez votes nay.

Vice-Chair Kay amends his motion to remove the tree requirement and the requirement for a tree within 50' of a parking space on the south wall. Also, to reduce the total number of trees to 46 with 20% to be placed on the north side. Commissioner Growt seconds the motion. Commissioner's Ellison, Growt, Kay, Wilson and Koch vote aye. Commissioner Melendez votes nay. Motion carried.

## **NOMINATION**

### **NOMINATION(S) FOR COMMISSION CHAIR.**

Commissioner's Ellison, Growt and Kay would like to be considered as the next Planning and Zoning Commission Chairman.

## **GENERAL DISCUSSION**

### **DISCUSSION ONLY REGARDING PLANNING AND ZONING COMMISSION REQUEST FOR FUTURE AGENDA ITEMS.**

None

## **STAFF REPORT**

Howard Koontz, Director of Planning and Community Development stated that there would be a special called meeting on November 22<sup>nd</sup>.

**ADJOURN**

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

The Planning and Zoning Commission meeting adjourned at 8:11 P.M.

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Prepared by: Debbie A. Guerra

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Tim Kay, Vice-Chair

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

The Planning and Zoning Commission of the City of Kyle, Texas met in a regular called meeting on November 22, 2016 at 6:30 P.M. at Kyle City Hall, with the following persons present:

Commissioner Dex Ellison	Lila Knight
Commissioner Mike Torres	Tim Miller
Commissioner Bradley Growt	Brian Lawrence
Vice-Chair Tim Kay	Alfonso Hernandez
Commissioner Allison Wilson	John Lawrence
Commissioner Rick Koch	Rudy Cedillo
Planning and Community Director, Howard J. Koontz	Carol Whisenant
Planning Technician, Debbie A. Guerra	Chad Durham
City Planner, William Atkinson	Madison Inselmann
	Michele Christie

**CALL MEETING TO ORDER**

Vice-Chair Kay called the meeting to order at 6:30 P.M.

**ROLL CALL OF COMMISSION**

Vice-Chair Kay called for roll call. Commissioner Melendez was absent.

**CITIZENS COMMENTS**

Vice-Chair Kay opened the citizens comment period at 6:31 P.M. and call for comments on items not on the agenda or posted for public hearing. Lila Knight stated that she doesn't appreciate vicious attacks that the Planning Commission has been subject to recently. Ms. Knight also stated her concerns with the mid-term amendments to the comprehensive plan. Vice-Chair Kay closed the citizens comment period at 6:35 P.M.

**ELECTION OF CHAIR**

Commissioner Ellison moved to postpone the election until December 13<sup>th</sup> when all seven (7) Commissioners are present. Commissioner Growt seconds the motion. Commissioners Ellison, Torres, Growt, Wilson and Koch vote aye. Vice-Chair Kay votes nay. Motion carried.

**CONSENT**

**RAILHOUSE SUBDIVISION LOTS 1, 2 & 3 – FINAL PLAT (FP-16-013) 3.49 ACRES; 3  
COMMERCIAL LOTS LOCATED AT THE SOUTHWEST CORNER OF CENTER  
STREET AND OLD HIGHWAY 81.**



**STAFF PROPOSAL: STATUTORILY DISAPPROVE TO MEET 30 DAY REQUIREMENT.**

**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.**

**STAFF PROPOSAL: APPROVE**

**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.**

**STAFF PROPOSAL: APPROVE**

**CREEKSIDE VILLAGE REVISED PRELIMINARY PLAN (PP-16-004) 73.454 ACRES; 166 SINGLE FAMILY LOTS AND 4 DRAINAGE LOTS LOCATED EAST OF FALL CREEK DRIVE, WEST OF UNION PACIFIC RAILROAD AND NORTH OF BURLESON.**

**STAFF PROPOSAL: APPROVE**

**DACY VILLAGE LOT 5, BLOCK B – FINAL PLAT (FP-16-010) 5.45 ACRES; 1 COMMERCIAL LOT LOCATED ON THE SOUTH SIDE OF BEBEE ROAD JUST WEST OF DACY LANE.**

**STAFF PROPOSAL: APPROVE**

**KYLE WELLNESS CENTER – SITE PLAN (SD-16-019) 0.971 ACRES; 1 COMMERCIAL LOT LOCATED AT 1001 KOHLER’S CROSSING.**

**STAFF PROPOSAL: APPROVE**

Commissioner Growt moved to approve the consent agenda. Vice-Chair Kay seconds the motion. All votes aye. Motion carried.

## **ZONING**

**CONSIDER A REQUEST BY BLANTON FAMILY LIMITED PARTNERSHIP TO REZONE APPROXIMATELY 68.5 ACRES OF LAND FROM SINGLE FAMILY RESIDENTIAL-2 ‘R-1-2’ AND REZONE APPROXIMATELY 10.38 ACRES OF LAND FROM CENTRAL BUSINESS DISTRICT-1 ‘CBD-1’ TO SINGLE FAMILY DETACHED.**

Howard Koontz, Director of Planning and Community Development stated that the applicant is requesting a postponement until the December 13<sup>th</sup> meeting. Mr. Koontz also recommended that the public hearing not be opened or act on the request.

Vice-Chair Kay stated since there were citizens in the audience pertaining to zoning request he would allow them to speak.

Vice-Chair Kay opened the public hearing at 6:44 P.M. and called for comments for or against the request. Tim Miller, Brian Lawrence, Alfonso Hernandez, John Lawrence, Rudy Cedillo addressed the Commission stating concerns with increased traffic and flooding that a new subdivision would bring to the area and are opposed to the request. (Public hearing remains open).

Vice-Chair Kay moved to postpone the request by Blanton Family Limited Partnership until December 13<sup>th</sup>. Commissioner Koch seconds the motion. All votes aye. Motion carried.

**CONSIDER A REQUEST BY THOMAS KAMINSKI TO REZONE APPROXIMATELY 7.26 ACRES OF LAND FROM SINGLE FAMILY 'R-1' TO SINGLE FAMILY DETACHED RESIDENTIAL 'R-1-A' FOR PROPERTY LOCATED AT ON THE SOUTHWEST CORNER OF ZAPATA STREET AND W. HAYS STREET. (Z-16-011)**

Vice-Chair Kay opened the public hearing at 6:59 P.M. and called for comments for or against the request. Carol Whisenant addressed the Commission on behalf of Ms. Lindsey and stated the map appeared to have Ms. Lindsey's property included however, now sees that it's not included. Ms. Whisenant also stated concerns that survey stakes may be on Ms. Lindsey's property. Luis Lopez stated his concerns that the development would bring traffic and crime to the area. (Public hearing remains open).

Commissioner Wilson moved to postpone the request by Thomas Kaminski until December 13<sup>th</sup>. Commissioner Ellison seconds the motion. All votes aye. Motion carried.

**CONSIDER AMENDMENTS TO THE CITY OF KYLE CODE OF ORDINANCES, CHAPTER 53, ZONING: SPECIFICALLY, ARTICLE I, SECTION 53-33 (GENERAL REQUIREMENTS AND LIMITATIONS); AND ARTICLE II, DIVISION 2, 3, 4 AND 5, AS WELL AS CREATING A NEW DIVISION AND RE-NUMBERING EXISTING DIVISIONS, AND PRIOR ORDINANCE 824 (PROVIDING STANDARDS FOR DETERMINING A FRONT WALL FOR THE PURPOSE OF ESTABLISHING GARAGE SETBACK).**

Vice-Chair Kay opened the public hearing at 7:23 pm and called for comments for or against the amendments. Chad Durham with David Weekly Homes addressed the Commission and stated that he appreciated working with City staff on the amendment however, would propose additional language to the amendment. Madison Inselmann stated that he would like for the Commission to take into consideration the different types of depths for garage fronts and feels overall that its creating the esthetics that the they and the community is looking for. Michele Christi addressed the Commission and stated that the Planning and Zoning Commission needs to remember that they are representing the citizens of Kyle. Ms. Christie stated that she is hearing

the developer dictate to the City what they want our ordinances to read and stated the ordinances should be written for what's best for the City not the developer. Vice-Chair Kay closed the public hearing at 7:36 pm.

Commissioner Torres moved to postpone recommendation until the December 13<sup>th</sup> Planning and Zoning Commission meeting. Commission Koch seconds the motion. All votes aye. Motion carried.

**CONSIDER AN AMENDMENT TO THE CITY OF KYLE CODE OF ORDINANCES, CHAPTERS 11, ARTICLE IV (PEDDLERS, SOLICITORS AND VENDORS), AND 53, ARTICLE II, SECTIONS 53-481, 53-665 AND 53-672.**

Commissioner Torres moved to recommend approval with the exception of page #16, item (4) Permit renewal and fees. (b.) be deleted in its entirety, as it is obsolete following the associated changes in item (a.), Commissioner Ellison seconds the motion. Commissioner's Ellison, Torres, Kay, Wilson, Koch vote aye. Commissioner Growt votes nay. Motion carried.

**GENERAL DISCUSSION**

**DISCUSSION ONLY REGARDING PLANNING AND ZONING COMMISSION REQUEST FOR FUTURE AGENDA ITEMS.**

None

**STAFF REPORT**

Howard Koontz, Director of Planning and Community Development stated there will be an election for Chair at the December 13<sup>th</sup> meeting.

**ADJOURN**

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

The Planning and Zoning Commission meeting adjourned at 8:02 P.M.

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Prepared by: Debbie A. Guerra

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Tim Kay, Vice-Chair

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

The Planning and Zoning Commission of the City of Kyle, Texas met in a regular called meeting on December 13, 2016 at 6:30 P.M. at Kyle City Hall, with the following persons present:

Chairman Dex Ellison  
Commissioner Mike Torres  
Commissioner Bradley Growt  
Vice-Chair Tim Kay  
Commissioner Allison Wilson  
Commissioner Rick Koch  
Commissioner Irene Melendez  
Planning and Community Director, Howard J. Koontz  
Planning Technician, Debbie A. Guerra  
City Planner, William Atkinson

**CALL MEETING TO ORDER**

Vice-Chair Kay called the meeting to order at 7:00 P.M.

**ROLL CALL OF COMMISSION**

Vice-Chair Kay called for roll call. No one was absent.

**CITIZENS COMMENTS**

Vice-Chair Kay opened the citizens comment period at 7:01 P.M. and call for comments on items not on the agenda or posted for public hearing. There were no speakers. Vice-Chair Kay closed the citizens comment period at 7:02 P.M.

**ELECTION OF CHAIR**

Commissioner Ellison received the majority of the votes for Chairman.

**CONSENT**

**PLUM CREEK PHASE 1, SECTION 11F – PRELIMINARY PLAN (PP-16-005) 6.999  
ACRES; 1 COMMERCIAL LOT LOCATED FRONTING CROMWELL DRIVE  
APPOXIMATELY 500 WEST OF FM 1626, SOUTH OF KOHLER’S CROSSING.  
STAFF PROPOSAL: STATUTORILY DISAPPROVE**

**PLUM CREEK PHASE 1, SECTION 11F – FINAL PLAT (FP-16-014) 6.999 ACRES; 1 COMMERCIAL LOT LOCATED FRONTING CROMWELL DRIVE APPROXIMATELY 500 WEST OF FM 1626, SOUTH OF KOHLER’S CROSSING.**

**STAFF PROPOSAL: STATUTORILY DISAPPROVE**

**PLUM CREEK PHASE 1, SECTION 4B – PRELIMINARY PLAN (PP-16-002) 3.828 ACRES; 40 SINGLE FAMILY LOTS LOCATED ON THE EAST CORNER OF FAIRWAY AND HARTSON.**

**STAFF PROPOSAL: APPROVE**

**PLUM CREEK PHASE 1, SECTION 4B – FINAL PLAT (FP-16-011) 3.828 ACRES; 40 SINGLE FAMILY LOTS LOCATED ON THE EAST CORNER OF FAIRWAY AND HARTSON.**

**STAFF PROPOSAL: APPROVE**

Commissioner Groot moved to approve the consent agenda. Vice-Chair Kay seconds the motion. All votes aye. Motion carried.

## **ZONING**

**CONSIDER A REQUEST BY THE MEADOWS OF KYLE II, LTD. TO REZONE APPROXIMATELY 52.990 ACRES FROM SINGLE FAMILY RESIDENTIAL-2 ‘R-1-2’ TO SINGLE FAMILY DETACHED RESIDENTIAL ‘R-1-A’ FOR PROPERTY LOCATED ON THE NORTH SIDE OF BEBEE ROAD, ¼ MILE WEST OF DACY LANE. (Z-16-009)**

Howard Koontz, Director of Planning and Community Development stated that the applicant is requesting a postponement until the January 10<sup>th</sup> meeting.

Chairman Ellison called for public comments for or against the request. There were no speakers. (Public hearing remains open).

Commissioner Wilson moved to postpone the rezone until the January 10<sup>th</sup> meeting. Commissioner Melendez seconds the motion. All votes aye. Motion carried.

**CONSIDER A REQUEST BY BLANTON FAMILY LIMITED PARTNERSHIP TO REZONE APPROXIMATELY 68.5 ACRES OF LAND FROM SINGLE FAMILY RESIDENTIAL-2 ‘R-1-2’ AND REZONE APPROXIMATELY 10.38 ACRES OF LAND FROM CENTRAL BUSINESS DISTRICT-1 ‘CBD-1’ TO SINGLE FAMILY DETACHED.**

Howard Koontz, Director of Planning and Community Development stated that the applicant is requesting a postponement until the January 10<sup>th</sup> meeting.

Chairman Ellison called for public comments for or against the request. John Lawrence addressed the Commission stated he is opposed to the request due to flooding and increased traffic flow for the area. (Public hearing remains open).

Vice-Chair moved to postpone the request by Blanton Family Limited Partnership until January 10<sup>th</sup>. Commissioner Torres seconds the motion. All votes aye. Motion carried.

**CONSIDER A REQUEST BY THOMAS KAMINSKI TO REZONE APPROXIMATELY 7.26 ACRES OF LAND FROM SINGLE FAMILY 'R-1' TO SINGLE FAMILY DETACHED RESIDENTIAL 'R-1-A' FOR PROPERTY LOCATED AT ON THE SOUTHWEST CORNER OF ZAPATA STREET AND W. HAYS STREET. (Z-16-011)**

Howard Koontz, Director of Planning and Community Development stated that the applicant is requesting a postponement until the January 10<sup>th</sup> meeting.

Chairman Ellison called for public comments for or against the request. Luis Lopez stated his concerns that the development would bring increased traffic and crime to the area. (Public hearing remains open).

Commissioner Wilson moved to postpone the request by Thomas Kaminski until January 10<sup>th</sup>. Vice-Chair Kay seconds the motion. All votes aye. Motion carried.

**CONSIDER AMENDMENTS TO THE CITY OF KYLE CODE OF ORDINANCES, CHAPTER 53, ZONING: SPECIFICALLY, ARTICLE I, SECTION 53-33 (GENERAL REQUIREMENTS AND LIMITATIONS); AND ARTICLE II, DIVISION 2, 3, 4 AND 5, AS WELL AS CREATING A NEW DIVISION AND RE-NUMBERING EXISTING DIVISIONS, AND PRIOR ORDINANCE 824 (PROVIDING STANDARDS FOR DETERMINING A FRONT WALL FOR THE PURPOSE OF ESTABLISHING GARAGE SETBACK).**

Commissioner Wilson moved to approve as written. Commissioner Growt seconds the motion. Commission Wilson amends her motion to approve as written and for staff create a style guide. Commission Growt seconds the motion. All votes aye. Motion carried.

**GENERAL DISCUSSION**

**DISCUSSION ONLY REGARDING PLANNING AND ZONING COMMISSION REQUEST FOR FUTURE AGENDA ITEMS.**

None

**STAFF REPORT**

Howard Koontz, Director of Planning and Community Development stated that there will be a joint workshop with City Council on January 7<sup>th</sup>.

**ADJOURN**

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

The Planning and Zoning Commission meeting adjourned at 8:27 P.M.

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Prepared by: Debbie A. Guerra

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Dex Ellison, Chairman

**SPECIAL CALLED MEETING OF THE  
PLANNING AND ZONING COMMISSION**

The Planning and Zoning Commission of the City of Kyle, Texas met in special called session December 28, 2016 at 6:30 P.M. at Kyle City Hall, with the following persons present:

Chairman Dex Ellison  
Commissioner Mike Torres  
Commissioner Bradley Growt  
Commissioner Irene Melendez  
Planning and Community Director, Howard J. Koontz  
City Planner, William Atkinson

**CALL MEETING TO ORDER**

Commissioner Ellison called the meeting to order at 6:45 P.M.

**ROLL CALL OF COMMISSION**

Chairman Ellison called for roll call. Commissioner's Kay, Wilson and Koch were absent.

**CITIZENS COMMENTS**

Chairman Ellison opened the citizens comment period at 6:46 P.M. and call for comments on items not on the agenda or posted for public hearing. There were no comments. Chairman Ellison closed the citizens comment period at 6:46 P.M.

**CONSENT**

**CROSSWINDS SUBDIVISION PHASE 1 – FINAL PLAT - 70.546 ACRES; 233 SINGLE FAMILY LOTS AND 6 OPEN SPACE LOTS LOCATED ON THE SOUTH SIDE OF THE 1800 BLOCK OF WINDY HILL ROAD.**

Commissioner Growt moved to approve the consent agenda. Commissioner Melendez seconds the motion. All votes aye. Motion carried.

**ADJOURN**

With no further business to discuss, Commissioner Ellison called the meeting to adjourn at 6:47 P.M.

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Prepared by: Debbie A. Guerra

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Dex Ellison, Chairman



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

The Planning and Zoning Commission of the City of Kyle, Texas met in a regular called meeting on January 10, 2017 at 6:30 P.M. at Kyle City Hall, with the following persons present:

Chairman Dex Ellison	Tim Miller
Commissioner Mike Torres	John Lawrence
Commissioner Bradley Growt	Ward Davidson
Vice-Chair Tim Kay	Zach Bitteman
Commissioner Rick Koch	
Planning and Community Director, Howard J. Koontz	
Planning Technician, Debbie A. Guerra	
City Planner, William Atkinson	

### **CALL MEETING TO ORDER**

Chairman Ellison called the meeting to order at 6:32 P.M.

### **ROLL CALL OF COMMISSION**

Chairman Ellison called for roll call. Commissioner's Wilson and Melendez were absent.

Chairman Ellison stated that the applicants for The Meadows of Kyle II, Ltd. (Sunset Hills – Zoning - Z-16-009 / Development Agreement), Blanton Family Limited Partnership (Z-16-010) and Thomas Kaminski (Z-16-011) are requesting to postpone their requests until the February 14<sup>th</sup> meeting.

Chairman Ellison moved to postpone The Meadows at Kyle II, Ltd (Sunset Hills – Z-16-009), Blanton Family Limited Partnership (Z-16-010), Thomas Kaminski (Z-16-011) and the proposed development agreement for Meadows of Kyle II, Ltd. (Sunset Hills) until the February 14<sup>th</sup> meeting. Commissioner Torres seconds the motion. Commissioners Torres, Ellison, Growt and Koch vote aye. Vice-Chair Kay abstained. Motion carried.

### **CITIZENS COMMENTS**

Chairman Ellison opened the citizens comment period at 6:34 P.M. and call for comments on items not on the agenda or posted for public hearing. Tim Miller stated his opposition and concerns with traffic that the Blanton development would bring to downtown and Opal Lane the way it's currently designed. Mr. Miller stated he spoke to Mr. Koontz and suggested a commuter road near the south end of the development traveling from Stagecoach Road east ward all the way to the frontage road. Mr. Miller stated that he would like to see roundabouts on Scott and Opal as well as Sledge and Opal Lane. John Lawrence addressed the Commission and stated his

opposition to the Blanton / Kaminski rezone. Mr. Lawrence also stated he was concerned with traffic and flooding that this development would bring to the area. Chairman Ellison closed the public hearing at 6:44 P.M.

## **CONSENT**

**HD SUPPLY SUBDIVISION – SHORT FORM FINAL PLAT (SFP-16-004) 4.421 ACRES; 2 COMMERCIAL LOTS LOCATED AT 1100 PORTER STREET.  
STAFF PROPOSAL: STATUTORILY DISAPPROVE**

**PLUM CREEK PHASE 2, SECTION 1 – FINAL PLAT (FP-16-015) 89.739 ACRES; 312 SINGLE FAMILY, 1 SCHOOL, 1 AMENITY CENTER, 2 OPEN SPACE AND 7 EASEMENT LOTS LOCATED ON THE NORTHEAST CORNER OF KOHLER’S CROSSING AND FM 2770.**

**STAFF PROPOSAL: STATUTORILY DISAPPROVE**

**PLUM CREEK PHASE 1, SECTION 6B-3 – FINAL PLAT (FP-17-001) 2.848 ACRES; 20 RESIDENTIAL LOTS LOCATED IMMEDIATELY SOUTH OF HELLMAN AND EAST OF FM 2770.**

**STAFF PROPOSAL: STATUTORILY DISAPPROVE**

**THE RESUBDIVISION OF LOTS 1A AND 2A OF THE HILL REPLAT OF LOTS 1 AND 2, REPLAT (SFP-16-003) 2.168 ACRES; 2 LOTS LOCATED ON THE NORTH SIDE OF E. RR 150 AT THE INTERSECTION OF CREEKSIDE TRAIL.**

**STAFF PROPOSAL: APPROVE**

Commissioner Growt moved to approve the consent agenda as presented. Chairman Ellison seconds the motion. All votes aye. Motion carried.

## **ZONING**

**(POSTPONED) CONSIDER A REQUEST BY THE MEADOWS OF KYLE II, LTD. TO REZONE APPROXIMATELY 52.990 ACRES FROM SINGLE FAMILY RESIDENTIAL-2 ‘R-1-2’ TO SINGLE FAMILY DETACHED RESIDENTIAL ‘R-1-A’ FOR PROPERTY LOCATED ON THE NORTH SIDE OF BEBEE ROAD, ¼ MILE WEST OF DACY LANE. (Z-16-009)**

**(POSTPONED) CONSIDER A REQUEST BY BLANTON FAMILY LIMITED PARTNERSHIP TO REZONE APPROXIMATELY 68.5 ACRES OF LAND FROM SINGLE FAMILY RESIDENTIAL-2 ‘R-1-2’ AND REZONE APPROXIMATELY 10.38 ACRES OF LAND FROM CENTRAL BUSINESS DISTRICT-1 ‘CBD-1’ TO SINGLE FAMILY DETACHED.**

**(POSTPONED) CONSIDER A REQUEST BY THOMAS KAMINSKI TO REZONE APPROXIMATELY 7.26 ACRES OF LAND FROM SINGLE FAMILY ‘R-1’ TO SINGLE FAMILY DETACHED RESIDENTIAL ‘R-1-A’ FOR PROPERTY LOCATED AT ON THE SOUTHWEST CORNER OF ZAPATA STREET AND W. HAYS STREET. (Z-16-011)**

**CONSIDER A REQUEST BY JOHN R. AND GAYLA SIMON TO ASSIGN ORIGINAL ZONING TO APPROXIMATELY 4.01 ACRES OF LAND FROM AGRICULTURE ‘AG’ TO WAREHOUSE DISTRICT ‘W’ FOR PROPERTY LOCATED AT 1381 GOFORTH ROAD. (Z-16-013)**

Chairman Ellison opened the public hearing at 6:45 P.M. and called for comments for or against the request. There were no comments. Chairman Ellison closed the public hearing at 6:46 P.M.

Vice-Chair Kay moved to recommend approval of Warehouse District. No second to the motion. Motion fails.

Commissioner Growt moved to recommend a rezoning of Retail Service District to City Council. Commission Koch seconds the motion. Commissioners Torres, Growt and Koch vote aye. Commissioners Ellison and Kay vote nay. Motion carried.

#### **CONSIDER AND POSSIBLE ACTION**

**(POSTPONED) CONSIDER AND POSSIBLE ACTION REGARDING A PROPOSED DEVELOPMENT AGREEMENT FOR MEADOWS OF KYLE II, LTD. (SUNSET HILLS).**

#### **GENERAL DISCUSSION**

**DISCUSSION ONLY REGARDING PLANNING AND ZONING COMMISSION REQUEST FOR FUTURE AGENDA ITEMS.**

Commissioner Torres would like to see additional information regarding environmental changes for the Blanton/Kaminski zoning requests. Commissioner Torres also stated that he would like a transportation plan map added to the backup material. Vice-Chair also stated he’d like more information added to the backup material for the Blanton/Kaminski zoning cases.

#### **STAFF REPORT**

Howard Koontz, Director of Planning and Community Development stated that there will be a joint workshop with City Council on January 24<sup>th</sup> to discuss possible amendments to the comprehensive plan.

**ADJOURN**

With no further business to discuss, Commissioner Growt moved to adjourn. Chairman Ellison seconds the motion. All votes aye. Motion carried.

The Planning and Zoning Commission meeting adjourned at 7:35 P.M.

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Prepared by: Debbie A. Guerra

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Dex Ellison, Chairman

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

The Planning and Zoning Commission of the City of Kyle, Texas met in a regular called meeting on February 14, 2017 at 6:30 P.M. at Kyle City Hall, with the following persons present:

Chairman Dex Ellison	John Zinsmeyer	Mary Alice Cantu
Commissioner Bradley Growt	Luis Lopez	Terrell Terhune
Vice-Chair Tim Kay	Brad Whittington	Daryl Nutt
Commissioner Allison Wilson	Mark Zupan	Terry Lewis
Commissioner Irene Melendez	Sarah Files	Beverley Peeler
Commissioner Rick Koch	Marta Lyons	
Planning Director, Howard J. Koontz		
Planning Technician, Debbie A. Guerra		
City Planner, William Atkinson		

**CALL MEETING TO ORDER**

Chairman Ellison called the meeting to order at 6:33 P.M.

**ROLL CALL OF COMMISSION**

Chairman Ellison called for roll call. Commissioner Torres was absent.

Chairman Ellison stated that the application for Thomas Survivors Trust (Z-17-001) has been withdrawn. Chairman Ellison added that the applicant for item 5A – Meadows of Kyle II (Sunset Hills) was stuck in traffic therefore, item 5A will be moved in item 5D’s place.

**CITIZENS COMMENTS**

Chairman Ellison opened the citizens comment period at 6:35 P.M. and call for comments on items not on the agenda or posted for public hearing. There were no comments. Chairman Ellison closed the public hearing at 6:35 P.M.

**CONSENT**

**PLUM CREEK PHASE 1, SECTION 11E-2 – FINAL PLAT (FP-17-002) 13.736 ACRES; 1  
MULTI-FAMILY LOT LOCATED ON THE CORNER OF DORMAN AND  
CROMWELL DRIVE.  
STAFF PROPOSAL: APPROVE**

**AMENDING PLAT OF THE REPLAT OF LOT 1B, BLOCK A OF THE SCC BUNTON CREEK SUBDIVISION, REPLAT OF LOT 6A, BLOCK A (FP-17-003) 2.67 ACRES; 2 LOTS WITH RIGHT-OF-WAY LOCATED AT 901 AND 906 SETON PARKWAY.  
STAFF PROPOSAL: APPROVE**

**PLUM CREEK PHASE 1, SECTION 6B-3 – FINAL PLAT (FP-17-001) 2.848 ACRES; 20 RESIDENTIAL LOTS LOCATED IMMEDIATELY SOUTH OF HELLMAN AND EAST OF FM 2770.  
STAFF PROPOSAL: APPROVE**

Vice-Chair Kay moved to approve the consent agenda. Commissioner Melendez seconds the motion. All votes aye. Motion carried.

## **ZONING**

**CONSIDER A REQUEST BY BLANTON FAMILY LIMITED PARTNERSHIP TO REZONE APPROXIMATELY 68.5 ACRES OF LAND FROM SINGLE FAMILY RESIDENTIAL-2 ‘R-1-2’ AND REZONE APPROXIMATELY 10.38 ACRES OF LAND FROM CENTRAL BUSINESS DISTRICT-1 ‘CBD-1’ TO SINGLE FAMILY DETACHED.**

Applicant is requesting zoning of Single Family Residential-3 ‘R-1-3’.

Chairman Ellison called for public comments for or against the request. There were no comments. Chairman Ellison closed the public hearing at 6:38 P.M.

Vice-Chair Kay moved to recommend approval of Single Family Residential-3 ‘R-1-3’ and that the developer will not exceed 3.2 houses per acre. Commissioner Koch seconds the motion. All votes aye. Motion carried.

**CONSIDER A REQUEST BY THOMAS KAMINSKI TO REZONE APPROXIMATELY 7.26 ACRES OF LAND FROM SINGLE FAMILY ‘R-1’ TO SINGLE FAMILY DETACHED RESIDENTIAL ‘R-1-A’ FOR PROPERTY LOCATED AT ON THE SOUTHWEST CORNER OF ZAPATA STREET AND W. HAYS STREET. (Z-16-011)**

Applicant is requesting zoning of Single Family Residential-3 ‘R-1-3’.

Chairman Ellison called for public comments for or against the request. Luis Lopez addressed the Commission and stated his opposition to the request. Mr. Lopez stated that the request is spot zoning and the proposed development will increase taxes for the area. Marta Lyons also addressed the Commission and stated concerns with traffic. Chairman Ellison closed the public hearing at 7:33 P.M.

Vice-Chair Kay moved to recommend approval of Single Family Residential-3 'R-1-3' and that the developer will not exceed 3.2 houses per acre. Chairman Ellison seconds the motion. All votes aye. Motion carried.

**CONSIDER A REQUEST BY THE MEADOWS OF KYLE II, LTD. TO REZONE APPROXIMATELY 52.990 ACRES FROM SINGLE FAMILY RESIDENTIAL-2 'R-1-2' TO SINGLE FAMILY DETACHED RESIDENTIAL 'R-1-A' FOR PROPERTY LOCATED ON THE NORTH SIDE OF BEBEE ROAD, ¼ MILE WEST OF DACY LANE. (Z-16-009)**

Applicant is requesting zoning of Single Family Residential-3 'R-1-3'.

Chairman Ellison called for public comments for or against the request. There were no comments. Chairman Ellison closed the public hearing at 7:54 P.M.

Chairman Ellison moved to recommend approval of Single Family Residential-3 'R-1-3' to City Council. Vice-Chair Kay seconds the motion. All votes aye. Motion carried.

**CONSIDER A REQUEST BY LIFE'S JOURNEY HOSPICE AND PALLIATIVE CARE, LLC (SARAH FILES) TO ASSIGN ORIGINAL ZONING TO APPROXIMATELY 35.5 ACRES OF LAND FROM AGRICULTURE 'AG' TO PLANNED UNIT DEVELOPMENT 'PUD' FOR PROPERTY LOCATED AT 602 CREEKSIDE TRAIL. (Z-17-002)**

Chairman Ellison opened the public hearing at 8:20 P.M. and called for comments for or against the request. Beverly Peeler stated her concerns with increased traffic, flooding and lack of water/waste-water to the property. Mary Alice Cantu stated her concerns with increased taxes, traffic, noise and light pollution. Terrell Terhune is concerned with drainage. Daryl Nutt is concerned with flooding. Terry Lewis is concerned with run-off/ drainage and waste management. Chairman Ellison closed the public hearing at 8:32 P.M.

Commissioner Growt moved to recommend approval of 'PUD' to City Council. Commission Melendez seconds the motion. Commissioners Growt, Wilson, Ellison, Melendez and Koch vote aye. Vice-Chair Kay votes nay. Motion carried.

**CONSIDER AND POSSIBLE ACTION**

**CONSIDER AND POSSIBLE ACTION REGARDING A PROPOSED DEVELOPMENT AGREEMENT FOR MEADOWS OF KYLE II, LTD. (SUNSET HILLS).**

Vice-Chair Kay moved that the proposed development agreement move forward to City Council as is. Commissioner Wilson seconds the motion. All votes aye. Motion carried.

## **GENERAL DISCUSSION**

### **DISCUSSION ONLY REGARDING PLANNING AND ZONING COMMISSION REQUEST FOR FUTURE AGENDA ITEMS.**

Commissioner Growt asked about the status of the comprehensive plan land use recommendations discussed at the joint workshop with City Council. Howard J. Koontz, Director of Planning and Community Development stated that there will be a workshop on March 28th to discuss. Vice-Chair Kay asked that a copy be distributed to the Commission a few days prior to the meeting for review.

## **STAFF REPORT**

Howard Koontz mentioned that there may not be a workshop meeting in February.

## **ADJOURN**

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

The Planning and Zoning Commission meeting adjourned at 9:21 P.M.

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Prepared by: Debbie A. Guerra

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Dex Ellison, Chairman



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

The Planning and Zoning Commission of the City of Kyle, Texas met in a regular called meeting on February 14, 2017 at 6:30 P.M. at Kyle City Hall, with the following persons present:

Chairman Dex Ellison  
Commissioner Bradley Growt  
Vice-Chair Tim Kay  
Commissioner Allison Wilson  
Commissioner Irene Melendez  
Commissioner Rick Koch  
Planning Director, Howard J. Koontz  
Planning Technician, Debbie A. Guerra  
City Planner, William Atkinson

**CALL MEETING TO ORDER**

Chairman Ellison called the meeting to order at 9:23 P.M.

**ROLL CALL OF COMMISSION**

Chairman Ellison called for roll call. Commissioner Torres was absent.

**CITIZENS COMMENTS**

Chairman Ellison opened the citizens comment period at 9:23 P.M. and call for comments on items not on the agenda or posted for public hearing. There were no comments. Chairman Ellison closed the public hearing at 9:23 P.M.

**CONSENT**

**PLUM CREEK PHASE 1, SECTION 11F – PRELIMINARY PLAN (PP-16-005) 6.999 ACRES; 1 COMMERCIAL LOT LOCATED FRONTING CROMWELL DRIVE APPROXIMATELY 500 WEST OF FM 1626, SOUTH OF KOHLER’S CROSSING.  
STAFF PROPOSAL: APPROVE**

**PLUM CREEK PHASE 1, SECTION 11F – FINAL PLAT (FP-16-014) 6.999 ACRES; 1 COMMERCIAL LOT LOCATE FRONTING CROMWELL DRIVE APPROXIMATELY 500 WEST OF FM 1626, SOUTH OF KOHLER’S CROSSING.  
STAFF PROPOSAL: APPROVE**

Chairman Ellison moved to approve the consent agenda. Vice-Chair Kay seconds the motion. All votes aye. Motion carried.

**ADJOURN**

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

The Planning and Zoning Commission meeting adjourned at 9:24 P.M.

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Prepared by: Debbie A. Guerra

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Dex Ellison, Chairman

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

The Planning and Zoning Commission of the City of Kyle, Texas met in a regular called meeting on March 14, 2017 at 6:30 P.M. at Kyle City Hall, with the following persons present:

Chairman Dex Ellison  
Vice-Chair Tim Kay  
Commissioner Bradley Growt  
Commissioner Allison Wilson  
Commissioner Irene Melendez  
Commissioner Rick Koch  
Planning Director, Howard J. Koontz  
Planning Technician, Debbie A. Guerra  
City Planner, William Atkinson

Tim Miller  
Alfred Zambrano  
Jerry Kolacny  
Gordon Wybo  
John Nelson  
Sam Turner

**CALL MEETING TO ORDER**

Chairman Ellison called the meeting to order at 6:32 P.M.

**ROLL CALL OF COMMISSION**

Chairman Ellison called for roll call. No one was absent.

**MINUTES**

Planning and Zoning Commission meeting minutes for November 7, 2016 (Special Called and Regular Meeting), November 22, 2016, December 13, 2016, December 28, 2016, January 10, 2017 and (2) February 14, 2017.

Commissioner Growt moved to postpone the approval of the meeting minutes until the next Planning and Zoning Commission voting meeting. Commissioner Koch second the motion. Commissioner's Growt, Ellison, Wilson, Koch, Melendez vote aye. Vice-Chair Kay votes nay. Motion carried.

**CITIZENS COMMENTS**

Chairman Ellison opened the citizens comment period at 6:34 P.M. and call for comments on items not on the agenda or posted for public hearing. There were no comments. Chairman Ellison closed the public hearing at 6:35 P.M.

## CONSENT

**RAILHOUSE SUBDIVISION LOTS 1, 2 AND 3 – FINAL PLAT (FP-16-013) 3.49 ACRES; 3 COMMERCIAL LOTS LOCATED AT THE SOUTHWEST CORNER OF CENTER STREET AND SOUTH FRONT STREET (OLD HIGHWAY 81).  
STAFF PROPOSAL: APPROVE**

Commissioner Wilson moved to approve the consent agenda. Commissioner Melendez seconds the motion. All votes aye. Motion carried.

## ZONING

**CONSIDER A REQUEST BY MOOREROOD PROPERTIES, LLC (MAGDALENA AND LESLIE MOORE) TO ASSIGN ORIGINAL ZONING TO APPROXIMATELY 27.66 ACRES OF LAND (TRACT 1) AND 4.19 ACRES OF LAND (TRACT 2) FROM AGRICULTURE ‘AG’ TO RETAIL SERVICE DISTRICT ‘RS’ FOR PROPERTIES LOCATED AT (TRACT 1: 900 AND 1000 SCOTT STREET) (TRACT 2: 1101 OLD STAGECOACH ROAD). (Z-17-003)**

Chairman Ellison opened the public hearing at 6:37 P.M. and called for public comments for or against the request. Tim Miller addressed the Commission stating he was not in favor of the request. Mr. Miller is concerned with the increase of traffic on Opal Lane with delivery trucks and stated that he would like to see roundabouts on Opal to discourage commercial trucks going through the neighborhood. Gordon Wybo stated that he was in opposition of the request. Mr. Wybo stated that Mr. Miller's farm is already being compromised and doesn't know why the City would entertain the rezoning to commercial. Mr. Wybo also stated that the City is not small business friendly and only hinders them. Magdalena Rood applicant addressed the Commission asking for them to recommend approval of the request. Chairman Ellison closed the public hearing at 6:43 P.M.

Commissioner Wilson moved to recommend approval of Retail Service District ‘RS’ to City Council. Commissioner Growt seconds the motion. Commissioner's Wilson, Growt, Kay, Koch and Melendez vote aye. Chairman Ellison votes nay. Motion carried.

**CONSIDER A REQUEST BY SOUTH CENTER STREET HOLDINGS, LLC TO REZONE APPROXIMATELY 1.67 ACRES OF LAND FROM RETAIL SERVICE DISTRICT ‘RS’ TO DUAL ZONING OF RETAIL SERVICE DISTRICT ‘RS’ AND ENTERTAINMENT ‘E’ FOR PROPERTY LOCATED AT 107 E. CENTER STREET. (Z-17-004)**

Chairman Ellison opened the public hearing at 6:59 P.M. and called for public comments for or against the request. Jerry Kolacny questioned the dual zoning being requested. Mr. Kolacny

stated that the City currently has no dual zonings and is not in favor of the City moving in that direction. Alfred Zambrano stated that Entertainment is not recommended per the historic core area within the comprehensive plan. Mr. Zambano also stated that he does not feel like the dual zoning will keep the character and intent of the old town. Chairman Ellison closed the public hearing at 7:05 P.M.

William Atkinson, City Planner addressed the Commission to clarify that the land use district for the property is within a regional node and not historic core area. Mr. Atkinson stated that Entertainment and Retail Service District is conditional within the comprehensive plan.

Commissioner Wilson moved to recommend approval of the request for dual zoning of Entertainment District 'E' and Retail Service District 'RS' to City Council. Commissioner Koch seconds the motion. All votes aye. Motion carried.

**CONSIDER A REQUEST BY RODOLFO AND GUADALUPE MARTINEZ AND MARY ANN MENDOZA TO ASSIGN ORIGINAL ZONING TO APPROXIMATELY 13.52 ACRES OF LAND FROM AGRICULTURE 'AG' TO CONSTRUCTION MANUFACTURING 'CM' FOR PROPERTY LOCATED OFF OF IH-35 AND CR 208. (Z-17-005)**

Chairman Ellison opened the public hearing at 7:23 P.M. and called for public comments for or against the request. Jerry Kolacny addressed the Commission and stated that it was difficult to hear staff and asked that they speak in the microphone. Chairman Ellison closed the public hearing at 7:24 P.M.

Commissioner Growt moved to recommend denial of the request to City Council. Commissioner Wilson seconds the motion. All votes aye. Motion carried.

**CONSIDER AND POSSIBLE ACTION**

**CONSIDER TEXT AMENDMENTS TO THE CITY OF KYLE, CODE OF ORDINANCES, SECTION 53-899 (I-35 OVERLAY DISTRICT DEVELOPMENT STANDARDS).**

Chairman Ellison opened the public hearing at 7:34 P.M. and called for public comments for or against the request. Gordon Wybo addressed the Commission and stated that as a small business owner he feels that the City doesn't have a vision for small businesses and is not small business friendly. Alfred Zambrano also stated that the City is not small business friendly and is cherry picking the types of businesses that come to town. Jerry kolacny stated that he was not for or against the amendment however, stated that the City should be able to select the types of businesses they want to see come to town. Chairman Ellison closed the public hearing at 7:40 P.M.

Chairman Ellison moved to recommend approval to City Council. Vice-Chair Kay seconds the motion. All votes aye. Motion carried.

## **GENERAL DISCUSSION**

### **DISCUSSION ONLY REGARDING PLANNING AND ZONING COMMISSION REQUEST FOR FUTURE AGENDA ITEMS.**

Commissioner Growt stated he would like to see a parking ordinance created in the near future. Howard Koontz, Director of Planning and Community stated that a workshop is scheduled for March 28<sup>th</sup> to discuss the mid-term amendments to the 2010 Comprehensive Plan. Mr. Koontz also stated that interviews for the vacant Planning and Zoning seats is scheduled and hopes to have the seats filled by the April 11<sup>th</sup> meeting.

## **STAFF REPORT**

Howard Koontz, Director of Planning and Community stated that a workshop is scheduled for March 28<sup>th</sup> to discuss the mid-term amendments to the 2010 Comprehensive Plan. Mr. Koontz also stated that interviews for the vacant Planning and Zoning seats is scheduled and hopes to have the seats filled by the April 11<sup>th</sup> meeting.

## **ADJOURN**

With no further business to discuss, Commissioner Growt moved to adjourn. Commissioner Melendez seconds the motion. Commissioner Growt, Melendez, Ellison, Koch and Wilson vote aye. Vice-Chair votes nay. Motion carried.

The Planning and Zoning Commission meeting adjourned at 8:10 P.M.

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Prepared by: Debbie A. Guerra

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Dex Ellison, Chairman



# CITY OF KYLE, TEXAS

## Recognition for Years of Service - Irene Melendez

**Meeting Date: 4/11/2017**  
**Date time:6:30 PM**

**Subject/Recommendation:** Recognition of Irene Melendez for years of service to the Planning and Zoning Commission.

**Other Information:** N/A

**Legal Notes:** N/A

**Budget Information:** N/A

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**ATTACHMENTS:**

**Description**

No Attachments Available



# CITY OF KYLE, TEXAS

## Mid-Term Amendments to the 2010 Comprehensive Plan

Meeting Date: 4/11/2017

Date time:6:30 PM

**Subject/Recommendation:** First of two public hearings for the purpose of receiving testimony, comments, and written evidence from the public regarding mid-term amendments to the 2010 Comprehensive Plan.

- Public Hearing

**Other Information:** Please see attachments

**Legal Notes:** N/A

**Budget Information:** N/A

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### ATTACHMENTS:

#### **Description**

- Staff Memo
- Core Area Transition District\_Clean
- Core Area Transition District
- Employment District\_Clean
- Employment District
- Farm District\_Clean
- Farm District
- Heritage District\_Clean
- Heritage District
- Historic Core Area Transition\_Clean
- Historic Core Area Transition
- Local Node\_Clean
- Midtown District\_Clean
- Midtown District
- New Settlement District\_Clean
- New Settlement District
- New Town District\_Clean
- New Town District
- Old Town District\_Clean
- Old Town District
- River Landscapes\_Clean



- ▣ range Landscape\_Clean
- ▣ Range Landscape
- ▣ Regional Node\_Clean
- ▣ Regional Node
- ▣ Riparian District\_Clean
- ▣ Riparian District
- ▣ Sensitive Sustainable Development District\_Clean
- ▣ Sensitive Sustainable Development District
- ▣ Super Regional Node\_Clean
- ▣ super Regional Node
- ▣ Landuse Chart from the 2010 Comprehensive Plan Mid-term update



# CITY OF KYLE

## Community Development Department

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April 11, 2017

To: Planning & Zoning Commission  
From: Howard J. Koontz, Director of Planning & Community Development  
Re: Mid-Term update to the Kyle Comprehensive Plan

Following a process that began in August 2015, including a series of work sessions between the Planning Commission and staff, a public input meeting of Kyle residents, and a joint work session with the Mayor & City Council, the final edits of the mid-term update to the Kyle Comprehensive Plan have now been compiled for one last review and comment.

These attached edits are believed to be very close to the chronicle of edits and updates from all interested parties up to this point, and should be very close to the language that is inserted into the Character Area section of Kyle's existing Plan.

The process as spelled out by the city's charter will be a series of three (3) Public Hearings: two (2) at the April Planning & Zoning Commission meetings, and a third on May 2<sup>nd</sup> which will serve as the final meeting where the edits will be deliberated and adopted in front the city council.

## Core Area Transition District

### CHARACTER

The Core Area Transition District currently consists primarily of commercial and light industrial uses, with some residential uses. Key defining features include Old Highway 81, North Burleson Street, Marketplace Avenue extension, I-35 and frontage roads, and the railroad. This District is important as a transitional zone between largely residential areas and the commercial uses along I-35 and as a portion of Kyle that is visually significant to travelers along I-35. The character of the District should reflect its urban and transitional intentions. The land area of this District is relatively small, and there are many physical barriers, so land uses should be compact and aggregated, especially residential uses. Vertically mixed-use development models are well suited to this District, and development should be located close to roadways, with minimal front yards, to maximize available land and visibility from main roads. Adequate land use transitions should be provided to avoid conflict between different land uses (i.e. residential adjacent to industrial).

### INTENT

With its highly visible position in the middle of the City, the Core Area Transition District should be an urban environment that serves an identifying function for the City of Kyle. By acting as an area of functional linkage for the City, the District can connect vehicular and pedestrian movement, economic centers, and visually defining elements. The built fabric should display a transition from the small scale grid pattern of Downtown to the large plate design of the Super Regional Node. As this District develops, it should serve to create a consistent fabric that links Downtown and the Super Regional Node, encouraging the expansion and strengthening of Kyle's core, as well as the city's most likely transition region to develop employment centers on land historically not operating at its highest and best use. Additionally, Plum Creek passes west to east through the middle of the Core Area Transition District, and this significant natural feature should be developed with appropriate sensitivity, and accessible via trails and open spaces once completed.

### JURISDICTION

The Core Area Transition District includes the land between Downtown Kyle and the Super Regional Node around the new hospital on either side of I-35. Figure 9 indicates the location of the Core Area Transition District.

## Core Area Transition District

### CHARACTER

The Core Area Transition District currently consists primarily of commercial and light industrial uses, with some residential uses. Key defining features include Old Highway 81, North Burleson Street, Marketplace Avenue extension, I-35 and frontage roads, and the railroad. This District is important as a transitional zone between largely residential areas and the commercial uses along I-35 and as a portion of Kyle that is visually significant to travelers along I-35. The character of the District should reflect its urban and transitional intentions. The land area of this District is relatively small, and there are many physical barriers, so land uses should be compact and aggregated, especially residential uses. Vertically mixed-use development models are well suited to this District, and development should be located close to roadways, with minimal front yards, to maximize available land and visibility from main roads. Adequate land use transitions should be provided to avoid conflict between different land uses (i.e. residential adjacent to industrial).

### INTENT

With its highly visible position in the middle of the City, the Core Area Transition District should be an urban environment that serves an identifying function for the City of Kyle. By acting as an area of functional linkage for the City, the District can connect vehicular and pedestrian movement, economic centers, and visually defining elements. The built fabric should display a transition from the small scale grid pattern of Downtown to the large plate design of the Super Regional Node. As this District develops, it should serve to create a consistent fabric that links Downtown and the Super Regional Node, encouraging the expansion and strengthening of Kyle's core, as well as the city's most likely transition region to develop employment centers on land historically not operating at its highest and best use. Additionally, Plum Creek passes west to east through the middle of the Core Area Transition District, and this significant natural feature should be developed with appropriate sensitivity, ~~apparent~~ and accessible via trails and open spaces once completed.

### JURISDICTION

The Core Area Transition District includes the land between Downtown Kyle and the Super Regional Node around the new hospital on either side of I-35. Figure 9 indicates the location of the Core Area Transition District.

## Transitional Settlement District

### CHARACTER

The Transitional Settlement District is primarily located outside of the Kyle corporate limits, in an area of the city not serviced by Kyle water and wastewater service. The district should provide an area for low-density housing in the suburban built form, serviced by private waste water treatment plants, while still preserving its rural landscape heritage. This area of Kyle has received relatively little development pressure to date, due in large part to the increased development costs associated with establishing all new infrastructure. Kyle must be prepared to guide and direct development to the extent possible through the management of land divisions and enabling private waste water treatment facilities.

### INTENT

Close to I-35 and generally well-served by east-west roads (Windy Hill Road/County Road 131) and north-south roads (FM 2001), the District is not yet suited to accommodate commercial and industrial uses, at least those that are high water users or high waste water producers. The intention of this district is to assemble large acreage tracts of land for suburban-form neighborhoods, utilizing best management practices of low-impact development and particular sensitivity to the lack of public infrastructure to service the district. Opportunities should be provided for single family residential housing in close proximity to transportation corridors, thereby reducing travel demand on local streets, while still creating affordable housing solutions. The District should be designed to capture regional employment-oriented development opportunities associated with growth toward Hwy 21, SH 45, and SH 130 wherever possible. These employment opportunities must transition to the surrounding residential land uses, both within and outside of the District, in order to prevent conflict with the surrounding community fabric and preclude the continued growth of residential land uses.

### JURISDICTION

The Transitional Settlement District is located in the northeastern corner of Kyle, where it will be easily accessible by arterial highways and secondary county roads, and at least partially supported by development from Buda and Austin to the north. Figure 14 indicates the location of the Transitional Settlement District.

## Employment-Transitional Settlement District

### CHARACTER

The Employment-Transitional Settlement District is primarily located outside of the Kyle corporate limits, in an area of the city not serviced by Kyle water and wastewater service. The district should ~~integrate a mixture of employment-oriented uses and~~ provide an area for low-density housing in the suburban built form, ~~serviced by private waste water treatment plants, through public spaces while still~~ to preserving its rural agricultural landscape heritage. ~~In this way, the District will attain the character of a "Garden City," in which a robust public domain knits together open spaces and employment zones in a live-work environment.~~ This area of Kyle has received relatively little development pressure to date, ~~due in large part to the increased development costs associated with establishing all new infrastructure, but this is likely to change due to the District's proximity to SH 45 and southern Austin expansion.~~ Kyle must be prepared to guide and direct development ~~to create the live-work character designed for the Employment District to the extent possible through the management of land divisions and enabling private waste water treatment facilities.~~

### INTENT

Close to I-35 and generally well-served by east-west roads (Windy Hill Road/County Road 131) and north-south roads (FM 2001), the Employment-District is ~~not yet well~~ suited to accommodate commercial and industrial uses, ~~at least those that are high water users or high waste water producers. that will yield both employment and tax revenue for the City of Kyle.~~ The intention of this ~~District-district~~ is to ~~assemble large acreage tracts of land for suburban-form neighborhoods, utilizing best management practices of low-impact development and particular sensitivity to the lack of public infrastructure to service the district create an economically stable location for employment opportunities that are sufficient to serve the population of Kyle in 2040.~~ Opportunities should be provided for ~~a range of single family residential~~ housing options in close proximity to ~~employment-center~~ transportation corridors, thereby reducing ~~peak~~ travel demand ~~on local streets, and while still~~ creating affordable housing solutions. The District should be designed to capture regional employment-oriented development opportunities associated with growth toward Hwy 21, SH 45, and SH 130 ~~wherever possible.~~ These employment opportunities must transition to the surrounding residential land uses, both within and ~~without~~ outside of the District, in order to prevent conflict with the surrounding community fabric ~~and preclude the continued growth of residential land uses. Agricultural heritage should be preserved where appropriate in public spaces and referenced in site design and landscape forms.~~

### JURISDICTION

The Employment-Transitional Settlement District is located in the northeastern corner of Kyle, where it will be easily accessible ~~byte growth pressures~~ arterial highways and secondary county roads, ~~and at least partially supported by~~ development from Buda and Austin to the north. Figure 14 indicates the location of the Employment-Transitional Settlement District.

## Farm Landscape

### CHARACTER

The Farm Landscapes are currently characterized by crop production and rural roadways built to a county standard that expected low daily car counts, that generally run from northwest to southeast. As farming activities are a significant part of Kyle's history and the economic base of the region, it is important to preserve the Farm Landscapes as a reminder of that agricultural heritage. Additionally, preservation of these lands is necessary for stormwater management, erosion control, and maintaining water and air quality. Open agricultural lands and an uninterrupted ground plane characterize the Farm Landscapes. Property lines should not be clearly marked by fences or other vertical, opaque expressions, such as tree lines. Vertical and opaque expressions should be avoided on property lines to blur these lines and preserve open views. Development forms should respond to agricultural patterns, with significant building setbacks, native landscaping, and, where possible, non-structured surface water management.

### INTENT

Due to the historic and environmental significance of the Farm Landscapes, the intent of this Landscape is to preserve existing agricultural land uses and the context within which they reside. The spacious views and active farmland should be protected and preserved for Kyle residents to enjoy. The City should implement preservation policies that foster the goals of farmland preservation. Utilizing these lands for the propagation of row crops and/or the grazing of livestock means a certain level of sensitivity needs to be recognized and respected as it relates to sustainable and resilient development practices. Water quality both across and below the surface of this landscape should be a priority during any development activity, and special consideration to designing with nature should be implemented in any area featuring natural

land forms. New development should be directed toward uses that can appropriately co-exist with farming.

## JURISDICTION

Farm Landscapes are found in the southeastern portions of Kyle and its Extra Territorial Jurisdiction, where the historic Blackland Prairie with its rich soils and flat land was well suited for conversion to farming activities. The Landscape is bordered by the New Settlement and Riparian Districts. Figure 4 indicates the location of the Farm Landscape.



## Farm ~~District~~Landscape

### CHARACTER

The Farm ~~Districts~~Landscapes are currently characterized by crop production and rural roadways built to a county standard that expected low daily car counts, that generally run from northwest to southeast. As farming activities are a significant part of Kyle's history and the economic base of the region, it is important to preserve the Farm ~~Districts~~Landscapes as a reminder of that agricultural heritage. Additionally, preservation of these lands is necessary for stormwater management, erosion control, and maintaining water and air quality. Open agricultural lands and an uninterrupted ground plane characterize the Farm ~~Districts~~Landscapes. Property lines should not be clearly marked by fences or other vertical, opaque expressions, such as tree lines. Vertical and opaque expressions should be avoided on property lines to blur these lines and preserve open views. Development forms should respond to agricultural patterns, with significant building setbacks, native landscaping, and, where possible, non-structured surface water management.

### INTENT

Due to the historic and environmental significance of the Farm ~~District~~Landscapes, the intent of this ~~District~~Landscape is to preserve existing agricultural land uses and the context within which they reside. The spacious views and active farmland should be protected and preserved for Kyle residents to enjoy. The City should implement preservation policies that foster the goals of farmland preservation. Utilizing these lands for the propagation of row crops and/or the grazing of livestock means a certain level of sensitivity needs to be recognized and respected as it relates to sustainable and resilient development practices. Water quality both across and below the surface of this landscape should be a priority during any development activity, and special consideration to designing with nature should be implemented in any

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## Heritage District

### CHARACTER

The Heritage District is characterized by rolling hills with significant surface water features. Key features of the District include a reservoir and Andrews Branch, a tributary of Plum Creek that winds from north to south through the area. Cultural and natural landscapes should be preserved and natural drainage ways are appropriate for public spaces and trails. Current residential patterns encourage community cohesion through narrow lots and an open ground plane, and also reflect complex ownership history. This unique characteristic of cultural norms should be preserved within the Heritage District. Connections should be made through roads, trails, and service provision so that this District is included more fully within the City of Kyle.

### INTENT

The purpose of the Heritage District is to encourage future growth and development while preserving the cultural history of this District. To this end, contextually sensitive growth management should be implemented, so as to not displace existing built fabric and cultural patterns, while still managing growth precipitated by proximity to main roadway corridors. Policies should be created to address the inevitable issue of non-conformance that existing patterns of development will face with regard to City codes. Additionally, land use issues related to unique systems of property ownership should be resolved to allow new development to comfortably coexist with existing development. Although a broad range of uses could be manifested in this District, most of these uses are conditional, affording opportunity to the City for enforcement of sustainable development practices. As the Heritage District does not currently benefit from many City services, a strategy should be established for the provision of services in this area.

### JURISDICTION

The Heritage District is located in the northeastern area of Kyle, south of the Transitional Settlement District, east of the New Town District, and north of the New Settlement District. This District is served primarily by Bebee Road and Goforth Road. Figure 16 indicates the location of the Heritage District.

## Heritage District

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### JURISDICTION

The Heritage District is located in the northeastern area of Kyle, south of the [Employment Transitional Settlement](#) District, east of the New Town District, and north of the New Settlement District. This District is served primarily by Bebee Road and Goforth Road. Figure 16 indicates the location of the Heritage District.

## Historic Core Area Transition District

### CHARACTER

The Historic Core Area Transition serves as a transition between the regular gridded development pattern that characterizes Downtown and the more rural patterns to the south and west, as well as newer development to the north. Significant features of this District include the intersection of Old Stagecoach Road and Center Street, the Gregg Clarke Park, Wallace Middle School, and the emerging commercial corridor along Rebel Road north from Center Street. This District is a “middle landscape” of historic residential forms that transition to more rural residential forms. The District should embody the historic character of existing uses while anticipating appropriate expansion of Old Town. Development in the Historic Core Area Transition District has historically been on a small, lot-by-lot basis, rather than on a larger, project-by-project basis. Because of this, the street serves as the organizing feature of the District. Therefore, as new development extends into the District from the Old Town District, care should be taken to ensure that the historic street pattern is preserved, as called for in ‘Kyle Connected’, the city’s Transportation Master Plan.

### INTENT

The purpose of the Historic Core Area Transition District is to accommodate the growth of residential and neighborhood commercial uses around the Old Town District, while preserving the historic rural fabric. The core of Kyle should be allowed to expand into this area as population growth increases in order to strengthen the core of the City. Land use transitions are critical in this District, as are architectural style transitions from traditional Rural Town Center/Old Town Block to curvilinear, rural residential, ensuring the shift from township to rural landscape should be maintained. This can be accomplished by transition in the built form and function from commercial uses to residential uses and finally to rural agricultural residential uses and by establishing transitions in density, decreasing outwardly from the Old Town District. Public spaces in this District should be used to preserve the character of ranch heritage, where appropriate.

### JURISDICTION

The Historic Core Area Transition District wraps around the Old Town District to the north, west, and south, and includes mostly residential uses. Figure 10 indicates the location of the Historic Core Area Transition District.

## Historic Core Area Transition District

### CHARACTER

The Historic Core Area Transition serves as a transition between the regular gridded development pattern that characterizes Downtown and the more rural patterns to the south and west, as well as newer development to the north. Significant features of this District include the intersection of Old Stagecoach Road and Center Street ~~and~~, the Gregg Clarke Park, Wallace Middle School, and the emerging commercial corridor along Rebel Road north from Center Street. This District is a “middle landscape” of historic residential forms that transition to more rural residential forms. The District should embody the historic character of existing uses while anticipating appropriate expansion of Old Town. Development in the Historic Core Area Transition District has historically been on a small, lot-by-lot basis, rather than on a larger, project-by-project basis. Because of this, the street serves as the organizing feature of the District. Therefore, as new development extends into the District from the Old Town District, care should be taken to ensure that the historic street pattern is preserved, as called for in ‘Kyle Connected’, the city’s Transportation Master Plan.

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### JURISDICTION

The Historic Core Area Transition District wraps around the Old Town District to the north, west, and south, and includes mostly residential uses. Figure 10 indicates the location of the Historic Core Area Transition District.

## Local Node

### CHARACTER

Some Local Nodes occur at existing intersections, where a greater intensity of use should be fostered to take advantage of the benefits conferred by that intersection. Other Local Nodes are located at points where new corridors will create significant local intersections in the future. Local Nodes should be comprised of neighborhood-scale retail uses, small public gathering spaces, such as plazas, playgrounds, and trails, and some higher intensity residential opportunities where appropriate. Local Nodes should be designed to serve the local population living within or adjacent to the individual Node. For this reason, Local Nodes should provide goods and services that enhance convenience and, therefore, quality of life for local residents. A central gathering location should be created within each Local Node to foster a sense of community for the surrounding residents.

### INTENT

The anchor of each Local Node should be service retail, and, of all the Nodes, the Local Nodes should have the lowest level of non-residential development intensity. General goods and services required on a daily basis by residents should be located in Local Nodes, including small food markets, restaurants, banks, and small shops. These Nodes should be connected to the surrounding communities with sidewalks and trails to encourage walking, minimize traffic congestion, and increase safety.

### JURISDICTION

Local Nodes are primarily located within and adjacent to residential Communities and at key intersections of roadways that make up the local system. These Nodes range in size from a 1/6 mile radius to a 1/4 mile radius, making them quite easy to traverse for pedestrians and bicyclists. Figure 18 indicates the location of the Local Nodes.

## Mid-Town District

### CHARACTER

The Mid-Town District contains sites of recent residential development in Kyle, and will continue to predominantly feature residential uses. Those residential uses in this District are organized around the curvilinear streets of suburban neighborhood design, rather than the regular, rectilinear grid that characterizes the Old Town District. The Plum Creek waterway flows through and adjacent to the Mid-Town District, offering opportunities for recreation and a responsibility for environmental conservation. This District has a neighborhood-oriented form built around shared spaces such as streets, yards, porches and common areas. Neighborhood legibility and continuity is enhanced through these shared spaces. Distinctive landscape forms, including creekways, vistas, and rolling hills, give identity to this District and should be preserved, protected, and incorporated into development plans.

### INTENT

The purpose of the Mid-Town District is to maximize the value capture of new residential development in Kyle. This District enjoys unusual proximity to amenities, such as open space, Downtown, commercial nodes, and transit options. The area is therefore well-positioned to define an economic and lifestyle pattern that is unique to Kyle. New development should accommodate low- to mid-density detached residential uses within the unique landscape forms that are present in the District. Higher density residential, attached residential, and non-residential projects like employment and retail sales should be considered based on their proximity to higher classification streets, higher capacity water and waste water availability, and likelihood of compatibility of adjacent uses. Legibility of neighborhood identity, definition, and transportation should be improved within the Mid-Town District through such elements as trails, sidewalks, signage, and interconnected shared spaces.

### JURISDICTION

The Mid-Town District in Kyle is located to the east and west of the Core Area Transition District. Figure 11 indicates the location of the Mid-Town District.



## Mid-Town District

### CHARACTER

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### JURISDICTION

The Mid-Town District in Kyle is located to the east and west of the Core Area Transition District. Figure 11 indicates the location of the Mid-Town District.

## New Settlement District

### CHARACTER

Stretching over both Plum Creek and I-35, the New Settlement District is comprised primarily of farm fields and new residential developments that are being carved out of former farm fields. The character of the district is as diverse as the district is expansive. The New Settlement District spans the largest portion of the southern region of Kyle, and also comprises a large area along the east central border. For this reason, owing to such a diverse cross-section of Kyle's landscape, the character of the district is defined more by the function of the streets and neighborhood that serve the particular block being examined, and less by the landforms found in the overall character of the district. Northwest to southeast roadway patterns are strong, while northeast to southwest connections are lacking. Traditional residential enclaves predominate in the New Settlement District, aggregated in neighborhoods of unique housing forms. Some landscapes are bisected by I-35, others are permeated by feeder creeks and tributaries which should require heightened standards for physical development going forward. The region is dominated by legacy agricultural lands which feature old growth stands of trees and sparse one-family residences. However, there are areas experiencing significant development pressures to fulfill the current need for single family residential, and with few barriers to development, the region is growing in popularity for new housing. Private and public spaces are clearly separate, with the public domain defined by shared neighborhood amenities and the private domain defined by privatized landscapes. Acreage tracts abound in the Districts, some of which are uniquely suited for high turnover, high density retail and service uses by their location close to available roadways and wet utilities. Other properties are not yet ripe for development for their location along underperforming roadways, or from being so far removed from sewer and/or sufficient water supply. Public space is not encroached on by private functions. The New Settlement District has a lower density and intensity of development than the adjacent Mid-Town District, and the open character of the landscape should evoke the agricultural heritage of the District. Physical and visual partitioning and division of land should be avoided where possible in this District.

### INTENT

The flat land and large parcel size in the New Settlement District result in a high level of development potential, which is beginning to be realized through market-driven demand for new housing stock. The City of Kyle should seek to capitalize on this "developability," while emphasizing community amenities, enhancing the neighborhood lifestyle through shared spaces, and improving connectivity within and without the District. The unique water features, such as creekways and detention/retention facilities, in the New Settlement District should be utilized as form-giving elements and corridors for connections. Future development will occur along the roadways best suited for access, and in the best proximity to the emerging water and waste water infrastructure expansion planned for in the city's capital improvement plan. Use patterns should be established that complement residential development and facilitate beneficial land use

transitions. In this way, the New Settlement District should serve as a transition between the higher intensity of use within the core Districts and the low intensity of use of the Farm District.

#### JURISDICTION

The New Settlement District is located in the eastern and southern portions of Kyle. Figure 12 indicates the location of the New Settlement District.

## New Settlement District

### CHARACTER

Stretching over both Plum Creek and I-35, the New Settlement District is comprised primarily of farm fields and new residential developments that are being carved out of former farm fields. The character of the district is as diverse as the district is expansive. The New Settlement District spans the largest portion of the southern region of Kyle, and also comprises a large area along the east central border. For this reason, owing to such a diverse cross-section of Kyle's landscape, the character of the district is defined more by the function of the streets and neighborhood that serve the particular block being examined, and less by the landforms found in the overall character of the district. Northwest to southeast roadway patterns are strong, while northeast to southwest connections are lacking. Traditional residential enclaves predominate in the New Settlement District, aggregated in neighborhoods of unique housing forms. Some landscapes are bisected by I-35, others are permeated by feeder creeks and tributaries which should require heightened standards for physical development going forward. The region is dominated by legacy agricultural lands which feature old growth stands of trees and sparse one-family residences. However, there are areas experiencing significant development pressures to fulfill the current need for single family residential, and with few barriers to development, the region is growing in popularity for new housing. Private and public spaces are clearly separate, with the public domain defined by shared neighborhood amenities and the private domain defined by privatized landscapes. Acreage tracts abound in the Districts, some of which are uniquely suited for high turnover, high density retail and service uses by their location close to available roadways and wet utilities. Other properties are not yet ripe for development for their location along underperforming roadways, or from being so far removed from sewer and/or sufficient water supply. Public space is not encroached on by private functions. The New Settlement District has a lower density and intensity of development than the adjacent Mid-Town District, and the open character of the landscape should evoke the agricultural heritage of the District. Physical and visual portioning and division of land should be avoided where possible in this District.

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transitions. In this way, the New Settlement District should serve as a transition between the higher intensity of use within the core Districts and the low intensity of use of the Farm District.

#### JURISDICTION

The New Settlement District is located in the eastern and southern portions of Kyle. Figure 12 indicates the location of the New Settlement District.

## New Town District

### CHARACTER

Currently consisting primarily of residential uses, open fields, some commercial uses along I-35, and the City's new Performing Arts Center, the New Town District will likely experience significant development pressures in the near future. This District straddles both I-35 and FM 1626, and growth from Austin and Buda is spreading south along these roadways. These land uses and the forms that follow are wide-ranging and varying according to the existing development pattern in place today, and the availability for utility service to as-yet undeveloped lands. The New Town District includes undeveloped residential areas, the proposed site for an 'Uptown' shopping/activity center, proposed and existing commercial along higher classified roadways, and legacy residential that has existed for many years. This District should be livable, comfortable, and convenient for all residents of Kyle and the surrounding region. Elements of form and design are critical to ensuring transitions between neighboring uses.

### INTENT

The New Town District is designed to contain a horizontal mix of land uses that should be integrated across the area to express a cohesive community form. Many differing uses are encouraged throughout the District, but are distributed in autonomous land parcels instead of vertically aggregated in fewer land parcels. Horizontal mixed- and multi-uses provide a transition to integrate the community form of New Town with surrounding communities, landscapes, and nodes. As parcels along major roadways and alongside high capacity wet utilities come available, the development density of those parcels should be established higher than other areas of the city, especially any properties in proximity to either I-35, FM 1626, or both. The purpose of the New Town District is to harness economic development potential and establish its position as the sustainable center of surrounding growth. The leading way to make this a reality is to build off the strength of the urban form supported in the Core Area Transition District, make use of the transportation network already in place that runs through and along this district, and enable more uses and architectural types that blend well into the urban design form. This District should provide economic support to Kyle based on locational advantages gained by access to growth advancing from south Austin and nodal developments on the northern side of Kyle. Mixed-use development should be encouraged, not only permitted, to maximize economic development. This can be achieved by aggregating appropriate densities in order to support a mixture of uses. Development patterns and employment opportunities should be created in the New Town District that do not conflict with the surrounding community fabric. Establishing mixed use zoning districts and employment districts will complement the existing retail and service uses present today, and should be supported by the adjacent residential and future integrated multi-family residential.

### JURISDICTION

The New Town District is in the northern portion of Kyle, on both the east and west sides of I-35. The most prominent features of this District are I-35, FM 1626, and Kohler's Crossing. Figure 13 indicates the location of the New Town District.

## New Town District

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### JURISDICTION



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## Old Town District

### CHARACTER

Development within the Old Town District follows the historic and regular street grid, which should be preserved while also encouraging appropriate infill development and redevelopment. Primary uses within this District are civic and institutional, specialty commercial, and residential. Of note, there are few sizeable employers located in or near the Old Town District. Significant features include easy access to both north and southbound I-35, the railroad, City Hall and Police Headquarters, and the landmark City Square. The Old Town District embodies the characteristics of a Rural Town Center through consistent community form, continuity, and scale. The scale of reference is a uniform Old Town block, reinforced by the regular street grid. In order to ensure smooth transitions and maintain this fabric, building height should not vary by more than two stories from the average height within any one block.

### INTENT

As the historic core of Kyle, the Old Town District must be re-established as the central community of the City, reversing the shift of that concentration to the retail hub located one exit north along I-35. Specialized commercial activity, appropriate to the function of this historic area, should be encouraged. The form of the District should also be preserved and promoted, especially the street grid and historic building stock. Kyle should create and implement a mixed-use zoning category that encompasses a true model of multiple uses within the same structure to permit more uses to operate in the same land area available today. Those uses should be activated in the form of a corridor plan, which will most directly benefit those properties not operating at their highest and best uses. Once a greater number and variety of service and product providers assembles in Kyle's Old Town District, store owners should be able to solicit patronage from not only the residential immediately adjacent, but from the considerable number of rooftops to the north and northwest. Overall, this District should offer both local service commercial activities and residential uses in order to create a lively and livable area. In order for the Old Town District to truly function as the center of Kyle, clear access must also be provided to communities, landscapes, and nodes in order to knit the City together in a legible system. Additionally, new development in the Old Town District should span I-35, creating greater east-west connections. Uses in the Old Town District are addressed in greater detail in the Downtown Revitalization Plan element of this Comprehensive Plan document.

### JURISDICTION

Kyle's Old Town District contains the historic commercial and residential core of Kyle, which grew up around the railroad station stop. This District is generally bounded by Live Oak Street to the north and Allen Street to the south, and runs along Center Street to the west and crosses I-35 to the east. Figure 8 indicates the location of the Old Town District.

## Old Town District

### CHARACTER

Development within the Old Town District follows the historic and regular street grid, which should be preserved while also encouraging appropriate infill development and redevelopment. Primary uses within this District are civic and institutional, specialty commercial, and residential. Of note, there are few sizeable employers located in or near the Old Town District. Significant features include easy access to both north and southbound I-35, the railroad, City Hall and Police Headquarters, and the landmark City Square. The Old Town District embodies the characteristics of a Rural Town Center through consistent community form, continuity, and scale. The scale of reference is a uniform Old Town block, reinforced by the regular street grid. In order to ensure smooth transitions and maintain this fabric, building height should not vary by more than two stories from the average height within any one block.

### INTENT

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### JURISDICTION

Kyle's Old Town District contains the historic commercial and residential core of Kyle, which grew up around the railroad station stop. This District is generally bounded by Live Oak Street to the north and Allen Street to the south, and runs along Center Street to the west and crosses I-35 to the east. Figure 8 indicates the location of the Old Town District.

## Ranch Landscape

### CHARACTER

The Ranch Landscapes are found where the land forms begin to resemble the rolling hills and rocky terrain indicative of the Hill Country of Central Texas. These areas are not ideal for crop farming activities, but are well-suited for ranching and grazing and have been used for these activities throughout Kyle's history. Acknowledgement and protection of the Ranch Landscape will preserve this element of Kyle's heritage and also preserve the environmental integrity of these sensitive areas. The Ranch Landscape is an important recharge zone for underground aquifers that provide clean water to both the local and distant region. A mix of open spaces and historic oak trees are typical of the Ranch Landscape, and rolling topography in this region results in significant vistas. Agricultural uses consist primarily of grazing activities, with some selectively appropriate fields and crop cultivation. Growth in the Ranch Landscape should be carefully master planned, to not displace historic ranching land uses or their context, but instead to honor the history of the practice up to the modern day. Communities and their associated amenity features should provide adequate services and recreation to the population that locates there, without being incongruent to existing ranching activities immediately adjacent, themselves a large part of what makes the region attractive for settlement. In order to achieve this goal, development must be site-specific and carefully designed to fit within the rangeland context. Heightened consideration should be afforded to those areas near sensitive environmental features and landforms, with particular care placed in designing improvements that work with the landscape.

### INTENT

Development within the Ranch Landscapes should strive to preserve low intensity development through low impact development practices, such as the clustering of development along the edges of wooded areas, and avoiding as much grading as possible by leaving areas of steep slopes undeveloped, allowing these areas to function as riparian buffers to the rivers and tributaries to which they are often adjacent. Development that disrupts historic agricultural uses or blocks views of rolling lands is not recommended, as those characteristics of the region are a significant draw for the end users. Ranchland preservation policies should be implemented in these areas. Growth should be directed toward uses that can co-exist with ranching activities, and similarly locating higher-intensity uses away from adjoining agricultural uses.

### JURISDICTION

The Ranch Landscapes are located in the western portions of Kyle and its ETJ, bordered by the Sensitive/Sustainable Development and Riparian Districts. Figure 5 indicates the location of the Ranch Landscape.

## Ranch Landscape

### CHARACTER

The Ranch Landscapes are found where the land forms begin to resemble the rolling hills and rocky terrain indicative of the Hill Country of Central Texas. These areas are not ideal for crop farming activities, but are well-suited for ranching and grazing and have been used for these activities throughout Kyle's history. Acknowledgement and protection of the Ranch Landscape will preserve this element of Kyle's heritage and also preserve the environmental integrity of these sensitive areas. The Ranch Landscape is an important recharge zone for underground aquifers that provide clean water to both the local and distant region. A mix of open spaces and historic oak trees are typical of the Ranch Landscape, and rolling topography in this landscape region results in significant vistas. Agricultural uses consist primarily of grazing activities, with some selectively appropriate fields and crop cultivation. Growth in the Ranch Landscape should be carefully managed-master planned, to not displace historic ranching land uses or their context, but instead to honor the history of the practice up to the modern day. Communities and their associated amenity features should provide adequate services and recreation to the population that locates there, without being incongruent to existing ranching activities immediately adjacent, themselves a large part of what makes the region attractive for settlement. In order to achieve this goal, development must be site-specific and carefully designed to fit within the rangeland context. Heightened consideration should be afforded to those areas near sensitive environmental features and landforms, with particular care placed in designing improvements that work with the landscape.

### INTENT

Development within the Ranch Landscapes should strive to preserve open rangeland/low intensity development through low impact development practices, such as the clustering of development along the edges of wooded areas, and avoiding as much grading as possible by leaving areas of steep slopes undeveloped, allowing these areas to function as riparian buffers to the rivers and tributaries to which they are often adjacent. Development that disrupts historic agricultural uses or blocks views of rolling lands is not recommended, as those characteristics of the region are a significant draw for the end users. Ranchland preservation policies should be implemented in these areas. Growth should be directed toward uses that can co-exist with ranching activities, and similarly locating higher-intensity uses away from adjoining agricultural uses.

### JURISDICTION

The Ranch Landscapes are located in the western portions of Kyle and its ETJ, bordered by the Sensitive/Sustainable Development and Riparian Districts. Figure 5 indicates the location of the Ranch Landscape.

## 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 Nodes are scaled and designed as activity centers where users not only secure goods and services, but also congregate and remain for extended periods, unlike Local Nodes which are designed around quick turnaround convenience retail. The Regional Nodes located along I-35 at the northern and southern boundaries of Kyle should be designed as entryways into Kyle with elements that are symbolic of Kyle and serve to attract I-35 travelers into Kyle. Transitions between Regional Nodes and surrounding districts must be carefully constructed to avoid abrupt shifts in land uses. Trails and sidewalks should be present throughout all Regional Nodes and should connect to surrounding neighborhoods.

### 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 density 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.

### JURISDICTION

Regional Nodes are positioned at intersections of regional roadways and at intersections of local and regional roadways. Largely, these Nodes form an outer ring around the City of Kyle that will concentrate regional activity along the regional roadways. Figure 19 indicates the location of the Regional Nodes.

## 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 Nodes are scaled and designed as activity centers where users not only secure goods and services, but also congregate and remain for extended periods, unlike Local Nodes which are designed around quick turnaround convenience retail. The Regional Nodes located along I-35 at the northern and southern boundaries of Kyle should be designed as entryways into Kyle with elements that are symbolic of Kyle and serve to attract I-35 travelers into Kyle. Transitions between Regional Nodes and surrounding districts must be carefully constructed to avoid abrupt shifts in land uses. Trails and sidewalks should be present throughout all Regional Nodes and should connect to surrounding neighborhoods.

### 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 density 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.

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Regional Nodes are positioned at intersections of regional roadways and at intersections of local and regional roadways. Largely, these Nodes form an outer ring around the City of Kyle that will concentrate regional activity along the regional roadways. Figure 19 indicates the location of the Regional Nodes.

## Riparian Landscape

### CHARACTER

The Riparian Landscapes are characterized by the primary waterways of Kyle and surrounding floodplains. These Landscapes require additional design and construction considerations for the responsible management of stormwater and wastewater, which accompany development. Additionally, significant vegetative cover can be found within these Landscapes, which impacts air quality and confers identity on the community, and should have urban forests and other stands of vegetation preserved whenever feasible. Riparian corridors may be wooded or open areas of land and water, and are of local and regional importance. Water quality and aquifer recharge are critical factors, especially as the areas around Austin develop quickly and demands for water resources increase.

### INTENT

The intent of the Riparian Landscape designation is to prevent the loss of sensitive riparian habitat and viewsheds that impact regional environmental quality. Ecologically appropriate development policies and design standards should be defined in these areas, on case-by-case bases mandating a higher design and development standard than those parcels not located in such sensitive confines. Design standards and guidelines should be implemented to preserve habitat, stabilize stream banks, improve water quality, and control erosion. Public spaces (such as parks and trails) in the Riparian Landscapes should be primarily built for passive recreation, a priority for preservation, and should connect the various development forms to promote community cohesion.

### JURISDICTION

The Riparian Landscape occurs along the major waterways within Kyle and its ETJ: the Blanco River and Plum Creek. The Riparian Landscapes are bordered by the Ranch, Sensitive/ Sustainable Development, Mid-Town, New Town, New Settlement, Farm, and Super Regional Districts. Figure 6 indicates the location of the Riparian Landscape.



## Riparian Landscape

### CHARACTER

The Riparian Landscapes are characterized by the primary waterways of Kyle and surrounding floodplains, ~~seeking to protect them from encroaching~~ These Landscapes require additional design and construction considerations for the responsible management of stormwater and wastewater, which accompany development. Additionally, significant vegetative cover can be found within these ~~DistrictLandscape~~, which impacts air quality and confers identity on the community, and should have urban forests and other stands of vegetation preserved whenever feasible. Riparian corridors may be wooded or open areas of land and water, and are of local and regional importance. Water quality and aquifer recharge are critical factors, especially as the areas around Austin develop quickly and demands for water resources increase.

### INTENT

The intent of the Riparian ~~DistrictLandscape~~ designation is to prevent the loss of sensitive riparian habitat and viewsheds that impacts regional environmental quality. Ecologically appropriate development policies and design standards should be defined in these areas, on case-by-case bases mandating a higher design and development standard than those parcels not located in such sensitive confines. Design standards and guidelines should be implemented to preserve habitat, stabilize stream banks, improve water quality, and control erosion. Public spaces (such as parks and trails) in the Riparian ~~DistrictLandscape~~ should be primarily built for passive recreation, a priority for preservation, and should connect the various development forms to promote community cohesion.

### JURISDICTION

The Riparian ~~DistrictLandscape~~ occurs along the major waterways within Kyle and its ETJ: the Blanco River and Plum Creek. The Riparian ~~DistrictLandscape~~ are bordered by the Ranch, Sensitive/ Sustainable Development, Mid-Town, New Town, New Settlement, Farm, and Super Regional Districts. Figure 6 indicates the location of the Riparian ~~DistrictLandscape~~.

## Sensitive/Sustainable Development District

### CHARACTER

Although the Sensitive/Sustainable Development District is currently lacking in roadway connections and therefore somewhat isolated from the rest of Kyle, the newly planned RR 150 bypass will open a new corridor through this region, as well as new roads extending from the southwest to the northeast, around which natural residential expansion into the hill country will continue. The Sensitive/Sustainable Development District should be characterized primarily by Low- Impact Development. To this end, development and built forms must minimize visual intrusion into the landscape, as well as environmental impact, similar to the Ranch Landscape development pattern. Natural landscape elements should be incorporated into site design and shared/common spaces. Cluster development, conservation subdivisions, and certified resilient building standards are ideal and should be encouraged in this District. These types of development will preserve natural features and amenities while still absorbing an appropriate amount of development pressure.

### INTENT

The purpose of the Sensitive/Sustainable Development District is to manage and direct growth toward forms of development that recognize the inherent natural systems and preserve the existing environmental assets. The two districts, bifurcated by the Ranch and Riparian Landscapes, will develop with low-density residential and light service and retail master planned communities, located along the new RR 150 bypass (which will extend from Arroyo Ranch to the west side of the Yarrington Road interchange with I-35). Suitably scaled retail and commercial opportunities should be encouraged for the provision of goods and services to residents, to keep that portion of the population from having to make cross-region trips for provisions. Development should be directed toward unique, creative, and site-specific forms that will protect the natural landscapes and create a beneficial community for local residents, and low impact development practices should be encouraged. Although a broad range of uses could be manifested in this District, most of the uses are conditional, affording the City opportunity to enforce sustainable development practices.

### JURISDICTION

The Sensitive/Sustainable Development District is found in two parcels, both in the western and southwestern areas of Kyle. One parcel is located roughly between Old Stagecoach Road and the Blanco River and contains farm fields, ranch lands, and some single family residential development. The second parcel is located along the southern boundary of Kyle's ETJ, directly adjacent to San Marcos. This parcel currently contains significant tree cover, some agricultural fields, and a very small amount of single family residential uses. Figure 15 indicates the location of the Sensitive/Sustainable Development District.

## Sensitive/Sustainable Development District

### CHARACTER

Although the Sensitive/Sustainable Development District is currently lacking in roadway connections and therefore somewhat isolated from the rest of Kyle, ~~the southern-most parcel of this District is likely to experience growth and development pressures from San Marcos to the south, while the other parcel is likely to experience pressures extending from the Old Town, Historic Core Area Transition, and MidTown Districts.~~ the newly planned RR 150 bypass will open a new corridor through this region, as well as new roads extending from the southwest to the northeast, around which natural residential expansion into the hill country will continue. The Sensitive/Sustainable Development District should be characterized primarily by Low- Impact Development. To this end, development and built forms must minimize visual intrusion into the landscape, as well as environmental impact, similar to the Ranch Landscape development pattern. Natural landscape elements should be incorporated into site design and shared/common spaces. Cluster development, conservation subdivisions, and ~~LEED-certified~~ certified resilient building standards are ideal and should be encouraged in this District. These types of development will preserve natural features and amenities while still absorbing an appropriate amount of development pressure.

### INTENT

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fields, and a very small amount of single family residential uses. Figure 15 indicates the location of the Sensitive/Sustainable Development District.

## Super Regional Node

### CHARACTER

The Super Regional Node should contain large-scale institutional, commercial, retail, and where appropriate, high-density multifamily land uses to create the highest classification activity center in Kyle. The Seton Medical Center should serve as the key distinguishing employment component, serving as the primary institutional use in the district upon which support enterprises can base their business locations. The Super Regional Node is in the early stages of development, and care should be taken to ensure that as development processes, it is in keeping with the character and intent outlined below for this Node. Seton Hospital serves as a regional attractor and, in large part, alongside destination retail and service businesses, defines the Super Regional Node. Associated health providers and goods and service providers should be attracted to this area and encouraged to create a diverse commercial and employment center. The aggregation of commercial square footage in this Node creates a significant commercial destination that will be visible to regional travelers along the I-35 corridor. This proximity to highway infrastructure results in the rare instance of a district primarily designed to be automobile oriented, with patrons arriving and interlocating primarily by car. The commercial focus of this Node should be on acting as an economic activity center, generating much needed real estate, sales, and hotel occupancy tax revenue for the city while fulfilling the retail and service needs of patrons from a targeted distance of no less than 10-15 miles away. Additionally, ancillary entertainment uses, such as movie theaters or bowling alleys, may be appropriate in this Node. This Node should serve as a destination for Kyle, attracting people due to the hospital and/or commercial offerings, and encouraging them to extend their stay due to unique and diverse uses and connections to other areas of Kyle.

### INTENT

The purpose of the Super Regional Node is to capture employment opportunities and create a commercial destination within Kyle. Situated at the intersection of I-35 and Texas State Highway 1626, these high classification roadways are best suited to bring in out-of-region patrons with the least impact to Kyle's local street network. This Node should take advantage of the medical center and of I-35 traffic to increase Kyle's competitiveness in the surrounding region. Existing employment centers should be referenced when targeting complementary commercial uses and opportunities for increased value capture. Due to the concentration and diversity of uses in this Node, appropriate land use transitions to adjacent Communities is critical. The anchor of the Super Regional Node should be employment and the daytime population created by those positions, and the Super Regional Node should have the highest level of development intensity of all the Nodes.

### JURISDICTION

The Super Regional Node is located on both the east and west sides of I-35 around the intersection of FM 1626 with I-35. Figure 20 indicates the location of the Super Regional Node.

## Super Regional Node

### CHARACTER

The Super Regional Node should contain large-scale institutional, commercial, ~~and~~ retail, and where appropriate, high-density multifamily land uses, to create the highest classification activity center in Kyle. ~~with~~ The Seton Medical Center should serve as the key distinguishing feature employment component, serving as the primary institutional use in the district upon which support enterprises can base their business locations. The Super Regional Node is in the early stages of development, and care should be taken to ensure that as development processes, it is in keeping with the character and intent outlined below for this Node. Seton Hospital serves as a regional attractor and, in large part, alongside destination retail and service businesses, defines the Super Regional Node. Associated health providers and goods and service providers should be attracted to this area and encouraged to create a diverse commercial and employment center. The aggregation of commercial square footage in this Node creates a significant commercial destination that will be visible to regional travelers along the I-35 corridor. This proximity to highway infrastructure results in the rare instance of a district primarily designed to be automobile oriented, with patrons arriving and interlocating primarily by car. The commercial focus of this Node should be on ~~unique retail offerings, rather than over-reliance on ubiquitous convenience retailing~~ as an economic activity center, generating much needed real estate, sales, and hotel occupancy tax revenue for the city while fulfilling the retail and service needs of patrons from a targeted distance of no less than 10-15 miles away. Additionally, ancillary entertainment uses, such as movie theaters or bowling alleys, may be appropriate in this Node. This Node should serve as a destination for Kyle, attracting people due to the hospital and/or commercial offerings, and encouraging them to extend their stay due to unique and diverse uses and connections to other areas of Kyle.

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### JURISDICTION

The Super Regional Node is located on both the east and west sides of I-35 around the intersection of FM 1626 with I-35. Figure 20 indicates the location of the Super Regional Node.

## Landuse Recommendations from the 2010 Comp Plan

### With updates from Ordinances #654, #794 & 2017 Update

Farm District	Recommended: A, UE Conditional: R-1-1, NC
Ranch District	Recommended: A, UE Conditional: R-1-1, NC (Reflect Existing Development Agreements)
Riparian District	Recommended: A, UE Conditional: R-1-1
Old Town District	Recommended: CBD-1, CBD-2, R-1-T, NC, <b>E, CC, MXD</b> Conditional: R-1-A, R-1-C, R-2, R-3-2, R-3-3, <b>R/S</b>
Core Area Transition	Recommended: E, R/S, CC, NC, <b>MXD, O/I,</b> Conditional: HS, R-1-A, R-1-T, R-1-C, R-3-2, R-3-3)
Historic Core Area	Recommended: R-1-1, R-1-2, <b>R-1-3</b> , R-1-A Conditional: A, R-2, R-3-1, R-1-T, UE, NC, E, R/S, <b>MXD</b>
Mid-Town District	Recommended: R-1-1, R-1-2, NC, <b>R-1-3</b> Conditional: E, R-1-A, R-2, R-1-T, R-3-1, R-3-2, CC, NC, R/S, <b>MXD, O/I</b>
New Settlement	All Conditional- until better defined (East split, Mid & New Town) + <b>R-1-3</b>
New Town District	Recommended: R-1-1, R-1-2, <b>R-1-3</b> , R-1-C, R-1-T, R-2, R-3-3, CC, NC, <b>O/I,</b> R/S, E, HS, W Conditional: A, C/M, R-1-A, R-3-1, RV, T/U, UE,
Employment District	Recommended: A, C/M, R-1-2, <b>R-1-3?</b> , R-1-A, R-1-C, R-1-T, R-2, R-3-2, R-3-3, W, NC, CC, R/S Conditional: HS, E, M-2, M-3, R-1-1, R-3-1, RV, T/U, UE
Sensitive/Sustainable Development	Recommended: A, UE Conditional: R-1-1, R-1-A, R-2, R-1-T, T/U, NC
Heritage District:	Recommended: A, R-1-1, R-1-2, <b>R-1-3?</b> , UE, NC Conditional: C/M, E, M-2, M-3, R-1-A, R-1-T, R-2, R-3-1, R/S, RV, T/U, W, CC
Local Node	Recommended: R-1-C, R-3-2, R-3-3, CC, NC, <b>MXD</b> Conditional: R-1-T, R-3-1, R/S
Regional Node	Recommended: R-1-C, R-3-2, R-3-3, CC, NC, R/S, <b>MXD</b> Conditional: CBD-1
Super Regional Node	Recommended: E, HS, R-3-2, R-3-3, R/S, <b>MXD</b> Conditional: O/I





# CITY OF KYLE, TEXAS

## Bunton Creek Phase 2B - Final Plat

Meeting Date: 4/11/2017

Date time:6:30 PM

**Subject/Recommendation:** Bunton Creek Phase 2B - Final Plat (FP-17-004) 15.062 acres; 99 single family lots located east of Breanna Lane and north continuation of Amy Drive.  
Staff Proposal to P&Z: Statutorily Disapprove to meet the 30 day statutory requirement.

**Other Information:** N/A

**Legal Notes:** N/A

**Budget Information:** N/A

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### ATTACHMENTS:

#### **Description**

No Attachments Available



# CITY OF KYLE, TEXAS

## Bunton Creek Phase 5 - Final Plat

Meeting Date: 4/11/2017

Date time:6:30 PM

**Subject/Recommendation:** Bunton Creek Phase 5 - Final Plat (FP-17-005) 9.70 acres; 33 single family lots located west of Twin Cove and south of Grist Mill Road.  
Staff Proposal to P&Z: Statutorily Disapprove to meet the 30 day statutory requirements.

**Other Information:** N/A

**Legal Notes:** N/A

**Budget Information:** N/A

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**ATTACHMENTS:**

**Description**

No Attachments Available



# CITY OF KYLE, TEXAS

## Bunton Creek Phase 3 - Preliminary Plan

Meeting Date: 4/11/2017  
Date time: 6:30 PM

**Subject/Recommendation:** Bunton Creek Phase 3 - Preliminary Plan (PP-17-001) 18.73 acres; 68 single family lots located approximately 300 feet south of the intersection of Twin Cove and Winding Creek Road.  
Staff Proposal to P&Z: Statutorily Disapprove to meet the 30 day statutory requirement.

**Other Information:** N/A

**Legal Notes:** N/A

**Budget Information:** N/A

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### ATTACHMENTS:

#### **Description**

No Attachments Available



# CITY OF KYLE, TEXAS

## Stagecoach Subdivision - Preliminary Plan

**Meeting Date: 4/11/2017**  
**Date time:6:30 PM**

**Subject/Recommendation:** Stagecoach Subdivision - Preliminary Plan (PP-17-002) 85.159 acres; 270 single family lots, 8 LSE, SWE & PUE lots, 3 Water Quality Esmt & D.E. lots, 1 park lot and 1 mail kiosk lot located east of Old Stagecoach Road and west of Scott Street.  
Staff Proposal to P&Z: Statutorily Disapprove to meet the 30 day statutory requirement.

**Other Information:** N/A

**Legal Notes:** N/A

**Budget Information:** N/A

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### ATTACHMENTS:

#### **Description**

No Attachments Available



# CITY OF KYLE, TEXAS

## Sunset Hills Subdivision - Preliminary Plan

**Meeting Date: 4/11/2017**

**Date time:6:30 PM**

**Subject/Recommendation:** Sunset Hills Subdivision - Preliminary Plan (PP-17-003) 52.990 acres; 210 single family lots and 5 open space lots located north of Bebee Road approximately 0.5 miles east of IH-35 and west of Dacy Lane.  
Staff Proposal to P&Z: Statutorily disapprove to meet the 30 day statutory requirement.

**Other Information:** N/A

**Legal Notes:** N/A

**Budget Information:** N/A

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### ATTACHMENTS:

#### **Description**

No Attachments Available



# CITY OF KYLE, TEXAS

## U.S. Storage Systems - Final Plat

Meeting Date: 4/11/2017

Date time:6:30 PM

**Subject/Recommendation:** U.S. Storage Systems - Final Plat (FP-17-006) 5 acres; 1 commercial lot located at 245 Lehman Road.  
Staff proposal to P&Z: Statutorily Disapprove to meet the 30 day statutory requirement.

**Other Information:** N/A

**Legal Notes:** N/A

**Budget Information:**

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**ATTACHMENTS:**

**Description**

No Attachments Available



# CITY OF KYLE, TEXAS

## Cypress Forest Phase Two - Final Plat

Meeting Date: 4/11/2017

Date time:6:30 PM

**Subject/Recommendation:** Cypress Forest Phase Two - Final Plat (FP-17-007) 26.85 acres; 73 Single Family Lots, 2 Open Space Lots and 4 Utility Lots located off of Center Street and Stagecoach Road.  
Staff Proposal to P&Z: Statutorily Disapprove to meet the 30 day statutory requirements.

**Other Information:** N/A

**Legal Notes:** N/A

**Budget Information:** N/A

---

### ATTACHMENTS:

#### **Description**

No Attachments Available



# CITY OF KYLE, TEXAS

## Ariza at Plum Creek - Site Plan

Meeting Date: 4/11/2017

Date time:6:30 PM

**Subject/Recommendation:** Ariza at Plum Creek - Site Plan (SD-17-002) 13.736 acres; 1 multi-family lot located on the corner of Dorman and Cromwell Drive.  
Staff Proposal to P&Z: Approve the site plan.

**Other Information:** Please see attachments.

**Legal Notes:** N/A

**Budget Information:** N/A

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### ATTACHMENTS:

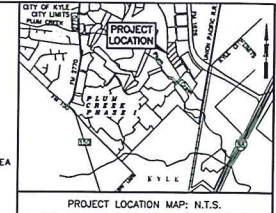
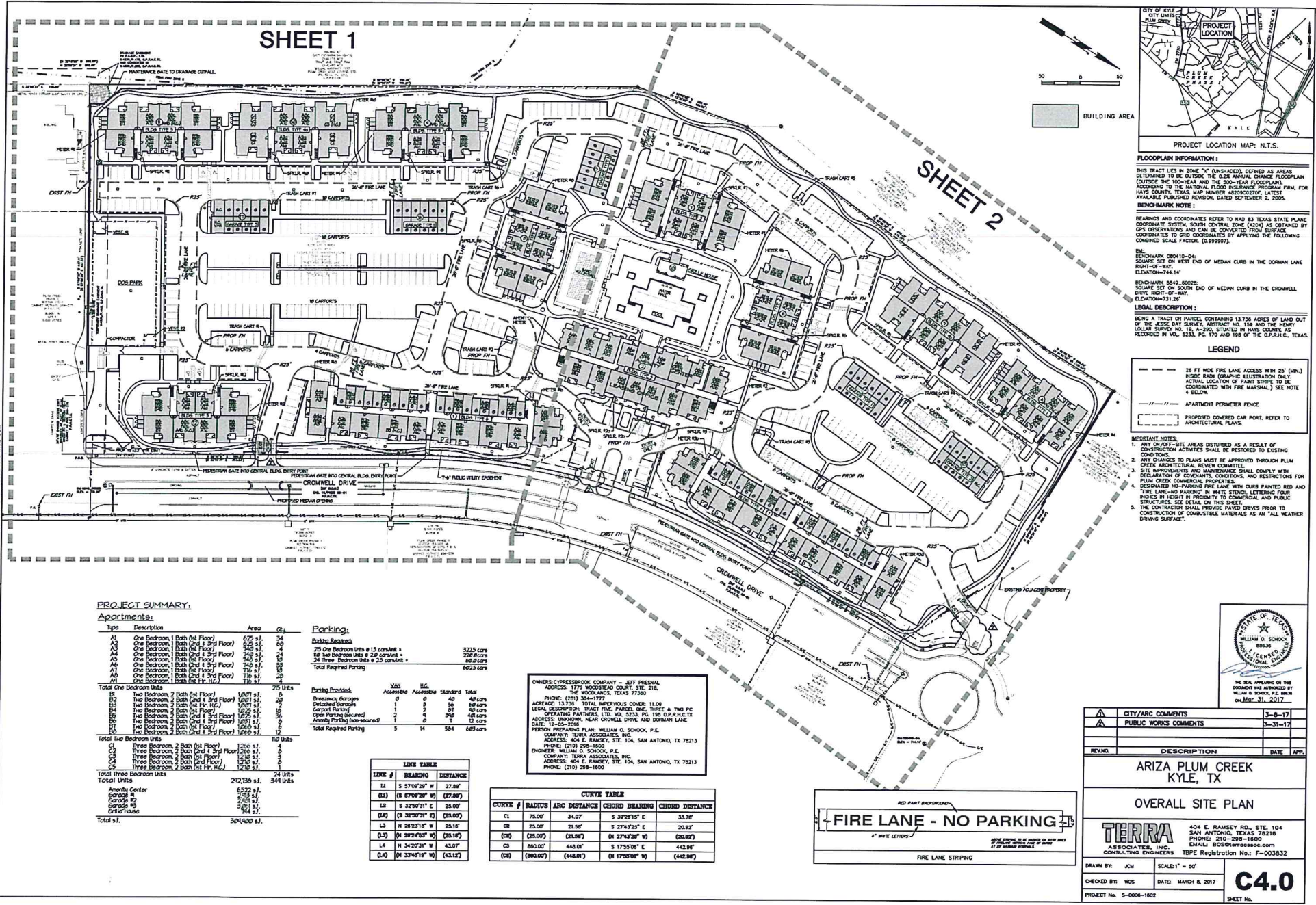
#### **Description**

- Overall Site Plan
- Overall Landscape Plan



# SHEET 1

# SHEET 2



**FLOODPLAIN INFORMATION:**  
 THIS TRACT LIES IN ZONE "X" (UNSHADED), DEFINED AS AREAS DETERMINED TO BE OUTSIDE THE 500-YEAR ANNUAL CHANCE FLOODPLAIN (OUTSIDE THE 100-YEAR AND THE 500-YEAR FLOODPLAIN), ACCORDING TO THE NATIONAL FLOOD INSURANCE PROGRAM FOR HAYS COUNTY, TEXAS, MAP NUMBER 48020270F, LATEST AVAILABLE PUBLISHED REVISION, DATED SEPTEMBER 2, 2005.

**BENCHMARK NOTE:**  
 BENCHMARKS AND COORDINATES REFER TO HAD 83 TEXAS STATE PLANE COORDINATE SYSTEM SOUTH CENTRAL ZONE (1204) AS OBTAINED BY GPS OBSERVATIONS AND CAN BE CONVERTED FROM SURFACE COORDINATES TO GRID COORDINATES BY APPLYING THE FOLLOWING COMBINED SCALE FACTOR, (0.99997).

**BENCHMARK 080410-04:**  
 SQUARE SET ON WEST END OF MEDIAN CURB IN THE DORNAN LAKE RIGHT-OF-WAY.  
 ELEVATION=744.14'

**BENCHMARK 5049-8002E:**  
 SQUARE SET ON SOUTH END OF MEDIAN CURB IN THE CROWMELL DRIVE RIGHT-OF-WAY.  
 ELEVATION=731.25'

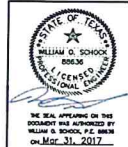
**LEGAL DESCRIPTION:**  
 BEING A TRACT OR PARCEL CONTAINING 13.736 ACRES OF LAND OUT OF THE ESSE DAY SURVEY, ABSTRACT NO. 139 AND THE HEAVY LOGAN SURVEY NO. 19, 40-20, SECTIONS 19 AND 20, COUNTY OF HAYS COUNTY, TEXAS, RECORDED IN VOL. 5233, PG. 170 AND 198 OF THE O.P.A.H.C., TEXAS.

**LEGEND**

- 25 FT WIDE FIRE LANE ACCESS WITH 25' (MIN.) INSIDE RAMP GRAPHIC ILLUSTRATION ONLY
- ACTUAL LOCATION OF PAINT STRIPE TO BE COORDINATED WITH FIRE MARSHAL; SEE NOTE # 4 BELOW
- APARTMENT PERIMETER FENCE
- PROPOSED COVERED CAR PORT. REFER TO ARCHITECTURAL PLANS.

**MEASUREMENT NOTES:**

- ANY ON/OFF-SITE AREAS DERIVED AS A RESULT OF CONSTRUCTION ACTIVITIES SHALL BE RESTORED TO EXISTING CONDITIONS.
- ANY CHANGES TO PLANS MUST BE APPROVED THROUGH PLUM CREEK APARTMENTS AND MAINTENANCE COMMITTEE.
- ORDER ARCHITECTURAL NOTICES COMMITTEE.
- DESIGN APPROVAL OF SIGNAGE, CONDITIONS AND RESTRICTIONS FOR PLUM CREEK COMMERCIAL PROPERTIES.
- DESIGN APPROVAL OF SIGNAGE, CONDITIONS AND RESTRICTIONS FOR DESIGNATED HO-PARKING FIRE LANE WITH CURB PAINTED RED AND "FIRE LANE-NO PARKING" IN WHITE STENCIL LETTERING FOUR (4) FEET IN HEIGHT. PRIORITY TO COMMERCIAL AND PUBLIC STRUCTURES. SEE DETAIL ON THIS SHEET.
- THE CONTRACTOR SHALL PROTECT PAVED DRIVES PRIOR TO CONSTRUCTION OF COMBUSTIBLE MATERIALS AS AN "ALL WEATHER DRIVING SURFACE".



WE, THE BOARD OF ENGINEERS AND SURVEYORS OF THE STATE OF TEXAS, DO HEREBY CERTIFY THAT WILLIAM G. SCHOOK, P.E. IS A LICENSED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS ON MAR. 31, 2017.

REV.	DESCRIPTION	DATE	APP.
1	CITY/ARC COMMENTS	3-8-17	
2	PUBLIC WORKS COMMENTS	3-31-17	
3			
4			

**ARIZA PLUM CREEK  
KYLE, TX**

**OVERALL SITE PLAN**

**TERRA** 404 E. RAMSEY RD., STE. 104  
SAN ANTONIO, TEXAS 78218  
PHONE: 210-298-1600  
EMAIL: BCS@terraassociates.com

CONSULTING ENGINEER'S TBP Registration No. F-002832

DRAWN BY: JCM SCALE: 1" = 50'  
 CHECKED BY: WOS DATE: MARCH 8, 2017  
 PROJECT No. S-0008-1802

**C4.0**  
SHEET No.

**PROJECT SUMMARY:**

**Apartments:**

Type	Description	Area	Qty.
AS	One Bedroom 1 Bath (1st Floor)	625 s.f.	34
AS	One Bedroom 1 Bath (2nd & 3rd Floor)	625 s.f.	20
AS	One Bedroom 1 Bath (1st Floor)	740 s.f.	4
AS	One Bedroom 1 Bath (2nd & 3rd Floor)	740 s.f.	24
AS	One Bedroom 1 Bath (1st Floor)	740 s.f.	10
AS	One Bedroom 1 Bath (2nd & 3rd Floor)	740 s.f.	35
AS	One Bedroom 1 Bath (1st Floor)	740 s.f.	15
AS	One Bedroom 1 Bath (2nd & 3rd Floor)	740 s.f.	20
AS	One Bedroom 1 Bath (1st Floor)	740 s.f.	12
AS	One Bedroom 1 Bath (2nd & 3rd Floor)	740 s.f.	20
<b>Total One Bedroom Units</b>			
BT	Two Bedroom 2 Bath (1st Floor)	1047 s.f.	20
BT	Two Bedroom 2 Bath (2nd & 3rd Floor)	1047 s.f.	20
BT	Two Bedroom 2 Bath (1st Floor)	1047 s.f.	10
BT	Two Bedroom 2 Bath (2nd & 3rd Floor)	1047 s.f.	10
BT	Two Bedroom 2 Bath (1st Floor)	1047 s.f.	10
BT	Two Bedroom 2 Bath (2nd & 3rd Floor)	1047 s.f.	10
BT	Two Bedroom 2 Bath (1st Floor)	1047 s.f.	12
BT	Two Bedroom 2 Bath (2nd & 3rd Floor)	1047 s.f.	12
<b>Total Two Bedroom Units</b>			
CT	Three Bedroom 2 Bath (1st Floor)	1260 s.f.	4
CT	Three Bedroom 2 Bath (2nd & 3rd Floor)	1260 s.f.	4
CT	Three Bedroom 2 Bath (1st Floor)	1260 s.f.	0
CT	Three Bedroom 2 Bath (2nd & 3rd Floor)	1260 s.f.	0
<b>Total Three Bedroom Units</b>			
Total Units		242,130 s.f.	344 Units
Amenity Center		6,572 s.f.	
Garage #1		2,910 s.f.	
Garage #2		2,910 s.f.	
Garage #3		2,910 s.f.	
Office Space		2,910 s.f.	
<b>Total s.f.</b>		<b>304,000 s.f.</b>	

**Parking:**

Category	Count	Area
25 One Bedroom Units @ 15 cars/unit	375	3225 cars
25 Two Bedroom Units @ 2.8 cars/unit	70	208 cars
24 Three Bedroom Units @ 2.3 cars/unit	55	185 cars
<b>Total Required Parking</b>	<b>499</b>	<b>4693 cars</b>

**Parking Provided:**

Category	Count	Area
Breastfeed Garages	0	0
Detached Garages	1	34
Garage Parking	2	81
Open Parking (covered)	1	290
Amenity Parking (non-secured)	0	0
<b>Total Required Parking</b>	<b>5</b>	<b>504</b>

OWNERS: CYPRESSBROOK COMPANY - 377 PRESHAL  
 ADDRESS: 1775 WOODSTEAD COURT, STE. 218,  
 THE WOODLANDS, TEXAS 77380  
 PHONE: (281) 364-1777

ACRES: 13.736. TOTAL IMPROVEMENT COVER: 11.08  
 LEGAL DESCRIPTION: TRACT FIVE, PARCEL ONE, THREE & TWO P.C.  
 OPERATING PARTNERS, L.P., VOL. 5233, PG. 198 OF O.P.A.H.C.  
 ADDRESS: UNKNOWN, NEAR CROWMELL DRIVE AND DORNAN LAKE.  
 DATE: 12-29-2018

PERSON PREPARING PLANS: WILLIAM G. SCHOOK, P.E.  
 COMPANY: TERRA ASSOCIATES, INC.  
 ADDRESS: 404 E. RAMSEY, STE. 104, SAN ANTONIO, TX 78218  
 PHONE: (210) 298-1600

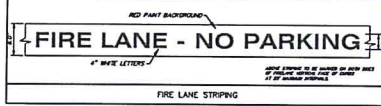
ENGINEER: WILLIAM G. SCHOOK, P.E.  
 COMPANY: TERRA ASSOCIATES, INC.  
 ADDRESS: 404 E. RAMSEY, STE. 104, SAN ANTONIO, TX 78218  
 PHONE: (210) 298-1600

**LINE TABLE**

LINE #	BEARING	DISTANCE
1.1	S 57°09'29" W	27.81'
1.1.1	(S 57°09'29" W)	(27.81)'
1.2	S 32°50'31" E	25.00'
1.2.1	(S 32°50'31" E)	(25.00)'
1.3	N 20°27'01" W	25.16'
1.3.1	(N 20°27'01" W)	(25.16)'
1.4	N 38°24'53" W	28.18'
1.4.1	(N 38°24'53" W)	(28.18)'
1.5	N 34°20'31" W	43.07'
1.5.1	(N 34°20'31" W)	(43.07)'

**CURVE TABLE**

CURVE #	RADIUS	ARC DISTANCE	CHORD BEARING	CHORD DISTANCE
C1	75.00'	34.07'	S 38°26'15" E	33.71'
C2	25.00'	21.58'	S 27°42'25" E	20.82'
C3	(285.00')	(21.88')	(N 27°42'25" W)	(20.82)'
C4	860.00'	448.00'	S 17°32'00" E	443.94'
C5	(860.00')	(448.00')	(N 17°32'00" W)	(443.94)'

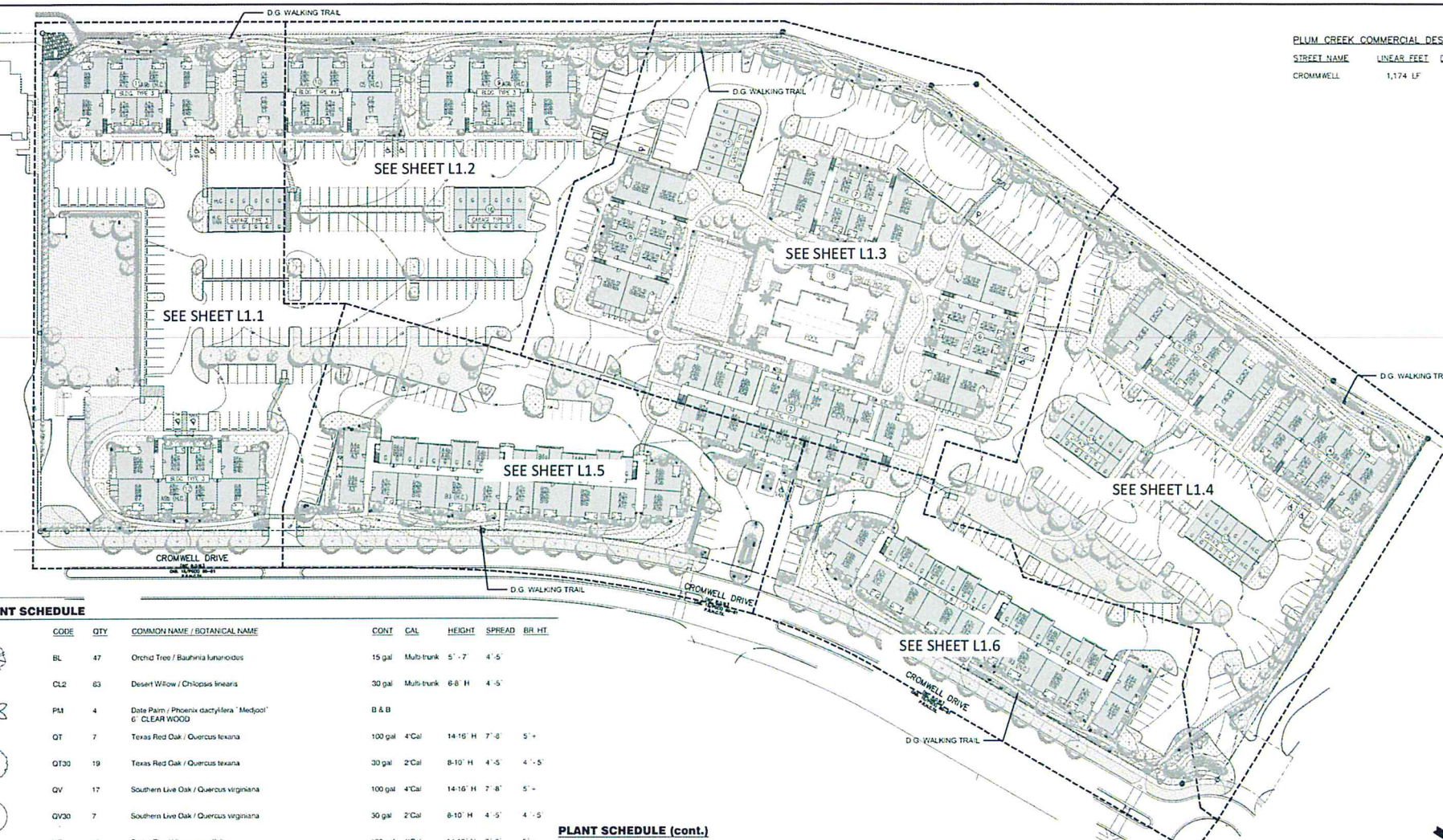


F:\Clients\2008-Cypressbrook\15-0008-1802-Plan Creek.dwg - Phase B\Drawings\C4.0-Overall.dwg Mar 31, 2017 11:46am Terra Associates, Inc. \_JCM



PLUM CREEK COMMERCIAL DESIGN GUIDELINES

STREET NAME	LINEAR FEET	DIVISOR	TREES REQUIRED	PROVIDED
CROMWELL	1,174 LF	40	29.35	30



PLANT SCHEDULE

CODE	QTY	COMMON NAME / BOTANICAL NAME	CONT	CAL	HEIGHT	SPREAD	BR HT
BL	47	Orchid Tree / Bauhinia lunaroides	15 gal	Multi-trunk	5'-7'	4'-5'	
CL2	63	Desert Willow / Chilopsis linearis	30 gal	Multi-trunk	6-8' H	4'-5'	
PI1	4	Date Palm / Phoenix dactylifera "Medjool" 6" CLEAR WOOD	B & B				
OT	7	Texas Red Oak / Quercus texana	100 gal	4" Cal	14-16' H	7'-8'	5'-"
OT30	19	Texas Red Oak / Quercus texana	30 gal	2" Cal	8-10' H	4'-5'	4'-5"
QV	17	Southern Live Oak / Quercus virginiana	100 gal	4" Cal	14-16' H	7'-8'	5'-"
QV30	7	Southern Live Oak / Quercus virginiana	30 gal	2" Cal	8-10' H	4'-5'	4'-5"
UC	18	Cedar Elm / Ulmus crassifolia	100 gal	4" Cal	14-16' H	7'-8'	5'-"
UC30	41	Cedar Elm / Ulmus crassifolia	45 gal	3" Cal	10-12' H	5'-6'	5'-"
US	94	Mexican Buckeye / Ugniada speciosa	30 gal	2" Cal	8-10' H	4'-5'	4'-5"
CODE	QTY	COMMON NAME / BOTANICAL NAME	CONT	HT	O.C.		
AV	97	Flame Acanthus / Anisacanthus quadrifidus wrightii	3 gal	10"	36"		
CL	59	Dwarf Bottle Brush / Callistemon citrinus "Little John"	3 gal	24"	30"		
DV2	106	Flax Lily / Dianella tasmanica "Variegata"	1 gal	12"	12"		
HP	78	Red Yucca / Hesperaloe parviflora	5 gal	24"	36"		
LC	341	New Gold Lantana / Lantana camara "New Gold"	3 gal	12"	24"		
BD	91	Texas Sage Bristle Dwarf / Leucophyllum frutescens "Bristle Dwarf"	5 gal	12"	36"		
MD	99	Wax Myrtle / Morelia cerifera	10 gal	36"	48"		
MG	1,726	Gulf Coast Muhly / Muhlenbergia capillaris "Gulf Coast"	3 gal	10"	30"		
ML	415	Lindheimer's Muhly / Muhlenbergia lindheimeri	3 gal	10"	30"		
PA	57	Cape Plumbeago / Plumbeago auriculata "Texas Superstar"	5 gal	18"	30"		
RJ	79	Nearly Wild Rose / Rosa x "Nearly Wild"	3 gal	10"	30"		

PLANT SCHEDULE (cont.)

	SR	197	Autumn Sage / Salvia greggii "Red"	3 gal	10"	24"
	SL	236	Mexican Bush Sage / Salvia leucantha	3 gal	14"	48"
	SR2	38	Bird Of Paradise / Strelitzia reginae	5 gal	24"	30"
	TA	90	Gold Star Esperanza / Tecoma stans "Gold Star"	15 gal	18"	60"
GROUND COVERS						
	EG	QTY	COMMON NAME / BOTANICAL NAME	CONT	HT	O.C.
	BF	379	Stalked Butone / Butone frutescens	1 gal	18"	12"
	CI	755	Wirecup / Callihoa involucrata	1 gal	6"	18"
	CT SEED	46,406 st	Bermuda Grass / Cynodon dactylon Hydromulch with 2.5 lbs of seed/1,000 sq ft, wood mulch @ 2,000 lb/ac. Slickly Slick fertilizer @ 18 lbs/ac (or approved equal), 13-13-13 fertilizer @ 600 lbs/ac. Contractor to submit product information for approval prior to install.	seed		
	CT SOD	91,699 sq	Bermuda Grass / Cynodon dactylon "T4 419"	sod		
	HF	257	Orange Daylily / Hemerocallis fulva	1 gal	6"	12"
	RD	295	Dwarf Rosemary / Rosmarinus officinalis "Prostratus"	3 gal	6"	30"

REFERENCE NOTES SCHEDULE

SYMBOL	DESCRIPTION	QTY
	BEACON HILL BAMBOO 6" CONTOUR BENCH ANOVA ITEM NUMBER: BH18808	4
	ELKAY LK4420BF1LDB LK4420 BARRIER FREE FOUNTAIN WITH LOWER BARRIER FREE AND PET FOUNTAIN	3
32" EXTERIOR IMPROVEMENTS		
SYMBOL	DESCRIPTION	QTY
	STEEL BED EDGE	5,535 ft
ROCK		
SYMBOL	DESCRIPTION	QTY
	BULL ROCK 1'-3" IN VARIOUS SHADES OF BROWN PLACED 3" DEEP	990 sq
	DECOMPOSED GRANITE - FOR BEDS AND TRAILS REFERENCE LANDSCAPE DETAILS SHEET L3.1	85.46 cy
	LANDSCAPE BOULDER - UTILIZE EXISTING BOULDERS ON SITE. IF SUPPLEMENTAL BOULDERS MUST BE PURCHASED, MATCH TYPE AND COLOR OF EXISTING	148

Item # 11



CITY/ARC COMMENTS	
REV. NO.	DESCRIPTION
<b>ARIZA PLUM CREEK KYLE, TX</b>	
<b>L1.0 - LANDSCAPE OVER</b>	
<b>TERRA</b> ASSOCIATES, INC. CONSULTING ENGINEERS	
404 E. RAMSEY RD., ST SAN ANTONIO, TEXAS 7 PHONE: 210-298-1600 EMAIL: BOS@terraassoc. TBPE Registration No.: F-	
DRAWN BY: JCM	SCALE: 1" = 20'
CHECKED BY: WGS	DATE: MARCH 8, 2017
PROJECT No. S-0006-1602	SHEET No. L1



# CITY OF KYLE, TEXAS

## Brookside Subdivision Phase 3 - Final Plat

**Meeting Date: 4/11/2017**  
**Date time:6:30 PM**

**Subject/Recommendation:** Brookside Subdivision Phase 3 - Final Plat (FP-16-009) 3.709 acres; 29 Residential Lots; 1 PUSE and Access Easements and 2 Private Park, PUSE and Access Easements located along the north end of Arbor Knot Drive.  
Staff Proposal to P&Z: Approve the final plat.

**Other Information:** Please see attachments

**Legal Notes:** N/A

**Budget Information:** N/A

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### ATTACHMENTS:

#### **Description**

Final Plat



BROOKSIDE PHASE 3

STATE OF TEXAS )  
 COUNTY OF HAYS )

KNOW ALL MEN BY THESE PRESENTS:

That, BIGELOW SAN MARCOS DEVELOPMENT, LLC, A TEXAS LIMITED LIABILITY COMPANY, owner of 3.714 acres of land out of the M.B. ATKINSON Survey, Abstract No. 21, in Hays County, Texas, and being a part of the remnant portion of the called 26.145 acre tract of land conveyed to BIGELOW SAN MARCOS DEVELOPMENT, LLC as recorded in Volume 4963, Page 874 of the Official Public Records of Hays County, Texas, and being a part of the remnant portion of the called 11.847 acre tract of land conveyed to BIGELOW SAN MARCOS DEVELOPMENT, LLC as recorded in Document No. 2015-15015525 of the Official Public Records of Hays County, Texas and does hereby subdivide said 3.714 acres of land in accordance with this plat, to be known as BROOKSIDE PHASE 3 and do hereby dedicate to the public ROW, streets, alleys, easements, parks, and other open spaces to public use.

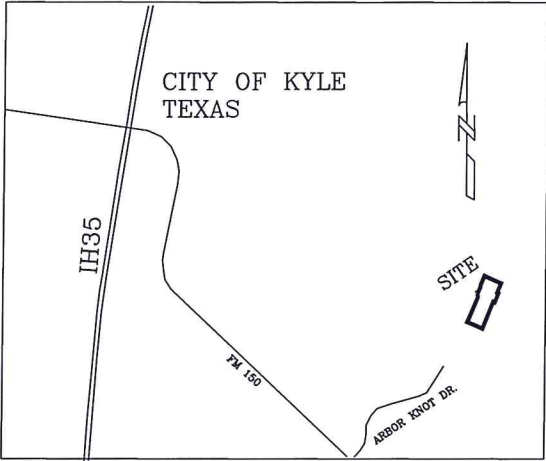
WITNESS MY HAND, this the \_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_ A.D.

James P. Bigelow, President  
 Bigelow San Marcos Development, LLC

Before me, the undersigned authority on this day personally appeared James P. Bigelow, known to me to be the person whose name is subscribed to the foregoing instrument, and he acknowledged to me that he executed the same for the purpose and consideration therein expressed and in the capacity therein stated.

Notary Public, State of Texas

Print Notary's Name \_\_\_\_\_  
 My Commission Expires: \_\_\_\_\_



LOCATION MAP  
 NOT TO SCALE

THIS PLAT (BROOKSIDE PHASE 3), HAS BEEN SUBMITTED TO AND CONSIDERED BY THE PLANNING COMMISSION OF THE CITY OF KYLE, TEXAS AND IS HEREBY APPROVED BY THE COMMISSION

DATED THIS \_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_

REVIEWED BY:

\_\_\_\_\_  
 DIRECTOR OF PUBLIC WORKS DATE

\_\_\_\_\_  
 CITY ENGINEER DATE

STATE OF TEXAS )  
 COUNTY OF HAYS )

I, Shane Shafer, a Registered Professional Land Surveyor in the State of Texas hereby certify that this plat was prepared from an actual on-the-ground survey made under my direction and supervision and is true and correct to the best of my knowledge.

By \_\_\_\_\_ April 7, 2017  
 Shane Shafer Date  
 Registered Professional Land Surveyor  
 No. 5281 - State of Texas  
 Diamond Surveying, Inc.  
 116 Skyline Road  
 Georgetown, TX 78628  
 (512) 931-3100

STATE OF TEXAS )  
 COUNTY OF HAYS )

I, the undersigned, a Registered Professional Engineer in the State of Texas, hereby certify that the plat and all plans and specifications which are included with the plat are, to the best of my professional capacity, complete and accurate and in compliance with all relevant City Ordinances.

Stephen R. Jamison, P.E. Date  
 Registered Professional Engineer  
 No. 86951 - State of Texas  
 TBE Firm No. F-17756  
 Jamison Civil Engineering, LLC  
 13812 Research Blvd. #B-2  
 Austin, Texas 78750  
 737-484-0880

STATE OF TEXAS )  
 COUNTY OF HAYS )

I, Liz Gonzales, Clerk of Hays County, Texas, do hereby certify that the foregoing instrument of Writing and its Certificate of Authentication was filed for record in my office on the \_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_ A.D., at \_\_\_\_ o'clock \_\_\_\_ M., and duly recorded on the \_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_ A.D. at \_\_\_\_ o'clock \_\_\_\_ M., in the Plot Records of said County and State on document# \_\_\_\_\_

WITNESS MY HAND AND SEAL OF OFFICE OF THE COUNTY COURT of said County, the \_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_ A.D.

Liz Gonzales, County Clerk  
 Hays County, Texas

AMERICAN MIDWEST BANK, SUCCESSOR BY MERGER TO, AMERICAUNITED BANK AND TRUST COMPANY USA  
 321 WEST GOLF ROAD  
 SCHAUMBURG, ILLINOIS 60196

BY: \_\_\_\_\_  
 NAME: \_\_\_\_\_  
 TITLE: \_\_\_\_\_

STATE OF ILLINOIS )  
 COUNTY OF COOK )

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ON THE \_\_\_\_ DAY OF \_\_\_\_\_ 2016 BY \_\_\_\_\_ OF AMERICAN MIDWEST BANK, SUCCESSOR BY MERGER TO AMERICAUNITED BANK AND TRUST COMPANY USA.

NOTARY PUBLIC, STATE OF ILLINOIS

ZECHARIAH, LLC  
 P.O. BOX 848  
 SAN MARCOS, TEXAS 78667

BY: \_\_\_\_\_  
 NAME: \_\_\_\_\_  
 TITLE: \_\_\_\_\_

STATE OF TEXAS )  
 COUNTY OF HAYS )

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ON THE \_\_\_\_ DAY OF \_\_\_\_\_ 2016 BY \_\_\_\_\_ OF ZECHARIAH, LLC.

NOTARY PUBLIC, STATE OF TEXAS

BROOKSIDE PHASE 3  
 3.714 ACRES  
 CITY OF KYLE, HAYS COUNTY, TEXAS  
 SHEET 1 OF 2



BROOKSIDE PHASE 3

BIGELOW SAN MARCOS DEVELOPMENT, LLC. REMNANT PORTION OF CALLED 11.847 ACRES DOC. 2015-15015525

WALTON TEXAS LP CALLED 234.82 AC. VOL. 4399, PG. 768

BIGELOW SAN MARCOS DEVELOPMENT, LLC. REMNANT PORTION OF CALLED 11.847 ACRES DOC. 2015-15015525



SCALE: 1" = 60'  
0 60 120

CITY OF KYLE CALLED 11.832 AC.

**LINE TABLE**

LINE	BEARING	DISTANCE
L1	S 21°12'18" E	8.17'
L2	N 60°25'09" E	10.63'
L3	N 22°21'35" W	18.44'
L4	N 33°19'34" E	2.05'
L5	S 68°10'18" E	18.52'
L6	N 21°49'42" E	17.10'

**LOT AREA TABLE**

Block	Lot	SF
E	1	6425
E	2	5365
E	3	5654
E	4	5649
E	5	6962
E	6	5702
E	7	4452
E	8	4466
E	9	4238
E	10	5075
E	11	5462
E	12	4551
E	13	4796
E	14	4768
E	15	6204
E	16	6932
E	17	6310
E	18	5698
E	19	5698
E	20	5407
E	21	6598
E	22	3583
E	23	3583
E	24	3583
E	25	3583
E	26	3583
E	27	3583
E	28	3583
E	29	3583
E	30	6627
E	31	6328
E	32	3761

BROOKSIDE PHASE 2 VOL. 19, PGS. 126 - 128

PRIVATE PARK, PUSE & ACCESS EASEMENT

ARBOR KNOT DRIVE (54' R.O.W.)

FERRULE DRIVE (R.O.W. WIDTH VARIES)

**CURVE TABLE**

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	13.52	18.00	43°02'00"	S 89°41'18" E	13.20
C2	14.76	18.00	46°58'00"	N 45°18'42" E	14.35
C3	16.15	18.00	51°24'33"	N 03°52'34" W	15.61
C4	12.12	18.00	38°35'27"	N 48°52'34" W	11.90
C5	13.69	18.00	43°33'42"	N 89°25'07" E	13.36
C6	14.39	18.00	45°48'40"	N 44°43'56" E	14.01
C7	24.08	18.00	76°38'04"	N 16°29'26" W	22.32
C8	4.20	18.00	13°21'42"	N 61°29'19" W	4.19
C9	15.74	50.50	17°51'40"	N 12°52'48" E	15.68
C10	53.43	50.50	60°37'24"	N 26°21'44" W	50.97
C11	7.28	22.50	18°32'10"	N 72°19'39" W	7.25
C12	69.18	50.50	78°29'03"	N 17°23'54" W	63.89
C13	56.35	18.00	179°22'02"	N 21°30'54" E	36.00
C14	56.55	18.00	180°00'00"	N 21°49'42" E	36.00

CITY OF KYLE CALLED 50.14 AC. VOL. 3918, PG. 28

BROOKSIDE PHASE 3  
3.714 ACRES  
CITY OF KYLE, HAYS COUNTY, TEXAS  
SHEET 2 OF 2



- LEGEND**
- FOUND IRON ROD
  - PUE PUBLIC UTILITY EASEMENT
  - PUSE PRIVATE UTILITY SERVICE EASEMENT
  - BL BUILDING SETBACK LINE
  - ESMT. EASEMENT
  - R.O.W. RIGHT-OF-WAY
- TOTAL ACREAGE: 3.709 ACRES
  - TOTAL NUMBER OF LOTS: 32  
RESIDENTIAL: 29  
PRIVATE PARK & ACCESS ESMT.: 2  
PUE, PUSE & ACCESS ESMT.: 1  
PRIVATE PARK, PUSE & ACCESS ESMT.: 1
  - BEARING BASIS: NAD-83, TEXAS SOUTH CENTRAL (4204), STATE PLANE SYSTEM.
  - ALL UTILITIES WITHIN THE SUBDIVISION WILL BE UNDERGROUND.
  - ALL PRIVATE STREETS, ALLEYS, PEDESTRIAN RIGHTS OF WAY, PARK/DRAINAGE EASEMENT LOTS, ACCESS EASEMENTS, AND ALL LANDSCAPE EASEMENT AREAS SHOWN ON THIS PLAT SHALL BE MAINTAINED BY THE HOMEOWNERS ASSOCIATION (HOA) OR ASSIGNS. IT SHALL BE THE HOA'S RESPONSIBILITY FOR KEEPING SAID RIGHTS OF WAY, LOTS AND LANDSCAPE EASEMENT AREAS NEATLY CUT, FREE OF DEBRIS AND FREE OF ALL TREE/BRUSH REGROWTH.
  - PUBLIC UTILITY EASEMENTS ARE HEREBY DEDICATED AS SHOWN HEREON.
  - ACCESS TO ALL PRIVATE RIGHTS OF WAY HEREON IS GRANTED TO CITY OF KYLE FOR THE PURPOSE OF ACCESSING AND MAINTAINING CITY OWNED FACILITIES CONTAINED THEREIN.
  - THE LOT UTILITY SERVICE EASEMENTS SHOWN HEREON ARE HEREBY DEDICATED TO THE OWNERS OF THE ADJOINING LOTS WITHIN THE PUBLIC UTILITY EASEMENTS SHOWN HEREON.
  - PRIVATE UTILITY SERVICE LINES MAY CROSS ADJOINING LOTS WITHIN THE PUBLIC UTILITY EASEMENTS SHOWN HEREON.
  - HOME BUILDER IS RESPONSIBLE FOR INSTALLING SIDEWALK IN COURTYARDS AND ALONG FRONTAGE OF ALL PRIVATE OR PUBLIC STREETS. DEVELOPER IS RESPONSIBLE FOR SIDEWALK ALONG PARK STREET FRONTAGE.
  - LOT PINS WILL BE SET AFTER UTILITY AND STREET CONSTRUCTION OR SOONER IF DIRECTED BY DEVELOPER.
  - ALL DOCUMENTS LISTED HEREON ARE RECORDED IN THE OFFICE OF THE COUNTY CLERK OF HAYS COUNTY, TEXAS.
  - TYPICAL LANDSCAPE MAINTENANCE, CUTTING AND TRIMMING, WITHIN THE SUBDIVISION, ALL EASEMENTS, DETENTION PONDS AND RIGHTS OF WAY TO THE PAVEMENT TO BE THE RESPONSIBILITY OF PROPERTY OWNERS AND/OR PROPERTY AND/OR HOME OWNERS ASSOCIATIONS.
  - SIDEWALKS, PEDESTRIAN CROSSINGS AND OTHER PUBLIC AMENITIES TO BE DEDICATED TO THE CITY OF KYLE SHALL MEET OR EXCEED ALL 2010 ADA STANDARDS OF ACCESSIBILITY DESIGN AND ALL CURRENT FEDERAL STATE LAWS REGARDING ACCESS FOR PEOPLE WITH DISABILITIES FOR TITLE II ENTITIES.

OWNER INFORMATION:  
BIGELOW SAN MARCOS DEVELOPMENT, LLC,  
A TEXAS LIMITED LIABILITY COMPANY  
P.O. BOX 848  
SAN MARCOS, TX 78667



# CITY OF KYLE, TEXAS

Kyle Mortgage Investors, LLC (Z-17-007)

Meeting Date: 4/11/2017

Date time: 6:30 PM

**Subject/Recommendation:** Consider a request by Kyle Mortgage Investors, LLC to rezone approximately 57.26 acres of land from Retail Service District 'RS' and Single Family Residential-2 'R-1-2' to Planned Unit Development 'PUD' for property located off of W. FM 150 and Old Stagecoach Road. (Z-17-007) **(Postpone until the May 9th P&Z meeting).**

- Public Hearing
- Recommendation to City Council

**Other Information:** Please see attachments.

**Legal Notes:** N/A

**Budget Information:** N/A

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## ATTACHMENTS:

### **Description**

- Application
- Letter of Request
- Site Map and Landuse Summary
- Location Map
- Adjacent Property Owner Letter



# APPLICATION & CHECKLIST – ZONING CHANGE

CITY OF KYLE

**Zoning:** Kyle Mortgage Investors, LLC

(Name of Owner)

(Submittal Date)

**MAR 09 2017**

**INSTRUCTIONS:**

*(2-17-007)*

- 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.

PLANNING DEPARTMENT

**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:** \$825.56

- 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: R/S & R-1-2  
 Proposed Zoning Classification: PUD  
 Proposed Use of the Property: Single Family Residential  
 Acreage/Sq. Ft. of Zoning Change: 57.26

**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: W FM 150 & Old Stagecoach Road, Kyle TX 78640  
 Subdivision Name/Lot & Block Nos.: N/A, legal description attached.

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

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

**3. Ownership Information:**

Name of Property Owner(s): Kyle Mortgage Investors, LLC

(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: 10800 WILSHIRE BOULEVARD  
UNIT 7 2101  
LOS ANGELES, CALIFORNIA 90024

Phone Number: (310) 470-6410 (Phone)

Fax Number: (310) 470-6458 (FAX)

Email Number: linda@ipschlesinger.com //  
peter@ipschlesinger.com

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

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

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

Linda Pastel  
LINDA PASTEL JAN. 13, 2017

**4. Agent Information:**

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

Agent's Name: Chris Lynch, Gehan Homes

Agent's Address: 3815 S. Capital of Texas HWY, Ste 275  
Austin, TX 78704

Agent's Phone Number: (512) 330-9366, Ext 4210

Agent's Fax Number: (512) 900-2934

Agent's Mobile Number: (512) 507-3126

Agent's Email Number: clynch@gehanhomes.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: \_\_\_\_\_

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

Linda Pastel  
LINDA PASTEL JAN. 13, 2017



Do Not Write Below This Line  
Staff Will Complete

Tax Certificates:  County  School  City

Certified List of Property Owners Within 200'

All Fees Paid:  Filing/Application  Mail Out Costs

CITY OF KYLE

Attached Map of Subject Property

MAR 09 2017

Accepted for Processing By: Theresa J. Jarama Date: PLANNING DEPARTMENT

Date of Public Notification in Newspaper: 3/22/17

Date of Public Hearing Before Planning and Zoning Commission: 4/11/17

Date of Public Hearing Before City Council: 4/18/17

# Gehan<sup>★</sup>HOMES

CITY OF KYLE

March 2, 2017

MAR 09 2017

Debbie Guerra  
City Of Kyle  
100 W. Center Street  
Kyle, Texas 78640

PLANNING DEPARTMENT

Re: Kyle Ranch Subdivision, FM 150 and Rocking M Road, Kyle Texas

Dear Ms. Guerra,

Please accept this request as an official re-zoning request to re-zone the above mentioned 57 acre tract community from R/S & R-1-2 to a Planned Unit Development (PUD). Gehan Homes, Ltd. represents the owner of the property, Kyle Mortgage Investors, LLC, as its authorized agent.

This PUD will also coincide with the creation of a Public Improvement District (PID) and Development Agreement. A brief overview of our proposed PUD is below:

1. A residential subdivision of 203 lots consisting of 70', 60', and 50' lots. These lots will generally conform to existing Kyle's R-1-3 zoning requirements,
2. The land plan has been modified to utilize comments from city staff, to provide a better buffer to adjacent subdivisions, and utilize the new R-1-3 zoning,
3. The land plan will include over 2 acres of privately maintained open space, including fitness trails, playgrounds, and community gathering spaces,
4. The homes built will contain 2 car garages and will exceed Kyle's residential architectural requirements,
5. 3.7 acre commercial piece with appropriate commercial restrictions,
6. To be formed Public Improvement District (PID), we will submit our petition after the first reading so the PID formation takes place closely behind the PUD,
7. Any necessary Development Agreements as required during the PID formation.

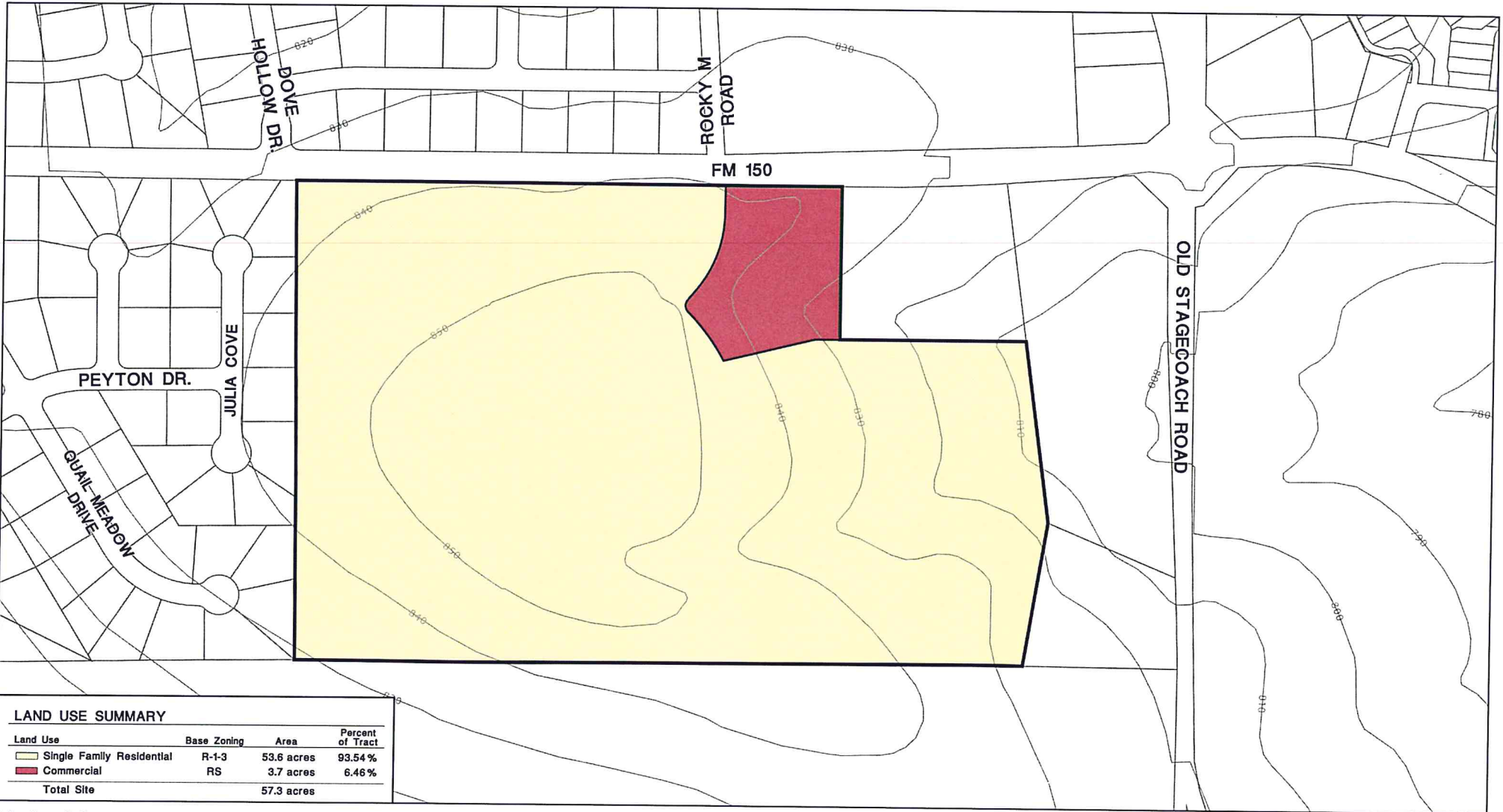
We have attached the zoning change application with this letter along with the application fee. Please do not hesitate to contact me with any questions you may have and schedule any meetings necessary to process this application. I can be reached at (512) 330-9366, ext. 4210.

Sincerely,



Chris Lynch  
Vice President of Land Operations

*Designed for Your Life.*



# Kyle Mortgage Investors, LLC Development Agreement

**SEC Planning, LLC**  
 Land Planning + Landscape Architecture + Community Branding  
 AUSTIN, TEXAS  
 (512) 246-7003 • (512) 246-7700  
 www.secplanning.com • info@secplanning.com

**Exhibit B  
Concept Plan**

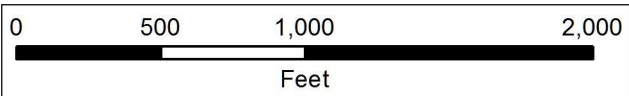
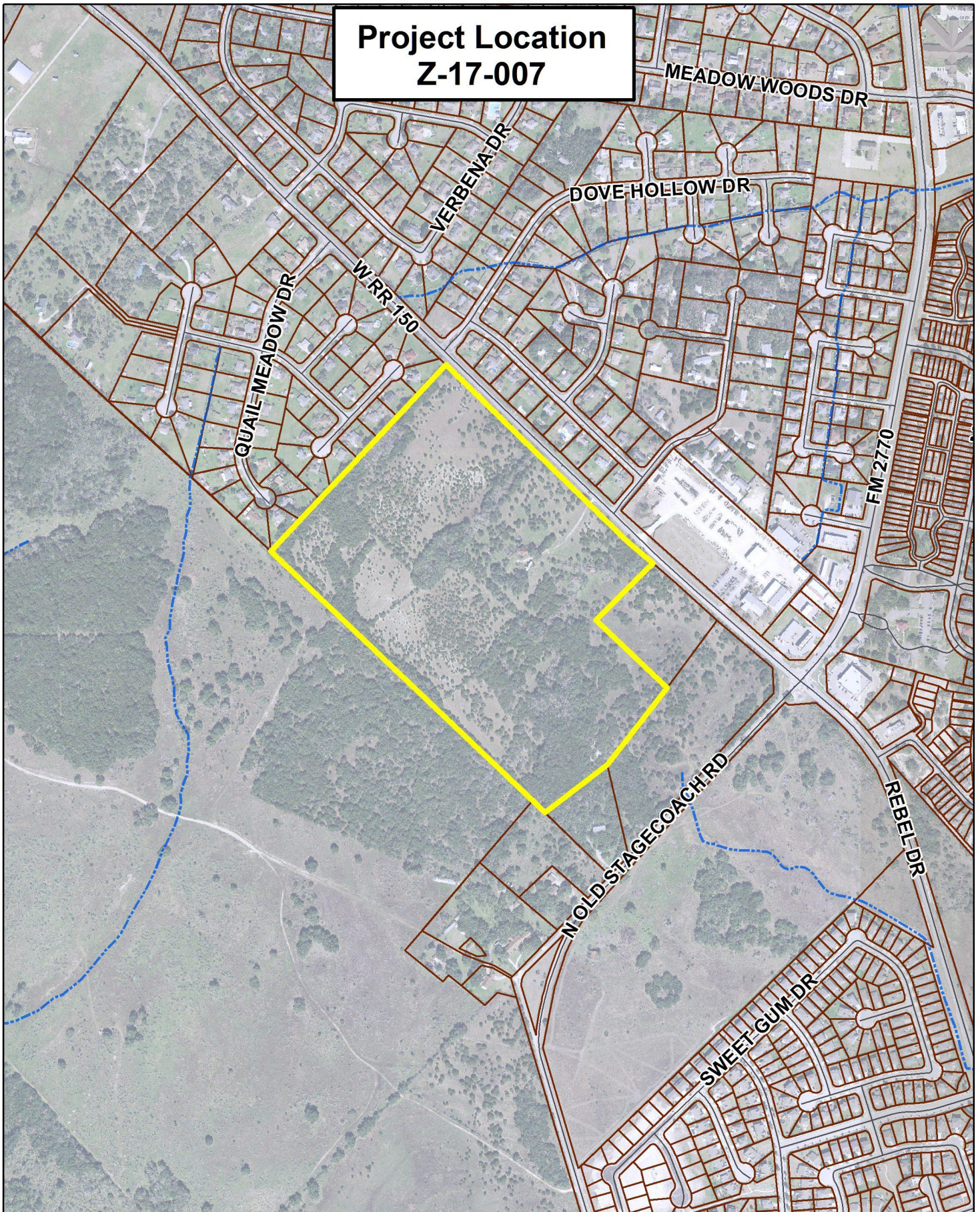
North  
 Scale: 1" = 250'  
 Date: January 17, 2017

SHEET FILE: C:\1160097-GEHANC\OFFICE\PLANNING\SUBAREA\EXHIBIT B 2017-01-17.dwg

The developer has reserved the right, without notice, to make changes to this map and other aspects of the development to comply with governmental requirements and to fulfill its marketing objective.



**Project Location  
Z-17-007**



 Property Boundary

 Parcel Lines



You may send your written comments to the Planning Department, 100 W. Center St., Kyle, Texas 78640  
(attention: Zoning File # Z-17-007).

Name: Matt Greene Address: 430 Quail Meadow Drive

I am in favor, this is why See attached comments and concerns

\_\_\_\_\_

I am not in favor, and this is why \_\_\_\_\_

CITY OF KYLE

\_\_\_\_\_

APR 07 2017

PLANNING DEPARTMENT

April 6, 2017

Thank you Kyle City Council, Planning Commission and Staff for your consideration of my comments regarding the proposed Planned Unit Development (Case #Z-17-007).

I am a resident of the Quail Meadows Subdivision adjacent to the subject property and am in favor of the proposed zone change to the Planned Unit Development, as the current residential zoning in place (R-1-2) allows the possibility for too many small lots to be developed adjacent to our ½ acre + lots. Though I am in favor, I do ask that the following comments be taken seriously and into consideration:

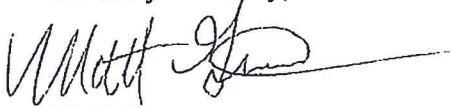
1. The Quail Meadows subdivision consists of lots that are a minimum ½ acre in area. Please consider having compatible lots within Planned Unit Development about the Quail Meadows subdivision. We do not want 4-5 small lots behind each of our lots. Half acre or larger lots would be preferred of course, but minimum quarter acre lots (10,890 square feet) would be reasonable.
2. All lots within the Quail Meadows Subdivision abutting the subject property are developed with single-story homes. Since the Planned Unit Development is proposed to be denser than and consist of smaller lots than the Quail Meadows Subdivision, please limit the homes adjacent the Quail Meadows Subdivision to one story. A buffer or increased rear yard setback requirement between the lots in the Quail Meadows Subdivision and the lots in the Planned Unit Development would also be preferred so that the rear yards/ setbacks/open space of the smaller lots in Planned Development District are more consistent with current development of the Quail Meadows Subdivision, making a smooth transition between the neighborhoods. The suggested minimum buffer and/or rear setback is a minimum of 50 feet.
3. The area is still somewhat rural in nature and the current residents of the area enjoy dark skies. Please consider limiting the number and intensity of any street lights within the Planned Unit Development. At a minimum, please require the source of the street lights to be shielded.
4. Traffic on FM 150 is obviously getting worse. Please ensure a Traffic Impact Analysis is submitted for this project and if right-in, right-out or left-in turn lanes are warranted, please ensure they are installed.
5. I am not familiar with the City of Kyle's sidewalk requirements when it comes to subdivision construction, but as a Planned Unit Development request, you can

and should make public sidewalks a requirement not only internal to the development, but adjacent to FM 150 as well. Many students from this area (and the new residents of the Planned Unit Development will too) walk to the nearby schools, businesses and neighborhoods and the cost of sidewalk construction should not be paid for by the City or TxDOT, but by the developer.

6. I would also like to know what kind of a fence (if any) is planned to be installed adjacent to the Quail Meadows Subdivision boundary, as the residents in Quail Meadows backing up to the subject property share the common property line with existing fences in place.

I thank you for taking the time to review and consider my concerns regarding Case# Z-17-007.

Thank you kindly,

A handwritten signature in black ink, appearing to read "Matt Greene", with a long horizontal flourish extending to the right.

Matt Greene  
430 Quail Meadow Drive  
Kyle, TX 78640



# CITY OF KYLE, TEXAS

Ansar and Ali Chmeis (Z-17-006)

Meeting Date: 4/11/2017

Date time:6:30 PM

**Subject/Recommendation:** Consider a request by Ansar and Ali Chmeis to rezone approximately 3.93 acres from Warehouse District 'W' to Retail Service District 'RS' for property located at 400 Windy Hill Road. (Z-16-006)

- Public Hearing
- Recommendation to City Council

**Other Information:** Please see attachments.

**Legal Notes:** N/A

**Budget Information:** N/A

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## ATTACHMENTS:

### **Description**

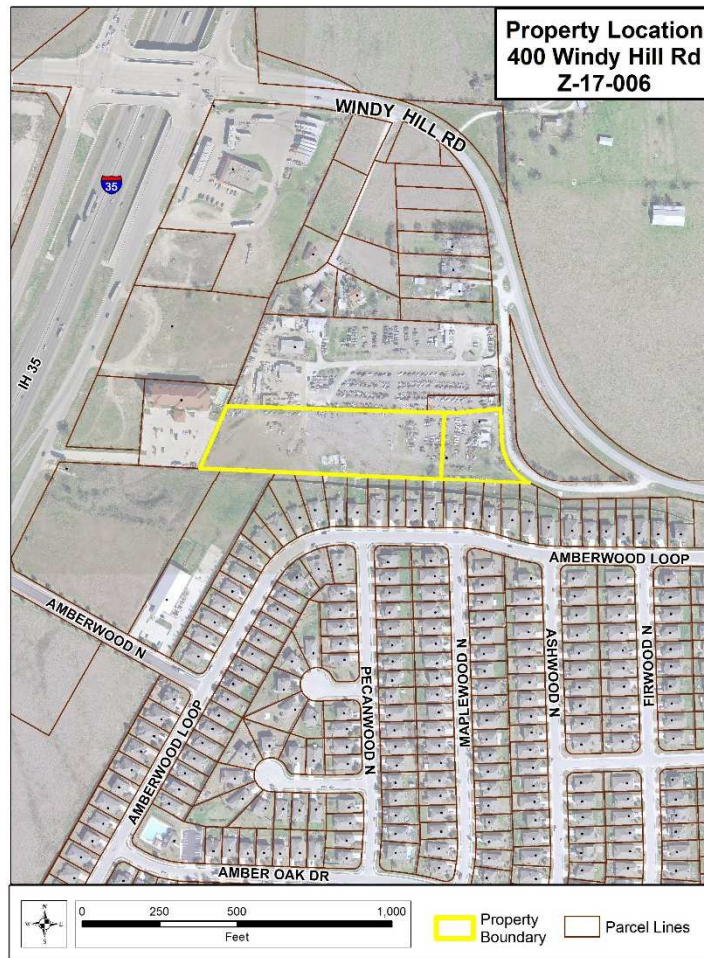
- Staff Memo
- Application
- Letter of Request
- Location Map
- Letter of Opposition



---

<b>Property Location</b>	<b>400 Windy Hill, Kyle, Texas 78640</b>
<b>Owner</b>	<b>Ansar &amp; Ali Chemis 2122 Barton Hills Drive, Austin, TX 78704</b>
<b>Agent</b>	<b>Matias Segura 3326 Clarksburg Drive Austin, TX, 78745</b>
<b>Request</b>	<b>Rezone 3.93 Acres, W to R/S</b>

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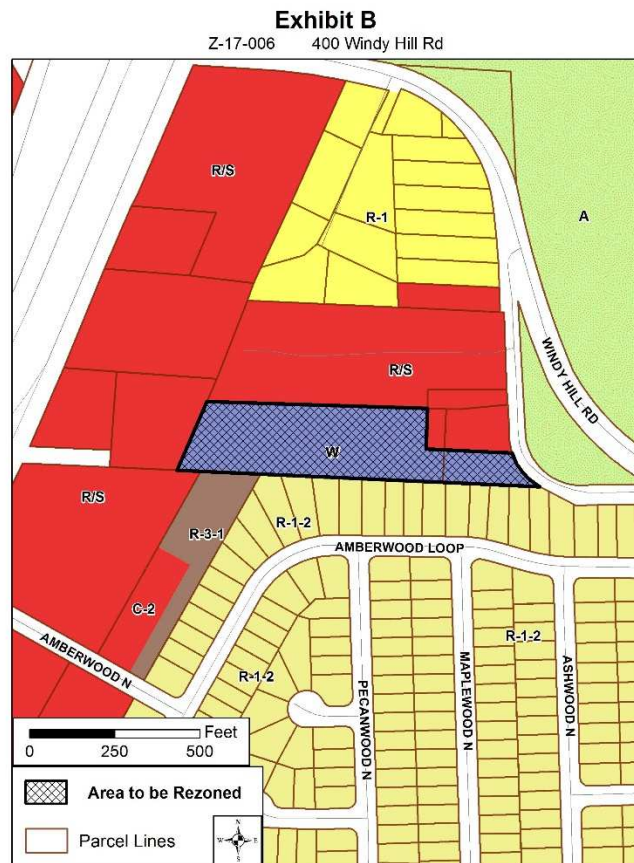


## Site Description

The site is located on land partially being utilized as outdoor vehicle storage/sales and is currently zoned W (Warehouse). It is bordered on its western property line by La Quinta Inn & Suites and IH-35 further west of the hotel. To the north is a non-conforming auto salvage/repair/sales operation zoned R/S (Retail/Services). To the east and northeast of the parcel (across Windy Hill Road, lies property used for agricultural purposes and zoned A (Agriculture). Lastly, to the south is the Amberwood community which is zoned R-1-2 (one family residence district).

The applicant seeks to rezone the property from A to R/S, the Retail/Services zoning category, which allows for the following:

“This district allows 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, e.g., clothing, prescription drugs, furniture, toys, hardware, electronics, pet supply, variety, department, video rental and antique stores, art studio or gallery, hobby shops and florist shops.,...”



## Conditions of the Zoning Ordinance

### Sec. 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...



The subject site is located in the “New Town Community District”. It is recommended that the R/S zoning district be approved conditionally. Upon acceptance of the 2017 midterm update to the City of Kyle Comprehensive Plan, it is expected that Retail/Services will be a recommended zoning designation within the “New Town Community District”. Additionally, the site requesting to be rezoned, is relatively close to a future “Regional Node” centered on I-35, just north of the Kyle Crossing Overpass.

‘Character’: Currently consisting primarily of residential uses, open fields, some commercial uses along I-35, and the City’s new Performing Arts Center, the New Town District will likely experience significant development pressures in the near future. This District straddles both I-35 and FM 1626, and growth from Austin and Buda is spreading south along these roadways. This District should be livable, comfortable, and convenient for all residents of Kyle and the surrounding region. Elements of form and design are critical to ensuring transitions between neighboring uses.

‘Intent’: The New Town District is designed to contain a horizontal mix of land uses that should be integrated across the area to express a cohesive community form. Many differing uses are encouraged throughout the District, but are distributed in autonomous land parcels instead of vertically aggregated in fewer land parcels. Horizontal mixed uses provide a transition to integrate the community form of New Town with surrounding communities, landscapes, and nodes. The purpose of the New Town District is to harness economic development potential and establish its position as the sustainable center of surrounding growth. This District should provide economic support to Kyle based on locational advantages gained by access to growth advancing from south Austin and nodal developments on the northern side of Kyle. Mixed-use development should be encouraged, not only permitted, to maximize economic development. This can be achieved by aggregating appropriate densities in order to support a mixture of uses. Development patterns and employment opportunities should be created in the New Town District that do not conflict with the surrounding community fabric. Public spaces in this District should be used to preserve the character of ranch heritage, where appropriate.

## **Analysis**

The property requesting to be rezoned is sited in the periphery of an area that is developing into a hub of commercial and light industrial activity. This area or “Regional Node” is mapped slightly north of the Kyle Crossing and I-35 intersection. In reality, the node is beginning to develop just to the west of and closer to the Kyle Crossing overpass (Hays Commerce Center). The Amberwood subdivision lies immediately to the south with the Cherrywood and Indian Paintbrush Drive entrances to the east of the property. Additionally, the Meadows of Kyle sits one third of a mile to the east, along Windy Hill Road. These developments are a component to the potential success of retail and service related businesses, by providing potential pass-by traffic and customers within the area.

Windy Hill Road is currently classified as R2U or Rural, 2 Lane, Undivided. The CAMPO 2040 and 2015 publication of the Kyle Connected Transportation Plan, show that Windy Hill Road is planned to be upgraded with a classification of C3U or Collector, 3 Lane, Undivided. This upgrade will be, in part, due to the Crosswinds community to the east. This residential community has a planned residential count of roughly 1,750 single family residences. At build out (if not before), this community will necessitate

the upgrade of Windy Hill Road. It is likely that future traffic counts will support retail and service related businesses in this area.

At the time of site development, appropriate storm water management techniques will have been reviewed, must meet City of Kyle requirements and comply with the State of Texas standards. Additionally, due to the shared property line with the Amberwood community, a higher standard for appropriate screening will be required along the afore mentioned boundary to help mitigate potential or perceived nuisances sometimes associated with borders along dissimilar districts. This is a requirement in addition to standard landscaping techniques required in the Retail/Services district in Sec. 53-484, City of Kyle Code of Ordinances.

Considering the potential for redevelopment and new development in the area, including existing and future residential, staff asks the commission to recommend approval of the zoning petition from W (Warehouse) to R/S (Retail/Services). The recommendation is planned for the April 18, 2017 Mayor & Council meeting, for Council's consideration.

---

## **Attachments**

- Application
- Location Map
- Surrounding Zoning Map
- Land Use District Map
- 2040 CAMPO Model Volume



## APPLICATION & CHECKLIST – ZONING CHANGE

**Zoning:** Ansar Chmeis; Ali Chmeis

February 21, 2016

(Name of Owner)

(Submittal Date)

**INSTRUCTIONS:**

(Z-17-006)

- 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.

CITY OF KYLE

FEB 24 2017

Newspaper Publication Fee: \$190.21

**Total Fee:** 634.99

PLANNING DEPARTMENT

- 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: W: Warehouse

Proposed Zoning Classification: R/S: Retail Service

Proposed Use of the Property: 7224-0114: Drinking Place; Brew Pub

Acreage/Sq. Ft. of Zoning Change: 3.93 4.62 Acres

**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: 400 Windy Hill

Subdivision Name/Lot & Block Nos.: Kyle Self Storage / Lot2

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

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

**3. Ownership Information:**

Name of Property Owner(s): Ansar Chmeis, Ali Chmeis

(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: 2122 Barton Hills Dr.

Phone Number: 512-658-6058

Fax Number: NA

Email Number: alisxsw@gmail.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: Matias Segura

Agent's Address: 3326 Clarksburg Dr

Agent's Phone Number: 512-517-2871

Agent's Fax Number: NA

Agent's Mobile Number: 512-517-2871

Agent's Email Number: Matias3@utexas.edu

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: 

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

*Do Not Write Below This Line  
Staff Will Complete*

Tax Certificates:     County     School     City

Certified List of Property Owners Within 200"   

All Fees Paid:     Filing/Application     Mail Out Costs

Attached Map of Subject Property   

Accepted for Processing By Debbie A. Gunn    Date: 2/24/17

Date of Public Notification in Newspaper: 3/22/17

Date of Public Hearing Before Planning and Zoning Commission: 4/11/17

Date of Public Hearing Before City Council: 4/18/17



3/17/2017  
8:31

400 Windy Hill Dr - Debbie Guerra

# 400 Windy Hill Dr

Matt C Segura III SEGURA <matias3@utexas.edu>

Fri 3/17/2017 10:00 AM

Inbox

To: Debbie Guerra <dguerra@cityofkyle.com>; SXSU <alisxsw@gmail.com>;

 1 attachments (693 KB)

Kyle\_Zoning\_Map\_20170317.pdf;

Debbie-

This e-mail is to confirm the acreage request. After reviewing the information provided please make the zoning change request for 3.93 acres. I am also attaching a map.

# Zoning Change Request Letter

**400 Windy Hill Dr.**

Date: February 27, 2017  
To: Debbie Guerra (City of Kyle - Planning Technician)  
From: Matias Segura (Owner Agent)  
cc: Ali Chmeis (Owner)  
Subject: **Zoning Change Request Summary Letter**

To Whom It May Concern-

This letter is a formal request to start the process of re-zoning the parcel located at 400 Windy Hill Dr, Kyle, Texas. The parcel is 4.62 acres and is currently zoned as Warehouse (W). The Owner, Ali Chmeis, and the Agent, Matias Segura are seeking a zoning change to Retail Service (R/S). The owner and the Owner's family also own two adjacent properties that are already zoned Retail Service.

In an effort to provide the Owner, additional flexibility in assessing potential development plans we are requesting this zoning change. We recognize that the current zoning of Warehouse (W) allows the owner to pursue most use types under Retail Service. We however also understand the setbacks required for Warehouse may limit developable area. The Owner will look at development solutions that can be phased and will work with the City of Kyle to identify and mitigate any issues.

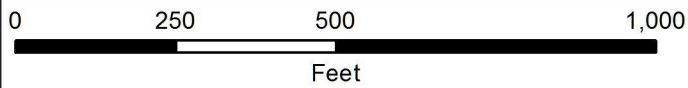
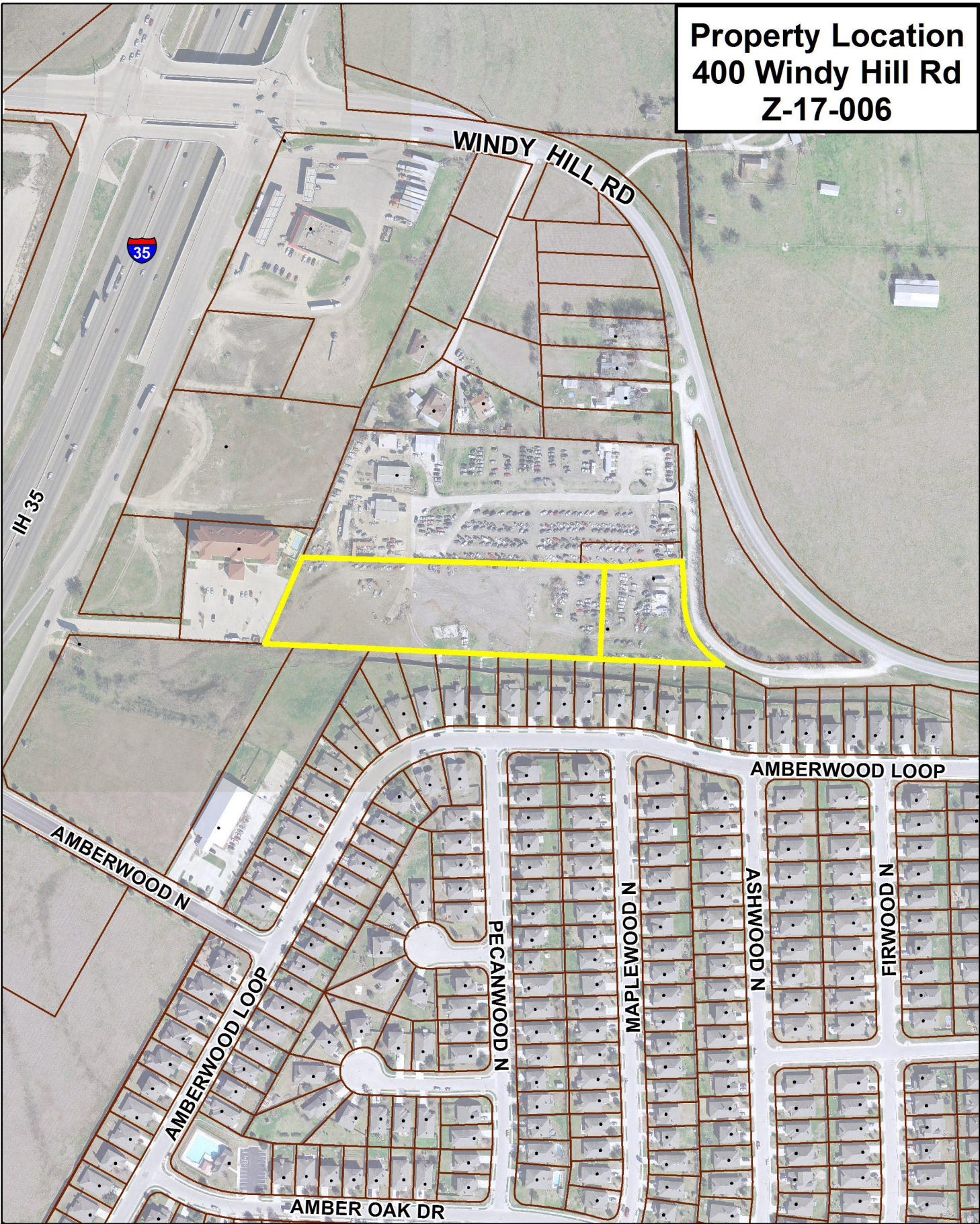
The first phase may include an outdoor volleyball venue with an associated beer garden. The Owner is seeking to limit significant permanent infrastructure during the first phase. The project is still in the exploration phase and we welcome any input from the City of Kyle during the planning process.

Agent

Matias Segura, PE, MBA



**Property Location**  
**400 Windy Hill Rd**  
**Z-17-006**



Property  
Boundary



Parcel Lines

Item # 14



CITY OF KYLE

APR 07 2017

PLANNING DEPARTMENT

You may send your written comments to the Planning Department, 100 W. Center St., Kyle, Texas 78640  
(attention: Zoning File # Z-17-006).

Name: Curtis Lamar Smith Address: 1865 Amberwood Loop 78640

I am in favor, this is why \_\_\_\_\_

I am not in favor, and this is why my property back fence  
is within 1 foot of the junk yard. <sup>(RS)</sup> Right  
Now the junk yard is 75 ft (approx) away.  
If this is approved the junk cars <sup>(RS)</sup> will be  
against my property line. This will greatly  
affect my property value. 2 story single family home.



# CITY OF KYLE, TEXAS

Steven Lynn Goss (Z-17-008)

Meeting Date: 4/11/2017

Date time:6:30 PM

**Subject/Recommendation:** Consider a request by Steven Lynn Goss to assign original zoning to approximately 0.92 acres from Agriculture 'AG' to Retail Service District 'RS' for property located at 1900 Dacy Lane. (Z-17-008) (**Application withdrawn by applicant on April 3, 2017**).

- Public Hearing
- Recommendation to City Council

**Other Information:** Application withdrawn by applicant on April 3, 2017.

**Legal Notes:** N/A

**Budget Information:** N/A

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**ATTACHMENTS:**

**Description**

- Application
- Letter of Request
- Location Map

## APPLICATION & CHECKLIST – ZONING CHANGE

Zoning: STEVEN LYNN GOSS 3-10-2017  
(Name of Owner) (Submittal Date)

INSTRUCTIONS: Z-17-008

- 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. .92 ACRE CITY OF KYLE  
 Newspaper Publication Fee: \$190.21 \$621.89 MAR 10 2017
- 4. A map or plat showing the area being proposed for rezoning. PLANNING DEPARTMENT
- 5. A clear and legible copy of field notes (metes and bounds) describing the tract (when not a subdivided lot). IT IS A SUBDIVIDED LOT.
- 6. Certified Tax certificates: County  School  City
- 7. Copy of Deed showing current ownership.

Total Fee: 621.89

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

1. **Zoning Request:**  
 Current Zoning Classification: "A"  
 Proposed Zoning Classification: "RS"  
 Proposed Use of the Property: PROFESSIONAL OFFICE  
 Acreage/Sq. Ft. of Zoning Change: .92 ACRES

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: 1900 DACY LANE, KYLE, TEXAS 78640  
 Subdivision Name/Lot & Block Nos.: SECTION 1 LOT 6 KYLE HEIGHTS  
HAYS COUNTY PARCEL I.D. # R62670



Property Recording Information:

Hays County

VOLUME 1175 PAGE 187

Volume/Cabinet No. 6 / Page 351 PLAT AND

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

**3. Ownership Information:**

Name of Property Owner(s): STEVEN LYNN GOSS

(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: 1900 Dacy Lane Kyle, TX 78640

Phone Number: (512) 312-0088

Fax Number: \_\_\_\_\_

Email Number: steve@AAWEMS.COM

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

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

Date: 3/9/2017

**4. Agent Information:**

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

Agent's Name: For Seller: Jessica Shelton FOR BUYER BRENT WILLIAMSON

Agent's Address: 251 W. FM 1626th St 7701 NORTH LAMAR Suite 100  
Buda, TX 78610 Austin, TEXAS 78732

Agent's Phone Number: 512-771-0573 512-844-3203

Agent's Fax Number: \_\_\_\_\_

Agent's Mobile Number: 512-771-0573 512-844-3203

Agent's Email Number: jessica@startxcreatorestate.com BWILLIAMSON@JOURNEYMANCO.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: \_\_\_\_\_

Date: 3/9/2017

Do Not Write Below This Line  
Staff Will Complete

Tax Certificates:  County  School  City

Certified List of Property Owners Within 200"

All Fees Paid:  Filing/Application  Mail Out Costs

Attached Map of Subject Property

Accepted for Processing By: Debbie A. Jurewa

Date: \_\_\_\_\_  
PLANNING DEPARTMENT

Date of Public Notification in Newspaper: 3/22/17

Date of Public Hearing Before Planning and Zoning Commission: 4/11/17

Date of Public Hearing Before City Council: 4/18/17

CITY OF KYLE

MAR 10 2017



**Brent Williamson**

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**From:** Neeraj Manchanda <drmanchanda@gmail.com>  
**Sent:** Saturday, March 04, 2017 4:33 PM  
**To:** Brent Williamson  
**Subject:** Letter

LETTER EXPLAINING REASON FOR REQUEST

Dear officer,

I am neeraj manchanda, a physician working in Kyle area. I am in the process of buying the lot 1900 dacy lane, Kyle , TX 78640. I presently have the property under contract and have recently completed the topographic, tree and boundary survey. I plan on providing the fiscal responsibility and extension of the utilities to be in compliance with city code for this re-zoning.

I plan to build an approximate 10,000 square foot commercial medical office building. Please accept this letter as my formal request accompanied by the application and checklist for zoning change.

The zoning application and checklist is completed and is in full compliance.

Regards,



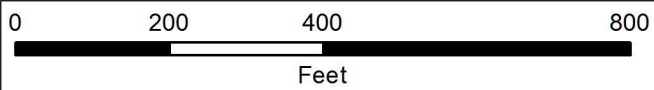
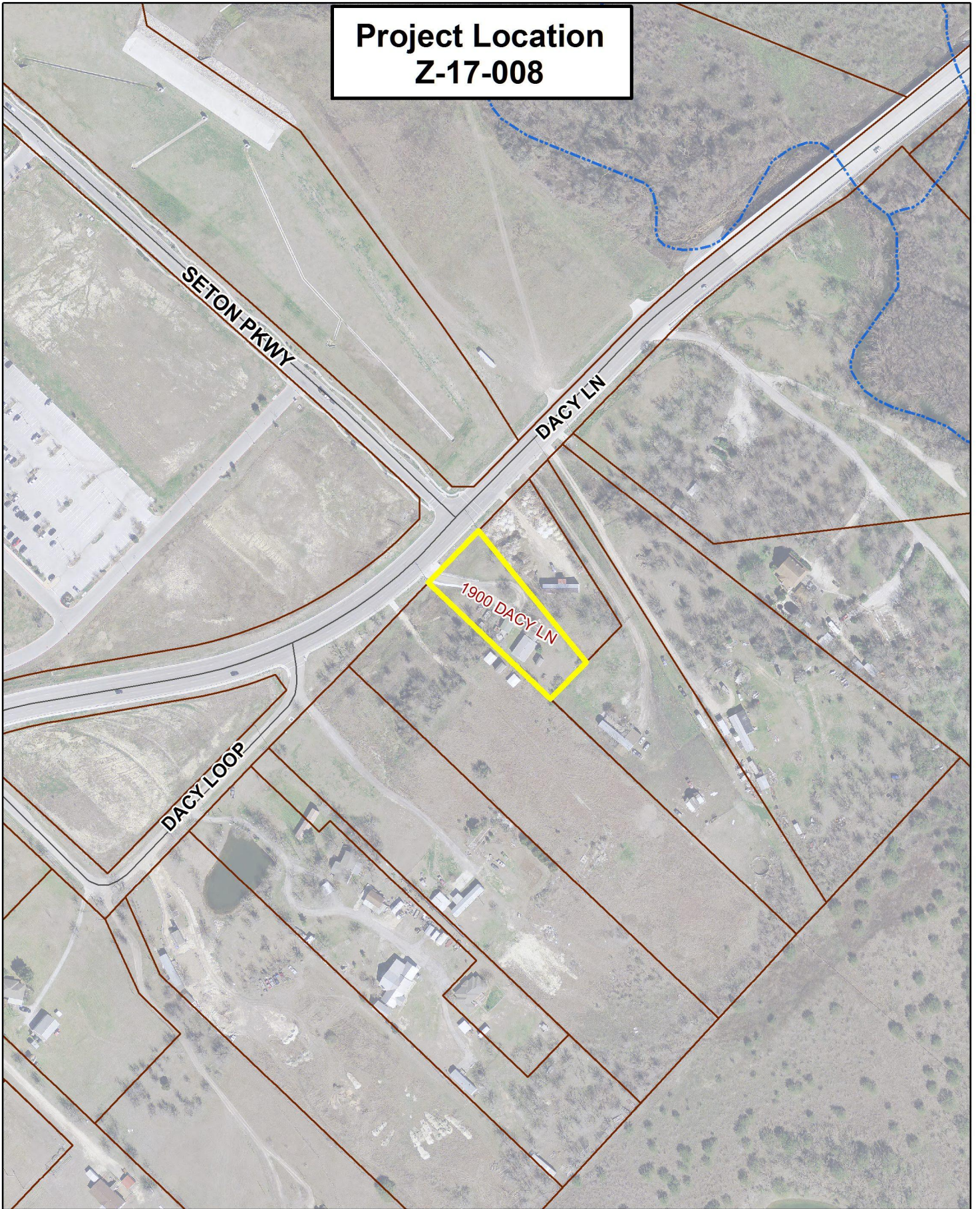
Neeraj Manchanda MD  
1700 Randolph Ridge Trail  
Austin, TX 78746  
Ph: 989 493 9128  
[Drmanchanda@gmail.com](mailto:Drmanchanda@gmail.com)

Kyle office address:  
1180 seton parkway,  
Suite 300,  
Kyle, TX 78640

512 551 0846



**Project Location  
Z-17-008**



 Property Boundary

 Parcel Lines





# CITY OF KYLE, TEXAS

## Sign Standards and Permits Amendments

Meeting Date: 4/11/2017

Date time:6:30 PM

**Subject/Recommendation:** Consider and make a recommendation to City Council on amendments to multiple sections of Chapter 29, Sign Standards and Permits of the City of Kyle, Code of Ordinances.

- Public Hearing
- Recommendation to City Council

**Other Information:** Please see attachments.

**Legal Notes:** N/A

**Budget Information:** N/A

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### ATTACHMENTS:

#### Description

- Staff Memo
- Proposed changes to Sign Standards and Permits



# CITY OF KYLE

## Community Development Department

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April 11, 2017

To: City of Kyle Planning Commission  
From: Howard J. Koontz, Director of Planning & Community Development  
Re: Amendments to Chapter 29, Sign Standards and Permits

Staff has been asked to introduce this proposal for a sign code amendment. This amendment primarily affects how certain banners and other temporary flag signs are defined, permitted, and displayed.

First, a provision to create a category for 'feather flags' has been enabled in the definitions section. Feather flags are separate and distinct from other types of flags, themselves not permitted to display commercial messaging.

Second, all manner of temporary signage as defined in §29-20 will no longer require any type of permit to be established. Certain restrictions on their display have been clarified in the same section, but regulatory oversight has been removed by removing the permitting requirements.

Third, signage made from materials that permit the fluttering, such as fabric flags like the previously mentioned 'feather flags', will no longer be prohibited as signage.

Next, the provisions for trailer signs has been revised. These signs are certain signs displayed on a non-powered or towed vehicle, parked at- or on a premise, and attached or applied to the trailer itself.

This is not a comprehensive list of the changes proposed, in fact other changes are proposed; however, the most lengthy and notable changes have been described herein. The strike-thru and underline text changes are included with this memo for your review. There should be thorough discussion of the proposal at the Public Hearing associated with this item if any further questions should arise.

## Chapter 29 - SIGN STANDARDS AND PERMITS<sup>[1]</sup>

### Footnotes:

--- (1) ---

**Editor's note**— Ord. No. 576, §§ 2, 3, adopted July 7, 2009, repealed former ch. 29, arts. I—V, in its entirety and enacted new regulations as herein set out. Former ch. 29 pertained to similar subject matter and derived from Ord. No. 356, §§ 1—14, 7-18-2000; Ord. No. 356-1, §§ 1, 2, 6-19-2001; Ord. No. 356-2, §§ 2, 3, 12-7-2004, and as amended by uncodified ordinances 552, §§ 2—7, 10-7-2008; Ord. No. 554, §§ 2—4, 12-2-2008.

**State Law reference**— Regulation of signs, V.T.C.A., Local Government Code § 216.001 et seq.

### Sec. 29-1. - Purpose and goals.

- (a) The purpose of this chapter is to provide uniform sign standards that perform the following:
- (1) Promote a positive image of the city;
  - (2) Protect an important aspect of the economic base;
  - (3) Reduce the confusion and hazards that result from excessive and prolific use of sign displays;
  - (4) Ensure that no hazard is created due to collapse, wind, fire, collision, decay or abandonment; that no obstruction is created to fire fighting and police surveillance; and no traffic hazard is created by confusing or distracting motorists, or by impairing the driver's ability to see pedestrians, obstacles, or other vehicles, or to read traffic signs;
  - (5) Promote efficient transfer of information in sign message by providing that businesses and services may identify themselves; customers and other persons may locate a business or service; and persons exposed to signs are not overwhelmed by the number of messages presented, and are able to exercise freedom of choice to observe or ignore said messages, according to the observer's purpose; and
  - (6) Protect the public welfare and enhance the appearance and economic value of the landscape by providing signs that do not interfere with scenic views; do not create a nuisance to persons using the public right-of-ways; do not constitute a nuisance to occupancy of adjacent and contiguous property by their brightness, size, height, or movement; are not detrimental to land or property value; and, contribute to the special character of particular areas or districts within the city, helping the observer to understand the city and orient oneself within it.
- (b) By recognizing this purpose, this chapter shall serve to strengthen the economic stability of business, cultural, and residential areas in the city; recognizing that visual clutter leads to decline in the community's appearance, in property values, and in the effectiveness of the signs.
- (c) The goals of this chapter are to preserve the integrity of our community, promote pride in our neighborhoods, promote safe egress/ingress on public roadways, and encourage the effectiveness of signs.
- (d) In the event of conflicts, actual or perceived, in the terms or requirements of this chapter, the most restrictive interpretation shall apply.

(Ord. No. 576, § 2(Attach., § 1), 7-7-2009)

Sec. 29-2. - First Amendment rights.

This chapter shall not be construed, applied, interpreted, nor enforced in a manner to violate the First Amendment rights of any person, and the building official shall seek the advice and recommendation of the city attorney prior to taking any action to enforce any provision of this ordinance with respect to any non-commercial sign or speech by any person.

(Ord. No. 576, § 2(Attach., § 2), 7-7-2009)

Sec. 29-3. - Enforcement.

- (a) *Authority.* The building official and the code enforcement officer is hereby authorized and directed to enforce all the provisions of this chapter. For such purposes the building official has the powers of a code enforcement officer.
- (b) *Right of entry.* Whenever necessary to make an inspection to enforce any of the provisions of this chapter, or whenever the building official has reasonable cause to believe that there exists in any building or upon any premises any condition which violates the provisions of this chapter, the building official may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the building official by this chapter. If such building or premises is occupied, the building official shall first present proper credentials and request entry; and if such building or premises is unoccupied, the building official shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If such entry is refused, the building official shall have recourse to every remedy provided by law to secure entry.

(Ord. No. 576, § 2(Attach., § 3), 7-7-2009)

Sec. 29-4. - Definitions.

As used in this chapter, all words shall have the common meaning of such word and the following terms shall have the meaning indicated below unless context clearly indicates otherwise:

*Actively being built.* The project or subdivision has continuous construction efforts underway to complete the project.

*Activities and events sign.* An enclosed, marquee-type sign to provide public buildings, churches (limited to places of worship only), and neighborhood associations, herein referred to as "the entity(ies)" the opportunity to post notices of meetings, activities, and other notices of interest to the entity or group it serves. The purpose of this sign is to facilitate communication within the community served by the public buildings and the churches, and within the larger neighborhoods of fifty homes or more represented by their neighborhood association.

*Awning.* A shelter constructed of materials on a supporting framework that projects from and is supported by the exterior wall of a building.

*Banner.* A sign made of fabric or any nonrigid material. The term "banner" does not include feather flag signs.

*Berm (monument) sign.* A sign where the frame of the sign face is set at grade with the ground as a monument or in an earthen berm. There is no clearance between the ground and the sign face.

*Billboard.* A sign advertising products not made, sold, used or served on the premises displaying such sign, or a sign having a height greater than 12 feet and a surface area greater than four hundred square feet.

*Building official.* Any officer or employee, or person, designated by the city manager to perform the duties set forth in this ordinance to be performed by the building official.

*"Burma Shave" signs.* A sign intended to provide information and direction to potential home buyers within a recorded subdivision in which new homes are actively being built.

*Canopy.* A freestanding structure with a roof but not walls.

*Changeable electronic variable message sign.* A sign which permits alteration of the sign's message or images by electronic means. This includes a sign using light-emitting diodes (LEDs) or other means of digital display to present a message or images.

*Clearance (of a sign).* The smallest vertical distance between the grade of the adjacent street curb and the lowest point of any sign, including framework and embellishments, but excluding sign supports.

*Commercial.* Locations where the principle use of the property is not classified as residential or multifamily.

*Construction trade sign.* A sign that identifies the architect, engineer, financial institution, builder, or other building trades contractor involved in a construction project at the site where the sign is located.

*Curbline.* An imaginary line drawn along the outermost part of back of the curb and gutter on either side of a public street, or, if there is no curb and gutter, along the outermost portion of the paved roadway, or if there is no paved roadway, along the edge of the traveled portion of the roadway.

*Directional signs, traffic.* An on-premise sign giving directions, instructions, or facility information and which may contain the name or logo of an establishment and no advertising copy, e.g., parking or exit and entrance signs.

*Electrical sign.* A sign containing electrical wiring, connections, or fixtures, or utilizing electric current, but not including a sign illuminated by an exterior light source.

*Electronic message sign.* A sign that includes provisions for programmable electronic message changes.

*Facade.* All building wall elevations, including any vertical extension of the building wall (parapet), but not including any part of the building roof.

*Face or surface.* The surface of the sign upon, against, or through which the message is displayed or illustrated on the sign.

*Feather flag sign.* A free standing temporary sign typically constructed of a single plastic or metal shaft driven in the ground or otherwise attached to a base with an attached pennant that is vertically elongated and attached to the shaft.

*Flag.* A device generally made of flexible material, usually cloth, paper or plastic, typically used as a symbol of a government, school, or religion, and not containing a commercial message. The term "flag" does not include feather flag signs.

*Flashing.* To light intermittently. To change colors intermittently in order to achieve a flashing, fluttering, scrolling, undulating, or rolling affect (i.e. LED displays). Scrolling of text in a single color is not considered to be flashing.

*Freestanding sign.* A sign that is not attached to a building but is permanently attached to the ground.

*Frontage.* A boundary line separating the public right-of-way from the lot.

*Future development signs (temporary construction, real estate, or development sign).* A freestanding or wall sign advertising the construction, remodeling, development, sale, or lease of a building or the land on which the sign is located.

*Government sign.* A sign installed, maintained, or used:

- (1) By a city, county, state or the federal government, required or specifically authorized for the public purpose pursuant to regulations promulgated by the state or federal government;
- (2) By the City of Kyle.

*Gross surface area.* The entire area within a single continuous perimeter enclosing the extreme limits of each sign. A sign having two surfaces shall be considered a single sign if both the surfaces are located back to back. In the event two or more signs share a single structure, i.e., directory signs, or signs on v-shaped structures, each sign or panel shall be considered separately for square footage purposes, provided that the combined area of such signs cannot exceed the total square footage allowed on a single sign.

*Height (of a sign).* The vertical distance between the finished grade before the sign or grade of the adjacent street curb, whichever is greater, measured to the highest point of the sign.

*Human sign.* A sign held by or attached to a human for the purpose of advertising or providing information about a business, commodity, service, product, or other commercial activity. A person dressed in a costume for the purpose of advertising or providing information about a business, commodity, service, product, or other commercial activity shall constitute a human sign. Human signs do not include T-shirts, hats, or other similar clothing.

*Incidental sign.* A small sign, emblem, or decal informing the public of goods, facilities, or services available on the premises (e.g. a credit card sign or a sign indicating hours of business).

*Inflatable sign.* Any balloon or other device which is inflated by air or other gas and displayed outdoors. Inflatable structures primarily designed for recreational use shall not be considered to be a sign as, for example: slides, swimming pools or space walks.

*Information signs.* Includes bulletin boards, changeable copy directories, or signs relating solely to publicly owned institutions (city, county, state, school district) intended for use by the institution on which the sign is located.

*Intersection.* A place where two roads meet or form a junction. For purposes of this ordinance, sign setback distance is measured from the intersections of the curblines of two streets.

*Kiosk sign or kiosk.* A free-standing sign structure located in or adjacent to public right-of-way authorized by written agreement approved by the City Council that features a City of Kyle identification panel at the top of each structure, and displays directional information to new homes, independent school district facilities, and municipal or community events or facilities.

*Marquee.* A permanent roof-like structure or awning or rigid materials attached from, supported by, and extending from the facade of a building, including a false "mansard roof."

*Memorial signs or tablets.* Includes freestanding historical markers in accordance with state historical standards, and/or cornerstones with names and dates of construction of a building when cut into a building surface or inlaid upon it to become part of the building.

*Menu boards.* Freestanding or wall signs used for the purpose of informing patrons of food, which may be purchased on the premises.

*Model homes sign.* A temporary real estate sign placed in front of a group of model homes that is removed from the premises upon sale of the last model.

*Multifamily.* Locations that contain three (3) or more attached units designed for residential use including town homes and condominiums.

*Multitenant center sign.* A sign advertising two or more retail, wholesale, business, industrial, or professional uses (not necessarily under single ownership) utilizing common facilities including off-street parking, access, or landscaping.

*Multitenant center identification sign.* The portion of the sign that identifies the general name of the center or development as a whole. The sign shall include only the name and address of the development.

*Nameplates.* Nonelectrical, on-premises signs that communicate only the name of the occupant of the address of the premises.

*Nonconforming sign.* A sign that was lawfully installed at its current location prior to the adoption or amendment of this ordinance, but that does not comply with the present requirements of this ordinance.



*Off-premises sign.* A sign referring to goods, products or services provided at a location other than that which the sign occupies.

*On-premises sign.* A sign identifying or advertising the business, person, activity, goods, products, or services located on the site where the sign is installed, or that directs persons to a location on that site.

*Parapet.* The extension of a false front or wall above a roofline.

*Point-of-sale sign.* A sign advertising a retail item accompanying its display (e.g., an advertisement on a product dispenser).

*Political sign.* A sign advertising a political candidate or party for elective office or that advertises primarily a political message.

*Portable signs.* Signs not permanently attached to the ground or other permanent structure, or a sign designed to be transported by wheels including, but not limited to signs which are mounted on skids, trailers, wheels; signs converted to A- or A-frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising.

*Primary beneficiary.* Any person who benefits from the installation, placement, construction, or alteration of a sign, including the owner or tenant of the property upon which the sign is located and the owner or operator of the business, product, service, or activity that is the subject of the sign.

*Private traffic-control signs.* Small traffic directional signs indicating interior circulation of parking areas on site, warn of obstacles or overhead clearance, or designate permissible parking.

*Projecting signs.* A sign used to identify the name of a business, profession, service, product or activity conducted, sold or offered on the premises where the sign is located by providing an advertising message that is perpendicular to the wall of the building to which it is attached.

*Pylon signs.* Freestanding signs that are supported by a structure extending from and permanently attached to the ground by a foundation or footing, with a clearance between the ground and the sign face. Pylon signs are not considered monument signs.

*Real estate signs.* Temporary signs advertising the real estate upon which the sign is located as being for rent, lease, or sale.

*Residential.* Locations where the principal use of the property is for one and two-family dwelling units.

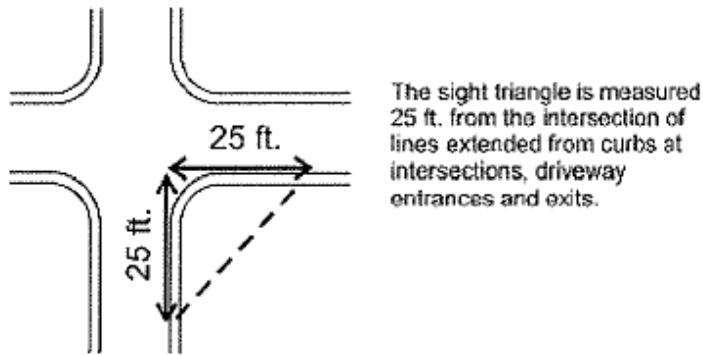
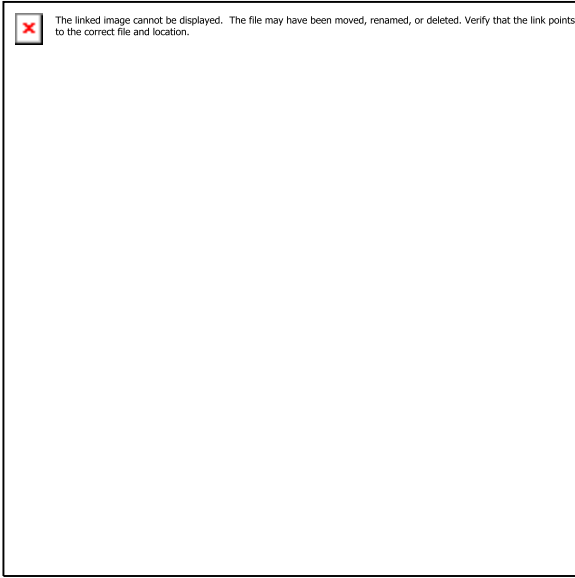
*Roof sign.* Any sign installed over or on the roof of a building.

*Sign.* Any surface, display, design, light device, painting, drawing, message, plaque, poster, billboard or other device visible from the public right-of-way on which letters, illustrations, designs, figures, or symbols are painted, printed, stamped, raised, projected, outlined or attached in any manner whatsoever that are intended or used to advertise, inform, or attract the attention of persons both on and not on that premise, excluding those lights and landscape features which display words or symbols as holiday decorations. The term "sign" also includes the supporting structure of the sign.

*Sign area.* Includes all lettering, wording, logos, design, symbols, framing, roofing, and cabinets, or modules, calculated according to the provisions established in this ordinance.

*Sign panel.* An individual sign placard displaying directional information on a sign kiosk.

*Sight triangle.* The area of vehicle visibility at all street intersections, which shall be clear of all obstructions that may present a hazard to traffic. The visual triangle for a street shall be described as a 45-degree triangle where the right angle sides measure at the very minimum twenty-five (25) feet. The visibility triangle shall be measured from a point at which the projected curb lines intersect.



*Subdivision.* For purposes of this ordinance, the subdivision in its entirety, not a phase, section, village, unit, or product line.

*Subdivision development entrance signs.* Defined as:

- (1) Primary entrance signs;
- (2) Secondary entrance signs; and
- (3) Tertiary entrance signs;

and are used to define various entries of the subdivision.

*Temporary sign.* Any sign that is used temporarily and is not permanently mounted (i.e. on stakes or posts), and is constructed of cardboard, foam board, cloth, canvas, fabric, plywood, or similar lightweight material. A portable sign is not a temporary sign.

*Temporary wall signs.* An on-premises wall sign of a nonpermanent nature advertising a special event, sale, product, or service.

*Wall sign.* A sign attached to the facade of a building or a canopy. Wall signs include signs on or affixed to walls, windows, awnings, or other parts of the exterior of a building or canopy.

*Window or door surface signs.* Signs installed on or in a window or door.

*Work of art.* Sculpture, fountain, or similar object, and containing no reference to or image of a business or its logo, is not considered as a sign.

(Ord. No. 576, § 2(Attach., § 4), 7-7-2009)

Sec. 29-5. - Applicability.

- (a) All land within the city and its extraterritorial jurisdiction (ETJ) is subject to compliance with this chapter.
- (b) The sections, provisions, and regulations set forth in this ordinance shall apply to the control, use, installation, regulation, licensing and permitting of signs within the city and its ETJ.

(Ord. No. 576, § 2(Attach., § 5), 7-7-2009)

Sec. 29-6. - Permit required.

- (a) *Permit required.* It shall be unlawful for any person to erect, construct, enlarge, move or convert any sign within the city or its extraterritorial jurisdiction (ETJ) without first obtaining a sign permit from and paying a permit fee unless specifically provided otherwise in this chapter. A change of business requires a new sign permit.
- (b) *Compliance required.* No person may install a sign or structurally alter an existing sign except in conformity with this ordinance and other applicable federal, state, and local regulations, including, but not limited to, the building code, electrical code, and other applicable ordinances of the city. In the event of a conflict between this chapter and other laws, the most restrictive standards applies.
- (c) *Permit not required.* Permits shall not be required for the following signs, provided, however, that such signs shall otherwise comply with all applicable sections of this chapter:
  - (1) On-site real estate "for sale" signs not exceeding eight square feet; provided that a permit is required for a model home sign and future development signs.
  - (2) Political signs located on private property with the consent of the property owner that do not exceed 36 square feet in area, are not more than eight feet in height, are not illuminated, and do not have any moving elements.
  - (3) Government signs, including traffic signs, private traffic-control signs, regulation address numerals, and memorial signs.
  - (4) Construction trade signs.
  - (5) Garage sale signs.
  - (6) No sign permit is required for a change of copy on any sign, or for the repainting, cleaning and other normal maintenance or repair of a sign or sign structure for which a permit has previously been issued, so long as the sign or sign structure is not modified.
  - (7) Temporary signs as outlined in Sec. 29-20, unless expressly required in that section.
- (d) *Primary beneficiary.* The primary beneficiary of any sign installed, moved, structurally altered, structurally repaired, maintained, or used in violation of this ordinance shall be deemed responsible for the violation of this chapter.
- (e) *Building official authority.* The building official shall enforce and implement the terms of this chapter, including without limitation:
  - (1) Issuing permits and collecting the fees required by this chapter;
  - (2) Conducting appropriate inspections to insure compliance with this chapter;
  - (3) Instituting legal proceedings, including suits for injunctive relief when necessary, to insure compliance with this chapter; and
  - (4) Investigating complaints of alleged violations of this chapter.

(Ord. No. 576, § 2(Attach., § 6), 7-7-2009)

Sec. 29-7. - Application for permit.

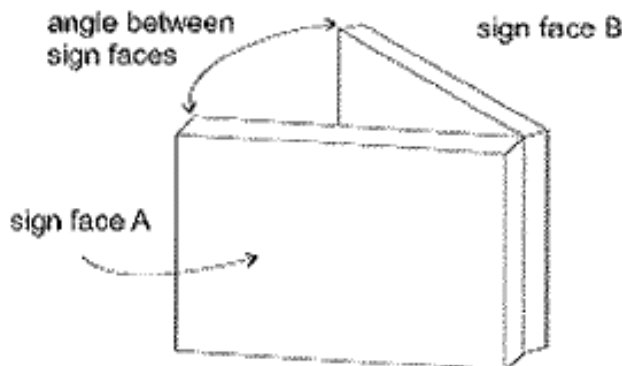
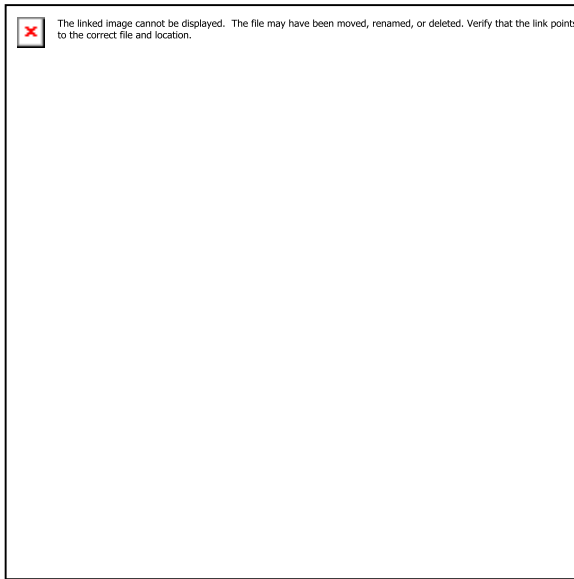
- (a) An application for a sign permit must be accompanied by the permit fee and shall include such information as is necessary to assure compliance with all appropriate laws and regulations of the city, including:
- (1) The name and address of the owner of the sign.
  - (2) The name and address of the owner, and if different from the owner, the person in possession of the premises where the sign is located or to be located.
  - (3) Clear and legible drawings with description definitely showing location of the sign which is the subject of the permit and all existing signs whose construction requires permits, when such signs are on the same premises.
  - (4) Scale drawings showing the site plan location, dimensions, construction supports, sizes, foundation, electrical wiring, and components, materials of the sign and method of attachment and character of structure members to which attachment is to be made. The design, quality, materials and loading shall conform to the requirements of the building code. Projection, wall and temporary signs not over six square feet in area, constructed of metal or other noncombustible material, attached securely to a building or structure and not projecting more than 18 inches beyond the building wall, structure, building line or property line, shall not require an engineer certification as to its soundness. Wind pressure and dead loads shall be shown where deemed appropriate, and the building official may require structural drawings designed and sealed by a civil engineer registered by the State of Texas when it cannot otherwise be determined that the sign will be structurally sound. If building official, engineering data certified by a licensed structural engineer shall be supplied on any submitted plans.
  - (5) Any electrical permit required and issued for said sign.
  - (6) For free-standing signs, documentation demonstrating that the applicant holds general liability insurance in the amount of one million dollars. No license or permit for the installation, erection and maintenance of a freestanding sign shall be issued to any person, firm or corporation until such person, firm or corporation has filed with the building official a certificate of Insurance verifying general liability insurance in the amount of \$1 million.
  - (7) A surety bond in the sum of \$5,000.00 for the installation and erection of the sign payable to the city and providing for the indemnification of the city and any and all damages or liability which may accrue against the city for a period of one (1) year after installation, erection, demolition, repair, removal, or defects in or collapse of any sign.
  - (8) The permit fee.
- (b) Fees for sign permits shall be as specified in appendix A, and calculations of the square footage shall include decorative trim and borders, but exclude supports, except when otherwise specified in this chapter.
- (c) Expiration of sign permits:
- (1) A sign permit shall expire and become void unless a request for final inspection of the sign is made no later than 180 days after the date the permit is issued.
  - (2) A single extension 90-day extension of the permit may be granted by the building official if requested before the expiration of the permit. Final inspection must be requested before the end of the extension period or the permit becomes void.

(Ord. No. 576, § 2(Attach., § 7), 7-7-2009)

Sec. 29-8. - Calculation of sign area.

(a) *Sign area measurement.* Sign area for all sign types is measured as follows:

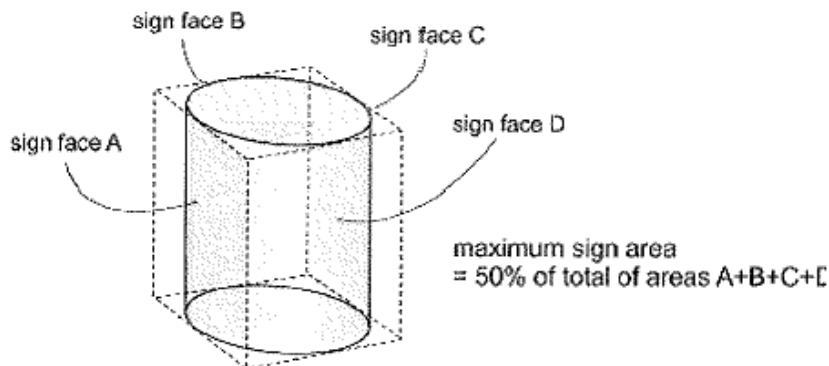
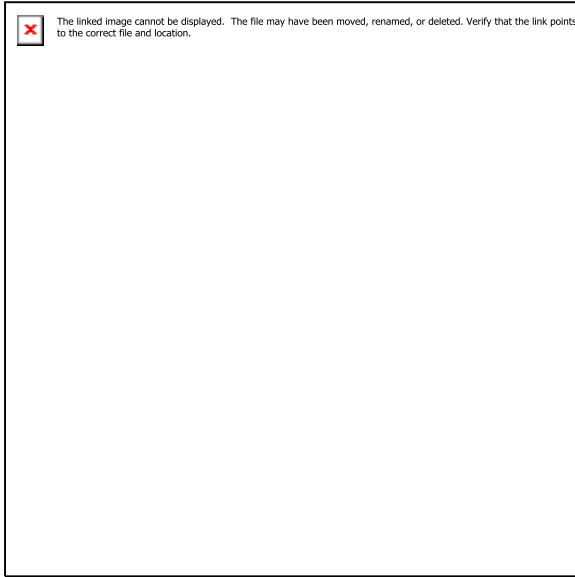
- (1) Sign copy mounted, affixed, or painted on a background panel or area distinctively painted, textured, or constructed as a background for the sign copy, is measured as that area contained within the sum of the smallest rectangle(s) that will enclose both the sign copy and the background.
- (2) Sign copy mounted as individual letters or graphics against a wall, fascia, mansard, or parapet of a building or surface of another structure that has not been painted, textured, or otherwise altered to provide a distinctive background for the sign copy, is measured as a sum of the smallest rectangle(s) that will enclose each word and each graphic in the total sign.
- (3) Sign copy mounted, affixed, or painted on an illuminated surface or illuminated element of a building or structure, is measured as the entire illuminated surface or illuminated element which contains sign copy. Such elements may include, but are not limited to lit canopy fascia signs, cabinet signs, and/or interior lit awnings. Support structures and frames of a freestanding sign shall count toward the sign area.
- (4) Multiface signs are measured as follows:
  - a. *Two (2) face signs.* If the interior angle between the two sign faces is 30 degrees or less, the sign area is of one sign face only. If the angle between the two sign faces is greater than 30 degrees, the sign area is the sum of the areas of the two sign faces.



if angle between sign faces  $\leq 30^\circ$   
sign area = larger of area A or area B

if angle between sign faces  $>30^\circ$   
sign area = area A + area B

- b. Three (3) or four (4) face signs. The sign area is 50 percent of the sum of the areas of all sign faces.
- (5) Spherical, free-form, sculptural, or other nonplanar sign area is 50 percent of the sum of the areas using only the four vertical sides of the smallest four-sided polyhedron that will encompass the sign structure. Signs with greater than four faces are prohibited.



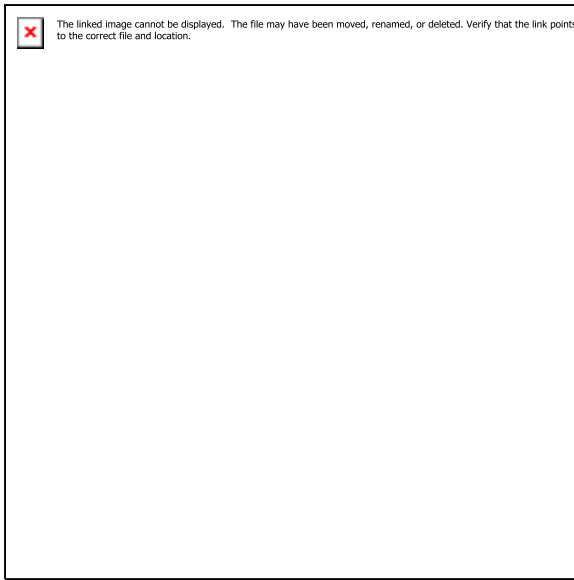
- (6) Freestanding sign area is the entire advertising area of a sign, including framing, trim or molding and the supporting frame for monument signs and including the air space between the supporting structures for freestanding signs.
- (b) *Sign height measurement.* Sign height is measured as follows:
  - (1) *Freestanding signs.* The height of a freestanding sign shall be computed as the distance from the base of the sign at finished grade to the top of the highest attached component of the sign. The height of any monument sign base or other structure erected to support or adorn the sign is measured as part of the sign height. If a sign is located on a mound, berm, or other raised area for the sole purpose of increasing the height of the sign, the height of the mound, berm, or other raised area shall be included in the height of the sign.
  - (2) *Building mounted signs.* The height of wall, fascia, mansard, parapet or other building mounted signs is the vertical distance measured from the base of the wall on which the sign is located to the top of the sign or sign structure.

(Ord. No. 576, § 2(Attach., § 8), 7-7-2009)

Sec. 29-9. - Prohibited signs.

The following signs are prohibited from installation, construction, repair, alteration, location or relocation within the city, except as otherwise permitted in this chapter:

- (1) Signs with flashing lights, revolving beacon lights, ~~fluttering~~, undulating, swinging, or otherwise moving parts, and fluttering signs except flags and feather flag signs. For purposes of this ordinance, an electronically controlled changeable-copy sign is not considered a flashing sign unless it directly falls under the definition of "flashing" as defined in this chapter.
- (2) Billboards.
- (3) Off-premises signs, except for kiosks and any other sign specifically authorized in this ordinance that are compliant with this ordinance.
- (4) Portable signs.



- (5) Temporary signs except as specified in section 29-20.
- (6) <sup>TM1</sup> Signs placed on a vehicle or trailer that is parked ~~or located~~ in a designated parking space primary purpose of displaying a sign shall be permitted only if the parking space is designated for that business.
- (7) Roof signs.
- (8) Signs painted on fences or roofs.
- (9) Pylon signs, except as specifically provided for in section 29-16 and section 29-17.
- (10) Inflatable signs larger than eight feet in any dimension.

- (11) Light emitting diode (LED) displays or signs, with the limited exception of those signs that comply with subsections 29-14(e), 29-15(e), 29-16(k), 29-17(b)(6), and 29-17(c)(2)d. Such signs, when authorized, shall comply fully with the requirements of this chapter. Electronic message signs are allowed only as part of the monument sign and can have a display size no larger than 12 inches by 72 inches, except as provided otherwise in subsections 29-14(e), 29-15(e), 29-16(k), 29-17(b)(6), and 29-17(c)(2)d. Messages shall be programmed to remain static for a period of not less than 60 seconds. Messages shall not be programmed to flash.

(Ord. No. 576, § 2(Attach., § 9), 7-7-2009; Ord. No. 667, §§ 2, 3, 8-2-2011; [Ord. No. 753](#), § 1, 11-6-2013; [Ord. No. 846](#), § 1, 5-5-2015)

Sec. 29-10. - Signs exempt from these regulations.

The following types of signs shall be exempt from the permitting provisions of this ordinance. However, regulations regarding sign location in a public right-of-way or public access easement shall apply. It is further specifically provided that the building official may, based upon the size, materials used in construction and other relevant factors, require the owner of any sign to show evidence of structural soundness and compliance with the safety requirements of this chapter.

- (1) TM2 Any sign erected by or under the authority of the city on property owned by the city.
- (2) Street identification signs, public notices, and warning signs installed by any city, county, state or federal agency.
- (3) Historical markers placed by a city, county, state or national historical preservation organization.
- (4) Official vehicle inspection station signs, holiday lights and decorations, or works of art.
- (5) Signs located on-premises or inside a building and which are not displayed so as to be legible from a public street, including, but not limited to, such signs as credit card decals, hours of operation signs, emergency contact information, and barber poles.
- (6) On-site traffic control signs on commercial properties, such as stop, yield, and similar traffic control signs containing no commercial message.
- (7) "No parking" or "towing" signs authorized by city ordinance.
- (8) "No dumping allowed" signs posted to deter illegal dumping not exceeding two square feet.
- (9) Underground utility warning signs not exceeding one square foot in size and similar safety signs.
- (10) Signs on railway property, which references the operation of such railway.
- (11) Security Warning, neighborhood watch or crime watch signs under two square feet.
- (12) Flags, emblems and insignia of any governmental body, including the official flag of a nation or of a state is not a sign subject to this chapter. Notwithstanding the preceding sentence, a national or state flag shall not be installed, maintained, or used in a manner that would make that flag a hazardous sign if it were a commercial flag.
- (13) Corporate flags displayed on a freestanding pole, which do not exceed 35 feet in height. The flag shall not exceed 32 square feet in area. The flagpole shall be setback a minimum of 20 feet from the front property line and eight feet from the side property line.
- (14) Hand held signs or signs, symbols or displays on persons or animals, except for signs that qualify as human signs.
- (15) Signs located on mail boxes, newspaper vending machines and curbside residential newspaper holders which identify the owner and address of the premises or the name of the newspaper sold or subscribed to; provided that such devices are not placed so as to interfere with the safe movement of pedestrians or vehicular traffic.



- (16) Signs located on outdoor machines, devices, or equipment which display the trademark, trade name, manufacturer, cost of operating or service instructions or similar information, but do not advertise the business where located. This exemption includes, but is not limited to signs on coin-operated vending machines, fuel dispensing pumps, telephone facilities, automatic teller machines, automatic vacuum cleaners, amusement rides and similar machines, devices or equipment.

~~(17)~~TM3 Water towers

(Ord. No. 576, § 2(Attach., § 10), 7-7-2009)

Sec. 29-11. - Sign categories.

For purposes of this chapter, all property within the city's sign ordinance jurisdiction is classified into a sign category. Those properties within the city's limits are classified based upon their zoning district classification. Those properties located within the ETJ shall be classified into a sign category by the building official based upon the existing or proposed use and the zoning district most closely associated with that use. Classification into a sign category is for the purposes of signage only and does not establish vested use rights towards the assignment of zoning should the property be annexed into the city limits. In overlapping areas, the most restrictive sign regulations will apply:

- (1) Single-family residential sign category includes any residential site in an agricultural (A), manufactured housing (M-1, M-2, M-3), or any single-family (SF, R-1A), townhouse (R-1-T) zoning districts or equivalent land use in the ETJ. Nonresidential uses permitted in the identified residential districts shall be included in the commercial sign category.
- (2) Multifamily residential sign category includes any site in a multifamily (R-2, R-1-C, R-3-1, R-3-2, R-3-3) zoning districts or equivalent use in the ETJ. Nonresidential uses permitted in the identified residential districts shall be included in the commercial sign category.
- (3) Commercial sign category includes any site in retail services (RS), warehouse (W), construction manufacturing (CM), entertainment (E), and transportation utilities (TU) zoning districts or equivalent use in the ETJ and the permitted nonresidential uses identified in the city's residential and multifamily zoning districts.
- (4) Central business district sign category includes any site that is located within the boundaries of the central business district (CBD) zoning district.

(Ord. No. 576, § 2(Attach., § 4), 7-7-2009)

Sec. 29-12. - General provisions.

- (a) *Uniform signs in multi-tenant/multi-business developments.* Wall signs displayed by two or more businesses using common parking facilities shall be uniform in construction (i.e. cabinets, channel letters, plaques) and lighting (i.e. direct, indirect).
- (b) *Street address.* All freestanding signs, either berm or monument signs, shall include the street address. The street address shall not be included in the calculation of the sign area, except in such case that the street address is also the name of the center, business, or development, or in such case that the street address exceeds six square feet in size.
- (c) *Setback.* A minimum setback of at least five feet from any property line is required for all signs. A sign installed in compliance with this ordinance is not required to meet building setback requirements established in a separate city ordinance; however, no sign or sign support, other than a wall sign, may be installed less than 12 feet from the public right-of-way unless it is:
  - (1) Less 30 inches in height above street pavement grade;

- (2) Has a clearance of more than nine feet above pavement grade, provided that the sign shall have a clearance of more than 12 feet when located over a driveway;
  - (3) Does not extend into or over the public right-of-way unless specifically authorized under this chapter.
- (d) *Visibility.* Signs shall not be constructed or installed in a manner that would interfere with visibility, create a traffic hazard, or be confused with any traffic control sign or signal.
  - (e) *Structural integrity.* Any sign as defined in this ordinance, shall be designed and constructed to withstand wind pressures and receive dead loads as required in the building code adopted by the city. Any sign, other than a wall sign, shall be designed, installed, and maintained so that it will withstand a horizontal pressure of 30 pounds per square foot of exposed surface.
  - (f) *Maximum height.* No sign shall exceed the maximum height provided for in this chapter. In determining the maximum height of a sign, no sign shall be located on a mound where the surrounding grade has been altered by more than 18 inches for purposes of artificially increasing the overall height of a sign above that allowed by the height regulations in this chapter.
  - (g) *Historic district.* Signs on premises within a historic district designated by the city shall be subject to the issuance of a certificate of appropriateness by the state or local historic preservation commission.
  - (h) *Public utility facilities.* New signs and signs being structurally altered shall maintain clearance from public utility facilities, shall not substantially interfere with drainage, and shall not be located in a utility or drainage easement. The minimum clearance from electrical lines shall be as follows: for service lines, except those serving a sign, 5½ feet horizontal and six feet vertical clearance; for distribution lines, 7½ feet horizontal and eight feet vertical clearance.
  - (i) *Parking, driveways, sidewalks.* Only signs required in the interest of public safety may occupy a required off-street parking or loading space or obstruct any driveway or sidewalk, except as specifically authorized herein.
  - (j) *Public property.*
    - (1) No sign shall be located on or project over public property or a street right-of-way except governmental signs, bench signs, and temporary banner signs that comply with this chapter, except where a provision in this ordinance allows such location, or with the approval by the city council of a license agreement. No portion of a freestanding sign shall be permitted to extend into the public right-of-way.
    - (2) No person shall, either directly or indirectly, cause or authorize a sign to be installed, used, or maintained on any utility pole, traffic signal pole, traffic signal controller box, tree, public bench, street light, or any other structure located on or over any public property or public right-of-way, located within the city's planning jurisdiction, except as authorized by this chapter.

(Ord. No. 576, § 2(Attach., § 12), 7-7-2009)

Sec. 29-13. - Illumination.

- (a) *Lighting.* Sign lighting shall be installed to protect the driver of a vehicle from dangerous glare and to maintain visual clearance of all official traffic signs, signals and devices.
- (b) *Glare.* Signs shall be designed, located, shielded, and directed to prevent the casting of glare or direct light from artificial illumination, upon adjacent public right-of-way and surrounding property.
- (c) *Bare bulb illumination.* Bare bulb illumination is prohibited within 150 feet of any premises containing a residential use, and in other cases is limited to 25-watt bulbs at night and 33-watt bulbs during daylight hours.

- (d) *Brightness limitations.* The lighting intensity of a sign, whether resulting from internal illumination or external illumination, shall not exceed 75 foot candles when measured with a standard light meter perpendicular to the face of the sign from a distance equal to the most narrow dimension of the sign.
- (e) *Electrical permit.* All signs in which electrical wiring and connections are to be used shall be subject to the applicable provisions of the city's electrical codes.
- (f) *Central business sign category.* In the central business sign category, neon or phosphorescent lighting shall not exceed 10 percent of the total signage allowed and may only be located in a window.

(Ord. No. 576, § 2(Attach., § 13), 7-7-2009)

Sec. 29-14. - Sign regulations relating to single-family residential sign category.

- (a) *General.* No sign other than a temporary event directional sign (such as a garage sale sign, event sign, or a real estate sign) or a political sign that comply with subsection 29-6(c)(2) shall be erected on property used for single-family or duplex dwellings.
- (b) *Burma shave signs.*
  - (1) Not more than eight on-site subdivision burma shave signs may be permitted for each recorded subdivision not to exceed four per entry into the primary entrance of the subdivision.
  - (2) A burma shave sign shall not exceed 16 square feet of total sign area on one side and both sides of the sign may contain signage. The sign shall not exceed six feet in height and be located out of the right-of-way in a manner that does not obstruct the visibility of vehicle ingress/egress from surrounding streets and/or properties.
- (c) *Model home signs.* Model home signs are limited to a 32 square foot sign face, a height of eight feet, and to one sign for each cluster of model homes. A nameplate sign that identifies the individual product name is exempt under this subsection if it does not exceed three square feet in sign area. Signs shall be placed by permit only, and no fee shall be required.
- (d) *Subdivision development entrance sign.* A subdivision development entrance sign is a sign authorized for each major project entry into a legal recorded, multi-lot, multi-sectioned, master-planned subdivision, and contains only the name of the subdivision with no other information. Subdivision entrance signs must be berm or monument signs constructed of stone, brick or other maintenance free material. The design and construction must be compatible with surrounding development. Signage may appear on both sides of the entrance roadway within the recorded or master-planned subdivision and will be soldered as one sign. The maximum allowable sign face size limitations will apply separately to each side of the street, where applicable. Lighting shall be ground lights or lights attached to the top of the sign focused downward directly on the sign. There are three types of subdivision development entrance signs: primary, secondary, and tertiary.
  - (1) Primary entrance sign is located at the primary entrance into the subdivision. Only one primary entrance sign is permitted for the subdivision, except that a maximum of two primary entrance signs shall be permitted if two entrances to the subdivision are located on two different major arterial roadways, as designated in the city roadway plan. In such case one primary entrance sign may be placed on each of the major arterial roadways.
    - a. The maximum sign area of the sign is three square feet for subdivisions containing 100 lots or less. For every 100 lots in the subdivision in addition to the first one hundred, the size can increase an additional ten square feet to a maximum size of 64 square feet of total sign face area. If the sign face is incorporated into landscape features, a wall, or architectural feature, the size of the sign face is determined by the area of the smallest rectangle within which the face of the sign can be enclosed.
    - b. A subdivision primary entrance sign must be located within the subdivision or at an off-premises location adjacent to an arterial roadway within 150 feet of the primary entrance to

the subdivision. It shall not restrict visibility at intersections. The city may enter into a license agreement to permit a subdivision identification sign to be located on the public right-of-way. The license agreement shall be in a form acceptable to the city.

- (2) Secondary entrance signs are located at entrances into the subdivision other than at the primary entrance. They are to be placed at an on-premises location within the subdivision and the sign face shall be a maximum of 16 square feet in size.
  - (3) Tertiary entrance signs are located at the entryway into sections within the subdivision and are permitted only in subdivisions that exceed 50 acres. they are used to identify various sections that are 25 acres or greater in size in order to enhance direction within the subdivision. These tertiary signs shall be comprised entirely of stone or masonry, with engraved lettering set within the stone. They shall be berm signs only and shall be limited to a total monument size of ten square feet. The developer shall represent in writing to the city its plan for perpetual maintenance of such signs by the homeowner's association or similar entity before a permit will be issued for such signs.
- (e) *LED signs.* No LED displays, signs, or message boards are permitted in the single-family residential category, unless the sign is a pylon sign located on a middle school or high school campus and the sign complies with subsection 29-16(k).

(Ord. No. 576, § 2(Attach., § 14), 7-7-2009; Ord. No. 667, § 4, 8-2-2011)

Sec. 29-15. - Sign regulations relating to multifamily residential sign category.

- (a) Signs in multifamily locations shall be limited to signs allowed in this section and in all applicable restrictions of this ordinance as well as other requirements of the code, and any other applicable law.
- (b) Except as provided in this subsection, a single freestanding sign is permitted only as berm or monument signs on the same lot as the development to identify the development and its entrance. Signs must be constructed of stone, brick or other maintenance free material.
  - (1) Lighting shall be ground lights or lights attached to the bottom of the sign focused upward directly on the sign.
  - (2) The maximum size of the sign shall be nine-hundredths (0.09) square feet per linear foot of frontage, up to a maximum size of 24 square feet. A minimum size of 12 square feet is allowed for a berm sign.
  - (3) The maximum height of the sign shall be eight feet.
  - (4) In the event the development has a second entrance from a public street, a second entrance sign may be constructed, at one-half the size of the one main entry sign.
- (c) Wall signs are permitted at a size to be calculated as 0.5 square feet per linear foot of frontage, not to exceed a total of 35 square feet.
- (d) Window or door surface signs are allowed. The total sign area of all window and door signs shall be included in calculating the maximum wall sign area authorized at a particular location.
- (e) *LED signs.* No LED displays, signs, or message boards are permitted in the multifamily residential sign category, unless the sign is a pylon sign located on a middle school or high school campus and the sign complies with subsection 29-16(k).

(Ord. No. 576, § 2(Attach., § 15), 7-7-2009; Ord. No. 667, § 5, 8-2-2011)

Sec. 29-16. - Sign regulations relating to commercial not located on Interstate 35 sign category.

- (a) *Applicability.* The regulations for signs described in this section shall apply to the commercial sign category and to all businesses and civic or religious institutions, excluding home occupations and multifamily developments, located on property that does not front on Interstate 35.
- (b) *General.*
  - (1) Except as otherwise provided in this section, a single freestanding sign is permitted only as berm or monument signs on the same lot as the development to identify the development and its entrance. In the event the development has a second entrance from a public street, a second entrance sign may be constructed.
  - (2) Notwithstanding any language to the contrary, a pad site or satellite tract within a unified development, whether or not legally subdivided (such as a site for a freestanding service station or restaurant set apart from the unified development) may be considered a separate lot for purposes of this section, and one freestanding sign shall be permitted on each such site.
- (c) *Materials.* Signs must be constructed of stone, brick or other maintenance free material.
- (d) *Lighting.* Lighting shall be ground lights or lights attached to the bottom of the sign focused upward directly on the sign.
- (e) *Dimensions for monument signs and berm signs.*
  - (1) Monument Signs shall not exceed nine-hundredths (0.09) square feet per linear foot of frontage, up to 24 square feet for single-user signs, or for the center identification portion of a multitenant center identification sign.
  - (2) A minimum size of 12 square feet is allowed for a berm sign.
  - (3) For a multitenant center sign for a business not located along a state highway, each tenant that has a business in the center shall also be permitted a maximum of four square feet of sign area on a multitenant center sign in the development. This area is separate from the calculation of the size of the multitenant center identification sign.
  - (4) For a multitenant center sign for a business located along a state highway other than Interstate 35, each tenant that has a business in the center shall also be permitted a maximum of eight square feet of sign area on a multitenant center sign in the development. This area is separate from the calculation of the size of the multitenant center identification sign.
  - (5) The maximum height of the monument sign shall be eight feet.
- (f) *Additional regulations for freestanding berm signs.*
  - (1) For businesses, civic, or religious institutions, two signs are authorized on a lot with total frontage of more than 400 feet abutting a roadway, however, the second sign shall be constructed at half the size of the initial sign.
  - (2) A lot used together with one or more contiguous lots for a single use of unified development (for example, a shopping center), including any lots used for off-street parking, shall be considered a single lot for purposes of these regulations.
- (g) *Wall signs.*
  - (1) Wall signs for commercial entities not located along a state highway are permitted at a size to be calculated as ten percent of the building facade of the first 15 feet of building height. The calculation applies to each exterior wall separately.
  - (2) Wall signs for commercial entities along a state highway are permitted at a size to be calculated as twenty percent of the building facade of the first 15 feet of building height. The calculation applies to each exterior wall separately.
- (h) *Menu board signs.* Menu board signs can be freestanding or wall signs with a maximum sign area of 20 square feet and a maximum height of eight feet above grade. A menu board shall be landscaped

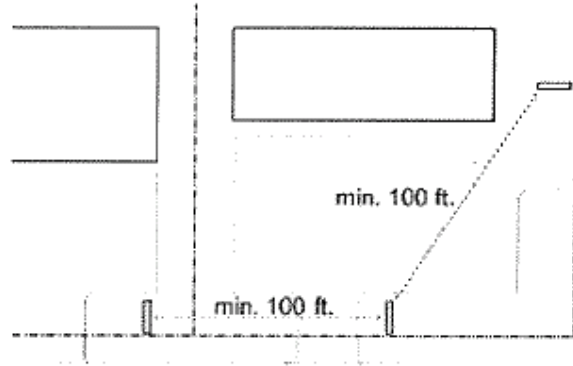
and substantially screened from the public right-of-way. No more than two menu boards are authorized for each drive-through lane at a business.

- (i) *Incidental signs.* The total sign area of all incidental signs per premises shall not exceed four square feet.
- (j) *Gas price display.* For establishments that have service stations selling gasoline and/or diesel at the pump, an area can be included for changeable copy displaying gas prices. The area provided for each grade of fuel shall not exceed four square feet in size, and shall include the price and grade.
- (k) *Signs located on middle school and high school campuses.*
  - (1) A maximum of one pylon sign may be permitted on each middle school or high school campus.
  - (2) The maximum area of a pylon sign is 60 square feet. The maximum height is 16 feet.
  - (3) Electronic message signs are allowed only as part of the pylon sign and can have a display size no larger than ten feet by three feet.
- (l) *LED signs.* No LED displays or LED signs are permitted under this section, unless the sign is a pylon sign permitted under subsection (k) or is a monument message board sign.

(Ord. No. 576, § 2 (Attach., § 16), 7-7-2009; Ord. No. 667, §§ 6, 7, 8-2-2011)

Sec. 29-17. - Sign regulations relating to commercial located on Interstate 35 sign category.

- (a) *Applicability.* The regulations for signs described in this section shall apply to the commercial sign category and to all businesses and civic or religious institutions, excluding home occupations and multifamily developments, located on property that fronts on Interstate 35.
- (b) *General.*
  - (1) A maximum of one sign, either a pylon sign or a monument sign shall be permitted along Interstate 35 per lot.
  - (2) The maximum area of a pylon sign is 160 square feet; maximum allowable height is 35 feet.
  - (3) All sign structures and their attachments to the foundation shall be fully constructed or covered by stone, brick, or stone veneer.
  - (4) Signage shall be spaced a minimum of 100 feet apart from any other type of sign excluding government signs.



- (5) Lighting shall be either backlighting or cabinet lighting. The white or light cream area of a cabinet sign shall not exceed 40 percent of the sign cabinet.
  - (6) No LED displays or LED signs are permitted under this section, unless the sign is a monument message board sign, or is a pylon sign located on a middle school or high school campus. For monument sign regulations, see subsection 29-16(e). For LED display regulations for pylon signs located on middle school or high school campuses, see subsection 29-16(k).
- (c) *Regulations applicable to qualifying properties.*
- (1) Signs relating to singularly cohesive business developments may comply with the regulations set forth in this subsection 29-17(c) provided that all the following criteria are met. In the event the business does not comply with following criteria, the signs must be constructed in accordance with subsection 29-17(b).
    - a. The business development has a minimum of 1,500 feet of frontage on Interstate 35; and
    - b. The business development has minimum of 500,000 square feet of building area, excluding storage and/or warehouse square footage.
  - (2) Freestanding signs under this Section 17(C) are permitted to be either monument signs or two-sided pylon signs. The sign or signs shall be on the same lot as the development to identify the development and its entrance and must meet the following restrictions:
    - a. The minimum distance between freestanding signs allowed under this section shall be no less than 500 feet.
    - b. All sign structures and their attachments to the foundation shall be fully constructed or covered by stone, brick, or stone veneer.
    - c. Lighting shall be either backlighting or cabinet lighting. The white or light cream area of a cabinet sign shall not exceed 40 percent of the sign cabinet.
    - d. No LED displays or LED signs are permitted under this section, unless the sign is a monument message board sign, or is a pylon sign located on a middle school or high school campus. For monument sign regulations, see subsection 29-16(e). For LED display regulations for pylon signs located on middle school or high school campuses, see subsection 29-16(k).
  - (3) Any signage shall be placed within 1,000 feet of Interstate 35 right-of-way. In the event the development has a second entrance from a public street within the distance limitations described



in this subsection, a second entrance sign may be constructed, at one-half the size of the one main entry sign.

- (4) The maximum size of the sign face may be up to 210 square feet for a single-user sign or for a multitenant center sign. A minimum size of 50 square feet is allowed for tenant signs on a multitenant center sign, with up to a maximum of six tenant signs. This size of the tenant sign is separate from the calculation of the size of the multitenant center identification sign. When, as provided in this subsection 29-17(c), the center is allowed more than one freestanding sign, an individual tenant's sign in the center shall be allowed on only one of the multitenant center signs.
- (5) The maximum height of the sign(s) is 55 feet.
- (6) Additional regulations for freestanding signs eligible under this section only:
  - a. For businesses eligible for signage described in this section 29-17(c), requests for such signage not only require a sign permit, but must also be approved by the city council as to the sign's compatibility with the aesthetic standards of the community. The city council may deny or request modification of the proposed signage prior to its approval.
  - b. A lot used together with one or more contiguous lots for a single use of unified development (for example, a shopping center), including any lots used for off-street parking, shall be considered a single lot for purposes of these regulations. However, such signage is restricted to within 1,000 feet from the right-of-way of Interstate 35.
  - c. Notwithstanding any language to the contrary, a pad site or satellite tract within a unified development, whether or not legally subdivided (such as a site for a freestanding service station or restaurant set apart from the unified development) shall be considered a separate lot for purposes of this section. Such pad lot or tract shall only be eligible for a sign that complies with section 29-17(b).
- (7) Changeable electronic variable message sign display on certain existing off-premises signs.
  - a. *In general.* Certain nonconforming off-premises signs may be modified to use changeable electronic variable message sign ("CEVMS") display technology subject to the restrictions in this section.
  - b. *Application.* An owner of certain nonconforming off-premises signs must submit a CEVMS sign permit application for a face modification within 60 days from the date of approval and adoption of the ordinance from which this subsection (c)(7) derives, as provided by law.
  - c. *Relocation site.* In conjunction with an application to convert an existing billboard to a CEVMS sign, the sign owner may apply for a one-time relocation of an existing billboard provided that the relocation site complies with the following:
    1. The relocation site is on a property adjacent to Interstate Highway 35.
    2. The relocation site is on property zoned commercial or industrial.
    3. The relocated off-premises sign is a minimum of 1,500 feet from another billboard as measured along the same side of the roadway.
  - d. *Expiration.* A sign permit shall be valid for one six-month period. If no construction has commenced at the site, the permit shall become void.
  - e. *Compliance required.*
    1. Except as provided in this section, CEVMS signs must fully comply with the size, height, spacing, setback, and other restrictions in this article for detached non-premises signs.
    2. CEVMS sign support structures must be built to comply with the building code.
    3. CEVMS signs must comply with Title 43, Texas Administrative Code, Section 21.163, "Electronic Signs," as amended.

4. Both existing and new CEVMS signs must comply with all lighting and safety standards mandated by federal, state, or local rules or statutes, including standards adopted or amended after the date of passage of these requirements. Lighting and safety standards include brightness; message duration; and proximity of the sign to other digital displays, ramps, and interchanges.
- f. *Sign face exchange ratio.*
1. For every one billboard face modified to use CEVMS display technology, four existing billboard faces and related structure must be removed from within the city limits.
  2. Only one CEVMS sign shall be permitted to each CEVMS permit applicant within six months from the date of approval and adoption of the ordinance from which this subsection (c)(7) derives. However, where a permit has expired, a new application may be submitted by a different sign company. The new CEVMS sign face may be no larger than 14 feet by 48 feet (672 square feet) nor exceed 42.5 feet in overall height.
- g. *Location and number.*
1. A maximum of three off-premises locations with CEVMS displays are permitted in the city. The director shall time stamp all applications upon receipt. The director shall review applications in order of submittal. If the director determines that an application is incomplete or does not meet the requirements of this section, the director shall reject the application and then review the next application.
  2. The conversion of existing off-premises advertising billboard signs to digital billboards shall only be allowed on lots with frontage to Interstate Highway 35 located within the city limits.
  3. A minimum linear of 3,000 feet shall be required between one CEVMS sign and any other CEVMS sign on the same side of the interstate, measured linearly.
  4. CEVMS signs may not be located within 300 feet of any lot located in a residential district, measured from the sign face only in the direction the sign face is oriented.
  5. No more than one CEVMS display per each freestanding sign structure shall be permitted. Any double-faced billboard having back-to-back surface display areas will be permitted to install a traditional display behind the digital display to conceal structure.
- h. *CEVMS sign support structures.*
1. CEVMS sign support structures may not exceed an overall height of 50 feet or 42.5 feet above the nearest point on the nearest travel surface of the nearest expressway, whichever is higher, except that no CEVMS sign may be higher than the conventional sign it replaced.
  2. Sign support structures and faces being converted to accommodate CEVMS signs may not be modified to change the angle of a sign face.
  3. Electrical service to sign support structures with CEVMS signs must be underground between the property line and the sign.
- i. *Display.*
1. All CEVMS signs must automatically adjust the sign brightness so that the brightness level of the sign is no more than 0.3 foot-candles over ambient light conditions at a distance of 250 feet from the sign. A digital display sign must be equipped with both a dimmer control and photocell that automatically adjusts the display's intensity according to natural ambient light conditions.
  2. A CEVMS sign may not increase the light level on a lot in a residential district over ambient conditions without the digital display, measured in foot-candles at the point

closest to the sign that is five feet inside the residential lot and five feet above the ground.

3. Before the issuance of a CEVMS sign permit, the applicant shall provide written certification from the sign manufacturer that:
  - i. The light intensity has been factory programmed to comply with the maximum brightness and dimming standards in this subsection; and
  - ii. The light intensity is protected from end-use manipulation by password-protected software or other method satisfactory to the building official.
- j. *Change of message.* Changes of message must comply with the following:
  1. Each message must be displayed for a minimum of eight seconds.
  2. Changes of message must be accomplished within two seconds.
  3. Changes of message must occur simultaneously on the entire sign face.
  4. No flashing, dimming, or brightening of message is permitted except to accommodate changes of message.
- k. *Malfunction.* CEVMS signs operators must respond to a malfunction or safety issue within one hour after notification and must remedy that malfunction or safety issue within 12 hours after notification. In case of sign malfunction, the digital display must freeze until the malfunction is remedied.
- l. *Display of emergency information.* The city may exercise its police powers to protect public health, safety, and welfare by requiring emergency information to be displayed on digital display signs. Upon notification, the sign operators shall display: amber alerts, silver alerts, information regarding terrorist attacks, natural disasters, and other emergency situations in appropriate sign rotations. Emergency information messages must remain in rotation according to the issuing agency's protocols.
- m. *Public service announcements.* Company shall permit city to place one public service announcement on each of the digital billboards for up to the equivalent time of eight-week period for each year; provided, however, that such public service announcements shall consist of one slot of at least eight seconds in the standard rotation utilized by the advertising company on the applicable digital billboards.
  1. Public service announcements shall be limited to city-sponsored event announcements and noncommercial public service announcements. City shall be responsible for:
    - i. Providing company with its public service announcements, which may be updated by city at any time; and
    - ii. Any costs associated with providing company with the artwork in acceptable format.
  2. The public service announcements must be submitted to the company at least five business days before the proposed display date. Content of public service announcements shall be determined in the sole discretion of the city. In addition:
    - i. Company shall provide use of the advertising space on the digital billboards, as reasonably necessary for emergency broadcasts, amber alerts and silver alerts; and
    - ii. Company and city will work cooperatively and in good faith for city to place additional public service announcement, on a space availability based on the advertising space of the digital billboards.
- [n. *Fee.* There is established an annual registration fee for off-premises digital display signs in the amount specified in the Appendix A fee schedule.]

- (d) *Hospitals*. A licensed general hospital having 100 beds or greater and an emergency trauma center may have up to three (3) off-premises signs identifying the name of the facility and serving to direct access more efficiently to the facility. Such signs are subject to the conditions required above in subsection of this section.
- (e) *Gas price display*. For establishments that have service stations selling gasoline and/or diesel at the pump, an area can be included for changeable copy displaying gas prices. The area provided for each grade of fuel shall not exceed four square feet in size, and shall include the price and grade.

(Ord. No. 576, § 2(Attach., § 17), 7-7-2009; Ord. No. 667, §§ 8, 9, 8-2-2011; [Ord. No. 753](#), §§ 1, 2, 11-6-2013; [Ord. No. 846](#), §§ 1, 2, 5-5-2015; [Ord. No. 861](#), §§ 1, 2, 9-1-2015)

**Editor's note**— At the city's direction, language in [Ord. No. 753](#), § 2, adopted Nov. 6, 2013, pertaining to a specific fee for a permit for an off-premises digital display sign, has been replaced with language directing the user to the city's fee schedule in Appendix A, and, at the editor's discretion, has been codified in § 29-17 as subsection (c)(7)o. Said subsection was relettered (c)(7)n. at the editor's discretion upon the repeal of former subsection (c)(7)n., sunset clause, by [Ord. No. 861](#), § 2, adopted Sept. 1, 2015.

Sec. 29-18. - Sign regulations relating to the central business district sign category.

- (a) Signs must be berm or monument signs constructed of stone, brick or other maintenance free material. For monument sign regulations see subsection 29-16(e)
- (b) The design and construction must be compatible with surrounding development. Signage may appear on both sides of the sign and shall be soldered as one sign.
- (c) Lighting shall be ground lights or lights attached to the top of the sign focused downward directly on the sign.
- (d) Signs shall have a minimum set back of five feet from any property line.
- (e) No LED displays, signs, or message boards are permitted under this section.

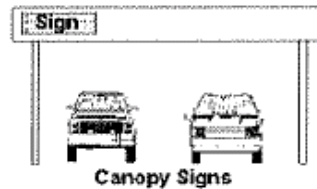
(Ord. No. 576, § 2(Attach., § 18), 7-7-2009)

Sec. 29-19. - Attached sign regulations.

- (a) *Awning signs*. The purpose of an awning sign is to provide an advertising message on the face of an awning. Awning signs shall only be allowed within commercial districts, industrial districts, the central business district.
  - (1) An awning may extend across the entire width of a building or tenant space. An awning may extend above the apparent roof line of the building, provided the awning extends across 75 percent of the entire width of the building facade to which it is attached. An awning shall not exceed six feet in height.
  - (2) The sign area on an awning shall not exceed 20 percent of the area of the awning and shall extend for no more than 50 percent of the length of the awning. A permit shall be required for an awning sign. Awning signs may be illuminated.

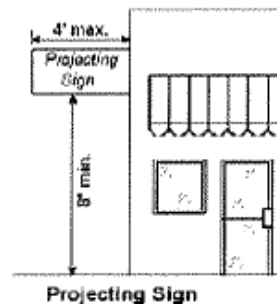
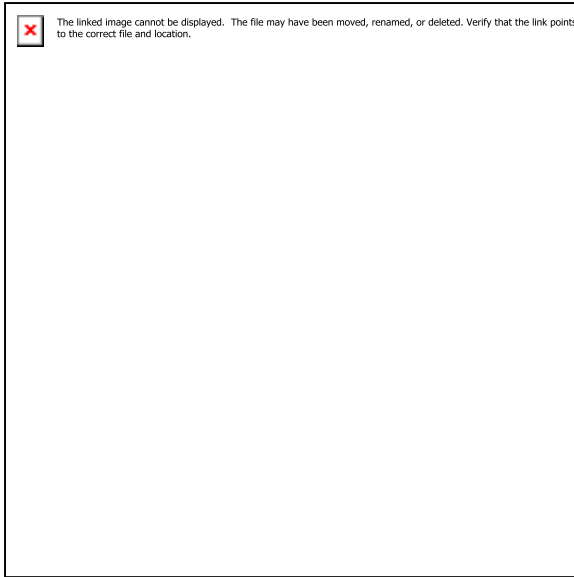


- (b) *Canopy signs.* A canopy sign shall be no greater in size than 20 percent of the face of the canopy of which it is a part or to which it is attached and shall not extend beyond the face of the canopy either vertically or horizontally. An illuminated strip may be incorporated into the canopy. Canopy signs shall only be allowed within commercial districts, industrial districts, and the central business district.



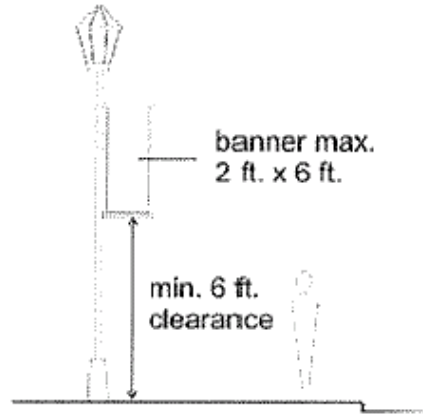
- (c) *Projecting signs.* The purpose of a projecting sign is to identify the name of a business, profession, service, product or activity conducted, sold or offered on the premises where the sign is located by providing an advertising message that is perpendicular to the wall of the building to which it is attached. Projecting signs shall be allowed within commercial districts, industrial districts and within the central business district.
- (1) *Number of signs:* One projecting sign shall be allowed for each single tenant building or for each tenant in a multi-occupancy structure. However, no tenant storefront shall have a projecting sign in combination with a wall sign on the same building elevation.
  - (2) *Maximum area:* A projecting sign shall not exceed 20 square feet. The plane of the message area shall not exceed 18 inches from the plane of the message area on the opposite side of the sign.

- (3) *Horizontal projection:* A projecting sign shall not project more than four feet from any wall facing and shall not be closer than two feet from a curb line. A projecting sign shall not extend above the apparent roof line of the building.
- (4) *Clearance:* Every projecting sign shall be a minimum of eight feet above the grade over a walking area or 14 feet over a vehicular maneuvering area. Projection signs shall not project over any property line or right-of-way line unless with an approved license agreement.
- (5) A projecting sign may be illuminated.

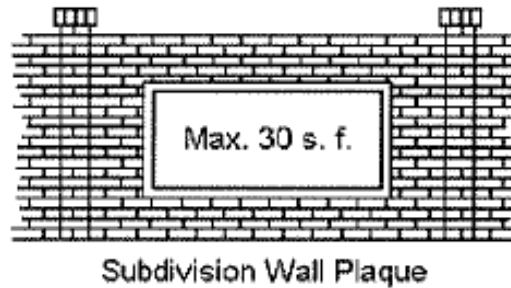
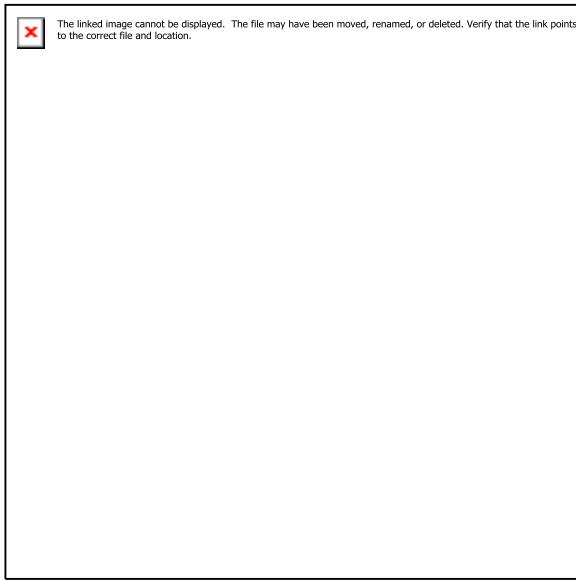


(d) *Light mounted banner signs.* Light mounted banner signs shall only be permitted in the central business district for the advertising of permitted community events, seasonal and historic themes, or other such civic purposes; on collector level and higher classification within a residential subdivision; within master planned commercial subdivision. Such banners are limited to subdivision identification, or seasonal decorations and works of art by local artists. Such banners must be approved by the appropriate electric utility company in addition to receiving a permit from the city manager's office. No permit shall be approved for a period exceeding 30 calendar days. Light mounted banner signs shall comply with the following regulations:

- (1) Banners shall be limited to not more than one banner on any light pole.
- (2) Banners shall be limited to no more than two feet by six feet in exterior dimension and 12 square feet in area per banner.
- (3) A minimum height of six feet as measured from adjacent grade to the bottom of the banner shall apply.
- (4) Banners shall be maintained in good repair. Should they become excessively faded, tattered or torn, they shall be replaced or removed.
- (5) Banners shall not be illuminated, except for indirect lighting associated with the main lamp of the light pole to which it is mounted.



- (e) *Subdivision wall signs or plaques.* Subdivision wall signs or plaques shall not exceed 30 square feet in area. Subdivision wall signs or plaques are limited to two per subdivision entryway and may be illuminated. A subdivision wall sign or plaque shall be attached to a fence or screening wall. For purposes of this regulation, the size of the graphic and sign text shall be used to measure sign size.

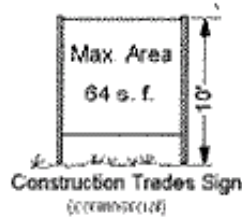


(Ord. No. 576, § 2(Attach., § 19), 7-7-2009)

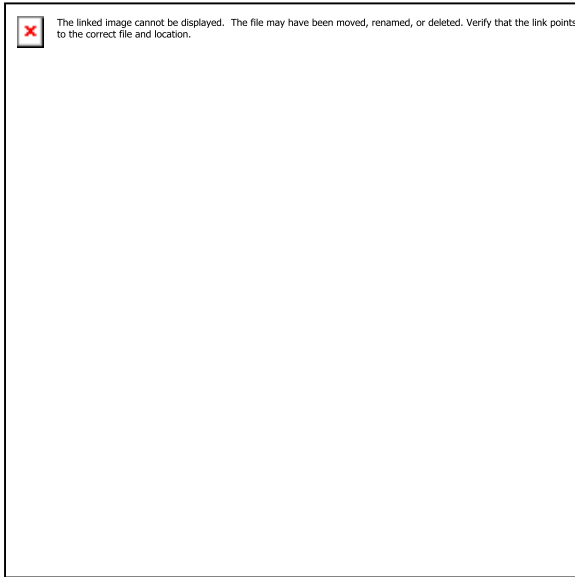
Sec. 29-20. - Temporary sign regulations.

- (a) *Construction trades signs.* The purpose of a construction trades sign is to denote the architect, engineer, financial institution or building trades contractor involved in a construction project. Construction trades signs shall be categorized as either commercial or residential.
  - (1) The maximum area, height, spacing and setbacks of a construction trades sign for commercial locations shall not exceed 64 square feet and shall not exceed ten feet in height.





- (2) The maximum area, height, spacing and setbacks of a construction trades sign for residential locations shall not exceed eight square feet and shall not exceed four feet in height.



- (3) Construction trades signs shall not be erected until a building permit has been submitted for building construction and shall be removed upon completion of the construction project or occupancy of the structure, whichever is applicable.

~~(4) No permit or fee shall be required for a construction trades sign.~~

- (5) Signs shall not be located in the street right-of-way, shall be placed at least twenty-five (25) feet from an intersection and a minimum of ten (10) feet from the curbline.
- (6) A construction trade sign shall not be illuminated.
- (b) *Future development signs.* Future development signs shall be regulated as either commercial or residential.
- (1) The maximum area, height, spacing and setbacks of a future development sign shall not exceed 64 square feet and shall not exceed ten feet in height.

~~(2) [TM4] — A permit shall be required for a future development sign.~~

(23) A future development sign shall not be illuminated.

(43) For residential developments, Aa future development sign shall be removed when the project is 90 percent complete or within three years from start of construction, whichever is less. For the purpose of this provision, a subdivision shall be deemed 90 percent complete when ninety (90%) percent of the lots within the subdivision are sold.

(4) For commercial developments, a future development sign shall be removed within twenty-four (24) hours of receiving a certificate of occupancy if that sign is advertising the development of a single business – see (g)(1) in this section for additional context. For signs advertising multiple-lot commercial development projects, a future development sign shall be removed when the project is 90 percent complete or within five years from the start of construction, whichever is less. For the purpose of this provision, a subdivision shall be deemed 90 percent complete when ninety (90%) percent of the lots within the subdivision are sold – see (b)(6) for context.

(5) Signs shall not be located in the street right-of-way, shall be placed at least 25 feet from an intersection and a minimum of ten (10) feet from the curbline.

(6) One sign shall be permitted per lot; except that one sign per major access to the development shall be authorized if a lot is used together with one or more contiguous lots for a single use or a unified development (for example, a shopping center).



(c) *Garage sale signs.* The purpose of a garage sale sign is to announce the sale of household possessions.

(1) Garage sale signs shall not exceed four square feet. Signs shall be allowed for a maximum of 72 consecutive hours no more than two times per calendar year.

(2) Single-family residential on-premises: One garage sale sign per street frontage shall be allowed, but only on the premises where the garage sale is being conducted and where there is an existing residential use.

(3) Neighborhood-wide garage sales: Two garage sale signs per subdivision entrance shall be allowed for a neighborhood-wide garage sale sponsored by a homeowner's association (HOA). The garage sale sign may be off premises from where the actual garage sale is conducted, but the sign shall be located on property, including a street right-of-way, that is within the limits of the homeowner's association. The HOA must be registered with the city.

(4) Signs shall be placed at least 25 feet from an intersection and a minimum of ten feet from the curbline. Signs shall not be placed anywhere in the center median of a public or private street.

~~(5) No permit or fee shall be required for any garage sale sign.~~

(d) *Real estate signs (commercial, including multifamily)*. The purpose of a commercial real estate sign is to advertise the sale, rental or lease of the premises on which said sign is located.

(1) A commercial real estate sign shall not be illuminated.

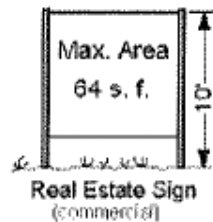
(2) The maximum area and height of a commercial real estate sign shall not exceed 64 square feet and shall not exceed ten feet in height.

(3) Commercial real estate signs shall be removed within seven days following the completion of the sale, rental or lease of the premises.

(4) No more than one sign per 300 linear feet of street frontage may be placed on such property.

(5) Signs shall be placed at least twenty-five feet from an intersection and a minimum of ten feet from the curbline.

~~(6) No permit or permit fee shall be required for a commercial real estate sign.~~



(e) *Real estate signs (residential)*. The purpose of a residential real estate sign is to advertise the sale, rental or lease of the premises on which said sign is located.

(1) A residential real estate sign shall not be illuminated.

(2) The maximum area and height of a residential real estate sign shall not exceed 12 square feet and shall not exceed six feet in height.

(3) All signs shall be removed within seven days following the completion of the sale, rental or lease of the premises.

(4) Signs shall be placed at least 25 feet from an intersection and a minimum of ten feet from the curbline.

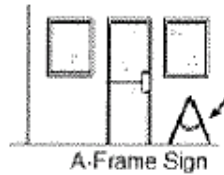
~~(5) No permit or permit fee shall be required for a residential real estate sign.~~



(f) *A-frame signs*. The purpose of an A-frame sign is to provide temporary advertising during business hours of a commercial occupancy.

(1) Maximum height and area shall conform to the following table:

Maximum Height and Areas of A-Frame Signs		
	Max. Area	Max. Height
Located on a sidewalk	8 s.f.	4 feet
Located in a yard	24 s.f.	8 feet



- (2) Time duration: Only displayed during business hours.
- (3) Placement: Only allowed on private property, but may be located on a public sidewalk, provided a width of four feet shall remain free from intrusion.

(g) Feather flag signs.

(1) Maximum size. Feather flag signs shall not exceed ten (10) feet in height from the ground.

(2) Location. Feather flag signs must be located on private property and outside of the public right of way. No feather flag shall be erected so as to extend over or into any street, alley, sidewalk, or other public thoroughfare unless a permit has been obtained from the city. No permit shall be granted if the proposed sign will in any way endanger persons or property or obstruct the view of any traffic signal or prevent ingress to or egress from any door, window, or fire escape. The number of feather flag signs is limited to one (1) per every forty (40) linear feet of road frontage along the roadway where the primary business sign is installed.

(3) Maintenance. Feather flag signs shall be removed as soon as torn, damaged, or significantly faded. The condition of a feather flag shall be determined by the city's building official and are subject to the maintenance requirements of Sec. 29-28.

(4) Allowable time for display. Feather flag signs shall only be displayed during a business' regular posted hours of operation.

(hg) Miscellaneous temporary sign regulations.

(1)[TM5] Temporary signs advertising the opening, closing, or relocation of a business shall only be permitted for a maximum period of ~~30-90~~ days before and 60 days after such opening, closing, or relocation. Signs shall be placed at least 25 feet from an intersection and a minimum of ten feet from the curbline.

(2) Except as specifically provided otherwise in this chapter, banners shall not exceed 32 square feet, must be attached and parallel to a wall of the structure, and shall only be permitted for a period not to exceed 30 calendar days and with a period of not less than 30 days between displays.

(3) Human signs shall be allowed on private property and the untraveled public rights-of-way provided that no human sign, as defined by this ordinance, shall be displayed within five feet of a vehicular traffic lane.

- (4) Except as specifically provided otherwise herein, temporary signs shall not exceed four square feet in size and shall be allowed for a maximum of 14 calendar days per event. Temporary signs shall be placed at least 25 feet from an intersection and a minimum of ten feet from the curbline. Temporary signs shall not be placed anywhere in the center median of a public or private street.
- (5) Open house signs do not require a permit, shall not exceed four square feet, and shall be allowed for a maximum of four hours the day of the open house. Open house signs shall be placed at least 25 feet from an intersection and a minimum of ten feet from the curbline. Open house signs shall not be placed anywhere in the center median of a public or private street.
- (6) Use of temporary decorations as signs, otherwise referred to as decorative festoons, meaning tinsel, strings of ribbon, small commercial flags, or streamers may be used as temporary enhancement of signage in a commercial sign category, providing these devices have no glare, no moving parts, are maintained, and comply with all codes and policy guidelines governing their safe use. No lettering is permitted on these items. Temporary decorations may be used for a period not to exceed 30 calendar days with a period not less than 30 days between displays.

(Ord. No. 576, § 2(Attach., § 20), 7-7-2009)

Sec. 29-21. - Flagpoles and commercial flags.

One flagpole is allowed per development at a maximum height of 20 feet. Commercial flags are allowed in multifamily and/or commercial developments. No text or logo is permitted on such flags as such would constitute a sign. The national or state flag and the flagpoles for the express purpose of displaying the national or state flag are exempt from this section.

(Ord. No. 576, § 2(Attach., § 21), 7-7-2009)

Sec. 29-22. - Advertising searchlight.

- (a) For purposes of this section, an "advertising searchlight" means a searchlight used to direct beams of light upward for advertising purposes.
- (b) Use of an advertising searchlight at any location is authorized upon issuance of a permit by the building official.
- (c) The permit shall be effective for a maximum period of five days per calendar year to any business or group.
- (d) An advertising searchlight shall not be operated between the hours of 1:00 a.m. and 6:00 p.m.

(Ord. No. 576, § 2(Attach., § 22), 7-7-2009)

Sec. 29-23. - Kiosk signs.

- (a) Kiosk signs are intended to provide a uniform, coordinated method of providing homebuilders and developers a means of utilizing directional signs, while minimizing the negative impacts of weekend homebuilder's signs on the appearance of the city. Kiosk signs are also intended to provide service to the public on the directions to municipal facilities and parks, community events, and school district facilities.
- (b) The city council may, by duly executed license agreement, grant the exclusive right to design, erect and maintain kiosk signs within the city limits and extraterritorial jurisdiction of Kyle.
- (c) Kiosk signs shall be designed and constructed in accordance to the specifications contained in the aforementioned license agreement.

- (d) Prior to erecting any kiosk sign, the licensee shall submit a sign location map to the building official for approval.
- (e) Kiosk sign installation shall include break-away design features as required for traffic signs in the street right-of-way.
- (f) Advertisement of price information shall be prohibited on kiosk signs.
- (g) No additional or extraneous signs, pennants, flags or other devices for visual attention or other appurtenances shall be attached to kiosk signs.
- (h) Kiosk signs shall not be illuminated.
- (i) Individual sign panels on kiosks shall have a uniform design and color.
- (j) Kiosk signs shall not interfere with the use of sidewalks, walkways, bike and hiking trails; shall not obstruct the visibility of motorists, pedestrians or traffic control signs; shall not be installed in the immediate vicinity of street intersections; and shall comply with the visibility triangle requirements contained in the Subdivision Regulations or other visibility easements provided by code or subdivision plat.
- (k) Kiosk sign may be located on private property, or other state-maintained roadways, provided written permission is obtained from the property owner.
- (l) Kiosk sign panels shall be available to all developers and homebuilders operating within the city on a first-come, first-served basis. Developers and homebuilders operating November 18, 2008 within the city limits shall have first priority to lease sign panels. In the event extra panel space is available, residential developments, located outside the city limits may also lease panels.
- (m) In accordance to the specifications contained in the aforementioned license agreement, a percentage of the kiosk sign panels shall be reserved for the City to use as directional signage to municipal or community facilities or locations or community events.
- (n) No kiosk sign shall be placed, located, or installed on city-owned property or public right-of-way without a license agreement duly approved by the city council.

(Ord. No. 576, § 2(Attach., § 23), 7-7-2009)

Sec. 29-24. - Other sign regulations.

- (a) *Activities and events sign.* An activities and events sign is a changeable copy directory allowed solely to public buildings, church buildings (places of worship only), and neighborhood associations, intended for use only by the entity where the sign is located. A maximum of one information sign shall be allowed for each neighborhood group, church, or public development complex, and it is not considered a freestanding sign in this article. Activities and events signs shall comply with the following criteria:
  - (1) The sign shall be constructed of a non-oxidizing metal (e.g. aluminum, stainless steel) cabinet set on a pole or on the ground as a monument, with a clear, acrylic panel inset and a locking door. The door of the sign shall remain locked except while the message is being posted.
  - (2) The maximum size of the cabinet shall be 12 square feet; and maximum height shall be five feet above grade.
  - (3) Only changeable letters shall be used and letters shall be no larger than four inches and no less than two inches in height.
  - (4) Such sign may have direct lighting that is placed inside the cabinet (portrait lighting); however, no backlighting or external direct lighting is permitted.
  - (5) Such sign shall be located at or near the entrance of the public building or church; for a neighborhood sign, such sign shall be located within the subdivision at a commonly traveled location, for example, near the neighborhood park or amenity center, the main mail station, or the



main entrance to the neighborhood. Such a sign shall not be required to meet building setback requirements or setback requirements established in section 29-12, provided that it does not obscure the travel path or visibility of drivers, bicyclists, or pedestrians, as determined by the planning department. Such sign shall be located on property maintained by the neighborhood association or with a written agreement between the property owner and the neighborhood association. Such sign shall not be placed closer than 150 feet from the intersection of a collector street and a major or minor arterial street, as defined in the city roadway plan. Such signs shall be maintained by the neighborhood association in a "like-new" condition at all times.

- (b) *Government sign.* Government sign(s) are permitted in all categories, subject to all laws and regulations that apply.
- (c) *Memorial sign.* Memorial sign(s) may be installed in accordance with state historical standards, or as building cornerstones not to exceed eight square feet.
- (d) *Private traffic-control signs.* Private traffic-control signs are not allowed for single-family residential or duplex uses, but are otherwise permitted. Signs shall not exceed four square feet in size, and may contain directions and the name or logo of the same-site user.
- (e) *Window signs.* Window signs may be placed so as not to obscure more than 25 percent of the visible window area. Where multiple windows exist, fronting on the single elevation, the 75 percent visibility shall be maintained for the total window area on said elevation.

(Ord. No. 576, § 2(Attach., § 24), 7-7-2009)

#### Sec. 29-25. - Nonconforming signs.

- (a) By the passage of the ordinance from which this chapter derives and its amendments, no presently illegal sign shall be deemed to have been legalized unless such sign complies with all current standards under the terms of this ordinance and all other ordinances of the city. Any sign which does not conform to all provisions of this ordinance but which existed on the effective date of this chapter and was lawfully constructed or installed shall be considered as a non-conforming sign. All non-conforming signs shall be permitted in the same manner as any other legally existing sign or proposed sign; provided that no sign that was constructed or installed in violation of any state or local law, or that was originally constructed or installed without a permit that was then required at such time, shall be or qualify as a non-conforming sign.
- (b) A nonconforming sign shall be allowed to be continued and maintained at its existing location subject to the limitations of this section.
- (c) No nonconforming sign may be enlarged or altered in a way which would increase its nonconformity; provided that the sign face may be changed in compliance with this chapter.
- (d) A nonconforming sign shall be removed immediately if any of the following applies:
  - (1) The nonconforming sign is abandoned as defined in this subsection. Whenever any non-conforming sign no longer advertises a bona fide business or a business which has moved away or closed, a product sold, or service rendered, such sign shall be removed within 60 days. If the non-conforming sign is a wall sign, the wall sign shall be removed or painted over with a color that resembles or matches the rest of the wall of the building. If the owner of, or person responsible for the sign, or if the tenant closing a business, fails to remove the abandoned sign or paint over the wall sign, the owner of the premises shall be held responsible and the work shall be done within 30 days following written notice to do so by the building official.
  - (2) The building official or his/her designee determines the sign to be obsolete or substandard under any applicable ordinances of the city to the extent that the sign becomes a hazard or dangerous.
  - (3) A nonconforming sign, or a substantial part of it, is destroyed or dismantled for any purpose other than maintenance operations or for changing the letters, symbols, or other matter on the sign.

- (e) Reconstruction, repair, or replacement of a nonconforming sign shall be completed no later than 90 days following the date of the damage. For purposes of this subsection, a sign, or a substantial part of a sign, is considered destroyed if the cost of repairing the sign is more than 50 percent of the cost of installing a new sign of the same type at the same location.

(Ord. No. 576, § 2(Attach., § 25), 7-7-2009)

Sec. 29-26. - Hazardous signs.

Except as otherwise provided by law or this chapter, no person may install, maintain, or use a sign that:

- (1) Obstructs a fire escape, required exit, window, or door used as a means of escape.
- (2) Interferes with a ventilation opening, except that a sign may cover a transom window if otherwise in compliance with the building code and fire code.
- (3) Substantially obstructs the lighting of public right-of-way or other public property, or interferes with a public utility or traffic-control device.
- (4) Contains or utilizes a supporting device placed on public right-of-way or other public area within the city limits and the extraterritorial jurisdiction of the city, unless the use of the public rights-of-way or other public area has been approved by the city and a right-of-way joint use agreement has been filed.
- (5) Is illuminated in such a way as to create a hazard to pedestrian, bicycle, or vehicular traffic.
- (6) Creates a traffic hazard for pedestrians, bicyclists, or motorists, by restricting visibility at a curb cut or adjoining public street.
- (7) Has less than nine feet of clearance above street pavement grade or has less than 12 feet of clearance above a driveway, and/or is located outside the public right-of-way and within the visibility triangle at an intersection that results in impaired sight distance of users of the intersection.
- (8) Violates a requirement of the electrical code.
- (9) Is determined by the building inspector to be dangerous.

(Ord. No. 576, § 2(Attach., § 26), 7-7-2009)

Sec. 29-27. - Abatement of sign violations and removal of unsafe signs.

- (a) Any sign that is structurally unsafe or that constitutes a hazard to the health, safety, or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster damage, abandonment or other cause is hereby declared to be a public nuisance and shall be abated by demolition or removal.
- (b) Should the building official or the code enforcement officer determine that any sign is not properly maintained, is unsafe or insecure or has otherwise been constructed, erected or maintained in violation of the provisions of this chapter, he shall take action as follows:
  - (1) Except as provided in the following paragraphs (2) and (3), the building official shall give the sign or property owner written notice to repair, remove or obtain a permit for such sign as applicable within ten days after such notice. If the sign or property owner fails to remove, repair, or obtain a permit for such sign so as to comply with all applicable standards and regulations, the building official shall cause the sign to be either removed or repaired and such cost shall be charged to and paid by the property owner. If such demolition or repair expenses are not paid by the property owner within 30 days of such billing, then such expenses shall constitute a valid lien against the

property. Such notice shall also provide the sign or property owner an opportunity to bring the sign into compliance or to request a hearing before the sign control board to determine whether the sign should be repaired or removed. Such appeal must be filed in writing with the City Secretary within ten days of the notice. After consideration of all facts, the sign control board shall rule upon the appeal.

- (2) The building official may cause any sign which is an immediate peril to persons or property to be removed summarily and without notice.
  - (3) Any sign located in public right-of-way may be immediately removed by the building official without notice to the owner.
- (c) In addition to the above, the building official or the code enforcement officer may issue citations without giving prior notice of violation or pursue any other administrative or legal remedy in order to abate any sign which is in violation of this chapter or any other law.

(Ord. No. 576, § 2(Attach., § 27), 7-7-2009)

Sec. 29-28. - Repairs and maintenance.

All signs in the city and its ETJ shall be properly maintained in good and safe structural condition, shall be painted on all exterior parts, unless coated or made of rust resistant material, and shall be maintained in good condition and appearance at all times. Any owner or primary beneficiary failing to maintain, repair, or remove any such sign after due notices has been given shall upon conviction be guilty of a misdemeanor. The building official shall have the authority to order the painting, repair, or removal of a sign and accompanying landscaping which do not comply with this ordinance or the building codes or that constitutes a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation, obsolescence or abandonment.

(Ord. No. 576, § 2(Attach., § 28), 7-7-2009)

Sec. 29-29. - Appeals; exceptions to sign regulations.

- (a) *Board of adjustment is established as sign control board; composition.* The board of adjustment is hereby established to serve in a dual capacity as the sign control board ("SCB").
- (b) *Powers; duties of the SCB.* The city council authorizes the board of adjustment in its capacity as the SCB to sit as a board of appeals and to exercise the powers set forth in this chapter.
- (c) *Appeals.* Appeals to the SCB may be taken by any person aggrieved or by any officer, department, board or bureau of the city affected by any decision of the building official. Such appeal shall be taken within a reasonable time, as provided by the rules of the board, by filing with the building official and with the SCB a notice of appeal specifying the grounds thereof. The building official shall forthwith transmit to the SCB all the papers constituting the record upon which the action appealed from was taken.
- (d) *Appeal stays proceeding.* An appeal stays all proceedings in furtherance of the action appealed from, unless the building official certifies to the SCB after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the SCB or by a court of record on application or notice to the building official and on due cause shown.
- (e) *Hearing.* The SCB shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent.
- (f) *SCB powers.*

- (1) The SCB shall have the following powers:
    - a. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the building official in the enforcement of this chapter.
    - b. To hear and decide special exceptions to the terms of this ordinance upon which the SCB is required to pass.
    - c. To authorize, upon appeal in specific cases, such exception from the terms of this chapter as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this ordinance will result in unnecessary hardship, and so that the spirit of this chapter shall be observed and substantial justice done.
  - (2) In exercising the above-mentioned powers, the SCB may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the building official from whose action the appeal is taken.
- (g) *Limitations on the authority of the SCB.*
- (1) The SCB may not grant an exception authorizing a sign where it is not otherwise allowed by this charter.
  - (2) The SCB shall have no power to grant an amendment to the sign ordinance. In the event that a request for an amendment is pending before the city council, the board shall neither hear nor grant any exceptions with respect to the subject property until final disposition of the sign ordinance amendment.
  - (3) The SCB shall not grant a request for any exception to any parcel of property or portion thereof upon which a zoning application, site plan, preliminary plan, or final plat, where required, has not been finally acted upon.
- (h) *Exceptions.*
- (1) The SCB may grant an exception from a requirement of the sign ordinance, if it makes written findings that:
    - a. The requirement does not allow for a reasonable use of the property;
    - b. The hardship for which the exception is requested is owing to a special condition inherent in the property itself, such as restricted area, shape, topography or physical features;
    - c. The special condition is unique to this property and is not generally characteristic of other parcels of land in the area; and
    - d. The development under the exception does not:
      1. Alter the character of the area adjacent to the property;
      2. Impair the use of adjacent property that is developed in compliance with the city requirements; or
      3. Impair the purposes of the regulations of the sign ordinance.
  - (2) An exception may not be granted to relieve a self-created or personal hardship, nor for financial reasons only.
  - (3) The applicant bears the burden of proof in establishing the facts justifying an exception.
- (i) *Vote required.* The concurring vote of four members of the board shall be necessary to reverse any order, requirement, decision or determination of the building officials, or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance, or to effect any variation in this chapter.

- (j) *Time limitation on order permitting erection of sign.* No order of the SCB permitting the erection or alteration of a sign shall be valid for a period longer than six months, unless a sign permit for such erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.
- (k) *Appeals from action of the SCB.* Any person or persons, jointly or severally, aggrieved by any decision of the SCB, or any taxpayer, or any officer, department, board or bureau of the municipality, may present to the city secretary, on behalf of the city council, a petition, duly verified, appealing the decision of the SCB. Such petition shall be presented to the city secretary within ten days after the meeting date of the decision by the SCB.

(Ord. No. 576, § 2(Attach., § 29), 7-7-2009)

Sec. 29-30. - Penalty.

- (a) Any individual, association, corporation or legal entity violating any provision of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by the assessment of a fine not exceeding \$2,000.00 and a separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.
- (b) The primary beneficiary of any sign installed in violation of this section shall be presumed to have authorized or caused, either directly or indirectly, the installation, use, or maintenance of the sign in violation of this chapter.
- (c) Whenever any construction, installation, alteration, or repair of a sign is being done contrary to the provisions of this ordinance, another controlling ordinance or statute governing the sign, the building official may order the work stopped by notice verbally or in writing served on any persons engaged in the doing or causing such work to be done and the city shall post a STOP WORK ORDER on the property adjacent to the posted building permit, and any such persons shall forthwith stop such work until authorized by the building official to proceed with the work. If no permit has been issued, all work shall stop until a permit has been properly issued and all errors corrected to the satisfaction of the building official. The building official or code enforcement authority may also issue a work correction order, which shall be served upon any persons who are working on a certain aspect of the sign.
- (d) The city and/or the city manager shall enforce this chapter by appropriate administrative action, including but not limited to, the rejection of plans, maps, plats and specifications not found to be in compliance with this ordinance and good engineering practices, and the issuance of stop work orders.
- (e) Upon the request of the city council, the city attorney or other authorized attorney shall file an action in the district courts to enjoin the violation or threatened violation of this ordinance, or to obtain declaratory judgment, and to seek and recover court costs and attorney fees, and/or recover damages in an amount sufficient for the city to undertake any construction or other activity necessary to bring about compliance with a requirement regarding the property and established pursuant to this chapter

(Ord. No. 576, § 2(Attach., § 30), 7-7-2009)



# CITY OF KYLE, TEXAS

P&Z request for future agenda items

Meeting Date: 4/11/2017

Date time:6:30 PM

**Subject/Recommendation:** Discussion only regarding Planning and Zoning Commission request for future agenda items.

**Other Information:** N/A

**Legal Notes:** N/A

**Budget Information:** N/A

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**ATTACHMENTS:**

**Description**

No Attachments Available