



# CITY OF KYLE

## Community Development Department

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### MEMORANDUM

**TO:** Mayor & City Council

**FROM:** Howard J. Koontz, AICP

**DATE:** May 16, 2017

**SUBJECT:** Re-subdivision of Lot 22-C of Sunrise Acres (SFP-13-003)

### REQUEST

Guillermo Rodriguez requests a waiver from §41-81 to allow the re-subdivision of Lot 22-C of Sunrise Acres (SFP-13-003).

### LOCATION

The property is in Kyle's extraterritorial jurisdiction, at 2205 Bebee Rd, on the north side of Bebee, approximately 200 feet southeast of its intersection with Downing Way. The lot is northeast of the Kensington Trails subdivision (across Bebee Road) and adjacent to Park Place Storage, which itself is northwest of the subject property.

### TEXT OF THE ZONING ORDINANCE

Sec. 41-82 (a)(b)(c)(e) Rural Subdivision Standards

(a)

*Purpose.* The provisions of this section are designed and intended to permit development of undeveloped agricultural land while preserving the rural character of the area until such time as development of a more intensive urban nature is appropriate and can be supported by the necessary public facilities and services. These design standards modify, and/or reinforce other requirements found in these regulations. By qualifying other particular requirements of these regulations, these rural subdivision design standards ensure minimum conditions for establishing a low density rural living environment while providing the necessary foundation upon which more intensive urban development can occur in the future.

(b)

*Applicability.* The requirements contained in this section shall apply to all land within the jurisdictional limits of the city that is outside the utility service area of the city for

water and/or wastewater services, and for which the provision of such services will be accommodated through the use of individual, privately owned systems. No land or property within the city's certificated service area shall be entitled to be developed pursuant to this section, except upon a waiver given by the city council. Further, except as specifically qualified in this section, all other standards, terms, conditions and provisions of this chapter shall apply to such rural subdivisions.

(c)

*Streets.* All streets within rural subdivisions shall be designed and constructed in accordance with the requirements for rural streets set forth in the city's construction standards and specifications for roads, streets, structures, and utilities. The right-of-way required shall be the same as for all other subdivisions.

(e)

*Lots.* All lots in rural subdivisions shall:

- (1) Be greater than one acre in area;
- (2) Have a minimum width at the front property line of 130 feet; and
- (3) Be designed so that all access is provided from a local street except access may be permitted from a major thoroughfare or street; state highway, farm to market road or ranch road; or numbered/or named county roadway if a minimum driveway centerline spacing of 200 feet is provided between driveways.

## **ANALYSIS**

The applicant Guillermo Rodriguez is requesting a waiver from the minimum standards provided by §41-82 Rural Subdivision Standards. The standards in place allow development to occur within the City of Kyle's ETJ and at the same time preserves the rural character typical outside of the city limits. These standards provide for uniformity that eases transition upon annexation into the City of Kyle and allows appropriate zoning to be placed on said property. The minimum requirements of 130 feet of frontage and minimum lot size of 1 acre creates an allowance for most of the zoning districts codified in the City of Kyle Code of Ordinance, upon annexation.

When property is platted inside the ETJ but outside our CCN, the above minimum requirements are required to be in place to provide appropriate minimum acreage related to private waste water utilities. In the case of Re-subdivision of Lot 22-C of Sunrise Acres, both lots will meet the minimum acreage requirements for private utilities, but will not meet the minimum street frontage requirements (46.12' vs 130'). This is due to prior divisions of land adjacent to the subject property already consuming more of the available frontage than what would be available if done in a conforming manner.

A shared access easement will also be in place to ensure access to Lot 22-C2 via Lot 22-C1. The shared access easement will not be publicly dedicated, due to the available width for access not having the minimum 60 feet required for right-of-way.

Staff asks that the Mayor & Council approve a waiver allowing the subdivision as proposed, with a lot width of less than 130 feet, and a driveway access easement of less than 60 feet in width.

## **ATTACHMENTS**

1. Plat