



# CITY OF KYLE

## Community Development Department

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### MEMORANDUM

**TO:** Mayor & City Council

**FROM:** Howard J. Koontz- Director of Planning & Community Development

**DATE:** Tuesday, July 18, 2017

**SUBJECT:** Liyan Bao (W-17-003)

### REQUEST

Liyan Bao requests a waiver from the Mayor & Council to allow the subdivision of Sunrise Acres, Lot 81 (105 B Sunrise Drive, Kyle, TX 78640).

### LOCATION

The property is located three lots north (approximately 515 feet) of the intersection of Bebee Road and Sunrise Drive. This subdivision comprises of 89 lots and most were originally platted (1983) in a manner that they're in compliance with the Rural Subdivision Standards as required in Sec. 41-82 (1996 & 2003).

### 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 Liyan Bao is requesting a waiver from the minimum standards provided by Sec. 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 preserve 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 greater than 1 acre creates an allowance for most of the zoning districts codified in the City of Kyle Code of Ordinance, upon annexation.

Additionally, when property is platted inside the ETJ but outside our area to provide utilities (CCN), the above minimum requirements are required to be in place, to provide appropriate minimum acreage related to private water and on site waste water utilities. In the case of this request, the proposed subdivision will not meet the minimum width required by the City of Kyle.

## **Sec. 41-82 Rural Subdivision Standards (e)(1)(2)**

(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

The proposed subdivision **is compliant**:

- “Greater than one acre in area”
- The subdivision is roughly 5 acres.

The proposed subdivision **is not compliant**:

- “Have a minimum width at the front property line of 130 feet...”
- The subdivision width is approximately 72.50 feet in width at the front property line.

The Hays County Environmental Health Department is allowing the installation of a septic tank on the property, but is requiring the lot to be replatted prior to issuance of the septic permit. This means, that while the City of Kyle has the platting authority for the property (ETJ), and the proposed plat doesn't meet our minimum standards, it does meet Hays County's standards for septic system installation. A significant part of our minimum standards are related to minimum lot size and septic systems. In addition to the septic allowance, the current lot (not subdivided) has two houses on the property. At the time of annexation, this area will likely stay single family residential. Subdividing the lot will help ensure conformity in the future (One residence per lot).

### **RECOMMENDATION**

To help ensure existing development on the parcel is closer to compliance than it already is, the proposed subdivision has been submitted for your review. Staff asks that the Mayor & Council approve a waiver allowing the subdivision as proposed.

### **ATTACHMENTS**

1. Request letter
2. Plat
3. Hays County Septic Permit