



# 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, October 17, 2017

**SUBJECT:** Cool Springs Subdivision, Preliminary Plan

### **REQUEST**

Tom Curran, P.E., requests a waiver from the Mayor & Council to allow revisions to the Cool Springs Subdivision Preliminary Plan.

### **LOCATION**

The property is located on E. FM 150, directly across from the Waterleaf community. The proposed subdivision is approximately .9 miles east of Tobias Elementary School. This subdivision is comprised of 388 residential lots, 2 park land lots, 1 amenity center lot, and 1 retail lot.

### **TEXT OF THE ZONING ORDINANCE**

Sec. 53-33, Chart 1, (1)(b), (9) *General requirements & limitations*, Sec. 53-33(l) Chart 2

(1)(b)

On approval by the City Council:

Up to 25 percent of R-1-2 lots may be less than 6,825 square feet in area but not less than 5,825 square feet, and up to 25 percent of the lots may be less than 65 feet in width but not less than 55 feet in width; and

(9)

On approval by the city council, up to 50 percent of the lots within a subdivision may have a front setback line of less than 30 feet, but not less than 20 feet; provided that no more than three consecutive and abutting lots shall have less than 30 feet front setback;

and no more than 25 percent of the lots shall have a minimum front setback of 25 feet; and not more than 25 percent of the lots shall have a minimum front setback of 20 feet.

Sec. 53-33(l), Chart 2

Impervious Cover Table

Zoning District	Max Lot Coverage (in %)	Max Lot %, with Accessory Buildings
R-1-2	35%	45%

Ord. No. 568, 5-5-2009, Ord. No. 663, 7-19-2011

**ANALYSIS**

The applicant is requesting waivers from the City Council to allow a reduction of minimum lot area, varied front setbacks and to impervious cover allowances. The first two waiver requests do allow City Council to approve waivers if found appropriate. Per code, the Council is not allowed to approve a change or waiver to impervious surface coverage.

The Cool Springs subdivision has an approved and signed development agreement stating that it must comply with applicable city ordinances in effect at the time that the agreement was signed and dated. The subdivision ordinance in effect at that time, allows for a reduction of lot area, and staggered front setbacks.

Reduction of Lot Area, Sec. 53-33

(1)(b)

“On approval by the City Council:

Up to 25 percent of R-1-2 lots may be less than 6,825 square feet in area but not less than 5,825 square feet, and up to 25 percent of the lots may be less than 65 feet in width but not less than 55 feet in width; and...”

The Cool Springs subdivision is revising its preliminary plan to allow up to 25% of the residential lots to have a reduction of lot area to not less than 5,825 square feet. They would typically ask, also, for the lot width reduction, but this portion was included in the development agreement, in Sec. 2.02, Residential. The proposed updated design for the preliminary plan, is only for the future Phase 2 and no major street layout or block length is changing.

**Staff recommends approving the reduction of lot area waiver.**

## Staggered Front Setbacks, Sec. 53-33

(9)

“On approval by the city council, up to 50 percent of the lots within a subdivision may have a front setback line of less than 30 feet, but not less than 20 feet; provided that no more than three consecutive and abutting lots shall have less than 30 feet front setback; and no more than 25 percent of the lots shall have a minimum front setback of 25 feet; and not more than 25 percent of the lots shall have a minimum front setback of 20 feet.”

It should be noted that the above paragraph is shown, prior to a code update as of January 17, 2017. The development agreement was signed on July 20, 2016.

The above code excerpt allows for a subdivision to vary the front setbacks to provide a more interesting view shed or design of neighborhood. For the sake of visual interest and a higher standard, it is good to provide staggered planes allowing for a better neighborhood design.

**Staff recommends approving the staggered front setbacks waiver.**

## Request to utilize up-to-date Impervious Coverage Ordinance

The applicant is requesting to be allowed to use the current code, as it relates to impervious coverage for lots. The development agreement specifically states, in Sec. 2.01 Generally;

“...Except as provided in this Agreement, all development applications and development of the Property will comply with the Code in effect as of the Effective Date.”

The impervious cover ordinance at this time allows for the primary structure to cover up 35% of the lot, and up to 45% with an accessory structure. Current code caps the impervious cover at 60%. The problem that the applicant faces, is that some models of homes intended for this subdivision, will exceed the 35% primary structure cap. The “new” code is a total lot coverage of 60%, which includes driveways, sidewalks, accessory structures and primary structure.

**The development specifically states to use the code in place at the time of the effective date and the code does not allow a waiver for impervious coverage. Staff does not recommend approval of this request.**

## Recommendation to City Council

**In conclusion staff recommends approval of the reduction of lot area and the staggered front setbacks. Staff does not recommend approval of the impervious cover request.**

## **ATTACHMENTS**

1. Request letter
2. Plat
3. Applicable Ordinances
4. Development Agreement