



# 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, February 6th, 2018

**SUBJECT:** Windy Hill North Subdivision, 83 Acres (SUB-18-0017)

### **REQUEST**

James Ingalls, P.E., requests a waiver from the Mayor & Council to allow the Windy Hill North Subdivision, 83 Acres (SUB-18-0017), from the minimum right-of-way widths and minimum lot size.

### **LOCATION**

The property is located on FM 2001, approximately .1 miles north of Windy Hill Road in the City of Kyle's ETJ. Additionally, it shares a property boundary line with the Shadow Creek community and the Windy Hill 11 & 24 subdivisions. This subdivision is proposed to be developed in 4 sections for a total of 277 residential lots and 1 commercial lot.

### **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.

(Ord. No. 296, art. III, § 5, 10-1-1996; Ord. No. 439, art. III, § 5, 11-24-2003)

## **ANALYSIS**

The agent James Ingalls 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 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, both subdivisions will not meet the minimum width and acreage requirements for private utilities, and will not meet the standard 60-foot right-of-way required by the City of Kyle.

Working with the State of Texas (TCEQ), Hays County, and the City of Kyle, the developer has proven that their project is a viable subdivision, even if it doesn't meet the minimum standards that the City has in place. The developer has received approval from TCEQ allowing for a private waste water plant within the Windy Hill Utility District (MUD). The required minimum lot size of 1 acre and 130 feet at the street width is in place to comply with older generation septic systems. With the private plant, the planned lots can be smaller than the minimum requirements, if approved by City Council.

Secondly, the minimum planned right-of-way is 50 feet, not the required minimum of 60 feet. The reason the City of Kyle requires 60 feet, is to allow space for wet utilities in the outer edge of the right-of-way and not buried under the street. Most municipalities in the area allow 50 feet of right-of-way, because the wet utilities are buried under the streets and not in yard areas. Water services will be provided by Goforth Special Utility District and waste water from the recently created Windy Hill Utility District. These districts are not part of the City of Kyle and do not have the 60-foot requirement. Additionally, the developer wants the right-of-way to match the existing Shadow Creek right-of-way, that will be tied together.

## **RECOMMENDATION**

To ensure that the development is a legally conforming project, the proposed subdivision has been submitted for your review. Staff asks that the Mayor & Council approve a waiver allowing the subdivision to have 50 of right-of-way and lots less than 130 feet in width and less than 1-acre.

## **ATTACHMENTS**

1. Request letter
2. Plat