



CITY OF KYLE

Community Development Department



MEMORANDUM

TO: Mayor & City Council

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

DATE: Tuesday, April 17, 2018

SUBJECT: El Cipres Subdivision, Block A, Lot 1- Adjacent Lane Mile Fee Waiver

REQUEST

Dan T. Janosek, agent for Heriberto Hernandez, requests an exemption, waiving the Adjacent Lane Mile Fee for property located at 2305 Windy Hill Road, Kyle, Texas.

LOCATION

The property is immediately north of the intersection of Windy Hill Road and Palomino Road.

TEXT OF THE ZONING ORDINANCE

Sec. 41-137(p), Chart 4

The required fee for a single-family detached residence is calculated as follows: **9.52 trips per day x \$129.00 cost multiplier x No. of Dwelling Units (1) = 1228.08**

Sec. 41-137(p)(5)

Timing. Fees for residential use categories are payable at the time of final platting.

Sec. 41-137(p1)(1)(a, b, c, d)(2)

- (1) Financial obligations related to operations and maintenance as set forth in this article may be waived or reduced by the city manager or designee for property

owners subdividing their property for the sole purpose of creating a homestead under the following terms and conditions:

- a. A property owner must be subdividing property for the sole purpose of creating a homestead on an area of land no larger than one acre;
 - b. The property being subdivided for homestead purposes cannot be subdivided into more than two tracts or parcels.
 - c. Only single-family homes as defined by the city's zoning ordinance (chapter [53](#), Code of Ordinances) may be allowed on the property subdivided to be used as a homestead; and
 - d. A waiver of the city manager or designee shall be in writing and filed with the city secretary, and the city council may be informed of all waivers.
- (2) If a waiver is not granted by the city manager or designee, the property owner denied such waiver shall have the right to appeal the denial of waiver to the city council. A public hearing to determine whether a property owner should be granted a waiver shall be conducted before the city council. By majority vote, the city council may grant such waiver.

ANALYSIS

The applicant is requesting a waiver to be relieved of paying the required \$1,228.08 Adjacent Lane Mile fee.

The El Cipres subdivision is located in the City of Kyle's ETJ. The residential lot (Lot 1, 1.0002 acres) is in need of a new septic system and Hays County required the property owner to plat the property. When platting property in both the city limits of Kyle and the ETJ, our subdivision code required the payment of the Adjacent Lane Mile fee. This fee is deposited into the City of Kyle's road operation and repair fund. The fee is required to be paid to the city prior to plat recordation at the Hays County Clerk's Office.

In some cases, a property owner can request an exemption from paying the Adjacent Lane Mile fee. Sec. 41-137(p1)(a, b, c, d) spell out the requirements to qualify for the exemption. The property owner would be able to request an exemption if the lot was no larger than 1 acre (the lot is 1.0002 acres). The City's requirement for lot size in the ETJ is "greater than 1 acre". In this case, Mr. Hernandez does not qualify.

If a waiver is not granted by the city manager or designee (staff denied the waiver), the property owner has the right to appeal to city council the denial, through a public hearing.

RECOMMENDATION

Because the applicant does not meet the lot size requirement, staff is not able to support a waiver to the Adjacent Lane Mile fee. Staff asks the Mayor & Council to not approve the waiver, only because the subdivision code does not allow for the waiver.

ATTACHMENTS

1. Request letter
2. Plat