



CITY OF KYLE

Community Development Department



MEMORANDUM

TO: Mayor & Council

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

DATE: Tuesday, July 19, 2018

SUBJECT: Plat Waiver- Replat of Lot 6, The Highlands, Section C

REQUEST

Raphael Thorn, owner of Lot 6, The Highlands, Section C (5400 Hilliard Road, San Marcos), requests a waiver from the Mayor & Council from Sec. 41-82(e)(3). This waiver would allow additional lots to be subdivided from the existing fifteen (15) acre lot, but not require street frontage.

LOCATION

The property at 5400 Hilliard Road, San Marcos, Texas (approximately six (6) miles west of the intersection of Lime Kiln Road and Hilliard Road. The parcel is in the City of Kyle's ETJ.

TEXT OF THE ZONING ORDINANCE

Sidewalks

Sec. 41-82(e)(3)

e) *Lots*. All lots in rural subdivisions shall:

- (1) Be greater than one acre in area (see section 41-136(a) for exceptions);
- (2) Have a minimum of 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 waiver requested is 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 requirement requiring all lots to be designed to have access from a public street is included to provide clear/legal access to the said lots.

The applicant would like to "stack" three lots, front to back with an access easement connecting all three lots. This is not uncommon in Hays County's jurisdiction, as development pressures in rural Hays County have historically been low, and in light of limited funds for public road maintenance, private sub-standard accesses have previously not been viewed as problematic by the county. Hays County's threshold which requires a road be built for lot access is as follows (if lots exceed the requirements below):

- 1 lot smaller than 5 acres; or
- 3 lots greater than 5 acres.

Mr. Thorn's three proposed lots will all be greater than five acres. In the past, if lots to be platted were over five acres, the City didn't review the subdivision application. However, now with the passage of Ordinance No. 990 (Sec. 41-4(a)(2)), the City will look at tracts over 5 acres if the following is triggered: "The division of land into two (2) or more tracts, lots, sites or parcels, any part of which when subdivided shall contain five (5) acres or more in area **and will require the dedication or conveyance of any access**, public right-of-way, **easement**, or any public improvement;". Mr. Thorn does not have a hardship, as he is creating two additional lots from his 15-acre tract that are currently undeveloped.

Kyle code specifically and intentionally requires all lots to have public street frontage, because there are times when adjacent land owners will cut off access to lots situated in a similar manner as the proposed subdivision plat, despite recorded easements. This is one facet of why City staff reviews subdivisions, to ensure that they are designed appropriately to minimize future complications.

Staff Recommendation

Because city code does not allow for shared access easements in this manner, staff cannot support the creation of three lots without the creation of a publicly accepted road providing access for all lots.

ATTACHMENTS

1. Request letter
2. Proposed Plat
3. Ord. No. 990