

5400 Hilliard Road
San Marcos, TX 78666
05/25/2018

The Honorable Mayor Travis Mitchell
Kyle City Council Members
100 W. Center Street
Kyle, TX 78640

Dear Mayor and City Council:

I am writing to ask that the attached subdivision plan for Lot 6, Highlands Section C be granted a waiver from Sec. 41-82(e)(3).

In February of this year, I met with the Hays County planning and zoning staff regarding the subdivision of my property with a goal to share with family members in the aftermath of the flooding of our homes in San Marcos in May of 2015. During that meeting I received a recommendation that was in accordance with County regulations and later presented to Byrn and Associates who prepared the attached draft plat. County staff informed me that my property was within the Extra-Territorial Jurisdiction (ETJ) of the City of Kyle but since my plan resulted in each of the lots containing at least 5 acres the plan would only need to be submitted to the City of Kyle as a formality.

Earlier this month, I was informed by Mr. Williams with Byrn and Associates that the above mentioned "5 acre" understanding or agreement between Hays County and Kyle would no longer apply and I would need to request approval to proceed with both Hays County and the City of Kyle. Mr. Williams reached out to the Kyle planning and zoning staff and after a brief email conversation I learned that the change came as a result of a March change to the zoning ordinance.

I reached back out to Hays County staff for advice and recommendations and received a call from Ms. McInnis. She felt that a meeting with Kyle City staff might provide an opportunity for her and her staff to offer their support of the plan and attempt to facilitate a compromise that be mutually beneficial. On the afternoon of May 24th, Ms. McInnis, her staff, myself and two members of the Kyle City staff met to discuss my options. Kyle City staff unfortunately did not introduce themselves, but I am confident Mr. Atkinson was present and they confirmed the "5 acre" change. In that meeting I was presented with two options:

1. Create a road by county standards that would then need to be turned over to Hays County to be maintained.
2. Submit a request to the Kyle City Council for waiver from the ordinance.

Ms. McInnis was clear that option #1 was not viable given the remote and rural location and the burden such an obligation would place on County resources. I was left with option #2 and thus my reason for this request.

I thank you for taking the time to consider my request and look forward to a lasting relationship with the City of Kyle.

Respectfully Submitted

Raphael C. Thorn