

From: Megan Shannon <megan@momarkdevelopment.com>

Sent: Thursday, January 16, 2020 4:29 PM

To: William Atkinson <watkinson@cityofkyle.com>

Subject: Uptown Phase IA Plat Comments

Hello Will, Happy New Year. I hope this message finds you well. We continue to make good progress on the Uptown Phase 1 construction plans. We have two plat comments that we would like to seek an administrative variance for in order to facilitate the development of the mixed-use urban village that we all envision. Please review my justifications below and advise on the variance process for these items.
Best, Megan

1. Plat Comment: *As the site is designed to have a vertical mixed use component, the setbacks will be 0' on all sides. This by default means the 7.5' PUE required around the ROW edge cannot be in place (avoiding conflict). Plum Creek subdivision code states that if you have an alley (public or private), then the 7.5' PUE is not required. It would be wise, to place an access easement/private alley/PUE on the plat for each block, to avoid the perimeter PUE. It could align with the two access points for the parking area.*
 - a. As you mentioned, because the vertical mixed use buildings will be sited along the right of way line with 0' setbacks, there is no space for the traditional 7.5' PUE on all sides of each lot. After some study, we determined that neither can we locate a 7.5' PUE through an alley in the middle of each lot of the plat because of future intentions to convert the surface parking area into structured parking garages once the market demand exists. However, fortunately we are constructing all public utilities in the right of way, and so I don't see a need for an additional 7.5' PUE outside of the right of way area. Please advise on how we may seek approvals of a variance from the 7.5' PUE requirement. We may also seek to amend the subdivision ordinance since all public utilities in Uptown will be in the right of way.
2. Plat Comment: *"Minimum lot depth for the PC MXD zoning district is 100'. Please adjust rear lot lines of Lot 1, Block A & Lot 1, Block B."*
 - a. We would like a variance for narrower lot depths for these two blocks in question. The builder of the apartments is facing challenges with its lender, which they have articulated below for your consideration:
"The project was originally designed as a single lot with 400 units. The lender demanded that only 300 units be built. Phase IA, which is financed at 300 units, can be created on only Lot 2 of Blocks A and Block B. The builders will utilize Lot 1 of Block A and Block B for future Phase IB, which will be approximately 100 units. Over 90% of the parking for Phase 1B will be constructed as part of the construction of Phase 1A, and a reciprocal parking easement allowing the units on both Phase 1A and Phase 1B to share the parking will be in place. To accommodate the lender's demand that the first phase only be 300 units on the original one lot parcel instead of the originally designed 400 units, the building heights would have had to be reduced down to two and three story buildings (rather than the current form of three and four story buildings). We have been working with the City for several years to design an urban form for this new mixed-use center. To revert to two and three story buildings would be defeating the work done to date to increase the density and set the tone for the project. The benefit of having the 300 units of Phase IA located on Lot 2 of Block A and Block B is that it allows for more of this urban form of 3 and 4 story buildings, thus creating more density

through a smaller land area. If the 300 units had to be spread out over Lots 1 and 2 of each block, the density would likely only be two to three stories and minimize the urban form the City wants us to build here, which is very necessary to create a robust, walkable, urban, town center environment. Again, the narrow lot (Phase 1B) will be served by parking located on Phase 1A and additional tuck under parking with the apartments. Prior to construction, we can provide a reciprocal parking easement guaranteeing that right to park.”

Thank you for your consideration and guidance on seeking these variances in order to facilitate the urban environment we all envision.

Sincerely,
Megan
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