



CITY OF KYLE

Community Development Department



MEMORANDUM

TO: Mayor & City Council

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

DATE: Tuesday, April 7, 2020

SUBJECT: Endeavor M.U.E. Waiver Request (Kyle Towne Center, Replat of Lot 1-A, Block A)

REQUEST

The applicant (Daniel Campbell, Endeavor) requests to forgo the required side Municipal Utility Easements (M.U.E.'s) required in the City of Kyle's subdivision code (Sec. 41-141(a)). If an applicant does not want side M.U.E.'s, a waiver is required from the Mayor and City Council.

LOCATION

The property is bounded by IH-35 & Kyle Crossing in an east/west manner and Kyle Crossing & Kohler's Crossing from north to south. The site is approximately 65-acres.



TEXT OF THE ZONING ORDINANCE

Sec. 41-141 – Municipal Utility Easements

- (a) *Rear and side lots.* Each block that does not contain an alley, shall contain or have access to a municipal utility easement at the rear of each lot, and/or at other appropriate locations on each lot, as determined by the city's engineer and/or public works director and/or their designees. The easement(s) will be reserved for the use of all public utility lines, conduits and equipment. Programming for utility locations in the easements will be reserved to the city, and placement of utilities in municipal utility easements require expressed, written prior authorization from the city. In the case of rear lot locations, the utility easements shall be no less than ten feet in width. For properties with required building rear yards, the rear yard easement will be no less than ten feet in width, or the width of any applicable setback, whichever is less. **In side lot locations, the utility easements shall be no less than five feet in width. For properties with required building side yards, any required side yard easement will be no less than five feet in width, or the width of any applicable setback, whichever is less.** Unless abutting an alley, water and wastewater utility easements in the rear are not favored and will not be approved except under special circumstances.

ANALYSIS

The Endeavor site is a large parcel, undergoing review by city staff. The site will be a large-scale shopping center, complete with anchor strip retail stores, detached pad site retail, restaurants, office uses, and a multi-family residential site along Kyle Crossing. The applicant's request for waiving side M.U.E.'s is part of the subdivision process, as this is where M.U.E.'s are typically dedicated. Following approval of the subdivision, the site plan will be approved.

The applicant requests exemption from required side lot line M.U.E.'s, for the purpose of greater flexibility for the placement and configuration of future minor parcels. After a subdivision is recorded, a potential tenant may show interest in a particular lot. However, were the lot incorrectly configured for the intended purpose, and lot lines had to be moved, the M.U.E. will not automatically move with the new lot line. To remove or relocate it would require vacation of the easement by the Planning & Zoning Commission. This adds an additional step, and an associated time constraint, to what otherwise could be an administrative approval by staff.

Also of note, in the case of this particular project, the City will not provide water services. This area is within the Monarch Utilities I L.P. (SouthWest Water Company) service area, and the City will not have public water lines internal to the site. The City of Kyle will, however, be the waste water utility provider and subsequently will maintain the public utility lines that service the site.

While not requiring side M.U.E.'s may increase flexibility from a development stand point, there are additional considerations to be made:

- Dedicating all the required M.U.E.'s will allow the City and/or their contractors access for utility maintenance and installation at later dates, if necessary. In the absence of these easements for access, the city will likely have to purchase these easements.
- All M.U.E.'s are at the perimeter of all lots, outside of the allowable building envelope, and will not interfere with encroachment of buildings. Landscaping and parking is allowed to be within the easements, as one can still install utilities if necessary.

RECOMMENDATION

Staff asks the Mayor and Council to consider the request and the staff report to make a determination.

ATTACHMENTS

1. Request letter
2. Proposed subdivision layout