



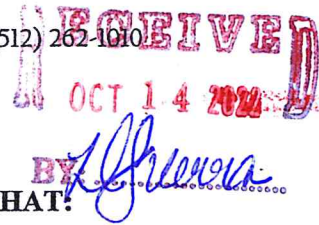
CITY OF KYLE

Planning Department

100 W. Center Street, Kyle, Texas 78640 (512) 262-1010

NOTICE OF PUBLIC HEARINGS ON A PROPOSED ZONING CHANGE

NOTICE IS HEREBY GIVEN TO ALL INTERESTED PERSONS, THAT:
(Z-22-0106)



The City of Kyle shall hold a public hearing on a request by Connor Overby, P.E. (Z-22-0106) to rezone approximately 7.17 acres of land from 'A' (Agriculture) to 'CC' (Community Commercial) for property located on Lot 2, Block A of the Findley Subdivision, in Hays County, Texas.

The Planning and Zoning Commission may recommend, and the City Council may consider, assigning any zoning district which is equivalent or more restrictive.

A public hearing will be held by the Planning and Zoning Commission on Tuesday, October 11, 2022 at 6:30 P.M.

A public hearing will be held by the Kyle City Council on Tuesday, October 18, 2022 at 7:00 P.M.

This is a meeting taking place at Kyle City Hall, 100 W. Center Street, Kyle, Texas 78640; Spectrum 10;
<https://www.cityofkyle.com/kyletv/kyle-10-live>

Owner(s): 360 Old Stagecoach Retail, LLC
Agent: Connor Overby, P.E. 512-584-8671
805 Las Cimas Parkway, Ste. 310
Austin, TX 78746



You may send your written comments to the Planning Department, 100 W. Center St., Kyle, Texas 78640 (attention: Zoning File # Z-22-0106).

Name: _____ Address: _____

☐ I am in favor, this is why _____

☒ I am not if favor, and this is why see attachment

As stated in our Planning and Zoning Protest, our Residential Homestead of 35 years borders the West side of the subject property. It appears that under the zoning process, a zoning change may be voted on and changed by the City Council in 17 days from the postage meter date.

Our home, along with 6 homes under construction in Sage Hollow, border the subject property. Those buying the homes under construction have the option of buying knowing of the Community Commercial zoning designation. We do not have that option. The City Council will make that determination for us.

The Mid Town Community Land Use District – “The Plum Creek waterway flows through and adjacent to the Mid-Town District, offering opportunities for recreation and a responsibility for environmental conservation.” The zoning change will result in mass grading and destruction of the natural environment. Can we save some on the existing natural environment?

Some of our concerns are as follows:

Permitted Uses: Includes uses that have a higher impact on adjoining residential properties. It is not clear that if fuel stations have been removed or limited by a change to another part of the code.

Transitional Area between residential and commercial: Many of the residential subdivisions in the area have a 20 foot transitional area between residential subdivisions or adjacent properties. These include the following:

- North border of Home Town Kyle with adjacent property;
- Area between Cypress Creek Forest and Six Creeks.
- Southwest corner of Six Creeks and neighboring residences; and
- Area between Plum Creek and Brooks Crossing

The latter leaves the original landscape. It would seem that the transitional area between commercial to residential would be greater than residential to residential. Can Council grant variances as to transitional areas? The commercial zone in Sage Hollow has a substantial transitional area between commercial and residential.

Noise - Sec. 23-60.- Noises prohibited: Any unreasonably loud, disturbing or unnecessary noise which causes material distress, discomfort or injury to persons of ordinary sensibilities in the immediate vicinity thereof, or any noise of such character, intensity and continued duration which substantially interferes with the comfortable enjoyment of private homes by persons of ordinary sensibilities, is prohibited after the effective

date hereof, and is hereby declared to be a nuisance. Item #12 which addresses construction is more restrictive, not less.

I believe that the city to the North of Kyle has residential decibel limit of 63 daytime and 56 a night.

Traffic Impact: Access to commercial property would be to the existing Old Stagecoach Road. Traffic currently backs up well beyond the subject property. It appears that access from Sage Hollow to Old Stagecoach Road may run through the subject property thereby further increasing traffic on Old Stagecoach Road.

Section 53-995 Tree Ordinance – Protective trees are defined as trees with a circumference of twenty-eight (28) inch or greater. Specimen trees are trees with a circumference of seventy (75) inch or greater. Will variances be granted to the Tree Ordinance?

The common line with our home and the subject property is wooded with the fear that oak trees removed may be connected by root systems to our trees thereby damaging them. Oak wilt may be transmitted through the root system. Said trees are part of the heritage and history along the original Old Stagecoach Road.

Trees have been tagged along our common property line with the subject property.

Hours of Operation: Zoning allows businesses to be open to the general public until 10:00 pm. Businesses may utilize extended hours on Friday and Saturdays.

Fences: Any fencing in front, or to the side on corner lots, shall not exceed a height of three feet and any solid fencing material shall not exceed a height of two feet.

Drainage: Drainage concerns include the water flow from our property to the subject property creating a dam effect, and the increased water flow across Old Stagecoach Road. The latter was recently closed after rainfall. Thanks to the City Employees that came out in the night to barricade the road and possibly save accidents.

The development of Sage Hollow to the North, and the development of the subject will most likely increase drainage with less absorption and changes in the natural lay of the land.

History: Old Stagecoach Road is not just a name; it is the original route of the stagecoach line. The route and the historic areas along the way should be preserved.

Neighborhood Commercial District: In order to lessen impact on existing residential homesteads, is it possible to mix a Neighborhood Commercial District with a Community Commercial District?

Preliminary Site Plan Set: The Preliminary Site Plan set, shown as an attachment to the Summary Request Letter of Atwell, was not included with the package.

Future Zoning Changes: May there be future zoning changes to the subject property?

Thank you for your consideration.

A handwritten signature in blue ink, reading "Alton E. Franke", written over a horizontal line.

Alton E. Franke

A handwritten signature in blue ink, reading "Deanna Kay Franke", written over a horizontal line.

Deanna K. Franke