

CITY OF KYLE

PLANNING AND ZONING COMMISSION SPECIAL CALLED MEETING



Kyle City Hall, 100 W. Center Street, Kyle, TX 78640
The public can watch remotely at: Spectrum 10;
<https://www.cityofkyle.com/kyletv/kyle-10-live>. One or more members of the governing body may participate in the meeting by videoconference pursuant to Section 551.127, Texas Government Code, provided that a quorum of the governing body will be present at Kyle City Hall.

Notice is hereby given that Planning and Zoning Commission of the City of Kyle, Texas will meet at 6:30 PM on February 22, 2022, at Kyle City Hall, 100 W. Center Street, Kyle, TX 78640, for the purpose of discussing the following agenda.

NOTE: There may be a quorum of the City Council of Kyle, Texas present at the meeting who may participate in the discussion. No official action will be taken by the City Council members in attendance.

Posted this 18th day of February, 2022, prior to 6:30 P.M.

1. CALL THE MEETING TO ORDER

A.Roll Call

2. CITIZEN COMMENTS

A.Citizen Comment Period. The Planning and Zoning Commission welcomes comments from Citizens early in the agenda of regular meetings. Speakers are provided with an opportunity to speak during this time period on any agenda item or any other matter concerning city business, and they must observe the three-minute time limit.

3. CONSENT

A Crosswinds Subdivision Phase 3A - Final Plat (SUB-20-0139) 70.028 acres; 280 single family lots, 4 drainage, sidewalks, access, and public utility lots, and 1 park lot

for property located off Windy Hill Road and Crosswinds Parkway.

Staff Proposal to P&Z: Approve the final plat.

4. GENERAL DISCUSSION

A Discussion regarding building requirements for Manufactured Homes. ~
Commissioner Snidow

5. CONSIDER AND POSSIBLE ACTION

A Consider a request by Jeffrey Howard of McLean & Howard LLP, to rezone approximately 259 acres of land from Agriculture 'A' to Planned Unit Development 'PUD' for property located at 5260 Hillside Terrace, in Hays County, Texas. (Hillside Terrace - Zoning - Z-21-0090)

- Public Hearing
- Recommendation to City Council

B Consider a request by Rick Martindale of Langan engineering firm, to remove two Specimen trees for the Opal Point multifamily site located at 141 Opal Lane.

C Council and Planning and Zoning Commission joint meeting item regarding roles, goals, and vision for 2022.

6. ADJOURNMENT

*Per Texas Attorney General Opinion No. JC-0169; Open Meeting & Agenda Requirements, Dated January 24, 2000: The permissible responses to a general member communication at the meeting are limited by 551.042, as follows: "SEC. 551.042. Inquiry Made at Meeting. (a) If, at a meeting of a government body, a member of the public or of the governmental body inquires about a subject for which notice has not been given as required by the subchapter, the notice provisions of this subchapter, do not apply to:(1) a statement of specific factual information given in response to the inquiry; or (2) a recitation of existing policy in response to the inquiry. (b) Any deliberation of or decision about the subject of the inquiry shall be limited to a proposal to place the subject on the agenda for a subsequent meeting."

CITY OF KYLE, TEXAS



Citizen Comment Period. The Planning and Zoning Commission welcomes comments from Citizens early in the agenda of regular meetings. Speakers are provided with an opportunity to speak during this time period on any agenda item or any other matter concerning city business, and they must observe the three-minute time limit.

Meeting Date: 2/22/2022
Date time:6:30 PM

Subject/Recommendation: Citizen Comment Period. The Planning and Zoning Commission welcomes comments from Citizens early in the agenda of regular meetings. Speakers are provided with an opportunity to speak during this time period on any agenda item or any other matter concerning city business, and they must observe the three-minute time limit. Members of the public that wish to provide citizen comment have the following options:

- In-Person at Kyle City Hall, 100 W. Center Street

Other Information: N/A

Legal Notes: N/A

Budget Information: N/A

ATTACHMENTS:

Description

No Attachments Available



CITY OF KYLE, TEXAS

Crosswinds Subdivision Phase 3A - Final Plat (SUB-20-0139)

Meeting Date: 2/22/2022

Date time: 6:30 PM

Subject/Recommendation: Crosswinds Subdivision Phase 3A - Final Plat (SUB-20-0139) 70.028 acres; 280 single family lots, 4 drainage, sidewalks, access, and public utility lots, and 1 park lot for property located off Windy Hill Road and Crosswinds Parkway.

Staff Proposal to P&Z: Approve the final plat.

Other Information: See attached.

Legal Notes: N/A

Budget Information: N/A

ATTACHMENTS:

Description

- Final Plat and Hays County 1445 Approval Letter



Hays County Development Services
P.O Box 1006 San Marcos TX 78667-1006
2171 Yarrington Road San Marcos TX 78666
512-393-2150 / www.hayscountytexas.com

February 8th, 2022

William Atkinson
City Planner
City of Kyle

Re: **Crosswinds, Phase 3-A, Final (PLN-1575-NP)**

Mr. Atkinson,

The Hays County Development Services staff has had an opportunity to review the aforementioned subdivision for compliance with Hays County subdivision and development regulations. Hays County staff has no further review comments at this time.

Pursuant to the Interlocal Cooperation Agreement between Hays County and the City of Kyle for subdivision regulation within the extraterritorial jurisdiction of the City of Kyle, please move forward with approval of the plat as submitted.

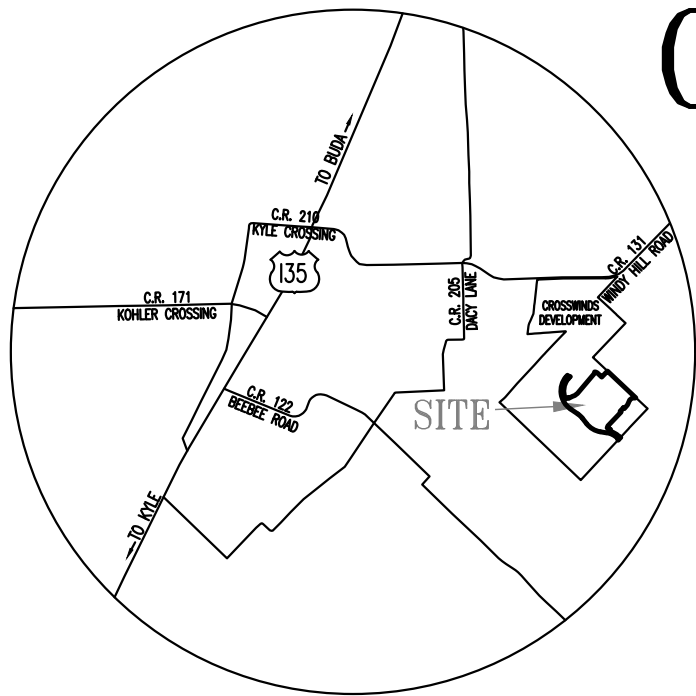
If you have any questions please let me know.

Regards,

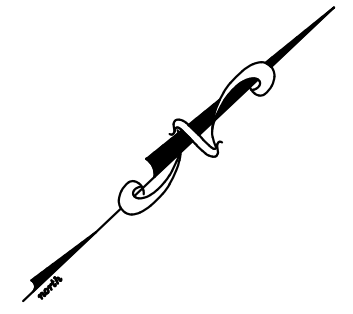
Marcus Pacheco

Marcus Pacheco
Director
Hays County Development Services

CROSSWINDS PHASE THREE-A

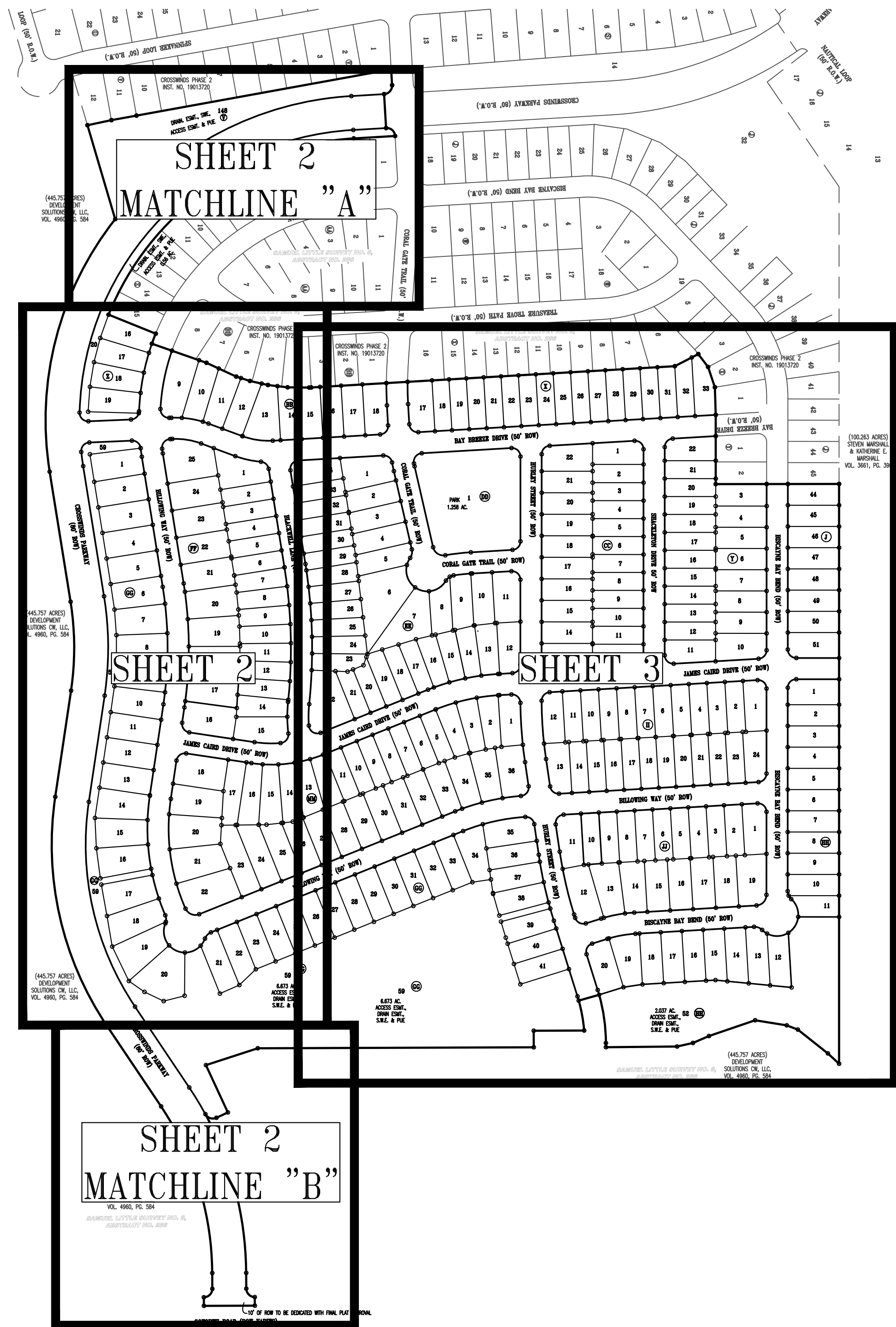


VICINITY MAP
NOT TO SCALE



SCALE: 1" = 200'

OVERALL LAYOUT

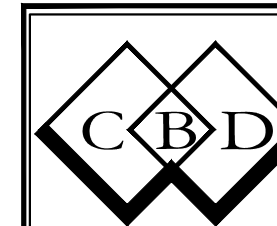


SHEET NO. 1 OF 7

Carlson, Brigrance & Doering, Inc.

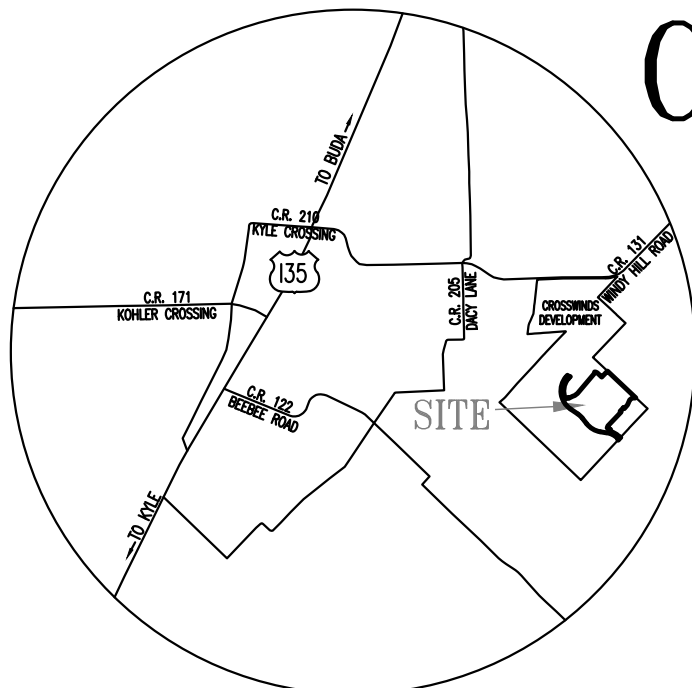
FIRM ID #F3791 REG. # 10024900

Civil Engineering Surveying
5501 West William Cannon Austin, Texas 78749
Phone No. (512) 280-5160 Fax No. (512) 280-5165



J:\AC3D\5239\Survey\PLAT - CROSSWINDS PHASE 3A

CROSSWINDS PHASE THREE-A



VICINITY MAP
NOT TO SCALE

OWNER: DEVELOPMENT SOLUTIONS CW, LLC.
12222 MERIT DRIVE, SUITE 1020
DALLAS, TX 75251
(972) 960-2777
(972) 960-2660 FAX

DATE: JANUARY 22, 2021
ACREAGE: 70.028 ACRES

SURVEY: SAMUEL LITTLE SURVEY NO. 8,
ABSTRACT NO. 286,
HAYS COUNTY, TEXAS

ENGINEER & SURVEYOR:
CARLSON, BRIGANCE & DOERING, INC.
5501 WEST WILLIAM CANNON DRIVE
AUSTIN, TEXAS 78749
(512) 280-5160 PHONE
(512) 280-5165 FAX

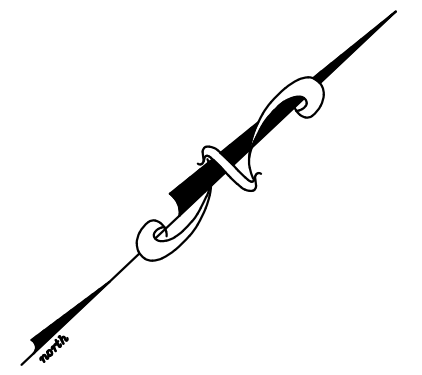
F.E.M.A. MAP NO. 48209C0290F
NO. 48209C0293F
HAYS COUNTY, TEXAS DATED SEPTEMBER 2, 2005

SINGLE FAMILY LOTS	280
DRAINAGE, SIDEWALK, ACCESS & PUBLIC UTILITY LOTS	4
PARK LOTS	1
NUMBER OF BLOCKS	14

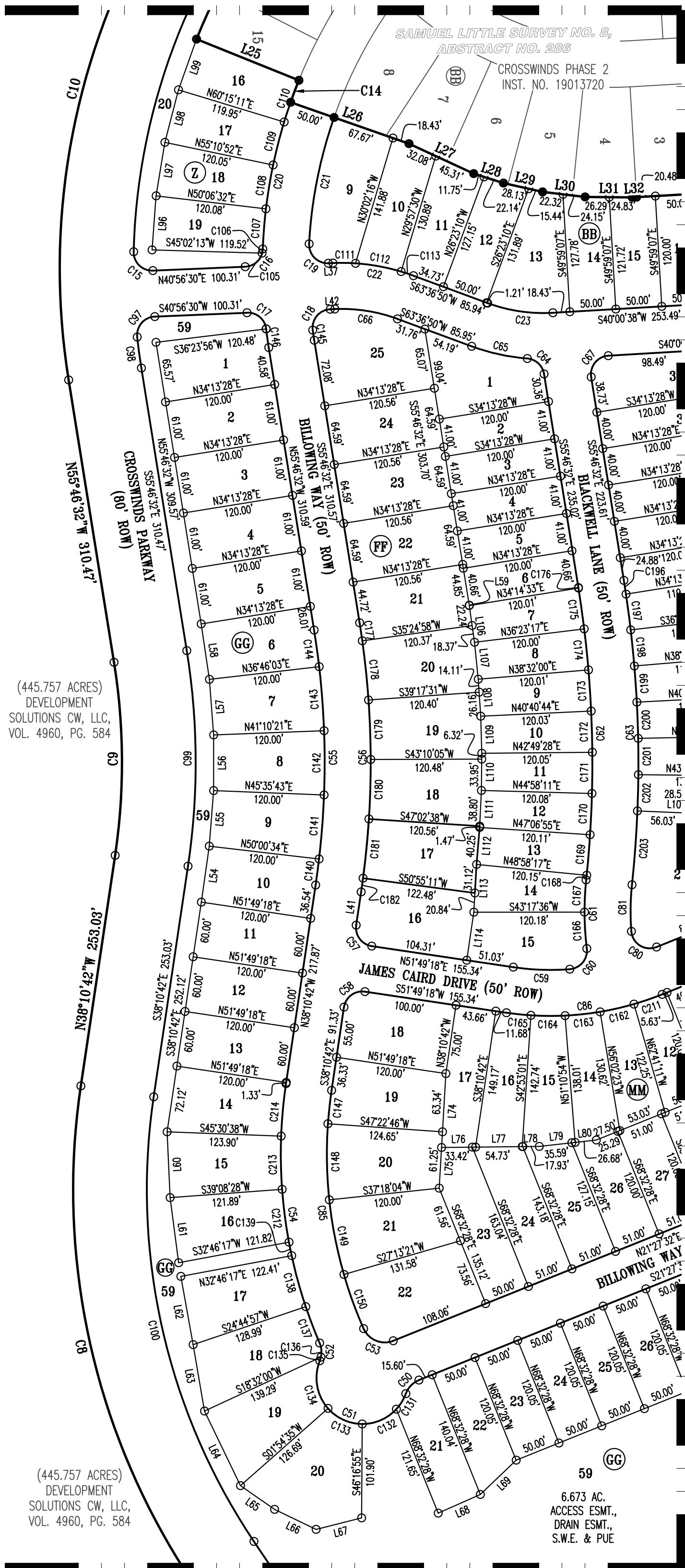
LEGEND

- 1/2" IRON ROD FOUND (UNLESS OTHERWISE NOTED)
- 1/2" CAPPED IRON ROD SET (UNLESS OTHERWISE NOTED)
- 25 LOT NUMBER
- Ⓟ BLOCK DESIGNATION

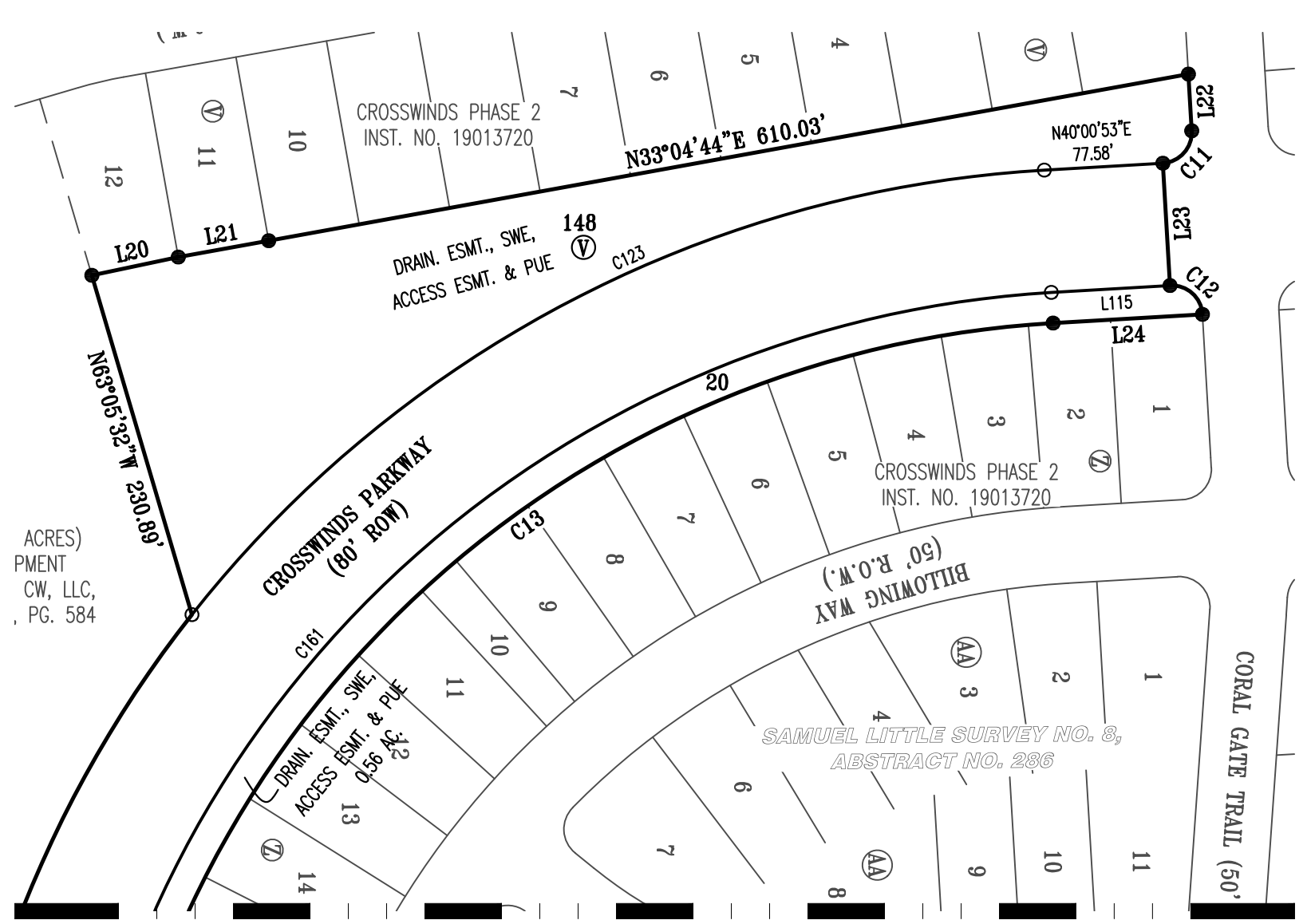
SCALE: 1" = 100'



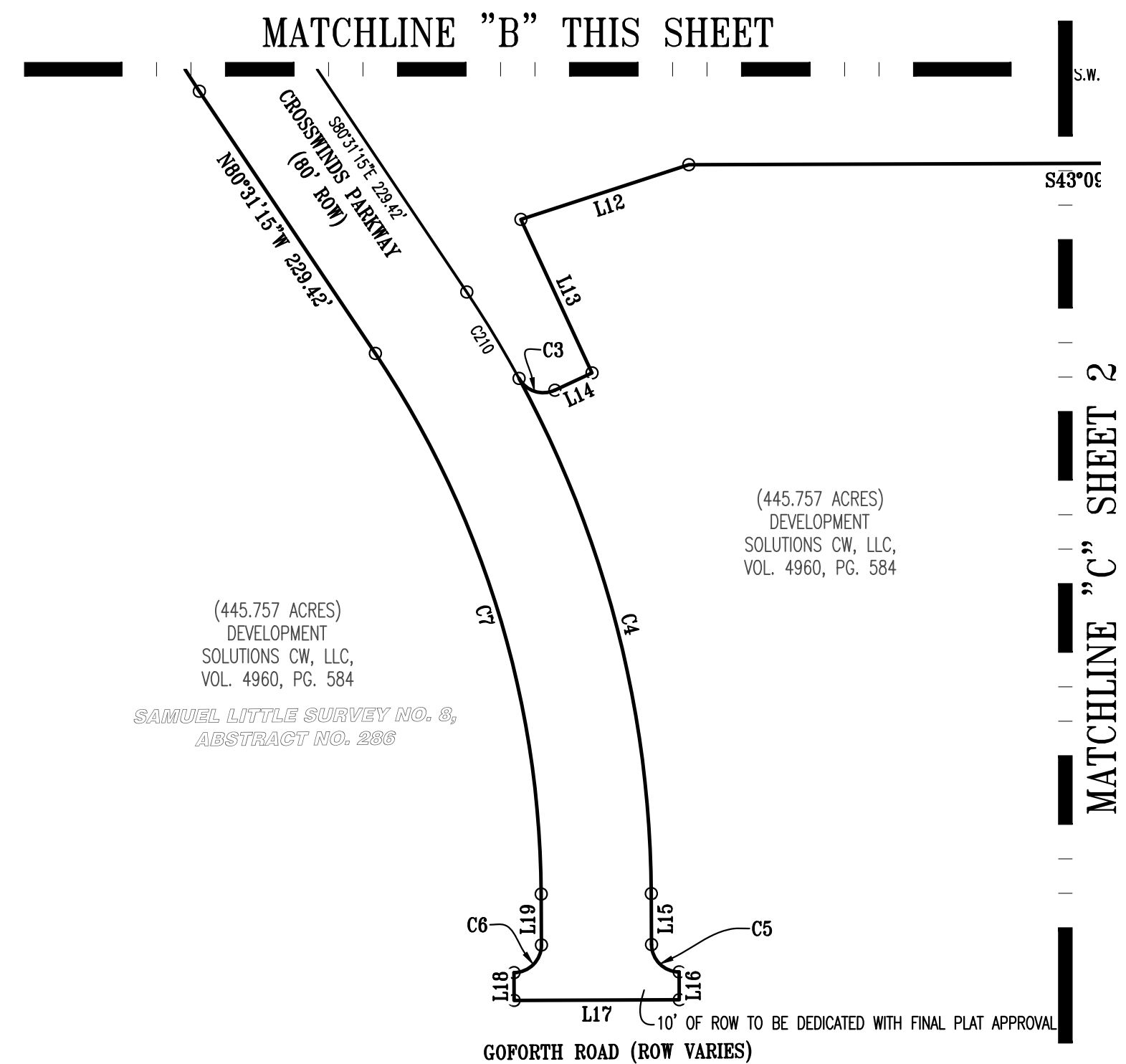
MATCHLINE "A" THIS SHEET



MATCHLINE "B" THIS SHEET



MATCHLINE "A" THIS SHEET



MATCHLINE "B" THIS SHEET

MATCHLINE "C" SHEET 2

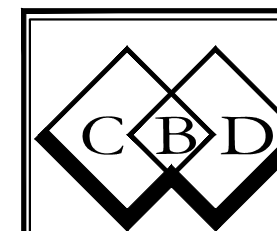
MATCHLINE "C" SHEET 2

SHEET NO. 2 OF 7

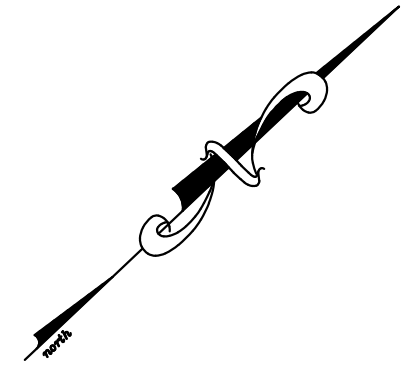
Carlson, Brigance & Doering, Inc.

FIRM ID #F3791 REG. # 10024900

Civil Engineering Surveying
5501 West William Cannon Austin, Texas 78749
Phone No. (512) 280-5160 Fax No. (512) 280-5165

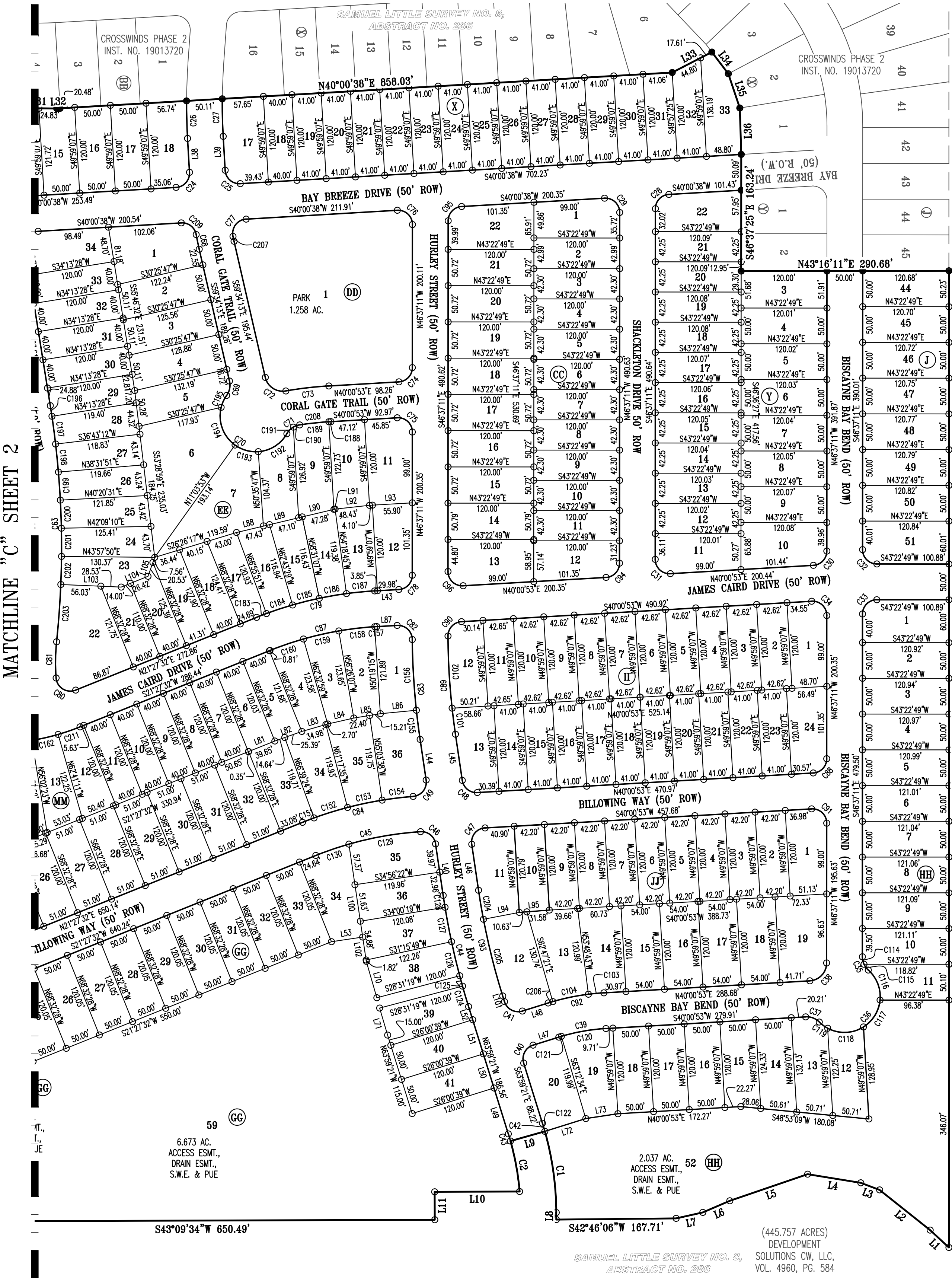


CROSSWINDS PHASE THREE-A



SCALE: 1" = 100'

(100.263 ACRES)
STEVEN MARSHALL
& KATHERINE E.
MARSHALL
VOL. 3661, PG. 396



SAMUEL LITTLE SURVEY NO. 8, ABSTRACT NO. 286
SOLUTIONS CW, LLC, VOL. 4960, PG. 584

SHEET NO. 3 OF 7

Carlson, Brigrance & Doering, Inc.

FIRM ID #F3791 REG. # 10024900

Civil Engineering Surveying
5501 West William Cannon Austin, Texas 78749
Phone No. (512) 280-5160 Fax No. (512) 280-5165



J:\AC3D\5239\Survey\PLAT - CROSSWINDS PHASE 3A

CROSSWINDS PHASE THREE-A

STATE OF TEXAS
COUNTY OF HAYS

KNOW ALL MEN BY THESE PRESENTS:

THAT DEVELOPMENT SOLUTIONS CW, LLC, ACTING BY AND THROUGH ITS MANAGER, GREGORY L. RICH, OWNER OF 445.757 ACRES OF LAND OUT OF THE SAMUEL LITTLE SURVEY, NO. 8, A-286, IN HAYS COUNTY, TEXAS, AS CONVEYED BY SPECIAL WARRANTY DEED RECORDED IN VOLUME 4960, PAGE 584, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, DO HEREBY SUBDIVIDE A 70.028 ACRE PORTION OF SAID TRACT IN ACCORDANCE WITH THE ATTACHED MAP OR PLAT TO BE KNOWN AS:

"CROSSWINDS PHASE THREE-A"

IN ACCORDANCE WITH THE PLAT SHOWN HEREON, SUBJECT TO ANY AND ALL EASEMENTS OR RESTRICTIONS HERETOFORE GRANTED, AND DO HEREBY DEDICATE TO THE PUBLIC THE USE OF THE STREETS, ALLEYS, PARKS, WATERCOURSES, DRAINS, EASEMENTS, AND PUBLIC PLACES SHOWN ON THIS PLAT.

WITNESS MY HAND THIS THE _____ DAY OF _____, A.D. 20____.

GREGORY L. RICH/ MANAGER
DEVELOPMENT SOLUTIONS CW, LLC

STATE OF TEXAS }
COUNTY OF HAYS }

BEFORE ME, THE UNDERSIGNED AUTHORITY, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE ON THIS DAY PERSONALLY APPEARED GREGORY L. RICH, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS THE _____ DAY OF _____, A.D. 20____.

NOTARY PUBLIC, STATE OF TEXAS

STATE OF TEXAS
COUNTY OF HAYS

KNOW ALL MEN BY THESE PRESENTS:

THE OWNERS OF THE LAND SHOWN ON THIS PLAT WHOSE NAMES ARE SUBSCRIBED HERETO, AND IN PERSON OR THROUGH A DULY AUTHORIZED AGENT, HEREBY DEDICATED TO USE OF THE PUBLIC FOREVER ALL STREETS, PARKS, WATER COURSES, DRAINS, MUNICIPAL UTILITY EASEMENTS, AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSES AND CONSIDERATION THEREIN EXPRESSED. I (WE) FURTHER CERTIFY THAT ALL OTHER PARTIES WHO HAVE A MORTGAGE OR LIEN INTEREST IN THE SUBDIVISION HAVE BEEN NOTIFIED AND SIGNED THIS PLAT.

I (WE) FURTHER ACKNOWLEDGE THAT THE DEDICATIONS AND/OR EXACTIONS MADE HEREIN ARE PROPORTIONAL TO THE IMPACT OF THE SUBDIVISION UPON THE PUBLIC SERVICE REQUIRED IN ORDER THAT THE DEVELOPMENT WILL COMPORT WITH THE PRESENT AND FUTURE GROWTH NEEDS OF THE CITY; I (WE), MY (OUR) SUCCESSORS AND ASSIGNS HEREBY WAIVE ANY CLAIM, DAMAGE, OR CAUSE OF ACTION THAT I (WE) MAY HAVE AS A RESULT OF DEDICATIONS OF EXACTIONS MADE HEREIN.

INTERNATIONAL BANK OF COMMERCE

STATE OF TEXAS }
COUNTY OF HAYS }

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED _____, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATION THEREIN STATED. GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS THE _____ DAY OF _____, A.D. 20____.

NOTARY PUBLIC, STATE OF TEXAS

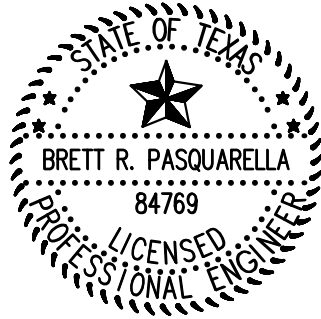
MY COMMISSION EXPIRES: _____

STATE OF TEXAS }
COUNTY OF TRAVIS }

I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, HEREBY CERTIFY THAT PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN THIS PLAT.

DO HEREBY CERTIFY THAT NO PORTION OF THIS PROPERTY IS LOCATED WITHIN A DESIGNATED 100-YEAR FLOOD ZONE AREA, AS DELINEATED ON THE FLOOD INSURANCE RATE MAP (FIRM) COMMUNITY PANELS 48209C 0290F AND 48209C 0293F, DATED SEPTEMBER 2, 2005, AS PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY. ADDITIONALLY, STORMWATER RUNOFF FROM THE 100 YEAR STORM EVENT SHALL BE CONTAINED WITHIN THE DRAINAGE FACILITIES TO BE LOCATED WITHIN THE RIGHTS-OF-WAY, AND /OR OPEN SPACE AND DRAINAGE EASEMENT LOTS.

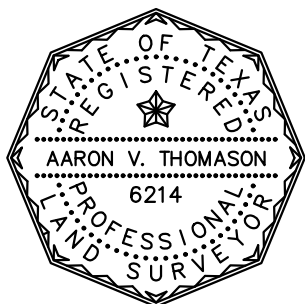
BRETT R. PASQUARELLA, P.E. No. 84769
CARLSON, BRIGANCE & DOERING, INC.
5501 WEST WILLIAM CANNON
AUSTIN, TEXAS 78749
(512) 280-5160



STATE OF TEXAS }
COUNTY OF TRAVIS }

I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECTLY MADE AND IS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND AND THAT THE CORNER MONUMENTS WERE PROPERLY PLACED UNDER MY SUPERVISION.

SURVEYED BY: AARON V. THOMASON, R.P.L.S. #6214
CARLSON, BRIGANCE & DOERING, INC.
5501 WEST WILLIAM CANNON
AUSTIN, TEXAS 78749
aaron@cbdeng.com



REVIEWED BY:

CITY ENGINEER, CITY OF KYLE DATE

REVIEWED BY:

DIRECTOR OF PUBLIC WORKS, CITY OF KYLE DATE

THIS FINAL PLAT HAS BEEN SUBMITTED TO AND CONSIDERED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KYLE, TEXAS, AND IS HEREBY APPROVED BY SUCH PLANNING AND ZONING COMMISSION.

DATED THIS _____ DAY OF _____, A.D. 20____.

CHAIRPERSON

SEWAGE DISPOSAL/INDIVIDUAL WATER SUPPLY CERTIFICATION, TO-WIT:

NO STRUCTURE IN THIS SUBDIVISION SHALL BE OCCUPIED UNTIL CONNECTED TO AN INDIVIDUAL WATER SUPPLY OR A STATE APPROVED COMMUNITY WATER SYSTEM. DUE TO DECLINING WATER SUPPLIES AND DIMINISHING WATER QUALITY, PROSPECTIVE PROPERTY OWNERS ARE CAUTIONED BY HAYS COUNTY TO QUESTION THE SELLER CONCERNING GROUND WATER AVAILABILITY. RAIN WATER COLLECTION IS ENCOURAGED AND IN SOME AREAS MAY OFFER THE BEST RENEWABLE WATER RESOURCE.

NO STRUCTURE IN THIS SUBDIVISION SHALL BE OCCUPIED UNTIL CONNECTED TO A PUBLIC SEWER SYSTEM OR TO AN ON-SITE WASTEWATER SYSTEM WHICH HAS BEEN APPROVED AND PERMITTED BY HAYS COUNTY DEVELOPMENT SERVICES DEPARTMENT.

NO CONSTRUCTION OR OTHER DEVELOPMENT WITHIN THIS SUBDIVISION MAY BEGIN UNTIL ALL HAYS COUNTY DEVELOPMENT AUTHORIZATION REQUIREMENTS HAVE BEEN SATISFIED.

MARCUS PACHECO, DIRECTOR
HAYS COUNTY DEVELOPMENT SERVICES

ERIC VAN GAASBEEK, R.S., C.F.M.
HAYS COUNTY FLOODPLAIN ADMINISTRATOR

STATE OF TEXAS
COUNTY OF HAYS

I, THE UNDERSIGNED, DIRECTOR OF HAYS COUNTY DEVELOPMENT SERVICES, HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL HAYS COUNTY REQUIREMENTS AS STATED IN THE INTERLOCAL COOPERATION AGREEMENT BETWEEN HAYS COUNTY AND THE CITY OF KYLE FOR SUBDIVISION REGULATION WITHIN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF KYLE.

MARCUS PACHECO, DIRECTOR
HAYS COUNTY DEVELOPMENT SERVICES

STATE OF TEXAS }
COUNTY OF HAYS }

I, ELAINE H. CARDENAS, COUNTY CLERK OF HAYS COUNTY, TEXAS, DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT OF WRITING WITH ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORD IN MY OFFICE ON THE _____ DAY OF _____, 20____, A.D., AND DULY RECORDED ON THE _____

DAY OF _____, 20____ A.D., AT _____ O'CLOCK ____M., IN THE PLAT RECORDS OF HAYS COUNTY, TEXAS IN INSTRUMENT NUMBER _____

WITNESS MY HAND AND SEAL OF OFFICE THIS THE _____ DAY OF _____, 20____, A.D.

ELAINE H. CARDENAS
COUNTY CLERK
HAYS COUNTY, TEXAS

SHEET NO. 7 OF 7

Carlson, Brigance & Doering, Inc.
 FIRM ID #F3791 REG. # 10024900
 Civil Engineering Surveying
 5501 West William Cannon Austin, Texas 78749
 Phone No. (512) 280-5160 Fax No. (512) 280-5165

J:\AC3D\5239\Survey\PLAT - CROSSWINDS PHASE 3A

THIS FLOOD STATEMENT, AS DETERMINED BY A H.U.D.-F.I.A. FLOOD INSURANCE RATE MAP, DOES NOT IMPLY THAT THE PROPERTY OR THE IMPROVEMENTS THEREON WILL BE FREE FROM FLOODING OR FLOOD DAMAGE. ON RARE OCCASIONS, GREATER FLOODS CAN AND WILL OCCUR, AND FLOOD HEIGHTS MAY INCREASE BY MAN-MADE OR NATURAL CAUSES.

THIS STATEMENT SHALL NOT CREATE LIABILITY ON THE PART OF ENGINEER OR SURVEYOR.



CITY OF KYLE, TEXAS

Discussion related to building requirements for Manufactured Homes. ~ Commissioner Snidow

Meeting Date: 2/22/2022
Date time:6:30 PM

Subject/Recommendation: Discussion regarding building requirements for Manufactured Homes. ~ Commissioner Snidow

Other Information: N/A

Legal Notes: N/A

Budget Information: N/A

ATTACHMENTS:

Description

No Attachments Available



CITY OF KYLE, TEXAS

Hillside Terrace - Zoning (Z-21-0090)

Meeting Date: 2/22/2022
Date time: 6:30 PM

Subject/Recommendation: Consider a request by Jeffrey Howard of McLean & Howard LLP, to rezone approximately 259 acres of land from Agriculture 'A' to Planned Unit Development 'PUD' for property located at 5260 Hillside Terrace, in Hays County, Texas. (Hillside Terrace - Zoning - Z-21-0090)

- Public Hearing
- Recommendation to City Council

Other Information: See attached.

Legal Notes: N/A

Budget Information: N/A

ATTACHMENTS:

Description

- Delay Request

Porter Country Zoning (Z-21-0090)

Daniel McElrath <dmcelrath@mymilestone.com>

Thu 2/17/2022 3:43 PM

To: Amber Lewis <alewis@cityofkyle.com>; William Atkinson <watkinson@cityofkyle.com>

Cc: Laci M. Ehlers <lehlers@mcleanhowardlaw.com>; Cooper Dukette <cdukette@mymilestone.com>; Debbie Guerra <dguerra@cityofkyle.com>

Amber and Will,

Please consider this the official request for postponement of our Porter Country Zoning Case (Z-21-0090) for recommendation by Planning and Zoning Commission until the March 8th, 2022 meeting.

Thank you,
Daniel

Daniel McElrath
Land Acquisition Manager
[MileStone Community Builders](#)
512.921.0229 (c)
2100 Northland Drive
Austin, TX 78756



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CITY OF KYLE, TEXAS

Opal Point Tree Removal

Meeting Date: 2/22/2022

Date time:6:30 PM

Subject/Recommendation: Consider a request by Rick Martindale of Langan engineering firm, to remove two Specimen trees for the Opal Point multifamily site located at 141 Opal Lane.

Other Information: See attached.

Legal Notes: N/A

Budget Information: N/A

ATTACHMENTS:

Description

- Staff Memo
- Tree Removal Request
- Tree Assessment Report
- Site Plan



CITY OF KYLE

Community Development Department



MEMORANDUM

TO: Planning & Zoning Commission

FROM: Will Atkinson – Senior Planner

DATE: Tuesday, February 22, 2022

SUBJECT: Opal Point - Tree Removal Request

Request

Rick Martindale of Langan engineering firm, requests removal of two Specimen trees for the Opal Point multifamily site located at 141 Opal Lane.

Text of the Ordinance

Sec. 54-12(c)(9)

Specimen tree. Trees with a diameter of 25 inches or greater, which must be relatively upright, sound, with a solid trunk having no extensive decay; have no more than one major and several minor dead limbs; have no major insect or pathological problems; have no major pruning deficiencies, i.e. topping; and have at least 75 percent of the critical root zone in a natural, undisturbed state.

Sec. 54-12(d)(5)

All reasonable efforts be made to save specimen trees. ("Reasonable effort" includes alternate building design, building location, parking area layout, parking area location, storm water management and equivalent or similar measures.) The removal of specimen trees, which for the purposes of these requirements are trees with 25-inch diameter or greater, must be specifically approved by the planning and zoning commission prior to any action being taken to remove the tree or to damage or disturb the tree in any way. Any specimen tree that is removed shall be replaced inch-for-inch (a ratio of two-to-one) regardless of the location on the site of the specimen tree. Replacement trees installed as a function of compensation for specimen tree removals are in addition to the minimum required tree density for the site.

Analysis

The Opal Point multifamily project is currently under construction at 141 Opal Lane. This site is allowed to be developed per the R-3-2 zoning district requirements per the Intermandeco GP, LLC development agreement with the City of Kyle. The site has a number of mature oak trees on site, and great care has been taken between staff and the developer, to ensure the site incorporates tree preservation. The approval of the site plan sought to ensure the two trees in the request, to initially be preserved. The developer did work to incorporate the request into the design, but as construction began, it was quickly realized that the two trees were too close to Building 8B, and would need to be addressed appropriately.

Per this request, two Live Oak trees are needing to be removed. Both are specimen trees per Sec. 54-12(c)(9) and are healthy. Per Sec. 54-12(d)(5), Specimen trees require an approval by the Planning & Zoning Commission prior to removal of said trees. Live Oak #5088 is 32" caliper (diameter) and Live Oak #5072 is 30" caliper (diameter). Due to the site already achieving a maximum replacement tree mitigation plan on site, there is no additional room to replace what would be 62, 2" caliper trees on site. Per the approved site plan, trees of protected status (12"-25" caliper) have been removed and replaced at a 1.5 to 1 ratio on site as well.

Live Oak #5088 is shown to be in close proximity to Building 8B and pruning the tree to avoid damage to both the tree and the building, would at minimum remove 25%-30% of the tree canopy. This is significantly high percentage of canopy removal, and the tree would likely not remain healthy. Additionally, the proximity to the building may also have the roots of the tree spread under the foundation of Building 8B, undermining the structural integrity of the building. Per the caliper size of the tree in the Tree Assessment report the value is approximately \$9,600.00 at \$150.00 per caliper inch.

Live Oak #5072 is shown to be in a lawn area specifically designed to preserve two trees. The tree is multi-stemmed and is closer to Building 8B then the other tree (#5073). The close proximity to the building will require approximately 75%-80% of the tree to be pruned to avoid damage to Building 8B. This will be severely detrimental to the health of the Live Oak, and removal is recommended per the arborist. Per the caliper size of the tree in the Tree Assessment report the value is approximately \$9,000.00 at \$150.00 per caliper inch.

The applicant will make a payment of \$18,600.00 to the City of Kyle Tree Fund in lieu of additional replacement trees on site.

RECOMMENDATION

Staff recommends approval of the request by the applicant (remove tree #5088 & #5072). Staff asks the Planning & Zoning Commission to approve the request, as the applicant will be providing an appropriate payment for future tree plantings on public property.

January 28, 2022

Mr. William Atkinson
City Planner
City of Kyle
100 W. Center St.
Kyle, TX 78640

**RE: Final Subdivision Plat
Opal Point at Kyle MF
141 Opal Lane, Kyle, TX
Langan Project No.: 531010801**

Mr. Atkinson:

Langan Engineering & Environmental Services (Langan) has provided Site Civil Engineering and Landscape Architectural services for Glenridge Stryker Opal Lane, LLC for the development of Opal Point at Kyle Multi-Family, being a 16.1416 Acre tract at 141 Opal Lane. Langan's site work construction plans were approved by the City on 10/15/21 and the preconstruction conference was conducted on 11/2/21.

As part of the initial planning & design, a detailed tree inventory and conditions survey was prepared by Tree Mann Solutions, arborists, of over 400 trees on the subject property. A listing of all trees and the intent to preserve or remove was included in the approved plan set. Once the contractor had mobilized, completed demolition and all permitted tree removals, there were questions raised as to the viability of several trees originally planned for preservation. Based on proximity to planned buildings, two "specimen" trees, in particular, were going to experience significant impact to their critical root zones and/or require extensive pruning. The arborist was consulted to examine these trees based on current conditions and evaluation of construction layout stakes that had been placed by the contractor. Their findings were documented in the attached Tree Assessment Report, dated 1/14/22.

As a result of the findings and recommendations in the referenced report, specimen trees #5072 (31-in. Live oak) and #5088 (33-in. Live Oak) are hereby requested for removal. Due to the large number of existing trees that will continue to be preserved on the project site, along with the additional required plantings already provided on the approved Landscape Planting Pans, mitigation of the losses of these two (2) specimen trees via additional plantings is infeasible. Mitigation shall therefore be by fee in lieu of replacement, at the rate of \$150 per caliper inch on a 2:1 ratio, for a total fee of \$19,200.

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Langan Project No.: 531010801

We understand any request for removal of Specimen trees must be approved by the Planning & Zoning Commission, and we ask that this formal request be placed on the P&Z agenda for the upcoming February 8, 2022 regular session so as to minimize potential construction delays.

Feel free to respond with any comments or questions you may have on this matter and to advise of next steps in the process.

Sincerely,

Langan Engineering and Environmental Services, Inc.

Rick Martindale
Engineering Project Manager

Attachments:

"Tree Assessment", dated 1/14/22



1/14/2022

**Tree Assessment
Langan, Opal Point at Kyle
Opal Lane Kyle, TX 78640**

Introduction:

Tree identification, measurement, inspection, and arboriculture consultation were performed by a certified arborist who through related training and experience are familiar with the techniques and equipment used in such operations.

Introduction:

Langan contacted TMS regarding a property undergoing development. The team wanted a better understanding of the trees on site and their potential conflicts with the proposed structures.

Observations:

Pruning will need to occur on multiple trees to accommodate the proposed structures; trees 5074, 5408, and 5131 will require pruning that shall not exceed 25% of the live crown,

Trees where grading alterations or required pruning would be too severe will need to be removed to accommodate development. Trees 5072, 5073, 5394, 5087, 5088 will need to be requested for removal from city staff.

Multiple candidates that were previously designed for removal may be able to incorporate design and leave as preservation trees. Trees 5160, 5161, 5162, 5165, and 5166 and were identified as possible candidates for preservation.

Summary:

Multiple trees that would require removal were identified as specimen candidates and will likely require specific approval from the City of Kyle. Documentation of pruning requirements to not exceed 25% can be found in the following pages. TMS recommends implementing a care plan to mitigate for root loss, root damage, and altered site hydrology; supplemental watering in the summer months and deep root fertilization may increase the likelihood of success for preservation trees.

Please let me know if you have any questions and/or concerns regarding tree evaluations and recommendations on this project. We are here to help promote smart planning, aid efficient permitting, and ensure quality urban tree canopy preservation with all parties.

Respectfully,

Tristan Clayton

Tristan Clayton | Project Arborist

Tree Mann Solutions, LLC

ISA TX-4706A, TX Oak Wilt Qualified - 423

E: tristan@treemannsolutions.com | C: (737)-610-3027

Tree Number	5088
Tree Species	Live Oak
Diameter (DBH)	32
Multi Stem	
Condition	Fair
Summary	No sufficient means of pruning would allocate enough room for the three-story development. Pruning requirements would be impacting between 25%-30% of the canopy and would require removal of a 12 inch and 13 inch limb. Removal of this specimen candidate will need to be requested from the city.

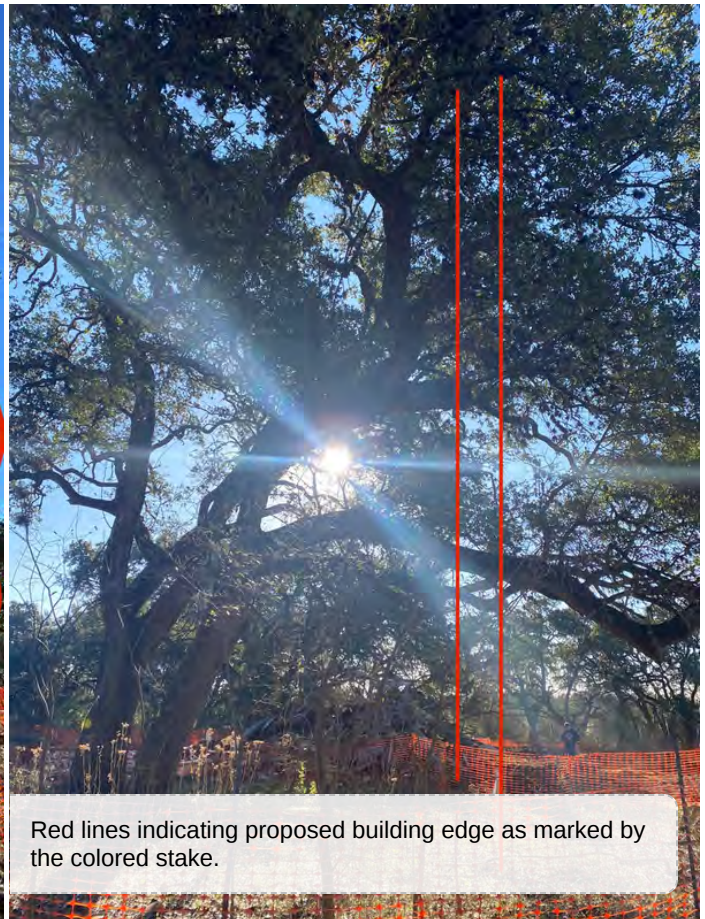
Tree #5088 is a Specimen tree per Sec. 54-12(d)(5) & requires to be replaced at a 2:1 ratio. Per the previously approved site plan, replacement trees on site leave no room for additional replacement trees. This Live Oak has a replacement value of \$9,600.00, and will be paid to the City of Kyle Tree Fund for the Parks and Recreation Department. - Will Atkinson



Photos



Red circles indicated impacted canopy.



Red lines indicating proposed building edge as marked by the colored stake.



Tree Number	5072
Tree Species	Live Oak
Diameter (DBH)	30
Multi Stem	
Condition	Fair
Summary	No less than 75 to 80% would need to be removed to allocate clearance for the three story structure that are proposed to the N and W of this tree. This required pruning would be detrimental to the tree's health. Removal of this specimen candidate will need to be requested through the city.

Tree #5072 is a Specimen tree per Sec. 54-12(d)(5) & requires to be replaced at a 2:1 ratio. Per the previously approved site plan, replacement trees on site leave no room for additional replacement trees. This Live Oak has a replacement value of \$9,000.00 and will be paid to the City of Kyle Tree Fund for the Parks and Recreation Department. - Will Atkinson



Photos







Removal of this limb.



Red lines indicating building edge.



Red lines indicating building edge.



CITY OF KYLE, TEXAS

Council and Planning and Zoning Commission joint meeting

Meeting Date: 2/22/2022
Date time:6:30 PM

Subject/Recommendation: Council and Planning and Zoning Commission joint meeting item regarding roles, goals, and vision for 2022.

Other Information: N/A

Legal Notes: N/A

Budget Information: N/A

ATTACHMENTS:

Description

- Staff Memo



CITY OF KYLE

Community Development Department



MEMORANDUM

TO: Mayor & Council and Planning & Zoning Commission

DATE: Tuesday, February 22, 2022

SUBJECT: Discussion Items for Joint Visioning Workshop

During the weekend of February 11th-13th, the City Council and Administration staff met in Frisco, TX to discuss expectations for the city and provide action items to the Planning & Zoning Commission and associated staff. Please see the list below regarding the action items.

- Comp Plan
- Downtown Master Plan
- Architectural Standards
- Minimum Number of Stories for commercial buildings
- Open Space Requirements for Commercial Projects
- Remove hardiplank from Masonry Standard
- Food Truck Ordinance
- Downtown bathrooms in MKH Park
- Rail District
- Require types of restaurants/retail in PUD (and restrict uses)