

MEMORANDUM

TO: Planning and Zoning Commission
FROM: Sofia Nelson, Director of Planning
DATE: August 8, 2013
SUBJECT: CONDITIONAL USE PERMIT
KYLE FAIR AND MUSIC FESTIVAL- 24801 IH-35

Request:

The Kyle Area Chamber of Commerce, on behalf of the property owner, is requesting a Conditional Use Permit to hold the Kyle Fair and Music Festival from October 14th – October 22nd at Thunderhill Raceway, located at 24801 N. IH-35. Hours of operation will be from 5 p.m. to midnight.

Code Requirement

Sec. 53-1046. - Purpose.

The city council may by ordinance, adopted by four affirmative votes after receiving the recommendation of the commission, grant a conditional use permit in compliance with this division for the conditional uses as listed in section 53-1047. The city council may impose appropriate conditions and safeguards, including a specified period of time for the permit, to protect the comprehensive plan and to conserve and protect property and property values in the neighborhood.

Sec. 53-1047. - Authorized conditional uses.

The following listed conditional uses, and none other, may be authorized subject to the terms of this section and compliance with all conditional terms, regulations and requirements established by the city council:

- (1) Heliport in CM, W and PUD districts only;
- (2) Municipal service facilities and buildings in all districts;
- (3) Circus or carnival; but not within 300 feet of any residential district;
- (4) Privately operated community building or recreation field in all districts;
- (5) Telephone, radio or television broadcasting tower or station in T, CM, W and PUD districts only;

- (6) Churches in all districts where not otherwise specifically permitted;
- (7) Cemeteries in A, TU, E, CBD-2, RS, W, CM, or PUD districts;
- (8) Schools, public and denominational, but not day care in all districts where not otherwise specifically permitted;
- (9) Manufactured homes in the limited areas as specifically authorized by this chapter;
- (10) Quarry operations are permitted in the CM district as conditional uses, subject to the requirements in division 2 of this article;
- (11) The specific manufacturing and warehouse uses set forth in the table in section 53-1106 may be permitted as provided in division 3 in this article; and
- (12) RV sales in the RS district within the I-35 overlay district only.

Sec. 53-1048. - Procedure.

Before authorization of any of the conditional uses authorized in section 53-1047, public notice shall be given and public hearings shall be held as provided in V.T.C.A., Local Government Code ch. 211; provided that a conditional use permit for a period not to exceed seven calendar days may be given for a use set forth in section 53-1047(3) after a public hearing is held by the city council after having received a report and recommendation from the planning and zoning commission concerning the effect of the proposed use on the adjacent and neighboring properties and neighborhoods.

STAFF RECOMMENDATION:

The applicant has provided a timeline of events for your review (attached to this staff report). The time includes the actual event starting October 17th and ending on October 20th. The timeline of events outlines two days of setup and two days of tear down.

After reviewing the request it appears that this event will not have an adverse impact on the surrounding properties. Staff is recommending approval of the request.

Kyle Fair & Music Festival Timeline

OCTOBER 14, 2013

- Carnival will begin delivery and set-up of equipment on Licensed Premises.

OCTOBER 16, 2013

- Staff will mark vendor spaces on Licensed Premises.

OCTOBER 17, 2013

- Carnival will open no later than 6:00 p.m. and close no later than 11:00 p.m.
- Central Texas Speedway staff will set up stage/sound/lighting.

OCTOBER 18, 2013

- Staff will arrive at 8:00 a.m. and set up at main ticket booth to register vendors and bands.
- Participants of academic pageant will be allowed entrance into designated VIP suites for registration and interviews.
- Vendors will begin set-up at their designated spot on Licensed Premises.
- Friday night bands will begin set-up and sound checks.
- Live music will begin at 6:30 p.m. and end no later than 11:00 p.m.
- Carnival will open no later than 6:00 p.m. and close no later than 11:00 p.m.

OCTOBER 19, 2013

- Staff will arrive at 8:00 a.m. and set up at main ticket booth to register vendors and bands.
- Participants of academic pageant will be allowed entrance into designated VIP suites for registration and interviews.
- Vendors will begin set-up at their designated spot on Licensed Premises.
- Saturday bands will begin set-up and sound checks.
- Live music will begin at 12:30 p.m. and end no later than 6:00 p.m.
- Carnival will open no later than 12:00 p.m. and close no later than 11:00 p.m.

OCTOBER 20, 2013

- Vendors will begin teardown/clean-up and will leave the Licensed Premises by 10:00 a.m.
- Carnival will open no later than 2:00 p.m. and close no later than 8:00 p.m.

OCTOBER 21 – 22, 2013

- Carnival will begin teardown and removal of equipment from Licensed Premises.
- Carnival employees' accommodations will be removed from Licensed Premises.
- Carnival will leave Licensed Premises no later than 5:00 p.m. on October 22nd.



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Carnival

Stage

Vendors

Vendors

Vendor
Parking

Parking

MEMORANDUM

TO: Planning and Zoning Commission

FROM: Sofia Nelson, Planning Director

DATE: August 8, 2013

SUBJECT: **CONDITIONAL USE OVERLAY- Texas Cinema
North of the corner of Kyle Crossing and Kohlers Crossing**

Background

Request:

The applicant is requesting approval of a Conditional Use permit for the construction of an approximately 75,000 square foot Texas Cinema Entertainment Center within the I-35 Overlay District. The proposed entertainment center is proposed to include a 12 screen movie theater, bowling center, game area, laser tag, and full scale restaurant and bar. The property is zoned Retail Services "RS" and as a result the use of property is permitted.

Location:

The subject property is located on the east side of Kyle Crossing, just north of Kohler's Crossing in the Kyle Town Center Shopping Center (north of Sac and Pac and south of Home Depot).

Overlay District

The Interstate Highway 35 corridor conditional use overlay district extends from the northernmost city limit boundary at I-35 to the southernmost city limit boundary at I-35, and includes all real property within 1,500 feet of the outer most edge of the highway right-of-way of I-35.

a) The purpose of the of the overlay district is to maintain a high character and quality of community development, to promote compatible uses and standards, to preserve and enhance property values, to promote economic growth, to provide for orderly development, to provide for proper movement of traffic, and to secure the general safety of citizens by regulating the exterior architectural characteristics of structures

(b)The conditional use overlay districts will assist the community to recognize and preserve the distinctive architectural character of this community, which has been greatly influenced by the architecture of an earlier period in this community's history. This purpose shall be served by the regulation of exterior design, use of materials, the finish grade line, ingress and egress, and landscaping and orientation of all structures hereinafter altered, constructed, reconstructed, reacted, enlarged, remodeled, removed, or demolished in the conditional use overlay district.

Proposal

The proposed development is an entertainment center. The front door of the development will face I-35. The proposed building will include masonry on all four sides and accents of wood and metal on the front of the building. Based on the provided renderings the masonry to be used will include red, cream, and varying tones of brown hues throughout the building.

STAFF ANALYSIS AND RECOMMENDATION

COMPREHENSIVE MASTER PLAN GUIDENCE

The Comprehensive Master Plan identifies the site to be located within the New Town Future Land Use District. The Urban Design Plan identifies the stretch of I-35 the subject property fronts on to be located in the transitional area along the destination segment of I-35. The Urban Design Plan states the following:

- The primary function of the area is to visually and cognitively establish a separation from the ordinary Interstate landscape, as seen in Buda and San Marcos, and create a sense of approach to the destination portion of the interstate corridor (between the landmark bridges)
- Buildings within this area are often architectural statements and should include enduring buildings materials and the use of architectural details that avoid changes at corners
- Developments along I-35 are encouraged to include enhanced landscaping and particular attention should be paid to the site design for the landscape edge of parking areas.

Staff Analysis

The Planning and Zoning commission will determine through the conditional use permit process if the proposed use, occupancy and structure will promote, preserve, and enhance, and will not damage or detract from the distinctive character of the community; will preserve and protect property values and taxable values; will not be detrimental or inconsistent with neighboring uses and occupancies; will not be detrimental to the general interests of the citizens; and will not be detrimental to the public health, safety and welfare.

In conducting its review, the planning and zoning commission shall make examination of and give consideration to the traffic flow, development density, neighboring historical designs, neighboring uses, and elements of the application including, but not limited to:

- (1) Height, which shall conform to the zoning requirements;
- (2) Building mass, which shall include the relationship of the building width to its height and depth, and its relationship to the visual perception;
- (3) Exterior detail and relationships, which shall include all projecting and receding elements of the exterior, including, but not limited to, porches and overhangs and the horizontal or vertical expression which is conveyed by these elements;
- (4) Roof shape, which shall include type, form, and materials;

(5)Materials, texture, and color, which shall include a consideration of material compatibility among various elements of the structure;

(6)Compatibility of design and materials, which shall include the appropriateness of the use of exterior design details;

(7)Landscape design and plantings, which shall include lighting and the use of landscape details to highlight architectural features or screen or soften undesirable views;

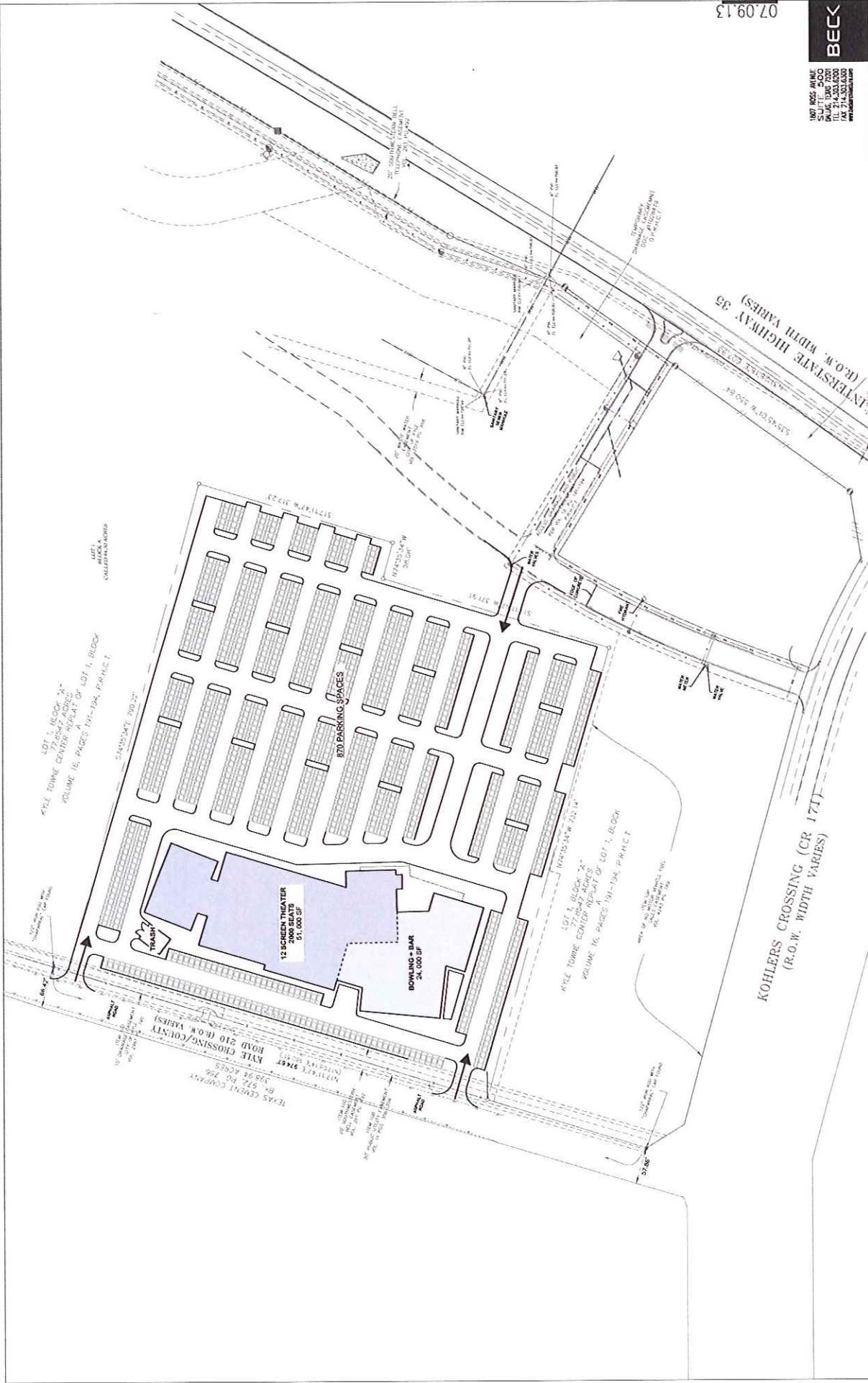
(8)Vehicular and pedestrian access, which shall include location, width, and type of surface for all points of ingress and egress;

(9)Signage, which shall include, in addition to the requirements chapter 29, pertaining to signs, the appropriateness of signage to the building in relation location, historical significance of the structure and neighboring structures, traffic visibility; obstruction of views from neighboring property;

(10)Exterior lighting, which shall included location, type, and/or design of lighting and/or lighting fixtures to be used.

Staff is recommending approval of the request for the following reasons:

- **The building mass appears to be appropriate for its location and surroundings.**
- **The proposed development is not subject to the I-35 Overlay development standards, however it does appear that the proposed building materials and building design are consistent with the intent of the I-35 Overlay development standards and in many cases meets the requirements of the development standards.**

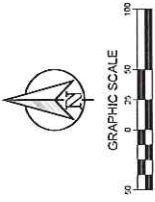
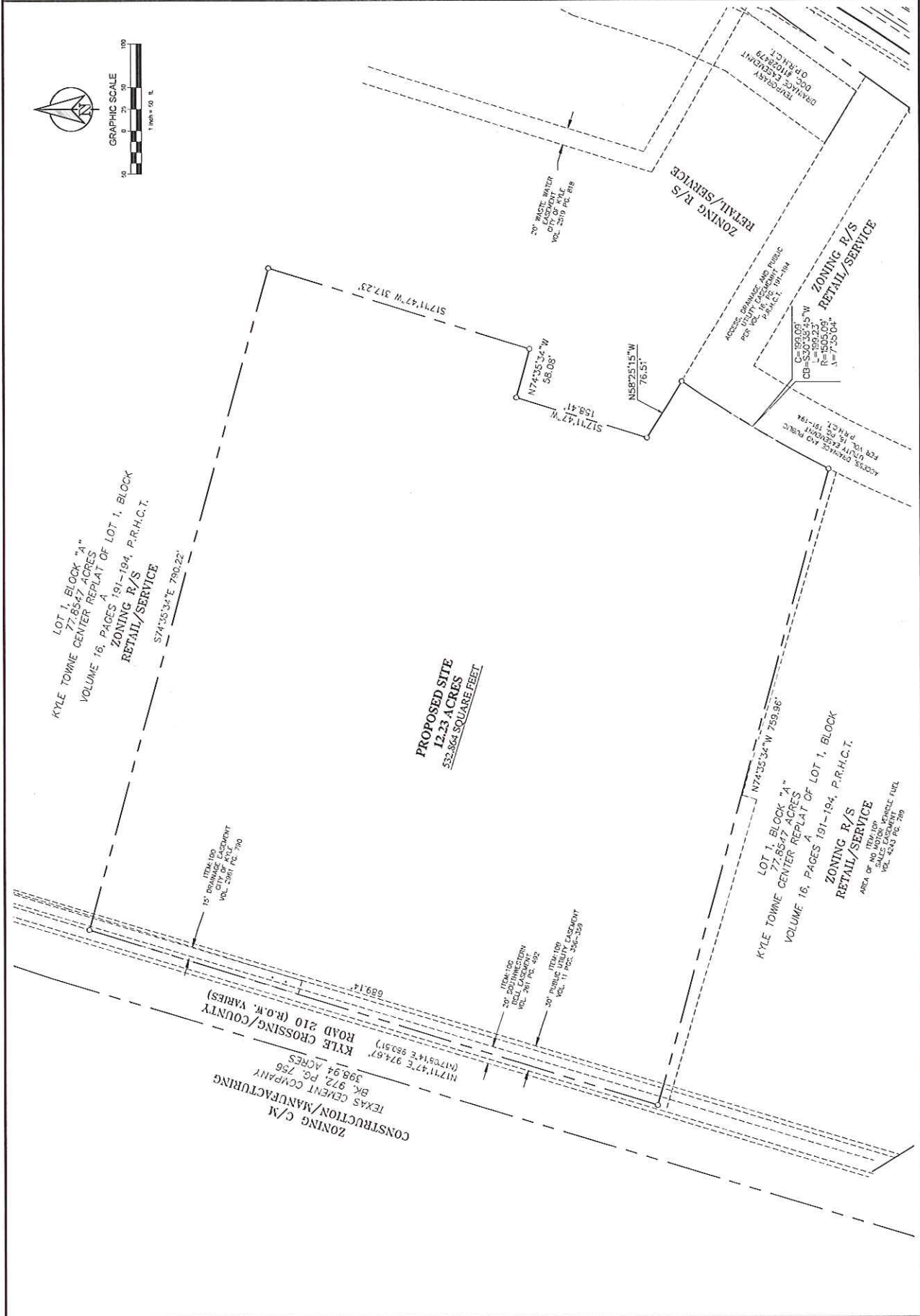


07.09.13

SCALE: 1/64" = 1'-0"

KYLE TEXAS ENTERTAINMENT CENTER KYLE, TEXAS

NO.	DATE	REVISION





AERIAL

BECK ARCHITECTURE
TEXAS CINEMA KYLE MOVIES 12 :: KYLE, TX

Beck Architecture :: 1007 Ross Avenue, Suite 500 :: Dallas, TX :: July 26, 2013::





SOUTH EAST PERSPECTIVE

BECK TEXAS CINEMA KYLE MOVIES 12 :: KYLE, TX

Beck Architecture :: 1807 Ross Avenue, Suite 500 :: Dallas, TX :: July 16, 2013::



NORTH EAST PERSPECTIVE

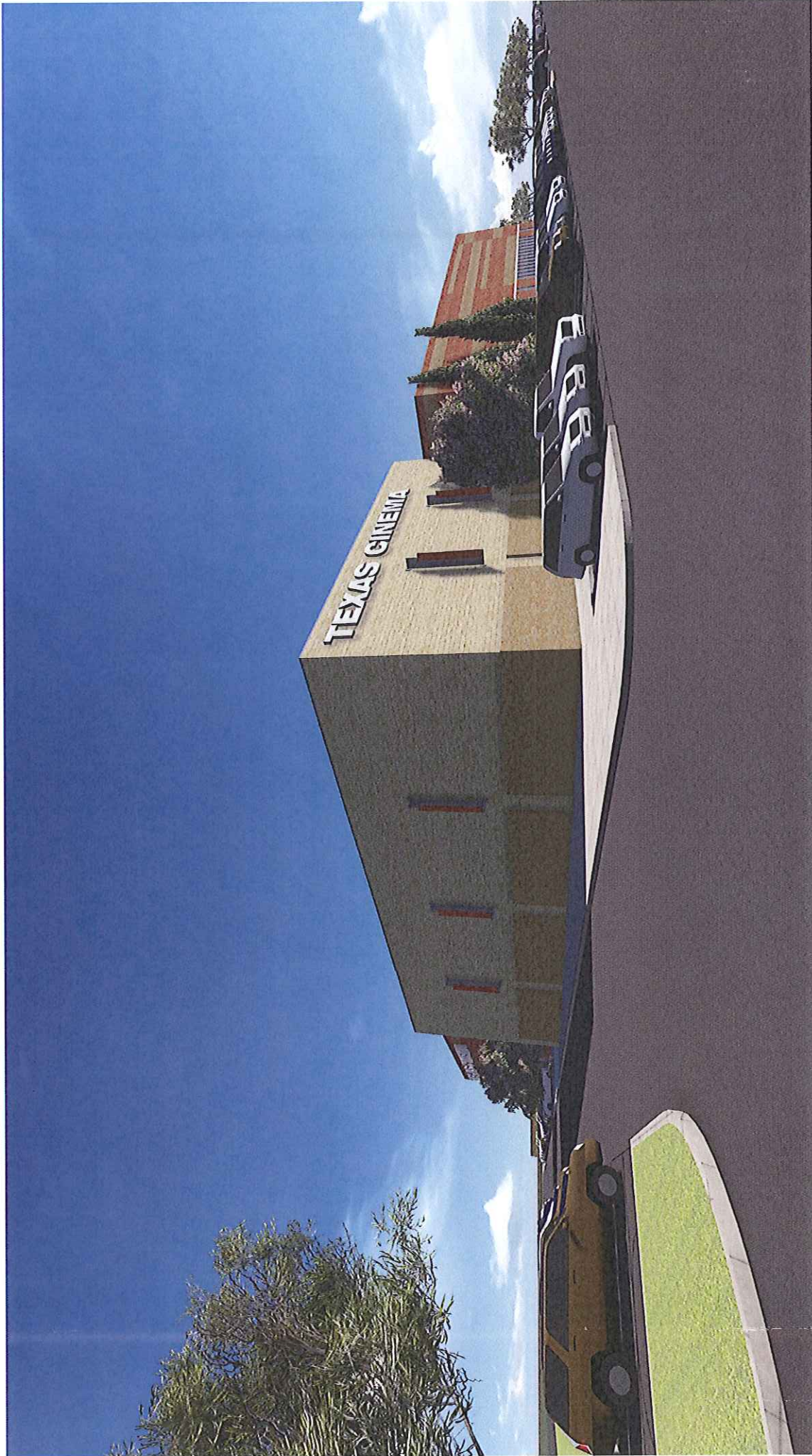
BECK TEXAS CINEMA KYLE MOVIES 12 :: KYLE, TX
Beck Architecture :: 1007 Ross Avenue, Suite 500 :: Dallas, TX :: July 19, 2013::



NORTH WEST PERSPECTIVE

BECC TEXAS CINEMA KYLE MOVIES 12 :: KYLE, TX
Beck Architecture :: 1807 Ross Avenue, Suite 500 :: Dallas, TX :: July 16, 2013::





SOUTH WEST PERSPECTIVE

BECK TEXAS CINEMA KYLE MOVIES 12 :: KYLE, TX
Beck Architecture :: 1807 Ross Avenue, Suite 200 :: Dallas, TX :: July 26, 2013::



MEMORANDUM

TO: Planning and Zoning Commission

FROM: Sofia Nelson, Director of Planning

DATE: August 8, 2013

SUBJECT: Sunrise Acres- 2205 Bebee Road/ Subdivision Variance Request

BACKGROUND

Site Information and Proposal

The subject property is approximately 4.38 acres in size and is located within the City's ETJ along Bebee Road . The site is currently developed and the applicant is seeking to further subdivide the existing lot to create three usable parcels. Prior to expending the money on a subdivision plat the property owner is seeking your decision on the variance request.

Utilities

The site will be served by an on-site septic system and is within the Goforth Water Supply Corporation service area.

Access

The property is currently a platted lot that is flag shaped. The lot has approximately 50' of street frontage along Bebee. The property owner is seeking to create an access easement that would supply access to the lots he would like to create rather than providing the proposed lots with individual street frontage.

Variance Request

The applicant is seeking a variance to allow two lots to be platted without frontage on a public street. Sec. 41-136. – Lots (b) states each lot shall front upon a public street or, in the case of a planned development, have access to a public way by access easement sufficient to meet the requirements of the fire code adopted by the city, governing access to buildings by fire apparatus.

STAFF RECOMMENDATION:

Sec.41-10 of the City of Kyle Subdivision Ordinance requires the following criteria be met when granting exceptions unless otherwise specified:

(a)It is the expressed intent of this chapter that all sections and parts should be complied with, except in those instances when the provisions of this section are applicable. It is further the intent of this chapter that the granting of an exception to this chapter (i.e., a variance from the requirements hereof) shall not be a substitute for the amending of this chapter.

(b)The planning and zoning commission may recommend to the council that an exception from these regulations be granted when, in its opinion, undue hardship will result from requiring strict compliance. In considering, recommending and granting an exception, either the planning and zoning commission or the council shall prescribe such conditions that it deems necessary or desirable in the public interest. In making the findings required in subsection (c) of this section, both bodies shall take into account, at least, the nature of the proposed use of the land involved, existing uses of land in the vicinity, the number of persons who will reside or work in the proposed subdivision, and the probable effect of such exception upon traffic conditions and upon the public health, safety, convenience and welfare in the vicinity.

(c)No exception shall be granted unless the following conditions are met:

(1)That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this chapter would have a substantial adverse impact on the applicant's reasonable use of his land;

(2)That the granting of the exception will not be detrimental to the public health, safety or welfare, or injurious to other property in the area; and

(3)That the granting of the exception will not have the effect of preventing the orderly subdividing of other land in the area in accordance with the provisions of this chapter.

(d)Such findings of the planning and zoning commission and council, together with the specific facts upon which such findings are based, shall be incorporated into the official minutes of the meeting at which such exception is recommended and granted.

(e)Exceptions may be granted only when in harmony with the general purpose and intent of this chapter so that the public health, safety and welfare may be secured and substantial justice served.

Staff has reviewed the requested variance against the criteria identified for exceptions to the subdivision ordinance and has made the following findings:

- (1)That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this chapter would have a substantial adverse impact on the applicant's reasonable use of his land.
 - *In staff's review of the variance request it does not appear that there are special circumstances or conditions affecting the land.*
- (2)That the granting of the exception will not be detrimental to the public health, safety or welfare, or injurious to other property in the area; and
 - *It does not appear that granting this exception will be detrimental to the public health, safety or welfare or will be injurious to other property in the area.*
- (3)That the granting of the exception will not have the effect of preventing the orderly subdividing of other land in the area in accordance with the provisions of this chapter.
 - *The platting of flag shaped lots and lots that utilize shared access easements have the possibility of creating a number of issues in the long run. Issues of strong concern include the following: reduced access to a property for emergency and*

fire protection, maintenance responsibilities for the access easement, and ensuring the access easement is free of barriers to the road.

Kyle, Texas
July, 24, 2013

To whom it may concern:

The property in the direction 2205 Bebee Rd Kyle, Texas 78640 . We do request to be authorized for power divider this property into three parts and given the circumstances there is only one main entrance, for which we are in a mutual agreement three parts in using the same entry.

I thank in advance for your attention given to our request.

Att: 
Guillermo Rodriguez

LOT 22-B

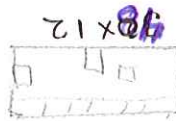
S 35°04'22"W 744.43'
(S 35°05' W 744.10')

Public Road 78640

1 AC

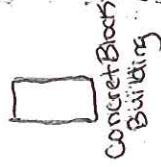
LOT 22-C
4.37 AC

1 AC



538.86'

526.06'



S 35°05'00"W 177.80'
(S 35°05' W 177.58')

10' Elec. Esm. (392/733)

N 55°04' 38'

2205 Bebbe Rd
Kyle 78640

Subject to
and Per P