## CITY OF KYLE



## Planning & Zoning Commission Meeting Kyle City Hall 100 W. Center Street

Notice is hereby given that the Planning and Zoning Commission of the City of Kyle, Texas will meet at 6:30 PM on September 23, 2014, at Kyle City Hall 100 W. Center Street 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 the 19th day of September prior to 6:30 PM.

- 1. CALL MEETING TO ORDER
- 2. ROLL CALL
- 3. CITIZEN COMMENTS
- 4. MINUTES Planning and Zoning Commission Meeting July 22, 2014.

## 5. PRESENTATION

A. Recognition of Shane Arabie for years of service to the Planning and Zoning Commission.

## 6. CONSENT

A. Amended Plat of Lot 24 & 28 Block C of Kensington Trails Section 3A, Establishing Lots 24A & 28A (AFP-14-005)

0.41 acres; 2 Lots

Located off of Buckingham Drive

Owner: Castlerock Communities, LLP

Agent: Dorothy Taylor, Tri-Tech Surveying Co., L.P.

B. Hays Commerce Center – Preliminary Plan (PP-14-001)

108.049 acres; 24 Lots

Located northwest of the intersection of Kyle Crossing & the southbound frontage road of IH-35

Owner: RR HPI, LP

Agent: Ron Pritchard and/or William Faust

#### 7. CONSIDER AND POSSIBLE ACTION

- A. Consider a request by James Rios for an amendment to the City of Kyle Zoning Ordinance, Section 53-1230, land use table to allow "Dance Hall" within the CBD-2 zoning district.
  - Public Hearing
  - Recommendation to City Council
- B. Amendment to the Code of Ordinances, Chapter 53 (Zoning) Article 1 (In General) Section 53-5 (Definitions) by adding definitions for "Front Property Line", "Front Wall" and "Wall".
  - Public Hearing
  - Recommendation to City Council

## 8. CONDITIONAL USE PERMIT/OVERLAY DISTRICT

- A. Consider a request by James Rios (Desperados) for a Conditional Use Permit for an existing building on property located at 110 W. Center Street. (CUP-14-020)
  - Public Hearing

## 9. DISCUSSION ITEM

A. Discussion regarding a proposed revision to the Zoning Overlay Districts.

#### 10. STAFF REPORT

- A. Update on KB Home front wall elevations.
- B. Update on the landscaping and screening requirements.
- C. Update on amending the overlay districts.

## 11. ADJOURNED

\*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.

## Certificate

I certify that the above notice of the Planning and Zoning Commission Meeting of the City of Kyle, Texas was posted on the bulletin board of the City of Kyle City Hall, 100 W. Center St, Kyle, Texas. This notice was posted on:

Manuel De La Rosa, Director of Planning

(Date)

## REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION

The Planning and Zoning Commission of the City of Kyle, Texas met in regular session July 22, 2014 at 6:30 p.m. at Kyle City Hall, with the following persons present:

Commissioner Dan Ryan
Commissioner Lori Huey
Commissioner Mike Wilson
Chairman Shane Arabie
Vice-Chair Mike Rubsam
Commissioner Irene Melendez
Assistant City Manager, James Earp
Director of Planning, Manuel De La Rosa

John Zinsmeyer

#### CALL MEETING TO ORDER

Chairman Arabie called the meeting to order at 6:30 p.m.

#### ROLL CALL OF BOARD

Chairman Arabie called for roll call. Commission Zambrano was absent.

## CITIZENS COMMENTS

Chairman Arabie opened the citizens comment period at 6:31 pm and called for comments on items not on the agenda or posted for public hearing. There were no comments. Chairman Arabie closed the citizens comment period at 6:31 pm.

#### CONSENT AGENDA

# CERVANTES ADDITION – (SFP-14-003) 3.315 ACRES; 3 LOTS LOCATED OFF OF COUNTY ROAD 158 JUST WEST OF RAYMOND DRIVE IN THE ETJ.

(Note: Statutory Disapproval (Note: In accordance with the statutory requirements of the Texas Local Government Code reflected in Sections 12.03.001, 12.05.004, 12.06.04 the following applications are recommended for statutory disapproval in order to allow the City to process the application. These applications will continue through the review process without bias and will be placed on the agenda in a timely manner once the review process is complete. Statutory disapproval in order to meet statutory requirements under these sections shall not bias future consideration of this application by the Planning and Zoning Commission).

# GARCIA SUBDIVISION – (SFP-14-004) 10.02 ACRES; 2 RESIDENTIAL LOTS LOCATED AT 5120 DACY LANE.

(Note: Statutory Disapproval (Note: In accordance with the statutory requirements of the Texas Local Government Code reflected in Sections 12.03.001, 12.05.004, 12.06.04 the following applications are recommended for statutory disapproval in order to allow the City to process the application. These applications will continue through the review process without bias and will be placed on the agenda in a timely manner once the review process is complete. Statutory disapproval in order to meet statutory requirements under these sections shall not bias future consideration of this application by the Planning and Zoning Commission).

CREEKSIDE VILLAGE PHASE 1 & 2 (FP-14-006) 25.21 ACRES; 98 SINGLE FAMILY LOTS, 1 OPEN SPACE LOT, 2 DRAINAGE EASEMENTS & OPEN SPACE LOTS AND 1 DRAINAGE EASEMENT & PUBLIC UTILITY EASEMENT LOT LOCATED ON THE NORTH SIDE OF BURLESON ROAD ADJACENT TO THE RAILROAD TRACKS.

Commissioner Ryan moved to statutorily disapprove Cervantes Addition – Final Plat (SFP-14-003) and Garcia Subdivision – (SFP-14-004) and approve Creekside Village Phase 1 & 2 – Final Plat (FP-14-006). Commissioner Wilson seconds the motion. All votes aye. Motion carried.

## STAFF REPORT

#### UPDATE ON THE LONG RANGE PLANNING COMMITTEE.

Manuel De La Rosa, Director of Planning addressed the Commission stating that the Long Range Planning Committee will be reviewing the boundaries to the overlay districts, open space plan and parkland.

UPDATE ON REPEALING AND RELOCATING THE LANDSCAPE REQUIREMENTS.

Manuel De La Rosa, Director of Planning stated that he would like to repeal the landscape requirements from zoning and relocate the landscape requirements to site development or subdivision.

#### CONSIDER AND POSSIBLE ACTION

CONSIDERATION AND POSSIBLE ACTION ON RECOMMENDING TO CITY COUNCIL TO REPEAL THE LANDSCAPING REQUIREMENTS FROM THE CITY'S CODE OF ORDINANCES UNDER THE ZONING CHAPTER.

CONSIDERATION AND POSSIBLE ACTION ON RECOMMENDING TO CITY COUNCIL TO AMEND THE CITY'S CODE OF ORDINANCES TO ADOPT THE LANDSCAPING REQUIREMENTS IN A NEW CHAPTER WITHIN THE CODE.

Vice-Chair Rubsam moved to reschedule items until the next Planning and Zoning Commission meeting. Commissioner Ryan seconds the motion. All votes aye. Motion carried.

## DISCUSSION AND POSSIBLE ACTION

REVIEW DISCUSS AND MAKE RECOMMENDATION ON A PROPOSED AMENDMENT TO CHAPTER 53 DEALING WITH THE REQUIREMENTS FOR FRONT WALL GARAGE SETBACK.

Commissioner Wilson moved to make a recommendation to the proposed amendment to Chapter 53 as written to City Council to approve. Commissioner Ryan seconds the motion. All votes aye. Motion carried.

REVIEW DISCUSS AND MAKE RECOMMENDATION ON A PROPOSED POLICY DEALING WITH THE REQUIREMENTS FOR FRONT WALL GARAGE SETBACK.

Vice-Chair Rubsam moved adopt the policy including the verbiage read into the record by James Earp to direct staff to add the following language a three (3) car or greater garages shall be allowed to deviate from the 50% requirement with the approval of the Planning Director of designee. Commissioner Ryan seconds the motion. All votes aye. Motion carried.

## **ADJOURN**

With no further business to discuss, Commission Ryan moved to adjourn. Commissioner Huey seconds the motion. All votes aye. Motion carried.

The Planning & Zoning Meeting adjourned	at 7:17 p.m.
Amelia Sanchez, City Secretary	Michael Rubsam, Acting Chairman

TO:

Planning and Zoning Commission

FROM:

Manuel De La Rosa, Director of Planning \\ \mathcal{M}

DATE:

September 18, 2014

SUBJECT:

Amended Plat of Lot 24 and 28 Block C of Kensington Trails Section 3A,

Establishing Lots 24A and 28A (AFP-14-005)

## **BACKGROUND**

## Site Information

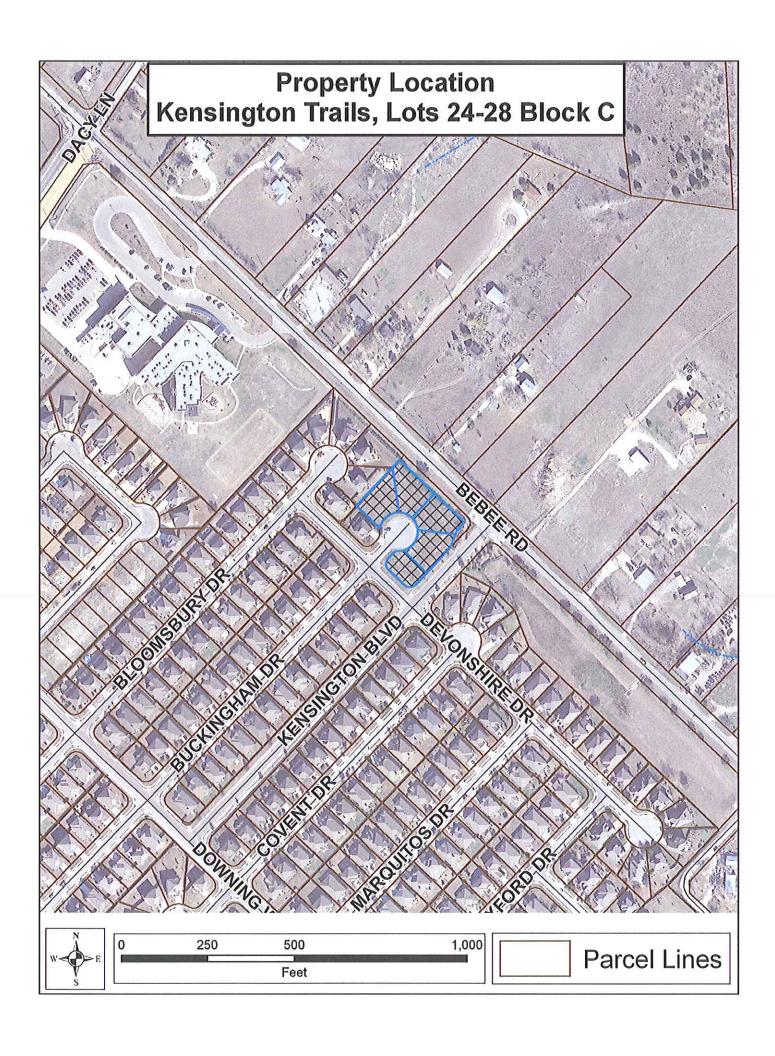
The subject lots are 0.24 acres for lot 24A and 0.17 acres for Lot 28A. Both lots are located on Buckingham Drive, a cul-de-sac street.

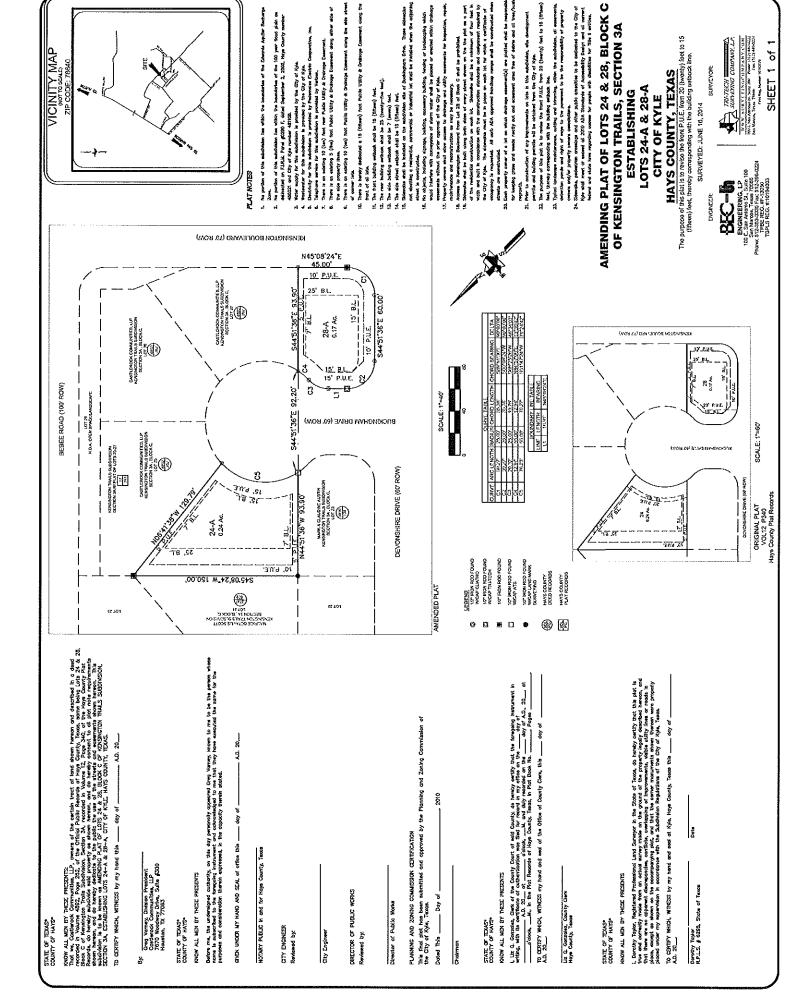
## **Utilities**

Water and wastewater utility service will be provided by the City of Kyle.

## **STAFF RECOMMENDATION:**

Staff is recommending approval of the plat.





TO:

Planning and Zoning Commission

FROM:

Manuel De La Rosa, Director of Planning

DATE:

September 18, 2014

SUBJECT:

Hays Commerce Center - Preliminary Plat (PP-14-001)

## **BACKGROUND**

## Site Information

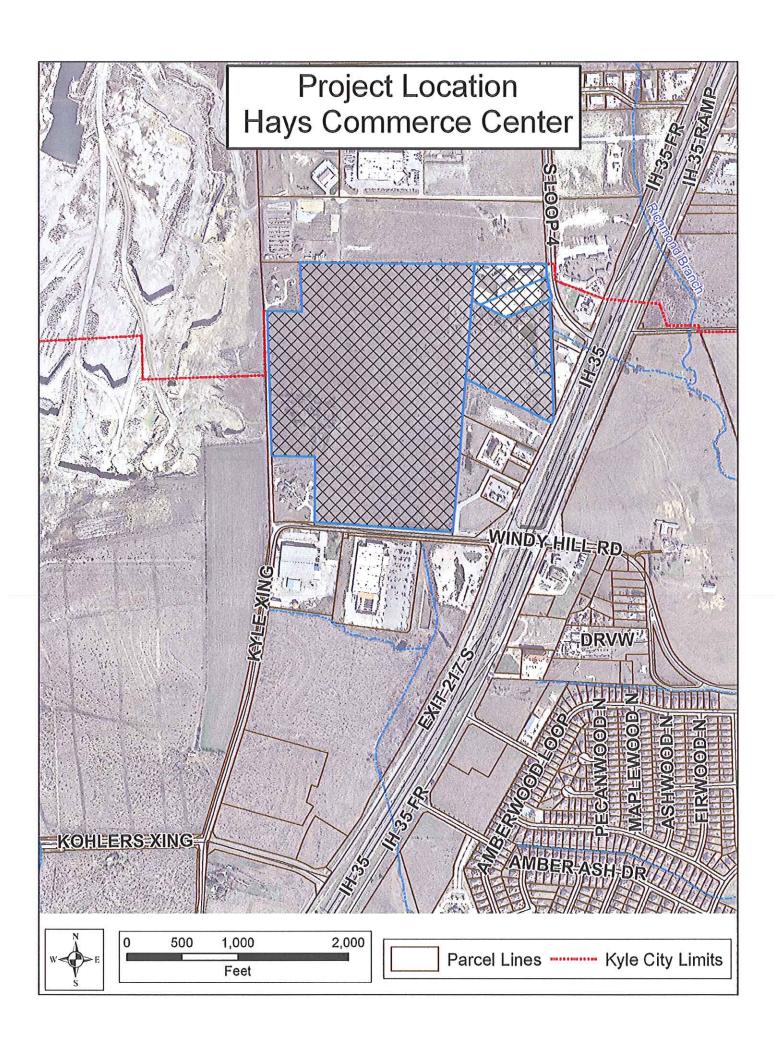
The subject property is 108.049 acres with 22 commercial lots and 2 lots for public utility easements. The property is located northwest of the intersection of Kyle Crossing and IH-35 southbound front road.

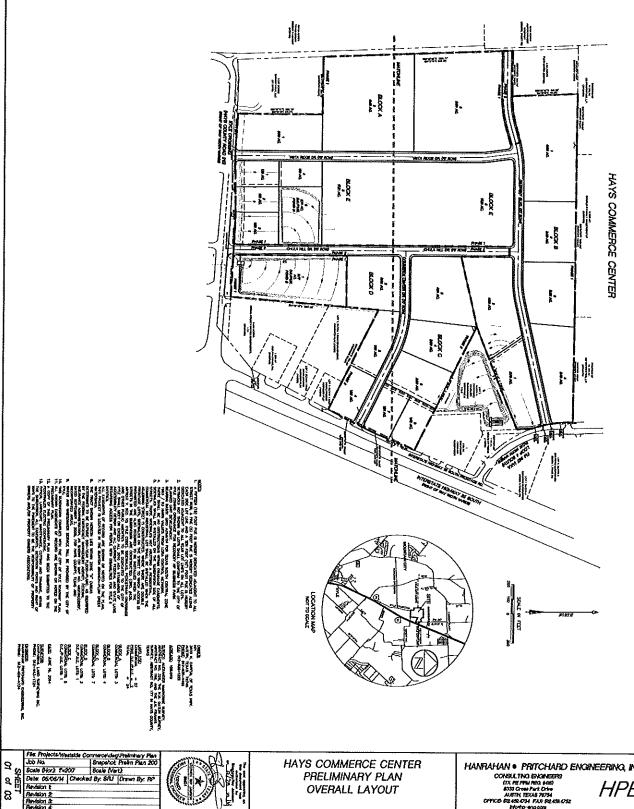
## **Utilities**

Water and wastewater utility service will be provided by the City of Kyle.

## **STAFF RECOMMENDATION:**

Staff is recommending approval of the plat.



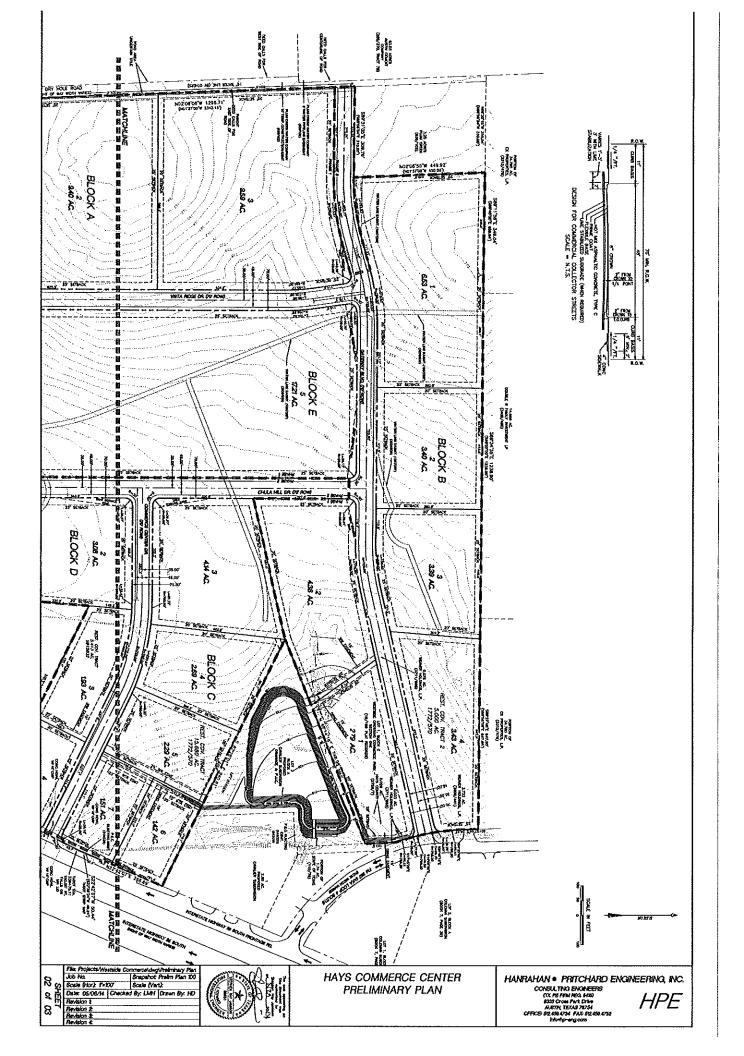


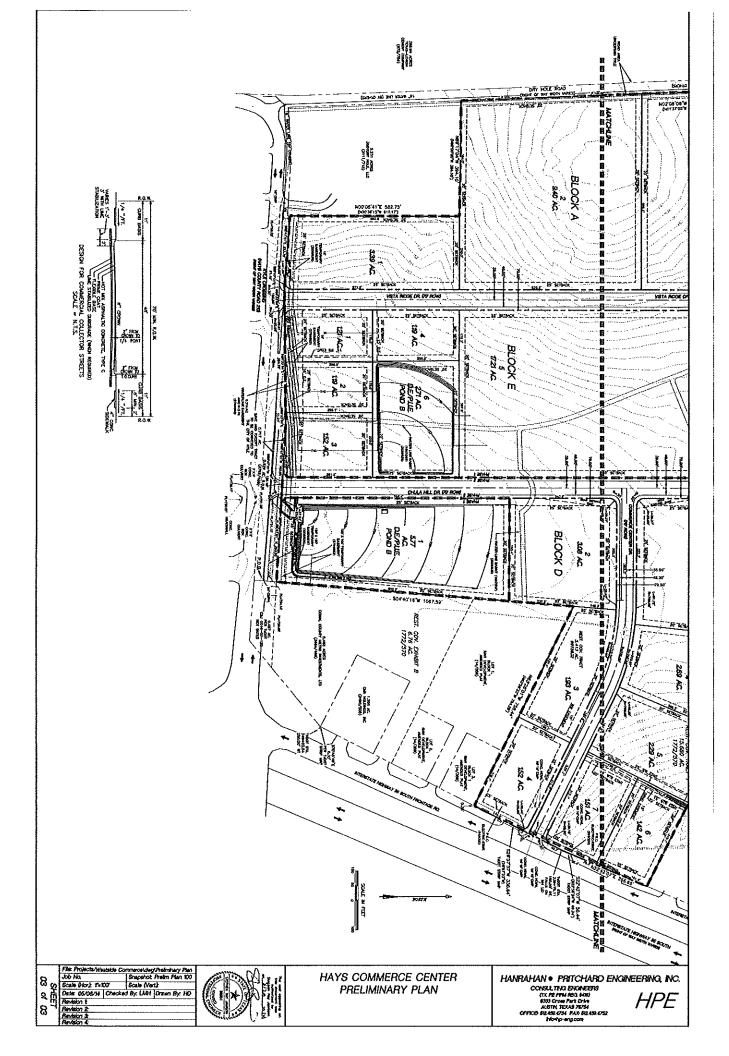
HAYS COMMERCE CENTER PRELIMINARY PLAN OVERALL LAYOUT

HANRAHAN . PRITCHARD ENGINEERING, INC.

CONSULTING ENGINEERS
(IX PE FRU RGG AND)
6003 Gree Part Drive
MATIN TEXAS 70754
708 SE480204 FAX SE4804052
North-engoon

HPE





TO:

Planning and Zoning Commission

FROM:

Manuel De La Rosa, Director of Planning 1

DATE:

September 18, 2014

SUBJECT:

Request to add "Dance Hall" as an allowable land use in the CBD-2 zoning district

## **BACKGROUND**

## Site Information

The owner, James Rios, has requested that his property located at 110 W. Center Street, located in the Central Business District-2 (CBD-2) zoning district with an I-35 overlay district, be allowed to operate as a "dance hall". A dance hall is not currently a listed land use in the City of Kyle Code of Ordinances, Chapter 53 (Zoning); Section 53-1230 (Uses permitted in certain districts). The site has an existing building that was formerly utilized as a grocery store.



Debbie Guerra <dguerra@cityofkyle.com>

## Zoning use change

1 message

James Rios < jrios416@gmail.com>

Tue, Sep 2, 2014 at 12:29 PM

To: mdelarosa@cityofkyle.com, dguerra@cityofkyle.com

To: City of Kyle Planning and Zoning.

Re: land change of use for 110 W Ce term street to include the adding of a dance hall.

Hello,

I am writing to formally ask for the land use of dance hall to be added to the CBD2 definitions for the building located at 110 W Center St. Kyle, TX 78640. Thank you.

Regards, James Rios.



5411 9100	Services	Title abstract companies	CBD-1	CBD-2	RS	CM/W/E
5615 1000	Services	Travel agencies	CBD-1	CBD-2	RS	CM/W/E
8129 9002	Services	Wedding chapel	CBD-1	CBD-2	RS	CM/W/E
8129 9001	Services	Wedding planning and coordinating	CBD-1	CBD-2	RS	CM/W/E
CBD-2	, Central busin	ess district-2	•	***************************************		
4431 1100	Retail	Appliance store	CBD-2	RS	W	CM/E
4431 1103	Retail	Appliance store, used only	CBD-2	RS	W	CM/E
4511 2001	Retail	Arts and crafts store	CBD-2	RS	W	CM/E
4413 1002	Retail	Auto radio and sound systems, sales and service	CBD-2	RS	W	CM/E
4413 1002	Retail	Auto sound systems and radio, sales and service	CBD-2	RS	W	CM/E
4421 1002	Retail	Bed and mattress sales	CBD-2	RS	W	CM/E
4422 9100	Retail	Blinds and drapery stores	CBD-2	RS	W	CM/E
4512 1100	Retail	Bookstore, new	CBD-2	RS	W	CM/E
4512 1102	Retail	Bookstore, used	CBD-2	RS	W	CM/E
4431 3000	Retail	Cameras and photo supplies	CBD-2	RS	W	CM/E
4422 1000	Retail	Carpet and floor coverings	CBD-2	RS	W	CM/E
4541 1000	Retail	Catalog showrooms	CBD-2	RS	W	CM/E
7223 2000	Retail	Catering service	CBD-2	RS	W	CM/E
4511 2004	Retail	Ceramic products supplies	CBD-2	RS	W	CM/E
4481	Retail	Clothing, children and	CBD-2	RS	W	CM/E

3000		infant				
4481 5000	Retail	Clothing, costume and dance (sale and rent)	CBD-2	RS	W	СМ/Е
4481 5000	Retail	Clothing, dance and costume (sale and rent)	CBD-2	RS	W	СМ/Е
4481 4000	Retail	Clothing, family	CBD-2	RS	W	СМ/Е
4481 9008	Retail	Clothing, furrier	CBD-2	RS	W	СМ/Е
4481 3000	Retail	Clothing, infant and children	CBD-2	RS	W	CM/E
4481 2001	Retail	Clothing, maternity	CBD-2	RS	W	СМ/Е
4481 1000	Retail	Clothing, men and boys	CBD-2	RS	W	CM/E
4481 1001	Retail	Clothing, men's accessory	CBD-2	RS	W	CM/E
4481 9006	Retail	Clothing, NEC	CBD-2	RS	w	СМ/Е
4481 9005	Retail	Clothing, T-shirts	CBD-2	RS	W	СМ/Е
4481 9004	Retail	Clothing, western wear	CBD-2	RS	W	CM/E
4481 2002	Retail	Clothing, women's accessory	CBD-2	RS	W	CM/E
4481 9000	Retail	Clothing, women's lingerie	CBD-2	RS	W	СМ/Е
4481 2000	Retail	Clothing, women's ready wear	CBD-2	RS	W	CM/E
4539 9805	Retail	Coin and gold dealer	CBD-2	RS	W	СМ/Е
4539 9806	Retail	Comic book store	CBD-2	RS	W	СМ/Е
4431 2001	Retail	Computer, software sales	CBD-2	RS	W	CM/E
4431 2000	Retail	Computers and electronics sales	CBD-2	RS	W	СМ/Е
7223	Retail	Concession operators	CBD-2	RS	W	СМ/Е

1000						
4471 1000	Retail	Convenience store, no gas	CBD-2	RS	W	СМ/Е
4461 2002	Retail	Cosmetics and perfume retailer	CBD-2	RS	W	СМ/Е
4511 2005	Retail	Crafts mall booth	CBD-2	RS	W	СМ/Е
4511 2001	Retail	Crafts store	CBD-2	RS	W	CM/E
4532 2003	Retail	Curio shop, imported goods	CBD-2	RS	w	CM/E
4521 1000	Retail	Department stores	CBD-2	RS	W	СМ/Е
4529 1000	Retail	Department stores, discount	CBD-2	RS	W	СМ/Е
4422 9100	Retail	Drapery and blind stores	CBD-2	RS	<u> </u> w	CM/E
4461 1000	Retail	Drug stores	CBD-2	RS	W	СМ/Е
4441 3001	Retail	Electric and hand tool store	CBD-2	RS	W	СМ/Е
4431 2000	Retail	Electronics and computers sales	CBD-2	RS	W	СМ/Е
4431 1200	Retail	Electronics and TV and stereo	CBD-2	RS	W	СМ/Е
4511 1002	Retail	Exercise equipment sales	CBD-2	RS	W	CM/E
4511 3001	Retail	Fabric shop	CBD-2	RS	W	СМ/Е
7221 1006	Retail	Fast food, BBQ	CBD-2	RS	W	СМ/Е
7221 1007	Retail	Fast food, chicken	CBD-2	RS	W	CM/E
7221 1009	Retail	Fast food, fish	CBD-2	RS	w	СМ/Е
7221 1010	Retail	Fast food, hamburger	CBD-2	RS	W	СМ/Е
7221	Retail	Fast food, ice cream	CBD-2	RS	w	CM/E

1011						
7221 1012	Retail	Fast food, Mexican	CBD-2	RS	W	CM/E
7221 1016	Retail	Fast food, NEC	CBD-2	RS	W	СМ/Е
7221 1013	Retail	Fast food, pizza	CBD-2	RS	W	СМ/Е
7221 1015	Retail	Fast food, steak	CBD-2	RS	W	СМ/Е
7221 1017	Retail	Fast food, taco stand	CBD-2	RS	W	CM/E
4442 2002	Retail	Feed store	CBD-2	RS	W	CM/E
4452 1000	Retail	Fish and meat markets	CBD-2	RS	W	CM/E
4511 1003	Retail	Fishing tackle shop	CBD-2	RS	W	CM/E
4422 1000	Retail	Floor covering and carpet	CBD-2	RS	W	CM/E
7223 3000	Retail	Food preparation commissary	CBD-2	RS	W	СМ/Е
4421 1000	Retail	Furniture store, new	CBD-2	RS	W	CM/E
4421 1003	Retail	Furniture store, used	CBD-2	RS	W	CM/E
4421 1001	Retail	Furniture stores, office	CBD-2	RS	ĺW	СМ/Е
4451 1001	Retail	General stores, rural	CBD-2	RS	w	CM/E
4539 9805	Retail	Gold and coin dealer	CBD-2	RS	w	CM/E
4471 1000	Retail	Grocery, convenience store, no gas	CBD-2	RS	W	СМ/Е
4452 9900	Retail	Grocery, food store, NEC	CBD-2	RS	W	CM/E
4452 1000	Retail	Grocery, meat and fish markets	CBD-2	RS	W	СМ/Е
4452	Retail	Grocery, produce market	CBD-2	RS	w	CM/E

3000						
4451 1001	Retail	Grocery, rural (general store)	CBD-2	RS	W	CM/
4451 1000	Retail	Grocery, supermarket	CBD-2	RS	W	CM/
4213 3001	Retail	Gutter sales and installers	CBD-2	RS	W	CM/
4441 3001	Retail	Hand and electric tool store	CBD-2	RS	W	CM/
4441 3000	Retail	Hardware stores	CBD-2	RS	W	CM/I
4461 9100	Retail	Health food and vitamin store	CBD-2	RS	W	CM/I
4461 9900	Retail	Hearing aids sales	CBD-2	RS	W	CM/I
4431 1203	Retail	Hi-fi stereo equipment sales	CBD-2	RS	W	CM/I
4511 2003	Retail	Hobby and games shop	CBD-2	RS	W	CM/I
4422 9900	Retail	Home furnishings, NEC	CBD-2	RS	W	CM/I
4511 2002	Retail	Kiosk, arts and crafts	CBD-2	RS	W	CM/I
4512 1101	Retail	Kiosk, books	CBD-2	RS	W	CM/I
4481 9009	Retail	Kiosk, clothing	CBD-2	RS	w	CM/I
4511 2002	Retail	Kiosk, crafts	CBD-2	RS	W	CM/I
7222 1302	Retail	Kiosk, food	CBD-2	RS	w	CM/I
4481 9011	Retail	Kiosk, NEC	CBD-2	RS	W	CM/I
4481 9010	Retail	Kiosk, T-shirts	CBD-2	RS	W	CM/I
4483 2000	Retail	Leather goods and luggage sales	CBD-2	RS	W	CM/I
4216	Retail	Lighting fixtures, retail	CBD-2	RS	w	CM/I

1001						
4483 2000	Retail	Luggage and leather goods sales	CBD-2	RS	W	CM/
4512 1200	Retail	Magazine and news stands	CBD-2	RS	W	CM/I
4541 1001	Retail	Mail order sales	CBD-2	RS	W	CM/I
4421 1002	Retail	Mattress and bed sales	CBD-2	RS	W	CM/J
4452 1000	Retail	Meat and fish markets	CBD-2	RS	W	CM/I
4211 2001	Retail	Mobile tool distributor	CBD-2	RS	W	CM/J
4539 9807	Retail	Monuments and tombstones	CBD-2	RS	W	CM/I
4512 2000	Retail	Music, records and CD's and tapes	CBD-2	RS	W	CM/I
4511 4000	Retail	Musical instruments	CBD-2	RS	W	CM/I
4511 3000	Retail	Needlework and sewing supplies	CBD-2	RS	W	CM/I
4512 1200	Retail	News and magazine stands	CBD-2	RS	W	CM/I
4421 1001	Retail	Office furniture store	CBD-2	RS	W	CM/I
4532 1000	Retail	Office supply	CBD-2	RS	W	CM/I
4461 3000	Retail	Optical goods store	CBD-2	RS	w	CM/I
4214 5001	Retail	Orthopedic appliances	CBD-2	RS	W	CM/
4539 9804	Retail	Paging equipment and supplies	CBD-2	RS	W	CM/I
4441 2000	Retail	Paint and wallpaper stores	CBD-2	RS	W	CM/
5222 9800	Retail	Pawn shops	CBD-2	RS	W	CM/
4461	Retail	Perfume and cosmetics	CBD-2	RS	$-$   $_{\rm W}$	CM/I

2002		retailer				
4539 1000	Retail	Pet shop and supplies	CBD-2	RS	W	CM/E
4461 1001	Retail	Pharmacy	CBD-2	RS	W	CM/E
4431 3000	Retail	Photo supplies and cameras	CBD-2	RS	W	СМ/Е
4512 2000	Retail	Records and cd's and tapes	CBD-2	RS	W	СМ/Е
7221 1005	Retail	Restaurant - cafes and diners	CBD-2	RS	W	CM/E
7222 1200	Retail	Restaurant, cafeteria	CBD-2	RS	W	СМ/Е
7221 1001	Retail	Restaurant, with bar	CBD-2	RS	W	CM/E
7221 1002	Retail	Restaurant, without bar	CBD-2	RS	W	СМ/Е
7221 1003	Retail	Restaurant with bar, multi-location	CBD-2	RS	W	СМ/Е
7221 1004	Retail	Restaurant w/o bar, multi- location	CBD-2	RS	W	CM/E
4539 9800	Retail	Retail stores, NEC	CBD-2	RS	W	СМ/Е
4511 1008	Retail	Saddle shops	CBD-2	RS	W	СМ/Е
4511 3000	Retail	Sewing and needlework supplies	CBD-2	RS	W	CM/E
4431 1101	Retail	Sewing machine sales and service	CBD-2	RS	W	CM/E
4482 1004	Retail	Shoe store, athletic	CBD-2	RS	W	СМ/Е
4482 1002	Retail	Shoe store, ladies	CBD-2	RS	W	CM/E
4482 1003	Retail	Shoe store, men's	CBD-2	RS	W	CM/E
4482 1001	Retail	Shoe store, mixed	CBD-2	RS	W	CM/E
4482	Retail	Shoe store, western boots	CBD-2	RS	w	CM/E

1005						
4511 1000	Retail	Sporting goods stores	CBD-2	RS	W	CM/E
4431 1200	Retail	Stereo and electronics and TV	CBD-2	RS	W	CM/E
4431 1203	Retail	Stereo and hi-fi equipment sales	CBD-2	RS	W	CM/E
4431 1201	Retail	Telephone, business systems sales	CBD-2	RS	W	CM/E
4431 1202	Retail	Telephone, retail sales (noncommercial)	CBD-2	RS	W	СМ/Е
4431 1200	Retail	Television and stereo and electronics	CBD-2	RS	W	CM/E
4431 1200	Retail	Television, stereo and electronics	CBD-2	RS	W	СМ/Е
4539 9100	Retail	Tobacco stores retail	CBD-2	RS	W	CM/E
4539 9807	Retail	Tombstones and monuments	CBD-2	RS	W	CM/E
4211 2001	Retail	Tool distributor, mobile	CBD-2	RS	W	СМ/Е
4441 3001	Retail	Tool store, hand and electric	CBD-2	RS	W	СМ/Е
4511 2000	Retail	Toy stores	CBD-2	RS	W	СМ/Е
4431 1200	Retail	TV and stereo and electronics	CBD-2	RS	W	СМ/Е
4431 1102	Retail	Vacuum cleaner sales and service	CBD-2	RS	W	CM/E
4529 9000	Retail	Variety stores	CBD-2	RS	W	CM/E
5322 3000	Retail	Video tape rental and sales	CBD-2	RS	w	CM/E
4461 9100	Retail	Vitamin and health food store	CBD-2	RS	W	CM/E
4441 2000	Retail	Wallpaper and paint stores	CBD-2	RS	W	CM/E
4543	Retail	Water filters and softeners	CBD-2	RS	w	СМ/Е

9001		sales				
4543 9001	Retail	Water softeners and filters sales	CBD-2	RS	W	CM/E
6219 1000	Services	Ambulance service	CBD-2	RS	W	CM/E
5221 1001	Services	Automatic teller machine location	CBD-2	RS	W	CM/E
8129 3000	Services	Automobile parking lot	CBD-2	RS	W	СМ/Е
8129 9000	Services	Bail bonds	CBD-2	RS	w	CM/E
5221 1000	Services	Banks	CBD-2	RS	W	CM/E
7139 9003	Services	Billiards, pool hall	CBD-2	RS	W	CM/E
7132 9000	Services	Bingo halls	CBD-2	RS	W	CM/E
8139 1000	Services	Business associations	CBD-2	RS	W	CM/E
8112 1101	Services	Camera and VCR repair	CBD-2	RS	W	СМ/Е
8111 9201	Services	Carwash, self service	CBD-2	RS	W	CM/E
5223 9000	Services	Check cashing service	CBD-2	RS	W	CM/E
8134 1000	Services	Civic, social and fraternal associations	CBD-2	RS	W	CM/E
5133 9000	Services	Communication services, NEC	CBD-2	RS	W	CM/E
8112 1200	Services	Computer maintenance and repair	CBD-2	RS	W	CM/E
5324 2000	Services	Computer rental and leasing	CBD-2	RS	w	CM/E
5614 5000	Services	Credit reporting service	CBD-2	RS	W	CM/E
5221 3000	Services	Credit unions	CBD-2	RS	w	СМ/Е
7139	Services	Dance and yoga studio	CBD-2	RS	w	СМ/Е

9006						
5616 1200	Services	Detective and security guard service	CBD-2	RS	W	CM/E
8123 3101	Services	Diaper service	CBD-2	RS	W	CM/E
6211 1100	Services	Doctors and clinics	CBD-2	RS	W	CM/E
8112 1900	Services	Electronic repair	CBD-2	RS	W	CM/E
5613 1000	Services	Employment agencies	CBD-2	RS	W	CM/E
5121 1000	Services	Film and/or video production	CBD-2	RS	W	CM/E
8114 2000	Services	Furniture refinishing and repair	CBD-2	RS	W	СМ/Е
5241 2800	Services	Insurance carriers and service, NEC	CBD-2	RS	W	CM/E
5141 9200	Services	Internet - host/collocation facility	CBD-2	RS	W	CM/E
5141 9100	Services	Internet, I.S.P. (internet service provider)	CBD-2	RS	W	CM/E
5617 2000	Services	Janitorial services	CBD-2	RS	W	CM/E
8114 9001	Services	Jewelry and clock and watch repair	CBD-2	RS	W	CM/E
8123 1000	Services	Laundry, coin operated	CBD-2	RS	W	CM/E
8123 2001	Services	Laundry, pickup station	CBD-2	RS	W	CM/E
8139 4000	Services	Lobbyist and political organizations	CBD-2	RS	W	CM/E
5616 2200	Services	Locks and locksmiths	CBD-2	RS	W	CM/E
5614 9900	Services	Mailbox rental services	CBD-2	RS	w	CM/E
5614 3100	Services	Mailing printing services	CBD-2	RS	w	CM/E
5611	Services	Manufacturers rep office	CBD-2	RS	w	СМ/Е

1003						
6116 2000	Services	Martial arts schools	CBD-2	RS	W	CM/
6211 1100	Services	Medical, doctors and clinics	CBD-2	RS	W	CM/
6211 1100	Services	Medical clinics	CBD-2	RS	W	CM/
8139 9000	Services	Membership organization, NEC	CBD-2	RS	W	CM/
5611 1003	Services	Mfg. Rep./sales office	CBD-2	RS	W	CM/
5223 1000	Services	Mortgage bankers and brokers	CBD-2	RS	w	CM/
5121 3100	Services	Movie theatre	CBD-2	RS	W	CM/
7111 3000	Services	Musical groups and artists	CBD-2	RS	W	CM/
5141 1000	Services	News services (no printing)	CBD-2	RS	w	CM/
8129 3000	Services	Parking lot	CBD-2	RS	W	CM/
3231 1400	Services	Photocopy and duplicating service	CBD-2	RS	W	CM/
8129 2200	Services	Photofinishing lab, 1-hour	CBD-2	RS	W	CM/
8129 2201	Services	Photofinishing lab - pickup only	CBD-2	RS	W	CM/
8139 4000	Services	Political organizations and lobbyist	CBD-2	RS	W	СМ/
7139 9003	Services	Pool hall, billiards	CBD-2	RS	w	CM/
3231 1400	Services	Print, photocopy and duplicating service	CBD-2	RS	w	CM/
3231 1300	Services	Print, silk screen	CBD-2	RS	W	СМ/
8139 2000	Services	Professional membership associations	CBD-2	RS	W	CM/
5131	Services	Radio station	CBD-2	RS	W	CM/

1200						
8112 1100	Services	Radio and television repair shop	CBD-2	RS	W	CM/J
5122 4000	Services	Recording studios	CBD-2	RS	W	CM/I
5611 1003	Services	Sales office/manufacturers rep.	CBD-2	RS	W	CM/I
6116 2000	Services	Schools, martial arts	CBD-2	RS	W	СМ/І
6114 1000	Services	Schools, business and secretary	CBD-2	RS	W	CM/I
6114 2000	Services	Schools, computer	CBD-2	RS	W	CM/E
6116 9200	Services	Schools, driving schools	CBD-2	RS	W	CM/E
6117 1000	Services	Schools, educational	CBD-2	RS	W	CM/E
6115 1200	Services	Schools, flying	CBD-2	RS	W	CM/E
6114 1000	Services	Schools, secretary and business	CBD-2	RS	W	CM/E
6115 1900	Services	Schools, vocational	CBD-2	RS	W	CM/E
5616 1200	Services	Security guard and detective service	CBD-2	RS	W	CM/E
8114 3000	Services	Shoe repair	CBD-2	RS	W	СМ/Е
3231 1300	Services	Silk screen printing	CBD-2	RS	w	CM/E
5413 7000	Services	Surveying services	CBD-2	RS	W	CM/E
8121 9901	Services	Tanning salons	CBD-2	RS	W	СМ/Е
5614 4200	Services	Telemarketing service	CBD-2	RS	W	CM/E
8112 1100	Services	Television and radio repair shop	CBD-2	RS	W	СМ/Е
5613	Services	Temporary help services	CBD-2	RS	- w	CM/E

2000						
5121 3100	Services	Theater, indoor movie	CBD-2	RS	W	CM/I
7111 1000	Services	Theater, live	CBD-2	RS	w	CM/I
7113 2000	Services	Theatrical productions and services	CBD-2	RS	W	СМ/
5615 2000	Services	Tour operators	CBD-2	RS	W	CM/E
8112 1100	Services	TV and radio repair shop	CBD-2	RS	w	CM/E
8139 3000	Services	Unions and other labor groups	CBD-2	RS	W	CM/E
8114 2001	Services	Upholstery repair shop	CBD-2	RS	w	CM/E
8112 1101	Services	VCR and camera repair	CBD-2	RS	W	СМ/Е
5419 4000	Services	Veterinary clinic and services	CBD-2	RS	W	CM/E
7131 2000	Services	Video arcade	CBD-2	RS	W	CM/E
8114 9001	Services	Watch and clock and jewelry repair	CBD-2	RS	W	CM/E
7139 9006	Services	Yoga and dance studio	CBD-2	RS	W	CM/E
RS, rei	tail and service					
3121 3000	Mfg	Food, winery (wine)	RS	W	СМ	
4529 9002	Retail	Auto and home supply stores	RS	W	СМ	
4411 2001	Retail	Auto dealer, consignment	RS	W	СМ	
4411 1000	Retail	Auto dealer, new	RS	W	СМ	
4411 1001	Retail	Auto dealer, truck (new)	RS	W	СМ	
4411 2000	Retail	Auto dealer, used	RS	W	СМ	

TO:

Planning and Zoning Commission

FROM:

Manuel De La Rosa, Director of Planning \

DATE:

September 19, 2014

SUBJECT:

Ordinance amending City Code Chapter 53 (Zoning) - adding definitions and

establishing a garage setback

As you may recall, at the August 12, 2014 Commission meeting, I presented a draft ordinance amending the City's Zoning Ordinance with the addition of some definitions and specifically defining the front wall. The Commission did not approve moving forward with a recommendation until the garage setback criteria was within the amending ordinance. Working with our city attorney to address the Commission's comments, attached is a draft ordinance with an exhibit that provides the garage setback requirements.

The intent of this amending ordinance is to provide a diverse home product and establish a certain garage setback from the front wall. Staff is recommending the approval of the amending ordinance and seeks a favorable recommendation from the Commission to the Council.

## ORDINANCE NO.\_\_\_\_

AN ORDINANCE AMENDING CITY OF KYLE, TEXAS, CODE OF ORDINANCES CHAPTER 53 (ZONING), ARTICLE I (IN GENERAL), SECTION 53-5 (DEFINITIONS) BY ADDING DEFINITIONS FOR "FRONT PROPERTY LINE," "FRONT WALL," AND "WALL"; PROVIDING "STANDARDS FOR DETERMINING OF A FRONT WALL FOR THE **PURPOSES** OF **ESTABLISHING** GARAGE SETBACK"; PROVIDING A SEVERABILITY REPEAL CLAUSE: **PROVIDING** CONFLICTING ORDINANCES: FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; PROVIDING FOR AN EFFECTIVE DATE; AND MAKING SUCH OTHER FINDINGS AND PROVISIONS RELATED HERETO.

WHEREAS, the City has experienced rapid growth but a lack of diversity of housing design; and,

WHEREAS, the City Council finds that establishing certain garage setback requirements facilitates offering a more diverse housing design; and,

WHEREAS, "Standards for Determining of a Front Wall for the Purposes of Establishing Garage Setback" as recommended by the city's planning and zoning commission will enhance the goal of providing a diversity of housing design in the city; and,

WHEREAS, this amendment establishes garage setback requirements from the front wall;

# NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KYLE, TEXAS, THAT:

- Section 1. Findings of Fact. The above and foregoing recitals are hereby found to be true and correct and are incorporated herein as findings of fact.
- Section 2. <u>Purpose of Amendment</u>. The City of Kyle Code of Ordinances is hereby amended insofar, and only insofar, as is herein set forth and in no other respect whatsoever.

## Section 3. Amendment of Chapter 53, Article I, Section 53-5 Definitions.

Sec. 53-5 ("Definitions") of Chapter 53, Article I of the Code of Ordinances of the City of Kyle, shall be amended to read as follows:

"Sec. 53-5. Definitions.

Front property line means the boundary of a parcel that is generally located immediately adjacent to a public street a structure faces. In the case of side lots that have two boundaries adjacent to public streets, the front property line shall be toward the street that will be used for 9-1-1 address purposes.

Front wall means the wall that generally faces the front property line, or in the case of side lots that have two boundaries adjacent to public streets, the front wall shall be the wall where the front entrance to the structure on the parcel is located.

Wall means a structure of brick, stone, or other suitable building material, that is a side of a building, surrounds an area, separates one area from another, defines an area architecturally, or carries a load."

- Section 4. <u>Incorporation of Standards</u>. The "Standards for Determining of a Front Wall for the Purposes of Establishing Garage Setback" as recommended by the city's planning and zoning commission are attached as EXHIBIT "A" and incorporated herein by reference to said Exhibit.
- Section 4. Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance is declared unconstitutional or invalid for any purpose, the remainder of this ordinance shall not be affected thereby and to this end the provisions of this ordinance are declared to be severable.
- Section 5. Conflicting Ordinances. All ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance as adopted and amended herein, are hereby amended to the extent of such conflict. In the event of a conflict or inconsistency between this ordinance and any other code or ordinance of the City, the terms and provisions of this ordinance shall govern.
- Section 6. Open Meetings. It is hereby found, determined and declared that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Law, Chapter 551, Tex. Gov't Code, and that this meeting has been open to the public as required by law at all times during which this ordinance and the subject matter thereof has been discussed, considered and formally acted upon.
- **Section 7.** <u>Effective Date</u>. This ordinance shall take effect from and after its final passage and publication as required by law.

PASSED AND APPROVED on First Reading this day of, 2014.
PASSED AND ADOPTED on Second Reading this day of, 2014.
THE CITY OF KYLE, TEXAS
BY:  R. Todd Webster, Mayor  ATTEST:
Amelia Sanchez, City Secretary  APPROVED AS TO FORM:
W. Ken Johnson, City Attorney

## **EXHIBIT "A"**

## STANDARDS FOR DETERMINATION OF A FRONT WALL FOR THE PURPOSES OF ESTABLISHING GARAGE SETBACK

<u>Purpose</u>. The purpose of this recommendation is to provide standards ("Standards") for city staff to use in making a determination of what constitutes a front wall ("front wall").

Commission goal. It is the goal of the Planning and Zoning Commission ("Commission") that home front elevations not be dominated by front facing garages, nor by protruding front facing garages. However, it is also the desire of the Commission to empower city staff to make determinations as to what is and is not acceptable to be qualified as a front wall. To help facilitate such determinations, the following general guidelines and procedures are hereby adopted for city staff to refer to as a guide in making such determinations.

Standards. The following Standards are recommended to be referred to by city staff when determining what qualifies as a front wall:

- 1) Require diversity of housing design in Kyle whereby a garage shall not dominate the front elevation, either by the percentage of front elevation determined by width or by protrusion toward a front property line. A garage shall violate this requirement if it is more than 50% of the front width of the home, or if it is set back less than five feet from the front wall.
- 2) The front wall is the forward, most-enclosed outer wall of a structure that faces the front property line.
- 3) A designation of front wall can be given to a load-bearing wall that defines an area. This designation does not require the front wall to be fully enclosed, but it shall dominate the non-garage portion of the front elevation, such as the load-bearing portion of a covered front porch, or the load bearing portion of a front porch where there is a covered balcony overhead. Final determination of what does and does not constitute the designation of front wall shall be determined by the planning director ("director") or designee.
  - a. In order to qualify for this designation, a builder or developer ("Builder") must submit a master set of color elevation plans along with the accompanying floor plans for the homes to be built within a subdivision where this designation is being requested.
  - b. The master set of elevations and floor plans will be reviewed by the Director or designee, and each elevation and floor plan will be considered for approval by the Director or designee. After an elevation and floor plan receives said approval from the Director or designee, the master set shall

govern the elevation and plans that have received the designation of front wall for a wall other than a standard fully enclosed outer most wall.

4) If a garage is determined by the Director or designee to be set back a minimum of five feet from either a front wall or a designated front wall as provided for herein, the set back shall be in compliance with the requirements of applicable provisions of the city's Code of Ordinances and in accordance with this policy.

5) If a Builder disagrees with the determination of the Director or designee, the determination may be appealed to the Commission for a determination.



#### **MEMORANDUM**

TO: Planning and Zoning Commission

DATE: September 19, 2014

SUBJECT: James Rios - Conditional Use Permit for 110 W. Center Street (CUP-14-020)

#### Site Information

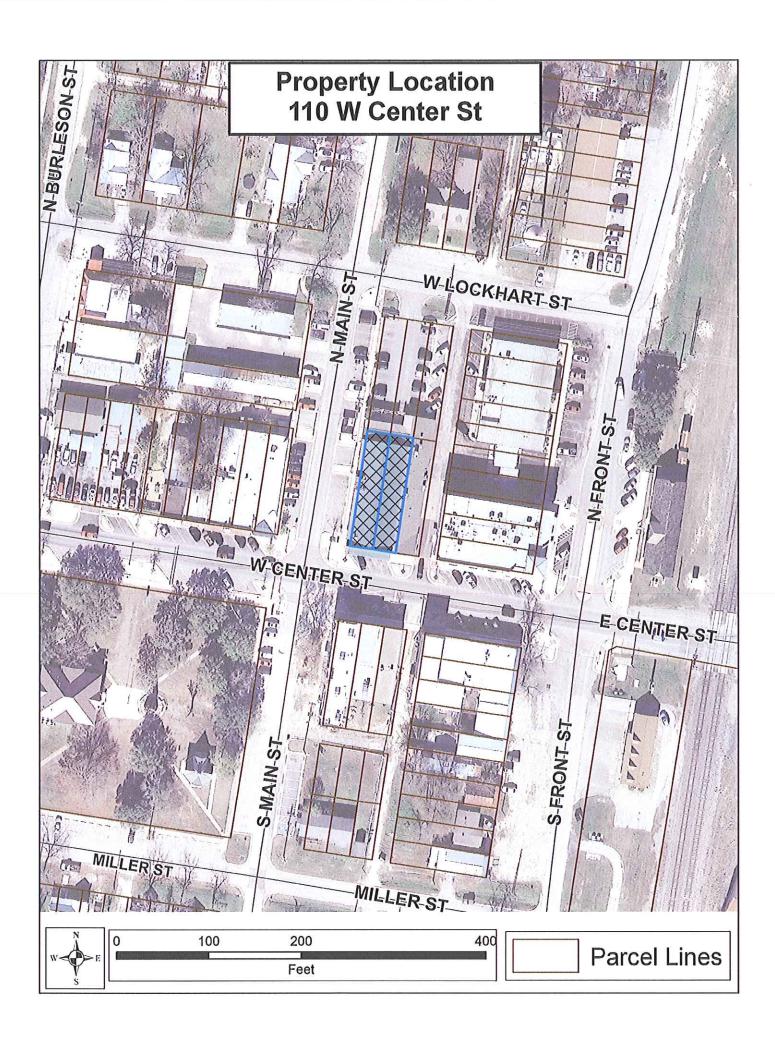
The subject property is 110 W. Center Street. The existing building was formerly utilized as a grocery store. The property is located within CBD-2 Zoning District and the I-35 Overlay District. In accordance with City Code Chapter 53 (Zoning), Section 53-893(a) (2), a Conditional Use Permit is required if there is an alteration of the exterior design, material, or finish grade line.

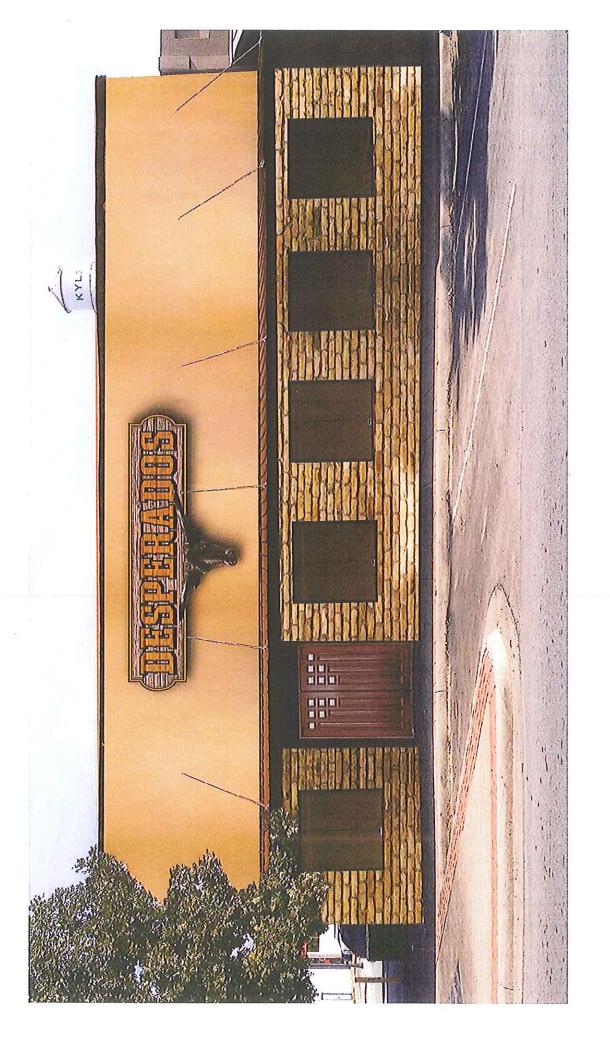
#### Request

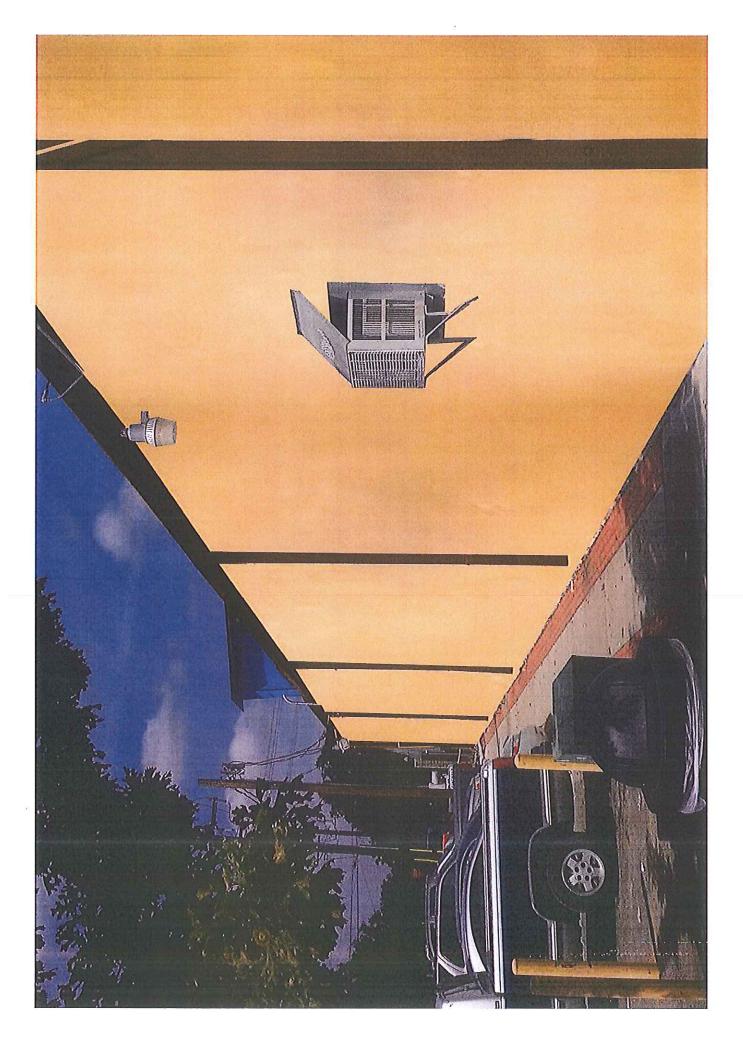
The applicant, James Rios, is requesting a Conditional Use Permit for a business to be called Desperados. The applicant, under a separate request, is seeking to operate a dance hall at this site. If applicant does not prevail in the change of land use request, the site will be used for a pool hall, which is a permitted land use in accordance with City's Zoning Ordinance.

#### Renderings

The applicant has provided the two colored renderings for your review and consideration.







#### **MEMORANDUM**

TO:

Planning and Zoning Commission

FROM:

Manuel De La Rosa, Director of Planning

DATE:

September 19, 2014

SUBJECT:

Recommendation to amend the City's Overlay Districts

The Long Range Planning Committee met on July 17, 2014 to review and make a recommendation to the Planning and Zoning Commission on amending the Zoning Ordinance (Chapter 53) pertaining to the overlay districts.

The minutes of the meeting held on July 17<sup>th</sup> and approved on September 18, 2014 by the Long Range Planning Committee are a part of this memorandum. Maps of the existing and proposed overlay districts are provided for your review and consideration.

It is staff's recommendation that the Planning and Zoning Commission start having discussions on the topic. Staff is anticipating having a notice of public hearing published in the near future to receive public comment. Planning staff is working with the city attorney on a timeline for preparing a draft ordinance and the scheduling of formal public hearings. In the interim, staff recommends the process of vetting the issues be discussed at the Commission meetings.

# (Minutes Approved 9/18/14)

# Long Range Planning Committee Minutes July 17, 2014 Kyle City Hall

Present: Lila Knight, Susan Meckel, Dennis Rose, Jerry Kolacny, Pat Fernandez, Will Atkinson, Amy De Fillipi, Jerry Luttrell, Alfred Zambrano

Staff: Manny de la Rosa, Debbie Guerra, Steve Clamons

Knight opened the meeting at 7:05. There were no citizen's comments.

As we have a new planning director, each of the committee members and the planning director introduced themselves.

The Long Range Planning Committee reviewed and made recommendations to the Planning and Zoning Commission regarding revisions to the boundaries of the existing overlay districts as follows:

### The FM 1626 Overlay District

Luttrell made a motion, seconded by Atkinson, to recommend terminating the FM 1626 Overlay District at the intersection with Marketplace (rather than IH-35). The committee voted unanimously in favor of the motion.

### The Goforth Road Overlay District

Luttrell made a motion, seconded by Zamora, to recommend the proposed changes to the Goforth Overlay District as indicated on the map included in the back-up materials. All members of the committee voted unanimously in favor of the motion. (NOTE: new boundaries would include those parcels on the east side of Goforth Road from the intersection of Goforth Road and Masonwood to the intersection of Goforth Road and Bluestem Street, after which it includes those parcels on both sides of Goforth Road to the eastern city limit boundary. It includes all non-residential real property within four hundred (400) feet of the outer most edge of the street right-of-way. Goforth Road is also known as County Road 157, County Road 151, Bunton Road, and Bunton Lane).

# Old Highway 81 Overlay District

Fernandez made a motion, seconded by Meckel, to recommend the proposed changes to the Old Highway 81 Overlay District as indicated on the map included in the back-up materials with the following amendment: to include those parcels directly south of the intersection of Old Highway 81 and South Street (up to and including the property occupied by Tyler's Towing). All members of the committee voted unanimously in favor of the motion.

#### The FM 150 East Overlay District

Fernandez made a motion, seconded by Luttrell, to recommend the proposed changes to the FM 150 East Overlay District as indicated on the map included in the back-up materials. All members of the committee voted unanimously in favor of the motion. (NOTE: new boundaries extend from the intersection of FM 150 East and Lehman Road on the west to the the city limit boundary on the east. It includes all non-residential real property within four hundred (400) feet of the outer most edge of the right-of-way of FM 150 East.

### The Center Street Overlay District

Luttrell made a motion, seconded by Fernandez, to combine the Center Street Overlay District with the Central Business District Overlay District. All members of the committee voted unanimously in favor of the motion.

#### The Central Business District Overlay District

There was considerable discussion among the committee members regarding how extensive the boundaries of this district should be. Most felt that since this will only impact commercial redevelopment, it will help protect the existing residential properties to include as much as possible of the existing old town. Knight made a motion, seconded by Zambrano, to recommend proposed changes to the Central Business District Overlay District to include all of the original Old Town city limits and to extend west along Center Street from the intersection of Rebel Drive west to the city limits. All members of the committee voted unanimously in favor of the motion.

### The Rebel Drive Overlay District

Meckel made a motion, seconded by De Fillipi, to recommend the proposed changes to the FM 150 East Overlay District as indicated on the map included in the back-up materials, but as amended by the committee members. All members of the committee voted unanimously in favor of the motion.

## I-35 Overlay District

Knight made a motion, seconded by Fernandez, to recommend the ordinance be changed to state that where this particular overlay district overlaps with any of the other existing overlay districts, the other overlay districts will take precedence over the I-35 Overlay District (i.e. the following overlay districts take precedence over the I-35 overlay district: Goforth Overlay District, FM 150 East Overlay District, CBD Overlay District, and Old Highway 81 Overlay District). There were no changes proposed to the boundaries of this overlay district.

All members of the committee voted unanimously in favor of the motion. NOTE: if the Center Street Overlay District is retained, it should also be listed.

Knight introduced the next agenda item, the **Open Space** component of the Comprehensive Plan. Susan Meckel led the discussion. Committee members discussed strategies for the implementation of open space in Kyle. Among the discussion were the

benefits to the watershed provided by open space that served as a buffer to our creeks. There was a discussion of the existing Parks Ordinance and whether it fully allowed for open space to be incorporated into the planning of projects. Mr. de la Rosa mentioned establishing a Land Trust which he had previously accomplished in another city, which many of the committee members thought was a great idea. Members also discussed how to incentivize small parcels for wildlife management with city annexation. The committee discussed whether or not it would be productive to hold a workshop with the Parks and Recreation Committee. Mr. de la Rosa will get a list of those committee members for us. He also suggested the Long Range Committee compile a list of recommendations to take to the Planning and Zoning Commission. The Committee will continue to work on this issue at the next meeting.

The item to introduce and discuss the ETJ Management Plan was tabled due to the late hour.

The next meeting of the committee will be Thursday, August 21st.

The committee was adjourned at 9:15 pm.

