

# 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 March 24, 2015, 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 20th day of March prior to 6:30 PM.

### 1. CALL MEETING TO ORDER

### 2. ROLL CALL

### 3. CITIZEN COMMENTS

### 4. CONSENT

#### A. Brookside Phase 1 – Final Plat (FP-15-004)

11.777 acres; 73 Residential Lots

Located along the northeastern edge of the existing Brookside Subdivision

Owner: Bigelow San Marcos Development, LLC.

Agent: Scott Bauer

Staff Proposal to P&Z: Statutorily Disapprove to meet the 30 day statutory requirement.

### 5. CONDITIONAL USE PERMIT/OVERLAY DISTRICT

#### A. Consider a request by Circus Aguilar on behalf of Edward R. Coleman for a Conditional Use Permit to hold a Circus open to the public from May 14<sup>th</sup> – May 18<sup>th</sup>, 2015 on property located at 24801 IH-35 (Central Texas Speedway). (CUP-15-002)

- **Public Hearing**

## 6. ZONING

- A. Consider a request by Joe and Katherine Torres to rezone Lot 15 of Kyle Industrial Park, (approximately 0.792 acres) from Commercial-2 "C2" to Warehouse "W" and to assign original zoning to Lot 16 (approximately 1.175 acres) and Lot 17 (approximately 1.05 acres) of Kyle Industrial Park from Agriculture "AG" to Warehouse "W" on property located on Kyle Crossing and south of Kohler's Crossing.

- **Public Hearing**
- **Recommendation to City Council**

## 7. GENERAL DISCUSSION

- A. Discussion only regarding Planning and Zoning Commission requests for future agenda items.

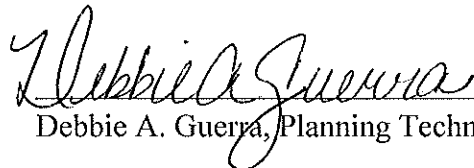
## 8. STAFF REPORT

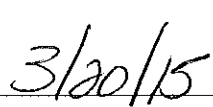
## 9. ADJOURN

\*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:

  
Debbie A. Guerra, Planning Technician

  
(Date)

## MEMORANDUM

**TO:** Planning and Zoning Commission  
**FROM:** Debbie A. Guerra, Planning Technician  
**DATE:** March 24, 2015  
**SUBJECT:** CONDITIONAL USE PERMIT  
CIRCUS AGUILAR- 24801 IH-35

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### Request:

The Circus Aguilar, on behalf of Edward R. Coleman, property owner, is requesting a Conditional Use Permit to hold a Circus open to the public from May 14th – May 18th at Central Texas Speedway, located at 24801 N. IH-35.

### Hours of operation

Opening day (1) show Thursday May 14, 8 pm  
Friday May 15, (2) shows 5pm and 8pm  
Saturday May 16, (3) shows 1:30pm, 5pm and 8pm  
Sunday May 17, (3) shows 1:30pm, 5pm and 8pm  
Monday May 18, (2) shows 5pm and 8pm

Event set up date – Wednesday, May 13<sup>th</sup>  
Event tear down date – Tuesday, May 19<sup>th</sup>

### 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 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).

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.

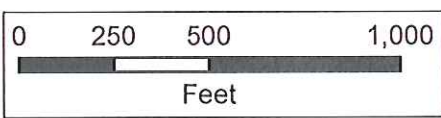


# Project Location Circus Aguilar



 **Central Texas  
Speedway**

*Kyle City Limits*



 Project Location

 Parcel Lines



**FREE  
KIDS  
TICKETS  
HERE  
KIDS 14 &  
UNDER FREE**

**BOLEOS  
GRATIS  
PARA LOS  
NIÑOS  
AQUI!  
NIÑOS MENORES  
DE 14 AÑOS GRATIS**

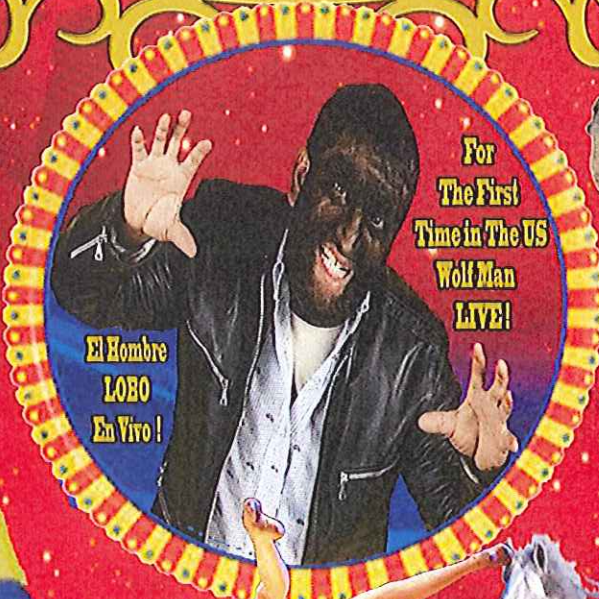
# CIRCO HNOS. AGUILAR

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antes del  
Espectaculo**

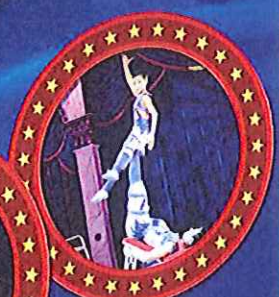
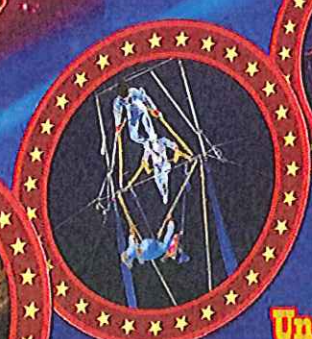
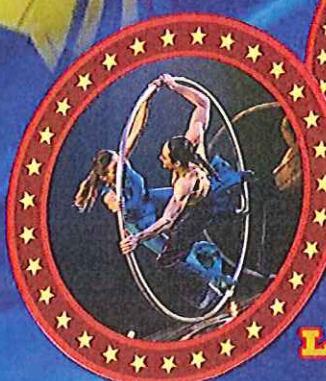
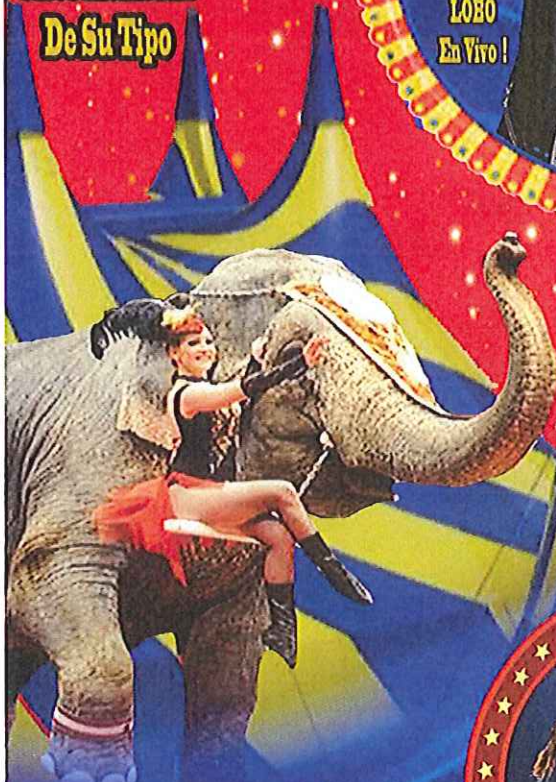


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# CIRCO HNOS. AGUILAR













March 24, 2015

## Planning and Zoning

Zoning

**Case Number: Z-14-020**

**OWNER/APPLICANT:** Joe and Katherine Torres

**LOCATION:** Kyle Industrial Park (Kyle Crossing south of Kohler's Crossing)

**AREA:** Lot 15 (approx. 0.792 acres), Lot 16 (approx. 1.175), Lot 17 (approx. 1.05)

**PROPOSED CITY COUNCIL HEARINGS:** First Reading: April 7, 2015  
Second Reading: April 21, 2015

**EXISTING ZONING:** Lot 15 – Commercial-2 “C2” / Lot 16 & 17 Agriculture “AG”

**PROPOSED ZONING:** Warehouse District “W”

**SITE INFORMATION:**

***Transportation:*** The subject property is located on the east side of Kyle Crossing, 1000 feet south of Kohler's Crossing. Access from IH 35 is prohibited unless special permission is granted from TXDOT.

***Surrounding Zoning:***

- North: Agriculture, (and R/S, north of Kohler's Crossing)
- South: Warehouse, R/S and Agriculture
- East: IH-35
- West: RS Retail Service, District LI (Plum Creek – Light Industrial) and Warehouse

***Future Land Use Designation:*** New Town District

***Utilities:*** There are no water or wastewater lines currently serving this site.

**PUBLIC INPUT:**

Notice of the proposed change was sent to property owners within 200' of the subject property. The Planning Department received one phone call asking for additional information regarding the proposed rezone. No other correspondence has been received in support or in opposition of this request. Under the new notification requirements a sign was also posted on the site.

**STAFF ANALYSIS:**

**Background**

The subject property is located within the Kyle Industrial Park that is comprised of 18 total lots. The applicant is seeking to rezone Lot 15 from Commercial-2 to Warehouse and Lots 16 and 17 from Agriculture to Warehouse in order to provide a storage facility.



March 24, 2015

## *Planning and Zoning*

Zoning

**Case Number: Z-14-020**

### *Comprehensive Plan Guidance*

The New Town District is designed to contain a horizontal mix of land uses that should be integrated across the area to express a cohesive community form. Many differing uses are encouraged throughout the district, but are distributed in independent land parcels instead of vertically aggregated in fewer land parcels. As it is with the Comprehensive Plan Retail Services serves as a Conditional Use within the District.

### *Proposed Zoning District*

The warehouse district is designed to provide locations for outlets offering goods and services to a targeted segment of the general public as well as industrial users. The permitted uses include those that primarily serve other commercial and industrial enterprises. No building or land shall be used, and no building hereafter shall be erected, maintained, or structurally altered, except for an allowed use. The conditions and limitations on uses in the Warehouse district are as follows:

- (1) The use is conducted primarily within an enclosed building or screened area, except for the customary outdoor activities for the specific use listed.
- (2) The use is not objectionable because of odor, excessive light, smoke, dust, noise, vibration or similar nuisance; and that such odor, smoke, dust, noise or vibration at the property line does not exceed the permitted levels established by ordinance.
- (3) Signs (advertising) must be in compliance with all applicable ordinances
- (4) Establishments located on property that is within 300 feet of any property zoned for a residential use when the commercial use is first established may not to be open to the general public before 6:00 a.m. and must be closed to the general public by 10:00 p.m.

### *Analysis*

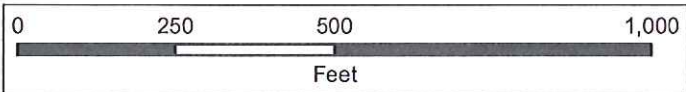
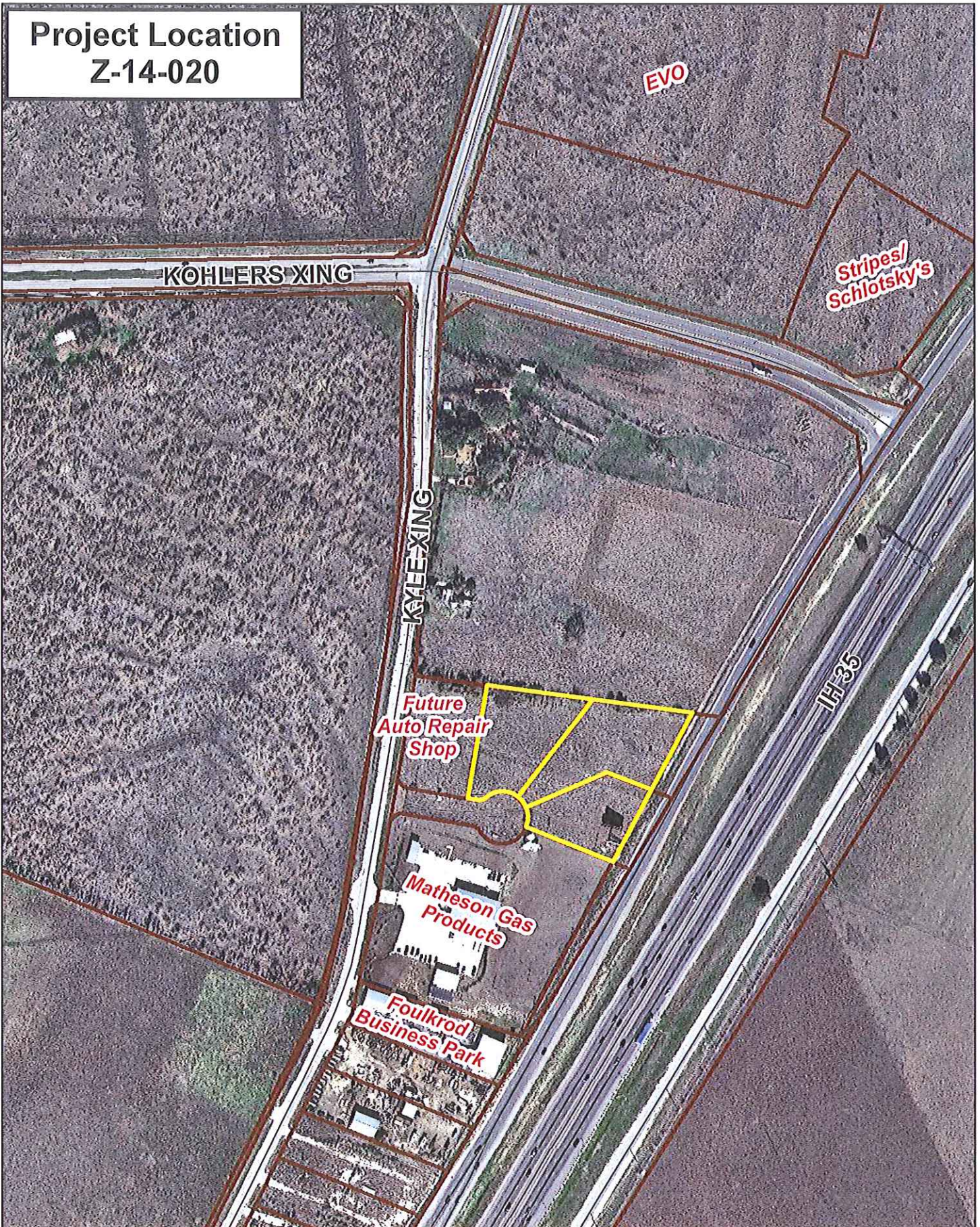
The subject lot is located within the Kyle Industrial Park Subdivision. The lot is identified as Lots 15, 16 and 17 with a total area of 3.017 acres. The plat identifies a 60 foot R.O.W – Bunny Cove, that remains undeveloped and shows to serve lots 12 through 18 as a cul-de-sac

Staff has reviewed the request for consistency with the Comprehensive Plan and has made the following comments:

- Build-out of Bunny Cove must be completed for access to remaining lots.
- The proposed zoning change is conditional within the comprehensive master plan.



**Project Location  
Z-14-020**



Project Location



Parcel Lines