

# 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 April 14, 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 10th day of April prior to 6:30 PM.

### 1. CALL MEETING TO ORDER

### 2. ROLL CALL

### 3. CITIZEN COMMENTS

### 4. CONSENT

- A. Pups and Mutts – Short Form Final Plat (SFP-15-003)  
0.54 acres; 1 Commercial Lot  
Located at 598 FM 150 (Rebel Road)  
Owner: Robert & Rylma Burnham  
Agent: Andrew Dodson, P.E., Vickrey & Associates, Inc.  
Staff Proposal to P&Z: Statutorily Disapprove to meet the 30 day statutory requirement.
- B. Hays Commerce Center Phase 1 – Final Plat (FP-15-005)  
7.345 acres; 2 Commercial Lots  
Located at the northwest corner of IH-35 and Kyle Crossing  
Owner: RR HPI, LP & Sammie Tritico  
Agent: Stephen R. Jamison, P.E., Hanrahan-Pritchard Engineering, Inc.  
Staff Proposal to P&Z: Statutorily Disapprove to meet the 30 day statutory requirement.
- C. Hays Commerce Center Phase 2 – Final Plat (FP-15-006)  
70.254 acres; 10 Commercial Lots  
Located at the northwest corner of IH-35 and Kyle Crossing  
Owner: RR HPI, LP & Sammie Tritico  
Agent: Stephen R. Jamison, P.E., Hanrahan-Pritchard Engineering, Inc.  
Staff Proposal to P&Z: Statutorily Disapprove to meet the 30 day statutory requirement.

D. Hays Commerce Center Revised Preliminary (PP-14-001)  
108.049 acres; 26 Commercial Lots and 2 Pond, D.E. /P.U.E. Lots  
Located at the northwest corner of IH-35 and Kyle Crossing  
Owner: RR HPI, LP  
Agent: Stephen R. Jamison, P.E., Hanrahan-Pritchard Engineering, Inc.  
Staff Proposal to P&Z: Approve the revised preliminary Plan

E. Oaks of Kyle – Final Plat (FP-15-003)  
10.073 acres; 1 Lot  
Located at 200 Goforth Road  
Owner: Oaks on Goforth LP General Partner / Oaks on Goforth Investments, LLC.  
Agent: Richard Grayum, P.E., Jacobs Engineering Group, Inc.  
Staff Proposal to P&Z: Approve the final plat

## 5. **CONDITIONAL USE PERMIT/OVERLAY DISTRICT**

A. Consider a request by Robert and Rylma Burnham (Kyle Pet Resort) for a Conditional Use Permit to construct a 4,879 square foot building located at 598 FM 150 (Rebel Road). (CUP-15-003)

- **Public Hearing**

## 6. **CONSIDER AND POSSIBLE ACTION**

A. Consider amending Chapter 29, Sign Standards and Permits of the City's Code of Ordinances relative to permitting existing off-premise commercial billboards to be converted to changeable electronic variable message signs (CEVMS) subject to specific approval of the City Council; Amending various sections of the sign regulations to be consistent with the ability to convert existing commercial billboards into CEVMS; Repealing all conflicting ordinances requiring a sign face exchange ratio for digital display signs; providing operational requirements for digital display signs.

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

## 7. **GENERAL DISCUSSION**

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

B. Discussion regarding the size of signage posted on properties for notice of zoning.


## 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: April 10, 2014

SUBJECT: Hays Commerce Center – Revised Preliminary

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### **BACKGROUND**

#### **Site Information and Proposal**

The subject property is approximately 108.049 acres and is proposed to be subdivided into 26 Commercial Lots and 2 Pond, D.E. / P.U.E. Lots located at the northwest corner of IH-35 and Kyle Crossing

#### **Utilities**

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

#### **Access**

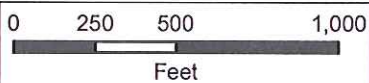
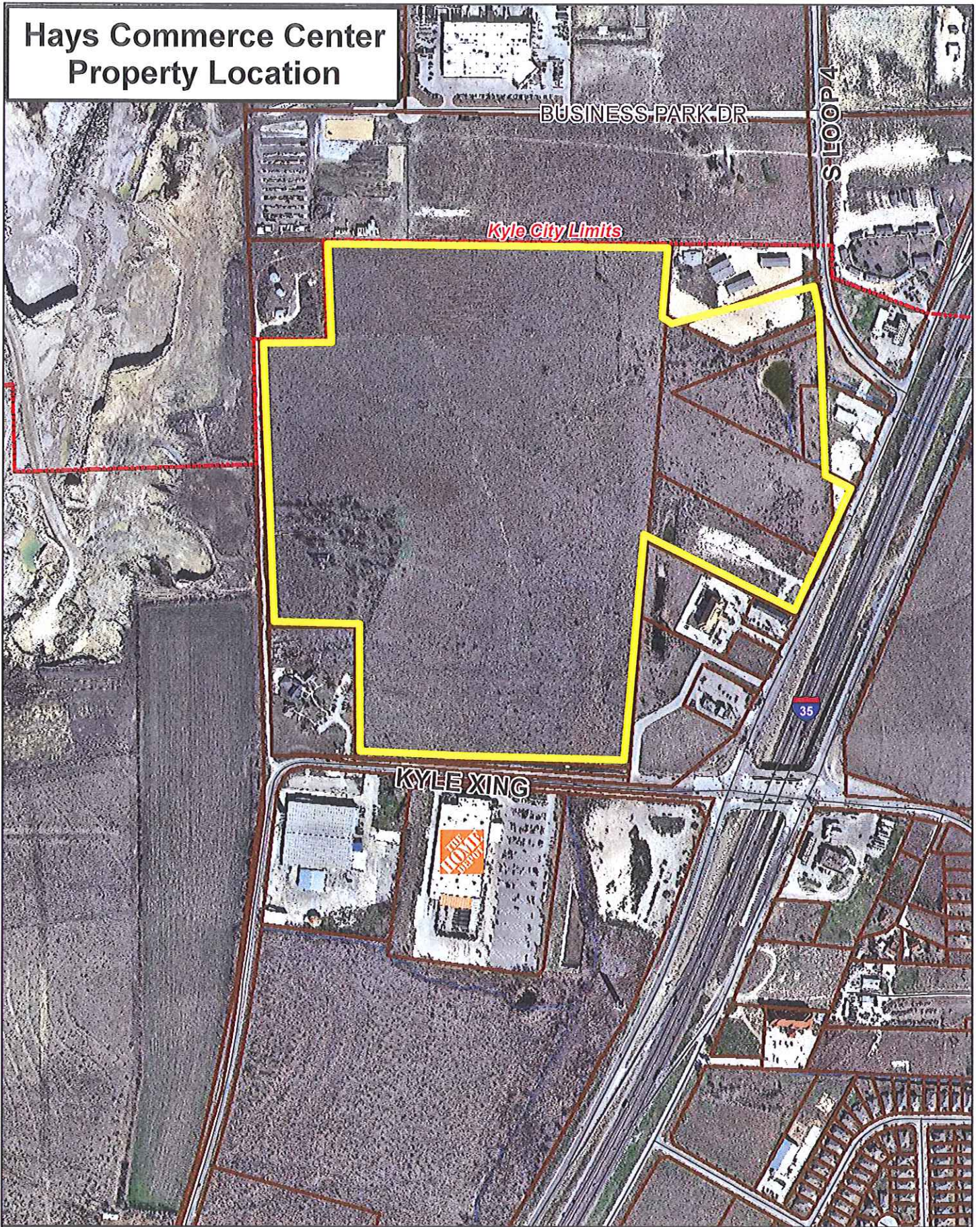
Access to the site will be off of Loop 4, IH-35 southbound frontage and Kyle Crossing.

### **STAFF RECOMMENDATION:**

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

- The preliminary plan is consistent with all zoning requirements and development agreement requirements for the property.
- The proposed provision and configuration of roads, water, wastewater, drainage and easements and rights-of-way are adequate to serve the subdivision.

# Hays Commerce Center Property Location



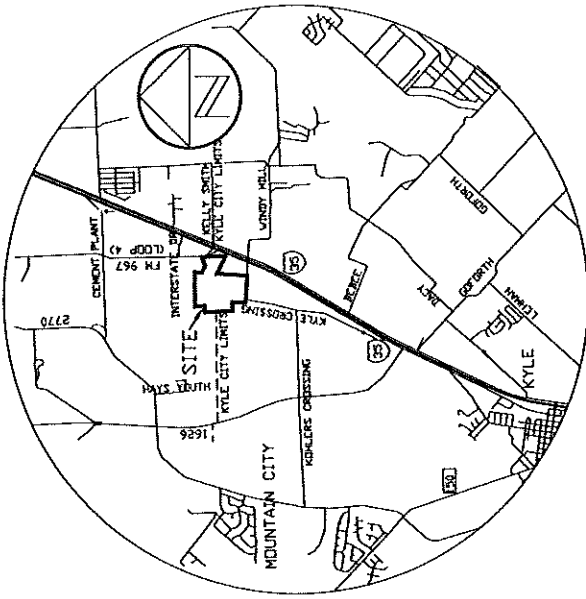
Project Area



Parcel Lines

# CONSTRUCTION PLANS FOR HAYS COMMERC CENTER PRELIMINARY PLAN KYLE, TEXAS

- SHEET INDEX**
- 1. COVER SHEET
  - 2. PRELIMINARY PLAN
  - 3. PRELIMINARY PLAN
  - 4. PRELIMINARY PLAN
  - 5. PRELIMINARY PLAN
  - 6. PRELIMINARY PLAN
  - 7. PRELIMINARY PLAN
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  - 10. PRELIMINARY PLAN
  - 11. PRELIMINARY PLAN
  - 12. PRELIMINARY PLAN
  - 13. PRELIMINARY PLAN
  - 14. PRELIMINARY PLAN
  - 15. PRELIMINARY PLAN
  - 16. PRELIMINARY PLAN



LOCATION MAP  
NOT TO SCALE

**OWNER:** HAYS, LP  
2605 N. CAPITAL OF TEXAS HWY.  
SUITE 200, SUITE 200  
DALLAS, TEXAS 75244  
714-443-1400

**OWNER:** CHARLES LAMAR HOLLINGS, LP  
1000 WEST WINDY HILL  
AUSTIN, TEXAS 78704  
512-476-3304

**OWNER:** HANRAHAN • FRITCHARD ENGINEERING, INC.  
8333 CROSS PARK DRIVE  
SUITE 200  
DALLAS, TEXAS 75244  
972-443-1234

**ARCHITECT:** CHAMBERLAIN, SARGENT & JACOBSON  
2000 MCKALL BLVD.  
SUITE 100  
DALLAS, TEXAS 75244  
972-443-1724

**EDWARDS ACQUIRED:**  
THIS SITE IS LOCATED OVER THE EDWARDS AQUIFER TRANSITION ZONE.

**FLOOR PLAN NOTE:**  
NO PORTION OF THIS SUBDIVISION (PLAN ORDER NUMBER 1, SECTION 15C-3) IS CONTAINED IN THE EDWARDS AQUIFER TRANSITION ZONE. THE CITY OF KYLE, TEXAS (CITY OF KYLE, TEXAS) HAS BEEN ADVISED BY THE EDWARDS AQUIFER TRANSITION ZONE ACT (ACT 1000) OF SEPTEMBER 2, 2000.

- GENERAL CONSTRUCTION NOTES:**
1. ALL RESPONSIBILITY FOR THE ACCURACY OF THESE PLANS REMAINS WITH THE ENGINEER. THE ENGINEER HAS CONDUCTED VISUAL SURVEYS OF THE SITE AND HAS FOUND THE CITY OF KYLE TO BE IN ACCORDANCE WITH THE CITY OF KYLE ZONING ORDINANCE.
  2. THE CITY OF KYLE IS NOT A MEMBER OF 80.1122 OR ONE-CALL PLEASE CONTACT THE CITY OF KYLE AT 972-443-1234 FOR MORE INFORMATION.
  3. ALL UTILITIES SHOWN ON THESE PLANS ARE BASED ON THE CITY OF KYLE RECORD DRAWINGS AND FIELD SURVEYS. THE ENGINEER HAS CONDUCTED VISUAL SURVEYS OF THE SITE AND HAS FOUND THE CITY OF KYLE TO BE IN ACCORDANCE WITH THE CITY OF KYLE ZONING ORDINANCE.
  4. ALL UTILITIES SHOWN ON THESE PLANS ARE BASED ON THE CITY OF KYLE RECORD DRAWINGS AND FIELD SURVEYS. THE ENGINEER HAS CONDUCTED VISUAL SURVEYS OF THE SITE AND HAS FOUND THE CITY OF KYLE TO BE IN ACCORDANCE WITH THE CITY OF KYLE ZONING ORDINANCE.
  5. ALL SITE WORK MUST ALSO COMPLY WITH THE CITY OF KYLE'S ENVIRONMENTAL REGULATIONS.
  6. COUNCILMAN SUBDIVISION ZONING - PS (RETAIL/SERVICE).

**STATEMENT OF LIABILITY:** HANRAHAN • FRITCHARD ENGINEERING, INC. ASSUMES NO LIABILITY FOR ANY ERRORS OR OMISSIONS IN THESE PLANS THAT ARE NOT BEING COMMUNICATED BY THESE PLANS. THE CITY OF KYLE HAS BEEN ADVISED BY THE EDWARDS AQUIFER TRANSITION ZONE ACT (ACT 1000) OF SEPTEMBER 2, 2000.

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No.	Description	CORRECTIONS		Date	By Whom
		Number	Location		

ALL RESPONSIBILITY FOR THE ACCURACY OF THESE PLANS REMAINS WITH THE ENGINEER. THE ENGINEER HAS CONDUCTED VISUAL SURVEYS OF THE SITE AND HAS FOUND THE CITY OF KYLE TO BE IN ACCORDANCE WITH THE CITY OF KYLE ZONING ORDINANCE.



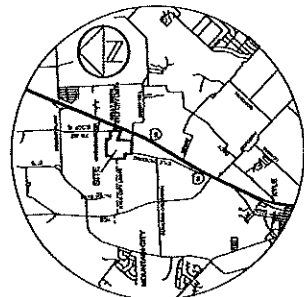
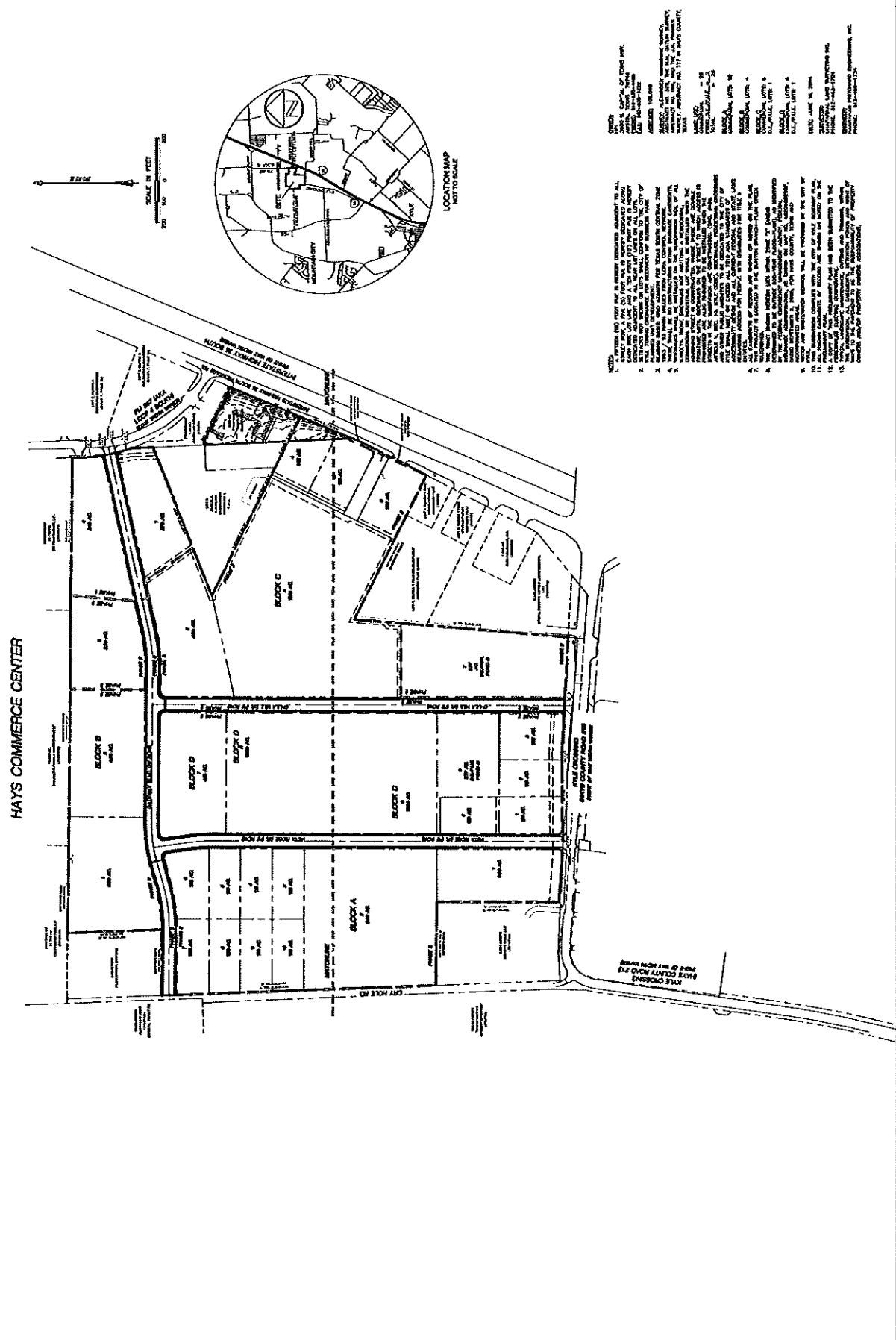
SUBMITTED BY: *[Signature]* DATE: 11/11/00  
STEPHEN KAY JOHNSON, P.E.  
8333 CROSS PARK DRIVE  
SUITE 200  
DALLAS, TEXAS 75244  
TEL: P.O. BOX 10774

HANRAHAN • FRITCHARD ENGINEERING, INC.  
CONSULTING ENGINEERS (TX PE, FIRM REG. #498)  
8333 CROSS PARK DRIVE  
SUITE 200  
DALLAS, TEXAS 75244  
OFFICE: (972) 443-1234 FAX: (972) 443-1234  
http://www.hfe.com

**HFE**



Project No.	12345
Scale	AS SHOWN
Drawn By	ERL
Checked By	ERL
Date	12/31/2024
Sheet No.	02 of 18

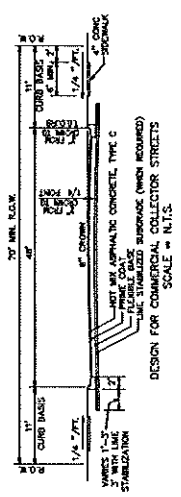
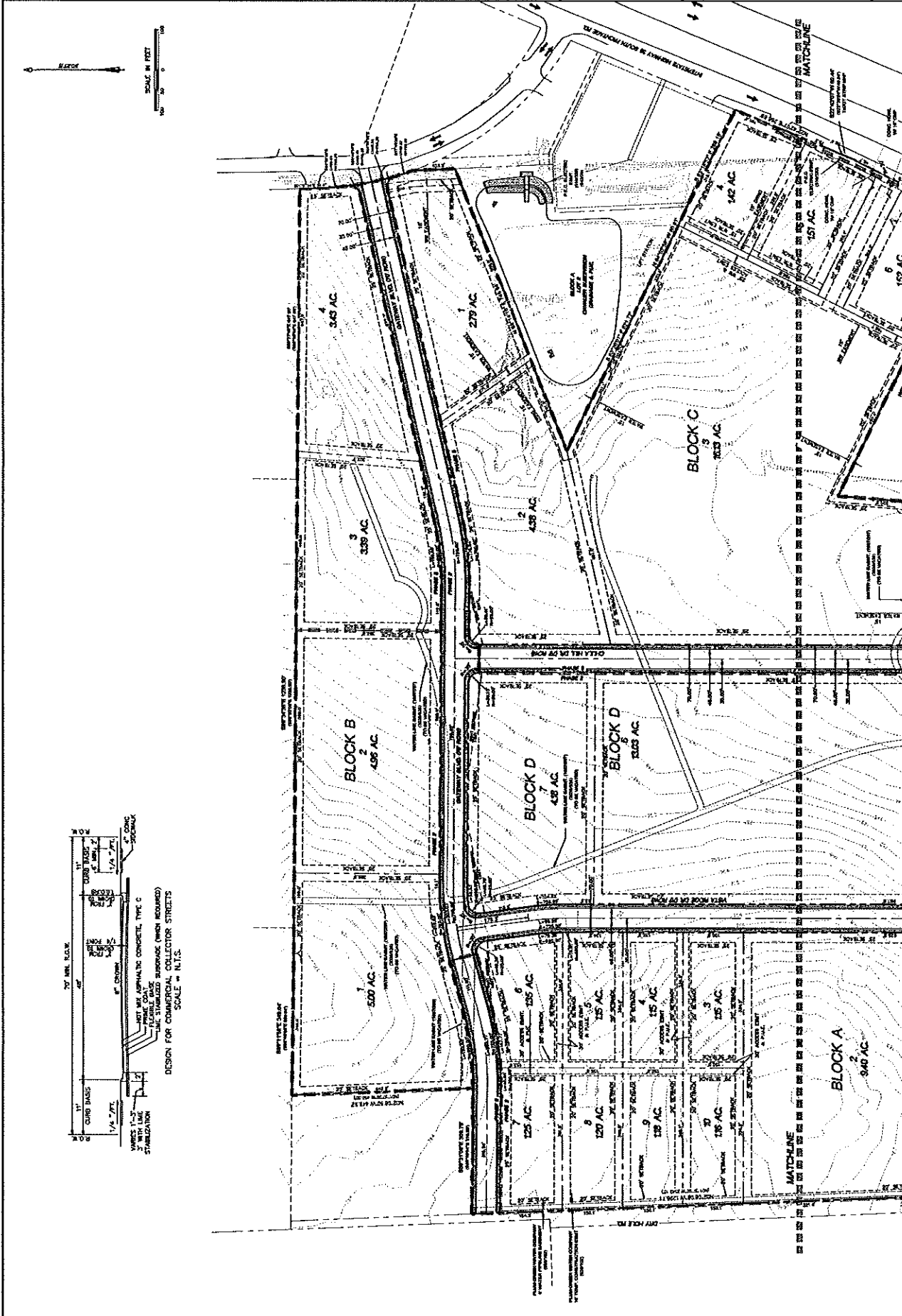


NOTES:  
 1. THE CITY OF AUSTIN, TEXAS, HAS ADOPTED A ZONING ORDINANCE THAT PERMITS THE DEVELOPMENT OF COMMERCIAL AND INDUSTRIAL USES IN THE CITY OF AUSTIN, TEXAS.  
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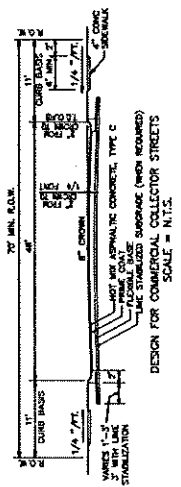
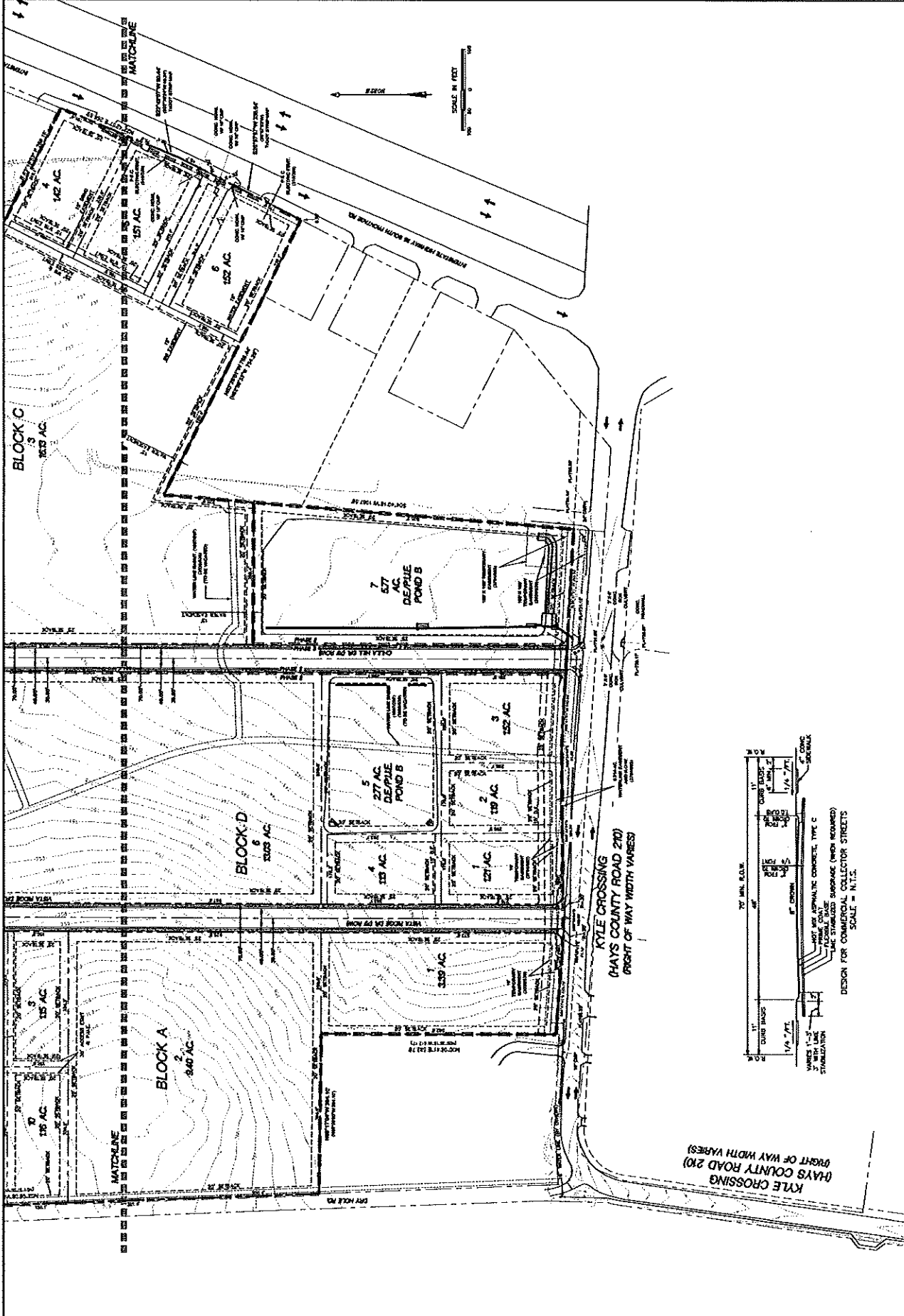
HAYS COMMERCE CENTER  
 PRELIMINARY PLAN



PROJECT NO.	DATE	SCALE
100	10/1/18	AS SHOWN
DESIGNED BY	CHECKED BY	DATE
J. L. HAYES	J. L. HAYES	10/1/18







KYLE CROSSING  
(HAYS COUNTY ROAD 210)  
(RIGHT OF WAY WIDTH VARIES)

## MEMORANDUM

TO: Planning and Zoning Commission  
FROM: Debbie A. Guerra, Planning Technician  
DATE: April 10, 2014  
SUBJECT: Oaks of Kyle – Final Plat

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### **BACKGROUND**

#### **Site Information and Proposal**

The subject property is approximately 10.073 acres and is proposed to be subdivided into 1 Multi-Family Lot and proposing 204 apartment units.

#### **Utilities**

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

#### **Access**

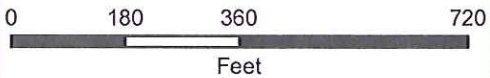
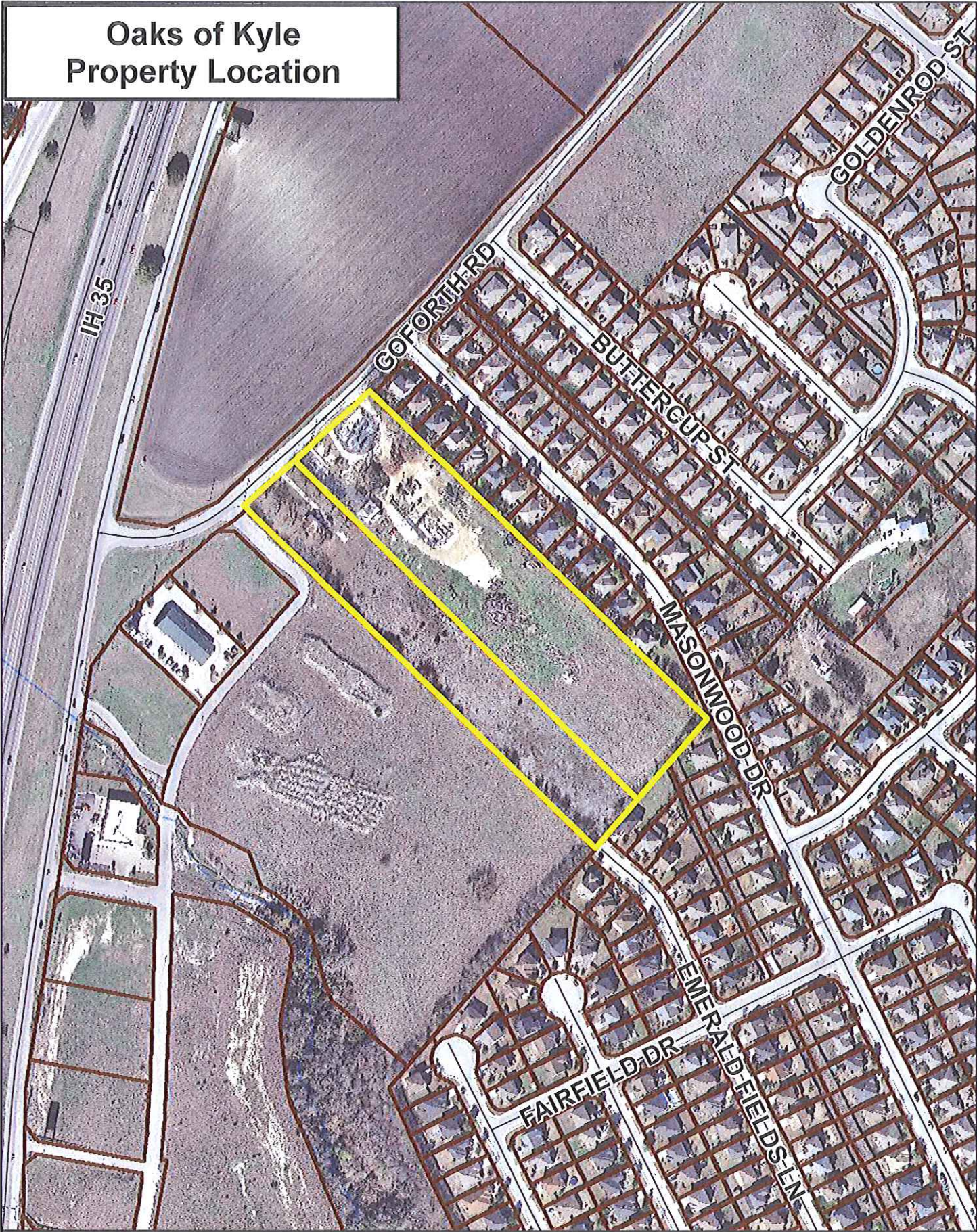
Access to the site will be off of Goforth Road,

### **STAFF RECOMMENDATION:**

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

- The plat is consistent with all zoning requirements and development agreement requirements for the property.
- The proposed provision and configuration of roads, water, wastewater, drainage and easements and rights-of-way are adequate to serve the subdivision.

# Oaks of Kyle Property Location



Project Area



Parcel Lines



OAKS OF KYLE

STATE OF TEXAS
COUNTY OF HAYS
KNOW ALL MEN BY THESE PRESENTS, THAT OAKS ON GORTHER LP, GENERAL PARTNER, OAKS OF KYLE, AN UNDIVIDED INTEREST IN THE OAKS OF KYLE SURVEY, 10.073 ACRES OF LAND BEING ALL OF THAT TRACT OF LAND...

"OAKS OF KYLE"
IN ACCORDANCE WITH THE PLAT SHOWN HEREON, SUBJECT TO ANY AND ALL EASEMENTS OR RESTRICTIONS HERETOFORE GRANTED, MAY DO HEREBY SUBMIT TO THE PUBLIC THE USE OF THE STREETS AND EASEMENTS SHOWN HEREON.

WITNESS MY HAND THIS THE \_\_\_ DAY OF \_\_\_, 2004.
OAKS ON GORTHER LP GENERAL PARTNER, OAKS ON GORTHER INVESTMENTS LLC

STATE OF TEXAS
COUNTY OF HAYS
THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME, ON THE \_\_\_ DAY OF \_\_\_, 2004, ON BEHALF OF OAKS ON GORTHER LP GENERAL PARTNER, OAKS ON GORTHER INVESTMENTS LLC.

STATE OF TEXAS
COUNTY OF HAYS
WITNESS MY HAND THIS THE \_\_\_ DAY OF \_\_\_, A.D., 2004.

CITY ENGINEER CERTIFICATION
STATE OF TEXAS
COUNTY OF HAYS
I, THE UNDERSIGNED, CITY ENGINEER OF THE CITY OF KYLE, HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL THE REQUIREMENTS OF THE SUBDIVISION ORDINANCE AND HEREBY RECOMMEND APPROVAL.

CITY OF KYLE ENGINEER
DIRECTOR OF PUBLIC WORKS CERTIFICATION
STATE OF TEXAS
COUNTY OF HAYS
I, THE UNDERSIGNED, DIRECTOR OF PUBLIC WORKS OF THE CITY OF KYLE, HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL THE REQUIREMENTS OF THE CITY OF KYLE AND HEREBY RECOMMEND APPROVAL.

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

PLANNING AND ZONING COMMISSION CERTIFICATION
COUNTY OF HAYS
THE 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 \_\_\_, 2004.
CHAMPION

CERTIFICATION OF THE CITY SECRETARY
STATE OF TEXAS
COUNTY OF HAYS
I, HEREBY CERTIFY THAT THE ABOVE AND FOREGOING PLAT OF OAKS OF KYLE, AN ADDITION TO THE CITY OF KYLE, TEXAS, WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF KYLE ON THE \_\_\_ DAY OF \_\_\_, 2004. SAID ADDITION SHALL BE SUBJECT TO ALL THE REQUIREMENTS OF THE SUBDIVISION ORDINANCE OF THE CITY OF KYLE, TEXAS.

CITY SECRETARY
I, LIZ GONZALEZ, 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 \_\_\_, A.D., 2004, AT \_\_\_ O'CLOCK \_\_\_ P.M. IN THE PLAT RECORDS OF HAYS COUNTY, TEXAS, IN BOOK \_\_\_ PAGE \_\_\_ WITNESS MY HAND AND SEAL OF OFFICE THIS THE \_\_\_ DAY OF \_\_\_, A.D., 2004.

LIZ GONZALEZ
COUNTY CLERK
HAYS COUNTY, TEXAS
SUBDIVISION CERTIFICATION
COUNTY OF HAYS
I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HEREBY CERTIFY THAT THE PROPERTY DESCRIBED HEREON IS THE PROPERTY MADE UNDER MY SUPERVISION AND THAT ALL NECESSARY SURVEY MONUMENTS ARE CORRECTLY SET OR FOUND AS SHOWN THEREON.

TOMAS CARROLL, P.E., P.L.S.
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS NO. 5835
ENGINEER'S CERTIFICATION
STATE OF TEXAS
COUNTY OF HAYS
I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, HEREBY CERTIFY THAT PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN THIS PLAT.

RICHARD WALTER GRAYUM, P.E.
REGISTERED PROFESSIONAL ENGINEER
NO. 92921

SCHOOL DISTRICT:
THIS SUBDIVISION IS WITHIN THE BOUNDARIES OF THE HAYS CONSOLIDATED INDEPENDENT SCHOOL DISTRICT.

- UTILITY NOTES:
\* WASTEWATER UTILITY SERVICE WILL BE PROVIDED BY THE CITY OF KYLE.
\* WATER UTILITY SERVICE WILL BE PROVIDED BY THE CITY OF KYLE.
\* TELEPHONE UTILITY SERVICE WILL BE PROVIDED BY VERIZON.
\* GAS UTILITY SERVICE WILL BE PROVIDED BY ENTEX.

GENERAL NOTES:
1. NO PORTION OF THIS SUBDIVISION LIES WITHIN THE BOUNDARIES OF THE EDWARDS AQUIFER RECHARGE ZONE.
2. NO PORTION OF THIS SUBDIVISION LIES WITHIN THE BOUNDARIES OF THE CONTRIBUTING ZONE OF THE BARTON SPRINGS SEGMENT OF THE EDWARDS AQUIFER.

3. THIS SUBDIVISION LIES WITHIN THE CORPORATE LIMITS OF THE CITY OF KYLE.

4. ALL BUILDING SETBACKS SHALL COMPLY WITH THE CITY OF KYLE ZONING ORDINANCE 4.39.

5. SITE DEVELOPMENT PLAN FOR EACH LOT SHALL BE SUBMITTED FOR REVIEW AND APPROVAL BY CITY, IN ACCORDANCE WITH THE CITY OF KYLE SITE DEVELOPMENT ORDINANCE 374, ZONING ORDINANCE 4.39, AND OVERLAY DISTRICT ORDINANCE II, SECTION 88 OF ORDINANCE 438, PRIOR TO ISSUANCE OF SITE DEVELOPMENT AND CONDITIONAL USE PERMITS.

6. NO OBJECT INCLUDING STORAGE, BUILDING, ACCESSORY BUILDING, FENCING OR LANDSCAPING, WHICH WOULD INTERFERE WITH LOCALITY REDEMPTION, IS TO BE NECESSARY.

7. PROPERTY OWNERS SHALL ALLOW THE CITY ACCESS TO UTILITY EASEMENTS FOR INSPECTION, REPAIR, MAINTENANCE AND RECONSTRUCTION AS MAY BE NECESSARY.

8. TYPICAL LANDSCAPE MAINTENANCE, CLIPPING AND TRIMMING, WITHIN THE SUBDIVISION, ALL EASEMENTS, DETENTION PONDS AND RIGHT-OF-WAYS TO THE PAVEMENT TO BE THE RESPONSIBILITY OF PROPERTY OWNERS AND/OR PROPERTY AND/OR HOME OWNERS ASSOCIATIONS.

9. SIDEWALKS, PEDESTRIAN CROSSINGS AND OTHER PUBLIC AMENITIES TO BE DEDICATED TO THE CITY OF KYLE SHALL MEET OR EXCEED ALL ADA AND STANDARDS OF ACCESSIBILITY DESIGN AND ALL CURRENT FEDERAL AND STATE LAWS REGARDING ACCESS FOR PEOPLE WITH DISABILITIES FOR TITLE II ENFORCEMENT.

FINAL PLAT
OAKS OF KYLE
KYLE, TEXAS
1 LOT, 10.073 ACRES



GORRRONDA & ASSOCIATES, INC.
4201 WEST PARKER LANE, BUILDING B, SUITE 100
AUSTIN, TEXAS 78727
PHONE (512) 719-9933 FAX (512) 719-9944

April 14, 2015

## *Planning and Zoning Commission*

Conditional Use  
Permit

**Case Number:** CUP-15-003

**OWNER/APPLICANT:** Robert and Rylma Burnham

**PROJECT NAME:** Kyle Pet Resort

**LOCATION:** 598 Rebel Drive

**AREA:** 0.54 Acres

**EXISTING ZONING:** Retail Service District

**SITE INFORMATION:**

**Transportation:** The subject property is located at 598 Rebel Drive on the south east corner of Rebel Drive and Porter.

***Surrounding Zoning:***

- *North:* Agriculture (AG)
- *South:* Single Family (R-1)
- *East :* Single Family (R-1)
- *West:* Retail Service (RS)

***Future Land Use Designation:*** Historic Core Area Transition District

***Comprehensive Plan Guidance***

The Historic Core Area Transition District serves as a transition between the regular gridded development pattern that characterizes Downtown and the more rural pattern to the south and west, as well as newer development to the north.

***Zoning District***

The Retail and Services district allows for general retail sales of consumable products and goods within buildings of products that are generally not hazardous and that are commonly purchased and used by consumers in their homes, including most in-store retail sales of goods and products that do not pose a fire or health hazard to neighboring areas, e.g., clothing, prescription drugs, furniture, toys, hardware, electronics, pet supply, variety, department, video rental and antique stores, art studio or gallery, hobby shops and florist shops, and the retail sale of goods and products (additionally any use permitted in CBD-1 or CBD-2 and RS districts).

April 14, 2015

*Planning and Zoning Commission*

Conditional Use  
Permit

**Case Number: CUP-15-003**

**STAFF ANALYSIS:**

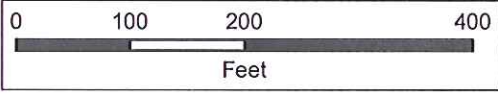
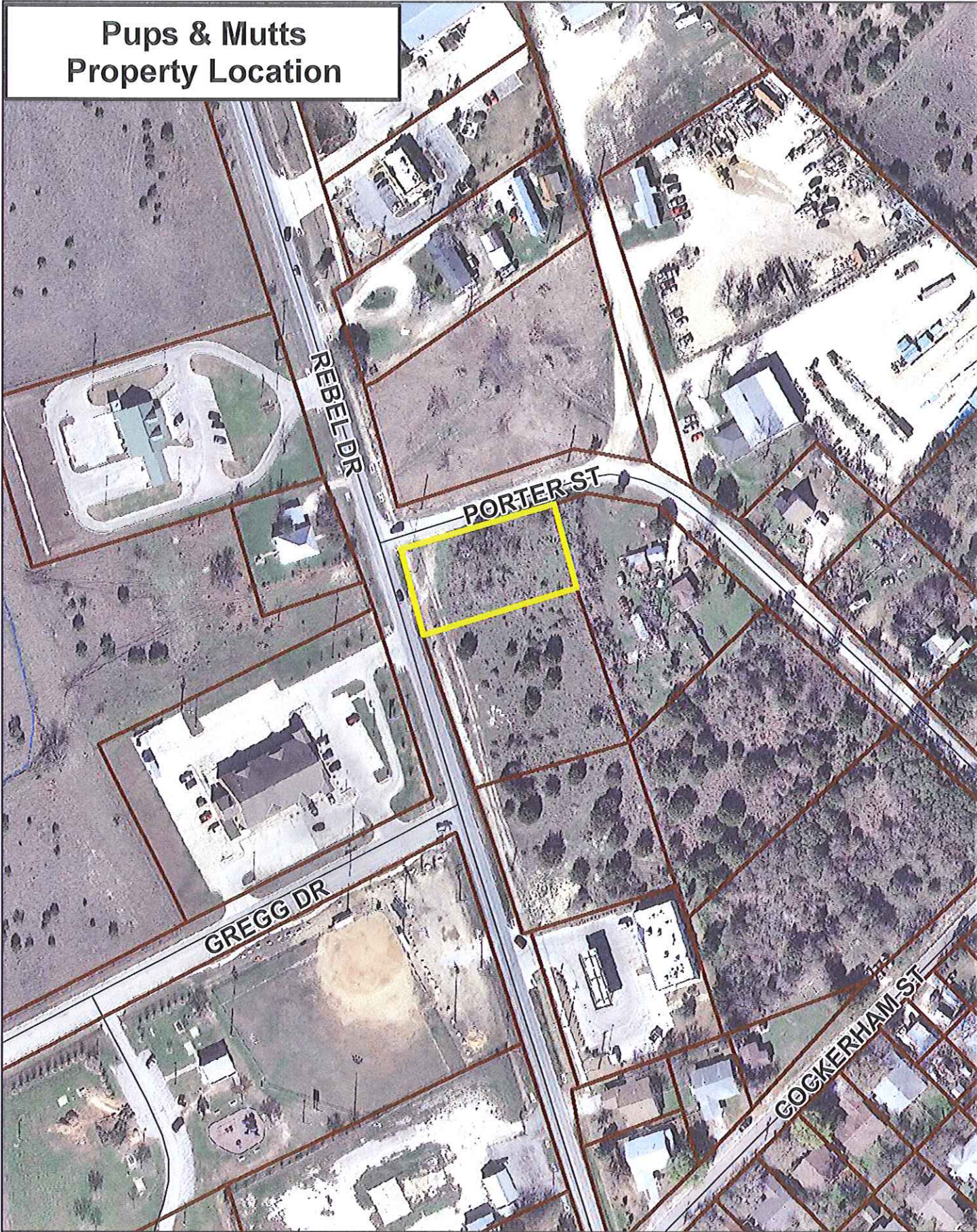
***Background***

The applicant is requesting approval of a conditional use permit to allow the construction of a 4,879 square foot building for a Pet Resort.

There are no specific design standard in within the Rebel Drive Overlay District.

The building appears to meet the design requirements outlined in the retail service district. Therefore, staff recommends approval of the request.

# Pups & Mutts Property Location



Project Area



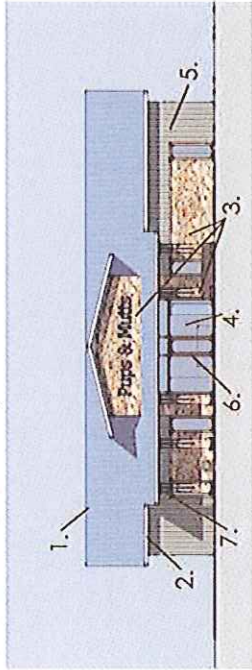
Parcel Lines



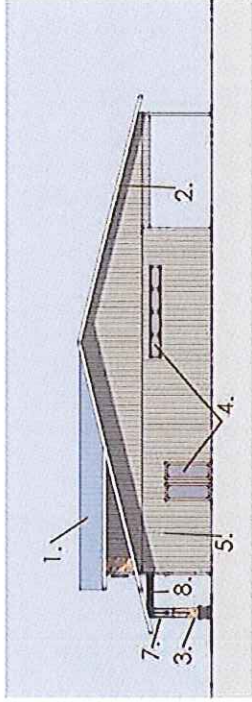
# COLORS AND MATERIALS

PUPS AND MUTTS - KYLE, TX

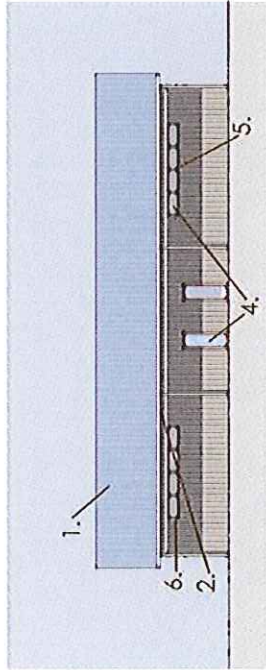
4-10-2015



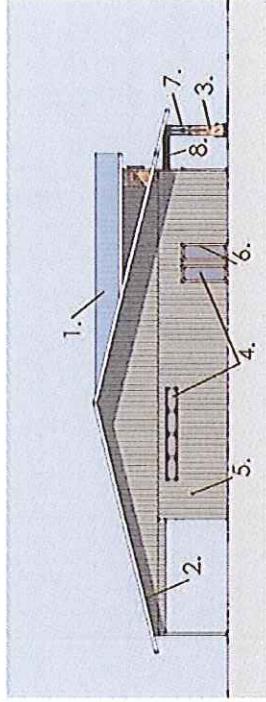
FRONT ELEVATION



RIGHT SIDE



REAR ELEVATION



LEFT SIDE

## LEGEND

1. PREFINISHED SCREWED DOWN METAL ROOF - GALVALUME FINISH
2. PAINTED HARDI TRIM
3. CHOPPED AUSTIN LIMESTONE - MIX OF GREY, TAN, WHITE AND PINK
4. INSUL. GLAZING - 30% LIGHT GREY TINT.
5. PAINTED HARDI-PANELS WITH MATCHING VERT. 1X2 BATTENS
6. DARK BRONZE ALUM. WINDOW AND DOOR FRAMES
7. PAINTED STEEL POSTS TO MATCH DARK BRONZE
8. SAWN CEDAR WOOD BEAMS



CHOPPED STONE  
IMAGE

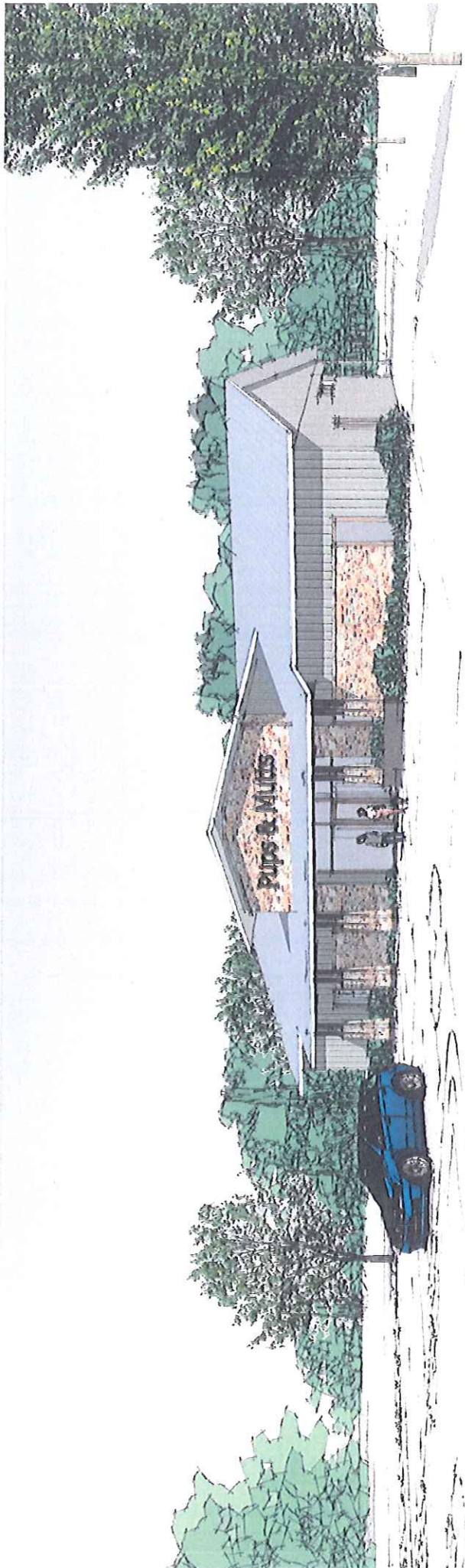
TYPICAL PAINT COLOR

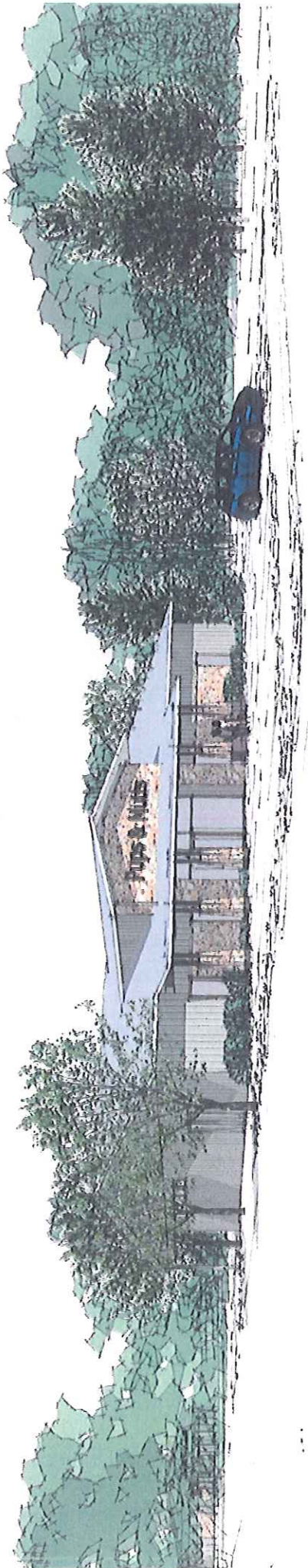


BENJAMIN - MOORE # 1487  
R:178 G: 175 B: 158









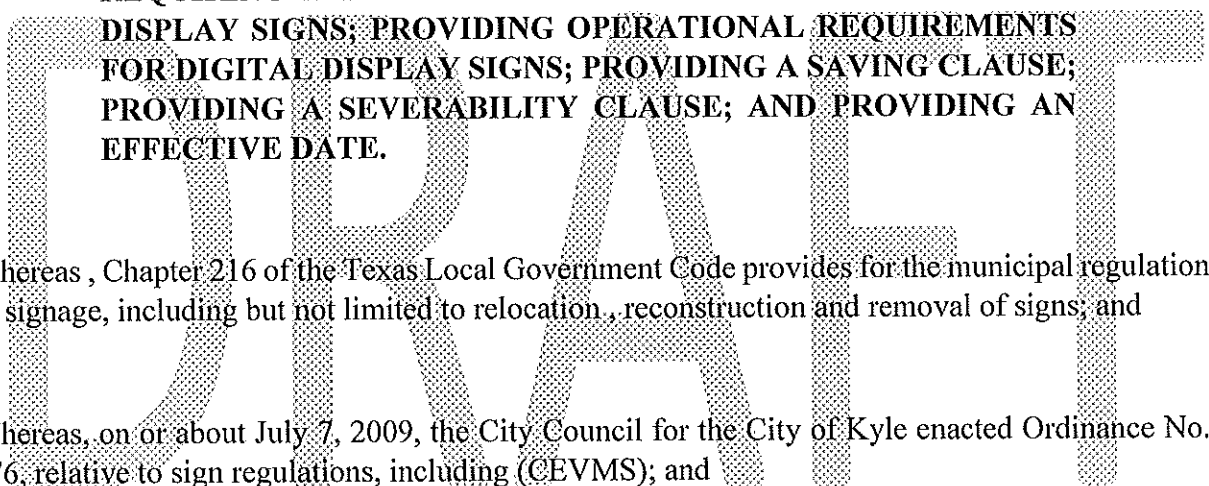




Item 6A

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

**AN ORDINANCE OF THE CITY OF KYLE, TEXAS, AMENDING CHAPTER 29, "SIGN STANDARDS AND PERMITS" OF THE CITY'S CODE OF ORDINANCES RELATIVE TO PERMITTING EXISTING OFF-PREMISE COMMERCIAL BILLBOARDS TO BE CONVERTED TO CHANGEABLE ELECTRONIC VARIABLE MESSAGE SIGNS ("CEVMS") SUBJECT TO SPECIFIC APPROVAL OF THE CITY COUNCIL; AMENDING VARIOUS SECTIONS OF THE SIGN REGULATIONS TO BE CONSISTENT WITH THE ABILITY TO CONVERT EXISTING COMMERCIAL BILLBOARDS INTO CEVMS; REPEALING ALL CONFLICTING ORDINANCES; REQUIRING A SIGN FACE EXCHANGE RATIO FOR DIGITAL DISPLAY SIGNS; PROVIDING OPERATIONAL REQUIREMENTS FOR DIGITAL DISPLAY SIGNS; PROVIDING A SAVING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**



Whereas, Chapter 216 of the Texas Local Government Code provides for the municipal regulation of signage, including but not limited to relocation, reconstruction and removal of signs; and

Whereas, on or about July 7, 2009, the City Council for the City of Kyle enacted Ordinance No. 576, relative to sign regulations, including (CEVMS); and

Whereas, on or about November 6, 2013 the City Council for the City of Kyle enacted Ordinance No. 753, amending Chapter 29 of the municipal code relative to CEVMS sign regulations establishing a sunset provision of May 5, 2015; and

Whereas, the City Council of the City of Kyle, Texas, has determined that it is in the best interest of the public and in support of the health, safety, morals, and general welfare of the citizens of the City, and to achieve the City's economic development goals, that the Code of Ordinances provisions relative to the regulation of signs, be amended relative to the use and regulations of CEVMS signs as hereinafter stated; and

WHEREAS, the placement of digital signage may be used for AMBER ALERTS, public warnings, notices and other official business which will benefit both municipal residents and the motoring public traversing IH 35 through the City of Kyle;

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. Sec. 29-17(c)(7) Changeable electronic variable message sign display on certain existing off-premises signs** shall be amended as follows:

f. *Sign face exchange ratio.*

1. For every one square foot of sign face modified to use CEVMS display technology, one (**OR TWO**) square feet of detached off-premises sign face area must be removed from within the city limits.
2. The new CEVMS sign face may be no larger than 14 feet by 48 feet (672 square feet) nor exceed 42.5 feet in overall height.

g. *Location and number.*

1. The director shall time stamp all applications upon receipt. The director shall review applications in order of submittal. If the director determines that an application is incomplete or does not meet the requirements of this section, the director shall reject the application and then review the next application.

3. A minimum linear of 3,000 feet (**OR 1500**) shall be required between one CEVMS sign and any other CEVMS sign on the same side of the interstate, measured linearly.

5. Up to two CEVMS display per each freestanding sign structure may be permitted. Any double-faced billboard having back to back surface display areas shall not be permitted to install a traditional display behind the digital display to conceal structure.

h. *CEVMS sign support structures.*

4. Multipole signs must be converted to single pole signs when converting a traditional display to a CEVMS.

n. *REPEALED*

**Section 3. Amendment of Ordinances.** The City of Kyle, Texas Code of Ordinances is hereby amended to the extent of any conflict or inconsistency herewith only and 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 4. Severability.** If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

**Section 5. Effective Date.** This ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the *Tex. Loc. Gov't. Code*.

**Section 6. Open Meetings.** It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

**PASSED AND APPROVED** on First Reading this \_\_\_\_ day of \_\_\_\_\_, 2015.

**FINALLY PASSED AND APPROVED** on this \_\_\_\_ day of \_\_\_\_\_, 2015.

**ATTEST:**

\_\_\_\_\_  
Amelia Sanchez, City Secretary

**THE CITY OF KYLE, TEXAS**

\_\_\_\_\_  
Todd Webster, Mayor

**DRAFT**

Existing

ORDINANCE NO. 753

**AN ORDINANCE OF THE CITY OF KYLE, TEXAS, AMENDING CHAPTER 29, "SIGN STANDARDS AND PERMITS" OF THE CITY'S CODE OF ORDINANCES RELATIVE TO PERMITTING EXISTING OFF-PREMISE COMMERCIAL BILLBOARDS TO BE CONVERTED TO CHANGEABLE ELECTRONIC VARIABLE MESSAGE SIGNS ("CEVMS") SUBJECT TO SPECIFIC APPROVAL OF THE CITY COUNCIL; AMENDING VARIOUS SECTIONS OF THE SIGN REGULATIONS TO BE CONSISTENT WITH THE ABILITY TO CONVERT EXISTING COMMERCIAL BILLBOARDS INTO CEVMS; REPEALING ALL CONFLICTING ORDINANCES; REQUIRING A SIGN FACE EXCHANGE RATIO FOR DIGITAL DISPLAY SIGNS; PROVIDING OPERATIONAL REQUIREMENTS FOR DIGITAL DISPLAY SIGNS; REQUIRING AN ANNUAL REGISTRATION FEE; PROVIDING A PENALTY NOT TO EXCEED \$2,000; PROVIDING A SAVING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**Whereas**, Chapter 216 of the Texas Local Government Code provides for the municipal regulation of signage, including but not limited to relocation, reconstruction and removal of signs; and

**Whereas**, on or about July 7, 2009, the City Council for the City of Kyle enacted Ordinance No. 576, relative to sign regulations, including (CEVMS); and

**Whereas**, the City Council of the City of Kyle, Texas, has determined that it is in the best interest of the public and in support of the health, safety, morals, and general welfare of the citizens of the City, and to achieve the City's economic development goals, that the Code of Ordinances provisions relative to the regulation of signs, be amended relative to the use and regulations of CEVMS signs as hereinafter stated; and

**WHEREAS**, the placement of digital signage may be used for AMBER ALERTS, public warnings, notices and other official business which will benefit both municipal residents and the motoring public traversing IH 35 through the City of Kyle;

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

**Section 1.** That Section 29-9, "Prohibited Signs," of Chapter 29, "Sign Standards and Permits," "Kyle Code of Ordinances: Ordinance No. 576, Section 9, Subsection (12) "Changeable electronic variable message signs except as specifically provided in this ordinance," is hereby deleted in its entirety, and added a new Section 17(7), "Changeable Electronic Variable Message Sign Display on Certain Existing Off-Premise Signs." to read as follows:

**"SECTION 17(7)"**

**CHANGEABLE ELECTRONIC VARIABLE MESSAGE SIGN DISPLAY ON CERTAIN EXISTING OFF-PREMISE SIGNS.**

(a) In general. Certain nonconforming off-premise signs may be modified to use Changeable Electronic Variable Message Sign ("CEVMS") display technology subject to the restrictions in this section.

(b) Application. An owner of certain nonconforming off-premise signs must submit a CEVMS sign permit application for a face modification within sixty (60) days from the date of approval and adoption of this ordinance, as provided by law.

(c) Relocation site. In conjunction with an application to convert an existing billboard to a CEVMS sign, the sign owner may apply for a one-time relocation of an existing billboard provided that the relocation site complies with the following:

(1) The relocation site is on a property adjacent to Interstate Highway 35.

(2) The relocation site is on property zoned commercial or industrial.

(3) The relocated off premise sign is a minimum of 1,500 feet from another billboard as measured along the same side of the roadway.

(d) Expiration. A sign permit shall be valid for one (1) six (6) month period. If no construction has commenced at the site the permit shall become void.

(e) Compliance required.

(1) Except as provided in this section, CEVMS signs must fully comply with the size, height, spacing, setback, and other restrictions in this article for detached non-premise signs.

(2) CEVMS sign support structures must be built to comply with the building code.

(3) CEVMS signs must comply with Title 43 Texas Administrative Code Section 21.252 - 260, "Electronic Signs," as amended.

(4) Both existing and new CEVMS signs must comply with all lighting and safety standards mandated by federal, state, or local rules or statutes, including standards adopted or amended after the date of passage of these requirements. Lighting and safety standards include brightness; message duration; and proximity of the sign to other digital displays, ramps, and interchanges.

(f) Sign Face exchange ratio.

(1) For every one (1) square foot of sign face modified to use CEVMS display technology, one (1) square feet of detached off-premise sign face area must be removed from within the city limits.

(2) Only one CEVMS sign shall be permitted to each CEVMS permit applicant within six (6) months from the date of approval and adoption of this ordinance. However, where a permit has expired, a new application may be submitted by a different sign company. The new CEVMS sign face may be no larger than 14'x48' (672 sq. ft.) nor exceed 42.5 feet in overall height.

(g) Location and Number.

(1) A maximum of three (3) off-premise locations with CEVMS displays are permitted in the city. The director shall time stamp all applications upon receipt. The director shall review applications in order of submittal. If the director determines that an application is incomplete or does not meet the requirements of this section, the director shall reject the application and then review the next application.

(2) The conversion of existing off-premise advertising billboard signs to digital billboards shall only be allowed on lots with frontage to Interstate Highway 35 located within the City limits.

(3) A minimum linear of three-thousand (3,000) feet shall be required between one CEVMS sign and any other CEVMS sign on the same side of the Interstate, measured linearly.

(4) CEVMS signs may not be located within 300 feet of any lot located in a residential district, measured from the sign face only in the direction the sign face is oriented.

(5) No more than one CEVMS display per each freestanding sign structure shall be permitted. Any double-faced billboard having back to back surface display areas will be permitted to install a traditional display behind the digital display to conceal structure.

(h) CEVMS sign support structures.

(1) CEVMS sign support structures may not exceed an overall height of 50 feet or 42.5 feet above the nearest point on the nearest travel surface of the nearest expressway, whichever is higher, except that no CEVMS sign may be higher than the conventional sign it replaced.

(2) Sign support structures and faces being converted to accommodate CEVMS signs may not be modified to change the angle of a sign face.

(3) Electrical service to sign support structures with CEVMS signs must be underground between the property line and the sign.

(i) Display.

(1) All CEVMS signs must automatically adjust the sign brightness so that the brightness level of the sign is no more than 0.3 foot-candles over ambient light conditions at a distance of 250 feet from the sign. A digital display sign must be equipped with both a dimmer control and photocell that automatically adjusts the display's intensity according to natural ambient light conditions.

(2) A CEVMS sign may not increase the light level on a lot in a residential district over ambient conditions without the digital display, measured in foot-candles at the point closest to the sign that is five feet inside the residential lot and five feet above the ground.

(3) Before the issuance of a CEVMS sign permit, the applicant shall provide written certification from the sign manufacturer that:

(A) the light intensity has been factory programmed to comply with the maximum brightness and dimming standards in this subsection; and

(B) the light intensity is protected from end-use manipulation by password-protected software or other method satisfactory to the building official.

(j) Change of message. Changes of message must comply with the following:

(1) Each message must be displayed for a minimum of eight seconds.

(2) Changes of message must be accomplished within two seconds.

(3) Changes of message must occur simultaneously on the entire sign face.

(4) No flashing, dimming, or brightening of message is permitted except to accommodate changes of message.

(k) Malfunction. CEVMS signs operators must respond to a malfunction or safety issue within one hour after notification and must remedy that malfunction or safety issue within 12 hours after notification. In case of sign malfunction, the digital display must freeze until the malfunction is remedied.

(l) Display of emergency information. The city may exercise its police powers to protect public health, safety, and welfare by requiring emergency information to be displayed on digital display signs. Upon notification, the sign operators shall display: Amber Alerts, Silver Alerts, information regarding terrorist attacks, natural disasters, and other emergency situations in appropriate sign rotations. Emergency information messages must remain in rotation according to the issuing agency's protocols.

(m) Public Service Announcements. Company shall permit city to place one public service announcement on each of the digital billboards for up to the equivalent time of eight-week period for each year; provided; however, that such public service announcements shall consist of one slot of at least eight seconds in the standard rotation utilized by the advertising company on the applicable digital billboards.

Public service announcements shall be limited to City-sponsored event announcements and non-commercial public service announcements. City shall be responsible for:

(i) Providing company with its public service announcements, which may be updated by City at any time and;

(ii) Any costs associated with providing company with the artwork in acceptable format.

The public service announcements must be submitted to the company at least five business days before the proposed display date. Content of public service announcements shall be determined in the sole discretion of the City. In addition:

(i) Company shall provide use of the advertising space on the digital billboards, as reasonably necessary for emergency broadcasts, Amber Alerts and Silver Alerts and;

(ii) Company and city will work cooperatively and in good faith for city to place additional public service announcement, on a space availability bases on the advertising space of the digital billboards.

(n) Sunset. This section expires in eighteen (18) months from the date of adoption by the City Council, unless re-enacted with amendment before that date. The Planning Commission and City Council shall review this section before its expiration date."

**SECTION 2.** That Chapter 29, "Signs," of Article IV, "Building Permit Fee Components," of Code Section 29-70, "Permit Fee," is amended by adding a new Subsection 29-71, "Annual Registration Fee for an Off-Premise Digital Display Sign," to read as follows:

**"29-71 Annual registration fee for an off-premise digital display sign.** The annual registration fee for a permit for an off-premise digital display sign under Kyle Code of Ordinances, Section 29-71 is \$2,000 per digital sign face."

**SECTION 3.** That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

**SECTION 4.** That Chapter 29 of the Kyle City Code shall remain in full force and effect, save and except as amended by this ordinance.

**SECTION 5.** That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of chapter 1 of the Kyle city Code, as amended.

**SECTION 6. LIABILITY AND RESERVATION OF SOVEREIGN IMMUNITY.** The provisions of this section shall not be construed as relieving or limiting in any way the responsibility or liability of any person erecting or owning any sign from personal injury or property damage resulting from the placing of the sign, or resulting from the negligence or willful acts of such person, or such person's agents, employees or workers, in the design, construction, maintenance, repair or removal of any sign erected in accordance with a permit issued under the provisions hereof. Nor shall it be construed as waiving sovereign immunity nor imposing upon the Town or its officers or employees, or the zoning commission any responsibility or liability by reason of the approval of any signs, materials, and devices herein.


**SECTION 7. SEVERABILITY.** If any provision of this code is found by a court of competent jurisdiction to be invalid or unconstitutional, or if the application of this code to any person or circumstances is found to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this code which can be given effect without the invalid or unconstitutional provision or application.

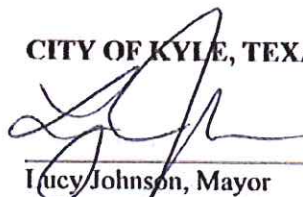
**SECTION 8. EFFECTIVE DATE.** That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Kyle, and it is accordingly so ordained.

**PASSED AND APPROVED** on the 15th day of October, 2013.

**PASSED AND FINALLY APPROVED** on this the 6 day of November, 2013.

**ATTEST:**

  
Amelia Sanchez, City Secretary

**CITY OF KYLE, TEXAS**  
  
Lucy Johnson, Mayor