CITY OF KYLE

Planning & Zoning Commission Regular 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 February 9, 2016, 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 4th day of February prior to 6:30 PM.

- 1. CALL MEETING TO ORDER
- 2. ROLL CALL
- 3. CITIZEN COMMENTS
- 4. MINUTES Planning and Zoning Commission meeting minutes for September 22, 2015, October 13, 2015, October 27, 2015, November 10, 2015, December 22, 2015 and January 26, 2016.

5. PRESENTATION

A. Recognition of Michele Christie for years of service to the Planning and Zoning Commission.

6. CONSIDER AND POSSIBLE ACTION

A. Consider a request by Rick Coleman for a Conditional Use Permit to hold a Hays County Fair & Crawfish Boil from April 7, 2016 to April 9, 2016 on property located at 24801 IH-35 (Central Texas Speedway). (CUP-16-002)

- Public Hearing
- Recommendation to City Council
- B. Consider a request by Austin Sonics (Sonic Drive-In 400 E. RR 150) for a variance to Section 53-992 which states that no parking space is more than 50 feet away from the trunk of a tree.

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 Regular 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:

Howard J. Koontz, AICP

Director of Planning and Community Development

SPECIAL CALLED MEETING OF THE PLANNING AND ZONING COMMISSION

The Planning and Zoning Commission of the City of Kyle, Texas met in a special called session September 22, 2015 at 6:30 p.m. at Kyle City Hall, with the following persons present:

Commissioner Dan Ryan
Commissioner Lori Huey
Vice-Chair Mike Wilson
Chairman Mike Rubsam
Commissioner Michele Christie
Commissioner Tim Kay
Commissioner Irene Melendez
Planning and Community Director, Howard J. Koontz
Planning Technician, Debbie Guerra

CALL MEETING TO ORDER

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

ROLL CALL OF BOARD

Chairman Rubsam called for roll call. All present

CITIZENS COMMENTS

Chairman Rubsam opened the citizens comment period at 6:30 pm and called for comments on items not on the agenda or posted for public hearing. There were no comments. Chairman Rubsam closed the citizens comment period at 6:30 pm.

CONSENT

CROSSWINDS SUBDIVISION PHASE 1 – FINAL PLAT (FP-15-009) 70.546 ACRES; 233 RESIDENTIAL LOTS; 5 OPEN SPACE LOTS AND 1 AMENITY LOT LOCATED OFF OF WINDY HILL ROAD NEAR SHADOW CREEK BLVD. STAFF PROPOSAL TO P&Z: STATUTORILY DISAPPROVE

KYLE MARKETPLACE SECTION 2 REPLAT OF LOTS 5 & 6 (SFP-15-007) 1.75 ACRES; 2 LOTS LOCATED AT 5213 PHYSICIANS WAY.
STAFF PROPOSAL TO P&Z: STATUTORILY DISAPPROVE

Commissioner Ryan moved to statutorily disapprove Crosswinds Subdivision Phase 1 – Final Plat (FP-15-009) and Kyle Marketplace Section 2 Replat of Lots 5 & 6 (SFP-15-007) Commissioner Christie seconds the motion. All votes aye. Motion carried.

CONSIDER AND POSSIBLE ACTION

CONSIDER A REQUEST BY RICK COLEMAN FOR A CONDITIONAL USE PERMIT TO HOLD A KYLE FAIR & MUSIC FESTIVAL FROM OCTOBER $7^{\rm TH}$ TO OCTOBER $11^{\rm TH}$ ON PROPERTY LOCATED AT 24801 IH-35 (CENTRAL TEXAS SPEEDWAY). (CUP-15-005)

Chairman Rubsam opened the public hearing at 6:32 pm and called for comments for or against the request. There were no comments. Chairman Rubsam closed the public hearing at 6:32 pm.

Commissioner Kay moved to recommend approval of the request by Rick Coleman for a conditional use permit. Commissioner Kay seconds the motion. All votes aye. Motion carried.

ADJOURNED

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

The Planning & Zoning Meeting adjourned at 6:34 p.m.

Amelia Sanchez, City Secretary	Mike Rubsam, Chairman

SPECIAL CALLED MEETING OF THE PLANNING AND ZONING COMMISSION

The Planning and Zoning Commission of the City of Kyle, Texas met in a special called session October 13, 2015 at 6:30 p.m. at Kyle City Hall, with the following persons present:

Cale Marcantel Commissioner Dex Ellison Lila Knight Dan Ryan Commissioner Lori Huey John Aultman Frank Owen Derrick Polk Vice-Chair Mike Wilson Michael Whitehurst Linda Joseph Chairman Mike Rubsam Greg Bennett Commissioner Michele Christie Doug Duwe Hugo Elizondo, Jr. Commissioner Tim Kay Katherine Loayza Commissioner Irene Melendez James Jackson Community Dev.Director, Howard J. Koontz Planning Technician, Debbie Guerra Harriett Bishop

CALL MEETING TO ORDER

Chairman Rubsam called the meeting to order at 6:32 p.m.

ROLL CALL OF BOARD

Chairman Rubsam called for roll call. All present

CITIZENS COMMENTS

Chairman Rubsam opened the citizens comment period at 6:33 pm and called for comments on items not on the agenda or posted for public hearing. There were no comments. Chairman Rubsam closed the citizens comment period at 6:33 pm.

MINUTES - PLANNING AND ZONING COMMISSION MEETING - SEPTEMBER 8, 2015.

Vice-Chair Wilson moved to approve the minutes from the September 8, 2015 meeting. Commissioner Christie seconds the motion. All votes aye. Motion carried.

PRESENTATION

RECOGNITION OF DAN RYAN FOR YEARS OF SERVICE TO THE PLANNING AND ZONING COMMISSION.

ELECTION OF CHAIR AND VICE-CHAIR

Mike Rubsam received the majority of the votes for Chairman. Mike Wilson received the majority of the votes for Vice-Chair.

CONSENT

KYLE INDUSTRIAL CENTER – FINAL PLAT (FP-15-010) 10.02 ACRES; 2 LOTS LOCATED AT 23703 IH-35.

STAFF PROPOSAL TO P&Z: STATUTORILY DISAPPROVE

KYLE INDUSTRIAL PARK REPLAT OF LOTS 15-17 & LOT 19 (SFP-15-008) 3.58 ACRES; 2 LOTS LOCATED OFF OF KYLE CROSSING JUST SOUTH OF KOHLER'S CROSSING.

STAFF PROPOSAL TO P&Z: STATUTORILY DISAPPROVE

Commissioner Christie moved to statutorily disapprove Kyle Industrial Center (FP-15-010) and Kyle Industrial Park Replat of Lots 15-17 & Lot 19 (SFP-15-008). Commissioner Kay seconds the motion. All votes aye. Motion carried.

ZONING

CONSIDER A REQUEST TO REZONE APPROXIMATELY 1.54 ACRES OF LAND FROM HEAVY INDUSTRIAL "HI" TO CONSTRUCTION MANUFACTURING "CM" ON PROPERTY LOCATED AT 505 S. OLD HIGHWAY 81. (Z-15-012)

Chairman Rubsam opened the public hearing at 6:41 pm and called for comments for or against the request. There were no comments. Chairman Rubsam closed the public hearing at 6:41 pm.

Vice-Chair Wilson moved to approve the request to rezone approximately 1.54 acres of land from Heavy Industrial "HI" to Construction Manufacturing "CM" on property located at 505 S. Old Highway 81 (Z-15-012). Commissioner Huey seconds the motion. All votes aye. Motion carried.

CONSIDER A REQUEST BY LUPE AND PAULA TORRES TO REZONE APPROXIMATELY 0.697 ACRES FROM SINGLE FAMILY RESIDENTIAL "R-1" TO RETAIL SERVICE DISTRICT "RS" ON PROPERTY LOCATED AT 807 N. OLD HIGHWAY 81. (Z-15-013)

Chairman Rubsam opened the public hearing at 6:45 pm and called for comments for or against the request. Lila Knight addressed the Commission and stated that she would like to see the zoning designation be Neighborhood Commercial instead of Retail Service for this property. Chairman Rubsam closed the public hearing at 6:46 pm.

Commissioner Kay moved to approve the request to rezone approximately 0.697 acres from Single Family Residentail "R-1" to Retail Service District "RS" on property located at 807 N. Old Highway 81 (Z-15-013). Commissioner Melendez seconds the motion. Commissioners Huey, Wilson, Rubsam, Christie, Kay and Melendez vote aye. Commissioner Ellison votes nay. Motion carried.

CONSIDER A REQUEST BY STEVE SMITH AND DOUG DUWE TO ASSIGN ORIGINAL ZONING TO APPROXIMATELY 16.24 ACRES FROM AGRICULTURE "AG" TO RETAIL SERVICE DISTRICT "RS" ON PROPERTY LOCATED AT 23100 IH-35. (Z-15-014)

Chairman Rubsam opened the public hearing at 6:52 pm and called for comments for or against the request. Lila Knight addressed the Commission and stated that she would like to see the zoning designation be Community Commercial instead of Retail Service for this property. Dan Ryan stated that he is in favor of Retail Service District. Frank Owen and Mike Whitehurst stated that they would like to see residential for the area to protect the adjacent neighbors. Chairman Rubsam closed the public hearing at 7:02 pm.

Vice-Chair Wilson moved to approve the request by Steve Smith and Doug Duwe to assign original zoning to approximately 16.24 acres from Agriculture "AG" to Retail Service District "RS" on property located at 23100 IH-35 (Z-15-014). Commissioner Christie seconds the motion. Commissioners Ellison, Huey, Wilson, Rubsam, Christie and Melendez vote aye. Commissioner Kay votes nay. Motion carried.

CONSIDER A REQUEST BY PGI INVESTMENT, LLC TO ASSIGN ORIGINAL ZONING TO APPROXIMATELY 47.74 ACRES FROM AGRICULTURE "AG" TO RETAIL SERVICE DISTRICT "RS" ON PROPERTY LOCATED AT 24800 IH-35. (Z-15-015)

Chairman Rubsam opened the public hearing at 7:29 pm and called for comments for or against the request. The agent for the applicant Hugo Elizondo, Jr., P.E., with Cuatro Consultants addressed the Commission and stated on behalf of the owner they would like to withdraw the application. Lila Knight, James Jackson, Katherine Loayza, Frank Owen, Harriett Bishop, Cale Marcantel, John Aultman, Derrick Polk, Linda Joseph and Greg Bennett stated that they were in opposition to the rezone request. Chairman Rubsam closed the public hearing at 7:52 pm.

No action taken.

CONSIDER AND POSSIBLE ACTION

CONSIDER A REQUEST BY KYLE APARTMENTS, LLC FOR A VARIANCE TO SECTION 53-989 TO ALLOW A REDUCTION OF REQUIRED TREES FOR A MULTI-FAMILY PROJECT LOCATED AT 828 BEBEE ROAD (HAYS JUNCTION APARTMENTS).

Commissioner Kay moved to approve the variance to Section 53-989 to allow a reduction of required trees for property located at 828 Bebee Road (Hays Junction Apartments). Vice-Chair Wilson seconds the motion. All votes aye. Motion carried.

CONSIDER A TEXT AMENDMENT TO THE CODE OF ORDINANCES, CHAPTER 53 (ZONING) ARTICLE VII (NON-CONFORMING USES AND STRUCTURES) SECTION 53-1140 (NON-CONFORMING USES).

Chairman Rubsam opened the public hearing at 7:58 pm and called for comments for or against the request. There were no comments. Chairman Rubsam closed the public hearing at 7:59 pm.

Commissioner Kay moved to approve the text amendment to the Code of Ordinances, Chapter 53 (Zoning) Article VII (Non-Conforming Uses and Structures) Section 53-1140

(Non-Conforming Uses). Commissioner Melendez seconds the motion Motion carried.	n. All votes aye.
ADJOURNED	
With no further business to discuss, Vice-Chair Wilson moved to adjou Christie seconds the motion. All votes aye. Motion carried.	rn. Commissioner
The Planning & Zoning Meeting adjourned at 8:13 p.m.	

Mike Rubsam, Chairman

Amelia Sanchez, City Secretary

SPECIAL CALLED MEETING OF THE PLANNING AND ZONING COMMISSION

The Planning and Zoning Commission of the City of Kyle, Texas met in a special called session October 27, 2015 at 6:30 p.m. at Kyle City Hall, with the following persons present:

Commissioner Dex Ellison
Commissioner Lori Huey
Vice-Chair Mike Wilson
Chairman Mike Rubsam
Commissioner Tim Kay
Planning and Community Director, Howard J. Koontz
Planning Technician, Debbie Guerra

Lila Knight Brad Vickers Shelly Mitchell

CALL MEETING TO ORDER

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

ROLL CALL OF BOARD

Chairman Rubsam called for roll call. Commissioners Christie and Melendez were absent.

CITIZENS COMMENTS

Chairman Rubsam opened the citizens comment period at 6:30 pm and called for comments on items not on the agenda or posted for public hearing. Lila Knight addressed the Commission and stated that she would like to see the comprehensive plan meetings held in the Council Chambers and to have more advertising to notify the public and press. Ms. Knight also stated that she would like the workshops broadcast as well. Ms. Knight also mentioned that Lone Star Rail made a presentation and stated that she believes the agreement between Lone Star Rail and City of Kyle has expired and not sure how this would affect the comprehensive plan update. Chairman Rubsam closed the citizens comment period at 6:32 pm.

CONSENT

ROLLING HILLS SECTION 1 REPLAT OF LOT 6A, BLOCK 1 (SFP-15-009) 2.13 ACRES; 2 SINGLE FAMILY LOTS LOCATED AT 101 ROLLING HILLS DRIVE.

STAFF PROPOSAL TO P&Z: STATUTORILY DISAPPROVE

CENTER STREET VILLAGE REPLAT OF AMENDED PLAT OF LOTS 9, 10 & 11, BLOCK A (SFP-15-010) 6.2356 ACRES; 2 COMMERCIAL LOTS LOCATED IN THE CENTER STREET VILLAGE.

STAFF PROPOSAL TO P&Z: STATUTORILY DISAPPROVE

Commissioner Kay moved to statutorily disapprove Rolling Hills Section 1 Replat of Lot 6A, Block 1 (SFP-15-009) and Center Street Village Replat of Amended Plat of Lots 9, 10 & 11, Block A (SFP-15-010). Commissioner Huey seconds the motion. All votes aye. Motion carried.

CONSIDER AND POSSIBLE ACTION

CONSIDER A REQUEST FOR A CONDITIONAL USE PERMIT (POLLO TROPICAL – 20471 IH-35) TO CONSTRUCT A 3,548 SQUARE FOOT BUILDING LOCATED WITHIN THE IH-35 OVERLAY DISTRICT.

Chairman Rubsam moved to approve the Conditional Use permit for Pollo Tropical – 20471 IH-35. Commissioner Huey seconds the motion. Commissioners Ellison, Huey, Rubsam vote aye. Commissioners Wilson and Kay vote nay. Motion carried.

CONSIDER A REQUEST BY POLLO TROPICAL FOR A WAIVER TO EXCEED THE MAXIMUM NUMBER OF PARKING SPACES PER THE CODE OF ORDINANCES, CHAPTER 53 (ZONING), SECTION 53-33 (N) (3) (MAXIMUM PARKING) FOR PROPERTY LOCATED AT 20471 IH-35.

Vice-Chair Wilson move to approve a waiver to exceed the maximum number of parking spaces for property located at 20471 IH-35. Commissioner Ellison seconds the motion. Commissioners Ellison, Huey, Wilson, Rubsam vote aye. Commissioner Kay votes nay. Motion carried.

CONSIDER A REQUEST BY TACO CABANA FOR A WAIVER TO EXCEED THE MAXIMUM NUMBER OF PARKING SPACES PER THE CODE OF ORDINANCES, CHAPTER 53 (ZONING), SECTION 53-33 (N) (3) (MAXIMUM PARKING) FOR PROPERTY LOCATED AT 20445 IH-35.

Vice-Chair Wilson move to approve a waiver to exceed the maximum number of parking spaces for property located at 20471 IH-35. Commissioner Ellison seconds the motion. All votes aye. Motion carried.

ADJOURNED

With no further business to discuss, Vice-Chair Wilson moved to adjourn. Commissioner Huey seconds the motion. All votes aye. Motion carried.

Amelia Sanchez, City Secretary	Mike Rubsam, Chairman

The Planning & Zoning Meeting adjourned at 7:02 p.m.

SPECIAL CALLED MEETING OF THE PLANNING AND ZONING COMMISSION

The Planning and Zoning Commission of the City of Kyle, Texas met in a special called session November 10, 2015 at 6:30 p.m. at Kyle City Hall, with the following persons present:

Commissioner Dex Ellison
Commissioner Lori Huey
Vice-Chair Mike Wilson
Chairman Mike Rubsam
Commissioner Michele Christie
Commissioner Tim Kay
Commissioner Irene Melendez
Planning and Community Director, Howard J. Koontz

Jose Lopez

Will Melton

Sid Parekh

CALL MEETING TO ORDER

Planning Technician, Debbie Guerra

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

ROLL CALL OF BOARD

Chairman Rubsam called for roll call. Commissioner Melendez was absent from roll call due to the train. Commissioner Melendez arrived at 6:37 p.m.

CITIZENS COMMENTS

Chairman Rubsam opened the citizens comment period at 6:30 pm and called for comments on items not on the agenda or posted for public hearing. There were no comments. Chairman Rubsam closed the citizens comment period at 6:30 pm.

CONSENT

WOODLANDS SUBDIVISION PHASE III, IV & V – PRELIMINARY PLAN (PP-15-003) 74.863 ACRES; 273 SINGLE FAMILY LOTS, 2 OPEN SPACE/DRAINAGE EASEMENT LOTS, 2 OPEN SPACE LOTS AND 1 LIFT STATION LOT LOCATED OFF OF E. RR 150 AND WOODLANDS DRIVE. STAFF PROPOSAL TO P&Z: STATUTORILY DISAPPROVE

HAYS COMMERCE CENTER PHASE 1 – FINAL PLAT (FP-15-005) 7.542 ACRES; 2 COMMERCIAL LOTS LOCATED AT THE NORTHWEST CORNER OF IH-35 AND KYLE CROSSING.

STAFF PROPOSAL TO P&Z: APPROVE FINAL PLAT

HAYS COMMERCE CENTER PHASE 2 – FINAL PLAT (FP-15-006) 70.057 ACRES; 21 COMMERCIAL LOTS LOCATED AT THE NORTHWEST CORNER OF IH-35 AND KYLE CROSSING.
STAFF PROPOSAL TO P&Z: APPROVE FINAL PLAT

Vice-Chair Wilson moved to statutorily disapprove the Woodlands Subdivision Phase III, IV & V – Preliminary Plan (PP-15-003) and to approve Hays Commerce Center Phase 1 – Final Plat (FP-15-005) and Hays Commerce Center Phase 2 – Final Plat (FP-15-006) Commissioner Ellison seconds the motion. All votes aye. Motion carried.

ZONING

CONSIDER A REQUEST BY MIKE PENECOST TO ASSIGN ORIGINAL ZONING TO APPROXIMATELY 5.1 ACRES OF LAND FROM AGRICULTURE "AG" TO WAREHOUSE DISTRCT "W" ON PROPERTY LOCATED AT 1151 GOFORTH ROAD. (Z-15-016)

Chairman Rubsam opened the public hearing at 6:32 pm and called for comments for or against the request. There were no comments. Chairman Rubsam closed the public hearing at 6:32 pm

Commissioner Kay moved to recommend approval of the request by Mike Pentecost to assign original zoning to approximately 5.1 acres of land from Agriculture "AG" to Warehouse District "W" on property located at 1151 Goforth Road. Commissioner Huey seconds the motion. All votes aye. Motion carried.

CONSIDER A REQUEST BY SANDRA DE LEON TO ASSIGN ORIGINAL ZONING TO APPROXIMATELY 1 ACRE OF LAND FROM AGRICULTURE "AG" TO MANUFACTURED HOME SUBDIVISION "M-2" ON PROPERTY LOCATED AT 1489 E. RR 150. (Z-15-017)

Chairman Rubsam opened the public hearing at 6:50 p.m. and called for comments for or against the request. There were no comments. Chairman Rubsam closed the public hearing at 6:50 p.m.

Commissioner Christie moved to recommend approval of the request by Sandra De Leon to assign original zoning to approximately 1 acre from Agriculture "AG" to Manufactured Home Subdivision "M-2" on property located at 1489 E. RR 150. Commissioner Melendez seconds the motion. All votes aye. Motion carried.

CONSIDER AND POSSIBLE ACTION

CONSIDER A REQUEST FOR A CONDITIONAL USE PERMIT (COMFORT SUITES – 5213 PHYSICIANS WAY) TO CONSTRUCT A 46,768 SQUARE FOOT BUILDING LOCATED WITHIN THE IH-35 OVERLAY DISTRICT.

Commissioner Kay moved to approve the Conditional Use permit for Comfort Suites – 5213 Physicians Way. Commissioner Melendez seconds the motion. All votes aye. Motion carried.

STAFF REPORT

FUTURE MEETING DATES - No meeting will be held on November 24th due to Thanksgiving week.

COMPREHENSIVE PLAN	MID-TERM	UPDATE	PROCESS -	December	3 rd v	will
be the public workshop.						

ADJOURNED

With no further business to discuss, Vice-Chair Huey seconds the motion. All votes aye. Motion	3
The Planning & Zoning Meeting adjourned at 7	:19 p.m.
Amelia Sanchez, City Secretary	Mike Rubsam, Chairman

SPECIAL CALLED MEETING OF THE PLANNING AND ZONING COMMISSION

The Planning and Zoning Commission of the City of Kyle, Texas met in a special called session December 22, 2015 at 6:30 p.m. at Kyle City Hall, with the following persons present:

Commissioner Dex Ellison
Commissioner Lori Huey
Vice-Chair Mike Wilson
Chairman Mike Rubsam
Commissioner Michele Christie
Commissioner Tim Kay
Planning and Community Director, Howard J. Koontz
Planning Technician, Debbie Guerra

Lila Knight
Stacey Jackson
Margaret McGinnis
Tyler Williams
Kevin Villalba
Crystal Avalos

CALL MEETING TO ORDER

Chairman Rubsam called the meeting to order at 6:33 p.m.

ROLL CALL OF BOARD

Chairman Rubsam called for roll call. Commissioner Melendez was absent.

CITIZENS COMMENTS

Chairman Rubsam opened the citizens comment period at 6:34 pm and called for comments on items not on the agenda or posted for public hearing. There were no comments. Chairman Rubsam closed the citizens comment period at 6:34 pm.

CONSENT

PLUM CREEK PHASE 1 SECTION 6F – PRELIMINARY PLAN (PP-15-004) 17,716 ACRES; 2 MIXED USE LOTS AND 1 PRIVATE PARK LOT LOCATED AT SOUTHWEST CORNER OF KOHLER'S CROSSING AND BENNER. STAFF PROPOSAL TO P&Z: STATUTORILY DISAPPROVE TO MEET THE 30 DAY REQUIREMENT.

PLUM CREEK PHASE 1 SECTION 6F – FINAL PLAT (FP-15-011) 17.716 ACRES; 2 MIXED USE LOTS AND 1 PRIVATE PARK LOT LOCATED AT SOUTHWEST CORNER OF KOHLER'S CROSSING AND BENNER.

STAFF PROPOSAL TO P&Z: STATUTORILY DISAPPROVE TO MEET THE 30 DAY REQUIREMENT.

PLUM CREEK PHASE 1 SECTION 6H – PRELIMINARY PLAN (PP-15-005) 26.603 ACRES; 176 SINGLE FAMILY LOTS, 14 PARK LOTS AND 3 LANDSCAPE EASEMENT LOTS LOCATED WITHIN THE 1500 BLOCK OF SANDERS.

STAFF PROPOSAL TO P&Z: STATUTORILY DISAPPROVE TO MEET THE 30 DAY REQUIREMENT.

PLUM CREEK PHASE 1 SECTION 6H-1 – FINAL PLAT (FP-15-012) 11.466 ACRES; 79 SINGLE FAMILY LOTS AND 6 PARK LOTS LOCATED EAST OF SANDERS AND NORTH OF FAIRWAY.

STAFF PROPOSAL TO P&Z: STATUTORILY DISAPPROVE TO MEET THE 30 DAY REQUIREMENT.

BLAS M. TENORIO SUBDIVISION, REPLAT OF LOTS 3&4, BLOCK 12 AND THE EAST 150 FEET OF BLOCK 1 (SFP-15-011) .50 ACRES; 1 SINGLE FAMILY LOT LOCATED AT 200 GONZALES STREET.

STAFF PROPOSAL TO P&Z: STATUTORILY DISAPPROVE TO MEET THE 30 DAY REQUIREMENT.

ROLLING HILLS SECTION 1, REPLAT OF LOT 3, BLOCK 5 (SFP-15-012) 1.29 ACRES; 2 SINGLE FAMILY LOTS LOCATED AT 140 ROLLING HILLS DRIVE.

STAFF PROPOSAL TO P&Z: STATUTORILY DISAPPROVE TO MEET THE 30 DAY REQUIREMENT.

SEC FM 150 - IH-35 - FINAL PLAT (SFP-15-006) 4.841 ACRES; 3 LOTS LOCATED OFF OF RR 150 AND HILL STREET.

STAFF PROPOSAL TO P&Z: APPROVE THE FINAL PLAT.

Commissioner Christie moved to statutorily disapprove the Plum Creek Phase 1, Section 6F – Preliminary Plan (PP-15-004), Plum Creek Phase 1, Section 6F – Final Plat (FP-15-011), Plum Creek Phase 1, Section 6H – Preliminary Plan (PP-15-005), Plum Creek Phase 1 Section 6H-1 – Final Plat (FP-15-012), Blas M. Tenorio Subd., Replat of Lots 3 & 4, Block 12 and the east 150 feet of Block 1 (SFP-15-011), Rolling Hills Section 1 Replat of Lot 3, Block 5 (SFP-15-012) and to approve SEC FM 150 – IH35 – Final Plat (SFP-15-006). Vice-Chair Wilson seconds the motion. All votes aye. Motion carried.

ZONING

CONSIDER A REQUEST BY WS LIVE OAK, LLC. TO REZONE APPROXIMATELY 14.083 ACRES OF LAND FROM SINGLE FAMILY RESIDENTIAL 'R-1' TO RESIDENTIAL TOWNHOME 'R-1-T' ON PROPERTY LOCATED AT THE NORTHWEST CORNER OF LIVE OAK STREET AND ST. ANTHONY'S DRIVE (Z-15-019)

Chairman Rubsam opened the public hearing at 6:35 pm and called for comments for or against the request. Lila Knight, Margaret McGinnis, Kevin Villalba and Crystal Avalos addressed the Commission stating their opposition to the proposed rezone and their concerns with traffic and drainage. Chairman Rubsam closed the public hearing at 6:43 pm

Vice-Chair Wilson moved to recommend approval of the request by WS Live Oak, LLC. Commissioner Christie seconds the motion. Commissioners Ellison, Huey, Wilson, Rubsam and Christie vote aye. Commissioner Kay votes nay. Motion carried.

CONSIDER A REQUEST BY RICHARD GIBERSON TO REZONE APPROXIMATELY 1.30 ACRES OF LAND FROM SINGLE FAMILY RESIDENTIAL 'R-1' TO RESIDENTIAL TOWNHOME 'R-1-T' ON PROPERTY LOCATED AT 707 LIVE OAK STREET. (Z-15-020)

Chairman Rubsam opened the public hearing at 7:17 pm and called for comments for or against the request. Lila Knight, Stacey Jackson, and Margaret McGinnis addressed the Commission stating their opposition to the proposed rezone and their concerns with traffic and drainage. Chairman Rubsam closed the public hearing at 7:23 pm.

Vice-Chair Wilson moved to recommend approval of the request by Richard Giberson. Commissioner Christie seconds the motion. Commissioners Ellison, Huey, Wilson, Rubsam and Christie vote aye. Commissioner Kay votes nay. Motion carried.

CONSIDER AND POSSIBLE ACTION

CONSIDER A REQUEST FOR A CONDITIONAL USE PERMIT (TACO CABANA – 20745 IH-35) TO CONSTRUCT A 3,699 SQUARE FOOT BUILDING LOCATED WITHIN THE IH-35 OVERLAY DISTRICT. (CUP-15-008)

Vice-Chair Wilson moved to approve the Conditional Use permit for Taco Cabana - 20745 IH-35. Commissioner Kay seconds the motion. All votes aye. Motion carried.

CONSIDER A REQUEST FOR A CONDITIONAL USE PERMIT (LONE STAR DELIGHTS – 108 S. FRONT STREET) TO ALLOW FOR THE ALTERATION OF THE FRONT EXTERIOR OF THE STRUCTURE FOR PROPERTY LOCATED WITHIN THE IH-35 AND CENTER STREET OVERLAY DISTRICT. (CUP-15-010)

Commissioner Kay moved to approve the Conditional Use Permit for Lone Star Delights – 108 S. Front Street). Commissioner Christie seconds the motion. Commissioners Ellison, Huey, Wilson, Christie, Kay vote aye. Chairman Rubsam votes nay. Motion carried.

CONSIDER A REQUEST FOR A CONDITIONAL USE PERMIT (MILTS PIT BBQ -208 W. CENTER STREET) TO ALLOW FOR THE ALTERATION OF THE FRONT AND WEST EXTERIOR OF THE STRUCTURE FOR PROPERTY LOCATED WITHIN THE CENTER STREET OVERLAY DISTRICT. (CUP-15-011)

Vice-Chair Wilson moved to approve the Conditional Use Permit for Milts Pit BBQ – 208 W. Center Street. Commissioner Huey seconds the motion. All votes aye. Motion carried.

CONSIDER A REQUEST BY KRISHNA KYLE, LLC. (HAMPTON INN SUITES – 151 BUNTON CREEK ROAD) FOR A CONDITIONAL USE PERMIT TO CONSTRUCT A BUILDING WITH A HEIGHT GREATER THAN 45 FEET AS REQUIRED BY CHAPTER 53 (ZONING) SECTION 1047 (AUTHORIZED CONDITIONAL USES (13) OF THE CITY OF KYLE CODE OF ORDINANCES, WHICH STATES BUILDINGS WITH A HEIGHT OF UP TO 150 FEET MAY BE ALLOWED IN THE RETAIL SERVICE DISTRICT.

Chairman Rubsam opened the public hearing at 7:52 pm and called for comments for or against the request. There were no comments, Chairman Rubsam closed the public hearing at 7:52 pm.

Commissioner Ellison moved to recommend approval for the request to construct a building greater than 45 feet. Commissioner Huey seconds the motion. All votes aye. Motion carried.

CONSIDER A REQUEST FOR A CONDITIONAL USE PERMIT (HAMPTON INN SUITES – 151 BUNTON CREEK ROAD) TO CONSTRUCTION A 54,078 SQUARE FOOT BUILDING LOCATED WITHIN THE IH-35 OVERLAY DISTRICT. (CUP-15-008)

Commissioner Ellison moved to approve the Conditional Use Permit for Hampton Inn Suites – 151 Bunton Creek Road. Commissioner Huey seconds the motion. All votes aye. Motion carried.

GENERAL DISCUSSION

DISCUSSION ONLY REGARDING PLANNING AND ZONING COMMISSION REQUESTS FOR FUTURE AGENDA ITEMS.

The Commission discussed having a workshop for the Comprehensive Plan update on January 26th and stated they'd like to see the landscape revisions completed soon.

ADJOURNED

With no further business to discuss, Vice-Chair Wilson moved to adjourn. Commissioner Huey seconds the motion. All votes aye. Motion carried.

The Planning & Zoning Meeting adjourned	ł at 8:26 p.m.
Amelia Sanchez, City Secretary	Mike Rubsam, Chairman

REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION

The Planning and Zoning Commission of the City of Kyle, Texas met in regular session January 26, 2016 at 6:30 p.m. at Kyle City Hall, with the following persons present:

Commissioner Dex Ellison
Commissioner Lori Huey
Vice-Chair Mike Wilson
Chairman Mike Rubsam
Commissioner Michele Christie
Commissioner Tim Kay
Commissioner Irene Melendez
Planning and Community Director, Howard J. Koontz
Planning Technician, Debbie Guerra

CALL MEETING TO ORDER

Chairman Rubsam called the meeting to order at 6:31 p.m.

ROLL CALL OF BOARD

Chairman Rubsam called for roll call. No one was absent.

CITIZENS COMMENTS

Chairman Rubsam 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 Rubsam closed the citizens comment period at 6:32 pm.

CONSENT

REPLAT OF LOT 1B OF THE SCC BUNTON CREEK SUBDIVISION, REPLAT OF LOT 6A, BLOCK A (SFP-16-001) 7.6144 ACRES; 2 COMMERCIAL LOTS AND EXTENTION OF SETON PARKWAY.

STAFF PROPOSAL TO P&Z: STATUTORILY DISAPPROVE TO MEET THE 30 DAY REQUIREMENT.

Vice-Chair Wilson moved to statutorily disapprove the Replat of Lot 1B of the SCC Bunton Creek Subdivision, Replat of Lot 6A, Block A (SFP-16-001). Commissioner Huey seconds the motion. All votes aye. Motion carried.

CONSIDER AND POSSIBLE ACTION

CONSIDER A REQUEST FOR A CONDITIONAL USE PERMIT (SONIC DRIVE-IN – 400 E. RR 150) TO CONSTRUCT A 1,411 SQUARE FOOT BUILDING LOCATED WITHIN THE IH-35 OVERLAY DISTRICT. (CUP-15-012)

Commissioner Kay moved to approve the conditional use permit for (Sonic Drive-In – 400 E. RR 150). Commissioner Melendez seconds the motion. All votes aye. Motion carried.

CONSIDER A REQUEST FOR A CONDITIONAL USE PERMIT (KYLE CHAPMAN MOTOR SALES -18300 IH-35) TO CONSTRUCT A 4,950 SQUARE FOOT BUILDING LOCATED WITHIN THE IH-35 OVERLAY DISTRICT. (CUP-16-001)

Vice-Chair Wilson moved to approve the conditional use permit for (Kyle Chapman Motor Sales – 18300 IH-35). Commissioner Christie seconds the motion. All votes aye. Motion carried.

CONSIDER A REQUEST BY NOE AND MARIA BRISENO (114-A AND 114-B SUNRISE CIRCLE) ON A PROPOSED VARIANCE REQUEST TO CHAPTER 41 (SUBDIVISION) SECTION 82 (RURAL SUBDIVISION STANDARDS (E) (2) OF THE CITY OF KYLE CODE OF ORDINANCES, WHICH STATES ALL LOTS IN A RURAL SUBDIVISION SHALL HAVE A MINIMUM WIDTH AT THE FRONT PROPERTY LINE OF 130 FEET.

Chairman Rubsam opened the public hearing at 6:52 pm and called for comments for or against the request. Liz Carey and Scott Ingalls from 111 Sunrise Circle addressed the Commission stating they were opposed to the request. Chairman Rubsam closed the public hearing at 6:55 pm.

Vice-Chair Wilson moved to recommend approval for the variance request.

Commissioner Huey seconds the motion. Commissioners Huey, Wilson, Rubsam,
Christie, Kay and Melendez vote aye. Commissioner Ellison votes nay. Motion carried.

CONSIDER A REQUEST BY SYLVIA VERA ON A PROPOSED VARIANCE REQUEST TO CHAPTER 41 (SUBDIVISION) SECTION 82 (RURAL SUBDIVISION STANDARDS (E) (2) FO THE CITY OF KYLE CODE OF ORDINANCES, WHICH STATES ALL LOTS IN RURAL SUBDIVISIONS SHALL HAVE A MINIMUM WIDTH AT THE FRONT PROPERTY LINE OF 130 FEET FOR PROPERTY LOCATED AT THE SOUTH WEST CORNER OF 2001 AND ROLLING HILLS DRIVE.

Chairman Rubsam opened the public hearing at 7:03 pm and called for comments for or against the request. There were no comments. Chairman Rubsam closed the public hearing at 7:03 pm.

Commissioner Kay moved to recommend approve of the request. No one second the motion. Vice-Chair Wilson moved to recommend denial of the request. Commissioner Ellison seconds the motion. Commissioner Ellison, Huey, Wilson, Rubsam, Christie and Melendez vote aye. Commissioner Kay votes nay. Motion carried.

ZONING

CONSIDER A REQUEST BY PGI INVESTMENT, LLC., TO ASSIGN ORIGINAL ZONING TO APPROXIMATELY 47.74 ACRES OF LAND FROM

AGRICULTURE 'AG' TO WAREHOUSE DISTRIST 'W' ON PROPERTY LOCATED AT 24800 IH-35, (Z-15-021)

Chairman Rubsam opened the public hearing at 7:17 pm and called for comments for or against the request. Terri Hansen, Ricco Alaniz, Laura Hughes, Delilah DeOliveira, Omar Baca, Kathrine Loayza, William Rogers, John Chotkey, Amy Burgess, Kristy Daniel, Carol Jeanne Vanderhoof, Charles Louch, John Moczygemba, Claudia McCormack, Calbert Marcantel, Lila Knight, Gordon Owens, Lila Adams, Paul Dehartes, Kyle Taylor, Roy Daley, Jeff Polk and Mike Watkins addressed the Commission stating their opposition to the proposed rezone and their concerns with safety, pollution, traffic, property values, drugs and going against the comprehensive plan. Chairman Rubsam closed the public hearing at 8:19 pm

Vice-Chair Wilson moved to recommend denial of the request by PGI Investment, LLC. Commissioner Ellison seconds the motion. Commissioners Ellison, Huey, Wilson, Kay and Melendez vote aye. Commissioner Rubsam and Christie votes nay. Motion carried.

GENERAL DISCUSSION

DISCUSSION ONLY REGARDING PLANNING AND ZONING COMMISSION REQUESTS FOR FUTURE AGENDA ITEMS.

The Commission discussed having a workshop for the Comprehensive Plan update on February 23rd and stated they'd like to see the landscape revisions completed soon.

STAFF REPORT

Howard Koontz, Director of Planning and Community Development addressed the Commission and stated that a couple of seats will be vacant soon and if any Commissioner knows of someone who is interested in serving to please contact him or have them fill out an application.

ADJOURNED

With no further business to discuss, Commissioner Kay moved to adjourn. Vice-Chair Wilson seconds the motion. All votes aye. Motion carried.

The Planning & Zoning Meeting adjourne	d at 9:15 p.m.
Amelia Sanchez, City Secretary	Mike Ruhsam Chairman

Application Type:

Conditional Use Permit

Property Location

Central Texas Speedway

24801 IH 35 South Kyle, Texas 78640

Owner/Petitioner

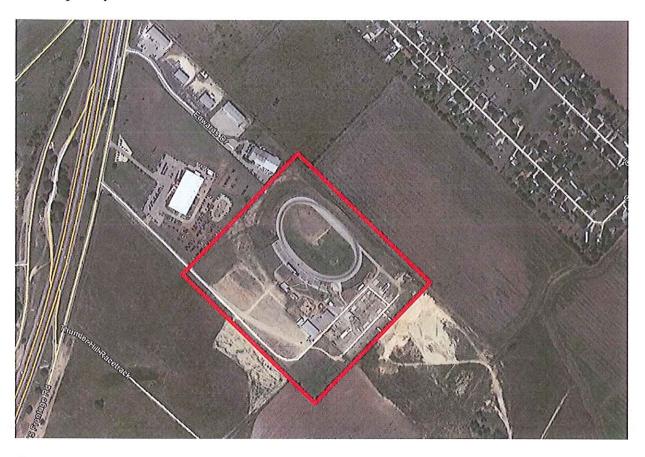
Rick & Hunter Coleman/Meredith Murray

Request

Conditional Use Permit to operate the "Hays

County Fair and Crawfish Boil"

Vicinity Map



The site is located behind Roger Beasley Hyundai, on the east side of Interstate 35 near the city's southern border. The property is zoned E (Entertainment district), and is surrounded by Agriculture-zoned property on three sides, and 'W' (Warehouse District) property to the northwest. The closest property with a residential zoning designation is nearly 1,000 feet away to the northeast (Quail Ridge subdivision). The applicant's request is to operate the "Hays County Fair and Crawfish Boil" from Thursday, April 7 until Saturday, April 9, 2016.

Conditional Use Analysis

The site proposed for this conditional use is the grounds of Central Texas Speedway, a 39-acre paved oval automobile racetrack venue. The Hays County Fair and Crawfish Boil will operate typical carnival rides and live music, as well as helicopter rides, go-karting, a motorcycle "poker run", and food and merchandise vendors. The fair is a temporary use, and therefore the applicant plans no changes to the existing structures or the site at which the structures exist, and plans only to use venue for its size and ample parking.

Conditions of the Zoning Ordinance

Article 6, Division 2 of the City of Kyle Zoning Ordinance identifies the following procedures for approving a conditional use application, and those uses which require a conditional use permit:

"Sec. 53-1046. - Purpose.

The city council may by ordinance, adopted by four affirmative votes after receiving the recommendation of the [planning] 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:

(3) Circus or carnival; but not within 300 feet of any residential district;"

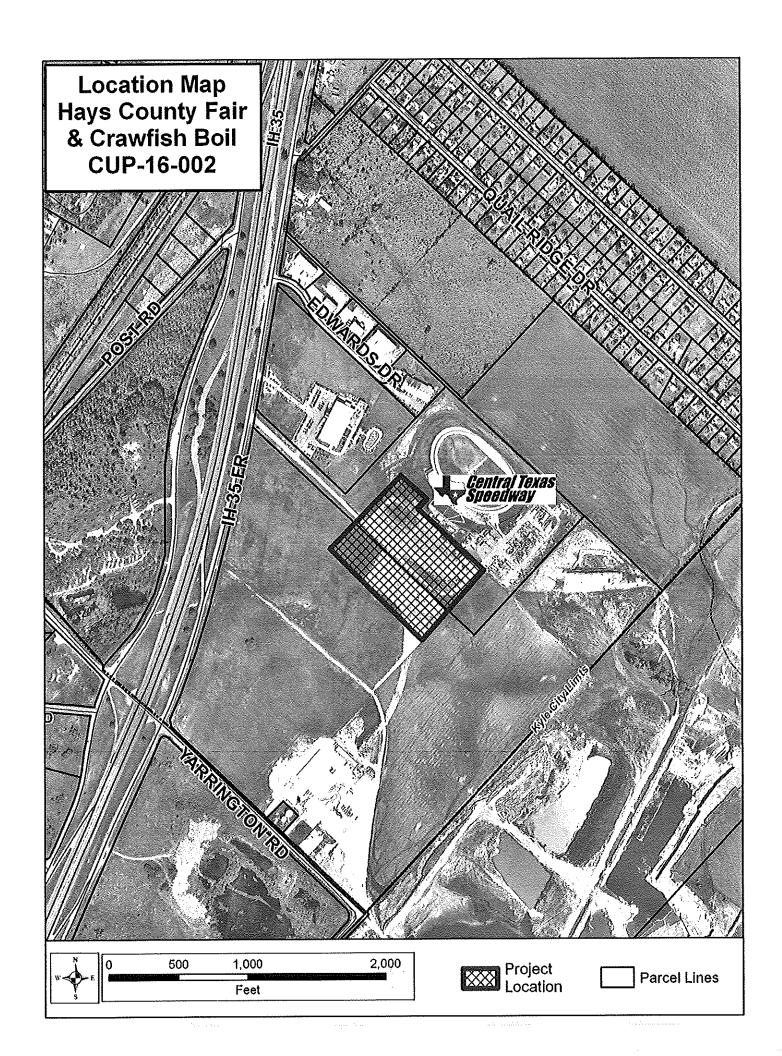
Recommendation

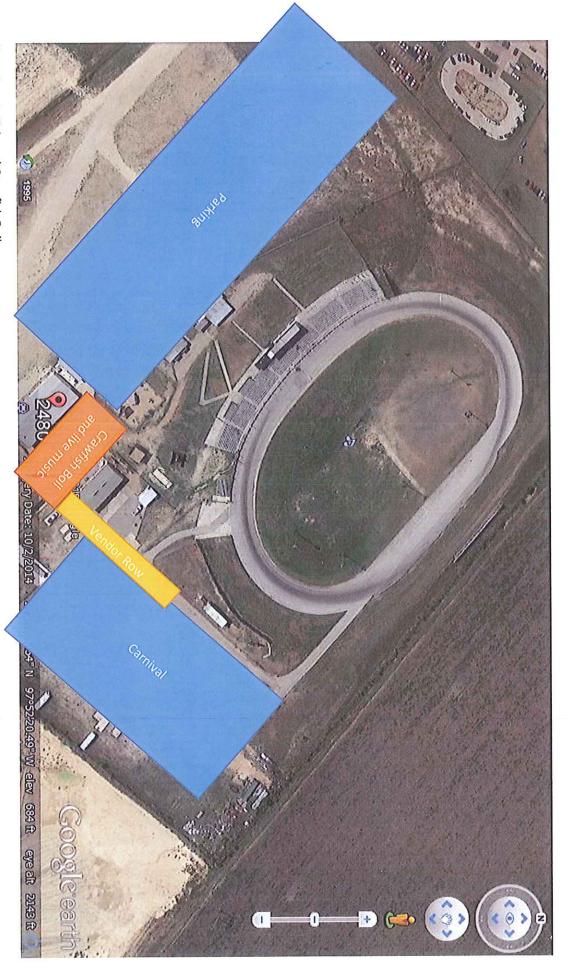
Staff recommends the application, as detailed and submitted to city staff, be approved, subject to the following conditions:

- 1. The special land use permit is non-transferable;
- 2. The permit is granted for the expressed purpose of a fair and crawfish festival, including all usual and customary operations for that activity:
- 3. The permit is valid from Thursday April 7, 2016 until Saturday April 9, 2016.

Attachments

Application packet





Hays County Fair and Crawfish Boil

Hours of Operation: (Approximate Time Frames)

Thurs. April 7 5PM-11PM

Fri. April 8 5PM-11PM

Sat. April 9 12Noon-12AM

Crawfish Boil is Saturday ONLY

CONDITIONAL USE PERMIT APPLICATION

A Conditional Use Permit shall be required prior to any existing structure within one of the Overlay Districts being altered, reconstructed, enlarged, or remodeled for a commercial, retail, or business use, which altering or remodeling would increase or decrease the total gross building area by fifty percent (50%) or more; and if such work requires any additional curb cut, or the reconstruction, enlargement, remodeling, or alteration of the exterior design, material, finish grade line, landscaping, or Original proof the structure.

PLANNING DEPARTMENT PROJECT INFORMATION Subdivision: Section: Lot: Block: Square Footage of Building: Zoning: APPLICANT INFORMATION Owner's Name: Owner's Signature: Address: E-mail: Phone: Fax: Please Note: The signature of the owner authorizes City of Kyle staff to visit and inspect the property for which this application is being submitted. (Check One) ☐ I will represent my application. A I hereby authorize the person named below to act as my agent in processing this application. Agent: Fax:

JAN 15 2016

Conditional Use Permit Application Checklist

Please note that the checklist is required to be filled out by the applicant or designated agent. Place a check mark on the line in front of the number if you have complied with that item. If the checklist item is not applicable to your application, indicate such. This checklist is provided only as a guide. All conditional use permit requirements cannot be reflected on this checklist. If the applicant has any questions regarding the regulations, the applicant should consult the Zoning Ordinance or contact City staff. City ordinances can be obtained from the City of Kyle and on line at www.cityofkyle.com.

Project Name: Hays County Fair + Crawfish Boil

REQUIRED HIEMSTOR SUBMITTAL PACKACE The following items are required to be submitted to the Planning Department in order for the Application to be accepted. 1. Completed application form with owner's original signature. 2. Application fee: \$190.21, plus \$3.78 per acre or portion thereof. Total Fee: 337 - 63 3. A map or plat showing the area being proposed for change and the zoning classification of all abutting zoning districts, all public and private right-of-ways and easement bounding and intersecting the property. 4. A site plan and building elevations drawn to scale showing at a minimum, the lot dimensions, size, shape, and dimensions of the proposed and/or existing structure(s); the location and orientation of the structure(s) on the lot and the actual or proposed building setback lines; and all points of ingress and egress, 2 paper copies and 1 digital file must accompany the application. 5. Applications shall be accompanied by 2 paper copies and 1 digital file of appropriate. relevant colored elevations showing at a minimum, the design, use of materials, finish grade line, landscaping, signage and orientation of the buildings and any significant architectural features. 6. Copy of Deed showing current ownership. *** A submittal meeting is required. Please schedule an appointment with Debbie Guerra at (512) 262-3959 to schedule an appointment,

^{*}Please note: The Commission/Council may also require the submission of colored perspectives or architectural renderings in applications or any other information it deems reasonable and/or useful in review of the application.



CITY OF KYLE

Community Development Department



MEMORANDUM

To:

Kyle Planning Commission

From:

Howard J. Koontz, Community Development Director

Date:

02/09/2016

Subject:

Proposed variance to the landscape requirements found in

53-992 for the Sonic drive-in restaurant

SITE LOCATION

The site is located at 400 E RR 150, which is on the south side of 150, between its intersection with Hill Street and Lehman Road. The applicant's development parcel is 0.861 acres, and he seeks to construct a roughly 1,700-square foot Sonic Drive-In restaurant with 41 parking spaces.

APPLICANT'S REQUEST

The applicant seeks a variance from the terms of the landscape ordinance, specifically 53-992 "...to reduce the thermal impact of unshaded parking lots, additional trees shall be planted, if necessary, so that no parking space is more than 50 feet away from the trunk of a tree, unless otherwise approved by the planning and zoning commission..."

STAFF ANALYSIS

The City of Kyle Code identifies the purpose of the landscape requirements is to support the orderly, safe, attractive and healthful development of land located within the community, and to promote the general welfare of the community by preserving and enhancing ecological, environmental and aesthetic qualities, through established requirements for the installation and maintenance of landscaping elements and other means of site improvements in developed properties.

There are 41 vehicle stalls located on the Sonic development site, divided into two categories: approximately 2/3 of the stalls are spaces where the customer can make drive-in orders, and the remainder are standard vehicle parking spaces for walk-up service. The drive-in order spaces are typically covered with an overhead canopy for weather resistance, while the parking spaces remain open-air.

The applicant seeks to refrain from placing interior parking lot trees adjacent to the covered spaces, ordinarily required to be located no more than 50 feet away from a space, primarily because he feels the intent of the shade tree location is meant to create shade over vehicle stalls, which is accomplished via the overhead canopy. The remaining openair spaces will feature trees planted within 50 feet, per the terms of 53-992.

The terms of the code read that only the Planning Commission can make this determination.

STAFF RECOMMENDATION

Staff has reviewed the application and is recommending approval of the request for the following reasons:

- 1. The proposal to remove trees in proximity to canopy structures reduces the interference between the trees and the adjacent structure, while still maintaining the overall purpose for shaded parking spaces;
- 2. Granting the variance petition will not be detrimental to the public health, safety or welfare, or injurious to other property within the area;
- 3. The request for a variance is not based exclusively on the petitioner's desire for increased financial gain from the property, or to reduce an existing financial hardship;
- 4. Furthermore, it would be staff's recommendation to either remove the Planning Commission as the determining body for these situations, thereby making staff the final arbiter, or insert text that exempts covered or enclosed parking spaces from the 50-foot proximity requirement for interior parking lot plantings.

ATTACHMENTS

- 1. Letter of Intent
- 2. Site Plan showing current requirements and post-construction conditions

