



CITY OF KYLE

Community Development Department



March 21, 2017

To: Mayor & City Council
From: Howard J. Koontz, Community Development Director
Re: Text amendment to §53-899 I-35 Overlay District Development Standards

Kyle continues to review its development patterns and past performance to predict future growth. In so doing, it has come to the attention of development staff that a text amendment should be put forward to preclude the possible institution of a land use that, in too great of numbers, provides no appreciable benefit to Kyle's emerging I-35 corridor.

The proposed text of this amendment would preclude motor vehicle and trailer sales, rental and leasing from establishing in the I-35 overlay corridor. Motor vehicle dealers most often situate themselves in clusters, and those lots consume large tracts of land area for outdoor displays of their merchandise. Since automobile sales do not generate local sales tax for the city, only the land on which the dealership exists would be liable for property tax, there is very little incentive for the city to accommodate them as land uses. Similarly, auto dealerships are not typically high volume employers, meaning there would be few opportunities for employment as related to the expansive land area consumed for the use. As it stands today, the high visibility areas along I-35 should be reserved for those uses that provide for the needs of the motoring public, and for those uses that are less desirable as locations in toward our neighborhoods.

Currently, auto dealers are only allowable as a conditional use in the overlay, but upon further review of their impact and effect on Kyle's economic development and employment sectors, that provision needs to be further restricted. It should be noted that the indoor, enclosed sales of these types of vehicles won't be altered, and such uses can continue to establish via conditional use permit.

Planning & Zoning Commission Recommendation

At the March 14, 2017 Planning and Zoning Commission meeting, the Commission voted 5-1 recommending to Mayor and Council to approve the text amendment for Sec. 53-899, as staff has proposed. Chairperson Ellison made the motion with Vice Chairperson Kay seconding the motion. A roll call vote was taken and Commissioner Melendez voted nay to the proposed text amendment.

The revised text of §53-899 would read as follows:

- (d) Uses. The permitted uses of the property shall be determined by the use regulations set forth in the base zoning district for the property except as follows:
- ~~All outdoor sales of vehicle sales (new or used) within the I-35 overlay district shall require a conditional use permit."~~
1. All motor vehicle and trailer sales, rentals or leasing are prohibited from operating outdoors in the I-35 Overlay District. This includes, but is not limited to, the sale, rental and leasing of cars, trucks, vans, motorcycles, water craft, recreational vehicles, all terrain vehicles, OHV vehicles, buses, trailers, farm and lawn equipment, construction equipment, demolition equipment, commercial vehicles, limousines, and all other similar vehicles not listed. This description of outdoor vehicle sales applies to this entire section, including the "Exceptions" subsection.
 2. Exceptions - Motor vehicles sales, rentals, and leasing as described in this section are permitted within a covered, enclosed building, following City Council approval of a Conditional Use Permit. In all cases, all sales inventory and sales display models must be stored and presented for sale/lease/rental within a covered, enclosed building.
 3. Land uses in operation at the time of adoption of this provision must operate in accordance with §53-1140 - Non-conforming uses, Code of Ordinances, City of Kyle.