



CITY OF KYLE

Community Development Department



MEMORANDUM

TO: Planning & Zoning Commission

FROM: Kaela Sharp – City Planner

DATE: Tuesday, September 27, 2022

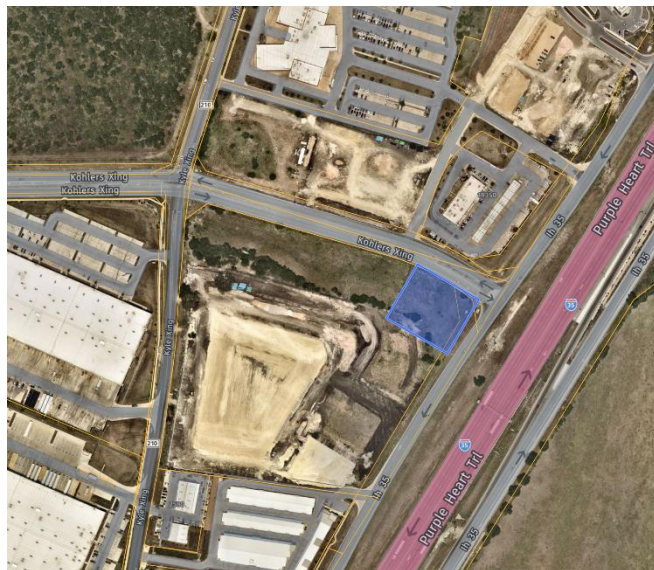
SUBJECT: 19430 IH-35 Rudy's Country Store and BBQ (CUP-22-0063)

REQUEST

The applicant seeks to construct an approximately 8,350 square foot restaurant building. The building will have materials consisting primarily of painted stucco, limestone veneer, and Hardie plank. Appropriate architectural features such as awnings complete the design.

LOCATION

The property is located at 19430 IH-35, Kyle, TX 78640, at the intersection of Kohlers Crossing and IH-35 S Frontage Rd.



OVERLAY DISTRICT

The I-35 overlay district. The Interstate Highway 35 corridor conditional use overlay district (the I-35 overlay district) extends from the northernmost city limit boundary at I-35 to the southernmost city limit boundary at I-35, and includes all real property within 1,500 feet of the outer most edge of the highway right-of-way of I-35. Sec. 53-899 is the code section staff uses to review for aesthetic compliance.

TEXT OF THE ZONING ORDINANCE

Sec. 53-896. - Standards for review.

- (a) The planning and zoning commission shall determine whether the application and project is consistent and compliant with the terms and intent of this division, this chapter, chapter 32, article II, pertaining to the site development plan, and all other codes and ordinances of the city. The planning and zoning commission will determine if the proposed use, occupancy and structure will promote, preserve, and enhance, and will not damage or detract from the distinctive character of the community; will preserve and protect property values and taxable values; will not be detrimental or inconsistent with neighboring uses and occupancies; will not be detrimental to the general interests of the citizens; and will not be detrimental to the public health, safety and welfare. In conducting its review, the planning and zoning commission shall make examination of and give consideration to the traffic flow, development density, neighboring historical designs, neighboring uses, and elements of the application, including, but not limited to:
- (1) Height, which shall conform to the requirements of this chapter;
 - (2) Building mass, which shall include the relationship of the building width to its height and depth, and its relationship to the visual perception;
 - (3) Exterior detail and relationships, which shall include all projecting and receding elements of the exterior, including, but not limited to, porches and overhangs and the horizontal or vertical expression which is conveyed by these elements;
 - (4) Roof shape, which shall include type, form, and materials;
 - (5) Materials, texture, and color, which shall include a consideration of material compatibility among various elements of the structure;
 - (6) Compatibility of design and materials, which shall include the appropriateness of the use of exterior design details;
 - (7) Landscape design and plantings, which shall include lighting and the use of landscape details to highlight architectural features or screen or soften undesirable views;
 - (8) Vehicular and pedestrian access, which shall include location, width, and type of surface for all points of ingress and egress;
 - (9) Signage, which shall include, in addition to the requirements chapter 29, pertaining to signs, the appropriateness of signage to the building in relation location, historical significance of the structure and neighboring structures, traffic visibility; obstruction of views from neighboring property;

- (b) The planning and zoning commission may request from the applicant such additional information, sketches, and data as it shall reasonably require. It may call upon experts and specialists for testimony and opinion regarding matters under examination. It may recommend to the applicant changes in the plans it considers desirable and may accept a voluntary amendment to the application to include or reflect such changes. The planning and zoning commission shall keep a record of its proceedings and shall attach to the application copies of information, sketches, and data needed to clearly describe any amendment to the application.
- (c) If the conditional use permit is granted by the planning and zoning commission, the applicant shall be required to obtain a building permit and/or a development permit, if required, provided all other requirements for a building permit and/or a development permit are met. The building permit and/or a development proposal as approved shall be valid from one year from the date of approval. The planning and zoning commission may grant an extension of the one-year limitation if sufficient documentation can be provided to warrant such an extension.

STAFF ANALYSIS

Staff has reviewed the request and has made the following findings:

1. The proposed building meets the intent of the Retail Services zoning standards for the building and site work;
2. The architectural style of the building meets the intent of the I-35 Overlay;
3. Materials types and specific colors are available on the elevation sheet.
4. The overall design aesthetic and color palette does not match the current ideals within the I-35 Overlay standard for the preferable appearance of the Kyle I-35 corridor. However, not every commercial building needs to have the red brick and white limestone preference (Sec. 53-899(j)(1)). Aesthetic variety is a good idea, as to promote architectural diversity within the City of Kyle.

The site plan shown as an exhibit is code compliant and matches the proposed building for both the Retail Services zoning district and I-35 Overlay. The building meets the intent for the IH-35 Overlay..

RECOMMENDATION

Staff has reviewed the color elevations for compliance with the Sec. 53-899 (I-35 Overlay design standards), and the plans are compliant. Staff recommends approval of the conditional use permit (CUP-22-0063).