



CITY OF KYLE

Community Development Department



MEMORANDUM

TO: Planning & Zoning Commission

FROM: Kaela Sharp – City Planner

DATE: Tuesday, June, 13, 2023

SUBJECT: Waffle House CUP-22-0055 Extension Request

REQUEST

On June 13, 2022, the Planning and Zoning Commission approved the Conditional Use Permit for Waffle House, which will be located at 5767 Kyle Parkway. The project has been delayed and the applicant is now seeking an extension for their Conditional Use Permit. Per City Code, Conditional Use Permits are valid for one year and expire after this time if no progress has been made on the site. Waffle House has recently submitted their building permit and plan to begin construction soon, but the start date will be after the CUP has expired. Because of this, the applicant is seeking an extension, which requires approval by the Planning and Zoning Commission. No changes to the approved elevations are being proposed.

LOCATION

The property is located at 5767 Kyle Parkway, Kyle, TX 78640, approximately 250-feet northeast of the intersection of Kyle Parkway and Lowe's access road.



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. No changes are being made to the approved CUP or site plan.
2. Sufficient documentation has been provided to warrant an extension.

RECOMMENDATION

As construction is expected to begin in the near future, Staff has determined that an extension is warranted for the CUP to allow for the successful completion of the project. Staff recommends approval of this extension request.