

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 August 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 5th day of August prior to 6:30 PM.

1. CALL MEETING TO ORDER

2. ROLL CALL

3. CITIZEN COMMENTS

4. ELECTION VICE-CHAIR

5. CONSIDER AND POSSIBLE ACTION

- A. Consider a request by Joe Angle, Smith Dairy Queens, LLC (Dairy Queen – 22601 IH-35) for a conditional use permit to construct a 3,065 square foot building located within the IH-35 Overlay District. (CUP-16-009)

6. GENERAL DISCUSSION

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

7. STAFF REPORT

8. 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

08/05/2016
Date



CITY OF KYLE

Community Development Department



MEMORANDUM

TO: Planning Commission

FROM: William A. Atkinson- City Planner

DATE: August 9th, 2016

SUBJECT: Conditional Use Approval, I-35 Overlay District – Dairy Queen

REQUEST

The applicant seeks to construct a 3,065 square foot, one-story, single-tenant restaurant along the Interstate 35 northbound frontage road and E. Ranch Road 150, consisting of an exterior finish of masonry, earth tone colors, blue, red and bronze colors appropriate to Dairy Queen standards.

LOCATION

The property is located at 22601 I-35 Frontage Rd, on the corner of the northbound frontage road and E. Ranch Road 150, with the main entrance facing the IH-35 frontage road and the secondary entrance facing E. Ranch Road 150.

OVERLAY DISTRICT

The project site exists in 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.

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 substantially meets the intent of the retail services zoning standards for the building and site work;
2. Four-sided landscape is provided with the appropriate amount of shrubbery; the minimum required trees for the is 25 (round up from 24.2), 24 are provided.

Sec. 53-992. Additional required plantings. For every 600 square feet of landscape area required by this article, two trees and four shrubs shall be planted. 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. This section shall not apply to any property included in any of the following zoning categories: A, UE, R-1-1, R-1-2, or R-1-A.

Additionally, the Cedar Elm and Mexican White Oak trees, need to be a minimum of 4" caliper, not the 3" as stated on the plans, and the Desert Willow, Mexican Plum, Mountain Laurel all need to have a minimum of two trunks at least 2" caliper each, not the stated 1.5" caliper, (ANSI Z60.1).

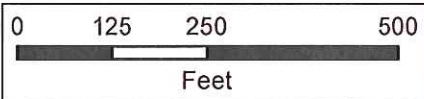
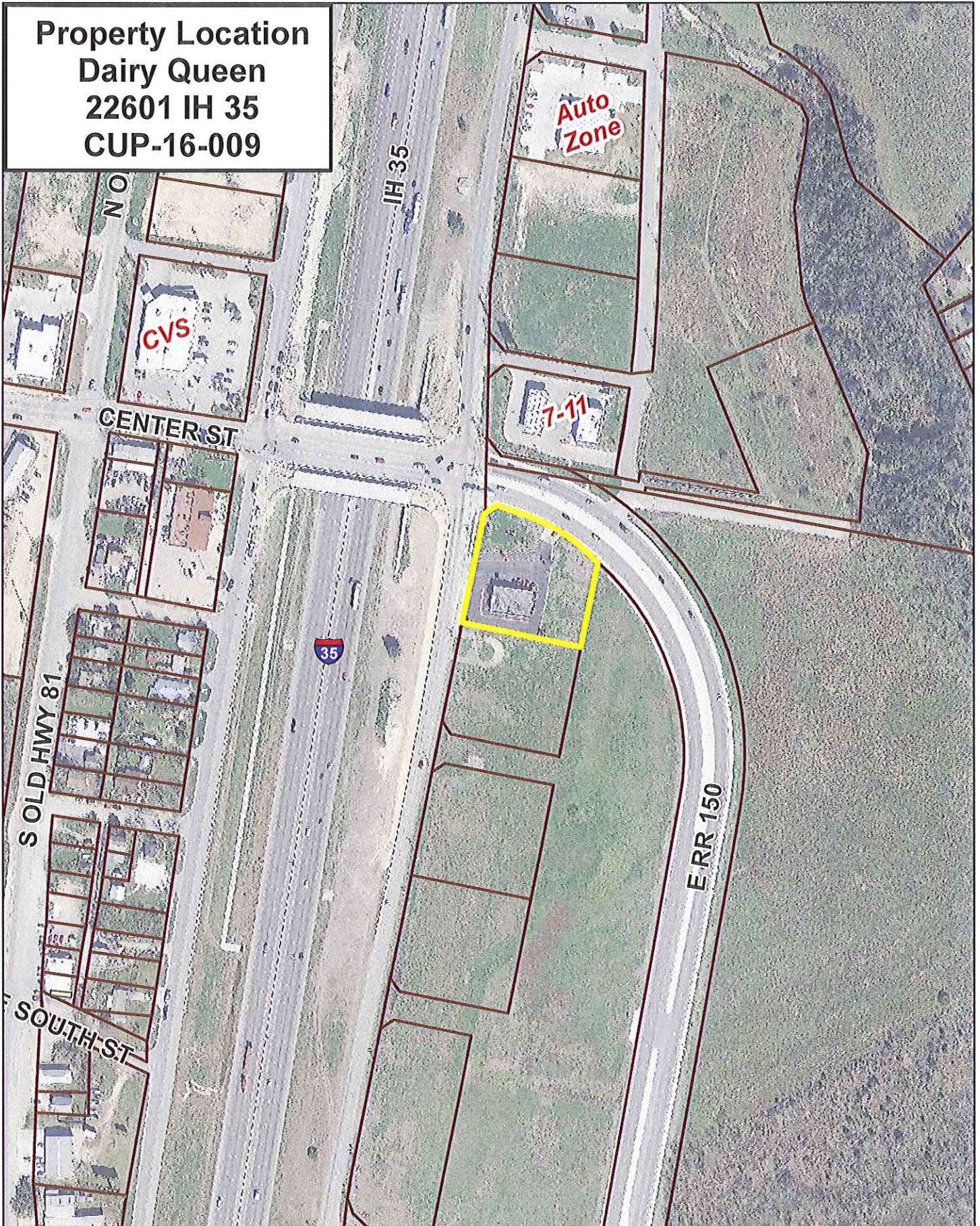
Sec. 53-987. Planting criteria. (a) Trees. Trees shall be a minimum of four inches in caliper measured three feet above finished grade immediately after planting.

3. A proper list and sample of materials types and specific colors are available along with the marketing renderings submitted;
4. No lighting plan was submitted;
5. Providing a low curb or set of bollards to delineate the entry area of the drive thru, should reduce traffic issues for incoming traffic off the frontage road.
6. Plans indicate existing pylon sign will continue to be utilized.
7. The overall design aesthetic and color palette matches the current Dairy Queen building, and is within the preferable appearance of the Kyle I-35 corridor.

ATTACHMENTS

1. Exterior elevations
2. Site plan
3. Landscape plan
4. Application submittal

Property Location
Dairy Queen
22601 IH 35
CUP-16-009



 Property Boundary

 Parcel Lines

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 orientation of the structure.

CITY OF KYLE

AUG 02 2016

Date: 07-29-16

(CUP-16-009)

PROJECT INFORMATION

PLANNING DEPARTMENT

Project Name: Dairy Queen		
Project address: 22601 I-35 Frontage Rd.		
Subdivision: Kyle 150 / I-35		
Lot: 1	Block:	Section:
Zoning: R/S RETAIL / SERVICE	Square Footage of Building: 2,601	

APPLICANT INFORMATION

Owner's Name: Joe Angle, Smith Dairy Queens. LLC	
Owner's Signature: Joe Angle	Date: 7/29/2016
Address: 161 Earl Rudder Fwy, Bryan, TX 77802	
Phone: (979) 218-5335 Fax:	E-mail: joe.angle@smithdq.com
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)	
<input type="checkbox"/> I will represent my application.	
<input checked="" type="checkbox"/> I hereby authorize the person named below to act as my agent in processing this application.	
Agent: Greg Guerin Architect, NCARB East Star Design	
Agent's Address: P.O. Box 53 Forney, TX 75126	
Phone: (214) 469-7176 Fax:	E-mail: gguerin@eaststardesign.com

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: Dairy Queen

REQUIRED ITEMS FOR SUBMITTAL PACKAGE

CITY OF KYLE

The following items are required to be submitted to the Planning Department in order for the Application to be accepted.

AUG 02 2016

1. Completed application form with owner's original signature.

PLANNING DEPARTMENT

2. Application fee: \$190.21, plus \$3.78 per acre or portion thereof. (1.1 Acres)

Total Fee: 197.77

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.

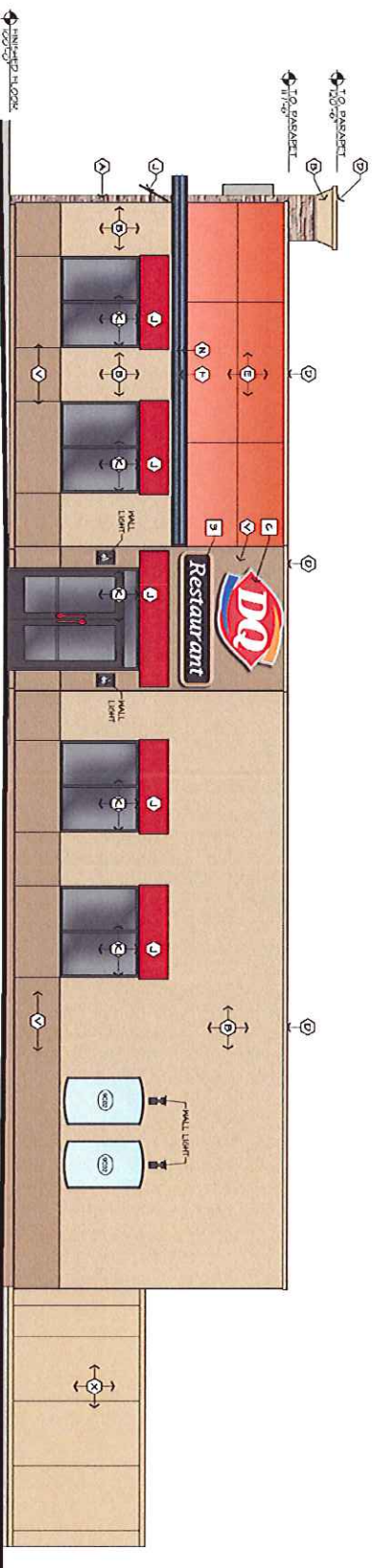
4. A site plan and building elevations drawn to scale showing at a minimum, the lot dimensions, size, shape, and dimensions of the proposed and/or existing structure(s); the location and orientation of the structure(s) on the lot and the actual or proposed building setback lines; and all points of ingress 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.

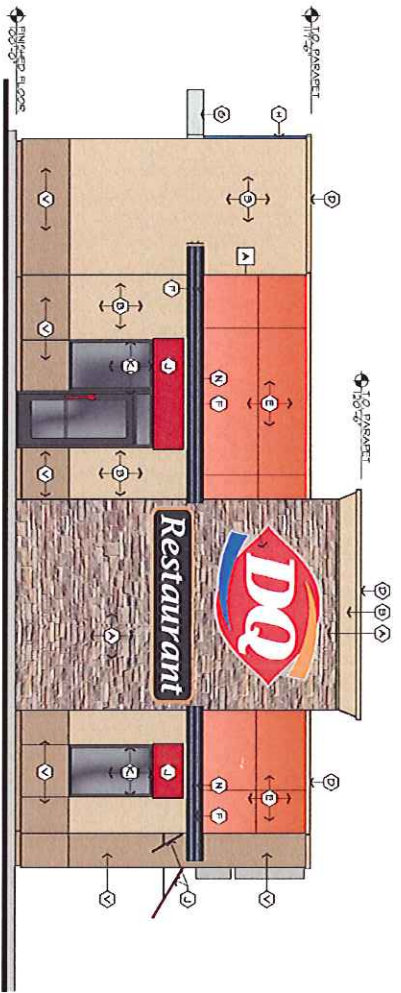
6. Copy of Deed showing current ownership.

***** 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.*



ENTRANCE ELEVATION



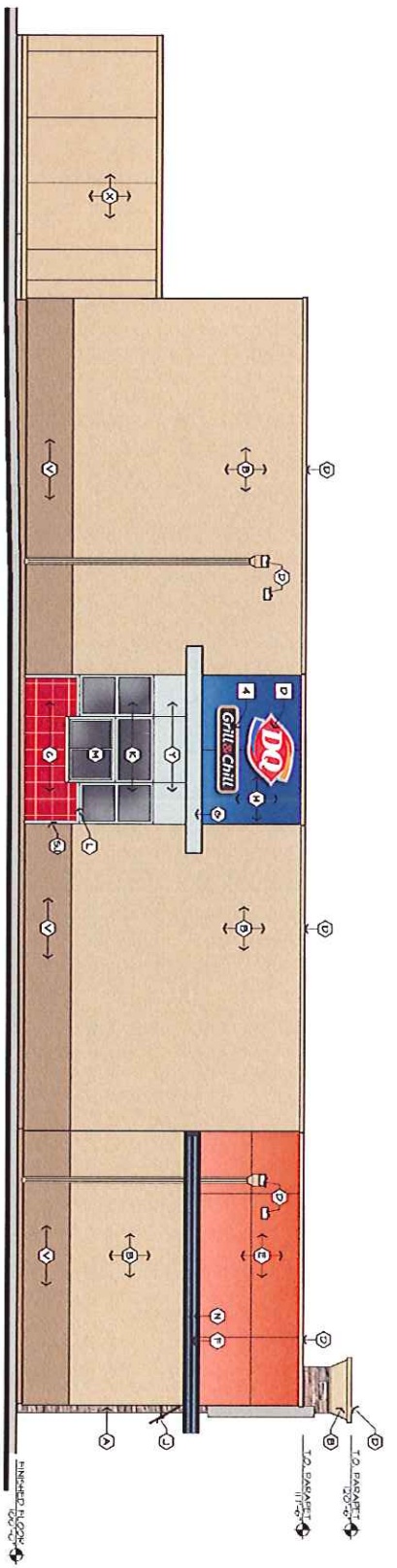
FRONT ELEVATION

SIGNAGE AREAS:

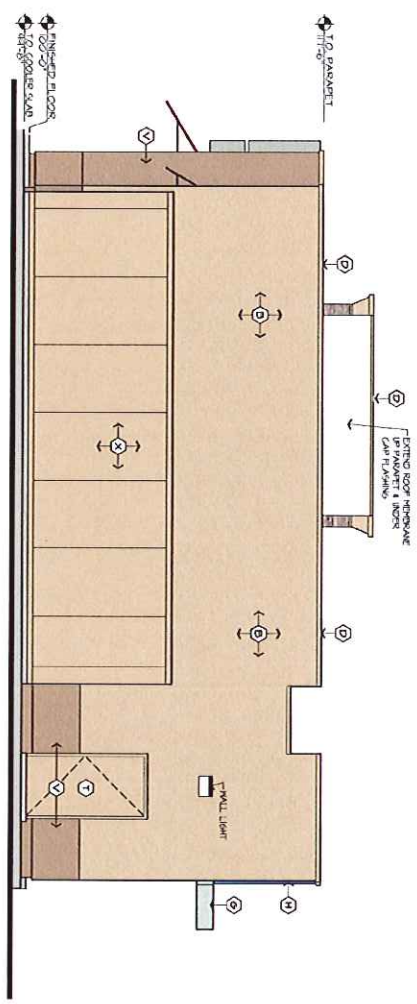
A	DQ LOGO 6'-6"x10'-0" PROFILE AREA: 46.36 S.F. RECTANGULAR AREA: 65.0 S.F.
C	DQ LOGO 4'-3"x6'-6" PROFILE AREA: 19.68 S.F. RECTANGULAR AREA: 27.63 S.F.
1	GRILL & CHILL BOWTIE 3'-3"x13'-0" PROFILE AREA: 42.25 S.F. RECTANGULAR AREA: 41.77 S.F.
3	GRILL & CHILL BOWTIE 2'-1"x8'-5" PROFILE AREA: 17.53 S.F. RECTANGULAR AREA: 17.32 S.F.

DQ GRILL & CHILL - CORE72

EXTERIOR ELEVATIONS



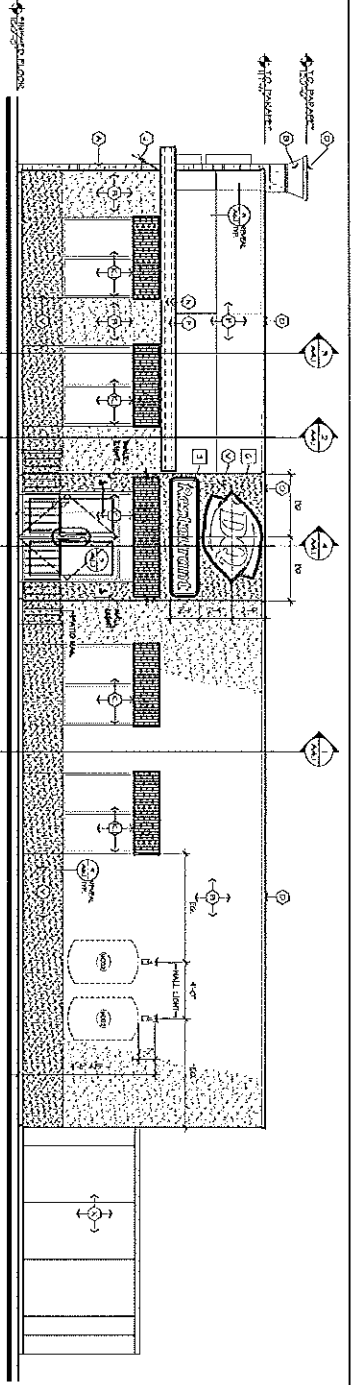
DRIVE-THRU ELEVATION



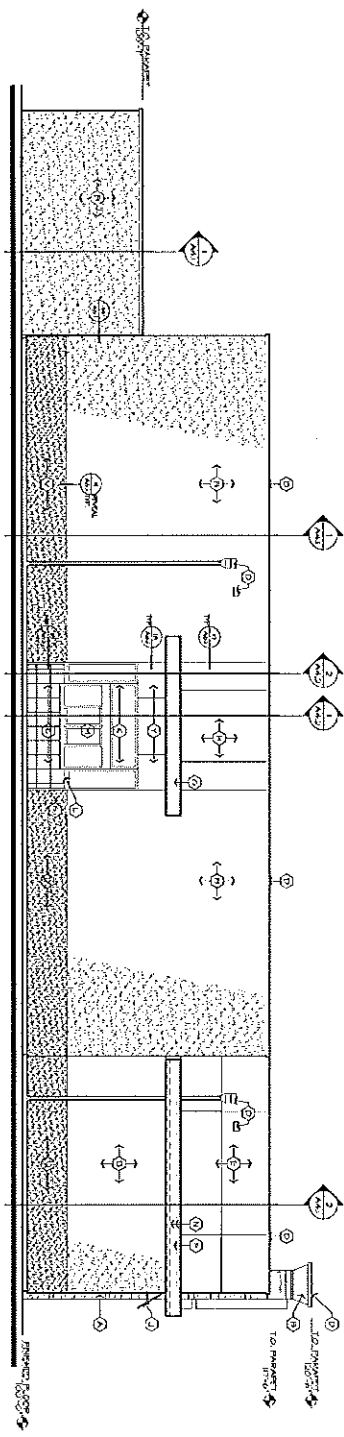
REAR ELEVATION

DQ GRILL & CHILL - CORE72

EXTERIOR ELEVATIONS



1 ENTRANCE ELEVATION
SCALE: 1/8" = 1'-0"



2 DRIVE-THRU ELEVATION
SCALE: 1/8" = 1'-0"

EXTERIOR ELEVATION KEYNOTES:

- 1. SINK: SINK SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S INSTALLATION INSTRUCTIONS.
- 2. SINK: SINK SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S INSTALLATION INSTRUCTIONS.
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511

H&S ARCHITECTS, INC.
 605 2ND FLOOR
 SUITE 200
 2201 W. WYATT
 DALLAS, TEXAS 75224
 N. Texas Architects # 11178

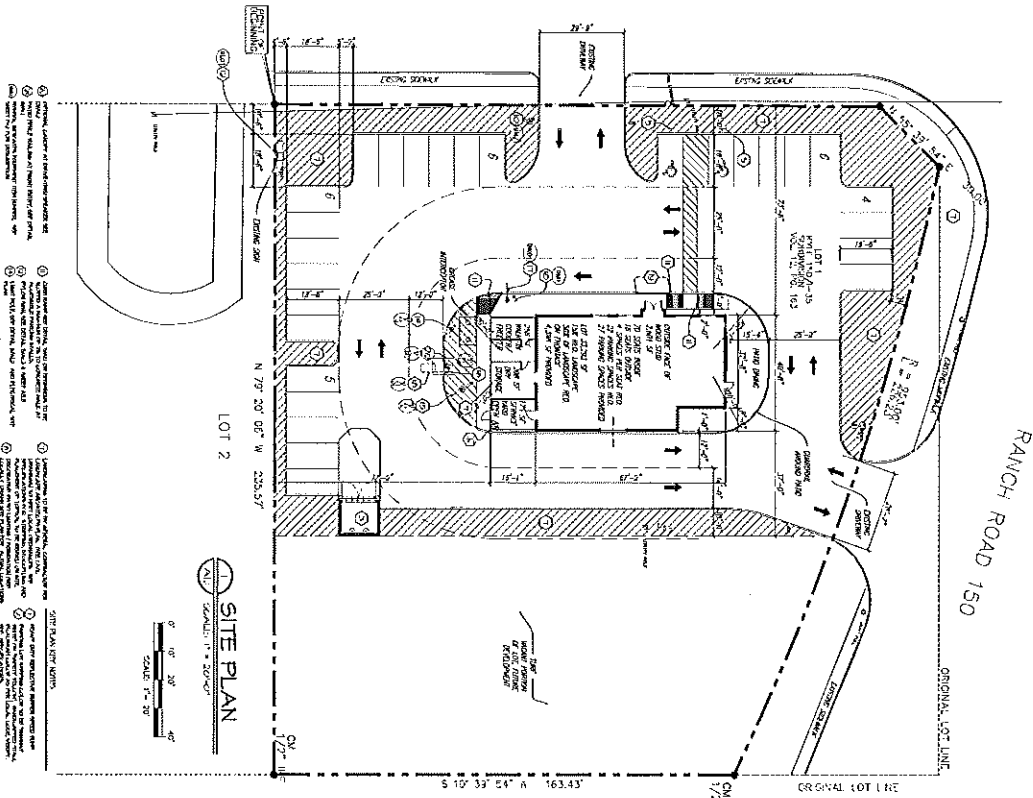
KYLE R. SMITH
 07-27-18

SMITH DQ
 22601 I-35 Frontage Rd
 Kyle, TX 78640

RESTAURANT
 AMERICAN DINNER GREEN
 MINNEAPOLIS, MN, U.S.A.

SHEET NUMBER
A3.1
 ELEVATIONS

INTERSTATE 35
N 10° 50' 43" E 214.63'



- 1. All dimensions are in feet and inches.
- 2. All bearings are in degrees, minutes and seconds.
- 3. All areas are in square feet.
- 4. All volumes are in cubic feet.
- 5. All elevations are in feet above mean sea level.
- 6. All materials are to be specified by the contractor.
- 7. All work is to be done in accordance with the latest editions of the applicable codes and standards.
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- 19. All work is to be done in accordance with the latest editions of the applicable codes and standards.
- 20. All work is to be done in accordance with the latest editions of the applicable codes and standards.

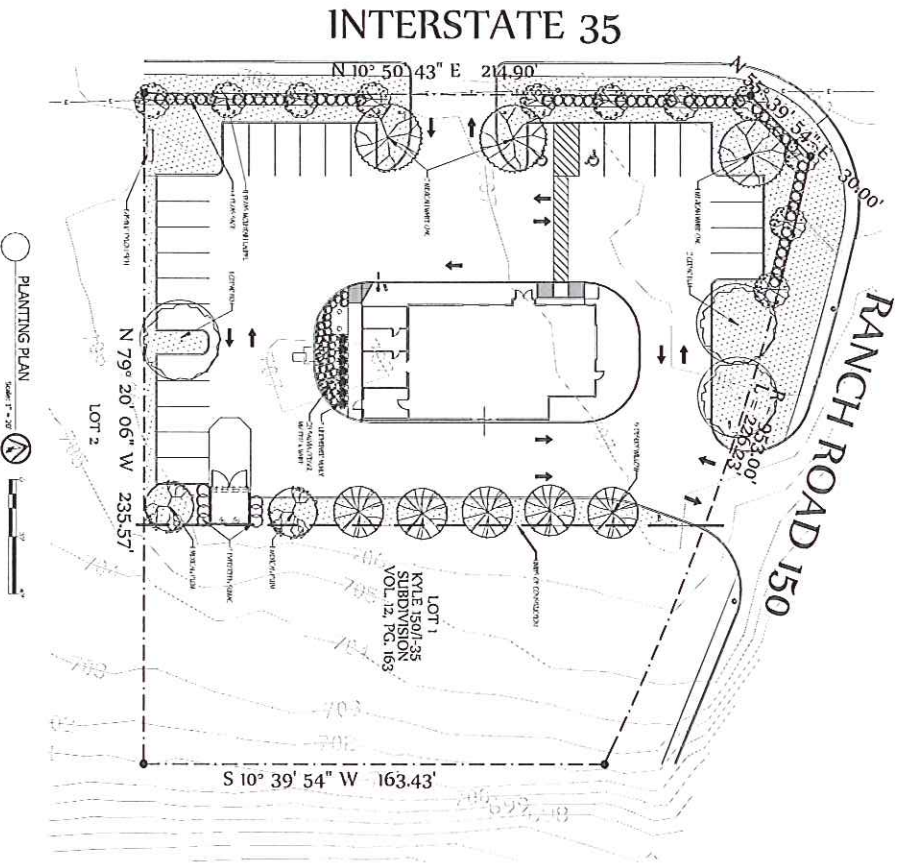
<p>PROJECT NUMBER: A1.1</p>	<p>RESTAURANT RESTAURANT MINNEAPOLIS, MN, USA</p>	<p>SMITH DQ 22601 I-35 Frontage Rd Kyle, TX 78640</p>	<p>DATE: 07/27/2018 TIME: 2:28 PM</p>	<p>PROJECT: FAST SPAN</p> <p>FAST SPAN 10000 W. 17th Street Suite 100 Denver, CO 80202 Tel: 303.755.7200 Fax: 303.755.7201 www.fastspan.com</p>
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Plant Name	Quantity	Plant Size	Plant Spacing	Plant Spacing
[Symbol]	1	12" x 18"	6" x 6"	6" x 6"
[Symbol]	1	12" x 18"	6" x 6"	6" x 6"
[Symbol]	1	12" x 18"	6" x 6"	6" x 6"

PLANT LIST

Plant Name	Quantity	Plant Size
[Symbol]	1	12" x 18"
[Symbol]	1	12" x 18"
[Symbol]	1	12" x 18"

DRAWING KEY



Jurisdiction of Project

REGULATORY AGENCIES
 STATE OF TEXAS
 TEXAS AGRICULTURAL MECHANIZATION BOARD
 TEXAS ANIMAL INDUSTRY BOARD
 TEXAS DEPARTMENT OF TRANSPORTATION
 TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
 TEXAS COMMISSION ON GREEN BUILDING
 TEXAS DEPARTMENT OF HEALTH
 TEXAS DEPARTMENT OF MENTAL HEALTH
 TEXAS DEPARTMENT OF PROBATION AND PAROLE
 TEXAS DEPARTMENT OF SOCIOLOGICAL SERVICES
 TEXAS DEPARTMENT OF STATE SERVICES
 TEXAS DEPARTMENT OF TEXAS A&M UNIVERSITY
 TEXAS DEPARTMENT OF TEXAS STATE OFFICIALS

Landscaping Requirements

- A. LANDSCAPE DESIGN SHALL BE IN ACCORDANCE WITH THE LATEST EDITION OF THE "LANDSCAPE DESIGN HANDBOOK" PUBLISHED BY THE TEXAS LANDSCAPE ARCHITECTS ASSOCIATION (TLAA), INC. (WWW.TLAA-USA.COM)
- B. PLANTINGS SHALL BE SELECTED FROM THE "LANDSCAPE PLANT LIST" ATTACHED TO THIS PLAN.
- C. PLANTINGS SHALL BE SPACED AND MAINTAINED AS SHOWN ON THIS PLAN.
- D. RECESSED AND ELEVATED TERRACES SHALL BE MAINTAINED AS SHOWN ON THIS PLAN.
- E. MULCH SHALL BE APPLIED AS SHOWN ON THIS PLAN.
- F. LANDSCAPE DESIGN SHALL BE COMPLETED AND APPROVED PRIOR TO CONSTRUCTION.
- G. MAINTENANCE SHALL BE AS SHOWN ON THIS PLAN.

Irrigation Requirements

LANDSCAPE DESIGN SHALL BE IN ACCORDANCE WITH THE LATEST EDITION OF THE "LANDSCAPE DESIGN HANDBOOK" PUBLISHED BY THE TEXAS LANDSCAPE ARCHITECTS ASSOCIATION (TLAA), INC. (WWW.TLAA-USA.COM)

Site Location



Owner & Professionals Information

OWNER:
 SMITH DAIRY QUEEN RESTAURANT
 22601 I-35 FRONTAGE ROAD
 KYLE, TEXAS 78640

ARCHITECT:
 JAMES W. SMITH ARCHITECTS
 1401 W. GRAND AVENUE, SUITE 100
 KYLE, TEXAS 78640
 PHONE: 254-337-2222
 FAX: 254-337-2223
 WWW.JAMESWSMITHARCHITECTS.COM

LANDSCAPE ARCHITECT:
 FREDERICK S. STUBBS
 1401 W. GRAND AVENUE, SUITE 100
 KYLE, TEXAS 78640
 PHONE: 254-337-2222
 FAX: 254-337-2223
 WWW.FREDERICKSTUBBS.COM

LANDSCAPE PLANTING PLAN

NO.	ITEM DESCRIPTION	DATE:
1.	SITE PLAN SUBMITTAL	8.11.16
2.		
3.		
4.		
5.		
6.		
7.		

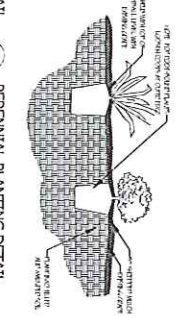
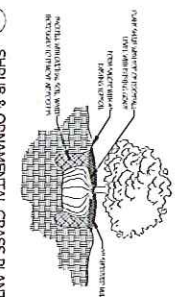
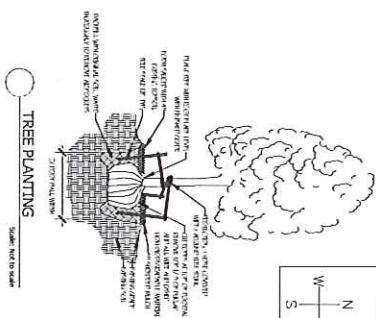
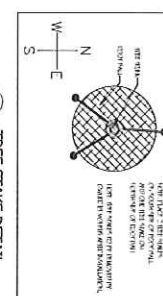
F.O. Box 652, 1416, Kyle, Texas 78640
 Phone: 254.337.2222 Fax: 254.337.2223
 fso@fstrubbs.com

L1.01

LANDSCAPE PLAN
SMITH DAIRY QUEEN RESTAURANT
 22601 I-35 FRONTAGE ROAD
 KYLE, TEXAS 78640

SHEET NO.





SECTION 0210 - SOIL PREPARATION

- A. PREPARATION OF SOIL, INCLUDING:
 1. EXCAVATION, AS SPECIFIED HEREIN.
 2. EXCAVATION TO EXPOSE EXISTING SOIL. EXCAVATION HAS BEEN COMPLETED TO THE DEPTH SPECIFIED.
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 3. EXCAVATION TO EXPOSE EXISTING SOIL. EXCAVATION HAS BEEN COMPLETED TO THE DEPTH SPECIFIED.

SECTION 0210 - LANDSCAPE PLANTING

- A. SPECIFIC CONDITIONS:
 1. EXCAVATION TO EXPOSE EXISTING SOIL. EXCAVATION HAS BEEN COMPLETED TO THE DEPTH SPECIFIED.
 2. EXCAVATION TO EXPOSE EXISTING SOIL. EXCAVATION HAS BEEN COMPLETED TO THE DEPTH SPECIFIED.
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FIELDMAN DESIGN SOLUTIONS
 1701 W. 83rd St., Edinburg, Texas 78541
 Phone 972.930.1100 Fax 972.930.1100
 field@fieldman.com

NO.	ITEM DESCRIPTION	DATE:
1.	SITE PLAN SUBMITTAL	5.1.16
2.		
3.		
4.		
5.		
6.		
7.		

Professional Engineer Seal
 State of Texas
 License No. 12345
 Date: 5/1/16

LANDSCAPE PLAN
SMITH DAIRY QUEEN RESTAURANT
 22601 I-35 FRONTAGE ROAD
 KYLE, TEXAS 78640

LANDSCAPE DETAILS

L1.02

SHEET NO.