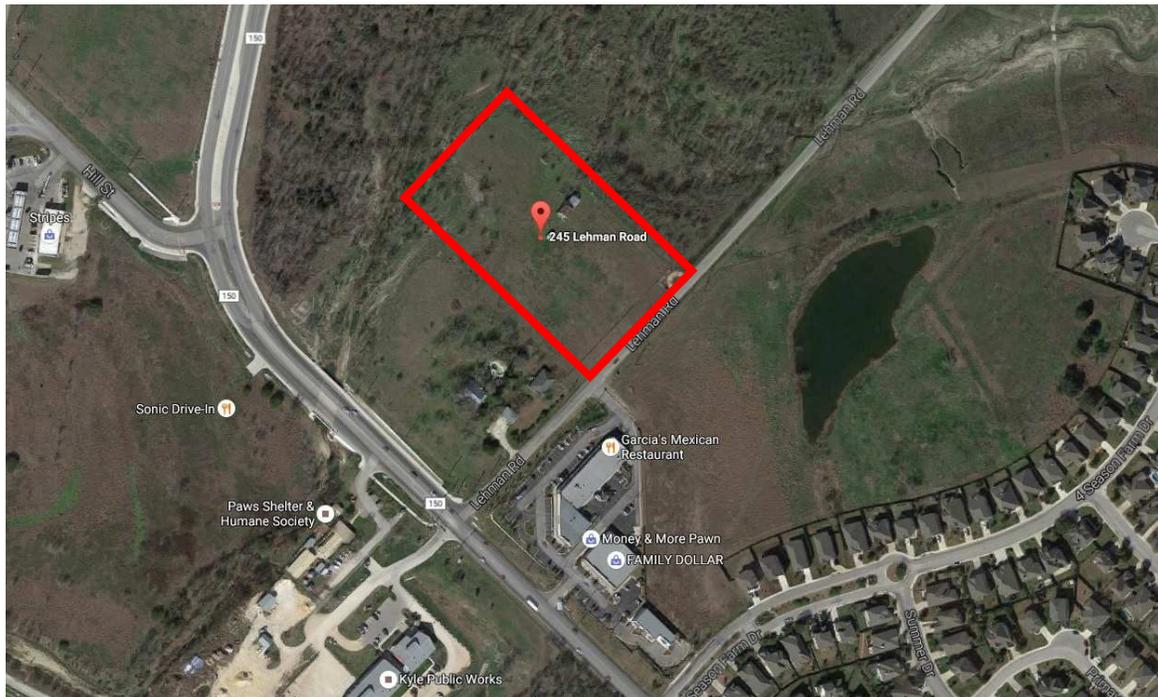


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<b>Property Location</b>	<b>245 Lehman Road</b>
<b>Owner</b>	<b>Tom &amp; Lyndee Jordan 850 Bluffview Drive Wimberley, Texas 78676</b>
<b>Agent</b>	<b>Kelly Kilber Bec-Lin Engineering 100 East San Antonio Street, Suite 100 San Marcos, Texas 78666</b>
<b>Request</b>	<b>Rezone 5 acres from A (Agriculture) to R/S (Retail /Services)</b>

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### Vicinity Map



### Site Description

The site is located at 245 Lehman Road, on the northwest side of Lehman approximately 600 feet northeast of the intersection of Lehman Road and RR 150 East. The property, comprising 5.00 acres, is currently zoned A (Agriculture), and is developed with a vacant home structure and two accessory out structures. The lot is adjacent to similarly zoned properties on the northeast and southwest, to property zoned R/S (Retail/Services) to the northwest, and the properties to the southeast, across Lehman Road, are zoned both W (Warehouse) and R/S.

Although the lot fronts on Lehman Road, it is adjacent to a large block of parcels all zoned R/S, which are positioned around the intersection of the east Center Street extension and Interstate 35 from Goforth Road on the north side to Hill Street to the south.

The site is encumbered with no less than two-thirds of its land area consumed in 100-year floodplain (FEMA Zone 'AE'). The portion of the lot out of the floodplain is on the Lehman Road side; the remainder of the lot slopes down toward an unnamed feeder creek of Plum Creek.

The applicant seeks to rezone the subject property to R/S, a commercial zoning category for "general retail sales of consumable products and goods within buildings of products that are generally not hazardous and that are commonly purchased and used by consumers in their homes, including most in-store retail sales of goods and products that do not pose a fire or health hazard to neighboring areas".

## **Conditions of the Zoning Ordinance**

### §53-1205 – Amendments

...

(d) Referral of amendment to planning and zoning commission. Upon its own motion, a request by the planning and zoning commission, or the receipt of an administratively complete petition and application to zone or rezone a lot, tract or parcel of land, which petition and application has been examined and approved as to form by the city manager, shall be referred to the planning and zoning commission for consideration, public hearing, and recommendation to the city council. The council may not enact a rezoning amendment until the planning and zoning commission has held a public hearing and made its recommendation to the city council, or has made a final vote on the matter without obtaining a majority, on the zoning or rezoning of the property.

(e) Action by the planning and zoning commission. The planning and zoning commission shall cause such study and review to be made as advisable and required, shall give public notice and hold a public hearing as provided by state law, and shall recommend to the council such action as the planning and zoning commission deems proper...

## **Comprehensive Plan Text**

The subject site is located in the 'Regional Node' character area. In Regional Node, it is recommended that the R/S zoning district be approved conditionally.

Regional Node 'Character': "Regional Nodes should have regional scale retail and commercial activity complemented by regional scale residential uses. These Nodes should represent the character and identity of Kyle, and signal these traits to the surrounding community. Regional Nodes have a radius of approximately 1/3 of a mile so that they are walkable, but are able to contain a greater range of uses at a larger scale than those found in Local Nodes. Appropriate uses may include grocery stores, retail shopping centers, multi-family housing, and municipal services, such as libraries and recreation centers."

Regional Node 'Intent': "The primary goal of the Regional Nodes is to capture commercial opportunities necessary to close Kyle's tax gap. To achieve this goal, these Nodes should draw upon anticipated regional growth and aggregate density to enhance value and activity levels in a concentrated and visible location. Regional Nodes should provide a mixture of uses that complements regional commercial activity, as well as encourage high intensity residential development. These Nodes should respond to other regional areas of growth, specifically along I-35 and FM 1626, and to growth toward Hwy 21, SH 45 and SH 130. The anchor of each Regional Node should be regional commercial uses, and Regional Nodes should have a high level of development intensity."

## **Analysis**

This property presents a series of challenges to being utilized at its highest and best use. The most obvious of which is the physical environment itself. Well over two-thirds of the lot's area is located in 100-year floodplain, meaning special dispensations and development techniques will be required to develop in that portion of the lot at all. This does not mean the lot cannot be built upon, but to do so takes more effort than similar greenfield development not located along a creek. Additionally, although the adjacent acreage is located exactly at a major interstate exit and is appropriately zoned for commercial development, no builder or developer has yet stepped forward to establish the type of project envisioned in the city's comprehensive plan. These parcels are located on a state road at an exit for an interstate highway, and are largely vacant except for a few, stand-alone retail outlets.

In an effort to catalyze development along this block, the owner, Tom Jordan, originally had applied to the city to assign 'W' (Warehouse) zoning to this parcel. Staff could not recommend approval of that designation for this particular lot because of the lot's environmental considerations, the type and number of land uses permissible by right (especially in light of the acreage available), and lastly the incongruent uses enabled by Warehouse zoning as they relate to the eventual development of the R/S parcels to the northwest and north. Mr. Jordan continued to work with staff to develop a course of action where the unique traits of the land could be utilized and he could still add value to the parcel. Namely, he would like to operate uses that don't require physical improvements in the restricted portions of the lot. However, R/S land uses are primarily operated indoors. A few of the less intrusive land uses in 'W' zoning could be established on the site until such time that higher and better uses would lend themselves to this lot as well.

To that end, the city has in the past entered into development agreements that specifically enable listed uses on parcels of land for specific purposes, as enabled in the agreement text. Staff has included an addendum to this zoning request consistent with this procedure, which would permit Mr. Jordan to operate "warehouse and off-site storage", and "general warehouse and storage", as they are presented in the city's zoning ordinance.

This condition of zoning will expire six months after the use ceases operations, but in the immediate term will allow for the introduction of a viable use on the ground until the land appreciates to the point of redevelopment.

### **Planning Commission**

At their regular voting meeting on October 11, the Planning & Zoning Commission heard and deliberated this item at a Public Hearing. After discussion with both staff and the applicant, the Commission voted **3-2 to recommend approval** of the request, so long as the R/S zoning is applied to the property prior to the terms of the associated development agreement being placed into effect (Huey, Kay dissent; Melendez, Wilson absent).

### **Attachments**

- Application
- Ordinance amendment text
- Boundary survey, "Zoning Application: Supporting Document, 245 Lehman Road"