

**Property Location**

**1381 Goforth Road  
Kyle, Texas 78640**

**Owner**

**John R. Simon & Gayla Simon  
1381 Goforth Road  
Kyle, TX 78610**

**Agent**

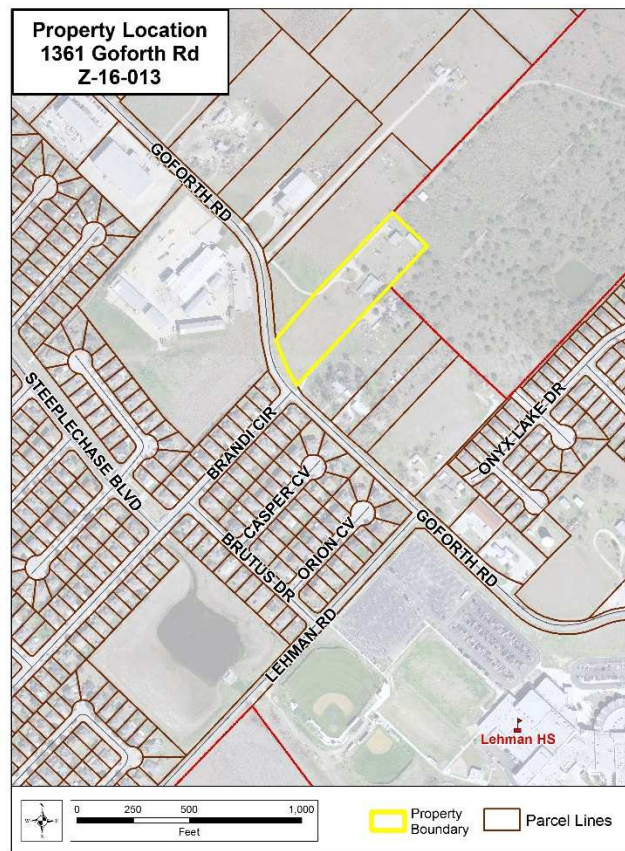
**Ward Davison  
1201 Rio Grande, Ste 200  
Austin, TX 78701**

**Request**

**Rezone 4.01 Acres A (Agriculture) to  
W (Warehouse)**

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**Vicinity Map**



## Site Description

The site is located on land that is currently zoned A (Agriculture) with direct access to Goforth Road along its southern boundary. Existing structures on site consist of a single family residence near the center of the lot and multiple accessory structures in the north portion of the property. It is bordered by CM (Construction/Manufacturing) land to the west and southwest (across Goforth Road), R-1 to the south (across Goforth Road), A and later RS (Retail Services) to the east, and unincorporated Hays County land to the north. The parcel is adjacent to or in the vicinity of warehouse and industrial land uses to the west, and primarily residential uses to the south and east.

The applicant seeks to rezone the property from A to W, Warehouse, which has been enabled for the following:

“(a)

The warehouse district W is designed to provide locations for outlets offering goods and services to a targeted segment of the general public as well as industrial users.

(b)

The permitted uses include those that primarily serve other commercial and industrial enterprises and do not include any use listed in the construction and manufacturing district CM, in division 19 of [the zoning ordinance]. No building or land shall be used, and no building hereafter shall be erected, maintained, or structurally altered, except for one or more of the uses hereinafter enumerated.

(c)

Any use permitted in district CBD-1, CBD-2, RS and this district as provided in section 53-1230.

## Conditions of the Zoning Ordinance

Sec. 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 both the "Mid-Town Community District" and "New Town Community District". While warehouse zoning is recommended conditionally in the New Town Community District, the majority of the parcel is located in the Mid-Town Community District. In Mid-Town, the requested zoning is not recommended.

Character: "The Mid-Town District contains sites of recent residential development in Kyle. The residential uses in this District are organized around curvilinear streets, rather than the regular, rectilinear grid that characterizes the Old Town District. The Plum Creek waterway flows through and adjacent to the Mid-Town District, offering opportunities for recreation and environmental conservation. This District has a neighborhood-oriented form built around shared spaces such as streets, yards, porches and common areas. Neighborhood legibility and continuity is enhanced through these shared spaces. Distinctive landscape forms, including creekways, vistas, and rolling hills, give identity to this District and should be preserved, protected, and incorporated into development plans."

Intent: "The purpose of the Mid-Town District is to maximize the value capture of new residential development in Kyle. This District enjoys unusual proximity to amenities, such as open space, Downtown, commercial nodes, and transit options. The area is therefore well-positioned to define an economic and lifestyle pattern that is unique to Kyle. New development should accommodate mid- to high-density residential uses within the unique landscape forms that are present in the District. Legibility of neighborhood identity, definition, and transportation should be improved within the Mid-Town District through such elements as trails, sidewalks, signage, and interconnected shared spaces."



## Analysis

The property to be rezoned is located on the periphery of a light industry area situated on Goforth Road and in a unique geographical location that could potentially form a natural break point to the east for single family residential or RS-related businesses. This property logically would form a hard boundary of industrial and assembly land uses along Goforth Road, with an expected transition to residential, or those districts aimed to support residential, beginning from this site toward the east and south. Goforth Road is currently undergoing re-construction to improve service for current & future traffic flows. This improvement in infrastructure is planned to stop at the subject site, and is intended to increase the road's level of service and access to existing and future development.

The site has distant but direct access both to- and from northbound I-35, as well as the residential neighborhoods to the south and northeast. Warehouse zoning is only conditionally recommended in the New Town District and not at all recommended Mid-Town District in the Comprehensive Plan, based on such factors as roadway infrastructure, proximity to major thoroughfares, potential disruption to stable neighborhoods, and access to adequate water and waste water facilities. Because it is located in such close proximity to similarly-zoned land uses, this applicant's request to rezone the parcel to W (Warehouse) could be considered favorably, as an end to the transition zone of these types of land uses along Goforth Rd. However, it may be more prudent to assign the RS district designation, as it would still achieve the intended result of creating a natural barrier between the commercial uses to the west and the residential uses to the east, as well as service the immediate needs of the surrounding community. The RS district is recommended conditionally in both the New Town and Mid-Town Districts.

## Planning Commission

At their regular voting meeting on the 10<sup>th</sup> of January, the Planning Commission heard and deliberated this item at a Public Hearing. After discussion between the applicant and the Commissioners, it was determined that the applicant has requested W zoning based on a mistaken understanding that certain aspects of the built product would be easier to accomplish under W zoning than RS zoning. In truth, the applicant can still move forward with his proposed land use under the terms of RS. Ultimately, the Planning Commission voted 3-2 to **recommend RS zoning** on the property. The applicant is aware of the Commission's recommendation and does not object to the parcel having RS assigned.

## **Attachments**

- Application
- Vicinity Map
- 2010 Future Land Use map