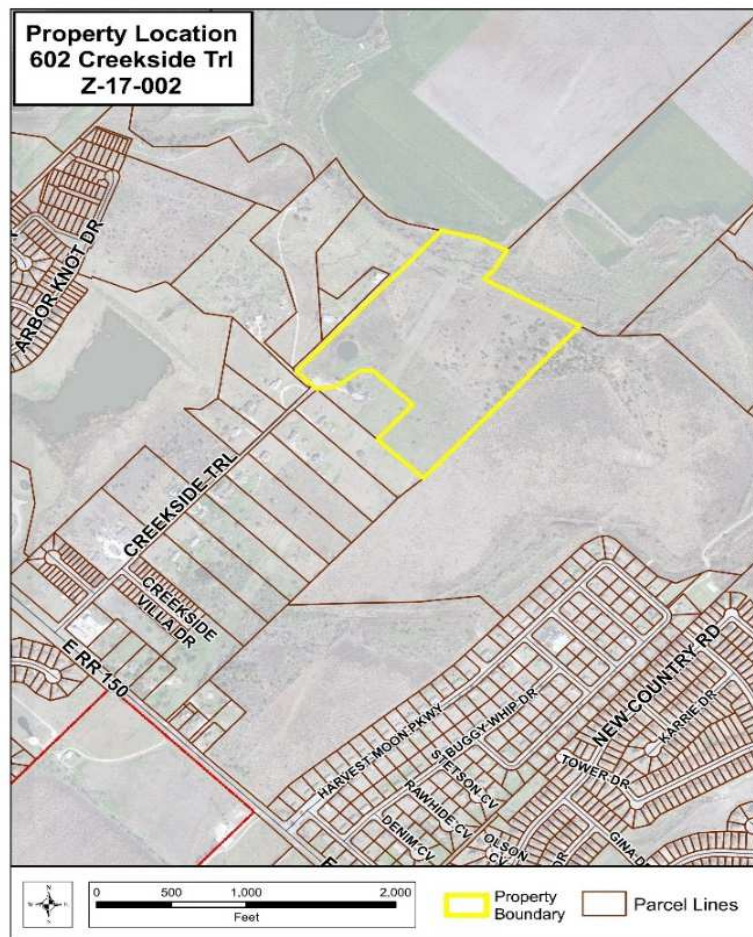


<b>Property Location</b>	<b>602 Creekside Trail, Kyle TX</b>
<b>Owner</b>	<b>Life's Journey Hospice and Palliative Care, LLC Sarah Files 187 Elmhurst, Ste. C Kyle, TX 78640</b>
<b>Agent</b>	<b>Mark Zupan, Garza EMC 7708 Rialto Blvd, Ste. 125 Austin, TX 78735</b>
<b>Request</b>	<b>Rezone 35.54 Acres, A to PUD</b>

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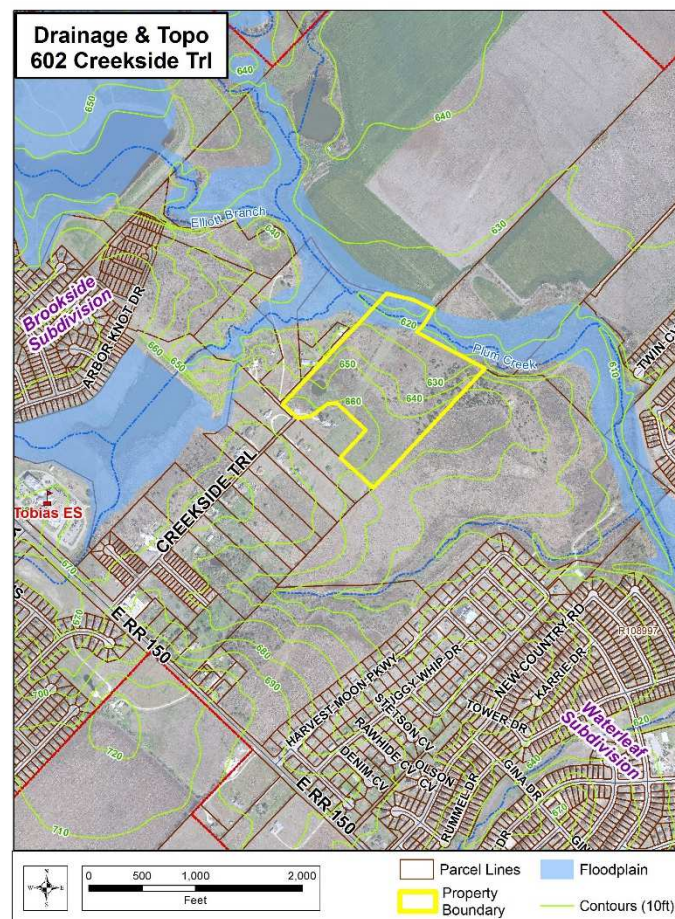
### Vicinity Map



## Site Description

The site is located on undeveloped land and is currently zoned A (Agriculture). The parcel is situated at the northern terminus of Creekside Trail. Creekside Trail is currently a local street with mostly single family residential lining both sides. The street runs south until intersecting with a small area developing into a local node at Creekside Trail and East FM 150. The node is a mix of retail/services, townhomes and assisted living/memory care for residents.

602 Creekside Trail generally slopes downward in a northerly direction to Plum Creek on the northern boundary. The parcel is on the uphill bank of Plum Creek with minimal potential flooding, both 1% and 0.2% chance of occurrence, and only within close proximity to Plum Creek. This area of the development parcel, is proposed to keep its current A (Agriculture) zoning designation.



The applicant seeks to rezone the property from A to PUD (Planned Unit Development), a mixed use category allowing for the following zoning districts within the PUD;

- NC (Neighborhood Commercial)
- R-1-C (Residential Condominium District)
- A (Agriculture)

## **Proposed Zoning Districts Encompassed by PUD**

### **Planned Unit Development**

#### **Sec. 53-699. - Purpose and objectives.**

(a) The purpose and intent of the planned unit development district is to provide a flexible, alternative procedure to encourage imaginative and innovative designs for the unified development of property in the city consistent with this chapter and accepted urban planning, with overall mixed-use regulations as set forth below and in accordance with the city's comprehensive plan. The planned unit development rules are designed to:

- (1) Allow development which is harmonious with nearby areas;
- (2) Enhance and preserve areas which are unique or have outstanding scenic, environmental, cultural or historic significance;
- (3) Provide an alternative for more efficient use of land, resulting in smaller utility networks, safer streets, more open space, and lower construction and maintenance costs;
- (4) Encourage harmonious and coordinated development, considering natural features, community facilities, circulation patterns and surrounding properties and neighborhoods;
- (5) Facilitate the analysis of the effect of development upon the tax base, the local economy, population, public facilities and the environment;
- (6) Provide and result in an enhanced residential and/or work environment for those persons living and/or working within the district; and

(7) Require the application of professional planning and design techniques to achieve overall coordinated mixed-use developments and avoid the negative effects of piecemeal, segregated, or unplanned development.

(b) Rezoning of land and development under this district will be permitted only in accordance with the intent and purpose of the city's comprehensive plan and this chapter, and to that end the planned unit development plan must be prepared and approved in accordance with the provisions of this chapter.

### **Neighborhood Commercial (NC)**

#### **Sec. 53-661. - Purpose.**

The neighborhood commercial district [NC] is to provide for various types of small scale, limited impact commercial, retail, personal services, and office uses located in close proximity to their primary customers. The uses of the neighborhood commercial district shall be designed in a way so as to be operated completely compatible to and harmonious with the character of surrounding residential areas.

#### **Sec. 53-665. - Use.**

The neighborhood commercial zoning district shall allow professional offices and small businesses serving neighborhood community needs. The following uses shall be permitted:

- Second floor multi-family shall be permitted by right regardless of base zoning;
- Bed and breakfast up to five rooms;
- Retail;
- Restaurant w/o drive-thru;
- Religious assembly;
- Art gallery;
- Dance studios;
- Child care center (outdoor playground allowed);
- Fire/police station;
- Professional office;
- Barber/beauty shop;
- Convenience/grocery store w/o fuel sales;
- Nursing/retirement homes;
- Veterinarian - without outdoor boarding;

- Health and fitness center;
- Financial institution w/o drive-thru banking.

Maximum Height- 2 stories

### Residential Condominium District (R-1-C)

#### **Sec. 53-172. - Purpose and permitted use.**

The residential condominium district R-1-C allows the establishment of a residential housing in compliance with the Texas Uniform Condominium Act, V.T.C.A., Property Code ch. 82, with individual apartments or units having a minimum of 500 square feet living area, inclusive of separate sleeping, living and kitchen facilities.

#### **Sec. 53-174. - Site development regulations.**

The site development regulations set forth in this section shall be exclusively applicable to residential condominium, district R-1-C.

(1) *Density*. The maximum dwelling units per buildable acre or square footage for the R-1-C district are as follows:

- a. Lot size of 9,000 square feet for two units.
- b. Lot size of 10,000 square feet for four units.
- c. A minimum of three units and for acreage tracts, 36 units per buildable acre.

\*Note- Code allows a height maximum of a 45-foot condominium development, by right. Agriculture zoning allows up to 45 foot structures by right. All adjacent zoning is Agriculture.

### Agriculture (A)

#### **Sec. 53-36.**

The permitted uses in the agricultural district A allow farming, ranching, pasturage, detached single-family residences and related accessory structures, on a minimum one-acre tract. Parks, playgrounds, greenbelts and other public recreational facilities, owned and/or operated by the municipality or other public agency are permitted.



Maximum Height- 45 feet

## **Conditions of the Zoning Ordinance**

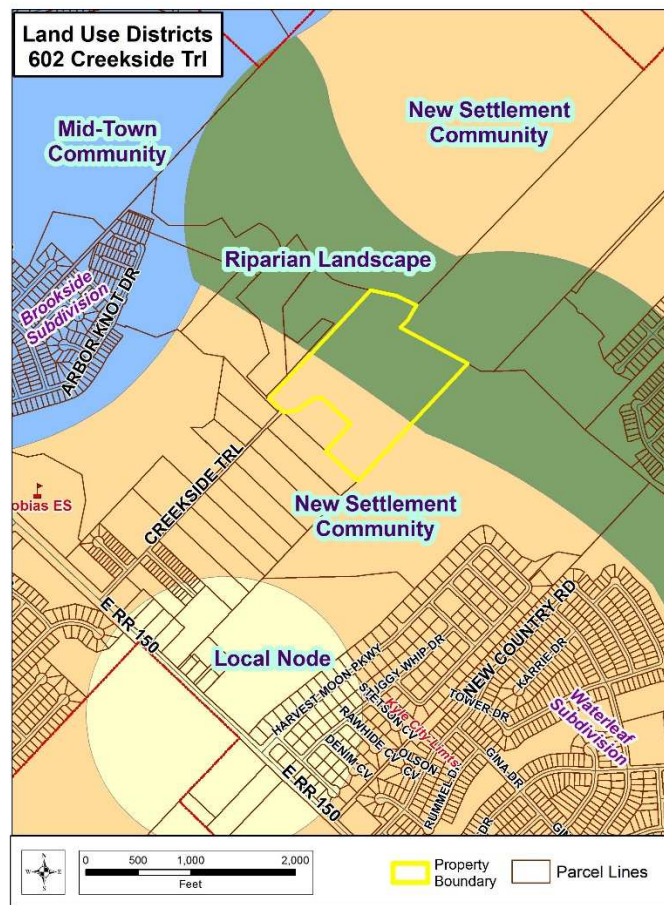
### **Sec. 53-1205 Amendments**

(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 both in the “Riparian Landscape District” and the “New Settlement Community District”. Planned Unit Developments are allowed within the New Settlement Community District. They are, by definition, a well thought out, mixed-use, harmonious design for a development, with the intention to improve the immediate and surrounding area.

## Riparian Landscape District

‘Character’: The Riparian Districts are characterized by the primary waterways of Kyle and surrounding floodplains, seeking to protect them from encroaching development. Additionally, significant vegetative cover can be found within these Districts, which impacts air quality and confers identity on the community. Riparian corridors may be wooded or open areas of land and water, and are of local and regional importance. Water quality and aquifer recharge are critical factors, especially as the areas around Austin develop quickly and demands for water resources increase.

'Intent': The intent of the Riparian District designation is to prevent the loss of sensitive riparian habitat that impacts regional environmental quality. Ecologically appropriate development policies and design standards should be defined in these areas. Design standards and guidelines should be implemented to preserve habitat, stabilize stream banks, improve water quality, and control erosion. Public spaces (such as parks and trails) in the Riparian Districts should be a priority for preservation and should connect the various development forms to promote community cohesion.

## **New Settlement Community District**

'Character': Stretching over both Plum Creek and I-35, the New Settlement District is comprised primarily of farm fields and new residential developments that are being carved out of former farm fields. Northwest to southeast roadway patterns are strong, while northeast to southwest connections are lacking. Traditional residential enclaves predominate in the New Settlement District, aggregated in neighborhoods of unique housing forms. Private and public spaces are clearly separate, with the public domain by shared neighborhood amenities and the private domain defined by privatized landscapes. Public space is not encroached on by private functions. The New Settlement District has a lower density and intensity of development than the adjacent Mid-Town District, and the open character of the landscape should evoke the agricultural heritage of the District. Physical and visual portioning and division of land should be avoided where possible in this District.

'Intent': The flat land and large parcel size in the New Settlement District result in a high level of development potential, which is beginning to be realized through market-driven demand for new housing stock. The City of Kyle should seek to capitalize on this “developability”, while emphasizing community amenities, enhancing the neighborhood lifestyle through shared spaces, and improving connectivity within and without the District. The unique water features, such as creek ways and detention/retention facilities, in the New Settlement District should be utilized as form-giving elements and corridors for connections. Use patterns should be established that complement residential development and facilitate beneficial land use transitions. In this way, the New Settlement District should serve as a transition between the higher intensity of use within the core Districts and the low intensity of use of the Farm District.

Recommended Zoning Categories: R-1-1, R-1-2, NC

Conditional Zoning Categories: A, E, HS, M-2, M-3, R-1-A, R-1-T, R-2, R-3-1, R-3-2, R-3-3, R/S, T/U, UE, CC



## Analysis

The property requesting to be rezoned is sited at the north end of Creekside Trail, surrounded by agricultural uses and a scattering of single family residential. .30 miles to the south along Creekside Trail is a rapidly developing local node, a hub of commercial and residential activity. This “node” is centered on the intersection of Creekside Trail and East FM 150. This area has existing retail and services options primarily used for local transactions with dedicated areas for future similar uses. Recently completed townhouse options for citizens within the vicinity of Tobias Elementary and within the node, have helped establish a smaller, pedestrian scale environment.

Reviewing the Kyle Transportation Master Plan 2045, it was determined that Creekside Trail will need to be extended across Plum Creek to the north and will continue across the landscape until the intersection of Goforth Road and Bunton Lane. This “project” was one of nine (9) that the public identified “as needed” when public forums were held regarding the transportation master plan (2015/2016). This thoroughfare will be designated an “L2U” or Local, 2-lane, Undivided, with a 60 foot right of way. While it will provide a much needed north/south connector on the east side of I-35, overall it’s expected to carry 7,000-8,000 vehicles/daily. This is a relatively light traffic load, compared to other existing roads within Kyle. The design and construction of the existing/future road is not in the current 5 year capital improvements plan, however as development occurs, the City of Kyle and future development need to do its part to ensure appropriate right of way is dedicated.

With 620 Creekside Trail situated at the end of the road and surrounded by low intensity development, any new or planned development within the immediate vicinity will have to take considerable care to blend in and be harmonious with existing land uses. To ensure greater municipal oversight in the development process, the developer has agreed to establish a PUD or Planned Unit Development. In the City of Kyle, a PUD allows for multiple zoning districts, planned from the beginning, within a larger boundary. As stated earlier in this report, any PUD is required to be a well thought out development that will ultimately enhance the immediate and surrounding area. As a note, this particular development will serve residents within the PUD boundaries, only.

The proposed zoning districts within the PUD are identified as NC (Neighborhood Commercial, R-1-C (Residential Condominium, and A (Agriculture).

**NC or Neighborhood Commercial** is designed to allow local or neighborhood scale retail or services with limited allowable uses, stated earlier in the report. There is a

two (2) story height limit, a smaller maximum building square footage and requires a more restrictive design standard with an emphasis on aesthetics. The general idea of a structure within the Neighborhood Commercial zoning district, is one that is designed to activate the street at a pedestrian scale or pedestrian oriented environment. The Neighborhood Commercial zoning designation has staff recommendation for the project.

**R-1-C or Residential Condominium** is designed to allow ownership of a dwelling unit for the resident without also having to own the land. It allows the resident to enjoy the stability of a neighborhood with higher ownership rates, while at the same time, having the flexibility to choose a dwelling unit that fits their space and financial requirements. In the City of Kyle, by code, condominiums have significant restrictions. The maximum units per buildable acre, for condominium development is 10,000 square feet for 4 units at 36 units per acre. The maximum height is 45 feet (the same height maximum as Agriculture zoning). This limits condominium development height, per acre, to 2 or 3 stories, maximum. Also, within the City of Kyle, a condominium development, has no requirement for an apartment block feel, architecturally. It can conceivably be standalone dwelling units scattered throughout a development. When placed within a PUD, as stated previously, the PUD must comply with the following, as well with additional requirements:

- **All development is required to blend in and be harmonious with the existing neighborhood development.**
- **Encourage harmonious and coordinated development, considering natural features, community facilities, circulation patterns and surrounding properties and neighborhoods;**
- **Provide and result in an enhanced residential and/or work environment for those persons living and/or working within the district; and**
- **Require the application of professional planning and design techniques to achieve overall coordinated mixed-use developments and avoid the negative effects of piecemeal, segregated, or unplanned development.**

While the New Settlement Community in the Comprehensive Plan, does not spell out the use of R-1-C, the 'Character' and 'Intent' of the New Settlement District spells out that new residential developments are continuously being carved out of the landscape. With the high developmental potential, "the City of Kyle should capitalize on this 'developability', while emphasizing community amenities, enhancing the neighborhood lifestyle through shared spaces, and improving connectivity within and without the District". This requested zoning, within the confines of the proposed PUD, is recommended by staff. If approved, planning staff will be working directly with the applicable parties to ensure appropriately scaled new development to achieve harmonious results with the surrounding, existing neighborhood.

## **A or Agriculture**

The permitted uses in the agricultural district A allow farming, ranching, pasturage, detached single-family residences and related accessory structures, on a minimum one-acre tract. Parks, playgrounds, greenbelts and other public recreational facilities, owned and/or operated by the municipality or other public agency are permitted.

The portion of acreage dedicated to A or Agriculture zoning district is designated to be the closest zoning to Plum Creek. A majority of the Agriculture zoning coincides with the creek's 100 year flood plain. This seems to be intentional. The Agriculture zoning district allows the least amount of recommended uses of any district, giving preference to farming and ranching if a property owner decides to use the land at all. Even allowable structures will likely face a significantly prohibitive cost increase to build, as not to disrupt the land in the flood plain. Additionally, this area is also within the Riparian Landscape District. The act of keeping it Agriculture zoning, by default, will likely contribute to the preservation of the creek area and flood plain. Special care needs to be taken, when considering any improvements to this area, to ensure preservation of the creek way. The New Settlement Community allows Agricultural zoning as conditional, however, being that the parcel already has this zoning, staff recommends that the remaining portion of the property keep its Agricultural zoning as is requested.

Maximum Height- 45 feet

## **Planning and Zoning Commission Recommendation**

In conclusion, staff supports the creation of the PUD at 620 Creekside Trail, in its entirety, considering the allowed increased oversight to ensure compatibility with the surrounding neighborhood. At the February 14<sup>th</sup>, 2017, the Planning & Zoning Commission voted 5-1 in favor of petition Z-17-002, recommending to Mayor & Council to approve the aforementioned zoning. Commissioner Growt made a motion "recommending approval to rezone from agriculture to PUD for the property at 602 Creekside Trail. Commissioner Melendez seconded the motion.

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## **Attachments**

- Application
- Location Map
- PUD Map
- Drainage/Topo Map
- Land Use Districts Map
- 2040 CAMPO Model Volumes