

**ORDINANCE AMENDMENT NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF KYLE, TEXAS, AMENDING THE ZONING ORDINANCE BY ZONING A 5.0-ACRE TRACT OF LAND LOCATED AT 245 LEHMAN ROAD – TRACT R14803 - FROM THE ZONING DISTRICT "A" TO THE ZONING DISTRICT "R/S"; PROVIDING FOR CONDITIONS OF ZONING; MAKING FINDINGS OF FACT; AND PROVIDING FOR RELATED MATTERS.**

**Whereas**, the owner of the property described hereinafter (the "Property") has requested that the Property be rezoned; and

**Whereas**, adjacent zoning of parcels include “R/S” (Retail Services) to the northwest and “W” (Warehouse) to the southeast; and

**Whereas**, zoning in Kyle is cumulative; and

**Whereas**, the owner has met with city staff and determined that a “W” zoning designation is not desirable on the Property, yet requests limited uses permitted in the W zoning district; and

**Whereas**, in order to comply with the zoning recommendations of the city staff and the comprehensive plan, while also affording certain uses allowable under the “W” zone, a development agreement is desired; and

**Whereas**, the City Council at public hearing has reviewed the request and the circumstances of the Property and finds that a substantial change in circumstances of the Property, sufficient to warrant a change in zoning of the Property through a development agreement has transpired;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KYLE, TEXAS THAT:**

**Section 1. Findings.** The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

**Section 2. Amendment of Zoning Ordinance.** City of Kyle Zoning Ordinance No. 438, as amended, the City of Kyle Zoning Ordinance No. 438 (the "Zoning Ordinance" or "Code"), is hereby modified and amended by rezoning the Property as set forth in Section 3.

**Section 3. Rezoned Property.** The Zoning Ordinance is hereby amended by changing the zoning district for the land located at 245 Lehman Road from “A” Agriculture to "R/S" Retail/Services. This property is hereby rezoned to "R/S" Retail/Services. A further description of the subject property is set forth in Exhibit “A” that is attached hereto and made a part of this ordinance.

**Section 4. Conditions of Zoning.** The property shall be developed and occupied in compliance the applicable requirements for the "R/S" District; and the additional restrictions on use set forth for this property only for the purpose of 4931-1000 Warehouse off-site storage (retail and wholesale) and 4931-1001 Warehousing and storage, general, as provided in the city’s Zoning Ordinance.

**Section 5. Standards.** All uses built under 4931-1000 and 4931-1001 will be built at the standards set forth for “W” Warehouse, to wit:

- A. Number of Parking Spaces – One space per 1,000 feet of gross floor space and one space for every 1½ employees.
- B. Building Area, Maximum Floor Area to Land Area Ratio – 1.5:1.
- C. Maximum Lot Coverage – Main Building 60%, Main Building and Accessory Building 65%.
- D. Front, Side, Rear Setbacks – 25 ft.
- E. Minimum Lot Sq. Ft. Area – 9,000 sq. ft.
- F. Minimum Lot Street Line Width – 80 linear ft.
- G. Height Limit – 45 ft.
- H. Outdoor storage is permissible only in the rear yard.
- I. Outdoor storage will be set back from property lines consistent with the setback standard for structures, and suitably screened from adjoining views.
- J. Parking/storage will occur only on improved surfaces – concrete, hot-mix asphalt, or masonry pavers on a suitable base.\*
- K. Landscape buffers between this and adjacent properties will be installed.

\*Land uses on the property will be cumulative, i.e. each separate land use will have to individually accommodate adequate off-street parking for its use. Shared parking can be used to meet this standard, only if approved by the majority consent of the Mayor & City Council.

**Section 6. Conflicts.** Any conflicts of use standards or development standards with regard to R/S zoning, 4931-1000, and 4931-1001 will be resolved by utilizing the stricter of the conflicting code sections.

**Section 7. Sunset.** Once commenced, in the event the warehouse uses are discontinued for a period exceeding six (6) months, this development agreement will expire and the zoning of this property will remain R/S with no special exceptions.

**Section 8. Open Meetings.** It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551, Texas Local Government Code.

**PASSED AND APPROVED on First Reading this \_\_\_\_\_ day of \_\_\_\_\_, 2016.**  
**FINALLY PASSED AND APPROVED on this \_\_\_\_\_ day of \_\_\_\_\_, 2016.**

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 Jennifer Vetrano, City Secretary

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 Todd Webster, Mayor