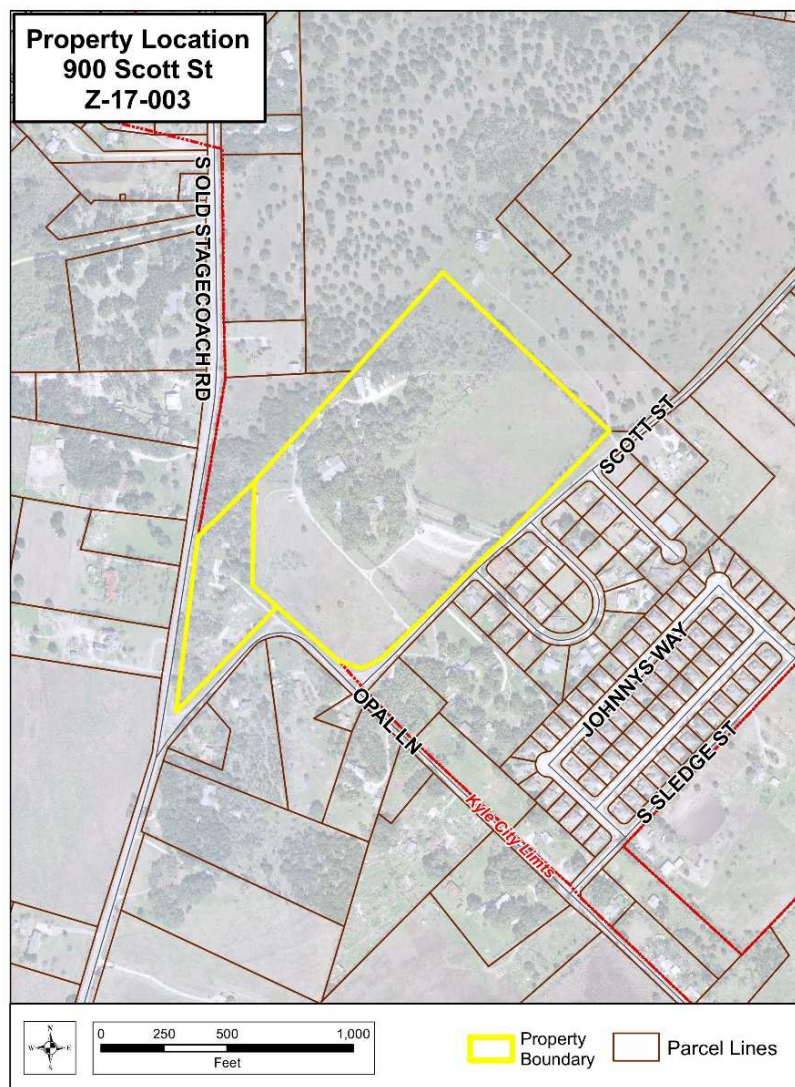


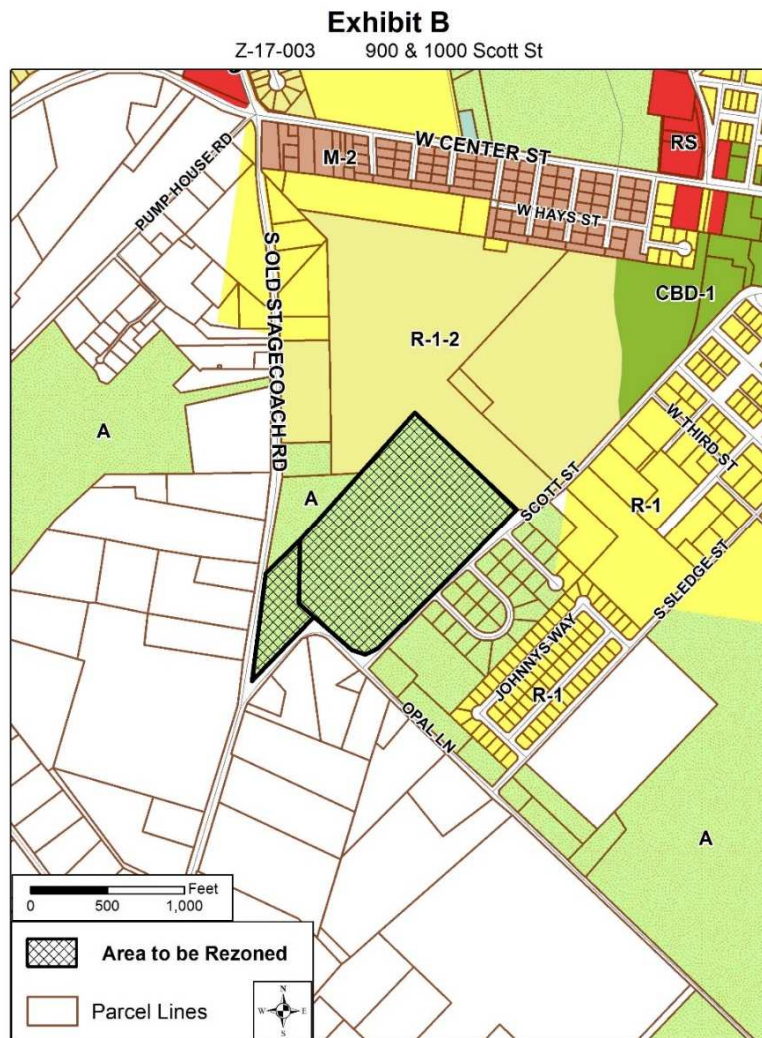
Property Location	900 Scott St, 1000 Scott St, 1101 Old Stagecoach Rd
Owner	MooreRood Properties, LLC Magdalena Rood & Leslie Moore 1800 Alta Vista Austin, TX 78704
Request	Rezone 27.66 Acres A & 4.19 Acres A, to R/S

### Vicinity Map



## Site Description

The total development site is comprised of two lots of record in a partnership, located on acreage bordered by Scott Street to the southeast, a short stretch of Opal Lane to the south and S. Old Stagecoach Road to the west. There is a large tract of land zoned R-1-3 bordering the subject property to the north and northeast. Existing single family residential uses are zoned A (Agriculture) to the southeast, across Scott Street. Parcels immediately to the south, across Opal Lane, are not within the city limits, nor are the residential parcels to the west, across Old Stagecoach Road. The *total* development property comprises 31.85 acres, and currently has one zoning category, Agriculture, assigned to it. The two parcels are split, one comprising of 27.66 acres and the other, 4.19 acres.



The applicant seeks to rezone the property from A (Agriculture) to R/S (Retail/Services, a commercial zoning category allowing 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, e.g., clothing, prescription drugs, furniture, toys, hardware, electronics, pet supply, variety, department, video rental and antique stores, art studio or gallery, hobby shops and florist shops.”

## **Conditions of the Zoning Ordinance**

Sec. 53-1205 Amendments

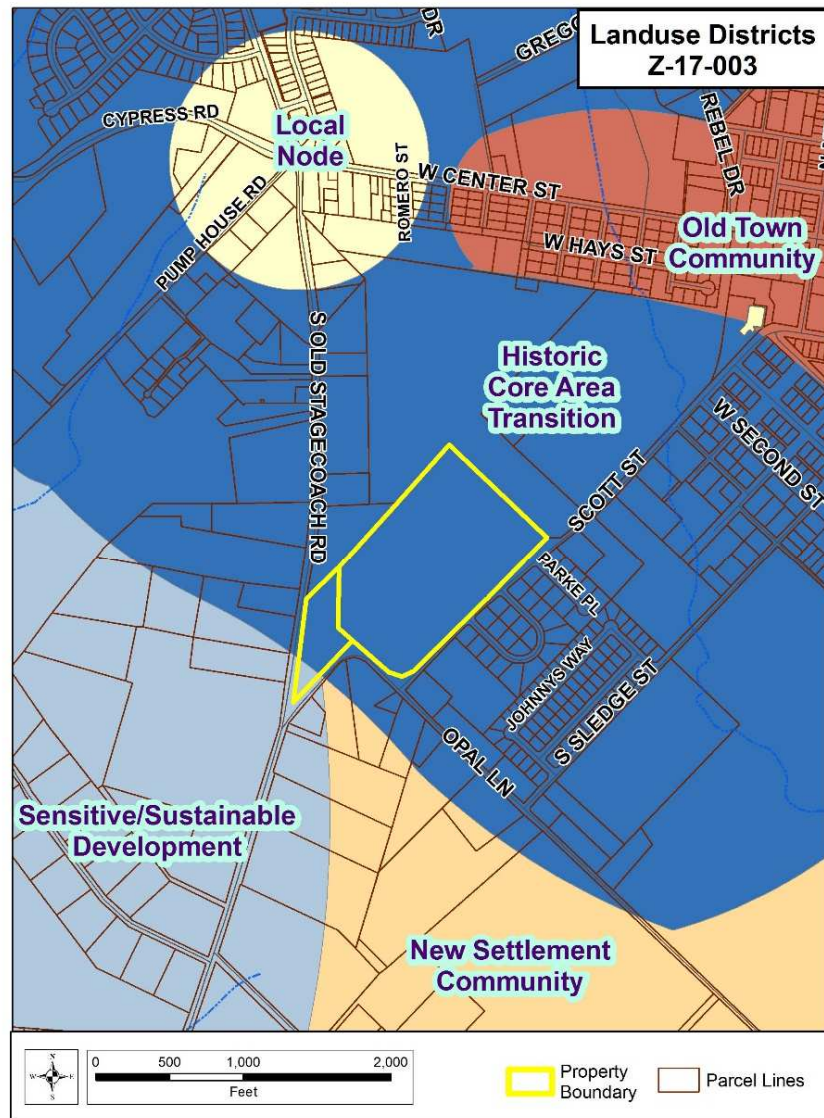
(d)

*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 primarily located in the “Historic Core Area Transition District” with the southernmost tip within the “Sensitive/Sustainable Development District”. Within the “Historic Core Area Transition District”, it is recommended that the R/S (Retail/Services) zoning district be approved conditionally, as to ensure the built environment preserves the historic and rural ideals of the surrounding area.

Character: The Historic Core Area Transition District serves as a transition between the regular gridded development pattern that characterizes Downtown and the more rural

patterns to the south and west, as well as newer development to the north. Significant features of this District include the intersection of Old Stagecoach Road and Center Street and the Gregg-Clarke Park. This District is a “middle landscape” of historic residential forms that transition to more rural residential forms. The District should embody the historic character of existing uses while anticipating appropriate expansion of Old Town. Development in the Historic Core Area Transition District has historically been on a small, lot-by-lot basis, rather than on a larger, project-by-project basis. Because of this, the street serves as the organizing feature of the District. Therefore, as new development extends into the District from the Old Town District, care should be taken to ensure that the historic street pattern is preserved.

Intent: The purpose of the Historic Core Area Transition District is to accommodate the growth of residential and neighborhood commercial uses around the Old Town District, while preserving the historic rural fabric. The core of Kyle should be allowed to expand into this area as population growth increases in order to strengthen the core of the City. Land use transitions are critical in this District, and the shift from township to rural landscape should be maintained. This can be accomplished by transition in the built form and function from commercial uses to residential uses and finally to rural agricultural residential uses and by establishing transitions in density, decreasing outwardly from the Old Town District. Public spaces in this District should be used to preserve the character of ranch heritage, where appropriate.

## **Analysis**

The property requested to be rezoned sits in a transition area that bridges the gap between the original City of Kyle and the rural housing along Old Stagecoach Road. This area is likely to be primarily single family residences with direct access to downtown Kyle via Scott Street, and access to the Blanco River for recreational amenities and interstate connections, via Old Stagecoach Road. However, with most residential, there’s typically some retail and service offerings which complement area residents.

Currently, the parcels are used as a special events facility and wedding venue. The use of the property was initiated prior to annexation into the city. When a property in the county is annexed into the city, it is assigned the Agriculture zoning designation, or what’s termed “original zoning”. However, if there is a business on the property which doesn’t conform to that original district designation -Agriculture- the operation of the business would be non-conforming per Kyle ordinance. To expand the existing use or

the intensity of the use, appropriate zoning needs to be in place to allow for lawful expansion or alterations.

The use of wedding venues is absolutely an appropriate use with Retail/Services. While the chart shows the primary zoning categories for wedding venues as CBD-1 and CBD-2, these zoning districts are typically restricted to the Historic Downtown, and are not currently nor *to be* recommended, within the Historic Core Area Transition District.

8129 9002	Services Wedding Chapel	CBD-1	CBD-2	RS	CM/W/E
8129 9001	Services Wedding Planning and Coordinating	CBD-1	CBD-2	RS	CM/W/E

Additionally, the Neighborhood Commercial zoning district is conditionally recommended within the Historic Core Area Transition District. It does have restrictive design guidelines, as to blend into the surrounding built environment, however special event facility/venues like Wedding Chapels are not specifically called out as allowable uses within this zoning district.

A 4.19-acre portion of the property at the intersection of Opal Lane and Old Stagecoach Road is appropriately situated to capitalize on future commercial opportunities and vehicular traffic. In its proximity to the residential zoning adjacent, retail and or service related commercial uses can be appropriate and complimentary to the surrounding area. The other 27.66 acres, fronting Scott Street, is likely to continue to be used to maintain or expand the existing special event facility venue or related land uses. Since it is already known what is currently in use, this is only part of the consideration when making a recommendation for appropriate zoning designation. As a land use decision, every use allowed under the Retail/Services zoning designation must be considered.

Though retail and service based commercial uses were not included in the calculations for future transportation demand modeling and required upgrades to surrounding road networks, at a basic level, traffic impacts are easily calculated. To help relieve the effects of unplanned or increased traffic, developers pay fees to help offset traffic impacts or they offer to upgrade portions of the surrounding road network in addition to improvements made to the parcel during development. Staff will work with applicable parties in the event of site development, to ensure appropriate

infrastructure upgrades related to vehicular traffic and on site conditions, are implemented.

## **Planning & Zoning Commission and Staff Recommendation**

The proposed district can be developed in a manner complimentary to existing, surrounding land uses, and supports the expectations of the city's comprehensive plan. At the Tuesday, March 14, 2017 Planning & Zoning Commission Meeting, the Commission voted five to one (5-1) in support of the staff recommendation to allow the rezoning from Agriculture to Retail/Services. Chairperson Ellison voted against the staff recommendation. Staff would ask the Council that the application for Retail/Services be considered favorably and recommended for approval.

## **Attachments**

- Application
- Location map
- Surrounding Zoning Map
- Land Use Districts Map
- Letter of Opposition