



CITY OF KYLE

Community Development Department



MEMORANDUM

TO: Mayor & City Council

FROM: William A. Atkinson- City Planner

DATE: July 18, 2017

SUBJECT: Conditional Use Approval, Use Recommendation

REQUEST

The applicant seeks to construct a 74,819-square foot, two-story, public charter school at the intersection of Goforth Road and Bluestem Street, at the entrance of the Prairie on the Creek subdivision. The school will initially be a primary school for elementary and junior high age students, with a future expansion planned for high school students and is required to have the use approved conditionally City Council with a recommendation by the Planning & Zoning Commission.

LOCATION

The property is at the corner of Goforth Road and Bluestem Street, adjacent to the Prairie on the Creek subdivision and across from the CubeSmart Self Storage facility.

OVERLAY DISTRICT

Development of the property will be required to comply with the I-35 Overlay District design standards.

TEXT OF THE ZONING ORDINANCE

Ord. No. 92, Sec. 5.13 Conditional Uses (Relating to C-1 zoning district)

"The following conditional uses may be permitted in any district when they meet special Regulations and conditions prescribed by the City Council, upon recommendation of the Planning & Zoning Commission through the issuance of a Use Permit. Detailed Examination of proposed location and use characteristics is necessary to maximize compatibility.

- Churches

- Community Buildings, Meeting-Recreation Facilities
- Hospitals, Sanitariums, Nursing Homes or Convalescent Homes
- Telephone Exchanges
- Child Care and Development Centers
- Public Libraries
- Municipal Service Facilities and Buildings
- **Schools, Public or Denominational**
- Medical Clinics, Pharmacies”

Sec. 53-1046. - Purpose.

The city council may by ordinance, adopted by four affirmative votes after receiving the recommendation of the commission, grant a conditional use permit in compliance with this division for the conditional uses as listed in [section 53-1047](#). The city council may impose appropriate conditions and safeguards, including a specified period of time for the permit, to protect the comprehensive plan and to conserve and protect property and property values in the neighborhood.

Sec. 53-1047. - Authorized conditional uses.

The following listed conditional uses, and none other, may be authorized subject to the terms of this section and compliance with all conditional terms, regulations and requirements established by the city council:

- (1) Heliport in CM, W and PUD districts only;
- (2) Municipal service facilities and buildings in all districts;
- (3) Circus or carnival, but not within 300 feet of any residential district;
- (4) Privately operated community building or recreation field in all districts;
- (5) Telephone, radio or television broadcasting tower or station in T, CM, W and PUD districts only;
- (6) Churches in all districts where not otherwise specifically permitted;
- (7) Cemeteries in A, TU, E, CBD-2, RS, W, CM, or PUD districts;
- (8) **Schools, public and denominational, but not day care in all districts where not otherwise specifically permitted;**
- (9) Manufactured homes in the limited areas as specifically authorized by this chapter;
- (10) Quarry operations are permitted in the CM district as conditional uses, subject to the requirements in division 2 of this article;
- (11) The specific manufacturing and warehouse uses set forth in the table in [section 53-1106](#) may be permitted as provided in division 3 in this article;
- (12) RV sales in the RS district within the I-35 overlay district only; and
- (13) Buildings with a height of up to 150 feet in the RS district.

Sec. 53-1048. - Procedure.

Before authorization of any of the conditional uses authorized in [section 53-1047](#), public notice shall be given and public hearings shall be held as provided in V.T.C.A., Local Government Code ch. 211; provided that a conditional use permit for a period not to exceed seven calendar days may be given for a use set forth in [section 53-1047](#)(3) after a public hearing is held by the city council after having received a report and recommendation from the planning and zoning commission concerning the effect of the proposed use on the adjacent and neighboring properties and neighborhoods.

STAFF ANALYSIS

Staff has reviewed the request and has made the following findings:

1. The proposed use of a public charter school is a compatible use with the existing built environment (Prairie on the Creek community, rebuilt/widened Goforth Road).
2. Traffic mitigation techniques are required to be studied to provide adequate traffic measures related to the use of the property.
3. The proposed use of the property will receive a recommendation, by vote, from the Planning & Zoning Commission. The recommendation will be presented to City Council for a deciding vote at the next scheduled City Council meeting following the Planning & Zoning Meeting.

STAFF RECOMMENDATION

Staff supports the establishment of a public charter school, both in general, and at the specific location being proposed. Construction of public schools close to neighborhoods has primary benefits of providing opportunities for students to walk or bike to school, can add after-school programs in which students can be involved, and displaces less-desirable land uses. The secondary benefits of more and better educational opportunities are also attractive to a community; families locate in places with great schools. Once families establish themselves in great numbers, employment and retail outlets follow closely on their heels.

This specific site is located directly alongside the recently improved Goforth Rd. Road Bond improvement project, meaning the transportation conduit will be able to handle expected increased traffic loads. The school site should provide a land use buffer between the commercialized areas alongside the I-35 northbound frontage road and the neighborhoods to the east, because expected uses of the areas occur at different times of the day.

The Planning & Zoning Commission voted 5-0 to recommend approval of the use for Mayor and City Council to vote upon.

ATTACHMENTS

1. Application submittal