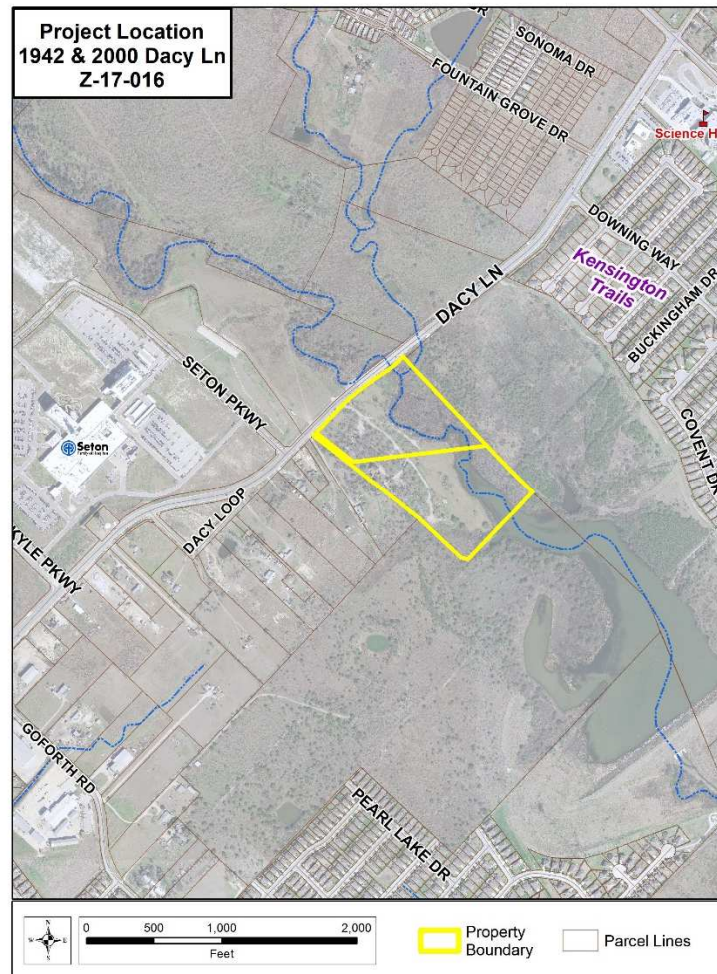


| | | |
|--------------------------|---|--|
| Property Location | 1942 & 2000 Dacy Lane, Kyle, Texas 78640 | |
| Owner | Dena Campbell 1942 Dacy Lane, Kyle, TX 78640 | Dedra Shea Green 2000 Dacy Lane, Kyle, TX 78640 |
| Agent | Danny Green 2000 Dacy Lane Kyle, TX 78640 | |
| Request | Rezone 25.72 Acres, A to RV (Recreational Vehicle) | |

Vicinity Map

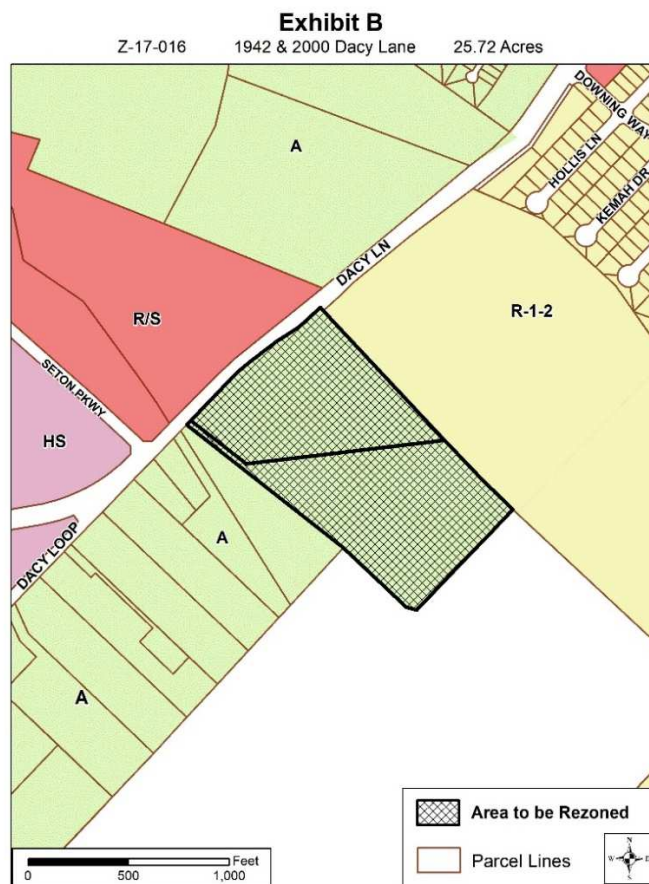


Site Description

The site is located on two (2) separate parcels each with a single-family residence and accessory structures. The site is currently zoned A (Agriculture). It is bordered on the west by Dacy Lane with Seton Medical Center Hays slightly to the southwest and across the street. To the northwest, across Dacy Lane, undeveloped land is zoned R/S (Retail/Services). Land zoned for R-1-2 and undeveloped, lies to the north and the east. To the southeast of the parcel and to the south, is a large undeveloped parcel that is outside the city limits. Additional low density properties used for residential and zoned A (Agriculture) also lie to the southwest. 1942 and 2000 Dacy Lane sit at the southern end of the Dacy Lane bridge at Bunton Creek.

The applicant seeks to rezone the property from A to RV (Recreational Vehicle) zoning category, allowing for the following:

“Property and areas of the city zoned RV may be planned, used, approved, platted and occupied as a recreational vehicle park with lots held under common ownership and rented or leased to individual occupants. Land in areas of the city zoned RV and having an approved plat may be used for dependent recreational vehicle, dependent travel trailers, independent recreational vehicles, independent travel trailers, recreational vehicles and travel trailers as defined in section 53-651.”



Conditions of the Zoning Ordinance

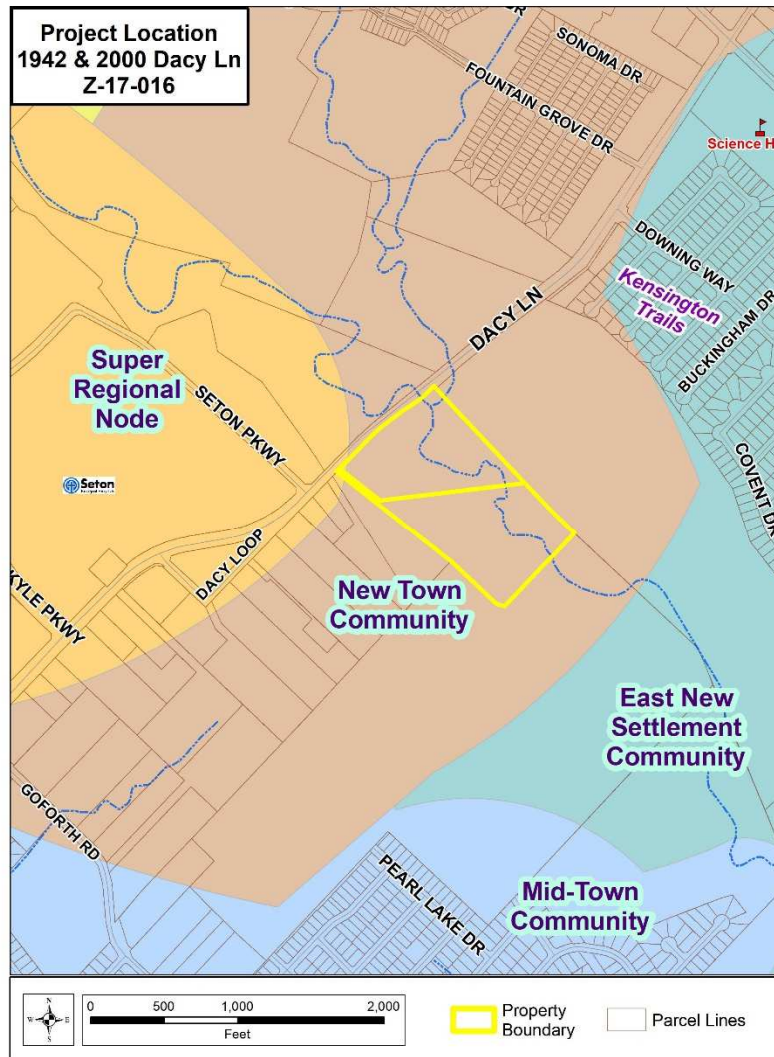
Sec. 53-1205 Amendments

(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 in both the “Super Regional Node” and the “New Town District”. However, ninety-five percent (95%) or more is within the “New Town District”. The “RV” zoning designation, or Recreational Vehicle, is a conditional use within the “New Town District”. This conditional use is carried over with the 2017 Comprehensive Plan update from the 2010 version.

New Town District

Recommended: R-1-1, R-1-2, R-1-3, R-1-C, R-1-T, R-2, R-32, R-3-3, CC, NC, R/S, MXD, O/I

Conditional: E, A, C/M, R-1-A, R-3-1, **RV**, T/U, UE, HS, W

New Town District

'Character': Currently consisting primarily of residential uses, open fields, some commercial uses along I-35, and the City's new Performing Arts Center, the New Town District will likely experience significant development pressures in the near future. This District straddles both I-35 and FM 1626, and growth from Austin and Buda is spreading south along these roadways. These land uses and the forms that follow are wide-ranging and varying according to the existing development pattern in place today, and the availability for utility service to as-yet undeveloped lands. The New Town District includes undeveloped residential areas, the proposed site for an 'Uptown' shopping/activity center, proposed and existing commercial along higher classified roadways, and legacy residential that has existed for many years. This District should be livable, comfortable, and convenient for all residents of Kyle and the surrounding region. Elements of form and design are critical to ensuring transitions between neighboring uses.

'Intent': The New Town District is designed to contain a horizontal mix of land uses that should be integrated across the area to express a cohesive community form. Many differing uses are encouraged throughout the District, but are distributed in autonomous land parcels instead of vertically aggregated in fewer land parcels. Horizontal mixed- and multi-uses provide a transition to integrate the community form of New Town with surrounding communities, landscapes, and nodes. As parcels along major roadways and alongside high capacity wet utilities come available, the development density of those parcels should be established higher than other areas of the city, especially any properties in proximity to either I-35, FM 1626, or both. The purpose of the New Town District is to harness economic development potential and establish its position as the sustainable center of surrounding growth. The leading way to make this a reality is to build off the strength of the urban form supported in the Core Area Transition District, make use of the transportation network already in place that runs through and along this district, and enable more uses and architectural types that blend well into the urban design form. This District should provide economic support to Kyle based on locational advantages gained by access to growth advancing from south Austin and nodal developments on the northern side of Kyle. Mixed-use development should be encouraged, not only permitted, to maximize economic development. This can be achieved by aggregating appropriate densities in order to support a mixture of uses. Development patterns and employment opportunities should be created in the New Town District that do not conflict with the surrounding community fabric. Establishing mixed use zoning districts and employment districts will complement the existing retail and service uses present today, and should be supported by the adjacent residential and future integrated multi-family residential.

Analysis

The property requesting to be rezoned is sited in an area that is developing from low intensity residential (Agriculture zoning) into a hub of commercial activity, relating to health care uses and professional offices. This development is occurring along the stretch of Dacy Lane at the Kyle Parkway terminus and is making its way north, along Dacy Lane.

The parcel related to this zoning petition is in large part (95% or more) within the “New Town District”. As stated above, the “RV” zoning designation is a conditional district in the “New Town District”. This means it could be allowed, if found appropriate, but greater consideration is required before a recommendation vote. Most of the items to be considered would be implemented at the site plan phase, if the zoning change is approved. These considerations are critical, however, early in the development process.

- **The Flood Plain-** Almost all the property to be rezoned (approximately 90%) is within the 100-year flood plain. This means at any given time, there is a 1% chance of a storm that will flood the property. While the City of Kyle’s code allows for structures to be built in the flood plain, they must be designed and constructed in such a way that there would be no adverse impact to the land, if it were to flood. To date, no development in Kyle has gained approval to build in the 100-year flood plain. The amount of damage flood waters can produce is considerable. **In addition, Sec. 53-655(a)(1) (RV Zoning) requires an adequately drained site.** It is highly likely that there will be drainage issues, during large rain events, because it is in the flood plain created by the Soil & Water Conservation Reservoir dam.



FEMA Flood Zone “A”, 100 Year Flood Event

- **Adequate Vehicular Access-** Considering the location regarding the 100-year flood plain, there is a requirement for multiple vehicular access points offsite. Both existing driveway connections would be used, one being outside the flood plain. The northern-most access point would lie in the 100-year flood plain during a heavy rain event, precluding its use due to high water. Additionally, the driveways will need to be designed and built to a commercial standard to allow adequate turning radii.

- **Waste Water Connections-** The City of Kyle has an agreement with the Plum Creek Watershed Partnership to limit additional on-site sewage facilities (OSSF), or septic tanks. When not properly maintained or in large flood events, these facilities can overflow, back up, or leak into nearby creeks or flood ways. This adds contaminants to the Plum Creek watershed that as a region, we are trying to reduce. Any new development is required to connect to city sewer services if available (within 500 feet) and **Sec. 53-655(b) (RV Zoning) requires each pad site to connect to sewer**. Furthermore, the property is in the bottom of a basin, which means that there is a good chance they may need to build a lift station to pump the sewage off the property. If this is the case, the City of Kyle will not accept nor maintain the lift station, as the City (Engineering & Public Works) does not encourage additional stations. When a lift station or septic is not an option, then the developer is required to build a gravity wastewater line.
- **Please see statement attached to the staff report, from the Kyle Fire Department.**

While the RV Zoning District may be appropriate in certain areas in the “New Town District”, multiple logistical and life safety issues require the City and governing bodies to make appropriate decisions regarding this specific zoning request. Sometimes the idea of a development may be appropriate at the comprehensive plan level, but site-specific issues and barriers cause significant difficulties at the site development stage, issues that should not be without consideration.

Recommendation

When considering all the issues stated above, staff cannot support the rezoning to the RV zoning district. It should be clearly stated that this is due to specific site development barriers, and not the 2017 Comprehensive Plan, which allows the RV zoning district conditionally in the “New Town District”. At the October 10, 2017 Planning & Zoning Commission meeting, the Commission voted, six to 1 (6-1), to not recommend approval of the zoning change.

Attachments

- Application
- Location Map
- Surrounding Zoning Map
- Land Use District Map
- Flood Plain Map
- Kyle Fire Department Statement