

Property Location	300 W. Allen Street, Kyle, Texas
Owner	Angel Rangel & Dalila Mendina-Rangel 130 Oak Hollow Court Buda, TX 78640
Agent	Maurico Quintero Rangel & Celia Israel 12000 Manchaca Rd, Ste. C Austin, TX 78748
Request	Rezone .407 Acres R-1 to R-1-3

### Vicinity Map



## **Site Description**

The parcel relating to the rezoning request is sited at the north corner of the S. Main Street and W. Allen intersection. It is currently undeveloped and has an assigned zoning of R-1 (Single Family Residential). All the properties surrounding the parcel associated with the rezoning request, are zoned R-1. The applicant is requesting a zoning change to R-1-3, also single family residential.

### **R-1 Zoning District (Ord. No. 92, 1978)**

The R-1 Zoning District allows for the following;

“...This district includes lands which are sub-divided into tracts for residential purposes. The district is designed to protect these areas from the undesirable encroachment of nonresidential uses, dense residential development and other similar uses not compatible with the character of one-family detached home type use, and provided with necessary services and facilities.”

The minimum lot size for the R-1 zoning district is 5,000 square feet and no more than 6 houses per buildable acre.

### **R-1-3 Zoning District**

The R-1-3 Zoning District allows for the following;

“...The R-1-3 single-family residential 3 district allows detached single-family residences with a minimum of 1,000 square feet of living area and permitted accessory structures on a minimum lot size of 5,540 square feet. There shall be no more than 5.5 houses per buildable acre.



## Conditions of the Zoning Ordinance

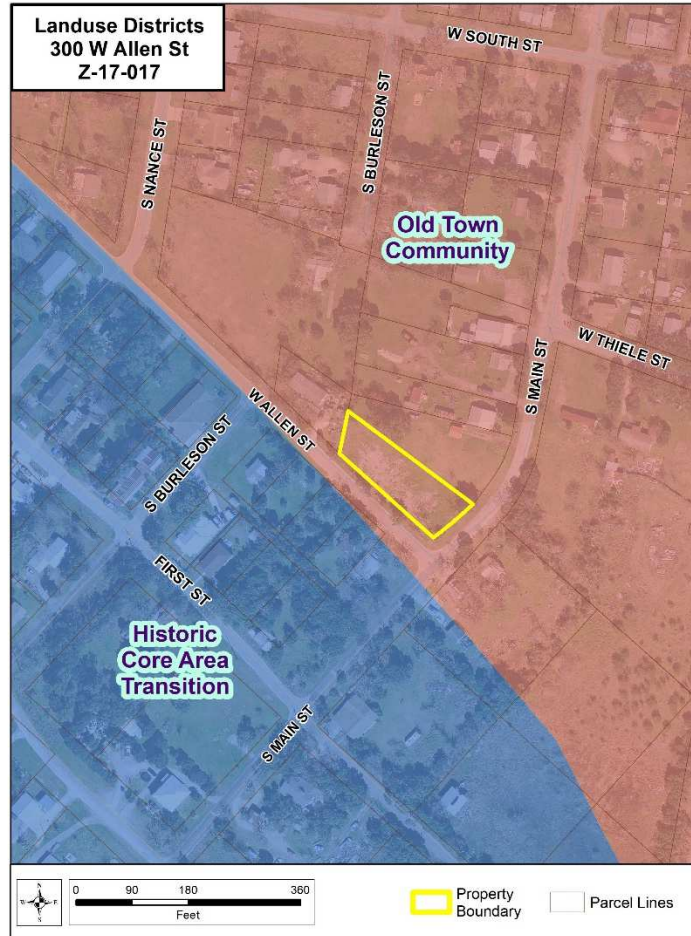
### Sec. 53-1205 Amendments

(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 in the “Old Town Community District”. The R-1-3 zoning district is not a recommended or conditional zoning district. As of the 2017 update to the City of Kyle Comprehensive Plan, R-1-3 was not included in the “Old Town Community District”.

### Old Town Community District

Recommended: CBD-1, CBD-2, R-1-T, NC, CC, E, MXD  
Conditional: R-1-A, R-1-C, R-2, R-3-2, R-3-3, R/S

Character: Development within the Old Town District follows the historic and regular street grid, which should be preserved while also encouraging appropriate infill development and redevelopment. Primary uses within this District are civic and institutional, specialty commercial, and residential. Of note, there are few sizeable employers located in or near the Old Town District. Significant features include easy access to both north and southbound I-35, the railroad, City Hall and Police Headquarters, and the landmark City Square. The Old Town District embodies the characteristics of a Rural Town Center through consistent community form, continuity, and scale. The scale of reference is a uniform Old Town block, reinforced by the regular street grid. In order to ensure smooth transitions and maintain this fabric, building height should not vary by more than two stories from the average height within any one block.

Intent: As the historic core of Kyle, the Old Town District must be re-established as the central community activity center for the City, reversing the shift of that concentration to the retail hub located one exit north along I-35. Specialized commercial activity, appropriate to the function of this historic area, should be encouraged. The form of the District should also be preserved and promoted, especially the street grid and historic building stock. To capture this emerging sub-market of local, downtown shopping and recreation, while being mindful of the existing built forms in the Old Town District, development should encompass a true model of multiple uses within the same structure to permit greater potential to operate in the same land area available today. Once a greater number and variety of service and product providers assembles in Kyle's Old Town District, store owners should be able to solicit patronage from not only the residential immediately adjacent, but from the considerable number of residences to the north and northwest. Overall, this District should offer both local service commercial activities and residential uses in order to create a lively and livable area. In order for the Old Town District to truly function as the center of Kyle, clear access must also be provided to communities, landscapes, and nodes in order to knit the City together in a legible system. Additionally, new development in the Old Town District should span I-35, creating greater east-west connections. Uses in the Old Town District are addressed in greater detail in the Downtown Revitalization Plan element of this Comprehensive Plan document.

### **Historic Core Area Transition**

Recommended: R-1-1, R-1-2, **R-1-3**, R-1-A  
Conditional: A, R-2, R-3-1, R-1-T, UE, NC, E, R/S, MXD

Character: The Historic Core Area Transition 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, the Gregg Clarke Park, Wallace Middle School, and the emerging commercial corridor along Rebel Road north from Center Street. 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, as called for in ‘Kyle Connected’, the city’s Transportation Master Plan.

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, as are architectural style transitions from traditional Rural Town Center/Old Town Block to curvilinear, rural residential, ensuring 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 just within the Old Town Community land use district and W. Allen Street is the dividing line between the Old Town Community District and the Historic Core Area Transition District. The location is entirely surrounded by the R-1 zoning district and related uses (single family residential).

The R-1 zoning district is an entitlement category from the 1978 zoning ordinance, No. 92. In 2003 and amendments following, the City of Kyle removed Ord. 92 from the code of ordinances and replaced it, starting with Ord. No. 438, the new zoning code. The only reason R-1 still exists, is because property owners were given the option to rezone with



Ord. No. 438, and most did not (as it pertains to the Original Town of Kyle). Thus, the City has to keep a copy of the old ordinance to allow compliance with bulk standards (setbacks, minimum lot sizes, dwelling units per acre, etc.).

Per the 2017 update to the comprehensive plan, R-1-3 is not a recommended or conditional zoning district within the Old Town Community District. However, in very limited circumstances, there are reasons to allow zoning districts not considered by the comprehensive plan.

1) R-1 is what would be considered an “inactive” zoning district. It was removed from the code with the acceptance of Ord. No. 438. Districts that already have the designation may keep it, but anyone wanting to rezone a property cannot create additional R-1 parcels. If an applicant wants to rezone, the comprehensive plan supports it and it makes sense to do so, the applicant should be allowed the change.

2) R-1-3 is the closest modern equivalent to the R-1 district. Changing from R-1 to R-1-3 almost makes no change to the immediate area, from a zoning perspective and is more restrictive when it comes to lot area and dwelling units per acre.

District	Front Setback	Side Setback	Setback at Alley	Corner Lot Setback	Rear Setback	Min. Lot Area	Min. Street Width	Min. Lot Depth	Height Limit
R-1	25'	7.5'	15'	15'	15'	5,000 SF	50'	100'	2.5 Stories or 35'
R-1-3	20'	5'	10'	5'	10'	<b>5,540 SF</b>	50'	<b>None</b>	35'

3) The “borders” between the land use districts are not necessarily a definitive line. The lines are drawn on a map, but land uses that are appropriate or similar, and do not provide a detriment to the immediate area, should be considered. In this case, the parcel is within sixty (60) feet of the “border” and will develop close to what the surrounding neighborhood already exists as, if not better.

The applicant wants to best utilize the property and subdivide it into two (2) lots. The current R-1 zoning district has a minimum lot depth requirement of one hundred (100) feet. Lot design requires the front of yard to face the public street, meaning one of the two lots would not have the required lot depth. The approval of the R-1-3 district would

allow two (2) lots, there is not a minimum lot depth associated with R-1-3. Additionally, the minimum lot size would be larger under the R-1-3, creating in some ways a more restrictive zoning district.

## **Recommendation**

Staff fully supports the rezoning of the property from R-1 (Single Family Residential) to R-1-3 (Single Family Residential). At the October 10, 2017 Planning & Zoning Commission meeting, the Commission voted in favor, five to two (5-2), to recommend approval of the zoning change. Staff asks the Mayor and Council to vote approving the zoning change.

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## **Attachments**

- Application
- Location map
- Surrounding Zoning Map
- Land Use Districts Map