

Property Location	1001 & 1003 Windy Hill Road, Kyle, Texas 78640
Owner	Asifali Karowalia 1095 Windy Hill Road, Kyle, TX 78640
Agent	Afzaal Khan PO Box 270184, Austin, TX 78727
Request	Rezone 6.615 Acres, A to R-3-3 (Apartment Residential), R/S (Retail/Services)

Vicinity Map



Site Description

The site comprises two separate parcels, both zoned A (Agriculture), totaling 6.615 acres. The location is mostly undeveloped, with remnants of farm outbuildings. To the north of the project is area zoned R-1-A (The Meadows of Kyle), a single family residential community. To the east and northeast lie properties zoned A (Agriculture) and has a mix of agricultural and single-family residential uses, along with a fueling station and convenience store/retail strip center. To the south are properties outside the city limits, in Hays County. Uses include manufacturing and one or two single family residences. To the west is land zoned A (Agriculture) with a single-family residence. The proposed multifamily parcel (R-3-3) would encompass 5.533 acres and the R/S (Retail/Services) portion would be 1.082 acres, totaling 6.615 acres.

The applicant seeks to rezone the property from A to R-3-3 (Apartment Residential) and R/S (Retail/Services) zoning categories, allowing the following;

“Sec. 53-292. - Purpose and permitted uses.

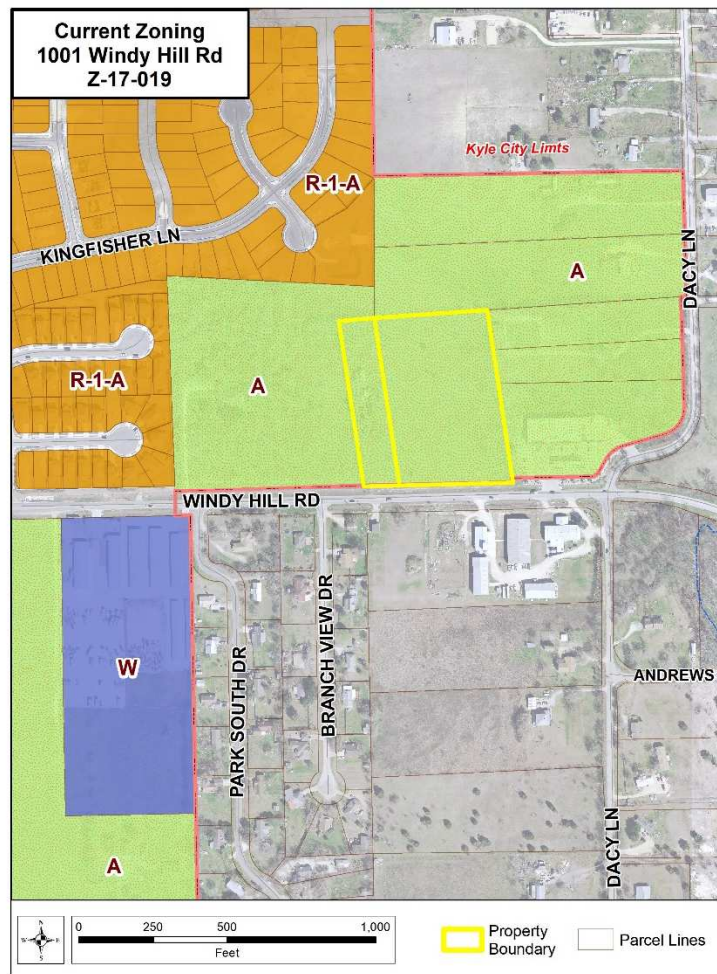
The multifamily residential district R-3-3 permits typical apartment development with buildings not exceeding three stories, nor more than 28 units per buildable acre, and with apartments or units having a minimum living area of 500 square feet; provided that not more than 25 percent of the units in any such apartment development or project shall have less than 750 square feet of living area.”

“Sec. 53-480. - Purpose and permitted uses.

This district allows 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., and the retail sale of goods and products...”.

Staff asks the Planning & Zoning Commission to consider recommending the R-3-2 zoning district versus the R-3-3 district. The R-3-2 district entails the following;

"The multifamily residential district R-3-2 permits typical apartment development with buildings not exceeding three stories, nor more than 21 units per buildable acre, and with apartments or units having a minimum living area of 400 square feet; provided that not more than 25 percent of the units in any such apartment development or project shall have less than 500 square feet of living area." (Sec. 53-261)



Conditions of the Zoning Ordinance

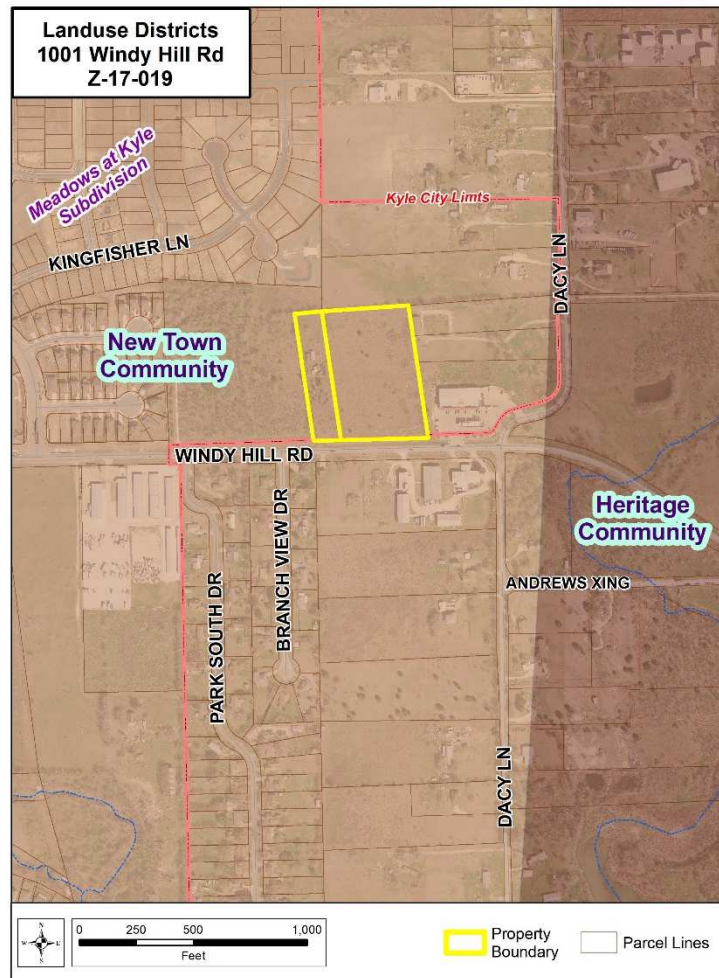
Sec. 53-1205 Amendments

(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 entirely in the “New Town District”. The “R-3-3”, “R-3-2” and “R/S” zoning designations are all recommended uses within the “New Town District” per the 2017 update to the comprehensive plan.

New Town District

Recommended: R-1-1, R-1-2, R-1-3, R-1-C, R-1-T, R-2, **R-3-2**, **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 likely to develop from low intensity residential (Agriculture zoning) into a higher intensity area of commercial and residential activity, with the future widening of Dacy Lane. The project associated with the requested zoning is roughly 300 feet away from what will be the improved intersection of Windy Hill Road and Dacy Lane. Additionally, the Hays County Transportation Plan shows Windy Hill Road to be improved and widened in the future.

Per the 2017 Comprehensive Plan, the R-3-3, R-3-2 and R/S zoning districts are recommended uses in the New Town District. Furthermore, they're all appropriate along vehicular corridors with higher traffic counts. Retail and service related uses tend to do better as well for the same reason. Utilizing these districts supports the City of

Kyle's sales and property tax base and provides additional housing options to the local populace.

The New Town District also calls for higher density nodal development, where appropriate. Nodal development is designed to occur at key intersections of street networks that support higher traffic counts. Though the intent of the New Town District places emphasis on mixed-use development, this intersection is far enough away from existing higher density development that mixed-use projects are less likely to occur in areas transitioning from local/rural intersections, to arterial/rural intersections. Also, the existing built environment consists of a fuel station/convenience store, a manufacturing company/warehouse uses, larger lot rural residential development on Windy Hill Road, and single-family residential with R-1-2 zoning. The existing development does not compliment mixed-use or urban living, however multi-family and retail/services could be appropriate.

Despite the Comprehensive Plan calling for R-3-3 as a recommended zoning district, it also identifies R-3-2 as recommended. The physical constraints or acreage of the property effectively limits developable area to no more than 21 units per buildable acre in R-3-2, versus the 28 units per buildable acre in R-3-3. The developer is planning to utilize a total 6.615 acres for the multi-family development, with approximately 5.5 of the 6.615 acres being considered as buildable. Buildable means other than, pavement/parking, dumpster locations, etc. As the project is planned to have 120 dwelling units on 5.5 buildable acres, staff would recommend the residential parcel be increased in area to 5.714 acres, permitting the net dwelling units per acre comes out to 21, and receiving the designation R-3-2.

Recommendation

When considering the 2017 Comprehensive Plan, the proximity to the afore mentioned intersection, and the acreage constraints, staff supports the rezoning to the R-3-2 and R/S zoning districts. At the November 14, 2017 Planning & Zoning Commission meeting, the Commission voted 4-2 to recommend a more restrictive zoning district of R-3-2 and R/S, adjusting the R-3-2 district to 5.714 acres and reducing the R/S district to 0.901 acres. Staff asks City Council to support a recommendation vote to approve the zoning change to R-3-2 for 5.714 acres, and R/S for the remaining 0.901 acres.

Attachments

- Application
- Location Map
- Surrounding Zoning Map
- Land Use District Map