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<b>Property Location</b>	<b>701 Scott Street, Kyle, Texas</b>
<b>Owner</b>	<b>Genevieve Vaughn PO Box 2285 Austin, TX 78768-2285</b>
<b>Agent</b>	<b>Daniel Oliphant 109 Algarita St. San Marcos, TX 78666</b>  <b>Anna Estrada 8806 Texas Oaks Austin, TX 78748</b>
<b>Request</b>	<b>Rezone 1.02 Acres Agriculture (A) &amp; R-1 (Single -family Residential) to Single Family Residential (R-1-3)</b>

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### Vicinity Map



## **Site Description**

The parcel is sited three hundred and seventy (370) feet southwest of the intersection of Scott Street and Glenrio Pass (across from KB Home's Stagecoach Crossing neighborhood). It currently has a Montessori school on site, located in what was built as a single-family residence. The Montessori School of Kyle currently has two different zoning districts on the parcel. A majority of the site is zoned A (Agriculture) from when it was annexed on April 18, 2016. The remainder of the site is the R-1 zoning district, zoned on July 4, 1978 (Ord. No. 92).

To the north of the property across Scott Street is the Stagecoach Forest neighborhood zoned R-1-3 (Ord. No. 934, March 7, 2017). East of the parcel is a vacant tract zoned R-1 (Single-Family Residential Detached). South of 701 Scott Street is the Four Oaks neighborhood with a handful of single-family residential homes zoned Agriculture & R-1. To the west is the Winfield Inn tract, zoned for R/S (Retail/Services).

The applicant is requesting a zoning change to R-1-3, a residential zoning district that "...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 “Historic Core Area Transition” land use district. The R-1-3 zoning district is a recommended zoning district within the “Historic Core Area Transition” land use district.

### Historic Core Area Transition Land Use District

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 is sited across the street from the Stagecoach Crossing neighborhood on Scott Street (370 feet southwest of Glenrio Pass). The site was originally developed as a single-family residence, but is currently operated as the Montessori School of Kyle. For

reasons unknown, the school was not required to incorporate City development regulations prior to opening the school to the public. It is important to note that a Montessori type school falls within the confines of a “public school” and would be allowed in most zoning districts (unless stated otherwise).

Within the last year, representatives from the Montessori School of Kyle approached staff to apply for a building permit for an additional detached structure. The foundation for the structure was formed and poured without a permit from the City, and the current contractor approached staff to initiate steps to bring it into legal conformance. The foundation is close enough to the corner of the lot, that the R-1-3 zoning district best fits the setback requirements. The Agriculture zoning district is too restrictive and if the school wants to make future improvements, the R-1-3 district provides more regulatory oversight than the R-1 district. Additionally, the R-1 district runs diagonally through the property and the rezoning will provide for 1 (one) zoning district, simplifying review.

Zoning	Front Setback	Side Setback	Corner Lot Side at Alley	Street Side Yard Setback	Rear Setback	Min. Lot S.F.	Min. Lot Street Width	Height Limit
R-1-3	20'	5'	10'	5'	10'	5,540	50'	35'
R-1	25'	7.5'	15'	15'	15'	5,000	50'	35'
A	40'	25'	40'	25'	25'	43,500	150'	45'

R-1-3 is a recommended zoning district in the Historic Core Area Transition District and is the closest match to the existing R-1 zoning districts in the immediate vicinity. Its minimum lot size is larger than the R-1 zoning district’s by five hundred and forty (540) square feet. Rezoning 701 Scott Street is the first step towards a code compliant (legally conforming) site. Additional steps required will be platting, site plan approval and submittal of building plans to the City; all of which are administrative functions.

### **Recommendation**

Staff supports the rezoning of the property from A (Agriculture) & R-1 (Single-Family Residential) to R-1-3 (Single Family Residential). At the Tuesday, May 14, 2019 Planning & Zoning Commission meeting, the Commission voted 6-0 to recommend approval of

the zoning change. Staff asks the City Council to vote favorably for the approval of the zoning change.

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## **Attachments**

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