
Property Location	405 S. Old Hwy 81, Kyle, TX 78640
Owner	Hector M. Villalpando & Patricia Marquez 11139 Pinehurst Dr. Austin, TX 78747
Request	Rezone 0.1417-acres from HI to NC

Vicinity Map



Site Description

The site is located 134 feet south of the intersection of S. Old Highway 81 and South Street. The parcel is developed as a single-family residence and is currently zoned HI (Heavy Industrial). It is bordered to the west by S. Old Highway 81 and land zoned R/S (Retail Services, Rising Phoenix Martial Arts) and A (Agriculture, single-family residence) across the highway. Northwest of the property is a parking lot used for The Railhouse and has a zoning of R/S. To the north, is a parcel owned by a church zoned HI, at the southeast intersection of S. Old Highway 81 and South Street. Further north is Pisces Seafood & Mexican Grill (zoned R/S) and a single-family residence behind it on the adjoining lot (zoned R/S). To the east and south is a parcel zoned R/S and utilized by ME Automotive Repair. Further south is Los Gomez Tire Shop zoned C/M (Construction/Manufacturing).

The applicant seeks to rezone the property from HI (Heavy Industrial) to NC (Neighborhood Commercial).



Heavy Industrial District (HS)

Ord. No. 92, Sec. 5.11.a & 5.11.b

Sec. 5.11.a "Purpose: This district is designed to provide land areas for manufacturing and industrial activities whose generation of nuisance characteristics is ordinarily greater than those industries permitted in the LI and PI districts. The HI District regulations are designed to attract and encourage such industries, subject to minimum regulations necessary for the mutual protection of the permitted uses and the public."

Sec. 5.11.b "Permitted Uses:

- Aircraft Landing Strip, sales, service, rental and repair
- Broadcasting Towers for Radio and TV
- Concrete Products Manufacturing
- Food Processing Plants
- Lumber and Building Material Sales and Storage
- Machine Shops
- Salvage or Junk Yards, Pipe, Sheet Metal, Automobiles, Lumber, etc. (when visually screened on front, rear and all sides with a solid six (6) foot high fence).
- Storage Tanks, Liquid Petroleum, Gas and Explosives
- Tire Shop, Vulcanizing and Retreading
- Warehousing"

Neighborhood Commercial District (NC)

Sec. 53-661 - Purpose

The neighborhood commercial district [NC] is to provide for various types of small scale, limited impact commercial, retail, personal services, and office uses located in close proximity to their primary customers. The uses of the neighborhood commercial district shall be designed in a way so as to be operated completely compatible to and harmonious with the character of surrounding residential areas.

(Ord. No. 700, § 2(Exh. A), 7-17-2012)

Sec. 53-665- Use

The neighborhood commercial zoning district shall allow professional offices and small businesses serving neighborhood community needs. The following uses shall be permitted:

- Second floor multi-family shall be permitted by right regardless of base zoning;
- Bed and breakfast up to five rooms;
- Retail;
- Restaurant w/o drive-thru;
- Religious assembly;
- Art gallery;
- Dance studios;
- Child care center (outdoor playground allowed);
- Fire/police station;
- Professional office;
- Barber/beauty shop;
- Convenience/grocery store w/o fuel sales;
- Nursing/retirement homes;
- Veterinarian - without outdoor boarding;
- Health and fitness center;
- Financial institution w/o drive-thru banking.

(Ord. No. 700, § 2(Exh. A), 7-17-2012)

Conditions of the Zoning Ordinance

Sec. 53-1205 Amendments

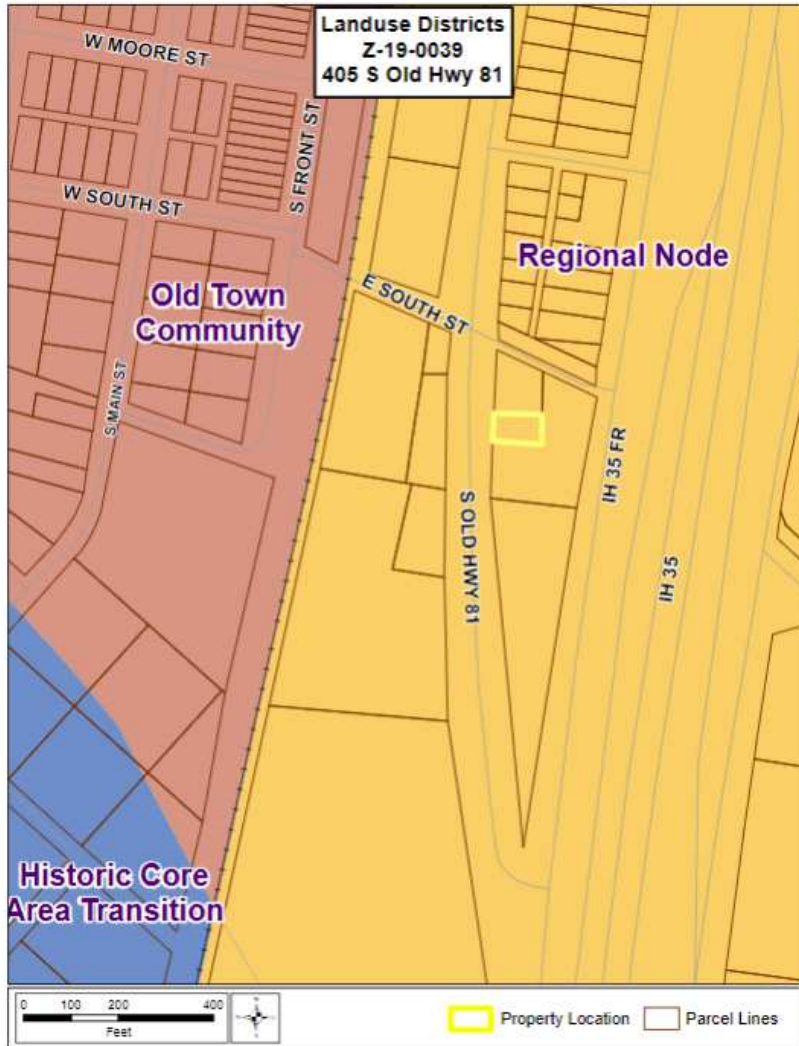
(d)

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 the “Regional Node”. The Neighborhood Commercial zoning designation is a recommended use within the “Regional Node”.

Regional Node

'CHARACTER'

Regional Nodes should have regional scale retail and commercial activity complemented by regional scale residential uses. These Nodes should represent the character and identity of Kyle, and signal these traits to the surrounding community. Regional Nodes have a radius of approximately 1/3 of a mile so that they are walkable, but are able to contain a greater range of uses at a larger scale than those found in Local Nodes. Appropriate uses may include grocery stores, retail shopping centers, multi-family housing, and municipal services, such as libraries and recreation centers. Regional Nodes are scaled and designed as activity centers where users not only secure goods and services, but also congregate and remain for extended periods, unlike Local Nodes which are designed around quick turnaround convenience retail. The Regional Nodes located along I-35 at the northern and southern boundaries of Kyle should be designed as entryways into Kyle with elements that are symbolic of Kyle and serve to attract I-35 travelers into Kyle. Transitions between Regional Nodes and surrounding districts must be carefully constructed to avoid abrupt shifts in land uses. Trails and sidewalks should be present throughout all Regional Nodes and should connect to surrounding neighborhoods.

'INTENT'

The primary goal of the Regional Nodes is to capture commercial opportunities necessary to close Kyle's tax gap. To achieve this goal, these Nodes should draw upon anticipated regional growth and aggregate density to enhance value and activity levels in a concentrated and visible location. Regional Nodes should provide a mixture of uses that complements regional commercial activity, as well as encourage high density residential development. These Nodes should respond to other regional areas of growth, specifically along I-35 and FM 1626, and to growth toward Hwy 21, SH 45 and SH 130. The anchor of each Regional Node should be regional commercial uses, and Regional Nodes should have a high level of development intensity.

Analysis

The property is sited in an area of Old Highway 81 that is primarily commercial in nature. The uses are often operated in homes adaptively reused for commercial purposes, those being a mix of highway commercial and light industrial uses, co-mingled with other commercial uses. Some residences still exists, but they are the minority use in the surrounding area. At some point following Ord. No. 92 in 1978, the entire block east of Old Highway 81 and south of South Street was zoned for HI (Heavy Industrial) zoning. Los Gomez Tire Shop was rezoned from HI to C/M via Ord. No. 876 on October 19, 2015 and ME Automotive was rezoned from HI to R/S in Ord. No. 627 on July 5, 2010.

The HI zoning district (generally) was established through Ord. No. 92 and with the replacement zoning ordinance of No. 438, the HI district was dissolved. This means property that currently has the HI district assigned to it can potentially operate uses spelled out in the ordinance, but a property can no longer be rezoned to HI. In 1997, the existing single-family residence was built and presumably occupied as a home. At this time, it is believed that the HI zoning was in place. It is important to note from the allowable use chart, that a residential use is not permitted in the HI zoning district. Since this time the residential use of the property was dis-established as a legal nonconformity, as the property has been vacant for some time.

The applicant requests the property to be rezoned to NC (Neighborhood Commercial) from HI. Initial discussions with staff, relating to use of the property, discovered that the HI zoning ordinance does not allow cumulative uses (unlike the City's more up to date code). The property is nearly unusable due to the HI zoning in place. Additionally, the R/S zoning district was considered as well. However, due to site constraints relating to parking ratios, lot dimensions and building setbacks, the NC zoning district is found to be more compatible.

Relating to the comprehensive plan, the parcel is located in the Regional Node. The NC zoning district is not only allowed but recommended as well. The Regional Node calls for a mix of retail and service related uses, mostly geared toward larger scale development. That being said, small scale commercial services can be incorporated as well. As this is a redevelopment property, the City of Kyle should support this request, as it complies with the comprehensive plan. With the new zoning in place, the operators will have to plat the property and receive an approved site plan (with improvements in place) for the site, prior to operating any new business.

Recommendation

At the Tuesday, May 14, 2019, Planning & Zoning Commission meeting, the Commission voted 6-0 to recommend approving the zoning change. Staff asks the City Council to vote to recommend changing the zoning district from HI (Heavy Industrial) to NC (Neighborhood Commercial).

Attachments

- Application
- Location Map
- Zoning Map
- Comprehensive Plan Map