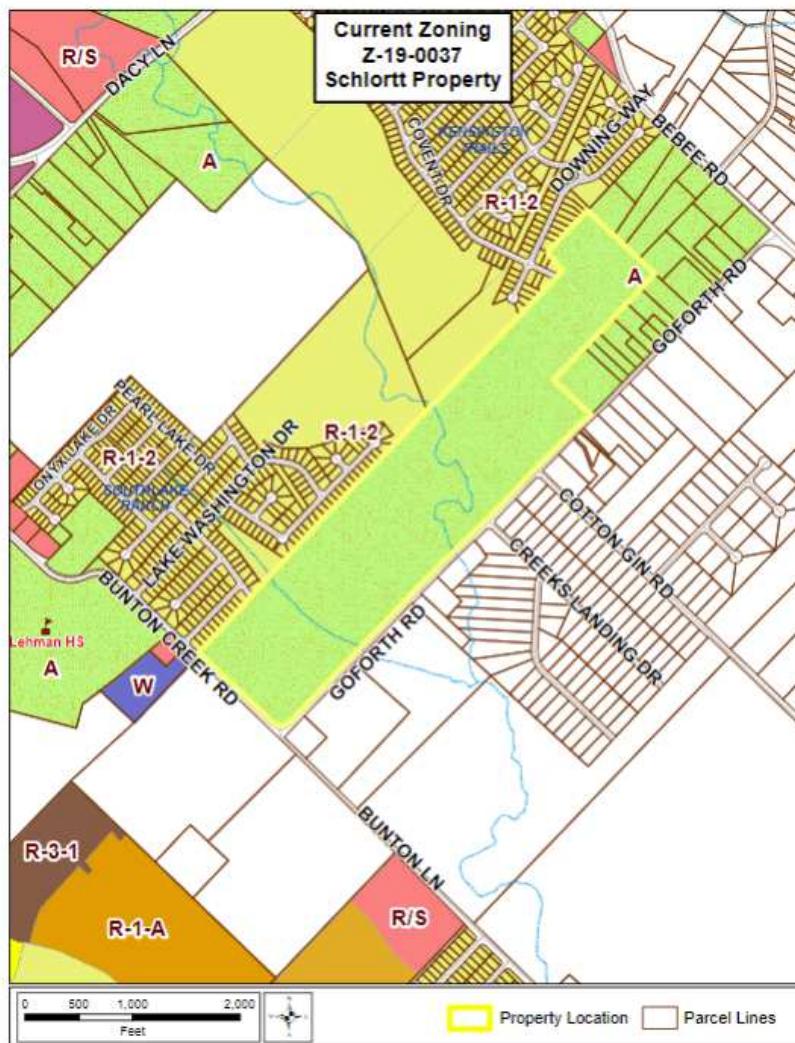

Property Location	Northwest intersection of Bunton Creek & Goforth Roads, Kyle, Texas 78640
Owner	Robert & Karen Schlortt 188 Marquitos Drive Kyle, TX 78640
Agent	Aaron Neumann BGE Inc. 7330 San Pedro Ave, Ste 202 San Antonio, TX 78216
Request	Rezone 127.46-Acres A (Agriculture) to NC (Neighborhood Commercial), CC (Community Commercial), R-1-C (Residential Condominium) & R-1-3 (Single-Family Residential)

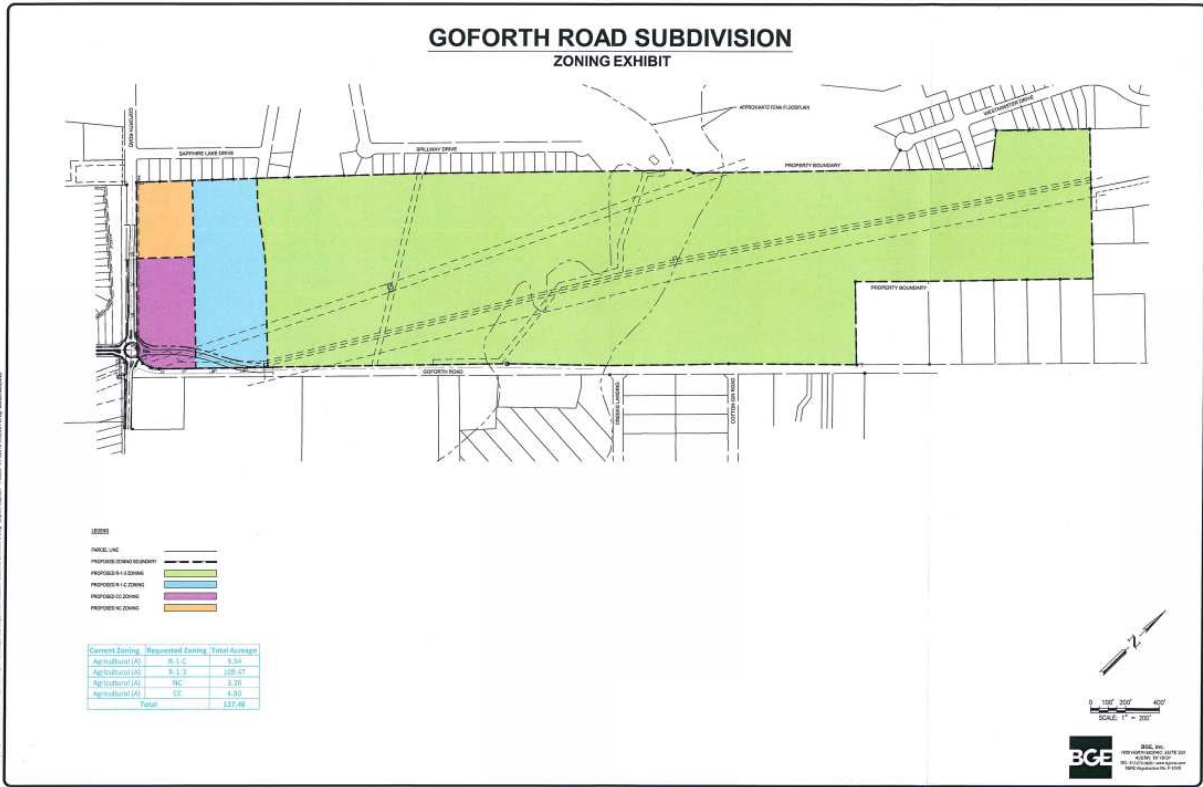
Vicinity Map



Site Description

The parcel commonly referred to as the “Schlorrt Property”, consists of 127.46-acres currently zoned and used for agricultural purposes, with one homestead on site. The property was annexed into Kyle’s corporate limits as part of Ord. No. 898 on April 19, 2016. Adjacent and to the north of the parcel is the Southlake Ranch neighborhood (R-1-2 zoning), the Soil Conservation Service Site 5 Reservoir, and the Kensington Trails neighborhood (R-1-2 zoning). To the north lies low density residential and small-scale warehouse type uses (zoned “A”, Ord. No. 898). Much of the same development lies across Goforth Road to the east and southeast with a baseball complex to the south (near the PEC substation). To the southwest is currently vacant land (in the county), Lehman High School (zoned “A”), a self-storage facility (zoned “W”), and vacant land zoned R/S.





The applicant seeks to rezone the property from A (Agriculture) to the NC (Neighborhood Commercial), CC (Community Commercial), R-1-C (Residential Condominium), and R-1-3 (Single-Family Residential,) zoning categories allowing the following;

Neighborhood Commercial Zoning District

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.

Front Setback (Min. Feet)	Side Setback (Min. Feet)	Side Setback to Residential District (Min. Feet)	Corner Lot Side Setback (Min. Feet)	Rear Setback (Min. Feet)	Lot Width (Min. Feet)	Max. Height
20'	5'	10'	15'	20'	50'	2 stories

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.

Community Commercial Zoning District

Sec. 53-667. – Purpose.

The purpose of the community commercial district [CC] is to provide for slightly more intense commercial uses than allowed in the neighborhood commercial zoning district. The district is established to provide areas for quality retail establishments and service facilities. This district should generally consist of retail nodes located along or at the intersection of major collectors or thoroughfares to accommodate higher traffic volumes.

Front Setback (Min. Feet)	Side Setback (Min. Feet)	Side Setback to Residential District (Min. Feet)	Corner Lot Side Setback (Min. Feet)	Rear Setback (Min. Feet)	Lot Width (Min. Feet)	Max. Height
25'	10'	15'	15'	25'	80'	3 stories

Sec. 53-672. – Use.

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

- Multi-family on the second floor and above shall be permitted by right regardless of base zoning;
- Bed and breakfast up to five rooms;
- Retail;
- Restaurant;
- Religious assembly;
- Art gallery;
- Child care center (outdoor playground allowed);
- Fire/police station;
- Professional office;
- Funeral home;
- Barber/beauty shop;
- Convenience/grocery store;
- Fuel station*;
- Nursing/retirement homes;
- Veterinarian - without outdoor boarding;
- Health and fitness center;
- Restaurant with drive-thru*;
- Financial institution w/ drive-thru banking.

R-1-C (Residential Condominium District)

Sec. 53-172. - Purpose and permitted use.

The residential condominium district R-1-C allows the establishment of a residential housing in compliance with the Texas Uniform Condominium Act, V.T.C.A., Property Code ch. 82, with individual apartments or units having a minimum of 500 square feet living area, inclusive of separate sleeping, living and kitchen facilities.

Sec. 53-174. - Site development regulations.

The site development regulations set forth in this section shall be exclusively applicable to residential condominium, district R-1-C.

(1) *Density*. The maximum dwelling units per buildable acre or square footage for the R-1-C district are as follows:

- a. Lot size of 9,000 square feet for two units.

- b. Lot size of 10,000 square feet for four units.
- c. A minimum of three units and for acreage tracts, 36 units per buildable acre.

Front Setback (feet)	Side Setback (feet)	Corner lot at Side Street or Alleyway Setback (feet)	Street Side Setback (feet)	Rear Setback (feet)	Min. Lot Square Footage Area	Min. Lot Street Width (feet)	Height Limit (Feet)
(4)	(4)		15	(4)	9,000	80	45

(4) See division 6 of this article, pertaining to residential condominium district R-1-C.

R-1-3 (Single Family Residential District 3)

Sec. 53-101. - Purpose and permitted uses.

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.

Front Setback (feet)	Side Setback (feet)	Corner lot at Side Street or Alleyway Setback (feet)	Street Side Setback (feet)	Rear Setback (feet)	Min. Lot Square Footage Area	Min. Lot Street Width (feet)	Height Limit (Feet)
20	5	10	5	10	5,540	50	35

Conditions of the Zoning Ordinance

Sec. 53-1205 Amendments

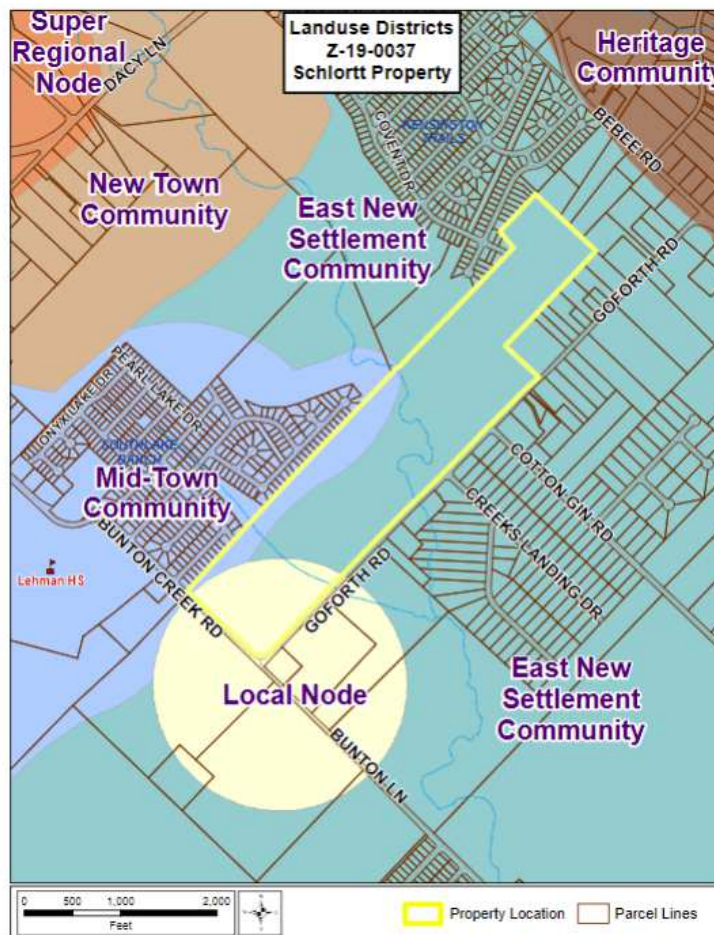
(d)

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 partially in the “Local Node” and partially in the “East Settlement” land use district. A portion is within the “Mid-Town Community” district and the boundary generally parallels the Southlake Ranch subdivision boundary. The “Mid-Town Community” boundary should follow the subdivision boundary, but its’ within the Schlortt tract. The Mid-Town Community should not be taken into account, as it’s essentially a remnant portion (of the Schlortt tract) of this specific land use district (as it relates to the parcel/over-all potential project).

Local Node

Recommended: **R-1-C**, R-3-2, R-3-3, **CC**, **NC**, MXD

Conditional: R-1-T, R-3-1, R/S

New Settlement

Recommended: O/I

Conditional: E, R-1-A, R-1-1, R-1-2, **R-1-3**, R-1-C, R-1-T, R-2, T/U, UE, NC, CC, MXD, R/S,
W

Local Node

'Character':

Some Local Nodes occur at existing intersections, where a greater intensity of use should be fostered to take advantage of the benefits conferred by that intersection. Other Local Nodes are located at points where new corridors will create significant local intersections in the future. Local Nodes should be comprised of neighborhood-scale retail uses, small public gathering spaces, such as plazas, playgrounds, and trails, and some higher intensity residential opportunities where appropriate. Local Nodes should be designed to serve the local population living within or adjacent to the individual Node. For this reason, Local Nodes should provide goods and services that enhance convenience and, therefore, quality of life for local residents. A central gathering location should be created within each Local Node to foster a sense of community for the surrounding residents.

'Intent':

The anchor of each Local Node should be service retail, and, of all the Nodes, the Local Nodes should have the lowest level of non-residential development intensity. General goods and services required on a daily basis by residents should be located in Local Nodes, including small food markets, restaurants, banks, and small shops. These Nodes should be connected to the surrounding communities with sidewalks and trails to encourage walking, minimize traffic congestion, and increase safety.

East Settlement

'Character'

Located in the east central region of Kyle's jurisdiction, the East Settlement District incorporates lands both inside and outside the city's corporate limits. The existing

landscapes are largely livestock and row crop agriculture, systematically being turned-over into low density single family detached ex-urban home sites. In the district it is important to preserve the current viewsheds as a reminder of Kyle's recent and legacy agricultural heritage. The secondary benefit of this rural conservation of the East Settlement, is that preservation of these lands is beneficial for stormwater management, the control of sediment and siltation in creekways, and it helps maintain local water and air quality. Development patterns should evoke an agricultural setting, with significant open spaces, native landscaping, and alternative stormwater management in the form of street-side ditches, and interconnected swales, rather than traditional curbs, gutters and concrete channels.

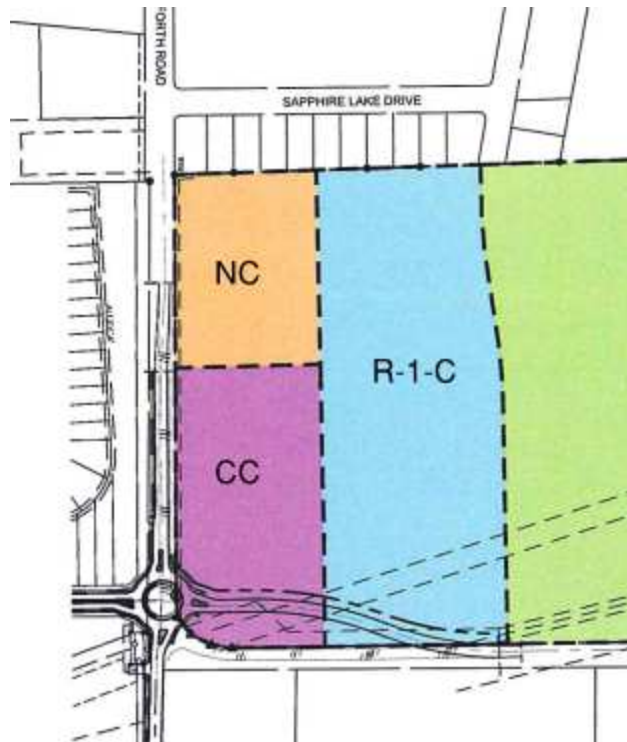
'Intent'

The purpose of the East Settlement District is to accommodate future growth and development that has proven successful elsewhere in Kyle, while preserving the agricultural context of this District. To this end, land development patterns should respect sensitive growth management practices, in a demonstrated effort to assimilate into the existing built infrastructure and landform patterns.

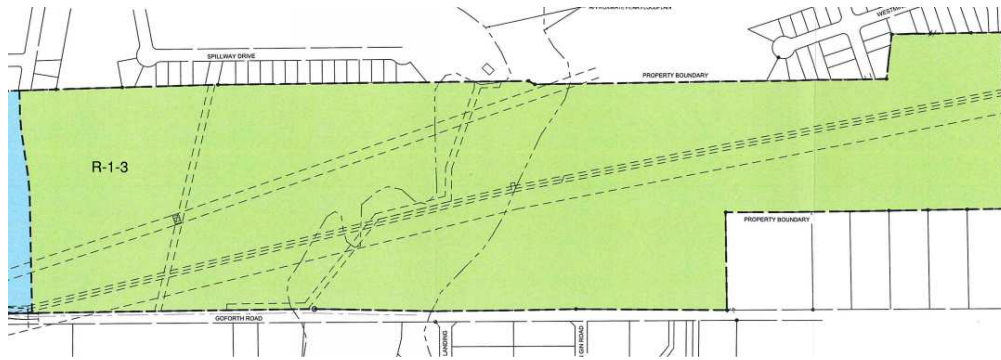
Analysis

The property is unique, as it relates to geographic location, the existing, physical land patterns and the 2017 Comprehensive Plan. The site is currently at the eastern boundary of the City of Kyle and partially in the "Local Node" land use district, and most of the remainder is in the "East Settlement" district. This provides the potential for a development pattern that will be required to mesh with certain ideals of the City of Kyle. Currently the Schlortt property is used for agricultural purposes with one homestead located on site.

The Schlortt parcel is divided into three (3) distinct geographic areas. The first, is approximately 18-acres and between Bunton Creek Road and the ditch that drains the neighborhood of Southlake Ranch to the west. In developing the property, the ditch provides a "natural" break that also serves as the approximate border of the "Local Node" land use district. This area is proposed to have three (3) zoning districts: NC (Neighborhood Commercial, 3.26-acres), CC (Community Commercial, 4.8-acres) and R-1-C (Condominium Residential, 9.94-acres). The line between the R-1-C and R-1-3 zoning district will also likely serve as extension of Town Lake Bend and intersect with Goforth Road.



As the southern end of the property is in the “Local Node”, higher intensity uses are expected per the 2017 Comprehensive Plan. The NC, CC and R-1-C zoning districts are all recommended in the “Local Node”. The “CC” zoning district will be at the intersection of Bunton Creek Road and Goforth Road, as this will be a hard corner and expected to have the highest intensity of use. The “NC” zoning district is a step down (intensity of use) with further restrictions (no gas stations or restaurants with drive-thru facilities). This will function as a buffer for use and require a landscape buffer between the existing residential in Southlake Ranch and the “NC” site (at time of site development). Both the “CC” & “NC” zoning districts require structures to have higher quality architecture than the standard “RS” zoning district. The “R-1-C” zoning district allows for residential units to be owned with the land underneath to be community owned (condominium). The units can be single-family detached, single-family attached or multi-story stacked flat units.



North of the “Local Node”/”R-1-C” boundary, the remainder of the property will be zoned “R-1-3”. Geographically, this area will be divided into two (2) portions due to the reservoir’s spill way. While the spill way is not developable due to the flood plain restrictions, this area can potentially be developed without permanent, habitable structures, accessory to residential uses (and other related options).

The “R-1-3” zoning district is considered conditional in the “East Settlement” land use district. It is allowed; however, further considerations must be taken, than if it was recommended. Normally, the City of Kyle takes the position that the further one travels to the periphery of the City, the residential lot sizes should become larger or have less developmental density. This is to provide a transition to what is traditionally the larger, rural lots, not served by wastewater utilities. Goforth Road is the eastern boundary of the city limits. The request for the R-1-3 zoning district will provide lots that have a minimum lot width of 50’. This is between 5-15’ shorter than the existing lot widths of Southlake Ranch and Kensington Trails, directly adjacent. Normally, staff would not recommend smaller lots closer to the edge of the city. However, the combination of the not insignificant flood plain, multiple easements running at odd angles across the property, and close proximity to the “Local Node”, introduce conditions unique to this property, and therefore warrant further discussion with regard to this project.

Regarding proximity to the “Local Node”, especially related to higher density areas (nodes), is the transect zone concept. This helps establish a standard “ramp up” from rural development to nodal development, regarding intensity of land use. Per the diagram below the proposed zoning change would fit into the “T4-General Urban Zone”, allowing for small-lot single family homes, apartments, mixed use, and locally run shops. This zone would be where the NC, CC, & R-1-C would begin to appear, as well as the R-1-3 zoning district (in limited cases). The remainder of the parcel is designed to scale down density and intensity of type of use (R-1-3, T3 & T4 transect zones). As one travels further north, large lot single-family residential is the predominate land form (T2 & T3 transect zones).



Staff did discuss with the applicant, the idea of the R-1-2 zoning district north of the flood plain, to help match the adjoining Kensington Trails neighborhood and fortify the concept of Transect Zones. Due to the previously mention site restrictions the applicant as requested the R-1-3 zoning vs. R-1-3 & R-1-2. Easements and flood plains are not developable and as such encumber the site in what is considered a negative manner (from a developer stand point). It could be possible to provide hike & bike paths along those undevelopable areas and easements. The R-1-3 zoning district's higher density as compared to the R-1-2 district would provide a lower per unit infrastructure cost and helps support the amenity portion of the Residential Style Guide.

Compact and higher density development is fiscally prudent. Generally, as the development density increases, the less it costs to provide public service per LUE (Living Unit Equivalent), both from an installation standpoint (developer cost) and the ongoing operations and maintenance standpoint (city costs).

Recommendation

When considering all the 2017 Comprehensive Plan, the proximity to the afore mentioned intersection and transect zones, staff supports the rezoning request. At the Tuesday, May 14, 2019 Planning & Zoning Commission meeting, the Commission voted 4-2 in favor of rezoning the property as requested. Staff asks the Planning & Zoning Commission to support a recommendation vote to approve the zoning change

Attachments

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