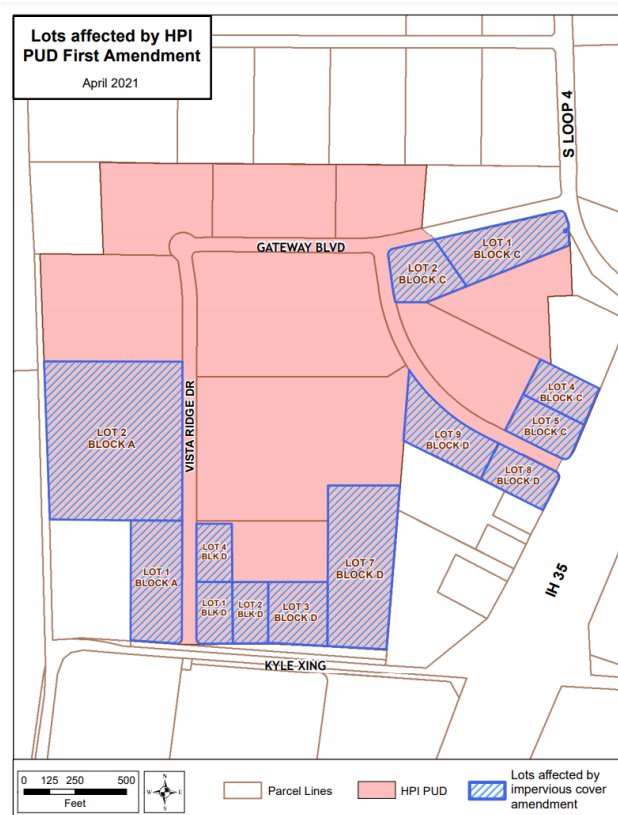


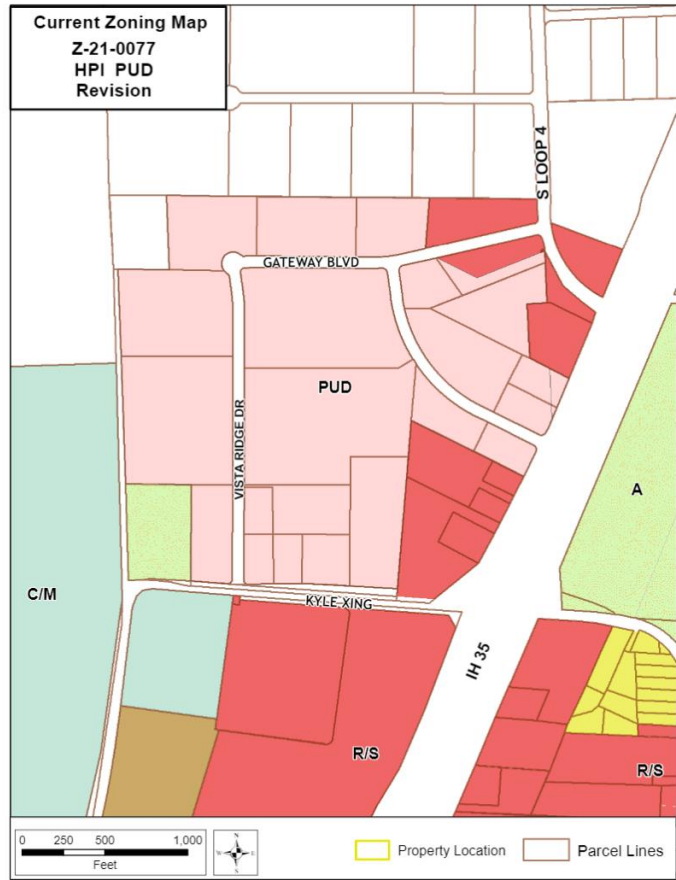
Map of Lots Affected by Amendment to HPI PUD



Site Description

The 38.2-Acres within the HPI PUD (Planned Unit Development, Hays Commerce Center), are largely undeveloped commercial pad sites, and one existing detention pond. The HPI PUD was established through the zoning process on August, 15, 2011 (Ord. No. 671). The PUD allows for uses within the Retail/Services, Warehouse and Construction/Manufacturing zoning districts, with some exclusions. Following the rezoning, subdivision plans were submitted and approved. Currently three (3) of the nineteen (19) pad sites are developed, with more planned businesses in the future.

The applicant seeks to amend the HPI PUD for the associated 38.2-Acres included in the draft of the first amendment of the development standards. The amendment is only to change how impervious cover is calculated and does not add or remove any specific land use permissions. Impervious cover is a metric within Chapter 53 of the City of Kyle Code of Ordinances. Chapter 53 is the zoning portion of the City of Kyle’s development code, and therefore this amendment is a zoning action.



Current Zoning

HPI PUD (Ord. No. 671)

Allows Retail/Services, Warehouse and Construction/Manufacturing zoning districts. Within the PUD document, some uses are excluded.

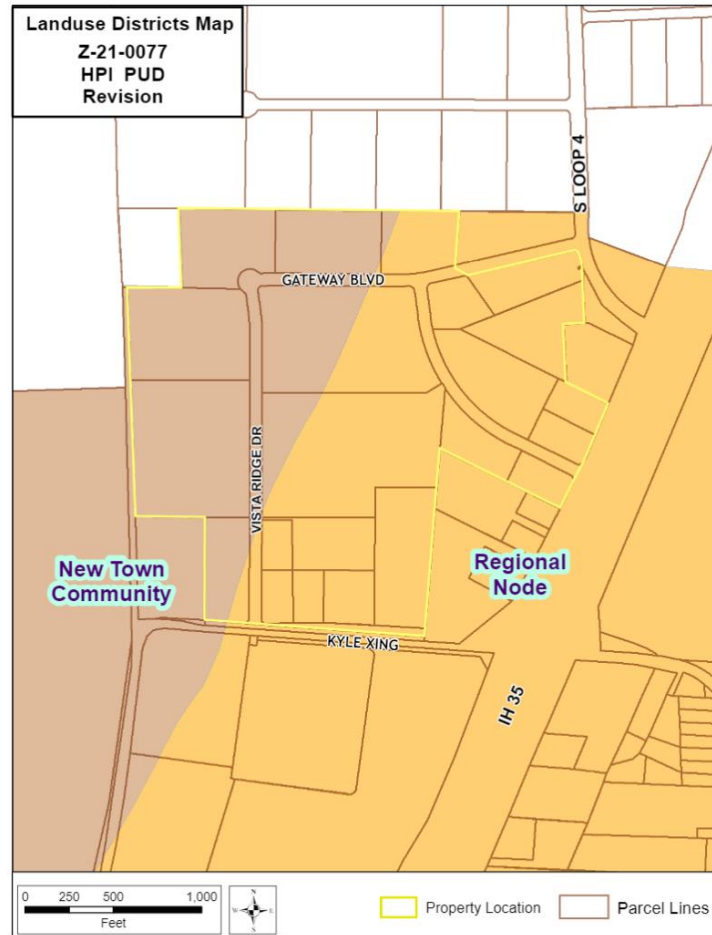
Conditions of the Zoning Ordinance

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 “Regional Node” District and the “New Town Community” district.

*Please note that this proposed amendment to the HPI PUD (Hays Commerce Center) will not affect which zoning districts are applied within the PUD, only how future development standards are administered. For this reason, staff did not include an

analysis of the comprehensive plan. The comprehensive plan discusses which zoning districts are appropriate in various places around the City of Kyle.

Analysis

When reviewing development plans for projects, impervious cover is calculated on a per lot basis (per City of Kyle code). This means if the zoning district allows a maximum impervious coverage, then the lot cannot exceed said percentage. Chart 2 of Sec. 53-33 limits the impervious cover for the following, included zoning districts:

Retail/Services = 80%

Warehouse = 75%

Construction/Manufacturing = 75%

The HPI PUD (Hays Commerce Center) allows all three (3) of these districts, with a focus on Warehouse and Construction/Manufacturing.

Recently, in an effort to start assembling development plans for one of the pad sites, it was found that the expected impervious cover for the plans would be more than 80%. The project would be one associated with Warehouse or Construction/Manufacturing zoning. The maximum impervious cover for both districts is 75%. This project was attempting to comply with all our development codes, but could not maintain a maximum 75% ISR.

The agent for the HPI PUD, Runi Duvall, brought up the idea of averaging impervious cover between two (2) or more lots. Staff doesn't have any objections to that method of ISR calculation, as it solved the issue at hand and would let the project continue forward. However, Sec. 53-33(l) references impervious cover on a per lot basis; therefore, staff is not enabled to accommodate the request.

As the overall development of Hays Commerce Center is zoned as a Planned Unit Development (PUD), Hays Commerce Center can have more flexibility when writing development standards (Per Sec. 53-703(a-c) & Sec. 53-704(1-5), see section below). This idea would not be allowed per standard zoning districts, as State of Texas law does not allow a municipality to condition zoning requests (except through PUDS).

Sec. 53-703. - Flexible planning.

(a) When considering a planned unit development (PUD), the unique nature of each proposal for a PUD may require, under proper circumstances, the departure from the

strict enforcement of certain present codes and ordinances, e.g., without limitation, the width and surfacing of streets and highways, lot size, parking standards, set backs, alleyways for public utilities, signage requirements, curbs, gutters, sidewalks and streetlights, public parks and playgrounds, drainage, school sites, storm drainage, water supply and distribution, sanitary sewers, sewage collection and treatment, single use districts, etc.

(b) Final approval of a PUD by the city council shall constitute authority and approval for such flexible planning to the extent that the PUD as approved, departs from existing codes and ordinances.

(c) The flexibility permitted for a PUD does not imply that any standard or requirement will be varied or decreased.

(Ord. No. 438, § 39(d), 11-24-2003)

Sec. 53-704. - Rules applicable.

The city council, after public hearing and proper notice to all parties affected and after recommendation from the planning and zoning commission, may attach a planned unit development district designation to any tract of land equal to or greater than three buildable acres. Under the planned development designation the following rules apply:

- (1) The approval of any proposed PUD or combination of uses proposed therein shall be subject to the discretion of the city council, and no such approval will be inferred or implied.
- (2) Permitted uses are those listed under the applicable zoning districts for the base zoning to be applied to the PUD (for example, the permitted uses in a PUD proposed to be developed as CBD-2, RS, W, CM districts). In addition, a planned unit development district may be established where the principal purpose is to serve as a transitional district, or as an extension of an existing district whereby the provision of off-street parking, screening walls, fences, open space and/or planting would create a protective transition between a lesser and more restrictive district. In approving a planned unit development, additional uses may be permitted, and specific permitted uses may be prohibited from the base district.
- (3) Standards required by the base zoning apply in a planned unit development except that the following regulations and standards may be varied in the adoption of the planned unit development; provided that the

plan is consistent with sound urban planning and good engineering practices.

- a. Front, side and rear setbacks.
 - b. Maximum height.
 - c. Maximum lot coverage.**
 - d. Floor area ratio.
 - e. Off-street parking requirements.
 - f. Special district requirements pertaining to the base zoning.
 - g. Number of dwelling units per buildable acre.
 - h. Accessory building regulations.
 - i. Sign standards.
- (4) In approving a planned unit development, no standards may be modified unless such modification is expressly permitted by this chapter, and in no case may standards be modified when such modifications are prohibited by this chapter.
 - (5) In approving a planned unit development, the city council may require additional standards deemed necessary to create a reasonable transition to, and protection of, adjacent property and public areas, including but not limited to, light and air, orientation, type and manner of construction, setbacks, lighting, landscaping, management associations, open space, and screening.
 - (6) The planning and zoning commission and city council, in approving modifications to standards and regulations, shall be guided by the purpose intended by the base zoning and general intent of this chapter.

(Ord. No. 438, § 39(e), 11-24-2003)

Recommendation

In conclusion, staff fully supports the request from the applicant. At the April 13, 2021 Planning & Zoning Commission meeting, the Commission voted 6-1 to recommend approval of the request. Staff asks the Mayor & Council to support the zoning amendment and vote in support of the request.

Attachments

- Landowner Authorization Form
- Deed
- Franchise Tax Account Status
- Exhibit Amending PUD
- Location Map
- Lots Affected by the PUD Amendment Map
- Existing Zoning Map
- Land Use Districts Map