
Property Location	North Corner of RR E 150 & SH-21, Kyle, Texas 78640
Owner	FM RD 812 LLC Mohammed Ahmad 1900 E Anderson Lane, Ste. 130 Austin, TX 78752
Agent	Stephen R. Jamison, P.E. Jamison Civil Engineering LLC 13812 Research Blvd, #B-2 Austin, TX 78750
Request	Rezone Approximately 32.34- Acre "A" (Agriculture) to "RS" (Retail Services)

Vicinity Map



Site Description

The site is located at the north corner of E RR 150 and SH-21 and across E RR 150 from a convenience store and fuel station. The parcel is currently zoned "A" (Agriculture) and consists of approximately 102-acres of which approximately 32.34-acres is requested to be rezoned. The 32-34 acres is undeveloped, having been utilized for agricultural purposes.

To the west & north is the remainder of the 102-acres owned by FM RD 812 LLC, zoned Agriculture ("A", undeveloped). East, southeast and south of the parcel is SH-21 and property within the City of Umland's ETJ. To the southwest, is property within the City of Kyle city limits, across E RR 150. It's zoned "A" and the hard corner has a convenience store and fuel station.

Current Zoning



Sec. 53-36. - Agricultural district A.

The permitted uses in the agricultural district A allow farming, ranching, pasturage, detached single-family residences and related accessory structures, on a minimum one acre tract. Parks, playgrounds, greenbelts and other public recreational facilities, owned and/or operated by the municipality or other public agency are permitted.

(Ord. No. 438, § 23, 11-24-2003)

Requested Zoning

RS (Retail Services District)

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 (in the following listed use areas) to which value has been added on site, including sales of goods and services outside of the primary structure as customary with the uses specifically listed, and the following: Any use permitted in CBD-1 or CBD-2 and RS districts as provided in [section 53-1230](#).

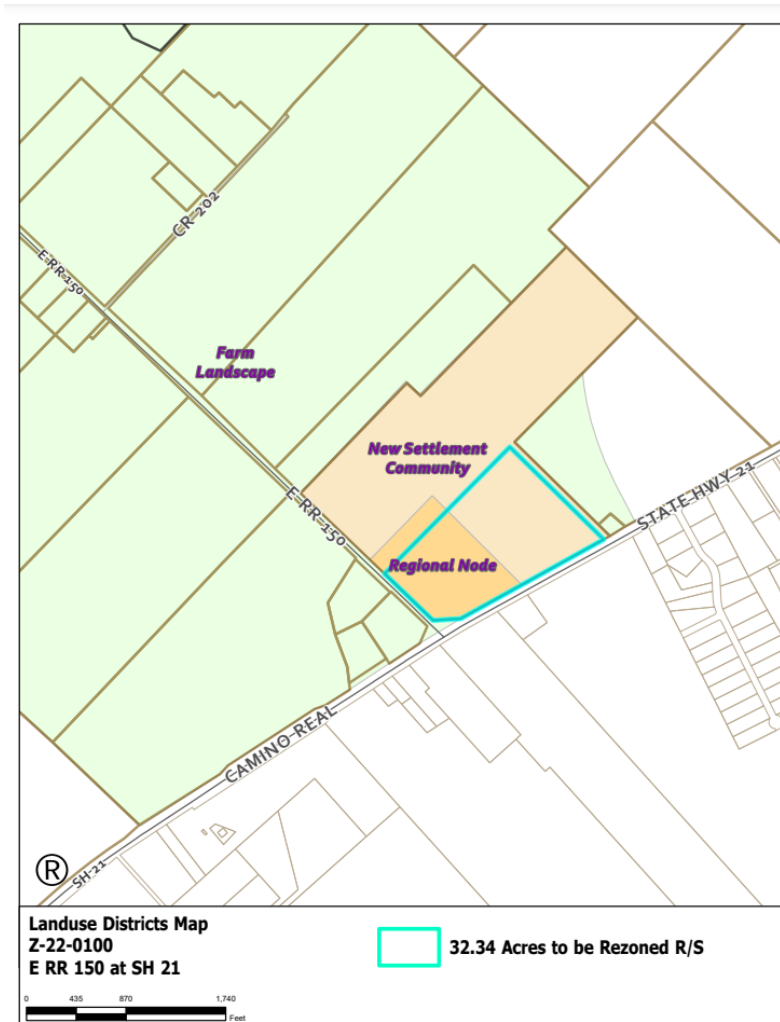
(Ord. No. 438, § 42(a), 11-24-2003)

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 both the “Regional Node” and “New Settlement” Districts. The RS zoning district is recommended in the “Regional Node” District and recommended conditionally in the “New Settlement” District.

Current Land Use Chart

Regional Node

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

Conditional Zoning Categories: CBD-1, CBD-2, E, HS, R-3-1, O/I

New Settlement District

Recommended Zoning Categories: O/I

Conditional Zoning Categories: E, R-1-A, R-1-1, R-1-2, R-1-3, R-1-C, R-1-T, R-2, UE, NC, CC, MXD, **RS**, W

Regional Node Narrative

'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 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 & 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 surround 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 concentrated and visible locations. Regional Nodes should provide a mixture of uses that complements regional commercial activity, as well as encourage high intensity 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.

New Settlement Narrative

'Character': The New Settlement District is comprised primarily of farm fields and new residential developments that are being carved out of former farm fields in an area that stretches across the city's southern-most region, from Old Stagecoach Road on the west, across I-35 toward the east, to the western border of the Plum Creek Riparian Landscape. The character of the district is as diverse as the district is expansive, as the New Settlement District spans the largest portion of the southern region of Kyle. For this reason, owing to such a diverse cross-section of Kyle's landscape, the character of the district is defined more by the function of the streets and neighborhoods that serve any particular block being examined, and less by the multiple landforms characteristic of the region as a whole. Northwest to southeast roadway patterns are strong, while northeast to southwest connections are lacking. Traditional residential enclaves predominate in the New Settlement District, aggregated in neighborhoods of unique housing forms. Some landscapes are bisected by I-35, others are permeated by feeder creeks and tributaries which should require heightened standards for physical development going forward. The region is dominated by legacy agricultural lands which feature old growth stands of trees and sparse one-family residences. However, there are areas experiencing significant development pressures to fulfill the current need for single family residential, and with few barriers to development, the region is growing popularity for new housing, held back in the western region by the large portion of the district being under-served by public waste water utilities. Private and public spaces are clearly separate, with the public domain by shared neighborhood amenities and the private domain defined by privatized landscapes. Acreage tracts abound in the Districts, some of which are uniquely suited for high turnover, high density retail and service uses by their location close to available roadways and wet utilities. Other properties are not yet ripe for development for their location along under-performing roadways, or from being so far removed from sewer and/or sufficient water supply. Public space is not encroached on by private functions. The New Settlement District has a lower density and intensity of development than the adjacent Mid-Town District, and the open character of the landscape removed from the interstate corridor, should evoke the agricultural heritage of the District. Physical and visual portioning and division of land should be avoided where possible in this District.

'Intent': The flat land and large parcel size in the New Settlement District result in a high level of development potential, which is beginning to be realized through market-driven demand for new housing stock. The City of Kyle should seek to capitalize on this "developability", while emphasizing community amenities, enhancing the neighborhood lifestyle through shared spaces, and improving connectivity within and without the District. The unique water features, such as creek ways and detention/retention facilities, in the New Settlement District should be utilized as form-giving elements and corridors for connections. Future development will occur along the roadways best suited for access, and in the best proximity to the emerging water and wastewater infrastructure expansion planned for in the city's capital improvement plan. Use patterns should be established that complement residential development and facilitate beneficial land use

transitions. In this way, the New Settlement District should serve as a transition between the higher intensity of use within the core Districts and the low intensity of use of the Farm District.

Analysis

The subject property is sited within both the “Regional Node” and “New Settlement” district, at the north corner of E RR 150 & SH-21 intersection. The 32.34-acre site is inside the city limits and zoned for Agriculture (A). The applicant wishes to rezone the acreage to Retail Services (RS), which is both recommended and conditionally recommended per the comprehensive plan.

Development within the “Regional Node” is expected to develop in a higher density and intensity of use, as these nodes are generally at major intersections or along minor/major arterials like E RR 150 & SH-21. Generally, sufficient utilities exist to help serve applicable developments. The “RS” zoning district is recommended in the “Regional Node” at the intersection per the comprehensive plan. The “RS” district is largely a high turnover, point-of-sale centric land use model (restaurants, retail shops, etc.), though offices and hotels are also expected and encouraged within this area.

The “New Settlement” District also has an allowance for the “RS” zoning district, however it is conditional. The general intent of the “New Settlement” District is one that is geographically vast, so most of the allowed zoning districts are conditional. Essentially, when one zooms into the parcel level detail, the conditions of the site will dictate the zoning (topography, utilities, adjacent land uses, etc.).

When the applicant originally came to the city to develop the land, the intent was to have the long face of the property face E RR 150 (parallel). The updated request with the zoning, has it turned ninety degrees to face SH-21. With this request, half of the site is in the “Regional Node” and half is in the “New Settlement” district. While the “Regional Node” recommends the “RS” district, and the “New Settlement” is conditional, both do allow the “RS” zoning district (both can consider it).

From a larger scale perspective, turning the project to face SH-21 is not a major change. The site is still at the hard corner, where the original idea was under consideration. From an infrastructure standpoint, nothing changes, as shown below.

Existing Infrastructure

- E RR 150 & SH-21 (TxDOT)
- Water (County Line SUD)

- Wastewater (none) – will use commercial scale OSSF until a wastewater system is available.
- Electricity = PEC

The development of this intersection will begin catalyzation of the southeast portion of the City. It will also likely provide opportunity for regional, larger scale retail, which this portion of the City is currently lacking. In short, this rezoning will essentially kick off development of the area, bring much needed point of sale services to the local populace, and provide extra sales and ad valorem tax to the City of Kyle.

After rezoning the following permits will be required:

- Subdivision/platting
 - Staff will review the Transportation Master Plan for appropriate improvements
 - Applicant will need TxDOT permits for access.
- Site Development Permit
 - Staff will review parking, landscape, detention, building locations etc.
- Conditional Use Permit (Building Façade)
 - Will also have applicant coordinate with 3rd party architects for Gold Standard.
 - Planning & Zoning Commission will consider/approve CUP.
- Commercial Building Permit
 - Building Dept will review for compliance with 2021 International Building Code.

Recommendation

In conclusion, staff supports the rezoning from “A” (Agriculture) to RS (Retail Services) for the 32.34-Acre portion of the property. Staff asks the Planning & Zoning Commission to recommend approval of the request.