

Property Location N. Old Stagecoach Rd, Kyle, TX 78640
Findley Subdivision, Lot 2

Owner 360 Old Stagecoach Retail, LLC
12600 Hill Country Blvd Ste. R-275
Bee Cave, TX 78738

Agent Connor Overby
Atwell, LLC
805 Las Cimas Pkwy, Ste. 310
Austin, TX 78746

Request Rezone 7.16-Acres "A" (Agriculture) to "CC"
(Community Commercial)

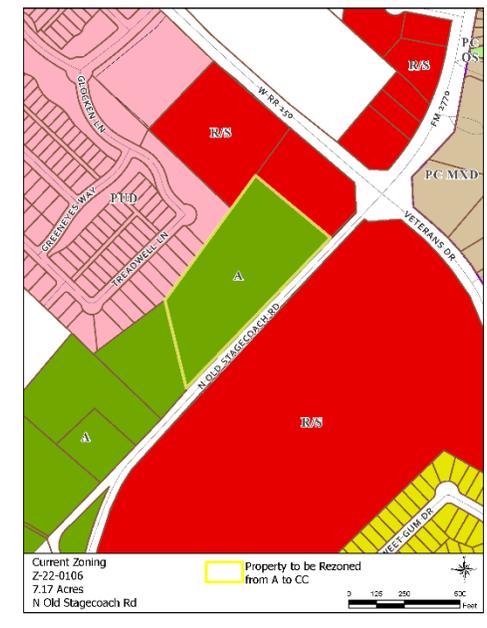
Vicinity Map



Site Description

The site proposed to be rezoned, is an undeveloped lot located at 360 Old Stagecoach Rd. It's currently zoned "A" or "Agriculture." To the north is a vacant lot currently zoned "RS" and the northwest is the Sage Hollow residential subdivision (PUD). To the south is and across N. Old Stagecoach Road is property zoned "RS". To the west is a property zoned "A", with a single-family residence. To the east is a property zoned "RS" or "Retail Services", with a combination convenience store, fuel station and car wash under construction.

Existing Zoning



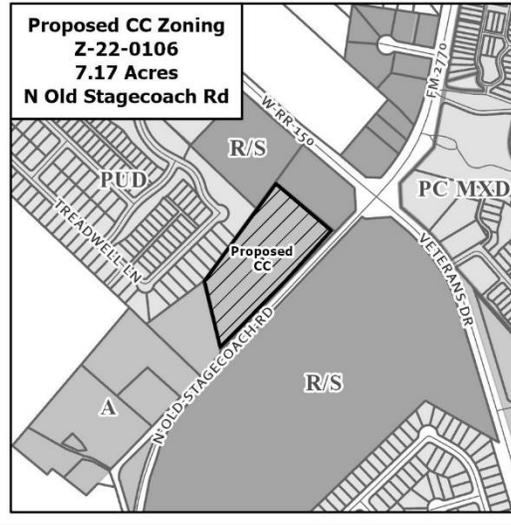
A (Agriculture)

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



CC (Community Commercial)

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.

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

Requirements of the Zoning District

Sec. 53-669. - Building placement.

- When the rear or side lot line abuts a single family residential zoned lot or property used for a single family residence the rear/side setback shall consist of the following transitional yards:
 - A 15-foot wide planting area consisting of one shade tree, two non-deciduous trees, and eight evergreen shrubs per 50 linear feet of lot width.
 - Eight-foot privacy fence.
- *Lot size:* Minimum 8,000 square foot lot.
- *Height regulations:* Maximum height of two stories within 150 feet from single-family residential zoned or used property and three stories between 150 and 300 feet from single-family residential zoned or used property.

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- Stories shall not exceed 14 feet in height from finished floor to finished ceiling. A single floor level exceeding 14 feet shall be counted as two stories.

Sec. 53-670. - Design.

- Primary entrances shall face the public street.
- The exterior walls shall be constructed of 100 percent stone, brick, masonry, stucco, masonry veneer, or similar granular product excluding doorways and windows. All walls must include materials and design characteristics consistent with those on the front (wood and metal may be used as accent material).
- Windows or doors of clear or lightly tinted glass (no high glare glass) shall comprise at least 50 percent of the frontage length measured between three feet and ten feet above grade, for retail buildings and shall comprise at least 30 percent of the frontage length for non-retail based buildings. Windows shall be distributed in a more or less even manner.
- For new non-residential development all buildings shall incorporate at least four of the following buildings elements:
 - Awnings;
 - Pillars;
 - Canopies;
 - Alcoves;
 - Recessed entries;
 - Ornamental cornices (other than colored stripes or bands alone);
 - Pillar posts.
- Exterior walls cannot have a blank uninterrupted length greater than 30 feet, without including two or more features:
 - Change in plane;
 - Change in texture or masonry pattern;
 - Windows;
 - Other equivalent that subdivide the wall into a human scale.

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

Sec. 53-671. Site standards.

The site development regulations for uses in the CC district are as follows:

Landscaping

- Street trees shall be planted a minimum of 30 feet on center. A minimum of 25 percent of the lot area shall be devoted to landscaping (all landscaping shall consist of drought-tolerant plants). Fifty percent of the required landscaping shall be located in front of the primary building.

Sidewalks.

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- Sidewalks, driveways and parking areas are required. The sidewalks and pedestrian walkways must be constructed of brick, pavers, or concrete with an exposed broom finish, and connect to the adjacent property having a common frontage.

Screening.

- Screening of loading, trash, recycling and storage facilities is required. All trash and recycling receptacles shall be stored behind the host building. The materials used for screening must be compatible with the materials used on the host building.

Parking.

- Seventy percent of all parking shall be setback behind the front of the building. Curb cuts for parking areas shall not exceed 25 feet in width.

Detention Facilities.

- Detention and water quality ponds shall utilize earthen berms and be designed with a curvilinear contoured shape. Any structural stabilization shall be limited to the use of native stone (except for outlet structure), and shall be limited to not more than 30 percent of the perimeter of the pond and shall be seamlessly integrated with landscape.

Lighting.

- Site lighting shall shine downward and be shielded so that light sources are not visible from public thoroughfares or from adjacent residential zoned or used property. Lighting pole standards shall not exceed a height of 18 feet.

Fencing.

- Any fencing in front, or to the side on corner lots, shall not exceed a height of three feet and any solid fencing material shall not exceed a height of two feet. No chain link, sheet metal, plastic, vinyl, barbed wire or horizontal metal pipe larger than two inches in diameter shall be used.

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

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;

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- 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.

* See special standards.

(Ord. No. 700, § 2(Exh. A), 7-17-201

Sec. 53-673. Special standards.

Size of building: First floors are limited to a maximum of 15,000 square feet.

Permanent outdoor storage shall not be allowed. Outdoor dining shall be allowed. Limited outdoor display shall be allowed with no more than ten percent of the lot area to be used for merchandise (merchandise shall not be left outside overnight). Outdoor displays shall not be allowed in any required off-street parking spaces.

Establishments located on property that are within 300 feet of any property zoned or used for a single-family residential use may not be open to the general public before 6:00 a.m. and must be closed to the general public by 10:00 p.m. Businesses may utilize extended hours on Friday and Saturday if the following conditions exist:

- If a property is located 150 feet or more from a single-family zoned or used property the business shall be allowed a closing time of midnight, on Friday and Saturday, by right.
- Any property closer than 150 feet from a single-family residentially zoned or used property may apply for a conditional use permit to allow for extended business hours that would allow for a closing time of midnight, on Friday and Saturday.

Fuel stations must adhere to the following requirements:

- Fascias of the canopy shall be finished to match the building material and color. Striping and banding of canopies is prohibited.
- No more than eight fuel pumps shall be allowed within the community commercial zoning designation.

Drive-through facilities (speakers, menu boards, or drive-through windows) shall not be located within 75 feet of a residentially zoned property. Drive-through facilities shall not face a public ROW. Drive-through lanes and facilities shall be located to the side and rear of the primary building. A minimum of a ten-foot wide landscape area along the edge of a site where parking areas, drive lanes are adjacent to a public street shall be provided. The landscape area shall include trees, shrubs and/or low walls to screen cars from view while allowing eye level visibility into the site.

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

Conditions of the Zoning Ordinance

Sec. 53-1205 Amendments

(d)

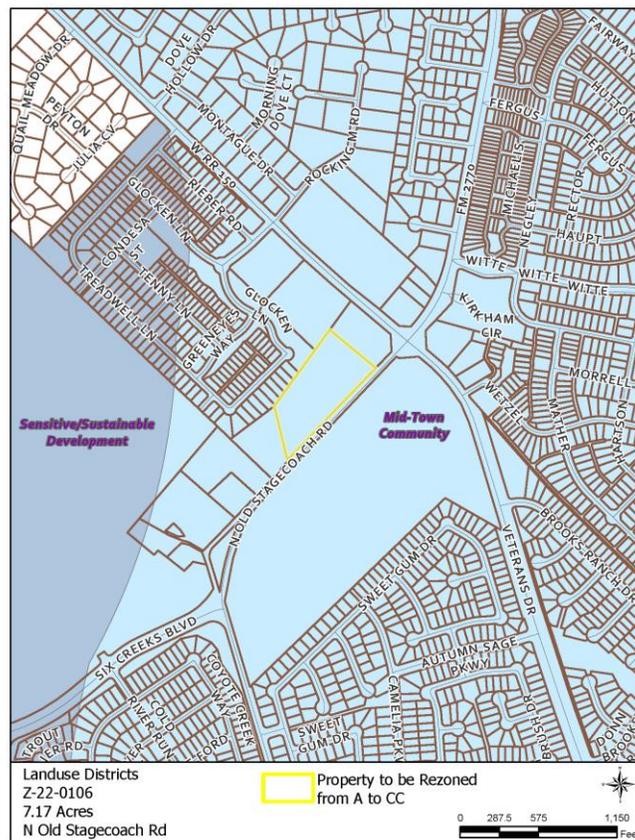
Referral of amendment to planning and zoning commission. Upon its own motion, a request by the planning and zoning commission, or the receipt of an administratively complete petition and application to zone or rezone a lot, tract or

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



Mid-Town Community District

The subject site is located within both the “Mid-Town Community” district. The “CC” zoning district is a conditional district in the “Mid-Town Community” district.

Mid-Town Community

Recommended: R-1-1, R-1-2, R-1-3, NC

Conditional: E, R-1-A, R-1-T, R-3-1, R-3-2, **CC**, R/S, MXD, O/I

'Character': The Mid-Town District contains sites of recent residential development in Kyle, and will continue to predominantly feature residential uses. Those residential uses in this District are organized around the curvilinear streets of suburban neighborhood design, rather than the regular, rectilinear grid that characterizes the Old Town District. The Plum Creek waterway flows through and adjacent to the Mid-Town District, offering opportunities for recreation and a responsibility for environmental conservation. This District has a neighborhood-oriented form built around shared spaces such as streets, yards, porches and common areas. Neighborhood legibility and continuity is enhanced through these shared spaces. Distinctive landscape forms, including creekways, vistas, and rolling hills, give identity to this District and should be preserved, protected, and incorporated into development plans.

'Intent': The purpose of the Mid-Town District is to maximize the value capture of new residential development in Kyle. This District enjoys unusual proximity to amenities, such as open space, Downtown, commercial nodes, and transit options. The area is therefore well-positioned to define an economic and lifestyle pattern that is unique to Kyle. New development should accommodate mid- to high-density residential uses within the unique landscape forms that are present in the District. Higher density residential, attached residential, and non-residential projects like employment and retail sales should be considered based on their proximity to higher classification streets, higher capacity water and waste water availability, and likelihood of compatibility of adjacent uses. Legibility of neighborhood identity, definition, and transportation should be improved within the Mid-Town District through such elements as trails, sidewalks, signage, and interconnected shared spaces.

Analysis

The subject property is located on approximately 7.16-acres and zoned "A" (Agriculture). This site is currently undeveloped.

The Community Commercial zoning district is an appropriate use given the zoning of the surrounding properties and proximity to residential areas. This zoning district allows for less intense uses than Retail Services, making it an appropriate choice for the area (i.e. more restrictions regarding uses, than RS). This will provide opportunity for economic growth within this area of the City, provide additional retail and dining options, while also applying appropriate design restrictions adjacent to the residential areas. Community Commercial zoning has robust standards for development to help ensure a quality project that can seamlessly integrate into the surrounding community. A short list of robust design standards follows:

- Curvilinear detention pond (decorative and functional);

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- 10' landscape buffer adjacent to residential uses with a mix of trees, shrubs and walls.
 - Dumpsters must be enclosed and in the rear of the property.
 - 70% of parking must be behind the front face of the building and the public ROW.
 - Property will have an extension of the Vybe Trail along N. Old Stagecoach Road and will integrate appropriately into the Vybe Trail system.

Utility Providers:

- Water: City of Kyle
- Wastewater: City of Kyle
- Electric: PEC

Transportation Master Plan:

The City of Kyle's Transportation Masterplan shows this section of N. Old Stagecoach Road to be re-aligned through the property to the south. However, the portion of N. Old Stagecoach Road adjacent to this parcel, will generally have the existing alignment. Per the 2022 Road Bond, the City proposes to reconstruct Old Stagecoach Road into a 4-lane undivided road, with the Vybe Trail flanking the one side of the future road.

Permits Required following zoning:

- Subdivision: Approved
- Site Development Permit
- Conditional Use Permit(s) (Veteran's Drive Overlay)
- Commercial Building Permit(s)

At the October 11, 2022 Planning & Zoning Commission meeting, Commissioner Oncken had questions relating to restrictions of drive-thru uses, how the proposed commercial site will integrate into the Vybe Trail, and proximity of the commercial buildings to the adjacent residential (west and north of the site). Staff believes the items were adequately addressed at the meeting and within the zoning code.

Recommendation

Staff has reviewed the zoning request and it does align with the current Comprehensive Plan and found it to be an appropriate zoning district for the site. The Planning and Zoning Commission voted 5-1 to recommend approval of this zoning to City Council on October 11, 2022.