

Property Location	23451 IH-35, Kyle, TX 78640
Property ID:	R90524
Owner	Winn Family Limited Partnership Andrew C Winn P.O. Box 1727 Wimberley, TX 78676
Agent	Al Carroll, P.E. 155 Riverwalk Dr San Marcos, TX 78666
Request	Rezone 4.01-Acres "A" (Agriculture) to "RS" (Retail Services)

Vicinity Map

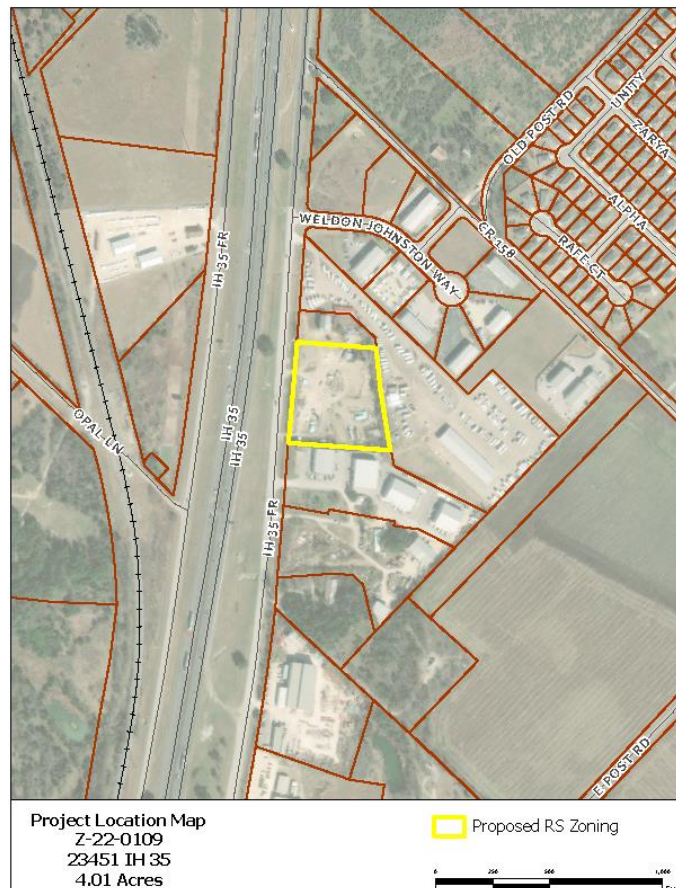




Image shown with more detail.

Site Description

The site proposed to be rezoned, is an undeveloped lot located along the IH-35 N Frontage Road. It's currently zoned "A" or "Agriculture." Immediately to the north is the 1-acre portion of the Winn tract, currently zoned "RS". To the south is property zoned Construction Manufacturing "CM" and utilized as a small scale light industrial park. To the west and across I-35 is an undeveloped property which is zoned "A." To the east is a property zoned "W" and used as a recreational vehicle dealership.

Existing Zoning



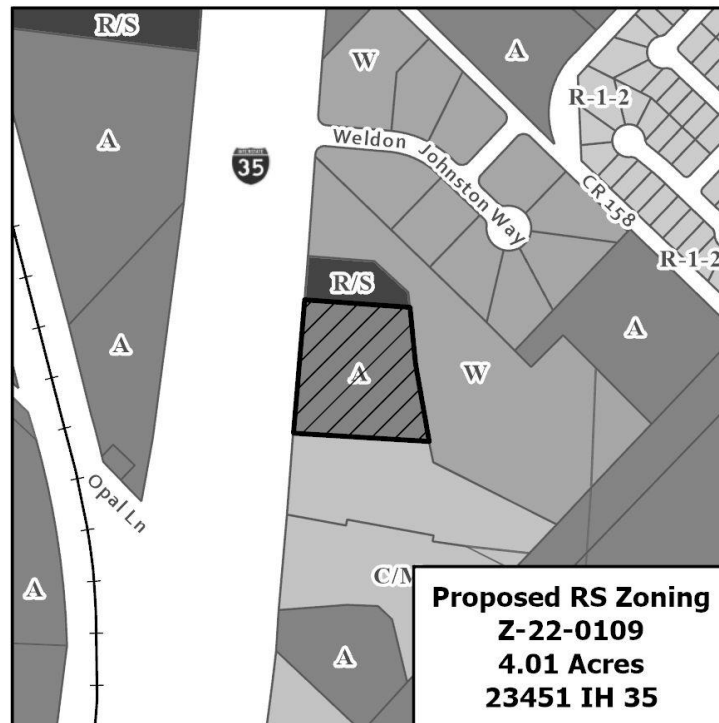
A (Agriculture)

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



RS (Retail Services)

Sec. 53-480. – 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, § 45(a), 11-24-2003)

Sec. 53-481. Conditions and limitations.

The conditions and limitations on uses in the RS district are as follows:

(1) The use be conducted wholly within an enclosed building, except for:

- Delivery
- Catering
- Gasoline sales
- Plant nurseries
- Garden centers
- Outdoor dining
- Outdoor display of merchandise

Additional outdoor uses may be considered and must follow the same approval process outlined in section 53-419. Outdoor, live, acoustic music performances or similar entertainment (no electronic sound amplification), must be considered through the conditional use process. All outdoor uses adjacent to residential uses or zoning, must comply with standard solid screening and landscape buffers as found in section 53-484. Outdoor uses cannot interfere with ADA access to public rights-of-way.

(Ord. No. 438, § 42(b), 11-24-2003; Ord. No. 1077 , § 3(Exh. A), 2-4-2020)

Sec. 53-482. Site development regulations.

The site development regulations on uses in the RS district are as follows:

- (1) Paved sidewalks, driveways and parking areas are required. The sidewalks, 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.
- (2) Screening of loading and storage facilities is required.

(Ord. No. 438, § 42(c), 11-24-2003)

Sec. 53-484. Special screening requirements.

All construction or development of property within this district that abuts property with residential zoning and/or residential use must conform to the following special screening requirements:

- (1) Solid, continuous fencing up to eight feet in height, but not less than six feet in height; and solid landscaping of at least four feet in width.
- (2) Screening under this section shall be at least three feet in height, but no more than four feet in height in front yards, from the front setback line to the sidewalk.
- (3) Landscaping under this section shall conform to the provisions of section 53-994(4) through (6).

- (4) All screening required by this section shall be along all common property boundaries with residential zoning.
- (5) All screening shall be constructed to maintain structural integrity against natural forces such as wind, rain, and temperature variations.
- (6) The finished side of all fences built to comply with this section shall face away from the screened property.
- (7) All screening and/or landscaping required by this section shall be in addition to all other landscaping, planting, screening, and/or setback requirements.
- (8) Exceptions to the provisions of this section may be granted by the planning and zoning commission and city council to require a lesser amount of screening if the aesthetic, buffering and environmental intent of this chapter is met, and the reduction of the screened area results in the preservation of natural features having comparable value to the reduced landscape requirements.

(Ord. No. 438, § 42(e), 11-24-2003)

Conditions of the Zoning Ordinance

Sec. 53-1205 Amendments

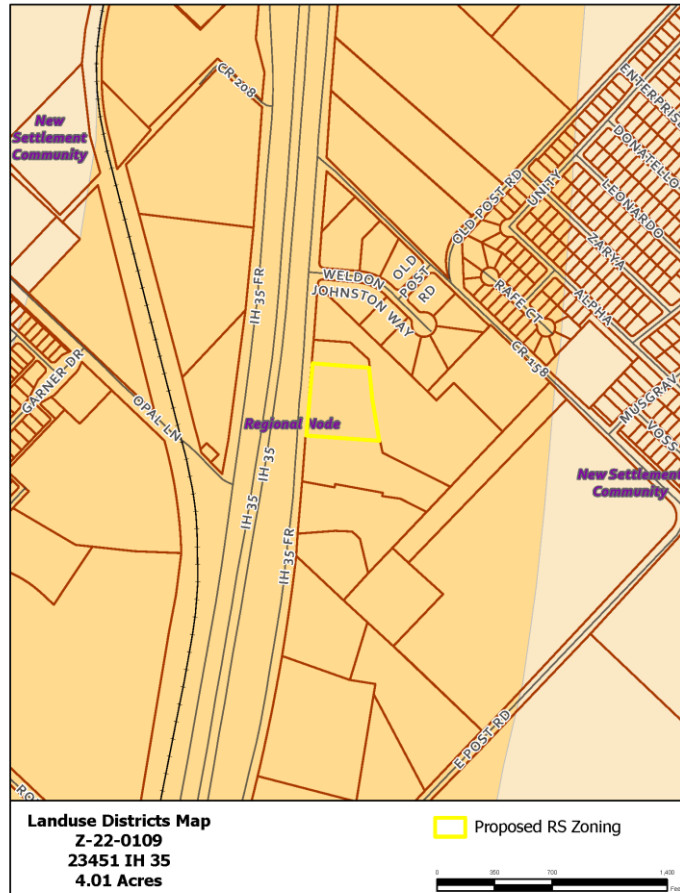
(d)

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 within the “Regional Node” district. The “RS” zoning district is recommended in the “Regional Node.”

Regional Node

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

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

‘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 Modes is to capture commercial opportunities necessary to close Kyle's tax gap. To achieve this goal, the 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 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.

Analysis

The subject property is located on approximately 5.01-acres and is currently zoned "A" for the southern 4.01-acres. This site is currently undeveloped with and is currently being utilized as the temporary construction yard for the City's Southside Wastewater Project. The site was originally a materials borrow pit to construct IH-35 in the mid-20th century. Later on, the Winn family purchased the property. They started construction on a metal warehouse but never completed it, prior to annexation. The total site is 5.01-acres, with the northern 1-acre section zoned "Retail Services" (Ord. No. 1193, 5/3/2022).

A majority of the adjacent parcels are zoned and used for warehouse or light industrial uses. At a glance, this site would logically follow a similar development pattern, however, in 2017 the City of Kyle removed warehouse and light industrial uses from the IH-35 corridor (comprehensive plan amendment). With discussions between the applicant and staff, the "Retail Services" (RS) zoning district was the next best district to consider from a marketing perspective. The "RS" district is also recommended per the City of Kyle's comprehensive plan.

Utilities:

- Water = City of Kyle
- Wastewater = City of Kyle
- Electricity = Pedernales Electric Cooperative

Relating to permits, the site may need to subdivide, but will be required to provide a site development permit, conditional use permit (building elevations/I-35 Overlay) and commercial building permit(s) to develop the site.

Recommendation

Staff has reviewed this zoning request and has determined the re-zoning is appropriate and aligns with the current Comprehensive Plan. The Planning and Zoning Commission voted unanimously to recommend approval of this request on November 8, 2022.