

# Zoning Request ZC-22-27

5300 BLK S IH 35  
Hampton Business Park HC



## Summary

<b>Request:</b>	Zoning change from Future Development (FD) and Agricultural Ranch (AR) to Heavy Commercial (HC)		
<b>Applicant:</b>	Pamela Madere Jackson Walker, LLP 100 Congress Avenue, Suite 1100 Austin, Texas	<b>Property Owner:</b>	Alp Yilmaz San Marcos LLC & CCM San Marcos LLC 7700 Kempwood Drive, Houston, TX, 77055

## Notification

<b>Application:</b>	May 9, 2022	<b>Neighborhood Meeting:</b>	N/A
<b>Published:</b>	June 26, 2022	<b># of Participants</b>	N/A
<b>Posted:</b>	June 24, 2022	<b>Personal:</b>	June 24, 2022
<b>Response:</b>	None as of the date of this report		

## Property Description

<b>Legal Description:</b>	15.6 acres, more or less, out of the W.H Van Horn-Third League, Abstract No 464, in Hays County		
<b>Location:</b>	Generally located on the I-35 South Frontage Road, approximately 1,400 ft south of the intersection of I-35 and Posey Road		
<b>Acreage:</b>	15.6 acres	<b>PDD/DA/Other:</b>	N/A
<b>Existing Zoning:</b>	ETJ (FD upon annexation)/ Agricultural Ranch	<b>Proposed Zoning:</b>	Heavy Commercial (HC)
<b>Existing Use:</b>	Vacant	<b>Proposed Use:</b>	Business Park
<b>Existing Occupancy:</b>	N/A	<b>Occupancy:</b>	N/A
<b>Preferred Scenario:</b>	Employment Area	<b>Proposed Designation:</b>	Same
<b>CONA Neighborhood:</b>	N/A	<b>Sector:</b>	N/A
<b>Utility Capacity:</b>	Extension Required at Developer's Expense	<b>Floodplain:</b>	No
<b>Historic Designation:</b>	N/A	<b>My Historic SMTX Resources Survey</b>	No

## Surrounding Area

	<b>Zoning</b>	<b>Existing Land Use</b>	<b>Preferred Scenario</b>
<b>North of Property:</b>	ETJ (Proposed LI)	Vacant/ Business Park	Low Intensity
<b>South of Property:</b>	Agricultural Ranch	Interstate	Employment Area
<b>East of Property:</b>	ETJ (Proposed LI)	Vacant	Employment Area
<b>West of Property:</b>	ETJ/FD/GC	Vacant/ Residential/Billboard	Employment Area

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**Staff Recommendation**

<u>X</u>	Approval as Submitted		Alternate Approval		Denial
Staff: Julia Cleary		Title : Planner, AICP		Date: July 7, 2022	

**Commission Recommendation**

<u>X</u>	Approval as Submitted		Approval with Conditions / Alternate		Denial
<b>Speakers in favor or opposed</b> None (applicant's representatives available for questions)					
<b>Recommendation from the Planning and Zoning Commission Meeting held July 12, 2022.</b> A motion was made by Commissioner Sambrano, second by Commissioner Costilla to recommend approval of the request. The vote passed with an 8-0 vote <b>For: Commissioners Agnew, Case; Costilla; Kelsey; Meeks; Mendoza; Sambrano, and Spell</b> <b>Against: 0</b> <b>Absent: Garber</b>					
<b>Discussion Topics:</b> <ul style="list-style-type: none"><li>• <b>Intended use</b> – Commissioner Agnew asked what the intended use was for the large pink building on the northeastern part of the site shown on the submitted site plan. The applicant's representative responded that they currently intended to develop it as a car dealership. Commissioner Case asked if the development was speculative, and if the zoning could change in the future. The applicant's engineer responded that it was speculative, and they were just in the initial planning stages right now, however they did not plan to change the zoning in the future.</li><li>• <b>Intentions for the land shown as "Future Development/ Agricultural Ranch"</b> – Commissioner Mendoza asked what the plans were for the land shown as Future Development" on the site plan. The applicant's engineer responded that there were no plans at this time and the intent was to leave it undisturbed. Staff clarified that "FD – Future Development" is the zoning district given to properties upon annexation.</li></ul>					

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### History

The site is currently within the ETJ in Hays County – a request for annexation is being considered concurrently (AN-22-12). The annexation request covers approximately 72 acres (Hampton Business Park) and includes this application for Heavy Commercial as well as an application for Heavy Industrial (ZC-22-25) adjacent the railway and Light Industrial (ZC-22-26) along I-35. A small section of the land proposed for annexation (along the southwestern boundary) has not been included in any of these zoning change requests in order to leave a 100' setback/ buffer from the adjacent residential parcel in the ETJ. This section will remain as "FD" and will be used for drainage and landscaping (see the attached Land Use Plan submitted by the applicant). *Please note that the small 0.3 acre parcel along I-35 zoned "GC" General Commercial will not change as it has already been annexed and zoned into the City.*

### Additional Analysis

See below.

### Comments from Other Departments

<b>Police</b>	No Comment
<b>Fire</b>	No Comment
<b>Public Services</b>	No Comment
<b>Engineering</b>	No Comment

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Evaluation			Criteria for Approval (Sec.2.5.1.4)
Consistent	Inconsistent	Neutral	
<u>X</u>			Whether the proposed zoning map amendment implements the policies of the adopted Comprehensive Plan and preferred scenario map <b><i>The site is located within an Employment Area in the Comprehensive Plan and per Table 4.1, Light Industrial Districts should be "considered" in this area.</i></b>
		<u>N/A</u>	Whether the proposed zoning map amendment is consistent with any adopted small area plan or neighborhood character study for the area <b><i>There are no neighborhood character studies for this area at this time.</i></b>
		<u>X</u>	Whether the proposed zoning map amendment implements the policies of any applicable plan adopted by City Council
		<u>N/A</u>	Whether the proposed zoning map amendment is consistent with any applicable development agreement in effect <b><i>There is no development agreement in effect for this site.</i></b>
<u>X</u>			Whether the uses permitted by the proposed change in zoning district classification and the standards applicable to such uses shall be appropriate in the immediate area of the land to be reclassified
<u>X</u>			Whether the proposed zoning will reinforce the existing or planned character of the area <b><i>The land is adjacent an existing Heavy Industrial zoning district and the use is consistent with the Employment Area designation in the Comprehensive Plan.</i></b>
<u>X</u>			Whether the site is appropriate for the development allowed in the proposed district
<u>X</u>			Whether there are substantial reasons why the property cannot be used according to the existing zoning <b><i>The site is currently in the ETJ and will be zoned "FD" Future Development upon annexation. FD is intended to be a temporary zoning district and does not allow any significant development due to use and impervious cover restrictions.</i></b>
		<u>X</u>	Whether there is a need for the proposed use at the proposed location <b><i>The City does not have an adopted needs assessment for commercial or industrial land uses.</i></b>

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Evaluation			Criteria for Approval (Sec.2.5.1.4)
Consistent	Inconsistent	Neutral	
<u>X</u>			Whether the City and other service providers will be able to provide sufficient public facilities and services including schools, roads, recreation facilities, wastewater treatment, water supply and stormwater facilities, public safety, and emergency services, while maintaining sufficient levels of service to existing development <b><i>A fire station analysis map is included in the packet. The site would take access from Dorado Bluffs Rd and the I-35 Frontage road as part of the wider development – per the map the section of I-35 adjacent the development lies within an 8 minute response time for a Fire Station.</i></b>
		<u>X</u>	Whether the proposed rezoning will have a significant adverse impact on property in the vicinity of the subject property <b><i>The surrounding land is predominantly undeveloped or industrial/ heavy commercial in nature. The majority of the site is located adjacent an existing industrial area – the land to the northwest is also zoned Heavy Industrial and contains the H&amp;H Industrial Park – and there is an accompanying Light Industrial zoning request for the land to the north and east (ZC-22-26). There is a residential parcel (R18660) to the west of the site, however the applicant has left a 100’ “setback” along the side of the parcel by not including it within the boundaries of the zoning change district (it will be left zoned as “FD” Future Development upon annexation).</i></b>
		<u>N/A</u>	For requests to a Neighborhood Density District, whether the proposed amendment complies with the compatibility of uses and density in Section 4.1.2.5
		<u>X</u>	The impact the proposed amendment has with regard to the natural environment, including the quality and quantity of water and other natural resources, flooding, and wildlife management
		<u>N/A</u>	Any other factors which shall substantially affect the public health, safety, morals, or general welfare