

Zoning Request

ZC-22-25

5300 BLK S IH 35
Hampton Business Park HI



Summary

Request:	Zoning change from Future Development (FD) to Heavy Industrial (HI)		
Applicant:	Pamela Madere Jackson Walker, LLP 100 Congress Avenue, Suite 1100 Austin, Texas	Property Owner:	Alp Yilmaz San Marcos LLC & CCM San Marcos LLC 7700 Kempwood Drive, Houston, TX, 77055

Notification

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

Property Description

Legal Description:	7.251 acres, more or less, out of the W.H Van Horn-Third League, Abstract No 464, in Hays County		
Location:	Generally located east of the Union Pacific railroad, approximately 1,000 ft south of Posey Road.		
Acreage:	7.251 acres	PDD/DA/Other:	N/A
Existing Zoning:	ETJ (FD upon annexation)	Proposed Zoning:	Heavy Industrial (HI)
Existing Use:	Vacant	Proposed Use:	Business Park
Existing Occupancy:	N/A	Occupancy:	N/A
Preferred Scenario:	Employment Area	Proposed Designation:	Same
CONA Neighborhood:	N/A	Sector:	N/A
Utility Capacity:	Extension Required at Developer's Expense	Floodplain:	No
Historic Designation:	N/A	My Historic SMTX Resources Survey	No

Surrounding Area

	Zoning	Existing Land Use	Preferred Scenario
North of Property:	ETJ	Vacant/ Business Park	Low Intensity
South of Property:	ETJ (proposed LI and HC)	Vacant	Employment Area
East of Property:	ETJ	Vacant	Employment Area
West of Property:	Heavy Industrial	Mobile Home Storage (under development)	Employment Area

Staff Recommendation

☒ Approval as Submitted	☐ Alternate Approval	☐ Denial
Staff: Julia Cleary		
Title : Planner, AICP		Date: July 7, 2022

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Commission Recommendation

☒	Approval as Submitted	☐	Approval with Conditions	☐	Denial
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Speakers in favor or opposed

Chris Bradford – Jackson Walker LLP (in favor)

Recommendation from the Planning and Zoning Commission Meeting held July 12, 2022.

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

For: Commissioners Agnew, Case; Costilla; Kelsey; Meeks; Mendoza; Sambrano, and Spell

Against: 0

Absent: Garber

Discussion Topics

- **Adjacent uses** – Commissioner Agnew asked about the use/ development of the land to the northeast of the site south of Posey Rd. Staff stated that it was in the ETJ and currently undeveloped.
- **Overall site development and roadway access** – Commissioner Agnew asked about the overall phasing of the development with respect to the accompanying zoning change requests ZC-22-26 and ZC-22-27 and the construction of the roadways. The applicant's engineer responded that these sites would be developed concurrently and that main access point of access would be a roadway connecting to the I-35 frontage road, in addition to connections to Dolarado Bluffs and Central Texas Dr which currently serve the H&H Industrial Park. Staff confirmed that the roadways in the H&H Industrial Park were public streets. Commissioner Spell asked if there were plans for the segment of Posey Road to the north of the site – staff responded that they believed there were currently improvements planned, although the planning efforts were primarily being led by Hays County and were not aware of the specific details at this time. (*Details of the Hays County Posey Rd Corridor study can be found at <https://hayscountytexas.com/residents/transportation-projects/posey-road-corridor-study/>*).

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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 Industrial as well as an application for Light Industrial (ZC-22-26) and Heavy Commercial (ZC-22-27) along I-35.

Additional Analysis

Heavy Industrial zoning is the most intensive zoning district in the City Code and per Chapter 4 of the Code contains uses which “by their nature create a nuisance, and which are not properly associated with or are not compatible with nearby residential or commercial uses”. The site is located next to the railway line and is adjacent an existing industrial area – the land to the west is also zoned Heavy Industrial is currently under development to be used for mobile home storage and sales. There are no residential neighborhoods in close proximity to the site – the closest residential structure is a house in the ETJ on Hunter Rd approximately 650 ft away, however there is an existing tree buffer within the Union Pacific Right of Way in addition to the railroad between the home and the proposed district.

The request is consistent with the Employment Area designation in the Land Use Scenario.

Comments from Other Departments

Police	No Comment
Fire	No Comment
Public Services	No Comment
Engineering	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 <i>The site is located within an Employment Area in the Comprehensive Plan and per Table 4.1, Heavy Industrial Districts should be "considered" in this area.</i>
		<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 <i>There are no neighborhood character studies for this area at this time</i>
		<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 <i>There is no development agreement in effect for this site.</i>
<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 <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>
<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 <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>
		<u>X</u>	Whether there is a need for the proposed use at the proposed location <i>The City does not have an adopted needs assessment for commercial or industrial land uses.</i>
Evaluation			Criteria for Approval (Sec.2.5.1.4)

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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 <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>
		<u>X</u>	Whether the proposed rezoning will have a significant adverse impact on property in the vicinity of the subject property <i>See “additional analysis” section. The surrounding land is predominantly undeveloped or industrial/ heavy commercial in nature.</i>
		<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