

# Zoning Request ZC-22-15

## 4900BLK S IH 35 Posey Rd Industrial Phase 2 HC



### Summary

<b>Request:</b>	Zoning change from “FD” Future Development and “AR” Agricultural Ranch to “HC” Heavy Commercial.		
<b>Applicant:</b>	Burt Wellmann, P.E. KFW Engineers 162 W Mill St New Braunfels, TX, 78130	<b>Property Owner:</b>	Blair Warren Warren Realty Ltd. 1910 B Centerpoint Rd. San Marcos, TX, 78666

### Notification

<b>Application:</b>	March 4, 2022	<b>Neighborhood Meeting:</b>	N/A
<b>Published:</b>	March 27, 2022	<b># of Participants</b>	N/A
<b>Posted:</b>	March 25, 2022	<b>Personal:</b>	March 24, 2022
<b>Response:</b>	None as of the date of this report		

### Property Description

<b>Legal Description:</b>	18.61 acres, more or less, out of the Henry Warnell Survey No. 21 in Hays County		
<b>Location:</b>	NW of the intersection of Posey Rd and IH-35		
<b>Acreage:</b>	18.61 acres	<b>PDD/DA/Other:</b>	N/A
<b>Existing Zoning:</b>	Future Development & Agricultural Ranch	<b>Proposed Zoning:</b>	Heavy Commercial
<b>Existing Use:</b>	Vacant	<b>Proposed Use:</b>	Industrial 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>	Heavy Commercial/ Light Industrial	ATV/ Trailer Dealerships	Employment Area
<b>South of Property:</b>	ETJ	Vacant/ Agricultural	Employment Area
<b>East of Property:</b>	AR/ ETJ	Interstate-35	Employment Area
<b>West of Property:</b>	ETJ ( <i>proposed Heavy Industrial per accompanying request ZC-22-16</i> )	Vacant	Employment Area

**Zoning Request**

**ZC-22-15**

**4900BLK S IH 35**

**Posey Rd Industrial Phase 2 HC**



**Staff Recommendation**

<input checked="" type="checkbox"/> <b>Approval as Submitted</b>	<input type="checkbox"/> <b>Alternate Approval</b>	<input type="checkbox"/> <b>Denial</b>
Staff recommends <u>approval</u> of this zoning change as requested.		
<b>Staff:</b> Julia Cleary	<b>Title :</b> Planner	<b>Date:</b> April 7, 2022

**Commission Recommendation**

<input checked="" type="checkbox"/> <b>Approval as Submitted</b>	<input checked="" type="checkbox"/> <b>Approval with Conditions / Alternate</b>	<input checked="" type="checkbox"/> <b>Denial</b>
<b>Speakers in favor or opposed</b> Burt Wellmann (applicant – in favor)		
<b>Recommendation from the Planning and Zoning Commission Meeting held April 12, 2022</b> A motion was made by Commissioner Agnew, second by Commissioner Kelsey to recommend approval of the request. The vote passed with a 9-0 vote. <b>For: Commissioners Agnew, Case; Costilla; Garber; Kelsey; Meeks; Mendoza; Sambrano, and Spell</b> <b>Against: 0</b> <b>Absent: 0</b>		
<b>Discussion Topics:</b> <b>Split zoning:</b> Commissioner Agnew asked the applicant why they were splitting the site into two different zoning districts. The applicant responded that it would allow more retail uses along the I-35 frontage road, with more industrial uses to the rear. <b>Environmental constraints</b> – Commissioner Spell asked about floodplain and the “moderate” rating on the land use suitability map. Staff noted that there was no floodplain on the property, however a watershed protection plan phase 1 had been approved as part of the Preliminary Plat and a drainage lot had been designated on the plat.		

**Zoning Request****ZC-22-15****4900BLK S IH 35****Posey Rd Industrial Phase 2 HC****History**

A Preliminary Plat for Posey Road Industrial Park Phase 2 was approved by P&Z in September 14<sup>th</sup>, 2021 (PC-20-42). The majority of this site lies within the ETJ and a request for annexation is concurrently under review (AN-22-08). Of the land included in the annexation request, the eastern half along I-35 is included in this Heavy Commercial zoning request. A separate zoning change request for Heavy Industrial (ZC-22-16) has been submitted for the western side adjacent Transportation Way.

City Council approved a cost share agreement for a wastewater line extension to Posey Rd Industrial Park in January 2021 (Resolution 2020-03R).

**Additional Analysis**

The site is in an established industrial and heavy commercial area and the zoning request is consistent with the existing character of the area. There are no residential neighborhoods immediately adjacent the property, and the requested district is consistent with the Preferred Scenario's long term vision of this site as an "Employment Area."

**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

Zoning Request

ZC-22-15

4900BLK S IH 35

Posey Rd Industrial Phase 2 HC



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 Preferred Scenario map.</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
		<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
<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 surrounding the site is primarily industrial/ heavy commercial in nature.</i></b>
<u>X</u>			Whether the site is appropriate for the development allowed in the proposed district <b><i>The site fronts Interstate 35. Auto oriented commercial uses permitted in the Heavy Commercial zoning district would be appropriate in this area.</i></b>
<u>X</u>			Whether there are substantial reasons why the property cannot be used according to the existing zoning <b><i>The majority of the site is in the ETJ. Upon annexation it will be zoned "FD" Future Development" which is intended to be a temporary zoning designation until specific uses have been identified.</i></b>
		<u>X</u>	Whether there is a need for the proposed use at the proposed location

**Zoning Request****ZC-22-15****4900BLK S IH 35****Posey Rd Industrial Phase 2 HC**

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
<u>X</u>			Whether the proposed rezoning will have a significant adverse impact on property in the vicinity of the subject property.
		<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>X</u>	Any other factors which shall substantially affect the public health, safety, morals, or general welfare