

# Zoning Request ZC-22-16

# Transportation Way/Posey Rd Posey Rd Industrial Phase 2 HI



## Summary

<b>Request:</b>	Zoning change from “FD” Future Development to “HI” Heavy Industrial.		
<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>	18.33 acres, more or less, out of the Henry Warnell Survey No. 21 in Hays County		
<b>Location:</b>	NE of the intersection of Posey Rd and Transportation Way.		
<b>Acreage:</b>	18.33 acres	<b>PDD/DA/Other:</b>	N/A
<b>Existing Zoning:</b>	Future Development	<b>Proposed Zoning:</b>	Heavy Industrial
<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	Vacant	Employment Area
<b>South of Property:</b>	ETJ	Vacant/ Agricultural	Employment Area
<b>East of Property:</b>	ETJ ( <i>proposed Heavy Commercial per accompanying request ZC-22-15</i> )	Vacant	Employment Area
<b>West of Property:</b>	ETJ	Posey Rd Industrial Park Phase 1 (Concrete Plant) and Posey Rd Business Park (Transportation Services/Offices)	Employment Area

<b>Zoning Request</b>	<b>Transportation Way/Posey Rd Posey Rd Industrial Phase 2 HI</b>
<b>ZC-22-16</b>	



### **Staff Recommendation**

<u><b>X</b></u>	<b>Approval as Submitted</b>		Alternate Approval		Denial
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**

<u><b>X</b></u>	<b>Approval as Submitted</b>		Approval with Conditions / Alternate		Denial
<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 Spell to recommend approval of ZC-22-16. The motion 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>					

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<b>ZC-22-16</b>	



### 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 site currently falls within the ETJ and a request for annexation is concurrently under review (AN-22-08). Of the land included in the annexation request, the western half along Transportation Way is included in this Heavy Industrial zoning request. A separate zoning change request for Heavy Commercial (ZC-22-15) has been submitted for the eastern side adjacent Interstate-35.

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

Heavy Industrial zoning is the most intensive zoning district in the Development Code, and per the code is intended to accommodate 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”. However, given the immediately adjacent land uses (concrete mixing plant, transportation services, and business/ industrial park), the requested industrial zoning is considered to be appropriate for this site.

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” in the City.

### 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-22-16**

**Transportation Way/Posey Rd**  
**Posey Rd Industrial Phase 2 HI**



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 will connect to Phase 1 of Posey Rd Industrial Park which was platted in 2016 and is now Ingram Readymix concrete plant. Industrial uses permitted in the Heavy Industrial 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 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-22-16**

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**Posey Rd Industrial Phase 2 HI**



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