



# Planning and Zoning Commission

## Planning Department Staff Report

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**Report Date:** May 13, 2022  
**Case No:** 2022-2-ANX  
**Project Planner:** Cesar Acosta, Senior Planner

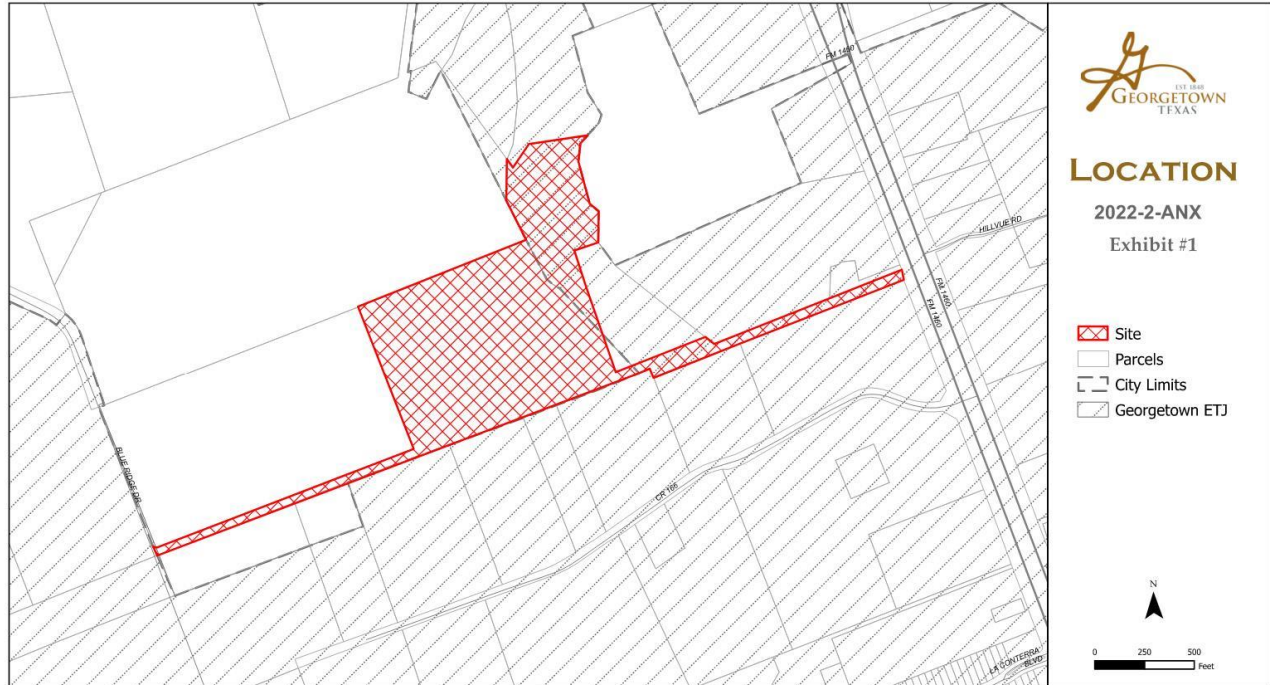
### Item Details

**Project Name:** Harmony Public School  
**Project Location:** 2,700 feet south of SE Inner Loop with a portion of the tract adjacent to FM 1460 within City Council district No. 1., upon annexation  
**Total Acreage:** 28 Acres  
**Legal Description:** 28acre tract in the Lewis J. Dyches Survey Abstract No. 180 and the Frances A. Hudson Survey Abstract No. 295.

**Applicant:** Halff Associates, c/o Jason Bass  
**Representative:**  
**Property Owner:** Harmony Public School c/o Nihat Bayhan

**Request:** Zoning Map Amendment to zone, upon annexation a portion of the subject property to the **Public Facility (PF) zoning district** and to rezone portions of the subject property from the **Industrial (IN) zoning district** to the **Public Facility (PF) zoning district** and from the **Business Park (PF) zoning district** to the **Public Facility (PF) zoning district**.

**Case History:** In 2007 Longhorn Junction Cattle Company requested annexation for a project called "Airport Inc" which brought in 50.62 acres into the City Limits with a zoning designation of Agriculture (AG). The same year a Comprehensive plan amendment to change the future land use from Residential to Business Park, as well as a rezoning request was made to rezone 29.44 acres as Business Park (BP) and 21.18 acres as Industrial in order to develop a mixed use business center. The project was ultimately never completed.



## Overview of Applicant's Request

The applicant has a property totaling 28 acres, 20.19 acres of the subject property are within the City Limits in the Industrial zoning district, 7.81 acres are in the City's ETJ. The applicant has requested annexation for the portion within City Limits to be rezoned to Public Facility and for the portion in ETJ, upon annexation, to be zoned Public Facility in order to build a Public Middle School.

## Site Information

### Location:

The subject property is 1,986 feet south of SE Inner loop, 800 feet north of CR 166. A small portion of the subject property connects to FM 1460.

### Physical and Natural Features:

The Subject property is largely undeveloped, the area has been cleared of vegetation and there are several dirt roads running east to west at the southern end of the property. There are no existing structures or fences erected. 7.96 acres of the subject property are within the 100-year floodplain

### Future Land Use and Zoning Designations:

The subject property has existing Future Land Use designations of Employment Center and Mixed Density Neighborhood. 20.19 acres of the subject property are inside the City Limits and is currently zoned Industrial and Business Park while the remaining 7.81 acres are unentitled as they are in the City's ETJ.

### Surrounding Properties:

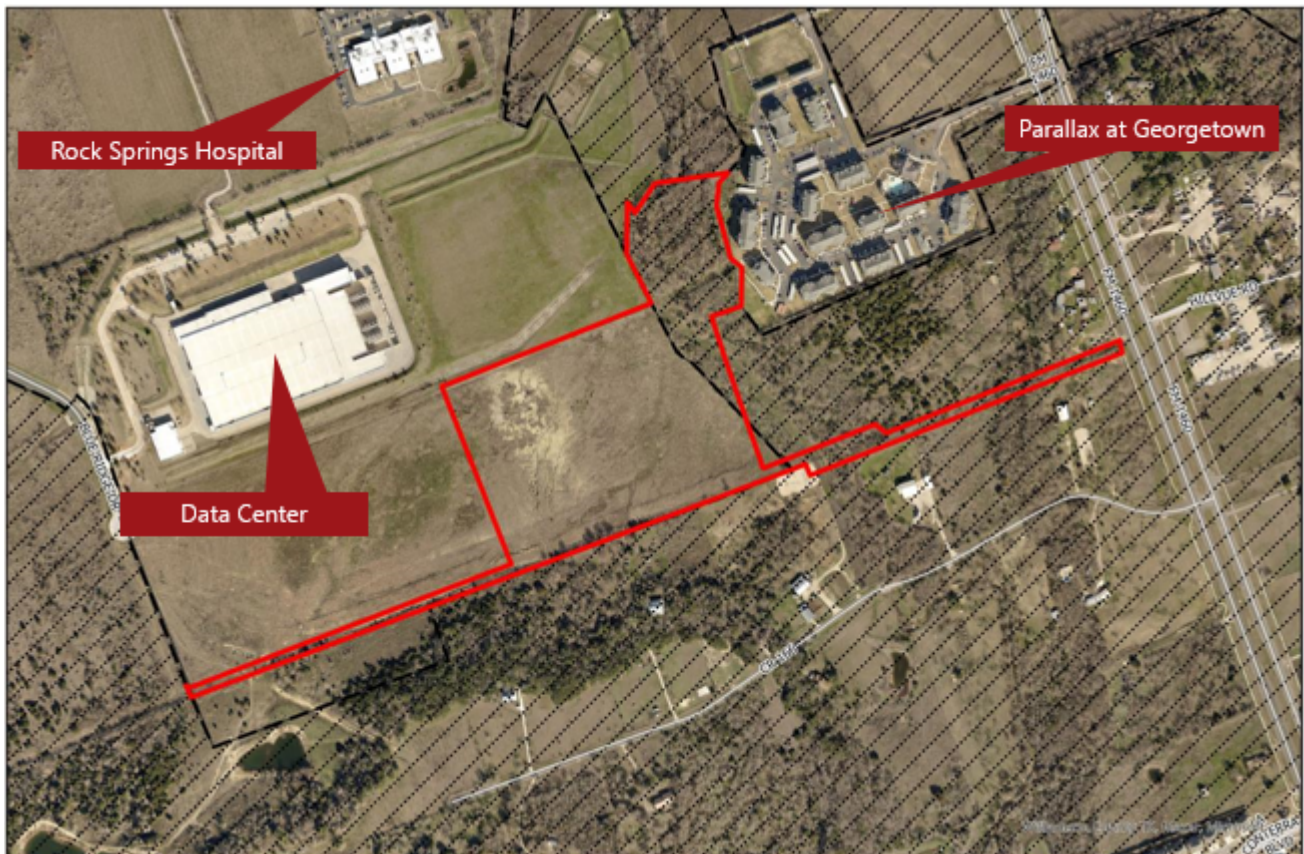
Northwest of the main tract of the subject property is the Citigroup Data Center, which encompasses 8

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acres in area with a main building set back 470 feet from Blue Ridge Dr. to its west. Further north of the subject property is the Rock Springs Hospital which is also set back 560 feet from its nearest road (SE Inner Loop). East of the subject property is a high-density multi-family development. West of the subject property is an undeveloped parcel of land that, like the subject property, has been clear cut and has a dirt road running along its southern boundary moving east to west. South of the subject property are several large lot properties with residential structures, the closest being approximately 325 feet away.

The current zoning, Future Land Use designation, and existing uses of the adjacent properties to the north, south, east and west are outlined in the table below:

DIRECTION	ZONING DISTRICT	FUTURE LAND USE	EXISTING USE
North	Office (OF)/Business Park(BP)/Unentitled	Employment Center/Open Space	Data center
East	High Density Multi-Family(MF-2)/Unentitled	Mixed Density Neighborhood/ Regional Center	High density residential/ Undeveloped land/ FM 1460
South	Unentitled	Employment Center	Large lot single-family residential
West	Business Park (BP)	Employment Center	Undeveloped





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### Property History:

In 2007 a comprehensive plan amendment to change the future land use from Residential to Business Park, as well as a rezoning request were passed to rezone 29.44 acres as Business Park (BP) and 21.18 acres as Industrial in order to develop a mixed use business center.

### Comprehensive Plan Guidance

#### Future Land Use Map: Employment Center (EC)

Centers with employment-generating uses support heightened economic activity through quality architectural design and well-integrated supporting uses such as retail, restaurants. The inclusion of moderate to high density residential is appropriate as a supporting use to these areas of commerce and employment. Because these areas often act as a transition between more intensely developed industrial uses and residential neighborhoods, standards should be developed to ensure that development of these activities is compatible with the character of the surrounding area. Care should be taken to protect adjacent uses from adverse impacts potentially associated with existing industrial uses (commercial traffic, outside storage, etc.), using buffering and/or performance-based development standards.

**DUA:** 14 or more

**Target Ratio:** 80%  
nonresidential, 20% residential

**Primary Use:** Advanced manufacturing, life sciences, and professional services

**Secondary Uses:** Flex workspace, environmentally friendly manufacturing, retail, commercial, high-density residential, mixed-use

### Utilities

The subject property is located within the City's service area for water and electric and an 18-inch wastewater main is adjacent to the northeast corner of the subject property. Additionally, it is located within the Oncor service area for electric. It is anticipated that there is adequate capacity to serve the subject property at this time. A Utility Evaluation request will be made du with the Site Development Plan.

### Transportation

The applicant intends on providing access to the school via Blue Ridge Drive, which is designated as a local collector road in the City's Overall Transportation Plan. These streets are intended to balance traffic between arterial streets and local streets. These streets tend to carry a high volume of traffic over shorter distances, providing access and movement between neighborhoods, parks, schools, retail areas and the arterial street system.

A Traffic Impact Analysis (TIA) was submitted for review on April 19<sup>th</sup>, 2022.

### Proposed Zoning district

The applicant is requesting that 7.81 acres of the subject property be brought into the city limits with an initial zoning of Public Facilities (PF) and rezone 2.9 acres from Business Park (BP), as well as 17.3 acres from in Industrial (IN) to Public Facility (PF) in order to build a public school

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The Public Facilities (PF) zoning district is intended to provide a location for government and other public or quasi-public facility operations. These may include schools, public parks, hospitals, airports, government offices, churches and light industrial uses that allow for the operation of major utilities but would not include industrial facilities or storage yards. Some uses allowed in this district might generate heavy traffic volumes and high-intensity operations. The PF district shall contain uses that are allowed in both residential and non-residential districts and is subject to non-residential design and landscaping standards for compatibility with nearby or adjacent residential uses.

Permitted uses in this district include, but are not limited to, emergency services station, government/post office, library, hospital, and utilities. Other uses such as schools, community centers, churches, restaurants, and event facilities are permitted subject to specific design limitations to ensure compatibility with the surrounding properties. Certain land uses including group homes with more than 16 residents, orphanage, psychiatric hospital, and major event entertainment, may be permitted subject to approval of a Special Use Permit (SUP). Exhibit 4 contains a comprehensive list of PF district permitted uses and development standards.

### Intergovernmental and Interdepartmental Review

The proposed rezoning request was reviewed by all applicable City Departments to determine the appropriateness of the requested zoning on the subject property. No comments were issued regarding the zoning request.

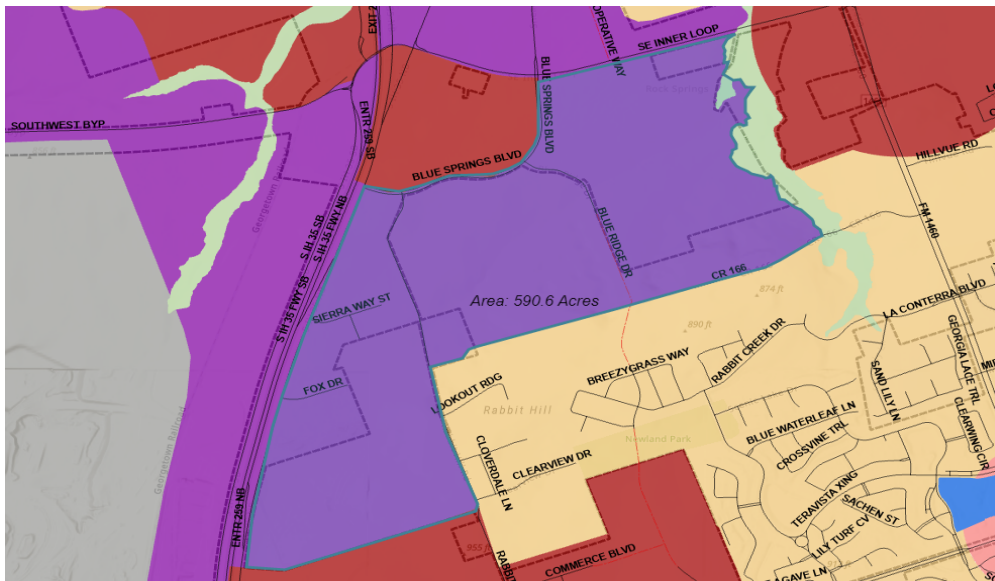
### Approval Criteria

Staff has reviewed the proposed rezoning request and has found that it complies with 3 out of 5 of criteria and partially complies with 2 out of the 5 criteria established in UDC Section 3.06.030 for a Zoning Map Amendment, as outlined below:

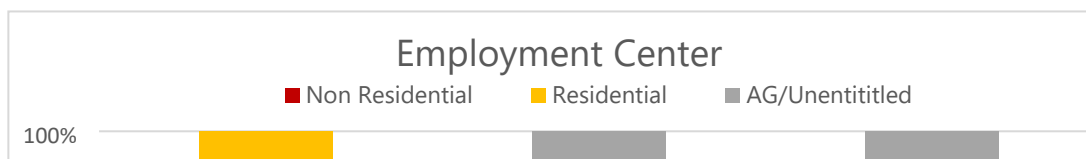
ZONING MAP AMENDMENT (REZONING) APPROVAL CRITERIA	
<b>1. The application is complete and the information contained within the application is sufficient and correct enough to allow adequate review and final action.</b>	<b>Complies</b>
An application must provide the necessary information to review and make a knowledgeable decision in order for staff to schedule an application for consideration by the Planning and Zoning Commission and City Council. This application was reviewed by staff and deemed to be complete.	
<b>2. The zoning change is consistent with the Comprehensive Plan.</b>	<b>Partially Complies</b>

ZONING MAP AMENDMENT (REZONING) APPROVAL CRITERIA

The subject property is located primarily within the Employment Center future land use, an area intended to concentrate economic activity and high-density residential development. The applicant is requesting the Public Facility zoning district in order to build a secondary school, a civic use, which is not listed among the primary or secondary uses of the Employment Center future land use. However, the Comprehensive Plan states that Employment Centers can provide a transition between intensely developed industrial uses and residential neighborhoods. Furthermore, schools do provide support services to high-density residential and allow them to function as more complete neighborhoods. The area is bound to the North by SE Inner Loop, a major arterial road, to the west by the I-35 freeway, and to the south and east by changes in the future land use designation.



The subject property is on the eastern edge of an area designated as an Employment Center where it meets a portion of the city designated as Mixed Density Neighborhood. The proposed Public Facility zoning on the subject property would provide a transition between the higher intensity uses of the properties zoned Industrial to its northwest and the residential developments to its east and south. Furthermore, the transition from the primary uses in the Employment Center, which are high intensity, to the primary uses in the Mixed Density Neighborhood future land use, which are meant for moderate density residences, can more easily develop on either side of Public Facility zoning, which allows for a wide range of uses. The proposed zoning change will have little impact on the target ratio of the remaining area of the surrounding Employment Center future land use. Because most of the subject property (20.19 acres) is already within the city limits, and the area being rezoned, rather than given an initial zoning, is already a non-residential use, the change in land uses in the area is limited. If the zoning change is approved the target ratio for the surrounding area would shift from 37.4% non-residential to 38.4% non-residential; an incremental movement toward the desired percentage of land dedicated to non-residential use. The majority of the Employment Center area would remain unentitled or zoned Agriculture, leaving over 350 acres for future developments to reach the ideal 80% to 20% non-residential to residential ratio.



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<b>ZONING MAP AMENDMENT (REZONING) APPROVAL CRITERIA</b>	
<b>3. The zoning change promotes the health, safety or general welfare of the City and the safe orderly, and healthful development of the City.</b>	<b>Complies</b>
<p>The proposed zoning would benefit the health and safety of the city by creating a transition between the current development pattern of expanded industrials uses west and north of the subject property and the existing, and planned, residential development to its south. The applicant will be required construct an extension of Blue Ridge Dr. that will provide access to the school entrance on the west side of the subject property. Blue Ridge Drive is identified as a local collector within the City’s Overall Transportation Plan and has a planned extension south to feed into Westinghouse Road. If approved, the applicant’s proposal will advance a portion of its eventual route and provide greater connectivity to the area as a whole.</p>	
<b>4. The zoning change is compatible with the present zoning and conforming uses of nearby property and with the character of the neighborhood.</b>	<b>Complies</b>
<p>Public Facility zoning already exists in the area beyond the parcels immediately adjacent to the subject property. The Rock Springs Hospital is approximately 1,100 feet north of the subject property and also has a Public Facility zoning designation. Furthermore, the Rock Springs Hospital is also adjacent to parcels zoned Industrial and Office, demonstrating that the proposed zoning district already conforms to the existing character of the surrounding area. The Public Facility zoning district’s dimensional standards are very similar to those of the Office zoning district to its north. Both have a maximum height of 45 feet, minimum lot widths of 50 feet, as well as rear setbacks to residential districts of 25 feet and side setbacks to residential districts of 15 feet. Public Facility also has similar, but more restrictive dimensional standards than the Business Park (BP) district west of the subject property. The maximum height of BP is 60 feet and the side set back to residential structures is 20 feet, the remaining dimensions are similar to the proposed zoning change. Currently, the land west of the subject property is largely undeveloped, and the addition of a new school, while not the first large development in the area, will significantly impact its rural character.</p>	
<b>5. The property to be rezoned is suitable for uses permitted by the District that would be applied by the proposed amendment.</b>	<b>Partially Complies</b>
<p>The subject property has 20.04 acres to build on as their proposed project, however a portion of the property lies within the 100-year floodplain along its northeast boundary which encumbers over 7 acres of the total property. The presence of the floodplain will reduce the land that can be developed, and additional considerations will be needed to mitigate risks for buildings adjacent to the floodplain. Additionally, the applicant has a viable way to provide a connection from the subject property to the City’s existing transportation infrastructure. However currently, there are no existing paved roads that connect to the property. As much as a half mile of road along Blue Ridge Drive will need to be constructed before the site can support the project’s intended use. This portion of Blue Ridge will be built through a separate project that is not in the applicant’s control. Currently the parcel that will eventually build out the necessary portion of Blue Ridge Dr. is in the platting phase, but will need to complete a site development plan before any details of the road’s construction can be finalized. While there do not appear to be any complications with this separate application, it is still too early to provide any timeline for when the extension of Blue Ridge will be available for the project.</p>	

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The subject property is in the eastern edge of an area designated within the Employment Center future land use, where the primary and secondary uses intended for the area are inconsistent with those of the proposed Public Facility zoning district. However, the location of the subject property is an ideal transition area between the higher intensity Industrial and Office zoning to its north and west and the residential uses to its south and the proposed Public Facility zoning would act as a transition between the two. The project will require the extension of Blue Ridge Dr. In order for the subject property to access the City's existing road system. This extension helps to advance the projected build out of Blue Ridge Dr. to connect with Westinghouse Road, as described in the Overall Transportation Plan. The proposed development will alter the existing rural character of the subject property but will not be the first large development in the area.

### **Meetings Schedule**

May 17, 2022 – Planning and Zoning Commission  
June 7, 2022 – City Council First Reading of the Ordinance  
June 21, 2022 – City Council Second Reading of the Ordinance

### **Public Notification**

As required by the Unified Development Code, all property owners and registered neighborhood associations within a 300-foot radius of the subject property were notified of the Zoning Map Amendment request (20 notices), a legal notice advertising the public hearing was placed in the Sun Newspaper on May 1, 2022 and 1 sign was posted on-site. To date, staff has received 0 written comments in favor, and 1 in opposition to the request (Exhibit 6).

### **Attachments**

Exhibit 1 – Location Map  
Exhibit 2 – Future Land Use Map  
Exhibit 3 – Zoning Map  
Exhibit 4 – Design and development standards of the Public Facility zoning district  
Exhibit 5 – Letter of Intent  
Exhibit 6 – Public Comment