



**City of Baytown Board of Adjustment
Special Exception
Staff Report
June 14, 2022**

Plan Number: ZP22040043

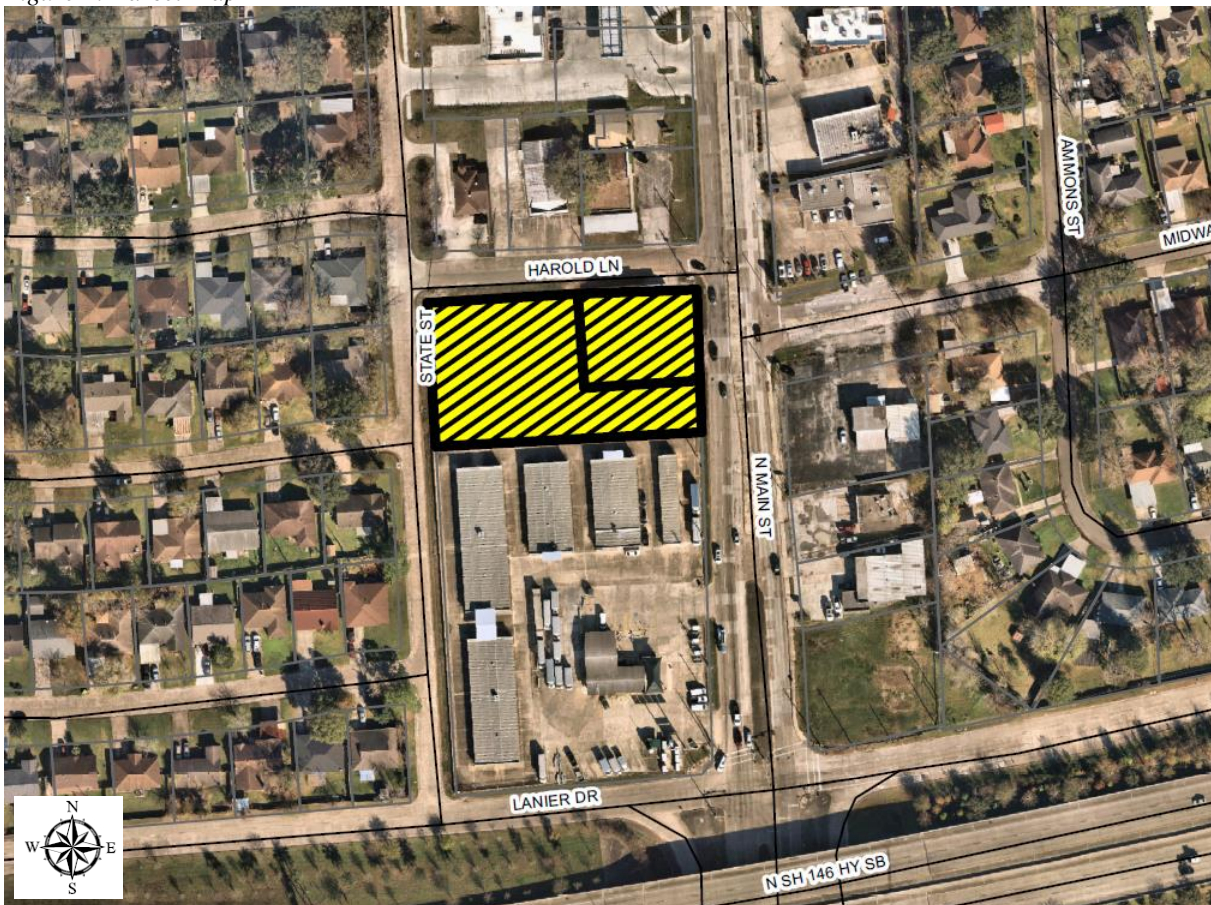
Address: 2711 North Main Street, approximately 1.10 acres

Requested Action: A special exception from the Unified Land Development Code, Article II, Division 3, Section 2.10 Land Use Conditions, condition A40, requesting a reduction from the required building setback for a warehouse and the required vegetative buffer. The proposed special exception is a request to build a warehouse use within the required minimum 100 foot building setback required in a General Commercial zoning district as well as the 50 foot LI vegetative buffer zone.

Applicant: John D. Linton, AIA, Altar Group, on behalf of the property owner.

Subject Property

Figure 1: Parcel Map



Parcel Information

Current Use: Mostly vacant with a currently unused commercial building

Proposed Use: Warehouse

Future Land Use Plan: General Commercial

Adjacent Parcel Information (Zoning, Future Land Use Plan)

North: General Commercial, Commercial Corridor/Low-Medium Density Residential

South: General Commercial, Commercial Corridor

East: General Commercial, Commercial Corridor

West: Mixed Residential at Low to Medium Densities (SF2), Low-Medium Density Residential

Figure 2: Zoning Map

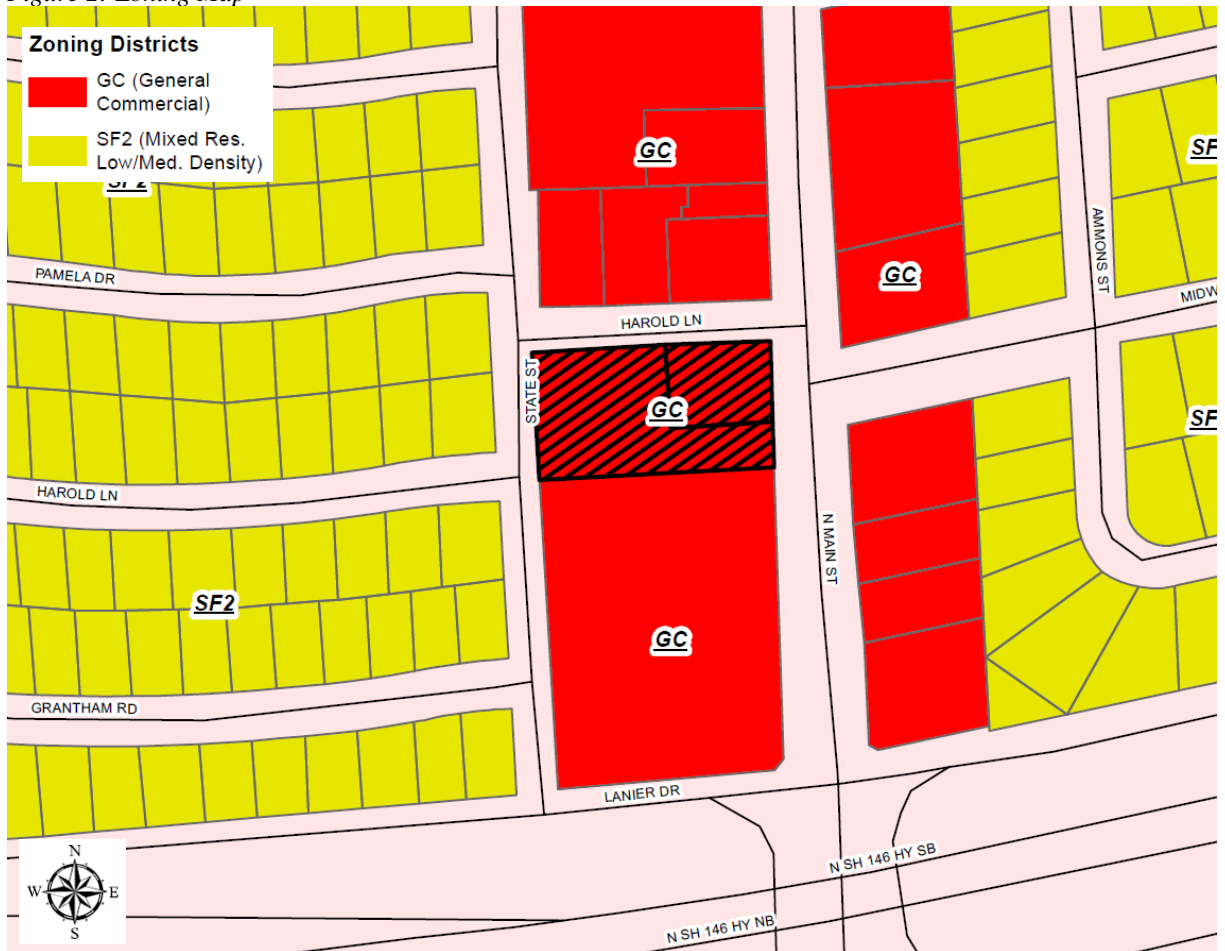
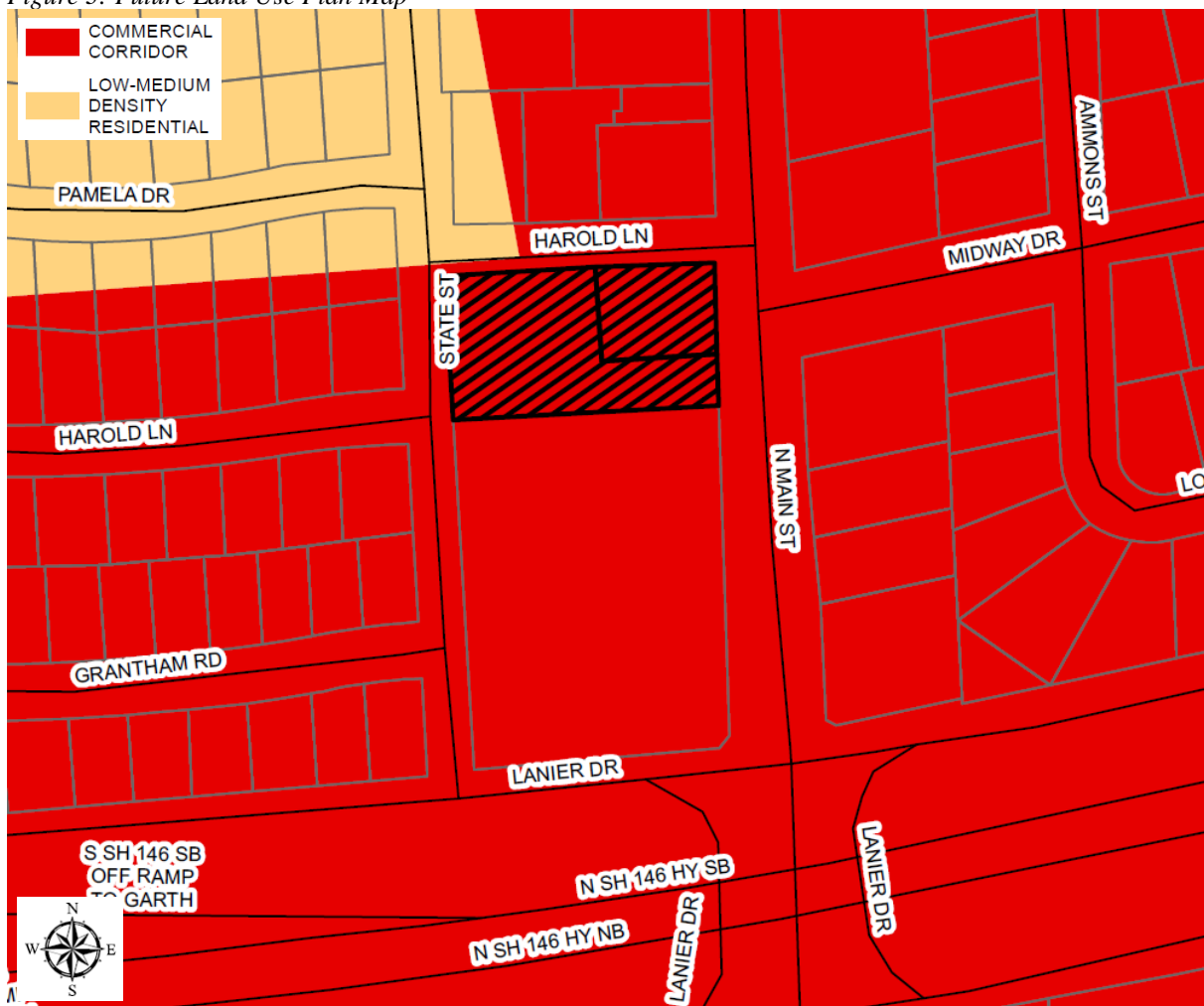


Figure 3: Future Land Use Plan Map



History

The Board of Adjustment first heard this request on May 10, 2022. At that time, members of the Board expressed that they were concerned about the proximity of this proposed use to nearby residential properties. Since only four members of the Board were present, a consensus could not be reached and no action was taken.

Staff advised the applicant to prepare more extensive exhibits to help Board members better visualize the proposed use and return for the June 14, 2022 Board meeting.

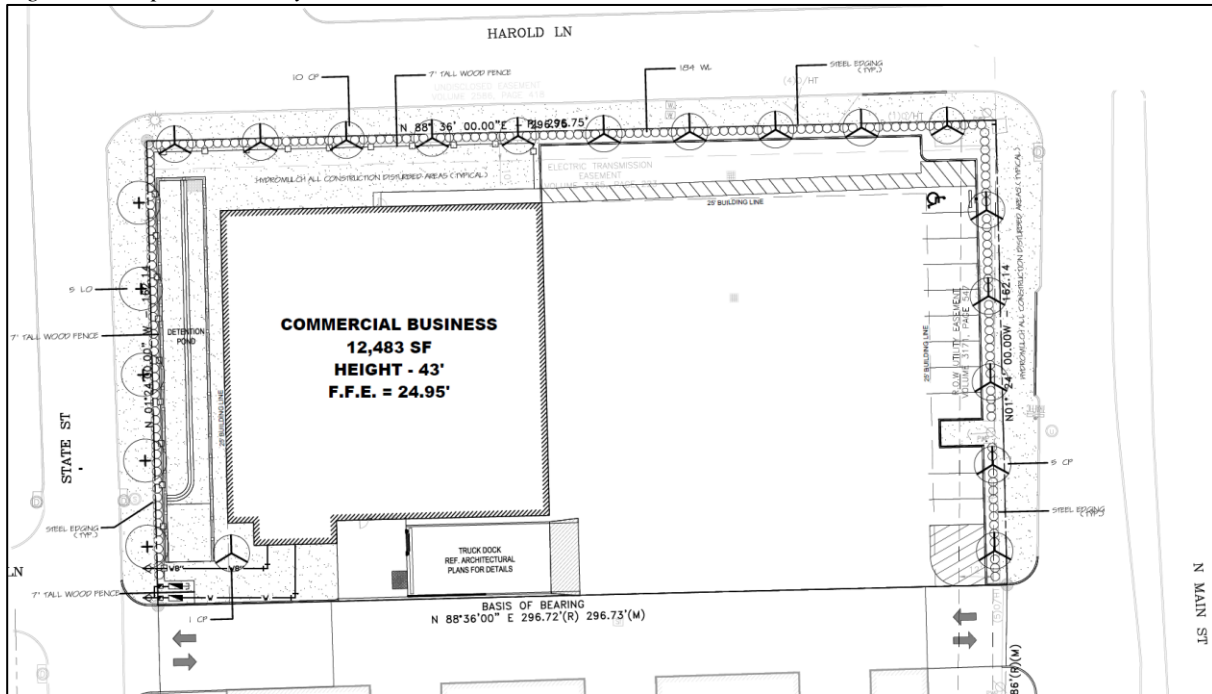
Staff Analysis (Background)

The applicant is requesting to build a small warehouse operation on the subject property, adjacent to the self-storage/U-haul rental facility directly to the south. According to the applicant, this use will be utilized to store moving containers for rent, both empty and full, commercially marketed as “U-Box”. The service supplies small shipping containers to residential customers wishing to move, which the customer fills with their belongings and then the U-Box is picked up and shipped to its destination for the customer. The proposed facility would temporarily store the U-Box as an intermediate location en route to its final destination, as well as empty containers awaiting rental.

This use is categorized as a warehouse, which is allowed in the General Commercial (GC) district by the Unified Land Development Code (ULDC), but requires a number of additional conditions, which include items that protect and ensure compatibility with neighboring uses, such as the location of docking bays, limitation on building height, and location relative to major streets. The applicant is able to meet all of these conditions except for the following:

- If warehouse exceeds 10,000 square feet, must adhere to LI vegetative buffer described in Sec. 18-1206.5 of the Code of Ordinances.
- The minimum building setback shall be 100 feet. Within this setback, a 50-foot open space and a 50-foot vegetative buffer shall be provided.

Figure 4: Proposed Site Layout



Without these conditions, a non-warehouse structure in a GC zone would be required to observe a 25-foot building setback, plus provide an opaque fence, and a 10-foot open space between the proposed use and adjacent single-family residential use.

The surrounding properties are zoned primarily GC except to the west, zoned SF2. With adequate screening, the proposed special exception request could be appropriate for the subject property considering where it is located and the surrounding existing land uses.

ULDC Criteria

In order to move forward with the proposed warehouse, the applicant is requesting a special exception to reduce the compatibility standards, including building setbacks and vegetative buffer. In order to approve an application for a special exception, the Board of Adjustment shall make an affirmative finding that the following criteria are met.

The granting of the special exception will:

1. *Ensure the same general level of land use compatibility as the otherwise applicable standards;*

With regard to the level of compatibility and applicable standards for the proposed development, the applicant has agreed to provide additional screening (landscaping and privacy fence) so that it will meet a similar standard to what is set forth in the ULDC conditions table. However, as mentioned above, because the use is located in a GC district, the required building setbacks are 100 feet with a vegetative buffer of 50 feet. The current use to the south is a self-storage facility with truck rental and is owned by the same entity, so this use complements that existing facility. The uses to the north and east are of a commercial nature, so there is less concern with compatibility issues with these properties. However, special attention should be paid to compatibility with the residential properties to the west. While the zoning of these properties is SF2, the Future Land Use Plan does predict that these properties will become commercial over time.

2. *Not materially and adversely affect adjacent land uses and the physical character of uses in the immediate vicinity of the proposed development because of inadequate buffering, screening, setbacks and other land use considerations;*

The applicant has assured staff that all activity on this property will occur during normal daytime business hours (9am-4pm) and that the majority of the activity will occur interior to the building. The initial site plan also indicates that the loading docks will be located on the south side of the property, which will only face the existing U-Haul/Self Storage operation. The applicant has agreed to install a 7-foot privacy fence, as well as additional landscaping to compensate for the proposed 25-foot building setbacks.

Overall, it is not anticipated that the proposed use will have any adverse effect on adjacent land uses and the physical character of uses in the immediate vicinity of the proposed development if the applicant provides adequate buffering and screening, as outlined in item #4.

3. *Not adversely affect property values in any material way; and*

As the majority of development in the general vicinity is commercial and the property will be screened from nearby residences, it is not anticipated that the proposed special exception will adversely affect property values in the area in any material way.

4. *Be generally consistent with the purposes and intent of this ULDC.*

Section 1-1 of the ULDC states that the purpose of the Unified Land Development Code is to promote the health, safety and general welfare by promoting safe, orderly and economical sustainable development. The intent of the code is to provide a greater setback for buildings along with buffering by means of an opaque screen, open space and vegetation when warehousing is allowed in a GC zoned property. The intent of the code will be met as the additional screening will be used to shield neighboring

residential properties from the warehouse operation to compensate for the lesser setback.

As a condition of approval, staff requires screening on the western half of the north side of the property to adhere to the specifications found in Chapter 18 of City Code, Article XIV, Sec. 18-1206.5(e)(2) Transition Buffer Zone, and double these specifications on the west property line, as there will be more opportunities for non-compatibility with the neighboring single-family residences.

Specifically, the buffering on the western half of the north side of the property must consist of:

- a. A ten-foot wide vegetative buffer containing a row of moderate to fast-growing evergreen trees with an expected growth to a minimum height of 16 feet and a minimum width of ten feet at its maturity. Tree types shall include, but are not limited to, Wax Myrtle, Leyland Cypress, and/or American Holly;
- b. All trees shall be installed with ten feet of separation on center, at or above-grade of the public right-of-way, and shall be a minimum of five feet in height at time of planting; and
- c. A wood or masonry fence with a minimum height of seven feet shall be installed interior to the transition buffer.

The buffering on the west side of the property must consist of:

- a. A twenty-foot wide vegetative buffer containing two rows of moderate to fast-growing evergreen trees with an expected growth to a minimum height of 16 feet and a minimum width of ten feet at its maturity. Tree types shall include, but are not limited to, Wax Myrtle, Leyland Cypress, and/or American Holly;
- b. All trees shall be installed with ten feet of separation on center, at or above-grade of the public right-of-way, and shall be a minimum of five feet in height at time of planting; and
- c. A wood or masonry fence with a minimum height of seven feet shall be installed interior to the transition buffer.

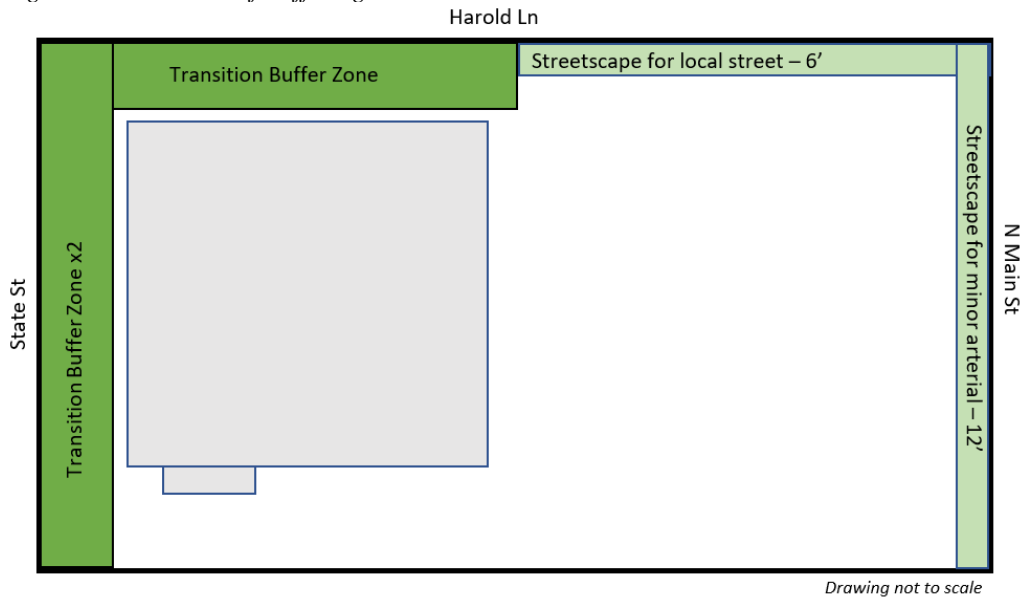
If no outdoor activity is proposed, the eastern side and the eastern half of the north side of the property will be required to adhere to the streetscape requirements found in Chapter 18, Article XIV, Sec. 18-1206 Streetscape, of the City Code.

The south border of the property will not require buffering.

Staff also feels that lighting of the site on the western side of the property is a concern and that the proposed loading dock must be kept at ground level, not raised, in order to be located within the required 25-foot building setback.

If these standards, as illustrated in Figure 5 below, are met, staff feels the intent of the ULDC has been met.

Figure 5: Illustration of Buffering Conditions



Staff Recommendation

Staff recommends approval of the proposed special exception, subject to the following conditions:

1. Vegetative buffers along west, north and east property lines must match the described conditions above.
2. Loading dock must be at ground level.
3. Site lighting must measure zero footcandles at the western property line.