



**City of Baytown
Zoning Map Amendment
Staff Report
September 20, 2022**

Plan Number: ZP22070115

Address: 706 East Cedar Bayou Lynchburg Road

Requested Action: The proposed rezoning of approximately 2.2 acres of land, legally described as TR 10B (PR YR LAND 2012-2016*0450130050219), ABST 709 J W Singleton, Baytown, Harris County, Texas, from Open Space/Recreation (OR) to a Neighborhood Serving Commercial (NSC) Zoning District.

Applicant: Jennifer Montes – Jenny Montes State Farm

Subject Property:



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Vicinity Map

Parcel Information:

Current Use: Residential Dwelling

Proposed Use: Office for insurance business

Future Land Use Plan: Low Density Residential

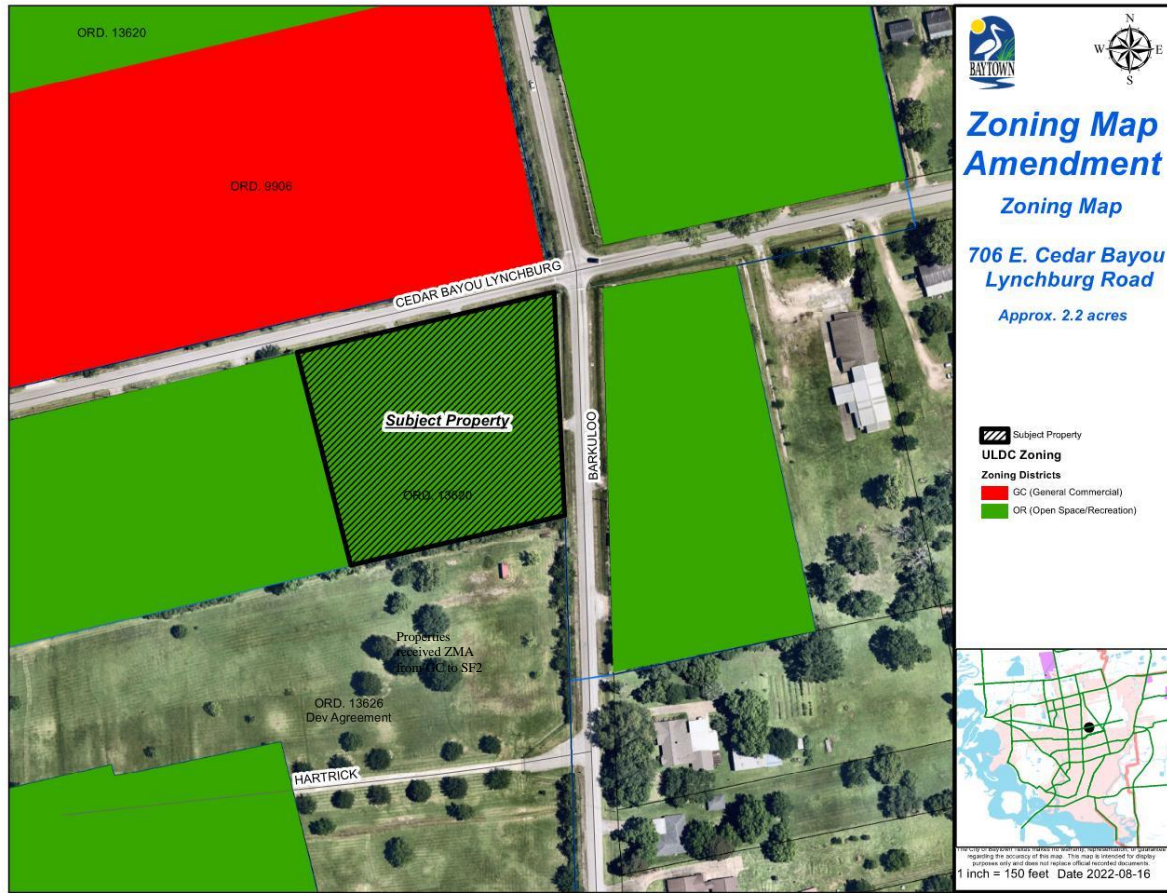
Adjacent Parcel Information

North: Right of Way and General Commercial (GC)

South: Agriculture use

East: Open Space/Recreation (OR)-vehicle storage

West: Open Space/Recreation (OR)-residential homes



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Zoning Map

Staff Analysis

The applicant is requesting to rezone the subject property, which was recently remodeled for commercial and office use, from OR to NSC zoning district to allow for a change of use from residential to office/commercial use. The applicant is proposing to accommodate office use within the existing residential structure, enhance landscaping on the front yard and add parking spaces to accommodate employees and customers.

The subject property is located at the southwest corner of East Cedar Bayou Lynchburg Road (major arterial) and Barkuloo Road (collector) with approximately 355 feet frontage on East Cedar Bayou Lynchburg Road, and approximately 300 feet on Barkuloo Road. The property is currently occupied by a single-family residential dwelling on a lot area of 2.2 acres. The surrounding area is characterized by a mix of residential and office uses in residential structures to the west; a commercial use and commercial zoning are to the north; a mix of commercial use and residential dwellings to the east; and agriculture use to the south. The subject property is not platted, therefore, upon the rezone application and prior to any property improvement, the

applicant must plat the property in accordance with Land Development Code, Chapter 126-subdivisions, Sec. 126-2.

The subject property along with other areas (previously in the ETJ), including neighboring properties on the south side of E. Cedar Bayou Lynchburg Road, were subject to an involuntary annexation in 2017 and were zoned Open Space/Recreation (OR) as a default zone. A rezone of the subject property and any property zoned OR must occur in order to allow for any property improvements or to allow change of uses on existing structures.

As defined in the ULDC, Article II, Division 2 Sec. 2.04, the NSC district is “intended to accommodate commercial uses adjacent to a residential neighborhood and not accommodate regional commercial uses. The NSC district is intended to improve traffic flow and provide the option of pedestrian activity from dwelling units to the neighborhood commercial uses.” NSC permits a variety of general retail, repair businesses, manufacturing(custom), medical facilities and offices.

In order to recommend approval of an application for a zoning map amendment, the Planning and Zoning Commission shall consider the following factors:

1. **Consistency with Guiding Documents.**

The Baytown 2040 Comprehensive Plan, approved by City Council on May 26, 2022, is a policy document that sets forth the City’s long-range planning policies in order to reflect the aspirations and values of residents, property owners, businesses and organizations within the community. The Comprehensive plan provides guidance for decisions related to the City’s zoning map (zone change requests, variance applications, etc.). The Future Land Use Map (FLUM) graphically illustrates general future land uses based upon the recommendations made throughout the City’s Comprehensive Plan. The FLUM designates the subject property as “Low Density Residential”.

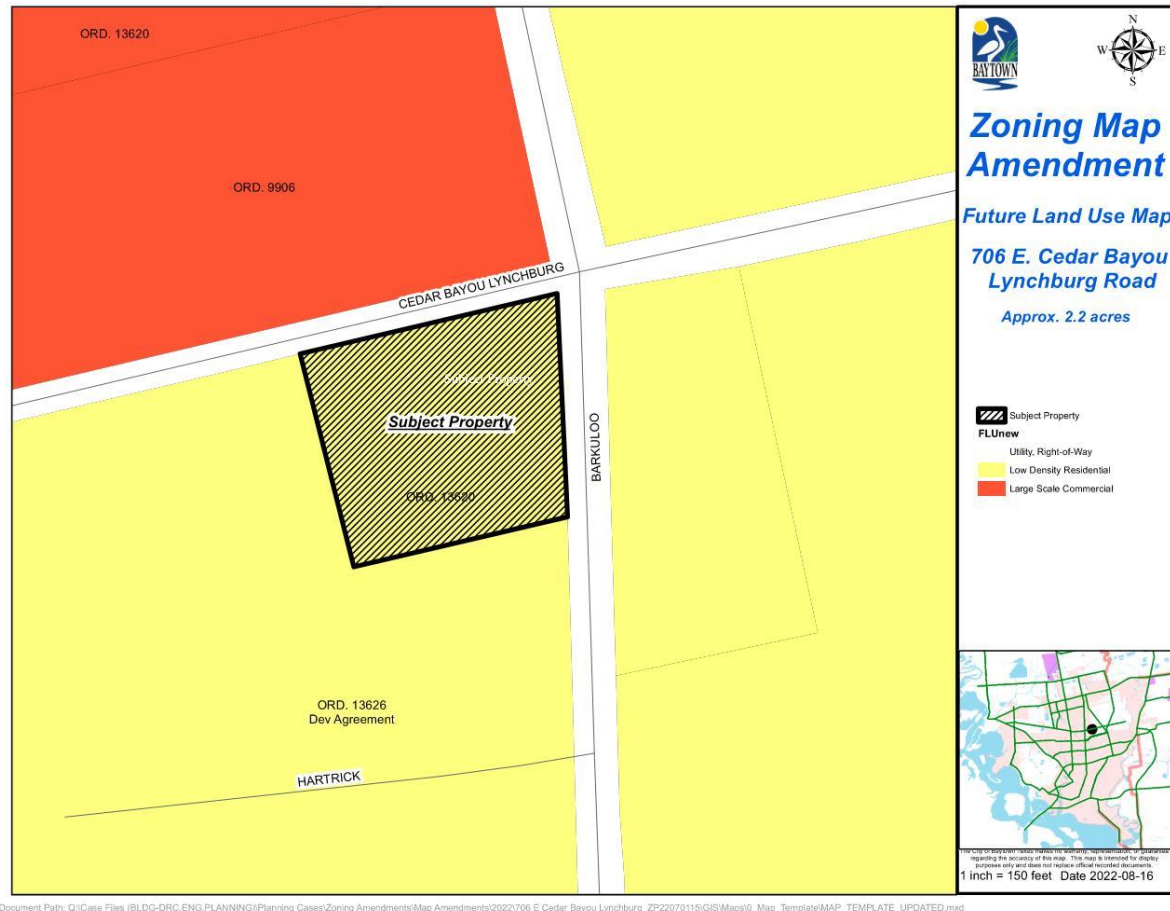
According to the 2040 Comprehensive Plan, primary land use in Low Density Residential designation is for residential areas that have lower densities per acre than other areas of the city, typically 6 dwelling units (du) per acre or lower. This can include a variety of housing types such as single-family, attached residential including duplexes and townhomes. Non-residential uses such as neighborhood serving businesses are secondary land uses that could be accommodated in low density residential areas subject to Neighborhood Scale Commercial locational criteria.

The following are the location criteria for “Neighborhood Scale Commercial”:

- Should be located at the entrance to or with convenient access to an adjacent residential neighborhood (such as within a quarter to a half mile walking distance),
or
- Should be located at the intersection of a collector street and an arterial roadway, or
- Should be located at the intersection of two arterial roadways, or
- Should be an extension of an established commercial area that does not conflict with adjacent residential uses, regardless of if located at an intersection.

The subject property: 1) is adjacent to residential neighborhood; 2) is located at the intersection of an arterial and a collector road; 3) is considered an extension to the existing and planned commercial uses located across Cedar Bayou Lynchburg road; 4) and contains

an existing structure, the reuse of which does not conflict with adjacent residential uses. As such, the proposed zoning change of the subject properties from OR to NSC meets the secondary use locational criteria for neighborhood scale commercial, is consistent with the 2040 Comprehensive Plan guidance and the FLUM designation, and will advance the goals of the Comprehensive Plan.



Future Land Use Map

2. **Compatible with the Surrounding Area.**

The surrounding area consists of a mix of single-family structures on estate lots to the west of the subject lands (of which business is accommodated in one of the structures), and existing and planned commercial uses north of Cedar Bayou Lynchburg Road and east of the subject land. The proposed office use will be accommodated within the existing single-family structure, and as such, the proposed rezone of the subject property from OR to NSC is compatible with structures in the surrounding area.

Per ULDC, Division 5, Sec. 3.14 - Compatibility standards, new development that is zoned NSC and located adjacent to a property zoned OR, UN, SFE, SF1, SF2, MF1 or MF2 shall meet all the requirements of the property development standards table in article three, division 1 of the ULDC and install a minimum of a six-foot-tall opaque screen between any adjacent property in said zones. Staff recommends that the applicant add a six-foot fence on the west side of the subject property to avoid any potential future conflicts.

3. **Promotion of health, safety, or general welfare.**

It is not anticipated that the proposed NSC zone and/or the reuse of the existing residential structure would be detrimental to the health, safety, or general welfare of the general area. However, the proposed development will be required to meet all current adopted codes of the City of Baytown and therefore promote the health, safety and welfare of the community.

4. **Facilitation of infrastructure.**

Currently the subject property is on a water well and septic tank, however new water and sewer services are going to be provided by the city for Sjolander/Crosby, Cedar Bayou, Barkuloo area as part of the 2022-25 Capital Improvement Plan (CIP). Future right of way dedication may be required to accommodate CIP at such time a plat is submitted.

5. **There are changed conditions.**

Post annexation of any property, the applicant must apply to rezone the property in order to develop or make any property improvement. The subject property meets the location criteria for NSC zoning district per the comprehensive plan and the applicant is proposing to reuse the existing structure to accommodate the business.

6. **Effect on natural environment.**

It is not anticipated that the proposed rezone will have any adverse effect on the natural environment. The subject property will come into compliance with all city code of ordinances with respect to number of required parking spaces to accommodate the proposed office use, streetscape requirements adjacent to public right of ways, and will have access to clean water and sewer service in the near future as planned by the City.

7. **Community need.**

NSC zoning district permits a variety of commercial, retail and office use that is generally complementary in design and scale to adjacent residential areas and is intended to serve the immediate community need. In addition to the proposed beautification effort, such as interior and exterior remodeling of the existing structure, the addition of planting and streetscaping along public right of ways, and the fresh paving of the old driveway, which will eventually enhance property value of the subject property and its surroundings, the applicant will provide an employment opportunity to a minimum of five residents of the community.

Planning Staff Recommendations

Staff recommends approval of the proposed zoning map amendment to Neighborhood Serving Commercial (NSC) Zoning District.