



**PLANNING AND ZONING COMMISSION
REPORT TO CITY COUNCIL**

TO: City Council
FROM: Planning and Zoning Commission
RE: Zoning Map Amendment from OR to SF2 and MU
DATE: December 20, 2022

This is the report required to be submitted by the Planning and Zoning Commission per Section 1.26 of the Unified Land Development Code, Baytown Code of Ordinances to the City Council. This report also serves as the final report that is to be used by the Council in its consideration of the amendment as set forth in Section 1.26 of the code.

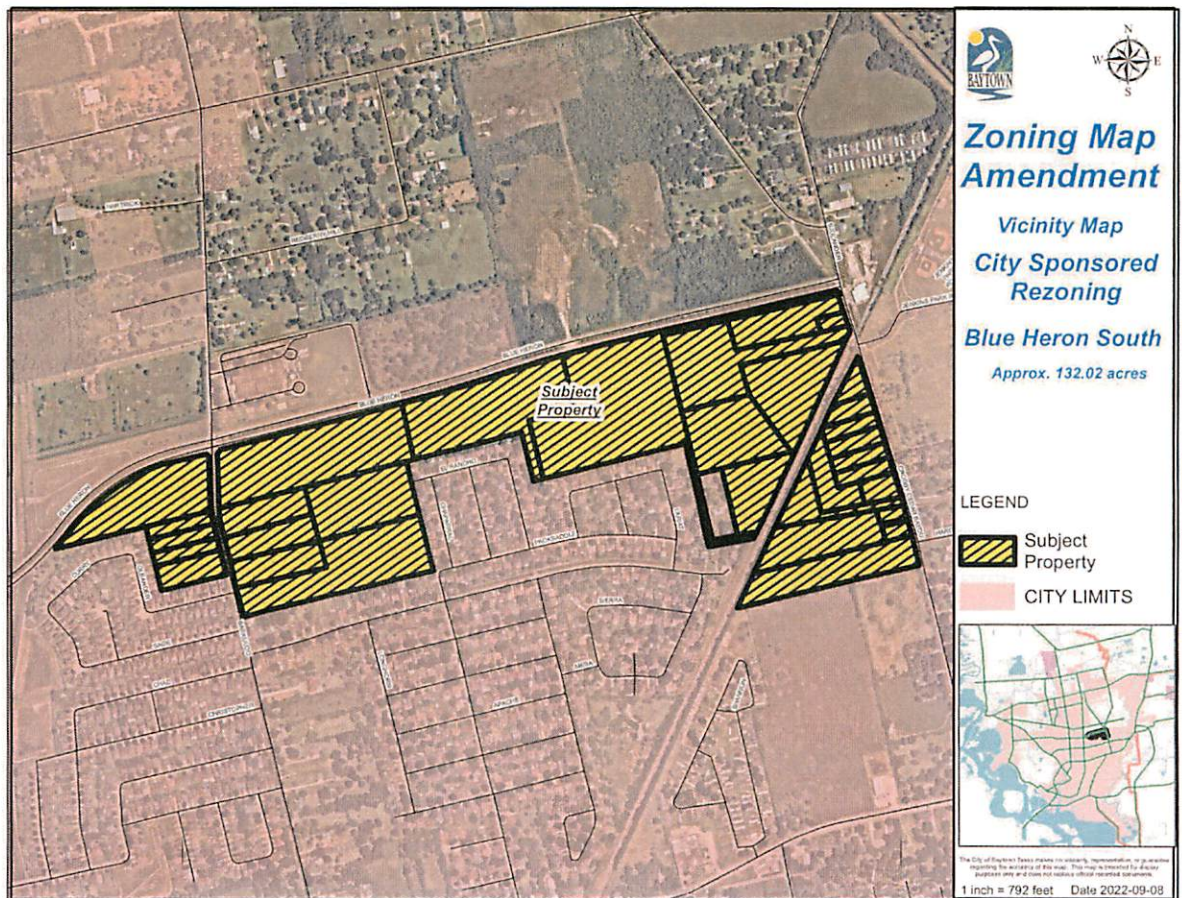
Plan Number: City Sponsored Rezoning (No external applicant)

Address: Southern Portion of Blue Heron

Requested Action: The proposed rezoning of approximately 107.82 acres located along the southern portion of the Blue Heron Parkway generally between Barkuloo Road and Crosby Cedar Bayou Road, legally described as Tracts 4A, 4B, 4C, 4D, 4G, 4H, 11A, 12, 18, 18A, 18B, and 18C of Abstract 709 JW Singleton, Tract 1B of Abstract 591 D Mcfadden, and Tracts 1, 1A-1, 1A, 1B, 1B-1, 1C, 1D, 1D-1, 1E, 1F, 1G, 1H, 1J, 1K, 1L, 2, 2A, 2B, 2C, 2D, 9A A-69, 10A, and 11B of Abstract 69 C Smith from Open Space/Recreation (OR) to Mixed Use (MU) and Mixed Residential at Low to Medium Densities (SF2) Zoning Districts.

Applicant: Rick Davis

Subject Property:



Vicinity Map

Parcel Information:

Current Use: Vacant, Residential single family, and Commercial

Proposed Use: Residential and Mixed Use

Future Land Use Plan: Mixed Use, Neighborhood Scale Commercial, Low Density Residential, and Recreational and Natural Areas.

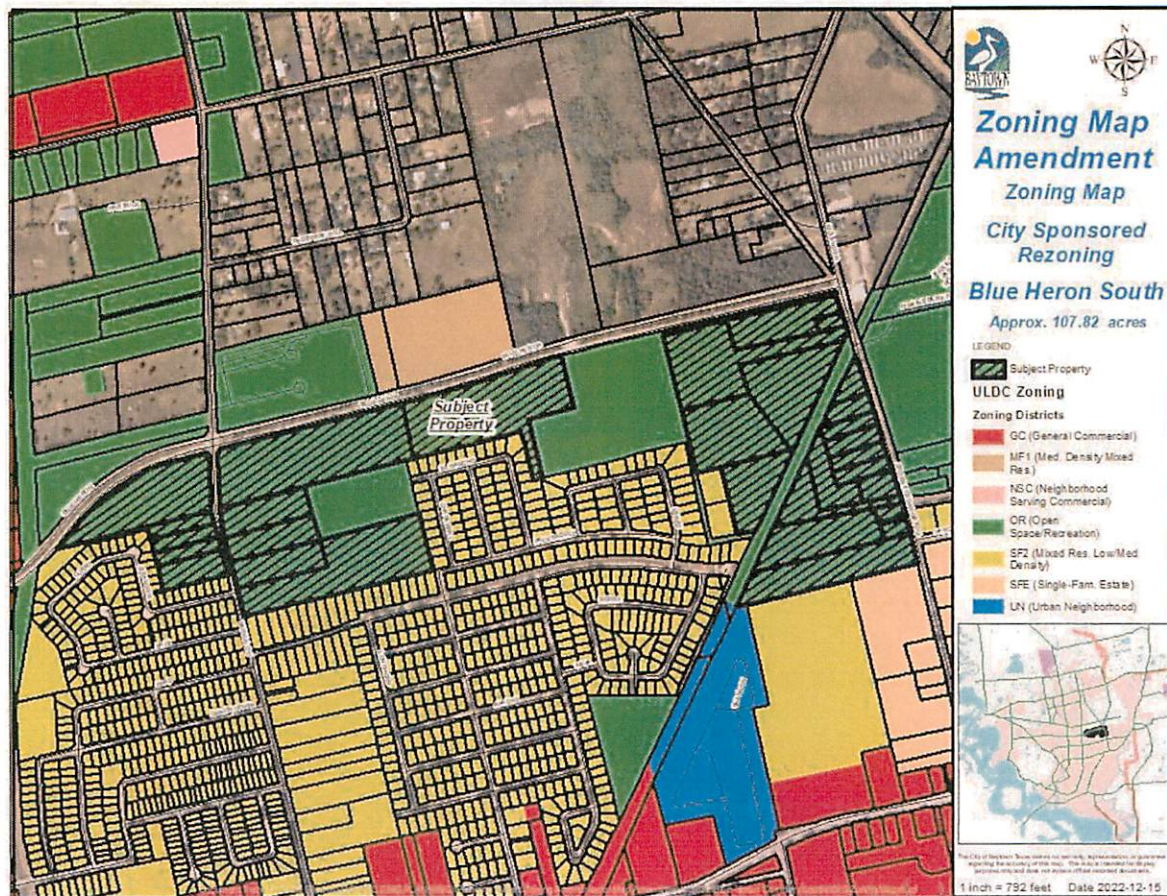
Adjacent Parcel Information

North: Open Space/Recreation (OR), Medium Density Mixed Residential (MF1), outside of City Limits-GCCISD Elementary school.

South: Mixed Residential at Low to Medium Densities (SF2)-established neighborhood and low-density housing.

East: Open Space/Recreation (OR) – City park

West: General Commercial (GC)- Residential uses currently exist in this area alongside typical commercial uses seen in GC.



Zoning Map

Background

This rezoning case is unique because it is sponsored by the City instead of an external applicant. The subject area was annexed into the City of Baytown as part of two separate annexations, the Crosby annexation and Blue Heron Parkway annexation, occurring in 2014 and 2016, respectively. Per the Unified Land Development Code (ULDC), when a tract of land is annexed into Baytown city limits it must enter under the Open Space/Recreation (OR) Zoning District. This zoning district is the most restrictive of the districts and any future development is limited unless the property is rezoned. To jumpstart activity, provide a unified and desired environment for the community, and have a guiding hand in the type of development in the area, the city is pursuing a zoning map amendment for a large portion of the property along this corridor.

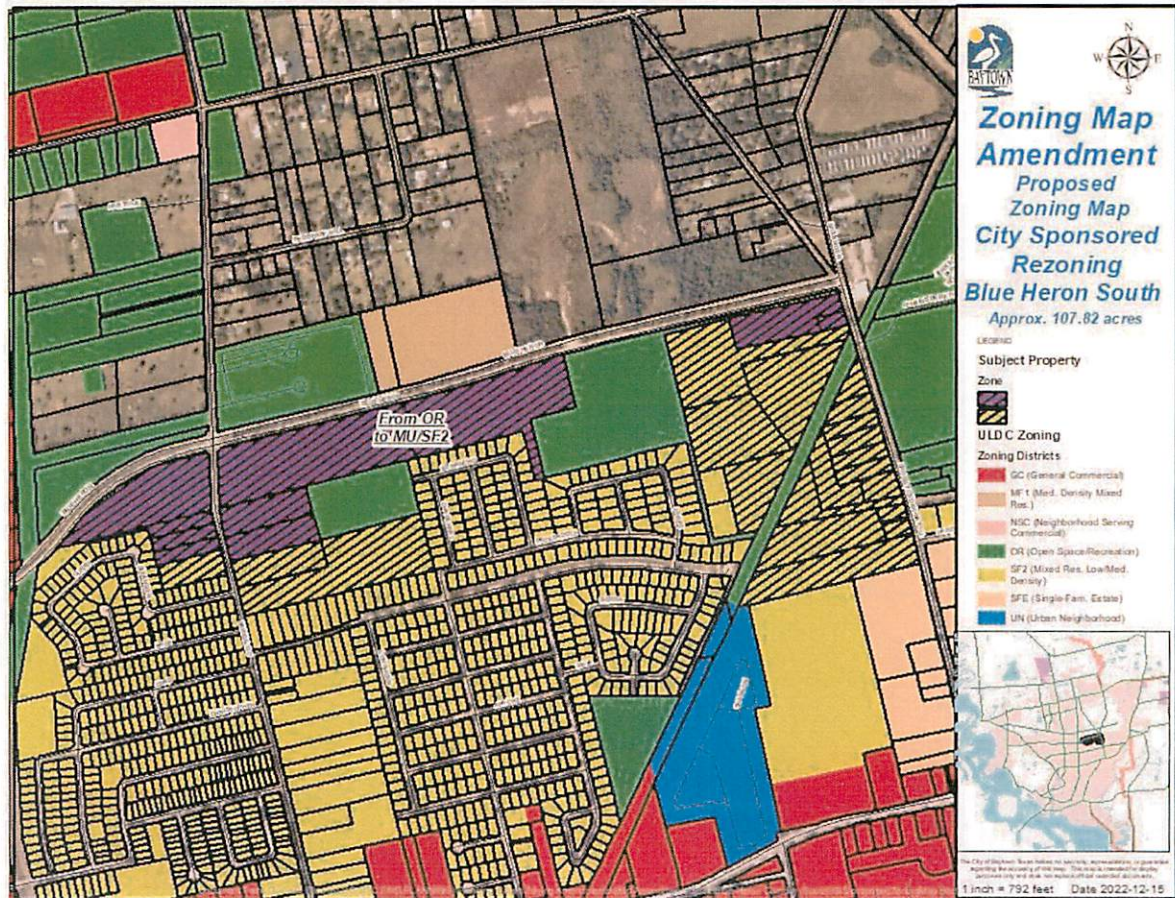
This city sponsored rezoning process included much more public engagement than what occurs during the typical rezoning process. There was an emphasis placed on community input before deciding the proposed zoning for the subject property. Feedback from online engagement and a neighborhood open house helped to guide the staff recommendation for the new zoning in this area.

Feedback was provided via an interactive map featuring the option to drop pins to show what type of development is desired at each area (see below), voting on initial options (shown below), a survey, and general comment forms. Between all these sources staff received over 100

responses which were used to guide staff on the proposed rezoning. Afterwards, the proposed zoning was offered to the public for continued feedback.



Interactive Map



Proposed Zoning Map

Staff Analysis

This large subject area, with multiple development pressures, consists of both vacant and developed properties. To address the complex needs of the area, the rezoning strategy requires adoption of zoning districts to match the current character of the area while allowing areas with development pressures to grow accordingly.

Overview of the proposed zoning districts for the area:

Open Space/Recreation (OR): This is the current zoning district for the entire property and following the rezoning will remain at these properties to support the two city parks present at the locations. This means that these two properties will not actually be part of the rezoning itself since they are already appropriately zoned.

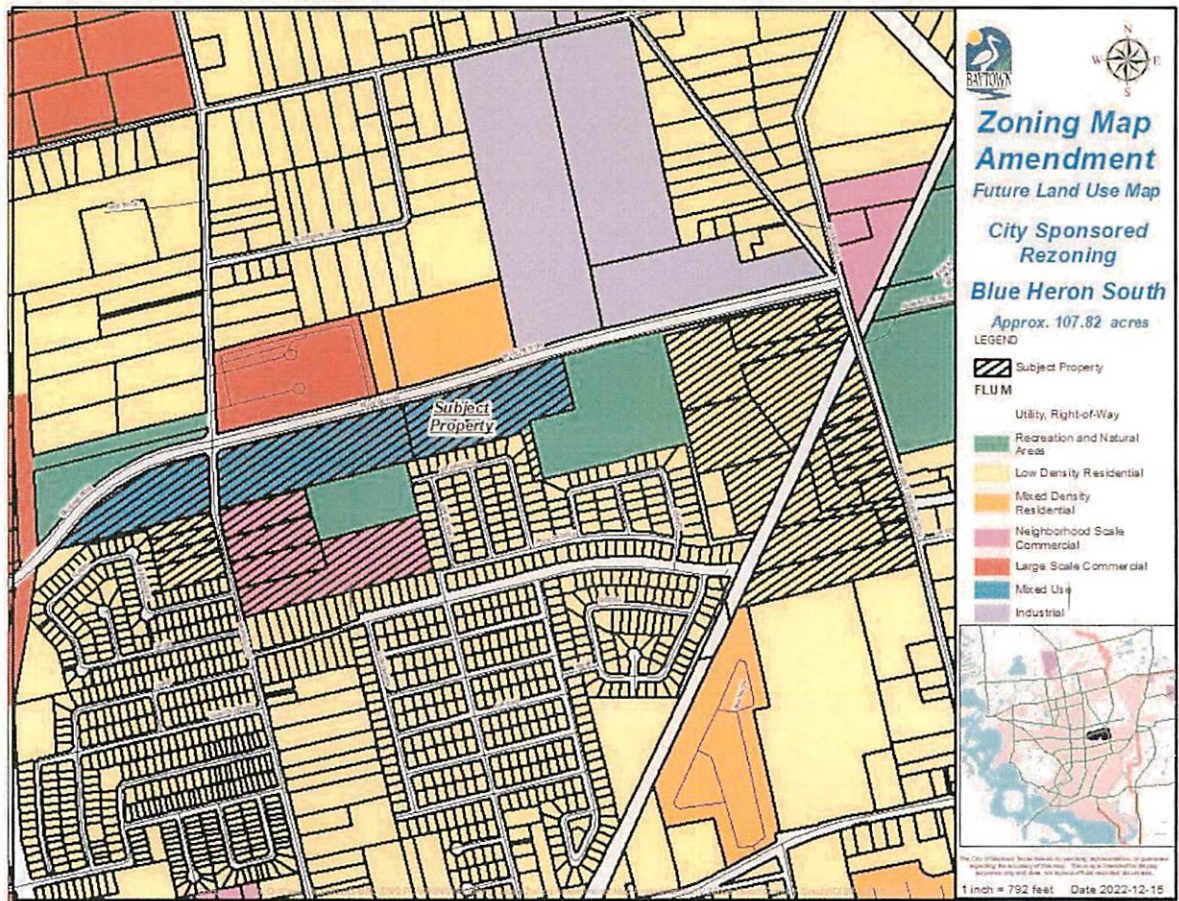
Mixed Residential at Low to Medium Densities (SF2): This is the predominant zoning district for the mostly residential nature of the area surrounding the subject property. This district was heavily used in the rezoning to allow the rezoned properties to match the character of the existing neighborhood. The SF2 zoning district provides for single-family detached and attached residential dwellings and two-family dwellings at a density up to nine dwelling units per acre.

Mixed Use (MU): This zoning is being used along the parkway frontage and the transitional area before the neighborhood to allow for flexibility in the type of development that occurs in order to address the varying needs and desires of developers and the community. The MU district is

currently undergoing a text amendment to provide opportunities for smaller scale commercial and residential uses to be viable within the district.

The proposed rezoning is meant to serve the needs and desires of the neighborhood and the community as a whole while allowing the owners and potential developers of the properties to utilize their land in a way they desire.

Future Land Use Map



Future Land Use Map

In the process of determining the recommendation for the proposed rezoning for the Blue Heron city sponsored rezoning the planning staff ensured consistency with our guiding documents to produce a recommendation that matches the needs of the area and the guidelines set forth and approved for the city.

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 "Mixed Use", Low Density Residential", and "Neighborhood Scale Commercial".

According to the 2040 Comprehensive Plan, primary land uses in the Mixed Use designation are for mixed uses of residential and commercial on the same site as well as within the same development. The proposed locations for Mixed Use zoning are very similar to the locations of the Mixed Use FLUM designations. Primary land uses in the Low-Density Residential designation are detached residential dwellings, attached dwellings including duplexes and townhomes, and patio homes or other small-lot housing types. This is in line with the current uses on the land that is being proposed for SF2 zoning, which meets the criteria for Low Density Residential. The primary land uses in the Neighborhood Scale Commercial designation are commercial uses of no more than three acres. This can support much of the commercial activities permitted in Mixed Use zones.

The following are the location criteria for the three land use categories as listed in the comprehensive plan:

1) Mixed Use

- Large-scale mixed-use developments should follow the location criteria for large scale commercial.
- The Mixed-Use designation should provide flexibility when designing and vetting specific development concepts and consider surrounding land uses and established neighborhoods. The zoning parameters set for each distinct area in the Mixed-Use designation should address differing use and design considerations. With regard to uses, this may include giving greater preference to residential in certain areas while locations considered best suited for revenue-generating non-residential uses may have limits on the amount of stand-alone residential use.

2) Low Density Residential

- Large lot estate homes are typically located in transition or fringe areas close to Rural Conservation areas since they do not maximize use of public investments in infrastructure, streets, parks, etc. Large lot estate developments may also be located in otherwise constrained areas such as near floodplains, industry, etc.
- Detached residential dwellings should be located and designed to avoid conflict with commercial and industrial uses.

Commercial developments should meet the criteria for neighborhood scale commercial.

The subject property largely meets the intent of the location criteria and the desired land use conditions and location for the land use categories they are within. All of which support the proposed zoning and matches the character and land uses categories of the surrounding area as well.

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

The surrounding area consists of multiple established neighborhoods, an elementary school, city parks, vacant land, and a commercial corridor to the west. The proposed zoning (SF2 and MU) allows for lower density residential that is consistent with a neighborhood environment,

as well as a transitional zone of commercial and residential mix, and the allowance for more traditional commercial uses along Blue Heron.

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

It is not anticipated that the proposed SF2 and MU zones would be detrimental to the health, safety, or general welfare of the general area. There is currently no proposed development; however, when submitted, all 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.**

As mentioned, there is currently no proposed development for the vacant properties within the subject area. At the time of development, extensions of utilities internally to the development must occur to serve the proposed development. Any future development will need to meet the City's development standards, code of ordinances, and established requirements of the zoning district.

5. **There are changed conditions.**

Due to annexations in 2014 and 2016 that brought the subject property into the city and zoned it as OR, the entire subject property is currently zoned OR. As mentioned, OR allows for no development and changing from OR to MU and SF2 will enable the properties to be developed in any manner allowed within those zoning districts. Much of the subject property is comprised of occupied properties, with a majority of it being existing single-family housing. This housing matches the neighborhood character in the area and will likely see little to no change in its condition outside of building expansion or remodel. The vacant properties and any property being rezoned to MU has a chance to see more commercial elements brought into the area that would change the current condition of the land and surrounding area.

The MU zone was used for these properties to allow this optional change due to the significant development pressure for the area that the city has received, the increased investment in the area, and desire for it to develop in relation to the commercial corridor of North Main Street to the west.

6. **Effect on natural environment.**

It is not anticipated that the proposed rezone will have any adverse effect on the natural environment. However, future development must comply to the city code of ordinances and development standards.

7. **Community need.**

The purpose of the city sponsored rezoning was for the city to take a proactive role in addressing the needs and desires of the community in the Blue Heron area and to ensure future development matches those needs and desires. Current development pressures showed a community desire and need to allow some degree of development. The current zoning of OR in the area allowed no development and the proposed rezoning will enable the area to develop with flexibility to meet the growing needs within the area.

Planning Staff Recommendations

The proposed zoning change from OR to SF2 and MU is consistent with the guiding documents, and is the proposed zoning change recommended by the planning department; therefore, staff recommends approval.

The Commission recommends ☒ approval / ☐ disapproval of the proposed zoning map amendment from OR to SF2/MU on the 20th day of December, 2022.

A handwritten signature in black ink, appearing to read 'Tracey Wheeler', is written over a horizontal line.

Tracey Wheeler, Chairman
City of Baytown, Texas
Planning and Zoning Commission