



City of Baytown
Special Use Permit
Staff Report
June 20, 2023

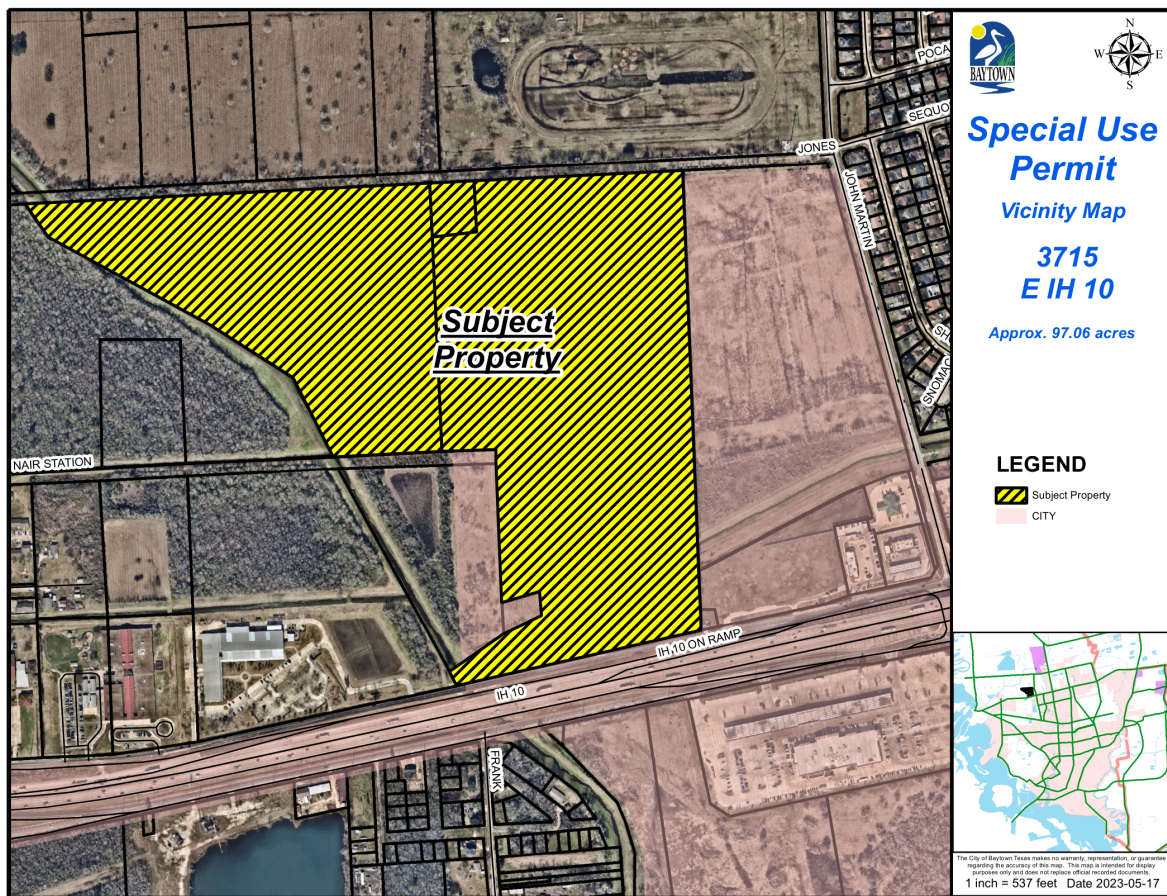
Plan Number: ZP22050055

Address: 3715 E IH10

Requested Action: The applicant is requesting a Special Use Permit (SUP) to allow for the warehousing land use within the General Commercial (GC) Zoning District. A concurrent text amendment to the Unified Land Development Code (ULDC) is underway that would require warehousing in GC zones to have a SUP approved by City Council prior to development.

Applicant: Kyle Fletcher, Stream Realty

Subject Property:



Vicinity Map

Parcel Information:

Current Use: Vacant and undeveloped

Proposed Use: Commercial

Future Land Use Plan: Large Scale Commercial

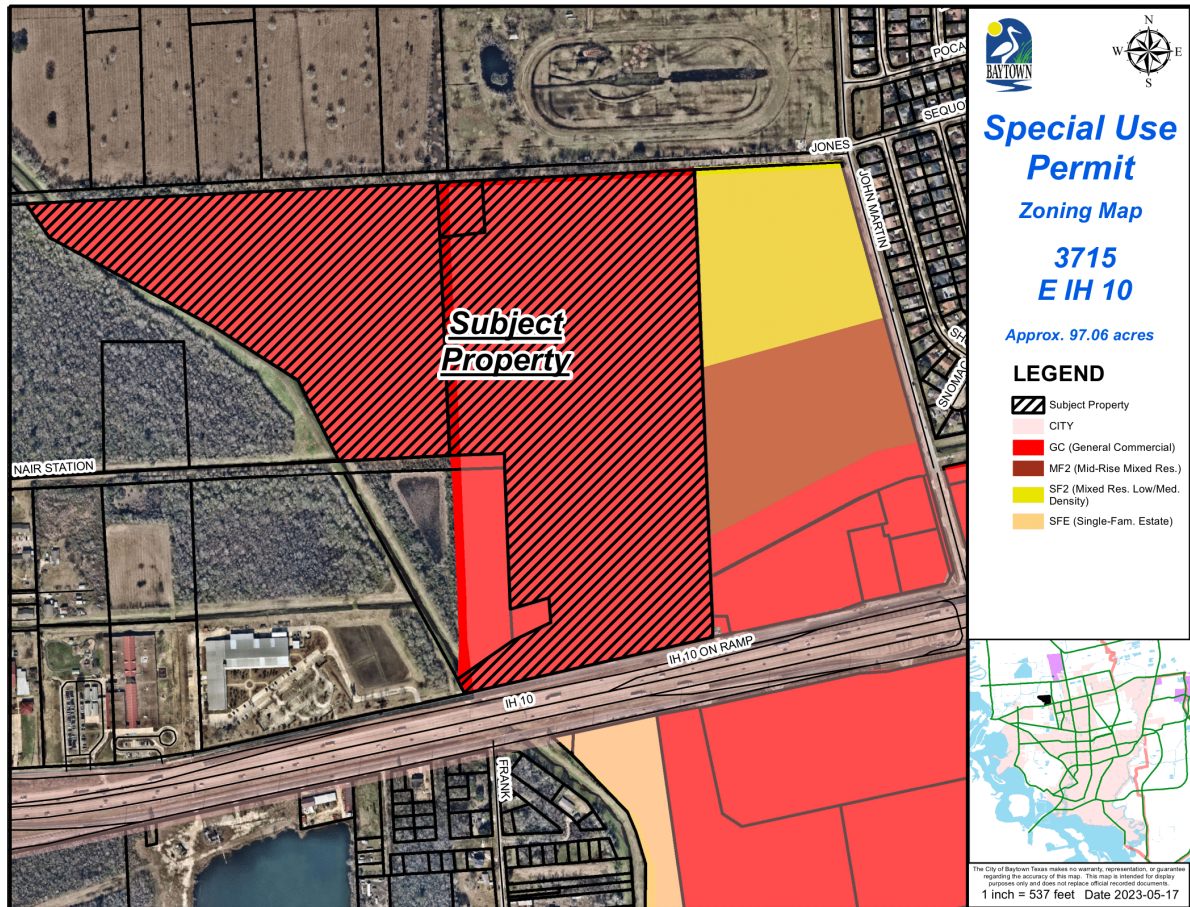
Adjacent Parcel Information

North: Extra Territorial Jurisdiction (ETJ) – vacant and residential homestead with commercial activity

South: General Commercial (GC) and IH10

East: Residentially zoned vacant land

West: Extra Territorial Jurisdiction (ETJ) – vacant and education center

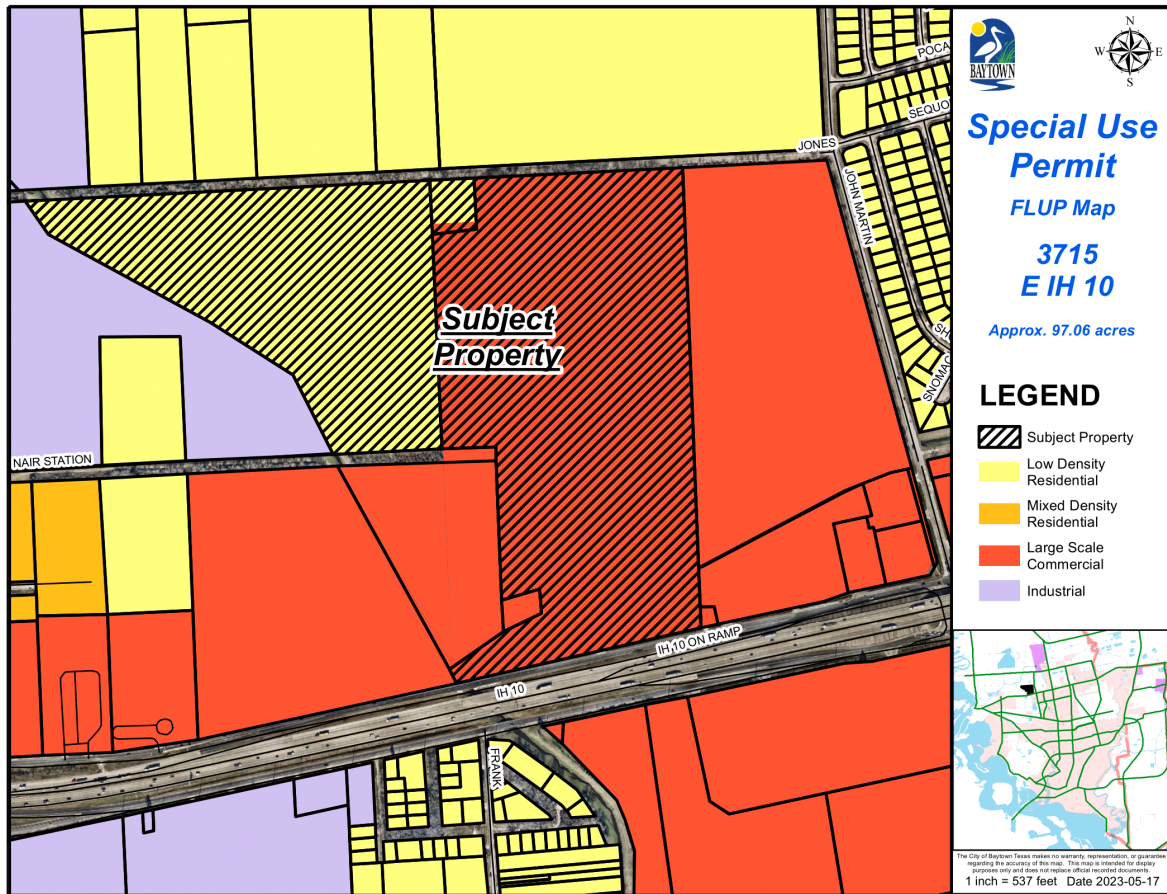


Zoning Map

Staff Analysis

The applicant is requesting to construct roughly 708,000 square feet of warehouse space within a GC zoning district.

The project would include two logistics buildings roughly parallel to the southern border of the property. The applicant is also proposing to develop a 60-foot north-south public collector road that would connect the IH 10 frontage road to the Jones Road right-of-way at the northern boundary of the property. The proposed road segment is classified as a collector by the Master Thoroughfare Plan to eventually connect with East Wallisville Road to the north. The



FLUP Map

In order to recommend approval of an application for a Special Use Permit (SUP), the Planning and Zoning Commission shall consider the following factors:

- 1. This special use permit will be compatible with and not injurious to the use and enjoyment of other property, not significantly diminish or impair property values within the immediate vicinity in any material way.**

The surrounding area consists of a mix of residential and commercial uses. First, Meadow Lake Section 1, a single-family subdivision, is located on the east side of John Martin Road, east of the subject property. A residential home estate ranch is located to the north of the subject property and adjacent to the undeveloped Jones Road with a telecommunication tower at the southern edge of the property; residential structures on this property are located approximately 840 feet from the southern property boundary. Second, commercial uses such as auto dealership, gas station, restaurants, etc., are primarily located in close proximity to the intersection of John Martin Road and IH10 frontage road with secondary access points on John Martin Road. Within the minimum 100-foot building setback requirement for a warehouse development in GC, a 50-foot vegetative buffer and 50 feet of open space is required. This requirement serves to screen the warehouse activities from all adjacent uses and to support compatible commercial uses within the surrounding area. With the proposed screening along property boundaries

as well as the vacant property serving as additional buffering, the proposal is considered compatible with adjacent land uses.

2. This special use permit will not impede the normal and orderly development and improvement of surrounding property.

Because the proposed new development will also include the construction of a new public street that runs north and south along the property all of the traffic that this development will create is going to utilize this connection. This road will then connect to the westbound IH10 frontage road and allow easy access to Houston. Eastbound traffic will need to utilize the U-turn lane in order to enter the east bound IH10 lanes. This is expected to be the minority of the created traffic, but a complete Traffic Impact Analysis (TIA), as required to be performed by the applicant, will allow staff to better understand the stresses on the area. Additionally, given the added buffering of the vacant properties to the west and south, as well as the canals and empty Right-of-Way, the proposed site is screened and buffered beyond what is required in the code. This will ensure it does not impede normal development of the surrounding area.

3. This special use permit will ensure that adequate utilities, access roads, drainage and other necessary supporting facilities have been or will be provided prior to the issuance of a certificate of occupancy.

This SUP proposal will be required to meet local regulations. The site is a new development that has utility access and will be required to meet normal city requirements for all infrastructure needs. In addition, the property has a north-south collector that is designated on the Master Thoroughfare Plan which will eventually connect further north to East Wallisville road. In addition, this development will require the following: 1) dedicate utility easements for a lift station along IH 10; 2) create public sidewalks along IH 10 and the new collector road; 3) and provide a fire lane within the site that is satisfactory to the fire department requirement. Staff recommends that all access to the site by semi-trucks be restricted to only the IH-10 frontage road, via the new north-south collector road.

4. This special use permit will ensure that adequate nuisance prevention measures will be taken and maintained to prevent or control offensive odor, fumes, dust, noise and vibration prior to the issuance of a certificate of occupancy.

The proposed construction is required to meet additional conditions within the GC district that provide adequate buffering and screening in order to reduce overall impact to nearby areas. The addition of the north-south collector will also serve to isolate the added truck traffic and reduce its impact on the area. Further, this development is required to meet all city standards that are made to ensure new development does not create a nuisance environment. In addition, staff recommends the site include enhanced landscaping and screening as well as a perimeter berm around the southern boundary of the development.

5. This special use permit will ensure that there are sufficient landscaping, screening, setbacks and other land use measures to ensure harmony and compatibility with adjacent property.

The applicant is proposing landscaping, screening, and setback buffers that meet or exceed the conditions and requirements of the ULDC. The eastern boundary of the site will include the normal 100 ft buffer, composed of 50ft vegetative and 50ft open space, and also include a row of taller trees to act as a visual screen. In addition, this visual

screen will be incorporated to the south of the property, between the IH10 frontage and the canal, as part of a 25ft streetscape buffer. This buffer will also utilize a perimeter berm as additional screening.

6. The proposed use is consistent with the comprehensive plan and is generally consistent with the purposes with the ULDC.

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 and 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 "Large Scale Commercial".

According to the 2040 Comprehensive Plan, primary land use in large scale commercial designation is for commercial retail and service uses, typically three acres or larger. Uses such as offices, big box commercial stores, automobile services, hotel and recreational vehicle parks are primary uses that may be permitted in this designation given that the location criteria are met.

The subject property meets these location criteria and is considered an acceptable use under the FLUM land use designation.

7. In addition, the site plan must meet all the criteria set forth in ULDC Section 1.26 (e).

The site plan submitted by the applicant generally complies with all additional criteria listed in the ULDC. A detailed review will be made at the time of permit application to further ensure compliance with these requirements.

Planning Staff Recommendations

Staff recommends approval of the requested special use permit with the following conditions:

1. Truck access will only be allowed to the IH10 frontage road via new public road, as indicated on the site plan.
2. Additional buffering required along the south border of the property in the form of a perimeter berm and a 25ft vegetative buffer that incorporates larger trees that act as a visual screen from the warehouse loading docks. These features will be located between the IH10 frontage and the flood control canal.

*Staff note: If approved, this Special Use Permit will expire in 24 months if no permits are issued for the approved project.