CITY OF BAYTOWN

NOTICE OF MEETING

PLANNING AND ZONING COMMISSION
REGULAR MEETING
TUESDAY, OCTOBER 17, 2017
5:00 P.M.
CITY COUNCIL CHAMBER
BAYTOWN CITY HALL
2401 MARKET STREET
BAYTOWN, TEXAS 77520

AGENDA

CALL TO ORDER AND ANNOUNCEMENT OF QUORUM

1. MINUTES
   a. Consider approving the regular meeting minutes of the September 19, 2017, Planning and Zoning Commission meeting.

2. PLATS
   a. Consider approving Goose Creek Reserve Section 2B Final Plat, located west of Emmett Hutto and south of Country Club View Drive, a subdivision of approximately 24.48 acres, out of and part of the Harvey Whiting Survey Abstract 840, Harris County, Texas.

3. ZONING
   a. Conduct the second public hearing concerning a proposed amendment to the official zoning map to rezone approximately 3.48 acres of land, approximately 360 feet north of West Baker Road, legally described as Tract 26 in Lot 6, Abstract No. 44, Nathaniel Lynch Survey, Harris County, Texas, from Neighborhood Serving Commercial (NSC) Zoning District to General Commercial (GC) Zoning District.

   b. Consider making a recommendation and preparing a report concerning a proposed amendment to the official zoning map to rezone approximately 3.48 acres of land, approximately 360 feet north of West Baker Road, legally described as Tract 26 in Lot 6, Abstract No. 44, Nathaniel Lynch Survey, Harris County, Texas, from Neighborhood Serving Commercial (NSC) Zoning District to General Commercial (GC) Zoning District.
c. Conduct the second public hearing concerning a proposed amendment to the official zoning map to rezone approximately 1.14 acres of land at 708 Peggy Avenue and 1515 North 8th Street, located on the northwest corner of the intersection of North 8th Street and Peggy Avenue, Harris County, Texas, from Mixed Use (MU) Zoning District to Mixed Residential at Low to Medium Densities (SF2) Zoning District.

d. Consider making a recommendation and preparing a report concerning a proposed amendment to the official zoning map to rezone approximately 1.14 acres of land, at 708 Peggy Avenue and 1515 N. 8th Street, located on the northwest corner of the intersection of N. Eighth Street and Peggy Avenue, Harris County, Texas, from Mixed Use (MU) Zoning District to Mixed Residential at Low to Medium Densities (SF2) Zoning District.

4. DIRECTOR’S REPORT

a. Present a report regarding action taken by City Council on planning and zoning items.

5. ADJOURN

PUBLIC NOTICE IS GIVEN THAT IN ADDITION TO ANY EXECUTIVE SESSION LISTED ABOVE, THE PLANNING AND ZONING COMMISSION RESERVES THE RIGHT TO ADJOURN INTO EXECUTIVE SESSION AT ANY TIME AS AUTHORIZED BY THE TEXAS GOVERNMENT CODE SECTIONS 551.071 - 551.088 TO DISCUSS ANY OF THE MATTERS LISTED ABOVE.

DOCUMENTS PRESENTED TO THE PLANNING AND ZONING COMMISSION SHALL BE SUBMITTED TO THE COMMISSION AND SHALL REMAIN AS A PART OF THE PUBLIC RECORD, THEREFORE PLEASE ENSURE THAT THE RECORDS BEING PRESENTED ARE NOT THE ONLY COPY AS THEY WILL NOT BE RETURNED TO THE PRESENTER.

THE CITY OF BAYTOWN IS COMMITTED TO COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT. THE CITY OF BAYTOWN’S PUBLIC FACILITIES ARE WHEEL CHAIR ACCESSIBLE AND ACCESSIBLE PARKING SPACES ARE AVAILABLE. REASONABLE MODIFICATIONS AND EQUAL ACCESS TO COMMUNICATIONS WILL BE PROVIDED UPON REQUEST. REQUESTS MUST BE MADE FORTY-EIGHT (48) HOURS PRIOR TO THE MEETINGS, SERVICES OR PROGRAMS. TO MAKE A REQUEST, PLEASE CALL 281-420-6522, OR TO FAX 281-420-6518, OR CONTACT 281-420-6522 VIA RELAY TEXAS AT 711 OR 1-800-676-3777 FOR TTY SERVICES. FOR MORE INFORMATION CONCERNING RELAY TEXAS, PLEASE VISIT:
HTTP://RELAYTEXAS.COM

Approved for posting:
Nathan Diétrich, Senior Planning Manager

Posted this 13th day of October, 2017, at 5:00 P.M.
Information

ITEM
Consider approving the regular meeting minutes of the September 19, 2017, Planning and Zoning Commission meeting.

PREFACE
The minutes of the September 19, 2017, Planning and Zoning Commission regular meeting are attached for your review.

RECOMMENDATION
Staff recommends approval.

Attachments

Minutes
MINUTES OF THE PLANNING AND ZONING COMMISSION MEETING
September 19, 2017

The Planning and Zoning Commission met at 5:00 p.m. on Tuesday, September 19, 2017, in the Council Chamber at Baytown City Hall located at 2401 Market Street, Baytown, Texas.

Members Present: Shawn McDonald          Chairman
                Bo Cox                 Vice-chairman
                Pete Côté              Member
                Donna Winfrey-Varner  Member
                Gilbert Chambers      Member
                Spencer Carnes        Member
                Benjamin Boul         Member

Members Not Present: R.D. Burnside        Member
                     Brandon Benoit        Member

Staff Present: Tiffany Foster              Planning Director
               Nathan Dietrich        Senior Planning Manager
               Chris Chavis           Principal Planning Manager
               Harold Cheek           Long Range Planner
               Shelly Shelton         Planner II
               Chris Guess            Planner II
               Yvonne Briscoe         Planner I

CALL TO ORDER

Chairman Shawn McDonald called the September 19, 2017, Planning and Zoning Commission meeting to order at 5:00 p.m., with a quorum present.

1. MINUTES

   a. Consider approving the meeting minutes of the August 15, 2017, Planning and Zoning Commission Meeting.

      Mr. Pete Côté motioned to approve the minutes of the August 15, 2017, Planning and Zoning Commission meeting, seconded by Ms. Donna Winfrey-Varner. Motion PASSED unanimously.

2. PLATS

   a. Consider approving Trinity Oaks Sec 1. Preliminary Plat, being approximately 21.69 acres located on the west side of Tri-City Beach Road approximately 2,500 feet south of the intersection of State Highway 99 and Tri-City Beach Road, legally described as 21.69 acres out of Williams Scott League Abstract 65, Harris County, Baytown, Texas.

      Mr. Chris Guess summarized the item. Mr. Gil Chambers asked about the elevation of the property. Chairman McDonald chose to revisit Item 2.a. and moved to the next item on the agenda, Item 3.a.
3. **ZONING**

   a. **Conduct the first public hearing concerning a proposed amendment to the official zoning map to rezone approximately 3.48 acres of land, approximately 360 feet north of West Baker Road, legally described as Tract 26 in Lot 6, Abstract No. 44, Nathaniel Lynch Survey, Harris County, Texas, from Neighborhood Serving Commercial (NSC) Zoning District to General Commercial (GC) Zoning District.**

Ms. Shelly Shelton summarized the item.

Chairman McDonald read the public hearing procedures.

Ms. Lisa Little, a resident of Lakewood, stated that she is concerned about the precedent that approval of this item would set. She feels that a better “plan of how we want Bayway to look” is needed.

Mr. Al Busch, architect for the project, stated that the intent of the property owner is to consolidate their two tortilla factories that exist on Bayway with their corporate office and construct it all at this location.

Ms. Ray Jones does not understand why the property must be rezoned if the two factories already exist; she feels that rezoning to GC would allow many uses that are not good for the neighborhood.

Mr. Steven Adrian stated that the street behind the subject property floods; the drainage issue needs to be addressed. He is concerned that changing this property to GC will allow other properties to be zoned GC and that is not good for the area.

Chairman McDonald asked if the applicant could build the desired project in the NSC zoning district. Mr. Busch stated that the size of the proposed building is not allowed in NSC.

With no one else desiring to speak, Chairman McDonald closed the public hearing.

2. **PLATS (continued)**

Chairman McDonald returned to Item 2.a. Mr. Spencer Carnes motioned to approve the preliminary plat; seconded by Mr. Benjamin Boul. Mr. Chambers asked if part of the plat is in the 100 year floodplain; Mr. Guess answered yes. Mr. Chambers asked if it was the intent of the builder to “cut and fill” the property; Mr. Guess stated that the method to be used is unknown. Mr. Chambers opposed the plat as he feels the low elevation puts citizens at risk. Ms. Tiffany Foster stated that there are engineering reports that are not complete at this stage in the process; the reports will verify that the project is constructed to comply with all regulations. Mr. Chambers’ main concern is storm surge. Motion **PASSED** with all in favor except Mr. Chambers who is opposed to approval of the preliminary plat.

   b. **Conduct the first public hearing concerning a proposed amendment to the official zoning map to rezone approximately 1.14 acres of land, at 708 Peggy Avenue and 1515 N. 8th Street, located on the northwest corner of the intersection of N. Eighth Street and Peggy Avenue, Harris County, Texas, from Mixed Use (MU) Zoning District to Mixed Residential at Low to Medium Densities (SF2) Zoning District.**

Ms. Shelton summarized the item. Mr. Chambers asked if the proposed Habitat for Humanity houses would comply with masonry standards set forth in the ULDC; Ms. Foster answered yes.

4. **DIRECTOR’S REPORT**
a. Present a report regarding action taken by City Council on planning and zoning items.

Ms. Tiffany Foster stated that the following item was not heard by the Commission but was approved by City Council:

- The annexation of San Jacinto area, east of John Martin and north of Cedar Bayou Lynchburg.

Although the annexation item was not heard by the Commission, Ms. Foster wanted to keep them abreast of new area added to the City.

5. ADJOURN

Chairman McDonald called for the meeting to adjourn at 5:25 p.m.
PLANNING AND ZONING COMMISSION

Meeting Date: 10/17/2017
Subject: Consider - Goose Creek Reserve Section 2B Final Plat
Prepared for: Tiffany Foster, Planning and Development Services
Prepared by: Shelly Shelton, Planning and Development Services

Information

ITEM
Consider approving Goose Creek Reserve Section 2B Final Plat, located west of Emmett Hutto and south of Country Club View Drive, a subdivision of approximately 24.48 acres, out of and part of the Harvey Whiting Survey Abstract 840, Harris County, Texas.

PREFACE
This is the consideration for approval of Goose Creek Reserve Section 2B Final Plat, formerly the Goose Creek Golf Course and Country Club.

The purpose of the plat is to create 82 single-family residential lots in four (4) blocks and three (3) reserves. This is the fourth phase in the development.

The application has been reviewed by the Development Review Committee, which found that the application met the minimum requirements of the Code of Ordinances.

The application, plat and supporting documentation are attached for your review.

RECOMMENDATION
Staff recommends approval.

Attachments
Application and Supporting Documents
Vicinity Map
Plat Sheet 1
Plat Sheet 2
CITY OF BAYTOWN
Universal Development Application

Incomplete applications will not be accepted. Indicate "N/A" when an item does not pertain to your application.

APPLICATION TYPE(S) - CHECK APPLICABLE BOX(ES) BELOW
☐ Zoning Map Amendment ☐ Telecommunication Special Use ☐ Replat ☐ Land Development Plan
☐ Zoning Variance ☐ Landscape Variance ☐ Small Subdivision* ☐ Lot Line Adjustment/Consolidation
☐ Zoning Special Exception ☐ Subdivision Variance ☐ Minor Plat* ☐ Fire Lane Easement
☐ Zoning Appeal ☐ Preliminary Plat* ☐ Amending Plat* ☐ Text Amendment
☐ Zoning Special Use ☐ Final Plat* ☐ Plat Certification ☐ Other

See appropriate checklist and for schedule for minimum requirements for each application. *These applications use the same checklist.

PROJECT INFORMATION

Project/Subdivision Name: GOOSE CREEK RESERVE SECTION 2B
Project Address/Location: 4807 Country Club drive
Brief Description of Project: 24.483 ACRES OF LAND SITUATED IN THE HARVEY WHITTING SURVEY, ABSTRACT 640, CITY OF BAYTOWN, HARRIS COUNTY, TEXAS

PROPERTY INFORMATION - THIS SECTION DOES NOT APPLY TO TEXT CHANGES

Legal Description & Recording Info: See attached
Parcel(s) Tax ID(s): See attached
Property platted: Yes ☒ No ☐ Don’t Know ☐
Type: Residential ☐ Commercial ☐ Acres: 24.483, Commercial ☐ Acres: , Total acres: 24.483 Is property in ETJ? Yes ☐ No ☐
Existing Zoning: SF-2, Number of existing lots: 0 ☐ Number of existing units: 0 ☐ Current Use: Golf Course
Proposed Zoning: SF-2, Number of proposed lots: 82 ☐ Number of proposed units: 82 ☐ Proposed Use: Single family
Utility provider for water supply: City of Baytown ☐ Utility provider for sanitary sewer: City of Baytown ☐
I would like to attend a meeting with the Development Review Committee (DRC): Yes ☐ No ☐ County: Chambers ♡ Harris ♡

APPLICANT & OWNER INFORMATION

(Primary Contact will be notified)
Owner Name: D.R. Horton - Texas, LTD.
Address: 14100 Southwest Freeway, Suite 500
Email:
City: Sugar Land State: TX Zip: 77478
Phone: 281-566-2100 Fax:

Applicant Name: Geoff Freeman - LJA Engineering, Inc.
Address: 1904 West Grand Parkway North, Suite 100
Email: sfreeman@ljae.com
City: Katy State: TX Zip: 77449
Phone: 713-358-8830 Fax:

Contact Person (If different from applicant): ___________________________________ Email: ___________________________________
Address: ___________________________________ City: __________ State: ________ Zip: ________
Phone: __________________________________ Fax: __________________________________

By signing this application, staff is granted access to your property to perform activities related to your case. If the property owner is not signing, legally sufficient separate authority verification (i.e. letter of authorization to apply) must be provided at the time of application.

Signature(s): ___________________________ Printed/Typed Name(s): ___________________________

Known to me to be the person(s) whose name(s) is/are subscribed to the above and foregoing instrument, and acknowledged to me that they executed the same for the purpose and consideration expressed and in the capacity therein stated. Given under my hand and seal of office on this day of ____________________, 201____.

E RENÉ RODRIGUEZ
My Commission Expires
May 1, 2016

FOR DEPARTMENT USE ONLY:

Project Manager: SS Submittal Date: 9/19/17 Accepted By: __________ Total Fee(s): __________
Completeness review by: SS Date: 9/21/17 Approved by: __________ Approval Date: __________
CITY OF BAYTOWN
Plat Checklist

The following list of submission requirements shall be used by the applicant as a checklist in preparing a complete application. Applications that do not have these items will be rejected and returned to the applicant. Additional information regarding subdividing property is found in Chapter 126 Subdivisions, Article II of the Baytown Code of Ordinances.

✓ **Universal Development Application** – complete with all required signatures and notarized.

✓ **Plat Copies** – two (2) folded 24 x 36 inch copies; final plats must contain the certification of the registered, professional land surveyor that is responsible for the plat.

✓ **Digital Copy and Shapefile** – PDF file of plat e-mailed to planning@baytown.org (must be received no later than 4:30 on day of submittal). The digital file must contain an ArcGIS Shape file of a boundary polygon showing X, Y, and Z coordinates of at least three outside corners of the subject property. This data will be submitted using NAD 1983 State Plane Texas South Central FIPS 4204 Feet coordinate system.

✓ **Application Fee: Preliminary and Final** – residential plats are $350.00 plus $ 5.00 a lot and commercial plats are $350.00 plus $15.00 an acre

✓ **Application Fee: Amending** - residential and commercial are $250.00

✓ **Application Fee: Minor** - residential plats are $350.00 plus $5 a lot and commercial plats are $250 plus $15.00 an acre

✓ **Deed** – copy of the deed

✓ **Agent Information** – If you are an agent and not the property owner, then you shall submit a notarized statement from the owner naming you as agent for this application or you must provide an executed contract for sale allowing you to apply for this plat. If the property is owned by any entity or corporation and not an individual, please submit Articles of Incorporation or other documentation verifying signatory authorization.

✓ **Engineering Report Letter (final plats only)** – letter from the Engineering Department stating that the construction associated with the engineering report conforms to the specifications and standards of the Baytown code of ordinances OR that the appropriate bond for public improvements has been approved by the Engineering Department.

By signing below I acknowledge that I have reviewed the General Information and Submittal Requirements Checklist and have included the required submittal items and reviewed them for completeness and accuracy.

[Signature]

**Applicant(s) Signature**

**9-19-2017**

**Date**

[Signature]

**Applicant(s) Printed Name**
December 22, 2015

Mr. Nathan Dietrich
Senior Planning Manager
City of Baytown
2401 Market Street
Baytown, Texas 77522

Re: Platting Representation – Goose Creek Reserve

Dear Mr. Dietrich:

We, D.R. Horton-Texas, Ltd. are the owners of an approximate 134-acre tract of land formerly known as the Goose Creek Country Club, located within the corporate limits of the City of Baytown, Harris County, Texas, hereby authorizes LJA Engineering, Inc. to submit a Land Development Plan and Preliminary Plats for and in the aforementioned property on our behalf.

This representation may be withdrawn at any point prior to final approval of the Land Development Plan and Preliminary plats by the City of Baytown.

Sincerely,

[Signature]
CITY OF BAYTOWN TEXAS
ZONING/ DEVELOPMENTS RECEIPT

*****************************************************************************
PARCEL ID : 0451440010228
PROJECT : PL17090013
RECEIPT #: 29000006704
RECEIPT DATE : 09/19/2017
RECEIVED BY : SSANCH
REC'D. FROM : LJA ENGINEERING INC
COMMERCIAL/RESIDENTIAL :
ACREAGE :
NOTES : 29000006704
ADDRESS : 4807 COUNTRY CLUB DR
PRINT DATE : 09/19/2017
PRINT TIME : 14:56:09
OPERATOR : SSANCH
COPY #: 3
CASH DRAWER: 29

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METHOD OF PAYMENT  AMOUNT  REFERENCE NUMBER
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CREDIT CARD  760.00  086873

TOTAL RECEIPT : 760.00
October 3, 2017

Ms. Melony Gay, P.E.
LJA Engineering, Inc.
1904 West Grand Parkway North, Suite 100
Houston, Texas 77449

RE: PL 16080009: GOOSE CREEK RESERVE SUBDIVISION SECTION 2-B. LETTER ACKNOWLEDGING COMPLETION OF WORK PER SECTION 126-189 OF THE CITY ORDINANCE.

Dear Ms. Gay

In accordance with City of Baytown Code of Ordinances 126-189 and 126-456, this Letter of Final Acceptance of Improvements is issued for the above named subdivision for the water, sanitary sewer, streets and storm drainage systems. Any and all detention ponds, including stormsewers, and surface conveyance features will be owned and maintained by the developer, the MUD or the homeowner’s association and will not be maintained by the City of Baytown. The period of guarantee with respect to all infrastructure improvements is one year from acceptance of improvements by the City Engineer. Therefore, the guarantee is effective until September 28, 2018.

A copy of this letter is provided to the City’s Planning Department for determination of filing the final plat. If you have questions regarding the above, please contact me at (281) 420-6545.

Should you need further clarification, please contact me at 281-420-6545.

Sincerely,

[Signature]

Jose Pastrana, P.E.
Director of Engineering

Cc: Tiffany Foster
The City of Baytown, Texas makes no warranty, representation, or guarantee regarding the accuracy of this map. This map is intended for display purposes only and does not replace official recorded documents.
PLANNING AND ZONING COMMISSION

Meeting Date: 10/17/2017
Subject: Second Public Hearing - Zoning Map Amendment from NSC to GC
Prepared for: Tiffany Foster, Planning and Development Services
Prepared by: Shelly Shelton, Planning and Development Services

Information

ITEM
Conduct the second public hearing concerning a proposed amendment to the official zoning map to rezone approximately 3.48 acres of land, approximately 360 feet north of West Baker Road, legally described as Tract 26 in Lot 6, Abstract No. 44, Nathaniel Lynch Survey, Harris County, Texas, from Neighborhood Serving Commercial (NSC) Zoning District to General Commercial (GC) Zoning District.

PREFACE
This is the second public hearing regarding the rezoning of approximately 3.48 acres, approximately 360 feet north of West Baker Road. The applicant is proposing to rezone vacant and undeveloped property to build a new manufacturing facility. The property owner has been a partner in a facility that consists of tortilla, tortilla chip, salsa and other Mexican food manufacturing next door at 7201 Bayway Drive. The new facility will manufacture the Mexican food products and house an office, storage and some retail space for the sale of the goods to the general public. The proposed use, manufacturing is not permitted in the NSC Zoning District and by nature the NSC Zoning District does not lend itself to the land uses appropriate for large tracts and/or bigger swaths of land, which prompted the request to rezone the subject property to GC as manufacturing is permitted with conditions.
Additionally, the GC Zoning District designation would allow a larger tract like the subject property to be developed at its full potential.
The FLUP is the component of the Baytown 2025 Comprehensive Plan used to guide decision making with regard to growth management and development. On the FLUP, the subject property is designated as part of a Commercial Corridor area. The request to rezone to GC is consistent with the FLUP.
The application, supporting documentation, and staff report are attached for your review.

RECOMMENDATION

Attachments
Application and supporting documentation
Notice Area Map
Proposed Zoning
Staff Report
CITY OF BAYTOWN
Universal Development Application

Incomplete applications will not be accepted. Indicate "N/A" when an item does not pertain to your application.

APPLICATION TYPE(S) - CHECK APPROPRIATE BOX(ES) BELOW

☐ Zoning Map Amendment ☐ Telecommunication Special Use ☐ Replat ☐ General Plan
☐ Zoning Variance ☐ Landscape Variance ☐ Small Subdivision* ☐ Lot Line Adjustment/Consolidation
☐ Zoning Special Exception ☐ Subdivision Variance ☐ Minor Plat* ☐ Fire Lane Easement
☐ Zoning Appeal ☐ Preliminary Plat* ☐ Amending Plat* ☐ Text Amendment
☐ Zoning Special Use ☐ Final Plat* ☐ Plat Certification ☐ Other

See appropriate checklist and fee schedule for minimum requirements for each application. *These applications use the same checklist.

PROJECT INFORMATION

Project/Subdivision Name: Lakewood

Project Address/Location: 7210 Bayway Dr.

Brief Description of Project: El Matador Feed Mill Building

PROPERTY INFORMATION - THIS SECTION DOES NOT APPLY TO TEXT CHANGES

Legal Description & Recording Info: TR 26 IN LOT 43 ABST 44 N Lynch

Parcel(s) Tax ID(#): 040 278 000 0004 Property platted: Yes ☐ No ☐ Don't Know ☐

Type: Residential Acres: ____, Commercial Acres: 3.48 Total acres: _____ Is property in ETJ? Yes ☐ No ☐

Existing Zoning: NCS Number of existing lots: 1 , Number of existing units: 0 Current Use: VEND

Proposed Zoning: NC Number of proposed lots: 1 , Number of proposed units: 1 Proposed Use: BLDG

Utility provider for water supply: City of Baytown Utility provider for sanitary sewer: City of Baytown

I would like to attend a meeting with the Development Review Committee (DRC): Yes ☐ No ☐ County: Chambers, Harris ☐

APPLICANT & OWNER INFORMATION

(Primary Contact will be notified)

Owner Name: John Ybarra Email: N/A

Address: 7529 Bayway Dr. City: Baytown State: TX Zip: 77520

Phone: 281 838 3709 Fax: 281 838 3879

Applicant Name: (SAME AS ABOVE) Email: 

Address: ______________ City: __________ State: __________ Zip: __________

Phone: ______________ Fax: ______________

Contact Person (If different from applicant): Moses Ybarra Email: ybarra houston@gmail.com

Address: ______________ City: __________ State: __________ Zip: __________

Phone: ______________ Fax: ______________

By signing this application, staff is granted access to your property to perform activities related to your case. If the property owner is not signing, legally sufficient signature authority verification (i.e. letter of authorization to apply) must be provided at the time of application.

Signature(s): John Ybarra

Printed/Typed Name(s): John Ybarra

Known to me to be the person(s) whose name(s) is/are subscribed to the above and foregoing instrument, and acknowledged to me that they executed the same for the purposes and consideration expressed and intended therein. Given under my hand and seal of office on this 15 day of August, 2017

My Commission Expires September 17, 2017

N otary Public

FOR DEPARTMENT USE ONLY:

Project Manager: 85 Date: 8/10/17 Accepted By: ND Total Fee(s): $ 800

Completeness review by: 10 Date: 8/10/17 Approved by: Approval Date: 

Rev. 8.12.15
The following list of submission requirements shall be used by the applicant to prepare a complete zoning amendment application. The City shall also use the checklist to verify the completeness of the application at the time it is submitted. Applicants are responsible for submitting complete applications. Incomplete applications will be rejected and returned to the applicant.

- **Universal Development Application** – complete with all required signatures
- **Application Fee** – Zoning Amendment is $300.00
- **Agent Information** – If you are an agent and not the property owner, then you shall submit a notarized statement from the owner naming you as agent for this zoning action.
- **Applicant’s Statement** – Zoning amendments are made at the sound legislative discretion of the City Council. In determining whether to adopt, adopt with modifications or disapprove the proposed amendment, the city council shall review a statement prepared by the applicant that: summarizes the zoning amendment request; identifies the existing and proposed land uses; and, explains in detail how the request addresses the following factors:

1. Consistency with guiding documents – Is the proposed amendment consistent with and furthers the policies and goals of the future land-use plan, major thoroughfare plan, vision statement and the Unified Land Development Code?
2. Compatibility with the surrounding area – Is the proposed amendment compatible with the existing and proposed uses surrounding the subject land and is the appropriate district for the land use proposed?
3. Promotion of health, safety, or general welfare – Does the proposed amendment promote the health, safety, or general welfare of the city and includes the safe, orderly and healthful development of the city?
4. Facilitation of infrastructure – Does the proposed amendment facilitate the adequate provision of mobility, water, waste water, storm water and other public services?
5. There are changed conditions;
6. Effect on natural environment – Will the proposed amendment result in significantly adverse impacts on the natural environment, including but not limited to water, air, noise, storm water management, wildlife, vegetation, wetlands?
7. Community need – Does the proposed amendment address a demonstrated community need?

By signing below I acknowledge that I have reviewed the General Information and Submittal Requirements Checklist and have included the required submittal items and reviewed them for completeness and accuracy.

---

**Applicant(s) Signature** ___________________________ **Date** Aug 15, 2017

**Applicant(s) Printed Name** ___________________________
Zoning Amendments Statements
El Matador Foods Building

1. The proposed project is a building for El Matador Foods which has an existing facility on the adjoining property. The new building will consist of a retail area along with a custom baking area that will be making corn and flour tortillas and chips. These products along with potentially other associated products will be available for the public purchase in the retail area. This type of facility is consistent with the policies and goals of the future land-use plan. It is located on Bayway Drive and is therefore consistent with the major thoroughfare plan. This project will be a new facility. This area has not seen new development in many years. It will provide additional tax base and jobs that are needed, which is consistent with the Unified Land Development Code.

2. The new facility is very compatible with the existing properties and uses surrounding the site. As mentioned, the adjoining property is currently being used as a tortilla making facility. There is an El Toro Restaurant, several tire shops, a CrossFit gym, a bar and several convenience stores.

3. This project provides the safe and healthy development of the city.

4. The new facility will adhere to all of the city ordinances that pertain to mobility, water, waste water, storm water and other public services. The project will meet or exceed all landscape requirements which will bring much needed beautification to the area which has not seen any improvement of this nature for many years.

5. There are no changed conditions other than the zoning change.

6. There will be no adverse impacts on the natural environment but will improve on things like storm water and vegetation such as landscape vegetation.

RECEIVED
AUG 2 1 2017
BY: ___________________________
7. This zoning change greatly improves the community needs by offering growth in an area that has not seen any in many years. It will include a retail area providing goods for the local area. It will bring job opportunities to the local community and beautification to the area.
CITY OF BAYTOWN TEXAS
ZONING/ DEVELOPMENTS RECEIPT

***********************************************************************************

PARCEL ID : 0402930000066
PROJECT : PL17080039
RECEIPT #: B3000007199
RECEIPT DATE : 08/23/2017
RECEIVED BY : bkv
REC'D. FROM : EL MATADOR FOODS INC
COMMERCIAL/RESIDENTIAL :
ACREAGE :

NOTES : B3000007199

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TOTAL PROJECT :

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METHOD OF PAYMENT

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TOTAL RECEIPT :

300.00
September 18, 2017

El Matador Foods, Inc.
7201 Bayway Drive
Baytown, TX. 77520

City of Baytown
2401 Market St.
Bayway, Drive 77520

Re: Zoning Amendment Application

This letter is to inform you that I/We give authorization to John Erick Ybarra of El Matador Foods, Inc. Permission to represent us regarding our request for the Zoning Amendment Application.

Please contact the office directly 281-838-1375, if you have any questions regarding the signatures of the owners at property El Matador Foods, Inc.

Sincerely,

[Signatures]

[Handwritten Signatures]

Roland Ybarra

Moses Brett Ybarra

Alice Ybarra Chandler

John Erick Ybarra
The City of Baytown, Texas makes no warranty, representation, or guarantee regarding the accuracy of this map. This map is intended for display purposes only and does not replace official recorded documents.

Notification Area
El Matador Foods
Rezoning of Approximately 3.48 Acres from NSC to GC

The City of Baytown, Texas makes no warranty, representation, or guarantee regarding the accuracy of this map. This map is intended for display purposes only and does not replace official recorded documents.
The City of Baytown Texas makes no warranty, representation, or guarantee regarding the accuracy of this map. This map is intended for display purposes only and does not replace official recorded documents.
Zoning Map Amendment
El Matador Foods
Staff Report

**Requested Action:** Zoning Map Amendment to the official zoning map to rezone approximately 3.48 acres from Neighborhood Serving Commercial (NSC) Zoning District to General Commercial (GC) Zoning District.

**Applicant:** John Ybarra

**Subject Property:** Is approximately 3.48 acres of land, approximately 360 feet north of West Baker Road, legally described as Tract 26 in Lot 6, Abstract No. 44, Nathaniel Lynch Survey, Harris County, Texas.

**Parcel Information**
**Current Use:** Vacant
**Proposed Use:** Light Manufacturing and Retail
**Future Land Use Plan:** Commercial Corridor

**Adjacent Parcel Information**
**North:** Exxon Pipeline right-of-way, Garages (mechanic), NSC
**South:** El Matador Tortilla Factory, NSC
**East:** Bayway Drive right-of-way
**West:** Meador Lane right-of-way

**Staff Analysis (Background):**
The applicant is proposing to rezone vacant and undeveloped property to build a new manufacturing facility. The property owner has been a partner in a facility that consists of tortilla, tortilla chip, salsa and other Mexican food manufacturing next door at 7201 Bayway Drive. The new facility will manufacture the Mexican food products and house an office, storage and some retail space for the sale of the goods to the general public. The proposed use, manufacturing is not permitted in the NSC Zoning District and by nature the NSC Zoning District does not lend itself to the land uses appropriate for large tracts and/or bigger swaths of land, which prompted the request to rezone the subject property to GC as light manufacturing is permitted with conditions.

Additionally, the GC Zoning District designation would allow a larger tract like the subject property to be developed at its full potential. As Bayway Drive is a minor arterial, it is an appropriate location for commercial land uses. However, Meador Lane would not be appropriate for heavy truck access to an industrial land use.

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

1. **Consistency with guiding documents.**
The FLUP is the component of the Baytown 2025 Comprehensive Plan used to guide decision making with regard to growth management and development. On the FLUP,
the subject property is designated as part of a Commercial Corridor. The request to change the subject property zoning designation to GC is consistent with the Land Use Narratives for the FLUP.

**Commercial Corridors (Red)**
- May accommodate all types of commercial activity, including “big box”, medical services, restaurants, entertainment, offices, and large multi-family development.
- Corridors of commercial activities with variable depths along or near major arteries and freeways.
- Improved traffic mobility by discouraging continuous commercial strips with numerous driveways along major streets.
- Commercial corridor proposed along the east side of Wade Road, south of IH 10, as a buffer between existing rail yards west of Wade Road and proposed residential use to the east toward Goose Creek.

2. **Compatible with the Surrounding Area.**
The conditions for light manufacturing land uses in GC serve to ensure that there are no compatibility issues with the surrounding land uses.

3. **Promotion of health, safety, or general welfare.**
Appropriately locating commercial land uses on arterials, including Bayway Drive promotes the basic health, safety and welfare of the City of Baytown. Bayway Drive provides connectivity to other local businesses, which promotes and encourages a healthy economy.

4. **Facilitation of infrastructure.**
Adequate public facilities are available to the subject property, including Bayway Drive, water and waste water. If any infrastructure needs to be extended or capacity has to be added due to the future development of the subject property, the developer must finance it.

5. **There are changed conditions.**
Recently, City Staff analyzed the land uses along Bayway Drive from SH 330 to Crow Road. The analysis was prompted by an increase in development in Baytown. The FLUP designated the properties along Bayway Drive as Low Density Residential. The City sponsored FLUP amendment-to change Bayway Drive’s designation to a Commercial Corridor-were presented to the City of Baytown Planning and Zoning Commission and the City Council: the FLUP Amendment was approved.

6. **Effect on natural environment.**
The proposed project will develop a greenfield site. The development will be required to mitigate any drainage issues that may arise due to the increased impervious surface.

7. **Community need.**
This parcel is ripe for development, as it has frontage on an arterial and existing utilities. Additionally, these same attributes make the parcel a prime candidate for development at a scale beyond what would be permitted by the regulations set forth in the NSC Zoning District, e.g. buildings are limited to 10,000 square feet. The 10,000 square foot limitation does not make sense for development for large swaths of land on arterials but rather smaller lots surrounded by neighborhoods. Appropriate development in the NSC Zoning District is a barbershop or a “mom and pop” grocery store. The economic development (growth) of the community is important, as the other options are stasis or decline. Retaining our local growing businesses in Baytown is a basic tenet of economics and sustainable economic development. Taking measures to allow our industries to flourish in our local economy is imperative to our success as a thriving economy. Additionally, the more local businesses we have that are sustainable the deeper our economy is and the less susceptible it is to the ups and downs of outside influences, which intern benefits all of us.
Consider making a recommendation and preparing a report concerning a proposed amendment to the official zoning map to rezone approximately 3.48 acres of land, approximately 360 feet north of West Baker Road, legally described as Tract 26 in Lot 6, Abstract No. 44, Nathaniel Lynch Survey, Harris County, Texas, from Neighborhood Serving Commercial (NSC) Zoning District to General Commercial (GC) Zoning District.

PREFACE
This is the consideration item regarding the rezoning of approximately 3.48 acres, approximately 360 feet north of West Baker Road.

The applicant is proposing to rezone vacant and undeveloped property to build a new manufacturing facility. The property owner has been a partner in a facility that consists of tortilla, tortilla chip, salsa and other Mexican food manufacturing next door at 7201 Bayway Drive. The new facility will manufacture the Mexican food products and house an office, storage and some retail space for the sale of the goods to the general public. The proposed use, manufacturing is not permitted in the NSC Zoning District and by nature the NSC Zoning District does not lend itself to the land uses appropriate for large tracts and/or bigger swaths of land, which prompted the request to rezone the subject property to GC as manufacturing is permitted with conditions.

Additionally, the GC Zoning District designation would allow a larger tract like the subject property to be developed at its full potential.

The FLUP is the component of the Baytown 2025 Comprehensive Plan used to guide decision making with regard to growth management and development. On the FLUP, the subject property is designated as part of a Commercial Corridor area. The request to rezone to GC is consistent with the FLUP.

The application, supporting documentation, and staff report are attached to the previous agenda item for your review.

The Planning and Zoning Commission's Report to City Council is attached for your consideration.

RECOMMENDATION
TO: City Council  
FROM: Planning and Zoning Commission  
RE: Zoning Map Amendment from NSC to GC  
DATE: October 17, 2017

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.

**Requested Action:** Zoning Map Amendment to the official zoning map to rezone approximately 3.48 acres from Neighborhood Serving Commercial (NSC) Zoning District to General Commercial (GC) Zoning District.

**Applicant:** John Ybarra

**Subject Property:** Is approximately 3.48 acres of land, approximately 360 feet north of West Baker Road, legally described as Tract 26 in Lot 6, Abstract No. 44, Nathaniel Lynch Survey, Harris County, Texas.

**Parcel Information**
- **Current Use:** Vacant
- **Proposed Use:** Light Manufacturing and Retail
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- **North:** Exxon Pipeline right-of-way, Garages (mechanic), NSC
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The applicant is proposing to rezone vacant and undeveloped property to build a new manufacturing facility. The property owner has been a partner in a facility that consists of tortilla, tortilla chip, salsa and other Mexican food manufacturing next door at 7201 Bayway Drive. The new facility will manufacture the Mexican food products and house an office, storage and some retail space for the sale of the goods to the general public.
The proposed use, manufacturing is not permitted in the NSC Zoning District and by nature the NSC Zoning District does not lend itself to the land uses appropriate for large tracts and/or bigger swaths of land, which prompted the request to rezone the subject property to GC as light manufacturing is permitted with conditions.

Additionally, the GC Zoning District designation would allow a larger tract like the subject property to be developed at its full potential. As Bayway Drive is a minor arterial, it is an appropriate location for commercial land uses. However, Meador Lane would not be appropriate for heavy truck access to an industrial land use.

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

1. **Consistency with guiding documents.**
   The FLUP is the component of the Baytown 2025 Comprehensive Plan used to guide decision making with regard to growth management and development. On the FLUP, the subject property is designated as part of a Commercial Corridor. The request to change the subject property zoning designation to GC is consistent with the Land Use Narratives for the FLUP.

**Commercial Corridors (Red)**
- May accommodate all types of commercial activity, including “big box”, medical services, restaurants, entertainment, offices, and large multi-family development.
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- Improved traffic mobility by discouraging continuous commercial strips with numerous driveways along major streets.
- Commercial corridor proposed along the east side of Wade Road, south of IH 10, as a buffer between existing rail yards west of Wade Road and proposed residential use to the east toward Goose Creek.

2. **Compatible with the Surrounding Area.**
   The conditions for light manufacturing land uses in GC serve to ensure that there are no compatibility issues with the surrounding land uses.

3. **Promotion of health, safety, or general welfare.**
   Appropriately locating commercial land uses on arterials, including Bayway Drive promotes the basic health, safety and welfare of the City of Baytown. Bayway Drive provides connectivity to other local businesses, which promotes and encourages a healthy economy.
4. **Facilitation of infrastructure.**
Adequate public facilities are available to the subject property, including Bayway Drive, water and wastewater. If any infrastructure needs to be extended or capacity has to be added due to the future development of the subject property, the developer must finance it.

5. **There are changed conditions.**
Recently, City Staff analyzed the land uses along Bayway Drive from SH 330 to Crow Road. The analysis was prompted by an increase in development in Baytown. The FLUP designated the properties along Bayway Drive as Low Density Residential. The City sponsored FLUP amendment-to change Bayway Drive’s designation to a Commercial Corridor-were presented to the City of Baytown Planning and Zoning Commission and the City Council: the FLUP Amendment was approved.

6. **Effect on natural environment.**
The proposed project will develop a greenfield site. The development will be required to mitigate any drainage issues that may arise due to the increased impervious surface.

7. **Community need.**
This parcel is ripe for development, as it has frontage on an arterial and existing utilities. Additionally, these same attributes make the parcel a prime candidate for development at a scale beyond what would be permitted by the regulations set forth in the NSC Zoning District, e.g. buildings are limited to 10,000 square feet. The 10,000 square foot limitation does not make sense for development for large swaths of land on arterials but rather smaller lots surrounded by neighborhoods. Appropriate development in the NSC Zoning District is a barbershop or a “mom and pop” grocery store. The economic development (growth) of the community is important, as the other options are stasis or decline. Retaining our local growing businesses in Baytown is a basic tenet of economics and sustainable economic development. Taking measures to allow our industries to flourish in our local economy is imperative to our success as a thriving economy. Additionally, the more local businesses we have that are sustainable the deeper our economy is and the less susceptible it is to the ups and downs of outside influences, which intern benefits all of us.

The Commission recommends □ approval /□ disapproval of the proposed zoning map amendment from NSC to GC on the 17th day of October, 2017.

_____________________________
Shawn McDonald, Chairman
City of Baytown, Texas
Planning and Zoning Commission
Information

ITEM
Conduct the second public hearing concerning a proposed amendment to the official zoning map to rezone approximately 1.14 acres of land at 708 Peggy Avenue and 1515 North 8th Street, located on the northwest corner of the intersection of North 8th Street and Peggy Avenue, Harris County, Texas, from Mixed Use (MU) Zoning District to Mixed Residential at Low to Medium Densities (SF2) Zoning District.

PREFACE
This is the second public hearing regarding the rezoning of approximately 1.14 acres of land at 708 Peggy Avenue and 1515 North 8th Street, located on the northwest corner of the intersection of North 8th Street and Peggy Avenue.

The subject property is vacant and undeveloped.

The goal is to donate this property to Habitat for Humanity who plans to build six (6) single-family homes on the subject property, which consists of a little over one (1) acre. The proposed development meets the density regulations set forth in the SF2 Zoning District. Currently, the zoning designation is MU, which permits a variety of land uses, including residential; however, single-family residential land uses in MU have conditions. As set forth in the Unified Land Development Code (ULDC), one of the conditions is rezoning to an appropriate single-family zoning district, which is the purpose of the request to change the zoning designation to SF2.

The Future Land Use Plan (FLUP) is the component of the Baytown 2025 Comprehensive Plan used to guide decision making with regard to growth management and development. The subject property is designated as Low-Medium Density Residential District on the FLUP. The request is consistent with the Low-Medium Density Residential District Land Use Narratives for the FLUP.

The application, supporting documentation, and staff report are attached for your review.

RECOMMENDATION
This is the second public hearing.

Attachments

Application and Supporting Documents
CITY OF BAYTOWN
Universal Development Application

Incomplete applications will not be accepted. Indicate "N/A" when an item does not pertain to your application.

APPLICATION TYPE(S) - CHECK APPROPRIATE BOXES BELOW
☐ Zoning Map Amendment  ☐ Telecommunication Special Use  ☐ Replat  ☐ General Plan
☐ Zoning Variance  ☐ Landscape Variance  ☐ Small Subdivision*  ☐ Lot Line Adjustment/Consolidation
☐ Zoning Special Exception  ☐ Subdivision Variance  ☐ Minor Plat*  ☐ Fire Lane Easement
☐ Zoning Appeal  ☐ Preliminary Plat*  ☐ Amending Plat*  ☐ Text Amendment
☐ Zoning Special Use  ☐ Final Plat*  ☐ Plat Certification  ☐ Other

See appropriate checklist and fee schedule for minimum requirements for each application. *These applications use the same checklist.

PROJECT INFORMATION

Project/Subdivision Name: Habitat For Humanity
Project Address/Location: North Eighth Street
Brief Description of Project: Rezone 1.14 Acres to SFZ for SF Lots

PROPERTY INFORMATION: THIS SECTION DOES NOT APPLY TO TEXT CHANGES

Legal Description & Recording Info: 1.1428 Acres - William Scott Lower League
Parcel(s) Tax ID#: 0410210010236 Property platted: Yes  No  Don't Know
Type: Residential  Acres: , Commercial  Acres: 1.14, Total acres:  , Is property in ETJ? Yes  No
Existing Zoning: MU, Number of existing lots: , Number of existing units:  , Current Use: Vacant
Proposed Zoning: SFZ, Number of proposed lots: 6, Number of proposed units: 6, Proposed Use: SF
Utility provider for water supply: Baytown  Utility provider for sanitary sewer: Baytown

I would like to attend a meeting with the Development Review Committee (DRC): Yes  No  County: Chambers  Harris

APPLICANT & OWNER INFORMATION

(Primary Contact will be notified)

Owner Name: MT 146 Development LLC  Email: bo@bcdventures.com
Address: 1300 Rollingbrook, Suite 500  City: Baytown  State: TX  Zip: 77521
Phone: 281-427-5211  Fax: 281-427-8991

Applicant Name: Bo Cox  Email: bo@bcdventures.com
Address: 1300 Rollingbrook, Suite 500  City: Baytown  State: TX  Zip: 77521
Phone: 281-427-5211  Fax: 281-427-8991

Contact Person (If different from applicant): Same as above  Email: 
Address:  
City:  State:  Zip: 
Phone:  Fax: 

By signing this application, staff is granted access to your property to perform activities related to your case. If the property owner is not signing, legally sufficient signature authority verification (i.e. letter of authorization to apply) must be provided at the time of application.

Signature(s): Printed/Typed Name(s): Bo Cox

Known to me to be the person(s) whose name(s) is/are subscribed to the above and foregoing instrument, and acknowledged to me that they executed or caused to be executed the same for the purposes and consideration expressed and in the capacity therein stated. Given under my hand and seal of office on this day of

Margaret T. Collins
Notary Public
My Commission Expires
August 30, 2019

FOR DEPARTMENT USE ONLY:

Project Manager:  Project #:  Submission Date: 8/21/17  Accepted By:  Total Fee(s): $  
Completeness review by:  Date: 8/21/17  Approved by:  Approval Date:  

Rev 8.12.15
CITY OF BAYTOWN
Zoning Amendment Checklist

The following list of submission requirements shall be used by the applicant to prepare a complete zoning amendment application. The City shall also use the checklist to verify the completeness of the application at the time it is submitted. Applicants are responsible for submitting complete applications. Incomplete applications will be rejected and returned to the applicant.

- **Universal Development Application** – complete with all required signatures
- **Application Fee** – Zoning Amendment is $300.00
- **Agent Information** – If you are an agent and not the property owner, then you shall submit a notarized statement from the owner naming you as agent for this zoning action.
- **Applicant’s Statement** – Zoning amendments are made at the sound legislative discretion of the City Council. In determining whether to adopt, adopt with modifications or disapprove the proposed amendment, the city council shall review a statement prepared by the applicant that: summarizes the zoning amendment request; identifies the existing and proposed land uses; and, explains in detail how the request addresses the following factors:
  1. Consistency with guiding documents – Is the proposed amendment consistent with and furthers the policies and goals of the future land-use plan, major thoroughfare plan, vision statement and the Unified Land Development Code?
  2. Compatibility with the surrounding area – Is the proposed amendment compatible with the existing and proposed uses surrounding the subject land and is the appropriate district for the land use proposed?
  3. Promotion of health, safety, or general welfare – Does the proposed amendment promote the health, safety, or general welfare of the city and includes the safe, orderly and healthful development of the city?
  4. Facilitation of infrastructure – Does the proposed amendment facilitate the adequate provision of mobility, water, waste water, storm water and other public services?
  5. There are changed conditions;
  6. Effect on natural environment – Will the proposed amendment result in significantly adverse impacts on the natural environment, including but not limited to water, air, noise, storm water management, wildlife, vegetation, wetlands?
  7. Community need – Does the proposed amendment address a demonstrated community need?

By signing below I acknowledge that I have reviewed the General Information and Submittal Requirements Checklist and have included the required submittal items and reviewed them for completeness and accuracy.

[Signature]
Applicant(s) Signature

[Date]
8/12/17

[Printed Name]
Applicant(s) Printed Name
Zoning Amendment Statements
Habitat For Humanity

1. This Zoning Amendment consists of changing the current zoning to SF2 to create 6 lots in the existing residential area for new homes to be built for Habitat for Humanity. It is consistent with the policies and goals of the future land use plan as well as the vision statement and Land Development Code. The current property is vacant and surrounded by Single Family Residences.

2. It is very compatible with the surrounding area because all of the properties in the neighborhood are single family residences. All of the homes in the area are older and this will be the revitalization it needs.

3. This project will promote the health, safety, and general welfare of the area by converting a piece of raw land to single family houses. The development of the houses will be orderly and safe.

4. The proposed amendment facilitates the adequate provision of mobility, water, waste water and all other public services.

5. There are no changed conditions.

6. There are no impacts on the natural environment. New landscape, which will include grass and plants, will be incorporated with the new development.

7. The proposed amendment addresses the need for additional housing for this area.
ARTICLES OF ORGANIZATION
OF
MT 146 DEVELOPMENT, LLC

Corporations Section

The undersigned natural person of the age of 18 years or more, a citizen of the State of Texas, acting as an organizer of a limited liability company ("Company") under the Texas Limited Liability Company Act ("TLLCA"), adopts the following Articles of Organization for the Company:

ARTICLE I
Name

The name of the Company is MT 146 Development, LLC.

ARTICLE II
Duration

The period of the duration of the Company is perpetual.

ARTICLE III
Purposes

The purpose for which the Company is organized is to transact any and all lawful business for which considerations may be organized under the TLLCA.

ARTICLE IV
Principal Place of Business; Initial Registered Office and Agent

The address of the principal place of business is 1300 Rollingbrook, Suite 500, Baytown, Texas 77521, and the initial registered office of the Company is 1300 Rollingbrook, Suite 500, Baytown, Texas 77521. The name of the initial registered agent of the Company at such address is James E. Cox.

ARTICLE V
Management

The Company will be managed by a Manager, with the number fixed by the Regulations of the Company. There will be only 1 initial Manager who is:

Name: James E. Cox
Address: 1300 Rollingbrook, Suite 500, Baytown, Texas 77521

The initial Manager will serve until such time as a successor is elected.
ARTICLE IX
Organizer

The name and address of the organizer of the Company is as follows:

J. M. Little
5718 Westheimer, Suite 1840
Houston, Texas 77057

The undersigned which is the organizer designated in Article IX, executes these Articles of Organization and certifies to the truth of the facts stated in the Articles effective April 2005.

ORGANIZER:

[Signature]

J. M. Little
CITY OF BAYTOWN TEXAS
ZONING/ DEVELOPMENTS RECEIPT

**********************************************************
PARCEL ID : 0410210010236
PROJECT : PL17080037
RECEIPT # : 28000006164
RECEIPT DATE : 08/22/2017
RECEIVED BY : mxp
REC'D. FROM : MT 146 DEVELOPMENT L
COMMERCIAL/RESIDENTIAL :
ACREAGE :
NOTES : 28000006164

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TOTAL RECEIPT : 300.00
CITY OF BAYTOWN TEXAS
ZONING/DEVELOPMENTS RECEIPT

================================================================================
PARCEL ID : 0410210010236
PROJECT : PL17080037
RECEIPT # : 28000006164
RECEIPT DATE : 08/22/2017

ADDRESS : 1515 N 8 ST
PRINT DATE : 08/22/2017
PRINT TIME : 16:26:18
OPERATOR : mxp
COPY #: 1
CASH DRAWER: 28

RECEIVED BY : mxp
REC'D. FROM : MT 146 DEVELOPMENT L
COMMERCIAL/RESIDENTIAL :
ACREAGE :

NOTES : 28000006164

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METHOD OF PAYMENT AMOUNT REFERENCE NUMBER
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CHECK 300.00 1468

TOTAL RECEIPT : 300.00
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LEGEND

Subject Property
300 Property Selection Zone

Zoning Districts
ACE (Arts, Cultural and Entertainment)
GC (General Commercial)
HI (Heavy Industrial)
LC (Livable Center)
LI (Light Industrial)
MF1 (Med. Density Mixed Res.)
MF2 (Mid-Rise Mixed Res.)
MF3 (High Density Mixed Res.)
MU (Mixed Use)
NSC (Neighborhood Serving Commercial)
OR (Open Space/Recreation)
SF1 (Low Density Single-Fam. Res.)
SF2 (Mixed Res. Low/Med. Density)
SFE (Single-Fam. Estate)
UN (Urban Neighborhood)

Notification Area
708 Peggy Ave
1515 N. 8th St
Rezoning of Approximately 1.14 Acres
from MU to SF2

Date 2017-08-25

1 inch = 127 feet
The City of Baytown Texas makes no warranty, representation, or guarantee regarding the accuracy of this map. This map is intended for display purposes only and does not replace official recorded documents.

**Proposed SF2**

**708 Peggy Ave**

**1515 N. 8th St**

Rezoning of Approximately 1.14 Acres from MU to SF2
Zoning Map Amendment
708 Peggy Ave and 1515 N. 8th Street
Staff Report

**Requested Action:** Zoning Map Amendment to the official zoning map to rezone approximately 1.14 acres from Mixed Use (MU) Zoning District to Mixed residential at low to medium densities (SF2) Zoning District.

**Applicant:** James Cox

**Subject Property:** Is approximately 1.14 acres of land at 708 Peggy Avenue and 1515 N. Eighth Street, located on the northwest corner of the intersection of N. Eighth Street and Peggy Avenue, Harris County, Texas.

**Parcel Information**
- **Current Use:** Vacant and undeveloped
- **Proposed Use:** Single-family residential
- **Future Land Use Plan:** Low-Medium Density Residential

**Adjacent Parcel Information**
- **North:** Single-Family Residential Development (MU)
- **South:** Single-Family Residential Development (SF2)
- **East:** Commercial (MU)
- **West:** Single-Family Residential Development (SF2)

**Staff Analysis (Background):**
The subject property is vacant and undeveloped. The goal is to donate this property to Habitat for Humanity who plans to build six (6) single-family homes on the subject property, which consists of a little over one (1) acre. The proposed development meets the density regulations set forth in the SF2 Zoning District. Currently, the zoning designation is MU, which permits a variety of land uses, including residential; however, single-family residential land uses in MU have conditions. As set forth in the ULDC, one of the conditions is rezoning to an appropriate single-family zoning district, which is the purpose of the request to change the zoning designation to SF2.

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

1. **Consistency with guiding documents.**
The FLUP is the component of the Baytown 2025 Comprehensive Plan used to guide decision making with regard to growth management and development. The subject property is designated as Low-Medium Density Residential District on the Future Land Use Plan (FLUP). The request is consistent with the Low-Medium Density Residential District Land Use Narratives for the FLUP.

**Low-Medium Density Residential (Peach)**
• Includes a range of existing residential uses from rural residential to limited multi-family residential.
• Primarily conventional, single-family detached dwellings and manufactured housing on platted lots; smaller lots are satisfactory if common open space is provided.
• The scale and mass of any multi-family development should be reviewed and considered for compatibility to neighboring uses.
• Uses including places of assembly, schools, parks, and other community facilities such as libraries with pedestrian links to residential.
• Commercial that serves neighborhoods – not regions, such as office buildings, and neighborhood services to support and compliment residential area.
• Small-scale, neighborhood commercial located within a convenient walking distance of residences and buffered when adjacent to a residential use.
• Appropriate area for pedestrian and bicycle-friendly streets.
• Medium density development along perimeter of neighborhoods and generally along collector streets.

This proposed zoning change is also consistent with Baytown’s Vision Statement, To be a community that celebrates families and community interaction by ensuring diverse and high-quality opportunities for housing, employment, education, and recreation. The developer proposes building new homes in an established area. This affords homeownership opportunities in an established neighborhood and provides infill development.

This development fulfills the vision of the Comprehensive Plan, Plan Element Goals for Land Use Development patterns resulting in the efficient use of land, infrastructure, and fiscal resources as this project is infill development since there are public facilities available. Additionally, infill development meets some of the City’s Infrastructure Policies for Growth Capacity in the Comprehensive Plan e.g., To encourage development in close proximity to existing infrastructure. As a City it is crucial to steer growth to areas where there are adequate public facilities in order to capitalize upon existing vs. future resources. We as the City are trying to manage these resources rather than continuing the leapfrog development that stresses our resources.

2. **Compatible with the Surrounding Area.**
With regard to the surrounding area, the existing development is mostly residential so the proposed homes would be compatible and there would not be any adverse effect on existing development. Further, this development may have a positive impact as Habitat for Humanity requires homeowners to contribute sweat equity—they contribute by taking part in the construction of their own homes—so there is deep-rooted pride in ownership that helps to revitalize neighborhoods and communities, as there is a sense of belonging.

3. **Promotion of health, safety, or general welfare.**
Section 1-1 states 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 purpose of the code will be met, as the proposed development will comply with all ordinances ensuring that concerns with regard to health and safety are followed. The proposed homes will promote the general welfare as the location has public facilities, which is far more sustainable than development along the fringe.

4. **Facilitation of infrastructure.**
As stated above, this development is proposed along existing roadways with existing infrastructure.

5. **There are changed conditions.**
The City of Baytown has grown so the need for more housing and housing options has increased.

6. **Effect on natural environment.**
The proposed housing will develop a greenfield site, but has limited impact on the natural environment other than a decrease in the pervious surface. However, the limitations on the lot coverage in the ULDC provide some mitigation with regard to the amount of impervious allowed in the SF2 Zoning District. The maximum lot coverage in SF2 is 60 percent.

7. **Community need.**
Granting the zoning change will allow development in an area that needs revitalization. The rezoning also supports Habitat for Humanity’s mission to provide home ownership opportunities in the City of Baytown.
PLANNING AND ZONING COMMISSION

Meeting Date: 10/17/2017
Subject: Consider - Zoning Map Amendment for approximately from MU to SF2.
Prepared for: Tiffany Foster, Planning and Development Services
Prepared by: Shelly Shelton, Planning and Development Services

Information

ITEM
Consider making a recommendation and preparing a report concerning a proposed amendment to the official zoning map to rezone approximately 1.14 acres of land, at 708 Peggy Avenue and 1515 N. 8th Street, located on the northwest corner of the intersection of N. Eighth Street and Peggy Avenue, Harris County, Texas, from Mixed Use (MU) Zoning District to Mixed Residential at Low to Medium Densities (SF2) Zoning District.

PREFACE
This is the consideration item regarding the rezoning of approximately 1.14 acres of land, at 708 Peggy Avenue and 1515 N. 8th Street, located on the northwest corner of the intersection of N. Eighth Street and Peggy Avenue. The subject property is vacant and undeveloped. The goal is to donate this property to Habitat for Humanity who plans to build six (6) single-family homes on the subject property, which consists of a little over one (1) acre. The proposed development meets the density regulations set forth in the SF2 Zoning District. Currently, the zoning designation is MU, which permits a variety of land uses, including residential; however, single-family residential land uses in MU have conditions. As set forth in the ULDC, one of the conditions is rezoning to an appropriate single-family zoning district, which is the purpose of the request to change the zoning designation to SF2. The FLUP is the component of the Baytown 2025 Comprehensive Plan used to guide decision making with regard to growth management and development. The subject property is designated as Low-Medium Density Residential District on the Future Land Use Plan (FLUP). The request is consistent with the Low-Medium Density Residential District Land Use Narratives for the FLUP. The application, supporting documentation, and staff report are attached to the previous agenda item for your review.

The Planning and Zoning Commission's Report to City Council is attached for your consideration.

RECOMMENDATION

Attachments

P & Z Report to City Council
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.

**Requested Action:** Zoning Map Amendment to the official zoning map to rezone approximately 1.14 acres from Mixed Use (MU) Zoning District to Mixed residential at low to medium densities (SF2) Zoning District.

**Applicant:** James Cox

**Subject Property:** Is approximately 1.14 acres of land at 708 Peggy Avenue and 1515 N. Eighth Street, located on the northwest corner of the intersection of N. Eighth Street and Peggy Avenue, Harris County, Texas.

**Parcel Information**
- **Current Use:** Vacant and undeveloped
- **Proposed Use:** Single-family residential
- **Future Land Use Plan:** Low-Medium Density Residential

**Adjacent Parcel Information**
- **North:** Single-Family Residential Development (MU)
- **South:** Single-Family Residential Development (SF2)
- **East:** Commercial (MU)
- **West:** Single-Family Residential Development (SF2)

**Staff Analysis (Background):**
The subject property is vacant and undeveloped. The goal is to donate this property to Habitat for Humanity who plans to build six (6) single-family homes on the subject property, which consists of a little over one (1) acre. The proposed development meets the density regulations set forth in the SF2 Zoning District. Currently, the zoning
designation is MU, which permits a variety of land uses, including residential; however, single-family residential land uses in MU have conditions. As set forth in the ULDC, one of the conditions is rezoning to an appropriate single-family zoning district, which is the purpose of the request to change the zoning designation to SF2.

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

1. **Consistency with guiding documents.**
The FLUP is the component of the Baytown 2025 Comprehensive Plan used to guide decision making with regard to growth management and development. The subject property is designated as Low-Medium Density Residential District on the Future Land Use Plan (FLUP). The request is consistent with the Low-Medium Density Residential District Land Use Narratives for the FLUP.

**Low-Medium Density Residential (Peach)**
- Includes a range of existing residential uses from rural residential to limited multi-family residential.
- Primarily conventional, single-family detached dwellings and manufactured housing on platted lots; smaller lots are satisfactory if common open space is provided.
- The scale and mass of any multi-family development should be reviewed and considered for compatibility to neighboring uses.
- Uses including places of assembly, schools, parks, and other community facilities such as libraries with pedestrian links to residential.
- Commercial that serves neighborhoods – not regions, such as office buildings, and neighborhood services to support and compliment residential area.
- Small-scale, neighborhood commercial located within a convenient walking distance of residences and buffered when adjacent to a residential use.
- Appropriate area for pedestrian and bicycle-friendly streets.
- Medium density development along perimeter of neighborhoods and generally along collector streets.

This proposed zoning change is also consistent with Baytown’s Vision Statement, *To be a community that celebrates families and community interaction by ensuring diverse and high-quality opportunities for housing, employment, education, and recreation.* The developer proposes building new homes in an established area. This affords homeownership opportunities in an established neighborhood and provides infill development.

This development fulfills the vision of the Comprehensive Plan, Plan Element Goals for Land Use *Development patterns resulting in the efficient use of land, infrastructure, and fiscal resources* as this project is infill development since there are public facilities...
available. Additionally, infill development meets some of the City’s Infrastructure Policies for Growth Capacity in the Comprehensive Plan e.g., To encourage development in close proximity to existing infrastructure. As a City it is crucial to steer growth to areas where there are adequate public facilities in order to capitalize upon existing vs. future resources. We as the City are trying to manage these resources rather than continuing the leapfrog development that stresses our resources.

2. **Compatible with the Surrounding Area.**
With regard to the surrounding area, the existing development is mostly residential so the proposed homes would be compatible and there would not be any adverse effect on existing development. Further, this development may have a positive impact as Habitat for Humanity requires homeowners to contribute sweat equity—they contribute by taking part in the construction of their own homes—so there is deep-rooted pride in ownership that helps to revitalize neighborhoods and communities, as there is a sense of belonging.

3. **Promotion of health, safety, or general welfare.**
Section 1-1 states 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 purpose of the code will be met, as the proposed development will comply with all ordinances ensuring that concerns with regard to health and safety are followed. The proposed homes will promote the general welfare as the location has public facilities, which is far more sustainable than development along the fringe.

4. **Facilitation of infrastructure.**
As stated above, this development is proposed along existing roadways with existing infrastructure.

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7. **Community need.**
Granting the zoning change will allow development in an area that needs revitalization. The rezoning also supports Habitat for Humanity’s mission to provide home ownership opportunities in the City of Baytown.
The Commission recommends ☐ approval / ☐ disapproval of the proposed zoning map amendment from MU to SF2 on the 17th day of October, 2017.

___________________________________
Shawn McDonald, Chairman
City of Baytown, Texas
Planning and Zoning Commission
PLANNING AND ZONING COMMISSION

Meeting Date: 10/17/2017

Subject: Action taken by City Council on Planning and Zoning Items

Prepared for: Tiffany Foster, Planning and Development Services

Prepared by: Nathan Dietrich, Planning and Development Services

**Information**

**ITEM**

Present a report regarding action taken by City Council on planning and zoning items.

**PREFACE**

This will be a reoccurring item to provide a report to the Planning and Zoning Commission on action taken by City Council regarding planning and zoning cases previously considered by the Commission.

**RECOMMENDATION**