
Zoning Change Z15-13 (Cypress Bay Commercial)

Request	<p>Rezone approximately 2.4 acres from “RSF-7” (Single-family residential with a minimum lot size of 7,000 square feet) to “CG” (General Commercial).</p> <p>The applicant indicates that the Owner has no formal development plans for the property at this time. The applicant added that it is the intent of the Owner to convert the property and lay the groundwork for a future commercial development. This includes combining the subject property with an adjacent 2-acre commercial tract to the east. When combined, the resulting commercial lot will be approximately 4.5 acres in size.</p> <p>The intent of the “CG” (General Commercial) zoning district is for existing and future areas of larger-scaled pedestrian- and auto-oriented commercial development located on major arterial roadways for community-serving uses such as retail, services, office, auto-related businesses, restaurants and recreation and entertainment.</p>
Applicant	Jared Riggenbach of Baseline Corporation
Owner	Nick Scotto of M.B. Harbor, Ltd.
City Council	Public Hearing & First Reading – July 28 th , 2015; <i>Second Reading – August 11th, 2015</i>
Location	Generally located north of Marina Bay Drive (FM 2094), east of Twin Oaks Boulevard, and west of Seminole Drive, with the approximate address being in the 2100 block of Marina Bay Drive.
Citizen Response	25 – Notices Mailed to Property Owners within 500 feet 0 – Communications of Support Received 0 – Communications of Opposition Received
Attachments	1. Property Owner’s Notification Map / Zoning Map 2. Aerial Map 3. 2035 Comprehensive Plan Future Land Use Plan

The Commission should consider the following findings in its deliberation, which shall be utilized to substantiate its findings. To determine the extent to which the proposed zonings would be compatible with surrounding properties, the surrounding land uses and the performance impacts should be considered.

Background	<p><u>August 10, 1999</u> – Property is zoned Suburban Development Commercial as a result of League City’s adoption of zoning.</p> <p><u>August 30, 2005</u> - Property is rezoned from Suburban Development Commercial to “CG” as part of the City’s Zoning Ordinance and Map Revision of 2005.</p> <p><u>Late 2005</u> - A portion of the property is rezoned from “CG” to “RMF-1.2” (Multi-family residential with a maximum density of 36 units per acre)</p> <p><u>June 14, 2006</u> – Site development plans are submitted to the Development Review Committee (DRC) for review of the “FM 2094 Seminole Lane Apartments.” The applicant withdrew the application a few months later. No reason was given.</p> <p><u>February 13, 2007</u> – Property is rezoned from “RMF-1.2” (Multi-family residential with a maximum density of 36 units per acre) to “RSF-7” (Single-family residential with a minimum lot size of 7,000 square feet).</p> <p><u>October 16, 2008</u> – A plat for Cypress Bay, Section 1 Subdivision is recorded with Galveston County.</p>
-------------------	---

January 6, 2015 – Owner meets with City staff to discuss possible rezoning of property.

April 21, 2015 – Applicant sent out notices for a neighborhood meeting on April 27, 2015 at 5:00 p.m.

April 27, 2015 – Applicant held a neighborhood meeting at 104 Twin Oaks Boulevard. The submitted sign-in sheet indicates one (1) neighbor attended. In addition, submitted minutes of the meeting indicate that the neighbor, Frank Prisco, had concern that the fence would be relocated just south of Lot 6, Block 2 and then voiced support for the request after the Owner reassured the neighbor that the fence would be relocated.

May 8, 2015 – Applicant submitted a Zone Change Application to the Planning Department.

June 12, 2015 - Planning staff sent out public hearing notices to the surrounding property owners and installed public hearing signs on the property.

June 14, 2015 - Notice of public hearings published in the newspaper.

June 30, 2015 - Planning staff sent out notices of rescheduled City Council public hearing to the surrounding property owners and installed public hearing signs on the property.

July 5, 2015 - Notice of rescheduled City Council public hearing published in the newspaper.

July 6, 2015 - Planning & Zoning Commission is scheduled to conduct a public hearing and make a recommendation to City Council.

July 28, 2015 – City Council is scheduled to conduct a public hearing and consider request on first reading.

August 11, 2015 – Subject to approval on first reading, City Council to consider request on second reading.

Site and Surrounding Area

The site has a currently been constructed and configured as five (5) residential lots fronting a private street and a landscaped restricted reserve on the eastern portion of the subject property. There is an 8 ½ foot high concrete sound wall extending along the eastern, southern (along Marina Bay Drive) and western property lines of the subject area as a result of the developed residential subdivision.

Direction	Surrounding Zoning	Surrounding Land Use
North	“RSF-7”	Cypress Bay Subdivision
South	ROW and “OS”	Marina Bay Drive and high power transmission line corridor
East	“CG”	Undeveloped
West	“OS” and “CG”	Navigable open water canal and Commercial Strip Center

Conformity with Comprehensive Plan

The Future Land Use Map in the 2035 Comprehensive Plan identifies the area directly adjacent to Marina Bay Drive as “Enhanced Auto Dominant Commercial” with properties further north, away from Marina Bay Drive as “Enhanced Auto Dominant Residential”. Enhanced Auto Dominate Commercial focuses on the convenience and access for customers and employees almost exclusively by automobile. These districts are typically at major intersections or linear along major roadways as standalone or retail strip centers. Walkability and connectivity being minimal. The buildings are typically setback with parking dominating the site. Landscaping is emphasized, but most often is an accent to parking or the structures. Uses of the property are generally limited to retail with some office spaces and are rarely mixed.

Access and Traffic Impacts

Access is currently provided from Marina Bay Drive (FM 2094) via Cypress Bay Boulevard, Amalfi Drive and Appia Drive. If approved, the converted property would have direct access onto Marina Bay Drive.

Marina Bay Drive (FM 2094)

	Existing Conditions	Proposed Conditions
<i>Roadway Type</i>	Minor Arterial	Minor Arterial
<i>ROW Width</i>	114 Feet	As determined by TxDOT
<i>Pavement Width and Type</i>	4-lane, divided, 28-foot wide concrete pavement width each way with a 34-foot wide median	As determined by TxDOT

Utilities

Equivalent Dwelling Units (EDU's) are used to determine the capacity of water and waste water available to a site. With a single-family dwelling unit being equivalent to 1 EDU, the Engineering Department indicates that water and sewer have been constructed to serve this development.

Water is accessible through a 8-inch water line currently along the west side of Appia Drive. Should the request be approved, it is proposed that this water line would be located further to the east, near an existing utility and force main easement.

Sanitary sewer is accessible through an 8-inch sewer line currently along the east side of Appia Drive. Should the request be approved, this sewer line would be removed almost to the southeast corner of the intersection of Appia Drive and Amalfi Drive where it will serve to provide sanitary sewer for the subject property.

Floodplain

The entire property is currently located outside the floodplain. A Letter of Map Revision was previously approved by the Federal Emergency Management Agency (FEMA) in September of 2009. However, it should also be noted that FEMA has indicated that new floodplain maps are being prepared for Galveston County and are anticipated to be finalized within the next 24 months. Preliminary floodplain maps show the based flood elevations increasing for the eastern half of the subject property.

Conversion & Development Process

Should the request be approved, it would set in motion a series of events for the property in order to convert it from an existing residential subdivision to a commercial property. Below are a few of the actions that would need to occur for the conversion.

- Relocation of the sound wall from FM 2094 to the new commercial lot boundary.
- Amend the Cypress Bay Private Streets Agreement to reflect the portion of Appia Drive being demolished.
- Demolition of pavement (No abandonment is required since streets were not dedicated) and reconstruct intersection for remaining portion of residential section.
- Abandon and demolish existing stormwater infrastructure on the subject tract.
- Abandon and demolish existing sanitary sewer infrastructure on the subject tract.
- Abandon the U.E. along the west side of portion of Appia Drive being removed.
- Creation of an east/west 14-foot wide U.E. paralleling the northern property line (across the former right-of-way).
- Establish a new water line easement and relocate an existing waterline (installed for this portion of development) between the existing cul-de-sac and FM 2094.

Items anticipated to remain in place are:

- An existing north/south 25' Utility Easement (U.E.) crossing the property and along Marina Bay Drive (FM 2094).
- An existing recirculation water line.
- An existing north/south sanitary sewer force main and easement extending from a lift station in the northern portion of the subdivision.

The end of the conversion process would end with the recordation of a commercial replat and the acceptance of the relocated municipal infrastructure. Once in the development phase, the property will be required to follow the design standards in the Zoning Ordinance such as building transparency, parking requirements, lighting and screening. Since the property is directly adjacent to residential and will have at least an 8-foot high common fence, a 45-foot wide, landscaped buffer yard will be required along the northern property line. Landscaping will also be required to be placed within the buffer yard as well.

Public Benefit vs. Imposed Hardship Based upon the information provided, the Commission will have to determine “the gain to public health, safety, welfare, due to denial of this application as compared to the hardship imposed upon the owner as a result of denial of the application.”

Recommendation Given that the request complements the Comprehensive Plan’s Future Land Use Plan and that the adjacent properties to the east and west are also zoned General Commercial, staff recommends approval. If approved, the residential portion will be buffered by both by the landscaping buffer yard required for the commercial tract as well as the increase distance from the noise and traffic from Marina Bay Drive.

For additional information, you may contact Mark Linenschmidt, Senior Planner at 281-554-1078 or at mark.linenschmidt@leaguecity.com.

Lakeside
Subdivision

Navigable Canals

Glen Cove
Subdivision

Twin Oaks
Subdivision

Cypress Bay
Subdivision

Appia
Drive

Self Storage

Commercial
Shopping Center

Subject
Property

Undeveloped

Marina Bay Drive (FM 2094)

Centerpoint High Power Transmission Corridor

The Fairways at
South Shore
Apartments

South Shore
Subdivision

Drainage Ditch

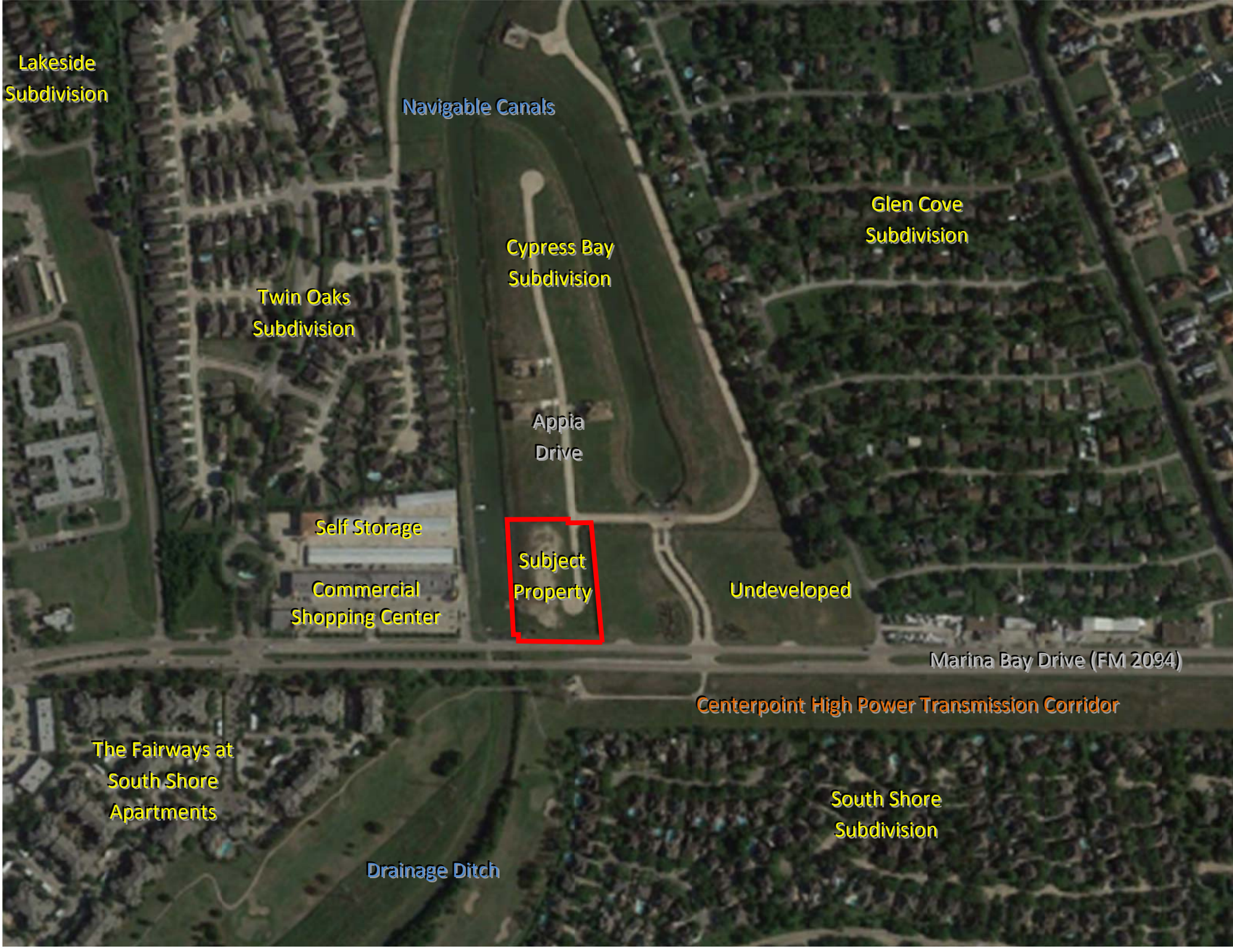
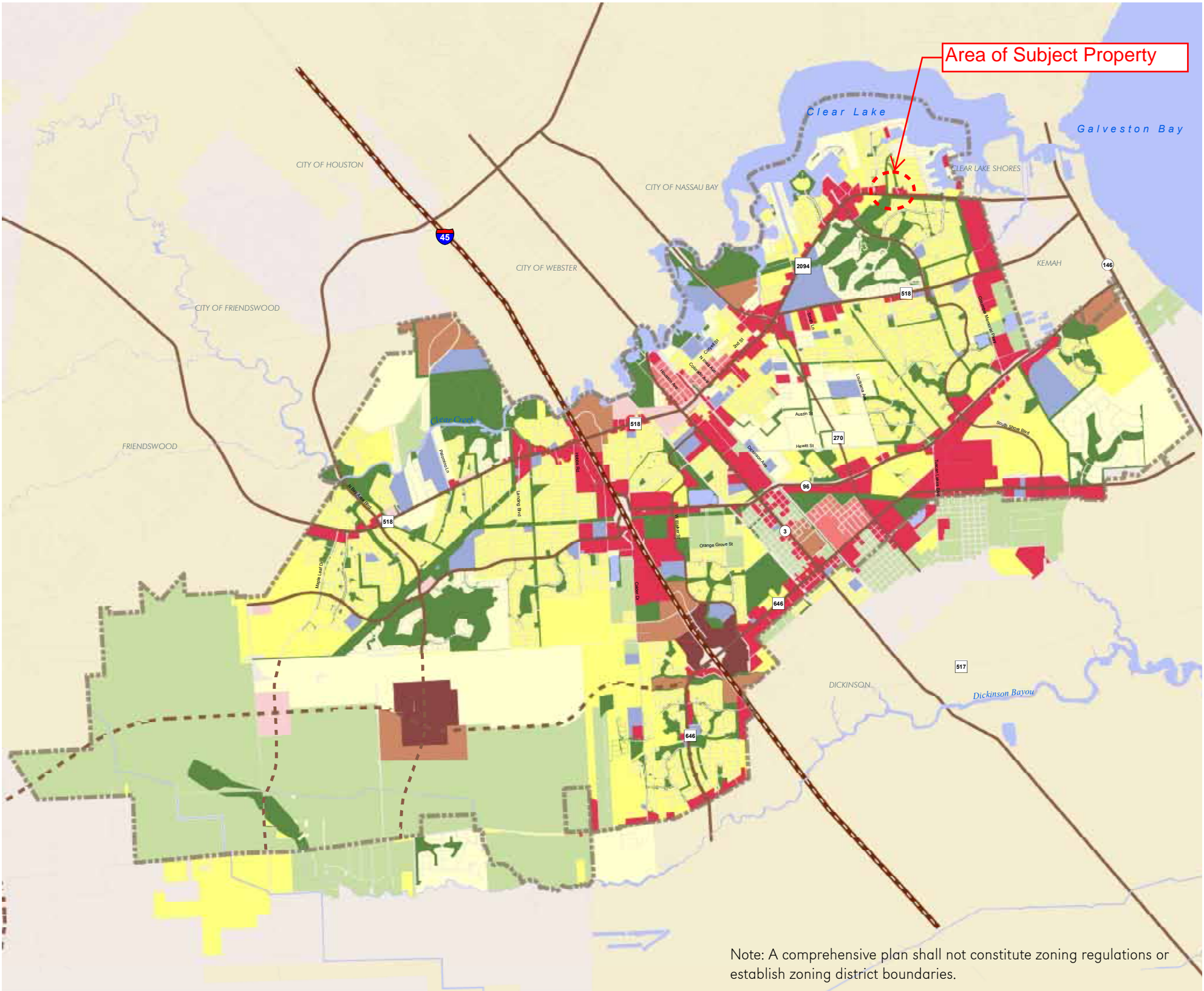


Figure 5.1 Future Land Use Plan



Impacts

Dwelling Units	77,446
Population	178,875
Employment	54,931
Jobs to Housing Balance	0.71
Water (MGD)	28.53
Sewer (MGD)	24.37

Land Use Acreages

Rural/Estate	27.2%
Suburban Residential	14.7%
Suburban Village	0.7%
Enhanced Auto Dominant Residential	27.0%
Enhanced Auto Dominant Commercial	8.8%
Suburban Commercial	0.9%
Urban Low	3.0%
Urban High	1.6%
Public/Institutional	3.5%
Parks/Open Space/Natural	12.7%
Total	100.0%

Legend

- Rural/Estate Residential
- Park/Open Space/Natural
- Suburban Residential
- Suburban Village
- Suburban Commercial
- Enhanced Auto Dominant Residential
- Enhanced Auto Dominant Commercial
- Urban High
- Urban Low
- Public/Institutional