City of League City, TX

300 West Walker
League City TX 77573

Text File

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Agenda Date: 4/28/2020 **Version:** 1 **Status:** ATS Review

In Control: Planning and Development **File Type:** Agenda Item

Title
Consider and take action on Ordinance No. 2020-08, amending Ordinance No. 2005-24 and repeal Ordinance No. 2007-35 for the existing Riverbend Planned Unit Development (PUD) to create a new PUD, on property zoned "CM-PUD" (Commercial Mixed Use within a Planned Unit Development Overlay), **(PUD-18-0014 Riverbend at Clear Creek PUD)**, generally located along the north and east sides of North Wesley Drive, east of Interstate Highway 45 in the 200 to 500 block of North Wesley Drive in League City, Texas - Second Reading (Executive Director of Development Services)

Planning and Zoning Commission recommended approval, 6-0-0, with two absent on March 16, 2020.
Council approved first reading, 8-0-0, on April 14, 2020.

..Background:
Approval of this request will create a new PUD, Riverbend at Clear Creek, in place of the existing Riverbend PUD.

August 10, 1999 - The property was initially zoned as "PUD" (Planned Unit Development Residential) and "CG (C-3)" (General Commercial).
August 31, 2005 - The entire property was rezoned to "CM" (Commercial Mixed-Use) as part of the City-wide Rezoning and Map Amendments of 2005.
April 25, 2006 - City Council adopted Ordinance No. 2006-30, creating the Riverbend Planned Unit Development (PUD) Overlay district.
July 24, 2007 - City Council adopted Ordinance No. 2007-35, which revised the PUD and increase the density of the development with the maximum number of multi-family units limited to 350 units.
May 2, 2018 - Applicant held a neighborhood meeting at the Marina Riverbend Point Apartments. The submitted sign-in sheet indicated approximately 6 neighbors attended.
September 4, 2018 - The applicant submitted a rezone request to the Planning Department requesting a newly proposed PUD Overlay.
February 21, 2020 - Notice of public hearings published in the newspaper. Planning staff sent out public hearing notices to the surrounding property owners and installed public hearing signs on the property.
March 16, 2020 - Planning & Zoning Commission held a public hearing and recommended approval by a vote of 6-0-0.
April 14, 2020 - City Council held a public hearing and approved request on first reading.
April 28, 2020 - City Council to consider request on second reading.

The subject property fronts on the east side of Interstate 45, along the southern banks of Clear Creek. The applicant proposes to create a new Planned Unit Development (PUD) with a similar name. The intent of the new Riverbend at Clear Creek PUD is to update the development based on changes to the site and area, respond to today's current market(s), and incorporate new ideas and concepts.

Project Summary:

The new PUD envisions an environment where residents can live, work and play. Its intent is to encourage high quality development by providing for greater flexibility in developing the master plan over the course of the project. In return for allowing such flexibility, this PUD will meet or exceed the minimum requirements of League City's development ordinances through specific, architectural, design, and engineering standards such as:

- Updating the PUD in response to today's existing conditions (i.e. new floodplain maps, expansion of Interstate 45, increased development requirements) that have changed since the Riverbend PUD adoption in 2006;
- Updating the PUD in response to today's market conditions and maintaining the flexibility necessary to address changes in the future;
- Incorporation of stronger architectural, developmental, operational and maintenance controls within the PUD that will be governed and enforced by the Developer through deed restrictions;
- Inclusion of an Art & Enhancement Program whereby each lot will devote 1% of the costs of physical construction towards further improving the site. Furthermore, it is stipulated that at least 1/10 of 1% of the costs shall be towards the development of art on the property;
- Incorporation and phasing of additional amenities into the site such as a food truck park, marina and amphitheater;
- Incorporation of Low Impact Development (LID) strategies, tools and techniques to better mimic natural stormwater processes designed to reduce the impacts of flooding; and,
- Encouraging pedestrian interactions and movements throughout the entire development. The Concept Plan, also referred to as a PUD document, is attached. (See Attachment #4).

Parkland & Trails

The Director of Parks & Cultural Services has recommended approval of the proposed Riverbend at Clear Creek PUD. Although, since much of the open space being within the floodplain, the development will be required to provide documentation during the development phase that the proposed open spaces can be suitably developed and maintained in accordance with the Parks Ordinance. The proposed amenities include:

- Approximately 27 acres of wetlands, parkland and open space;
- Approximately 10 acres of dedicated parkland (8.82 acres is required);
- At least 2 marinas with approximately 75 boat slips;
- Eight-thousand (8,000) linear feet of walking trails, which includes two-thousand (2,000) linear feet of boardwalks; and,
- An Amphitheater.

Phased Development

A Three-Phased Development Program is also included within the PUD where the development of the

commercial construction is conditioned on the amenities that are constructed. In general, 1/3 of the amenities will be completed in each of the three phases.

Covenants, Conditions, & Restrictions (CCRs)

To ensure control and compliance to achieve the desired character, the developers have included their Declaration of Covenants, Conditions, Restrictions, and Easements (CCRs), or deed restrictions. The deed restrictions share several requirements with the PUD such as those related to food trucks, the art program as well as architectural and construction criteria. Changes to the CCRs require approval by the Executive Director of Development Services as it relates to any agreements between the City and the Development such as the PUD, Concept Plan, Master Plan, or the CCRs themselves.

Alternative Standards

The Zoning Ordinance allows, through the development of a PUD Concept Document, or the application of alternative standards where certain land use regulations and performance standards can take advantage of special site, location and/or land use characteristics. The alternative standards are listed below:

1. Capital Recovery Fees for Multi-Family Units
   The first 350 dwelling units, which were permitted in the existing 2006 Riverbend PUD, shall be calculated at a single-family water ratio of 0.6, with the remaining 259 units being calculated at a single-family water ratio of 0.8. Currently, 203 of the original 350 units have been constructed on the property so far.

2. Paving Requirements
   All pavement surfaces (driveways, drive aisles, sidewalks, etc.) located outside of the floodplain shall be constructed of concrete with curbs, while all pavement surfaces located within the floodplain/floodway area shall be constructed with asphalt and no curbs.

3. Minimum Multi-Family Unit Size
   The first 350 dwelling units may be a minimum unit size of 500 square feet or greater, with the remaining 259 units being a minimum of 650 square feet or greater.

4. Land Use Changes
   Minimal land use changes in the Master Plan are to be considered, and may be approved, by the Executive Director of Development Services. Otherwise, the applicant may seek consideration by City Council for changes.

5. Developments in the Floodway
   Construction within the floodway are to be considered and may be approved by the Executive Director of Development Services. A Hydrologic & Hydraulic (H&H) Study would be required to be performed by a Professional Engineer and reviewed and approved by the Engineering Department. Should the Executive Director not approve the proposed study, the applicant may seek special permitting by the City Council.

6. Hotel Regulations

The proposed hotel will be subject to the following regulations:

- There will be a minimum of 150 rooms.
- The minimum room size will be 290 square feet.
- The minimum meeting room size will be 600 square feet.
- The minimum pool area will be 650 square feet.
- No full-service restaurant will be required. A limited service bar with hot and cold foods and beverages is proposed.

7. Signage
   - A 12-foot wide by 12-foot tall electronic reader board, no greater than 40 feet in height will be constructed along the frontage road to Interstate 45.
   - An 8-foot wide by 8-foot tall reader board will be constructed. Its location will be within 1,500 feet of the marinas, behind the boardwalk nearest to Clear Creek.
   - A rooftop sign, advertising the development, not to exceed 100 square feet in size, will be constructed on the top of the existing 203-unit multi-family development.

On March 16, 2020, the Planning and Zoning Commission held a public hearing and recommended unanimous approval, 6-0-0 with two members absent. Other than the applicant, only one person from the public spoke during the public hearing. The speaker was associated with the nearby existing Devereux and inquired about the proposed drainage, traffic and additional residential growth in the area. The Planning Department has not received any public communications either in favor or opposed to this request. City Council approved the first reading, 8-0-0, on April 14, 2020.

Staff Recommendation:
Staff recommends approval of the request for a **Planned Unit Development (PUD-18-0014 - Riverbend at Clear Creek PUD)**.

Attachments:
1. Data Sheet
2. Ordinance 2020-08
3. Exhibit A
4. Exhibit B

CONTRACT ORIGINATION:
Planning and Development
Applicant: Michael Guerrero of Atticus Real Estate
Owners: Clear Creek Point, L.P. and Marina Bend Point, L.P.

FUNDING
{ } Funds are available from Account #_____
{ } Requires Budget Amendment to transfer from Account #_____ to Account #_____
{ x } NOT APPLICABLE

STRATEGIC PLANNING
{ } Addresses Strategic Planning Critical Success Factor # _____ and Initiative # _____

{ x } NOT APPLICABLE