



## Text File

File Number: 16-1169

Agenda Date: 8/9/2016

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Status: ATS Review

In Control: Land Management

File Type: Agenda Item

### Title

Hold a public hearing on Zone Change Application, **Z16-02 (Ellis Road)**, a request to rezone approximately 5.0 acres from "RSF-20" (Single-family residential with a minimum lot size of 20,000 square feet) to "RSF-10" (Single-family residential with a minimum lot size of 10,000 square feet), generally located north of West Main Street (FM 518), east of Bay Area Boulevard and west of Creekside Drive in League City, Texas (Director of Planning and Development)

### ..Background:

A public hearing is required to consider this zone change application from "RSF-20" to "RSF-10".

### Project Timeline:

#### April 26, 2005 -

Residents of the Ellis Acres Subdivision sent a letter to the City Council requesting that the five (5) acres at the end of Ellis Road be zoned as "RSF-20".

#### August 31, 2005 -

City Council rezoned the subject property to "RSF-20" as a part of the Zoning Ordinance and Map revisions of 2005.

#### September 28, 2005 -

A preliminary plat for the Creekwood Subdivision is submitted for review. The plat proposed 13 single-family residential lots.

#### January 9, 2006 -

The Planning and Zoning Commission held a public hearing and recommended denial by a vote of 5-0-0 for a zoning request (Z05-57A Johnson) to rezone the subject property from "RSF-20" to "RSF-10". During the public hearing a number of residents in the area spoke in opposition to the request since it was proposed to develop 13 single-family lots. There have been no records found that the request was considered by City Council.

#### May 3, 2006 -

The Zoning Board of Adjustments approves a variance request (ZBA06-17 Creekwood) by a vote of 5-0-0 subject to conditions. The variance was to the 120-foot minimum lot width to allow for the lot widths as shown on the proposed plat.

#### September 18, 2006 -

The Planning and Zoning Commission approved a subdivision variance and the preliminary plat for the Creekwood Subdivision by a vote of 5-1-0 to allow for a cul-de-sac to be constructed further than 880-feet from West Main Street.

#### November 6, 2006 -

The Planning and Zoning Commission approved the final plat for the Creekwood Subdivision by a vote of 5-0-0.

#### January 27, 2009 -

The Creekwood Subdivision plat was recorded with Galveston County and City Council accepted the public infrastructure for the development.

#### January 17, 2014 -

A building permit is issued for the construction of a single-family house at 20 Ellis Road.

#### February 18, 2014 -

In response to an inquiry regarding the setbacks for the property under construction at 20 Ellis Road, the City Planner issued an interpretation that the zoning at the time of the platting application required side yard setbacks of 15-feet, instead of the 20-foot setback as currently required at the time.

However, the zoning and setbacks were the same as when the plat application was first submitted in September of 2005.

**September 15, 2014 -**

A building permit application was submitted to the Building Department to construct a single-family house at 26 Ellis Road. Records show that several meetings were held internally and with the applicant. However, no building permit was issued.

**October 8, 2015 -**

An amending plat for Lots 6, 7 and Restricted Reserve "B" of the original Creekwood Plat was recorded with Galveston County. The amending plat combined Lots 6 and 7 into one 1.5-acre lot and relocated the reserve to the eastern side of the subdivision.

**May 9, 2016 -**

Owners submit current request to rezone 5.0 acres from "RSF-20" to "RSF-10". The submittal includes documentation from the sign-in sheet from the neighborhood meeting which indicates residents requesting that the current 30-foot setback remain.

**May 18, 2016 -**

A building permit application to construct a single-family residence at 26 Ellis Road is submitted to the Building Department.

**May 27, 2016 -**

Planning staff sent out public hearing notices to the surrounding property owners and installed public hearing signs on the property.

**May 29, 2016 -**

Notice of public hearings published in the newspaper.

**June 17 and 19, 2016 -**

Planning staff publishes revised public hearing notices to surrounding property owners, signs on property, and newspaper due to an error found in the original notification.

**July 18, 2016 -**

Planning & Zoning Commission conducted a public hearing and made a recommendation of approval (5-0-0) to City Council.

**August 9, 2016 -**

City Council is scheduled to conduct a public hearing and consider request on first reading.

**August 23, 2016 -**

Subject to approval on first reading, City Council to consider request on second reading.

**Project Summary:**

The Owners within the Creekwood Subdivision have requested the rezoning in order to seek relief between the existing conditions of their properties and the zoning regulations for the "RSF-20" zoning district. In May 2006, a variance was granted allowing the residential lots to be designed with lot sizes more comparable to the "RSF-10" zoning district. As a result, development of the properties has been made more difficult due to the larger "RSF-20" setback requirements, leaving only one of the six properties having been developed thus far. Should the request be approved, the setback requirements would change and better reflect the existing conditions of the lots.

On July 18, 2016, the Planning and Zoning Commission held a public hearing and recommended approval, 5-0-0 with 2 absent. During the public hearing, three (3) residents of the neighborhood spoke in support of the request. As previously noted, several nearby residents were concerned the property could be further subdivided as well as the desire to approve the request while retaining the existing rear yard setbacks. While always possible, further subdivision of the properties would trigger notifications to the surrounding property owners and a public hearing before the Planning and Zoning Commission in accordance with State law. Additionally, zone change requests cannot have conditions placed on them for approvals.

**Staff Recommendation:**

Given that the request complements the Comprehensive Plan's Future Land Use Plan and that proposed request provides a long-term solution to the restrictive setbacks of the existing zoning, staff recommends approval.

**Attachments:**

1. Data Sheet
2. Zoning Map
3. Excerpt Minutes from July 18, 2016 P&Z Meeting
4. Staff Report
5. Applicant Letter

**CONTRACT ORIGINATION:**

Planning and Development

Applicants/Owners: David & Mary Evans, Ever Pereira, Malcolm & Mary Phillips, Shane & Sarah Sampson, Michael & Emily Winter

**FUNDING**

NOT APPLICABLE

Funds are available from Account # \_\_\_\_\_

Requires Budget Amendment to transfer from Account # \_\_\_\_\_ to Account # \_\_\_\_\_