



## Legislation Text

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**File #: 21-0405, Version: 1**

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Hold a public hearing on a Zoning Change Application, PUD-21-0002 (TownHarbour Estates PUD), to rezone approximately 37.3 acres by repealing the existing Planned Unit Development (PUD) and replacing it with a new PUD for approximately 37.2 acres on properties zoned “RSF-7-PUD” (Single-Family Residential with a minimum lot size of 7,000 square feet within a Planned Unit Development Overlay) and “RSF-5-PUD” (Single-Family Residential with a minimum lot size of 5,000 square feet within a Planned Unit Development Overlay), legally described as Tracts 2, 2-1, 2-2, 3 and 4 of the M. Muldoon Survey, the southern 10 feet of Lot 34, Lot 35, Block 5, Lot 34, Block 6 and Lots 1 thru 16, Block 9 of the Lakeside Addition Subdivision, generally located on the west side of Lakeside Drive, north of Marina Bay Drive (FM 2094) and east of South Shore Boulevard in the 600 block of Lakeside Drive in League City, Texas (Executive Director of Development Services)

A public hearing is required to consider the change of zoning to create a new Planned Unit Development Overlay.

### **Project Timeline:**

**August 10, 1999** - The property was initially zoned as “SD-C” (Suburban Development Commercial) and R-1 (Single-Family Residential). The “SD” zoning was used to “classify undeveloped property until such time as a permanent land use classification could be established.”

**August 30, 2005** - The property was rezoned to “CM” (Commercial Mixed Use) and “RSF-7” (Single-family residential with a minimum lot size of 7,000 square feet) as part of League City’s City-wide Text and Map Rezoning of 2005.

**August 12, 2006** - The Lakeside Subdivision portion of the development was rezoned from “RSF-7” to “RSF-5”. The entire subdivision was rezoned since the actual size of the lots in the subdivision better reflected the standards set forth in “RSF-5” zoning district as well as would prevent future issues that would have prevented citizens from rebuilding on their lots after a catastrophic event.

**November 14, 2017** - City Council approved Resolution No. 2017-196, which consented to the annexation of approximately 37.3 acres of property for the proposed TownHarbour Estates development into the Bay Colony West Municipal Utility District.

**October 9, 2018** - City Council adopted Ordinance No. 2018-30, approving the TownHarbour Estates PUD.

**April 22, 2021** - The Applicant held a neighborhood meeting at League City’s South Shore Harbour Resort to create a new PUD. The submitted sign-in sheet indicates approximately 14 neighbors attended.

**April 27, 2021** - The Applicant submitted a rezone request to the Planning Department requesting a new Town Harbour Estates Planned Unit Development.

**June 18, 2021** - 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.

**July 6, 2021** - Planning & Zoning Commission held a public hearing and made a recommendation to City Council to deny the request, 1-6-0 with one member absent.

**July 27, 2021** - City Council is scheduled to conduct a public hearing and consider the request on first reading.

**August 10, 2021** - Subject to approval on first reading, City Council to consider the request on second reading.

### **Project Summary:**

The proposed Planned Unit Development (PUD) will only permit single-family homes and parkland and does not have any commercial uses. The PUD consists of 103 lots, 1.4 acres of parkland, 8.10 acres of other open spaces, and 6.65 acres of rights-of-way. The lots range in size from 7,200 square feet to 13,260 square feet.

In 2018, the City Council adopted the original TownHarbour Estates PUD. The PUD consists of 60 waterfront lots inside a gated area and 13 lots along Lakeside and West Drives. The applicant is proposing to create a new PUD on the same approximate area as the previous PUD consisting of 62 waterfront lots and 29 off-water lots within the gated area, and 12 lots along Lakeside Drive. The proposed PUD will increase the total number of single-family lots from 73 to 103.

The primary access of the development will be via Lakeside Drive. The gated area of the development will have two emergency access points from Bluebonnet Street and Enterprise Drive. These access points will be for emergency vehicles only.

The development is proposing several amenities for its residents. The amenities include:

- A centralized canal lined with a limestone bulkhead with a viewing area at the base of the canal,
- A marina with a gazebo,
- Fishing decks,
- Picnic tables,
- Seating areas within the interior of the development,
- A minimum of 20 birdhouses for the local bird population, and
- Exercise stations adjacent to sidewalks.

The proposed PUD is similar in layout to the existing PUD. The main difference between the two PUDs is the increase of 30 lots within the gated area. In addition, the proposed PUD will include a Private Street Agreement for the gated streets, and the PUD will be contingent upon the passage of a development agreement. The Development Agreement will outline the reconstruction of Lakeside Drive and how the development will receive drainage from the Lakeside Subdivision. Staff recommends a condition be placed on the PUD that no development shall occur until the Development Agreement is adopted by City Council.

The developer is requesting six variances from the City's Unified Development Code. All of the below variances with the exception of #4 were approved with the previous PUD. The proposed variances are listed below:

1. Concept Plan: The TownHarbour Estates Master Plan (See Exhibit D) shall be substituted for the Conceptual Plan since it is exclusively a residential PUD.
2. Block Length: The private street on the eastern side of the canal will have a block length greater than 1,200 feet to accommodate the design for the canal and emergency access. No distance greater than what is proposed on the master plan will be permitted.
3. Cul-de-Sac Length: The private street extending on the western side of the canal shall have a cul-de-sac length greater than 880 feet. No distance greater than what is proposed on the master plan will be permitted.
4. Right-of-Way Width: The private streets (Seaway Lane and Harbour Way Lane) where the development ends at the northern property will have rights-of-way of 50 feet in width in lieu of 60 feet. All remaining rights-of-way will be a minimum of 60 feet in width. The width of the pavement will not be reduced in these areas.
5. Primary Entry Sign: The primary entrance sign shall have a lighthouse themed monument which will be approximately 8 feet wide at its base and 20 feet in height. Any exterior lighting shall be full cutoff (downlit only) and of a sufficient level so as not to have any direct lighting spill onto adjacent nearby

properties or cause glare to the neighborhood or traveling public. The sign will not be located in Landscape Reserve "M".

6. Secondary Entry Sign: A secondary entry sign will be permitted on one of two walls located at the gated entry into the community along West Drive. The maximum allowable signage will be 12 square feet in size with a maximum height of 8-feet. Any exterior lighting shall be full cutoff (downlit only) and of a sufficient level so as not to have any direct lighting spill onto adjacent nearby properties, cause glare to the neighborhood or traveling public.

One-hundred twenty-nine notices were sent out to property owners within the rezoning area and within 200 feet of the subject property. Eighty additional notices were sent out to notify the remaining residents of the Lakeside Subdivision that were outside of the notification area for a total of 209 notices mailed. Several emails from residents were received voicing concerns about the development. All emails received from the residents have been attached to this data sheet.

On July 6, 2021, the Planning and Zoning Commission held a public hearing where 27 residents signed-in and 17 residents spoke about their concerns with the development. A comprehensive list of issues raised by residents can be found in the meeting minutes. Some of the major concerns raised included:

- How the development was capturing drainage from the Lakeside Subdivision,
- Potential need of modifications to ditches in the neighborhood,
- Construction traffic,
- Phasing of Lakeside Drive reconstruction, and
- Increase in resident traffic at the Lakeside and FM 2094 intersection.

The Planning and Zoning Commission's recommendation to approve failed by a vote of 1-6-0 with one member absent.

The applicant has requested this item be postponed to the August 10, 2021, City Council meeting. The applicant has requested this additional time to meet with the adjacent property owners and address concerns raised at the Planning and Zoning Commission meeting.

Attachments:

1. Data Sheet
2. Planning and Zoning Commission Staff Report
3. Excerpt Minutes from the July 6, 2021, P&Z Commission Meeting
4. Public Comments Received (as of 7/13/21)

CONTRACT ORIGINATION:

Development Services

Applicant: Joe Watson, Axis Point Developers, LLC

Owners: Town Harbour Estates, LLC

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