



## Legislation Text

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**File #:** 15-0608, **Version:** 1

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Hold a public hearing on Zone Change Application, **Z15-14 (Delaney at South Shore Harbor)**, a request to rezone approximately 11.3 acres from “PS” (Public/Semi-Public) to “CM-PUD” (Mixed Use Commercial with a Planned Unit Development Overlay), legally described as a portion of Lots 103, 111, and 112 of Division “D” of League City, an unrecorded subdivision of part of the Michael Muldoon Two League Grant, Abstract No. 18 and part of the S.F. Austin Survey, generally located south of Marina Bay Drive at the intersection of Constellation Boulevard, with the approximate address being in the 2500 block of Marina Bay Drive in League City, Texas (Director of Planning and Development)

A public hearing is required to rezone the property to “CM-PUD” (Commercial Mixed Use with a Planned with a Planned Unit Development Overlay) called The Delaney at South Shore Harbor PUD. In addition, the accompanying PUD documents are in the attached ordinance. Should this request be approved the development regulations specified within the PUD document will supersede those in the Zoning Ordinance.

### Project Timeline:

**December 2, 2014** - Applicant has neighborhood meeting to discuss project. 23 persons were in attendance.

**June 12, 2015** - Applicant submits application to rezone property from “PS” to “CM-PUD”.

**August 30, 2015** - Public Notice is published in *The Galveston County Daily News*.

**August 31, 2015** - Public Notice is mailed to neighboring properties and sign is posted on the subject property.

**September 15, 2015** - Applicant holds a follow-up meeting with neighborhood presenting revised project.

**September 21, 2015** - Planning & Zoning Commission holds public hearing and continues item to October 5, 2015.

**October 5, 2015** - Planning & Zoning Commission recommends approval with a vote of 5-0-0.

**October 13, 2015** - City Council scheduled to conduct public hearing and consider request on first reading.

**October 27, 2015** - Subject to approval on first reading, City Council to consider request on second reading.

### Project Summary:

The applicant, LCS Development, proposes to develop a senior-living community consisting of a mixture of independent living apartments, assisted living units, and memory care units. The applicant is proposing a total of 207 residential units, with 120 independent living apartments being classified as dwelling units, with full kitchens. According to the Comprehensive Plan’s Future Land Use Plan (FLUP), this tract is classified as “Public/Institutional”, as it has been owned by CCISD for many years. The proposed PUD request is consistent with the FLUP, as nearly one-half of the units in the development will be licensed by the Texas Department of Aging and Disability Services. The use will function similar to an institutional use such as a nursing home while still providing a residential product.

The property is currently zoned “PS” and would need to be rezoned to allow for the proposed use. The applicant proposed a PUD after hearing the initial concerns of the neighbors in December 2014. A traditional rezoning would provide neither the City nor the neighbors any promise of what was proposed would actually be built. A PUD becomes ordinance, and the associated regulations would be enforceable by the City, regardless if property ownership changed hands in the future.

Due to the proximity of the adjacent residential to the east of the site, buffering the site is a concern. The Concept Plan increases the buffer at the time of planting by installing a continuous row of Savannah Holly. These plants will be no less than 12 feet tall at the time of planting, with a height of 20 to 30 feet at maturity. The site has also been configured so that the closest building is over 70 feet away from the residential property lines to the east.

Furthermore, the project is limited to 42 feet in height, with the exception of the Independent Living portion of the project located on the western portion of the site. Forty-two feet is the same as the maximum height allowed in the “RSF-7” zoning district adjacent to the site. The Independent Living portion of the project is limited to a maximum

height of 54 feet. This portion of the project is located over 450 feet from the residential properties to the east of the site.

The PUD also includes other requirements for the project including:

- A Land Use Table limiting uses of the development;
- Façade treatments (materials) and decreased maximum heights for structures located within the development;
- Enhancements to landscaping such as increase size of vegetation upon installation, native/drought tolerant plant usage, and incorporation of grasscrete for an emergency access drive; and
- Amended regulations for signage.

A petition was submitted to staff voicing concern for the proposed amendment. A three-fourths vote is not required per Section 211.006(d) of the Texas Local Government Code as less than 20% of those who signed the petition are within 200 feet of the land covered by the proposed change. On September 21, 2015, the Planning and Zoning Commission held a public hearing and received public comments in regards to the project. The comments were generally concerning screening, height, and traffic impacts. The Planning & Zoning Commission tabled the item until October 5, 2015 in order to give the applicant and staff time to address the public's comments. On October 5, 2015, the Planning & Zoning Commission recommended approval, 5-0-0.

**Staff Recommendation:**

Staff recommends approval of the PUD document and rezoning of the site to "CM-PUD" as the request is in accordance with the Future Land Use Map of the Comprehensive Plan. If denied, the property would remain zoned as "PS" and any allowed use in the "PS" zoning district would be permitted on the site.

**Attachments:**

1. Data Sheet
2. PUD Document
3. Zoning/Notification Map
4. Excerpt Minutes from September 21, 2015 P&Z meeting
5. Excerpt Minutes from October 5, 2015 P&Z meeting
6. Staff Report & Attachments September 21, 2015
7. Staff Report & Attachments October 5, 2015

**Origination:**

Planning Department

Applicant: GeoSurv, LLC/LCS Development

Owner: Clear Creek ISD

**FUNDING**

{ X } NOT APPLICABLE

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

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