



## Legislation Text

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**File #: 18-0602, Version: 1**

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Consider and take action on Ordinance No. 2018-30 rezoning approximately 37.5 acres, PUD-17-0006 (Town Harbour Estates PUD), legally described as Tracts 2, 2-1, 2-2 and 4 of the M. Muldoon Survey, Lot 35 and the southern 10 feet of Lot 34, Block 5 of the Lakeside Addition Subdivision, Lot 34, Block 6 of the Lakeside Addition Subdivision and Lots 1 thru 16, Block 9 of the Lakeside Addition Subdivision, from “CM” (Commercial Mixed Use), “RSF-7” (Residential Single-Family with a minimum lot size of 7,000 square feet) and “RSF-5” (Residential Single-Family with a minimum lot size of 5,000 square feet) to “RSF-7-PUD” (Residential Single-Family with a minimum lot size of 7,000 square feet within a Planned Unit Development Overlay) and “RSF-5-PUD” (Residential Single-Family with a minimum lot size of 5,000 square feet within a Planned Unit Development Overlay), 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 - Second Reading (Director of Planning and Development)

Council approved first reading 6-1-0 with 1 absent on September 25, 2018.

Approval of Ordinance No. 2018-30 will rezone approximately 3705 acres of land from “CM”, “RSF-7” and “RSF-5” to “RSF-7-PUD” and “RSF-5-PUD”.

### 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.

April 8, 2008 - A request to rezone was withdrawn from City Council for the large 33-acre portion of the development. The request proposed to rezone the property from “CM” (Commercial Mixed-Use) to “RMF-1.2” (Multi-Family Residential with a maximum density of 36 units per acre) for a gated multi-family residential water front community.

May 3, 2017 - Applicant held a neighborhood meeting at League City’s South Shore Harbour Resort. The submitted sign-in sheet indicates approximately 42 neighbors attended.

August 7, 2017 - The applicant submitted a request to the Planning Department to rezone to a Planned Unit Development Overlay (PUD).

November 14, 2017 - City Council approved Resolution No. 2017-196, which allowed the annexation of approximately 37 acres of property for the proposed Town Harbour Estates development into the Bay Colony West Municipal Utility District.

March 8, 2018 - Parks Board recommended approval by a vote of 5-2-0. There was discussion on the canal as well as concerns about removing several large trees on the property.

July 27, 2018 - 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.

August 20, 2018 - Planning & Zoning Commission conducted a public hearing and made a recommendation of approval 5 -1-0 with two members absent, of the PUD Document and the seven requested variance to City Council.

September 11, 2018 - City Council postponed the item 7-0-0 with 1 absent.

September 25, 2018 - City Council approved first reading, 6-1-0 with one member absent. The motion included approval of 6 of the 7 requested variances and a 50/50 split in the ownership of the storm sewer system. The variance to regulations

related to tree mitigation was not passed.

**Project Summary:**

The applicant proposes a 73-lot residential Planned Unit Development (PUD) in the northeast corner of League City on the southern shore of Clear Lake. A signature feature of the development is a water canal (aka The Grand Canal) where watercraft may enter and exist to Clear Lake, along with other amenities such as outdoor gathering areas, a community garden, and an exercise trail.

Should the PUD be approved, development regulations specified within the PUD document will supersede those in the Zoning Ordinance. Otherwise, the development will meet all remaining requirements of the Zoning Ordinance. Additionally, the PUD document will be included with the ordinance, making the development regulations to the Town Harbour Estates PUD enforceable.

The Future Land Use Map in the 2035 Comprehensive Plan identifies the area as “Enhanced Auto Dominant Residential.” The intent of the Enhanced Auto Dominant Residential area focuses on the automobile where homes are less prominent than suburban homes and driveways are a larger percentage of single- or multi-family frontages with setbacks deep enough to allow for parking. Garages also become a dominant part of the architecture with lots being smaller in size. Overall, lot coverage and impervious coverage is greater while spaces between buildings is smaller. The proposed development is consistent with the proposed Future Land Use Map.

The intent of the proposed Town Harbour Estates PUD is to encourage high quality development by providing for greater flexibility in developing the master plan. In return for allowing such flexibility, this PUD will exceed the minimum requirements of the zoning ordinance by:

- Partnering with the City to reconstruct and expand approximately 1,700 feet of Lakeside Drive between Marina Bay Drive (FM 2094) and West Drive. The project would include an expanded intersection at Marina Bay Drive to incorporate dedicated turn lanes.
- Reconstructing approximately 250 feet of West Drive between Lakeside Drive and the gated entry to the development.
- Installation of landscaping along the entry roads (Lakeside Drive and West Drive) leading into the center of the development.
- Installation of hardscaping and heavily landscaping the interior of the development with view sheds out towards Clear Lake inclusive of active and passive parks.
- Installation of a 6-foot wide fitness trail located within the development and accessed by all residents of the development.
- Raise the houses above the proposed Base Flood Elevation (BFE).

On August 20, 2018, the Planning and Zoning Commission held a public hearing and recommended approval of the PUD and seven requested variances by a vote of 5-1-0 with two members absent. Commissioner Arnold voted in opposition to the motion. Staff’s analysis of the seven requested variances can be found in the attached Staff Report. Commissioner Arnold’s concerns were related to the requested variance to the masonry requirement and the request to vary from the tree mitigation requirements of the Tree Preservation Ordinance. Including the applicant, eleven citizens spoke in support and opposition to the proposed PUD during the P&Z public hearing. The questions and comments voiced by the citizens during the public hearing were predominately about on the proposed drainage design for the Town Harbour Estates development and its effects on the surrounding neighborhood.

Council approved first reading, 6-1-0 with one member absent. The motion included approval of 6 of the 7 requested variances and a 50/50 split in the ownership of the storm sewer system. The variance to regulations related to tree mitigation was not passed.

Based on discussions from the previous Council meeting, staff requests that the following conditions be considered for

approval:

1. Council approve the use of concrete stucco as a masonry equivalent.
2. Council determine if trees that need to be planted for mitigation can be allowed in front yards. It has been a long-standing policy that this not be allowed but Council can authorize an approval for individual circumstances.
3. Council approve the drainage system to be installed and be publicly owned, but maintenance will be divided between the City and the HOA. A section shall be added in the PUD document and the HOA document that describes this arrangement. And a Private Street Agreement will be created and approved by the City Council and will state the same drainage criteria as in the other documents.

Attachments:

1. Data Sheet
2. Ordinance No. 2018-30
3. Exhibit A - Zoning Map
4. Exhibit B - 08-21-2018 Town Harbour Estates PUD document and attachments
5. Exhibit C - Drainage

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