

STAFF REPORT

As part of implementing Land Use Plan Action Item #1, which directs staff to evaluate single-family neighborhoods and ensure zoning is consistent with the existing development, the City is taking action to rezone the following areas from the Standard Single-Family Residential (R-1) to the Zero Lot-line Single-Family Residential (R-1Z) to R-1Z and accurately represent the built environment.

1. Misty Lake
2. Chimneystone Sections 1-3
3. The Enclave at Grants Lake

This staff report includes information for the three neighborhoods presented for rezoning and is organized according to the following outline. Specific subdivision information can be found in the respective section, while information that pertains to all areas are found in later sections. The table of contents is outlined below:

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Misty Lake (Sugar Mill Section 7)

General Site Information and Analysis

R-1: Standard Single-Family Residential		MISTY LAKE (SUGAR MILL SECTION 7)
LOCATION DESCRIPTION		East of Burney Road and north of Jess Pirtle Boulevard known as Misty Lake community and recorded as Sugar Mill Section 7.
EXISTING PROPERTY ZONING AND DEVELOPMENT		Standard Single-Family Residential (R-1): 154 single-family lots
SURROUNDING PROPERTY ZONING	North	R-1
	South	R-1
	East	R-1
	West	R-1
SURROUNDING LAND USES	North	Misty Lake, Single-family residential (Sugar Mill Subdivision Section 8)
	South	Single-family residential (Sugar Mill Subdivision Section 5)
	East	Single-family residential (Sugar Mill Subdivision Section 6)
	West	Single-family residential (Sugar Mill Subdivision Section 10)

Case Analysis

This is a proposed rezoning for Misty Lake, legally platted as Sugar Mill Section 7, consisting of 31.102 acres and 154 single-family lots, from Standard Single-Family Residential (R-1) to Zero Lot-Line Single-Family Residential (R-1Z). The subdivision was annexed as undeveloped property in 1979 via annexation Ordinance No. 274 and assigned R-1 permanent zoning via Ordinance No. 285 in the same year following annexation. The area was platted in 1983 and development was stagnant until it picked up in the early 1990s. Although the 1982 zoning ordinance included a zero-lot line overlay, historical zoning maps show this area was zoned R-1 without the overlay. When the 1997 Development Code and zoning map were adopted, which replaced the 1982 zoning ordinance, the R-1Z district was created; however, Misty Lake remained zoned R-1. Staff is now taking action to rezone the area to R-1Z.

In 2012, the Zoning Board of Adjustment denied a variance request to the R-1 maximum lot coverage and 25-foot front yard setback. The applicant requested a 350 square-foot addition that would have increased the lot coverage to 48.5% and encroached into the 25-foot setback.



Chimneystone Sections 1-3

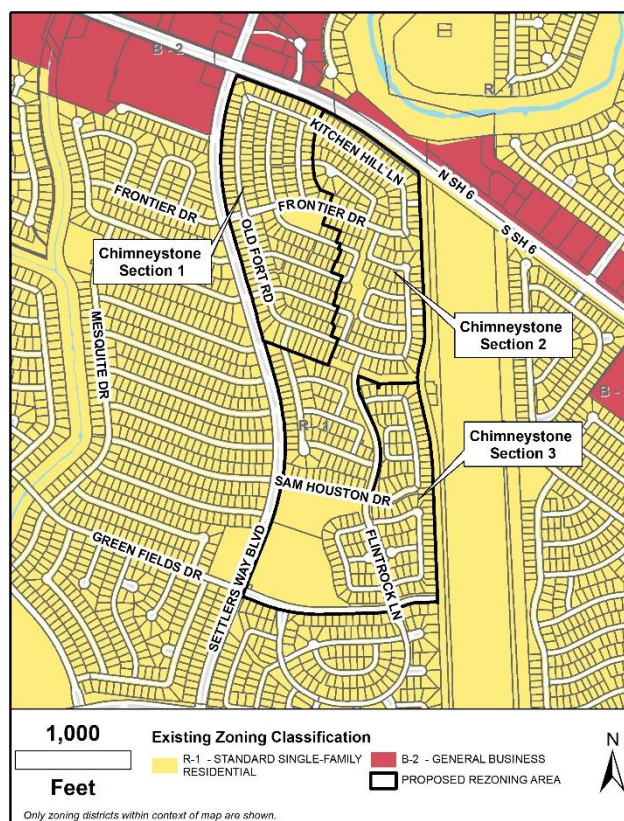
General Site Information and Analysis

R-1: Standard Single-Family Residential		CHIMNEY STONE SEC. 1	CHIMNEY STONE SEC. 2	CHIMNEY STONE SEC. 3
LOCATION DESCRIPTION		South of Highway 6 and east of Settlers Way Boulevard	South of Highway 6 and east of Settlers Way Boulevard	South of Highway 6, east of Settlers Way Boulevard, and north of Green Fields Drive
EXISTING PROPERTY ZONING AND DEVELOPMENT		Standard Single-Family Residential (R-1): 196 single-family lots	Standard Single-Family Residential (R-1): 242 single-family lots	Standard Single-Family Residential (R-1): 126 single-family lots, Settlers Way Elementary, and Settlers Way Park
SURROUNDING PROPERTY ZONING	North	B-2 – General Business & R-1	B-2 – General Business & R-1	R-1
	South	R-1	R-1	R-1
	East	R-1	R-1	R-1
	West	B-2 – General Business & R-1	R-1	R-1
SURROUNDING LAND USES	North	Hwy 6 and Commercial	Hwy 6 and Oyster Creek	Single-Family Residential (Chimneystone Sec. 2)
	South	Single-Family Residential (Chimneystone Sec. 2)	Single-Family Residential (Chimneystone Sec. 3)	Single-Family Residential (Settlers Grove)
	East	Single-Family Residential (Chimneystone Sec. 2)	CenterPoint Easement	CenterPoint Easement
	West	Commercial and Single-Family Residential (Settlers Park)	Single-Family Residential (Chimneystone Sec. 1)	Single-Family Residential (Chimneystone Sec. 2)

Case Analysis

This is a proposed rezoning for Chimneystone Section 1, Section 2, and Section 3, consisting of 41.781 acres, 58.794 acres, and 45.798 acres, respectively, from Standard Single-Family Residential (R-1) to Zero Lot-Line Single-Family Residential (R-1Z). The total acreage for Chimneystone Sections 1-3 is 146.373 acres and consists of 564 single-family lots, Settlers Way Elementary, and Settlers Way Park. This area was platted in between 1980 and 1982 and developed during that same timeframe. Chimneystone was annexed in 1995 as part of First Colony Municipal Utility District #1 via annexation Ordinance No. 975 and assigned interim R-1 zoning. When the City adopted the Development Code and new zoning map in 1997, Chimneystone Sections 1-3 were zoned R-1. However, the properties were platted as zero-lot line (patio homes) and need to be rezoned to R-1Z.

As mentioned above, Chimneystone developed outside the city limits and has recorded setbacks that are less restrictive than the R-1 zoning district setbacks. This qualifies property owners to apply for a Special Exception to the zoning district setbacks. A total of five Special Exceptions have been issued in this neighborhood in the past 7 years – one in Section 1, two in



Section 2, and two in Section 3. The most recent was issued in 2019. All five Special Exceptions were requested for either the side yard setback or street side yard setback requirement in order to build a structure on the zero-lot property line. The current R-1 zoning requires minimum side yard setbacks, which prevents property owners from building on the zero-lot line and is inconsistent with the building pattern in this area. The change in zoning to R-1Z would eliminate the need to apply for Special Exceptions for side and street side yard setbacks.

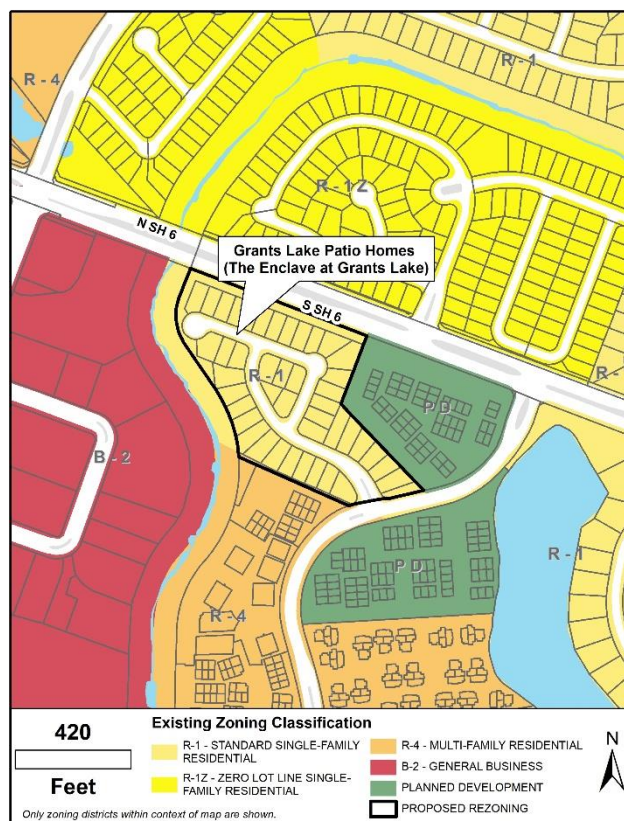
The Enclave at Grants Lake (Grants Lake Patio Homes)

General Site Information and Analysis

THE ENCLAVE AT GRANTS LAKE (GRANTS LAKE PATIO HOMES)		
LOCATION DESCRIPTION		South of Highway 6 and east of Grants Lake Boulevard at Grants Lake Circle, known as The Enclave at Grants Lake community and recorded as Grants Lake Patio Homes.
EXISTING PROPERTY ZONING AND DEVELOPMENT		Standard Single-Family Residential (R-1): 41 single-family lots
SURROUNDING PROPERTY ZONING	North	R-1Z – Zero Lot Line Single-Family Residential
	South	R-4 – Multi-Family Residential
	East	B-2 – General Business
	West	PD – Planned Development
SURROUNDING LAND USES	North	HWY 6 and Single-family residential (The Highlands)
	South	Grants Lake Townhomes
	East	Multi-family (Grants Lake Tempos)
	West	Ditch E and Commercial

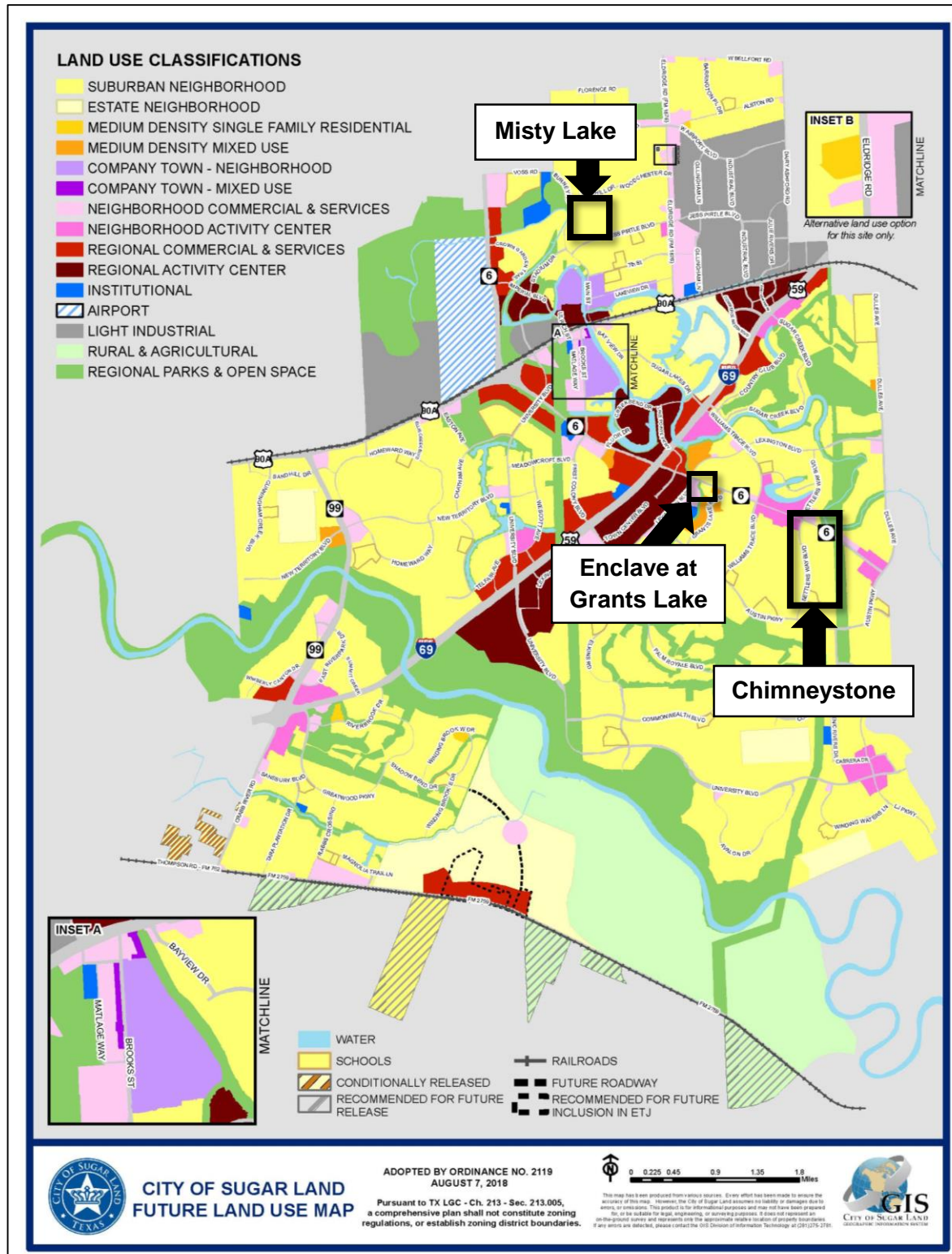
Case Analysis

This is a proposed rezoning for The Enclave at Grants Lake, legally platted as Grants Lake Patio Homes, consisting of 6.4248 acres and 41 single-family lots, from Standard Single-Family Residential (R-1) to Zero Lot-Line Single-Family Residential (R-1Z.) The area was annexed as undeveloped property in 1991 as part of Fort Bend County Municipal Utility District #12 via annexation Ordinance No. 781. Upon annexation, this area was designated as interim R-1 zoning and then permanently zoned in 1992 as R-3 Townhouse Residential via Ordinance No. 790. The area was platted in 1993 and 95% of lots developed between 1993 and 1994 with the last lot completed in 1999. When the City adopted the Development Code and new zoning map in 1997, the Enclave at Grants Lake was rezoned to R-1. However, the properties in Grants Lake Patio Homes were platted and developed as zero-lot line (patio homes) and need to be rezoned to R-1Z.



Comprehensive Plan Analysis

As part of implementing Land Use Plan Action Item #1, which directs staff to evaluate single-family neighborhoods and ensure zoning is consistent with the existing development, the City is taking action to rezone these areas to R-1Z and accurately represent the built environment. The City of Sugar Land's Future Land Use Map designates all these areas as Suburban Neighborhood, which is consistent with the proposed rezoning.



R-1Z Bulk Regulations

Each subdivision plat was examined for compliance with the Zero Lot-Line Single Family Residential zoning district per the Development Code Chapter 2, and found that they primarily meet the regulations. However, as is typical in other developments in the City, some recorded restrictions are not identical to the zoning regulations. For example, in examining the subdivision plat, staff found three lots in Misty Lake (Sugar Mill Section 7) have a recorded 30-foot front setback and cul-de-sac lots have a 15-foot front setback. In this situation, the most restrictive of the recorded restrictions and zoning regulations would apply.

The rezoning does not alter any existing development or require existing buildings to come into compliance with R-1Z regulations. Any future changes to structures in this area will need to comply with all the regulations as outlined in the Zero Lot-Line Single-Family Residential (R-1Z) zoning district if the rezoning is approved. The R-1Z regulations are listed in the table above.

REGULATIONS	ZERO LOT-LINE SINGLE-FAMILY RESIDENTIAL (R-1Z)
Minimum Lot Area	5,000 square feet
Minimum Lot Width	50 feet; 60 for corner lots
Minimum Lot Depth	100 feet
Building Setbacks	20' Front Yard 10' Rear Yard, 25' if abutting Arterial Street 10' Side Yard on one side, 0' on other 20' Street Side Yard
Maximum Height	2 ½ stories, not more than 35 feet from finished grade
Lot Coverage	50%

Planning & Zoning Commission

May 27th Public Hearing, Consideration & Action

The Planning and Zoning Commission held a public hearing on May 27, 2021 regarding the proposed rezoning. Prior to the public hearing, staff received 8 inquiries asking for clarification on the proposed rezoning. Staff received 5 inquiries from ChimneyStone residents and 3 from Misty Lake residents. During the public hearing, no members of the public spoke or submitted comments. After closing the public hearing, the Commission held discussion and had clarifying questions regarding the change in regulations and timing of rezoning. Staff clarified the change in regulations would have minimal impact on the property owners and would benefit by allowing improvements that are consistent with the zero lot line development of their neighborhood. In regards to the timing, staff became aware of the zero lot line neighborhoods over time and is implementing the action item in the Land Use Plan to have zoning consistent with the built environment. Ultimately, the Commission did not have any concerns and unanimously recommended approval to the Mayor and City Council as proposed by Staff.

Public Hearing

The Notice of Public Hearing was published in a newspaper of general circulation. The City also sent out Public Hearing notifications via postcard advertising both the Planning & Zoning Commission hearing and the City Council public hearing date to all property owners within 200 feet of the rezoning. The postcard included a link to a dedicated webpage (www.SugarLandTX.gov/Rezoning) with further information about the rezoning including maps, frequently asked questions, and a public comment form. Staff indicated that no action is required from the property owners, but they can submit comments or participate in the public hearings, if they wish. A courtesy sign was placed at the entrance of the three subdivisions and staff notified the HOAs.

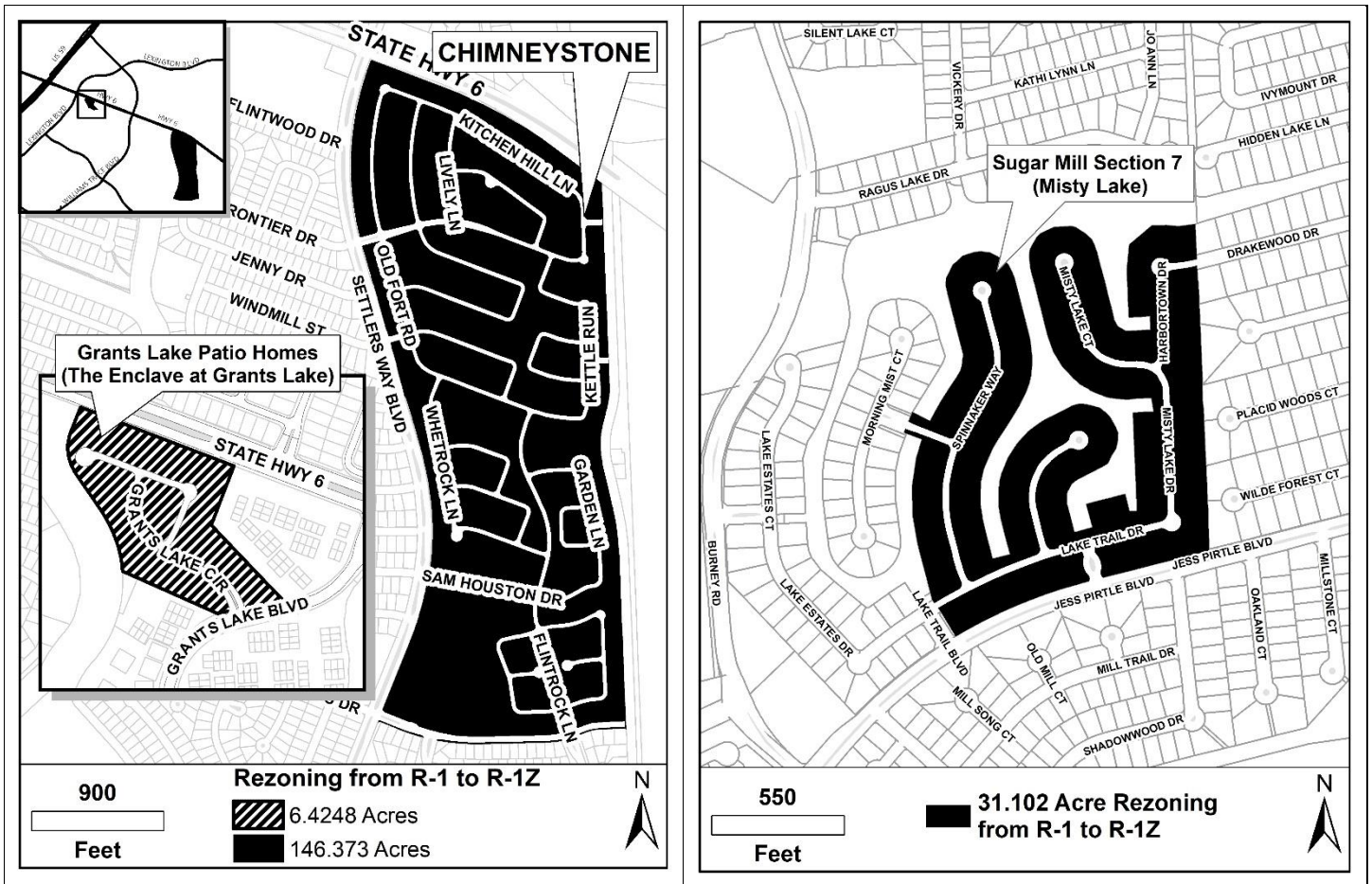
Since the Planning and Zoning Commission meeting, staff has received two additional informational inquiries and one email in opposition to the rezoning, which is included in the Attachments section of this staff report. The property owner is concerned that the existing homes in Misty Lake are not built exactly on the zero lot line but rather have small setback on one side from the property line (zero lot line side) and a larger yard on the other. The larger yard abuts the neighbor's exterior wall. The property owner states with the new zoning, it may cause the neighbor to claim the easement that is within the property owner's larger yard thus reducing their yard and destroying existing landscaping. The change in zoning regulations does not change property line boundaries or deed restrictions. The Sugar Mill Section 7 deed restrictions establish a 3-foot maintenance easement and may be what the property owner is referring to. The restrictions specifically state the adjacent owner may only have access to the easement for "the sole and only purpose of the maintenance, painting, repairing and rebuilding of the side privacy wall, fence or eave which are situated adjacent and abutting the easement area." The deed restrictions also state the adjacent owner accessing the easement is responsible for damage to landscaping. The homeowners' association is responsible for enforcing deed restrictions. The proposed R-1Z zoning regulations are not in conflict with the deed restrictions and does not alter any existing development or platted lot dimensions. Staff provided clarification to the property owner regarding these concerns about easements and property lines.

Points for Consideration

- The requested R-1Z zoning is a more appropriate zoning district than R-1 and accurately reflects the building pattern of the subdivisions.
- Rezoning the area to R-1Z would allow property owners to modify or build structures according to the zero-lot line requirements and would reduce the number of special exceptions due to R-1 zoning.
- The requested R-1Z zoning would be compatible with the adjacent single-family zoning districts to the east and west of the subject properties.
- The proposed rezoning is consistent with the Future Land Use Map and implements Action Item #1 of the Plan. The rezoning is not in conflict with the Comprehensive Plan.
- The Planning & Zoning Commission recommended approval of the rezoning.

Attachments

Vicinity Map



Public Hearing Notice (Postcards to Property Owners)



Zero-Lot Line Rezoning

You are receiving this notice regarding upcoming public hearings because you live in or near zero-lot line homes, also known as patio homes, which will be rezoned from R-1 to R-1Z to accurately reflect the building pattern in the area.



I am a zero-lot line Property Owner; What do I need to do?

No action from you is required; notice is required to all property owners whose zoning is changing. Zero-lot line properties will be rezoned from R-1 Standard Single-Family Residential to R-1Z Zero Lot Line Single-Family to accurately reflect the layout of the neighborhood, the existing plat, and deed restrictions.

Do I need to attend the meetings?

You are not required to attend, but if you would like to learn more about the change in zoning, you can visit the website for a map and FAQs.

How do I make a comment?

Please go online to www.sugarlandtx.gov/PublicHearingComment for a Public Comment Form, or contact the City Secretary to submit a comment or register to speak during the public hearing.

I don't live in a zero-lot line neighborhood; Why did I receive this?

No action is required; notice is required to property owners within 200 feet of property proposed for rezoning.

Upcoming Public Hearing Dates

May 27th 6:30 p.m.
Planning & Zoning
Commission

July 6th 5:30 p.m.
City Council

Watch online at www.sugarlandtx.gov/SLTV,
or on cable TV channel SLTV 16.

Have an Opinion?

Register a comment or to speak at the public hearing with
the City Secretary's Office-details at website below.

Scan the QR code for
more information or visit
www.SugarLandTX.gov/Rezoning



SCAN HERE

Dear Property Owner,

You are receiving this notice because you live in or near an area proposed to be rezoned. The zero-lot line properties, also known as patio homes, are zoned as Standard Single-Family Residential (R-1). The City of Sugar Land has a dedicated zoning district, R-1Z Zero Lot Line Single-Family, for zero-lot line homes and is therefore taking action to rezone these areas to R1-Z.

The change in zoning will allow you to make improvements under the R-1Z district regulations, such as building on the zero-lot line, which is more consistent with the building pattern in your neighborhood than the current R-1 regulations. This rezoning does not affect any deed restrictions or platted setbacks.

The R-1Z regulations can be found at the website listed below.

State law requires the City to hold public hearings and notify property owners when rezoning property. It is your right as a property owner to attend and/or speak at the public hearing, however it is not required. More details, including a map of the area being rezoned, and a public comment form can be found on the City of Sugar Land website below.

For more information, visit www.SugarLandTX.gov/Rezoning or contact the case planner, Abigail Martinez at 281-275-2248 or abmartinez@SugarLandTX.gov. To register an opinion, comment, or request more information via email, please visit www.sugarlandtx.gov/PublicHearingComment.

CITY OF SUGAR LAND
P.O. Box 110
Sugar Land, TX 77487-0110
281-275-2745

Public Hearing Notice (in Newspaper)



NOTICE OF PUBLIC HEARING

CHANGE IN ZONING FOR APPROXIMATELY 183.90 ACRES FROM STANDARD SINGLE FAMILY RESIDENTIAL (R-1) TO ZERO LOT LINE SINGLE FAMILY RESIDENTIAL (R-1Z) ZONING FOR SUGAR MILL SECTION 7 (MISTY LAKE), GRANTS LAKE PATIO HOMES (THE ENCLAVE AT GRANTS LAKE), AND CHIMNEYSTONE SECTIONS 1, 2, AND 3

City Council Public Hearing 6:00 p.m., July 6, 2021, City of Sugar Land City Council Chamber, 2700 Town Center Boulevard North, hosted via live stream at <http://www.sugarlandtx.gov/1238/SLTV-16-Live-Video> or <https://www.youtube.com/sugarlandtxgov/live>, and Sugar Land Comcast Subscribers can also tune-in on Channel 16 to hear all persons interested in the proposed change in zoning for Sugar Mill Section 7 (commonly known as Misty Lake), Grants Lake Patio Homes (commonly known as The Enclave at Grants Lake), and ChimneyStone Sections 1, 2, and 3.

Learn more about the rezoning by visiting www.sugarlandtx.gov/Rezoning. The agenda item for this meeting will be placed on the City of Sugar Land website at www.sugarlandtx.gov under "Meeting Agendas" City Council no later than Friday, July 2, 2021. Request details or provide feedback on the proposed change in Zoning online at www.sugarlandtx.gov/PublicHearingComment or contact City of Sugar Land Planning Department at (281) 275-2218.

As of the date of this publication (June 16, 2021) the Centers for Disease Control recommends social-distancing and the avoidance of large and small gatherings in public spaces in order to limit the spread of COVID-19. As a result, the City of Sugar Land has elected to conduct this meeting online. Members of the public wishing to view the meeting live may do so at the links above. Members of the public desiring to make comments during the public hearing may submit their written comments to the Office of City Secretary (citysec@sugarlandtx.gov). Comments should reference the hearing in the subject line, must be received by 3:00 p.m., Tuesday, July 6, 2021, then will be read into the record during the public hearing. Members of the public desiring to make their comments during the published date and time of the public hearing must e-mail (citysec@sugarlandtx.gov) or call ((281) 275-2730) the Office of the City Secretary by 3:00 p.m., Tuesday, July 6, 2021 to register and receive instructions for direct participation during the hearing.

Should the Centers for Disease Control, and/or the prevailing appropriate authority, lift the restrictions related to social-distancing and the avoidance of large and small gatherings in public spaces prior to 72 hours of the date of the public hearings, the City of Sugar Land will provide notice to the public on the City Council meeting agenda at www.sugarlandtx.gov under "Meeting Agendas."

Public Hearing Comment

From: [REDACTED]
To: Abigail Martinez
Subject: [REDACTED] Rezoning of Misty Lake
Date: Tuesday, June 1, 2021 8:01:57 AM

Dear Ms. Martinez,

I received the card notifying homeowners of the zoning change for Misty Lake Court late this week, *after* the Planning & Zoning Commission hearing on May 27th. So I'm emailing you my comments.

I object to this zoning change for Misty Lake.

The premise put forward to support this zoning change is to permit property owners to build on the zero-lot line. But this premise ignores the fact that the Misty Lake neighborhood is already fully built out and no new construction is underway. The existing homes in Misty Lake generally are not built exactly on the lot line, but rather have a small set back on one side from the property line and a larger yard on the other, this larger yard abutting the neighbor's exterior wall. Regardless of the exact location of each homeowner's property line, the neighborhood has an established custom that every property owner takes care of the larger yard that abuts his neighbor's wall. The existing fencing in the neighborhood follows this established custom.

Changing the zone now in this established neighborhood that has not had new homes constructed in more than 20 years will disturb this established custom and will disenfranchise residents from the full enjoyment of their homes. For example, if my next door neighbor to the north were to, under the new zoning rules, decide to "claim" the 1-2 feet of his property that are beyond his existing exterior wall on the south and into my existing yard, my established landscaping would need to be removed and the fence would have to be relocated. In addition, I would be reduced in the use of my property, unless I opt to "claim" the 1-2 feet beyond my exterior wall to the south, thereby creating the same issue for my neighbor on the other side. This scenario would repeat itself for each property in the neighborhood, causing discord and unnecessary expense for homeowners in the Misty Lake neighborhood. And even if I opted to "claim" the 1-2 feet to the south of my exterior wall, my overall enjoyment of the property after rezoning would be diminished as I have an unusable sliver of yard on one side of my house while the larger yard on the other portion of my property, that has been established and enjoyed for decades, would be reduced.

Given these negatives, and the fact that there is no apparent benefit to the community that would come from this change, I object to the proposed rezoning of Misty Lake.

Sincerely,

[REDACTED]
Sugar Land, TX 77498