

RESOLUTION NO. 15-37

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUGAR LAND, TEXAS, DIRECTING THE PLANNING AND ZONING COMMISSION TO CONSIDER AN AMENDMENT TO THE SUGAR LAND DEVELOPMENT CODE TO REPEAL CHAPTER 2, ARTICLE 2, PART 5 TITLED "PLANNED DEVELOPMENT DISTRICTS" AS ADOPTED BY ORDINANCE 2014; TO READOPT CHAPTER 2, ARTICLE 2, PART 16 TITLED "PLANNED DEVELOPMENT DISTRICTS" AS EXISTED IMMEDIATELY PRIOR TO THE ADOPTION OF ORDINANCE 2014; AND TO ADD A NEW REGULATION LIMITING THE NUMBER OF MULTIFAMILY UNITS THAT COULD BE BUILT IN A PLANNED DEVELOPMENT DISTRICT TO A MAXIMUM OF 200 UNITS.

WHEREAS, the City Council has heard significant concerns from the community regarding development of multi-family within our community as evidenced by the receipt of a petition including 1,480 signatures from people expressing opposition to the recent proposal for 900 apartments; and

WHEREAS, Mayor Thompson and City staff met with representatives from seven Sugar Land neighborhoods on October 27th to discuss their concerns about the recent proposed multi-family development; and

WHEREAS, the Development Code was amended on July 21, 2015 to add criteria for Planned Development regulations; and

WHEREAS, the prior Development Code provided less criteria and more flexibility for the consideration of a Planned Development; and

WHEREAS, the Comprehensive Plan and Development Code provides guidance to the City Council and Planning & Zoning Commission on evaluating Planned Development applications; and

WHEREAS, the City is engaged in an update to the Land Use Plan to set the policy direction for development in the City and ETJ and the update process gives the public the opportunity to provide input into the Plan; and

WHEREAS, City Council desires to provide direction regarding the maximum number of units the City will consider in Planned Developments; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SUGAR LAND, TEXAS:

Section 1. That the facts and recitations set forth in this Resolution are declared true and correct.

Section 2. That it directs the Planning and Zoning Commission to consider an amendment to the Development Code by repealing Chapter 2, Article 2, Part 5 "Planned Development Districts" and replace it with the following:

PART 5. PLANNED DEVELOPMENT DISTRICTS

Sec. 2-130. - Intent.

The planned development district allows for a development containing uses or a combination of uses in a design that would not otherwise comply with the regulations of the primary zoning districts, but does provide an overall design, increased Open Space, or other features or amenities that results in a superior development or offer special benefits to the community. A planned development district may not be used for the primary purpose of avoiding the zoning regulations applicable to the primary zoning districts.

Sec. 2-131. - Minimum Size.

A district containing only Residential Uses will not be created unless it contains at least 10 acres. A district containing both Residential and Nonresidential Uses will not be created unless it contains at least 25 acres of land. The Commission may recommend approval of and the Council may approve a district with less land than specified in this section, if the developer clearly demonstrates that a smaller district would achieve the intent of the district.

Sec. 2-132. - Submission of Application and Plan.

(a) An application and fee for the establishment of a planned development district must be accompanied by a general development plan or a final development plan. The general development plan or final development plan must be submitted in the form and manner specified by the Director.

(b) The general development plan, which does not contain the detail required of the final development plan, is intended to provide sufficient information for public comment and for the Commission and Council to make a preliminary, but not final, determination on the merits of the development, without requiring the applicant to incur the expense of preparing a final development plan. In addition to any other information required by the Director, the general development plan must contain the following minimum information:

- (1) A list of proposed land uses and the approximate acreage devoted to each type of use;
- (2) A general site plan showing the approximate location of Buildings, Parking Lots, and Streets, the maximum Building Height, and the Setbacks from all boundaries;
- (3) The maximum densities for Residential Uses and the maximum Floor Area for Nonresidential Uses;
- (4) Significant environmental features, including flood plains and water courses;

(5) The areas devoted to common Open Space;

(6) A pedestrian circulation plan;

(7) A general landscape plan;

(8) Major Signs; and

(9) Information relating to the transition between and buffering of differing land uses.

(c) The final development plan is intended to provide all the detailed information of development, including all the regulations that will apply to the district. The final development plan submitted must include all the information required by the general development plan, but in specific detail, and all the information specified by the Director.

Sec. 2-133. - Approval Procedures.

(a) A planned development district may be created by the City Council approving by ordinance a general development plan or a final development plan. City approval of a general development plan does not give the owner any development rights in the premises; it only gives the owner the right to proceed with the submission of a final development plan. The creation of a planned development district is an amendment to the existing zoning district classification and will be considered by the Commission and City Council, after public notice and hearing, in the same manner as other changes in zoning district classification.

(b) If a district is created upon approval of a general development plan, a final development plan must be submitted to the Director within one year of the date the general development plan was approved. If the final development plan submitted substantially complies with the approved general development plan, the Director may submit the final development plan to the Commission and to the Council for consideration with or without further public notice or hearing. If the final development plan submitted does not substantially comply with the general development plan approved for the district, the notice and hearing procedures applicable to a change in zoning classification apply to approval of the final development plan. The final development plan is not effective unless approved by ordinance of the City Council.

(c) If a final development plan is not submitted within the required time, the Director will initiate a rezoning of the land to an appropriate district. Upon the written request of the owner and for good cause shown, the Director may extend the time for submitting a final development plan for up to one year. Any further extensions must be approved by the City Council, upon the recommendation of the Commission.

(d) If development of the district has not been initiated by the issuance of a building permit for land within the district within two years of the date of the approval of the final development plan, the final development plan automatically expires. The Council may, prior to expiration of the final development plan, for good cause shown and upon written application of the owner, extend for up to one year the time for which the final development plan is valid. If the final development plan expires, the Director will initiate rezoning of the property.

Sec. 2-134. - Development of a District.

Development or construction must not begin in a planned development district unless and until the Council has approved a final development plan for the district. A district must be constructed, developed and maintained in compliance with the approved final development plan. If the zoning regulations governing the Height or Setback of Structures, Building Lot Coverage, off-street parking requirements, Signs or other regulations that apply to primary districts are omitted as part of the regulations governing any planned development district, the regulations for the most comparable primary zoning distinct, as determined by the Director, apply to the planned development district as though specifically contained in the ordinance governing the district.

Sec. 2-135. - Plan Amendments.

Except as herein provided, an amendment to a general development plan or final development plan must be processed in the same manner as required for the approval of the district. The Director may approve minor amendments to a final development plan to correct errors, make adjustments, or other minor revisions that do not:

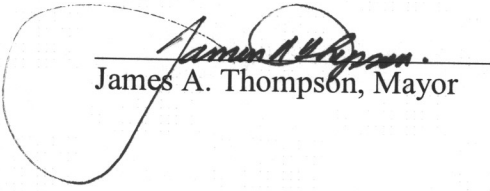
- (1) Increase the density or intensity of development;
- (2) Substantially alter the arrangement of Buildings, increase the number of Buildings, change the use of Building space, or reduce a required Yard or Setback;
- (3) Substantially alter the configuration of Streets or Lots;
- (4) Substantially alter the vehicular circulation or placement of Parking Lots;
- (5) Increase the Height of Buildings;
- (6) Reduce the effectiveness of Open Space or Landscaped Areas; or
- (7) Conflict with other regulations established for the district.

Sec. 2-136. – Concentration Restrictions for Multi-family Residential Developments located in a Planned Development.

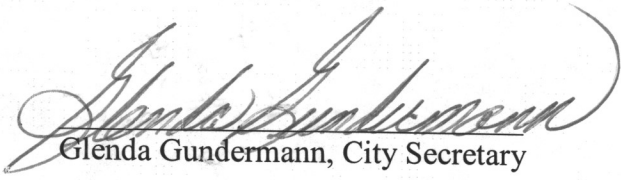
Any Multi-Family Residential development located in a planned development district may not contain more than 200 dwelling units.

APPROVED on

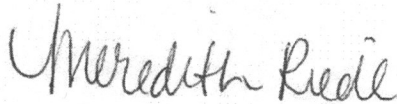
November 03, 2015.


James A. Thompson, Mayor

ATTEST:


Glenda Gundermann, City Secretary

APPROVED AS TO FORM:





CITY COUNCIL

AGENDA REQUEST

AGENDA OF: 11-03-15

AGENDA REQUEST NO: V-A

INITIATED BY: COUNCIL MEMBER HARISH JAJOO &
COUNCIL MEMBER JOE ZIMMERMAN

RESPONSIBLE DEPARTMENT: N/A

PRESENTED BY: COUNCIL MEMBER HARISH JAJOO &
COUNCIL MEMBER JOE ZIMMERMAN

DIRECTOR: N/A

ADDITIONAL DIRECTOR (S): N/A

SUBJECT / PROCEEDING: CONSIDERATION AND ACTION/
RESOLUTION No. 15-37

EXHIBITS: RESOLUTION No. 15-37

CLEARANCES

APPROVAL

LEGAL: MEREDITH RIEDE, *MR*
CITY ATTORNEY

ASSISTANT CITY MANAGER: JIM CALLAWAY *PC*

PURCHASING: N/A

ASSISTANT CITY MANAGER: N/A

BUDGET: N/A

CITY MANAGER: ALLEN BOGARD *PC* /FOR AB

BUDGET

EXPENDITURE REQUIRED: \$ N/A

CURRENT BUDGET: \$ N/A

ADDITIONAL FUNDING: \$ N/A

RECOMMENDED ACTION

Review and consider approval of Resolution No. 15-37 directing the Planning and Zoning Commission to consider an amendment to the Sugar Land Development Code to repeal Chapter 2, Article 2, Part 5 Titled "Planned Development District" as adopted by Ordinance 2014; to readopt Chapter 2, Article 2, Part 16 Titled "Planned Development Districts" as existing immediately prior to the adoption of Ordinance 2014; and to add a new regulation limiting the number of multifamily units that could be built in a Planned Development District to a maximum of 200 units.

EXECUTIVE SUMMARY

The City Council has heard significant concerns from the community regarding development of multi-family units within our community. Recently the City received of a petition including 1,480 signatures from people expressing opposition to the recent proposal for 900 apartments as part of the Tract 5 development.

Following the receipt of the signatures, Mayor Thompson and City staff met with representatives from seven Sugar Land neighborhoods on October 27th to discuss their concerns about the recent proposed multi-family development.

Following a City Council Land Use Task Force meeting on October 30th, two members of the Council task force, Council Members Jajoo and Zimmerman, requested that an item be placed on the City Council agenda for Council to consider an amendment to the Development Code.

In consideration of these items, City Council may consider approving Resolution No. 15-37 directing the Planning and Zoning Commission to consider an amendment to the Sugar Land Development Code to repeal Chapter 2, Article 2, Part 5 Titled "Planned Development District" as adopted by Ordinance 2014; to readopt Chapter 2, Article 2, Part 16 Titled "Planned Development Districts" as existing immediately prior to the adoption of Ordinance 2014; and to add a new regulation limiting the number of multi-family units that could be built in a Planned Development District to a maximum of 200 units.

EXHIBITS