CITY COUNCIL

AGENDA REQUEST

AGENDA OF:	9/18/07	AGENDA REQUEST NO:	V C
INITIATED BY:	TRAVIS TANNER, AICP, SENIOR PLANNER	RESPONSIBLE DEPARTMENT:	PLANNING
PRESENTED BY:	SABINE SOMERS-KUENZEL, AICP, DIRECTOR OF PLANNING	DEPARTMENT HEAD:	SABINE SOMERS-KUENZEL, AICP DIRECTOR OF PLANNING
		ADDITIONAL DEPARTMENT. HEAD (S):	N/A
SUBJECT / PROCEEDING:	DEVELOPMENT CODE AMENDMENT FOR CHAPTER TWO (ZONING) FOR MIXED USE CONSERVATION (MUC) DISTRICT PROVISIONS PUBLIC HEARING AND FIRST READING OF ORDINANCE NO 1645		
EXHIBITS:	SUPPLEMENTAL INFORMATION, MAP OF PROPOSED MUC DISTRICT BOUNDARIES, ORDINANCE NO. 1645, HISTORY OF MEETINGS AND MILESTONES		

CLEARANCES		APPROVAL	
LEGAL:	MEREDITH WILGANOWSKI, ASST. CITY ATTORNEY	EXECUTIVE DIRECTOR:	JIM CALLAWAY COMMUNITY DEVELOPMENT
PURCHASING:	N/A	ASST. CITY MANAGER:	N/A
BUDGET:	N/A	CITY MANAGER:	ALLEN BOGARD

BUDGET

EXPENDITURE REQUIRED: $	N/A
AMOUNT BUDGETED/REALLOCATION: $	N/A
ADDITIONAL APPROPRIATION: $	N/A

RECOMMENDED ACTION

The Planning and Zoning Commission unanimously recommends approval of the proposed amendments.

EXECUTIVE SUMMARY

The proposed Development Code amendments conclude the second portion of the Mixed Use Conservation (MUC) District Strategic Project. The proposal, which was covered in a workshop with the City Council on August 28, 2007, replaces a cumbersome Conditional Use Permit (CUP) process with a staff-approvable process (with specific criteria) for new buildings and building additions within the MUC District. Also provided is a Planning and Zoning Commission approval option for proposals from applicants when an alternative design, layout, or materials are desired that do not qualify for staff approval. At the workshop meeting on August 28, 2007, the City Council concurred with the Commission's proposal with the exception that an applicant could appeal a denial by the Commission directly to the Council.

In September 2005, Council directed Planning staff to study the Mixed Use Conservation District and come up with options to increase the predictability and effectiveness of the district. The project began in early 2006 with public input. Council requested that staff involve community stakeholders that have a direct interest in any potential changes to the MUC. In April of 2006, we held two stakeholder meetings to introduce the project, discuss the framework that the Council had provided in January of that year, and solicit initial input. Initial public input included recognition that:

- The area is unique/special;
- The current regulations and process are complex, cumbersome, and unpredictable; and,
- New regulations should encourage and incent preservation of structures without overregulation.

The group also specified a few previously allowed uses that they felt should be added back into the district. They also suggested that there be a process whereby proposals that do not meet all of the standards but might still fit in with the district could be approved.

During the subsequent months, staff conducted fieldwork, analysis, and research, identifying characteristics of the area. While we found little in common on the nonresidential properties, we did find definite development and building style patterns in the area. These patterns translated into a set of standards that could be established and applied through staff site plan and permit application review, in the same manner other standards in the Code are applied. The resulting standards were translated into in a range of options we took back to the stakeholder group for further input. All initial recommendations were presented to the stakeholder group in two meetings – one in January 2007 where some changes were suggested, and a final meeting in late April. The result was general concurrence of the stakeholder group. The Planning and Zoning Commission held a Public Hearing on the proposal on July 26, 2007 where there was no opposition. The Commission unanimously recommended approval of the proposed amendments, with the request that staff provide an annual review for the District regulations to examine results of the standards.

The amendment to the district regulations include the following:

- Adds antique stores, book stores, and accounting offices to the list of permitted uses
- Classification of original residential properties into three specific sectors based on characteristics
- List of specific standards (staff-approvable)
- MUC Site Development Permit approval option by Commission (Commission-approvable) with appeal option to Council

SUPPLEMENTAL INFORMATION:

PUBLIC HEARING:

Per Chapter Two, Article I of the Development Code, notice of this Public Hearing was posted in a newspaper of general circulation and property owners within the MUC District and within 200' of the District were notified by mail. In addition, the hearing notice was published on the City of Sugar Land Internet Home Page. At the time of this report, we have received three inquiries which were informational in nature.

PLANNING AND ZONING COMMISSION ACTION:

On June 28, 2007 the Planning and Zoning Commission received a workshop by staff on various components of the rezoning and Development Code amendments for the Mixed Use Conservation (MUC) District Strategic Project. A Public Hearing for this item was held at the Planning and Zoning Commission Meeting of July 26, 2007 where two members of the Public spoke with regard to the proposed MUC District requirements. The speakers expressed support for the amendments. The Commission extensively discussed components of the draft proposal for amendments to the Development Code. Following further review, the proposed rezoning was brought back for Consideration and Action at the Commission meeting of August 14, 2007 with minor clarifications. Following discussion, the Commission unanimously recommended approval of the proposed rezoning to the Mayor and City Council. Additionally, the Commission requested that the City conduct an annual review of the MUC District and related requirements with the Commission to determine effectiveness.

KEY AREAS OF NEW AMENDMENTS:

- ***Proposed Land Use Additions to MUC District***
- ***Administrative Regulations Replacing CUP***
- ***Site Development Permit Authorized for Commission***

Existing Allowed Uses in MUC District (26)

- **4311 US POSTAL SERVICE**
- **4724 TRAVEL AGENCIES**
- **4729 ARRANGEMENT OF PASSENGER TRANSPORTATION (Not elsewhere classified)**
- **6411 INSURANCE AGENTS, BROKERS, AND SERVICES**
- **6512 OPERATORS OF NONRESIDENTIAL BUILDINGS**
- **6513 OPERATORS OF APARTMENT BUILDINGS (OFF-SITE MANAGEMENT ONLY)**

- **6514 OPERATORS OF DWELLINGS OTHER THAN APARTMENT BUILDINGS**
- **6531 REAL ESTATE AGENTS AND MANAGERS**
- **6541 TITLE ABSTRACT OFFICES**
- **6722 MANAGEMENT INVESTMENT OFFICES, OPEN-END**
- **7221 PHOTOGRAPHIC STUDIOS, PORTRAIT**
- **7231 BEAUTY SHOPS**
- **7241 BARBER SHOPS**
- **7311 ADVERTISING AGENCIES**
- **7371 COMPUTER PROGRAMMING SERVICES**
- **8111 LEGAL SERVICES**
- **8651 POLITICAL ORGANIZATIONS**
- **8661 RELIGIOUS ORGANIZATIONS**
- **8711 ENGINEERING SERVICES**
- **8712 ARCHITECTURAL SERVICES**
- **8713 SURVEYING SERVICES**
- **8742 MANAGEMENT CONSULTING SERVICES**
- **8743 PUBLIC RELATIONS SERVICES**
- **8748 BUSINESS CONSULTING SERVICES, (Not elsewhere Classified)**
- **8999 SERVICES, NOT ELSEWHERE CLASSIFIED**
- **9999 RESIDENTIAL, SINGLE-FAMILY**

Proposed Additional Uses for Land Use Matrix in Ch. 2, Art. II
(These uses were allowed in the district from 1997 to 1999)

- **5932 ANTIQUE AND BOOK STORES ONLY**
- **8721 ACCOUNTING SERVICES**

Summary of Administrative Regulations-

The new MUC district administrative regulations would primarily serve the purpose of replacing the Conditional Use Permit (CUP) requirement for all new buildings in the district with standards for approval during a typical building permit review. Under a new system resulting from a detailed analysis of the district and significant public input, new buildings approved at the staff level would be similar to the original buildings in setbacks, height, size and general architectural features. Additionally, the regulations provide flexibility for single-family residential construction, rear additions and accessory structures not affecting the original building.

The intent of the regulations is to provide standards for approval at the time of building permit review for new buildings. These standards reflect the scale and general architectural features of the existing development patterns in the district. The regulations provide flexibility for single-family residential construction and additions to the rear of the original building footprint area as an incentive for preservation of the original buildings in the district.

A bulleted summary of the regulations is as follows. The attached draft ordinance goes into greater detail. Graphics are also attached to better describe the required features.

- **Maximum height of 20' / 1 ½ stories for Principal Buildings on the front of the lot to the south of Guenther**

- **Required setback of 20' for all Principal Buildings to match existing development pattern**
- **Maximum square footage of 1,500 for Principal Buildings on the front of the lot to the south of Guenther / 2,000 square feet to the north of Guenther (consistent with existing development)**
- **30 percent green space requirement**
- **Attached garages not permitted (required to be detached as with existing development)**
- **Front porch feature required (in line with existing development)**
- **Gable roof with overhang on all sides required for new development**
- **Partial hip roof feature (sloping down toward front façade of building) required in southern portion of district along Brooks Street (visible on existing structures)**
- **New single-family residential construction allowed on rear of lot provided there is a permitted commercial use of the Principal Building on the front of the lot and the residence is occupied by the owner and operator of the business**
- **Minimum front setback of 50' for accessory structures**
- **Maximum height of accessory structures limited to that of existing building/s on the lot**
- **Driveways, garages and existing parking spaces designated in Brooks Street right-of-way (within the property lines of the subject lot) each count as a space toward meeting the parking requirement**
- **Accessory quarters permitted in MUC district (as with other residential districts)**
- **Primary finish defined as brick in southern portion of the district along Brooks Street / wood or fiber cement siding to the north (consistent with original development)**
- **Wood or fiber cement siding for all detached garages in the district (consistent with original development)**

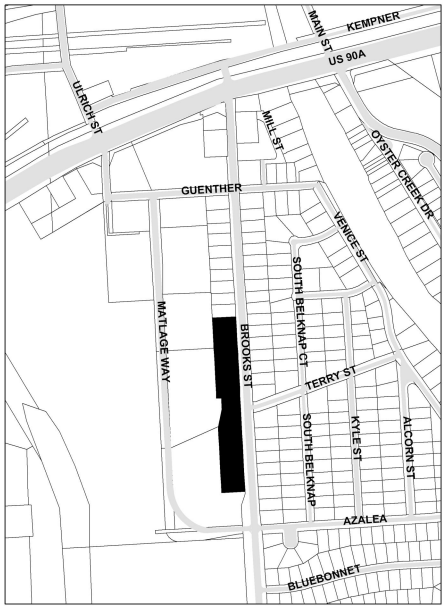
***The Planning and Zoning Commission would be authorized to approve requests that do not meet the standards for staff approval but that the Commission determines are compatible with the existing character of the district. If the applicant's request is denied by the Commission, there is an opportunity to appeal the denial to the City Council within a period of 30 days.**

Graphic Outline of Characteristics/Recommendations:

MUC Sectors

- Not originally residential
- Originally residential
  - Larger, wood siding
  - Smaller, wood siding
  - Smaller, brick

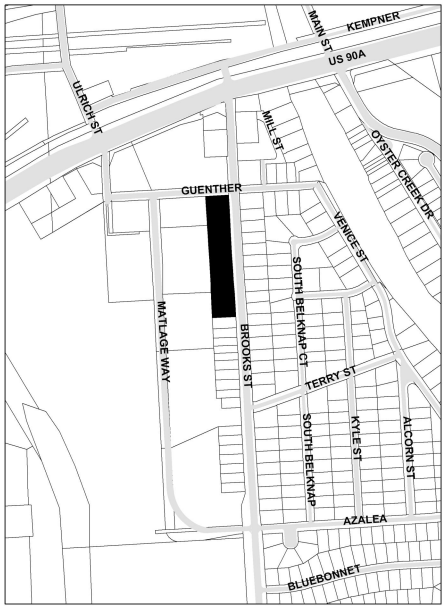
318-602 Brooks St.



- Largely brick exterior finish
- Mostly 1,500 SF or less
- 20’ max. height
- 20’ front BL

- Hip roof feature
- Gable roof
- Front porch
- Detached garage
  - 50’ setback
  - Height less than or equal to Principal Building

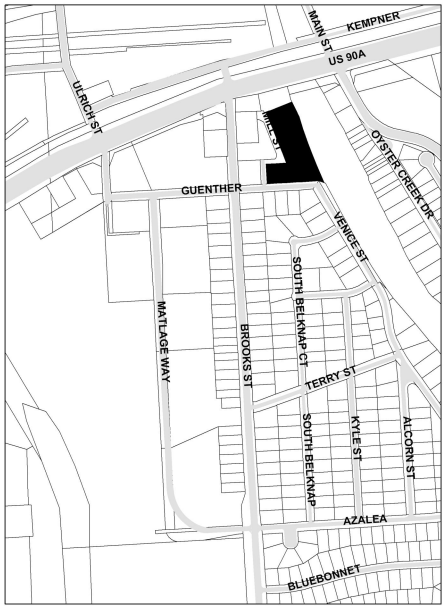
204-314 Brooks St.



- Largely wood siding
- Mostly 1,500 SF or less
- 20’ max. height
- 20’ front BL

- Gable roof
- Front porch
- Detached garage
  - 50’ setback
  - Height less than or equal to Principal Building

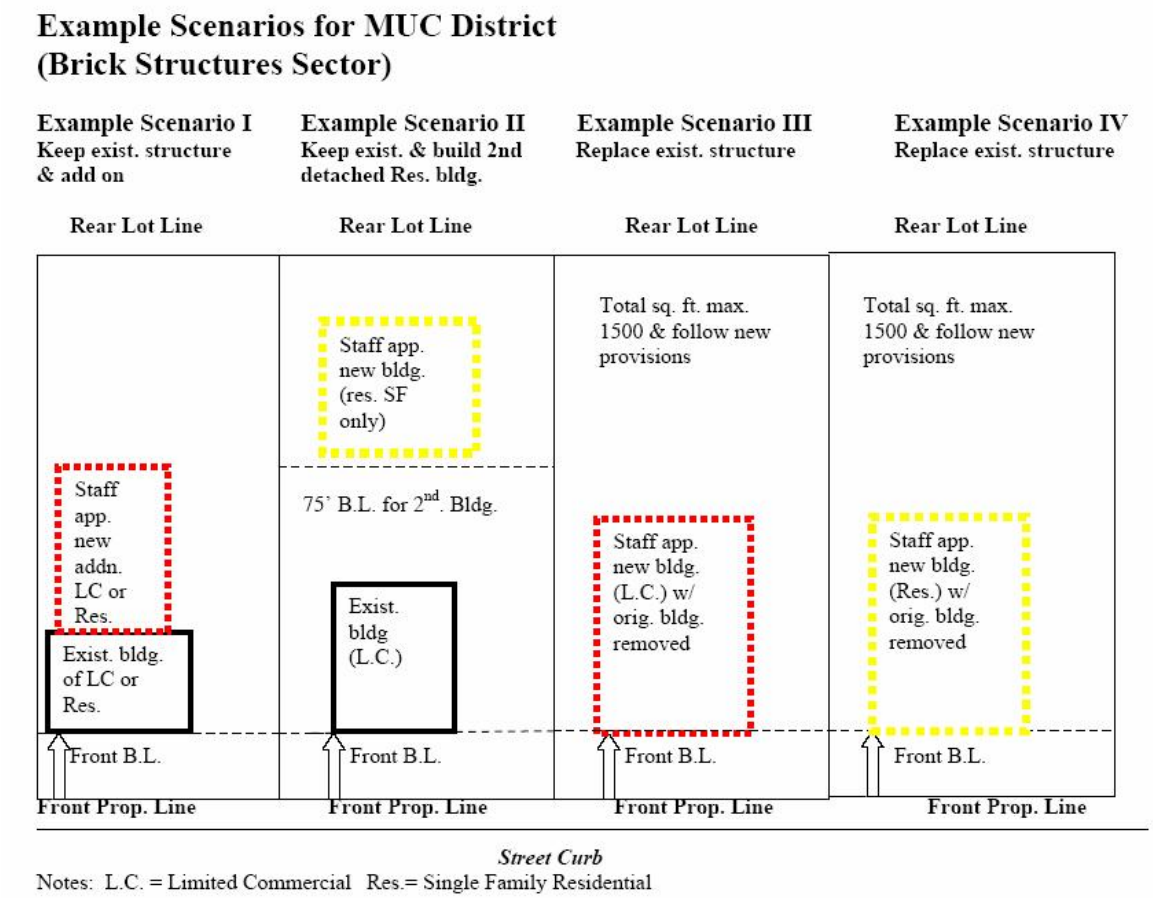
North of Guenther



- Largely wood siding
- Mostly 2,000 SF or less
- 27’ max. height
- 20’ front BL

- Gable roof
- Front porch
- Detached garage
  - 50’ setback
  - Height less than or equal to Principal Building

Illustration of Scenarios:

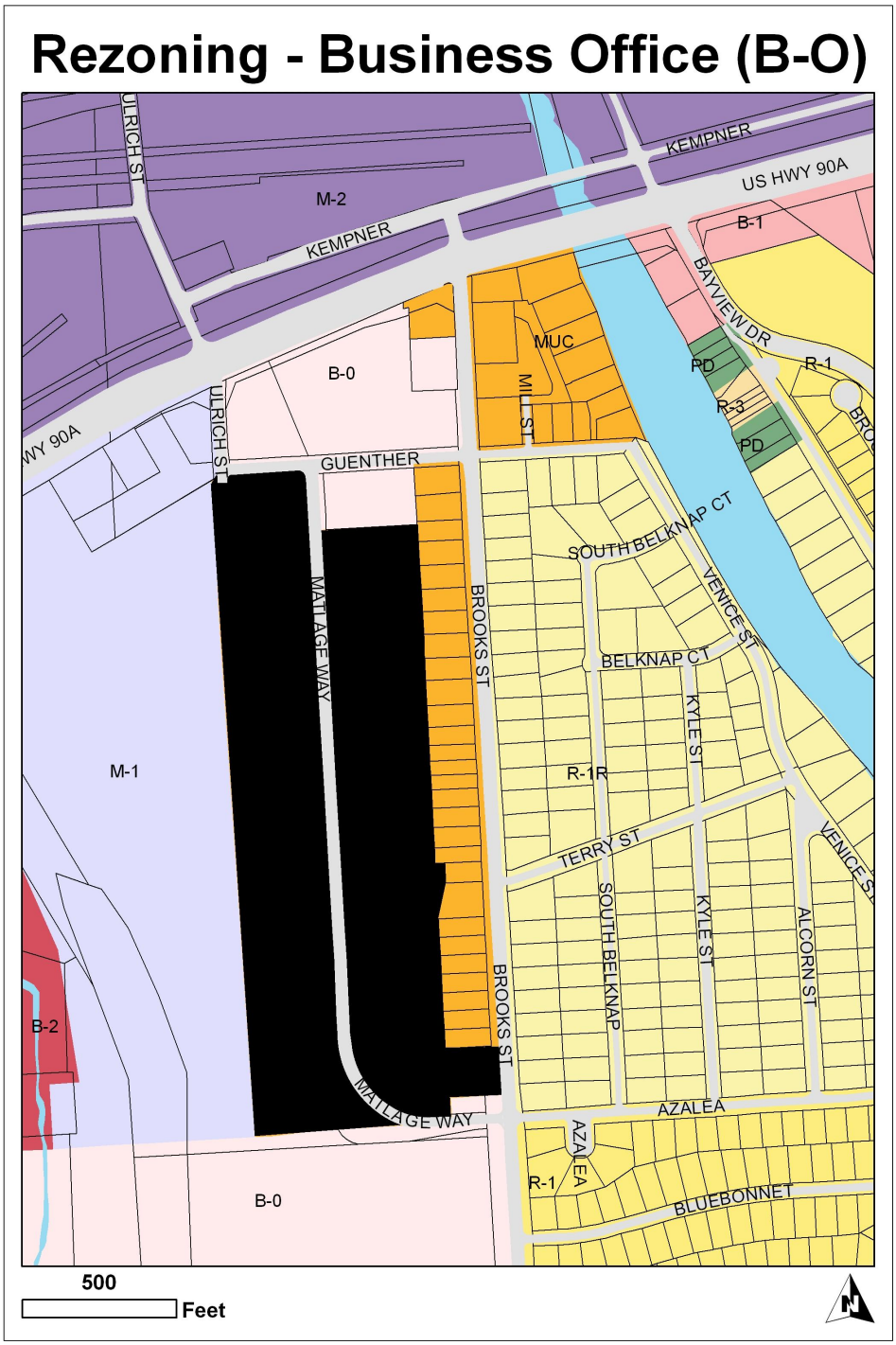


Notes: L.C. = Limited Commercial Res.= Single Family Residential

Dotted lines represent new construction

MUC District Boundaries

Proposed Rezoning from Mixed Use Conservation (MUC) District to Business Office (B-O) – 31 ac.



ORDINANCE NO. 1645

AN ORDINANCE OF THE CITY OF SUGAR LAND, TEXAS, AMENDING CHAPTER 2, OF THE SUGAR LAND DEVELOPMENT CODE BY AMENDING REGULATIONS FOR THE MIXED USE CONSERVATION DISTRICT.

WHEREAS, the Planning and Zoning Commission has recommended that the City's Mixed Use Conservation (MUC) District zoning regulations be amended; and

WHEREAS, the City Council has held a public hearing on the proposed amendment for which notice was published at least fifteen days prior to the hearing date; NOW, THEREFORE;

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

Section 1. That Sec. 2-55 is amended by amending the MUC District Land Use Matrix as shown on Exhibit A.

Section 2. That Sections 2-166 – 2-167 of Chapter 2, Article II, Part 15 of the Sugar Land Development Code are amended to read as follows:

Sec. 2-166. Permitted Uses and Site Development Permit.

(a) As shown in the Land Use Classification Matrix.

(b) The Planning and Zoning Commission may grant a Site Development Permit for a building that does not comply with Section 2-167 (b), (c), or (d) if the Commission determines that the proposed building is compatible with the existing character of the district. If the Commission denies a Site Development Permit, an applicant may appeal the denial to City Council by submitting a written request to the Director within 30 days of the date of denial. The City Council may approve or deny the request, return it to the Commission for further consideration, or take whatever other action the Council deems appropriate.

Sec. 2-167. District Regulations.

(a) The following regulations apply in the Mixed Use Conservation District:

(1) Minimum Lot Area - 6,600 square feet.

(2) Maximum Lot Coverage - 40%.

(3) Maximum Height of Structures:

North of Guenther - 27 feet from finished grade

South of Guenther

- 1 ½ stories but not more than 20 feet from finished grade to peak of roof if within 75 feet of the front lot line
- 27 feet from the finished grade if beyond 75 feet of the front lot line

(4) Yards:

Front -20 feet

Rear – Minimum of 25 feet.

Side: Residential Use - 10% of Lot Width, but not less than 5 feet.

Nonresidential Use – Minimum of 10 feet.

Street Side – Minimum of 15 feet.

(5) Minimum Lot Width - 75 feet for Corner Lots, 60 feet for all other Lots.

(6) Minimum Lot Depth - 125 feet.

(7) Minimum Parking Lot Setbacks - Front and Street Side Lot Lines - 15 feet

Rear and Side Lot Lines - 6 feet

(8) Maximum Floor Area of Principal Building:

1,500 square feet if south of Guenther

2,000 square feet if north of Guenther

(9) Minimum of 30% of Lot not covered by buildings, pavement or gravel.

(10) No attached garages are permitted.

(b) The following regulations apply to Principal Buildings in the Mixed Use Conservation District:

(1) Must be constructed on the front of the Lot.

(2) Front Porch required:

A. Min. of 10% of width of front façade of the building

B. If covered – 20 foot Front Yard

C. If not covered – may extend up to 5 feet into required Front Yard

(3) Gable Roof required on all sides of the building:

A. Minimum overhang – 1 foot

B. Maximum overhang – 2 feet

(4) Partial Hip Roof required on all buildings located at 322 Brooks St. and south. A Partial Hip Roof means a roof where ¼ to ½ of the roof, as measured vertically from the top of the roof to the base of the roof, slopes

down to the front façade of the building.

(c) The following regulations apply to non-accessory buildings constructed in the Mixed Use Conservation District:

(1) Principal Building must comply with all regulations in 2-167(a) and 2-167(b) and must be used for permitted commercial uses.

(2) Non-accessory building must be built on the rear of the Lot.

(3) Non-accessory building must be used as a single-family residence and be occupied by the operator of the business in the Principal Building.

(4) Minimum Front Yard of non-accessory building – 75 feet

(d) The following regulations apply to Accessory Buildings in the Mixed Use Conservation District:

(1) Minimum Front Yard – 50 feet

(2) May not exceed the height of any other building existing on the site.

Section 3. That Section 2-168 (d) of the City of Sugar Land Development Code is amended to read as follows:

(d) *Parking and Driveway Regulations.*

(1) New Parking Lots must be constructed to the rear of the Principal Building.

(2) Parking Lots and driveways must be constructed of concrete, asphalt, or gravel.

(3) Driveways shared by abutting properties must be at least 20 feet in width at the right-of-way line. Property owners using shared driveways must submit an agreement to the City with the required site plan providing for joint use of the shared driveway.

(4) A one-car garage and the driveway is counted as one Parking Space for

the purpose of complying with the City's Off-Street Parking Schedule. A two-car garage is counted as two Parking Spaces.

(5) Parking spaces currently designated in the Brooks St. right-of-way and located entirely within the property's north and south Lot Lines, will be counted as parking spaces for the purpose of complying with the City's Off-Street Parking Schedule.

Section 4. That Sec. 2-200 of the City of Sugar Land Development Code is amended to read as follows:

Sec. 2-200. Accessory Quarters. A single-family detached dwelling located in a R-1, R-1R, R-1E, HR-1 or MUC zoning district may provide for an additional dwelling unit as accessory quarters located in the Principal Building or as part of a detached garage, if the accessory quarters:

(a) Does not contain more than 600 square feet of living space, and

(b) The occupant or occupants do not pay compensation for the use of the accessory quarters.

Section 5. That Sec. 2-301 of the City of Sugar Land Development Code is amended by amending the definition of "Primary Finish" to read as follows:

Primary Finish means an Exterior Finish consisting of Masonry, glass wall, or combination thereof. In the B-1 and B-2 zoning districts Primary Finish also means cementatious stucco. In the MUC district, Primary Finish means: (1) wood or fiber cement siding for all detached garages in the district, (2) wood or fiber cement siding for all Principal, Accessory, and non-accessory buildings located at 314 Brooks Street and north, and (3) brick for all Principal, Accessory, and non-accessory buildings, except detached garages, located at 318 Brooks Street and south.

Section 6. That the provisions of this ordinance are severable and the invalidity of any part of this ordinance will not affect the validity of the remainder of the ordinance. Notice of the enactment of this ordinance will be given by publishing the ordinance or its descriptive caption and penalty in the City's official newspaper one time within thirty days of passage.

APPROVED on first consideration on _____, 2007.

ADOPTED upon second consideration on _____, 2007.

_____
David G. Wallace, Mayor

ATTEST:

_____
Glenda Gundermann, City Secretary

Reviewed for Legal Compliance:

Meredith Wilgarowski

Attachment: Exhibit A – MUC District Land Use Matrix

EXHIBIT A

		PERMITTED AND CONDITIONALUSES BY ZONING DISTRICT	ZONING DISTRICTS																
SIC GROUP	SIC NO.	DESCRIPTION	R-E	R-1R	R-1	R-1Z	R-2	R-3	R-4	B-O	B-1	B-2	M-1	M-2	MUPD	MUC	HR-1	BR	NOTES
	5932	Used Merchandise Stores									X	X	X		X	X			C required over 5,000 s. f. in B-1; Antique and book stores only in MUC
	8721	Accounting, Auditing & Bookkeeping								X	X	X	X		X	X			

History of Meetings and Milestones -

January 24, 2006 City Council Meeting- Direction for MUC Dist. Strategic Project
Establishment of Project Scope & Framework

- *Separate historic preservation options from this project*
- *Investigate options to replace the CUP process with dev. standards*
- *Focus on the physical pattern of the area*
- *Actively involve the Planning & Zoning Commission and public*

March 14, 2006 Planning & Zoning Commission Workshop
Overview of Project – Commission direction for April 07 Public Input Meetings

April 10 & 13, 2006 Public Input Meeting (Community Center)
Recognition of special characteristics of MUC Dist. area, current regs. / processes are not predictable, and desire to encourage preservation

Summer 2006 Fieldwork in MUC District
Data collection, research, and field investigation / documentation

Fall 2006 Additional Staff Research
Aerial photo analysis / CAD property info / building classification

December 12, 2006 Planning & Zoning Commission (Update) Workshop

January 8, 2007 Public Input Meeting (Community Center)
Input of reduction of Dist. Size, Stds. For Admin. Approvals, interest in additional uses (ex. antique shop / accounting)

January 9, 2007 Planning & Zoning Commission (Update) Workshop

January 16, 2007 City Council (Update) Workshop

April 30, 2007 Public Input Meeting (Community Center)
Further input on basing dev. regs. for approvals on specific areas w/in dist., desire for flexibility behind existing structures toward rear

May 2007 Compilation of Options & City Manager Briefing
City Manager direction to proceed to Commission

June 28, 2007 Planning & Zoning Commission Workshop
Overview of proposed recommendations and input

July 26, 2007 Planning & Zoning Commission Public Hearing and discussion

August 14, 2007 Planning & Zoning Commission recommendation of approval