



CITY COUNCIL

AGENDA REQUEST

AGENDA OF:	03-16-10	AGENDA REQUEST NO:	IV-A
INITIATED BY:	LISA KOCICH-MEYER, AICP SENIOR PLANNER <i>LM</i>	RESPONSIBLE DEPARTMENT:	PLANNING
PRESENTED BY:	LISA KOCICH-MEYER, AICP SENIOR PLANNER	DEPARTMENT HEAD:	SABINE SOMERS-KUENZEL AICP PLANNING DIRECTOR <i>SK</i>
		ADDITIONAL DEPARTMENT HEAD (S):	N/A

SUBJECT / PROCEEDING:	VARIANCE TO THE SUBDIVISION REGULATIONS (CHAPTER 5, SECTIONS 5-24 (E) 1. AND (F) 1. AND 5-25 A.1.A) FOR ROBINSON LANDING SECTION 1 (ETJ - NEW TERRITORY) CONSIDERATION AND ACTION
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EXHIBITS:	STAFF REPORT, VICINITY MAP, PROPOSED LAYOUT PLAN, PLAT EXCERPTS, AERIAL, SITE PHOTOS, VARIANCE APPLICATION
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CLEARANCES	APPROVAL
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LEGAL:	N/A	EXECUTIVE DIRECTOR:	JIM CALLAWAY <i>Jim Callaway</i> COMMUNITY DEVELOPMENT
PURCHASING:	N/A	ASST. CITY MANAGER:	N/A
BUDGET:	N/A	CITY MANAGER:	ALLEN BOGARD <i>Allen Bogard</i>

BUDGET

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

RECOMMENDED ACTION

The Planning and Zoning Commission unanimously recommended granting the variances to Lot Depth, Lot Size and Front Building line requirements for two properties in Robinson Landing Section 1 with the condition that any easements are provided at time of platting.

EXECUTIVE SUMMARY

The applicant is requesting three variances from the Development Code Subdivision Regulations for two individual properties as follows:

- Chapter 5, Section 5-24 (e) 1. Minimum lot depth of 110’
- Chapter 5, Section 5-24 (f) 1. Minimum lot area of 6,600 square feet
- Chapter 5, Section 5-25 A. 1. a. front building line of 25’

The applicant desires to replat approximately 0.2938 acres located on Scarlet Maple Drive in the Sugar Land ETJ in the New Territory Robinson Landing Section 1 subdivision into two residential lots. The Fort Bend County Commissioners Court abandoned and sold the two former street right-of-way properties in question in 2009. The applicant purchased the undeveloped properties from Fort Bend County with the intent of building two single-family homes. The property is officially designated as Right-of-Way on the Robinson Landing Section 1 Replat, recorded in 1985 and had been future ROW connections to the area now known as Telfair. It is important to note that the general plan and platting of Telfair has eliminated the option to connect to either stub street ROW.

The applicant will be required to submit a replat to formally create and designate the properties as residential lots before any structures could be built on the property. In order to replat the property into two lots, approval of a lot depth variance would be required to the 110’ standard and a minimum lot size variance would be required to the 6,600 square feet lot minimum. The property owner is also requesting a variance from the required 25’ Front building line and is proposing a building line of 20’ to match adjacent lots. The variance requests are detailed within the analysis portion of this report.

The Planning and Zoning Commission considered this request at their February 25, 2010 meeting. The Commission made a unanimous recommendation to Council to grant the request for three variances to properties in New Territory – Robinson Landing Section 1.

CC: Chris Brenner, South Texas Surveying, cityplatting@stsurvey.com
John McCoy, Agent, realmccoyhouston@comcast.net

File No. 11979

EXHIBITS

STAFF REPORT

Site Analysis

These stub Right-of-way areas are located east of Scarlet Maple Drive in Robinson Landing Section 1 of New Territory. These properties are platted as right-of-way and are currently vacant and undeveloped. A sidewalk and rear fence have been constructed across both properties giving the visual appearance of a vacant single-family lot.

It is our understanding that when this Section was platted in 1985, the intent for these properties was to provide future connectivity to the property east of New Territory. At that time, the State of Texas owned and operated the area east as Tract 4 within the State prison farm system. The property to the east is now in the City limits of Sugar Land and is currently developing as the residential community of Telfair. During the review of the original Telfair General Plan in 2003, main connection points were identified to surrounding properties, and the stub ROW areas were not planned for connection to Tract 4. In addition, the stub properties are separated from the Telfair Section 15 residential lots by a major drainage facility and levee. The adjacent sections of Telfair were platted as residential lots and no plans for connection across the levee to these platted ROWs were made therefore eliminating any future connection.

The applicant is proposing to mirror the lots and setbacks contained within the Robinson Landing Section 1 and staff has not identified significant issues or concerns that could arise from this request. The platting and development of Telfair, with specific regard to Section 15, has eliminated the main reason for preserving the stub ROW areas which are not shown on the City Thoroughfare Plan or the Fort Bend County Thoroughfare Plan.

Furthermore, by the actions of Fort Bend County Commissioners Court, the County has taken the position that the stub street ROW is no longer needed.

The Engineering and Utilities Departments have identified the need for future utility easements. This was also discussed with Fort Bend County at the time of sale of the property. Therefore, a condition to grant the City any necessary easements is recommended.

Points for Consideration/Variance Criteria:

The City of Sugar Land Subdivision Regulations defines the following criteria for the examination of subdivision variances as to the conditions to be present for consideration:

1. There are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of this land.

The Council will determine if special circumstances or conditions exist. The applicant requests the variances based on the fact that this subdivision was platted in 1985 under City of Houston regulations. At the time of platting, the New Territory property was located in the City of Houston's ETJ. This area became a part of the City of Sugar Land ETJ in 2001 after Houston relinquished this area from its ETJ and most of the subdivision was already built-out. Since Fort Bend County released the two properties (originally platted as ROW), the applicant is trying to make use of the property for residential lots. These combined issues appear to warrant special circumstances not typically found in variance cases.

2. The granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property in the area.

While the Council will determine if granting the variance will be detrimental to the public welfare, no safety issues have been identified by staff. The applicant is requesting the variances in order to create these lots to match the adjacent properties. The adjacent properties along Scarlet Maple Drive were platted as 105' in depth, a 20' front building line, and a lot area of 6,300 square feet. The proposed lots would be slightly larger than the adjacent lot (6,400 square feet) due to the corners from the ROW layout.

3. The granting of the variance will not have the effect of preventing the orderly subdivision of other lands in the area in accordance with the provisions of this chapter.

The surrounding area is currently platted and developed both on the ETJ/New Territory side of the levee and on the City/Telfair side. While the Council will determine if the variance from the subdivision regulations will have an effect on the orderly subdivision of other lands in the area, staff has not identified a potential for preventing orderly subdivision of other land in the area.

4. A more appropriate design solution exists which is not currently allowed in this chapter.

The Council can examine if a more appropriate design solution exists, however, staff has not found an alternate design solution to recommend other than the granting of the requested variances. Due to the platting of Robinson Landing under a different jurisdiction's regulations (City of Houston ETJ), and the subsequent release of these

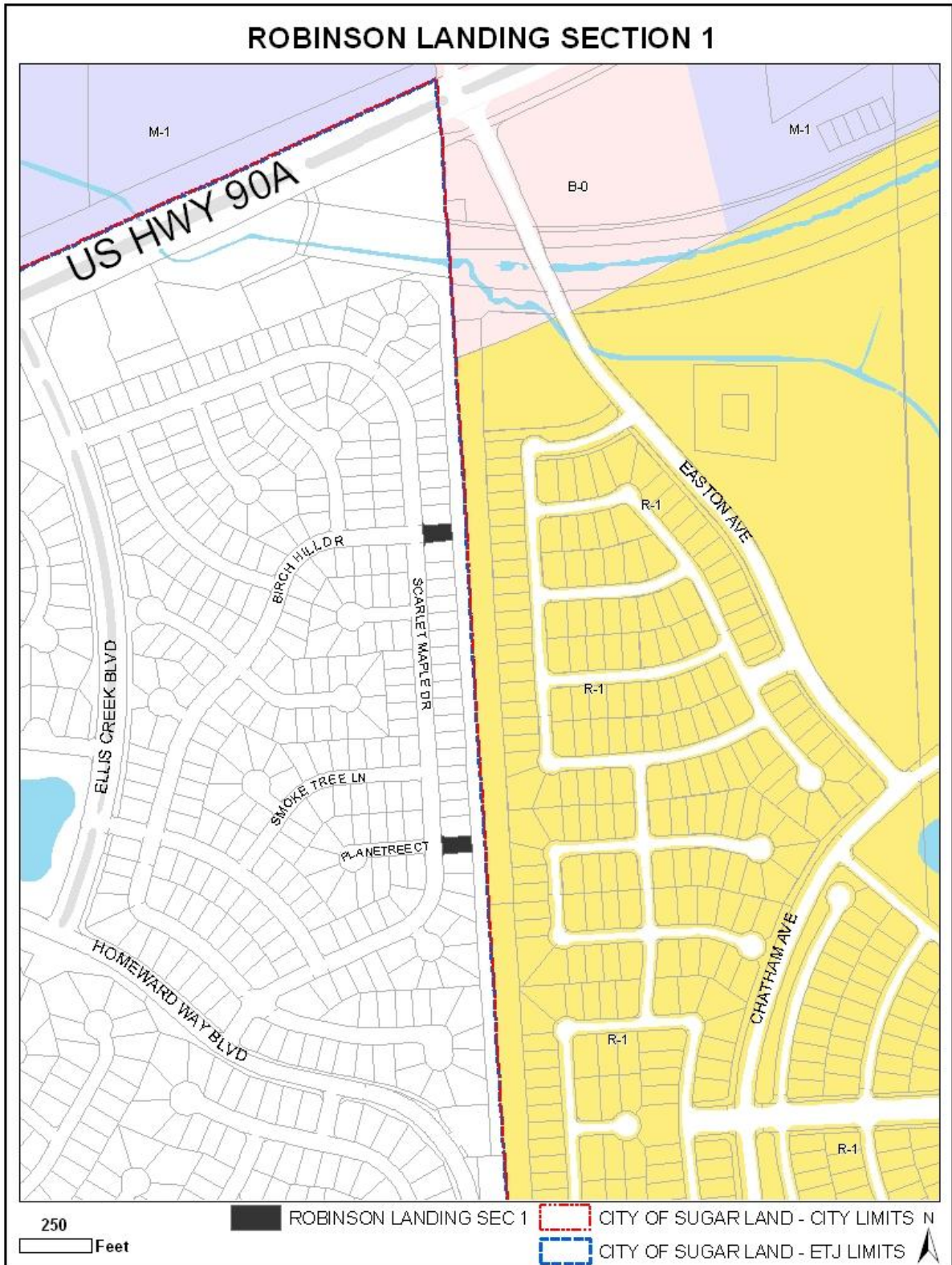
properties by Fort Bend County, there does not appear to be an alternative design solution regarding the proposed variances.

Subdivision Regulations Variance Procedure:

The Planning and Zoning Commission is charged under Chapter Five of the Development Code with making a recommendation on Subdivision Regulations variance requests to Council. The City Council must find an undue hardships exists if strict compliance with the Development Code is required. There is not a public hearing aspect under the Development Code for these requests since they do not fall into a zoning category.

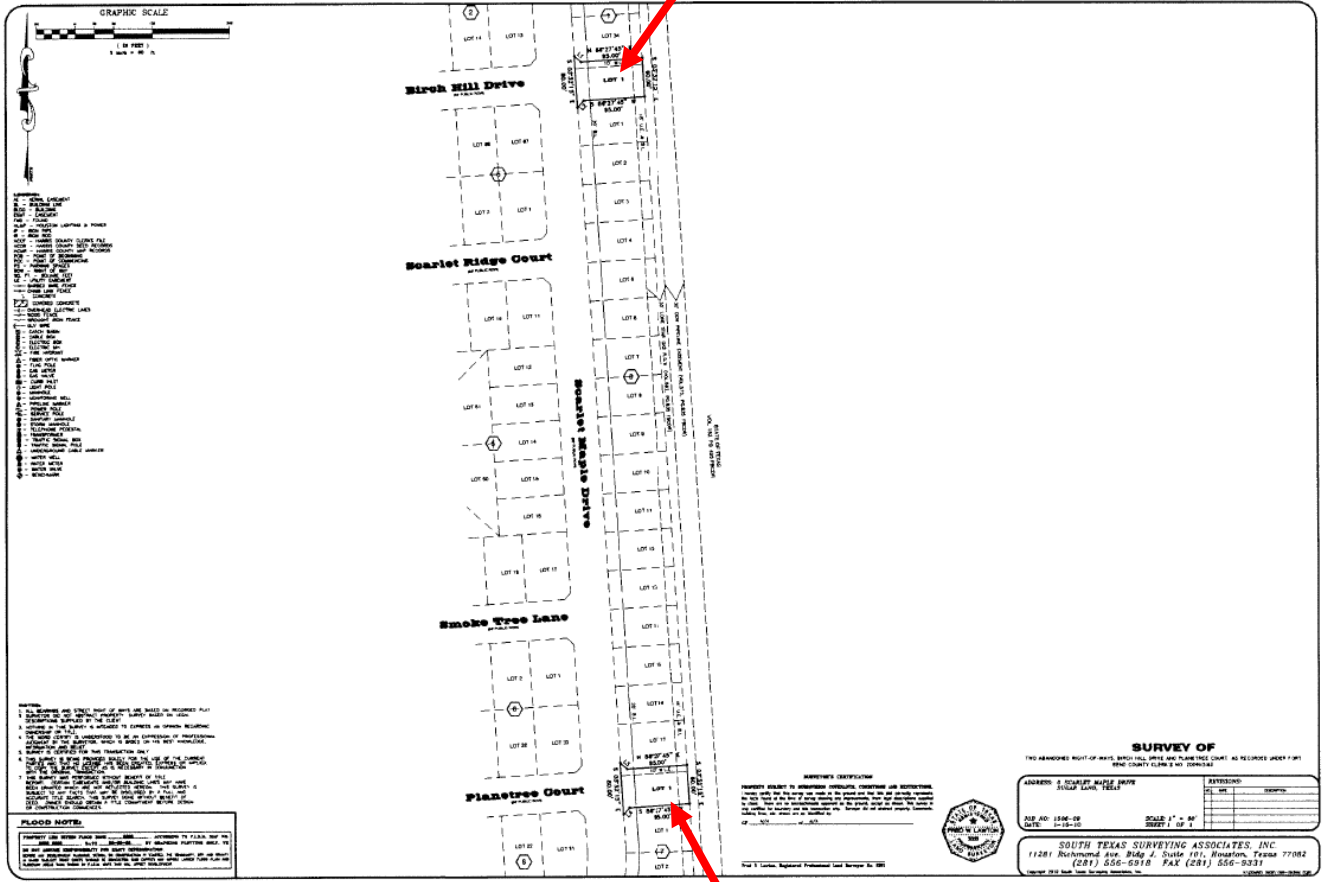
The item is brought before the City Council for a final determination in accordance with Chapter 5 of the Development Code.

Vicinity Map:



Proposed Layout Plan:

Lot 1 on Scarlet Maple Drive at Birch Hill Drive



Lot 1 on Scarlet Maple Drive at Planetree Court

Aerials and Site Photos:

Location of Proposed Lot 1 on Scarlet Maple Drive at Birch Hill Drive:



Location of Proposed Lot 1 on Scarlet Maple Drive at Planetree Court:





FOR OFFICE USE
Accounting Code: ZC
\$556.75

CITY OF SUGAR LAND
ZONING OR SUBDIVISION REGULATION
VARIANCE REQUEST APPLICATION

Please fill out the following information & return your submittal to the Planning Department, 2700 Town Center Blvd., N., Sugar Land, TX 77479, Attention: Dev. Review Coordinator

SUBDIVISION / PROJECT NAME:
Robinson Landings Section One Partial Replat No. 1

APPLICANT: Chris Breakler
Address: 11281 Richmond #5101, Houston, TX 77082
Company: South Texas Surveying
Phone: 281-556-6918 Fax: 281-556-9331
Email: cityplanning@stsurvey.com

OWNER / AGENT:
Contact / Company: McDevco, Inc.
Address: _____
Phone: 281-494-4009 Fax: _____
Email: realmccoyhouston@comcast.net

Type of Variance: (check one) Zoning Subdivision Regulations
Section of Ordinance from which variance is being sought:
Ch. 5 Sec. 5-24 Sub section E, Ch. 5 Sec. 5-25
Sub Section A1-A

Variance Justification:

Special Circumstances: County abandoned right of ways. City requires 25' Building Line

Public Welfare: Two more houses to be built. Adding more homes to the community Matching current subdivision Building Lines of 20 Feet.

Necessity: _____

Reasonable Alternatives: _____

lkocich-meyer@sugarland.tx.gov

Application (Page 2 of 2):

This is to certify that the information on this form is complete, true, and correct and the undersigned is authorized to make this application.

X Chris Breuler Date: 12/21/09
Signature of Applicant

SUBMITTAL REQUIREMENTS: (Zoning)

- TWO (2) copies of Application
- Submittal Fee: \$556.75 per Ord. 1701 (non-refundable)
- TWO (2) copies of site plan or plat, including vicinity map

SUBMITTAL REQUIREMENTS: (Subdivision Regs)

- TWO (2) copies of Application
- Submittal Fee: \$556.75 per Ord. 1701 (non-refundable) unless as a part of a plat in process. No fee if done as part of a plat in process.
- TWO (2) copies of site plan or plat, including vicinity map

App. Revised Oct. 2008

Application (Con't):

SOUTH TEXAS SURVEYING AND ASSOCIATES
11281 RICHMOND AVENUE, SUITE J-101
HOUSTON, TEXAS 77082
Tel: 281-556-6918 Fax: 281-556-9331

Robinson Landing Section 1 Partial Replat No. 1

The arguments for the request to approve this variance are:

- The original subdivision was developed under different guidelines. The original plat was following guidelines in force by the City of Houston. Now its under the guidelines of the City of Sugarland.
- The new lots are being made to match the original subdivision.
- Fort Bend has abandoned the right-of-ways that we are using to create these 2 new lots and these properties have no other use to prohibit such a variance.
- Original subdivision had 20 foot setback lines, we would like to keep the 20 feet instead of the required City of Sugar Land 25 feet in order to match the current subdivision.

-Signed Chris Brenner

<mailto:cityplanning@stsurvey.com>

Phone: 281-556-6918

Fax: 281-556-9331