

ORDINANCE NO. 2202

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUGAR LAND, TEXAS, PROVIDING FOR A CHANGE OF ZONING FROM STANDARD SINGLE-FAMILY RESIDENTIAL (R-1) DISTRICT OR GENERAL INDUSTRIAL (M-2) DISTRICT TO THE HILL AREA RESIDENTIAL (HR-1) DISTRICT FOR APPROXIMATELY 9.704 ACRES OF LAND LOCATED (1) ON THE NORTH SIDE OF LAKEVIEW DRIVE, BETWEEN WOOD STREET AND DRAINAGE PARCEL R157753; AND (2) ON THE SOUTH SIDE OF FIRST STREET BETWEEN MAIN STREET AND WOOD STREET.

WHEREAS, by Resolution No. 18-30, the City Council authorized a project based on community feedback to engage with The Hill neighborhood to determine whether additional development regulations should be established to preserve the character of the neighborhood, and established The Hill Neighborhood Steering Committee ("Committee") to develop the vision for redevelopment of the neighborhood and to make recommendations to the City Council; and

WHEREAS, the Committee completed their initial charge in creating a vision and recommendations for the future character of The Hill, and determined that The Hill community is in favor of additional development regulations to protect the current character of The Hill; and

WHEREAS, by Resolution No. 19-37, the City Council reinstated the Committee to help provide guidance in drafting development regulations that will protect the character of The Hill; and

WHEREAS, the Committee has provided guidance for an initial round of new, and amendments to existing, development regulations for The Hill, which have been drafted; and

WHEREAS, the above properties are located within the area subject to The Hill Area Residential (HR-1) District and are currently zoned as Standard Single-Family Residential (R-1) District or General Industrial (M-2) District; and

WHEREAS, the City now wishes to zone the properties The Hill Area Residential (HR-1) District; and

WHEREAS, the City Planning and Zoning Commission and the City Council have each conducted in the time and manner and after notice required by law and applicable ordinances, a public hearing on such requested zoning change; and

WHEREAS, the City Planning and Zoning Commission forwarded its final report to the City Council, recommending approval of the requested zoning change; and

WHEREAS, the City Council finds that the zoning request complies with the City's comprehensive plan and now deems it appropriate to make such zoning change; NOW, THEREFORE:

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

Section 1. That the facts and recitations set forth in the preamble of the ordinance are hereby declared true and correct.

Section 2. That the zoning district classification of approximately 7.704 acres of land, described in Exhibit A, attached to and incorporated into this ordinance by reference, is changed from Standard Single-Family Residential (R-1) zoning district classification to The Hill Area Residential (HR-1) zoning district classification under the comprehensive zoning ordinance of the City of Sugar Land, Texas.

Section 3. That the zoning district classification of approximately 2.0 acres of land, described in Exhibit B, attached to and incorporated into this ordinance by reference, is changed from General Industrial (M-2) zoning district classification to The Hill Area Residential (HR-1) zoning district classification under the comprehensive zoning ordinance of the City of Sugar Land, Texas.

Section 4. That the City's official zoning map be amended to reflect this change in zoning district classification.

READ IN FULL on first consideration on July 7, 2020.

APPROVED upon second consideration on July 21, 2020.


Joe R. Zimmerman, Mayor

ATTEST:


Thomas Harris, III, City Secretary

APPROVED AS TO FORM:



Attachments: Exhibit A – Legal Description 7.704 Acres
Exhibit B – Legal Description 2.0 Acres
Exhibit C – Vicinity Map

EXHIBIT A

**EXHIBIT A
METES AND BOUNDS DESCRIPTION
7.704 ACRES
S. M. WILLIAMS LEAGUE, A-97
FORT BEND COUNTY, TEXAS**

Being a tract or parcel of land containing 7.704 acres, situated in the S. M. Williams League, Abstract No. 97, in Fort Bend County, Texas, said 7.704 acre parcel being out of the Imperial Sugar Company's Sugarland Townsite Tract as recorded in Vol. 135, Pg. 18, of the Deed Records of Fort Bend County, said 7.704 acre parcel being more particularly described by metes and bounds as follows (with all bearings referenced to the south line of the Sugar Mill Section Two plat recorded in Vol. 23, Pg. 25, of the Plat Records of Fort Bend County):

BEGINNING at the intersection of the east right-of-way line of Wood Street (50 feet wide) with the north right-of-way line of Lakeview Drive (60 feet wide), being also the southwest corner of Lot 1, Block 1, Palm Development-Lakeview subdivision, as recorded in Sl. 2394/B of the Plat Records of Fort Bend County, and the southwest corner of the herein described 7.704 acre parcel;

THENCE North 02°25'41" West (called N00°03'11"W) along the east right-of-way line of said Wood Street, being the west line of said Palm Development-Lakeview subdivision, a distance of 113.77 feet to the northwest corner of said Palm Development-Lakeview subdivision and the herein described parcel, being also the southwest corner of the certain tract called 5.487 acres conveyed to Friendship Community Bible Church, recorded in Fort Bend County Clerk's File No. 2005069249;

THENCE North 75°36'07" East along the south line of said Friendship Community Bible Church tract, being the north line of said Palm Development-Lakeview subdivision (called N77°58'43"E) and numerous unplatted tracts on Lakeview Drive, a distance of 613.18 feet to the southeast corner of said Friendship Community Bible Church tract, being also the southwest corner of said Sugar Mill Section Two, and an angle point on the north line of the herein described parcel;

THENCE North 75°33'43" East along the south line of said Sugar Mill Section Two, being the north line of numerous unplatted tracts on Lakeview Drive, a distance of 2,034.39 feet an angle point on the north line of the herein described parcel;

THENCE North 14°26'17" West along a jog in the south line of said Sugar Mill Section Two, a distance of 0.41 feet an angle point on the north line of the herein described parcel;

THENCE North 75°29'06" East along the south line of said Sugar Mill Section Two, being the north line of numerous unplatted tracts on Lakeview Drive, a distance of 364.14 feet to the northeast corner of that certain tract called 0.29 acres originally conveyed by Imperial Sugar Company to H. G. Thompson, et ux, recorded in Vol. 259, Pg. 295, of the Deed Records of Fort Bend County, being more recently conveyed to Maria Van Overbeke in Fort Bend County Clerk's File No. 2013136211 and 2017021282, being the northeast corner of the herein described parcel, and the northwest corner of the City of Sugar Land drainage ditch parcel also known as FBCAD Parcel ID R157753;

THENCE South 03°40'00" East, along the east line of said 0.29 acre tract and the west line of said drainage ditch parcel, a distance of 114.34 feet to an intersect with the north right-of-way line of said Lakeview Drive, for the southeast corner of said 0.29 acre tract and the herein described parcel;

THENCE South 75°34'04" West, along the north right-of-way line of said Lakeview Drive, a distance of 2,738.19 feet to the southeast corner of said Palm Development-Lakeview subdivision, for an angle point;

THENCE South 75°37'24" West (called S78°00'00"W), along the north right-of-way line of said Lakeview Drive and the south line of said Palm Development-Lakeview subdivision, a distance of 275.82 feet to the POINT OF BEGINNING and containing 7.704 Acres of land, more or less.

This document was prepared under Title 22 of the Texas Administrative Code, Chapter 663, Rule 663.21, and does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation of the boundary of the political subdivision for which it was prepared.

Compiled by:

TEJAS SURVEYING, INC.

Firm No. 10031300

Ph. (281) 240-9099

Job No. 59-2001

January 27, 2020

EXHIBIT B

COMPARED

DEED VOL. 523 PAGE 465

IMPERIAL SUGAR COMPANY

TO

181628

DEED OF GIFT

CITY OF SUGAR LAND

THE STATE OF TEXAS)

COUNTY OF FORT BEND)

KNOW ALL MEN BY THESE PRESENTS: That Imperial Sugar Company, a Texas corporation domiciled in Sugar Land, Fort Bend County, Texas, hereinafter called Grantor, for and in consideration of ONE AND NO/100 (\$1.00) DOLLAR cash to it in hand paid by the City of Sugar Land, a municipal corporation, in Fort Bend County, Texas, hereinafter called Grantee, has Given, Granted and Conveyed, and by these presents does hereby Give, Grant and Convey unto the said Grantee, subject to the reservations and exceptions hereinafter mentioned, the following described property, to-wit:

Being a tract of land containing 2.0 acres more or less out of the S. M. Williams League, Abstract 97, City of Sugar Land, Fort Bend County, Texas.

Beginning for connection at a point where the South line of First Street meets with the East line of Main Street, the same point being the Northwest corner of this tract;

THENCE, Easterly along the South line of First Street, 935 feet more or less to a point on the Southwest boundary of the Sugar Land Independent School District 4.68 acre tract of land recorded in Volume 82, Page 244 of the Deed Records of Fort Bend County, Texas;

THENCE, South 56° 45' East, 166 feet more or less along Southwest boundary line of said School 4.68 acre tract as described in Volume 82, Page 244 of the Deed Records of Fort Bend County, Texas, to the North bank of Cleveland Lake Canal;

THENCE, Westerly along the meandering of the North bank of Cleveland Lake Canal to a point on the East line of Main Street;

THENCE, Northerly along the East line of Main Street 75 feet more or less to the place of beginning.

Grantor reserves unto itself, its successors and assigns, all of the oil, gas and other minerals in, on or under or that may be produced from said land, but Grantor, its successors and assigns, shall not have the right to go upon the surface of the land for the purpose of mining, drilling or operating for the production of said

minerals, but any mining, drilling or operation therefor shall be conducted from some land outside the surface of said tract hereinabove conveyed.

This conveyance is made subject to a ten (10) foot utility easement extending North and South across the Eastern portion of this tract near the East end of First Street and to all and singular the restrictions, covenants, conditions, outstanding minerals and mineral royalties and other easements, if any, of record in the office of the County Clerk of Fort Bend County, Texas, applicable to and enforceable against the above described property.

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging, unto the said Grantee, its successors and assigns.

IN WITNESS WHEREOF, GRANTOR has caused this conveyance to be executed this 19th day of December 1969.

IMPERIAL SUGAR COMPANY

By R. M. Armstrong
R. M. Armstrong, President

ATTEST:

I. H. Kempner, III
I. H. Kempner, III, Secretary

THE STATE OF TEXAS)

COUNTY OF FORT BEND)

BEFORE ME, the undersigned authority, on this day personally appeared R. M. ARMSTRONG, President of Imperial Sugar Company, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, as the act and deed of said Imperial Sugar Company, and in the capacity therein stated.

GIVEN under my hand and seal of office, this the 22nd day of December 1969.



Carlton A. Butler
Notary Public in and for
Fort Bend County, Texas

THE STATE OF TEXAS)
COUNTY OF FORT BEND)

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I, I. H. KEMPNER, III, Secretary of Imperial Sugar Company (hereinafter called the "Company"), a Texas corporation, do hereby certify that the following is a true and correct copy of resolutions duly adopted at a meeting of the Board of Directors of the Company duly called and held December 19, 1969, at which a quorum was present and acting throughout:

"RESOLVED, that the President or any Vice President and the Secretary or any Assistant Secretary of this Company be, and they are hereby authorized and directed to execute and deliver to the City of Sugar Land, a municipal corporation, on behalf of, and in the name and under the corporate seal of this Company, a deed of gift substantially in the form submitted to and approved at this meeting, with such changes therein as may be approved by the officers of this Company executing the same, their execution thereof to be conclusive evidence of such approval, conveying to the said City of Sugar Land that certain 2.0 acre more or less tract of land in the City of Sugar Land, Fort Bend County, Texas, out of the Imperial Sugar Company's Sugar Land Townsite Tract in the S. M. Williams League, Abstract 97, which 2.0 acre more or less tract of land is more particularly described in the form of deed presented to this meeting; and, be it

"FURTHER RESOLVED, that the officers of this Company be and they hereby are authorized and directed to do and perform all such acts and things and to sign all such documents and certificates and to take all such other steps as may be necessary or advisable or convenient and proper to carry out the intent of the foregoing resolutions."

And I do further certify that said resolutions have not been in anywise amended, annulled, rescinded or revoked and that the same are still in full force and effect, and that the deed of gift executed and delivered to the City of Sugar Land on this 19th day of December 1969 was substantially in the form of the instrument submitted to and approved at said meeting of the Board of Directors of the Company referred to above.

WITNESS my hand and seal of the Company, this the 19th day of December 1969.

FILED FOR RECORD
AT 3:30 O'CLOCK P.M.

JAN - 7 1970

Ella Macek
County Clerk, Fort Bend, Co., T.X.

Duly Recorded this the 9 day of January A.D. 1970 at 4:30 O'Clock P.M.
By Betty Engelhardt Deputy Ella Macek, County Clerk
Fort Bend County, Texas

EXHIBIT C
Vicinity Map



875
Feet



2 Acre Rezoning from M-2 to HR-1



7.7 Acre Rezoning from R-1 to HR-1





City Council Agenda Request

JULY 21, 2020

AGENDA REQUEST NO: III.B.

AGENDA OF: City Council Meeting

INITIATED BY: *Abigail Martinez, Senior Planner*

PRESENTED BY:
Abigail Martinez, Senior Planner

RESPONSIBLE DEPARTMENT: Planning and Zoning

AGENDA CAPTION:

SECOND CONSIDERATION: Consideration of and action on **CITY OF SUGAR LAND ORDINANCE NO. 2202:** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUGAR LAND, TEXAS, PROVIDING FOR A CHANGE OF ZONING FROM STANDARD SINGLE-FAMILY RESIDENTIAL (R-1) DISTRICT OR GENERAL INDUSTRIAL (M-2) DISTRICT TO THE HILL AREA RESIDENTIAL (HR-1) DISTRICT FOR APPROXIMATELY 9.704 ACRES OF LAND LOCATED (1) ON THE NORTH SIDE OF LAKEVIEW DRIVE, BETWEEN WOOD STREET AND DRAINAGE PARCEL R157753; AND (2) ON THE SOUTH SIDE OF FIRST STREET BETWEEN MAIN STREET AND WOOD STREET.

RECOMMENDED ACTION:

Consider second reading of Ordinance No. 2202, rezoning 9.7 acres to Hill Area Residential (HR-1).

EXECUTIVE SUMMARY:

The purpose of this agenda item is to hold a public hearing and consider on first reading Ordinance No. 2202 rezoning property from Standard Single-Family Residential (R-1) or General Industrial (M-2) to The Hill Area Residential (HR-1) for approximately 9.7 acres located (Area 1) on the north side of Lakeview Drive, between Wood Street and drainage parcel R157753; and (Area 2) on the south side of First Street between Main Street and Wood Street (Lonnie Green Park). (see attached map)

The properties considered for rezoning consist of 38 single-family lots east of Wood Street and north of Lakeview Drive and City-owned Lonnie Green Park. The single-family lots are currently zoned R-1. During Phase I of The Hill Community Engagement strategic project, staff heard positive feedback from the Hill neighborhood, including property owners in Area 1, to rezone these properties into The Hill Area Residential (HR-1) zoning district. The homes are also very similar in character to the rest of The Hill. Lonnie Green Park is a City-owned park and currently zoned General Industrial (M-2). Although rezoning the park was not discussed during the community engagement process, staff recommends rezoning to HR-1 to be consistent with adjacent residential land uses.

The proposed rezoning is consistent with the Comprehensive Plan, including the Land Use Plan.

Background

In 2018 based on feedback from the Hill community, the City initiated a project to engage The Hill residents and property owners in evaluating whether there is a desire to maintain the character of The Hill neighborhood. After a public engagement process in Phase I, The Hill Neighborhood Steering Committee drafted a vision and set of initial recommendations to be implemented in Phase II, which is currently underway. From the list of recommendations, staff identified immediate implementation items for Phase II. This includes rezoning properties to The Hill Area Residential Zoning District (HR-1) and Development Code changes for The Hill Area Residential (HR-1) zoning district related to front yard setbacks (porches) and garages. Proposed Development Code changes will be presented to City Council on a different agenda item during the same meeting.

Planning and Zoning Commission Meetings

The Planning and Zoning Commission held a workshop on March 10, which served as an introduction to The Hill Community Engagement strategic project. Following the workshop, the Planning and Zoning Commission held a public hearing on May 28, 2020, to rezone 9.7 acres to HR-1. Prior to the public hearing, staff received four inquiries asking for clarification on the proposed rezoning—2 from adjacent property owners and 2 from affected property owners. During the public hearing, City Secretary staff read comments from two Hill property owners (and Steering Committee members) in support of the rezoning. Overall, the Commission generally concurred with the rezoning, and staff addressed a few clarifying questions. On June 9, 2020, the Commission unanimously recommended approval of the proposed rezoning to the Mayor and City Council.

Public Hearing Notification

In addition to the required notice of public hearing in the newspaper and to property owners within 200 feet of the properties proposed to be rezoned, staff also used other platforms to notify The Hill community of the proposed rezoning such as social media platform Next Door, emails, and the project webpage. Since the Planning and Zoning Commission meetings, staff received four additional inquiries regarding the rezoning. Staff is not aware of any opposition to the proposed rezoning.

Recommendation

The Planning & Zoning Commission unanimously supports a recommendation of approval to the Mayor and Members of City Council for this City-initiated rezoning of approximately 9.7 acres to Hill Area Residential (HR-1). A public hearing and first reading of Ordinance No. 2202 was held during the July 7, 2020 City Council meeting.

BUDGET

EXPENDITURE REQUIRED: N/A

CURRENT BUDGET: N/A

ADDITIONAL FUNDING: N/A

FUNDING SOURCE:N/A

ATTACHMENTS:

| Description | Type |
|---|----------------------------|
| <input type="checkbox"/> Hill Rezoning Staff Report | Other Supporting Documents |
| <input type="checkbox"/> Ordinance No. 2202 Hill Rezoning | Other Supporting Documents |
| <input type="checkbox"/> Property Owner Inquiry | Other Supporting Documents |