

ORDINANCE NO. 2009

AN ORDINANCE OF THE CITY OF SUGAR LAND, TEXAS, PROVIDING FOR A CHANGE OF ZONING FROM PLANNED DEVELOPMENT DISTRICT (PD) GENERAL DEVELOPMENT PLAN TO PLANNED DEVELOPMENT DISTRICT (PD) FINAL DEVELOPMENT PLAN (IMPERIAL BALLPARK DISTRICT TRACT E) FOR APPROXIMATELY 29.3 ACRES OF LAND LOCATED AT THE NORTHWEST CORNER OF IMPERIAL BOULEVARD AND STADIUM DRIVE IN THE IMPERIAL DEVELOPMENT.

WHEREAS, Imperial Johnson, LLC has applied for a change in zoning from Planned Development District (PD) General Development Plan zoning district classification to Planned Development District (PD) Final Development Plan (Imperial Ballpark District Tract E) zoning district classification for 29.3 acres of land located at the northwest corner of Imperial Boulevard and Stadium Drive in the Imperial development; and

WHEREAS, the City Planning and Zoning Commission forwarded its final report to the City Council, recommending approval of the rezoning request with the modifications reflected in this ordinance; 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 recommended granting such requested zoning change with modifications and the same is herein incorporated and made a part of this ordinance; 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 29.3 acres of land located at the northwest corner of Imperial Boulevard and Stadium Drive in the Imperial development and described in Exhibit A, attached to and incorporated into this ordinance by reference, is changed from Planned Development District (PD) General Development Plan to Planned Development District (PD) Final Development Plan (Imperial Ballpark District Tract E) zoning district classification under the comprehensive zoning ordinance of the City of Sugar Land, Texas.

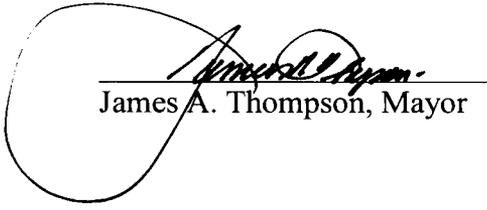
Section 3. That the following Exhibits are attached to and incorporated into this ordinance:

- Exhibit A – Metes & Bounds
- Exhibit B – Final Development Plan
- Exhibit C – Vicinity Map

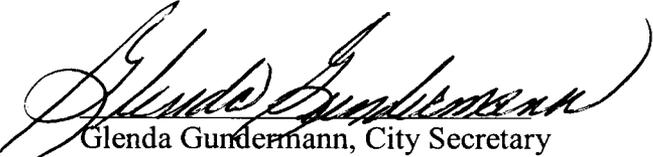
Section 4. That the City's official zoning map be amended to reflect this change in zoning district classification.

READ IN FULL on first consideration on May 05, 2015.

APPROVED upon second consideration on May 19, 2015.


James A. Thompson, Mayor

ATTEST:


Glenda Gundermann, City Secretary

APPROVED AS TO FORM:



Attachments: Exhibit A – Metes & Bounds
Exhibit B – Final Development Plan
Exhibit C – Vicinity Map

Exhibit A
Metes & Bounds

Exhibit ____ Page 1 of 4 Pages

County: Fort Bend
Project: Imperial Redevelopment
Job No.: 133709
MB No.: 13-256

FIELD NOTES FOR 29.270 ACRES

Being a tract containing 29.270 acres of land located in the Alexander Hodge League, Abstract number 32, in Fort Bend County, Texas; Said 29.270 acre tract being a portion of the remainder of a call 497.696 acre tract of land recorded in the name of the State of Texas Permanent School Fund in Fort Bend County Clerk's File (F.B.C.C.F.) Numbers 2003023371 and 2008070584 and Cherokee Sugar Land, L.P. in F.B.C.C.F. Numbers 2007088840 and 2011006653; Same being a portion of Tract 3A, Part 2 as illustrated in the State of Texas Department of Transportation Partition Plat recorded in Slide Numbers 1832B, 1833A and 1833B in the Fort Bend County Plat Records (F.B.C.P.R.); Said 29.270 acre tract being more particularly described by metes and bounds as follows (bearings are based on the Texas Coordinate System, NAD '83, South Central Zone):

Beginning at a 5/8-inch iron rod found at the northerly intersection of Stadium Drive (90-foot width) recorded in plat number 20120139 of the F.B.C.P.R. and Burney Road (with varies);

Thence, with the northwesterly Right-of-Way (R.O.W.) line of said Stadium Drive, the following eight (8) courses:

1. South 65 degrees 13 minutes 36 seconds West, a distance of 401.51 feet to a 5/8-inch iron rod found;
2. 498.51 feet along the arc of a curve to the left, said curve having a central angle of 27 degrees 19 minutes 57 seconds, a radius of 1045.00 feet and a chord which bears South 51 degrees 33 minutes 37 seconds West, a distance of 493.80 feet to a 5/8-inch iron rod found;
3. South 37 degrees 53 minutes 38 seconds West, a distance of 173.28 feet to a 5/8-inch iron rod found;
4. 621.06 feet along the arc of a curve to the left, said curve having a central angle of 18 degrees 12 minutes 05 second, a radius of 1955.00 feet and a chord which bears South 46 degrees 59 minutes 41 seconds West, a distance of 618.45 feet to a 5/8-inch iron rod found;
5. South 56 degrees 05 minutes 44 seconds West, distance of 173.28 feet to a 5/8-inch iron rod found;
6. 877.34 feet along the arc of a curve to the left, said curve having a central angle of 48 degrees 06 minutes 11 seconds, a radius of 1045.00 feet and a chord which bears South 32 degrees 02 minutes 38 seconds West, a distance of 851.80 feet to a 5/8-inch iron rod found;
7. South 07 degrees 59 minutes 33 seconds West, a distance of 502.61 feet to a 5/8-inch iron rod found;

8. 53.00 feet along the arc of a curve to the left, said curve having a central angle of 03 degrees 19 minutes 08 seconds, radius of 915.00 feet and a chord which bears South 06 degrees 19 minutes 59 seconds West, a distance of 52.99 feet to a 5/8-inch iron rod found at the most northerly corner of the cut-back line located at the northwesterly intersection of aforesaid Stadium Drive and Imperial Boulevard (90-foot width) recorded in plat number 20120139 of the F.B.C.P.R. ;

Thence, with said cut-back line, the following four (4) courses:

1. 26.64 feet along the arc of a curve to the right, said curve having a central angle of 30 degrees 31 minutes 50 seconds, a radius of 50.00 feet and a chord which bears South 19 degrees 56 minutes 20 second West, a distance of 26.33 feet to a 5/8-inch iron rod found;
2. South 35 degrees 12 minutes 15 seconds West, a distance of 40.44 feet to a 5/8-inch iron rod found;
3. 35.29 feet along the arc of a curve to the right, said curve having a central angle of 44 degrees 56 minutes 12 seconds, a radius of 45.00 feet and a chord that bears South 57 degrees 40 minutes 21 seconds West, a distance of 34.40 feet to a 5/8-inch iron rod found;
4. 88.69 feet along the arc of a curve to the right, said curve having a central angle of 27 degrees 28 minutes 03 seconds, a radius of 185.00 feet and a chord which bears North 86 degrees 07 minutes 31 seconds West, a distance of 87.84 feet to a 5/8-inch iron rod found at the westerly corner of aforesaid cut-back line;

Thence, with the northerly line of said Imperial Boulevard, the following five (5) courses:

1. 95.54 feet along the arc of a curve to the right, said curve having a central angle of 03 degrees 18 minutes 27 seconds, a radius of 1655.00 feet and a chord which bears North 70 degrees 44 minutes 16 seconds West, a distance of 95.53 feet to a 5/8-inch iron rod found;
2. North 69 degrees 05 minutes 03 seconds West, a distance of 34.49 feet to a 5/8-inch iron rod found;
3. 256.08 feet along the arc of a curve to the right, said curve having a central angle of 10 degrees 05 minutes 03 seconds, a radius of 1455.00 feet and a chord which bears North 64 degrees 02 minutes 31 seconds West, a distance of 255.75 feet;
4. 214.17 feet along the arc of a curve to the right, said curve having a central angle of 07 degrees 24 minutes 52 seconds, a radius of 1655.00 feet and a chord which bears North 55 degrees 17 minutes 33 seconds West, a distance of 214.02 feet to a 5/8-inch iron rod found;
5. North 51 degrees 35 minutes 07 seconds West, a distance of 135.90 feet to the centerline of Oyster Creek;

Thence, with the meanders of said Oyster Creek, through and across aforesaid 497.696 acre tract, the following fifteen (15) courses:

1. North 34 degrees 02 minutes 02 seconds East, a distance of 420.37 feet;
2. North 51 degrees 19 minutes 11 seconds East, a distance of 498.57 feet;

3. North 42 degrees 54 minutes 34 seconds East, a distance of 186.79 feet;
4. North 56 degrees 33 minutes 44 seconds East, a distance of 279.75 feet;
5. North 46 degrees 54 minutes 41 seconds East, a distance of 257.52 feet;
6. North 43 degrees 15 minutes 24 seconds East, a distance of 180.29 feet;
7. North 46 degrees 28 minutes 36 seconds East, a distance of 307.43 feet;
8. North 40 degrees 56 minutes 37 seconds East, a distance of 286.95 feet;
9. North 35 degrees 14 minutes 27 seconds East, a distance of 131.22 feet;
10. North 47 degrees 47 minutes 25 seconds East, a distance of 139.79 feet;
11. North 36 degrees 47 minutes 40 seconds East, a distance of 135.13 feet;
12. North 24 degrees 33 minutes 53 seconds East, a distance of 66.62 feet;
13. North 30 degrees 16 minutes 37 seconds East, a distance of 186.16 feet;
14. North 22 degrees 59 minutes 24 seconds East, a distance of 232.86 feet;
15. North 20 degrees 45 minutes 03 seconds East, a distance of 351.98 feet to the westerly line of a call 8.9762 acre tract of land recorded in the name of St. Martin's Evangelical Lutheran Church in F.B.C.C.F. No.2003053509;

Thence, with said westerly line, South 02 degrees 32 minutes 25 seconds East, a distance of 664.46 feet to a TXDOT monument found at the southwesterly corner of said 8.9762 acre tract;

Thence, with the southerly line of said 8.9762 acre tract, North 75 degrees 33 minutes 51 seconds East, a distance of 441.14 feet to the westerly R.O.W. line of said Burney Road;

Thence, with said westerly R.O.W. line, South 02 degrees 07 minutes 06 seconds East, a distance of 95.94 feet to the **Point of Beginning** and containing 29.270 acres of land.

GBI PARTNERS, L.P.

Phn: 281.499.4539

December 27, 2013

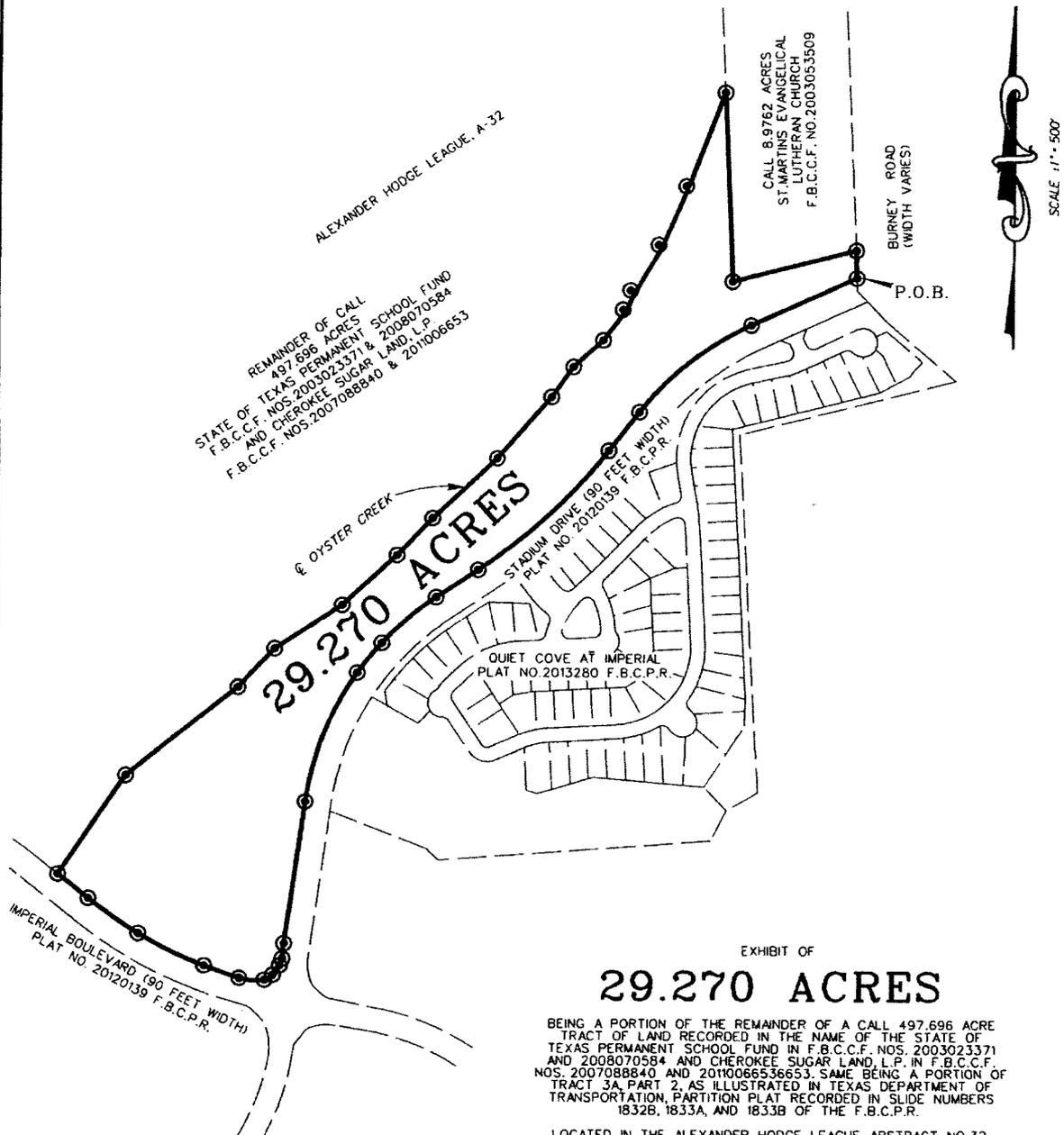


EXHIBIT OF
29.270 ACRES

BEING A PORTION OF THE REMAINDER OF A CALL 497.696 ACRE TRACT OF LAND RECORDED IN THE NAME OF THE STATE OF TEXAS PERMANENT SCHOOL FUND IN F.B.C.C.F. NOS. 2003023371 AND 2008070584 AND CHEROKEE SUGAR LAND, L.P. IN F.B.C.C.F. NOS. 2007088840 AND 20110066536653, SAME BEING A PORTION OF TRACT 3A, PART 2, AS ILLUSTRATED IN TEXAS DEPARTMENT OF TRANSPORTATION, PARTITION PLAT RECORDED IN SLIDE NUMBERS 1832B, 1833A, AND 1833B OF THE F.B.C.P.R.

LOCATED IN THE ALEXANDER HODGE LEAGUE, ABSTRACT NO.32.
 FORT BEND COUNTY, TEXAS



GBI PARTNERS, L.P.
ENGINEERING AND SURVEYING
 TBPE*14276 : TBPLS*101303-00
 13340 SOUTH GESSNER ROAD MISSOURI CITY,
 TEXAS 77489 TEL:281.499.4539 GBISURVEY.COM

JOB NO: 133709
 SCALE: 1" = 500'
 DATE: 12/27/2013

Exhibit B Final Development Plan

EXHIBIT B FINAL DEVELOPMENT PLAN Imperial Ballpark District – Tract E

A. **Contents.** This Final Development Plan includes the following sections:

- General Provisions
- Land Uses
- Development Regulations
- Landscape Regulations
- Pedestrian Circulation Regulations
- Building Regulations

B. **General Provisions.**

1. The PD approved herein must be constructed, developed, and maintained in compliance with this ordinance and other applicable ordinances of the City. If any provision or regulation of any City ordinance applicable in the B-2 (General Business) zoning district is not contained in this ordinance, all regulations contained in the Development Code applicable to the B-2 zoning district in effect on the effective date of this ordinance apply to this PD as though written herein, except to the extent the City regulation or provision conflicts with a provision of this ordinance.
2. Except as otherwise provided herein, the words used in this Final Development Plan have the meaning established by the Development Code. In this ordinance:

Ballpark District means the Ballpark District as shown on the General Development Plan for Imperial.

General Development Plan means the General Development Plan for Imperial, as established by City of Sugar Land Ordinance No. 1969, and as amended.

Open Space means the portion of all land contained within the PD that is not covered by buildings, parking lots, driveways, improved pedestrian areas (outside of publicly accessible plazas), or other impermeable material.

PD means the planned development district created by this ordinance.

Pavers mean colored interlocking bricks, tiles, stones, blocks, or concrete units.

Retail means a commercial establishment engaged in the selling of goods and merchandise to the general public and rendering services incidental to the sale of such goods.

3. The PD shall be developed in accordance with the following exhibits that are attached to and made part of this Final Development Plan:

Exhibit B-1:	<i>Location Map</i>
Exhibit B-2:	<i>Permitted Use List</i>
Exhibit B-3a:	<i>Site Layout Plan, Alt A</i>
Exhibit B-3b:	<i>Site Layout Plan, Alt B</i>
Exhibit B-4:	<i>Plant List</i>
Exhibit B-5a:	<i>Pedestrian Circulation Plan</i>
Exhibit B-5b:	<i>Pedestrian Circulation Plan</i>
Exhibit B-6:	<i>Site Detail Plan</i>

Exhibit B-7a: *Building Elevations*
Exhibit B-7b: *Building Elevations*

4. As shown on the alternative site layout plans Exhibit B-3a and B-3b, *Site Layout Plan, Alt. A and Site Layout Plan, Alt. B*, the PD encompasses approximately 29 acres at Imperial Boulevard and Stadium Drive. The site consists of Reserves A, and B, and Oyster Creek Greenbelt on Alternative A. On Alternative B, the reserves are divided into Reserves A, B and C and Oyster Creek Greenbelt.
5. The Oyster Creek Greenbelt Reserve, (19.3 acres) shall be platted when the first of the other Reserves (A, B, or C) is platted. 19.3 acres = 65.9% of total area within the PD
6. Off premises signs are prohibited along the Oyster Creek Greenbelt Reserve.

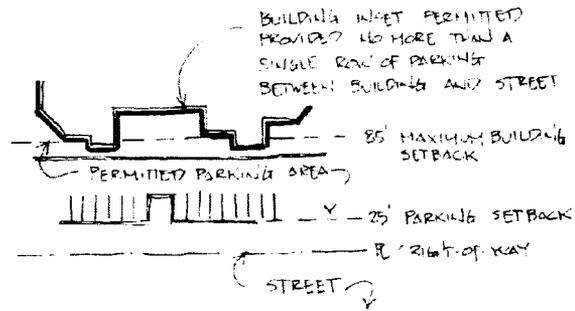
C. Land Uses.

1. Permitted land uses are listed in Exhibit B-2, *Permitted Uses*. Certain land uses must be developed per specific conditions as noted in Exhibit B-2. All other land uses are prohibited.
2. Permitted land uses may be mixed horizontally or vertically.
3. Acreages for Reserves B and C as shown on Exhibit B-3b are approximate, and the two reserves may be combined into a single reserve.
4. No more than one drive-thru shall be permitted within this PD.

D. Development Regulations – Reserves within the PD shall be developed in accordance with the following development regulations:

1. Maximum height of structures: 4 stories, but no more than 60 feet above ground level except as follows:
 - (a) Chimneys, church steeples, ornamental tower spires, cooling towers, elevator bulkheads, fire towers, stacks, roof gables, parapet walls, and mechanical equipment may extend an additional Height not to exceed 15 feet above the maximum Height allowed for the Structure to which it is affixed.
 - (b) Satellite Dish Antennas as permitted by the City's accessory use regulations and towers and antennas and permitted by Article VII, regulating telecommunication towers and antennas.
2. Minimum building setbacks:
 - (a) 10 feet abutting Imperial Boulevard and Stadium Drive lot lines
 - (b) 10 feet abutting Oyster Creek greenbelt lot line
 - (c) 6 feet where abutting an adjacent lot line
 - (d) Awnings and canopies attached to a building may project up to 5 feet into a required building setback if located at least 8 feet above adjoining sidewalks, pedestrian walkways, or outdoor dining areas.

3. Maximum front building setback:
The maximum front setback is intended to prevent the development of more than a single row of parking between the front of the building and the adjacent public street. The maximum front setback shall be 85 feet from the adjacent right-of-way. Building insets and building offsets are permitted to be built more than 85 feet from the adjacent right-of-way as long as the setback does not result in a double row of parking.



4. Minimum open space: 15% per district.
5. Minimum parking lot setbacks:
 - (a) 25 feet abutting Imperial Boulevard and Stadium Drive, except as shown on Exhibit B-6, *Site Details*. Visitor parking located along Imperial Blvd. may encroach the 25 setback by up to 15 feet, (minimum 10 setback) provided that hedges at least three feet in height at the time of planting, be planted to screen the parking areas from public street view.
 - (b) 10 feet abutting the Oyster Creek greenbelt
 - (c) 10 feet abutting all other lot lines.
6. Paving:
 - (a) All parking lots and vehicle use areas must be constructed of concrete.
 - (b) Driveways may be constructed of concrete, or paved with interlocking, multicolored pavers supported by a 6 inch reinforced concrete tray and a sub-grade per City design standards.
7. Bicycle accommodations:
 - (a) Off-street parking spaces for bicycles shall be provided within 50 feet of a public or resident entrance to each building. Required location for bicycle parking for Senior Living is shown on Exhibit B-3a, *Site Layout Plan*. Bicycle parking shall be screened from public view with landscape materials or incorporated into the architecture of the building.
 - (b) Required minimum number of bicycle parking spaces, per Reserve, for uses other than Senior Living shall be 3 spaces or 10% of the required vehicular parking spaces, whichever is greater. Required minimum number of bicycle parking spaces for Senior Living shall be 1 bicycle parking space for every 35 required automobile spaces. (Fractional numbers shall be rounded up to the nearest whole number.)
 - (c) Bicycle parking spaces shall not encroach into any sidewalk or other pedestrian walkway as required herein.
 - (d) Bicycle parking spaces shall include racks, lockers, or other structures intended for parking bicycles with a minimum of 3 spaces in any one location.
 - (e) Racks shall be designed to support the bicycle upright in two places on the bicycle frame.
8. Utility service areas shall be screened from off-site views :
 - (a) Areas used to hold refuse containers must be screened from public view with a solid masonry Fence not less than six feet in Height.
 - (b) Exterior ground-mounted or building-mounted equipment to serve a Building, including mechanical equipment, utility meter banks, and heating or cooling equipment must be

- screened from public view with landscaping or with an architectural treatment compatible with the Building architecture.
- (c) All rooftop equipment must be screened from public view with an architectural treatment which is compatible with the Building architecture. The methods of screening rooftop equipment include the use of parapet walls and the encasement of partition screens.
 - (d) All materials, products, or equipment which are stored outside of a fully-enclosed Building, other than for display, must be entirely screened from public view.
 - (f) For purposes of this section, "screened from public view" means not visible at eye level from any point on the Lot Line of the abutting premises or from any point on a Street.
9. Outdoor speaker use is prohibited within 200 feet of any single-family or townhome lot line and within 100 feet of Oyster Creek . Outdoor speakers shall be oriented away from the nearest single-family or townhome lot line.
 10. Outdoor Dining Areas – Eating establishments that provide adjacent areas for outdoor dining shall adhere to the following:
 - (a) Shall not encroach into any sidewalk or other pedestrian walkway as established herein.
 - (b) Must provide additional off-street parking for that portion of the outdoor dining area to which the off-street parking requirements apply.
 11. Outside Retail Use: Merchandise may be displayed outside the building on the same premises if the merchandise:
 - (a) Is located solely adjacent to a retail building façade and under a canopy or arcade per Section G.3.c herein.
 - (b) Does not encroach into a required pedestrian walkway per Section F herein.
 - (c) Is owned by the owner or lessee of the building.
 - (d) Occupies a contiguous area less than 5% of the ground floor area of the attendant building or tenant space, but no greater than 1,000 square feet, per building.
 - (e) Is located within a screened area, and the screen is integrated into the architecture of the building.
 12. Parking: 1.3 parking spaces are required for each unit of Senior Living, Age Restricted Residential. Parking ratios for all other uses shall be in accordance with the Development Code.
 13. Fencing:
 - (a) Parking areas for Senior Living, Age Restricted Residential shall be permitted to construct only 6'-0" tall ornamental tubular steel fence as shown on Exhibit B-6, *Site Details*.

E. Landscape Regulations – The PD shall be developed in accordance with the following landscape regulations:

1. Landscape buffers: All unimproved areas of the landscape buffers shall contain landscape, consisting of at minimum, grass.
 - (a) 10-foot minimum buffer, contiguous to lot lines, shall be provided along Imperial Boulevard, Stadium Drive, and the Oyster Creek greenbelt.
 - (b) 6-foot minimum buffer shall be provided along all other property lines.
 - (c) Required buffers along Imperial Boulevard, Stadium Drive and Oyster Creek greenbelt shall include one shade tree for each 30 feet of linear frontage, or portion thereof, measured along the lot line.
 - (d) Buffer trees may be clustered or spaced linearly; they need not be placed evenly.
 - (e) Buffer trees along the Oyster Creek greenbelt may be placed within the greenbelt.

- (f) Sidewalks, pedestrian walkways and freestanding signs may be located within the required buffers.
 - (g) Required buffer along streets may be used for a future transit stop.
2. Landscape irrigation shall include drip irrigation in designated areas and water-saving irrigation programmer, in an effort to minimize usage and reduce waste.
 3. Shade trees shall have a minimum 4-inch caliper and minimum 10-foot height as measured at ground level when planted.
 4. Off-street parking, adjacent to landscape buffers along Imperial Boulevard, Stadium Drive, and Oyster Creek greenbelt, shall have a continuous hedge of a minimum 3-foot height at time of planting to screen the parking lot from the street or greenbelt.
 5. Plant species used to satisfy the requirements of the PD shall be those listed on Exhibit B-4, *Plant List*.

F. Pedestrian Circulation Regulations – As shown on Exhibit B-5a and B-5b, *Pedestrian Circulation Plan*, the PD shall be developed in accordance with the following pedestrian circulation regulations:

1. Sidewalks, and Sidepath:
 - (a) A continuous sidewalk, with a minimum 8-foot width, is required along Imperial Boulevard.
 - (b) A continuous sidewalk, with a minimum 6-foot width, is required along Stadium Drive, where shown on Exhibit B-5a. and B-5b, *Pedestrian Circulation Plan*.
2. Shared-use trail:
 - (a) In accordance with the city of Sugar Land Pedestrian and Bicycle Master Plan, a minimum 10-foot wide trail shall be located along Oyster Creek.
 - (b) Trails shall be paved with concrete. Interlocking pavers or other masonry products may be incorporated as accents subject to approval by the Director.
 - (c) Required trails shall be in place prior to issuance of a Occupancy for a structure within the PD.
 - (d) Trail connections to adjacent future development will be planned and implemented as part of the final development plan for that project
3. Pedestrian walkways:
 - (a) Pedestrian walkways required by this section shall meet the following criteria:
 - (i) Minimum 6-foot width;
 - (ii) Readily visible and free of encroachment by parked vehicles;
 - (iii) Paved with concrete or other masonry products differentiated from the driveway and parking areas through the use of color, texture, or materials;
 - (iv) Predominantly shaded with shade trees at one per 30 linear feet of walkway or building canopies;
 - (v) Lighted with pedestrian-scaled fixtures; and
 - (vi) Marked with “way-finding” signage.
 - (b) A pedestrian walkway shall be provided to connect the primary building entrance to the public street sidewalk.
 - (c) Where parking is located between the building and street, at least one walkway shall be provided across the parking area to connect the building and sidewalk.

- (d) If multiple buildings are built within one reserve, a pedestrian walkway shall connect all buildings constructed within that reserve.

G. Building Regulations – Buildings within the PD shall be developed in accordance with Exhibits B-7a and B-7b, *Building Elevations*, and the following regulations:

1. Building façade design criteria:
 - (a) Building facades shall include offsets, or changes in building materials, colors and textures, or other methods to break up the horizontal and vertical building planes.
 - (b) Building facades shall incorporate architectural details that create shade and cast shadows to provide visual relief.
 - (c) Facades greater than 100 feet in length that face Imperial Boulevard, Stadium Drive or Oyster Creek Greenbelt shall incorporate offsets having a minimum depth of at least 2 feet, and extending at least 20% of the length of the façade.
 - (d) No uninterrupted length of a façade shall exceed 100 feet.
 2. Building façade finishes:
 - (a) Primary Finish means an exterior finish consisting of brick, stone (natural, cast, or cultured-textured), and glass.
 - (b) Primary Finishes shall comprise at least 70% of the facade. The remaining portion of an exterior wall that is not constructed of a Primary Finish must be constructed of a Secondary Finish. No single primary building finish material shall cover more than 80% of the front of any building.
 - (c) Secondary Finish means an exterior finish consisting of stucco, wood, ceramic tiles, concrete masonry units (indented, hammered, or split face concrete), and fiber cement siding.
 - (d) Secondary Finishes shall comprise no more than 30% of any façade.
 - (e) Use of architectural metals is limited to canopies, parapet walls, roof systems, and miscellaneous trim work, and such use shall meet the durability standards of the Development Code.
 - (f) The Director may approve alternative Primary or Secondary Finishes not specified herein if the Director determines that the alternative finish is substantially equal to or better than a specified Primary or Secondary Finish in quality, durability, and appearance and the use thereof will not violate any provision of this article.
 - (g) The following building materials shall not be used for a Primary or Secondary Finish:
 - (i) Vinyl siding, wood fiber hardboard siding oriented strand board siding, plastic or fiberglass panels.
 - (ii) Unfired or underfired clay, sand, or shale brick.
 - (iii) Smooth or untextured concrete surfaces.
 - (iv) Exterior Insulated Finish Systems (E.I.F.S.)
 3. Building façade features:
 - (a) Canopies shall be provided at all building entrances facing Imperial Boulevard and Stadium Drive. Canopies may be structural extensions of the building or constructed of fabric attached to the building. An individual canopy shall cover a ground area of at least 20 square feet.
 - (b) The front façade (the side of the building facing the street) of the first floor of a retail building, within 50 feet of the Imperial Boulevard or Stadium Drive right-of-way, shall be at least 60% transparent in order to permit visibility between the building occupants and outdoor pedestrians and motor vehicle drivers.
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- (c) Ground floor facades for retail buildings that face Imperial Boulevard or Stadium Drive shall have storefronts, canopies, arcades, display windows, entry areas, awnings or other features along at least 50% of their horizontal length.
 - (d) The Director may approve alternative canopy or façade treatments not specified herein if the Director determines that the alternative canopy or façade treatment is substantially equal to or better than a specified requirement in quality, durability, and appearance and the use thereof will not violate any provision of this article.
4. All facades of an individual building and the facades of multiple buildings within a single reserve shall be of similar architectural design, color and materials where facing or siding to a public street or pedestrian walkway.
 5. Screening walls, wing walls, columns, and similar building extensions and supports shall be of complementary architectural design, color and materials as the building or structure to which they are attached.

EXHIBIT B-1: LOCATION MAP

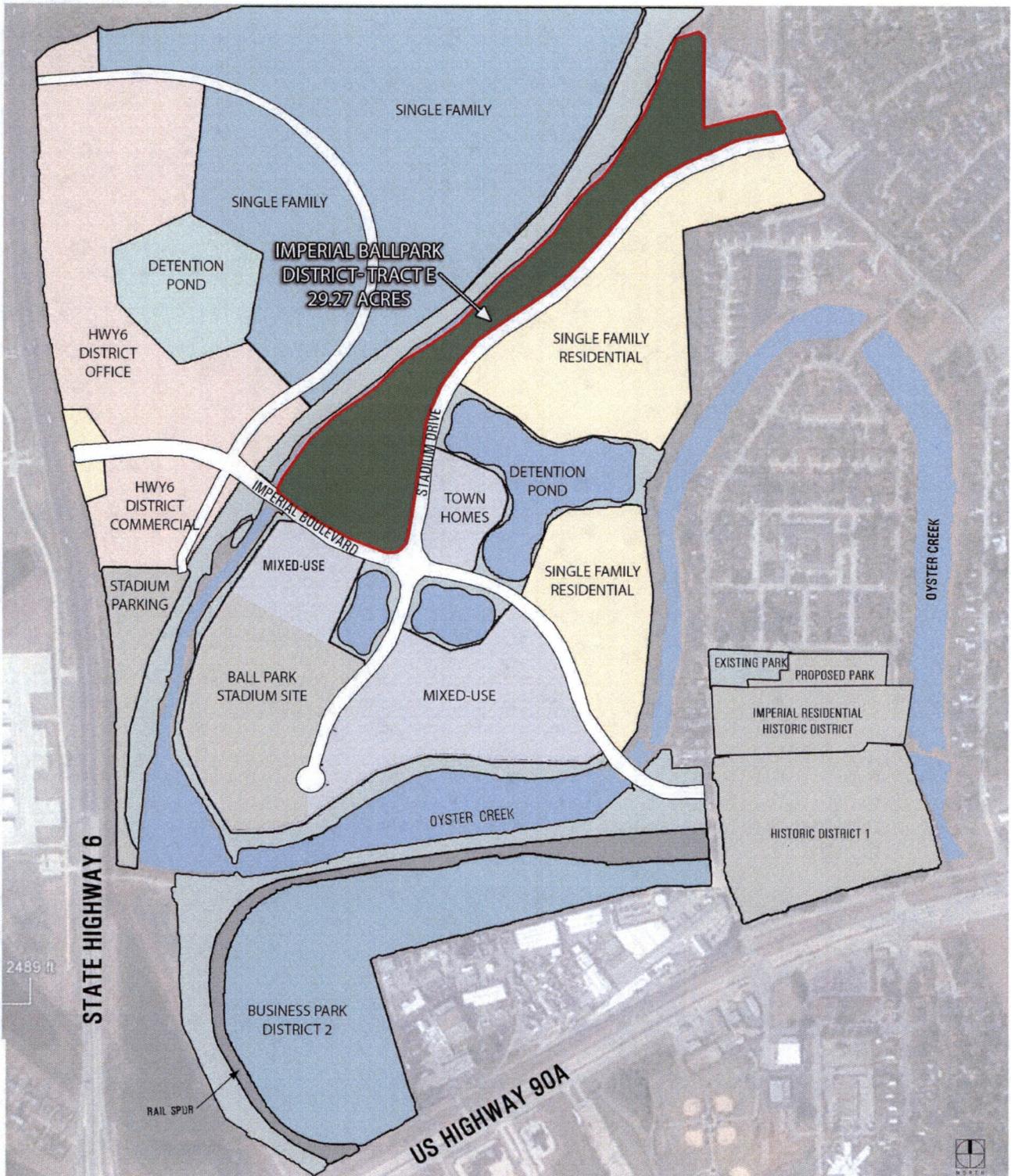


EXHIBIT B-2
PERMITTED USE LIST
IMPERIAL BALLPARK DISTRICT – TRACT E

<u>USES</u>	<u>SIC CODE</u>	<u>NOTE</u>
<u>TRANSPORTATION SERVICES & COMMUNICATIONS</u>		
Travel Agencies	4724	
Radio and Television Broadcasting	4832-4833	
<u>RETAIL TRADE</u>		
Department Stores	5311	7
Misc. General Merchandise Stores	5311	7
Meat and Fish Markets	5421	
Fruit and Vegetables Markets	5431	
Candy, Nut and Confectionery Stores	5411	
Dairy Products Stores	5451	
Retail Bakeries	5461	
Miscellaneous Food Stores	5499	
Men's and Boy's Clothing Stores	5611	7
Women's Clothing Stores	5621	7
Women's Accessory and Specialty Stores	5632	7
Children's and Infant's Wear Stores	5641	7
Family Clothing Stores	5651	7
Shoe Stores	5661	7
Misc. Apparel and Accessory Stores	5699	7
Furniture and Home Furnishing Stores	5712-5719	7
Household Appliance Stores	5722	7
Radio, Television and Computer Stores	5731-5736	7
Eating Places to include restaurants, cafes, etc.	5812	
Drinking Places to include alcoholic beverages	5813	9
Drug Stores and Proprietary Stores	5912	7
Wine and Liquor Stores	5921	11
Antique Stores	5932	7
Sporting Goods Stores and Bicycle Shops	5941	7

<u>USES</u>	<u>SIC CODE</u>	<u>NOTE</u>
New and Used Book Stores	5942	7
Card and Stationary Stores	5943	7
Jewelry Stores	5944	7
Craft, Hobby, Toy, and Game Stores	5945	
Camera and Photographic Supply Stores	5946	7
Gift, Novelty, and Souvenir Shops	5947	7
Luggage and Leather Goods Stores	5948	7
Sewing and needlework Stores	5949	7
Florist Shops	5992	
Art Supply Stores	5999	7
Art Dealers	5999	7
Baking and Cake Decorating Supply Stores	5999	7
Cosmetic stores	5999	7
 <u>FINANCIAL, INSURANCE, AND REAL ESTATE</u>		
Commercial Banks	6021-6029	
Savings Institutions	6035-6036	
Credit Unions	6061-6062	
Foreign Bank, Branches, and Agencies	6081-6082	
Non-Deposit Trust Facilities	6091	2
 <u>SERVICES</u>		
Garment Pressing and Agents for Laundries and Drycleaners		
Pick-up and Drop-off Only	7212	
Photographic Studies, Portrait	7221	
Beauty Shops	7231	
Barber Shops	7241	
Shoe Repair and Shoeshine Parlors	7251	
Tax Preparation Services	7291	
Formal Wear and Costume Rental	7299	
Diet and Weight Reducing Centers	7299	
Personal Supply Services	7361-7363	
Offices of Veterinarians	7421	1
Video tape rental	7841	
Dance Studios, Schools, and Halls (except dance halls)	7911	
Producers, Orchestras and Entertainers	7922-7929	
Professional Sports Clubs & Promoters	7941	
Physical Fitness Facilities	7991	8
Membership Sports and Recreation Clubs	7997	8
Amusement and Recreation Services, not otherwise classified but limited to:	7999	8
• Baseball Instruction		

USES	SIC CODE	NOTE
<ul style="list-style-type: none"> • Bridge Club (non-membership) • Bridge Instruction • Day Camps • Fishing Piers and Lakes, Operation • Gymnastics Instruction • Handball Courts (non-membership) • Lifeguard Service • Miniature Golf Courses, Operation • Racquetball Courts (non-membership) • Rental of Bicycles, Rowboats and Canoes • Schools and Camps • Baseball Instructions • Sports Instructional • Scuba and Skin-Diving Instruction • Swimming Instruction • Swimming Pools (non-membership) • Tennis Clubs (non-membership) • Tennis Courts, Indoor and Outdoor Operation (non-membership) • arcade • Yoga Instruction and Studios • Art and Music Instruction and Studios • Martial Arts (judo, karate, etc.) Instruction 		
<u>Health Services:</u>		
Offices & Clinics of Medical Doctors	8011	
Offices & Clinics of Dentists	8021	
Offices of Osteopathic Physicians	8031	
Offices of Other Health Practitioners	8041-8049	
Offices & Clinics of Alternative and Natural Health Practitioners and	8050	
Nursing and Other Personal Care Facilities Except: Psychiatric Convalescent Homes	8051-8059	5
Home Health Care Services	8082	
Health and Allied Services, not elsewhere classified		
Kidney Dialysis Centers	8092	
Specialty Outpatient Facilities NEC, Only as follows:	8093	
<ul style="list-style-type: none"> • Biofeedback Centers; • Birth Control Clinics (family planning); • Rehabilitation Centers, outpatient (medical treatment); • Respiratory therapy clinics 		

<u>USES</u>	<u>SIC CODE</u>	<u>NOTE</u>
Health and Allied Services NEC	8099	6
Colleges and Universities	8221-8222	
Libraries	8231	
Schools and Educational Services, not elsewhere classified	8299	
Child Day Care Services	8351	3
Residential Care, (not including Senior Living)	8361	4
Limited to the following:		
• Homes for the aged, with Health Care Incidental		
• Rest Homes, with Health Care Incidental		
Senior Living	8361	10
Museums and Art Galleries	8412	
Botanical and Zoological Gardens	8422	
Accounting, Auditing, and Bookkeeping Services	8721	
Management Consulting Services	8742	
Public Relation Services	8743	
<u>NON-CLASSIFIABLE ESTABLISHMENTS</u>		
Parks/Recreational Facilities, Public or Private	99	
Corporate Professional Offices, Not Retail	99	

OYSTER CREEK GREENBELT RESERVE

<u>USES</u>	<u>SIC CODE</u>	<u>NOTE</u>
Park/Recreational Facilities, Public or Private	99	

NOTES:

Uses within the PD must be developed in compliance with the following conditions:

1. Office of Veterinarians (SIC 7421) shall be limited to small animals only, shall not have outdoor runs, and boarding of animals overnight is only permitted when associated with surgery.
2. Functions Closely Related to Banking (SIC6091) excludes check cashing, credit access businesses, and motor vehicle title loans (as defined in Chapter 393 of the Texas Financial Code).
3. Child Care Services (SIC 8351):
 - (a) Shall be developed in accordance with an approved traffic circulation plan and traffic study to include on-site queuing.
 - (b) Must provide dedicated outside or inside recreation areas, and shall not retrofit parking lots for recreational areas.
 - (c) No more than one child day care center shall be permitted in the PD.
 - (d) Maximum 225 total number of students permitted.

4. Residential Care Facilities (SIC 8361) shall provide common food service areas and weekly housekeeping service.
 - (a) Twenty-four (24) hour on-site courtesy office
 - (b) Wellness center
 - (c) Common leisure/activity center
 - (d) Residential health care only
 - (e) Not greater than 12,000 square feet
 - (f) Maximum number of 120 beds or units in a facility
5. (SIC 8051-8059)- Maximum number of 80 beds or units in a facility
6. Health and Allied Services NEC (SIC 8099) includes massage establishments (as defined by Chapter 454 of the Texas Occupation Code).
7. Subject to a maximum of 20,000 square feet gross leasable area.
8. Subject to a maximum of 50,000 square feet of gross leasable area.
9. Conditions for Drinking Places (SIC 5813)
 - (a) Use not permitted within 300 feet of any existing Single Family Lot line.
 - (b) No Drinking Place shall be greater than 7,000 square feet.
10. Senior Living – Age Restricted Residential (SIC 8361), up to 200 units are permitted on Reserve B, as shown on Exhibit B-3a, as defined below:
 - (a) All residents of the facility must be 55 years of age or older, or the spouse of a resident who is 55 years of age or older.
 - (b) The facility shall include a common food service area of not less than 3,000 square feet, to be located on the ground floor.
 - (c) The facility shall provide optional housekeeping services for residents
 - (d) The facility shall provide optional transportation services for residents
 - (e) The facility shall provide physical fitness / wellness center
 - (f) The facilities shall be designed with rooms accessible to a temperature controlled interior corridor
11. Subject to a maximum 10,000 square feet gross leasable area.

For All Uses

Outdoor speaker use is prohibited within 200 feet of any single family or townhome lot line and within 100 feet of oyster creek. Outdoor speakers shall be oriented away from the nearest single family or townhome lot line.

EXHIBIT B-3a: "ALTERNATIVE A" SITE LAYOUT PLAN

LEGEND

-  PRIMARY VEHICULAR ACCESS POINT
(ADDITIONAL DRIVEWAY ACCESS TO BE DETERMINED TO MEET CODE REQUIREMENTS)
-  INDICATES BUILDING LINE
-  INDICATES LANDSCAPE BUFFER
- NOTE 1: GREENBELT CONTINUES TO BURNEY ROAD.
- * OUTDOOR DINING AND OUTSIDE RETAIL USE AREAS ARE PERMITTED ON RESERVE A.
- * SEE EXHIBIT B FOR RESTRICTIONS ON OUTSIDE COMMUNICATION DEVICES.
-  INDICATES BICYCLE PARKING
-  INDICATES PERIMETER FENCING



EXHIBIT B-3A

EXHIBIT B-3b: "ALTERNATIVE B" SITE LAYOUT PLAN

LEGEND

NOTE 1: GREENBELT CONTINUES TO BURNEY ROAD.

↔ PRIMARY VEHICULAR ACCESS POINT
(ADDITIONAL DRIVEWAY ACCESS TO BE DETERMINED TO MEET CODE AND DESIGN STANDARDS)

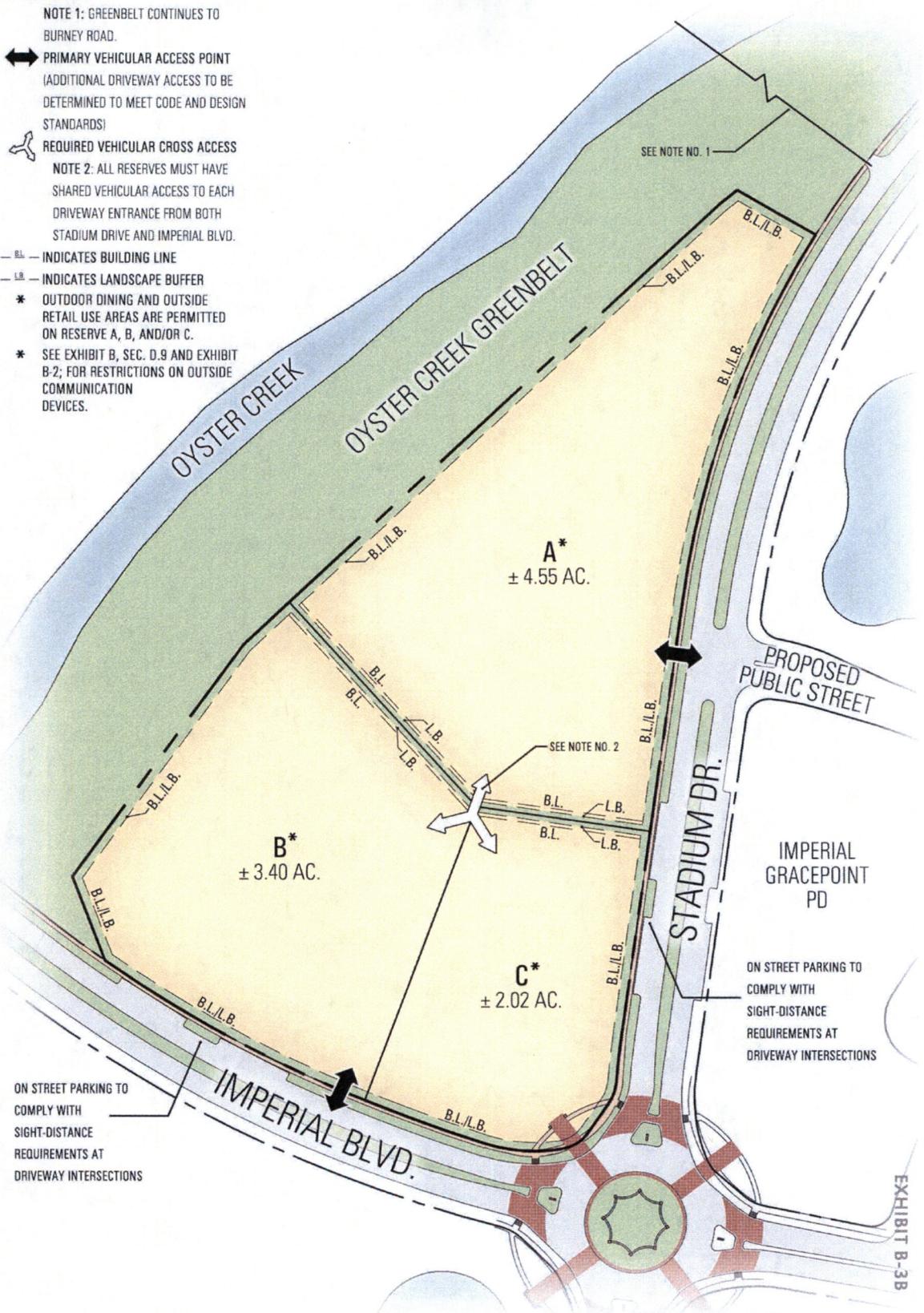
⚡ REQUIRED VEHICULAR CROSS ACCESS
NOTE 2: ALL RESERVES MUST HAVE SHARED VEHICULAR ACCESS TO EACH DRIVEWAY ENTRANCE FROM BOTH STADIUM DRIVE AND IMPERIAL BLVD.

— B.L. — INDICATES BUILDING LINE

— L.B. — INDICATES LANDSCAPE BUFFER

* OUTDOOR DINING AND OUTSIDE RETAIL USE AREAS ARE PERMITTED ON RESERVE A, B, AND/OR C.

* SEE EXHIBIT B, SEC. D.9 AND EXHIBIT B-2; FOR RESTRICTIONS ON OUTSIDE COMMUNICATION DEVICES.



ON STREET PARKING TO COMPLY WITH SIGHT-DISTANCE REQUIREMENTS AT DRIVEWAY INTERSECTIONS

ON STREET PARKING TO COMPLY WITH SIGHT-DISTANCE REQUIREMENTS AT DRIVEWAY INTERSECTIONS

EXHIBIT B-3B

Exhibit B-4
Plant List for Imperial Ballpark District Tract E

The following is a list of approved trees and shrubs. Alternative plants not specified in this list may be approved by the Director if determined that an alternative is substantially equal to or better than a specified material and the use will not violate any provision of the PD:

Shade Trees:

Pecan	<i>Carya illinoensis</i>
Fringe Tree	<i>Chionanthus virginicus</i>
Japanese Blueberry	<i>Elaeocarpus decipiens</i>
Nellie R. Stevens Holly	<i>Ilex x attenuata 'Nellie R. Stevens'</i>
Savannah Holly	<i>Ilex attenuate 'Savannah'</i>
Southern Magnolia	<i>Magnolia grandiflora</i>
Loblolly Pine	<i>Pinus taeda</i>
Texas Pistache	<i>Pistacia texana</i>
Sycamore	<i>Platanus occidentalis'</i>
Bur Oak	<i>Quercus macrocarpa</i>
Chinkapin Oak	<i>Quercus muehlenbergii</i>
Monterey Oak	<i>Quercus polymorpha</i>
Water Oak	<i>Quercus nigra</i>
Live Oak	<i>Quercus virginiana</i>
Shumard Oak	<i>Quercus shumardii</i>
Bald Cypress	<i>Taxodium distichum</i>
Pond Cypress	<i>Taxodium ascendens</i>
Cedar Elm	<i>Ulmus crassifolia</i>
Bosque or Drake Elm	<i>Ulmus parvifolia 'Bosque' or 'Drake'</i>

Small & Ornamental Trees:

Texas Redbud	<i>Cercis canadensis 'var. texensis'</i>
European Fan Palm	<i>Chamaerops humilis</i>
Desert Willow	<i>Chilopsis linearis</i>
Smokebush	<i>Cotinus obovatus</i>
Loquat	<i>Eryobotrya japonica</i>
Foster Holly	<i>Ilex x attenuata 'Fosterii'</i>
Possumhaw Holly	<i>Ilex decidua</i>
Yaupon Holly	<i>Ilex vomitoria</i>
Columnar Juniper	<i>Juniperus spp.</i>
Crape Myrtle	<i>Lagerstroemia indica 'Basham's Pink', 'Natchez', 'Muskogee'</i>
Little Gem Magnolia	<i>Magnolia grandiflora 'Little Gem'</i>
Tree form (MT) Ligustrum	<i>Ligustrum japonicum</i>
Saucer Magnolia	<i>Magnolia x soulangeana</i>
Sweetbay Magnolia	<i>Magnolia virginiana</i>
Tree Wax Myrtle	<i>Myrica cerifca</i>
Mexican Plum	<i>Prunus mexicana</i>
Texas Sable Palm	<i>Sabal texana</i>
Texas Mountain Laurel	<i>Sophora secundiflora</i>
Windmill Palm	<i>Trachycarpus fortunei</i>
Chaste Tree	<i>Vitex agnus-castus</i>

Shrubs:

Abelia	<i>Abelia x grandiflora</i> 'Prostrata', 'Sherwoodi', Edward Goucher'
Dwarf Bottlebrush	<i>Callistemon citrinus</i> 'Austraflora', 'Firebrand', 'Little John', and 'Splendens'
Japanese Clevera	<i>Ternstroemia gymnathera</i>
Sago Palm	<i>Cycas revoluta</i>
Umbrella Plant	<i>Cyperus alternifolius</i>
African/Butterfly Iris	<i>Dietes iridioides</i> , <i>Dietes bicolor</i>
Elaeagnus Ebbingei	<i>Elaeagnus macrophylla</i>
Silverberry	<i>Elaeagnus frutlandi</i>
Pineapple Guava	<i>Feijoa sellowiana</i>
Red Yucca	<i>Hesperaloe parviflora</i>
Barbados Cherry	<i>Malpighia Glabra</i>
Fatsia	<i>Fatsia japonica</i>
Dwarf Burford Holly	<i>Ilex cornuta</i> 'Burfordii Nana'
Chinese Holly	<i>Ilex cornuta</i> 'Rotunda'
Dwarf Yaupon	<i>Ilex vomitoria</i> 'Nana'
Louisiana Iris	<i>Iris louisiana</i>
Dwarf Crape Myrtle	<i>Lagerstroemia indica</i> 'Nana'
Ligustrum	<i>Ligustrum japonicum</i>
Waxleaf Glossy Privet	<i>Ligustrum lucidum</i>
Fringe Flower	<i>Loropetalum chinense</i>
Maiden Grass	<i>Miscanthus sinensis</i> var.
Dwarf Wax Myrtle	<i>Myrica pusilla</i>
Nandina	<i>Nandina domestica</i>
Purple Fountain Grass	<i>Pennisetum setaceum</i>
Indian Hawthorn	<i>Raphiolepis indica</i> 'Clara'
Shrub Rose	<i>Rosa</i> spp. 'Knockout', 'The Fairy', 'Bonica', 'Carefree Wonder'
Society Garlic	<i>Tulbaghia violacea</i>
Sweet Viburnum	<i>Viburnum</i> spp.
Bridal Wreath Spirea	<i>Spirea prunifolia</i>
Oleander	<i>Nerium oleander</i>
Dwarf Oleander	<i>Nerium oleander</i> 'Petite Pink', 'Little Red'
Plumbago	<i>Plumbago auriculata</i>
Dwarf Pomegranate	<i>Punica granatum</i> 'Nana'
Kumquat	<i>Fortunella</i> spp.
Muhly Grass	<i>Meuhlenbergia lindheimeri</i>
Dwarf Maiden Grass	<i>Miscanthus sinensis</i> 'Morning Light'

EXHIBIT B-5a: PEDESTRIAN CIRCULATION PLAN

LEGEND

-  6' PROPOSED SIDEWALK
-  8' PROPOSED SIDEPATH
-  10' PROPOSED PUBLIC TRAIL
-  FUTURE TRAIL
-  EXISTING SIDEWALK

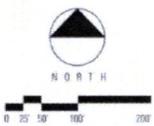
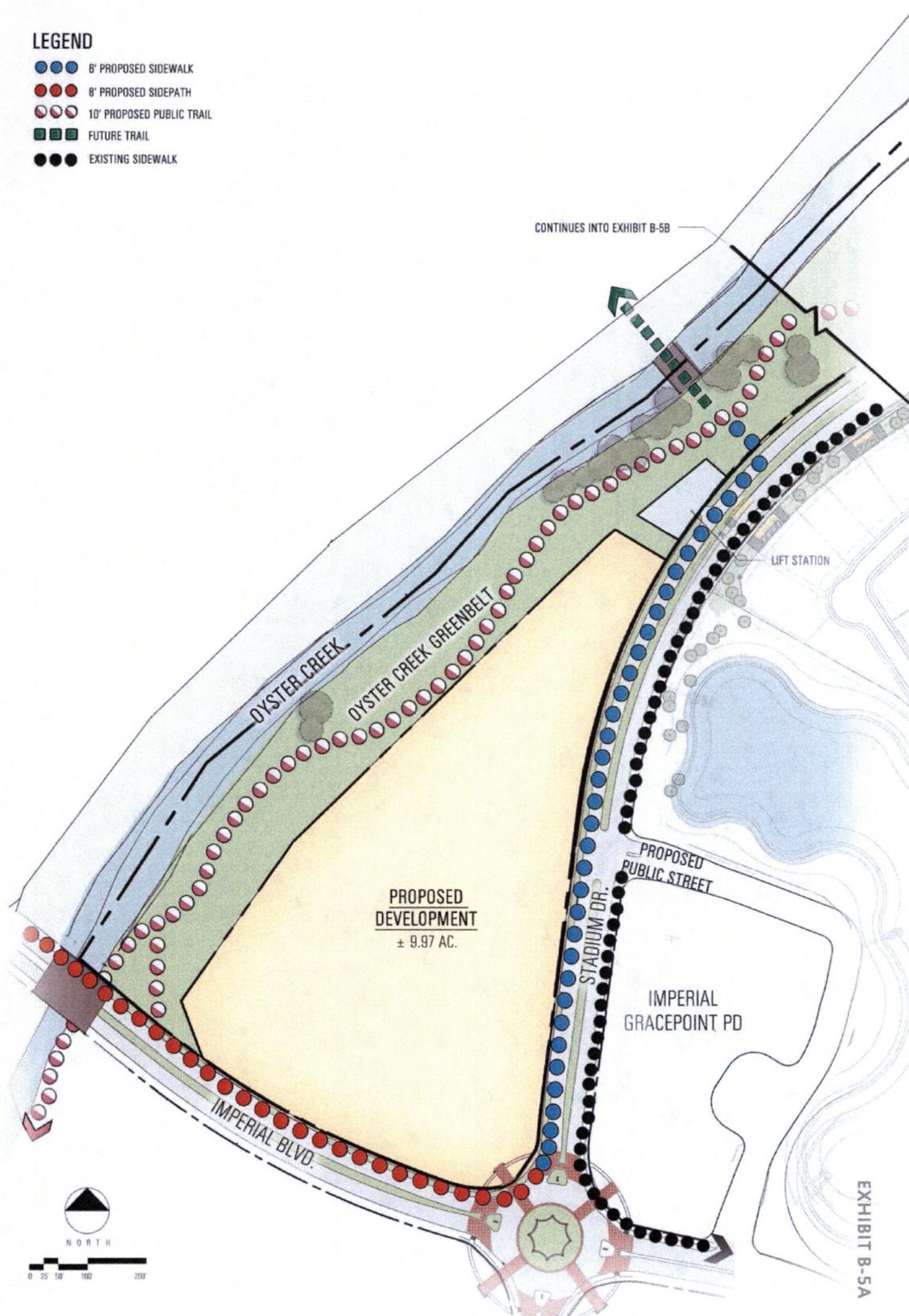
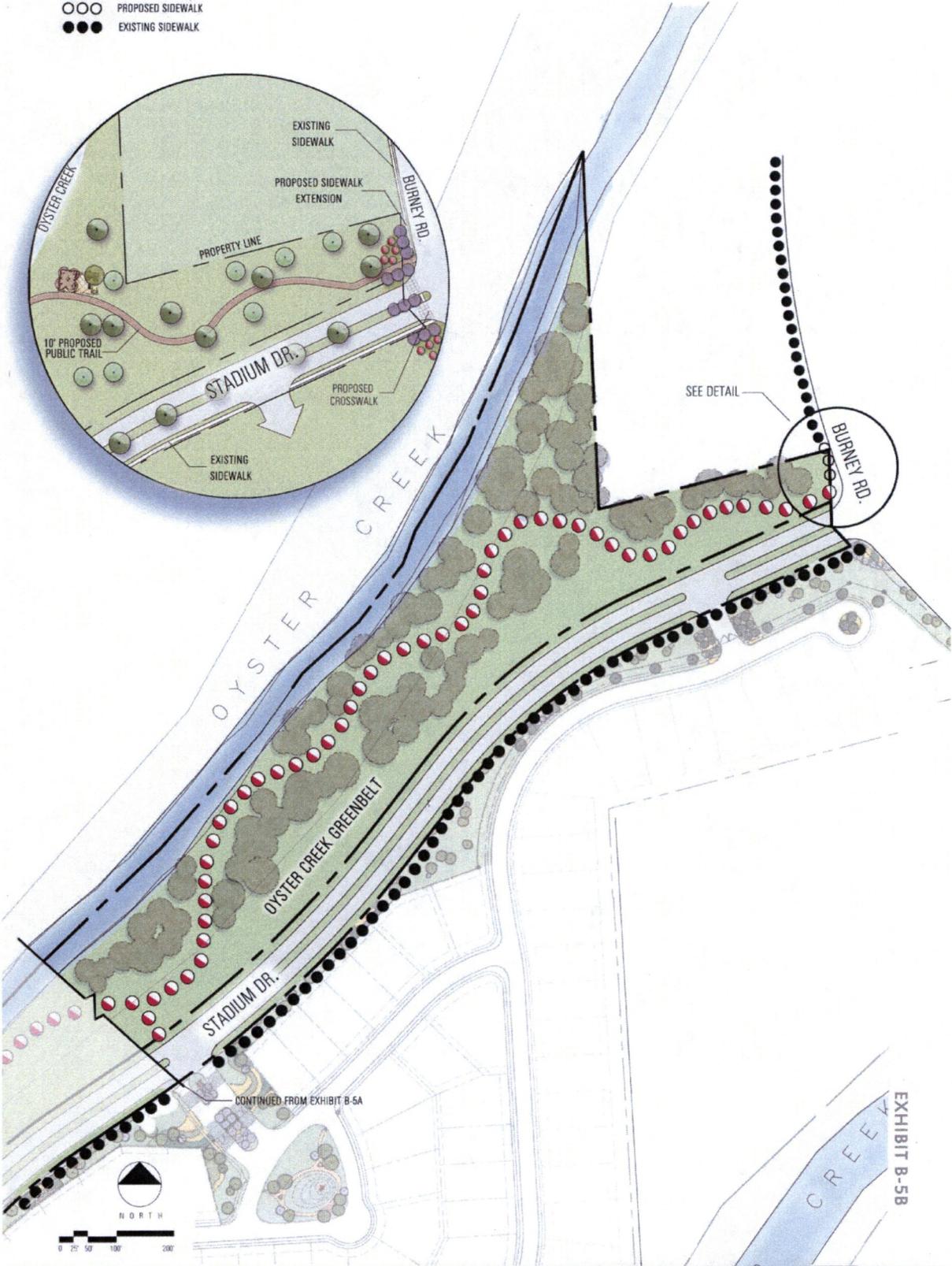


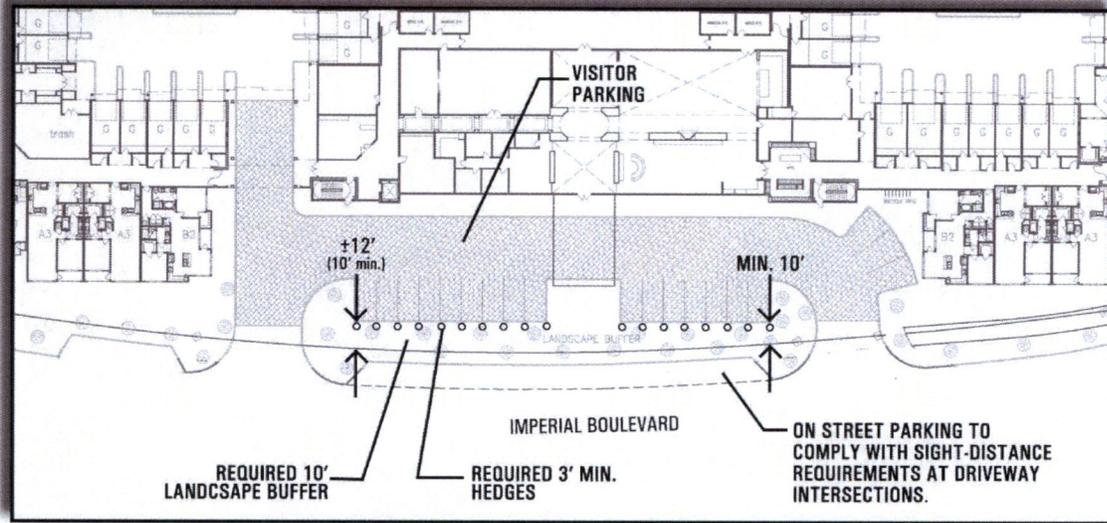
EXHIBIT B-5b: PEDESTRIAN CIRCULATION PLAN

LEGEND

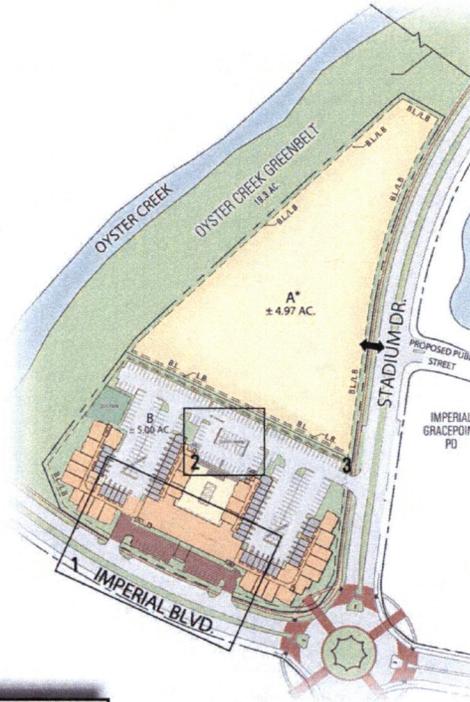
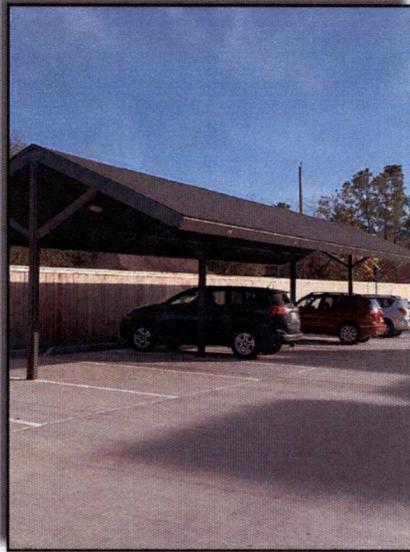
-  10' PROPOSED PUBLIC TRAIL
-  PROPOSED SIDEWALK
-  EXISTING SIDEWALK



1. Parking Lot Detail



2. Covered Parking Typical



3. Fence Detail

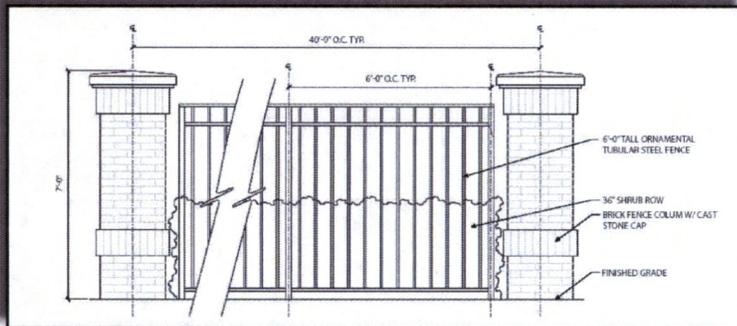
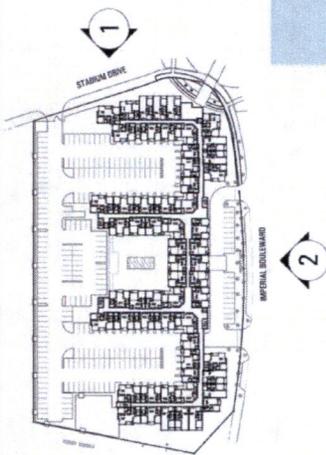


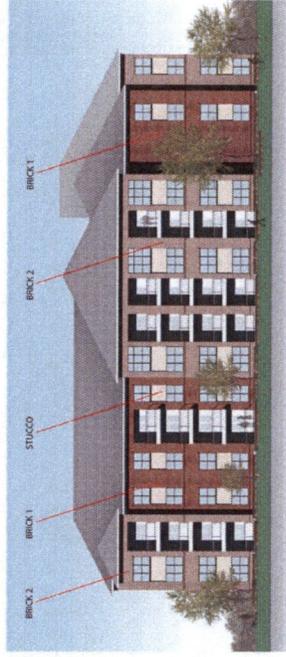
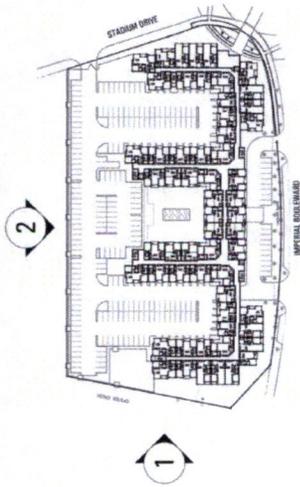
EXHIBIT B-6



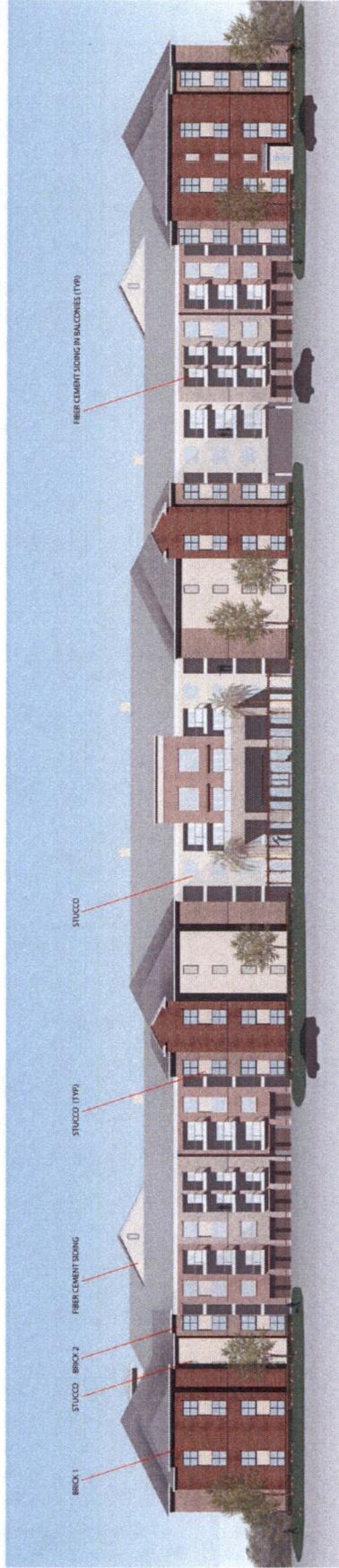
1. East Elevation - Stadium Drive



2. South Elevation - Imperial Blvd.



1. West Elevation - Oyster Creek



2. North Elevation

Exhibit C
Vicinity Map

