

ORDINANCE NO. 2081

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUGAR LAND, TEXAS, AMENDING THE CROSSING AT TELFAIR PHASE 1 PLANNED DEVELOPMENT (PD) DISTRICT, FINAL DEVELOPMENT PLAN, LOCATED AT THE INTERSECTION OF UNIVERSITY BOULEVARD AND BONAVENTURE WAY; RE-ADOPTING THE FINAL DEVELOPMENT PLAN FOR THE ENTIRE PLANNED DEVELOPMENT; AND REPEALING ORDINANCE NO. 1993.

WHEREAS, by the adoption of Ordinance No. 1589 on October 17, 2006, the City Council approved a change of zoning to create a planned development district (PD) for 27.292 acres of land located at the intersection of State Highway 6 and University Boulevard, and approved a final development plan for the PD district; and

WHEREAS, by the adoption of Ordinance No. 1993 on March 17, 2015, the City Council approved an amendment to the Planned Development District, Final Development Plan in order to allow for tutoring (SIC Code 8299) to be a permitted use within Reserve "H" of the 3.529 acres of land located at the intersection of University Boulevard and Bonaventure Way in the PD; and

WHEREAS, Rare Roses USA LP is requesting an amendment to the Planned Development District, Final Development Plan in order to allow for fitness facility (SIC Code 7991) and grocery store (SIC code 5411) to be permitted uses within Reserve "H" of the 3.529 acres of land located at the intersection of University Boulevard and Bonaventure Way in the PD; and

WHEREAS, the City Planning and Zoning Commission recommends approval of the 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 the proposed request; and

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

WHEREAS, for convenience of reference, the City Council wishes to adopt a new final development plan for the entire PD, incorporating the additional uses; 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 Final Development Plan as shown in Exhibit B is approved.

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

- Exhibit A – Legal description for 27.292 Acre Planned Development
- Exhibit B – Exhibit B, Final Development Plan
- Exhibit C – Exhibit B-1, General Site Plan
- Exhibit D – Exhibit B-2, Permitted Uses
- Exhibit E – Exhibit B-3, Landscape & Pedestrian Circulation Plan

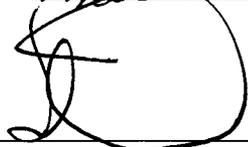
Exhibit F – Exhibit B-4, Plant List
Exhibit G – Vicinity Map

Section 4. That the City's official zoning map is amended to show the change in zoning district classification.

Section 5. That Ordinance No. 1993 is repealed.

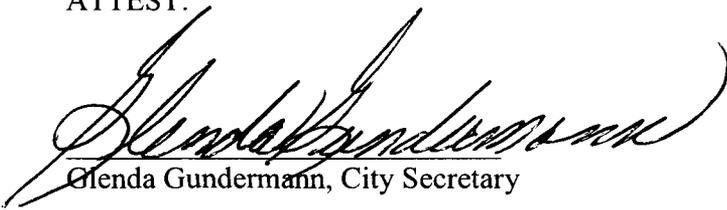
APPROVED on first consideration on February 07, 2017.

ADOPTED on second consideration on March 07, 2017.



Joe R. Zimmerman, Mayor

ATTEST:



Glenda Gundermann, City Secretary

APPROVED AS TO FORM:



Attachments: Exhibit A – Legal description for 27.292 Acre Planned Development
Exhibit B – Exhibit B, Final Development Plan
Exhibit C – Exhibit B-1, General Site Plan
Exhibit D – Exhibit B-2, Permitted Uses
Exhibit E – Exhibit B-3, Landscape & Pedestrian Circulation Plan
Exhibit F – Exhibit B-4, Plant List
Exhibit G – Vicinity Map

EXHIBIT A

Metes & Bounds for 27.292 Acre Planned Development

September 18, 2006
Job No. 1042-0601-001

DESCRIPTION OF 27.292 ACRES

Being 27.292 acres of land located in the Alexander Hodge League, Abstract 32, Fort Bend County, Texas, more particularly being a portion of a called 112.736 acre tract conveyed to HWY 6 & 90, LTD, by instrument of record in File No. 2006031364, Official Public Records, of said Fort Bend County (F.B.C.O.P.R.), said 27.292 acres being more particularly described by metes and bounds as follows (all bearings referenced to the Texas State Plane Coordinate System, South Central Zone, NAD 83, 1993 adjustment);

BEGINNING at a 5/8-inch iron rod with TXDOT aluminum disc found marking the northeast corner of the above mentioned 112.736 acre tract, and on the west line of that certain called 57.2991 acre tract conveyed to Fort Bend County Levee Improvement District No. 2 by instrument of record in File No. 9574191, Official Records of Fort Bend County (F.B.C.O.R.), same being on the southwesterly right-of-way line of Texas State Highway No. 6 (width varies);

Thence, departing said right-of-way line and with the common line of said 112.736 and 57.2991 acre tracts, South $01^{\circ} 50' 41''$ East, 997.00 feet to a chiseled "X" in concrete set for corner;

Thence, leaving said common line, North $56^{\circ} 17' 33''$ West, at 73.75 feet pass the northeast corner of that certain called 2.449 acre tract conveyed to Fort Bend County Levee Improvement District No. 17, by instrument of record in File No. 2004077317, F.B.C.O.P.R. and with the northerly line of said 2.449 acre tract, in all a total distance of 1814.98 feet to a point for corner;

Thence, departing said northerly line, North $37^{\circ} 05' 59''$ East, 475.48 feet to a point for corner, the beginning of a curve;

Thence, 49.23 feet along the arc of a tangent curve to the right, having a radius of 500.00 feet, a central angle of $05^{\circ} 38' 30''$ and a chord which bears North $39^{\circ} 55' 14''$ East, 49.21 feet to a point for corner;

EXHIBIT A Cont.

Metes & Bounds for 27.292 Acre Planned Development

27.292 acres

September 18, 2006
Job No. 1042-0601-001

Thence, North 42° 44' 29" East, 52.45 feet to a point for corner, the beginning of a curve;

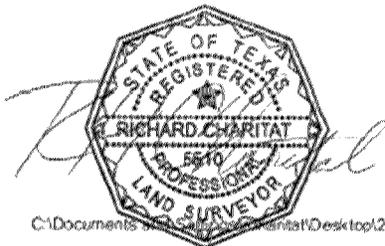
Thence, 49.23 feet along the arc of a tangent curve to the left, having a radius of 500.00 feet, a central angle of 05° 38' 31" and a chord which bears North 39° 55' 14" East, 49.21 feet to a point for corner;

Thence, North 37° 05' 59" East, 102.42 feet to a point for corner, the beginning of a curve;

Thence, 77.65 feet along the arc of a tangent curve to the right, having a radius of 50.00 feet, a central angle of 88° 58' 36" and a chord which bears North 81° 35' 17" East, 70.08 feet to a point for corner, in the aforementioned southwesterly right-of-way line of Texas State Highway No.6, the beginning of a curve;

Thence, with the common line of said 112.736 acre tract and said right-of-way line, the following three (3) courses:

- 1) 261.46 feet along the arc of a non-tangent curve to the left, having a radius of 2897.80 feet, a central angle of 05° 10' 11" and a chord which bears South 56° 30' 30" East, 261.37 feet to a 5/8-inch iron rod with TXDOT aluminum disc found for corner;
- 2) Thence, South 59° 06' 33" East, 683.68 feet to a 5/8-inch iron rod with TXDOT aluminum disc found for corner, the beginning of a curve;
- 3) Thence, 186.06 feet along the arc of a non-tangent curve to the right, having a radius of 2844.79 feet, a central angle of 03° 44' 50" and a chord which bears South 57° 13' 29" East, 186.02 feet to the POINT OF BEGINNING and containing 27.292 acres of land.



LJA Engineering & Surveying, Inc.

EXHIBIT B

Exhibit B, Final Development Plan (The Crossing at Telfair, Phase I)

A. Contents. This final development plan contains the following parts:

- A. Contents
- B. General Provisions
- C. Land Uses
- D. Development Regulations
- E. Building Regulations
- F. Landscape Regulations
- G. Additional 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 a B-2 (General Business) zoning district is not contained in this ordinance, all the 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 for herein, the words used in this final development plan have the meaning established by the Development Code. In this ordinance:

Hotel means a place of lodging where individual rooms for stay are only accessed from the interior of the building.

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

PD means the planned development district created by this ordinance.

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

C. Land Uses.

1. Permitted land uses for all parcels are listed in Exhibit B-2. All other land uses are prohibited in these parcels.

2. One hotel and one hospital may be built in the PD.

D. Development Regulations.

1. Maximum height of structures: 8 stories, but not more than 100 feet, exclusive of parapet walls.

2. Minimum yards:

- | | |
|---------------------------------------|---------|
| (a) Abutting Highway 6: | 50 feet |
| (b) Abutting University Boulevard: | 40 feet |
| (c) Abutting Private Access Easement: | 25 feet |
| (d) Abutting the Levee: | 20 feet |
| (e) All other: | 20 feet |

3. Minimum Parking Lot Setbacks:

- | | |
|--|---------|
| (a) Highway 6 lot lines: | 35 feet |
| (b) University Boulevard lot lines: | 40 feet |
| (c) Private Access Easement lot lines: | 12 feet |
| (d) Levee lot lines: | 10 feet |
| (e) All other: | 6 feet |

4. Paving:

- (a) All parking lots, driveways, and vehicle use areas must be constructed of concrete.
- (b) All driveways and private streets within individual building parcels must be paved with a concrete surface or interlocking pavers (installed on a concrete sealed slab).
- (c) Decorative paving must be used at each entry off a collector.
- (d) Paving must be integrally colored.

E. Building Regulations.

1. Building Finish Standards:

- (a) Building Finish Standards apply to all exterior walls of a building.
- (b) Primary Finishes are limited to brick, stone (natural, cast, or cultured – textured), stucco, and glass wall.
- (c) Secondary Finishes are limited to exterior insulated finish system (EIFS), wood, and ceramic tiles.

(d) Use of architectural metals is limited to canopies, parapet walls, roof systems, and miscellaneous trim work and must meet the durability standards of the City of Sugar Land Development Code.

(e) The number of materials on a single building is limited to three.

(f) A single building material may not cover more than eighty percent of the front of any building.

2. Facades & Exterior Walls:

(a) Facades greater than 100 feet in length must incorporate plane recesses having a minimum depth of at least 3 percent of the length of the facade and extending at least 20 percent of the length of the facade. No uninterrupted length of a façade shall exceed 100 feet in length.

(b) Ground floor façades that face public streets must have storefronts, arcades, display windows, entry areas, awnings or other features along no less than 50 percent of their horizontal length.

(c) Stores occupying less than 20,000 square feet must contain glass between the height of 3 feet and 8 feet above the sidewalk grade for no less than forty percent of the horizontal length of the building façade.

(d) The ratio of glass to wall of the building façade must not be more than forty percent except for ground level commercial areas where the standard listed in 3(c) applies.

3. Fenestration:

(a) Punched-type windows, inset from the face of the building, are required above the first floor.

(b) Continuous horizontal ribbon windows are prohibited.

(c) Clear glass is required in all retail storefronts.

(d) Use of reflective glazing shall be limited to second level uses and above.

4. Detail Features:

(a) Building facades must include a repeating pattern that includes no less than three of the elements listed below. All elements must repeat at intervals of no more than fifty feet, either horizontally or vertically.

- Color Change
- Texture Change
- Material Module Change
- Expression of structural bay through a change in plane

5. Roofs:

(a) Roofs will have at least one of the following features:

- Parapets concealing flat roofs and rooftop equipment from public view. The average height will not exceed 15% of the height of the supporting wall unless necessary to screen rooftop equipment. All parapets will feature three dimensional cornice treatments and will be solid from all sides if visible at any distance from the ground.
- Overhanging eaves, extending no less than 3 feet past the supporting walls.

F. Landscape & Pedestrian Circulation Regulations.

1. Minimum landscape buffers, continuous along:

- | | |
|------------------------------|--------------|
| (a) Highway 6: | 35 feet deep |
| (b) University Boulevard: | 40 feet deep |
| (c) Private Access Easement: | 12 feet deep |
| (d) Levee: | 10 feet deep |
| (e) All other: | 6 feet deep |

2. Minimum Open Space: 20%.

3. Street Trees:

- (a) Must be planted on a thirty foot on center average.
- (b) Must have a minimum caliper of 4" as measured at ground level when planted.
- (c) Must not be located closer than ten feet from a street lamppost.

4. Preferred Plant List (Exhibit B-4)

5. Sidewalks:

- (a) Continuous sidewalks are required along all roadways, including private access easements.
- (b) All sidewalks must be built six feet from the back of curb, within the right-of-way or access easement.

6. Landscape & Pedestrian Circulation Plan (Exhibit B-3).

7. Streetscape detail (Exhibit B-5)

G. Additional Regulations.

1. The total combined maximum floor area for this PD is 715,000 square feet.

2. Outside display of merchandise is not permitted.

3. All accessory building uses must be located internal to the tract and not on or abutting public or private street

EXHIBIT C

Exhibit B-1, General Site Plan

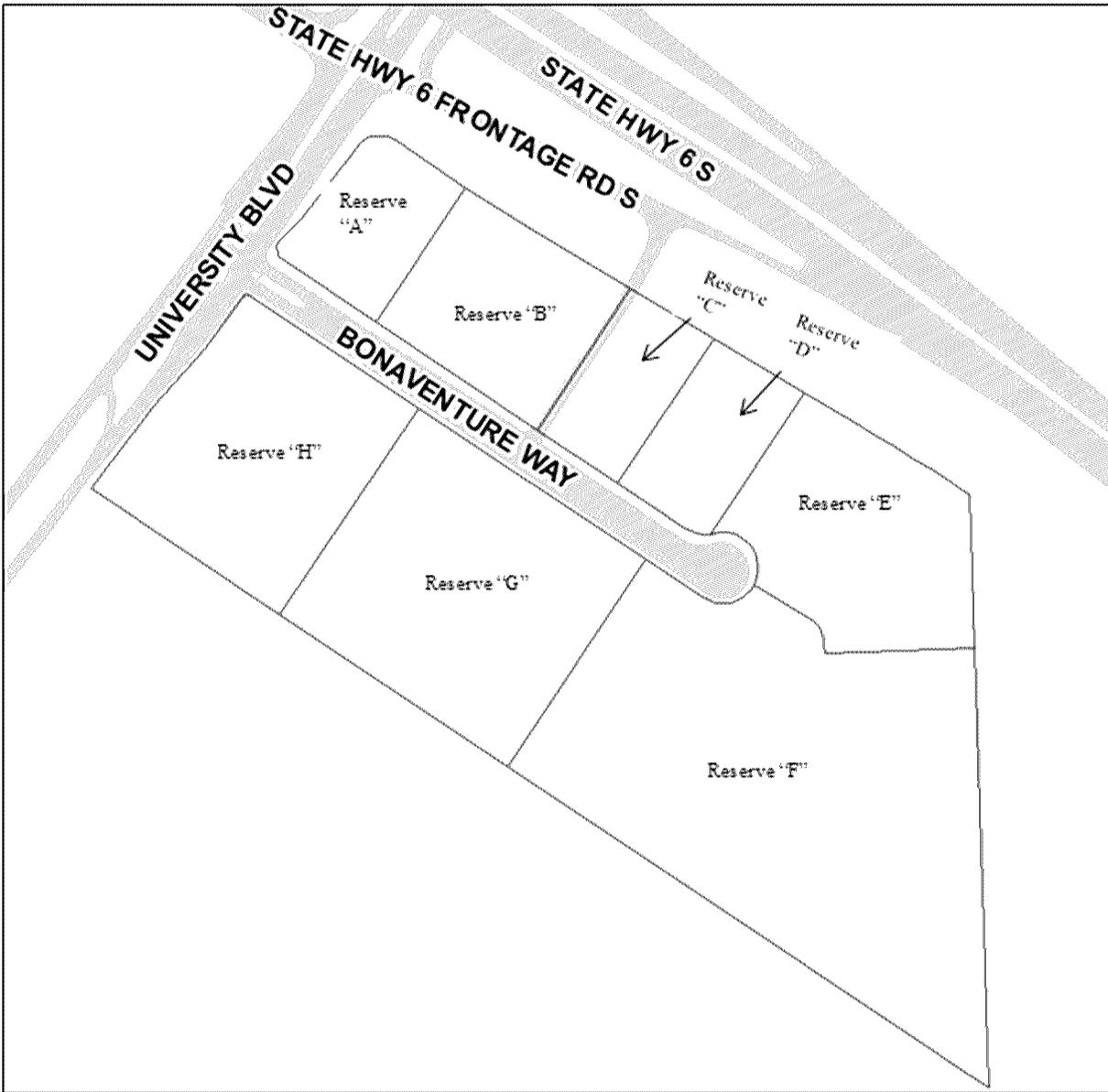


EXHIBIT D

Exhibit B-2, Permitted Uses

<u>USES</u>	<u>SIC CODE</u>
<u>RETAIL: (2 – 7 Acres)</u>	
Paint, Glass, and Wallpaper Stores	5231
Grocery/Convenience Store	5411 (See Note 3)
Candy, Nut, and Confectionary Stores	5441
Retail Bakeries	5461
Apparel and Accessory Stores	56
Home Furniture, Furnishings, and Equipment	57
Eating and Drinking Places	58
Miscellaneous Retail with exception of Group 598 Fuel Dealers	59
<u>FINANCE, INSURANCE, AND REAL ESTATE: (2 – 5 Acres)</u>	
Depository Institutions with exception of 6099 Check Cashing Agencies	60
Non-depository Credit Institutions	61
Security and Commodity Brokers, Dealers, Exchanges, Services	62
Insurance Carriers	63
Insurance Agents, Brokers, and Service	64
Real Estate	65
Holding and Other Investment Offices	67
<u>SERVICES: (13 – 25 Acres)</u>	
Hotel only	7011
Garment Pressing, and Agents for Laundries and Drycleaners (pressing and pickup-dropoff only)	7212
Photographic Studios, Portrait	7221
Beauty Shop	7231
Barber Shop	7241
Shoe Repair Shop and Shoeshine Parlors	2351
Tax Return Preparation	7291
Miscellaneous Personal Services, N.E.C.	7299
Business Services] with exception of the following:	73
-7342 Disinfecting and Pest Control	
-7349 Building Cleaning and Maintenance	
-7353 Heavy Construction Equipment and Leasing	
-7359 Equipment Rental and Leasing N.E.C. (Only allow the following: Party Supplies, dishes, silverware, tables, televisions, and video/cd equipment rental and leasing)	
Watch, Clock, and Jewelry Repair	7631
Dance Studios and Schools except dance halls	7911 (See Note 2)
Physical Fitness Facilities	7991 (See Note 2)
Offices and Clinics of Doctors, Dentists, Chiropractors, Optometrists, Podiatrists	8011-8043
Nursing and Personal Care Facilities	8051-8059
General Medical and Surgical Hospitals	8062
Medical and Dental Laboratories	8071-8072

EXHIBIT D Cont.

Exhibit B-2, Permitted Uses

Home Health Care Services	8082
Kidney Dialysis Centers	8092
Specialty Outpatient Facilities, N.E.C. as follows:	8093
-Biofeedback centers	
-Rehabilitation center for outpatients (medical only)	
-Respiratory therapy clinics	
Health and Allied Services, N.E.C.	8099
Legal Services	81
Schools and Educational Services, N.E.C.	8299 (See Note 1)
Engineer, Accounting, Research, Management, and Related Services with exception of 8744 Correctional Facilities and Jails (privately operated)	87
Services, N.E.C.	89

Note 1: This use is only permitted in Reserve "H"

Note 2: This use is limited to a maximum of 10,000 square feet and is only permitted in Reserve "H"

Note 3: This use is limited to one store at a maximum of 5,000 square feet and is only permitted in Reserve "H"

EXHIBIT F

Exhibit B-4, Plant List

The following is a list of preferred plant material. If the property owners request plants that are not contained in this list, the Director may approve them if they are determined to be of a similar hardiness.

Street Trees:

Nellie R. Stevens Holly - *Ilex x attenuata* 'Nellie R. Stevens'
Savannah Holly - *Ilex attenuata* 'Savannah'
Southern Magnolia - *Magnolia grandiflora* 'DD Blanchard'
Sycamore - '*Platanus occidentalis*'
Water Oak - *Quercus nigra*
Live Oak - *Quercus virginiana*
Bald Cypress - *Taxodium distichum*
Bosque or Drake Elm - *Ulmus parvifolia* 'Bosque' or 'Drake'

Small & Ornamental Trees:

European Fan Palm - *Chamaerops humilis*
Loquat - *Eryobotrya japonica*
Foster Holly - *Ilex x attenuata* 'Fosterii'
Yaupon Holly - *Ilex vomitoria*
Columnar Juniper - *Juniperus spp.*
Crape Myrtle - *Lagerstroemia indica* 'Basham's Pink', 'Natchez' 'Muschogee'
Little Gem Magnolia - *Magnolia grandiflora* 'Little Gem'
Treeform (MT) Ligustrum - *Ligustrum japonicum*
Sweetbay Magnolia - *Magnolia virginiana*
Tree Wax Myrtle - *Myrica cerifera*
Cherry Laurel - *Prunus caroliniana*
Mexican Plum - *Prunus mexicana*
Texas Sable Palm - *Sabal texana*
Windmill Palm - *Trachycarpus fortunei*
California Fan Palm - *Washingtonia filifera*

Shrubs:

Encore Azalea - *Azalea hybrid* 'Autumn Sweetheart', 'Autumn Twist', 'Autumn Rouge',
'Autumn Bravo'
Indica Azalea - *Azalea indica* 'Sweet Forgiveness', 'Geo. Taber', 'GG Gerbing', 'Formosa'
Abelia - *Abelia x grandiflora* 'Prostrata', 'Sherwoodi', 'Edward Goucher'
Boxwood - *Buxus spp.*
Dwarf Bottlebrush - *Callistemon citrinus* 'Austraflora', 'Firebrand', 'Little John', and
'Splendens'
Camellia - *Camellia spp.*
Japanese Clethera - *Ternstroemia gymnanthera*
Sago Palm - *Cycas revoluta*
Umbrella Plant - *Cyperus alternifolius*
Butterfly Iris - *Diets iridioides*
Elaeagnus Ebbingei - *Elaeagnus macrophylla*
Silverberry - *Elaeagnus fruilandi*
Gardenia - *Gardenia spp.*
Dwarf Burford Holly - *Ilex cornuta* 'Burfordii Nana'

EXHIBIT F Cont.

Exhibit B-4, Plant List

Pittosporum - *Pittosporum tobira*
Variegated Pittosporum - *Pittosporum tobira* variegated
Barbados Cherry - *Malpighia glabra*
Fatsia - *Fatsia japonica*
Chinese Holly - *Ilex cornuta* 'Rotunda'
Dwarf Yaupon - *Ilex vomitoria* 'Nana'
Louisiana Iris - *Iris louisiana*
Dwarf Crape Myrtle - *Lagerstroemia indica* 'Nana'
Ligustrum - *Ligustrum japonicum*
Waxleaf Glossy Prunet - *Ligustrum lucidum*
Fringe Flower Razzleberry - *Loropetalum chinense* 'Monraz'
Maiden Grass - *Miscanthus sinensis* var.
Dwarf Wax Myrtle - *Myrica pusilla*
Nandina - *Nandina domestica*
Purple Fountain Grass - *Pennisetum setaceum*
Indian Hawthorn - *Raphiolepis indica* 'Clara'
Shrub Rose - *Rosa* spp. 'Knockout', 'The Fairy', 'Bonica'
Society Garlic - *Tulbaghia violacea*
Sweet Viburnum - *Viburnum* spp.
Bridal Wreath Spirea - *Spirea prunifolia*
Feijoa - *Feijoa sellowiana*
Oleander - *Nerium oleander*
Dwarf Oleander - *Nerium oleander* 'Petite Pink'
Plumbago - *Plumbago auriculata*
Dwarf Pomegranate - *Punica granatum* 'Nana'
Kumquat - *Fortunella* spp.
Muhly Grass - *Meuhlenbergia lindheimeri*
Dwarf Maiden Grass - *Miscanthus sinensis* 'Morning Light'

Groundcovers & Vines:

Carpet Bugle - *Ajuga reptans*
Coral Vine - *Antigonon leptopus*
Asparagus Fern - *Asparagus sprengeri*
Crossvine - *Bignonia capreolata*
Trumpet Creeper - *Campsis radicans*
Mexican Heather - *Cuphea hyssopifolia*
Wood Fern - *Dryopteris normalis*
Carolina Jasmine - *Gelsimium sempervirens*
English Ivy - *Hedera helix*
Daylily - *Hemerocallis* 'Evergreen Yellow Supreme', 'Ming Toy', 'Stella D'oro'
Coral Honeysuckle - *Lonicera sempervirens*
Big Blue Liriope - *Liriope muscari* 'Big Blue'
Evergreen Wisteria - *Millettia reticulata*
Variegated Giant Liriope - *Ophiopogon jaburan*
Monkey Grass - *Ophiopogon japonica*
Katie Ruellia - *Ruellia brittonia* 'Katy'
Virginia Creeper - *Parthenocissus quinquefolia*
Star Jasmine - *Trachelospermum jasminoides*
Purple Queen - *Setcreasea pallida*
Lantana - *Lantana sellowiana*

EXHIBIT F Cont.

Exhibit B-4, Plant List

Fig Ivy - *Ficus pumila*
Bougainvillea - *Bougainvillea* spp.

Arborvitae, yucca, cactus, and bamboo are prohibited.

EXHIBIT G

