

ORDINANCE NO. 1936

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUGAR LAND, TEXAS, AMENDING TELFAIR CENTRAL RESERVE C FINAL DEVELOPMENT PLAN, LOCATED AT THE SOUTHWEST CORNER OF UNIVERSITY BOULEVARD AND NEW TERRITORY BOULEVARD IN THE TELFAIR DEVELOPMENT; RE-ADOPTING THE FINAL DEVELOPMENT PLAN; AND REPEALING ORDINANCE NO. 1899.

WHEREAS, by the adoption of Ordinance No. 1899 on April 2, 2013, the City Council approved a change of zoning to create a planned development district for 2.209 acres of land located at the southwest corner of University Boulevard and New Territory Boulevard in the Telfair Development, and approved a final development plan for the PD district; and

WHEREAS, Casa Dei Bambini is requesting an amendment to the Planned Development District, Final Development Plan in order to expand their school within the PD; and

WHEREAS, the Planning and Zoning Commission recommends approval of the amendment; and

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

WHEREAS, for convenience of reference, the City Council wishes to adopt a new final development plan for the entire PD, incorporating the amendment; 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 – Amendment No. 1 as shown in Exhibit B is approved.

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

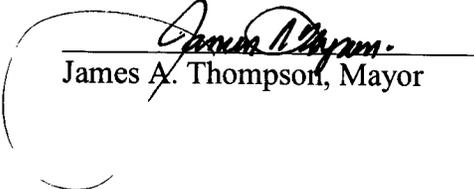
Exhibit A:	Property Description
Exhibit B:	Final Development Plan – Amendment No. 1
Exhibit B-1:	Site Layout Plan Option A
Exhibit B-2:	Site Layout Plan Option B
Exhibit B-3:	Permitted Uses
Exhibit B-4:	Concept Elevations

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

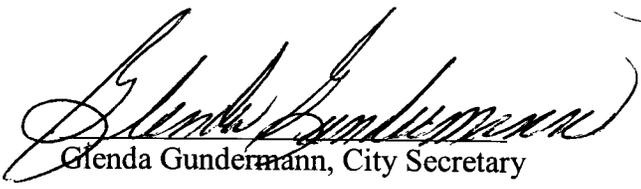
Section 5. That Ordinance No. 1899 is repealed.

APPROVED on first consideration on November 05, 2013.

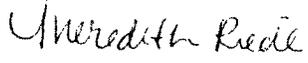
ADOPTED on second consideration on November 19, 2013.


James A. Thompson, Mayor

ATTEST:


Glenda Gundermann, City Secretary

APPROVED AS TO FORM:



Attachment: Exhibit A – Property Description
Exhibit B - Final Development Plan – Amendment No. 1
Exhibit B-1 - Site Layout Plan Option A
Exhibit B-2 - Site Layout Plan Option B
Exhibit B-3 - Permitted Uses
Exhibit B-4 - Concept Elevations

EXHIBIT B
FINAL DEVELOPMENT PLAN
Telfair Central Reserve C
Amendment No. 1
2.209 Acres

A. Contents. This final development plan includes the following sections:

- General Provisions
- Land Uses
- Development Regulations for Nonresidential
- Landscape and Pedestrian Circulation Regulations
- Freestanding Signs
- 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 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 herein, the words used in this final development plan have the meaning established by the Development Code. In this ordinance:

Montessori School means an establishment that is primarily Child Day Care Services (SIC 8351), but also includes limited Elementary School (SIC 8211) and Schools and Educational Services, not elsewhere classified (SIC 8299).

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.

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: *Site Layout Plan Option A*

Exhibit B-2: *Site Layout Plan Option B*

Exhibit B-3: *Permitted Uses*

Exhibit B-4: *Concept Elevations*

C. Land Uses and Site Layout.

1. Permitted land uses for the district are listed in *Exhibit B-3: Permitted Uses*: an “X” indicates a permitted use. The building must be utilized in one of the following ways:
 - (a) Entirely as a Montessori School; or
 - (b) Entirely as Child Day Care Services; or
 - (c) As a combination of permitted uses that do not include a Montessori School nor Child Day Care Services.
2. The site must be developed in accordance with Site Layout Option A if utilized by a Montessori School or Child Day Care Services. The site must be developed in accordance with Site Layout Plan Option B if utilized by a combination of other uses.
3. Certain land uses are permitted when developed under specified conditions as established in the Notes section of *Exhibit B-3: Permitted Uses*.
4. All other land uses are prohibited in this district.

D. Development Regulations—The PD shall be developed in accordance with the following development regulations:

1. Maximum height of structures:
 - (a) 40 feet above ground level.
2. Maximum building size: 27,000 square feet gross floor area. Note: all uses must comply with parking requirements established in the Development Code.
3. Minimum building setbacks:
 - (a) Abutting University Boulevard: 40 feet
 - (b) Abutting New Territory Boulevard: 40 feet
 - (c) Abutting Telfair Central Boulevard: 10 feet

4. Minimum parking lot setbacks:

- (a) University Boulevard lot lines: 40 feet
- (b) New Territory Boulevard: 30 feet
- (c) Telfair Central Boulevard: 10 feet

5. Paving:

- (a) Driveways and access easements shall be paved with either a concrete surface or interlocking pavers supported by a 6 inch reinforced concrete tray and a sub-grade, per City design standards.

6. Outside Use:

- (a) Merchandise may not be displayed or stored outside the building on a temporary or permanent basis.
- (b) Playground areas, as required by local, state, and federal regulations for Child Day Care Services or Montessori School use shall be established as shown on *Exhibit B-1: Site Layout Plan Option A*.

E. Landscape and Pedestrian Circulation Regulations –The PD shall be developed in accordance with the following landscape and pedestrian circulation regulations:

1. Minimum widths for landscape buffers, continuous along:

- (a) University Boulevard: 40 feet
- (b) New Territory Boulevard: 30 feet
- (c) Telfair Central Boulevard: 10 feet

2. Landscape buffers may be used for future transit stops.

3. Minimum 15% open space of lot area, inclusive of landscape buffers.

4. Along all streets, the site shall have one shade tree located in the required landscape buffer for each 30 feet of lot width, or portion thereof, measured along the lot line. The trees may be clustered or spaced linearly; they need not be placed evenly.

5. Shade trees shall have a minimum 4-inch caliper and minimum 10-foot height as measured at ground level when planted.

6. Sidewalks or pedestrian walkways shall be provided along all public streets adjacent to the PD.

7. Sidewalks:
 - (a) Sidewalks with a minimum 5-foot width shall be provided along Telfair Central Boulevard.
 - (b) Sidewalks with a minimum 6-foot width shall be provided along University Boulevard and New Territory Boulevard.
8. Pedestrian walkways with a minimum 5-foot width shall be provided to connect the building to the public and private street sidewalks, as shown on *Exhibit B-1: Site Layout Plan Option A* and *Exhibit B-2: Site Layout Plan Option B*.
9. Bicycle racks shall be provided as shown on *Exhibit B-1: Site Layout Plan Option A* and *Exhibit B-2: Site Layout Plan Option B*. Each bicycle rack shall provide for parking for at least 5 bicycles.
10. Benches for pedestrians shall be provided as shown on *Exhibit B-1: Site Layout Plan Option A* and *Exhibit B-2: Site Layout Plan Option B*.

G. Signs.

1. All signs shall be in conformance with the Development Code, Chapter 4.

H. Building Regulations – Buildings within the PD shall be developed in accordance with the following building regulations:

1. Building shall be designed in accordance with the following criteria:
 - (a) Break up the horizontal and vertical building planes through offsets, changes in building materials, colors and textures, or other methods; and
 - (b) Incorporate architectural details that create shade and cast shadows to provide visual relief.
 - (c) Facades greater than 100 feet in length that face public streets 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 street-facing façade shall exceed 100 feet.
2. Building finishes:
 - (a) Primary Finish means an Exterior Finish consisting of brick, stone (natural, cast, or cultured-textured), stucco and glass.
 - (b) Secondary Finish means an exterior finish consisting of wood, ceramic tiles, concrete masonry units (indented, hammered, or split face concrete), and fiber cement siding.
 - (c) For buildings within the PD, Primary Finishes shall comprise at least 80% of each façade. The remaining portion of an Exterior Wall that is not required to be constructed of a Primary Finish must be constructed of a Secondary Finish.

However, no single building material shall cover more than 80% of any façade of the building.

- (d) The 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.
- (e) The Director may approve alternative Primary or Secondary Exterior Finishes not specified in this article if the Director determines that the alternative finish is substantially equal to or better than a specified Primary or Secondary Exterior Finish in quality, durability, and appearance and the use thereof will not violate any provision of this article.
- (f) The following building materials shall not be used as an Exterior 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 surfaces.
 - (iv) Exterior Insulated Finish Systems (E.I.F.S.).

3. Buildings:

- (a) The north-facing façade shall be developed in accordance with *Exhibit B-4: Concept Elevations*.
- (b) Canopies and roof eaves may extend up to 3 feet beyond a building setback in accordance with *Exhibit B-1: Site Layout Plan A* and *Exhibit B-2: Site Layout Plan B*.
- (c) Canopies shall be provided at all street-facing building entrances intended for pedestrians. 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.
- (d) All building facades shall be at least 25% transparent in order to permit visibility between building occupants and outdoor pedestrians and motor vehicle drivers.
- (e) Ground floor facades for multi-tenant retail buildings that face public streets shall have storefronts, canopies, arcades, display windows, entry areas, awnings or other features along at least 50% of their horizontal length.

4. Roofs:

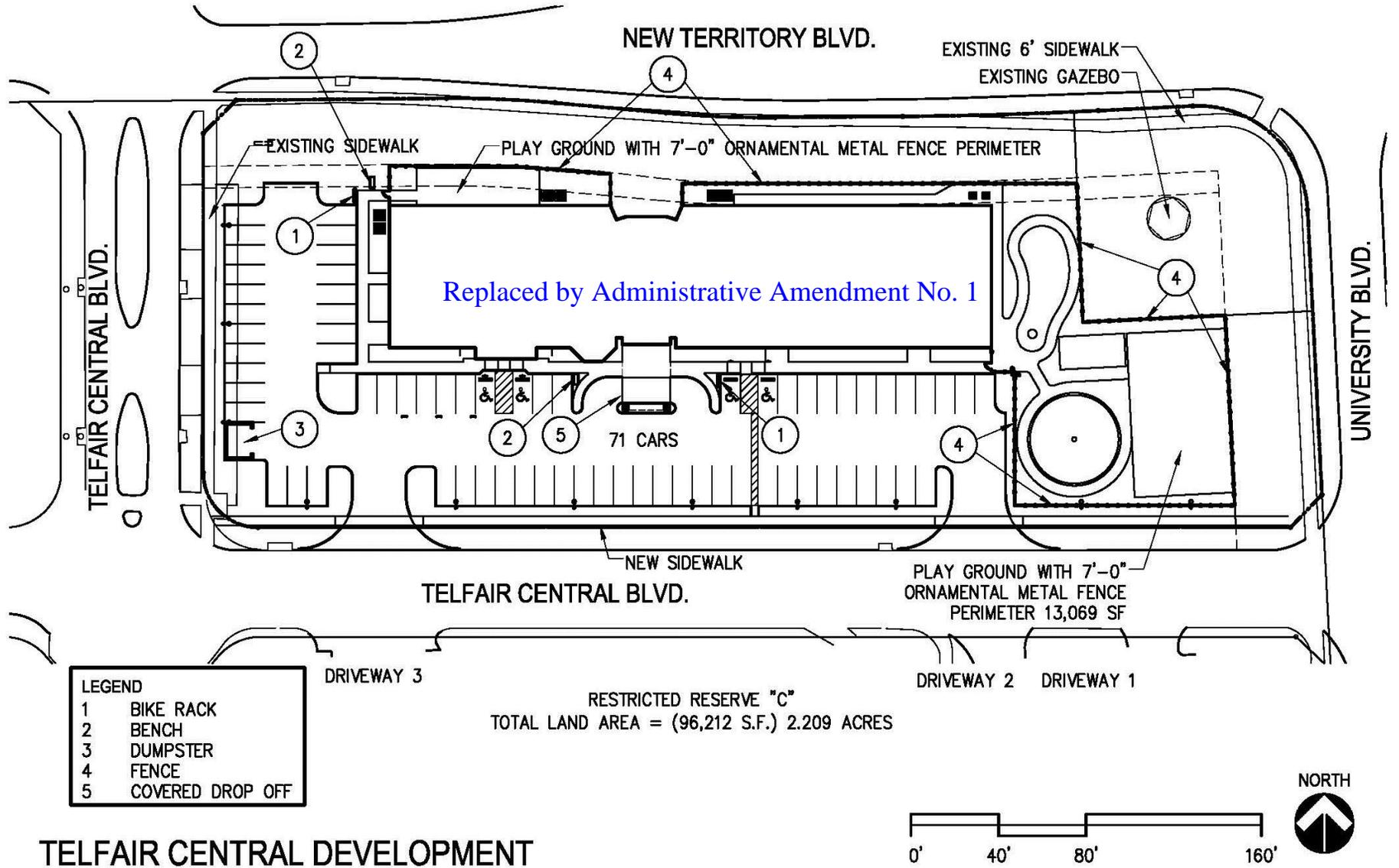
- (a) Roofing materials shall be standing seam metal roof systems.
- (b) All roof overhangs shall be a minimum of 1.5 feet.
- (c) Roofs shall provide sufficient covered pedestrian areas at entry and exit areas of the building.

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.

6. Fencing: In accordance with *Exhibit B-1: Site Layout Plan A*, if the site is developed as Child Day Care Services or as a Montessori School, a fence shall be provided on the site as required by local, state, and federal regulations. The fence shall:
 - (a) Be 7-feet in height; See [Administrative Amendment No. 1](#)
 - (b) Be of factory-coated ornamental metal, for example: wrought iron, tubular steel, tubular aluminum, or a material of similar design and durability, as determined by the Director;
 - (c) Include evenly spaced openings within the fence, so as to provide visibility from one side of the fence to the other.

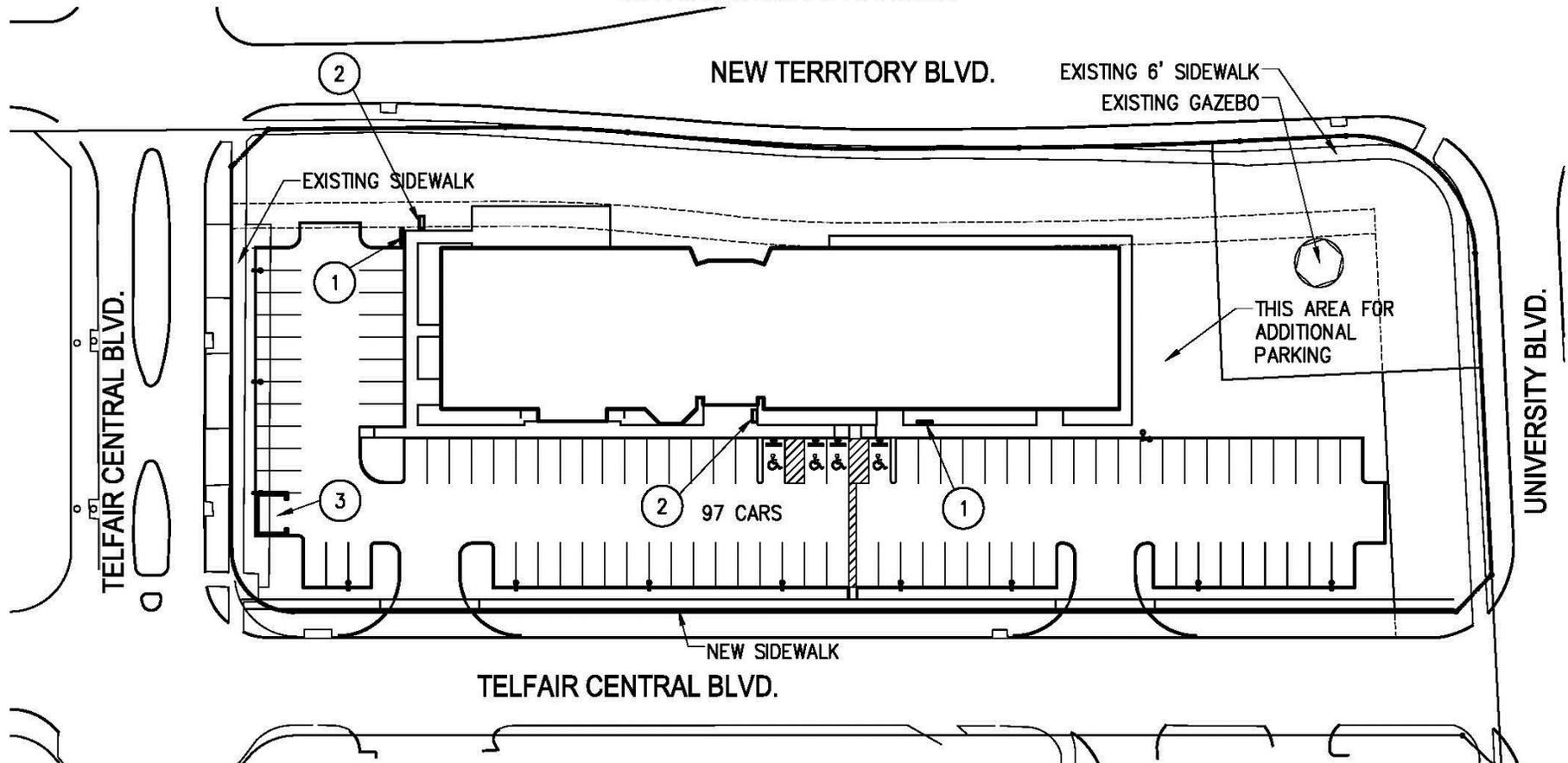
Exhibit B-1

SITE LAYOUT PLAN OPTION "A"
MONTESSORI WITH PLAYGROUND



LEGEND	
1	BIKE RACK
2	BENCH
3	DUMPSTER
4	FENCE
5	COVERED DROP OFF

**SITE LAYOUT PLAN OPTION "B"
WITH ADDITIONAL PARKING**



LEGEND	
1	BIKE RACK
2	BENCH
3	DUMPSTER

RESTRICTED RESERVE "C"
TOTAL LAND AREA = (96,212 S.F.) 2.209 ACRES

TELFAIR CENTRAL DEVELOPMENT

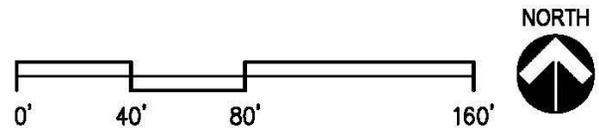


Exhibit B-3

Permitted Uses

USES	SIC CODE	See note:
RETAIL:		
Paint, Glass and Wallpaper Stores (10,000 sq ft maximum per store)	5231	X
Lawn & Garden Supply Stores	5261	X
Misc. General Merchandise, only as follows:	5399	X
Catalog Showrooms - General Merchandise (Except Catalog Mail-order retail), Country General Stores-Retail, General Merchandise Stores-Retail		
General Stores-Retail		
Fruit and Vegetable Markets	5431	X
Candy, Nut and Confectionery Stores	5441	X
Retail Bakeries	5461	X
Men's and Boys' Clothing Stores	5611	X
Women's Clothing Stores	5621	X
Women's Accessory & Specialty Stores	5632	X
Children's and Infant's Wear Stores	5641	X
Family Clothing Stores	5651	X
Shoe Stores	5661	X
Miscellaneous Apparel & Accessory Stores	5699	X
Furniture and Home furnishings Stores (15,000 s.f. max per store)	5712-5719	X
Household Appliance Stores (15,000 s.f. max per store)	5722	X
Radio, Television, & Computer Stores (15,000 s.f. max per store)	5731-5736	X
Eating Places	5812	X
Drug Stores and Proprietary Stores	5912	X
Sporting Goods Stores and Bicycle Shops	5941	X
Book Stores	5942	X
Stationery Stores	5943	X
Jewelry Stores	5944	X
Hobby, Toy, and Game Shops (10,000 s.f. maximum per shop)	5945	X
Camera and Photographic Supply Stores	5946	X
Gift, Novelty, and Souvenir Shops	5947	X
Luggage and Leather Goods	5948	X
Sewing, Needlework, and Piece Goods Stores	5949	X
Catalog and Mail-Order Houses	5961	X
Direct Selling Establishments (telephone or house-to-house)	5963	X
Florists	5992	X
Tobacco Stores excluding Stands	5993	X
News Dealers and Newsstands	5994	X
Optical Goods Stores	5995	X
Miscellaneous Retail Stores, not elsewhere classified - only as follows:	5999	X

Architectural Supplies, Art Dealers, Artificial Flowers, Artists' Supply and Material Stores, Auction Rooms (general merchandise), Autograph and Philatelist Supply Stores, Awning Shops, Baby Carriages, Baking and Cake Decorating Supply Stores, Banner Shops, Candle Shops, Coin Shops (except mail-order), Cosmetics Stores, Electric Razor Shops, Flag Shops, Gem Stones (rough), Gravestones (finished), Hearing Aids, Ice Dealers, Monuments (finished to custom order) Orthopedic and Artificial Limb Stores, Pet Food Stores, Pet Shops (no outdoor runs allowed), Picture Frames (ready-made), Police Supply Stores, Religious Goods Stores (other than books), Rock and Stone Specimens, Rubber Stamp Stores, Sales Barns, Stamps-Philatelist (except mail-order), Stones, Crystalline (rough), Telephone Stores, Telescopes, Tent Shops, Tombstones, Trophy Shops, Typewriter Stores, Whirlpool Baths

Permitted Uses

<u>FINANCE, INSURANCE, AND REAL ESTATE:</u>			
Federal & Federally Sponsored Credit	6111	X	
Personal Credit Institutions	6141	X	1
Business Credit Institutions	6153-6159	X	
Mortgage Bankers and Brokers	6162-6163	X	
Security and Commodity Brokers, Dealers, Exchanges, Services	6211-6289	X	
Insurance Carriers	6311-6399	X	
Insurance Agents, Brokers, and Service	6411	X	
Operators of Nonresidential Buildings	6512	X	
Operators of Apartment Buildings (Off-Site Management Only)	6513	X	
Operators of Dwellings Other than Apartment Buildings	6514	X	
Real Estate Agents and Managers	6531	X	
Title Abstract Offices	6541	X	
Land Subdividers and Developers	6542-6553	X	
Holding Offices	6712-6720	X	
Investment Offices	6722-6799	X	
<u>SERVICES:</u>			
Garment Pressing, and Agents for Laundries and Dry Cleaners (pressing and pickup-drop off only)	7212	X	
Photographic Studios, Portraits	7221	X	
Beauty Shop	7231	X	
Barber Shop	7241	X	
Shoe Repair Shop and Shoeshine Parlors	7251	X	
Tax Return Preparation	7291	X	
Advertising Agencies	7311	X	
Outdoor Advertising Services	7312	X	
Radio, Television & Publishers' Representatives	7313	X	
Advertising, not elsewhere classified	7319	X	
Credit Reporting and Collection	7322-7323	X	
Mailing, Reproduction, Stenographic	7331-7338	X	
Personnel Supply Services	7361-7363	X	
Computer Programming, Data Processing, and Other Computer Related Services	7371-7379	X	
Security Systems Services	7382	X	
News Syndicates	7383	X	
Photofinishing Laboratories	7384	X	
Business Services, not elsewhere classified	7389	X	
Watch, Clock, and Jewelry Repair	7631	X	
Dance Studio and Schools (Limited to 10,000 s.f.)	7911	X	
Offices & Clinics of Doctors, Dentists, Chiropractors, Optometrists and Podiatrist	8011-8043	X	
Legal Services	8111	X	
Elementary and Secondary Schools	8211	X	2, 3

Permitted Uses

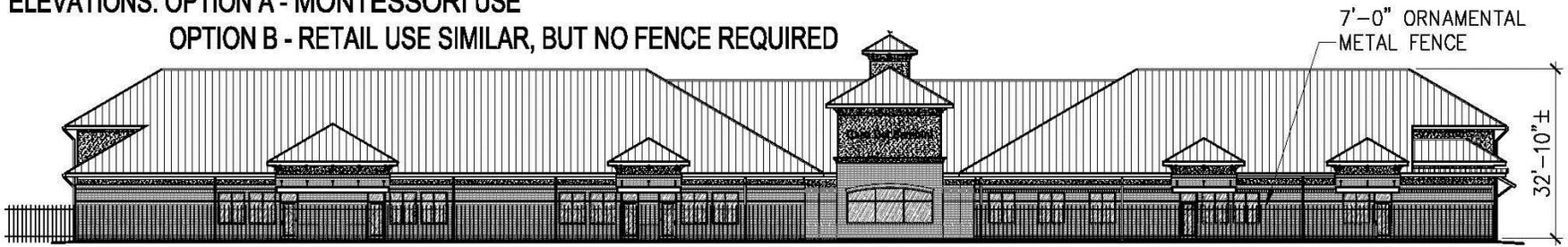
Schools and Educational Services, not elsewhere classified - only as follows:	8299	X	2, 4
Art Schools (except commercial), Automobile Driving Instruction, Baton Instruction, Bible Schools (not operated by churches), Ceramic Schools, Charm Schools, Civil Service Schools, Continuing Education Schools, Curriculum Development (educational), Diction Schools, Drama Schools, Finishing Schools (charm and modeling), Flying Instruction, Hypnosis Schools, Language Schools, Modeling Schools (clothes), Music Schools, Personal Development Schools, Public Speaking Schools, Reading Schools, Speed Reading Courses, Student Exchange Programs, and Survival Schools			
Child Day Care Services	8351	X	2
Civic and Social Organizations	8641	X	
Engineering Services	8711	X	
Architectural Services	8712	X	
Surveying Services	8713	X	
Accounting, Auditing & Bookkeeping Services	8721	X	
Services, not classified elsewhere - only as follows:	8999	X	
Actuaries (consulting), Advertising Copy (writers of), Announcers (radio and television service), Art Restoration, Artificial Nucleation (cloud seeding), Artist's Studios (except commercial and medical), Authors, Chemists (consulting), Christian Science lectures, Consultants (nuclear), Entomologists (consulting), Geologists (consulting), Ghost Writing, Greeting Cards (hand painting of), Inventors, Lecturers, Music Arrangers, Newspaper Columnists, Physicists (consulting), Psychologists (industrial), Radio Commentators, Sculptors' Studios, Song Writers, Stained Glass Artists, Weather Forecasters, Writers			

Notes:

1. Personal Credit Institutions (SIC 6141) exclude check cashing, credit access business, and motor vehicle title loans (as defined in Chapter 393 of the Texas Finance Code).
2. Conditions for Montessori School and Child Day Care Services:
 - a. Shall be developed in accordance with an approved traffic circulation plan & traffic study, with on-site queing only.
 - b. Must provide dedicated outside play areas, and shall not retrofit parking lots for play areas.
 - c. When SIC 8211, SIC 8299, and SIC 8351 function as a single use ("Montessori School"), the three uses shall not have more than a total of 300 students enrolled (combined). Of the 300 students, SIC 8211 and SIC 8299 shall not have more than 75 students combined.
3. SIC 8211 may not be a primary use and must be developed in combination with SIC 8351.
4. SIC 8299 may be permitted as a primary use or in combination with SIC 8351.

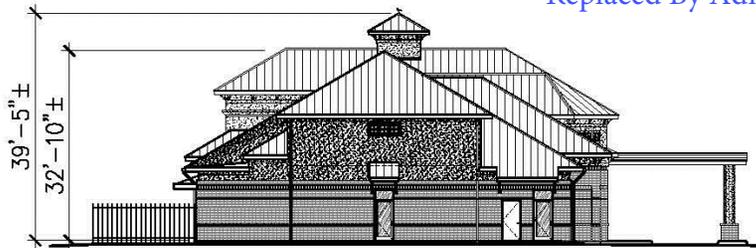
Exhibit B-4

ELEVATIONS: OPTION A - MONTESSORI USE
OPTION B - RETAIL USE SIMILAR, BUT NO FENCE REQUIRED



4 NORTH ELEVATION (REAR)

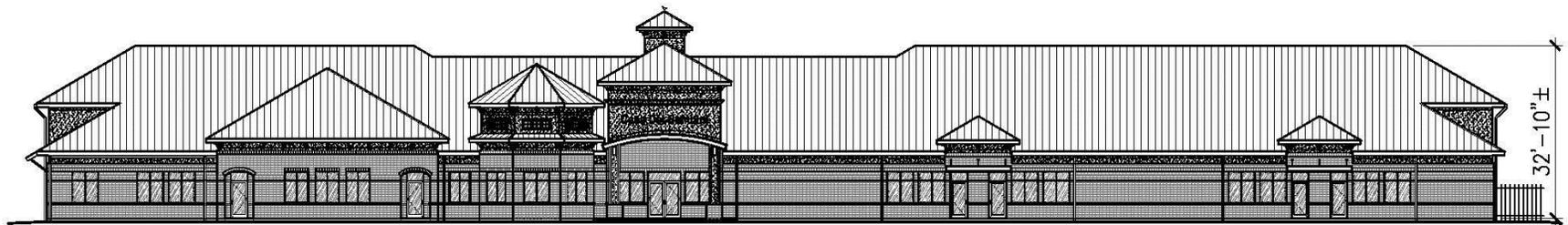
Replaced By Administrative Amendment No. 1



3 WEST SIDE ELEVATION



2 EAST SIDE ELEVATION



1 SOUTH ELEVATION (FRONT)

TELFAIR CENTRAL DEVELOPMENT



PLANNED DEVELOPMENT (PD) ZONING DISTRICT ADMINISTRATIVE AMENDMENT CERTIFICATE

DISTRICT:

TELFAIR CENTRAL RESERVE C - FINAL DEVELOPMENT PLAN (FDP)

COUNCIL ORDINANCE NUMBER & DATE:

Ordinance No. 1936 on November 19, 2013

AMENDMENT RECORD:

First Administrative Amendment of FDP

CHANGES TO PD DISTRICT FDP:

Applicant Initiated - Amendment to Planned Development (PD) replacing text in Exhibit B (H.6.a) and Exhibits B-1 & B-4 to allow ornamental metal fencing around building to a minimum height of 6 feet instead of 7 feet.

DIRECTOR:

A handwritten signature in cursive script, appearing to read "Lisa Kocich-Meyer", is written over a horizontal line.

Lisa Kocich-Meyer, AICP

DATE:

July 21, 2014

PLANNING DEPARTMENT

Authority: Development Code, Chapter 2, Article II, Part 16 (Planned Development Districts)

R:\Planning\PDs & CUP's & Rezones & PUDs\PDs\Telfair Central PD (Museum & Commercial 7.79 ac)\Director Administrative PD Amend Telfair Central C 7-21-14.docx

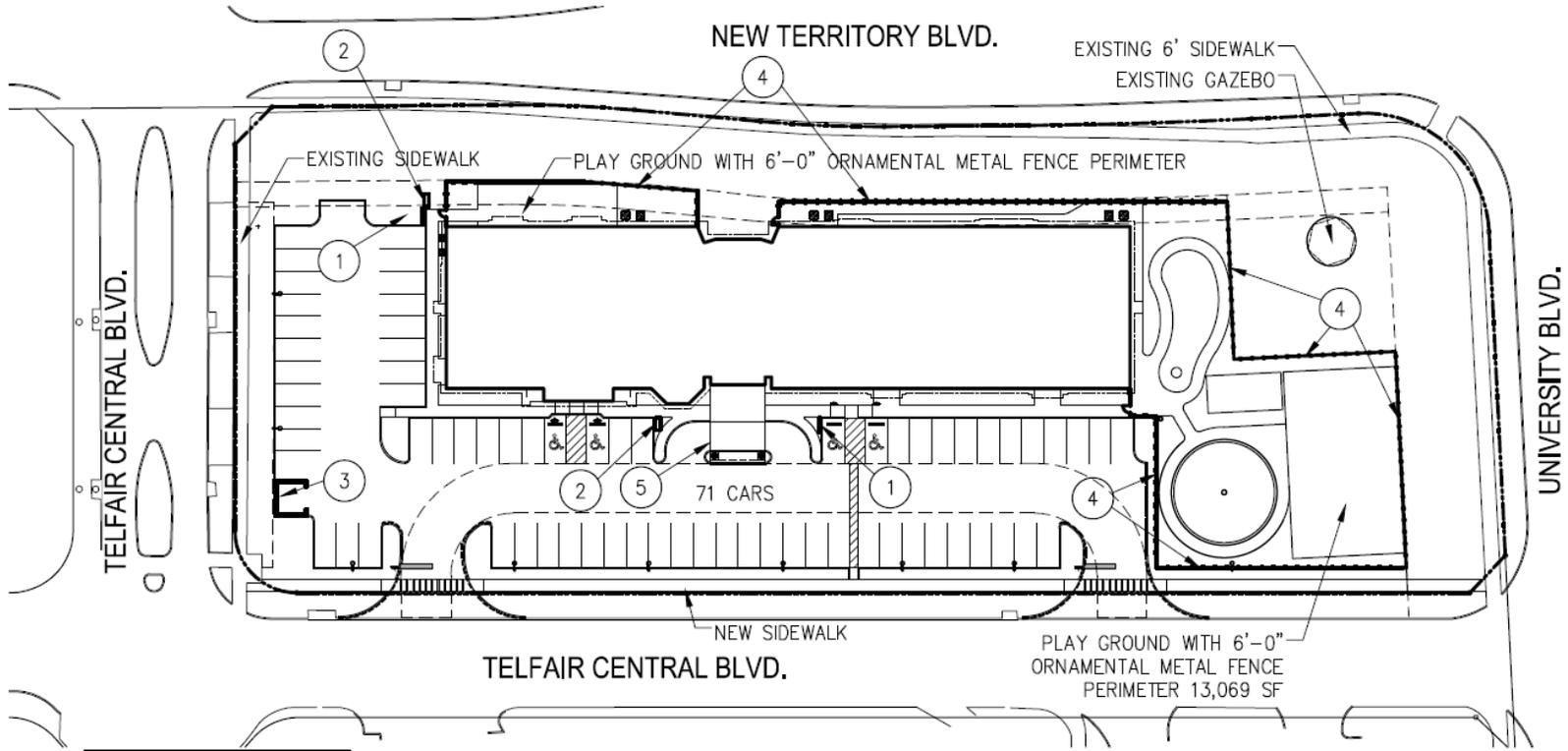
Exhibit B Final Development Plan (Text Change)

H. Building Regulations

6. Fencing: In accordance with Exhibit B- 1: Site Layout Plan A, if the site is developed as Child Day Care Services or as a Montessori School, a fence shall be provided on the site as required by local, state, and federal regulations. The fence shall:
 - a) Be 6- feet in height;

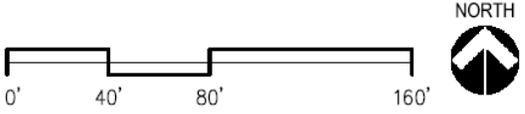
Exhibit B-1 (Site Plan)

**SITE LAYOUT PLAN OPTION "A"
MONTESSORI WITH PLAYGROUND**



LEGEND	
1	BIKE RACK
2	BENCH
3	DUMPSTER
4	FENCE
5	COVERED DROP OFF

RESTRICTED RESERVE "C"
TOTAL LAND AREA = (96,212 S.F.) 2.209 ACRES



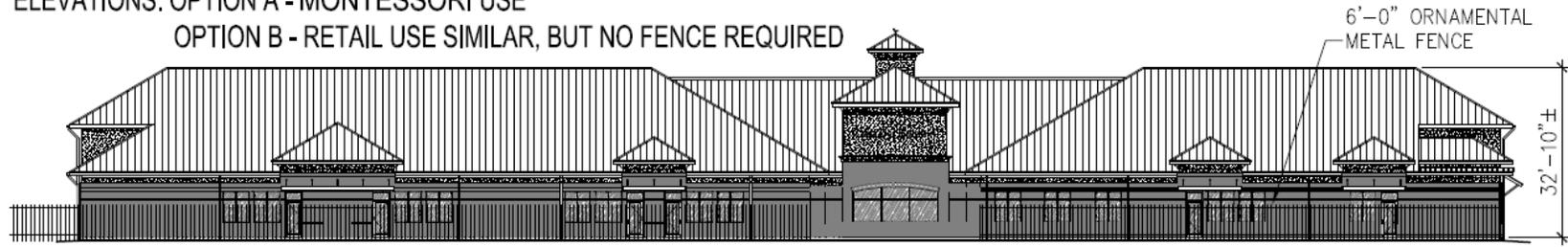
TELFAIR CENTRAL DEVELOPMENT

SITE PLAN
108 TELFAIR CENTRAL BLVD.
SUGAR LAND, TEXAS 770479

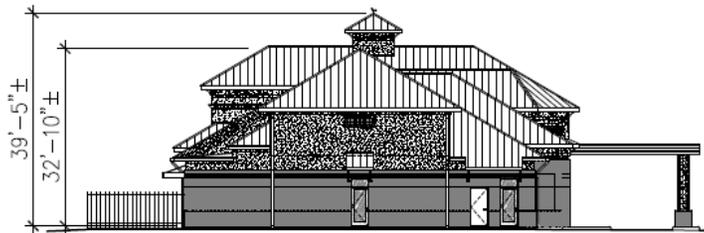
JIM LAWLESS, AIA, PLLC
JUNE 13, 2014

Exhibit B-4 (Building Elevations)

ELEVATIONS: OPTION A - MONTESSORI USE
OPTION B - RETAIL USE SIMILAR, BUT NO FENCE REQUIRED



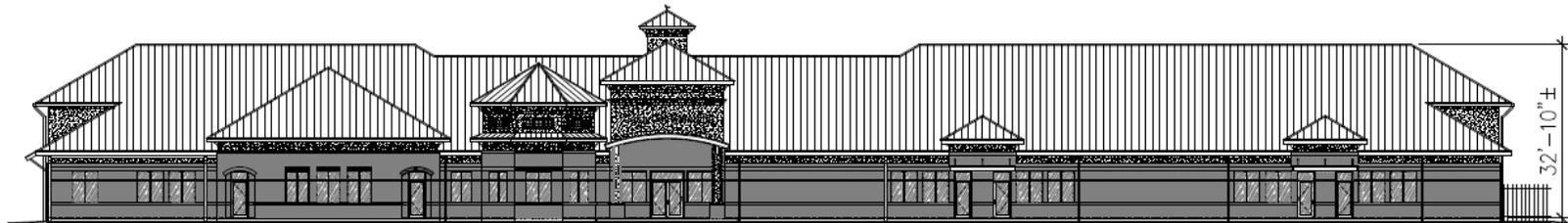
4 NORTH ELEVATION (REAR)



3 WEST SIDE ELEVATION



2 EAST SIDE ELEVATION



1 SOUTH ELEVATION (FRONT)

TELFAIR CENTRAL DEVELOPMENT

EXTERIOR ELEVATIONS
108 TELFAIR CENTRAL BLVD.
SUGAR LAND, TEXAS 770479

JIM LAWLESS, AIA, PLLC
JUNE 13, 2014