

ORDINANCE NO. 1868

AN ORDINANCE OF THE CITY OF SUGAR LAND, TEXAS, AMENDING RESERVE "I," INCLUDING 4.5065 ACRES OF LAND AT THE SOUTHWEST CORNER OF LAKE POINTE PARKWAY AND CREEK BEND DRIVE IN THE LAKE POINTE TOWN CENTER PLANNED DEVELOPMENT DISTRICT (PD), FINAL DEVELOPMENT PLAN; RE-ADOPTING THE FINAL DEVELOPMENT PLAN FOR THE ENTIRE PLANNED DEVELOPMENT; AND REPEALING ORDINANCE NO. 1835.

WHEREAS, by the adoption of Ordinance No. 1477 on January 4, 2005, the City Council approved a change of zoning to create a planned development district for 41 acres of land located at the intersection of U.S. Highway 59 and State Highway 6 and approved a final development plan for the PD district (known as Lake Pointe Town Center); and

WHEREAS, Planned Community Developers, Ltd. is requesting an amendment to the Planned Development District, Final Development Plan regarding 4.5065 acres of land at the southwest corner of Lake Pointe Parkway and Creek Bend Drive; and

WHEREAS, the Planning and Zoning Commission recommends approval of the rezoning; 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 amendments; NOW, THEREFORE;

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

Section 1. That it approves the Final Development Plan, incorporating the amendments to the Lake Pointe PD District, Reserve "I."

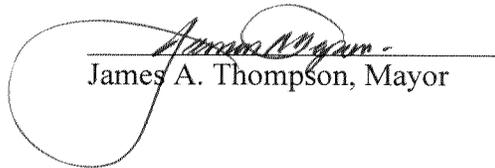
Section 2. That the entire Lake Pointe Planned Development District, Final Development Plan, is adopted hereby, to include the amendments to Reserve "I."

Section 3. That the City's official zoning map is amended to show the change in zoning district classification.

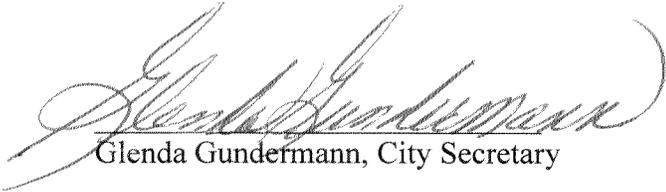
Section 3. That Ordinance No. 1835 is repealed.

APPROVED on first consideration on September 04, 2012.

ADOPTED on second consideration on September 18, 2012.


James A. Thompson, Mayor

ATTEST:

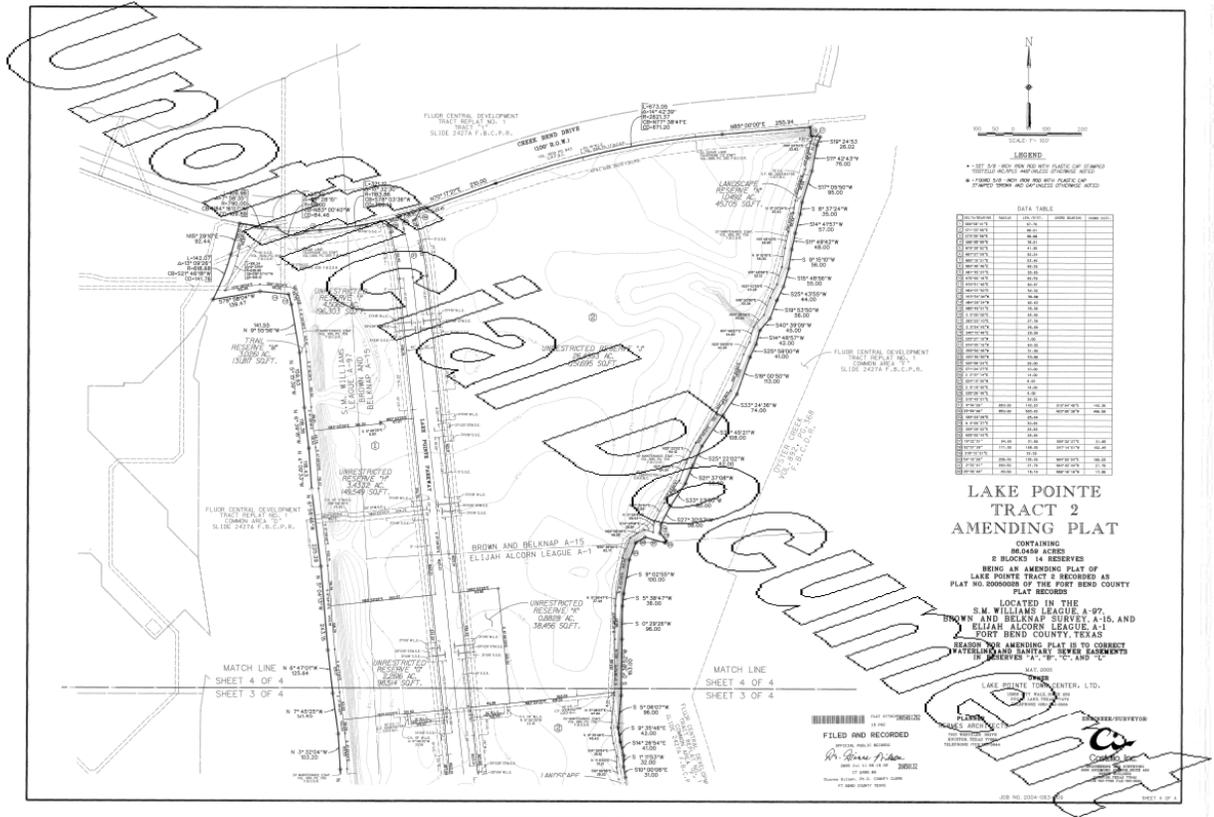

Glenda Gundermann, City Secretary

Reviewed for Legal Compliance:



Attachment: Exhibit 1 – Property Description
Exhibit 2 - Final Development Plan (including Exhibits A through F)

Exhibit 1. Property Description for area to change:



Reserve "I" of Lake Pointe Tract 2 Amending Plat, FBCPR 20050132

**Exhibit 2. FINAL DEVELOPMENT PLAN
FOR LAKE POINTE TOWN CENTER**

A. General Provisions, Definitions, and Exhibits.

1. In accordance with section 2-176, the PD must be constructed, developed, and maintained in accordance with this final development plan.

2. Except as otherwise provided for in this final development plan, the words used in this plan have the meaning established by the Development Code. In this final development plan:

Condominium means a multi-family dwelling comprised of individually owned dwelling units with common ownership of areas beyond the perimeter of the units.

Development Code means the Sugar Land Development Code, as amended.

Garden Home means a single-family, detached dwelling that complies with the applicable land use regulations in Exhibit D.

Live/Work Townhome means a two to four story Townhome in which all or part of only the ground floor is devoted for a non-residential use as permitted by this ordinance.

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

PD means the planned development district created by this ordinance.

Townhome means a single family attached dwelling.

Zero-Lot Line Patio Home/Villa means a single family detached dwelling that is built abutting one side lot line resulting in no side yard for that side.

3. Exhibits. The following exhibits are attached to and are a part of the final development plan for the PD:

Exhibit A	Legal Description of PD consisting of Recorded Plat Information
Exhibit B	Permitted Land Uses and Layout by Tract
Exhibit C	Detailed Layout for Tract E-1
Exhibit D	Non-Residential Land Uses for Live/Work Townhomes
Exhibit E	Residential Land Use Regulations
Exhibit F	General Landscape Plan for Tract “F” and “G”

B. Land Uses.

The land uses listed in Exhibit B are the permitted land uses in the PD. All other land uses are prohibited in the PD.

C. Parking Regulations.

- (1) Parking spaces must be provided for Townhomes as required by Chapter 2, Article V of the Development Code, with the exception that abutting on-street parallel parking will be credited toward the off-street parking requirements.
- (2) Live/Work Townhomes must comply with the parking requirements applicable to Townhomes and also provide 1.5 spaces for each 1,000 square feet of non-residential use. Areas on abutting public or private streets designed for parallel or perpendicular parking will be credited toward the required parking.

D. Building Materials Standards.

At least 50% of the area of each exterior wall of each residential building in the PD must be constructed of masonry or glass, or a combination of masonry or glass. Cementitious stucco is also Masonry in this ordinance.

E. Landscape Requirements.

All residential uses in the PD, other than Condominiums, may use ornamental trees in lieu of shade trees to comply with Sec. 3-4 (Residential Front Yard Landscaping Requirements) of the Development Code. Areas designated as "Common Green" within the 4.5 acre E-1 (Urban Homes) are required to have a minimum of three hardwood trees with a caliper of not less than 4" and a height of 10' at planting.

F. Live/Work Townhome Sign Regulations. The following sign regulations apply to Tracts E-1 and E-3:

- (1) Freestanding signs are prohibited.
- (2) Wall signs must not:
 - a. Exceed three square feet or have a dimension exceeding 36 inches;
 - b. Have internal or exterior lighting;
 - c. Be constructed of any material other than wood or metal;
 - d. Be located on an accessory building or structure
- (3) Signs advertising the nonresidential use must not be located in or affixed to any glass of a window or door of the nonresidential use so as to be visible from any public street.

G. Bulk Plane Rule. Sec. 2-125(f) of the Development Code does not apply within the PD.

H. Private Streets.

- (1) The minimum pavement width of private streets in Tracts E-3, F, and G must be 25 feet.

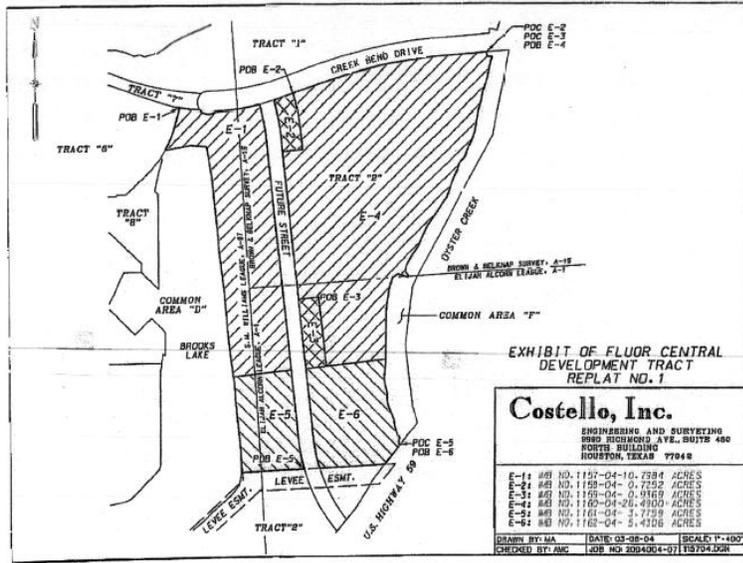
- (2) Public easements for public utilities must be provided under and adjacent to the private streets as determined necessary by the City in the subdivision approval process.
- (3) Sidewalks are not required along private streets
- (4) Cul de sac streets in Tract F and Tract G must not exceed 1000 feet in length or serve more than 100 lots.
- (5) Gated streets in Tract F must not serve more than 120 lots per street and in Tract G must not serve more than 100 lots per street.

I. Docks, Piers, and Bulkheads.

- (1) No docks or piers will be permitted in Oyster Creek adjacent to lots in Tract G
- (2) A bulkhead consisting of wood construction will be built on property along Oyster Creek in Tract G.

J. Conflicts and Omissions. That the provisions of this ordinance relating to the development of the PD govern over any conflicting provision of any other City ordinance relating to development of real property within the PD.

**Exhibit A: Legal Description of PD: Tracts E-1, E-3, F, G, and H
Illustration of E-1, E-3 areas of PD:**



Lake Pointe Tract 2 Amending Plat

FBCC Plat File No. 20050132 (July 11, 2005)
(Includes portion of Tract E-1 as “Reserve G” [4.5 acres])

Lake Pointe Section 2

FBCC Plat File No. 20050254 (December 16, 2005)
(Includes Tract E-3 [.93 acres] and portions of Tract E-1 [2.208 acres])

Lake Pointe Section 3

FBCC Plat File No. 20050253 (December 16, 2005)
(Includes portion of E-1 [3.43 acres])

Lake Pointe Section 4

FBCC Plat File No. 20060123 (May 5, 2006)
(Includes portion of Tract F [18.81 acres])

Lake Pointe Section 5

FBCC Plat File No. 20060126 (May 5, 2006)
(Includes portion of Tract F [7.64 acres])

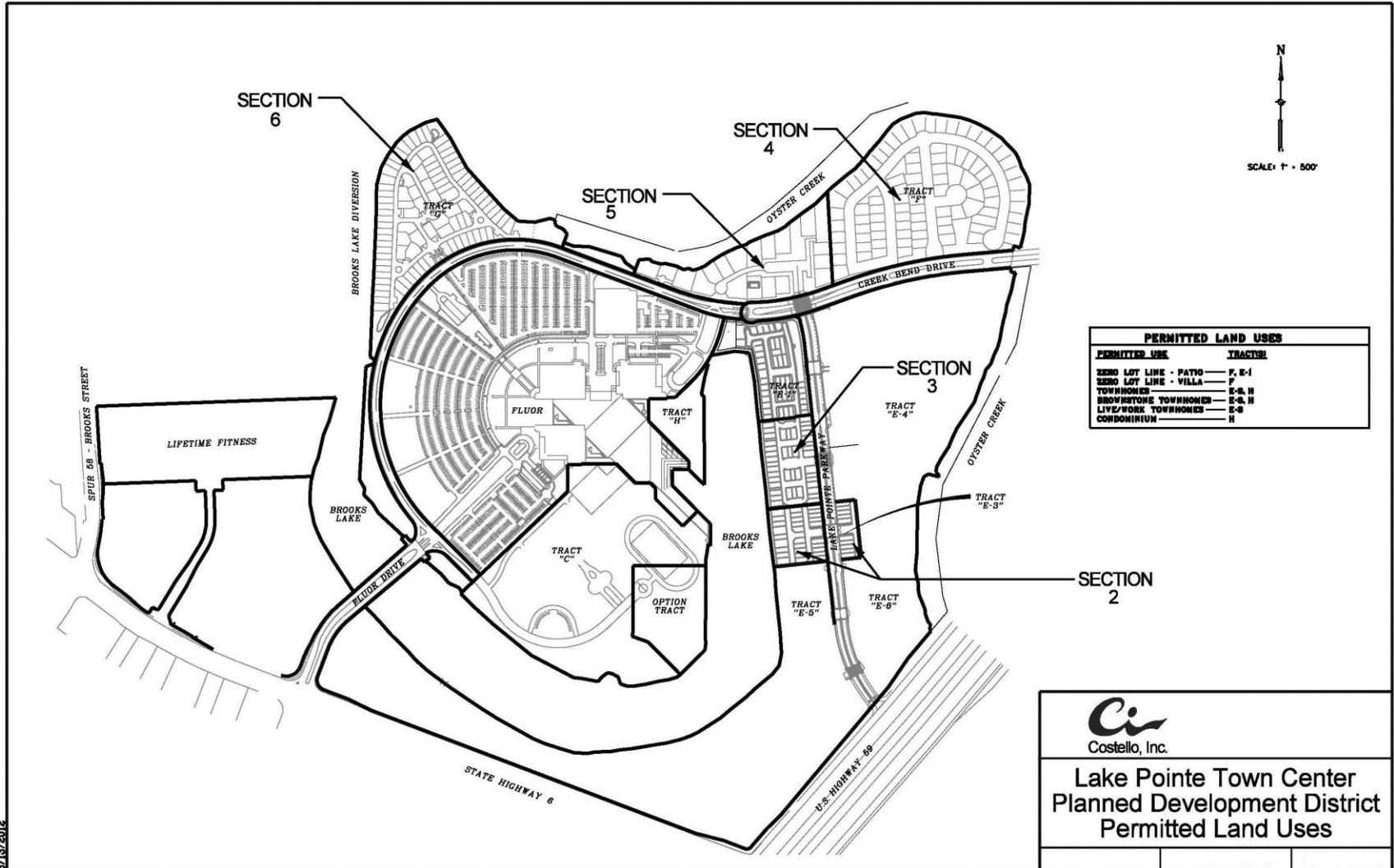
Enclave at Lake Pointe (Lake Pointe Section 6)

FBCC Plat File No. 20070234 (October 16, 2007)
(Includes Tract G [12.71 acres])

Fluor Central Development Tract Replat No. 1

FBCC Plat File No. 2427/A and 2427/B February 25, 2003)
(Includes Tract H as “Tract 8” [2.59 acres])

Exhibit B: Permitted Land Uses and Layout by Tract



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Exhibit D:

**Allowable Non-residential Land Uses In Live/Work Townhomes Classified
by Standard Industrial Code
For Lake Pointe Town Center**

Industry No.

4724	Travel Agencies
5944	Jewelry Stores
5999	Miscellaneous Retail Stores (Including only art dealers, gem stones, stamps)
6163	Loan Brokers
6211	Security Brokers
6282	Investment Advice
6411	Insurance Agents, Brokers (excluding auto claims adjusters)
6531	Real Estate Agents and Managers
6792	Oil Royalty Traders
6794	Patent Owner & Lessors
7219	Laundry and Garment Services, not elsewhere classified (Including <u>only</u> tailors)
7221	Photographic Studios, Portrait
7291	Tax Return Preparation Services
7371	Computer Programming
7378	Computer Maintenance and Repair
7379	Computer Consultants
7631	Watch, Clock and Jewelry Repair
8111	Legal Services
8721	Accounting, Auditing & Bookkeeping Services
8742	Management Consulting Services

All or part of only the ground floor may be devoted to a non-residential use as listed above. The maximum square footage devoted to a business shall be limited to 1500 square feet per structure, and the premises must be used as the primary residence of the property owner, which shall also be the same as the business owner/operator. The total number of live/work townhomes shall not exceed 20 (twenty).

Exhibit E Lake Pointe Town Center Residential PD Land Use Regulations

	Residential Use	Min. Lot Area (sq.ft.)	Min. Lot Width	Min. Lot Depth	Max. Lot Coverage	Max. Height	Min. Front Yard	Min. Rear Yard	Min. Side Yard	Min. Yard on Street	Street Paving Width	Min. Driveway Length (Curb to Garage Door)	Min. Alley Width	Min. Parking Set Back to Curb	Max. Density
1	Zero Lot Line-Patio Home with Front Load or Side Load Garage	4,000	50' (60' for corner lots)	75'	80%	-3 Stories or 45'	-15' or -0' w/ 15' landscape reserve (front of building to back of curb)	-10' or -20' (backing to Creek Bend)	0' to 7' w/total of both sides 10' or greater	18' to street curb	25'	18'	N/A	N/A	8/acre
2	Zero Lot Line-Villa with Front Load or Side Load Garage	5,600	68'	80'	80%	-3 Stories -or 45'	-15' or -0' w/15' landscape reserve (front of building to curb)	-20 or -10 (backing to landscape easement along Oyster Creek)	0' to 10' w/total of both sides 10' or greater	20' to street curb	25'	18'	N/A	N/A	8/acre
3	Townhomes	1,620	N/A	N/A	90%	-3 Stories or 45'	-10' to curb (front load) or -10' to curb or property line for rear load or -20' on Lake Pointe Parkway or Creek Bend Drive	3'	-0'-attached on 2 sides -3'-attached on 1 side (2)	10' to street curb	25'	N/A	-25' Wide -10' One-way paving	18'	15/acre
4	Live/Work Townhomes	1,300	N/A	N/A	90%	4 Stories or 53'	-10' to curb or property line -20' on Lake Pointe Parkway or Creek Bend Drive	3'	-0' – attached on 2 sides -3'-attached on 1 side (2)	10' to street curb	25'	N/A	-25' Wide -10' One-way paving	18'	15/acre
5	Brownstones (Rear Load only)	1,050	N/A	N/A	80%	4 Stories or 53'	-10' to curb or property line -20' to Lake Pointe Parkway or Creekbend Drive	3'	-0' – attached on 2 sides -3'-attached on 1 side (2)	10' to street curb	25'	N/A	-25' Wide -10' One-way paving	15'	15/acre
6	Condominiums	N/A	N/A	N/A	75%	140' or 90' (7)	-25' to curb or 10' if abutting public trail easement or -40" on collector streets	0'	-25' -10' if abutting public trail easement (3)	25' to street curb	25'	N/A	-25' Wide -10' One-way paving	15'	50 or 40 units (7)
7	Garden Homes	3500-lots backing to Oyster Creek 3100-interior lots	36'	50'	80%	3 Stories or 45'	-10' to curb or property line	-10' (plus 20' landscape esmt. Along Oyster Creek)	3' on each side	10' to street curb	25'	10'	N/A	N/A	8/acre
8	Urban Homes	2,000	N/A	N/A	80%	3 Stories or 45'	- 5' to curb (front load) - 20' on Lake Pointe Parkway	- 5' - 20' on Creek Bend Dr	- 0' 1 st side - 6' 2 nd side	15' to street curb	25'	5'	N/A	Parallel – 8' Head in – 17'	15/acre

- (1) For any use in Tract F and G, the minimum side or rear yard adjacent to Oyster Creek shall be 10 feet, which is in addition to the 20' landscape easement.
- (2) Townhomes and Brownstones shall have minimum 6' between principal buildings and minimum 6' open space around each building.
- (3) Condominiums shall have a minimum 25' between principal buildings and minimum 25' open space around each building.
- (4) No fronting garage doors shall be located closer than 18' to back of street curb.
- (5) Brownstone or townhome stoops or bay windows may encroach up to 5' past front building line, provided that such protrusions do not extend for more than 33% of the linear frontage of the front elevation of the building.
- (6) Street paving width is measured to the back of curb.
- (7) Maximum height of 140 feet above grade and maximum of 50 units shall apply to all condominium sites except for the northernmost site in Tract E-1 which shall not exceed 90 feet in height or have more than 40 units.
- (8) Maximum of 595 homes in the PD District. Maximum of 100 homes in Tract G.

EXHIBIT F: Landscape Plan for Tracts “F” and “G”



The landscape easement adjacent to Oyster Creek in Tract F and Tract G shall be a minimum of 20' and shall be landscaped with grass and trees. Shrubs will be permitted. One tree for every thirty feet of linear frontage along the creek shall be provided. Trees may be clustered or spaced linearly and need not be placed at thirty foot intervals. Fencing placed on the rear or side lots lines adjacent to this landscape reserve must be open wrought iron or equivalent ornamental metal fencing. No public sidewalk will be permitted. Bulkheading along the shore of Oyster Creek bordering the easement shall be required on Tract F and G. Installation, repair, and replacement of the bulkhead shall be with consistent materials and pattern. Repair and replacement of the bulkhead shall be the responsibility of the same homeowners' association that maintains the common areas. No vertical structures other than the bulkhead shall be permitted, but uncovered decks, patios, and piers will be permitted, except adjacent to lots in Tract G where piers and docks will not be permitted. Any extensions into the water on Tract F are restricted to a maximum length of 10' and maximum width of 20' as measured at the water's edge and extending over the water. Accessory vertical structures such as gazebos must be set back a minimum of 5' from the easement. Any lighting used to illuminate the landscaped buffer must be arranged, located, or screened to direct light away from any nearby lot used for residential use, including those across Oyster Creek.

