



# CITY COUNCIL

## AGENDA REQUEST

<b>AGENDA OF:</b>	<b>03-16-10</b>	<b>AGENDA REQUEST NO:</b>	<b>III-C</b>
<b>INITIATED BY:</b>	<b>LISA KOCICH-MEYER, AICP</b> SENIOR PLANNER <i>lem</i>	<b>RESPONSIBLE DEPARTMENT:</b>	<b>PLANNING</b>
<b>PRESENTED BY:</b>	<b>LISA KOCICH-MEYER, AICP</b> SENIOR PLANNER	<b>DEPARTMENT HEAD:</b>	<b>SABINE SOMERS-KUENZEL AICP</b> DIRECTOR OF PLANNING <i>AK</i>
		<b>ADDITIONAL DEPARTMENT HEAD (S):</b>	<b>N/A</b>

<b>SUBJECT / PROCEEDING:</b>	<b>REZONING FROM INTERIM STANDARD SINGLE-FAMILY RESIDENTIAL (R-1) TO PERMANENT STANDARD SINGLE -FAMILY RESIDENTIAL (R-1) FOR 8.018 ACRES TELFAIR SECTION 32 PUBLIC HEARING, SECOND READING OF ORDINANCE NO. 1774</b>
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<b>EXHIBITS:</b>	<b>VICINITY MAP, TELFAIR GENERAL PLAN, ORDINANCE NO. 1774, APPLICATION, PUBLIC HEARING NOTICE</b>
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CLEARANCES	APPROVAL
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<b>LEGAL:</b>	<b>AARON DOBBS, <i>TAD</i></b> ASSISTANT CITY ATTORNEY	<b>EXECUTIVE DIRECTOR:</b>	<b>JIM CALLAWAY</b> <i>Jim Callaway</i> COMMUNITY DEVELOPMENT
<b>PURCHASING:</b>	<b>N/A</b>	<b>ASST. CITY MANAGER:</b>	<b>N/A</b>
<b>BUDGET:</b>	<b>N/A</b>	<b>CITY MANAGER:</b>	<b>ALLEN BOGARD</b> <i>Allen Bogard</i>

BUDGET
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<b>EXPENDITURE REQUIRED: \$</b>	<b>N/A</b>
<b>AMOUNT BUDGETED/REALLOCATION: \$</b>	<b>N/A</b>
<b>ADDITIONAL APPROPRIATION: \$</b>	<b>N/A</b>

RECOMMENDED ACTION
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The Planning and Zoning Commission unanimously recommended approval of permanent R-1 (Standard Single-Family Residential) zoning for 8.018 acres for Telfair Section 32 and staff recommends approval on second reading.

## EXECUTIVE SUMMARY

This is a request to permanently zone the area of proposed Telfair Section 32, consisting of 8.018 acres, from Interim Standard Single-Family Residential (R-1) to Permanent Standard Single-Family Residential (R-1). The property is located south of Telfair Avenue and west of Kempton Avenue. The Telfair property was annexed by the City under Ordinance No. 1431 on April 6, 2004 and was officially incorporated into the City on July 1, 2004. At that time Interim R-1 zoning was applied to the property.

Platting for this section of the Telfair development (Section 32) is ongoing. The Preliminary Plat for Telfair Section was approved at the Planning and Zoning Commission meeting on December 8, 2009. The approved Preliminary Plat for Section 32 consisted of a total of 25 standard single-family lots. This request is in conformance with the Telfair General Plan - Amendment No. 4, approved by City Council in November 2009. This request is not in conflict with the City of Sugar Land Comprehensive Plan.

This permanent zoning request, if approved by City Council, would require this property to comply with all R-1 (Standard Single-Family Residential) regulations as contained in Chapter 2 of the City of Sugar Land Development Code and bring the total R-1 acreage (developed for residential use) to approximately 821 acres in Telfair.

The Planning and Zoning Commission held a Public Hearing on this item at their January 12, 2010 meeting and took action on the request at their January 28th meeting. No members of the public spoke at the hearing, and the Commission unanimously recommended approval of the permanent R-1 zoning request to Council. This item requires a Public Hearing at Council prior to any action.

CC: Phil Mullan [pmullan@browngay.com](mailto:pmullan@browngay.com)

Keith Behrens, P.E., NNP-Telfair, LP [kbehrens@newlandcommunities.com](mailto:kbehrens@newlandcommunities.com)

File No. 11929

## EXHIBITS

### STAFF REPORT

#### GENERAL SITE INFORMATION AND ANALYSIS:

<b>Compliance with Comprehensive Plan</b>	<b>This proposal is not in conflict with the Comprehensive Plan.</b>
<b>Compliance with General Plan</b>	<b>Telfair General Plan Amend. No. 4 indicates Single-family for this section.</b>
<b>Subject Property</b>	<b>Interim Standard Single-Family (R-1); Undeveloped</b>
<b>Surrounding Property Zoning</b>	<b>North: Standard Single-Family Residential (R-1) South: Interim Standard Single-Family Residential (R-1) East: Interim Standard Single-Family Residential (R-1) West: Zero Lot Line Single-Family Residential (R-1Z)</b>
<b>Surrounding Land Use</b>	<b>North: Single-family residential South: Undeveloped East: Undeveloped West: Developing single-family residential (zero lot line)</b>

## **BACKGROUND**

On November 16, 2004, City Council adopted the revised Land Use Plan portion of the City's Comprehensive Plan under Ordinance No. 1468. The Land Use Plan serves as a guide for recommendations of permanent zoning for annexed properties and rezoning of existing properties within the City. The 8.018 acres of Telfair Section 32 were intended for single-family residential development when the developer petitioned the City for annexation. This proposed land use is in accordance with the City's Land Use Plan, and the Telfair General Plan Amendment No. 4.

## **PUBLIC HEARING:**

Notice of the Public Hearing was published in a newspaper of general circulation as required by state law. All property owners within 200 feet of the proposed site were notified. Notice of the Public Hearing was posted on the City of Sugar Land's Internet home page. At the time of writing this report we have received one request for information on the proposed permanent zoning. The request was informational in nature only.

## **POINTS FOR CONSIDERATION:**

**Request for Standard Single-Family Residential for Telfair Section 32:**

- **Not in conflict with the City of Sugar Land Comprehensive Plan**
- **In conformance with Telfair General Plan - Amendment No. 4**

**Vicinity Map:**





ORDINANCE NO. 1774

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUGAR LAND, TEXAS, PERMANENTLY ZONING 8.018 ACRES OF LAND LOCATED SOUTH OF TELFAIR AVENUE AND WEST OF KEMPTON AVENUE IN THE TELFAIR DEVELOPMENT AS STANDARD SINGLE FAMILY RESIDENTIAL (R-1) DISTRICT.**

WHEREAS, NNP Telfair, L.P. has requested that the 8.018 acres of land located south of Telfair Avenue and west of Kempton Avenue, commonly referred to as Telfair Section 32, be permanently zoned as Standard Single Family Residential (R-1) District; and

WHEREAS, the City Council has held a public hearing on the proposed permanent zoning for which notice was given as required by law; NOW, THEREFORE,

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

**Section 1.** That the 8.018 acres of land described in Exhibit A, attached to and incorporated into this ordinance by reference, is permanently zoned as Standard Single Family Residential (R-1) District.

**Section 2.** The City's official zoning map is amended to show the permanent zoning district classification.

READ IN FULL on first consideration on \_\_\_\_\_, 2010.

APPROVED upon second consideration on \_\_\_\_\_, 2010.

\_\_\_\_\_  
James A. Thompson, Mayor

ATTEST:

\_\_\_\_\_  
Glenda Gundermann, City Secretary

Reviewed for Legal Compliance:

*Arnon Della*

Attachment: Exhibit A – Metes and Bounds Description

**Exhibit A - Legal Description (Telfair Section 32):**

All of the property described as follows and depicted on the attached vicinity map:

CITY OF SUGAR LAND  
ZONING TELAFIR SEC. 32  
8.018 ACRES

OCTOBER 27, 2009  
JOB NO. 13720-6T

RECEIVED

DESCRIPTION OF AN 8.018-ACRE TRACT OF LAND  
M. M. BATTLE LEAGUE, A-9  
CITY OF SUGAR LAND  
FORT BEND COUNTY, TEXAS

NOV 02 2009

PLANNING

BEING an 8.018-acre tract of land situated in the M.M. Battle League, Abstract No. 9, City of Sugarland, Fort Bend County, Texas, being out of a 1651.239-acre tract of land described in a deed recorded at Fort Bend County Clerk's File No. 2003149529, said 8.018-acre tract being more particularly described by metes and bounds as follows:

COMMENCING at a 5/8-inch iron rod with a TxDOT cap found for the southwest corner of said 1651.239-acre tract and being a corner in the northwesterly right-of-way line of U.S. Highway No. 59 as delineated on Texas Department of Transportation Alignment Sheet 12, dated July 24, 2004 and issued by Baker & Lawson, Inc. of Angleton, Texas, Sheets 11 and 13 are dated August 14, 2001, the northwest corner of a 105.505-acre tract of land (original right-of-way for U.S. Highway No. 59) described in a deed recorded in Volume 460, Page 73 of the Fort Bend County Deed Records, bears S 03°12'15" E, 96.90 feet from said 5/8-inch iron rod with a TxDOT cap and the northwest corner of a 5.252-acre tract of land (widening for U.S. Highway No. 59) described in Exhibit "C" of a deed recorded in Volume 1821, Page 962 of the Fort Bend County Deed Records, bears S 03°12'15" E, 48.36 feet from said 5/8-inch iron rod with a TxDOT cap;

THENCE in a northeasterly direction along the southeasterly boundary of said 1651.239-acre tract and along said northwesterly right-of-way line of U.S. Highway No. 59 as follows:

N 52°33'39" E, 328.87 feet to a reference point;

N 54°07'22" E, at a distance of 313.30 feet passing the most southerly corner of Telfair Sec. 30, a plat of which is recorded in Plat No. 20090048 of the Plat Records of Fort Bend County, continuing and along the southeasterly line of said Sec. 30 a total distance of 1094.22 feet to a reference point;

N 50°57'58" W, 775.09 feet to a 5/8-inch iron rod with a Brown & Gay cap found for a southeasterly corner of said Sec. 30;

THENCE N 03°32'21" W, along an easterly line of said Sec. 30, at a distance of 253.02 feet passing a re-entrant corner of said Sec. 30 and being in a southeasterly line of the 60-foot wide right-of-way for Kempton Avenue as delineated on the plat of said Sec. 30, continuing and crossing Kempton Avenue a total distance of 326.71 feet to the southeast corner of Telfair Sec. 28, a plat of which is recorded in Plat No. 20070052 of the Fort Bend County Plat Records, being in a northwesterly right-of-way line of Kempton Avenue and for the most southerly corner and POINT OF BEGINNING of the tract described herein;

THENCE N 03°32'21" W, 1091.87 feet along the easterly line of said Sec. 28 to the southeast corner of Telfair Avenue as delineated on the plat of said Sec. 28 and for the southwest corner of Telfair Avenue as delineated on the plat thereof recorded in Plat No. 20060320 of the Fort Bend County Plat Records;

CITY OF SUGAR LAND  
ZONING TELFAIR SEC. 32  
8.018 ACRES

THENCE S 84°24'28" E, 272.18 feet along a southerly line of the 80-foot wide right-of-way for Telfair Avenue to the point of curvature of a curve to the left;

THENCE in a southeasterly direction, 114.96 feet along a southerly line of said right-of-way for Telfair Avenue and along the arc of said curve to the left having a radius of 940.00 feet, a central angle of 07°00'25" and a chord which bears S 87°54'40" E, 114.88 feet to a point of reverse curvature and being the northwest corner of said Kempton Avenue and said Sec. 30;

THENCE in a southeasterly direction, 37.84 feet along the arc of a curve to the right having a radius of 25.00 feet, a central angle of 86°43'58" and a chord which bears S 48°02'54" E, 34.33 feet to the point of tangency and being in a westerly line of said Kempton Avenue right-of-way;

THENCE in a southerly direction along a westerly boundary of said Sec. 30 and said 60-foot wide right-of-way for Kempton Avenue as follows:

S 04°40'55" E, 279.81 feet to the point of curvature of a curve to the right;

796.42 feet along the arc of said curve to the right having a radius of 820.00 feet, a central angle of 55°38'53" and a chord which bears S 23°08'32" W, 765.48 feet to the point of tangency;

S 50°57'58" W, 84.73 feet to the POINT OF BEGINNING and containing 8.018 acres of land.

Bearing orientation is based on the Texas State Plane Coordinate System, South Central Zone, NAD83 and monumented on the ground with a 5/8-inch iron rod with a Brown & Gay cap found on the easterly end and a 5/8-inch iron rod with a TxDOT cap found on the westerly end of the call S 50°57'58" W, 775.09 feet for a southeasterly line of Telfair Sec. 30;

This notes and bounds description was prepared under 22 Texas Annotated Code # 663.21 and reflects the results of the assembly of instruments of record to describe the political boundary limits of a proposed zoning ordinance by the City of Sugarland and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.



*Edward F. Taylor*  
Edward F. Taylor, RPLS No. 2615  
Brown & Gay Engineers, Inc.  
10777 Westheimer Road, Suite 400  
Houston, Texas 77042  
Telephone: (281) 558-8700

Application (re: Telfair Section 32) (page 1 of 2):

Telfair Section 32 Rezone

RECEIVED



NOV 02 2009

PLANNING

FOR OFFICE USE  
Accounting Code: ZC  
\$1,113.25

PLANNING DEPARTMENT

CONDITIONAL USE PERMIT (CUP) OR REZONING APPLICATION

\*DUE TO DETAILS REQUIRED FOR CUP APPLICATIONS, STAFF STRONGLY RECOMMENDS A PRE-DEVELOPMENT MEETING PRIOR TO SUBMITTAL.

Please type or print the following information & Return your submittal to the Planning Department, City Hall, 2700 Town Center Blvd. North, Sugar Land, TX 77479, Attention: Development Review Coordinator

Applicant

Contact Brown & Gay Engineers, Inc. Attn: Phil Mullan  
Address 10777 Westheimer, Suite 400 Houston, Texas 77042  
Phone 281-558-8700 Fax 281-558-9701 Email pmullan@browngay.com

Owner (Note that owner must also sign form if different than applicant)

Contact NNP-Telfair, L.P. Attn: Keith Behrens  
Address 10235 West Little York, Suite 300 Houston, Texas 77040  
Phone 713-575-9000 Fax \_\_\_\_\_ Email kbehrens@newlandcommunities.com

Property Legal Description \_\_\_\_\_ See Attached X

Lot \_\_\_\_\_ Block \_\_\_\_\_ Subdivision \_\_\_\_\_

Current Zoning District Temp R-1 Proposed Zoning District, if rezoning app. R-1

If this is a CUP application:  new building  existing building

Proposed Use (CUP only) \_\_\_\_\_

This is to certify that the information on this form is COMPLETE, TRUE, and CORRECT and undersigned is authorized to make this application. Application expires 6 months from the date stamped as received by the Planning Department if no action has been taken by the Planning and Zoning Commission on request.

X [Signature]

Signature of Applicant (Requires property owners signature if different than owner) Date \_\_\_\_\_

Signature of Owner \_\_\_\_\_ See Attached \_\_\_\_\_

Submittal Requirements (Submittal Deadline is Monday at 3:00 p.m.):

- Three (3) copies of the completed application
- Check for \$1,113.25 per Ord. 1701 (non-refundable)
- Metes and bounds legal description of the site or county slide number of plat, if recorded
- If CUP- Two (2) copies at least 11" x 17" in size of the CUP layout plan, including a vicinity map and north arrow on each copy (color drawings not required)
- If CUP- Two (2) copies of a letter stating the applicant's request and addressing issues relating to a CUP including plan of operation, traffic circulation, parking, and other pertinent information

\*\*SEE SEPARATE PLANNED DEVELOPMENT (PD) DIST. APPLICATION FOR PD ZONING

Please note: A courtesy notification sign will be placed on the subject property during the public hearing process and will be removed when the case has been processed App. Revised Oct. 2008

**Application (re: Telfair Section 32) (page 2 of 2):**



Telfair - by Newland Communities  
10235 W. Little York, Suite 300  
Houston, Texas 77040


Telephone: 713-575-9000 Fax: 713-575-9001

Signature Page Attachment  
City of Sugar Land Planning Department  
Conditional Use Permit (CUP) or Rezoning Application  
Dated August 31, 2009

**NNP- Telfair, LP**  
**a Texas limited partnership**

By: NNP-TV Communities, LP  
a Texas limited partnership  
Its: General Partner

By: NNP-TV Management, LLC  
a Delaware limited liability company  
Its: General Partner

By:   
Name: M. Keith Behrens  
Its: Asst. Vice President

Signature Page Attachment

## NOTICE OF PUBLIC HEARING

### ZONING 8.018 ACRES TELFAIR SECTION 32

**PERMANENT ZONING 8.018 ACRES, TELFAIR SECTION 32, SOUTH OF TELFAIR AVENUE AND WEST OF KEMPTON AVENUE TO STANDARD SINGLE-FAMILY RESIDENTIAL (R-1) DISTRICT**

**PURPOSE: ONE (1) PUBLIC HEARING SHALL BE HELD AT WHICH ALL PERSONS INTERESTED IN THE PROPOSED PERMANENT ZONING SHALL BE GIVEN AN OPPORTUNITY TO BE HEARD.**

**WHERE: CITY OF SUGAR LAND CITY COUNCIL CHAMBER  
2700 TOWN CENTER BOULEVARD NORTH**

**WHEN: CITY COUNCIL MEETING  
6:00 P.M., MARCH 02, 2010**

**DETAILS OF THE PROPOSED ZONING MAY BE OBTAINED BY CONTACTING THE CITY OF SUGAR LAND PLANNING OFFICE AT (281) 275-2218 OR BY EMAIL AT [PLANNING@SUGARLANDTX.GOV](mailto:PLANNING@SUGARLANDTX.GOV). THE PLANNING OFFICE IS OPEN MONDAY THROUGH FRIDAY FROM 8:00 O'CLOCK A.M. TO 5:00 O'CLOCK P.M., AND IS LOCATED IN CITY HALL, 2700 TOWN CENTER BOULEVARD NORTH, SUGAR LAND, TEXAS. PLEASE CONTACT US IF YOU WISH TO SET UP AN APPOINTMENT TO GO OVER ADDITIONAL DETAILS IN PERSON.**

**Vicinity Map:**

