

ORDINANCE NO. 1683

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUGAR LAND, TEXAS, PERMANENTLY ZONING 7.799 ACRES OF LAND LOCATED AT THE SOUTHWEST INTERSECTION OF NEW TERRITORY BOULEVARD AND UNIVERSITY BOULEVARD WITHIN THE TELFAIR DEVELOPMENT, AS ZONING DISTRICT PD, PLANNED DISTRICT ZONING, AND APPROVING A GENERAL DEVELOPMENT PLAN FOR THE DISTRICT.

WHEREAS, NNP-Telfair, L.P. has requested that 7.799 acres of land located at the southwest intersection of New Territory Boulevard and University Boulevard within the Telfair Development be permanently zoned as Zoning District PD, Planned Zoning District, as described in Exhibit A; and

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

WHEREAS, the applicant has submitted a general development plan for the PD which complies with the requirements of the zoning regulations; and

WHEREAS, the Planning and Zoning Commission recommends approval of the zoning change and the general development plan for the PD; and

WHEREAS, the City Council finds that the zoning change and the general development plan comply with the City's comprehensive plan; NOW, THEREFORE,

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

Section 1. That the 7.799 acres of land, described in Exhibit A, attached to and incorporated into this ordinance by reference, is permanently zoned as Zoning District PD, Planned Zoning District.

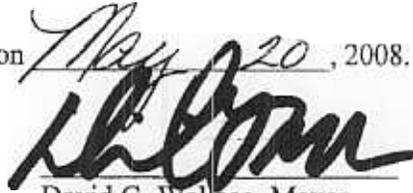
Section 2. That a general development plan (attached as Exhibit B), consisting of the following exhibits, attached to and incorporated into this ordinance by reference, is approved for the PD:

- Exhibit B-1: General Site Plan
- Exhibit B-2: List of Permitted Uses

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

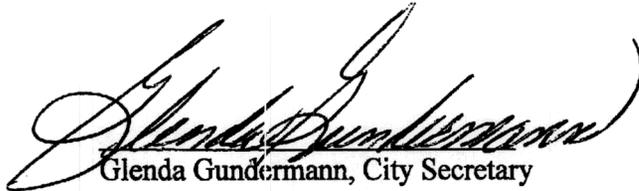
READ IN FULL on first consideration on May 06, 2008.

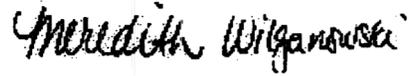
APPROVED upon second consideration on May 20, 2008.


David G. Wallace, Mayor

ATTEST:

Reviewed for Legal Compliance:


Glenda Gundermann, City Secretary



Attachment: Exhibit A – Metes and Bounds Description
Exhibit B – General Development Plan
Exhibit B-1 – General Site Plan
Exhibit B-2 – Permitted Uses

EXHIBIT A: Metes & Bounds Description

January 31, 2008
Job No. 1800-0008A-001

DESCRIPTION OF 7.799 ACRES

Being 7.799 acres of land located in the Alexander Hodge League, Abstract 32, Fort Bend County, Texas, more particularly being a portion of the residue of a called 1651.239 acre tract conveyed to NNP-Keepsake, L.P., by instrument of record under File No. 2003149525, Official Public Records, of said Fort Bend County (F.B.C.O.P.R.), said NNP-Keepsake, L.P. now known as NNP-Telfair LP, by instrument of record under File No. 2006007940, F.B.C.O.P.R., said 7.799 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 the intersection of the southerly line of that certain 80-foot wide utility easement of record under File No. 2004131587, F.B.C.O.P.R. with the west right-of-way line of University Boulevard Phase One, a subdivision of record in Plat No. 20060062, Plat Records, of said Fort Bend County (F.B.C.P.R.), also being on a northerly line of that certain called 87.328 acre tract conveyed to Fort Bend County Levee Improvement District No. 17 by instrument of record under File No. 2007031651, F.B.C.O.P.R.;

Thence, along the common line of said 80-foot wide utility easement and the northerly line of said 87.328 acre tract, South 77° 21' 33" West, 183.66 feet to a point for corner;

Thence, leaving said common line, North 03° 56' 06" West, 347.61 feet to a point for corner;

Thence, South 88° 33' 47" West, 244.85 feet to a point for corner;

Thence, North 01° 04' 56" West, 27.67 feet to a point for corner;

Thence, South 89° 04' 46" West, 109.42 feet to a point for corner;

Thence, North 01° 04' 56" West, 17.00 feet to a point for corner;

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7.799 acres

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Thence, North 46° 04' 56" West, 1.41 feet to a point for corner;

Thence, South 88° 55' 04" West, 10.07 feet to a point for corner;

Thence, North 01° 05' 17" West, 209.00 feet to a point for corner;

Thence, North 88° 55' 04" East, 75.01 feet to a point for corner;

Thence, North 43° 55' 04" East, 1.41 feet to a point for corner;

Thence, North 01° 04' 56" West, 62.62 feet to a point for corner;

Thence, South 88° 55' 03" West, 88.95 feet to a point for corner;

Thence, North 01° 04' 56" West, 219.69 feet to a point for corner, on the south right-of-way line of New Territory Boulevard – Telfair, a subdivision of record in Plat No. 20060061, F.B.C.P.R.;

Thence, along said south right-of-way line, the following six (6) courses;

- 1) North 88° 26' 05" East, 143.63 feet to a point for corner, the beginning of a curve;
- 2) 49.71 feet along the arc of a tangent curve to the right having a radius of 500.00 feet, a central angle of 05° 41' 48", and a chord that bears South 88° 43' 01" East, 49.69 feet to a point for corner;
- 3) South 85° 52' 07" East, 50.99 feet to a point for corner, the beginning of a curve;

7.799 acres

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- 4) 49.71 feet along the arc of a tangent curve to the left having a radius of 500.00 feet, a central angle of $05^{\circ} 41' 48''$, and a chord that bears South $88^{\circ} 43' 01''$ East, 49.69 feet to a point for corner;
- 5) North $88^{\circ} 26' 05''$ East, 58.32 feet to a point for corner, the beginning of a curve;
- 6) 89.40 feet along the arc of a tangent curve to the left having a radius of 2130.00 feet, a central angle of $02^{\circ} 24' 17''$, and a chord that bears North $87^{\circ} 13' 56''$ East, 89.39 feet to a point for corner;

Thence, with a south right-of-way line of said Telfair Boulevard and a westerly right-of-way line of said University Boulevard, North $86^{\circ} 01' 48''$ East, 43.12 feet to a point for corner;

Thence, along said west right-of-way line, the following four (4) courses;

- 1) 78.54 feet along the arc of a tangent curve to the right having a radius of 50.00 feet, a central angle of $90^{\circ} 00' 00''$, and a chord that bears South $48^{\circ} 58' 12''$ East, 70.71 feet to a point for corner;
- 2) South $03^{\circ} 58' 12''$ East, 259.43 feet to a point for corner, the beginning of a curve;
- 3) 17.00 feet along the arc of a tangent curve to the right having a radius of 5669.90 feet, a central angle of $00^{\circ} 10' 18''$, and a chord that bears South $03^{\circ} 53' 03''$ East, 17.00 feet to a point for corner;

7.799 acres

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- 4) South $03^{\circ} 47' 54''$ East, 522.01 feet to the POINT OF BEGINNING and containing 7.799 acres of land.

LJA Engineering & Surveying, Inc.



Keith W. Monroe
1-31-2008

EXHIBIT B
GENERAL DEVELOPMENT PLAN
(Telfair Central)

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

1. Contents
2. General Provisions
3. Land Uses
4. Development Regulations
5. Landscape & Pedestrian Circulation Regulations
6. 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 herein, the words used in this final development plan have the meaning established by the Development Code. In this ordinance:

Museum means Houston Museum of Natural Science at Sugar Land

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.

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

D. Development Regulations.

1. Maximum height of structures: All new facilities may be no greater than 40 feet above ground level and existing facilities (Central Farm Building) may be no greater than 50 feet.

2. Minimum yards:

- (a) Abutting New Territory Blvd: 40 feet
- (b) Abutting University Boulevard: 40 feet
- (c) Abutting Access Easement: 10 feet
- (d) All other: 0 feet

3. Minimum Parking Lot Setbacks:

- (a) New Territory lot lines: 30 feet
- (b) University Boulevard lot lines: 40 feet
- (c) Access Easement lot lines: 10 feet
- (d) All other: 0 feet

4. Paving:

- (a) All parking lots, driveways, and vehicle use areas outside of individual building parcels must be constructed of concrete.
- (b) All driveways and streets within individual building parcels may be paved with a concrete surface or interlocking pavers.

E. Landscape & Pedestrian Circulation Regulations.

1. Minimum landscape buffers, continuous along:

- (a) New Territory: 30 feet deep
- (b) University Boulevard: 40 feet deep
- (c) Access Easement: 10 feet deep
- (d) All other: 0 feet deep

2. Minimum Open Space: 15%.

3. Sidewalks:

- (a) Continuous sidewalks are required along all roadways, including access easements.

F. Additional Regulations.

- 1. Outside display of merchandise is not permitted.
- 2. Any existing structures located within a landscape easement area must remain as is.

EXHIBIT B-1 General Site Plan

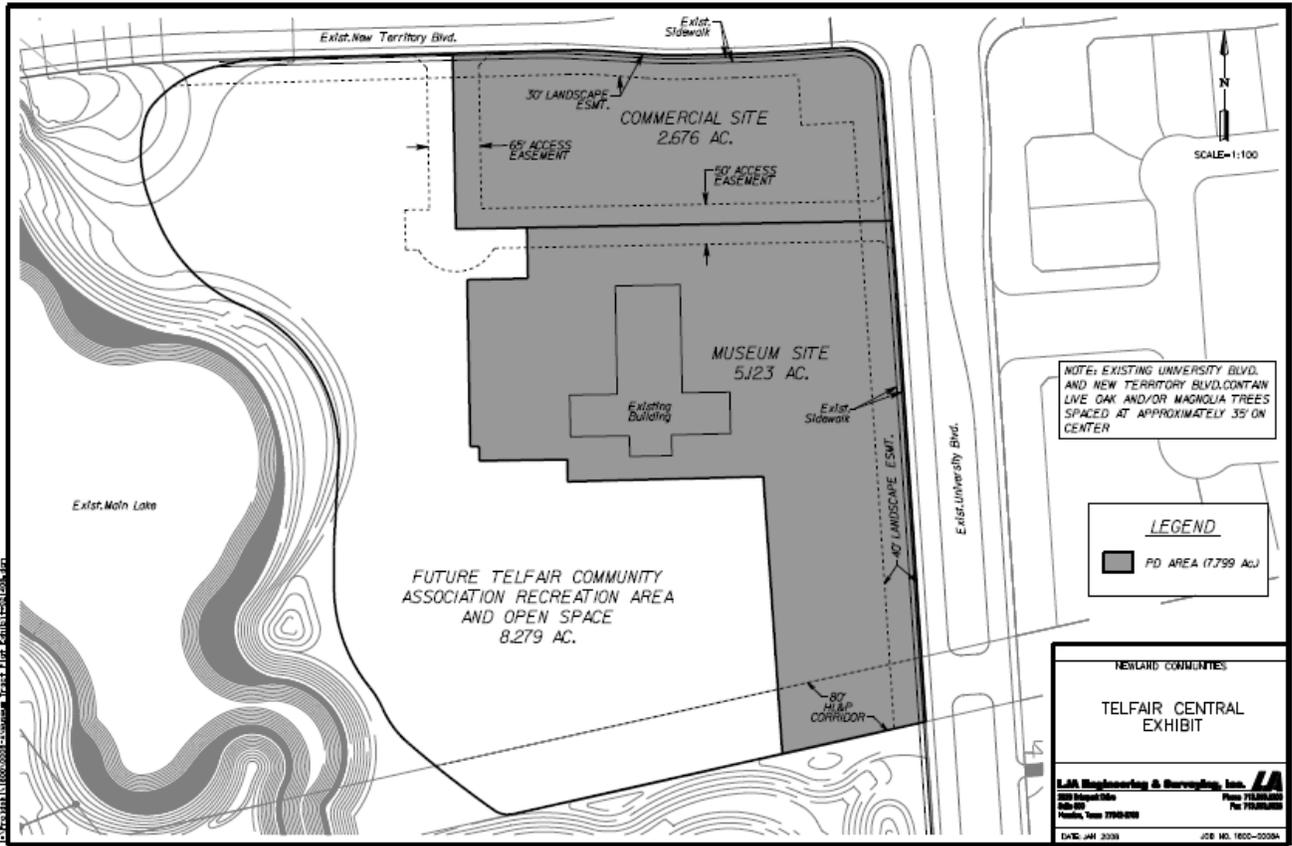


EXHIBIT B-2
Permitted Uses

<u>USES</u>	<u>SIC CODE</u>
<u>RETAIL:</u>	
Paint, Glass, and Wallpaper Stores	5231
Garden Stores only	5261
Miscellaneous General Merchandise	5399
Fruit and Vegetable Markets	5431
Candy, Nut, and Confectionary Stores	5441
Retail Bakeries	5461
Apparel and Accessory Stores	56
Home Furniture, Furnishings, and Equipment	57
Eating Places	5812
Miscellaneous Retail with exception of Group 598 Fuel Dealers and 5921 Liquor Stores	59
<u>FINANCE, INSURANCE, AND REAL ESTATE:</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:</u>	
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	7351
Tax Return Preparation	7291
Advertising Agencies	7311
Outdoor Advertising Agencies	7312
Radio, Television, and Publishers' Advertising Representatives	7313
Advertising, NEC	7319
Adjustment and Collection Services	7322
Credit Reporting Services	7323
Direct Mail Advertising Services	7331
Photocopying and Duplicating Services	7334
Commercial Photography	7335
Commercial Art and Graphic Design	7336

EXHIBIT B-2 (cont'd)
Permitted Uses

<u>USES</u>	<u>SIC CODE</u>
<u>SERVICES (cont'd):</u>	
Secretarial and Court Reporting Services	7338
Employment Agencies	7361
Help Supply Services	7363
Computer Programming Services	7371
Prepackaged Software	7372
Computer Integrated Systems Design	7373
Computer Processing and Data Preparation and Processing Services	7374
Information Retrieval Services	7375
Computer Facilities Management Services	7376
Computer Rental and Leasing	7377
Computer Maintenance and Repair	7378
Computer Related Services, NEC	7379
Security Systems Services	7382
News Syndicates	7383
Photofinishing Laboratories	7384
Business Services, NEC	7389
Watch, Clock, and Jewelry Repair	7631
Dance Studios and Schools except dance halls, max. 10,000 ft ²	7911
Offices and Clinics of Doctors, Dentists, Chiropractors, Optometrists, Podiatrists	8011-8043
Legal Services	8111
Schools and Educational Services, NEC	8299
Museums, Art Galleries, and Botanical and Zoological Gardens	84
Engineer, Accounting, Research, Management, and Related Services with exception of 8744 Correctional Facilities and Jails	87
Civic and Social Organizations	8641
Services, NEC	8999
Parks and Recreation Facilities only	99

NEC denotes Not Elsewhere Classified

Use List Supplemental Information: Telfair Central PD District

During discussion at the Planning and Zoning Commission meetings, questions were raised about the uses that are included under the “Miscellaneous” and “Not Elsewhere Classified” categories. Below is a detailed list of the uses that are included in each of these categories.

RETAIL-

5399 Miscellaneous General Merchandise Stores

- Catalog showrooms, general merchandise: except catalog
- Country general stores-retail
- General merchandise stores-retail
- General stores-retail

Major Group 59 Miscellaneous Retail-

- 5912 Drug Stores and Proprietary Stores
- 5932 Used Merchandise Stores
- 5941 Sporting Goods Stores and Bicycle Shops
- 5942 Book Stores
- 5943 Stationary Stores
- 5944 Jewelry Stores
- 5945 Hobby, Toy, and Game Shops
- 5946 Camera and Photographic Supply Stores
- 5947 Gift, Novelty, and Souvenir Shops
- 5948 Luggage and Leather Goods
- 5949 Sewing, Needlework, and Piece Goods Stores
- 5961 Catalog and Mail-Order Houses
- 5962 Automatic Merchandising Machine Operators (Vending)
- 5963 Direct Selling Establishments (telephone or house-to-house)
- 5992 Florists
- 5993 Tobacco Stores and Stands
- 5994 News Dealers and Newstands
- 5995 Optical Goods Stores
- 5999 Misc. Retail Stores (not elsewhere classified)
 - Architectural supplies-retail
 - Art dealers-retail
 - Artificial flowers-retail
 - Artists' supply and material stores-retail
 - Auction rooms (general merchandise)-retail
 - Autograph and philatelist supply stores-retail
 - Awning shops-retail
 - Baby carriages-retail
 - Banner shops-retail
 - Binoculars-retail
 - Cake decorating supplies-retail
 - Candle shops-retail
 - Coin shops-retail, except mail-order
 - Cosmetics stores-retail
 - Electric razor shops-retail

- Fireworks-retail
- Flag shops-retail
- Gem stones, rough-retail
- Gravestones, finished-retail
- Hearing aids-retail
- Hot tub-retail
- Ice dealers-retail
- Monuments, finished to custom order-retail
- Orthopedic and artificial limb stores-retail
- Pet food stores-retail
- Pet shops-retail
- Picture frames, ready-made-retail
- Police supply stores-retail
- Religious goods stores (other than books)-retail
- Rock and stone specimens-retail
- Rubber stamp stores-retail
- Sales barns-retail
- Stamps, philatelist-retail: except mail-order
- Stones, crystalline: rough-retail
- Swimming pools, home: not installed-retail
- Telephone stores-retail
- Telescopes-retail
- Tent shops-retail
- Tombstones-retail
- Trophy shops-retail
- Typewriter stores-retail
- Whirlpool baths-retail

SERVICES-

7319 Advertising, (not elsewhere classified)

- Aerial advertising
- Bus card advertising
- Circular distributing service
- Coupon distribution
- Display advertising service, except outdoor
- Handbill distribution service
- Media buying service
- Poster advertising service, except outdoor
- Samples, distribution of
- Shopping news advertising and distributing service
- Sky writing
- Taxicab card advertising
- Transit advertising

7379 Computer Services, (not elsewhere classified)

- Computer consultants
- Data base developers
- Data processing consultants
- Disk and diskette conversion services

- Disk and diskette recertification services
- Requirements analysis, computer hardware
- Tape recertification service

7389 Business Services, (not elsewhere classified)

- Agents and brokers for authors and nonperforming artist
- Apparel pressing service for the trade
- Appraisers, except real estate appraisers
- Arbitration and conciliation services
- Artists' agents and brokers, except performing artists
- Auctioneering service on a commission or fee basis
- Authors' agents and brokers
- Automobile recovery service
- Automobile repossession service
- Automobile shows, flower shows, and home shows: promoters of
- Bartering services for businesses
- Batik work (handprinting on textiles)
- Bondspersons
- Bottle exchanges
- Bronzing baby shoes
- Business brokers (buying and selling business enterprises)
- Charge account service (shopping plates) collection by individual
- Check validation service
- Cloth: cutting to length, bolting, or winding for textile distributors
- Contractors' disbursement control
- Convention bureaus
- Convention decorators
- Copyright protection service
- Correct time service
- Cosmetic kits, assembling and packaging
- Cotton inspection service, not connected with transportation
- Cotton sampler service
- Coupon redemption service, except trading stamps
- Credit card service (collection by individual firms)
- Decoration service for special events
- Demonstration service, separate from sale
- Directories, telephone: distribution on a contract or fee basis
- Divers, commercial
- Drafting service, except temporary help
- Drawback service, customs
- Drive-a-way automobile service
- Embroidering of advertising on shirts, etc.
- Engrossing, e.g., diplomas and resolutions
- Exhibits, building of: by industrial contractors
- Field warehousing, not public warehousing
- Filling pressure containers (aerosol) with hair spray, insecticides, etc.
- Fire extinguishers, service of
- Firefighting service, other than forestry or public
- Flagger service (traffic control)
- Floats, decoration of
- Florists' telegraph service
- Folding and refolding service: textile and apparel

- Fundraising on a contract or fee basis
- Gas systems, contract conversion from manufactured to natural gas
- Handtool designers
- Handwriting analysis
- Hosiery pairing on a contract or fee basis
- Hotel reservation service
- Identification engraving service
- Inspection of commodities, not connected with transportation
- Interior decorating consulting service, except painters and paper
- Interior designing service, except painters and paper hangers
- Inventory computing service
- Labeling bottles, cans, cartons, etc. for the trade: not printing
- Laminating of photographs (coating photographs with plastics)
- Lecture bureaus
- Lettering service
- Liquidators of merchandise on a contract or fee basis
- Mannequin decorating service
- Map drafting service
- Mapmaking, including aerial
- Message service, telephone answering except beeper service
- Metal slitting and shearing on a contract or fee basis
- Meter readers, remote
- Microfilm recording and developing service
- Mounting merchandise on cards on a contract or fee basis
- Music distribution systems, except coin-operated
- Notaries public
- Packaging and labeling service (not packing and crating)
- Paralegal service
- Parcel packing service (packaging)
- Patent brokers
- Patrol of electric transmission or gas lines
- Photogrammetric mapping service (not professional engineers)
- Photographic library service, still
- Photography brokers
- Pipeline and power line inspection services
- Playwrights' brokers
- Post office contract stations
- Presorting mail service
- Press clipping service
- Printed circuitry graphic layout
- Process serving service
- Produce weighing service, not connected with transportation
- Product sterilization service
- Promoters of home shows and flower shows
- Racetrack cleaning, except buildings
- Radio broadcasting music checkers
- Radio transcription service
- Recording studios on a contract or fee basis
- Redemption of trading stamps
- Repossession service
- Restaurant reservation service
- Rug binding for the trade
- Safety inspection service, except automotive

- Salvaging of damaged merchandise, not engaged in sales
- Sampling of commodities, not connected with transportation
- Scrap steel cutting on a contract or fee basis
- Shoe designers
- Showcard painting
- Shrinking textiles for tailors and dressmakers
- Sign painting and lettering shops
- Solvents recovery service on a contract or fee basis
- Speakers' bureaus
- Sponging textiles for tailors and dressmakers
- Styling of fashions, apparel, furniture, and textiles
- Styling wigs for the trade
- Swimming pool cleaning and maintenance
- Switchboard operation of private branch exchanges
- Tape slitting for the trade (cutting plastics, leather, etc. into widths)
- Tax collection agencies: collecting for a city, county, or State
- Tax title dealers: agencies for city, county, or State
- Telemarketing (telephone marketing) service on a contract or fee basis
- Telephone answering, except beeper service
- Telephone solicitation service on a contract or fee basis
- Textile designers
- Textile folding and packing services
- Time-share condominium exchanges
- Tobacco sheeting service on a contract or fee basis
- Tourist information bureaus
- Trade show arrangement
- Trading stamp promotion and sale to stores
- Trading stamp redemption
- Translation service
- Water softener service
- Weighing foods and other commodities not connected with
- Welcoming service
- Window trimming service
- Yacht brokers

8299 Schools and Educational Services (not elsewhere classified)

- Art schools, except commercial
- Automobile driving instruction
- Baton instruction
- Bible schools, not operated by churches
- Ceramics schools
- Charm schools
- Civil service schools
- Continuing education programs
- Cooking 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
- Survival schools
- Tutoring
- Vocational counseling, except rehabilitation counseling

8999 Services, (not elsewhere classified)

- 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 lecturers
- 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