ORDINANCE NO. 1935

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUGAR LAND, TEXAS, PROVIDING FOR A CHANGE OF ZONING FROM PLANNED DEVELOPMENT DISTRICT (PD) GENERAL DEVELOPMENT PLAN TO PLANNED DEVELOPMENT DISTRICT (PD) FINAL DEVELOPMENT PLAN (IMPERIAL GRACEPOINT TOWNHOMES) FOR APPROXIMATELY 5.273 ACRES OF LAND LOCATED AT THE NORTHEAST CORNER OF STADIUM DRIVE AND IMPERIAL BOULEVARD IN THE IMPERIAL DEVELOPMENT.

WHEREAS, Imperial Johnson, LLC has applied for a change in zoning from Planned Development District (PD) General Development Plan zoning district classification to Planned Development District (PD) Final Development Plan (Imperial Gracepoint Townhomes) zoning district classification for 5.273 acres of land located at the northeast corner of Stadium Drive and Imperial Boulevard in the Imperial development; and

WHEREAS, the City Planning and Zoning Commission forwarded its final report to the City Council, recommending approval of the rezoning 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 such requested zoning change; and

WHEREAS, the City Planning and Zoning Commission recommended granting such requested zoning change with modifications and the same is herein incorporated and made a part of this ordinance; and

WHEREAS, the City Council finds that the zoning request complies with the City’s comprehensive plan and now deems it appropriate to make such zoning change; 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 zoning district classification of approximately 5.273 acres of land located at the northeast corner of Stadium Drive and Imperial Boulevard in the Imperial development and described in Exhibit A, attached to and incorporated into this ordinance by reference, is changed from Planned Development District (PD) General Development Plan to Planned Development District (PD) Final Development Plan (Imperial Gracepoint Townhomes)
zoning district classification under the comprehensive zoning ordinance of the City of Sugar Land, Texas.

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

Exhibit A: Metes & Bounds Legal Description
Exhibit B: Final Development Plan
Exhibit B-1: Site Plan
Exhibit B-2: Townhome Lot Configurations
Exhibit B-3: Street Plan & Cross Sections
Exhibit B-4: Vehicular Access Gate Layout
Exhibit B-5: Parking Plan
Exhibit B-6: Landscape, Open Space & Pedestrian Plan
Exhibit B-7: Plant List

Section 4. That the City’s official zoning map be amended to reflect this change in zoning district classification.

READ IN FULL on first consideration on October 15, 2013.

APPROVED upon second consideration on November 05, 2013.

James A. Thompson, Mayor

ATTEST:

Glenda Gundermann, City Secretary

APPROVED AS TO FORM:

Attachments: Exhibit A: Metes & Bounds Legal Description
Exhibit B: Final Development Plan
Exhibit B-1: Site Plan
Exhibit B-2: Townhome Lot Configurations
Exhibit B-3: Street Plan & Cross Sections
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Exhibit B-5: Parking Plan
Exhibit B-6: Landscape, Open Space & Pedestrian Plan
Exhibit B-7: Plant List
Exhibit A: Metes & Bounds Legal Description

Exhibit A  Page 1 of 3 Pages

County: Fort Bend
Project: Imperial Redevelopment
Job No. 063701
MB No. 13-001

FIELD NOTES FOR 5.273 ACRES OF LAND

Being a tract containing 5.273 acres of land located in the Alexander Hodge League, Abstract Number 32, in Fort Bend County, Texas; Said 5.273 acre tract being a portion of the remainder of a call 497.696 acre tract of land recorded in the name of Cherokee Sugar Land, L.P. in Fort Bend County Clerk’s File (F.B.C.C.P.) Number 2011006653, styled Tract “F”, and a portion of Tract 3A, Part 2, as illustrated in Texas Department of Transportation Partition Plat, recorded in Slide Numbers 1833A and 1833B in the Fort Bend County Plat Records (F.B.C.P.R.): Said 5.273 acre tract being more particularly described by metes and bounds as follows (bearings are based on the Texas Coordinate System, NAD 83, South Central Zone):

Beginning at the most northerly corner of the northeasterly intersection of Imperial Boulevard (width varies) and Stadium Drive (width varies), both recorded in Plat Number 20120139 of the F.B.C.P.R.;

Thence, with the easterly Right-of-Way (R.O.W.) line of said Stadium Drive, North 07 degrees 59 minutes 33 seconds East, a distance of 514.19 feet:

Thence, leaving said R.O.W. line, through and across aforesaid 497.696 acre tract, the following eight (8) courses:

1. South 68 degrees 58 minutes 50 seconds East, a distance of 359.46 feet;
2. South 46 degrees 38 minutes 57 seconds East, a distance of 57.58 feet;
3. South 20 degrees 51 minutes 47 seconds East, a distance of 103.41 feet;
4. South 15 degrees 21 minutes 24 seconds West, a distance of 121.37 feet;
5. South 45 degrees 00 minutes 46 seconds West, a distance of 133.56 feet;
6. South 27 degrees 21 minutes 37 seconds West, a distance of 71.64 feet;
7. South 11 degrees 43 minutes 49 seconds West, a distance of 120.57 feet;
8. South 13 degrees 08 minutes 23 seconds West, a distance if 45.57 feet to the northerly R.O.W. line of aforesaid Imperial Boulevard;

Thence, with said northerly R.O.W. line, the following six (6) courses:
1. 41.56 feet along the arc of a curve to the left, said curve having a radius of 892.50 feet, a central angle of 02 degrees 40 minutes 05 seconds and a chord which bears North 77 degrees 16 minutes 37 seconds West, a distance of 41.56 feet;

2. North 78 degrees 36 minutes 40 seconds West, a distance of 177.89 feet;

3. 25.20 feet along the arc of a curve to the right, said curve having a radius of 50.00 feet, a central angle of 28 degrees 52 minutes 55 seconds and a chord which bears North 64 degrees 10 minutes 13 seconds West, a distance of 24.94 feet;

4. North 49 degrees 43 minutes 45 seconds West, a distance of 39.25 feet;

5. 21.61 feet along the arc of a curve to the right, said curve having a radius of 45.00 feet, a central angle of 27 degrees 30 minutes 48 seconds and a chord which bears North 35 degrees 58 minutes 21 seconds West, a distance of 21.40 feet;

6. 97.54 feet along the arc of a curve to the right, said curve having a radius of 185.00 feet, a central angle of 30 degrees 12 minutes 29 seconds and a chord which bears North 07 degrees 06 minutes 42 seconds West, a distance of 96.41 feet to the Point of Beginning and containing 5.273 acres of land.

GBI PARTNERS, L.P.
Phn: 713.995.1306
January 9, 2013
EXHIBIT B
FINAL DEVELOPMENT PLAN
Imperial Gracepoint Townhomes

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

- General Provisions
- Land Uses
- Development Regulations for Townhome Lots
- Streets and Shared/Common Driveway
- Parking Regulations
- Landscape Regulations
- Pedestrian Circulation Regulations
- 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 R-1 (Standard Single Family Residential) zoning district is not contained in this ordinance, all the regulations contained in the Development Code applicable to the R-1 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:

   Ballpark District means the Ballpark District as shown on the General Development Plan for Imperial.
   
   General Development Plan means the General Development Plan for Imperial, as established by City of Sugar Land Ordinance No. 1852.
   
   Imperial Single Family means the adjacent residential planned development on Tracts C and F within the Ballpark District, established by City of Sugar Land Ordinance No. 1891.
   
   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.
**Shared/Common Driveway** means a privately owned and maintained vehicular access way that provides access from a public street to townhome lots.

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 Plan
   - Exhibit B-2: Townhome Lot Configurations
   - Exhibit B-3: Street Plan & Cross Sections
   - Exhibit B-4: Vehicular Access Gate Layout
   - Exhibit B-5: Parking Plan
   - Exhibit B-6: Landscape, Open Space & Pedestrian Plan
   - Exhibit B-7: Plant List

4. As shown on Exhibit B-1, Site Plan, the PD encompasses 5.273 acres at the northeast corner of Imperial Boulevard and Stadium Drive, within the Ballpark District, Tract D.

C. **Land Uses.**

1. Permitted land uses are listed below. All other land uses are prohibited in the PD.

<table>
<thead>
<tr>
<th>Use</th>
<th>SIC Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>Private Household Services</td>
<td>8811</td>
</tr>
<tr>
<td>Dwellings – Single Family Attached (Townhomes)</td>
<td>99 (Non-Classifiable)</td>
</tr>
<tr>
<td>Parks and Recreational Facilities, Public or Private</td>
<td>99 (Non-Classifiable)</td>
</tr>
<tr>
<td>Residential Sales Office (Temporary)</td>
<td></td>
</tr>
</tbody>
</table>

D. **Development Regulations for Townhome Lots** – As shown on Exhibit B-2, Townhome Lot Configurations, townhome sites within the PD shall be developed in accordance with the following regulations:

1. Maximum number of lots: 35
2. Minimum lot area: 2,500 square feet
3. Minimum lot width: 27 feet; 30 feet for corner lots
4. Minimum lot depth: 90 feet
5. Maximum lot coverage: 85%
6. Maximum height of structures: 3 stories, but no more than 45 feet from ground level.
7. Minimum building setbacks:
   (a) Front setback: 10 feet
   (b) Side setback: 0 feet if attached; or 5 feet if detached, but the sum of two adjacent side setbacks must be at least 10 feet if detached
(c) Street side setback: 10 feet  
(d) Rear setback: 20 feet for lots with garages facing the rear lot line; otherwise 8 feet  
(e) Garage setback: 5 feet from shared/common driveway  

8. Side yard fences:
   (a) Materials will be limited to brick and/or stone with ornamental iron.  
   (b) Less than 50% of the fence face shall be opaque, and the maximum height shall not exceed 32 inches.  
   (c) Fences shall be constructed between adjacent buildings where side yards are provided. For the corner lot at Stadium Drive and the proposed public street, the fence shall extend from the rear yard of the corner lot to the side yard of the adjacent lot.  

9. Open space reserves with guest parking spaces per Section F below shall be platted concurrent with the townhome lots.  

E. Streets and Shared/Common Driveway – As shown on Exhibit B-3, Street Plan & Cross Sections, vehicular circulation for the PD shall be developed in accordance with the following regulations:

1. The proposed, internal public street extending from Stadium Drive to Imperial Boulevard will include a change in pavement color, texture or paving pattern at each subdivision entrance to promote traffic calming and identify the neighborhood.  

2. A motor court within public right-of-way shall be provided adjacent to the proposed public street in accordance with Exhibit B-3.  

3. A minimum 22-foot wide shared/common driveway shall be located to the rear of the townhome lots. Overhead utility lines are prohibited along the driveway.  

4. The shared/common driveway shall provide vehicular access to all townhome lots. No lot shall take direct vehicular access from Imperial Boulevard, Stadium Drive, or the proposed public street and motor court within the PD.  

5. Two separate gated entries shall connect the shared/common driveway with the proposed public street. As shown on Exhibit B-4, Vehicular Access Gate Layout, entrance gates shall be set back at least 23 feet from the curb line of the proposed public street.  

F. Parking Regulations.  

1. Required parking will include at least 2 garage spaces per unit, plus at least 12 parallel spaces along the shared/common driveway to serve the 35 townhomes.  

2. Parallel parking will be prohibited along either side of the shared/common driveway except in designated parallel spaces.
3. Parallel parking spaces will be provided along the proposed public street and motor court as shown on Exhibit B-5, Parking Plan.

G. **Landscape Regulations** – As shown on Exhibit B-6, Landscape, Open Space & Pedestrian Plan, the PD shall be developed in accordance with the following landscape regulations:

1. Landscape buffers:
   
   (a) A 10-foot wide minimum buffer, contiguous to the lot line, shall be provided along the side of the proposed public street and motor court adjacent to the townhome lots.
   (b) 10-foot wide minimum buffers, contiguous to lot lines, shall be provided along Stadium Drive and Imperial Boulevard.
   (c) Required buffers may include the pedestrian walkway, steps and landing connecting the public street sidewalk to the front door of a townhome.

2. Open Space:
   
   (a) Required minimum open space of 15% per the General Development Plan has been provided along the amenity/detention lake within the adjacent Imperial Single Family planned development. Additional open space shall be provided and distributed as shown on Exhibit B-6.
   (b) Areas within the PD between the proposed public street and the amenity/detention lake within Imperial Single Family shall be platted as open space reserves.

3. Shade trees:
   
   (a) Trees required per Section 3-4 (Residential Front Yard Landscaping Requirements) of the Development Code may be located within public street right-of-way, landscape buffers, or the front or side yard of any lot provided that one tree is within 50 feet of every lot. If located in a side yard, the tree shall be less than 30 feet from a public street right-of-way.
   (b) Approximate distribution and location of shade trees within public street right-of-way is shown on Exhibit B-6.
   (c) Shade trees shall have a minimum 4-inch caliper and minimum 10-foot height as measured at ground level when planted.
   (d) Required shade trees shall have a minimum spacing of 20 feet.

4. Plant species used to satisfy the requirements of the PD are listed on Exhibit B-7, Plant List.

H. **Pedestrian Circulation Regulations** – As shown on Exhibit B-6, Landscape, Open Space & Pedestrian Plan, the PD shall be developed in accordance with the following pedestrian circulation regulations:

1. Sidewalks & sidepath:
(a) A minimum 5-foot wide sidewalk shall be provided along the side of the proposed public street and motor court adjacent to the townhome lots.
(b) A minimum 5-foot wide sidewalk shall be provided along Stadium Drive.
(c) A minimum 8-foot wide sidepath shall be provided along Imperial Boulevard.
(d) The Stadium Drive sidewalk shall widen and transition into the Imperial Boulevard sidepath at the intersection of the two streets.

2. Lakeside trail:

   (a) As part of this PD, a minimum 5-foot wide trail shall be provided along the south and west sides of the adjacent amenity/detention lake within the Imperial Single Family planned development.
   (b) One seating area with at least four (4) bicycle parking spaces and two (2) shade trees shall be located along the trail.
   (c) The lakeside trail shall connect to the Stadium Drive sidewalk and the Imperial Boulevard sidepath.
   (d) The trail will be provided in lieu of a sidewalk along the north and east side of the proposed public street.
   (e) The trail and seating area shall be constructed prior to issuance of any certificate of occupancy for a single-family residence within the PD.

3. All sidewalks, sidepaths and trails required herein shall be paved with concrete.

4. Lighting used to illuminate sidewalks, trails, landscape buffers, or other common open space shall be arranged, located, or screened to direct light away from residential lots.

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

1. Primary exterior finishes are limited to brick, stone (natural, cast, or cultured-textured) and glass, and shall comprise at least 70% of each façade.

2. Secondary exterior finishes shall include stucco, wood, ceramic tiles and fiber cement siding, and shall comprise no more than 30% of each façade.

3. The following building materials shall not be used on the exterior finish:

   (a) Vinyl siding, wood fiber hardboard siding, oriented strand board siding, plastic, or fiberglass panels.
   (b) Smooth or untextured concrete surfaces.
   (c) Exterior Insulated Finish Systems (E.I.F.S.)
   (d) Galvanized, aluminum coated, zinc-aluminum coated, or unpainted metal finishes.
   (e) Unfired or underfired clay, sand, or shale brick.

4. No single primary exterior finish material shall cover more than 80% of the front of any townhome.
5. Builders shall achieve Bronze level certification utilizing the Greater Houston Builders Association (GHBA) *Green Built Gulf Coast Program* as the basis for their design and construction requirements.

6. Each townhome shall have an automatic fire sprinkler system.
Exhibit B-7

Plant List for Imperial Gracepoint PD

The following is a list of approved trees and shrubs. Alternative plants not specified in this list may be approved by the Director if determined that an alternative is substantially equal to or better than a specified material and the use will not violate any provision of the PD:

**Shade Trees:**
Pecan Carya illinoiensis
Fringe Tree Chionanthus virginicus
Japanese Blueberry Elaeocarpus decipiens
Nellie R. Stevens Holly Ilex x attenuata ‘Nellie R. Stevens’
Savannah Holly Ilex attenuate ‘Savannah’
Southern Magnolia Magnolia grandiflora
Loblolly Pine Pinus taeda
Texas Pistache Pistacia texana
Sycamore Platanus occidentalis
Bur Oak Quercus macrocarpa
Chinkapin Oak Quercus muehlenbergii
Monterey Oak Quercus polymorpha
Water Oak Quercus nigra
Live Oak Quercus virginiana
Shumard Oak Quercus shumardii
Bald Cypress Taxodium distichum
Pond Cypress Taxodium ascendens
Cedar Elm Ulmus crassifolia
Bosque or Drake Elm Ulmus parvifolia ‘Bosque’ or ‘Drake’

**Small & Ornamental Trees:**
Texas Redbud Cercis canadensis ‘var. texensis’
European Fan Palm Chamaerops humilis
Desert Willow Chilopsis linearis
Smokebush Cotinus obovatus
Loquat Eryobotrya japonica
Foster Holly Ilex x attenuata ‘Fosterii’
Possumhaw Holly Ilex decidua
Yaupon Holly Ilex vomitoria
Columnar Juniper Juniperus spp.
Crape Myrtle Lagerstroemia indica ‘Basham’s Pink’, ‘Natchez’, ‘Muskogee’
Little Gem Magnolia Magnolia grandiflora ‘Little Gem’
Tree form (MT) Ligustrum Ligustrum japonicum
Saucer Magnolia Magnolia x soulangiana
Sweetbay Magnolia Magnolia virginiana
Tree Wax Myrtle Myrica cerifera
Mexican Plum Prunus mexicana
Texas Sable Palm Sabal texana
Texas Mountain Laurel Sophora secundiflora
Windmill Palm Trachycarpus fortunei
Chaste Tree Vitex agnus-castus
Shrubs:
Abelia Abelia x grandiflora ‘Prostrata’, ‘Sherwoodi’, Edward Goucher’
Japanese Cleyera Ternstroemia gymnathera
Sago Palm Cycas revoluta
Umbrella Plant Cyperus alternifolius
African/Butterfly Iris Dietes iridioides, Dietes bicolor
Elaeagnus Ebbingei Elaeagnus macrophylla
Silverberry Elaeagnus fruilandii
Pineapple Guava Feijoa sellowiana
Red Yucca Hesperaloe parviflora
Barbados Cherry Malpighia Glabrata
Fatsia Fatsia japonica
Dwarf Burford Holly Ilex cornuta ‘Burfordii Nana’
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 Privet Ligustrum lucidum
Fringe Flower Loropetalum chinense
Maiden Grass Miscanthus sinensis var.
Dwarf Wax Myrtle Myrica pusilla
Nandina Nandina domestica
Purple Fountain Grass Pennisetum setaceum
Indian Hawthorn Raphiolepis indica ‘Clara’
Society Garlic Tulbaghiaviolacea
Sweet Viburnum Viburnum spp.
Bridal Wreath Spirea Spirea prunifolia
Oleander Nerium oleander
Dwarf Oleander Nerium oleander ‘Petite Pink’, ‘Little Red’
Plumbago Plumbago auriculata
Dwarf Pomegranate Punica granatum ‘Nana’
Kumquat Fortunella spp.
Muhly Grass Muhlenbergia lindheimeri
Dwarf Maiden Grass Miscanthus sinensis ‘Morning Light’