

## **STAFF REPORT**

Request for a Conditional Use Permit (CUP) for four new Medical Office Buildings directly adjacent to Single Family Residential property near East Riverpark Drive and Highway 99, the Grand Parkway. The property is located on approximately 2.467 acres zoned Neighborhood Business (B-1) commercial behind the retail commercial areas that front on the Grand Parkway.

## **DEVELOPMENT CODE PROVISIONS FOR CONDITIONAL USE PERMITS**

*Ch. 2, Art. I, Section 2-22. Standard of Review*

*In reviewing the application, the Commission and Council will consider the impact the proposed use would have on surrounding premises and the community, including traffic, noise, compatibility, and land use intensity; any conditions or restrictions that could mitigate any adverse impact; and other matters that are relevant to a determination of whether the use would be a compatible and appropriate use of the premises.*

*Ch. 2, Art. I, Section 2-23 Conditions.*

*The Commission may recommend, and the Council may impose, reasonable conditions and restrictions in granting of a permit to mitigate any adverse impacts of the proposed use. The conditions must be specified in the ordinance approving the permit.*

## **DEVELOPMENT CODE PROVISIONS – CONDITIONAL USE PERMITS FOR RESIDENTIAL PROXIMITY**

*Ch. 2, Art. II, Section 2-55 (Key to Permitted Uses). G. Residential Proximity Conditional Use [\*] Indicates a district wherein a conditional use permit is required for uses in specific circumstances, as follows:*

- 1. A conditional use permit is required for the establishment or expansion of a nonresidential use located on property that abuts a single-family residential lot located in a single-family residential district”*

## **GENERAL SITE INFORMATION AND ANALYSIS:**

Compliance with Comprehensive Plan	This use is directly in alignment with the proposed future land use of Neighborhood Commercial Services
Subject Property	Neighborhood Business (B-1) District
Surrounding Property Zoning	North: Standard Single Family Residential (R-1) South: Neighborhood Business (B-1) East: Neighborhood Business (B-1) West: Neighborhood Business (B-1)
Surrounding Land Uses	North: Single Family Residential Neighborhood (Riverpark Sec. 2) South: Medical & Professional Office Buildings (under construction) East: Hotel use- (Best Western Sugar Land Inn) West: Retail Shopping Center

## **CASE ANALYSIS**

Due to the proximity of the adjacent residential subdivision of Riverpark Section 2, located directly north of the subject property, a Conditional Use Permit (CUP) must be approved as a residential proximity provision. In 2016, City Council approved Ordinance No. 2063 which stated that any new use located immediately adjacent to a rear property line of an existing single family lot require a CUP be approved prior to development. Requiring the CUP for residential proximity provides an opportunity for the P&Z Commission and the City Council to review a proposed site plan, landscaping, building elevations, and photometrics for lighting, all of which are typical requirements for a CUP for various land uses. This allows for the Commission and Council to determine whether there are additional mitigation measures which should be implemented for buffering of an adjacent residential neighborhood.

The applicant is requesting to build four single-story medical office buildings located on approximately 2.467 acres. It is behind the Best Western Hotel on East Riverpark Drive just off of 99 the Grand Parkway. The proposed buildings are between 4,908 and 6,121 square feet each totaling 22,058 square feet of medical office space in the entire project. It is important to note that the proposed use will comply with the existing Neighborhood Business (B-1) zoning district requirements for land uses. It will be reviewed as the applicant for each tenant applies for building permits. The CUP requirement is primarily for providing certainty for the layout and design of the project and any mitigation elements needed for ensuring compatibility.

The buildings will be accessed by connecting to an existing Private Access Easement (PAE) off of East Riverpark Drive, which currently provides access to the retail centers that front on the Grand Parkway and for the medical and professional office buildings currently under construction that front on East Riverpark Drive. Upon entering the site, parking is immediately available, and the office buildings are proposed along the North and East edges of the development. The applicant has provided a site plan which depicts the building layout, parking lot layout, and locations of all site lighting.

The proposed medical office buildings are configured so that all of the entrances are located in front of the buildings away from the adjacent residential homes, and the rear of the buildings are facing the residences. The applicant's site plan shows that the closest corner of any of the buildings is 26' 7" from the single family property line, which exceeds the Development Code minimum requirement of 25 feet. The building finishes consist of full masonry cladding, and will have no doors, lighting, or drive aisle at the rear of each.

Staff has confirmed with Building Safety and Fire Departments that if the occupancy load stays at or below the information included on the Site Plan, emergency exit doors on the back of the building will not be necessary. Therefore, if a particular tenant wants to have more employee in the space and an emergency door is required, the CUP process would have to begin again for an amendment. This would ensure a level of certainty as to what can be expected at the commercial property along the proximity area with the single-family neighborhood.

The applicant has also provided a proposed landscape plan for the site. It includes an entire line of alternating Oak and Elm trees along the north property line. This would consist of 13 Live Oaks and 9 Allee Elm as well as preserving 6 existing Oak trees at the property in the northeast

corner. There is an 8-foot aerial easement directly adjacent to the property line with Riverpark Section 2 that is proposed to contain 18 Wax Myrtles in order to stay under the maximum height. In addition to these plantings, there is an existing 6-foot wood fence providing screening at the rear of the single-family residential lots. Staff discussed the fence screening with the applicant and recommended that the boundary fence should be upgraded to masonry. This recommendation is based on past City Council conditions for a proximity CUP case on Eldridge Road, as well as brick screening already in place at the rear of a commercial site that underwent a proximity CUP case at State Highway 6. However, the applicant believes meeting/exceeding the 25-foot setback and the landscaping plan as proposed will provide sufficient buffering and screening. Staff is interested in Commission feedback as to landscaping and screening.

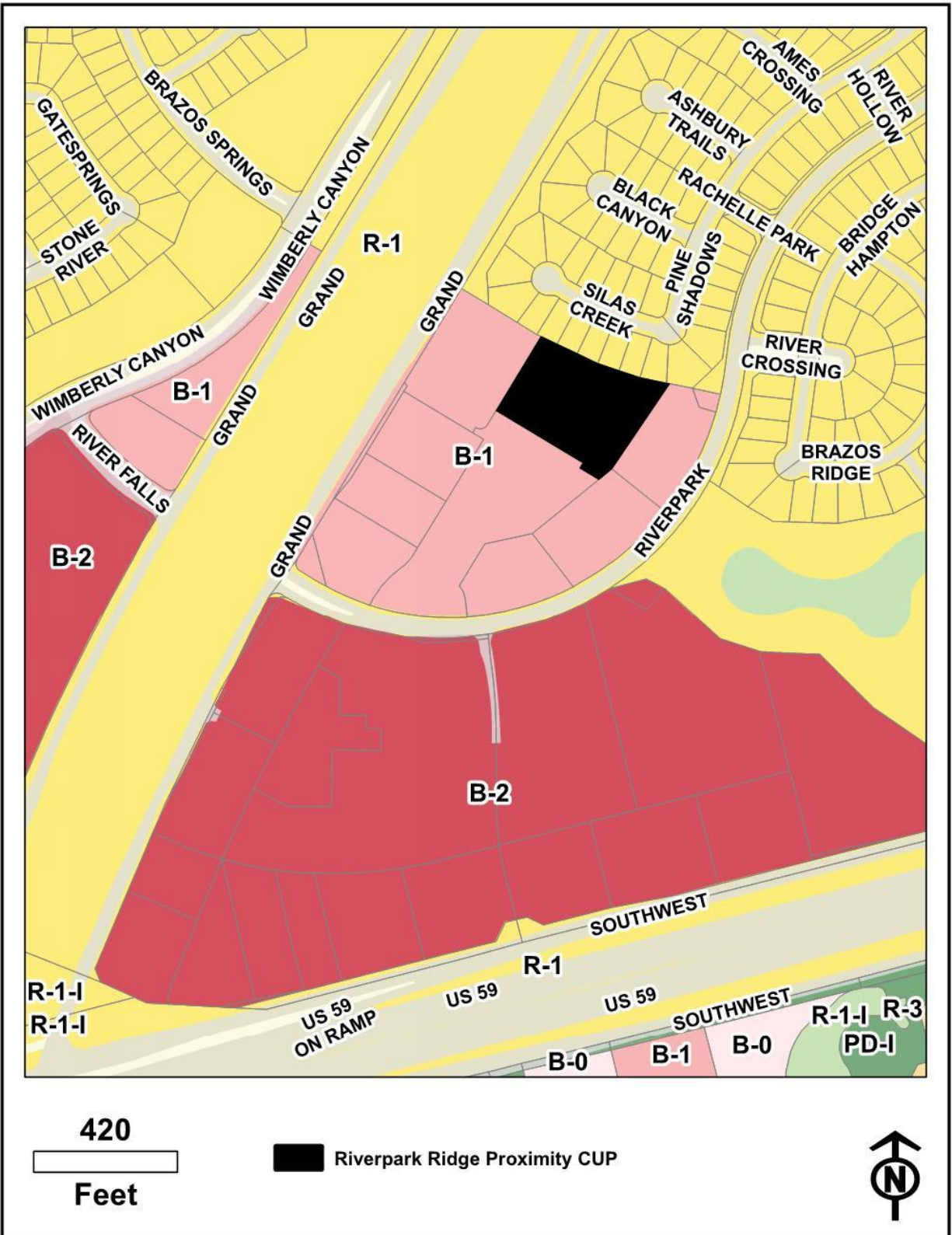
### **PUBLIC HEARING**

The Notice of Public Hearing was published in a newspaper of general circulation and on the City of Sugar Land's Internet Home Page. All property owners within 200' of the subject property were notified via mail, including the Riverpark HOA, and a courtesy sign was placed at the property. The public hearing notice included a link to an online form that can be submitted to provide comments in advance of the meeting. At the time of writing this report, staff has received no inquiries and is not aware of any opposition.

### **INITIAL POINTS FOR CONSIDERATION**

- The rear of the project site is directly adjacent to an existing single-family residential neighborhood and therefore mitigation measures should be closely examined.
- All buildings proposed as one-story commercial, and there are no doors, lighting, or drive aisles along the rear elevations of the buildings. This design assists in limiting commercial impacts on the adjacent single-family residential neighborhood.
- The applicant has provided a set of exterior building elevations which indicate the materials used to be entirely comprised of masonry, and glass.
- The applicant is proposing a 16 to 36-foot-wide landscape buffer along the rear of the property. The Oak trees being planted in this buffer area are to be no less than 4-inch caliper when planted to provide for additional screening for the adjacent residential homes. In addition, there are 6 small existing Live Oak trees at the northeast corner of the property being proposed for preservation.
- There is an existing 6-foot wood fence along the rear of the property with the residential single-family lots in Riverpark Section 2. Staff believes that the existing fence does not provide adequate long-term screening, and that the applicant should upgrade to masonry as required by City Council in prior residential proximity CUP.

## Vicinity Map





## Aerial Map

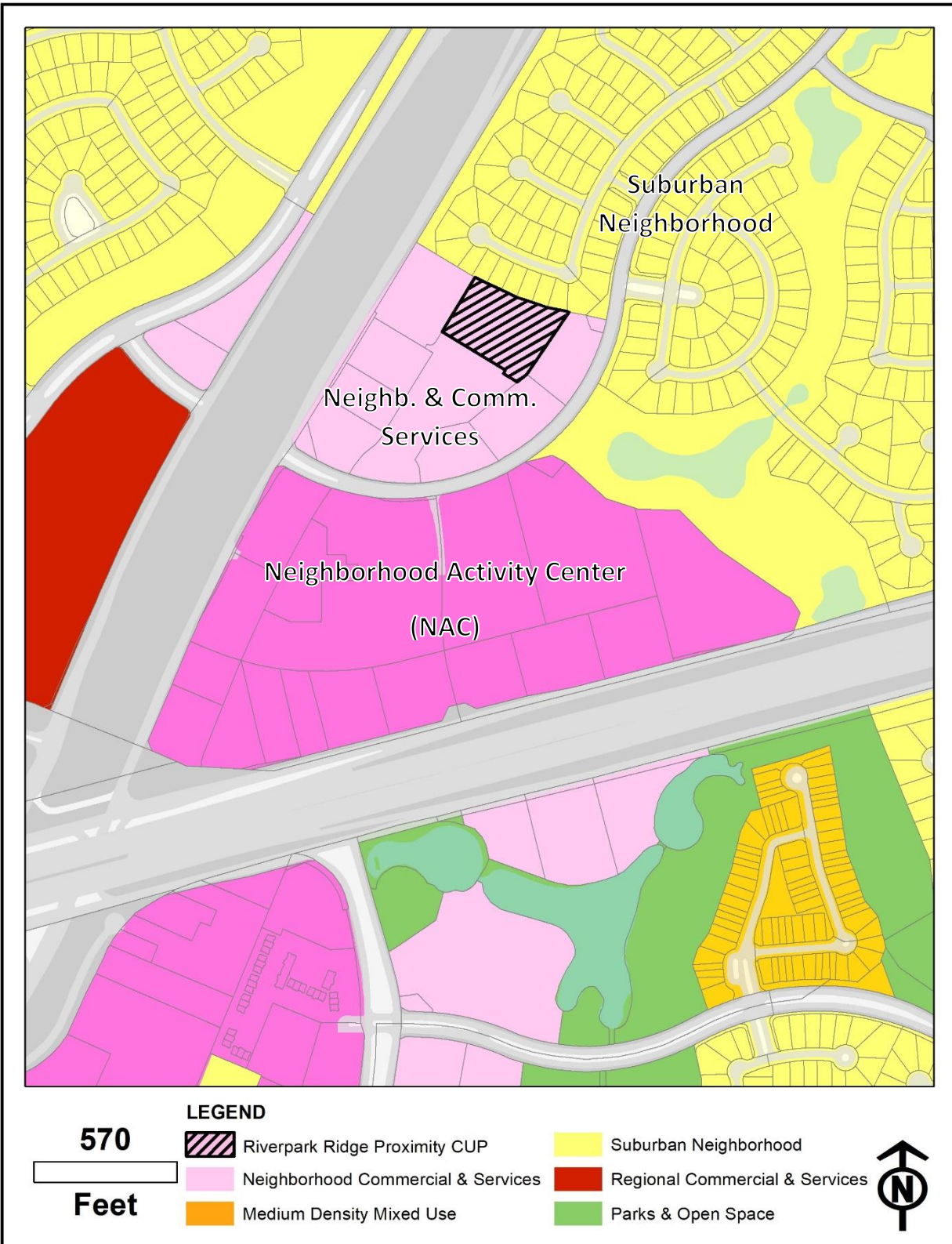


## Close-up Excerpt



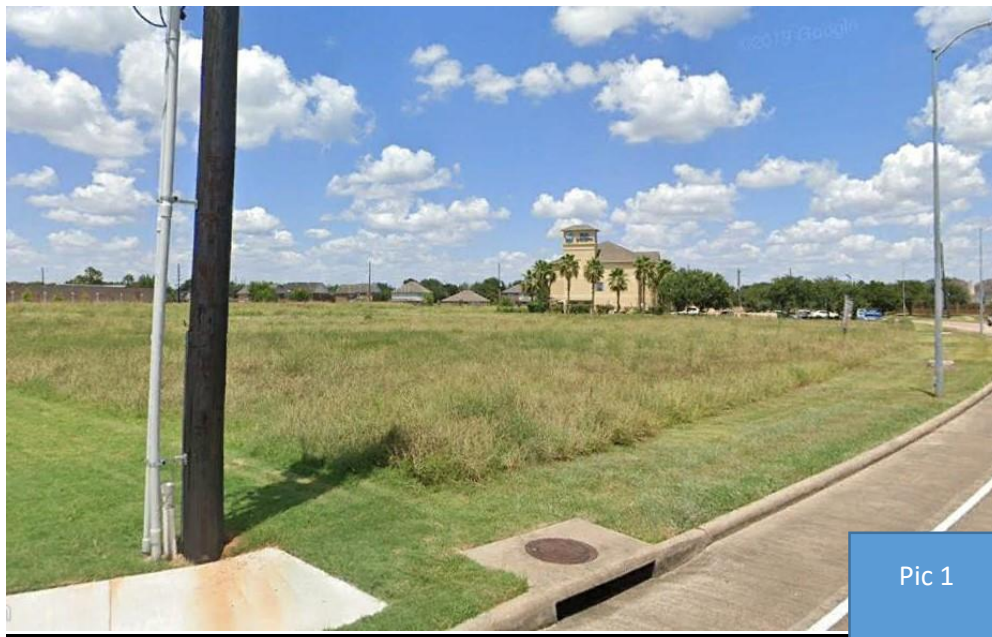


## Future Land Use Map Excerpt



## Angled Aerial and Area Photographs

(Blue arrow points to direction for attached photo vies)



Pic 1- View from East Riverpark Dr. looking northeast toward the property. Best Western Hotel is directly east and Riverpark houses in background. Site is due north.





Pic 2



Pic 3

Top- Pic 2- View from East Riverpark looking north toward property and showing existing commercial of Primeway Credit Union and existing concrete private access easement. Bottom- Pic 3- View is existing Riverpark Sec. 2 residential (with existing brick fencing at corner residential lot) along rear. To right is recently constructed retail building completed in 2017. Vacant site is between retail building and hotel in far distance. Retail building plans were authorized prior to Proximity CUP provision in Dev. Code. However, shrub row and trees were planted along residential





## **NOTICE OF PUBLIC HEARING**

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**PROPOSED CONDITIONAL USE PERMIT FOR PROFESSIONAL AND MEDICAL OFFICE BUILDINGS ADJACENT TO RESIDENTIAL PROPERTY ON APPROXIMATELY 2.5 ACRES LOCATED NEAR RIVERPARK DRIVE AND HIGHWAY 99 THE GRAND PARKWAY**

**Planning and Zoning Commission Public Hearing 6:30 p.m. March 10, 2020**, City of Sugar Land City Council Chamber, 2700 Town Center Boulevard North to hear all persons interested in the proposed Conditional Use Permit for four new professional and medical office buildings on property located in the Neighborhood Business District (B-1) near Riverpark Dr. and the Grand Parkway, and further identified as Reserve A-6 on the plat titled Riverpark Ridge Business and Medical Offices Reserve A-3 Minor Replat.

The agenda item for this meeting will be placed on the City of Sugar Land website at [www.sugarlandtx.gov](http://www.sugarlandtx.gov) under "Meeting Agendas" Planning and Zoning Commission no later than Friday, March 6, 2020. Request details or provide feedback on the proposed Conditional Use Permit online at [www.sugarlandtx.gov/PublicHearingComment](http://www.sugarlandtx.gov/PublicHearingComment) or contact City of Sugar Land Planning Department at (281) 275-2218.

**Application:**



**CONDITIONAL USE PERMIT  
(CUP) APPLICATION**

**FOR OFFICE USE  
(Rev. 01/02/19)**

**Accounting Code: ZC  
2019 Fee: \$1,722.50**

**Fee Required** \_\_\_\_\_

**Case No.** \_\_\_\_\_

**Return Your Submittal Monday from 8:00 am -3:00 pm To Development Planning (Attn: Development Review Coordinator)  
Sugar Land City Hall, 2700 Town Center Blvd. North, Sugar Land, TX 77479, Phone#: (281) 275-2218**

**Please contact Development Planning staff to discuss your proposal prior to submitting a Conditional Use Permit application.  
Conditional Use Permit Submittal Requirements:**

*All materials must be submitted only digitally via USB or CD with the following items:*

- Copy of the completed application (digitally and paper version)
- Submittal Fee
- Legal description of property:
  - ☐ Metes & bounds description if property is not platted OR
  - ☒ Plat information:  
Plat Name: Riverpark Ridge Business and Medical Office Reserve A-3 Minor Replat  
Lot & Block or Reserve: Reserve A-6  
FBCOPR No.: 2019091773
- Letter stating the applicant's request and addressing issues relating to a CUP including plan of operation, traffic circulation, parking, and other pertinent information
- Copy of CUP layout plan and other pertinent information (to be determined during meeting with Development Planning staff)
- Copy of all CUP application materials
- Copy of a Traffic Impact Analysis (Contact Engineering Dept. at 281-275-2870 to determine necessity)

**\*ALL FIELDS MUST BE COMPLETED.\***

**PROJECT NAME** Riverpark Ridge Business and Medical Offices

**Legal/ Location Description** (Reserve A-6) Replat of Reserve A-3, River Park Plaza at 99 Reserve A-2 Repla

**Property Acreage** 2.467 Acres **Current Zoning District** B-1 (Neighborhood Business)

**For CUP, Proposed Use** Medical Offices

**CONTACT INFORMATION**

**Project Representative:**

**Contact Person** Justin A. Schrader, PE

**Company** LJA Engineering, Inc.

**Address** 1904 N. Grand Pkwy #100 Katy, TX 77449

**Phone** 713-953-5232 **Email** JSchrader@LJA.com

***This is to certify that the information on this form is COMPLETE, TRUE and CORRECT and the undersigned is authorized to make this application. I understand that this application will expire one year from the date of submittal if the Planning Department has not received a revised submittal.***

X Justin A. Schrader, PE  
Project Representative's Signature

10-21-19

Date