

## Vicinity Map



350  
Feet



Murphy Express at US 90A & University



**Aerial Image**



350  
Feet



Murphy Express at US 90A & University





## 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.*

## Section 2-23. Conditions

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

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

The following is a summary of general site information.

<b>Adjacent Zoning</b>	<b>Site: General Business (B-2)</b> <b>North:</b> General Industrial District (M-2) and Planned Development 1969 <b>South:</b> General Business (B-2) <b>East:</b> General Business (B-2) <b>West:</b> General Business (B-2)
<b>Adjacent Land Uses</b>	<b>Site: Fairway Golf Carts, Proposed Murphy Express Convenience Store with Fuel Sales</b> <b>North:</b> Vacant, Nalco <b>South:</b> Vacant, Drainage <b>East:</b> Retail Building with Health Clinics and Retail Spaces <b>West:</b> Walmart

### **STAFF REPORT**

The applicant is requesting to construct a Murphy Express, which is a proposed Convenience store with Gas Sales. The site is located on the southwest corner of University Boulevard and Highway 90A in the General Business (B-2) District. Convenience Stores (SIC 5411) are permitted by right, but in order to include Gas Sales, a Conditional Use Permit is required in the General Business (B-2) zoning district. The convenience store would be approximately 1,200 square feet, and the gas sales are proposed to include a total of 16 fuel dispensing stations. There is an existing building on the site with outdoor storage as well as a fence that will be removed prior to any future construction. This CUP proposal would essentially be a redevelopment of the northeastern portion of the property.

The convenience store and gas station would be accessed through two entrances. One is an existing driveway off University and the other will be through an existing driveway off Highway 90A that will provide access to the site via a Private Access Easement (P.A.E.). The applicant is planning to split the property into two reserves, and use the reserve closest to University as the convenience store and gas station site and use the other reserve as a retail site that complies with the B-2 zoning district regulations. Upon entering the site, customers can park under the canopy for gas or in the 7 provided surface parking spaces. The parking ratio for this use is 1 parking space for every 200 square feet of the convenience store. With 1,200 square feet, 6 parking spaces are required on the site. The site plan currently shows 7 parking spaces adjacent to the convenience store, and the 16 fuel dispensing stations also count toward the required parking. Therefore, 23 parking spaces are provided.

All canopy lighting will be recessed and any lighting on the site and building will be full cutoff per Chapter 2 of the Development Code. Any monument signs will be backlit but will have price numbers that are changed manually, and there will not be electrical/LED changeable numbers. These measures will ensure that no light is projecting into the adjacent properties. The applicant has provided a set of exterior building and canopy elevations for each façade, which includes the building and canopy height, proposed materials, and locations of all doors and windows. The elevations also show that the ice machine and propane areas will be immediately next to the retail building under the canopy. The retail building as shown on the Exhibit is proposed to be a maximum of 92.3 feet above sea level (15.3 above ground level) and the maximum height of the canopy will be 102 feet above sea level (25 feet above ground level). The elevations depict the specific location of the wall lighting on the building. The building will be comprised primarily of masonry materials, which are permitted as primary finishes in the General Business (B-2) district. The canopy will be a mansard style roof with aluminum composite material, which has been a requirement in prior CUP gas sales cases. During the public hearing, the Commission discussed the windows on the retail building and how it was difficult to see exactly where they were on the building, outside of around the entrances. The Commission recommended providing a clearer elevation with just the building in order to provide more detail to that area and the applicant has revised the exhibit to show the requested information. The Commission also requested that the canopy roof be revised with a greater slope, similar to other canopies in recent fuel center approvals. The applicant has further revised the drawings as requested.

The applicant has also provided a proposed landscape plan for the retail building site. Since the required landscape setback for commercial property along other commercial property is 6 feet and along a major thoroughfare is 25 feet, the applicant is exceeding that requirement by providing at least 25 feet of landscaped area throughout the site, except for the southern border of the property, which is providing 6 feet of landscaped area. The applicant has proposed 19 shade trees, spaced approximately every 25 feet throughout the site. The shade trees are being proposed at a minimum of 10 feet in overall height and a minimum of 4-inch caliper. Since this is an area surrounded by other commercial and industrial uses, Staff believes that 4-inch caliper trees are adequate for the landscape buffers. Shrubs and sod will also be provided throughout the site. The applicant will be providing a pedestrian connection from the proposed sidewalk along University Boulevard that will offer access to the site and a proposed bicycle rack that will allow for parking of 6 bicycles. There are several shade trees on the site currently that will be removed. This information was not shown on the original plan and at the public hearing, the Commission requested the trees to be removed be shown on a mitigation plan. They also requested that the trees being removed along US Highway 90A on the second half of the site to the west be replaced with shade trees. The applicant has provided this information and has proposed 5 additional shade trees at approximately 10 feet in height and 4-inch caliper minimum. Staff believes that this provides additional certainty for the redevelopment process when the private access easement driveway is constructed.

The applicant prepared a traffic impact analysis (TIA) for the proposed use at the site, which the City Engineering staff reviewed. As part of the TIA, specific site access was examined, including driveway separation, and the need for a joint private access easement if the property is subdivided from one commercial reserve into two. The applicant has prepared a joint private access easement to be included as an exhibit in the CUP as a proposed condition, which gives the City the ability to require the private access easement should the property be subdivided into two commercial reserves.

The applicant provided a fuel truck circulation plan to clarify how the fuel trucks will be entering and exiting the site. Although the site will have access from U.S. Highway 90A, the fuel trucks are proposed to conduct entering and exiting the site from the University Boulevard driveway access point. The trucks will only be making a right into the site and a right out of the site to promote a continuous flow of traffic per the plan. This exhibit is being included for incorporation into the CUP, since there has been discussion on prior fuel truck deliveries from the Commission in past cases. At a minimum, the information is

provided as a reference for typical fuel deliveries to the site via University Boulevard. At the public hearing, the Commission discussed the proposed delivery truck exhibit extensively. There was concern expressed that the more detailed exhibit would make the City liable for any incidents that could occur with wide turning delivery trucks, and feedback was given to limit the information to basic arrow directions as an exhibit. The applicant has provided an updated fuel truck circulation plan that only shows arrows in and out of the site.

The Development Code defines the intent of the General Business (B-2) zoning district as follows:

*The General Business district allows the development of a variety of general commercial uses including wholesale sales and services with restrictions. The uses in the B-2 district are dependent on high traffic volumes and locations along or adjacent to Arterial Streets and, thus, the B-2 district is appropriate for the development of most shopping centers.*

Primary uses which would be permitted by-right in this zoning district and which would be typical include (but are not limited to) the following:

- Grocery Stores
- Eating Places
- Clothing Stores
- Religious Organizations
- Banks
- Beauty and Barber Shops
- Medical Offices

### **PUBLIC HEARING**

The Notice of Public Hearing was published in a newspaper of general circulation, all owners within 200 feet of the proposed site were notified and the public hearing notice was published on the City of Sugar Land's internet home page. Staff also placed a courtesy notification sign at the property regarding the public hearing. Staff is not aware of any opposition to the proposed Conditional Use Permit.

### **POINTS FOR CONSIDERATION:**

- This request does not appear to conflict with the Comprehensive Plan or Land Use Plan.
- The proposed use is near property with uses of similar intensity, including a retail building, Wal-Mart, and Nalco Corporation.
- The site is surrounded by General Business B-2 and General Industrial M-2 zoned property.
- Appears well suited to the location due to it being an intersection at the corner of a Highway and Arterial Road under the Master Thoroughfare Plan.
- Recommended exhibit attachments to the CUP are as follows:
  - Vicinity Map- Exhibit A
  - Site Plan – Exhibit B
  - Landscape Plan – Exhibit C
  - Site Elevations – Exhibits D.1, D.2
  - Building Perspective and Site Features – Exhibit E
  - Building Elevations – Exhibits F.1, F.2
  - Truck Circulation Plan – Exhibit G
  - Private Access Easement – Exhibit H
  - Tree Protection Plan – Exhibit I

**Public Hearing Notice:**



**NOTICE OF PUBLIC HEARING**

**PROPOSED CONDITIONAL USE PERMIT FOR THE ESTABLISHMENT OF MURPHY EXPRESS CONVENIENCE STORE WITH GAS SALES ON APPROXIMATELY 1.987 ACRES, LOCATED AT UNIVERSITY BOULEVARD AND US HIGHWAY 90A.**

**City Council Public Hearing: 6:00 p.m., November 21, 2017** to hear all persons interested in the proposed Conditional Use Permit (CUP) for the establishment of Murphy Express located at the southwest corner of US Highway 90A and University Boulevard, in the General Business (B-2) zoning district.; and further identified as Reserve B on the plat titled Highway 90A Commercial Park Section Two. (Slide No. 2295 A&B).

City of Sugar Land City Council Chamber, 2700 Town Center Boulevard North. Details of the proposed Conditional Use Permit may be obtained by contacting the City of Sugar Land Development Planning Office by email [planning@sugarlandtx.gov](mailto:planning@sugarlandtx.gov) or phone (281) 275-2218. The agenda item for this meeting will be placed on the City website at [www.sugarlandtx.gov](http://www.sugarlandtx.gov) under "Meeting Agendas, Minutes, and Videos" Planning & Zoning Commission no later than Friday, November 17, 2017.

## **ORDINANCE NO. 2117**

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUGAR LAND, TEXAS, GRANTING A CONDITIONAL USE PERMIT FOR A CONVENIENCE STORE WITH GAS SALES LOCATED ON APPROXIMATELY 1.987 ACRES LOCATED ALONG THE SOUTHWEST CORNER OF UNIVERSITY BOULEVARD AND HIGHWAY 90A WITHIN THE GENERAL BUSINESS (B-2) DISTRICT.**

WHEREAS, JFMG, Inc. has applied for a conditional use permit to build a convenience store with gas sales in a General Business (B-2) zoning district for approximately 1.987 acres along the southwest corner of University Boulevard and Highway 90A; and

WHEREAS, the Planning and Zoning Commission recommends the permit be approved; NOW, THEREFORE;

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

**Section 1.** That a conditional use permit to operate a convenience store with gas sales is granted for the property, referred to as Reserve B on the plat titled Highway 90A Commercial Park Section Two (Slide No. 2295 A&B).

**Section 2.** That the permit is subject to the following conditions:

1. The site is developed in accordance with the site plan as shown (Exhibit B).
2. The landscaping is developed in accordance with the landscaping plan as shown (Exhibit C).
3. The building and canopy are constructed in accordance with the building and site elevations as shown (Exhibit D.1, D.2, E, F.1, F.2).
4. All canopy lighting will be recessed and all other site or building lighting will be full cut-off (Exhibit E).
5. All delivery and fuel trucks will only access the site via University Boulevard (Exhibit G).
6. Cross access shall be provided in accordance with the private access easement (Exhibit H).
7. Tree protection shall be provided in accordance with (Exhibit I)
8. The maximum number of fuel pumping stations will be limited to 16.
9. No outdoor speakers will be allowed at pump stations, except those required by state or federal law.

**Section 3.** That the premises must be developed, operated, and maintained in accordance with the ordinances of the City of Sugar Land and in accordance with the following Exhibits, attached to and incorporated into this ordinance by reference. If there is a conflict between a provision of this ordinance and a provision of the Code of Ordinances or the Sugar Land Development Code, the more stringent provision controls.

1. Vicinity Map- Exhibit A
2. Site Plan – Exhibit B
3. Landscape Plan – Exhibit C
4. Site Elevations – Exhibits D.1, D.2

5. Building Perspective and Site Features – Exhibit E
6. Building Elevations – Exhibits F.1, F.2
7. Truck Circulation Plan – Exhibit G
8. Private Access Easement – Exhibit H
9. Tree Protection Plan – Exhibit I

**Section 4.** That any person found guilty of intentionally violating this ordinance will be fined not more than \$2,000 for each offense.

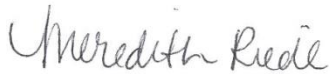
APPROVED on first consideration on \_\_\_\_\_, 2017.

ADOPTED upon second consideration on \_\_\_\_\_, 2017.

\_\_\_\_\_  
Joe R. Zimmerman, Mayor

ATTEST:

APPROVED AS TO FORM:

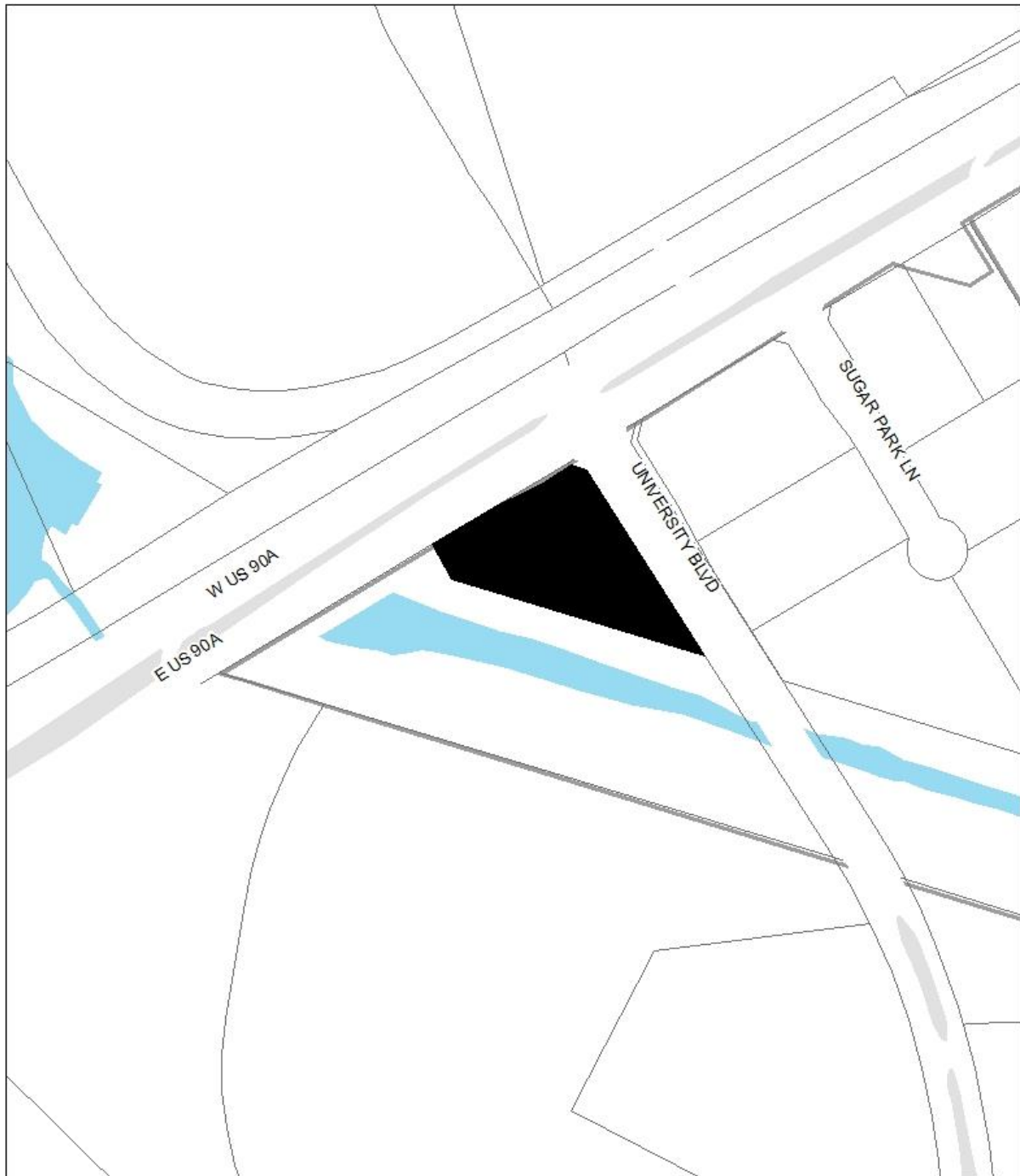


Attachments:

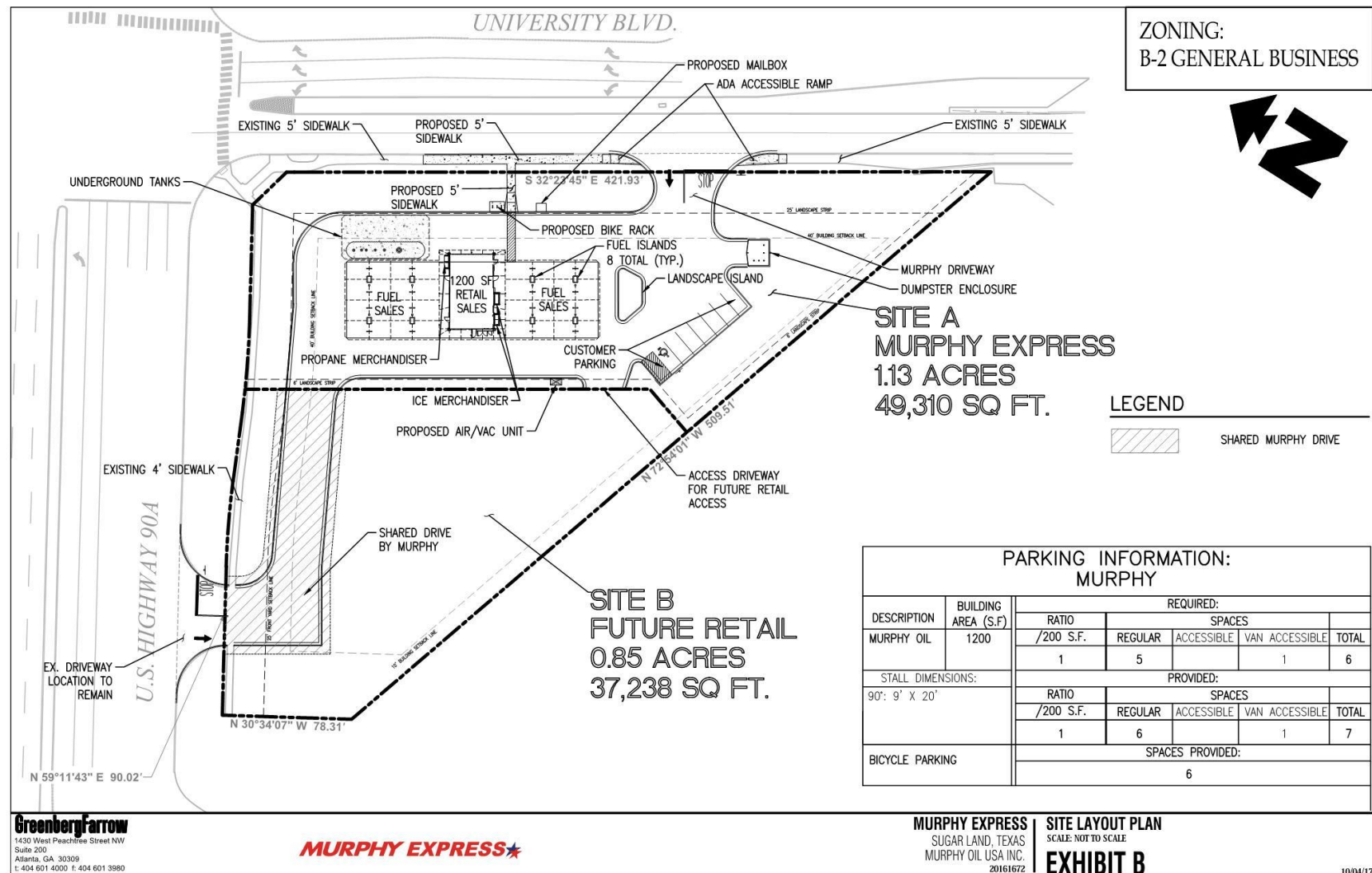
Exhibit A – Vicinity Map  
Exhibit B – Site Plan  
Exhibit C – Landscape Plan  
Exhibits D.1, D.2 – Site Elevations  
Exhibit E – Building Perspective and Site Features  
Exhibits F.1, F.2 – Building Elevations  
Exhibit G – Truck Circulation Easement  
Exhibit H – Private Access Easement  
Exhibit I – Tree Protection Plan



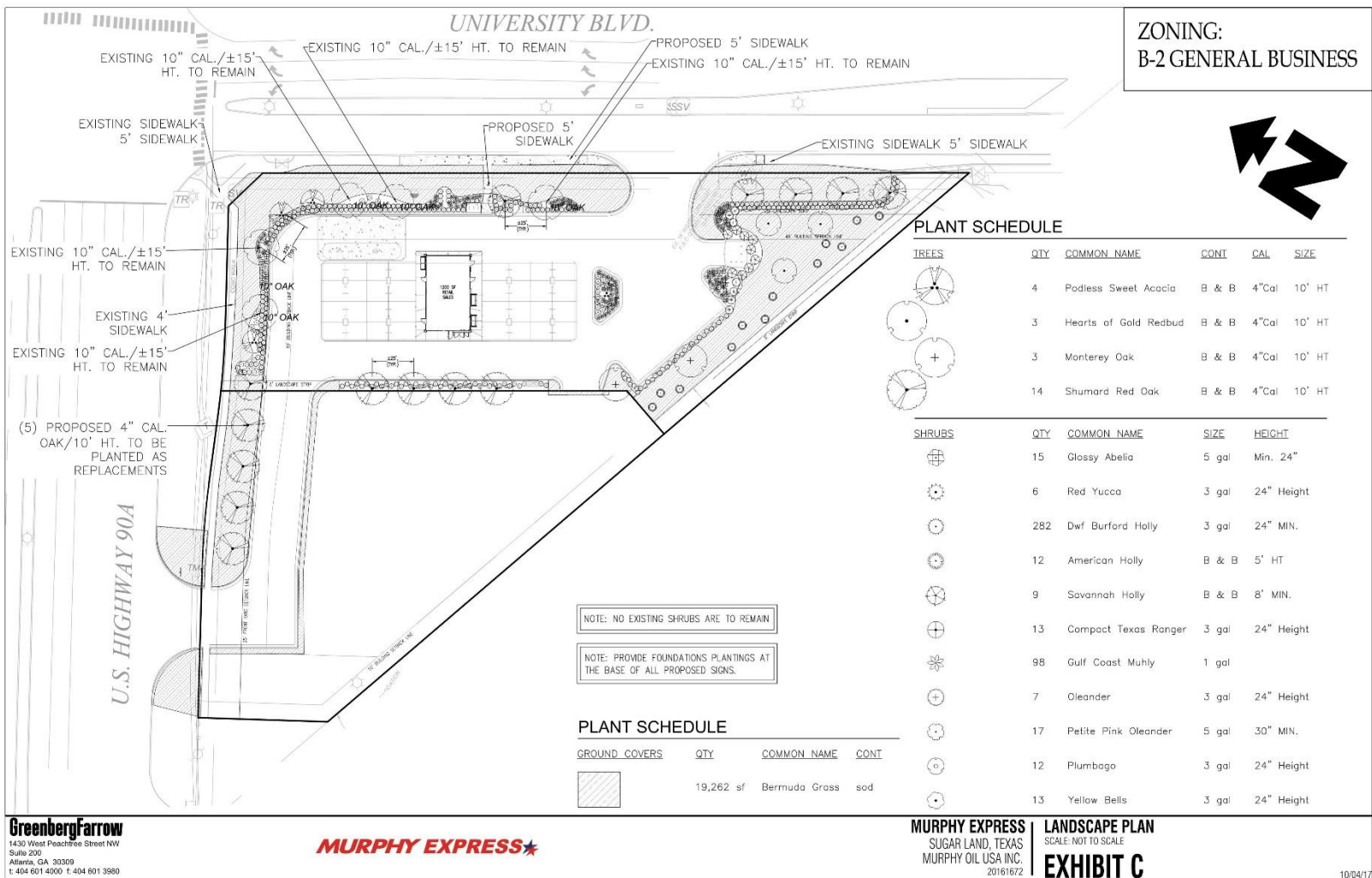
**Exhibit A - Vicinity Map**



# Site Layout Plan

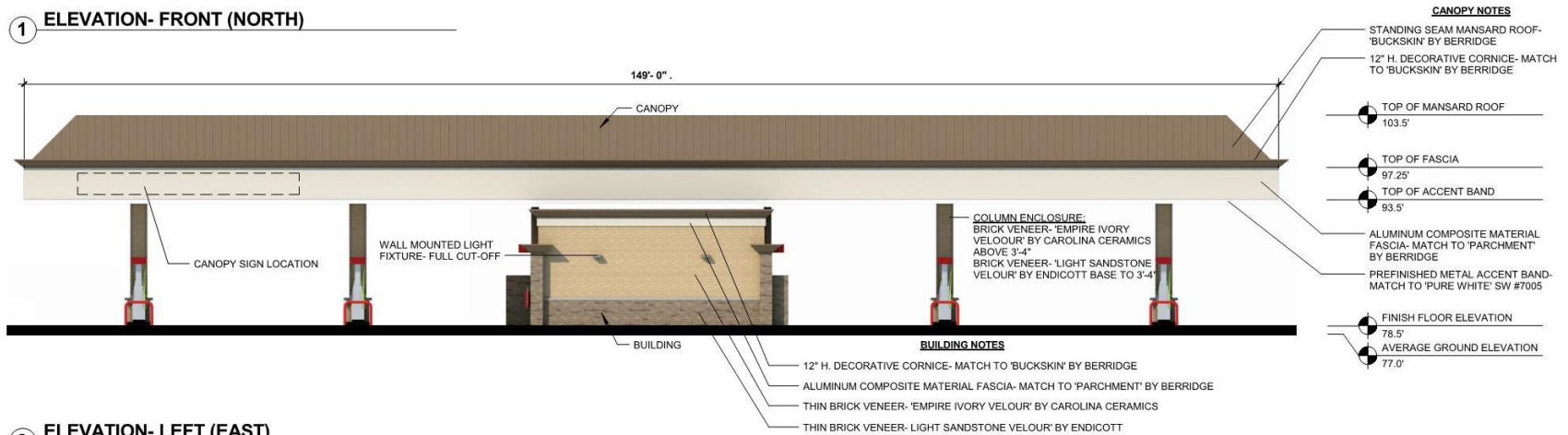


# Landscape Plan

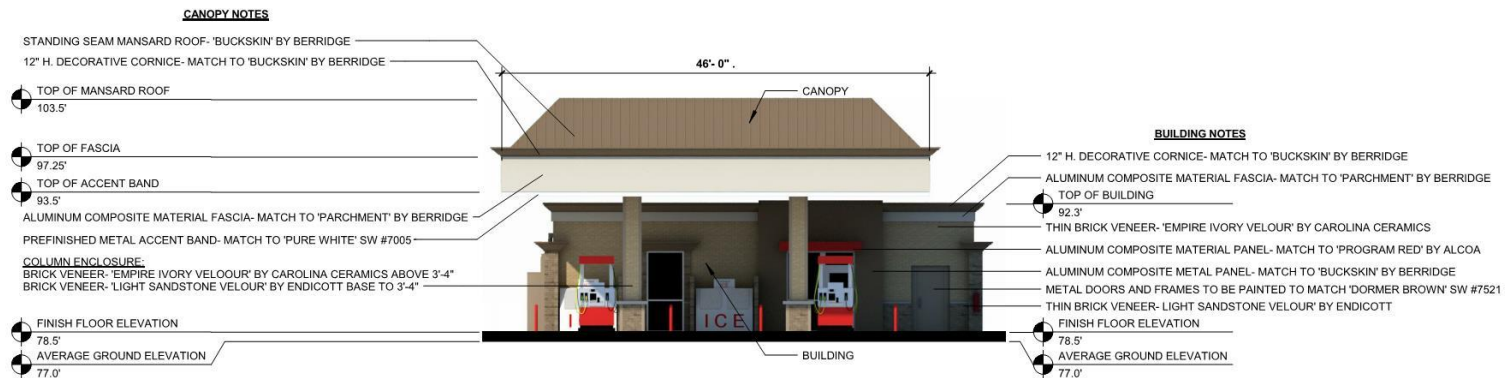


## Site Elevations

### 1 ELEVATION- FRONT (NORTH)



### 2 ELEVATION- LEFT (EAST)



**GreenbergFarrow**  
3 EXECUTIVE DRIVE  
SUITE 150  
SOMERSET, NEW JERSEY 08873  
T: 732.537.0811

**MURPHY EXPRESS**

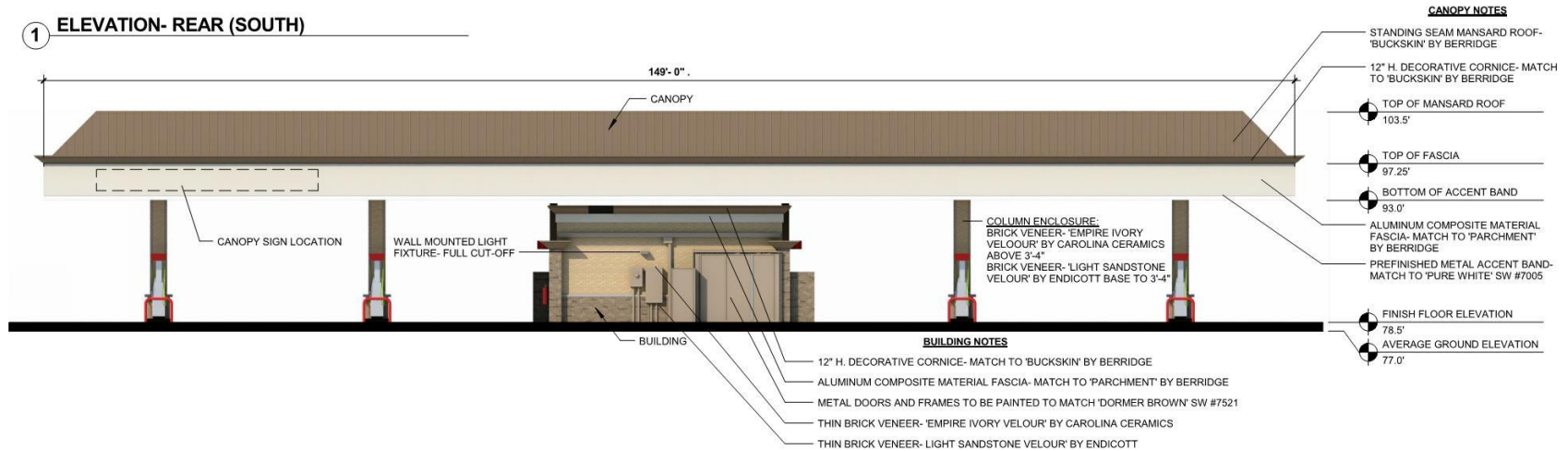
**MURPHY OIL CONVENIENCE STORE**  
UNIVERSITY BLVD, SUGAR LAND, TX.  
MURPHY OIL  
20161672.0

**SITE ELEVATIONS**  
NOT TO SCALE  
**EXHIBIT D.1**



## Site Elevations

### 1 ELEVATION- REAR (SOUTH)



### 2 ELEVATION- RIGHT (WEST)



**GreenbergFarrow**  
3 EXECUTIVE DRIVE  
SUITE 150  
SOMERSET, NEW JERSEY 08873  
T: 732.537.0811

**MURPHY EXPRESS**

**MURPHY OIL CONVENIENCE STORE**  
UNIVERSITY BLVD, SUGAR LAND, TX.  
MURPHY OIL  
20161672.0

**SITE ELEVATIONS**  
NOT TO SCALE  
**EXHIBIT D.2**



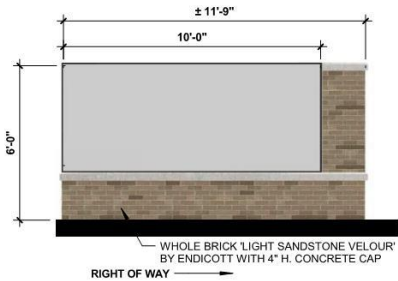
Building Perspective and Site Features



NOTES:  
1. ALL CANOPY LIGHTING TO BE RECESSED.  
2. ALL EXTERIOR BUILDING AND SITE LIGHTING TO BE FULL CUT-OFF.

SIGN	QTY.	HEIGHT	WIDTH	AREA (S.F.)	TOTAL S.F.
MONUMENT SIGN	2	72.00"	120.00"	60.00	120.00
TOTAL SIGNAGE:					120.00

NOTE:  
SIGNS ARE BACKLIT WITH MECHANICALLY CHANGABLE PRICE NUMBERS. SIGNS WILL NOT BE ELECTRICAL/ LED.



1 MONUMENT SIGN



2 MAIL BOX



3 AIR- VAC UNIT



8'-0" TALL WHOLE BRICK 'LIGHT SANDSTONE VELOUR' BY ENDICOTT WITH SOLID METAL GATE - GATE TO BE PAINTED 'DORMER BROWN' SW #7521

4 TRASH ENCLOSURE

**GreenbergFarrow**  
3 EXECUTIVE DRIVE  
SUITE 150  
SOMERSET, NEW JERSEY 08873  
T: 732.537.0811

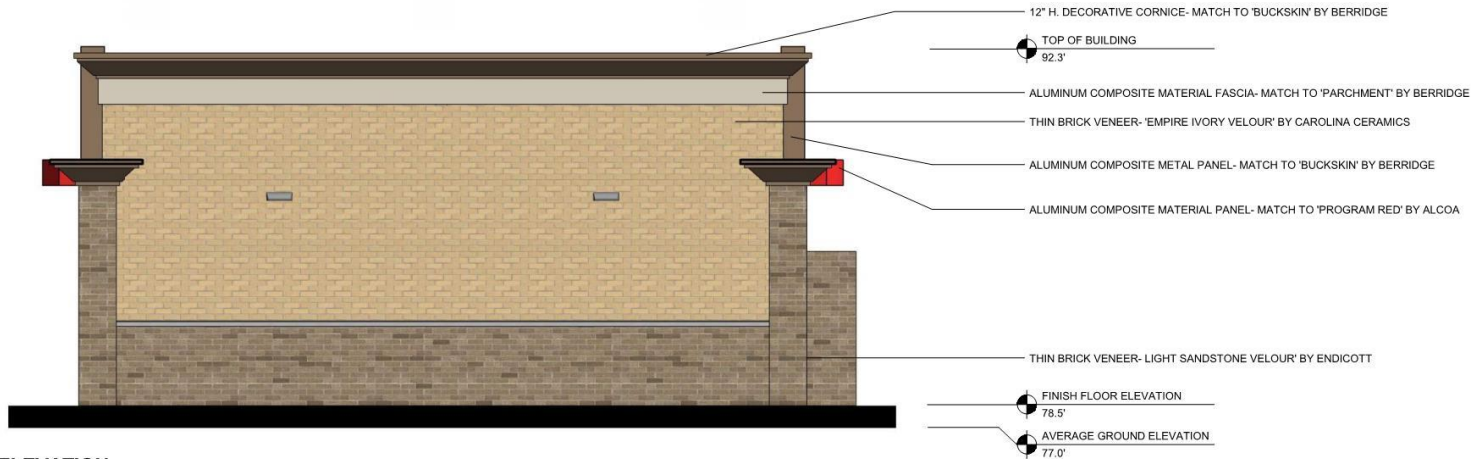
**MURPHY EXPRESS**

**MURPHY OIL CONVENIENCE STORE**  
UNIVERSITY BLVD, SUGAR LAND, TX.  
MURPHY OIL  
20161672.0

**BUILDING PERSPECTIVE AND SITE FEATURES**  
NOT TO SCALE  
**EXHIBIT E**

## Building Elevations

### 2 FRONT ELEVATION



### 1 LEFT ELEVATION



**GreenbergFarrow**

3 EXECUTIVE DRIVE  
SUITE 150  
SOMERSET, NEW JERSEY 08873  
1.732.537.0811

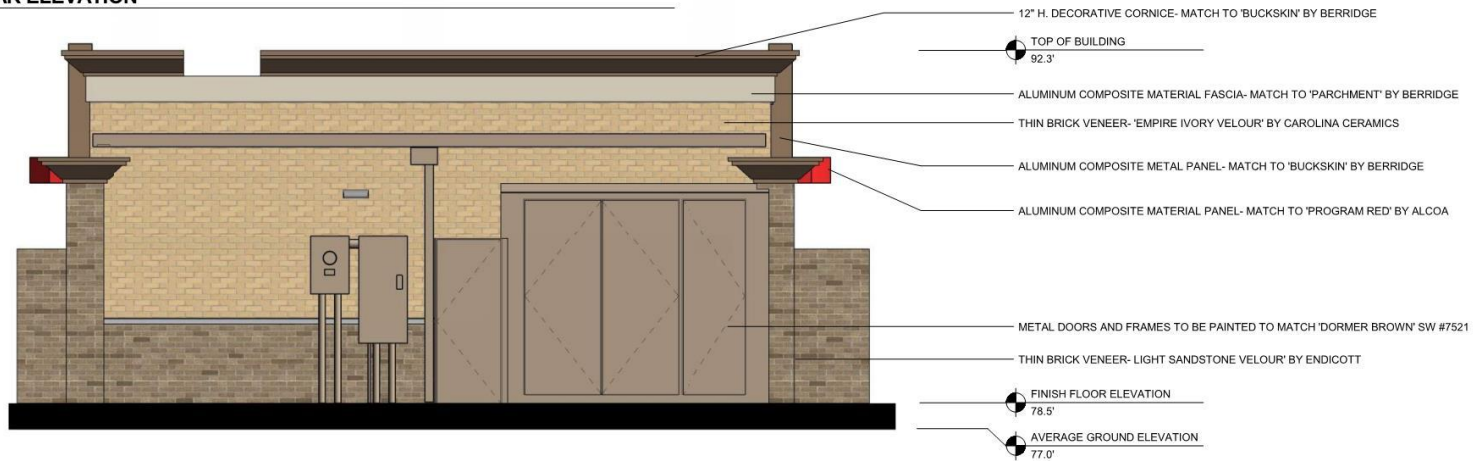
**MURPHY EXPRESS**

**MURPHY OIL CONVENIENCE STORE**  
UNIVERSITY BLVD, SUGAR LAND, TX.  
**MURPHY OIL**  
20161672.0

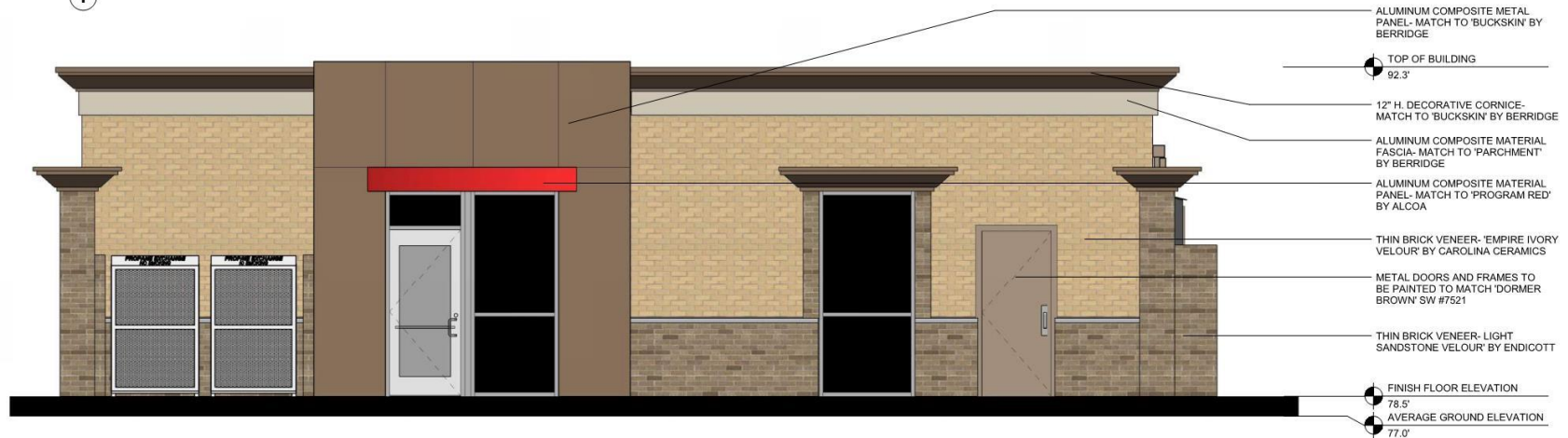
**BUILDING ELEVATIONS**  
NOT TO SCALE  
**EXHIBIT F.1**

## Building Elevations

### 2 REAR ELEVATION



### 1 RIGHT ELEVATION



**GreenbergFarrow**

3 EXECUTIVE DRIVE  
SUITE 150  
SOMERSET, NEW JERSEY 08873  
T: 732.537.0811

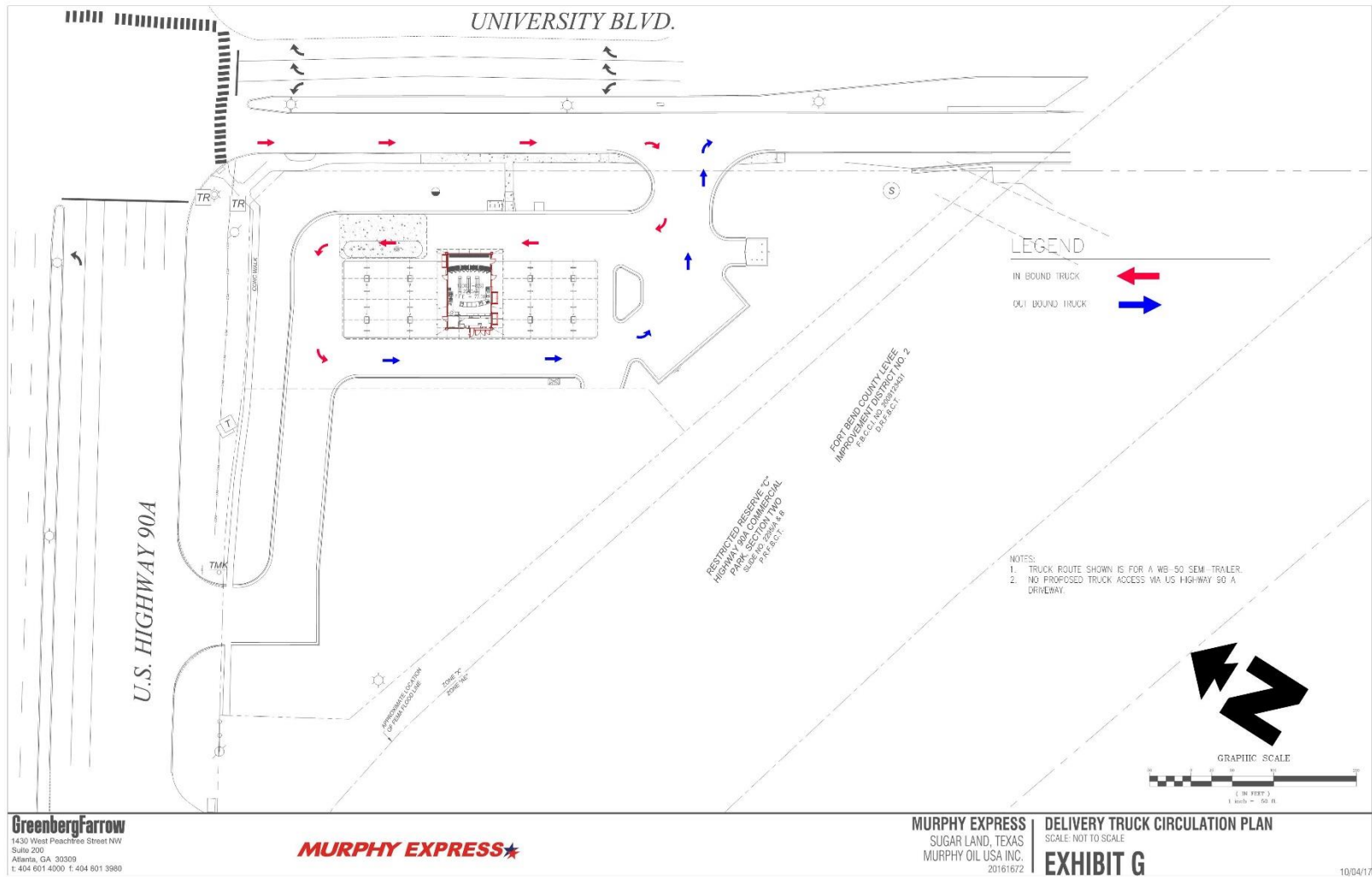
**MURPHY EXPRESS**

**MURPHY OIL CONVENIENCE STORE**  
UNIVERSITY BLVD, SUGAR LAND, TX.  
**MURPHY OIL**  
20161672.0

**BUILDING ELEVATIONS**  
NOT TO SCALE

**EXHIBIT F.2**

## Delivery Truck Circulation Plan





## Private Access Easement

### PRIVATE ACCESS EASEMENT ~ EXHIBIT H

**BEING** a 0.1764 acre tract of land located in the Alexander Hodge League, Abstract No. 32, City of Sugar Land, Fort Bend County, Texas, said 0.1764 acre tract of land being a portion of **COMMERCIAL RESERVE "A", HIGHWAY 90A COMMERCIAL PARK, SECTION TWO**, being an Addition to the said City and State, according to the plat thereof filed for record in Slide 2295/A and 2295/B, Plat Records, Fort Bend County, Texas, said 0.1764 acre tract of land also being a portion of that certain tract of land conveyed to **JFMG, INC.** by deed thereof filed for record in Fort Bend County Clerk's Instrument No. 2002052037, Official Public Records, Fort Bend County, Texas, said 0.1764 acre tract of land being more particularly described by metes and bounds as follows:

**BEGINNING** at a point on the northwest lot line of said Reserve "A", same being the southeast right-of-way line of U.S. Highway No. 90A (being a variable width right-of-way), said beginning point being North 59°11'43" East, a distance of 36.98 feet from a 5/8 inch iron rod with an illegible cap found at the most westerly lot corner of said Reserve "A", same being a north lot corner of Restricted Reserve "C", of said Highway 90A Commercial Park, Section Two;

**THENCE** North 59°11'43" East, along the said lot line and along the said right-of-way line, a distance of 47.02 feet to a point for corner from which a 5/8 inch iron rod with a cap stamped "COSTELLO" found on the said right-of-way line and at a northwest property corner of the said Reserve "A" bears North 59°11'43" East, a distance of 6.02 feet;

**THENCE** departing the said lot line and the said right-of-way line, over and across said Reserve "A" the following courses and distances:

South 32°23'34" East, a distance of 8.23 feet to the beginning of a tangent curve to the left having a radius of 14.50 feet;

Along said curve to the left, an arc length of 21.54 feet, and across a chord which bears South 74°56'28" East, a distance of 19.61 feet;

North 62°30'39" East, a distance of 100.09 feet;

South 32°23'45" East, a distance of 41.15 feet;

South 62°30'39" West, a distance of 106.64 feet;

South 60°03'32" West, a distance of 4.00 feet

South 57°36'26" West, a distance of 49.74 feet;

North 32°23'34" West, a distance of 64.40 feet to the **POINT OF BEGINNING**.

The hereinabove described tract of land contains a computed area of **0.1764 acres (7,684 square feet)** of land, more or less.

**NOTE:** The basis of bearings for this survey is the Texas State Plane NAD83 South Central Zone (4204). All distances and areas shown are surface.

Surveyed on the ground March 9, 2017

  
Eric S. Spooner, RPLS  
Registered Professional Land Surveyor  
Texas Registration Number 5922  
TBPLS Firm No. 10054900



Exhibit "H" Page 1 of 2

Spooner and Associates, Inc. ~ 309 Byers Street, Suite 100, Euless, Texas 76039 ~ 817-685-8448 ~ S&A Job No. 17-038



A. HODGE LEAGUE,  
ABSTRACT NO. 32

U.S. HIGHWAY NO. 90A  
(VARIABLE WIDTH R.O.W.)

**MAP OF EXHIBIT "H"**

SEE ATTACHED METES AND BOUNDS  
DESCRIPTION ON PAGE 1 HEREIN

0 15' 30'

GRAPHIC SCALE IN FEET

1" = 30'

**POINT OF  
BEGINNING**

**SEE  
INSET**

5/8" CIRF  
"COSTELLO"

5/8" CIRF  
"COSTELLO"

EX. R.O.W.

XCF  
(CM)

EX. 10" UTILITY ESMT.  
SLIDE 2295A & B,  
P.R.F.B.C.T.

5/8" CIRF  
"GBI" (CM)

**EXHIBIT "H"**  
0.1764 ACRES  
(7,684 SQ. FT.)

OWNER:  
**JFMG, INC.**  
F.B.C.C.I. NO. 2002052037,  
O.P.R.F.B.C.T.

**COMMERCIAL RESERVE "A"**  
**HIGHWAY 90A COMMERCIAL  
PARK, SECTION TWO**  
SLIDE 2295/A & 2295/B  
P.R.F.B.C.T.

LINE TABLE		
NO.	DIRECTION	DIST.
L1	N59°11'43"E	36.98'
L2	N59°11'43"E	47.02'
L3	N59°11'43"E	6.02'
L4	S32°23'34"E	8.23'
L5	N62°30'39"E	100.09'
L6	S32°23'45"E	41.15'
L7	N32°23'34"W	64.40'

**INSET**

(N.T.S.)

EX. VARIABLE WIDTH  
TEMP. CONSTRUCTION ESMT.  
F.B.C.C.I. NO. 2012094869,  
O.P.R.F.B.C.T.

EX. R.O.W.

**UNIVERSITY BLVD.**  
(VARIABLE WIDTH R.O.W.)

**C1**  
R = 14.50'  
L = 21.54'  
CB = S74°56'28"E  
CL = 19.61'

**PRIVATE ACCESS EASEMENT ~ EXHIBIT H**

THE BEARINGS SHOWN HEREON ARE BASED ON NAD83 TEXAS SOUTH CENTRAL ZONE (4204), DERIVED FROM GPS RTK OBSERVATIONS USING THE SOUTH CENTRAL TEXAS VRS NETWORK (MAINTAINED BY WESTERN DATA SYSTEMS).

PROPERTY: COMMERCIAL RESERVE "A", HIGHWAY 90A COMM. PARK, SECTION 2  
LOCATION: CITY OF SUGAR LAND, FT. BEND COUNTY, TX  
WHOLE PROPERTY ACREAGE: 1.9870 ACRES (PLAT)

**PAGE 2 OF 2**

S&A JOB NO.: 17-038  
DATE: 06/22/2017

DRAWN BY: C.R.R.  
CHECKED BY: E.S.S. ACAD FILE: 17-038 ACCESS ESMT.dwg

**SPOONER & ASSOCIATES**  
REGISTERED PROFESSIONAL LAND SURVEYORS  
**OVER 25 YEARS OF SERVICE**

309 BYERS STREET, SUITE 100, EULESS, TEXAS 76039  
(817) 685-8448 WWW.SPOONERSURVEYORS.COM  
TBPLS FIRM NO. 10054900

10-6-17

# Tree Protection Plan

