



JOINT PUBLIC HEARING
THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE
CITY OF PEARLAND, TEXAS,
MONDAY, AUGUST 18, 2014 AT 7:30 P.M.
COUNCIL CHAMBERS - CITY HALL-3519 LIBERTY DRIVE

I. CALL TO ORDER

II. PURPOSE OF HEARING

Zone Change Application No. 2014-12Z

A request of Brian Allen with Baks Brewery, applicant; on behalf of George Gartner, owner; for approval of a change in zoning from General Commercial (GC) to a non-residential Planned Development known as Baks Brewery; on approximately 2.94 acres of land, to wit:

Legal Description: Being a 2.939 acre tract out of Lots 20, 21 and 22 of the George W. Jenkins Subdivision, in Brazoria County, Texas, according to the map or plat thereof recorded in Volume 2, Page 20, of the Brazoria County, Texas Plat Records

General Location: Northeast corner of Broadway Street and Shauntel Street, Pearland, TX

III. APPLICATION INFORMATION AND CASE SUMMARY

- A. STAFF REPORT
- B. APPLICANT PRESENTATION
- C. STAFF WRAP UP

IV. PERSONS WISHING TO SPEAK FOR OR AGAINST THE PROPOSED REQUEST

V. COUNCIL/PLANNING COMMISSION/STAFF DISCUSSION

VI. ADJOURNMENT

This site is accessible to disabled individuals. For special assistance, please call Young Lorfing, City Secretary, at 281-652-1655 prior to the meeting so that appropriate arrangements can be made.



Memo

To: City Council and Planning and Zoning Commission

From: Planning Department

Date: August 18, 2014

Re: Zone Change Application Number 2014-12Z

A request of Brian Allen with Baks Brewery, applicant; on behalf of George Gartner, owner; for approval of a change in zoning from General Commercial (GC) to a non-residential Planned Development known as Baks Brewery; on approximately 2.94 acres of land.

Proposal

The subject property includes approximately 2.939 acres of land, of which the applicant is requesting approval of a Planned Development (PD) in order to operate a brewery. The applicant's intent is to convert the primary building on site into a micro-brewery that will brew and distribute beer to licensed retail outlets, as well as provide a tasting room and retail operation open to the public. Customers will have the ability to purchase beer at retail prices for both on-site consumption and beer to go in the form of growler fills, and eventually 6 packs and 22 ounce bottles. A small area inside of the brewery will be available to the general public to rent for special events, such as birthday parties, wedding receptions, corporate functions, etc. The applicant intends to construct an additional building of less than 500 square feet for storage of ingredients and products and will utilize all other existing primary and accessory buildings on site.

The overlay zoning district for the proposed development, is General Commercial (GC), with the addition of the proposed use. It is important to note that the existing zoning district permits a host of various non-residential uses, including the applicant's proposed retail component of the brewery and the hosting of special events. Additionally, a restaurant that serves alcohol would also be allowed at the subject location. The purpose of the PD is to allow the manufacturing component of the business, categorized by the Unified Development Code (UDC) as *"Manufacturing, Industrial Storage or Assembly Process Not Prohibited by Law,"* and is defined as a facility that houses manufacturing, storage, and assembly operations including, but not limited to, beverage plant, fabrication, metal finishing, foundry, ice plant, machine shop, mill, printing plant,

publishing and bindery plant, masonry products manufacturing, refinery for nonagricultural products, food products, processing and packaging plant, and precision instruments manufacturing.”

Various improvements are proposed, including over 49% open green space, including the area towards the rear of the existing buildings (north of the site), along Mary’s Creek. This area will remain as undeveloped open green space with park benches, and a small picnic area. In support of the City’s hike and bike trail, the applicant proposes a trail that will eventually connect to the city’s trail, where a gate will provide access to the brewery. This area will provide a significant natural buffer between the existing single family subdivision and the brewery and should mitigate the majority of potential negative impacts. Other improvements include façade upgrades. The current façade is metal and the applicant will cover with masonry materials. Baks Brewery will provide at least two (2) separate bicycle racks; a new sprinkler system; installation of sidewalks; and removal and replacement of dead and diseased trees and shrubs. The trail will be constructed with other site improvements, prior to the issuance of a Certificate of Occupancy. It is important to note that the Parks Department has indicated that the proposed trail in the area is listed on their long range plan and there are no active planning efforts for construction of the proposed hike and bike trail in the area.

A variance was approved by the ZBA in April, 2014 to reduce the lot size for a non-residential PD. At the public hearing nearby residents raised concerns regarding the following:

- Consumption of alcohol on site
- Odor from the brewing process
- Potential for loud music and noise
- Proximity of proposed use to a daycare
- U-Turns into the daycare to access the Brewery from the east bound lanes on Broadway
- Hours of operation
- Increase in traffic along Shauntel Street

The applicant addressed traffic issues, screening/buffering and smells in the PD document. Staff addressed concerns as well below:

Traffic:

There is only one (1) driveway with a gate onto Shauntel Street that would allow patrons to drive into the neighborhood. Baks proposes signage on both sides of the gate upon exiting that will state “DO NOT TURN RIGHT. NOT A THRU STREET.” The proposed signage should prevent patrons of the brewery from entering the neighborhood. The

applicant also proposes to close the gate when not needed to limit any traffic from entering/leaving the property via Shauntel Street.

Screening:

Baks proposes to install two (2) gates, approximately 6 feet in height to block vehicles from accessing the rear and side yards of the property, adjacent to the east and north sides of the building. According to the applicant, this will prevent traffic from being able to see, watch or speak to anyone on adjacent property. Additionally, the outdoor seating area will be on the west side of the building, which according to the applicant will also prevent anyone from seeing/speaking to any persons on adjacent property.

Additionally, the applicant proposes over 49% open /green space, most of which is located on the north side of the site near Mary's Creek and the existing single family subdivision. This area will provide a significant natural buffer and will reduce any negative impacts to the existing neighborhood.

Smells:

According to the applicant, the only smells produced by brewing beer would be the smell of boiling grain. The smells will not be unpleasant and will be similar to cooked oatmeal.

Noise:

The City of Pearland has a noise ordinance that would be applicable to the property, similar to other properties on Broadway Street, and throughout the City of Pearland. According to the City's Charter, it is unlawful for any person to knowingly make, cause to be made or allow any loud, disturbing or unnecessary noise in the City which is offensive to the sensibilities of a reasonable prudent person, so that it renders the enjoyment of life or property uncomfortable, or interferes with the public peace and comfort. There is no mention of decibel (loudness) levels.

Proximity to Daycare:

The applicant has contacted TABC, and the separation requirements are met. The daycare is not directly adjacent to the subject property, and is separated by two (2) tracts to the east.

Public Notification/Comment

Staff sent public notices, comment forms and a vicinity map to the applicant, the owner of the property and to property owners within 200 feet of the subject property under consideration for the Baks Brewery PD. Additionally, a legal notice of the public hearing was published in the local newspaper, and a notification sign was placed on the

property by the applicant. As of the date of this writing, staff has not received any returned notices from property owners within 200 feet of the site.

Recommendation

Staff recommends approval of the request to change the zoning of the site from General Commercial (GC), to a non-residential PD, with a base zoning and overlay zoning district of GC, with the addition, of the proposed use; for the following reasons:

1. The property is located within the General Commercial (GC) zoning district, and within the Corridor Overlay District (COD) overlay district. The applicant proposes to conform to the standards of both. Improvements will be made to the existing building, which will be an enhancement to the neighborhood and will create an enhanced aesthetic appeal. These improvements include façade upgrades to the existing metal building, which will be covered with stucco; over 49% of landscaped/open green space will not be altered and provides a natural buffer between the brewery and the single family subdivision to the north. Improvements will be made to the existing decorative fencing, which encompasses the entire property with the exception of the open green area. Baks Brewery will provide at least two (2) separate bicycle racks; a new sprinkler system; installation of sidewalks; and removal and replacement of dead and diseased trees and shrubs.
2. The applicant has attempted to address concerns raised by the neighborhood, as illustrated on pages 2 and 3 of this memo.

Exhibits

1. Staff Report
2. Aerial Map
3. Zoning Map
4. Future Land Use Map
5. Notification Map
6. Notification List
7. PD Document



Exhibit 1 Staff Report

Summary of Request

The subject property includes approximately 2.939 acres of land, of which the applicant is requesting approval of a Planned Development (PD) in order to operate a brewery. The applicant's intent is to convert the primary building on site into a micro-brewery that will brew and distribute beer, as well as provide a tasting room and retail operation open to the public. A small area inside of the brewery will be available to the general public to rent for special events, such as birthday parties, wedding receptions, corporate functions, etc. The applicant proposes to add a small cold room, of less than 500 square feet, directly to the rear of the building for storage of ingredients and products.

Currently the existing primary building is comprised of a metal façade. The applicant intends to improve the façade of the primary building by upgrading the metal façade with masonry materials. This will create a more attractive building with frontage along Broadway Street, and will be in compliance with the façade requirements of the Corridor Overlay District. The site has a variety of landscaping on site which includes street trees and shrubbery planted along Broadway Street and Shauntel Street. The site includes a black wrought iron fence along Broadway Street and Shauntel Street, which the applicant intends to repair, where needed, while also adding new shrubbery and trees along Broadway and Shauntel Street, as well as internal landscaping on site.

As part of the micro-brewery concept the applicant intends to transform the existing outdoor breezeway area into outdoor seating that will be available when the brewery is open for tours and tastings to the public. There is a proposed trail in the rear of the property which will run along Mary's Creek. The applicant intends to construct a trail connecting this development to the City's trail in order to promote walkability and access to the trail along the creek. This large green space at the rear of the property will be maintained as a landscaped open space buffer to the residential neighborhood located across Mary's Creek. The applicant will also construct picnic and seating nodes in this

area to enhance the hike and bike trail and open green area. This area will be available to the public.

Conformance with the Thoroughfare Plan

The subject property is located at the northeast corner of Broadway and Shauntel Streets. Broadway Street is a major thoroughfare to be widened. The ultimate right-of-way required is 120 feet. Shauntel Street is a local street which requires an ultimate right-of-way of 50 feet. According to the survey provided Broadway Street has an existing right-of-way width of 100 feet and Shauntel Street width varies. Additional right-of-way will be required along Broadway Street at the time of platting and possibly along Shauntel Street.

Site History

The subject property is developed with an approximately 8,753 square foot building, and an approximately 400 square foot accessory building used for storage that was constructed in 1998. The property was annexed into the City of Pearland in June, 1960 and was most recently occupied by Sunbelt Rentals; a construction equipment and tool rental company. Staff began discussions with the applicant regarding a micro-brewery at the subject location in January 2014, when a pre-development meeting was held with the applicant. The applicant indicated that the intent was to convert the primary building on site into a micro-brewery that will brew and distribute beer, as well as provide a tasting room and retail operation open to the public. The brewery component of the use is categorized as "Manufacturing, Industrial Storage or Assembly Process Not Prohibited by Law" by the UDC and is not permitted within the existing zoning district. All other uses proposed are permitted. Staff discussed the idea of a Planned Development (PD) to allow for the development, as proposed.

Chapter 2 of the Unified Development Code requires a gross contiguous area of at least 3 acres for a non-residential Planned Development district. As the site is currently developed and a recent survey of the property has been completed, the property includes 2.939 acres. On April 3, 2014, the Zoning Board of Adjustment approved a variance to allow a reduction in the minimum district size of a nonresidential PD.

During the public hearing for the variance, nearby residents raised concerns regarding the following:

- Consumption of alcohol on site
- Odor from the brewing process
- Potential for loud music and noise
- Proximity of proposed use to a daycare
- Access issues regarding the use of nearby properties
- Hours of operation

- Increase in traffic along Shauntel

The applicant addressed traffic issues, screening and smells in the PD document. Staff addressed concerns as well below:

Traffic:

There is only one (1) driveway with a gate onto Shauntel Street that would allow patrons to drive into the neighborhood. Baks proposes signage on both sides of the gate upon exiting that will state “DO NOT TURN RIGHT. NOT A THRU STREET.” The proposed signage should prevent patrons of the brewery from entering the neighborhood. The applicant also proposes to close the gate when not needed to limit any traffic from entering/leaving the property via Shauntel Street.

Screening:

Baks proposes to install two (2) gates, approximately 6 feet in height to block vehicles from accessing the rear and side yards of the property, adjacent to the east and north sides of the building. According to the applicant, this will prevent traffic from being able to see, watch or speak to anyone on adjacent property. Additionally, the outdoor seating area will be on the west side of the building, which according to the applicant will also prevent anyone from seeing/speaking to any persons on adjacent property.

Additionally, the applicant proposes over 49% open /green space, most of which is located on the north side of the site near Mary’s Creek and the existing single family subdivision. This area will provide a significant natural buffer and will reduce any negative impacts to the existing neighborhood.

Smells:

According to the applicant, the only smells produced by brewing beer would be the smell of boiling grain. The smells will not be unpleasant and will be similar to cooked oatmeal.

Noise:

The City of Pearland has a noise ordinance that would be applicable to the property, similar to other properties on Broadway Street, and throughout the City of Pearland. According to the City’s Charter, it is unlawful for any person to knowingly make, cause to be made or allow any loud, disturbing or unnecessary noise in the City which is offensive to the sensibilities of a reasonable prudent person, so that it renders the enjoyment of life or property uncomfortable, or interferes with the public peace and comfort. There is no mention of decibel (loudness) levels.

Proximity to Daycare:

The applicant has contacted TABC, and the separation requirements are met. The daycare is not directly adjacent to the subject property, and is separated by two (2) tracts to the east.

The site is surrounded by a mix of various uses, including Hazeldale Estates to the north, single family subdivision; and various non-residential uses such as restaurants, skate center and a strip retail center to the south; a daycare to the east and undeveloped land to the west. The below table identifies surrounding uses and zoning districts:

	Zoning	Land Use
North	Single Family Residential 3 (R3)	Hazeldale Estates Single Family Subdivision
South	General Commercial (GC)	Undeveloped Land, Restaurants, Skate Center
East	General Commercial (GC) Office Professional (OP)	Undeveloped, Daycare
West	General Business (GB)	Undeveloped Land

Conformance with the Unified Development Code

The proposed micro-brewery is categorized as “*Manufacturing, Industrial Storage or Assembly Process Not Prohibited by Law*” by the Unified Development Code (UDC). The proposed use is defined as a facility that houses manufacturing, storage and assembly operations, including, but not limited to, beverage plant, fabrication, metal finishing, foundry, ice plant, machine shop, mill, printing plant, publishing and bindery plant, masonry products manufacturing, refinery for nonagricultural products, food products, processing and packaging plant and precision instruments manufacturing. Additionally a variance was approved by the Zoning Board of Adjustment to allow a reduction of the land area for a PD. The PD, if approved, will conform to the regulations of the GC zoning district, as well as the Corridor Overlay District, with few exceptions.

Conformance with the Comprehensive Plan

The subject property is located within the Retail, Offices and Services Future Land Use Designation, which incorporates neighborhood or convenience shopping centers, or developed or separate uses located on major street intersections, with limited outdoor retail activities, adequate buffers from adjacent single family subdivisions. Appropriate zoning districts include OP, NS and selected GB uses.

Platting Status

The subject property is not platted. Improvements that increase the impervious surface area on site will trigger platting of the property.

Availability of Utilities

According to GIS data, there is an existing 12 inch water line running along the frontage of the property along Broadway Street and an 8 inch water line along Shauntel Street. The property has a pump system which is connected to a sanitary force main for sewer services.

Impact on Existing and Future Development

The property is zoned as GC, General Commercial district and abuts GB, General Business district to the west across Shauntel Street, the R-3, Single-Family Residential district to the north across Mary's Creek, and the GC, General Commercial district to the east and south across Broadway Street.

The site is currently developed and the applicant intends to add a cold room of less than 500 square feet for storage of ingredients and products. There should be no major impact on existing and future developments. Due to the amount of open space (49%) near the rear of the property along the north side, this area will provide a natural buffer between the brewery and the single family subdivision to the north.

Additional Comments

The request has been reviewed by the Development Review Committee (DRC), and there are no further comments.

Public Notification

Staff sent public notices, comment forms and a vicinity map to the applicant, the owner of the property and to property owners within 200 feet of the subject property under consideration for the zone change. Additionally, a legal notice of the public hearing was published in the local newspaper, and a notification sign was placed on the property by the applicant.

Opposition to or Support of Proposed Request

As of the date of this writing, staff has not received any comments either in opposition to or in support of the proposed Baks Brewery PD.

Recommendation

Staff recommends approval of the request to change the zoning of the site from General Commercial (GC), to a non-residential PD, with a base zoning and overlay zoning district of GC, with the addition, of the proposed use; for the following reasons:

1. The property is located within the General Commercial (GC) and within the Corridor Overlay District (COD) overlay district. The applicant proposes to conform to the standards of both. Improvements will be made to the existing building, which will be an enhancement to the neighborhood and will create an enhanced aesthetic appeal. These improvements include façade upgrades to the existing metal building, which will be covered with stucco; over 49% of landscaped/open green space will not be altered and provides a natural buffer between the brewery and the single family subdivision to the north. Improvements will be made the existing decorative fencing, which encompasses the entire property with the exception of the open green area. Baks Brewey will provide at least two (2) separate bicycle facilities; a new sprinkler system; installation of sidewalks; and removal and replacement of dead and diseased trees and shrubs.



AERIAL MAP

ZONE CHANGE 2014-12Z

BAKS BREWERY PD

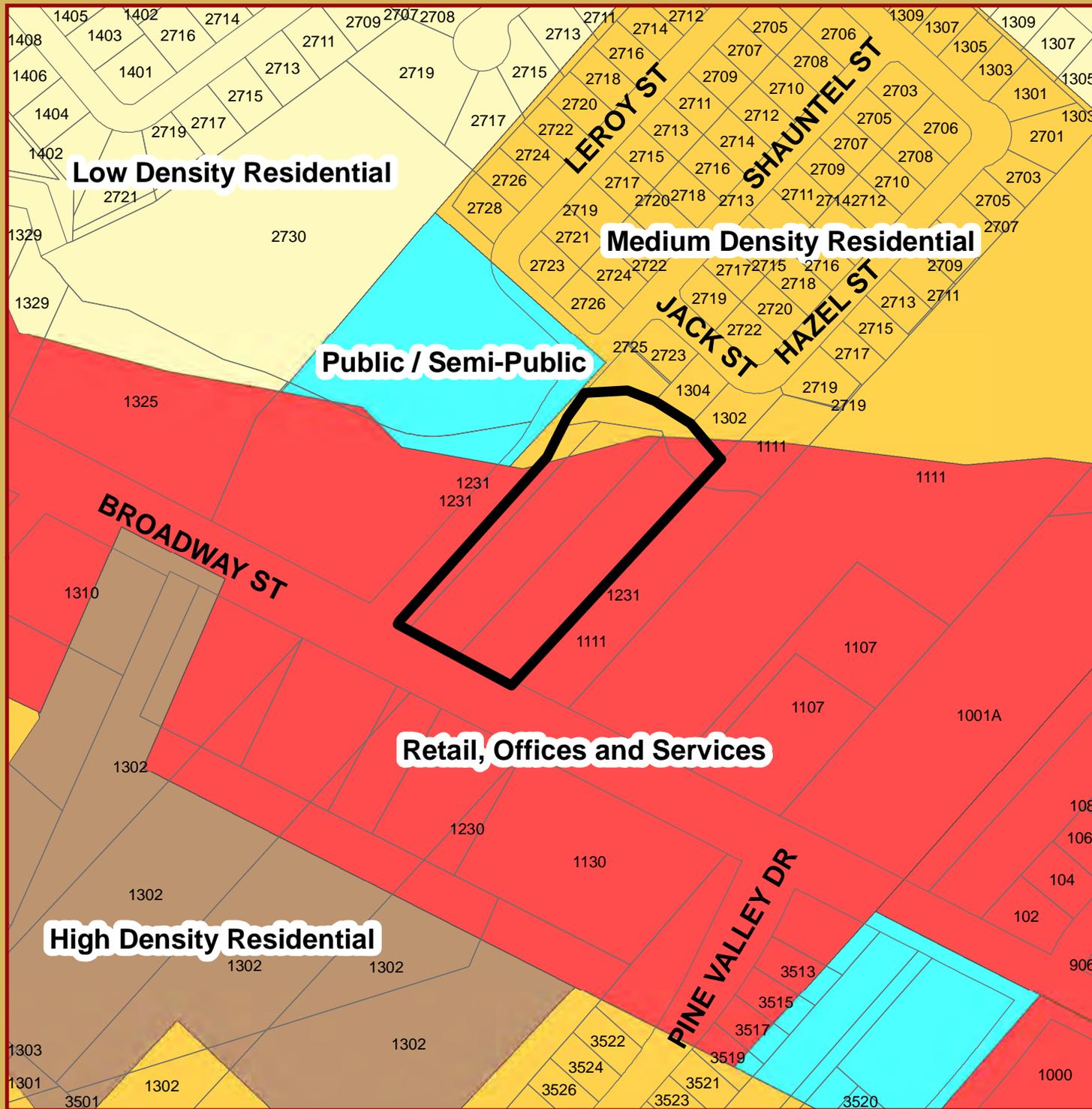


This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

1 inch = 250 feet

22 MAY 2014
PLANNING DEPARTMENT





FLUP MAP

ZONE CHANGE 2014-12Z

BAKS BREWERY PD



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1 inch = 250 feet

22 MAY 2014
PLANNING DEPARTMENT



NAME	ADRESS	ADDRESS 2	CITY	STATE	ZIP
HOBBS HELEN MERRITTIA	2722 SHAUNTEL ST		PEARLAND	TX	77581
RIVERA PEREZ RAFAEL A & MARIA D CRISPIN	2723 LEROY ST		PEARLAND	TX	77581
BOYKIN DIXIE L	3703 W PINE ORCHARD DR		PEARLAND	TX	77581
DAHSE JENNIFER L	2719 SHAUNTEL ST		PEARLAND	TX	77581
BURGE-MAREZ NAOMI DELORA	2726 SHAUNTEL ST		PEARLAND	TX	77581
BEAN JENNIFER H & BRENT D	2722 HAZEL ST		PEARLAND	TX	77581
BELKANP PETER W & LINDA G	2723 SHAUNTEL ST		PEARLAND	TX	77581
HENDERSON CLARENCE J & VERONICA M	2725 SHAUNTEL ST		PEARLAND	TX	77581
EAVES JONATHAN	2719 HAZEL ST		PEARLAND	TX	77581
OLALDE FRANCISCO & MELVINETTE	1304 JACK ST		PEARLAND	TX	77581
MAULDIN TROY L & LOIS	1302 JACK ST		PEARLAND	TX	77581
EAVES JONATHAN	2719 HAZEL ST		PEARLAND	TX	77581
DOCKSIDE THREADING INC	1020-789W PENDER ST E	VANCOUVER BC V6A 1V8	CANADA		
CLEMMONS LAURIE G	1111 BROADWAY ST		PEARLAND	TX	77581
GARTNER INTEREST LTD	2433 MAX RD		PEARLAND	TX	77581
CLEMMONS LAURIE G	1111 BROADWAY ST		PEARLAND	TX	77581
FLOYDS PEARLAND DEVELOPMENT INC	1300 BROADWAY ST		PEARLAND	TX	77581
JRC 1300 LLC	6307 WASHINGTON AVE		HOUSTON	TX	77007
FLOYDS PEARLAND DEVELOPMENT INC	1300 BROADWAY ST		PEARLAND	TX	77581
MOORE MARTIN R	2404 LONGWOOD DR		PEARLAND	TX	77581
ACHOUR BECHIR	2730 LEROY ST		PEARLAND	TX	77581
BRIAN ALLEN	2914 PICCADILLY CIR		PEARLAND	TX	77581



**BAKS BREWING COMPANY, INC.
PLANNED DEVELOPMENT DISTRICT (PD)
FOR CITY OF PEARLAND**



CURRENT PROPERTY DESCRIPTION

Description of the Subject Property.

Subject property is located at 1231 Broadway Street, in Pearland, Texas. It sits on 2.94 acres of which approximately half is developed and fenced and contains the primary building which is \pm 8,753 SF total. This building includes a 2,000 SF showroom, 849 SF Office/s and 5,144 SF warehouse. Within the developed fenced area is an additional 1500 SF wash bay and 400 SF storage building. Besides facing Broadway, Shauntel Street runs adjacent to the property. The back section of the property is undeveloped green area which borders along Mary's Creek.



1.3480 Acres Developed Area
1.2748 Acres Undeveloped Area
0.316 Acres Dedicated Street Easement

2.9388 Acres Total Tract



PROPOSED DEVELOPMENT DESCRIPTION

The proposed development will be to convert the use of the building to a working production craft brewery with a public taproom (Think: wine tasting room).

COMPANY DESCRIPTION

BAKS Brewing Company Inc. is a privately held corporation owned and managed by its founders, Brian Allen and Kris Szecsy. The business of the company is the production of quality, fresh, flavorful beer for the local market. BAKS believes that when looking at local breweries around the Houston area there are very few options for the Southern Houston region. Pearland is not only the town where Brian grew up, but with its growth over the last 10 years, it provides a prime market that can and will support a local brewery.

**BAKS BREWING WILL
PRODUCE ITS OWN
NON-ALCOHOLIC ROOT
BEER**

BAKS Brewing Company will initially produce five different styles of beer and a non-alcoholic root beer. These styles include: a Belgian Texas Blonde, American Pale Ale, Session India Pale Ale (IPA), Porter and American IPA. These products will be distributed in kegs to licensed retail outlets. The beers of the BAKS Brewing Company will be sold to bars and restaurants in the greater Pearland area with our initial focus being on the communities south of downtown Houston, including Pearland, Friendswood, Clear Lake, League City, Alvin, Webster, Kemah, Dickinson & Galveston.

BAKS Brewing Company will produce beer with a 20 barrel, stainless steel brewing plant. Production capacity of our 20-barrel plant with five fermenters is approximately 5000 barrels a year (1 barrel equals 31 gallons, which equals two standard 15.5-gallon kegs).

BAKS Brewing will have a tap room where customers may come to view and tour the operation of the brewery. They will also be able to purchase our beers at retail prices for both on-site consumption and beer to go in the form of growler fills (and eventually 6-packs & 22oz. bottles). Promotional merchandise with our name/logo such as pint glasses, t-shirts and growlers will also be sold.

Additionally, BAKS will have a dedicated area within the actual brewery warehouse that will be available for rental and special events, such as corporate meetings, wedding receptions and fund raising events.

BAKS will also provide scheduled tours of the brewery that will give an intimate and hands on experience. These tours will be reserved in advance and will take place with one of the owners or brewers. The tours will allow patrons to see, experience and taste the complete brewing process. They will be able to sample the ingredients (ie. Malt, hops, etc.), that go into making the beer as well as sample the beer at different stages of fermentation. We will be able to help educate them on the actual process of making the beer.



POTENTIAL IMPROVEMENTS & BENEFITS

PROPERTY IMPROVEMENTS AND BENEFITS

- Improved landscaping - will not only improve and add additional landscaping where available (currently most green area in and directly surrounding the property is already landscaped) but will add a row of shrubs along back fence to add one more layer of concealment from residential neighborhood
- Improved building façade - will cover the metal exterior with stucco, masonry or stone
- Will include a small rental area inside of the brewery (but separated from any brewing equipment) for event rentals such as birthdays, wedding receptions, corporate functions, etc.)
- New sprinkler system for both warehouse and retail area (tap room)
- Minimal building changes and renovations required to support the brewery - some minimal cosmetic improvements made to the front retail area to convert it to the tap room, installing trench drains are all that is required
- Improved green (outdoor) area behind property by adding seating & picnic nodes
- Will add a trail connecting to the proposed hike & bike trail to the brewery and will provide an area to park bicycles
- Will add park benches to green area between brewery and hike & bike trail

BAKS PLANS TO SUPPORT PISD BY PROVIDING ITS SPENT GRAIN AT NO COST TO THE SCHOOL'S FAA PROGRAM FOR USE AS LIVESTOCK FEED.

NEARBY AREA BENEFITS

- Green area behind property will be maintained as a buffer to residential community located on the opposite side of Mary's Creek
- Will add an additional line of shrub coverage (eg. Large wax myrtles) along the outside of the back property fence
- Will support local eating establishments as we do not serve food and patrons will want some place to eat before/after visiting the tap room.
- Will also work with local area Pearland dining establishments to create custom beers based on their style preference
- Heavy equipment and large truck traffic will decrease as we will only have 1 small refrigeration truck stop by for loading/unloading kegs 1-2 times a week

BAKS BREWING WILL WORK WITH OTHER LOCAL BUSINESSES SUCH AS PEARLAND COFFEE ROASTERS TO PROVIDE INGREDIENTS FOR SPECIALITY BEERS (EG. COFFEE PORTER)

OVERALL CITY BENEFITS

- Additional tourism and related financial benefit for Pearland (Saint Arnold Brewery is currently a top 10 tourist destination for Houston)
- Hike & Bike Trail destination
- Additional tax dollars
- A destination for local residents seeking entertainment other than just a restaurant
- Pearland will have its own brewery producing and selling craft beer to the greater Houston area

Land Acreage Description

The attached site survey shows the total property acreage to be 2.9388

PD Purpose & Intent Statement

The purpose and intent of the PD established is to allow a new use 'Manufacturing, Industrial Storage or Assembly Process Not Prohibited by Law' (which has been identified by the city as the most appropriate) on this property which is currently zoned as General Commercial (GC).

This new use is described as a facility that houses manufacturing, storage, and assembly operations including, but not limited to, beverage plant, fabrication, metal finishing, foundry, ice plant, machine shop, mill, printing plant, publishing and bindery plant, masonry products manufacturing, refinery for nonagricultural products, food products, processing and packaging plant, and precision instruments manufacturing.

This use is not permitted by right in the GC zoning district and thus would require a zone change to operate. Based on this information and guidance from the city's planning/zoning department, the applicant determined the best path forward would be to apply for a Planned Development to operate a small craft brewery.

POSSIBLE CITIZEN'S CONCERNS

1. Increased traffic into neighborhood located behind property.

There is only 1 access gate onto Shauntel that would allow patrons to drive into the neighborhood. BAKS will post signage on both sides of gate upon exiting that states: 'DO NOT TURN RIGHT NOT A THRU STREET'. This should eliminate the majority, if not all traffic from accidentally turning into the neighborhood. We will also be able to close this gate when not needed to limit any traffic from entering/leaving our property via the Shauntel street entrance.

2. Patrons being able to see, watch or speak to people (employees or children) located at the business and home 2 lots over.

BAKS will install (2) gates approximately 6' high gates blocking all traffic from entering the property on the East side and North side of the building. (See attached site plan for proposed gate locations) This will prohibit any and all traffic from being able to see, watch or speak to any persons on the adjacent property.

Additionally, the outdoor seating area is located adjacent to the building on the opposite side of the business which prevents any chance of anyone seeing or speaking to anyone else outside of the property.

3. Smells

The only smell produced by brewing beer is the smell of boiling grain to produce wort. The smell is not unpleasant and is similar to cooked oatmeal. Additionally, the smell will be contained and disbursed within the warehouse.

Additional Community Involvement

We will work with other local Pearland businesses to help promote both enterprises. For instance, we have spoken with the owners of Pearland Coffee Roasters about providing roasted coffee beans to be used in speciality beers such as a coffee porter.

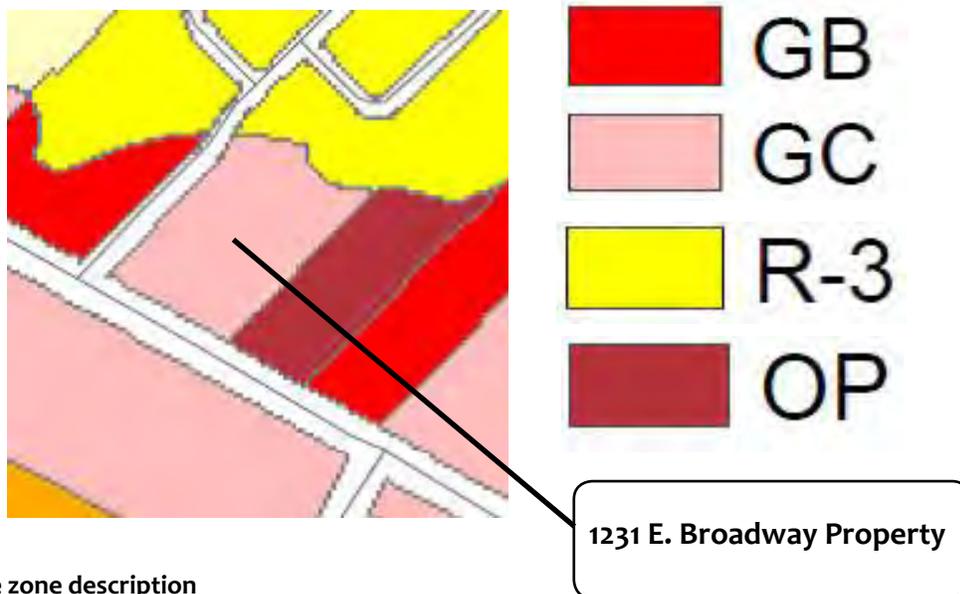
One of the only by-products from brewing is spent grain (the grain we have boiled to produce wort). This makes great livestock feed and generally, breweries work with local farmers to pick-up and use the spent grain. We have spoken with the Agriculture Department of Pearland Independent School District and will work with them (Hunter Morgan) to provide our spent grain at no cost to students to use for their livestock.

Lastly, we plan to hire locally and provide jobs for Pearland. Our first and currently only employee (part time book keeper) is a Pearland resident.

ZONING & LAND USE

Existing zoning district and boundary description

The property is currently zoned as a General Commercial District (GC) which is intended to permit a wide variety of businesses characterized by those uses that may require an extensive amount of land for the conduct of business and/or that may require outside storage uses. The front South West property line runs along a major thoroughfare, West Broadway, on which the other side is also zoned 'GC' (and includes a restaurant). The North West property line runs along Shauntel Street, on which the opposite property is zoned as 'General Business Retail District (GB)'. The North East property line runs along Mary's Creek, for which the District on the other side is zoned as a Single-Family Residential-3 (R3). Lastly, the South East property line runs adjacent to a property which is zoned as Office & Professional District (OP).



Base zone description

The base zone to be overlaid will be GC.

This zone will encompass the entire property which has the same district boundaries as mentioned above, "The front South West property line runs along a major thoroughfare, East Broadway, on which the opposite side property is also zoned 'GC'. The North West property line runs along Shauntel Street, on which the opposite property is zoned as 'General Business Retail District (GB)'. The North East property line runs along Mary's Creek, for which the District on the other side is zoned as a Single-Family Residential-3 (R3). Lastly, the South East property line runs adjacent to a property which is zoned as Office & Professional District (OP)."

Use	Acres	Percentage of Total Acres	Zoning District
Single Family	n/a	n/a	
Multiple Family	n/a	n/a	
General Business/Commercial	1.5	50%	GC w/PD
Parkland to be dedicated to the city	n/a	n/a	
Common Open Spaces/Trails/Recreation	1.44	~49%	GC w/PD
Detention	n/a	n/a	
Thoroughfares/ROW	n/a	n/a	
Internal Streets/Vehicular Circulation	n/a	n/a	
Others	n/a	n/a	

DESIGN STANDARDS

All zoning standards not expressly set forth for the district in the adopting ordinance shall be as provided in the base zoning district(s), and that any standard in this ordinance that has not been expressly varied in the adopting ordinance shall be applicable to subsequent development permits for land within the PD district.

The following standards will be improved to meet both the 'GC' and 'Corridor Overlay District' UDC requirements:

- **Building Facade** - we will cover the existing metal facade with stucco in a neutral color (from the approved color palate) to match the existing brick. See attachment for rendering.
- **Signage** - Once the building facade has been covered will install sign with our company name that is not more than 15% of surface area. We will also update the existing monument sign which is also within the COD UDC requirement (ie. replace Sunbelt with BAKS)
- **Landscaping** - The current landscaping exceeds the UDC COD requirements, but we will replace all dead and diseased trees and shrubs, as well as lay all new mulch and ensure the installed irrigation system is working correctly.
- **Screening/Fencing** - The entire property (excluding open green area) is fenced with a 6' black rod iron fence which is surrounded by additional landscaping. We will fix and replace any bent or damaged fencing as well as plant additional trees along the back of the property fence for additional screening.
- **Lighting** - All current (3) light poles on the property along with building lighting will be inspected and updated to meet current COD Standards

The following standards **exceed** both the 'GC' and 'Corridor Overlay District' UDC requirements:

- **Green Area** - BAKS Brewery currently provides approximately 49% of its property as green area and we plan for it to remain that way. Almost half of the property is an open green area (outside of the property fence) located at the rear of the property which end long Mary's Creek. BAKS intends to promote the green area in support of the city's proposed hike & bike trail by adding seating and picnic nodes, additional bench seating and a compacted gravel trail connecting the hike & bike trail to the rear of the brewery, where we will locate a (lockable) gate to provide access onto the brewery. We will also install a security camera to monitor traffic and provide an additional level of security
- **Bicycle Parking** - BAKS will have at least (2) separate bicycle parking facilities; one in front and one located at the back of the property where there will be a gate and pathway connecting the brewery to the city's proposed hike & bike trail. BAKS will also support and promote local running and biking organizations.

Parking Table
Existing Spaces: 16
Additional Proposed Spaces: 17+
Total Spaces: 33+

DESIGN STANDARDS (Cont.)

PD Districts are “intended to encourage flexible and creative planning and property development” and this PD is for an existing property that already meets most of the standards.

We understand that “the Corridors Overlay District (COD) is intended to help the City exercise greater control over the aesthetic, functional and safety characteristics of development along newly constructed major thoroughfares within the City where higher development standards can effectively enhance the City’s image as a desirable place to live, work, and shop.”

Due to the existing layout with existing parking lot, fence, irrigation system and landscaping that exceeds COD Standards, as well as several utility connections (including: AT&T box with 6 surrounding bollards, storm water access, fire hydrant, light pole, water line access and waste water lift station), we are proposing to build the sidewalk within the TxDOT ROW similar to what was done (2) lots down. We will work within the area to provide a 6’ wide side walk and are currently working with Johnson Traffic Engineers for the TxDOT application. (See attachment for graphical presentation).

Additionally, where our sidewalk will end at the east end of property, there is only approximately 1100’ to the end of the city limits.



View of west frontage, looking west



View of far west frontage @ Shauntele Street



View of center frontage looking west



View of smaller eastern frontage looking east towards Friendswood



View of property located (2) lots to the west

DESIGN STANDARDS DEVIATION TABLE

Standard	GC/COD Requirement	PD Deviation
Parking	One space for each 1.5 employees = 4.5 spaces	We will exceed by providing 33 spaces that meet UDC standards
Sidewalk	6' wide, 6' separation from back of curb with 80% curved alignment	Due to existing conditions sidewalk will be 6' wide and constructed within TxDOT ROW but will not provide 6' separation from curb nor 80% curved alignment
Use	Tool and Machinery Rental (with Outdoor Storage)	Manufacturing, Storage or Assembly Process Not Prohibited by Law
Outdoor Activities	Out of doors display, storage and sale of merchandise permitted with a CUP	Activities including, but not limited to, a covered seating area for customers
Landscaping	<ul style="list-style-type: none"> - 15% of gross lot area shall consist of landscaped open areas - Large shade trees (2") caliper for each (10') of frontage = 78" for 386' frontage - Ornamental trees (1") caliper for each (15') of frontage = 26" for 386' frontage 	<ul style="list-style-type: none"> - We will exceed standard with ~50% of area for landscaped open areas - We will exceed standard with 94" tree calipers on 386' of frontage - We will exceed standard with 65" tree calipers on 386' of frontage - Large undeveloped green area in back of property provides an additional 40+ shade trees 20' - 50' in height - Will support future Hike & Bike trail along Marys's Creek by connecting to it with a path and providing seating/picnic nodes
Bicycle Parking	Amount equal to 5% of total parking spaces	We will exceed standard with an amount of 20% of total parking spaces provided for bicycle parking

SCHEDULE

PD is approved
Lease is signed

Month 1

- Brewing equipment is ordered
- Apply for TABC & TTP Licences

Months 1-3

- 450 SF cold room assembled and attached to back of warehouse
- Trench floor drains are installed in the warehouse
- Sprinkler system installed in warehouse and public area (eg. Tap room)
- Electrical and plumbing provisions are made to support forthcoming brew system
- Showroom is renovated to support the tap room
- Landscaping improvements are made

Month 4

- Brew system arrives and is installed
- Building inspections approved
- New signage goes up

Month 5

- Grand Opening.... Beer is made and happily served to excited customers!



“BAKS Brewery would be an asset to Pearland in providing group tours and tastings as well as providing a venue for corporate/social events. This can only aide Pearland in its growth of tourism businesses.”

**Kim Sinistore, Executive Director
City of Pearland Convention & Visitors Bureau (CVB)**

INDUSTRY OVERVIEW

INDUSTRY DESCRIPTION

Today America, and especially Texas, is experiencing a revival of its brewing tradition. Craft breweries are defined by the Brewers Association as small (producing less than 6 million barrels), independent (less than 25% of the craft brewery is owned or controlled by alcoholic beverage industry member that is not a craft brewer) and traditional (all malt flagship or at least 50% of its volume in all malt beers which use adjuncts to enhance rather than lighten flavor). 2,347 craft breweries operated for some or all of 2012, comprised of 1,132 brewpubs, 1,118 microbreweries and 97 regional craft breweries, this is the most in operation since the pre-Prohibition era. Growth of the craft brewing industry in 2012 was 15% by volume and 17% by dollars compared to growth in 2011 of 13% by volume and 15% by dollars.

INDUSTRY BACKGROUND

INTRODUCTION TO CRAFT BREWERIES

Craft breweries are a historic means for satisfying the public's demand for a greater variety of fresh quality beer. In the late nineteenth and early twentieth centuries, the United States supported nearly four thousand (4000) breweries, the majority being independent local and regional operations producing a vast array of Old World beer styles. Without question, Prohibition nearly destroyed this American brewing history and tradition.

ADVANTAGES OF CRAFT BREWERIES

One of the advantages of a craft brewery is its ability to supply its product to the consumer when it is at its peak of freshness. Craft breweries are brewing a handcrafted product on a more limited scale where quality is the most important concern. For this reason, using the highest quality traditional ingredients – malted barley, hops, yeast and water – is justified, rather than the chemicals and cheaper adjuncts such as corn and rice which are used by large scale brewers to cut costs. Fresh quality beer produced locally, without chemicals in processing or for preservation, is the key note of the craft beer industry.

The craft brewery has the additional advantage of bringing the beer drinking public into immediate contact with the equipment, people and operation associated with the beer production. A well designed craft brewery with tap room allows the public to witness first-hand the creation of the handcrafted beer they are drinking, feel like they are part of the process, and take pride in their 'local' beer.

**"LIGHT BEER IS CEDING
GROUND AS CABERNET-
LOVING BABY BOOMERS
AND MILLENNIALS WEANED
ON EXOTIC COCKTAILS SEEK
MORE COMPLEX FLAVORS IN
THEIR BREWS."**

**- BLOOMBERG NEWS, MARCH
2012**

INDUSTRY OUTLOOK *(cont.)*

LOCAL MARKET ANALYSIS

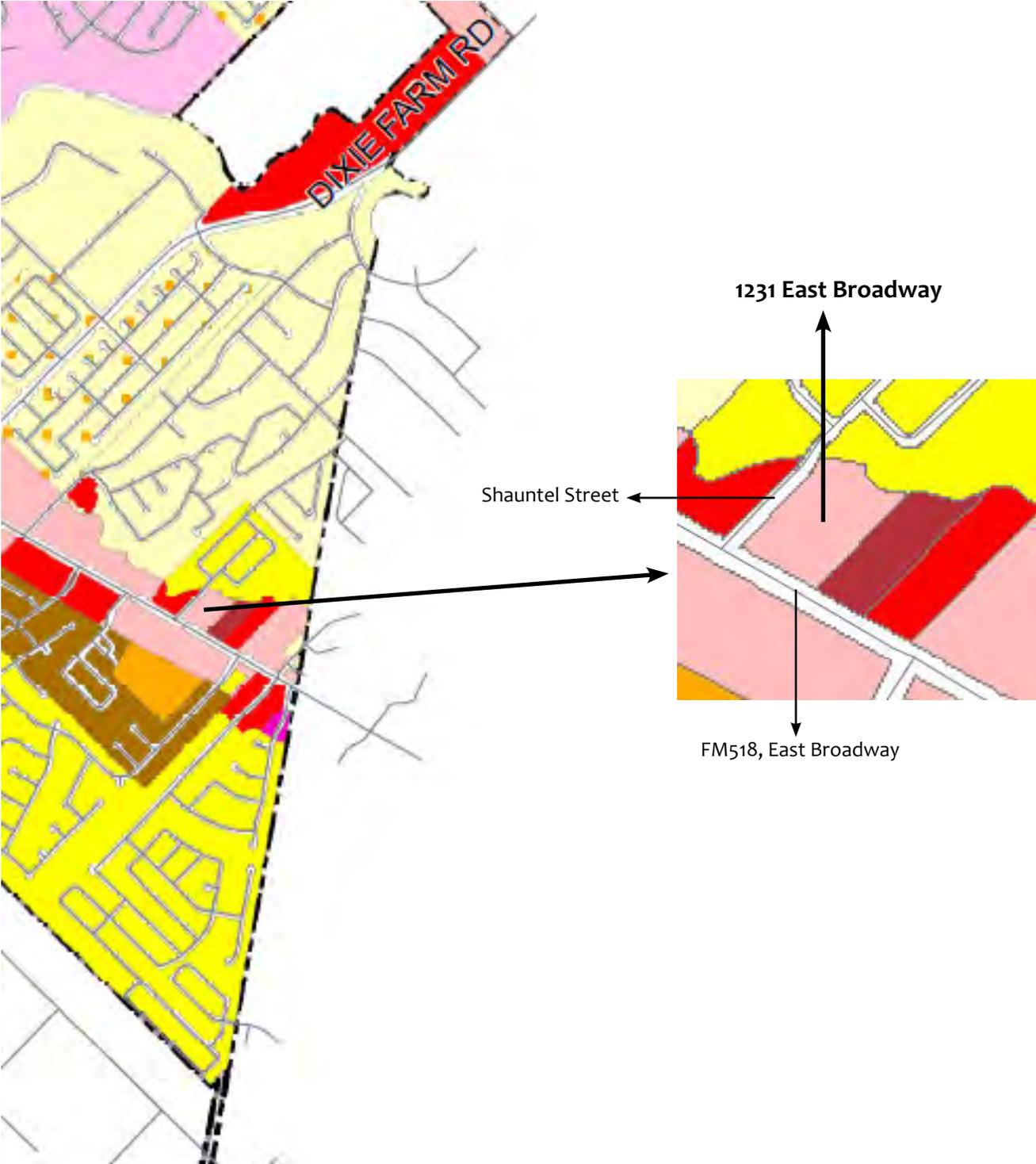
Craft breweries & brewpubs in the greater Houston area.

BREWERY	CITY	BREWERY SIZE	PRODUCTION
Saint Arnold	Houston	120 bbl brew system & 240 bbl fermentors	49,112 bbls in 2012 (Projected 60,000 bbl 2013)
Karbach	Houston	30 bbl brew system & 60 bbl fermenting tanks	30,000 bbls Annually
No Label	Katy	15 bbl brew system & (2) 15 bbl / (1) 30 bbl fermenting tanks & 30 bbl conditioning tank	700 bbls in 2011 1700 bbls in 2012 5000 bbls in 2013
8th Wonder Brewing	Houston	20 bbl	1000 bbls Annually
Buffalo Bayou Brewing	Houston		1000 bbls Annually
Lone Pint	Magnolia	30 bbl	2000 bbls Annually
Galactic Coast	Dickinson	3 bbl Upgrading to 7 bbl	1000 bbls Annually
Southern Star	Beaumont	15 bbl (upgrading to 60 bbl in 2014)	8,000 bbls in 2012 10,000 bbls in 2013
Fort Bend Brewing	Missouri City	30 bbl w/(4) 30 bbl & (2) 60 bbl fermenters & (1) 60 bbl bright tank	3000 bbls Annually
Cycler's Brewing	Montgomery	8 bbl	<500 bbls Annually
Texian Brewing	Richmond	30 bbl brewhouse & 60 bbl hot liquor tank	n/a
Houston Budweiser			12.5 million bbls

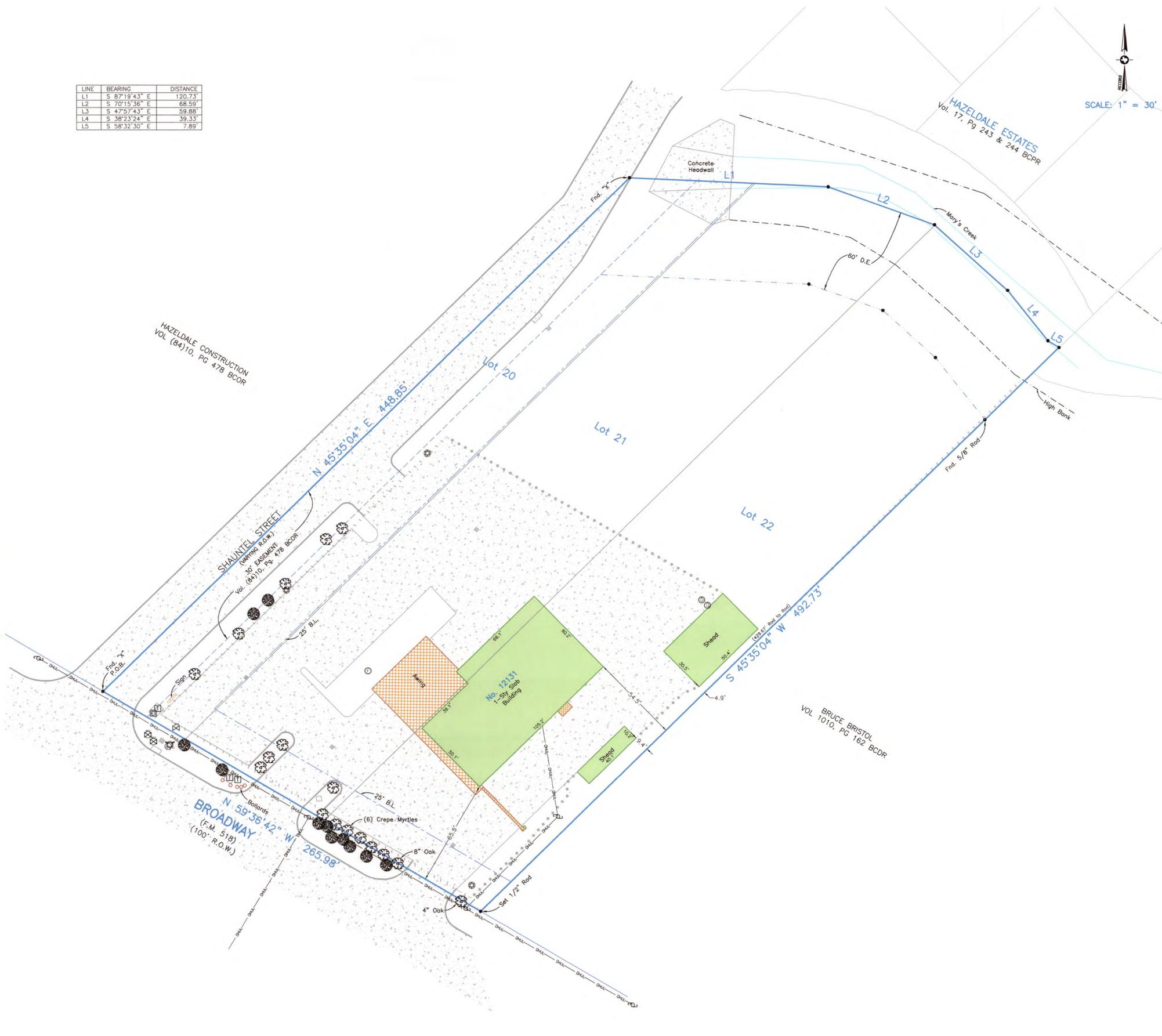
EVEN CEDAR RAPIDS, IOWA, WITH A POPULATION ALMOST EQUAL TO PEARLAND'S, IS HOME TO THREE (3) LOCAL CRAFT BREWERIES!



PARCEL MAP



LINE	BEARING	DISTANCE
L1	S 87°19'43" E	120.73
L2	S 70°15'36" E	68.59
L3	S 47°57'43" E	59.88
L4	S 38°23'24" E	39.33
L5	S 58°32'30" E	7.89



BEING a 2.939 acre tract out of Lots 20, 21, and 22 of the *George W. Jenkins Subdivision*, in Brazoria County, Texas, according to the map or plat thereof recorded in Volume 2, Page 20, of the Brazoria County Plat Records, and being more particularly described by metes and bounds as follows:

BEGINNING at the Southeast corner of a tract conveyed to Hazeldale Construction, in Volume (84)10, Page 459, Brazoria County Official Records, said point being on the North line of Broadway, a 100 foot right-of-way known also-known-as Farm to Market 518, said point being marked by a found "X";

THENCE North 45°35'04" East, a distance of 448.85 feet, to the centerline of Mary's Creek and a found "X";

THENCE with the center line of Mary's Creek as follows:

South 87°19'43" East, a distance of 120.73 feet;

South 70°15'36" East, a distance of 68.59 feet;

South 47°57'43" East, a distance of 59.88 feet;

South 38°23'24" East, a distance of 39.33 feet;

South 58°32'30" East, a distance of 7.89 feet to the west line of a tract conveyed to Bruce Bristol in Volume 1010, Page 162 of the Brazoria County Deed Records;

THENCE South 45°35'04" West, following the west line of said Bruce tract, a distance of 492.73 feet, to the side North line of Broadway, and a set 1/2 inch rod;

THENCE North 59°36'42" West, following the said North line of Broadway, a distance of 265.96 feet to the point of beginning, and containing 2.939 acres (128,016 square feet) more or less.

☆ Light Pole	□ Grade Inlet
⊙ Flag Pole	⊕ Fire Hydrant
⊖ Drainage Manhole	⊗ Water Valve
⊠ Telephone Box	⊙ Tree
⊡ Electrical Box	⊙ Bush
⊖ Power Pole	
— DML — Over Head Utility Lines	

Survey of a 2.939 acre tract out of Lots 20, 21, and 22 of the *George W. Jenkins Subdivision*, in Brazoria County, Texas, according to the map or plat thereof recorded in Volume 2, Page 20, of the Brazoria County Plat Records, and being more particularly described by metes and bounds hereon.

I hereby certify that on the below date, the herein described property, together with improvements located thereon, was surveyed on the ground and under my direction, and that this map, together with dimensions as shown hereon, accurately represents the facts as found on the ground this date.

Stephen C. Blaskey
 Stephen C. Blaskey
 Registered Professional
 Land Surveyor No. 5856



SURVEY DATE:	MAY 3, 2014
FILE No.:	BAKS
DRAFTING:	bah
JOB No.:	14-BAKS



8017 HARBORSIDE DRIVE
 P.O. BOX 16142 (mailing)
 GALVESTON, TX 77552
 ph (409) 740-1517
 Registration Number: 10193855
 www.hightidelandsurveying.com

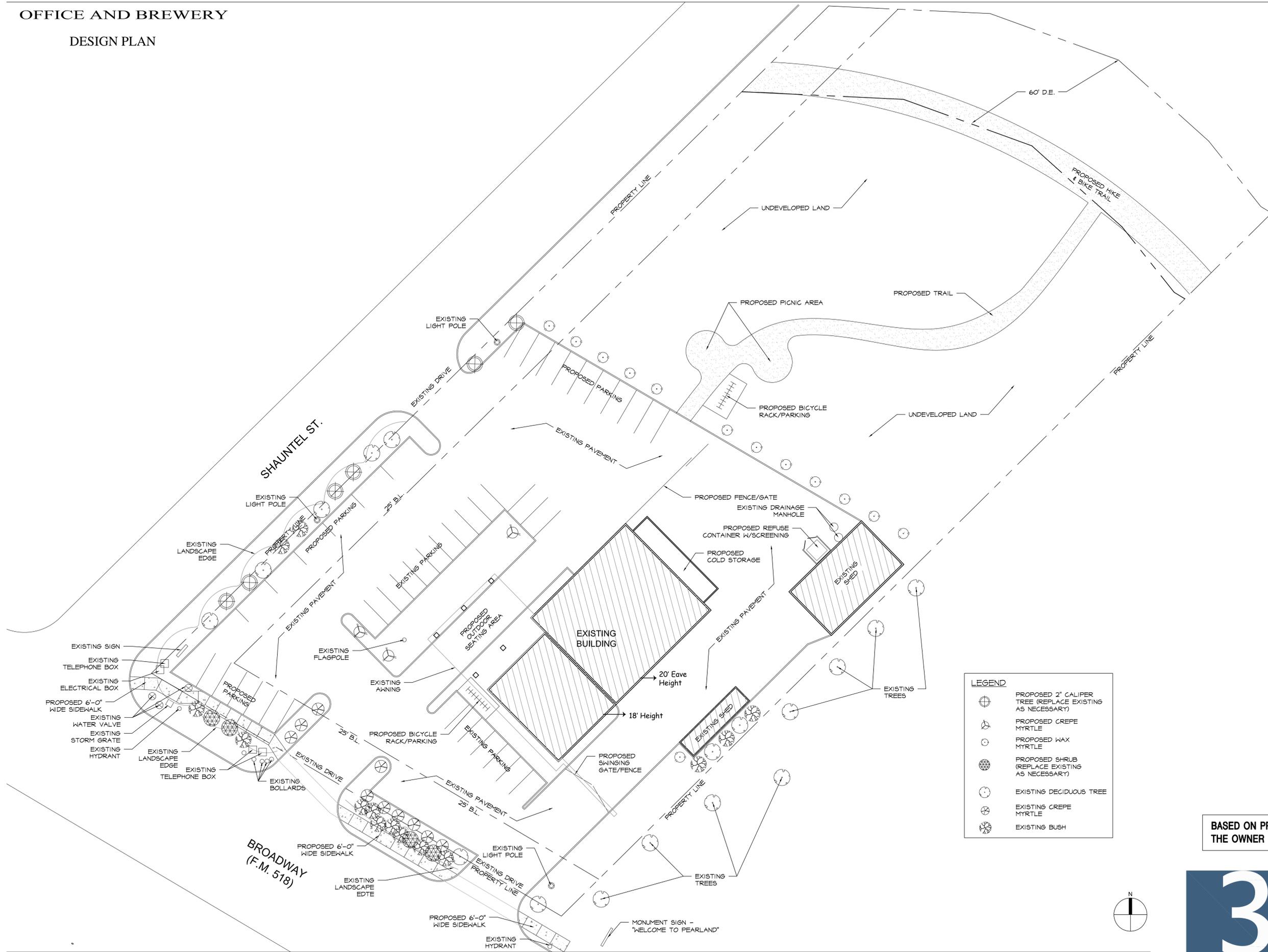
- NOTES:
- 1) This property does lie within the 100 Year Flood Plain as established by the Federal Emergency Management Agency.
 - 2) This property is subject to any restrictions of record and may be subject to setbacks from power lines as established by OSHA (call your power company).
 - 3) Bearings based on Monumentation of Center line of Shaunteil Street, being a found "X" at the North line of Broadway, and a found "X" at the center line of Mary's Creek.
 - 4) Surveyed without benefit of a Title Report.

BAKS BREWERY ◻ ◻ ◻ PEARLAND, TEXAS

OFFICE AND BREWERY

DESIGN PLAN

SCHEME A1.1 - 06/05/14



LEGEND	
	PROPOSED 2" CALIPER TREE (REPLACE EXISTING AS NECESSARY)
	PROPOSED CREPE MYRTLE
	PROPOSED WAX MYRTLE
	PROPOSED SHRUB (REPLACE EXISTING AS NECESSARY)
	EXISTING DECIDUOUS TREE
	EXISTING CREPE MYRTLE
	EXISTING BUSH

BASED ON PRELIMINARY INFORMATION PROVIDED BY THE OWNER - SUBJECT TO CHANGE



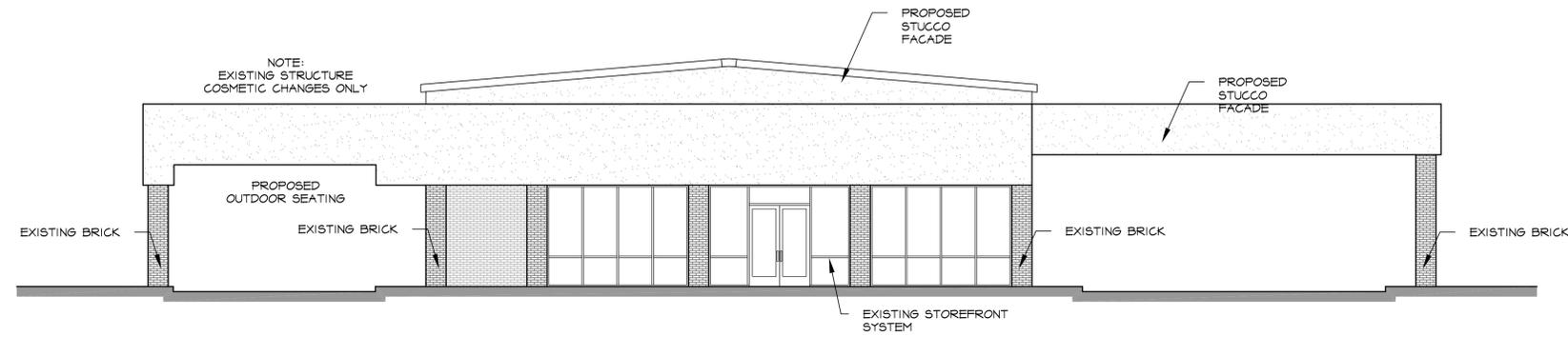
THREE SQUARE DESIGN GROUP
 architecture | design | planning

2444 Times Blvd., Suite 222 Houston, TX 77005
 Phone: 713.662.9988 Fax: 713.662.9989
 www.threesquaredesigngroup.com

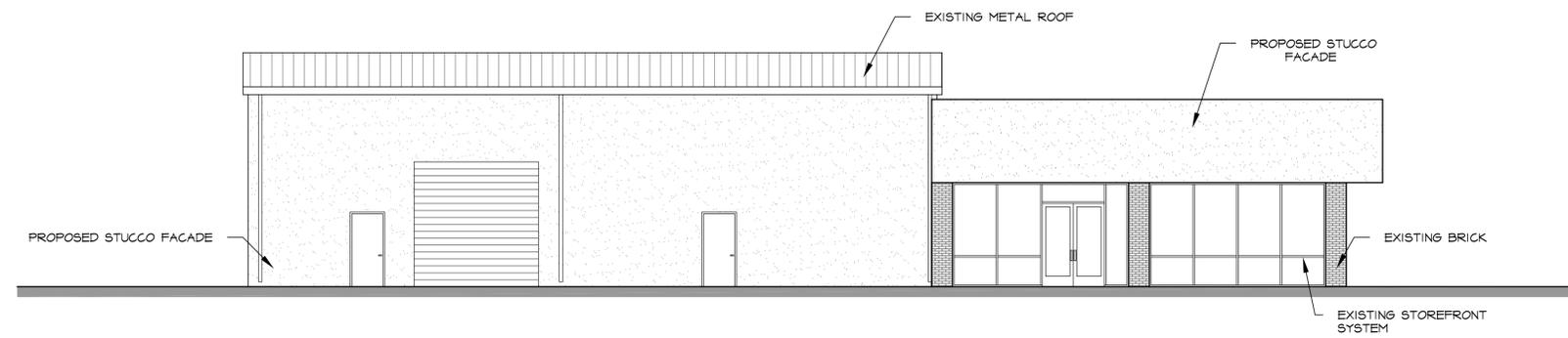
BAKS BREWERY □ □ □ PEARLAND, TEXAS

OFFICE AND BREWERY

SCHEME A1.1 - 06/05/14



SOUTH ELEVATION - OPTION 2
(FACING BROADWAY)



WEST ELEVATION - OPTION 2
(FACING SHAUNTEL)

BASED ON PRELIMINARY INFORMATION PROVIDED BY
THE OWNER - SUBJECT TO CHANGE





JOINT PUBLIC HEARING
THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE
CITY OF PEARLAND, TEXAS,
MONDAY, AUGUST 18, 2014 AT 7:30 P.M.
COUNCIL CHAMBERS - CITY HALL-3519 LIBERTY DRIVE

I. CALL TO ORDER

II. PURPOSE OF HEARING

Zone Change Application No. 2014-13Z

A request of Alysia Gordon and Teir Allender, applicants; on behalf of Michael Lebovitz, Executive Vice President of Development and Administration for Pearland Town Center, LP, owner; for approval of a change in zoning to amend the sign regulations contained within the Pearland Town Center PUD; on approximately 142.97 acres of land, to wit:

Legal Description: 142.9664 acres of land out of Pearland Town Center, a subdivision of 143.6500 acres as recorded under File Number 2007008914 of the Plat Records of Brazoria County, Texas, and situated in the H.T. & B.R.R. Company Survey, Abstract 300, Section 81, Brazoria County, Texas

General Location: South Side of Broadway Street, east and west of Kirby Drive, and west of Business Center Drive, Pearland, Texas

III. APPLICATION INFORMATION AND CASE SUMMARY

- A. STAFF REPORT
- B. APPLICANT PRESENTATION
- C. STAFF WRAP UP

IV. PERSONS WISHING TO SPEAK FOR OR AGAINST THE PROPOSED REQUEST

V. COUNCIL/PLANNING COMMISSION/STAFF DISCUSSION

VI. ADJOURNMENT

This site is accessible to disabled individuals. For special assistance, please call Young Lorfing, City Secretary, at 281-652-1655 prior to the meeting so that appropriate arrangements can be made.



Memo

To: City Council and Planning and Zoning Commission

From: Planning Department

Date: August 18, 2014

Re: Zone Change Application Number 2014-13Z

A request of Alysia Gordon and Teir Allender, applicants; on behalf of Michael Lebovitz, Executive Vice President of Development and Administration for Pearland Town Center, LP, owner; for approval of a change in zoning to amend the sign regulations contained within the Pearland Town Center PUD; on approximately 142.97 acres of land.

Proposal

The applicant proposes to amend Section XVII, Signage; of the Pearland Town Center Planned Unit Development (PUD). The existing regulations within the PUD impose a number of restrictions on off-premise wall signs which are interior to the development, and not visible from public streets. In this context, off-premise signs are those signs that advertise businesses within the Town Center and throughout the development; and will allow businesses not located within the Town Center to advertise within the Town Center. The existing restrictions include limitations on the number, location, size, color, background, etc.; and requires approval from the City of Pearland. According to the applicant, because of the existing restrictions, many of the signs are not being utilized because advertisers typically have their own "branding" advertising materials, color schemes and backgrounds. The amendment, as proposed would allow businesses to utilize their own branding elements with no restrictions on the look, pattern, colors, etc.

The below table indicates existing regulations regarding off-premise advertising, the page number in which the existing sign regulation is to be found in the latest approved amendment (November, 2009) to the PUD and the proposed amendments:

Existing Sign Regulation	Page Number	Proposed Amendment
Replace Exhibit B-2, which	39	Sign G will be completely removed,

removes a 227.33 sf. sign identified as "Sign G."		<p>which decreases the total square footage for all off-premise advertising signs from 2,218.28 sf. to 1,991.21 sf.</p> <p>Applicant is advised to adjust the total square footage on Exhibit B-2, as it illustrates 2,190.95 sf.</p>
<p>Section 13. A. 2 refers to Exhibit D which imposes the following restrictions on off-premise wall signs:</p> <ul style="list-style-type: none"> • Location restrictions • Design guidelines • City of Pearland approvals • Color palette • Background patterns • Patterns • Imagery <ul style="list-style-type: none"> Harvest; Commerce/Business; Holiday/Seasonal; Rodeo/Cowboy; Miscellaneous Imagery • Over 60 Frame Options 	Exhibit D Page 42	<p>Amend/Remove the following pages from Exhibit D (Page 42):</p> <ul style="list-style-type: none"> • Page 1 to remain • Page 2 to be amended to remove "an approved City of Pearland sign permit must be obtained." Add "A sign permit shall be approved once by the City of Pearland for all new frames to ensure public safety and structural integrity. • Remove Location Plan for off-premise signs and legend, as the applicant proposes no restrictions on the location of off-premise signs, interior to the development, which are not visible from public roadways. • Add 2(A): Off-Premise Advertising Wall Sign Design Guideline Use, essentially authorizes Graphic Designer and Advertiser to consider design character to ensure a cohesive vision and authorizes the owner to approve off-premise wall signs. • Add 2(B) Overall Concept which allows design freedom of advertising for off-premise wall signs, with restrictions on obscene or defamatory imagery.

		<ul style="list-style-type: none"> • <u>Add 2(C) Owner Approval</u>, requires sign contractor to provide a dimensional color layout and proposed imagery for approval by the owner. • <u>Add 2(D) Sign Contractor Responsibilities</u> • <u>Add 2(E) Owner Responsibilities</u>, which places square footage limitations of 432 square feet on off-premise advertising banners and windblown signs, such as pennants, banners, flags and streamers, and there shall be no limit on the amount of advertising pennants, banners, flags and streamers along Town Center Drive, east and west of Main Streets or other circulation routes within the PUD, provided they are not visible from public streets. • <u>Add C, Tower Advertising</u>, which allows advertising on the Main Tower and the 2 Lower Towers designated on the new Exhibit B2. • <u>Pages 3-28 to be deleted</u>, which restrict color, imagery, etc., as indicated above. • <u>Pages 29-34 to remain, with the exception of Page 32, regarding Sign G, which is proposed to be removed, as part of the proposed amendment.</u> These pages provide square footage and height regulations for Signs A-F and H-J, as indicated on the
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		revised Exhibit B-2.
Replace Exhibit B-2, which removes a 227.33 sf. sign identified as “Sign G.”	39	Sign G will be completely removed, which decreases the total square footage for all off-premise advertising signs from 2,218.28 sf. to 2,190.95 sf.

Public Notification/Comment

Staff sent public notices, comment forms and a vicinity map to the applicant, the owner of the property and to property owners within 200 feet of the subject property under consideration for the amendment to the Pearland Town Center PUD amendment. Additionally, a legal notice of the public hearing was published in the local newspaper, and a notification sign was placed on the property by the applicant. As of the date of this writing, staff has not received any returned notices from property owners within 200 feet of the site.

Recommendation

Staff recommends approval of the amendment to the Pearland Town Center PUD, to remove various restrictions, as it relates to off-premise wall signs, for the following reasons:

1. As used within the Pearland Town Center PUD, “off-premise wall signs” are signs attached to exterior walls of structures within the Town Center that display advertising throughout the entire development. Advertising of businesses not located within the Town Center will also be allowed. Although the PUD is a mixed use development, with a plethora of various uses including residential, retail, restaurants, etc., the PUD is one cohesive development, owned and operated by Pearland Town Center, LP. Current regulations pertaining to off-premise signage do not consider the internal nature of the development and signage, nor do the current regulations allow for design freedom, individuality and “branding” of commercial uses, as it relates to advertising. Signage located within the development are similar to signage within an enclosed mall, which are not visible from public streets and are not regulated by the City of Pearland.
2. The proposed amendment restricts off-premise advertising, where visible from public streets, obscene or defamatory imagery, including pornography or advertising related to tobacco/tobacco products, firearms, political figures, candidates or issues, or religious issues, and will provide a pedestrian scale.
3. The proposed amendment places responsibilities on the owner and sign contractor related to the design character and details of off-premise wall signs, to

ensure a cohesive vision for the Pearland Town Center, with specific criteria regarding individual signs which will be determined by location and specific architectural context, and will be reviewed on an individual basis to ensure diverse and innovative design standards.

Staff Condition/Addition

1. The applicant proposes that all off-premise wall advertising signs are approved by the owner. City approval, other than the normal permitting process will no longer be required. Staff recommends City approval once, through the permitting process for all new frames, to ensure public safety and structural integrity of new frames.
2. Staff requests that Exhibit B-2 is updated to reflect changes proposed regarding advertising on the main tower (J) and the two (2) lower towers (H and C).
3. Staff requests a red-line and an addendum to be added to the master PD document for the Pearland Town Center.
4. There is a discrepancy regarding the total square footage on Exhibit B-2, with the removal of Sign G.

Exhibits

1. Staff Report
2. Aerial Map
3. Zoning Map
4. Future Land Use Map
5. Notification Map
6. Notification List
7. Red-lined Sections of PD to be Amended
8. Proposed Amendment



Exhibit 1 Staff Report

Summary of Request

The Pearland Town Center Planned Unit Development (PUD) was originally approved in October, 2005. To date, eighteen (18) amendments to the original PUD have been approved between 2005 and 2009. The applicant proposes a 19th amendment to Article XVII as it relates to design standards for off-premise wall signs. In this context, off-premise signs are those signs that would advertise businesses within the Town Center and throughout the development; and will allow businesses not located within the Town Center to advertise within the Town Center; and not visible from any public streets. Specifically, the amendment proposes the following changes:

- Removal of exhibits and language which restrict the location, imagery, colors, background patterns, etc., of off-premise attached signs, which are not visible from public streets;
- Off-premise wall signs are subject to approval of the owner, and not the City, with the exception of the “normal” permitting process. Staff proposes clarification authorizing City approvals for all new frames to ensure public safety and structural integrity.
- Wall signs shall be permitted on the main tower and the two lower towers.

Conformance with the Thoroughfare Plan

The subject property has frontage on Broadway Street, a major thoroughfare of sufficient width which requires 120 feet of right-of-way; Kirby Drive; a secondary thoroughfare of sufficient width in certain areas and to be widened in certain areas. The ultimate right-of-way for Kirby Drive is 100 feet. The subject property also has frontage on Business Center Drive, also a secondary thoroughfare of sufficient width which requires 100 feet of right-of-way. Most of the property is platted, with the exception of minimal acreage along the west side of Kirby Drive. The development generally

conforms to the thoroughfare plan.

Site History

The subject property is currently developed with a mix of uses including residential, commercial, including retail, office and restaurants. The PD was originally approved in October, 2005 and has been amended several times.

The site is surrounded by a mix of various uses, including single family subdivisions to the north and south; and various non-residential uses on all other sides. The below table identifies surrounding uses and zoning districts:

	Zoning	Land Use
North	General Commercial (GC) WCF PUD	Shadow Creek Town Center, Restaurants, Office, Retail
South	Single Family Residential 2 (R2)	South Gate, Sections 1 and 2 Single Family Subdivision
East	Business Park 288 (BP-288) General Commercial (GC)	Park & Ride Storage Facility
West	PUD Single Family Estate (RE) Single Family Residential 3 (R2)	South Gate Section 1 Single Family Subdivision, Fire Station # 5 and Undeveloped Land

Conformance with the Unified Development Code

The Pearland Town Center PUD was originally approved on October 3, 2005, prior to the adoption of the current Unified Development Code (UDC). The PUD meets the requirements of the PUD and amendments approved.

Conformance with the Comprehensive Plan

The subject property is located within four (4) future land use designations; Business Park within the eastern most portion of the site; Retail, Offices and Services within the center of the site; Low Density Residential within the western most portion of the site and Major Nodes just south of Broadway Street, within the northwest portion of the site. A brief description of each future land use designation follows:

Business Park Future Land Use Designation, generally encompasses the SH 288 corridor and portions of Beltway 8 nearest SH 288. The Comprehensive Plan indicates a mixed use area developed in coordinated, master-planned campus-like settings with

interdependent and complimentary uses. Preferred uses include office buildings of various heights, regional shopping centers and malls, research and development facilities and light manufacturing.

Retail, Offices and Services Future Land Use Designation, incorporates neighborhood or convenience shopping centers, or developed or separate uses located on major street intersections, with limited outdoor retail activities, adequate buffers from adjacent single family subdivisions. Appropriate zoning districts include OP, NS and selected GB uses.

Low Density Residential Future Land Use Designation is designed for the conventional single-family detached subdivisions at a density of 0-4 dwelling units per acre with an average lot size of 7,500 square feet. Smaller lots may be acceptable if common open space is provided and overall density is not increased. Appropriate zoning districts are R-1 and R-2.

Major Nodes Future Land Use Designation is intended to have an approximate minimum of 50 acres zoned for retail, office and service uses and is generally located at key intersections such as Broadway Street and Kirby Drive; major and secondary thoroughfares, respectively.

The Pearland Town Center PUD generally meets the intent of all future land use designations in which it is located with the exception of the “low density” future land use designation. However, the Comprehensive Plan anticipated that the City would likely encounter development proposals that do not directly reflect the purpose and intent of the Comprehensive Plan. However, the Plan recognizes that developments, such as PUDs/PDs which may be contrary to the Plan could be an improvement that exceeds recommendations of the Plan.

Platting Status

The majority of the property is platted in the Pearland Town Center Subdivision. Portions of the land included within the PUD located on the west side of Kirby Drive are platted in the Kirby Section 1 and Kirby Water Plant and Fire Station 35 subdivisions. There is a small portion on the west side of Kirby Drive that is not platted. Platted of the property will be required prior to the issuance of permits. The proposed amendment to the sign regulations do not affect the platting status.

Availability of Utilities

The subject PUD is served by public water and sewer. The proposed amendment does not require any changes to existing utilities.

Impact on Existing and Future Development

It is not anticipated that the proposed amendment to the sign regulations of the Pearland Town Center PUD will have any significant impact on existing or future developments. The changes proposed are interior to the development similar to an enclosed mall, and will not be visible from public streets

Additional Comments

The request has been reviewed by the Development Review Committee (DRC), and there are no further comments.

Public Notification

Staff sent public notices, comment forms and a vicinity map to the applicant, the owner of the property and to property owners within 200 feet of the subject property under consideration for the zone change. Additionally, a legal notice of the public hearing was published in the local newspaper, and a notification sign was placed on the property by the applicant.

Opposition to or Support of Proposed Request

As of the date of this writing, staff has not received any comments either in opposition to or in support of the proposed change in zoning request to amend the off-premise wall sign regulations of the Pearland Town Center PUD..

Recommendation

Staff recommends approval of the request to amend the sign regulations for off-premise wall advertising of the Pearland Town Center PUD, for the following reasons:

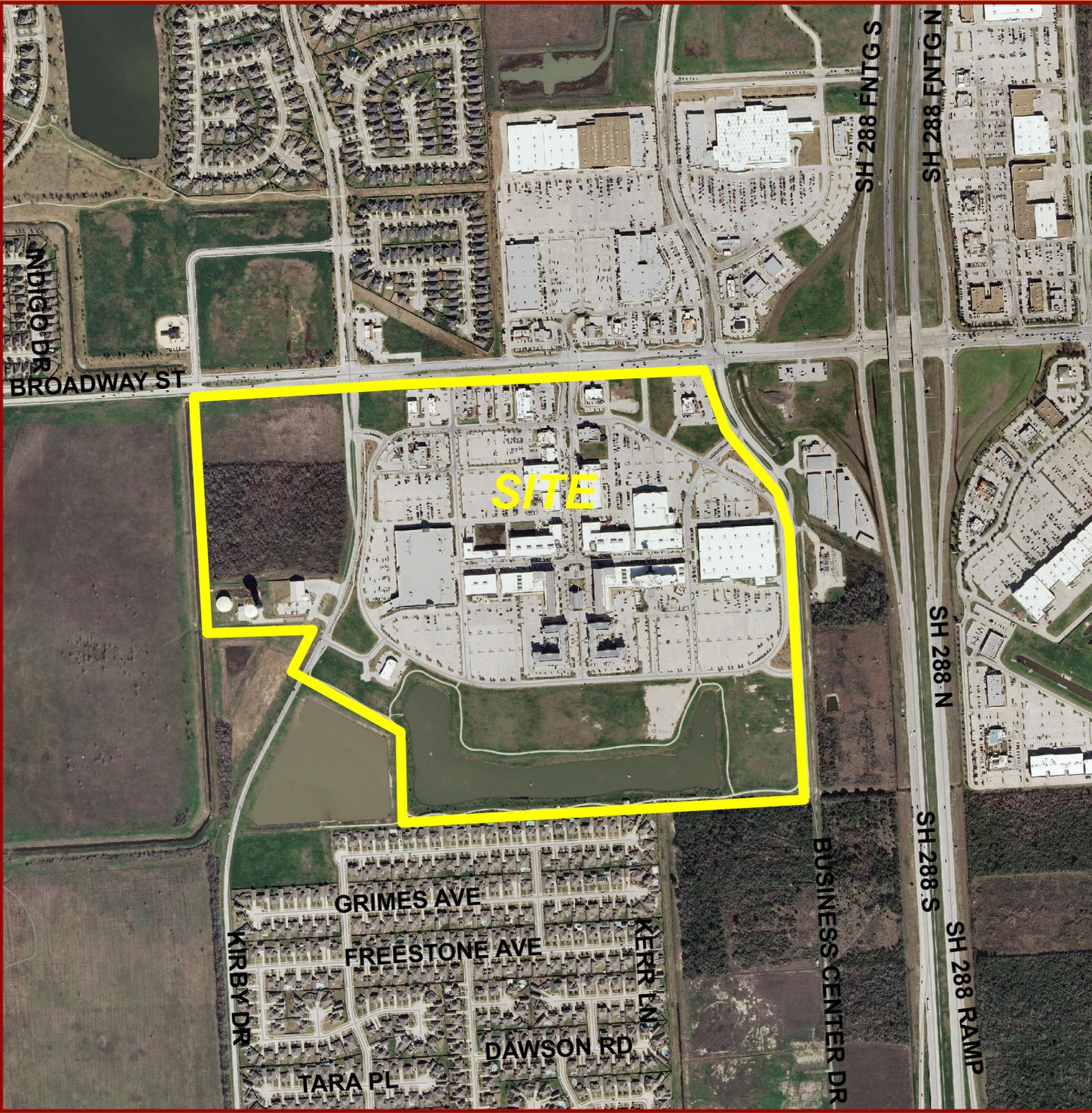
1. As used within the Pearland Town Center PUD, “off-premise wall signs” are signs attached to exterior walls of structures within the Town Center that display advertising throughout the entire development. Advertising of businesses not located within the Town Center will also be allowed. Although the PUD is a mixed use development, with a plethora of various uses including residential, retail, restaurants, etc., the PUD is one cohesive development, owned and operated by Pearland Town Center, LP. Current regulations pertaining to off-premise signage do not consider the internal nature of the development and signage, nor do the current regulations allow for design freedom, individuality and “branding” of commercial uses, as it relates to advertising. Signage located within the development are similar to signage within an enclosed mall, which are not visible from public streets and are not regulated by the City of Pearland.
2. The proposed amendment restricts off-premise advertising, where visible from public streets, obscene or defamatory imagery, including pornography or

advertising related to tobacco/tobacco products, firearms, political figures, candidates or issues, or religious issues, and will provide a pedestrian scale.

3. The proposed amendment places responsibilities on the owner and sign contractor related to the design character and details of off-premise wall signs, to ensure a cohesive vision for the Pearland Town Center, with specific criteria regarding individual signs which will be determined by location and specific architectural context, and will be reviewed on an individual basis to ensure diverse and innovative design standards.

Staff Condition/Addition

1. The applicant proposes that all off-premise wall advertising signs are approved by the owner. City approval, other than the normal permitting process will no longer be required. Staff recommends City approval once, through the permitting process for all new frames, to ensure public safety and structural integrity of new frames.
2. Staff requests that Exhibit B-2 is updated to reflect changes proposed regarding advertising on the main tower (J) and the two (2) lower towers (H and C).
3. Staff requests a red-line and an addendum to be added to the master PD document for the Pearland Town Center.
4. There is a discrepancy regarding the total square footage on Exhibit B-2, with the removal of Sign G.



AERIAL MAP
ZONE CHANGE 2014-13Z
PEARLAND TOWN-CENTER PD AMENDMENT

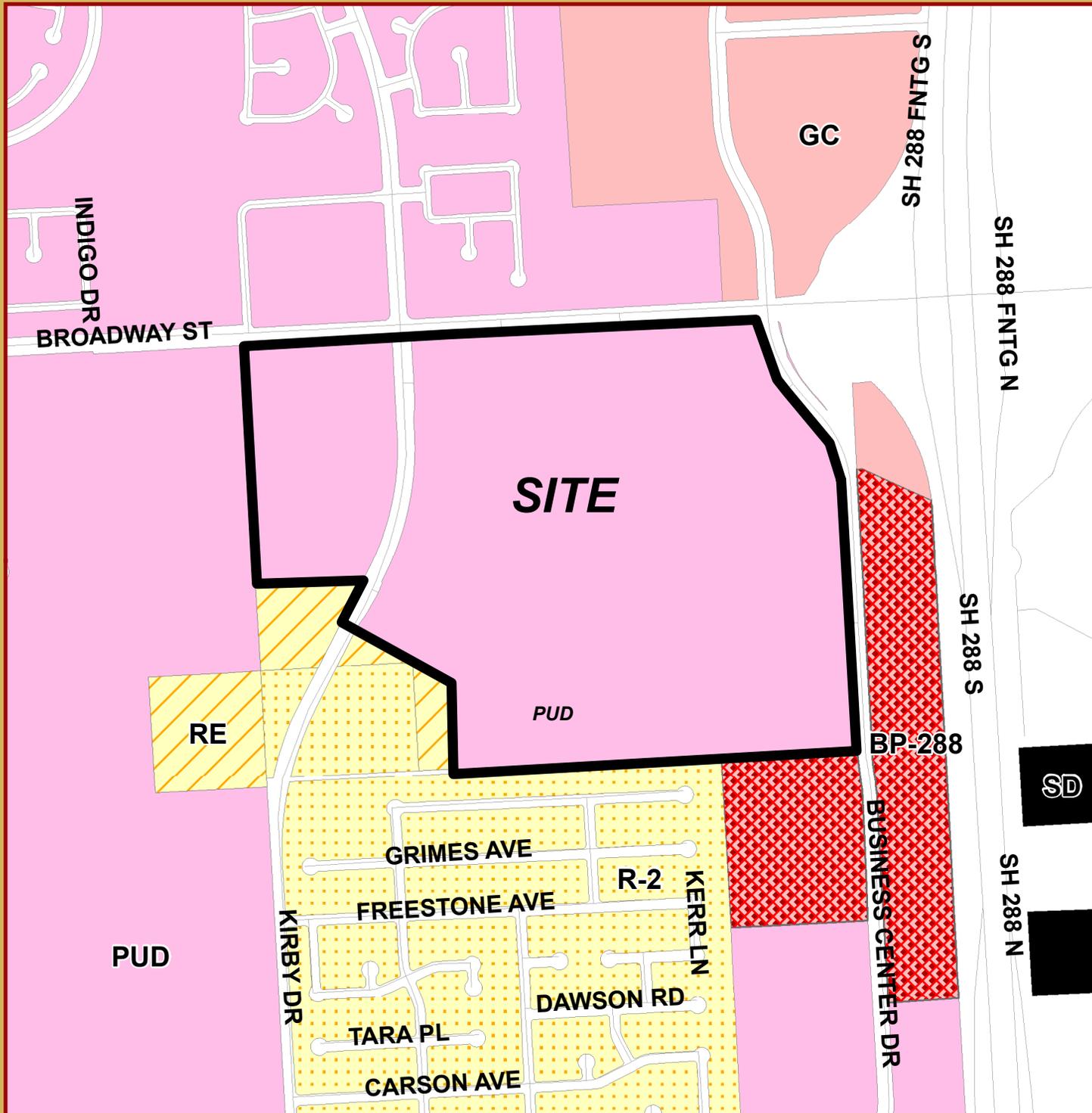


This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

1 inch = 844 feet

22 MAY 2014
PLANNING DEPARTMENT





ZONING MAP

ZONE CHANGE 2014-13Z

PEARLAND TOWN-CENTER PD AMENDMENT

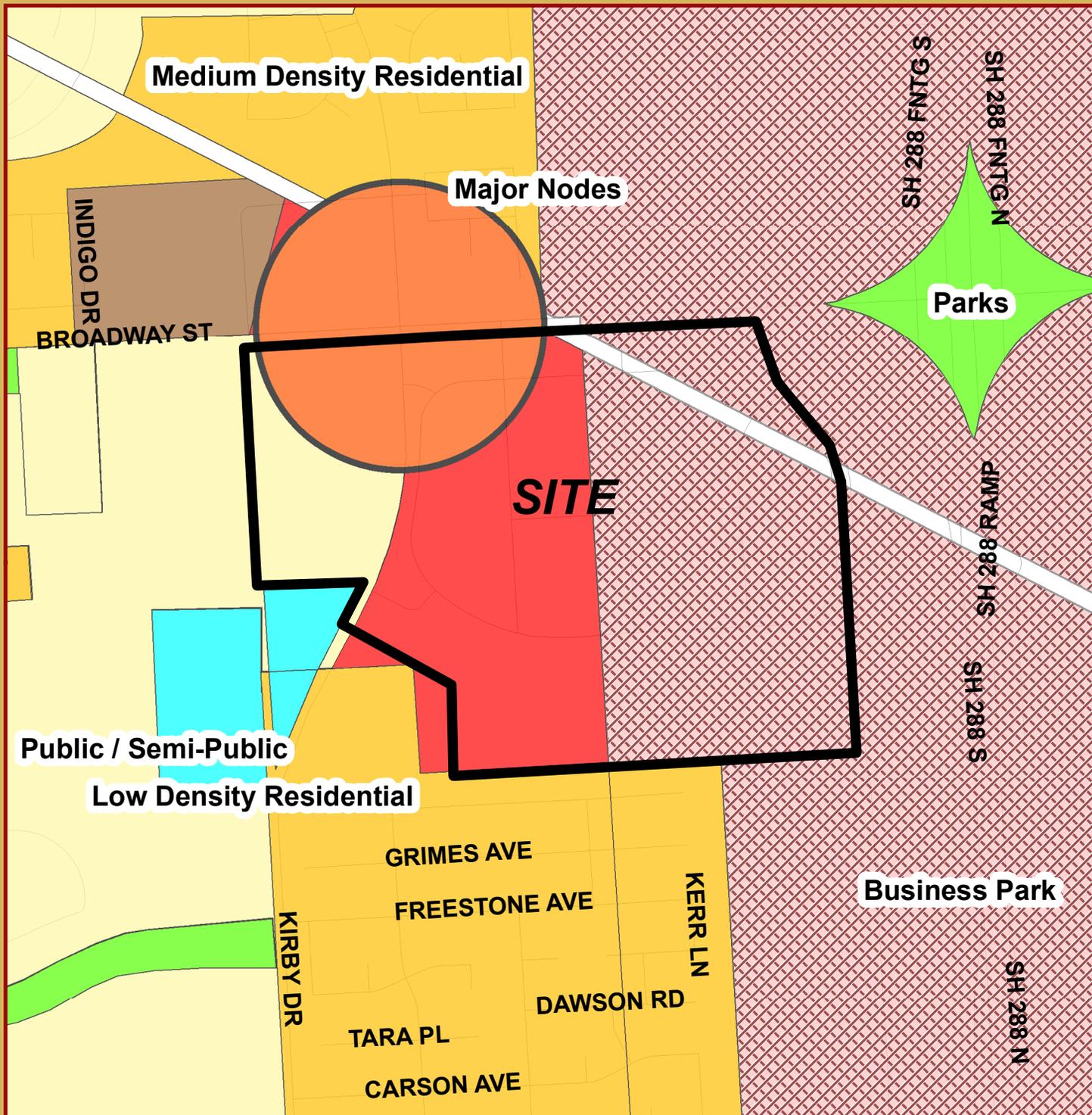


This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

1 inch = 844 feet

22 MAY 2014
PLANNING DEPARTMENT





FLUP MAP

ZONE CHANGE 2014-13Z

PEARLAND TOWN-CENTER PD AMENDMENT

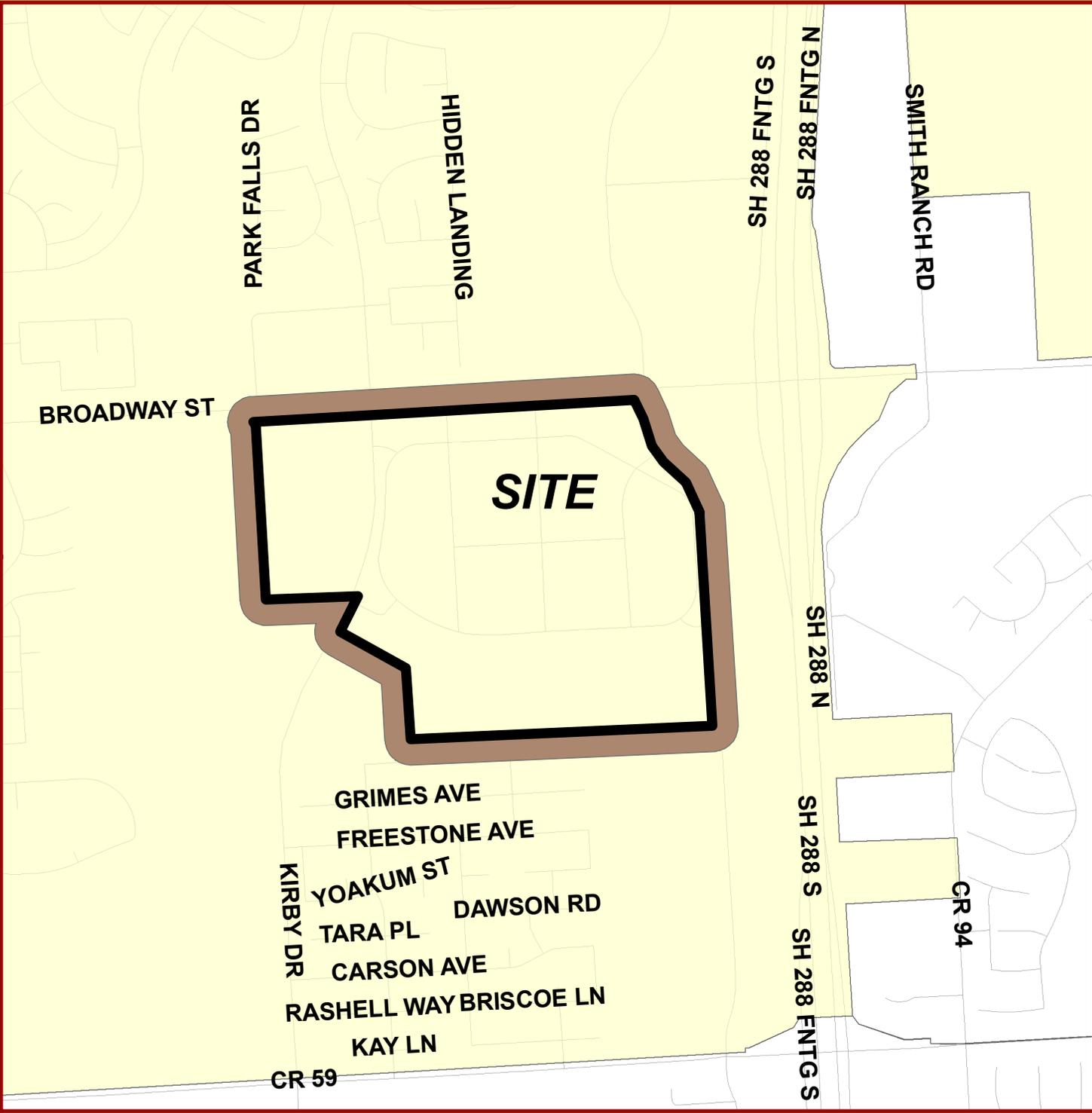


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1 inch = 844 feet

22 MAY 2014
PLANNING DEPARTMENT





NOTIFICATION MAP
ZONE CHANGE 2014-13Z
PEARLAND TOWN-CENTER PD AMENDMENT



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

1 inch = 1,125 feet

22 MAY 2014
 PLANNING DEPARTMENT



Owner Name	C/O	Address	Suite	City
288/SUGARLAND LP		10575 WESTOFFICE DR		HOUSTON
518 AT KIRBY LLC		3606 WILLOW SPRINGS DR		MANVEL
ABBOTT CHANDA JO & CLIFFORD		11215 HARRIS AVE		PEARLAND
ALDI LLC		2500 WESTCOURT RD		DENTON
ALVIN INDEPENDENT SCHOOL DISTRICT		301 E HOUSE ST		ALVIN
	%AMREIT REALTY INVESTMENT CORPORATION	8 GREENWAY PLZ		HOUSTON
AMREIT SPF SHADOW CREEK LP		4407 W FUQUA ST	STE A	HOUSTON
BARLAS ENTERPRISES		11405 HARRIS AVE		PEARLAND
CAMARA VICTOR MANUEL GARCIA		11303 GRIMES AVE		PEARLAND
CARTER ALLEN F JR & ANGELA R		2030 HAMILTON PLACE BLVD	STE 500	CHATTANOOGA
CBL & ASSOCIATES MANAGEMENT		PO BOX 1475		HOUSTON
CENTERPOINT ENERGY INC	ELECTRIC OPERATIONS	11211 HARRIS AVE		PEARLAND
CHALITA JUAN & VICTORIA		3519 LIBERTY DR		PEARLAND
CITY OF PEARLAND		11301 HARRIS AVE		PEARLAND
FUENTES JOSE D		4415 HIGHWAY 6		SUGAR LAND
GLOBAL NEW MILLENIUM PTNRS LTD		1618 SHADYBROOK DR		HOUSTON
GOLDENFASE DEVELOPER		11201 HARRIS AVE		PEARLAND
GORBY CHARLES W & TERRI L		11311 HARRIS AVE		PEARLAND
HAYES KENNETH R & JOHNNIE S		11203 HARRIS AVE		PEARLAND
HOPKINS MELVIN & JOLYNN		11307 HARRIS AVE		PEARLAND
JAMES JONATHAN M & QIANA J		11207 HARRIS AVE		PEARLAND
JEFFERSON FREDERICK R & WANDA G				
	LEATHERWOOD BRIAN & MITZI	11409 HARRIS AVE		PEARLAND
JOHNSON HARRY J & SYLVIA S		11401 HARRIS AVE		PEARLAND
LAND DEADROL		11217 HARRIS AVE		PEARLAND
LANGHAM PAUL W III & PAMELA		11411 HARRIS AVE		PEARLAND
LEFTWICH JAMES J & SHIRLEY R		3900 MAGNOLIA ST		PEARLAND
LINGO SOUTHGATE LTD		7 W 7TH ST	STE 1100	CINCINNATI
MACYS RETAIL HOLDINGS INC	ATTN: TAX DEPARTMENT	6565 FANNIN ST		HOUSTON
METHODIST HOSPITAL		10223 BROADWAY ST	STE P	PEARLAND
NEC PEARLAND ASSET HOLDINGS INC				

NEW BROADWAY LTD	% DEAN LANE NEWQUEST	8807 W SAM HOUSTON PKWY N	HOUSTON
PEARLAND INVESTMENTS LTD PRT	PROPERTIES	PO BOX 95398	LAS VEGAS
PEARLAND TOWN CENTER LP	%MARK STEPHENS	2030 HAMILTON PLACE BLVD STE 500	CHATTANOOGA
PLANT DALE W & JAN W		11202 HARRIS AVE	PEARLAND
PROSPERITY BANK		1301 N MECHANIC ST	EL CAMPO
REALTEX REIT LLC		PO BOX 841094	PEARLAND
RENFRO ROCHELL		11305 HARRIS AVE	PEARLAND
RENFROE JAMISON L		11309 HARRIS AVE	PEARLAND
RILEY HOLDINGS LTD		PO BOX 258	NORWALK
	PROPERTY TAX		
RL PTX LLC	DEPARTMENT	PO BOX 695019	ORLANDO
SANDERS JOHN & JEANETTE		11403 HARRIS AVE	PEARLAND
SHADOW CREEK RANCH MAINTENANCE			
ASSOCIATION		12234 SHADOW CREEK PKWY BLDG 3	PEARLAND
SNS REAL ESTATE HOLDINGS		2245 TEXAS DR STE 300	SUGARLAND
SOUTHGATE COMMUNITY ASSOC		PO BOX 3217	PEARLAND
STRASSERKING FIONA E		11213 HARRIS AVE	PEARLAND
VIRANI AHMADALI		2814 ACORN WOOD WAY	HOUSTON
VO VIET V		11407 HARRIS AVE	PEARLAND
WATSON ANTHONY R		11205 HARRIS AVE	PEARLAND
WC WALSH FAMILY LTD		PO BOX 760	PEARLAND
WEBBER EFFRUM G & SHAPEL M		11209 HARRIS AVE	PEARLAND
WEEMS F CARRINGTON		1603 W CLAY ST	HOUSTON
ZAPATA ALFONSO		10190 KATY FWY STE 510	HOUSTON

TX	77040
NV	89193
TN	37421
TX	77584
TX	77437
TX	77584
TX	77584
TX	77584
OH	44857
FL	32869
TX	77584
TX	77584
TX	77479
TX	77588
TX	77584
TX	77059
TX	77584
TX	77584
TX	77588
TX	77584
TX	77019
TX	77043

Article XV. Utilities.

- 1) All proposed utility lines within the PUD development including water supply, sanitary sewer service, electricity, telephone and gas as well as their connections shall be placed underground, with the exception of the existing overhead electric lines crossing through or adjacent to the PUD or installed along Kirby Road, Broadway or = Business Center Drive. Meters, transformers, etc. may be placed above ground provided they are located within screened areas or are otherwise screened from view to the general public. Approved screening techniques include masonry, evergreen vegetative screens, landscape berms, existing vegetation or any combination thereof. Location and size of Loading Spaces can be adjusted as approved by planning director.

- (2) If required to accommodate utility extensions through the PUD District, a sixteen-foot (16') wide utility easement along the rear lot line or other approved onsite utility corridor shall be provided to accommodate underground utility distribution lines, including but not limited to, electric, phone, and cable television.

Article XVI. Storm Water Management

- 1) The proposed storm water management area in sub area F shall be designed to control storm water run-off from Sub Areas A through D. Water Quality will be controlled through the use of a wet detention basin(s), and by methods as required by Pearland's engineering design criteria manual in force as of the date of this ordinance. Separate, stand alone storm water management facilities will be provided on Sub Areas *E and G* to accommodate runoff from that sub area. All Storm water management plans must be approved by the City Engineer
- 2) Storm water management will be designed in accordance with generally accepted engineering practice and in accordance with methodology recommended by the drainage district and the City of Pearland.
- 3) Cross access easements shall be provided between each parcel that is created within this PUD to insure conveyance of storm water to the storm water management area.

Article XVII. Signage

- 1) General Standards & Requirements
 - a) Applicability. All signs shall be erected, displayed, altered and reconstructed in conformance with this division. Where the requirements of this division for a particular sign are different than comparable requirements contained in any other law, ordinance or regulation, the requirements and standards established in this PUD text shall govern.

2) Signage has been classified by the following types:

- a) Town Center identification signs, including Pylon Sign.
- b) Department Store and Event Center exterior signs.
- c) Main Street Tenant exterior signs.
- d) Free Standing Out Parcel Building signs.
- e) Directional, Informational and Traffic Control signs.
- f) Service Door signs.
- g) Announcement Signs
- h) On-premise Wayfinding Signs
- i) Interior Project Boundary
- j) Off-Premise Advertising Wall Signs

3) General Criteria

- a) No exterior sign shall be permitted upon any parcel comprising the Pearland Town Center PUD that:
 - flashes, blinks, rotates, moves, is animated or emits any sound, provided; however, that any theater, event center or developer information kiosk, reader boards or electronic displays located within Sub-areas "A" or "C" shall not be deemed to be flashing or moving signs for the purpose of this criteria.
 - is painted on the exterior surface of any building, installed upon the roof of any building. In Sub Area A, exterior wall treatments may include painted wall or advertising signs, provided that such painted signs are designed as an integral part of the architectural theme being developed for the Town Center and Tenant Store.
 - The architectural character of signs shall complement and be coordinated with building designs.

4) Town Center Identification Signs

- a) One ground monument Town Center identification sign shall be permitted for each of the six (6) driveway entrances to the development. The Ground signs may be mirrored on both sides of each entry driveway to create a gateway entry feature. Each sign shall be limited to 15' height including the base and support structures. Each sign shall not exceed 100 square feet per face, per side of entrance including exposed supporting structure or associated decorative walls. The portion of the base of the sign within two(2) feet of the grade of the ground shall not be included in area calculations if that portion has no signage, logo, or lettering. In the event Town Center identification is incorporated into any proposed entry wall or

landscape feature only the actual area of sign text and any logo identifying the development shall be measured.

- b) One additional ground monument identification sign shall be permitted in Sub-Area E *and one for Sub Area G*, provided it is coordinated with the design of the ground monument signs at the Kirby Road entry drives. Sub Area E *and Sub Area G signs* shall meet the size requirements of Paragraph 4 a) above.
- c) One overhead gateway feature identification sign shall be permitted for the main Town Center entry driveway (at FM 518). The sign shall have a vehicle clearance of at least 14' and a maximum overall height of 24'. Letter height and sign area are not limited. The sign is restricted to include only the name of the project and any logos or graphics associated with the identity of the Town Center. Refer "Exhibit A- Town Center feature identification sign" of the attached appendix.

5) Department Store and Event Center Exterior Signs

- a) The maximum allowable number of signs per Department Store or Event Center is Four (4). Signs on one elevation must be contained in one area and not exceed 400 s.f. per sign.
- b) The maximum height of all individual sign letters shall not exceed 96" for capital and lower case letters, with the top of the department store exterior signs being limited to a height of 40' above the average exterior grade.
- c) As an alternative to the above, one (1) Primary Wall Sign may be permitted with 96" high letters, provided the remaining three permitted wall signs are limited to 60" high letters.
- d) Any Event Center may have an electronic changeable message sign = not to exceed 400 SF. See UDC Section 4.2.5.3 par. 7 for requirements.

6) Main Street Tenant Exterior Signs

- a) All tenant stores located within sub-area "A" shall be permitted an exterior building sign for each separate exterior "customer" entrance. Tenant signs shall not exceed 70% of the store front length on which the sign is placed. Letter height shall not exceed 36" in height except hotels which shall be permitted 60" high letters. Blade signs, canopy signs and three dimensional signs are also permitted, provided the total tenant signage does not exceed the maximum calculated square footage available based on tenant frontage.

7) Free Standing Out Parcel Buildings Signs (Sub areas B, C, and D only)

- a) The maximum allowable number of signs per free standing building is one. (1) sign for each public street or circulation drive frontage. Signs must be contained in one area on the facade and shall not exceed 70 % of length of the building face to which it is attached. Letter height shall not exceed 36" in height except hotels which shall be permitted 60" high letters. One detached ground monument sign shall be permitted within Sub Areas B through D for each individual building and such sign shall not exceed five (5') feet in height and not exceed 45 square feet in surface area per face. Monument sign base shall match the primary exterior building materials, and shall conform to a standardized ground monument sign detail to be established by Developer.
- b) Flat wall signs shall not extend more than 8" beyond the face of the surface to which the sign is mounted. Blade signs, canopy signs and three dimensional signs are also permitted, provided the total tenant signage does not exceed the maximum calculated square footage available based on tenant frontage.
- c) Signs shall be composed of individual, free-standing letters. No "belt" or "box" type signs or "pillow" signs will be permitted unless they are part of a tenants national identity. All necessary sign supports and electrical connections shall be concealed.
- d) All signs must be illuminated and shall derive light from a concealed source. No exposed lamps, globes or tubes will be permitted. Minimum return depth for illuminated signs shall be 5". Illuminated signs may be "pegged out" from mounting surface for silhouette effects.
- e) Lettering on all store signs shall be limited to business or trade name of the premises. No sign manufacturer's name, union labels, or other lettering shall be visible. Logo signs will be reviewed on an individual basis by Developer, but in general, national tenants with recognizable logos within or adjacent to their trade name are acceptable. All logos shall adhere to the requirements of this criteria.
- f) No exterior sign or sign panel will be permitted to extend above any roof line.

8) Directional, Informational and Traffic Control Signs

- a) All traffic control signage on public streets shall conform to the size requirements of the "Manual of Uniform Traffic Control Devices and the City of Pearland."
- b) Pedestrian directional signs, information kiosks and electronic information devices shall be permitted throughout the Town Center Sub Area A and Event Center Sub Area C without limitation, provided that they are used solely to convey directional, town center special event, public service and related information to the general public.

- c) Directional signage identifying receiving and loading areas, access routes and other elements requiring further identification are permitted provided they have a consistent design and appearance coordinated with the other Town Center identification signs.

9) Service Door Signs

- a) Each Tenant shall be permitted to install one sign on a service door to identify the name of the business. The content of the sign shall be limited to the name of the business only.
- b) The lettering shall be consistent color and type style, two inches high, and shall be located no higher than 5'-6" above finish floor.

10) Announcement Signs

- a) The following types of Announcement signs shall be permitted within the PUD:
 - Project Announcement Signs - Limited to two (2) Overall Development Signs not exceeding 96 SF per face each sign, and one (1) additional sign for each sale or lease parcel created by Developer, not exceeding 64 SF per face for each additional sign.
 - Banners, Pennants and Temporary Signs used for advertising purposes provided that they are not visible from public streets. On premise externally illuminated portable signs, banners, and windblown signs such as pennants, flags, and streamers for special events and grand openings shall be permitted provided they do not exceed 20 SF in area. There shall be no limit on the amount of Developer placed Banners, flags or signs along Town Center Drive, East or West Main Streets or other circulation routes within the PUD.
 - Project Announcement signs shall be removed within 30 days after an occupancy permit is issued.
 - Land Available and Real Estate Signs. Signs offering land available for sale or lease shall be limited to 64 SF per sale or lease parcel provided that no more than one sign be installed for each 500 feet of frontage.

11) On-Premise Wayfinding Signs

- a) On-premise way finding signs are permitted within the PUD for the specific purpose of directing vehicular traffic around the site and to major anchor stores, Hotels, Residential, Offices and amenities. (12) signs are permitted.

- b) Maximum Height: The maximum height of any vertical On-premise way finding sign shall not exceed 12'-0" (refer to exhibit C on page 40).
- c) Maximum Sign Area: The maximum effective sign area shall not exceed 174 square feet (refer to exhibit C on page 39) including the sign base, and supporting structures and associated decorative walls.

12) Interior Project Boundary

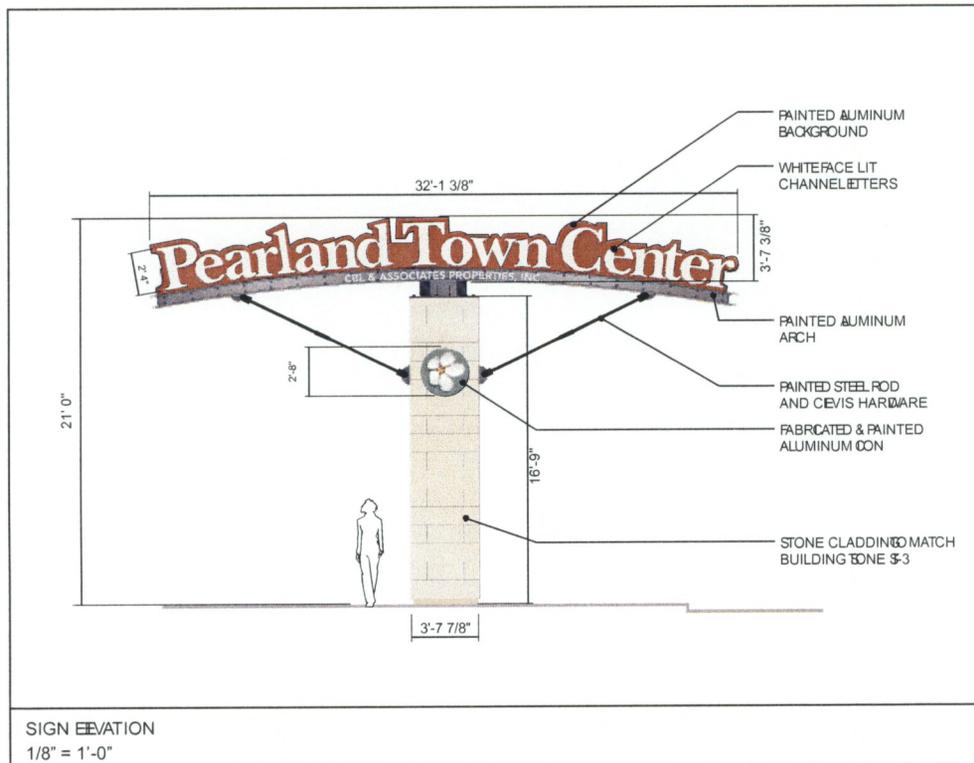
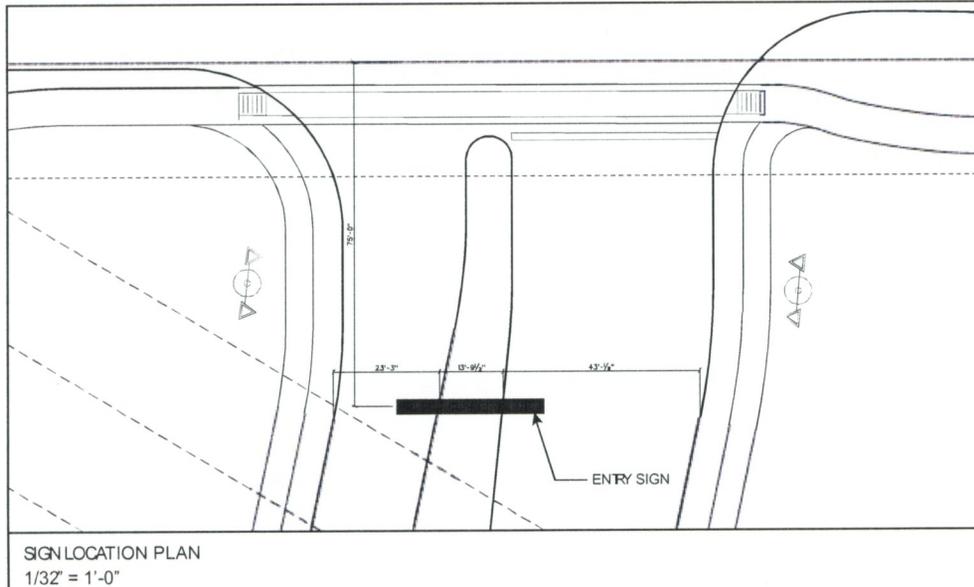
- a) Signs located within the Interior Project Boundary, (refer to Exhibit B on page 38) are considered interior signage and therefore exempt from PD and UDC requirements. These signs shall not exceed the height of the buildings to which they are attached or immediately adjacent. These include signs such as: mall directories, traffic control, way-finding, banners, flags, tenant advertising, portable sidewalk signs, information kiosks and electronic information devices.
- b) For Signs A-J in Exhibit B-2 on page 39, refer to Article XVII Signage:13 Off-Premise Advertising Wall Signs.

13) Off-Premise Advertising Wall Signs

- A) Off-premise Advertising Wall Signs shall be permitted as follows:
 - 1. Shall be located as indicated on the attached Exhibit B-2 (on page 39).
 - 2. Proposed designs must conform to the Off-Premise Advertising Wall Sign Design Guidelines called Exhibit D (on page 42).
 - 3. No more than 7 of the 10 specified Off-Premise Advertising Wall Signs shall be utilized for off-premise advertising concurrently at any time. All Off-Premise Advertising Wall Signs may be used for On-premise or Town Center advertising at any time.
 - 4. Signs designated as A-J shall be submitted first to the Owner for approval and then to the City of Pearland to obtain an approved sign permit prior to the installation of any sign.

Appendix

Exhibit A Town Center Feature Identification Sign



PEARLAND TOWN CENTER

PUD (PD District) Ordinance

October 3, 2005 Rev. November 16, 2009

Exhibit B: Interior Project Boundary

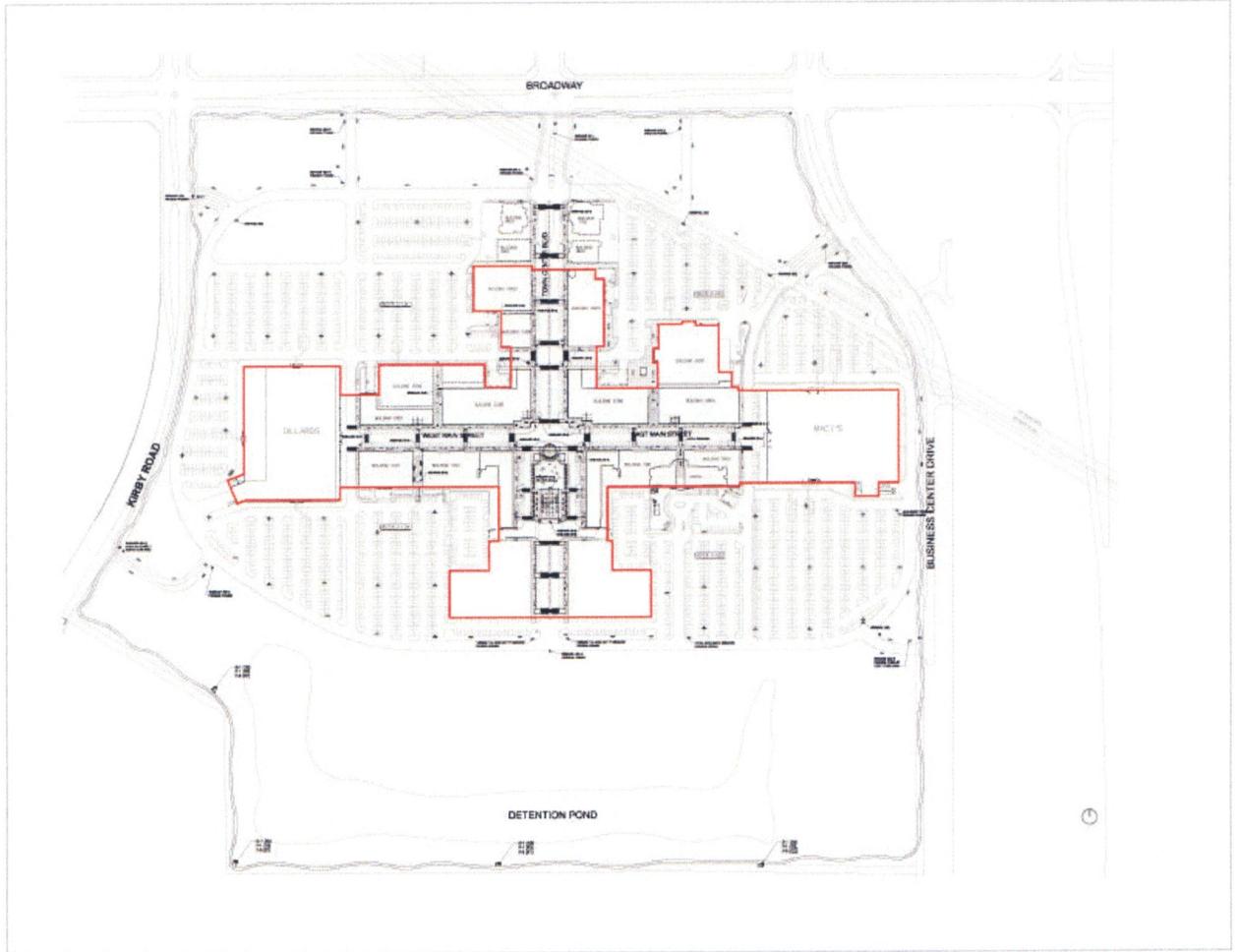
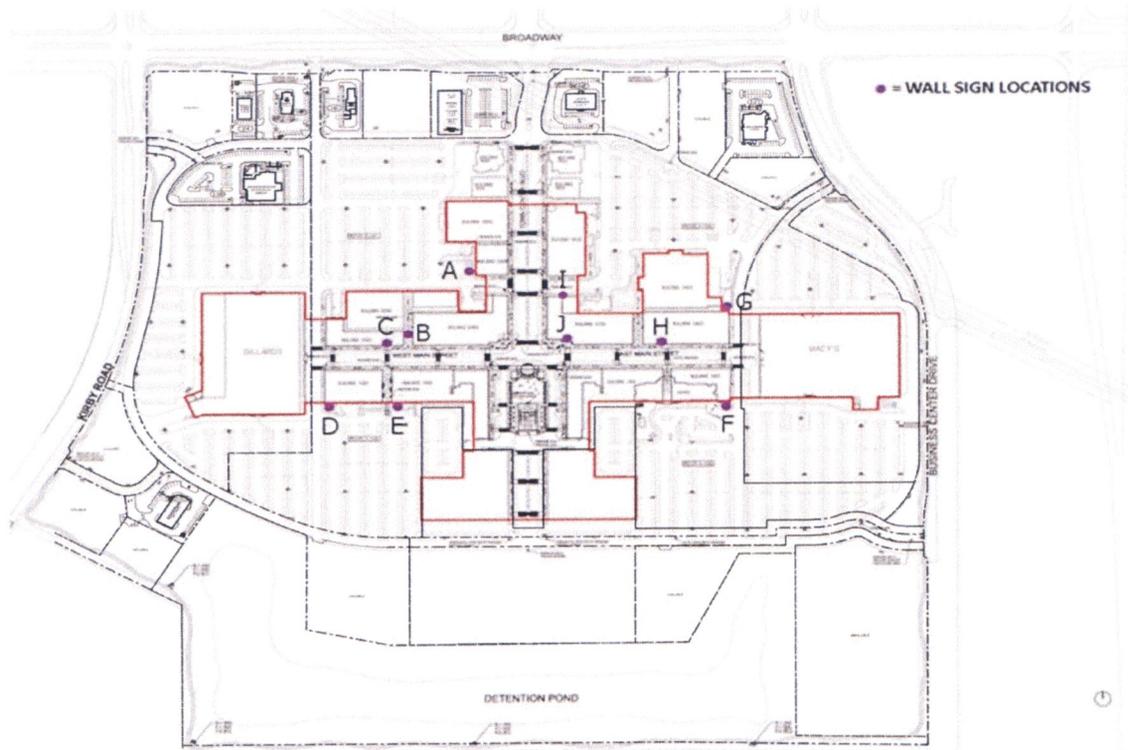
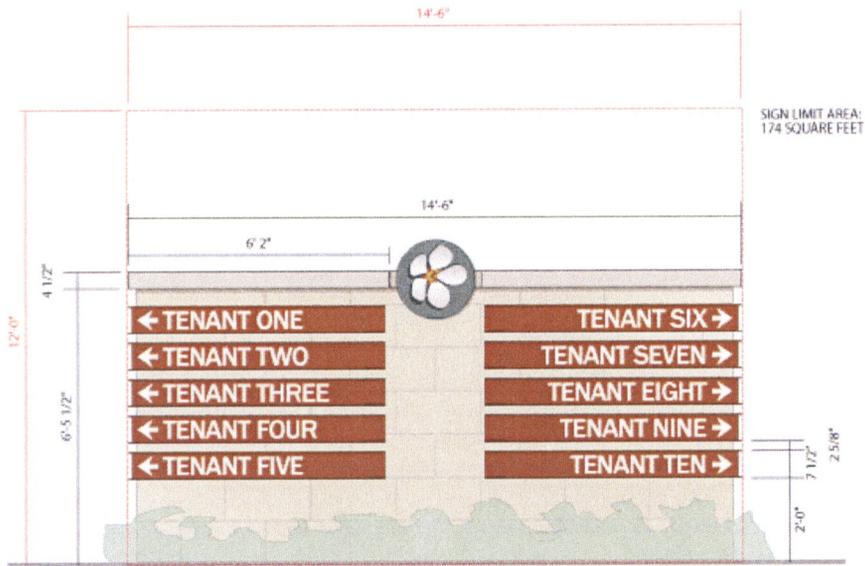


Exhibit B-2: Off-premise Advertising Signs

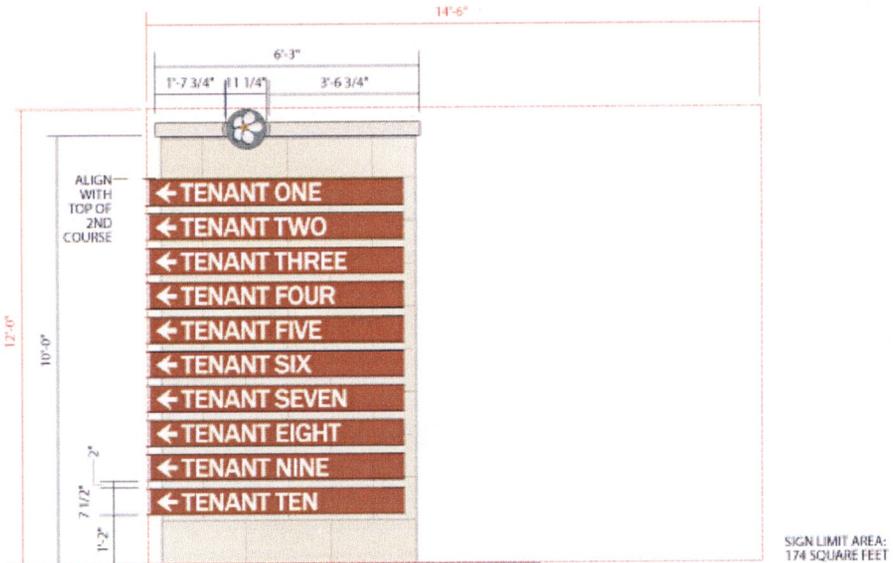


Sign	Visible Opening (tall x wide)	Area (SQ. FT.)
A	24'-0" x 18'-0"	432.00
B	12'-0" x 18'-0"	216.00
C	10'-6 3/8" x 15'-4 3/4"	162.14
D	10'-0" x 18'-0"	180.00
E	14'-0" x 10'-0"	140.00
F	10'-0" x 15'-8"	156.67
G	20'-8" x 11'-0"	227.33
H	10'-6 3/8" x 15'-4 3/4"	162.14
I	16'-0" x 9'-6"	152.00
J	13'-0" x 30'-0"	390.00
Totals		2218.28

Exhibit C On-Premise Wayfinding Signs



02 ELEVATION - HORIZONTAL EXAMPLE



01 ELEVATION-VERTICAL EXAMPLE

Exhibit D: Off-premise Advertising Wall Sign Design Guidelines




Pearland
TOWN CENTER

OFF PREMISE ADVERTISING WALL SIGN DESIGN GUIDELINES / 11.16.09
EXHIBIT D OF THE PEARLAND TOWN CENTER PD

CBL
CBL & ASSOCIATES PROPERTIES, INC.
omniplan

GENERAL INFORMATION

Owner / Developer

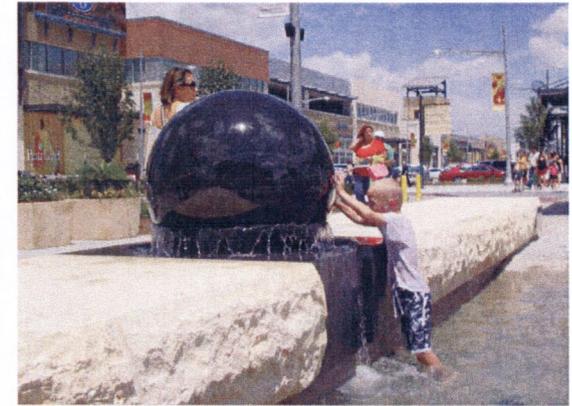
CBL & Associates Properties, Inc.
CBL Center
2030 Hamilton Place Blvd., Suite 500
Chattanooga, TN 37421
o.423-855-0001
f.423-490-8626
Contact - Ken Wittler

Architect

Omniplan
1845 Woodall Rodgers Frwy.
Suite 1500
Dallas TX, 75201
o.214-826-7080
Contact - Randy McCown

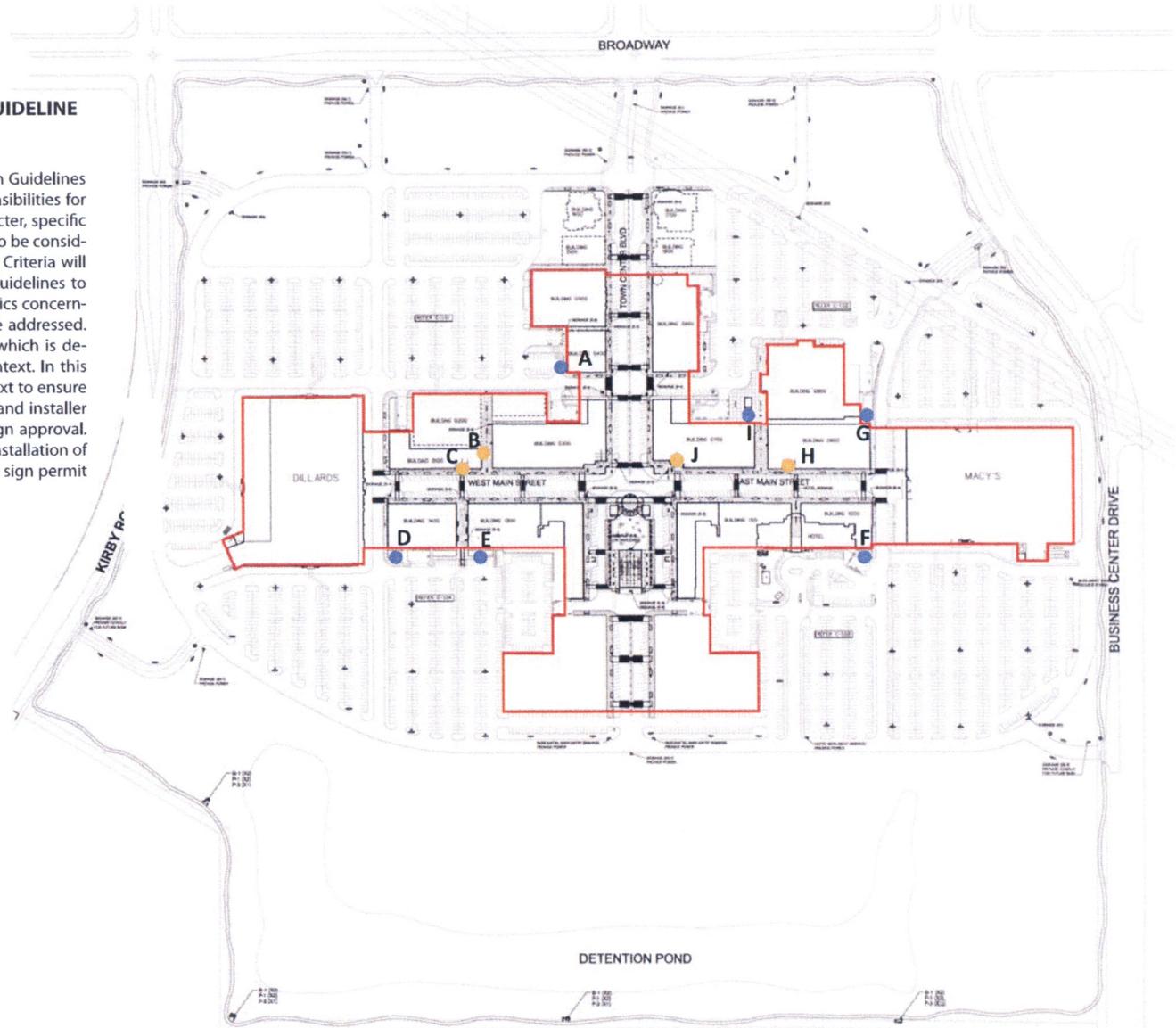
Permitting and Design Review

City Hall
3523 Liberty Drive
Pearland, TX 77581
o.281-652-1701
www.cityofpearland.com



OFF-PREMISE ADVERTISING WALL SIGN DESIGN GUIDELINE USE:

The purpose of these Off-Premise Advertising Wall Sign Design Guidelines is to communicate the design guidelines and establish responsibilities for design, review and implementation of the signs. Design character, specific detail of the structure as well as general quality standards are to be considered by you, your Graphic Designer & Advertiser. The Design Criteria will provide specific aesthetic examples and outline acceptable guidelines to insure a cohesive vision for Pearland Town Center. Specific topics concerning location, size and Pearland Town Center Design Vision are addressed. In addition, individual signs must adhere to specific criteria which is determined by their location and their specific architectural context. In this way, each sign will be reviewed on an individual basis in context to ensure diverse and creative design solutions. Your Graphic Designer and installer should also understand this criteria in order to expedite design approval. After the Sign has been approved by the Owner, and prior to installation of the off-premise advertising sign, an approved City of Pearland sign permit must be obtained.



- EXTERIOR FACING WALL SIGN LOCATIONS
MUST BE SUBMITTED TO OWNER AND
CITY FOR REVIEW APPROVAL
- INTERIOR FACING WALL SIGN LOCATIONS
MUST BE SUBMITTED TO OWNER FOR
REVIEW APPROVAL

DESIGN VISION:

Shopping and entertainment complement life and work activities in this mixed-use lifestyle center. Diverse components harmoniously woven together help form an authentic place with a strong connection to the Pearland, Texas community. Master planned as an “urban” town center, the street grid organizes single and multi-story structures to create interesting outdoor spaces while framing compelling vistas. Vehicular circulation provides access and dynamic movement energizing the outdoor space. Community space, specialty merchandising, patron amenities and sidewalk activity allow customers diverse opportunities to “dial-in” their own personal experiences. Nodes and intersections provide energized focal points and transitional connections between blocks. Paseos provide pedestrian access from parking areas to the shops and frame interesting views. Plaza nodes provide energized activity points and transitional connections between the outdoor spaces. Aesthetic character of this place is derived from qualities and identity connected to this time and place; a pragmatic and meaningful architectural, graphics, landscaping and lighting expression appropriate to Pearland heritage and this region of Texas. The primary form given for the project is retail. High quality storefront design utilizing quality materials executed in authentic stylistic proportion and composition will make this a desirable place to spend time and foster an emotional patron connection.



OVERALL CONCEPT:

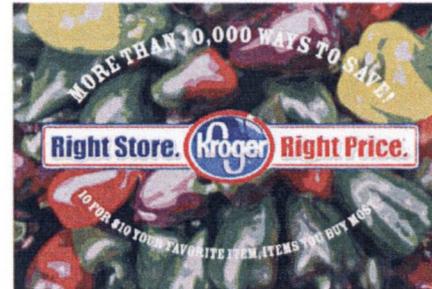
There are 2 options for creating the advertising signage, a palette option and a frame option. The palette option makes use of a given palette of colors, patterns and imagery for the advertisers to use in creating their ad panel. The frame option uses standard frames as backgrounds for the advertisement.

Digital templates for the Frame Option as well as individual digital images for the permissible color, pattern and background components of the Palette Option will be provided by the owner for advertiser, graphic design or sign contractor use.

Signage should be inviting and easily understood. Awareness of the contextual complexities of the surrounding wall and common outdoor areas and how that applies to the overall center and the individual advertising sign is critical. With that in mind, the Owner encourages a wide range of design freedom within this context for the signage contractor and advertiser to express their corporate image and individuality. Ultimately, exciting design with quality, durable materials will be the primary criteria.

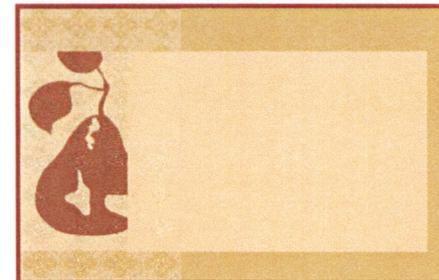
Advertising Signs are intended to be fixed to the existing frames that are currently on the facade of the building at established locations(refer to signage location plan) and be non-illuminated. They are intended as much for their decorative value to the buildings and streetscape as for their advertisement of the advertiser's identity. The owner encourages the use of identity graphic elements and/or creative color and material innovations.

The Owner is anticipating a wealth of unique and tasteful means of Advertiser expression establishing appropriate levels of distinction and authenticity within the project adding variety and visual character to the overall center. Off-premise Advertising Signs shall provide a friendly, pedestrian scale with attention directed to those strolling along the sidewalks and driving thru the center.



Palette Option Criteria:

Advertiser must use the provided palette of colors/patterns and imagery to create a custom ad that works with the style of the center and the history and nostalgia of Pearland. Any combination of the provided color, pattern or imagery options may be used to create the advertisement. The area permissible for the advertisers logo, text and brand imagery is 30% of the viewable panel face. The area is calculated by calculating the individual logos, text or brand imagery that is not a part of the provided imagery.

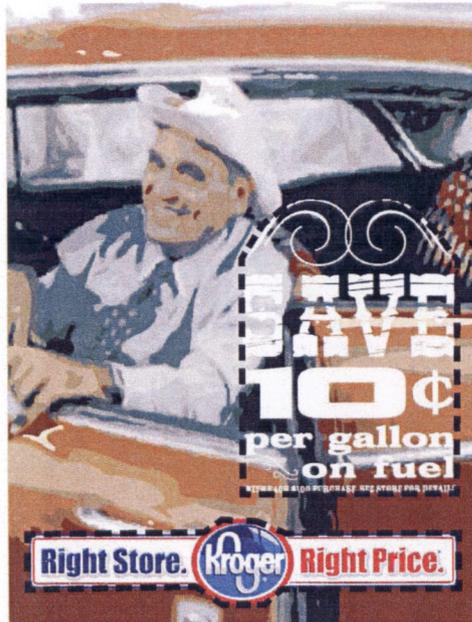


Frame Option Criteria:

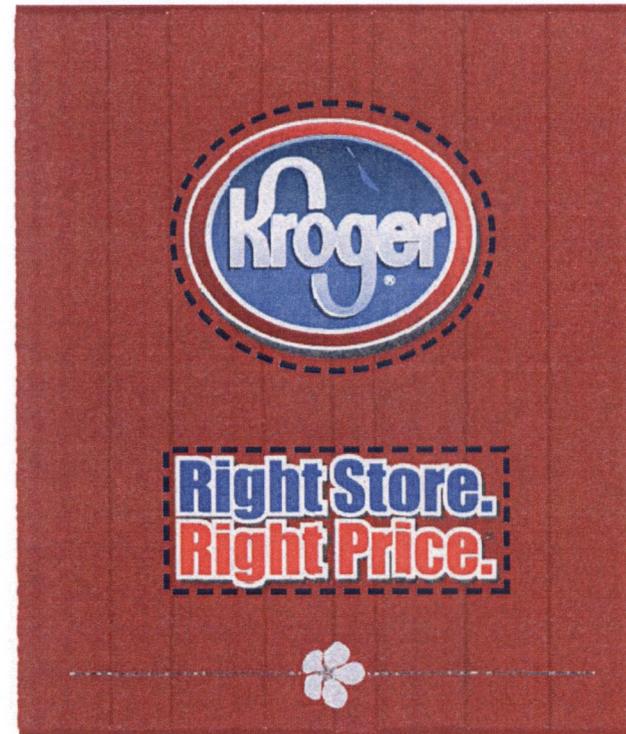
Advertiser may choose to use the provided frames for their advertisement. The area permissible for their logo, text and brand imagery is 50% of the viewable panel face. Advertisers may choose to change the colors of the provided frames provided that the colors selected are from the color palette as shown in these guidelines.

CALCULATION OF ADVERTISEMENT LOGO, TEXT, AND BRANDING IMAGE:

The area permissible for the advertisers logo, text and brand imagery is 30% of the viewable panel face. The area of the advertiser logo, text and brand imagery is calculated by delineating a tight line about the individual logo, text or brand imagery elements(eg., if a circle is utilized, then the calculation is for the outer edge of the circle, if irregular, then the outer edge of the irregular shape. The permissible colors, patterns and background are not included in the calculation.



CALCULATION EXAMPLE A



CALCULATION EXAMPLE B

OWNER APPROVAL:

All signage, including signs of a temporary nature, must be approved by the Owner in writing before use.

The sign contractor is to provide a dimensioned color layout showing the proposed image for approval by the Owner. Submittal must include a drawing indicating which option has been selected (frame or palette). For the palette option, a drawing showing the calculated area of logo or advertisement coverage as well as clearly documented colors, pattern and/or imagery utilized from the permissible options.

SIGN CONTRACTOR RESPONSIBILITIES:

The Sign Contractor is responsible for field verifying the actual sign frame.

All signs remain subject to Owner's Advertising Wall Sign Design Guidelines and Owner approval.

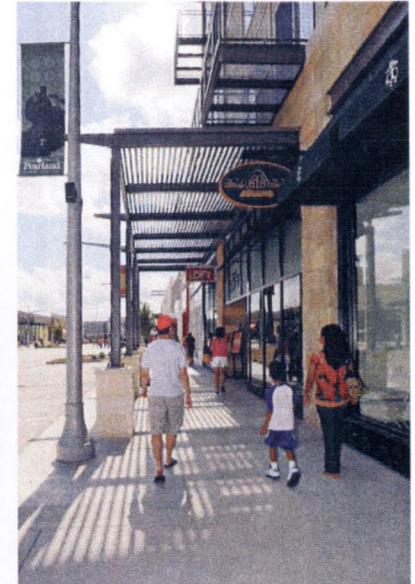
All signs must comply with applicable local code and Pearland PUD requirements. Sign Contractor responsible for submitting all signs to City for permit prior to installation. All signs must comply with the Pearland Town Center Planned Development Document and the current Unified Development Code. The Sign Contractor is responsible for obtaining an approved City of Pearland sign permit prior to the installation of Off-premise Advertising Sign.

Sign Contractor is responsible for installing and removing all graphic panels. Frames are to remain as part of Landlord property. If frame is damaged during install or removal of panels Sign Contractor is responsible for repair or replacement.

Sign Contractor is responsible for reinstalling Owner's placeholder graphics once Sign Contractor provided graphics are removed.

OWNER RESPONSIBILITIES:

The ensure the Off-premise advertising signs shall compliment the overall architectural character of the Pearland Town Center.



PALETTE OPTION

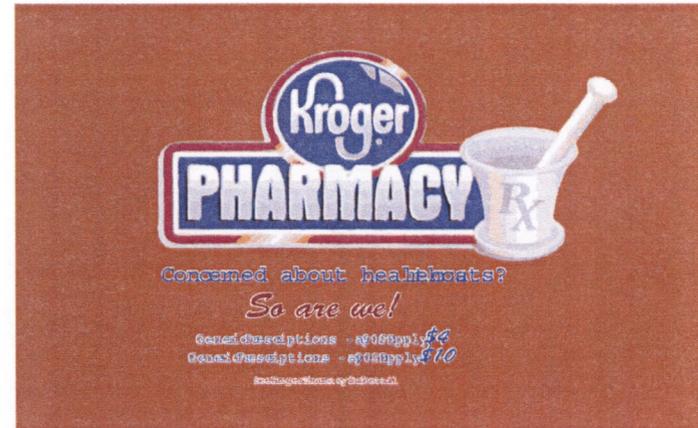
PALETTE OPTION: EXAMPLE LAYOUTS

The example layouts are provided for reference only to convey the general spirit and design vision for the implementation of the Palette Option. Advertiser, Graphic Designer and Sign Contractor are encouraged to be creative in the use and composition of the advertisement sign design incorporating the permissible colors, patterns and/or imagery to effectively compliment the intended advertisement and character of Pearland Town Center.

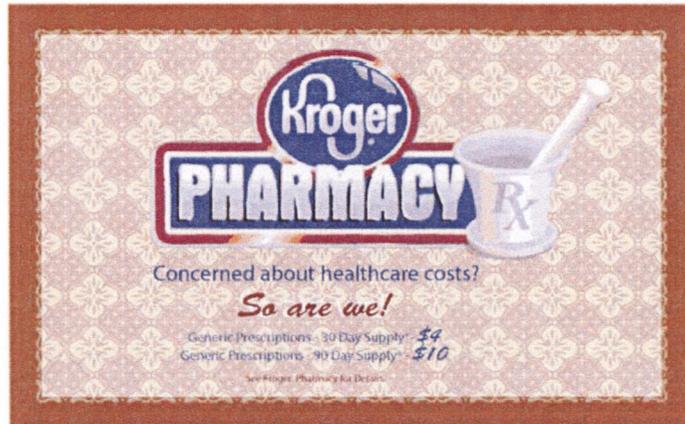
Color example: background color has been selected from the palette of colors on page 10. The logo, text and pestle/mortar image are no greater than 30% of the viewable area.

Color/pattern example: edge color has been selected from the palette of colors on page 10. The background pattern has been selected from page 11, pattern colors have been selected from page 10. The logo, text and pestle/mortar image are no greater than 30% of the viewable area.

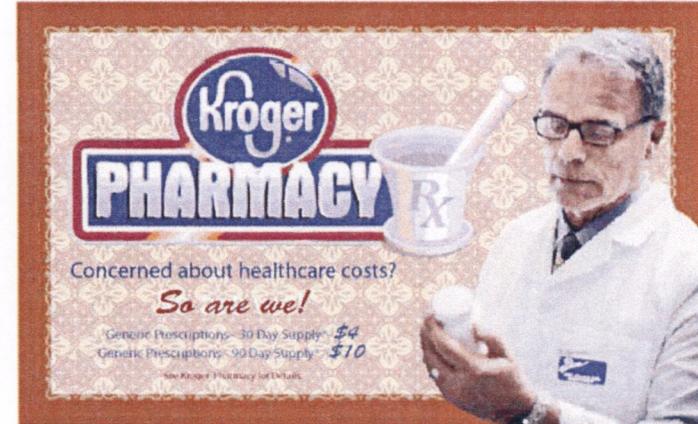
Color/pattern/imagery example: edge color has been selected from the palette of colors on page 10. The background pattern has been selected from page 11, pattern colors have been selected from page 10. Pharmacist image has been taken from image #CB/I-6 on page 13. The logo, text and pestle/mortar image are no greater than 30% of the viewable area.



COLOR EXAMPLE



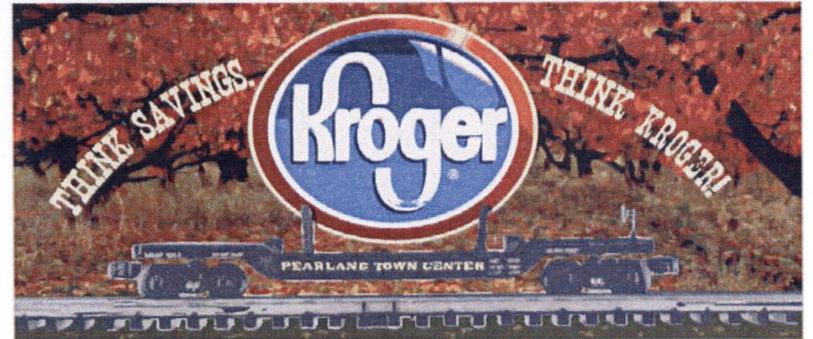
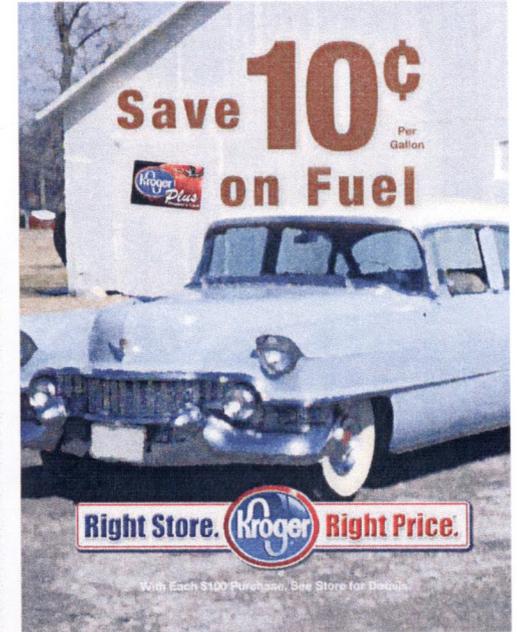
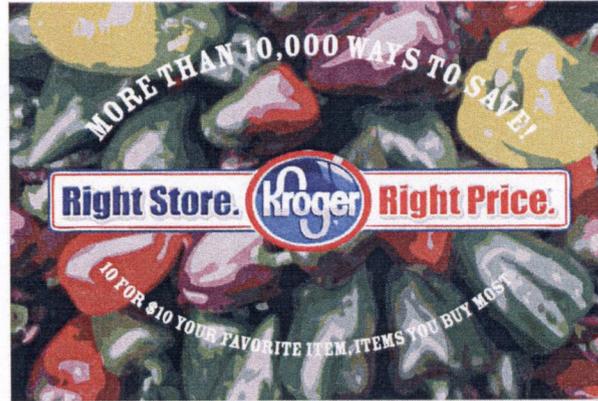
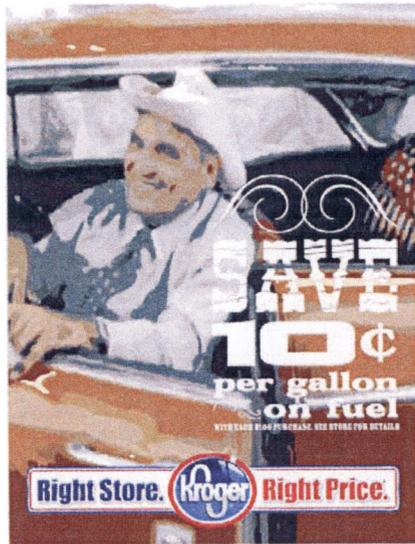
COLOR/PATTERN EXAMPLE



COLOR/PATTERN/IMAGERY EXAMPLE

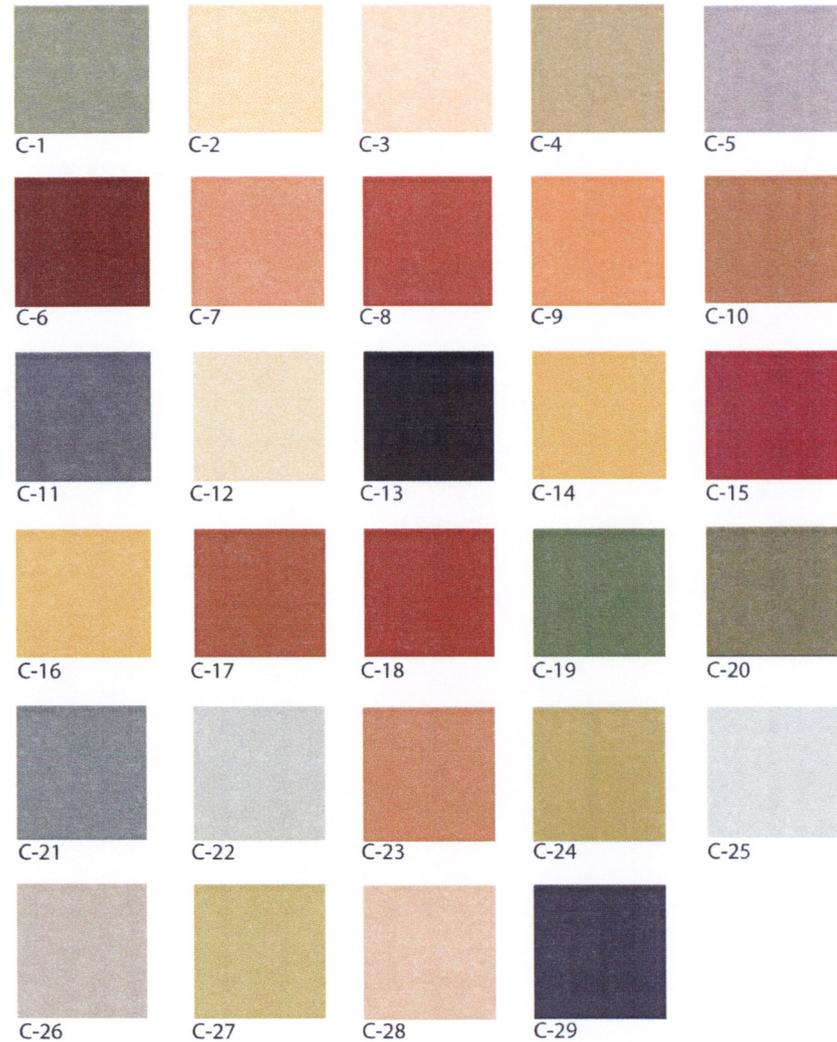
PALETTE OPTION: IMAGERY EXAMPLE LAYOUTS

These examples show the imagery as the “background” of the advertising elements. Advertisers who chose to use the provided imagery may also use it as a portion or part of the ad and not the entire background. The image may be digitally adjusted using filtering software and content may be taken out of the image as a single item as shown on page 4. The imagery selected by the advertiser is meant to form a basis for the graphic layout and design.



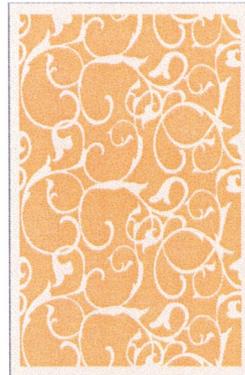
PALETTE OPTION: COLORS

The palette of colors and patterns is meant to be used in a creative and custom way for each individual advertisement.

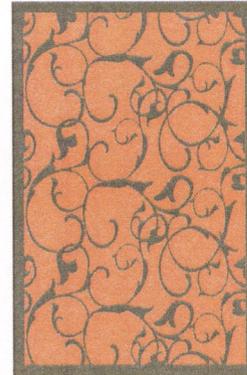


PALETTE OPTION: PATTERNS

Patterns may be scaled as well as adjusted to contain any of the colors in the color palette. These are the patterns available in any of the approved colors in the color palette.H



P-1



P-2



P-3



P-4



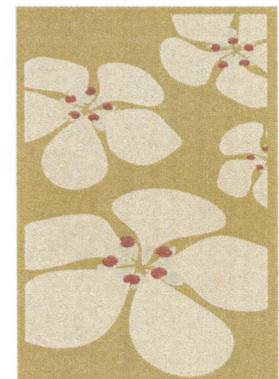
P-5



P-6

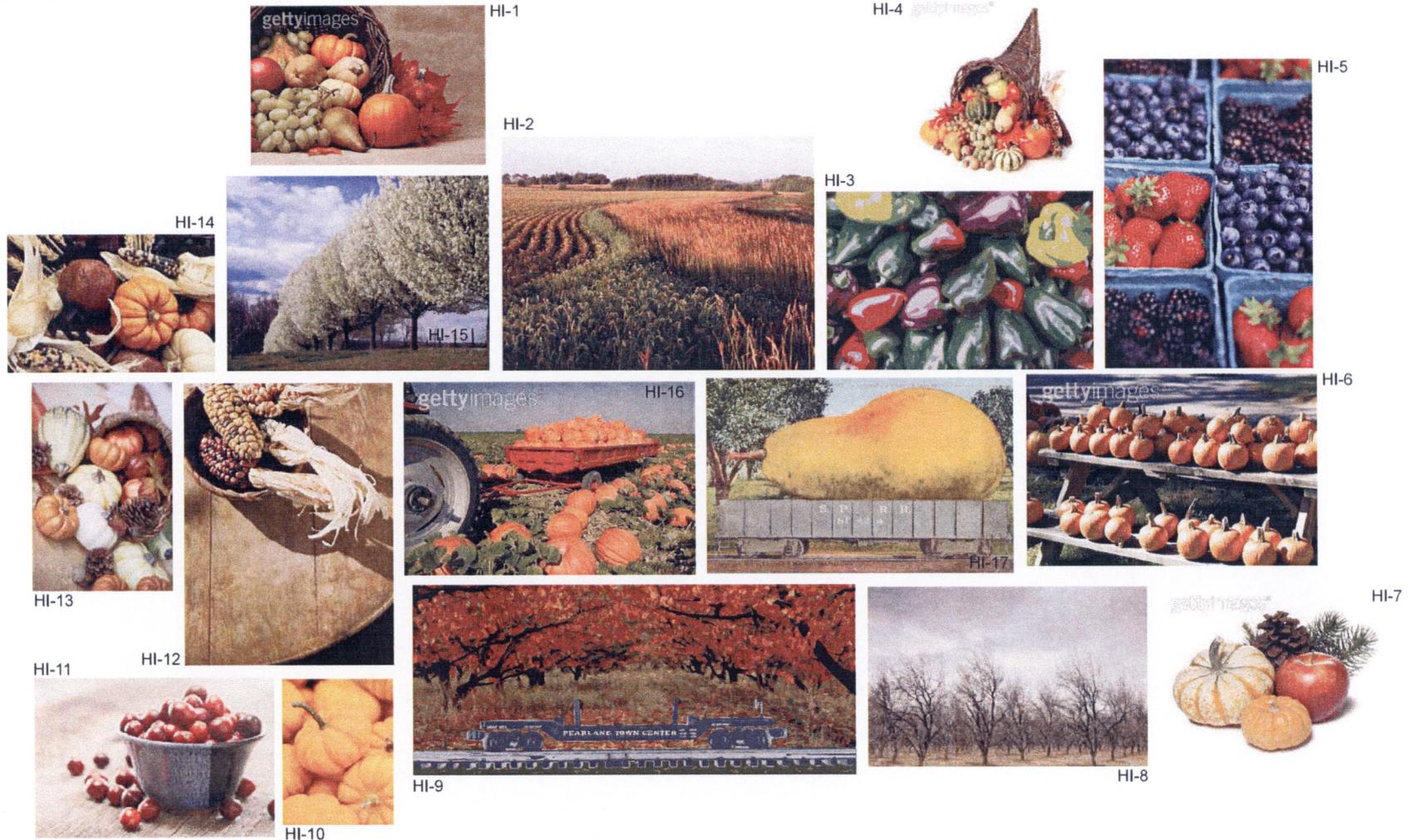


P-7



P-8

PALETTE OPTION: HARVEST IMAGERY



PALETTE OPTION: COMMERCE/BUSINESS IMAGERY

C/BI-1



C/BI-2



C/BI-3

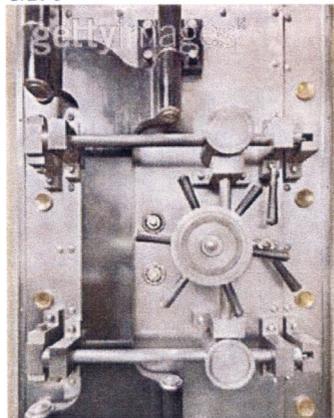


C/BI-9



C/BI-4

C/BI-8



C/BI-7



C/BI-6



C/BI-5

PALETTE OPTION: HOLIDAY/SEASONAL IMAGERY



H/SI-6



H/SI-1



H/SI-2



H/SI-3

H/SI-4



H/SI-10



H/SI-11



H/SI-7



H/SI-8



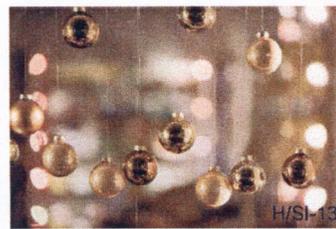
H/SI-9



H/SI-5



H/SI-12



H/SI-13



H/SI-14



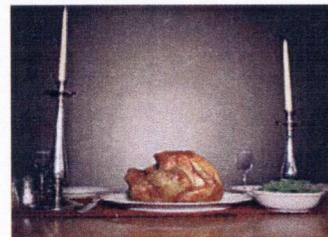
H/SI-15



H/SI-16



H/SI-17



H/SI-18



H/SI-19



H/SI-20



H/SI-21

PALETTE OPTION: RODEO/COWBOY IMAGERY

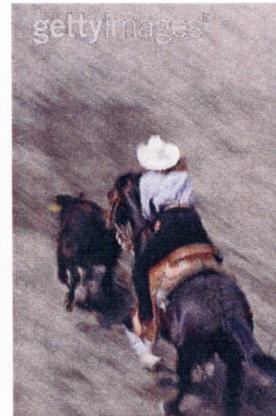


R/CI-1

R/CI-2



R/CI-3



R/CI-4



R/CI-5



R/CI-6



R/CI-7



R/CI-8



R/CI-9



R/CI-10



R/CI-11

PALETTE OPTION: MISCELLANEOUS IMAGERY

MI-1



MI-2



MI-3



MI-4

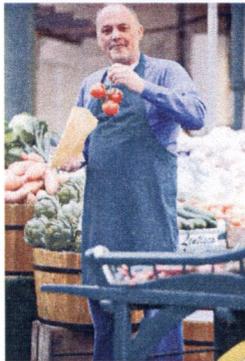
MI-5



MI-6



MI-7



MI-8



MI-9



MI-11



MI-12



MI-13

MI-10

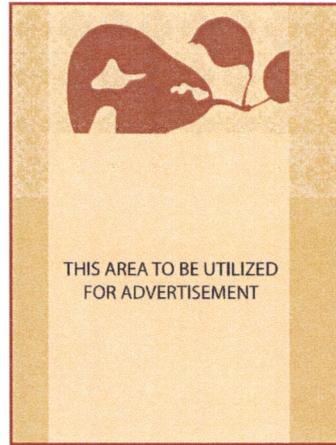
FRAME OPTION

FRAME OPTION EXAMPLES

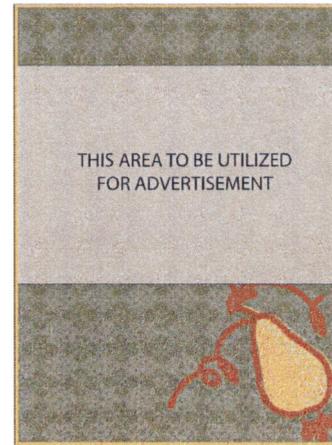
Frames form a standard background for an advertisement. Each sign position (A, D, E, F, G and I) will have 6 frame options to choose from. The layout is standardized and cannot be adjusted. The standardized background pattern and imagery icon are standard to the layout and cannot be adjusted. If desired, the colors may be adjusted if chosen from the palette of permissible colors (refer to page 9 in these Guidelines).



FRAME OPTION



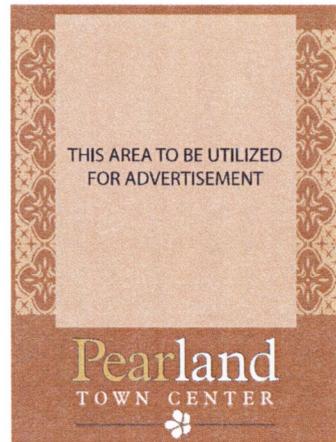
1



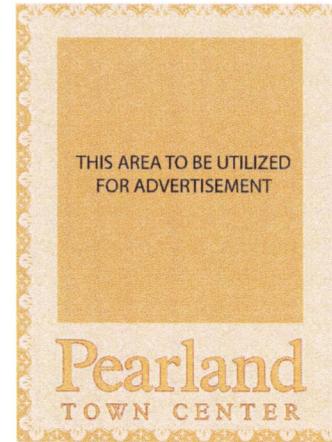
2



3



4



5

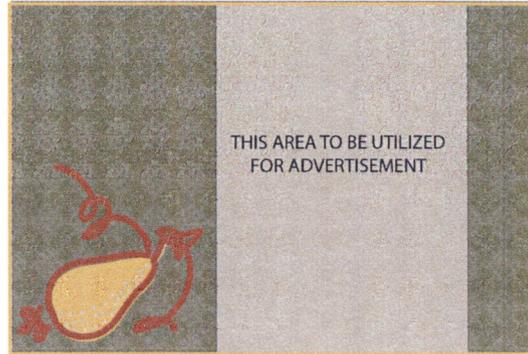


6

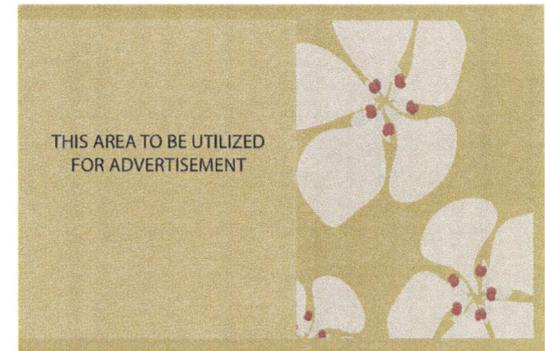
FRAME OPTION



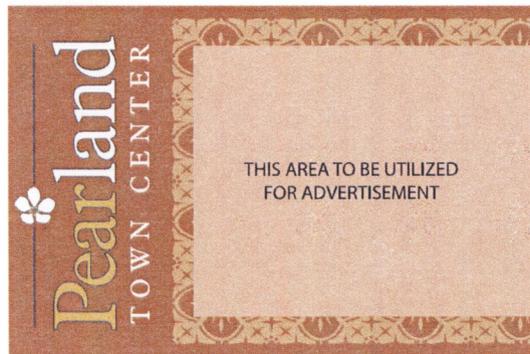
1



2



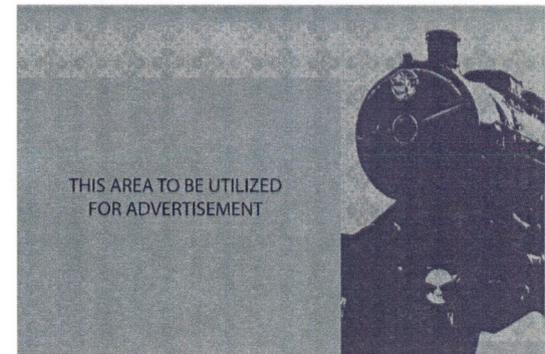
3



4



5

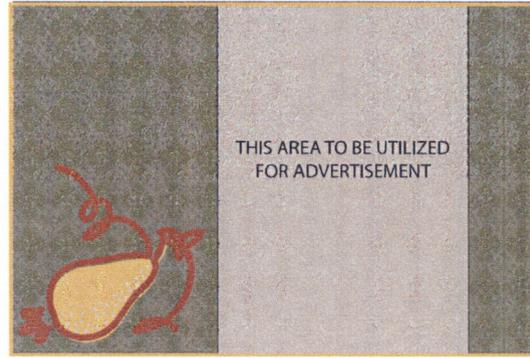


6

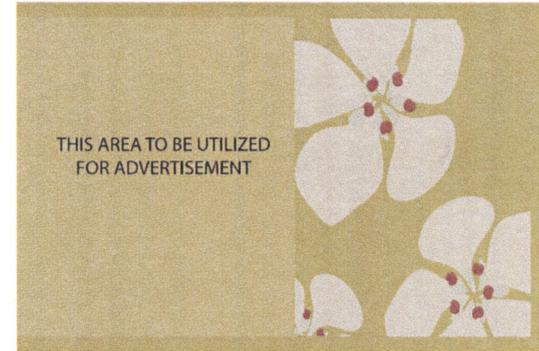
FRAME OPTION



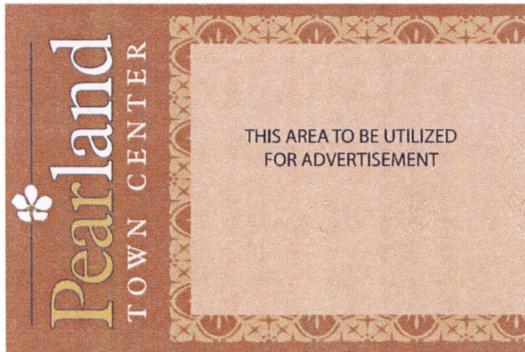
1



2



3



4



5

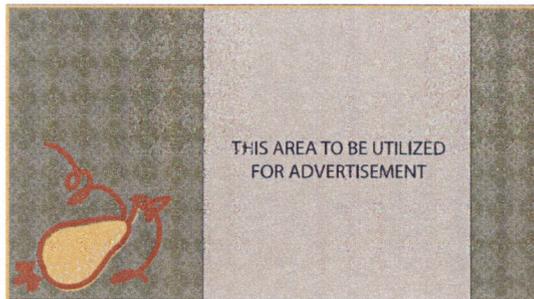


6

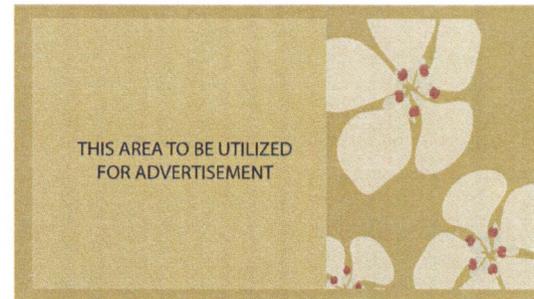
FRAME OPTION



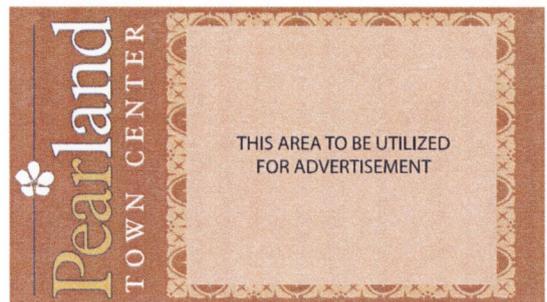
1



2



3



4

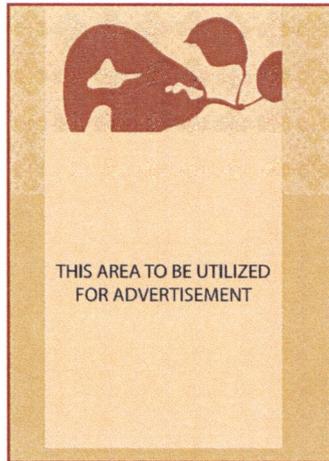


5

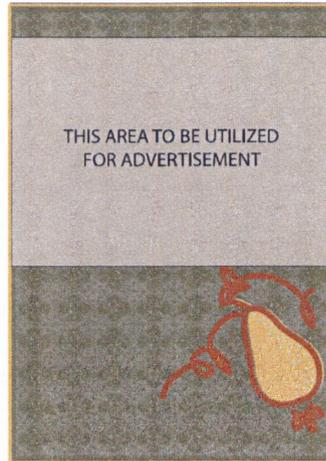


6

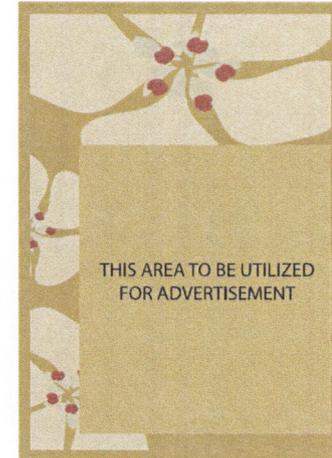
FRAME OPTION



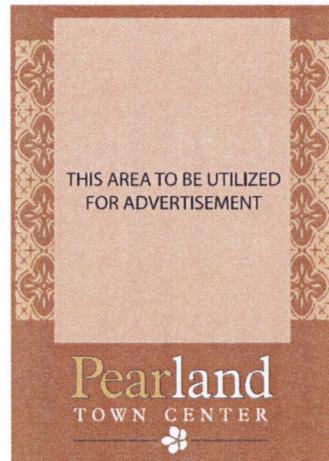
1



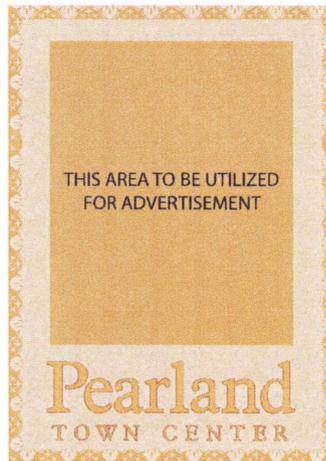
2



3



4



5



6

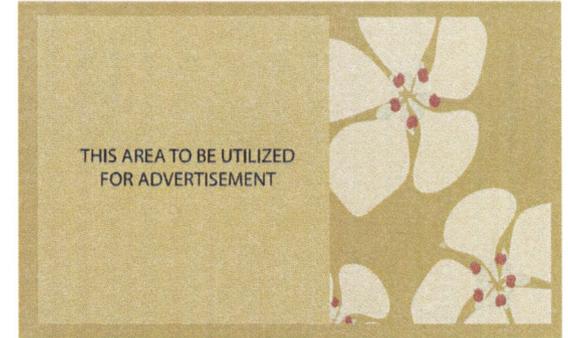
FRAME OPTION



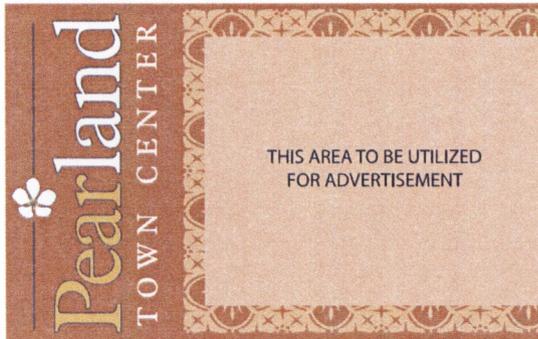
1



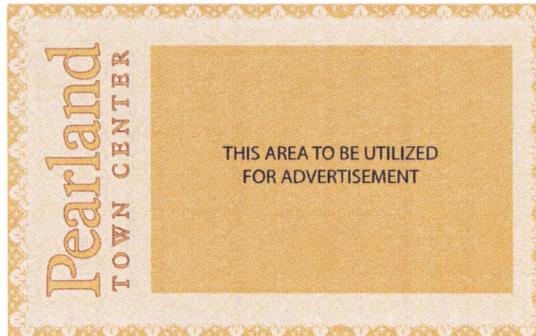
2



3



4

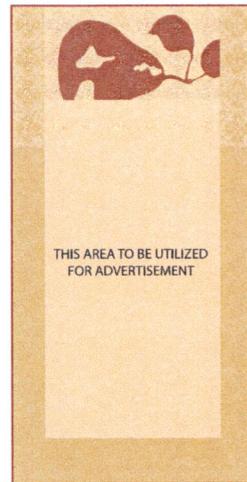


5

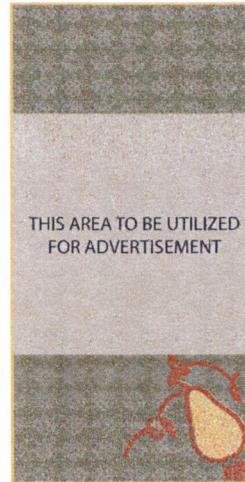


6

FRAME OPTION



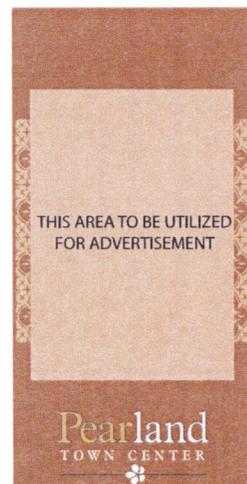
1



2



3



4



5

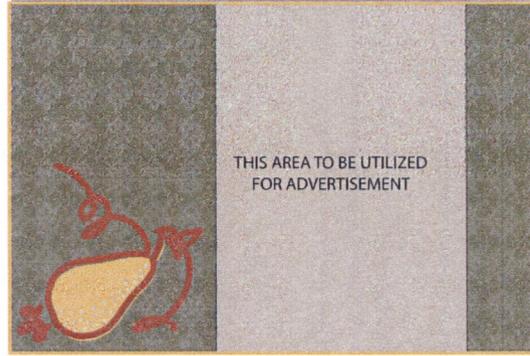


6

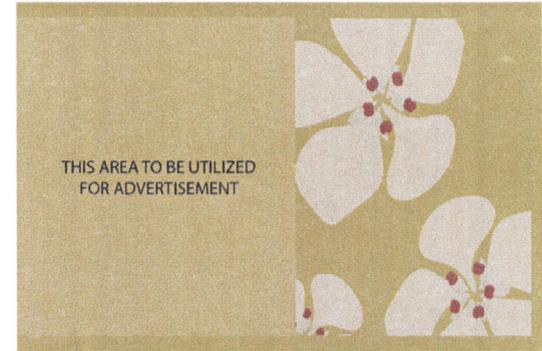
FRAME OPTION



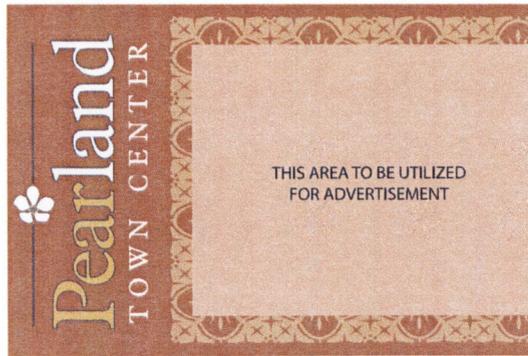
1



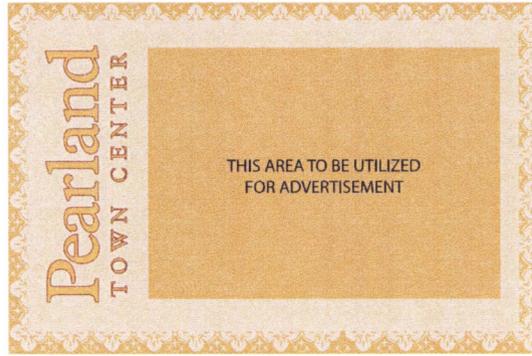
2



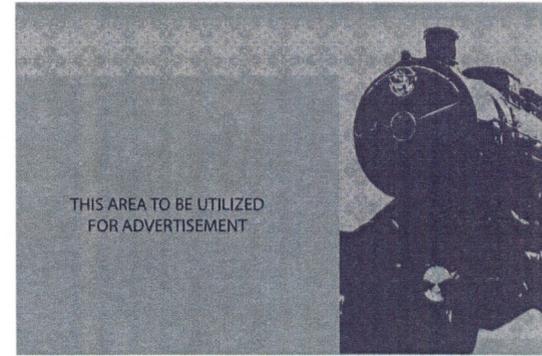
3



4



5



6

FRAME OPTION



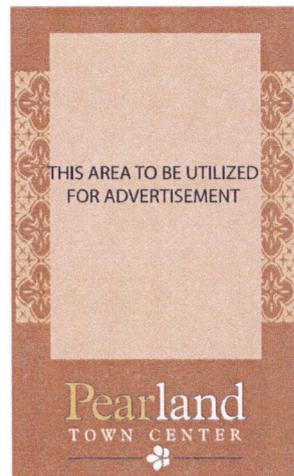
1



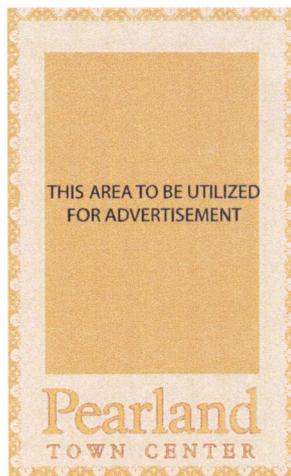
2



3



4



5



6

FRAME OPTION



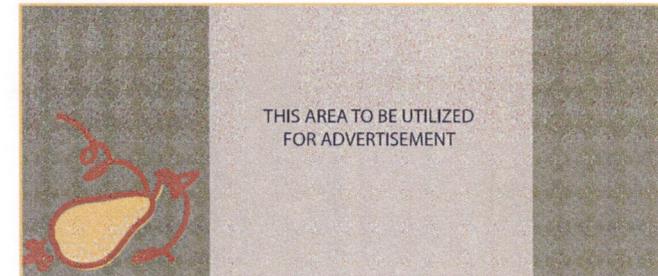
4



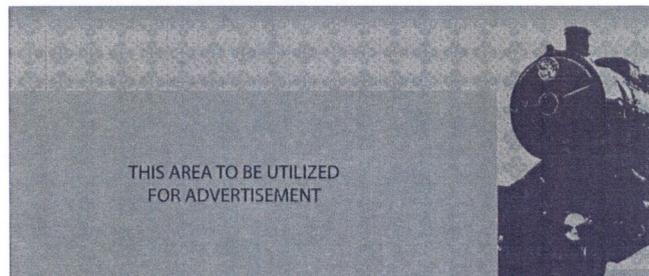
1



5



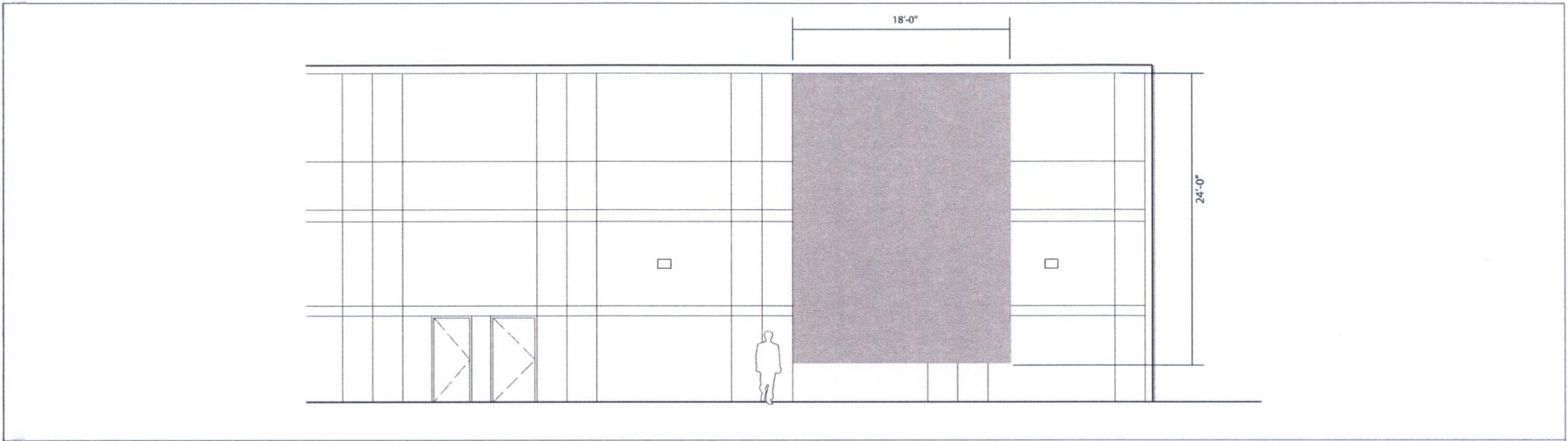
2



6

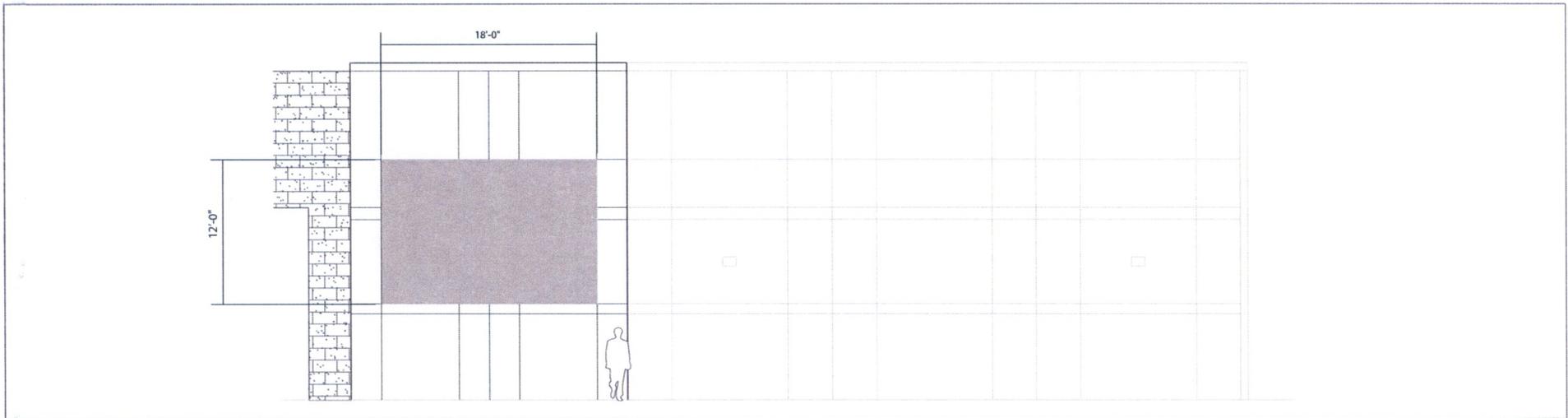


3



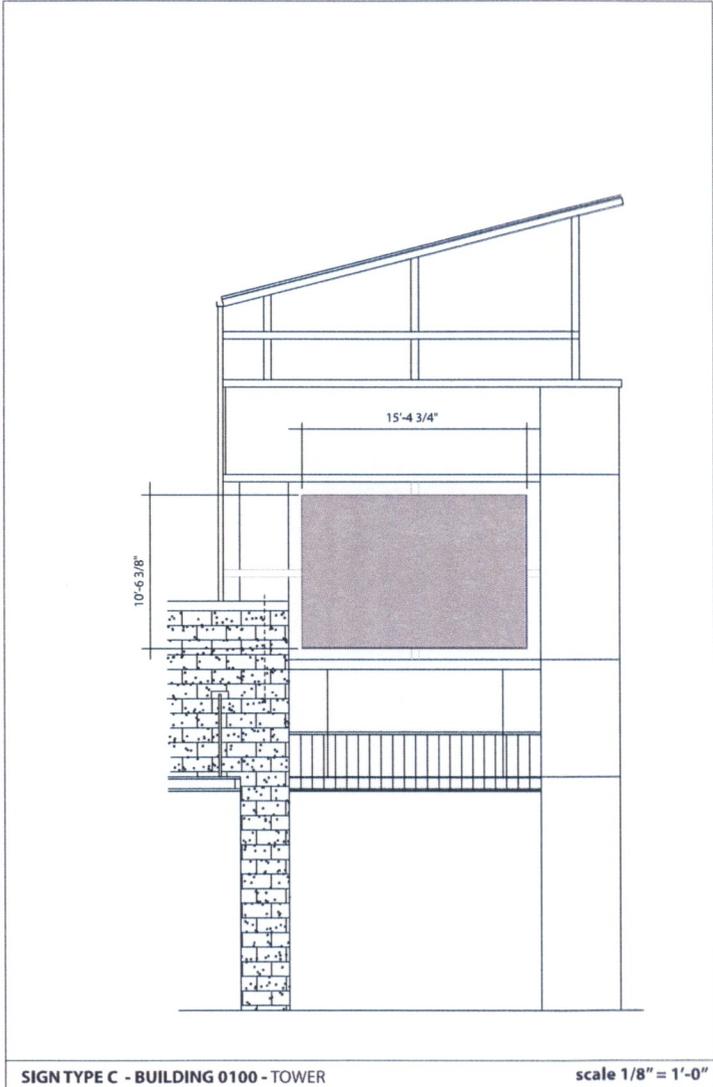
SIGN TYPE A - BUILDING 0400 - WEST WALL

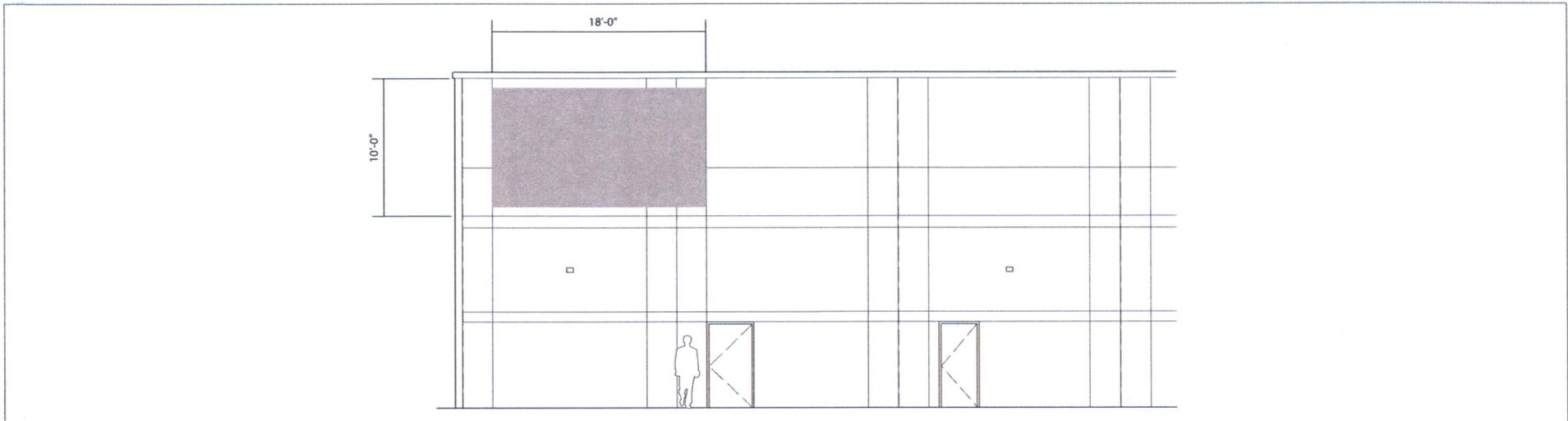
scale 1/8" = 1'-0"



SIGN TYPE B - BUILDING 0100 - EAST WALL

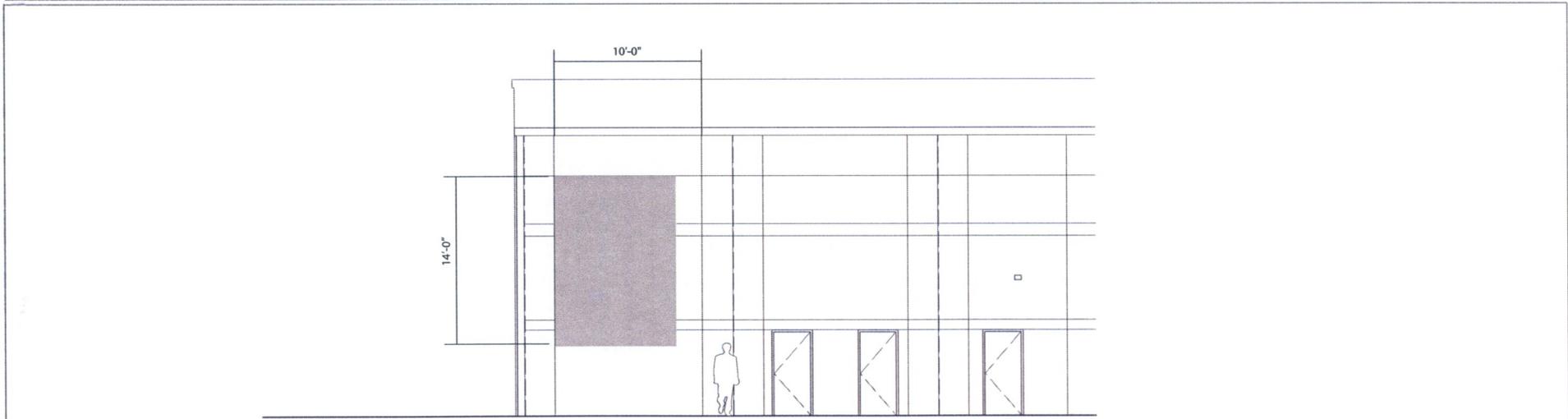
scale 1/8" = 1'-0"





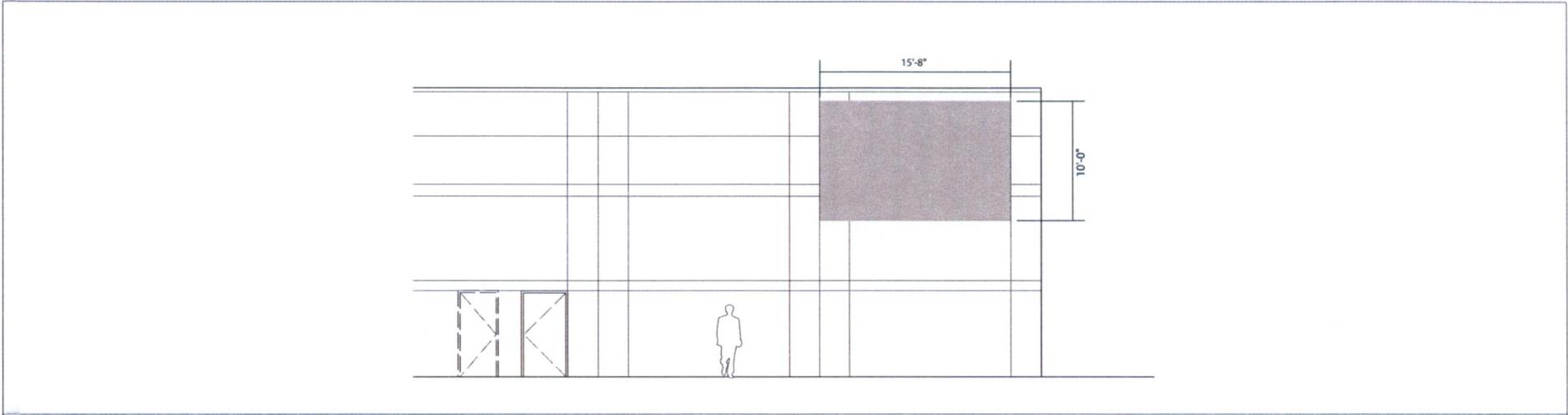
SIGN TYPE D - BUILDING 1400 - SOUTH WALL

scale 1/8" = 1'-0"



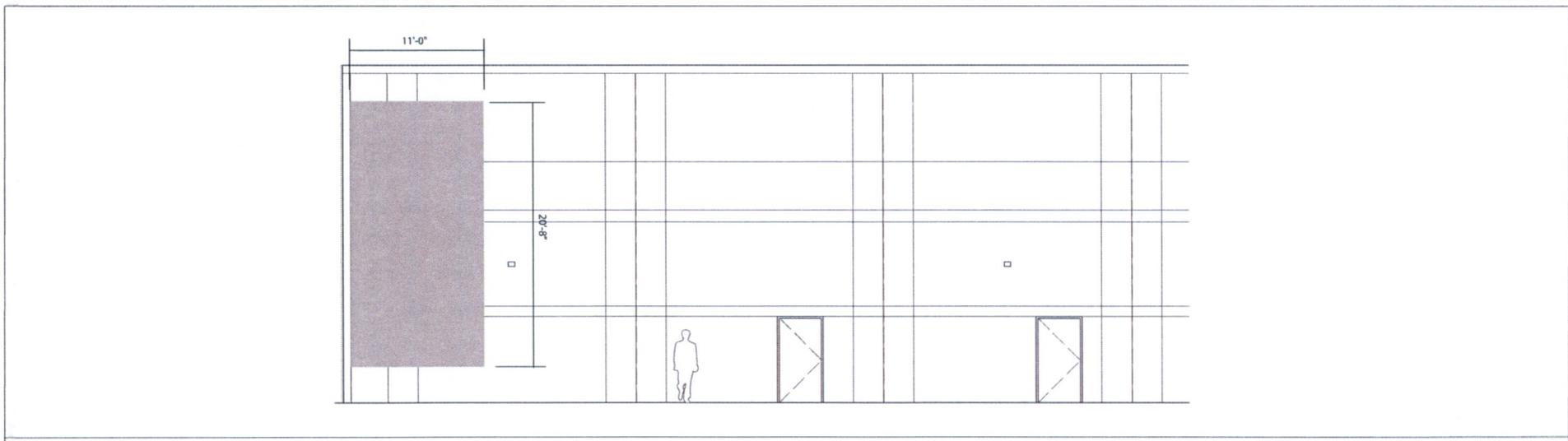
SIGN TYPE E - BUILDING 1300 - SOUTH WALL

scale 1/8" = 1'-0"



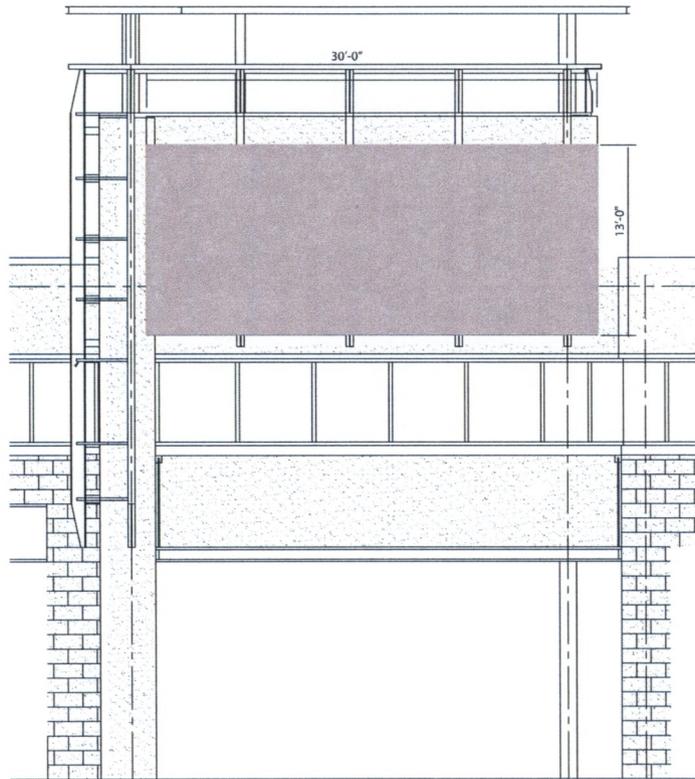
SIGN TYPE F - BUILDING 1000 - SOUTH WALL

scale 1/8" = 1'-0"



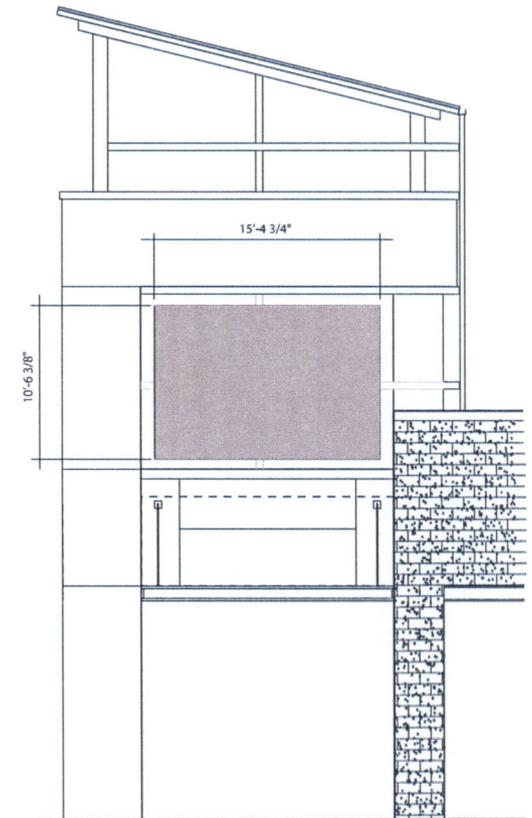
SIGN TYPE G - BUILDING 0900 - NORTH WALL

scale 1/8" = 1'-0"



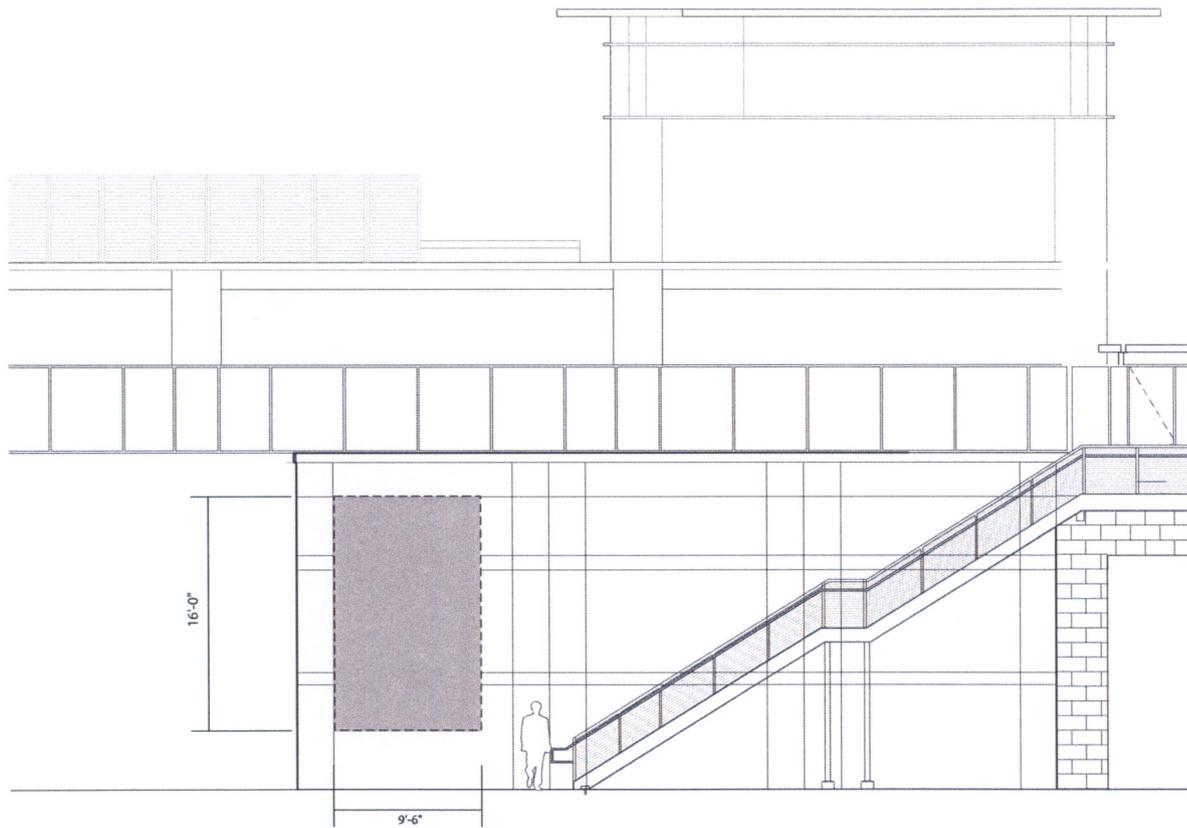
SIGN TYPE J - BUILDING 0700 - TOWER

scale 1/8" = 1'-0"



SIGN TYPE H - BUILDING 0900 - TOWER

scale 1/8" = 1'-0"



SIGN TYPE I - BUILDING 0700 - NORTH WALL

AMENDMENT TO
PEARLAND TOWN CENTER PUD
(PUD DISTRICT) ORDINANCE

Article XVII, Section 13 (Off-Premises Advertising Signs) is hereby amended as follows:

1. Subsection a(1) is hereby amended by deleting Exhibit B-2 (on Page 39) and substituting the attached Exhibit B-2 in its place.
2. Subsection a(2) and Exhibit D are hereby deleted, and the following is substituted in their place:
 - 2(A) **OFF-PREMISES ADVERTISING WALL SIGN DESIGN GUIDELINE USE:**

The purpose of these Off-Premises Advertising Wall Sign Design Guidelines is to communicate the design guidelines and establish responsibilities for design, review and implementation of the signs. Design character, specific detail of the structure as well as general quality standards are to be considered by the advertiser and its Graphic Designer & Advertiser. The Design Criteria will provide specific aesthetic examples and outline acceptable guidelines to insure a cohesive vision for Pearland Town Center. Specific topics concerning location, size and Pearland Town Center Design Vision are addressed. In addition, individual signs must adhere to specific criteria which is determined by their location and their specific architectural context. In this way, each sign will be reviewed on an individual basis in context to ensure diverse and creative design solutions. The Graphic Designer and installer should also understand this criteria in order to expedite design approval. All signs shall be subject to the approval of the Owner.

(B) OVERALL CONCEPT:

Signage should be inviting and easily understood. Awareness of the contextual complexities of the surrounding wall and common outdoor areas and how that applies to the overall center and the individual advertising sign is critical. With that in mind, the Owner encourages a wide range of design freedom within this context for the signage contractor and advertiser to express their corporate image and individuality. The entirety of the wall sign may be used by the advertiser to express their corporate image, products and services. Ultimately, exciting design with quality, durable materials will be the primary criteria.

The advertiser shall not display or permit to be displayed any sign that (i) contains material that is obscene or defamatory, (ii) is not suitable for all audiences, (iii) contains material of a graphic nature, which includes but is not limited to violent

or pornographic imagery, (iv) advertises for or otherwise relates to tobacco or tobacco products, firearms, political figures, candidates or issues, religion, religious figures, or places of worship, or (v) otherwise includes material inimical to the retail environment that Owner seeks to maintain with respect to the Shopping Center.

Advertising Signs are intended to be fixed to the existing frames that are currently on the façade of the building at established locations and be non-illuminated. They are intended as much for their decorative value to the buildings and streetscape as for their advertisement of the advertiser's identity. The Owner encourages the use of identity graphic elements and/or creative color and material innovations.

The Owner is anticipating a wealth of unique and tasteful means of Advertiser expression establishing appropriate levels of distinction and authenticity within the project adding variety and visual character to the overall center. Off-premises Advertising Signs shall provide a friendly, pedestrian scale with attention directed to those strolling along the sidewalks and driving through the center.

(C) OWNER APPROVAL:

All signage, including signs of a temporary nature, must be approved by the Owner in writing before use.

The sign contractor is to provide a dimensioned color layout showing the proposed image for approval by the Owner.

(D) SIGN CONTRACTOR RESPONSIBILITIES:

The Sign Contractor is responsible for field verifying the actual sign frames.

All signs remain subject to Owner's Advertising Wall Sign Design Guidelines and Owner approval.

The Sign Contractor is responsible for installing and removing all graphic panels. Frames are to remain as part of the Owner's property. If frame is damaged during install or removal of panels, Sign Contractor is responsible for repair or replacement.

Sign Contractor is responsible for reinstalling Owner's placeholder graphics once Sign Contractor provided graphics are removed.

(E) **OWNER RESPONSIBILITIES:**

To ensure the off-premises advertising signs compliment the overall architectural character of the Pearland Town Center.

3. Subsection (a)(4) is hereby deleted.

4. The following Subsection (b) is hereby added:

Off-Premises Banners, etc., shall be permitted as follows:

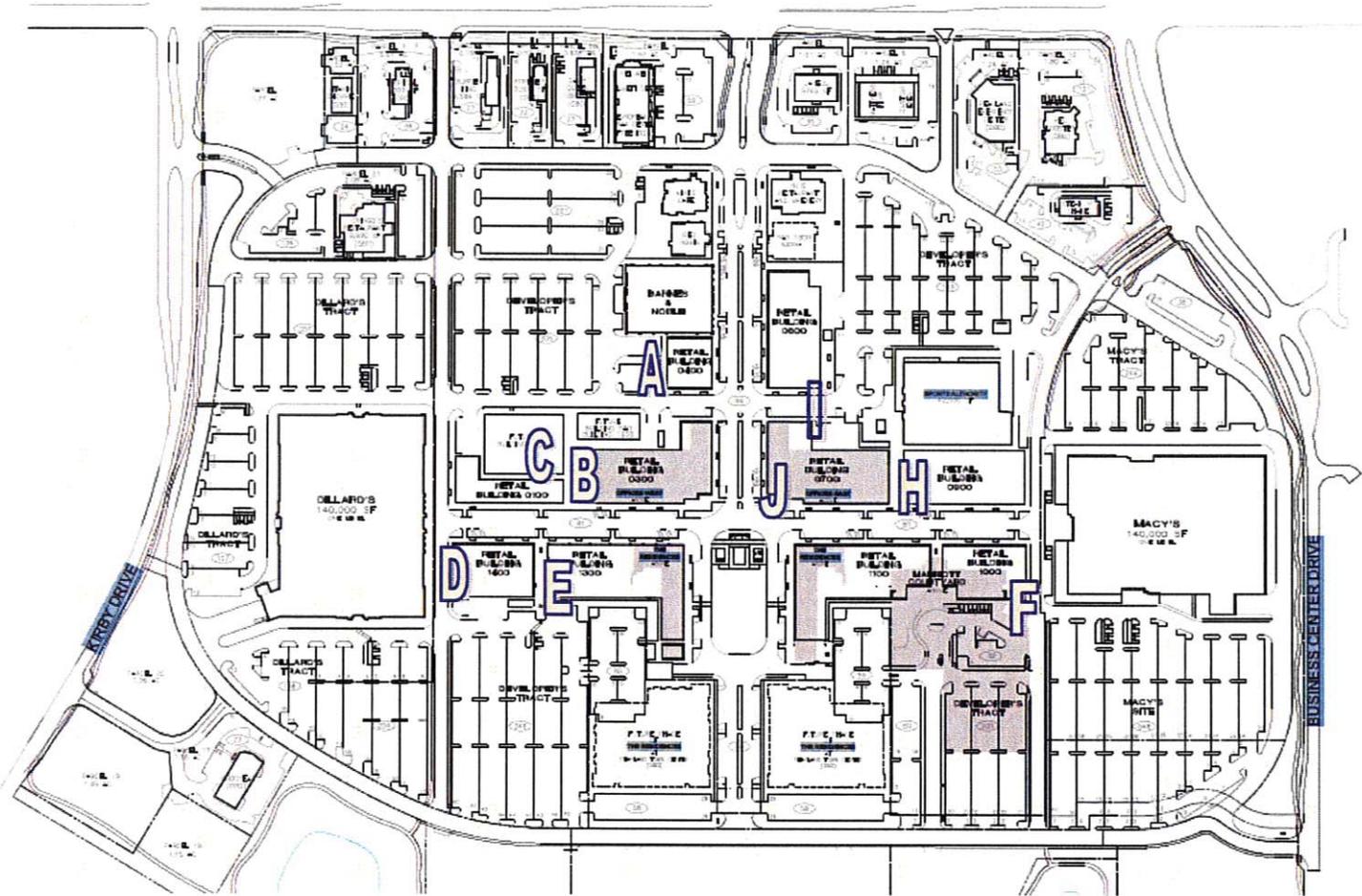
Off-Premises advertising banners and windblown signs, such as pennants, banners, flags and streamers, provided each does not exceed 432 SF in area. There shall be no limit on the amount of advertising pennants, banners, flags and streamers along Town Center Drive, East or West Main Streets or other circulation routes within the PUD, provided they are not visible from public streets. All pennants, banners, flags and streamers shall be submitted to the Owner for review and approval.

5. The following Subsection (c) is hereby added:

Tower advertising shall be permitted as follows:

Off-Premises wall signs shall be permitted on the Main Tower and the two Lower Towers designated on Exhibit B-2. All signage must be approved by the Owner in writing before use. Tower signage shall comply with the requirements of Section a(2) above.

Exhibit B-2 Off-Premise Advertising Signs



Sign	Visible Opening	Area (SF)
A	24'-00" x 18'-0"	432.00 SF
B	12'-0" x 18' - 0"	216.00 SF
C	10'-6 3/8" x 15'-4 3/4"	162.14 SF
D	10'-0" x 18' -0"	180.00 SF
E	14'-0" x 10'-0"	140.00 SF
F	10'-0" x 15'-8"	156.67 SF
H	10'-6 3/8" x 15'-4 3/4"	162.14 SF
I	16'-0" x 9'-6"	152.00 SF
J	13'-0" x 30'-0"	390.00 SF
TOTAL		2190.95 SF