AGENDA

CITY OF PEARLAND ♦ CITY COUNCIL

October 13, 2014 6:30 p.m.

MAYOR
Tom Reid

Keith Ordeneaux
Mayor Pro-Tem
Position No. 4

COUNCIL MEMBERS

Tony Carbone
Position No. 1

Scott Sherman
Position No. 2

Gary Moore
Position No. 3

Greg Hill
Position No. 5

Jon R. Branson
Deputy City Manager

Clay Pearson
City Manager

Trent Epperson
Assistant City Manager

Darrin Coker
City Attorney

Young Lorfing
City Secretary

In accordance with the Texas Open Meeting Act the Agenda is posted for public information, at all times, for at least 72 hours preceding the scheduled time of the meeting on the bulletin board located at the front entrance of the City Hall, 3519 Liberty Drive.

RECOGNITION AND AWARDS NOTICE

The Mayor and Councilmembers will be present the following:

1. July 4th Celebration of Freedom Sponsors Recognition presentation to H-E-B and Westside Veterinary Hospital for their annual commitment to the Parks & Recreation Department.

Presentation will be held:

Monday, October 13, 2014
6:15 p.m.
Council Chambers
3519 Liberty Drive
Pearland, Texas 77581

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CITY COUNCIL AGENDA
CITY OF PEARLAND
REGULAR COUNCIL MEETING
MONDAY, OCTOVER 13, 2014│6:30 P.M.
COUNCIL CHAMBERS│PEARLAND CITY HALL│3519 LIBERTY DRIVE
281.652.1600

I. CALL TO ORDER

II. INVOCATION AND THE PLEDGE OF ALLEGIANCE TO THE UNITED STATES OF AMERICA FLAG AND TEXAS FLAG

III. ROLL CALL: Mayor Reid, Mayor Pro-Tem Ordeneaux, Councilmembers Carbone, Sherman, Moore, and Hill.

IV. CITIZEN COMMENTS: In order to hear all citizen comments at a reasonable hour, the City Council requests that speakers respect the three-minute time limit for individual comments and the five-minute time limit for an individual speaking on behalf of a group. This is not a question-answer session, however, it is an opportunity to voice your thoughts with City Council.

V. PUBLIC HEARING: None

VI. CONSENT AGENDA:

All items listed under the "Consent Agenda" are considered to be routine and require little or no deliberation by the City Council. These items will be enacted/approved by one motion unless a councilmember requests separate action on an item, in which event the item will be removed from the Consent Agenda and considered by separate action *(VI. matters removed from Consent Agenda).* Approval of the Consent Agenda enacts the items of legislation.

A. Consideration And Possible Action – Approval Of Minutes:

1. Minutes of the September 22, 2014, Regular Meeting, held at 6:30 p.m.

B. Consideration and Possible Action – Second and Final Reading of Ordinance No. 1507 – An Ordinance of the City Council of the City of Pearland, Texas, finding that the City has established *Guidelines and Criteria for Granting Tax Abatement* pursuant to Resolution No. R2013-14; designating and describing a Reinvestment Zone (to be known as Reinvestment Zone #26) generally located at the intersection of McHard Road and SH35, in accordance with the Property Redevelopment and Tax Abatement Act; finding that the improvements sought are feasible and practical and would be a benefit to the land to be included in the zone and the municipality after the expiration of the Tax Abatement Agreement; authorizing the City Manager to sign tax abatement agreements when approved by the City Council; having a savings clause and a severability clause; and an effective date.

C. Consideration and Possible Action – Resolution No. R2014-120 – A Resolution of the City Council of the City of Pearland, Texas, authorizing the City Manager or his designee to enter into a contract for engineering services with Dannenbaum Engineering Corporation, in the amount of $163,034.00 for the Old Townsite Drainage Study.

D. Consideration and Possible Action – Resolution No. R2014-114 – A Resolution of the City Council of the City of Pearland, Texas, authorizing the City Manager or his designee to enter into a contract for engineering services with Huitt-Zollars, in the amount of $98,900.00 for the Public Works Orange Street Service Center Renovation Project.

E. Consideration and Possible Action – Resolution No. R2014-122 – A Resolution of the City Council of the City of Pearland, Texas, establishing the Council Meeting times and dates for 2015.

F. Consideration and Possible Action – Resolution No. R2014-127 – A Resolution of the City Council of the City of Pearland, Texas, awarding a bid for HVAC/Refrigerator Systems Preventative Maintenance Services to The Lee

Thompson Company in the estimated amount of $94,000 beginning October 15, 2014 through October 14, 2015.

G. **Consideration and Possible Action – Resolution No. R2014-124 –** A Resolution of the City Council of the City of Pearland, Texas, renewing a unit supply bid for fire apparatus & preventative maintenance and repairs to Siddons-Martin Emergency Group and Metro Fire Apparatus Specialists in the estimated amount of $115,000 beginning November 13, 2014 and ending November 12, 2015.

H. **Consideration and Possible Action – Resolution No. R2014-125 –** A Resolution of the City Council of the City of Pearland, Texas, renewing a unit supply bid for purchase of tires from Pearland Tire and Auto in the estimated amount of $50,000 for the period ending January 31, 2015.

I. **Consideration and Possible Action – Resolution No. R2014-126 –** A Resolution of the City Council of the City of Pearland, Texas, renewing a unit supply bid for liquid waste and bio-solid waste disposal services with Magna Flow Environmental and Republic Services in the estimated amount of $500,000 beginning October 15, 2014 through October 14, 2015.

J. **Consideration and Possible Action – Resolution No. R2014-128 –** A Resolution of the City Council of the City of Pearland, Texas, awarding a bid for construction services, associated with the internal lining rehabilitation of 3 ground storage water tanks, to NG Painting, in the amount of $238,001.

K. **Consideration and Possible Action – Resolution No. R2014-92 –** A Resolution of the City Council of the City of Pearland, Texas, authorizing a contract for property acquisition and relocation services with Right-of-Way Solutions, LLC.

VI. MATTERS REMOVED FROM CONSENT AGENDA

VII. NEW BUSINESS:

1. **Consideration and Possible Action – Second and Final Reading of Ordinance No. 2000M-117 –** An Ordinance of the City Council of the City of Pearland, Texas, amending Ordinance No. 2000M, the zoning map of the City of Pearland, Texas, for the purpose of changing the classification of certain real property, being that portion of Lot 5 of the subdivision of James Hamilton Survey, Abstract No. 881, a portion lying within Harris County, Texas and the remainder lying within Brazoria County, Texas, according to the map or plat thereof recorded in Volume 83, Page 34 of the deed records of Harris County, Texas, **located at the southwest corner of Spectrum Boulevard and State Highway 288,** Pearland, TX, Zone Change 2014- 02Z; a request of Jack Parker, applicant; on behalf of America Modern Green Development (Houston), LLC., owner; for approval of a zone change from the Waterlights Planned Development (PD) to the Ivy District PD, on approximately 48.5 acres of land, providing for an amendment of the zoning district map;

containing a savings clause, a severability clause and an effective date and other provisions related to the subject.

2. **Consideration and Possible Action – First Reading of Ordinance No. 2000M-120 –** An Ordinance of the City Council of the City of Pearland, Texas, amending Ordinance No. 2000M, the zoning map of the City of Pearland, Texas, for the purpose of changing the classification of certain real property, being a tract of land being known as Lot 15 of Darlinda Addition, a subdivision in Brazoria County Texas as recorded in Volume 7, Page 20 of the plat records of said Brazoria County, and being the same tract of land as described in deed to Ernesto Perez and Eveyln Pineda under Clerk's File Number 2006042620 of the real property records of said Brazoria County, Texas located at **4602 Broadway Street**, Pearland, TX, Zone Change 2014-6Z; a request of Evelyn Pineda, owner/applicant; for approval of a change in zoning from Single Family Residential - 2 (R-2) to Office and Professional (OP) on approximately 0.21 acres of land, providing for an amendment of the zoning district map; containing a savings clause, a severability clause and an effective date and other provisions related to the subject.

3. **Consideration and Possible Action – First Reading of Ordinance No. 2000M-121 –** An Ordinance of the City Council of the City of Pearland, Texas, amending Ordinance No. 2000M, the zoning map of the City of Pearland, Texas, for the purpose of changing the classification of certain real property, being 29.331 acres of land located in the H.T. & B.R.R. Company Survey, Section 81, Abstract Number 300, Brazoria County, Texas, being a portion of Lots 38, 39, 40, 49 and 50 of the Allison Richey Gulf Coast Home Company's Part of Suburban Gardens, a subdivision of record in Volume 2, Page 98 of the Brazoria County Plat Records, being a portion of Business Center Planned Development Tract C-4, the plat thereof recorded under Document Number 2013-033688 in the Official Public Records of Brazoria County Texas, further being the residue of a 30.583 acre tract (Part One) and the residue of a 9.990 acre tract (Part Two) described in the deed from Compass Bank to Parkside 59/288 LTD. Recorded under Document No. 2011012491, in the Official Public Records of Brazoria County, Texas, located at the **northwest corner of County Road 59 and State Highway 288**, Zone Change 2014-15Z, a request of BGE Kerry R. Gilbert and Associates, applicant; on behalf of Parkside 59/288 LTD, owner; for approval of an amendment to the Business Center PD; on approximately 29.331 acres of land, providing for an amendment of the zoning district map; containing a savings clause, a severability clause, and an effective date and other provisions related to the subject.

4. **Consideration and Possible Action – First Reading of Ordinance No 2000M-122 –** An Ordinance of the City Council of the City of Pearland, Texas, amending Ordinance No. 2000M, the zoning map of the City of Pearland, Texas, for the purpose of changing the classification of certain real property, being 1.707 acres of land located in the Thomas J. Green Survey, Abstract 198, Brazoria County, Texas, more particularly being all of Lot A and a portion of Lot B, Block 1 of Amending Plat No. 1, Province Village Drive, Office Park and Reserves, a subdivision of record under Doc # 2008019410 of the Official Public Records of Brazoria County, Texas (B.C.O.P.R.), located at the **southeast corner of Province Village Drive and Pearland Parkway**, Zone Change 2014-16Z, a

request of LJA Engineering, applicant; on behalf of A S 121 Pearland Parkway-Broadway Street, L.P., owner; for a change in zoning to amend the Province Village PD, on approximately 1.707 acres of land, providing for an amendment of the zoning district map; containing a savings clause, a severability clause, and an effective date and other provisions related to the subject.

5. **Consideration and Possible Action – First Reading of Ordinance No. CUP 2014-08 –** An Ordinance of the City Council of the City of Pearland, Texas, approving a Conditional Use Permit for certain property, being a 2.225 acre (96,940 square feet) tract of land in the H.T. & B.R.R. Co. Survey, Abstract 309, Brazoria County, Texas, said 2.225 acre tract is in the south one-half of lot 30 of the Allison-Richey Gulf Coast Home Company's Part of Suburban Gardens Subdivision as recorded in Volume 2, Page 23 of the Brazoria County Map records and is further described as being part of a tract of land described in a deed conveyed from Garfield Clark, Jr. to Danny L. Blumrick executed on March10, 1999 as recorded in Clerk's File No. 99 012327 in the Brazoria County Clerk's and all of a 0.9326 acre tract of land described in a deed conveyed from Garfield Clark, Jr. to Danny L. Blumrick executed on November 28, 2000 as recorded in Clerk's File No. 01 034492 in Brazoria County Clerk's Office Brazoria County, Texas; located at **3030 Cullen Parkway**, Pearland, TX; Conditional Use Permit Application No. CUP 2014-08, to allow for a Church, Temple, or Place of Worship within the Neighborhood Services (NS) Zoning District at the request of Pirooz Farhoomand, applicant; on behalf of Artisan Estates, owner; containing a savings clause, a severability clause, an effective date and other provisions related to the subject.

6. **Consideration and Possible Action – First Reading of Ordinance No. 443-1 –** An Ordinance of the City Council of the City of Pearland, Texas, amending Chapter 30, Article III, Sewers, of the City of Pearland Code of Ordinances, for the; having a savings clause, a severability clause, and a repealer clause; providing for publication, codification, and an effective date.

7. **Consideration and Possible Action – First Reading of Ordinance No. 1508 –** An Ordinance of the City Council of the City of Pearland, Texas, adopting a Water Conservation and Drought Contingency and Water Emergency Response Plan for the City of Pearland to promote responsible use of water and to provide for penalties and/or the disconnection of water service for noncompliance with the provisions of the Water Conservation and Drought Contingency and Water Emergency Response Plan.

8. **Council Input and Discussion –** Update regarding contract with The Goodman Corporation and the Status of the proposed Pearland Area Park & Ride located along Smith Ranch Road near Hughes Ranch Road.

OTHER BUSINESS:

EXECUTIVE SESSION UNDER TEXAS GOVERNMENT CODE

1. **Section 551.074 – Personnel Matters –** Regarding appointments to the Boards and Commissions.

NEW BUSINESS CONTINUED:

9. **Consideration and Possible Action –** Regarding appointments to the Boards and Commissions.

VII. MAYOR/COUNCIL ISSUES

IX. ADJOURNMENT

This site is accessible to disabled individuals. For special assistance, please call Young Lorfing at 281.652.1840 prior to the meeting so that appropriate arrangements can be made.

Consent Agenda Item A

A. Consideration And Possible Action – Approval Of Minutes:

Minutes of the September 22, 2014, Regular Meeting, held at 6:30 p.m.

MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, HELD ON MONDAY, SEPTEMBER 22, 2014, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS.

Mayor Reid called the meeting to order at 6:37 p.m. with the following present:

Mayor	Tom Reid
Mayor Pro-Tem	Keith Ordeneaux
Councilmember	Tony Carbone
Councilmember	Scott Sherman
Councilmember	Gary Moore
Councilmember	Greg Hill
City Manager	Clay Pearson
City Attorney	Darrin Coker
City Secretary	Young Lorfing

Others in attendance: Daniel Baum Deputy Fire Chief; Claire Bogard Director of Finance; Jon Branson Deputy City Manager; Matt Buchanan President of Pearland Economic Development Cooperation; J.C. Doyle Police Chief; Trent Epperson Assistant City Manager; Roland Garcia Fire Marshal; Michelle Graham Director of Parks and Recreation; Bonita Hall Director of Human Resource and Safety Management; Lata Krishnarao Director of Community Development; Vance Riley Fire Chief; Eric Wilson Director of Public Works; Sparkle Anderson Communications Manager; Skipper Jones Assistant Director of Capital Projects; Rick Overgaard Assistant Finance Director; Bob Pearce Purchasing Officer; Johnny Spires Assistant Police Chief.

The invocation was given by Mayor Pro-Tem Ordeneaux and the Pledge of Allegiance was led by J.C. Doyle Police Chief.

CALL TO ORDER

ROLL CALL: Mayor Reid, Mayor Pro-Tem Ordeneaux, Councilmembers Carbone, Sherman, Moore, and Hill.

CITIZEN COMMENTS:

Linda Milam, 1926 Crooked Creek, addressed Council stating she is a resident of Woodcreek Subdivision, and is concerned about the park in the subdivision. The equipment was removed because of safety reasons. For lack of City funds the equipment cannot be replaced at this time. She stated by law sex offenders are not allowed to live in a subdivision if there is a park in that subdivision that has three pieces of playground equipment. There are a lot of children in the subdivision, and women that walk the neighborhood. She implores the City to install three inexpensive pieces of playground equipment in the park to keep sex offenders from moving into the subdivision.

PUBLIC HEARING: None.

CONSENT AGENDA:

A. Consideration And Possible Action – Approval Of Minutes:

1. Minutes of the August 11, 2014, Regular Meeting, held at 6:30 p.m.
2. Minutes of the August 13, 2014, Special Meeting, held at 6:00 p.m.
3. Minutes of the August 18, 2014, Joint Public Hearing, held at 7:30 p.m.

B. Consideration and Possible Action – Second and Final Reading of Ordinance No. 1502 – An Ordinance of the City Council of the City of Pearland, Texas, repealing Chapter 4, *Alcoholic Beverages*, of the City of Pearland Code of Ordinances, in its entirety, and adopting a new Chapter 4 for the purposes of complying with state law; having a savings clause, a severability clause, and a repealer clause; providing for publication, codification, and an effective date.

C. Consideration and Possible Action – Resolution No. R2014-115 – A Resolution of the City Council of the City of Pearland, Texas, authorizing the City Manager or his designee to enter into an Interlocal Agreement with League City, Seabrook, Clute, Webster, Texas City, South Houston and Galveston County for Breath Alcohol Technical Supervisor Services.

D. Consideration and Possible Action – Resolution No. R2014-110 – A Resolution of the City Council of the City of Pearland, Texas, awarding a bid for standby generator maintenance services to Kentech, Inc. in the estimated amount of $50,000.00 for the period of September 2014 through September 2015.

E. Consideration and Possible Action – Resolution No. R2014-111 – A Resolution of the City Council of the City of Pearland, Texas, awarding a unit supply bid for school zone flasher systems to Southwest Signal Supply, Inc. in the estimated amount of $ 131,636.00 for the period of October 2014 through September 2015.

F. Consideration and Possible Action – Resolution No. R2014-109 – A Resolution of the City Council of the City of Pearland, Texas, renewing a unit price supply bid with Smith Municipal Supply for signs and sign materials in the estimated amount of $122,000.00 for the period of October 23, 2014 through October 22, 2015.

G. Council Input and Possible Action – Resolution No. R2014-103 – A Resolution of the City Council of the City of Pearland, Texas, adopting an amended Investment Policy, Investment Strategy and approved Brokers in accordance with chapter 2256 of the Government Code ("Public Funds Investment Act").

H. Consideration and Possible Action – Resolution No. R2014-112 – A Resolution of the City Council of the City of Pearland, Texas, authorizing the City Manager or his designee to enter into a contract for engineering services with AARK Engineering, in the amount of $155,250.00, for the Southdown Wastewater Treatment Plant Rehabilitation Project.

Councilmember Hill asked that Consent Agenda Item C be removed from the Consent Agenda for further discussion.

Councilmember Carbone asked that Consent Agenda Item H be removed from the Consent Agenda for further discussion.

Councilmember Carbone made the motion, seconded by Councilmember Sherman, to adopt Consent Agenda Items A through H with the exception of Items C, and H as presented on the Consent Agenda.

Voting "Aye" Councilmembers Carbone, Sherman, Ordeneaux, Moore, and Hill.

Voting "No" None.

Motion Passed 5 to 0.

MATTERS REMOVED FROM CONSENT AGENDA:

As requested by Councilmember Hill Consent Agenda Item C was removed for further discussion.

C. Consideration and Possible Action – Resolution No. R2014-115 – A Resolution of the City Council of the City of Pearland, Texas, authorizing the City Manager or his designee to enter into an Interlocal Agreement with League City, Seabrook, Clute, Webster, Texas City, South Houston and Galveston County for Breath Alcohol Technical Supervisor Services.

Councilmember Carbone made the motion, seconded by Councilmember Sherman to approve Resolution No. R2014-115.

City Manager Clay Pearson reported this is an interlocal agreement among nine local agencies to share the cost of a Breath Alcohol Technical Supervisor. This individual will test the agencies Breath Alcohol Instruments periodically to ensure they are operating as designed. This will ensure their admissibility of evidence in court. This individual will also e nsure the inventory of unused mouthpieces required for the instrument's use. The agreement allows for termination of its participation upon thirty days written notice to the other parties.

Discussion ensued between Council and Police Chief J.C. Doyle regarding the reasoning why most of the local agencies are in Galveston County.

Voting "Aye" Councilmembers Hill, Moore, Ordeneaux, Sherman, and Carbone.

Voting "No" None.

Motion Passed 5 to 0.

As requested by Councilmember Carbone Consent Agenda Item H was removed for further discussion.

H. Consideration and Possible Action – Resolution No. R2014-112 – A Resolution of the City Council of the City of Pearland, Texas, authorizing the City Manager or his designee to enter into a contract for engineering services with AARK Engineering, in the amount of $155,250.00, for the Southdown Wastewater Treatment Plant Rehabilitation Project.

Councilmember Carbone made the motion, seconded by Councilmember Sherman, to approve Resolution No. R2014-112.

City Manager Clay Pearson reported this Rehabilitation Project for the Southdown Wastewater Treatment Plan will extend its operational life into the time frame for the eventual decommissioning and transfer of flows to Far Northwest Plant. The project is an effective investment in infrastructure to reduce long-term operating costs.

Councilmember Carbone stated he would like some input regarding the road that is going to be put at the back of the Wastewater Treatment plant. Could that be done at the start of the project so there will not be additional traffic going through the neighborhood section.

City Manager Clay Pearson stated he would follow up, and get back to Councilmember Carbone.

Voting "Aye" Councilmembers Carbone, Sherman, Ordeneaux, Moore, and Hill.

Voting "No" None.

Motion Passed 5 to 0.

NEW BUSINESS:

First and Only Reading of Ordinance No. 1504 – An Ordinance authorizing issuance of City of Pearland, Texas, Water and Sewer System Revenue Bonds, Series 2014; prescribing the terms thereof; providing for the payment thereof; awarding the sale thereof; making other provisions regarding such bonds and matters incident thereto; and declaring an emergency.

Councilmember Sherman made the motion, seconded by Mayor Pro-Tem Ordeneaux, to approve Ordinance No. 1504 on its first and only reading.

City Manager Clay Pearson reported the fiscal year 2014 budget included the sale of Water and Sewer Revenue Bonds in the amount of $19.4 million for the construction of capital improvement projects appropriated with the annual budget for fiscal year 2014. The amount of the bonds is $10.1 million less than anticipated mainly due to project timing of the Far Northwest Treatment Plant Expansion and the McHard Road Waterline has been split into two phases to coincide with the McHard Road Street Project. Water and Sewer Revenue Bonds are backed and paid for by the Water and Sewer System Revenues generated by the rates of the system.

BOSC, Inc. Financial Advisor Brian O'Hara presented a presentation on the results of the competitive sale.

Discussion ensued between Council, Financial Advisor Brian O'Hara, and Finance Director Claire Bogard regarding the Water and Sewer twenty five year level Debt Service Bond.

Voting "Aye" Councilmembers Hill, Moore, Ordeneaux, Sherman, and Carbone.

Voting "No" None.

Motion Passed 5 to 0.

First and Only Reading of Ordinance No. 1503 – An Ordinance authorizing the issuance of City of Pearland, Texas Certificates of Obligation, Series 2014; prescribing the terms thereof; providing for the payment thereof; awarding the sale thereof; making other provisions regarding such certificates and matters incident thereto; and declaring an emergency.

Mayor Pro-Tem Ordeneaux made the motion, seconded by Councilmember Carbone, to approve Ordinance No. 1503 on its first and only reading.

Discussion ensued between Council and City Manager Clay Pearson regarding options of the City Hall renovations to be brought back to Council.

Voting "Aye" Councilmembers Carbone, Sherman, Ordeneaux, Moore, and Hill.

Voting "No" None.

Motion Passed 5 to 0.

First Reading of Ordinance No. 1505 – An Ordinance adopting a tax rate of $0.7121 and levying taxes for the use and support of the Municipal Government of the City of Pearland, Texas, and providing for the interest and sinking fund of the taxable year 2014.

Councilmember Moore moved that the property tax rate be increased by the adoption of a tax rate of $0.7121, which is effectively a 5.62% increase in the tax rate, seconded by Councilmember Carbone, to approve Ordinance No. 1505 on its first reading.

City Manager Clay Pearson reported the City is proposing a tax rate of $0.7121, and increase of .007 cents from the current tax rate of $0.7051 per $100 valuation. The increase is attributable to the operations component of the total tax rate. Adoption of a tax rate that will provide for payment of debt service and for the program of services for fiscal year 2014-2015.

Voting "Aye" Councilmembers Hill, Moore, Ordeneaux, Sherman, and Carbone.

Voting "No" None.

Motion Passed 5 to 0.

First Reading of Ordinance No. 1506 – An appropriation Ordinance adopting a revised budget for the fiscal year ending September 30, 2014 and adopting a budget for the fiscal year beginning October 1, 2014, and ending September 30, 2015, and pay plans for fiscal year 2015.

Councilmember Hill made the motion, seconded by Councilmember Carbone, to approve Ordinance No. 1506 on its first reading.

City Manager Clay Pearson reported Council has reviewed the fiscal year 2014-2015 budget through a series of budget workshops and held a public hearing on the budget. The operating funds for fiscal year 2014-2015 totals $166,250,407 and the Capital Improvement Program (CIP) totals $60,750,139 including transfers. The Capital Improvement Program is year one of the five-year CIP (2015-2019) and the action tonight will appropriate funds for anticipated 2015 spending. The operating budget is for one year and Capital Improvements are for project length.

Mayor Pro-Tem Ordeneaux thanked Staff for the work and time they put into preparing the budget.

Councilmember Sherman thanked Staff for their involvement and answering questions regarding the budget. He stated with this budget it will allow funds that are not used to fill vacancies during the course of the year will be used towards the needs and wants within the community.

Mayor Reid stated if Pearland was not growing as fast as it is Council and Staff would not have such a challenge of putting a budget together.

Voting “Aye” Councilmembers Carbone, Sherman, Ordeneaux, Moore, and Hill.

Voting “No” None.

Motion Passed 5 to 0.

First Reading of Ordinance No. 1023-4 – An Ordinance of the City Council of the City of Pearland, Texas, amending development and permit fees; containing a savings clause, a severability clause and a repealer clause; providing for publication and an effective date.

Councilmember Carbone made the motion, seconded by Councilmember Sherman, to approve Ordinance No. 1023-4 on its first reading.

City Manager Clay Pearson reported the 2015 budget proposes increases to development related fees. These increases were proposed for certain application fees and permit fees based upon increasing cost of service (wages, benefits, and commodities), comparisons of fees in other municipalities, and revenue requirements.

Mayor Pro-Tem Ordeneaux stated he is not comfortable with the increases. In some cases it is a substantial amount. The increases should be in a more incremental way. He stated he cannot support this Ordinance the way it is presented.

Councilmember Carbone stated he appreciates Staff hearing him regarding the foster home inspections. Some of the developer fees are going up 300% in one year. He stated this requires further discussion.

Councilmember Hill stated he would like to have further discussion regarding the impact fees.

Mayor Pro-Tem Ordeneaux stated he is not opposed to passing the first reading if a workshop could be scheduled to discuss the fees, and make changes before the second reading.

Voting "Aye" Councilmembers Sherman, Ordeneaux, Moore, and Hill.

Voting "No" Councilmember Carbone.

Motion Passed 4 to 1.

First Reading of Ordinance No. 1358-11 – An Ordinance of the City Council of the City of Pearland, Texas, amending non-development usage and service fees; containing a savings clause, a severability clause and a repealer clause; providing for publication and an effective date.

Councilmember Sherman made the motion, seconded by Councilmember Carbone, to approve Ordinance No. 1358-11 on its first reading.

City Manager Clay Pearson reported as part of the budget process, City Staff rate necessary additions and/or changes in fees in order to cover the cost of service being provided as well as conduct a rate analysis as part of the water/sewer rate model. Changes typically come about based on changes in contract pricing, such as the meters, increases to fees to comply with the Parks Revenue Management Plan, and new fees.

Voting "Aye" Councilmembers Carbone, Sherman, Ordeneaux, Moore, and Hill.

Voting "No" None.

Motion Passed 5 to 0.

Council Action – Resolution No. R2014-104 – A Resolution of the City Council of the City of Pearland, Texas, deducting uncollectible Utility Billing and Parks and Recreation accounts from the City's Financial Statement.

Mayor Pro-Tem Ordeneaux made the motion, seconded by Councilmember Sherman, to approve Resolution No. R2014-104.

City Manager Clay Pearson reported based on the City's Financial Management Policy Statement adopted on August 31, 2009, staff is bringing forward for Council consideration the annual write-off of doubtful accounts from fiscal year 2012. The amount for Utility Billing is $24,740.98 on 151 accounts and represents less than .001% on $25.7 million billed that fiscal year. This compares to $27,931.82 on 192 accounts on last year's request for FY 2011.

City Attorney Darrin Coker stated the City has a policy that if a builder owes money on a utility account the City can refuse to issue permits. This policy does not compromise the ability of the City to collect the money owed.

Voting "Aye" Councilmembers Hill, Moore, Ordeneaux, Sherman, and Carbone.

Voting "No" None.

Motion Passed 5 to 0.

Council Action – Resolution No. R2014-113 – A Resolution of the City Council of the City of Pearland, Texas, awarding a bid for construction services, associated with the Business Center Drive Library Expansion Project, to Construction Masters of Houston, Inc., in the amount of $279,700.00.

Councilmember Moore made the motion, seconded by Councilmember Sherman, to approve Resolution No. R2014-113.

City Manager Clay Pearson reported Council is being asked to award a bid for construction services, associated with the Business Center Drive Library Expansion Project, to Construction Masters of Houston, Inc., in the amount of $279,700.

Discussion ensued between Council and City Manager Clay Pearson regarding the bid amount for construction services are included in the amended budget.

Voting "Aye" Councilmembers Hill, Moore, Ordeneaux, Sherman, and Carbone.

Voting "No" None.

Motion Passed 5 to 0.

Council Action – Resolution No. R2014-116 – A Resolution of the City Council of the City of Pearland, Texas, renewing a unit supply bid for hot asphalt mix in the estimated amount of $431,000. for the period beginning October 1, 2014 and ending September 30, 2015.

Councilmember Hill made the motion, seconded by Mayor Pro-Tem Ordeneaux, to approve Resolution No. R2014-116.

City Manager Clay Pearson reported Council is being asked for approval to renew the contract for the purchase of hot asphalt mix from Century Asphalt Materials, based on the Brazoria County Interlocal Agreement, in order to complete the scheduled street rehabilitation projects targeted for FY 2015.

Voting "Aye" Councilmembers Carbone, Sherman, Ordeneaux, Moore, and Hill.

Voting "No" None.

Motion Passed 5 to 0.

First Reading of Ordinance No. 2000M-118 – An Ordinance of the City Council of the City of Pearland, Texas, amending Ordinance No. 2000M, the zoning map of the City of Pearland, Texas, for the purpose of changing the classification of certain real property, being a tract of land containing 2.939 acres 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 (located at the northeast corner of Broadway Street and Shauntel Street, Pearland, Texas), Zone Change 2014-12Z; a request of Brian Allen, 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, providing for an amendment of the

zoning district map; containing a savings clause, a severability clause and an effective date and other provisions related to the subject.

Councilmember Carbone made the motion, seconded by Councilmember Sherman, to approve Ordinance No. 2000M-118 on its first reading.

Mayor Reid read into the record the Planning and Zoning Commission's recommendation to forward to Council for approval of Zone Change 2014-12Z.

City Manager Clay Pearson reported Council is being asked to consider the Zone Change Application 2014-12Z to change the zoning of the approximately 2.9 acre site from General Commercial (GC), to Baks Brewery a non-residential Planned Development (PD).

At 7:25 p.m. Councilmember Moore stepped out of the Council Chambers.

Voting "Aye" Councilmembers Carbone, Sherman, Ordeneaux, and Hill.

Voting "No" None.

Motion Passed 4 to 0, with Councilmember Moore absent from the Chambers.

At 7:27 p.m. Councilmember Moore returned to the Council Chambers.

First Reading of Ordinance No. 2000M-119 – An Ordinance of the City Council of the City of Pearland, Texas, amending Ordinance No. 2000M, the zoning map of the City of Pearland, Texas, for the purpose of changing the classification of certain real property, being a tract of land containing 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, (located on the south side of Broadway Street, east and west of Kirby Drive, and west of Business Center Drive, Pearland, Texas), Zone Change Application 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, providing for an amendment of the zoning district map; containing a savings clause, a severability clause and an effective date and other provisions related to the subject.

Councilmember Sherman made the motion, seconded by Councilmember Carbone, to approve Ordinance No. 2000M-119 on its first reading.

Mayor Reid read into the record the Planning and Zoning Commission's recommendation to forward to Council for approval of Zone Change 2014-13Z.

City Manager Clay Pearson reported Council is being asked to consider the Zone Change Application 2014-13Z to amend the sign regulations of the Pearland Town Center Planned Development.

Voting “Aye” Councilmembers Hill, Moore, Ordeneaux, Sherman, and Carbone.

Voting “No” None.

Motion Passed 5 to 0.

First Reading of Ordinance No. 2000M-117 – An Ordinance of the City Council of the City of Pearland, Texas, amending Ordinance No. 2000M, the zoning map of the City of Pearland, Texas, for the purpose of changing the classification of certain real property, being that portion of Lot 5 of the subdivision of James Hamilton Survey, Abstract No. 881, a portion lying within Harris County, Texas and the remainder lying within Brazoria County, Texas, according to the map or plat thereof recorded in Volume 83, Page 34 of the deed records of Harris County, Texas, (located at the southwest corner of Spectrum Boulevard and State Highway 288, Pearland, TX), Zone Change 2014- 02Z; a request of Jack Parker, applicant; on behalf of American Modern Green Development (Houston), LLC., owner; for approval of a zone change from the Waterlights Planned Development (PD) to the Ivy District PD, on approximately 48.5 acres of land, providing for an amendment of the zoning district map; containing a savings clause, a severability clause and an effective date and other provisions related to the subject.

Mayor Pro-Tem Ordeneaux made the motion, seconded by Councilmember Carbone to approve Ordinance No. 2000M-117 on its first reading as amended.

Mayor Reid read into the record the Planning and Zoning Commission’s recommendation to forward to Council for approval of Zone Change 2014-02Z.

Director of Community Development Lata Krishnarao reported staff has been working with the applicant over the past few weeks. The Planning & Zoning conditions of approval have been addressed. Council is being asked to consider the zone change request for Ivy District Planned Development.

Modern Green Representative Drew Pelter gave an updated presentation of the Modern Green Project. He thanked City Staff for their patience they have shown with the project over the last year.

Derrick Reed, 12411 Silent Creek, addressed Council stating he is on the Planning and Zoning Board, and he voted against the Modern Green Project. He would like to see more office and commercial space in the Modern Green Project. He further stated in that area the traffic will be an issue because there is only one way out which leads south. He is asking Council to consider the traffic issue if the Modern Green Project is approved.

City Attorney Darrin Coker stated Council is the ultimate zoning authority. The Planning and Zoning Commission is a recommending body. In this instance it was a Planned Development. There are some modifications recommended within that document. He further stated the nature of the recommendations are such that Council is not required to go back to the Planning and Zoning Commission. Council could take action on this or Council could send it back to the Planning and Zoning Commission.

Councilmember Sherman made the motion to send the Modern Green Project back to Planning and Zoning for their review and recommendation.

Motion failed for lack of a second.

Mayor Reid stated the Sugar Land Town Square is very similar to the Modern Green Project. It is an attractive system that Sugar Land has. He further stated the Modern Green Project is something that will work well in the Pearland Community.

Mayor Pro-Tem Ordeneaux stated he understands transportation is an issue in that area. The reason people move to Pearland is easy access to Houston. Growth cannot be stopped. He believes the Modern Green Development is the best for the City in that area. He further stated Modern Green will be in Harris County, and any child living there will be zoned to the Houston Independent School District.

Councilmember Moore thanked everyone with Modern Green for their hard work, and the changes they made to make this the best project for the City. He stated after listening to the constituents he will be voting no to this project.

Councilmember Hill stated the Modern Green Project fits the City's Comprehensive Plan. Residents he has talked to want this so they do not have to drive into Houston. Modern Green has worked to bring this to the City, and believes it will be good for Pearland.

Councilmember Carbone thanked City Staff for their hard work, Drew Pelter and his team for working with the City, and the Planning and Zoning Commission. He stated he is excited and looking forward to the tax base, and economic impact to the area Modern Green will bring in.

Discussion ensued between Council, Modern Green Representative Drew Pelter, and Senior Vice President of Graystone David McDowell regarding the apartment complex numbers, and the Senior Care Living units.

Councilmember Sherman stated the residents in Pearland do not want more apartments. Pearland has plenty of places for people to live, and building more each day. He further stated everyone knows how he feels about apartments.

Mayor Pro-Tem Ordeneaux made the motion to amend the motion, seconded by Councilmember Carbone, to include the revised recommendations as presented.

Voting "Aye" Councilmembers Carbone, Ordeneaux, Moore, and Hill.

Voting "No" Councilmember Sherman.

Motion Passed 4 to 1.

Mayor Reid called for the vote on the original motion as amended.

Voting "Aye" Councilmembers Carbone, Ordeneaux, and Hill.

Voting "No" Councilmembers Sherman, and Moore.

Motion Passed 3 to 2.

OTHER BUSINESS:

EXECUTIVE SESSION UNDER TEXAS GOVERNMENT CODE

Council adjourned into Executive Session under Texas Government Code at 8:23 p.m.to discuss the following:

1. **Section 551.087 – Consultation with City Attorney –** Regarding Economic Development Negotiations.

2. **Section 551.074 – Personnel Matters –** Regarding appointments to the Boards and Commissions.

NEW BUSINESS CONTINUED:

Council returned from Executive Session at 9:00 p.m.

Council Action – Regarding Economic Development Negotiations.

No Council action taken.

Council Action – Regarding appointments to the Boards and Commissions.

No Council action taken.

MAYOR/COUNCIL ISSUES: None.

ADJOURNMENT

Meeting was adjourned at 9:01 p.m.

Minutes approved as submitted and/or corrected this the _____day of _____, A.D., 2014.

_____
Tom Reid
Mayor

ATTEST:

_____
Young Lorfing, TRMC
City Secretary

Consent Agenda Item B

B. **Consideration and Possible Action – Second and Final Reading of Ordinance No. 1507 –** An Ordinance of the City Council of the City of Pearland, Texas, finding that the City has established *Guidelines and Criteria for Granting Tax Abatement* pursuant to Resolution No. R2013-14; designating and describing a Reinvestment Zone (to be known as Reinvestment Zone #26) generally located at the intersection of McHard Road and SH35, in accordance with the Property Redevelopment and Tax Abatement Act; finding that the improvements sought are feasible and practical and would be a benefit to the land to be included in the zone and the municipality after the expiration of the Tax Abatement Agreement; authorizing the City Manager to sign tax abatement agreements when approved by the City Council; having a savings clause and a severability clause; and an effective date.

AGENDA REQUEST
BUSINESS OF THE CITY COUNCIL
CITY OF PEARLAND, TEXAS

AGENDA OF: October 13, 2014	**ITEM NO.:** Ordinance No. 1507
DATE SUBMITTED: N/A	**DEPT. OF ORIGIN:** PEDC
PREPARED BY: Darrin Coker	**PRESENTOR:** Darrin Coker
REVIEWED BY: Darrin Coker	**REVIEW DATE:**

SUBJECT: **An Ordinance of the City Council of the City of Pearland, Texas, finding that the City has established Guidelines and Criteria for Granting Tax Abatement pursuant to Resolution No. R2013-14; designating and describing a Reinvestment Zone (to be known as Reinvestment Zone #26) generally located at the intersection of McHard Road and SH35, in accordance with the Property Redevelopment and Tax Abatement Act; finding that the improvements sought are feasible and practical and would be a benefit to the land to be included in the zone and the municipality after the expiration of the Tax Abatement Agreement; authorizing the City Manager to sign tax abatement agreements when approved by the City Council; having a savings clause and a severability clause; and an effective date.**

EXHIBITS: Ordinance No. 1507; Property Description; Map

FUNDING:

	☐**Grant**	☐**Developer/Other**	☐**Cash**
☐**Bonds To Be Sold**	☐**Bonds- Sold**	☐**L/P – Sold**	☐**L/P – To Be Sold**

EXPENDITURE REQUIRED: N/A
AMOUNT BUDGETED:
AMOUNT AVAILABLE:
PROJECT NO.:
ACCOUNT NO.:
ADDITIONAL APPROPRIATION REQUIRED:
ACCOUNT NO.:
PROJECT NO.:

To be completed by Department:

Finance **X Legal** **X Ordinance** **Resolution**

EXECUTIVE SUMMARY

This is the ordinance creating a reinvestment zone for property generally located at 1424 N. Main St., just south of the Kemlon facility, so the City may enter into a Tax Abatement Agreement with any prospect that may develop in the zone. The ordinance makes a determination that the

proposed industrial improvements sought for the property are feasible and practicable and that the improvements will benefit the land within the zone.

PEDC and the City have been working with Keystone Engineering Group, Inc. on the possible construction of a headquarters and manufacturing facility. The proposed facility would include office, manufacturing and warehouse area in a 45,000 – 50,000 sq. ft. tilt-up concrete building. The structure will be of similar quality and style to the Kemlon facility. Investment in land, building and equipment is estimated at $6.5M and will create approximately 70 jobs.

Keystone Engineering Group, Inc. is a multi-disciplined engineering consulting firm with over 300 employees and locations in Texas and Louisiana. Founded in 1988, they provide civil/structural, mechanical, process, electrical, instrumentation and controls programming/integration engineering services to a largely industrial clientele.

This is the first reading of the ordinance creating the reinvestment zone and a second reading is scheduled for October 13th. The actual abatement agreement will not be presented to the City Council until October 27th.

ORDINANCE NO. 1507

An Ordinance of the City Council of the City of Pearland, Texas, finding that the City has established *Guidelines and Criteria for Granting Tax Abatement* pursuant to Resolution No. R2013-14; designating and describing a Reinvestment Zone (to be known as Reinvestment Zone #26) generally located at the intersection of McHard Road and SH35, in accordance with the Property Redevelopment and Tax Abatement Act; finding that the improvements sought are feasible and practical and would be a benefit to the land to be included in the zone and the municipality after the expiration of the Tax Abatement Agreement; authorizing the City Manager to sign tax abatement agreements when approved by the City Council; having a savings clause and a severability clause; and an effective date.

WHEREAS, Chapter 312 of the Texas Tax Code (the "Property Redevelopment and Tax Abatement Act") provides for the designation of a Reinvestment Zone or area; and

WHEREAS, the City Council has, pursuant to Resolution No. R2013-14, established *Guidelines and Criteria for Granting Tax Abatement*; and

WHEREAS, a certain area of the City of Pearland meets the criteria and guidelines heretofore established by the City Council required for designation as a Reinvestment Zone; and

WHEREAS, the City Council, on September 29, 2014 held a public hearing on the designation of a Reinvestment Zone and finds that the improvements sought are feasible and practical and would be a benefit to the land to be included in the zone and to the municipality after the expiration of an agreement under the Property Redevelopment and Tax Abatement Act; now, therefore,

ORDINANCE NO. 1507

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS:

Section 1. That pursuant to the Property Redevelopment and Tax Abatement Act, the City Council of the City of Pearland, Texas, hereby designates as a Reinvestment Zone the area described in Exhibits "A" and "B" attached hereto and made a part hereof for all purposes, to be known as Reinvestment Zone #26.

Section 2. That the area described in Exhibits "A" and "B" are reasonably likely, as a result of this designation, to contribute to the retention or expansion of primary employment, or to attract major investment into the zone that would be a benefit to the property and that would contribute to the economic development of the City, and that the improvements sought are feasible and practical and would be a benefit to the land to be included into the zone and to the municipality after the expiration of a Tax Abatement Agreement as authorized by the Property Redevelopment and Tax Abatement Act.

Section 3. That the designation of the Reinvestment Zone herein expires five (5) years from the effective date of this ordinance and may be renewed by a subsequent ordinance of the City Council for a period not to exceed an additional five (5) years. That expiration of the original designation shall not affect an agreement entered into under the provisions of this ordinance.

Section 4. That the City Council hereby authorizes agreements in writing with the owner of any taxable real estate located within the designated Reinvestment Zone, subject to the requirements and optional provisions of the Property Redevelopment and Tax

Abatement Act and the conditions of the *Guidelines and Criteria for Granting Tax Abatement* heretofore adopted by the City Council.

Section 5. That any agreement to be entered into under the provisions of this ordinance must be approved by the affirmative vote of a majority of the members of the City Council at a regularly scheduled meeting of the City Council. On approval by the City Council, the agreement may be executed by the City Manager.

Section 6. Savings. All rights and remedies which have accrued in favor of the City under this Ordinance shall be and are preserved for the benefit of the City.

Section 7. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid, unconstitutional or otherwise unenforceable by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 8. Effective Date. This Ordinance shall become effective upon passage and approval of its second reading.

PASSED and APPROVED ON FIRST READING this the _____ day of _____, A.D., 2014.

_____
TOM REID
MAYOR

ORDINANCE NO. 1507

ATTEST:

_____
YOUNG LORFING
CITY SECRETARY

APPROVED AS TO FORM:

_____
DARRIN M. COKER
CITY ATTORNEY

PASSED and APPROVED ON SECOND AND FINAL READING this the _____ day of _____, A. D., 2014.

_____
TOM REID
MAYOR

ATTEST:

_____
YOUNG LORFING, TRMC
CITY SECRETARY

APPROVED AS TO FORM:

_____
DARRIN M. COKER
CITY ATTORNEY

EXHIBIT "A"

FIELD NOTES

29.90 ACRES OF LAND, BEING A PART OF THE H.T.& B. R.R. COMPANY SURVEY, SECTION 2, ABSTRACT 542, BRAZORIA COUNTY, TEXAS, AND THE H.T.& B. R.R. COMPANY SURVEY, SECTION 3, ABSTRACT 232, BRAZORIA COUNTY, TEXAS, AND BEING A PART OF LOTS 64 AND 65 OF THE ZYCHLINSKI SUBDIVISION ACCORDING TO THE PLAT RECORDED IN VOLUME 29, PAGE 43, DEED RECORDS OF BRAZORIA COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at a concrete monument found at the intersection of the South line of Lot 64 with the West right-of-way line of State Highway 35 (100.0 feet wide), said point being the Southeast corner of a 29.90 acre tract described in Volume 1450, Page 669, Deed Records, and the Northeast corner a 6.046 acre tract conveyed to Brazoria County Drainage District No. 4 recorded in Clerk's File 95-033401;

THENCE South 89 deg. 59 min. 42 sec. West, along the common line of Lots 64, 65, 53, and 59 and the South line of the aforementioned 29.90 acre tract and the North line of said 6.046 acre tract and the John Ward Williams tract recorded in Volume 752, Page 405, Deed Records, a distance of 2099.46 feet to a 5/8 inch iron rod with a cap found for the Southwest corner of the herein described tract in the East line of the G.C.& S.F. R.R. Company right-of-way (100.0 feet wide);

THENCE North 13 deg. 45 min. West, along the East line of the G.C.& S.F. R.R. and the West line of said 29.90 acre tract, a distance of 617.56 feet to a 1/2 inch iron rod found for the Northwest corner of the herein described tract and the Southwest corner of the Raymond Haak tract recorded in Volume (91)922, Page 738, Official Records;

THENCE South 89 deg. 59 min. East, along the South line of the Haak tract, a distance of 2245.56 feet to a 1/2 inch iron rod found for the Northeast corner of the herein described tract in the West right-of-way line of State Highway 35;

THENCE South 00 deg. 03 min. 54 sec. East, along the West right-of-way line of State Highway 35, a distance of 599.02 feet to the PLACE OF BEGINNING and containing 29.90 acres of land.

FILED FOR RECORD
98 JUL 27 PM 1:47
COUNTY CLERK
BRAZORIA CO., TEXAS

EXHIBIT "A"

THE STATE OF TEXAS
COUNTY OF BRAZORIA

I, LOLLY BAILEY, Clerk of the County Court in and for Brazoria County, Texas, do hereby certify that this instrument was FILED FOR RECORD and RECORDED in the OFFICIAL RECORD at the time and date as stamped hereon by me.

County Clerk of Brazoria Co., TX

Title Data ST TDI13597 BR 98030653.002 SHARON

EXHIBIT
"B"

PARCEL 1
METES AND BOUNDS DESCRIPTION
23.521 ACRES OUT OF
LOTS 53, 54, AND 59 OF THE
W. ZYCHLINSKI SUBDIVISION IN THE
H.T. & B. R.R. CO. SURVEY, ABSTRACT NUMBER - 232
AND THE R.B. LYLE SURVEY, ABSTRACT NUMBER - 543
PEARLAND, BRAZORIA COUNTY, TEXAS

All that certain 23.521 acres out of Lots 53, 54, and 59 of the W. Zychlinski Subdivision according to the plat thereof as filed in Volume 29, Page 43 Brazoria County Deed Records in the H.T. & B. R.R. Co. Survey, Abstract Number 232 and the R.B. Lyle Survey, Abstract Number 542, Pearland, Brazoria County, Texas and being out of that certain tract described in a deed dated 09-29-1959 from Maynette Moffett Williams, Trustee, et vir to John Ward Williams as filed in Volume 752, Page 405 Brazoria County Deed Records and being more particularly described by metes and bounds as follows (bearings based on Texas Coordinate System of 1983, South Central Zone);

Commencing at a found 5/8" iron rod with TxDOT aluminum disc marking the southwest corner of that certain called 0.1785 acre "Parcel 30" described in a deed dated 08-08-2004 from John Ward Williams to State of Texas as filed in Official Records of Real Property of Brazoria County at Clerk's File Number 2004-076287 and being on the common south line of said John Ward Williams tract and the north line of that certain called 26.58 acre tract described in a deed dated 11-30-1979 from Margaret Davis Moulden, et al to Montalbano Lumber Company as filed in Volume 1487, Page 688 Brazoria County Deed Records and said point being on the west right-of-way line of State Highway Number 35 (width varies); Thence S 87° 14' 30" W – 1,794.31' with the south line of said John Ward Williams tract and the north line of said Montalbano Lumber Company tract to a point for corner; Thence N 16° 28' 07" W – 182.63' with the east line of the G. C. & S. F. Railroad right-of-way (100' wide) to a set 5/8" iron rod with cap (stamped C.L. DAVIS-RPLS 4464) marking the POINT OF BEGINNING of herein described tract, from which point a found 5/8" iron rod bears S 47° 57' 24" W – 0.55' for reference;

1. Thence N 16° 28' 07" W – 1,013.69' with the west right-of-way line of said G. C. & S. F. Railroad and the east line of said John Ward Williams tract to a found 5/8" iron rod for corner;

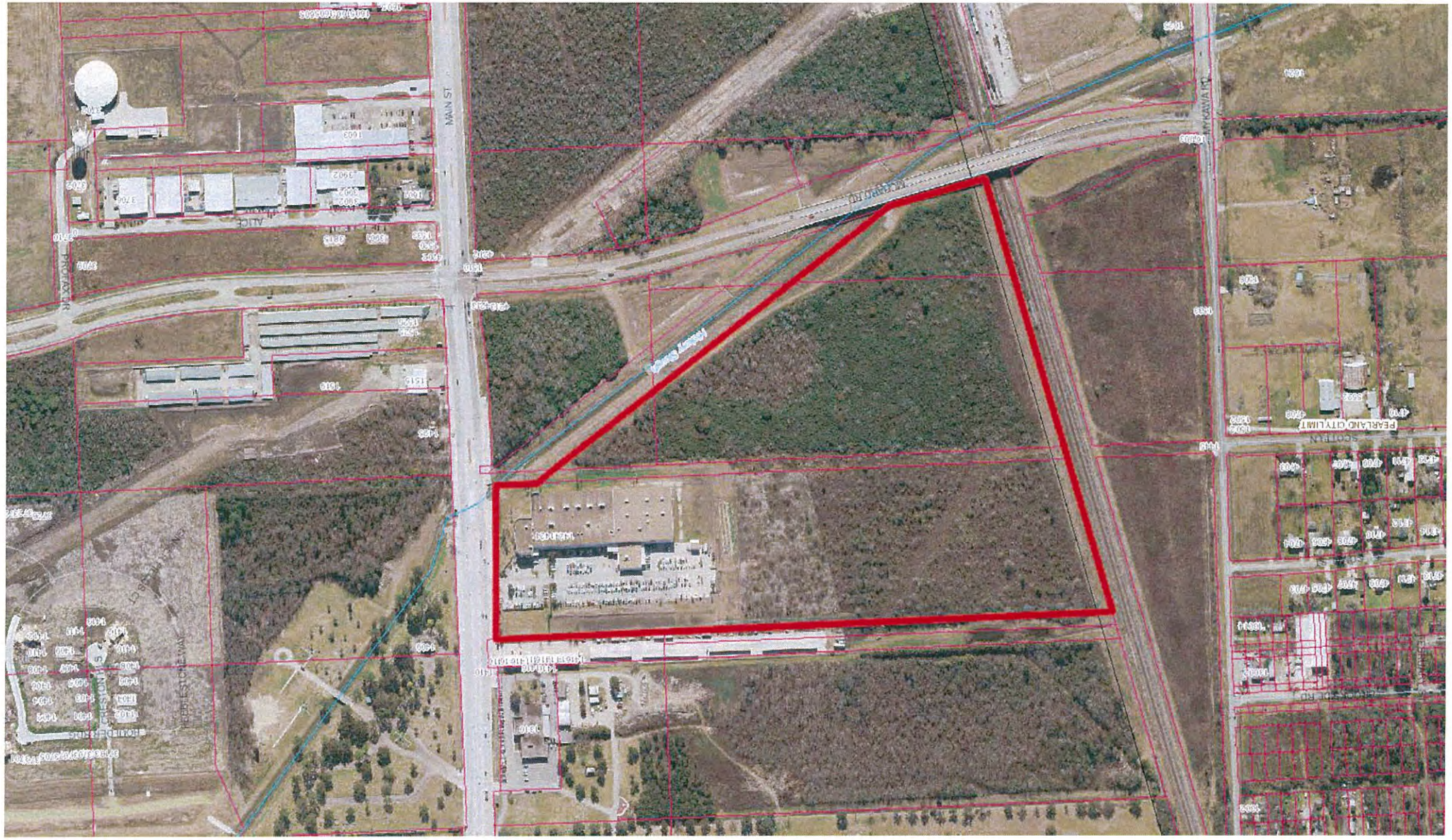
2. Thence N 87° 15' 44" E – 1,877.46' with the north line of said John Ward Williams tract and the south line of that certain called 29.90 acre tract described in a deed dated 07-02-1997 from W. H. K. Family Interests Partnership, Limited to Pearland Building II Limited Partnership as filed in Official Records of Real Property of Brazoria County at Clerk's File Number 97-022679 to a set 5/8" iron rod with cap (stamped C.L. DAVIS-RPLS 4464) for corner;

3. Thence S 52° 24' 57" W – 1,576.41' with the northwesterly line of that certain called 6.0460 acre tract described in a deed dated 09-15-1995 from John Ward Williams to Brazoria County Drainage District Number 4 as filed in Official Records of Real Property of Brazoria County at Clerk's File Number 95-033401 to a set 5/8" iron rod with cap (stamped C.L. DAVIS-RPLS 4464) for corner;

4. Thence S 73° 30' 26" W – 353.24' (deed – 352.96') with the north line of that certain called 0.537 acre "Tract II" described in a deed dated 12-01-1997 from John Ward Williams to the City of Pearland as filed in Official Records of Real Property of Brazoria County at Clerk's File Number 97-042854, also being the north right-of-way line of McHard Road (width varies) to the POINT OF BEGINNING and containing 23.521 acres (1,024,578 square feet) of land more or less.

This metes and bounds description is accompanied by a separate plat, drawing or exhibit per Texas Board of Professional Land Surveyor's "General Rules of Procedures and Practices" Section 663.19(9).

Compiled by:
C.L. Davis & Company
Job Number: 11-421-85 23.521 acres M&B.doc
08-08-2005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PEARLAND CITY LIMIT

Consent Agenda Item C

C. **Consideration and Possible Action – Resolution No. R2014-120 –** A Resolution of the City Council of the City of Pearland, Texas, authorizing the City Manager or his designee to enter into a contract for engineering services with Dannenbaum Engineering Corporation, in the amount of $163,034.00 for the Old Townsite Drainage Study.

AGENDA REQUEST
BUSINESS OF THE CITY COUNCIL
CITY OF PEARLAND, TEXAS

AGENDA OF:	October 13, 2014	**ITEM NO.:**	Resolution No. R2014-120
DATE SUBMITTED:	September 11, 2014	**DEPT. OF ORIGIN:**	Projects
PREPARED BY:	Andrea Brinkley	**PRESENTOR:**	Trent Epperson
REVIEWED BY:	Trent Epperson	**REVIEW DATE:**	September 23, 2014

SUBJECT: **RESOLUTION NO. R2014-120 - A Resolution of the City Council of the City of Pearland, Texas, authorizing the City Manager or his designee to enter into a contract for engineering services with Dannenbaum Engineering Corporation, in the amount of $163,034.00 for the Old Townsite Drainage Study.**

EXHIBITS: R2014-120; Exhibit A – Contract for Engineering Services, B- Site Location Map

FUNDING:

	☐ **Grant**	☐ **Developer/Other**	☐ **Cash**
☒ **Bonds To Be Sold**	☒ **Bonds- Sold**	☐ **L/P – Sold**	☐ **L/P – To Be Sold**

EXPENDITURE REQUIRED: $163,034
AMOUNT AVAILABLE: $2,588,200
ACCOUNT NO.: 203-000-565.01-00
ADDITIONAL APPROPRIATION REQUIRED:
ACCOUNT NO.: NA
PROJECT NO.: NA

AMOUNT BUDGETED: $2,588,200
PROJECT NO.: DR1302

To be completed by Department:
X Finance **X Legal** **Ordinance** **X Resolution**

RECOMMENDED ACTION

Staff recommends that Council approve the proposal and award a professional services contract to Dannenbaum Engineering Corporation for the Old Townsite Drainage Study and Preliminary Engineering Report project in the amount of $163,034 and authorize the City Manager to execute the agreement.

EXECUTIVE SUMMARY

BACKGROUND

The Old Townsite Drainage Study was budgeted in the FY 2014-2018 CIP as the prelude to developing a sub-regional detention plan for the 41 acre Old Town area. Although the actual watershed area incorporates up to 195 acres: bounded by Broadway on the north, Mary's Creek on the south, Old Alvin Road on the east and SH 35/South Main Street on the west, the study is

focused on developing a plan for sub-regional detention for the 41 acre area. The overall area includes both City owned and private property. The Drainage study will provide direction on the overall drainage requirements for the area but, will provide preliminary design for the 41 acre Old town area only. This is a short term priority project from the City of Pearland Sub-Regional Detention Plan to address the need for detention in the southeast quadrant of the Old Townsite to guide future development and redevelopment and mitigate the impacts of the expansion of the roadway network in this quadrant.

After completion of the study and preliminary engineering, a decision will be made on what improvements are designed and when they will be implemented.

SCOPE OF CONTRACT/AGREEMENT

The scope of services for the Preliminary Engineering Report includes survey, geotechnical investigations, a limited Phase One Environmental investigation, a hydrologic and hydraulic study, preliminary pond and conveyance design, the development of detention pond credits and pricing strategy, preliminary construction plans, a cost estimate and a proposed phasing schedule.

The Professional Engineering Services contract with Dannenbaum Engineering Corporation is divided into two components; Basic Services and Additional Services. The Basic Services Lump Sum total $98,240 (3.5% of estimated construction costs) and include the Preliminary Engineering Report. Additional Services total $62,894, (or 2% of construction) and include subconsultant environmental, geotechnical and surveying services. Reimbursable expenses total $1,900 for reproduction and mileage. The sum total of all fees is $163,034. These fees reflect a total of 5.9% of estimated construction costs.

Attached is a proposal from Dannenbaum Engineering Corporation in the total amount of $164,034. The contract schedule includes 6 months to complete the Preliminary Engineering Report. Dannenbaum Engineering Corporation has a long standing relationship with the City and has performed well on previous projects. The design of Kirby Dr. Widening and the construction management of the Hatfield Trunk Sewer are a few of the most recent projects with Dannenbaum Engineering Corporation.

BID AND AWARD

N/A

SCHEDULE

The Preliminary Engineering Report is estimated to be completed in the first quarter of 2015. The Final Design will follow.

POLICY/GOAL CONSIDERATION

The work effort is the first step in a Council goal for developing a regional detention plan within the southeast quadrant of the Old Townsite. The plan will provide guidance for future development in the area and ensure that all properties within the drainage basin have access to regional detention or drainage outfalls.

CURRENT AND FUTURE CIP FUNDING /FINANCIAL IMPACTS/DEBT SERVICE

The project is mainly funded through the issuance of general obligation bonds and accordingly has been incorporated into the City's forecast for the Debt Service Fund.

Year	To Date	2015	2016	2017	2018	Total
Budget	**$ 276,000**	**$ 2,312,200**	**$ 826,800**	**$ -**		**$ 3,415,000**
Prior Expenditures						
PER	-					-
Land/ROW						-
Design/Survey						-
Construction						-
FF&E						-
Current Request						
Design/Survey	**163,034**					**163,034**
Future Expenditures						
PER						-
Land/ROW						-
Design/Survey		383,000				383,000
Construction		1,929,200	826,800	-		2,756,000
FF&E						-
Total Expenditures	**$ 163,034**	**$ 2,312,200**	**$ 826,800**	**$ -**	**$ -**	**$ 3,302,034**
Remaining Balance	**$ 112,966**	**$ 112,966**	**$ 112,966**	**$ 112,966**	**$ 112,966**	**$ 112,966**

Debt Sold	100,000					
Debt to Be Sold	-	2,312,200	826,800	-		
Annual Debt Service		**6,700**	**161,617**	**217,013**	**217,013**	

O&M IMPACT INFORMATION

No increase in Operations and Maintenance is anticipated when the project is constructed.

Year	2014	2015	2016	2017	2018
Operation and Maintenance Costs				$ -	$ -

RESOLUTION NO. R2014-120

A Resolution of the City Council of the City of Pearland, Texas, authorizing the City Manager or his designee to enter into a contract for engineering services with Dannenbaum Engineering Corporation, in the amount of $163,034.00 for the Old Townsite Drainage Study.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS:

Section 1. That engineering contract, a copy of which is attached hereto as Exhibit "A" and made a part hereof for all purposes, is hereby authorized and approved.

Section 2. That the City Manager or his designee is hereby authorized to execute and the City Secretary to attest a contract for engineering services associated with the Old Townsite Drainage Study.

PASSED, APPROVED and ADOPTED this the _____ day of _____, A.D., 2014.

_____
TOM REID
MAYOR

ATTEST:

_____
YOUNG LORFING, TRMC
CITY SECRETARY

APPROVED AS TO FORM:

_____
DARRIN M. COKER
CITY ATTORNEY

CONTRACT FOR PROFESSIONAL SERVICES

THIS CONTRACT is entered into upon final execution by and between the City of Pearland ("CITY") and Dannenbaum Engineering Corporation ("CONSULTANT").

The CITY engages the CONSULTANT to perform professional services for a project known and described as Old Townsite Drainage ("PROJECT"). (Project # DR1302)

SECTION I - SERVICES OF THE CONSULTANT

The CONSULTANT shall perform the following professional services to CITY standards and in accordance with the degree of care and skill that a professional in Texas would exercise under the same or similar circumstances:

A. The CONSULTANT shall shall perform a Drainage Study and Preliminary Engineering Report. See Exhibit A, attached, for a detailed SCOPE OF WORK and PROJECT schedule. The PROJECT schedule shall be submitted in digital and hard copy form in the Microsoft Project for Windows format.

B. The CONSULTANT shall prepare and submit a detailed opinion of estimated cost of the PROJECT.

C. The CONSULTANT acknowledges that the CITY (through its employee handbook) considers the following to be misconduct that is grounds for termination of a CITY employee: Any fraud, forgery, misappropriation of funds, receiving payment for services not performed or for hours not worked, mishandling or untruthful reporting of money transactions, destruction of assets, embezzlement, accepting materials of value from vendors, or consultants, and/or collecting reimbursement of expenses made for the benefit of the CITY. The CONSULTANT agrees that it will not, directly or indirectly; encourage a CITY employee to engage in such misconduct.

D. The CONSULTANT shall submit all final construction documents in both hard copy and electronic format. Plans shall be AutoCAD compatible and all other documents shall be Microsoft Office compatible. The software version used shall be compatible to current CITY standards. Other support documents, for example, structural calculations, drainage reports and geotechnical reports, shall be submitted in hard copy only. All Record Drawings electronic files shall be submitted to the CITY in TIF format.

E. The CONSULTANT recognizes that all drawings, special provisions, field survey notes, reports, estimates and any and all other documents or work product generated by the CONSULTANT under the CONTRACT shall be delivered to the CITY upon request, shall become subject to the Open Records Laws of this State.

F. The CONSULTANT shall procure and maintain for the duration of this Agreement, insurance against claims for injuries to persons, damages to property, or any errors and omissions relating to the performance of any work by the CONSULTANT, its agents, employees or subcontractors under this Agreement, as follows:

(1) Workers' Compensation as required by law.

(2) Professional Liability Insurance in an amount not less than $1,000,000 in the aggregate.

(3) Comprehensive General Liability and Property Damage Insurance with minimum limits of $1,000,000 for injury or death of any one person, $1,000,000 for each occurrence, and $1,000,000 for each occurrence of damage to or destruction of property.

(4) Comprehensive Automobile and Truck Liability Insurance covering owned, hired, and non-owned vehicles, with minimum limits of $1,000,000 for injury or death of any one person, $1,000,000 for each occurrence, and $1,000,000 for property damage.

The CONSULTANT shall include the CITY as an additional insured under the policies, with the exception of the Professional Liability Insurance and Workers' Compensation. Certificates of Insurance and endorsements shall be furnished to the CITY before work commences. Each insurance policy shall be endorsed to state that coverage shall not be suspended, voided, canceled, and/or reduced in coverage or in limits ("Change in Coverage") except with prior written consent of the CITY and only after the CITY has been provided with written notice of such Change in Coverage, such notice to be sent to the CITY either by hand delivery to the City Manager or by certified mail, return receipt requested, and received by the City no fewer than thirty (30) days prior to the effective date of such Change in Coverage. Prior to commencing services under this CONTRACT, CONSULTANT shall furnish CITY with Certificates of Insurance, or formal endorsements as required by this CONTRACT, issued by CONSULTANT'S insurer(s), as evidence that policies providing the required coverage, conditions, and limits required by this CONTRACT are in full force and effect.

G. The CONSULTANT shall indemnify and hold the CITY, its officers, agents, and employees, harmless from any claim, loss, damage, suit, and liability of every kind for which CONSULTANT is legally liable, including all expenses of litigation, court costs, and attorney's fees, for injury to or death of any person, for damage to any property, or errors in design, any of which are caused by the negligent act or omission of the CONSULTANT, his officers, employees, agents, or subcontractors under this CONTRACT.

H. All parties intend that the CONSULTANT, in performing services pursuant to this CONTRACT, shall act as an independent contractor and shall have control of its own work and the manner in which it is performed. The CONSULTANT is not to be considered an agent or employee of the CITY.

SECTION II - PERIOD OF SERVICE

This CONTRACT will be binding upon execution and end 97 days after notice to proceed is issued.

SECTION III - CONSULTANT'S COMPENSATION

A. The total compensation for the services performed shall not exceed the total noted in Section B.

B. The CITY shall pay the CONSULTANT in installments based upon monthly progress reports and detailed invoices submitted by the CONSULTANT based upon the following:

1.	Basic Services (Lump Sum)	$98,240.00
2.	Additional Services shall require independent and specific authorization and shall be billed as (Sub-Consultants):	$62,894.00
3.	Bid Phase Services (Hourly Not to Exceed)	_____
4.	Construction Phase Services (Hourly Not to Exceed)	_____
5.	Reimbursable Expenses (Not to Exceed)	$1,900.00
6.	Total:	$163,034.00

C. The CITY shall make payments to the CONSULTANT within thirty (30) days after receipt and approval of a detailed invoice. Invoices shall be submitted on a monthly basis.

SECTION IV - THE CITY'S RESPONSIBILITIES

A. The CITY shall designate a project manager during the term of this CONTRACT. The project manager has the authority to administer this CONTRACT and shall monitor compliance with all terms and conditions stated herein. All requests for information from or a decision by the CITY on any aspect of the work shall be directed to the project manager.

B. The CITY shall review submittals by the CONSULTANT and provide prompt response to questions and rendering of decisions pertaining thereto, to minimize delay in the progress of the CONSULTANT'S work. The CITY will keep the CONSULTANT advised concerning the progress of the CITY'S review of the work. The CONSULTANT agrees that the CITY'S inspection, review, acceptance or approval of CONSULTANT'S work shall not relieve CONSULTANT'S responsibility for errors or omissions of the CONSULTANT or its sub-consultant(s) or in any way affect the CONSULTANT'S status as an independent contractor of the CITY.

SECTION V - TERMINATION

A. The CITY, at its sole discretion, may terminate this CONTRACT for any reason -- with or without cause -- by delivering written notice to CONSULTANT personally or by certified mail at 3100 West Alabama, Houston, Texas 77098. Immediately after receiving such written notice, the CONSULTANT shall discontinue providing the services under this CONTRACT.

B. If this CONTRACT is terminated, CONSULTANT shall deliver to the CITY all drawings, special provisions, field survey notes, reports, estimates and any and all other documents or work product generated by the CONSULTANT under the CONTRACT, entirely or partially completed, together with all unused materials supplied by the CITY on or before the 15th day following termination of the CONTRACT.

C. In the event of such termination, the CONSULTANT shall be paid for services performed prior to receipt of the written notice of termination. The CITY shall make final payment within sixty (60) days after the CONSULTANT has delivered to the CITY a detailed invoice for services rendered and the documents or work product generated by the CONSULTANT under the CONTRACT.

D. If the remuneration scheduled under this contract is based upon a fixed fee or definitely ascertainable sum, the portion of such sum payable shall be proportionate to the percentage of services completed by the CONSULTANT based upon the scope of work.

E. In the event this CONTRACT is terminated, the CITY shall have the option of completing the work, or entering into a CONTRACT with another party for the completion of the work.

F. If the CITY terminates this CONTRACT for cause and/or if the CONSULTANT breaches any provision of this CONTRACT, then the CITY shall have all rights and remedies in law and/or equity against CONSULTANT. Venue for any action or dispute arising out of or relating to this CONTRACT shall be in Brazoria County, Texas. The laws of the State of Texas shall govern the terms of this CONTRACT. The prevailing party in the action shall be entitled to recover its actual damages with interest, attorney's fees, costs and expenses incurred in connection with the dispute and/or action. CONSULTANT and CITY desire an expeditious means to resolve any disputes that may arise between under this CONTRACT. To accomplish this, the parties agree to mediation as follows: If a dispute arises out of or relates to this CONTRACT, or the breach thereof, and if the dispute cannot be settled through negotiation, then the parties agree first to try in good faith, and before pursuing any legal remedies, to settle the dispute by mediation of a third party who will be selected by agreement of the parties.

SECTION VI – ENTIRE AGREEMENT

This CONTRACT represents the entire agreement between the CITY and the CONSULTANT and supersedes all prior negotiations, representations, or contracts, either written or oral. This CONTRACT may be amended only by written instrument signed by both parties.

SECTION VII – COVENANT AGAINST CONTINGENT FEES

The CONSULTANT affirms that he has not employed or retained any company or person, other than a bona fide employee working for the CONSULTANT to solicit or secure this CONTRACT, and that he has not paid or agreed to pay any company or person, other than a bona fide employee, any fee, commission, percentage brokerage fee, gift, or any other consideration, contingent upon or resulting from the award or making of the CONTRACT. For breach or violation of this clause, the CITY may terminate this CONTRACT without liability, and in its discretion, may deduct from the CONTRACT price or consideration, or otherwise recover, the full amount of such fee, commission, percentage brokerage fee, gift, or contingent fee that has been paid.

SECTION VIII- SUCCESSORS AND ASSIGNS

This CONTRACT shall not be assignable except upon the written consent of the parties hereto.

CITY OF PEARLAND, TEXAS	DATE
CONSULTANT	9-3-2014 DATE

DANNENBAUM ENGINEERING CORPORATION
3100 WEST ALABAMA HOUSTON, TEXAS 77098 P.O. BOX 22292 HOUSTON, TEXAS 77227 (713) 520-9570

ENGINEERING EXCELLENCE SINCE 1945

April 25, 2014
Revised May 22, 2014
Revised August 13, 2014

Ms. Andrea Dekam Brinkley, PMP
Project Manager
City of Pearland
3519 Liberty Drive
Pearland, TX 77588

RE: **Old Townsite Drainage Study (DS) and Preliminary Engineering Report (PER)**

Dear Ms. Brinkley:

Dannenbaum Engineering Corporation is pleased to present this proposal for the Old Townsite Drainage Study and Preliminary Engineering Report. The City of Pearland's particular interest is the area bounded on the north by E. Broadway, south by Mary's Creek, east by Old Alvin Road, and west by SH-35. This proposal describes the scope of work, engineering fees, and schedule for the Old Townsite DS and PER.

BACKGROUND

The Old Townsite development is partially developed and has a great potential for master planning. The planning area corresponds to an area of 195 acres. One of the City's goals for this planning area is to encourage development by using regional detention for drainage. Property owners would avoid on-site detention and able to develop more property. The City would like to develop a Preliminary Engineering Report including regional detention and trunk storm sewer lines to facilitate development. The scope of work that addresses the City's goals is presented in Exhibit A.

Again, Dannenbaum appreciates the opportunity to present this proposal and be of assistance to you. We are looking forward to this assignment. The engineering fee spreadsheet and the schedule are attached. If you have any questions or wish to discuss this proposal, please do not hesitate to call me at 713-527-6365.

Sincerely yours,

Alejandro Flores

Alejandro C. Flores, P.E., CFM
H&H Division Manager

Attachments

XC: Skipper Jones – City of Pearland

EXHIBIT A

DRAINAGE SCOPE OF SERVICES

FOR

Old Townsite Drainage Study
and
Preliminary Engineering Report

I. Preliminary Design Phase Services

A. Data Collection:

1. Attend Design Kick-off meeting with City to review City's objectives
   a. Refine, define, and agree on project scope and limits

2. Collect and Review adjacent projects, current and future, to identify any interplay or impact to or from subject project
   a. Identify any requirements stemming from this relationship if it exists

3. Identify existing data sources and resources currently held by the City and make arrangements to obtain this information for review
   a. Some existing data
      - Sub-regional detention plan
      - Old Town Drainage Report
      - Old Town site development and zoning map
      - Construction plans for Grand Blvd. and S. Galveston Ave.

4. Identify any gaps in this data and make arrangements to supplement through other sources, specifically:
   a. Surveys
   b. Geotechnical
   c. Environmental
   d. Hydrology/hydraulic studies
   e. Drainage studies
   f. Flood mapping studies
   g. Existing water, sanitary, storm sewer utility information
   h. Available utility plans for electric, gas, cable, telephone or other public utilities
   i. USGS, LIDAR and Topographic surveys
   j. Field visits

B. Preliminary Engineering Report and Studies:

Prepare and submit Preliminary Engineering Report consisting of, but not limited to:

1. Surveying: Determine survey needs for the study based on the available information. Tasks may be related to the following:
   a. Deed search to be performed in the next phase
   b. Ownership map of study area
   c. Establishing of Temporary Benchmarks
   d. Survey of soil borings
   e. Survey conversion factors
   f. Topographic survey of the area (sub-consultant proposal attached)

2. Geotechnical Investigations: Limited geotechnical study to determine suitability of subsurface soils for detention, slope stability, etc, and will include: subsurface boring investigations, laboratory testing and a geotechnical report with the investigations performed, findings and recommendations. (Sub-Consultant proposal attached.)

3. Environmental Investigation: Limited Phase 1 investigation of the area based on readily available data.
   a. Desktop Review (Includes NWI)
   b. Archeological Background Review
   c. Endangered Species Review
   d. Potential Environmental Contamination.

4. Hydrologic and Hydraulic Study: Utilize rational method and small watershed method for peak flows and hydrograph generation, respectively. Use SWMM for conveyance and detention pond routing.
   a. Compute existing conditions
      - Determine drainage areas
      - Determine existing land use
      - Develop existing hydrology
      - Perform level of service for the existing conveyance system
   b. Compute proposed conditions
      - Update hydrology for the project area
      - Determine future land use
      - Develop proposed hydrology
      - Perform hydraulic and hydrologic study for the project site
      - Determine storm water requirements
      - Develop alternatives for size, type (dry bottom, wet bottom), and location of proposed detention pond based on cost and hydraulic efficiency
      - Determine proposed conveyance system.

5. Preliminary Pond Design and Conveyance: Perform a Detention Pond and Conveyance designs meeting City and Brazoria Drainage District #4 design criteria, including the following:
   a. Detention pond geometry based on existing grades and required detention volume
   b. Approximate detention cut and fill volumes. Also, compute loss of flood plain storage
   c. Conveyance to the pond from the service area
   d. Outfall channel and improvements, and ultimate outfall
   e. Drainage outfall design at Mary's Creek
   f. Alternatives analysis and selection

6. Development of Detention Pond Credits and Pricing strategy: Develop available credits and pricing scheme to address the following:
   a. Prepare an Opinion of Probable Cost
   b. Cost of outright purchase credits
   c. Cost of credits for purchase with in-kind services
   d. Cost of credits with purchasers for utilization of the pond as an outfall to a separate detention system
   e. Prepare a Phasing Plan – Phased Construction

7. Preliminary Construction Plans (30%): Include plans and details for the selected detention pond alternative for the project with the following:
   a. Cover sheet
   b. Survey information

c. Typical sections
d. Pond and Outfall Plans
e. Drainage plans – Conveyance System
f. Drainage Calculations (including detention summary)

8. Ensure Preliminary Engineering Report consisting of the following elements (at minimum):
   a. Executive Summary
   b. Review of Alternatives Recommendations
   c. Diagrammatic layout of proposed detention pond
   d. Preliminary Drainage Analysis and Report
   e. Preliminary or Conceptual Cost estimates
   f. Pricing Strategies for Pond Credits
   g. All studies, reports and exhibits
   h. 30% plans and proposed Special Specifications
   i. Proposed Project Phasing Schedule

9. Project Management
   a. Progress Meeting with the City staff
   b. Coordination with sub-consultants
   c. Project Team Coordination (Consultant Team plus others)

10. Summary Schedule
    a. Notice to proceed September 2, 2014
    b. Data collection September 16, 2014
    c. Preliminary Engineering Report and Studies
       1. Surveying
       2. Geotechnical Investigation
       3. Environmental Investigation
       4. Hydrologic and Hydraulic Study
       5. Preliminary Pond Design and Conveyance
       6. Development of Detention Pond Credits and Pricing Strategy
       7. Preliminary Construction Plans (30%)
       8. Preliminary Engineering Report

ENGINEERING FEE ESTIMATE
OLD TOWNSITE DRAINAGE STUDY AND PRELIMINARY ENGINEERING REPORT

		TASK	Principal $200.00	Project Manager $180.00	Project Engineer IV $130.00	Project Engineer III $90.00	CADD $95.00	Secretary $70.00	Total Hours	Total Cost
A.		DATA COLLECTION		4	24	32	8	4	72	$7,620
	1	Attend Design Kick-off Meeting with the City		4	4			2	10	$1,380
	2	Collect and review adjacent projects, current and future			8	8			16	$1,760
	3	Identify existing data sources and resources currently held by the City and make arrangements to obtain this information for review			4	20			24	$2,320
	4	Identify any gaps in this data and make arrangements to supplement through other sources			8	4	8	2	22	$2,160
B.		PRELIMINARY ENGINEERING REPORT AND STUDIES		56	194	380	192	28	850	$87,740
	1	Surveying: Determine survey needs for the study based on available information (C L. Davis) See Sub-Consultants								-
	2	Geotechnical Investigations: Limited geotechnical study to determine suitability of subsurface oils for detention and slope stability (QC Laboratories) - See Sub-Consultants								-
	3	Environmental Investigation (Geotest) - See Sub-Consultants								-
	4	Hydrologic and Hydraulic Study								
		a. Compute existing conditions		2	24	40	20	2	88	$8 980
		b. Compute proposed conditions		4	32	60	20	4	120	$12,180
	5	Preliminary Pond Design and Conveyance: Perform a Detention Pond and Conveyance Designs meeting City and BDD#4 Design Criteria								
		a. Detention pond geometry based on existing grades and required detention volume				24	16		40	$3 680
		b. Approx. detention cut and fill volumes. Also, compute loss of flood plain storage				8	4		12	$1 100
		c. Conveyance to the pond from the service area			6	16	8		30	$2 980
		d. Outfall channel and improvements, and ultimate outfall				8	4		12	$1,100
		e. Drainage outfall design at Marys Creek				8	4		12	$1 100
		f. Alternatives analysis and selection		4	8	12	4		28	$3,220
	6	Development of Detention Pond Credits and Pricing Strategy								
		a. Prepare an Opinion of Probable Cost			8	12	8	2	30	$2,880
		b. Cost of outright purchase credits			4	6		2	12	$1,060
		c. Cost of credits for purchase with in-kind services			4	6		2	12	$1 060
		d. Cost of credits with purchasers for utilization of the pond as an outfall to a separate detention system			4	8			12	$1,240
		e. Prepare a Phasing Plan		4	8	4	12		28	$3,260
	7	Preliminary Construction Plans (30%): Incl. plans and details for the selected detention pond alternative for the project								
		a. Cover sheet				2	8		10	$940
		b. Survey information			4	8	4		16	$1 620
		c. Typical sections			4	16	16		36	$3,480
		d. Pond and outfall plans		4	8	20	24		56	$5,840
		e. Drainage plans - Conveyance system		4	8	28	20		60	$6,180
		f. Drainage calculations			8	24			32	$3 200

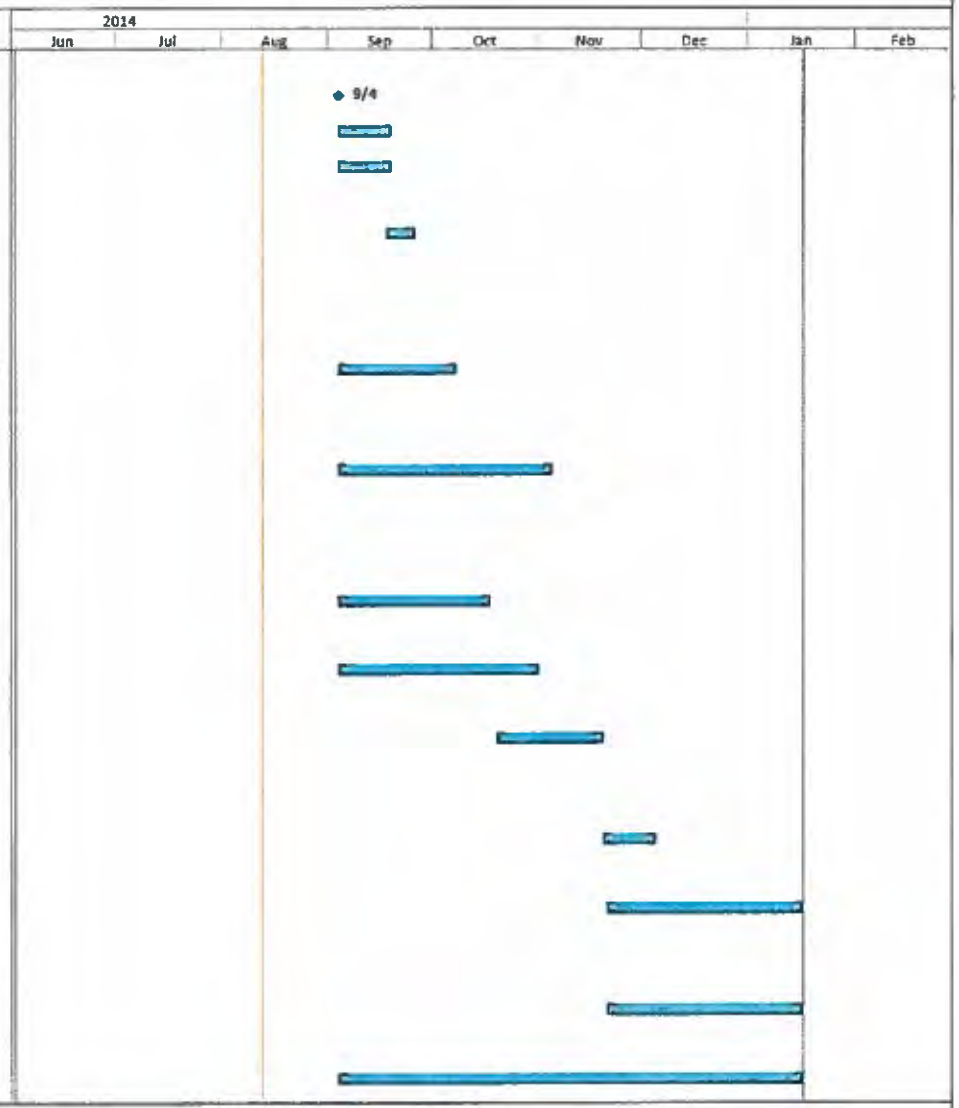
ENGINEERING FEE ESTIMATE
OLD TOWNSITE DRAINAGE STUDY AND PRELIMINARY ENGINEERING REPORT

	TASK	Principal $200.00	Project Manager $180.00	Project Engineer IV $130.00	Project Engineer III $90.00	CADD $95.00	Secretary $70.00	Total Hours	Total Cost
8	Ensure Preliminary Engineering Report								
	a. Executive Summary		4	8	4		4	20	$2,120
	b. Review of alternatives recommendations		2	4	8			14	$1,600
	c. Diagrammatic layout of proposed detention pond			4	8	8		20	$2,000
	d. Preliminary drainage analysis and report			4	4			8	$880
	e. Preliminary or conceptual cost estimates			4	8			12	$1,240
	f. Pricing strategies for pond credits			4	4			8	$880
	g. All studies, reports, and exhibits			8	22			30	$3,020
9	Project Management								
	a. Progress Meeting with the City Staff		8	8	4	8	4	32	$3,600
	b. Coordination with Sub-Consultants		8	12	4		8	32	$3,360
	c. Project Team Coordination (Consultant Team plus others)		12	8	4	4		28	$3,940
10.0	Qa/Qc		16					16	$2,880
	Sub-Consultants								$62,894
	Geotest - Environmental								$7,308
	QC Laboratories - Geotechnical								$7,430
	Chuck Davis - Surveying								$48,156
	Other Direct Costs								$1,900
	Mileage								$400
	Reproduction								$1,000
	Supplies								$500
			60	218	412	200	32	938	$ 98,240
			6.4%	23.2%	43.9%	21.3%	3.4%	100.0%	

1. BASIC SERVICES (Lump Sum)	$	98,240.00
2. ADDITIONAL SERVICES (Sub-Consultants)	$	62,894.00
3. BID PHASE SERVICES	$	-
4. CONSTRUCTION PHASE SERVICES	$	-
5. REIMBURSABLE EXPENSES (NOT TO EXCEED)	$	1,900.00
TOTAL	$	163,034.00

SCHEDULE
OLD TOWNSITE DRAINAGE STUDY AND PRELIMINARY ENGINEERING REPORT

Task Name	Duration	Start	Finish
A. DATA COLLECTION			
1. Attend Design Kick-off Meeting with the City	0 days	Thu 9/4/14	Thu 9/4/14
2. Collect and review adjacent projects, current and future	11 days	Thu 9/4/14	Thu 9/18/14
3. Identify existing data sources and resources currently held by the City and make arrangements to obtain this information for review	11 days	Thu 9/4/14	Thu 9/18/14
4. Identify any gaps in this data and make arrangements to supplement through other sources	6 days	Thu 9/18/14	Thu 9/25/14
B. PRELIMINARY ENGINEERING REPORT AND STUDIES			
1. Surveying: Determine survey needs for the study based on available information (C.L. Davis)	24 days	Thu 9/4/14	Tue 10/7/14
2. Geotechnical Investigations: Limited geotechnical study to determine suitability of subsurface oils for detention and slope stability (QC Laboratories)	44 days	Thu 9/4/14	Tue 11/4/14
3. Environmental Investigation (Geotest)	32 days	Thu 9/4/14	Fri 10/17/14
4. Hydrologic and Hydraulic Study	42 days	Thu 9/4/14	Fri 10/31/14
5. Preliminary Pond Design and Conveyance: Perform a Detention Pond and Conveyance Designs meeting City and BDD#4 Design Criteria	23 days	Mon 10/20/14	Wed 11/19/14
6. Development of Detention Pond Credits and Pricing Strategy	11 days	Thu 11/20/14	Thu 12/4/14
7. Preliminary Construction Plans (30%): Incl. plans and details for the selected detention pond alternative for the project	41 days	Fri 11/21/14	Fri 1/16/15
8. Ensure Preliminary Engineering Report	41 days	Fri 11/21/14	Fri 1/16/15
9. Project Management	97 days	Thu 9/4/14	Fri 1/16/15



Project: Project Schedule
Date: Wed 8/13/14

Task		Project Summary		Inactive Milestone		Manual Summary Rollup		Deadline	
Split		External Tasks		Inactive Summary		Manual Summary		Progress	
Milestone		External Milestone		Manual Task		Start-only			
Summary		Inactive Task		Duration-only		Finish-only			

LABORATORIES, INC.
Engineering and Testing Services

April 16, 2014

Dannenbaum Engineering Corporation
3100 West Alabama
Houston, Texas 77098

Attn: Mr. Alejandro C. Flores, P.E.
P: 713-527-6365
E: al.flores@dannenbaum.com

Re: Cost Estimate for Preliminary Geotechnical Engineering Services
Proposed Detention Basin – Old Town Site
Old Alvin Road
Pearland, Texas
QCL Document No.: 39311

Dear Mr. Flores:

QC Laboratories, Inc. (QCL) understands that we have been selected based on qualifications to provide preliminary geotechnical engineering services for the project referenced above. This document has been prepared in general accordance with project information provided to us on April 11, 2014.

Project Description

We understand the consideration is being made to construct a detention basin within a tract of land roughly bound by Old Alvin Road, South Main Street, East Walnut Street, and Swensen Road in Pearland, Texas. At the time of this document, the location and configuration of the proposed basin was not available. However, we understand the basin will have a maximum depth of 12 feet and sideslopes no steeper than 3 Horizontal: 1 Vertical. In addition, we understand that the basin will be designed in accordance with Harris County Flood Control District (HCFCD) criteria.

The purpose of this study is to obtain soil information from widely-spaced borings to provide a general description of the soil stratigraphy, groundwater conditions, and provide preliminary recommendations for basin sideslopes.

Houston
10810 Northwest Freeway
Houston, Texas 77092
Tel: 713-695-1133
Fax: 713-695-0808

League City
400 Hobbs Road, Suite 210
League City, Texas 77573
Tel: 281-332-8378
Fax: 281-332-8399

qclabs@qclabs.com

Scope of Services

A brief summary of the services to be provided by QCL is presented in the following paragraphs.

Field Investigation: The field exploration will be performed to obtain subsurface information regarding soil type, soil stratigraphy and groundwater depth. For this project, we plan to drill and sample a total of three (3) widely-spaced borings to depths of 30 feet within the proposed detention basin area.

Drilling will be performed using all-terrain vehicle (ATV) mounted drilling equipment. Soil samples will generally be obtained continuously to a depth of 20 feet and at five feet intervals thereafter to the termination depths of the borings in accordance with HCFCD criteria.

Soil samples will also be evaluated in the field using a pocket penetrometer and/or SPT blow counts, depending on the soil type. The depth of groundwater will be observed during drilling and at approximately 24 hours after drilling. At the completion of our field program, the boreholes will be backfilled with grout.

QCL will notify Texas811, a utility location service, to locate the primary utilities. This utility location service will only locate utilities within dedicated public utility easements. If underground utilities are known to exist in the vicinity of the borings, QCL should be provided the opportunity to review utility plans to avoid the existing lines.

Laboratory Testing: The engineering properties of selected soil samples will be evaluated by our A2LA accredited laboratory. Laboratory tests may include, but not limited to, moisture content, unit weight, unconfined compression, consolidated undrained (CU) triaxial (with pore pressure measurements), Atterberg Limits, Crumb Test, Pinhole Dispersion, and percent passing the No. 200 sieve.

Engineering Analysis and Report: The field and laboratory data will be reviewed by an engineer who will also perform appropriate engineering analyses. The findings of the preliminary investigation will be presented in an engineering report prepared under the supervision of a Texas Professional Engineer. The report will include the following:

- Logs of Borings, Plan of Borings, water observations, and laboratory test results; and
- Detention pond design guidelines per HCFCD, including slope stability (short term, long term, and rapid draw down conditions) and excavation and groundwater control.

Please note that this scope of services does not include foundation recommendations for any bridges and/or culverts that may be planned within the detention basin area.

Fees

The fee for this project will be charged on a Lump Sum basis. Based upon the scope of services presented here, the estimated fee is $7,430. The cost of our services for this effort will not exceed these figures unless the scope of work is modified with the approval of the client.

Schedule

We can initiate our field operations within 5 to 7 working days following authorization to proceed, if site access and weather conditions permit. We anticipate that it will take 1 day to complete our drilling activities. We anticipate completion of our services and submittal of our final report within about 3 to 4 weeks following completion of our field services. In situations where information is needed prior to submittal of our report, we can provide verbal information or recommendations for specific project requirements after we have completed our field and laboratory programs.

Acceptance

The work will be performed under the client's "Agreement of Consulting Services" which will be signed once the budget estimate is accepted.

We appreciate the opportunity to submit this document and look forward to the successful completion of the project. If you should have any questions or require additional information, please contact us at your convenience.

Sincerely,
QC Laboratories, Inc.
(Texas Registered Engineering Firm F-3601)

John D. Guida, P.E.
Vice President of Engineering

PROPOSED BORING LOCATION PLAN

PROJECT: Proposed Detention Basin - Old Town Site
Old Alvin Road
Pearland, Texas

DOCUMENT NO.: 39311

QC LABORATORIES, INC.
Engineering and Testing Services

C. L. DAVIS & COMPANY
LAND SURVEYING
1500 Winding Way
Friendswood, Texas 77546
281.482.9490
FAX 281.482.1294
cldavis@cldaviscompany.com

April 28, 2014
REVISED: May 20, 2014
REVISED: August 13, 2014

Mr. Al Flores
Dannenbaum Engineering Corporation
3100 West Alabama
Houston, Texas 77098

Re: City of Pearland Project:
Detention Old Town Site Drainage Study – Bounded by F.M. 518 on the north, Old Alvin Road on the east, Mary's Creek on the south and Highway 35 on the west
Proposal No.: 2014-082 (R2)

Dear Mr. Flores:

Our proposal for land surveying services for the above referenced project is as follows:

1. ***Establish Horizontal Control based on North American Datum 1983 and Vertical Control based on North American Vertical Datum 1988, 2001 Adjustment***

Fee based on the following levels of efforts:

Principal – 2 hours x 200	*$400.00*
R.P.L.S. – 4 hours x 150	*$600.00*
CAD – 2 hours x 110	*$220.00*
Three-man field crew – 6 hours x 183	*$1,098.00*
Data Collector – 6 hours x 40	*$240.00*
Clerical – 0 hours x 80	*$0.00*
Subtotal	***$2,558.00***

2. ***Preparation of Ownership Exhibit on portion of portion of above referenced sit being bounded by Walnut on the north, Old Alvin Road on the east, Mary's Creek on the south and Highway 35 on the west***

Fee based on the following levels of efforts:

Principal – 4 hours x 200	*$800.00*
R.P.L.S. – 16 hours x 150	*$2,400.00*
CAD – 10 hours x 110	*$1,100.00*
Three-man field crew – 12 hours x 183	*$2,196.00*
Data Collector – 12 hours x 40	*$480.00*
Clerical – 4 hours x 80	*$320.00*
Subtotal	***$7,296.00***

Surveying the Great State of Texas for over 25 years

3. ***Topographic Survey on East Walnut Street from Highway 35 to Old Alvin Road (Approximately 2,700') (Fee based on full cross-sections at 100' intervals and locating surface fixtures only)***

Fee based on the following levels of efforts:

Principal – 1 hours x 200	*$200.00*
R.P.L.S. – 0 hours x 150	*$0.00*
CAD – 40 hours x 110	*$4,400.00*
Three-man field crew – 24 hours x 183	*$4,392.00*
Data Collector – 24 hours x 40	*$960.00*
Clerical – 4 hours x 80	*$320.00*
Subtotal	*$10,272.00*

4. ***Topographic and Utility Investigation Survey on open area bounded by Highway 35 on the west, Old Alvin Road on the east, Mary's Creek on the south and south line of tracts fronting East Walnut Street on the north (Fee does not include wooded area)***

Fee based on the following levels of efforts:

Principal – 2 hours x 200	*$400.00*
R.P.L.S. – 4 hours x 150	*$600.00*
CAD – 12 hours x 110	*$1,320.00*
Three-man field crew – 20 hours x 183	*$3,660.00*
Data Collector – 20 hours x 40	*$800.00*
Clerical – 2 hours x 80	*$160.00*
Subtotal	*$6,940.00*

5. ***Topographic Survey and Utility Investigation Survey on portion of South Galveston Avenue between East Walnut Street and Hampshire Street and portion of Hampshire Street between Highway 35 and Old Alvin Road (Fee based on 100' cross-sections)***

Fee based on the following levels of efforts:

Principal – 2 hours x 200	*$400.00*
R.P.L.S. – 4 hours x 150	*$600.00*
CAD – 24 hours x 110	*$2,640.00*
Three-man field crew – 20 hours x 183	*$3,660.00*
Data Collector – 20 hours x 40	*$800.00*
Clerical – 2 hours x 80	*$160.00*
Subtotal	*$8,260.00*

6. ***Locate Horizontal and Vertical Control on portion of Highway 35 between East Walnut Street and Mary's Creek set by others for City of Pearland Highway 35 Water Line Project – Purpose of this task is so we can insert the Water Line Project CAD File into Over-all Project CADD file***

   Fee based on the following levels of efforts:
   - ***Principal – 2 hours x 200 ..... $400.00***
   - ***R.P.L.S. – 0 hours x 150 ..... $0.00***
   - ***CAD – 8 hours x 110 ..... $880.00***
   - ***Three-man field crew – 6 hours x 183 ..... $1,098.00***
   - ***Data Collector – 6 hours x 40 ..... $240.00***
   - ***Clerical – 0 hours x 80 ..... $0.00***

Subtotal $2,618.00

7. ***Partial Topographic and Utility Investigation Survey on portion of Old Galveston Road between F. M. 518 and Walnut Street and portion of South Grand Boulevard between Walnut Street and Pear Street (Fee based on locating surface utility fixtures and flow lines of Sanitary and Storm Utility Lines)***

   Fee based on the following levels of efforts:
   - ***Principal – 4 hours x 200 ..... $800.00***
   - ***R.P.L.S. – 4 hours x 150 ..... $600.00***
   - ***CAD – 30 hours x 110 ..... $3,300.00***
   - ***Three-man field crew – 24 hours x 183 ..... $4,392.00***
   - ***Data Collector – 24 hours x 40 ..... $960.00***
   - ***Clerical – 2 hours x 80 ..... $160.00***

Subtotal $10,212.00

Total Amount of Proposal $48,156.00

Any changes or revisions in the scope of the project after authorization to proceed will be billed on an hourly basis as described below:

• Principal	$200.00
• Registered Professional Land Surveyor (RPLS)	$150.00
• Technical/CAD	$110.00
• Three-man field crew	$183.00
• Data Collector	$40.00
• Clerical	$80.00

All surveying services are under the jurisdiction of the Texas Board of Land Surveying: 7701 North Lamar, Suite 400, Austin, Texas 78752; phone number: 512-452-9427. Any complaints about surveying services should be sent to the above address to the attention of Complaints Officer of the Board.

Thank you for the opportunity to submit this proposal and we look forward to working with you.

Sincerely,

C. L. Davis, R.P.L.S.

Approved & Accepted

Mr. Al Flores Date
Dannenbaum Engineering Corporation

Surveying the Great State of Texas for over 25 years

GEOTEST ENGINEERING, INC.

Geotechnical Engineers & Materials Testing

5600 Bintliff Drive Houston, Texas 77036 Telephone: (713) 266-0588
Fax: (713) 266-2977

Proposal No. 1130031499
August 7, 2014

Mr. Alejandro C. Flores, P.E., D.WRE,CFM
Dannenbaum Engineering Corporation
3100 West Alabama
Houston, Texas 77098

Reference: Proposal for Limited Phase I Environmental Site Assessment
Old Town Site Project Area
Pearland, Texas

Dear Mr. Flores:

We are pleased to submit this proposal for performing the limited Phase I Environmental Site Assessment (ESA) for the referenced project. Phase I ESA will be conducted in general accordance with latest ASTM E1527.

The project site is approximately 120 acres tract in City of Pearland, Texas. The site is bounded by E. Broadway Street to the north, Old Alvin Road to the east, Mary's Creek to the south and S. Main Street to the west. It is our understanding that the City is considering the south portion of the project site for construction of a regional detention basin. Since the project is preliminary stage, the location and size of the detention basin are not known at this time.

Purpose and Scope

The purpose of this ESA is to identify and document any known or potential sources of environmental contamination and Recognized Environmental Conditions (RECs) on or around the project site. The scope of this study will include:

1. Review regulatory agency lists for records regarding possible hazardous material handling, spills, storage and production at the site or in the vicinity that may potentially threaten the subject property. These lists include: CERCLIS, RCRIS, NPL, ERNS, PST, LPST, superfund sites and waste disposal sites.
2. Review selected aerial photography for the past use activity in the site from the 1950's (or whatever available) to present to identify any signs of potential environmental contamination.
3. Review of presence of wetlands and endangered species within the project area.
4. Review additional records such as topographic maps, Sanborn maps, city directories and fire insurance maps.
5. Perform limited reconnaissance of site and surrounding areas and on-site interviews to identify any indications of potential environmental contamination.

6. Prepare a Phase I Environmental Site Assessment report describing the findings of this study.

Project Schedule

We will be able to begin our study within one week upon receipt of your written authorization. The final report including 2 hard copies and 1 searchable soft copy will be submitted in about 8 weeks after receiving your notice to proceed.

Fee

Based on the scope of work outlined above, the fee of preparing and submitting Phase I ESA report will be a cost not to exceed amount of $7,308.00. This cost includes **"Single Site"** Study for the project area. The cost breakdown is shown on Attachment No. 1.

We appreciate the opportunity to propose on this project. We hope that this proposal meets your approval. If you have any questions, please call us. Please indicate your formal acceptance by signing one copy of this letter in the space below and returning one original to us.

Sincerely,
GEOTEST ENGINEERING, INC.

K. Naresh

Naresh Kolli, P.E.
Assistant Project Manager

B.C. K

Mohan Ballagere, P.E.
Vice President

MB\ego
Copies Submitted: (1)
Enclosures: Attachment No. 1
PC38\Environmental\Proposals\30031499.doc

APPROVED BY:_____

PRINTED NAME: _____

TITLE:_____

DATE: _____

Phase I ESA
Oldtown Site Project Area
Pearland, Texas

Proposal No. 1130031499

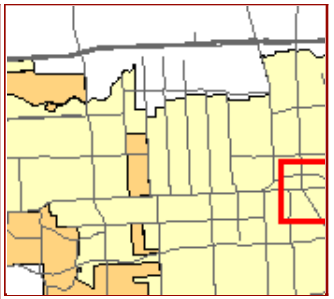
ATTACHMENT NO. 1

COST BREAKDOWN

	QUANTITY	UNIT RATE	COST
Document Research			
Regulatory Agency Listings (Single Site Study)	1 ea.	$600.00	$600.00
NEPA Check	1 ea.	$150.00	$150.00
Vehicle Charge	16 hr	$7.50	$120.00
		Subtotal:	**$870.00**
Engineering Services			
Project Manager	6.0 hrs.	$135.00	$810.00
Project Engineer	48.0 hrs.	$96.00	$4,608.00
Support Personnel	20.0 hrs.	$51.00	$1,020.00
		Subtotal:	**$6,438.00**
		Total Cost Not to Exceed	**$7,308.00**

Document Path: G:\1150\0048-09\GIS\OldTownSitePond.mxd

Old Townsite Drainage Study and PER



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.

Scale 1:9,221
1 in = 768 ft
September 12, 2014

NORTH

Consent Agenda Item D

D. **Consideration and Possible Action - Resolution No. R2014-114 –** A Resolution of the City Council of the City of Pearland, Texas, authorizing the City Manager or his designee to enter into a contract for engineering services with Huitt-Zollars, in the amount of $98,900.00 for the Public Works Orange Street Service Center Renovation Project.

AGENDA REQUEST
BUSINESS OF THE CITY COUNCIL
CITY OF PEARLAND, TEXAS

AGENDA OF: October 13, 2014	**ITEM NO.:** Resolution No. R2014-114
DATE SUBMITTED: September 8, 2014	**DEPT. OF ORIGIN:** Projects
PREPARED BY: S. Johnson	**PRESENTOR:** Skipper Jones
REVIEWED BY: Trent Epperson	**REVIEW DATE:** October 7, 2014

SUBJECT: Resolution No. R2014-114 - A Resolution of the City Council of the City of Pearland, Texas, authorizing the City Manager or his designee to enter into a contract for engineering services with Huitt-Zollars, in the amount of $98,900.00 for the Public Works Orange Street Service Center Renovation Project.

EXHIBITS: Resolution No. R2014-114
Exhibit A – Contract for Engineering Services; Exhibit B – Site Map

FUNDING:

	☐ Grant	☐ Developer/Other	☐ Cash
☒ Bonds To Be Sold	☒ Bonds- Sold	☐ L/P – Sold	☐ L/P – To Be Sold

EXPENDITURE REQUIRED: $98,900 **AMOUNT BUDGETED: $2,410,000**
AMOUNT AVAILABLE: $2,410,000 **PROJECT NO.: FA1404**
ACCOUNT NO.: 068-000-565.0100
ADDITIONAL APPROPRIATION REQUIRED: $
ACCOUNT NO.:
PROJECT NO.:

To be completed by Department:
X Finance **X Legal** **Ordinance** **X Resolution**

RECOMMENDED ACTION

Staff recommends that Council award a professional services contract to Huitt-Zollars, Inc. for the Preliminary Design Services for Renovation of the Public Works Orange Street Service Center project in the amount of $98,900 and authorize the City Manager to execute the contract.

BACKGROUND

The buildings at the Orange Street Service Center date back to the 1970's and have been only slightly modified and added onto over multiple years. Staff levels at the Service Center have significantly increased since the last update to this facility and with plans to relocate the Capital Projects and Engineering departments as well as Facility Maintenance and Meter Reading to this location, there is a need to renovate and remodel the office space to improve efficiency and to provide additional staff parking.

Additionally, Fleet Maintenance requires remodeling of its office and parts storage area as well as components of the service bays including the addition of a bulk fluids storage area. Upstairs offices in the Building Maintenance and Parks Maintenance building also require renovation at this time.

SCOPE OF CONTRACT/AGREEMENT

The scope of the subject proposal and contract includes programming and schematic phase design services and cost estimating only at this time. The programming phase includes delivery of measured drawings for the existing facilities, identification and evaluation of functional relationships and adjacencies, evaluation of office space and parking requirements, and creation of conceptual phasing plans, all to be submitted in a programming document. The schematic phase includes: the site plan, modified floor plans, and construction cost estimates based on individual component portions of the project. Once the schematic designs and associated cost estimates for each piece have been completed, the scope of the final design and the ultimate construction project will be determined. Additional services that would follow, but are not included in this contract, are the final design, bid and award phase, and construction phase services. These services will be identified from the above scope selection process and contracted for separately within 90 to 120 days.

BID AND AWARD

Huitt-Zollars was selected as the most qualified firm for this work based on past performance and their familiarity with the facility from past work.

SCHEDULE

The programming and schematic phase design services are expected to be completed within sixty (60) calendar days from Notice to Proceed.

POLICY/GOAL CONSIDERATION

Renovation of the facilities at this location will improve the use and efficiency of existing spaces to house current and relocated staff and will provide additional storage and parking.

CURRENT AND FUTURE CIP FUNDING /FINANCIAL IMPACTS/DEBT SERVICE

The funding for this project is anticipated to come via the issuance of Certificates of Obligation and included in the City's Forecast of the Debt Service Fund. Current funding of $290,000 has been sold for the preliminary engineering report and design. This funding is a reallocation of funding originally set aside for the Hillhouse Phase II project which has been postponed until specific requirements for that site have been identified and programmed. Funding and bonds for construction would be based on final schematics and design elements that would proceed to construction.

Year	To Date	2015	2016	2017	2018	Total
Budget	**$ 290,000**	**$ 2,120,000**				**$ 2,410,000**
Prior Expenditures						
PER						-
Land/ROW						-
Design/Survey						-
Construction						-
FF&E						-
Current Request						
Design/Survey	**98,900**					**98,900**
Future Expenditures						
PER						-
Land/ROW						-
Design/Survey						-
Construction						-
FF&E						-
Total Expenditures	**$ 98,900**	**$ -**	**$ -**	**$ -**	**$ -**	**$ 98,900**
Remaining Balance	**$ 191,100**	**$ 2,311,100**	**$ 2,311,100**	**$ 2,311,100**	**$ 2,311,100**	**$ 2,311,100**

Debt Sold	290,000					
Debt to Be Sold		2,311,100				
Annual Debt Service		**19,430**	**174,274**	**174,274**	**174,274**	

O&M IMPACT INFORMATION

Year	2014	2015	2016	2017	2018
Operation and Maintenance Costs	$ -				

RESOLUTION NO. R2014-114

A Resolution of the City Council of the City of Pearland, Texas, authorizing the City Manager or his designee to enter into a contract for engineering services with Huitt-Zollars, in the amount of $98,900.00 for the Public Works Orange Street Service Center Renovation Project.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS:

Section 1. That engineering contract, a copy of which is attached hereto as Exhibit "A" and made a part hereof for all purposes, is hereby authorized and approved.

Section 2. That the City Manager or his designee is hereby authorized to execute and the City Secretary to attest a contract for engineering services associated with the Public Works Orange Street Service Center Renovation Project.

PASSED, APPROVED and ADOPTED this the _____ day of _____, A.D., 2014.

_____
TOM REID
MAYOR

ATTEST:

_____
YOUNG LORFING, TRMC
CITY SECRETARY

APPROVED AS TO FORM:

_____
DARRIN M. COKER
CITY ATTORNEY

CONTRACT FOR PROFESSIONAL SERVICES

THIS CONTRACT is entered into upon final execution by and between the City of Pearland ("CITY") and Huitt Zollars, Inc. ("CONSULTANT").

The CITY engages the CONSULTANT to perform professional services for a project known and described as Renovation of the Public Works Service Center ("PROJECT"). (Project # FA1404)

SECTION I - SERVICES OF THE CONSULTANT

The CONSULTANT shall perform the following professional services to CITY standards and in accordance with the degree of care and skill that a professional in Texas would exercise under the same or similar circumstances:

A. The CONSULTANT shall provide professional architectural and engineering services for Renovation of the Public Works Service Center project. See Exhibit A, attached, for a detailed SCOPE OF WORK and PROJECT schedule. The PROJECT schedule shall be submitted in digital and hard copy form in the Microsoft Project for Windows format.

B. The CONSULTANT shall prepare and submit a detailed opinion of estimated cost of the PROJECT.

C. The CONSULTANT acknowledges that the CITY (through its employee handbook) considers the following to be misconduct that is grounds for termination of a CITY employee: Any fraud, forgery, misappropriation of funds, receiving payment for services not performed or for hours not worked, mishandling or untruthful reporting of money transactions, destruction of assets, embezzlement, accepting materials of value from vendors, or consultants, and/or collecting reimbursement of expenses made for the benefit of the CITY. The CONSULTANT agrees that it will not, directly or indirectly; encourage a CITY employee to engage in such misconduct.

D. The CONSULTANT shall submit all final construction documents in both hard copy and electronic format. Plans shall be AutoCAD compatible and all other documents shall be Microsoft Office compatible. The software version used shall be compatible to current CITY standards. Other support documents, for example, structural calculations, drainage reports and geotechnical reports, shall be submitted in hard copy only. All Record Drawings electronic files shall be submitted to the CITY in TIF format.

E. The CONSULTANT recognizes that all drawings, special provisions, field survey notes, reports, estimates and any and all other documents or work product generated by the CONSULTANT under the CONTRACT shall be delivered to the CITY upon request, shall become subject to the Open Records Laws of this State.

F. The CONSULTANT shall procure and maintain for the duration of this Agreement, insurance against claims for injuries to persons, damages to property, or any errors and omissions relating to the performance of any work by the CONSULTANT, its agents, employees or subcontractors under this Agreement, as follows:

(1) Workers' Compensation as required by law.

(2) Professional Liability Insurance in an amount not less than $1,000,000 in the aggregate.

(3) Comprehensive General Liability and Property Damage Insurance with minimum limits of $1,000,000 for injury or death of any one person, $1,000,000 for each occurrence, and $1,000,000 for each occurrence of damage to or destruction of property.

(4) Comprehensive Automobile and Truck Liability Insurance covering owned, hired, and non-owned vehicles, with minimum limits of $1,000,000 for injury or death of any one person, $1,000,000 for each occurrence, and $1,000,000 for property damage.

The CONSULTANT shall include the CITY as an additional insured under the policies, with the exception of the Professional Liability Insurance and Workers' Compensation. Certificates of Insurance and endorsements shall be furnished to the CITY before work commences. Each insurance policy shall be endorsed to state that coverage shall not be suspended, voided, canceled, and/or reduced in coverage or in limits ("Change in Coverage") except with prior written consent of the CITY and only after the CITY has been provided with written notice of such Change in Coverage, such notice to be sent to the CITY either by hand delivery to the City Manager or by certified mail, return receipt requested, and received by the City no fewer than thirty (30) days prior to the effective date of such Change in Coverage. Prior to commencing services under this CONTRACT, CONSULTANT shall furnish CITY with Certificates of Insurance, or formal endorsements as required by this CONTRACT, issued by CONSULTANT'S insurer(s), as evidence that policies providing the required coverage, conditions, and limits required by this CONTRACT are in full force and effect.

G. The CONSULTANT shall indemnify and hold the CITY, its officers, agents, and employees, harmless from any claim, loss, damage, suit, and liability of every kind for which CONSULTANT is legally liable, including all expenses of litigation, court costs, and attorney's fees, for injury to or death of any person, for damage to any property, or errors in design, any of which are caused by the negligent act or omission of the CONSULTANT, his officers, employees, agents, or subcontractors under this CONTRACT.

H. All parties intend that the CONSULTANT, in performing services pursuant to this CONTRACT, shall act as an independent contractor and shall have control of its own work and the manner in which it is performed. The CONSULTANT is not to be considered an agent or employee of the CITY.

SECTION II - PERIOD OF SERVICE

This CONTRACT will be binding upon execution and end 60 calendar days from receipt of notice to proceed.

SECTION III - CONSULTANT'S COMPENSATION

A. The total compensation for the services performed shall not exceed the total noted in Section B.

B. The CITY shall pay the CONSULTANT in installments based upon monthly progress reports and detailed invoices submitted by the CONSULTANT based upon the following:

1.	Programming (Lump Sum)	$25,800.00
2.	Schematic Phase (Lump Sum):	$73,100.00
3.	Total:	$98,900.00

C. The CITY shall make payments to the CONSULTANT within thirty (30) days after receipt and approval of a detailed invoice. Invoices shall be submitted on a monthly basis.

SECTION IV - THE CITY'S RESPONSIBILITIES

A. The CITY shall designate a project manager during the term of this CONTRACT. The project manager has the authority to administer this CONTRACT and shall monitor compliance with all terms and conditions stated herein. All requests for information from or a decision by the CITY on any aspect of the work shall be directed to the project manager.

B. The CITY shall review submittals by the CONSULTANT and provide prompt response to questions and rendering of decisions pertaining thereto, to minimize delay in the progress of the CONSULTANT'S work. The CITY will keep the CONSULTANT advised concerning the progress of the CITY'S review of the work. The CONSULTANT agrees that the CITY'S inspection, review, acceptance or approval of CONSULTANT'S work shall not relieve CONSULTANT'S responsibility for errors or omissions of the CONSULTANT or its sub-consultant(s) or in any way affect the CONSULTANT’S status as an independent contractor of the CITY.

SECTION V - TERMINATION

A. The CITY, at its sole discretion, may terminate this CONTRACT for any reason -- with or without cause -- by delivering written notice to CONSULTANT personally or by certified mail at 1500South Dairy Ashford, Suite 200, Houston, Texas 77077. Immediately after receiving such written notice, the CONSULTANT shall discontinue providing the services under this CONTRACT.

B. If this CONTRACT is terminated, CONSULTANT shall deliver to the CITY all drawings, special provisions, field survey notes, reports, estimates and any and all other documents or work product generated by the CONSULTANT under the CONTRACT, entirely or partially completed, together with all unused materials supplied by the CITY on or before the 15th day following termination of the CONTRACT.

C. In the event of such termination, the CONSULTANT shall be paid for services performed prior to receipt of the written notice of termination. The CITY shall make final payment within sixty (60) days after the CONSULTANT has delivered to the CITY a detailed invoice for services rendered and the documents or work product generated by the CONSULTANT under the CONTRACT.

D. If the remuneration scheduled under this contract is based upon a fixed fee or definitely ascertainable sum, the portion of such sum payable shall be proportionate to the percentage of services completed by the CONSULTANT based upon the scope of work.

E. In the event this CONTRACT is terminated, the CITY shall have the option of completing the work, or entering into a CONTRACT with another party for the completion of the work.

F. If the CITY terminates this CONTRACT for cause and/or if the CONSULTANT breaches any provision of this CONTRACT, then the CITY shall have all rights and remedies in law and/or equity against CONSULTANT. Venue for any action or dispute arising out of or relating to this CONTRACT shall be in Brazoria County, Texas. The laws of the State of Texas shall govern the terms of this CONTRACT. The prevailing party in the action shall be entitled to recover its actual damages with interest, attorney's fees, costs and expenses incurred in connection with the dispute and/or action. CONSULTANT and CITY desire an expeditious means to resolve any disputes that may arise between under this CONTRACT. To accomplish this, the parties agree to mediation as follows: If a dispute arises out of or relates to this CONTRACT, or the breach thereof, and if the dispute cannot be settled through negotiation, then the parties agree first to try in good faith, and before pursuing any legal remedies, to settle the dispute by mediation of a third party who will be selected by agreement of the parties.

SECTION VI – ENTIRE AGREEMENT

This CONTRACT represents the entire agreement between the CITY and the CONSULTANT and supersedes all prior negotiations, representations, or contracts, either written or oral. This CONTRACT may be amended only by written instrument signed by both parties.

SECTION VII – COVENANT AGAINST CONTINGENT FEES

The CONSULTANT affirms that he has not employed or retained any company or person, other than a bona fide employee working for the CONSULTANT to solicit or secure this CONTRACT, and that he has not paid or agreed to pay any company or person, other than a bona fide employee, any fee, commission, percentage brokerage fee, gift, or any other consideration, contingent upon or resulting from the award or making of the CONTRACT. For breach or violation of this clause, the CITY may terminate this CONTRACT without liability, and in its discretion, may deduct from the CONTRACT price or consideration, or otherwise recover, the full amount of such fee, commission, percentage brokerage fee, gift, or contingent fee that has been paid.

SECTION VIII- SUCCESSORS AND ASSIGNS

This CONTRACT shall not be assignable except upon the written consent of the parties hereto.

CITY OF PEARLAND, TEXAS	DATE
CONSULTANT	9/8/14 DATE

HUITT-ZOLLARS

HUITT-ZOLLARS, INC. ı 1500 South Dairy Ashford ı Suite 200 ı Houston, TX 77077-3858 ı 281.496.0066 phone ı 281.496.0220 fax ı huitt-zollars.com

August 28, 2014

Mr. Skipper Jones
Manager, Capital Projects
City of Pearland
3719 Liberty Street
Pearland, Texas 78487

Attention: Ms. Susan Johnson
Project Coordinator

Reference: Renovation of the Public Works Service Center on Orange Street in Pearland, Texas

Dear Mr. Jones:

Huitt-Zollars, Inc. (Huitt-Zollars) appreciates the opportunity to provide this proposal for professional architectural and engineering services to the City of Pearland (City) for the renovation of the Public Works Service Center located on Orange Street in Pearland, Texas (Project). Our proposal is based upon the scope of services, compensation, schedule and terms and conditions in the City's standard engineering agreement.

Project Understanding

The City plans to relocate Capital Projects and Engineering staff to the Public Works Service Center on Orange Street. Consequently, the existing Public Works Administration Building less the Fire Station will need interior renovation and potentially an exterior elevator/lift to accommodate this relocation.

Reference the Fleet Maintenance Facility, bulk lubrication, air compressors and parts storage are needed.

The project work also includes renovation of the Parks Building and the EMS Building.

In order to accommodate the increased parking requirements on and near the site, potential parking areas adjacent to the site (outside the fenced area) need to be evaluated. In addition, the existing site will be reconfigured to accommodate city and employee vehicle parking. Visitor parking will be provided along Orange Street.

SCOPE OF SERVICES:

1.0 Basic Services:

1.1 Programming Phase

A. Conduct a site visit and confirm the existing facilities conditions and uses. Prepare measured drawings of facilities for which no drawings exist.

B. Prepare a programming questionnaire and review responses to questionnaire by selected City staff.

C. Conduct a programming charrette with selected City staff to review questionnaire responses and to obtain additional information and decisions that will impact the design. The purpose of the charrette is to:

1) Obtain input on the overall design concepts for the Project

2) Identify and maximize useable space in buildings
3) Review the projected needs of the City to include current and projected staffing plans
4) Review requirements for offices, plants, shops, storage, other maintenance functions and facility maintenance requirements that may affect material selection, plumbing, electrical, heating, ventilation, and air conditioning
5) Review administrative activities and requirements
6) Review public access
7) Review fueling requirements
8) Review communications and IT requirements
9) Review site and building security requirements
10) Review relationships and required adjacencies between functional areas
11) Identify space requirements for administrative, field and operations functions in the project including:
    a. Requirements for offices, staff and crew areas along with quantity, size, and type of spaces
    b. Review building systems, finishes, materials and FF&E
12) Identify parking requirements for City vehicles, employees, visitors, and delivery vehicles
13) Evaluate potential parking areas adjacent to the project site
14) Develop conceptual project phasing plans and proposed budgets
15) Prepare a programming document for submittal to the City.

1.2 Schematic Phase (30% Plans)

A. Huitt-Zollars shall prepare Schematic Phase Plans to include:

1) Site Plan depicting circulation and traffic patterns, buildings, storage and parking areas, etc.
2) Floor Plans
3) Detailed Probable Construction Cost

B. Submit five (5) hard copy half size plan sets and upload plans through Protrak online for review by the City.

C. Upon completion of City review, Huitt-Zollars responds in Protrak and meets with City, if necessary, to finalize Schematic Phase Plans.

1.3 Design Development Phase (Not included. To be determined.)

1.4 Bidding Phase (Not included. To be determined.)

1.5 Construction Phase Services (Not included. To be determined.)

2.0 Additional Services:

Because the effort required for some items of work varies considerably from project to project, and because some items of work are sometimes provided separately by the City, these items of work are not included in the basic services fees and are charged separately. Additional Services, mutually agreed upon and authorized separately by the City in writing, shall be completed on a lump sum or an hourly basis in accordance with the attached Hourly Rate Sheet. Such additional services may include:

A. Design Development (Final Design), Bidding and Construction Phase Services.
B. Making revisions in drawings, specifications or other documents when such revisions are inconsistent with written approvals or instructions previously given, are required by enactment or

revision of codes, laws or regulations subsequent to the preparation of such documents or are due to other causes not solely within the control of Huitt-Zollars

C. Providing services made necessary by the default of the Construction Contractor, or by major defects of deficiencies in the Work of the Construction Contractor, or by failure of performance of Construction Contractor under the Contract for Construction
D. Fees associated with Agency Reviews, Plats, Recordation, Tax Certificates, Title Commitments, Private Utility Information, Permitting and/or Inspections
E. Any other service not otherwise included in the Basic Services

3.0 Excluded Services:

Huitt-Zollars, Inc. shall not be required to furnish any legal or accounting advice or service. Test pits, material and equipment operating tests and other special consulting services including, but not limited to, asbestos, hazardous and toxic materials management are not included in our proposal. A commercial materials testing laboratory will be engaged by the City during construction for materials testing services and will invoice the City directly for its services.

4.0 City Provided Services:

City shall provide Huitt-Zollars with the following:

A. Access to the Project
B. Available Drawings and Reports

COMPENSATION:

1.0 Basic Services

Our estimated fee for the Basic Services is as follows:

Programming	$ 25,800.00	(lump sum)
Schematic Phase	$ 73,100.00	(lump sum)
Design Development Phase	Not included	
Bidding	Not included	
Construction Services	Not included	
Total Basic Services Fee	$ 98,900.00	

2.0 Additional Services

Additional Services, mutually agreed upon and authorized separately by the City in writing, shall be completed on a lump sum basis or an hourly basis per the attached Hourly Rate Sheet.

3.0 Invoicing

Invoices will be submitted monthly. Lump sum tasks shall be invoiced based upon percentage of work completed. Hourly tasks shall be invoiced based on number of hours worked per the attached Hourly Rate Sheet.

SCHEDULE:

We anticipate completion of the basic services scope of work within sixty (60) calendar days from receipt of notice to proceed.

AUTHORIZATION:

Should this proposal meet with your approval and acceptance, please return a City Agreement for our signature. We will commence the above services as soon as we receive your written authorization. If you have any questions, please call. Thank you.

Sincerely,
HUITT-ZOLLARS, INC.

Gregory R. Wine, P.E., LEED AP
Senior Vice President

Attachments: Hourly Rate Sheet

HUITT-ZOLLARS

HOUSTON WEST

2014
HOURLY RATE SHEET

Professional

Principal-In-Charge	$ 225.00
Sr. Project Manager	$ 180.00
Project Manager	$ 170.00
QA/QC Manager	$ 180.00
Sr. Civil Engineer	$ 175.00
Sr. Structural Engineer	$ 175.00
Sr. Mechanical Engineer	$ 175.00
Sr. Electrical Engineer	$ 175.00
Civil Engineer	$ 170.00
Structural Engineer	$ 165.00
Mechanical Engineer	$ 165.00
Electrical Engineer	$ 165.00
Plumbing Engineer	$ 165.00
Engineer Intern	$ 115.00
Sr. Architect	$ 175.00
Architect	$ 145.00
Architect Intern	$ 115.00
Sr. Landscape Architect	$ 140.00
Landscape Architect	$ 90.00
Landscape Architect Intern	$ 80.00
Sr. Planner	$ 185.00
Planner	$ 150.00
Planner Intern	$ 110.00
Sr. Interior Designer	$ 110.00
Interior Designer	$ 95.00
Sr. Designer	$ 125.00
Designer	$ 115.00
Sr. CADD Technician	$ 125.00
CADD Technician	$ 90.00

Survey

Survey Manager	$ 155.00
Sr. Project Surveyor	$ 130.00
Project Surveyor	$ 120.00
Surveyor Intern	$ 115.00
Survey Technician	$ 90.00

Survey Crews

1-Person Survey Crew	$ 80.00
2-Person Survey Crew	$ 135.00
3-Person Survey Crew	$ 185.00
1-Person Survey Crew-GPS	$ 130.00
2-Person Survey Crew-GPS	$ 190.00
3-Person Survey Crew-GPS	$ 240.00

Construction

Construction Manager	$ 175.00
Resident Engineer	$ 160.00
Sr. Project Representative	$ 120.00
Resident Project Representative	$ 95.00

Administrative

Sr. Project Support	$ 85.00
Project Support	$ 70.00

Reimbursable Expenses

Outside Services	Cost + 10%
Consultants	Cost + 10%
Mileage	Standard Business Mileage Rate

Rates effective until January 31, 2015.

Exhibit B

Building Maintenance and Parks Maintenance

Public Works Administration

Consent Agenda Item E

E. **Consideration and Possible Action - Resolution No. R2014-122–** A Resolution of the City Council of the City of Pearland, Texas, establishing the Council Meeting times and dates for 2015.

AGENDA REQUEST
BUSINESS OF THE CITY COUNCIL
CITY OF PEARLAND, TEXAS

AGENDA OF: 10/13/14	**ITEM NO.:** Resolution No. R2014-122
DATE SUBMITTED: 9/30/2014	**DEPARTMENT OF ORIGIN: City Secretary**
PREPARED BY: Young Lorfing	**PRESENTOR: Young Lorfing**
REVIEWED BY: Jon R. Branson	**REVIEW DATE: October 3, 2014**

SUBJECT: Resolution No. R2014-122 – A Resolution of the City Council of the City of Pearland, Texas, establishing the Council Meeting times and dates for 2015.

EXHIBITS: Resolution No. R2014-122, (Exhibit "A" 2015 Calendar) and 9/25/2014 Thursday Packet Draft Calendar.

EXPENDITURE REQUIRED: N/A
AMOUNT BUDGETED: N/A
AMOUNT AVAILABLE: N/A
PROJECT NO.: N/A
ACCOUNT NO.: N/A

ADDITIONAL APPROPRIATION REQUIRED: N/A
ACCOUNT NO.: N/A
PROJECT NO.: N/A

To be completed by Department:

☐ **Finance** ☐ **Legal** ☐ **Ordinance** ☒ **Resolution**

EXECUTIVE SUMMARY

In order to clarify and give advance notice of meetings to Council and the public this resolution will establish Council's Meeting Calendar for 2015 including start times.

There is one slight change since the proposed calendar was placed in the 9/25/2014 Thursday Packet and the change is as follows.

Monday, December 7, 2015, 1st Regular Meeting at 6:30 p.m.
*** Monday, December 14, 2015, 2nd Reguar Council Meeting at 5:30 p.m. (prior to Joint Public Hearings)**
Monday, December 14, 2015, Joint Public Hearings at 6:30
Monday, December 21, 2015 no scheduled meeting (Christmas Holiday Week)
Monday, December 28, 2015 no scheduled meeting.

*** We will have the 2nd Regular Council Meeting on December 14, 2015 at 5:30 p.m. to free up the holiday week of December 21, 2015.**

Upcoming Council Meetings for the rest of 2014

Monday, October 13, 2014 at 6:30 p.m. Regular Meeting
Monday, October 20, 2014 at 6:30 p.m. Joint Public Hearings
Monday. October 27, 2014 at 6:30 p.m. Regular Meeting

Monday, November 10, 2014 at 6:30 p.m. Regular Meeting
Monday, November 17, 2014 at 6:30 p.m. Joint Public Hearings
Monday, November 24, 2014 at 6:30 p.m. Regular Meeting

Monday, December 8, 2014 at 6:30 p.m. Regular Meeting
Monday, December 15, 2014 at ***5:30 p.m.*** Regular Meeting
Monday, December 15, 2014 at 6:30 p.m. Joint Public Hearings
Monday, December 22, 2014 – No scheduled meeting
Monday, December 29, 2014 – No scheduled meeting

RECOMMENDED ACTION

Consider and adopt Resolution No. R2014-122.

RESOLUTION NO. R2014-122

A resolution of the City Council of the City of Pearland, Texas, establishing the Council Meeting times and dates for 2015.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS:

That the Council Meeting times and dates for 2015 shall be in accordance with the schedule attached hereto as Exhibit "A".

PASSED, APPROVED and ADOPTED this the _____ day of _____, A.D., 2014.

_____
TOM REID
MAYOR

ATTEST:

_____
YOUNG LORFING, TRMC
CITY SECRETARY

APPROVED AS TO FORM:

_____
DARRIN M. COKER
CITY ATTORNEY

City Council Meeting
2015 Calendar

Monday	January 5, 2015	Joint Public Hearings	6:30 p.m.
Monday	January 12, 2015	Regular Meeting	6:30 p.m.
Monday	***January 19, 2015***	***Holiday - MLK Day***	
Monday	January 26, 2015	Regular Meeting	6:30 p.m.
Monday	February 9, 2015	Regular Meeting	6:30 p.m.
Monday	February 16, 2015	Joint Public Hearings	6:30 p.m.
Monday	February 23, 2015	Regular Meeting	6:30 p.m.
Monday	March 9, 2015	Regular Meeting	6:30 p.m.
Monday	March 16, 2015	Joint Public Hearings	6:30 p.m.
Monday	March 23, 2015	Regular Meeting	6:30 p.m.
Monday	April 13, 2015	Regular Meeting	6:30 p.m.
Monday	April 20, 2015	Joint Public Hearings	6:30 p.m.
Monday	April 27, 2015	Regular Meeting	6:30 p.m.
Monday	May 11, 2015	Regular Meeting	6:30 p.m.
Monday	May 18, 2015	Special Meeting Canvass	***6:00 p.m.***
Monday	May 18, 2015	Joint Public Hearings	6:30 p.m.
Monday	May 18, 2015	Regular Meeting	6:30 p.m.
Monday	***May 25, 2015***	***Holiday - Memorial Day***	
Monday	June 8, 2015	Regular Meeting	6:30 p.m.
Monday	June 15, 2015	Joint Public Hearings	6:30 p.m.
Monday	June 22, 2015	Special Meeting Runoff Canvass	***6:00 p.m.***
Monday	June 22, 2015	Regular Meeting	6:30 p.m.
Monday	July 13, 2015	Regular Meeting	6:30 p.m.
Monday	July 20, 2015	Joint Public Hearings	6:30 p.m.
Monday	July 27, 2015	Regular Meeting	6:30 p.m.

Monday	August 3, 2015	Budget Discussion	6:30 p.m.
Monday	August 10, 2015	Regular Meeting/Budget	6:30 p.m.
Monday	August 17, 2015	Joint Public Hearings/Budget	6:30 p.m.
Monday	August 24, 2015	Regular Meeting/Budget	6:30 p.m.
Monday	August 31, 2015	1st Public Hearing Tax & Budget	6:30 p.m.
Monday	August 31, 2015	Budget Discussion	6:30 p.m.
Tuesday	September 8, 2015	2nd Public Hearing Tax	6:30 p.m.
Monday	September 14, 2015	Regular Meeting	6:30 p.m.
Monday	September 21, 2015	Regular Meeting	6:30 p.m.
Monday	September 28, 2015	Joint Public Hearings	6:30 p.m.
Monday	October 12, 2015	Regular Meeting	6:30 p.m.
Monday	October 19, 2015	Joint Public Hearings	6:30 p.m.
Monday	October 26, 2015	Regular Meeting	6:30 p.m.
Monday	November 9, 2015	Regular Meeting	6:30 p.m.
Monday	November 16, 2015	Joint Public Hearings	6:30 p.m.
Monday	November 23, 2015	Regular Meeting	6:30 p.m.
Monday	December 7, 2015	Regular Meeting	6:30 p.m.
Monday	*December 14, 2015*	*Regular Meeting*	***5:30 p.m.***
Monday	December 14, 2015	Joint Public Hearings	6:30 p.m.

City Holidays	
New Years Day (2015)	**Thursday, January 1, 2015**
Martin Luther King, Jr. Day	**Monday, January 19, 2015**
Good Friday	**Friday, April 3, 2015**
Memorial Day	**Monday, May 25, 2015**
Independence Day	**Friday, July 3, 2015**
Labor Day	**Monday, September 7, 2015**
Thanksgiving Holidays	**Thursday, November 26, 2015**
Thanksgiving Holidays	**Friday, November 27, 2015**
Christmas Eve	**Thursday, December 24, 2015**
Christmas Day	**Friday, December 25, 2015**

RESPONSIVE RESULTS-ORIENTED TRUST-BUILDERS ACCOUNTABLE

Memo

To: Clay Pearson, City Manager

From: Young Lorfing, City Secretary

Date: September 22, 2014

Re: Council Meeting Schedule for 2015

9/22/2014
To: Mayor and City Council members
We are looking to lay out the 2015 Calendar and report to the community. We would like to ask you to set City Council meeting dates by resolution at a meeting in October. Setting those dates as best we can project now helps build other board and commission calendars and provides reference to the public. Any questions or suggestions, please let us know.
Clay

In order to clarify and give advance notice of meetings to Council and the public the attached is a draft schedule establishing the meeting days, dates and times for 2015 the calendar year.

Please let me know if any changes need to be made before placing the schedule on the agenda for Council's approval.

City Council Meeting
2015 Calendar

Monday	January 5, 2015	Joint Public Hearings	6:30 p.m.
Monday	January 12, 2015	Regular Meeting	6:30 p.m.
Monday	***January 19, 2015***	***Holiday - MLK Day***	
Monday	January 26, 2015	Regular Meeting	6:30 p.m.
Monday	February 9, 2015	Regular Meeting	6:30 p.m.
Monday	February 16, 2015	Joint Public Hearings	6:30 p.m.
Monday	February 23, 2015	Regular Meeting	6:30 p.m.
Monday	March 9, 2015	Regular Meeting	6:30 p.m.
Monday	March 16, 2015	Joint Public Hearings	6:30 p.m.
Monday	March 23, 2015	Regular Meeting	6:30 p.m.
Monday	April 13, 2015	Regular Meeting	6:30 p.m.
Monday	April 20, 2015	Joint Public Hearings	6:30 p.m.
Monday	April 27, 2015	Regular Meeting	6:30 p.m.
Monday	May 11, 2015	Regular Meeting	6:30 p.m.
Monday	May 18, 2015	Special Meeting Canvass	6:00 p.m.
Monday	May 18, 2015	Joint Public Hearings	6:30 p.m.
Monday	May 18, 2015	Regular Meeting	6:30 p.m.
Monday	***May 25, 2015***	***Holiday - Memorial Day***	
Monday	June 8, 2015	Regular Meeting	6:30 p.m.
Monday	June 15, 2015	Joint Public Hearings	6:30 p.m.
Monday	June 22, 2015	Special Meeting Runoff Canvass	6:00 p.m.
Monday	June 22, 2015	Regular Meeting	6:30 p.m.
Monday	July 13, 2015	Regular Meeting	6:30 p.m.
Monday	July 20, 2015	Joint Public Hearings	6:30 p.m.
Monday	July 27, 2015	Regular Meeting	6:30 p.m.

Monday	August 3, 2015	Budget Discussion	6:30 p.m.
Monday	August 10, 2015	Regular Meeting/Budget	6:30 p.m.
Monday	August 17, 2015	Joint Public Hearings/Budget	6:30 p.m.
Monday	August 24, 2015	Regular Meeting/Budget	6:30 p.m.
Monday	August 31, 2015	1st Public Hearing Tax & Budget	6:30 p.m.
Monday	August 31, 2015	Budget Discussion	6:30 p.m.
Tuesday	September 8, 2015	2nd Public Hearing Tax	6:30 p.m.
Monday	September 14, 2015	Regular Meeting	6:30 p.m.
Monday	September 21, 2015	Regular Meeting	6:30 p.m.
Monday	September 28, 2015	Joint Public Hearings	6:30 p.m.
Monday	October 12, 2015	Regular Meeting	6:30 p.m.
Monday	October 19, 2015	Joint Public Hearings	6:30 p.m.
Monday	October 26, 2015	Regular Meeting	6:30 p.m.
Monday	November 9, 2015	Regular Meeting	6:30 p.m.
Monday	November 16, 2015	Joint Public Hearings	6:30 p.m.
Monday	November 23, 2015	Regular Meeting	6:30 p.m.
Monday	December 7, 2015	Regular Meeting	6:30 p.m.
Monday	December 14, 2015	Joint Public Hearings	6:30 p.m.
Monday	December 21, 2015	Regular Meeting	6:30 p.m.

City Holidays	
New Years Day (2015)	**Thursday, January 1, 2015**
Martin Luther King, Jr. Day	**Monday, January 19, 2015**
Good Friday	**Friday, April 3, 2015**
Memorial Day	**Monday, May 25, 2015**
Independence Day	**Friday, July 3, 2015**
Labor Day	**Monday, September 7, 2015**
Thanksgiving Holidays	**Thursday, November 26, 2015**
Thanksgiving Holidays	**Friday, November 27, 2015**
Christmas Eve	**Thursday, December 24, 2015**
Christmas Day	**Friday, December 25, 2015**

Consent Agenda Item F

F. **Consideration and Possible Action – Resolution No. R2014-127 –** A Resolution of the City Council of the City of Pearland, Texas, awarding a bid for HVAC/Refrigerator Systems Preventative Maintenance Services to The Lee Thompson Company in the estimated amount of $94,000 beginning October 15, 2014 through October 14, 2015.

AGENDA REQUEST
BUSINESS OF THE CITY COUNCIL
CITY OF PEARLAND, TEXAS

AGENDA OF:	October 13, 2014	**ITEM NO.:**	Resolution No. R2014-127
DATE SUBMITTED:	October 3, 2014	**DEPT. OF ORIGIN:**	Finance
PREPARED BY:	Bob Pearce	**PRESENTOR:**	Eric Wilson
REVIEWED BY:	Trent Epperson	**REVIEW DATE:**	October 8, 2014

SUBJECT: RESOLUTION NO. R2014-127 - A Resolution of the City Council of the City of Pearland, Texas, awarding a bid for HVAC/Refrigerator Systems Preventative Maintenance Services to The Lee Thompson Company in the estimated amount of $94,000 beginning October 15, 2014 through October 14, 2015.

EXHIBITS: R2014-127
Bid Tabulation

EXPENDITURE REQUIRED: $94,000 (est.) **AMOUNT BUDGETED:** $94,000
AMOUNT AVAILABLE: $94,000 **PROJECT NO.:**
ACCOUNT NO.: 010-3522-553.05-00

ADDITIONAL APPROPRIATION REQUIRED:
ACCOUNT NO.:
PROJECT NO.:

To be completed by Department:
X Finance **X Legal** **Ordinance** **X Resolution**

EXECUTIVE SUMMARY

BACKGROUND
It is necessary for the City to retain a contracted vendor for preventative maintenance (PM) of City HVAC systems and City ice machines. Proper maintenance of these items is critical for the systems to maintain their operational integrity.

SCOPE OF CONTRACT
Contractor will provide PM inspections of City heating, ventilating, and air conditioning (HVAC) systems for City buildings and facilities to include, chillers, boilers, package units, etc. These inspections will be performed on a quarterly basis and will include inspection of main electrical components and compressor oil levels, checking for proper refrigerant, changing air filters, flushing drain pans, among other routine items. The preventative maintenance on City ice

machines will also be performed on a quarterly basis and will include cleaning the water system, sanitizing the units, cleaning of the condenser coils and testing and calibration of thermostats for proper operation. All parts needed to perform the quarterly maintenance of both the HVAC systems and ice machines are included in the cost of the inspection.

BID AND AWARD

Three (3) sealed bids were received September 2, 2014 for quarterly preventative maintenance of HVAC systems and ice machines in response to City bid number 0814-52. In addition to the required base preventative maintenances services totaling $79,090, the contractor shall provide necessary repairs of ice machines and replacement parts on a fixed labor rate and a fixed percentage above cost on required parts for an estimated annual total of $94,000. The apparent low bidder is the Lee Thompson Company and is recommended for award by Public Works and Purchasing staff.

The Lee Thompson Company has been the contracted vendor for HVAC/refrigeration repairs and maintenance for numerous years, and Public Works personnel have reported exemplary service by the Lee Thompson Company during its tenure.

This award will provide for fixed service rates for a period of one (1) year, with no allowable price increases. At the expiration of the initial term, there is a renewal option for two (2) additional years with the mutual agreement of both parties, and the subsequent approval of City Council. Any price increase request at a renewal period must be substantiated by a commensurate increase during the prior 12 month period in the “All Items” category of the CPI for the Houston-Galveston-Brazoria region.

SCHEDULE

Preventative maintenance of HVAC systems and ice machines to be performed on a quarterly basis. Repair of ice machines will be performed as needed throughout the year.

CURRENT AND FUTURE FUNDING /FINANCIAL IMPACTS

Fiscal Year	2015	2016	2017
Estimated Expenditure	$94,000	$96,444 *	$98,950 *

* Based upon current 2.6% annual increase in the regional CPI.

RECOMMENDED ACTION

City Council consideration and approval of resolution #R2014-127 awarding a bid for HVAC/Refrigerator Systems Preventative Maintenance Services to The Lee Thompson Company in the estimated amount of $94,000 beginning October 15, 2014 through October 14, 2015.

RESOLUTION NO. R2014-127

A Resolution of the City Council of the City of Pearland, Texas, awarding a bid for HVAC/Refrigerator Systems Preventative Maintenance Services to The Lee Thompson Company in the estimated amount of $94,000 beginning October 15, 2014 through October 14, 2015.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS:

Section 1. That the City Council hereby awards a bid for HVAC/Refrigerator Systems Preventative Maintenance Services with The Lee Thompson Company in the unit amounts reflected in Exhibit "A" attached hereto.

Section 2. The City Manager or his designee is hereby authorized to execute a contract for HVAC/Refrigerator Systems Preventative Maintenance Services.

PASSED, APPROVED and ADOPTED this the _____ day of _____, A.D., 2014.

_____
TOM REID
MAYOR

ATTEST:

_____
YOUNG LORFING, TRMC
CITY SECRETARY

APPROVED AS TO FORM:

_____
DARRIN M. COKER
CITY ATTORNEY

0814-52 Addendum 1 - Quarterly Preventative Maintenance of HVAC Systems and Repair/Maintenance of Ice Machines
Bid Date: Tuesday, September 2, 2014

				The Lee Thompson Company		American Mechanical Services of Houston, LLC		Clear the Air, LLC	
Line	Description	UOM	QTY	Unit	Extended	Unit	Extended	Unit	Extended
1	QUARTERLY PREVENTATIVE MAINTENANCE OF HVAC SYSTEMS, PER THE ATTACHED BID SPECIFICATIONS	PKG	1	$60,512.00	$60,512.00	$65,404.00	$65,404.00	$146,696.00	$146,696.00
1.1	QUARTERLY PREVENTATIVE MAINTENANCE FOR HVAC EQUIPMENT AT ANIMAL CONTROL CENTER, AS SHOWN IN ATTACHMENT A	QTRS	4	$425.00		$172.00		$423.75	
1.2	QUARTERLY PREVENTATIVE MAINTENANCE FOR HVAC EQUIPMENT AT CENTENNIAL PARK, AS SHOWN IN ATTACHMENT A	QTRS	4	$119.00		$80.00		$84.75	
1.3	QUARTERLY PREVENTATIVE MAINTENANCE FOR HVAC EQUIPMENT AT CITY HALL, AS SHOWN IN ATTACHMENT A	QTRS	4	$1,129.00		$1,865.00		$3,671.75	
1.4	QUARTERLY PREVENTATIVE MAINTENANCE FOR HVAC EQUIPMENT AT EMERGENCY MEDICAL SERVICE, AS SHOWN IN ATTACHMENT A	QTRS	4	$423.00		$80.00		$399.75	
1.5	QUARTERLY PREVENTATIVE MAINTENANCE FOR HVAC EQUIPMENT AT EMS 3, AS SHOWN IN ATTACHMENT A	QTRS	4	$119.00		$398.00		$84.75	

				The Lee Thompson Company		American Mechanical Services of Houston, LLC		Clear the Air, LLC	
Line	Description	UOM	QTY	Unit	Extended	Unit	Extended	Unit	Extended
1.6	QUARTERLY PREVENTATIVE MAINTENANCE FOR HVAC EQUIPMENT AT PUBLIC WORKS ADMIN., AS SHOWN IN ATTACHMENT A	QTRS	4	**$149.00**		**$166.00**		**$254.25**	
1.7	QUARTERLY PREVENTATIVE MAINTENANCE FOR HVAC EQUIPMENT AT FIRE STATION #1, AS SHOWN IN ATTACHMENT A	QTRS	4	**$149.00**		**$238.00**		**$169.50**	
1.8	QUARTERLY PREVENTATIVE MAINTENANCE FOR HVAC EQUIPMENT AT FIRE STATION #4, AS SHOWN IN ATTACHMENT A	QTRS	4	**$289.00**		**$180.00**		**$363.00**	
1.9	QUARTERLY PREVENTATIVE MAINTENANCE FOR HVAC EQUIPMENT AT FIRE STATION #5, AS SHOWN IN ATTACHMENT A	QTRS	4	**$582.00**		**$544.00**		**$605.25**	
1.10	QUARTERLY PREVENTATIVE MAINTENANCE FOR HVAC EQUIPMENT AT FLEET DEPT., AS SHOWN IN ATTACHMENT A	QTRS	4	**$119.00**		**$80.00**		**$84.75**	
1.11	QUARTERLY PREVENTATIVE MAINTENANCE FOR HVAC EQUIPMENT AT MELVIN KNAPP SENIOR CENTER, AS SHOWN IN ATTACHMENT A	QTRS	4	**$563.00**		**$465.00**		**$557.25**	
1.12	QUARTERLY PREVENTATIVE MAINTENANCE FOR HVAC EQUIPMENT AT PARKS MAINTENANCE BLDG., AS SHOWN IN ATTACHMENT A	QTRS	4	**$149.00**		**$80.00**		**$84.75**	

				The Lee Thompson Company		American Mechanical Services of Houston, LLC		Clear the Air, LLC	
Line	Description	UOM	QTY	Unit	Extended	Unit	Extended	Unit	Extended
1.13	QUARTERLY PREVENTATIVE MAINTENANCE FOR HVAC EQUIPMENT AT FIRE/EMS ADMIN., AS SHOWN IN ATTACHMENT A	QTRS	4	**$284.00**		**$181.00**		**$260.25**	
1.14	QUARTERLY PREVENTATIVE MAINTENANCE FOR HVAC EQUIPMENT AT PUBLIC SAFETY BUILDING, AS SHOWN IN ATTACHMENT A	QTRS	4	**$1,988.00**		**$2,620.00**		**$4,801.50**	
1.15	QUARTERLY PREVENTATIVE MAINTENANCE FOR HVAC EQUIPMENT AT RECREATION CENTER AND NATATORIUM, AS SHOWN IN ATTACHMENT A	QTRS	4	**$3,550.00**		**$4,186.00**		**$12,422.00**	
1.16	QUARTERLY PREVENTATIVE MAINTENANCE FOR HVAC EQUIPMENT AT RECYCLING CENTER, AS SHOWN IN ATTACHMENT A	QTRS	4	**$119.00**		**$83.00**		**$84.75**	
1.17	QUARTERLY PREVENTATIVE MAINTENANCE FOR HVAC EQUIPMENT AT WESTSIDE EVENT CENTER, AS SHOWN IN ATTACHMENT A	QTRS	4	**$598.00**		**$333.00**		**$610.25**	
1.18	QUARTERLY PREVENTATIVE MAINTENANCE FOR HVAC EQUIPMENT AT PUBLIC WORKS SERVICE CENTER, AS SHOWN IN ATTACHMENT A	QTRS	4	**$581.00**		**$400.00**		**$587.25**	
1.19	QUARTERLY PREVENTATIVE MAINTENANCE FOR HVAC EQUIPMENT AT COMMUNITY CENTER, AS SHOWN IN ATTACHMENT A	QTRS	4	**$1,060.00**		**$1,188.00**		**$4,193.50**	

				The Lee Thompson Company		American Mechanical Services of Houston, LLC		Clear the Air, LLC	
Line	Description	UOM	QTY	Unit	Extended	Unit	Extended	Unit	Extended
1.20	QUARTERLY PREVENTATIVE MAINTENANCE FOR HVAC EQUIPMENT AT PUBLIC WORKS - HILLHOUSE, AS SHOWN IN ATTACHMENT A	QTRS	4	$452.00		$150.00		$1,308.00	
1.21	QUARTERLY PREVENTATIVE MAINTENANCE FOR HVAC EQUIPMENT AT LIBRARY, AS SHOWN IN ATTACHMENT A	QTRS	4	$723.00		$1,308.00		$1,486.75	
1.22	MAINTENANCE FOR HVAC EQUIPMENT AT UNIVERSITY OF HOUSTON - CLEAR LAKE (PEARLAND CAMPUS), AS SHOWN IN ATTACHMENT A	QTRS	4	$1,143.00		$543.00		$3,461.25	
1.23	QUARTERLY PREVENTATIVE MAINTENANCE FOR HVAC EQUIPMENT AT EMERGENCY COMMUNICATIONS BLDG., AS SHOWN IN ATTACHMENT A	QTRS	4	$124.00		$166.00		$248.25	
1.24	QUARTERLY PREVENTATIVE MAINTENANCE FOR HVAC EQUIPMENT AT WESTSIDE LIBRARY, AS SHOWN IN ATTACHMENT A	QTRS	4	$291.00		$845.00		$426.75	
2	QUARTERLY PREVENTATIVE MAINTENANCE OF ICE MACHINES, PER THE ATTACHED BID SPECIFICATIONS	PKG	1	$18,496.00	$18,496.00	$25,520.00	$25,520.00	$4,992.00	$4,992.00
2.1	MAINTENANCE FOR ICE MACHINES AND RELATED REFRIGERATION EQUIPMENT, AT CENTENNIAL PARK, AS SHOWN IN ATTACHMENT B	QTRS	4	$458.00		$580.00		$156.00	

				The Lee Thompson Company		American Mechanical Services of Houston, LLC		Clear the Air, LLC	
Line	Description	UOM	QTY	Unit	Extended	Unit	Extended	Unit	Extended
2.2	QUARTERLY PREVENTATIVE MAINTENANCE FOR ICE MACHINE AT COMMUNITY CENTER, AS SHOWN IN ATTACHMENT B	QTRS	4	**$458.00**		**$580.00**		**$78.00**	
2.3	QUARTERLY PREVENTATIVE MAINTENANCE FOR ICE MACHINE AT FIRE STATION #1, AS SHOWN IN ATTACHMENT B	QTRS	4	**$368.00**		**$580.00**		**$78.00**	
2.4	QUARTERLY PREVENTATIVE MAINTENANCE FOR ICE MACHINE AT FIRE STATION #4, AS SHOWN IN ATTACHMENT B	QTRS	4	**$368.00**		**$580.00**		**$78.00**	
2.5	QUARTERLY PREVENTATIVE MAINTENANCE FOR ICE MACHINE AT FIRE STATION #5, AS SHOWN IN ATTACHMENT B	QTRS	4	**$368.00**		**$580.00**		**$78.00**	
2.6	MAINTENANCE FOR ICE MACHINES AND RELATED REFRIGERATION EQUIPMENT, AT KNAPP CENTER, AS SHOWN IN ATTACHMENT B	QTRS	4	**$340.00**		**$580.00**		**$156.00**	
2.7	MAINTENANCE FOR ICE MACHINES AND RELATED REFRIGERATION EQUIPMENT, AT FIRE ADMIN. BLDG., AS SHOWN IN ATTACHMENT B	QTRS	4	**$368.00**		**$580.00**		**$78.00**	
2.8	MAINTENANCE FOR ICE MACHINES AND RELATED REFRIGERATION EQUIPMENT, AT PUBLIC SAFETY BLDG., AS SHOWN IN ATTACHMENT B	QTRS	4	**$792.00**		**$580.00**		**$312.00**	

				The Lee Thompson Company		American Mechanical Services of Houston, LLC		Clear the Air, LLC	
Line	Description	UOM	QTY	Unit	Extended	Unit	Extended	Unit	Extended
2.9	MAINTENANCE FOR ICE MACHINES AND RELATED REFRIGERATION EQUIPMENT, AT RECREATION CENTER AND NATATORIUM, AS SHOWN IN ATTACHMENT B	QTRS	4	$368.00		$580.00		$78.00	
2.10	MAINTENANCE FOR ICE MACHINES AND RELATED REFRIGERATION EQUIPMENT, AT PARKS MAINTENANCE BLDG., AS SHOWN IN ATTACHMENT B	QTRS	4	$368.00		$580.00		$78.00	
2.11	MAINTENANCE FOR ICE MACHINES AND RELATED REFRIGERATION EQUIPMENT, AT VETERANS SPORTS COMPLEX, AS SHOWN IN ATTACHMENT B	QTRS	4	$368.00		$580.00		$78.00	
3	HOURLY RATE FOR REPAIRS TO ICE MACHINES AND RELATED REFRIGERATION EQUIPMENT	HOUR	1	$82.00	$82.00	$78.00	$78.00	$99.00	$99.00
			Total		$79,090.00		$91,002.00		$151,787.00

MATERIALS/SUPPLIES MARK-UP	1.33%	20%	25%

Consent Agenda Item G

G. **Consideration and Possible Action – Resolution No. R2014-124 –** A Resolution of the City Council of the City of Pearland, Texas, renewing a unit supply bid for fire apparatus & preventative maintenance and repairs to Siddons-Martin Emergency Group and Metro Fire Apparatus Specialists in the estimated amount of $115,000 beginning November 13, 2014 and ending November 12, 2015.

AGENDA REQUEST
BUSINESS OF THE CITY COUNCIL
CITY OF PEARLAND, TEXAS

AGENDA OF:	October 13, 2014	**ITEM NO.:**	Resolution No. R2014-124
DATE SUBMITTED:	October 2, 2014	**DEPT. OF ORIGIN:**	Finance
PREPARED BY:	Bob Pearce	**PRESENTOR:**	Vance Riley
REVIEWED BY:	Jon R. Branson	**REVIEW DATE:**	October 8, 2014

SUBJECT: **Resolution No. R2014-124 A Resolution of the City Council of the City of Pearland, Texas, renewing a unit supply bid for fire apparatus & preventative maintenance and repairs to Siddons-Martin Emergency Group and Metro Fire Apparatus Specialists in the estimated amount of $115,000 beginning November 13, 2014 and ending November 12, 2015.**

EXHIBITS: Resolution #R2014-124
Bid Tabulations

FUNDING:

☐ **Grant** ☐ **Developer/Other** ☒ **Cash**
☐ **Bonds To Be Sold** ☐ **Bonds- Sold** ☐ **L/P – Sold** ☐ **L/P – To Be Sold**

EXPENDITURE REQUIRED: $115,000 (est.) **AMOUNT BUDGETED:** $115,000
AMOUNT AVAILABLE: $115,000 **PROJECT NO.:**
ACCOUNT NO.: 010-2320-554-2002

ADDITIONAL APPROPRIATION REQUIRED:
ACCOUNT NO.:
PROJECT NO.:

To be completed by Department:
Finance **X Legal** **Ordinance** **X Resolution**

EXECUTIVE SUMMARY

BACKGROUND

It is necessary for the City to retain an outside contractor for the provision of preventative maintenance (PM) and repair services on City fire apparatus, due to the technical nature of the equipment and the critical safety needs inherent in its proper maintenance. The equipment requiring PM services consist primarily of Pierce and Spartan units in the Pearland Fire

Department fleet. It is imperative to retain an authorized, reliable supplier to provide these services to maximize equipment life and minimize repair downtime of this critical public safety equipment.

Bid No. 0712-50 was issued in August 2012 for the required services, with a bid notice posted on the City e-bid system, direct notice to six (6) vendors, and published in the newspaper of record in accordance with the City's Purchasing policy. Despite these actions, only one response was received, from Siddons-Martin Emergency Group. Siddons-Martin is the authorized Pierce Dealership for Texas, Louisiana and New Mexico, and is the exclusive service dealership in these three states to perform warranty repairs on Pierce manufactured products. However, they are not an authorized dealer for performance of warranty repairs on Spartan Equipment.

In October 2012, staff then issued Bid No. 0912-67 for the City's Spartan equipment in order to procure an authorized vendor to perform the needed services, so as not to jeopardize ongoing warranties on the equipment, and to assure proper maintenance. The second bid elicited a response from Metro Fire Apparatus Specialists. Metro Fire Apparatus Specialists is an approved Spartan-authorized service center and is the only such repair facility in the Houston market (next nearest Spartan-authorized service facility is 127 miles away).

SCOPE OF CONTRACT

Each vendor will be required to provide a complete preventative maintenance service, which includes changing fluids, filters, chassis lubrication, complete inspection and reporting on each apparatus on a staggered rotation. Repairs identified during PM services will be reported to Fire Department personnel in writing. Upon Fire Department determination that the recommended repairs are warranted, repairs will be made while the vendor has possession of the apparatus to ensure the ongoing safety and reliability of each apparatus.

BID AND AWARD

The final term of this contract is for a period of one (1) year, and with no other renewal options available the contract will be rebid in September 2015. Bid specifications allow the contractor the opportunity to request a price increase at the time of any renewal in an amount not to exceed the percentage increase in the "All-Items" category of the Consumer Price Index for the Houston-Galveston-Brazoria region during the previous 12 month period.

The respective PM cost for each vendor is estimated as follows: $22,150 to Siddons-Martin for Pierce equipment, and $24,050 to Metro for Spartan Equipment. While neither of these amounts warrant Council action, staff is requesting Council approval as a measure of caution with regard to the repair component of the bid, given that required repairs are generally unforeseen and thus are largely unpredictable. Repairs of significance to these complex apparatus' could readily bring the annual expenditure with either vendor to more than the $50,000 threshold requiring Council authorization. Neither vendor has requested a price increase to the core preventative maintenance services, however, Metro Fire Apparatus Specialists has requested a price increase to the hourly labor rate for repairs and the travel fee for unscheduled call-outs as shown in the attached bid tabulation.

SCHEDULE

It is anticipated that the preventative maintenance, along with any needed repairs identified during the maintenance, will occur on a rotating basis throughout the fiscal year.

POLICY/GOAL CONSIDERATION

This bid renewal will further the City's goal to provide the Fire Department with apparatus ready to provide for public safety in the event of an emergency.

CURRENT AND FUTURE FUNDING /FINANCIAL IMPACTS/DEBT SERVICE

Funding for this purchase is budgeted in the Fire Department's FY2015 General Fund for Public Safety.

O&M IMPACT INFORMATION

Fiscal Year	2015	2016
Est. Expenditures	$115,000	Re-Bid

RECOMMENDED ACTION

City Council consideration and approval of resolution #R2014-124 renewing a unit supply bid for fire apparatus and preventative maintenance and repairs to Siddons-Martin Emergency Group and Metro Fire Apparatus Specialists in the estimated amount of $115,000 beginning November 13, 2014 and ending November 12, 2015.

RESOLUTION NO. R2014-124

A Resolution of the City Council of the City of Pearland, Texas, renewing a unit supply bid for fire apparatus & preventative maintenance and repairs to Siddons-Martin Emergency Group and Metro Fire Apparatus Specialists in the estimated amount of $115,000 beginning November 13, 2014 and ending November 12, 2015.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS:

Section 1. That the City previously awarded supply contract bids for fire apparatus & preventative maintenance and repairs, and such bids were reviewed and tabulated.

Section 2. That the City Council hereby renews the bid with Siddons-Martin Emergency Group and Metro Fire Apparatus Specialists, in the unit price amounts reflected in Exhibit "A" attached hereto.

Section 3. The City Manager or his designee is hereby authorized to execute a contract for fire apparatus & preventative maintenance and repairs.

PASSED, APPROVED and ADOPTED this the _____ day of _____, A.D., 2014.

_____
TOM REID
MAYOR

ATTEST:

_____
YOUNG LORFING, TRMC
CITY SECRETARY

APPROVED AS TO FORM:

_____
DARRIN M. COKER

CITY ATTORNEY

	Siddons-Martin Emergency Group, LLC	Metro Fire Apparatus Specialists	
	No Price Increase	Current Prices	New Labor Prices
PREVENTATIVE MAINTENANCE			
TM 114 (Pierce)	$2,100.00		
TH 108 (Pierce)	$2,990.00		
TH 113 (Pierce)	$2,990.00		
TH 120 (Pierce)	$5,540.00		
TH 121 (Pierce)	$5,540.00		
TH 122 (Pierce)	$2,990.00		
TH 131 (Spartan)		$4,810.00	$4,810.00
TH 133 (Spartan)		$4,810.00	$4,810.00
TH 137 (Spartan)		$4,810.00	$4,810.00
TH 138 (Spartan)		$4,810.00	$4,810.00
TH 140 (Spartan)		$4,810.00	$4,810.00
Total:	**$22,150.00**	**$24,050.00**	**$24,050.00**
Hourly labor rate for general repairs identified during PM inspection:	$98.50/Hour	$90.00/Hour	$105.00/Hour
Hourly labor rate for unscheduled call out to the City of Pearland:	$125.00/Hour	$105.00/Hour + $75.00 travel fee if called out to the station	$105.00/Hour + $125.00 travel fee if called out to the station
Percentage mark-up on any parts needed for repairs that are identified during preventative maintenance. Does not include parts that are included in the preventative maintenance.	67%	22%	22%
Additional charges that may be charged for repairs:	Shop supplies calculated @ 6% parts, 6% labor not to exceed $250.00	Standard shop fees as stated above	Standard shop fees as stated above
Warranty:	90 days Parts & Labor	30 days on Service Work	30 days on Service Work

Consent Agenda Item H

H. Consideration and Possible Action – Resolution No. R2014-125 – A Resolution of the City Council of the City of Pearland, Texas, renewing a unit supply bid for purchase of tires from Pearland Tire and Auto in the estimated amount of $50,000 for the period ending January 31, 2015.

AGENDA REQUEST
BUSINESS OF THE CITY COUNCIL
CITY OF PEARLAND, TEXAS

AGENDA OF:	October 13, 2014	**ITEM NO.:**	Resolution No. R2014-125
DATE SUBMITTED:	October 3, 2014	**DEPT. OF ORIGIN:**	Finance
PREPARED BY:	Bob Pearce	**PRESENTOR:**	Eric Wilson
REVIEWED BY:	Trent Epperson	**REVIEW DATE:**	October 8, 2014

SUBJECT: **RESOLUTION NO. 2014-125 - A Resolution of the City Council of the City of Pearland, Texas, renewing a unit supply bid for purchase of tires from Pearland Tire and Auto in the estimated amount of $50,000 for the period ending January 31, 2015.**

EXHIBITS: Resolution #R2014 -125
TCPN Contract

FUNDING:

☐ **Grant** ☐ **Developer/Other** ☒ **Cash**
☐ **Bonds To Be Sold** ☐ **Bonds- Sold** ☐ **L/P – Sold** ☐ **L/P – To Be Sold**

EXPENDITURE REQUIRED: $50,000 (est. through January, 2015 contract expiration)
AMOUNT BUDGETED: $125,000
AMOUNT AVAILABLE: $125,000 **PROJECT NO.:**
ACCOUNT NO.: Various departmental operating budgets.

ADDITIONAL APPROPRIATION REQUIRED:
ACCOUNT NO.:
PROJECT NO.:

To be completed by Department:
X Finance **x Legal** **Ordinance** **X Resolution**

EXECUTIVE SUMMARY

BACKGROUND

In October 2012, City Council approved a resolution authorizing the City to enter into an Interlocal Agreement with Region 4 Education Service Center, which authorizes the City to purchase automotive tires through The Cooperative Purchasing Network (TCPN) contract. The terms of this contract allow orders to be placed directly with the local authorized Goodyear

dealer, with Pearland Tire and Auto being the authorized dealer for Pearland. The City has utilized Pearland Tire and Auto for the purchase of automotive tires for several years and is very pleased with the Goodyear product and Pearland Tire's service.

SCOPE OF CONTRACT

The contractor will provide automotive tires as required by the specifications of TCPN Contract #R4937, for the term described in the following section.

BID AND AWARD

The Cooperative Purchasing Network solicited bids for Automotive Tires in December, 2009. In February, 2010, The Goodyear Tire and Rubber Company was awarded a contract as the highest-rated respondent to the TCPN bid. The current term of the contract expires on January 31, 2015 with no further renewals available. The contract meets all requirements of Local Government Code, Chapter 252 with respect to competitive bidding by Texas municipalities.

SCHEDULE

The awarded bidder will provide automotive tires as needed through the contract expiration under the pricing set forth by the TCPN contract. Purchasing staff will review the pricing and terms of the next TCPN award to determine its suitability for continued use by the City. If determined to be in the City's best interest, staff will submit a request for utilization of the TCPN contract to City Council for approval.

POLICY/GOAL CONSIDERATION

This bid award will allow City departmental and Fleet personnel to facilitate required tire services for City vehicles without taking the employee or the vehicle out of service for extended periods.

CURRENT AND FUTURE FUNDING /FINANCIAL IMPACTS/DEBT SERVICE

Funding for these services will come from various departmental operating budgets.

O&M IMPACT INFORMATION

Fiscal Year	2015	2016
	$ 50,000 (est. for 3 months of remaining contract which expires 1/31/15)	TBD

RECOMMENDED ACTION

City Council consideration and approval of resolution #R2014-125 renewing a unit supply bid for purchase of tires from Pearland Tire and Auto in the estimated amount of $50,000 for the period ending January 31, 2015.

RESOLUTION NO. R2014-125

A Resolution of the City Council of the City of Pearland, Texas, renewing a unit supply bid for purchase of tires from Pearland Tire and Auto in the estimated amount of $50,000 for the period ending January 31, 2015.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS:

Section 1. That contract pricing for the purchase of tires was previously obtained through the Region 4 Education Service Center.

Section 2. That the City Council hereby renews a bid with Pearland Tire and Auto, in the unit price reflected in Exhibit "A" attached hereto.

Section 3. The City Manager or his designee is hereby authorized to execute a contract for the purchase of tires.

PASSED, APPROVED and ADOPTED this the _____ day of _____, A.D., 2014.

_____
TOM REID
MAYOR

ATTEST:

_____
YOUNG LORFING, TRMC
CITY SECRETARY

APPROVED AS TO FORM:

_____
NGHIEM V. DOAN
DEPUTY CITY ATTORNEY

The Cooperative Purchasing Network
7145 West Tidwell ~ Houston, Texas 77092
(888) 884-7695
www.tcpn.org

Publication Date: December 10, 2009

NOTICE TO RESPONDENT

SUBMITTAL DEADLINE: Wednesday, January 20, 2010, 10:00 AM CST

Questions regarding this solicitation must be submitted in writing no later than January 14, 2010. All questions and answers will be posted to http://www.tcpn.org/default.aspx?name=QA_09-21.

Request for Proposal (RFP)
for
Automotive Tires

Solicitation Number 09-21

It is the intention of TCPN to establish a national contract that satisfies the needs of participating governmental entities in the purchase of **automotive tires**. This contract will enable agencies to purchase on an "as needed" basis from a competitively awarded contract. Respondents are requested to submit their total line of available products and services.

While this solicitation specifically covers automotive tires, respondents are encouraged to submit an offering on any and all products or services available that they currently perform in their normal course of business.

Responses shall be received no later than the deadline in the offices of The Cooperative Purchasing Network (TCPN). Immediately following the deadline, all responses will be publically opened and the respondents recorded. Any response received later than the specified deadline, whether delivered in person or mailed, will be disqualified. Faxed or electronically submitted responses cannot be accepted.

Responses must be sealed and plainly marked with the company name and the opening date and time. Two (2) bound and signed copies of the proposals and two electronic copies on CD, DVD or flash drives (i.e. pin or jump drives) shall be provided.

Jason Wickel
Director TCPN

INTRODUCTION

The Cooperative Purchasing Network (TCPN)

TCPN is a governmental entity, established in 1997, tasked with assisting public entities to increase efficiency and economy when procuring goods and services. Our contracts are available for use, and benefit, all entities that must comply with state procurement laws and regulations (public and private schools, colleges and universities, cities, counties, non-profits, and all governmental entities).

TCPN is a national purchasing cooperative, leveraging one of the largest pools of purchasing potential. TCPN competitively bids and awards contracts for commonly purchased products and services. Our unique contracts cover Facilities, Food Service, Furniture, Office Supplies & Equipment, Security Systems, and Technology to name a few.

Purpose of TCPN

- Provide governmental agencies opportunities for greater efficiency and economy in procuring goods and services.
- Take advantage of state-of-the-art purchasing procedures to insure the most competitive contracts.
- Provide competitive price and bulk purchasing for multiple government agencies that yields economic benefits unobtainable by the individual entity.
- Provide quick and efficient delivery of goods and services.
- Equalize purchasing power for smaller agencies that are unable to command the best contracts for themselves.
- Help in assisting with use of best business practices.

Customer Service

- TCPN is dedicated to making our contracts successful for both our members and our awarded vendors.
- TCPN is committed to providing our members and awarded vendors with high quality service.
- TCPN has dedicated staff available to answer questions, offer guidance and help in any way possible.

Purchasing Procedures

- Purchase orders are issued by participating governmental agencies to the awarded vendor indicating on the PO "Per TCPN Contract"
- Awarded vendor delivers goods/services directly to the participating agency.
- Awarded vendor invoices the participating agency directly.
- Awarded vendor receives payment directly from the participating agency.
- Awarded vendor reports sales monthly/quarterly to TCPN.

SCOPE

It is the intention of TCPN to establish a contract with vendor(s) for Automotive Tires. Awarded vendor(s) shall perform covered services under the terms of this agreement. Respondents shall provide pricing based on a discount from a manufacturer's price list. Catalog and/or price lists must accompany the proposal. Catalog must be the regular, common available catalog distributed to schools and/or government entities. Include a copy of the catalog from which discount is calculated. Multiple percentage discount structure is also acceptable. Please specify where different percentage discounts apply. Additional pricing and/or discounts may be included. If respondent has existing cooperative contracts in place, TCPN requests equal or better than pricing to be submitted.

Each service proposed is to be priced separately with all ineligible items identified. Services may be awarded to multiple vendors. Respondents may elect to limit their proposals to a single service within any category, or multiple services within any or all categories.

TCPN is seeking a service provider that has the depth, breadth and quality of resources necessary to complete all phases of automotive tires. In addition, TCPN also requests any value add commodity or service that could be provided under this contract.

INSTRUCTIONS TO RESPONDENTS

Submission of Response

- Only sealed responses will be accepted. Faxed or electronically transmitted responses will not be accepted.
- Sealed responses may be submitted on any or all items, unless stated otherwise. TCPN reserves the right to reject or accept any response.
- Deviations to any terms, conditions and/or specifications shall be conspicuously noted in writing by the respondent and shall be included with the response.
- Withdrawal of response will not be allowed for a period of 120 days following the opening. Pricing will remain firm for 120 days from submittal.
- Two (2) bound and signed copies of the solicitation, and two (2) electronic copies on CD, DVD or flash drives (i.e. pin or jump drives) shall be provided.

Proposal Format

- Required: Responses shall be provide in a three-ring binder or report cover using 8.5 x 11 size paper clearly identified with the name of the respondents company and solicitation responding to on the outside front cover and vertical spine. All forms are to be completed electronically. Include a copy of all solicitation pages before section needing tabulation in response. Tabs should be used to separate the proposal into sections, as identified below. Respondents failing to organize in the manner listed may be considered non-responsive and may not be evaluated.

Binder Tabs

Tab 1 - Vendor Contract and Signature Form

Tab 2 - Questionnaire

Tab 3 - Company Profile

Tab 4 - Product / Services

Tab 5 - References

Tab 6 - Pricing

Tab 7 - Miscellaneous

Shipping Label

The package must be clearly identified as listed below with the solicitation number and name of the company responding. All packages must be sealed and delivered to the TCPN office no later than the submittal deadline assigned for this solicitation.

From_____

Company_____

Address_____

City, State, Zip _____

Solicitation Name and Number _____

Due Date and Time _____

PROCESS

In accordance with applicable laws, rules, and regulations for public purchasing, award(s) will be made to the prospective vendor whose response is determined to be the most advantageous to TCPN and its participating agencies. TCPN reserves the right to use a "Market Basket Survey" method, based on randomly selected criteria to determine the most advantageous response. To qualify for evaluation, response must have been submitted on time, and satisfy all mandatory requirements identified in this document.

Competitive Range

It may be necessary for TCPN to establish a competitive range. Responses not in the competitive range are unacceptable and do not receive further award consideration.

Deviations and Exceptions

Deviations or exceptions stipulated in response may result in disqualification. It is the intent of TCPN to award a manufacturer's complete line of products, when possible.

Estimated Quantities

TCPN estimates considerable activity resulting from this solicitation. TCPN makes no guarantee or commitment of any kind concerning quantities that will actually be purchased. TCPN makes no guarantee or commitment of any kind regarding usage of any contracts resulting from this solicitation. The volume for this contract estimates from $5 million a year to $10 million a year.

Evaluation

A committee will review and evaluate all responses and make a recommendation for award of contract(s). TCPN will base a recommendation for contract awards on multiple factors, each factor being assigned a point value based on its importance.

Formation of Contract

A response to this solicitation is an offer to contract with TCPN based upon the terms, conditions, scope of work, and specifications contained in this request. A solicitation does not become a contract until it is accepted by TCPN. A contract is formed when TCPN's authorized administrator signs the Signature Form and Board of Directors approves award of the contract. The prospective vendor must submit a signed Signature Form with the response thus, eliminating the need for a formal signing process.

Multiple Awards

TCPN has a large number of potential entities which may utilize this contract throughout the nation. In order to assure that any ensuing contract(s) will allow TCPN to fulfill current and future needs, TCPN reserves the right to award contract(s) to multiple vendors. The decision to award multiple contracts, award only one contract, or to make no awards rests solely with TCPN.

Past Performance

Past performance is relevant information regarding a vendor's actions under previously awarded contracts; including the administrative aspects of performance; the vendor's history of reasonable and cooperative behavior and commitment to customer satisfaction; and generally, the vendor's businesslike concern for the interests of the customer.

Open Records Policy

Because TCPN is a governmental entity responses submitted to TCPN are subject to release as public information after contracts are executed. If a vendor believes that its response, or parts of its response, may be exempted from disclosure, the vendor must specify page-by-page and line-by-line the parts of the response, which it believes, are exempt. In addition, the respondent must specify which exception(s) are applicable and provide detailed reasons to substantiate the exception(s).

The determination of whether information is confidential and not subject to disclosure is the duty of the Office of Attorney General (OAG). TCPN must provide the OAG sufficient information to render an opinion and therefore, vague and general claims to confidentiality by the respondent are not acceptable. TCPN must comply with the opinions of the OAG. TCPN assumes no responsibility for asserting legal arguments on behalf of any vendor. Respondent are advised to consult with their legal counsel concerning disclosure issues resulting from this procurement process and to take precautions to safeguard trade secrets and other proprietary information.

Specifications

TCPN specifications have been developed to indicate minimal standards as to the usage, materials, and contents based on their needs. Manufacturer's specifications (Design Guides), when used by TCPN, are to be considered informative to give the respondent information as to the type and kind requested. Responses of reputable manufacturer's regularly produced product of such items similar and substantially equivalent will be considered.

EVALUATION CRITERIA

Pricing factors as determined by TCPN (35 points)

Paper and/or Electronic Price Lists

- Products, services, warranties, etc. price list.
- Prices listed will be used to establish both the extent of a manufacturer's product lines, services, warranties, etc. available from a particular bidder and the pricing per item.

Ability to provide and perform the required services for the contract (25 points)

- Product delivery within participating entities specified parameters.
- Number of line items delivered complete within the normal delivery time as a percentage of line items ordered.
- Products ability to perform towards above requirements and desired specifications.
- Quantity of line items available that are commonly purchased by the entity.
- Quality of items available compared to normal participating entity standards.
- Quality of catalogs for use by entities that do not have electronic access.

Value Added Services Description, Product and/or Services (15 points)

- Marketing and Training
- Customer Service

References (15 points)

Minimum of ten (10) customer references for product and/or services of similar scope dating within the past 3 years.

Technology for supporting the program (10 points)

- Electronic on-line catalog, order entry use by and suitability for the entity's needs
- Quality of vendor's on-line resources for TCPN members.
- Specifications and features offered by respondent's products and/or services.

TAB 1 – VENDOR CONTRACT AND SIGNATURE FORM

VENDOR CONTRACT

Between The Goodyear Tire & Rubber Company **and**

THE COOPERATIVE PURCHASING NETWORK (TCPN)
For
Automotive Tires

The following pages will constitute the contract between the successful vendor(s) and The Cooperative Purchasing Network (hereinafter referred to as "TCPN"), having its principal place of business at 7145 West Tidwell, Houston, TX 77092. Respondent shall include in writing any required exceptions or deviations from these terms, conditions, and specifications. If agreed to by TCPN, they will be incorporated into the final contract

This contract consists of the provisions set forth below, including provisions of all attachments referenced herein. In the event of a conflict between the provisions set forth below and those contained in any attachment, the provisions set forth below shall control.

GENERAL TERMS AND CONDITIONS

1. Customer Support

The vendor shall provide timely and accurate technical advice and sales support to TCPN staff and TCPN participants. The vendor shall respond to such requests within one (1) working day after receipt of the request.

2. Assignment of Contract

No assignment of contract may be made without the prior written approval of TCPN. Purchase orders and payment can only made to awarded vendor unless otherwise approved by TCPN.

Awarded vendor is required to notify TCPN when any material change in operations is made that may adversely affect TCPN's members, (i.e. bankruptcy, change of ownership, merger, etc.)

3. Disclosures

Respondent affirms that he/she has not given, offered to give, nor intends to give at any time hereafter any economic opportunity, future employment, gift, loan, gratuity, special discount, trip, favor or service to a public servant in connection with this contract.

Include a complete description of any and all relationships that might be considered a conflict of interest in doing business with participants in TCPN.

The respondent affirms that, to the best of his/her knowledge, the offer has been arrived at independently, and is submitted without collusion with anyone to obtain information or gain any favoritism that would in any way limit competition or give an unfair advantage over other vendors in the award of this contract.

4. **Renewal of Contract**

Unless otherwise stated, all contracts are for a period of one (1) year with an option to renew annually for an additional four (4) years if agreed to by TCPN and the vendor. TCPN shall review the contract prior to the renewal date and notify the current awarded vendor each year of the contract renewal. Awarded vendor shall honor the administrative fee for any sales occurred beyond 30 days on any sales made based on a TCPN contract whether awarded a renewal or not.

5. **Funding Out Clause.**

Any/all contracts exceeding one (1) year shall include a standard "funding out" clause. A contract for the acquisition, including lease, of real or personal property is a commitment of the entity's current revenue only, provided the contract contains either or both of the following provisions:

Retains to the entity the continuing right to terminate the contract at the expiration of each budget period during the term of the contract and is conditioned on a best efforts attempt by the entity to obtain appropriate funds for payment of the contract.

6. **Ordering Procedures**

Purchase orders are issued by participating entities to the awarded vendor stating *"Per TCPN Contract"*.

7. **Shipments (if applicable)**

The awarded vendor shall ship ordered products within seven (7) working days for goods available and within four (4) to six (6) weeks for specialty items after the receipt of the order unless modified. If a product cannot be shipped within that time, the awarded vendor shall notify the entity placing the order as to why the product has not shipped and shall provide an estimated shipping date. At this point the participating entity may cancel the order if estimated shipping time is not acceptable.

8. **Invoices**

The awarded vendor shall submit invoices to the participating entity clearly stating *"Per TCPN Contract"*. The shipment tracking number or pertinent information for verification shall be made available upon request.

9. **Tax Exempt Status**

Since this is a national contract, knowing the tax laws in each state is the sole responsibility of the vendor.

10. **Reporting**

The awarded vendor shall electronically provide TCPN with a detailed monthly or quarterly report showing the dollar volume of all sales under the contract for the previous month or quarter. Reports shall be sent via e-mail to TCPN offices at reporting@tcpn.org. Reports are due on the **fifteenth (15th)** day after the close of the previous month or quarter. It is the responsibility of the awarded vendor to collect and compile all sales under the contract from participating members and submit one (1) report.

Dealer report will provide at least entity name, zip code, state, PO#, product code, description, units ordered, and prices. The administrative fee due to TCPN will be made with this report.

TCPN reserves the right to request quarterly sales reports from contracted vendors for audit purposes. Reports may be requested to verify information such as purchasing entity, purchase order number, order date, project description, and purchase order total.

If the contract is not set up as reporting, all purchase orders are to be sent to TCPN via fax, mail, or email.

11. Payments

The entity using the contract will make payments directly to the awarded vendor.

12. Pricing

The awarded vendor agrees to provide pricing to TCPN and its participating entities that are the lowest pricing available and the pricing shall remain so throughout the duration of the contract. The awarded vendor agrees to promptly lower the cost of any product purchased through TCPN following a reduction in the manufacturer or publisher's direct cost. Price increases must be approved by TCPN. However, the awarded vendor must honor previous prices for thirty (30) days after approval and written notification from TCPN if requested.

All pricing submitted to TCPN shall include the **one percent (1%)** administrative fee to be remitted to TCPN by the awarded vendor. It is the awarded vendor's responsibility to keep all pricing up to date and on file with TCPN. All price changes shall be presented to TCPN for acceptance, using the same format as was accepted in the original contract.

All deliveries shall be freight prepaid, F.O.B. destination and shall be included in all pricing offered unless otherwise clearly stated in writing.

13. Warranty conditions

All supplies, equipment and services shall include manufacturer's minimum standard warranty and one (1) year labor warranty unless otherwise agreed to in writing.

14. Indemnity

The awarded vendor shall protect, indemnify, and hold harmless TCPN and its participants, administrators, employees and agents against all claims, damages, losses and expenses arising out of or resulting from the actions of the vendor, vendor employees or vendor subcontractors in the preparation of the solicitation and the later execution of the contract. Any litigation involving TCPN, its administrators and employees and agents will be in Harris County, Texas. Any litigation involving TCPN's members shall be in the jurisdiction of the participating agency.

15. Franchise Tax

The respondent hereby certifies that he/she is not currently delinquent in the payment of any franchise taxes.

16. Marketing

Awarded vendor agrees to allow TCPN to use their name and logo within website, marketing materials and advertisement. Any use of TCPN name and logo by awarded vendor must be approved.

17. Supplemental Agreements

The entity participating in the TCPN contract and awarded vendor may enter into a separate supplemental agreement to further define the level of service requirements over and above the minimum defined in this contract i.e. invoice requirements, ordering requirements, specialized delivery, etc. Any supplemental agreement developed as a result of this contract is exclusively between the participating entity and awarded vendor. TCPN, its agents, members and employees shall not be made party to any claim for breach of such agreement.

18. Certificates of Insurance

Certificates of insurance shall be delivered to the TCPN participant prior to commencement of work. The insurance company shall be licensed in the applicable state in which work is being conducted. The awarded vendor shall give the participating entity a minimum of ten (10) days notice prior to any modifications or cancellation of policies. The awarded vendor shall require all subcontractors performing any work to maintain coverage as specified.

19. Miscellaneous

Either party may cancel this contract in whole or in part by providing written notice. The cancellation will take effect 30 business days after the other party receives the notice of cancellation. After the 30th business day all work will cease following completion of final purchase order.

TCPN reserves the right to request additional items not already on contract at any time.

SIGNATURE FORM

The undersigned hereby proposes and agrees to furnish goods and/or services in strict compliance with the terms, specifications and conditions at the prices proposed within response unless noted in writing. The undersigned further certifies that he/she is an officer of the company and has authority to negotiate and bind the company named below.

Prices are guaranteed: 120 days

Company name	The Goodyear Tire & Rubber Company
Address	1144 East Market St D/709
City/State/Zip	Akron, OH 44316
Telephone No.	330-796-4352
Fax No.	330-796-3404
Email address	jeanne.oberdier@goodyear.com
Printed name	Jeanne Oberdier
Position with company	Contract Manager Government Sales
Authorized signature	Jeanne Oberdier

Accepted by The Cooperative Purchasing Network:

Term of contract 2·12·10 **to** 1·31·11

Unless otherwise stated, all contracts are for a period of one (1) year with an option to renew annually for an additional four (4) years if agreed to by TCPN and the awarded vendor. Awarded vendor shall honor all administrative fees for any sales made based on a TCPN contract whether renewed or not.

Jason Wicker — 2/12/10
Director of TCPN — Date

JASON WICKER
Print Name

Robert A. Pechacek — 2/12/10
Authorized Signature — Date

ROBERT A. PECHACEK
Print Name

TCPN Contract Number R4937

TAB 2 – QUESTIONNAIRE

Please provide responses to the following questions that address your company's operations, organization, structure and processes for providing products and services.

1. **States Covered**
   Bidder must indicate any and all states where products and services can be offered. **Please indicate the price co-efficient for each state if it varies.**

   ☒ **All States** (Selecting this box is equal to checking all boxes below)

   - ☐ Alabama
   - ☐ Alaska
   - ☐ Arizona
   - ☐ Arkansas
   - ☐ California
   - ☐ Colorado
   - ☐ Connecticut
   - ☐ Delaware
   - ☐ Florida
   - ☐ Georgia
   - ☐ Hawaii
   - ☐ Idaho
   - ☐ Illinois
   - ☐ Indiana
   - ☐ Iowa
   - ☐ Kansas
   - ☐ Kentucky
   - ☐ Louisiana
   - ☐ Maine
   - ☐ Maryland
   - ☐ Massachusetts
   - ☐ Michigan
   - ☐ Minnesota
   - ☐ Mississippi
   - ☐ Missouri
   - ☐ Montana
   - ☐ Nebraska
   - ☐ Nevada
   - ☐ New Hampshire
   - ☐ New Jersey
   - ☐ New Mexico
   - ☐ New York
   - ☐ North Carolina
   - ☐ North Dakota
   - ☐ Ohio
   - ☐ Oklahoma
   - ☐ Oregon
   - ☐ Pennsylvania
   - ☐ Rhode Island
   - ☐ South Carolina
   - ☐ South Dakota
   - ☐ Tennessee
   - ☐ Texas
   - ☐ Utah
   - ☐ Vermont
   - ☐ Virginia
   - ☐ Washington
   - ☐ West Virginia
   - ☐ Wisconsin
   - ☐ Wyoming

2. **Minority and Women Business Enterprise (MWBE) and (HUB) Participation**

   It is the policy of some entities participating in TCPN to involve minority and women business enterprises and historically utilized businesses (HUB) in the purchase of goods and services. Respondents shall indicate below whether or not they are an M/WBE or HUB certified.

   a. **Minority/Women Business Enterprise**
   Respondent certifies that this firm is an M/WBE ☐ Yes ☒ No

   b. **Historically Underutilized Businesses**
   Respondent certifies that this firm is a HUB ☐ Yes ☒ No

3. **Residency**

Responding company's principal place of business is in the city of Akron State of OH.

4. **Felony Conviction Notice**

Please check applicable box:

- [X] A publicly held corporation; therefore, this reporting requirement is not applicable.
- [ ] Is not owned or operated by anyone who has been convicted of a felony.
- [ ] Is owned or operated by the following individual(s) who has/have been convicted of a felony.

- If the 3rd box is checked, a detailed explanation of the names and convictions must be attached.

5. **Processing Information**

Company contact for:

Billing

EACH INDIVIDUAL DEALERSHIP WILL GENERATE THEIR OWN INVOICE
VISIT THE FOLLOWING WEBSITE FOR AUTHORIZED DEALERS:
WWW.GOODYEARDEALERS.COM

Contact Person: _____

Title: _____

Company: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____

Email: _____

Purchase Orders

PURCHASE ORDERS SHOULD BE ISSUED TO THE INDIVIDUAL DEALERSHIPS
VISIT WWW.GOODYEARDEALERS.COM

Contact Person: _____

Title: _____

Company: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____

Email: _____

Sales and Marketing

Contact Person: _____

Title: _____

Company: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____

Email: _____

6. **Distribution Channel:** Which best describes your company's position in the distribution channel:

- ☐ Manufacturer direct
- ☐ Authorized distributor
- ☐ Value-added reseller
- ☐ Certified education/government reseller
- ☒ Manufacturer marketing through reseller
- ☐ Other _____

7. **Cooperatives**

List any other cooperative or state contracts currently held or in the process of securing

Cooperative/State Agency	Discount Offered	Expires	Annual Sales Volume

TAB 3 – COMPANY PROFILE

Information About Your Company SEE ENCLOSED ANNUAL REPORT

Please provide the following:

1. Company's official registered name.
2. Brief history of your company, including the year it was established.
3. Company's Dun & Bradstreet (D&B) number.
4. Company's organizational chart of those individuals that would be involved in the contract.
5. Corporate office location.
   a. List the number of sales and service offices for states being bid in solicitation.
   b. List the names of key contacts at each with title, address, phone and e-mail address.
6. Define your standard terms of payment.
7. Who is your competition in the marketplace?
8. What is your market share?
9. Are you gaining market share, losing market share, or maintaining market share?
10. What is your strategy to increase market share?
11. What differentiates your company from competitors?
12. Describe how your company will market this contract if awarded.
13. Describe how you intend on introducing TCPN to your company.
14. Describe your firm's capabilities and functionality of your on-line catalog/ordering website.
15. Describe your company's Customer Service Department (hours of operation, number of service centers, etc.)

Green Initiatives

- We're committed to helping to build a cleaner future!

  According to the U.S. Census Bureau, the world population is expanding at a mind-boggling rate. The world reached 1 billion people in 1800; 2 billion by 1922; and over 6 billion by 2000. It is estimated that the population will swell to over 9 billion by 2050. That means that if the world's natural resources were evenly distributed, people in 2050 will only have 25% of the resources per capita that people in 1950 had.

  The world has a fixed amount of natural resources - some of which are already depleted. So as population growth greatly strains our finite resources, there are fewer resources available. If we intend to leave our children and grandchildren with the same standard of living we have enjoyed, we must preserve the foundation of that standard of living. We save for college educations, orthodontia, and weddings, but what about saving clean air, water, fuel sources and soil for future generations?

  As our business grows, we want to make sure we minimize our impact on the Earth's climate. So we're taking every step we can to implement innovative and responsible environmental practices throughout TCPN to reduce our carbon footprint, reduce waste, energy conservation, ensure efficient computing and much more. To that effort, we ask respondents to provide their companies environmental policy and/or green initiative.

Vendor Certifications (if applicable)

- Provide a copy of all current licenses, registrations and certifications issued by federal, state and local agencies, and any other licenses, registrations or certifications from any other governmental entity with jurisdiction, allowing respondent to perform the covered services including, but not limited to licenses, registrations or certifications. Certifications can include applicable M/WBE, HUB, and manufacturer certifications for sales and service.

TAB 4 – PRODUCT / SERVICES

RESPONSE FOR SPECIFIC TIRE SIZES

	Item	Est. Quantity	Price Each Inc. Delivery
1	10-R-20 Tube Brand and Model		
	Goodyear G149 RSA LR G 138-376-187	2000	$ 308.26
2	10-R-20 Tube Type Brand and Model		
	Drive: Goodyear G164 RSD LR G 138-376-454	400	$ 312.52
	Highway _____		$ _____
3	10-R-22.5 F Brand and Model		
	Drive: Goodyear G622 RSD 138-947-265	600	$ 287.06
	Highway: Goodyear G661 HSA 138-947-337		$ 353.69
4	10-R-22.5 G Brand and Model		
	Drive: Goodyear G622 RSD 138-948-265	700	$ 297.11
	Highway: Goodyear G661 HSA 138-948-337		$ 360.99
5	11-R-22.5 G Brand and Model		
	Drive: Goodyear G622 RSD 138-953-265	16,000	$ 346.46
	Highway: Goodyear G661 HSA 138-953-337		$ 352.22
6	11-R-22.5 H Brand and Model		
	Drive: Goodyear G622 RSD 138-307-265	160	$ 360.31
	Highway: Goodyear G661 HSA 138-179-337		$ 370.18
7	215/70 R 14 Brand and Model		

Drive: _____ 130 $_____

Highway: Goodyear Regatta 2 $ 54.44
187-359-026

8 225/70 R 19.5
Brand and Model

Drive: Goodyear G622 RSD LR F 250 $ 273.07
139-418-205

Highway: Goodyear G647 RSS LR F $ 247.36
139-418-053

9 245/70 R 19.5 F
Brand and Model

Drive: Goodyear G622 RSD 400 $ 282.76
139-415-205

Highway: Goodyear G647 RSS $ 283.97
139-178-080

1 245/70 R 19.5 G
0
Brand and Model

Drive: Goodyear G622 RSD 600 $ 306.11
139-913-205

Highway: Goodyear G647 RSS $ 288.03
139-177-080

1 245/75 R 22.5 LR G
1
Brand and Model

Drive: Goodyear G622 RSD 230 $ 230.76
756-319-265

Highway: Goodyear G149 RSA $ 240.41
756-306-184

12 255/70 R 22.5 LR H
Brand and Model

Drive: Goodyear G622 RSD 2,700 $ 287.92
756-203-265

Highway: Goodyear G169 RSA $ 279.03
756-780-519

14 295/75 R 22.5 G
Brand and Model

Drive: Goodyear G164 RTD 6000 $ 322.84
756-817-453

Highway: Goodyear G169 RSA $ 309.53
756-817-519

15 4.10 4 MHS
Brand and Model

Drive: _____ 50 $ No Bid

Highway: _____ $ No Bid

16 7.50 R16 D8
Brand and Model

Drive: _____ 2700 $ No Bid

Highway: _____ $ No Bid

17 8.00 R 16.5 D8
Brand and Model

_____ 360 $ No Bid

18 8.75 R 16.5 E
Brand and Model

Goodyear G159 60 $ 194.36
139-357-359

19 8 R 19.5 ~~E~~ F
Brand and Model

Drive: Goodyear G633 RSD 200 $ 207.23
139-065-028

Highway: Goodyear G647 RSS $ 223.18
139-699-080

20 8 R 19.5 F
Brand and Model

Drive: Goodyear G633 RSD 600 $ 207.23
139-065-028

Highway: Goodyear G647 RSS $ 223.18
139-699-080

21 9 R 22.5 F
Brand and Model

Highway: Goodyear G149 RSA 800 $ 232.71
138-311-186

22 9.50 R 16
Brand and Model

Highway: 40 $ No Bid

23 LT 185/75 R 14 D
Brand and Model

Highway: 80 $ No Bid

24 LT 215/85 R 16 E
Brand and Model
Goodyear Wrangler SR-A 400 $ 107.80
179-751 217

25 LT 225/70 R 19.5 G
Brand and Model
Highway: Goodyear G647 RSS 60 $ 250.00
139-172-053

26 LT 225/75 R 16 LR E
Brand and Model
Highway: Goodyear Wrangler HT 800 $ 119.37
744-830-900

27 LT 225/75 R 16 D E
Brand and Model

Drive: Goodyear Duratrac 260 $ 110.50
312-009-142

Highway: Goodyear Wrangler HT $ 119.37
744-830-900

28 LT 225/75 R 16 E
Brand and Model

Drive: Goodyear Duratrac 1000 $ 110.50
312-009-142

Highway: Goodyear Wrangler HT $ 119.37
744-830-900

29 LT 235/75 R 15 C
Brand and Model

Drive: Goodyear Duratrac 312-008-027 — 2000 — $ 89.70

Highway: Goodyear Wrangler HT 744-826-802 — $ 94.38

30 LT 235/75 R 16 C
Brand and Model

Drive: _____ — 200 — $ No Bid

Highway: _____ — $ No Bid

31 LT 235/85 R 16 ~~D~~ E
Brand and Model

Drive: Gdyr Wrangler Duratrac 312-021-142 — 860 — $ 111.15

Highway: Goodyear Wrangler HT 744-725-502 — $ 115.41

32 LT 245/75 R 16 E
Brand and Model

Drive: Goodyear Duratrac 312-249-027 — 1800 — $ 120.25

Highway: Goodyear Wrangler HT 744-395-900 — $ 126.04

33 LT 245/85 R 16 E
Brand and Model

_____ — 200 — $ No Bid

34 LT 245/75 R 16 LR "E"
Brand and Model

Highway: Goodyear Wrangler HT 744-395-900 — 640 — $ 126.04

35 ~~LT~~ 225/75 R 15 P-Metric
Brand and Model
Goodyear Wrangler SRA — 540 — $ 81.41
183-064-418

36 LT 265/75 R 16
Brand and Model
Goodyear Wrangler SRA — 200 — $ 100.33
183-857-418

37 P 155/80 R 13
Brand and Model
_____ — 50 — $ No Bid

38 P 205/75 R 15
Brand and Model
_____ — 500 — $ No Bid

39 P 215/70 R 14
Brand and Model
_____ — 140 — $ No Bid

40 P 215/75 R 15 C
Brand and Model
_____ — 60 — $ No Bid

41 P 225/60 V 16 Police Radial
Brand and Model
Goodyear Eagle RSA — 2600 — $ 77.48
732-354-500

42 P 225/70 HR 15
Brand and Model
Goodyear Eagle RSA — 350 — $ 76.96
732-478-500

43 P 225/75 R 15 Black Wall
Brand and Model
Goodyear Wrangler SRA — 1000 — $ 81.41
183-064-418

44 P 235/75 R 15
Brand and Model
Goodyear Wrangler SRA — 400 — $ 71.21
183-406-418

45 P 235/70 R 16
Brand and Model
Goodyear Wrangler SRA — 80 — $ 98.15
183-407-418

46 P 235/75 R 16
Brand and Model
Goodyear Wrangler ST
773-430-430
160 $ 94.48

47 P 245/70 R 17
Brand and Model
Goodyear Wrangler SRA
183-114-470
160 $ 114.89

48 18 x 8.50 8 NHS Golf Cart
Brand and Model
100 $ No Bid

49 700-15 Workhorse Load C D
Brand and Model
Goodyear Workhorse
312-049-090
20 $ 101.30

50 750 R 16 Trailer
Brand and Model
100 $ No Bid

CATALOGUE DISCOUNT FOR ALL TIRES AVAILABLE

Catalogue Discounts:
Provide percentage discounts for tires not listed.

Tire Type Catalogue	No. or Date	Discount	
Police Pursuit	3-1-09	48 %	Off
Auto Radial	3-1-09	46 %	Off
Lt Truck Bias	3-1-09	48 %	Off
Lt Truck Radial	3-1-09	48 %	Off
Unisteel	3-1-09	28 %	Off
Med. Commercial	3-1-09	40 %	Off
		%	
		%	
		%	
		%	
		%	
		%	
		%	
		%	
		%	
		%	
		%	

TAB 7 – MISCELLANEOUS

Please include any additional products and/or services not included in the scope of the solicitation you think will enhance and add value to this contract for TCPN participating agencies.

TAB 6 – PRICING

Paper and/or Electronic Price Lists

- Respondents must submit products, services, warranties, etc. in price list.
- Prices listed will be used to establish the extent of a manufacturer's product lines, services, warranties, etc. that are available from a particular bidder and the pricing per item.
- Paper and electronic price lists must contain the following format
- Media submitted for price list must include the respondents' company name, name of the solicitation, and date on CD, DVD or Flash Drive (i.e. Pin or Jump Drives).

Not to Exceed Pricing – REMOVE ENTIRE SECTION

- ~~TCPN requests pricing be submitted as not to exceed for any participating entity.~~
- ~~Unlike fixed pricing the awarded vendor can adjust submitted pricing lower if needed but, cannot exceed original pricing submitted for solicitation.~~
- ~~Vendor must allow for lower pricing to be available for similar product and service purchases.~~

TAB 5 – REFERENCES

Provide a minimum of ten (10) customer references for product and/or services of similar scope dating within the past 3 years. Please try to provide an equal number of references for K12, Higher Education and City/County entities. Provide the following information for each reference:

- Entity Name
- Contact Name and Title
- City and State
- Phone Number
- Years Serviced
- Description of Services
- Annual Volume

THE GOODYEAR TIRE & RUBBER COMPANY HOLDS AND MAINTAINS CONTRACTS IN ALL 50 STATES

The Goodyear Tire & Rubber Company

Akron , Ohio 44316 – 0001

GOVERNMENT SALES DEPARTMENT

TCPN (THE COOPERATIVE PURCHASING NETWORK)
RFP FOR AUTOMOTIVE TIRES
SOLICITATION NUMBER 09-21

Please note the following exceptions taken by The Goodyear Tire & Rubber Company:

Tab 1 – Vendor Contract and Signature Form:

1) Item # 2 Assignment of Contract – Provided that our independent dealers may perform the services hereunder.

2) Item # 6 Ordering Instructions: All Purchase Orders should be sent to the servicing dealership.

3) Item # 10 Reporting: Revise date to the 30th day after the close of the previous quarter.

4) Item # 11 Payments: Should be made directly to the servicing dealership.

5) Item # 12: Pricing: Revise and add the following in the first sentence: *"The awarded vendor agrees to provide favorable pricing to TCPN and its participating entities which shall remain so throughout the duration of the contract."*

6) Item # 14: Indemnity: Remove the reference "vendor subcontractors". Add the following "negligent" actions or "willful misconduct" of the vendor.

7) Item # 18: Certificates of Insurance: Dealer will provide upon request.

Tab 6 – Pricing:

Remove the entire section titled: **Not to Exceed Pricing**

Consent Agenda Item I

I. **Consideration and Possible Action – Resolution No. R2014-126 –** A Resolution of the City Council of the City of Pearland, Texas, renewing a unit supply bid for liquid waste and bio-solid waste disposal services with Magna Flow Environmental and Republic Services in the estimated amount of $500,000 beginning October 15, 2014 through October 14, 2015.

AGENDA REQUEST
BUSINESS OF THE CITY COUNCIL
CITY OF PEARLAND, TEXAS

AGENDA OF:	October 13, 2014	**ITEM NO.:**	Resolution No. R2014-126
DATE SUBMITTED:	October 2, 2014	**DEPT. OF ORIGIN:**	Finance
PREPARED BY:	Bob Pearce	**PRESENTOR:**	Eric Wilson
REVIEWED BY:	Trent Epperson	**REVIEW DATE:**	October 8, 2014

SUBJECT: RESOLUTION NO. R2014-126 - A Resolution of the City Council of the City of Pearland, Texas, renewing a unit supply bid for liquid waste and bio-solid waste disposal services with Magna Flow Environmental and Republic Services in the estimated amount of $500,000 beginning October 15, 2014 through October 14, 2015.

EXHIBITS: R2014-126
Exhibit A – Bid Tabulation for Bid #0813-81

FUNDING:

	☐**Grant**	☐**Developer/Other**	☐**Cash**
☐**Bonds To Be Sold**	☐**Bonds- Sold**	☐**L/P – Sold**	☐**L/P – To Be Sold**

EXPENDITURE REQUIRED: $500,000 (est.) **AMOUNT BUDGETED:** $500,000
AMOUNT AVAILABLE: $500,000 **PROJECT NO.:**
ACCOUNT NO.: 030-4042-555-11-00
ADDITIONAL APPROPRIATION REQUIRED: **ACCOUNT NO.:**
PROJECT NO.:

To be completed by Department:
Finance **Legal** **Ordinance** **Resolution**

EXECUTIVE SUMMARY

BACKGROUND

The Southdown WWTP generates liquid sludge on an ongoing basis, however the contract for the disposal of dewatered bio-solid waste did not include this service, as the City's liquid sludge requirements have historically been comparatively nominal. The cleanout of two (2) large City water facilities in FY2013 necessitated the disposal of a significant amount of liquid sludge. While this level of sludge will not be routinely generated, it was recognized to be in the City's best interest to expand the existing waste disposal contract to include both dewatered and liquid waste, which was accomplished via Bid No. 813-81.

SCOPE OF CONTRACT

One (1) year agreement for sludge removal, transportation and disposal services as required by the City's Public Works Department.

BID AND AWARD

The City received five (5) responses in 2013 to Bid #0813-81, for which specifications reserved the City's right to award to a single, or multiple, contractor(s), as deemed to be most advantageous to the City. As such, with Magna Flow Environmental being the low bidder for liquid sludge disposal and Republic Services as the low bidder for dewatered bio-solid disposal, it was recommended by Purchasing and Public Works staff that those companies be awarded the respective portions of the contract. Both companies are TCEQ-certified sludge haulers and will utilize only disposal sites as approved by TCEQ.

Bid specifications called for fixed unit costs for a period of one (1) year, with two (2) additional one (1) year renewals available upon the mutual agreement of both parties, and the approval of City Council. The specifications allowed the contractor the opportunity to request a price increase percentage not to exceed the rate of increase in the "All Items" category of the Consumer Price Index (CPI), Houston-Galveston-Brazoria region, during the prior 12 month period.

Magna Flow has agreed to renew this bid with no price increase requested, therefore pricing for this first renewal period will be at the amounts originally bid and awarded by Council in October 2013, as reflected by the unit costs in the attached tabulation. Republic Services has agreed to renew their bid and has requested a price increase commensurate with the current allowable CPI increase of 2.6% above the prior unit costs awarded by Council, as reflected in the attached bid tabulation.

SCHEDULE

Sludge transportation and disposal services will occur as needed throughout the term of the agreement.

POLICY/GOAL CONSIDERATION

This bid award will positively impact the City's goal of providing and maintaining a safe and reliable water supply for residents throughout the City.

CURRENT AND FUTURE FUNDING /FINANCIAL IMPACTS

Funding for these items come from Public Works' operating budget.

O&M IMPACT INFORMATION

Fiscal Year	2015	2016	2017
Estimated expenditure	$500,000	$513,000*	N/A

*Based on Current CPI of 2.6%

RECOMMENDED ACTION

City Council consideration and approval of resolution #R2014-126 renewing a unit supply bid for liquid waste and bio-solid waste disposal services with Magna Flow Environmental and Republic Services in the estimated amount of $500,000 beginning October 15, 2014 through October 14, 2015.

RESOLUTION NO. R2014-126

A Resolution of the City Council of the City of Pearland, Texas, renewing a unit supply bid for liquid waste and bio-solid waste disposal services with Magna Flow Environmental and Republic Services in the estimated amount of $500,000 beginning October 15, 2014 through October 14, 2015.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS:

Section 1. That the City previously awarded bids for liquid waste and bio-solid waste disposal services, and such bids have been reviewed and tabulated.

Section 2. That the City Council hereby renews the bid for liquid waste disposal with Magna Flow Environmental, and the bid for bio-solid waste with Allied Wastes in the unit price amounts reflected in Exhibit "A" attached hereto.

Section 3. The City Manager or his designee is hereby authorized to execute a supply contract for liquid waste and bio-solid waste disposal services.

PASSED, APPROVED and ADOPTED this the _____ day of _____, A.D., 2014.

_____
TOM REID
MAYOR

ATTEST:

_____
YOUNG LORFING, TRMC
CITY SECRETARY

APPROVED AS TO FORM:

_____
DARRIN M. COKER
CITY ATTORNEY

Bid # 0813-81 - Sludge Transportation/Disposal Services

LIQUID SLUDGE DISPOSAL

	Magna Flow Environmental			2014 Contract		2015 Contract	
Line	**Description**	**UOM**	**QTY**	**Unit**	**Extended**	**Unit**	**Extended**
1	COST PER HOUR TO TRANSFER LIQUID SLUDGE FROM THE SOUTHDOWN WASTEWATER PLANT (OR APPLICABLE CITY FACILITY) TO THE SOUTHWEST ENVIRONMENTAL CENTER (SWEC) OR APPLICABLE CITY FACILITY.	HRS	623	**$125.00**	**$77,875.00**	**$125.00**	**$77,875.00**
2	COST PER GALLON TO HAUL LIQUID SLUDGE FROM THE SOUTHDOWN WASTEWATER PLANT (OR APPLICABLE CITY FACILITY) TO SLUDGE DISPOSAL SITE.	GALS	351000	**$0.055**	**$19,305.00**	**$0.055**	**$19,305.00**
	Total Bid for Liquid Sludge Disposal				**$97,180.00**		**$97,180.00**
						No price increase	

BIO-SOLID SLUDGE DISPOSAL

	Republic Services			2014 Contract		2015 New Price	
Line	**Description**	**UOM**	**QTY**	**Unit**	**Extended**	**Unit**	**Extended**
1	COST PER CUBIC YARD TO TRANSFER BIO-SOLID SLUDGE FROM BARRY ROSE WASTEWATER PLANT TO TCEQ PERMITTED FACILITY.	CY	2665	**$15.58**	**$41,520.70**	**$15.99**	**$42,613.35**
2	COST PER CUBIC YARD TO TRANSFER BIO-SOLID SLUDGE FROM LONGWOOD WASTEWATER PLANT TO TCEQ PERMITTED FACILITY.	CY	3088	**$16.16**	**$49,902.08**	**$16.58**	**$51,199.04**
3	COST PER CUBIC YARD TO TRANSFER BIO-SOLID SLUDGE FROM SOUTHWEST ENVIRONMENTAL CENTER (SWEC) TO TCEQ PERMITTED FACILITY.	CY	4802	**$15.28**	**$73,374.56**	**$15.68**	**$75,295.36**
4	COST PER CUBIC YARD TO TRANSFER BIO-SOLID SLUDGE FROM FAR NORTHWEST ENVIRONMENTAL CENTER TO TCEQ PERMITTED FACILITY.	CY	2678	**$13.46**	**$36,045.88**	**$13.81**	**$36,983.18**
	Total Bid for Bio-Solid Disposal				**$200,843.22**		**$206,090.93**
						2.6% CPI Increase	

Consent Agenda Item J

J. **Consideration and Possible Action – Resolution No. R2014-128 –** A Resolution of the City Council of the City of Pearland, Texas, awarding a bid for construction services, associated with the internal lining rehabilitation of 3 ground storage water tanks, to NG Painting, in the amount of $238,001.

AGENDA REQUEST
BUSINESS OF THE CITY COUNCIL
CITY OF PEARLAND, TEXAS

AGENDA OF: September 22, 2014	**ITEM NO.:** Resolution No. R128
DATE SUBMITTED: September 5, 2014	**DEPT. OF ORIGIN:** Public Works
PREPARED BY: Tracy A Sambrano	**PRESENTOR:** Eric Wilson
REVIEWED BY: Trent Epperson	**REVIEW DATE:** September 8, 2014

SUBJECT: Resolution of the City Council of the City of Pearland, Texas, awarding a contract to NG Painting of Kerrville, Texas in the amount of in the amount of $238,001.00 to resurface the interiors of three ground storage tanks.

EXHIBITS: A- Engineers Recommendation Letter and Bid Tabulation, Maps of three locations, and Internal pictures of GST's

FUNDING:

☐ **Grant** ☐ **Developer/Other** ☒ **Cash**

☐ **Bonds To Be Sold** ☐ **Bonds- Sold** ☐ **L/P – Sold** ☐ **L/P – To Be Sold**

EXPENDITURE REQUIRED: $238,001.00 **AMOUNT BUDGETED: $300,000**
AMOUNT AVAILABLE: $ **PROJECT NO.: SYKREH**

ACCOUNT NO.: 030- 4043-565. 73-00
ADDITIONAL APPROPRIATION REQUIRED:

To be completed by Department:
Finance **Legal** **Ordinance** **Resolution**

RECOMMENDED ACTION

Staff recommends that council approve the bid results and award a contract for the internal lining rehabilitation of three Ground Storage Tanks (518, McLean, & Cullen) in the amount of $238,001.00 to NG Painting and authorize the City Manager to execute the contract.

EXECUTIVE SUMMARY

BACKGROUND

This project includes the rehabilitation of the interior lining and possibly unforeseen infrastructure damage to three Potable Water Ground Storage Tanks. The Ground Storage Tanks have been damaged due to gases in the water causing blistering in the internal lining. This type of damage causes the Ground Storage Tanks' internal linings to strip away exposing the infrastructure metal. As you have exposed infrastructure metals, this allows corrosion to start and decrease in the infrastructure life expectancies. This also increases water quality issues, and an increase in operational cost. The Ground Storage Tanks need to be structurally rehabilitated and coated with an approved coating system that will provide a 10 to 13 year corrosion resistant interior lining that will prevent infrastructure damage, water quality issues, and lower operating cost. This project will

rehabilitate three potable ground storage tanks throughout the city limits. Cullen water facility, McLean water facility, and 518 water facility. Provided below is an aerial map of each location.

SCOPE OF CONTRACT/AGREEMENT

The scope of work is to rehabilitate and recoat the interior lining in three potable ground storage tanks. The contractor will remove existing protective coating by sand blasting to a near white finish. All infrastructure welding repairs must be completed before any paint is applied to the structure. The recommended application will entail a primer coat, base coat of TNEMEC, and a top coat giving the final product a 10 to 12 millimeter thickness. After applications are applied and proper set time has occurred, a holiday test inspection will be performed. Each facility is scheduled to take 30 days each with final completion of project being 120 days. Provided below are internal pictures of Cullen, McLean, and 518.

BID AND AWARD

The project was advertised on July 31, 2014 and August 7, 2014 and the bids were received on August 19, 2014. Four contract firms submitted bids for the project ranging from $238,001.00 to $298,000.00. The low bid of $238,001.00 was submitted by NG Painting, The amount is approximately $62,000.00 below budgeted amount. This will be the first time NG Painting has constructed a project for City of Pearland. The references were checked out by City Staff and the responses were positive.

SCHEDULE

A Pre-Construction meeting will be held within ten days of the contract execution. The Notice to Proceed letter will be issued soon after. The project is scheduled to take 30 calendar days per facility. The overall completion of the projected is 120 days.

POLICY/GOAL CONSIDERATION

The rehabilitation completion of the interior lining on three potable ground storage tanks will ensure the life of the infrastructure, water quality improvements, and will lower operational cost. This work saves the city revenue due to properly maintaining water facilities.

DUNHAM ENGINEERING
Inspection. Design. Results.

DUNHAM ENGINEERING, INC.

www.DunhamEngineering.com Texas Registration Number: F-2253

13141 Hill Rd., College Station, TX 77845 Phone: (979) 690-6555 Fax: (979) 690-7034

August 21, 2014

Mr. Eric Wilson, Director of Public Works
City of Pearland
3519 Liberty Drive
Pearland, Texas 77581

Re: Recommendation of Contractor for Bid Number 0614-46 - Ground Storage Tank Rehabilitation at Various Locations

The purpose of this letter is to recommend a contractor for the above referenced project. A complete bid tabulation from the August 19th public bid opening is attached. This project involves the abrasive blast cleaning, painting, and repair of three (3) of the City's water storage tanks located at Cullen Blvd., McLean Rd., and Broadway St. The following is a summary of our bid evaluation:

1. Bid Tabulation Sheet – Six (6) contractors participated in the bidding process. The bids were checked for mathematical errors and/or bid irregularities. The project was bid with a Base Bid, four (4) Extra Work additive bid items for possible extra work, and one (1) Alternate Bid item for an alternate coating system. Copy of Bid Tabulation attached.

2. The additive bid items for possible extra work are to complete repairs of hidden corrosion damage, and remove soluble salts from the interior of tanks should these conditions be discovered during the course of the project. It is recommended that all four (4) Extra Work items be awarded on an as-needed basis per the Project Specifications.

3. The one (1) Alternate Bid item was to provide pricing for alternate coating systems at the Contractor's discretion, to provide for price competition among coating manufacturers. The low bidder did not offer alternate pricing advantageous to the City, and will use the TNEMEC coating system specified in the Base Bid. It is recommended that the Alternate Bid item NOT be awarded.

4. A copy of the Bid Tabulation is attached to this letter. As discussed with the City of Pearland, the Base Bid and all of the Extra Work items were utilized as a basis for award of the contract. The total bids for the project (Base Bid + Extra Work items) are as follows:

   a. N.G. Painting $238,000.00
   b. A&M Construction and Utilities, Inc. $277,000.00
   c. E.J. Chris Contracting, Inc. $282,700.00

Bid Number 0614-46 Addendum 1 - Ground Storage Tank Rehabilitation at Various Locations
Close Date August 19, 2014 @ 2:00 p.m.

				N.G. Painting		A&M CONSTRUCTION AND UTILITIES, INC.		E.J. Chris Contracting, Inc.		TarTob Commercial Services LLC		Blastco Texas, Inc.		MC SANDBLASTING & PAINTING, INC.	
	Description	UOM	QTY	Unit	Extended	Unit	Extended	Unit	Extended	Unit	Extended	Unit	Extended	Unit	Extended
1		PKG	1	$216,000.00	$216,000.00	$256,000.00	$256,000.00	$263,200.00	$263,200.00	$268,000.00	$268,000.00	$273,000.00	$273,000.00	$244,420.00	$244,420.00
1.1	MOBILIZATION @ 3% (SPEC. 1505)	LS	1	$1,000.00		$7,500.00		$7,896.00		$15,000.00		$7,500.00		$7,320.00	
1.2	FURNISH MATERIAL AND LABOR TO REPLACE THE COATING SYSTEMS PER THE TECHNICAL SPECIFICATIONS - CULLEN GST	LS	1	$70,000.00		$90,000.00		$94,700.00		$90,000.00		$80,000.00		$69,000.00	
1.3	FURNISH MATERIAL AND LABOR TO PERFORM THE REPAIR ITEMS PER THE TECHNICAL SPECIFICATIONS - CULLEN GST	LS	1	$10,000.00		$6,000.00		$6,000.00		$6,000.00		$10,000.00		$5,500.00	
1.4	FURNISH MATERIAL AND LABOR TO REPLACE THE COATING SYSTEMS PER THE TECHNICAL SPECIFICATIONS - MCLEAN GST	LS	1	$50,000.00		$52,500.00		$50,004.00		$75,000.00		$65,000.00		$59,200.00	
1.5	FURNISH MATERIAL AND LABOR TO PERFORM THE REPAIR ITEMS PER THE TECHNICAL SPECIFICATIONS - MCLEAN GST	LS	1	$5,000.00		$8,500.00		$4,900.00		$5,000.00		$9,000.00		$3,800.00	
1.6	FURNISH MATERIAL AND LABOR TO REPLACE THE COATING SYSTEMS PER THE TECHNICAL SPECIFICATIONS - FM 518 GST	LS	1	$70,000.00		$75,000.00		$83,700.00		$70,000.00		$85,000.00		$89,600.00	

				N.G. Painting		A&M CONSTRUCTION AND UTILITIES, INC.		E.J. Chris Contracting, Inc.		TarTob Commercial Services LLC		Blastco Texas, Inc.		MC SANDBLASTING & PAINTING, INC.	
	Description	**UOM**	**QTY**	**Unit**	**Extended**	**Unit**	**Extended**	**Unit**	**Extended**	**Unit**	**Extended**	**Unit**	**Extended**	**Unit**	**Extended**
1.7	FURNISH MATERIAL AND LABOR TO PERFORM THE REPAIR ITEMS PER THE TECHNICAL SPECIFICATIONS - FM 518 GST	LS	1	**$7,000.00**		**$11,500.00**		**$7,000.00**		**$5,000.00**		**$11,500.00**		**$6,000.00**	
1.8	DISINFECTION, CLEANUP & DEMOBILIZATION	LS	1	**$3,000.00**		**$5,000.00**		**$9,000.00**		**$2,000.00**		**$5,000.00**		**$4,000.00**	
2	**EXTRA WORK**	PKG	1	**$22,000.00**	**$22,000.00**	**$21,000.00**	**$21,000.00**	**$19,500.00**	**$19,500.00**	**$20,000.00**	**$20,000.00**	**$22,500.00**	**$22,500.00**	**$44,000.00**	**$44,000.00**
2.1	$10,000 CONTINGENCY FOR REPAIR OF HIDDEN CORROSION DAMAGE AND HOLES PER THE TECHNICAL SPECIFICATIONS.	NTE	1	**$10,000.00**		**$10,000.00**		**$10,000.00**		**$10,000.00**		**$10,000.00**		**$10,000.00**	
2.2	FURNISH MATERIAL AND LABOR TO PRESSURE WASH THE INTERIOR OF THE 0.5MG FM 518 GST TO REMOVE SURFACE CONTAMINANTS PER THE TECHNICAL SPECIFICATIONS	LS	1	**$4,000.00**		**$4,000.00**		**$5,000.00**		**$3,000.00**		**$4,500.00**		**$12,000.00**	
2.3	FURNISH MATERIAL AND LABOR TO PRESSURE WASH THE INTERIOR OF THE 0.3MG MCLEAN GST TO REMOVE SURFACE CONTAMINANTS PER THE TECHNICAL SPECIFICATIONS	LS	1	**$4,000.00**		**$2,500.00**		**$1,500.00**		**$3,000.00**		**$3,500.00**		**$9,000.00**	

				N.G. Painting		A&M CONSTRUCTION AND UTILITIES, INC.		E.J. Chris Contracting, Inc.		TarTob Commercial Services LLC		Blastco Texas, Inc.		MC SANDBLASTING & PAINTING, INC.	
	Description	UOM	QTY	Unit	Extended	Unit	Extended	Unit	Extended	Unit	Extended	Unit	Extended	Unit	Extended
2.4	FURNISH MATERIAL AND LABOR TO PRESSURE WASH THE INTERIOR OF THE 0.6MG CULLEN GST TO REMOVE SURFACE CONTAMINANTS PER THE TECHNICAL SPECIFICATIONS	LS	1	$4,000.00		$4,500.00		$3,000.00		$4,000.00		$4,500.00		$13,000.00	
3	**ALTERNATE BID**	PKG	1	$1.00	$1.00	$1.00	$1.00	$1.00	$1.00	$1.00	$1.00	$0.01	$0.01	$10,000.00	$10,000.00
3.1	ADD OR DEDUCT FROM BASE BID TO INSTALL ALTERNATE COATING SYSTEM PER SECTION 10 OF THE TECHNICAL SPECIFICATIONS (PRICING NOT REQUIRED)	LS	1	$1.00		$1.00		$1.00		$1.00		$0.01		$10,000.00	
			Total		$238,001.00		$277,001.00		$282,701.00		$288,001.00		$295,500.01		$298,420.00

RESOLUTION NO. R2014-128

A Resolution of the City Council of the City of Pearland, Texas, awarding a bid for construction services, associated with the internal lining rehabilitation of 3 ground storage water tanks, to NG Painting, in the amount of $238,001.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS:

Section 1. That bids were obtained for the internal lining rehabilitation of 3 ground storage water tanks.

Section 2. That the City Council hereby awards a bid to the NG Painting, in the total amount of $238,001.

Section 3. The City Manager or his designee is hereby authorized to execute a contract for the internal lining rehabilitation of 3 ground storage water tanks.

PASSED, APPROVED and ADOPTED this the _____ day of _____, A.D., 2014.

_____
TOM REID
MAYOR

ATTEST:

_____
YOUNG LORFING, TRMC
CITY SECRETARY

APPROVED AS TO FORM:

_____
DARRIN M. COKER
CITY ATTORNEY

Consent Agenda Item K

K. **Consideration and Possible Action – Resolution No. R2014-92 –** A Resolution of the City Council of the City of Pearland, Texas, authorizing a contract for property acquisition and relocation services with Right-of-Way Solutions, LLC.

AGENDA REQUEST
BUSINESS OF THE CITY COUNCIL
CITY OF PEARLAND, TEXAS

AGENDA OF:	October 13, 2014	**ITEM NO.:**	Resolution No. R2014-92
DATE SUBMITTED:	September 15, 2014	**DEPT. OF ORIGIN:**	Projects
PREPARED BY:	Anthony Vu	**PRESENTOR:**	Skipper Jones
REVIEWED BY:	Trent Epperson	**REVIEW DATE:**	

SUBJECT: Resolution No. R2014-92 - A Resolution of the City Council of the City of Pearland, Texas, authorizing a primary contract for property acquisition and relocation services with Right-of-Way Solutions, LLC., and a secondary contract to Texas Land Professionals.

EXHIBITS: R2014-94; A - Services Contract for Right of Way Solutions, LLC. ; Scope of Services; B - Bid Tabulation Exhibit

FUNDING:

☐ **Grant** ☐ **Developer/Other** ☐ **Cash**

☐ **Bonds To Be Sold** ☐ **Bonds- Sold** ☐ **L/P – Sold** ☐ **L/P – To Be Sold**

EXPENDITURE REQUIRED: $150,000
AMOUNT AVAILABLE: $150,000
ACCOUNT NO.: Various Projects
ADDITIONAL APPROPRIATION REQUIRED:
ACCOUNT NO.:
PROJECT NO.:

AMOUNT BUDGETED: $150,000
PROJECT NO.: Varioius

To be completed by Department:

X Finance **X Legal** **Ordinance** **X Resolution**

RECOMMENDED ACTION

Staff recommends that Council approve the Resolution awarding a primary contract to Right of Way Solutions, LLC and a secondary contract to Texas Land Professionals for property acquisition and relocation services and to authorize the City Manager to execute the contract.

EXECUTIVE SUMMARY

Staff recommends Council approve the selection process and the resulting selection of a primary and secondary service provider awarding contracts to the primary selectee, Right-of-Way Solutions, LLC, and a secondary selectee, Texas Land Professionals, Inc. for property acquisition and relocation services.

BACKGROUND

An integral component of the project schedule is the acquisition of the land, either in the form of Right of Way (in fee) or Easement, upon which the project will be constructed. Most projects require one form of property or the other and the timing for that is critical to the overall project schedule. Consequently, property acquisition is underway for one project or another almost continuously. Meeting this demand requires the use of land acquisition specialist firms to supplement City Staff efforts. In the past, selection of an acquisition firm has been made on a qualification and an "availability" basis requiring the use of several firms. Staff is seeking to formalize this process by utilizing a formal selection process to identify the firm providing the best value to the City and to lock in the fees for acquisition services.

To this end, Staff utilized a variation of its standard two step professional services selection process to solicit and evaluate responses to a Request for Proposal for Land Acquisition Services. Although the State does not consider land acquisition to be a professional service this process offered the most direct means of obtaining information about the firms, their experience, their methodologies, their pricing for this service and the firm's ethical and personal approach to the land owner.

Staff will authorize work assignments for acquisitions on a per parcel basis, beginning with the primary selectee, Right of Way Solutions. In the event that this tasking becomes onerous and the primary firm is unable to meet project scheduling demands, the overflow of these Right of Way needs will be assigned to the secondary firm. Currently, Staff do not expect either of these work authorization contracts to exceed $75,000 during the first one year contract life. Staff will bring this request back to Council for re-authorization and renewal at the end of the first one year period and at any time it is anticipated to exceed the above $75,000 limit.

SCOPE OF CONTRACT/AGREEMENT

The scope of services includes negotiations, title and closing, condemnation support and relocation assistance services for the acquired real properties. The consultant will gather all pertinent information to be conveyed to the landowners during the negotiation process produce a written offer and make all reasonable efforts to personally contact landowners to discuss the acquisition. Closing activities include: obtaining releases, preparation of closing statements, executing agreements/conveyance documents and delivery of payment to the landowner. In instances where landowners are displaced as a direct result of the acquisition, the City will provide relocation services and, acting through the consultant will providing relocation services in accordance to the City's standard guidelines.

BID AND AWARD

An open solicitation was published requesting information on the firm, its past experience with land acquisition for other public and private entities and proposed pricing on a per parcel basis. Seven firms responded with a Statement of Proposal. These submittals were reviewed by a selection committee and the respondent's qualifications and pricing were ranked creating a short list of two firms to be interviewed. Interviews were conducted with the firms in which they were asked to answer questions regarding specific scenarios that might be encountered while negotiating land or easement purchases. A final selection of a primary firm was made based on the firm's performance in the interview. Although the primary firm's unit cost per parcel was higher by $255/parcel their approach to the property owners, as exhibited in the interviews, will

result in more negotiated settlements, instead of the use of eminent domain. The additional cost acquisition for each parcel that goes through the eminent domain process is approximately $10,000 to $12,000.

Right of Way Solutions, LLC (ROWS) was selected, to provide property acquisition and relocation services. Texas Land Professionals, Inc. (TLP) was selected as the secondary firm. All work assignments shall be authorized by individual work authorizations dependent upon the business needs of the City for each identified Project. The work of this contract would begin immediately or as necessary to meet the continuing needs of the project schedules. The contract will be binding upon execution for a period of one (1) year, but may be renewed, through mutual agreement of both parties, for a period of two (2) additional one (1) year terms.

SCHEDULE

The Work of this contract is on an as-needed basis, and performed similarly to Job Order Contracting. All work assignments shall be authorized by individual work authorization dependent upon the business needs of the City for each identified Project.

POLICY/GOAL CONSIDERATION

The property acquisition and relocation services section deals with negotiating for real property in support of Capital Improvement Program projects. It covers negotiating requirements necessary to comply with City's standard practices.

CURRENT AND FUTURE CIP FUNDING /FINANCIAL IMPACTS/DEBT SERVICE

This service will be funded from the individual projects as part of the 5 Year Capital Improvement Program. As such the contract does not require independent funding source or appropriation other than that already provided in the project budget.

RESOLUTION NO. R2014-92

A Resolution of the City Council of the City of Pearland, Texas, authorizing a primary contract for property acquisition and relocation services with Right-of-Way Solutions, LLC., and a secondary contract to Texas Land Professionals.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS:

Section 1. That certain contracts for property acquisition and relocation services, a copy of which is attached hereto as Exhibit "A" and made a part hereof for all purposes, are hereby authorized and approved.

Section 2. That the City Manager or his designee is hereby authorized to execute and the City Secretary to attest contracts for property acquisition and relocation services.

PASSED, APPROVED and ADOPTED this the _____ day of _____, A.D., 2014.

_____
TOM REID
MAYOR

ATTEST:

_____
YOUNG LORFING, TRMC
CITY SECRETARY

APPROVED AS TO FORM:

_____
DARRIN M. COKER
CITY ATTORNEY

CONTRACT FOR PROPERTY ACQUISITION AND RELOCATION SERVICES

THIS CONTRACT is entered into on _____, 2014 by and between the City of Pearland ("CITY") and ("CONSULTANT").

The CITY engages the CONSULTANT to perform Property Acquisition and Relocation Services.

SECTION I - SERVICES OF THE CONSULTANT

The CONSULTANT shall perform the following services to CITY standards in accordance to the scope of services attached here to as Exhibit, "A."

A. The CONSULTANT acknowledges that the CITY (through its employee handbook) considers the following to be misconduct that is grounds for termination of a CITY employee: Any fraud, forgery, misappropriation of funds, receiving payment for services not performed or for hours not worked, mishandling or untruthful reporting of money transactions, destruction of assets, embezzlement, accepting materials of value from vendors, or consultants, and/or collecting reimbursement of expenses made for the benefit of the CITY. The CONSULTANT agrees that it will not, directly or indirectly; encourage a CITY employee to engage in such misconduct.

B. The CONSULTANT recognizes that all drawings, special provisions, field survey notes, reports, estimates and any and all other documents or work product generated by the CONSULTANT under the CONTRACT shall be delivered to the CITY upon request, shall become subject to the Open Records Laws of this State.

C. The CONSULTANT shall procure and maintain for the duration of this Agreement, insurance against claims for injuries to persons, damages to property, or any errors and omissions relating to the performance of any work by the CONSULTANT, its agents, employees or subcontractors under this Agreement, as follows:

(1) Workers' Compensation as required by law.

(2) Professional Liability Insurance in an amount not less than $1,000,000 in the aggregate.

(3) Comprehensive General Liability and Property Damage Insurance with minimum limits of $1,000,000 for injury or death of any one person, $1,000,000 for each occurrence, and $1,000,000 for each occurrence of damage to or destruction of property.

(4) Comprehensive Automobile and Truck Liability Insurance covering owned, hired, and non-owned vehicles, with minimum limits of $1,000,000 for injury or death of any one person, $1,000,000 for each occurrence, and $1,000,000 for property damage.

The CONSULTANT shall include the CITY as an additional insured under the policies, with the exception of the Professional Liability Insurance and Workers' Compensation. Certificates of Insurance and endorsements shall be furnished to the CITY before work commences. Each insurance policy shall be endorsed to state that coverage shall not be suspended, voided, canceled, and/or reduced in coverage or in limits ("Change in Coverage") except with prior written consent of the CITY and only after the CITY has been provided with written notice of such Change in Coverage, such notice to be sent to the CITY either by hand delivery to the City Manager or by certified mail, return receipt requested, and received by the City no fewer than thirty (30) days prior to the effective date of such Change in Coverage. Prior to commencing services under this CONTRACT, CONSULTANT shall furnish CITY with Certificates of Insurance, or formal endorsements as required by this CONTRACT, issued by CONSULTANT'S insurer(s), as evidence that policies providing the required coverage, conditions, and limits required by this CONTRACT are in full force and effect.

D. The CONSULTANT shall indemnify and hold the CITY, its officers, agents, and employees, harmless from any claim, loss, damage, suit, and liability of every kind for which CONSULTANT is legally liable, including all expenses of litigation, court costs, and attorney's fees, for injury to or death of any person, for damage to any property, or errors in design, any of which are caused by the negligent act or omission of the CONSULTANT, his officers, employees, agents, or subcontractors under this CONTRACT.

H. All parties intend that the CONSULTANT, in performing services pursuant to this CONTRACT, shall act as an independent contractor and shall have control of its own work and the manner in which it is performed. The CONSULTANT is not to be considered an agent or employee of the CITY.

SECTION II - PERIOD OF SERVICE

This CONTRACT will be binding upon execution and end for a period of one (1) year, but may be renewed, through mutual agreement of both parties, for a period of two (2) additional one (1) year terms.

SECTION III - CONSULTANT'S COMPENSATION

A. The method of payment for this CONTRACT is **payment by milestones / not to exceed rate per parcel as follows:**

Acquisition Services: $2,700.00/parcel

Relocation Services: $3,800.00/parcel

Per parcel billing is to be paid in accordance with the payment provisions of Exhibit "A."

B. The CITY shall pay the CONSULTANT in installments based upon a per parcel basis, progress reports and detailed invoices submitted by the CONSULTANT subject to the following limitations:

C. Payment will be made for services rendered, provided that:

1. Invoices must be submitted on the Contractor's own invoice form and must be prepared to show:

a. The date;

b. Name and address of the Consignee;

c. Item/reference number, deliverable and/or description of work;

d. PO number; the amount invoiced and remaining contract balance.

2. Time sheets are provided to support the time being claimed.

D. The CITY shall make payments to the CONSULTANT within thirty (30) days after receipt and approval of a detailed invoice.

SECTION IV - THE CITY'S RESPONSIBILITIES

A. The CITY shall designate a project manager during the term of this CONTRACT. The project manager has the authority to administer this CONTRACT and shall monitor compliance with all terms and conditions stated herein. All requests for information from or a decision by the CITY on any aspect of the work shall be directed to the project manager.

B. The CITY shall review submittals by the CONSULTANT and provide prompt response to questions and rendering of decisions pertaining thereto, to minimize delay in the progress of the CONSULTANT'S work. The CITY will keep the CONSULTANT advised concerning the progress of the CITY'S review of the work. The CONSULTANT agrees that the CITY'S inspection, review, acceptance or approval of CONSULTANT'S work shall not relieve CONSULTANT'S responsibility for errors or omissions of the CONSULTANT or its sub-consultant(s) or in any way affect the CONSULTANT's status as an independent contractor of the CITY.

SECTION V - TERMINATION

A. The CITY, at its sole discretion, may terminate this CONTRACT for any reason -- with or without cause -- by delivering written notice to CONSULTANT personally or by certified mail at 19901 Southwest Freeway, Sugarland Texas 77479. Immediately after receiving such written notice, the CONSULTANT shall discontinue providing the services under this CONTRACT.

B. If this CONTRACT is terminated, CONSULTANT shall deliver to the CITY all drawings, special provisions, field survey notes, reports, estimates and any and all other documents or work product generated by the CONSULTANT under the CONTRACT, entirely or partially completed, together with all unused materials supplied by the CITY on or before the 15th day following termination of the CONTRACT.

C. In the event of such termination, the CONSULTANT shall be paid for services performed prior to receipt of the written notice of termination. The CITY shall make final payment within sixty (60) days after the CONSULTANT has delivered to the CITY a detailed invoice for services rendered and the documents or work product generated by the CONSULTANT under the CONTRACT.

D. If the remuneration scheduled under this contract is based upon a fixed fee or definitely ascertainable sum, the portion of such sum payable shall be proportionate to the percentage of services completed by the CONSULTANT based upon the scope of work.

E. In the event this CONTRACT is terminated, the CITY shall have the option of completing the work, or entering into a CONTRACT with another party for the completion of the work.

F. If the CITY terminates this CONTRACT for cause and/or if the CONTRACTOR breaches any provision of this CONTRACT, then the CITY shall have all rights and remedies in law and/or equity against CONSULTANT. Venue for any action or dispute arising out of or relating to this CONTRACT shall be in Brazoria County, Texas. The laws of the State of Texas shall govern the terms of this CONTRACT. The prevailing party in the action shall be entitled to recover its actual damages with interest, attorney's fees, costs and expenses incurred in connection with the dispute and/or action. CONSULTANT and CITY desire an expeditious means to resolve any disputes that may arise between under this CONTRACT. To accomplish this, the parties agree to mediation as follows: If a dispute arises out of or relates to this CONTRACT, or the breach thereof, and if the dispute cannot be settled through negotiation, then the parties agree first to try in good faith, and before pursuing any legal remedies, to settle the dispute by mediation of a third party who will be selected by agreement of the parties.

SECTION VI – ENTIRE AGREEMENT

This CONTRACT represents the entire agreement between the CITY and the CONSULTANT and supersedes all prior negotiations, representations, or contracts, either written or oral. This CONTRACT may be amended only by written instrument signed by both parties.

SECTION VII – COVENANT AGAINST CONTINGENT FEES

The CONSULTANT affirms that he has not employed or retained any company or person, other than a bona fide employee working for the CONSULTANT to solicit or secure this

CONTRACT, and that he has not paid or agreed to pay any company or person, other than a bona fide employee, any fee, commission, percentage brokerage fee, gift, or any other consideration, contingent upon or resulting from the award or making of the CONTRACT. For breach or violation of this clause, the CITY may terminate this CONTRACT without liability, and in its discretion, may deduct from the CONTRACT price or consideration, or otherwise recover, the full amount of such fee, commission, percentage brokerage fee, gift, or contingent fee that has been paid.

SECTION VIII- SUCCESSORS AND ASSIGNS

This CONTRACT shall not be assignable except upon the written consent of the parties hereto.

The parties have executed this CONTRACT this _____ day of _____, 2014.

_____
CITY OF PEARLAND, TEXAS

_____
CONSULTANT
Kevin Stephenson

Exhibit "A"
Scope of Services

1.0 GENERAL INFORMATION

The City of Pearland (City) is requesting proposals for Property Acquisition and Relocation Services. Responding Companies must express an interest to contract for services by completing this Request for Proposal (RFP). The general scope of work for this RFP is limited to;

Project Administration Services

Title and Closing Services

Negotiation Services

Relocation Assistance Services

Condemnation Support Services

2.0 **CONTRACT TERM:** Contract term shall be one (1) year from date of award. Upon completion of the term of the original contract, and upon the mutual agreement of both parties, the original contract may be renewed for two (2) additional one year periods. The unit prices of all items purchased under this annual contract are firm for the first annual period of this contract. However, if the option to renew for an additional one-year period is exercised by the City of Pearland, a price adjustment upward may be requested by the Vendor by the application of the formula set forth in the following paragraph. The index to be used in the computation of the price adjustment shall be the "All Items Index" category as quoted in the publication Consumer Price Index for the Houston-Galveston-Brazoria Consolidated Metropolitan Statistical Area, which is issued by the U.S. Department of Labor, Bureau of Labor Statistics.

The index for the month most recently published at the time of bid award shall be used as a base for determining price adjustment(s). The index for the month most recently published at the time of contract expiration/possible renewal shall be used in determining the adjusted contract price(s) for the ensuing contract period(s), should renewal option(s) be exercised and unit price adjustments be requested. Contract price adjustments shall be determined as follows: Unit Price % change (the point difference between the base index and the subsequent specified index is divided by the beginning index points, and multiplied by 100) in the index equals amount of price change eligible for adjustment. Whenever a price adjustment is made pursuant to this clause in contracts with multiple renewal options, the index that was used for computing the most recent price adjustment(s) shall become the new base index for determining further adjustments. There shall be a minimum of at least twelve months between price adjustments for contracts having multiple renewal options.

3.0 **WORK ASSIGNMENT:** Work Assignments shall be authorized by individual Work Authorizations dependent upon the business needs of the City for each identified Project. There is no guarantee of minimum work by the City.

3.1 On an as-needed basis, the contract may be extended for an additional one (1) year period provided both parties agree in writing to do so prior to the expiration date. Any extensions shall be at the same terms and conditions, plus any approved changes.

3.2 All work authorizations under the Contract shall be issued within one (1) year of the effective date of the contract or the one year extension.

3.3 In any instance where City, State and/or Federal policies, procedures or guidelines are in conflict, the Provider should contact the City for direction on which policy, procedure or guideline to follow.

4.0 **DEFINITIONS**: The following terms and phrases shall have the meanings assigned unless the contract indicates a contrary meaning. In such cases, the contract definitions will take precedence.

4.1 City – The City of Pearland

4.2 Fee Schedule – The attachment to the contract that sets forth the performing entity's fees for each service in the contract document's scope of work.

4.3 Fee for Service – Specific fee for a unit of service by which payments are made for each unit of service completed.

4.4 Milestone – Pre-determined, identifiable, and document supported specific point in a service task that represents a reporting requirement or completion of a set of activities upon which a payment of services can be invoiced.
Performance Based Specifications – Focus on outcomes or results rather than process; i.e., what services are required, not how to produce them.

4.5 Professional Services – Services directly related to professional practices as defined by Government Code, Chapter 2254, Subchapter A.

4.6 Provider - A contractor, operating with a written agreement to provide goods or services in accordance with the established price, terms and conditions. For the purposes of this RFP, the term "Provider" and "Contractor" can be used interchangeably.

4.7 Reasonable Cost – A cost is reasonable if, in its nature and amount, it does not exceed that which would be incurred by a prudent person under the circumstances prevailing at the time the decision was made to incur the cost.

4.8 Request for Proposal (RFP) - A request for submittal of a proposal that demonstrates competence and qualifications of the Provider to perform the requested services and shows an understanding of the specific project.

4.9 Sub-Provider – A subcontractor proposing to perform work through a contractual agreement with the Provider. For the purposes of this RFP, the term "Sub-provider" and "Subcontractor" can be used interchangeably.

4.10 Work Authorization – A written authorization to begin work issued according to the entity and prime contract in place with the City. The work authorization includes a detailed scope of work as well as a contract period and maximum amount payable that does not exceed the time or money restrictions specified in the prime contract.

4.10 Parcel – A general term meaning any part or portion of land.

4.10.1 All contiguous parcels belonging to a single owner are considered by the City as a single negotiation and acquisition. Parcels that are geographically separate but under a single owner will be considered separate negotiation and acquisition.

5.0 **TERMINATION OF CONTRACT**: The City of Pearland reserves the right to terminate the contract immediately in the event the successful bidder:

5.1 By failing to pay insurance, liens, claims, or other charges.

5.2 By failing to pay any payments due the City, State or Federal Government from the successful bidder or its principals, including, but not limited to payments identified in this agreement or any taxes, fees, assessments, or liens.

5.3 Upon the institution of voluntary or involuntary bankruptcy proceedings against the successful bidder or upon dissolution of the firm or business.

5.4 By violation of any provision of the agreement.

5.5 By failing to respond within the prescribed time, including weekends and holidays.

5.6 By failing to make adequate arrangements for an emergency call.

5.7 By providing substandard work, or work the City deems to be otherwise unacceptable.

5.8 Additionally, the City reserves the right to terminate the contract without cause upon written notice 30 days prior to the date of termination.

6.0 SCOPE OF SERVICES

The City is seeking services from property acquisition companies to acquire certain real properties for improvement projects. Firms should be adverse in reading title report, right of way and construction drawings. Services would be to prepare the necessary documents, acquire the rights of way or easement and any joinders or partial releases required for these conveyances. Knowledge of the relocation act, 49-CFR, is required due to some State/Federal funded projects.

Services requirements of the provider: Services shall include, but are not limited to the following activities:

6.1 Project Administration

6.1.1 Provider will visit project with City staff

6.2 Project Office

6.2.1 Open during normal City work hours

6.2.2 At least one office staff member of the Provider is required to be a current commissioned notary public.

6.3 Communication

6.3.1 Attend monthly meeting with appropriate City staff. Date, time and location are determined by City staff.

6.3.2 Provide monthly summaries of project expenses including amounts authorized, amounts paid and budget forecasting as required by City staff. The reporting format will be determined by the City staff.

6.3.3 Maintain current status reports of all parcels and project activities and provide weekly status reports to City staff. The reporting format will be determined by the City staff.

6.3.4 Provide schedule of all areas of work indicating anticipated start and end dates. The reporting format will be determined by City staff.

6.3.5 Prepare initial property owner contact list for use by City staff in distribution of Provider introduction letters or as determined necessary by the City.

6.4 File Management

6.4.1 The format for type of file folders and document order and placement are determined by City staff.

6.4.2 Prepare invoices utilizing City standard payment submission forms with supporting documentation. Supporting documentation requirements are determined by City staff.

6.4.3 Maintain records of all payments including, but not limited to, check number, amount, date paid, etc.

6.4.4 Maintain copies of all correspondence, emails and contacts with property owners.

6.4.5 Turn over all files, hard and pdf files to the City upon completion of the project or as requested by the City.

6.4.6 All files shall be accessible and available to the City or assignee.

6.5 Title and Closing Services (combined)

6.5.1 Secure preliminary title commitment or preliminary title search, and 5-year sales data from Title Company that will be providing title insurance.

6.5.2 The charges from the Title Company for the preliminary title commitments will be paid by the City and should not be included in the Provider's fee schedule.

6.5.3 Secure title commitment updates in accordance with insurance rules and requirements for parcel payment submissions. The charges from the Title Company for the update of the title commitment will be paid by the City and should not be included in the Provider's fee schedule.

6.5.4 Secure title insurance for all parcels acquired, insuring acceptable title to the City. Written approval by the City required for any exception. The charges from the Title Company for the title insurance will be paid by the City and should not be included in the Provider's fee schedule.

6.5.5 The curative services necessary to provide clear title to the City is the responsibility of the Provider and is to be included in the fee schedule for this service.

6.5.6 The Provider has the responsibility of direct contact with the Title Company to obtain an updated title commitment along with other forms and certified copy of the instrument of conveyance necessary when requesting the Parcel Payment from City staff.

6.5.7 The Provider provides closing services in conjunction with the Title Company and will be required to attend closings.

6.5.8 Any fee related to obtaining certified court documents and fees for recording same which are not collected at the closing of the parcel shall be direct pass through fees at the exact cost supported by the county court house receipts. No administrative fee, management fee, service fee or profit to the Provider will be paid.

6.5.9 Provider shall cause the recordation all original instruments immediately after closing at the respective County Clerk's Office. The cost of the recording fees and filing fees are paid by City and should not be included in the Provider's fee schedule.

6.6 Negotiation Services

6.6.1 Review right of way, parcel sketches and construction plans provided by the City and provide comments when necessary.

6.6.2 Verify that legal descriptions, right of way maps, construction plans, survey (if provided) and appraisal reports correspond with each other.

6.6.3 Issue all applicable notices in accordance with City, State, Federal policies and procedures.

6.6.4 Analyze preliminary title report to determine potential title problems, propose and inform City of methods to cure title deficiencies.

6.6.5 Analyze appraisal and appraisal review reports and confirm the City's approved value prior to making offer for each parcel.

6.6.6 Prepare and send the letter transmitting the Landowners' Bill of Rights by Certified Mail-Return Receipt Requested (CMRRR).

6.6.7 Prepare the initial offer letter, memorandum of agreement, instruments of conveyance, and any other documents required or requested by the City on applicable City forms.

6.6.8 The written offer, appraisal report and required brochures must send to each property owner or the property owner's designated representative through CMRRR. Maintain follow-up contacts and secure the necessary instruments upon acceptance of the offer for the closing. Retain copies of the unsigned CMRRR receipt and the appraisal as support for billing purposes.

6.6.9 Respond to property owner inquiries verbally and in writing. Follow up with phone call to schedule a face to face meeting with landowner per request.

6.6.10 Prepare a separate negotiator contact report for each parcel.

6.6.11 Advise property owner of the Administrative Settlement process. Transmit to the City any written counter offer from property owners including supporting documentation.

6.6.12 Prepare and mail the documents of conveyance.

6.6.13 Appear and provide Expert Witness testimony as a Provider when requested.

6.6.14 Securing a Right of Entry or Possession and Use Agreement is part of general Negotiation Services.

6.7 Relocation Assistance Services for Residential, Business, Personal Property, Mini Storage Units and Outdoor Advertising Signs (as required by Work Authorization)

6.7.1 Comply with all Federal/State/City requirements, policies and procedures in providing Relocation Assistance.

6.7.2 The Relocation Assistance Specialist should provide advance notice of the date and time of their initial meeting with the Displacee with (if applicable and practical) the Appraiser's inspection of the subject property in order to coordinate the appraiser's inspection with (if applicable and practical) the

initial interview with the Displacee by the Relocation Assistance Specialist.

6.7.3 All relocation documents shall be consistent with Texas Department of Transportation format and may be modified as deemed necessary by the City.

6.7.4 Notify all Displacees of eligibility for relocation assistance. At the time of initial contact, provide Displacees with a Relocation Assistance Packet consisting of;

6.7.4.1 Relocation Advisory Assistance – Parcel Record

6.7.4.2 Displacee Move Plan

6.7.4.3 Certification of Eligibility

6.7.4.4 Relocation Assistance Brochure (the City will provide the Provider with the brochures)

6.7.4.5 Provide on-going relocation assistance and advisory services to Displacees affected by acquisition of right of way and deliver a completed relocation advisory assistance form signed by the Displacee to the City.

6.7.4.6 Locate, evaluate, and maintain files on comparable available housing to complete residential property evaluation form.

6.7.5 Compute and submit the request for relocation housing/rental supplement to the City on the supplemental payment estimate, replacing housing form with supporting residential property evaluation with attached photos.

6.7.6 Provide 90-day notice to vacate simultaneous with the delivery of relocation benefits package. The 90-day notice may not be delivered prior to a personal interview with the Displacee to determine the type, needs and eligibilities.

6.7.7 Provide 30-day notice once property has been acquired by the City. Note that the Displacee must be given a total of 90-days' notice.

6.7.8 Notify City staff immediately if the Displacee does not move after 30-day notice expires.

6.7.9 Perform a decent, safe, and sanitary inspection of the replacement housing in accordance with City policy. Prepare and complete replacement housing inspection and submit to the City staff.

6.7.10 For non-residential moves, Negotiated Self-Moves

6.7.10.1 If the moving plan for a Negotiated Self-Move exceeds $20,000 prepare negotiated self-move request form (the moving plan) with appropriate photos and sketches along with inventory of personal property that is identified to be moved. This is required for pre-approval by the City.

6.7.10.2 If the moving plan for a Negotiated Self-Move is less than $20,000 the Provider must submit negotiated self-move request form with an abbreviated moving plan for the business owner or tenant. This includes photos, written inventory list, type of move

requested, and project move date. This is required for pre-approval by the City.

6.7.11 For all Negotiated Self-Moves, the Provider is responsible for requesting moving estimates from moving companies. Moving estimates must be obtained by the Provider and not the Displacee. Moving estimates must be prepared in writing and in the name of the City and not the Provider.

6.7.12 Coordinate and monitor moves with displaced homeowners, business owners, tenants, and with moving companies in accordance with City procedures.

6.7.13 Maintain relocation contact logs on relocation advisory assistance parcel record form journaling all attempted and completed contacts with all parties. This includes descriptions of the reasons and outcome for each contact.

6.7.14 Attend closings on replacement property if requested by any party involved, and assure supplemental payment is properly distributed.

6.7.15 Process and compute increased interest payments as required.

6.7.16 Relocation agent will be available for any appeals and hearings.

6.7.17 Prepare all relocation payment claim submissions for all Displacees in accordance with City guidelines.

6.7.18 Deliver warrants in accordance with City guidelines.

6.7.19 Issue Relocation Surveys to all Displacees.

6.7.20 Provide an executed Certification of Eligibility form with all Displacee claims.

6.8 Condemnation Support Services

6.8.1 Upon receipt of a copy of the final offer, request an updated title commitment for Eminent Domain from the Title Company or as deemed necessary by the City.

6.8.2 Prepare a packet containing copies each of the following documents: Commitment, Negotiator's Reports, Appraisal Acknowledgment, Pre-appraisal Contact Sheet, signed and sealed property description, and plat, Final Offer Letter, any correspondence from the land owner or representatives, one original copy of the appraisal report, and any real property records which are relevant to any unusual joiner or service issue. Submit packet to the City staff for submission to the Legal Department.

6.8.3 Maintain a copy of the condemned parcel. In an event of a judgment/award, consultant shall coordinate with City staff to obtain copies of all executed post hearing documents for the condemned parcel. (award, JAO, deposit letter)

6.8.4 If a settlement is agreed upon by both parties prior to condemnation, Provider shall coordinate with City staff to complete all necessary procedures to close the file.

6.8.5 Provide all closed parcel files including condemned parcels to City.

6.8.6 Attendance at depositions, pre-trial, or other court hearings.

6.8.7 Any other services deemed necessary by the City's legal department to successfully litigate and defend the City's position in court including but not limited to production request.

6.8.8 Any person employed by the Provider for work on this project in any capacity shall be available to testify in any eminent domain proceedings upon request by the City.

7.0 FEE SCHEDULE – PAYMENT MILESTONES:

7.1 Fee for Negotiation Service

7.1.1 Payment made on per parcel basis

7.1.2 25% payment milestone paid upon presentation of initial offer.

7.1.3 40% payment milestone paid upon presentation of final offer with City concurrence or acceptable payment submission with clear title or confirmation that title will be clear by receipt of warrant.

7.1.4 35% payment milestone paid upon the completed closing of the parcel. Transmittal of memorandum to the City staff stating that the acquisition has been completed.

7.2 Fee for Relocation Service

7.2.1 Payment made on per Displacee basis

7.2.1.1 40% payment milestone paid upon submitting to City staff completed 1.7.4.1, 1.7.4.2 and 1.7.4.3.

7.2.1.1.1 Submitting proof of providing 90 day notice to Displacee after initial interview. Displacee may not receive a ninety (90) day notice prior to an initial interview. If Displacee is not entitled to relocation benefits by virtue of not being legally present in the United States, this milestone would be reduce to a single milestone of 10%.

7.2.1.2 30% payment milestone paid upon submitting memorandum to City staff reporting the actual date the Displacee vacated parcel and includes detailed documentation (as directed by the City) of the move. This assumes the move was monitored.

7.2.1.3 30% payment milestone paid upon transmittal of memorandum to City staff stating that all relocation assistance has been completed.

Bid # 0214-19 Property Acquisition and Relocation Services

Specification Responses				Texas Land Professionals, Inc.		Right-of-Way Solutions, LLC		Roland Resources Inc		CobbFendley		Percheron Field Services		Contract Land Staff, LLC	
Line	**Description**	**UOM**	**QTY**	**Unit**	**Extended**	**Unit**	**Extended**	**Unit**	**Extended**	**Unit**	**Extended**	**Unit**	**Extended**	**Unit**	**Extended**
1	Acquisition Services: Per parcel fee of 100% milestone in accordance to Section 2.1.1 under Scope of Services for negotiation.	EA	1	**$2,250.00**	**$2,250.00**	**$2,700.00**	**$2,700.00**	**$4,300.00**	**$4,300.00**	**$3,200.00**	**$3,200.00**	**$5,800.00**	**$5,800.00**	**$8,500.00**	**$8,500.00**
2	Relocation Services: Per parcel fee of 100% milestone in accordance to Section 2.1.2 under Scope of Services for relocation.	EA	1	**$3,995.00**	**$3,995.00**	**$3,800.00**	**$3,800.00**	**$4,800.00**	**$4,800.00**	**$8,500.00**	**$8,500.00**	**$6,800.00**	**$6,800.00**	**$8,500.00**	**$8,500.00**
			Total		**$6,245.00**		**$6,500.00**		**$9,100.00**		**$11,700.00**		**$12,600.00**		**$17,000.00**

New Business Item No. 1

1. **Consideration and Possible Action – Second and Final Reading of Ordinance No. 2000M-117 –** An ordinance of the City Council of the City of Pearland, Texas, amending Ordinance No. 2000M, the zoning map of the City of Pearland, Texas, for the purpose of changing the classification of certain real property, being that portion of Lot 5 of the subdivision of James Hamilton Survey, Abstract No. 881, a portion lying within Harris County, Texas and the remainder lying within Brazoria County, Texas, according to the map or plat thereof recorded in Volume 83, Page 34 of the deed records of Harris County, Texas, (located at the southwest corner of Spectrum Boulevard and State Highway 288, Pearland, TX), Zone Change 2014- 02Z; a request of Jack Parker, applicant; on behalf of America Modern Green Development (Houston), LLC., owner; for approval of a zone change from the Waterlights Planned Development (PD) to the Ivy District PD, on approximately 48.5 acres of land, providing for an amendment of the zoning district map; containing a savings clause, a severability clause and an effective date and other provisions related to the subject.

AGENDA REQUEST
BUSINESS OF THE CITY COUNCIL
CITY OF PEARLAND, TEXAS

AGENDA OF: October 13, 2014	**ITEM NO.:** Ordinance No. 2000M-117
DATE SUBMITTED: October 6, 2014	**DEPT. OF ORIGIN: Community Development**
PREPARED BY: Lata Krishnarao	**PRESENTOR: Lata Krishnarao**
REVIEWED BY: Matt Buchanan	**REVIEW DATE: October 7, 2014**

SUBJECT: **An ordinance of the City Council of the City of Pearland, Texas, amending Ordinance No. 2000M, the zoning map of the City of Pearland, Texas, for the purpose of changing the classification of certain real property, being that portion of Lot 5 of the subdivision of James Hamilton Survey, Abstract No. 881, a portion lying within Harris County, Texas and the remainder lying within Brazoria County, Texas, according to the map or plat thereof recorded in Volume 83, Page 34 of the deed records of Harris County, Texas, (located at the southwest corner of Spectrum Boulevard and State Highway 288, Pearland, TX), Zone Change 2014-2Z; a request of Jack Parker, applicant; on behalf of America Modern Green Development (Houston), LLC., owner; for approval of a zone change from the Waterlights Planned Development (PD) to the Ivy District PD, on approximately 48.5 acres of land.**

General Location: **Southwest corner of Spectrum Boulevard and State Highway 288**

ATTACHMENTS:

- **Ordinance No. 2000M-117 and Exhibits (Exhibit A – Application; Exhibit B - Vicinity and Zoning Map; Exhibit C - Legal Ad; Exhibit D - Planning and Zoning Commission Recommendation; Exhibit E – PD Document)**
- **Joint Public Hearing Staff Report**
- **Future Land Use Map**
- **Abutter Map**
- **Returned Notices**
- **Abutter List**
- **Aerial Map**
- **Original PUD**

• **Planning and Zoning Commission Recommendation Letter** • **Modern Green Ivy District Public Comments** • **Agenda Request from the First Reading of September 22, 2014**
EXPENDITURE REQUIRED: N/A **AMOUNT BUDGETED: N/A** **AMOUNT AVAILABLE: N/A** **PROJECT NO.: N/A** **ACCOUNT NO.: N/A** **ADDITIONAL APPROPRIATION REQUIRED: N/A** **ACCOUNT NO.: N/A** **PROJECT NO.: N/A**
To be completed by Department: **Finance** **Legal** **Ordinance** **Resolution**

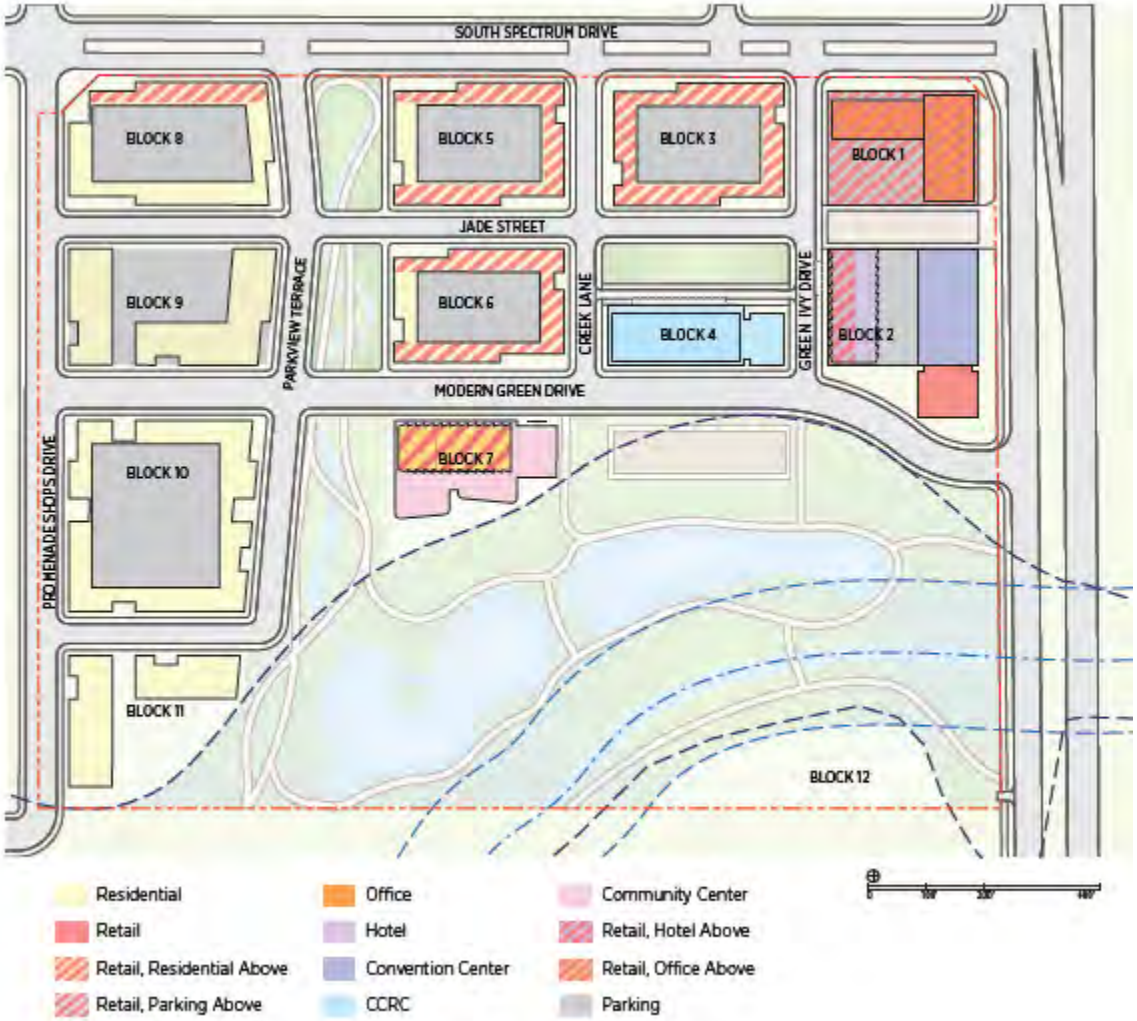
PROJECT SUMMARY: The applicant Jack Parker, on behalf of the owner America Modern Green Development (Houston) LLC., is proposing a 48.5 acre mixed use, pedestrian oriented development located on the west side of SH 288, east of Kirby Drive, south of South Spectrum Boulevard, and north of Clear Creek. The proposed project will consist primarily of eleven (11) blocks, of which seven (7) blocks will contain retail or offices in the first floor and residential and other uses in the top floors. One (1) block will house the Continuing Care Retirement Community (CCRC), three (3) blocks will house only residential units. Area south of the creek is designated as Block 12, and is designated for retail/commercial. The blocks will have a minimum of two (2) stories and a maximum of seventeen (17) stories. The attached Agenda Request from the first reading of the ordinance has additional details of the project.

COUNCIL DISCUSSION AT THE FIRST READING ON SEPTEMBER 22, 2014: The zone change was discussed by the City Council at their first reading of the ordinance on September 22, 2014. At the first reading the applicant proposed changes to the Expected Program Density as shown in the table below in red text. The changes included the following:

a. Office use increased from a minimum of 140,000 square feet to 200,000 square feet.
b. Residential component - individually owned units increased from 750 to 800 and rental residential units decreased from 400 to 350 units.

Expected Program Density by Phase - Summary		
	Phase 1	Phase 2 – Total of Both Phases
Office	~~140,000~~ 200,000 sf (minimum)	~~140,000~~ 200,000 sf (minimum)
Hotel	150 hotel keys (minimum)	150 hotel keys (minimum)
Hotel Conference Center	15,000 sf (minimum)	15,000 sf (minimum)
CCRC	225 units (minimum)	225 units (minimum)
Restaurants, Shopping,	120,000 sf (estimate)	160,000 sf (minimum)
Residential - Individual	~~375~~ 400 units (estimate)	~~750~~ 800 units (maximum)
Residential - Rental	~~200~~ 175 units (estimate)	~~400~~ 350 units (maximum)
Community Center	10,000 sf (minimum)	10,000 sf (minimum)

Exhibit B4 Building Program Plan



PROCESS: This project was first discussed at a joint workshop of the City Council and Planning and Zoning Commission in October 7, 2013. City Council and Planning and Zoning Commission conducted a joint public hearing on March, 17, 2014. Subsequently, at their regular meeting of July 7, 2014, the Planning and Zoning Commission made a recommendation to the City Council to approve the project with conditions. Commissioner Linda Cowles made a motion to approve with conditions, and P&Z Vice Chairperson Mary Starr seconded. The vote was 4-2. Commissioners Reed and Tunstall voted against the motion and Commissioners Cowles, Fuertes, Starr, and McLane voted in favor. As mentioned above, the City Council considered this zone change at their regular meetings of September 22, 2014, and the first reading of the ordinance was approved by 3-2 vote of the City Council. Councilmen Keith Ordeneaux, Greg Hill, and Tony Carbone voted in favor and Councilmen Scott Sherman and Gary Moore voted against the motion. The second reading of this ordinance is scheduled for October 13, 2014.

STAFF RECOMMENDATION: Staff recommends approval of the proposed PD for the following reasons:

1. The proposed PD is in compliance with the intent of the Comprehensive Plan's Lower Kirby Urban Center Development Code.
2. The proposed PD is in compliance with the purpose of the PD as stated in the UDC.

RECOMMENDED ACTION: Consider the zone change request for Ivy District PD.

Ordinance No. 2000M-117

An ordinance of the City Council of the City of Pearland, Texas, amending Ordinance No. 2000M, the zoning map of the City of Pearland, Texas, for the purpose of changing the classification of certain real property, being that portion of Lot 5 of the subdivision of James Hamilton Survey, Abstract No. 881, a portion lying within Harris County, Texas and the remainder lying within Brazoria County, Texas, according to the map or plat thereof recorded in Volume 83, Page 34 of the deed records of Harris County, Texas, (located at the southwest corner of Spectrum Boulevard and State Highway 288, Pearland, TX), Zone Change 2014-02Z; a request of Jack Parker, applicant; on behalf of America Modern Green Development (Houston), LLC., owner; for approval of a zone change from the Waterlights Planned Development (PD) to the Ivy District PD, on approximately 48.5 acres of land, providing for an amendment of the zoning district map; containing a savings clause, a severability clause and an effective date and other provisions related to the subject.

WHEREAS, Jack Parker, applicant; on behalf of America Modern Green Development (Houston), LLC., owner; is seeking approval of a change in zoning the Waterlights PD to the Ivy District PD, on approximately 48.5 acres of land; said property being legally described in the original application for amendment attached hereto and made a part hereof for all purposes as Exhibit “A” and more graphically depicted in the location map identified as Exhibit “B”; and

WHEREAS, on the 17th day of March, 2014, a Joint Public Hearing was held before the Planning and Zoning Commission and the City Council of the City of Pearland, Texas, notice being given by publication in the official newspaper of the City, the affidavit of publication being attached hereto and made a part hereof for all purposes as Exhibit "C", said call and notice being in strict conformity with provisions of Section 1.2.2.2 of Ordinance No. 2000T; and

WHEREAS, on the 7th day of July, 2014, the Planning and Zoning Commission of the City submitted its report and recommendation to the City Council regarding the zone change application of Jack Parker, applicant; on behalf of America Modern Green

Development (Houston), LLC., owner; for approval of a change in zoning from the Waterlights PD to the Ivy District PD, on approximately 48.5 acres of land, said recommendation attached hereto and made a part hereof for all purposes as Exhibit "D"; and

WHEREAS, upon receipt of the report from the Planning and Zoning Commission, City Council considered this application and the recommendation of the Planning and Zoning Commission at regular meetings on the 25th day of August 2014 and the 8th day of September 2014; and

WHEREAS, the City Council having fully heard the testimony and argument of all interested parties, and having been fully advised in the premises, finds that in the case of the application of Jack Parker, applicant; on behalf of America Modern Green Development (Houston), LLC., owner; for seeking approval of a change in zoning from the Waterlights PD to the Ivy District PD, on approximately 48.5 acres of land, presented which, in the judgment of the City Council, would justify the approval of said application; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS:

Section I. The following described property located within the corporate City Limits of the City of Pearland, Texas, and presently located within the Waterlights PD, is hereby granted a change in zoning to the Ivy District PD; said PD attached hereto as Exhibit E, in accordance with all conditions and requirements of the current Unified Development Code and incorporated for all purposes, such property being more particularly described as:

> That portion of Lot 5 of the subdivision of James Hamilton Survey, Abstract No. 881, a portion lying within Harris County, Texas and the remainder lying within Brazoria County, Texas, according to the map or plat thereof recorded in Volume 83, Page 342 of the deed records of Harris County, Texas.

GENERAL LOCATION**:** Southwest corner of Spectrum Boulevard and State Highway 288

Section II. The City Council of the City of Pearland finds and determines that the recitations in the preamble hereof are true and that all necessary prerequisites of law have been accomplished and that no valid protest of the proposed change has been made. The City Council further finds and determines that there has been compliance with the mandates of law in the posting and presentation of this matter to the Planning and Zoning Commission and to the City Council for consideration and decision.

Section III. The City Council of the City of Pearland finds and determines that the amendment adopted herein promotes the health, safety, and general welfare of the public and is a proper valid exercise of the City's police powers.

Section IV. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section V. All rights and remedies, which have accrued in the favor of the City under this Ordinance and its amendments thereto, shall be and are preserved for the benefit of the City.

Section VI. This Ordinance shall become effective after its passage and

approval on second and final reading.

PASSED, APPROVED, and ADOPTED on First Reading this 22nd day of September, 2014.

_____

TOM REID
MAYOR

ATTEST:

_____
YOUNG LORFING, TRMC
CITY SECRETARY

PASSED, APPROVED, and ADOPTED on Second and Final Reading this 13th day of October, 2014.

_____

TOM REID
MAYOR

ATTEST:

_____
YOUNG LORFING, TRMC
CITY SECRETARY

APPROVED AS TO FORM:

_____
DARRIN M. COKER
CITY ATTORNEY

Exhibit A
Legal Description

That portion of Lot 5 of the subdivision of James Hamilton Survey, Abstract No. 881, a portion lying within Harris County, Texas and the remainder lying within Brazoria County, Texas, according to the map or plat thereof recorded in Volume 83, Page 342 of the deed records of Harris County, Texas.

Exhibit B
Location Map

Exhibit C
Legal Ad

NOTICE OF A JOINT PUBLIC HEARING OF THE CITY COUNCIL

AND

THE PLANNING AND ZONING COMMISSION

OF THE CITY OF PEARLAND, TEXAS

Zone Change No. 2014-2Z

Notice is hereby given that on March 17, 2014 at 6:30 p.m., the City Council and Planning and Zoning Commission of the City of Pearland, in Brazoria, Harris and Fort Bend Counties, Texas, will conduct a joint public hearing in the Council Chambers of City Hall, located at 3519 Liberty Drive, Pearland, Texas, at the request of Steven Biegel, applicant; on behalf of America Modern Green Development, LLC., owner; for approval of a zone change from the Waterlights Planned Development (PD) to the Modern Green-Ivy District PD, on approximately 48 acres of land, more specifically described as:

Legal Description: TR 5 ML Parker U/R ABST 881 D WHITE

General Location: Southwest corner of Spectrum Boulevard and State Highway 288, Harris County, Texas

At said hearing, all interested parties shall have the right and opportunity to appear and be heard on the subject. For additional information, please contact the Planning Department at 281-652-1765.

Johnna Matthews
Senior Planner

Exhibit D
Planning and Zoning Commission Recommendation Letter

Planning & Zoning Commission

July 8, 2014

Honorable Mayor and City Council Members
3519 Liberty Drive
Pearland, TX 77581

Re: Recommendation on Zone Change Application No. 2014-02Z

Honorable Mayor and City Council Members:

At their meeting on July 7, 2014, the Planning and Zoning Commission considered the following:

> A request of Kevin Cole, applicant; on behalf of America Modern Green Development, LLC., owner; for approval of a zone change from the Waterlights Planned Development (PD), to the Modern Green-Ivy District PD, on approximately 48.5 acres of land on the following described property, to wit:
>
> **Legal Description:** That portion of Lot 5 of the subdivision of James Hamilton Survey, Abstract No. 881, a portion lying within Harris County, Texas and the remainder lying within Brazoria County, Texas, according to the map or plat thereof recorded in Volume 83, Page 342 of the deed records of Harris County, Texas.
>
> **General Location**: Southwest corner of Spectrum Boulevard and State Highway 288.

After staff presentation by the Director of Community Development, Lata Krishnarao, approval was recommended by staff.

After discussion, P&Z Commissioner Linda Cowles made the motion to recommend approval with conditions, and P&Z Vice Chairperson Mary Starr seconded. The vote passed (4-2), with Commissioners Derrick Reed and Daniel Tunstall in opposition.

Recommended conditions follow:

1. Parkland Dedication – City Council and P &Z specifically did not approve any variance to the Parkland Dedication, since this can be a payment in lieu of. Please indicate how the balance (based on $900/unit) will be addressed. Currently a standard of $700 sf/unit has been used in the PD.

2. Page 21 – F. Minor Deviations – line 9- “Design” was misspelled.

3. Page 27 – Marquee Sign – Flashing lights not permitted by UDC. Please remove the sentence that refers to flashing lights.

4. Page 43 – Residential Uses –The table indicates that townhomes are permitted in Public Square. Other areas of the PD indicate that townhomes will be restricted to Parkside Neighborhood. Please clarify.

5. Page 46 – as previously discussed add phasing to the Program Density to plan to indicate what can be expected in terms of land use breakdown at the end of each phase.

6. Page 48 – Please add the block numbers in Table 7.1 for better clarity.

7. Pager 50, 51 – Under Utilities and Block Standards please refer to sections of the PD that address this, and replace the note– “There are no specific…)

8. Page 51 – e. (10) Building Height conflicts with Table 7.2 –Building Height Standards.

9. Page 51 – C.1.c, d , and g– Refer to Chapter 8 on Building Design Standards and replace the note “There are no specific …”.

10. Page 52, Building Materials - As indicated in previous discussions, staff recommends percentage breakdown of various materials to avoid a monotonous 100% stucco/brick building.

11. Page 53 – f. (5) “windows and doors ~~or~~ and visually…” Replace.

12. Page 55 – 2.c and d – refer to sections in the PD that address this, replace “None”.

13. Page 56 – C. 2 – Public Square Sub-District Guidelines – Refer to regulatory plans and chapters in the PD.

14. Page 56, Building Materials - As indicated in previous discussions, staff recommends percentage breakdown of various materials to avoid a monotonous 100% stucco/brick building.

15. Page 57 – B. 5. – Fruge Road – Connection is shown to a section of Fruge Road that does not exist. Improvement of the road needs to be shown.

16. Page 62 – C.1.2 – Island width shown is less than 5 feet for certain streets. How will this requirement of tree being 4 feet from the curb be met?

17. Page 61 – C.2. – Guidelines – Refer to Master Streetscape Plan and Public Open Space Plan – Page 23.

18. 2. Guidelines – Need to refer to Page 23.3. Master Plans - to be provided prior to Platting.

Sincerely,

Johnna Matthews

City Planner
On behalf of the Planning and Zoning Commission

Exhibit E
Ivy District PD

THE MODERN GREEN

IVY DISTRICT

The Planned Development Zoning District (PD) Document

Submitted to the City of Pearland | November 15, 2013
Revision Submitted to the City of Pearland | January 31, 2014
Revision Submitted to the City of Pearland | May 2, 2014
Revision Submitted to the City of Pearland | June 20, 2014
Revision Submitted to the City of Pearland | August 7, 2014
Revision Submitted to the City of Pearland | September 24, 2014
Revision Submitted to the City of Pearland | October 7, 2014

THE MODERN GREEN
IVY DISTRICT

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Revision Submitted to the City of Pearland | October 7, 2014

America Modern Green Development (Houston) LLC | Skidmore, Owings & Merrill LLP | Hargreaves Associates ©2014

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The goal of the Modern Green "Ivy District" is to create a vibrant, walkable and ecological mixed-use community where residents of Pearland, Texas, can live, work, shop and play. The vision for the new district builds upon the recent growth and momentum that has shaped Pearland into one of most desirable urban centers within the Greater Houston metropolitan region. The Ivy District will set a new standard for development of a high quality urban environment for residents and visitors alike.

1 PURPOSE AND INTENT

The purpose of the "Ivy District" Planned Development (referred to herein as the "Ivy District PD" or "Ivy District"), proposed by America Modern Green Development (Houston) LLC ("Modern Green"), is to capitalize on and respond to key attributes and unique characteristics of its land and location to create a distinctive, innovative and ecologically sensitive mixed-use urban community that will be a model for achieving the goals and objectives of the City of Pearland's Comprehensive Plan. The following are key attributes and unique characteristics of the Ivy District site that warrant its classification as a PD zoning district pursuant to UDC Section 2.2.2.1(b):

- Paragraph (2): Clear Creek runs through the southern portion of the Ivy District site. With the creek and its floodway covering a large area of the site, an ecologically sensitive approach to development is required to protect this unique environmental feature.
- Paragraph (3): It is located within the proposed Lower Kirby Urban Center, which has been incorporated into the City's Comprehensive Plan, that is envisioned as a mixed-use development with traditional neighborhood design, which requires an innovative approach to development.
- Paragraph (7): It is adjacent to and readily accessible from State Highway 288 (SH-288) to the east, and adjacent to and directly accessible from South Spectrum Drive to the north. The site is also a short distance from Kirby Drive to the west and easily accessible from Beltway 8 to the north. The proximity of the site to SH-288 and other important thoroughfares presents a unique development opportunity that calls for a distinctive, high-quality development.

To achieve its purpose, the Ivy District PD establishes a land use and development strategy focused on distinct, yet compatible and integrated neighborhood spaces within convenient walking distances for residents and easily accessible to visitors, that will be developed in a sustainable and ecologically-sensitive manner, and will adhere to high-quality design standards. The result will be a vibrant, sustainable and attractive community in which residents and visitors can engage in a wide range of public spaces and supporting amenities within a pedestrian-friendly environment.

Guided by this land use and development strategy, the intent of the Ivy District is to:

(1) Create a diverse and multi-generational mixed-use community that includes an office complex, hotel and conference center, anchor retail establishments, a retirement community, and an urban residential neighborhood, all integrated within a street network with neighborhood-oriented retail shops in an ecologically-friendly setting of public and private open spaces.

(2) Build a mixed-use neighborhood on the western portion of the site that is residentially oriented and organized within a setting of public parks. This neighborhood will be unique in character and offer a range of amenities for residents set within an attractive pedestrian environment.

(3) Build a mixed-use neighborhood on the eastern portion of the site that is commercially oriented and organized around a public square. This vibrant neighborhood will be highly visible and readily accessible from the SH-288 corridor, yet integrated with the residential component of the Ivy District community and within convenient walking distance for its residents.

(4) Build a state-of-the-art Continuing Care Retirement Community (CCRC) that will provide a high quality of life for its residents and promote their interaction with the broader Ivy District community,

(5) Build a community center that will be an amenity accessible to both the Ivy District and broader Pearland communities that would be used for special public and private activities, events and performances.

(6) Promote sustainable and ecologically sensitive development by establishing standards and guidelines for environmentally friendly and innovative design and construction methods.

(7) Promote aesthetically pleasing development by establishing standards and guidelines for high-quality building and landscape design.

2 DESCRIPTION OF THE PLANNED DEVELOPMENT

A. Site Description

The Ivy District property is a 48.5-acre site generally located on the west side of State Highway 288 (SH-288), east of Kirby Drive, south of South Spectrum Boulevard, and north of Fruge Road, within the City of Pearland (City), Harris County, Texas.

The land is predominantly undeveloped grassland and wooded areas, with Clear Creek running through the southeast corner of the site. There is a partially constructed detention pond on the east side of the site, just north of Clear Creek. Access to the site is from South Spectrum Boulevard and an access driveway off the SH-288 frontage road.

Figure 2.1, "Location Map," shows the location of Ivy District site. The following site-related information is provided in Appendix A, "Site Description":

Exhibit A1 – Location Map
Exhibit A2 – Site Survey
Exhibit A3 – Legal Description
Exhibit A4 – CLOMR Plan
Exhibit A5 – FEMA Letter

Figure 2.1 Location Map

B. Master Plan

The Master Plan for the Ivy District envisions a unique mixed-use community with extensive open space. Office, retail, hotel, a retirement community, and residential uses will be integrated into a pedestrian-oriented urban environment. Figures 2.2 through 2.7, at the end of this part, illustrate the Master Plan vision, described as follows:

Figure 2.2, "Illustrative Master Plan" identifies the types of buildings and other improvements proposed, and is an artistic depiction of the proposed location and arrangement of buildings and other improvements that would be effected by the complete implementation of the Ivy District PD.

Figure 2.3, "Illustrative Perspective Keyplan" is an artistic depiction of the scale and massing of the proposed buildings in the Ivy District.

Figure 2.4, "Illustrative Aerial Perspective" is an artistic depiction of the scale and massing of the proposed buildings in the Ivy District.

Figure 2.5, "Illustrative Perspective - Clear Creek Recreational Park" is an artistic depiction of the character of Clear Creek Recreational Park.

Figures 2.6 and 2.7, "Illustrative Perspective – Green Ivy Drive" and "Illustrative Perspective – Jade Street" are artistic depictions of the human-scale vision for a vibrant urban experience.

Note that the buildings depicted in these figures provide context and illustrate the proposed scale and massing, but are not representative of the proposed architectural design; see Part 8 of this PD document for building design controls and representative examples of architectural design intent.

C. Design Plan

The "Design Plan" for the Ivy District establishes the proposed conceptual design for the PD within the framework of the PD's zoning and land use regulations, building form and development standards, and design controls. It is the intent of the Ivy District to implement the elements of the Design Plan

as proposed and depicted on the Design Plan exhibits, which are provided in Appendix B. However, during implementation of the PD, market and other factors may influence changes to elements of the Design Plan; changes that are in compliance with PD zoning and land use regulations, building form and development standards, and design controls will be considered "Minor Deviations." Administration of Minor Deviations are discussed further in Part 3 of this PD document.

Descriptions of each Design Plan exhibit are provided below. Allowed variations that would be considered Minor Deviations are identified in Table 3.1 in Part 3 of this PD document.

Exhibit B1 – "Site Plan"
Illustrates the PD site boundaries and how the basic PD framework—street network and blocks—will be arranged and interface with existing conditions.

Exhibit B2 – "Illustrative Master Plan"
Identifies the types of buildings and other improvements proposed, and illustrates the proposed location and arrangement of the buildings and other improvements that would be effected by the complete implementation of the Ivy District PD. The rendered elements of this plan are artistic depictions and may not reflect the actual design; see Parts 8, 9 and 11 for building, streetscape and landscape design controls and representative examples of intended architectural, streetscape and landscape design character.

Exhibit B3 – "Street Network Plan"
Establishes (a) the number, types and classifications of streets that will be developed within and adjacent to the Ivy District, (b) their connection points to existing or planned new streets, and (c) their conceptual alignment and configuration.

Exhibit B4 – "Building Program Plan"
Illustrates the conceptual location, type, configuration and program areas of proposed buildings.

Exhibit B5 – "Setbacks Plan"
Illustrates application of setback standards based on the proposed program.

Exhibit B6 – "Public Open Space Plan"
Identifies land area proposed and calculated as public open space, and identifies proposed parks, greens, plazas, squares and gardens.

Exhibit B7 – "Parkland Landscape Plan"
Identifies the type and character of landscaping proposed within the public open spaces.

Exhibit B8 – "Parkland Amenities Plan"
Identifies the type, locations, and quantities of amenities proposed within the public open spaces.

Exhibit B9 – "Phasing Plan"
Illustrates the boundaries of the proposed phases of development. See Part 3, Section H, for additional phasing information.

Figure 2.2 Illustrative Master Plan

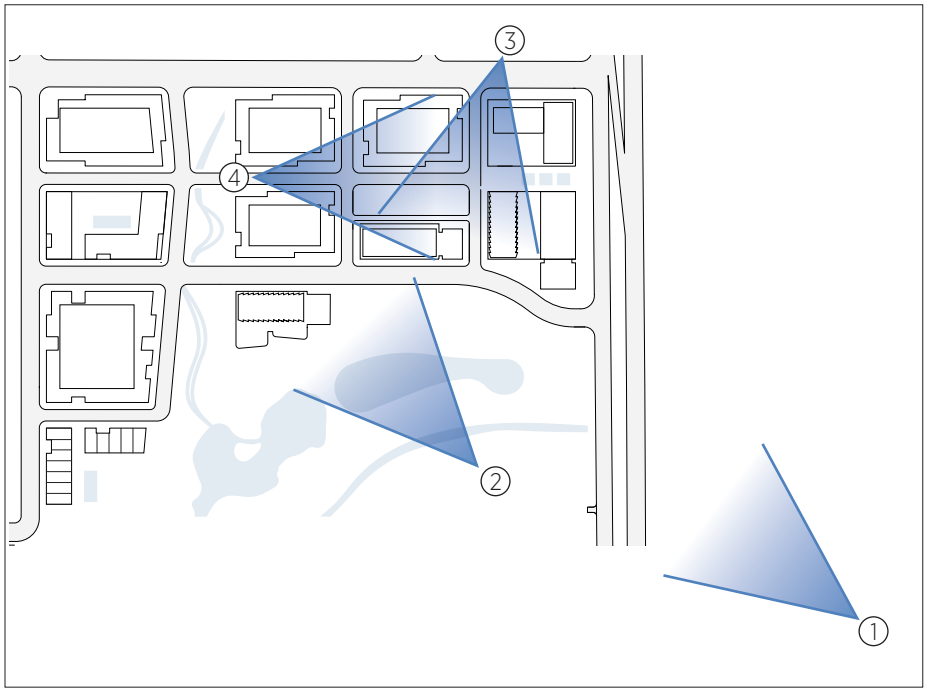


Figure 2.3 Illustrative Perspective Key Plan

1. Figure 2.4 Illustrative Aerial Perspective
2. Figure 2.5 Illustrative Perspective - Clear Creek Recreational Park
3. Figure 2.6 Illustrative Perspective - Green Ivy Drive
4. Figure 2.7 Illustrative Perspective - Jade Street

Figure 2.4 Illustrative Aerial Perspective

Note: Renderings reflect design vision and final design may vary.

Figure 2.5 Illustrative Perspective - Clear Creek Recreational Park

Note: Renderings reflect design vision and final design may vary.

Figure 2.6 Illustrative Perspective - Green Ivy Drive

Note: Renderings reflect design vision and final design may vary.

Figure 2.7 Illustrative Perspective - Jade Street

Note: Renderings reflect design vision and final design may vary.

3 ADMINISTRATION

A. Components of the PD Document

The purposes of this PD document and its corresponding components are:

(1) Describe the purpose and intent of the Ivy District PD.

Part 1 – "Purpose and Intent of the Ivy District Planned Development"

(2) Provide a description of the PD site, the proposed conceptual design for the PD (the "Design Plan"), and overview of the zoning and regulatory framework.

Part 2 – "Description of the Ivy District Planned Development"

(3) Establish administrative procedures and other bases for City of Pearland officials and staff to assess development applications during the implementation phases.

Part 3 – "Administration"

(4) Establish definitions for terms that have specific application to and/or specific meaning relative to the Ivy District PD.

Part 4 – "Definitions"

(5) Establish the PD zone and zoning regulatory framework for the Ivy District PD.

Part 5 – "Zoning"

(6) Establish land use and development regulations.

Part 6 – "Land Use"

(7) Establish building form and other physical development standards.

Part 7 – "Building Form and Development Standards"

(8) Establish design controls to guide and instruct implementation of the PD.

Part 8 – "Building Design Controls"

Part 9 – "Street and Streetscape Design Controls"

Part 10 – "Signage Design Controls"

Part 11 – "Open Space Design Controls"

B. Compliance with the Unified Development Code

The Ivy District Planned Development (PD) will be established as the City of Pearland's "Ivy District" zoning district. Except as modified by this PD document, all development within the Ivy District shall comply with the requirements of the City of Pearland's ("City") Unified Development Code, 8th Edition, January 2013, and the T-15 and T-16 amendments approved June 24, 2013, and December 16, 2013, referred to altogether throughout this PD document as "UDC."

C. Compliance with other City Requirements

Implementation of the Ivy District PD shall comply with all applicable City requirements, current at the time of implementation, including but not limited to, the Engineering Design Criteria Manual (EDCM).

D. Compliance with Requirements of Authorities Having Jurisdiction

Implementation of the Ivy District PD shall comply with requirements of all authorities having jurisdiction over development of the site.

E. Design Plan

The Design Plan established in Part 2 and Appendix B of this PD document illustrates the conceptual element of the PD, including proposed location and boundaries of the PD site and its access via the existing street network; location of buildings and other improvements; configuration and classification of the street network; location and arrangement of land uses and conceptual configuration and program for buildings; the application of setback standards based on the conceptual configuration and program for buildings; public open space and parkland landscaping and amenities; and phasing plan.

The Design Plan shall be construed in conjunction with the Ivy District zoning regulations established in Part 5 and Appendix C of this PD document, the land use provisions established in Part 6 of this PD document, building form and development standards established in Part 7 of this PD document, and the design controls established in Parts 8 through 11 of this PD document. Therefore, during implementation of the PD, changes to conceptual elements of the Design Plan due to market and other factors may be permitted as "Minor Deviations" provided that such changes are in compliance with PD zoning and land use regulations, building form and development standards, and design controls. Administration of Minor Deviations are discussed further in Section F below.

F. Minor Deviations

During the implementation of the PD, the City Manager or his or her designee (altogether, "City Manager") shall have the authority to approve "Minor Deviations" from the Design Plan without a public hearing process. Should the developer wish to appeal a decision of the City Manager on a proposed Minor Deviation, then the developer may apply for an appeal to the City Council for a ruling on the matter without a public hearing process. Should the developer wish to pursue a proposed change to the Design Plan that is not deemed a Minor Deviation by the City Manager, or by the City Council upon appeal, then the proposed change will be considered a "Major Deviation" administered according to the provisions in Section G below.

Allowed variations that would be considered Minor Deviations, subject to the approval processes described above, are identified in Table 3.1, on the following page.

G. Major Deviations

"Major Deviations" from the Design Plan, development standards and design controls, and PD zoning and land-use regulations must be submitted to the City of Pearland's Planning and Zoning Commission and City Council for approval with a public hearing as an amendment to the Ivy District PD.

Major Deviations include:

(1) Any changes to the Ivy District zone characteristics or zoning and land-use regulating plans, and

(2) Any variations from the Design Plan, building form, development standards, and design controls that are either (i) not listed in Table 3.1 and approved pursuant to the provisions of Section F above, or (ii) not otherwise permitted by the provisions of this PD document.

H. Phasing

Exhibit B9 illustrates the boundaries of Phases 1 and 2. Generally, all development within Phase 1 must be complete prior to commencing development in Phase 2, as described below:

(1) Development of the entire Clear Creek Recreational Park must be complete prior to granting of a Certificate of Occupancy by the City for the first building or groups of buildings to be completed in Phase 1.

(2) As a minimum, development of proposed buildings or other improvements must be completed on six of the eight development blocks within the Phase 1 boundaries (Blocks 1 through 7 and 12) and pad sites must be developed for the remaining two blocks before development on Blocks 8 through 11 within the Phase 2 boundaries may begin. A block shall be deemed developed when a building or other improvement is completed sufficient for its intended purpose and a Certificate of Occupancy is granted when applicable; however, usable space within a new building does not have to be fully leased or occupied.

(3) Development of the entire street network serving the area within the Phase 1 boundaries must be completed prior to commencing Phase 2 development. However, development of streets and pad sites for Phase 2 may begin and be completed during Phase 1 development.

(4) Completion of any additional on- and/or off-street improvements resulting from a traffic impact analysis (see Section I below) must be achieved for the entire 48.5 acre site during the first increment of Phase 1 development and if required will be a condition for granting of a Certificate of Occupancy for any building or facility.

(5) Drainage improvements, open space and parkland dedication requirements must be achieved proportionately as they apply to each increment of development within both primary phases and compliance must be demonstrated prior to granting of a Certificate of Occupancy for any building or improvement.

I. Additional Requirements

1. Traffic Impact Analysis

A Traffic Impact Analysis (TIA) must be prepared for the Ivy District PD and approved prior to submittal of a plat application. Should the results of the TIA indicate that additional on- and/or off-site street improvements are required, then such improvements shall be incorporated as an amendment to the Ivy District PD prior to submittal of a plat application. Any additional street improvements resulting from the TIA must be completed for the entire 48.5 acre site during the first increment of development.

TABLE 3.1 MINOR DEVIATIONS	
Item	***Allowed Variation***
Design Plan	
Site Plan (Exhibit B1)	(a) The conceptual alignment of the streets and their connection points to existing streets where there is no existing intersection are allowed to vary during implementation of the PD, but the number of streets shall not change. (b) The general configuration of blocks are allowed to vary in correlation to permitted variations in conceptual street alignment, but the number of blocks shall not change.
Illustrative Master Plan (Exhibit B2)	The form, scale and design of buildings, streetscape and landscape depicted are artistic renderings of the design vision for the completed PD and the designs depicted are permitted to vary during implementation of the PD.
Street Network (Exhibit B3)	(a) The conceptual street alignment and connection points to existing streets where there is no existing intersection are allowed to vary during implementation of the PD, but the number of streets, designated street types and classifications, and connection points to existing intersections shall not change. (b) Street names are placeholders and may vary.
Program Area (Exhibit B4)	Locations, types, configurations and program of buildings are allowed to vary provided that variations are in compliance with PD zoning and land use regulations, building form and development standards, and design controls.
Setbacks (Exhibit B5)	Setbacks depicted are allowed to vary in correlation to allowed program variations.
Public Open Space (Exhibit B6)	All proposed parks, greens, squares, plazas and gardens shall be developed in the general locations depicted, but their size and configuration are allowed to vary in correlation to permitted variations in street alignment, block configuration, buildings and structures.
Parkland Landscape (Exhibit B7)	The proposed configuration of landscaping and water bodies depicted may vary, but the general location and types of landscaping and water bodies may not vary.
Parkland Amenities (Exhibit B8)	The proposed configuration and placement of amenities depicted may vary, but the extent, types and quantities of amenities may not vary.
Phasing (Exhibit B9)	Delineation of phases depicted is not allowed to vary; see Section H for further information on phasing.
Development Standards	
Building Frontage	No more than 15% reduction in the length of the required frontage is allowed only to accommodate port cocheres for drop-off and pick-up areas.
Street Cross Sections	Cross sections of new streets may be adjusted with respect to number of lanes, lane widths, on-street parking configuration, and pedestrian accommodation due to regulatory factors such as the results of a traffic impact analysis, to accommodate fire access, and the like.
Detention / Retention Areas	Location, configuration and/or shape of detention/retention areas may be varied due to regulatory factors such as those associated with the results of the drainage analysis.

2. Drainage Study

A drainage study must be prepared for the Ivy District PD and approved prior to submittal of a plat application. Should the results of the drainage study indicate that additional on- and/or off-site drainage improvements are required, then such improvements shall be required to be incorporated as an amendment to the Ivy District PD prior to submittal of a plat application. Any additional drainage improvements resulting from the drainage study may be completed incrementally provided that drainage requirements are met for each increment of development.

3. Master Plans

The following master plans for the entire Ivy District must be approved by the City Manager prior to submittal of a plat application:

(1) Master Streetscape Plan, as prescribed in Part 9, Section C, of this PD document.

(2) Master Signage and Wayfinding Plan, as prescribed in Part 10, Section A, of this PD document.

(3) Master Public Open Space and Landscape Plan, as prescribed in Part 11, Section A, of this PD document.

4 DEFINITIONS

In addition to Definitions in Chapter 5 of the City of Pearland UDC, 8th Edition, January 2013 and the T-15 and T-16 amendments approved June 24, 2013 and December 16, 2013, the following terms shall have the corresponding interpretations. The definitions in this subsection under the Ivy District PD document shall supersede definitions of any terms also in Chapter 5 of the UDC and shall only apply to development within the Ivy District.

A. General Terms

Assisted Living Facilities / Units (ALU) are licensed by the State of Texas to provide personal assistance to residents. They typically have smaller accommodations than congregate or independent living facilities, and sometimes provide small kitchenettes.

Auto-Related Sales and Service Uses means establishments that provide retail sales and services related to automobiles including, but not limited to, cars, trucks, tires, parts, batteries, gasoline, etc.

Balcony is a platform projecting from a second or higher story interior or exterior wall of a building, usually enclosed for privacy and protection by a rail. A balcony usually has French or sliding glass doors leading out to it, and can be entered from a living room or bedroom.

Block Face Dimensions are the linear dimension of a block along one of its street frontages.

Bioswales are landscape elements designed to remove silt and pollution from surface runoff water. They consist of shallow, trough-like depressions with gently sloped sides (less than six percent) and filled with vegetation and/or compost. The water's flow path, along with the wide and shallow ditch, is designed to maximize the time water spends in the swale, which aids the trapping of pollutants and silt.

Block Perimeter means the aggregate dimension of a block along all of its street frontages.

Block means the aggregate of lots, pedestrian passages and rear alleys, circumscribed on all sides by streets (or the projected extension of streets, the Clear Creek floodway or other boundaries when not circumscribed on all sides by streets).

Build-to Line means the line at which the principal building's front façade shall be built.

Building Form Standards means the standards established for each Sub-District that specify the height, bulk, orientation, and elements for all new construction and development.

Canopy means an awning-like projection from a wall that is made of rigid materials and is permanently attached to a building's facade and allowed to project over public sidewalks.

City Manager means the City Manager of the City of Pearland or his/her designee.

Colonnade means a structure that is similar to an arcade except that it is supported by vertical columns without arches.

Commercial or Mixed Use Building means a building in which the first floor of the building is built to commercial ready standards and any of the floors are occupied by non-residential or residential uses.

Commercial Ready means space constructed at a minimum floor to floor height of 15 feet which may be used for non-commercial uses and can be converted into retail/commercial use. Prior to the issuance of a certificate of occupancy for a retail/commercial use in a Commercial Ready space, the space must comply with all building and construction codes for that use. The intent of Commercial Ready space is to provide the flexibility of occupying a space in accordance with market demand and allowing the use in such space to change to retail/commercial uses accordingly.

Community Garden is a small to medium size garden cultivated by members of an area for small scale agricultural uses for the benefit of the same people. It may consist of individually tended plots on a shared parcel or may be communal (everyone shares a single plot).

Comprehensive Plan means the City of Pearland Comprehensive Plan that establishes policy guidance for the long-term growth and development of the City as adopted on the effective date of this PD.

Congregate Living Units (CLU) are differentiated from independent living units (ILU) by the lack of full cooking facilities. They may have a kitchenette with refrigerator and microwave, sometimes a small cook-top, but they generally do not have an oven. They are not licensed to provide assisted living services.

Continuing Care Retirement Community (CCRC) means any buildings specifically designed for and occupied by senior citizens, designed to meet the physical or social needs of senior citizens, which may include: assisted living, congregate living, independent living or skilled nursing facilities, rehabilitative services, medical or personal care services, social gathering space, restaurant and dining space, assembly and entertainment space, or education and cultural space.

Courtyard is a landscaped open space, usually in the center of the block with no street frontage, bounded by walls or buildings on at least two sides.

Encroachment means any structural or non-structural element such as a sign, awning, canopy, terrace, or balcony that breaks the plane of a vertical or horizontal regulatory limit, extending into a Setback, into the Public R.O.W., into an Easement, or above a height limit.

Façade Rhythm means the repetition of a vertical or horizontal feature, bay width or architectural element on a façade at a regular interval that provides scale and massing to a building.

Forecourt is a small private open space between a building facade and the Build-to Line.

Formula Retail means a retail business which, along with seven or more business locations, is required by contractual or other arrangement to maintain any of the following: standardized merchandise, services, décor, uniforms, architecture, colors, signs or other similar features.

Gallery means an extension of the main façade of the building that is at or near the front property line. The gallery or column-supported canopy-like structure may overlap the public sidewalk provided that (a) all columns remain within the property line of the building; and (b) with City approval.

Garden Style Apartment means a development of one or more apartment buildings in which each building is no more than four stories tall, and there are no internal hallways or stairs connecting any individual units. Entries to each apartment unit are from a common exterior stairwell or sidewalk that serve more than two units, and the buildings are typically surrounded by outdoor landscaping, hardscape, and surface parking.

Independent Living Units (ILU) are defined by the presence of a private living area (a room or apartment that can be locked), with full cooking facilities (oven and cooktop as well as a refrigerator and sink). Independent living for older adults may be on a campus with other types of living and care such as assisted living, or they may be limited to amenities and some services.

Kiosk means a small temporary or permanent structure often open on one or more sides used for sales in civic/open spaces.

Live-Work Unit means a mixed-use building type with a dwelling unit that may also be used for work purposes, provided that the 'work' component is restricted to the uses of professional office, artist's workshop, studio, or other similar uses and is located on the street level and constructed as separate units under a condominium regime or as a single unit. The 'work' component is usually located on the first floor which is built to Commercial Ready standards. The 'live' component may be located on the street level (behind the work component) or any other level of the building. Live-work unit is distinguished from a home occupation otherwise defined by this ordinance in that the work use is not required to be incidental to the dwelling unit, non-resident employees may be present on the premises, and customers may be served on site.

Living Screen means a Street Screen composed of landscaping in the form of vegetation.

Master Sign Plan means a unique sign plan to implement a specific vision for a portion or all of the development that meets Part 10 of this PD document.

Minor Modification means any changes to the Ivy District PD that meet the threshold criteria established in Part 3F and Table 3.1.

Patio is an outdoor space for dining or recreation that adjoins a residence and is often paved. It may also be a roofless inner courtyard within a residence, typically found in Mediterranean dwellings.

Pedestrian Easement means a grant of use of private property to the public for pedestrian access and use.

Pedestrian Passage is an intimate street level passage way for pedestrians from the interior of one block or building to a public sidewalk. These paths provide direct pedestrian access to residential addresses and create unique spaces for frontages to engage and enter off of.

Playground is a space designed and equipped for children's recreation. A playground may be fenced and may include an open shelter. Playgrounds may be located within residential areas, placed within a block, or included in other civic/ open spaces.

Private Open Space means open space provided for all residential uses, privately accessible open spaces such as courtyards, porches, and balconies.

Public Open Space means publicly accessible open space in the form of parks, gardens, squares, plazas, greens, pocket parks, playgrounds, etc. that may be privately or publicly owned.

> ***Garden (formal)*** means a Public Open Space with formal landscaping intended to be a quiet, relaxing and meditative space.
>
> ***Green*** means a Public Open Space intended for unstructured recreation, spatially defined by landscaping rather than building frontages.
>
> ***Park*** means a Public Open Space that is a preserve largely available for unstructured recreation.
>
> ***Plaza*** means a primarily hardscaped Public Open Space with formal landscaping, available for civic purposes and commercial activities.
>
> ***Square*** means a Public Open Space designed for unstructured recreation and civic purposes, spatially defined by building frontages and consisting of paths, lawns and trees, formally arranged.

Recommended Public Open Space means plaza, green, square, or park area identified on Exhibit B6, Public Open Space Plan, which is shown as a suggested feature within the Ivy District. A Recommended Public Open Space is not required and is at the election of an applicant or developer.

Regulating Plan means the Ivy District Regulating Plans attached hereto as Appendix C that shows the Sub-Districts, Land Uses, open space, general layout of the street network, and other Special Requirements applicable to the Ivy District subject to the standards in this PD document.

Required Public Open Space means plaza, green, square, or park area identified on Exhibit B6, Public Open Space Plan, which is shown as a mandatory feature within the Ivy District. A "Required Public Open Space Plan" shall be provided at the time of development and its design and location may be adjusted to meet the context of the development provided it meets the standards established in Part 11 of this PD document.

Residential Building means a building type that is built to accommodate only residential uses on all floors of the building such as townhomes, apartment buildings, duplexes, etc.

Retail Sales Retail establishments are the final step in the distribution of merchandise. They are organized to sell in small quantities to many customers. Establishments in stores operate as fixed point-of-sale locations, which are designed to attract walk-in customers. Retail establishments often have displays of merchandise and sell to the general public for personal or household consumption, though they may also serve businesses and institutions. Some establishments may further provide after-sales services, such as repair and installation. Included in, but not limited to this category, are durable consumer goods sales and service, consumer goods, other grocery, food, specialty food, beverage, dairy, etc., and health and personal services. Excluded from this category are formula retail establishments (refer to formula retail definition).

Roof Terraces are flat areas on top of a building which are accessible for use as a recreation space for the residents and users of the building.

Senior Citizen includes any elderly person over the age of 55 (This age criteria is the same as the City of Pearland UDC, 8th Edition, January 2013 and the T-15 and T-16 amendments approved June 24, 2013 and December 16, 2013 definition for "Assisted Living Facility")

Service Uses means a category for limited personal service establishments which offer a range of personal services that include (but not limited to) clothing alterations, shoe repair, dry cleaners, laundry, health and beauty spas, etc.

Sign, Building Blade means a pedestrian-oriented sign that is affixed perpendicular to the corner of a building or to the front façade of a building above the first floor to provide identification for the whole building.

Sign, Marquee means a sign structure placed over the entrance to a theatre or other public gathering venue. It has signage stating either the name of the establishment or the name of the event, artist, and other details of the event appearing at that venue. Marquee signs may often be combined with Building Blade signs.

Sign, Monument means any sign which is connected to the ground and which has no clear space for the full width of the sign between the bottom of the sign and the surface of the ground. A monument sign may include a sign face and sign structure, and may also include a sign base and sign cap.

Sign, Sandwich Board means a portable sign consisting of two panels of equal size, which are hinged at the top or one panel with a support and placed on the ground or pavement so as to be self-supporting.

Sign, Tenant Blade means a smaller pedestrian-oriented sign that is affixed perpendicular to the building façade under a canopy or awning or immediately over a tenant space and provides identification for individual tenants within a building.

Skilled Nursing Facilities (SNF) are licensed in the State of Texas. They provide 24-hour supervision and nursing/ medical care.

Street Screen means a freestanding wall or living screen built along the BTZ or in line with the building façade line along the street. It may mask a parking lot or a loading/service area from view or provide privacy to a side yard and/or strengthen the spatial definition of the public realm.

Street Type means a specific designation for streets in the Ivy District that establishes a certain character and cross-sections to improve walkability within the development.

Street Network means the Required and Recommended network for new and existing streets within the Ivy District as established in the Street Network Plan, Exhibit B3.

Sub-District means an area within the Ivy District development that creates a distinct urban form different from other areas within the Ivy District. Sub-Districts are identified in the Sub-Districts Regulating Plan, Exhibit C1.

Tree Planting Area means the actual ground area which is disturbed for planting a tree. It shall include the root ball and backfill soil around it. The tree planting area may be larger than the tree well which is placed over the tree planting area.

Tree Well means an unpaved area around the trunk of a tree within the sidewalk area that is either landscaped with ground cover or covered with a tree grate.

B. Technical Terms

Arcade means a portion of the main façade of the building that is at or near the property line and a colonnade that supports the upper floors of the building. Arcades are intended for buildings with first floor commercial or retail uses and the arcade may be one or two stories.

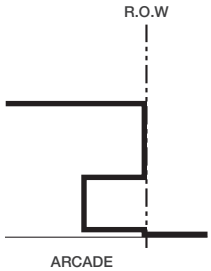


Figure 4.1 Arcade

Build-to Zone (BTZ) means the area between the minimum and maximum setbacks within which the principal building's

front façade (building façade line) is to be located.

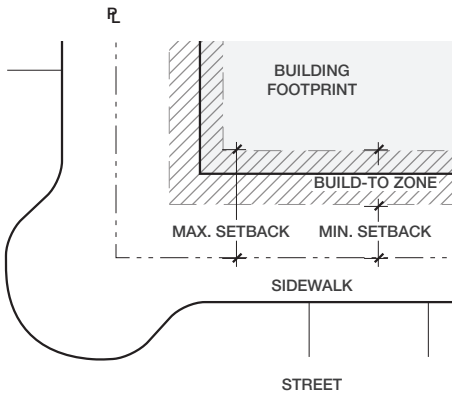


Figure 4.2 Build-to Zone

Building Façade Line means the vertical plane along a lot where the portion of the building's front facade closest to the street is actually located.

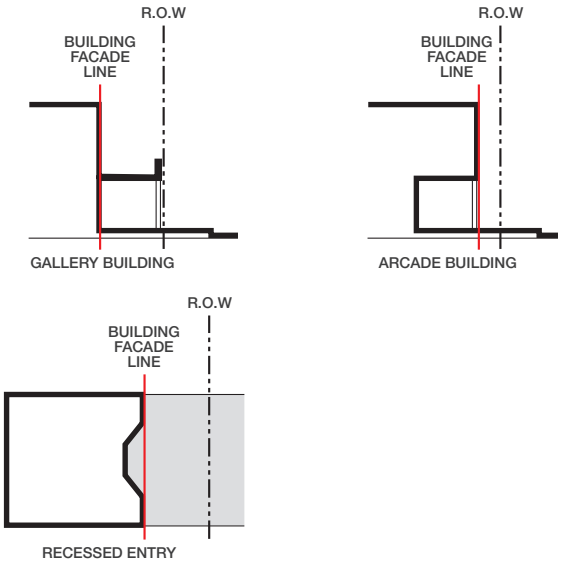


Figure 4.3 Building Facade Line

Building Frontage means the percentage of the building's front façade that is required to be located at the front Build-to Line or Zone as a proportion of the lot's frontage along that public street. Courtyards, forecourts, and pedestrian breezeway frontages shall be considered as building façade for the calculation of building frontage.

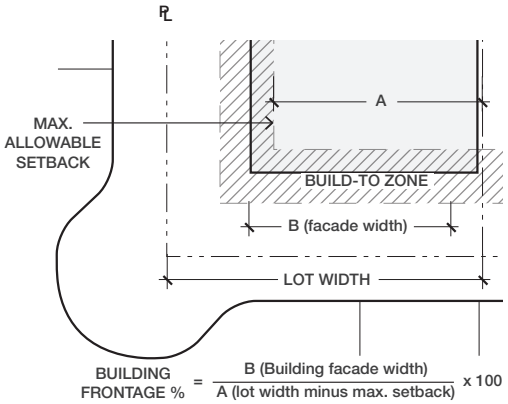


Figure 4.4 Building Frontage Calculation

C. Residential Building Typology

1. Garden Style Apartment

a. A large development of small, clustered apartment buildings.

b. Each building is usually two to four stories tall, and there are no internal hallways, although adjacent apartments may share a wall.

c. Each apartment entrance is from a common stairwell or patio, and the buildings are typically surrounded by outdoor landscaping, patios, and large surface parking lots.

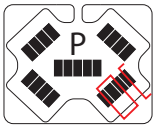
Typical Characteristics

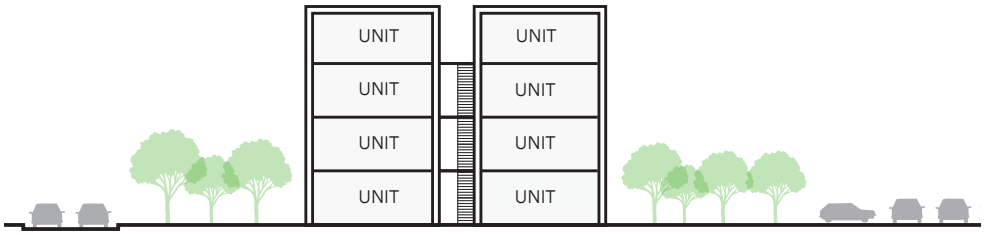
Typically setbacks are between 30' and 60'.

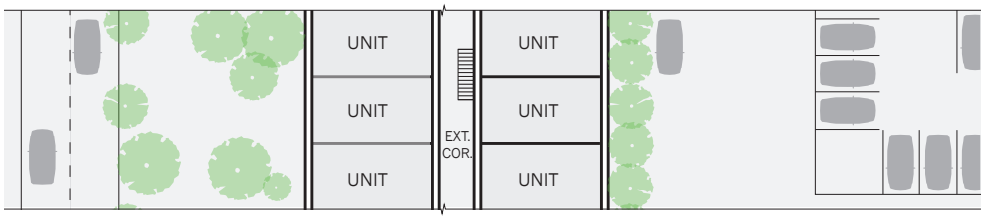
Direct access to each unit is from common external circulation areas.

Typically there is no street level retail.

Surface parking areas.

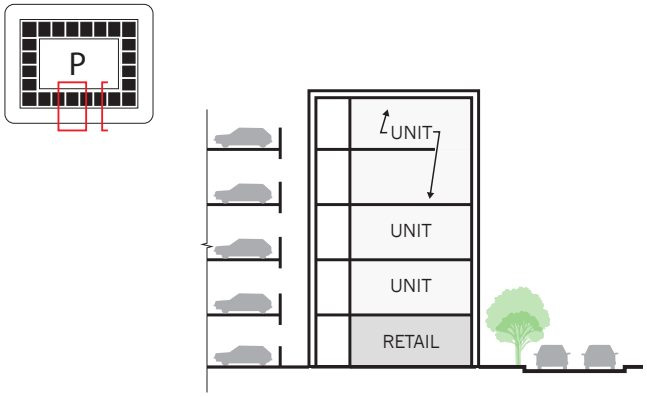


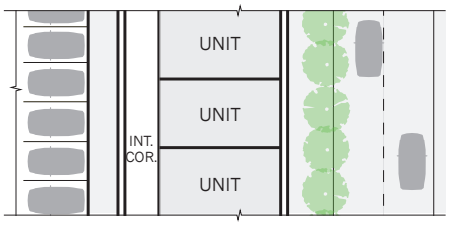




2. Urban Style Dwellings with Internal Parking

a. Self-contained dwelling units that occupy only part of a building.
b. Plan organization where all the dwelling units are along one side of the access corridor.
c. Residential units surround an internal parking structure.
d. Buildings are usually 3- to 5-stories tall and reinforce the street edge.





Typical Characteristics

Setbacks are regulated to be between 5' and 15'.

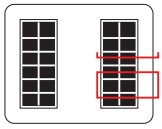
Common point of entry into lobby accessing common internal circulation area (direct access to street level units is permitted if there is no street level retail).

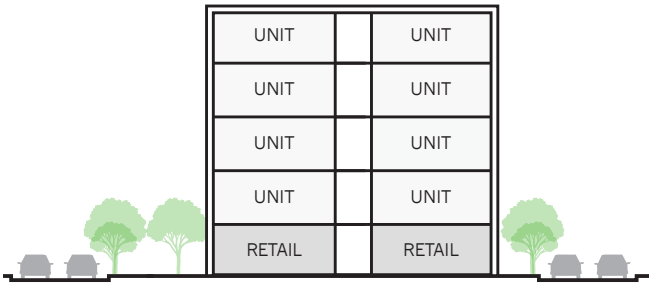
Street level retail is permitted and typical for this building type.

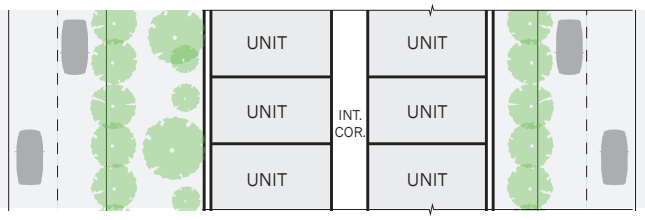
All parking structures must have at least 3 sides of occupiable uses and the remaining side must have an architectural screen.

3. Urban Style Dwellings with No Internal Parking

a. Self-contained dwelling units that occupy only part of a building.
b. Plan organization where all the dwelling units are along either side of a corridor.
c. Buildings are usually 3- to 5-stories tall and reinforce the street edge.







Typical Characteristics

Setbacks are regulated to be between 5' and 15'.

Common point of entry into lobby accessing common internal circulation area (direct access to street level units is permitted if there is no street level retail).

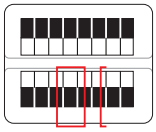
Street level retail is permitted and typical for this building type.

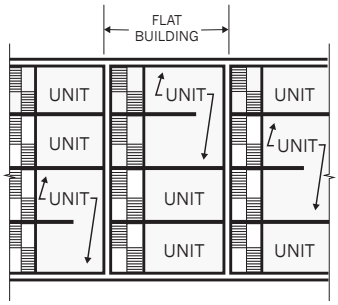
All parking structures must have at least 3 sides of occupiable uses and the remaining side must have an architectural screen.

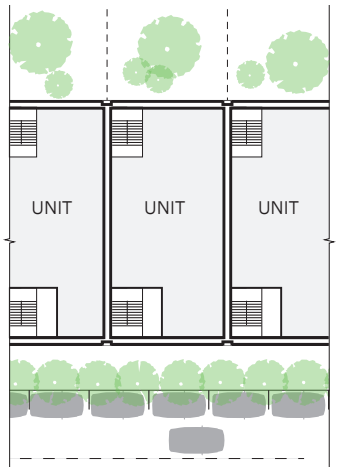
4. *Flats or Lofts*

a. A dwelling unit having a common wall with or abutting one or more adjacent buildings, with both front and rear access to the outside.

b. A flat or loft building contains multiple dwelling units organized vertically and is adjacent to other flat or loft buildings on either side, but not on its front or back.







Typical Characteristics

Setbacks are regulated to be between 5' and 15'.

Access to each "stack" of units is from the street level leading to common internal circulation area.

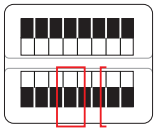
Street level retail is permitted but not typical for this building type.

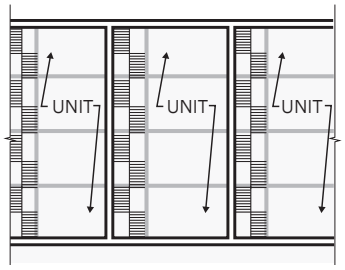
All parking structures must have at least 3 sides of occupiable uses and the remaining side must have an architectural screen.

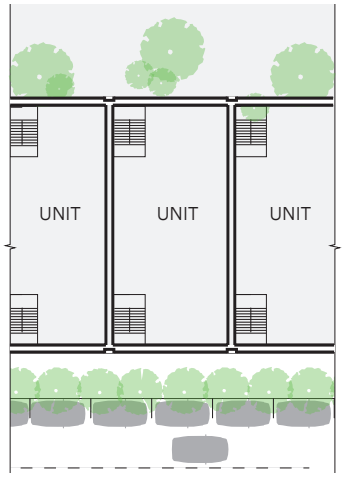
5. *Townhouse*

a. A dwelling unit having a common wall with or abutting one or more adjacent buildings and neither above nor below any other dwelling unit.

b. Dedicated front and rear access to the outside.







Typical Characteristics

Setbacks are regulated to be between 5' and 15'.

Direct access to each unit from street level with private internal circulation.

Street level retail is permitted, but not typical for this building type.

All parking structures must have at least 3 sides of occupiable uses and the remaining side must have an architectural screen.

5 | ZONING

A. Relationship to the Base Zoning District

The Ivy District site was previously zoned for another PD that was not implemented and has expired; therefore, the base zoning district for the site is now designated for an unspecified PD. Prior to designation as a PD zoning district, the site was primarily within the Spectrum zoning district; specifically, Districts S1, S2 and S3. The intended character of development within those districts is generally similar to the Ivy District. In addition, the Ivy District site is also within the area proposed for a new "Lower Kirby Urban Center," which the City has incorporated into its Comprehensive Plan, but a corresponding zoning district has not been establish. The intended character of development with the proposed Lower Kirby Urban Center is also generally similar to the Ivy District.

In consideration of all of the above factors, The Ivy District PD will establish a new zoning district that will replace the current unspecified PD zoning district and be governed by development regulations, design controls, and administrative and other requirements established in this PD document. Figure 5.1, on the following page, illustrates the boundaries of the Ivy District superimposed on the City's Zoning Map.

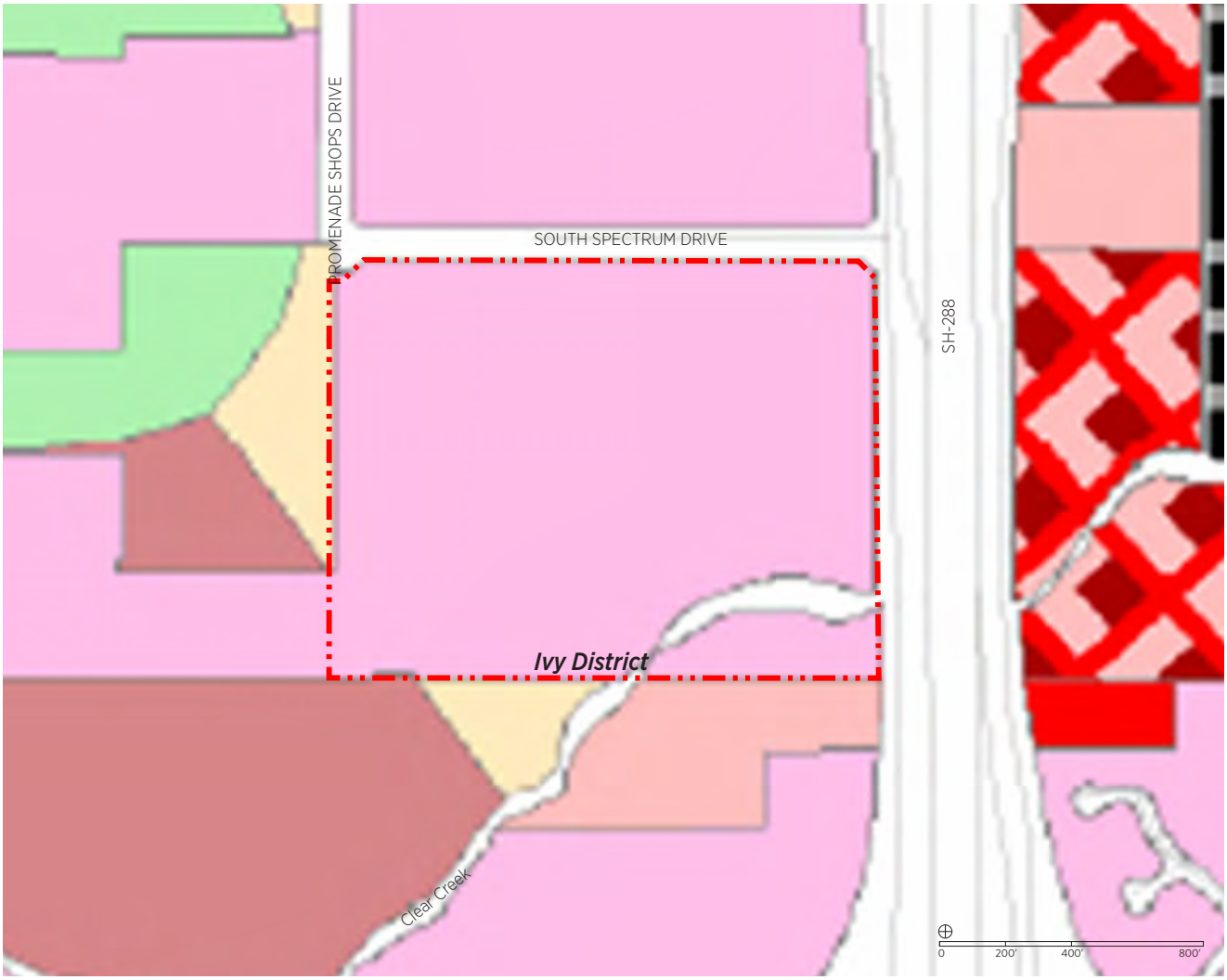


Figure 5.1 Zoning Plan Excerpt

Source: City of Pearland Zoning Plan, 27 Jan 2014

Zoning Districts Legend

SP1	GB
SP2	GC
SP3	BP-288
SP4	PD
Ivy District Boundary	

B. Influence of the Proposed Lower Kirby District

The Ivy District site is also located within a portion of a proposed new "Lower Kirby Urban Center" (referred to also as the "Lower Kirby" plan) that the City has incorporated into its Comprehensive Plan. Therefore, the planning for the proposed Ivy District was influenced by the vision for the Lower Kirby plan, and the basis and template for this PD document was the "Proposed Form-based Code for Lower Kirby Urban Center," dated November 17, 2011.

The Lower Kirby plan establishes five "Character Zones," three of which are designated for the land within the Ivy District site. The following is a summary description of those Character Zones:

1. Urban Neighborhood

Designated for land on the west/southwest portion of the Ivy District site, the Urban Neighborhood consists primarily of a residential fabric. The area is intended to have a mix of small apartments, townhomes and live-work units with commercial activity concentrated at street intersections and along the Clear Creek frontage.

2. Highway Commercial

Designated for land on the east/northeast portion of the Ivy District site, Highway Commercial is intended to provide an appropriate transition in the Lower Kirby Urban Center from the Beltway 8 and SH 288 access roads. This area is intended for regional office and retail development.

3. Commercial Transition

Designated for a small portion of land on the northwest corner of the Ivy District site, Commercial Transition is intended to provide for a range commercial (retail, office and live-work) and residential uses as a transition from the Mixed Use core (designated for land northwest of the Ivy District site).

In addition to the Character Zones described above, the Lower Kirby plan also designates Clear Creek and the land within its floodway in the southeast corner of the Ivy District site as required open space.

Figure 5.2, on the following page, illustrates the boundaries of the Ivy District superimposed on the Lower Kirby plan. As will be discussed further below, the Ivy District will establish sub-districts with similar qualities as the three Lower Kirby Character Zones described above.

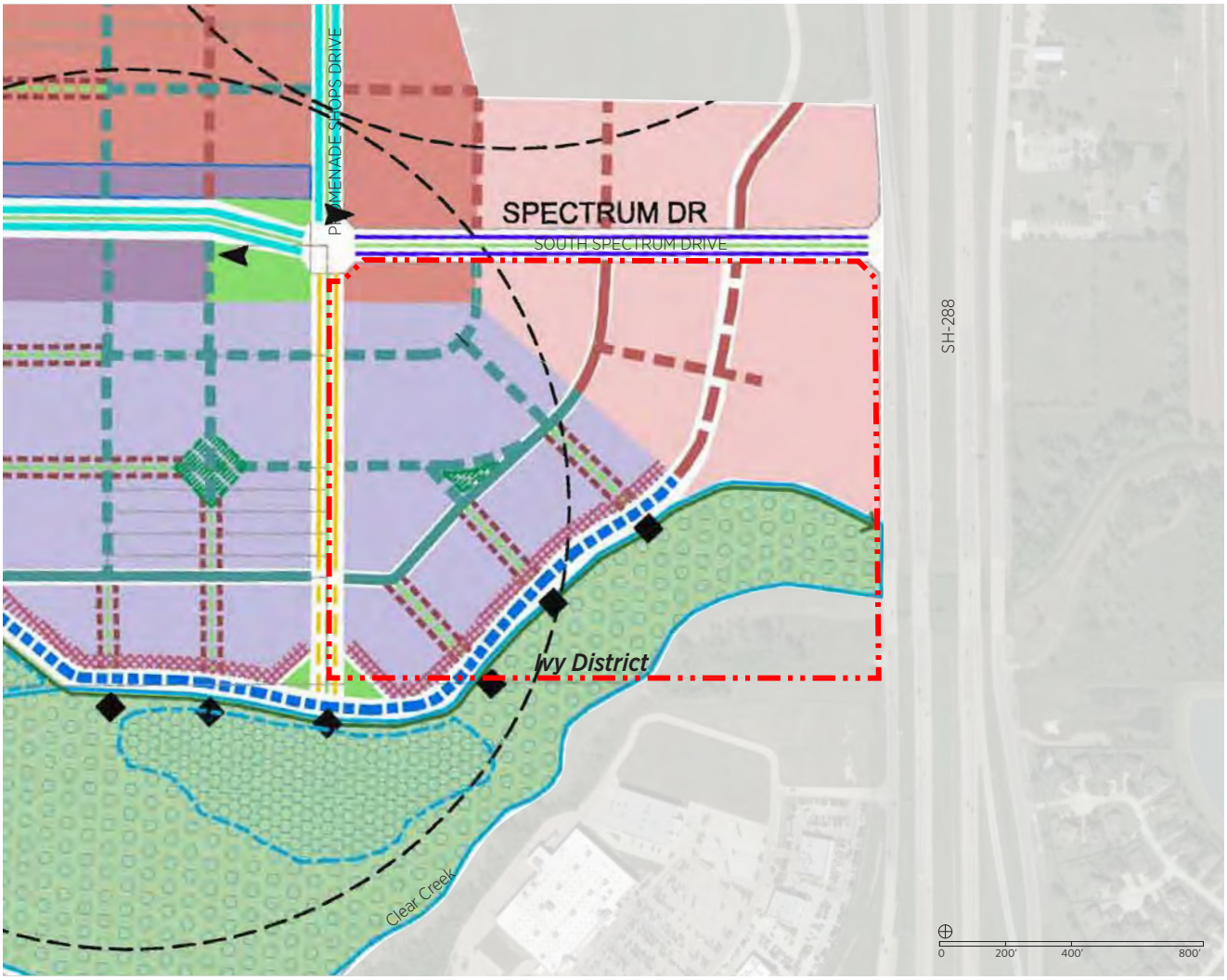


Figure 5.2 Lower Kirby Plan Excerpt *Source: City of Pearland, Lower Kirby Urban Center Development Code, 24 Jun 2011*

Lower Kirby Legend

Character Zones
- Urban Neighborhood
- Commercial Transition
- Highway Commercial

Open Space
- Required Regional Detention / Floodway
- Designated Floodway
- Required Open Space

Streets
- AV-94-48 (2-Lane Avenue)
- "Neighborhood Tributary" - ROW varies
- ST-62-38 (Urban Neighborhood Street - Type A)
- Waterfront Promenade
- AV-82-44 (Avenue)
- RD-44-22 (Service/Access Road)
- NOTE: For all street types, a dashed line denotes a recommended private street; a solid line denotes a public required street

Frontage Type
- "Promenade" Frontage

Special Conditions
- Recommended Civic Use
- Recommended Access Point to Greenway
- Approximate Parcel Line
- 1/4-mile Radius Pedestrian Shed
- Bike/ped-way
- Ivy District Boundary

C. Proposed Ivy District

The proposed Ivy District will include two sub-districts for which their corresponding land use characteristics and locations within the Ivy District are generally consistent with the Lower Kirby Character Zones described above. In addition, a third sub-district will be established that designates Clear Creek and the land within its floodway as required open space, also consistent with the Lower Kirby plan. Therefore, these three Ivy District sub-districts will effectively be the first increment in the development of the Lower Kirby Urban Center.

The Ivy District sub-districts are described below.

1. "Public Square" Sub-district

The Public Square Sub-district will be zoned for "Mixed Use – Predominantly Commercial." This Sub-district will have the tallest buildings, highest density and the most pedestrian activity. This Sub-district will have the greatest variety of uses, consisting of retail, office, hotel, and potentially some residential. Required open space will also be incorporated into the development of this Sub-district, envisioned predominantly in the form of a public square that will be an organizing feature of this Sub-district. This Sub-district combines characteristics of the Lower Kirby "Highway Transition" and "Commercial Transition" zones.

A parcel of land south of Clear Creek is also a part of the Public Square Sub-District. That parcel is designated for potential development of commercial and/or retail uses; development within the parcel will comply with all zoning and land-use regulations, building form and development standards, design controls, and administrative and other requirements established in this PD document, specifically as they apply to the Public Square Sub-district.

2. "Parkside Neighborhood" Sub-district

The Parkside Neighborhood Sub-district will be zoned for Mixed Use – Predominantly High Density Residential." This Sub-district will consist primarily of an urban residential fabric, with street-level retail in strategic areas. Commercial development compatible with the residential neighborhood would also be permitted in the eastern portion of this Sub-district. Required open space will also be incorporated into the development of this Sub-district, envisioned predominantly in the form of public parks that will be an organizing feature of this Sub-district. This Sub-district combines characteristics of the Lower Kirby "Urban Neighborhood" and "Commercial Transition" zones.

3. "Clear Creek" Sub-district

The Clear Creek Sub-district will be zoned for "Public Open Space." This Sub-district is defined by the Clear Creek floodway and will be developed as public open space, envisioned as a recreational park.

The proposed Ivy District Sub-districts and their relationship to the proposed Lower Kirby plan are illustrated in Figure 5.3, on the following page.

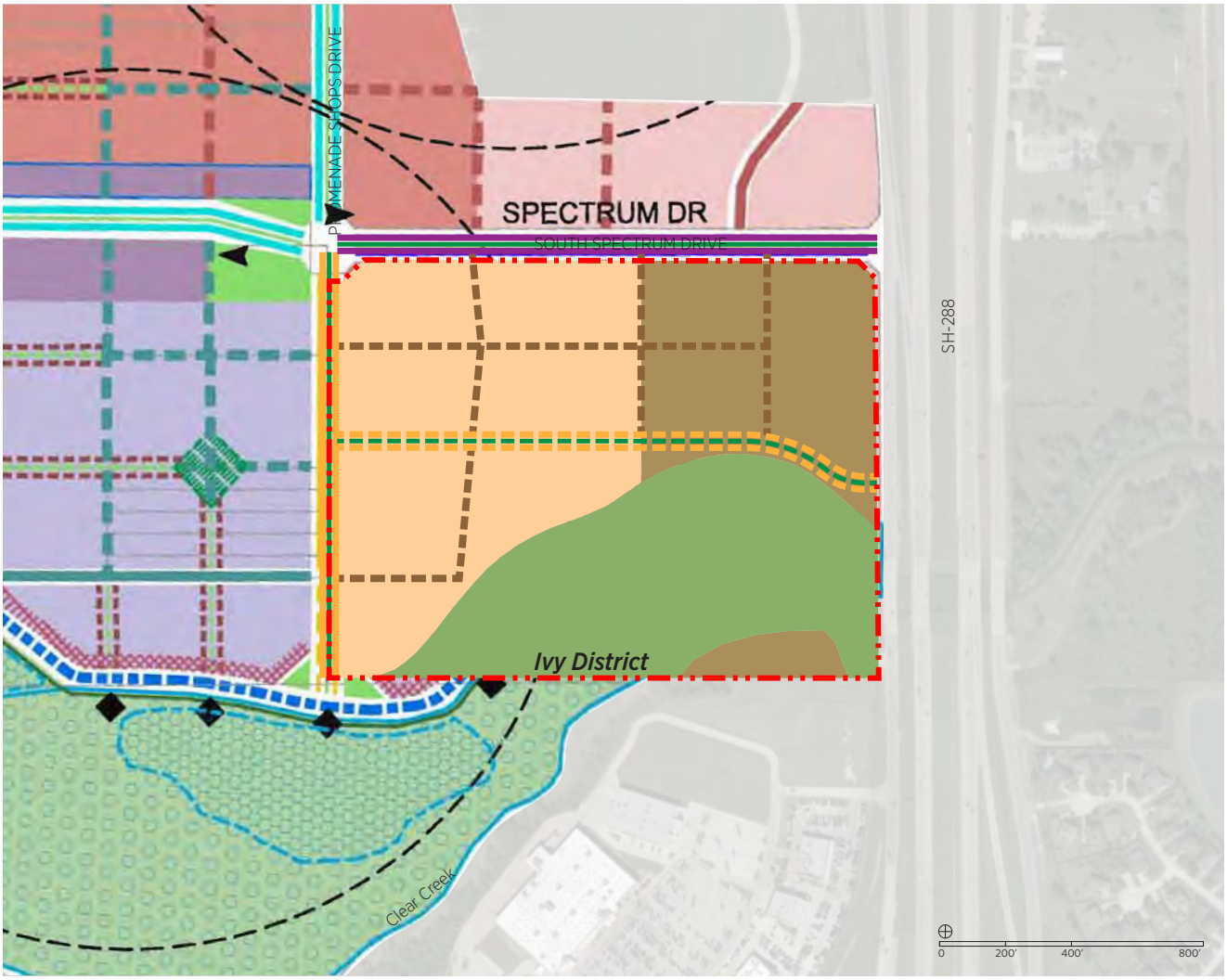


Figure 5.3 Ivy District Plan (overlaying Lower Kirby Plan)

Ivy District Legend

Sub-districts
- Public Square
- Parkside Neighborhood
- Clear Creek
- Ivy District Boundary

Street Types
- "Boulevard" Street
- "Neighborhood Collector" Street
- "Local" Street
- Solid line denotes a Public Street, fixed alignment
- Dashed line denotes Private Street, variable alignment

D. Permitted Land Use

To further reinforce the intent of the Ivy District Sub-districts, only specified land uses will be permitted for each block that correspond to the desired characteristics of the Sub-district to which they belong. The permitted land uses, by general categories, are illustrated in Figure 5.4, on the following page, and discussed further in Part 6 of this PD document.

E. Regulating Plans

The Regulating Plans described below and included in Appendix C, "Regulating Plans," establish the Ivy District PD zoning sub-districts and permitted land uses.

1. Ivy District Sub-districts Regulating Plan

Included in Appendix C, Exhibit C1, is the "Ivy District Sub-district Regulating Plan" that establishes the boundaries of the Ivy District and its Sub-districts as described above. No variations from this plan shall be permitted without amending the Ivy District PD.

2. Ivy District Land Use Regulating Plan

Included in Appendix C, Exhibit C2, is the "Ivy District Land Use Regulating Plan" that establishes the permitted land uses for each development block within the Public Square and Parkside Neighborhood Sub-districts, as well as the permitted land use for the Clear Creek Sub-district. Note the following:

(1) For the Public Square and Parkside Neighborhood Sub-districts, permitted land uses are established under the following general categories: Commercial, Retail and Residential. Refer to Part 6 for more information on specific land uses permitted within these categories. For any given block, the permitted uses include all or any combination of the uses specified. Further, public open space shall also be incorporated within the development of the blocks as required to comply with open-space requirements established in Part 6 this PD document.

(2) For the Clear Creek Sub-district, public open space is the only permitted land use. Refer to Part 6 of this PD document for more specific information on allowed development within public open space.

(3) The street network depicted on this plan and the corresponding block configurations are provided for context and reference and may vary during implementation in accordance with the Minor Deviation provisions established in Part 3 of this PD document. However, variations from the number of blocks, their designated locations, and their permitted land uses as established by this plan shall not be permitted without amending the Ivy District PD.

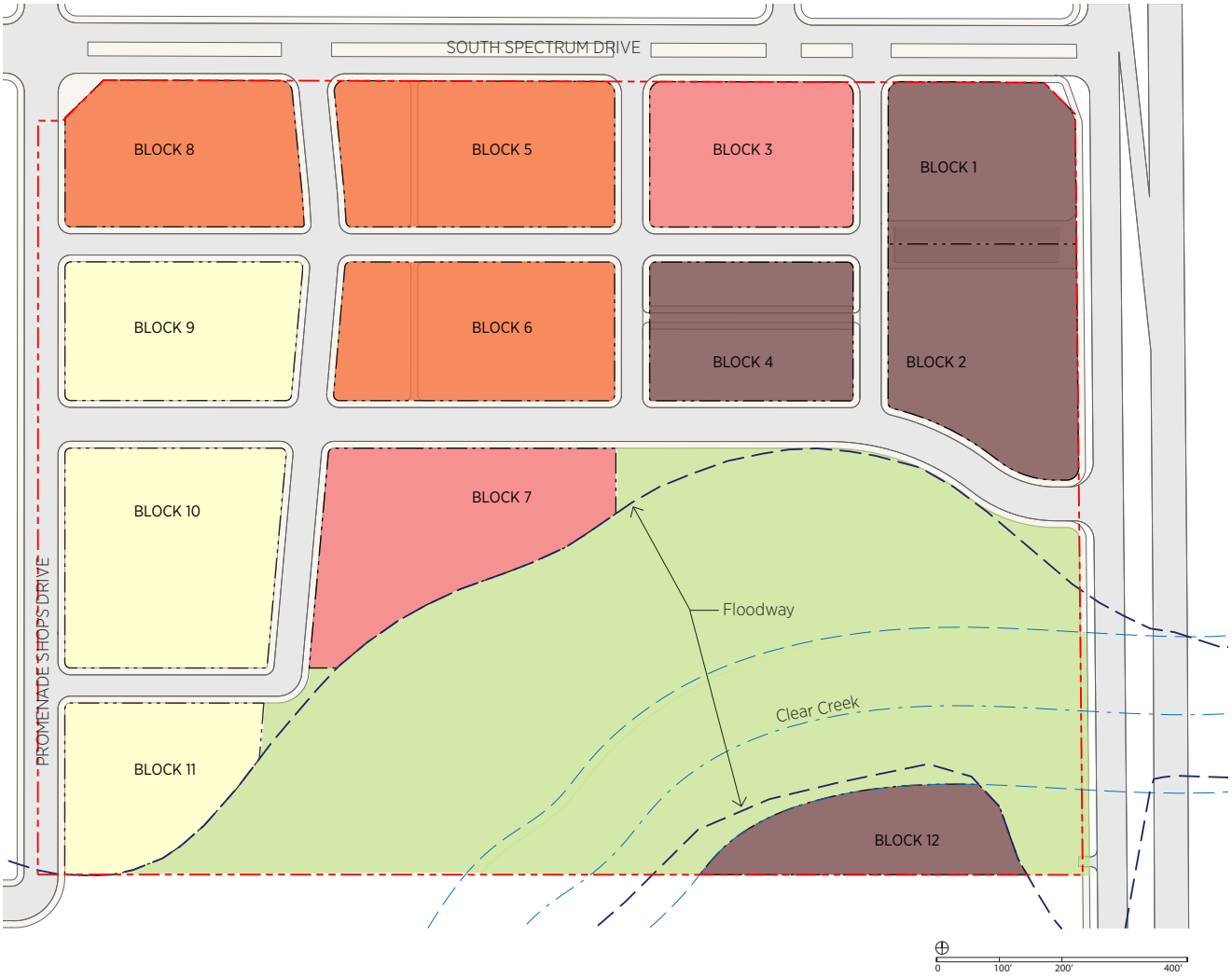


Figure 5.4 Land Use Regulating Plan

Ivy District Legend

Commercial, Retail	Retail, Residential	Public Open Space
Commercial, Retail, Residential	Residential	Ivy District Boundary

Notes:

1. The depicted alignment of streets and configuration of blocks are conceptual and variable pursuant to the minor deviation provisions established in this PD document.
2. Public open space is the only permitted land use where indicated on this plan; however, public open space shall also be incorporated in the development blocks as required to meet open space requirements as established in this PD document.

6 LAND USE

A. Ivy District Area Summary

Exhibit C1, "Ivy Districts Sub-Districts Regulating Plan," establishes the boundaries of the Sub-districts; Table 6.1 presents the gross areas of the Ivy District Sub-districts.

TABLE 6.1 - ZONING SUB-DISTRICTS AREA	
Public Square	11.7 acres
Parkside Neighborhood	21.3 acres
Clear Creek	15.5 acres
Ivy District Total	***48.5 acres***

B. Land Use Area Summary

1. Permitted Land Uses

Exhibit C2, "Ivy District Land Use Regulating Plan" designates the permitted land-use categories for the Ivy District Sub-districts, designated by general category—Commercial, Retail, Residential—for each block. Due to the mixed-use nature of the Ivy District PD, more than one permitted use is assigned to most blocks. Table 6.2 presents a summary of the area (acres) of each land use category.

TABLE 6.2 - PERMITTED LAND USE AREAS	
Use	***Location***
Mixed Use - Commercial, Retail	Blocks 1, 2, 4 and 12
Mixed Use - Commercial, Retail, Residential	Blocks 3 and 7
Mixed Use – Residential, Retail	Blocks 5, 6 and 8
Residential	Blocks 9, 10 and 11
Public Open Space	Clear Creek Sub-district

2. Schedule of Permitted Uses

Table 6.3, on pages 42-43, establishes a schedule of specifically permitted uses for the Ivy District grouped under general land use categories, and Table 6.4, on pages 44-45, establishes use criteria. Specific uses that are not listed in the schedule but are substantially similar to specified uses may be permitted in accordance with deviation procedures established in Part 3 of this PD document.

C. Building Program

Exhibit B4, "Building Program Plan," illustrates the proposed program for Ivy District buildings. Table 6.5, on page 46, establishes density limits, either minimum or maximum (as applicable to a specific use), in terms of either gross area (square footage) or number of units (as applicable to a specific use) for the buildings, grouped by general land use categories. Table 6.6, on page 46, provides program densities expected at the completion of each phase, as illustrated in Exhibit B9, "Phasing Plan," and described in Section H of Part 3 of this PD document.

D. Residential

1. Residential Density

The residential component of the Ivy District will be comprised of a maximum of 1,150 residential units. Refer to Table 6.7, on page 46, for Residential Density calculations as defined by the UDC.

2. Residential Building Types

Exhibit B2, "Illustrative Master Plan," indicates the type of residential buildings envisioned in the residential land-use locations. Thorough definitions of each proposed residential building type in the Ivy District are provided in Part 4, Section C, of this PD document. "Urban Style Dwellings" with internal parking shall comprise a minimum of 50% of all residential units.

3. Prohibition of Garden Style Apartments

A thorough definition of "Garden Style Apartment" type of residential building is provided in Part 4, Section C, of this PD document. Due to the desire to create a vibrant, "urban style" neighborhood within the Ivy District, construction of any garden style apartments within any sub-district of the Ivy District is expressly prohibited.

E. Continuing Care Retirement Community (CCRC)

1. Description

The Continuing Care Retirement Community (CCRC) will be a single tall building categorized as a commercial use. The CCRC will have the following defining characteristics:

- Healthcare facilities licensed by the State of Texas
- Structured entrance fees and/or monthly fees
- Support-staff intensive
- Age-restricted population
- Aging in place benefits and resources
- Hospitality and Healthcare related staff
- Dedicated commercial dining facilities for daily meal service
- Multiple programs, services and amenities for residents

The principal elements of the CCRC will be:

- Independent living units
- Assisted living units
- Memory care units
- Skilled nursing units

2. Independent Living Component

Approximately 70% of the total units will be independent living units; the exact number of independent living units developed will be required to be included in the required open space calculations. For purposes of this PD document, 158 units (70% of the minimum 225 total units) is included in the calculation of open space and parkland dedication requirements in Sections G and H .

3. Healthcare Component

The healthcare component of the CCRC includes the assisted living, memory care and skilled nursing units. Those healthcare-related units shall comprise a minimum of 30% of all CCRC units.

F. Community Center

The Community Center is envisioned as a space that can be used for residents living in the Ivy District community or the Greater Pearland community for public or private events, activities or performances. As illustrated on Exhibit B4, "Building Program Plan," the Community Center is proposed to be located in the street level of the residential building on Block 7.

G. Public Open Space Requirements

1. The Calculation of Open Space Requirements

The total amount of open space required for the Ivy District shall be calculated as follows:

- 900 sf/residential unit
- 900 sf/independent living unit in the CCRC

Based on the proposed Design Plan, the estimated open space requirement is:

- 1,150 residential units x 900 sf = 23.8 acres
- 158 CCRC independent living units x 900 sf = 3.3 acres
- Total required = 27.1 acres

As illustrated in Exhibit B6, "Public Open Space Plan," 18.7 acres of public open space is proposed. An additional amount of private open space will also be developed, but it would be difficult to achieve program goals as well as the additional 8.4 acres of open space required by the calculation above. Further, the total requirement of 27.1 acres of public open space is 55.9% of the gross area, which is contradictory to the goals of a walkable urban neighborhood. Due to the nature of the traditional neighborhood design contemplated in the Lower Kirby Urban Center and proposed for the Ivy District, the density of residential units in the Ivy District PD zoning district will be significantly higher than any other current zoning district. Therefore, the higher residential density resulting from an urban neighborhood must be taken into account in the application of open space requirements.

TABLE 6.3 - SCHEDULE OF PERMITTED USES	***Sub-District*** Public Square	Parkside Neighborhood	Clear Creek
Commercial Uses			
Finance, Insurance, and Real Estate establishments including banks, credit unions, real estate, and property management services, with no drive through facility	P	P/C	NP
Offices for business, professional, and technical uses such as accountants, architects, lawyers, doctors, etc.	P	P/C	NP
Research laboratory headquarters, laboratories and associated facilities	P	NP	NP
Hotels	P/C	NP	NP
Continuing Care Retirement Community (CCRC)	P/C	P/C	NP
Retail Uses			
Formula Retail	P/C	P/C	NP
Retail Sales or Service with no drive through facility (includes alcohol sales which shall meet Chapter 4 of the City of Pearland Code of Ordinances. Excluded from this category are Auto-Retail Sales and Service Uses (see Part 4 of this PD for Definition of Retail, Service uses, and Auto-related Sales and Service)	P	P/C	NP
Food Service Uses such as full-service restaurants, cafeterias, caterers, bakeries and snack bars Included in this category is café seating within a public or private sidewalk area with no obstruction of pedestrian circulation. Also included in this category is the sale of alcoholic beverages which shall meet Chapter 4 of the City of Pearland Code of Ordinances.	P	P/C	P/C
Residential Uses			
Home Occupations	P/A	P/A	NP
Multi-family Residential			
First Floor	NP	P/C	NP
Upper Floor	P	P	NP
Residential Lofts	P	P	NP
Single-family residential attached dwelling unit (Townhomes)	NP	P	NP
Live-work unit	P	P	NP
Garden Style Apartment	NP	NP	NP
Other Uses			
Art galleries	P	P/C	NP
Art, antique, furniture or electronics studio (retail, repair or fabrication; excludes auto electronics sales or service)	P	NP	NP
Games arcade establishments	P/CUP	NP	NP
Theater, cinema, dance, music or other entertainment establishment	P	NP	NP
Performing arts center	P	NP	NP
Community center	P	NP	NP
Museums and other special purpose recreational institutions	P	NP	NP
Fitness, recreational sports, gym, or athletic club	P	NP	P/C
Parks, greens, plazas, squares, and playgrounds	P	P	P
Drag Strip, Fairgrounds, Gaming Establishment, Private Club or Adult Entertainment	NP	NP	NP
Business associations and professional membership organizations	P	P/C	NP

P	Permitted by right	P/C	Permitted with design criteria per Table 6.4	P/A	Permitted Accessory Use	P/A/C	Permitted as an Accessory Use with design criteria per Table 6.4
NP	Not Permitted	P/CUP	Permitted with a Conditional Use Permit	NA	Not applicable	A	Accessory use to not exceed 25% of the primary use building square footage

**Model homes are limited to a time period until all homes are sold in the neighborhood.

TABLE 6.3 - SCHEDULE OF PERMITTED USES, CONTINUED	*Sub-District* Public Square	Parkside Neighborhood	Clear Creek
Other Uses			
Child day care and preschools	P	P	NP
Schools, libraries, and community halls	P	NP	NP
Universities and Colleges	P	NP	NP
Hospital	NP	NP	NP
Clinic, Emergency Medical Center or Medical Office Building	P	NP	NP
Civic uses	P	NP	NP
Social services and philanthropic organizations	P	NP	NP
Religious Institutions	P	NP	NP
Funeral homes	P	NP	NP
Warehouse and storage	NP	NP	NP
Artisanal Production (included in this category are jewelry, silverware, personal metal goods, flatware, dolls, toys, games, musical instruments, medical equipment, high-tech/clean manufacturing, office supplies, and signs.)	P/C	P/C	NP
Wholesale trade establishment, Manufacturing or Assembly	NP	NP	NP
Publishing (newspaper, books, periodicals, software)	NP	NP	NP
Motion picture and sound recording	P	NP	NP
Telecommunications and broadcasting (radio, TV, cable, wireless communications, telephone, etc.)	NP	NP	NP
Information services and data processing	P	NP	NP
Model homes for sales and promotion**	P	P	NP
Cigars, Tobacco Shops (Retail Only)	P/CUP	NP	NP
Parking, surface (primary use of property)	NP	NP	NP
Parking, surface (accessory use of property)	P/A	P/A	P/A
Parking, structure	P	P	NP
Private attached garage	NP	P	NP
Private detached garage	NP	P	NP
Sales from kiosks	P	NP	P
Community garden	P	P	P
Antennas including cell, accessory, and mounted on top of buildings	P/A/C	NP	NP
Solar energy equipment	P/A/C	P/A	P/A
Special Event	P/C	P/C	P/C
Rain harvesting equipment	P/C	P/C	P/C
Utility equipment (includes electrical transformers, gas meters, etc.)	P/A/C	P/A/C	P/C
Any use with a drive through facility	NP	NP	NP
Auto-related Service, Bail Bonds, Crematorium, Travel Trailer, Home for Alcoholic, Narcotic or Psychiatric Patients or Pawn Shop	NP	NP	NP
Veterinarian Animal Hospital (No Animal Hospital with Outside Pens)	P	NP	NP

P	Permitted by right	P/C	Permitted with design criteria per Table 6.4	P/A	Permitted Accessory Use	P/A/C	Permitted as an Accessory Use with design criteria per Table 6.4
NP	Not Permitted	P/CUP	Permitted with a Conditional Use Permit	NA	Not applicable	A	Accessory use to not exceed 25% of the primary use building square footage

**Model homes are limited to a time period until all homes are sold in the neighborhood.

TABLE 6.4 - USE CRITERIA		
Use	***Sub-District***	***Use Criteria***
Commercial Uses		
Finance, Insurance, and Real Estate establishments	Parkside Neighborhood, Clear Creek	Building area shall not exceed 5,000 sf per instance, per block for Parkside Neighborhood. Limited to one (1) building in Clear Creek.
Food Service Uses such as full-service restaurants, cafeterias, bakeries and snack bars with no drive through facilities		
Offices for business, professional, and technical uses	Parkside Neighborhood, Public Square	Shall be permitted in any live-work building where the first floor is built to Commercial Ready standards with 14' first floor clear height and handicapped access. All other buildings for office and art gallery uses shall be limited to 6,000 sf, except in Block 7.
Assisted Living & Skilled Nursing	Public Square	Assisted living or skilled nursing units shall not exceed more than 30% of the total unit mix of the CCRC.
Retail Uses		
Formula Retail	Parkside Neighborhood, Public Square	No Restaurants (including shops providing one type of food, but not including Coffee Shops), Convenience Stores or Big Box retail are permitted in the development. All Formula Retail must adhere to design guidelines established in this PD.
Retail sales and service	Parkside Neighborhood	Building area shall not exceed 5,000 sf per instance, per block.
Residential Uses		
Urban-style dwellings and flats or lofts	Parkside Neighborhood, Public Square	Urban-style dwellings with internal parking shall comprise a minimum of 50% of all residential units. Efficiency units shall not exceed more the 25% of overall unit mix.
Townhouses	Parkside Neighborhood	Minimum Lot Width - Twenty feet (20')

TABLE 6.4 - USE CRITERIA, CONTINUED		
Use	***Sub-District***	***Use Criteria***
Other Uses		
Art Galleries	Parkside Neighborhood, Public Square	Shall be permitted in any live-work building or any commercial building where the first floor is built to Commercial Ready standards with 14' first floor clear height and handicapped access. All other buildings for office and art gallery uses shall be limited to 6,000 sf.
Business Associations and professional membership organizations	Parkside Neighborhood	Shall only be permitted on corner lots in the Parkside Neighborhood Sub-district Building area shall not exceed 5,000 sf per block
Miscellaneous manufacturing and assembly (included in this category are jewelry, silverware, personal metal goods, flatware, dolls, toys, games, musical instruments, medical equipment, high-tech/clean manufacturing, office supplies, and signs.)	Parkside Neighborhood, Public Square	No outdoor storage is permitted. Service, loading, unloading and truck access shall be located in compliance with the Service and Loading Regulating Plan (Appendix E) All buildings for manufacturing, assembly and wholesale trade uses shall be limited to 1,000 sf per unit in the Parkside Neighborhood Sub-district and 3,000 sf per user in the Public Square Sub-district.
Wholesale trade establishment		
Fitness, recreational sports, gym, and athletic club	Clear Creek	Building area shall not exceed 10,000 sf.
Hotel	Public Square	The hotel may include specific design provisions or guest services for senior citizens, such as enhanced accessibility design standards and concierge services.
Antennas including cell, accessory and mounted (Excluded from this category are freestanding and commercial antennas and equipment buildings)	Public Square	Antennas shall be permitted on rooftops. Antennas shall be screened entirely. Antennas shall not be visible from the ground and any area below 50'-0" in height.
Special Events such farmers' market, holiday sales and festivals	All sub-districts	Small events and outdoor activities do not need a Special Events permit. Larger events that meet the criteria of the City's Special Events ordinance shall be permitted. The Building Official shall issue a permit for special events when he finds: That there is an adequate off-street parking area, approved by the City; and That the location and layout of drives and parking areas, of lighting, and of temporary event signs will not constitute a hazard to the public traveling to the abutting public streets and will not obstruct the visibility along such streets.
Rainwater harvesting equipment	All sub-districts	Rainwater harvesting equipment must be installed in buildings or below grade
Utility equipment (includes electrical transformers, gas meters, etc)	All sub-districts	Utility equipment shall be integrated and screened from view within buildings. All utility distribution throughout the district shall be located below grade.

TABLE 6.5 - BUILDING PROGRAM DENSITY		
	Minimum	***Maximum***
Commercial		
Office	200,000 sf	
Hotel	150 hotel keys	
Hotel Conference Center	15,000 sf	
CCRC	225 units*	
Retail		
Restaurants, Shopping, Personal Services	160,000 sf	
Residential		
Individual Owner		800 units
Rental		350 units
Other		
Community Center	10,000 sf**	

* Refer to Section E for more information.

** Refer to Section F for more information.

TABLE 6.6 - EXPECTED PROGRAM DENSITY BY PHASE		
	Phase 1	***Phase 2***
Commercial		
Office	200,000 sf (minimum)	200,000 sf (minimum)
Hotel	150 hotel keys (minimum)	150 hotel keys (minimum)
Hotel Conference Center	15,000 sf (minimum)	15,000 sf (minimum)
CCRC	225 units (minimum)	225 units (minimum)
Retail		
Restaurants, Shopping, Personal Services	120,000 sf (estimate)	160,000 sf (minimum)
Residential		
Individual Owner	400 units (estimate)	800 units (maximum)
Rental	175 units (estimate)	350 units (maximum)
Other		
Community Center	10,000 sf (minimum)	10,000 sf (minimum)

TABLE 6.7 - RESIDENTIAL DENSITY			
Use	***Gross Density***	***Net Density***	***Gross Residential Density***
Primary Residential	23.7 units/acre	39.4 units/acre	29.9 units/acre

Due to the higher density that will result from the Ivy District's urban residential neighborhood, a maximum requirement of 40% of the total gross area will also be established for the Ivy District. Therefore, the overall maximum open space requirement is calculated as follows:

Maximum requirement: 48.5 acres x 40% = 19.4 acres

The minimum amount of public open space developed will be 18.7 acres as proposed. In addition, private open space and potentially more public open space will be developed to comply with the minimum open space requirement.

2. Proportionate Development of Open Space

Open space requirements shall be satisfied for residential and CCRC ILU development within each phase, as well as each increment of development within a phase, until the overall maximum requirement has been satisfied.

H. Parkland Dedication Requirements

1. Calculation of Parkland Dedication Requirements

The parkland dedication requirement for the Ivy District PD shall be based on the value of parkland amenities provided in lieu of land dedication. The required value of parkland amenities shall be calculated as follows:

- $750/residential unit
- $750/CCRC independent living unit

Based on the proposed Design Plan, the estimated required value of amenities will be:

- 1,150 residential units x $750 = $862,500
- 158 CCRC independent living units x $750 = $118,500
- Total value required = $981,000

Items considered to be parkland amenities shall include:

- Shade trees
- Walking, running and bicycle trails
- Picnic and gathering areas with picnic tables and barbeque pits
- Play areas and exercise stations with playground and exercise equipment

2. Proportionate Development of Amenities

Parkland amenities requirements shall be satisfied for residential and CCRC ILU development within each phase, as well as each increment of development within a phase.

Developer shall provide an estimated value of amenities as part of a plat development application and provide evidence of compliance with the required amenity value prior to receipt of a Certificate of Occupancy.

I. Parking Requirements

1. Commercial and Retail

(1) Required off-street parking for non-residential use (with the exception of the CCRC) shall be one (1) space per three hundred square feet (300 sf) gross.

(2) Required off-street parking for the CCRC shall be one (1) space per independent living unit.

2. Residential

(1) Required off-street parking for residential uses within the Public Square Sub-district shall be one (1) space per residential unit.

(2) Required off-street parking for residential uses within the Parkside Neighborhood Sub-district shall be one and a half (1.5) spaces per unit.

7 BUILDING FORM AND DEVELOPMENT STANDARDS

This part of the PD Document establishes Building Form and Development Standards for the Ivy District that apply generally to all development within the district and specifically to the Public Square and Parkside Neighborhood Sub-districts. Diagrams and reference letters are used for illustrative purposes only. Reference letters may not be in continuous sequence.

A. General

The following Building Form and Development Standards shall apply to the entire Ivy District development.

1. Standards

a. Building Placement

(1) Build-to Zones (BTZ). See Sections B and C of this part for BTZ standards applicable to the Public Square and Parkside Neighborhood Sub-districts, respectively.

(2) Setbacks. Table 7.1 establishes requirements for distance from property line to BTZ for all Sub-districts, as illustrated in Exhibit B5, "Setbacks Plan."

TABLE 7.1 - IVY DISTRICT - SETBACK STANDARDS

Block	*Frontage*	*Min. (ft.)*	*Max. (ft.)*
3, 5-11	Residential & Retail/Residential Above	5	10
4	CCRC	5	8
1, 2, 4	Ivy Square & Ivy Plaza (North and South Frontages)	5	8
2	Hotel (South Frontage)	5	8
4	Creek Lane (East Frontage)*	5	8
1, 3, 5, 8	Spectrum Drive*	8	10
1-4	Green Ivy Drive*	10	15
1, 2	Highway 288*	-	25

*These street frontages supersede any use frontages

b. Block Standards

(1) There are no general block standards.

c. Commercial Frontage Requirements

(1) See Sections B and C of this part for Commercial Frontage Requirements applicable to the Public Square and Parkside Neighborhood Sub-districts, respectively.

d. Special Frontage Requirements

(1) See Sections B and C of this part for Special Frontage Requirements applicable to the Public Square and Parkside Neighborhood Sub-districts, respectively.

e. Building Height

(1) Maximum height limits establish a predominant low-rise, neighborhood fabric and the location of taller buildings. Height zones at the Ivy District focus the greatest density near transit, provide a comfortable pedestrian environment that is visually and socially engaging, and protect views for neighbors.

(2) The height of structures shall comply with the minimum and maximum heights as is indicated for each development block in Table 7.2.

TABLE 7.2 - IVY DISTRICT - BUILDING HEIGHT STANDARDS

Block	*Stories (min.-max)**	*Height (min.- max)**
1	2 - 17	25 - 210 feet
2	2 - 17	25 - 210 feet
3	2 - 17	25 - 210 feet
4	2 - 17	25 - 210 feet
5	2 - 5	25 - 70 feet
6	2 - 5	25 - 70 feet
7	2 - 17	25 - 210 feet
8	2 - 5	25 - 70 feet
9	2 - 5	25 - 70 feet
10	2 - 5	25 - 70 feet
11	2 - 5	25 - 70 feet
12	2 - 17	25 - 210 feet

* For "Urban Style" and "Flats or Lofts" residential buildings, the minimum stories and height shall be 3 stories and 30 feet.

(3) Photovoltaic and thermal solar collectors, rain water and fog collecting equipment, wind turbines and other sustainability components may project above the maximum height limit.

(4) Those portions of a building that may project above the maximum height limit are:

- Parapets up to four feet (4') in height.
- Mechanical enclosures and other rooftop support facilities that occupy less than twenty percent (20%)

of the roof area up to ten feet (10') in height.

– For buildings taller than one hundred feet (100') wall planes extensions such as those used for screening of mechanical equipment that are either fifty percent (50%) physically and visibly permeable or translucent, up to ten feet (10') in height.

Residential common areas are permitted to project twelve feet (12') above the maximum height limit. Residential, active uses include, but are not limited to: community rooms and kitchens; recreational facilities; and greenhouses. Those portions of a building that do project above the height limit must step-back at a minimum ratio of one-point-two feet (1.2') in a horizontal dimension, from the exterior building wall facing a right-of-way, for every one foot (1') above the maximum height limit. All other sides of that projection must step-back at a minimum ratio of one-half foot (0.5') in a horizontal dimension, from the exterior wall of the habitable floor below, for every one foot (1') above the maximum height limit.

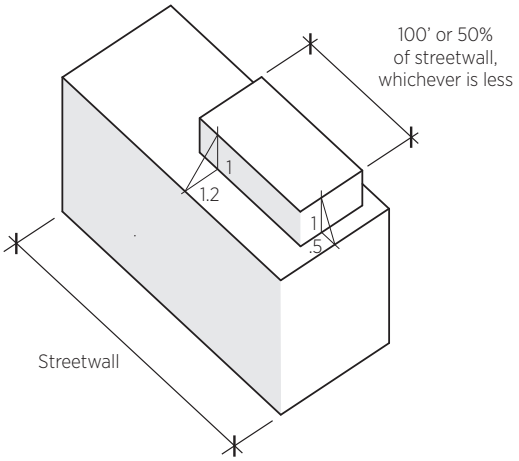


Figure 7.1 Height Limit Exceptions

Those portions of a building that exceed the indicated maximum height limit shall be no longer than fifty percent (50%) of building length (Figure 7.1). Railings, planters and visually permeable building elements no greater than forty-two inches (42") above the roof are exempt from step-back requirements (Figure 7.2).

(5) First floor-to-floor height shall be fifteen feet (15') minimum for non-residential use and ten feet (10') minimum for residential use. See note (C) in Figure 7.2.

(6) First floor finish level shall be twelve inches (12") maximum above sidewalk for first floor commercial use and thirty inches (30") minimum, twenty-four to forty-eight inches (24-48") for residential use. See note (D) in Figure 7.2.

(7) Upper floor-to-floor heights shall be ten feet (10') minimum. See note (E) in Figure 7.2.

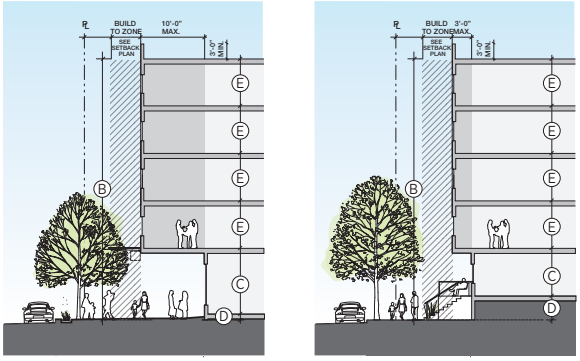


Figure 7.2 Commercial and Residential Buildings Heights

f. Parking and Service Areas

(1) Parking driveway width shall be twenty feet (20') maximum, only to be exceeded when driveway width must address service access or fire lane standards

(2) Shared driveways and cross access easements are required between lots to minimize curb cuts.

(3) Spacing between driveways shall comply with UDC and EDCM standards.

g. Encroachments

(1) In no case shall an encroachment be located over an on-street parking space or travel lane.

(2) All encroachments over public right-of-way shall obtain a Waiver of Encroachment from the City of Pearland.

h. Utilities

(1) All primary utility lines shall be located underground.

(2) All secondary utility lines shall be located underground where practical.

(3) Any secondary utility lines or equipment located above ground shall be approved by the City Manager or designee.

2. General Notes

(1) The area between the building and the edge of the BTZ or the edge of the public sidewalk shall be paved flush with the sidewalk. This area can have landscaping and planting within tree wells and planters but shall not have lawns or landscape islands.

(2) Attics and mezzanines less than seven feet (7') (avg.) height shall not be counted as a story.

(3) Corner buildings may exceed the maximum building height by fifteen percent (15%) for twenty percent (20%) of the building's frontage along each corresponding street façade.

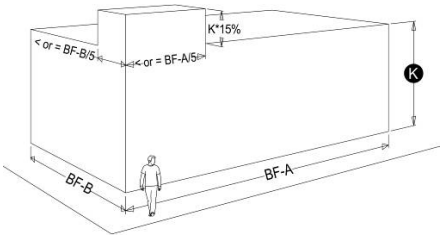


Figure 7.3 Corner Building Height

(4) Ground and roof mounted mechanical equipment shall be screened from direct ground level view from adjoining public rights-of-way. In addition to a parapet wall no lower than thirty-six inches (36"), the perimeter of any visible roof mounted mechanical equipment shall be circumscribed by a wall or permanent screen that is at least as tall as the equipment itself.

(5) Setbacks and build-to lines on recessed entries and arcade buildings shall be measured from the building façade line.

(6) Chapter 4 Site Development Section 4.2.1.3 of the City of Pearland Unified Development Code, Eighth Edition, January 2013 and the T-15 and T-16 amendments approved June 24, 2013 and December 16, 2013, shall apply for design of off-street parking areas, except as modified by this PD document.

(7) All parking structures must have at least three (3) sides of occupiable uses (at all floor levels) and the remaining side must be clad in an architectural screen.

B. Public Square Sub-district

The following Building Form and Development Standards, which complement and/or amplify corresponding standards in Section A of this part, shall apply specifically to development within the Public Square Sub-district.

1. Public Square Sub-district Standards

a. Building Placement

(1) Refer to Figure 7.4 for Build-To Zone (BTZ) requirements (Distance from property line to the edge of the BTZ)

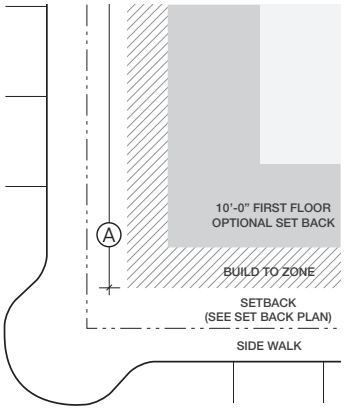


Figure 7.4 Public Square Sub-district BTZ

(2) Building Frontage required: 80% (min.). See note (A) in Figure 7.4.

b. Block Standards

(1) There are no block standards that apply specifically to the Public Square Sub-district.

c. Commercial Frontage Requirements

(1) First floors of Retail uses shall be built to include first floor-to-floor height of fifteen feet (15') minimum, ingress and egress, handicap access, and first floor elevation flush with the sidewalk.

(2) Refer to Part 8 of this PD document for additional frontage design controls.

d. Special Frontage Requirements

(1) First floors of all buildings fronting Ivy Square shall be occupied by Retail uses.

(2) Refer to Part 8 of this PD document for additional frontage design controls.

e. Building Height

(1) Refer to Table 7.2 for building height standards applicable to the Public Square Sub-district.

f. Encroachments

(1) Canopies, signs, awnings and balconies may encroach over the sidewalk as long as the vertical clearance is a minimum of eight feet (8').

g. Utilities

(1) There are no utilities standards that apply specifically to the Public Square Sub-district.

2. Public Square Sub-district Notes

(1) First floor heights shall not apply to parking structures

(2) All buildings in the Public Square Sub-district shall meet the Building Design Controls in Part 8 of this document.

(3) One district parking structure may be allowed with all sides clad in an architectural screen, in lieu of an occupiable use.

C. Parkside Neighborhood Sub-district

The following Building Form and Development Standards, which complement and/or amplify corresponding standards in Section A of this part, shall apply specifically to development within the Parkside Neighborhood Sub-district.

1. Parkside Neighborhood Sub-district Standards

a. Building Placement

(1) Refer to Figure 7.5 for Build-To Zone (BTZ) requirements (Distance from property line to the edge of the BTZ)

(2) Building Frontage required: 60% (min.). See note (A) in Figure 7.4.

b. Block Standards

(1) There are no block standards that apply specifically to the Parkside Neighborhood Sub-district.

c. Commercial Frontage Requirements

(1) There are no commercial frontage standards that apply specifically to the Parkside Neighborhood Sub-district.

d. Special Frontage Requirements

(1) There are no special frontage standards that apply specifically to the Parkside Neighborhood Sub-district.

e. Building Height

(1) Refer to Table 7.2 for building height standards applicable to the Parkside Neighborhood Sub-district.

(2) Any Accessory Building shall have a maximum height limit of one (1) story.

f. Encroachments

(1) At corner lots, canopies, signs, awnings and balconies may encroach over the sidewalk as long as the vertical clearance is a minimum of eight feet (8').

g. Utilities

(1) There are no utilities standards that apply specifically to the Parkside Neighborhood Sub-district.

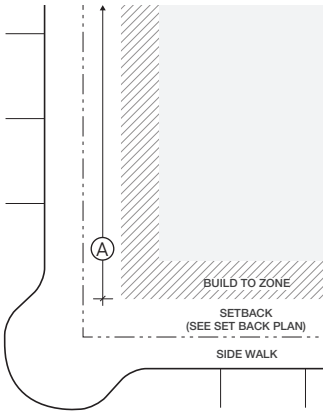


Figure 7.5 Parkside Neighborhood Sub-district BTZ

2. Parkside Neighborhood Sub-district Notes

(1) All buildings in the Parkside Neighborhood Sub-district shall comply with the Building Design Controls in Part 8 of this document.

(2) All parking structures must have at least three (3) sides of occupiable uses (at all floor levels), and the remaining side must be clad in an architectural screen.

8 BUILDING DESIGN CONTROLS

A. Introduction

The Building Design Controls for the Ivy District shall establish a coherent urban character and encourage enduring and attractive development. Development plans or site plans shall be reviewed by the City Manager or Designee for compliance with the controls below. The key design principles establish essential goals for development in the Ivy District to encourage the preservation, sustainability, and visual quality of this unique environment.

B. General Building Design Controls

1. General Standards

a. Overall

(1) Buildings shall be located and designed so that they provide visual interest and create enjoyable, human-scaled spaces.

(2) New buildings shall utilize building elements and details to achieve a pedestrian-oriented public realm.

(3) Building façades shall include appropriate architectural details to create variety and interest.

(4) Open space(s) shall be incorporated to provide usable public areas integral to the urban environment.

b. Building Orientation

(1) Primary entrance to buildings shall be located on the street along which the building is oriented.

(2) All primary entrances shall be oriented to the public sidewalk for ease of pedestrian access.

c. Design of Parking Structures

(1) Where above-ground structured parking is located at the perimeter of a building, it shall be screened in such a way that cars on all parking levels are completely hidden from view from all adjacent public and private streets.

(2) Parking garage ramps shall not be visible from any public street. Ramps shall not be located along the perimeter of the parking structure.

(3) Architectural screens shall be used to articulate the façade, hide parked vehicles, and shield lighting. Architectural screens shall have consistent façade materials with neighboring buildings and shall be complementary in their articulation. In addition, the first-floor façade treatment (building materials, windows, and architectural detailing) shall be continued to the second floor of a parking structure.

(4) When parking structures are located at street intersections, corner architectural elements shall be incorporated, such as corner entrance, signage and glazing.

(5) Parking structures and adjacent sidewalks shall be designed so pedestrians and bicyclists are clearly visible to entering and exiting automobiles.

d. Building Materials

(1) Primary building façade materials shall consist of the following: brick, stone, stucco utilizing a three-step process, spandrel glass shadow box, cementitious panel, colored or patterned resin-impregnated panel, or glass block. Resin-impregnated panels shall be composed of kraft paper or layers or similar material impregnated with phenolic resin which has been compressed and bonded under heat and high pressure. Primary building façade materials shall comprise no less than eighty percent (80%) of a building's façade (excluding doors and windows). The remaining twenty percent (20%) may consist of either a complementary primary façade material or an allowable accent material (see Par. 2 below). If one or more complementary primary material is used for accent or contrast, then the accenting or contrasting primary materials may exceed twenty percent (20%), as long as no single primary material exceeds eighty percent (80%).

(2) Materials allowed exclusively as an accent material include the following: wood, modular architectural metal panel system with concealed fasteners and high-performance coating or natural-weathering face material, split-face concrete block, tile, or pre-cast concrete panels. Materials allowed exclusively as accent materials may be used on no more than twenty percent (20%) of a building's façade. More than one (1) accent material may be used as long as the total amount does not exceed twenty percent (20%).

(3) Façades shall not be made of EIFS. EIFS shall be limited to moldings and architectural detailing on building façades. EIFS materials shall constitute less

than ten percent (10%) of any building and shall not be used on any portion of any wall that is lower than twenty feet (20') from grade, unless otherwise approved by the Building Official.

(4) Cementitious-fiber panels with at least a fifty (50)-year warranty shall only be used on twenty percent (20%) of the upper floor.

(5) Roofing materials visible from any public right-of-way shall be copper, zinc, factory finished standing seam metal or metal panel, terra cotta, stone, synthetic stone, or similar materials.

e. Façade Composition

(1) Non-residential structures fifty-thousand (50,000) square feet in area or greater shall incorporate façade articulation of at least three feet (3') in depth for every twenty-five feet (25') (not cumulatively) in vertical height or horizontal length.

(2) Non-residential structures less than fifty-thousand (50,000) square feet shall incorporate façade articulation of at least one foot (1') in depth for every ten feet (10') (not cumulatively) in vertical height or horizontal length.

(3) Residential buildings shall incorporate façade articulation of at least four inches (4") in depth at each floor vertically and between twenty feet (20') and thirty feet (30') in horizontal length.

(4) Buildings three (3) stories or higher shall provide façade articulation which distinguishes between the street level and the upper level of the building. This rhythm shall be expressed by changing materials, or color, or by using design elements such as fenestration, columns, or by façade articulation.

(5) For retail storefront buildings, display window areas shall be utilized.

(6) Storefronts on façades that span multiple tenants shall use architecturally compatible materials, colors, details, awnings, signage, and lighting fixtures.

(7) Building entrances shall be defined and articulated by architectural elements such as entry portals, porches, overhangs, railings, balustrades, and others as appropriate. All building elements shall be compatible with the architectural style, materials, colors, and details of the building as a whole.

f. Commercial Frontage

(1) All primary retail entrances must meet the sidewalk at grade.

(2) Active use first floors must have a minimum floor-to-floor height of fifteen feet (15') with a minimum of twelve foot (12') ceilings.

(3) Active use spaces shall be expressed with façade treatments that are scaled to human activity on the street. Lower levels of the building shall include changes in materials or changes in fenestration scaled to create a comfortable pedestrian zone.

(4) First floor retail and other commercial uses must be physically and visually oriented towards a public right-of-way or easement, such as a plaza or pedestrian passage.

(5) At least fifty percent (50%) of the length of the first floor façade between the height of two (2) and twelve (12) feet shall be devoted to transparent windows, doors and/or visually open spaces (such as courtyards, forecourts, and pedestrian breezeways), to allow maximum visual interaction between sidewalk areas and the interior of active use spaces. The use of dark or mirrored glass is not permitted.

(6) In order to allow for multiple storefronts, retail bays shall be no greater than thirty-five feet (35') wide, measured along the street frontage, even if initial retail tenants occupy more than one bay.

(7) Tenant improvements of retail spaces must maintain the transparency of the storefront; this may be achieved with the placement of public areas of the proposed use adjacent to the façade and by avoiding the use of shades, curtains or displays that compromise visibility into the space.

(8) When commercial first floor uses incorporate outdoor seating and dining, a minimum sidewalk through-way dimension of six feet (6') must be maintained.

g. Residential Frontage

(1) Each first floor residential unit shall have an individual entry door directly from an adjacent courtyard, dedicated open space, public right-of-way or easement.

(2) Where first floor residential units face a public right-of-way or easement residential entries shall occur

at a minimum average of one (1) door per thirty-five (35) linear feet of building frontage.

(3) Residential entries shall be sheltered from the rain and wind and provide an entry light. First floor residential unit entries shall be recessed a minimum of eighteen inches (18") from the streetwall.

(4) At least fifty percent (50%) of the first floor façade of residential buildings shall be devoted to transparent windows and doors to allow maximum visual interaction between sidewalk areas and the interior of residential units. The use of dark or mirrored glass is not permitted.

(5) First floor residential units shall have a minimum floor to floor height of ten feet (10').

(6) Along a sloped street frontage, the elevation change between the first habitable floor of a residential dwelling unit and the back of sidewalk are permitted to be up to five feet (5') in height for fifty percent (50%) of the streetwall.

(7) A twenty-four to forty-eight inch (24–48") elevation change shall be provided between the first habitable floor of first floor residential dwelling units and the sidewalk grade in order to provide adequate separation between the interior of residential units and the public realm, while maintaining visual connection. Entries and common areas to residential buildings may be at sidewalk grade.

h. Windows and Doors

(1) Windows and doors on street-fronting façades shall be designed to be proportional and appropriate to the specific architectural qualities of the building.

(2) First-floor windows shall not be opaque, tinted or mirrored glass.

(3) All first floor retail front façades of buildings shall have transparent storefront windows covering no less than fifty percent (50%) of the façade area.

(4) Glazing must be of low reflectance (12% of visible exterior light).

(5) All commercial building façades should have transparent windows covering at least fifty percent (50%) of the façade area for all floors.

(6) All façades of residential buildings shall have transparent windows covering at least thirty percent (30%) of the façade area for all floors.

i. Sustainability

(1) Guidelines for all sustainable site and building elements or systems shall meet all current sustainable industry standards and best practices.

(2) All new Ivy District buildings shall be LEED® certified. Buildings shall be constructed to all current sustainable industry standards and best practices to contribute to the ecological sustainability and overall health and wellness of the neighborhood residents.

j. Building Top

(1) Mechanical equipment located on top of buildings must be screened from public view and from neighboring buildings with enclosures, parapets, setbacks, landscaping, or other means. Any enclosure or screening used must be designed as a logical extension of the building, using similar materials and detailing as the rest of the building's surfaces.

(2) A minimum of twenty percent (20%) of all building and parking structure roof area shall incorporate photovoltaic panels in the Parkside Neighborhood and Public Square Sub-Districts. Guidelines for installation of photovoltaic panels shall meet all current industry standards and best practices.

(3) A minimum of twenty percent (20%) of all building of area shall include green roofs systems in the Parkside Neighborhood and Public Square Sub-Districts. Guidelines for green roof construction standards shall meet all current industry standards and best practices. Green roofs shall be constructed in such a way to encourage residents or visitors to inhabit them.

(4) Where feasible, roof designs shall include systems such as vegetated roof covers, with growing media and plants which minimize heat island effect and stormwater run-off and improve thermal envelope performance.

(5) Living roofs must incorporate regionally appropriate plant species to minimize water consumption requirements.

2. General Guidelines

The following General Building Design Guidelines complement corresponding general standards in Section B.1 of this part.

a. Overall

(1) Compatibility is not meant to be achieved through uniformity, but through the use of complementary variations in building elements to achieve individual building identity.

(2) All new buildings at Ivy District should use a high quality, contemporary design vocabulary to provide the neighborhood with an overall modern aesthetic

(3) Residential units should be designed to maximize opportunities for residents to enjoy a more seamless connection between indoor and outdoor spaces. This may be reflected in the design of the building façade by including terraces, decks, balconies and roof gardens.

(4) Building designs should incorporate modulation and articulation such as massing reveals, changes of textures, materials, and/or colors, or shifts of the façade plane in order to create a pedestrian-scaled façade. Any façade articulation should be based on the overall building size and height in order to be legible at an urban scale.

b. Building Orientation

(1) At intersections, corner buildings may have their primary entrances oriented at an angle to the intersection.

(2) Secondary and service entrances may be located from internal parking areas or alleys.

c. Design of Parking Structures

(1) There are no general building design guidelines that apply specifically to parking structures.

d. Building Materials

(1) There are no general building design guidelines that apply specifically to building materials.

e. Façade Composition

(1) Entrances to upper level uses may be defined and integrated into the design of the overall building façade.

(2) Corner emphasizing architectural features, awnings, blade signs, arcades, colonnades and balconies may be used along commercial storefronts to add pedestrian interest.

(3) Blank walls of more than twelve feet (12') in length are discouraged.

(4) Frontages used for utilities, storage, and services should be minimized and integrated into the overall articulation and fenestration of the façade by continuing design elements across these areas and therefore enhancing the visual interest of the service areas for pedestrians.

(5) Buildings which are located on axis with a terminating street or at the intersection of streets may be considered as feature buildings. Such buildings may be designed with features which take advantage of that location, such as an accentuated entry and a unique building articulation, which is offset from the front wall planes and goes above the main building eave or parapet line.

f. Commercial Frontage

(1) Active-use frontages should be designed in a manner that promotes a sense of vitality and liveliness in order to focus social activity at the Ivy District.

(2) Commercial and storefront entrances should be easily identifiable and distinguishable from residential entrances. Recessed doorways, awnings, transparencies, changes in color or materials are encouraged to identify and enhance retail entrances.

g. Residential Frontage

(1) To foster a pedestrian-focused neighborhood, building bases should convey a sense of activity and liveliness.

(2) Residential buildings should make every effort to activate and enliven the building base as the interface between the public and private realm.

h. Windows and Doors

(1) Punched windows in a predominantly solid wall should be recessed a minimum of two inches (2") in order to give building façades a sense of substance and depth.

i. Sustainability

(1) All new Ivy District buildings are intended to be constructed using ecologically sustainable materials and technologies in order to contribute to the reduction of natural resource consumption and waste production.

(2) Ivy District will develop goals and strategies

for building energy and water use, construction activities, and the selection of building materials, utilities and appliances.

j. Building Top

(1) Buildings should provide usable rooftop and/ or terraced open spaces such as rooftop gardens and decks accessible to all units in the building.

(2) Green roofs may sustain a variety of plants and invertebrates, as well as provide a habitat for various bird species that enhance biodiversity within the Ivy District and the region as a whole.

3. General Examples

See Appendix D, Building Examples for images of building tops that are representative of the building character for green roofs.

C. Public Square Sub-district Building Design Controls

The following Building Design Controls complement and/or amplify General Building Design Standards and Guidelines in Sections A and B of this part.

1. Public Square Sub-district Standards

a. Building Materials

(1) Side and rear façades shall be of finished quality and of the same color that blends with the front of the building

(2) Accessory buildings, enclosed garages, or carports shall be designed and constructed of the same material as the primary building.

2. Public Square Sub-district Guidelines

There are no building design guidelines that apply specifically to the Public Square Sub-district.

3. Public Square Sub-district Examples

See Appendix D, Building Examples for images of elevations that are representative of the intended design character for proposed buildings in the Public Square Sub-district.

D. Parkside Neighborhood Sub-district Building Design Controls

The following Building Design Controls complement and/or amplify General Building Design Standards and Guidelines in Sections A and B of this part.

1. Parkside Neighborhood Sub-district Standards

a. Building Materials

(1) Side and rear façades shall be of finished quality and of the same color that blend with the front of the building.

(2) Accessory buildings, enclosed garages or carports shall be designed and constructed of the same material as the primary building.

b. Façade Composition

(1) At least one of the following—porches, bay windows, stoops, eaves or balconies—shall be added every thirty feet (30') along the front residential façades to add pedestrian interest along the street.

(2) Porches must be a minimum of five feet (5') by eight feet (8') and covered with a roof. Bay windows must be at least a two foot (2') projection, four feet (4') wide and eight feet (8') tall.

(3) Stoops are elevated entrances and must be at least five feet (5') by five feet (5') at the entry level.

(4) Eaves must be at least one foot (1') deep.

(5) Balconies must be five feet (5') by eight feet (8') and are not required to be covered.

(6) Any façade articulation shall be based on the overall building size and height in order to be legible at an urban scale.

(7) For residential buildings the grade of the slab or first floor elevation shall be elevated at least thirty inches (30") above the grade of the sidewalk.

2. Parkside Neighborhood Sub-district Guidelines

There are no building design guidelines that apply specifically to the Parkside Neighborhood Sub-district.

3. Parkside Examples

See Appendix D, Building Examples for images of elevations that are representative of the intended design character for proposed buildings in the Parkside Neighborhood Sub-district.

9 STREET AND STREETSCAPE DESIGN CONTROLS

A. Introduction

Streets in the Ivy District need to support the overall goal of a mixed use, compact, pedestrian oriented district. They balance all forms of mobility while maximizing convenience for residents and visitors. The Street Network Plan (Exhibit B3) designates the street network within the Ivy District. This part of the PD document specifies the typical configuration of streets within the Ivy District. The specifications address vehicular lane width, parkway widths, right-of-way (R.O.W.) widths, number of travel lanes, on-street parking, and pedestrian and bicycle accommodation. The character of streets in the Ivy District will vary based on the location. This part of the PD document also establishes streetscape design controls.

B. Street Design Controls

This portion of the PD document specifies design standards for Ivy District streets.

1. Public Streets

Major perimeter streets serving the Ivy District shall be public streets dedicated to and maintained by the City of Pearland.

2. Private Streets

Interior streets within the Ivy District shall be private streets owned and maintained by the developer.

3. South Spectrum Drive

The intersection of South Spectrum Drive and SH-288 frontage road, as well as portion of the street continuing west, has been constructed and the existing street section will be extended westward to the intersection of Promenade Shops Drive to serve the Ivy District. Therefore, the proposed "Boulevard" street type (see Table 9.1 and Section 2.a of this Part 9), which applies to South Spectrum Drive, will be conformed to match existing conditions.

4. SH 288

Access to the Ivy District from the SH 288 west frontage road will be via the existing South Spectrum Drive intersection; therefore, no modifications to the SH 288 frontage road are proposed.

5. Fruge Road

A connection to Fruge Road from Promenade Shops Drive will be made as illustrated in Exhibit B1, "Site Plan" in Appendix B.

6. Street Classification

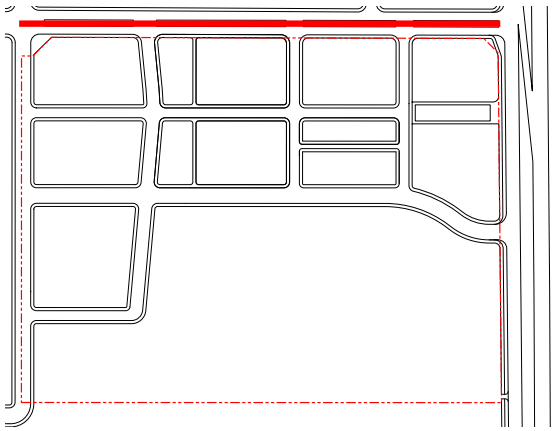
Table 9.1 and associated cross sections shall establish the cross sections for each street type. The proposed cross sections may be adjusted prior to plat approval to meet the requirements of the Ivy District Traffic Impact Analysis Report in order to ensure that all roads comply with applicable engineering requirements and traffic policies of the City of Pearland in compliance with Texas Municipal Uniform Traffic Control Devices and AASHTO, latest edition, as well as all other applicable codes in place at the time of development.

TABLE 9.1 - STREET GUIDELINES

Street Classification	*Street Width (Recommended min. R.O.W)*	*Number of Vehicular Lanes*	*Vehicular Lane Widths*	*Number of Bike Lanes**	*Bike Lane Widths*	*Turn Radius (max.)*	*Median*	*On-Street Parking*	*Pedestrian Sidewalk Width (min.)*	*Parkway/ Tree Well*
Boulevard Street Type (Public)	82 feet	4	11 feet	0	None	30 feet	Yes, 14 feet	None	7' wide	5' wide
Neighborhood Collector Street Type (Public)	94 feet	2	11 feet	2	5 feet	20 feet	Yes, 14 feet	Yes	11' wide	5' wide
Neighborhood Collector Street Type (Private)	76 feet	2	11 feet	2	6 feet	20 feet	None	Yes	6'-6" wide	4'-6" wide
Local Street Type (Private)	56 feet	2	11 feet	0	None	15 feet	None	Yes	6'-0" wide	4'-0" wide

* The Ivy District shall encourage the extension of bike lanes into adjoining future developments. If such extension does not happen, the Ivy District shall provide an alternate connection to any future bike lanes that are part of Spectrum Drive.

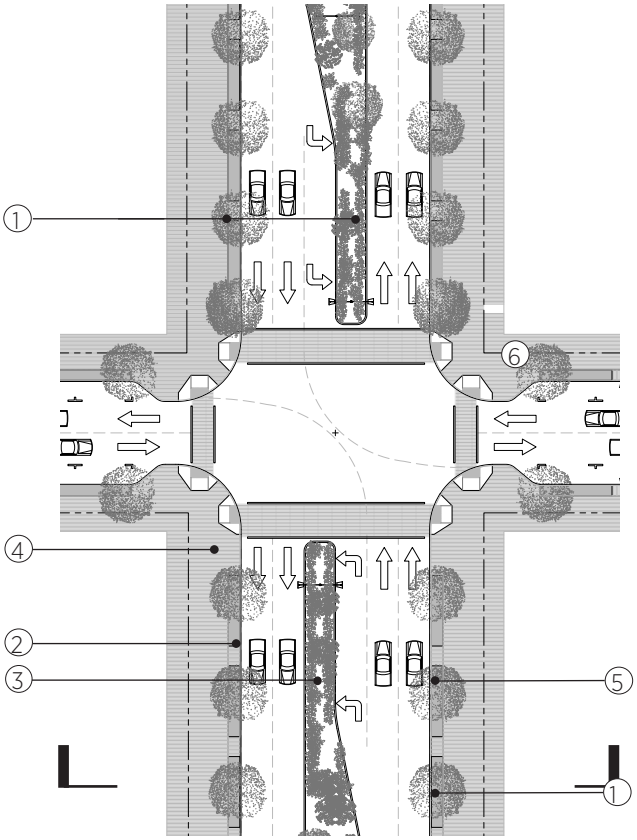
a. Boulevard Street Type (Public) - 82' R.O.W.



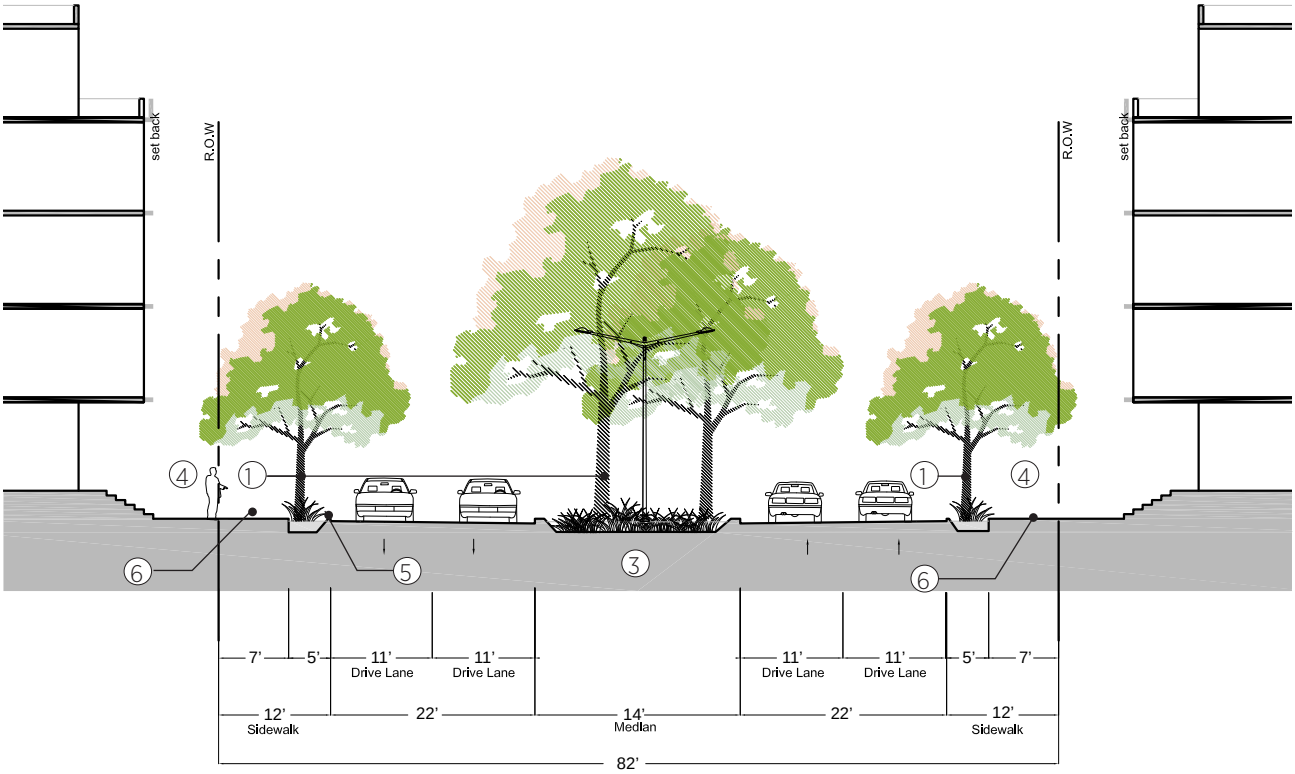
Key Plan

Boulevard Design Features

1. Street tree
2. Seating zone
3. Planted median
4. Paved pedestrian zone
5. Tree grate
6. Concrete sidewalk



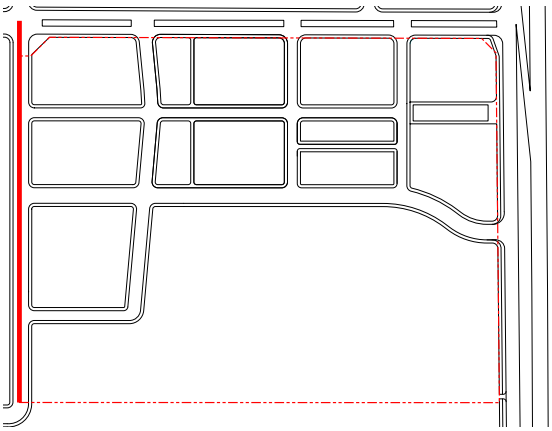
Illustrative Plan



Typical Section

*Lane width established for a WB-50 design vehicle.

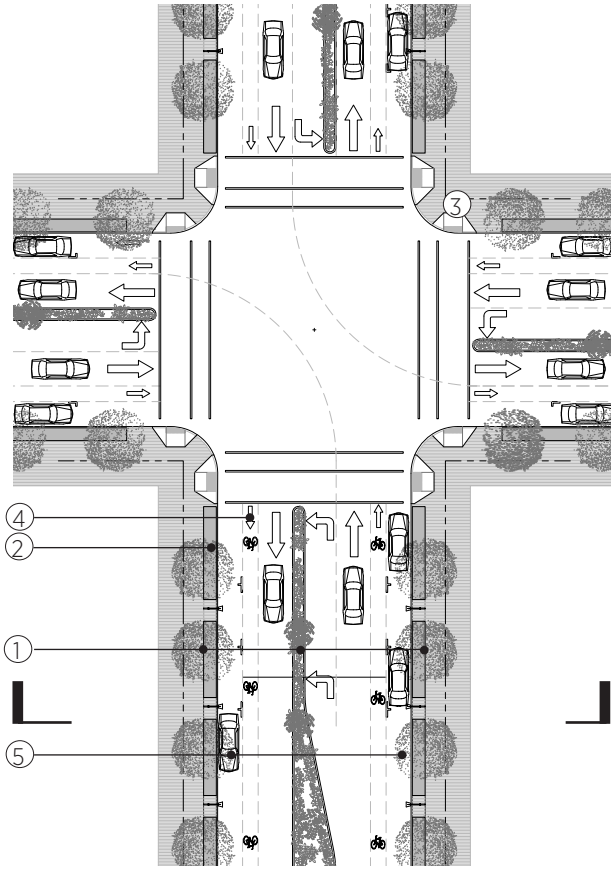
b. Neighborhood Collector Street Type (Public) - 94' R.O.W.



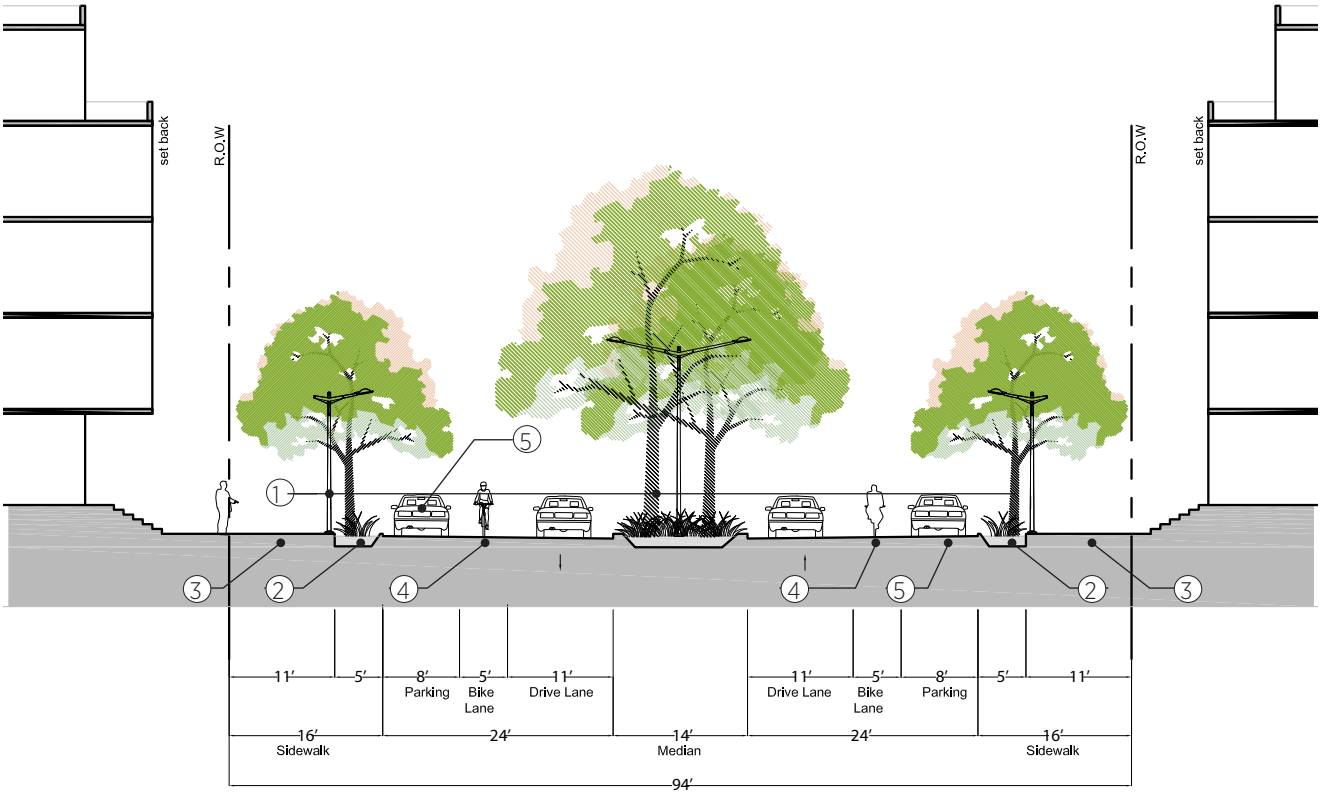
Key Plan

Neighborhood Collector Street Design Features

1. Street trees
2. Tree grate
3. Concrete sidewalk
4. Bike Lane
5. On-street parking



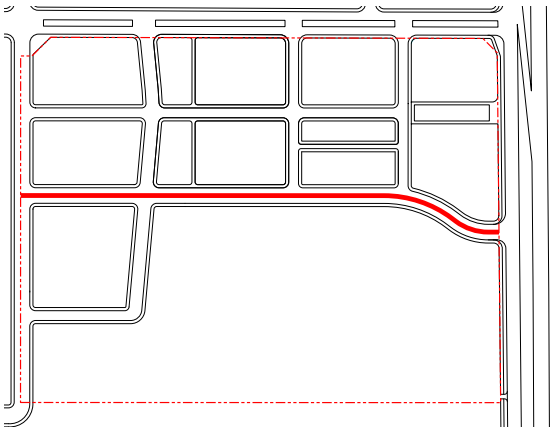
Illustrative Plan



Typical Section

*Lane width established for a WB-50 design vehicle.

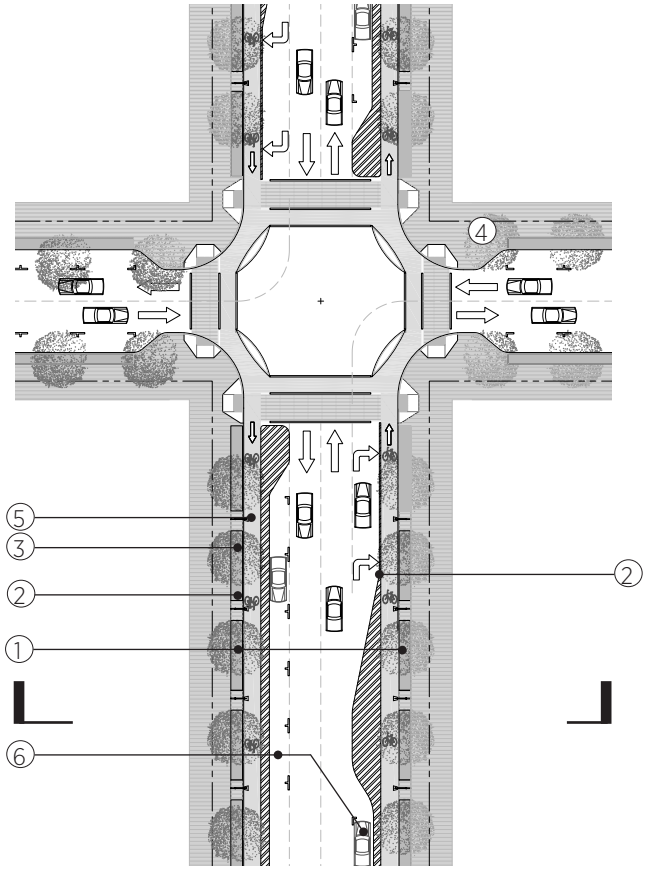
c. Neighborhood Collector Street Type (Private) - 76' R.O.W.



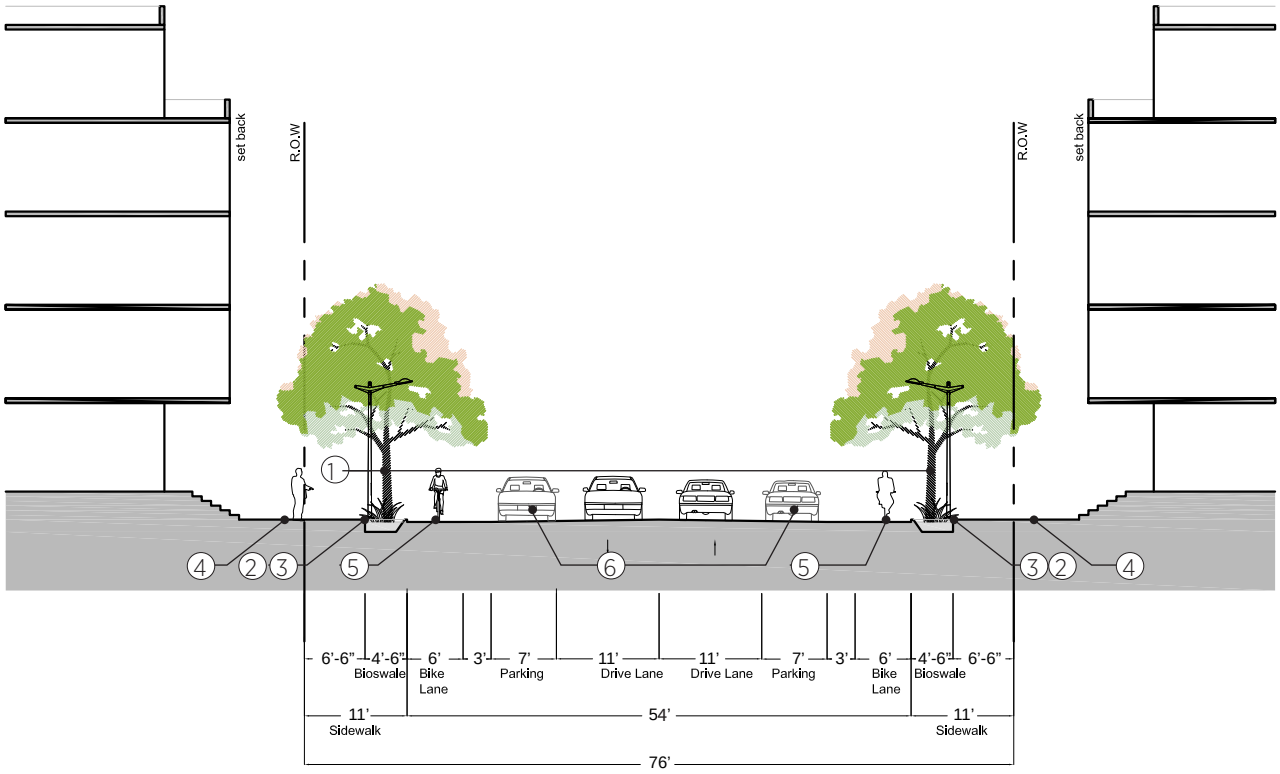
Key Plan

Neighborhood Collector Street Design Features

1. Street trees
2. Planted bioswale
3. Tree grate
4. Concrete sidewalk
5. Bike Lane
6. On-Street Parking



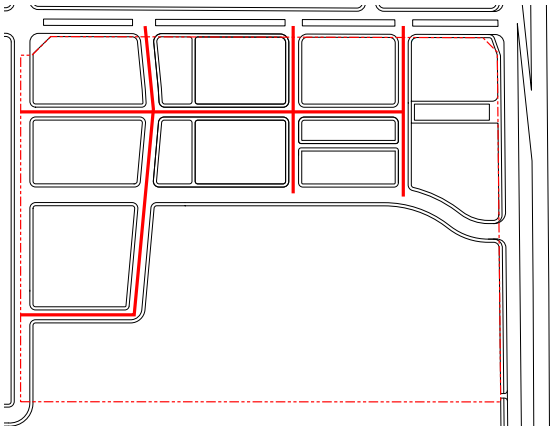
Illustrative Plan



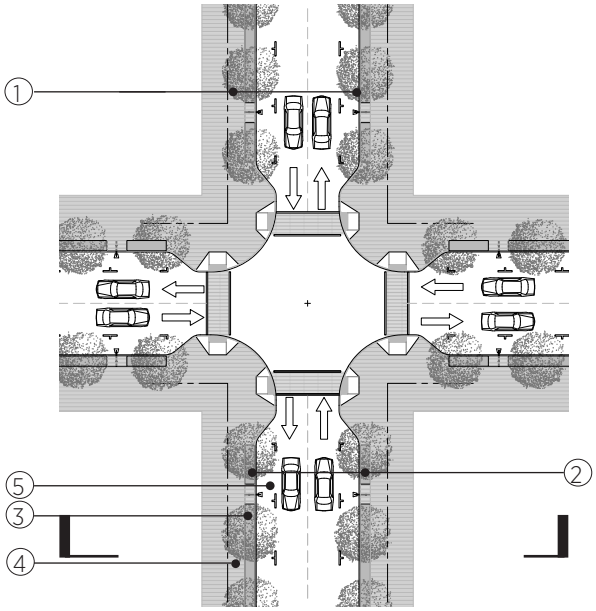
Typical Section

*Lane width established for a WB-50 design vehicle.

d. Local Street Type (Private) - 56' R.O.W.



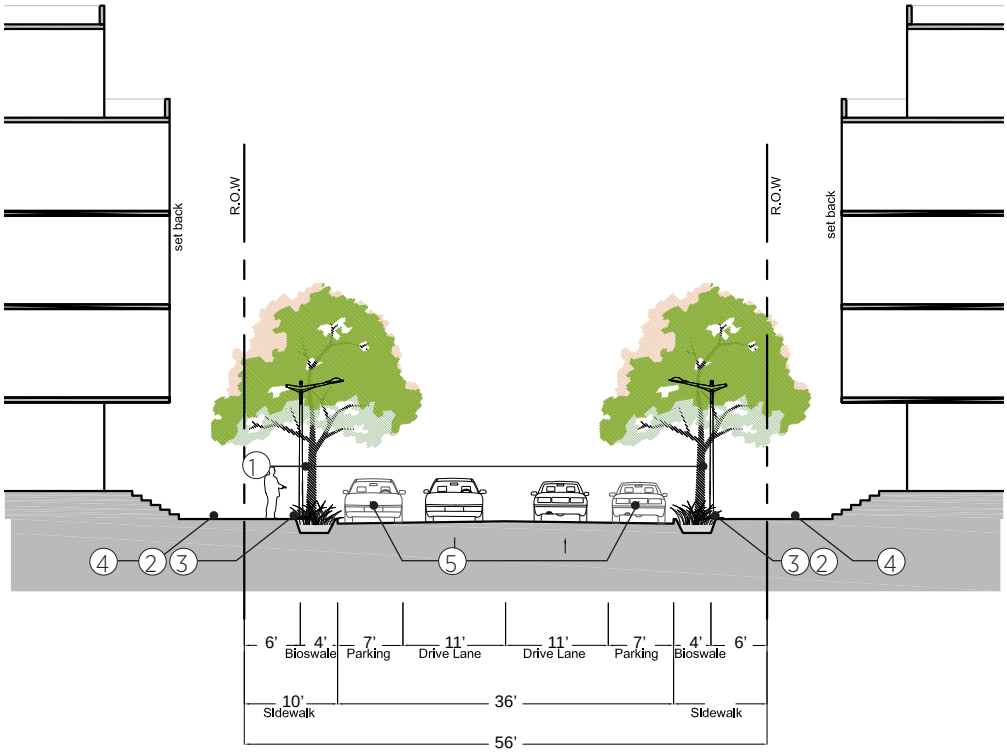
Key Plan



Illustrative Plan

Local Street Design Features

1. Street trees
2. Planted bioswale
3. Tree grate
4. Concrete sidewalk
5. On-Street Parking



Typical Section

*Lane width established for a WB-50 design vehicle.

C. Streetscape Design Controls

Streetscape standards and guidelines shall apply to all streets within Ivy District. Streetscape standards shall address all elements between the building face and edge of the curb. Typical streetscape elements addressed are street trees, lighting, street furniture and pedestrian amenities, and materials. A "Master Streetscape Plan" shall be prepared based on the design controls, which include standards, guidelines and examples, in this section and shall be approved by the City Manager prior to submittal of a plat application.

1. Standards

a. Street Trees

(1) Street trees shall be required on streets in the Ivy District (except on alleys).

(2) Street trees shall be planted approximately four feet (4') behind the curb line.

(3) Street tree spacing shall be an average of 30 feet (30') on center (measured per block face) along all streets.

(4) The minimum caliper size (caliper size for a multi trunk tree shall be the total of the diameter of the largest trunk and one half (½) of the diameter of each additional trunk, measured at a height of four and a half feet (4.5') above the ground) for each tree shall be 3 in. and shall be a minimum of 12 feet in height at planting. Each tree shall be planted in a planting area no less than 40 sf. However, the tree well area shall be no smaller than 16 sf.

(5) Boulevard trees shall be required in the median and spacing and species type shall be maintained along a street. The minimum caliper size for each boulevard tree shall be 3 in. and shall be a minimum of 12 feet in height at planting. Each tree shall be planted in a planting area no less than 40 sf. However, the tree well area shall be no smaller than 16 sf.

(6) Development of City standards and standards of other agencies having jurisdiction over public streets and SH 288 frontage roads for street trees and landscape are in progress; therefore, developer will coordinate with the City and other agencies to incorporate their requirements for street trees along public streets and the SH 288 frontage road into the Ivy District's Master Public Open Space and Landscape Plan.

(7) Street trees shall not conflict with the Utility Easements as defined in the Pearland Engineering Design Criteria Manual, June 2007.

b. Planted Areas

(1) When visible from the street and alleys, all unpaved ground areas shall be planted with low growing shrubs or ground cover, ornamental grasses, or a combination thereof. Turf grass must be installed as solid sod and not seeded on.

(2) Species shall include plants from the approved list of ground cover, vines, perennials, shrubs, and xeriscape plant list in Chapter 4 Site Development Section 4.2.2.5 and the Replacement Tree List in Chapter 4 Site Development Section 4.2.3.9 of the City of Pearland Unified Development Code, Eight Edition, January 2013 and the T-15 and T-16 amendments approved June 24, 2013 and December 16, 2013, except as modified by this PD document.

(3) Developer will coordinate with the City and other agencies to incorporate their requirements for planted areas along public streets and the SH 288 frontage road into the Ivy District's Master Public Open Space and Landscape Plan.

c. Maintenance

(1) Developer will maintain all street trees and planted areas along public streets from the back of the curb that is adjacent to the Ivy District site.

(2) Developer will maintain all street trees and planted areas along the SH 288 frontage road west of the site's eastern boundary.

(3) Developer will maintain all street trees and planted areas along and within the R.O.W. of all private streets.

2. Guidelines

There are no design guidelines established by this PD document that complement the standards established in the previous Subsection C.1 or the examples presented in the

following Subsection C.3 that apply specifically to streetscape and the development of the required Master Streetscape Plan.

3. Examples

See Appendix E, Streetscape Examples for images that are representative of the intended streetscape design character.

D. Street Furniture, Lighting, and Materials Design Controls

Street furniture, lighting, and materials standards and guidelines shall apply to all streets and streetscape within the Ivy District. Street furniture, lighting, and materials shall be incorporated into the Master Streetscape Plan.

1. Standards

a. Overall

(1) The specific terms related to the maintenance of light standards, street furniture, and sidewalk paving materials located within the sidewalks and roads dedicated to the city shall be outlined in the Development Agreement between the Ivy District and the City of Pearland. The Development agreement shall be in place prior to submittal of a development application.

(2) All utility service lines shall be located underground along all streets.

b. Street Furniture

(1) Street furniture and pedestrian amenities such as benches are required along all streets.

(2) All street furniture shall be located in such a manner as to allow a clear sidewalk passageway of a minimum of six feet (6').

(3) Trash receptacles and bike racks shall be required along streets. A minimum of one each per block face shall be required.

c. Lighting

(1) Ivy District shall use energy efficient bulbs and fixtures.

(2) All lighting must be shielded to prevent glare to private and public uses, especially residential units. The angle of maximum candela from each interior luminaire as located in the building shall intersect opaque building interior surfaces and not exit out through the windows.

(3) Lighting in Commercial Areas shall illuminate drive lanes and pedestrian areas. See Figure 9.1.

(4) Lighting types shall be modern, minimal and urban in character and shall not include historic replications.

(5) Lighting levels and fixture types shall be selected according to the use of each fixture type. For instance, bollards and other lighting fixtures that illuminate the ground plane but do not directly illuminate adjacent residential units shall be used in courtyards.

Figure 9.1 Commercial Lighting Typical Section

(6) Lighting in Residential Areas shall illuminate streetscape and pedestrian areas. See Figure 9.2.

Figure 9.2 Residential Lighting Typical Section

(7) Pedestrian scale lighting, with the top of fixture being no more than 20 feet from the ground, shall be provided along all streets except alleyways.

(8) Street lights shall be placed at 50 feet (min.) on center, approximately 2 feet behind the curb line.
(9) The light standard selected shall be compatible with the design of the street and buildings.

d. Materials

(1) Materials for all public and private streets are required to be concrete paving and are required to meet the minimum design performance specifications per the Pearland Engineering Design Criteria Manual, June 2007. Permeable paving zones are not permitted for either public or private streets.
(2) Materials for sidewalk paving shall be pavers or concrete paving that will meet the minimum design performance specifications per the Pearland Engineering Design Criteria Manual, June 2007.
(3) Materials selected for street furniture shall be of durable quality and require minimal maintenance.

2. Guidelines

The following guidelines complement Street Furniture, Lighting, and Materials Design Standards in Section D.1 of this part.

a. Overall

(1) There are no design guidelines that apply overall to street furniture, lighting, and materials.

b. Street Furniture

(1) There are no design guidelines that apply specifically to street furniture.

c. Lighting

(1) Security should primarily be provided through lighting and increased visibility, in place of armoring of windows and doorways.
(2) Certain areas of the Ivy District neighborhood are intended to have lower lighting levels, such as the Clear Creek Recreational Park where it is important to minimize light pollution so as not to disturb wildlife and maintain a natural setting.

d. Materials

(1) There are no design guidelines that apply specifically to materials.

3. Examples

See Appendix E, Streetscape Examples for images that are representative of furniture, lighting, and materials that would comply with the corresponding design controls.

10 | SIGNAGE DESIGN CONTROLS

A. Introduction

Signage helps to highlight the identity of businesses while enhancing the appearance of the streetscape and should be of a creative and engaging nature at the Ivy District. Except as specifically listed below, and in Table 10.1 in the following page, all other signage and sign standards must comply with Chapter 4 Site Development, Article 2, Division 5 Signage, as amended, of the City of Pearland UDC, 8th Edition, January 2013 and the T-15 and T-16 amendments approved June 24, 2013 and December 16, 2013, as amended, City Standards and the Texas Municipal Uniform Traffic Control Devices, latest edition. The signage standards and guidelines in this part shall apply to all signs in the Ivy District. A "Master Signage and Wayfinding Plan" shall be prepared based on the design controls in this part.

B. Signage Design Controls

1. Standards

a. Overall

(1) No billboards, roof signs, back-lit box signs, flashing, moving or video signs are permitted. Where possible, exposed junction boxes, lamps, tubing, conduits, or raceways are not permitted.

(2) Signage is intended to address the pedestrian level and no portion of any sign may extend more than twenty-five (25') above sidewalk grade.

b. Signage Area

(1) Sign area is defined as the area of a sign that is used for display purposes excluding small supports. Sign area shall be computed on the basis of a rectangle large enough to frame the display or text.

(2) Retail wall signs on buildings shall not exceed three square feet (3 sf) per linear foot of retail frontage or forty-five square feet (45 sf), whichever is lower, for each street frontage. Wall signs related to a full service grocery store may be up to one hundred fifty square feet (150 sf) per building face along a public right-of-way.

c. Signage Types

(1) One projecting sign per every thirty linear feet (30') of retail is permitted. Each primary projecting sign for retail tenants shall not exceed twenty-four square feet (24 sf) in area, and if a single tenant maintains more than thirty linear feet (30') of street frontage, each additional sign shall not exceed ten square feet (10 sf). Corner businesses are allowed one primary projecting sign per street frontage. Three-dimensional projecting signs shall not exceed forty-eight cubic feet (48 cf) in volume. Parking directional signs shall not exceed an area of fifteen square feet (15 sf).

(2) Signage on awnings is permitted in lieu of projecting signs and must not exceed thirty square feet (30 sf) of sign area.

(3) Residential wall signs shall not exceed twenty square feet (20 sf). Residential projects may utilize signage on awnings over the primary multi-unit entryway. Copy areas on awnings shall not exceed thirty square feet (30 sf).

2. Guidelines

The following guidelines complement Signage Design Standards in Section B.1 of this part.

a. Overall

(1) Consistency among signs within the Ivy District is encouraged to create visual harmony between signs, buildings, and other components of the district.

(2) Compatibility between signage, architectural and site design features are encouraged within the Ivy District.

(3) Signage that is in character with planned and existing uses is encouraged to create a unique sense of place.

(4) Multi-tenant commercial uses are encouraged to develop a unique set of sign regulations in conjunction with development standards.

3. Examples

See Appendix F, Signage Examples for images that are representative of signs that would comply with the signage design controls.

TABLE 10.1			
Sign Type	***Predominately Non-residential Areas***	***Predominately Residential Areas***	***Standard***
Wall (Building or Attached) Signs	P	P (Commercial and live-work uses only)	For all first floor commercial uses (retail, office, and restaurant): One sign per tenant space; area to be calculated at 1.5 sq. feet per linear foot of public street frontage for the tenant space with a maximum of 100 sq. ft per tenant. Second and upper floor commercial uses may also be permitted one second floor wall sign per tenant space per public street frontage; area to be calculated at 1.5 sq. feet per linear foot of second or upper floor frontage along that public street with a maximum of 125 sq. feet. Institutional uses (non-profits and churches): One sign per tenant space; area to be calculated at 1.5 sq. feet per linear foot of public street frontage with a maximum of 100 sq. feet. Live-Work and Home occupations: One sign limited to an area of 20 sq. feet max. Building sign may encroach a maximum of 12" on to a sidewalk while maintaining a vertical clearance of 8 feet from the finished sidewalk. Building signs may be externally lit. Marquee signs as only permitted as specified below.
Monument Signs	P	NP	One monument sign at the project entry for the purposes of identifying the project or district. Shall be in compliance with the Pearland Unified Development Code, 8th Edition, January 2013 and the T-15 and T-16 amendments approved June 24, 2013 and December 16, 2013, except as modified by this PD document.
Window Signs	P	P (Commercial and live-work uses only)	Limited to 20% of the window area. The following shall be exempt from this limitation: Addresses, closed/open signs, hours of operation, credit card logos, real estate signs, and now hiring signs; Mannequins and storefront displays of merchandise sold; and Interior directory signage identifying shopping aisles and merchandise display areas. Shall be in compliance with the Pearland Unified Development Code, 8th Edition, January 2013 and the T-15 and T-16 amendments approved June 24, 2013 and December 16, 2013, except as modified by this PD document.
Building Blade Signs	P	P (Commercial and live-work uses only)	One per building (commercial and mixed use buildings only). Area = 30 sq. feet maximum per sign face. May encroach a maximum of 6 feet over a sidewalk, but shall not encroach over any parking or travel lane. Building blade signs may be attached to the building at the corners of building or along any street facing façade above the first floor facade.
Tenant Blade Signs	P	P (Commercial and live-work uses only)	One per commercial tenant space (retail, office, or restaurant use). Area = 16 sq. feet maximum per sign face. May encroach a maximum of 4 feet over a public sidewalk, but shall not encroach over any parking or travel lane. Tenant blade signs shall be oriented perpendicular to the building façade and hung under the soffit of an arcade or under a canopy/awning or attached to the building façade immediately over the first floor tenant space while maintaining a vertical clearance of 8 feet from the finished sidewalk.

Sign Type	*Predominately Non-residential Areas*	*Predominately Residential Areas*	*Standard*
Marquee Signs	P	NP	Permitted for theaters, auditoriums, and other public gathering venues of 100 persons or more. Marquee signs shall be attached to the building or located above or below a canopy only. Area = 100 sq. feet maximum. Message board may be changeable copy (electronic and non-electronic) and shall be limited to 50% of the sign area. Electronic message boards shall be non-flashing, nor shall flashing lights of any kind be permitted. Electric Marquee signs shall have an accessible disconnect switch and shall be labeled to indicate the voltage and amperage of electrical circuits connected to the sign.
For Sale/For Lease Signs	P	P	Same as City of Pearland Sign Regulations
Address Signs	P	P	Same as City of Pearland Sign Regulations
Temporary Construction Signs	P	P	Same as City of Pearland Sign Regulations
Banners	P	P	Same as City of Pearland Sign Regulations
Sandwich Board Signs	P	P (Commercial and live-work uses only)	Permitted only for retail, service, or restaurant uses. Limited to 12 sq. feet per sign face per storefront. Sign may not exceed 4 feet in height. A minimum of 6 feet of sidewalk shall remain clear. Chalkboards may be used for daily changing of messages. Readerboards (electronic and non-electronic) shall be prohibited. Sign shall be removed every day after the business is closed Sign shall remain out of the public R.O.W.
Light Pole Banners	P	P	Permitted only with approval of the City. Must allow for 8 ft. clear height below banner. Max. 10 sq. feet per sign face. Limited to one per light pole. All light pole banners shall be approved by the appropriate utility company prior to consideration by the City. Light pole banners shall be limited to publicize community-wide events, holiday celebrations, public art, and other city sponsored events. Light pole banners shall have a unified design for the entire district.
Directory Signs	P	P (Commercial and live-work uses only)	Shall be allowed for all multi-tenant commercial and mixed use buildings only. One directory sign per multi-tenant building limited to 12 sq. feet in area. Design of the sign shall be integral to the façade on which the sign is to be affixed.
Pole Signs	NP	NP	
LED Signs	NP	NP	

P = Permitted

NP = Not Permitted

11 OPEN SPACE DESIGN CONTROLS

A. Introduction

This part establishes the Public Open Space and Private Open Space Design Controls for Ivy District. The Public Open Space Design Plan, Exhibit B6, designates several areas for proposed Public Open Space types within Ivy District. The detailed Public Open Space Design Controls for each type are included in this portion of the PD document. A "Master Open Space and Landscape Plan" shall be prepared based on the design controls in this part.

B. Public Open Space Design Controls

The design of Public Open Space shall be regulated by the Public Open Space standards herein which shall create a network of open spaces that recognizes the natural qualities of the area while providing a range of both passive and active recreational opportunities. These opportunities are accommodated in a variety of spaces ranging from larger parks to neighborhood-scaled greens to urban squares, plazas, and gardens. The open space network will be serviced by an interconnected network of trails and paths for pedestrians and bicyclists alike. Open space designs shall adhere to the standards and guidelines, contained within this section, for specific, open space types illustrated in Exhibit B6, Public Open Space Plan.

1. Standards

a. Overall

(1) Areas designated as publicly accessible open space at the Ivy District are illustrated in Exhibit B6, Public Open Space Plan. Publicly Accessible Open Space at The Ivy District, excluding tower areas and courtyards, must be publicly accessible at all times, subject to reasonable maintenance, operations, and repair and security rights.

(2) Building structures may be permitted within areas designated as Dedicated Open Space in Exhibit B6, Public Open Space Plan. Some permitted buildings include public restrooms no greater than 500 square feet; and open-air park pavilions, and buildings and uses specifically permitted within Tables 6.3 and 6.4.

(3) All amenities located in the Public Open Spaces shall also meet the standards of the Harris and Brazoria County Flood Control District. Public use of amenities that overlap with the Harris and Brazoria County Flood Control District water shed space shall be approved by both the Harris and Brazoria County Flood Control Districts prior to submittal of a plat application.

(4) Public Open Spaces shall include a rainwater detention area for street and roof runoff.

b. Clear Creek Recreational Park

(1) The Clear Creek Recreational Park shall be defined by multi-use pathways, as well as landscaped open space.

(2) The Clear Creek Recreational Park shall include limited hardscape areas with benches and areas for casual seating.

(3) Restroom facilities shall be provided in a convenient location for users of the Clear Creek Recreational Park.

(4) Water Drinking fountains shall be provided in a convenient location for users of the Clear Creek Recreational Park.

(5) Where necessary, Clear Creek shall be lined to reduce erosion and protect the existing slope south of the stream.

c. Art & Culture Green

(1) Art & Culture Green shall include a rainwater detention pond, fed by rainwater runoff from adjacent streets.

(2) In order to allow overland flows of rainwater from the street to the detention pond Art & Culture Green shall be curbless. Bollards or other visually attractive barriers must be incorporated to separate and define vehicle and pedestrian zones.

d. Parkside Green

(1) Parkside Green shall primarily be naturally landscaped with many shaded places to sit.

(2) Parkside Green shall incorporate an active or structured recreational component such as, but not limited to, a playground, community gardens or bocce court.

e. Ivy Square

(1) The square shall have a more urban, formal character and be defined by the surrounding building frontages and adjacent tree-lined streets.

(2) All buildings adjacent to the square shall front onto the square.
(3) Adjacent streets shall be lined with appropriately scaled trees that help to define the square.
(4) The landscape shall consist of lawns, trees, and shrubs planted in formal patterns and furnished with paths and benches.
(5) Shaded areas for seating shall be provided.

f. Ivy Plaza

(1) Size shall range from 0.25 acre to 1 acre. Shall front on at least one (1) street.
(2) Building frontages shall define these spaces.
(3) The landscape shall consist primarily of hardscape. If trees are included, they shall be formally arranged and of appropriate scale.
(4) Planting, including trees and shrubs, are required.
(5) Casual seating, along with tables and chairs, shall be provided.

g. Ivy Garden

(1) Ivy Garden shall be defined by a formal pattern of walkways.
(2) Lawns, trees, and ornamental plants shall be planted in formal patterns.
(3) Shaded areas with seating shall be provided.

h. Ancillary Structures

(1) Ancillary structures within public Public Open Spaces shall be formal in character and generally related to, but clearly subordinate to surrounding buildings.
(2) Each individual structure shall keep in character or complement the style of nearby buildings.
(3) Ancillary structures shall have one or more open sides or covered area that provides shade and shelter.

2. Guidelines

The following guidelines complement Public Open Space Design Standards in Section B.2 of this part.

a. Overall

(1) The open space network should provide a wide range of activities including, but not limited to: active recreation areas such as sports courts and playgrounds; social activity and gathering areas such as outdoor dining and seating areas; food production areas such as community gardens and the organic farm; and natural settings such as the stream corridor.
(2) Public Open Spaces should be planted with native or acclimated tree and plant species.
(3) Tree planting should follow the optimal growth of each tree species chosen and defined by a certified arborist at the time of planting.
(4) Rainwater detention areas should incorporate a water feature as an amenity for residents.
(5) Public Open Spaces should include seating, bike racks, trash and recycling bins where needed.
(6) Separately defined areas within Public Open Spaces may be defined by distinct planting schemes.

b. Clear Creek Recreational Park

(1) Clear Creek should have a natural look, with a meandering channel.
(2) Once established, vegetation within the Clear Creek Corridor should not require irrigation and should require only minimal maintenance.

c. Art & Culture Green

(1) The use of Art & Culture Green is unstructured and passive recreation, casual seating/picnicking, outdoor concerts and special events
(2) The character of Art & Culture Green should be of a large, open space defined by landscaping and building frontages; detention and retention, paths, trails, open shelters, lawns, trees and shrubs naturally disposed to provide space for special events.
(3) The multi-purpose lawn should be planted with low maintenance, acclimated lawn alternative species which have low water needs.
(4) A space for community events, gatherings and festivities such as farmer's markets or outdoor concerts should be provided within Art & Culture Green. Areas with tree plantings may be included in this space.
(5) Areas with seating should be provided and be carefully integrated into the overall design of Art & Culture Green.
(6) The bike lane along Art & Culture Green should be paved with pervious unit pavers.
(7) Art & Culture Green should be planted with native or acclimated plant species.

d. Parkside Green

(1) Parkside Green should be available for civic purposes, commercial activity, unstructured recreation and other passive uses.

(2) Appropriate paths, civic elements, fountains or open shelters may be included and shall be formally placed within the green.

(3) An open area, either paved or lawn, should be provided in Parkside Green to accommodate social gatherings, informal play and sitting.

(4) Parkside Green should include clearly defined areas for programmed activities such as, but not limited to, a picnic area, a community garden, a bocce ball court, a mini soccer field, basketball or tennis court, a playground or an outdoor dining area.

(5) Ground floor active uses are encouraged to open onto and occupy parts of the Parkside Green adjacent to buildings with outdoor spaces.

(6) Parkside Green should include ample seating. Trees should provide maximum wind protection, and seating should be located to offer sunny, wind protected places to sit and gather.

(7) Rainwater detention areas should incorporate a water feature as an amenity for residents.

(8) Separately defined areas within Parkside Green should be defined by distinct planting schemes.

e. Ivy Square

(1) A civic element or small structure such as an open shelter, pergola, or fountain may be provided within the square.

(2) An open area, either paved or lawn, should be provided to accommodate social gatherings, informal play and sitting.

(3) Ivy Square should include ample seating. Trees should provide maximum wind protection, and seating should be located to offer sunny, wind protected places to sit and gather.

f. Ivy Plaza

(1) Plazas typically should be located at the intersection of important streets. Plazas are appropriate in the Public Square Sub-District.

(2) Typical uses are commercial and civic uses; casual seating; outdoor dining; retail and food kiosks.

g. Ivy Garden

(1) Ivy Garden is intended to be a quiet, relaxing and meditative space.v

(2) A predominate feature will be a bosque of shade trees planted in a formal, orchard-like arrangement.

h. Ancillary Structures

(1) Typically, these structures are located at prominent locations within an appropriate Public Open Space.

(2) Ancillary structures located in the Public Square Sub-District may have minor commercial uses, such as small food or news vendors, but may also serve as civic elements for general public use with more passive activities.

(3) Small, stand alone structure may be located within a Park, Green, Square or Plaza.

(4) Primary uses should be civic or minor commercial uses.

(5) Casual seating/picnicking, or recreational support facilities should be provided.

3. Examples

See Appendix G, Open Space Examples for images representative of the intended design character for public open spaces.

C. Private Open Space Design Controls

Given the mixed use nature of the Ivy District, all residential development within Ivy District shall meet the Private Open Space standards established in this portion of the PD document.

1. Standards

a. Overall

(1) At least fifty percent (50%) of all residential units fronting on a street, public Public Open Space, forecourt, or courtyard shall provide one balcony or patio; or one playground or other Private Open Space amenity

(2) All other Private Open Spaces are optional.

b. Balconies

(1) Balconies that are not flush shall be a minimum of 5 feet clear in depth and a minimum of 8 feet in width.

c. Patios

(1) Patios shall be a minimum of 150 square feet.

(2) Patios shall have a clear sense of enclosure and separation from the public realm.

d. Courtyards

(1) Courtyards shall be bounded on at least two sides by buildings with at least one pedestrian connection to an adjoining building or public sidewalk.

(2) The courtyard shall be a minimum of one hundred-fifty (150) square feet.

e. Forecourts

(1) A Forecourt is a small private open space between a building facade and the Build-to Line.

f. Pedestrian Passages

(1) The minimum width shall be fifteen feet (15') wide.

g. Playgrounds

(1) Playgrounds shall be a minimum of four hundred (400) square feet.

(2) Playground equipment and design must be reviewed and approved by the City prior to installation.

(3) Playgrounds shall be permitted in parks and greens to provide open space designed and equipped for the recreation of children.

(4) These playgrounds shall serve as quiet, safe places – protected from the street – and typically located where children do not have to cross major roads to access them.

h. Community Gardens

(1) Maximum size shall be one (1) acre.

(2) Gardens shall be enclosed by a fence on all open sides.

(3) Fences shall be installed straight and plumb, with vertical supports at a minimum of eight feet (8') on center.

(4) Fencing Materials Permitted: pressure treated wood (must be painted or stained medium to dark color), wrought iron, painted galvanized steel

(5) Fencing Materials not permitted: chicken wire, chain link, bobbed wire, vinyl, un-painted/stained pressure treated wood, plywood.

i. Roof Terraces

(1) A Roof Terrace shall be at least be fifty percent (50%) of the building footprint area.

(2) A Roof Terrace shall provide landscaping in the form of potted plants, seating, and other amenities for the users of the building.

2. Guidelines

The following guidelines complement Public Open Space Design Standards in Section C.1 of this part.

a. Overall

(1) Drinking fountains should be provided at all active recreation areas. Lighting should be provided in some of the active recreation areas to allow for evening use.

(2) Outdoor dining areas should be located in sunny, wind-protected locations. Outdoor cooking facilities are encouraged.

b. Balconies

(1) Balconies may be semi-recessed or recessed. Projecting metal or slab balconies are only permitted if they have some means of visible support.

c. Patios

(1) There are no guidelines that apply specifically to patios.

d. Courtyards

(1) Courtyards should be large enough to allow for public activities and have sunlight during midday.

(2) Courtyards should be designed to connect to adjacent buildings or to the public sidewalk through a pedestrian passage.

e. Forecourts

(1) There are no guidelines that apply specifically to forecourts.

f. Pedestrian Passages

(1) A pedestrian passage may be used to visually reduce the impact of a large development block. Building edges may accommodate active uses such as shops and restaurants.

(2) Pedestrian passages shall consist of a hardscape pathway activated by frequent entries and exterior stairways.

(3) The edges may simply be landscaped with minimal planting and potted plants.

g. Playgrounds

(1) Playgrounds may be fenced.

(2) An open shelter, play structures or interactive art and fountains may be included with landscaping between. Shaded areas and seating shall be provided. A larger playground may be incorporated into the park, whereas a more intimate playground may be incorporated into the green.

(3) Separate play areas should be provided for toddlers (2-5 year old) and older children (5-12 year old). Play equipment that allows for multiple uses and encourages free-play is desirable.

(4) The design, color, and material of play and recreation equipment should relate to the overall modern design aesthetic of the specific space in which it is located.

h. Community Gardens

(1) There are no guidelines that apply specifically to community gardens.

i. Roof Terraces

(1) A Roof Terrace may also include a portion of the roof as a green roof which may or may not have public access.

3. Examples

See Appendix G, Open Space Examples for images representative of the intended design character for private open spaces.

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Appendix A:
Site Description

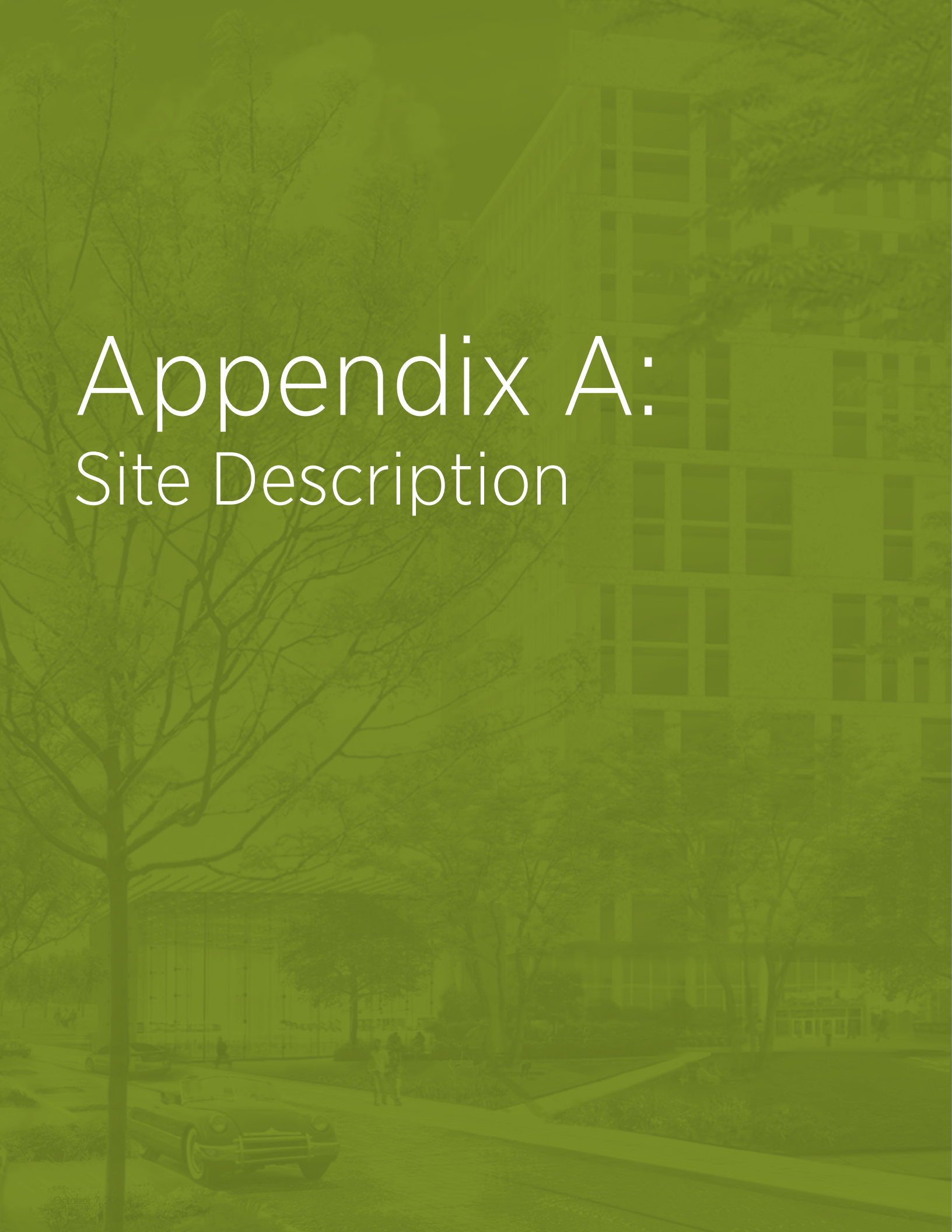

Exhibit A1	Location Map
Exhibit A2	Survey
Exhibit A3	Legal Description
Exhibit A4	CLOMR Plan
Exhibit A5	FEMA Letter

Exhibit A1 Location Map

Exhibit A2 Survey

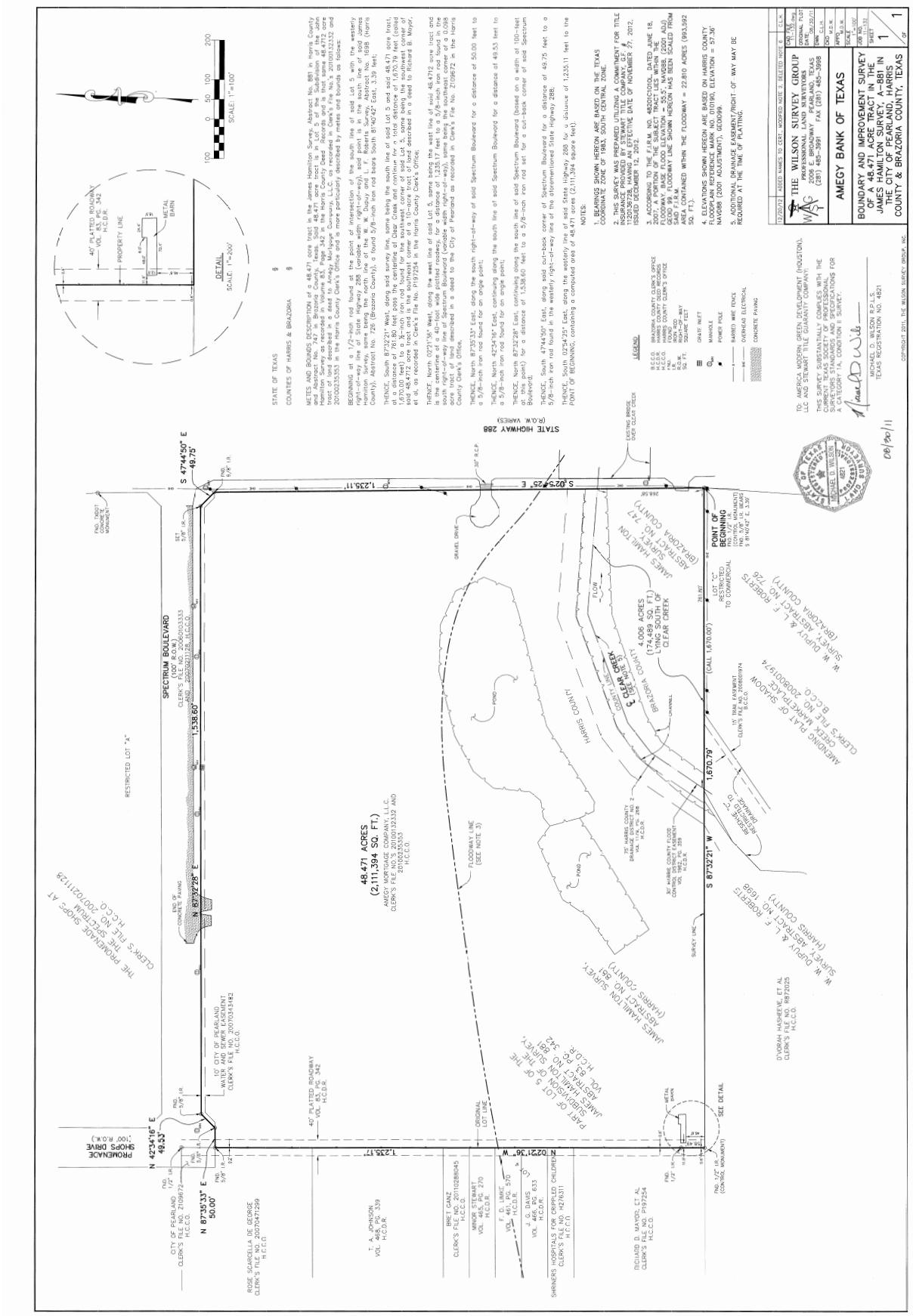

Exhibit A3 Legal Description

No. 4743 P. 7

LEGAL DESCRIPTION

That portion of Lot 5 of the Subdivision of the James Hamilton Survey, Abstract No. 881, a portion lying within Harris County, Texas and the remainder lying within Brazoria, Texas, according to the map or plat thereof recorded in Volume 83, Page 342 of the Deed Records of Harris County, Texas, being described by metes and bounds description as follows;

Being a tract of land containing 48.4712-acres (2,111,404 square feet) out of 50.4429-acre tract situated in the James Hamilton Survey, A-881 in Harris County, Texas and said 50.4429-acre tract being all of a tract described as a 50.4589-acre tract as conveyed unto Ruth Y. Fruge, Dennis D. Fruge, Paul Fruge Jr. And Gary A. Fruge as recorded in Volume 63, Page 342 D.R.H.C.deed and also being out of a called 80.00-acre tract conveyed unto Paul Fruge as recorded in Volume 3298, Page 117 D.R.B.C and Volume 683, Page 471 D.R.B.C and all being out of Harris County and Brazoria County, Texas. Said 48.4712-acre tract being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2-inch iron rod found for the Southwest corner of said 50.4429-acre tract and for a point in the North line of a 39.0027-acre tract of land as conveyed unto Elizabeth M. Powers in File No. R564784 O.P.R.R.P.H.C. and for a the Southeast corner of a 10-acre tract as conveyed unto E.A. Mayor et Al as recorded in Volume 5775, Page 89 D.R.H.C. and for the Southwest corner of said tract herein described;

THENCE North 02 18' 50" West coincident with the East line of said 10-acre tract and the West line of said 50.4429-acre tract, a distance of 1,235.18 feet to a 1/2-inch iron rod set for the Southwest corner of a 1.9718-acre tract as conveyed unto the City of Pearland in a deed as recorded in File no. 20060103333 O.P.R.R.P.H.C. and for the Southernmost Northwest corner of said tract herein described;

THENCE North 87 38' 49" East coincident with the South line of said 1.9718-acre tract, a distance of 50.00 feet to a 1/2-inch iron rod set for a cutback corner of said 1.9718-acre tract and for a corner of said tract herein described;

THENCE North 42 37' 02" East coincident with the South line of said 1.9718-acre tract, a distance of 49.53 feet to a 1/2-inch iron rod set for a the northernmost Southwest cutback corner of said 1.9718-acre tract and for a corner in the North line of said tract herein described;

THENCE North 87 35' 14" East coincident with the South line of said 1.9718-acre tract, a distance of 1,538.60 feet to a 1/2-inch iron rod set for a Northernmost Southeast cutback corner in the South line of said 1.9718-acre tract and for the Northernmost Northeast corner of said tract herein described;

THENCE South 47 42' 04" East coincident with said South line of said 1.9718-acre tract, a distance of 49.75 feet to a 1/2-inch iron set for the Southernmost Southeast cutback corner of said 1.9718-acre tract and for a point in the West right-of-way line of State Highway 288 being a 10.105-acre as conveyed unto the Texas State Highway Department in Volume 7709, Page 340 D.R.H.C. and for the Southernmost Northeast corner of said tract herein described;

THENCE South 02 51' 39" East coincident with said West right-of-way of State Highway 288, a distance of 1235.11 feet to a 1/2-inch iron rod set for the Southeast corner of said 50.4429-acre tract and for the Northeast corner of said Powers tract and for the Southeast corner of said tract herein described;

THENCE South 87 35' 07" West coincident with the South line of said 50.4429-acre tract and the North line of said Powers tract, a distance of 1,670.00 feet to the POINT OF BEGINNING, containing in all 48.4712-acre (2,111,404 square feet) of land, more or less.

Note: The Company is prohibited from insuring the area or quantity of land described herein. Any statement in the above legal description of the area or quantity of land is not a representation that such area or quantity is correct, but is made only for informational and/or identification purposes and does not override Item 2 of Schedule B hereof.

ANY PROVISION HEREIN WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR OR RACE IS INVALID AND UNENFORCEABLE UNDER FEDERAL LAW.
THE STATE OF TEXAS
COUNTY OF HARRIS
I hereby certify that this instrument was FILED in the number sequence on the date and at the time stamped hereon by me; and was duly RECORDED in the Official Public Records of Real Property of Harris County, Texas on

FEB 26 2007

COUNTY CLERK
HARRIS COUNTY, TEXAS

Return To
Texas Nations Title
3 Riverway, Suite 725
Houston, TX 77056

Exhibit A4 Revised 2011 CLOMR Plan

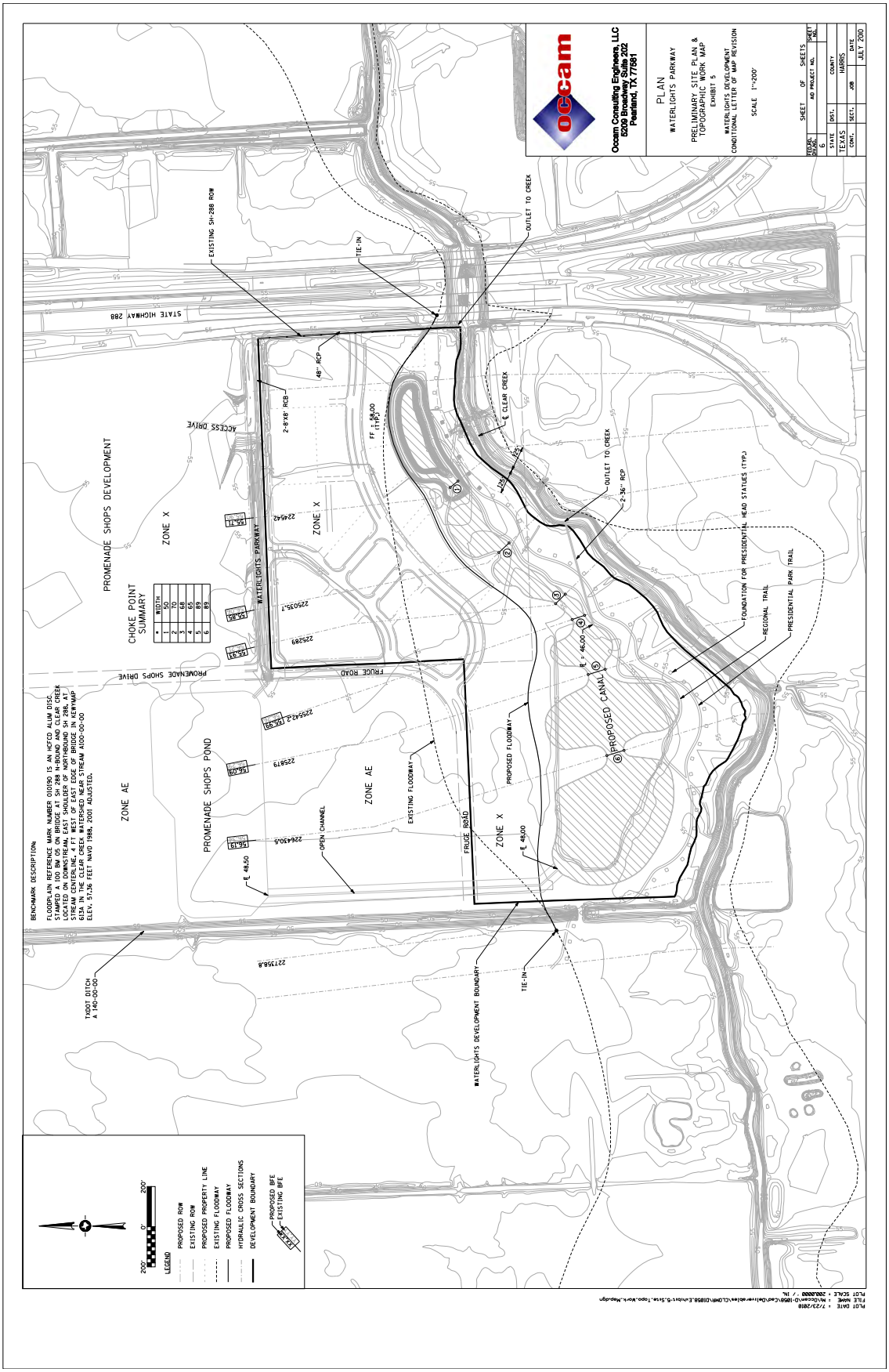

Exhibit A5 FEMA Letter

Federal Emergency Management Agency

Washington, D.C. 20472

May 31, 2011

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

IN REPLY REFER TO:
Case No.: 10-06-3168R

The Honorable Tom Reid
Mayor, City of Pearland
3519 Liberty Drive
Pearland, TX 77581

Community: City of Pearland, TX
Community No.: 480077

104

Dear Mayor Reid:

This responds to a request that the Department of Homeland Security's Federal Emergency Management Agency (FEMA) comment on the effects that a proposed project would have on the effective Flood Insurance Rate Map (FIRM) and Flood Insurance Study (FIS) report for Brazoria and Harris Counties, Texas, and Incorporated Areas (the effective FIRM and FIS report for your community), in accordance with Part 65 of the National Flood Insurance Program (NFIP) regulations. In a submitted report dated July 2010, Mr. Peter A. Polk, P.E., Occam Consulting Engineers, Inc., requested that FEMA evaluate the effects that proposed Waterlights Development project along A100-00-00 (Clear Creek), from approximately 8,150 feet downstream of State Route 288 to approximately 8,670 feet upstream of State Route 288, would have on the flood hazard information shown on the effective FIRM and FIS report. The proposed project will include excavation, placement of fill and a detention basin along the left overbank of A100-00-00 (Clear Creek), from approximately 200 feet upstream of State Route 288 to approximately 3,820 feet upstream of State Route 288. The area of the proposed revision is shown on Brazoria County, Texas, and Incorporated Areas, FIRM Panel numbers, 48039C0010 I and 48039C0030 I both dated September 22, 1999 and on Harris County, Texas, and Incorporated Areas, FIRM Panel numbers, 48201C1010 L and 48201C1030 L, both dated June 18, 2007.

All data required to complete our review of this request for a Conditional Letter of Map Revision (CLOMR) were submitted with letters from Mr. Polk.

Because this revision request also affects the unincorporated areas of Brazoria and Harris Counties, Texas, separate CLOMRs for those communities were issued on the same date as this CLOMR.

We reviewed the submitted data and the data used to prepare the effective FIRM for your community and determined that the proposed project meets the minimum floodplain management criteria of the NFIP. The submitted existing conditions HEC-RAS hydraulic computer model, dated March 4, 2010, based on updated topographic information, was used as the base conditions model in our review of the proposed conditions model for this CLOMR request. We believe that, if the proposed project is constructed as shown on the submitted topographic work map, entitled "Exhibit 5, Waterlights Development Conditional Letter of Map Revision Topographic Work Map," prepared by Occam Consulting Engineers, Inc., dated February 2011, and the data listed below are received, a revision to the FIRM and FIS report would be warranted.

2

Area Within Brazoria County

The effective Harris County modeling for A100-00-00 (Clear Creek) is being used as the basis of the preliminary modeling and mapping currently in progress for Brazoria County. Therefore, Harris County A100-00-00 (Clear Creek) modeling was used as the base conditions for the development of corrected effective/existing conditions model.

Our comparison of existing conditions to the effective flood hazard information revealed that the Base (1-percent-annual-chance) Flood Elevations (BFEs) increased and decreased compared to the effective BFEs for Clear Creek. The maximum increase in BFE for the project area and your community, 0.4 foot, occurred approximately 4,130 feet upstream of State Route 288. The maximum decrease in BFE for the project area and your community, 1.0 foot, occurred approximately 5,100 feet downstream of State Route 288. The increases and decreases in BFEs are due to updated topography and revised hydrology.

As a result of the proposed project, the BFEs will decrease compared to the existing conditions BFEs for Clear Creek. The maximum decrease in BFE for the project area and your community, 0.2 foot, will occur approximately 1,700 feet upstream of State Route 288.

As a result of the proposed project and updated topographic information, the BFEs will increase and decrease compared to the effective BFEs for Clear Creek. The maximum increase in BFE for the project area and your community, 0.3 foot, will occur approximately 4,130 feet upstream of State Route 288. The maximum decrease in BFE, 1.0 foot for the project area and your community, will occur approximately 5,100 feet downstream of State Route 288.

As a result of the proposed project and updated topographic information, the width of the Special Flood Hazard Area (SFHA), the area that would be inundated by the base flood, will increase and decrease compared to the effective SFHA width along Clear Creek. No increase in SFHA width will occur for your community. The maximum increase in SFHA width for the project area, approximately 5,730 feet, will occur approximately 790 feet upstream of State Route 288. The maximum decrease in SFHA width for the project area, approximately 1,810 feet, will occur approximately 3,070 feet downstream of State Route 288. No decrease in SFHA width will occur for your community.

As a result of the updated topographic information and the proposed project, the width of the regulatory floodway will increase and decrease compared to the effective floodway width along Clear Creek. The maximum increase in floodway width for the project area, approximately 1,200 feet, will occur approximately 6,550 feet upstream of State Route 288. The maximum increase in floodway width for your community, approximately 120 feet, will occur approximately 2,740 feet upstream of State Route 288. The maximum decrease in floodway width for the project area, approximately 510 feet, will occur approximately 1,130 feet downstream of State Route 288. The maximum decrease in floodway width for your community, approximately 130 feet, will occur approximately 5,100 feet downstream of State Route 288.

Area Within Harris County

Our comparison of existing conditions to the effective flood hazard information revealed that the BFEs increased and decreased compared to the effective BFEs for A100-00-00 (Clear Creek). The maximum increase in BFE for the project area and your community, 0.2 foot, occurred approximately 4,480 feet upstream of State Route 288. The maximum decrease in BFE for the project area and your community, 0.2 foot, occurred approximately 900 feet upstream of State Route 288. The increases and decreases in BFEs are due to updated topography and revised hydrology.

3

As a result of the proposed project, the BFEs will decrease compared to the existing conditions BFEs for A100-00-00 (Clear Creek). The maximum decrease in BFE for the project area and your community, 0.2 foot, will occur approximately 1,700 feet upstream of State Route 288.

As a result of the proposed project and updated topographic information, the BFEs will increase and decrease compared to the effective BFEs for A100-00-00 (Clear Creek). The maximum increase in BFE for the project area and your community, 0.1 foot, will occur approximately 4,480 feet upstream of State Route 288. The maximum decrease in BFE for the project area and your community, 0.4 foot, will occur approximately 900 feet upstream of State Route 288.

As a result of the proposed project and updated topographic information, the SFHA width will decrease compared to the effective SFHA width along A100-00-00 (Clear Creek). The maximum decrease in SFHA width for the project area and your community, approximately 4,200 feet, will occur approximately 2,290 feet upstream of State Route 288.

As a result of the updated topographic information and the proposed project, the width of the regulatory floodway will decrease compared to the effective floodway width along A100-00-00 (Clear Creek). The maximum decrease in floodway width for the project area and your community, approximately 630 feet, will occur approximately 2,170 feet upstream of State Route 288.

Upon completion of the project, your community may submit the data listed below and request that we make a final determination on revising the effective FIRM and FIS report.

- Detailed application and certification forms must be used for requesting final revisions to the maps. Therefore, when the map revision request for the area covered by this letter is submitted, Form 1, entitled "Overview and Concurrence Form," must be included. (A copy of this form is enclosed.)

- The detailed application and certification forms listed below may be required if as-built conditions differ from the preliminary plans. If required, please submit new forms (copies of which are enclosed) or annotated copies of the previously submitted forms showing the revised information.

  Form 2, entitled "Riverine Hydrology and Hydraulics Form"

  Hydraulic analyses, for as-built conditions, of the base flood; the 10-percent-, 2-percent-, and 0.2-percent-annual-chance floods; and the regulatory floodway must be submitted with Form 2.

- As-built plans, certified by a registered Professional Engineer, of all proposed project elements.

- A topographic work map showing the revised and effective floodplain and floodway boundaries.

- A copy of the annotated FIRM, at the scale of the effective FIRM, showing the revised floodway and base floodplain boundary delineations and a clear tie-in with the effective delineations at the upstream and downstream ends of the revised reach.

4

- A copy of the public notice distributed by your community stating its intent to revise the regulatory floodway, or a statement by your community that it has notified all affected property owners and affected adjacent jurisdictions.

- Documentation of individual legal notices that were sent to property owners affected by any widening or shifting of the SFHA, and any increases in BFEs.

- An officially adopted maintenance and operation plan for the detention pond. This plan, which may be in the form of a written statement from the community Chief Executive Officer, an ordinance, or other legislation, must describe the nature of the maintenance activities, the frequency with which they will be performed, and the title of the local community official who will be responsible for ensuring that the maintenance activities are accomplished.

- We are preparing a revised countywide FIRM and FIS report for Brazoria County. Preliminary copies of the revised FIRM and FIS report will be distributed for review in next several months. The ongoing preliminary study encompasses a portion of the reach for which this CLOMR is being issued. Upon completion of the project for which this CLOMR is issued, the BFEs and SFHA/floodway boundary delineations must tie into the revised flood hazard information.

Effective January 13, 2010, FEMA revised the fee schedule for reviewing and processing requests for conditional and final modifications to published flood information and maps. In accordance with this schedule, the current fee for this map revision request is $5,000 and must be received before we can begin processing the request. Please note, however, that the fee schedule is subject to change, and requesters are required to submit the fee in effect at the time of the submittal. Payment of this fee shall be made in the form of a check or money order, made payable in U.S. funds to the National Flood Insurance Program, or by credit card (Visa or MasterCard only).

The payment, along with the revision application, must be forwarded to the following address:

FEMA LOMC Clearinghouse
7390 Coca Cola Drive, Suite 204
Hanover, MD 21076

After receiving appropriate documentation to show that the project has been completed, FEMA will initiate a revision to the FIRM and FIS report. Because the BFEs would change as a result of the project, a 90-day appeal period would be initiated, during which community officials and interested persons may appeal the revised BFEs based on scientific or technical data.

This CLOMR is based on minimum floodplain management criteria established under the NFIP. Your community is responsible for approving all floodplain development and for ensuring all necessary permits required by Federal or State law have been received. State, county, and community officials, based on knowledge of local conditions and in the interest of safety, may set higher standards for construction in the SFHA. If the State, county, or community has adopted more restrictive or comprehensive floodplain management criteria, these criteria take precedence over the minimum NFIP criteria.

5

If you have any questions regarding floodplain management regulations for your community or the NFIP in general, please contact the Consultation Coordination Officer (CCO) for your community. Information on the CCO for your community may be obtained by calling the Director, Mitigation Division of FEMA in Denton, Texas, at (940) 898-5127. If you have any questions regarding this CLOMR, please contact the FEMA Map Information eXchange (FMIX), toll free, at 1-877-FEMA MAP (1-877-336-2627).

Sincerely,

Michael J. McGinn, Program Specialist
Engineering Management Branch
Federal Insurance and Mitigation Administration

For: Luis Rodriguez, P.E., Chief
Engineering Management Branch
Federal Insurance and Mitigation Administration

Enclosures

cc: The Honorable Ed Emmett
Harris County Judge

The Honorable Joe King
Brazoria County Judge

Mr. Narciso Lira III, P.E.
City Engineer, City of Pearland

Ms. Kelly Hamby, CFM
Floodplain Administrator, Brazoria County

Mr. Raymond Anderson, P.E., CFM
Manager of Permits, Harris County

Mr. Mark Loethen, P.E., CFM
City Engineer, City of Houston

Mr. Peter A. Polk, P.E.
Occam Consulting Engineers, LLC

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Appendix B:
Design Plan

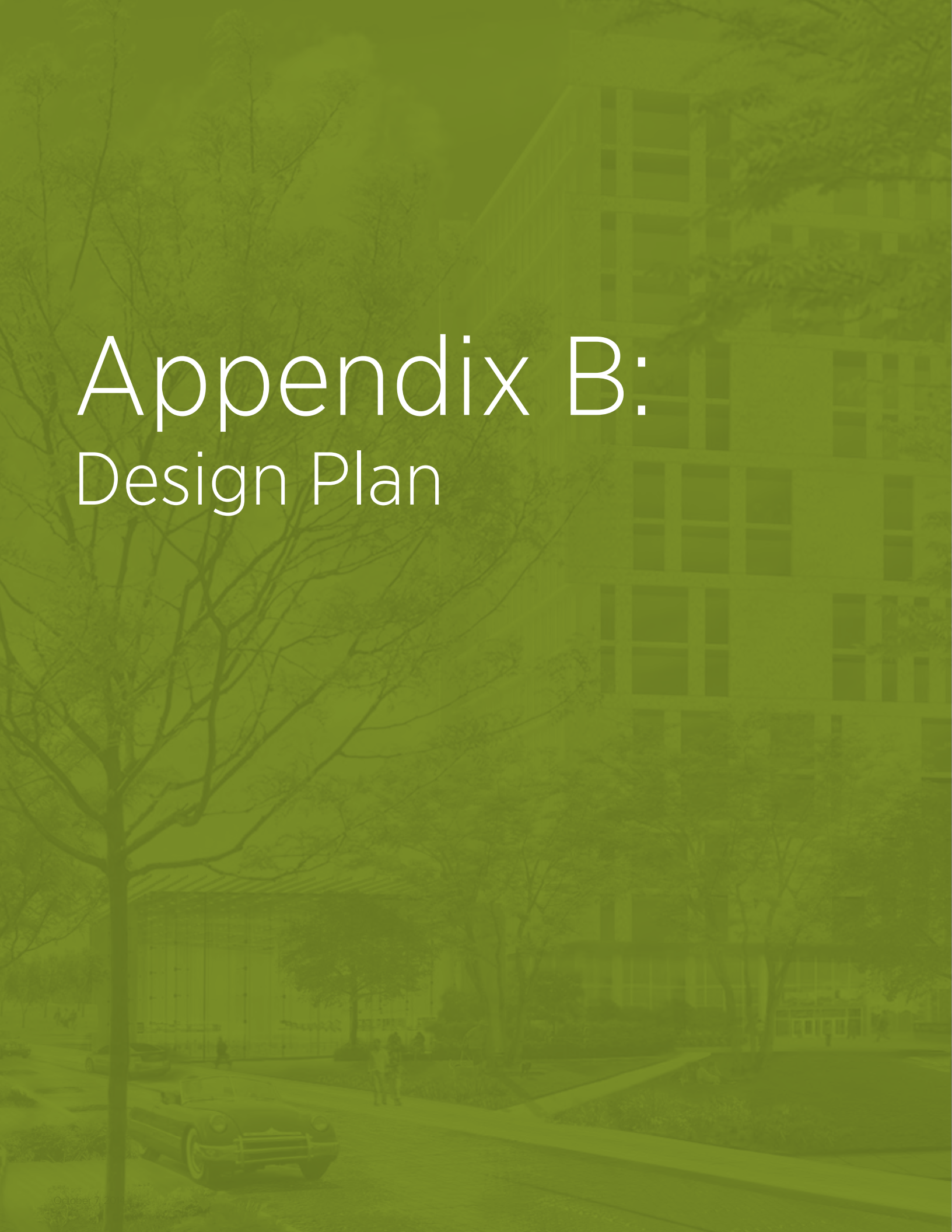


Exhibit B1 Site Plan
Exhibit B2 Illustrative Master Plan
Exhibit B3 Street Network Plan
Exhibit B4 Building Program Plan
Exhibit B5 Setbacks Plan
Exhibit B6 Public Open Space Plan
Exhibit B7 Parkland Landscape Plan
Exhibit B8 Parkland Amenities Plan
Exhibit B9 Phasing Plan

Exhibit B1 Site Plan

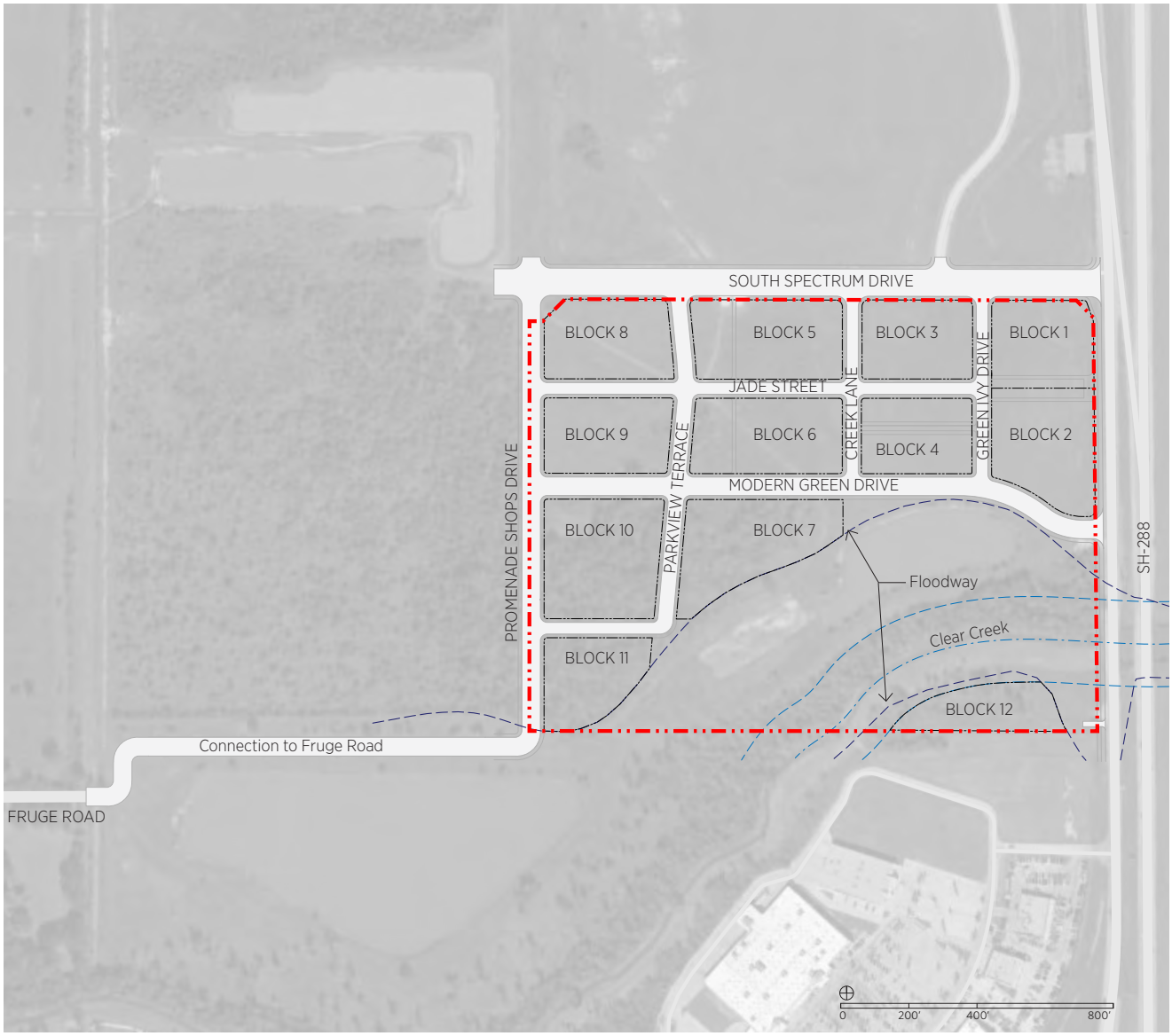


Exhibit B2 Illustrative Master Plan

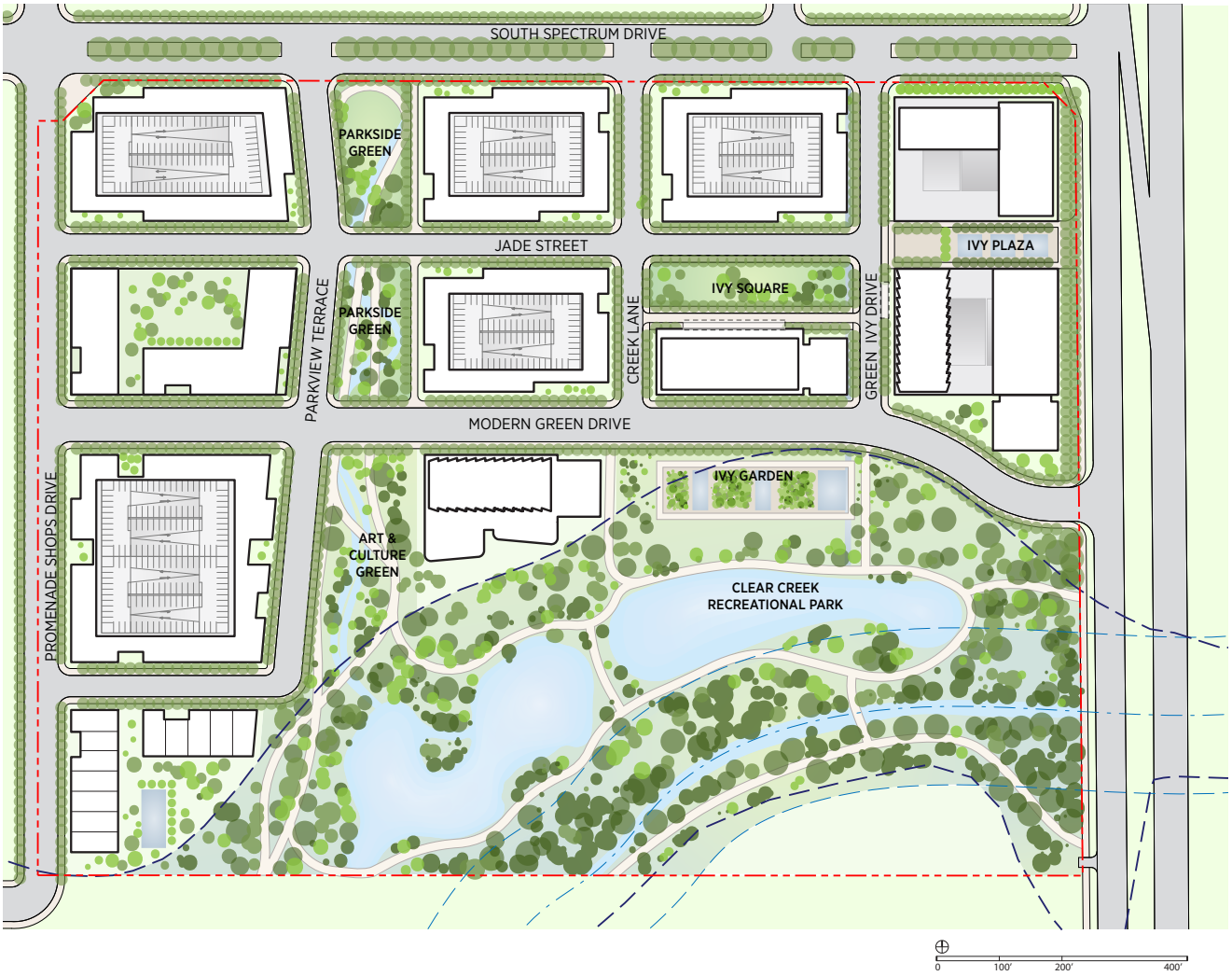
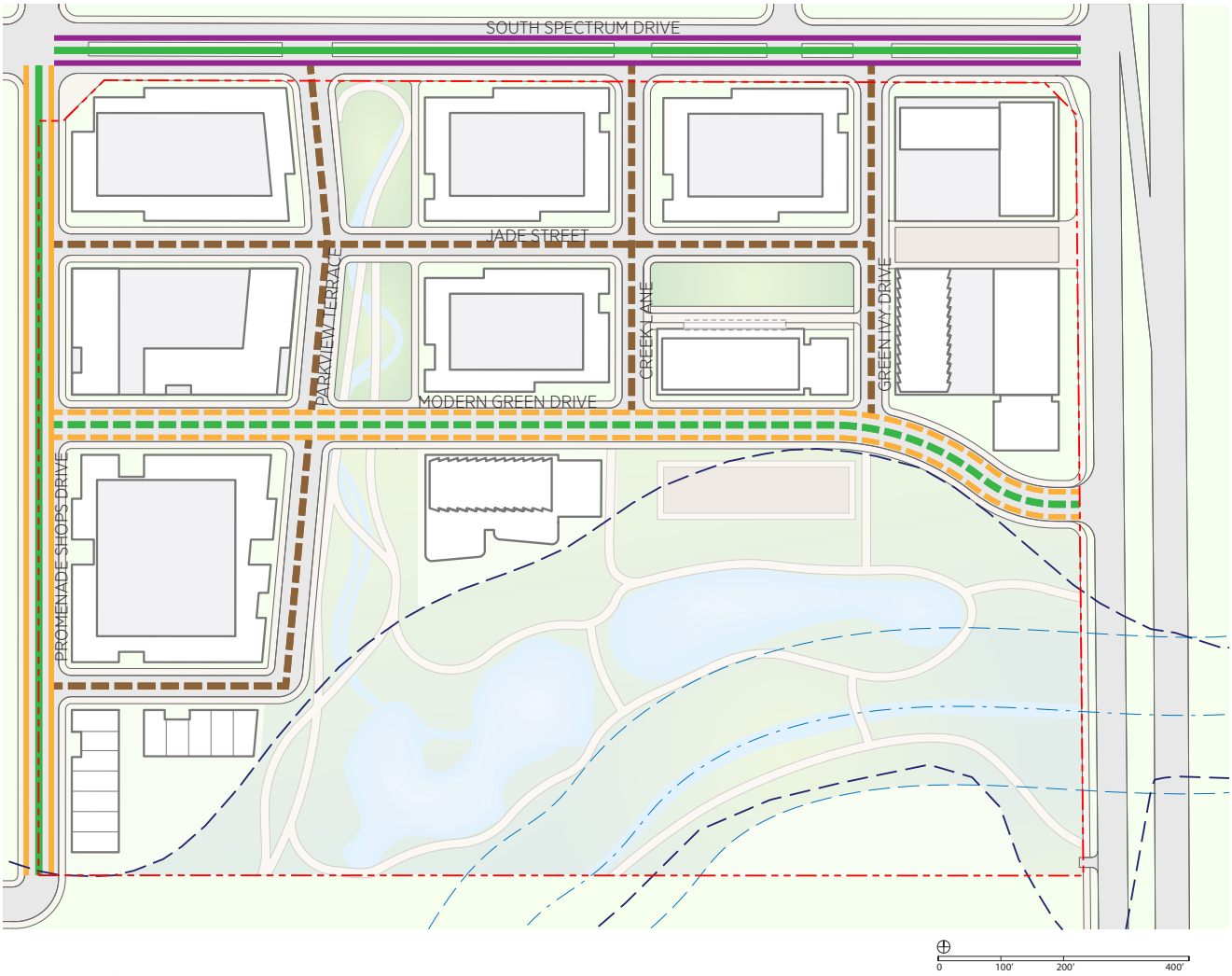


Exhibit B3 Street Network Plan

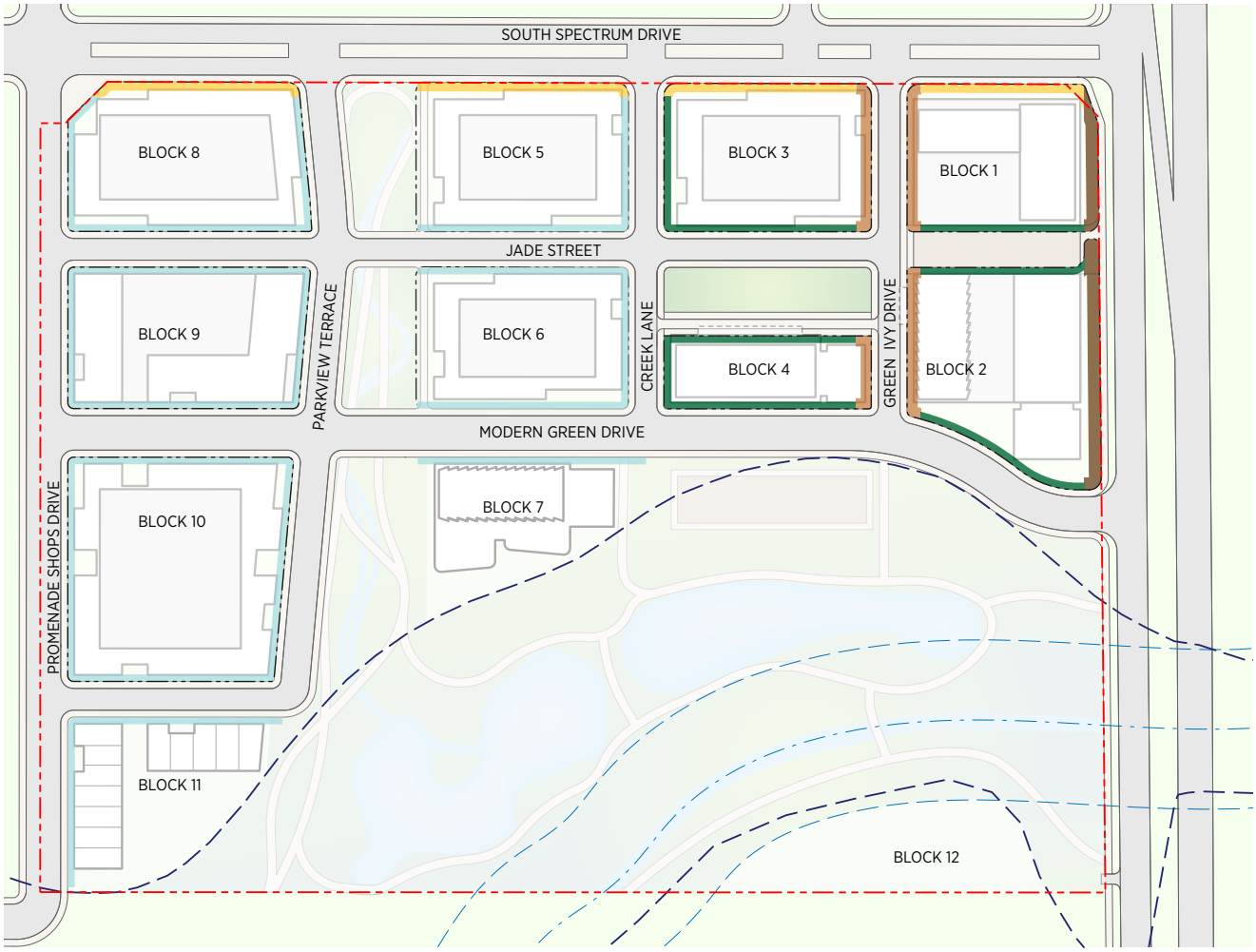


Street Types

- "Boulevard" Street
- "Neighborhood Collector" Street
- "Local" Street
- Dashed line denotes a Private Street, with variable alignment
- Solid line denotes a Public Street, with fixed alignment

Exhibit B4 Building Program Plan

Exhibit B5 Setbacks Plan

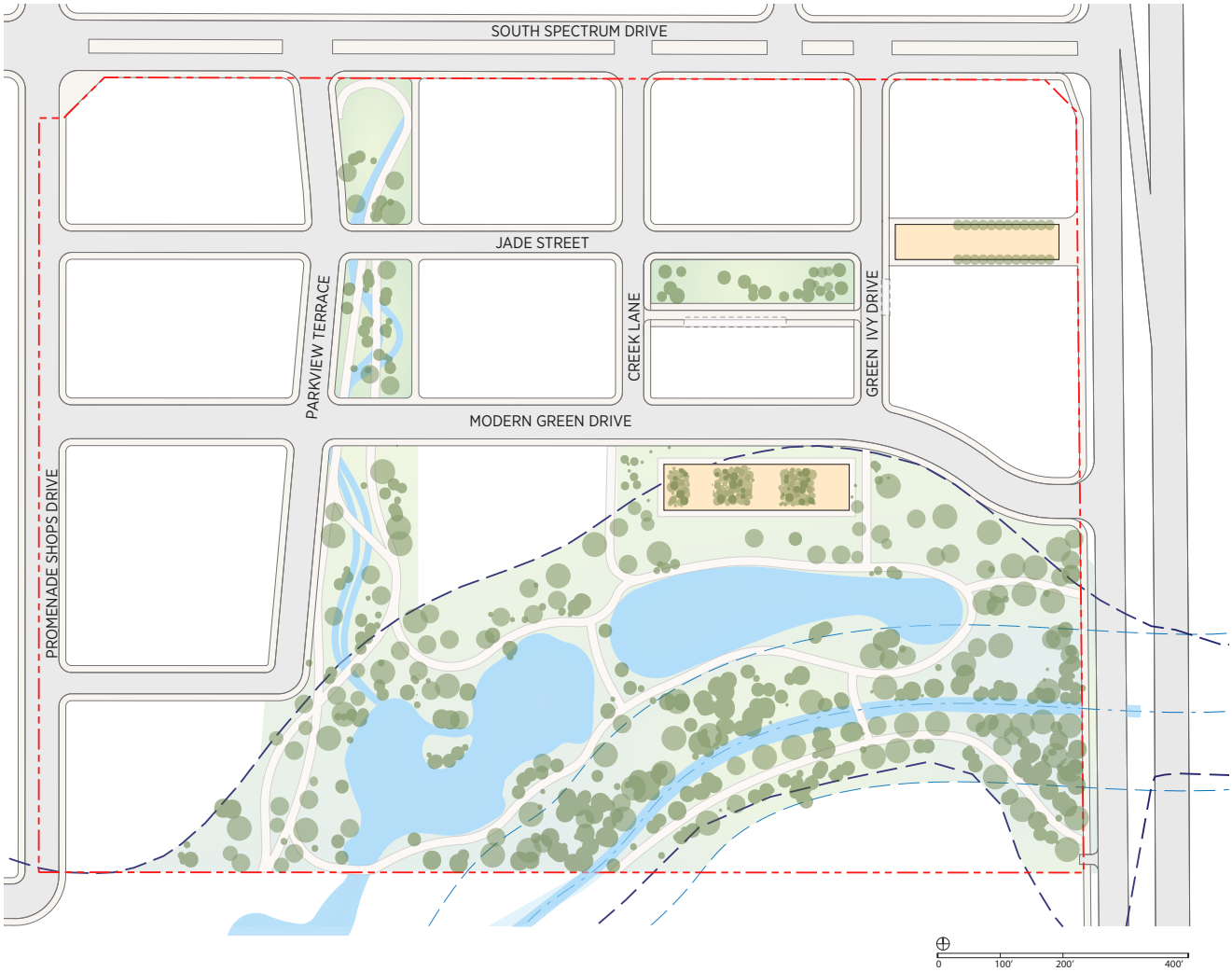


- 25' max. setback
- 10'min. - 15'max. setback
- 8'min. - 10'max. setback
- 5'min. - 10'max. setback
- 5'min. - 8'max. setback

Exhibit B6 Public Open Space Plan

Note: Total area of public open space identified is 18.7 acres.

Exhibit B7 Parkland Landscape Plan



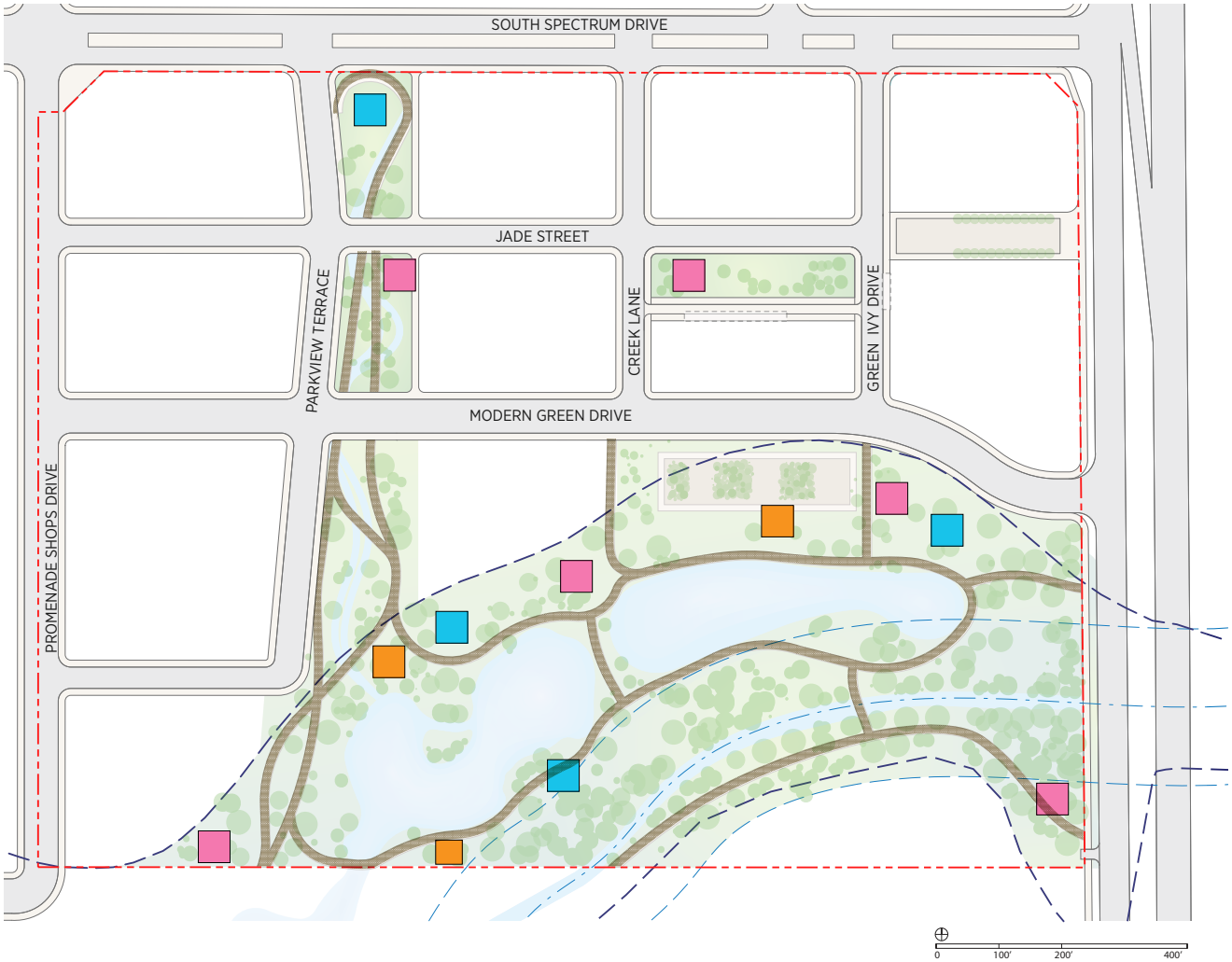
Predominately softscape surface (e.g. lawns, meadows, under-planting)

Predominately hardscape surface (e.g. pavement, pavers, crushed stone)

Water bodies

Concentrations of shade trees
3" - 6" caliper
10 trees / acre of public open space

Exhibit B8 Parkland Amenities Plan



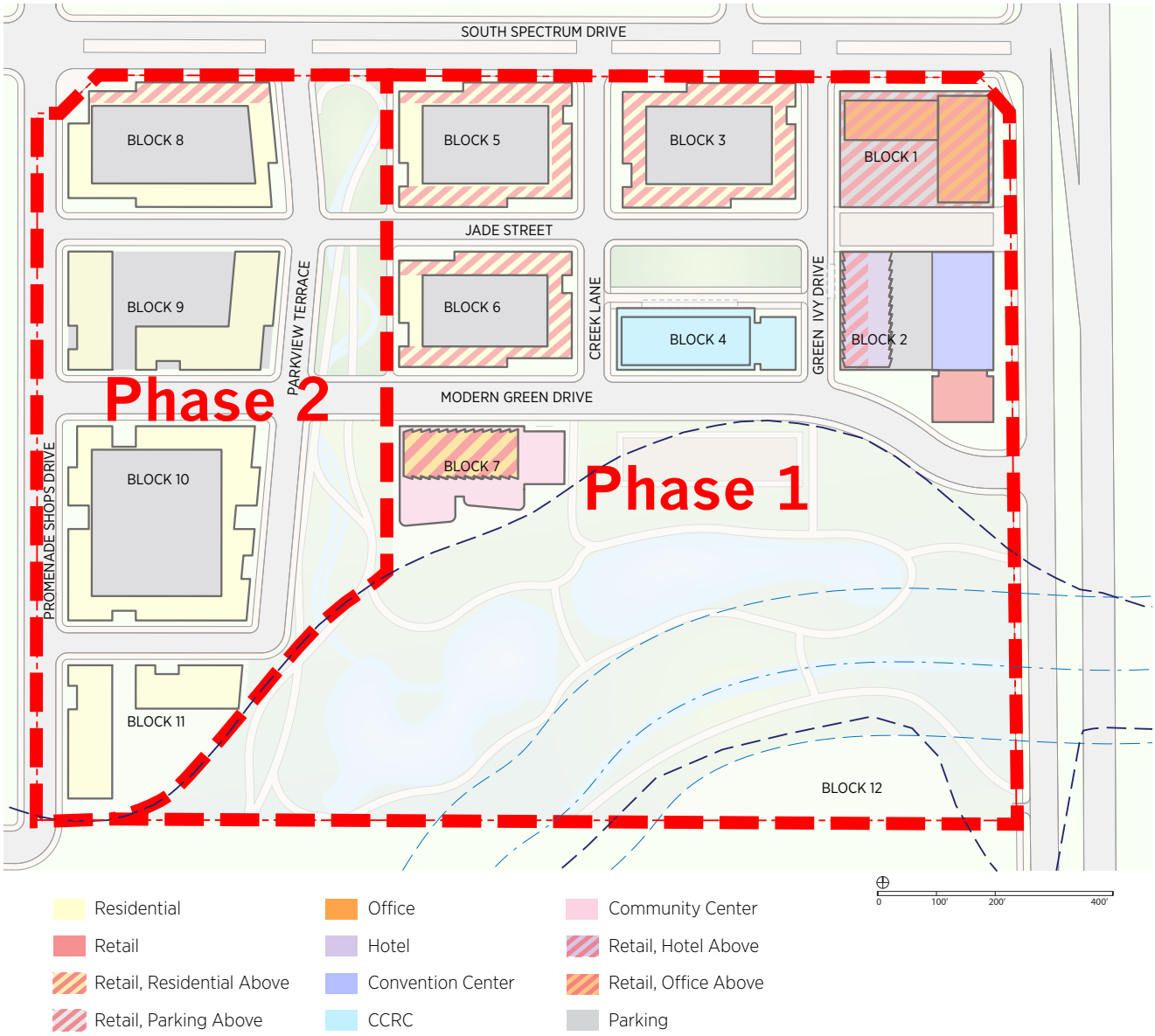
Trails
Bicycle, walking, and jogging
1,200 sf / acre of public open space

Ancillary Structures
Shade and small-scale performance pavilions, restrooms, and the like
Distributed as shown

Picnic, BBQ, and Gathering Areas
Picnic tables and barbeque pits
100 sf / acre of public open space

Play and Exercise Areas
Playgrounds and exercise stations
100 sf / acre of public open space

Exhibit B9 Phasing Plan



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Appendix C:
Regulating Plans

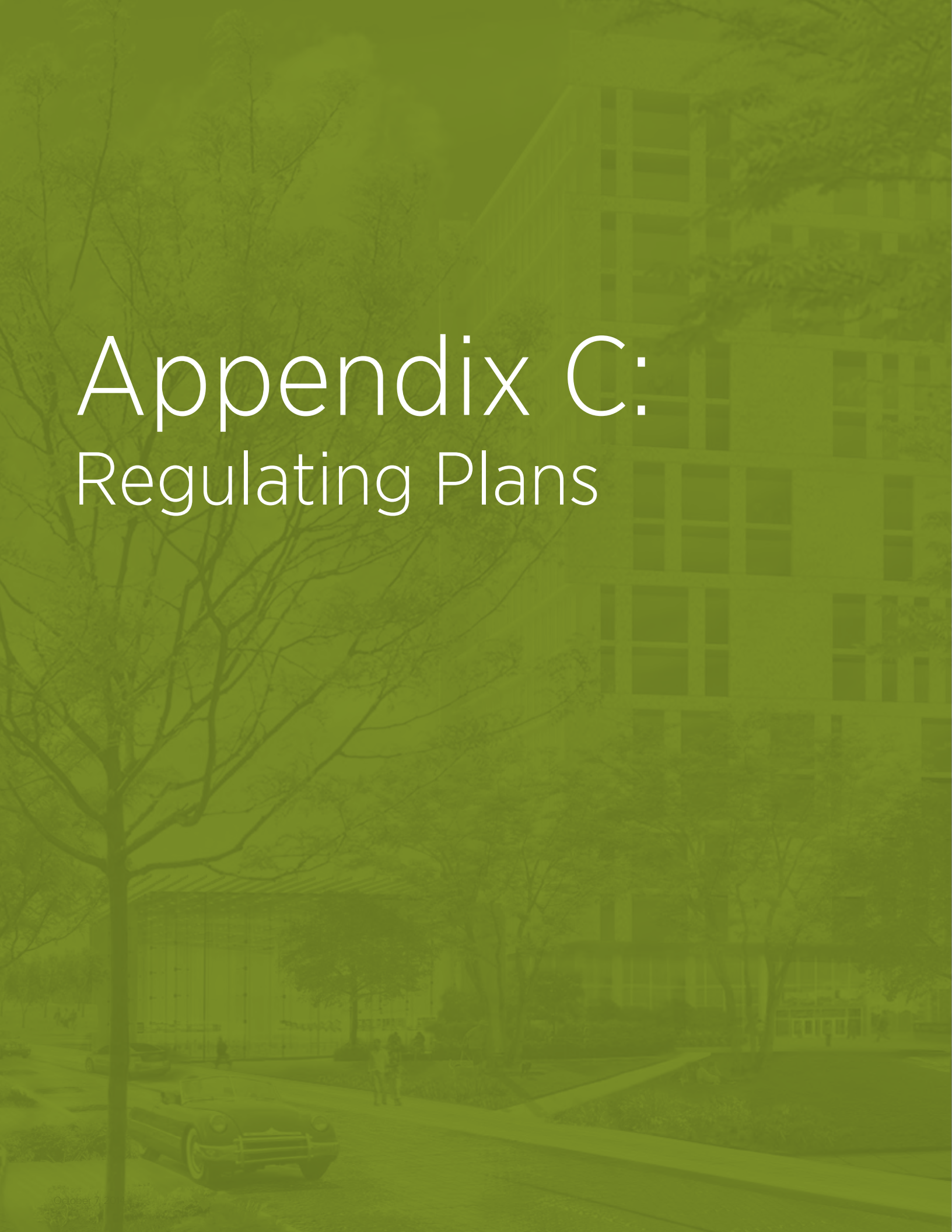
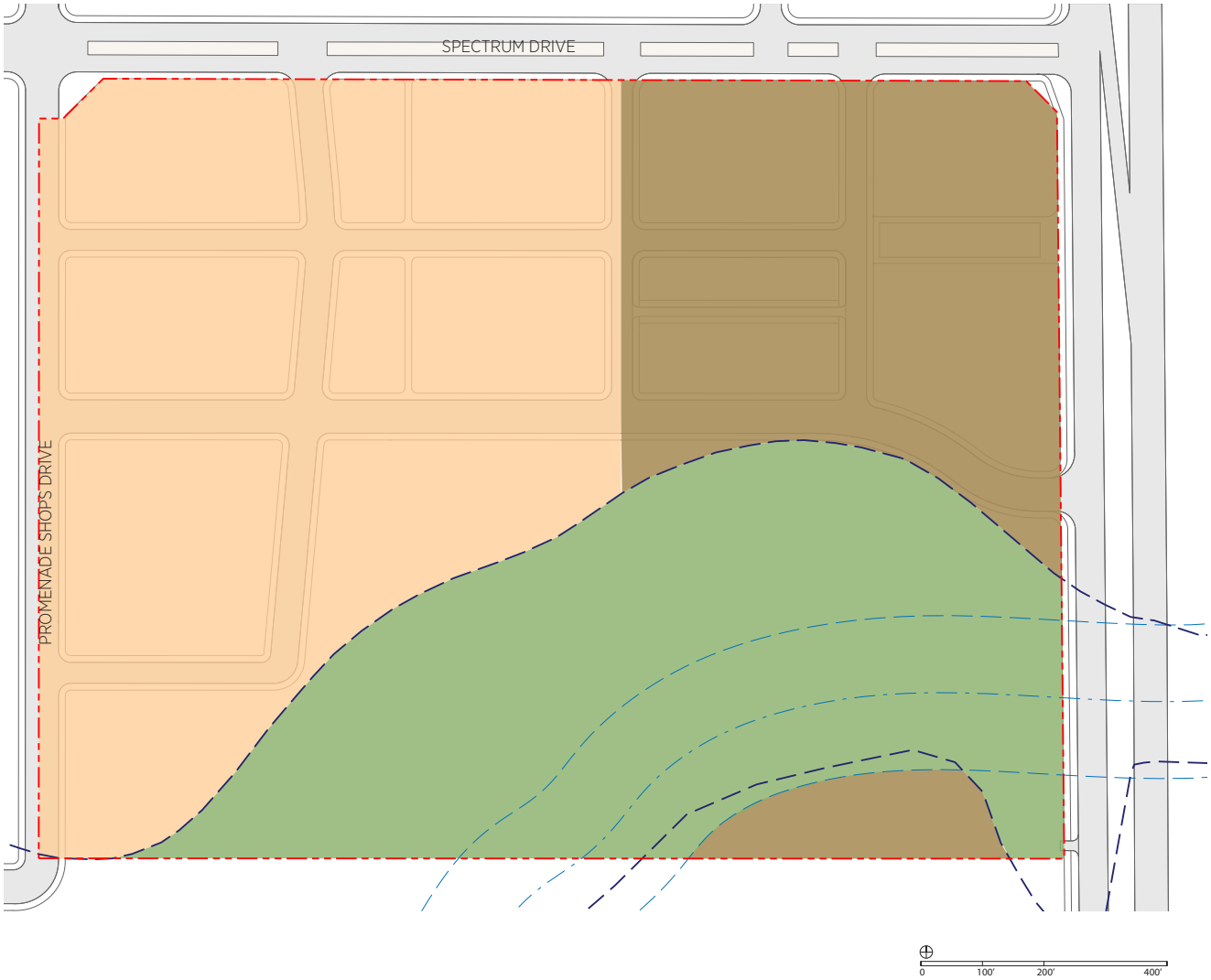


Exhibit C1 Sub-Districts Regulating Plan
Exhibit C2 Land Use Regulating Plan

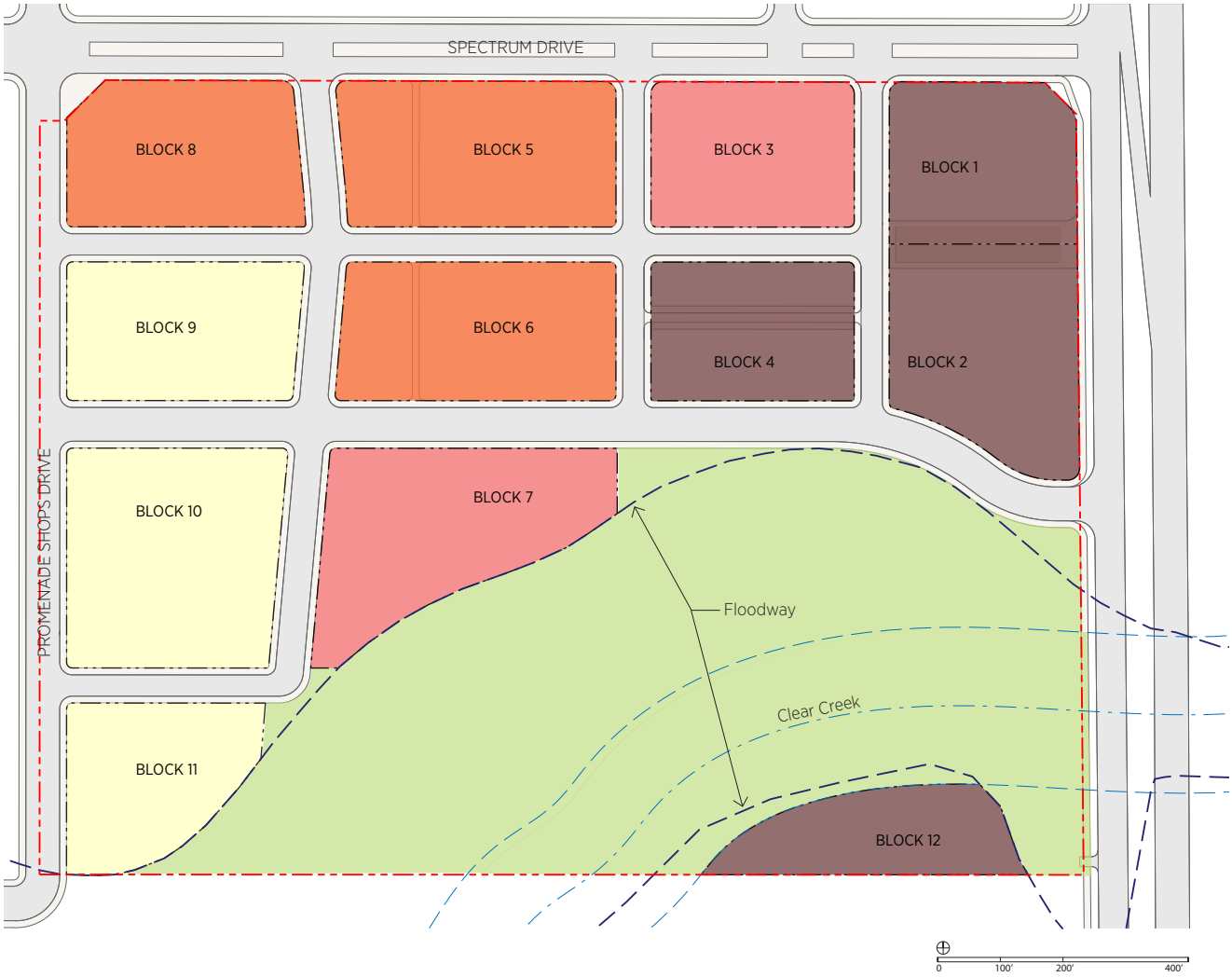
Exhibit C1 Sub-Districts Regulating Plan



Sub-District Legend

- Public Square
- Parkside Neighborhood
- Clear Creek

Exhibit C2 Land Use Regulating Plan



Land Use Legend

- Commercial, Retail
- Commercial, Retail, Residential
- Retail, Residential
- Residential
- Public Open Space

Notes:

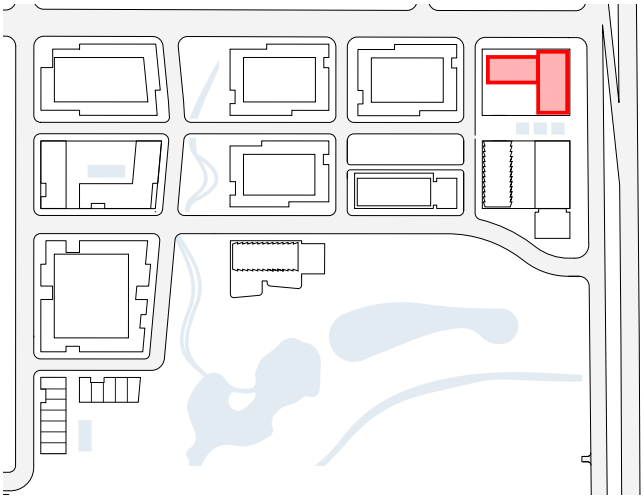
1. The depicted alignment of streets and configuration of blocks are conceptual and variable pursuant to the minor devation provisions established in this PD document.
2. Public open space is the only permitted land use where so indicated on this plan; however, public open space shall also be incorporated in the development blocks as required to meet open space requirements as established in this PD document.

Appendix D:
Building Examples

Exhibit D1 Office Building Examples
Exhibit D2 Hotel and Conference Center Examples
Exhibit D3 Continuing Care Retirement Community (CCRC) Examples
Exhibit D4 Community Square Examples
Exhibit D5 Anchor Retail Examples
Exhibit D6 Residential - Urban Style Dwellings Examples
Exhibit D7 Residential - Flats or Lofts Examples
Exhibit D8 Residential - Townhouse Examples
Exhibit D9 Building Top Examples

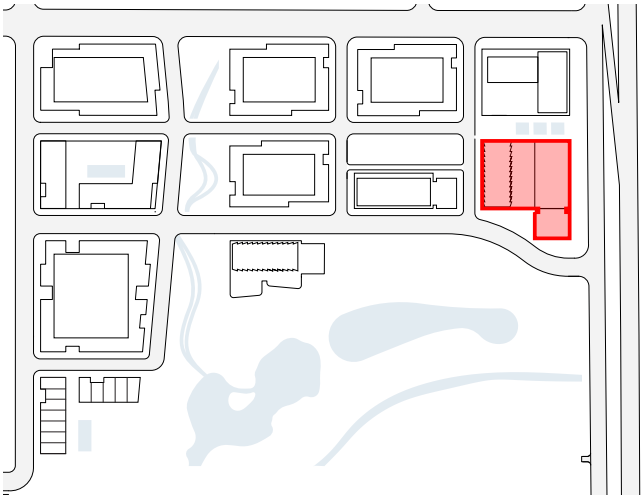
Exhibit D1 Office Building

Office buildings in the Ivy District will help promote a community where one can both live and work. The inclusion of office program will also help activate the neighborhood during office hours. The images shown are representative of the intended design character for office buildings and illustrate appropriate application of design standards for building elevations.



Key Plan

Exhibit D2 Hotel and Conference Center

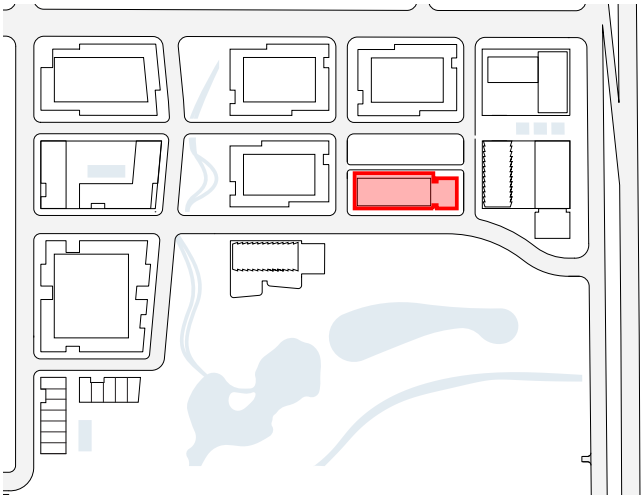


Key Plan

A hotel and conference center will help draw non-residents to the community, activate the retail center and provide additional hospitality amenities to the Pearland area. The images shown are representative of the intended design character for hotel and conference center buildings and illustrate appropriate application of design standards for building elevations.

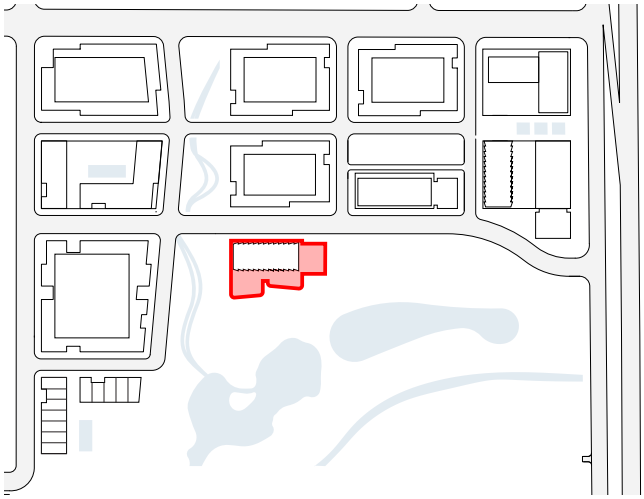
Exhibit D3 Continuing Care Retirement Community (CCRC)

A Continuing Care Retirement Community (CCRC) means any buildings specifically designed to meet the physical or social needs of senior citizens. The images shown are representative of the intended design character for CCRC building and illustrate appropriate application of design standards for building elevations.



Key Plan

Exhibit D4 Community Center

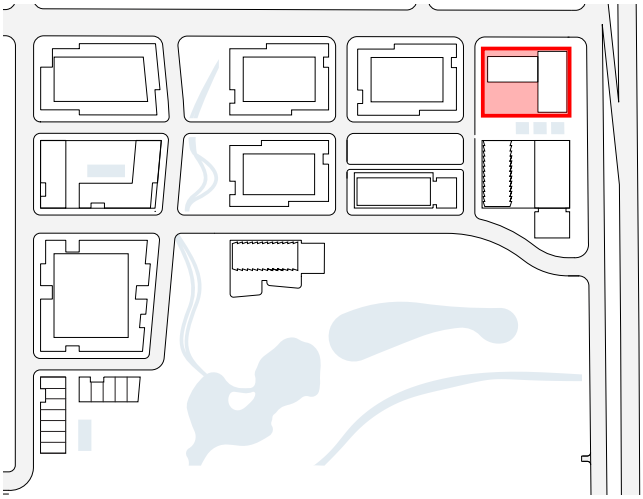


Key Plan

The community center is intended to support the creation of smaller community gathering places and is meant to create a hub of activity and social engagement at the Ivy District. Located adjacent to the Clear Creek Recreational Park, the community center should foster a strong relationship between the interior of buildings and the outdoors. The images shown are representative of the intended design character for Community Center building and illustrate appropriate application of design standards for building elevations.

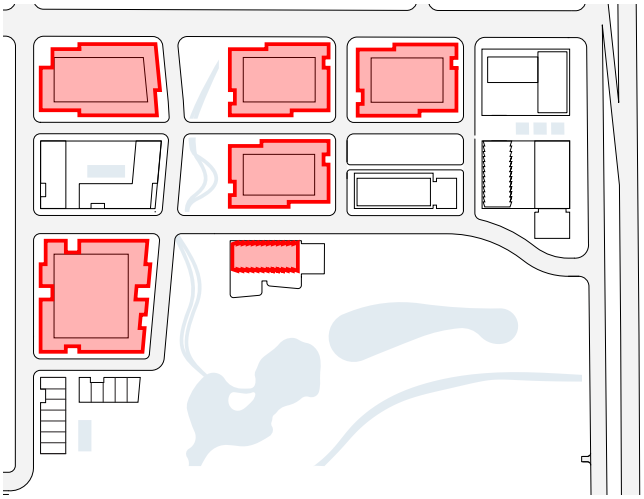
Exhibit D5 Anchor Retail

To create a vibrant neighborhood commercial center, Anchor Retail is intended to support and serve the entire Ivy District neighborhood and broader Pearland community. The images shown are representative of the intended design character for Anchor Retail building and illustrate appropriate application of design standards for building elevations.



Key Plan

Exhibit D6 Residential - Urban Style Dwellings

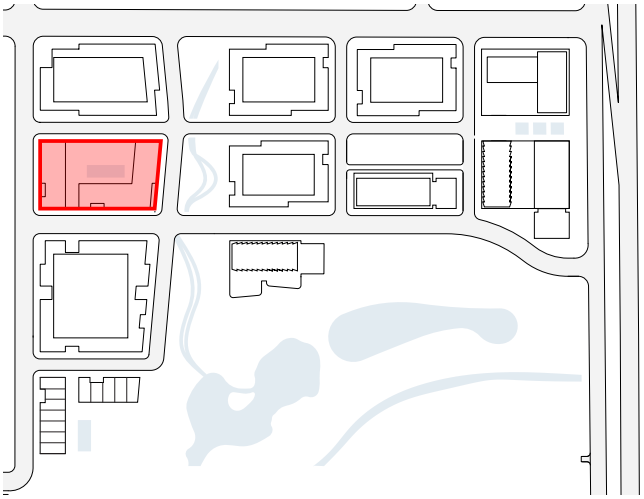


Key Plan

Urban-style residential buildings are intended to include a range of dwelling unit types in order to encourage a diversity of households within the Ivy District. Non-residential uses within these buildings are intended to support and serve the surrounding residential population with small-scale, community oriented spaces and services. The images shown are representative of the intended design character for Urban Style residential buildings and illustrate appropriate application of design standards for building elevations.

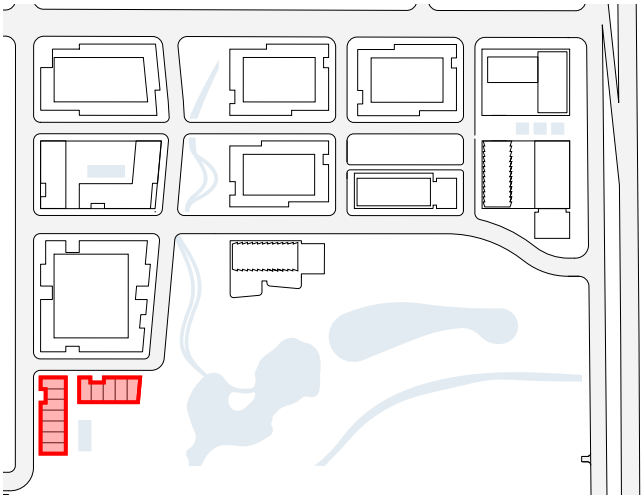
Exhibit D7 Residential - Flats or Lofts

Flats or lofts are intended to include a range of dwelling unit types in order to encourage a diversity of households within the Ivy District. The images shown are representative of the intended design character for Flats or Lofts residential buildings and illustrate appropriate application of design standards for building elevations.



Key Plan

Exhibit D8 Residential - Townhouse



Key Plan

Townhouses are intended to include a range of dwelling unit types in order to encourage a diversity of households within the Ivy District. The images shown are representative of the intended design character for Townhouse residential buildings and illustrate appropriate application of design standards for building elevations.

Exhibit D9 Building Top Examples

The tops of buildings at Ivy District should be designed to support stated goals of sustainability. The images shown represent examples of how those goals may be achieved by providing space for alternative energy production, incorporating vegetated roof covers, addressing rainwater run-off, and allowing residents to inhabit them.

Key Plan

Appendix E:
Streetscape Examples

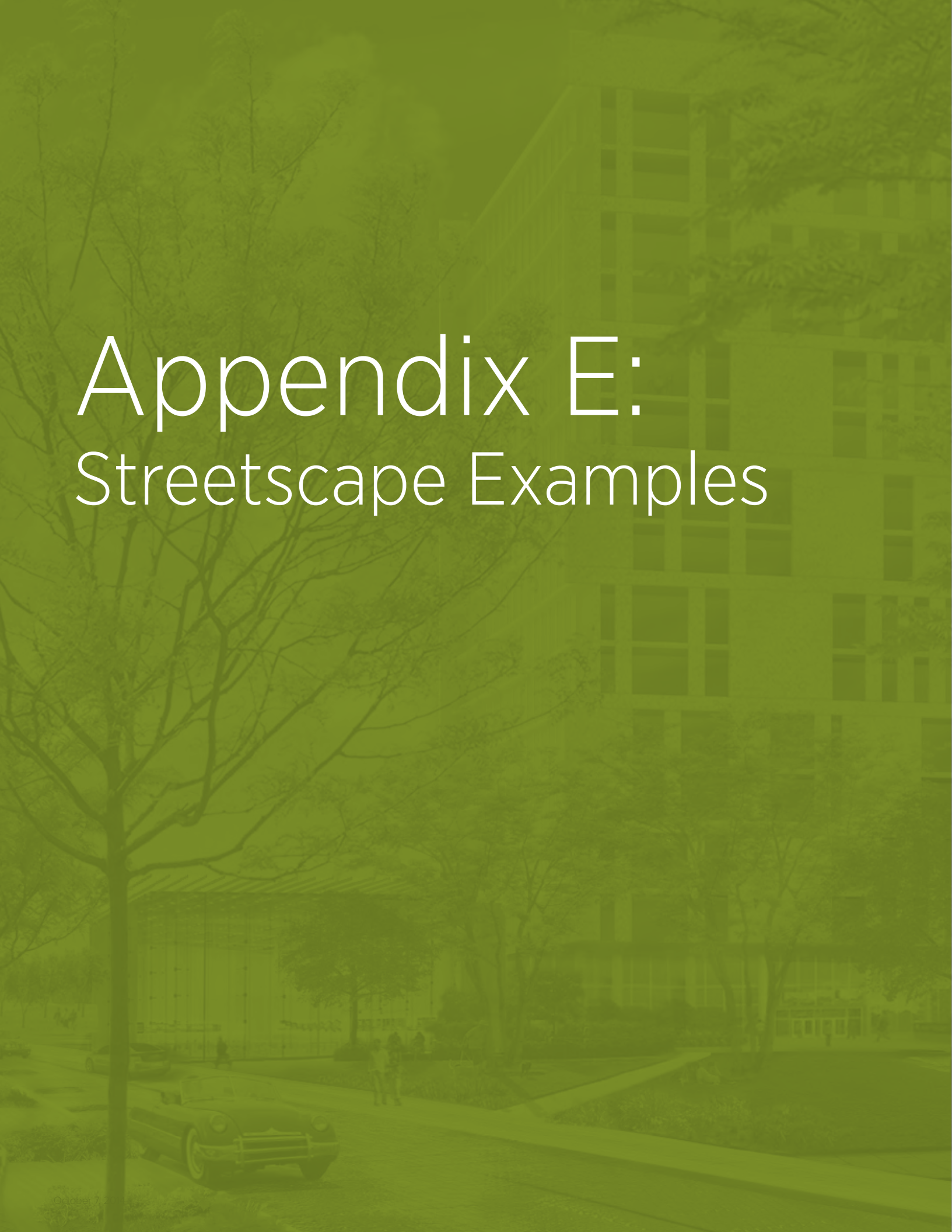
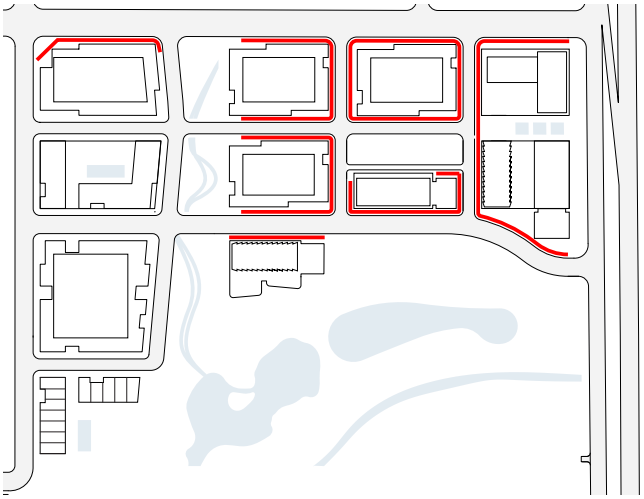


Exhibit E1 Streetscape - Mixed Use Examples
Exhibit E2 Streetscape - Residential Examples
Exhibit E3 Bioswale Examples
Exhibit E4 Paving Examples
Exhibit E5 Bicycle Parking Examples
Exhibit E6 Site Furnishings Examples
Exhibit E7 Lighting Examples
Exhibit E8 Material and Color Examples
Exhibit E9 Pedestrian Bridges Examples

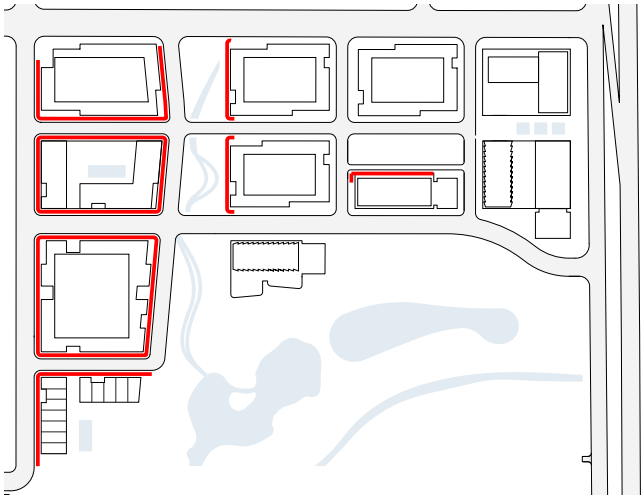
Exhibit E1 Streetscape - Mixed Use Examples

Retail signage, street trees and planting areas, and accommodations for bike and pedestrian traffic should be provided. Outdoor seating areas are encouraged.



Key Plan

Exhibit E2 Streetscape - Residential Examples

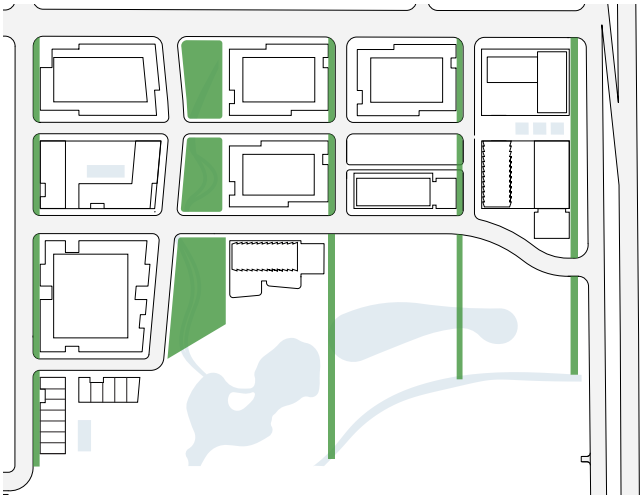


Key Plan

Planting should not obscure stoops and entryways. Sidewalks should be kept clear for pedestrian traffic.

Exhibit E3 Bioswale Examples

Bioswales located within the sidewalks throughout the Ivy District street network are designed for storm water runoff conveyance that provides an alternative to storm sewers. They can absorb low flows or carry runoff from heavy rains to storm sewer inlets or directly to surface waters. Bioswales improve water quality by infiltrating the first flush of storm water runoff and filtering the large storm flows they convey. The maintenance of bioswales will be the responsibility of the owner.



Key Plan

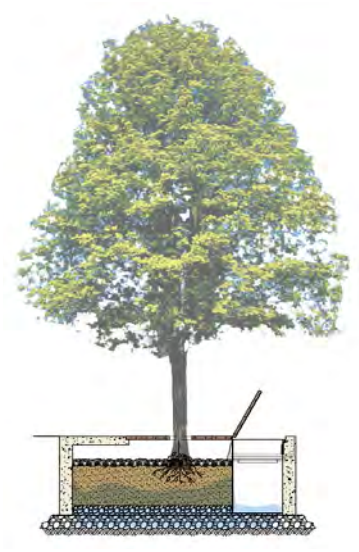
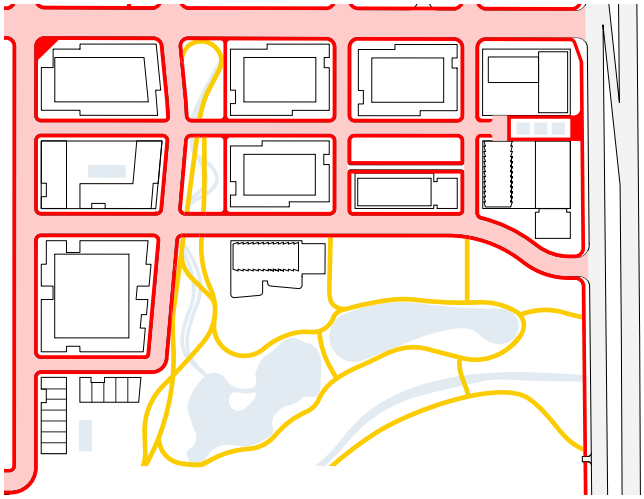


Exhibit E4 Paving Examples



Key Plan

- Pathway
- Sidewalk
- Street

The ground plane within the public realm plays a critical role in both maximizing site permeability as well as enhancing the character of the Ivy District as a pedestrian focused neighborhood. In order to encourage a modern, simple neighborhood aesthetic, the paving palette is intended to be limited to a small range of textures and colors. The use of recycled or renewable materials, when possible, is encouraged. Materials for sidewalks are permitted to be pavers or concrete paving that will meet the minimum design performance requirements per the Pearland Engineering Design Criteria Manual, June 2007. All streets must be concrete and meet the minimum strength requirement of the Pearland Engineering Design Criteria Manual, June 2007 and a Geotech Report signed and sealed by a Texas Professional Engineer.

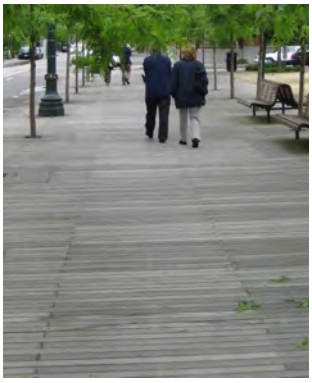
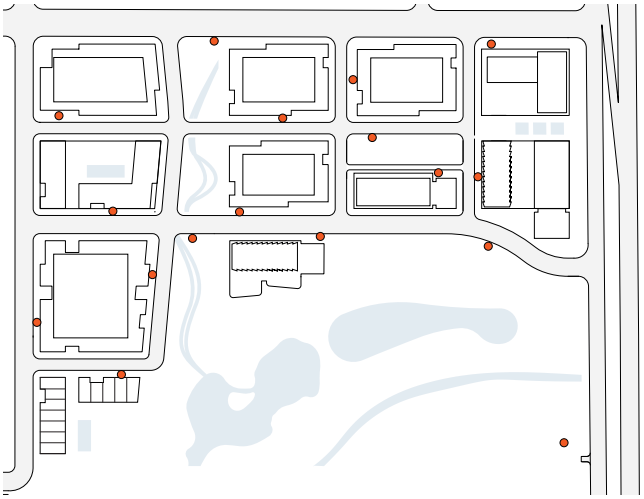


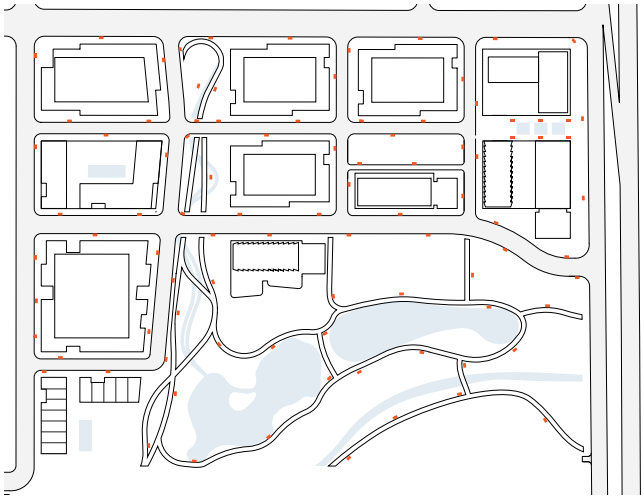
Exhibit E5 Bicycle Parking Examples

Bicycle parking and other public amenities are intended to support the design and function of streets and open spaces and enhance the character of the Ivy District as a pedestrian and bicyclist focused neighborhood. Bicycle parking shall be made of durable and vandal-resistant materials such as stainless steel or other heavy duty materials where appropriate.



Key Plan

Exhibit E6 Site Furnishings Examples

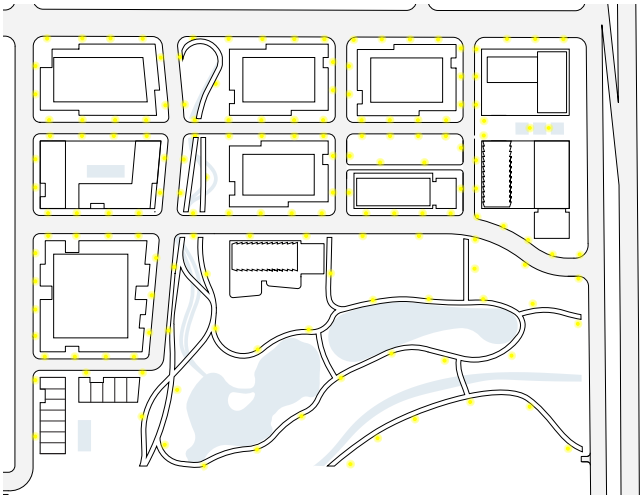


Key Plan

Materials, site furnishings and other public amenities described in this section are intended to support the design and function of streets and open spaces, while aesthetically enhancing the public character of the Ivy District as a pedestrian focused neighborhood. Bollards and trash and recycling bins are intended to have a consistent design vocabulary throughout the neighborhood.

Exhibit E7 Lighting Examples

Lighting is intended to be attractive and visually engaging, while providing public safety and enhancing the character of the Ivy District as a pedestrian focused neighborhood. Certain areas of the Ivy District neighborhood are intended to have lower lighting levels, such as the Clear Creek Recreational Area where it is important to minimize light pollution so as not to disturb wildlife and maintain a natural setting. The Ivy District shall develop a "Master Lighting Plan" for review and approval by the city manager and the city council before submittal of a development application.



Key Plan

Exhibit E8 Material and Color Examples

The use of materials and colors help to define the quality and nature of a place. Individual buildings at Ivy District are encouraged to use a variety of material and color palettes, weaving together a vibrant neighborhood tapestry.

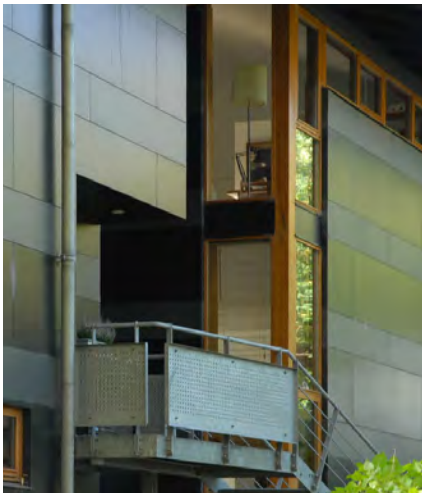
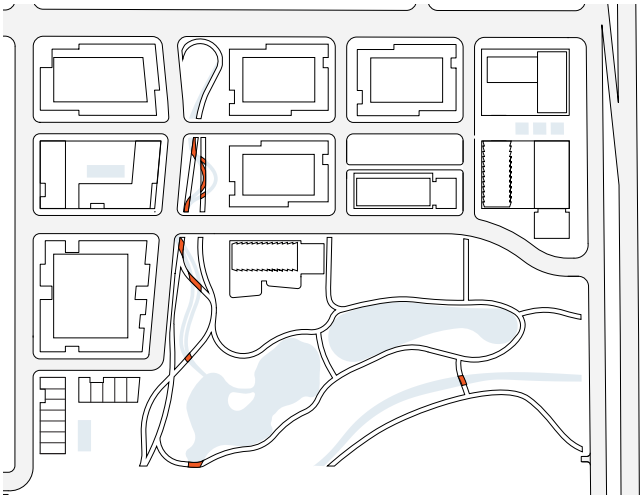


Exhibit E9 Pedestrian Bridge Examples

Pedestrian bridges shall be located within Public Open Space. Design of pedestrian bridges in the Ivy District shall take the urban context into consideration including pedestrian amenities, architectural detailing, railings, and appropriate materials. The images in this section are intended to provide examples of pedestrian bridges. The incorporation of public art is also encouraged to provide a unique sense of place and identity to the landscaped open space.

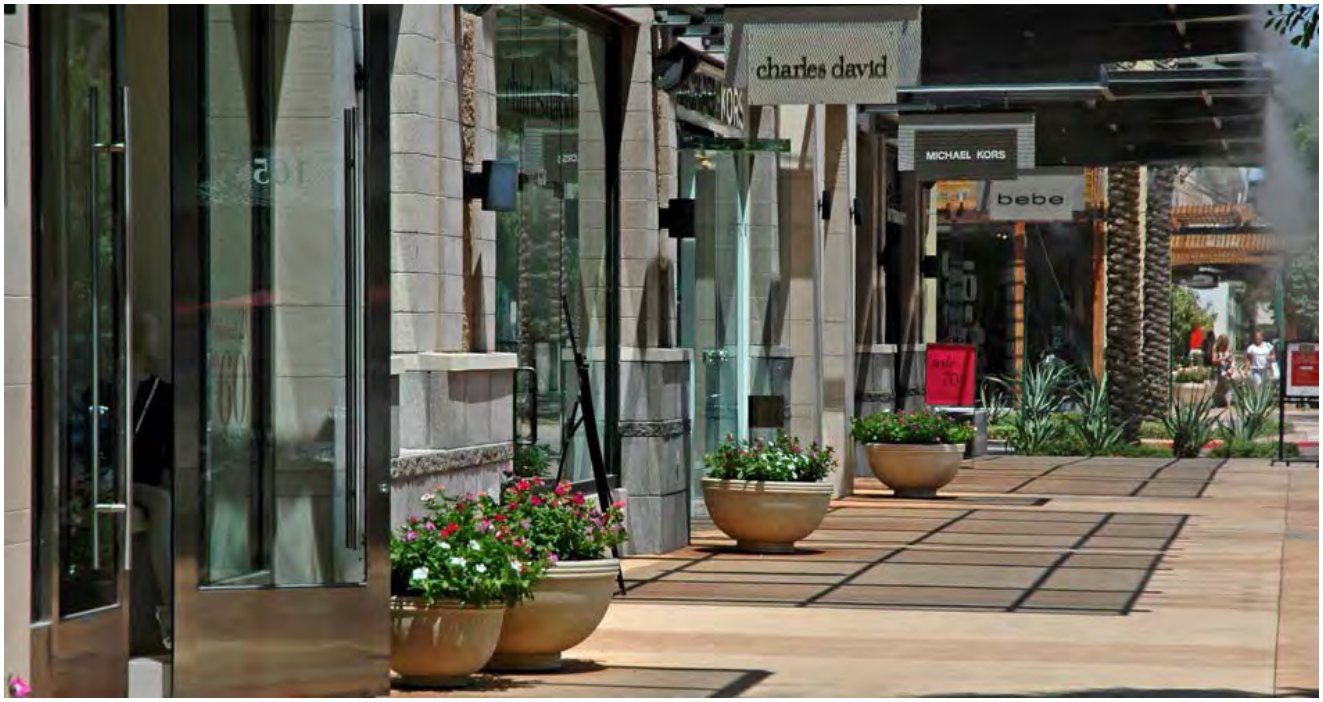


Key Plan

Appendix F:
Signage Examples

Exhibit F1 Signage Examples

Exhibit F1 Signage Examples


charles david
MICHAEL KORS
bebe

PRISCILLA OF BOSTON
PRISCILLA OF BOSTON

babycottons.
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Appendix G:
Open Space Examples

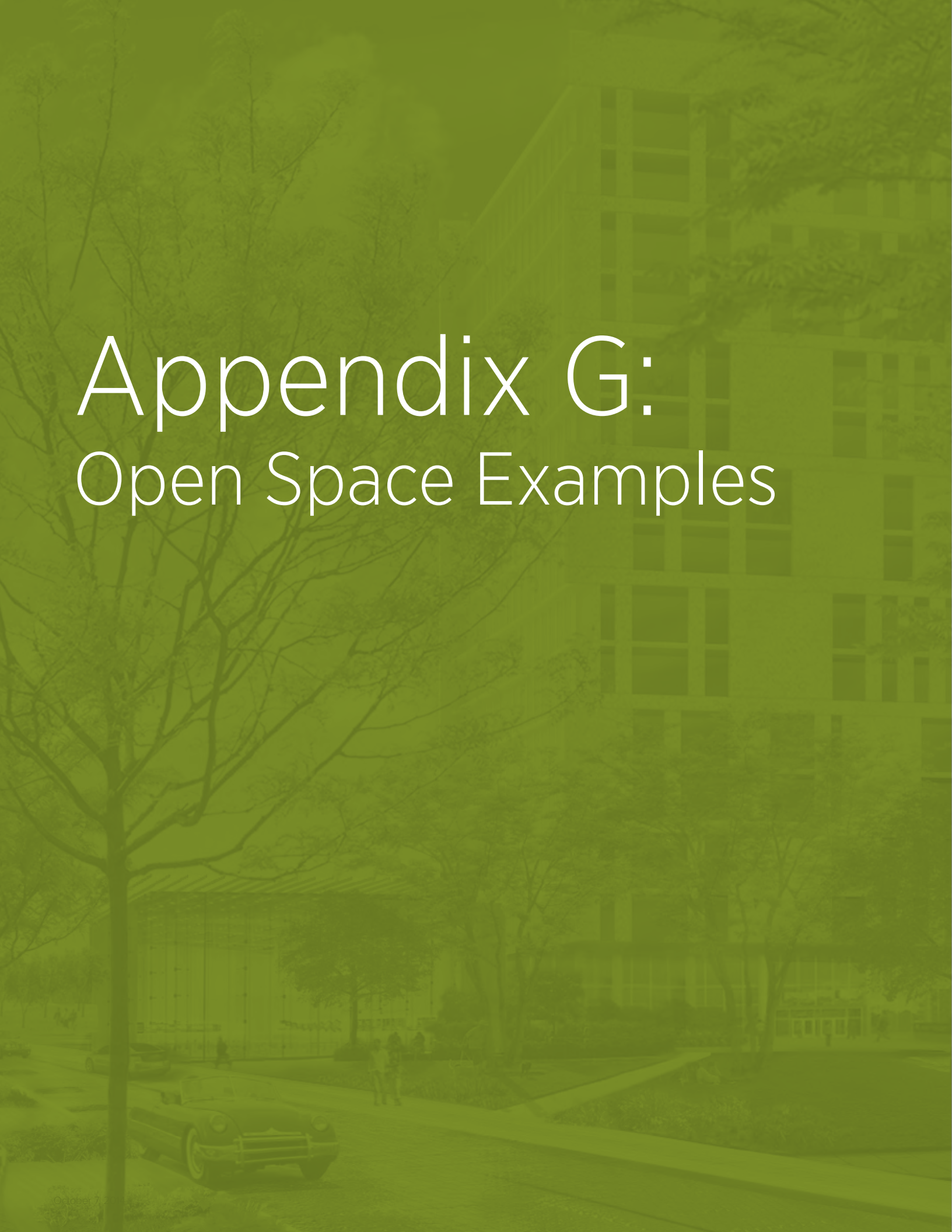


Exhibit G1 Clear Creek Recreation Park Examples
Exhibit G2 Art and Culture Green Examples
Exhibit G3 Parkside Green Examples
Exhibit G4 Ivy Square Examples
Exhibit G5 Plaza Examples
Exhibit G6 Ancillary Structure Examples
Exhibit G7 Balcony Examples
Exhibit G8 Patio Examples
Exhibit G9 Courtyard Examples
Exhibit G10 Forecourt Examples
Exhibit G11 Pedestrian Passage Examples
Exhibit G12 Playground Examples
Exhibit G13 Community Garden Examples
Exhibit G14 Roof Terrace Examples
Exhibit G15 Other Private Open Space Examples

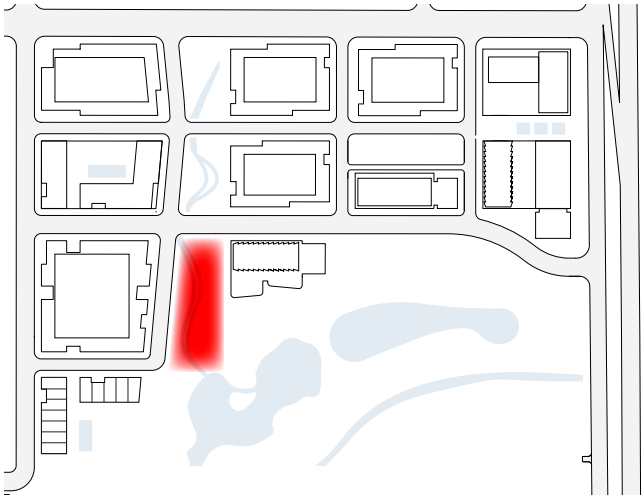
Exhibit G1 Clear Creek Recreational Park Examples

The Clear Creek Recreational Park is intended to provide an active open space along Clear Creek at the southern edge of the project. The area is also a significant element of the regional detention strategy for the Ivy District and takes advantage of the Clear Creek Floodway, as well as the city's proposed "Lower Kirby Regional Detention Facility", study dated July 2013, which is located on the south western edge of the 48.5 acre Ivy District site.

The intent is to create a vibrant and active edge along the creek and regional detention area with recreational activities. The Clear Creek Recreational Park provides a casual place for residents and visitors to the Ivy District to walk, bike, or jog. The Clear Creek Recreational Park shall be defined by multi-use pathways, as well as landscaped open space.

Key Plan

Exhibit G2 Art and Culture Green Examples

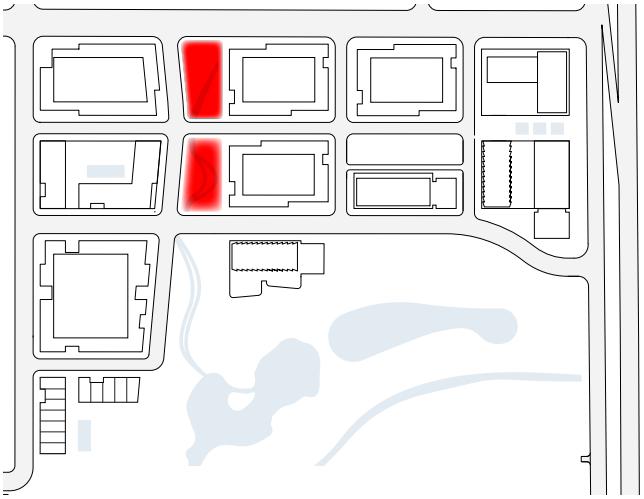


Key Plan

The Art and Culture Green will create an important public space that connects the Clear Creek Recreational Park with the Ivy District and allows for active and passive recreation, as well as provides space for outdoor music and special events. The Art and Cultural Green shall primarily be naturally landscaped with many places to sit on benches or low walls. Passive recreation activities in the park includes grassy lawn for unstructured and informal active recreational activities. Appropriate civic elements, fountains or open shelters may be included.

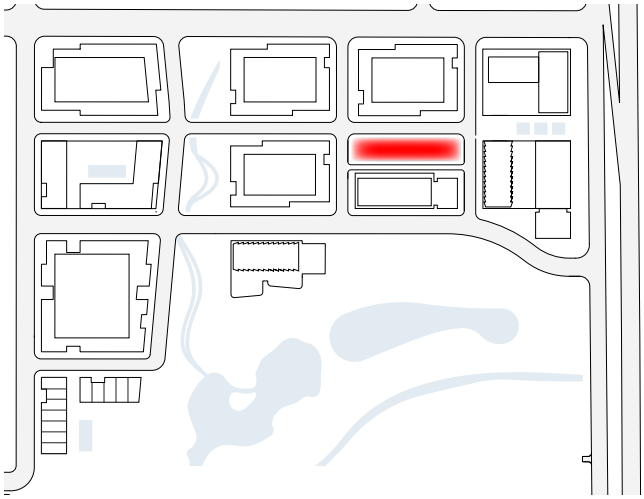
Exhibit G3 Parkside Green Examples

The Parkside Green will serve as an important public space for the Ivy District. The green will be available for civic purposes, commercial activity, unstructured recreation and other passive uses. The green shall primarily be naturally landscaped with many shaded places to sit. Appropriate paths, civic elements, fountains or open shelters may be included and shall be formally placed within the green. The Parkside Green is the heart of the Parkside Neighborhood Sub District.



Key Plan

Exhibit G4 Ivy Square Examples

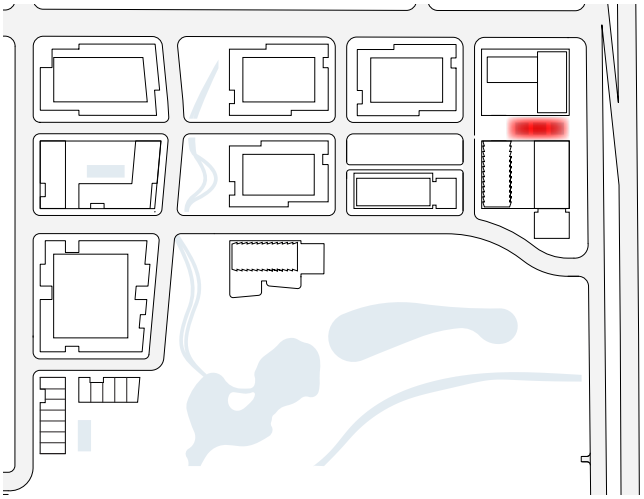


Key Plan

Ivy Square serves as an open space available for civic purposes, commercial activity, unstructured recreation and other passive uses. The square shall have a more urban, formal character and be defined by the surrounding building frontages and adjacent tree-lined streets. All buildings adjacent to the square shall front onto the square. Adjacent streets shall be lined with appropriately scaled trees that help to define the square. The landscape shall consist of lawns, trees, and shrubs planted in formal patterns and furnished with paths and benches. Shaded areas for seating shall be provided. A civic element or small structure such as an open shelter, pergola, or fountain may be provided within the square. Ivy Square is located at the heart of the Public Square Sub-District.

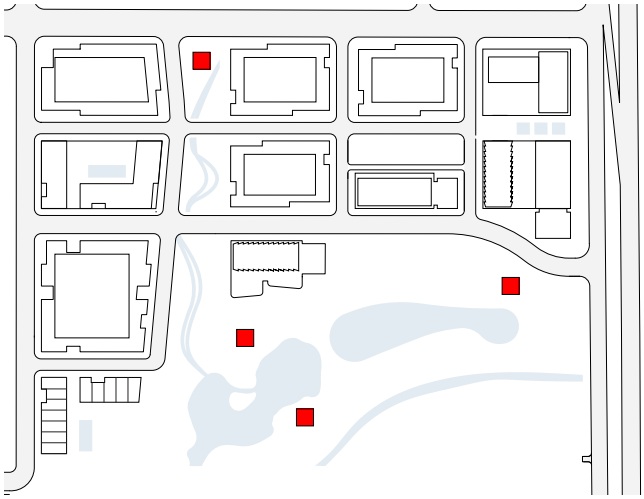
Exhibit G5 Plaza Examples

Plazas add to the vibrancy of streets within the more urban districts and create formal open spaces available for civic purposes and commercial activity. Building frontages shall define these spaces. The landscape shall consist primarily of hardscape. If trees are included, they shall be formally arranged and of appropriate scale. Casual seating, along with tables and chairs, shall be provided. Plazas typically should be located at the intersection of important streets. Plazas are appropriate in the Public Square Sub-District.



Key Plan

Exhibit G6 Ancillary Structures Examples

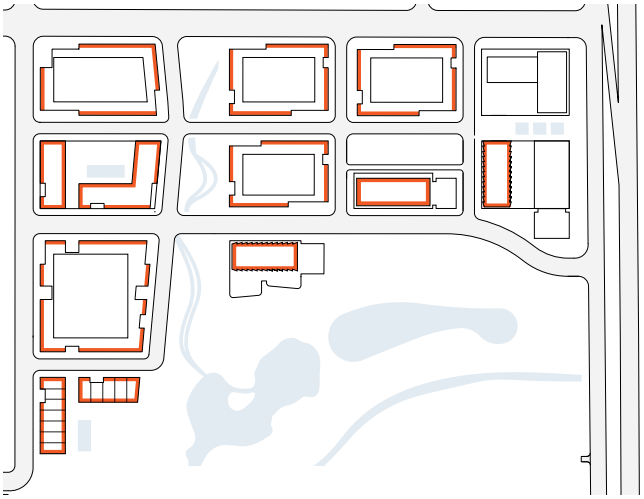


Key Plan

Ancillary structures within public Public Open Spaces shall be formal in character and generally related to, but clearly subordinate to surrounding buildings. Each individual structure shall keep in character or complement the style of nearby buildings. Typically, these structures are located at prominent locations within an appropriate Public Open Space. Ancillary structures located in the Public Square Sub-District may have minor commercial uses, such as small food or news vendors, but may also serve as civic elements for general public use with more passive activities.

Exhibit G7 Balcony Examples

A balcony is a platform projecting from a second or higher story interior or exterior wall of a building, usually enclosed for privacy and protection by a rail. A balcony usually has French or sliding glass doors leading out to it, and can be entered from a living room or bedroom.



Key Plan

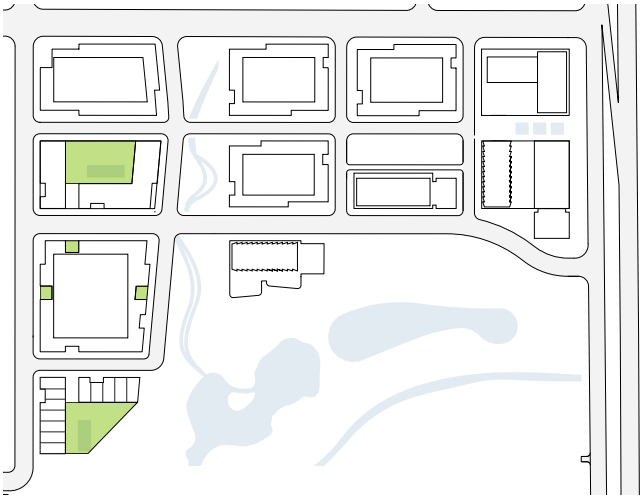
Exhibit G8 Patio Examples

Key Plan

A Patio is an outdoor space for dining or recreation that adjoins a residence and is often paved. It may also be a roofless inner courtyard within a residence, typically found in Mediterranean dwellings.

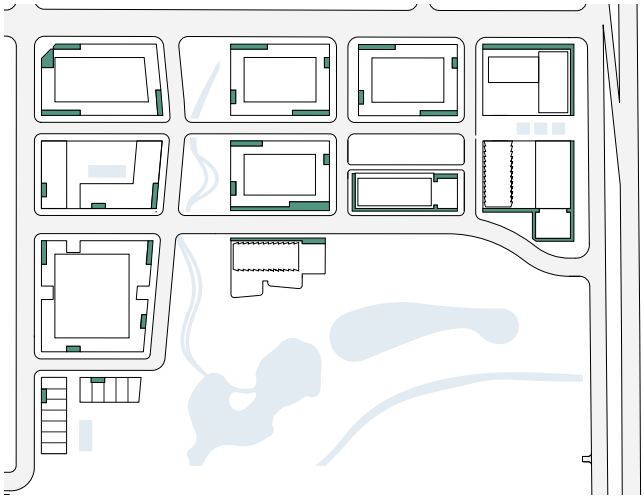
Exhibit G9 Courtyard Examples

A Courtyard is a landscaped open space in the center of the block, usually with no street frontage, bounded by walls or buildings on at least two sides. It shall be large enough to allow for public activities and have sunlight during midday. It shall be designed to connect to adjacent buildings or to the public sidewalk through a pedestrian passage.



Key Plan

Exhibit G10 Forecourt Examples

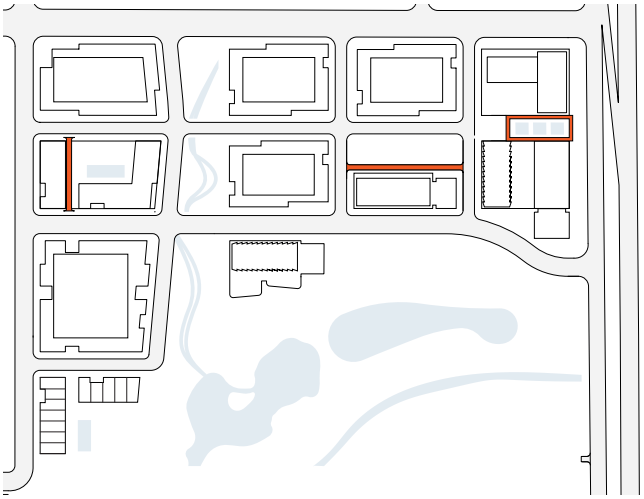


Key Plan

A Forecourt is a small private open space between a building facade and the Build-to Line.

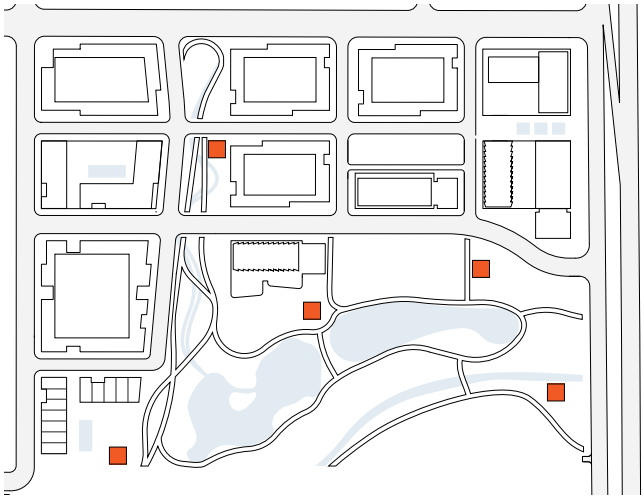
Exhibit G11 Pedestrian Passage Examples

A Pedestrian Passage is an intimate street level passage way for pedestrians from the interior of one block or building to a public sidewalk. These paths provide direct pedestrian access to residential addresses and create unique spaces for frontages to engage and enter off of. A pedestrian passage may be used to visually reduce the impact of a large development block.



Key Plan

Exhibit G12 Playground Examples

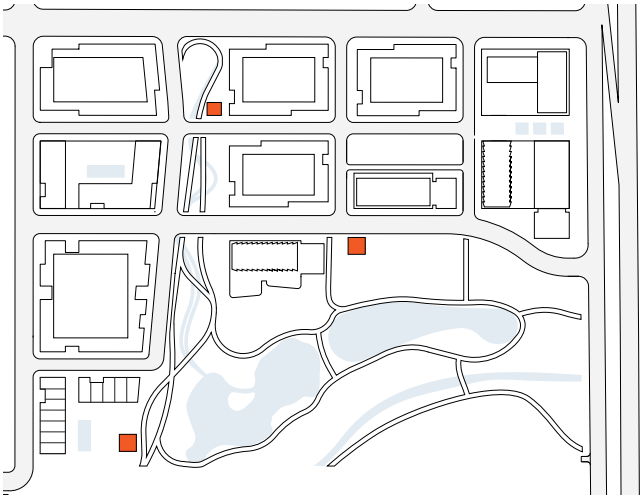


Key Plan

Playgrounds shall be permitted in parks and greens to provide open space designed and equipped for the recreation of children. These playgrounds shall serve as quiet, safe places – protected from the street and typically located where children do not have to cross major streets to access.

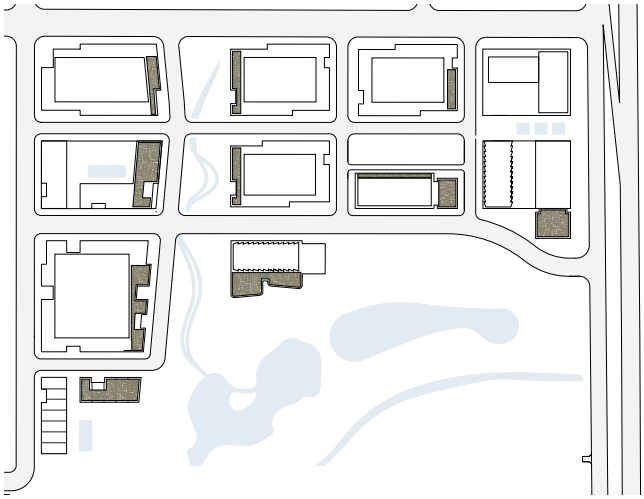
Exhibit G13 Community Garden Examples

A Community Garden is a small to medium size garden cultivated by members of an area for small scale agricultural uses for the benefit of the same people. It may consist of individually tended plots on a shared parcel or may be communal (everyone shares a single plot).



Key Plan

Exhibit G14 Roof Terrace Examples

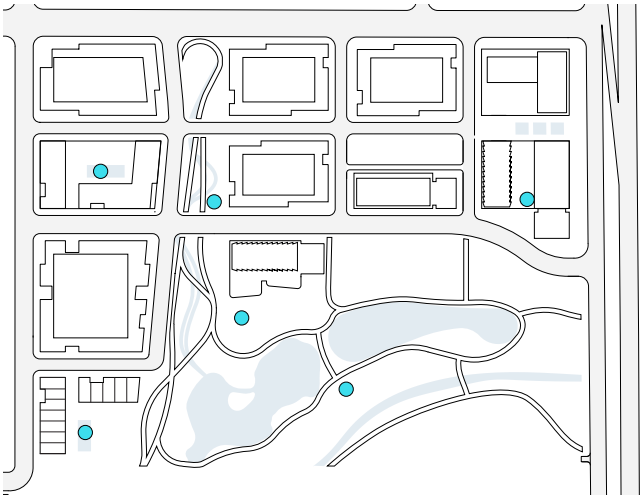


Key Plan

Roof terraces are flat areas on top of a building which are accessible for use as a recreation space for the residents and users of the building.

Exhibit G15 Other Private Open Space Examples

Other Private Open Space could include a pool (swimming, lap pool, spa area), play courts (basketball, volleyball), or picnic areas with shade structures.



Key Plan

JOINT PUBLIC HEARING AGENDA ITEM
MEETING OF MARCH 17, 2014

Zone Change No. 2014-02Z

A request of Steven Biegel, applicant; on behalf of America Modern Green Development, LLC., owner; for approval of a zone change from the Waterlights Planned Development (PD) to the Modern Green-Ivy District PD, on approximately 48 acres of land on the following described property, to wit:

Legal Description: That portion of Lot 5 of the subdivision of James Hamilton Survey, Abstract No. 881, a portion lying within Harris County, Texas and the remainder lying within Brazoria County, Texas, according to the map or plat thereof recorded in Volume 83, Page 342 of the deed records of Harris County, Texas.

General Location: Southwest corner of Spectrum Boulevard and State Highway 288

APPROVAL PROCESS: After this Joint Public Hearing, the requested zone change application could be considered as follows:

	If P& Z makes a recommendation on March 17, 2014	If action on the application is postponed
Planning and Zoning Commission	March 17, 2014	April 21, 2014
City Council for First Reading	April 14, 2014	May 12, 2014
City Council for Second Reading	April 28, 2014	May 26, 2014

These dates may change further based on the outcome of the meetings.

Project Summary

The applicant Steven Beigel, on behalf of the owner America Modern Green Development (Houston) LLC is proposing a 48.5 acre mixed use development located on the west side SH 288, east of Kirby Drive, south of South Spectrum Boulevard, and north of Clear Creek. This site was the location of a previously approved Planned Development of Waterlights District in March 2008, also a mixed use district.

The site is currently vacant, with a detention pond that was constructed a few years back, in anticipation of the first phase of Waterlights development. Due to the downturn in the economy, the Waterlights project did not advance, and the property was foreclosed by Amegy in 2010. The property is currently owned by the applicant America Modern Green Development LLC.

It is proposed that this "pedestrian oriented, urban" development could include an unspecified mix of offices, retail, restaurants, cafes, social and recreational center, and high density multi-family residential. Some other potential uses listed in the PD, which were not included in the Waterlights, include assisted living, skilled nursing, long-term stay hotel, and related uses.

Summary of October 7, 2013 Joint Workshop

The PD was discussed at a joint workshop of the City Council and Planning and Zoning Commission on October 7, 2013. Although there was no formal motion made, it is staff interpretation that the City Council and Planning and Zoning Commission had the following major comments:

1. **Codification and Design Standards:**
   The design and illustrations shown in the PD need to be codified. The text needs to reflect the overall design and concept. Building guidelines need to be clarified and revised to ensure that the built-form, as shown in the exhibits, are requirements rather than guidelines. The codes and details need to ensure that the goal of the Modern Green Ivy District is met – "…to promote a range of development within an overall street network, public space, and sustainable infrastructure framework that will become a model, vibrant, and ecological neighborhood for the City of Pearland, Texas".

   Specifically for residential development, need to discourage conventional two-three storied single-use, multi-family rental apartments, surrounded by parking lots (garden–style apartments) and encourage pedestrian oriented high-density, parking area/structure enveloped by housing, with shared parking for commercial and residential uses (Texas Wrap Housing Product). Ensure that the codes in the PD result in a development that meets the proposed objective of the PD, which is to "…build a residential community that is both highly sustainable and unique in character, while offering a range of amenities for residents, set within an attractive pedestrian environment."

2. **Land Use and Open Space:**
   a. Review the land use mix. Increase the percentage of offices and retail uses and lower multi-family.
   b. More buildings need to include first floor commercial / office uses.
   c. Provide more details on parks and open space and how it meets the city's requirements on park dedication and open space.

d. Provide definition of the land use terms used in the PD and provide a breakdown of area/ number of units for each of these uses - Community Center, Senior Living, MF Rentals, MF Condos, Assisted Living, Skilled Nursing, Short-term/Long-term Hotels, Multi-Family Residential with Non-Residential on First Floor, Luxury Condos, Performing Arts Center, etc.

3. **Infrastructure and Amenities:**
   Provide details of infrastructure improvements and lake amenities within and outside PD boundaries – assign responsibility for construction, maintenance, ownership of these improvements.

Staff Analysis of the Current Proposal

The proposed PD has a strong focus on residential and senior living component, especially with the proposed flexibility of 25% increase in the 11.5 acres of Parkside neighborhood. This flexibility could allow an increase of approximately 95 units, when compared to the previously approved Waterlights PD. The following table compares the Waterlights PD to the proposal discussed at the workshop on October 7, 2013 and the current proposal.

	Waterlights District	**% of total land**	**Proposed Modern Green Ivy District Oct. 2013**	**% of total land**	**Proposed Modern Green Ivy District Jan. 2014**	**% of total land**
Site Area	57.7 acres	NA	48.5 acres	NA	48.5 acres	NA
Office	390,000 square feet	15.5%	110,000 square feet	5.2%	100,000 square feet	4.7%
Retail Shopping & Restaurant	218,000 square feet	8.6%	80,000 square feet	3.7%	130,000 square feet	6.1%
Hotel Short Stay	500 keys		450keys		100 keys	
Senior Facility	0		Included above		310 keys	
Residential	1150 units* on 48.5 acres (1400 on 57.7 acres) 350 units were proposed on additional 10 acres that is not included in Modern Green Ivy District	24.26 units/acre	1410 units on 48.5 acres	29 .07 units/acre	1300 units on 48.5 acres MF rental: 400 units MF- condo:900 units 25% increase allowed in the PD will result in additional 95 units	26 .8 units/acre
Community Center	Within each residential block		Not calculated		80,000 sf	3.8%
Parking	5100 – 5900 spaces		4,500 spaces		3,600 spaces	

Major Concerns

Staff has the following major comments for the PD submitted on January 31, 2014. These comments largely echo the concerns raised by the City Council and Planning and Zoning Commission in October. Additional comments have been listed at the end of this report.

1. **Land Use Breakdown** – As discussed earlier in the workshop, staff recommends that a true mix of uses, both vertical and horizontal be considered. Despite the changes to the land use breakdown, there appears to be an uneven balance of residential to commercial, with residential uses dominating the PD.

   While the previously approved Waterlights PD had proposed 1,150 units on 48.5 acres, this PD proposes 1,300 residential units and 310 units in the Senior Facility, totaling 1,610 units on the same acreage. Additionally, the allowed 25% increase could result in **1,705** total units.

   Currently Office use is at 4.7% of the total land area, and Retail, Shopping and Restaurant is at 6.1%. Cumulatively, these have not increased substantially since the last workshop. Staff recommends that these percentages be increased to 8-10% for Office use, and 12-15% for Retail, Shopping and Restaurants.

2. **Open Space and Parkland Dedication** – The PD will need to address how the applicant will meet the parkland dedication and open space requirements. Details of acreages, amenities, and quantities need to be included. Amenities and non-traditional open spaces (plazas etc.) are eligible for credit towards this requirement. Staff recommends that all UDC requirements (including quantity) be met by a combination of open space, amenities, and parkland dedication fees. The UDC requires the following quantities for 1,610 units:

   Parkland dedication at 1 acre per 50 units or $750/units =32.2 acres
   Open space requirement at 900 sf/residential unit = 33.2 acres

   Other open space requirements of the UDC Section 2.4.2.10.g and Section 2.2.2.1 need to be met. Staff recommends that acreages be added in Appendix I with appropriate coding to identity the type of open space in conformance with Chapter 11. Images need to be tied to the map and to the components for better clarity to assist in review and approval of future permits.

   Since the PD does not provide a breakdown on the type of units included in the Senior Facility, this calculation assumes that Senior Housing will comprise of

independent 55+ older units, which are subject to the open space and parkland dedication calculations.

3. **Multi-Family Housing Form** – The PD lacks regulations to prevent "garden style" development. Staff recommends that the built form be better defined, and include minimum heights, details on designs, and restrictions on parking in areas along the streets by limiting the building setbacks. This would ensure a development that is pedestrian oriented, high-density, with parking area/structure enveloped by housing, and shared parking for commercial and residential uses (Texas Wrap Housing Product).

4. **Street Network** – The PD should clarify that all external roads will be public and constructed by the developer. Internal roads can be private. The ownership and maintenance responsibility of all roads needs to be clearly identified in the PD.

5. **Deviations** – The following deviations proposed in the proposed PD would not be permitted by the UDC:

    a. Twenty Five (25) percent modification for land uses.
    b. Fifteen (15) percent change in setbacks would be in addition to the range specified already.
    c. Deviations for street screen.
    d. Page 33, Table 9.1 - South Spectrum is a secondary thoroughfare on the Thoroughfare Plan and is not conducive to on street parking, especially since the road continues west of this development. Promenade Shops is a major collector (4 lanes, no on-street parking) with western frontage on another property. Staff recommends that the on-street parking be confined to their internal streets.

SURROUNDING ZONING AND LAND USES:

	Zoning	**Land Use**
North	Planned Development (PD) Promenade Shops.	Bass Pro Shops and vacant land.
South	General Commercial (GC) and Spectrum 1 (SP1 - The Beltway District)	Detention & vacant land. Clear Creek.
East	BP-288 (Business Park District)	Vacant land. State Highway 288.
West	Spectrum 1 (SP1 - The Beltway District) and Planned Development (PD) Waterlights.	Vacant

CONFORMANCE WITH THE UNIFIED DEVELOPMENT CODE (UDC): As previously mentioned, the property is currently zoned Planned Development (PD) - Waterlights. The application seeks to change the Waterlights PD to Modern Green Ivy District PD.

According to the UDC – "The purpose of an overlay planned development zoning district ("PD District") is to provide for the development of land as an integral unit for single or mixed use in accordance with a PD Design Plan that may include uses, regulations and other requirements that vary from the provisions of other zoning districts. PD Districts are intended to implement generally the goals and objectives of the City's Comprehensive Plan. PD Districts are also intended to encourage flexible and creative planning, to ensure the compatibility of land uses, to allow for the adjustment of changing demands to meet the current needs of the community, and to result in a higher quality development for the community than would result from the use of conventional zoning districts."

In this case, the concept document provided by the applicant does not include sufficient description and details to meet the intent and purpose of the PD, as required by the UDC.

CONFORMANCE WITH THE COMPREHENSIVE PLAN: As indicated by the adopted Comprehensive Plan, approximately 75% of the subject property is designated as *The Beltway District* (S1) and 25% as *The Mixed-Use High Density Residential Distric*t (S3).

The 2004 Comprehensive Plan Update and the Lower Kirby Urban Center (LKUC) Development Code supported a high density, mixed use, livable center concept. The examples mentioned in the Comprehensive Plan included The Legacy in Plano, The Arboretum in Austin, and The Woodlands Town Center in the Woodlands, all of which have a higher percentage of non-residential uses than proposed.

The LKUC Development Code states – "The Lower Kirby Urban Center is intended to be a diverse regional destination that includes significant employment uses along Kirby Drive transitioning to light industrial uses to the west, regional retail along the highway frontages, and a pedestrian-oriented, mixed-use core anchoring the District. The goal of Lower Kirby Urban Center is to promote for a range of development opportunities within an overall urban design, street network and drainage infrastructure framework."

The land use break-down proposed in the PD, with over 25% of the land designated for multi-family single use buildings, would not be in conformance with the Comprehensive Plan.

CONFORMANCE WITH THE THOROUGHFARE PLAN: The eastern boundary of the subject property has frontage on State Highway 288 , a State Highway. The northern boundary has frontage on Spectrum Drive, a major thoroughfare, with a minimum of 120' right-of-way. The western boundary has frontage on Promenade Shops Drive, a major collector, with a minimum of 80' right-of-way. Right of way dedication for all or portions of these streets would be required at the time of platting and the applicant would be required

to construct or extend these roads to city standards. A Traffic Impact Analysis (TIA) would be required and the applicant would be required to construct all improvements as per the TIA.

PLATTING STATUS: Platting is a separate process that commences after the approval of the PD and prior to any land development. The property will need to be platted prior to the issuance of any permits.

AVAILABILITY OF UTILITIES: The subject parcel is not serviced by public water and sewer. The applicant would need to extend the utilities to serve the site. The applicant has not provided any information on the proposed extension of services or how the capacity issues and other required off-site improvements will be addressed.

IMPACT ON EXISTING AND FUTURE DEVELOPMENT: As discussed above, this zone change would not be in conformance with the recommendations of the Comprehensive Plan, specifically due to the proposed conceptual land-use mix that is predominantly (vertically and horizontally) multi-family residential. The development as proposed may encourage other predominantly multi-family residential developments in the future, and be detrimental to the development of this area as envisioned in the 1999 Comprehensive Plan, the 2004 Comprehensive Plan Update and the Lower Kirby Urban Center (LKUC) Development Code.

The 1999 Comprehensive Plan recommended creation of "an attractive business park environment along State Highway 288". It recommended campus like settings, office buildings, light manufacturing uses, restaurants, retail, regional shopping centers, hotels, and multi-family development with limitation on the number of units per acre.

The 2004 Comprehensive Plan Update and the Lower Kirby Urban Center (LKUC) Development Code supported a high density, mixed use, livable center concept. The examples mentioned in the Comprehensive Plan included The Legacy in Plano, The Arboretum in Austin, and The Woodlands Town Center in the Woodlands, all of which have a higher percentage of non-residential uses than proposed.

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ADDITONAL COMMENTS: This request has been reviewed by the City's Development Review Committee. Additional comments from other departments have been relayed to the applicant and have been included in this report.

SITE PLAN CONSIDERATIONS: The site plan that has been included in the PD

document is a very conceptual plan. Staff recommends that additional details, clarifications and modifications, as listed in this report, be added to the site plan for further review.

PUBLIC NOTIFICATION: Public notice/comment forms were mailed to property owners within 200 feet of the subject property under consideration, as well as property owners within the existing Planned Development. A legal notice of public hearing was published in the local newspaper, and a notification sign was placed on the subject property. There are limited existing adjoining landowners and users in this area due to the land being in its pre-development stage.

OPPOSITION TO OR SUPPORT OF PROPOSED REQUEST: Staff has not received any comments either in opposition to or in support of the proposed zone change request.

STAFF RECOMMENDATION: Staff recommends that all comments be addressed before any action is taken on the PD. At this time, staff recommends that the applicant be provided more time to provide a complete document that is in conformance with the expectations set by the City Council and Planning and Zoning Commission at their October workshop, and that addresses all staff's comments. The extension of time would also provide an opportunity for the applicant to ensure that:

1. The proposed PD is in compliance with the Comprehensive Plan and Lower Kirby Urban Center Development Code.
2. The proposed PD is in compliance with the purpose of the PD as stated in the UDC.
3. All staff comments and concerns have been addressed, especially those related to the land-use breakdown; open space and parkland dedication; multi-family housing form; and street ownership and maintenance.

SUPPORTING DOCUMENTS:

- Vicinity and Zoning Map
- Property Ownership/Abutter Map
- Property Owner Notification/Abutter List
- Future Land Use Plan
- Aerial Map
- Newspaper Notice
- Lower Kirby Urban Center Regulating Plan
- Zone Change Application and Applicant Documents
- Related Document - Spectrum District Land Use Map

ADDITIONAL STAFF COMMENTS: These comments pertain to the details contained in the PD. These comments would need to be addressed after the expectations set by the City Council and Planning and Zoning Commission at their October workshop, and major comments listed earlier in this report (related to the land-use breakdown, open space and parkland dedication, multi-family housing form, and street ownership and maintenance) are addressed.

1. PD Refers to the UDC 8th edition throughout the document. This should be changed to the new 9th edition.
2. The modification process on Page 9 is confusing and is contradictory. Please clarify. Staff recommends that PD amendments follow the process in the UDC. Appeal of City Manager's decision – needs clarification that this will be through an application process, and the decision will be made without a public hearing process.
3. Ownership component (condo units) needs to be defined and identified on the plan.
4. Page 8 – 3. Administration, A. Please revise to read "The development standards under the UDC…shall apply except as specified herein."
5. Page 9 – Add 'Or street classifications and connectivity locations to City streets.' to D.6.
6. Page 11 – Building facades – "Parks and breezeways would be considered as buildings" - need to discuss.
7. Page 11 – Use the term First Floor instead of Ground Floor.
8. Page 12 – Formula Retail – would these meet the standards in the PD are will they be allowed to follow their own standards?
9. Gallery – For Public Streets, any encroachment on the street needs City approval. The street needs to be designed such that private spaces are separated from public ROW.
10. Page 13 "Minor Modification" references Part 3 h of the PD Document. There is no Part 3H. This should reference 3D.
11. Page 13- Minor Modifications- Table 3 is missing.
12. Page 13 – Plaza – defined by building on how many sides? How is this different from a Square?
13. Page 11- Senior Citizen – Not sure which age criteria is referred to? The UDC definition may not apply to the type of development proposed.
14. Page 16, Item 5 I - Any private streets are not patrolled by City Police Department to enforce traffic laws unless an Ordinance has been passed for private street enforcement.
15. Page 17, Table 6.2 – Does Personal and Business include amenities within residential? Need to clarify these amenities or refer to UDC.
16. Page 18 – Table 6.4 – Drive through uses do not work well in a pedestrian friendly environmental without locational and other design criteria. Please address this.
17. Page 18 – Hospitals are not permitted. This area may benefit from such uses and staff recommends that they be included.
18. Page 18 –
    a. Table 6.4 – Residential Uses – Single Family… - Design Criteria states "…or the width of the lot…". Where is "the width of the lot" defined in the PD document?
    b. Table 6.4 – Other Uses – Long-Term Hotel – Design Criteria – Why is it limited to just the initial renter has to be a senior citizen? Does that mean the next renter

does not have to be a senior citizen? What defines a senior citizen? What is an "other qualified residents"?

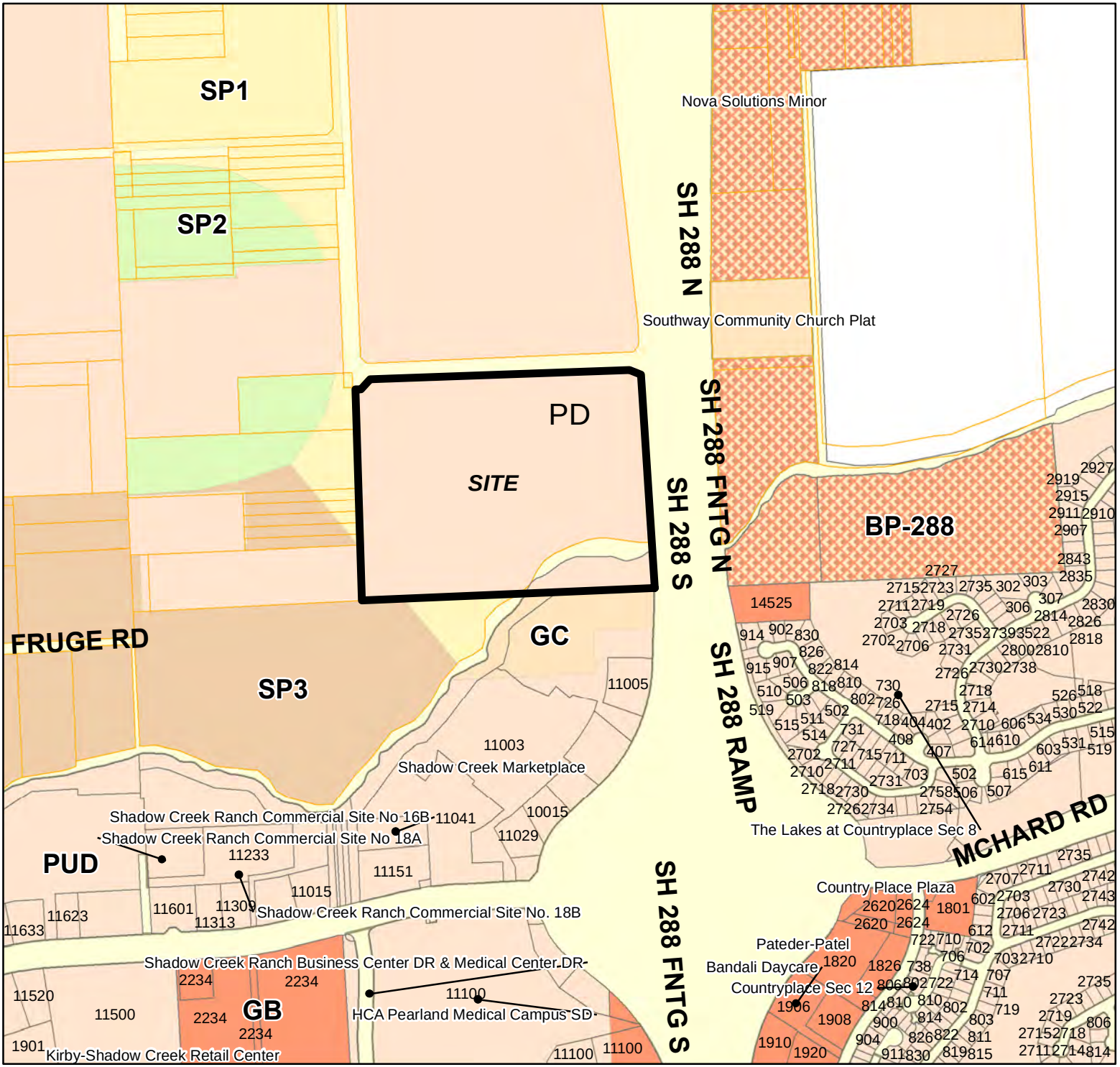
19. Page 19- Other Uses – Surface parking needs to be in accordance with the Appendix C – Program Area Regulation Plan.
20. Page 20 - Table 6.5 –Formal Retail – needs clarification.
21. Page 20- Table 6.5 – Not sure what the cap on Assisted Living units is, not to exceed 30% of 301 units?
22. How is Assisted Living defined? Independent units or ones with shared facilities? Need to explain each use included under Senior Family including skilled nursing. It appears that assisted living and extended stay hotel would be similar to each other.
23. Page 20 – Special Events would need a Special Events Permit from the City. This needs to be differentiated from outdoor activities and events that would not need additional parking and city services. For recurring smaller events, a Special Permit process may be too cumbersome for some of these events.
24. Page 24- Facade Composition – explain the term "façade rhythm" in terms of articulation required by projections or recesses with a certain horizontal or vertical distance, or similar.
25. Page 25 – 4.B. ii –reference the percentage of EIFS and other material listed on page 26.
26. Page 25 – 4.C. 1 and 2 - Façade Composition and Windows and Doors – Need specific standards for implementation.
27. Page 26 – 3 ii – Incomplete sentence.
28. Page 26, Table 8.1 – Need to add minimum stories and height
29. Page 26 – Table 8.1 – What do the Block numbers in the Table reference?
30. Page 30 & 31 – The road network as depicted in this rendering does not match Appendix C.
31. Page 32 references the 2012 International Fire Code. The Codes in place at the time of development should be adhered to. This should include the Building, Fire, Energy Conservation, Mechanical, Electrical, Plumbing Codes, etc.
32. Page 32 – General Comments on all items included in the **Street & Streetscape Design Standards**
    a. Assumption should be that everything in this section of the PD document is privately owned, operated, and maintained unless specifically designated to be publically owned, operated, and maintained.
    b. All streets private or public must be concrete and meet the minimum strength requirement of the Engineering Design Criteria Manual and a Geotech Report signed and sealed by a Texas Professional Engineer.
33. Page 33 – South Spectrum Boulevard – As mentioned earlier, a bike lane is recommended to connect this development to surrounding future developments.
34. Page 33 –F.5 – Need standards for Boulevard trees.
35. Page 3 – F.7 – Remove the term "clearly". All exposed unpaved areas need to have a ground cover.
36. Page 33 – F.10 – Appendix D does not show "highway access roads" or "arterials". The UDC does not have standards for these as stated in the PD. Add standards.

37. Page 34 – H – Need a utility map showing underground and above ground utilities. The Spectrum District requires all utilities to be underground.
38. Pages 35-37 – Need to show pavers on page 35. This will help in visually identifying and unifying the district. The special pavers shown in cross walks need to be detailed – material etc.
39. Page 35 - City standard lane width is 12' not the 11' lanes as shown.
40. Page 36 & 37 - If these are private streets, there is no issue. If these are intended to be public, the lanes should be 12' wide.
41. Page 41 "Bicycle parking is **encouraged** to be made of durable and vandal resistant materials…" should read "Bicycle parking **shall** be made of durable…"
42. Page 45 - Pedestrian Bridge Design
    a. How many pedestrian bridges are proposed? Appendix G looks like it could have as many as 10+ pedestrian bridges.
    b. Last sentence is out of place.
43. Page 46 & 47 – The streets look like pavers or textured concrete. The PD document does not match the picture.
44. Page 49 – Sandwich signs need to be outside of Public ROW.
45. Page 49 – Light Pole Banners – need to have a unified design for the entire district.
46. All open spaces and open elements in Chapter 11 need to be identified on Appendix I – Illustrative Plan.
47. Page 50 - General Comment on all items included in the **Public Open Space & Private Open Space Standards** – Assumption should be that everything in this section of the PD document is privately owned, operated, and maintained unless specifically designated to be publically owned, operated, and maintained.
48. Page 50 – What shows the areas proposed to be public open space versus private open space?
49. Need details on the Entertainment & Recreation/Community Center located on the southeast corner of the site.
50. Add notes on outdoor activities, storage, display, mobile vendors and carts, etc.
51. Need to add parking standards from LKUD.
    Comments from last submission- Parking – Based on ratios in page 20, retail would require 1184 spaces. That leaves only 2142 spaces for 1360 residential units, 140 hotel (that include long term stay), and Senior Facility (assisted living and skilled nursing). If this is deemed adequate, please provide backup information or break-down. The provided parking is also less by 1211 spaces as required by city's ratios. However, since this is a mixed use development, staff understands that there would be some reduction.
52. Other Uses – Permitting surface parking on parcels designated as future phase building sites will not ensure that the intent of this development as a "…unique in character, while offering a range of amenities for residents, set within an attractive pedestrian environment" is met until all phases area developed. Staff is not in favor of this.
53. Need a detailed signage plan/design plan.
54. There are several typos throughout the document. The word "though" should be "through," on pages 9, 16, and throughout the document etc.
55. Any set timeline on when all 4 phases will be complete.

56. Provide additional details regarding the phasing plan. There should be a proportionate amount of residential/nonresidential at all times.
57. Add Development Agreement referenced on Page 17, 32, etc., and all other documents related to the PD document, to the PD document to have all necessary review materials in one place.
58. Whether including the acreage for the residential component or all acreage included within the PD, the density calculations on page 17 do not appear to be accurate.
59. Add legend to page 18 just as on page 19, for ease of use.
60. Staff would like to see the paving palette identified on page 40, to avoid ambiguity during future reviews.
61. Provide a lighting plan identified on page 43 to be included in the PD.
62. Show pedestrian bridges identified on page 45 on one of the plans in the appendix and label or some vision of what this would look like.
63. For ease of use/review, it would be nice if all design standards can be in the form of a table in the appendix that references the section of the PD. For example, a “forecourts” and courtyards are required, and it would be nice to look in one area of the PD for all requirements and for specifics related to the requirement, one can reference a particular section of the PD.
64. Fencing materials listed on page 54 for community gardens allows chicken wire. Provide locations on map, or add text to limit chicken wire to areas that are not visible from streets.
65. Add the base zoning district to the Regulating Plan found in the appendix and within the body of the PD document.
66. Provide a detailed description of all development standards that are different from those in the base zoning district.
67. Provide Master Wayfinding Plan.
68. Page 60 – Location and Size – No size is given here or in the referenced Appendix A.
69. Page 60 - Improvements on the south side of Clear Creek will need to be approved by Brazoria Drainage District #4.
70. Page 62
    a. Location and Size – No size is in Appendix A.
    b. Location and Size – 0.5 to 2 acres seems like a large range.
    c. Typical Uses – This repeats the location and size information. Remove and include typical uses.
71. Page 63 – Location and Size – Plaza Areas are not shown on Appendix A.
72. Appendix A – What is the building area shown south of Clear Creek? Is that a driveway from the SH288 frontage road to a parking lot on the south side of Clear Creek?
73. Appendix C - It is difficult to see where the driveways to access the parking areas are located. The driveways will need to meet the City's driveway spacing requirements of the UDC/EDCM.
74. Appendix D - Promenade shops is a 4 lane major collector in the Thoroughfare Plan. However, it is shown as a 2 lane road in the PD document.
75. Identify private streets and who will own and maintain.
76. ADD "A Traffic Impact Analysis is required for the site. Approval of the TIA is required prior to the approval of the Plat. As a result of the TIA, additional roadway network may

be required to be constructed by MGID as a result of the impact of the traffic volumes generated by the MGID development."

77. Table 9.1 vs. cross section illustrations, General, the cross sections in the table do not match the illustrations of the cross sections.
78. South Spectrum is referred to as 102’ vs. 106’ - South Spectrum should be 106'
79. Dimension shown in cross sections must be legible, the current sections are not.
80. APPX D - What is the difference between dashed and solid local street on far east end of South Jade? It appears to be a dead end, please clarify what type of street or feature this is.



Vicinity and Zoning Map

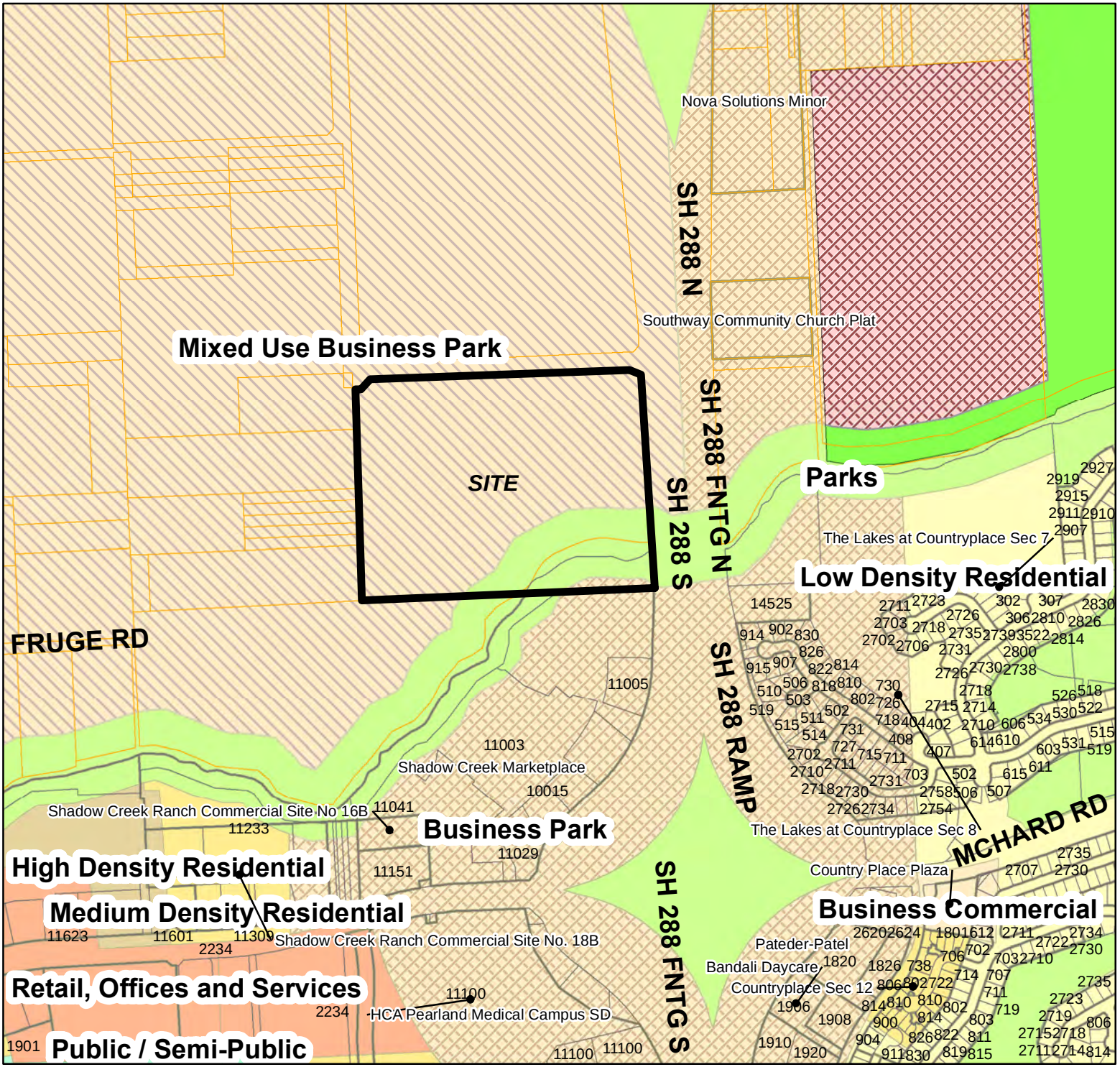
Zone Change 2014-2Z

Modern Green/ Ivy District

This product is for information 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.

N

0 190 380 760 Feet



FLUP Map

Zone Change 2014-2Z

Modern Green/ Ivy District

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0 190 380 760 Feet

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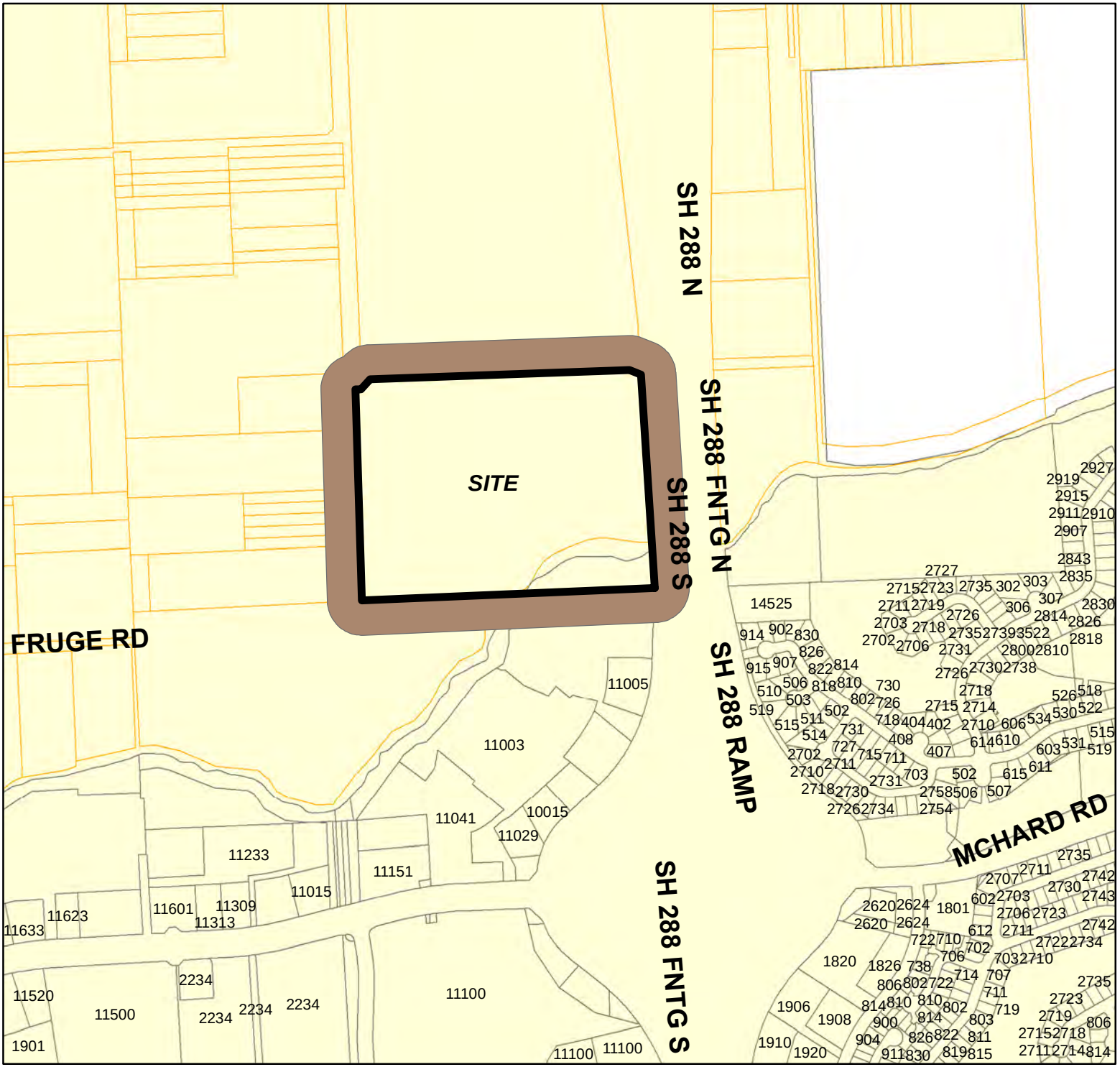

Abutter Map

Zone Change 2014-2Z

Modern Green/ Ivy District

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N

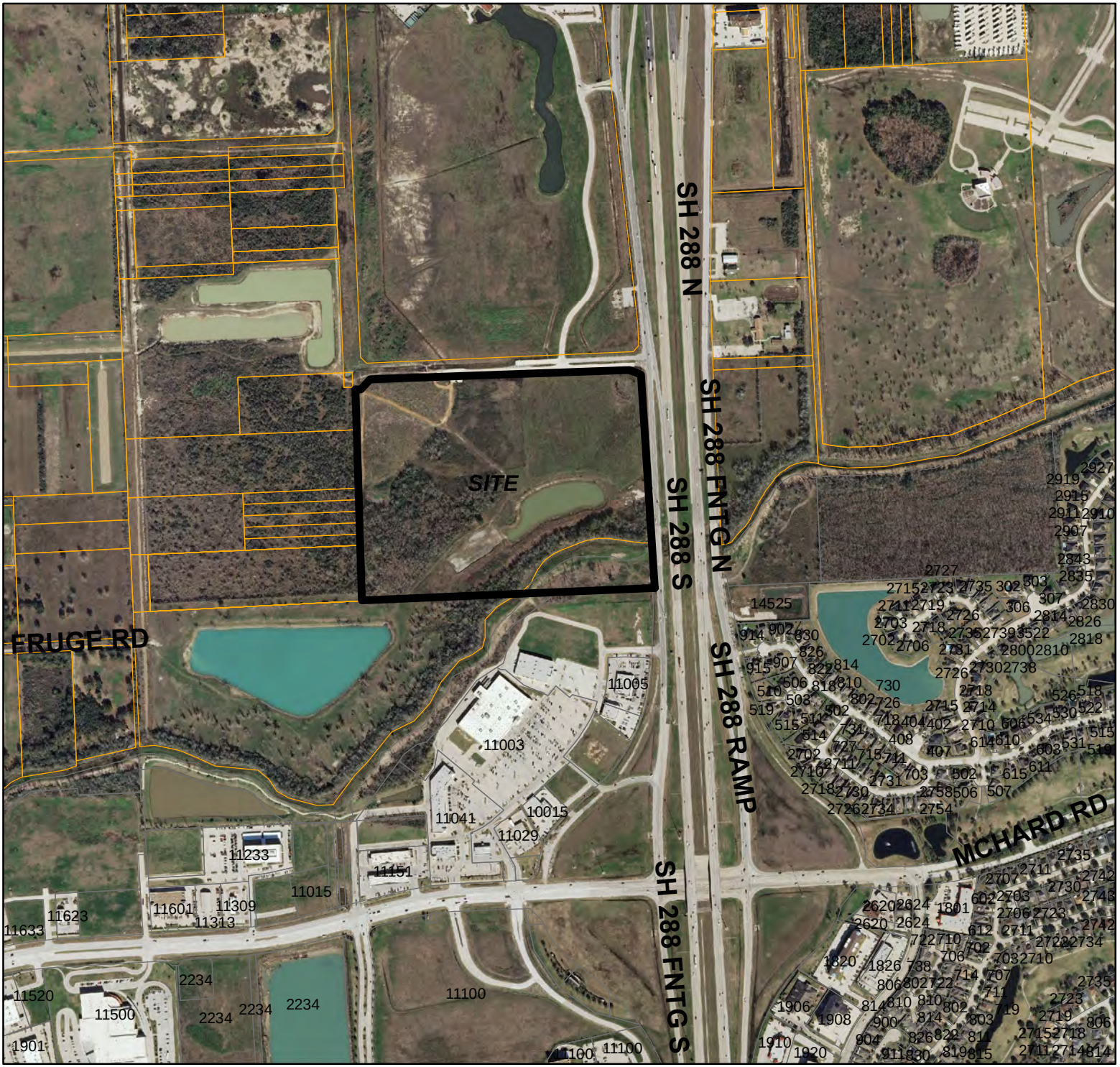
0 190 380 760 Feet

Zone Change No. 2014-2Z

Modern Green/Ivy District

NAME	ADDRESS UNKNOWN
GCCLE - SHADOW CREEK LP	3120 ROGERDALE RD
DE GEORGE ROSE ESTATE OF % GIACOMO DE GEORGE	606 SADDLE ROCK DR
ALLEN DOROTHY ATWATER	505 N ADAMS ST
CITY OF PEARLAND	111 E LOCUST ST
STUDE M S	815 WALKER ST
MINOR STEWART	ADDRESS UNKNOWN
SHRINERS HOSPITALS FOR CRIPPLED CHILDREN % DON	PO BOX 31356
BROWN ' BRADSHAW	ADDRESS UNKNOWN
MARTINI RICHARD A &	1306 E ANDERSON RD
PEARLAND LIFESTYLE CENTER LP ATTN LEGAL DEPARTMENT	2650 THOUSAND OAKS BLVD
MAYOR RICHARD B	2121 KIRBY DR UNIT 13NW
MAYOR JAMES M	2006 ELM CRST
MAYOR THOMAS H	5555 DEL MONTE DR UNIT 1306
AMERICA MODERN GREEN DEV	9889 BELLAIRE BLVD
STEVEN BIEGEL	6001 SAVOY DR.

ADDRESS 2	CITY	STATE	ZIP
STE 150	HOUSTON	TX	77042
	HOUSTON	TX	77037-2024
	FREDERICKSBURG	TX	78624-3363
	ANGLETON	TX	77515-4642
STE 1650	HOUSTON	TX	77002-5748
	HOUSTON	TX	
	TAMPA	FL	33631-3356
	UNKNOWN		
	HOUSTON	TX	77047-5226
STE 3150	MEMPHIS	TN	38118-2486
	HOUSTON	TX	77019-6070
	SAN ANTONIO	TX	78230-2714
	HOUSTON	TX	77056-4184
STE 214	HOUSTON	TX	77036-3591
STE 120	HOUSTON	TX	77036



Aerial Map

Zone Change 2014-2Z

Modern Green/ Ivy District

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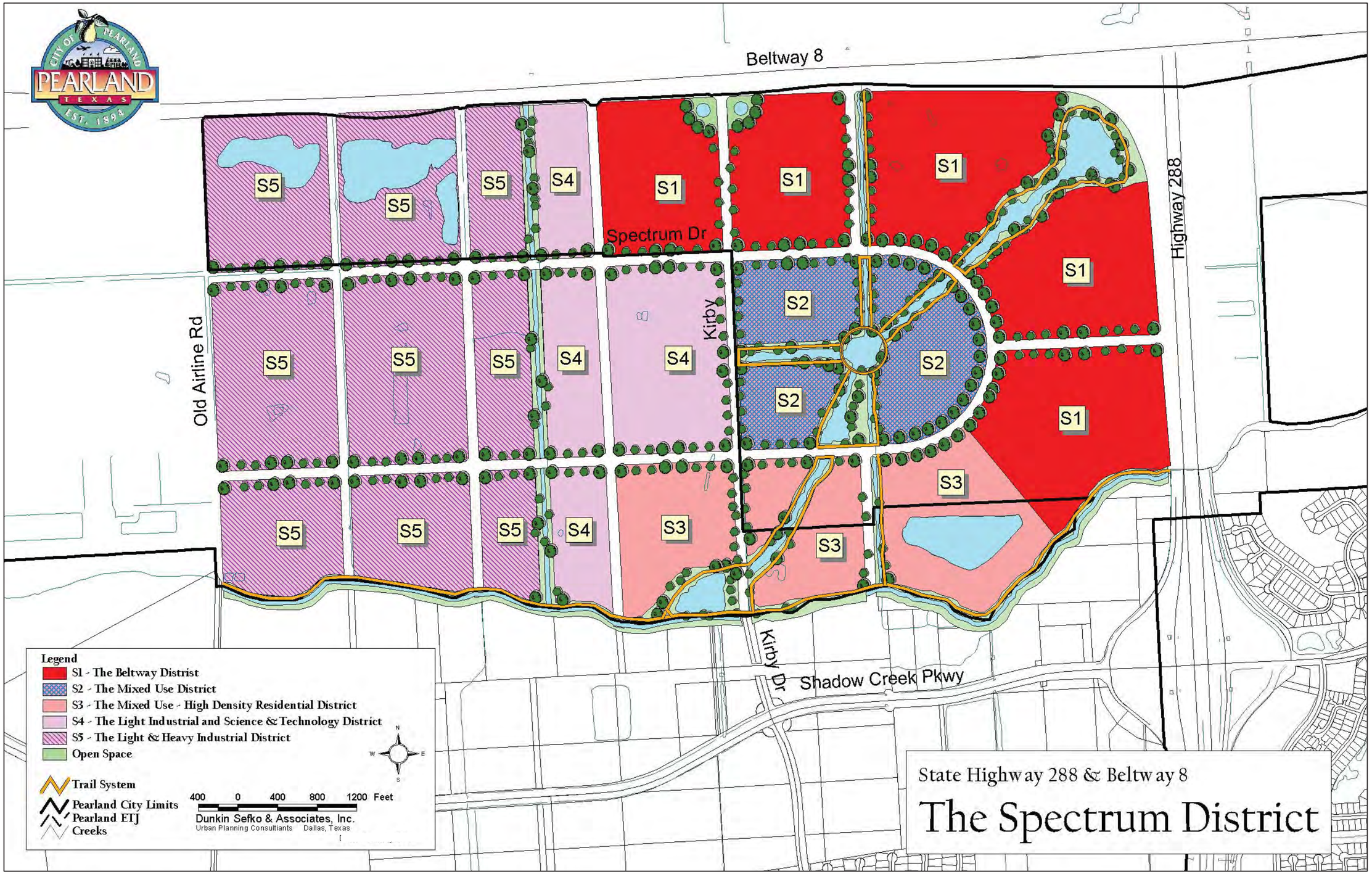
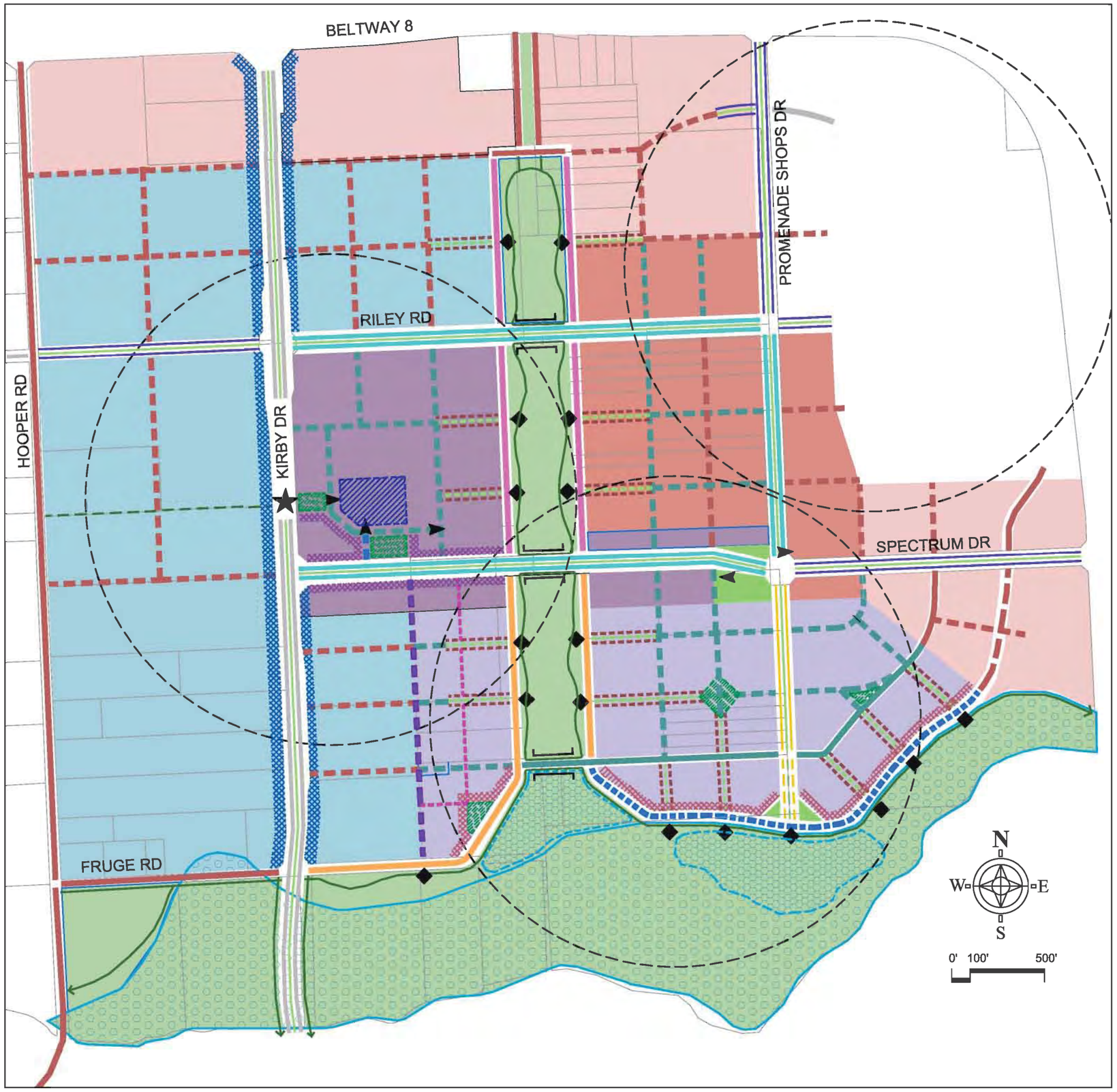
0 190 380 760 Feet

N


Beltway 8
Highway 288
Spectrum Dr
Kirby
Old Airline Rd
Kirby Dr
Shadow Creek Pkwy
S1
S2
S3
S4
S5
Legend
S1 - The Beltway Distrist
S2 - The Mixed Use District
S3 - The Mixed Use - High Density Residential District
S4 - The Light Industrial and Science & Technology District
S5 - The Light & Heavy Industrial District
Open Space
Trail System
Pearland City Limits
Pearland ETJ
Creeks
400 0 400 800 1200 Feet
Dunkin Sefko & Associates, Inc.
Urban Planning Consultants Dallas, Texas
State Highway 288 & Beltway 8
The Spectrum District

Appendix B



LEGEND

CHARACTER ZONES

- Mixed Use Core
- Urban Neighborhood
- Commercial Transition
- Highway Commercial
- Research/Tech Campus

FRONTAGE TYPES

- Kirby Drive Frontage
- "Main Street" Frontage
- "Promenade" Frontage

TYPE 'A' STREETS

- Kirby Drive
- BV-114-70 (Urban Boulevard)
- AV-94-48 (2-Lane Avenue)
- "Neighborhood Tributary" - ROW varies - refer to street sections
- ST-61-29 (Urban Greenway St)
- ST-53-29 (Neighborhood Greenway St)
- ST-62-38 (Urban Neighborhood Street - Type A)
- Waterfront Promenade
- Pedestrian Paseo

TYPE 'B' STREETS

- AV-82-44 (Avenue)
- ST-62-38 (Urban Neighborhood Street - Type B)
- RD-44-22 (Service/Access Road)
- Existing Street

NOTE: For all street types, a dashed line denotes a recommended street; a solid line denotes a required street

OPEN SPACE

- Required Regional Detention / Floodway
- Designated Floodway
- Recommended water feature
- Recommended Regional Detention
- Required Open Space
- Recommended Open Space

SPECIAL CONDITIONS

- Recommended Civic Use
- Proposed Light Rail stop
- Required Vista Terminus
- Recommended access point to Greenway
- Special Bridge Design
- Approximate parcel line
- ¼ Mile Radius Pedestrian Shed
- Bike/ped-way

LOWER KIRBY URBAN CENTER REGULATING PLAN

City of Pearland, Texas FINAL DRAFT - June 24, 2011

Planning & Zoning Commission

July 8, 2014

Honorable Mayor and City Council Members
3519 Liberty Drive
Pearland, TX 77581

Re: Recommendation on Zone Change Application No. 2014-02Z

Honorable Mayor and City Council Members:

At their meeting on July 7, 2014, the Planning and Zoning Commission considered the following:

> A request of Kevin Cole, applicant; on behalf of American Modern Green Development, LLC., owner; for approval of a zone change from the Waterlights Planned Development (PD), to the Modern Green-Ivy District PD, on approximately 48.5 acres of land on the following described property, to wit:
>
> **Legal Description:** That portion of Lot 5 of the subdivision of James Hamilton Survey, Abstract No. 881, a portion lying within Harris County, Texas and the remainder lying within Brazoria County, Texas, according to the map or plat thereof recorded in Volume 83, Page 342 of the deed records of Harris County, Texas.
>
> **General Location**: Southwest corner of Spectrum Boulevard and State Highway 288.

After staff presentation by the Director of Community Development, Lata Krishnarao, approval was recommended by staff.

After discussion, P&Z Commissioner Linda Cowles made the motion to recommend approval with conditions, and P&Z Vice Chairperson Mary Starr seconded. The vote passed (4-2), with Commissioners Derrick Reed and Daniel Tunstall in opposition.

Recommended conditions follow:

1. Parkland Dedication – City Council and P &Z specifically did not approve any variance to the Parkland Dedication, since this can be a payment in lieu of. Please indicate how the balance (based on $900/unit) will be addressed. Currently a standard of $700 sf/unit has been used in the PD.
2. Page 21 – F. Minor Deviations – line 9- “Design” was mispelled.
3. Page 27 – Marquee Sign – Flashing lights not permitted by UDC. Please remove the sentence that refers to flashing lights.
4. Page 43 – Residential Uses –The table indicates that townhomes are permitted in Public Square. Other areas of the PD indicate that townhomes will be restricted to Parkside Neighborhood. Please clarify.
5. Page 46 – as previously discussed add phasing to the Program Density to plan to indicate what can be expected in terms of land use breakdown at the end of each phase.
6. Page 48 – Please add the block numbers in Table 7.1 for better clarity.
7. Pager 50, 51 – Under Utilities and Block Standards please refer to sections of the PD that address this, and replace the note– “There are no specific…)
8. Page 51 – e. (10) Building Height conflicts with Table 7.2 –Building Height Standards.
9. Page 51 – C.1.c, d , and g– Refer to Chapter 8 on Building Design Standards and replace the note “There are no specific …”.
10. Page 52, Building Materials - As indicated in previous discussions, staff recommends percentage breakdown of various materials to avoid a monotonous 100% stucco/brick building.
11. Page 53 – f. (5) “windows and doors ~~or~~ and visually…” Replace.
12. Page 55 – 2.c and d – refer to sections in the PD that address this, replace

“None”.

13. Page 56 – C. 2 – Public Square Sub-District Guidelines – Refer to regulatory plans and chapters in the PD.
14. Page 56, Building Materials - As indicated in previous discussions, staff recommends percentage breakdown of various materials to avoid a monotonous 100% stucco/brick building.
15. Page 57 – B. 5. – Fruge Road – Connection is shown to a section of Fruge Road that does not exist. Improvement of the road needs to be shown.
16. Page 62 – C.1.2 – Island width shown is less than 5 feet for certain streets. How will this requirement of tree being 4 feet from the curb be met?
17. Page 61 – C.2. – Guidelines – Refer to Master Streetscape Plan and Public Open Space Plan – Page 23.
18. 2. Guidelines – Need to refer to Page 23.3. Master Plans - to be provided prior to Platting.

Sincerely,

Johnna Matthews

City Planner
On behalf of the Planning and Zoning Commission

	Submit Date	First Name:	Last Name:	Street Address:	Email:	Phone:
1	July 07, 2014 9:43 p.m.	Kathye	Warfield	3526 Linwood St.	Kathye@PearlandHomes.com	(281) 485-1946
2	July 07, 2014 11:14 p.m.	Vivian	Ho-Nguyen	2710 marble brook lane	Honguyen.vivian@gmail.com	(504) 559-9644
3	July 07, 2014 11:29 p.m.	Angelita	Solis	2903 Indigo Drive	ayzqlefty@yahoo.com	(713) 550-3002
4	July 08, 2014 2:03 a.m.	Bedros	Bedrosian	11502 Watercastle, Pearland	bedrosian.bedros@gmail.com	(630) 776-7543
5	July 08, 2014 6:09 a.m.	Altaf	Mehmood	11901 Cedar Creek Dr		(713) 436-6722
6	July 08, 2014 6:13 a.m.	Lisa	Morfey	11803 Crescent Cove Dr.	lisamorfey12@yahoo.com	(832) 569-4490
7	July 08, 2014 6:30 a.m.	Cynthia	Rackley	2501 Rock Shoals Way	Rackleyrc@yahoo.com	(832) 244-8572
8	July 08, 2014 7:38 a.m.	Laura	Parker	11609 Waterwood Court	lwilliamsparker@gmail.com	(832) 858-3396
9	July 08, 2014 8:50 a.m.	Vivian	Scheibel	2005 Shoal Court	vscheibel@att.net	(713) 436-6593

10	July 08, 2014 8:55 a.m.	Monica	Russo	13106 Castlewind Lane	mrusso@bbbhou.org	(713) 341-6149
11	July 08, 2014 9:18 a.m.	Fernando	Morales	2215 Drake Falls Dr.	fmorales240@gmail.com	(281) 796-0283
12	July 08, 2014 9:49 a.m.	Eloy	Zuniga Jr.	2530 Skyview Cove Ct.	eloyz.email@gmail.com	(713) 829-1035
13	July 08, 2014 9:51 a.m.	James	Leuellen	13902 Morgan Bay Drive	Leuellenjames@gmail.com	(832) 605-6006
14	July 08, 2014 9:56 a.m.	Lee Ann	Kincaid	12503 Bethany Bay Drive	LeeAnn.kincaid@gmail.com	(214) 729-6975
15	July 08, 2014 10:06 a.m.	Danell	Laurence	13212 Laguna Shores Drive	danellhead@hotmail.com	(832) 689-6457
16	July 08, 2014 10:31 a.m.	Megan	Crook	2712 Golden Creek Lane	megan.crook@ymail.com	(713) 222-7373

17	July 08, 2014 12:04 p.m.	Anu	Mahesh	2004 Shoal Court	anuxmahesh@gmail.com	(713) 436-8999
18	July 08, 2014 12:23 p.m.	Leslie	Berhanu	2607 Rusting Creek Drive	leslieberhanu@gmail.com	(979) 864-9049
19	July 08, 2014 12:45 p.m.	Timothy	Read	2020 Running Brook Lane	TexasSafetyTim@gmail.com	(307) 214-8629
20	July 08, 2014 12:52 p.m.	Lindsey	Ray	2208 Pearl Bay	Lindsey.daigle@gmail.com	(713) 922-6021
21	July 08, 2014 1:13 p.m.	Angela	Douglas	2306 Silver Bay Dr	adouglas6841@yahoo.com	(713) 436-4875

22	July 08, 2014 3:00 p.m.	Shaina	Sheppard	2706 Royal Creek Ct	smsheppard22@gmail.com	(713) 436-0433
23	July 08, 2014 3:53 p.m.	Roberto F.	Carmona	2411 Canyon Springs Dr., Pearland, TX 77584	cooks75@gmail.com	(334) 654-1096
24	July 08, 2014 5:11 p.m.	Tim	Courtney	12108 Dawnmist Ct	rebl@swbell.net	(832) 875-9643

25	July 08, 2014 7:06 p.m.	Malene	Dixon	2314 Bending Spring Dr. 77584	malene74@gmail.com	(713) 436-9005
26	July 08, 2014 7:36 p.m.	Steven	Chang	13005 Winter Springs Drive		(281) 813-3998
27	July 08, 2014 7:51 p.m.	Ashley	Verzwyvelt	13109 Hampton Bay Dr	petnut@gmail.com	(832) 407-7883
28	July 08, 2014 8:26 p.m.	Brenda	Gutierrez	2608 Rusting Creek Dr.	Brendaarens@yahoo.com	(832) 528-2593
29	July 08, 2014 8:28 p.m.	Veronica	Love-Strahan	2717 Calico Creek Lane	veronicanlove@gmail.com	(832) 328-9713
30	July 08, 2014 8:39 p.m.	Rob	Baskinger	2101 Crestwind Court	rbaskinger@sbcglobal.net	(713) 436-9051
31	July 08, 2014 8:40 p.m.	Ron	Hickman	12405 Evening Bay Drive Pearland Tx 77584	Rdhcorvette@yahoo.com	(281) 536-4854
32	July 08, 2014 8:48 p.m.	Harvey	Person	2412 Centerbrook Ct	h.aperson@sbcglobal.net	(713) 436-5277

33	July 08, 2014 9:14 p.m.	Amanda	Kleckley	2304 Diamond Springs Dr	amandakleckley@gmail.com	(713) 859-9542
34	July 08, 2014 9:15 p.m.	David	Morton	13202 Lone Creek Ln.	David@isamorton.com	(713) 422-3448
35	July 08, 2014 9:52 p.m.	Sharon	Smith	2303 Cape Landing Dr	sksclark@gmail.com	(713) 436-1917
36	July 08, 2014 10:02 p.m.	Mandi	Kleinwolterink	13001 Grand Shore Dr	Loretta320@hotmail.com	(515) 450-8524
37	July 08, 2014 11:23 p.m.	Susan	Kirk	11603 spill creek dr	Memphiskirks@gmail.com	(281) 705-4200
38	July 09, 2014 5:07 a.m.	Jackie	Isidro	2730 ravens creek drive	Jcjitkaroon@yahoo.com	(832) 419-2008
39	July 09, 2014 7:50 a.m.	Joby	Joseph	12107 amber creek Dr 77584	pulimoodan@rediffmail.com	(713) 436-4004
40	July 09, 2014 7:51 a.m.	Joby	Joseph	12107 amber creek Dr 77584	pulimoodan@rediffmail.com	(713) 436-4004

41	July 09, 2014 8:32 a.m.	Anh Thy	Tran	2002 Mistwood Ct	tran.a@sbcglobal.net	(832) 260-7533
42	July 09, 2014 8:34 a.m.	Donald	Lewellyn	2002 Mistwood Ct	lewellyn.d@sbcglobal.net	(281) 627-1953
43	July 10, 2014 8:09 p.m.	Amy	Cuellar	2917 Perdido Bay Ln	amykizer@hotmail.com	(713) 443-9258
44	7/14/2014	Cayla	Hayes	13210 Lone Creek Lane	caa2007@gt.rr.com	409-549-0928
45	July 14, 2014 9pm	Joshua	Laase	2608 Sparkling Brook Ct	josh@laase.net	832.283.3106

46	July 14, 2014 11am	Jesus	Cuellar	2714 Ginger Cove Lane	jesus.cuellara@gmail.com	832.367.8014
47	July 16, 2014 3:00 p.m.	William	Yasinski	11311 Softbreeze Ct	wyasin1@yahoo.com	832.264.2326
48	July 16, 2014 3:06 p.m.	Jennifer	Yasinski	11311 Softbreeze Ct	jeneb7@yahoo.com	832.627.8433
49	July 21, 2014 10:02 a.m.	Ling	Walla	11423 Easton Springs Dr	lingwalla@gmail.com	281.435.3811
50	August 22, 2014 8:57am	Ann	Basden	2502 Sparkling Brook Ct	Ann.basden@me.com	713.340.1027
51	August 22, 2014 9:12 a.m.	LeAnn	Hanks	13606 Iron Landing Crt	hlhanks@sbcglobal.net	713.340.1504
52	August 22, 2014 9:12 a.m.	Cynthia	Rackley	2501 Rock Shoals Way	Rackleyrc@yahoo.com	832.244.8473

53	August 22, 2014 9:13 a.m.	Heather	Ristich	13405 Indigo Sands Dr	heatherristich@hotmail.com	713.436.5972
54	August 22, 2014 9:18a.m.	Stefany	Feeney	11708 Shoal Landing Street	stefanyfeeney@gmail.com	282.381.2353
55	August 22, 2014 9:26a.m.	Monica	Russo	13106 Castlewind Lane	mrusso@bbbhou.org	713.240.1707
56	August 22, 2014 9:49a.m.	Vivekanand	Chittur	11308 Sunlit Bay Dr		832.295.2036
57	August 22, 2014 10:13a.m.	Dawn	Knoble	12002 Opal Creek Dr	dawnknoble@hotmail.com	713.436.9454
58	August 22, 2014 10:41a.m.	Benjamin	Madrid	11604 Bay Ledge DR	benmadrid@comcast.net	832.592.3481
59	August 22, 2014 10:44a.m.	Jeff	Crook	2712 Golden Creek Lane	jc1368@yahoo.com	713.299.5240
60	August 22, 2014 11:33a.m.	Paula	Baulch	2706 Cottage Creek Dr	pcbaulch@yahoo.com	713.805.9943
61	August 22, 2014 11:44a.m.	David	Selsky	2916 Ashbrook Lane	daveselsky@yahoo.com	713.436.7497
62	August 22, 2014 12:41p.m.	Alpesh	Shukla	2932 Perdido Bay Ln	alpesh.shukla@yahoo.com	713.517.2769

63	August 23, 2014 8:05a.m.	Sonia	Weber	12004 Eden Creek Dr		713.894.0999
64	August 25, 2014 6:21p.m.	Samalgul	Long	2919 Silhouette Bay Dr.	samallong@gmail.com	281.844.5139
65	August 25, 2014 9:26p.m.	Linster	Dennis	2810 Rocky Springs Dr	linfd77@gmail.com	919.539.7999

What would you like to share?

I would like to request that city council oppose the Modern Green proposal. I do not agree with the Planning and Zoning recommendation and urge council to vote against this. This is not what we need for our community. Please, please, please....no more apartments.

Kathye Warfield
Pearland Resident since 1970
Active Realtor in the Community

I am writing expressing the opinion regarding the growth and development within the west side of Pearland and specifically the development immediate to Shadow Creek Ranch. With the understanding that we want to improve the growth of our community, however, some of the decisions based on votes from the City Planning and Zoning Authority need further review and consideration. For example: a decision to develop or build more multifamily homes and apartment complexes immediate to Shadow Creek Ranch is not wise to foster increase home values, attract more home owners and businesses to live and conduct business within our community. We want more developments such as high end restaurants, corporate hubs and more single family homes. Having said that, we, the citizens also want the Planning review the current situation of the stretch of FM 518 leading toward the wide side of town. The current congestion situation is direct result of poor City planning for the potential growth. We need to fine permanent resolutions, such as, open up feeder road access to and from the shopping complexes from SH 288 so that congestions on FM 518 can be reduced. I hope that my comments and opinion are noteworthy for Council members to review and have the opinions of the citizens be counted during your decision making process. Thank you in advance and any future considerations. Please excuse any typo or grammatical errors.

Please do not approve the Modern Green proposal. We do not need anymore more multi-plex housing.
We need a bigger library on the Westside.

Please vote NO on the Modern Green proposal that would build as many as 1000 additional apartments / rental condos in / near Shadow Creek Ranch.

Modern Green proposal --> Not in favor.

Please no more apartment comlexes.

What happened to the 2007 voter approved sports complex in Shadow Creek?

Please vote against the Modern Green development proposal. It is not the right kind of development for the area. The residents of Shadow Creek have uniformly been voicing their opposition to the building of more apartments. We do not need the added burden on our infrastructure, and do not need the added traffic etc. Please vote against the Modern Green proposal. Thanks for your attention. Lisa Morfey

The Modern Green proposal is seriously lacking and should be disapproved by the City Council. This area of development is a Gateway to the city of Pearland and should contain more substantial and destination retail sites. A proposal that contains mostly multi-family is doomed for long term failure on this site. I strongly urge you to oppose the Modern Green

As I resident I would like to voice my opinion that I am strongly against more multi-family living in Shadow Creek Ranch. I am strongly against the Modern Green proposal.

I would like to implore you to vote against the Modern Green proposal in its current form. Our area simply does not have the infrastructure to accommodate more multi-family housing. I believe Modern Green needs to drastically change its development plans so that they will be appropriate for our great city.

Thank you for your attention.

Respectfully,
Vivian Scheibel

I wanted to take a moment to voice my displeasure in City of Pearland's Planning & Zoning Commission vote to approve the Modern Green proposal yesterday. The last thing our city needs is more multi-family housing. Moving forward with this project has the potential to not only adversely affect property values on the west side of 288, but on the east side as well. Pearland does not have the transportation infrastructure to support a project like this. Our streets are congested enough. I WOULD support upscale mixed use development such as CityCentre which is located in the Energy Corridor, but NOT a project like the one proposed by Modern Green. I am asking City Council members to vote AGAINST this project as it

I would like the city council to vote NO on the "Modern Green" proposal that was voted on last night. I live in the Shadow Creek Ranch subdivision and the last thing we need in our city is more multi family housing/ condos. The traffic situation is already approaching critical mass at 288 and 518. On a Saturday it takes 30 minutes to travel 3 miles sometimes. This situation needs to be fixed before we even begin to consider adding more families and more cars on Pearland roads.

I wanted to take a moment to voice my displeasure in City of Pearland's Planning & Zoning Commission vote to approve the Modern Green proposal yesterday. The last thing our city needs is more multi-family housing.

Moving forward with this project has the potential to not only adversely affect property values on the west side of 288, but on the east side as well. Pearland does not have the transportation infrastructure to support a project like this. Our streets are congested enough. I WOULD support upscale mixed use development such as CityCentre which is located in the Energy Corridor, but NOT a project like the one proposed by Modern Green. I am asking City Council members to vote AGAINST this project as it currently stands.

I wanted to take a moment to voice my displeasure in City of Pearland's Planning & Zoning Commission vote to approve the Modern Green proposal yesterday. The last thing our city needs is more multi-family housing. Moving forward with this project has the potential to not only adversely affect property values on the west side of 288, but on the east side as well. Pearland does not have the transportation infrastructure to support a project like this. Our streets are congested enough. I WOULD support upscale mixed use development such as CityCentre which is located in the Energy Corridor, but NOT a project like the one proposed by Modern Green. I am asking City Council members to vote AGAINST this project as it

I would like to express some concern regarding the Modern Green Proposal. As a home owner in Shadow Creek Ranch, I am excited about the oportunity for Pearland to grow as a community and economy. My concern is in regards to the transportation infastructure around the 288 and Beltway intersections. While I look forward to further developments around the Bass Pro Shop, I feel that further developments without improvements to the high way exits, lights, and access roads will cause more accidents and further congestion. Please take into consideration mandating these expansion items if the Modern Green proprosal is to pass. I would like to thank you as a Council for furthering Pearlands growth. As a resident since 2010, I am excited about the City's growth. Pearland has some great atractions and is a great place to rase a family.

Thank you for your service,

Good morning,
I wanted to take a moment to voice my displeasure in City of Pearland's Planning & Zoning Commission vote to approve the Modern Green proposal yesterday. The last thing our city needs is more multi-family housing. Moving forward with this project has the potential to not only adversely affect property values on the west side of 288, but on the east side as well. Pearland does not have the transportation infrastructure to support a project like this. Our streets are congested enough. I WOULD support upscale mixed use development such as CityCentre which is located in the Energy Corridor, but NOT a project like the one proposed by Modern Green. I am asking City Council members to vote AGAINST this project as it

I wanted to voice my displeasure in City of Pearland Planning and Zoning Commision's vote to approve the Modern Green Proposal. I DO NOT WANT THIS TO BE APPROVED.
I am asking City Council members to vote AGAINST this project.
We do not need more multi-family houses and 288 and Pearland Town Center is congested enough. I WOULD support upscale mixed use development such as CityCentre which is located in the Energy Corridor.
Respectful Taxpayer,
M Crook

I request the city council to veto the current Modern Green proposal as is and to work with the Modern Green developer to use similar percentages of land use as was proposed earlier by the Waterlights Planned Development for the following:
a. Office area
b. Retail Shopping and Restaurants
c. Reduced residential areas
d. Increased community centers

The current zone changes that increase the percentages of residential areas in the Modern Green Planned development area is not going to be good for the community or property values. We need more employers and office space in the West Pearland area. We also need to have open space and other name brand anchors such as Dave and Busters and Studio Movie Grill to make Pearland their home. More apartments/condos will not help in that regard.

I sincerely hope all of you will veto the current proposal and encourage the developers to come up with a plan that will put Pearland on the map for all the right reasons.

Best regards,

Good morning,
I wanted to take a moment to voice my displeasure in City of Pearland's Planning & Zoning Commission vote to approve the Modern Green proposal yesterday. The last thing our city needs is more multi-family housing. Moving forward with this project has the potential to not only adversely affect property values on the west side of 288, but on the east side as well. Pearland does not have the transportation infrastructure to support a project like this. Our streets are congested enough. I WOULD support upscale mixed use development such as CityCentre which is located in the Energy Corridor, but NOT a project like the one proposed by Modern Green. I am asking City Council members to vote AGAINST this project as it

I want to express my extreme displeasure with the Modern Green Proposal. One of the many draws for my family to move to the west side of Pearland was the commute consideration to The Houston Medical Center. I know this has been a draw for many of our neighbors as well. Unfortunately, Pearland‰Ûªs transportation infrastructure is not well-equipped to handle additional traffic of so many multi-family homes this proposal would create without providing any alternatives. I fear that this proposal will create too much of a commute hassle for medical center families and force many of them to migrate towards Myerland or other communities. The increase of multi-family homes and exodus of medical center families will only hurt property values in Pearland. Please vote NO against the Modern Green Proposal.

Good afternoon,
I wanted to take a moment to voice my displeasure in City of Pearland's Planning & Zoning Commission vote to approve the Modern Green proposal yesterday. The last thing our city needs is more multi-family housing. Moving forward with this project has the potential to not only adversely affect property values on the west side of 288, but on the east side as well. Pearland does not have the transportation infrastructure to support a project like this. Our streets are congested enough. I WOULD support upscale mixed use development such as CityCentre which is located in the Energy Corridor, but NOT a project like the one proposed by Modern Green. I am asking City Council members to vote AGAINST this project as it

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I wanted to voice my displeasure in City of Pearland's Planning & Zoning Commission vote to approve the Modern Green proposal yesterday. The last thing our city needs is more multi-family housing. Moving forward with this project has the potential to not only adversely affect property values on the west side of 288, but on the east side as well. Our school zoning and family lives have already experienced recent upheaval because of the influx of students from multi-family housing.

In addition, Pearland does not have the transportation infrastructure to support a project like this. Our streets are congested enough, even at the awful morning hours I drive to the medical center.

I WOULD support upscale mixed use development such as CityCentre which is located in the Energy Corridor, but NOT a project like the one proposed by Modern Green. I am asking City Council members to vote AGAINST this project as it currently stands.

Sincere thanks for your consideration,

I would like to voice my position against the "Modern Green" proposal to the Pearland City Council.
I ask the Council to thoroughly evaluate the proposal, taking into consideration the residents of the City of Pearland's opinions, rather than market studies.

While additional retail space may be viewed as promoting commerce, the reality is that people seek a good, safe, clean, and friendly place to live first, over a "nice place to shop".

The City of Pearland offers a unique community environment that is hard to find in such a large metro are as is the greater Houston area, yet it is this community feeling that made hundreads to thousands of relatively new and incoming residents choose Pearland as our location to start and grow our families, settle, and contribute to this great place.

Adding multi-family housing without truly improving other, more pressing needs such as traffic control and roadways, available quality schools, crime mitigation, land management, as well as open and recreational spaces, will only erode this community and promote exactly the opposite: congestion, road rage, increased traffic violations/accidents, higher crime rate, degraded/overcrowded schools, loss of open and recreational areas, etc.

The real winners of the Modern Green initiative will be a few key developers, the losers will be the rest of us. It is time to do the right thing and vote AGAINST this proposal.

I ask the Council to do this in the upcoming City vote.

Thank you sincerely,

Roberto E. Carmona

I would like to ask all council members to vote NO about the Modern Green development proposed for the old Waterlights site. This proposed development is not in the best interest of Pearlanders, especially those living on the west side. It will adversely impact our quality of life.

Thanks,
Tim Courtney
Southern Trails HOA Board

I was extremely disturbed to learn about the City of Pearland's Planning & Zoning Commission's vote to approve the Modern Green proposal yesterday. The last thing our city needs is more multi-family housing, especially near Shadow Creek Ranch. Moving forward with this project has the potential to not only adversely affect property values on the west side of 288, but on the east side as well. Over the past two years, I have watched neighbors and my Children's classmates move out of Pearland because of the increase in crime and the ever increasing number of apartment complexes. Moreover, Pearland does not have the transportation infrastructure to support a project like this. Our streets are congested enough. It saddens me to visit City Centre and First Colony Town Center knowing the potential Pearland has for similar developments, instead, Pearland has settled for an influx of stand alone apartment complexes that are just more of the same. Shadow Creek Ranch's perimeter is almost exclusively surrounded by apartment complexes. Someone referred to our neighborhood as Apartment Creek
Ranch. Unless Pearland wants to be a transient city with no real culture and no consistent tax base from homeowners, we

As a resident of Shadow Creek Ranch in Pearland, I am against any policies for more apartments in the Shadow Creek Ranch and surrounding communities. Please understand that many residents are upset at the notion of more apartments being built. Please keep multifamily apartments out of Shadow Creek Ranch.

Thank you.
Steven Chang

My neighbors, family and I are writing to express the complete disgust with the idea of approving more apartment complexes in the area. We live in Shadow Creek Ranch. The reason for the move for our family and others in our neighborhood was for more upscale living, better schools and community. Adding more apartment complexes only lowers property values and "cheapens" the community as a whole. PLEASE reconsider and do not approve more multi family complexes in Shadow Creek Ranch area or Pearland for that matter.

Thank you!

Many residents and I strongly disapprove of anymore apartment complexes being built. We moved out here to buy a home and be with other home owners. Not share the same street with apartments. We moved here from Houston to get away from all the traffic that comes with apartments. We will consider selling if apartments keep popping up. Please give the homeowners who buy their homes that suburban living we originally sought after.
Thanks!

As a member of the Shadow Creek community we are asking that you NOT approve any additional permits to build apartments in our community. I have lived in this community for 7 years and request that the City Council Members elected consider the residents request to not add additional apartment complexes.

Kindest regards,
Veronica Love

I recently read more apartments have been recommended for Pearland around the 288 and 518 area based on a recent study. Please do not let this come to pass. Shadow Creek Ranch is inundated with apartments and this only contributes to our traffic woes by stacking more and more people on top of one another. Please don't let tax revenue cloud your judgement at the cost of our community's future. Please vote no for this proposal. Our city needs more infrastructure, athletic facilities and green space, not short-sighted development.

Please limit apt complexes in Pearland. An increase in crime
to be a direct correlation and increase police calls having to
respond to the current complexes already here. No increase in tax
Revenue or school tax revenue from apt occupants schools crowded now.
Thank you

This message is to express my extreme displeasure at the prospect of building additional apartment complexes in Pearland west of Hwy 288. Since purchasing a home in the Shadow Creek area in 2005, we have been overwhelmed with multi-family units on all sides of the area. The long term effect on our property values as well as intense over crowding will ultimately be the end result. This expression of concern should not be interpreted as a "we are better than them" attitude but a genuine concern for the quality of life and the negative economics associated with a radically changing stakeholder population. Too often those with no significant investment and are in fact transient by nature do not share the same concerns. To that end, I am appealing to your concern for the interest of the residents of Shadow Creek Range to oppose the any additional construction new multi-family units. Thank you for your support. The long term negative effect will outweigh any short term

I wanted to take a moment to voice my displeasure in City of Pearland's Planning & Zoning Commission vote to approve the Modern Green proposal. The last thing our city needs is more multi-family housing. Moving forward with this project has the potential to not only adversely affect property values on the west side of 288, but on the east side as well. Pearland does not have the transportation infrastructure to support a project like this. Our streets are congested enough. I WOULD support upscale mixed use development such as CityCentre which is located in the Energy Corridor, but NOT a project like the one proposed by Modern Green. I am asking City Council members to vote AGAINST this project as it currently stands.

Please remember that the home valuations in Brazoria county, and thus the value of the city of Pearland (and future tax income) is dependent on approving the right things and declining the wrong things.

The multifamily unit that is being discussed are overwhelmingly discouraged by Homeowners (please see the Shadow Creek Facebook page to get an idea of just how much this project would disappoint the current citizens of Pearland should it pass.

I ask you to think very hard about accepting this development. More developments will come in, and in better quality, if we slowly build the town at a pace that allows us to grow properly. We can either be Sharpstown or we can be Katy, but we will only be as good as the decisions the council makes. Approving another apartment complex at this point would be a gross misjudgment, would send the wrong message to homeowners in the area, would decrease property values, and would

Please do not build anymore apartments in Shadow Creek Ranch.

Do NOT approve the hideous development proposed on 288. We do not want more apartment tenants. The crime and traffic would increase greatly and the quality of life for Pearlanders would suffer. This would be a major downgrade and would seal the deal to make Shadow Creek Ranch one of the worst developments in the suburbs. We want better for Pearland and the people here. We want good schools, community spaces, and low crime. None of these will happen if these apartments come to fruition. This Asian company Green Way does not care how it will affect us they only want their $. Please stop this! We want something like City Center and this is not it!!!!

Please vote against the initiative to introduce more apartment complexes and housing in Pearland. Decreased traffic and accessibility are huge assets to this area. However roads and schools are increasingly congested. Please consider upgrading our infrastructure and making what influx of residents we already have in an effort to keep our properties valuable, desirable, and accessible.

Please do not build anymore apartment complexes in the city

Please don't construct any more apartment in the shadowcreek area.

Please don't construct any more apartment in the shadowcreek area.

I have been a resident of Pearland for the past 8 years. I love being part of this city and I have a lot of confidence in the city's leadership. I trust that the group will listen to the concerns raised by the city residents. I urge the City Council member to reject the proposal submitted by Modern Green P&D. Although the revised proposal, July 2014, is an improvement over the original proposal, there is still a very low ratio of office and retail space. The proposal of 140,000 sq. ft. space for offices is only 6.6% of the total land use. This is far less than 15.5% proposed by the Water Lights District.

In addition, the revised proposal basically sacrifices spaces for everything else that would benefit the value of the area such land allocation for community centers, parking spaces, etc. so that they can MAINTAIN the high concentration of multiple family units. So, on the surface, they are attempting to comply with the request of the city's planning & development dept. However, in the end, they are still KEEPING a high number of multiple family units.

There are already a lot of multi-family units on the West of 288. Having more MF units would only bring down the value of those existing units as well as overall MF units as a whole in the longer term. This will force result in accelerated deterioration of these units, thus will not keep Pearland beautiful.

I love this city and my family would love to call this city home for years to come. Please consider not approving a plan that

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I love this city and my family would love to call this city home for years to come. Please consider not approving a plan that would set our city up for failure.

I am writing in advance of the city council meeting to voice my concern about the Modern Green proposal. The area in west Pearland already has an excessive number of multifamily homes. This proposal would only bring more apartments to the area, which is not beneficial for the long-term attractiveness and growth of the area. Please vote "no" on this proposal on

I would like to voice my displeasure in City of Pearland's Planning & Zoning Commission vote to approve the Modern Green proposal last week. I have taken some time to do further research on the plans of the Modern Green proposal and strongly vote AGAINST this project as it currently stands. Moving forward with this project has the potential to not only adversely affect property values on the west side of 288, but on the east side as well. I am a first-time home buyer and own a home in Shadow Creek Ranch. My husband and I are very proud of where we live and are very proud of the wonderful community we live in. I encourage you to please re-consider your vote. Pearland's growth is important to us and this is an area that obviously we'd like to see something developed here that would strengthen the wonderful city we live in. I WOULD support upscale mixed use development (for example: The Woodlands City Market, CityCentre off of I-10, SugarLand Town Square, etc.), but NOT a project like the one proposed by Modern Green. I am asking City Council members to PLEASE vote AGAINST

I have recently heard that City Planning & Zoning Commission approved the Modern Green proposal for the plot of land along 288 south of Bass Pro Shop. This proposed plan brings an additional 1000 apartment / rental condos and additional multi family housing units. The west side of Pearland already has a huge number of apartments and does not needs an additional 1000 units. I would like to say that I am against this type of proposal. Already the 4 schools in the local area are at capacity. By the time that this construction would be completed, many of the schools will be over capacity. This information can be verified at http://www.alvinisd.net/Page/15353. At the same time, the West side roads are also at capacity. On any given weeknight or weekend, it can take quite a while to get from the west side of 288 to the east side of 288 on 518. Adding the 1000+ multifamily homes will only make this traffic worse. AS shown in the 2010 mobility study commissioned by Pearland, the travel times along 518 are abysmal. COPS Mobility Study http://www.westernite.org/annualmeetings/sanfran10/Papers/Poster%20Papers/ITE%20Paper_Poster-Bedi.pdf Please do not approve the Modern Green proposal. I would like to see the land used for further growth in business and retail. A

I wanted to take a moment to voice my displeasure in City of Pearland's Planning & Zoning Commission vote to approve the Modern Green proposal yesterday. The last thing our city needs is more multi-family housing. Moving forward with this project has the potential to not only adversely affect property values on the west side of 288, but on the east side as well. Pearland does not have the transportation infrastructure to support a project like this. Our streets are congested enough. I WOULD support upscale mixed use development such as CityCentre which is located in the Energy Corridor, but NOT a project like the one proposed by Modern Green. I am asking City Council members to vote AGAINST this project as it

I will not support any candidate that votes in favor of Modern Green. I will not support any candidate that supports a low grade version of the park expansion which gives a couple unlit fields. Do it right or not at all. I'm tired of West Pearland funding East Pearland and the low tax paying residents.

I do not support the Modern Green proposal to dump more multi-family units on the West side of Pearland, just south of Bass Pro Shops. Our schools are already above capacity with the multi-family units surrounding the Shadow Creek development. The proposal also reduces the office/commercial space 50% below the current zoning. Unacceptable!

I learned that City Planning & Zoning Commission voted 4-2 to approve the Modern Green proposal -- the approved proposal would allow the development of over 1000 apartment / rental condos in the area in addition to some retail, 150 key hotel and retirement community (basically more multi family). The P&Z recommendation will now go to Council (possibly on 7/28. This is a cruticial moment for Pearland West Side residence as we already are seeing enough multi family buildings and traffic jam. I wanted to take a moment to voice my displeasure in City of Pearland's Planning & Zoning Commission vote to approve the Modern Green proposal. The last thing our city needs is more multi-family housing. Moving forward with this project has the potential to not only adversely affect property values on the west side of 288, but on the east side as well. Pearland does not have the transportation infrastructure to support a project like this. Our streets are congested enough. I am not opposing the building of any more apartments in Pearland, rather, I am saying the percentage of apartments is too high with most residents living around 288/518 and 288/Shadowcreek Parkway. The schools are always running out of space. People who live in the apartments can be less concerned about long term overall wellbeing of the city (they could move in and out). Why can't we build something that will make Pearland more beautiful? Why can't we build something that will make people want to visit Pearland, even they may not live here? why can't we look at some upscale developments similar to Sugarland's Town Square, Memorial's CityCentre, The Woodlands Water or Mall. I want to vote for infrustrature that will greatly improve the image and reputation of the city of Pearland, not more appartments! I have lived in Pearland West Side for 10 years and many of the construction i have seen are building apartment buildings. As a concerned resident, I am strongly requesting the City Council members to vote AGAINST this project as it currently stands.

I moved to Pearland in 1989. I have watched it grow and welcome most of the benefits that come with a growing community. We bought our current home in SCR in 2008. My commute to the medical center became a daily nightmare and my kids have been rezoned from a school they loved due to the volume of apartments. A few are necessary to meet peoples needs. 7 or more large complexes are too many for one area of the city. Please do NOT support any more developments that include multi family housing, rental it sale in the SCR area. Focus on high end restaurants and shopping!

I am opposed to the new development near 288/Beltway 8 that is called Modern Green. I think adding additional apartment complexes, in addition to the multiple ones that are around the Shadow Creek Ranch master planned subdivision, will only cause for additional traffic nightmares. Plus, additional apartment complexes are not what makes Pearland attractive--I understand it brings in revenue, but I'd rather not live in a city that is filled with apartments (even if they look good!). Please vote "no" for this proposal.

I am completely opposed to the Modern Green plan for the reasons given below.
1. This land is a gateway into Pearland. The City Council members should have vision to wait for a showpiece development and established developer to insure long-term viability.
2. Additional Multi-family is detrimental to the area. The developer or future owners are not bound by the number of rental units. Too much High density development has proven to be to increase traffic difficulties and produce long term aesthetic problems again, in an area that needs to showcase Pearland.
3. Modern Green is this developers first entry into the US. Why would you allow this gateway property to be developed by a corporation without a US track record for short term and long term viability?
Do what is right for Pearland & say no!!

While the new proposed development between Bass Pro Shop and the Kroger plaza is great the traffic is my biggest concern. The lights at Business Center Drive and Shadow creek Parkway are awful the left turn is a mess for people coming from Business Center. Also on a side note the lights at Shadow Creek and Trinity need to be made like Stafford has with a flashing left turn arrow we wait sometimes 5 min for the light to change for us turning on to Trinity. You need to do a major traffic study in Pearland; Sugarland has the same traffic but it seems to flow more smoothly even on Saturdays

Please do not approve a prject with anymore apartments or multifamily homes in West Pearland! We have you many as it is. Traffic will become MORE of an issue! We can use a business/retail establishments!! NO MORE APARTMENTS OR MULTI FAMILY RENTALS!!!

I continue to oppose the currently proposed Modern Green development. In my honest opinion, very little has changed from the original proposal. This is still a massive multi-family development and while the proposal calls for a large number of condo units, I do not see a market for condos in the suburbs. What happens if condos don't sell? They become rentals. If you look at the Sugar Land Town Center and City Centre, the vast majority of those developments are comprised of retail stores, office space, hotel space and restaurants, not residential. If Pearland City Council has any vested interest in developing a destination city and encouraging long term growth, I urge Council members to vote AGAINST this proposal. This is not what

I am completely OPPOSED to the new MODERN GREEN PROJECT. I strongly feel that council MUST veto this project as it stands. WE MUST NOT allow the Multi-Family units proposal to pass. This will cause an unprecedented increase in traffic, congestion, crime and lower the overall quality and value of the area. I intent to share this on all social media platform so the residents of Pearland will be made aware and will respond likewise. As representatives of the people, chosen and elected by the people I strongly request that you veto this proposal.

I wish to voice my opposition to the Modern Green project as it stands now. We DO NOT need, nor can our roadways support the increased traffic that the multi family units will bring. We need more end restaurants and retail, HOWEVER increasing the number of multi family rental units as this shows, will NOT bring the type of "growth" needed. VOTE NO !!

As an eleven year resident of the west side I have been impressed and excited to see the rapid commercial and residential development. I generally favor continued development however I am alarmed at the recent news regarding the Ivy District and the absence of accompanying news of improved traffic and fire/safety investments from the City. The west side is already over burdening Broadway. The expansion of McHard is just one step in the right direction however more needs to be done. Even if the Ivy District is not improved I still worry about the affects the new High School will place on our

I would like to share my concerns for the Modern Green Project planned behind the Bass Pro Shop. Please vote NO against this proposal. Are town is already saddled with heavy traffic at all hours of the day. Creating some large new multi-family structure would bring in more tax revenue but the traffic infrastructure can't support. Please contact me regarding any questions or concerns.

As a Shadow Creek Ranch homeowner, I do not want the Modern Green Project built. Traffic continues to be problematic on the western side of Pearland, and I do not want more rental properties adjacent to our subdivision. Please consider concentrating Council's efforts on addressing traffic issues and attracting a a suitable replacement for The Water Light's Project. The residents of this area deserve more high-end restaurants and more forms of entertainment. Let's catch up with

Please do not approve the Modern Green Ivy District. In my opinion, this project is being pushed through not based on the merits of the project and its benefits to our community, rather because of the relationships Kevin Cole (former city council member, now the VP for Modern Green Development) may have with key decision-makers. I want to have faith in my local government and this project is giving me reason for pause. Additionally,

- the emphasis on rental properties will continue to foster a transient, un-engaged community
- without Letters of Intent from commercial entertainment, we cannot be assured people of financial means will be attracted to the property
- the traffic here is already unbearable

I believe informed residents in west Pearland could get behind this project if there were certain assurances in place; But we're not there yet. Thank you for listening. I want to have faith in you.

Please do not approve Morden Green Project. We do not need any more appartments in the area nor do we need anymore hotels in the area. We are already having a lot of traffic issues in pearland and having the multi family units will only aggravate the issue.As a responsible citizen of Pearland I would oppose the project and have some kind of entertainment brought to the area like a water park or amusement park or a them park. or something like boardwalk

I'm writing to express my DISAPPROVAL oF the Modern Green Project. As a resident and homeowner and Shadow Creek Ranch we do not want to see anymore apartments being builT in our area nor do we want to deal with the traffic nightmare that will come when this project is completed. As it is, 288 is congested, to add more multi-family units will only make it worse. Again, I OPPOSE the building of the Modern Green Project. Please think about the homeowners in the area and their wishes before deciding to vote for such a project.

I oppose to Ivy District project because I believe that the existing traffic congestion on 288 will worsen with more multifamily units being build.

I oppose the Modern Green project. I feel its nothing thats going to add true value to the City of Pearland. If it was going to look like City Center/Woodlands with Upscales dinning, Movie and Grill, Bowling, Concert Pavilon, and night life. Family and Adults would not pass Pearland up to head West or North. Pearland the best location in the City. Also all the apartments reduces the value of the city. Please vote against the Modern Green project.

City of Pearland
Community Development
3523 Liberty Drive
(Community Center)
Pearland, Texas 77581
281-652-1768
281-652-1702 fax
www.cityofpearland.com

APPLICATION FOR A CHANGE IN ZONING

Current Zoning District: WATERLIGHTS PD

Proposed Zoning District: IVY GREEN PD

Property Information:

Address or General Location of Property: WATER LIGHTS DISTRICT

Tax Account No. 0800-3000-048 / TR 5 M.L. PARKER U/R

Subdivision: ABST 881 D. WHITE Lot: _____ Block: _____

A complete application must include all information shown on the Application Checklist attached to this application.

PROPERTY OWNER INFORMATION:

NAME AMERICA MODERN GREEN DEVELOPMENT (HOUSTON) LLC
ADDRESS 9889 BELLAIRE BLVD, SUITE 214
CITY HOUSTON STATE TX ZIP 77036
PHONE(202) 375-4425
FAX(281) 778-6537
E-MAIL ADDRESS gavinliangmg@gmail.com

APPLICANT/AGENT INFORMATION:

NAME STEVEN L. BIEGEL, AIA
ADDRESS 6001 SAVOY DR. SUITE 120
CITY HOUSTON STATE TX ZIP 77036
PHONE(713) 522-1666 cell (301) 404-6290
FAX(713) 522-6260
E-MAIL ADDRESS sbiegel@matrixspencer.com

*Property owner must be the current owner of the property at the time of submittal of the application, and not the party that has the property under contract.

As owner and applicant, I hereby request approval of the above described request as provided for by the Unified Development Code of the City of Pearland.

Owner's Signature: _____ Date: 11/2/2014

Applicant/Agent's Signature: _____ Date: 2/11/14

OFFICE USE ONLY:

FEES PAID:	$850.00	DATE PAID:	2/19/14	RECEIVED BY:	JB	RECEIPT NUMBER:	141343

Application No. 2014-2Z

MO MC AMERICA MODERN GREEN DEVELOPMENT HOUSTON, LLC

America Modern Green Development (Houston) LLC

11233 Shadow Creek Parkway,

Suite 289, Pearland,Texas 77584

Tel: 832-212-9460

June 17, 2014

Lata Krishnarao

Director of Community Development

City of Pearland

3519 Liberty Dr.

Pearland, TX 77581

Re: Applicant/Agent for Modern Green Ivy District Zoning and Planned Development (PD)

Ms. Krishnarao,

Please accept this letter as an official change of the Applicant/Agent on the January 31, 2014 application for zone change. That application had Mr. Steve Biegel, The Matrix Design Companies, as the applicant/agent.

With this letter we are naming Kevin Cole, Vice President of Development for America Modern Green, as the applicant/agent for the above referenced zone change and Planned Development (PD). All correspondence can be sent to the official address of record for America Modern Green as follows:

America Modern Green

c/o: Kevin Cole

11233 Shadow Creek Parkway, Suite 289

Pearland, TX 77584

Sincerely,

Guang ming Liang 6/23/2014.

Gavin Liang

General Manager

MO
MC 当代绿色

Mr. Bill Eisen
Mr. Mike Hodge
Ms. Lata Krishnaro
Mr. Harold Ellis
City of Pearland
3519 Liberty Drive
Pearland, TX 77581

January 2, 2014

RE: Authorization of Representation
Architect of Record – Matrix Design Companies, Inc.
Steven L. Biegel, AIA, CEO

Dear City of Pearland Officials:

Please be advised that Modern Green Development Company, LTD, has selected Steven L. Biegel, AIA, CEO of the Matrix Design Companies, Inc., to represent our project and to be the lead Architect for our development.

Matrix Design has full authority to discuss all plans, prior communications, revisions, and technical details of our project representing Modern Green Development Company, LTD. Matrix Design will be in charge of all subsequent project representation, revisions, submissions, and coordination of PD requirements. Mr. Biegel was the original Architect for the Water Lights development on this same site.

Please extend every courtesy to Mr. Biegel and his staff at Matrix, including full cooperation with existing file documents, commentary and correspondence.

Thank you for your time and attention.

Sincerely, Jan. 2. 2014

梁广明 GUANGMING (GAVIN) LIANG
GENERAL MANAGER | CHIEF ARCHITECT
AMERICA MODERN GREEN DEVELOPMENT (HOUSTON),LLC
US CELL: +1 (832) 4664572
CN CELL: +86 18601202989
US: 9889 BELLAIRE BLVD., SUITE 214, HOUSTON, TX 77036
GAVINLIANGMG@GMAIL.COM

APPLICATION CHECKLIST FOR THE FOLLOWING

- **Zone Changes**
- **Planned Development Districts (PD)**

☒ Application, filled out completely, and signed by the owner of the property to be considered for the conditional use permit.

☒ If the applicant is the designated agent, the application shall include a written statement from the property owner authorizing the agent to file the application on his behalf. **Section 1.2.1.1 (a) of the Unified Development Code.**

☒ Parcel map, printed from the City of Pearland website, indicating the location and boundaries of the subject property.

☒ Letter of Intent, explaining the zone change request in detail and why the zoning is being requested to be changed, and state the uses being proposed

*Letter of Intent is not required for a PD.

☐ Application fee, as determined below, by cash, check made payable to the City of Pearland, or credit card (Visa and MasterCard only)

- **Zero (0) to less than 25 acres:**
  - $ 750.00, plus $25.00 per each type of zoning district requested; or
  - $ 800.00 if requesting a Planned Development (PD)
- **25 to less than 50 acres:**
  - $ 800.00, plus $25.00 per each type of zoning district requested; or
  - X $ 850.00 if requesting a Planned Development (PD)
- **50 to less than 75 acres:**
  - $ 850.00, plus $25.00 per each type of zoning district requested; or
  - $ 900.00 if requesting a Planned Development (PD)
- **75 to less than 100 acres:**
  - $ 900.00, plus $25.00 per each type of zoning district requested; or
  - $ 950.00 if requesting a Planned Development (PD)
- **100 acres and above:**
  - $ 950.00, plus $25.00 per each type of zoning district requested; or
  - $ 1000.00 if requesting a Planned Development (PD)

☒ For PD's Only: the proposed PD document electronic form by date of application (either emailed or on a CD) (see PD Format for guidelines on how to prepare the PD).

☒ Acknowledgement of the sign to be posted on the property 10 days prior to the public hearing

☒ Provide evidence or proof that all taxes and obligations have been paid regarding the subject property. ?

☐ Application packets that are not **complete** will not be accepted. **When a completed application packet has been accepted and reviewed, additional information may be required by staff as a result of the review, it may be necessary to postpone the proposed CUP/Zone Change and remove it from the scheduled agenda and place it on a future agenda date according to Section 1.2.1.2. of the Unified Development Code.**

POSTING OF ZONING NOTIFICATION SIGNS ON PROPERTY UNDER CONSIDERATION FOR A ZONE CHANGE (OR CONDITIONAL USE PERMIT)

Any person, firm or corporation requesting a zoning change, a conditional use permit (CUP), or a variance shall be required to erect and maintain a sign(s), to be inspected by the City, upon the property for which a variance or zoning change has been requested.

Such sign(s) shall be located as follows:

(1) One (1) sign per street frontage shall be located within thirty feet (30') of the abutting street, or as determined by the City.

(2) So as to be clearly visible and readable from the public right-of-way and not obstructed in any manner.

(3) So as not to create a hazard to traffic on the public rights-of-way abutting the property.

(4) On the subject property at least ten (10) days prior to the hearing of such zoning change request by the Planning and Zoning Commission, and to remain continuously on said property until final action by the City Council or withdrawal of the case by the applicant. Removal of the sign by the applicant prior to a recommendation by the Planning and Zoning Commission and/or a final decision by the City Council shall constitute a withdrawal of the request.

(5) The signs shall be as follows:

- A minimum sign size of 2 feet by 3 feet, but no larger than 4 feet by 4 feet
- At least 2 feet above the ground
- Blue or black lettering that is a minimum of 3 inches by 1/2 inch, on a white background
- Message content as follows:

PROPOSED <u>(SPECIFY REQUEST)</u>
Contact City of Pearland
281-652-1768

***Signs must be professionally made; handwritten signs are not allowed.**

***Signs must be freestanding and cannot be attached to a tree, fence, or building.**

Additional Information:

- Upon making an application for a zoning change or conditional use permit, the applicant shall place sign(s) as required. The City shall inspect such sign(s) to ensure compliance as required by the UDC.

- After the zoning change or conditional use permit request is approved by the City Council, denied by the City Council, or withdrawn by the applicant, the applicant shall remove the sign from the area of the request within ten (10) days of such event.

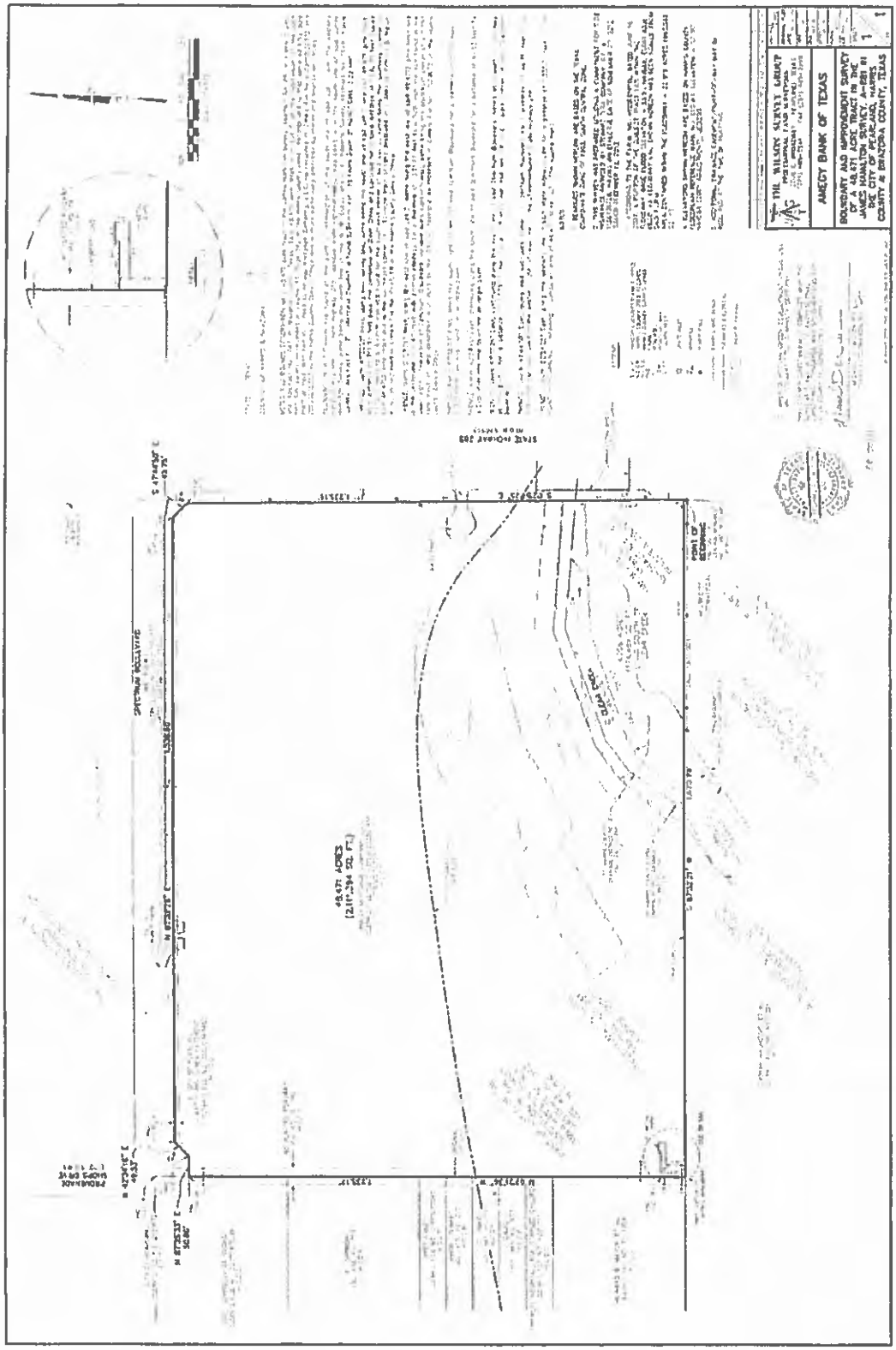
- It shall be unlawful for anyone to remove, destroy, deface or obstruct the view of a sign which gives notice that a zoning change or conditional use permit has been requested.

- In the event the applicant shall fail to erect and/or maintain signs in accordance with this section, then the public hearing before the Planning and Zoning Commission/City Council shall be postponed to a date in the future, which would allow time for compliance.

- The erection of any sign required by this section shall not require a permit under Section 4.1.2.6 of this UDC.

- The owner or applicant shall promptly notify the Planning Department of any sign required by this section, which becomes lost, stolen or vandalized. The Planning and Zoning Commission shall have the power to decide whether or not there has been substantial compliance with the posting requirements in the case of lost, stolen or vandalized signs.

Appendix I Survey



ZONE CHANGE/ VARIANCE/ [redacted] RECORDATION

(circle one)

$850.00 BA or [redacted] or FE

Description: *Input who the check is from*

American Modern Green Development Houston LLC

COMMENTS/DESCRIPTION (F10):

Location or Address PD - Waterlights to Ivy Green

Applicant Steven Biegel

Owner Guangming Liang

MO MC 当代绿色

America Modern Green Development (Houston), LLC

11233 Shadow Creek Parkway,

Suite 289, Pearland, Texas 77584

Tel: 832-617-7196

September 2, 2014

Lata Krishnarao
Director of Community Development
City of Pearland
3519 Liberty Dr.
Pearland, TX 77581

Re: Applicant/Agent for Modern Green Ivy District Zoning and Planned Development (PD)

Ms. Krishnarao,

Please accept this letter as an official change of the applicant/agent ("Applicant") on the January 31, 2014, application for zone change. That application had Mr. Steve Biegel, The Matrix Design Companies, as the Applicant.

With this letter we are replacing Mr. Biegel with Mr. Jack Parker, Project Manager for America Modern Green Development (Houston), LLC ("Modern Green"), as the Applicant for the above referenced zone change and Planned Development ("PD"). This letter also rescinds our letter dated June 17, 2014, which named Mr. Kevin Cole as our Applicant.

All correspondence regarding the zone change application should be sent to the official address of record for Modern Green as follows:

America Modern Green Development (Houston), LLC
c/o: Jack Parker
11233 Shadow Creek Parkway, Suite 289
Pearland, TX 77584

Sincerely,

Gavin Liang
General Manager Guangming Liang 9/1/2014

Copy: Clay Pearson, City Manager
Matt Buchanan, Executive Director Pearland Economic Development Corporation

AGENDA REQUEST
BUSINESS OF THE CITY COUNCIL
CITY OF PEARLAND, TEXAS

AGENDA OF: September 22, 2014	**ITEM NO.:** Ordinance No. 2000M-117
DATE SUBMITTED: September 8, 2014	**DEPT. OF ORIGIN: Community Development**
PREPARED BY: Lata Krishnarao	**PRESENTOR: Lata Krishnarao**
REVIEWED BY: Matt Buchanan	**REVIEW DATE: September 16, 2014**

SUBJECT: A request of Jack Parker, applicant; on behalf of America Modern Green Development (Houston), LLC., owner; for approval of a zone change from the Waterlights Planned Development (PD) to the Ivy District PD, on approximately 48.5 acres of land on the following described property, to wit:

General Location: Southwest corner of Spectrum Boulevard and State Highway 288

ATTACHMENTS:

- **Ordinance No. 2000M-112 and Exhibits (Exhibit A – Application; Exhibit B - Vicinity and Zoning Map; Exhibit C - Legal Ad; Exhibit D - Planning and Zoning Commission Recommendation; Exhibit E – PD Document)**
- **Joint Public Hearing Staff Report**
- **Future Land Use Map**
- **Abutter Map**
- **Returned Notices**
- **Abutter List**
- **Aerial Map**
- **Original PUD**
- **Planning and Zoning Commission Recommendation Letter**
- **Modern Green Ivy District Public Comments**

EXPENDITURE REQUIRED: N/A **AMOUNT BUDGETED: N/A**
AMOUNT AVAILABLE: N/A **PROJECT NO.: N/A**
ACCOUNT NO.: N/A

ADDITIONAL APPROPRIATION REQUIRED: N/A
ACCOUNT NO.: N/A
PROJECT NO.: N/A

To be completed by Department:			
Finance	Legal	Ordinance	Resolution

PROJECT SUMMARY: The applicant Jack Parker, on behalf of the owner America Modern Green Development (Houston) LLC., is proposing a 48.5 acre mixed use, pedestrian oriented development located on the west side of SH 288, east of Kirby Drive, south of South Spectrum Boulevard, and north of Clear Creek.

PROJECT COMPONENTS: The proposed project will consist of eleven (11) blocks, of which seven (7) will contain retail or offices in the first floor and residential and other uses in the top floors. One (1) block with house the Continuum Care Retirement Community (CCRC) and the remaining three (3) blocks will house residential units. The blocks will have a minimum of two (2) stories and a maximum of seventeen (17) stories. The project will consist of the following components.

Commercial: The commercial uses will include a minimum of 140,000 square feet of offices, 160,000 square feet of retail (restaurants, shopping and personal services), and a 150-room hotel with a 15,000 square foot conference center. All areas may be increased based on the market demand.

Retirement Community: The proposed project will also incorporate a 225-unit Continuum Care Retirement Community (CCRC) with a combination of independent living, assisted living, skilled nursing, and related uses.

Community Center: A 10,000 square feet Community Center is proposed at the base of the residential building on Block 7, and will be available for use by the entire community, not just the residents.

Residential: The multi-family component will comprise of a maximum of 1150 units, of which 750 will be individually owned residential units and 400 will be rental units. These units will be in the form of urban style dwellings (residential units wrapped around parking), flats or lofts, and townhouses. Garden style dwellings will be prohibited.

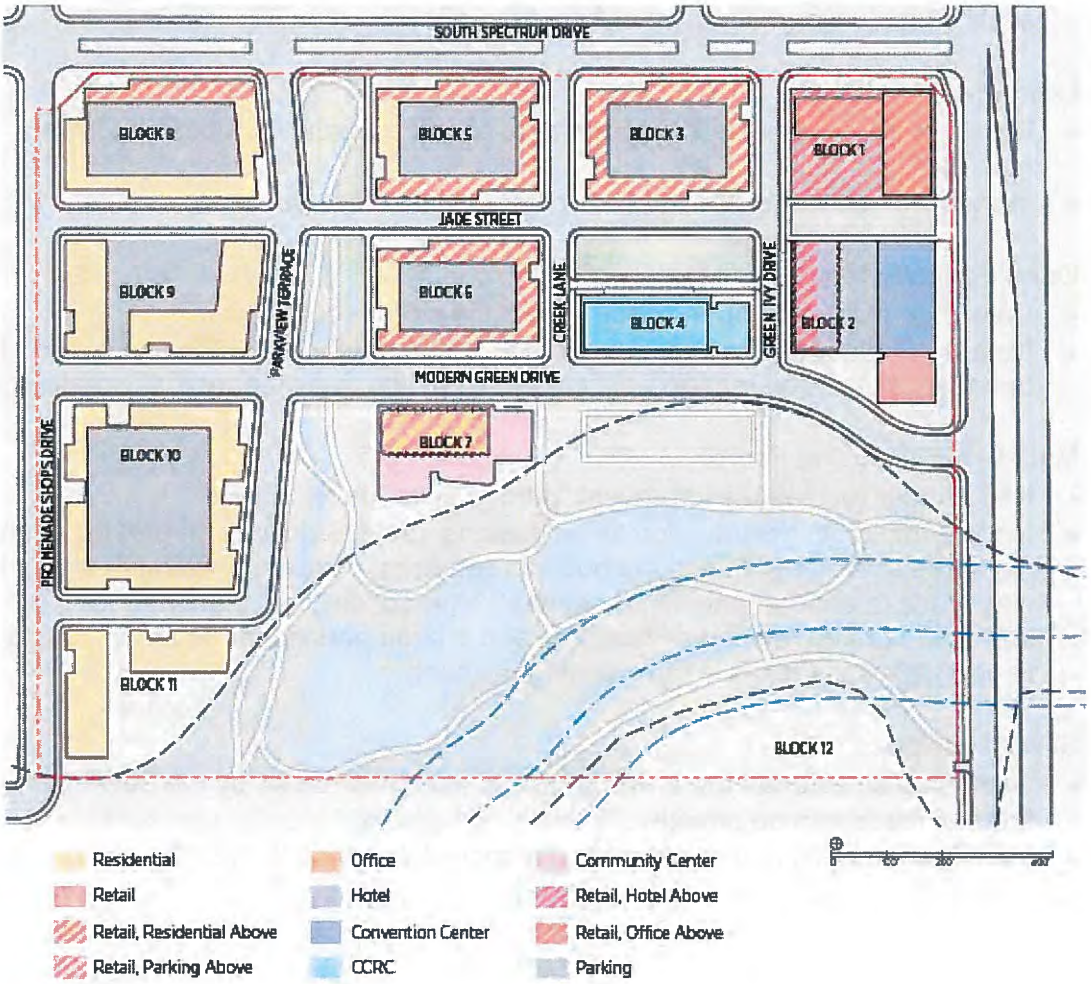
Open Space and Recreation: The project incorporates approximately fifteen (15) acres of public recreational open space along the Clear Creek with amenities such as trails, picnic tables, barbeque pits, exercise areas, pavilions, restrooms, benches, and drinking fountains. Additionally, plazas, courtyards, and other gathering spaces will be located within the development, totaling to approximately twenty (20) acres of open space.

Phasing: The entire project is proposed to be developed in two (2) phases. The first phase, consisting of seven (7) blocks (numbered 1-7 on the Building Program Plan), will encompass public recreational open space along the Clear Creek and all related amenities, the Continuing Care Retirement Community (CCRC), hotel, conference center, offices, some retail, shopping, and 575 residential units. The public recreational open space along the Clear Creek and all related amenities will be completed in the first

phase, prior to the first building being occupied. The remaining residential and retail, in four (4) blocks (numbered 8-11 on the Building Program Plan), will be completed in the second phase.

Expected Program Density by Phase - Summary		
	Phase 1	Phase 2 – Total of Both Phases
Office	140,000 sf (minimum)	140,000 sf (minimum)
Hotel	150 hotel keys (minimum)	150 hotel keys (minimum)
Hotel Conference Center	15,000 sf (minimum)	15,000 sf (minimum)
CCRC	225 units (minimum)	225 units (minimum)
Restaurants, Shopping,	120,000 sf (estimate)	160,000 sf (minimum)
Residential - Individual	375 units (estimate)	750 units (maximum)
Residential - Rental	200 units (estimate)	400 units (maximum)
Community Center	10,000 sf (minimum)	10,000 sf (minimum)

Exhibit B4 Building Program Plan



PROCESS: This project was first discussed at a joint workshop of the City Council and Planning and Zoning Commission in October 7, 2013. City Council and Planning and Zoning Commission conducted a joint public hearing on March, 17, 2014. Subsequently, at their regular meeting of July 7, 2014, the Planning and Zoning Commission made a recommendation to the City Council to approve the project with conditions. The next steps include City Council's consideration and action at their two regular meetings of August 25, 2014 and September 8, 2014.

PREVIOUS DISCUSSION ITEMS: Since October 2013, the following items and concerns were discussed with the applicant and addressed in their July 2014 submittal:

Codification and Design Standards:

- Require built-form, as shown in the exhibits
- Discourage conventional apartments
- Define all land use terms used in the PD and provide a breakdown of area/ number of units for each of these
- Images need to be tied to the map and to the components for better clarity to assist in review and approval of future permits.

Land Use:

- Land use mix - Increase the percentage of offices and retail uses and lower multi-family
- More buildings to include first floor commercial / office uses.

Open Space/Amenities:

- Details on parks and open space - meet the city's requirements
- Details of infrastructure improvements and lake amenities within and outside PD boundaries – assign responsibility for construction, maintenance, & ownership.

Multi-Family Housing Form

- Need better regulations to prevent "garden style" development
- Include minimum heights, details on designs, and restrictions on parking in areas along the streets by limiting the building setbacks. Provide building design and elevations to ensure pedestrian oriented, high-density, with parking area/structure enveloped by housing, and shared parking for commercial and residential uses (Texas Wrap Housing Product).

Street Network

- Clarify that all external roads will be public and constructed by the developer. Internal roads can be private
- Identify ownership and maintenance responsibility of all in the PD.

The table below summarizes the proposed uses and the changes compared to the previously approved Waterlights District and the October and January submittals to the current July 2014 submittal:

	Waterlights District	% of total land	October 2013 - Modern Green Ivy District	% of total land	January 2014 - Modern Green Ivy District	% of total land	July 2014 - Proposed Ivy District	% of total land
Site Area	57.7 acres	NA	48.5 acres	NA	48.5 acres	NA	48.5 acres	NA
Office	390,000 sf	15.5%	110,000 sf	5.2%	100,000 sf	4.7%	140,000 sf	6.6%
Retail Shopping Restaurant	218,000 sf	8.6%	80,000 sf	3.7%	130,000 sf	6.1%	160,000 sf	7.6%
Hotel	500 keys		450 keys		100 keys		150 keys	
Hotel Conference Center	NA		NA		NA		15,000 sf	0.7%
Senior Facility	0		Included in hotel		310 keys		225 units	
Residential	1150 units* on 48.5 acres (1400 on 57.7 acres) Additional 10 acres not included in Modern Green PD	24.26 units/acre	1410 units on 48.5 acres	29 .07 units/acre	1300 units on 48.5 acres MF rental: 400 units MF-condo:900 units Additional 25% (95 units) allowed	26 .8 units/ acre	1150 units on 48.5 acres MF rental – 400 units MF Individual owner: 750 units Capped	23.7 units/ acre
Community Center	Within residential blocks		Not calculated		80,000 sf	3.8%	10,000 sf	0.47 %

PUBLIC NOTIFICATION: Public notice/comment forms were mailed to property owners within 200 feet of the subject property under consideration, as well as property owners within the existing Planned Development. A legal notice of public hearing was published in the local newspaper, and a notification sign was placed on the subject property. No comments were received from property owners within 200 feet of the subject property. A number of comments were received from other residents, predominantly from Shadow Creek Ranch, and a summary is attached with this packet.

PLANNING AND ZONING COMMISSION ACTION: At the regular meeting of the Planning and Zoning Commission on July 7, 2014, Planning and Zoning Commission

discussed the proposal including hotel size, park dedication fees, type of multi-family units, parameters used for the market study, whether this PD would be considered a destination point for the Houston region, gains for residents of Pearland, etc.

Commissioner Linda Cowles made a motion to approve with conditions, and P&Z Vice Chairperson Mary Starr seconded. The vote was 4-2. Commissioners Reed and Tunstall voted against the motion and Commissioners Cowles, Fuertes, Starr, and McLane voted in favor. Zone Change No. 2014-02Z was approved with eighteen (18) conditions as detailed in the attached P &Z approval letter. The corrections were minor edits and clarifications to the document, except for the first condition on Parkland Dedication and Open Space that is discussed below.

> Parkland Dedication – City Council and P &Z specifically did not approve any variance to the Parkland Dedication, since this can be a payment in lieu of. Please indicate how the balance (based on $900/unit) will be addressed. Currently a standard of $700 sf/unit has been used in the PD.

STAFF RECOMMENDATION: Staff has been working with the applicant over the past few weeks and the P & Z conditions of approval have been addressed.

As indicated above, one of the comments was clarification on Parkland Dedication and Open Space requirements, which has been clarified as follows:

Parkland Dedication: The PD document establishes a Parkland Dedication requirement to provide amenities valued at $750 per residential and CCRC independent living units in conformance with the City's requirement.

Open Space Requirements: City's standards require 27.1 acres of public open space for the proposed number of multi-family units (including CCRC), at 900 square feet per unit. This amounts to 55.9% of the gross area. Applicant has stated in the PD that – "Due to the nature of the traditional neighborhood design contemplated in the Lower Kirby Urban Center and proposed for the Ivy District, the density of residential units in the Ivy District PD zoning district will be significantly higher than any other current zoning district." Therefore, the PD establishes a maximum requirement of 40% of the total gross area as open space, which equals to 19.4 acres. This will be a combination of 18.7 acres (minimum) as public open space and remaining as private open space.

Staff recommends approval of the proposed PD for the following reasons:

1. The proposed PD is in compliance with the intent of the Comprehensive Plan's Lower Kirby Urban Center Development Code.
2. The proposed PD is in compliance with the purpose of the PD as stated in the UDC.

Consider the zone change request for Ivy District PD.

New Business Item No. 2

2. **Consideration and Possible Action – First Reading of Ordinance No. 2000M-120 –** An ordinance of the City Council of the City of Pearland, Texas, amending Ordinance No. 2000M, the zoning map of the City of Pearland, Texas, for the purpose of changing the classification of certain real property, being a tract of land being known as Lot 15 of Darlinda Addition, a subdivision in Brazoria County Texas as recorded in Volume 7, Page 20 of the plat records of said Brazoria County, and being the same tract of land as described in deed to Ernesto Perez and Eveyln Pineda under Clerk's File Number 2006042620 of the real property records of said Brazoria County, Texas located at 4602 Broadway Street, Pearland, TX, Zone Change 2014-6Z; a request of Evelyn Pineda, owner/applicant; for approval of a change in zoning from Single Family Residential - 2 (R-2) to Office and Professional (OP) on approximately 0.21 acres of land, providing for an amendment of the zoning district map; containing a savings clause, a severability clause and an effective date and other provisions related to the subject.

AGENDA REQUEST
BUSINESS OF THE CITY COUNCIL
CITY OF PEARLAND, TEXAS

AGENDA OF: October 13, 2014 **ITEM NO.:** Ordinance No. 2000M-120

DATE SUBMITTED: September 18, 2014 **DEPT. OF ORIGIN:** Planning

PREPARED BY: Ian Clowes **PRESENTOR:** Lata Krishnarao

REVIEWED BY: Lata Krishnarao **REVIEW DATE:** October 7, 2014

SUBJECT: Ordinance No. 2000M-120: An ordinance of the City Council of the City of Pearland, Texas, amending Ordinance No. 2000M, the zoning map of the City of Pearland, Texas, for the purpose of changing the classification of certain real property, being a tract of land being known as Lot 15 of Darlinda Addition, a subdivision in Brazoria County Texas as recorded in Volume 7, Page 20 of the plat records of said Brazoria County, and being the same tract of land as described in deed to Ernesto Perez and Eveyln Pineda under Clerk's File Number 2006042620 of the realproperty records of said Brazoria County, Texas located at 4602 Broadway Street, Pearland, TX, Zone Change 2014-6Z; a request of Evelyn Pineda, owner/applicant; for approval of a change in zoning from Single Family Residential - 2 (R-2) to Office and Professional (OP) on approximately 0.21 acres of land, providing for an amendment of the zoning district map; containing a savings clause, a severability clause and an effective date and other provisions related to the subject.

ATTACHMENTS: Ordinance No. 2000M- 120 and Exhibits (Exhibit A – Legal Description; Exhibit B – Location Map; Exhibit C - Legal Ad; Exhibit D- Planning and Zoning Commission Recommendation Letter);
9.15.14 Joint Public Hearing Packet

EXPENDITURE REQUIRED: N/A **AMOUNT BUDGETED:** N/A
AMOUNT AVAILABLE: N/A **PROJECT NO.:** N/A
ACCOUNT NO.: N/A
ADDITIONAL APPROPRIATION REQUIRED: N/A
ACCOUNT NO.: N/A
PROJECT NO.: N/A

To be completed by Department:
Finance Legal Ordinance Resolution

EXECUTIVE SUMMARY

The subject property includes approximately 0.21 acres of land, of which the applicant is requesting a change in zoning from the Single Family Residential-2 (R-2) zoning district to the Office and Professional (OP) zoning district. According to the applicant's letter of intent, the purpose of the requested change in zoning is to convert the existing single family home into a real estate office or other professional office. Upon conversion of the home to an office, all requirements of the Unified Development Code (UDC) will apply.

PUBLIC NOTIFICATION: Public notices, comment forms, and a vicinity map were mailed to the applicant as well as property owners within 200 feet of the subject property under consideration for change in zoning. Staff received a total of three (3) returned notices; 1 in favor and 2 in opposition to the request.

PLANNING AND ZONING COMMISSION DISCUSSION: At the regular meeting of the Planning and Zoning Commission on September 15, 2014, Planning and Zoning Commissioner Elizabeth McLane made a motion to approve the Zone Change request. The motion was seconded by P&Z Commissioner Derrick Reed. The vote was 6-0 and the motion passed.

STAFF RECOMMENDATION: Staff recommends approval of the request to change the zoning of the approximately 0.21 acre site from R-2 to OP for the following reasons:

1. The change in zoning will result in conformance with the Comprehensive Plan, as the current zoning of R-2 does not conform to the future land use designation of Office, Retail and Services.

2. The purpose of the proposed zoning district of OP is to permit a wide variety of business, professional and organizational office needs of the community together with desirable associated uses. The proposed zoning district permits most low impact office uses, such as medical/dental offices, credit agencies, banks, veterinarian clinics; however, prohibits more intense uses such as automobile-related uses such as auto repair, gas stations, and car washes; yet, permits various other uses that may prove to be incompatible with surrounding uses, with approval of a CUP, such as a wholesale bakery or a resale consignment shop, for example. These uses require additional review by the City Council, Planning and citizens.

3. The existing residential adjacency standards and the COD regulations will ensure that any proposed non-residential use has no major impact on the existing single family homes.

4. All requirements of the UDC will be met upon conversion of the structure from residential to office use.

RECOMMENDED ACTION: Consider Zone Change Application 2014-6Z to change the zoning of the approximately 0.21 acres from R2 to OP.

ORDINANCE NO. 2000M-120

An ordinance of the City Council of the City of Pearland, Texas, amending Ordinance No. 2000M, the zoning map of the City of Pearland, Texas, for the purpose of changing the classification of certain real property, being a tract of land being known as Lot 15 of Darlinda Addition, a subdivision in Brazoria County Texas as recorded in Volume 7, Page 20 of the plat records of said Brazoria County, and being the same tract of land as described in deed to Ernesto Perez and Eveyln Pineda under Clerk's File Number 2006042620 of the real property records of said Brazoria County, Texas located at 4602 Broadway Street, Pearland, TX, **Zone Change 2014-6Z;** a request of Evelyn Pineda, owner/applicant; for approval of a change in zoning from Single Family Residential - 2 (R-2) to Office and Professional (OP) on approximately 0.21 acres of land, providing for an amendment of the zoning district map; containing a savings clause, a severability clause and an effective date and other provisions related to the subject.

WHEREAS, Evelyn Pineda, owner/applicant; is seeking approval of a change in zoning from Single Family Residential - 2 (R-2) to Office and Professional (OP) on approximately 0.21 acres of land; said property being legally described in the original application for amendment attached hereto and made a part hereof for all purposes as Exhibit "A" and more graphically depicted in the location map identified as Exhibit "B"; and

WHEREAS, on the 15th day of September, 2014, a Joint Public Hearing was held before the Planning and Zoning Commission and the City Council of the City of Pearland, Texas, notice being given by publication in the official newspaper of the City, the affidavit of publication being attached hereto and made a part hereof for all purposes as Exhibit "C", said call and notice being in strict conformity with provisions of Section 1.2.2.2 of Ordinance No. 2000T; and

WHEREAS, on the 16th day of September, 2014, the Planning and Zoning Commission of the City submitted its report and recommendation to the City Council regarding the zone change application of Evelyn Pineda, owner/applicant, for approval of a change in zoning from Single Family Residential - 2 (R-2) to Office and

Professional (OP) on approximately 0.21 acres of land, said recommendation attached hereto and made a part hereof for all purposes as Exhibit "D"; and

WHEREAS, upon receipt of the report from the Planning and Zoning Commission, City Council considered this application and the recommendation of the Planning and Zoning Commission at regular meetings on the 13th day of October 2014 and the 27th day of October 2014; and

WHEREAS, the City Council having fully heard the testimony and argument of all interested parties, and having been fully advised in the premises, finds that in the case of the application of Evelyn Pineda, owner/applicant; for approval of a change in zoning from Single Family Residential - 2 (R-2) to Office and Professional (OP) on approximately 0.21 acres of land, presented which, in the judgment of the City Council, would justify the approval of said application; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS:

Section I. The following described property located within the corporate City Limits of the City of Pearland, Texas, and presently located within the Single Family Residential 2 (R2) zoning district, is hereby granted a change in zoning to the Office Professional (OP) zoning district, in accordance with all conditions and requirements of the current Unified Development Code and incorporated for all purposes, such property being more particularly described as:

Being a tract of land being known as Lot 15 of Darlinda Addition, a subdivision in Brazoria County Texas as recorded in Volume 7, Page 20 of the Plat Records of said Brazoria County, and being the same tract of land as described in deed to Ernesto Perez and Evelyn Pineda under Clerk's File Number 2006042620 of the Real Property Records of said BrazoriaCounty, Texas, Brazoria County, Texas

GENERAL LOCATION**:** 4602 Broadway Street, Pearland, TX

Section II. The City Council of the City of Pearland finds and determines that the recitations in the preamble hereof are true and that all necessary prerequisites of law have been accomplished and that no valid protest of the proposed change has been made. The City Council further finds and determines that there has been compliance with the mandates of law in the posting and presentation of this matter to the Planning and Zoning Commission and to the City Council for consideration and decision.

Section III. The City Council of the City of Pearland finds and determines that the amendment adopted herein promotes the health, safety, and general welfare of the public and is a proper valid exercise of the City's police powers.

Section IV. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section V. All rights and remedies, which have accrued in the favor of the City under this Ordinance and its amendments thereto, shall be and are preserved for the benefit of the City.

Section VI. This Ordinance shall become effective after its passage and approval on second and final reading.

PASSED, APPROVED, and ADOPTED on First Reading this 13h day of October, 2014.

_____

TOM REID
MAYOR

ATTEST:

_____
YOUNG LORFING, TRMC
CITY SECRETARY

PASSED, APPROVED, and ADOPTED on Second and Final Reading this 27th day of October, 2014.

_____

TOM REID
MAYOR

ATTEST:

_____
YOUNG LORFING, TRMC
CITY SECRETARY

APPROVED AS TO FORM:

_____
DARRIN M. COKER
CITY ATTORNEY

Exhibit A
Legal Description

Being a tract of land being known as Lot 15 of Darlinda Addition, a subdivision in Brazoria County Texas as recorded in Volume 7, Page 20 of the Plat Records of said Brazoria County, and being the same tract of land as described in deed to Ernesto Perez and Evelyn Pineda under Clerk's File Number 2006042620 of the Real Property Records of said Brazoria County, Texas

Exhibit B
Location Map

Exhibit C
Legal Ad

NOTICE OF A JOINT PUBLIC HEARING OF THE CITY COUNCIL

AND

THE PLANNING AND ZONING COMMISSION

OF THE CITY OF PEARLAND, TEXAS

ZONE CHANGE APPLICATION NUMBER: 2014-6Z

Notice is hereby given that on September 15, 2014 at 6:30 p.m., the City Council and Planning and Zoning Commission of the City of Pearland, in Brazoria, Harris and Fort Bend Counties, Texas, will conduct a joint public hearing in the Council Chambers of City Hall, located at 3519 Liberty Drive, Pearland, Texas, at the request of Evelyn Pineda, owner/applicant; for approval of a change in zoning from Single Family Residential 2 (R-2) to Office and Professional (OP) on approximately 0.21 acres of land, more specifically described as:

A tract of land being known as Lot 15 of Darlinda Addition, a subdivision in Brazoria County Texas as recorded in Volume 7, Page 20 of the Plat Records of said Brazoria County, and being the same tract of land as described in deed to Ernesto Perez and Evelyn Pineda under Clerk;s File Number 2006042620 of the Real Property Records of said Brazoria County.

General Location: South side of Broadway Street, and approximately 100 feet east of the intersection of Broadway Street and Ray Street, Pearland, TX

At said hearing, all interested parties shall have the right and opportunity to appear and be heard on the subject. For additional information, please contact the Planning Department at 281-652-1765.

Johnna Matthews
City Planner

Exhibit D
Planning and Zoning Commission Recommendation Letter

Planning & Zoning Commission

Recommendation Letter

September 16, 2014

Honorable Mayor and City Council Members
3519 Liberty Drive
Pearland, TX 77581

Re: Recommendation on Zone Change Application No. 2014-06Z

Honorable Mayor and City Council Members:

At their regular meeting on September 15, 2014, the Planning and Zoning Commission considered the following:

A request of Evelyn Pineda, owner/applicant; for approval of a change in zoning from Single Family Residential 2 (R-2) to Office and Professional (OP) on approximately 0.21 acres of land, on the following described property:

LEGAL DESCRIPTION: A tract of land being known as Lot 15 of Darlinda Addition, a subdivision in Brazoria County Texas as recorded in Volume 7, Page 20 of the Plat Records of said Brazoria County, and being the same tract of land as described in deed to Ernesto Perez and Evelyn Pineda under Clerk;s File Number 2006042620 of the Real Property Records of said Brazoria County, Texas.

GENERAL LOCATION: 4602 Broadway St. Pearland, TX

P&Z Commissioner Elizabeth McLane made a motion to approve the Zone Change request. The motion was seconded by P&Z Commissioner Derrick Reed. The vote was 6-0 and the motion passed.

Sincerely,

Ian Clowes
Senior Planner
On behalf of the Planning and Zoning Commission

JOINT PUBLIC HEARING
THE CITY COUNCIL CITY AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS,
MONDAY, SEPTEMBER 15, 2014, AT 6:30 P.M.
COUNCIL CHAMBERS - CITY HALL-3519 LIBERTY DRIVE

I. CALL TO ORDER

II. PURPOSE OF HEARING

Zone Change Application No. 2014-6Z

A request of Evelyn Pineda, owner/applicant; for approval of a change in zoning from Single Family Residential-2 (R-2) to Office and Professional (OP) on approximately 0.21 acres of land, to wit:

Legal Description: A tract of land being known as Lot 15 of Darlinda Addition, a subdivision in Brazoria County Texas as recorded in Volume 7, Page 20 of the Plat Records of said Brazoria County, and being the same tract of land as described in deed to Ernesto Perez and Evelyn Pineda under Clerk;s File Number 2006042620 of the Real Property Records of said Brazoria County.

General Location: 4602 Broadway 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: September 15, 2014

Re: Zone Change Application Number 2014-6Z

A request of Evelyn Pineda, owner/applicant; for approval of a change in zoning from Single Family Residential-2 (R-2) to Office and Professional (OP) on approximately 0.21 acres of land located on the south side of Broadway Street, and approximately 100 feet from the intersection of Broadway Street and Ray Street, Pearland, TX

Proposal

The subject property includes approximately 0.21 acres of land, of which the applicant is requesting a change in zoning from the Single Family Residential-2 (R-2) zoning district to the Office and Professional (OP) zoning district. According to the applicant's letter of intent, the purpose of the requested change in zoning is to convert the existing single family home into a real estate office or other professional office. All requirements of the Unified Development Code (UDC) will need to be met upon conversion to office.

Public Notification/Comment

Staff sent public notices, comment forms and a vicinity map to the applicant, owner of the property and to property owners within 200 feet of the site. 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 approximately 0.21 acre site from R-2 to OP for the following reasons:

1. The change in zoning will result in conformance with the Comprehensive Plan, as the current zoning of R-2 does not conform to the future land use designation of Office, Retail and Services.

2. The purpose of the proposed zoning district of OP is to permit a wide variety of business, professional and organizational office needs of the community together with desirable associated uses. The proposed zoning district permits most low impact office uses, such as medical/dental offices, credit agencies, banks, veterinarian clinics; however, prohibits more intense uses such as automobile-related uses such as auto repair, gas stations, and car washes; yet, permits various other uses that may prove to be incompatible with surrounding uses, with approval of a CUP, such as a wholesale bakery or a resale consignment shop, for example. These uses require additional review by the City Council, Planning and citizens.

3. The existing residential adjacency standards and the COD regulations will ensure that any proposed non-residential use has no major impact on the existing single family homes.

4. All requirements of the UDC will be met upon conversion of the structure from residential to office use.

Exhibits

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

Exhibit 1
Staff Report

Summary of Request

The applicant is requesting approval of a change in zoning from the Single Family Residential-2 (R-2) zoning district to the Office and Professional (OP) zoning district on approximately 0.21 acres of land located on the south side of Broadway Street, and approximately 100 feet from the intersection of Broadway Street and Ray Street. According to the applicant's letter of intent, the purpose of the requested change in zoning is to convert the existing single family home into a real estate office or other professional office.

Site History

The subject property is currently developed with a single family home and attached garage, which, according to Brazoria County Appraisal district records was constructed in 1960. The property was annexed into the City of Pearland in 1905. Prior to the adoption of the Unified Development Code (UDC) in 2006, the property was zoned for single family residential and is currently located within the Single Family Residential-2 (R-2) zoning district.

The site is surrounded by non-residential uses and non-residential zoning districts, with the exception of the single family home and single family zoning districts to the west and south. The below table identifies surrounding uses and zoning districts:

	Zoning	Land Use
North	General Business (GB)	Houston Community Bank
South	Single Family Residential 2 (R-2)	Single Family
East	Old Town General Business (OT-GB)	Kidz Come First Daycare and Learning Center
West	Single Family Residential 2 (R-2)	Single Family

Conformance with the Thoroughfare Plan

The subject property has approximately 98.48 feet of frontage along Broadway Street; a major thoroughfare, which requires 120 feet of right-of-way. It appears from GIS records that the existing right-of-way at this location, is approximately 100 feet; and therefore is not in compliance with the thoroughfare plan. Should the property require platting in the future, additional right-of-way will be required.

Conformance with the Unified Development Code

The existing use of the subject property conforms to the existing zoning district. The subject property is located within the Single Family Residential 2 (R-2) zoning district. The purpose of the aforementioned zoning district is to permit low-density residential development of detached single-family dwelling units and appropriate desirable open space.

The site is also located within the Corridor Overlay District (COD), which was established after the single family home was constructed and platted. Depending upon whether the existing structure is demolished and a new structure is built, expanded upon, or the existing structure is converted to an office, various improvements will be required. For example, if the structure is completely demolished and a new structure is built, the site is required to come into full compliance with the UDC. The proposed change in use and any expansion shall trigger parking (surface, quantity based on proposed use, parking lot landscaping) and screening requirement such as commercial dumpster/refuse container screening and residential adjacency screening. Additionally, any expansion that exceeds five hundred (500) square shall trigger the construction of sidewalks, parking, landscaping, etc. At this time, the change of use/occupancy will trigger any façade improvements that are required by the UDC.

The subject property includes approximately 0.21 acres, which equates to 9,447 square feet. According to the survey submitted with the application, the width of the subject property is approximately 98.48 feet. The existing lot area and lot width do not meet the minimum requirements of the proposed OP zoning district. However, a variance was approved by the Planning and Zoning Commission on August 4, 2014 to allow for a reduction in the lot area and lot width. The below table illustrates the existing lot dimensions compared to the required lot dimensions for a property located within the OP zoning district:

Office and Professional (OP) Area Regulations		
Size of Lots	**Required**	**Existing Lot Dimensions**
Minimum Lot Size	12,500 sf.	9,447 sf.
Minimum Lot Width	100 ft.	98.49 ft.
Minimum Lot Depth	100 ft.	144 ft.

Conformance with the Comprehensive Plan

The proposed change in zoning from R-2 to OP of the subject property, will implement the policies of and conform to the future land use element of the Comprehensive Plan, for the subject property, which is *"Retail, Offices and Services*." According to the Comprehensive Plan, properties located within the aforementioned future land use designation should include neighborhood or convenience shopping centers or separate uses, preferably located at major street intersections, with limited outdoor retail activities. Nonresidential uses should buffer from neighboring single family residential uses. Appropriate zoning districts include the proposed zoning district of Office and Professional (OP), Neighborhood Service (NS) and selected uses within the General Business (GB) zoning district.

Platting Status

According to City records, the subject property was originally platted in 1953, as one lot which included the lot just west of the subject property, which has frontage on both Broadway and Ray Streets. A replat in 1955 separated the lot into two (2) lots (current configuration). However, does not meet current platting requirements and a new plat may be required depending upon the extent of improvements proposed.

Availability of Utilities

The subject property has access to public infrastructure, and according to the Utility Billing Department, is connected to public water and sewer. GIS data indicate that water is available to the site via a 10-inch waterline along the north side of Broadway Street and a 6-inch water line along the west side of Ray Street. Additionally, there is an existing 10-inch sewer line along the frontage of the property. At the time of permitting existing infrastructure will be analyzed to ensure that existing infrastructure is sufficient or if the extension of infrastructure is required. The impact of the proposed use on the current infrastructure will also be analyzed and impact fees may be assessed.

Impact on Existing and Future Development

All surrounding properties are developed. Properties north and east of the subject property are developed with nonresidential uses; Houston Community Bank to the north, and on the north side of Broadway Street; and directly east of the site is Kidz Come First Daycare and Learning Center. Properties to the west and south are developed with single family homes. There should be no major negative impact to surrounding properties, as the site is currently developed. Various improvements will be required as a result of the change in use from residential to non-residential. When the subject property is converted from a single family use to a non-residential use, residential adjacency standards will apply along the west and south property lines due to the existing single family uses/subdivision. Options include the following:

1. A 25-foot landscape buffer which shall remain open and unobstructed (no parking, driveways, etc.) and an opaque screening wall a minimum of 6-feet, but not to exceed 8-feet in height; or

2. In situations where a fence exists along the property line between the nonresidential and residential use, the screening shall be achieved by a 30-foot buffer and a vegetative screen dense enough to be completely opaque year round, which is at 4 feet tall at planting and at least 8 feet tall within 12 months, unless the nonresidential use obtains permission from the owner(s) of the existing fence to replace said fence with the above required opaque screening wall.

The existing residential adjacency standards and the COD regulations will ensure that any proposed non-residential use has no major impact on the existing single family homes.

Additional Comments

The request has been reviewed by the City's Development Review Committee (DRC), and there were no additional comments from other departments at the time of this report.

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

Staff has not received any comments either in opposition to or in support of the proposed change in zoning request.

Recommendation

Staff recommends *approval* of the request to change the zoning of the approximately 0.21 acre site from R-2 to OP for the following reasons:

1. The proposed zoning district of Office and Professional (OP) implements the policies and conforms to the adopted Comprehensive Plan, including the future land use designation for the subject property which is "*Retail, Offices and Services."* The change in zoning will result in conformance with the Comprehensive Plan, as the current zoning of R-2 does not conform to the Comprehensive Plan. According to the Comprehensive Plan, properties located within the aforementioned future land use designation should include neighborhood or convenience shopping centers or separate uses, preferably located at major street intersections, with limited outdoor retail activities. Nonresidential uses should buffer from neighboring single family residential uses. Appropriate zoning districts include the proposed zoning district of Office and Professional (OP), Neighborhood Service (NS) and selected uses within the General Business (GB) zoning district. The purpose of the OP zoning district is to permit a wide variety of business, professional and organizational office needs of the community together with desirable associated uses, which furthers the goals of the *"Retail, Offices and Services"* future land use designation. The OP zoning district also restricts outdoor commercial activities or uses without a temporary permit. Outdoor storage is only allowed with approval of a Conditional Use Permit (CUP). The existing use of the site, as developed (single family dwelling unit) and the existing zoning of the site (R-2) create a non-conformity, as the existing use and the existing zoning district do not match the future land use designation of the Comprehensive Plan. The request will result in bringing a non-conforming use and zoning, into compliance with the Unified Development Code as well as the Comprehensive Plan.

2. The purpose of the proposed zoning district of OP is to permit a wide variety of business, professional and organizational office needs of the community together with desirable associated uses. The proposed zoning district permits most low impact office uses, such as medical/dental offices, credit agencies, banks, veterinarian clinics; however, prohibits more intense automobile-related uses such as auto repair, gas stations, and car washes; yet, permits various other uses that may prove to be incompatible with surrounding uses, with approval of a CUP, such as a wholesale bakery or a resale consignment shop, for example.

3. The existing residential adjacency standards and the COD regulations will ensure that any proposed non-residential use has no major impact on the existing single family homes.

4. All requirements of the UDC will be met upon conversion of the structure from residential to office use.

Exhibit 2

AERIAL MAP

ZONE CHANGE 2014-6Z

4602 W. BROADWAY

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 = 70 feet

22 MAY 2014
PLANNING DEPARTMENT

N

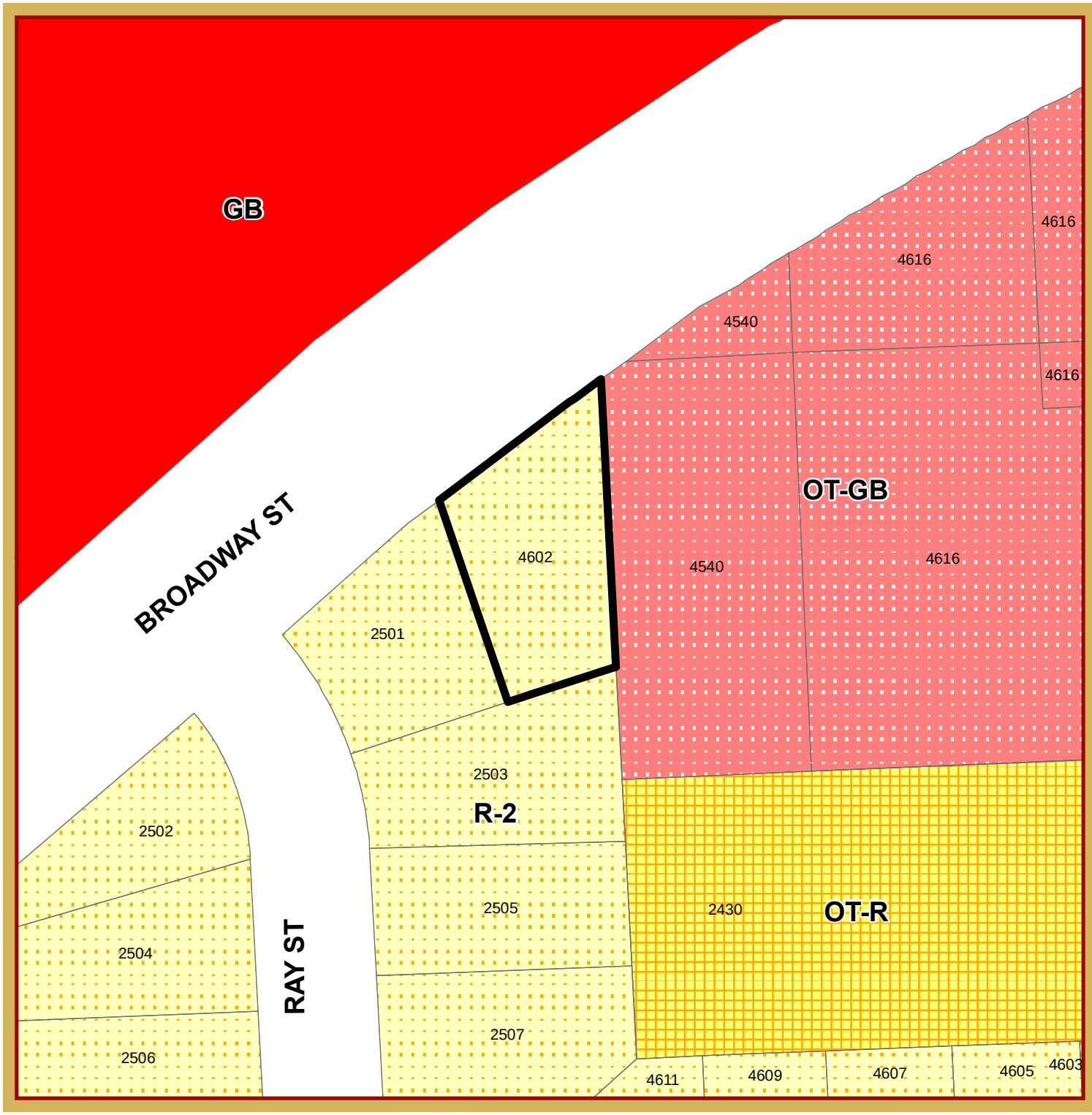


Exhibit 3

ZONING MAP

ZONE CHANGE 2014-6Z

4602 W. BROADWAY

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 = 70 feet

22 MAY 2014
PLANNING DEPARTMENT

N

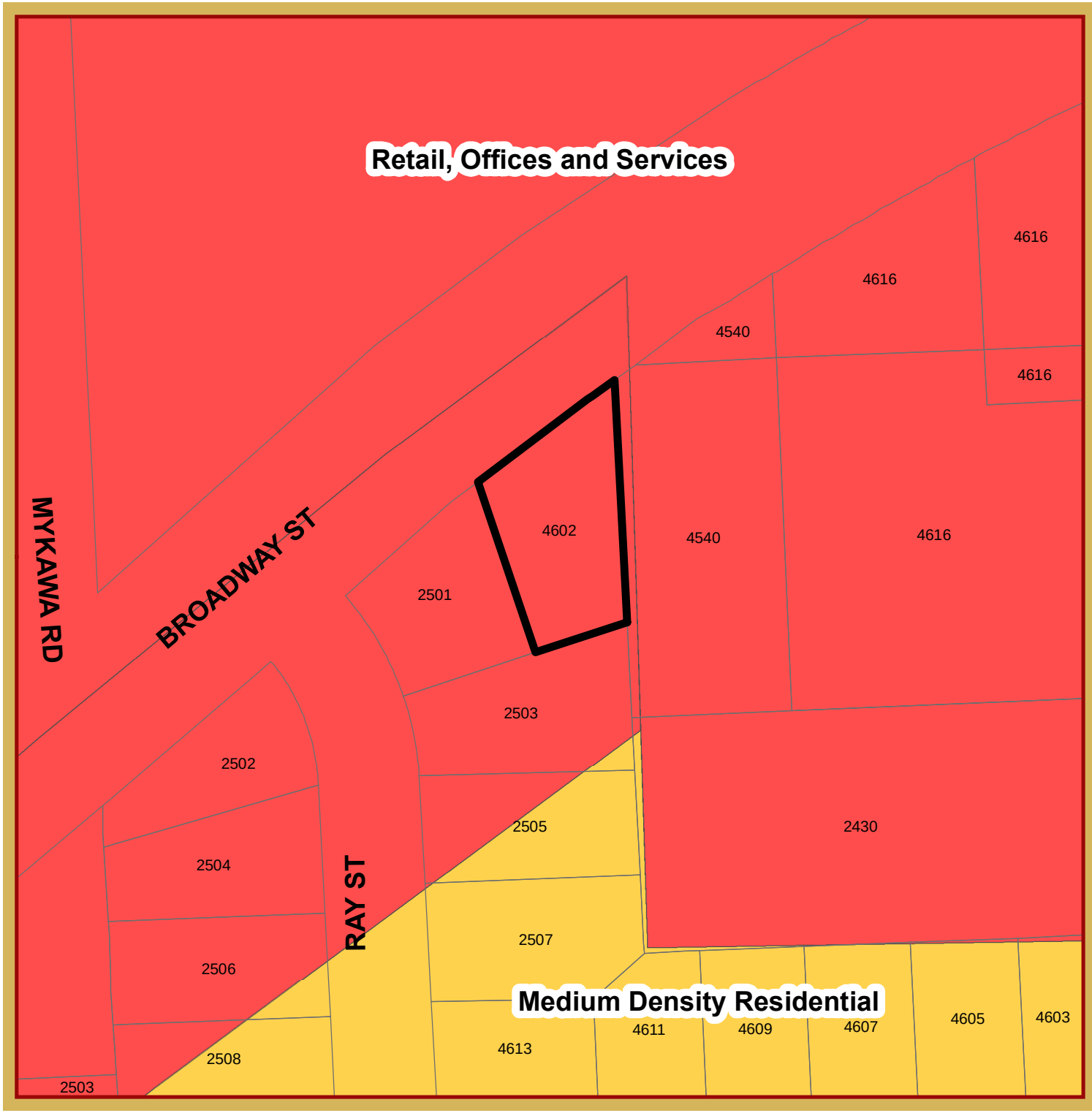


Exhibit 4

FLUP MAP

ZONE CHANGE 2014-6Z

4602 W. BROADWAY

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 = 83 feet

22 MAY 2014
PLANNING DEPARTMENT

N

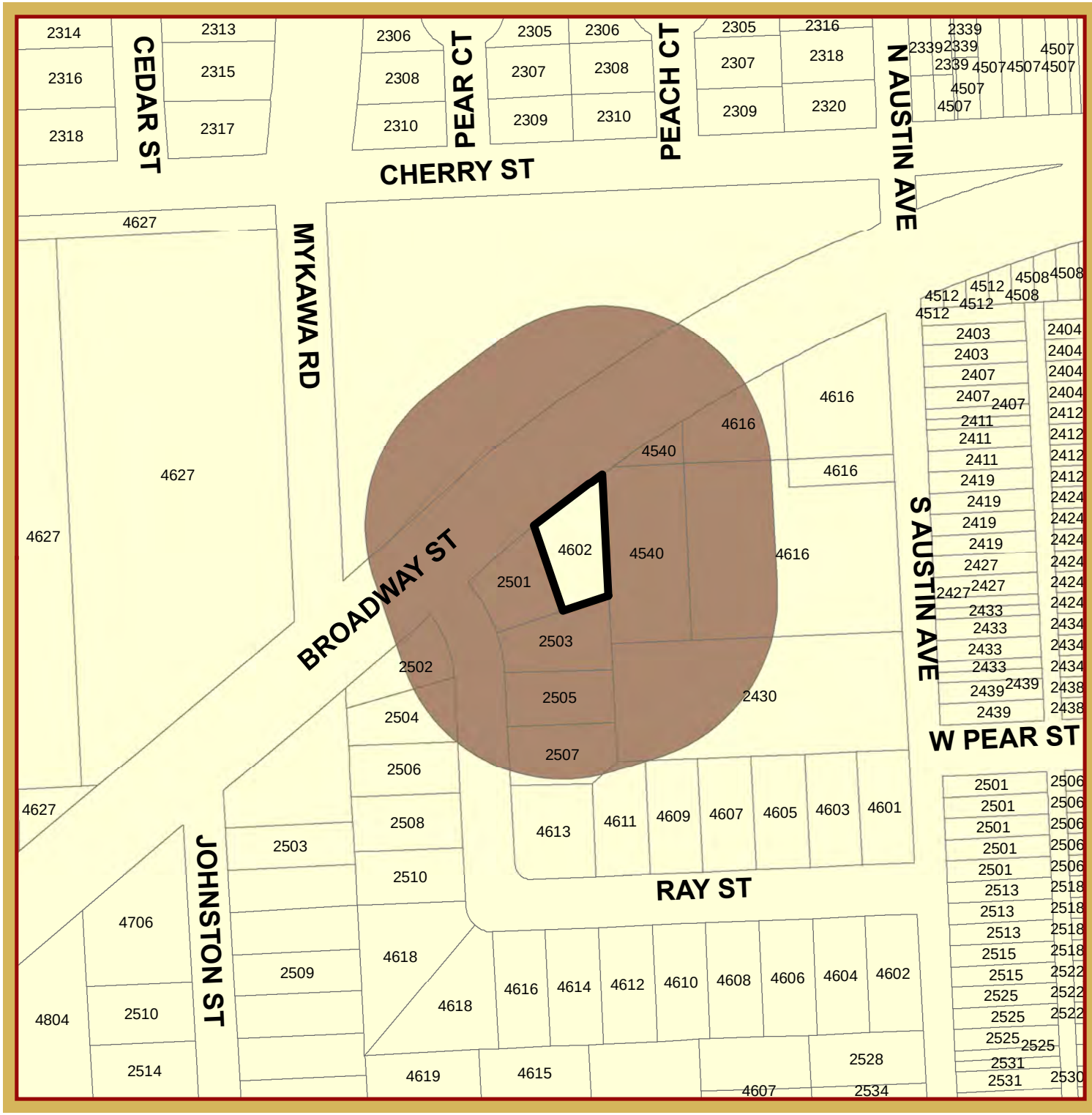


Exhibit 5

NOTIFICATION MAP

ZONE CHANGE 2014-6Z

4602 W. BROADWAY ST.

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 = 167 feet

22 MAY 2014
PLANNING DEPARTMENT

N

Exhibit 6

ZONE CHANGE 2014-6Z
NOTIFICATION LIST

NAME	ADDRESS	CITY	STATE	ZIP
BATES LISA LANELLE	3302 CHURCHILL ST	PEARLAND	TX	77581
CAMPBELL ARLYN JEAN	4606 RAY ST	PEARLAND	TX	77581
CANON FRANK LYNN	4609 RAY ST	PEARLAND	TX	77581
COBBS DAVID W & BRENDA S	2505 RAY ST	PEARLAND	TX	77581
COBBS T F JR & DORTHY	4611 RAY ST	PEARLAND	TX	77581
COE CODY	2504 RAY ST	PEARLAND	TX	77581
D BROWN INTERIORS	2640 BROADWAY ST STE 102	PEARLAND	TX	77581
JACKSON NELLIE J	3215 SAGEWOOD CT	PEARLAND	TX	77584
KILBOURN D R	2507 RAY ST	PEARLAND	TX	77581
LEROY JAMES WILLIAM & GALE S	2315 HALBERT DR	PEARLAND	TX	77581
NASSIF MICHAEL & SABA	11839 MIGHTY REDWOOD DR	HOUSTON	TX	77059
PEREZ ERNESTO & EVELYN PINEDA	PO BOX 230392	HOUSTON	TX	77223
SCHOOL ZONE	3421 E WALNUT ST	PEARLAND	TX	77581
EVELYN PINEDA	PO BOX 230392	HOUSTON	TX	77223

Exhibit 7

City of Pearland
Community Development
3523 Liberty Drive
(Community Center)
Pearland, Texas 77581
281-652-1768
281-652-1702 fax
www.cityofpearland.com

APPLICATION FOR A CHANGE IN ZONING

RECEIVED
MAY 15 2014
2:00 p.m.

Current Zoning District: Single Family Residential - 1

Proposed Zoning District: Office & Professional

Property Information:

Address or General Location of Property: 4602 W Broadway
Pearland 77581

Tax Account No. 203765

Subdivision: Darlinda (Pearland) Lot: 15 Block:

A complete application must include all information shown on the Application Checklist attached to this application.

PROPERTY OWNER INFORMATION:

NAME Evelyn Pineda
ADDRESS PO BOX 230392
CITY Houston STATE TX ZIP 77223
PHONE (832) 868-7054
FAX (832) 217-3121
E-MAIL ADDRESS evelynpineda@yahoo.com

APPLICANT/AGENT INFORMATION:

NAME
ADDRESS
CITY STATE ZIP
PHONE ( )
FAX ( )
E-MAIL ADDRESS

*Property owner must be the current owner of the property at the time of submittal of the application, and not the party that has the property under contract.

As owner and applicant, I hereby request approval of the above described request as provided for by the Unified Development Code of the City of Pearland.

Owner's Signature: Evelyn Pineda Date: 5-12-14

Agent's/Applicant's Signature: Date:

OFFICE USE ONLY:

FEES PAID: $775.00	DATE PAID: 5-13-14	RECEIVED BY: J. Tatum	RECEIPT NUMBER: 228336

Application No. 2014-67

APPLICATION CHECKLIST FOR THE FOLLOWING

- **Zone Changes**
- **Planned Development Districts (PD)**

☑ Application, filled out completely, and signed by the owner of the property to be considered for the conditional use permit.

NA ☐ If the applicant is the designated agent, the application shall include a written statement from the property owner authorizing the agent to file the application on his behalf. **Section 1.2.1.1 (a) of the Unified Development Code.**

✓ ☐ Metes and Bounds Description, (Survey, or a Plat of the property that provides or contains the metes and bounds description).

✓ ☐ Parcel map, printed from the City of Pearland website, indicating the location and boundaries of the subject property.

✓ ☑ Letter of Intent, explaining the zone change request in detail and why the zoning is being requested to be changed, and state the uses being proposed

*Letter of Intent is not required for a PD.

✓ ☑ Application fee, as determined below, by cash, check made payable to the City of Pearland, or credit card (Visa and MasterCard only)

- **Zero (0) to less than 25 acres:**
  - $ 750.00 plus $25.00 per each type of zoning district requested; or
  - $ 800.00 if requesting a Planned Development (PD)
- **25 to less than 50 acres:**
  - $ 800.00, plus $25.00 per each type of zoning district requested; or
  - $ 850.00 if requesting a Planned Development (PD)
- **50 to less than 75 acres:**
  - $ 850.00, plus $25.00 per each type of zoning district requested; or
  - $ 900.00 if requesting a Planned Development (PD)
- **75 to less than 100 acres:**
  - $ 900.00, plus $25.00 per each type of zoning district requested; or
  - $ 950.00 if requesting a Planned Development (PD)
- **100 acres and above:**
  - $ 950.00, plus $25.00 per each type of zoning district requested; or
  - $ 1000.00 if requesting a Planned Development (PD)

NA ☐ For PD's Only: the proposed PD document in electronic form by date of application (either emailed or on a CD) (see PD Format for guidelines on how to prepare the PD).

☑ Acknowledgement of the sign to be posted on the property 10 days prior to the public hearing.

☑ Provide evidence or proof that all taxes and obligations have been paid regarding the subject property.

☑ Application packets that are not **complete** will not be accepted. **When a completed application packet has been accepted and reviewed, additional information may be required by staff as a result of the review, it may be necessary to postpone the proposed CUP/Zone Change and remove it from the scheduled agenda and place it on a future agenda date according to Section 1.2.1.2. of the Unified Development Code.**

Additional Information:

- Upon making an application for a zoning change or conditional use permit, the applicant shall place sign(s) as required. The City shall inspect such sign(s) to ensure compliance as required by the UDC.

- After the zoning change or conditional use permit request is approved by the City Council, denied by the City Council, or withdrawn by the applicant, the applicant shall remove the sign from the area of the request within ten (10) days of such event.

- It shall be unlawful for anyone to remove, destroy, deface or obstruct the view of a sign which gives notice that a zoning change or conditional use permit has been requested.

- In the event the applicant shall fail to erect and/or maintain signs in accordance with this section, then the public hearing before the Planning and Zoning Commission/City Council shall be postponed to a date in the future, which would allow time for compliance.

- The erection of any sign required by this section shall not require a permit under Section 4.1.2.6 of this UDC.

- The owner or applicant shall promptly notify the Planning Department of any sign required by this section, which becomes lost, stolen or vandalized. The Planning and Zoning Commission shall have the power to decide whether or not there has been substantial compliance with the posting requirements in the case of lost, stolen or vandalized signs.

POSTING OF ZONING NOTIFICATION SIGNS ON PROPERTY UNDER CONSIDERATION FOR A ZONE CHANGE (OR CONDITIONAL USE PERMIT)

Any person, firm, or corporation requesting a zoning change, conditional use permit (CUP), variance, or special exception (SE) shall be required to erect and maintain a sign(s), to be inspected by the City upon the property for which a variance, zone change, CUP, or SE has been requested.

Signs(s) shall be located as follows:

(1) One (1) sign per street frontage shall be located within thirty feet (30') of the abutting street, or as determined by the City.

(2) So as to be clearly visible and readable from the public right-of-way and not obstructed in any manner.

(3) So as not to create a hazard to traffic on the public rights-of-way abutting the property.

(4) On the subject property at least ten (10) days prior to the hearing of such zone change request by the Planning and Zoning Commission, and to remain continuously on said property until final action by the City Council or withdrawal of the case by the applicant. Removal of the sign by the applicant prior to a recommendation by the Planning and Zoning Commission and/or a final decision by the City Council shall constitute a withdrawal of the request.

(5) The signs shall be as follows:

- A minimum sign size of 2 feet by 3 feet, but no larger than 4 feet by 4 feet
- At least 2 feet above the ground
- Blue or black lettering that is a minimum of 3 inches by 1/2 inch, on a white background
- Message content as follows:

PROPOSED ~~(SPECIFY REQUEST)~~ Zone Change CUP
Contact City of Pearland
281-652-1765

***Signs must be professionally made; handwritten signs are not allowed.**

***Signs must be freestanding and cannot be attached to a tree, fence, or building.**

CITY OF PEARLAND
*** CUSTOMER RECEIPT ***
Oper: JCOTTER Type: OC Drawer: 1
Date: 5/14/14 01 Receipt no: 228336

Description	Quantity	Amount
BA BOARD OF ADJUSTMENTS	1.00	$775.00
Trans number:		4464909

4602 W BROADWAY PEARLAND
EVELYN PINEDA
ERNESTO J PEREZ
2704 TRANQUILITY TRL
PEARLAND

Tender detail

CK CHECK	164	$775.00
Total tendered		$775.00
Total payment		$775.00

Trans date: 5/13/14 Time: 15:18:05

ZONE CHANGE/VARIANCE/PLAT/RECORDATION

$775.00 (circle one) BA or PF or FE

Description: *Input who the check is from*

COMMENTS/DESCRIPTION (F10):

Location or Address 4602 W Broadway Pearland Tx 77581

Applicant Evelyn Pineda

Owner _____

RECEIVED
MAY 13 2014

LETTER OF INTENT

We are requesting a zone change from Residential-1 to Office and Professional. We intend to use the subject property as a real estate office or lease to a tenant who will also use the property for office and professional use. We are requesting the zone change for several reasons. First and most importantly, the subject property faces FM 518, a highly trafficated street with predominantly commercial properties. Second, the property is surrounded by commercial properties; next door is a day care and across the street is a bank. Third, although the subject property is intended for residential use the high traffic and commercial surroundings make the residential use of this property very challenging. Lastly, we are requesting a zone change because it is the "highest and best use" for the subject property.

Sincerely,

Evelyn Pineda

LaPlant Surveyors, Inc.

17150 Butte Creek Road, Ste. 135
Houston Texas, 77090
281-440-8890
Firm No. 10145800

A tract of land being knows as Lot 15 of Darlinda Addition, a subdivision in Brazoria County Texas as recorded in Volume 7, Page 20 of the Plat Records of said Brazoria County, and being the same tract of land as described in deed to Ernesto Perez and Evelyn Pineda under Clerk's File Number 2006042620 of the Real Property Records of said Brazoria County, said tract of land being described by metes and bounds as follows

BEGINNING at the northeast corner of the herein described tract of land and the northeast corner of a tract of land containing 0.48 acre as described in deed to School Zone under Clerk's File Number 98-041483, and being located on the southerly right-of-way line of Farm to Market Road (F.M.) Number 518.

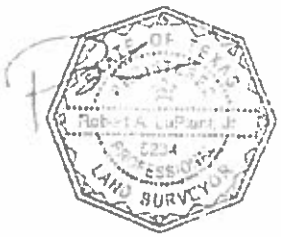
THENCE S 00 deg 05 min 20 sec W along the east line of Lot 15 and the west line of said School Zone tract and departing said right-of-way line, a distance of 144.70 feet to the southeast corner of the herein described tract of land and the northeast corner of Lot 16

THENCE S 74 deg 56 min 27 sec E along the southerly line of Lot 15 and the northerly line of Lot 16, a distance of 55.00 feet to the southwest corner of the herein described tract of land and the southeast corner of Lot 14

THENCE N 15 deg 23 min 11 sec W along the westerly line of Lot 15 and the easterly line of Lot 14, a distance of 108.24 feet to the northwest corner of the herein described tract of land and the northeast corner of Lot 14, and being located on the aforementioned southerly right-of-way line of F.M. 518.

THENCE in a northeasterly direction along said southerly right-of-way line along a curve to the right having a radius of 2032.58 feet and a central angle of 02 deg 46 min 55 sec, an arc length of 98.69 feet having a chord bearing of N 56 deg 09 min 56 sec E and a chord distance of 98.68 feet to the Point of Beginning of the herein described tract of land

This description is based on the aforementioned recorded plat of Darlinda Addition and does not purport to be based on a boundary survey in any manner



DUPLICATE TAX RECEIPT

RO'VIN GARRETT, PCC
BRAZORIA COUNTY TAX ASSESSOR - COLLECTOR
111 E. LOCUST
ANGLETON, TEXAS 77515

Certified Owner:

PEREZ ERNESTO & EVELYN PINEDA
PO BOX 230392
HOUSTON , TX 77223-0392

Legal Description:
DARLINDA (PEARLAND), LOT 15

Parcel Address: 4602 W BROADWAY
Legal Acres: 0.2169

Remit Seq No: 25809528
Receipt Date: 01/31/2014
Deposit Date: 02/14/2014
Print Date: 05/13/2014 10:50 AM
Printed By: LATOYA

Deposit No: 1404516C
Validation No: 900000030518834
Account No: **3190-0016-000**
Operator Code: CHARISE

Year	Tax Unit Name	Tax Value	Tax Rate	Levy Paid	P&I	Coll Fee Paid	Total
2013	Brazoria County	62.260	0.432020	268.98	0.00	0.00	268.98
2013	Special Road & Bridge	62.260	0.060000	37.36	0.00	0.00	37.36
2013	Pearland Isd	62.260	1.415700	881.41	0.00	0.00	881.41
2013	Brazoria Drainage Dist 4	62.260	0.156000	97.13	0.00	0.00	97.13
2013	City Of Pearland	62.260	0.705100	439.00	0.00	0.00	439.00
				$1,723.88	**$0.00**	**$0.00**	**$1,723.88**

Check Number(s):
215

PAYMENT TYPE:
Checks: $1,723.88

Exemptions on this property:

Total Applied: $1,723.88

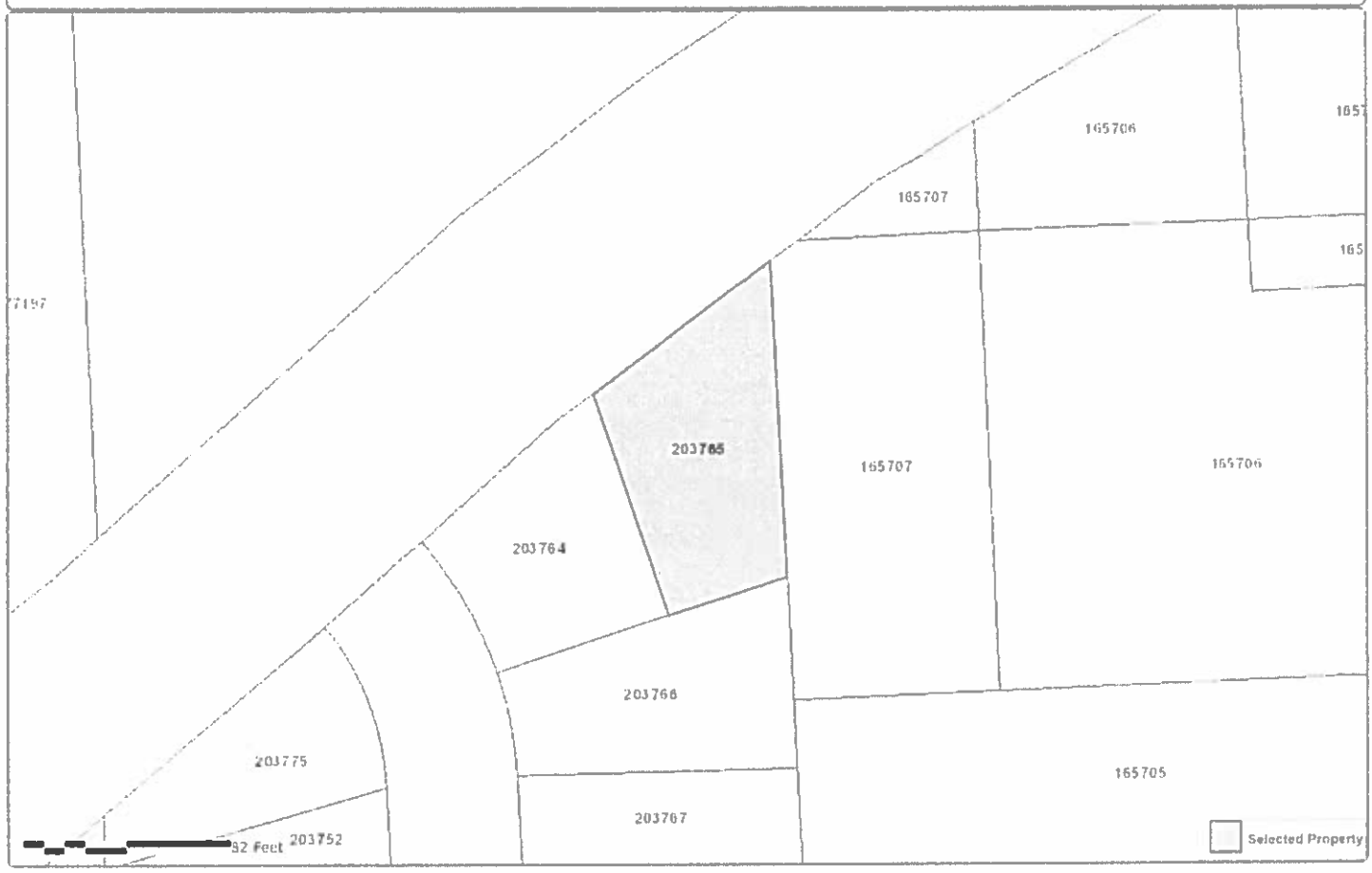
Change Paid: $0.00

ACCOUNT PAID IN FULL

PAYER: 23043164
PEREZ ERNESTO J
2704 TRANQUILITY TRAIL
PEARLAND , TX 77584

(979) 864-1320, (979) 388-1320, (281) 756-1320

Brazoria CAD - Map of Property ID 203765 for Year 2014



Property Details

Account

Property ID: 203765
Geo ID: 3190-0016-000
Type: Real
Legal Description: DARLINDA (PEARLAND), LOT 15

Location

Situs Address: 4602 W BROADWAY PEARLAND,
Neighborhood: DARLINDA
Mapsco:
Jurisdictions: CAD, CPL, DR4, GBC, RDB, SPL

Owner

Owner Name: PEREZ ERNESTO & EVELYN PINEDA
Mailing Address: , PO BOX 230392, , HOUSTON, TX 77223-0392

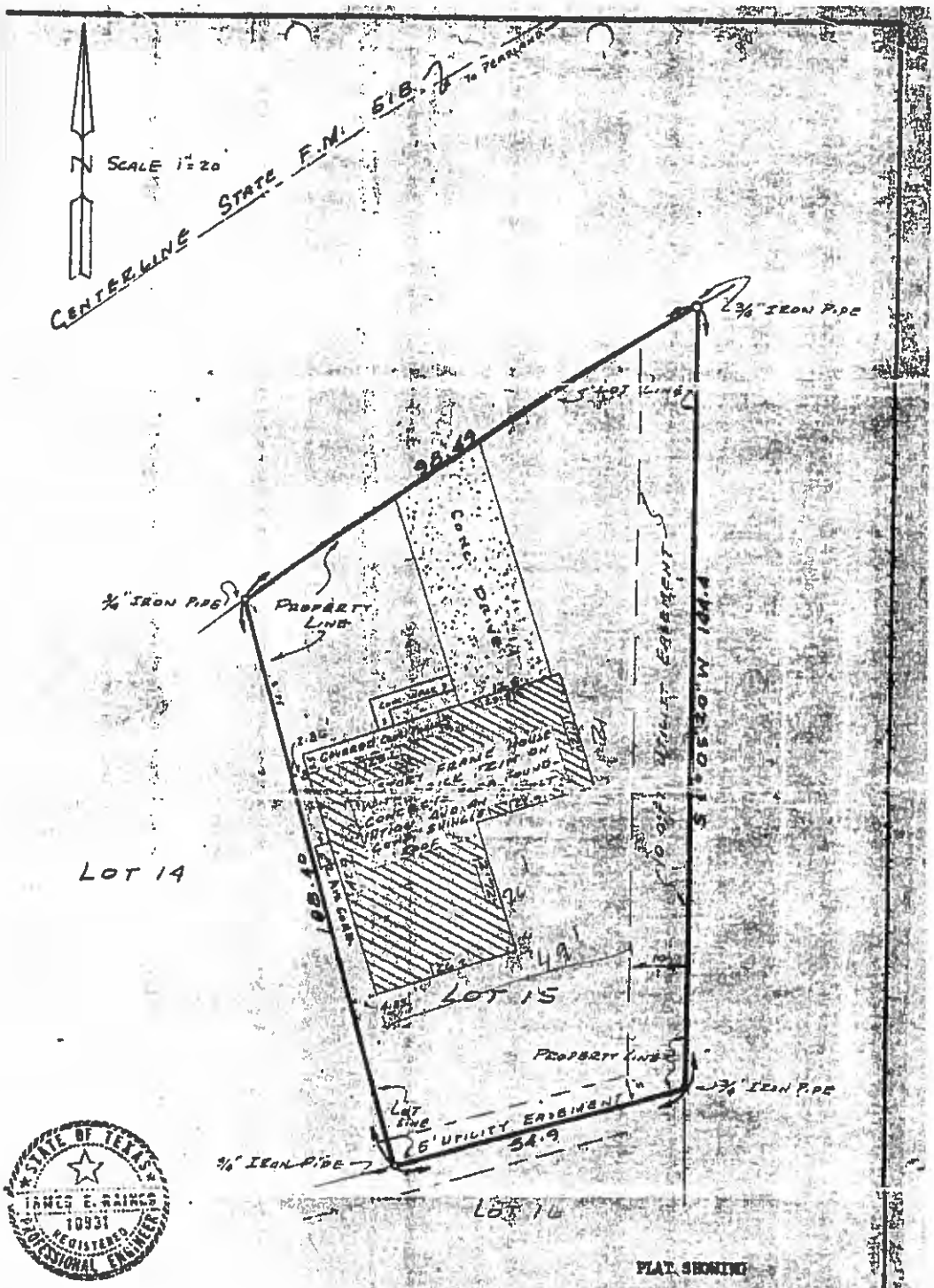
Property

Appraised Value: $62,260.00

https://propaccess.trueautomation.com/Map/View/Map/51/203765/2014

PropertyACCESS

Map Disclaimer: This product is for informational purposes only 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. The Brazoria County Appraisal District expressly disclaims any and all liability in connection herewith.



STATE OF TEXAS
JAMES E. RAINES
10931
REGISTERED
PROFESSIONAL ENGINEER

I, James E. Raines, a Registered Professional Civil Engineer of the State of Texas, do hereby certify that this plat is a record of a survey made by me on the ground on February 28, 1964 and is true and correct to the best of my knowledge and belief.

SIGNED James E. Raines

James E. Raines
P. E. License # 10931

PLAT SHOWING

LOT 15 OF THE DARLINDA ADDITION TO THE TOWN OF PEARLAND, A SUBDIVISION OF TRACT 9, A PART OF TRACT 8 OF THE ALLISON-RICHES GULF COAST HOMES CO.'S SUBURBAN GARDENS SUBDIVISION OF PART OF H. T. & B. R. R. CO. SURVEY, SECTION 5, ABSTRACT 132, SAID SUBDIVISION OF RECORD IN VOL. 2, PAGE 16 OF THE PLAT RECORDS, COUNTY CLERK'S OFFICE, BRAZORIA COUNTY, TEXAS, AND THE IMPROVEMENTS THEREON. DARLINDA ADDITION RECORDED IN VOL. 7, PAGE 20 OF THE PLAT

New Business Item No. 3

3. **Consideration and Possible Action – First Reading of Ordinance No. 2000M-121–** An ordinance of the City Council of the City of Pearland, Texas, amending Ordinance No. 2000M, the zoning map of the City of Pearland, Texas, for the purpose of changing the classification of certain real property, being 29.331 acres of land located in the H.T. & B.R.R. Company Survey, Section 81, Abstract Number 300, Brazoria County, Texas, being a portion of Lots 38, 39, 40, 49 and 50 of the Allison Richey Gulf Coast Home Company's Part of Suburban Gardens, a subdivision of record in Volume 2, Page 98 of the Brazoria County Plat Records, being a portion of Business Center Planned Development Tract C-4, the plat thereof recorded under Document Number 2013-033688 in the Official Public Records of Brazoria County Texas, further being the residue of a 30.583 acre tract (Part One) and the residue of a 9.990 acre tract (Part Two) described in the deed from Compass Bank to Parkside 59/288 LTD. Recorded under Document No. 2011012491, in the Official Public Records of Brazoria County, Texas, located at the northwest corner of County Road 59 and State Highway 288, Zone Change 2014-15Z, a request of BGE Kerry R. Gilbert and Associates, applicant; on behalf of Parkside 59/288 LTD, owner; for approval of an amendment to the Business Center PD; on approximately 29.331 acres of land, providing for an amendment of the zoning district map; containing a savings clause, a severability clause, and an effective date and other provisions related to the subject.

AGENDA REQUEST
BUSINESS OF THE CITY COUNCIL
CITY OF PEARLAND, TEXAS

AGENDA OF: October 13, 2014	**ITEM NO.:** Ordinance No. 2000M-121
DATE SUBMITTED: September 30, 2014	**DEPT. OF ORIGIN: Planning**
PREPARED BY: Johnna Matthews	**PRESENTOR: Lata Krishnarao**
REVIEWED BY: Matt Buchanan	**REVIEW DATE: October 7, 2014**

SUBJECT: **Ordinance No. 2000M-121 - An ordinance of the City Council of the City of Pearland, Texas, amending Ordinance No. 2000M, the zoning map of the City of Pearland, Texas, for the purpose of changing the classification of certain real property, being 29.331 acres of land located in the H.T. & B.R.R. Company Survey, Section 81, Abstract Number 300, Brazoria County, Texas, being a portion of Lots 38, 39, 40, 49 and 50 of the Allison Richey Gulf Coast Home Company's Part of Suburban Gardens, a subdivision of record in Volume 2, Page 98 of the Brazoria County Plat Records, being a portion of Business Center Planned Development Tract C-4, the plat thereof recorded under Document Number 2013-033688 in the Official Public Records of Brazoria County Texas, further being the residue of a 30.583 acre tract (Part One) and the residue of a 9.990 acre tract (Part Two) described in the deed from Compass Bank to Parkside 59/288 LTD. Recorded under Document No. 2011012491, in the Official Public Records of Brazoria County, Texas, located at the northwest corner of County Road 59 and State Highway 288, Zone Change 2014-15Z, a request of BGE Kerry R. Gilbert and Associates, applicant; on behalf of Parkside 59/288 LTD, owner; for approval of an amendment to the Business Center PD; on approximately 29.331 acres of land, providing for an amendment of the zoning district map; containing a savings clause, a severability clause, and an effective date and other provisions related to the subject.**

ATTACHMENTS: **Ordinance No. 2000M-121 and Exhibits (Exhibit A – Business Center PD Amendment; Exhibit B – Legal Description; Exhibit C - Vicinity and Zoning Map; Exhibit D- Legal Ad; Exhibit E - Planning and Zoning Commission Recommendation Letter)**
9.15.14 Joint Public Hearing Packet

To be completed by Department:

Finance	**Legal**	**Ordinance**	**Resolution**

EXECUTIVE SUMMARY

The Business Center PD includes approximately 38.909 acres located at the northwest corner of County Road 59 and State Highway 288; and on the east and west sides of Business Center Drive. The applicant proposes to amend the PD to allow minor modifications in the allowable land uses and acreages for various uses, including the addition of a Retail Supercenter. Changes are also proposed to the design standards, including exterior façade materials and colors; screening of service access and service areas; and screening of detention facilities.

Specifically, the applicant proposes to amend approximately 29.4 acres within Land Use Areas 1 and 3, to allow for:

a change in land uses and maximum acreages within Land Use Areas 1 and 3;

- a change in the "design elements and design standards;"
- a dry detention area to be added to Land Use Area 3; and
- a revision to Section B, Specific List of Deviations

For a detailed description of each proposed Amendment, see "Staff Memo" of the 9.15.14 Joint Public Hearing Packet, included as an attachment in this report.

PUBLIC NOTIFICATION: Public notices, comment forms, and a vicinity map were mailed to the applicant as well as property owners within 200 feet of the subject property under consideration for amendment to the Business Center PD. Staff received one (1) returned notice in favor of the request.

PLANNING AND ZONING COMMISSION DISCUSSION: At the regular meeting of the Planning and Zoning Commission on September 15, 2014, the Planning and Zoning Commission recommended approval of the amendment to the Business Center, subject to the following conditions by a vote of 6/0. All conditions have been satisfied with an italicized explanation below:

1. Incorporate graphics and images showing the facades of the proposed changes to façade materials.
   An additional exhibit was added (Exhibit J), which illustrates the proposed architectural metal panels (rib or textured), proposed for the 100,000 square foot Retail Superstore.

2. Spacing of shrubs included in the landscaped buffer.
   Shrubs within the landscape buffer shall be placed a minimum of 3 feet on center. The language was added to pages 7-8 of the PD document.

3. Provide for screening of the proposed Detention Pond B, along the north property line.
   The proposed Detention Pond B will be screened along the northern property line, similar to the screening proposed along the southern and eastern boundaries of the detention pond, with a landscape easement no less than 10 feet in width and no greater than 15 feet in width. The language was added to page 7 of the PD document.

STAFF RECOMMENDATION: Staff recommends approval of the proposed amendment to the Business Center PD, as identified above, and in detail within the attached Staff Report, identified as Exhibit 1; for the following reasons:

1. The amended PD should not cause any adverse impacts to existing or future developments. With the exception of properties to the west and south, all other adjacent properties are either zoned for non-residential uses, are developed with non-residential uses or continue to remain undeveloped. The property to the west is developed with a single family subdivision; however is separated from the subject property via a 176-foot detention pond (Detention Pond A) and a 60-foot drainage easement, for a total of 236-foot separation, which will provide a sufficient buffer between the non-residential PD and the existing single family subdivision. Additionally, a 6-foot tall masonry or pre-cast wall; or a 30-foot wide vegetative buffer will be constructed along the eastern boundary of the detention facility to enhance the screening between uses. Further north of the subject property is the Pearland Town Center, which is developed with a mix of various uses, including residential, restaurants, retail; and office uses.

2. The PD was approved as a non-residential PD and continues to remain as such. The non-residential nature of the PD is consistent with intent of the original PD; to provide commercial developments, including retail, office, hotel/motel uses, with its close proximity to State Highway 288, and fronting on County Road 59; a major thoroughfare and Business Center Drive; a secondary thoroughfare.

3. The PD continues to meet the intent of BP-288; the overlay zoning district, to provide high quality non-residential developments along State Highway 288.

4. The Business Center PD conforms with and meets the intent of the Business Park future land use designation of the Comprehensive Plan. The location of the property, at the intersection of a state highway and a major thoroughfare lends itself for a mix of non-residential uses, as indicated by the Comprehensive Plan.

RECOMMENDED ACTION: Consider the change in zoning to amend the Business Center PD for Land Use Areas 1 and 3, as proposed by the applicant.

Ordinance No. 2000M-121

An ordinance of the City Council of the City of Pearland, Texas, amending Ordinance No. 2000M, the zoning map of the City of Pearland, Texas, for the purpose of changing the classification of certain real property, being 29.331 acres of land located in the H.T. & B.R.R. Company Survey, Section 81, Abstract Number 300, Brazoria County, Texas, being a portion of Lots 38, 39, 40, 49 and 50 of the Allison Richey Gulf Coast Home Company's Part of Suburban Gardens, a subdivision of record in Volume 2, Page 98 of the Brazoria County Plat Records, being a portion of Business Center Planned Development Tract C-4, the plat thereof recorded under Document Number 2013-033688 in the Official Public Records of Brazoria County Texas, further being the residue of a 30.583 acre tract (Part One) and the residue of a 9.990 acre tract (Part Two) described in the deed from Compass Bank to Parkside 59/288 LTD. Recorded under Document No. 2011012491, in the Official Public Records of Brazoria County, Texas, located at the northwest corner of County Road 59 and State Highway 288, **Zone Change 2014-15Z**, a request of BGE Kerry R. Gilbert and Associates, applicant; on behalf of Parkside 59/288 LTD, owner; for approval of an amendment to the Business Center PD; on approximately 29.331 acres of land, providing for an amendment of the zoning district map; containing a savings clause, a severability clause, and an effective date and other provisions related to the subject.

WHEREAS, BGE Kerry R. Gilbert and Associates, applicant; on behalf of Parkside 59/288 LTD, owner, is requesting approval of an amendment to the Business Center PD for Land Use Areas 1 and 3, said amendment attached as Exhibit "A," on approximately 29.331 acres of land; said property being legally described in the legal description attached hereto and made a part hereof for all purposes as Exhibit "B," and more graphically depicted in the vicinity and zoning map attached hereto and made a part hereof for all purposes as Exhibit "C;" and

WHEREAS, on the 15th day of September, 2014, a Joint Public Hearing was held before the Planning and Zoning Commission and the City Council of the City of Pearland, Texas, notice being given by publication in the official newspaper of the City, the affidavit of publication being attached hereto and made a part hereof for all purposes as Exhibit "D," said call and notice being in strict conformity with provisions of

Section 1.2.2.2 of Ordinance No. 2000T; and

WHEREAS, on the 15th day of September, 2014, the Planning and Zoning Commission submitted its report and recommendation to the City Council regarding the proposed zone change application of BGE Kerry R. Gilbert and Associates, applicant; on behalf of Parkside 59/288 LTD, owner; for approval of an amendment to the Business Center PD; on approximately 29.331 acres of land, said recommendation attached hereto and made a part hereof for all purposes as Exhibit "E"; and

WHEREAS, upon receipt of the report from the Planning and Zoning Commission, City Council considered this application and the recommendation of the Planning and Zoning Commission at regular meetings on the 13th day of October 2014 and the 27th day of October 2014; and

WHEREAS, the City Council having fully heard the testimony and argument of all interested parties, and having been fully advised in the premises, finds that in the case of the application of BGE Kerry R. Gilbert and Associates, applicant; on behalf of Parkside 59/288 LTD, owner; for approval of an amendment to the Business Center PD; on approximately 29.331 acres of land, presented which, in the judgment of the City Council, would justify the approval of said application; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS:

Section I. The following described property located within the corporate City Limits of the City of Pearland, Texas, and presently classified as Business Center PD, is hereby amended, in accordance with all conditions and requirements of the current Unified Development Code and incorporated for all purposes, such property being more particularly described as:

LEGAL DESCRIPTION: Being 29.331 acres of land located in the H.T. & B.R.R. Company Survey, Section 81, Abstract Number 300, Brazoria County, Texas, being a portion of Lots 38, 39, 40, 49 and 50 of the Allison Richey Gulf Coast Home Company's Part of Suburban Gardens, a subdivision of record in Volume 2, Page 98 of the Brazoria County Plat Records, being a portion of Business Center Planned Development Tract C-4, the plat thereof recorded under Document Number 2013-033688 in the Official Public Records of Brazoria County Texas, further being the residue of a 30.583 acre tract (Part One) and the residue of a 9.990 acre tract (Part Two) described in the deed from Compass Bank to Parkside 59/288 LTD. Recorded under Document No. 2011012491, in the Official Public Records of Brazoria County, Texas

GENERAL LOCATION: Northwest corner of County Road 59 and State Highway 288 Pearland, TX

Section II. The City Council of the City of Pearland finds and determines that the recitations in the preamble hereof are true and that all necessary prerequisites of law have been accomplished and that no valid protest of the proposed change has been made. The City Council further finds and determines that there has been compliance with the mandates of law in the posting and presentation of this matter to the Planning and Zoning Commission and to the City Council for consideration and decision.

Section III. The City Council of the City of Pearland finds and determines that the amendment adopted herein promotes the health, safety, and general welfare of the public and is a proper valid exercise of the City's police powers.

Section IV. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section V. All rights and remedies, which have accrued in the favor of the City

under this Ordinance and its amendments thereto, shall be and are preserved for the benefit of the City.

Section VI. The City Secretary is hereby directed to cause to be prepared an amendment to the official Zoning District Map of the City, pursuant to the provisions of Section 2.3.2.2 of Ordinance No. 2000-M and consistent with the approval herein granted for the reclassification of the herein above described property.

Section VII. This Ordinance shall become effective after its passage and approval on second and final reading.

PASSED, APPROVED, and ADOPTED on First Reading this 13th day of October, 2014.

_____

TOM REID
MAYOR

ATTEST:

_____
YOUNG LORFING, TRMC
CITY SECRETARY

PASSED, APPROVED, and ADOPTED on Second and Final Reading this 27th day of October, 2014.

_____

TOM REID
MAYOR

ATTEST:

_____
YOUNG LORFING, TRMC
CITY SECRETARY

APPROVED AS TO FORM:

_____
DARRIN M. COKER
CITY ATTORNEY

Exhibit A
Business Center PD Amendment

See Following Pages

Business Center PD
-Amendment-

Prepared for:

Parkside 59/288, Ltd.

Prepared by:
BGE|Kerry R. Gilbert & Associates

September 17, 2014

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I. Introduction

A. Description of Property

Parkside 59/288, Ltd. is the owner of the subject property which contains ± 38.9 acres of land and is located at the northwest corner of CR 59 and US 288. Business Center Drive extends north to Broadway, bisecting the property into two developable tracts. Business Center Drive will also provide the primary entry points into each of the two tracts. Driveway access will also be taken from CR 59 to the south; however, there will be no direct driveway access to US 288 to the east. A 60 foot wide Brazoria County Drainage District Easement and a 176 foot wide detention pond form the western boundary of the tract. South Gate, a single-family residential subdivision is situated west of the subject property. The subject tract is vacant, except for an asphalt roadway (the location of future Business Center Drive) that dead ends at northern edge of the property. Exhibit A – Location Map and Exhibit B – Survey depicts the location and boundary of project.

B. Description of Proposed Development

The location of this project at the intersection of a major highway and a major thoroughfare lends itself for commercial, retail, and office development. There are a variety of possible uses for each tract, including small pad sites (banks, restaurants, gas station/convenience store, etc.), large big box retail (home improvement store, grocery store, etc.), hotel/motel, and office buildings.

Exhibit D- Land Use Areas illustrates how the subject tract is affected by the future extension of Business Center Drive. Business Center Drive bisects the project into two commercial areas ± 9.7 acres east of Business Center Drive and ± 29.2 acres on the west. The storm water detention requirement of ± 6.8 acres will be located along the western boundary and provide an excellent buffer between the commercial and residential development (Detention Pond A). The width of the proposed detention is 176' wide which provides a significant buffer distance between the residential and commercial developments. Construction of the wall will occur as the development in LUA 2 and LUA 3 occur. In addition to the 176' wide detention facility described above, a dry detention pond will be located in the northern portion of LUA 3 (Detention Pond B) in order to provide detention for the property east of Business Center Drive (LUA 1).

Exhibit D- Land Use Areas shows the location of the detention facilities.

C. Describe the area of land in acreage and legal description

Approximately 38.9 acres comprise the subject site. Exhibit B – Survey, Metes & Bounds description, describes the site.

The August 2014 Amendment to the original Business Center Planned Development is for the property described in this document as Land Use Area 1 (±9.7 Acres) and Land Use Area 3 (±19.7 Acres) only. Land Use Area 2 is specifically omitted due to the fact that the property is sold and no revisions are being made to the regulations for the area. In addition, land within the detention facility on the western side of the property (Detention Pond A) is now owned by the Brazoria County Municipal Utility District No. 34 and therefore is not included in the amendment. See Exhibit B.1 – Survey, metes & bounds description–Amendment and Exhibit D – Land Use Areas.

D. Statement as to the purpose and intent of the PD

The intent of this PD is to allow flexibility of uses with the commercial, retail, and office land uses within the project.

II. Zoning and Land Uses

A. Describe existing zoning district surrounding the site

The site is zoned BP-288. The surrounding uses are as follows:

North:	Pearland Town Center PUD and BP-288
West:	R-2 (Southgate neighborhood, Brazoria County Drainage District Easement)
South:	ETJ (single-family residential use),
East:	ETJ (vacant)

Exhibit C – Surrounding Properties/Zoning Map depicts the zoning districts of the adjacent tracts.

B. Describe the acreage difference between the Base Zoning and proposed district

The base zoning district is BP-288. The proposed district overlays the entire 38.9 acre tract since the location of each specific land use has not yet been determined.

C. General standards applicable to project

Development and land uses along SH 288 will conform to the BP-288 District (Section 2.4.3.3) and development and land uses along Business Center Drive and CR 59 will conform to the Corridor Overlay District (Section 2.4.5.1) except for the specific design standards listed in III. Design Standards Section C of this document, and land uses listed in the land use table.

D. Permitted and conditional uses allowed

The intent of the PD is to allow for a variety of land uses, including a mix of commercial, office, hotel/motel, retail and restaurants. To this end, three distinct Land Use Areas (LUA) are being defined that would confine specific land uses to certain portions of the tract. Location and size of a tract coupled with market conditions are factors in determining the best use for the tract. The LUA designations define the best uses for the tract and set specific design elements for particular uses. The design elements set up standards based on the land use.

Exhibit D – Land Use Areas depicts three land use areas and the respective acreage within each area. The table below lists the potential types of uses within each LUA plus design elements specific to those uses. Any land use permitted or conditionally permitted in the BP-288 district listed in the UDC Land Use Matrix is allowed along with the additional uses listed in the Land Use Area Table within this document. Any uses listed in the Land Use Area Table below are considered Permitted Uses in addition to the Permitted uses in the UDC Land Use Matrix for BP-288. The land uses listed in the table below are restricted to that specific Land Use Area. Additionally, the land uses listed are restricted to a maximum acreage within that specific Land Use Area. The acreage for that use is listed next to the use.

The acreage within each LUA may shift within 15% to allow for flexibility in land uses. The size of the LUA could change depending upon the actual use that is constructed so the ability to increase and decrease the acreage within the LUA is important.

Land Use Area Table

	Types of Uses and Maximum Acreages	Design Element
Land Use Area 1 ± 9.7 Acres	Restaurant (Drive-thru)*.....*(9.7 acres)* Restaurant (Dine-in)..... *(9.7 acres)* Hotel/Motel and Extended Stay**.....(*6 acres*) Auto Repair (minor) .....(*5 acres*) Auto Wash (full service/detail) .....(*5 acres*) Auto Wash (self-service) .....(*5 acres*) Laundry/ Dry Cleaning .....(*2 acres*) Garden / Nursery Store .....(*8 acres*) Shopping Center .....(*8 acres*) Pharmacy.....(4 *acres*)	Shared Driveways Orientation of bay windows shall not face Business Center Drive or SH 288. Drive-thru windows that face the street will be buffered per City Corridor Overlay District and BP-288 District requirements.
Land Use Area 2 ±5.8 Acres	Restaurant (Drive-thru)* .....(*5.8 acres*) Restaurant (Dine-in) .....(*5.8 acres*) Gas/Convenience Store ***.....(*3 acres*) Auto Wash (self-service) associated with a gas station only	Shared Driveways Orientation of service bay doors shall not face Business Center Drive. Drive-thru windows that face the street will be buffered per City Corridor Overlay District and BP-288 District requirements.
Land Use Area 3 ±23.3 Acres	Nursing/Convalescent Home….(*4 acres*) Flex / Back Office .....(*12 acres*) Museum .....(*5 acres*) Shopping Center .....(*12 acres*) Gas/Convenience Store***...(*3 acres*) Auto Wash (self-service) .....(*3 acres*) Retail Superstore****.....(*17 acres*) *Additional Uses allowed within Retail Superstore:* Tire Sales Auto Repair (Minor) Pharmacy Liquor sales as permitted by TABC Photo Processing Food Preparation Services (Butcher, Deli, Bakery, etc.) Optometry Services General food and retail sales	Shared Driveways Nursing/Convalescent Home as defined by the UDC The design of the complex will incorporate interior hallways. Businesses to be oriented towards Business Center Drive or businesses can be oriented towards another business. Orientation of overhead doors and service bay doors shall not face Business Center Drive except when a building is over 100,000 square feet and used as a Retail Superstore located a minimum of 180 feet from the front property line. Flex/Back Office to be one-story industrial product with tilt wall or similar concrete construction that can accommodate 25% to 100% office use; dock high doors shall not face Business Center Drive. The proposed detention facility (Detention Pond B) along the North property line, may be adjusted within the boundary of LUA 3 so long as screening is provided per the regulations set on page 6 of this document.

* Restaurant (Drive-Thru) limited to three (3) establishments in LUA 1 and two (2) establishments in LUA 2.

** Hotel/Motel/Extended Stay limited to two (2) establishments in LUA 1.

***Gas/Convenience Store limited to one (1) facility in LUA 2 and one (1) facility in LUA 3. Furthermore, the Gas/Convenience Store in LUA 3 is permitted *only* if used as an accessory to the Retail Superstore or similar Anchor Retail Store

**** Retail Superstore is defined as an establishment that sells a variety of goods and services arranged into multiple departments. These departments may include, but are not limited to, consumable foods, prepared foods, pharmacy, electronics, etc.

III. Design Standards

A. Design Standards

1. Exterior Materials and Colors: No more than three (3) dominant materials should be used on a building exterior. Acceptable materials are concrete, tilt wall concrete, concrete block, glass, glass block, brick, split face concrete block, stone, stucco, and trade designs, as permitted in Sec 2.6.2.1 of UDC, and as approved by the City Planner. Earth tones with limited pastel alternative as recommended for dominant wall colors for build materials. An accent color may be applied to trim, fascia boards, door panels, or miscellaneous metals. Accent colors will not exceed more than 20% of the building façade for any side of the building. Prohibited colors include colors considered to be fluorescent, iridescent, or dayglo.

Within Land Use Area 3 (LUA3) only, the following standard applies:

> For all non-residential structures one hundred thousand (100,000) square feet in size or greater that is used as a Retail Superstore and located a minimum of 180 feet from the front property line, acceptable front façade materials of any building that faces onto a thoroughfare or collector may include up to a combined maximum of 65% architectural metal panel (rib and/or textured). Side facades of such buildings may include up to a combined maximum of 75% architectural metal panel (rib and/or textured). See Exhibit J for examples of acceptable materials.

2. Minimum Setback for Structures: The minimum setback for structures along the public right-of-way shall be twenty (20) feet.

3. Minimum Setback for Parking Buffer: The minimum setback for the off-street parking, maneuvering and loading area from the right-of-way shall be fifteen (15) feet.

4. Landscaping: A landscaping plan will be developed along the perimeter of the project to ensure uniformity. The landscaping plan will be in conformance with the Corridor Overlay District along Business Center Drive and CR 59 and BP-288 District along SH 288 for landscaping, parking lot screening, trash receptacle screening and tree plantings, except the minimum setback, which is discussed above.

5. Lighting: - Lighting in the parking lots and on the commercial buildings will be in conformance with the current City of Pearland Code.

6. Outside Storage: Outside storage operations are allowed only for those businesses in which outside storage is a function of the business, such as a nursery. The outside storage must be screened from public view and those standards will be in conformance with Sec 4.2.4.1 plus in no case shall outside storage be permitted along any yard that abuts any street or public right-of-way.

7. Parking: On and off street parking requirements will be in conformance with the City of Pearland UDC. Bicycle parking will also be in conformance with the Section 2.4.5.1.F in the Corridor Overly District.

However, within Land Use Area 3 (LUA3), a single building over one hundred thousand (100,000) square feet that is used as a Retail Superstore and is located a minimum of 180 feet from the front property line may provide bicycle storage for a minimum of two (2) percent of the companies employees within a secure space in the buildings receiving area in lieu of the Bicycle Parking standards.

8. Service Access and Service Areas: Service drives and service areas shall not interfere with parking, driveways or walkways and must be screened from adjoining properties, all public right-of-way and from the office area of any other building which share the site. A service area shall be provided at the rear (side opposite the street) of all buildings.

Within Land Use Area 3 (LUA3) only, the following standard applies:

> For a non-residential structures one hundred thousand (100,000) square feet in size or greater that is used as a Retail Superstore and located a minimum of 180 feet from the front property line, any receiving dock bay or compactor area must be adequately screened from public view by plant materials within the site perimeter buffers. The minimum distance between the property line along Business Center Drive and the doors must be one hundred and eighty (180) feet. The plant materials used as screening must include evergreen shrubs maintained at 6' in height, and parking lot end islands with evergreen shrubs maintained at 3' in height. Canopy trees, evergreen shrubs, and a variety of low shrubs, ornamental grasses, and groundcovers must be included to further enhance the visual buffer.

9. Vehicular Access: Location of ingress and egress will be controlled. Vehicular access will be designed to minimize auto-pedestrian conflicts, manage curb cut distances along the public right-of-way, and minimize automobile conflicts. Shared driveways will be planned to limit the number of driveways along CR 59 and Business Center Drive.

10. Screening: Screening will conform to the City of Pearland UDC except for any exclusions listed below in Section B . The screening for the existing regional detention facility (Detention Pond A) will consist of screening along the eastern boundary of the detention pond either as:

1) A 6 foot tall pre-cast masonry wall

2) A landscape buffer consisting of a minimum thirty (30) foot wide area. To adequately screen the Property from public view, the buffer must be landscaped with evergreen shrubs maintained at a 3' height, canopy trees, and a variety of low shrubs, ornamental grasses and groundcover to enhance the visual buffer. Shrubs within the landscape buffer shall be placed a minimum of three (3) feet on center. Trees shall have a minimum caliber of 3 inches.

11. Utilities: Overhead power lines exist along the north side of CR 59 and inside the right of way of Business Center Drive. The overhead line along Business Center Drive will remain in place and provide primary power for all land east of Business Center Drive. Additionally, new overhead lines will be constructed by Centerpoint along the west boundary of the Property, as shown on Exhibit E. Overhead lines will be used to distribute power, as shown on Exhibit E. Overhead power shall setback a minimum of twenty (20) feet behind the front of the building structure closest to Business Center Drive or 150' from the Business Center Drive right-of-way line, whichever is greater, so to maintain clean view corridors along Business Center Drive. The City Planner may review the screening requirements to minimize the view of the overhead poles from Business Center Drive. As sites are sold and developed, utilities to these sites will be constructed per the location specified listed above and as shown on Exhibit E. Exhibit E – Utility Plan depicts the location of existing and proposed overhead power lines.

*Underground power delivery to Land Use Area 1 may include above ground terminal poles. The configuration and engineering of underground power will be determined by Centerpoint. All transformers and similar equipment need to be ground mounted, and not pole mounted, for any connection to or extension from existing overhead lines along Business Center Drive. It should be noted, however, that underground service may require a terminal pole to initiate service. This provision shall include the 150' setback for above ground power along Business Center right-of-way. Additionally, ground mounted transformers or similar equipment shall be screened per UDC Section 4.2.4.1 (d), *General Screening*.

12. Detention Facility: The primary detention for this development will be located along the western boundary of the tract (Detention Pond A). The detention will provide a buffer between the proposed commercial development and the South Gate neighborhood. The detention facility (including the high bank and berm) is 176 feet wide. The existing Brazoria Drainage District ditch is 60 feet wide. The combination of these two drainage areas provides a single, 236 foot wide buffer between the existing residential and proposed commercial. A screen wall, six (6') tall masonry or pre-cast wall will be constructed along the east side of the detention facility to enhance the screening between uses. The wall will be constructed as buildings are constructed. Landscape plantings of trees and shrubs will also be incorporated along the frontage of CR 59 to provide a visual screen from the public right-of-way. As an option, a landscape buffer, as described on the page 6 under Section 10-Screening, may be used in place of the six (6) foot wall.

An additional dry detention facility (Detention Pond B) will be located on the northern portion of Land Use Area 3 to provide the detention needed for the eastern ± 9.7 acres (LUA1). A landscape easement no less than ten (10) feet in width and no greater than fifteen (15) feet in width will be provided along the northern and southern boundaries of the detention basin and along the eastern boundary of the detention basin. This will ensure adequate screening between the detention facility and the commercial property to the north and to the south as well as Business Center Drive to the east. Exhibit G – Detention Facility, shows the proposed landscape easements. The landscape buffer will incorporate plantings of trees and shrubs as shown in Exhibit H. Shrubs within the

landscape buffer shall be placed a minimum of three (3) feet on center. No screening is required between Detention Pond A and Detention Pond B.

B. Specific list of deviations.

1. Section 2.4.5.1.C.1 and Section 2.4.4.3.C: Land Use Area 1 has dual frontage for Land Use Area 1 and driveway access to the site is limited to Business Center Drive. A twenty foot (20') front building line along both sides of Business Center Drive allows for better design of the project.
2. Section 2.4.5.1.C.2: A setback of fifteen feet (15') for off-street parking, maneuvering and loading area within the project will allow for better design of the tract.
3. Section 2.4.5.1.D.2.d: Building materials are discussed above and include restrictions in the Corridor Overlay District. Trade Designs shall be approved by the City Planner.
4. Section 2.4.5.1.D.3: Building colors are limited to earth tones and pastel as discussed above, and should not require the additional approval of the Planning Director.
5. Section 2.4.4.3.A.1: Permitted uses in BP-288 are listed on the UDC Land Use Matrix. We request additional uses be permitted as listed in the Land Use Table in Section 2 above. Prohibited uses include "Pet Care Facility/Animal Kennel (with outdoor pens)" and "Office, Parole-Probation, Bail Bonds".
6. Section 2.4.4.3.F: The regional detention required for this development is better served as a buffer to the single family residential than as a lake amenity for the project. The total width of the detention and drainage area is 236 feet (Detention Pond A). The distance, coupled with the six foot (6') wall provides a sufficient buffer and screen for the residential neighborhood to the west.
   Detention for the eastern ± 9.7 acres will also be provided by a dry detention basin (Detention Pond B). The detention will be screened by landscaping along the southern and eastern edge of the basin to create a visual buffer from Business Center Drive and the neighboring commercial property to the south. Utilizing this method of detention will allow more efficient development for Land Use Area 1.
7. Section 2.4.5.1.M: Overhead utilities will be utilized west of Business Center Drive. Overhead lines will be setback a minimum of 150' from Business Center Drive. Power will be distributed underground to the Property east of Business Center Drive but may include above ground terminal poles. The configuration and engineering of underground power will be determined by Centerpoint.
8. Section 2.4.5.1.f Bicycle Parking
   Within Land Use Area 3 (LUA3), a non-residential structure over one hundred thousand (100,000) square feet that is used as a Retail Superstore and is located a minimum of 180 feet from the front property line, shall provide bicycle storage for a minimum of two (2) percent of the companies employees within a secure space in the buildings receiving area in lieu of the Bicycle Parking standards.

9. Section 2.4.5.1.d Building Articulation
   In Land Use Area 3, for all non-residential structures one hundred thousand (100,000) square feet in size or greater used as a Retail Superstore and located a minimum of 180 feet from the front property line, front façades of any building that faces onto a thoroughfare or collector shall incorporate architectural variation (building mass offsets, trellises, etc.) of at least two (2) feet in depth for 30% of the building length and material variation for every 125' in horizontal length. Side facades of such buildings shall incorporate material variation for every 125' in horizontal length.

C. All requirements of the Unified Development Code will be met, unless specifically mentioned in this document

IV. Required dedications of land or public improvements

This development is primarily commercial, retail and office and therefore no dedication to parkland required.

V. Exhibits

A – Location Map
B – Survey, metes & bounds description-Original
B.1 - Survey, metes & bounds description-Amendment
C – Surrounding Properties/ Zoning Map
D – Land Use Areas
E – Power Line Exhibit
F – Landscape/Screening along CR 59 and the Detention Basin
G – Detention Exhibit
H – Landscape/Screening along Northern Detention Basin
J – Material Examples

KERRY R. GILBERT & ASSOCIATES, INC.

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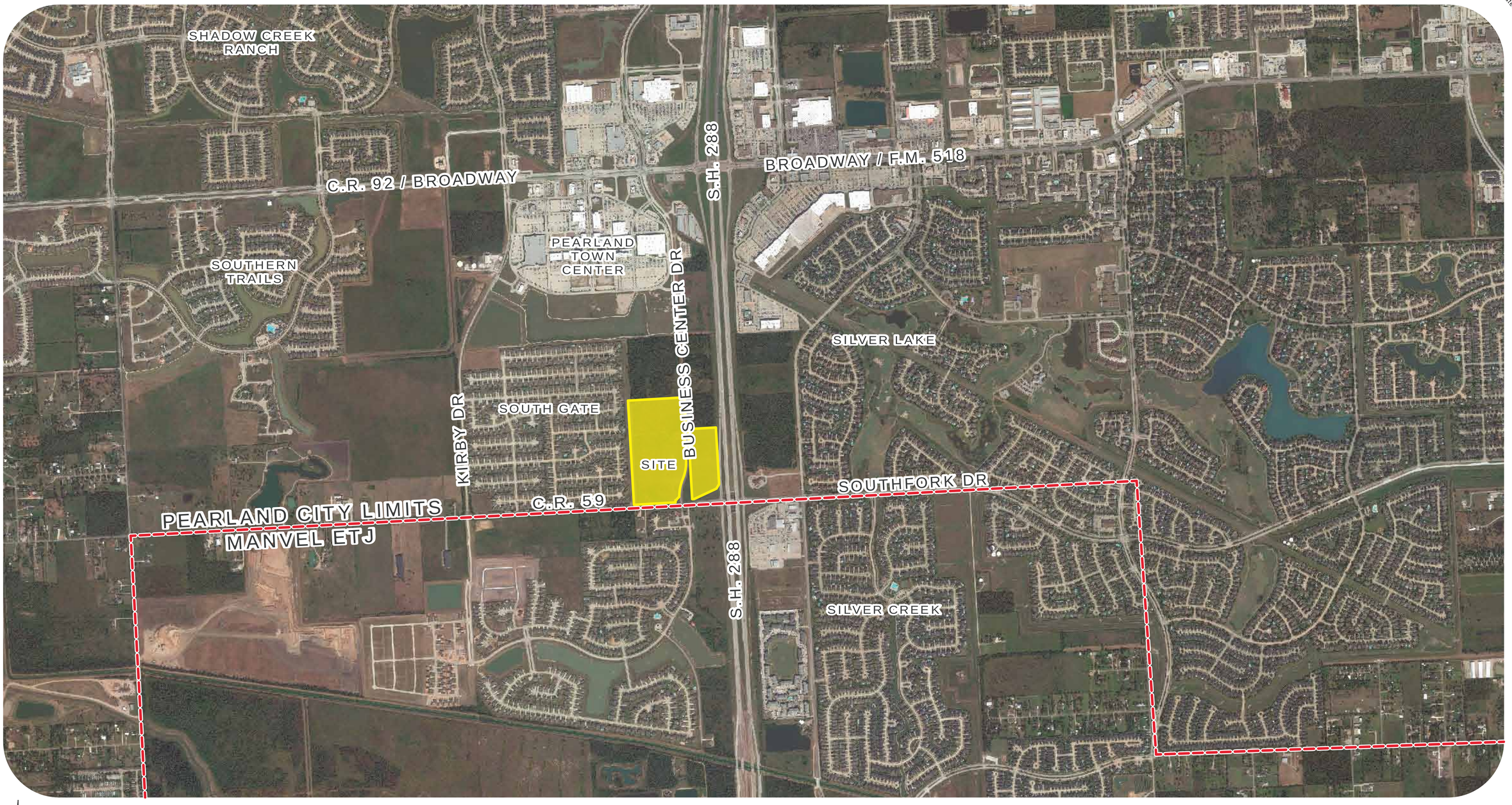

N

EXHIBIT A

location map

THIS DRAWING IS A PICTORIAL REPRESENTATION FOR PRESENTATION PURPOSES ONLY AND IS SUBJECT TO CHANGE. FURTHER, SAID DRAWING IS A SCANNED IMAGE ONLY AND IS NOT FOR COMPUTATION OR CONSTRUCTION PURPOSES. THIS DRAWING MAY OR MAY NOT INCORPORATE INFORMATION AND/OR DATA PROVIDED TO KERRY R. GILBERT & ASSOCIATES, INC. BY OTHER CONSULTANTS RELATIVE TO ENGINEERING AND DRAINAGE, FLOOD PLAINS AND ENVIRONMENTAL ISSUES AND SHOULD NOT BE RELIED UPON FOR ANY PURPOSE. NO WARRANTIES, EXPRESS OR IMPLIED, CONCERNING THE ACTUAL DESIGN, LOCATION, AND CHARACTER OF THE FACILITES SHOWN ON THIS MAP ARE INTENDED. ADDITIONALLY, NO WARRANTY IS MADE TO THE ACCURACY OF THE INFORMATION CONTAINED HEREIN.

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a location map for

BUSINESS CENTER PD

± 38.9 ACRES OF LAND

prepared for

PARKSIDE 59/288 LTD.

KERRY R. GILBERT & ASSOCIATES, INC.
Land Planning Consultants
23501 Cinco Ranch Blvd.
Suite A-250
Katy, Texas 77494
(281) 579-0340
Fax (281) 579-8212

NOT TO SCALE

JUNE 15, 2012
KGA #I-175A

KERRY R. GILBERT & ASSOCIATES, INC.

Exhibit B

Survey and

Metes & Bounds

Notes:

1) All bearings referenced to the Texas Coordinate System, South Central Zone, NAD 83 (1993 ADJ.) Epoch 2002.02.

2) This survey was prepared from information furnished by Stewart Title Guaranty Company, File No.1203933002, Effective date June 3, 2012. The surveyor did not abstract subject property.
   a) Schedule B, Item 10(b), Limited Access to Highway as set forth in Volume 1041, Page 460, B.C.D.R., affects the tract, access is prohibited to SH 288 along the entire east line of Part Two of the subject tract.
   b) Schedule B, Item 10(c), Limited Access to Highway as set forth in Volume 1035, Page 642, B.C.D.R., affects the tract, access is permitted to the roadway along the entire east line of Part One of the subject tract.
   c) Schedule B, Item 10(d), An easement with undefined width for an existing drainage ditch along the west boundary line as disclosed in Volume 722, Page 337, B.C.D.R. affects only that portion of Part One of the subject tract within Lot 38.
   d) Schedule B, Item 10(e), An easement for water utility 10 feet wide along the east and south property line granted to the City of Pearland by an instrument of record under Document Number 2012007391, B.C.D.R. affects Part One of the subject tract and is shown hereon.
   e) Schedule B, Item 10(f), A drainage easement 60 feet wide along the west property line granted to the Brazoria county Drainage District No.4 by an instrument of record under Document Number 2012007392, B.C.D.R. affects Part One of the subject tract and is shown hereon.
   f) Schedule B, Item 10(g), A sanitary sewer easement 20 feet wide along the west property line granted to the City of Pearland appears to be unrecorded and affects Part Two of the subject tract and is shown hereon.
   g) Schedule B, Item 10(h), The Waiver of Special Appraisal for the Benefit of Brazoria County Municipal Utility District No. 34 recorded in Document Number 2007049473, B.C.D.R. affects all of the subject tract.
   h) Schedule B, Item 10(i), The Oil, Gas, and other mineral interests reserved in Volume 701, Page 63, B.C.D.R. and as conveyed in Volume 1705, Page 29, B.C.D.R. and in Volume 1861254, Page 706, B.C.D.R. with surface rights waived as described in Volume 1861249, Pages 547, 550, 553, 556, B.C.D.R. affects only that portion of the subject tract within Lot 39.
   i) Schedule B, Item 10(j), The Oil, Gas, and other mineral interests reserved in Volume 1861246, Page 318, B.C.D.R. and Volume 1861249, Page 545, B.C.D.R. and amended by surface rights waived as described in Volume 1861249, Pages 547, 550, 553, 556, B.C.D.R. affects only that portion of the subject tract within Lot 39.
   j) Schedule B, Item 10(k), The Oil, Gas, and other mineral interests reserved in Volume 1061, Page 314, B.C.D.R. affects only that portion of the subject tract within the east 47.3349 acres out of Lot 40 and as described therein.
   k) Schedule B, Item 10(l), The Oil, Gas, and other mineral interests reserved in Volume 394, Page 150, B.C.D.R. affects only that portion of the subject tract within Lots 49 and 50.
   l) Schedule B, Item 10(m), The Oil, Gas, and other mineral interests reserved in Document Number 2004024839, B.C.D.R. affects only that portion of the subject tract within Lots 49 and 50.
   m) Schedule B, Item 9(n), The waiver of surface rights of record in Document Number 2006021026, B.C.D.R. affects only that portion of the subject tract within Lots 49 and 50.
   n) Schedule B, Item 9(q), The Oil, Gas, and other mineral leases of record in File Numbers 00-032234, 00-032242, 00-032250, 00-035901, and 00-040282, B.C.D.R. and amended in File Number 03-026420, B.C.D.R. affects only that portion of the subject tract within Lots 49 and 50.
   o) Schedule B, Item 9(x), The Oil, Gas, and other mineral interests reserved in Volume 722, Page 337, B.C.D.R. affects only that portion of the subject tract within Lot 38.

3) By graphical plotting, the subject tract lies within Zone "X" (un-shaded on the FIRM map), Zone "X" (un-shaded) is defined as "Areas determined to be outside the 500-year floodplain." as shown on Federal Emergency Management Agency Flood Insurance Rate Map, Map No. 48039C0020 H, Effective date June 5, 1989.

4) The portion of the subject tract identified as being located within the city limits of the City of Pearland, Texas, is zoned "BP-288" (Business Park District-288), and is subject to the provisions of City of Pearland "Unified Development Code", Ordinance No. 2000T and the "Zoning Map", Ordinance No. 2000T, approved by City Council, February 27, 2006 and as amended by official action of the City Council.

5) All of the subject tract lies within Brazoria County Municipal Utility District No.34.

6) There are no structures and no paved or striped parking spaces on the subject tract.

7) There is no visible evidence of the subject tracts being used as a solid waste dump, sump, or sanitary landfill.

8) A metes and bounds description was prepared for the subject tract on a separate instrument dated June 19, 2012.

DESCRIPTION OF
38.909 ACRES
(1,694,878 SQUARE FEET)

Being 38.909 acres of land located in the H.T. & B. R.R. Company Survey, Section 81, Abstract Number 300, Brazoria County, Texas, being a portion of Lots 38, 39, 40, 49, and 50 of the Allison Richey Gulf Coast Homes Company's Part of Suburban Gardens, a subdivision of record in Volume 2, Page 98, of the Plat Records of said Brazoria County (B.C.P.R.), more particularly being the residue of that certain called 30.583 acre tract (described as Part One) and the residue of that certain called 9.990 acre tract (described as Part Two) conveyed from Compass Bank to Parkside 59/288, Ltd., by an instrument of record under Document 2011012491, of the Official Public Records of said Brazoria County, (B.C.O.P.R.), said 38.909 acres being more particularly described in two parts by metes and bounds as follows: Part One being 29.226 acres (1,273,076 square feet) and Part Two being 9.683 acres (421,802 square feet), all bearings referenced to the Texas Coordinate System, South Central Zone, NAD83 (1993 adjustment), Epoch 2002.02.

PART ONE

BEGINNING at a 5/8-inch iron rod with cap stamped "LJA ENG" found for the northwest corner of said 30.583 acre tract and the southwest corner of that certain called 3.39 acre tract conveyed from Brazoria County Land & Cattle Co. to George D. Fishman and wife, Mary Fishman by an instrument of record under Document Number 2005061002, of the Official Records of said Brazoria County, (B.C.O.R.), said point being on the east line of Southgate Section Two, a subdivision of record in Volume 24, Pages 278-279, B.C.P.R., said point also being common west corner of Lots 37 and 38 of said Allison Richey Gulf Coast Home Company's Part of Suburban Gardens subdivision;

Thence, North 86° 42' 55" East, along the common line of said Lots 37 and 38, along the north line of said 30.583 acre tract, the south line of said 3.39 acre tract and said south line of that certain called 3.33 acre tract conveyed from Ky-Tex to George Fishman and Mary Fishman by an instrument of record under File Number 96-040466 and corrected under File Number 97-010496, B.C.O.R., 826.91' feet to a 5/8-inch iron rod with cap stamped "LJA ENG" set on the west right-of-way line of Business Center Drive (100 feet wide) as described under Document Numbers 2012007382, 2012007390, 2012007393, and 2012007402, B.C.O.R., from witch a 3/4-inch iron pipe found for the common corner of said Lots 37, 38, 47 and 48 of said Allison Richey Gulf Coast Home Company's Part of Suburban Gardens subdivision bears North 86° 42' 55" East, 49.51 feet;

Thence, South 03° 16' 00" East, along the west right-of-way line of said Business Center Drive, 1,025.77 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" set for corner, the beginning of a curve;

Thence, continuing along the west right-of-way line of said Business Center Drive, (width varies), 169.54 feet along the arc of a tangent curve to the right having a radius of 750.00 feet, a central angle of 12° 57' 08", and a chord that bears South 03° 12' 34" West, 169.18 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" found for corner at the intersection of the west right-of-way line of said Business Center Drive and the west right-of-way line of County Road 566 (width varies) as described in Volume 2, Page 98, B.C.P.R., Volume 133, Page 126, Volume 881, Page 230, Volume 881, Page 232, Volume 1035, Page 636, and Volume 1035, Page 642, B.C.P.R., the beginning of a curve;

Thence, along the west right-of-way line of said County Road 566 the following four courses:

1. 66.34 feet along the arc of a non-tangent curve to the right having a radius of 686.20 feet, a central angle of 05° 32' 22", and a chord that bears South 18° 58' 03" West, 66.32 feet to a concrete right-of-way monument found for corner;

2. South 21° 45' 33" West, 1.371 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" found for corner, the beginning of a curve;

3. 275.59 feet along the arc of a non-tangent curve to the left having a radius of 746.20 feet, a central angle of 21° 09' 40", and a chord that bears South 11° 09' 26" West, 274.03 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" set for corner, from which a found concrete right-of-way monument bears North 51° 07' 14" West, 1.18 feet;

4. South 42° 42' 06" West, 71.88 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" set for corner on the north right-of-way line of County Road 59 (width varies) as described in Volume 2, Page 98 and Volume 24, Page 33-36, B.C.P.R.;

Thence, South 86° 44' 15" West, along said north right-of-way line, 10.00 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" found for an angle point on the north right-of-way line of said County Road 59, said point being the northeast corner of that certain called 0.5248 acre tract conveyed to the City of Pearland as a donation for right-of-way as described under Document Number 2012007390, B.C.D.P.R.;

Thence, South 86° 40' 26" West, along the north right-of-way line of said County Road 59 as described under Document Number 2012007390, B.C.D.P.R., 646.10 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" found for the northwest corner of said 0.5248 acre tract, said point being on the west line of the aforementioned 30.583 acre tract, said point being the southeast corner of Southgate Section One, a subdivision of record in Volume 24, Pages 33-36, B.C.P.R.;

Thence, North 03° 18' 06" West, along the west line of said 30.583 acre tract, the west line of said Lots 38, 39 and 40, and the east line of said Southgate Section One, passing at 1,330.57 feet a 5/8-inch iron rod with cap stamped "DALE HARDY RPLS 4847" found for the northeast corner of said Southgate Section One and the southeast corner of the aforementioned Southgate Section Two, continuing along the west line of said Lot 38 and the east line of said Southgate Section Two, in all 1,583.44 feet to the POINT OF BEGINNING and containing 29.226 acre (1,273,076 square feet) of land.

PART TWO

BEGINNING a 5/8-inch iron rod found for the northeast corner of said 9.990 acre tract and the southeast corner of that certain called 2.515 acre tract conveyed from DXB Richmond, Inc to Gold Star Development by an instrument of record under Document Number 2008031966, B.C.O.P.R., said point also being on the west right-of-way line of SH 288 (width varies) as described in Volume 1041, Page 460, Volume 1041, Page 888, and Volume 1052, Page 159, B.C.D.R., said point being on the common lot line of said Lot 48 and 49 of said Section 81, from which a found 3/4-inch iron pipe bears South 52° 36' 37" East, 0.93 feet;

Thence, South 03° 14' 03" East, along the common line of said 9.990 acre tract and said westerly right-of-way line, 877.70 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" found for an angle point on said common line;

Thence, South 30° 49' 10" West, continuing along said common line, 82.81 feet to a broken concrete right-of-way monument found for an angle point on said common line;

Thence, South 64° 55' 07" West, continuing along said common line, 381.06 feet to a broken concrete right-of-way monument found for an angle point on said common line;

Thence, South 86° 45' 24" West, continuing along said common line, 30.02 feet to a broken concrete right-of-way monument found for the southwest corner of said 9.990 acre tract, same being the intersection on said westerly right-of-way line and the east right-of-way line of County Road 566 (width varies) as recorded in Volume 2, Page 98, B.C.P.R., Volume 133, Page 126, Volume 881, Page 230, Volume 881, Page 232, Volume 1035, Page 636, and Volume 1035, Page 642, B.C.D.R.;

Thence, North 03° 17' 17" West, departing said common line and along the west line of said 9.990 acre tract and along the east right-of-way line of said County Road 566, 371.60 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" set at the intersection of the east right-of-way line of said County Road 566 and the east right-of-way line of said Business Center Drive (100 feet wide) as described under Document Numbers 2012007382, 2012007390, 2012007393, and 2012007402, B.C.D.P.R., the beginning of a curve;

Thence, along the east right-of-way line of said Business Center Drive, 187.07 feet along the arc of a non-tangent curve to the left having a radius of 850.00 feet, a central angle of 12° 36' 35", and a chord that bears North 03° 02' 17" East, 186.69 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" found for corner;

Thence, North 03° 16' 00" West, continuing along the east right-of-way line of said Business Center Drive, 531.11 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" set for corner on the north line of the aforementioned 9.990 acre tract and the south line of the aforementioned 2.515 acre tract, said point also being on the common lot line of Lots 48 and 49 of the aforementioned Allison Richey Gulf Coast Homes Company's Part of Suburban Gardens subdivision;

Thence, North 86° 47' 22" East, along the common line of said 9.990 and 2.515 acre tracts and said common lot line, 410.34 feet to the POINT OF BEGINNING and containing 9.683 acres (421,802 square feet) of land.

Said Part One and Part Two containing a total of 38.909 acres (1,694,878 square feet) of land.

SURVEYOR'S CERTIFICATE

To: Parkside-288/59, Ltd. and Stewart Title Guaranty Company:
I hereby certify that on the 15th day of June, 2012:

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2011 Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes items 1, 2, 3, 4, 6(a), 7(a), 7(b)(1), 7(b)(2), 7(c), 8, 9, 11(a), 14, 15, 16, and 18 of Table A thereof. The field work was completed on June 8, 2012.

Date of Plat or Map: June 19, 2012

Gary D. Nutter
Registered Professional Land Surveyor
Texas Registration No. 5659

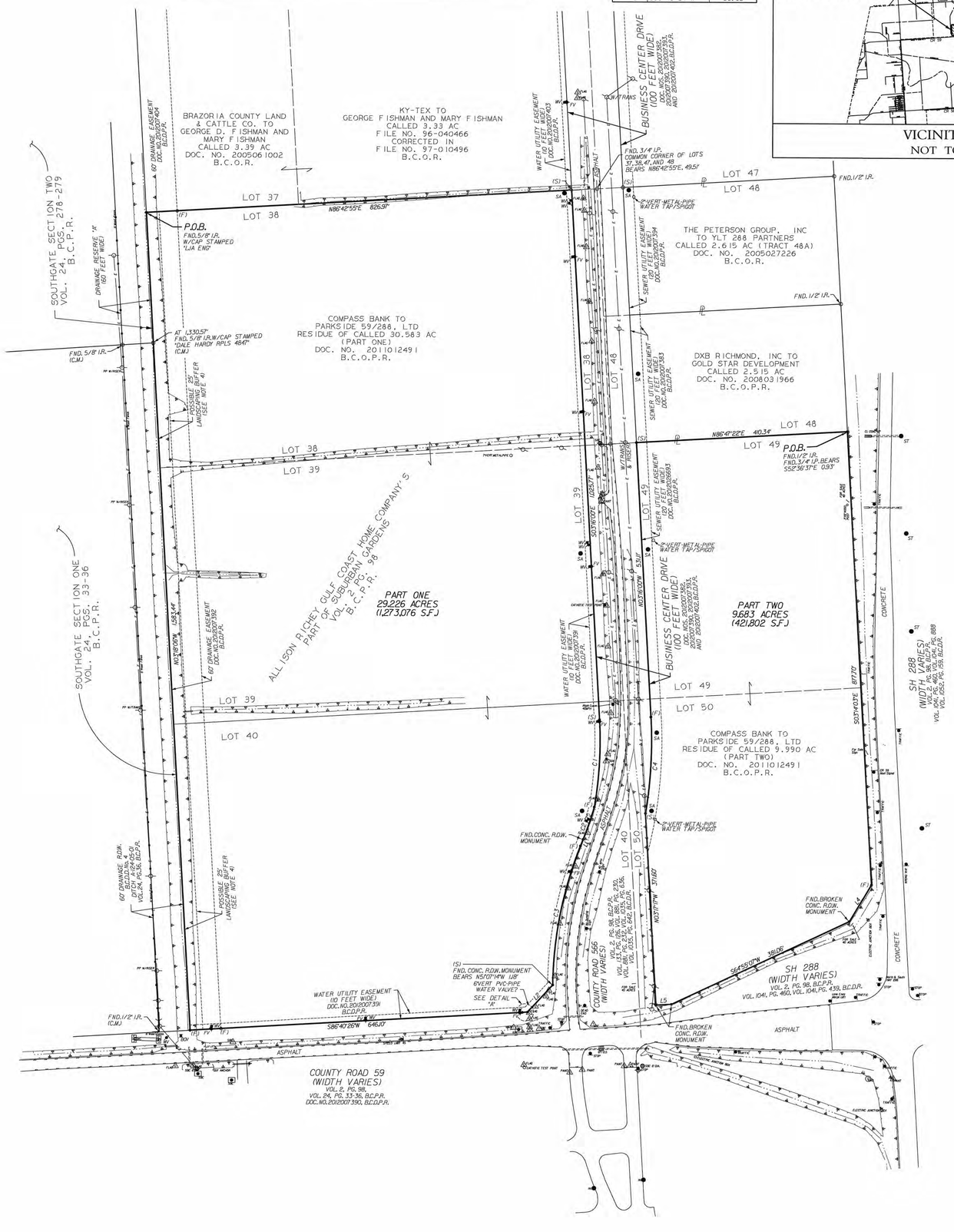
STATE OF TEXAS REGISTERED GARY D. NUTTER 5659 PROFESSIONAL LAND SURVEYOR

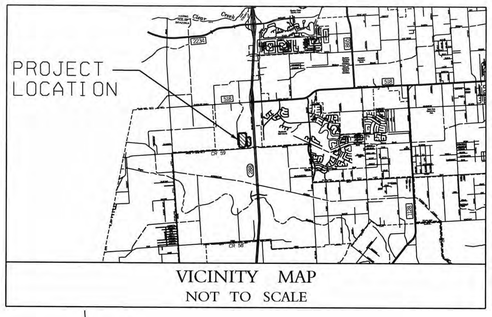
CURVE TABLE

Curve	Radius	Tangent	Chord	Arc	Delta	Chord Bearing
1	750.00'	85.13'	169.18'	169.54'	12°57'08"	S03°12'34"W
2	686.20'	33.20'	66.32'	66.34'	05°32'22"	S18°58'03"W
3	746.20'	139.38'	274.03'	275.59'	21°09'40"	S11°09'26"W
4	850.00'	93.91'	186.69'	187.07'	12°36'35"	N03°02'17"E

LINE TABLE

Line	Bearing	Distance
1	S21°45'33"W	13.71'
2	S42°42'06"W	71.88'
3	S86°44'15"W	10.00'
4	S30°49'10"W	82.81'
5	S86°45'24"W	30.02'





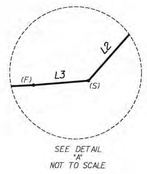
VICINITY MAP
NOT TO SCALE

N

Scale : 1" = 80'

LEGEND

B.C.D.R.	BRAZORIA COUNTY DEED RECORDS
B.C.O.P.R.	BRAZORIA COUNTY OFFICIAL PUBLIC RECORDS
B.C.O.R.	BRAZORIA COUNTY OFFICIAL RECORDS
B.C.P.R.	BRAZORIA COUNTY PLAT RECORDS
(S)	SET 5/8" I.R. W/CAP STAMPED "LJA ENG"
(F)	FOUND 5/8" I.R. W/CAP STAMPED "LJA ENG"
I.R.	IRON ROD
I.P.	IRON PIPE
(C.M.)	CONTROLLING MONUMENT
	POWER POLE W/ GUY WIRE
—E—	OVERHEAD UTILITIES
	ELECTRICAL BOX
	ELECTRICAL JUNCTION BOX
	ELECTRIC METER
	PEDESTAL
	TELEPHONE CABLE MARKER
	HIGHBANK LINE STYLE
	HIGHBANK LINE STYLE
	FLOW LINE OF DITCH
	EDGE OF ASPHALT
	FLUSHING VALVE
	WATER VALVE
	PEDESTAL
	SIGN
	GRATE INLET
	GAS LINE MARKER (PIN FLAG)
ST	STORM MANHOLE
SA	SANITARY MANHOLE



SEE DETAIL "A"
NOT TO SCALE

ACREAGE SUMMARY

TRACT ONE	=	29.226 ACRES	(1,273,076 S.F.)
TRACT TWO	=	9.683 ACRES	(421,802 S.F.)
TOTAL	=	38.909 ACRES	(1,694,878 S.F.)

ALTA/ACSM LAND TITLE SURVEY
OF 38.909 ACRES
(1,694,878 S.F.)
IN THE
H.T.& B. R.R. COMPANY SURVEY
SECTION-81, A-300
BRAZORIA COUNTY, TEXAS

JUNE 2012 JOB NO. 1352-1003-202

LJA Engineering, Inc.
2929 Briarpark Drive
Suite 600
Houston, Texas 77042
Phone 713.953.5200
Fax 713.953.5026

I:\Proj\dsk1\SURVEY\1352\1003\CAD\EX-ALTA Survey 38.990ac 062012.dgn
6/19/2012

June 19, 2012
Job No. 1352-1003-202

DESCRIPTION OF
38.909 ACRES
(1,694,878 SQUARE FEET)

Being 38.909 acres of land located in the H.T. & B. R.R. Company Survey, Section 81, Abstract Number 300, Brazoria County, Texas, being a portion of Lots 38, 39, 40, 49, and 50 of the Allison Richey Gulf Coast Homes Company's Part of Suburban Gardens, a subdivision of record in Volume 2, Page 98, of the Plat Records of said Brazoria County (B.C.P.R.), more particularly being the residue of that certain called 30.583 acre tract (described as Part One) and the residue of that certain called 9.990 acre tract (described as Part Two) conveyed from Compass Bank to Parkside 59/288, Ltd., by an instrument of record under Document Number 2011012491, of the Official Public Records of said Brazoria County, (B.C.O.P.R.), said 38.909 acres being more particularly described in two parts by metes and bounds as follows: Part One being 29.226 acres (1,273,076 square feet) and Part Two being 9.683 acres (421,802 square feet), all bearings referenced to the Texas Coordinate System, South Central Zone, NAD83 (1993 adjustment), Epoch 2002.02;

PART ONE

BEGINNING at a 5/8-inch iron rod with cap stamped "LJA ENG" found for the northwest corner of said 30.583 acre tract and the southwest corner of that certain called 3.39 acre tract conveyed from Brazoria County Land & Cattle Co. to George D. Fishman and wife, Mary Fishman by an instrument of record under Document Number 2005061002, of the Official Records of said Brazoria County, (B.C.O.R.), said point being on the east line of Southgate Section Two, a subdivision of record in Volume 24, Pages 278-279, B.C.P.R., said point also being common west corner of Lots 37 and 38 of said Allison Richey Gulf Coast Home Company's Part of Suburban Gardens subdivision;

Thence, North 86° 42' 55" East, along the common line of said Lots 37 and 38, along the north line of said 30.583 acre tract, the south line of said 3.39 acre tract and said south line of that certain called 3.33 acre tract conveyed from Ky-Tex to George Fishman and Mary Fishman by an instrument of record under File Number 96-040466 and corrected under File Number 97-010496, B.C.O.R., 826.97 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" set on the west right-of-way line of Business Center Drive (100 feet wide) as described under Document Numbers 2012007382, 2012007390, 2012007393, and 2012007402, B.C.O.P.R., from which a 3/4-inch iron pipe found for the common corner of said Lots 37, 38, 47 and 48 of said Allison Richey Gulf Coast Home Company's Part of Suburban Gardens subdivision bears North 86° 42' 55" East, 49.51 feet;

Thence, South 03° 16' 00" East, along the west right-of-way line of said Business Center Drive, 1,025.77 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" set for corner, the beginning of a curve;

Thence, continuing along the west right-of-way line of said Business Center Drive, (width varies), 169.54 feet along the arc of a tangent curve to the right having a radius of 750.00 feet, a central angle of 12° 57' 08", and a chord that bears South 03° 12' 34" West, 169.18 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" found for corner at the intersection of the west right-of-way line of said Business Center Drive and the west right-of-way line of County Road 566 (width varies) as described in Volume 2, Page 98, B.C.P.R., Volume 133, Page 126, Volume 881, Page 230, Volume 881, Page 232, Volume 1035, Page 636, and Volume 1035, Page 642, B.C.D.R., the beginning of a curve;

Thence, along the west right-of-way line of said County Road 566 the following four courses:

1. 66.34 feet along the arc of a non-tangent curve to the right having a radius of 686.20 feet, a central angle of 05° 32' 22", and a chord that bears South 18° 58' 03" West, 66.32 feet to a concrete right-of-way monument found for corner;

2. South 21° 45' 33" West, 13.71 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" found for corner, the beginning of a curve;

3. 275.59 feet along the arc of a non-tangent curve to the left having a radius of 746.20 feet, a central angle of 21° 09' 40", and a chord that bears South 11° 09' 26" West, 274.03 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" set for corner, from which a found concrete right-of-way monument bears North 51° 07' 14" West, 1.18 feet;

4. South 42° 42' 06" West, 71.88 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" set for corner on the north right-of-way line of County Road 59 (width varies) as described in Volume 2, Page 98 and Volume 24, Page 33-36, B.C.P.R.;

Thence, South 86° 44' 15" West, along said north right-of-way line, 10.00 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" found for an angle point on the north right-of-way line of said County Road 59, said point being the northeast corner of that certain called 0.5248 acre tract conveyed to the City of Pearland as a donation for right-of-way as described under Document Number 2012007390, B.C.O.P.R.;

Thence, South 86° 40' 26" West, along the north right-of-way line of said County Road 59 as described under Document Number 2012007390, B.C.O.P.R., 646.10 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" found for the northwest corner of said 0.5248 acre tract, said point being on the west line of the aforementioned 30.583 acre tract, said point being the southeast corner of Southgate Section One, a subdivision of record in Volume 24, Pages 33-36, B.C.P.R.;

Thence, North 03° 18' 06" West, along the west line of said 30.583 acre tract, the west line of said Lots 38, 39 and 40, and the east line of said Southgate Section One, passing at 1,330.57 feet a 5/8-inch iron rod with cap stamped "DALE HARDY RPLS 4847" found for the northeast corner of said Southgate Section One and the southeast corner of of the aforementioned Southgate Section Two, continuing along the west line of said Lot 38 and the east line of said Southgate Section Two, in all 1,583.44 feet to the POINT OF BEGINNING and containing 29.226 acre (1,273,076 square feet) of land.

PART TWO

BEGINNING a 5/8-inch iron rod found for the northeast corner of said 9.990 acre tract and the southeast corner of that certain called 2.515 acre tract conveyed from DXB Richmond, Inc to Gold Star Development by an instrument of record under Document Number 2008031966, B.C.O.P.R., said point also being on the west right-of-way line of SH 288 (width varies) as described in Volume 1041, Page 460, Volume 1041, Page 888, and Volume 1052, Page 159, B.C.D.R., said point being on the common lot line of said Lot 48 and 49 of said Section 81, from which a found 3/4-inch iron pipe bears South 52° 36' 37" East, 0.93 feet;

Thence, South 03° 14' 03" East, along the common line of said 9.990 acre tract and said westerly right-of-way line, 877.70 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" found for an angle point on said common line;

Thence, South 30° 49' 10" West, continuing along said common line, 82.81 feet to a broken concrete right-of-way monument found for an angle point on said common line;

Thence, South 64° 55' 07" West, continuing along said common line, 381.06 feet to a broken concrete right-of-way monument found for an angle point on said common line;

Thence, South 86° 45' 24" West, continuing along said common line, 30.02 feet to a broken concrete right-of-way monument found for the southwest corner of said 9.990 acre tract, same being the intersection on said westerly right-of-way line and the east right-of-way line of County Road 566 (width varies) as recorded in Volume 2, Page 98, B.C.P.R., Volume 133, Page 126, Volume 881, Page 230, Volume 881, Page 232, Volume 1035, Page 636, and Volume 1035, Page 642, B.C.D.R.;

Thence, North 03° 17' 17" West, departing said common line and along the west line of said 9.990 acre tract and along the east right-of-way line of said County Road 566, 371.60 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" set at the intersection of the east right-of-way line of said County Road 566 and the east right-of-way line of said Business Center Drive (100 feet wide) as described under Document Numbers 2012007382, 2012007390, 2012007393, and 2012007402, B.C.O.P.R., the beginning of a curve;

Thence, along the east right-of-way line of said Business Center Drive, 187.07 feet along the arc of a non-tangent curve to the left having a radius of 850.00 feet, a central angle of 12° 36' 35", and a chord that bears North 03° 02' 17" East, 186.69 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" found for corner;

Thence, North 03° 16' 00" West, continuing along the east right-of-way line of said Business Center Drive, 531.11 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" set for corner on the north line of the aforementioned 9.990 acre tract and the south line of the aforementioned 2.515 acre tract, said point also being on the common lot line of Lots 48 and 49 of the aforementioned Allison Richey Gulf Coast Homes Company's Part of Suburban Gardens subdivision;

Thence, North 86° 47' 22" East, along the common line of said 9.990 and 2.515 acre tracts and said common lot line, 410.34 feet to the POINT OF BEGINNING and containing 9.683 acres (421,802 square feet) of land.

Said Part One and Part Two containing a total of 38.909 acres (1,694,878 square feet) of land.

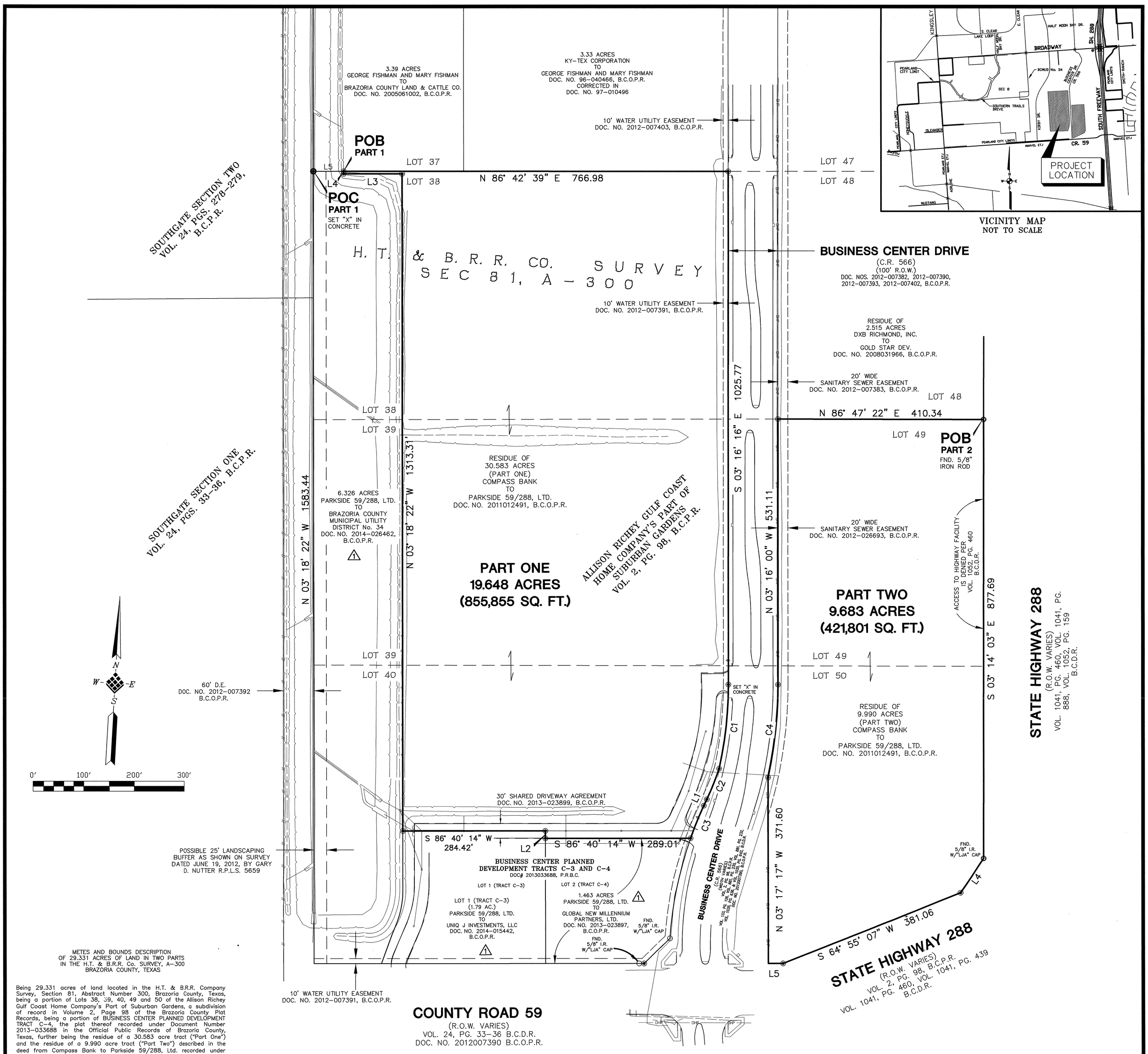
This description was prepared from a survey prepared by the undersigned dated June 19, 2012.

Gary D. Nutter
Registered Professional Land Surveyor
Texas Registration Number 5659
LJA Engineering & Surveying, Inc.

Exhibit B-1

Survey and

Metes & Bounds



VICINITY MAP
NOT TO SCALE

METES AND BOUNDS DESCRIPTION
OF 29.331 ACRES OF LAND IN TWO PARTS
IN THE H.T. & B.R.R. Co. SURVEY, A-300
BRAZORIA COUNTY, TEXAS

Being 29.331 acres of land located in the H.T. & B.R.R. Company Survey, Section 81, Abstract Number 300, Brazoria County, Texas, being a portion of Lots 38, 39, 40, 49 and 50 of the Allison Richey Gulf Coast Home Company's Part of Suburban Gardens, a subdivision of record in Volume 2, Page 98 of the Brazoria County Plat Records, being a portion of BUSINESS CENTER PLANNED DEVELOPMENT TRACT C-4, the plat thereof recorded under Document Number 2013-033688 in the Official Public Records of Brazoria County, Texas, further being the residue of a 30.583 acre tract ("Part One") and the residue of a 9.990 acre tract ("Part Two") described in the deed from Compass Bank to Parkside 59/288, Ltd. recorded under Document No. 2011012491, in the Official Public Records of Brazoria County, Texas, said 29.331 acre tract being more particularly described in two parts by metes and bounds as follows with bearings based on the Texas Coordinate System of 1983, South Central Zone:

PART 1:

COMMENCING at an cut "X" in concrete set for the northwest corner of the 6.326 acre tract described in deed from Parkside 59/288, Ltd. to Brazoria County Municipal Utility District No. 34 recorded under Document Number 2014-026462 in the Official Public Records of Brazoria County, Texas, being the southwest corner of a 3.39 acre tract described in deed from George Fishman and Mary Fishman to Brazoria County Land & Cattle Co. recorded under Document Number 2005-061002 in the Official Public Records of Brazoria County, Texas, being on the east line of Southgate Section Two, the plat thereof recorded in Volume 24, Pages 278-279 of the Brazoria County Plat Records, and being the common west corner of Lots 37 and 38 of said Allison Richey Gulf Coast Home Company's Part of Suburban Gardens subdivision;

THENCE North 86° 42' 39" East – 60.00 feet, with the line common to said 6.326 acre tract and said 3.39 acre tract to a 5/8-inch iron rod with cap stamped "IDS" set for the most northerly northwest corner and POINT OF BEGINNING of the herein described tract;

THENCE North 86° 42' 39" East – 766.98 feet, with the north line of said 30.583 acre tract and south line of said 3.39 acre tract and south line of a 3.33 acre tract described in deed from Ky-Tex Corporation to George Fishman and Mary Fishman recorded under Document Number 96-040466 and corrected under Document Number 97-010496 in the Official Public Records of Brazoria County, Texas to a 5/8-inch iron rod with cap stamped "IDS" set on the west right-of-way line of Business Center Drive (County Road 566) (100 feet wide at this point) as described under Document Numbers 2012-007382, 2012-007390, 2012-007393 and 2012-007402 in the Official Public Records of Brazoria County, Texas;

THENCE with the west right-of-way line of said Business Center Drive the following courses and distances:

South 03° 16' 16" East – 1025.77 feet to a cut "X" in concrete set at the beginning of a curve to the right;

in a southwesterly direction and with said curve to the right, having a central angle of 12° 57' 07", a chord bearing and distance of South 03° 12' 18" West – 169.18 feet, a radius of 750.00 feet, and an arc distance of 169.54 feet to a 5/8-inch iron rod with cap stamped "IDS" set at the end of said curve and the beginning of a non-tangent curve to the right;

in a southwesterly direction and with said non-tangent curve to the right, having a central angle of 05° 32' 23", a chord bearing and distance of South 18° 57' 47" West – 66.32 feet, a radius of 686.20 feet, and an arc distance of 66.35 feet to a 5/8-inch iron rod with cap stamped "IDS" set at the end of said curve;

South 21° 45' 17" West – 13.71 feet to a 5/8-inch iron rod with cap stamped "IDS" set at the beginning of a curve to the left;

in a southwesterly direction and with said curve to the left, having a central angle of 05° 25' 00", a chord bearing and distance of South 19° 01' 30" West – 70.52 feet, a radius of 746.20 feet, and an arc distance of 70.54 feet to a 5/8-inch iron rod with cap stamped "IDS" set at the end of said curve, said point being the northeast corner of the 1.463 acre tract of land described in deed from Parkside 59/288, Ltd. to Global New Millennium Partners, Ltd. recorded under Document Number 2013-023897, in the Official Public Records of Brazoria County, Texas;

THENCE South 86° 40' 14" West – 289.01 feet, departing said west right-of-way line and with the north line of said 1.463 acre tract, to a 5/8-inch iron rod with cap stamped "IDS" set for the northwest corner of said 1.463 acre tract and being on the east line of Lot 1, (Tract C-3) (1.79 acres) described in the deed from Parkside 59/288, Ltd. to Uniq J Investments, LLC, recorded under Document Number 2014-015442 in the Official Public Records of Brazoria County, Texas;

THENCE North 03° 19' 46" West – 15.00 feet, with the line common to said 1.463 acre tract and said 1.79 acre tract, to a 5/8-inch iron rod with cap stamped "IDS" set for the northeast corner of said 1.79 acre tract;

THENCE North 86° 40' 14" West – 284.42 feet, with the north line of said 1.79 acre tract, to a 5/8-inch iron rod with cap stamped "IDS" found for the northwest corner of said 1.79 acre tract, being on the east line of said 6.326 acre tract;

THENCE North 03° 18' 22" West – 1313.31 feet, with the east line of said 6.326 acre tract, to a 5/8-inch iron rod with cap stamped "IDS" found for the northeast corner of said 6.326 acre tract;

THENCE South 86° 42' 39" West – 116.00 feet, with a northerly line of said 6.326 acre tract, to a 5/8-inch iron rod with cap stamped "IDS" found for an interior northerly corner of said 6.326 acre tract;

THENCE North 03° 18' 22" West – 5.00 feet to the POINT OF BEGINNING of the herein described tract and containing 19.648 acres (855,855 square feet) of land.rner of said 6.326 acre tract;

THENCE North 03° 18' 22" West – 5.00 feet to the POINT OF BEGINNING of the herein described tract and containing 19.648 acres (855,855 square feet) of land.

PART 2:

BEGINNING at a 5/8-inch iron rod found for the northeast corner of said 9.990 acre tract and the southeast corner of a 2.515 acre tract described in deed from DXB Richmond, Inc. to Gold Star Development recorded under Document Number 2008-031966 in the Official Public Records of Brazoria County, Texas, being on the west right-of-way line of State Highway 288 (width varies) as described in Volume 1041, Page 460, Volume 1041, Page 888 and Volume 1052, Page 159, and on the line common to said Lots 48 and 49;

THENCE South 03° 14' 03" East – 877.69 feet, with the line common to said 9.990 acre tract and said west right-of-way line, to a 5/8-inch iron rod with cap stamped "LJA ENG" found for an angle point;

THENCE South 30° 49' 10" West – 82.81 feet, continuing with said common line, to a 5/8-inch iron rod with cap stamped "IDS" set for an angle point;

THENCE South 64° 55' 07" West – 381.06 feet, continuing with said common line, to a 5/8-inch iron rod with cap stamped "IDS" set for an angle point;

THENCE South 86° 45' 24" West – 30.02 feet, continuing with said common line, to the southwest corner of the herein described tract, same being the intersection of said west right-of-way line and the east right-of-way line of County Road 566 (width varies) as recorded in Volume 2, Page 98 of the Brazoria County Plat Records, Volume 133, Page 126, Volume 881, Page 230, Volume 881, Page 232, Volume 1035, Page 636 and Volume 1035, Page 642 of the Brazoria County Deed Records;

THENCE North 03° 17' 17" West – 371.60 feet, departing said common line and with the west line of said 9.990 acre tract and the east right-of-way line of said Business Center Drive (County Road 566)(width varies) to a 5/8-inch iron rod with cap stamped "IDS" set at the beginning of a non-tangent curve to the left;

THENCE in a northeasterly direction and with said curve to the left, having a central angle of 12° 36' 35", a chord bearing and distance of North 03° 02' 17" East – 186.69 feet, a radius of 850.00 feet, and an arc distance of 187.07 feet to the end of said curve;

THENCE North 03° 16' 00" West – 531.11 feet, with the east right-of-way line of said Business Center Drive (100 feet wide at this point) to a 5/8-inch iron rod with cap stamped "IDS" set for the northwest corner for the herein described tract, being on the north line of said 9.990 acre tract, the south line of said 2.515 acre tract, and the said line common to Lots 48 and 49;

THENCE North 86° 47' 22" East – 410.34 feet, with the line common to said 2.515 acre tract and 9.990 acre tract and said common lot line, to the POINT OF BEGINNING of the herein described tract and containing 9.683 acres (421,801 square feet) of land.

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	750.00	169.54	169.18	S 03° 12' 18" W	12°57'07"
C2	686.20	66.35	66.32	S 18° 57' 47" W	5°32'23"
C3	746.20'	70.54'	70.52'	S 19° 01' 30" W	5°25'00"

LINE	BEARING	DISTANCE
L1	S 21° 45' 17" W	13.71
L2	N 03° 19' 46" W	15.00'
L3	S 86° 42' 39" W	116.00'
L4	N 03° 18' 22" W	5.00'
L5	N 86° 42' 39" E	60.00'

ABBREVIATION TABLE

FND.	FOUND
VOL.	VOLUME
PG.	PAGE
D.E.	DRAINAGE EASEMENT
ESMT.	EASEMENT
H.L. & P	HOUSTON LIGHT AND POWER
B.C.P.R.	BRAZORIA COUNTY PLAT RECORDS
B.C.D.R.	BRAZORIA COUNTY DEED RECORDS
B.C.O.P.R.	BRAZORIA COUNTY OFFICIAL PUBLIC RECORDS

SYMBOL LEGEND

- FOUND MONUMENT
- SET 5/8" IRON ROD WITH CAP STAMPED "IDS" UNLESS OTHERWISE NOTED
- CONTROLLING MONUMENT
- GAS VALVE
- WATER VALVE
- POWER POLE
- OVER HEAD POWER LINE
- TRANSMISSION TOWER
- ELECTRICAL JUNCTION BOX
- GUY WIRE
- UNDERGROUND H.L.&P. MARKER
- UNDERGROUND TELEPHONE MARKER
- STORM SEWER MANHOLE
- WATER MANHOLE
- TELEPHONE JUNCTION BOX
- TELEPHONE MANHOLE
- PIPELINE MARKER
- VENT PIPE
- METAL POST
- WOOD POST
- CHAIN LINK FENCE
- BARBED WIRE FENCE

NOTES:

The surveyor has relied on Stewart Title Guaranty Company to provide copies of recorded deeds, plats or other instruments describing the subject property and adjoining tracts, used to support the determination of the location of the intended boundaries of the land surveyed.

This map is the result of an on the ground survey made under my supervision and depicts the conditions found on the ground at the time of the survey. The field work was completed on January 30, 2014.

Adjoiner information is shown per the Texas Board of Professional Land Surveying Rules and is shown for informational purposes only.

Coordinates shown hereon are for descriptive purposes only and are not locative.

The bearings shown hereon are referenced to the Texas Coordinate System of 1983, South Central Zone.

The recorded easements, setbacks and encumbrances shown hereon are from Schedule B of the commitment for title insurance issued by Stewart Title Guaranty Company, GF No. 1203933002, effective date January 5, 2014, issue date January 22, 2014. The surveyor has relied upon the accuracy and completeness of the information described above and has made no independent investigation or search for this information.

The utility appurtenances shown hereon include those visible at the time of the survey and are for general locative purposes only. In providing this boundary survey, no attempt has been made to obtain or show data concerning existence, size, depth, condition, capacity or location of any utility existing on or adjacent to the site, whether private, municipal or public owned.

The buildings and other improvements shown hereon represent the outline at ground level. The Surveyor has not located any underground buildings, overhead protrusions or improvements not obvious and located at ground level, unless otherwise noted.

Surveyor has not identified any geological or environmental conditions in connection with the subject property and Surveyor fully disclaims any and all responsibility related to issues or claims related thereto or resulting there from.

TO: PARKSIDE CAPITAL and Stewart Guaranty Title Insurance Company

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2011 Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1-4, 6, 8, 9, 11(a), 13 & 14 of Table A thereof. The field work was completed on December 5, 2013.

Date of Plat or Map:
January 30, 2014

Douglas W. Turner
Texas Registered Professional Land Surveyor No. 3988

STATE OF TEXAS
REGISTERED
DOUGLAS W. TURNER
3988
PROFESSIONAL
LAND SURVEYOR

DATE	REVISION
7-23-2014	1 REVISE PER NEW OWNERSHIPS

IDS Engineering Group
TBPLS Firm Reg. No. 101107-00
13333 NW. Freeway,
Suite 300
Houston, Tx. 77040
Phone: 713-462-3178

ALTA/ACSM LAND TITLE SURVEY

29.331 ACRES IN TWO PARTS
H.T. & B.R.R. CO. SURVEY
SECTION 81, A-300
BRAZORIA COUNTY, TEXAS

DRAWN: MLS	ORIGINAL ISSUE DATE: JANUARY 30, 2014	ORIGINAL SCALE: 1" = 100'
APPROVED FOR ISSUE: DWT.	JOB NO.: 2024-001-00-522	

METES AND BOUNDS DESCRIPTION
OF 29.331 ACRES OF LAND IN TWO PARTS
IN THE H.T. & B.R.R. Co. SURVEY, A-300
BRAZORIA COUNTY, TEXAS

Being 29.331 acres of land located in the H.T. & B.R.R. Company Survey, Section 81, Abstract Number 300, Brazoria County, Texas, being a portion of Lots 38, 39, 40, 49 and 50 of the Allison Richey Gulf Coast Home Company's Part of Suburban Gardens, a subdivision of record in Volume 2, Page 98 of the Brazoria County Plat Records, being a portion of BUSINESS CENTER PLANNED DEVELOPMENT TRACT C-4, the plat thereof recorded under Document Number 2013-033688 in the Official Public Records of Brazoria County, Texas, further being the residue of a 30.583 acre tract ("Part One") and the residue of a 9.990 acre tract ("Part Two") described in the deed from Compass Bank to Parkside 59/288, Ltd. recorded under Document No. 2011012491, in the Official Public Records of Brazoria County, Texas, said 29.331 acre tract being more particularly described in two parts by metes and bounds as follows with bearings based on the Texas Coordinate System of 1983, South Central Zone:

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THENCE North 86° 42' 39" East – 60.00 feet, with the line common to said 6.326 acre tract and said 3.39 acre tract to a 5/8-inch iron rod with cap stamped "IDS" set for the most northerly northwest corner and **POINT OF BEGINNING** of the herein described tract;

THENCE North 86° 42' 39" East – 766.98 feet, with the north line of said 30.583 acre tract and south line of said 3.39 acre tract and south line of a 3.33 acre tract described in deed from Ky-Tex Corporation to George Fishman and Mary Fishman recorded under Document Number 96-040466 and corrected under Document Number 97-010496 in the Official Public Records of Brazoria County, Texas to a 5/8-inch iron rod with cap stamped "IDS" set on the west right-of-way line of Business Center Drive (County Road 566) (100 feet wide at this point) as described under Document Numbers 2012-007382, 2012-007390, 2012-007393 and 2012-007402 in the Official Public Records of Brazoria County, Texas;

THENCE with the west right-of-way line of said Business Center Drive the following courses and distances:

South 03° 16' 16" East – 1025.77 feet to a cut "X" in concrete set at the beginning of a curve to the right;

in a southwesterly direction and with said curve to the right, having a central angle of 12° 57' 07", a chord bearing and distance of South 03° 12' 18" West – 169.18 feet, a radius of 750.00 feet, and an arc distance of 169.54 feet to a 5/8-inch iron rod with cap stamped "IDS" set at the end of said curve and the beginning of a non-tangent curve to the right;

in a southwesterly direction and with said non-tangent curve to the right, having a central angle of 05° 32' 23", a chord bearing and distance of South 18° 57' 47" West – 66.32 feet, a radius of 686.20 feet, and an arc distance of 66.35 feet to a 5/8-inch iron rod with cap stamped "IDS" set at the end of said curve;

South 21° 45' 17" West – 13.71 feet to a 5/8-inch iron rod with cap stamped "IDS" set at the beginning of a curve to the left;

in a southwesterly direction and with said curve to the left, having a central angle of 05° 25' 00", a chord bearing and distance of South 19° 01' 30" West – 70.52 feet, a radius of 746.20 feet, and an arc distance of 70.54 feet to a 5/8-inch iron rod with cap stamped "IDS" set at the end of said curve, said point being the northeast corner of the 1.463 acre tract of land described in deed from Parkside 59/288, Ltd. to Global New Millennium Partners, Ltd. recorded under Document Number 2013-023897, in the Official Public Records of Brazoria County, Texas;

THENCE South 86° 40' 14" West – 289.01 feet, departing said west right-of-way line and with the north line of said 1.463 acre tract, to a 5/8-inch iron rod with cap stamped "IDS" set for the northwest corner of said 1.463 acre tract and being on the east line of Lot 1, (Tract C-3) (1.79 acres) described in the deed from Parkside 59/288, Ltd. to Uniq J Investments, LLC, recorded under Document Number 2014-015442 in the Official Public Records of Brazoria County, Texas;

THENCE North 03° 19' 46" West – 15.00 feet, with the line common to said 1.463 acre tract and said 1.79 acre tract, to a 5/8-inch iron rod with cap stamped "IDS" set for the northeast corner of said 1.79 acre tract;

THENCE South 86° 40' 14" West – 284.42 feet, with the north line of said 1.79 acre tract, to a 5/8-inch iron rod with cap stamped "IDS" found for the northwest corner of said 1.79 acre tract, being on the east line of said 6.326 acre tract;

THENCE North 03° 18' 22" West – 1313.31 feet, with the east line of said 6.326 acre tract, to a 5/8-inch iron rod with cap stamped "IDS" found for the northeast corner of said 6.326 acre tract;

THENCE South 86° 42' 39" West – 116.00 feet, with a northerly line of said 6.326 acre tract, to a 5/8-inch iron rod with cap stamped "IDS" found for an interior northerly corner of said 6.326 acre tract;

THENCE North 03° 18' 22" West – 5.00 feet to the **POINT OF BEGINNING** of the herein described tract and containing 19.648 acres (855,855 square feet) of land.

PART 2:

BEGINNING at a 5/8-inch iron rod found for the northeast corner of said 9.990 acre tract and the southeast corner of a 2.515 acre tract described in deed from DXB Richmond, Inc. to Gold Star Development recorded under Document Number 2008-031966 in the Official Public Records of Brazoria County, Texas, being on the west right-of-way line of State Highway 288 (width varies) as described in Volume 1041, Page 460, Volume 1041, Page 888 and Volume 1052, Page 159, and on the line common to said Lots 48 and 49;

THENCE South 03° 14' 03" East – 877.69 feet, with the line common to said 9.990 acre tract and said west right-of-way line, to a 5/8-inch iron rod with cap stamped "LJA ENG" found for an angle point;

THENCE South 30° 49' 10" West – 82.81 feet, continuing with said common line, to a 5/8-inch iron rod with cap stamped "IDS" set for an angle point;

THENCE South 64° 55' 07" West – 381.06 feet, continuing with said common line, to a 5/8-inch iron rod with cap stamped "IDS" set for an angle point;

THENCE South 86° 45' 24" West – 30.02 feet, continuing with said common line, to the southwest corner of the herein described tract, same being the intersection of said west right-of-way line and the east right-of-way line of County Road 566 (width varies) as recorded in Volume 2, Page 98 of the Brazoria County Plat Records, Volume 133, Page 126, Volume 881, Page 230, Volume 881, Page 232, Volume 1035, Page 636 and Volume 1035, Page 642 of the Brazoria County Deed Records;

THENCE North 03° 17' 17" West – 371.60 feet, departing said common line and with the west line of said 9.990 acre tract and the east right-of-way line of said Business Center Drive (County Road 566)(width varies) to a 5/8-inch iron rod with cap stamped "IDS" set at the beginning of a non-tangent curve to the left;

THENCE in a northeasterly direction and with said curve to the left, having a central angle of 12° 36' 35", a chord bearing and distance of North 03° 02' 17" East – 186.69 feet, a radius of 850.00 feet, and an arc distance of 187.07 feet to a 5/8-inch iron rod with cap stamped "IDS" set for the end of said curve;

THENCE North 03° 16' 00" West – 531.11 feet, with the east right-of-way line of said Business Center Drive (100 feet wide at this point) to a 5/8-inch iron rod with cap stamped "IDS" set for the northwest corner for the herein described tract, being on the north line of said 9.990 acre tract, the south line of said 2.515 acre tract, and the said line common to Lots 48 and 49;

THENCE North 86° 47' 22" East – 410.34 feet, with the line common to said 2.515 acre tract and 9.990 acre tract and said common lot line, to the **POINT OF BEGINNING** of the herein described tract and containing 9.683 acres (421,801 square feet) of land.

Prepared by:
IDS Engineering Group
Job No. 2024-001-00-521

January 31, 2014
Revised July 23, 2014

Douglas W. Turner
Registered Professional Land Surveyor
Texas Registration Number 3988

STATE OF TEXAS
REGISTERED
DOUGLAS W. TURNER
3988
PROFESSIONAL
LAND SURVEYOR

V:\JOBS\2000s\2024-001-00 Pearland Business Park\Task 522 LTS Update-July 2014\Work In Progress\2024-001-00-521 PBP 19.648 Ac.docx

KERRY R. GILBERT & ASSOCIATES, INC.

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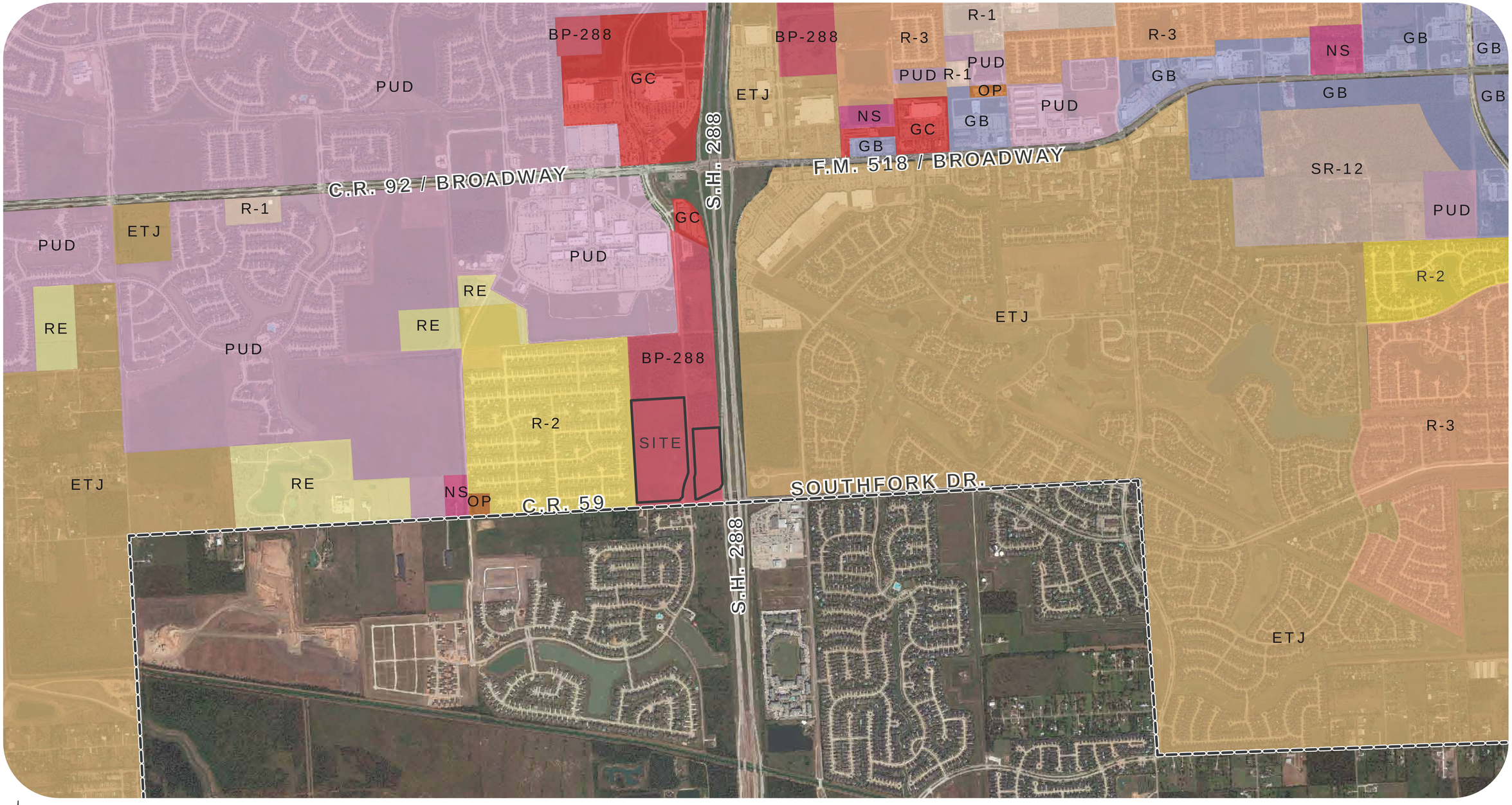

EXHIBIT

C

current zoning map

N

THIS DRAWING IS A PICTORIAL REPRESENTATION FOR PRESENTATION PURPOSES ONLY AND IS SUBJECT TO CHANGE. FURTHER, SAID DRAWING IS A SCANNED IMAGE ONLY AND IS NOT FOR COMPUTATION OR CONSTRUCTION PURPOSES. THIS DRAWING MAY OR MAY NOT INCORPORATE INFORMATION AND/OR DATA PROVIDED TO KERRY R. GILBERT & ASSOCIATES, INC. BY OTHER CONSULTANTS RELATIVE TO ENGINEERING AND DRAINAGE, FLOOD PLAINS AND ENVIRONMENTAL ISSUES AND SHOULD NOT BE RELIED UPON FOR ANY PURPOSE. NO WARRANTIES, EXPRESS OR IMPLIED, CONCERNING THE ACTUAL DESIGN, LOCATION, AND CHARACTER OF THE FACILITES SHOWN ON THIS MAP ARE INTENDED. ADDITIONALLY, NO WARRANTY IS MADE TO THE ACCURACY OF THE INFORMATION CONTAINED HEREIN.

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a zoning map for

BUSINESS CENTER PD

± 38.9 ACRES OF LAND

prepared for

PARKSIDE 59/288, LTD.

KERRY R. GILBERT & ASSOCIATES, INC.
Land Planning Consultants
23501 Cinco Ranch Blvd.
Suite A-250
Katy, Texas 77494
(281) 579-0340
Fax (281) 579-8212

NOT TO SCALE

JUNE 15, 2012
KGA #I-175A

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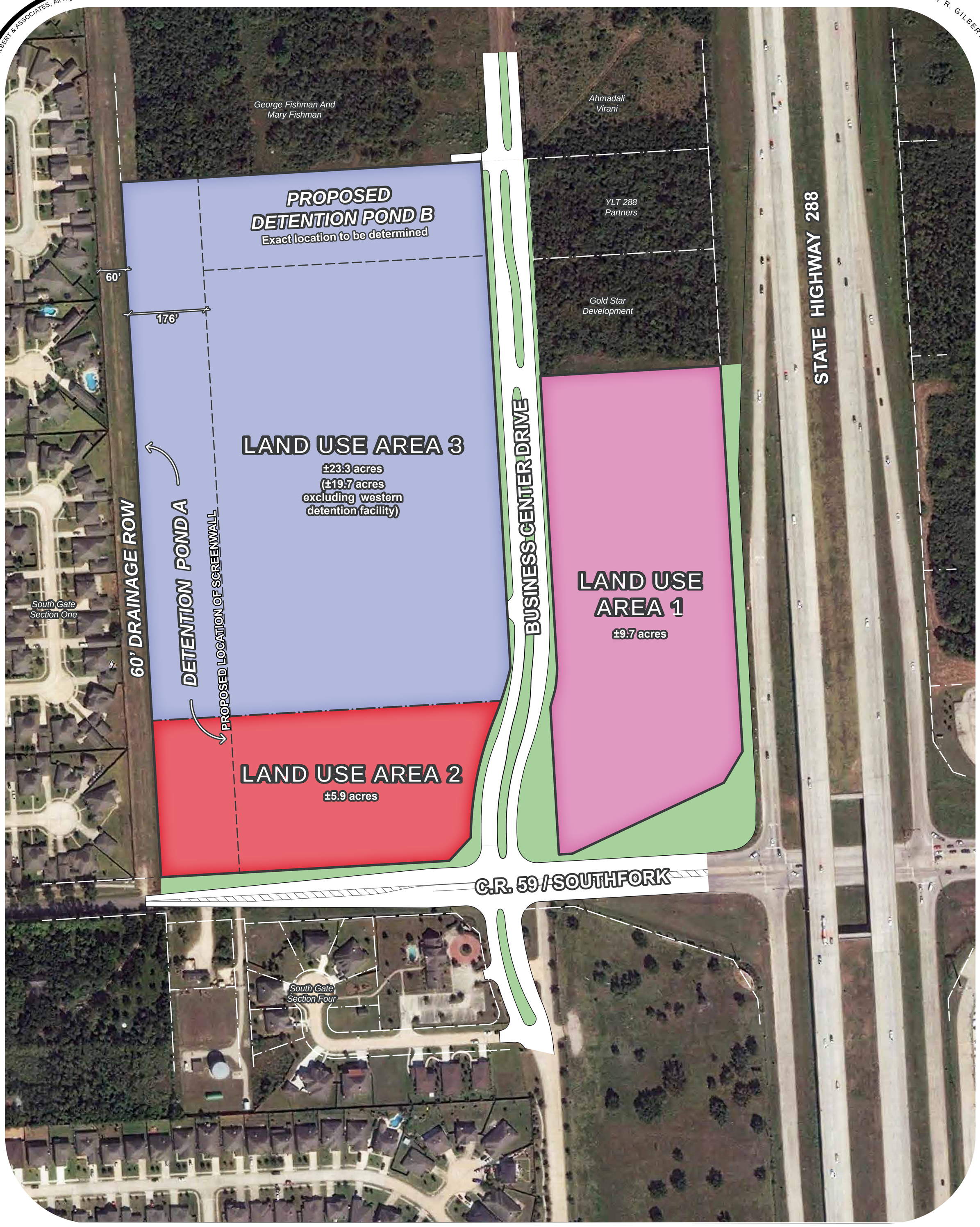

N

EXHIBIT D

land use areas

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a land use area exhibit for

BUSINESS CENTER PD

± 38.9 ACRES OF LAND

prepared for

PARKSIDE 59/288, LTD.

BGE | KERRY R. GILBERT & ASSOCIATES
Land Planning Consultants
23501 Cinco Ranch Blvd.
Suite A-250
Katy, Texas 77494
(281) 579-0340
Fax (281) 579-8212

SCALE
0 50 100 200

AUGUST 12, 2014
KGA #I-175A

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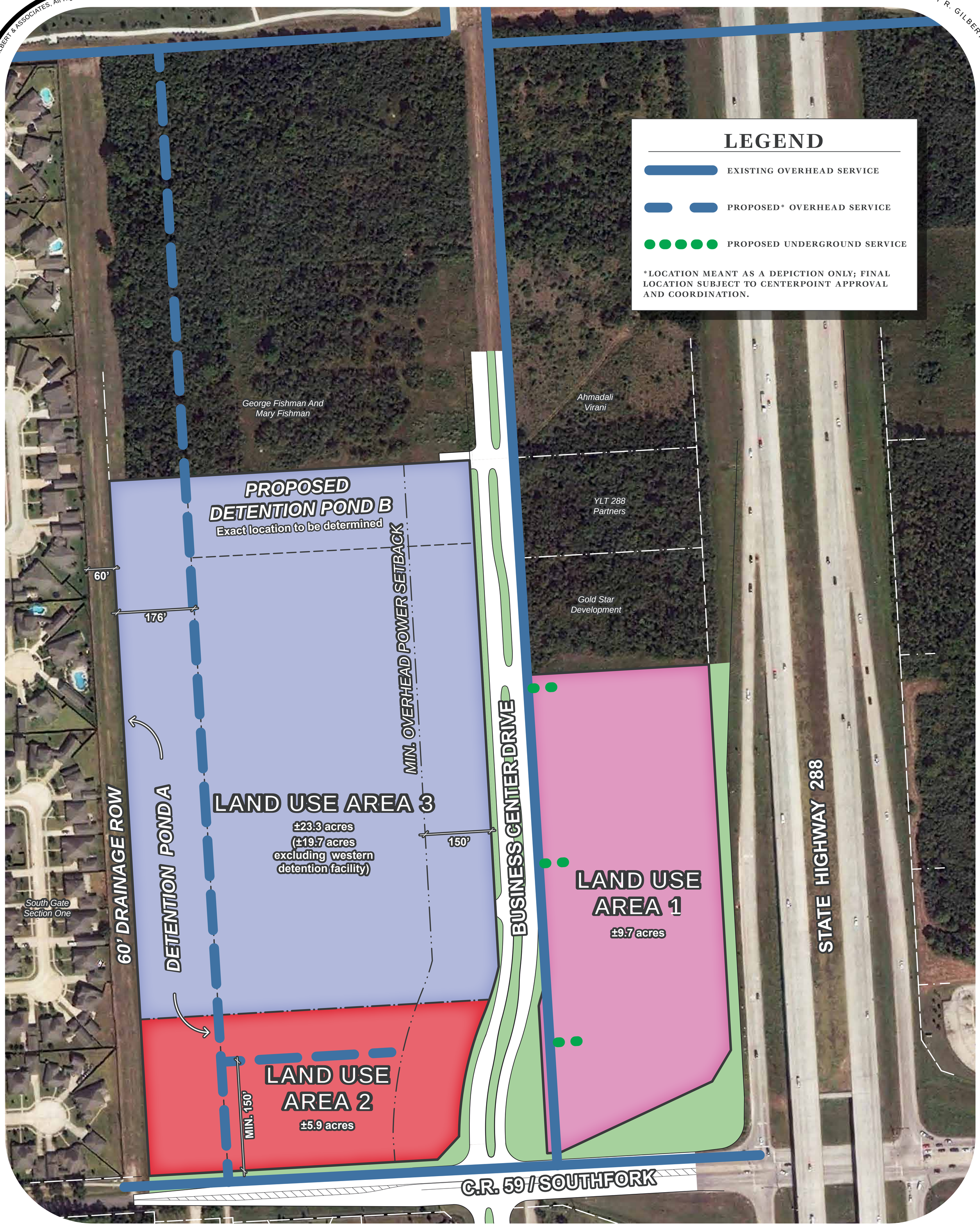

NOTE: All transformers and similar equipment need to be ground mounted, and not pole mounted, for any connection to or extension from existing overhead lines along Business Center Drive. It should be noted, however, that underground service may require a terminal pole to initiate service. This provision shall include the 150' setback for above ground power along Business Center right-of-way. Additionally, ground mounted transformers or similar equipment shall be screened per UDC Section 4.2.4.1 (d), General Screening.

N

EXHIBIT E

power line locations

a power line exhibit for

BUSINESS CENTER PD

± 38.9 ACRES OF LAND

prepared for

PARKSIDE 59/288, LTD.

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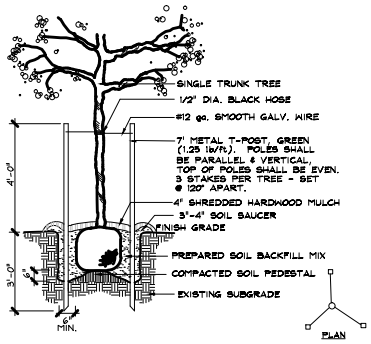
SCALE
0 50 100 200

AUGUST 12 2014
KGA #I-175A

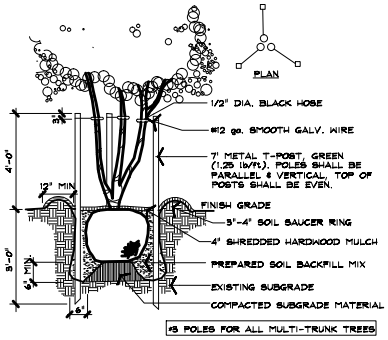
BGE | KERRY R. GILBERT & ASSOCIATES

PLANT LIST

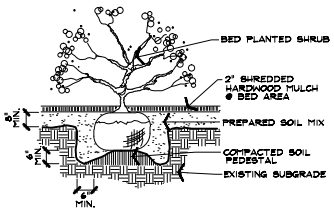
BOTANICAL NAME	COMMON NAME	SIZE	CONDITION	REMARKS
Quercus shumardii	Red Oak	65 Gal.	Container	12'-14' Ht., 5'-6' sprd., full, straight trunk
Quercus virginiana	Live Oak	65 Gal.	Container	12'-14' Ht., 5'-6' sprd., full, straight trunk
Myrica cerifera	Tree Form Waxmyrtle	30 Gal.	Container	Multi-trunk, 7'-8' Ht., 5'-6' sprd., 3 to 5 canes, full
Myrica cerrifera	Waxmyrtle (shrub-form)	15 Gal.	Container	Full Pot, 2'-3' sprd., 4'-5' ht., 6' O.C.



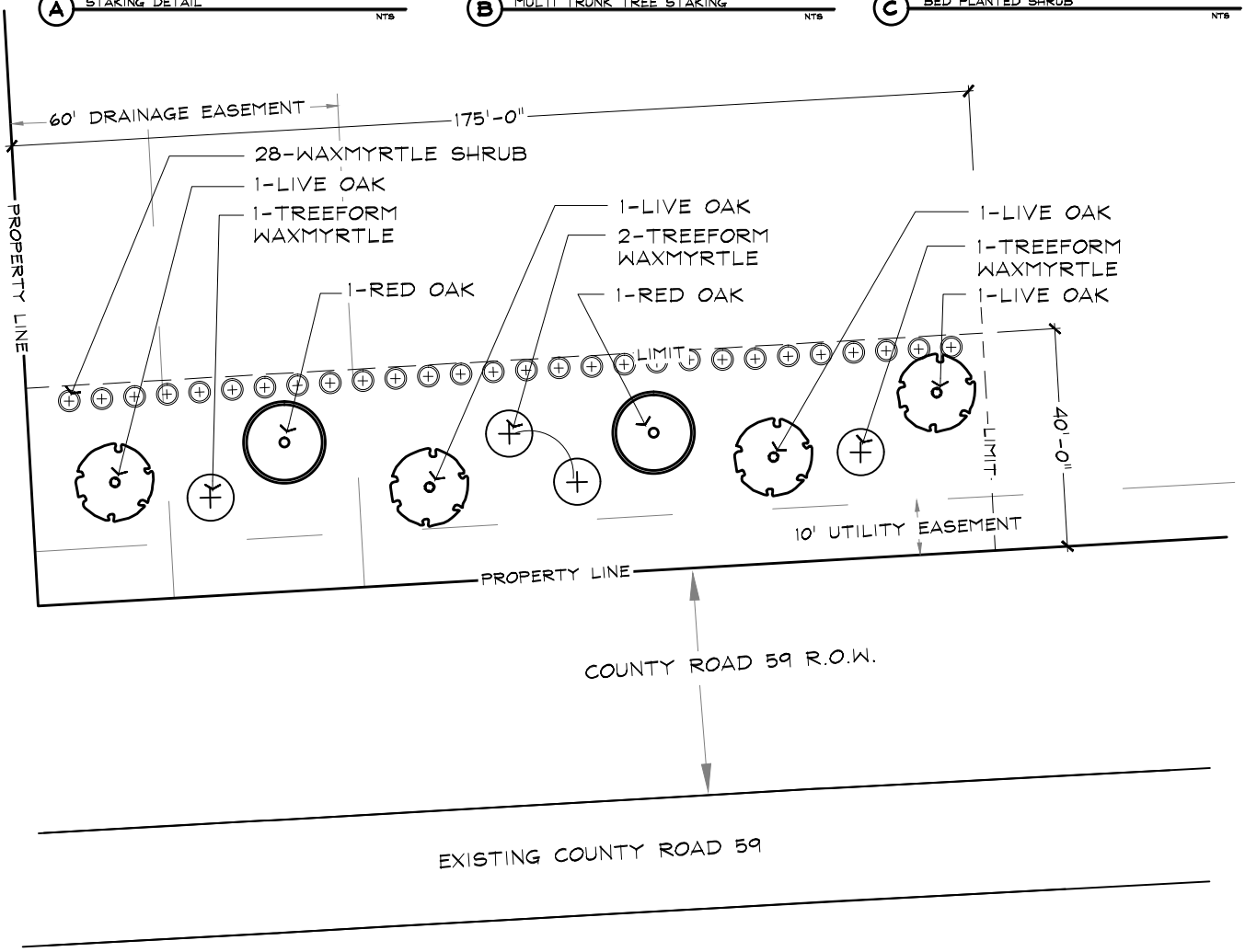
A STAKING DETAIL NTS



B MULTI TRUNK TREE STAKING NTS



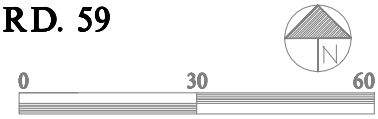
C BED PLANTED SHRUB NTS



BUSINESS CENTER PD

EXHIBIT F

LANDSCAPE AND SCREENING AREA, BETWEEN CO. RD. 59 AND DETENTION BASIN



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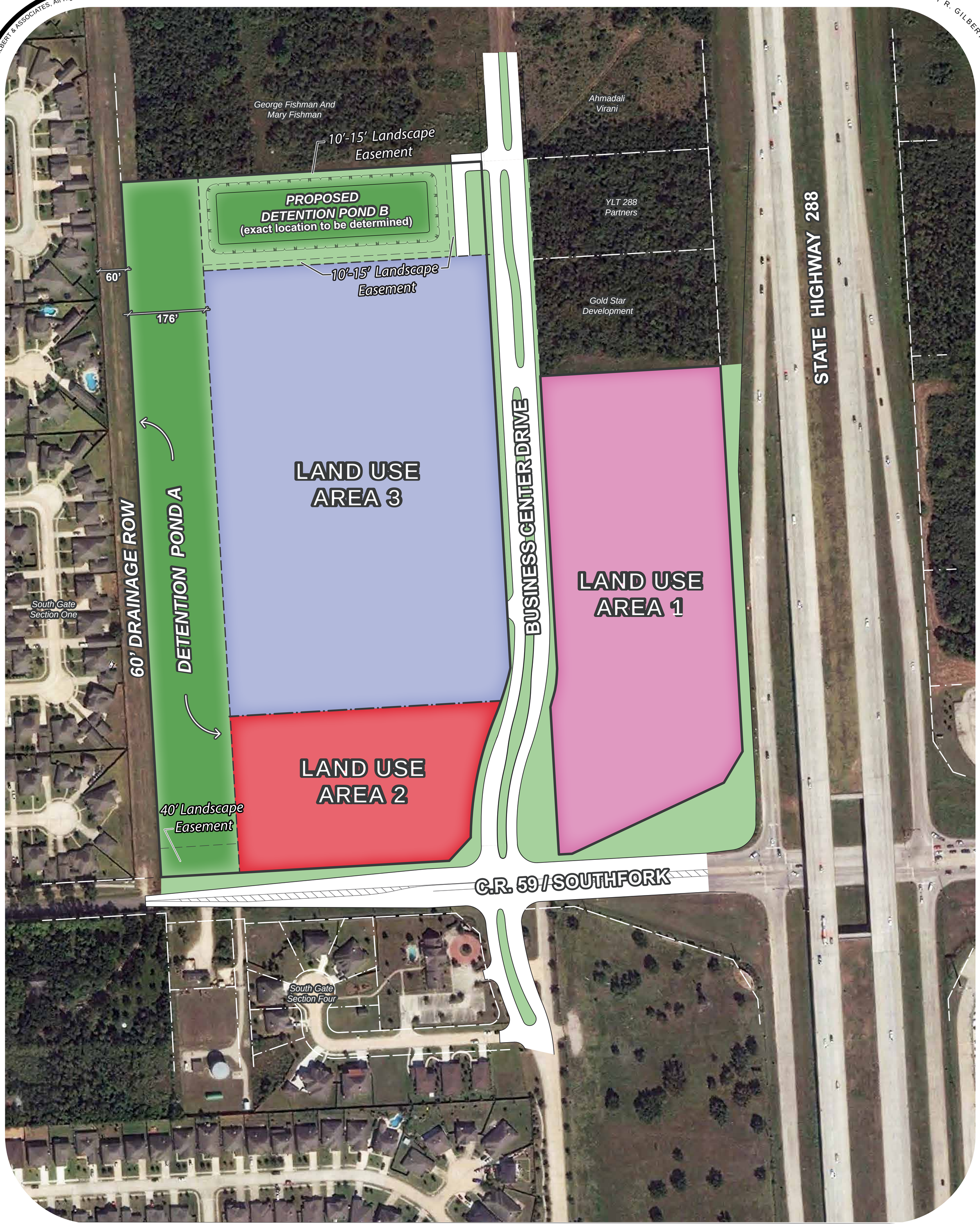

N

Detention Facility

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a detention exhibit for

BUSINESS CENTER PD

± 38.9 ACRES OF LAND

prepared for

PARKSIDE 59/288, LTD.

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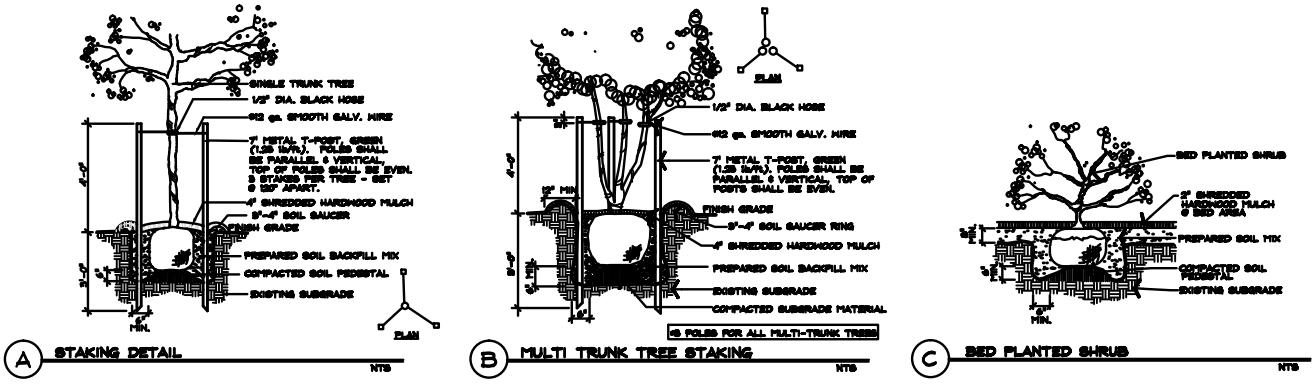
Katy, Texas 77494
(281) 579-0340
Fax (281) 579-8212

SCALE
0 50 100 200

AUGUST 12, 2014
KGA #I-175A

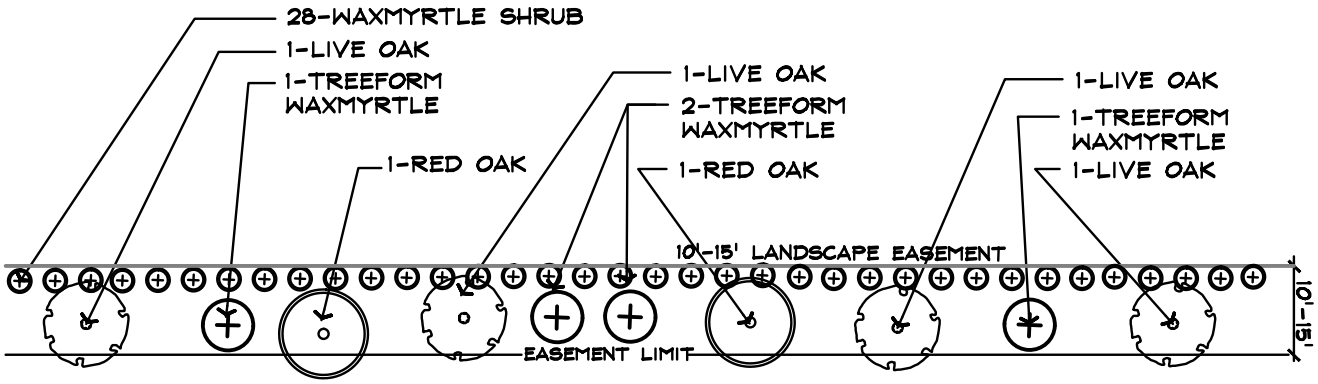
PLANT LIST

BOTANICAL NAME	COMMON NAME	SIZE	CONDITION	REMARKS
Quercus shumardii	Red Oak	65 Gal.	Container	12'-14' Ht., 5'-6' sprd., full, straight trunk
Quercus virginiana	Live Oak	65 Gal.	Container	12'-14' Ht., 5'-6' sprd., full, straight trunk
Myrica cerifera	Tree Form Waxmyrtle	30 Gal.	Container	Multi-trunk, 7'-8' Ht., 5'-6' sprd., 3 to 5 canes, full
Myrica cerrifera	Waxmyrtle (shrub-form)	15 Gal.	Container	Full Pot, 2'-3' sprd., 4'-5' Ht., 6' O.C.



SCREENING TREES SHALL BE A MINIMUM OF THREE (3) INCHES IN CALIBER .

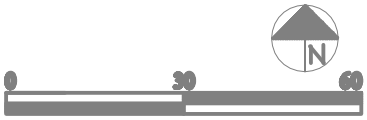
SCREENING SHRUBS SHALL BE A MINIMUM OF THREE (3) FEET IN HEIGHT AND PLANTED A MINIMUM OF THREE (3) FEET ON CENTER.



BUSINESS CENTER PD

EXHIBIT H

TYPICAL LANDSCAPE AND SCREENING ALONG DETENTION POND B



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Architectural metal panels (rib or textured) are consdered an acceptable exterior material for a non-residential structures over 100,000 square feet in size that is used as a Retail Superstore. Permitted materials include, but are not limited to, those shown below.

EXHIBIT J

Material Examples

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an exhibit for

BUSINESS CENTER PD

± 38.9 ACRES OF LAND

prepared for

PARKSIDE 59/288, LTD.

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Katy, Texas 77494
(281) 579-0340
Fax (281) 579-8212

SEPTEMBER 16, 2014
KGA #I-175A

Exhibit B
Legal Description

Being 29.331 acres of land located in the H.T. & B.R.R. Company Survey, Section 81, Abstract Number 300, Brazoria County, Texas, being a portion of Lots 38, 39, 40, 49 and 50 of the Allison Richey Gulf Coast Home Company's Part of Suburban Gardens, a subdivision of record in Volume 2, Page 98 of the Brazoria County Plat Records, being a portion of Business Center Planned Development Tract C-4, the plat thereof recorded under Document Number 2013-033688 in the Official Public Records of Brazoria County Texas, further being the residue of a 30.583 acre tract (Part One) and the residue of a 9.990 acre tract (Part Two) described in the deed from Compass Bank to Parkside 59/288 LTD. Recorded under Document No. 2011012491, in the Official Public Records of Brazoria County, Texas.

Exhibit C
Vicinity and Zoning Map

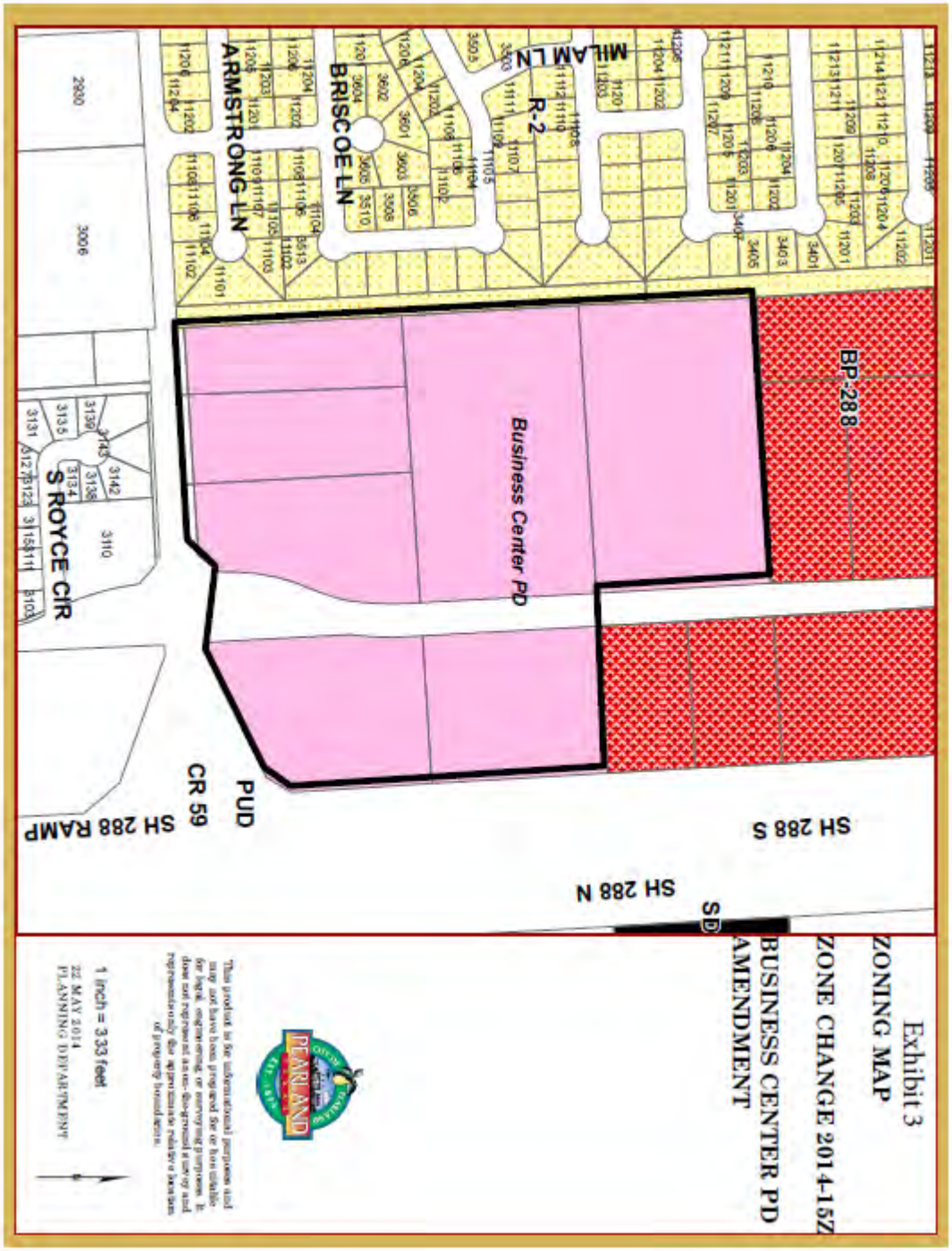

Exhibit D
Legal Ad

NOTICE OF A JOINT PUBLIC HEARING OF THE CITY COUNCIL

AND

THE PLANNING AND ZONING COMMISSION

OF THE CITY OF PEARLAND, TEXAS

ZONE CHANGE APPLICATION NUMBER: 2014-15Z

Notice is hereby given that on September 15, 2014 at 6:30 p.m., the City Council and Planning and Zoning Commission of the City of Pearland, in Brazoria, Harris and Fort Bend Counties, Texas, will conduct a joint public hearing in the Council Chambers of City Hall, located at 3519 Liberty Drive, Pearland, Texas, at the request of BGE Kerry R. Gilbert and Associates, applicant; on behalf of Parkside 59/288 LTD, owner; for approval of an amendment to the Business Center PD; on approximately 29.331 acres of land, to wit:

Being 29.331 acres of land located in the H.T. & B.R.R. Company Survey, Section 81, Abstract Number 300, Brazoria County, Texas, being a portion of Lots 38, 39, 40, 49 and 50 of the Allison Richey Gulf Coast Home Company's Part of Suburban Gardens, a subdivision of record in Volume 2, Page 98 of the Brazoria County Plat Records, being a portion of Business Center Planned Development Tract C-4, the plat thereof recorded under Document Number 2013-033688 in the Official Public Records of Brazoria County Texas, further being the residue of a 30.583 acre tract (Part One) and the residue of a 9.990 acre tract (Part Two) described in the deed from Compass Bank to Parkside 59/288 LTD. Recorded under Document No. 2011012491, in the Official Public Records of Brazoria County, Texas.

General Location: Northwest corner of County Road 59 and State Highway 288

At said hearing, all interested parties shall have the right and opportunity to appear and be heard on the subject. For additional information, please contact the Planning Department at 281-652-1765.

Johnna Matthews
City Planner

Exhibit E
Planning and Zoning Commission Recommendation Letter

Planning & Zoning Commission

September 16, 2014

Honorable Mayor and City Council Members
3519 Liberty Drive
Pearland, TX 77581

Re: Recommendation on Zone Change Application No. 2014-15Z, Business Center Planned Development (PD) Amendment

Honorable Mayor and City Council Members:

At their meeting on September 15, 2014, the Planning and Zoning Commission considered the following:

> A request of BGE Kerry R. Gilbert and Associates, applicant; on behalf of Parkside 59/288 LTD, owner; for approval of an amendment to the Business Center PD; on approximately 29.331 acres of land, to wit:
> **Legal Description:** Being 29.331 acres of land located in the H.T. & B.R.R. Company Survey, Section 81, Abstract Number 300, Brazoria County, Texas, being a portion of Lots 38, 39, 40, 49 and 50 of the Allison Richey Gulf Coast Home Company's Part of Suburban Gardens, a subdivision of record in Volume 2, Page 98 of the Brazoria County Plat Records, being a portion of Business Center Planned Development Tract C-4, the plat thereof recorded under Document Number 2013-033688 in the Official Public Records of Brazoria County Texas, further being the residue of a 30.583 acre tract (Part One) and the residue of a 9.990 acre tract (Part Two) described in the deed from Compass Bank to Parkside 59/288 LTD. Recorded under Document No. 2011012491, in the Official Public Records of Brazoria County, Texas.
>
> **General Location**: Northwest corner of County Road 59 and State Highway 288 Pearland, TX

Commissioner Elizabeth McLane made a motion to approve the zone change request,

known as the Business Center PD, regarding the allowable uses and design standards for Land Use Areas a and 3; with conditions. The motion was seconded by Commissioner Daniel Tunstall. The motion passed 6/0.

The following conditions must be addressed prior to the First Reading of the Ordinance before City Council:

1. Incorporate graphics and images showing the facades of the proposed changes to façade materials.
2. Spacing of shrubs included in the landscaped buffer.
3. Provide for screening of the proposed Detention Pond B, along the north property line.

Sincerely,

Johnna Matthews

City Planner
On behalf of the Planning and Zoning Commission

JOINT PUBLIC HEARING
THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS,
MONDAY, SEPTEMBER 15, 2014 AT 6:30 P.M.
COUNCIL CHAMBERS - CITY HALL-3519 LIBERTY DRIVE

I. CALL TO ORDER

II. PURPOSE OF HEARING

Zone Change Application No. 2014-15Z

A request of BGE Kerry R. Gilbert and Associates, applicant; on behalf of Parkside 59/288 LTD, owner; for approval of an amendment to the Business Center PD; on approximately 29.331 acres of land, to wit:

Legal Description: Being 29.331 acres of land located in the H.T. & B.R.R. Company Survey, Section 81, Abstract Number 300, Brazoria County, Texas, being a portion of Lots 38, 39, 40, 49 and 50 of the Allison Richey Gulf Coast Home Company's Part of Suburban Gardens, a subdivision of record in Volume 2, Page 98 of the Brazoria County Plat Records, being a portion of Business Center Planned Development Tract C-4, the plat thereof recorded under Document Number 2013-033688 in the Official Public Records of Brazoria County Texas, further being the residue of a 30.583 acre tract (Part One) and the residue of a 9.990 acre tract (Part Two) described in the deed from Compass Bank to Parkside 59/288 LTD. Recorded under Document No. 2011012491, in the Official Public Records of Brazoria County, Texas.

General Location: Northwest corner of County Road 59 and State Highway 288 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: September 15, 2014

Re: Zone Change Application Number 2014-15Z

A request of BGE Kerry R. Gilbert and Associates, applicant; on behalf of Parkside 59/288 LTD, owner; for approval of an amendment to the Business Center PD; on approximately 29.331 acres of land

Proposal

The Business Center Planned Development (PD) includes approximately 38.909 acres of land located at the northwest corner of County Road 59 and State Highway 288; and on the east and west sides of Business Center Drive. Currently the PD allows for a mix of non-residential uses.

The applicant proposes to amend the PD to allow minor modifications in the allowable land uses and acreages for various uses, including the addition of a Retail Supercenter. Changes are also proposed to the design standards, including exterior façade materials and colors; screening of service access and service areas; and screening of detention facilities.

The amendment will result in 5 changes that are discussed in detail in the attached Staff Report.

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 Business Center 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 proposed amendment to the Business Center PD, as identified above, and in detail within the attached Staff Report, identified as Exhibit 1; for the following reasons:

1. The amended PD should not cause any adverse impacts to existing or future developments. With the exception of properties to the west and south, all other adjacent properties are either zoned for non-residential uses, are developed with non-residential uses or continue to remain undeveloped. The property to the west is developed with a single family subdivision; however is separated from the subject property via a 176-foot detention pond (Detention Pond A) and a 60-foot drainage easement, for a total of 236-foot separation, which will provide a sufficient buffer between the non-residential PD and the existing single family subdivision. Additionally, a 6-foot tall masonry or pre-cast wall; or a 30-foot wide vegetative buffer will be constructed along the eastern boundary of the detention facility to enhance the screening between uses. Further north of the subject property is the Pearland Town Center, which is developed with a mix of various uses, including residential, restaurants, retail, and office uses.

2. The PD was approved as a non-residential PD and continues to remain as such. The non-residential nature of the PD is consistent with intent of the original PD; to provide commercial developments, including retail, office, hotel/motel uses, with its close proximity to State Highway 288, and fronting on two secondary thoroughfares; County Road 59, and Business Center Drive.

3. The PD continues to meet the intent of BP-288; the overlay zoning district, to provide high quality non-residential developments along State Highway 288.

4. The Business Center PD conforms with and meets the intent of the Business Park future land use designation of the Comprehensive Plan. The location of the property, at the intersection of a state highway, lends itself for a mix of non-residential uses, as indicated by the Comprehensive Plan.

   Staff recommends that the following is addressed in the PD prior to first reading:

   1. Incorporate graphics and images showing the facades of the proposed changes to façade materials.

   2. Spacing of shrubs included in the landscaped buffer.

   3. Provide for screening of the proposed Detention Pond B, along the north property line.

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. Existing PD Document

Exhibit 1
Staff Report

Summary of Request

The Business Center Planned Development (PD) includes approximately 38.909 acres and was originally approved on November 26, 2012 to allow for a mix of non-residential uses, authorized by the PD in specific locations, as well as all uses permitted or conditionally permitted within the Business Park -288 (BP-288) zoning district, as indicated within the Land Use Matrix of the Unified Development Code (UDC). The PD is separated into three (3) areas, Land Use Areas 1, 2 and 3. Each Land Use Area has distinct uses, maximum acreages and design standards that apply. The PD allows for the acreage to shift within each Land Use Area up to 15% to allow for flexibility in land uses.

The proposed amendment will result in the following 5 changes:

1. a change in the allowable uses and maximum acreages associated with the permitted uses identified in Section II, Table 1 (Land Use Area Table) for Land Use Areas 1 and 3;
2. a change in the "Design Elements" of the above referenced table for Land Use Area 3;
3. an amendment to Section III (Design Standards) for Land Use Area 3;
4. addition of an additional dry detention pond (Proposed Detention Pond B), to Land Use Area 3, as identified and illustrated in Exhibit D; and
5. revision to Section B (Specific List of Deviations) to include deviations proposed with this amendment.

Details of the above 5 changes are described in detail below:

Amendment 1: Section II (Zoning and Land Uses), Table 1 (Land Use Area Table); found on page 4 of the redlined version of the Business Center PD identifies the types of uses, maximum acreage, as well as Design Elements for each of the 3 Land Use

Areas. The applicant proposes to amend the land uses and acreages for Land Use Areas 1 and 3. As part of this amendment, a "Retail Superstore" is being added and defined as "an establishment that sells a variety of goods and services arranged into multiple departments. These departments may include, but are not limited to, consumable foods, prepared foods, pharmacy, electronics, etc."

The table below illustrates the existing permitted uses and maximum acreages for Land Use Areas 1, 2 and 3; as well as the proposed amendments and/or additions for Land Use Areas 1 and 3. No changes are proposed for Land Use Area 2.

Column 1 indicates each land area and the maximum acreage allowed within the land area; Column 2 includes the existing requirements, and Column 3 indicates the proposed amendment. Any changes, additions, deletions, etc., are highlighted in red font.

Land Use Area	**Existing Permitted Uses/Max Acreage**	**Proposed Amendment**
1 +/- 9.7 acres	• Restaurant (Drive-thru): 9.7 acres • Restaurant (Dine-in): 9.7 acres • Hotel/Motel/Extended Stay: 6 acres • Gas/Convenience Store: 3 acres • Auto Repair (minor): 5 acres • Auto Wash (full service/detail): 5 acres • Auto Wash (self-service): 5 acres • Laundry/Dry Cleaning: 2 acres • Garden/Nursery Store: 8 acres • Shopping Center: 8 acres	• Restaurant (Drive-thru): 9.7 acres • Restaurant (Dine-in): 9.7 acres • Hotel/Motel/Extended Stay: 6 acres • ~~Gas/Convenience Store: 3 acres~~ • Auto Repair (minor): 5 acres • Auto Wash (full service/detail): 5 acres • Auto Wash (self-service): 5 acres • Laundry/Dry Cleaning: 2 acres • Garden/Nursery Store: 8 acres • Shopping Center: 8 acres • Pharmacy: 4 acres
2 +/- 5.9 acres	• Restaurant (Drive-thru): 5.8 acres; • Restaurant (Dine-in): 5.8 acres; • Gas/Convenience Store: 3 acres • Auto Wash (self-service) associated with a gas station only	**NO CHANGE PROPOSED**
3 +/- 23.3 acres	• Nursing/Convalescent Home: 14 acres • Flex/Back Office: 12 acres • Museum: 5 acres • Bio-tech, High-tech Manufacturing: 10 acres • Shopping Center: 12 acres	• Nursing/Convalescent Home: ~~14~~ 4 acres • Flex/Back Office: 12 acres • Museum: 5 acres • ~~Bio-tech, High-tech Manufacturing: 10 acres~~ • Shopping Center: 12 acres

		• Gas/Convenience Store: 3 acres • Auto Wash (self-service): 3 acres • Retail Superstore: 17 acres • Additional uses permitted in association with a Retail Superstore (inside of the primary structure housing the Retail Superstore): Pharmacy; Liquor Sales, as permitted by TABC; Photo Processing; Food Preparation Services (Butcher, Deli, Bakery, etc.); Optometry Services; General Food and Retail Sales

Amendment 2: The applicant proposes to amend the "Design Elements" for Land Use Area 3, identified in the Land Use Table on page 4 of the redlined version of the Business Center PD.

The below table illustrates the Land Use Area in Column 1, the existing requirement in Column 2 and the proposed amendment in Column 3 is indicated in red font for new language and a red-strike-through for language that is proposed to be deleted. It is important to note that no changes in the Design Elements are proposed for Land Use Areas 1 and 2.

Land Use Area	Existing Requirement	Proposed Amendment
3	• Shared Driveways • Nursing/Convalescent Home as defined by the UDC. The Design of the complex will incorporate interior hallways. • Businesses to be oriented towards Business Center Drive or if designed with a motor court, businesses can be oriented to another business. • Orientation of overhead doors and service bay doors shall not face Business Center Drive • Flex/Back Office and Bio-tech, High-tech Manufacturing to be 1-story industrial product with	• Shared Driveways • Nursing/Convalescent Home as defined by the UDC. The Design of the complex will incorporate interior hallways. • Businesses to be oriented towards Business Center Drive or if designed with a motor court, businesses can be oriented to another business. • Orientation of overhead doors and service bay doors shall not face Business Center Drive except when a building is over 100,000 square feet, and used as a Retail Superstore.

	tilt wall or similar concrete construction that can accommodate 25% to 100% office use; dock high doors shall not face Business Center Drive.	• Flex/Back Office and ~~Bio-tech, High-tech Manufacturing~~ to be 1-story industrial product with tilt wall or similar concrete construction that can accommodate 25% to 100% office use; dock high doors Loading bays and similar activities, including, but not limited to, overhead doors, rolling shutters, garage doors, bay doors and dock doors of any structure, shall not face Business Center Drive. • The proposed detention facility (Detention Pond B) along the north property line, may be adjusted within the boundary of LUA 3.

Amendment 3: The applicant proposes to amend Section III (Design Standards) of the PD for Land Use Area 3.

The below table illustrates the existing design standards and proposed amendments to Land Use Area 3. No changes are proposed in the Design Standards for Land Use Area 1 or 2. Column 1 includes the Design Standard, Column 2 indicates the existing requirement and Column 3 indicates the amendment with the addition of any proposed language in red font and a red-strike-through for language that is proposed to be deleted.

Design Standard	Existing Requirement	Proposed Amendment
Exterior Materials and Colors	No more than 3 dominant materials should be used on a building exterior. Acceptable materials are concrete, tilt wall concrete, concrete block, glass, glass block, brick, split face concrete block, stone, stucco and trade designs as permitted in Sec. 2.6.2.1…	No more than 3 dominant materials should be used on a building exterior. Acceptable materials are concrete, tilt wall concrete, concrete block, glass, glass block, brick, split face concrete block, stone, stucco and trade designs as permitted in Sec. 2.6.2.1… Earth tones with limited pastel

	Earth tones with limited pastel alternative as recommended for dominant wall colors for build materials. An accent color may be applied to the trim, fascia boards, door panels or miscellaneous metals. An accent color may be applied to trim, fascia boards, door panels or miscellaneous metals. Accent colors will not exceed more than 20% of the building façade for any side of the building. Prohibited colors include fluorescent, iridescent, or dayglo.	alternative as recommended for dominant wall colors for build materials. An accent color may be applied to the trim, fascia boards, door panels or miscellaneous metals. An accent color may be applied to trim, fascia boards, door panels or miscellaneous metals. Accent colors will not exceed more than 20% of the building façade for any side of the building. Prohibited colors include fluorescent, iridescent, or dayglo. For all non-residential structures 100,000 sf. or greater, and used as a Retail Superstore, acceptable front facades of any building that faces a thoroughfare/ collector may include up to a combined max. of 65% architectural metal panel (rib and/or textured). Side facades of such buildings may include up to a combined max. of 75% architectural metal panel (rib and/or textured).
Bicycle Parking	On and off street parking will be in conformance with the UDC. Bicycle parking will be in conformance with Sec. 2.4.5.1.F (COD)	On and off street parking will be in conformance with the UDC. Bicycle parking will be in conformance with Sec. 2.4.5.1.F (COD). However, within LUA 3, a single building over 100,000 sf. shall provide bicycle storage for a minimum of 2% of the company's employees within a secure space in the buildings receiving area in lieu of the Bicycle Standards
Service Access and	Service drives and service areas shall not interfere	Service drives and service areas shall not interfere

Service Areas	w/parking, driveways or walkways and must be screened from adjoining properties, all public right-of-way and from the office area of any other building which share the site. A service area shall be provided at the rear (side opposite the street) of all buildings.	w/parking, driveways or walkways and must be screened from adjoining properties, all public right-of-way and from the office area of any other building which share the site. A service area shall be provided at the rear (side opposite the street) of all buildings. Within Land Use Area 3, the following standards apply: For non-residential structures 100,000sf/greater, and used as a Retail Superstore, any receiving dock bay or compactor area, must be adequately screened from public view by plant materials within the site perimeter buffers. The min. distance between the property line along Business Center Drive and the doors must be 180 feet. The plant materials used for screening must include evergreen shrubs maintained at 6 feet in height, and parking lot end islands w/evergreen shrubs maintained at 3 feet in height. Canopy trees, evergreen shrubs and a variety of low shrubs, ornamental grasses and ground cover must be included to further enhance the visual buffer.
Screening	Screening will conform to the UDC, except for any exclusions listed within the Deviations Section. The screening for the detention facility will consist of a 6-foot tall masonry or pre-cast masonry wall along the eastern side of the facility,	Screening will conform to the UDC, except for any exclusions listed within the Deviations Section. ~~The screening for the detention facility will consist of a 6-foot tall masonry or pre-cast masonry wall along the eastern side of the facility,~~

	along LUA 2 and 3. The fence will be constructed in conjunction with the building it is screening within LUA 2 and 3.	~~along LUA 2 and 3. The fence will be constructed in conjunction with the building it is screening within LUA 2 and 3.~~ The screening for the existing regional detention facility (Detention Pond A) will consist of screening along the eastern boundary of the detention pond either as: 1. 6-foot tall pre-cast masonry wall 2. Landscape buffer, min. 30.ft. wide. To adequately screen the property from public view, the buffer must be landscaped with evergreen shrubs maintained at a height of 3 feet, canopy trees and a variety of low shrubs, ornamental grasses and ground cover to enhance the visual buffer. Trees shall have a minimum caliber of 3 inches.
Detention Facility	The primary detention for this development will be located along the western boundary of the tract. The detention will provide a buffer between the proposed commercial development and South Gate neighborhood. The detention facility, including the high bank is 176 feet wide. The existing Brazoria Drainage District ditch is 60 feet wide. The combination of these 2 drainage areas provides a single 236 foot wide buffer between the existing residential and proposed commercial. A screen wall 6 feet tall masonry or pre-cast wall will be constructed along the east side of the detention	The primary detention for this development will be located along the western boundary of the tract (Detention Pond A). The detention will provide a buffer between the proposed commercial development and South Gate neighborhood. The detention facility, including the high bank is 176 feet wide. The existing Brazoria Drainage District ditch is 60 feet wide. The combination of these 2 drainage areas provides a single 236 foot wide buffer between the existing residential and proposed commercial. A screen wall 6 feet tall masonry or pre-cast wall will be constructed along the east side of the detention

	facility to enhance the screening between uses. The wall will be constructed as buildings are constructed. Landscape plantings of trees and shrubs will also be incorporated along the frontage of CR 59 to provide a visual screen from the public right-of-way.	facility to enhance the screening between uses. The wall will be constructed as buildings are constructed. Landscape plantings of trees and shrubs will also be incorporated along the frontage of CR 59 to provide a visual screen from the public right-of-way. As an option, a landscape buffer, as described on page 6, Section 10-Screening, may be used in place of the 6-foot wall. An additional dry detention facility (Detention Pond B) will be located on the northern portion of Land Use Area 3 to provide the detention needed for the eastern +/- 9.7 acres (LUA1). A landscape easement no less than 10 feet in width and no greater 15 feet in width will be provided along the southern end of the detention basin and along the eastern edge of the detention basin. This will ensure adequate screening between the detention facility and the commercial property to the south as well as Business Center Drive to the east. Exhibit G-Detention Facility shows the proposed landscaped easements. The landscape buffer will incorporate plantings of trees and shrubs, as shown in Exhibit H. No screening is required between Detention Pond A and Detention Pond B.

Amendment 4: The applicant proposes to add an additional dry detention area to Land Use Area 3, to provide the detention required for the property east of Business Center Drive and identified as Land Use Area 1, within the PD.

Amendment 5: The applicant proposes to amend Section B: Specific List of Deviations as indicated by the below table. The Section of the UDC, as written in the PD is listed in Column 1, the requirement as written in the PD is listed in Column 2 and the proposed amendment is listed in Column 3 in red font for new language and a red-strike-through for language that is proposed to be deleted.

Deviation Section	Existing Requirement	Proposed Amendment
6. Section 2.4.4.3.F	Regional detention facilities are required to be incorporated as an amenity. The regional detention required for this development is better served as a buffer to the single family residential than as a lake amenity for the project. The total width of the detention and drainage area is 236 feet. The distance, coupled with the 6 foot wall provides a sufficient buffer and screen for the residential neighborhood to the west.	~~Regional detention facilities are required to be incorporated as an amenity.~~ The regional detention required for this development is better served as a buffer to the single family residential than as a lake amenity for the project. The total width of the detention and drainage area is 236 feet (Detention Pond A). The distance, coupled with the 6 foot wall provides a sufficient buffer and screen for the residential neighborhood to the west. Detention for the eastern +/- 9.7 acres will also be provided by a dry detention basin (Detention Pond B). The detention will be screened by landscaping along the southern and eastern edge of the basin to create a visual buffer

		from Business Center Drive and the neighboring commercial property to the south. Utilizing this method of detention will allow more efficient development for Land Use Area 1.
7. Section 2.4.5.1.M	Overhead utilities will be utilized west of Business Center Drive. Power will be distributed underground to the property east of Business Center Drive from overhead power located in Business Center Drive. The underground power will be distributed in a manner determined by Centerpoint.	Overhead utilities will be utilized west of Business Center Drive, as indicated within Exhibit E. Power will be distributed underground to the property east of Business Center Drive, but may include above ground terminal poles ~~from overhead power located in Business Center Drive~~. The configuration and engineering of underground power will be determined ~~distributed in a manner determined~~ by Centerpoint.
8. Section 2.4.5.1.f Bicycle Parking	Bicycle parking spaces shall be provided at an amount equal to a minimum of 5% of the required vehicle parking spaces. Bicycle parking shall be conveniently provided for all uses allowed in the OP, NS, BP-288, GB and GC zoning districts. Each required bicycle parking space shall include a means to secure individual bicycles.	Bicycle parking spaces shall be provided at an amount equal to a minimum of 5% of the required vehicle parking spaces. Bicycle parking shall be conveniently provided for all uses allowed in the OP, NS, BP-288, GB and GC zoning districts. Each required bicycle parking space shall include a means to secure individual bicycles.

		Within LUA3, a single building over 100,000 sf., and used as a Retail Superstore, and located 180 feet from the property line shall provide bicycle storage for a minimum of 2% of the company's employees within a secure space in the building's receiving area in lieu of Bicycle Parking Standards.
9. Section 2.4.5.1.d Building Articulation	All non-residential structures 50,000 sf. in size or greater, shall incorporate architectural variation of at least 3 ft. in depth for every 25 ft. (not cumulatively) in vertical or horizontal length.	All non-residential structures 50,000 sf. in size or greater, shall incorporate architectural variation of at least 3 ft. in depth for every 25 ft. (not cumulatively) in vertical or horizontal length. In LUA3, for all non-residential structures over 100,000 sf., and used as a retail superstore, front facades of any building that faces onto a thoroughfare/ collector shall incorporate architectural variation (building mass, offsets, trellises, etc.) of at least 2 feet in depth for 30% of the building length and material variation for every 125 ft. in horizontal length. Side facades of such buildings shall incorporate material variation for every 125 ft. in horizontal length.

As part of the amendment, various exhibits are being added/modified to reflect the above changes. Specifically, Exhibit B-1 is being added and includes a survey and metes and bounds description of Land Use Areas proposed to be amended; Exhibit G (Detention Exhibit) and Exhibit H (Landscape/Screening along Northern Detention Basin) are both being added.

Site History

The subject property was annexed into the city of Pearland in 1996. The Business Center Planned Development (PD) was originally approved on November 26, 2012 to allow for a mix of non-residential uses along State Highway 288 and Business Center Drive, with a base zoning of Business Park District-288 (BP-288) and Corridor Overlay District (COD). To date, one (1) amendment to the PD was approved on October 28, 2013. The 2013 amendment allowed an existing overhead utility line which was relocated due to the construction of Business Center Drive, to remain.

The PD is divided into three (3) areas identified as Land Use Areas 1, 2 and 3. In addition to the uses permitted or conditionally permitted within the BP-288 zoning district located within the Land Use Matrix of the Unified Development Code (UDC), each Land Use Area includes a mix of permitted non-residential uses, maximum acreages, and design standards. Various permitted non-residential uses include restaurants, hotels/motels/extended stay facilities; auto-related uses (gas station, auto repair (minor); retail and museums.

The subject property is mostly undeveloped, however, a building is currently under construction within Land Use Area 2. The site is surrounded by a mix of various uses, including single family subdivisions to the south and west; undeveloped land to the north, and further north is the Pearland Town Center; and undeveloped land to the east. The below table identifies surrounding uses and zoning districts:

	Zoning	**Land Use**
North	Business Park District-288 (BP-288) Pearland Town Center PD	Undeveloped Pearland Town Center
South	City of Manvel	Single Family Subdivision
East	Business Park District-288 Extraterritorial Jurisdiction (ETJ)	Undeveloped
West	Single Family Residential 2 (R2)	Southgate Single Family Subdivision

Conformance with the Thoroughfare Plan

The subject property has frontage on County Road 59 and Business Center Drive; both secondary thoroughfares, which requires 100 feet of right-of-way. Existing right-of-way appears to be of varying widths in some locations along the frontage of the property along both thoroughfares. Additional right-of-way will be assessed and may be required as properties are platted within the development.

Conformance with the Unified Development Code

The Business Center PD was originally approved in 2012 under the Unified Development Code (UDC). The base zoning district for the PD is the Business Park District-288 (BP-288) and the Corridor Overlay District (COD) standards. The purpose of the BP-288 zoning district is to permit large non-residential uses, including retail developments in locations with good visibility and roadway access, provided by State Highway 288.

A PD allows for deviations from the base zoning district. Any standards not specifically identified within the PD or the deviations section of the PD, will revert back to the UDC. At the time of platting or subdivision of the property, the area regulations of the BP-288 zoning district would apply:

BP-288 Area Regulation	**BP-288 Area Regulation**
Minimum Lot Size	1 acre
Minimum Lot Width	150 ft.
Minimum Lot Depth	200 ft.
Minimum Front Yard	25 ft.
Minimum Side Yard	20 ft.
Minimum Rear Yard	20 ft.
Maximum Height	65 ft.

Conformance with the Comprehensive Plan

The subject property is located within the Business Park Future Land Use designation. According to the Comprehensive Plan, the area is generally encompassing of the SH 288 corridor and portions of Beltway 8 nearest SH 288. The Comprehensive Plan recommends a mixed use area developed in coordinated, master-planned,

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. The Business Park PD is in compliance with, and meets the intent of the Business Park Future Land Use designation. The location of the property, at the intersection of a state highway lends itself for a mix of non-residential uses, as indicated by the Comprehensive Plan.

Platting Status

A Development Plat was approved in 2013 for approximately 3.35 acres located within Land Use Area 2. Prior to development of any tract within the PD, platting will be required.

Availability of Utilities

According to GIS records, there is an existing 12 inch water line running along the west side of the property along Business Center Drive and an 8 inch water line along the north side of County Road 59, southern-most property line. There is an existing sewer line that extends from Land Use Area 3, across Business Center Drive to Land Use Area 1. Utilities will be assessed at the time of platting.

Impact on Existing and Future Development

It is not anticipated that the proposed amendment to the Business Center PD will have any significant impact on existing or future developments. With the exception of properties to the west and south, all other adjacent properties are either zoned for non-residential uses, are developed with non-residential uses or continue to remain undeveloped. The property to the west is developed with a single family subdivision; however is separated from the subject property via a 176-foot detention pond (Detention Pond A) and a 60-foot drainage easement, for a total of 236-foot separation, which will provide a sufficient buffer between the non-residential PD and the existing single family subdivision.

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 amendment to the Business Center 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.

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 PD.

Recommendation

Staff recommends approval of the amendment to the Business Center PD, to amend the regulations and permitted uses for Land Use Areas 1 and 3, as identified above, for the following reasons:

1. The amended PD should not cause any adverse impacts to existing or future developments. With the exception of properties to the west and south, all other adjacent properties are either zoned for non-residential uses, are developed with non-residential uses or continue to remain undeveloped. The property to the west is developed with a single family subdivision; however is separated from the subject property via a 176-foot detention pond (Detention Pond A) and a 60-foot drainage easement, for a total of 236-foot separation, which will provide a sufficient buffer between the non-residential PD and the existing single family subdivision. Additionally, a 6-foot tall masonry or pre-cast wall; or a 30-foot wide vegetative buffer will be constructed along the eastern boundary of the detention facility to enhance the screening between uses. Further north of the subject property is the Pearland Town Center, which is developed with a mix of various uses, including residential.

2. The PD was approved as a non-residential PD and continues to remain as such. The non-residential nature of the PD is consistent with intent of the original PD, to provide commercial developments, including retail, office, hotel/motel uses, with its close proximity to State Highway 288, and fronting on County Road 59 and Business Center Drive; two secondary thoroughfares.

3. The PD continues to meet the intent of BP-288; the overlay zoning district, to provide high quality non-residential developments along State Highway 288.

4. The Business Center PD conforms to the intent of the Business Park future land use designation of the Comprehensive Plan. The location of the property, at the intersection of a state highway lends itself for a mix of non-residential uses, as indicated by the Comprehensive Plan.

   Staff recommends that the following be addressed in the PD prior to first reading:

   1. Incorporate graphics and images showing the facades of the proposed changes to façade materials.

   2. Spacing of shrubs included in the landscaped buffer.

3. Provide for screening of the proposed Detention Pond B, along the north property line.

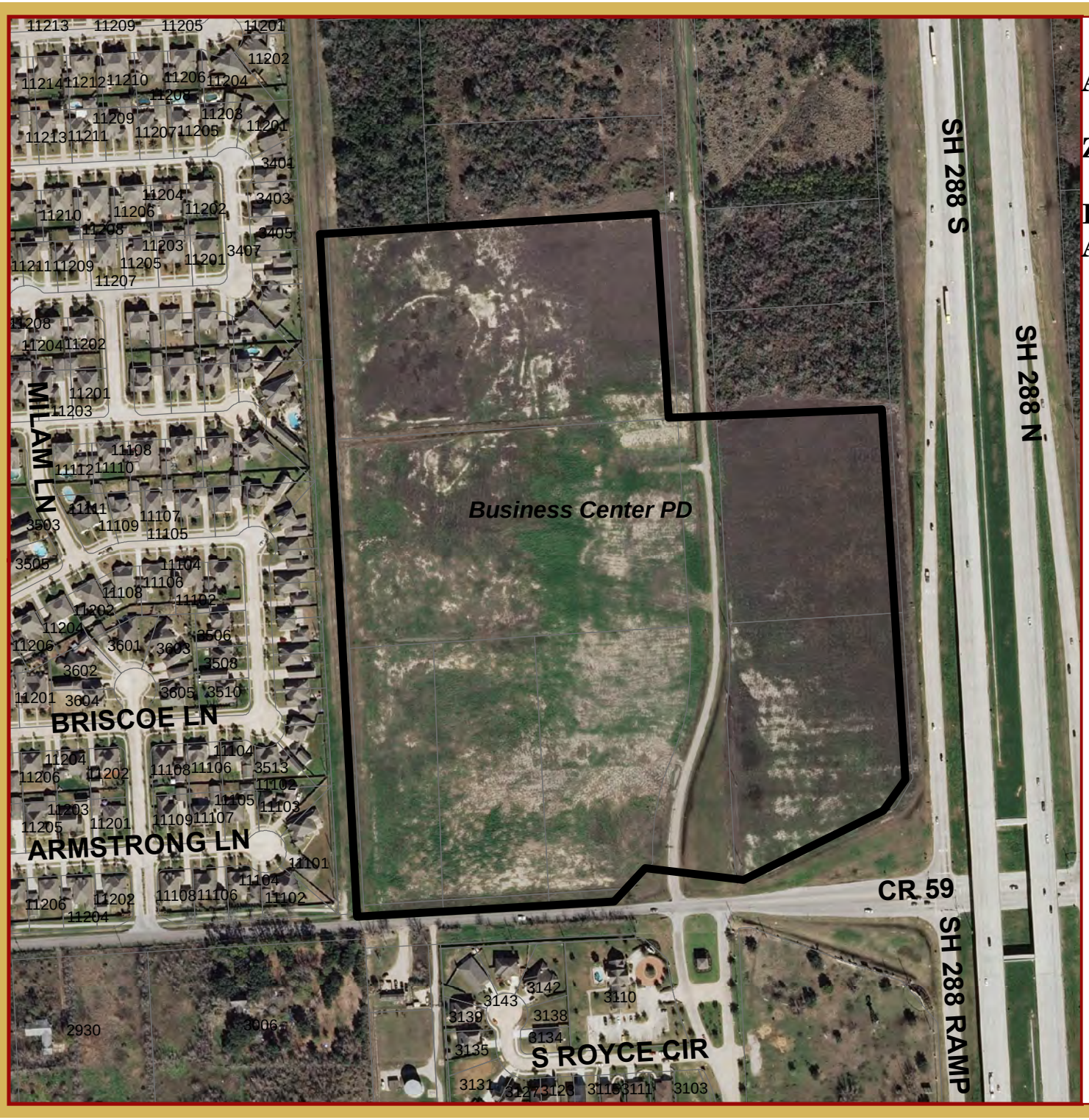

Exhibit 2

AERIAL MAP

ZONE CHANGE 2014-15Z

BUSINESS 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 = 333 feet

22 MAY 2014
PLANNING DEPARTMENT

N

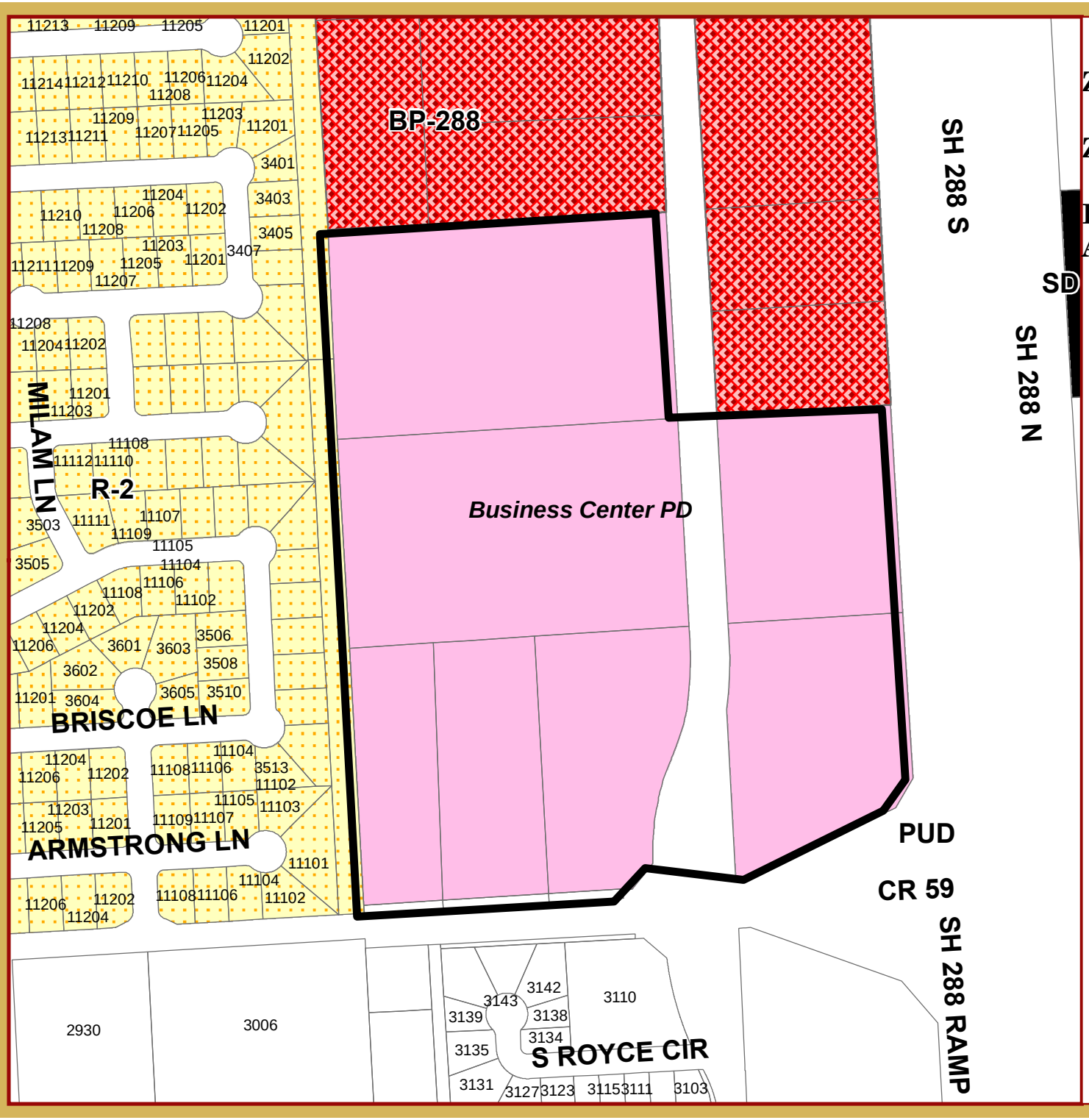

Exhibit 3

ZONING MAP

ZONE CHANGE 2014-15Z

BUSINESS 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 = 333 feet

22 MAY 2014
PLANNING DEPARTMENT

N

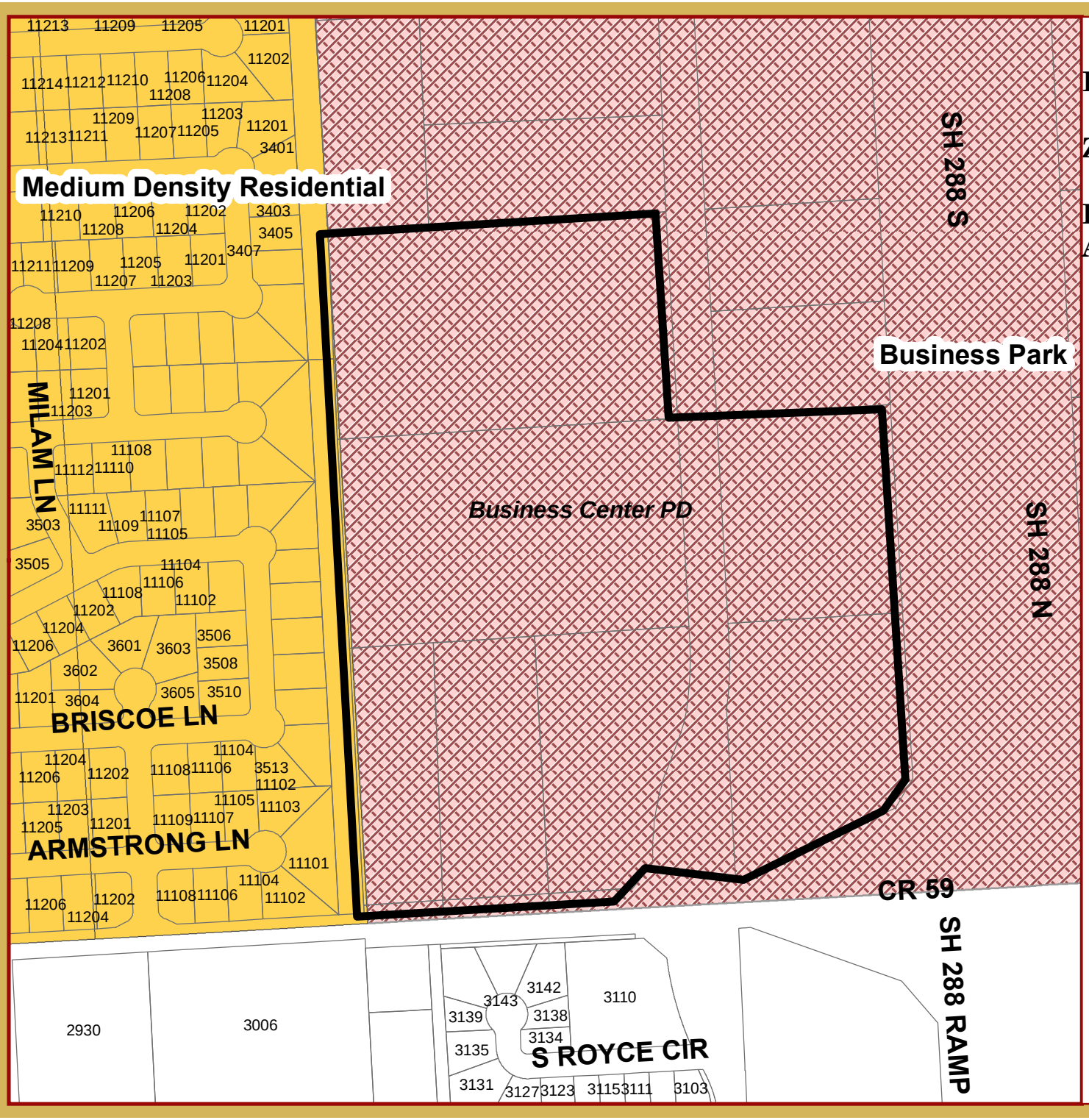

Exhibit 4

FLUP MAP

ZONE CHANGE 2014-15Z

BUSINESS CENTER PD AMENDMENT

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1 inch = 333 feet

22 MAY 2014
PLANNING DEPARTMENT

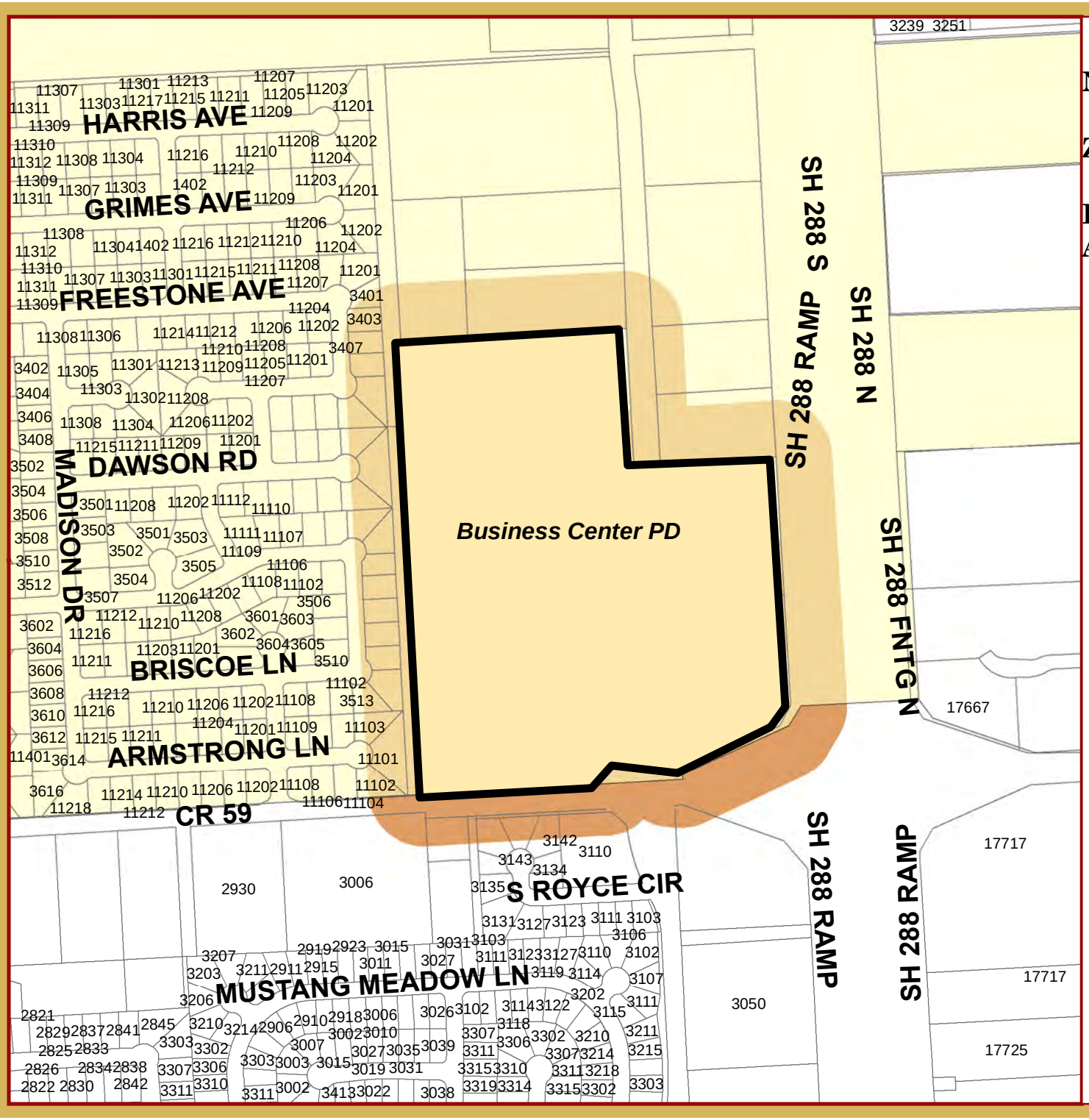
N

Exhibit 5

NOTIFICATION MAP

ZONE CHANGE 2014-15Z

BUSINESS 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 = 500 feet

22 MAY 2014
PLANNING DEPARTMENT

PROPERTY OWNER	ADDRESS	SUITE	CITY	STATE	ZIP
BEAN KENNETH & CECILIA	11101 DAWSON RD		PEARLAND	TX	77584
BENNETT JOHN R & RUTH W	3505 KAUFMAN AVE		PEARLAND	TX	77584
BOLLINGER WILLIAM BLAKE & ALLISON DRYDEN BOLLINGER	1415 GALE LN		NASHVILLE	TN	37212
BRAZORIA COUNTY MUD #25	3200 SOUTHWEST FWY	STE 2600	HOUSTON	TX	77027
CARILLO MARCO ANTONIO	3143 S ROYCE CIR		MANVEL	TX	77578
CRUZ FLOR A & MANUEL L	3501 KAUFMAN AVE		PEARLAND	TX	77584
FISHMAN GEORGE & MARY	3406 HAMPSHIRE ST		PEARLAND	TX	77581
GOLD STAR DEVELOPMENT	6229 RICHMOND AVE		HOUSTON	TX	77057
GOLDING FRITZ & MALENE	3146 S ROYCE CIR		MANVEL	TX	77578
HARRIS LYVESTRA	11103 ARMSTRONG LN		PEARLAND	TX	77584
HARVISON MELINDA	3407 KERR LN		PEARLAND	TX	77584
JORDAN LAMAR	PO BOX 1650		LAKE JACKSON	TX	77566

LINGO SOUTHFORK LTD	3900 MAGNOLIA ST	PEARLAND	TX	77584
LOPEZ ROMEO JR	3142 S ROYCE CIR	MANVEL	TX	77578
MCKAIG CLARK C	3509 KAUFMAN AVE	PEARLAND	TX	77584
OLIVAREZ RAMONA A & ANDRES	11102 EDWARDS AVE	PEARLAND	TX	77584
PAPPAS RESTAURANTS INC	13939 NORTHWEST FWY	HOUSTON	TX	77040
PARKSIDE 59/288 LTD	3003 W ALABAMA ST	HOUSTON	TX	77098
PATEL SAMIR B & TEJAL M	11102 DAWSON RD	PEARLAND	TX	77584
PITTS GREGORY & LADONNA	11102 BRISCOE LN	PEARLAND	TX	77584
RIDDLE SIMONE	3401 KERR LN	PEARLAND	TX	77584
ROBLES PETER & YVONNE ROSALES	832 DAVIS RD	LEAGUE CITY	TX	77573
SOLORZANO RODOLFO H & MARIA	3507 KAUFMAN AVE	PEARLAND	TX	77584
SOMERVILLE ERNEST	3405 KERR LN	PEARLAND	TX	77584
SOUTHGATE COMMUNITY ASSOC	PO BOX 3217	PEARLAND	TX	77588
STRIPAY MARK	3409 KERR LN	PEARLAND	TX	77584
SUMNERS BRANDON & TONYA	11103 DAWSON RD	PEARLAND	TX	77584

TARIQ MUHAMMAD A	3513 KAUFMAN AVE		PEARLAND	TX	77584
TRAN DANNY T & CELINE P	3403 KERR LN		PEARLAND	TX	77584
TRAN KIM LOAN	3503 KAUFMAN AVE		PEARLAND	TX	77584
VIRANI AHMADALI	2814 ACORN WOOD WAY		HOUSTON	TX	77059
WOODS EMMETT B & BILLIE J	11101 CARSON AVE		PEARLAND	TX	77584
YLT 288 PARTNERS	5855 SOVEREIGN DR	STE B	HOUSTON	TX	77036
ZAMARRIPA HECTOR & CINDY	11102 ARMSTRONG LN		PEARLAND	TX	77584

Exhibit 6

Zone Change 2014-15Z
Notification List

Property Owner	Address	City	State	Zip
BEAN KENNETH & CECILIA	11101 DAWSON RD	PEARLAND	TX	77584
FISHMAN GEORGE & MARY	3406 HAMPSHIRE ST	PEARLAND	TX	77581
PARKSIDE 59/288 LTD	3003 W ALABAMA ST	HOUSTON	TX	77098
PATEL SAMIR B & TEJAL M	11102 DAWSON RD	PEARLAND	TX	77584
WOODS EMMETT B & BILLIE J	11101 CARSON AVE	PEARLAND	TX	77584
CRUZ FLOR A & MANUEL L	3501 KAUFMAN AVE	PEARLAND	TX	77584
TRAN KIM LOAN	3503 KAUFMAN AVE	PEARLAND	TX	77584
BENNETT JOHN R & RUTH W	3505 KAUFMAN AVE	PEARLAND	TX	77584
SOLORZANO RODOLFO H & MARIA	3507 KAUFMAN AVE	PEARLAND	TX	77584
BOLLINGER WILLIAM BLAKE & ALLISON DRYDEN BOLLINGER	1415 GALE LN	NASHVILLE	TN	37212
TARIQ MUHAMMAD A	3513 KAUFMAN AVE	PEARLAND	TX	77584
PITTS GREGORY & LADONNA	11102 BRISCOE LN	PEARLAND	TX	77584
BGE KERRY R GILBERT & ASS.	23501 CINCO RANCH BLVD.	KATY	TX	77494

Redline Version 3
9.4.14

Business Center PD
-Amendment-

Prepared for:

Parkside 59/288, Ltd.

Prepared by:
BGE|Kerry R. Gilbert & Associates

September 4, 2014

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I. Introduction

A. Description of Property

Parkside 59/288, Ltd. is the owner of the subject property which contains ± 38.9 acres of land and is located at the northwest corner of CR 59 and US 288. Business Center Drive extends north to Broadway, bisecting the property into two developable tracts. Business Center Drive will also provide the primary entry points into each of the two tracts. Driveway access will also be taken from CR 59 to the south; however, there will be no direct driveway access to US 288 to the east. A 60 foot wide Brazoria County Drainage District Easement and a 176 foot wide detention pond form the western boundary of the tract. South Gate, a single-family residential subdivision is situated west of the subject property. The subject tract is vacant, except for an asphalt roadway (the location of future Business Center Drive) that dead ends at northern edge of the property. Exhibit A – Location Map and Exhibit B – Survey depicts the location and boundary of project.

B. Description of Proposed Development

The location of this project at the intersection of a major highway and a major thoroughfare lends itself for commercial, retail, and office development. There are a variety of possible uses for each tract, including small pad sites (banks, restaurants, gas station/convenience store, etc.), large big box retail (home improvement store, grocery store, etc.), hotel/motel, and office buildings.

~~Exhibit E~~ Exhibit D– Land Use Areas illustrates how the subject tract is affected by the future extension of Business Center Drive. Business Center Drive bisects the project into two commercial areas ± 9.7 acres east of Business Center Drive and ± 29.2 acres on the west. The storm water detention requirement of ± 6.8 acres will be located along the western boundary and provide an excellent buffer between the commercial and residential development (Detention Pond A). The width of the proposed detention is 176' wide which provides a significant buffer distance between the residential and commercial developments. Construction of the wall will occur as the development in LUA 2 and LUA 3 occur. In addition to the 176' wide detention facility described above, a dry detention pond will be located in the northern portion of LUA 3 (Detention Pond B) in order to provide detention for the property east of Business Center Drive (LUA 1).

~~Exhibit E~~ Exhibit D– Land Use Areas shows the location of the detention facilities.

C. Describe the area of land in acreage and legal description

Approximately 38.9 acres comprise the subject site. Exhibit B – Survey, Metes & Bounds description, describes the site.

The August 2014 Amendment to the original Business Center Planned Development is for the property described in this document as Land Use Area 1 (±9.7 Acres) and Land Use Area 3 (±19.7 Acres) only. Land Use Area 2 is specifically omitted due to the fact that the property is sold and no revisions are being made to the regulations for the area. In addition, land within the detention facility on the western side of the property (Detention Pond A) is now owned by the Brazoria County Municipal Utility District No. 34 and therefore is not included in the amendment. See Exhibit B.1 – Survey, metes & bounds description- Amendment and Exhibit D – Land Use Areas.

D. Statement as to the purpose and intent of the PD

The intent of this PD is to allow flexibility of uses with the commercial, retail, and office land uses within the project.

II. Zoning and Land Uses

A. Describe existing zoning district surrounding the site

The site is zoned BP-288. The surrounding uses are as follows:

North:	Pearland Town Center PUD and BP-288
West:	R-2 (Southgate neighborhood, Brazoria County Drainage District Easement)
South:	ETJ (single-family residential use),
East:	ETJ (vacant)

~~Exhibit D~~ Exhibit C – Surrounding Properties/Zoning Map depicts the zoning districts of the adjacent tracts.

B. Describe the acreage difference between the Base Zoning and proposed district

The base zoning district is BP-288. The proposed district overlays the entire 38.9 acre tract since the location of each specific land use has not yet been determined.

C. General standards applicable to project

Development and land uses along SH 288 will conform to the BP-288 District (Section 2.4.3.3) and development and land uses along Business Center Drive and CR 59 will conform to the Corridor Overlay District (Section 2.4.5.1) except for the specific design standards listed in III. Design Standards Section C of this document, and land uses listed in the land use table.

D. Permitted and conditional uses allowed

The intent of the PD is to allow for a variety of land uses, including a mix of commercial, office, hotel/motel, retail and restaurants. To this end, three distinct Land Use Areas (LUA) are being defined that would confine specific land uses to certain portions of the tract. Location and size of a tract coupled with market conditions are factors in determining the best use for the tract. The LUA designations define the best uses for the tract and set specific design elements for particular uses. The design elements set up standards based on the land use.

~~Exhibit E~~ Exhibit D – Land Use Areas depicts three land use areas and the respective acreage within each area. The table below lists the potential types of uses within each LUA plus design elements specific to those uses. Any land use permitted or conditionally permitted in the BP-288 district listed in the UDC Land Use Matrix is allowed along with the additional uses listed in the Land Use Area Table within this document. Any uses listed in the Land Use Area Table below are considered Permitted Uses in addition to the Permitted uses in the UDC Land Use Matrix for BP-288. The land uses listed in the table below are restricted to that specific Land Use Area. Additionally, the land uses listed are restricted to a maximum acreage within that specific Land Use Area. The acreage for that use is listed next to the use.

The acreage within each LUA may shift within 15% to allow for flexibility in land uses. The size of the LUA could change depending upon the actual use that is constructed so the ability to increase and decrease the acreage within the LUA is important.

Land Use Area Table

	Types of Uses and Maximum Acreages	Design Element
Land Use Area 1 ± 9.7 Acres	Restaurant (Drive-thru)*.....*(9.7 acres)* Restaurant (Dine-in)..... *(9.7 acres)* Hotel/Motel and Extended Stay**.....(*6 acres*) ~~Gas/Convenience Store ***.....(3 acres)~~ Auto Repair (minor) .....(*5 acres*) Auto Wash (full service/detail) .....(*5 acres*) Auto Wash (self-service) .....(*5 acres*) Laundry/ Dry Cleaning .....(*2 acres*) Garden / Nursery Store .....(*8 acres*) Shopping Center .....(*8 acres*) Pharmacy.....(4 *acres*)	Shared Driveways Orientation of bay windows shall not face Business Center Drive or SH 288. Drive-thru windows that face the street will be buffered per City Corridor Overlay District and BP-288 District requirements.
Land Use Area 2 ±5.8 Acres	Restaurant (Drive-thru)* .....(*5.8 acres*) Restaurant (Dine-in) .....(*5.8 acres*) Gas/Convenience Store ***.....(*3 acres*) Auto Wash (self-service) associated with a gas station only	Shared Driveways Orientation of service bay doors shall not face Business Center Drive. Drive-thru windows that face the street will be buffered per City Corridor Overlay District and BP-288 District requirements.
Land Use Area 3 ±23.3 Acres	~~Nursing/Convalescent Home….(14 acres)~~ Nursing/Convalescent Home….(*4 acres*) Flex / Back Office .....(*12 acres*) Museum .....(*5 acres*) ~~Bio-tech, High-tech Manufacturing…….(10 acres)~~ Shopping Center .....(*12 acres*) Gas/Convenience Store***...(*3 acres*) Auto Wash (self-service) .....(*3 acres*) Retail Superstore****.....(*17 acres*) *Additional Uses allowed within Retail Superstore:* Tire Sales Auto Repair (Minor) Pharmacy Liquor sales as permitted by TABC Photo Processing Food Preparation Services (Butcher, Deli, Bakery, etc.) Optometry Services General food and retail sales	Shared Driveways Nursing/Convalescent Home as defined by the UDC The design of the complex will incorporate interior hallways. Businesses to be oriented towards Business Center Drive or businesses can be oriented towards another business. Orientation of overhead doors and service bay doors shall not face Business Center Drive except when a building is over 100,000 square feet and used as a Retail Superstore located a minimum of 180 feet from the front property line. Flex/Back Office ~~and Bio-tech, High tech Manufacturing~~ to be one-story industrial product with tilt wall or similar concrete construction that can accommodate 25% to 100% office use; dock high doors shall not face Business Center Drive. The proposed detention facility (Detention Pond B) along the North property line, may be adjusted within the boundary of LUA 3 so long as screening is provided per the regulations set on page 6 of this document.

* Restaurant (Drive-Thru) limited to three (3) establishments in LUA 1 and two (2) establishments in LUA 2.

** Hotel/Motel/Extended Stay limited to two (2) establishments in LUA 1.

~~***Gas/Convenience Store limited to one (1) facility in LUA 1 and one (1) facility in LUA 2.~~

***Gas/Convenience Store limited to one (1) facility in LUA 2 and one (1) facility in LUA 3. Furthermore, the Gas/Convenience Store in LUA 3 is permitted *only* if used as an accessory to the a Supermarket or similar Anchor Retail Store

**** Retail Superstore is defined as an establishment that sells a variety of goods and services arranged into multiple departments. These departments may include, but are not limited to, consumable foods, prepared foods, pharmacy, electronics, etc.

III. Design Standards

A. Design Standards

1. Exterior Materials and Colors: No more than three (3) dominant materials should be used on a building exterior. Acceptable materials are concrete, tilt wall concrete, concrete block, glass, glass block, brick, split face concrete block, stone, stucco, and trade designs, as permitted in Sec 2.6.2.1 of UDC, and as approved by the City Planner. Earth tones with limited pastel alternative as recommended for dominant wall colors for build materials. An accent color may be applied to trim, fascia boards, door panels, or miscellaneous metals. Accent colors will not exceed more than 20% of the building façade for any side of the building. Prohibited colors include colors considered to be fluorescent, iridescent, or dayglo.

Within Land Use Area 3 (LUA3) only, the following standard applies:

> For all non-residential structures one hundred thousand (100,000) square feet in size or greater and used as a Retail Superstore located a minimum of 180 feet from the front property line, acceptable front façade materials of any building that faces onto a thoroughfare or collector may include up to a combined maximum of 65% architectural metal panel (rib and/or textured). Side facades of such buildings may include up to a combined maximum of 75% architectural metal panel (rib and/or textured).

2. Minimum Setback for Structures: The minimum setback for structures along the public right-of-way shall be twenty (20) feet.

3. Minimum Setback for Parking Buffer: The minimum setback for the off-street parking, maneuvering and loading area from the right-of-way shall be fifteen (15) feet.

4. Landscaping: A landscaping plan will be developed along the perimeter of the project to ensure uniformity. The landscaping plan will be in conformance with the Corridor Overlay District along Business Center Drive and CR 59 and BP-288 District along SH 288 for landscaping, parking lot screening, trash receptacle screening and tree plantings, except the minimum setback, which is discussed above.

5. Lighting: - Lighting in the parking lots and on the commercial buildings will be in conformance with the current City of Pearland Code.

6. Outside Storage: Outside storage operations are allowed only for those businesses in which outside storage is a function of the business, such as a nursery. The outside storage must be screened from public view and those standards will be in conformance with Sec 4.2.4.1 plus in no case shall outside storage be permitted along any yard that abuts any street or public right-of-way.

7. Parking: On and off street parking requirements will be in conformance with the City of Pearland UDC. Bicycle parking will also be in conformance with the Section 2.4.5.1.F in the Corridor Overly District.

However, within Land Use Area 3 (LUA3), a single building over one hundred thousand (100,000) square feet that is used as a Retail Superstore and is located a minimum of 180 feet from the front property line may provide bicycle storage for a minimum of two (2) percent of the companies employees within a secure space in the buildings receiving area in lieu of the Bicycle Parking standards.

8. Service Access and Service Areas: Service drives and service areas shall not interfere with parking, driveways or walkways and must be screened from adjoining properties, all public right-of-way and from the office area of any other building which share the site. A service area shall be provided at the rear (side opposite the street) of all buildings.

Within Land Use Area 3 (LUA3) only, the following standard applies:

> For a non-residential structures one hundred thousand (100,000) square feet in size or greater that is used as a Retail Superstore and located a minimum of 180 feet from the front property line, any receiving dock bay or compactor area must be adequately screened from public view by plant materials within the site perimeter buffers. The minimum distance between the property line along Business Center Drive and the doors must be one hundred and eighty (180) feet. The plant materials used as screening must include evergreen shrubs maintained at 6' in height, and parking lot end islands with evergreen shrubs maintained at 3' in height. Canopy trees, evergreen shrubs, and a variety of low shrubs, ornamental grasses, and groundcovers must be included to further enhance the visual buffer.

9. Vehicular Access: Location of ingress and egress will be controlled. Vehicular access will be designed to minimize auto-pedestrian conflicts, manage curb cut distances along the public right-of-way, and minimize automobile conflicts. Shared driveways will be planned to limit the number of driveways along CR 59 and Business Center Drive.

10. Screening: Screening will conform to the City of Pearland UDC except for any exclusions listed below in Section B. ~~The screening for the detention facility will consist of a six (6) foot tall masonry or pre-cast masonry wall along the eastern side of the facility, along LUA 2 and 3. The fence will be constructed in conjunction with the building it is screening within LUA 2 and 3.~~ The screening for the existing regional detention facility (Detention Pond A) will consist of screening along the eastern boundary of the detention pond either as:

1) A 6 foot tall pre-cast masonry wall

2) A landscape buffer consisting of a minimum thirty (30) foot wide area. To adequately screen the Property from public view, the buffer must be landscaped with evergreen shrubs maintained at a 3' height, canopy trees, and a variety of low shrubs, ornamental grasses and groundcover to enhance the visual buffer. Trees shall have a minimum caliber of 3 inches.

11. Utilities: Overhead power lines exist along the north side of CR 59 and inside the right of way of Business Center Drive. The overhead line along Business Center Drive will remain in place and provide primary power for all land east of Business Center Drive. Additionally, new overhead lines will be constructed by Centerpoint along the west boundary of the Property, as shown on Exhibit E. Overhead lines will be used to distribute power, as shown on Exhibit E. Overhead power shall setback a minimum of twenty (20) feet behind the front of the building structure closest to Business Center Drive or 150' from the Business Center Drive right-of-way line, whichever is greater, so to maintain clean view corridors along Business Center Drive. The City Planner may review the screening requirements to minimize the view of the overhead poles from Business Center Drive. As sites are sold and developed, utilities to these sites will be constructed per the location specified listed above and as shown on Exhibit E. Exhibit E – Utility Plan depicts the location of existing and proposed overhead power lines.

*Underground power delivery to Land Use Area 1 may include above ground terminal poles. The configuration and engineering of underground power will be determined by Centerpoint. All transformers and similar equipment need to be ground mounted, and not pole mounted, for any connection to or extension from existing overhead lines along Business Center Drive. It should be noted, however, that underground service may require a terminal pole to initiate service. This provision shall include the 150' setback for above ground power along Business Center right-of-way. Additionally, ground mounted transformers or similar equipment shall be screened per UDC Section 4.2.4.1 (d), *General Screening*.

12. Detention Facility: The primary detention for this development will be located along the western boundary of the tract (Detention Pond A). The detention will provide a buffer between the proposed commercial development and the South Gate neighborhood. The detention facility (including the high bank and berm) is 176 feet wide. The existing Brazoria Drainage District ditch is 60 feet wide. The combination of these two drainage areas provides a single, 236 foot wide buffer between the existing residential and proposed commercial. A screen wall, six (6') tall masonry or pre-cast wall will be constructed along the east side of the detention facility to enhance the screening between uses. The wall will be constructed as buildings are constructed. Landscape plantings of trees and shrubs will also be incorporated along the frontage of CR 59 to provide a visual screen from the public right-of-way. As an option, a landscape buffer, as described on the page 6 under Section 10-Screening, may be used in place of the six (6) foot wall.

An additional dry detention facility (Detention Pond B) will be located on the northern portion of Land Use Area 3 to provide the detention needed for the eastern ± 9.7 acres (LUA1). A landscape easement no less than ten (10) feet in width and no greater than fifteen (15) feet in width will be provided along the southern end of the detention basin and along the eastern edge of the detention basin. This will ensure adequate screening between the detention facility and the commercial property to the south as well as Business Center Drive to the east. Exhibit G – Detention Facility, shows the proposed landscape easements. The landscape buffer will incorporate plantings of trees and shrubs as shown in Exhibit H. No screening is required between Detention Pond A and Detention Pond B.

B. Specific list of deviations.

1. Section 2.4.5.1.C.1 and Section 2.4.4.3.C: Land Use Area 1 has dual frontage for Land Use Area 1 and driveway access to the site is limited to Business Center Drive. A twenty foot (20') front building line along both sides of Business Center Drive allows for better design of the project.
2. Section 2.4.5.1.C.2: A setback of fifteen feet (15') for off-street parking, maneuvering and loading area within the project will allow for better design of the tract.
3. Section 2.4.5.1.D.2.d: Building materials are discussed above and include restrictions in the Corridor Overlay District. Trade Designs shall be approved by the City Planner.
4. Section 2.4.5.1.D.3: Building colors are limited to earth tones and pastel as discussed above, and should not require the additional approval of the Planning Director.
5. Section 2.4.4.3.A.1: Permitted uses in BP-288 are listed on the UDC Land Use Matrix. We request additional uses be permitted as listed in the Land Use Table in Section 2 above. Prohibited uses include "Pet Care Facility/Animal Kennel (with outdoor pens)" and "Office, Parole-Probation, Bail Bonds".
6. Section 2.4.4.3.F: The regional detention required for this development is better served as a buffer to the single family residential than as a lake amenity for the project. The total width of the detention and drainage area is 236 feet (Detention Pond A). The distance, coupled with the six foot (6') wall provides a sufficient buffer and screen for the residential neighborhood to the west.
   Detention for the eastern ± 9.7 acres will also be provided by a dry detention basin (Detention Pond B). The detention will be screened by landscaping along the southern and eastern edge of the basin to create a visual buffer from Business Center Drive and the neighboring commercial property to the south. Utilizing this method of detention will allow more efficient development for Land Use Area 1.
7. Section 2.4.5.1.M: Overhead utilities will be utilized west of Business Center Drive. Overhead lines will be setback a minimum of 150' from Business Center Drive. Power will be distributed underground to the Property east of Business Center Drive but may include above ground terminal poles. The configuration and engineering of underground power will be determined by Centerpoint.
8. Section 2.4.5.1.f Bicycle Parking
   Within Land Use Area 3 (LUA3), a non-residential structure over one hundred thousand (100,000) square feet used as a Retail Superstore and located a minimum of 180 feet from the front property line, shall provide bicycle storage for a minimum of two (2) percent of the companies employees within a secure space in the buildings receiving area in lieu of the Bicycle Parking standards.
9. Section 2.4.5.1.d Building Articulation
   In Land Use Area 3, for all non-residential structures one hundred thousand (100,000) square feet in size or greater used as a Retail Superstore and located a minimum of 180 feet from the front property line, front façades of any building that faces onto a thoroughfare or collector shall incorporate architectural variation (building mass offsets, trellises, etc.) of at least two (2) feet in depth for 30% of the building length and material variation for every 125' in horizontal length. Side facades of such buildings shall incorporate material variation for every 125' in horizontal length.

C. All requirements of the Unified Development Code will be met, unless specifically mentioned in this document

IV. Required dedications of land or public improvements

This development is primarily commercial, retail and office and therefore no dedication to parkland required.

V. Exhibits

A – Location Map
B – Survey, metes & bounds description-Original
B.1 – Survey, metes & bounds description-Amendment
C – Surrounding Properties/ Zoning Map
D – Land Use Areas
E – Power Line Exhibit
F – Landscape/Screening along CR 59 and the Detention Basin
G – Detention Exhibit
H – Landscape/Screening along Northern Detention Basin

KERRY R. GILBERT & ASSOCIATES, INC.

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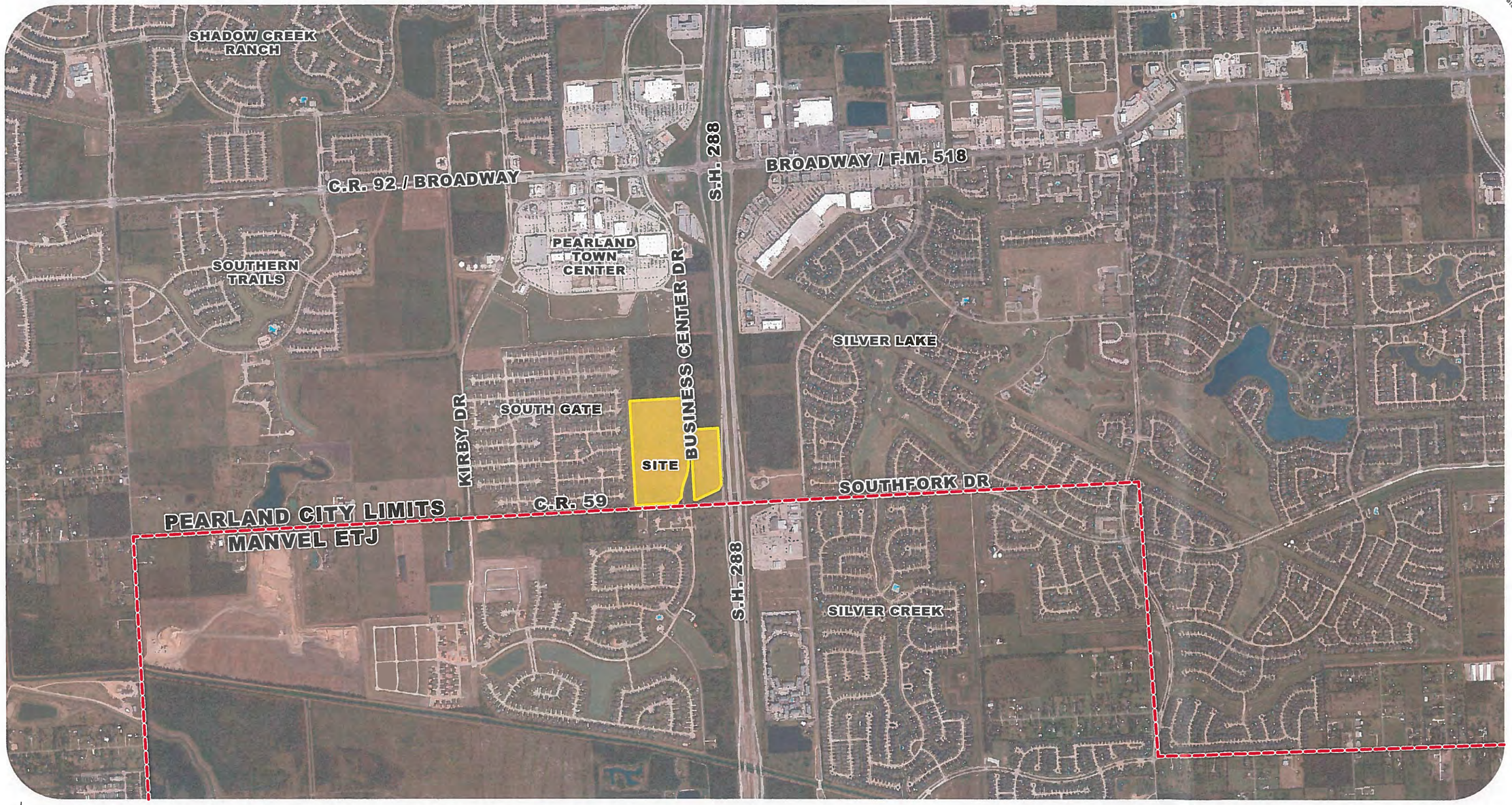

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EXHIBIT A

location map

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a location map for

BUSINESS CENTER PD

± 38.9 ACRES OF LAND

prepared for

PARKSIDE 59/288 LTD.

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NOT TO SCALE

JUNE 15, 2012
KGA #I-175A

KERRY R. GILBERT & ASSOCIATES, INC.

Exhibit B

Survey and

Metes & Bounds

June 19, 2012
Job No. 1352-1003-202

DESCRIPTION OF
38.909 ACRES
(1,694,878 SQUARE FEET)

Being 38.909 acres of land located in the H.T. & B. R.R. Company Survey, Section 81, Abstract Number 300, Brazoria County, Texas, being a portion of Lots 38, 39, 40, 49, and 50 of the Allison Richey Gulf Coast Homes Company's Part of Suburban Gardens, a subdivision of record in Volume 2, Page 98, of the Plat Records of said Brazoria County (B.C.P.R.), more particularly being the residue of that certain called 30.583 acre tract (described as Part One) and the residue of that certain called 9.990 acre tract (described as Part Two) conveyed from Compass Bank to Parkside 59/288, Ltd., by an instrument of record under Document Number 2011012491, of the Official Public Records of said Brazoria County, (B.C.O.P.R.), said 38.909 acres being more particularly described in two parts by metes and bounds as follows: Part One being 29.226 acres (1,273,076 square feet) and Part Two being 9.683 acres (421,802 square feet), all bearings referenced to the Texas Coordinate System, South Central Zone, NAD83 (1993 adjustment), Epoch 2002.02;

PART ONE

BEGINNING at a 5/8-inch iron rod with cap stamped "LJA ENG" found for the northwest corner of said 30.583 acre tract and the southwest corner of that certain called 3.39 acre tract conveyed from Brazoria County Land & Cattle Co. to George D. Fishman and wife, Mary Fishman by an instrument of record under Document Number 2005061002, of the Official Records of said Brazoria County, (B.C.O.R.), said point being on the east line of Southgate Section Two, a subdivision of record in Volume 24, Pages 278-279, B.C.P.R., said point also being common west corner of Lots 37 and 38 of said Allison Richey Gulf Coast Home Company's Part of Suburban Gardens subdivision;

Thence, North 86° 42' 55" East, along the common line of said Lots 37 and 38, along the north line of said 30.583 acre tract, the south line of said 3.39 acre tract and said south line of that certain called 3.33 acre tract conveyed from Ky-Tex to George Fishman and Mary Fishman by an instrument of record under File Number 96-040466 and corrected under File Number 97-010496, B.C.O.R., 826.97 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" set on the west right-of-way line of Business Center Drive (100 feet wide) as described under Document Numbers 2012007382, 2012007390, 2012007393, and 2012007402, B.C.O.P.R., from which a 3/4-inch iron pipe found for the common corner of said Lots 37, 38, 47 and 48 of said Allison Richey Gulf Coast Home Company's Part of Suburban Gardens subdivision bears North 86° 42' 55" East, 49.51 feet;

Thence, South 03° 16' 00" East, along the west right-of-way line of said Business Center Drive, 1,025.77 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" set for corner, the beginning of a curve;

Thence, continuing along the west right-of-way line of said Business Center Drive, (width varies), 169.54 feet along the arc of a tangent curve to the right having a radius of 750.00 feet, a central angle of 12° 57' 08", and a chord that bears South 03° 12' 34" West, 169.18 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" found for corner at the intersection of the west right-of-way line of said Business Center Drive and the west right-of-way line of County Road 566 (width varies) as described in Volume 2, Page 98, B.C.P.R., Volume 133, Page 126, Volume 881, Page 230, Volume 881, Page 232, Volume 1035, Page 636, and Volume 1035, Page 642, B.C.D.R., the beginning of a curve;

Thence, along the west right-of-way line of said County Road 566 the following four courses:

1. 66.34 feet along the arc of a non-tangent curve to the right having a radius of 686.20 feet, a central angle of 05° 32' 22", and a chord that bears South 18° 58' 03" West, 66.32 feet to a concrete right-of-way monument found for corner;

2. South 21° 45' 33" West, 13.71 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" found for corner, the beginning of a curve;

3. 275.59 feet along the arc of a non-tangent curve to the left having a radius of 746.20 feet, a central angle of 21° 09' 40", and a chord that bears South 11° 09' 26" West, 274.03 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" set for corner, from which a found concrete right-of-way monument bears North 51° 07' 14" West, 1.18 feet;

4. South 42° 42' 06" West, 71.88 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" set for corner on the north right-of-way line of County Road 59 (width varies) as described in Volume 2, Page 98 and Volume 24, Page 33-36, B.C.P.R.;

Thence, South 86° 44' 15" West, along said north right-of-way line, 10.00 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" found for an angle point on the north right-of-way line of said County Road 59, said point being the northeast corner of that certain called 0.5248 acre tract conveyed to the City of Pearland as a donation for right-of-way as described under Document Number 2012007390, B.C.O.P.R.;

Thence, South 86° 40' 26" West, along the north right-of-way line of said County Road 59 as described under Document Number 2012007390, B.C.O.P.R., 646.10 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" found for the northwest corner of said 0.5248 acre tract, said point being on the west line of the aforementioned 30.583 acre tract, said point being the southeast corner of Southgate Section One, a subdivision of record in Volume 24, Pages 33-36, B.C.P.R.;

Thence, North 03° 18' 06" West, along the west line of said 30.583 acre tract, the west line of said Lots 38, 39 and 40, and the east line of said Southgate Section One, passing at 1,330.57 feet a 5/8-inch iron rod with cap stamped "DALE HARDY RPLS 4847" found for the northeast corner of said Southgate Section One and the southeast corner of of the aforementioned Southgate Section Two, continuing along the west line of said Lot 38 and the east line of said Southgate Section Two, in all 1,583.44 feet to the POINT OF BEGINNING and containing 29.226 acre (1,273,076 square feet) of land.

PART TWO

BEGINNING a 5/8-inch iron rod found for the northeast corner of said 9.990 acre tract and the southeast corner of that certain called 2.515 acre tract conveyed from DXB Richmond, Inc to Gold Star Development by an instrument of record under Document Number 2008031966, B.C.O.P.R., said point also being on the west right-of-way line of SH 288 (width varies) as described in Volume 1041, Page 460, Volume 1041, Page 888, and Volume 1052, Page 159, B.C.D.R., said point being on the common lot line of said Lot 48 and 49 of said Section 81, from which a found 3/4-inch iron pipe bears South 52° 36' 37" East, 0.93 feet;

Thence, South 03° 14' 03" East, along the common line of said 9.990 acre tract and said westerly right-of-way line, 877.70 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" found for an angle point on said common line;

Thence, South 30° 49' 10" West, continuing along said common line, 82.81 feet to a broken concrete right-of-way monument found for an angle point on said common line;

Thence, South 64° 55' 07" West, continuing along said common line, 381.06 feet to a broken concrete right-of-way monument found for an angle point on said common line;

Thence, South 86° 45' 24" West, continuing along said common line, 30.02 feet to a broken concrete right-of-way monument found for the southwest corner of said 9.990 acre tract, same being the intersection on said westerly right-of-way line and the east right-of-way line of County Road 566 (width varies) as recorded in Volume 2, Page 98, B.C.P.R., Volume 133, Page 126, Volume 881, Page 230, Volume 881, Page 232, Volume 1035, Page 636, and Volume 1035, Page 642, B.C.D.R.;

Thence, North 03° 17' 17" West, departing said common line and along the west line of said 9.990 acre tract and along the east right-of-way line of said County Road 566, 371.60 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" set at the intersection of the east right-of-way line of said County Road 566 and the east right-of-way line of said Business Center Drive (100 feet wide) as described under Document Numbers 2012007382, 2012007390, 2012007393, and 2012007402, B.C.O.P.R., the beginning of a curve;

Thence, along the east right-of-way line of said Business Center Drive, 187.07 feet along the arc of a non-tangent curve to the left having a radius of 850.00 feet, a central angle of 12° 36' 35", and a chord that bears North 03° 02' 17" East, 186.69 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" found for corner;

Thence, North 03° 16' 00" West, continuing along the east right-of-way line of said Business Center Drive, 531.11 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" set for corner on the north line of the aforementioned 9.990 acre tract and the south line of the aforementioned 2.515 acre tract, said point also being on the common lot line of Lots 48 and 49 of the aforementioned Allison Richey Gulf Coast Homes Company's Part of Suburban Gardens subdivision;

Thence, North 86° 47' 22" East, along the common line of said 9.990 and 2.515 acre tracts and said common lot line, 410.34 feet to the POINT OF BEGINNING and containing 9.683 acres (421,802 square feet) of land.

Said Part One and Part Two containing a total of 38.909 acres (1,694,878 square feet) of land.

This description was prepared from a survey prepared by the undersigned dated June 19, 2012.

Gary D. Nutter
Registered Professional Land Surveyor
Texas Registration Number 5659
LJA Engineering & Surveying, Inc.

Exhibit B-1

Survey and

Metes & Bounds

Notes:

1) All bearings referenced to the Texas Coordinate System, South Central Zone, NAD 83 (1993) ADJ Epoch 2002.02.

2) This survey was prepared from information furnished by Stewart Title Guaranty Company, File No. 12031153002, Effective date June 5, 2012.
The surveyor did not abstract subject property.
a) Schedule B, Item 10(b), Limited Access to Highway as set forth in Volume 1041, Page 460, B.C.D.R. affects the tract, access is prohibited to SH 288 along the entire east line of Part Two of the subject tract.
b) Schedule B, Item 10(c), Limited Access to Highway as set forth in Volume 1035, Page 642, B.C.D.R. affects the tract, access is permitted to the roadway along the entire east line of Part One of the subject tract.
c) Schedule B, Item 10(d), An easement with undefined width for an existing drainage ditch along the west boundary line as disclosed in Volume 722, Page 337, B.C.D.R. affects only that portion of Part One of the subject tract within Lot 38.
d) Schedule B, Item 10(e), An easement for water utility 10 feet wide along the east and south property line granted to the City of Pearland by an instrument of record under Document Number 2012007391, B.C.O.R. affects Part One of the subject tract and is shown hereon.
e) Schedule B, Item 10(f), A drainage easement 60 feet wide along the west property line granted to the Brazoria County Drainage District No. 4 by an instrument of record under Document Number 2012007392, B.C.O.R. affects Part One of the subject tract and is shown hereon.
f) Schedule B, Item 10(g), A sanitary sewer easement 20 feet wide along the west property line granted to the City of Pearland appears to be unrecorded and affects Part Two of the subject tract and is shown hereon.
g) Schedule B, Item 10(h), The Waiver of Special Appraisal for the Benefit of Brazoria County Municipal Utility District No. 34 recorded in Document Number 2007049473, B.C.O.R. affects all of the subject tract.
h) Schedule B, Item 10(i), The Oil, Gas, and other mineral interests reserved in Volume 701, Page 63, B.C.D.R. and as conveyed in Volume 1105, Page 29, B.C.D.R. and in Volume 1853154, Page 706, B.C.O.R. with surface rights waived as described in Volume 1861249, Pages 547, 550, 553, 556, B.C.O.R. affects only that portion of the subject tract within Lot 38.
i) Schedule B, Item 10(j), The Oil, Gas, and other mineral interests reserved in Volume 1861245, Page 331, B.C.O.R. and Volume 1851249, Page 545, B.C.O.R. and amended by surface rights waived as described in Volume 1861249, Pages 547, 550, 553, 556, B.C.O.R. affects only that portion of the subject tract within Lot 39.
j) Schedule B, Item 10(k), The Oil, Gas, and other mineral interests reserved in Volume 1061, Page 314, B.C.C.R. affects only that portion of the subject tract within the east 4.73348 acres out of Lot 40 and as described therein.
k) Schedule B, Item 10(l), The Oil, Gas, and other mineral interests reserved in Volume 394, Page 150, B.C.D.R. affects only that portion of the subject tract within Lots 49 and 50.
l) Schedule B, Item 10(m), The Oil, Gas, and other mineral interests reserved in Document Number 2004024839, B.C.C.R. affects only that portion of the subject tract within Lots 49 and 50.
m) Schedule B, Item 10(n), The waiver of surface rights of record in Document Number 2006021626, B.C.O.R. affects only that portion of the subject tract within Lots 49 and 50.
n) Schedule B, Item 9(o), The Oil, Gas, and other mineral leases of record in File Numbers 00-032214, 00-037747, 00-037750, 00-03590, and 00-040282, B.C.O.R. and amended in File Number 03-026420, B.C.C.R. affects only that portion of the subject tract within Lots 45 and 50.
o) Schedule B, Item 9(l), The Oil, Gas, and other mineral interests reserved in Volume 722, Page 337, B.C.D.R. affects only that portion of the subject tract within Lot 38.

3) By graphical plotting, the subject tract lies within Zone "X" (un-shaded) on the FIRM map. Zone "X" (un-shaded) is defined as "Areas determined to be outside the 500-year floodplain" as shown on Federal Emergency Management Agency Flood Insurance Rate Map, Map No. 48039C0020 H, Effective date June 5, 1989.

4) The portion of the subject tract identified as being located within the city limits of the City of Pearland, Texas, is zoned "BP-288" (Business Park District-288), and is subject to the provisions of City of Pearland "Unified Development Code", Ordinance No. 2000T and the "Zoning Map" Ordinance No. 2000T, approved by City Council, February 27, 2006 and as amended by official action of the City Council.

5) All of the subject tract lies within Brazoria County Municipal Utility District No. 34.

6) There are no structures and no paved or striped parking spaces on the subject tract.

7) There is no visible evidence of the subject tracts being used as a solid waste dump, sump, or sanitary landfill.

8) A metes and bounds description was prepared for the subject tract on a separate instrument dated June 19, 2012.

DESCRIPTION OF
38.909 ACRES
(1,694,878 SQUARE FEET)

Being 38.909 acres of land located in the H.T. & B. R.R. Company Survey, Section 81, Abstract Number 300, Brazoria County, Texas, being a portion of Lots 38, 39, 40, 49, and 50 of the Allison Richey Gulf Coast Homes Company's Part of Suburban Gardens, a subdivision of record in Volume 2, Page 98, of the Plat Records of said Brazoria County (B.C.P.R.), more particularly being the residue of that certain called 30.583 acre tract (described as Part One) and the residue of that certain called 9.990 acre tract (described as Part Two) conveyed from Compass Bank to Parkside 59/288, Ltd. by an instrument of record under Document Number 2011012491, of the Official Public Records of said Brazoria County (B.C.O.P.R.), said 38.909 acres being more particularly described in two parts by metes and bounds as follows: Part One being 29.226 acres (1,273,076 square feet) and Part Two being 9.683 acres (421,802 square feet), all bearings referenced to the Texas Coordinate System, South Central Zone, NAD83 (1993) adjustment, Epoch 2002.02:

PART ONE

BEGINNING at a 5/8-inch iron rod with cap stamped "LJA ENG" found for the northwest corner of said 30.583 acre tract and the southwest corner of that certain called 3.39 acre tract conveyed from Brazoria County Land & Cattle Co. to George D. Fishman and wife, Mary Fishman by an instrument of record under Document Number 2005061002, of the Official Records of said Brazoria County (B.C.O.R.), said point being on the east line of Southgate Section Two, a subdivision of record in Volume 24, Pages 278-279, B.C.P.R., said point also being common west corner of Lots 37 and 38 of said Allison Richey Gulf Coast Home Company's Part of Suburban Gardens subdivision;

Thence, North 86°42' 55" East, along the common line of said Lots 37 and 38, along the north line of said 30.583 acre tract, the south line of said 3.39 acre tract and said south line of that certain called 3.33 acre tract conveyed from Ky-Tex to George Fishman and Mary Fishman by an instrument of record under File Number 96-040466 and corrected under File Number 97-010496, B.C.O.R., 826.97 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" set on the west right-of-way line of Business Center Drive (100 feet wide) as described under Document Numbers 2012007392, 2012007390, 2012007393, and 2012007402, B.C.O.P.R., from which a 3/4-inch iron pipe found for the common corner of said Lots 37, 38, 47 and 48 of said Allison Richey Gulf Coast Home Company's Part of Suburban Gardens subdivision bears North 86° 42' 55" East, 49.51 feet;

Thence, South 03°18' 00" East, along the west right-of-way line of said Business Center Drive, 1,025.77 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" set for corner, the beginning of a curve;

Thence, continuing along the west right-of-way line of said Business Center Drive (width varies), 169.54 feet along the arc of a tangent curve to the right having a radius of 750.00 feet, a central angle of 12° 57' 08", and a chord that bears South 03°12' 34" West, 169.18 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" found for corner at the intersection of the west right-of-way line of said Business Center Drive and the west right-of-way line of County Road 566 (width varies) as described in Volume 2, Page 98, B.C.P.R., Volume 133, Page 126, Volume 881, Page 230, Volume 881, Page 232, Volume 1035, Page 636, and Volume 1035, Page 642, B.C.D.R., the beginning of a curve;

Thence, along the west right-of-way line of said County Road 566 the following four courses:

1. 66.34 feet along the arc of a non-tangent curve to the right having a radius of 686.20 feet, a central angle of 05° 32' 22", and a chord that bears South 18° 58' 03" West, 66.32 feet to a concrete right-of-way monument found for corner;

2. South 21° 45' 33" West, 13.71 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" found for corner, the beginning of a curve;

3. 275.59 feet along the arc of a non-tangent curve to the left having a radius of 746.20 feet, a central angle of 21° 09' 43", and a chord that bears South 11° 09' 26" West, 274.03 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" set for corner, from which a found concrete right-of-way monument bears North 51° 01' 14" West, 1.19 feet;

4. South 42° 42' 06" West, 71.88 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" set for corner on the north right-of-way line of County Road 59 (width varies) as described in Volume 2, Page 98 and Volume 24, Page 33-35, B.C.P.R.;

Thence, South 06° 44' 15" West, along said north right-of-way line, 10.00 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" found for an angle point on the north right-of-way line of said County Road 59, said point being the northeast corner of that certain called 0.5248 acre tract conveyed to the City of Pearland as a donation for right-of-way as described under Document Number 2012007390, B.C.O.P.R.;

Thence, South 86° 40' 85" West, along the north right-of-way line of said County Road 59 as described under Document Number 2012007390, B.C.O.P.R., 646.10 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" found for the northwest corner of said 0.5248 acre tract, said point being on the west line of the aforementioned 30.583 acre tract, said point being the southeast corner of Southgate Section One, a subdivision of record in Volume 24, Pages 33-36, B.C.P.R.;

Thence, North 03°18' 00" West, along the west line of said 30.583 acre tract, the west line of said Lots 38, 39 and 40, and the east line of said Southgate Section One, passing at 1,310.57 feet a 5/8-inch iron rod with cap stamped "DALE HARDY RPLS 4847" found for the northeast corner of said Southgate Section One and the southeast corner of of the aforementioned Southgate Section Two, continuing along the west line of said Lot 38 and the east line of said Southgate Section Two, in all 1,583.44 feet to the POINT OF BEGINNING and containing 29.226 acres (1,273,076 square feet) of land.

PART TWO

BEGINNING at a 5/8-inch iron rod found for the northeast corner of said 9.990 acre tract and the southeast corner of that certain called 2.515 acre tract conveyed from DXB Richmond, Inc to Gold Star Development by an instrument of record under Document Number 2008031966, B.C.O.P.R., said point also being on the west right-of-way line of SH 288 (width varies) as described in Volume 1041, Page 463, Volume 1041, Page 858, and Volume 1052, Page 159, B.C.D.R., said point being on the common lot line of said Lot 48 and 49 of said Section 81, from which a found 3/4-inch iron pipe bears South 52° 30' 37" East, 0.33 feet;

Thence, South 03° 14' 03" East, along the common line of said 9.990 acre tract and said westerly right-of-way line, 877.30 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" found for an angle point on said common line;

Thence, South 30° 49' 10" West, continuing along said common line, 82.81 feet to a broken concrete right-of-way monument found for an angle point on said common line;

Thence, South 64° 55' 07" West, continuing along said common line, 39.10 feet to a broken concrete right-of-way monument found for an angle point on said common line;

Thence, South 86° 45' 24" West, continuing along said common line, 30.02 feet to a broken concrete right-of-way monument found for the southwest corner of said 9.990 acre tract, same being the intersection on said westerly right-of-way line and the east right-of-way line of County Road 566 (width varies) as recorded in Volume 2, Page 98, B.C.P.R., Volume 133, Page 126, Volume 881, Page 230, Volume 881, Page 232, Volume 1035, Page 636, and Volume 1035, Page 642, B.C.D.R.;

Thence, North 03° 17' 17" West, departing said common line and along the west line of said 9.990 acre tract and along the east right-of-way line of said County Road 566, 371.60 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" set at the intersection of the east right-of-way line of said County Road 566 and the east right-of-way line of said Business Center Drive (100 feet wide) as described under Document Numbers 2012007382, 2012007390, 2012007393, and 2012007402, B.C.O.P.R., the beginning of a curve;

Thence, along the east right-of-way line of said Business Center Drive, 187.07 feet along the arc of a non-tangent curve to the left having a radius of 850.00 feet, a central angle of 12° 36' 35", and a chord that bears North 03° 02' 17" East, 186.69 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" found for corner;

Thence, North 03° 18' 00" West, continuing along the east right-of-way line of said Business Center Drive, 531.11 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" set for corner on the north line of the aforementioned 9.990 acre tract and the south line of the aforementioned 2.515 acre tract, said point also being on the common lot line of Lots 48 and 49 of the aforementioned Allison Richey Gulf Coast Homes Company's Part of Suburban Gardens subdivision;

Thence, North 86° 41' 22" East, along the common line of said 9.990 and 2.515 acre tracts and said common lot line, 410.34 feet to the POINT OF BEGINNING and containing 9.683 acres (421,802 square feet) of land.

Said Part One and Part Two containing a total of 38.909 acres (1,694,878 square feet) of land.

SURVEYOR'S CERTIFICATE

To: Parkside 288/59, Ltd. and Stewart Title Guaranty Company
I hereby certify that on the 15th day of June, 2012:

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2011 Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 6(a), 7(a), 7(b1), 7(c), 8, 9, 11(a), 14, 15, 16, and 18 of Table A thereof.
The field work was completed on June 8, 2012.

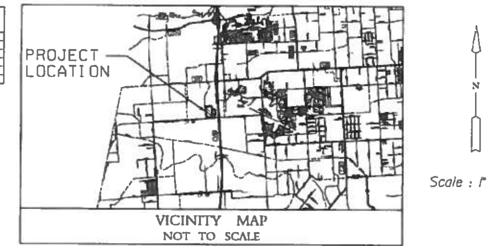
Date of Plat or Map: June 19, 2012

Gary D. Nutter
Registered Professional Land Surveyor
Texas Registration No. 5653

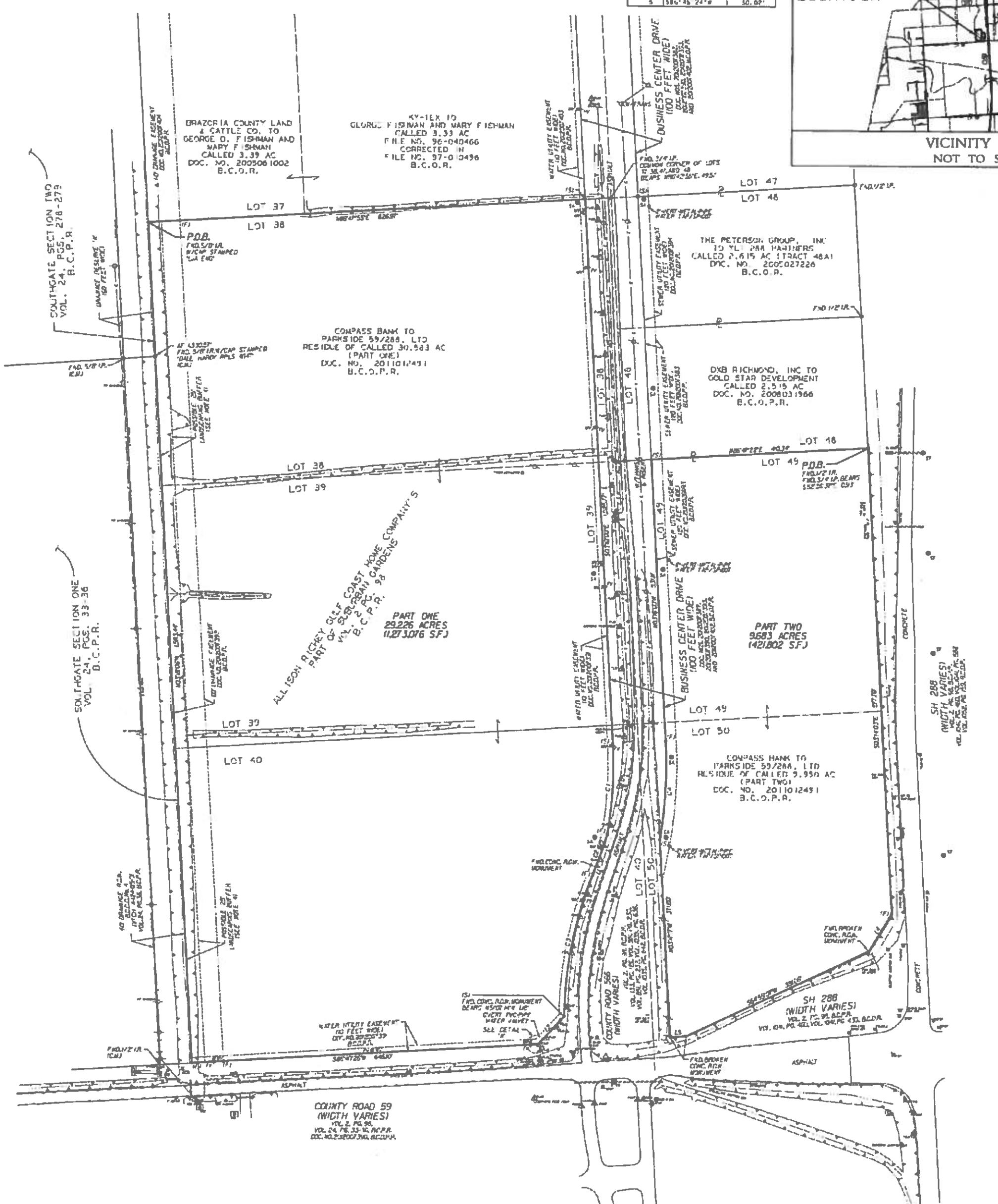
STATE OF TEXAS
REGISTERED
GARY D. NUTTER
PROFESSIONAL
LAND SURVEYOR

CURVE TABLE						
Curve	Radius	Tangent	Chord	Arc	Delta	Chord Bearing
1	750.00'	85.13'	169.18'	169.54'	12°57'08"	S03°12'34"W
2	686.20'	33.20'	66.32'	66.34'	05°32'22"	S18°58'03"W
3	746.20'	139.38'	274.03'	275.59'	21°09'43"	S11°09'26"W
4	850.00'	93.91'	186.69'	187.07'	12°36'35"	N03°02'17"E

LINE TABLE		
Line	Bearing	Distance
1	S21°45'33"W	13.71'
2	S42°42'06"W	71.88'
3	S06°44'15"W	10.00'
4	S30°49'10"W	82.81'
5	S86°45'24"W	30.02'

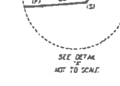


Scale: 1" = 80'



LEGEND

B.C.D.R. - BRAZORIA COUNTY DEED RECORDS
B.C.O.P.R. - BRAZORIA COUNTY OFFICIAL PUBLIC RECORDS
B.C.O.R. - BRAZORIA COUNTY OFFICIAL RECORDS
B.C.P.R. - BRAZORIA COUNTY PLAT RECORDS
(S) - SET 5/8" I.R. W/CAP STAMPED "LJA ENG"
(F) - FOUND 5/8" I.R. W/CAP STAMPED "LJA ENG"
I.R. - IRON ROD
I.P. - IRON PIPE
(C.M.) - CONTROLLING MONUMENT
- POWER POLE W/ GUY WIRE
—E— - OVERHEAD UTILITIES
- ELECTRICAL BOX
- ELECTRICAL JUNCTION BOX
- ELECTRIC METER
- PEDESTAL
- TELEPHONE CABLE MARKER
- HIGHBANK LINE STYLE
- HIGHBANK LINE STYLE
- FLOW LINE OF DITCH
- EDGE OF ASPHALT
- FLUSHING VALVE
- WATER VALVE
- PEDESTAL
- SIGN
- GRATE INLET
- GAS LINE MARKER (PIN FLAG)
ST - STORM MANHOLE
SA - SANITARY MANHOLE



SEE DETAIL "B"
NOT TO SCALE

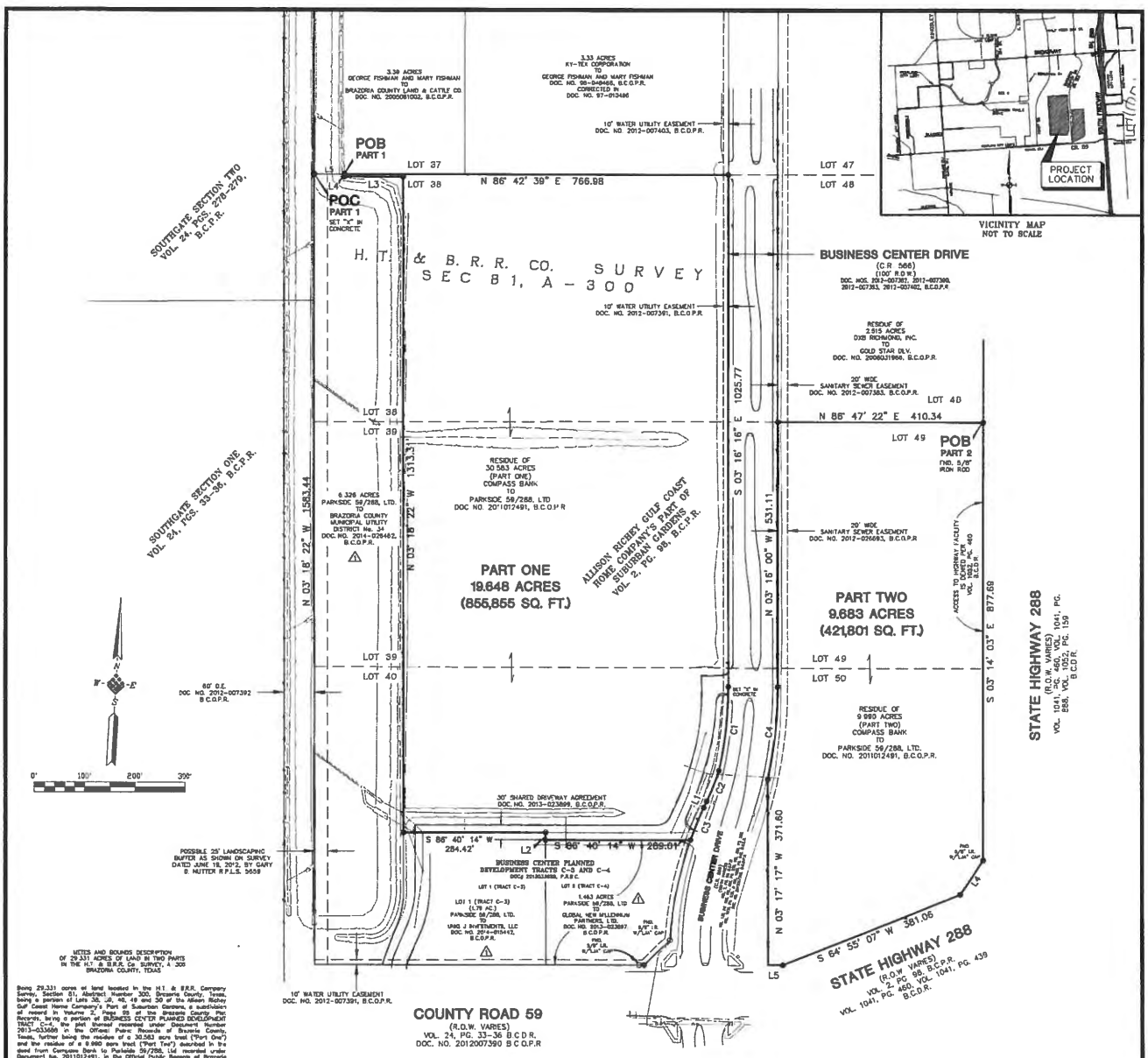
ACREAGE SUMMARY

TRACT ONE	=	29.226 ACRES (1,273,076 S.F.)
TRACT TWO	=	9.683 ACRES (421,802 S.F.)
TOTAL	=	38.909 ACRES (1,694,878 S.F.)

ALTA/ACSM LAND TITLE SURVEY
OF 38.909 ACRES
(1,694,878 S.F.)
IN THE
H.T.& B. R.R. COMPANY SURVEY
SECTION-81, A-300
BRAZORIA COUNTY, TEXAS

JUNE 2012 JOB NO. 1352-1003-202

LJA Engineering, Inc.
2929 Briarpark Drive
Suite 600
Houston, Texas 77042
Phone 713.953.5200
Fax 713.953.5026



NOTES AND BOUNDS DESCRIPTION
OF 29.331 ACRES OF LAND IN TWO PARTS
IN THE H.T. & B.R.R. Co. SURVEY, A-300
BRAZORIA COUNTY, TEXAS

Being 29.331 acres of land located in the H.T. & B.R.R. Company Survey, Section 81, Abstract Number 300, Brazoria County, Texas, being a portion of Lots 38, 39, 48, 49 and 50 of the Allison Richey Gulf Coast Home Company's Part of Suburban Gardens, a subdivision of record in Volume 2, Page 98 of the Brazoria County Plat Records, being a portion of BUSINESS CENTER PLANNED DEVELOPMENT TRACT C-4, the plat thereof recorded under Document Number 2013-023899 in the Official Public Records of Brazoria County, Texas, further being the residue of a 30.583 acre tract ("Part One") and the residue of a 9.990 acre tract ("Part Two") described in the deed from Compass Bank to Parkside 56/288, Ltd recorded under Document No. 2011012491, in the Official Public Records of Brazoria County, Texas, said 29.331 acre tract being more particularly described in two parts by metes and bounds as follows with bearings based on the Texas Coordinate System of 1983, South Central Zone:

PART 1:

COMMENCING at an out "X" in concrete set for the northwest corner of the 6.326 acre tract described in deed from Parkside 56/288, Ltd. to Brazoria County Municipal Utility District No. 34 recorded under Document Number 2014-026462 in the Official Public Records of Brazoria County, Texas, being the southwest corner of a 3.38 acre tract described in deed from George Fishman and Mary Fishman to Brazoria County Land & Cattle Co. recorded under Document Number 2000-061002 in the Official Public Records of Brazoria County, Texas, being on the east line of Southgate Section Two, the plat thereof recorded in Volume 24, Pages 276-279 of the Brazoria County Plat Records, and being the common west corner of Lots 37 and 38 of said Allison Richey Gulf Coast Home Company's Part of Suburban Gardens subdivision;

THENCE North 88° 43' 38" East – 86.80 feet, with the line common to said 6.326 acre tract and said 3.38 acre tract to a 5/8-inch iron rod with cap stamped "ED5" set for the most northerly northwest corner and POINT OF BEGINNING of the herein described tract;

THENCE North 86° 42' 39" East – 766.98 feet, with the north line of said 30.583 acre tract and south line of said 3.38 acre tract and south line of a 3.33 acre tract described in deed from Ry-Tex Corporation to George Fishman and Mary Fishman recorded under Documents 98-048468 and 98-048469 and corrected under Document Number 97-013486 in the Official Public Records of Brazoria County, Texas to a 5/8-inch iron rod with cap stamped "ED5" set on the west right-of-way line of Business Center Drive (County Road 566) (100 foot wide at this point) as described under Document Numbers 2012-007382, 2012-007380, 2012-007383 and 2012-007402 in the Official Public Records of Brazoria County, Texas;

THENCE with the west right of way line of said Business Center Drive the following courses and distances:

South 03° 16' 16" East – 1025.77 feet to a cut "X" in concrete set at the beginning of a curve to the right;

In a southeasterly direction and with said curve to the right, having a central angle of 12° 57' 07", a chord bearing and distance of South 03° 12' 18" West – 169.10 feet, a radius of 750.00 feet, and an arc distance of 169.54 feet to a 5/8-inch iron rod with cap stamped "ED5" set at the end of said curve and the beginning of a non tangent curve to the right;

In a southwesterly direction and with said non-tangent curve to the right, having a central angle of 05° 33' 23", a chord bearing and distance of South 18° 37' 47" West – 86.33 feet, a radius of 888.20 feet, and an arc distance of 86.33 feet to a 5/8-inch iron rod with cap stamped "ED5" set at the end of said curve;

South 21° 45' 17" West – 13.71 feet to a 5/8-inch iron rod with cap stamped "ED5" set at the beginning of a curve to the left;

In a southwesterly direction and with said curve to the left, having a central angle of 05° 25' 00", a chord bearing and distance of South 19° 01' 30" West – 70.57 feet, a radius of 748.20 feet, and an arc distance of 70.54 feet to a 5/8-inch iron rod with cap stamped "LJA" set at the end of said curve, said point being the northeast corner of the 1.463 acre tract of land described in deed from Parkside 56/288, LLC to Global New Millennium Partners, Ltd. recorded under Document Number 2013-023897, in the Official Public Records of Brazoria County, Texas;

THENCE South 86° 40' 14" West – 292.01 feet, departing said west right-of-way line and with the north line of said 1.463 acre tract, to a 5/8-inch iron rod with cap stamped "LJA" set for the northwest corner of said 1.463 acre tract and being on the east line of Lot 1, (Tract C-3) (1.79 acres) described in the deed from Parkside 56/288, Ltd. to Uniq J Investments, LLC, recorded under Document Number 2014-015442 in the Official Public Records of Brazoria County, Texas.

THENCE North 03° 19' 45" West – 15.00 feet, with the line common to said 1.463 acre tract and said 1.79 acre tract, to a 5/8-inch iron rod with cap stamped "ED5" set for the northeast corner of said 1.79 acre tract;

THENCE South 86° 40' 14" West – 284.42 feet, with the north line of said 1.79 acre tract, to a 5/8 inch iron rod with cap stamped "ED5" found for the northwest corner of said 1.79 acre tract, being on the east line of said 6.326 acre tract.

THENCE North 03° 18' 22" West – 1313.33 feet, with the east line of said 6.326 acre tract, to a 5/8 inch iron rod with cap stamped "ED5" found for the northeast corner of said 6.326 acre tract;

THENCE South 86° 42' 39" West – 110.00 feet, with a northerly line of said 6.326 acre tract, to a 5/8-inch iron rod with cap stamped "ED5" found for an interior northerly corner of said 6.326 acre tract;

THENCE North 03° 18' 22" West – 5.00 feet to the POINT OF BEGINNING of the herein described tract and containing 19.648 acres (855,855 square feet) of land.

PART 2:

BEGINNING at a 5/8-inch iron rod found for the northeast corner of said 9.990 acre tract and the southeast corner of a 2.815 acre tract described in deed from DXB Richmond, Inc. to Gold Star Development recorded under Document Number 2006-031966, in the Official Public Records of Brazoria County, Texas, being on the west right-of-way line of State Highway 288 (width varies) as described in Volume 1041, Page 460, Volume 1041, Page 888 and Volume 1052, Page 158, and on the line common to said Lots 48 and 49;

THENCE South 03° 14' 03" East – 877.69 feet, with the line common to said 9.990 acre tract and said west right-of-way line, to a 5/8-inch iron rod with cap stamped "LJA ENC" found for an angle point;

THENCE South 30° 49' 10" West – 82.81 feet, continuing with said common line, to a 5/8-inch iron rod with cap stamped "ED5" set for an angle point;

THENCE South 64° 55' 07" West – 381.06 feet, continuing with said common line, to a 5/8-inch iron rod with cap stamped "ED5" set for an angle point;

THENCE South 62° 43' 24" West – 33.02 feet, continuing with said common line, to the southeast corner of the herein described tract, same being the intersection of said west right-of-way line and the west right-of-way line of County Road 566 (width varies) as recorded in Volume 2, Page 80 of the Brazoria County Plat Records, Volume 133, Page 126, Volume 881, Page 230, Volume 881, Page 232, Volume 1035, Page 838 and Volume 1035, Page 842 of the Brazoria County Deed Records;

THENCE North 03° 17' 17" West – 371.60 feet, departing said common line and with the east line of said 9.990 acre tract and the west right-of-way line of said Business Center Drive (County Road 566)(width varies) to a 5/8-inch iron rod with cap stamped "ED5" set at the beginning of a non-tangent curve to the left;

THENCE in a northwesterly direction and with said curve to the left, having a central angle of 12° 36' 33", a chord bearing and distance of North 03° 07' 17" East – 186.89 feet, a radius of 850.00 feet, and an arc distance of 187.07 feet to the end of said curve;

THENCE North 03° 16' 00" West – 531.11 feet, with the east right of way line of said Business Center Drive (100 feet wide at this point) to a 5/8 inch iron rod with cap stamped "ED5" set for the northwest corner for the herein described tract, being on the north line of said 9.990 acre tract, the south line of said 2.815 acre tract, and the said line common to Lots 48 and 49;

THENCE North 86° 47' 22" East – 410.34 feet, with the line common to said 2.815 acre tract and 9.990 acre tract one said common lot line, to the POINT OF BEGINNING of the herein described tract and containing 9.683 acres (421,801 square feet) of land.

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	750.00	169.54	169.10	S 03° 12' 18" W	12°57'07"
C2	888.20	86.33	86.33	S 18° 37' 47" W	05°33'23"
C3	748.20	70.54	70.52	S 19° 01' 30" W	5°25'00"

LINE	BEARING	DISTANCE
L1	S 21° 45' 17" W	13.71
L2	N 03° 19' 45" W	15.00'
L3	S 86° 42' 39" W	110.00'
L4	S 03° 18' 22" W	5.00'
L5	N 86° 42' 39" E	60.00'

ABBREVIATION TABLE

FND.	FOUND
VOL.	VOLUME
PG.	PAGE
D.E.	DRAINAGE EASEMENT
ESMT.	EASEMENT
H.L. & P	HOUSTON LIGHT AND POWER
B.C.P.R	BRAZORIA COUNTY PLAT RECORDS
B.C.D.R.	BRAZORIA COUNTY DEED RECORDS
B.C.O.P.R	BRAZORIA COUNTY OFFICIAL PUBLIC RECORDS

SYMBOL LEGEND

- FOUND MONUMENT
- SET 5/8" IRON ROD WITH CAP STAMPED "IDS" UNLESS OTHERWISE NOTED
- CONTROLLING MONUMENT
- GAS VALVE
- WATER VALVE
- POWER POLE
- OVER HEAD POWER LINE
- TRANSMISSION TOWER
- ELECTRICAL JUNCTION BOX
- GUY WIRE
- UNDERGROUND H.L.&P. MARKER
- UNDERGROUND TELEPHONE MARKER
- STORM SEWER MANHOLE
- WATER MANHOLE
- TELEPHONE JUNCTION BOX
- TELEPHONE MANHOLE
- PIPELINE MARKER
- VENT PIPE
- METAL POST
- WOOD POST
- CHAIN LINK FENCE
- BARBED WIRE FENCE

NOTES:

The surveyor has relied on Stewart Title Guaranty Company to provide copies of recorded deeds, plats or other instruments describing the subject property and adjoining tracts, used to support the determination of the location of the intended boundaries of the land surveyed.

This map is the result of an on the ground survey made under my supervision and depicts the conditions found on the ground at the time of the survey. The field work was completed on January 30, 2014

Adjoiner information is shown per the Texas Board of Professional Land Surveying Rules and is shown for informational purposes only.

Coordinates shown hereon are for descriptive purposes only and are not legative

The bearings shown hereon are referenced to the Texas Coordinate System of 1983, South Central Zone.

The recorded easements, setbacks and encumbrances shown hereon are from Schedule B of the commitment for title insurance issued by Stewart Title Guaranty Company, GF No. 1703633007, effective date January 5, 2014, issue date January 22, 2014. The surveyor has relied upon the accuracy and completeness of the information described above and has made no independent investigation or search for title information

The utility appurtenances shown hereon include those visible at the time of the survey and are for general locative purposes only. In providing this boundary survey, no attempt has been made to obtain or show data concerning existence, size, depth, condition, capacity or location of any utility existing on or adjacent to the site, whether private, municipal or public owned.

The buildings and other improvements shown hereon represent the outline at ground level. The Surveyor has not located any underground buildings, overhead protrusions or improvements not obvious and located at ground level, unless otherwise noted.

Surveyor has not identified any geological or environmental conditions in connection with the subject property and Surveyor fully disclaims any and all responsibility related to issues or claims related thereto or resulting there from

TO: PARKSIDE CAPITAL and Stewart Guaranty Title Insurance Company

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2011 Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1-4, 6, 8, 9, 11(a), 13 & 14 of Table A thereof. The field work was completed on December 5, 2013.

Date of Plat or Map:
January 30, 2014

Douglas W. Turner
Texas Registered Professional Land Surveyor No. 3988

STATE OF TEXAS
DOUGLAS W. TURNER
3988
REGISTERED
PROFESSIONAL
LAND SURVEYOR

DATE	REVISION
7-23-2014	1 REVISE PER NEW OWNERSHIPS

IDS Engineering Group
TBPLS Firm Reg. No. 10076-00
13333 NW Freeway, Suite 300
Houston, Tx. 77040
Phone 713-462-3178

ALTA/ACSM LAND TITLE SURVEY

29.331 ACRES IN TWO PARTS
H.T. & B.R.R. CO. SURVEY
SECTION 81, A-300
BRAZORIA COUNTY, TEXAS

DRAWN: WLS
ORIGINAL ISSUE DATE: JANUARY 30, 2014
ORIGINAL SCALE: 1" = 100'
REVISION/LAST ISSUE: 7-23-14
JOB NO.: 2024-001-00-522

METES AND BOUNDS DESCRIPTION
OF 29.331 ACRES OF LAND IN TWO PARTS
IN THE H.T. & B.R.R. Co. SURVEY, A-300
BRAZORIA COUNTY, TEXAS

Being 29.331 acres of land located in the H.T. & B.R.R. Company Survey, Section 81, Abstract Number 300, Brazoria County, Texas, being a portion of Lots 38, 39, 40, 49 and 50 of the Allison Richey Gulf Coast Home Company's Part of Suburban Gardens, a subdivision of record in Volume 2, Page 98 of the Brazoria County Plat Records, being a portion of BUSINESS CENTER PLANNED DEVELOPMENT TRACT C-4, the plat thereof recorded under Document Number 2013-033688 in the Official Public Records of Brazoria County, Texas, further being the residue of a 30.583 acre tract ("Part One") and the residue of a 9.990 acre tract ("Part Two") described in the deed from Compass Bank to Parkside 59/288, Ltd. recorded under Document No. 2011012491, in the Official Public Records of Brazoria County, Texas, said 29.331 acre tract being more particularly described in two parts by metes and bounds as follows with bearings based on the Texas Coordinate System of 1983, South Central Zone:

PART 1:

COMMENCING at an cut "X" in concrete set for the northwest corner of the 6.326 acre tract described in deed from Parkside 59/288, Ltd. to Brazoria County Municipal Utility District No. 34 recorded under Document Number 2014-026462 in the Official Public Records of Brazoria County, Texas, being the southwest corner of a 3.39 acre tract described in deed from George Fishman and Mary Fishman to Brazoria County Land & Cattle Co. recorded under Document Number 2005-061002 in the Official Public Records of Brazoria County, Texas, being on the east line of Southgate Section Two, the plat thereof recorded in Volume 24, Pages 278-279 of the Brazoria County Plat Records, and being the common west corner of Lots 37 and 38 of said Allison Richey Gulf Coast Home Company's Part of Suburban Gardens subdivision;

THENCE North 86° 42' 39" East – 60.00 feet, with the line common to said 6.326 acre tract and said 3.39 acre tract to a 5/8-inch iron rod with cap stamped "IDS" set for the most northerly northwest corner and **POINT OF BEGINNING** of the herein described tract;

THENCE North 86° 42' 39" East – 766.98 feet, with the north line of said 30.583 acre tract and south line of said 3.39 acre tract and south line of a 3.33 acre tract described in deed from Ky-Tex Corporation to George Fishman and Mary Fishman recorded under Document Number 96-040466 and corrected under Document Number 97-010496 in the Official Public Records of Brazoria County, Texas to a 5/8-inch iron rod with cap stamped "IDS" set on the west right-of-way line of Business Center Drive (County Road 566) (100 feet wide at this point) as described under Document Numbers 2012-007382, 2012-007390, 2012-007393 and 2012-007402 in the Official Public Records of Brazoria County, Texas;

THENCE with the west right-of-way line of said Business Center Drive the following courses and distances:

South 03° 16' 16" East – 1025.77 feet to a cut "X" in concrete set at the beginning of a curve to the right;

in a southwesterly direction and with said curve to the right, having a central angle of 12° 57' 07", a chord bearing and distance of South 03° 12' 18" West – 169.18 feet, a radius of 750.00 feet, and an arc distance of 169.54 feet to a 5/8-inch iron rod with cap stamped "IDS" set at the end of said curve and the beginning of a non-tangent curve to the right;

in a southwesterly direction and with said non-tangent curve to the right, having a central angle of 05° 32' 23", a chord bearing and distance of South 18° 57' 47" West – 66.32 feet, a radius of 686.20 feet, and an arc distance of 66.35 feet to a 5/8-inch iron rod with cap stamped "IDS" set at the end of said curve;

South 21° 45' 17" West – 13.71 feet to a 5/8-inch iron rod with cap stamped "IDS" set at the beginning of a curve to the left;

in a southwesterly direction and with said curve to the left, having a central angle of 05° 25' 00", a chord bearing and distance of South 19° 01' 30" West – 70.52 feet, a radius of 746.20 feet, and an arc distance of 70.54 feet to a 5/8-inch iron rod with cap stamped "IDS" set at the end of said curve, said point being the northeast corner of the 1.463 acre tract of land described in deed from Parkside 59/288, Ltd. to Global New Millennium Partners, Ltd. recorded under Document Number 2013-023897, in the Official Public Records of Brazoria County, Texas;

THENCE South 86° 40' 14" West – 289.01 feet, departing said west right-of-way line and with the north line of said 1.463 acre tract, to a 5/8-inch iron rod with cap stamped "IDS" set for the northwest corner of said 1.463 acre tract and being on the east line of Lot 1, (Tract C-3) (1.79 acres) described in the deed from Parkside 59/288, Ltd. to Uniq J Investments, LLC, recorded under Document Number 2014-015442 in the Official Public Records of Brazoria County, Texas;

THENCE North 03° 19' 46" West – 15.00 feet, with the line common to said 1.463 acre tract and said 1.79 acre tract, to a 5/8-inch iron rod with cap stamped "IDS" set for the northeast corner of said 1.79 acre tract;

THENCE South 86° 40' 14" West – 284.42 feet, with the north line of said 1.79 acre tract, to a 5/8-inch iron rod with cap stamped "IDS" found for the northwest corner of said 1.79 acre tract, being on the east line of said 6.326 acre tract;

THENCE North 03° 18' 22" West – 1313.31 feet, with the east line of said 6.326 acre tract, to a 5/8-inch iron rod with cap stamped "IDS" found for the northeast corner of said 6.326 acre tract;

THENCE South 86° 42' 39" West – 116.00 feet, with a northerly line of said 6.326 acre tract, to a 5/8-inch iron rod with cap stamped "IDS" found for an interior northerly corner of said 6.326 acre tract;

THENCE North 03° 18' 22" West – 5.00 feet to the **POINT OF BEGINNING** of the herein described tract and containing 19.648 acres (855,855 square feet) of land.

PART 2:

BEGINNING at a 5/8-inch iron rod found for the northeast corner of said 9.990 acre tract and the southeast corner of a 2.515 acre tract described in deed from DXB Richmond, Inc. to Gold Star Development recorded under Document Number 2008-031966 in the Official Public Records of Brazoria County, Texas, being on the west right-of-way line of State Highway 288 (width varies) as described in Volume 1041, Page 460, Volume 1041, Page 888 and Volume 1052, Page 159, and on the line common to said Lots 48 and 49;

THENCE South 03° 14' 03" East – 877.69 feet, with the line common to said 9.990 acre tract and said west right-of-way line, to a 5/8-inch iron rod with cap stamped "LJA ENG" found for an angle point;

THENCE South 30° 49' 10" West – 82.81 feet, continuing with said common line, to a 5/8-inch iron rod with cap stamped "IDS" set for an angle point;

THENCE South 64° 55' 07" West – 381.06 feet, continuing with said common line, to a 5/8-inch iron rod with cap stamped "IDS" set for an angle point;

THENCE South 86° 45' 24" West – 30.02 feet, continuing with said common line, to the southwest corner of the herein described tract, same being the intersection of said west right-of-way line and the east right-of-way line of County Road 566 (width varies) as recorded in Volume 2, Page 98 of the Brazoria County Plat Records, Volume 133, Page 126, Volume 881, Page 230, Volume 881, Page 232, Volume 1035, Page 636 and Volume 1035, Page 642 of the Brazoria County Deed Records;

THENCE North 03° 17' 17" West – 371.60 feet, departing said common line and with the west line of said 9.990 acre tract and the east right-of-way line of said Business Center Drive (County Road 566)(width varies) to a 5/8-inch iron rod with cap stamped "IDS" set at the beginning of a non-tangent curve to the left;

THENCE in a northeasterly direction and with said curve to the left, having a central angle of 12° 36' 35", a chord bearing and distance of North 03° 02' 17" East – 186.69 feet, a radius of 850.00 feet, and an arc distance of 187.07 feet to a 5/8-inch iron rod with cap stamped "IDS" set for the end of said curve;

THENCE North 03° 16' 00" West – 531.11 feet, with the east right-of-way line of said Business Center Drive (100 feet wide at this point) to a 5/8-inch iron rod with cap stamped "IDS" set for the northwest corner for the herein described tract, being on the north line of said 9.990 acre tract, the south line of said 2.515 acre tract, and the said line common to Lots 48 and 49;

THENCE North 86° 47' 22" East – 410.34 feet, with the line common to said 2.515 acre tract and 9.990 acre tract and said common lot line, to the **POINT OF BEGINNING** of the herein described tract and containing 9.683 acres (421,801 square feet) of land.

Prepared by:
IDS Engineering Group
Job No. 2024-001-00-521

January 31, 2014
Revised July 23, 2014

Douglas W. Turner
Registered Professional Land Surveyor
Texas Registration Number 3988

STATE OF TEXAS
REGISTERED
DOUGLAS W. TURNER
3988
PROFESSIONAL
LAND SURVEYOR

V:\JOBS\2000s\2024-001-00 Pearland Business Park\Task 522 LTS Update-July 2014\Work In Progress\2024-001-00-521 PBP 19.648 Ac.docx

Exhibit B

Survey and

Metes & Bounds

Notes:

1) All bearings referenced to the Texas Coordinate System, South Central Zone, NAD 83 (1993 ADJ.) Epoch 2002.02.

2) This survey was prepared from information furnished by Stewart Title Guaranty Company, File No.1203933002, Effective date June 3, 2012. The surveyor did not abstract subject property.
   a) Schedule B, Item 10(b), Limited Access to Highway as set forth in Volume 1041, Page 460, B.C.D.R., affects the tract, access is prohibited to SH 288 along the entire east line of Part Two of the subject tract.
   b) Schedule B, Item 10(c), Limited Access to Highway as set forth in Volume 1035, Page 642, B.C.D.R., affects the tract, access is permitted to the roadway along the entire east line of Part One of the subject tract.
   c) Schedule B, Item 10(d), An easement with undefined width for an existing drainage ditch along the west boundary line as disclosed in Volume 722, Page 337, B.C.D.R. affects only that portion of Part One of the subject tract within Lot 38.
   d) Schedule B, Item 10(e), An easement for water utility 10 feet wide along the east and south property line granted to the City of Pearland by an instrument of record under Document Number 2012007391, B.C.D.R. affects Part One of the subject tract and is shown hereon.
   e) Schedule B, Item 10(f), A drainage easement 60 feet wide along the west property line granted to the Brazoria county Drainage District No.4 by an instrument of record under Document Number 2012007392, B.C.D.R. affects Part One of the subject tract and is shown hereon.
   f) Schedule B, Item 10(g), A sanitary sewer easement 20 feet wide along the west property line granted to the City of Pearland appears to be unrecorded and affects Part Two of the subject tract and is shown hereon.
   g) Schedule B, Item 10(h), The Waiver of Special Appraisal for the Benefit of Brazoria County Municipal Utility District No. 34 recorded in Document Number 2007049473, B.C.D.R. affects all of the subject tract.
   h) Schedule B, Item 10(i), The Oil, Gas, and other mineral interests reserved in Volume 701, Page 63, B.C.D.R. and as conveyed in Volume 1705, Page 29, B.C.D.R. and in Volume 1861254, Page 706, B.C.D.R. with surface rights waived as described in Volume 1861249, Pages 547, 550, 553, 556, B.C.D.R. affects only that portion of the subject tract within Lot 39.
   i) Schedule B, Item 10(j), The Oil, Gas, and other mineral interests reserved in Volume 1861246, Page 318, B.C.D.R. and Volume 1861249, Page 545, B.C.D.R. and amended by surface rights waived as described in Volume 1861249, Pages 547, 550, 553, 556, B.C.D.R. affects only that portion of the subject tract within Lot 39.
   j) Schedule B, Item 10(k), The Oil, Gas, and other mineral interests reserved in Volume 1061, Page 314, B.C.D.R. affects only that portion of the subject tract within the east 47.3349 acres out of Lot 40 and as described therein.
   k) Schedule B, Item 10(l), The Oil, Gas, and other mineral interests reserved in Volume 394, Page 150, B.C.D.R. affects only that portion of the subject tract within Lots 49 and 50.
   l) Schedule B, Item 10(m), The Oil, Gas, and other mineral interests reserved in Document Number 2004024839, B.C.D.R. affects only that portion of the subject tract within Lots 49 and 50.
   m) Schedule B, Item 9(n), The waiver of surface rights of record in Document Number 2006021026, B.C.D.R. affects only that portion of the subject tract within Lots 49 and 50.
   n) Schedule B, Item 9(q), The Oil, Gas, and other mineral leases of record in File Numbers 00-032234, 00-032242, 00-032250, 00-035901, and 00-040282, B.C.D.R. and amended in File Number 03-026420, B.C.D.R. affects only that portion of the subject tract within Lots 49 and 50.
   o) Schedule B, Item 9(x), The Oil, Gas, and other mineral interests reserved in Volume 722, Page 337, B.C.D.R. affects only that portion of the subject tract within Lot 38.

3) By graphical plotting, the subject tract lies within Zone "X" (un-shaded on the FIRM map), Zone "X" (un-shaded) is defined as "Areas determined to be outside the 500-year floodplain." as shown on Federal Emergency Management Agency Flood Insurance Rate Map, Map No. 48039C0020 H, Effective date June 5, 1989.

4) The portion of the subject tract identified as being located within the city limits of the City of Pearland, Texas, is zoned "BP-288" (Business Park District-288), and is subject to the provisions of City of Pearland "Unified Development Code", Ordinance No. 2000T and the "Zoning Map", Ordinance No. 2000T, approved by City Council, February 27, 2006 and as amended by official action of the City Council.

5) All of the subject tract lies within Brazoria County Municipal Utility District No.34.

6) There are no structures and no paved or striped parking spaces on the subject tract.

7) There is no visible evidence of the subject tracts being used as a solid waste dump, sump, or sanitary landfill.

8) A metes and bounds description was prepared for the subject tract on a separate instrument dated June 19, 2012.

DESCRIPTION OF
38.909 ACRES
(1,694,878 SQUARE FEET)

Being 38.909 acres of land located in the H.T. & B. R.R. Company Survey, Section 81, Abstract Number 300, Brazoria County, Texas, being a portion of Lots 38, 39, 40, 49, and 50 of the Allison Richey Gulf Coast Homes Company's Part of Suburban Gardens, a subdivision of record in Volume 2, Page 98, of the Plat Records of said Brazoria County (B.C.P.R.), more particularly being the residue of that certain called 30.583 acre tract (described as Part One) and the residue of that certain called 9.990 acre tract (described as Part Two) conveyed from Compass Bank to Parkside 59/288, Ltd., by an instrument of record under Document 2011012491, of the Official Public Records of said Brazoria County, (B.C.O.P.R.), said 38.909 acres being more particularly described in two parts by metes and bounds as follows: Part One being 29.226 acres (1,273,076 square feet) and Part Two being 9.683 acres (421,802 square feet), all bearings referenced to the Texas Coordinate System, South Central Zone, NAD83 (1993 adjustment), Epoch 2002.02.

PART ONE

BEGINNING at a 5/8-inch iron rod with cap stamped "LJA ENG" found for the northwest corner of said 30.583 acre tract and the southwest corner of that certain called 3.39 acre tract conveyed from Brazoria County Land & Cattle Co. to George D. Fishman and wife, Mary Fishman by an instrument of record under Document Number 2005061002, of the Official Records of said Brazoria County, (B.C.O.R.), said point being on the east line of Southgate Section Two, a subdivision of record in Volume 24, Pages 278-279, B.C.P.R., said point also being common west corner of Lots 37 and 38 of said Allison Richey Gulf Coast Home Company's Part of Suburban Gardens subdivision;

Thence, North 86° 42' 55" East, along the common line of said Lots 37 and 38, along the north line of said 30.583 acre tract, the south line of said 3.39 acre tract and said south line of that certain called 3.33 acre tract conveyed from Ky-Tex to George Fishman and Mary Fishman by an instrument of record under File Number 96-040466 and corrected under File Number 97-010496, B.C.O.R., 826.91' feet to a 5/8-inch iron rod with cap stamped "LJA ENG" set on the west right-of-way line of Business Center Drive (100 feet wide) as described under Document Numbers 2012007382, 2012007390, 2012007393, and 2012007402, B.C.O.R., from witch a 3/4-inch iron pipe found for the common corner of said Lots 37, 38, 47 and 48 of said Allison Richey Gulf Coast Home Company's Part of Suburban Gardens subdivision bears North 86° 42' 55" East, 49.51 feet;

Thence, South 03° 16' 00" East, along the west right-of-way line of said Business Center Drive, 1,025.77 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" set for corner, the beginning of a curve;

Thence, continuing along the west right-of-way line of said Business Center Drive, (width varies), 169.54 feet along the arc of a tangent curve to the right having a radius of 750.00 feet, a central angle of 12° 57' 08", and a chord that bears South 03° 12' 34" West, 169.18 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" found for corner at the intersection of the west right-of-way line of said Business Center Drive and the west right-of-way line of County Road 566 (width varies) as described in Volume 2, Page 98, B.C.P.R., Volume 133, Page 126, Volume 881, Page 230, Volume 881, Page 232, Volume 1035, Page 636, and Volume 1035, Page 642, B.C.P.R., the beginning of a curve;

Thence, along the west right-of-way line of said County Road 566 the following four courses:

1. 66.34 feet along the arc of a non-tangent curve to the right having a radius of 686.20 feet, a central angle of 05° 32' 22", and a chord that bears South 18° 58' 03" West, 66.32 feet to a concrete right-of-way monument found for corner;

2. South 21° 45' 33" West, 1.371 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" found for corner, the beginning of a curve;

3. 275.59 feet along the arc of a non-tangent curve to the left having a radius of 746.20 feet, a central angle of 21° 09' 40", and a chord that bears South 11° 09' 26" West, 274.03 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" set for corner, from which a found concrete right-of-way monument bears North 51° 07' 14" West, 1.18 feet;

4. South 42° 42' 06" West, 71.88 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" set for corner on the north right-of-way line of County Road 59 (width varies) as described in Volume 2, Page 98 and Volume 24, Page 33-36, B.C.P.R.;

Thence, South 86° 44' 15" West, along said north right-of-way line, 10.00 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" found for an angle point on the north right-of-way line of said County Road 59, said point being the northeast corner of that certain called 0.5248 acre tract conveyed to the City of Pearland as a donation for right-of-way as described under Document Number 2012007390, B.C.D.P.R.;

Thence, South 86° 40' 26" West, along the north right-of-way line of said County Road 59 as described under Document Number 2012007390, B.C.D.P.R., 646.10 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" found for the northwest corner of said 0.5248 acre tract, said point being on the west line of the aforementioned 30.583 acre tract, said point being the southeast corner of Southgate Section One, a subdivision of record in Volume 24, Pages 33-36, B.C.P.R.;

Thence, North 03° 18' 06" West, along the west line of said 30.583 acre tract, the west line of said Lots 38, 39 and 40, and the east line of said Southgate Section One, passing at 1,330.57 feet a 5/8-inch iron rod with cap stamped "DALE HARDY RPLS 4847" found for the northeast corner of said Southgate Section One and the southeast corner of the aforementioned Southgate Section Two, continuing along the west line of said Lot 38 and the east line of said Southgate Section Two, in all 1,583.44 feet to the POINT OF BEGINNING and containing 29.226 acre (1,273,076 square feet) of land.

PART TWO

BEGINNING a 5/8-inch iron rod found for the northeast corner of said 9.990 acre tract and the southeast corner of that certain called 2.515 acre tract conveyed from DXB Richmond, Inc to Gold Star Development by an instrument of record under Document Number 2008031966, B.C.O.P.R., said point also being on the west right-of-way line of SH 288 (width varies) as described in Volume 1041, Page 460, Volume 1041, Page 888, and Volume 1052, Page 159, B.C.D.R., said point being on the common lot line of said Lot 48 and 49 of said Section 81, from which a found 3/4-inch iron pipe bears South 52° 36' 37" East, 0.93 feet;

Thence, South 03° 14' 03" East, along the common line of said 9.990 acre tract and said westerly right-of-way line, 877.70 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" found for an angle point on said common line;

Thence, South 30° 49' 10" West, continuing along said common line, 82.81 feet to a broken concrete right-of-way monument found for an angle point on said common line;

Thence, South 64° 55' 07" West, continuing along said common line, 381.06 feet to a broken concrete right-of-way monument found for an angle point on said common line;

Thence, South 86° 45' 24" West, continuing along said common line, 30.02 feet to a broken concrete right-of-way monument found for the southwest corner of said 9.990 acre tract, same being the intersection on said westerly right-of-way line and the east right-of-way line of County Road 566 (width varies) as recorded in Volume 2, Page 98, B.C.P.R., Volume 133, Page 126, Volume 881, Page 230, Volume 881, Page 232, Volume 1035, Page 636, and Volume 1035, Page 642, B.C.D.R.;

Thence, North 03° 17' 17" West, departing said common line and along the west line of said 9.990 acre tract and along the east right-of-way line of said County Road 566, 371.60 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" set at the intersection of the east right-of-way line of said County Road 566 and the east right-of-way line of said Business Center Drive (100 feet wide) as described under Document Numbers 2012007382, 2012007390, 2012007393, and 2012007402, B.C.D.P.R., the beginning of a curve;

Thence, along the east right-of-way line of said Business Center Drive, 187.07 feet along the arc of a non-tangent curve to the left having a radius of 850.00 feet, a central angle of 12° 36' 35", and a chord that bears North 03° 02' 17" East, 186.69 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" found for corner;

Thence, North 03° 16' 00" West, continuing along the east right-of-way line of said Business Center Drive, 531.11 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" set for corner on the north line of the aforementioned 9.990 acre tract and the south line of the aforementioned 2.515 acre tract, said point also being on the common lot line of Lots 48 and 49 of the aforementioned Allison Richey Gulf Coast Homes Company's Part of Suburban Gardens subdivision;

Thence, North 86° 47' 22" East, along the common line of said 9.990 and 2.515 acre tracts and said common lot line, 410.34 feet to the POINT OF BEGINNING and containing 9.683 acres (421,802 square feet) of land.

Said Part One and Part Two containing a total of 38.909 acres (1,694,878 square feet) of land.

SURVEYOR'S CERTIFICATE

To: Parkside-288/59, Ltd. and Stewart Title Guaranty Company:
I hereby certify that on the 15th day of June, 2012:

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2011 Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes items 1, 2, 3, 4, 6(a), 7(a), 7(b)(1), 7(b)(2), 7(c), 8, 9, 11(a), 14, 15, 16, and 18 of Table A thereof. The field work was completed on June 8, 2012.

Date of Plat or Map: June 19, 2012

Gary D. Nutter
Registered Professional Land Surveyor
Texas Registration No. 5659

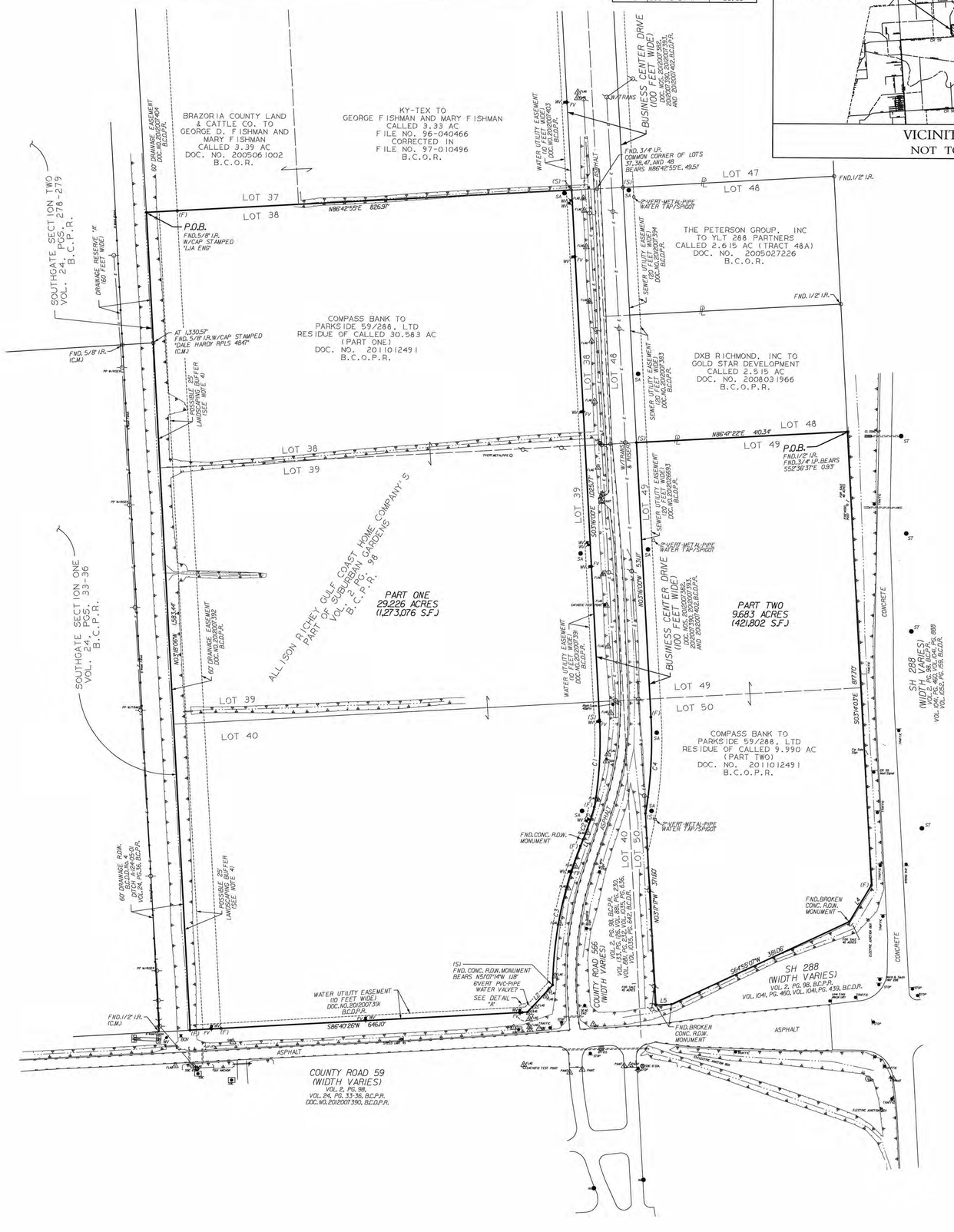
STATE OF TEXAS REGISTERED GARY D. NUTTER 5659 PROFESSIONAL LAND SURVEYOR

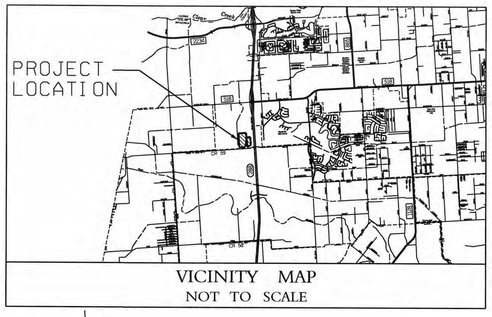
CURVE TABLE

Curve	Radius	Tangent	Chord	Arc	Delta	Chord Bearing
1	750.00'	85.13'	169.18'	169.54'	12°57'08"	S03°12'34"W
2	686.20'	33.20'	66.32'	66.34'	05°32'22"	S18°58'03"W
3	746.20'	139.38'	274.03'	275.59'	21°09'40"	S11°09'26"W
4	850.00'	93.91'	186.69'	187.07'	12°36'35"	N03°02'17"E

LINE TABLE

Line	Bearing	Distance
1	S21°45'33"W	13.71'
2	S42°42'06"W	71.88'
3	S86°44'15"W	10.00'
4	S30°49'10"W	82.81'
5	S86°45'24"W	30.02'





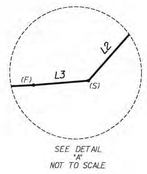
VICINITY MAP
NOT TO SCALE

N

Scale : 1" = 80'

LEGEND

B.C.D.R.	BRAZORIA COUNTY DEED RECORDS
B.C.O.P.R.	BRAZORIA COUNTY OFFICIAL PUBLIC RECORDS
B.C.O.R.	BRAZORIA COUNTY OFFICIAL RECORDS
B.C.P.R.	BRAZORIA COUNTY PLAT RECORDS
(S)	SET 5/8" I.R. W/CAP STAMPED "LJA ENG"
(F)	FOUND 5/8" I.R. W/CAP STAMPED "LJA ENG"
I.R.	IRON ROD
I.P.	IRON PIPE
(C.M.)	CONTROLLING MONUMENT
	POWER POLE W/ GUY WIRE
—E—	OVERHEAD UTILITIES
	ELECTRICAL BOX
	ELECTRICAL JUNCTION BOX
	ELECTRIC METER
	PEDESTAL
	TELEPHONE CABLE MARKER
	HIGHBANK LINE STYLE
	HIGHBANK LINE STYLE
	FLOW LINE OF DITCH
	EDGE OF ASPHALT
	FLUSHING VALVE
	WATER VALVE
	PEDESTAL
	SIGN
	GRATE INLET
	GAS LINE MARKER (PIN FLAG)
ST	STORM MANHOLE
SA	SANITARY MANHOLE



SEE DETAIL "A"
NOT TO SCALE

ACREAGE SUMMARY

TRACT ONE	=	29.226 ACRES	(1,273,076 S.F.)
TRACT TWO	=	9.683 ACRES	(421,802 S.F.)
TOTAL	=	38.909 ACRES	(1,694,878 S.F.)

ALTA/ACSM LAND TITLE SURVEY
OF 38.909 ACRES
(1,694,878 S.F.)
IN THE
H.T.& B. R.R. COMPANY SURVEY
SECTION-81, A-300
BRAZORIA COUNTY, TEXAS

JUNE 2012 JOB NO. 1352-1003-202

LJA Engineering, Inc.
2929 Briarpark Drive
Suite 600
Houston, Texas 77042
Phone 713.953.5200
Fax 713.953.5026

I:\Proj\dsk1\SURVEY\1352\1003\CAD\EX-ALTA Survey 38.990ac 062012.dgn
6/19/2012

June 19, 2012
Job No. 1352-1003-202

DESCRIPTION OF
38.909 ACRES
(1,694,878 SQUARE FEET)

Being 38.909 acres of land located in the H.T. & B. R.R. Company Survey, Section 81, Abstract Number 300, Brazoria County, Texas, being a portion of Lots 38, 39, 40, 49, and 50 of the Allison Richey Gulf Coast Homes Company's Part of Suburban Gardens, a subdivision of record in Volume 2, Page 98, of the Plat Records of said Brazoria County (B.C.P.R.), more particularly being the residue of that certain called 30.583 acre tract (described as Part One) and the residue of that certain called 9.990 acre tract (described as Part Two) conveyed from Compass Bank to Parkside 59/288, Ltd., by an instrument of record under Document Number 2011012491, of the Official Public Records of said Brazoria County, (B.C.O.P.R.), said 38.909 acres being more particularly described in two parts by metes and bounds as follows: Part One being 29.226 acres (1,273,076 square feet) and Part Two being 9.683 acres (421,802 square feet), all bearings referenced to the Texas Coordinate System, South Central Zone, NAD83 (1993 adjustment), Epoch 2002.02;

PART ONE

BEGINNING at a 5/8-inch iron rod with cap stamped "LJA ENG" found for the northwest corner of said 30.583 acre tract and the southwest corner of that certain called 3.39 acre tract conveyed from Brazoria County Land & Cattle Co. to George D. Fishman and wife, Mary Fishman by an instrument of record under Document Number 2005061002, of the Official Records of said Brazoria County, (B.C.O.R.), said point being on the east line of Southgate Section Two, a subdivision of record in Volume 24, Pages 278-279, B.C.P.R., said point also being common west corner of Lots 37 and 38 of said Allison Richey Gulf Coast Home Company's Part of Suburban Gardens subdivision;

Thence, North 86° 42' 55" East, along the common line of said Lots 37 and 38, along the north line of said 30.583 acre tract, the south line of said 3.39 acre tract and said south line of that certain called 3.33 acre tract conveyed from Ky-Tex to George Fishman and Mary Fishman by an instrument of record under File Number 96-040466 and corrected under File Number 97-010496, B.C.O.R., 826.97 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" set on the west right-of-way line of Business Center Drive (100 feet wide) as described under Document Numbers 2012007382, 2012007390, 2012007393, and 2012007402, B.C.O.P.R., from which a 3/4-inch iron pipe found for the common corner of said Lots 37, 38, 47 and 48 of said Allison Richey Gulf Coast Home Company's Part of Suburban Gardens subdivision bears North 86° 42' 55" East, 49.51 feet;

Thence, South 03° 16' 00" East, along the west right-of-way line of said Business Center Drive, 1,025.77 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" set for corner, the beginning of a curve;

Thence, continuing along the west right-of-way line of said Business Center Drive, (width varies), 169.54 feet along the arc of a tangent curve to the right having a radius of 750.00 feet, a central angle of 12° 57' 08", and a chord that bears South 03° 12' 34" West, 169.18 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" found for corner at the intersection of the west right-of-way line of said Business Center Drive and the west right-of-way line of County Road 566 (width varies) as described in Volume 2, Page 98, B.C.P.R., Volume 133, Page 126, Volume 881, Page 230, Volume 881, Page 232, Volume 1035, Page 636, and Volume 1035, Page 642, B.C.D.R., the beginning of a curve;

Thence, along the west right-of-way line of said County Road 566 the following four courses:

1. 66.34 feet along the arc of a non-tangent curve to the right having a radius of 686.20 feet, a central angle of 05° 32' 22", and a chord that bears South 18° 58' 03" West, 66.32 feet to a concrete right-of-way monument found for corner;

2. South 21° 45' 33" West, 13.71 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" found for corner, the beginning of a curve;

3. 275.59 feet along the arc of a non-tangent curve to the left having a radius of 746.20 feet, a central angle of 21° 09' 40", and a chord that bears South 11° 09' 26" West, 274.03 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" set for corner, from which a found concrete right-of-way monument bears North 51° 07' 14" West, 1.18 feet;

4. South 42° 42' 06" West, 71.88 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" set for corner on the north right-of-way line of County Road 59 (width varies) as described in Volume 2, Page 98 and Volume 24, Page 33-36, B.C.P.R.;

Thence, South 86° 44' 15" West, along said north right-of-way line, 10.00 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" found for an angle point on the north right-of-way line of said County Road 59, said point being the northeast corner of that certain called 0.5248 acre tract conveyed to the City of Pearland as a donation for right-of-way as described under Document Number 2012007390, B.C.O.P.R.;

Thence, South 86° 40' 26" West, along the north right-of-way line of said County Road 59 as described under Document Number 2012007390, B.C.O.P.R., 646.10 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" found for the northwest corner of said 0.5248 acre tract, said point being on the west line of the aforementioned 30.583 acre tract, said point being the southeast corner of Southgate Section One, a subdivision of record in Volume 24, Pages 33-36, B.C.P.R.;

Thence, North 03° 18' 06" West, along the west line of said 30.583 acre tract, the west line of said Lots 38, 39 and 40, and the east line of said Southgate Section One, passing at 1,330.57 feet a 5/8-inch iron rod with cap stamped "DALE HARDY RPLS 4847" found for the northeast corner of said Southgate Section One and the southeast corner of of the aforementioned Southgate Section Two, continuing along the west line of said Lot 38 and the east line of said Southgate Section Two, in all 1,583.44 feet to the POINT OF BEGINNING and containing 29.226 acre (1,273,076 square feet) of land.

PART TWO

BEGINNING a 5/8-inch iron rod found for the northeast corner of said 9.990 acre tract and the southeast corner of that certain called 2.515 acre tract conveyed from DXB Richmond, Inc to Gold Star Development by an instrument of record under Document Number 2008031966, B.C.O.P.R., said point also being on the west right-of-way line of SH 288 (width varies) as described in Volume 1041, Page 460, Volume 1041, Page 888, and Volume 1052, Page 159, B.C.D.R., said point being on the common lot line of said Lot 48 and 49 of said Section 81, from which a found 3/4-inch iron pipe bears South 52° 36' 37" East, 0.93 feet;

Thence, South 03° 14' 03" East, along the common line of said 9.990 acre tract and said westerly right-of-way line, 877.70 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" found for an angle point on said common line;

Thence, South 30° 49' 10" West, continuing along said common line, 82.81 feet to a broken concrete right-of-way monument found for an angle point on said common line;

Thence, South 64° 55' 07" West, continuing along said common line, 381.06 feet to a broken concrete right-of-way monument found for an angle point on said common line;

Thence, South 86° 45' 24" West, continuing along said common line, 30.02 feet to a broken concrete right-of-way monument found for the southwest corner of said 9.990 acre tract, same being the intersection on said westerly right-of-way line and the east right-of-way line of County Road 566 (width varies) as recorded in Volume 2, Page 98, B.C.P.R., Volume 133, Page 126, Volume 881, Page 230, Volume 881, Page 232, Volume 1035, Page 636, and Volume 1035, Page 642, B.C.D.R.;

Thence, North 03° 17' 17" West, departing said common line and along the west line of said 9.990 acre tract and along the east right-of-way line of said County Road 566, 371.60 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" set at the intersection of the east right-of-way line of said County Road 566 and the east right-of-way line of said Business Center Drive (100 feet wide) as described under Document Numbers 2012007382, 2012007390, 2012007393, and 2012007402, B.C.O.P.R., the beginning of a curve;

Thence, along the east right-of-way line of said Business Center Drive, 187.07 feet along the arc of a non-tangent curve to the left having a radius of 850.00 feet, a central angle of 12° 36' 35", and a chord that bears North 03° 02' 17" East, 186.69 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" found for corner;

Thence, North 03° 16' 00" West, continuing along the east right-of-way line of said Business Center Drive, 531.11 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" set for corner on the north line of the aforementioned 9.990 acre tract and the south line of the aforementioned 2.515 acre tract, said point also being on the common lot line of Lots 48 and 49 of the aforementioned Allison Richey Gulf Coast Homes Company's Part of Suburban Gardens subdivision;

Thence, North 86° 47' 22" East, along the common line of said 9.990 and 2.515 acre tracts and said common lot line, 410.34 feet to the POINT OF BEGINNING and containing 9.683 acres (421,802 square feet) of land.

Said Part One and Part Two containing a total of 38.909 acres (1,694,878 square feet) of land.

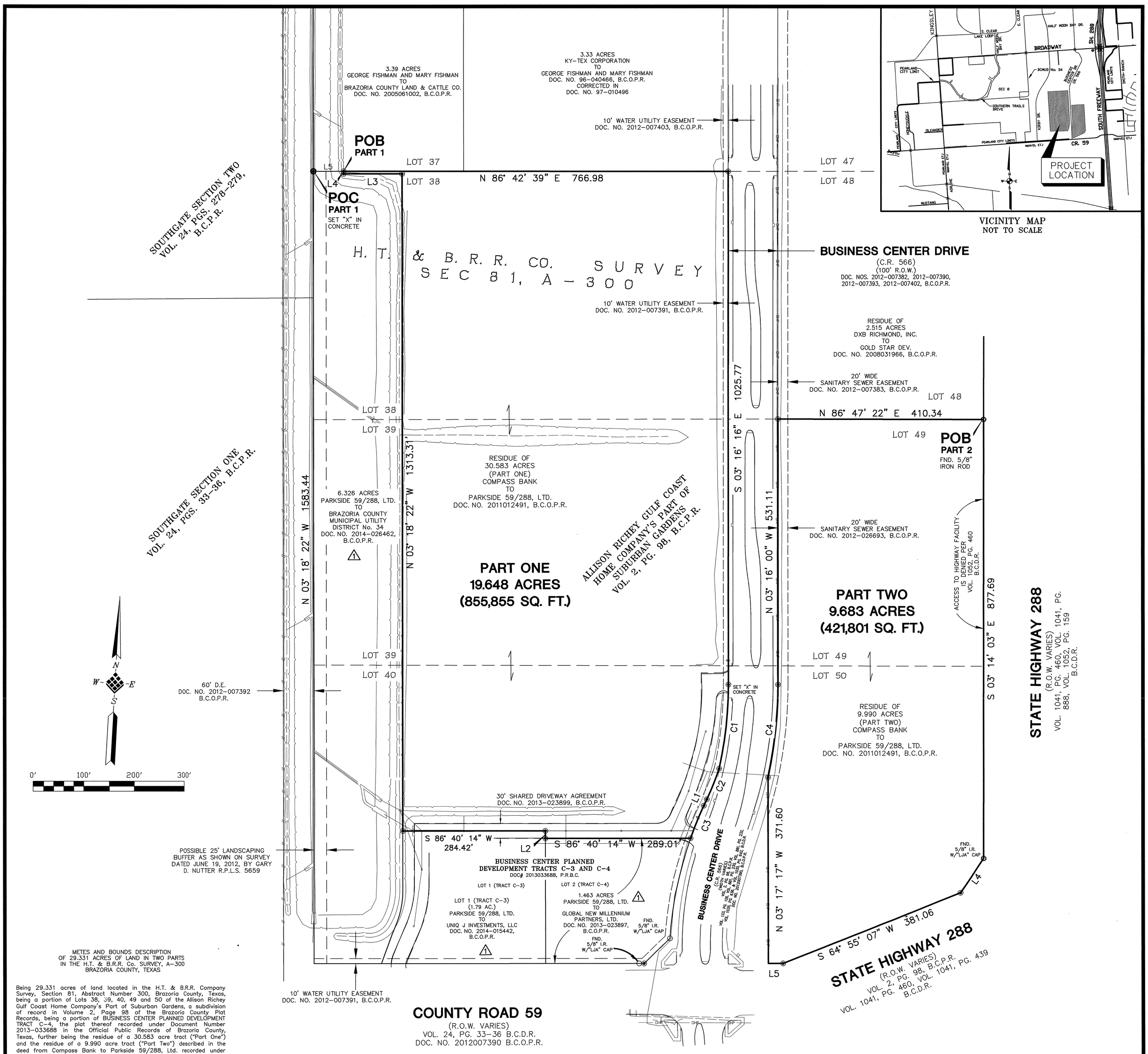
This description was prepared from a survey prepared by the undersigned dated June 19, 2012.

Gary D. Nutter
Registered Professional Land Surveyor
Texas Registration Number 5659
LJA Engineering & Surveying, Inc.

Exhibit B-1

Survey and

Metes & Bounds



VICINITY MAP
NOT TO SCALE

METES AND BOUNDS DESCRIPTION
OF 29.331 ACRES OF LAND IN TWO PARTS
IN THE H.T. & B.R.R. Co. SURVEY, A-300
BRAZORIA COUNTY, TEXAS

Being 29.331 acres of land located in the H.T. & B.R.R. Company Survey, Section 81, Abstract Number 300, Brazoria County, Texas, being a portion of Lots 38, 39, 40, 49 and 50 of the Allison Richey Gulf Coast Home Company's Part of Suburban Gardens, a subdivision of record in Volume 2, Page 98 of the Brazoria County Plat Records, being a portion of BUSINESS CENTER PLANNED DEVELOPMENT TRACT C-4, the plat thereof recorded under Document Number 2013-033688 in the Official Public Records of Brazoria County, Texas, further being the residue of a 30.583 acre tract ("Part One") and the residue of a 9.990 acre tract ("Part Two") described in the deed from Compass Bank to Parkside 59/288, Ltd. recorded under Document No. 2011012491, in the Official Public Records of Brazoria County, Texas, said 29.331 acre tract being more particularly described in two parts by metes and bounds as follows with bearings based on the Texas Coordinate System of 1983, South Central Zone:

PART 1:

COMMENCING at an cut "X" in concrete set for the northwest corner of the 6.326 acre tract described in deed from Parkside 59/288, Ltd. to Brazoria County Municipal Utility District No. 34 recorded under Document Number 2014-026462 in the Official Public Records of Brazoria County, Texas, being the southwest corner of a 3.39 acre tract described in deed from George Fishman and Mary Fishman to Brazoria County Land & Cattle Co. recorded under Document Number 2005-061002 in the Official Public Records of Brazoria County, Texas, being on the east line of Southgate Section Two, the plat thereof recorded in Volume 24, Pages 278-279 of the Brazoria County Plat Records, and being the common west corner of Lots 37 and 38 of said Allison Richey Gulf Coast Home Company's Part of Suburban Gardens subdivision;

THENCE North 86° 42' 39" East – 60.00 feet, with the line common to said 6.326 acre tract and said 3.39 acre tract to a 5/8-inch iron rod with cap stamped "IDS" set for the most northerly northwest corner and POINT OF BEGINNING of the herein described tract;

THENCE North 86° 42' 39" East – 766.98 feet, with the north line of said 30.583 acre tract and south line of said 3.39 acre tract and south line of a 3.33 acre tract described in deed from Ky-Tex Corporation to George Fishman and Mary Fishman recorded under Document Number 96-040466 and corrected under Document Number 97-010496 in the Official Public Records of Brazoria County, Texas to a 5/8-inch iron rod with cap stamped "IDS" set on the west right-of-way line of Business Center Drive (County Road 566) (100 feet wide at this point) as described under Document Numbers 2012-007382, 2012-007390, 2012-007393 and 2012-007402 in the Official Public Records of Brazoria County, Texas;

THENCE with the west right-of-way line of said Business Center Drive the following courses and distances:

South 03° 16' 16" East – 1025.77 feet to a cut "X" in concrete set at the beginning of a curve to the right;

in a southwesterly direction and with said curve to the right, having a central angle of 12° 57' 07", a chord bearing and distance of South 03° 12' 18" West – 169.18 feet, a radius of 750.00 feet, and an arc distance of 169.54 feet to a 5/8-inch iron rod with cap stamped "IDS" set at the end of said curve and the beginning of a non-tangent curve to the right;

in a southwesterly direction and with said non-tangent curve to the right, having a central angle of 05° 32' 23", a chord bearing and distance of South 18° 57' 47" West – 66.32 feet, a radius of 686.20 feet, and an arc distance of 66.35 feet to a 5/8-inch iron rod with cap stamped "IDS" set at the end of said curve;

South 21° 45' 17" West – 13.71 feet to a 5/8-inch iron rod with cap stamped "IDS" set at the beginning of a curve to the left;

in a southwesterly direction and with said curve to the left, having a central angle of 05° 25' 00", a chord bearing and distance of South 19° 01' 30" West – 70.52 feet, a radius of 746.20 feet, and an arc distance of 70.54 feet to a 5/8-inch iron rod with cap stamped "IDS" set at the end of said curve, said point being the northeast corner of the 1.463 acre tract of land described in deed from Parkside 59/288, Ltd. to Global New Millennium Partners, Ltd. recorded under Document Number 2013-023897, in the Official Public Records of Brazoria County, Texas;

THENCE South 86° 40' 14" West – 289.01 feet, departing said west right-of-way line and with the north line of said 1.463 acre tract, to a 5/8-inch iron rod with cap stamped "IDS" set for the northwest corner of said 1.463 acre tract and being on the east line of Lot 1, (Tract C-3) (1.79 acres) described in the deed from Parkside 59/288, Ltd. to Uniq J Investments, LLC, recorded under Document Number 2014-015442 in the Official Public Records of Brazoria County, Texas;

THENCE North 03° 19' 46" West – 15.00 feet, with the line common to said 1.463 acre tract and said 1.79 acre tract, to a 5/8-inch iron rod with cap stamped "IDS" set for the northeast corner of said 1.79 acre tract;

THENCE North 86° 40' 14" West – 284.42 feet, with the north line of said 1.79 acre tract, to a 5/8-inch iron rod with cap stamped "IDS" found for the northwest corner of said 1.79 acre tract, being on the east line of said 6.326 acre tract;

THENCE North 03° 18' 22" West – 1313.31 feet, with the east line of said 6.326 acre tract, to a 5/8-inch iron rod with cap stamped "IDS" found for the northeast corner of said 6.326 acre tract;

THENCE South 86° 42' 39" West – 116.00 feet, with a northerly line of said 6.326 acre tract, to a 5/8-inch iron rod with cap stamped "IDS" found for an interior northerly corner of said 6.326 acre tract;

THENCE North 03° 18' 22" West – 5.00 feet to the POINT OF BEGINNING of the herein described tract and containing 19.648 acres (855,855 square feet) of land.rner of said 6.326 acre tract;

THENCE North 03° 18' 22" West – 5.00 feet to the POINT OF BEGINNING of the herein described tract and containing 19.648 acres (855,855 square feet) of land.

PART 2:

BEGINNING at a 5/8-inch iron rod found for the northeast corner of said 9.990 acre tract and the southeast corner of a 2.515 acre tract described in deed from DXB Richmond, Inc. to Gold Star Development recorded under Document Number 2008-031966 in the Official Public Records of Brazoria County, Texas, being on the west right-of-way line of State Highway 288 (width varies) as described in Volume 1041, Page 460, Volume 1041, Page 888 and Volume 1052, Page 159, and on the line common to said Lots 48 and 49;

THENCE South 03° 14' 03" East – 877.69 feet, with the line common to said 9.990 acre tract and said west right-of-way line, to a 5/8-inch iron rod with cap stamped "LJA ENG" found for an angle point;

THENCE South 30° 49' 10" West – 82.81 feet, continuing with said common line, to a 5/8-inch iron rod with cap stamped "IDS" set for an angle point;

THENCE South 64° 55' 07" West – 381.06 feet, continuing with said common line, to a 5/8-inch iron rod with cap stamped "IDS" set for an angle point;

THENCE South 86° 45' 24" West – 30.02 feet, continuing with said common line, to the southwest corner of the herein described tract, same being the intersection of said west right-of-way line and the east right-of-way line of County Road 566 (width varies) as recorded in Volume 2, Page 98 of the Brazoria County Plat Records, Volume 133, Page 126, Volume 881, Page 230, Volume 881, Page 232, Volume 1035, Page 636 and Volume 1035, Page 642 of the Brazoria County Deed Records;

THENCE North 03° 17' 17" West – 371.60 feet, departing said common line and with the west line of said 9.990 acre tract and the east right-of-way line of said Business Center Drive (County Road 566)(width varies) to a 5/8-inch iron rod with cap stamped "IDS" set at the beginning of a non-tangent curve to the left;

THENCE in a northeasterly direction and with said curve to the left, having a central angle of 12° 36' 35", a chord bearing and distance of North 03° 02' 17" East – 186.69 feet, a radius of 850.00 feet, and an arc distance of 187.07 feet to the end of said curve;

THENCE North 03° 16' 00" West – 531.11 feet, with the east right-of-way line of said Business Center Drive (100 feet wide at this point) to a 5/8-inch iron rod with cap stamped "IDS" set for the northwest corner for the herein described tract, being on the north line of said 9.990 acre tract, the south line of said 2.515 acre tract, and the said line common to Lots 48 and 49;

THENCE North 86° 47' 22" East – 410.34 feet, with the line common to said 2.515 acre tract and 9.990 acre tract and said common lot line, to the POINT OF BEGINNING of the herein described tract and containing 9.683 acres (421,801 square feet) of land.

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	750.00	169.54	169.18	S 03° 12' 18" W	12°57'07"
C2	686.20	66.35	66.32	S 18° 57' 47" W	5°32'23"
C3	746.20'	70.54'	70.52'	S 19° 01' 30" W	5°25'00"

LINE	BEARING	DISTANCE
L1	S 21° 45' 17" W	13.71
L2	N 03° 19' 46" W	15.00'
L3	S 86° 42' 39" W	116.00'
L4	N 03° 18' 22" W	5.00'
L5	N 86° 42' 39" E	60.00'

ABBREVIATION TABLE

FND.	FOUND
VOL.	VOLUME
PG.	PAGE
D.E.	DRAINAGE EASEMENT
ESMT.	EASEMENT
H.L. & P	HOUSTON LIGHT AND POWER
B.C.P.R.	BRAZORIA COUNTY PLAT RECORDS
B.C.D.R.	BRAZORIA COUNTY DEED RECORDS
B.C.O.P.R.	BRAZORIA COUNTY OFFICIAL PUBLIC RECORDS

SYMBOL LEGEND

- FOUND MONUMENT
- SET 5/8" IRON ROD WITH CAP STAMPED "IDS" UNLESS OTHERWISE NOTED
- CONTROLLING MONUMENT
- GAS VALVE
- WATER VALVE
- POWER POLE
- OVER HEAD POWER LINE
- TRANSMISSION TOWER
- ELECTRICAL JUNCTION BOX
- GUY WIRE
- UNDERGROUND H.L.&P. MARKER
- UNDERGROUND TELEPHONE MARKER
- STORM SEWER MANHOLE
- WATER MANHOLE
- TELEPHONE JUNCTION BOX
- TELEPHONE MANHOLE
- PIPELINE MARKER
- VENT PIPE
- METAL POST
- WOOD POST
- CHAIN LINK FENCE
- BARBED WIRE FENCE

NOTES:

The surveyor has relied on Stewart Title Guaranty Company to provide copies of recorded deeds, plats or other instruments describing the subject property and adjoining tracts, used to support the determination of the location of the intended boundaries of the land surveyed.

This map is the result of an on the ground survey made under my supervision and depicts the conditions found on the ground at the time of the survey. The field work was completed on January 30, 2014.

Adjoiner information is shown per the Texas Board of Professional Land Surveying Rules and is shown for informational purposes only.

Coordinates shown hereon are for descriptive purposes only and are not locative.

The bearings shown hereon are referenced to the Texas Coordinate System of 1983, South Central Zone.

The recorded easements, setbacks and encumbrances shown hereon are from Schedule B of the commitment for title insurance issued by Stewart Title Guaranty Company, GF No. 1203933002, effective date January 5, 2014, issue date January 22, 2014. The surveyor has relied upon the accuracy and completeness of the information described above and has made no independent investigation or search for this information.

The utility appurtenances shown hereon include those visible at the time of the survey and are for general locative purposes only. In providing this boundary survey, no attempt has been made to obtain or show data concerning existence, size, depth, condition, capacity or location of any utility existing on or adjacent to the site, whether private, municipal or public owned.

The buildings and other improvements shown hereon represent the outline at ground level. The Surveyor has not located any underground buildings, overhead protrusions or improvements not obvious and located at ground level, unless otherwise noted.

Surveyor has not identified any geological or environmental conditions in connection with the subject property and Surveyor fully disclaims any and all responsibility related to issues or claims related thereto or resulting there from.

TO: PARKSIDE CAPITAL and Stewart Guaranty Title Insurance Company

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2011 Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1-4, 6, 8, 9, 11(a), 13 & 14 of Table A thereof. The field work was completed on December 5, 2013.

Date of Plat or Map:
January 30, 2014

Douglas W. Turner
Texas Registered Professional Land Surveyor No. 3988

STATE OF TEXAS
REGISTERED
DOUGLAS W. TURNER
3988
PROFESSIONAL
LAND SURVEYOR

DATE	REVISION
7-23-2014	1 REVISE PER NEW OWNERSHIPS

IDS Engineering Group
TBPLS Firm Reg. No. 101107-00
13333 NW. Freeway,
Suite 300
Houston, Tx. 77040
Phone: 713-462-3178

ALTA/ACSM LAND TITLE SURVEY

29.331 ACRES IN TWO PARTS
H.T. & B.R.R. CO. SURVEY
SECTION 81, A-300
BRAZORIA COUNTY, TEXAS

DRAWN: MLS	ORIGINAL ISSUE DATE: JANUARY 30, 2014	ORIGINAL SCALE: 1" = 100'
APPROVED FOR ISSUE: DWT.	JOB NO.: 2024-001-00-522	

METES AND BOUNDS DESCRIPTION
OF 29.331 ACRES OF LAND IN TWO PARTS
IN THE H.T. & B.R.R. Co. SURVEY, A-300
BRAZORIA COUNTY, TEXAS

Being 29.331 acres of land located in the H.T. & B.R.R. Company Survey, Section 81, Abstract Number 300, Brazoria County, Texas, being a portion of Lots 38, 39, 40, 49 and 50 of the Allison Richey Gulf Coast Home Company's Part of Suburban Gardens, a subdivision of record in Volume 2, Page 98 of the Brazoria County Plat Records, being a portion of BUSINESS CENTER PLANNED DEVELOPMENT TRACT C-4, the plat thereof recorded under Document Number 2013-033688 in the Official Public Records of Brazoria County, Texas, further being the residue of a 30.583 acre tract ("Part One") and the residue of a 9.990 acre tract ("Part Two") described in the deed from Compass Bank to Parkside 59/288, Ltd. recorded under Document No. 2011012491, in the Official Public Records of Brazoria County, Texas, said 29.331 acre tract being more particularly described in two parts by metes and bounds as follows with bearings based on the Texas Coordinate System of 1983, South Central Zone:

PART 1:

COMMENCING at an cut "X" in concrete set for the northwest corner of the 6.326 acre tract described in deed from Parkside 59/288, Ltd. to Brazoria County Municipal Utility District No. 34 recorded under Document Number 2014-026462 in the Official Public Records of Brazoria County, Texas, being the southwest corner of a 3.39 acre tract described in deed from George Fishman and Mary Fishman to Brazoria County Land & Cattle Co. recorded under Document Number 2005-061002 in the Official Public Records of Brazoria County, Texas, being on the east line of Southgate Section Two, the plat thereof recorded in Volume 24, Pages 278-279 of the Brazoria County Plat Records, and being the common west corner of Lots 37 and 38 of said Allison Richey Gulf Coast Home Company's Part of Suburban Gardens subdivision;

THENCE North 86° 42' 39" East – 60.00 feet, with the line common to said 6.326 acre tract and said 3.39 acre tract to a 5/8-inch iron rod with cap stamped "IDS" set for the most northerly northwest corner and **POINT OF BEGINNING** of the herein described tract;

THENCE North 86° 42' 39" East – 766.98 feet, with the north line of said 30.583 acre tract and south line of said 3.39 acre tract and south line of a 3.33 acre tract described in deed from Ky-Tex Corporation to George Fishman and Mary Fishman recorded under Document Number 96-040466 and corrected under Document Number 97-010496 in the Official Public Records of Brazoria County, Texas to a 5/8-inch iron rod with cap stamped "IDS" set on the west right-of-way line of Business Center Drive (County Road 566) (100 feet wide at this point) as described under Document Numbers 2012-007382, 2012-007390, 2012-007393 and 2012-007402 in the Official Public Records of Brazoria County, Texas;

THENCE with the west right-of-way line of said Business Center Drive the following courses and distances:

South 03° 16' 16" East – 1025.77 feet to a cut "X" in concrete set at the beginning of a curve to the right;

in a southwesterly direction and with said curve to the right, having a central angle of 12° 57' 07", a chord bearing and distance of South 03° 12' 18" West – 169.18 feet, a radius of 750.00 feet, and an arc distance of 169.54 feet to a 5/8-inch iron rod with cap stamped "IDS" set at the end of said curve and the beginning of a non-tangent curve to the right;

in a southwesterly direction and with said non-tangent curve to the right, having a central angle of 05° 32' 23", a chord bearing and distance of South 18° 57' 47" West – 66.32 feet, a radius of 686.20 feet, and an arc distance of 66.35 feet to a 5/8-inch iron rod with cap stamped "IDS" set at the end of said curve;

South 21° 45' 17" West – 13.71 feet to a 5/8-inch iron rod with cap stamped "IDS" set at the beginning of a curve to the left;

in a southwesterly direction and with said curve to the left, having a central angle of 05° 25' 00", a chord bearing and distance of South 19° 01' 30" West – 70.52 feet, a radius of 746.20 feet, and an arc distance of 70.54 feet to a 5/8-inch iron rod with cap stamped "IDS" set at the end of said curve, said point being the northeast corner of the 1.463 acre tract of land described in deed from Parkside 59/288, Ltd. to Global New Millennium Partners, Ltd. recorded under Document Number 2013-023897, in the Official Public Records of Brazoria County, Texas;

THENCE South 86° 40' 14" West – 289.01 feet, departing said west right-of-way line and with the north line of said 1.463 acre tract, to a 5/8-inch iron rod with cap stamped "IDS" set for the northwest corner of said 1.463 acre tract and being on the east line of Lot 1, (Tract C-3) (1.79 acres) described in the deed from Parkside 59/288, Ltd. to Uniq J Investments, LLC, recorded under Document Number 2014-015442 in the Official Public Records of Brazoria County, Texas;

THENCE North 03° 19' 46" West – 15.00 feet, with the line common to said 1.463 acre tract and said 1.79 acre tract, to a 5/8-inch iron rod with cap stamped "IDS" set for the northeast corner of said 1.79 acre tract;

THENCE South 86° 40' 14" West – 284.42 feet, with the north line of said 1.79 acre tract, to a 5/8-inch iron rod with cap stamped "IDS" found for the northwest corner of said 1.79 acre tract, being on the east line of said 6.326 acre tract;

THENCE North 03° 18' 22" West – 1313.31 feet, with the east line of said 6.326 acre tract, to a 5/8-inch iron rod with cap stamped "IDS" found for the northeast corner of said 6.326 acre tract;

THENCE South 86° 42' 39" West – 116.00 feet, with a northerly line of said 6.326 acre tract, to a 5/8-inch iron rod with cap stamped "IDS" found for an interior northerly corner of said 6.326 acre tract;

THENCE North 03° 18' 22" West – 5.00 feet to the **POINT OF BEGINNING** of the herein described tract and containing 19.648 acres (855,855 square feet) of land.

PART 2:

BEGINNING at a 5/8-inch iron rod found for the northeast corner of said 9.990 acre tract and the southeast corner of a 2.515 acre tract described in deed from DXB Richmond, Inc. to Gold Star Development recorded under Document Number 2008-031966 in the Official Public Records of Brazoria County, Texas, being on the west right-of-way line of State Highway 288 (width varies) as described in Volume 1041, Page 460, Volume 1041, Page 888 and Volume 1052, Page 159, and on the line common to said Lots 48 and 49;

THENCE South 03° 14' 03" East – 877.69 feet, with the line common to said 9.990 acre tract and said west right-of-way line, to a 5/8-inch iron rod with cap stamped "LJA ENG" found for an angle point;

THENCE South 30° 49' 10" West – 82.81 feet, continuing with said common line, to a 5/8-inch iron rod with cap stamped "IDS" set for an angle point;

THENCE South 64° 55' 07" West – 381.06 feet, continuing with said common line, to a 5/8-inch iron rod with cap stamped "IDS" set for an angle point;

THENCE South 86° 45' 24" West – 30.02 feet, continuing with said common line, to the southwest corner of the herein described tract, same being the intersection of said west right-of-way line and the east right-of-way line of County Road 566 (width varies) as recorded in Volume 2, Page 98 of the Brazoria County Plat Records, Volume 133, Page 126, Volume 881, Page 230, Volume 881, Page 232, Volume 1035, Page 636 and Volume 1035, Page 642 of the Brazoria County Deed Records;

THENCE North 03° 17' 17" West – 371.60 feet, departing said common line and with the west line of said 9.990 acre tract and the east right-of-way line of said Business Center Drive (County Road 566)(width varies) to a 5/8-inch iron rod with cap stamped "IDS" set at the beginning of a non-tangent curve to the left;

THENCE in a northeasterly direction and with said curve to the left, having a central angle of 12° 36' 35", a chord bearing and distance of North 03° 02' 17" East – 186.69 feet, a radius of 850.00 feet, and an arc distance of 187.07 feet to a 5/8-inch iron rod with cap stamped "IDS" set for the end of said curve;

THENCE North 03° 16' 00" West – 531.11 feet, with the east right-of-way line of said Business Center Drive (100 feet wide at this point) to a 5/8-inch iron rod with cap stamped "IDS" set for the northwest corner for the herein described tract, being on the north line of said 9.990 acre tract, the south line of said 2.515 acre tract, and the said line common to Lots 48 and 49;

THENCE North 86° 47' 22" East – 410.34 feet, with the line common to said 2.515 acre tract and 9.990 acre tract and said common lot line, to the **POINT OF BEGINNING** of the herein described tract and containing 9.683 acres (421,801 square feet) of land.

Prepared by:
IDS Engineering Group
Job No. 2024-001-00-521

January 31, 2014
Revised July 23, 2014

Douglas W. Turner
Registered Professional Land Surveyor
Texas Registration Number 3988

STATE OF TEXAS
REGISTERED
DOUGLAS W. TURNER
3988
PROFESSIONAL
LAND SURVEYOR

V:\JOBS\2000s\2024-001-00 Pearland Business Park\Task 522 LTS Update-July 2014\Work In Progress\2024-001-00-521 PBP 19.648 Ac.docx

KERRY R. GILBERT & ASSOCIATES, INC.

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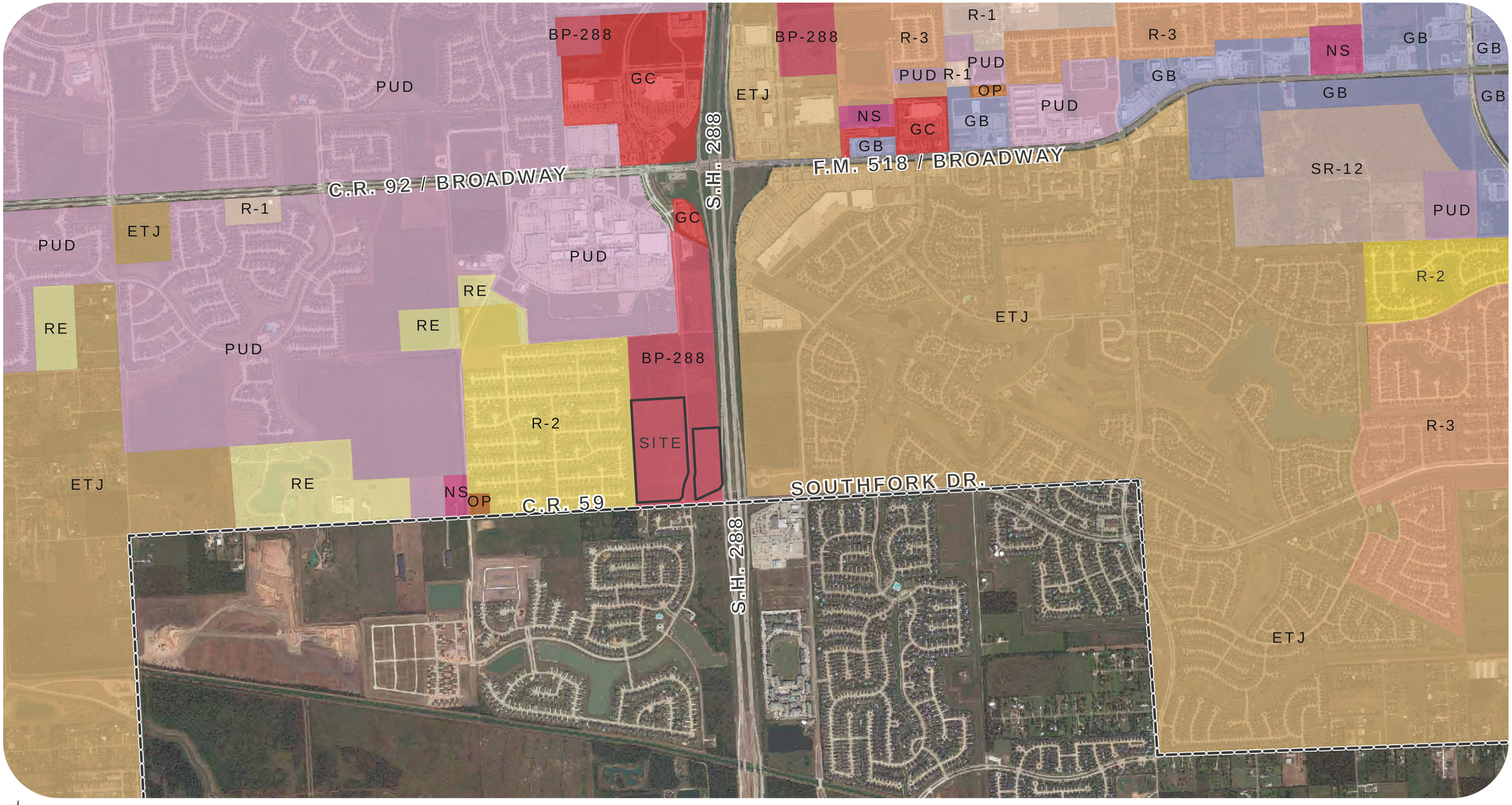

EXHIBIT

C

current zoning map

N

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a zoning map for

BUSINESS CENTER PD

± 38.9 ACRES OF LAND

prepared for

PARKSIDE 59/288, LTD.

KERRY R. GILBERT & ASSOCIATES, INC.
Land Planning Consultants
23501 Cinco Ranch Blvd.
Suite A-250
Katy, Texas 77494
(281) 579-0340
Fax (281) 579-8212

NOT TO SCALE

JUNE 15, 2012
KGA #I-175A

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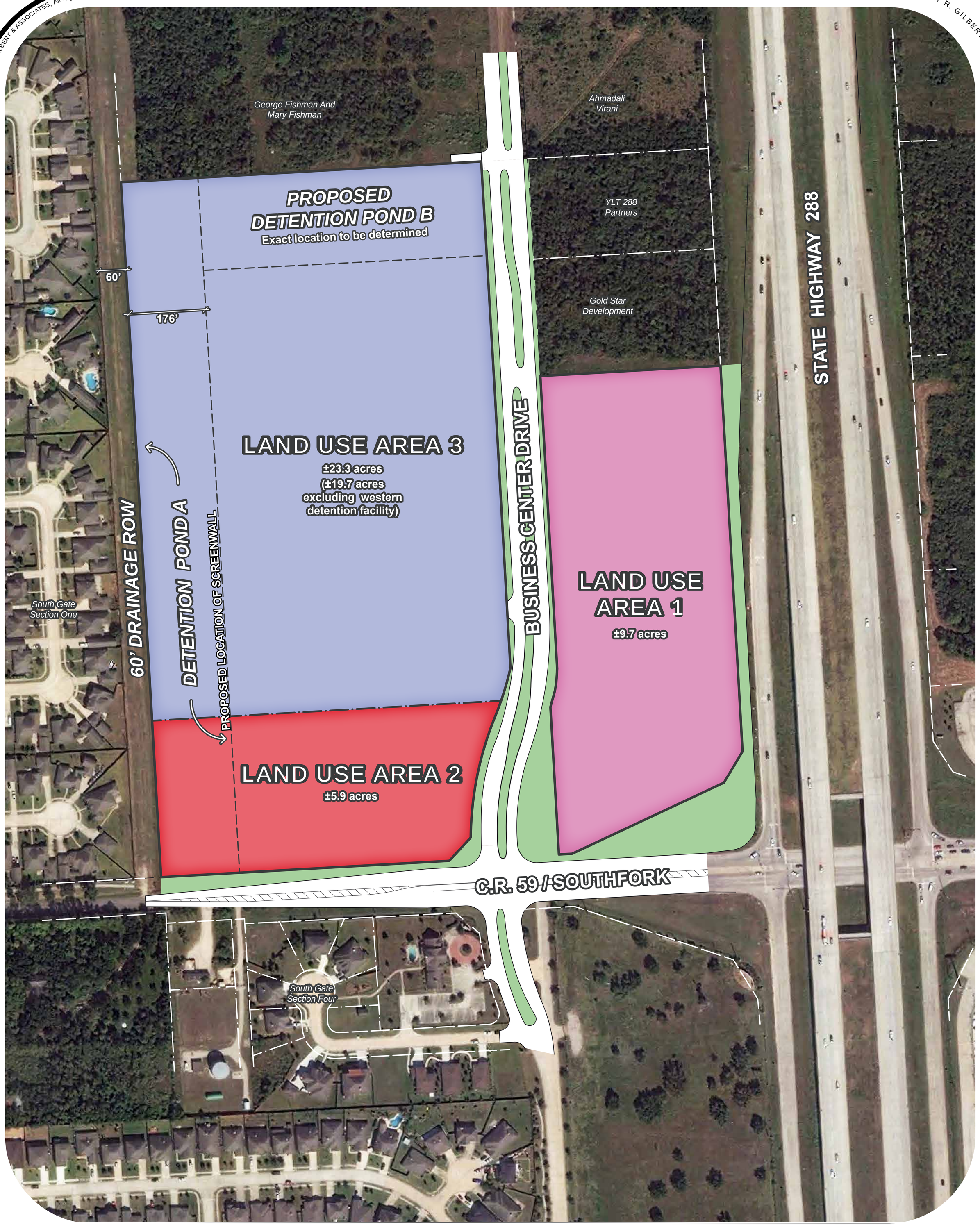

N

EXHIBIT D

land use areas

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a land use area exhibit for

BUSINESS CENTER PD

± 38.9 ACRES OF LAND

prepared for

PARKSIDE 59/288, LTD.

BGE | KERRY R. GILBERT & ASSOCIATES
Land Planning Consultants
23501 Cinco Ranch Blvd.
Suite A-250
Katy, Texas 77494
(281) 579-0340
Fax (281) 579-8212

SCALE
0 50 100 200

AUGUST 12, 2014
KGA #I-175A

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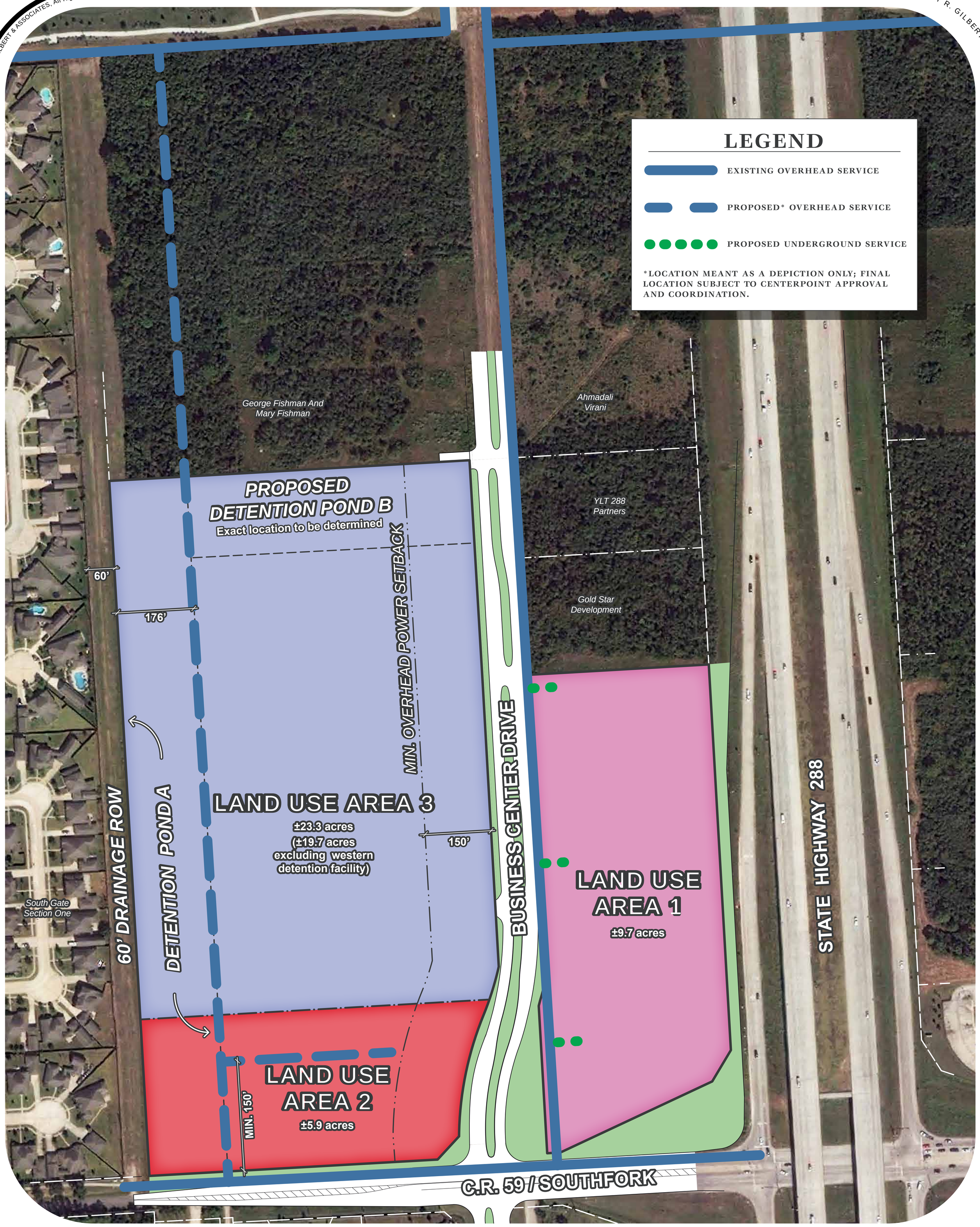

NOTE: All transformers and similar equipment need to be ground mounted, and not pole mounted, for any connection to or extension from existing overhead lines along Business Center Drive. It should be noted, however, that underground service may require a terminal pole to initiate service. This provision shall include the 150' setback for above ground power along Business Center right-of-way. Additionally, ground mounted transformers or similar equipment shall be screened per UDC Section 4.2.4.1 (d), General Screening.

N

EXHIBIT E

power line locations

a power line exhibit for

BUSINESS CENTER PD

± 38.9 ACRES OF LAND

prepared for

PARKSIDE 59/288, LTD.

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Land Planning Consultants
23501 Cinco Ranch Blvd.
Suite A-250
Katy, Texas 77494
(281) 579-0340
Fax (281) 579-8212

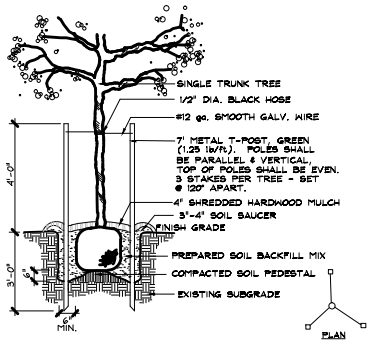
SCALE
0 50 100 200

AUGUST 12 2014
KGA #I-175A

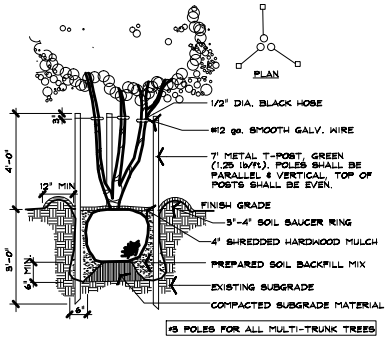
BGE | KERRY R. GILBERT & ASSOCIATES

PLANT LIST

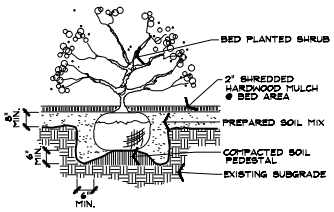
BOTANICAL NAME	COMMON NAME	SIZE	CONDITION	REMARKS
Quercus shumardii	Red Oak	65 Gal.	Container	12'-14' Ht., 5'-6' sprd., full, straight trunk
Quercus virginiana	Live Oak	65 Gal.	Container	12'-14' Ht., 5'-6' sprd., full, straight trunk
Myrica cerifera	Tree Form Waxmyrtle	30 Gal.	Container	Multi-trunk, 7'-8' Ht., 5'-6' sprd., 3 to 5 canes, full
Myrica cerrifera	Waxmyrtle (shrub-form)	15 Gal.	Container	Full Pot, 2'-3' sprd., 4'-5' ht., 6' O.C.



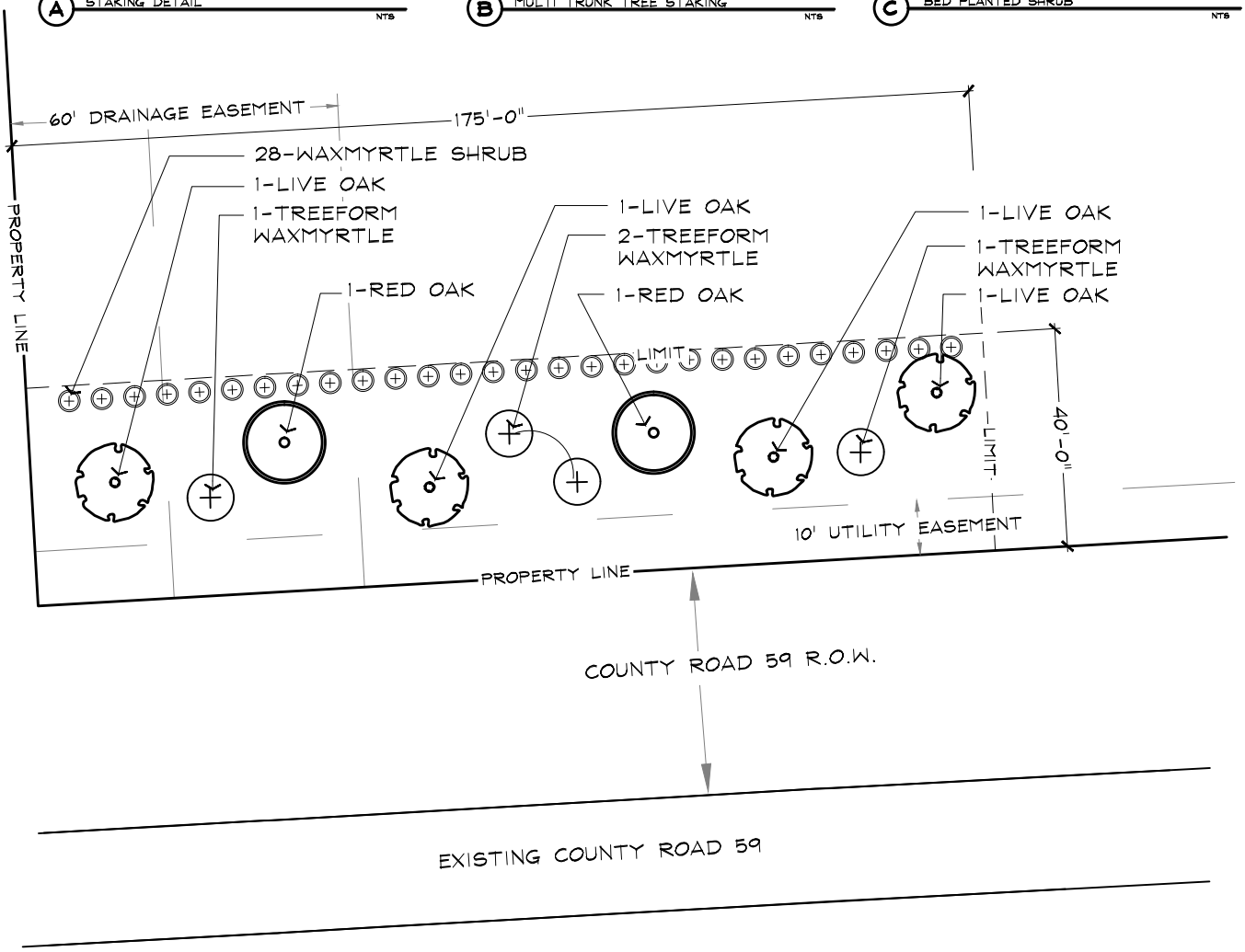
A STAKING DETAIL NTS



B MULTI TRUNK TREE STAKING NTS



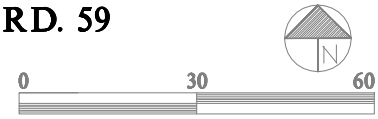
C BED PLANTED SHRUB NTS



BUSINESS CENTER PD

EXHIBIT F

LANDSCAPE AND SCREENING AREA, BETWEEN CO. RD. 59 AND DETENTION BASIN



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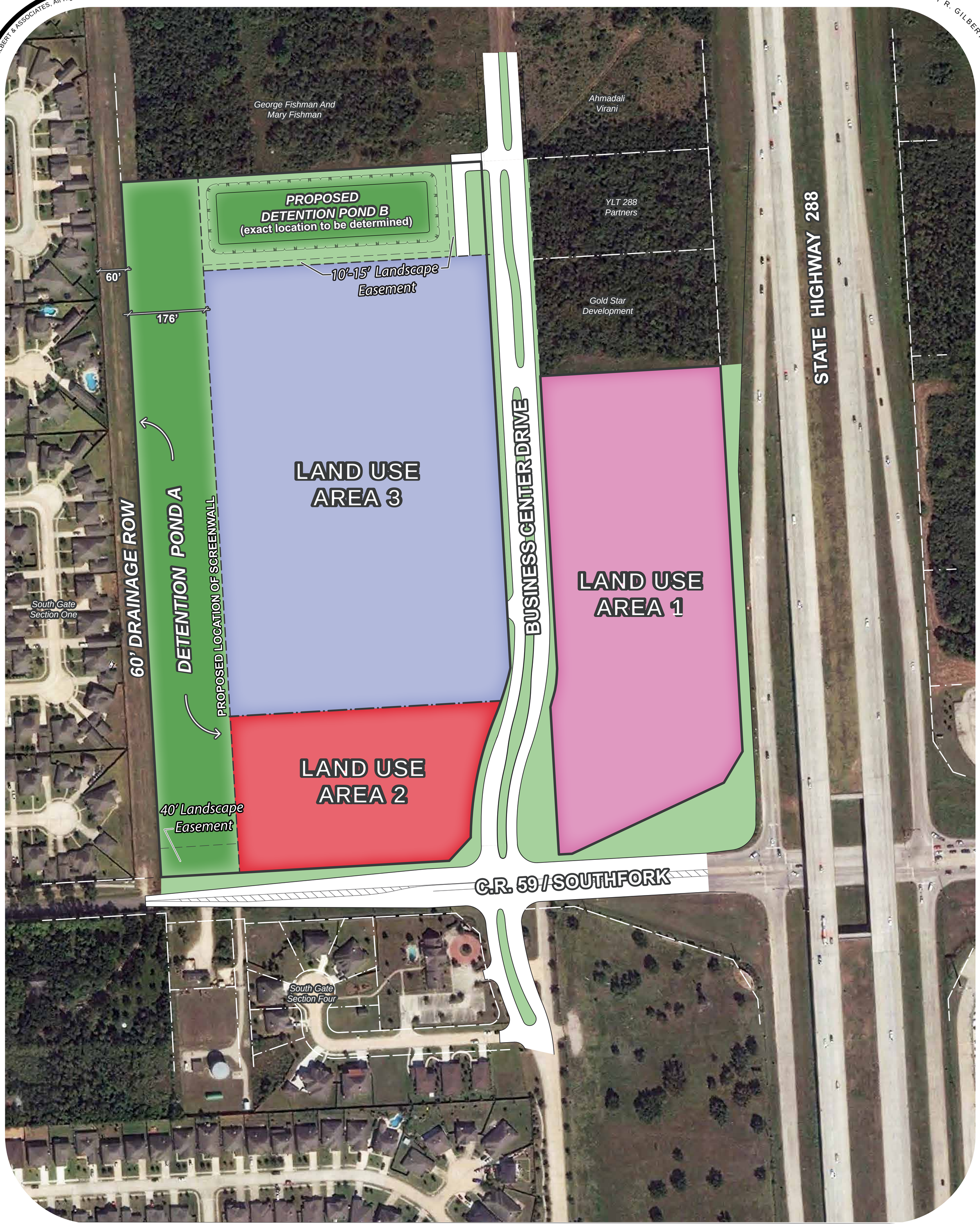

N

Detention Facility

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a detention exhibit for

BUSINESS CENTER PD

± 38.9 ACRES OF LAND

prepared for

PARKSIDE 59/288, LTD.

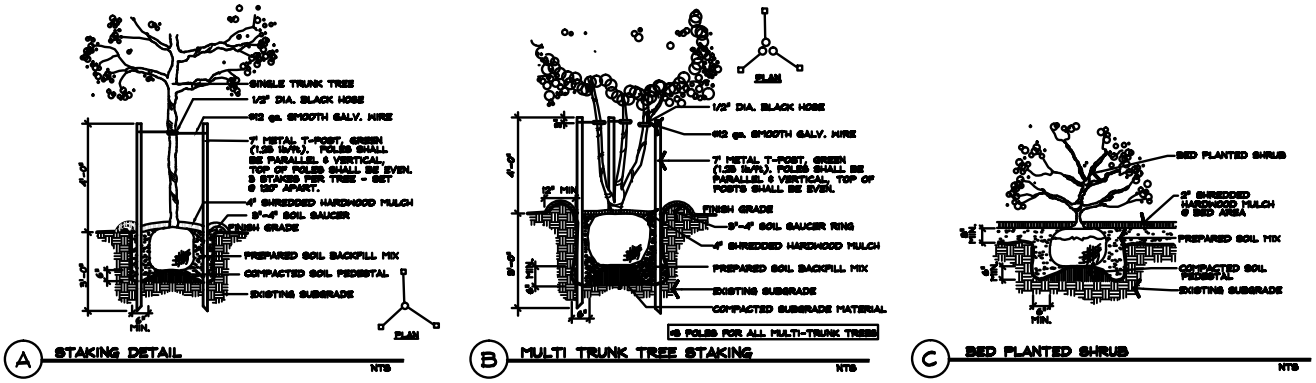
BGE | KERRY R. GILBERT & ASSOCIATES
Land Planning Consultants
23501 Cinco Ranch Blvd.
Suite A-250
Katy, Texas 77494
(281) 579-0340
Fax (281) 579-8212

SCALE
0 50 100 200

AUGUST 12, 2014
KGA #I-175A

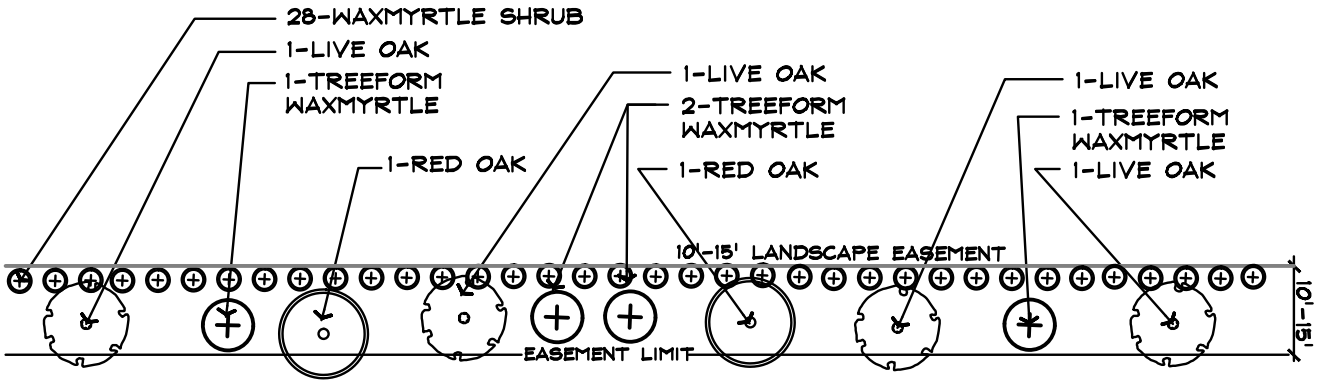
PLANT LIST

BOTANICAL NAME	COMMON NAME	SIZE	CONDITION	REMARKS
Quercus shumardii	Red Oak	65 Gal.	Container	12'-14' Ht., 5'-6' sprd., full, straight trunk
Quercus virginiana	Live Oak	65 Gal.	Container	12'-14' Ht., 5'-6' sprd., full, straight trunk
Myrica cerifera	Tree Form Waxmyrtle	30 Gal.	Container	Multi-trunk, 7'-8' Ht., 5'-6' sprd., 3 to 5 canes, full
Myrica cerifera	Waxmyrtle (shrub-form)	15 Gal.	Container	Full Pot, 2'-3' sprd., 4'-5' Ht., 6' O.C.



SCREENING TREES SHALL HAVE BE A MINIMUM OF THREE (3) INCHES IN CALIBER .

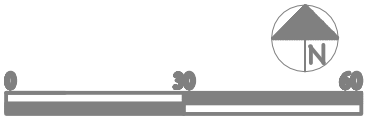
SCREENING SHRUBS THAT BE A MINIMUM OF THREE (3) FEET IN HEIGHT AND PLANTED A MINIMUM OF THREE (3) FEET ON CENTER



BUSINESS CENTER PD

EXHIBIT H

TYPICAL LANDSCAPE AND SCREENING ALONG DETENTION POND B



City of Pearland
Community Development
3523 Liberty Drive
(Community Center)
Pearland, Texas 77581
281-652-1768
281-652-1702 fax
www.cityofpearland.com

APPLICATION FOR A CHANGE IN ZONING

RECEIVED
AUG 1 4 2014

Current Zoning District: Planned Development

Proposed Zoning District: Planned Development

Property Information:

Address or General Location of Property: Intersection of Business Center Drive and CR 59

Tax Account No. 0300-0025-002, [illegible] 0300-0010-000, 0300-0020-000

Subdivision: H.T. & B.R.R. Company Survey, AB 300, Tract 38-38A, 39, 48, 48A 49-50, Lot: _____ Block: _____

A complete application must include all information shown on the Application Checklist attached to this application.

PROPERTY OWNER INFORMATION:

NAME Parkside 59/288 LTD
ADDRESS 3003 W. Alabama Street
CITY Houston STATE TX ZIP 77098
PHONE(713) 773-5521
FAX( )
E-MAIL ADDRESS joe.moody@parksidecap.com

APPLICANT/AGENT INFORMATION:

NAME BGE| Kerry R. Gilbert and Associates
ADDRESS 23501 Cinco Ranch Blvd. Suite A-250
CITY Katy STATE TX ZIP 77494
PHONE(281) 579-0340
FAX(281) 579-8212
E-MAIL ADDRESS kvedwards@gmail.com

*Property owner must be the current owner of the property at the time of submittal of the application, and not the party that has the property under contract.

As owner and applicant, I hereby request approval of the above described request as provided for by the Unified Development Code of the City of Pearland.

Owner's Signature: _____ Date: 7-31-14

Applicant/Agent's Signature: Kathryn Edwards Date: 8/11/14

OFFICE USE ONLY:

FEES PAID: $850.00	DATE PAID: 8/15/14	RECEIVED BY: JM	RECEIPT NUMBER: 319835

Application No. 2014-152

APPLICATION CHECKLIST FOR THE FOLLOWING

- **Zone Changes**
- **Planned Development Districts (PD)**

☑ Application, filled out completely, and signed by the owner of the property to be considered for the conditional use permit.

☑ If the applicant is the designated agent, the application shall include a written statement from the property owner authorizing the agent to file the application on his behalf. **Section 1.2.1.1 (a) of the Unified Development Code.**

☑ Parcel map, printed from the City of Pearland website, indicating the location and boundaries of the subject property.

n/a Letter of Intent, explaining the zone change request in detail and why the zoning is being requested to be changed, and state the uses being proposed

*Letter of Intent is not required for a PD.

☑ Application fee, as determined below, by cash, check made payable to the City of Pearland, or credit card (Visa and MasterCard only)

- **Zero (0) to less than 25 acres:**
  - $ 750.00, plus $25.00 per each type of zoning district requested; or
  - $ 800.00 if requesting a Planned Development (PD)
- **25 to less than 50 acres:**
  - $ 800.00, plus $25.00 per each type of zoning district requested; or
  - $ 850.00 if requesting a Planned Development (PD)
- **50 to less than 75 acres:**
  - $ 850.00, plus $25.00 per each type of zoning district requested; or
  - $ 900.00 if requesting a Planned Development (PD)
- **75 to less than 100 acres:**
  - $ 900.00, plus $25.00 per each type of zoning district requested; or
  - $ 950.00 if requesting a Planned Development (PD)
- **100 acres and above:**
  - $ 950.00, plus $25.00 per each type of zoning district requested; or
  - $ 1000.00 if requesting a Planned Development (PD)

☑ For PD's Only: the proposed PD document electronic form by date of application (either emailed or on a CD) (see PD Format for guidelines on how to prepare the PD).

☐ Acknowledgement of the sign to be posted on the property 10 days prior to the public hearing

☑ Provide evidence or proof that all taxes and obligations have been paid regarding the subject property.

☐ Application packets that are not **complete** will not be accepted. **When a completed application packet has been accepted and reviewed, additional information may be required by staff as a result of the review, it may be necessary to postpone the proposed CUP/Zone Change and remove it from the scheduled agenda and place it on a future agenda date according to Section 1.2.1.2. of the Unified Development Code.**

POSTING OF ZONING NOTIFICATION SIGNS ON PROPERTY UNDER CONSIDERATION FOR A ZONE CHANGE (OR CONDITIONAL USE PERMIT)

Any person, firm or corporation requesting a zoning change, a conditional use permit (CUP), or a variance shall be required to erect and maintain a sign(s), to be inspected by the City, upon the property for which a variance or zoning change has been requested.

Such sign(s) shall be located as follows:

(1) One (1) sign per street frontage shall be located within thirty feet (30') of the abutting street, or as determined by the City.

(2) So as to be clearly visible and readable from the public right-of-way and not obstructed in any manner.

(3) So as not to create a hazard to traffic on the public rights-of-way abutting the property.

(4) On the subject property at least ten (10) days prior to the hearing of such zoning change request by the Planning and Zoning Commission, and to remain continuously on said property until final action by the City Council or withdrawal of the case by the applicant. Removal of the sign by the applicant prior to a recommendation by the Planning and Zoning Commission and/or a final decision by the City Council shall constitute a withdrawal of the request.

(5) The signs shall be as follows:

- A minimum sign size of 2 feet by 3 feet, but no larger than 4 feet by 4 feet
- At least 2 feet above the ground
- Blue or black lettering that is a minimum of 3 inches by 1/2 inch, on a white background
- Message content as follows:

PROPOSED (SPECIFY REQUEST)
Contact City of Pearland
281-652-1768

***Signs must be professionally made; handwritten signs are not allowed.**

***Signs must be freestanding and cannot be attached to a tree, fence, or building.**

KE

August 14, 2014

Lata Krishnarao, Director
Community Development Department
3523 Liberty Drive
Pearland, Texas 77581

RE: Business Center Planned Development Amendment-Zoning Application

Dear Lata,

On behalf of our client Parkside 59/288 LTD, we, BGE|Kerry R. Gilbert & Associate, Inc., are submitting an application for a Planned Development Amendment for the above referenced property located at the intersection of Business Center Drive and CR 59. Enclosed you will find:

- City of Pearland Planned Development Zoning Application
- Owner Authorization letter
- City of Pearland Zoning Map with Property Boundary
- Application Fee (check# 000774)
- One (1) copy of the Planned Development document
- One (1) copy of the Planned Development exhibits
- One (1) CD with PDF of document and exhibits
- Tax Certificates

We are requesting this application to be reviewed at the September 15, 2014 Joint Pubic Hearing. Please contact me if any further information is necessary.

Sincerely,

Kathryn Edwards

Kathryn Edwards

Enclosures

August 1, 2014

Lata Krishnarao, Director
Community Development Department
3523 Liberty Drive
Pearland, Texas 77581

RE: Rezone application request – owner authorization

Dear Lata,

Parkside 59/288, Ltd, is owner of the ± 19.7 acres of property located on the west side of Business Center Drive, just north of CR 59, and the ± 9.7 acres of property located at the northeast corner of Business Center Drive and CR 59. The two parcels serve as LUA1 and LUA 3 within the existing Business Center PD. We authorize BGE| Kerry R. Gilbert & Associates to be our agent in our application for request to amend the Planned Development on the subject property.

Sincerely,

Joe Moody
Parkside 59/288, Ltd.

Owner: _____

ZONE CHANGE/ VARIANCE/ PLAT/ RECORDATION

$ 850.00 (circle one) BA or PF or FE

Description: *Input who the check is from*

COMMENTS/DESCRIPTION (F10):

Location or Address CR 59 & 288

Applicant BGE/Kerry Gilbert & Associates

Owner Parkside 59/288

CITY OF PEARLAND
*** CUSTOMER RECEIPT ***

Oper: AGONZALES Type: OC Drawer: 1
Date: 8/15/14 01 Receipt no: 319835

Description	Quantity	Amount
BA	BOARD OF ADJUSTMENTS 1.00	$850.00
Trans number:		4560627

BOARD OF ADJ.
C.R. 59 & 288
BGE/KERRY GILBERT & ASSOC.
PARKSIDE 59/288

Tender detail		
CK CHECK	774	$850.00
Total tendered		$850.00
Total payment		$850.00

Trans date: 8/15/14 Time: 9:17:57

Ent	Name	Acct No	Invoice	Date	Reference	Amount	Net
175	Parkside 59/288, Ltd.	136-175-065	175-073014	7/30/2014	PD APPLICATION FEE	850.00	850.00

Payor:	Parkside 59/288, Ltd.	Date	Check No.	Check Amount
Payee:	City of Pearland	8/6/2014	000774	850.00

Retain this statement for your records

TAX CERTIFICATE

RO'VIN GARRETT, PCC
BRAZORIA COUNTY TAX ASSESSOR - COLLECTOR
111 E. LOCUST
ANGLETON, TEXAS 77515

Issued To:
BROWN AND GAY ENGINEERING, INC
10777 WESTHEIMER
HOUSTON , TX 77042

Legal Description:
A0300 H T & B R R, TRACT 49-50, ACRES 9.8625

Fiduciary Number: 23278668

Parcel Address: BUSINESS CENTER DR
Legal Acres: 9.8625

>--
Account Number: **0300-0025-002**
Certificate No: 221083839
Certificate Fee: $10.00

Print Date: 07/28/2014
Paid Date: 07/28/2014
Issue Date: 07/28/2014
Operator ID: AMBER
<--

TAX CERTIFICATES ARE ISSUED WITH THE MOST CURRENT INFORMATION AVAILABLE. ALL ACCOUNTS ARE SUBJECT TO CHANGE PER SECTION 26.15 OF THE TEXAS PROPERTY TAX CODE. THIS IS TO CERTIFY THAT ALL TAXES DUE ON THE ABOVE DESCRIBED PROPERTY HAVE BEEN EXAMINED, UP TO AND INCLUDING THE YEAR 2013. ALL TAXES ARE PAID IN FULL

Exemptions:

Certified Owner:
PARKSIDE 59/288 LTD
% JOE MOODY - PARKSIDE CAPITAL INVESTMEN
3003 W ALABAMA ST
HOUSTON , TX 77098-2001

2013 Value:	429,610
2013 Levy:	$12,810.87
2013 Levy Balance:	$0.00
Prior Year Levy Balance:	$0.00
Total Levy Due:	$0.00
P&I + Attorney Fee:	$0.00
Total Amount Due:	$0.00

Certified Tax Unit(s):
1 BRAZORIA COUNTY
9 SPECIAL ROAD & BRIDGE
27 ALVIN ISD
46 ALVIN COMMUNITY COLLEGE
54 BRAZORIA DRAINAGE DIST 4
65 PEARLAND MUNICIPAL MANAGEME
96 CITY OF PEARLAND

Reference (GF) No: N/A

Issued By:
RO'VIN GARRETT, PCC
BRAZORIA COUNTY TAX ASSESSOR - COLLECTOR
(979) 864-1320, (979) 388-1320, (281) 756-1320

Amber Cook

delinquent_tax_certificate.rdf v1.74

TAX CERTIFICATE

RO'VIN GARRETT, PCC
BRAZORIA COUNTY TAX ASSESSOR - COLLECTOR
111 E. LOCUST
ANGLETON, TEXAS 77515

Issued To:
BROWN AND GAY ENGINEERING, INC
10777 WESTHEIMER
HOUSTON , TX 77042

Legal Description:
A0300 H T & B R R, TRACT 38-38A, ACRES 9.4332

Fiduciary Number: 23278668

Parcel Address: BUSINESS CENTER DR
Legal Acres: 9.4332

>--
Account Number: **0300-0010-000**
Certificate No: 221083846
Certificate Fee: $10.00

<--
Print Date: 07/28/2014
Paid Date: 07/28/2014
Issue Date: 07/28/2014
Operator ID: AMBER

TAX CERTIFICATES ARE ISSUED WITH THE MOST CURRENT INFORMATION AVAILABLE. ALL ACCOUNTS ARE SUBJECT TO CHANGE PER SECTION 26.15 OF THE TEXAS PROPERTY TAX CODE. THIS IS TO CERTIFY THAT ALL TAXES DUE ON THE ABOVE DESCRIBED PROPERTY HAVE BEEN EXAMINED, UP TO AND INCLUDING THE YEAR 2013. ALL TAXES ARE PAID IN FULL

Exemptions:

Certified Owner:
PARKSIDE 59/288 LTD
% JOE MOODY - PARKSIDE CAPITAL INVESTMEN
3003 W ALABAMA ST
HOUSTON , TX 77098-2001

2013 Value:	410,910
2013 Levy:	$12,253.24
2013 Levy Balance:	$0.00
Prior Year Levy Balance:	$0.00
Total Levy Due:	$0.00
P&I + Attorney Fee:	$0.00
Total Amount Due:	$0.00

Certified Tax Unit(s):
1 BRAZORIA COUNTY
9 SPECIAL ROAD & BRIDGE
27 ALVIN ISD
46 ALVIN COMMUNITY COLLEGE
54 BRAZORIA DRAINAGE DIST 4
65 PEARLAND MUNICIPAL MANAGEME
96 CITY OF PEARLAND

Reference (GF) No: N/A

Issued By:
RO'VIN GARRETT, PCC
BRAZORIA COUNTY TAX ASSESSOR - COLLECTOR
(979) 864-1320, (979) 388-1320, (281) 756-1320

Amber Cook

TAX CERTIFICATE

RO'VIN GARRETT, PCC
BRAZORIA COUNTY TAX ASSESSOR - COLLECTOR
111 E. LOCUST
ANGLETON, TEXAS 77515

Issued To:
BROWN AND GAY ENGINEERING, INC
10777 WESTHEIMER
HOUSTON , TX 77042

Legal Description:
A0300 H T & B R R, TRACT 39, ACRES 9.3297

Fiduciary Number: 23278668

Parcel Address: 2902 BUSINESS CENTER DR
Legal Acres: 9.3297

>--

Account Number: **0300-0020-000**
Certificate No: 221083848
Certificate Fee: $10.00

<--

Print Date: 07/28/2014
Paid Date: 07/28/2014
Issue Date: 07/28/2014
Operator ID: AMBER

TAX CERTIFICATES ARE ISSUED WITH THE MOST CURRENT INFORMATION AVAILABLE. ALL ACCOUNTS ARE SUBJECT TO CHANGE PER SECTION 26.15 OF THE TEXAS PROPERTY TAX CODE. THIS IS TO CERTIFY THAT ALL TAXES DUE ON THE ABOVE DESCRIBED PROPERTY HAVE BEEN EXAMINED, UP TO AND INCLUDING THE YEAR 2013. ALL TAXES ARE PAID IN FULL

Exemptions:

Certified Owner:
PARKSIDE 59/288 LTD
% JOE MOODY - PARKSIDE CAPITAL INVESTMEN
3003 W ALABAMA ST
HOUSTON , TX 77098-2001

2013 Value:	406,400
2013 Levy:	$12,118.75
2013 Levy Balance:	$0.00
Prior Year Levy Balance:	$0.00
Total Levy Due:	$0.00
P&I + Attorney Fee:	$0.00
Total Amount Due:	$0.00

Certified Tax Unit(s):
1 BRAZORIA COUNTY
9 SPECIAL ROAD & BRIDGE
27 ALVIN ISD
46 ALVIN COMMUNITY COLLEGE
54 BRAZORIA DRAINAGE DIST 4
65 PEARLAND MUNICIPAL MANAGEME
96 CITY OF PEARLAND

Reference (GF) No: N/A
Issued By:
RO'VIN GARRETT, PCC
BRAZORIA COUNTY TAX ASSESSOR - COLLECTOR
(979) 864-1320, (979) 388-1320, (281) 756-1320

Amber Cook

New Business Item No. 4

4. **Consideration and Possible Action – First Reading of Ordinance No 2000M-122 –** An ordinance of the City Council of the City of Pearland, Texas, amending Ordinance No. 2000M, the zoning map of the City of Pearland, Texas, for the purpose of changing the classification of certain real property, being 1.707 acres of land located in the Thomas J. Green Survey, Abstract 198, Brazoria County, Texas, more particularly being all of Lot A and a portion of Lot B, Block 1 of Amending Plat No. 1, Province Village Drive, Office Park and Reserves, a subdivision of record under Doc # 2008019410 of the Official Public Records of Brazoria County, Texas (B.C.O.P.R.), located at the southeast corner of Province Village Drive and Pearland Parkway, Zone Change 2014-16Z, a request of LJA Engineering, applicant; on behalf of A S 121 Pearland Parkway-Broadway Street, L.P., owner; for a change in zoning to amend the Province Village PD, on approximately 1.707 acres of land, providing for an amendment of the zoning district map; containing a savings clause, a severability clause, and an effective date and other provisions related to the subject.

AGENDA REQUEST
BUSINESS OF THE CITY COUNCIL
CITY OF PEARLAND, TEXAS

AGENDA OF: October 13, 2014	**ITEM NO.:** Ordinance No. 2000M-122
DATE SUBMITTED: September 30, 2014	**DEPT. OF ORIGIN: Planning**
PREPARED BY: Johnna Matthews	**PRESENTOR: Lata Krishnarao**
REVIEWED BY: Lata Krishnarao	**REVIEW DATE: October 7, 2014**

SUBJECT: Ordinance No. 2000M-122 - An ordinance of the City Council of the City of Pearland, Texas, amending Ordinance No. 2000M, the zoning map of the City of Pearland, Texas, for the purpose of changing the classification of certain real property, being 1.707 acres of land located in the Thomas J. Green Survey, Abstract 198, Brazoria County, Texas, more particularly being all of Lot A and a portion of Lot B, Block 1 of Amending Plat No. 1, Province Village Drive, Office Park and Reserves, a subdivision of record under Doc # 2008019410 of the Official Public Records of Brazoria County, Texas (B.C.O.P.R.), located at the southeast corner of Province Village Drive and Pearland Parkway, Zone Change 2014-16Z, a request of LJA Engineering, applicant; on behalf of A S 121 Pearland Parkway-Broadway Street, L.P., owner; for a change in zoning to amend the Province Village PD, on approximately 1.707 acres of land, providing for an amendment of the zoning district map; containing a savings clause, a severability clause, and an effective date and other provisions related to the subject.

ATTACHMENTS: **Ordinance No. 2000M-122 and Exhibits (Exhibit A – Province Village PD Amendment; Exhibit B – Legal Description; Exhibit C - Vicinity and Zoning Map; Exhibit D- Legal Ad; Exhibit E - Planning and Zoning Commission Recommendation Letter)**
9.15.14 Joint Public Hearing Packet

To be completed by Department:

Finance	Legal	Ordinance	Resolution

EXECUTIVE SUMMARY

The applicant proposes a change in zoning to amend the Province Village Planned Development (PD) on approximately 1.707 acres of the total 47.65 acres included within

the PD. Currently the subject 1.707 acres is undeveloped and is located within the original Tract 1 of the PD. According to the applicant, the purpose of the amendment is two-fold:

1. To change the overlay zoning district for the approximately 1.707 acre site located within Tract 1; and at the southeast corner of Province Village Drive and Pearland Parkway from Office and Professional (OP) to General Business (GB), with various limitations on allowable uses as identified on pages 3-4 of the proposed amendment to the Province Village PD; and

2. To impose various design standards pertaining to building façade; signage; landscaping; and fencing and screening in order to compliment the Hometown Bank site, just north of the subject property; and also included within the Province Village PD.

For a detailed description of the proposed amendment, see "Staff Memo" of the 9.15.14 Joint Public Hearing Packet, included as an attachment in this report.

PUBLIC NOTIFICATION: Public notices, comment forms, and a vicinity map were mailed to the applicant as well as property owners within 200 feet of the subject property under consideration for the amendment to the Province Village PD. Staff has not received any returned notices regarding the request.

PLANNING AND ZONING COMMISSION DISCUSSION: At the regular meeting of the Planning and Zoning Commission on September 15, 2014, the Planning and Zoning Commission recommended approval of the amendment to the Province Village PD, subject to the following conditions, by a vote of 6/0. An explanation of how the applicant has addressed each condition follows:

1. A note to be added in the PD that the development will be in compliance with all Corridor Overlay District (COD) standards along Pearland Parkway, including street trees, ornamental trees, etc. All standards along Province Village Drive shall follow the GB zoning district, unless included within the PD as a variation.
   On page 2 of the amendment to the PD document, the applicant added the following statement:
   *"Unless expressly addressed herein, the Subject Tract shall remain subject to and comply with all the requirements of the Unified Development Code of the City of Pearland, including the "**Pearland Overlay District."** The applicant was advised to change "Pearland Overlay District" to "Corridor Overlay District."*

2. The PD indicates compliance with the sign regulations of the Unified Development Code; however the sign exhibit included within the PD does not comply, as it relates to the effective area of the sign. The exhibit requires modification or removal.

Per the Unified Development Code, the total effective area of a ground sign is inclusive of all supports and framing. The applicant proposes a ground sign with an effective area of 150 square feet, which does not include supports and framing; and only includes the sign panels. The applicant has provided an exhibit; Exhibit C to illustrate the design and specific dimensions.

STAFF RECOMMENDATION: Staff recommends approval of the request to amend the zoning regulations for the 1.707 acre site from an overlay district of OP to an overlay district of GB, for the following reasons:

1. The proposed GB overlay district is compatible with surrounding uses, as it is surrounded by non-residential uses and future non-residential uses, including the existing Lowes, just south of the site; a retail center southwest of the site including HEB and various other non-residential uses/future non-residential uses. Additionally, just west of the site, a retail center is currently under construction.

2. The proposed building and signage will be compatible with the existing bank just north of the site to create an aesthetically pleasing development.

3. The applicant proposes additional landscaping above what is required by the UDC. Additionally, enhanced landscaping will be provided at the corner of Province Village Drive and along Pearland Parkway to accentuate the entrance to Province Village Drive.

RECOMMENDED ACTION: Consider the change in zoning to amend the Province Village PD on approximately 1.707 acres of land.

Ordinance No. 2000M-122

An ordinance of the City Council of the City of Pearland, Texas, amending Ordinance No. 2000M, the zoning map of the City of Pearland, Texas, for the purpose of changing the classification of certain real property, being 1.707 acres of land located in the Thomas J. Green Survey, Abstract 198, Brazoria County, Texas, more particularly being all of Lot A and a portion of Lot B, Block 1 of Amending Plat No. 1, Province Village Drive, Office Park and Reserves, a subdivision of record under Doc # 2008019410 of the Official Public Records of Brazoria County, Texas (B.C.O.P.R.), located at the southeast corner of Province Village Drive and Pearland Parkway, **Zone Change 2014-16Z**, a request of LJA Engineering, applicant; on behalf of A S 121 Pearland Parkway-Broadway Street, L.P., owner; for a change in zoning to amend the Province Village PD, on approximately 1.707 acres of land, providing for an amendment of the zoning district map; containing a savings clause, a severability clause, and an effective date and other provisions related to the subject.

WHEREAS, LJA Engineering, applicant; on behalf of A S 121 Pearland Parkway-Broadway Street, L.P., owner; is requesting approval of an amendment to the Province Village PD to change the overlay zoning district of an approximately 1.707 acre site from Office and Professional (OP) to General Business (GB); said amendment attached as Exhibit “A;” said property being legally described in the legal description attached hereto and made a part hereof for all purposes as Exhibit “B,” and more graphically depicted in the vicinity and zoning map attached hereto and made a part hereof for all purposes as Exhibit “C;” and

WHEREAS, on the 15th day of September, 2014, a Joint Public Hearing was held before the Planning and Zoning Commission and the City Council of the City of Pearland, Texas, notice being given by publication in the official newspaper of the City, the affidavit of publication being attached hereto and made a part hereof for all purposes as Exhibit "D,” said call and notice being in strict conformity with provisions of Section 1.2.2.2 of Ordinance No. 2000T; and

WHEREAS, on the 16th day of September, 2014, the Planning and Zoning

Commission submitted its report and recommendation to the City Council regarding the proposed zone change application of LJA Engineering, applicant; on behalf of A S 121 Pearland Parkway-Broadway Street, L.P., owner; for approval of an amendment to the Province Village PD; on approximately 1.707 acres of land, said recommendation attached hereto and made a part hereof for all purposes as Exhibit "E"; and

WHEREAS, upon receipt of the report from the Planning and Zoning Commission, City Council considered this application and the recommendation of the Planning and Zoning Commission at regular meetings on the 13th day of October 2014 and the 27th day of October 2014; and

WHEREAS, the City Council having fully heard the testimony and argument of all interested parties, and having been fully advised in the premises, finds that in the case of the application of LJA Engineering, applicant; on behalf of A S 121 Pearland Parkway-Broadway Street, L.P., owner; for approval of an amendment to the Province Village PD; on approximately 1.707 acres of land, presented which, in the judgment of the City Council, would justify the approval of said application; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS:

Section I. The following described property located within the corporate City Limits of the City of Pearland, Texas, and presently classified as Province Village PD, is hereby amended, in accordance with all conditions and requirements of the current Unified Development Code and incorporated for all purposes, such property being more particularly described as:

> **LEGAL DESCRIPTION:** Being 1.707 acres of land located in the Thomas J. Green Survey, Abstract 198, Brazoria County, Texas, more particularly being all of Lot A and a portion of Lot B, Block 1 of Amending Plat No. 1, Province Village Drive, Office Park and Reserves, a subdivision of record under Doc # 2008019410 of the Official Public Records of Brazoria County, Texas (B.C.O.P.R.).

GENERAL LOCATION: Southeast corner of Province Village Drive and Pearland Parkway, Pearland, Texas

Section II. The City Council of the City of Pearland finds and determines that the recitations in the preamble hereof are true and that all necessary prerequisites of law have been accomplished and that no valid protest of the proposed change has been made. The City Council further finds and determines that there has been compliance with the mandates of law in the posting and presentation of this matter to the Planning and Zoning Commission and to the City Council for consideration and decision.

Section III. The City Council of the City of Pearland finds and determines that the amendment adopted herein promotes the health, safety, and general welfare of the public and is a proper valid exercise of the City's police powers.

Section IV. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section V. All rights and remedies, which have accrued in the favor of the City under this Ordinance and its amendments thereto, shall be and are preserved for the benefit of the City.

Section VI. The City Secretary is hereby directed to cause to be prepared an amendment to the official Zoning District Map of the City, pursuant to the provisions of Section 2.3.2.2 of Ordinance No. 2000-M and consistent with the approval herein granted for the reclassification of the herein above described property

Section VII. This Ordinance shall become effective after its passage and approval on second and final reading.

PASSED, APPROVED, and ADOPTED on First Reading this 13th day of October, 2014.

_____

TOM REID
MAYOR

ATTEST:

_____
YOUNG LORFING, TRMC
CITY SECRETARY

PASSED, APPROVED, and ADOPTED on Second and Final Reading this 27th day of October, 2014.

_____

TOM REID
MAYOR

ATTEST:

_____
YOUNG LORFING, TRMC
CITY SECRETARY

APPROVED AS TO FORM:

_____
DARRIN M. COKER
CITY ATTORNEY

Exhibit A
Province Village PD Amendment

See Following Pages

Revision # ~~4~~ 5
~~9.5.14~~
9/19/14

Province Village
Planned Unit Development
Amendment No. 3

City of Pearland

City Council
&
Planning & Zoning Commission

September 2, 2014

Submitted on behalf of:

AS 121 Pearland Pkwy – Broadway Street, L.P.
C/O New Quest Properties, Mr. Stan Beard
8827 W. Sam Houston Pkwy. N., Suite 200
Houston, TX 77040

Prepared by:

LJA Engineering, Inc.
2929 Briarpark Drive, Suite 600
Houston, Texas 77042-3703

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I. INTRODUCTION

This Amendment #3 to Province Village Planned Unit Development ("Amendment") is specifically limited to that certain tract of land consisting of approximately 1.707 acres known as the Final Plat of Province Village Lot "A" Replat #1 attached hereto as Exhibit A ("Subject Tract"). Any and all other land within the Province Village Planned Unit Development remains subject to the provisions, restrictions, and conditions set forth in the original Province Village Planned Unit Development and as further amended by Amendment #1 adopted in 2009 and Amendment #2 adopted in June of 2014. The purpose of this Amendment is to 1) change the underlying zoning of the Subject Tract from Office Professional to General Business, 2) to further limit allowable land uses to those specifically described herein, 3) to impose certain building architectural, landscaping, and signage restrictions and requirements to create an aesthetically appealing compliment to the existing retail element to the north of the Subject Tract.

Unless expressly addressed herein, the Subject Tract shall remain subject to and comply with all the requirements of the Unified Development Code of the City of Pearland, including the Pearland Parkway Overlay District.

A. Site Description and Land Uses

The Subject Tract is bounded on the west by Pearland Parkway, on the north by Province Village Drive, on the south by the Lowe's Home Center zoned General Business, and on the east by vacant land which is part of the Province Village PUD with an underlying zoning of Office Professional.

B. Description of the Proposed Development

The proposed use of the Subject Tract is an approximately 15,000 square foot Class A mixed use commercial retail building. The architecture of the building and the signage is designed to be aesthetically complimentary to the bank building and signage on the north side of Province Village Drive. Landscaping on the corner of Pearland Parkway and Province Village Drive will be upgraded to provide a pleasing entry to the Province Village subdivision to the east.

C. Description of the Land

The Subject Tract is approximately 1.707 acres and is described on Exhibit A attached hereto.

D. Purpose

The purpose of this Amendment is to revise the zoning of the Subject Tract from

Office Professional to General Business. Market conditions over the past 10 years, existing and new General Business uses surrounding the Subject Tract, and a specific retail development proposed for the Subject Tract indicate favorable conditions for the revisions to the zoning classification.

II. ZONING AND LAND USE

A. Existing Zoning

All properties within the PUD have underlying zoning classifications of Office Professional, General Business, and R-4 Single Family Residential. The Subject Tract is currently designated as Office Professional.

B. Proposed Zoning

The Subject Tract is proposed to be repurposed to General Business with further limitations described herein.

C. Standards and Land Use Summary

Unless specifically defined herein, the Subject Tract will conform to the requirements of the Unified Development Code for General Business uses and further limited to those uses described below:

Accessory & Incidental Uses
Accessory Structure (Business or Industry)
Off-Street Parking Incidental to Residential Main Use
Off-Street Parking Incidental to Nonresidential Main Use
Social & Recreational Building, including homeowner's association neighborhood recreation centers
Onsite Detention Facility

Office Uses
Clinic, Medical or Dental
Credit Agency
Financial Institution (No Motor Bank Services)
Financial Institution (With Motor Bank Services)
Financial Services (Advice/Invest)
Insurance Agency Offices
Office, Brokerage Services
Office, Legal Service
Office, Medical/Dental {Defined Under Medical Facilities}
Office, Professional and General Business (other than those listed)
Office, Real Estate

Security Monitoring Company (No Outside Storage)
Travel Agency, Bureau or Consultant
Automatic Teller Machine (ATM)
Barber/Beauty Shop/Tanning Studios (No Related School/College)
Mailing Service (Private)
Pharmacy (Retail Only)
Seamstress or Dressmaker (Retail Only)

Retail & Business Service Uses
Antique Shop (No outside storage)
Art Supply Store
Bakery or Confectionery Shop (Retail Sales, Inside Service Only)
Book/Stationery Shop (Retail Only)
Camera Shop (Retail Only)
Copy/Printing Shop
Drapery/Blind Shop
Florist Shop (Retail Only)
Gift or Card Shop (Retail Only)
Handicraft & Art Object Sales Shop
Ice Cream/Yogurt Shop (For On-or Off-Site Consumption)
Optical Shop
Paint, Wallpaper Shop (Retail Only)
Pharmacy/Drug Store (Retail Only)
Retail Shops, Apparel, Accessories, Gifts & Similar Goods (Other than those listed: No outside Storage)
Restaurant
Fast Food – No Drive-Through Facility
Full Serve – No Drive-Through Facility
Furniture (including mattress) Sales
Jewelry Sales

Utility Related Service Uses
Satellite Dish (Private, less than 4' in diameter) {See Telecommunications Regs. Chapter 2, Art. 5 Div. 5 of the UDC}
Telephone Business Office

Commercial & Related Service Uses
Contractor's Temporary On-Site Construction Office (only with permit from B.O.)

D. Land Use Summary

The land use summary for the entire PUD assuming the proposed Amendment to the Subject Tract is as follows:

Use	Acres	% of Total	Zoning
Single Family	24.1	51%	PUD (R-4)
General Business	6.71	14%	PUD (GB)
Office Professional	4.98	10%	PUD (OP)
Detention	8.59	18%	PUD
Parkland by HOA	0.57	1%	PUD
Collector Streets	2.70	6%	PUD
Total	**47.65**	**100%**	

III. DESIGN STANDARDS

A. Building Architecture

The building elevation has been designed to be aesthetically compatible with the bank building to the north and shall adhere to Exhibit B, attached. Building materials and percentages of each shall be in accordance with Exhibit B. Building articulation as required by the UDC shall be required.

B. Signage and Landscaping

The signage has been designed to be aesthetically similar to the signage for the bank building to the north and shall adhere to the design and specific dimensions defined on Exhibit C, attached. The sign height shall not exceed 15 feet in height as defined by the UDC and the overall width of the sign shall not exceed 18 feet. The overall effective sign area (inclusive of all sign panels) shall not exceed 150 square feet. Building signage shall adhere to UDC requirements.

Landscape design shall be, at a minimum, in strict accordance with the UDC requirements. Additionally, the landscaping at the corner of Province Village Drive and along Pearland Parkway will be upgraded to accentuate the entrance to Province Village Drive and to aesthetically mimic the landscaping of the bank building to the north. As an example, Pearland Parkway will have 1" caliper inch of tree per 14 feet of frontage. Landscape design shall adhere to Exhibit D, attached.

C. Fencing and Screening

The original PUD specified the installation of "decorative wrought iron fence" along the westerly border of the Subject Tract. No other wrought iron fence is installed, including on the Bank Tract north of the Subject Property. To enhance the Subject Tract's commonality with the Bank Tract, the decorative wrought iron fence is not required. Additionally, a "6' height masonry screening wall" is required along the southern boundary of the Subject Tract which abuts the existing Lowe's Home Center, a General Business zoned tract. To enhance the Subject Tract's connectivity with existing General Business use, the 6' height masonry screening wall" is not

required. Screening with landscape and green space in accordance with the UDC will be required.

D. Unified Development Code

The Subject Tract shall conform to the provisions and requirements of the Unified Development Code of the City of Pearland unless expressly addressed herein.

IV. REQUIRED DEDICATIONS

All required dedications of land have been made via the approved replat.

V. PHASING

The project has been pre-leased and will be completed within 9 months of building permit receipt.

VI. EXHIBITS

Exhibit A: Description of Subject Tract
Exhibit B: Building Elevation
Exhibit C: Sign Elevation
Exhibit D: Landscape Plan
Exhibit E: Existing Zoning
Exhibit F: Design Plan

STATE OF TEXAS
COUNTY OF BRAZORIA

WE, NEWQUEST PROPERTIES, ACTING BY AND THROUGH STAN BEARD JR., DIRECTOR OF DEVELOPMENT OF NEWQUEST PROPERTIES, OWNERS OF THE PROPERTY SUBDIVIDED IN THIS PLAT OF PROVINCE VILLAGE LOT "A" REPLAT NO. 1, 1.707 ACRES OUT OF THE THOMAS J. GREEN SURVEY ABSTRACT 198, BRAZORIA COUNTY, TEXAS, DO HEREBY MAKE SUBDIVISION OF SAID PROPERTY FOR AND ON BEHALF OF SAID NEWQUEST PROPERTIES ACCORDING TO THE LINES, LOTS, STREETS, ALLEYS, RESERVES, PARKS, AND EASEMENTS AS SHOWN HEREON AND DEDICATE FOR PUBLIC USE AS SUCH THE STREETS, ALLEYS, PARKS, AND EASEMENTS SHOWN HEREON FOREVER, AND DO HEREBY WAIVE ALL CLAIMS FOR DAMAGES OCCASIONED BY THE ESTABLISHMENT OF GRADES AS APPROVED FOR THE STREETS AND DRAINAGE EASEMENTS DEDICATED, OR OCCASIONED BY THE ALTERATION OF THE SURFACE, OR ANY PORTION OF THE STREETS OR DRAINAGE EASEMENTS TO CONFORM TO SUCH GRADES, AND DO HEREBY BIND OURSELVES, OUR HEIRS, SUCCESSORS AND ASSIGNS TO WARRANT AND DEFEND THE TITLE TO THE LAND SO DEDICATED.

FURTHER, OWNERS HAVE DEDICATED AND BY THESE PRESENTS DO DEDICATE TO THE USE OF THE PUBLIC FOR PUBLIC UTILITY PURPOSES FOREVER, UNOBSTRUCTED AERIAL EASEMENTS. THE AERIAL EASEMENTS SHALL EXTEND HORIZONTALLY AN ADDITIONAL ELEVEN FEET, SIX INCHES (11'6") FOR TEN FEET (10'0") PERIMETER GROUND EASEMENTS OR SEVEN FEET, SIX INCHES (7'6") FOR FOURTEEN FEET (14'0") PERIMETER GROUND EASEMENTS OR FIVE FOOT, SIX INCHES (5'6") FOR SIXTEEN FEET (16'0") PERIMETER GROUND EASEMENTS, FROM A PLANE SIXTEEN FEET (16'0") ABOVE GROUND LEVEL UPWARD, LOCATED ADJACENT TO AND ADJOINING SAID PUBLIC UTILITY EASEMENTS THAT ARE DESIGNATED WITH AERIAL EASEMENTS (U.E. AND A.E.) AS INDICATED AND DEPICTED HEREON WHEREBY EACH AERIAL EASEMENT TOTALS TWENTY-ONE FEET, SIX INCHES (21'6") IN WIDTH.

FURTHER, OWNERS HAVE DEDICATED AND BY THESE PRESENTS DO DEDICATE TO THE USE OF THE PUBLIC FOR PUBLIC UTILITY PURPOSES FOREVER, UNOBSTRUCTED AERIAL EASEMENTS. THE AERIAL EASEMENTS SHALL EXTEND HORIZONTALLY AN ADDITIONAL TEN FEET (10'0") FOR TEN FEET (10'0") BACK-TO-BACK GROUND EASEMENTS, OR EIGHT FEET (8'0") FOR FOURTEEN FEET (14'0") BACK-TO-BACK GROUND EASEMENTS OR SEVEN FEET (7'0") FOR SIXTEEN FEET (16'0") BACK-TO-BACK GROUND EASEMENTS, FROM A PLANE SIXTEEN FEET (16'0") ABOVE GROUND LEVEL UPWARD, LOCATED ADJACENT TO BOTH SIDES AND ADJOINING SAID PUBLIC UTILITY EASEMENTS THAT ARE DESIGNATED WITH AERIAL EASEMENTS (U.E. AND A.E.) AS INDICATED AND DEPICTED HEREON, WHEREBY EACH AERIAL EASEMENT TOTALS THIRTY FEET (30'0") IN WIDTH.

IN TESTIMONY HERETO, NEWQUEST PROPERTIES HAS CAUSED THESE PRESENTS TO BE SIGNED BY STAN BEARD JR., DIRECTOR OF DEVELOPMENT OF NEWQUEST PROPERTIES, THIS ________ DAY OF ____________ 2014.

BY: NEWQUEST PROPERTIES

BY: ______________________________
STAN BEARD JR. DIRECTOR OF DEVELOPMENT

STATE OF TEXAS
COUNTY OF BRAZORIA

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED STAN BEARD JR., DIRECTOR OF DEVELOPMENT OF NEWQUEST PROPERTIES, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN AND HEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS ________ DAY OF ____________, 2014.

____
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

I, GARY D. NUTTER, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THIS PLAT CORRECTLY REPRESENTS A SURVEY MADE UNDER MY SUPERVISION ON THE GROUND IN ACCORDANCE WITH THE INFORMATION PROVIDED ME AND CORRECTLY REPRESENTS THE FACTS AS FOUND AT THE TIME OF SURVEY AND IS TRUE AND CORRECT AND THAT ALL BOUNDARY CORNERS, LOT CORNERS, ANGLE POINTS AND POINTS OF CURVATURE ARE PROPERLY MARKED WITH 5/8 INCH DIAMETER IRON RODS THREE FEET LONG OR AS SHOWN ON THE PLAT.

____
GARY D. NUTTER
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NO. 5659

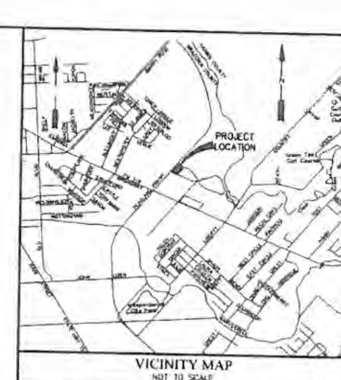
THIS IS TO CERTIFY THAT THE CITY PLANNER OF THE CITY OF PEARLAND, TEXAS HAS APPROVED THIS MINOR PLAT AND SUBDIVISION OF PROVINCE VILLAGE LOT "A" REPLAT NO. 1 AND IS IN CONFORMANCE WITH THE LAWS OF THE STATE OF TEXAS AND THE ORDINANCES OF THE CITY OF PEARLAND AS SHOWN HEREON AND AUTHORIZES THE RECORDING OF THIS PLAT THIS ____________ DAY OF ____________ 2014.

____
HENRY N. FUERTES, CHAIRPERSON
PLANNING & ZONING COMMISSION
CITY OF PEARLAND, TEXAS

APPROVED FOR THE CITY OF PEARLAND THIS ________ OF ____________ 2014

____
DARRIN COKER
CITY ATTORNEY

____
RICHARD MANCILLA, P.E., C.F.M.
ASSISTANT CITY ENGINEER



VICINITY MAP
NOT TO SCALE

KEY MAP NO. 615 Q

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 48°05'53" E	2.63'

CURVE TABLE						
CURVE	RADIUS	DELTA	ARC	TANGENT	CHORD	CHORD BEARING
C1	35.00'	89°57'52"	54.96'	34.98'	49.48'	N 86°55'12" E
C2	725.00'	15°56'22"	201.69'	101.50'	201.04'	S 56°04'04" E

BEING 1.707 ACRES OF LAND LOCATED IN THE THOMAS J. GREEN SURVEY, ABSTRACT 198, BRAZORIA COUNTY, TEXAS, MORE PARTICULARLY BEING ALL OF LOT "A" AND A PORTION OF LOT "B", BLOCK 1 OF AMENDING PLAT NO. 1, PROVINCE VILLAGE DRIVE, OFFICE PARK AND RESERVES, A SUBDIVISION OF RECORD UNDER DOC # 2008019410 OF THE OFFICIAL PUBLIC RECORDS OF BRAZORIA COUNTY, TEXAS (B.C.O.P.R.), SAID 1.707 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS (ALL BEARINGS ARE REFERENCED TO THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD83):

BEGINNING AT THE SOUTHERLY END OF A RADIAL CUT-BACK CORNER AT THE NORTHWESTERLY CORNER OF SAID LOT "A", SAME BEING THE NORTHWESTERLY LINE OF THE AFOREMENTIONED AMENDING PLAT NO. 1, PROVINCE VILLAGE DRIVE, OFFICE PARK AND RESERVES, SAME BEING IN THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF PEARLAND PARKWAY (150 FEET WIDE), THE BEGINNING OF A CURVE;

THENCE, 54.96 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 35.00 FEET, A CENTRAL ANGLE OF 89° 57' 52", AND A CHORD WHICH BEARS NORTH 86° 55' 12" EAST, 49.48 FEET TO A POINT FOR CORNER, ON THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF PROVINCE VILLAGE DRIVE, (WIDTH VARIES) AS SHOWN ON SAID AMENDING PLAT NO. 1, PROVINCE VILLAGE DRIVE, OFFICE PARK AND RESERVES;

THENCE, SOUTH 48° 05' 53" EAST, CONTINUING ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE OF PROVINCE VILLAGE DRIVE, 2.63 FEET TO A POINT FOR CORNER, THE BEGINNING OF A CURVE;

THENCE, CONTINUING ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE OF PROVINCE VILLAGE DRIVE, ALONG THE ARC OF A TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 725.00 FEET, AT 104.30 FEET PASS THE COMMON NORTHERLY CORNER OF SAID LOT "A" AND LOT "B", AND CONTINUING IN ALL, 201.69 FEET, A CENTRAL ANGLE OF 15° 56' 22", AND A CHORD WHICH BEARS SOUTH 56° 04' 04" EAST, 201.04 FEET TO A POINT FOR CORNER;

THENCE, SOUTH 41° 56' 16" WEST, DEPARTING SAID SOUTHWESTERLY RIGHT-OF-WAY LINE OF PROVINCE VILLAGE DRIVE, 295.38 FEET TO A POINT FOR CORNER, IN THE NORTHEASTERLY LINE OF LOT 1, BLOCK 1, OF LOWE'S HOME CENTER PEARLAND, A SUBDIVISION OF RECORD IN VOLUME 20, PAGES 395-396, OF THE PLAT RECORDS OF BRAZORIA COUNTY, TEXAS (B.C.P.R.), SAME BEING THE SOUTHWESTERLY LINE OF THE AFOREMENTIONED LOT "B", BLOCK 1, OF SAID AMENDING PLAT NO. 1, PROVINCE VILLAGE DRIVE, OFFICE PARK AND RESERVES;

THENCE, NORTH 88° 46' 18" WEST, WITH THE NORTHEASTERLY LINE OF SAID LOT 1, BLOCK 1, OF LOWE'S HOME CENTER PEARLAND, AND THE SOUTHWESTERLY LINE OF SAID AMENDING PLAT NO. 1, PROVINCE VILLAGE DRIVE, OFFICE PARK AND RESERVES, AT 38.21 FEET PASS THE COMMON SOUTHERLY CORNER OF SAID LOT "A" AND LOT "B", BLOCK 1, AND CONTINUING IN ALL 249.90 FEET TO THE SOUTHWESTERLY CORNER OF SAID LOT "A" IN THE AFOREMENTIONED SOUTHEASTERLY RIGHT-OF-WAY LINE OF PEARLAND PARKWAY, SAME BEING THE NORTHWESTERLY LINE OF SAID AMENDING PLAT NO. 1, PROVINCE VILLAGE DRIVE, OFFICE PARK AND RESERVES;

THENCE, NORTH 41° 56' 16" EAST, WITH SAID SOUTHEASTERLY RIGHT-OF-WAY LINE OF PEARLAND PARKWAY, AND ALONG THE NORTHWESTERLY LINE OF SAID AMENDING PLAT NO. 1, PROVINCE VILLAGE DRIVE, OFFICE PARK AND RESERVES, 312.54 FEET TO THE POINT OF BEGINNING AND CONTAINING 1.707 ACRES OF LAND.

LEGEND

EXIST	INDICATES EXISTING
U.E.	INDICATES UTILITY EASEMENT
W.L.E.	INDICATES WATERLINE EASEMENT
STM.S.E.	INDICATES STORM SEWER EASEMENT
S.S.E.	INDICATES SANITARY SEWER EASEMENT
W.S.E.	INDICATES WATER AND SEWER EASEMENT
D.E.	INDICATES DRAINAGE EASEMENT
E.E.	INDICATES ELECTRICAL EASEMENT
B.C.M.R.	INDICATES BRAZORIA COUNTY MAP RECORDS
B.C.D.R.	INDICATES BRAZORIA COUNTY DEED RECORDS
B.C.C.F.	INDICATES BRAZORIA COUNTY CLERKS FILE
B.C.O.P.R.	INDICATES BRAZORIA COUNTY OFFICIAL PROPERTY RECORDS
B.C.M.U.D.	INDICATES BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT
	INDICATES EXISTING STREET LIGHT
F.N.	INDICATES FILE NUMBER

NOTES

1. THIS PLAT WAS PREPARED FROM INFORMATION FURNISHED BY STEWART TITLE CO. CITY PLANNING LETTER FILE NO. 1403638394 DATED JUNE 24, 2014. THE SURVEYOR HAS NOT ABSTRACTED THE ABOVE PROPERTY.

2. ALL BEARINGS REFERENCED TO THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE (NAD 83), WITH COORDINATES GIVEN IN FEET. COORDINATES SHOWN ARE GRID NAD 83, AND MAY BE CONVERTED TO SURFACE BY DIVIDING BY A FACTOR OF 0.99990056.

3. THIS PLAT LIES WITHIN BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 28 AT THE TIME OF PLATTING.

4. EFFECTIVE FLOODPLAIN: ACCORDING TO THE EFFECTIVE FEMA FLOOD INSURANCE RATE MAP, MAP NO. 48039C0045J, DATED SEPTEMBER 22, 1999, AND 48201C1040L DATED JUNE 18, 2007 THIS TRACT LIES WITHIN A PORTION OF ZONE AE, AND ZONE X. ADOPTED FLOODPLAIN: REQUESTED BY THE CITY OF PEARLAND AND BRAZORIA DRAINAGE DISTRICT NO.4, ACCORDING TO THE PRELIMINARY STUDY, A PORTION OF THIS TRACT LIES WITHIN ZONE AE WITH A BFE RANGE OF APPROXIMATELY 39.1 TO 39.5.

5. THERE ARE NO PIPELINES OR PIPELINE EASEMENTS WITHIN THE BOUNDARY OF THIS PLAT.

6. 6-FOOT SIDEWALKS SHALL BE BUILT ALONG ALL THOROUGHFARE AND COLLECTOR STREETS INCLUDING ONE SIDE OF PROVINCE VILLAGE DRIVE AND CURVILINEAR ALONG PEARLAND PARKWAY.

7. THERE ARE NO STREET LIGHTS PROPOSED WITH THIS PLAT.

8. BENCHMARK USED, CITY OF PEARLAND MONUMENT - SURVEY MARKER NO. 2 GPS MONUMENT, NGVD-29 (1987 ADJ.) ELEV. 42.48, NAVD-88 (2001 ADJ.) ELEV. 42.00 (T.S.A.R.P.) BEING A BRASS DISK SET FLUSH WITH THE GROUND IN CONCRETE - STAMPED - CITY OF PEARLAND 2 GPS MON - 1995. Monument is located in the southwesterly intersection of Broadway (F.M. 518) and Liberty Road, approximately 4 feet southwest from the southeasterly curb at the intersection, and 8.7 feet northwest, from a metal light pole. (SEE NOTE 9.)

9. T.B.M. - TOP OF 5/8 INCH IRON ROD WITH CAP MARKED "LJA ENG" LOCATED AT ANGLE POINT ON THE SOUTHEASTERLY LINE OF FUTURE PROVINCE VILLAGE SECTION TWO (AS SHOWN BY SYMBOL). TO ADJUST PROJECT ELEVATIONS TO MATCH OLDER VERTICAL DATUM, FOR THE CITY OF PEARLAND MONUMENTS, ADD 0.48 FEET. ELEV. = 38.31 NAVD 88 (2001 ADJ.) ELEV. = 39.79 NGVD 29 (1987 ADJ.)

10. LANDSCAPE SCREENING IN ACCORDANCE WITH EXHIBIT 6 OF THE PROVINCE VILLAGE PUD DOCUMENT WILL BE PROVIDED AT THE TIME OF DEVELOPMENT.

11. A 6' HIGH MASONRY SCREENING WALL WILL BE CONSTRUCTED ALONG THE SOUTHWEST PROPERTY LINE OF BLOCK 1 IN ACCORDANCE WITH EXHIBIT 6 OF THE PROVINCE VILLAGE PUD DOCUMENT DATED MAY 2005, AT THE TIME OF DEVELOPMENT.

12. MUTUAL ACCESS BETWEEN LOTS "A" AND "B" IS HEREBY GRANTED BY THIS PLAT.

FINAL PLAT OF
PROVINCE VILLAGE LOT "A"
REPLAT NO. 1

A SUBDIVISION OF 1.707 ACRES OF LAND SITUATED IN THE THOMAS J. GREEN SURVEY, ABSTRACT 198, AND BEING A REPLAT OF LOT "A" AND A PART OF LOT "B" OF PROVINCE VILLAGE DRIVE OFFICE PARK AND RESERVES, A PLAT RECORDED IN DOCUMENT NO. 2007070406 OF THE BRAZORIA COUNTY OFFICIAL PUBLIC RECORDS, CITY OF PEARLAND, BRAZORIA COUNTY, TEXAS

1 LOT 1 BLOCK

JULY 14, 2014 JOB NO. 1938-1401

REASON FOR REPLAT: TO ADD ACREAGE FROM LOT "B" TO LOT "A"

OWNERS:
NEWQUEST PROPERTIES
STAN BEARD JR., DIRECTOR OF DEVELOPMENT
8827 W. SAM HOUSTON PKWY. N. SUITE 200 HOUSTON, TEXAS 77040
PH. 713-438-8503

ENGINEER:
LJA Engineering, Inc.
2929 Briarpark Drive
Suite 600
Houston, Texas 77042
Phone 713.953.5200
Fax 713.953.5026
FRN - F-1386
T.B.P.L.S. Firm No. 10110501

CONTACT: WARREN ESCOVY

MATERIAL	%
STONE	14.53%
To match HOMETOWN BANK Building	
BRICK	2.77%
To match HOMETOWN BANK Building	
PAINTED TILT WALL (WALL+TRIM)	42%
ICI – Manila Tan (551) Benjamin Moore – Twilight Gold (1069)	
E.I.F.S. TRIMS	2.85%
Benjamin Moore – Elmira White (HC 84)	
METAL (CAP+CANOPY)	10.89%
Berridge – Zinc Cote Berridge – Medium Bronze	
STOREFRONT	26.96%

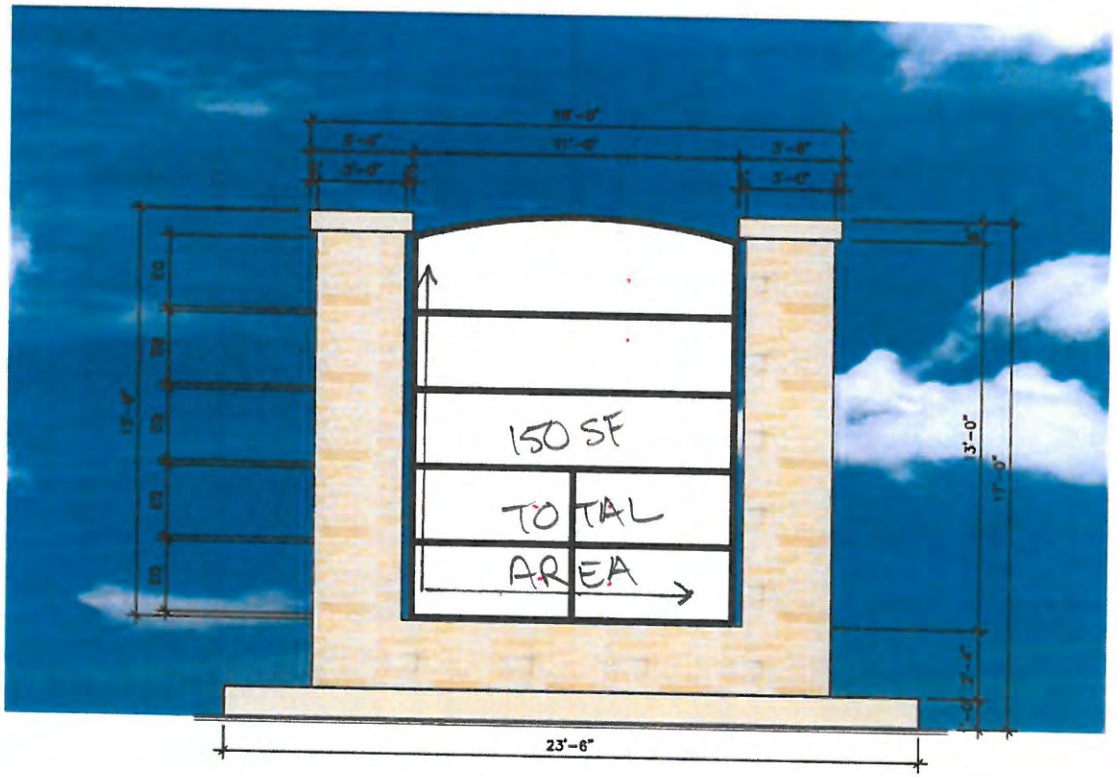
PROPOSED RETAIL ELEVATION

SHOPS AT PEARLAND PARKWAY

SWC OF PEARLAND PARKWAY & PROVIDENCE VILLAGE DRIVE

PEARLAND, TEXAS

NewQuest PROPERTIES™



CENTER PYLON SIGN TYPE 'A'

SCALE: NOT TO SCALE

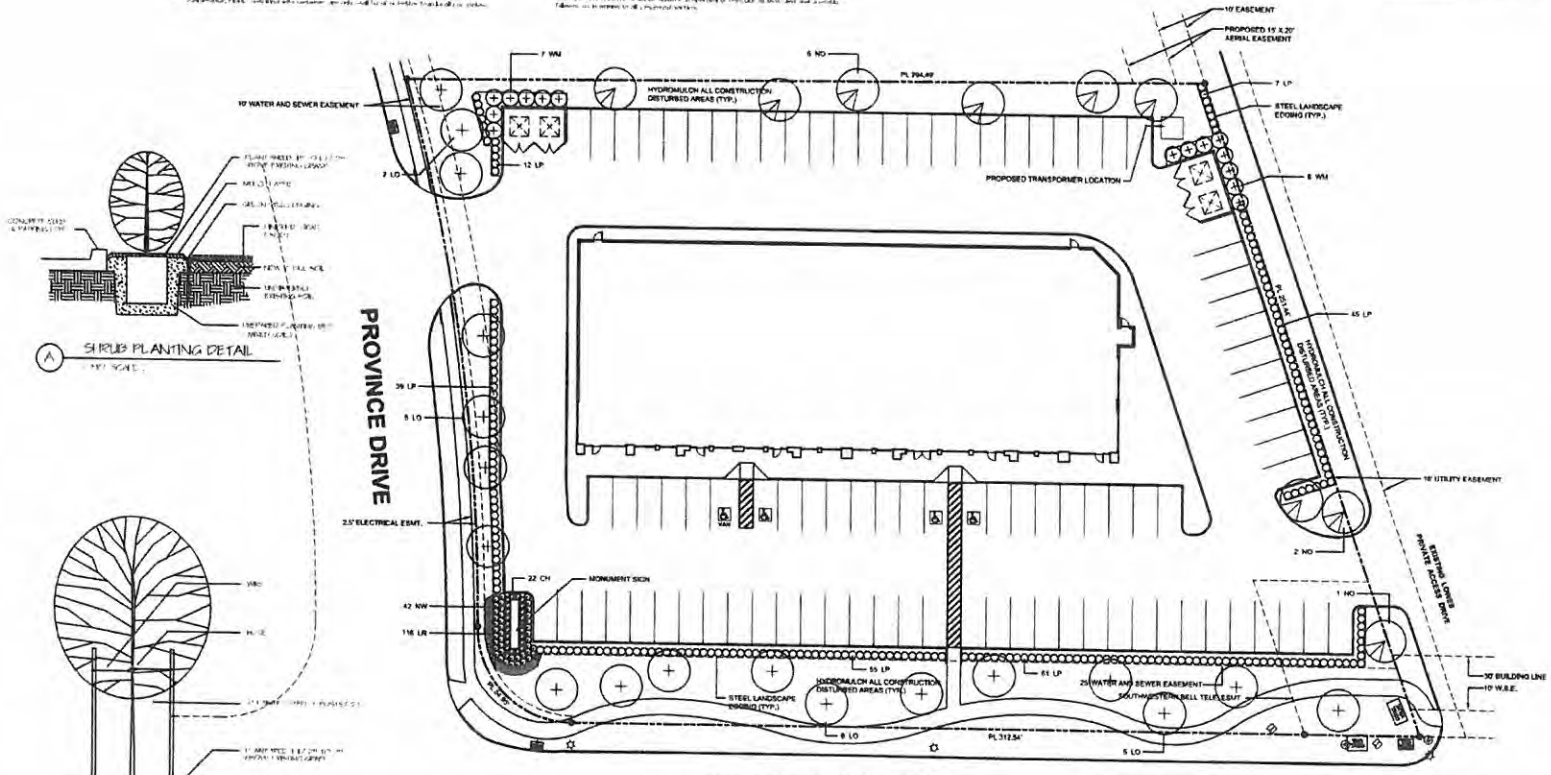
SIGNAGE

SHOPS AT PEARLAND PARKWAY

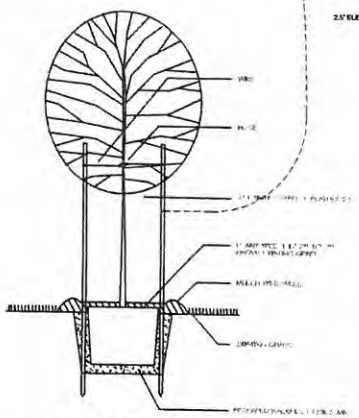
EXHIBIT

SWC OF PEARLAND PARKWAY & PROVINCE VILLAGE DRIVE
PEARLAND, TEXAS

NewQuest PROPERTIES



A SHRUB PLANTING DETAIL
NO SCALE



B TREE PLANTING DETAIL
NO SCALE

CITY OF PEARLAND / LANDSCAPE CALCULATIONS

Percentage of gross landscape area = 20.6%

Street Trees: Required: 570.31 LF. / 10' x 1" cal. = 38" required calliper (38 " / 2" per new tree = 19 new street trees required)
Provided: 38" calliper

Shrubs to screen parking lot:
Required: 190 = 5 x 38 (total caliper inches of street trees)
Provided: 219

Site Yard Landscaping
Required: 35% of length of parking lot
Provided: 100%

Parking Lot Trees: Required: 51 new spaces / 5 x 1" cal. = 18" required calliper (18 " / 2" per new tree = 9 new parking lot trees required)

PLANT LIST

QUANT	SYMBOL	PLANT TYPE	SIZE	NOTES
22	C H	CARISSA HOLLY Ilex cornuta	3 GAL	2' - 3' O.C., FULL HEALTHY, MATCHING
16	L O	LIVE OAK Quercus virginiana	45 GAL	12' - 14' HT. X 10' - 12' SPR. SINGLE TRUNK, DOUBLE STAKED
219	L P	LORAPETALUM "RAZZ BERRY" Loropetalum chinense "Razzberry"	2 GAL	10' - 12 HT. X 8' - 9 SPR. MATCHING
116	L R	LIRIOPE "BIG BLUE" Liriope spicata "Big Blue"	3 GAL	2' - 3' O.C., FULL HEALTHY, MATCHING
6	N O	NUTTALL OAK Quercus nuttallii	45 GAL	10' - 12' HT. X 10' - 12' SPR. SINGLE TRUNK, DOUBLE STAKED
42	N W	PINK MAPLE NOID "MERCY WILD" Acer rubrum "Mercy Wild"	2" CAL. MIN.	10' - 14' HT. X 8' - 9 SPR. MATCHING
15	W M	WAX MYRTLE Myrica cerifera	3 GAL	2' - 3' O.C., FULL HEALTHY, MATCHING
	INDIRO	COMMON BERMUDAGRASS Cynodon dactylon	15 GAL	10' - 16' HT. X 10' - 12' SPR.
	SOD	"HYBRID" BERMUDAGRASS Cynodon dactylon "Hybrid"	SQ. FT.	KIND SHEEN CULLIGRE FINE AND FERTILIZER APPLY WHERE INDICATED
			SQ. YD.	ANY NOISE SOD IS OPTIONAL

SHOPS AT PEARLAND PARKWAY

PEARLAND PARKWAY AT PROVINCE VILLAGE DRIVE
PEARLAND, TEXAS

SEEBERGER ARCHITECTURE
2555 Central Parkway, Houston TX 77092

STATE OF TEXAS
DUANE BUNDO
1375
REGISTERED ARCHITECT

DRAWING HISTORY
1 - ISSUE FOR PERMIT - 2014

DWGTYPE PLAN
PROJECT 214016

L1.0

LANDSCAPE PLAN SCALE : 1" = 20'

6/9/2014 2:10 PM 6.3.14 L1-214016.DWG Bryant Abanilana

LANDSCAPE CONSTRUCTION SPECIFICATIONS :

1.) General Contractor to bring all areas to final grade using a gradable soil and/ or sand mix and boxblade.

2.) Prepare all new planting beds by removing all rocks, concrete and construction debris and till in 3" of new acidic Mixed Soil and pre-emergant herbicide such as Pennant or Eptam at the recommended rates, then rake all bed areas smooth prior to planting. Install 1/ 8"x 4" green steel landscape edging only where specifically indicated on plan where new planting beds meet turf. When end of edging butts up against paving, trim exposed corner at 45 degree angle for pedestrian safety.

3.) Grade all planting beds to edges of beds and away from buildings prior to planting for positive drainage away from foundation(s).

4.) Fertilize all new trees, shrubs and groundcovers with Osmocote (or equal) time-release fertilizer.

5.) Mulch all new planting beds and trees with a 2" (avg.) layer of shredded hardwood topdress mulch as from Letco or CJM Soil Supermarket.

6.) Double-Stake all specified trees (see plant list) with 2 (7' tall) painted metal T-Posts, multi-strand coated steel wire and clear poly-vinyl tubing. See detail.

7.) Root-Stimulate all new trees with Superthrive brand root-stimulator (or equal) as per manufacturers recommendations .

8.) Plant sizes shown are the minimum acceptable. Plants will be inspected and measured for conformance. Plants specified with container size only shall be of or better than locally accepted nursery standards. Obviously undersized, misshapen, weak or inadequately rooted plants will be rejected. The Owner's decision will be final in matters concerning plant size, condition and health. Plants larger in size than specified may be used if approved by the Landscape Architect or the Owner, but the use of larger plants will not automatically increase the contract amount.

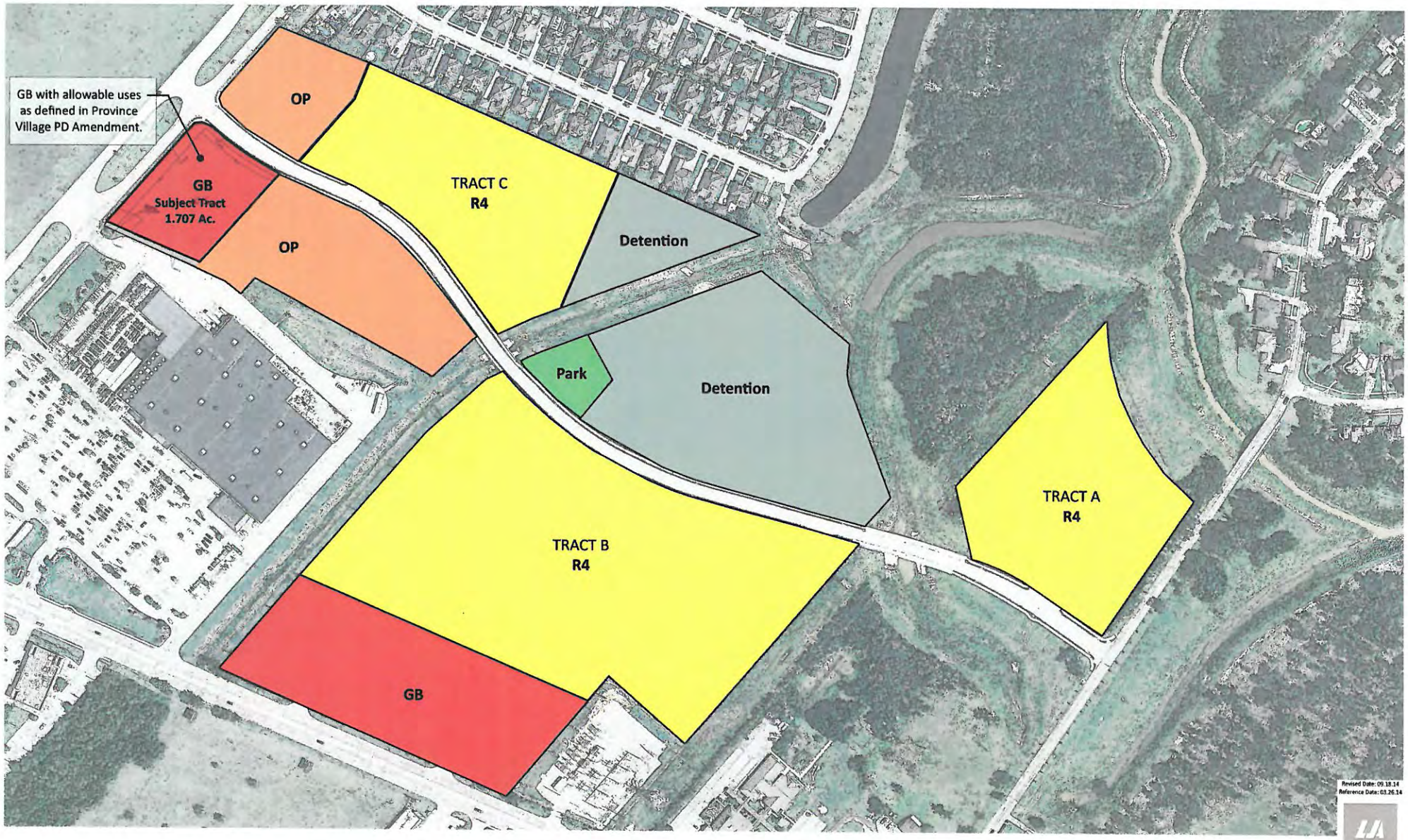
9.) Thoroughly handwater all new plantings immediately after planting and a soften as necessary after planting, during duration of work and until they are established enough to rely only on irrigation.

10.) Fine grade all new turf areas (by hand if necessary) prior to installation of grass. This is for a nice smooth turf-bed as well as for normal drainage purposes.

11.) Solid sod to be 99 percent pure Tiffway 419 Bermudagrass. Sod to be rolled immediately after wetting and installation. Hydromulch to be Common Bermudagrass : 2 lbs. hulled seed per 1000 s.f., green fiber and fertilizer mix / slurry. Hydromulch all construction disturbed areas within property lines that do not get solid sod.

12.) Landscape contractor is responsible for keeping jobsite neat, clean and safe at all times in reference to their landscape work. Excess excavated soil, accumulations of landscape related trash, plant containers etc. to be removed from jobsite by Landscape Contractor daily and at the end of the project.

13.) The Owner, Landscape Architect and general Contractor reserve the right to inspect the progress of the project and any or all of the materials and procedures used at any time. Such materials and procedures will be subject to approval or rejection at that time and promptly followed up in writing to all concerned parties.



Revised Date: 09.18.14
Reference Date: 03.26.14

Planning & Landscape Architecture
Sustainable Design
Community Planning
Urban Design
Landscape Architecture

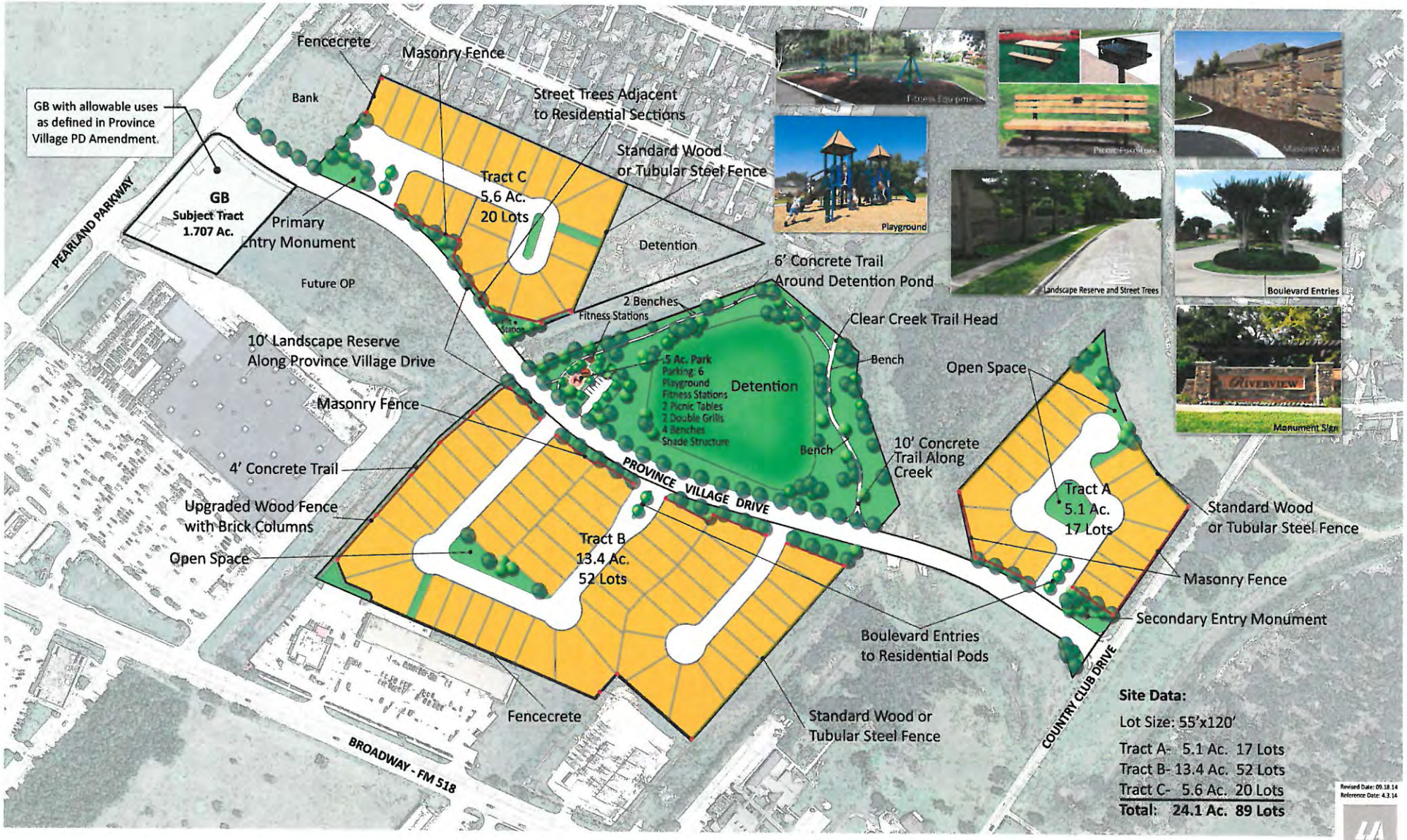
LJA Engineering, Inc.

Existing Zoning

Province Village

Exhibit E

North 0 50 100 200



Design Plan

Province Village

Exhibit F

Exhibit B
Legal Description

Being 1.707 acres of land located in the Thomas J. Green Survey, Abstract 198, Brazoria County, Texas, more particularly being all of Lot A and a portion of Lot B, Block 1 of Amending Plat No. 1, Province Village Drive, Office Park and Reserves, a subdivision of record under Doc # 2008019410 of the Official Public Records of Brazoria County, Texas (B.C.O.P.R.).

Exhibit C
Vicinity and Zoning Map

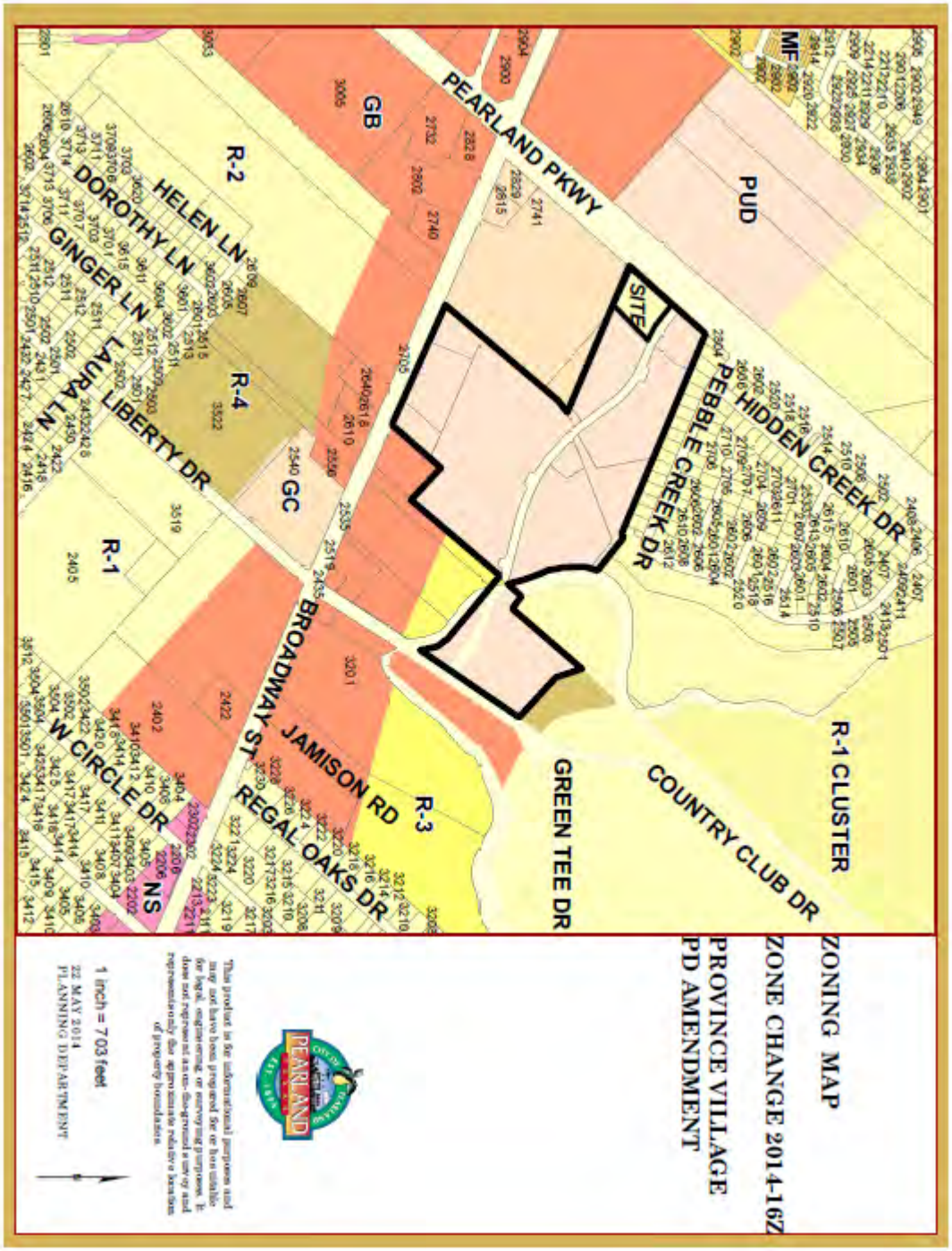


Exhibit D
Legal Ad

NOTICE OF A JOINT PUBLIC HEARING OF THE CITY COUNCIL

AND

THE PLANNING AND ZONING COMMISSION

OF THE CITY OF PEARLAND, TEXAS

ZONE CHANGE APPLICATION NUMBER: 2014-16Z

Notice is hereby given that on September 15, 2014 at 6:30 p.m., the City Council and Planning and Zoning Commission of the City of Pearland, in Brazoria, Harris and Fort Bend Counties, Texas, will conduct a joint public hearing in the Council Chambers of City Hall, located at 3519 Liberty Drive, Pearland, Texas, at the request of LJA Engineering, applicant; on behalf of A S 121 Pearland Parkway-Broadway Street, L.P., owner; on approximately 1.707 acres of land, to wit:

Being 1.707 acres of land located in the Thomas J. Green Survey, Abstract 198, Brazoria County, Texas, more particularly being all of Lot A and a portion of Lot B, Block 1 of Amending Plat No. 1, Province Village Drive, Office Park and Reserves, a subdivision of record under Doc # 2008019410 of the Official Public Records of Brazoria County, Texas (B.C.O.P.R.).

General Location: Southeast corner of Province Village Drive and Pearland Parkway

At said hearing, all interested parties shall have the right and opportunity to appear and be heard on the subject. For additional information, please contact the Planning Department at 281-652-1765.

Johnna Matthews
City Planner

Exhibit E
Planning and Zoning Commission Recommendation Letter

Planning & Zoning Commission

September 16, 2014

Honorable Mayor and City Council Members
3519 Liberty Drive
Pearland, TX 77581

Re: Recommendation on Zone Change Application No. 2014-16Z, Province Village Planned Development (PD) Amendment

Honorable Mayor and City Council Members:

At their meeting on September 15, 2014, the Planning and Zoning Commission considered the following:

> A request of BGE Kerry R. Gilbert and Associates, applicant; on behalf of Parkside 59/288 LTD, owner; for approval of an amendment to the Business Center PD; on approximately 29.331 acres of land, to wit:
>
> **Legal Description:** Being 1.707 acres of land located in the Thomas J. Green Survey, Abstract 198, Brazoria County, Texas, more particularly being all of Lot A and a portion of Lot B, Block 1 of Amending Plat No. 1, Province Village Drive, Office Park and Reserves, a subdivision of record under Doc # 2008019410 of the Official Public Records of Brazoria County, Texas (B.C.O.P.R.).
>
> **General Location**: Southeast corner of Province Village Drive and Pearland Parkway, Pearland, Texas

Commissioner Linda Cowles made a motion to approve the zone change request, known as Province Village PD, to amend the overlay zoning district and design standards for 1.707 acres located at the southeast corner of Province Village Drive and Pearland Parkway; with conditions. The motion was seconded by Commissioner Daniel Tunstall. The motion passed 6/0.

The following conditions must be addressed prior to the First Reading of the Ordinance before City Council:

1. A note to be added in the PD that the development will be in compliance with all Corridor Overlay District (COD) standards along Pearland Parkway, including street trees, ornamental trees, etc. All standards along Province Village Drive shall follow the GB zoning district, unless included within the PD as a variation.

2. The PD indicates compliance with the sign regulations of the Unified Development Code; however the sign exhibit included within the PD does not comply, as it relates to the effective area of the sign. The exhibit requires modification or removal.

Sincerely,

Johnna Matthews

City Planner
On behalf of the Planning and Zoning Commission

JOINT PUBLIC HEARING
THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS,
MONDAY, SEPTEMBER 15, 2014 AT 6:30 P.M.
COUNCIL CHAMBERS - CITY HALL-3519 LIBERTY DRIVE

I. CALL TO ORDER

II. PURPOSE OF HEARING

Zone Change Application No. 2014-16Z

A request of LJA Engineering, applicant; on behalf of A S 121 Pearland Parkway-Broadway Street, L.P., owner; for a change in zoning to amend the Province Village PD, on approximately 1.707 acres of land, to wit:

Legal Description: Being 1.707 acres of land located in the Thomas J. Green Survey, Abstract 198, Brazoria County, Texas, more particularly being all of Lot A and a portion of Lot B, Block 1 of Amending Plat No. 1, Province Village Drive, Office Park and Reserves, a subdivision of record under Doc # 2008019410 of the Official Public Records of Brazoria County, Texas (B.C.O.P.R.).

General Location: Southeast corner of Province Village Drive and Pearland Parkway, 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: September 15, 2014

Re: Zone Change Application Number 2014-16Z

A request of LJA Engineering, applicant; on behalf of A S 121 Pearland Parkway-Broadway Street, L.P., owner; for a change in zoning to amend the Province Village PD, on approximately 1.707 acres of land

Proposal

The applicant proposes a change in zoning to amend the Province Village Planned Development (PD) on approximately 1.707 acres of the total 47.65 acres included within the PD. No other changes are proposed to any land included within the PD. The proposed amendment will be the third amendment since the adoption of the PD, and the second amendment this year (2014). The subject 1.707 acres was included in a 15 acre tract of land identified as Tract 1 when the PD was originally adopted. As a result of the previous amendment this year, Tract 1 was reduced to approximately 8 acres. Currently the property allows for Office and Professional (OP) uses with few exceptions. The purpose of the amendment is two-fold:

1. To change the overlay zoning district for the approximately 1.707 acre- site from Office and Professional (OP) to General Business (GB), with various limitations on allowable uses as identified on pages 3-4 of the proposed amendment.

2. To impose various building architectural, landscaping and signage restrictions to compliment the bank building, just north of the subject property; also included within the Province Village PD.

The below table illustrates the proposed change to the PD, highlighted in red font. For a historical perspective of the two preceding amendments, see the Staff Report included within this packet.

Tract	Acreage	Overlay Zoning District	Permitted Uses
1	8	OP (~~8 acres~~) (6.293 acres) GB (1.707 acres)	• Non-residential uses allowed within the OP zoning district • Detention • Mixed Use Retail Building
C	5.6	R-4	• Single Family
2	13.52	GB	• Non-residential uses allowed within the GB zoning district • Detention
B	13.4	R-4	• Single Family • Park
3	5.74	R-4	• Single Family

The applicant also proposes various changes pertaining to design standards, including façade; signage; landscaping and landscaping enhancements; and removal of previously approved regulations regarding fencing. For specific changes, see the Staff Report included within this packet.

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 Province Village PD 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 request to amend the zoning regulations for the 1.707 acre site from an overlay district of OP to an overlay district of GB, for the following reasons:

1. The proposed GB overlay district is compatible with surrounding uses, as it is surrounded by non-residential uses and future non-residential uses, including the existing Lowes, just south of the site; a retail center southwest of the site including HEB and various other non-residential uses/future non-residential uses. Additionally, just west of the site, a retail center is currently under construction.

2. The proposed building and signage will be compatible with the existing bank just north of the site to create an aesthetically pleasing development.

3. The applicant proposes additional landscaping above what is required by the UDC. Additionally, enhanced landscaping will be provided at the corner of Province Village Drive and along Pearland Parkway to accentuate the entrance to Province Village Drive.

Staff Condition:

1. Staff recommends that a note is added in the PD that the development will comply with all Corridor Overlay District (COD) standards along Pearland Parkway, including street trees, ornamental trees, etc. All standards along Province Village Drive shall follow the GB zoning district, unless included within the PD as a variation.

2. The applicant has indicated the intent to meet the sign regulations of the UDC. However, the sign exhibit does not meet the requirements of the UDC, as it relates to the effective area of the sign. Staff recommends that the exhibit is modified accordingly.

Exhibits

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

Exhibit 1
Staff Report

Summary of Request

The applicant proposes a change in zoning to amend the Province Village Planned Development (PD) on approximately 1.707 acres of the total 47.65 acres included within the PD. Currently the subject 1.707 acres is undeveloped and is located within the original Tract 1 of the PD. As a result of the amendment approved in June, 2014, the acreage within Tract 1 was decreased from 15 acres to approximately 8 acres of land. Tract 1 is allocated to Office and Professional (OP) uses, including the 1.5 acre site which is developed with Hometown Bank located at the northeast corner of Province Village Drive and Pearland Parkway; 5.9 acres located on the south side of Province Village Drive and just west of Pearland Parkway, including the subject 1.707 acre site; and detention on a 1.5 acre site on the north side of Province Village Drive.

According to the applicant, the purpose of the amendment is two-fold:

1. To change the overlay zoning district for an approximately 1.707 acre site located within Tract 1; and at the southeast corner of Province Village Drive and Pearland Parkway from OP to General Business (GB), with various limitations on allowable uses as identified on pages 3-4 of the proposed amendment to the Province Village PD; and

2. To impose various design standards pertaining to building façade; signage; landscaping; and fencing and screening in order to compliment the Hometown Bank site, just north of the subject property; and also included within the Province Village PD.

Site History

The original Province Village PD was approved in June, 2005, and allowed for a mixed-use development including townhomes/condominiums, garden-style single family homes, General Business (GB) non-residential uses; Office and Professional (OP) non-

residential uses; common open space, detention and a park. According to the original PD, specific amenities included approximately 16% (+/- 7 acres) of land to be dedicated to parks, recreation, trails and open/green space. Approximately 12% of the site was allocated for detention. Other amenities included entry statements at Pearland Parkway and Province Village Drive (which was not constructed at the time), a fully landscaped boulevard entry at Country Club Drive with enhanced landscaping irrigation. A 6-foot high masonry screening wall was to be constructed along the southern property line, adjacent to Tract 1, just north of Lowes and along the western and eastern property lines of Tract 2. The PD included photographic depictions of facades, but no specific details. Language in the PD stated "actual design may vary, however, in general would consist of masonry and glass."

The PD was divided into three (3) different areas with varying uses identified as Tract 1, Tract 2 and Tract 3. Tract 1 included 15 acres and was bounded by Pearland Parkway to the west, Clear Creek Park residential subdivision to the north and just north of Lowes located along Pearland Parkway and Broadway. Tract 2 included approximately 29.92 acres bounded by Broadway Street to the south, on the east by a Centerpoint Electrical substation, and west and southwest of Lowes. Tract 3 included approximately 5.74 acres, and was bounded on the east by Country Club Drive.

The below table illustrates the originally approved acreage, overlay zoning district and allowed uses for each tract:

Tract	**Acreage**	**Overlay Zoning District**	**Permitted Uses**
1	15	R-4 OP	• Garden Homes • Non-residential uses allowed within the OP zoning district • Detention
2	26.92	R-4 GB	• Townhomes/Condominiums • Non-residential uses allowed within the GB zoning district • Detention • Park
3	5.74	R-4	• Garden Homes

The Province Village PD was amended in 2009 to change the zoning of the entire 15 acres within Tract 1 to OP uses, with limitations and various restrictions on the bank site located on the north side of Province Village Drive. Amenities included 4.99 acres of open space, the original ½ acre park at the center of the project remained, including the

2.8 acre trail system that would provide connection to Clear Creek Trail System, as well as additional green space within the residential cells.

The table below illustrates the change in acreage and uses for Tract 1, in 2009. No changes were proposed for Tracts 2 or 3. Changes are highlighted in red font:

Tract	Acreage	Overlay Zoning District	Permitted Uses
1	15	~~R-4~~ OP	• ~~Garden Homes~~ • Non-residential uses allowed within the OP zoning district • Detention
2	26.92	R-4 GB	• Townhomes/Condominiums • Non-residential uses allowed within the GB zoning district • Detention • Park
3	5.74	R-4	• Garden Homes

The most recent amendment to the Province Village PD was approved in June, 2014. The amendment created additional tracts identified as Tracts A, B and C, which were once included within Tracts 1, 2 and 3. The amendment changed the land uses and acreages for Tracts 1 and 2. Tract 3 was completely renamed to Tract A. The primary purpose of the amendment was to remove the allowance of Garden Homes and Townhomes/Condominiums to allow for only traditional single family homes throughout the entire PD, as illustrated in the below table:

Tract	Acreage	Overlay Zoning District	Permitted Uses
1	~~15~~ 8	~~R-4~~ OP	• ~~Garden Homes~~ • Non-residential uses allowed within the OP zoning district • Detention
C	5.6	R-4	• Single Family
2	~~26.92~~ 13.52	~~R-4~~ GB	• ~~Townhomes/Condominiums~~ • Non-residential uses allowed within the GB zoning district • Detention • Park

B	13.4	R-4	• Single Family • Park
~~3~~	~~5.74~~	~~R-4~~	• ~~Garden Homes~~
3	5.74	R-4	• Single Family

Amenities approved with the 2014 amendment included 2 barbeque pits, a 4-foot trail, and various other amenities that were included previously. The below table was included within the ordinance for the 2014 amendment:

Table 4

Design Enhancements, Amenities, and Recreational Facilities

Item	General Location
Six-foot height brick masonry fence	Adjacent to Province Village Drive and Country Club Drive
Six-foot height "fence-crete" masonry fence	Between Tract B and GB use and Centerpoint substation tract; Between Tract C and OP use
Six-foot height upgraded wood fence (rot board and cap rail with brick columns at +- 100-foot spacing)	West side of Tract B
Ten-foot landscape reserve along Province Village Drive	Adjacent to Tracts A, B, & C
Street trees along Province Village Dr.	Adjacent to Tracts A, B, C, detention, and park
Primary entry monument	West side of tract C
Secondary entry monument	At Country Club Dr.
Landscape/Open Space Reserves	Tracts A, B, and C
.57-acre park with irrigation (1)	Park
Trees/Landscaping with irrigation (1)	Park and Detention
One age appropriate playground (1)	Park
Two picnic tables (1)	Park
Two barbeque grills	Park
One Shade structure (1)	Park
Eight Benches & other site furniture (1)	Detention
Four workout stations (1)	Detention
Ten-foot trail (2)	Detention-adjacent to Clear Creek
Six-foot trail (1)	Detention-connecting park to 10' trail
Four-foot trail	West side of Tract B
Parking lot/Trailhead (1)	Park

(1)Eligible for park fee credits and will be conveyed to the HOA for ownership and maintenance.

(2) Eligible for park fee credits and will be conveyed to City for ownership and maintenance.

The proposed amendment will be the third (3rd) amendment, if approved. Regarding the overlay zoning district and the land use, the applicant proposes to change an

approximately 1.707-acre site located within Tract 1 from OP to GB to allow for an approximately 15,000 square foot mixed use retail building. The below table illustrates the changes proposed for the 1.707 acre site located in Tract 1:

Tract	Acreage	Overlay Zoning District	Permitted Uses
1	8	OP (6.3 Acres) GB (1.7 Acres)	• Non-residential uses allowed within the OP zoning district • Detention • Mixed Use Retail Building
C	5.6	R-4	• Single Family
2	13.52	GB	• Non-residential uses allowed within the GB zoning district • Detention
B	13.4	R-4	• Single Family • Park
3	5.74	R-4	• Single Family

In addition to the change in zoning and use for the above 1.707 acres, the applicant also proposes changes in the design standards to match the existing Hometown Bank, north of the site, as indicated by the table below:

Design Standard	Current PD Regulations	Proposed
Building Materials	• Varies, but mostly masonry and glass facades as required by zoning regulations	• 14.53% stone • 2.77% brick • 42% painted tilt wall • 2.85% EIFS Trim • 10.89% metal (cap and canopy) • 26.96% storefront glass (transparency) • COD Articulation
Signage	• 15 feet in height • 150 square feet (effective area)	• 15 feet in height • 150 square feet (effective area)
Landscaping	• 15% Gross Landscaped Area • Province Village Drive	• 20.8% Gross Landscaped Area • Street Trees: 19 new

	= 9 new trees at 17" caliper; • Pearland Parkway = 11 new trees at 20' caliper; for a total of 20 new trees to include trees along Province Village Drive and Pearland Parkway • Parking Lot Shrubs along Province Village = 45 shrubs • Parking Lot Shrubs Pearland Parkway = 55 Total shrubs required = 100 Parking Lot Trees: 8 trees	trees at 38" caliper total to include trees along Province Village Drive and Pearland Parkway • Parking Lot Shrubs: 219 • Side Yard Landscaping: 100% Parking Lot Trees: 91 trees A plat was recently approved for the subject property. It is important to note that if the landscaping section is approved via this amendment, the plat will be required to be amended to remove the notes regarding the required landscaping and the reference to Exhibit 6 of the PD.
Fencing and Screening	Decorative wrought iron along western border of subject property 6-foot masonry screening wall along southern boundary of subject property which abuts Lowes	Neither the decorative wrought iron fence nor the 6 foot masonry fence are required. A plat was recently approved for the subject property. It is important to note that if the fencing/screening section is approved via this amendment, the plat will be required to be amended to remove the notes regarding the required fencing.

Conformance with the Thoroughfare Plan

The subject property has frontage on Province Village Drive; a minor collector, which requires 60 feet of right-of-way, and Pearland Parkway; a major thoroughfare (sufficient with) which requires 120 feet of right-of-way. A replat was recently approved for the site which indicates varying widths along Province Village Drive. However, Pearland Parkway conforms to the thoroughfare plan.

Surrounding Zoning and Land Uses

The site is surrounded by a mix of residential and non-residential uses, including Lowes to the south, Hometown Bank to the north, and undeveloped land planned for single family homes in the future.

	Zoning	Land Use
North	Existing Province Village PD Single Family Residential 2 (R-2)	Bank Clear Creek Park Subdivision
South	General Commercial (GB)	Lowes Home Center, IHOP, Sonic
East	Existing Province Village PD (OP)	Undeveloped
West	Center at Pearland Parkway PD General Business	Strip Retail Center Currently under Construction and Existing Strip Retail Center

Conformance with the Unified Development Code

The Province Village PD was originally approved in 2005, prior to the adoption of the current Unified Development Code (UDC). The amendment, if approved, will conform to the requirements of the PD. Various site design standards which are silent within the PD, revert back to the regulations in place at the time of adoption/amendment.

The subject property conforms to the requirements of the existing overlay zoning district of Office and Professional (OP) and the proposed General Business (GB), as it relates to area regulations:

	OP	GB	Subject Property
Minimum Lot Size	12,500 sf	22,500 sf	74,360 sf.
Minimum Lot Width	100 ft.	150 ft.	249.90 ft.
Minimum Lot Depth	100 ft.	125 ft.	295.38 ft.
Minimum Front Yard	25 ft.	25 ft.	Undeveloped
Minimum Side Yard	15 ft.	10 ft.	Undeveloped
Minimum Rear Yard	10 ft.	25 ft.	Undeveloped

Conformance with the Comprehensive Plan

The subject 1.707 acre property is located within the D-10,000 sf Lots (Suburban Residential), indicative of large lot single family homes. The existing as well as the proposed overlay zoning district do not comply with the Comprehensive Plan.

Platting Status

A replat was approved for the subject property on July 21 to increase the land area of the site. It is important to note that due to various notes on the plat, pertaining to the existing PD regarding landscaping and fencing, the recently approved plat will require an amendment.

Availability of Utilities

The subject property has access to public sewer and water. According to GIS records, there is an 8-inch water line along the south side of Province Village Drive; a 16 inch water line along the east side of Pearland Parkway; and a 12 inch water line along the south side of the property. There is an existing 8 inch sewer line along the south side of Province Village Drive and a 6-8 inch sewer line along the south side of the property.

Impact on Existing and Future Development

It is not anticipated that the proposed amendment to the 1.707 acre site located within the Province Village PD will have any significant impact on existing or future developments. The property was zoned for OP non-residential uses and is still zoned for non-residential uses within the GB district.

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 approximately 1.707 acre site located within the Province Village PD.

Recommendation

Staff recommends approval of the request to amend the zoning regulations for the 1.707 acre site from an overlay district of OP to an overlay district of GB, for the following reasons:

1. The proposed GB overlay district is compatible with surrounding uses, as it is surrounded by non-residential uses and future non-residential uses, including the existing Lowes, just south of the site; a retail center southwest of the site including HEB and various other non-residential uses/future non-residential uses. Additionally, just west of the site, a retail center is currently under construction.

2. The proposed building and signage will be compatible with the existing bank just north of the site to create an aesthetically pleasing development.

3. The applicant proposes additional landscaping above what is required by the UDC. Additionally, enhanced landscaping will be provided at the corner of Province Village Drive and along Pearland Parkway to accentuate the entrance to Province Village Drive.

Staff Condition:

1. Staff recommends that a note is added in the PD that the development will comply with all Corridor Overlay District (COD) standards along Pearland Parkway, including street trees, ornamental trees, etc. All standards along Province Village Drive shall follow the GB zoning district, unless included within the PD as a variation.
2. The applicant has indicated the intent to meet the sign regulations of the UDC. However, the sign exhibit does not meet the requirements of the UDC, as it relates to the effective area of the sign. Staff recommends that the exhibit is modified accordingly.

AERIAL MAP

ZONE CHANGE 2014-16Z

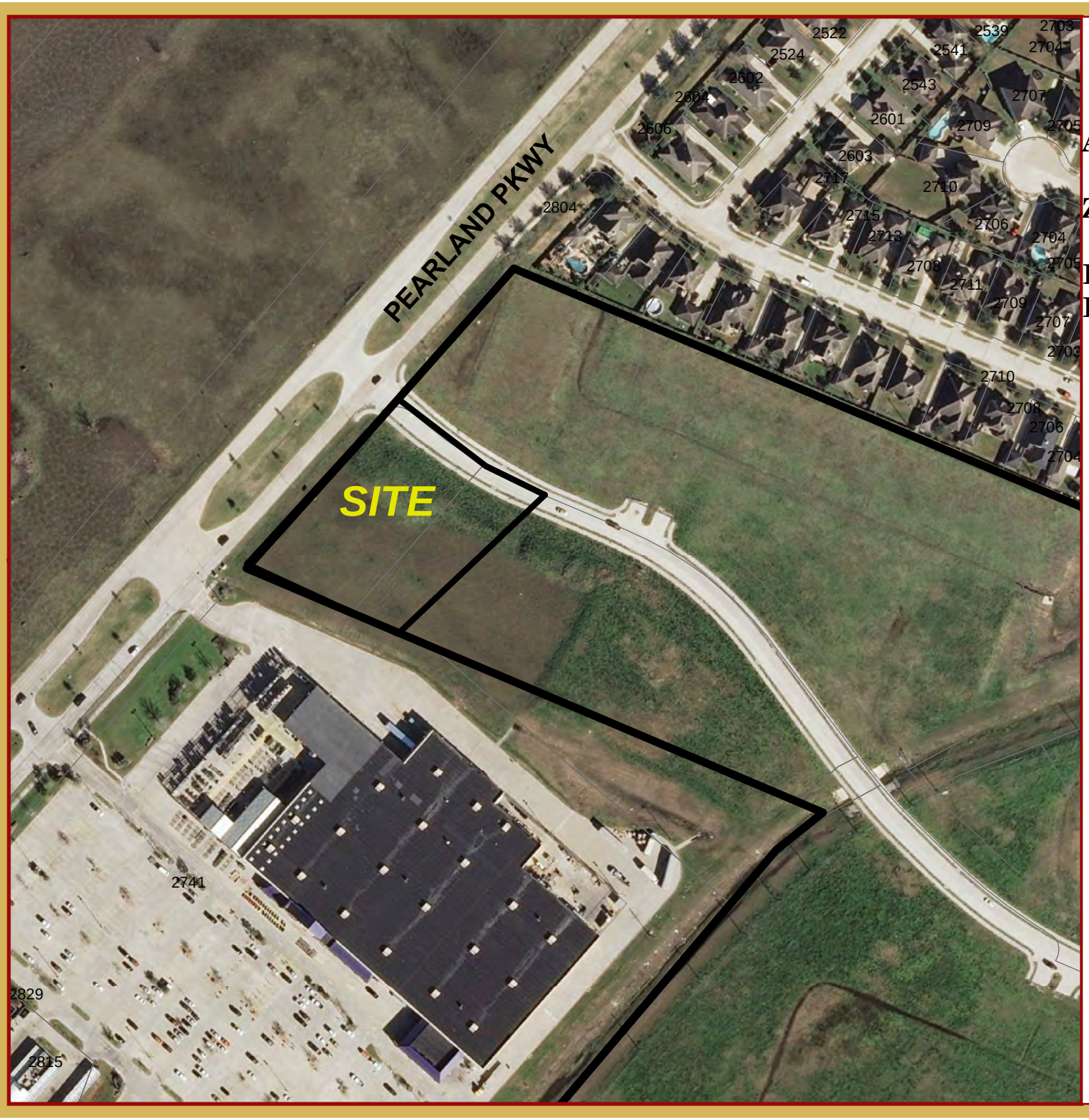
PROVINCE VILLAGE PD AMENDMENT

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 = 417 feet

22 MAY 2014
PLANNING DEPARTMENT

N



AERIAL MAP

ZONE CHANGE 2014-16Z

PROVINCE VILLAGE PD AMENDMENT

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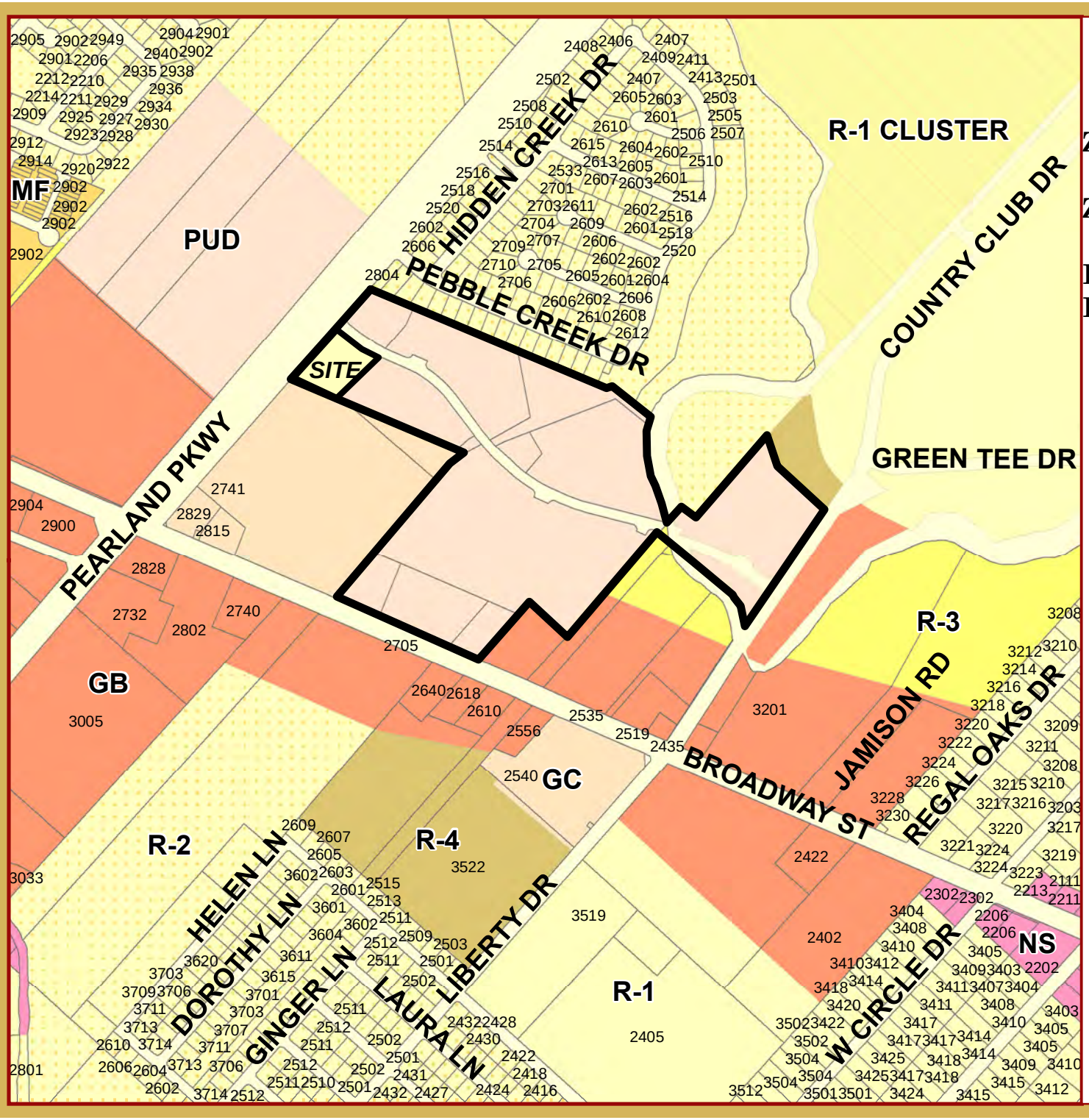
1 inch = 211 feet

22 MAY 2014
PLANNING DEPARTMENT

N



ZONING MAP

ZONE CHANGE 2014-16Z

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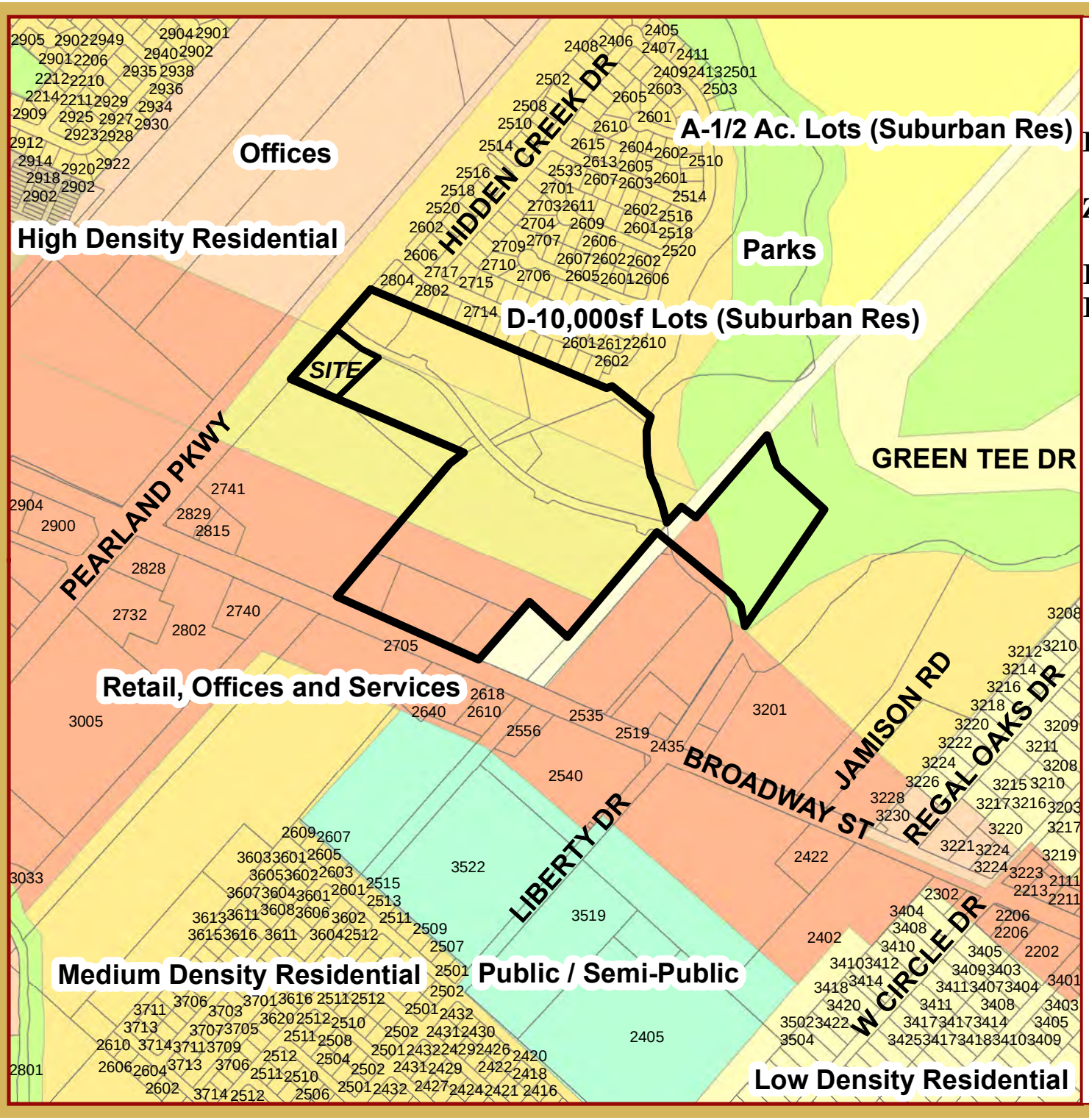
1 inch = 703 feet

22 MAY 2014
PLANNING DEPARTMENT



FLUP MAP

ZONE CHANGE 2014-16Z

PROVINCE VILLAGE PD AMENDMENT

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1 inch = 703 feet

22 MAY 2014
PLANNING DEPARTMENT

N

prop_id	py_owner_name	LegalDescr
518440	SMITH TIMOTHY C & STEPHANIE T	SUBD - Clear Creek Park BLK - 4 Lot - 55
518467	LIBERATORE JAMES V & CHRISTINE	SUBD - Clear Creek Park BLK - 5 Lot - 11
155188	ALEXANDER T & B FAMILY LTD PRTNSHP	ABST - 70 Tract - 7D
518446	KUHNS PERRY S & ESMERALDA	SUBD - Clear Creek Park BLK - 4 Lot - 61
518426	CHAMBLIN MITCHELL & SHERI	SUBD - Clear Creek Park BLK - 4 Lot - 41
518472	KIM JEAN	SUBD - Clear Creek Park BLK - 5 Lot - 16
		SUBD - Clear Creek Park Lot - RESERVE A1
164167	PEARLAND ISD	ABST - 198 Tract - 6E
155188	ALEXANDER T & B FAMILY LTD PRTNSHP	ABST - 70 Tract - 7
164171	E BROADWAY PLAZA LP	ABST - 198 Tract - 6F2
503545	HARTSOOK DAVID L	SUBD - Victory Plaza BLK - 1 Lot - 1
164172	KAL INVESTMENTS	SUBD - Victory Plaza BLK - 1 Lot - 2
516517	CITY OF PEARLAND	ABST - 198 Tract - 6K SUBD - Clear Creek Park Lot - Reserve A
518321	DORSEY CECIL E & LINDA K	SUBD - Clear Creek Park BLK - 1 Lot - 1
518448	HOLT RONALD G & BARBARA	SUBD - Clear Creek Park BLK - 4 Lot - 63
518320	CLEAR CREEK PARK	SUBD - Clear Creek Park Lot - Reserve B
518447	DIESE RICHARD W & LISA K	SUBD - Clear Creek Park BLK - 4 Lot - 62
518463	ALCANCIA OSCAR E & BONITA K	SUBD - Clear Creek Park BLK - 5 Lot - 7
518439	WILKERSON RYAN & VALARIE	SUBD - Clear Creek Park BLK - 4 Lot - 54

518464	COFFEE SUSAN SMITH	SUBD - Clear Creek Park BLK - 5 Lot - 8
518438	DIEHL JOHN M	SUBD - Clear Creek Park BLK - 4 Lot - 53
518465	WILLHOITE ROBERT R & LUCRETIA H	SUBD - Clear Creek Park BLK - 5 Lot - 9
518437	GERSTENBERGER MICHAEL W	SUBD - Clear Creek Park BLK - 4 Lot - 52
518466	SCHWERDTFEGER TRACY K & KIMBERLY A	SUBD - Clear Creek Park BLK - 5 Lot - 10
518457	NIXON DEVON M	SUBD - Clear Creek Park BLK - 5 Lot - 1
518436	MCKINNEY MARK & JANIS	SUBD - Clear Creek Park BLK - 4 Lot - 51
518468	SPIRES RALPH E	SUBD - Clear Creek Park BLK - 5 Lot - 12
518469	MARTIN KENNETH & SHANNON	SUBD - Clear Creek Park BLK - 5 Lot - 13
518470	MOTLEY MELVIN & DE ANN	SUBD - Clear Creek Park BLK - 5 Lot - 14
518471	HERNANDEZ ADAM D & ZOILA A	SUBD - Clear Creek Park BLK - 5 Lot - 15
164164	TEXPROJ2008 LLC	ABST - 198 SUBD - Province Village General Business Lot - C
164177	CENTERPOINT ENERGY INC	ABST - 198 Tract - 6H
593284	ALLON PROPERTY MANAGEMENT I LLC	ABST - 198 SUBD - Province Village General Business Lot - B
593282	MALLAS ARTEMIS LIVING TRUST UTD	ABST - 198 SUBD - Province Village General Business Lot - A
517172	LOWE'S HOME CENTERS INC	SUBD - Lowe's Home Center - Pearland Lot - Reserve A
164177	CENTERPOINT ENERGY INC	ABST - 198 Tract - 6G
518458	LUCAS ALAN W	SUBD - Clear Creek Park BLK - 5 Lot - 2
518445	THARRETT DAVID & SARAH MCQUEEN	SUBD - Clear Creek Park BLK - 4 Lot - 60

518444	VU LOI T	SUBD - Clear Creek Park BLK - 4 Lot - 59
518460	ADAMS MICHAEL W & ANGELA D	SUBD - Clear Creek Park BLK - 5 Lot - 4
518443	GREEN STEPHEN L & TANYA H	SUBD - Clear Creek Park BLK - 4 Lot - 58
518461	JONES CORY A	SUBD - Clear Creek Park BLK - 5 Lot - 5
518441	LEDBETTER RANDY W & BOBBIE A	SUBD - Clear Creek Park BLK - 4 Lot - 56
518462	MUNGUIA RIGOBERTO & MIRIAM	SUBD - Clear Creek Park BLK - 5 Lot - 6
164165	PEARLAND ISD	ABST - 198 Tract - 6D1
517173	LOWE'S HOME CENTERS INC	SUBD - Lowe's Home Center - Pearland BLK - 1 Lot - 1
518459	RUBIO DESIDERIO	SUBD - Clear Creek Park BLK - 5 Lot - 3
599439	TEXPROJ2008 LLC	ABST - 198 SUBD - Province Village Dr., Office Park & Reserves BLK - 2 Lot - RES A ABST - 198 Tract - 6
164164	TEXPROJ2008 LLC	
599438	OFFICE GROVE PROVINCE LP	
599437	INTERNATIONAL BANK OF COMMERCE	
		ABST - 198 Tract - 6 Tract -
599440	TEXPROJ2008 LLC	ABST - 198 SUBD - Province Village Dr., Office Park & Reserves BLK - 2 Lot - RES B
155248	THE GRILL AT TIMEOUT LLC	
155251	PROTESTANT EPISCOPAL CHUR	

legal_desc	situs_street_prefx	situs_num	situs_street
CLEAR CREEK PARK (A0198 TJ GREEN) (PEARLAND), BLOCK 4, LOT 55		2701	PEBBLE CREEK
CLEAR CREEK PARK (A0198 TJ GREEN) (PEARLAND), BLOCK 5, LOT 11		2706	PEBBLE CREEK
A0070 W D C HALL (PEARLAND), TRACT 7-7D, ACRES 1.090		3201	COUNTRY CLUB
CLEAR CREEK PARK (A0198 TJ GREEN) (PEARLAND), BLOCK 4, LOT 61		2713	PEBBLE CREEK
CLEAR CREEK PARK (A0198 TJ GREEN) (PEARLAND), BLOCK 4, LOT 41		2708	ARROWHEAD CREEK
CLEAR CREEK PARK (A0198 TJ GREEN) (PEARLAND), BLOCK 5, LOT 16		2602	PEBBLE CREEK
A0198 T J GREEN (PEARLAND), TRACT 6E-7A-8A-9A, ACRES 32.730			FM 518
A0070 W D C HALL (PEARLAND), TRACT 7-7D, ACRES 1.090		3201	COUNTRY CLUB
A0198 T J GREEN (PEARLAND), TRACT 6F2 BROADWAY PLAZA COMM TCT, ACRES 0.910	E	2640	BROADWAY
VICTORY PLAZA, A0198 T J GREEN (PEARLAND), BLOCK 1, TRACT 1, ACRES 0.87		2618	BROADWAY
VICTORY PLAZA, A0198 T J GREEN (PEARLAND), BLOCK 1, TRACT 2, ACRES 0.87		2610	BROADWAY
A0198 T J GREEN (PEARLAND), TRACT 6K, ACRES 20.97			
CLEAR CREEK PARK (A0198 TJ GREEN) (PEARLAND), BLOCK 1, LOT 1		2606	HIDDEN CREEK
CLEAR CREEK PARK (A0198 TJ GREEN) (PEARLAND), BLOCK 4, LOT 63		2717	PEBBLE CREEK
CLEAR CREEK PARK (A0198 TJ GREEN) (PEARLAND), RESERVE B-C-D-E, ACRES 1.2534			
CLEAR CREEK PARK (A0198 TJ GREEN) (PEARLAND), BLOCK 4, LOT 62		2715	PEBBLE CREEK
CLEAR CREEK PARK (A0198 TJ GREEN) (PEARLAND), BLOCK 5, LOT 7		2714	PEBBLE CREEK
CLEAR CREEK PARK (A0198 TJ GREEN) (PEARLAND), BLOCK 4, LOT 54		2605	PEBBLE CREEK

CLEAR CREEK PARK (A0198 TJ GREEN) (PEARLAND), BLOCK 5, LOT 8		2712	PEBBLE CREEK
CLEAR CREEK PARK (A0198 TJ GREEN) (PEARLAND), BLOCK 4, LOT 53		2603	PEBBLE CREEK
CLEAR CREEK PARK (A0198 TJ GREEN) (PEARLAND), BLOCK 5, LOT 9		2710	PEBBLE CREEK
CLEAR CREEK PARK (A0198 TJ GREEN) (PEARLAND), BLOCK 4, LOT 52		2601	PEBBLE CREEK
CLEAR CREEK PARK (A0198 TJ GREEN) (PEARLAND), BLOCK 5, LOT 10		2708	PEBBLE CREEK
CLEAR CREEK PARK (A0198 TJ GREEN) (PEARLAND), BLOCK 5, LOT 1		2804	PEBBLE CREEK
CLEAR CREEK PARK (A0198 TJ GREEN) (PEARLAND), BLOCK 4, LOT 51		2612	CREEKS EDGE
CLEAR CREEK PARK (A0198 TJ GREEN) (PEARLAND), BLOCK 5, LOT 12		2704	PEBBLE CREEK
CLEAR CREEK PARK (A0198 TJ GREEN) (PEARLAND), BLOCK 5, LOT 13		2702	PEBBLE CREEK
CLEAR CREEK PARK (A0198 TJ GREEN) (PEARLAND), BLOCK 5, LOT 14		2606	PEBBLE CREEK
CLEAR CREEK PARK (A0198 TJ GREEN) (PEARLAND), BLOCK 5, LOT 15		2604	PEBBLE CREEK
A0198 T J GREEN (PEARLAND) TRACT 6-6A ACRES 19.7441		2709	BROADWAY
A0198 T J GREEN (PEARLAND), TRACT 6G-6H-6I, MARYS CREEK SUBSTATION, ACRES 4.001			BROADWAY
A0198 T J GREEN (PEARLAND) TRACT B ACRES 2.599 PROVINCE VILLAGE GENERAL BUSINESS	E	2705	BROADWAY
A0198 T J GREEN (PEARLAND) TRACT A ACRES 1.188 PROVINCE VILLAGE GENERAL BUSINESS		2709	BROADWAY
LOWE'S HOME CENTER (A0198 T J GREEN)(PEARLAND), LOT RESERVE A (DETENTION & DRAINAGE USE), ACRES 1.0803			BROADWAY
A0198 T J GREEN (PEARLAND), TRACT 6G-6H-6I, MARYS CREEK SUBSTATION, ACRES 4.001			BROADWAY
CLEAR CREEK PARK (A0198 TJ GREEN) (PEARLAND), BLOCK 5, LOT 2		2802	PEBBLE CREEK
CLEAR CREEK PARK (A0198 TJ GREEN) (PEARLAND), BLOCK 4, LOT 60		2711	PEBBLE CREEK

CLEAR CREEK PARK (A0198 TJ GREEN) (PEARLAND), BLOCK 4, LOT 59	2709	PEBBLE CREEK
CLEAR CREEK PARK (A0198 TJ GREEN) (PEARLAND), BLOCK 5, LOT 4	2720	PEBBLE CREEK
CLEAR CREEK PARK (A0198 TJ GREEN) (PEARLAND), BLOCK 4, LOT 58	2707	PEBBLE CREEK
CLEAR CREEK PARK (A0198 TJ GREEN) (PEARLAND), BLOCK 5, LOT 5	2718	PEBBLE CREEK
CLEAR CREEK PARK (A0198 TJ GREEN) (PEARLAND), BLOCK 4, LOT 56	2703	PEBBLE CREEK
CLEAR CREEK PARK (A0198 TJ GREEN) (PEARLAND), BLOCK 5, LOT 6	2716	PEBBLE CREEK
A0198 T J GREEN (PEARLAND), TRACT 6D1, ACRES 9.880		FM 518
LOWE'S HOME CENTER (A0198 T J GREEN)(PEARLAND), BLOCK 1, LOT 1, ACRES 15.0362	2741	BROADWAY
CLEAR CREEK PARK (A0198 TJ GREEN) (PEARLAND), BLOCK 5, LOT 3	2722	PEBBLE CREEK
PROVINCE VILLAGE DRIVE OFFICE PARK & RESERVES (A0198-A0070) BLOCK 2 TRACT A (PARK)		
A0198 T J GREEN (PEARLAND) TRACT 6-6A ACRES 19.7441	2709	BROADWAY
PROVINCE VILLAGE DRIVE OFFICE PARK & RESERVES (A0198-A0070) BLK 1 LOT B. AMEND 09 ACRES 3.989		PROVINCE VILLAGE
PROVINCE VILLAGE DRIVE OFFICE PARK & RESERVES (A0198-A0070) BLK 1 LOT A, AMEND 09 ACRES 1.199		PROVINCE VILLAGE
PROVINCE VILLAGE DRIVE OFFICE PARK & RESERVES (A0198-A0070) BLOCK 2 TRACT B DETENTION)		
A0070 W D C HALL (PEARLAND), TRACT 6A, ACRES 3.390	2515	BROADWAY
A0070 W D C HALL (PEARLAND) TRACT 6A2 ACRES 6.464	2535	BROADWAY

situs_street_suffix	land_state_cd	Mail_addr_line1	Mail_addr_line2
DR	A1		2701 PEBBLE CREEK DR
DR	A1		2706 PEBBLE CREEK DR
DR	O1		2411 PARK AVE
DR	A1		2713 PEBBLE CREEK DR
LN	A1		2708 ARROWHEAD CREEK LN
DR	A1		2602 PEBBLE CREEK DR
	X5		PO BOX 7
DR	O1		2411 PARK AVE
FM 518	F1		2640 BROADWAY ST
FM 518	F1		180 HERMITAGE DR
FM 518	F1		7402 BROADWAY ST
	X3		3519 LIBERTY DR
DR	A1		2606 HIDDEN CREEK DR
DR	A1		2717 PEBBLE CREEK DR
	C1	HOMEOWNERS ASSOCIATION INC	2615 BAY AREA BLVD
DR	A1		2715 PEBBLE CREEK DR
DR	A1		2714 PEBBLE CREEK DR
DR	A1		2605 PEBBLE CREEK DR

DR	A1		2712 PEBBLE CREEK DR
DR	A1		2603 PEBBLE CREEK DR
DR	A1		2710 PEBBLE CREEK DR
DR	A1		2601 PEBBLE CREEK DR
DR	A1		2708 PEBBLE CREEK DR
DR	A1		2804 PEBBLE CREEK DR
DR	A1		2612 CREEKS EDGE DR
DR	A1		2704 PEBBLE CREEK DR
DR	A1		2702 PEBBLE CREEK DR
DR	A1		2606 PEBBLE CREEK DR
DR	A1		2604 PEBBLE CREEK DR
	E4		PO BOX 800
FM 518	J3	ELECTRIC OPERATIONS	PO BOX 1475
	A1		6 WATERFORD OAKS LN
	F1	%MARVIN F POER COMP	PO BOX 802206
ST FM 518	C1	ATTN: TAX DEPT (2ETA)	PO BOX 1000
FM 518	J3	ELECTRIC OPERATIONS	PO BOX 1475
DR	A1		2802 PEBBLE CREEK DR
DR	A1		2711 PEBBLE CREEK DR

DR	A1		2709 PEBBLE CREEK DR
DR	A1		2720 PEBBLE CREEK DR
DR	A1		2707 PEBBLE CREEK DR
DR	A1		2718 PEBBLE CREEK DR
DR	A1		PO BOX 788
DR	A1		2716 PEBBLE CREEK DR
	X5		PO BOX 7
FM 518	F1	ATTN: TAX DEPT (2ETA)	PO BOX 1000
DR	A1		2722 PEBBLE CREEK DR
	C1		PO BOX 800
	E4		PO BOX 800
DR	C1		15120 NORTHWEST FWY
DR	C1		5615 KIRBY DR
	E4		PO BOX 800
	A1		2515 BROADWAY ST
FM 518	X1	% H L ERDMAN & ASSOC INC	8200 BROOKRIVER DR

Mail_addr_line3	Mail_addr_city	Mail_addr_state	Mail_addr_zip
	PEARLAND	TX	77581
	PEARLAND	TX	77581
	PEARLAND	TX	77581
	PEARLAND	TX	77581
	PEARLAND	TX	77581
	PEARLAND	TX	77581
	PEARLAND	TX	77588
	PEARLAND	TX	77581
STE 102	PEARLAND	TX	77581
	MONTGOMERY	TX	77356
	PEARLAND	TX	77581
	PEARLAND	TX	77581
	PEARLAND	TX	77581
	PEARLAND	TX	77581
	HOUSTON	TX	77058
	PEARLAND	TX	77581
	PEARLAND	TX	77581
	PEARLAND	TX	77581

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PEARLAND	TX	77581
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PEARLAND	TX	77581
PEARLAND	TX	77581
PEARLAND	TX	77581
PEARLAND	TX	77581
SAINT FRANCISVILLE	LA	70775
HOUSTON	TX	77251
KEMAH	TX	77565
DALLAS	TX	75380
MOORESVILLE	NC	28115
HOUSTON	TX	77251
PEARLAND	TX	77581
PEARLAND	TX	77581

	PEARLAND	TX	77581
	PEARLAND	TX	77581
	PEARLAND	TX	77581
	PEARLAND	TX	77581
	PEARLAND	TX	77588
	PEARLAND	TX	77581
	PEARLAND	TX	77588
	MOORESVILLE	NC	28115
	PEARLAND	TX	77581
	SAINT FRANCISVILLE	LA	70775
	SAINT FRANCISVILLE	LA	70775
STE 190	HOUSTON	TX	77040
	HOUSTON	TX	77005
	SAINT FRANCISVILLE	LA	70775
	PEARLAND	TX	77581
STE N600	DALLAS	TX	75247

prop_id	py_owner_name	LegalDescr
518440	SMITH TIMOTHY C & STEPHANIE T	SUBD - Clear Creek Park BLK - 4 Lot - 55
518467	LIBERATORE JAMES V & CHRISTINE	SUBD - Clear Creek Park BLK - 5 Lot - 11
155188	ALEXANDER T & B FAMILY LTD PRTNSHP	ABST - 70 Tract - 7D
518446	KUHNS PERRY S & ESMERALDA	SUBD - Clear Creek Park BLK - 4 Lot - 61
518426	CHAMBLIN MITCHELL & SHERI	SUBD - Clear Creek Park BLK - 4 Lot - 41
518472	KIM JEAN	SUBD - Clear Creek Park BLK - 5 Lot - 16
		SUBD - Clear Creek Park Lot - RESERVE A1
164167	PEARLAND ISD	ABST - 198 Tract - 6E
155188	ALEXANDER T & B FAMILY LTD PRTNSHP	ABST - 70 Tract - 7
164171	E BROADWAY PLAZA LP	ABST - 198 Tract - 6F2
503545	HARTSOOK DAVID L	SUBD - Victory Plaza BLK - 1 Lot - 1
164172	KAL INVESTMENTS	SUBD - Victory Plaza BLK - 1 Lot - 2
516517	CITY OF PEARLAND	ABST - 198 Tract - 6K
		SUBD - Clear Creek Park Lot - Reserve A
518321	DORSEY CECIL E & LINDA K	SUBD - Clear Creek Park BLK - 1 Lot - 1
518448	HOLT RONALD G & BARBARA	SUBD - Clear Creek Park BLK - 4 Lot - 63
518320	CLEAR CREEK PARK	SUBD - Clear Creek Park Lot - Reserve B
518447	DIESE RICHARD W & LISA K	SUBD - Clear Creek Park BLK - 4 Lot - 62
518463	ALCANCIA OSCAR E & BONITA K	SUBD - Clear Creek Park BLK - 5 Lot - 7
518439	WILKERSON RYAN & VALARIE	SUBD - Clear Creek Park BLK - 4 Lot - 54
518464	COFFEE SUSAN SMITH	SUBD - Clear Creek Park BLK - 5 Lot - 8

518438	DIEHL JOHN M	SUBD - Clear Creek Park BLK - 4 Lot - 53
518465	WILLHOITE ROBERT R & LUCRETIA H	SUBD - Clear Creek Park BLK - 5 Lot - 9
518437	GERSTENBERGER MICHAEL W	SUBD - Clear Creek Park BLK - 4 Lot - 52
518466	SCHWERDTFEGER TRACY K & KIMBERLY A	SUBD - Clear Creek Park BLK - 5 Lot - 10
518457	NIXON DEVON M	SUBD - Clear Creek Park BLK - 5 Lot - 1
518436	MCKINNEY MARK & JANIS	SUBD - Clear Creek Park BLK - 4 Lot - 51
518468	SPIRES RALPH E	SUBD - Clear Creek Park BLK - 5 Lot - 12
518469	MARTIN KENNETH & SHANNON	SUBD - Clear Creek Park BLK - 5 Lot - 13
518470	MOTLEY MELVIN & DE ANN	SUBD - Clear Creek Park BLK - 5 Lot - 14
518471	HERNANDEZ ADAM D & ZOILA A	SUBD - Clear Creek Park BLK - 5 Lot - 15
164164	TEXPROJ2008 LLC	ABST - 198 SUBD - Province Village General Business Lot - C
164177	CENTERPOINT ENERGY INC	ABST - 198 Tract - 6H
593284	ALLON PROPERTY MANAGEMENT I LLC	ABST - 198 SUBD - Province Village General Business Lot - B
593282	MALLAS ARTEMIS LIVING TRUST UTD	ABST - 198 SUBD - Province Village General Business Lot - A
517172	LOWE'S HOME CENTERS INC	SUBD - Lowe's Home Center - Pearland Lot - Reserve A
164177	CENTERPOINT ENERGY INC	ABST - 198 Tract - 6G
518458	LUCAS ALAN W	SUBD - Clear Creek Park BLK - 5 Lot - 2
518445	THARRETT DAVID & SARAH MCQUEEN	SUBD - Clear Creek Park BLK - 4 Lot - 60
518444	VU LOI T	SUBD - Clear Creek Park BLK - 4 Lot - 59
518460	ADAMS MICHAEL W & ANGELA D	SUBD - Clear Creek Park BLK - 5 Lot - 4

518443	GREEN STEPHEN L & TANYA H	SUBD - Clear Creek Park BLK - 4 Lot - 58
518461	JONES CORY A	SUBD - Clear Creek Park BLK - 5 Lot - 5
518441	LEDBETTER RANDY W & BOBBIE A	SUBD - Clear Creek Park BLK - 4 Lot - 56
518462	MUNGUIA RIGOBERTO & MIRIAM	SUBD - Clear Creek Park BLK - 5 Lot - 6
164165	PEARLAND ISD	ABST - 198 Tract - 6D1
517173	LOWE'S HOME CENTERS INC	SUBD - Lowe's Home Center - Pearland BLK - 1 Lot - 1
518459	RUBIO DESIDERIO	SUBD - Clear Creek Park BLK - 5 Lot - 3
599439	TEXPROJ2008 LLC	ABST - 198 SUBD - Province Village Dr., Office Park & Reserves BLK - 2 Lot - RES A
164164	TEXPROJ2008 LLC	ABST - 198 Tract - 6
599438	OFFICE GROVE PROVINCE LP	
599437	INTERNATIONAL BANK OF COMMERCE	
599440	TEXPROJ2008 LLC	ABST - 198 Tract - 6 Tract - ABST - 198 SUBD - Province Village Dr., Office Park & Reserves BLK - 2 Lot - RES B
155248	THE GRILL AT TIMEOUT LLC	
155251	PROTESTANT EPISCOPAL CHUR	

legal_desc	situs_street_prefx	situs_num
CLEAR CREEK PARK (A0198 TJ GREEN) (PEARLAND), BLOCK 4, LOT 55		2701
CLEAR CREEK PARK (A0198 TJ GREEN) (PEARLAND), BLOCK 5, LOT 11		2706
A0070 W D C HALL (PEARLAND), TRACT 7-7D, ACRES 1.090		3201
CLEAR CREEK PARK (A0198 TJ GREEN) (PEARLAND), BLOCK 4, LOT 61		2713
CLEAR CREEK PARK (A0198 TJ GREEN) (PEARLAND), BLOCK 4, LOT 41		2708
CLEAR CREEK PARK (A0198 TJ GREEN) (PEARLAND), BLOCK 5, LOT 16		2602
A0198 T J GREEN (PEARLAND), TRACT 6E-7A-8A-9A, ACRES 32.730		
A0070 W D C HALL (PEARLAND), TRACT 7-7D, ACRES 1.090		3201
A0198 T J GREEN (PEARLAND), TRACT 6F2		
BROADWAY PLAZA COMM TCT, ACRES 0.910	E	2640
VICTORY PLAZA, A0198 T J GREEN (PEARLAND), BLOCK 1, TRACT 1, ACRES 0.87		2618
VICTORY PLAZA, A0198 T J GREEN (PEARLAND), BLOCK 1, TRACT 2, ACRES 0.87		2610
A0198 T J GREEN (PEARLAND), TRACT 6K, ACRES 20.97		
CLEAR CREEK PARK (A0198 TJ GREEN) (PEARLAND), BLOCK 1, LOT 1		2606
CLEAR CREEK PARK (A0198 TJ GREEN) (PEARLAND), BLOCK 4, LOT 63		2717
CLEAR CREEK PARK (A0198 TJ GREEN) (PEARLAND), RESERVE B-C-D-E, ACRES 1.2534		
CLEAR CREEK PARK (A0198 TJ GREEN) (PEARLAND), BLOCK 4, LOT 62		2715
CLEAR CREEK PARK (A0198 TJ GREEN) (PEARLAND), BLOCK 5, LOT 7		2714
CLEAR CREEK PARK (A0198 TJ GREEN) (PEARLAND), BLOCK 4, LOT 54		2605
CLEAR CREEK PARK (A0198 TJ GREEN) (PEARLAND), BLOCK 5, LOT 8		2712

CLEAR CREEK PARK (A0198 TJ GREEN) (PEARLAND), BLOCK 4, LOT 53		2603
CLEAR CREEK PARK (A0198 TJ GREEN) (PEARLAND), BLOCK 5, LOT 9		2710
CLEAR CREEK PARK (A0198 TJ GREEN) (PEARLAND), BLOCK 4, LOT 52		2601
CLEAR CREEK PARK (A0198 TJ GREEN) (PEARLAND), BLOCK 5, LOT 10		2708
CLEAR CREEK PARK (A0198 TJ GREEN) (PEARLAND), BLOCK 5, LOT 1		2804
CLEAR CREEK PARK (A0198 TJ GREEN) (PEARLAND), BLOCK 4, LOT 51		2612
CLEAR CREEK PARK (A0198 TJ GREEN) (PEARLAND), BLOCK 5, LOT 12		2704
CLEAR CREEK PARK (A0198 TJ GREEN) (PEARLAND), BLOCK 5, LOT 13		2702
CLEAR CREEK PARK (A0198 TJ GREEN) (PEARLAND), BLOCK 5, LOT 14		2606
CLEAR CREEK PARK (A0198 TJ GREEN) (PEARLAND), BLOCK 5, LOT 15		2604
A0198 T J GREEN (PEARLAND) TRACT 6-6A ACRES 19.7441		2709
A0198 T J GREEN (PEARLAND), TRACT 6G-6H-6I, MARYS CREEK SUBSTATION, ACRES 4.001		
A0198 T J GREEN (PEARLAND) TRACT B ACRES 2.599 PROVINCE VILLAGE GENERAL BUSINESS	E	2705
A0198 T J GREEN (PEARLAND) TRACT A ACRES 1.188 PROVINCE VILLAGE GENERAL BUSINESS		2709
LOWE'S HOME CENTER (A0198 T J GREEN)(PEARLAND), LOT RESERVE A (DETENTION & DRAINAGE USE), ACRES 1.0803		
A0198 T J GREEN (PEARLAND), TRACT 6G-6H-6I, MARYS CREEK SUBSTATION, ACRES 4.001		
CLEAR CREEK PARK (A0198 TJ GREEN) (PEARLAND), BLOCK 5, LOT 2		2802
CLEAR CREEK PARK (A0198 TJ GREEN) (PEARLAND), BLOCK 4, LOT 60		2711
CLEAR CREEK PARK (A0198 TJ GREEN) (PEARLAND), BLOCK 4, LOT 59		2709
CLEAR CREEK PARK (A0198 TJ GREEN) (PEARLAND), BLOCK 5, LOT 4		2720

CLEAR CREEK PARK (A0198 TJ GREEN) (PEARLAND), BLOCK 4, LOT 58	2707
CLEAR CREEK PARK (A0198 TJ GREEN) (PEARLAND), BLOCK 5, LOT 5	2718
CLEAR CREEK PARK (A0198 TJ GREEN) (PEARLAND), BLOCK 4, LOT 56	2703
CLEAR CREEK PARK (A0198 TJ GREEN) (PEARLAND), BLOCK 5, LOT 6	2716
A0198 T J GREEN (PEARLAND), TRACT 6D1, ACRES 9.880	
LOWE'S HOME CENTER (A0198 T J GREEN)(PEARLAND), BLOCK 1, LOT 1, ACRES 15.0362	2741
CLEAR CREEK PARK (A0198 TJ GREEN) (PEARLAND), BLOCK 5, LOT 3	2722
PROVINCE VILLAGE DRIVE OFFICE PARK & RESERVES (A0198-A0070) BLOCK 2 TRACT A (PARK)	
A0198 T J GREEN (PEARLAND) TRACT 6-6A ACRES 19.7441	2709
PROVINCE VILLAGE DRIVE OFFICE PARK & RESERVES (A0198-A0070) BLK 1 LOT B. AMEND 09 ACRES 3.989	
PROVINCE VILLAGE DRIVE OFFICE PARK & RESERVES (A0198-A0070) BLK 1 LOT A, AMEND 09 ACRES 1.199	
PROVINCE VILLAGE DRIVE OFFICE PARK & RESERVES (A0198-A0070) BLOCK 2 TRACT B DETENTION)	
A0070 W D C HALL (PEARLAND), TRACT 6A, ACRES 3.390	2515
A0070 W D C HALL (PEARLAND) TRACT 6A2 ACRES 6.464	2535

situs_street	situs_street_suffix	land_state_cd
PEBBLE CREEK	DR	A1
PEBBLE CREEK	DR	A1
COUNTRY CLUB	DR	O1
PEBBLE CREEK	DR	A1
ARROWHEAD CREEK	LN	A1
PEBBLE CREEK	DR	A1
FM 518		X5
COUNTRY CLUB	DR	O1
BROADWAY	FM 518	F1
BROADWAY	FM 518	F1
BROADWAY	FM 518	F1
		X3
HIDDEN CREEK	DR	A1
PEBBLE CREEK	DR	A1
		C1
PEBBLE CREEK	DR	A1
PEBBLE CREEK	DR	A1
PEBBLE CREEK	DR	A1
PEBBLE CREEK	DR	A1

PEBBLE CREEK	DR	A1
PEBBLE CREEK	DR	A1
PEBBLE CREEK	DR	A1
PEBBLE CREEK	DR	A1
PEBBLE CREEK	DR	A1
CREEKS EDGE	DR	A1
PEBBLE CREEK	DR	A1
PEBBLE CREEK	DR	A1
PEBBLE CREEK	DR	A1
PEBBLE CREEK	DR	A1
BROADWAY		E4
BROADWAY	FM 518	J3
BROADWAY		A1
BROADWAY		F1
BROADWAY	ST FM 518	C1
BROADWAY	FM 518	J3
PEBBLE CREEK	DR	A1
PEBBLE CREEK	DR	A1
PEBBLE CREEK	DR	A1
PEBBLE CREEK	DR	A1

PEBBLE CREEK	DR	A1
PEBBLE CREEK	DR	A1
PEBBLE CREEK	DR	A1
PEBBLE CREEK	DR	A1
FM 518		X5
BROADWAY	FM 518	F1
PEBBLE CREEK	DR	A1
		C1
BROADWAY		E4
PROVINCE VILLAGE	DR	C1
PROVINCE VILLAGE	DR	C1
		E4
BROADWAY		A1
BROADWAY	FM 518	X1

Mail_addr_line1	Mail_addr_line2	Mail_addr_line3
	2701 PEBBLE CREEK DR	
	2706 PEBBLE CREEK DR	
	2411 PARK AVE	
	2713 PEBBLE CREEK DR	
	2708 ARROWHEAD CREEK LN	
	2602 PEBBLE CREEK DR	
	PO BOX 7	
	2411 PARK AVE	
	2640 BROADWAY ST	STE 102
	180 HERMITAGE DR	
	7402 BROADWAY ST	
	3519 LIBERTY DR	
	2606 HIDDEN CREEK DR	
	2717 PEBBLE CREEK DR	
HOMEOWNERS ASSOCIATION INC	2615 BAY AREA BLVD	
	2715 PEBBLE CREEK DR	
	2714 PEBBLE CREEK DR	
	2605 PEBBLE CREEK DR	
	2712 PEBBLE CREEK DR	

	2603 PEBBLE CREEK DR
	2710 PEBBLE CREEK DR
	2601 PEBBLE CREEK DR
	2708 PEBBLE CREEK DR
	2804 PEBBLE CREEK DR
	2612 CREEKS EDGE DR
	2704 PEBBLE CREEK DR
	2702 PEBBLE CREEK DR
	2606 PEBBLE CREEK DR
	2604 PEBBLE CREEK DR
	PO BOX 800
ELECTRIC OPERATIONS	PO BOX 1475
	6 WATERFORD OAKS LN
%MARVIN F POER COMP	PO BOX 802206
ATTN: TAX DEPT (2ETA)	PO BOX 1000
ELECTRIC OPERATIONS	PO BOX 1475
	2802 PEBBLE CREEK DR
	2711 PEBBLE CREEK DR
	2709 PEBBLE CREEK DR
	2720 PEBBLE CREEK DR

	2707 PEBBLE CREEK DR	
	2718 PEBBLE CREEK DR	
	PO BOX 788	
	2716 PEBBLE CREEK DR	
	PO BOX 7	
ATTN: TAX DEPT (2ETA)	PO BOX 1000	
	2722 PEBBLE CREEK DR	
	PO BOX 800	
	PO BOX 800	
	15120 NORTHWEST FWY	STE 190
	5615 KIRBY DR	
	PO BOX 800	
	2515 BROADWAY ST	
% H L ERDMAN & ASSOC INC	8200 BROOKRIVER DR	STE N600

Mail_addr_city	Mail_addr_state	Mail_addr_zip
PEARLAND	TX	77581
PEARLAND	TX	77581
PEARLAND	TX	77581
PEARLAND	TX	77581
PEARLAND	TX	77581
PEARLAND	TX	77581
PEARLAND	TX	77588
PEARLAND	TX	77581
PEARLAND	TX	77581
MONTGOMERY	TX	77356
PEARLAND	TX	77581
PEARLAND	TX	77581
PEARLAND	TX	77581
PEARLAND	TX	77581
HOUSTON	TX	77058
PEARLAND	TX	77581
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PEARLAND	TX	77581
PEARLAND	TX	77581
SAINT FRANCISVILLE	LA	70775
HOUSTON	TX	77251
KEMAH	TX	77565
DALLAS	TX	75380
MOORESVILLE	NC	28115
HOUSTON	TX	77251
PEARLAND	TX	77581
PEARLAND	TX	77581
PEARLAND	TX	77581
PEARLAND	TX	77581

PEARLAND	TX	77581
PEARLAND	TX	77581
PEARLAND	TX	77588
PEARLAND	TX	77581
PEARLAND	TX	77588
MOORESVILLE	NC	28115
PEARLAND	TX	77581
SAINT FRANCISVILLE	LA	70775
SAINT FRANCISVILLE	LA	70775
HOUSTON	TX	77040
HOUSTON	TX	77005
SAINT FRANCISVILLE	LA	70775
PEARLAND	TX	77581
DALLAS	TX	75247

PROPERTY OWNER	ADDRESS	SUITE	CITY	STATE	ZIP
ADAMS MICHAEL W & ANGELA D	2720 PEBBLE CREEK DR		PEARLAND	TX	77581
ALCANCIA OSCAR E & BONITA K	2714 PEBBLE CREEK DR		PEARLAND	TX	77581
ALEXANDER T & B FAMILY LTD PRTNSHP	2411 PARK AVE		PEARLAND	TX	77581
ALLON PROPERTY MANAGEMENT I LLC	6 WATERFORD OAKS LN		KEMAH	TX	77565
CENTERPOINT ENERGY INC	PO BOX 1475		HOUSTON	TX	77251
CHAMBLIN MITCHELL & SHERI	2708 ARROWHEAD CREEK LN		PEARLAND	TX	77581
CITY OF PEARLAND	3519 LIBERTY DR		PEARLAND	TX	77581
CLEAR CREEK PARK	2615 BAY AREA BLVD		HOUSTON	TX	77058
COFFEE SUSAN SMITH	2712 PEBBLE CREEK DR		PEARLAND	TX	77581
DIEHL JOHN M	2603 PEBBLE CREEK DR		PEARLAND	TX	77581
DIESE RICHARD W & LISA K	2715 PEBBLE CREEK DR		PEARLAND	TX	77581
DORSEY CECIL E & LINDA K	2606 HIDDEN CREEK DR		PEARLAND	TX	77581
E BROADWAY PLAZA LP	2640 BROADWAY ST	STE 102	PEARLAND	TX	77581
GERSTENBERGER MICHAEL W	2601 PEBBLE CREEK DR		PEARLAND	TX	77581
GREEN STEPHEN L & TANYA H	2707 PEBBLE CREEK DR		PEARLAND	TX	77581
HARTSOOK DAVID L	180 HERMITAGE DR		MONTGOMERY	TX	77356
HERNANDEZ ADAM D & ZOILA A	2604 PEBBLE CREEK DR		PEARLAND	TX	77581
HOLT RONALD G & BARBARA	2717 PEBBLE CREEK DR		PEARLAND	TX	77581
INTERNATIONAL BANK OF COMMERCE	5615 KIRBY DR		HOUSTON	TX	77005
JONES CORY A	2718 PEBBLE CREEK DR		PEARLAND	TX	77581
KAL INVESTMENTS	7402 BROADWAY ST		PEARLAND	TX	77581

KIM JEAN	2602 PEBBLE CREEK DR		PEARLAND	TX	77581
KUHNS PERRY S & ESMERALDA	2713 PEBBLE CREEK DR		PEARLAND	TX	77581
LEDBETTER RANDY W & BOBBIE A	PO BOX 788		PEARLAND	TX	77588
LIBERATORE JAMES V & CHRISTINE	2706 PEBBLE CREEK DR		PEARLAND	TX	77581
LOWE'S HOME CENTERS INC	PO BOX 1000		MOORESVILLE	NC	28115
LUCAS ALAN W	2802 PEBBLE CREEK DR		PEARLAND	TX	77581
MALLAS ARTEMIS LIVING TRUST UTD	PO BOX 802206		DALLAS	TX	75380
MARTIN KENNETH & SHANNON	2702 PEBBLE CREEK DR		PEARLAND	TX	77581
MCKINNEY MARK & JANIS	2612 CREEKS EDGE DR		PEARLAND	TX	77581
MOTLEY MELVIN & DE ANN	2606 PEBBLE CREEK DR		PEARLAND	TX	77581
MUNGUIA RIGOBERTO & MIRIAM	2716 PEBBLE CREEK DR		PEARLAND	TX	77581
NIXON DEVON M	2804 PEBBLE CREEK DR		PEARLAND	TX	77581
OFFICE GROVE PROVINCE LP	15120 NORTHWEST FWY	STE 190	HOUSTON	TX	77040
PEARLAND ISD	PO BOX 7		PEARLAND	TX	77588
PROTESTANT EPISCOPAL CHUR	8200 BROOKRIVER DR	STE N600	DALLAS	TX	75247
RUBIO DESIDERIO	2722 PEBBLE CREEK DR		PEARLAND	TX	77581
SCHWERDTFEGER TRACY K & KIMBERLY A	2708 PEBBLE CREEK DR		PEARLAND	TX	77581
SMITH TIMOTHY C & STEPHANIE T	2701 PEBBLE CREEK DR		PEARLAND	TX	77581
SPIRES RALPH E	2704 PEBBLE CREEK DR		PEARLAND	TX	77581
TEXPROJ2008 LLC	PO BOX 800		SAINT FRANCISVILLE	LA	70775
THARRETT DAVID & SARAH MCQUEEN	2711 PEBBLE CREEK DR		PEARLAND	TX	77581

THE GRILL AT TIMEOUT LLC	2515 BROADWAY ST	PEARLAND	TX	77581
VU LOI T	2709 PEBBLE CREEK DR	PEARLAND	TX	77581
WILKERSON RYAN & VALARIE	2605 PEBBLE CREEK DR	PEARLAND	TX	77581
WILLHOITE ROBERT R & LUCRETIA H	2710 PEBBLE CREEK DR	PEARLAND	TX	77581

Revision # 4
9.5.14

Province Village
Planned Unit Development
Amendment No. 3

City of Pearland

City Council
&
Planning & Zoning Commission

September 2, 2014

Submitted on behalf of:

AS 121 Pearland Pkwy – Broadway Street, L.P.
C/O New Quest Properties, Mr. Stan Beard
8827 W. Sam Houston Pkwy. N., Suite 200
Houston, TX 77040

Prepared by:

LJA Engineering, Inc.
2929 Briarpark Drive, Suite 600
Houston, Texas 77042-3703

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I. INTRODUCTION

This Amendment #3 to Province Village Planned Unit Development ("Amendment") is specifically limited to that certain tract of land consisting of approximately 1.707 acres known as the Final Plat of Province Village Lot "A" Replat #1 attached hereto as Exhibit A ("Subject Tract"). Any and all other land within the Province Village Planned Unit Development remains subject to the provisions, restrictions, and conditions set forth in the original Province Village Planned Unit Development and as further amended by Amendment #1 adopted in 2009 and Amendment #2 adopted in June of 2014. The purpose of this Amendment is to 1) change the underlying zoning of the Subject Tract from Office Professional to General Business, 2) to further limit allowable land uses to those specifically described herein, 3) to impose certain building architectural, landscaping, and signage restrictions and requirements to create an aesthetically appealing compliment to the existing retail element to the north of the Subject Tract.

Unless expressly addressed herein, the Subject Tract shall remain subject to and comply with all the requirements of the Unified Development Code of the City of Pearland, including the Pearland Parkway Overlay District.

A. Site Description and Land Uses

The Subject Tract is bounded on the west by Pearland Parkway, on the north by Province Village Drive, on the south by the Lowe's Home Center zoned General Business, and on the east by vacant land which is part of the Province Village PUD with an underlying zoning of Office Professional.

B. Description of the Proposed Development

The proposed use of the Subject Tract is an approximately 15,000 square foot Class A mixed use commercial retail building. The architecture of the building and the signage is designed to be aesthetically complimentary to the bank building and signage on the north side of Province Village Drive. Landscaping on the corner of Pearland Parkway and Province Village Drive will be upgraded to provide a pleasing entry to the Province Village subdivision to the east.

C. Description of the Land

The Subject Tract is approximately 1.707 acres and is described on Exhibit A attached hereto.

D. Purpose

The purpose of this Amendment is to revise the zoning of the Subject Tract from

Office Professional to General Business. Market conditions over the past 10 years, existing and new General Business uses surrounding the Subject Tract, and a specific retail development proposed for the Subject Tract indicate favorable conditions for the revisions to the zoning classification.

II. ZONING AND LAND USE

A. Existing Zoning

All properties within the PUD have underlying zoning classifications of Office Professional, General Business, and R-4 Single Family Residential. The Subject Tract is currently designated as Office Professional.

B. Proposed Zoning

The Subject Tract is proposed to be repurposed to General Business with further limitations described herein.

C. Standards and Land Use Summary

Unless specifically defined herein, the Subject Tract will conform to the requirements of the Unified Development Code for General Business uses and further limited to those uses described below:

Accessory & Incidental Uses
Accessory Structure (Business or Industry)
Off-Street Parking Incidental to Residential Main Use
Off-Street Parking Incidental to Nonresidential Main Use
Social & Recreational Building, including homeowner's association neighborhood recreation centers
Onsite Detention Facility

Office Uses
Clinic, Medical or Dental
Credit Agency
Financial Institution (No Motor Bank Services)
Financial Institution (With Motor Bank Services)
Financial Services (Advice/Invest)
Insurance Agency Offices
Office, Brokerage Services
Office, Legal Service
Office, Medical/Dental {Defined Under Medical Facilities}
Office, Professional and General Business (other than those listed)
Office, Real Estate

Security Monitoring Company (No Outside Storage)
Travel Agency, Bureau or Consultant
Automatic Teller Machine (ATM)
Barber/Beauty Shop/Tanning Studios (No Related School/College)
Mailing Service (Private)
Pharmacy (Retail Only)
Seamstress or Dressmaker (Retail Only)

Retail & Business Service Uses
Antique Shop (No outside storage)
Art Supply Store
Bakery or Confectionery Shop (Retail Sales, Inside Service Only)
Book/Stationery Shop (Retail Only)
Camera Shop (Retail Only)
Copy/Printing Shop
Drapery/Blind Shop
Florist Shop (Retail Only)
Gift or Card Shop (Retail Only)
Handicraft & Art Object Sales Shop
Ice Cream/Yogurt Shop (For On-or Off-Site Consumption)
Optical Shop
Paint, Wallpaper Shop (Retail Only)
Pharmacy/Drug Store (Retail Only)
Retail Shops, Apparel, Accessories, Gifts & Similar Goods (Other than those listed: No outside Storage)
Restaurant
Fast Food – No Drive-Through Facility
Full Serve – No Drive-Through Facility
Furniture (including mattress) Sales
Jewelry Sales

Utility Related Service Uses
Satellite Dish (Private, less than 4' in diameter) {See Telecommunications Regs. Chapter 2, Art. 5 Div. 5 of the UDC}
Telephone Business Office

Commercial & Related Service Uses
Contractor's Temporary On-Site Construction Office (only with permit from B.O.)

D. Land Use Summary

The land use summary for the entire PUD assuming the proposed Amendment to the Subject Tract is as follows:

Use	Acres	% of Total	Zoning
Single Family	24.1	51%	PUD (R-4)
General Business	6.71	14%	PUD (GB)
Office Professional	4.98	10%	PUD (OP)
Detention	8.59	18%	PUD
Parkland by HOA	0.57	1%	PUD
Collector Streets	2.70	6%	PUD
Total	**47.65**	**100%**	

III. DESIGN STANDARDS

A. Building Architecture

The building elevation has been designed to be aesthetically compatible with the bank building to the north and shall adhere to Exhibit B, attached. Building materials and percentages of each shall be in accordance with Exhibit B. Building articulation as required by the UDC shall be required.

B. Signage and Landscaping

The signage has been designed to be aesthetically similar to the signage for the bank building to the north and shall adhere to the design and specific dimensions defined on Exhibit C, attached. The sign height shall not exceed 15 feet in height as defined by the UDC and the overall width of the sign shall not exceed 18 feet. The overall effective sign area (inclusive of all sign panels) shall not exceed 150 square feet. Building signage shall adhere to UDC requirements.

Landscape design shall be, at a minimum, in strict accordance with the UDC requirements. Additionally, the landscaping at the corner of Province Village Drive and along Pearland Parkway will be upgraded to accentuate the entrance to Province Village Drive and to aesthetically mimic the landscaping of the bank building to the north. As an example, Pearland Parkway will have 1" caliper inch of tree per 14 feet of frontage. Landscape design shall adhere to Exhibit D, attached.

C. Fencing and Screening

The original PUD specified the installation of "decorative wrought iron fence" along the westerly border of the Subject Tract. No other wrought iron fence is installed, including on the Bank Tract north of the Subject Property. To enhance the Subject Tract's commonality with the Bank Tract, the decorative wrought iron fence is not required. Additionally, a "6' height masonry screening wall" is required along the southern boundary of the Subject Tract which abuts the existing Lowe's Home Center, a General Business zoned tract. To enhance the Subject Tract's connectivity with existing General Business use, the 6' height masonry screening wall" is not

required. Screening with landscape and green space in accordance with the UDC will be required.

D. Unified Development Code

The Subject Tract shall conform to the provisions and requirements of the Unified Development Code of the City of Pearland unless expressly addressed herein.

IV. REQUIRED DEDICATIONS

All required dedications of land have been made via the approved replat.

V. PHASING

The project has been pre-leased and will be completed within 9 months of building permit receipt.

VI. EXHIBITS

Exhibit A:	Description of Subject Tract
Exhibit B:	Building Elevation
Exhibit C:	Sign Elevation
Exhibit D:	Landscape Plan

STATE OF TEXAS
COUNTY OF BRAZORIA

WE, NEWQUEST PROPERTIES, ACTING BY AND THROUGH STAN BEARD JR., DIRECTOR OF DEVELOPMENT OF NEWQUEST PROPERTIES, OWNERS OF THE PROPERTY SUBDIVIDED IN THIS PLAT OF PROVINCE VILLAGE LOT "A" REPLAT NO. 1, 1.707 ACRES OUT OF THE THOMAS J. GREEN SURVEY ABSTRACT 198, BRAZORIA COUNTY, TEXAS, DO HEREBY MAKE SUBDIVISION OF SAID PROPERTY FOR AND ON BEHALF OF SAID NEWQUEST PROPERTIES, ACCORDING TO THE LINES, LOTS, STREETS, ALLEYS, RESERVES, PARKS, AND EASEMENTS AS SHOWN HEREON AND DEDICATE FOR PUBLIC USE AS SUCH THE STREETS, ALLEYS, PARKS, AND EASEMENTS SHOWN HEREON FOREVER, AND DO HEREBY WAIVE ALL CLAIMS FOR DAMAGES OCCASIONED BY THE ESTABLISHMENT OF GRADES AS APPROVED FOR THE STREETS AND DRAINAGE EASEMENTS DEDICATED, OR OCCASIONED BY THE ALTERATION OF THE SURFACE, OR ANY PORTION OF THE STREETS OR DRAINAGE EASEMENTS TO CONFORM TO SUCH GRADES, AND DO HEREBY BIND OURSELVES, OUR HEIRS, SUCCESSORS AND ASSIGNS TO WARRANT AND DEFEND THE TITLE TO THE LAND SO DEDICATED.

FURTHER, OWNERS HAVE DEDICATED AND BY THESE PRESENTS DO DEDICATE TO THE USE OF THE PUBLIC, FOR PUBLIC UTILITY PURPOSES FOREVER, UNOBSTRUCTED AERIAL EASEMENTS. THE AERIAL EASEMENTS SHALL EXTEND HORIZONTALLY AN ADDITIONAL ELEVEN FEET, SIX INCHES (11'6") FOR TEN FEET (10'0") PERIMETER GROUND EASEMENTS OR SEVEN FEET, SIX INCHES (7'6") FOR FOURTEEN FEET (14'0") PERIMETER GROUND EASEMENTS OR FIVE FEET, SIX INCHES (5'6") FOR SIXTEEN FEET (16'0") PERIMETER GROUND EASEMENTS, FROM A PLANE SIXTEEN FEET (16'0") ABOVE GROUND LEVEL UPWARD, LOCATED ADJACENT TO AND ADJOINING SAID PUBLIC UTILITY EASEMENTS THAT ARE DESIGNATED WITH AERIAL EASEMENTS (U.E. AND A.E.) AS INDICATED AND DEPICTED HEREON WHEREBY EACH AERIAL EASEMENT TOTALS TWENTY-ONE FEET, SIX INCHES (21'6") IN WIDTH.

FURTHER, OWNERS HAVE DEDICATED AND BY THESE PRESENTS DO DEDICATE TO THE USE OF THE PUBLIC, FOR PUBLIC UTILITY PURPOSES FOREVER, UNOBSTRUCTED AERIAL EASEMENTS. THE AERIAL EASEMENTS SHALL EXTEND HORIZONTALLY AN ADDITIONAL TEN FEET (10'0") FOR TEN FEET (10'0") BACK-TO-BACK GROUND EASEMENTS, OR EIGHT FEET (8'0") FOR FOURTEEN FEET (14'0") BACK-TO-BACK GROUND EASEMENTS OR SEVEN FEET (7'0") FOR SIXTEEN FEET (16'0") BACK-TO-BACK GROUND EASEMENTS, FROM A PLANE SIXTEEN FEET (16'0") ABOVE GROUND LEVEL UPWARD, LOCATED ADJACENT TO BOTH SIDES AND ADJOINING SAID PUBLIC UTILITY EASEMENTS THAT ARE DESIGNATED WITH AERIAL EASEMENTS (U.E. AND A.E.) AS INDICATED AND DEPICTED HEREON, WHEREBY EACH AERIAL EASEMENT TOTALS THIRTY FEET (30'0") IN WIDTH.

IN TESTIMONY HEREOF, NEWQUEST PROPERTIES HAS CAUSED THESE PRESENTS TO BE SIGNED BY STAN BEARD JR., DIRECTOR OF DEVELOPMENT OF NEWQUEST PROPERTIES, THIS ________ DAY OF ________ 2014.

BY: NEWQUEST PROPERTIES

BY: ______________________________
STAN BEARD JR. DIRECTOR OF DEVELOPMENT

STATE OF TEXAS
COUNTY OF BRAZORIA

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED STAN BEARD JR., DIRECTOR OF DEVELOPMENT OF NEWQUEST PROPERTIES, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN AND HEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS ________ DAY OF ________ 2014.

____
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

I, GARY D. NUTTER, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THIS PLAT CORRECTLY REPRESENTS A SURVEY MADE UNDER MY SUPERVISION ON THE GROUND IN ACCORDANCE WITH THE INFORMATION PROVIDED ME AND CORRECTLY REPRESENTS THE FACTS AS FOUND AT THE TIME OF SURVEY AND IS TRUE AND CORRECT AND THAT ALL BOUNDARY CORNERS, LOT CORNERS, ANGLE POINTS, AND POINTS OF CURVATURE ARE PROPERLY MARKED WITH 5/8 INCH DIAMETER IRON RODS THREE FEET LONG OR AS SHOWN ON THE PLAT.

____
GARY D. NUTTER
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NO. 5659

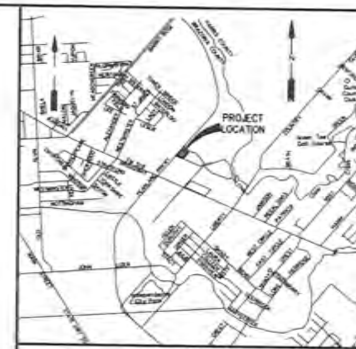
THIS IS TO CERTIFY THAT THE CITY PLANNER OF THE CITY OF PEARLAND, TEXAS HAS APPROVED THIS MINOR PLAT AND SUBDIVISION OF PROVINCE VILLAGE LOT "A" REPLAT NO. 1 AND IS IN CONFORMANCE WITH THE LAWS OF THE STATE OF TEXAS AND THE ORDINANCES OF THE CITY OF PEARLAND AS SHOWN HEREON AND AUTHORIZES THE RECORDING OF THIS PLAT THIS ________ DAY OF ________ 2014.

____
HENRY N. FUERTES, CHAIRPERSON
PLANNING & ZONING COMMISSION
CITY OF PEARLAND, TEXAS

APPROVED FOR THE CITY OF PEARLAND THIS ________ OF ________ 2014.

____
DARRIN COKER
CITY ATTORNEY

____
RICHARD MANCILLA, P.E., C.F.M.
ASSISTANT CITY ENGINEER



VICINITY MAP
NOT TO SCALE

KEY MAP NO. 615 Q

LINE TABLE

LINE	BEARING	DISTANCE
L1	S 48°05'53" E	2.63'

CURVE TABLE

CURVE	RADIUS	DELTA	ARC	TANGENT	CHORD	CHORD BEARING
C1	35.00'	89°57'53"	54.96'	34.98'	49.48'	N 86°55'13" E
C2	725.00'	15°56'22"	201.69'	101.50'	201.04'	S 56°04'04" E

NOTES:

1. THIS PLAT WAS PREPARED FROM INFORMATION FURNISHED BY STEWART TITLE CO., CITY PLANNING LETTER FILE NO. 14639-38284, DATED JUNE 24, 2014. THE SURVEYOR HAS NOT ABSTRACTED THE ABOVE PROPERTY.

2. ALL BEARINGS REFERENCED TO THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE (NAD 83), WITH COORDINATES GIVEN IN FEET. COORDINATES SHOWN ARE GRID NAD 83, AND MAY BE CONVERTED TO SURFACE BY DIVIDING BY A FACTOR OF 0.99986866.

3. THIS PLAT LIES WITHIN BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 28 AT THE TIME OF PLATTING.

4. EFFECTIVE FLOODPLAIN: ACCORDING TO THE EFFECTIVE FEMA FLOOD INSURANCE RATE MAP, MAP NO. 48039C0040J, DATED SEPTEMBER 22, 1999 AND 48201C1045L, DATED JUNE 18, 2007 THIS TRACT LIES WITHIN A PORTION OF ZONE AE AND ZONE X. ADOPTED FLOODPLAIN: REQUESTED BY THE CITY OF PEARLAND AND BRAZORIA DRAINAGE DISTRICT NO.4, ACCORDING TO THE PRELIMINARY STUDY, A PORTION OF THIS TRACT LIES WITHIN ZONE AE WITH A BFE RANGE OF APPROXIMATELY 39.1 TO 39.5.

5. THERE ARE NO PIPELINES OR PIPELINE EASEMENTS WITHIN THE BOUNDARY OF THIS PLAT.

6. 8-FOOT SIDEWALKS SHALL BE BUILT ALONG ALL THOROUGHFARE AND COLLECTOR STREETS INCLUDING ONE SIDE OF PROVINCE VILLAGE DRIVE AND CURVILINEAR ALONG PEARLAND PARKWAY.

7. THERE ARE NO STREET LIGHTS PROPOSED WITH THIS PLAT.

8. BENCHMARK USED: CITY OF PEARLAND MONUMENT – SURVEY MARKER NO. 2 GPS MONUMENT. NGVD-29 (1987 ADJ.) ELEV. 42.48, NAVD-88 (2001 ADJ.) ELEV. 42.00 (T.S.A.R.P.) BEING A BRASS DISK SET FLUSH WITH THE GROUND IN CONCRETE – STAMPED – CITY OF PEARLAND 2 GPS MON – 1995. Monument is located in the southeasterly intersection of Broadway (F.M. 518) and Liberty Road, approximately 4 feet southwest from the southeasterly curb of the intersection, and 8.7 feet northwest from a metal light pole. (SEE NOTE 9.)

9. T.B.M. = TOP OF 5/8 INCH IRON ROD WITH CAP MARKED "LJA ENG" LOCATED AT ANGLE POINT ON THE SOUTHEASTERLY LINE OF FUTURE PROVINCE VILLAGE SECTION TWO (AS SHOWN BY SYMBOL). TO ADJUST PROJECT ELEVATIONS TO MATCH OLDER VERTICAL DATUM, FOR THE CITY OF PEARLAND MONUMENTS, ADD 0.48 FEET. ELEV. = 39.31 NAVD 88 (2001 ADJ.) ELEV. = 39.79 NGVD 29 (1987 ADJ.)

10. LANDSCAPE SCREENING IN ACCORDANCE WITH EXHIBIT 8 OF THE PROVINCE VILLAGE PUD DOCUMENT WILL BE PROVIDED AT THE TIME OF DEVELOPMENT.

11. 8-6' HIGH MASONRY SCREENING WALL WILL BE CONSTRUCTED ALONG THE SOUTHWEST PROPERTY LINE OF BLOCK 1 IN ACCORDANCE WITH EXHIBIT 6 OF THE PROVINCE VILLAGE PUD DOCUMENT DATED MAY 2005, AT THE TIME OF DEVELOPMENT.

12. MUTUAL ACCESS BETWEEN LOTS "A" AND "B" IS HEREBY GRANTED BY THIS PLAT.

BEING 1.707 ACRES OF LAND LOCATED IN THE THOMAS J. GREEN SURVEY, ABSTRACT 198, BRAZORIA COUNTY, TEXAS, MORE PARTICULARLY BEING ALL OF LOT "A" AND A PORTION OF LOT "B", BLOCK 1 OF AMENDING PLAT NO. 1, PROVINCE VILLAGE DRIVE, OFFICE PARK AND RESERVES, A SUBDIVISION OF RECORD UNDER DOC. # 2008019410 OF THE OFFICIAL PUBLIC RECORDS OF BRAZORIA COUNTY, TEXAS (B.C.O.P.R.), SAID 1.707 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS (ALL BEARINGS ARE REFERENCED TO THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD83):

BEGINNING AT THE SOUTHERLY END OF A RADIAL CUT-BACK CORNER AT THE NORTHWESTERLY CORNER OF SAID LOT "A", SAME BEING THE NORTHWESTERLY LINE OF THE AFOREMENTIONED AMENDING PLAT NO. 1, PROVINCE VILLAGE DRIVE, OFFICE PARK AND RESERVES, SAME BEING IN THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF PEARLAND PARKWAY (130 FEET WIDE), THE BEGINNING OF A CURVE;

THENCE, 54.96 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 35.00 FEET, A CENTRAL ANGLE OF 89° 57' 53", AND A CHORD WHICH BEARS NORTH 86° 55' 13" EAST, 49.48 FEET TO A POINT FOR CORNER, ON THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF PROVINCE VILLAGE DRIVE, (WIDTH VARIES) AS SHOWN ON SAID AMENDING PLAT NO. 1, PROVINCE VILLAGE DRIVE, OFFICE PARK AND RESERVES;

THENCE, SOUTH 48° 05' 53" EAST, CONTINUING ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE OF PROVINCE VILLAGE DRIVE, 2.63 FEET TO A POINT FOR CORNER, THE BEGINNING OF A CURVE;

THENCE, CONTINUING ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE OF PROVINCE VILLAGE DRIVE, ALONG THE ARC OF A TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 725.00 FEET, AT 184.30 FEET PASS THE COMMON NORTHERLY CORNER OF SAID LOT "A" AND LOT "B", AND CONTINUING IN ALL, 201.69 FEET, A CENTRAL ANGLE OF 15° 56' 22", AND A CHORD WHICH BEARS SOUTH 56° 04' 04" EAST, 201.04 FEET TO A POINT FOR CORNER;

THENCE, SOUTH 41° 56' 16" WEST, DEPARTING SAID SOUTHWESTERLY RIGHT-OF-WAY LINE OF PROVINCE VILLAGE DRIVE, 295.38 FEET TO A POINT FOR CORNER, IN THE NORTHEASTERLY LINE OF LOT 1, BLOCK 1, OF LOWE'S HOME CENTER PEARLAND, A SUBDIVISION OF RECORD IN VOLUME 20, PAGES 395-396, OF THE PLAT RECORDS OF BRAZORIA COUNTY, TEXAS (B.C.P.R.), SAME BEING THE SOUTHWESTERLY LINE OF THE AFOREMENTIONED LOT "B", BLOCK 1, OF SAID AMENDING PLAT NO. 1, PROVINCE VILLAGE DRIVE, OFFICE PARK AND RESERVES;

THENCE, NORTH 66° 46' 16" WEST, WITH THE NORTHEASTERLY LINE OF SAID LOT 1, BLOCK 1, OF LOWE'S HOME CENTER PEARLAND, AND THE SOUTHWESTERLY LINE OF SAID AMENDING PLAT NO. 1, PROVINCE VILLAGE DRIVE, OFFICE PARK AND RESERVES, AT 38.21 FEET PASS THE COMMON SOUTHERLY CORNER OF SAID LOT "A" AND LOT "B", BLOCK 1, AND CONTINUING IN ALL, 249.90 FEET TO THE SOUTHWESTERLY CORNER OF SAID LOT "A", IN THE AFOREMENTIONED SOUTHEASTERLY RIGHT-OF-WAY LINE OF PEARLAND PARKWAY, SAME BEING THE NORTHWESTERLY LINE OF SAID AMENDING PLAT NO. 1, PROVINCE VILLAGE DRIVE, OFFICE PARK AND RESERVES;

THENCE, NORTH 41° 56' 16" EAST, WITH SAID SOUTHEASTERLY RIGHT-OF-WAY LINE OF PEARLAND PARKWAY, AND ALONG THE NORTHWESTERLY LINE OF SAID AMENDING PLAT NO. 1, PROVINCE VILLAGE DRIVE, OFFICE PARK AND RESERVES, 312.54 FEET TO THE POINT OF BEGINNING AND CONTAINING 1.707 ACRES OF LAND.

LEGEND

EXIST.	INDICATES EXISTING
U.E.	INDICATES UTILITY EASEMENT
W.L.E.	INDICATES WATERLINE EASEMENT
STM.S.E.	INDICATES STORM SEWER EASEMENT
S.S.E.	INDICATES SANITARY SEWER EASEMENT
W.S.E.	INDICATES WATER AND SEWER EASEMENT
D.E.	INDICATES DRAINAGE EASEMENT
E.E.	INDICATES ELECTRICAL EASEMENT
B.C.M.R.	INDICATES BRAZORIA COUNTY MAP RECORDS
B.C.D.R.	INDICATES BRAZORIA COUNTY DEED RECORDS
B.C.C.F.	INDICATES BRAZORIA COUNTY CLERKS FILE
B.C.O.P.R.	INDICATES BRAZORIA COUNTY OFFICIAL PROPERTY RECORDS
B.C.M.U.D.	INDICATES BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT
☉	INDICATES EXISTING STREET LIGHT
F.N.	INDICATES FILE NUMBER

FINAL PLAT OF
PROVINCE VILLAGE LOT "A" REPLAT NO. 1

A SUBDIVISION OF 1.707 ACRES OF LAND SITUATED IN THE THOMAS J. GREEN SURVEY, ABSTRACT 198, AND BEING A REPLAT OF LOT "A" AND A PART OF LOT "B" OF PROVINCE VILLAGE DRIVE OFFICE PARK AND RESERVES, A PLAT RECORDED IN DOCUMENT NO. 2007070406 OF THE BRAZORIA COUNTY OFFICIAL PUBLIC RECORDS, CITY OF PEARLAND, BRAZORIA COUNTY, TEXAS

1 LOT 1 BLOCK

JULY 14, 2014 JOB NO. 1938-1401

REASON FOR REPLAT: TO ADD ACREAGE FROM LOT "B" TO LOT "A"

OWNERS:
NEWQUEST PROPERTIES
STAN BEARD JR., DIRECTOR OF DEVELOPMENT
8827 W. SAM HOUSTON PKWY. N. SUITE 200 HOUSTON, TEXAS 77040
PH: 713-438-9503

ENGINEER:
LJA Engineering, Inc.
2929 Briarpark Drive
Suite 600
Houston, Texas 77042
Phone 713.953.5200
Fax 713.953.5026
FRN-F-1386
T.B.P.L.S. Firm No. 10110501

CONTACT: WARREN ESCOVY

MATERIAL	%
STONE	14.53%
To match HOMETOWN BANK Building	
BRICK	2.77%
To match HOMETOWN BANK Building	
PAINTED TILT WALL (WALL+TRIM)	42%
ICI – Manila Tan (551) Benjamin Moore – Twilight Gold (1069)	
E.I.F.S. TRIMS	2.85%
Benjamin Moore – Elmira White (HC 84)	
METAL (CAP+CANOPY)	10.89%
Berridge – Zinc Cote Berridge – Medium Bronze	
STOREFRONT	26.96%

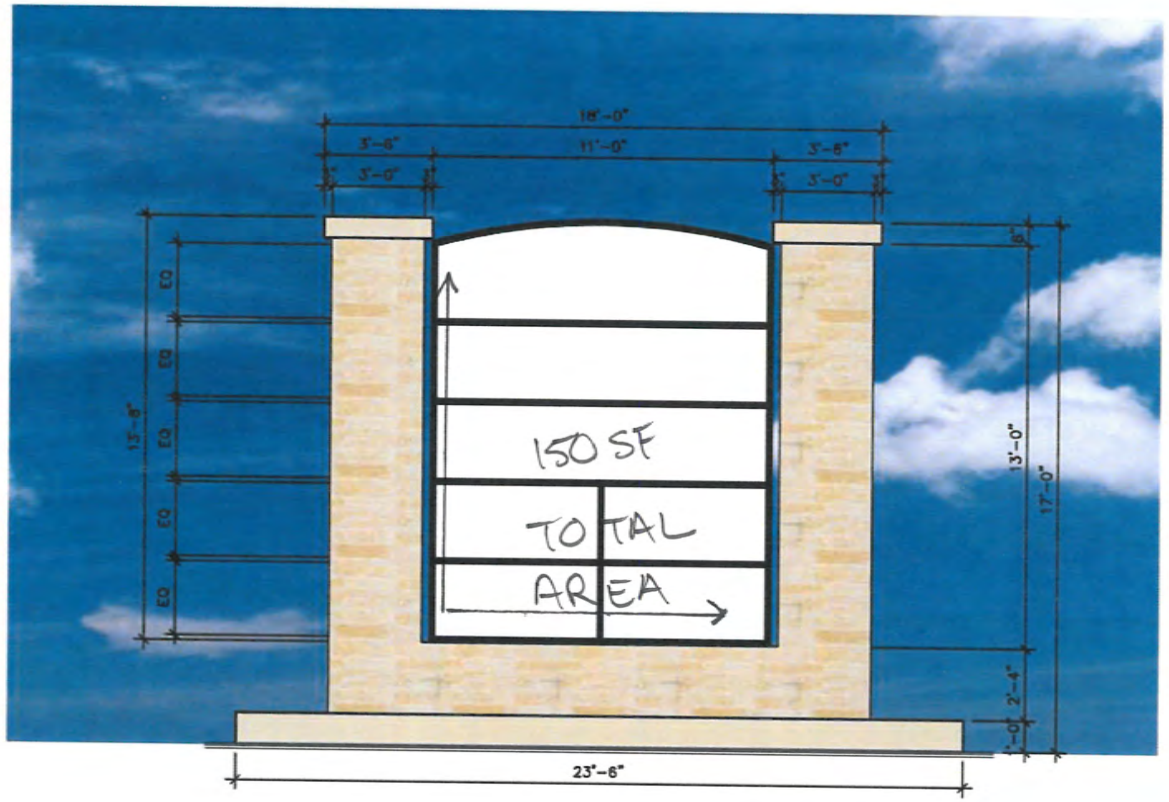
PROPOSED RETAIL ELEVATION

SHOPS AT PEARLAND PARKWAY

SWC OF PEARLAND PARKWAY & PROVIDENCE VILLAGE DRIVE

PEARLAND, TEXAS

NewQuest PROPERTIES



CENTER PYLON SIGN TYPE 'A'

SCALE: NOT TO SCALE

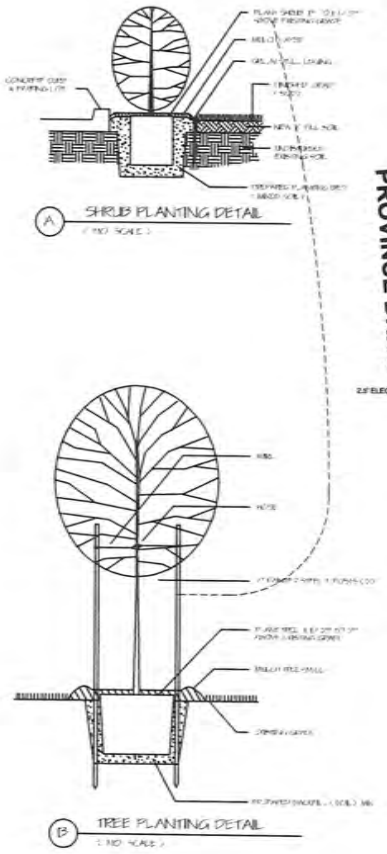
SIGNAGE

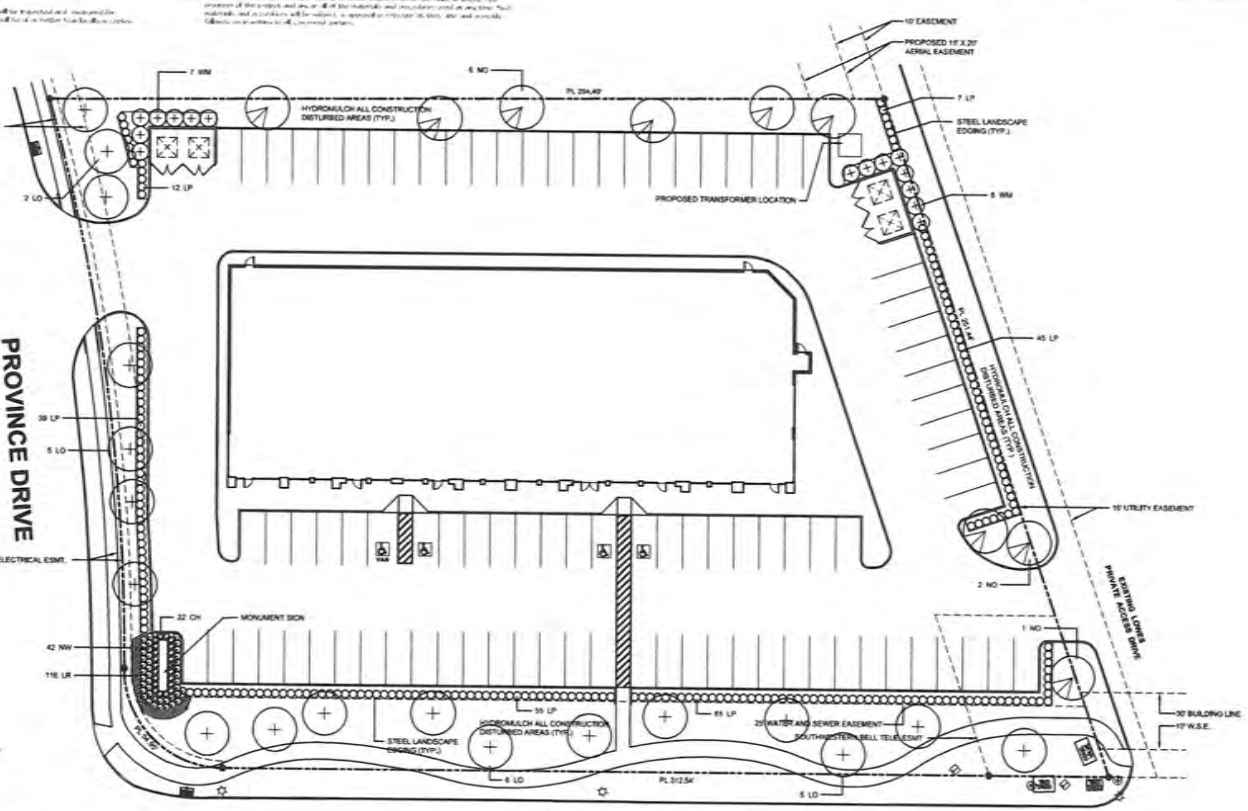
SHOPS AT PEARLAND PARKWAY

EXHIBIT

SWC OF PEARLAND PARKWAY & PROVINCE VILLAGE DRIVE
PEARLAND, TEXAS

NewQuest PROPERTIES
8827 W. SAM HOUSTON PARKWAY N.
SUITE 200 HOUSTON, TEXAS 77040
P: 281.477.4300 F: 281.477.4390
WWW.NEWQUESTPROPERTIES.COM





CITY OF PEARLAND / LANDSCAPE CALCULATIONS

Percentage of gross landscape area = 20.8%

Street Trees: Required: 575.31 LL / 15' x 1" cal. = 38" required calipers (38 " / 2" per new tree = 19 new street trees required)
Provided: 38" calipers

Shrubs to screen parking lots:
Required: 190 = 5 x 38 (total caliper inches of street trees)
Provided: 219

Side Yard Landscaping:
Required: 30% of length of parking lot
Provided: 100%

Parking Lot Trees: Required: 91 new spaces / 5 x 1" cal. = 18" required calipers (18" / 2" per new tree = 9 new parking lot trees required)

PLANT LIST

QUANT	SYMBOL	PLANT TYPE	SIZE	NOTES
22	CH	CARISSA HOLLY Ilex cornuta	3 GAL	7' - 7' O.C., FULL, HEALTHY, MATCHING 12" - 14" HT. X 10" - 12" SPR.
19	LO	LIVE OAK Quercus virginiana	45 GAL 2" CAL. MIN.	SINGLE TRUNK, DOUBLE STAKED 10' - 12' HT. X 5' - 6' SPR., MATCHING
219	LP	LORAPETALUM - RADLE FUSHSIA Loropetalum chinensis 'Razzleberry'	3 GAL	3' - 6' O.C., FULL, HEALTHY, MATCHING 18" - 24" HT. X 18" - 21" SPR.
116	LR	LIRIOPE - BIG BLUE Liriope spicata 'Big Blue	1 GAL	15" O.C., FULL, HEALTHY, MATCHING 6" - 8" HT. X 6" - 8" SPR.
5	NO	NUTTALL OAK Quercus nuttalli	45 GAL 2" CAL. MIN.	SINGLE TRUNK, DOUBLE STAKED 10' - 14' HT. X 4' - 6' SPR., MATCHING
42	NW	PINK SHRUB ROSE - NEARLY WILD Rosa carolina 'Nearly Wild'	3 GAL	3' - 7' O.C., FULL, HEALTHY, MATCHING 12" - 18" HT. X 14" - 18" SPR.
15	WM	WAX MYRTLE Myrica cerifera	15 GAL	FOLIAGE FULL TO GROUND, MATCHING 5' HT. X 3' SPR. MINIMUM
	HYDRO	COMMON BERMUDAGRASS Cynodon dactylon	3G PT	WITH GREEN DEGUSSE FIBER AND FERTILIZER, APPLY MANURE ACCORDING
	SOD	419 TIFWAY BERMUDAGRASS Cynodon dactylon 'Tifway 419'	SQ YD	-ANY TOUGH SOD IS OPTIONAL-

LANDSCAPE PLAN

SCALE : 1" = 20'

SEEBERGER ARCHITECTURE
25555 Central Parkway, Houston TX 77092

SHOPS AT PEARLAND PARKWAY
PEARLAND PARKWAY AT PROVINCE VILLAGE DRIVE
PEARLAND, TEXAS

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STATE OF TEXAS
DUANE BUNGO
1375
REGISTERED ARCHITECT

DRAWING HISTORY
1 - ISSUE FOR PERMIT - 09/14

DWGTYPE PLAN
PROJECT 214016

L1.0

R:\R2014 2\10 PM 9.0.14 L1-214016.DWG Bryant Abantiere

LANDSCAPE CONSTRUCTION SPECIFICATIONS :

1.) General Contractor to bring all areas to final grade using a gradable soil and/ or sand mix and boxblade.
2.) Prepare all new planting beds by removing all rocks, concrete and construction debris and till in 3'' of new acidic Mixed Soil and pre-emergant herbicide such as Pennant or Eptam at the recommended rates, then rake all bed areas smooth prior to planting. Install 1/ 8''x 4'' green steel landscape edging only where specifically indicated on plan where new planting beds meet turf. When end of edging butts up against paving, trim exposed corner at 45 degree angle for pedestrian safety.
3.) Grade all planting beds to edges of beds and away from buildings prior to planting for positive drainage away from foundation(s) .
4.) Fertilize all new trees, shrubs and groundcovers with Osmocote (or equal) time-release fertilizer.
5.) Mulch all new planting beds and trees with a 2'' (avg.) layer of shredded hardwood topdress mulch as from Letco or CJM Soil Supermarket.
6.) Double-Stake all specified trees (see plant list) with 2 (7' tall) painted metal T-Posts, multi-strand coated steel wire and clear poly-vinyl tubing. See detail.
7.) Root-Stimulate all new trees with Superthrive brand root-stimulator (or equal) as per manufacturers recommendations .
8.) Plant sizes shown are the minimum acceptable. Plants will be inspected and measured for conformance. Plants specified with container size only shall be of or better than locally accepted nursery standards. Obviously undersized, misshapen, weak or inadequately rooted plants will be rejected. The Owner's decision will be final in matters concerning plant size, condition and health. Plants larger in size than specified may be used if approved by the Landscape Architect or the Owner, but the use of larger plants will not automatically increase the contract amount.
9.) Thoroughly handwater all new plantings immediately after planting and a soften as necessary after planting, during duration of work and until they are established enough to rely only on irrigation.
10.) Fine grade all new turf areas (by hand if necessary) prior to installation of grass. This is for a nice smooth turf-bed as well as for normal drainage purposes.
11.) Solid sod to be 99 percent pure Tiffway 419 Bermudagrass. Sod to be rolled immediately after wetting and installation. Hydromulch to be Common Bermudagrass ; 2 lbs. hulled seed per 1000 s.f., green fiber and fertilizer mix / slurry. Hydromulch all construction disturbed areas within property lines that do not get solid sod.
12.) Landscape contractor is responsible for keeping jobsite neat, clean and safe at all times in reference to their landscape work. Excess excavated soil, accumulations of landscape related trash, plant containers etc. to be removed from jobsite by Landscape Contractor daily and at the end of the project.
13.) The Owner, Landscape Architect and general Contractor reserve the right to inspect the progress of the project and any or all of the materials and procedures used at any time. Such materials and procedures will be subject to approval or rejection at that time and promptly followed up in writing to all concerned parties.

City of Pearland
Community Development
3523 Liberty Drive
(Community Center)
Pearland, Texas 77581
281-652-1768
281-652-1702 fax
www.cityofpearland.com

RECEIVED
AUG 1 4 2014

APPLICATION FOR A CHANGE IN ZONING

Current Zoning District: Province Village PUD No. 1 Office Professional

Proposed Zoning District: Province Village PUD No. 2 Amended office Professional

Property Information:

Address or General Location of Property: Southwest Corner of Province Village Drive and Pearland Parkway

Tax Account No. 599437 and 599438

Subdivision: Province Village Drive Office Park and Lot: A Block: 1

A complete application must include all information shown on the Application Checklist attached to this application.

PROPERTY OWNER INFORMATION:

NAME A-S 121 Pearland Parkway Broadway Street, LP
ADDRESS 8827 W. Sam Houston Pkwy N #200
CITY Houston STATE TX ZIP 77046
PHONE (713) 458-9503
FAX (281) 955-3593
E-MAIL ADDRESS Sbeard@newquest.com

APPLICANT/AGENT INFORMATION:

NAME Warren Escovy / LJA Engineering
ADDRESS 2929 Briarpark Ste 600
CITY Houston STATE TX ZIP 77042
PHONE (713) 953-5212
FAX (713) 953-5026
E-MAIL ADDRESS wescovy@ljaengineering.com

*Property owner must be the current owner of the property at the time of submittal of the application, and not the party that has the property under contract.

As owner and applicant, I hereby request approval of the above described request as provided for by the Unified Development Code of the City of Pearland.

Owner's Signature: [signature] Date: 8/13/14

Agent's/Applicant's Signature: [signature] Date: 8/14/14

OFFICE USE ONLY:

FEES PAID: $800.00	DATE PAID: 8/15/14	RECEIVED BY: JB	RECEIPT NUMBER: 319237

Application No. 2014-162

POSTING OF ZONING NOTIFICATION SIGNS ON PROPERTY UNDER CONSIDERATION FOR A ZONE CHANGE (OR CONDITIONAL USE PERMIT)

Any person, firm or corporation requesting a zoning change, a conditional use permit (CUP), or a variance shall be required to erect and maintain a sign(s), to be inspected by the City, upon the property for which a variance or zoning change has been requested.

Such sign(s) shall be located as follows:

(1) One (1) sign per street frontage shall be located within thirty feet (30') of the abutting street, or as determined by the City.

(2) So as to be clearly visible and readable from the public right-of-way and not obstructed in any manner.

(3) So as not to create a hazard to traffic on the public rights-of-way abutting the property.

(4) On the subject property at least ten (10) days prior to the hearing of such zoning change request by the Planning and Zoning Commission, and to remain continuously on said property until final action by the City Council or withdrawal of the case by the applicant. Removal of the sign by the applicant prior to a recommendation by the Planning and Zoning Commission and/or a final decision by the City Council shall constitute a withdrawal of the request.

(5) The signs shall be as follows:

- A minimum sign size of 2 feet by 3 feet, but no larger than 4 feet by 4 feet
- At least 2 feet above the ground
- Blue or black lettering that is a minimum of 3 inches by 1/2 inch, on a white background
- Message content as follows:

PROPOSED (SPECIFY REQUEST)
Contact City of Pearland
281-652-1765

***Signs must be professionally made; handwritten signs are not allowed.**

***Signs must be freestanding and cannot be attached to a tree, fence, or building.**

Acknowledgement signature _____ Date 8-14-14

LJA Engineering, Inc.

2929 Briarpark Drive
Suite 600
Houston, Texas 77042-3703

Phone 713.953.5200
Fax 713.953.5026
www.ljaengineering.com

July 18, 2014

Ms. Johnna Matthews
City Planner
3523 Liberty Drive
Pearland, Texas 77581

Re: Province Village Amendment No. 2
Planned Unit Development
LJA Job No. 1938-1401 (2.0)

This is an acknowledgement that a sign must be posted on the property 10 days before the public hearing.

Please advise me if there are any concerns regarding this matter.

Sincerely,

Rene R. for Warren Escovy

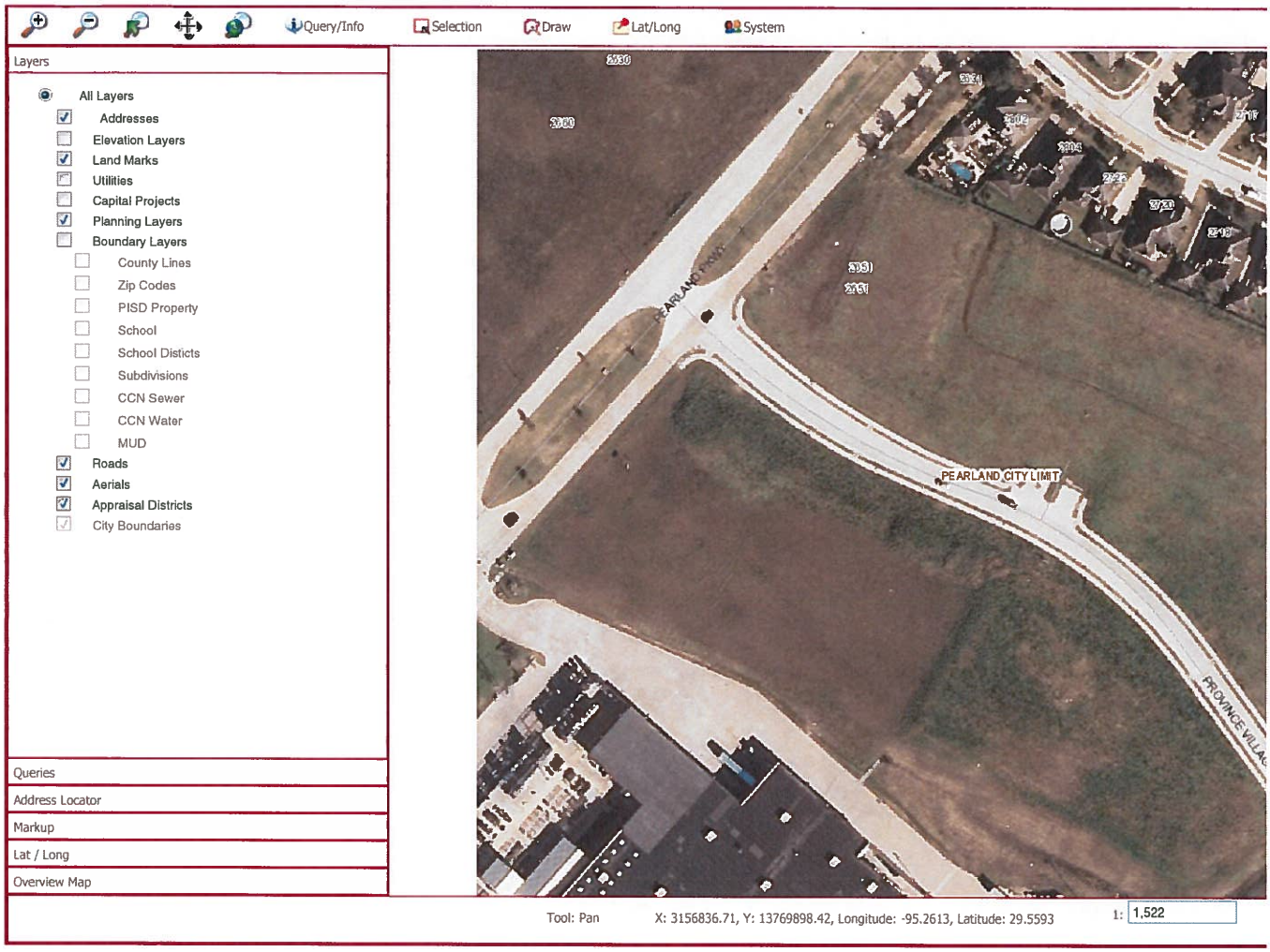
Warren Escovy
Director of Platting

WE/ew

Copy: Omar Escobar, LJA Engineering & Surveying, Inc.

O:\LAND\1938\1938-1401\sign acknowledgement.docx

N


Query/Info
Selection
Draw
Lat/Long
System
Layers
All Layers
Addresses
Elevation Layers
Land Marks
Utilities
Capital Projects
Planning Layers
Boundary Layers
County Lines
Zip Codes
PISD Property
School
School Disticts
Subdivisions
CCN Sewer
CCN Water
MUD
Roads
Aerials
Appraisal Districts
City Boundaries
Queries
Address Locator
Markup
Lat / Long
Overview Map
PEARLAND CITY LIMIT
Tool: Pan
X: 3156836.71, Y: 13769898.42, Longitude: -95.2613, Latitude: 29.5593
1: 1,522

STATE OF TEXAS
COUNTY OF BRAZORIA

WE NEWQUEST PROPERTIES, ACTING BY AND THROUGH STAN BEARD JR., DIRECTOR OF DEVELOPMENT OF NEWQUEST PROPERTIES, OWNERS OF THE PROPERTY SUBDIVIDED IN THIS PLAT OF PROVINCE VILLAGE LOT "A" REPLAT NO. 1 1.707 ACRES OUT OF THE THOMAS J. GREEN SURVEY ABSTRACT 198, BRAZORIA COUNTY, TEXAS, DO HEREBY MAKE SUBDIVISION OF SAID PROPERTY FOR AND ON BEHALF OF SAID NEWQUEST PROPERTIES, ACCORDING TO THE LINES, LOTS, STREETS, ALLEYS, RESERVES, PARKS, AND EASEMENTS AS SHOWN HEREON AND DEDICATE FOR PUBLIC USE AS SUCH THE STREETS, ALLEYS, PARKS, AND EASEMENTS SHOWN HEREON FOREVER, AND DO HEREBY WAIVE ALL CLAIMS FOR DAMAGES OCCASIONED BY THE ESTABLISHMENT OF GRADES AS APPROVED FOR THE STREETS AND DRAINAGE EASEMENTS DEDICATED, OR OCCASIONED BY THE ALTERATION OF THE SURFACE, OR ANY PORTION OF THE STREETS OR DRAINAGE EASEMENTS TO CONFORM TO SUCH GRADES, AND DO HEREBY BIND OURSELVES, OUR HEIRS, SUCCESSORS AND ASSIGNS TO WARRANT AND DEFEND THE TITLE TO THE LAND SO DEDICATED.

FURTHER, OWNERS HAVE DEDICATED AND BY THESE PRESENTS DO DEDICATE TO THE USE OF THE PUBLIC FOR PUBLIC UTILITY PURPOSES FOREVER, UNOBSTRUCTED AERIAL EASEMENTS. THE AERIAL EASEMENTS SHALL EXTEND HORIZONTALLY AN ADDITIONAL ELEVEN FEET, SIX INCHES (11'6") FOR TEN FEET (10'0") PERIMETER GROUND EASEMENTS OR SEVEN FEET, SIX INCHES (7'6") FOR FOURTEEN FEET (14'0") PERIMETER GROUND EASEMENTS OR FIVE FEET, SIX INCHES (5'6") FOR SIXTEEN FEET (16'0") PERIMETER GROUND EASEMENTS, FROM A PLANE SIXTEEN FEET (16'0") ABOVE GROUND LEVEL UPWARD, LOCATED ADJACENT TO AND ADJOINING SAID PUBLIC UTILITY EASEMENTS THAT ARE DESIGNATED WITH AERIAL EASEMENTS (U.E. AND A.E.) AS INDICATED AND DEPICTED HEREON WHEREBY EACH AERIAL EASEMENT TOTALS TWENTY-ONE FEET, SIX INCHES (21'6") IN WIDTH

FURTHER, OWNERS HAVE DEDICATED AND BY THESE PRESENTS DO DEDICATE TO THE USE OF THE PUBLIC FOR PUBLIC UTILITY PURPOSES FOREVER, UNOBSTRUCTED AERIAL EASEMENTS. THE AERIAL EASEMENTS SHALL EXTEND HORIZONTALLY AN ADDITIONAL TEN FEET (10'0") FOR TEN FEET (10'0") BACK-TO-BACK GROUND EASEMENTS, OR EIGHT FEET (8'0") FOR FOURTEEN FEET (14'0") BACK-TO-BACK GROUND EASEMENTS OR SEVEN FEET (7'0") FOR SIXTEEN FEET (16'0") BACK-TO-BACK GROUND EASEMENTS, FROM A PLANE SIXTEEN FEET (16'0") ABOVE GROUND LEVEL UPWARD, LOCATED ADJACENT TO BOTH SIDES AND ADJOINING SAID PUBLIC UTILITY EASEMENTS THAT ARE DESIGNATED WITH AERIAL EASEMENTS (U.E. AND A.E.) AS INDICATED AND DEPICTED HEREON, WHEREBY EACH AERIAL EASEMENT TOTALS THIRTY FEET (30'0") IN WIDTH

IN TESTIMONY HERETO, NEWQUEST PROPERTIES HAS CAUSED THESE PRESENTS TO BE SIGNED BY STAN BEARD JR., DIRECTOR OF DEVELOPMENT OF NEWQUEST PROPERTIES THIS _____ DAY OF _____, 2014

BY NEWQUEST PROPERTIES

BY: _____
STAN BEARD JR. DIRECTOR OF DEVELOPMENT

STATE OF TEXAS
COUNTY OF BRAZORIA

BEFORE ME THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED STAN BEARD JR., DIRECTOR OF DEVELOPMENT OF NEWQUEST PROPERTIES, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN AND HEREIN STATED

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS _____ DAY OF _____, 2014

_____
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

I, GARY D. NUTTER, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THIS PLAT CORRECTLY REPRESENTS A SURVEY MADE UNDER MY SUPERVISION ON THE GROUND IN ACCORDANCE WITH THE INFORMATION PROVIDED ME AND CORRECTLY REPRESENTS THE FACTS AS FOUND AT THE TIME OF SURVEY AND IS TRUE AND CORRECT AND THAT ALL BOUNDARY CORNERS, LOT CORNERS, ANGLE POINTS, AND POINTS OF CURVATURE ARE PROPERLY MARKED WITH 5/8 INCH DIAMETER IRON RODS THREE FEET LONG OR AS SHOWN ON THE PLAT

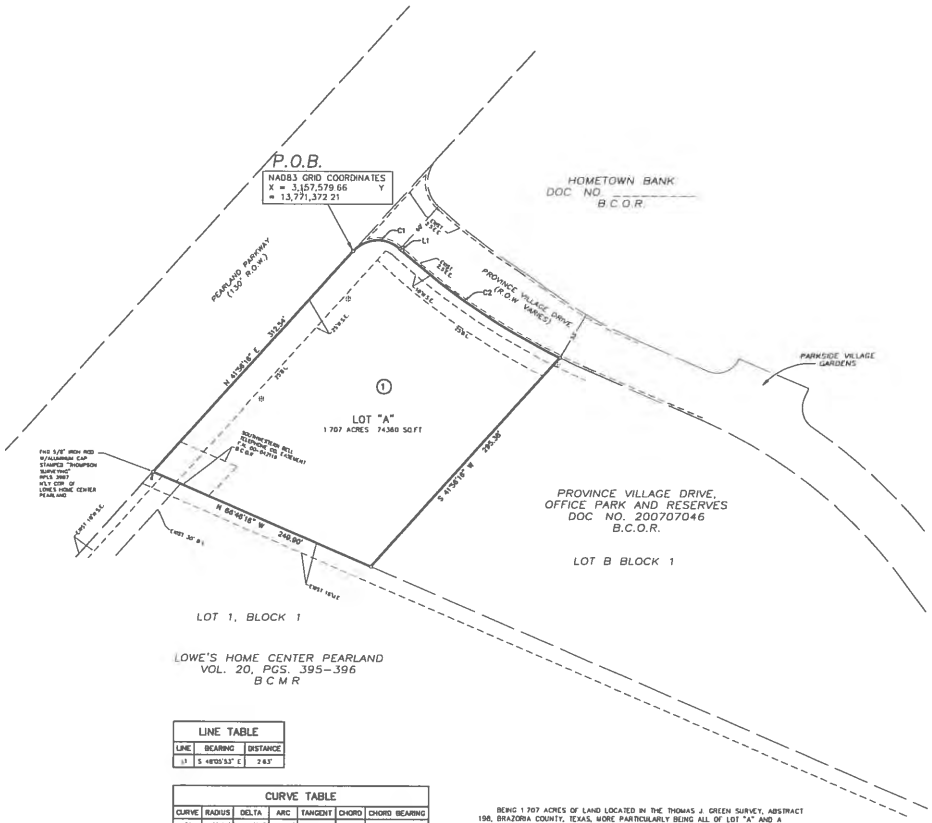
_____
GARY D. NUTTER
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NO. 5858

THIS IS TO CERTIFY THAT THE CITY PLANNER OF THE CITY OF PEARLAND, TEXAS HAS APPROVED THIS MINOR PLAT AND SUBDIVISION OF PROVINCE VILLAGE LOT "A" REPLAT NO. 1 AND IS IN CONFORMANCE WITH THE LAWS OF THE STATE OF TEXAS AND THE ORDINANCES OF THE CITY OF PEARLAND AS SHOWN HEREON AND AUTHORIZES THE RECORDING OF THIS PLAT THIS _____ DAY OF _____, 2014

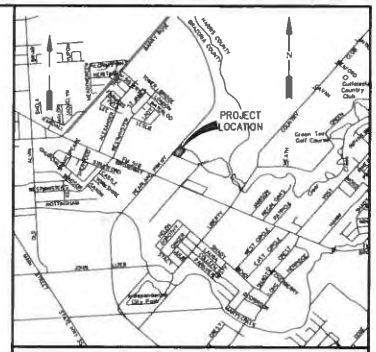
_____
HENRY N. FUENTES, CHAIRPERSON
PLANNING & ZONING COMMISSION
CITY OF PEARLAND, TEXAS

APPROVED FOR THE CITY OF PEARLAND THIS _____ OF _____, 2014

_____ _____
DARRIN COKER RICHARD MANCILLA, P.E., C.F.M
CITY ATTORNEY ASSISTANT CITY ENGINEER



SCALE: 1"=60'



VICINITY MAP
NOT TO SCALE

KEY MAP NO. 615 Q

NOTES

1 THIS PLAT WAS PREPARED FROM INFORMATION FURNISHED BY STEWART TITLE CO., CITY PLANNING LETTER FILE NO. 1403383284, DATED JUNE 24, 2014. THE SURVEYOR HAS NOT ABSTRACTED THE ABOVE PROPERTY

2. ALL BEARINGS REFERENCED TO THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE (NAD 83), WITH COORDINATES GIVEN IN FEET. COORDINATES SHOWN ARE GRID NAD 83, AND MAY BE CONVERTED TO SURFACE BY DIVIDING BY A FACTOR OF 0.99986866.

3. THIS PLAT LIES WITHIN BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 28 AT THE TIME OF PLATTING.

4. EFFECTIVE FLOODPLAIN: ACCORDING TO THE EFFECTIVE FEMA FLOOD INSURANCE RATE MAP MAP NO. 48039C0045L, DATED SEPTEMBER 22, 1999, AND 48201C0145L, DATED JUNE 18, 2007 THIS TRACT LIES WITHIN A PORTION OF ZONE AE, AND ZONE X ADOPTED FLOODPLAIN: REDUCSTED BY THE CITY OF PEARLAND AND BRAZORIA DRAINAGE DISTRICT NO 4: ACCORDING TO THE PRELIMINARY STUDY, A PORTION OF THIS TRACT LIES WITHIN ZONE AE WITH A BFE RANGE OF APPROXIMATELY 39.1 TO 39.5.

5. THERE ARE NO PIPELINES OR PIPELINE EASEMENTS WITHIN THE BOUNDARY OF THIS PLAT.

6. 6-FOOT SIDEWALKS SHALL BE BUILT ALONG ALL THOROUGHFARE AND COLLECTOR STREETS INCLUDING ONE SIDE OF PROVINCE VILLAGE DRIVE AND CURVILINEAR ALONG PEARLAND PARKWAY.

7 THERE ARE NO STREET LIGHTS PROPOSED WITH THIS PLAT

8. BENCHMARK USED, CITY OF PEARLAND MONUMENT - SURVEY MARKER NO. 2 GPS MONUMENT NGVD-29 (1987 ADJ.) ELEV. 42.48, NAVD-88 (2001 ADJ.) ELEV. 42.00 (T.S.A.R.P.) BEING A BRASS DISK SET FLUSH WITH THE GROUND IN CONCRETE - STAMPED - CITY OF PEARLAND 2 GPS MON - 1995 Monument is located in the southwesterly intersection of Broadway (F.M. 518) and Liberty Road, approximately 4 feet southwest from the southwesterly curb at the intersection, and 8.7 feet northwest, from a metal light pole. (SEE NOTE 9.)

9. I.B.M. = TOP OF 5/8 INCH IRON ROD WITH CAP MARKED "LJA ENG" LOCATED AT ANGLE POINT ON THE SOUTHEASTERLY LINE OF FUTURE PROVINCE VILLAGE SECTION TWO (AS SHOWN BY SYMBOL). TO ADJUST PROJECT ELEVATIONS TO MATCH OLDER VERTICAL DATUM, FOR THE CITY OF PEARLAND MONUMENTS, ADD 0.48 FEET ELEV. = 39.31 NAVD 88 (2001 ADJ.) ELEV. = 39.78 NGVD 29 (1987 ADJ.)

10. LANDSCAPE SCREENING IN ACCORDANCE WITH EXHIBIT B OF THE PROVINCE VILLAGE PUD DOCUMENT WILL BE PROVIDED AT THE TIME OF DEVELOPMENT

11 A 6' HIGH MASONRY SCREENING WALL WILL BE CONSTRUCTED ALONG THE SOUTHWEST PROPERTY LINE OF BLOCK 1 IN ACCORDANCE WITH EXHIBIT B OF THE PROVINCE VILLAGE PUD DOCUMENT DATED MAY 2005, AT THE TIME OF DEVELOPMENT

12. MUTUAL ACCESS BETWEEN LOTS "A" AND "B" IS HEREBY GRANTED BY THIS PLAT

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 48°05'53" E	2.63'

CURVE TABLE						
CURVE	RADIUS	DELTA	ARC	TANGENT	CHORD	CHORD BEARING
C1	35.00'	89°57'53"	54.96'	34.98'	49.48'	N 86°55'12" E
C2	725.00'	15°56'22"	201.69'	101.56'	201.04'	S 58°04'04" E

BEING 1.707 ACRES OF LAND LOCATED IN THE THOMAS J. GREEN SURVEY, ABSTRACT 198, BRAZORIA COUNTY, TEXAS, MORE PARTICULARLY BEING ALL OF LOT "A" AND A PORTION OF LOT "B", BLOCK 1 OF AMENDING PLAT NO. 1, PROVINCE VILLAGE DRIVE, OFFICE PARK AND RESERVES, A SUBDIVISION OF RECORD UNDER DOC # 2008019410 OF THE OFFICIAL PUBLIC RECORDS OF BRAZORIA COUNTY, TEXAS (O.C.O.P.R.), SAID 1.707 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS (ALL BEARINGS ARE REFERENCED TO THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD83);

BEGINNING AT THE SOUTHERLY END OF A RADIAL CUT-BACK CORNER AT THE NORTHWESTERLY CORNER OF SAID LOT "A", SAME BEING THE NORTHWESTERLY LINE OF THE AFOREMENTIONED AMENDING PLAT NO. 1, PROVINCE VILLAGE DRIVE, OFFICE PARK AND RESERVES, SAME BEING IN THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF PEARLAND PARKWAY (130 FEET WIDE), THE BEGINNING OF A CURVE,

THENCE, 54.96 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 35.00 FEET, A CENTRAL ANGLE OF 89° 57' 53", AND A CHORD WHICH BEARS NORTH 86° 55' 12" EAST, 49.48 FEET TO A POINT FOR CORNER, ON THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF PROVINCE VILLAGE DRIVE, (WIDTH VARIES) AS SHOWN ON SAID AMENDING PLAT NO 1, PROVINCE VILLAGE DRIVE, OFFICE PARK AND RESERVES;

THENCE, SOUTH 48° 05 53" EAST CONTINUING ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE OF PROVINCE VILLAGE DRIVE, 2.63 FEET TO A POINT FOR CORNER, THE BEGINNING OF A CURVE,

THENCE, CONTINUING ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE OF PROVINCE VILLAGE DRIVE, ALONG THE ARC OF A TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 725.00 FEET, AT 164.30 FEET PASS THE COMMON NORTHERLY CORNER OF SAID LOT "A" AND LOT "B", AND CONTINUING IN ALL, 201.69 FEET, A CENTRAL ANGLE OF 15° 56' 22", AND A CHORD WHICH BEARS SOUTH 56° 04' 04" EAST, 201.04 FEET TO A POINT FOR CORNER;

THENCE, SOUTH 41° 56' 16" WEST, DEPARTING SAID SOUTHWESTERLY RIGHT-OF-WAY LINE OF PROVINCE VILLAGE DRIVE, 295.38 FEET TO A POINT FOR CORNER, IN THE NORTHEASTERLY LINE OF LOT 1, BLOCK 1, OF LOWE'S HOME CENTER PEARLAND, A SUBDIVISION OF RECORD IN VOLUME 20, PAGES 395-396, OF THE PLAT RECORDS OF BRAZORIA COUNTY, TEXAS (B.C.P.R.), SAME BEING THE SOUTHWESTERLY LINE OF THE AFOREMENTIONED LOT "B", BLOCK 1, OF SAID AMENDING PLAT NO. 1, PROVINCE VILLAGE DRIVE, OFFICE PARK AND RESERVES;

THENCE, NORTH 86° 46' 18" WEST, WITH THE NORTHEASTERLY LINE OF SAID LOT 1, BLOCK 1, OF LOWE'S HOME CENTER PEARLAND, AND THE SOUTHWESTERLY LINE OF SAID AMENDING PLAT NO. 1, PROVINCE VILLAGE DRIVE, OFFICE PARK AND RESERVES, AT 38.21 FEET PASS THE COMMON SOUTHERLY CORNER OF SAID LOT "A" AND LOT "B", BLOCK 1, AND CONTINUING IN ALL, 248.90 FEET TO THE SOUTHWESTERLY CORNER OF SAID LOT "A", IN THE AFOREMENTIONED SOUTHEASTERLY RIGHT-OF-WAY LINE OF PEARLAND PARKWAY, SAME BEING THE NORTHWESTERLY LINE OF SAID AMENDING PLAT NO. 1, PROVINCE VILLAGE DRIVE, OFFICE PARK AND RESERVES;

THENCE, NORTH 41° 56' 16" EAST, WITH SAID SOUTHEASTERLY RIGHT-OF-WAY LINE OF PEARLAND PARKWAY, AND ALONG THE NORTHWESTERLY LINE OF SAID AMENDING PLAT NO. 1, PROVINCE VILLAGE DRIVE, OFFICE PARK AND RESERVES, 312.34 FEET TO THE POINT OF BEGINNING AND CONTAINING 1.707 ACRES OF LAND

LEGEND

EXIST	INDICATES EXISTING
U.E.	INDICATES UTILITY EASEMENT
W.L.E.	INDICATES WATERLINE EASEMENT
STM S.E.	INDICATES STORM SEWER EASEMENT
S.S.E.	INDICATES SANITARY SEWER EASEMENT
W.S.E.	INDICATES WATER AND SEWER EASEMENT
D.E.	INDICATES DRAINAGE EASEMENT
E.E.	INDICATES ELECTRICAL EASEMENT
B.C.M.R.	INDICATES BRAZORIA COUNTY MAP RECORDS
B.C.D.R.	INDICATES BRAZORIA COUNTY DEED RECORDS
B.C.C.F.	INDICATES BRAZORIA COUNTY CLERKS FILE
B.C.O.P.R.	INDICATES BRAZORIA COUNTY OFFICIAL PROPERTY RECORDS
B.C.M.U.D.	INDICATES BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT
⊙	INDICATES EXISTING STREET LIGHT
F.N.	INDICATES FILE NUMBER

CONTACT: WARREN ESCOVY

FINAL PLAT OF
PROVINCE VILLAGE LOT "A" REPLAT NO. 1

A SUBDIVISION OF 1.707 ACRES OF LAND SITUATED IN THE THOMAS J. GREEN SURVEY, ABSTRACT 198, AND BEING A REPLAT OF LOT "A" AND A PART OF LOT "B" OF PROVINCE VILLAGE DRIVE OFFICE PARK AND RESERVES, A PLAT RECORDED IN DOCUMENT NO. 200707046 OF THE BRAZORIA COUNTY OFFICIAL PUBLIC RECORDS, CITY OF PEARLAND, BRAZORIA COUNTY, TEXAS

1 LOT 1 BLOCK

JULY 14, 2014 JOB NO. 1938-1401

REASON FOR REPLAT: TO ADD ACREAGE FROM LOT "B" TO LOT "A"

OWNERS:
NEWQUEST PROPERTIES
STAN BEARD JR., DIRECTOR OF DEVELOPMENT
8827 W. SAM HOUSTON PKWY. N. SUITE 200 HOUSTON, TEXAS 77040
PH. 713-438-9503

ENGINEER:
LJA Engineering, Inc.
2929 Briarpark Drive Phone 713.953.5200
Suite 500 Fax 713.953.5026
Houston, Texas 77042 FRN-F-1386
T.B.P.L.S. Firm No. 10110501

MYLAR CHECK COORD _____ DB _____

CITY OF PEARLAND
*** CUSTOMER RECEIPT ***

Oper: JCOTTER Type: OC Drawer: 1
Date: 8/15/14 01 Receipt no: 319237

Description	Quantity	Amount
BA BOARD OF ADJUSTMENTS	1.00	$800.00

Trans number: 4559989

LJA ENGINEERING INC
SW CORNER OF PROVINCE VILLAGE
DR
A-S 121 PEARLAND PKWY
BROADWAY ST LP

Tender detail	$800.00
BR CREDIT CARD	$800.00
Total tendered	$800.00
Total payment	

Trans date: 8/14/14 Time: 14:11:06

ZONE CHANGE/ VARIANCE/PLAT/RECORDATION

$800.00 (circle one) **BA** or **PF** or **FE**

Description: ***Input who the check is from***

LJA Engineering, Inc.

COMMENTS/DESCRIPTION (F10):

Location or Address SW Corner of Province Village Dr.

Applicant LJA Engineering

Owner A-S 121 Pearland Pkwy Broadway St. LP

DUPLICATE TAX RECEIPT

RO'VIN GARRETT, PCC
BRAZORIA COUNTY TAX ASSESSOR - COLLECTOR
111 E. LOCUST
ANGLETON, TEXAS 77515

Certified Owner:

A-S 121 PEARLAND PKWY-BROADWAY STREET
8827 W SAM HOUSTON PARKWAY N
SUITE 200
HOUSTON , TX 77040

Legal Description:
PROVINCE VILLAGE DRIVE OFFICE PARK & RESERVES (A0198-A0070) BLK 1 LOT A, AMEND 09 ACRES 1.199

Parcel Address: PROVINCE VILLAGE DR
Legal Acres: 1.1990

Remit Seq No: 26410888
Receipt Date: 07/03/2014
Deposit Date: 07/03/2014
Print Date: 08/05/2014 02:38 PM
Printed By: CHARISE

Deposit No: 1418405C
Validation No: 900000031724878
Account No: **7156-0001-001**
Operator Code: CHARISE

Year	Tax Unit Name	Tax Value	Tax Rate	Levy Paid	P&I	Coll Fee Paid	Total
2013	Tax Certificate Fee	0	0.000000	10.00	0.00	0.00	10.00
				$10.00	**$0.00**	**$0.00**	**$10.00**

Check Number(s):
8476

PAYMENT TYPE:
Checks: $10.00

Exemptions on this property:

Total Applied: $10.00

Change Paid: $0.00

ACCOUNT PAID IN FULL

PAYER: 21452569
COURTHOUSE DIRECT .COM,INC.
9800 NORTHWEST FRWY.
STE. 400
HOUSTON , TX 77092

(979) 864-1320, (979) 388-1320, (281) 756-1320

DUPLICATE TAX RECEIPT

RO'VIN GARRETT, PCC
BRAZORIA COUNTY TAX ASSESSOR - COLLECTOR
111 E. LOCUST
ANGLETON, TEXAS 77515

Certified Owner:

OFFICE GROVE PROVINCE LP
15120 NORTHWEST FWY
STE 190
HOUSTON , TX 77040-3205

Legal Description:
PROVINCE VILLAGE DRIVE OFFICE PARK & RESERVES (A0198-A0070) BLK 1 LOT B. AMEND 09 ACRES 3.989

Parcel Address: PROVINCE VILLAGE DR
Legal Acres: 3.9890

Remit Seq No: 26410818
Receipt Date: 07/03/2014
Deposit Date: 07/03/2014
Print Date: 08/05/2014 02:36 PM
Printed By: CHARISE

Deposit No: 1418405C
Validation No: 900000031724825
Account No: **7156-0001-002**
Operator Code: CHARISE

Year	Tax Unit Name	Tax Value	Tax Rate	Levy Paid	P&I	Coll Fee Paid	Total
2013	Tax Certificate Fee	0	0.000000	10.00	0.00	0.00	10.00
				$10.00	**$0.00**	**$0.00**	**$10.00**

Check Number(s):
8476

PAYMENT TYPE:
Checks: $10.00

Exemptions on this property:

Total Applied: $10.00

Change Paid: $0.00

ACCOUNT PAID IN FULL

PAYER: 21452569
COURTHOUSE DIRECT .COM,INC.
9800 NORTHWEST FRWY.
STE. 400
HOUSTON , TX 77092

(979) 864-1320, (979) 388-1320, (281) 756-1320

TAX CERTIFICATE

RO'VIN GARRETT, PCC
BRAZORIA COUNTY TAX ASSESSOR - COLLECTOR
111 E. LOCUST
ANGLETON, TEXAS 77515

Issued To:

LJA ENGINEERING
2929 BRIARPARK
SUITE 600
HOUSTON , TX 77041

Legal Description

PROVINCE VILLAGE DRIVE OFFICE PARK &
RESERVES (A0198-A0070) BLK 1 LOT B.
AMEND 09 ACRES 3.989

Fiduciary Number: 511548

Parcel Address: PROVINCE VILLAGE DR
Legal Acres: 3.9890

<--- ---->

Account Number: **7156-0001-002**

Certificate No: 222251598
Certificate Fee: $10.00

Print Date: 08/05/2014
Paid Date: 08/05/2014
Issue Date: 08/05/2014
Operator ID: CHARISE

TAX CERTIFICATES ARE ISSUED WITH THE MOST CURRENT INFORMATION AVAILABLE. ALL ACCOUNTS ARE SUBJECT TO CHANGE PER SECTION 26.15 OF THE TEXAS PROPERTY TAX CODE. THIS IS TO CERTIFY THAT ALL TAXES DUE ON THE ABOVE DESCRIBED PROPERTY HAVE BEEN EXAMINED, UP TO AND INCLUDING THE YEAR 2013. ALL TAXES ARE PAID IN FULL

Exemptions:

Certified Owner:

OFFICE GROVE PROVINCE LP
15120 NORTHWEST FWY
STE 190
HOUSTON , TX 77040-3205

2013 Value:	390,960
2013 Levy:	$10,824.99
2013 Levy Balance:	$0.00
Prior Year Levy Balance:	$0.00
Total Levy Due:	$0.00
P&I + Attorney Fee:	$0.00
Total Amount Due:	$0.00

Certified Tax Unit(s):

1 BRAZORIA COUNTY
9 SPECIAL ROAD & BRIDGE
28 PEARLAND ISD
54 BRAZORIA DRAINAGE DIST 4
96 CITY OF PEARLAND

Reference (GF) No: NA

Issued By:
RO'VIN GARRETT, PCC
BRAZORIA COUNTY TAX ASSESSOR - COLLECTOR
(979) 864-1320, (979) 388-1320, (281) 756-1320

Charise
Bins

TAX CERTIFICATE

RO'VIN GARRETT, PCC
BRAZORIA COUNTY TAX ASSESSOR - COLLECTOR
111 E. LOCUST
ANGLETON, TEXAS 77515

Issued To:
LJA ENGINEERING
2929 BRIARPARK
SUITE 600
HOUSTON , TX 77041

Legal Description
PROVINCE VILLAGE DRIVE OFFICE PARK & RESERVES (A0198-A0070) BLK 1 LOT A, AMEND 09 ACRES 1.199

Fiduciary Number: 511548

Parcel Address: PROVINCE VILLAGE DR
Legal Acres: 1.1990

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Account Number: **7156-0001-001**

Certificate No: 222256297
Certificate Fee: $10.00

Print Date: 08/05/2014
Paid Date: 08/05/2014
Issue Date: 08/05/2014
Operator ID: CHARISE

TAX CERTIFICATES ARE ISSUED WITH THE MOST CURRENT INFORMATION AVAILABLE. ALL ACCOUNTS ARE SUBJECT TO CHANGE PER SECTION 26.15 OF THE TEXAS PROPERTY TAX CODE. THIS IS TO CERTIFY THAT ALL TAXES DUE ON THE ABOVE DESCRIBED PROPERTY HAVE BEEN EXAMINED, UP TO AND INCLUDING THE YEAR 2013. ALL TAXES ARE PAID IN FULL

Exemptions:

Certified Owner:
A-S 121 PEARLAND PKWY-BROADWAY STREET
8827 W SAM HOUSTON PARKWAY N
SUITE 200
HOUSTON , TX 77040

2013 Value:	124,040
2013 Levy:	$3,434.44
2013 Levy Balance:	$0.00
Prior Year Levy Balance:	$0.00
Total Levy Due:	$0.00
P&I + Attorney Fee:	$0.00
Total Amount Due:	$0.00

Certified Tax Unit(s):
1 BRAZORIA COUNTY
9 SPECIAL ROAD & BRIDGE
28 PEARLAND ISD
54 BRAZORIA DRAINAGE DIST 4
96 CITY OF PEARLAND

Reference (GF) No: N/A

Charise Johns

Issued By:
RO'VIN GARRETT, PCC
BRAZORIA COUNTY TAX ASSESSOR - COLLECTOR
(979) 864-1320, (979) 388-1320, (281) 756-1320

June 16, 2014
Job No. 1938-1401

DESCRIPTION OF
1.707 ACRE
PROVINCE VILLAGE LOT "A" REPLAT NO. 1

Being 1.707 acres of land located in the Thomas J. Green Survey, Abstract 198, Brazoria County, Texas, more particularly being all of Lot "A" and a portion of Lot "B", Block 1 of Amending Plat No. 1, Province Village Drive, Office Park and Reserves, a subdivision of record under Doc # 2008019410 of the Official Public Records of Brazoria County, Texas (B.C.O.P.R.), said 1.707 acres being more particularly described by metes and bounds as follows (all bearings are referenced to the Texas Coordinate System, South Central Zone, NAD83);

BEGINNING at the southerly end of a radial cut-back corner at the northwesterly corner of said Lot "A", same being the northwesterly line of the aforementioned Amending Plat No. 1, Province Village Drive, Office Park and Reserves, same being in the southeasterly right-of-way line of Pearland Parkway (130 feet wide), the beginning of a curve;

Thence, 54.96 feet along the arc of a curve to the right, having a radius of 35.00 feet, a central angle of 89° 57' 52", and a chord which bears North 86° 55' 12" East, 49.48 feet to a point for corner, on the southwesterly right-of-way line of Province Village Drive, (width varies) as shown on said Amending Plat No. 1, Province Village Drive, Office Park and Reserves;

Thence, South 48° 05' 53" East, continuing along said southwesterly right-of-way line of Province Village Drive, 2.63 feet to a point for corner, the beginning of a curve;

Thence, continuing along said southwesterly right-of-way line of Province Village Drive, along the arc of a tangent curve to the left, having a radius of 725.00 feet, at 164.30 feet pass the common northerly corner of said Lot "A" and Lot "B", and continuing in all, 201.69 feet, a central angle of 15° 56' 22", and a chord which bears South 56° 04' 04" East, 201.04 feet to a point for corner;

Thence, South 41° 56' 16" West, departing said southwesterly right-of-way line of Province Village Drive, 295.38 feet to a point for corner, in the northeasterly line of Lot 1, Block 1, of Lowe's Home Center Pearland, a subdivision of record in Volume 20, Pages 395-396, of the Plat Records of Brazoria County, Texas (B.C.P.R.), same being the southwesterly line of the aforementioned Lot "B", Block 1, of said Amending Plat No. 1, Province Village Drive, Office Park and Reserves;

Thence, North 66° 46' 16" West, with the northeasterly line of said Lot 1, Block 1, of Lowe's Home Center Pearland, and the southwesterly line of said Amending Plat No. 1, Province Village Drive, Office Park and Reserves, at 38.21 feet pass the common southerly corner of said Lot "A" and Lot "B", Block 1, and continuing in all, 249.90 feet to the southwesterly corner of said Lot "A", in the aforementioned southeasterly right-of-way line of Pearland Parkway, same being the northwesterly line of said Amending Plat No. 1, Province Village Drive, Office Park and Reserves;

Thence, North 41° 56' 16" East, with said southeasterly right-of-way line of Pearland Parkway, and along the northwesterly line of said Amending Plat No. 1, Province Village Drive, Office Park and Reserves, 312.54 feet to the POINT OF BEGINNING and containing 1.707 acres of land.

LJA Engineering, Inc.

NewQuest
PROPERTIES®

August 13, 2014

City of Pearland
Planning Department
3523 Liberty Drive
Pearland, Texas 77581

Re: Agent Authorization
Province Village Drive Office Park and Reserve

To Whom It May Concern:

The owner of the above referenced property is A-S 121 Pearland Parkway – Broadway Street, L.P. Owner authorizes Warren Escovy of LJA Engineering to act as our agent concerning any required planning submittals with the City of Pearland. Please feel free to contact me with any questions or requests for information. Thank you.

Sincerely,
A-S 121 Pearland Parkway – Broadway Street, L.P.
By A-S 121, LLC, its general partner,

By: Steven D. Alvis, Manager

8827 W. Sam Houston Pkwy. N., Suite 200 ▪ Houston, TX 77040 ▪ Tel 281.477.4300 ▪ Fax 281.477.4390
www.newquest.com
Brokerage ▪ Development ▪ Investment ▪ Leasing ▪ Tenant Representation

Recorded by: Texas State Title
GF# 1403920005 Sobieski

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

SPECIAL WARRANTY DEED

Date: March 24th, 2014

Grantor: OFFICE GROVE PROVINCE, L.P., a Texas limited partnership

Grantee: A-2 121 PEARLAND PKWY-BROADWAY STREET, L.P., a Texas limited partnership

Grantee's Mailing Address: 8827 W. Sam Houston Parkway N., #200, Houston, TX 77040

Consideration: $10.00 and other valuable consideration.

Property (including any improvements):

All that certain tract or parcel containing 0.5077 acres (22,120 square feet) of land, more or less, out of and a part of that certain 3.989 acres out of Lot "A", Block One (1), Amending Plat No. 1 of PROVINCE VILLAGE DRIVE OFFICE PARK AND RESERVES, a subdivision according to the map or plat thereof filed for record under Clerk's File No. 2007070406, amended under Clerk's File No. 2008019410 of the Official Public Records of Brazoria County, Texas, and being more particularly described by metes and bounds in the attached **Exhibit "A"**.

Reservations from Conveyance: NONE.

Exceptions to Conveyance and Warranty:

Taxes for the current year, which have been prorated between Grantor and Grantee; subsequent assessments for the current and prior years due to change in land usage, ownership, or both, the payment of which Grantee assumes; all rights, obligations, and other matters arising from and existing by reason of the Property being located within the Brazoria County Drainage District No. 4 and Brazoria County Municipal Utility District No. 28; and each of the matters that are enumerated in **Exhibit "B"** which is attached hereto and made a part hereof for all purposes (collectively, the "Permitted Encumbrances"), to the extent enforceable and applicable to the Property.

Grantor, for the Consideration and subject to the Reservations from and Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and hold it to Grantee, Grantee's heirs, executors, administrators, successors, and assigns forever. Grantor binds Grantor and Grantor's heirs, executors, administrators, successors and assigns to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, executors, administrators, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the Reservations from and Exceptions to Conveyance and Warranty, when the claim is by, through, or under Grantor, but not otherwise.

When the context requires, singular nouns and pronouns include the plural. Reference to any gender shall include either gender and, in the case of a legal entity that is not a natural person, shall include the neuter gender, all as the case may be.

GRANTOR:

OFFICE GROVE PROVINCE, L.P.

By: Office Grove Province GP, L.L.C., a Texas limited liability company, its General Partner

By: _____
Jon Spears, President

STATE OF TEXAS §
§
COUNTY OF HARRIS §

This instrument was acknowledged before me on March 24TH, 2014, by Jon Spears, President, for and on behalf of Office Grove Province GP, L.L.C., a Texas limited liability company, in its capacity as General Partner of OFFICE GROVE PROVINCE, L.P., a Texas limited partnership.

CAROLINE ARAGON
Notary Public, State of Texas
My Commission Expires
January 08, 2018

Caroline Aragon
Notary Public, State of Texas

AFTER RECORDING, RETURN TO:

TEXAS STATE TITLE, LLC
8807 W. Sam Houston Parkway North
Suite 150
Houston, TX 77040
Attn: Kenneth B. Leslie
G. F. No. 1403922005

Exhibit "A"

Property

ALL THAT CERTAIN TRACT OR PARCEL CONTAINING 0.5077 ACRES (22. 120 SQUARE FEET) OF LAND, MORE OR LESS. OUT OF AND A PART OF THAT CERTAIN 3.989 ACRES OUT OF LOT "B". BLOCK ONE (1), AMENDING PLAT NO. 1 OF PROVINCE VILLAGE DRIVE OFFICE PARK AND RESERVES, A SUBDIVISION ACCORDING TO THE MAP OR PLAT THEREOF FILED FOR RECORD UNDER CLERK'S FILE NO. 2007070406, AMENDED UNDER CLERK'S FILE NO. 2008019410 OF THE OFFICIAL PUBLIC RECORDS OF BRAZORIA COUNTY, TEXAS. AND BEING DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT A FOUND 5/8-INCH IRON ROD IN THE SOUTHEASTERLY RIGHT-OF-WAY (ROW) LINE OF PEARLAND PARKWAY (130 FEET WIDE). SAID POINT BEING THE NORTHERLY CORNER OF LOT 1, BLOCK 1,

LOWE'S HOME CENTER PEARLAND AS RECORDED IN VOLUME 20, PAGES 395-396 BRAZORIA COUNTY PUBLIC RECORDS AND THE SOUTHWESTERLY CORNER OF LOT "A" OF SAID AMENDING PLAT NO. 1;

THENCE, ALONG THE COMMON BOUNDARY LINE OF SAID LOT "A" AND LOT 1, SOUTH 66 DEGREES 46 MINUTES 16 SECONDS EAST, 171.72 FEET TO A FOUND 5/8 INCH IRON ROD THE SOUTHEASTERLY CORNER OF SAID LOT "A" AND THE SOUTHWEST CORNER OF SAID LOT "B", SAME BEING THE POINT OF BEGINNING AND SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, DEPARTING SAID COMMON BOUNDARY LINE OF LOT "A" AND LOT 1 AND ALONG THE COMMON BOUNDARY LINE OF LOTS "A" AND "B", NORTH 41 DEGREES 56 MINUTES 16 SECONDS WEST, 303.40 FEET TO A FOUND 5/8-INCH IRON ROD IN THE SOUTHWESTERLY ROW LINE OF PROVINCE DRIVE (60-FEET WIDE). SAID POINT BEING THE NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT AND BEING THE BEGINNING OF A CURVE TO THE LEFT;

THENCE, ALONG SAID CURVE TO THE LEFT, HAVING A RADIUS OF 725.37 FEET, A CHORD BEARING OF SOUTH 60 DEGREES 58 MINUTES 21 SECONDS EAST, A CENTRAL ANGLE OF 05 DEGREES 53 MINUTES 09 SECONDS, A DISTANCE OF 74.52 FEET TO A SET 5/8 INCH IRON ROD BEING THE NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, DEPARTING SAID SOUTHWESTERLY ROW LINE AND CROSSING SAID LOT "B", SOUTH 41 DEGREES 22 MINUTES 23 SECONDS WEST, 294.49 FEET TO A SET 5/8 INCH IRON ROD IN THE NORTHEASTERLY LINE OF SAID LOT 1, LOWE'S HOME CENTER PEARLAND. SAID POINT BEING THE SOUTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, NORTH 66 DEGREES 46 MINUTES 16 SECONDS WEST, 79.71 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.5077 ACRE (22.120 SQUARE FEET) OF LAND, MORE OR LESS.

Exhibit "B"

Permitted Encumbrances

1. The following restrictive covenants filed under Brazoria County Clerk's File No's. 2007070406, amended under Brazoria Clerk's File No. 2008019410 of the Official Public Records of Brazoria County, Texas.

2. All leases, grants, exceptions or reservations of coal, lignite, oil, gas and other minerals, together with all rights, privileges and immunities relating thereto, appearing in the Public Records whether listed in Schedule B or not.

3. An electrical easement 2.5 feet in width along the northerly property line (abutting Province Village Drive), as reflected on the map or plat thereof, recorded under Brazoria County Clerk's File No's. 20070704 06, and amended under Brazoria County Clerk's File No. 2008019410 and as reflected and disclosed on survey dated February 25, 2014 prepared by Fred W. Lawton, R.P.L.S. No. 2321.

4. A water a sewer easement 10 feet wide, along the northerly property line (abutting Province Village Drive), as reflected on the map or plat thereof, recorded under Brazoria County Clerk's File No's. 2007070406, and amended under Brazoria County Clerk's File No. 2008019410 and as reflected and disclosed on survey dated February 25, 2014 prepared by Fred W. Lawton, R.P.L.S. No. 2321.

5. A mutual access easement, across and over Lots "A" and "B", as set forth and dedicated on Plat Note Number 15, on the map or plat thereof, recorded under Brazoria County Clerk's File No's. 20070704 06, and amended under Brazoria County Clerk's File No. 2008019 410 and as reflected and disclosed on survey dated February 25, 2014 prepared by Fred W. Lawton, R.P.L.S. No. 2321.

6. A 6/7 Royalty Interest in all oil, gas and other minerals, as set forth by instrument recorded in Volume 74 9, Page 140 of the Deed Records of Brazoria County, Texas.

7. A 43/45 Royalty Interest in all oil, gas and other minerals, as set forth by instrument recorded in Volume 504 , Page 94 of the Deed Records of Brazoria County, Texas.

8. 1/45th royalty interest in and to all oil, gas and other minerals, on, in, or under, that may be produced from the subject property is excepted herefrom as allocated by Cause No. D-350,859 of the 80th District Court of Harris County, Texas.

9. All of the Oil, Gas, and other Minerals reserves in deed recorded under Brazoria County Clerk's File No. 2004050 556, waiver of surface rights contained therein.

10. Terms, conditions and provisions contained in Waiver of Special Appraisal for the Benefit of Brazoria County Municipal Utility District No. 28, filed for record under Clerk's File No. 200605 4555 of the Real Property Records of Brazoria County, Texas.

11. Subject to the ZONING ORDINANCES now in force in the City of Pearland, Texas.

12. Subject property lies within the boundaries of the Brazoria County Drainage District No. 4.

13. Subject property lies within the boundaries of the Brazoria County Municipal Utility District No. 28.

FILED and RECORDED

Instrument Number: 2014012015

Filing and Recording Date: 03/31/2014 10:48:18 AM Pages: 7 Recording Fee: $51.00

I hereby certify that this instrument was FILED on the date and time stamped hereon and RECORDED in the OFFICIAL PUBLIC RECORDS of Brazoria County, Texas.

Joyce Hudman, County Clerk
Brazoria County, Texas

ANY PROVISION CONTAINED IN ANY DOCUMENT WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE REAL PROPERTY DESCRIBED THEREIN BECAUSE OF RACE OR COLOR IS INVALID UNDER FEDERAL LAW AND IS UNENFORCEABLE.

DO NOT DESTROY - Warning, this document is part of the Official Public Record.

cclerk-jkeels

SPECIAL WARRANTY DEED

1829801

STATE OF TEXAS §
§ **KNOW ALL MEN BY THESE PRESENTS:**
COUNTY OF BRAZORIA §

THAT INTERNATIONAL BANK OF COMMERCE (hereinafter called "Grantor," whether one or more), a Texas state banking corporation, for and in consideration of the sum of TEN AND NO/100 DOLLARS ($10.00) and other good and valuable consideration to the undersigned in hand paid by A-S 121 PEARLAND PKWY-BROADWAY STREET, L.P., A TEXAS LIMITED PARTNERSHIP, whose address is 8827 W. Sam Houston Parkway N., Suite 200, Houston, Texas 77040, Houston, Texas 77036 (hereinafter called "Grantee"), the receipt and sufficiency of which is hereby acknowledged, has GRANTED, SOLD and CONVEYED, and by these presents does GRANT, SELL and CONVEY, unto the Grantee, all those certain parcels of land, together with all improvements lying and being situated thereon, located in the County of Brazoria, State of Texas, more particularly described in Exhibit "A" attached hereto (hereinafter called the "Property").

This conveyance is made by Grantor and accepted by Grantee subject to any and all conditions and restrictions, if any, relating to the Property, to the extent, and only to the extent, that the same may still be in force and effect, shown of record in the office of the County Clerk of Brazoria County, Texas.

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances thereto in any wise belonging, unto the Grantee, his successors and assigns, forever. Grantor does hereby bind himself, his successors and assigns, to Warrant and Forever Defend all and singular the Property, unto the Grantee, his successors and assigns, against every person whomsoever, lawfully claiming or to claim the same, or any part thereof by, through or under Grantor, but not otherwise.

EXCEPT AS OTHERWISE EXPRESSLY PROVIDED HEREIN, GRANTOR HEREBY DISCLAIMS ALL WARRANTIES OF ANY KIND OR NATURE WHATSOEVER (INCLUDING WARRANTIES OF HABITABILITY, MERCHANTABILITY AND FITNESS FOR PARTICULAR PURPOSE), WHETHER EXPRESSED OR IMPLIED, INCLUDING BUT NOT LIMITED TO, WARRANTIES WITH RESPECT TO THE PROPERTY, THE ZONING OF THE LAND, THE SOIL CONDITIONS OF THE LAND, OR THE SUITABILITY OF THE PROPERTY FOR GRANTEE'S INTENDED USE THEREOF. GRANTEE ACKNOWLEDGES THAT GRANTEE HAS CONDUCTED A DILIGENT INVESTIGATION OF THE PROPERTY WITH REGARD TO ITS CONDITION, PERMITTED USE, AND SUITABILITY FOR GRANTEE'S INTENDED USE THEREOF, AS WELL AS ALL OTHER FACTORS DEEMED MATERIAL TO GRANTEE AND HAS EMPLOYED SUCH INDEPENDENT PROFESSIONALS IN CONNECTION THEREWITH AS DEEMED NECESSARY BY GRANTEE. GRANTEE FURTHER ACKNOWLEDGES THAT GRANTEE IS PURCHASING THE PROPERTY "AS IS" AND IN ITS PRESENT CONDITION AND THAT GRANTEE IS NOT RELYING UPON ANY REPRESENTATION OF ANY KIND OR NATURE MADE BY GRANTOR, OR ANY OF ITS EMPLOYEES, OR AGENTS WITH

RESPECT TO THE PROPERTY, AND THAT, IN FACT, NO SUCH REPRESENTATIONS WERE MADE. GRANTOR ACKNOWLEDGES THAT GRANTEE ACQUIRED THE PROPERTY THROUGH FORECLOSURE PROCEEDINGS AND THEREFORE HAS LIMITED KNOWLEDGE OF THE PROPERTY.

FURTHER, AND WITHOUT IN ANY WAY LIMITING THE TERMS OF THE PRECEDING PARAGRAPH, GRANTOR MAKES NO WARRANTY WITH RESPECT TO THE PRESENCE ON OR BENEATH THE PROPERTY (OR ANY PARCEL IN PROXIMITY THERETO) OF HAZARDOUS SUBSTANCES OR MATERIALS WHICH ARE CATEGORIZED AS HAZARDOUS OR TOXIC UNDER ANY LOCAL, STATE OR FEDERAL LAW, STATUTE, ORDINANCE, RULE OR REGULATION PERTAINING TO ENVIRONMENTAL OR SUBSTANCE REGULATION, CONTAMINATION, CLEANUP OR DISCLOSURE, AND SHALL HAVE NO LIABILITY TO GRANTEE THEREFOR. BY ACCEPTANCE OF THIS DEED, GRANTEE ACKNOWLEDGES THAT GRANTEE'S OPPORTUNITY FOR INSPECTION AND INVESTIGATION OF SUCH PROPERTY (AND OTHER PARCELS IN PROXIMITY THERETO) HAS BEEN ADEQUATE TO ENABLE GRANTEE TO MAKE GRANTEE'S OWN DETERMINATION WITH RESPECT TO THE PRESENCE ON OR BENEATH THE PROPERTY (AND OTHER PARCELS IN PROXIMITY THERETO) OF SUCH HAZARDOUS SUBSTANCES OR MATERIALS, AND GRANTEE ACCEPTS THE RISK OF THE PRESENCE OF ANY SUCH SUBSTANCES OR MATERIALS.

Current taxes on the Property have been prorated and payment thereof is assumed by Grantee.

EXECUTED on this the 18 day of March, 2014.

INTERNATIONAL BANK OF COMMERCE,
a Texas state banking corporation

By: _____
Name: Craig A Bunk
Title: SVP

STATE OF TEXAS §
§
COUNTY OF HARRIS §

This instrument was acknowledged before me on this 18 day of March, 2014, by Craig A Bunk, SVP of International Bank of Commerce, a Texas state banking corporation, for and on behalf of said bank.

Nicole M Blanchette
Notary Public, State of Texas

[SEAL]

NICOLE M. BLANCHETTE
MY COMMISSION EXPIRES
MAY 8, 2017

EXHIBIT "A"

LOT "A", BLOCK ONE (1), OF AMENDING PLAT NO. 1 PROVINCE VILLAGE DRIVE, OFFICE PARK AND RESERVES, A SUBDIVISION OF BRAZORIA COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN DOCUMENT NUMBER 2008019410 OF THE OFFICIAL PUBLIC RECORDS OF BRAZORIA COUNTY, TEXAS.

FILED and RECORDED

Instrument Number: 2014010773

Filing and Recording Date: 03/21/2014 02:14:48 PM Pages: 5 Recording Fee: $38.00

I hereby certify that this instrument was FILED on the date and time stamped hereon and RECORDED in the OFFICIAL PUBLIC RECORDS of Brazoria County, Texas.

Joyce Hudman, County Clerk
Brazoria County, Texas

ANY PROVISION CONTAINED IN ANY DOCUMENT WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE REAL PROPERTY DESCRIBED THEREIN BECAUSE OF RACE OR COLOR IS INVALID UNDER FEDERAL LAW AND IS UNENFORCEABLE.

DO NOT DESTROY - Warning, this document is part of the Official Public Record.

cclerk-megan

Sharon Ivey-Seibert
Title Examiner

Stewart Title Company
4700 W. Sam Houston Parkway North,
Suite 100
Houston, TX 77041
(979) 549-4892 Phone
Fax
sharon.ivey-seibert@stewart.com

June 24, 2014

City of Pearland

File No.: 1403938284

To Whom It May Concern:

This company certifies that a diligent search of the Real Property Records of Stewart Title Company's abstract plant has been made, as to the herein described property, and as of 8:00 A.M. on the 15th day of June, 2014, the last Deed that we find, of record, reflects the record owner to be:

A-S 121 Pearland Pkwy-Broadway Street, L. P., a Texas Limited Partnership

Legal Description:

Being 1.707 acres of land located in the Thomas J. Green Survey, Abstract 198, Brazoria County, Texas, more particularly being all of Lot "A" and a portion of Lot "B", Block 1 of Amending Plat No. 1, Province Village Drive, Office Park and Reserves, a subdivision of record under Doc # 2008019410 of the Official Public Records of Brazoria County, Texas (B.C.O.P.R.), said 1.707 acres being more particularly described by metes and bounds as follows (all bearings are referenced to the Texas Coordinate System, South Central Zone, NAD83);

BEGINNING at the southerly end of a radial cut-back corner at the northwesterly corner of said Lot "A", same being the northwesterly line of the aforementioned Amending Plat No. 1, Province Village Drive, Office Park and Reserves, same being in the southeasterly right-of-way line of Pearland Parkway (130 feet wide), the beginning of a curve;

Thence, 54.96 feet along the arc of a curve to the right, having a radius of 35.00 feet, a central angle of 89° 57' 52", and a chord which bears North 86° 55' 12" East, 49.48 feet to a point for corner, on the southwesterly right-of-way line of Province Village Drive, (width varies) as shown on said Amending Plat No. 1, Province Village Drive, Office Park and Reserves;

Thence, South 48° 05' 53" East, continuing along said southwesterly right-of-way line of Province Village Drive, 2.63 feet to a point for corner, the beginning of a curve;

Thence, continuing along said southwesterly right-of-way line of Province Village Drive, along the arc of a tangent curve to the left, having a radius of 725.00 feet, at 164.30 feet pass the common northerly corner of said Lot "A" and Lot "B", and continuing in all, 201.69 feet, a central angle of 15° 56' 22", and a chord which bears South 56° 04' 04" East, 201.04 feet to a point for corner;

Thence, South 41° 56' 16" West, departing said southwesterly right-of-way line of Province Village Drive, 295.38 feet to a point for corner, in the northeasterly line of Lot 1, Block 1, of Lowe's Home Center Pearland, a subdivision of record in Volume 20, Pages 395-396, of the Plat Records of Brazoria County, Texas (B.C.P.R.), same being the southwesterly line of the aforementioned Lot "B", Block 1, of said Amending Plat No. 1, Province Village Drive, Office Park and Reserves;

Thence, North 66° 46' 16" West, with the northeasterly line of said Lot 1, Block 1, of Lowe's Home Center Pearland, and the southwesterly line of said Amending Plat No. 1, Province Village Drive, Office Park and Reserves, at 38.21 feet pass the common southerly corner of said Lot "A" and Lot "B", Block 1, and continuing in all, 249.90 feet to the southwesterly corner of said Lot "A", in the aforementioned southeasterly right-of-way line of Pearland Parkway, same being the northwesterly line of said Amending Plat No. 1, Province Village Drive, Office Park and Reserves;

Thence, North 41° 56' 16" East, with said southeasterly right-of-way line of Pearland Parkway, and along the northwesterly line of said Amending Plat No. 1, Province Village Drive, Office Park and Reserves, 312.54 feet to the POINT OF BEGINNING and containing 1.707 acres of land, more or less.

Subject to the following:

1. Restrictions:

Those recorded under Clerk's File No. 2007070406 and No. 2008019410 of the Official Records of Brazoria County, Texas; but omitting any covenants, condition, or restriction, if any, based on race, color, religion, sex, handicap, familial status or national origin unless and to the extent that the covenant, condition or restriction (a) is exempt under Title 42 of the United States Code or (b) relates to handicap, but does not discriminate against handicapped persons.

2. Easements/Other Exceptions:

An easement for purposes of construct, operate, place, maintain, lay, inspect, protect, repair, alter, substitute, relocate, replace and remove such above ground and underground electrical, telephone, telegraph, signal and other communications facilities, cables, lines, circuits and conduits, repeater huts, subscriber loop carrier repeater huts, buildings/structures housing telecommunication facilities, digital subscriber loop cabinets/ structures housing said telecommunications facilities, and fiber optics repeater huts located on subject property granted to Southwestern Bell Telephone Company by instrument recorded under Clerk's File No. 00-042119 and as reflected by the recorded plat under Clerk's File No. 2008019410 of the Official Records of Brazoria County, Texas.

Terms, conditions and provisions contained in Waiver of Special Appraisal for the Benefit of Brazoria County Municipal Utility District No. 28, filed for record under Clerk's File No. 2006054555 of the Real Property Records of Brazoria County, Texas.

Water and sewer easement ten (10) feet wide south of and adjacent to Province Village Drive, as reflected by the plat recorded under Clerk's File No. 2007070406 and No. 2008019410 of the Official Records of Brazoria County, Texas.

Electrical easement two and one-half (2.5) feet wide south of and adjacent to Province Village Drive, as reflected by the plat recorded under Clerk's File No. 2007070406 and No. 2008019410 of the Official Records of Brazoria County, Texas.

Water and sewer easement twenty-five (25) feet wide east of and adjacent to Pearland Parkway, as reflected by the plat recorded under Clerk's File No. 2007070406 and No. 2008019410 of the Official Records of Brazoria County, Texas.

Mutual access between Lots A & B is hereby granted by plat recorded under Clerk's File No. 2007070406 and No. 2008019410 of the Official Records of Brazoria County, Texas.

All terms, conditions, and provisions of that certain Reciprocal Access Easement, recorded under Clerk's File No. 2014012016 of the Official Records of Brazoria County, Texas.

A 6/7ths royalty interest in and to all oil, gas and other minerals on, in, under or that may be produced from the subject property is excepted herefrom as the same is set forth in instrument recorded in Volume 749, Page 140 of the Deed Records of Brazoria County, Texas. (Title to said interest not checked subsequent to date of aforesaid instrument).

A 43/45 royalty interest in and to all oil, gas and other minerals on, in, under or that may be produced from the subject property is excepted herefrom as the same is set forth in instrument recorded in Volume 504, Page 94

of the Deed Records of Brazoria County, Texas. (Title to said interest not checked subsequent to date of aforesaid instrument).

1/45 mineral interest allocated to William Lester Settegast by decree in Cause D-350,059 in the 80th District Court of Harris County, Texas and as reflected in instrument recorded under Clerk's File No. 2008005310 of the Official Records, Brazoria County, Texas.

All the oil, gas and other minerals, the royalties, bonuses, rentals and all other rights in connection with same all of which are expressly excepted herefrom and not insured hereunder, as same are set forth in instrument recorded under Clerk's File No. 2004050556 of the Official Records of Brazoria County, Texas. The Company makes no representation as to the present ownership of any such interests. There may be leases, grants, exceptions or reservations of interests that are not listed. surface rights waived.

3. Liens/Misc:

NOTE: We find no outstanding liens of record affecting the subject property. Inquiry should be made concerning the existence of any unrecorded lien or other indebtedness which could give rise to any security interest claim in the subject property.

The Company requires a satisfactory dismissal with prejudice of that suit styled Texproj2008 vs. John Kelly and Province Village LP under Cause No. 49685 and release of that Lis Pendens recorded under Clerk's File No. 2008053779 of Official Records of Brazoria County, Texas.

Subject property is located in the Brazoria County Municipal Utility District 28. This district may issue an unlimited amount of bonds, levy an unlimited rate of tax in payment of such bonds, and impose a standby fee on property in the district that has water or sewer facilities available but not connected. The most recent rate of taxes levied by the district on real property is $0.82 on each $100.00 of assessed valuation. If the district has not yet levied taxes, the most recent projected rate of debt service tax, as of this date, is $* on each $100.00 of assessed valuation. The total amount of voter approved bonds is $89,155,000.00 and the aggregate principal amount of all bonds issued for specific facilities is $24,665,000.00. The amount of the standby fee is $*. Prior to the issuance of any policy, Seller is to furnish a properly executed and acknowledged Notice in compliance with the provisions set forth in Section 49.452 of the Texas Water Code, which Notice must be signed and acknowledged by the Purchaser and subsequently filed in the property records.

No examination has been made as to Abstracts of Judgments, State or Federal Tax Liens, the status of taxes, tax suits or paving assessments.

This letter is issued for platting purposes only. Liability of Stewart Title Company for mistakes or errors in this letter is hereby limited to the cost of said letter.

The letter is issued with the express understanding, evidenced by the acceptance thereof, that Stewart Title Company does not undertake to give or express any opinion as to the validity or effect of the instruments listed, and this letter is neither a guaranty or warranty of title.

Liability hereunder is limited to the amount paid for same. This report is furnished solely as an accommodation to the party requesting same and should not be relied upon, as a warranty or representation as to the title to the property described herein and may not be given to or used by any third party. Stewart Title Company assumes no liability whatsoever for the accuracy of this report, nor for any omission or error with respect hereto. **You agree to release, indemnify and hold harmless Stewart Title Company because of any negligence by Stewart Title Company (whether sole, joint or otherwise) for any claim, loss, liability or damages arising out of this report.** This report is not title insurance. If a policy of title insurance is purchased, any liability thereunder shall be determined solely by the terms of such policy.

Sincerely,
Stewart Title Company

Kristi Sartin

Kristi Sartin, Title Examiner

New Business Item No. 5

5. **Consideration and Possible Action – First Reading of Ordinance No. CUP 2014-08 –** An Ordinance of the City Council of the City of Pearland, Texas, approving a Conditional Use Permit for certain property, being a 2.225 acre (96,940 square feet) tract of land in the H.T. & B.R.R. Co. Survey, Abstract 309, Brazoria County, Texas, said 2.225 acre tract is in the south one-half of lot 30 of the Allison-Richey Gulf Coast Home Company's Part of Suburban Gardens Subdivision as recorded in Volume 2, Page 23 of the Brazoria County Map records and is further described as being part of a tract of land described in a deed conveyed from Garfield Clark, Jr. to Danny L. Blumrick executed on March10, 1999 as recorded in Clerk's File No. 99 012327 in the Brazoria County Clerk's and all of a 0.9326 acre tract of land described in a deed conveyed from Garfield Clark, Jr. to Danny L. Blumrick executed on November 28, 2000 as recorded in Clerk's File No. 01 034492 in Brazoria County Clerk's Office Brazoria County, Texas; located at 3030 Cullen Parkway, Pearland, TX; Conditional Use Permit Application No. CUP 2014-08, to allow for a Church, Temple, or Place of Worship within the Neighborhood Services (NS) Zoning District at the request of Pirooz Farhoomand, applicant; on behalf of Artisan Estates, owner; containing a savings clause, a severability clause, an effective date and other provisions related to the subject.

AGENDA REQUEST
BUSINESS OF THE CITY COUNCIL
CITY OF PEARLAND, TEXAS

AGENDA OF: October 13, 2014	**ITEM NO.:** Ordinance No. CUP 2014-08
DATE SUBMITTED: September 18, 2014	**DEPT. OF ORIGIN:** Planning
PREPARED BY: Ian Clowes	**PRESENTOR:** Lata Krishnarao
REVIEWED BY: Lata Krishnarao	**REVIEW DATE:**

SUBJECT: Ordinance No. CUP 2014-08: An Ordinance of the City Council of the City of Pearland, Texas, approving a Conditional Use Permit for certain property, being a 2.225 acre (96,940 square feet) tract of land in the H.T. & B.R.R. Co. Survey, Abstract 309, Brazoria County, Texas, said 2.225 acre tract is in the south one-half of lot 30 of the Allison-Richey Gulf Coast Home Company's Part of Suburban Gardens Subdivision as recorded in Volume 2, Page 23 of the Brazoria County Map records and is further described as being part of a tract of land described in a deed conveyed from Garfield Clark, Jr. to Danny L. Blumrick executed on March10, 1999 as recorded in Clerk's File No. 99 012327 in the Brazoria County Clerk's and all of a 0.9326 acre tract of land described in a deed conveyed from Garfield Clark, Jr. to Danny L. Blumrick executed on November 28, 2000 as recorded in Clerk's File No. 01 034492 in Brazoria County Cler's Office Brazoria County, Texas; located at 3030 Cullen Parkway, Pearland, TX; Conditional Use Permit Application No. CUP 2014-08, to allow for a Church, Temple, or Place of Worship within the Neighborhood Services (NS) Zoning District at the request of Pirooz Farhoomand, applicant; on behalf of Artisan Estates, owner; containing a savings clause, a severability clause, an effective date and other provisions related to the subject.

EXHIBITS: Ordinance No. CUP 2014-08 and Exhibits (Exhibit A – Legal Description; Exhibit B – Location Map; Exhibit C – Site Plan; Exhibit D - Legal Ad; Exhibit E – Planning and Zoning Commission Recommendation Letter);
9.15.14 Joint Public Hearing Packet

EXPENDITURE REQUIRED: N/A **AMOUNT BUDGETED:** N/A
AMOUNT AVAILABLE: N/A **PROJECT NO.:** N/A
ACCOUNT NO.: N/A
ADDITIONAL APPROPRIATION REQUIRED: N/A

ACCOUNT NO.: N/A **PROJECT NO.: N/A**			
To be completed by Department:			
Finance	**Legal**	**Ordinance**	**Resolution**

EXECUTIVE SUMMARY

SUMMARY: The subject property includes approximately 2.225 acres of land, of which the applicant is requesting a Conditional Use Permit in the Neighborhood Services (NS) zoning district to allow for a church use to occupy a tenant space within the existing multi-tenant building on site.

Originally, the applicant requested a zone change from NS to GB, The existing building on site currently sits 15.5 feet from the rear property line which meets the requirements of the NS zone but would be nonconforming within the GB zone as the GB zone requires a minimum rear yard of 25 feet. As the building would not conform to the standards of the GB zoning district, the applicant requested to change the submitted application to a request for a CUP to allow for a church use to locate on site.

PUBLIC NOTIFICATION: Public notices, comment forms, and a vicinity map were mailed to the applicant as well as property owners within 200 feet of the subject property under consideration for CUP. Staff has not received any notices in favor of or in opposition of the request.

PLANNING AND ZONING COMMISSION DISCUSSION: At the regular meeting of the Planning and Zoning Commission on September 15, 2014, P&Z Commissioner Linda Cowels made a motion to approve the CUP request. The motion was seconded by P&Z Commissioner Ginger McFadden. The vote was 6-0 and the motion passed.

STAFF RECOMMENDATION: Staff recommends approval of the CUP 2014-08 to allow for a church use to locate at the proposed site for the following reasons:

1. The proposed CUP is in conformance with the Comprehensive Plan, as the current site has a future land use designation of Office, Retail and Services. The NS zone with an approved CUP is an appropriate zoning classification based on the Comprehensive Plan recommendation.

2. The existing use of the subject property as a multi-tenant shopping center conforms to the existing zoning district of NS. With an approved CUP, the use of a Church would also conform to the guidelines of the UDC. Furthermore, the existing structure on site was built in 2007 and conforms to all development guidelines of the UDC.

3. The proposed CUP will not have a negative impact on the existing character of the neighborhood. The subject property is surrounded by commercial uses and/or zoning districts on three sides with a single family subdivision across Fite to the south. The site is already developed as a multi-tenant commercial shopping center with no current plans to expand. The addition of a church within an existing tenant space on site will not have a significant impact to the immediate area.

RECOMMENDED ACTION: Consider the CUP to allow a Church.

ORDINANCE NO. CUP 2014-08

An Ordinance of the City Council of the City of Pearland, Texas, approving a Conditional Use Permit for certain property, being a 2.225 acre (96,940 square feet) tract of land in the H.T. & B.R.R. Co. Survey, Abstract 309, Brazoria County, Texas, said 2.225 acre tract is in the south one-half of lot 30 of the Allison-Richey Gulf Coast Home Company's Part of Suburban Gardens Subdivision as recorded in Volume 2, Page 23 of the Brazoria County Map records and is further described as being part of a tract of land described in a deed conveyed from Garfield Clark, Jr. to Danny L. Blumrick executed on March10, 1999 as recorded in Clerk's File No. 99 012327 in the Brazoria County Clerk's and all of a 0.9326 acre tract of land described in a deed conveyed from Garfield Clark, Jr. to Danny L. Blumrick executed on November 28, 2000 as recorded in Clerk's File No. 0**1** 034492 in Brazoria County Cler's Office Brazoria County, Texas; located at 3030 Cullen Parkway, Pearland, TX; Conditional Use Permit Application No. CUP 2014-08, to allow for a Church, Temple, or Place of Worship within the Neighborhood Services (NS) Zoning District at the request of Pirooz Farhoomand, applicant; on behalf of Artisan Estates, owner; containing a savings clause, a severability clause, an effective date and other provisions related to the subject.

WHEREAS Pirooz Farhoomand, applicant for Artisan Estates, L.P., owner, filed an application for a Conditional Use Permit to allow for a Church, Temple, or Place of Worship, on certain property, said property being legally described in the original applications for amendment attached hereto and made a part hereof for all purposes as Exhibit "A", and more graphically depicted in the location map attached hereto and made a part hereof for all purposes as Exhibit "B" and the site plan identified as Exhibit "C"; and

WHEREAS, on the 15th day of September, 2014, a Joint Public Hearing was held before the Planning and Zoning Commission and the City Council of the City of Pearland, Texas, notice being given by publication in the official newspaper of the City, the affidavit of publication being attached hereto and made a part hereof for all purposes as Exhibit "D", said call and notice being in strict conformity with provisions of Section 1.2.2.2 of Ordinance No. 2000T; and

WHEREAS, on the 15th day of September, 2014, the Planning and Zoning

Commission of the City submitted its report and recommendation to the City Council regarding the proposed Conditional Use Permit application for Pirooz Farhoomand, applicant for Artisan Estates, L.P., owner, whereby the Commission recommended approval of the Conditional Use Permit, said recommendation attached hereto and made a part hereof for all purposes as Exhibit "E"; and

WHEREAS, upon receipt of the report from the Planning and Zoning Commission, the City Council considered this application and the recommendation of the Planning and Zoning Commission at regular meetings on the 13th day of October 2014 and the 27th day of October 2014; and

WHEREAS, the City Council, having fully heard the testimony and argument of all interested parties, and having been fully advised in the premises, finds that in the case of the application of Pirooz Farhoomand, applicant for Artisan Estates, L.P., owner, presented which, in the judgment of the City Council, would justify the approval of said application; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS:

Section I. The following described property located within the corporate limits of the City of Pearland, Texas, and presently classified as Neighborhood Services (NS), is hereby granted a Conditional Use Permit to allow for a Church, Temple, or Place of Worship in said zoning district; such property being more particularly described as:

> Being 2.225 acre (96,940 square feet) tract of land in the H.T. & B.R.R. Co. Survey, Abstract 309, Brazoria County, Texas. Said 2.225 acre tract is in the south one-half of Lot 30 of the Allison-Richey Gulf Coast Home Company's part of Suburban Gardens Subdivision as recorded in Volume 2, Page 23 of the Brazoria County Map records and is further described as being part of a tract of land described in a deed conveyed from Garfield Clark, Jr. to Danny L. Blumrick executed on March 10, 1999

as recorded in Clerk's file No. 99 012327 in the Brazoria County Clerk's and all of a 0.9326 acre tract of land described in a deed conveyed from Garfield Clark, Jr. to Danny L. Blumrick executed on November 28, 2000 as recorded in Clerk's File No. 01 034492 in the Brazoria County Clerk's Office Brazoria County, Texas

Located at 3030 Cullen Pkwy. Pearland, TX

Section II. The City Council of the City of Pearland finds and determines that the recitations in the preamble hereof are true and that all necessary prerequisites of law have been accomplished. The City Council further finds and determines that there has been compliance with the mandates of law in the posting and presentation of this matter to the Planning and Zoning Commission and to the City Council for consideration and decision.

Section III. The City Council of the City of Pearland finds and determines that the amendment adopted herein promotes the health, safety, and general welfare of the public and is a proper valid exercise of the City's police powers.

Section IV. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section V. All rights and remedies, which have accrued in the favor of the City under this Ordinance and its amendments thereto, shall be and are preserved for the benefit of the City.

Section VI. This Ordinance shall become effective after its passage and approval on second and final reading.

PASSED, APPROVED, and ADOPTED on First Reading this 13th day of October, 2014.

_____

TOM REID
MAYOR

ATTEST:

_____
YOUNG LORFING, TRMC
CITY SECRETARY

PASSED, APPROVED, and ADOPTED on Second and Final Reading this 27th day of October, 2014.

_____

TOM REID
MAYOR

ATTEST:

_____
YOUNG LORFING, TRMC
CITY SECRETARY

APPROVED AS TO FORM:

_____
DARRIN M. COKER
CITY ATTORNEY

Exhibit A
Legal Description

Being 2.225 acre (96,940 square feet) tract of land in the H.T. & B.R.R. Co. Survey, Abstract 309, Brazoria County, Texas. Said 2.225 acre tract is in the south one-half of Lot 30 of the Allison-Richey Gulf Coast Home Company's part of Suburban Gardens Subdivision as recorded in Volume 2, Page 23 of the Brazoria County Map records and is further described as being part of a tract of land described in a deed conveyed from Garfield Clark, Jr. to Danny L. Blumrick executed on March 10, 1999 as recorded in Clerk's file No. 99 012327 in the Brazoria County Clerk's and all of a 0.9326 acre tract of land described in a deed conveyed from Garfield Clark, Jr. to Danny L. Blumrick executed on November 28, 2000 as recorded in Clerk's File No. 01 034492 in the Brazoria County Clerk's Office Brazoria County, Texas.

Exhibit B
Location Map

Exhibit C
Site Plan

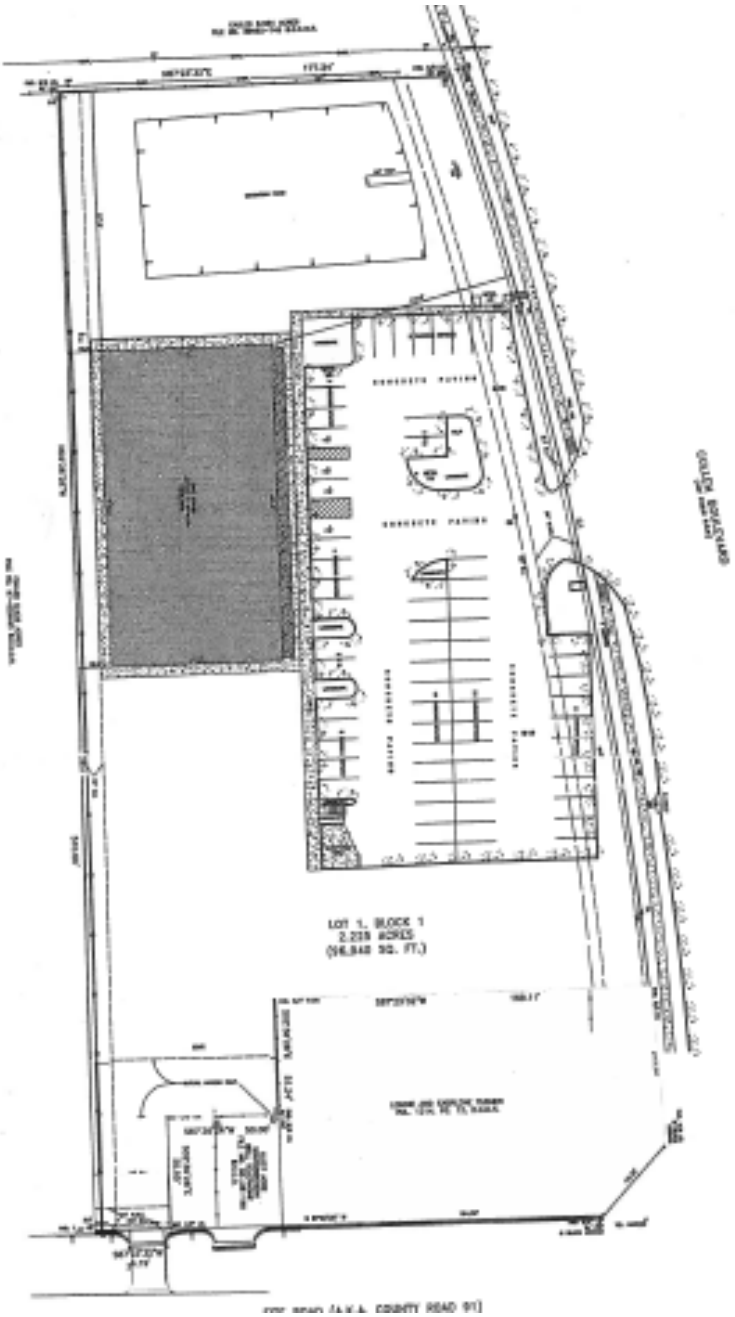

Exhibit D
Legal Ad

NOTICE OF A JOINT PUBLIC HEARING OF THE CITY COUNCIL

AND

THE PLANNING AND ZONING COMMISSION

OF THE CITY OF PEARLAND, TEXAS

ZONE CHANGE APPLICATION NUMBER: 2014-14Z

Notice is hereby given that on September 15, 2014 at 6:30 p.m., the City Council and Planning and Zoning Commission of the City of Pearland, in Brazoria, Harris and Fort Bend Counties, Texas, will conduct a joint public hearing in the Council Chambers of City Hall, located at 3519 Liberty Drive, Pearland, Texas, at the request of Pirooz Farhoomand, applicant; on behalf of Artisan Estates, L.P., owner; for approval of a change in zoning from the Neighborhood Service (NS) zoning district to the General Business (GB) zoning district; on approximately 2.225 acres of land, to wit:

> 2.225 acre (96,940 square feet) tract of land in the H.T. & B.R.R. Co. Survey, Abstract 309, Brazoria County, Texas. Said 2.225 acre tract is in the south one-half of Lot 30 of the Allison-Richey Gulf Coast Home Company's part of Suburban Gardens Subdivision as recorded in Volume 2, Page 23 of the Brazoria County Map records and is further described as being part of a tract of land described in a deed conveyed from Garfield Clark, Jr. to Danny L. Blumrick executed on March 10, 1999 as recorded in Clerk's file No. 99 012327 in the Brazoria County Clerk's and all of a 0.9326 acre tract of land described in a deed conveyed from Garfield Clark, Jr. to Danny L. Blumrick executed on November 28, 2000 as recorded in Clerk's File No. 01 034492 in the Brazoria County Clerk's Office.
>
> General Location: Northwest corner of Fite Road and Cullen Parkway, Pearland, TX

At said hearing, all interested parties shall have the right and opportunity to appear and be heard on the subject. For additional information, please contact the Planning Department at 281-652-1765.

Johnna Matthews
City Planner

Exhibit E
Planning and Zoning Commission Recommendation Letter

Planning & Zoning Commission

Recommendation Letter

September 16, 2014

Honorable Mayor and City Council Members
3519 Liberty Drive
Pearland, TX 77581

Re: Recommendation on CUP 2014-08

Honorable Mayor and City Council Members:

At their regular meeting on September 15, 2014, the Planning and Zoning Commission considered the following:

A request of Pirooz Farhoomand, applicant; on behalf of Artisan Estates, L.P., owner; for approval of a CUP to allow for a church within the existing Neighborhood Service (NS) zoning district, on the following described property:

LEGAL DESCRIPTION: Being 2.225 acre (96,940 square feet) tract of land in the H.T. & B.R.R. Co. Survey, Abstract 309, Brazoria County, Texas. Said 2.225 acre tract is in the south one-half of Lot 30 of the Allison-Richey Gulf Coast Home Company's part of Suburban Gardens Subdivision as recorded in Volume 2, Page 23 of the Brazoria County Map records and is further described as being part of a tract of land described in a deed conveyed from Garfield Clark, Jr. to Danny L. Blumrick executed on March 10, 1999 as recorded in Clerk's file No. 99 012327 in the Brazoria County Clerk's and all of a 0.9326 acre tract of land described in a deed conveyed from Garfield Clark, Jr. to Danny L. Blumrick executed on November 28, 2000 as recorded in Clerk's File No. 01 034492 in the Brazoria County Clerk's Office Brazoria County, Texas.

GENERAL LOCATION: 3030 Cullen Pkwy. Pearland, TX

P&Z Commissioner Linda Cowels made a motion to approve the CUP request. The motion was seconded by P&Z Commissioner Ginger McFadden. The vote was 6-0 and the motion passed.

Sincerely,

Ian Clowes
Senior Planner
On behalf of the Planning and Zoning Commission

JOINT PUBLIC HEARING
THE CITY COUNCIL CITY AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS,
MONDAY, SEPTEMBER 15, 2014, AT 6:30 P.M.
COUNCIL CHAMBERS - CITY HALL-3519 LIBERTY DRIVE

I. CALL TO ORDER

II. PURPOSE OF HEARING

Conditional Use Permit Application No. 2014-08

A request of Pirooz Farhoomand, applicant; on behalf of Artisan Estates, L.P., owner; for approval of a Conditional Use Permit to allow for a Church, Temple, or Place of Worship in the Neighborhood Services (NS) Zoning District; on approximately 2.225 acres of land, to wit:

Legal Description: Being a tract of land containing 2.225 acre (96,940 square feet) tract of land in the H.T. & B.R.R. Co. Survey, Abstract 309, Brazoria County, Texas. Said 2.225 acre tract is in the south one-half of Lot 30 of the Allison-Richey Gulf Coast Home Company's part of Suburban Gardens Subdivision as recorded in Volume 2, Page 23 of the Brazoria County Map records and is further described as being part of a tract of land described in a deed conveyed from Garfield Clark, Jr. to Danny L. Blumrick executed on March 10, 1999 as recorded in Clerk's file No. 99 012327 in the Brazoria County Clerk's and all of a 0.9326 acre tract of land described in a deed conveyed from Garfield Clark, Jr. to Danny L. Blumrick executed on November 28, 2000 as recorded in Clerk's File No. 01 034492 in the Brazoria County Clerk's Office, Brazoria County, Texas

General Location: 3030 Cullen Parkway, 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: September 15, 2014

Re: Conditional Use Permit Application Number 2014-08

A request of Pirooz Farhoomand, applicant; on behalf of Artisan Estates, L.P., owner; for approval of a Conditional Use Permit to allow for a Church, Temple, or Place of Worship in the Neighborhood Services (NS) Zoning District; on approximately 2.225 acres of land, located at 3030 Cullen Parkway, Pearland, TX

Proposal

The subject property includes approximately 2.225 acres of land, of which the applicant is requesting a Conditional Use Permit in the Neighborhood Services (NS) zoning district to allow for a church use to occupy a tenant space within the existing multi-tenant building on site.

Originally, the applicant requested a zone change from NS to GB. The existing building on site currently sits 15.5 feet from the rear property line which meets the requirements of the NS zone but would be nonconforming within the GB zone as the GB zone requires a minimum rear yard of 25 feet. As the building would not conform to the standards of the GB zoning district, the applicant requested to change the submitted application to a request for a CUP to allow for a church use to locate on site.

Public Notification/Comment

Staff sent public notices, comment forms and a vicinity map to the applicant, owner of the property and to property owners within 200 feet of the site. Additionally, a legal notice of 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 in favor or in opposition to the request.

Recommendation

Staff recommends approval of the CUP 2014-08 to allow for a church use to locate at the proposed site for the following reasons:

1. The proposed CUP is in conformance with the Comprehensive Plan, as the current site has a future land use designation of Office, Retail and Services. The NS zone with an approved CUP is an appropriate zoning classification based on the Comprehensive Plan recommendation.

2. The existing use of the subject property as a multi-tenant shopping center conforms to the existing zoning district of NS. With an approved CUP, the use of a Church would also conform to the guidelines of the UDC. Furthermore, the existing structure on site was built in 2007 and conforms to all development guidelines of the UDC.

3. The proposed CUP will not have a negative impact on the existing character of the neighborhood. The subject property is surrounded by commercial uses and/or zoning districts on three sides with a single family subdivision across Fite to the south. The site is already developed as a multi-tenant commercial shopping center with no current plans to expand. The addition of a church within an existing tenant space on site will not have a significant impact to the immediate area.

Exhibits

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

Exhibit 1
Staff Report

Summary of Request

The subject property includes approximately 2.225 acres of land, of which the applicant is requesting a Conditional Use Permit in the Neighborhood Services (NS) zoning district to allow for a church use to occupy a tenant space within the existing multi-tenant building on site.

Site History

The subject property is developed with a 10,920 square foot multi-tenant retail building. According to Brazoria County Appraisal District records, the building was constructed in 2007. The property was annexed into the City of Pearland in 1997. The property obtained a zone change in 2001 changing it from Suburban Development (SD) to the current zoning of Neighborhood Services (NS).

The site is surrounded by the GB zoning district to the north, west and east with properties south of the site located within the Single Family Residential-2 (R-2) and NS zoning districts. Surrounding uses include undeveloped land directly abutting the site to the west and east across Cullen Parkway; Medical offices to the north; and a barber shop adjacent to the south with single family dwellings across Fite Road.

The below table identifies surrounding uses and zoning districts:

	Zoning	Land Use
North	General Business (GB)	Medical Offices
South	Single Family Residential-2 (R-2) Neighborhood Service (NS)	Barber Shop Single Family Subdivision
East	General Business (GB)	Undeveloped Commercial
West	General Business (GB)	Undeveloped Commercial

Conformance with the Unified Development Code

The existing use of the subject property as a multi-tenant shopping center conforms to the existing zoning district of NS. The purpose of the aforementioned zoning district is to permit a variety of low to moderate impact retail along with offices and other types of neighborhood uses that would fit well with surrounding residential neighborhoods. When a change in use occurs on a piece of property there are certain triggers, including compliance with screening/fencing and parking requirements. The current site was developed in 2007, after the adoption of the UDC. The current development appears to meet the requirements of the UDC under the NS guidelines. Originally, the applicant requested a zone change from NS to GB, The existing building on site currently sits 15.5 feet from the rear property line which meets the requirements of the NS zone but would be nonconforming within the GB zone as the GB zone requires a minimum rear yard of 25 feet. As the building would not conform to the standards of the GB zoning district, the applicant requested to change the submitted application to a request for a CUP to allow for a church use to locate on site.

A comparison of the existing NS and proposed GB zoning districts follow as it relates to the site in terms of the general regulations:

NS Requirements		**Subject Property**
Minimum Lot Area	12,500 square feet	96,940 square feet
Minimum Lot Width	100 feet	510 feet
Minimum Lot Depth	100 feet	177.24 feet
Minimum Front Yard	25 feet	105 feet
Minimum Side Yard	15 feet	122 feet (north), 155 feet (south)
Minimum Rear Yard	10 feet	15.5 feet

Conformance with the Comprehensive Plan

The site is located within the Retail, Offices, and Services future land use designation. According to the Comprehensive Plan, the aforementioned future land use designation is designed for neighborhood or convenience shopping centers preferably located at significant street intersections with limited outdoor retail activities. The existing NS zone is listed in the Comprehensive Plan as an appropriate zoning designation for the Retail, Offices, and Services future land use designation.

Conformance with the Thoroughfare Plan

The property has frontage on Cullen Parkway; a major thoroughfare of sufficient width which requires 120 feet of right-of-way, as well as Fite Road; a minor collector, which according to the thoroughfare plan is to be widened, and requires 60 feet of right-of-way.

Platting Status

The property was platted in March of 2006 as the Final Plat of The Village at Pearland.

Availability of Utilities

The subject property has access to public infrastructure, and according to the Utility Billing Department, is connected to public water and sewer. According to GIS records, there is an existing 12 inch water line along the east side of Cullen Parkway. Additionally, there is an existing 24 inch sewer line along the east side of Cullen Parkway and an 18 inch line along Fite Road. No expansion is proposed at this time. Therefore, it is not anticipated that any additional connections to city water or sewer will be required.

Impact on Existing and Future Development

The subject property is surrounded by commercial uses and/or zoning districts on three sides, many of which have yet to be developed. There is a single family subdivision across Fite and an adjacent home converted to a barber shop to the south. The subject parcel is currently developed as a multi-tenant commercial shopping center with no current plans to expand. The proposed CUP will allow for a church use to occupy one of the existing tenant spaces. The NS zone allows for a variety of office and retail uses to locate within the existing structure, thus it is not anticipated that a church use will have a significant impact.

Additional Comments

The request has been reviewed by the City's Development Review Committee (DRC), and there were no additional comments from other departments at the time of this report.

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 CUP. 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.

Recommendation

Staff recommends approval of the CUP 2014-08 to allow for a church use to locate at the proposed site for the following reasons:

1. The proposed CUP is in conformance with the Comprehensive Plan, as the current site has a future land use designation of Office, Retail and Services. The NS zone, with an approved CUP is an appropriate zoning classification based on the Comprehensive Plan recommendation.

2. The existing use of the subject property as a multi-tenant shopping center conforms to the existing zoning district of NS. With an approved CUP, the use of a Church would also conform to the guidelines of the UDC. Furthermore, the existing structure on site was built in 2007 and conforms to all development guidelines of the UDC.

3. The proposed CUP will not have a negative impact on the existing character of the neighborhood. The subject property is surrounded by commercial uses and/or zoning districts on three sides with a single family subdivision across Fite to the south. The site is already developed with a multi-tenant commercial shopping center with no current plans to expand. The addition of a church within an existing tenant space on site will not have a significant impact to the immediate area.

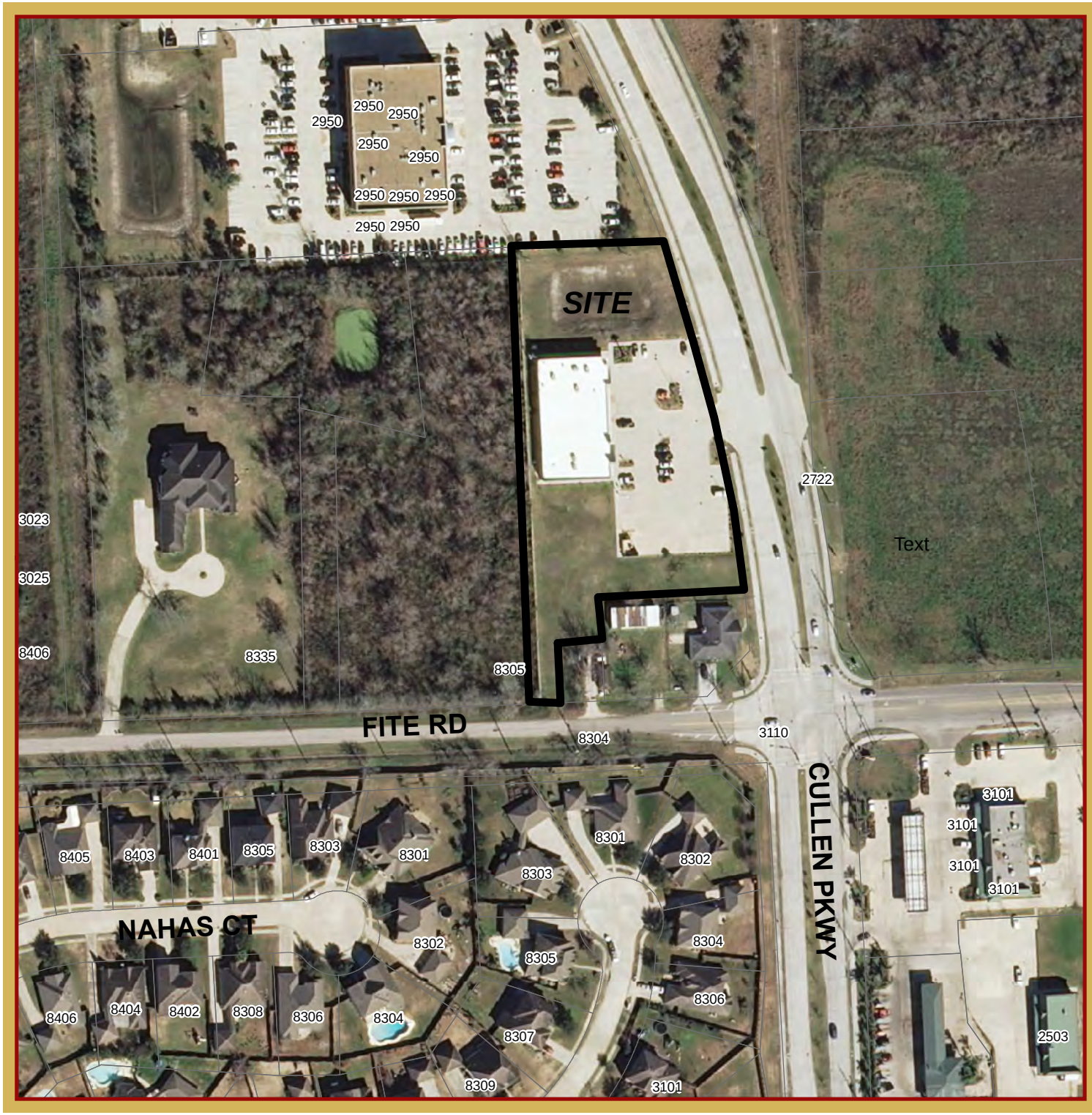

Exhibit 2

AERIAL MAP

CUP 2014-08

3030 Cullen Pkwy.

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 = 163 feet

MAY 2014
PLANNING DEPARTMENT

N

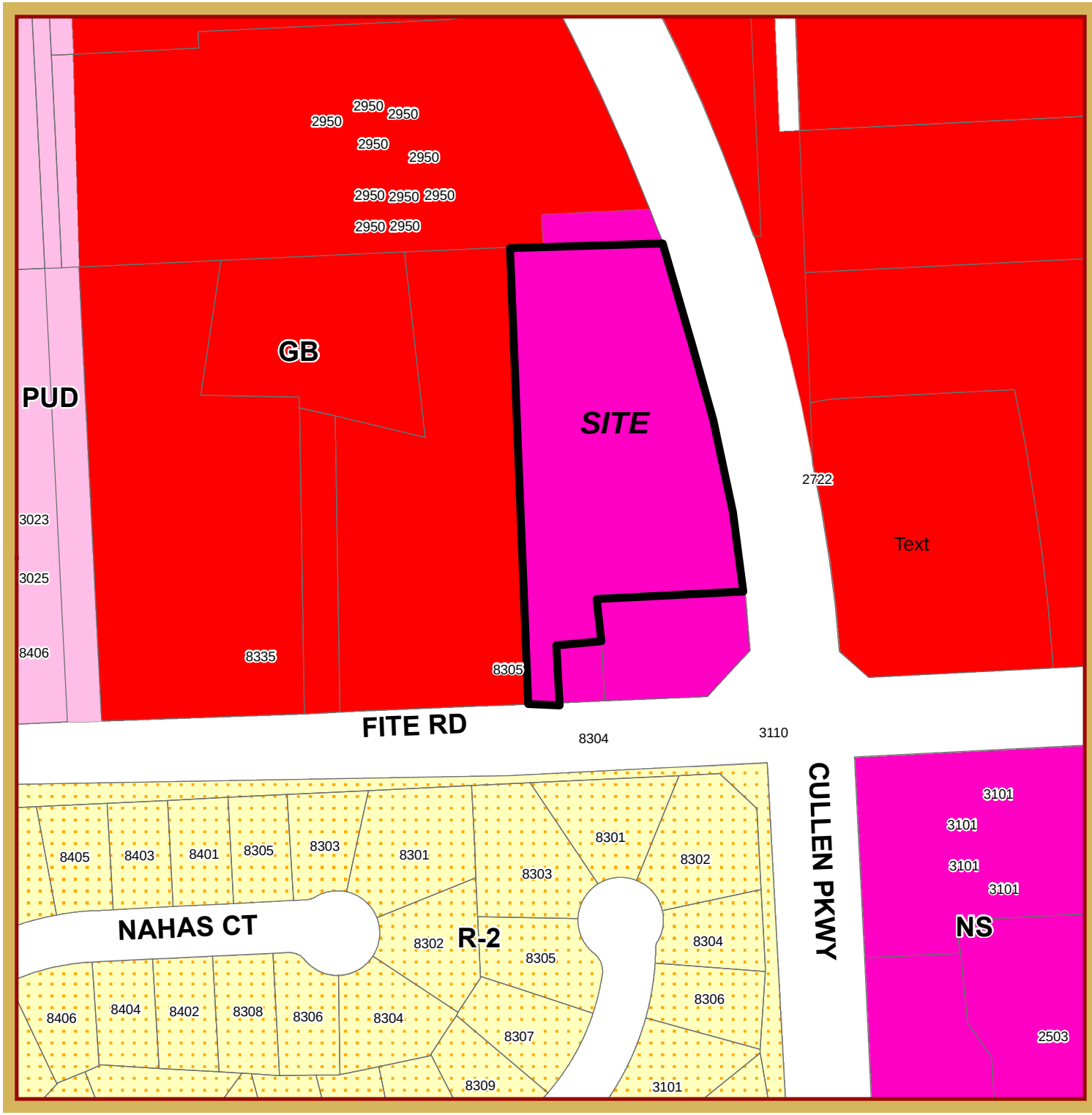

Exhibit 3

ZONING MAP

CUP 2014-08

3030 Cullen Pkwy.

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1 inch = 163 feet

MAY 2014
PLANNING DEPARTMENT

N

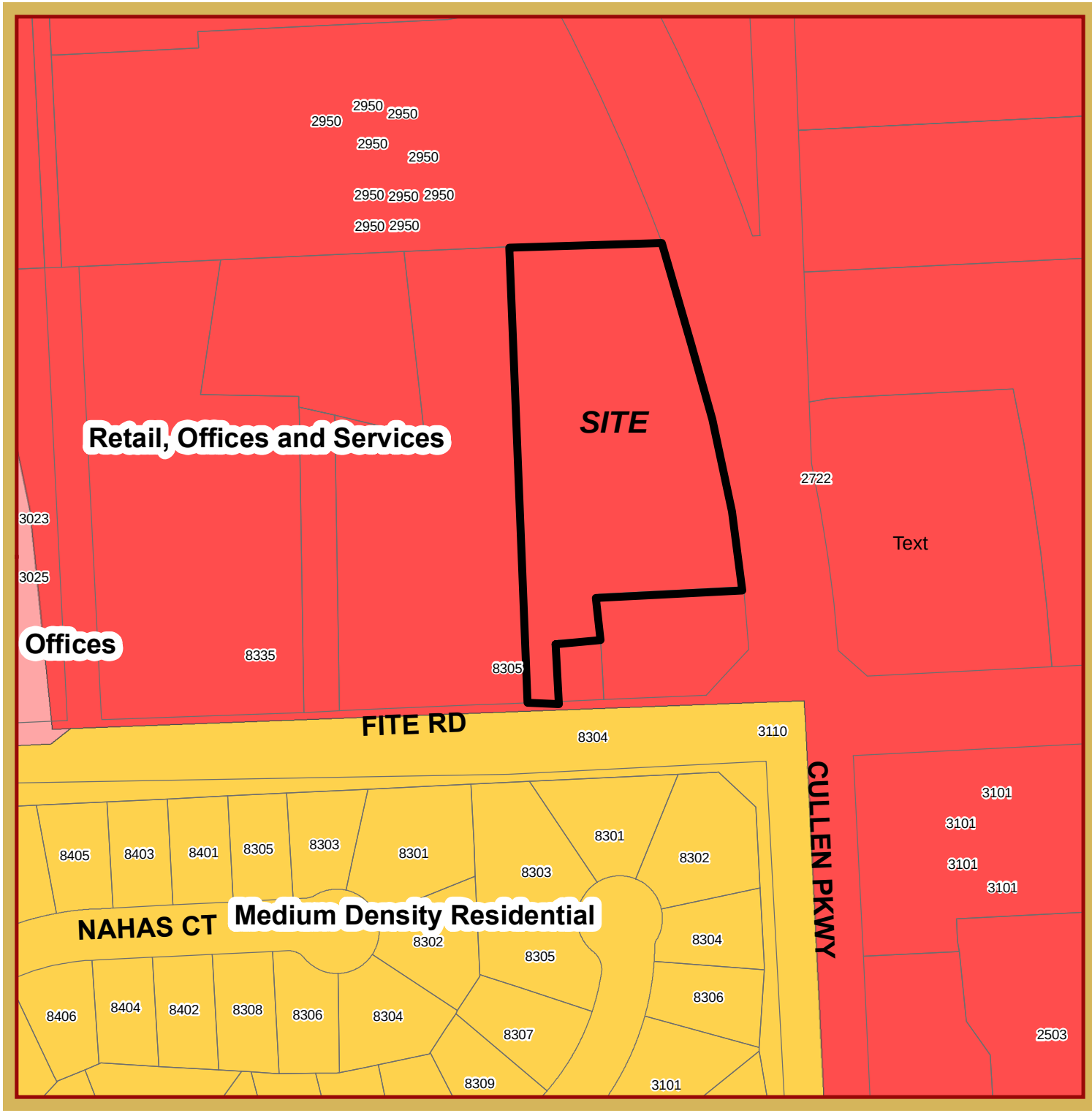

Exhibit 4

FLUP MAP

CUP 2014-08

3030 Cullen Pkwy.

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 = 163 feet

MAY 2014
PLANNING DEPARTMENT

N

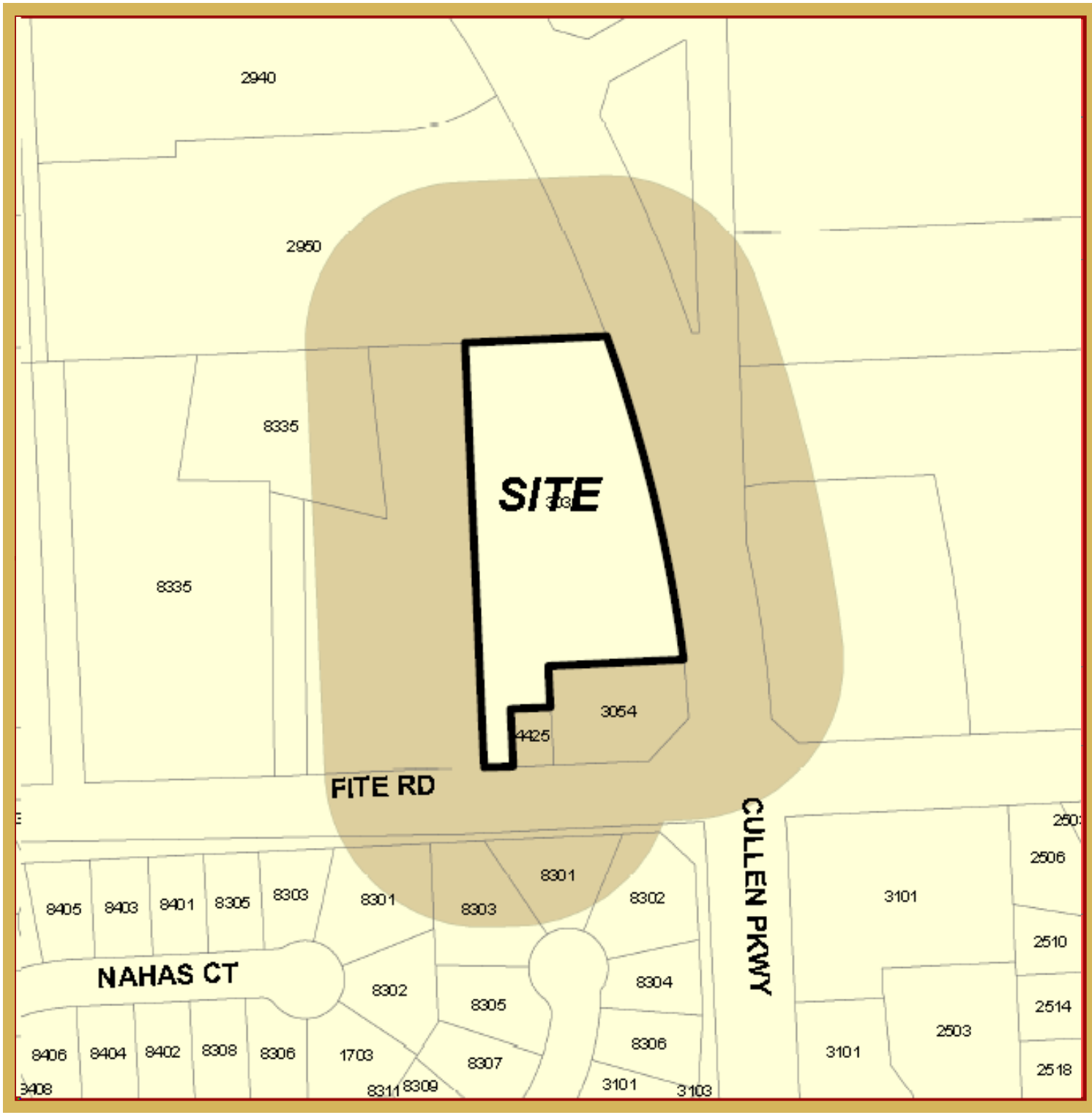

Exhibit 5

NOTIFICATION MAP

CUP 2014-08

3030 Cullen Pkwy.

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1 inch = 163 feet

MAY 2014
PLANNING DEPARTMENT

N

prop_id	py_owner_name	LegalDescr	legal_desc
593863	HTA - PEARLAND CULLEN LLC	ABST - 309 SUBD - P.H.E. Office Park BLK - 1 Lot - 2	A0309 H T & B R R BLOCK 1 TRACT 2, P H E PFFICE PARK ACRES 3.8309
166356	FITE INTEREST LTD	ABST - 242 Tract - 1A2A	A0242 H T & B R R, TRACT 1A2, ACRES 1.7956
517521	THE LAKES AT EDGEWATER ESTATES	ABST - 309 SUBD - Villages of Edgewater Est Sec 5 Ph1 Lot - RES A	VILLAGES OF EDGEWATER ESTATES SEC 5 (A0309 HT&BRR) PEARLAND, RESERVE A-B (LANDSCAPE) PHASE 1, ACRES 1.1992
517557	MA WENBIN & ZHONG HUIPING	ABST - 309 SUBD - Villages of Edgewater Est Sec 5 Ph1 BLK - 1 Lot - 35	VILLAGES OF EDGEWATER ESTATES SEC 5 (A0309 HT&BRR) PEARLAND, BLOCK 1, LOT 35, PHASE 1
517534	MCKELVEY DAVID M & ANNETTE	ABST - 309 SUBD - Villages of Edgewater Est Sec 5 Ph1 BLK - 1 Lot - 12	VILLAGES OF EDGEWATER ESTATES SEC 5 (A0309 HT&BRR) PEARLAND, BLOCK 1, LOT 12, PHASE 1
517533	CAZARES JANET KAY	ABST - 309 SUBD - Villages of Edgewater Est Sec 5 Ph1 BLK - 1 Lot - 11	VILLAGES OF EDGEWATER ESTATES SEC 5 (A0309 HT&BRR) PEARLAND, BLOCK 1, LOT 11, PHASE 1
517532	RICHARD-JORDON NENNETTE L	ABST - 309 SUBD - Villages of Edgewater Est Sec 5 Ph1 BLK - 1 Lot - 10	VILLAGES OF EDGEWATER ESTATES SEC 5 (A0309 HT&BRR) PEARLAND, BLOCK 1, LOT 10, PHASE 1
168646	WYCHE FREEMAN T II & OLLIE	ABST - 309 SUBD - Allison Richey, A-309 Lot - 30A4	A0309 H T & B R R, TRACT 30A4-30A8, ACRES 5.9136
168645	SOUTHWESTERN BELL TELE CO	ABST - 309 SUBD - Allison Richey, A-309 Lot - 30A3	A0309 H T & B R R, TRACT 30A3, ACRES 0.057
168643	TURNER LONNIE ET UX	ABST - 309 SUBD - Allison Richey, A-309 Lot - 30A1	A0309 H T & B R R, TRACT 30A1, ACRES 0.385
168642	ARTISAN ESTATES LP	ABST - 309 SUBD - The Village at Pearland BLK - 1 Lot - 1	A0309 H T & B R R BLOCK 1 TRACT 1 ACRES 2.225 THE VILLAGE AT PEARLAND (PEARLAND)
		ABST - 242 Tract - 1A2	
166356	FITE INTEREST LTD	ABST - 242 Tract - 1A2	A0242 H T & B R R, TRACT 1A2, ACRES 1.7956
168633	FITE OFFICE PARK LTD	ABST - 309 SUBD - Allison Richey, A-309 Lot - 30	A0309 H T & B R R TRACT 30 ACRES 0.7471

situs_stree	situs_num	situs_street	situs_street_suffix
	2950	CULLEN PKWY	
		COUNTY ROAD 89-COUNTY ROAD 91	
	8301	NAHAS	CT
	8303	PRESTON	DR
	8301	PRESTON	DR
	8302	PRESTON	DR
	8335	COUNTY ROAD 91	
	4425	COUNTY ROAD 91	
	3054	OLD CHOCOLATE BAYOU	RD
	3030	CULLEN PKWY	PKWY
		COUNTY ROAD 89-COUNTY ROAD 91	
		CULLEN	PKWY

land_state_cd	Mail_addr_line1	Mail_addr_line2	Mail_addr_
F1	% HEALTHCARE TRUST OF AMERICA INC	16435 N SCOTTSDALE RD	STE 320
C1	% SIGNATURE COMPANIES	9337B KATY FWY	
C1	HOMEOWNERS ASSOC INC %VANMOR PROPERTIES INC	8711 HIGHWAY 6 N	STE 270
A1		3210 BRUNO WAY	
A1		8303 PRESTON DR	
A1		1412 BUCKINGHAM DR	
A1		8302 PRESTON DR	
A1		8335 FITE RD	
J4	ATTN: SBC PROPERTY TAX ADMIN	1 BELL CTR	
A1		PO BOX 330766	
F1		802 TIBER ST	
C1	% SIGNATURE COMPANIES	9337B KATY FWY	
C2	% SIGNATURE COMPANIES	9337B KATY FWY	

Mail_addr_city	Mail_addr_state	Mail_addr_zip
SCOTTSDALE	AZ	85254
HOUSTON	TX	77024
HOUSTON	TX	77095
PEARLAND	TX	77584
PEARLAND	TX	77584
ORANGE	TX	77632
PEARLAND	TX	77584
PEARLAND	TX	77584
SAINT LOUIS	MO	63101
HOUSTON	TX	77233
HOUSTON	TX	77024
HOUSTON	TX	77024
HOUSTON	TX	77024

Exhibit 6

CUP 2014-08
NOTIFICATION LIST

Property Owner	Address	Suite	City	State	Zip
HTA - PEARLAND CULLEN LLC	16435 N SCOTTSDALE RD	STE 320	SCOTTSDALE	AZ	85254
FITE INTEREST LTD	9337B KATY FWY		HOUSTON	TX	77024
THE LAKES AT EDGEWATER ESTATES	8711 HIGHWAY 6 N	STE 270	HOUSTON	TX	77095
MA WENBIN & ZHONG HUIPING	3210 BRUNO WAY		PEARLAND	TX	77584
MCKELVEY DAVID M & ANNETTE	8303 PRESTON DR		PEARLAND	TX	77584
CAZARES JANET KAY	1412 BUCKINGHAM DR		ORANGE	TX	77632
RICHARD-JORDON NENNETTE	8302 PRESTON DR		PEARLAND	TX	77584
WYCHE FREEMAN T II & OLLIE	8335 FITE RD		PEARLAND	TX	77584
SOUTHWESTERN BELL TELE CO	1 BELL CTR		SAINT LOUIS	MO	63101
TURNER LONNIE ET UX	PO BOX 330766		HOUSTON	TX	77233
ARTISAN ESTATES LP	802 TIBER ST		HOUSTON	TX	77024
FITE INTEREST LTD	9337B KATY FWY		HOUSTON	TX	77024
FITE OFFICE PARK LTD	9337B KATY FWY		HOUSTON	TX	77024

APPLICATION FOR A CHANGE IN ZONING

City of Pearland
Community Development
3523 Liberty Drive
(Community Center)
Pearland, Texas 77581
281-652-1765
281-652-1702 fax
www.cityofpearland.com

Current Zoning District: NEIGHBORHOOD SERVICE DISTRICT

Proposed Zoning District: GENERAL BUSINESS RETAIL DISTRICT

Property Information:

Address or General Location of Property: 3030 CULLEN PARKWAY, PEARLAND, TX 77584

Tax Account No. 0309 0044 000

Subdivision: VILLAGE AT PEARLAND Lot: A030PHT4 Block: 1 TRACK 1 BBR

A complete application must include all information shown on the Application Checklist attached to this application.

PROPERTY OWNER INFORMATION:

NAME ARTISAN ESTATES L.P.
ADDRESS 802 TIBER
CITY HOUSTON STATE TX ZIP 77584
PHONE(832) 628-1000
FAX(____)
E-MAIL ADDRESS PF3455@MSN.COM

APPLICANT/AGENT INFORMATION:

NAME VIRDOZ FARHOOMAND
ADDRESS 802 TIBER
CITY HOUSTON STATE TX ZIP 77024
PHONE(832) 628-1000
FAX(____)
E-MAIL ADDRESS PF3455@MSN.COM

*Property owner must be the current owner of the property at the time of submittal of the application, and not the party that has the property under contract.

As owner and applicant, I hereby request approval of the above described request as provided for by the Unified Development Code of the City of Pearland.

Owner's Signature: _____ Date: 7/9/14

Agent's/Applicant's Signature: _____ Date: 7/9/14

OFFICE USE ONLY:

FEES PAID: $775.00	DATE PAID: 7/15/14	RECEIVED BY: JM	RECEIPT NUMBER: 290468

Application No. 2014-147

POSTING OF ZONING NOTIFICATION SIGNS ON PROPERTY UNDER CONSIDERATION FOR A ZONE CHANGE (OR CONDITIONAL USE PERMIT)

Any person, firm or corporation requesting a zoning change, a conditional use permit (CUP), or a variance shall be required to erect and maintain a sign(s), to be inspected by the City, upon the property for which a variance or zoning change has been requested.

Such sign(s) shall be located as follows:

(1) One (1) sign per street frontage shall be located within thirty feet (30') of the abutting street, or as determined by the City.

(2) So as to be clearly visible and readable from the public right-of-way and not obstructed in any manner.

(3) So as not to create a hazard to traffic on the public rights-of-way abutting the property.

(4) On the subject property at least ten (10) days prior to the hearing of such zoning change request by the Planning and Zoning Commission, and to remain continuously on said property until final action by the City Council or withdrawal of the case by the applicant. Removal of the sign by the applicant prior to a recommendation by the Planning and Zoning Commission and/or a final decision by the City Council shall constitute a withdrawal of the request.

(5) The signs shall be as follows:

- A minimum sign size of 2 feet by 3 feet, but no larger than 4 feet by 4 feet
- At least 2 feet above the ground
- Blue or black lettering that is a minimum of 3 inches by 1/2 inch, on a white background
- Message content as follows:

PROPOSED (SPECIFY REQUEST)
Contact City of Pearland
281-652-1765

***Signs must be professionally made; handwritten signs are not allowed.**

***Signs must be freestanding and cannot be attached to a tree, fence, or building.**

Acknowledgement signature _____ Date 7/15/14

Johnna Matthews

From: P Far <pf3455@msn.com>
Sent: Thursday, September 04, 2014 9:04 PM
To: Johnna Matthews
Subject: Re: Zone Change to CUP

Ms. Mathews,

Per our discussion earlier this morning, please accept this e mail as an official request to convert the zone change application to the Conditional Use Permit to allow a church (new tenant) to occupy a portion of the subject building located at 3030 Cullen Parkway.

Thanks,
Pirooz Farhoomand, president (owner)
802 Tiber street
Houston, Texas 77024
832 628 1000
Sent from my iPhone

On Sep 4, 2014, at 11:48 AM, "Johnna Matthews" <JMatthews@pearlandtx.gov> wrote:

> Pirooz,
>
> After a thorough review of the zone change application you submitted for the property located on Fite and Cullen, staff has determined that the rear yard setback requirements do not meet the requirements of the proposed zoning district. Per our discussion this morning, please send me a letter requesting to convert the zone change application to a conditional use permit, as I originally suggested; to allow for a church.
>
> Thanks!
>
> **Johnna Matthews**| City Planner | Planning
> City of Pearland | 3519 Liberty Drive | Pearland, TX 77581
> T: 281.652.1740 C: 832.919.0889 F:
> pearlandtx.gov
>
> Please note my new email address of JMatthews@pearlandtx.gov

RECEIVED
AUG 1 2014

8/1/2014

MS. Johnna Matthews

City of Pearland

Community Development Department

3523 Liberty

Pearland, Texas 77581

Re: Request for zone change

3030 Cullen Parkway

Pearland, Texas 77584

Ms. Matthews,

Per our discussion yesterday, enclosed, please find a copy of revised request for the zone change for the property listed above.

If you have any questions or additional clarifications, please contact me at 832 628 1000.

Thanks,

Pirooz Farhoomand

8/1/2014

RECEIVED
AUG 1 2014

Ms. Johnna Matthews

City of Pearland

Community Development Department

3523 Liberty

Pearland, Texas 77581

Subject: **Request for change of Zone**

3030 Cullen Parkway

Pearland, Texas 77584

I, Pirooz Farhoomand, the owner/president of Artisan Estates, L.P. do hereby, request and submit an application for approval of zone change from *Neighborhood Services District* to *General Business Retail District* for the subject property listed above.

The change in zoning provides an opportunity for the interested tenant, Dominion International Center, a non-denominational Church to utilize a portion of the available space (4371 square feet) within the subject building. It is the intention of the tenant to use the space as its worship center. The services will be on Wednesday evenings from 7:00 pm to 9:00 pm and on Sunday morning between the hours of 10:00 am to 12:00 pm. The location is suitable for the intended use with enough available parking spaces.

I would appreciate your consideration and expedition of the said request.

If you have any questions, please do not hesitate to contact me at 832 628 1000.

Very truly,

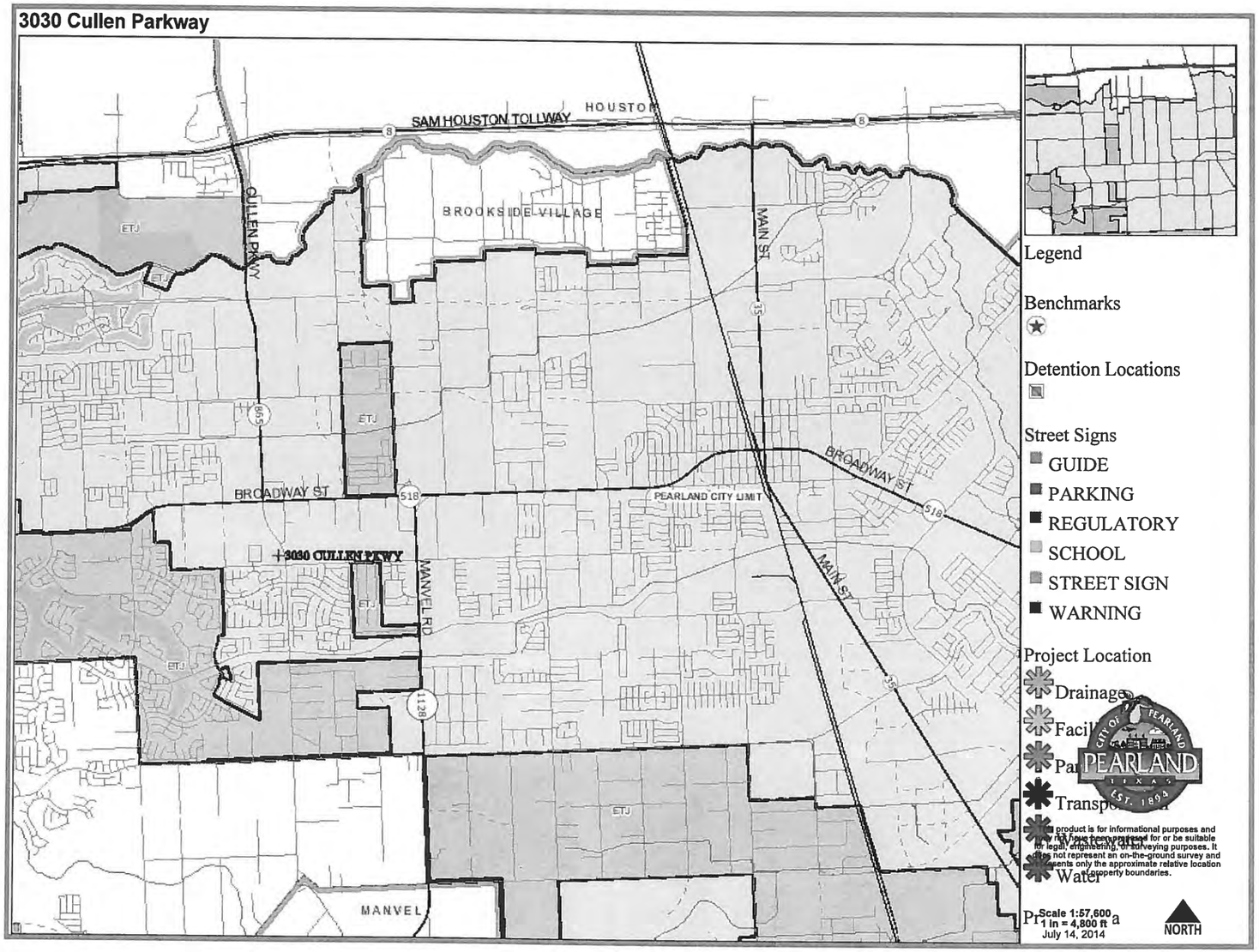
Pirooz Farhoomand, president

Artisan Estates, L.P.

802 Tiber Street

Houston, Texas, 77024

3030 Cullen Parkway



ZONE CHANGE/ VARIANCE/[redacted]RECORDATION

$ 775.00 (circle one) **BA** or [redacted] or **FE**

Description: ***Input who the check is from***

COMMENTS/DESCRIPTION (F10):

Location or Address 3030 Cullen

Applicant ~~Artisan~~ Pirooz

Owner Artisan Estates

CITY OF PEARLAND
R E P R I N T
*** CUSTOMER RECEIPT ***
Oper: MHARRIS Type: OC Drawer: 1
Date: 7/15/14 01 Receipt no: 290468

Description	Quantity	Amount
BA BOARD OF ADJUSTMENTS	1.00	$775.00
Trans number:		4529762

VISA
PIROOZ FARHOOMAND
ANTISAN EST LP
3030 CULLEN
PIROZ
MJH

Tender detail

BR CREDIT CARD	$775.00
Total tendered	$775.00
Total payment	$775.00

Trans date: 7/15/14 Time: 7:55:22

2013 TAX STATEMENT

RO'VIN GARRETT, PCC
BRAZORIA COUNTY TAX ASSESSOR - COLLECTOR
111 E. LOCUST
ANGLETON, TEXAS 77515

Certified Owner:
ARTISAN ESTATES LP
802 TIBER ST
HOUSTON, TX 77024-4516

Legal Description:
A0309 H T & B R R BLOCK 1 TRACT 1 ACRES
2.225 THE VILLAGE AT PEARLAND
(PEARLAND)

Legal Acres: 2.2250
Parcel Address: 3030 CULLEN PKWY PKWY
Print Date: 07/09/2014

Account No: 0309-0044-000 **Appr. Dist. No.: 168642**
As of Date: 07/09/2014

Market Value		Appraised Value	Assessed Value	Capped Value	Homesite Value	Agricultural Market Value	Non-Qualifying Value
Land	Improvement						
$145,710	$751,580	$897,290	$897,290	$0	$0	$0	$897,290

Taxing Unit	Assessed Value (100%)	Exemptions		Taxable Value	Tax Rate	Tax
		Code	Amount			
BRAZORIA COUNTY	$897,290		$0.00	$897,290	0.4320200	$3,876.47
Amount saved by additional sales tax revenue $848.13						
SPECIAL ROAD & BRIDGE	$897,290		$0.00	$897,290	0.0600000	$538.37
PEARLAND ISD	$897,290		$0.00	$897,290	1.4157000	$12,702.93
BRAZORIA DRAINAGE DIST 4	$897,290		$0.00	$897,290	0.1560000	$1,399.77
CITY OF PEARLAND	$897,290		$0.00	$897,290	0.7051000	$6,326.79

Total Tax: $24,844.33
Total Tax Paid to date: $24,844.33
Total Tax Remaining: $0.00

Exemptions:

AMOUNT DUE IF PAID BY THE END OF:

JUL 2014 18%	AUG 2014 19%	SEP 2014 20%	OCT 2014 21%	NOV 2014 22%	DEC 2014 23%
$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
JAN 2015 24%	**FEB 2015 25%**	**MAR 2015 26%**	**APR 2015 27%**	**MAY 2015 28%**	**JUN 2015 29%**
$0.00	$0.00	$0.00	$0.00	$0.00	$0.00

School Information:
PEARLAND ISD 2013 M&O 1.0400000 I&S .37570000 Total 1.4157000 2012 M&O 1.0400000 I&S .37940000 Total 1.4194000

PLEASE CUT AT THE DOTTED LINE AND RETURN THIS PORTION WITH YOUR PAYMENT. 4.1.50

Print Date: 07/09/2014

PLEASE NOTE YOUR ACCOUNT NUMBER ON YOUR CHECK AND MAKE CHECKS PAYABLE TO:

RO'VIN GARRETT, PCC
BRAZORIA COUNTY TAX ASSESSOR - COLLECTOR
111 E. LOCUST
ANGLETON, TEXAS 77515
(979) 864-1320, (979) 388-1320, (281) 756-1320

0309004400

0309-0044-000
ARTISAN ESTATES LP
802 TIBER ST
HOUSTON, TX 77024-4516

AMOUNT PAID:
$_____._____

03090044000 2013 072014 00000000000 00000000000 00000000000 7

Wednesday, July 9, 2014

Shopping Cart

Your Search Results

Begin a New Search Go to Your Portfolio

The following is the result of your Owner Name search for "ARTISAN ESTATES LP"

There are 1 matches.

[print version]

When first displayed, the results below are sorted by Owner Name. To sort by another Account Number, Property Site Address, Legal Description, or CAD Reference, click the underlined column heading having that label. (For example, to sort the results by Account Number, click that column heading.)

Click an account number below to see details about its taxes.

To print this page, click **print version** above. This will display the information in a more printer-friendly font.

Account Number	*Owner's Name & Address*	*Property Site Address*	*Legal Description*	*Property ID Number*
03090044000	ARTISAN ESTATES LP 802 TIBER ST HOUSTON, TX 77024-4516	3030 CULLEN PKWY PKWY	A0309 H T & B R R BLOCK 1 TRACT 1 ACRES 2.225 THE VILLAGE AT PEARLAND (PEARLAND)	168642

Tax Office:

Search & Pay Taxes Tax Rates & Entities Tax Office FAQ
Appraisal District Related Links Tax Office Home Page
Your Tax Portfolio

Brazoria County:

Home County Directory Commissioner's Court
Holiday Schedule Related Links Courthouse History
Job Postings

Terms of Use

E-mail: roving@brazoria-county.com
111 E. Locust Suite
Angleton, TX 77515
(979) 864-1320

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©Brazoria County

Wednesday, July 9, 2014

Shopping Cart

Property Tax Status

Begin a New Search Go to Your Portfolio Tax Office FAQ's

Make your check or money order payable to:
Ro'Vin Garrett
111 E. Locust
Angleton, Texas 77515

Shopping Cart: For your convenience you may pay several accounts at once. Click the 'Click Here to Pay Now' button to add this account to the shopping cart. Additional accounts can be added by doing a search again, then clicking the 'Click Here to Pay Now' button for each account. Up to 50 accounts may be paid at one time. Accounts are not saved in the shopping cart after you go to the Certified Payment web site.
If using Internet Explorer version 8 or later, you may experience problems adding more than four accounts to your shopping cart. Please consider using a different browser (for ex., Chrome or Firefox) to manage your shopping cart.

A Convenience Fee of up to 2.4% will be charged for all credit card payments by the vendor providing this service. For eChecks, a convenience fee of $1.50 will be charged for each transaction. The fee covers the cost of making payments by credit card possible. The fee will appear as a charge to 'Certified Payments'. No part of this fee is retained by Brazoria County.

Unless otherwise noted, all data refers to tax information for 2013. All amounts due include penalty, interest, and attorney fees when applicable. Due to the large volume of work during heavy payment periods amounts due may not reflect payments that have been received but not yet processed.

Account Number: 03090044000

Address:
ARTISAN ESTATES LP
802 TIBER ST
HOUSTON, TX 77024-4516

Property Site Address:
3030 CULLEN PKWY PKWY

Legal Description:
A0309 H T & B R R BLOCK 1 TRACT 1 ACRES 2.225 THE VILLAGE AT PEARLAND (PEARLAND)

Current Tax Levy: $24,844.33
Current Amount Due: $0.00
Prior Year Amount Due: $0.00
Total Amount Due: $0.00

Last Payment Amount for Current Year Taxes: $24,844.33

Active Lawsuits: None

Pending Credit Card or E-Check Payments:
No Payment Pending

Jurisdictions:

BRAZORIA COUNTY
BRAZORIA DRAINAGE DIST 4
CITY OF PEARLAND
PEARLAND ISD
SPECIAL ROAD & BRIDGE

Market Value: $897,290
Land Value: $145,710
Improvement Value: $751,580
Capped Value: $0
Agricultural Value: $0
Exemptions: None
Last Certified Date: 08/21/2013

Taxes Due Detail by Year and Jurisdiction

Payment Information

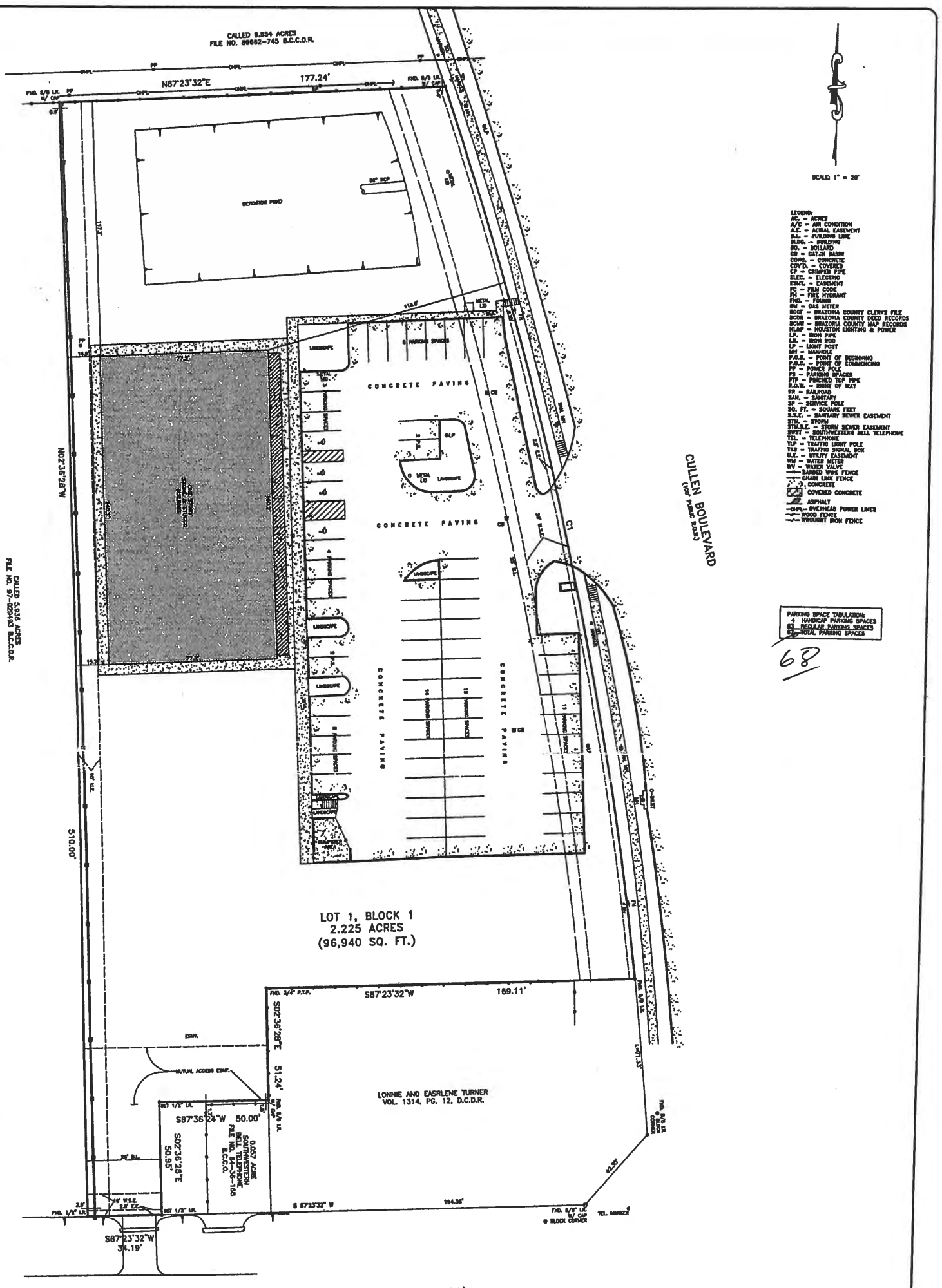
Print a Current Tax Statement

Click Here to see your estimated amount due for a different date. You can see this information by year and by both year and jurisdiction.

Tax Office:
Search & Pay Taxes
Appraisal District
Your Tax Portfolio
Tax Rates & Entities
Related Links
Tax Office FAQ
Tax Office Home Page

Brazoria County:
Home
Holiday Schedule
Job Postings
County Directory
Related Links
Commissioner's Court
Courthouse History

REDUCED COPY - NOT TO SCALE



"AS-BUILT SURVEY OF"
LOT 1, BLOCK 1,
FINAL PLAT OF THE VILLAGE AT PEARLAND,
FILE NO. 2006011759 OF THE OFFICIAL RECORDS,
BRAZORIA COUNTY, TEXAS.

CURVE TABLE

	RADIUS	LENGTH	CHORD BEARING	CHORD DISTANCE	DELTA
C	1950.00'	418.81'	N12°10'04"W	418.03'	12°13'03"

...T TO ROAD EMEMENT ON THE WEST PER VOLUME 3, PAGE 23 B.C.P.R.
...OLUME 115, PAGE 538 B.C.O.R.
...T PROPERTY ABUTS A NON-ACCESS OR A LIMITED-ACCESS ROAD,
...AY OR FREEWAY AND IS SUBJECT TO THE RIGHT OF ACCESS AND EGRESS
...D FROM SAID ROAD, HIGHWAY OR FREEWAY.
...ARE 4 HANDICAP PARKING SPACES, 63 REGULAR PARKING SPACES FOR A
...F 67 PARKING SPACES.

NOTE:
PROPERTY IS NOT LOCATED IN A FEDERAL INSURANCE ADMINISTRATION 100 YR FLOOD HAZARD AREA AND IS IN ZONE X ACCORDING TO FIRM PANEL 0505G, DATED 06/06/96. This information is based on graphics only. We do not assume responsibility for exact determination.

TO: WACHOVIA BANK, NATIONAL ASSOCIATION, PIROOZ FARHOOMAND AND NEGAR VAZIRINIA, FIRST AMERICAN TITLE INSURANCE COMPANY;

I, hereby certify that this survey was made on the ground and completed on this 5th day of December, 2007 and that this plat correctly represents the facts found at the time of survey showing any improvements. There are no encroachments apparent on the ground, except as shown. This survey complies with the current Texas Society of Professional Surveyors Standards and Specifications for Category 1A, Condition II Survey. Surveyor did not abstract property. Easements, building lines, etc., shown are as identified by:
GF 7003-484785-H109 of FIRST AMERICAN TITLE INSURANCE COMPANY

HENRY M. BAXTOR, Registered Professional Land Surveyor No. 5460

STATE OF TEXAS REGISTERED HENRY M. BAXTOR 5460 PROFESSIONAL LAND SURVEYOR

COPYRIGHT 2007, Advance Surveying, Inc.

PURCHASER: PIROOZ FARHOOMAND AND NEGAR VAZIRINIA	SCALE: 1" = 20'
ADDRESS: 3030 CULLEN BOULEVARD, PEARLAND, TEXAS 77581	FIELD WORK: 12-06-07/VR
	DRAFTING: 12-12-07/MD
LENDER: WACHOVIA BANK, NATIONAL ASSOCIATION	FINAL CHECK: 12-13-07/AT
TITLE CO.: FIRST AMERICAN TITLE INSURANCE COMPANY	REVISIONS:
JOB NO.: 7990-07	1. 01-22-08/PARKING
G.F. NO.: TXD4-484785-H109	
KEY MAP: 613R	

PHONE: 281 580-8888
FAX: 281 580-5464

ADVANCE SURVEYING, INC.
10518 KIPP WAY SUITE B-1 • HOUSTON, TEXAS 77099

Doc# 2006011759

STATE OF TEXAS
COUNTY OF BRAZORIA

THE UNDERSIGNED, REPESENTATIVES OF ARTISAN ESTATES, L.P., A TEXAS LIMITED PARTNERSHIP, OWNER OF THE LAND SHOWN HEREON AND WHOSE NAMES ARE ASCRIBED HERETO AND IN PERSON OR THROUGH A DULY AUTHORIZED AGENT DEDICATE TO THE PUBLIC FOREVER ALL STREETS, ALLEYS, PARKS, WATER COURSES, DRAINS, UTILITY EASEMENTS AND PUBLIC PLACES HEREON SHOWN FOR THE PURPOSES AND CONSIDERATIONS HEREIN EXPRESSED. THE OWNER DOES HEREBY WAIVE ALL CLAIMS FOR THE STREETS AND DRAINAGE EASEMENTS DEDICATED OR OCCASIONED BY THE ALTERATION OF THE SURFACE, OR ANY PORTION OF THE STREETS OR DRAINAGE EASEMENTS TO CONFORM TO SUCH GRADES, AND DO HEREBY BIND OURSELVES, OUR HEIRS, SUCCESSORS AND ASSIGNS TO WARRANT AND DEFEND THE TITLE TO THE LAND SO DEDICATED.

STATE OF TEXAS
COUNTY OF BRAZORIA

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED ______ AND ______, KNOWN TO ME TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOLEDGE TO ME THAT THEY EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN SET FORTH.

GIVEN UNDER MY HAND AND THE SEAL OF THE OFFICE THIS 27th DAY OF January, 2006.

NOTARY PUBLIC
IN AND FOR THE STATE OF TEXAS

FLORA GARCIA
Notary Public, State of Texas
My Commission Expires
June 07, 2007

STATE OF TEXAS
COUNTY OF BRAZORIA

WE, WACHOVIA BANK, N.A. ACTING BY AND THROUGH TINA POINDEXTER, IN HER CAPACITY AS LOAN OFFICER AND WACHOVIA BANK, N.A., BEING THE HOLDER OF A LIEN AGAINST THE ABOVE DESCRIBED PROPERTY, DOES HEREBY IN ALL THINGS SUBORDINATE TO SAID SUBDIVISION AND DECLARATION THE SAID LIEN, AND DOES HEREBY CONFIRM THAT WACHOVIA BANK, N.A. IS THE PRESENT OWNER OF SAID LIEN AND HAS NOT ASSIGNED THE SAME, NOR ANY PART THEREOF.

Cora Johnson for Tina Poindexter

STATE OF TEXAS
COUNTY OF BRAZORIA

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED CORA JOHNSON FOR TINA POINDEXTER AND ______, KNOWN TO ME TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOLEDGE TO ME THAT THEY EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN SET FORTH.

GIVEN UNDER MY HAND AND THE SEAL OF THE OFFICE THIS 27TH DAY OF JANUARY, 2006.

Margaret May Fasby
NOTARY PUBLIC
IN AND FOR THE STATE OF TEXAS

MARGARET MAY FASBY
MY COMMISSION EXPIRES
March 23, 2009

I, HENRY M. SANTOS, REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5450. DO HEREBY CERTIFY THAT THIS PLAT CORRECTLY REPRESENTS A SURVEY MADE UNDER MY SUPERVISION ON THE GROUND IN ACCORDANCE WITH THE INFORMATION PROVIDED ME AND CORRECTLY REPRESENTS THE FACTS AS FOUND AT THE TIME OF SURVEY AND IS TRUE AND CORRECT AND THAT ALL LOT CORNERS, ANGLE POINTS, AND POINTS OF CURVATURE ARE PROPERLY MARKED WITH 5/8-INCH IRON RODS OR AS SHOWN ON THE PLAT.

01-27-06
HENRY M. SANTOS
REGISTRATION NO. 5450

STATE OF TEXAS
REGISTERED
HENRY M. SANTOS
5450
PROFESSIONAL LAND SURVEYOR

CERTIFICATE OF CITY PLANNING COMMISSION

THIS IS TO CERTIFY THAT THE CITY PLANNING COMMISSION OF THE CITY OF PEARLAND, TEXAS, HAS APPROVED THIS PLAT AND SUBDIVISION OF THE VILLAGE AT PEARLAND, IN CONFORMANCE WITH THE LAWS OF THE STATE OF TEXAS AND THE ORDINANCE OF THE CITY OF PEARLAND AS SHOWN HEREON AND AUTHORIZED THE RECORDING OF THIS PLAT THIS ___ DAY OF ______, 2006.

RUBY SANDARS
CHAIRPERSON

HENRY N. FUERTES
COMMISSIONER

TODD IOCCO
VICE CHAIRPERSON

SHERYL GREINER
COMMISSIONER

NEIL WEST
COMMISSIONER

DARRELL DIGGS
COMMISSIONER

SUSAN SHERROUSE
COMMISSIONER

DOUGLAS K. KNEUPPER, P.E.
CITY ENGINEER

DARRIN COKER
CITY ATTORNEY

BENCHMARK:
CITY OF PEARLAND MONU GPS-7
ELEVATION = 50.33 (1987 ADJUSTMENT)

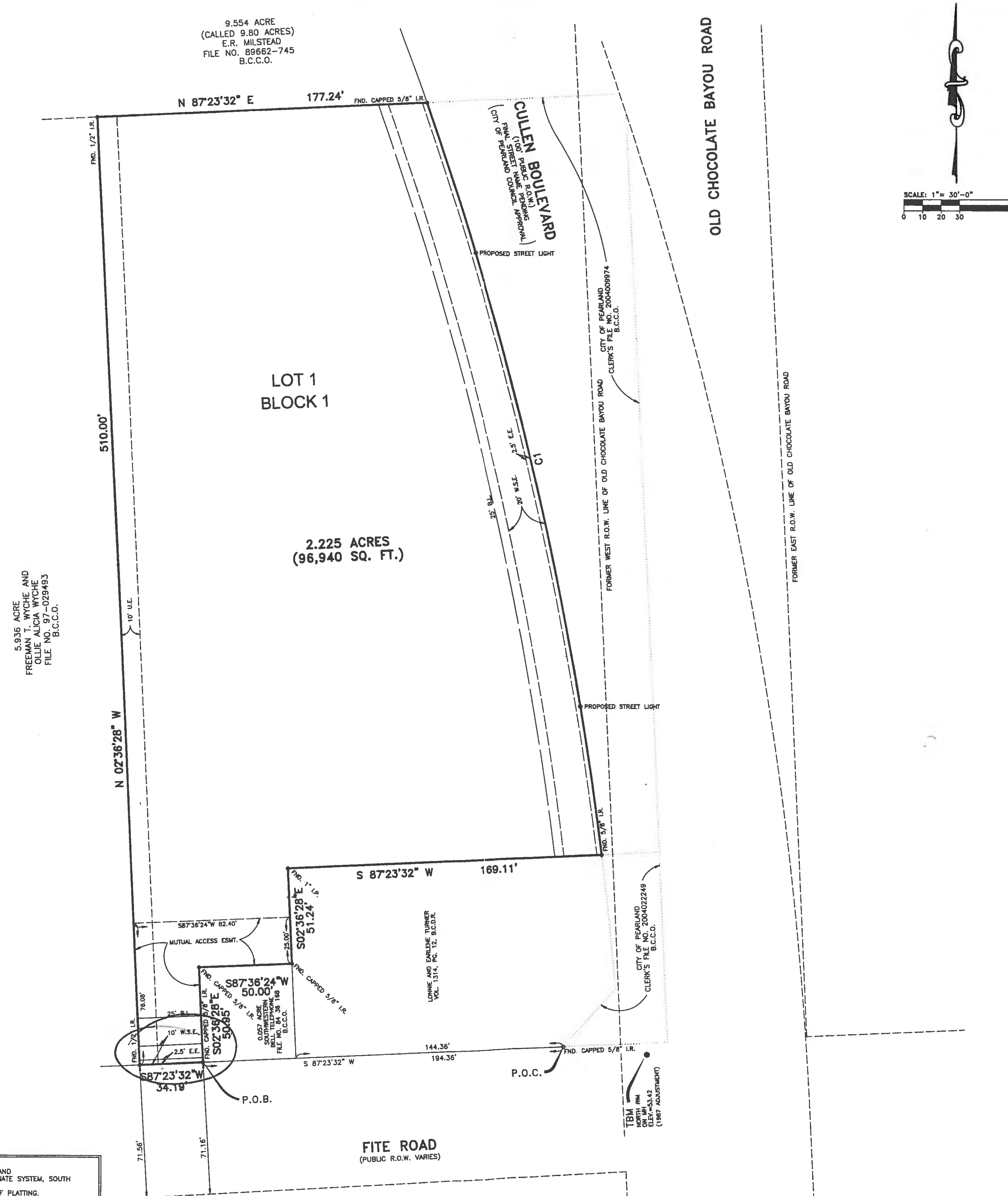
TBM
NORTH RIM OF MH
ELEVATION = 53.42
(1987 ADJUSTMENT)

FLOOD NOTE:
SUBJECT PROPERTY IS NOT LOCATED IN A FEDERAL INSURANCE ADMINISTRATION DESIGNATED FLOOD HAZARD AREA AND IS IN ZONE X MAP # 48039C, PANEL 0040I, DATED 09-22-99. This information is based on graphic plotting only. We do not assume responsibility for exact determination.

LEGEND:

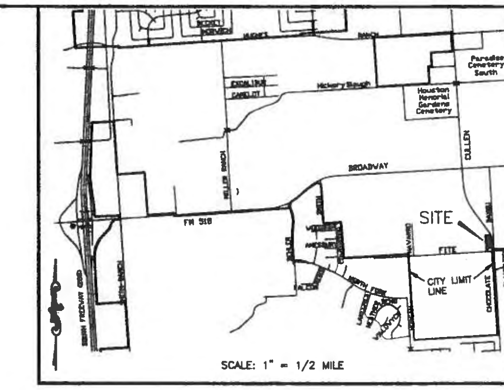
B.C.C.O.	BRAZORIA COUNTY CLERKS OFFICE
B.C.P.R.	BRAZORIA COUNTY PLAT RECORDS
B.C.D.R.	BRAZORIA COUNTY DEED RECORDS

GENERAL NOTES:
1. BEARINGS ARE BASED ON THE CITY OF PEARLAND MONUMENTATION. TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE (NAD83).
2. ZONING OF THE PROPERTY IS (NS) AT TIME OF PLATTING.
3. A SIX-FOOT WIDE SIDEWALK IS REQUIRED ALONG CULLEN BOULEVARD AND FITE ROAD AT THE TIME OF DEVELOPMENT.
4. TWO STREETLIGHTS WILL BE REQUIRED AT TIME OF DEVELOPMENT.



CURVE TABLE

CURVE	RADIUS	LENGTH	CHORD	BEARING	DELTA
C1	1950.00'	415.82'	415.03'	S 13°10'07" E	12°13'04"



VICINITY MAP

METES AND BOUNDS DESCRIPTION

2.225 ACRE (96,940 SQUARE FEET) TRACT OF LAND IN THE H.T. & B.R.R. CO. SURVEY, ABSTRACT 309, BRAZORIA COUNTY, TEXAS. SAID 2.225 ACRE TRACT IS IN THE SOUTH ONE-HALF OF LOT 30 OF THE ALLISON-RICHEY GULF COAST HOME COMPANY'S PART OF SUBURBAN GARDENS SUBDIVISION AS RECORDED IN VOLUME 2, PAGE 23 OF THE BRAZORIA COUNTY MAP RECORDS AND IS FURTHER DESCRIBED AS BEING PART OF A TRACT OF LAND DESCRIBED IN A DEED CONVEYED FROM GARFIELD CLARK, JR. TO DANNY L. BLUMRICK EXECUTED ON MARCH 10, 1999 AS RECORDED IN CLERK'S FILE NO. 99 012327 IN THE BRAZORIA COUNTY CLERK'S OFFICE AND ALL OF A 0.9326 ACRE TRACT OF LAND DESCRIBED IN A DEED CONVEYED FROM GARFIELD CLARK, JR. TO DANNY L. BLUMRICK EXECUTERD ON NOVEMBER 28, 2000 AS RECORDED IN CLERK'S FILE NO. 01 034492 IN THE BRAZORIA COUNTY CLERK'S OFFICE AND IS MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT A CAPPED 5/8-INCH IRON ROD FOUND IN THE OCCUPIED NORTH RIGHT-OF-WAY LINE OF FITE ROAD, (A.K.A. COUNTY ROAD 91 VARIABLE WIDTH RIGHT-OF-WAY), SAID POINT BEING IN A CUT-BACK CORNER IN WEST RIGHT-OF-WAY LINE OF CULLEN BLVD. (BASED ON A WIDTH OF 100 FEET) AS DESCRIBED IN CLERK'S FILE NO. 2004022249, SAID POINT BEING IN THE SOUTH LINE OF A TRACT OF LAND DESCRIBED IN A DEED TO LONNIE AND EARLENE TURNER AS RECORDED IN VOLUME 1314, PAGE 12 IN THE BRAZORIA COUNTY DEED RECORDS;

THENCE, SOUTH 87 DEGREES 23 MINUTES 32 SECONDS WEST, ALONG THE OCCUPIED NORTH LINE OF SAID FITE ROAD AT A DISTANCE OF 144.36 FEET PASS THE SOUTHEAST CORNER OF A 0.057 ACRE TRACT DESCRIBED IN A DEED TO SOUTHWESTERN BELL TELEPHONE COMPANY AS RECORDED IN CLERK'S FILE NO. 84 36 168 IN THE BRAZORIA CONTY CLERK'S OFFICE, AND CONTINUE FOR A TOTAL DISTANCE 194.36 FEET TO CAPPED 5/8-INCH IRON ROD FOUND FOR THE POINT OF BEGINNING AND SOUTHEASTERLY CORNER OF THE HEREIN DESCRIBED TRACT, SAME BEING THE SOUTHEAST CORNER OF THE AFOREMENTIONED 0.9326 ACRE TRACT;

THENCE, SOUTH 87 DEGREES 23 MINUTES 32 SECONDS WEST, CONTINUING ALONG THE OCCUPIED NORTH LINE OF SAID FITE ROAD, SAME BEING THE SOUTH LINE OF SAID 0.9326 ACRE TRACT FOR A DISTANCE OF 34.19 FEET TO A 1/2-INCH IRON ROD FOUND FOR THE SOUTHWEST CORNER OF SAID 0.9326 ACRE TRACT AND SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, NORTH 02 DEGREES 36 MINUTES 28 SECONDS WEST, ALONG THE WEST LINE OF SAID 0.9326 ACRE TRACT FOR A DISTANCE OF 510.00 FEET (CALLED 509.12 FEET) TO A 1/2-INCH IRON ROD FOUND FOR THE NORTHWEST CORNER OF SAID 0.9326 ACRE TRACT, SAME BEING THE NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT, SAID POINT BEING IN THE SOUTH LINE OF A 9.80 ACRE TRACT DESCRIBED IN A DEED TO E.R. MILSTEAD AS RECORDED IN CLERK'S FILE NO. 89662 745 IN THE BRAZORIA COUNTY CLERK'S OFFICE;

THENCE, NORTH 87 DEGREES 23 MINUTES 32 SECONDS EAST, ALONG THE NORTH LINE OF SAID 0.9326 ACRE TRACT, SAME BEING THE SOUTHLINE OF SAID 9.80 ACRE TRACT, A DISTANCE OF 177.24 FEET TO A CAPPED 5/8-INCH IRON ROD FOUND IN THE WEST RIGHT-OF-WAY LINE OF THE AFOREMENTIONED CULLEN BLVD. SAID POINT BEING IN A CURVE TO THE RIGHT;

THENCE, ALONG THE WEST LINE OF SAID CULLEN BLVD. AND WITH SAID CURVE TO THE RIGHT HAVING A RADIUS OF 1,950.00 FEET, A CENTRAL ANGLE OF 12 DEGREES 13 MINUTES 04 SECONDS, (CHORD BEARS SOUTH 13 DEGREES 10 MINUTES 07 SECONDS EAST, 415.03 FEET), FOR AN ARC DISTANCE OF 415.82 FEET TO A 5/8-INCH IRON ROD FOUND IN THE SOUTH LINE OF AFOREMENTIONED TRACT RECORDED IN CLERK'S FILE NO. 99 012327, SAME BEING THE NORTH LINE OF THE AFOREMENTIONED LONNIE AND EARLENE TURNER TRACT;

THENCE, SOUTH 87 DEGREES 23 MINUTES 32 SECONDS WEST, ALONG THE NORTH LINE OF SAID LONNIE AND EARLENE TURNER TRACT FOR A DISTANCE OF 169.11 FEET TO A 1-INCH IRON PIPE FOUND IN THE EAST LINE OF THE AFOREMENTIONED 0.9326 ACRE TRACT, SAID POINT BEING AN INTERIOR CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, SOUTH 02 DEGREES 36 MINUTES 28 SECONDS EAST, ALONG THE EAST LINE OF SAID 0.9326 ACRE TRACT, SAME BEING THE WEST LINE OF SAID LONNIE AND EARLENE TURNER TRACT FOR A DISTANCE OF 51.24 FEET TO A CAPPED 5/8-INCH IRON ROD FOUND FOR THE NORTHEAST CORNER OF THE AFOREMENTIONED 0.057 ACRE TRACT;

THENCE, SOUTH 87 DEGREES 36 MINUTES 24 SECONDS WEST, ALONG THE SOUTH LINE OF SAID 0.9326 ACRE TRACT, SAME BEING THE NORTH LINE OF SAID 0.057 ACRE TRACT FOR A DISTANCE OF 50.00 FEET TO A CAPPED 5/8-INCH IRON ROD FOUND FOR CORNER;

THENCE, SOUTH 02 DEGREES 36 MINUTES 28 SECONDS EAST, ALONG THE WEST LINE OF SAID 0.057 ACRE TRACT FOR A DISTANCE OF 50.95 FEET (CALLED 50.00 FEET) TO THE POINT OF BEGINNING, CONTAINING A COMPUTED AREA OF 2.225 ACRES (96,940 SQUARE FEET).

FINAL PLAT OF

THE VILLAGE AT PEARLAND

A SUBDIVISION OF 2.225 ACRES IN THE H.T.& B.R.R. CO. SURVEY, ABSTRACT 309, IN THE CITY OF PEARLAND, BRAZORIA COUNTY, TEXAS.
1 LOT, 1 BLOCK
JANUARY 27, 2006

OWNER:
ARTISAN ESTATES, L.P.
802 TIBER STREET
HOUSTON, TEXAS 77024
CONTACT PERSON: PIROOZ FARHOOMAND
832-628-1000

SURVEYOR:
ADVANCE SURVEYING, INC.
10690 SHADOW WOOD DRIVE, SUITE 102
HOUSTON, TEXAS 77043
CONTACT PERSON: HENRY M. SANTOS
832-358-1414
FAX: 832-358-1818

ENGINEER:
LIPPKE ENGINEERING GROUP, INC.
7322 SOUTHWEST FREEWAY, STE. 1717
HOUSTON, TEXAS 77074
CONTACT PERSON: JERRY BETTS
713-800-5300

ASI

Doc# 2006011759
Official Records of BRAZORIA COUNTY JOYCE HUDMAN COUNTY CLERK
Fees 162.00
Joyce Hudman

0151-05P

The Village @ Pearland

New Business Item No. 6

6. **Consideration and Possible Action – First Reading of Ordinance No. 443-1 –** An Ordinance of the City Council of the City of Pearland, Texas, amending Chapter 30, Article III, Sewers, of the City of Pearland Code of Ordinances, for the; having a savings clause, a severability clause, and a repealer clause; providing for publication, codification, and an effective date.

AGENDA REQUEST
BUSINESS OF THE CITY COUNCIL
CITY OF PEARLAND, TEXAS

AGENDA OF: 10-13-2014	**ITEM NO.:** Ordinance No. 443-1
DATE SUBMITTED: 10-07-2014	**DEPARTMENT OF ORIGIN: Public Works**
PREPARED BY: Darrin Coker	**PRESENTOR: Darrin Coker**
REVIEWED BY: NA	**REVIEW DATE: NA**

SUBJECT: **An Ordinance of the City Council of the City of Pearland, Texas, amending Chapter 30, Article III, Sewers, of the City of Pearland Code of Ordinances, for the; having a savings clause, a severability clause, and a repealer clause; providing for publication, codification, and an effective date.**

EXHIBITS: Ordinance 443-1

EXPENDITURE REQUIRED:
AMOUNT AVAILABLE:
ACCOUNT NO.:

AMOUNT BUDGETED:
PROJECT NO.:

ADDITIONAL APPROPRIATION REQUIRED:
ACCOUNT NO.:
PROJECT NO.:

To be completed by Department:

☐ **Finance** ☒ **Legal** ☒ **Ordinance** ☐ **Resolution**

EXECUTIVE SUMMARY

The City's sewer ordinance prohibits the discharge of certain wastes into the City's public sanitary sewer system. The ordinance fails to account for the fact that certain smaller businesses may discharge low enough levels of certain waste products that the discharge poses no threat to the City's system. For example, two local businesses preparing to open: 1) Daks Brewery; slightly higher biochemical oxygen demand; and 2) Chemical Sampling Service on Halik Road; slightly higher sodium content, would not be allowed to open under the current ordinance. The Public Work's Director, Eric Wilson, suggested that the current ordinance be modified to allow discretion to authorize discharges of certain wastes if the Public Works Director determines that such discharges will not negatively impact City facilities, processes or equipment, and that the discharges do not create a hazard to life or health, or create a public nuisance. The proposed amendment allows such discretion and a more common sense approach when evaluating the potential impact of local smaller businesses. In the interim, I will be working with Public Works to develop a more comprehensive

approach to addressing discharge concerns systematically through a revised Pretreatment ordinance.

ORDINANCE NO. 443-1

An Ordinance of the City Council of the City of Pearland, Texas, amending Chapter 30, Article III, Sewers, of the City of Pearland Code of Ordinances, for the; having a savings clause, a severability clause, and a repealer clause; providing for publication, codification, and an effective date.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS:

Section 1. That Chapter 30, Article III, *Sewers*, of the City of Pearland Code of Ordinances, is hereby amended, to read as follows:

Section 30-65. Compliance with existing authority.

(a) Unless exception is granted by the approving authority, the public sanitary sewer system shall be used by all persons discharging;

(1) Wastewater;

(2) Industrial waste;

(3) Polluted liquids.

(b) Unless authorized by the Texas Commission on Environmental Quality~~Texas Department of Water Resources~~, no person may deposit or discharge any waste included in subsection (a) of this section on public or private property or into or adjacent to any:

(1) Natural outlet;

(2) Watercourse;

(3) Storm sewer;

(4) Other area within the jurisdiction of the city.

(c) The approving authority shall verify, prior to discharge, that any waste authorized to be discharged will receive suitable treatment within the provisions of laws, regulations, ordinances, rules and orders of federal, state and local governments. The approving authority shall have the discretion to authorize discharges of waste that exceed the allowable concentrations contained in this Chapter if the approving authority determines that such

discharges will not negatively impact City facilities, processes or equipment, and that the discharges do not create a hazard to life or health, or create a public nuisance.

Section 2. Penalty. Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not more than Two Hundred Dollars ($200).

Section 3. Savings. All rights and remedies which have accrued in favor of the City under this Chapter and amendments thereto shall be and are preserved for the benefit of the City.

Section 4. Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid, unconstitutional or otherwise unenforceable by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 5. Codification. It is the intent of the City Council of the City of Pearland, Texas, that the provisions of this ordinance shall be codified in the City's official Code of Ordinances as provided hereinabove.

Section 6. Publication and Effective Date. The City Secretary shall cause this ordinance, or its caption and penalty, to be published in the official newspaper of the City of Pearland, upon passage of such ordinance. The ordinance shall then become effective ten (10) days from and after its publication, or the publication of its caption and penalty, in the official City newspaper.

Section 7. Declaration of Emergency. The Council finds and determines that the need to regulate the proliferation of junked vehicles inures to the benefit of the public and, therefore, bears directly upon the health, safety and welfare of the citizenry; and that this ordinance shall be adopted as an emergency measure, and that the rule requiring this ordinance to be read on two (2) separate occasions be, and the same is hereby waived.

PASSED and APPROVED ON FIRST READING this the _____ day of _____, A.D., 2014.

_____
TOM REID
MAYOR

ATTEST:

_____
YOUNG LORFING
CITY SECRETARY

APPROVED AS TO FORM:

_____
DARRIN M. COKER
CITY ATTORNEY

ORDINANCE NO. 443-1

PASSED and APPROVED ON SECOND AND FINAL READING this the _____ day of _____, A. D., 2014.

_____
TOM REID
MAYOR

ATTEST:

_____
YOUNG LORFING, TRMC
CITY SECRETARY

APPROVED AS TO FORM:

_____
DARRIN M. COKER
CITY ATTORNEY

New Business Item No. 7

7. **Consideration and Possible Action – First Reading of Ordinance No. 1508 –** An Ordinance of the City Council of the City of Pearland, Texas, adopting a Water Conservation and Drought Contingency and Water Emergency Response Plan for the City of Pearland to promote responsible use of water and to provide for penalties and/or the disconnection of water service for noncompliance with the provisions of the Water Conservation and Drought Contingency and Water Emergency Response Plan.

AGENDA REQUEST
BUSINESS OF THE CITY COUNCIL
CITY OF PEARLAND, TEXAS

AGENDA OF: October 13, 2014	**ITEM NO.:** Ordinance No. 1508
DATE SUBMITTED: October 3, 2014	**DEPT. OF ORIGIN:** Public Works
PREPARED BY: Eric Wilson	**PRESENTOR:** Eric Wilson
REVIEWED BY: Trent Epperson	**REVIEW DATE:** October 7, 2014

SUBJECT: Consideration of an ordinance of the City Council of the City of Pearland, Texas, Adopting a water conservation and Drought Contingency/Water Emergency Response Plan for the City of Pearland to promote responsible use of water and to provide for penalties and/or the disconnection of water service for noncompliance with the provisions of the Water Conservation and Drought Contingency/Water Emergency Response Plan.

EXHIBITS: Ordinance 1508: Updated Water Conservation and Drought Contingency/Water Emergency Response Plan

FUNDING:

	☐ Grant	☐ Developer/Other	☒ Cash
☐ Bonds To Be Sold	☐ Bonds- Sold	☐ L/P – Sold	☐ L/P – To Be Sold

EXPENDITURE REQUIRED: **AMOUNT BUDGETED:**
AMOUNT AVAILABLE: **PROJECT NO.:**
ACCOUNT NO.:
ADDITIONAL APPROPRIATION REQUIRED:
ACCOUNT NO.:
PROJECT NO:

To be completed by Department:

Finance	**X Legal**	**X Ordinance**	**Resolution**

EXECUTIVE SUMMARY

RECOMMENDED ACTION

Consideration and approval of a resolution updating the City of Pearland's Water Conservation and Drought Contingency/Water Emergency Response Plan.

BACKGROUND

The purpose of a Water Conservation Plan is to ensure efficient water use within the City. The Water Conservation Plan is a strategy or combination of strategies for reducing the

consumption of water, reducing the loss or waste of water, improving or maintaining the efficiency in the use of water, or increasing recycling and reuse of water.

In 2007, the 80th Texas Legislature amended Section 13.146 of the Texas Water Code to require each retail public utility that provides potable water service to 3,300 or more connections to submit a water conservation plan to the TWDB. The plans were due on May 1, 2009. The code also requires the plan to be reviewed and updated once every five years thereafter and for the entity to report annually on the progress of program implementation.

The City of Pearland adopted the original Water Conservation Plan with the passing of Ordinance 1381 in April of 2009. As part of the plan goals are set for the reduction of per capita water consumption. The City did not meet its initial five year goal. This was based in large part on the drought that has gripped much of the United States in recent years, with Texas experiencing its single year drought of record in 2011.

The revisions to the plan include the new utility rate structure that went into effect on October 1, 2014, as well as, updated consumption data for the period from 2009 through 2014.

The plan will again need to be revised in 2019.

BID AND AWARD
N/A

SCHEDULE
N/A

POLICY/GOAL CONSIDERATION
The purpose of a Water Conservation Plan is to ensure efficient water use within the City.

CURRENT AND FUTURE CIP FUNDING /FINANCIAL IMPACTS/DEBT SERVICE

N/A

O&M IMPACT INFORMATION

N/A

ORDINANCE NO. 1508

An Ordinance of the City Council of the City of Pearland, Texas, adopting a Water Conservation and Drought Contingency and Water Emergency Response Plan for the City of Pearland to promote responsible use of water and to provide for penalties and/or the disconnection of water service for noncompliance with the provisions of the Water Conservation and Drought Contingency and Water Emergency Response Plan.

WHEREAS, the City Council recognizes that the amount of water available to its water customers is limited; and

WHEREAS, the City Council recognizes that due to natural limitations, drought conditions, system failures and other acts of God which may occur, the City cannot guarantee an uninterrupted water supply for all purposes at all times; and,

WHEREAS, the Water Code and the regulations of the Texas Commission on Environmental Quality require that the City adopt a Water Conservation and Drought Contingency and Water Emergency Response Plan; and

WHEREAS, the City Council has determined an urgent need in the best interest of the public to adopt a Water Conservation and Drought Contingency and Water Emergency Response Plan; and

WHEREAS, pursuant to Chapter 54 of the Local Government Code, the City is authorized to adopt such Ordinances necessary to preserve and conserve its water resources; and

WHEREAS, the City Council of the City of Pearland desires to adopt the Water Conservation and Drought Contingency and Water Emergency Response Plan as official City policy for the conservation of water; now therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS:

Section 1. The City Council hereby approves and adopts the Water Conservation and Drought Contingency and Water Emergency Response Plan (the "Plan"), attached

hereto as Addendum A, as if recited verbatim herein. The City commits to implement the requirements and procedures set forth in the adopted Plan..

Section 2. Any customer, defined pursuant to 30 Tex. Admin. Code Chapter 291 failing to comply with the provisions of the Plan shall be subject to a fine of up to two thousand dollars ($2,000.00) and/or discontinuance of water service by the City. Proof of a culpable mental state is not required for a conviction of an offense under this section. Each day a customer fails to comply with the Plan is a separate violation. The City's authority to seek injunctive or other civil relief available under the law Is not limited by this section.

Section 3. The City Council does hereby find and declare that sufficient written notice of the date, hour, place and subject of the meeting adopting this Ordinance was posted at designated place convenient to the public for the time required by law preceding the meeting, that such place of posting was readily accessible at all time to the general public, and that all of the foregoing was done as required by law at all times during which this Ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the posting thereof.

Section 4. Should any paragraph, sentence, clause, phrase or work of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of this Ordinance shall not be affected.

Section 5. The City Manager or his designee is hereby directed to file a copy of the Plan and this Ordinance with the Commission in accordance with Title 30, Chapter 288 of the Texas Administrative Code.

ORDINANCE NO. 1381

Section 6. The City Secretary is hereby authorized and directed to cause publication of the descriptive caption of this Ordinance as an alternative method of publication provided by law.

Section 7. Ordinance No. 1381 is hereby repealed.

PASSED and APPROVED ON FIRST READING this the _____ day of _____, A. D., 2014.

_____
TOM REID
MAYOR

ATTEST:

_____
YOUNG LORFING, TRMC
CITY SECRETARY

APPROVED AS TO FORM:

_____
DARRIN M. COKER
CITY ATTORNEY

PASSED and APPROVED ON SECOND AND FINAL READING this the _____ day of _____, A. D., 2014.

_____
TOM REID
MAYOR

ORDINANCE NO. 1381

ATTEST:

_____
YOUNG LORFING, TRMC
CITY SECRETARY

APPROVED AS TO FORM:

_____
DARRIN M. COKER
CITY ATTORNEY

CITY OF PEARLAND
WATER CONSERVATION AND DROUGHT CONTINGENCY, WATER EMERGENCY RESPONSE PLAN

April 2009
Revised October 2014

CITY OF PEARLAND
WATER CONSERVATION AND DROUGHT CONTINGENCY AND WATER EMERGENCY RESPONSE PLAN

October 2014

FORWARD

This water conservation and drought contingency, water emergency response plan was prepared by the City of Pearland. The plan was prepared pursuant to Texas Commission on Environmental Quality (TCEQ) rules. To develop a regional approach of water conservation, the water conservation plan and drought contingency plan for the City of Houston and information from the *Region H Water Planning Group 2011 Regional Water Plan* were consulted.

Questions regarding this water conservation and drought contingency, water emergency response plan should be addressed to the following:

Eric Wilson
Director of Public Works
City of Pearland
(281) 924-1900

Tracy A Sambrano
Water Production Superintendent
City of Pearland
(281) 652-1799

The water conservation and drought contingency, water emergency response plan is based on the Texas Administrative Code that was in effect in January 2014.

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- Municipal Ordinance Adopting Water Conservation and Drought Contingency and Water Emergency Response Plan
- Municipal Ordinance Pertaining to Illegal Water Connections and Theft of Water

APPENDIX G **TCEQ Water Conservation Implementation Report**

Water Conservation and Drought Contingency, Water Emergency Response Plan for the City of Pearland

September 2014

1. INTRODUCTION AND OBJECTIVES

Water supply has always been a key issue in the development of Texas. In recent years, the growing population and economic development of the City of Pearland have led to increasing demands for water supplies. Historic reliance on groundwater supplies in the area has caused subsidence in the Gulf Coast Aquifer. The Harris-Galveston Subsidence District and the Fort Bend Subsidence District were created to reduce subsidence by reducing reliance on groundwater. Utilities in those districts are being encouraged to transition from groundwater to surface water. The recently created Brazoria County Groundwater Conservation District has limited authority over groundwater pumping in the county. Additional surface water supplies to meet higher demands will come at higher cost than current groundwater resources. It is therefore important that the City of Pearland make the most efficient use of existing supplies in order to delay the need for new supplies.

Recognizing the need for efficient use of existing water supplies, the Texas Commission on Environmental Quality has developed guidelines and requirements governing the development of water conservation and drought contingency plans for public water suppliers. [1, 2] These TCEQ guidelines and requirements are included in Appendix B. The best management practices established by the Water Conservation Implementation Task Force [3], established pursuant to SB 1094 by the 78th Legislature, were also considered in the development of the water conservation measures in this plan. The City of Pearland has developed this water conservation and drought contingency and water emergency response plan following TCEQ guidelines and requirements. This water conservation and drought contingency water emergency response plan was developed with consideration of the City of Houston's Water Conservation Plan[4] and Drought Contingency Plan.[5] This plan replaces the City of Pearland's Drought Contingency Plan dated August 2005[6].

The water conservation sections of this plan include measures that are intended to result in ongoing, long-term water savings. The drought contingency, water emergency response sections of this plan address strategies designed to temporarily reduce water use in response to specific conditions.

The objectives of this water conservation plan are as follows:

- To reduce water consumption from the levels that would prevail without conservation efforts.
- To reduce the loss and waste of water.

[1, 2] Superscripted numbers match references listed in Appendix A

- To improve efficiency in the use of water.
- To document the level of recycling and reuse in the water supply.
- To extend the life of current water supplies by reducing the rate of growth in demand.
- To delay and decrease capital expenditures required to serve Pearland's future growth.
- To satisfy the requirements set forth by TCEQ and other regulatory agencies.

This plan includes all of the elements required by TCEQ. Some elements of this plan go beyond TCEQ requirements. Appendix C shows where the plan addresses specific TCEQ requirements.

2. WATER SYSTEM DESCRIPTION AND UTILITY PROFILE

Appendix D to this water conservation and drought contingency and water emergency response plan is the water utility profile for Pearland presented in the format recommended by the TCEQ.

The City of Pearland provides water through eleven city-owned wells and three surface water connections at which they purchase water. Pearland provides retail service to residential and commercial customers; the city does not have any wholesale customers. Pearland city limits encompass approximately 54 square miles. The 2010 Census reported a population of 91,252 people for Pearland. The 2018 population is estimated at 145,000. The city is projected to continue to grow rapidly in the coming decades.

The city owns and operates eleven water wells that have a combined pumping capacity of 17,900 gallons per minute (gpm). Water is purchased from the City of Houston at the Far Northwest Water Plant via a contracted minimum amount of 40 million gallons per month (or 1.3 million gallons per day (mgd) on average). The City of Pearland has another contract with the City of Houston to purchase 10mgd of surface water that is distributed via the Alice St. Water Plant. An expansion of the Alice St. to 15 mgd will be beginning at some time in the future. Available city-wide ground and elevated storage capacities total 13.4 and 4.5 million gallons, respectively.

Figure 1 shows the historic per capita use by the City of Pearland. Figure 2 shows the historic percentage of water loss by the City of Pearland. Figure 3 is a map showing the service area for the City of Pearland.

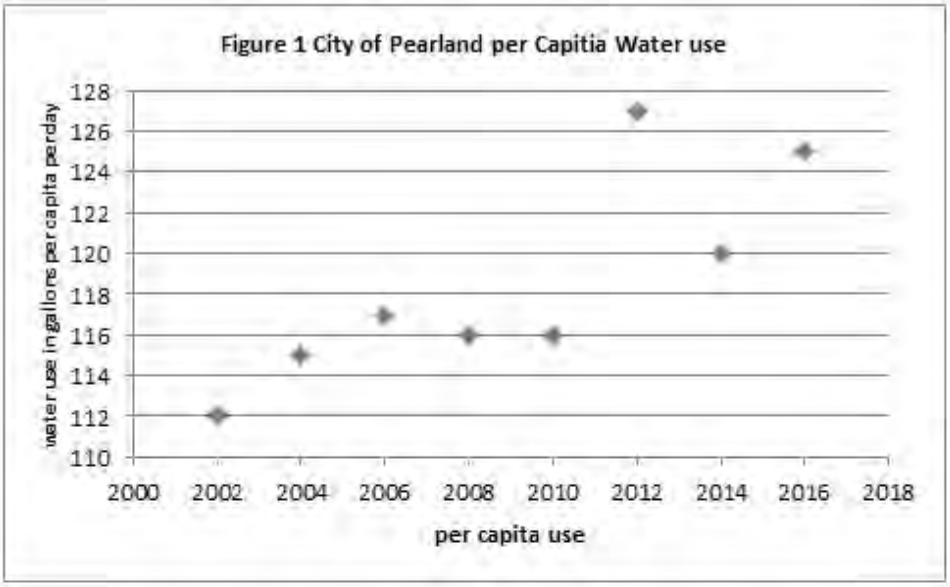


Figure 1 City of Pearland per Capitia Water use
water use in gallons per capita per day
128
126
124
122
120
118
116
114
112
110
2000
2002
2004
2006
2008
2010
2012
2014
2016
2018
per capita use

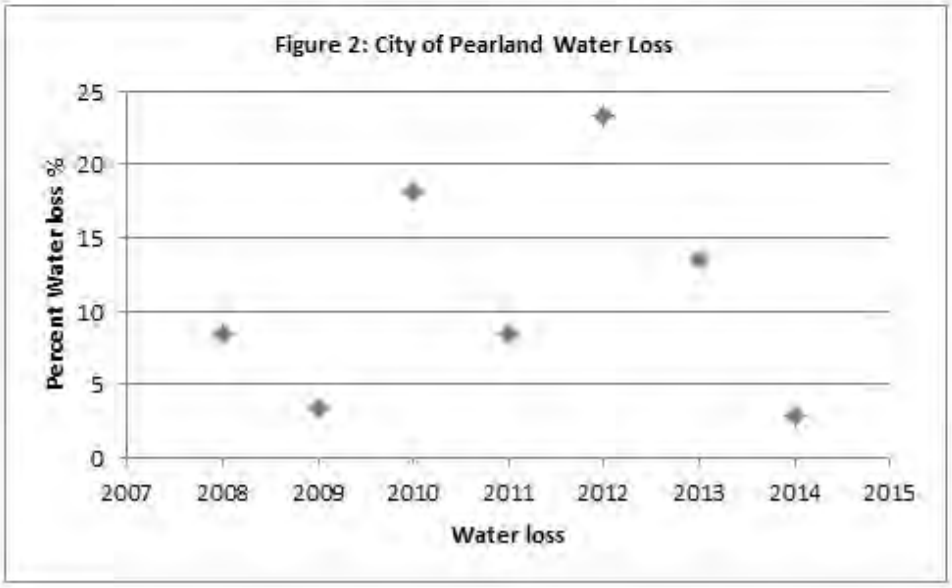
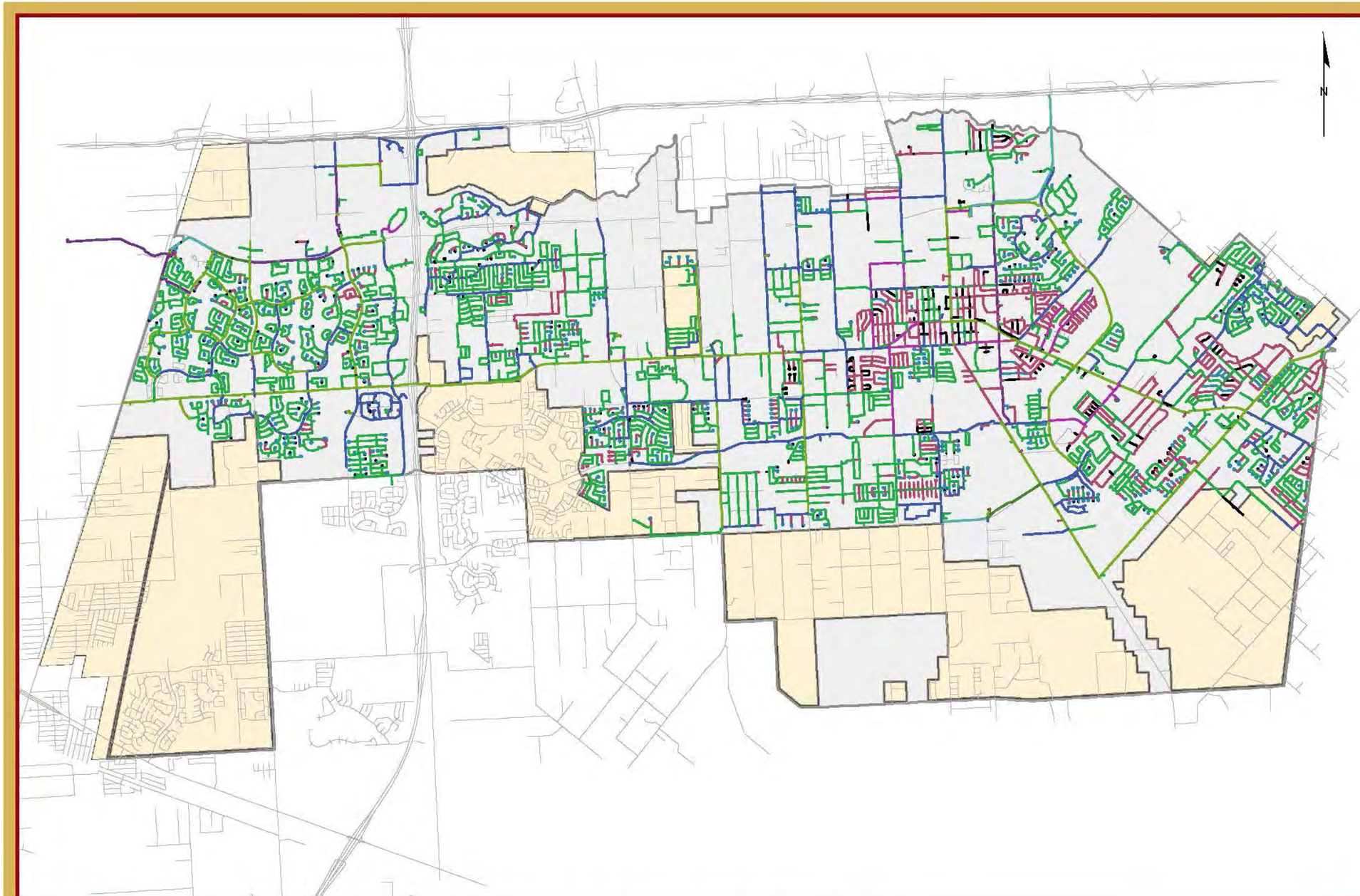


Figure 2: City of Pearland Water Loss
Percent Water loss %
25
20
15
10
5
0
2007
2008
2009
2010
2011
2012
2013
2014
2015
Water loss



CITY OF PEARLAND "WATER DISTRIBUTION SYSTEM"

Legend
WaterMains
DIAMETER

- Less Than 4 in
- CityLimits
- ETJ
- 4
- 6
- 8
- 15
- 16
- 18
- 10
- 12
- 14
- 20
- 24
- 30

1 inch = 1.5 miles

PUBLIC WORKS
JULY 31, 2014

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.

3. SPECIFICATION OF WATER CONSERVATION GOALS

TCEQ rules require the adoption of specific water conservation goals for a water conservation plan. As part of plan adoption, the City of Pearland developed 5-year and 10-year goals for per capita municipal use. The goals for this water conservation plan include the following:

- Keep the 5-year average water use as of 2019 below 109 gallons per capita per day (gpcd) (5-year goal).
- Keep the 5-year average water use as of 2024 below 107 gallons per capita per day (10-year goal).
- Maintain the level of unaccounted water in the system below 10 percent annually in 2014 and subsequent years, as discussed in Section 4.3.
- Continue maintaining a program of universal metering and meter replacement and repair, as discussed in Section 4.2.
- Increase efficient water usage through landscape water management ordinance, as discussed in Section 7.4 and Appendix F.
- Decrease waste in lawn irrigation by implementation and enforcement of a landscape water management ordinance, as discussed in Section 7.4.
- Raise public awareness of water conservation and encourage responsible public behavior by a public education and information program, as discussed in Section 5.
- Develop a system specific strategy to conserve water during peak demands, thereby reducing the peak use.
- To delay and decrease capital expenditures required to serve Pearland's future growth.

Table 3.1
Five-Year and Ten-Year Municipal Per Capita Water Use Goals (gpcd)

Description	Current Average (gpcd)	5-Year Goal (gpcd)	10-Year Goal (gpcd)
Water Conservation Goals	117	109	107

Note: The increase in the Current GPCD is due to the record breaking drought in 2011. Region H is slowing recovering from the drought but still remains in Moderate Drought Condition according to drought monitoring data.

4. METERING, LEAK DETECTION AND RECORD MANAGEMENT

One of the key elements of water conservation is tracking water use and controlling losses through leaks and illegal diversions. It is important to carefully meter water use, detect and repair leaks in the distribution system and provide regular monitoring of unaccounted water.

4.1 Accurate Metering of Water Pumping and Deliveries

Water withdrawn from groundwater supplies is metered by the City of Pearland with instrumentation accuracy of ±5%. Water received from the City of Houston is metered by the City of Houston with an instrumentation accuracy of ±2% (City of Houston Contract). The City of Houston maintains a program to pull, test and replace any meters determined to be operating outside these parameters.

4.2 Universal Metering

The City of Pearland meters all water consumers that receive water from the potable water system. The City installs meters on all new customers of its potable water system. The City is currently in the process of evaluating various advanced metering infrastructure (AMI) to replace the current automatic meter reading technology (AMR). The transition to AMI technology will allow for a more timely and accurate trending of consumption of potable water.

4.3 Determination and Control of Unaccounted Water

Unaccounted water is the difference between water pumped from supplies and metered water sales to customers plus authorized but unmetered uses. (Authorized but unmetered uses would include use for firefighting, releases for flushing of lines, uses associated with new construction, etc.) Unaccounted water can be caused by the following:

- Inaccuracies in customer meters. (Customer meters tend to run more slowly as they age and under-report actual use.)
- Accounts which are being used but have not yet been added to the billing system.
- Losses due to water main breaks and leaks in the water distribution system.
- Losses due to illegal connections and theft.

Measures to control unaccounted water are part of the routine operations of the City. A leak detection and repair program is described in Section 4.4 below. City staff actively looks for and reports any signs of illegal connections or uses, so they can be quickly addressed.

Unaccounted water should be calculated in accordance with the provisions of Appendix D. With the measures described in this plan, Pearland should maintain unaccounted water below 10 percent in 2014 and subsequent years. If unaccounted water exceeds this goal, Pearland will implement a more intensive audit process to determine the source(s) of and reduce the unaccounted water.

4.4 Leak Detection and Repair

While traveling throughout the City in the performance of their regular duties, utility maintenance staff actively looks for and report evidence of leaks in the water distribution system. Areas of the water distribution system in which numerous leaks and line breaks occur will be scheduled for rehabilitation or replacement as funds are available.

4.5 Record Management System

The City will have a Records Management System that as required by TAC Title 30, Part 1, Chapter 288, Subchapter A, Rule 288.2(a)(2)(B), the City of Pearland has a record management system which allows for the separation of water sales and uses into residential, commercial, public/institutional, and industrial categories. The City has not historically tracked these categories, but is currently in the process of a complete data management system replacement that will allow the City to tract is customer base in the manner required. This system replacement will be complete and operational by October 2016.

5. CONTINUING PUBLIC EDUCATION AND INFORMATION CAMPAIGN

The continuing public education and information campaign on water conservation includes the following elements:

- Notify customers through newspapers, e-mail, city website, and bill inserts throughout the year.
- The City website includes information on water conservation www.pearlandtx.gov
- Notifying local organizations, schools, and civic groups that staff are available to make presentations on Pearland's water conservation programs).
- Consider developing or providing a water conservation curriculum for Pearland Public Schools.
- Consider providing a water conservation booth at public events in which the City participates.

6. WATER RATE STRUCTURE

The City of Pearland has an increasing block rate structure for residential customers to discourage excessive water use. Current rates as of October 1, 2014 are shown below.

Water: Residential Rates

Inside City of Pearland - Water	Previous Rates	New Rates as of October 1, 2014
Up to and including first 2,000 gallons	$11.98 minimum	$11.98 minimum
2,001 gallons up to 6,000	$2.93 per 1,000 gallons	$3.16 per 1,000 gallons
6,001 gallons up to 15,000	$3.67 per 1,000 gallons	$3.96 per 1,000 gallons
15,001 gallons up to 25,000	$4.40 per 1,000 gallons	$4.75 per 1,000 gallons
25,000+ gallons	$5.86 per 1,000 gallons	$6.33 per 1,000 gallons

****Outside City limits, rates are 1.5 times in City rates stated above.**

Water: Multi-Unit residence or Commercial Business

Inside City of Pearland - Water	Previous Rates		New Rates as of October 1, 2014	
	Multi Unit	Commercial & Industrial	Multi Unit	Commercial & Industrial Business
Up to and including first 2,000 gallons	$10.98 minimum Per Unit	$11.98 Per Unit	$10.98 minimum Per unit	$11.98 minimum Per Unit
2,001 gallons and over	$3.67 per 1,000 gallon	$3.67 per 1000 gallons	$3.96 per 1,000 gallons	$3.96 per 1,000 gallons

***Outside City limits, rates are 1.5 times in City rates stated above.**

Irrigation Water: Sprinklers or Landscape

Inside City of Pearland - Irrigation	Previous Rates	New Rates as of October 1, 2014
Up to and including first 2,000 gallons	$11.98 per 1000 gallons	$11.98 per 1000 gallons
2,001 gallons and over	$4.40 per 1000 gallons	$4.75 per 1000 gallons

***Outside City limits, rates are 1.5 times in City rates stated above.**

Meters are read and billed on a monthly basis according to the consumption and rate structure scheduled above. The number of days in the period does not determine fluctuation in the billed amount, the consumption read per meter is the determining factor for the charged price.

7. OTHER WATER CONSERVATION MEASURES

7.1 City of Houston System Operations

The City of Pearland purchases treated surface water from the City of Houston. Houston's water right permits allow coordinated operation of its water supply sources.

7.2 Reuse and Recycling of Wastewater

The City of Pearland processes sanitary sewer at five water reclamation facilities with a total capacity of 12.45 MGD. Treated effluent is used for wash down and other operational needs at the wastewater treatment plants. Plans are being developed to us a Bed and Banks Permit to provide effluent for the irrigation of a golf course. The City is also in the process of preparing an application under 30TAC210 for industrial use of effluent as part of an industrial process. This process could use up to 2 MGD as part of that industrial process. There are also plans to use effluent to irrigate a proposed arboretum/nature center.

7.3 Ordinances, Plumbing Codes, or Rules on Water-Conserving Fixtures

Since 1992, the state has required water-conserving fixtures in new construction and renovations. The state standards call for flows of no more than 2.5 gallons per minute (gpm) for faucets, 3.0 gpm for showerheads, and 1.6 gallons per flush for toilets. Similar standards are now required nationally under federal law. These state and federal standards assure that all new construction and renovations will use water-conserving fixtures.

7.4 Landscape Water Management Measures

The City is currently considering adoption of a landscape management ordinance. Among the measures that such an ordinance might include are:

- Prohibition of watering of impervious surfaces. (Wind driven water drift will be taken into consideration.)
- Prohibition of outdoor watering during precipitation or freeze events.
- Rain and freeze sensors required on all new irrigation systems. Rain and freeze sensors must be maintained to function properly.
- Requirement that all new irrigation systems be in compliance with state design and installation regulations (TAC Title 30, Part 1, Chapter 344).

Appendix E is a summary of landscape water management measures that the City is considering.

7.5 Additional Water Conservation Measures

The City recommends voluntary water use restrictions beginning July 1 and ending October 1 of each year:

- Measures to be implemented directly by the City of Pearland to manage limited water supplies and/or reduce water demand:
  - Reduced or discontinued flushing of water mains as permitted by 30TAC290
- Water customers are requested to voluntarily limit landscape irrigation use to even numbered days of the month for customers with street address ending in an even number (0,2,4,6,8), and odd numbered of the month for water customers with a street address ending in an odd number (1,3,5,7,9), and to irrigate landscapes

between the hours of 6:00 a.m. and 10:00 a.m. and between 8:00 p.m. and 10:00 p.m. on designated watering days, except:

  - Landscape irrigation use is permitted at anytime if it is by means of a faucet filled bucket or watering can of five (5) gallon or less, hand held water hose, or drip irrigation.

- Water customers are requested to practice water conservation and to minimize or discontinue non-essential water use.

7.6 Requirement for Water Conservation Plans by Wholesale Customers

Currently the City of Pearland does not have any wholesale water customers. In the event that Pearland does, in the future, provide wholesale supply, any contract for the wholesale sale of water entered into after the adoption of this plan will include a requirement that the wholesale customer and any wholesale customers of that wholesale customer develop and implement a water conservation plan meeting the requirements of Title 30, Part 1, Chapter 288, Subchapter A, Rule 288.2 of the Texas Administrative Code.[1] The requirement will also extend to each successive wholesale customer in the resale of the water.

7.7 Water Conservation Implementation Report

Appendix G includes the TCEQ-required water conservation implementation report. The report is due to the TCEQ by May 1 of each year, starting in the year 2009. This report lists the various water conservation strategies that have been implemented, including the date the strategy was implemented. The report also calls for the five-year and ten-year per capita water use goals from the previous water conservation plan (which is not applicable to Pearland because they did not have a previous conservation plan). The amount of water saved through conservation is also requested. The Texas Water Development Board requires a separate report beginning in 2010.

8. IMPLEMENTATION AND ENFORCEMENT OF THE WATER CONSERVATION PLAN

Appendix G contains a copy of an ordinance adopted by the City Council adopting the water conservation plan. The ordinance designates responsible officials to implement and enforce the water conservation plan. Appendix E, the considerations for landscape water management regulations, also includes information about enforcement. Appendix F includes a copy of an ordinance, order, or resolution that could be adopted related to illegal connections and water theft. Appendix F contains a sample ordinance that could be adopted for landscape irrigation to meet TAC Title 30, Part 1, Chapter 344.

9. REVIEW AND UPDATE OF WATER CONSERVATION PLAN

TCEQ requires that the water conservation plans be updated prior to May 1, 2009. The plans are required to be updated every five years thereafter. This plan fulfills the requirement for an update by May 1, 2014, and the plan will be updated as required and as appropriate based on new or updated information.

10. DROUGHT CONTINGENCY AND EMERGENCY RESPONSE PLAN

10.1 Introduction

The purpose of this drought contingency and water emergency response plan is as follows:

- To conserve the available water supply in times of drought and emergency
- To maintain supplies for domestic water use, sanitation, and fire protection
- To protect and preserve public health, welfare, and safety
- To minimize the adverse impacts of water supply shortages
- To minimize the adverse impacts of emergency water supply conditions.
- To satisfy the requirements set forth by TCEQ and other agencies

A drought is defined as an extended period of time when an area receives insufficient amounts of rainfall to replenish the water supply, causing water supply shortages. In the absence of drought response measures, water demands tend to increase during a drought due to the need for additional outdoor irrigation. The severity of a drought depends on the degree of depletion of supplies and on the relationship of demand to available supplies.

10.2 Provisions to Inform the Public and Opportunity for Public Input

The City of Pearland will provide opportunity for public input in the development of this drought contingency and water emergency response plan by the following means:

- Providing written notice of the proposed plan and the opportunity to comment on the plan by newspaper, posted notice, and notice on the web site.
- Making the draft plan available on the web site.
- Providing the draft plan to anyone requesting a copy.
- Receiving input from the public at City Council workshops and meetings when the plan was under consideration.

10.3 Provisions for Continuing Public Education and Information

After the plan is adopted the City will continue to inform and educate the public throughout the year about the drought contingency and water emergency response plan by the following means:

- Preparing a bulletin describing the plan and making it available at city hall and other appropriate locations.
- Making the plan available to the public through the city web site.
- Including information about the drought contingency and water emergency response plan on the city web site.
- Notifying local organizations, schools, and civic groups that staff are available to make presentations on the drought contingency and water emergency response plan (usually in conjunction with presentations on water conservation programs).

At any time that the drought contingency and water emergency response plan is activated or the drought stage or water emergency response stage changes, the City will notify local media of the issues, the drought response stage or water emergency response stage (if

applicable), and the specific actions required of the public. The information will also be publicized on the city web site. Billing inserts and/or the "Connect-CTY" system will also be used as appropriate. (The "Connect-CTY" system is an automated calling system which can contact all of the City's customers. It will be used to notify them of the initiation or termination of drought stages.)

10.4 Initiation and Termination of Drought or Emergency Response Stages

Initiation of a Drought or Water Emergency Response Stage

The City Manager or his/her official designee may order the implementation of a drought or water emergency response stage when one or more of the trigger conditions for that stage is met. The following actions will be taken when a drought or water emergency response stage is initiated:

- The public will be notified through local media and the city web site as described in Section 10.3.
- The City of Houston will be notified by e-mail with a follow-up letter or fax that provides details of the reasons for initiation of the drought/water emergency response stage.
- If any mandatory provisions of the drought contingency and water emergency response plan are activated, the City will notify the Executive Director of the TCEQ and the Houston Director of Public Works and Engineering within 5 business days.

If drought contingency/water emergency response stages are initiated by the City of Houston, the City of Pearland will consider implementing the similar stage of the drought contingency plan. For other trigger conditions internal to the city, the City Manager or his/her official designee may decide not to order the implementation of a drought response stage or water emergency even though one or more of the trigger criteria for the stage are met. Factors which could influence such a decision include, but are not limited to, the time of the year, weather conditions, the anticipation of replenished water supplies, or the anticipation that additional facilities will become available to meet needs. The reason for this decision should be documented.

Termination of a Drought/Emergency Response Stage

The City Manager or his/her official designee may order the termination of a drought or water emergency response stage when the conditions for termination are met or at their discretion. The following actions will be taken when a drought or emergency response stage is terminated:

- The public will be notified through local media and the city web site as described in Section 10.3.
- The City of Houston will be notified by e-mail with a follow-up letter or fax.

- If any mandatory provisions of the drought contingency and water emergency response plan that have been activated are terminated, the City will notify the Executive Director of the TCEQ and the Houston Director of Public Works and Engineering within 5 business days.

The City Manager or his/her official designee may decide not to order the termination of a drought or water emergency response stage even though the conditions for termination of the stage are met. Factors which could influence such a decision include, but are not limited to, the time of the year, weather conditions, or the anticipation of potential changed conditions that warrant the continuation of the drought stage. The reason for this decision should be documented.

10.5 Drought Contingency and Emergency Response Stages and Measures

Stage 1

Initiation and Termination Conditions for Stage 1

The City may initiate Stage 1 if any one of the following conditions is met:

- The City total daily water demand equals or exceeds 70 percent of the current available system operating capacity for three consecutive days.
- The City total daily water demand equals or exceeds 80 percent of the current available system operating capacity on a single day.
- The City Manager or his/her official designee feels that the initiation of a Stage 1 drought is appropriate
- The City of Houston has initiated Stage 1.

Stage 1 of the Plan may be rescinded when conditions listed as triggering events have ceased to exist for a period of seven consecutive days.

Goal for Use Reduction and Actions Available under Stage 1

Stage 1 is intended to raise public awareness of potential drought or water emergency problems. The goal for water use reduction under Stage 1 is a 2 percent reduction in the amount of water produced by the City of Pearland. The City Manager or his/her official designee may order the implementation of any of the actions listed below, as deemed necessary:

- Review the problems that caused the initiation of Stage 1.
- Identify alternative water sources and or alternative delivery systems.
- Measures to be implemented directly by the City of Pearland to manage limited water supplies and/or reduce water demand:
  - Reduced or discontinued flushing of water mains.
  - Reduced or discontinued irrigation of public landscaped areas.
- Water customers are requested to voluntarily limit landscape irrigation use to even numbered days of the month for customers with street address ending in an even

number (0,2,4,6,8), and odd numbered of the month for water customers with a street address ending in an odd number (1,3,5,7,9), and to irrigate landscapes between the hours of 6:00 a.m. and 10:00 a.m. and between 8:00 p.m. and 10:00 p.m. on designated watering days, except:

  - Landscape irrigation use is permitted at anytime if it is by means of a faucet filled bucket or watering can of five (5) gallon or less, hand held water hose, or drip irrigation.

- Water customers are requested to practice water conservation and to minimize or discontinue non-essential water use.
- Increase public education efforts on ways to reduce water use.
- Intensify efforts on leak detection and repair.
- Notify major water users and work with them to achieve voluntary water use reductions.
- Attempt to decrease water purchases from the City of Houston by using groundwater where practical.

Stage 2

Initiation and Termination Conditions for Stage 2

The City may initiate Stage 2 if any one of the following conditions is met:

- The City's total daily water demand equals or exceeds 80 percent of the available system operation capacity for three consecutive days.
- The City's total daily water demand equals or exceeds 90 percent of the available system operation capacity on a single day.
- The City Manager or his/her official designee feels that the initiation of a Stage 2 drought is appropriate.
- The City of Houston has initiated Stage 2.

Stage 2 may terminate when the circumstances that caused the initiation of Stage 2 have ceased to exist for a period of seven consecutive days or when the City of Houston terminates its Stage 2 condition.

Goal for Use Reduction and Actions Available under Stage 2

The goal for water use reduction under Stage 2 is a five percent reduction in the amount of water produced by the City of Pearland. The City Manager or his/her official designee may order the implementation of any of the actions listed below, as deemed necessary. Measures described as "requires notification to TCEQ" impose mandatory requirements on customers. The supplier must notify TCEQ and the City of Houston within five business days if these measures are implemented:

- Continue or initiate any actions available under Stage 1.
- Initiate studies to evaluate alternatives should conditions worsen.

- Measures to be implemented directly by the City of Pearland to manage limited water supplies and/or reduce water demand:
  - Reduced or discontinued flushing of water mains,
  - Reduced or discontinued irrigation of public landscape areas;
- **Requires notification to TCEQ -** Water customers shall limit landscape irrigation use with hose-end sprinklers or automatic irrigation systems to even numbered days of the month for customers with street address ending in an even number (0,2,4,6,8), and odd numbered of the month for water customers with a street address ending in an odd number (1,3,5,7,9), and to irrigate landscapes between the hours of 6:00 a.m. and 10:00 a.m. and between 8:00 p.m. and 10:00 p.m. on designated watering days, except:
  - Landscape irrigation use is permitted at anytime if it is by means of a faucet filled bucket or watering can of five (5) gallon or less, hand held water hose, or drip irrigation.
- **Requires notification to TCEQ -** Water customers shall limit non-essential water use to even numbered days of the month for customers with a street address ending in an even number (0,2,4,6 or 8), and odd numbered days of the month for water customers with a street address ending in an odd number (1,3,5,7 or 9), and only between the hours of 6:00 a.m. and 10:00 a.m. and between 8:00 p.m. and 10:00 p.m. on designated watering except:
  - Private motor vehicle washing, when allowed, shall be done with a hand-held bucket or a hand held hose equipped with a positive shutoff nozzle.
  - Vehicle washing may be done at any time on the immediate premises of a commercial car wash or commercial service station.
  - Vehicle washing may be exempted from these regulations if the health, safety and welfare of the public are contingent upon frequent vehicle cleansing, such as garbage trucks and vehicles used to transport food and perishables.
- Further accelerate public education efforts on ways to reduce water use.
- Encourage the public to wait until the current drought or emergency situation has passed before establishing new landscaping.
- Attempt to decrease water purchases from the City of Houston by using groundwater where practical.

Stage 3

<u>Initiation and Termination Conditions for Stage 3</u>

The City may initiate Stage 3 if any one of the following conditions is met:

- The City total daily water demand equals or exceeds 85 percent of the available system operation capacity for three consecutive days.

- The City total daily water demand equals or exceeds 95 percent of the available system operation capacity on a single day.
- The City Manager or his/her official designee feels that the initiation of a Stage 3 drought is appropriate.
- The City of Houston has initiated Stage 3.

Stage 3 may terminate when the circumstances that caused the initiation of Stage 3 have ceased to exist for seven consecutive days or when the City of Houston terminates its Stage 3 condition.

Goals for Use Reduction and Actions Available under Stage 3

The goal for water use reduction under Stage 3 is a reduction of ten percent in the amount of water produced by the City of Pearland.

The City Manager or his/her official designee will consider implementing any action(s) required by the City of Houston. In addition, the City Manager or his/her official designee may order the implementation of any of the actions listed below, as deemed necessary. Measures described as "requires notification to TCEQ" impose mandatory requirements on customers. The supplier must notify TCEQ and the City of Houston within five business days if these measures are implemented:

- Continue or initiate any actions available under Stages 1 and 2.
- Implement viable alternative water supply strategies.
- **Requires Notification to TCEQ –** Initiate mandatory water use restrictions as follows:
  - Prohibit hosing of paved areas, buildings, or windows.
  - Prohibit operation of all ornamental fountains or other amenity impoundments (i.e. reflecting pools and water gardens) to the extent they use treated water.
  - Prohibit washing or rinsing of vehicles by hose except with a hose end cutoff nozzle.
  - Prohibit using water in such a manner as to allow runoff or other waste.
- **Requires Notification to TCEQ –** Limit landscape watering with sprinklers or irrigation systems at each service address to once every seven days. Exceptions are as follows:
  - Foundations, new landscaping, new plantings (first year) of shrubs, and trees may be watered for up to 2 hours on any day by a hand-held hose, a soaker hose, or a dedicated zone using a drip irrigation system.
  - Golf courses may water greens and tee boxes without restrictions.
  - Public athletic fields used for competition may be watered twice per week.
  - Locations using other sources of water supply for irrigation may irrigate without restrictions.
  - Registered and properly functioning ET/Smart irrigation systems and drip

irrigation systems may irrigate without restrictions.

- **Requires Notification to TCEQ** – Limit landscape watering with sprinklers or irrigation systems between November 1 and March 31 to once every two weeks. An exception is allowed for landscape associated with new construction that may be watered as necessary for 30 days from the date of the certificate of occupancy, temporary certificate of occupancy, or certificate of completion.
- **Requires Notification to TCEQ** – Prohibit hydro-seeding, hydro-mulching, and sprigging.
- **Requires Notification to TCEQ** – Existing swimming pools may not be drained and refilled (except to replace normal water loss).
- **Requires Notification to TCEQ** - Initiate a rate surcharge for all water use over a certain level.
- **Requires Notification to TCEQ** – Prohibit watering of golf courses using treated water, except as needed to keep greens and tee boxes alive.
- Attempt to decrease water purchases from the City of Houston by using groundwater where practical.

Stage 4

Initiation and Termination Conditions for Stage 4

The City may initiate Stage 4 if any one of the following conditions is met:

- The City total daily water demand equals or exceeds 90 percent of the available system operation capacity for three consecutive days.
- The City total daily water demand equals or exceeds 98 percent of the available system operation capacity on a single day.
- The City Manager or his/her official designee feels that the initiation of a Stage 4 drought is appropriate.
- The City of Houston has initiated Stage 4.

Stage 4 may terminate when the circumstances that caused the initiation of Stage 4 no longer prevail or when the City of Houston terminates its Stage 4 condition.

Goals for Use Reduction and Actions Available under Stage 4

The goal for water use reduction under Stage 4 is a reduction of 15 percent of water used by the City of Pearland, or a greater reduction if deemed necessary by the City Manager or his/her official designee.

The City Manager or his/her official designee will consider implementing any action(s) required by the City of Houston. In addition, the City Manager or his/her official designee may order the implementation of any of the actions listed below, as deemed necessary. Measures described as "requires notification to TCEQ" impose mandatory requirements on member cities and customers. The supplier must notify TCEQ and the City of Houston within five business days if these measures are implemented.

- Continue or initiate any actions available under Stages 1, 2, and 3.
- Implement viable alternative water supply strategies.
- **Requires Notification to TCEQ** – Prohibit the irrigation of new landscaping using treated water.
- **Requires Notification to TCEQ** – Prohibit washing of vehicles except as necessary for health, sanitation, or safety reasons.
- **Requires Notification to TCEQ** – Prohibit commercial and residential landscape watering, except that foundations and trees may be watered for 2 hours on any day with a hand-held hose, a soaker hose, or a dedicated zone using a drip irrigation system. ET/Smart irrigation systems are not exempt from this requirement.
- **Requires Notification to TCEQ** – Prohibit golf course watering with treated water except for greens and tee boxes.
- **Requires Notification to TCEQ** – Prohibit the permitting of private pools. Pools already permitted may be completed and filled with water. Existing private and public pools may add water to maintain pool levels but may not be drained and refilled.
- **Requires Notification to TCEQ** – Require all commercial water users to reduce water use by a percentage established by the City Manager or his/her official designee.
- Attempt to decrease water purchases from the City of Houston by using groundwater where practical.

Emergency Water Shortage

Initiation and Termination Conditions for Emergency Water Shortage

The City may initiate an Emergency Water Shortage condition for all of the City or the affected part of the City if any one of the following conditions is met:

- The City experiences major water line breaks, or pump or system failures occur, which cause unprecedented loss of capability to provide water service; or
- The City experiences natural or man-made contamination of the water supply source(s).

- The City's total daily water demand equals or exceeds 91 percent for three consecutive day and/or the system pressure falls below 30 psi on any single occasion.
- The City Manager or his/her official designee feels that the initiation of an Emergency Water Shortage is appropriate.
- The City of Houston has initiated emergency water shortage.

Emergency water shortage may terminate when the circumstances that caused the initiation of the emergency water shortage no longer prevail or when the City of Houston terminates its emergency water shortage condition.

Goals for Use Reduction and Actions Available under Emergency Water Shortage

The goal for water use reduction under an emergency water shortage is a reduction of 35 percent or whatever amount is deemed necessary. If circumstances warrant or if required by the City of Houston, the City Manager or his/her official designee can set a goal for a greater water use reduction.

The City Manager or his/her official designee will consider implementing any action(s) required by the City of Houston. In addition, the City Manager or his/her official designee may order the implementation of any of the actions listed below, as deemed necessary. Measures can be initiated for all or part of the City, as appropriate. Measures described as "requires notification to TCEQ" impose mandatory requirements on member cities and customers. The supplier must notify TCEQ and the City of Houston within five business days if these measures are implemented.

- Continue or initiate any actions available under Stages 1, 2, 3, and 4.
- Implement viable alternative water supply strategies.
- Measures to be implemented directly by the City of Pearland to manage limited water supplies and/or reduce water demand:
  - Reduced or discontinued flushing of water mains.
  - Reduced or discontinued irrigation of public landscaped areas.
- **Requires notification to TCEQ -** All landscape irrigation use is prohibited.
- **Requires notification to TCEQ -** All non-essential water use is prohibited.
- **Requires notification to TCEQ -** All aesthetic water use is prohibited.
- **Requires notification to TCEQ -** All Commercial and institutional water use customers are encouraged to practice conservation measures and may be required to cease certain operations as directed by the City Manager or his/her official designee.
- Attempt to decrease water purchases from the City of Houston by using groundwater where practical.

10.6 Procedures for Granting Variances to the Plan

The City Manager or his/her official designee may grant temporary variances for existing water uses otherwise prohibited under this drought contingency and water emergency response plan if one or more of the following conditions are met:

- Failure to grant such a variance would cause an emergency condition adversely affecting health, sanitation, or fire safety for the public or the person or entity requesting the variance.
- Compliance with this plan cannot be accomplished due to technical or other limitations.
- Alternative methods that achieve the same level of reduction in water use can be implemented.

Variances shall be granted or denied at the discretion of the City Manager or his/her official designee. All petitions for variances should be in writing and should include the following information:

- Name and address of the petitioners
- Purpose of water use
- Specific provisions from which relief is requested
- Detailed statement of the adverse effect of the provision from which relief is requested
- Description of the relief requested
- Period of time for which the variance is sought
- Alternative measures that will be taken to reduce water use
- Other pertinent information.

10.7 Procedures for Enforcing Mandatory Water Use Restrictions

Mandatory water use restrictions may be imposed in Stage 2, Stage 3, and Stage 4 drought contingency and emergency response stages. The penalties associated with the mandatory water use restrictions are included in the ordinance. Appendix G contains the ordinance that may be adopted by the city council regarding the drought contingency plan and emergency response plan, including enforcement of same.

10.8 Coordination

A copy of this Water Conservation and Drought Contingency and Water Emergency Response Plan has been provided to the City of Houston and the Region H Water Planning Group.

10.9 Review and Update of Drought Contingency and Water Emergency Response Plan

As required by TCEQ rules, the City of Pearland will review the drought contingency and emergency response plan every five years. The plan will be updated as appropriate based on new or updated information.

APPENDIX A
LIST OF REFERENCES

Appendix A
List of References

(1) Title 30 of the Texas Administrative Code, Part 1, Chapter 288, Subchapter A, Rules 288.1 and 288.2, downloaded from http://info.sos.state.tx.us/pls/pub/readtac$ext.ViewTAC?tac_view=4&ti=30&pt=1&ch=288, September 2014.

(2) Title 30 of the Texas Administrative Code, Part 1, Chapter 288, Subchapter B, Rule 288.20, downloaded from http://www.tnrcc.state.tx.us/oprd/rules/pdflib/288a.pdf, September 2014.

(3) Water Conservation Implementation Task Force: "Texas Water Development Board Report 362, Water Conservation Best Management Practices Guide," prepared for the Texas Water Development Board, Austin, November 2004.

(4) City of Houston.: *Water Conservation Plan,* City of Houston, Houston, 2004.

(5) City of Houston.: *Drought Contingency Plan,* City of Houston, Houston, 2004.

(6) City of Pearland.: *Drought Contingency Plan for the City of Pearland,* Pearland, July 25, 2005

(7) Freese and Nichols Inc. *City of Pearland Water and Wastewater Impact Fee Study 2*

(8) Kellogg Brown and Root and Turner Collie and Braden.: *2006 Region H Water Plan,* Houston, December 16, 2005

(9) U.S. Census Bureau for 2010

(10) City of Pearland Utility billing & Planning

APPENDIX B
TCEQ RULES

APPENDIX B
Texas Commission on Environmental Quality Rules on Municipal Water Conservation and Drought Contingency Plans

Texas Administrative Code

TITLE 30	ENVIRONMENTAL QUALITY
PART 1	TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
CHAPTER 288	WATER CONSERVATION PLANS, DROUGHT CONTINGENCY PLANS, GUIDELINES AND REQUIREMENTS
SUBCHAPTER A	WATER CONSERVATION PLANS
RULE §288.1	**Definitions**

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

(1) Agricultural or Agriculture--Any of the following activities:

- (A) cultivating the soil to produce crops for human food, animal feed, or planting seed or for the production of fibers;
- (B) the practice of floriculture, viticulture, silviculture, and horticulture, including the cultivation of plants in containers or non-soil media by a nursery grower;
- (C) raising, feeding, or keeping animals for breeding purposes or for the production of food or fiber, leather, pelts, or other tangible products having a commercial value;
- (D) raising or keeping equine animals;
- (E) wildlife management; and
- (F) planting cover crops, including cover crops cultivated for transplantation, or leaving land idle for the purpose of participating in any governmental program or normal crop or livestock rotation procedure.

(2) Agricultural use--Any use or activity involving agriculture, including irrigation.

(3) Best management practices--Voluntary efficiency measures that save a quantifiable amount of water, either directly or indirectly, and that can be implemented within a specific time frame.

(4) Conservation--Those practices, techniques, and technologies that reduce the consumption of water, reduce the loss or waste of water, improve the efficiency in the use of water, or increase the recycling and reuse of water so that a water supply is made available for future or alternative uses.

(5) Commercial use--The use of water by a place of business, such as a hotel, restaurant, or office building. This does not include multi-family residences or agricultural, industrial, or institutional users.

(6) Drought contingency plan--A strategy or combination of strategies for temporary supply and demand management responses to temporary and potentially recurring water supply shortages and other water supply emergencies. A drought contingency plan may be a separate document identified as such or may be contained within another water management document(s).

(7) Industrial use--The use of water in processes designed to convert materials of a lower order of value into forms having greater usability and commercial value, and the development of power by means other than hydroelectric, but does not include agricultural use.

(8) Institutional use--The use of water by an establishment dedicated to public service, such as a school, university, church, hospital, nursing home, prison or government facility. All facilities dedicated to public service are considered institutional regardless of ownership.

(9) Irrigation--The agricultural use of water for the irrigation of crops, trees, and pastureland, including, but not limited to, golf courses and parks which do not receive water from a public water supplier.

(10) Irrigation water use efficiency--The percentage of that amount of irrigation water which is beneficially used by agriculture crops or other vegetation relative to the amount of water diverted from the source(s) of supply. Beneficial uses of water for irrigation purposes include, but are not limited to, evapotranspiration needs for vegetative maintenance and growth, salinity management, and leaching requirements associated with irrigation.

(11) Mining use--The use of water for mining processes including hydraulic use, drilling, washing sand and gravel, and oil field re-pressuring.

(12) Municipal use--The use of potable water provided by a public water supplier as well as the use of sewage effluent for residential, commercial, industrial, agricultural, institutional, and wholesale uses.

(13) Nursery grower--A person engaged in the practice of floriculture, viticulture, silviculture, and horticulture, including the cultivation of plants in containers or nonsoil media, who grows more than 50% of the products that the person either sells or leases, regardless of the variety sold, leased, or grown. For the purpose of this definition, grow means the actual cultivation or propagation of the product beyond the mere holding or maintaining of the item prior to sale or lease, and typically includes activities associated with the production or multiplying of stock such as the development of new plants from cuttings, grafts, plugs, or seedlings.

(14) Pollution--The alteration of the physical, thermal, chemical, or biological quality of, or the contamination of, any water in the state that renders the water harmful, detrimental, or injurious to humans, animal life, vegetation, or property, or to the public health, safety, or welfare, or impairs the usefulness or the public enjoyment of the water for any lawful or reasonable purpose.

(15) Public water supplier--An individual or entity that supplies water to the public for human consumption.

(16) Residential use--The use of water that is billed to single and multi-family residences, which applies to indoor and outdoor uses.

(17) Residential gallons per capita per day--The total gallons sold for residential use by a public water supplier divided by the residential population served and then divided by the number of days in the year.

(18) Regional water planning group--A group established by the Texas Water Development

Board to prepare a regional water plan under Texas Water Code, §16.053.

(19) Retail public water supplier--An individual or entity that for compensation supplies water to the public for human consumption. The term does not include an individual or entity that supplies water to itself or its employees or tenants when that water is not resold to or used by others.

(20) Reuse--The authorized use for one or more beneficial purposes of use of water that remains unconsumed after the water is used for the original purpose of use and before that water is either disposed of or discharged or otherwise allowed to flow into a watercourse, lake, or other body of state-owned water.

(21) Total use--The volume of raw or potable water provided by a public water supplier to billed customer sectors or nonrevenue uses and the volume lost during conveyance, treatment, or transmission of that water.

(22) Total gallons per capita per day (GPCD)--The total amount of water diverted and/or pumped for potable use divided by the total permanent population divided by the days of the year. Diversion volumes of reuse as defined in this chapter shall be credited against total diversion volumes for the purposes of calculating GPCD for targets and goals.

(23) Water conservation plan--A strategy or combination of strategies for reducing the volume of water withdrawn from a water supply source, for reducing the loss or waste of water, for maintaining or improving the efficiency in the use of water, for increasing the recycling and reuse of water, and for preventing the pollution of water. A water conservation plan may be a separate document identified as such or may be contained within another water management document(s).

(24) Wholesale public water supplier--An individual or entity that for compensation supplies water to another for resale to the public for human consumption. The term does not include an individual or entity that supplies water to itself or its employees or tenants as an incident of that employee service or tenancy when that water is not resold to or used by others, or an individual or entity that conveys water to another individual or entity, but does not own the right to the water which is conveyed, whether or not for a delivery fee.

(25) Wholesale use--Water sold from one entity or public water supplier to other retail water purveyors for resale to individual customers.

Source Note: The provisions of this §288.1 adopted to be effective May 3, 1993, 18 TexReg 2558; amended to be effective February 21, 1999, 24 TexReg 949; amended to be effective April 27, 2000, 25 TexReg 3544; amended to be effective August 15, 2002, 27 TexReg 7146; amended to be effective October 7, 2004, 29 TexReg 9384; amended to be effective January 10, 2008, 33 TexReg 193; amended to be effective December 6, 2012, 37 TexReg 9515

Texas Administrative Code

TITLE 30	ENVIRONMENTAL QUALITY
PART 1	TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
CHAPTER 288	WATER CONSERVATION PLANS, DROUGHT CONTINGENCY PLANS, GUIDELINES AND REQUIREMENTS
SUBCHAPTER A	WATER CONSERVATION PLANS
RULE §288.2	**Water Conservation Plans for Municipal Uses by Public Water Suppliers**

(a) A water conservation plan for municipal water use by public water suppliers must provide information in response to the following. If the plan does not provide information for each requirement, the public water supplier shall include in the plan an explanation of why the requirement is not applicable.

(1) Minimum requirements. All water conservation plans for municipal uses by public water suppliers must include the following elements:

(A) a utility profile in accordance with the Texas Water Use Methodology, including, but not limited to, information regarding population and customer data, water use data (including total gallons per capita per day (GPCD) and residential GPCD), water supply system data, and wastewater system data;

(B) a record management system which allows for the classification of water sales and uses into the most detailed level of water use data currently available to it, including, if possible, the sectors listed in clauses (i) - (vi) of this subparagraph. Any new billing system purchased by a public water supplier must be capable of reporting detailed water use data as described in clauses (i) - (vi) of this subparagraph:

(i) residential;
(I) single family;
(II) multi-family;
(ii) commercial;
(iii) institutional;
(iv) industrial;
(v) agricultural; and,
(vi) quantified five-year and ten-year targets for water savings to include goals for water loss programs and goals for municipal use in total GPCD and residential GPCD. The goals established by a public water supplier under this subparagraph are not enforceable;

(D) metering device(s), within an accuracy of plus or minus 5.0% in order to measure and account for the amount of water diverted from the source of supply;

(E) a program for universal metering of both customer and public uses of water, for meter testing and repair, and for periodic meter replacement;

(F) measures to determine and control water loss (for example, periodic visual inspections along distribution lines; annual or monthly audit of the water system to determine illegal connections; abandoned services; etc.);

(G) a program of continuing public education and information regarding water conservation;

(H) a water rate structure which is not "promotional," i.e., a rate structure which is cost-based and which does not encourage the excessive use of water;

(I) a reservoir systems operations plan, if applicable, providing for the coordinated operation of reservoirs owned by the applicant within a common watershed or river basin in order to optimize available water supplies; and

(J) a means of implementation and enforcement which shall be evidenced by:

(i) a copy of the ordinance, resolution, or tariff indicating official adoption of the water conservation plan by the water supplier; and

(ii) a description of the authority by which the water supplier will implement and enforce the conservation plan; and

(K) documentation of coordination with the regional water planning groups for the service area of the public water supplier in order to ensure consistency with the appropriate approved regional water plans.

(2) Additional content requirements. Water conservation plans for municipal uses by public drinking water suppliers serving a current population of 5,000 or more and/or a projected population of 5,000 or more within the next ten years subsequent to the effective date of the plan must include the following elements:

(A) a program of leak detection, repair, and water loss accounting for the water transmission, delivery, and distribution system;

(B) a requirement in every wholesale water supply contract entered into or renewed after official adoption of the plan (by either ordinance, resolution, or tariff), and including any contract extension, that each successive wholesale customer develop and implement a water conservation plan or water conservation measures using the applicable elements in this chapter. If the customer intends to resell the water, the contract between the initial supplier and customer must provide that the contract for the resale of the water must have water conservation requirements so that each successive customer in the resale of the water will be required to implement water conservation measures in accordance with the provisions of this chapter.

(3) Additional conservation strategies. Any combination of the following strategies shall be selected by the water supplier, in addition to the minimum requirements in paragraphs (1) and (2) of this subsection, if they are necessary to achieve the stated water conservation goals of the plan. The commission may require that any of the following strategies be implemented by the water supplier if the commission determines that the strategy is necessary to achieve the goals of the water conservation plan:

(A) conservation-oriented water rates and water rate structures such as uniform or increasing block rate schedules, and/or seasonal rates, but not flat rate or decreasing block rates;

(B) adoption of ordinances, plumbing codes, and/or rules requiring water-conserving plumbing fixtures to be installed in new structures and existing structures undergoing substantial modification or addition;

(C) a program for the replacement or retrofit of water-conserving plumbing fixtures in existing structures;

(D) reuse and/or recycling of wastewater and/or graywater;

(E) a program for pressure control and/or reduction in the distribution system and/or for customer connections;

(F) a program and/or ordinance(s) for landscape water management;

(G) a method for monitoring the effectiveness and efficiency of the water conservation plan; and

(H) any other water conservation practice, method, or technique which the water supplier shows to be appropriate for achieving the stated goal or goals of the water conservation plan.

(b) A water conservation plan prepared in accordance with 31 TAC §363.15 (relating to Required Water Conservation Plan) of the Texas Water Development Board and substantially meeting the requirements of this section and other applicable commission rules may be submitted to meet application requirements in accordance with a memorandum of understanding between the commission and the Texas Water Development Board.

(c) A public water supplier for municipal use shall review and update its water conservation plan, as appropriate, based on an assessment of previous five-year and ten-year targets and any other new or updated information. The public water supplier for municipal use shall review and update the next revision of its water conservation plan every five years to coincide with the regional water planning group.

Source Note: The provisions of this §288.2 adopted to be effective May 3, 1993, 18 TexReg 2558; amended to be effective February 21, 1999, 24 TexReg 949; amended to be effective April 27, 2000, 25 TexReg 3544; amended to be effective October 7, 2004, 29 TexReg 9384; amended to be effective December 6, 2012, 37 TexReg 9515

Texas Administrative Code

TITLE 30	ENVIRONMENTAL QUALITY
PART 1	TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
CHAPTER 288	WATER CONSERVATION PLANS, DROUGHT CONTINGENCY PLANS, GUIDELINES AND REQUIREMENTS
SUBCHAPTER B	DROUGHT CONTINGENCY PLANS
RULE §288.20	**Drought Contingency Plans for Municipal Uses by Public Water Suppliers**

(a) A drought contingency plan for a retail public water supplier, where applicable, must include the following minimum elements.

(1) Minimum requirements. Drought contingency plans must include the following minimum elements.

(A) Preparation of the plan shall include provisions to actively inform the public and affirmatively provide opportunity for public input. Such acts may include, but are not limited to, having a public meeting at a time and location convenient to the public and providing written notice to the public concerning the proposed plan and meeting.

(B) Provisions shall be made for a program of continuing public education and information regarding the drought contingency plan.

(C) The drought contingency plan must document coordination with the regional water planning groups for the service area of the retail public water supplier to ensure consistency with the appropriate approved regional water plans.

(D) The drought contingency plan must include a description of the information to be monitored by the water supplier, and specific criteria for the initiation and termination of drought response stages, accompanied by an explanation of the rationale or basis for such triggering criteria.

(E) The drought contingency plan must include drought or emergency response stages providing for the implementation of measures in response to at least the following situations:

(i) reduction in available water supply up to a repeat of the drought of record;
(ii) water production or distribution system limitations;
(iii) supply source contamination; or
(iv) system outage due to the failure or damage of major water system components (e.g., pumps).

(F) The drought contingency plan must include specific, quantified targets for water use reductions to be achieved during periods of water shortage and drought. The entity preparing the plan shall establish the targets. The goals established by the entity under this subparagraph are not enforceable.

(G) The drought contingency plan must include the specific water supply or water demand management measures to be implemented during each stage of the plan including, but not limited to, the following:

(i) curtailment of non-essential water uses; and

(ii) utilization of alternative water sources and/or alternative delivery mechanisms with the prior approval of the executive director as appropriate (e.g., interconnection with another water system, temporary use of a non-municipal water supply, use of reclaimed water for non-potable purposes, etc.).

(H) The drought contingency plan must include the procedures to be followed for the initiation or termination of each drought response stage, including procedures for notification of the public.

(I) The drought contingency plan must include procedures for granting variances to the plan.

(J) The drought contingency plan must include procedures for the enforcement of mandatory water use restrictions, including specification of penalties (e.g., fines, water rate surcharges, discontinuation of service) for violations of such restrictions.

(2) Privately-owned water utilities. Privately-owned water utilities shall prepare a drought contingency plan in accordance with this section and incorporate such plan into their tariff.

(3) Wholesale water customers. Any water supplier that receives all or a portion of its water supply from another water supplier shall consult with that supplier and shall include in the drought contingency plan appropriate provisions for responding to reductions in that water supply.

(b) A wholesale or retail water supplier shall notify the executive director within five business days of the implementation of any mandatory provisions of the drought contingency plan.

(c) The retail public water supplier shall review and update, as appropriate, the drought contingency plan, at least every five years, based on new or updated information, such as the adoption or revision of the regional water plan.

Source Note: The provisions of this §288.20 adopted to be effective February 21, 1999, 24 TexReg 949; amended to be effective April 27, 2000, 25 TexReg 3544; amended to be effective October 7, 2004, 29 TexReg 9384

APPENDIX C

CONSERVATION AND DROUGHT CONTINGENCY PLAN SECTIONS ADDRESSING TCEQ REQUIRMENTS

APPENDIX C

CONSERVATION AND DROUGHT CONTINGENCY PLAN

SECTIONS ADDRESSING TCEQ RULES

Conservation Plans

The TCEQ rules governing development of water conservation plans for public water suppliers are contained in Title 30, Part 1, Chapter 288, Subchapter A, Rule 288.2 of the Texas Administrative Code, which is included in Appendix B. For the purpose of these rules, a water conservation plan is defined as "A strategy or combination of strategies for reducing the volume of water withdrawn from a water supply source, for reducing the loss or waste of water, for maintaining or improving the efficiency in the use of water, for increasing the recycling and reuse of water, and for preventing the pollution of water."[1] The elements in the TCEQ water conservation rules covered in this conservation plan are listed below.

Minimum Conservation Plan Requirements

The minimum requirements in the Texas Administrative Code for Water Conservation Plans for Public Water Suppliers are covered in this report as follows:

- 288.2(a)(1)(A) – Utility Profile – Section 2 and Appendix D
- 288.2(a)(1)(B) – Specification of Goals – Section 3
- 288.2(a)(1)(C) – Specific, Quantified Goals – Section 3
- 288.2(a)(1)(D) – Accurate Metering – Sections 4.1
- 288.2(a)(1)(E) – Universal Metering – Section 4.2
- 288.2(a)(1)(F) – Determination and Control of Unaccounted Water – Section 4.3
- 288.2(a)(1)(G) – Public Education and Information Program – Section 5
- 288.2(a)(1)(H) – Non-Promotional Water Rate Structure – Section 6
- 288.2(a)(1)(I) – Reservoir System Operation Plan – Section 7.1
- 288.2(a)(1)(J) – Means of Implementation and Enforcement – Section 8
- 288.2(a)(1)(K) – Coordination with Regional Water Planning Group – Section 7.7 and Appendix F
- 288.2(c) – Review and Update of Plan – Section 9

Conservation Additional Requirements (Population over 5,000)

The Texas Administrative Code includes additional requirements for water conservation plans for drinking water supplies serving a population over 5,000:

- 288.2(a)(2)(A) – Leak Detection, Repair, and Water Loss Accounting – Sections 4.3 and 4.4
- 288.2(a)(2)(B) – Record Management System – Section 4.5

- 288.2(a)(2)(C) – Requirement for Water Conservation Plans by Wholesale Customers – Section 7.6

Additional Conservation Strategies

The TCEQ requires that a water conservation implementation report be completed and submitted on an annual basis. This report is included in Appendix I.

TCEQ rules also include optional, but not required, conservation strategies, which may be adopted by suppliers.

- 288.2(a)(3)(A) – Conservation Oriented Water Rates – Section 6
- 288.2(a)(3)(B) – Ordinances, Plumbing Codes or Rules on Water-Conserving Fixtures – Section 7.3
- 288.2(a)(3)(F) – Considerations for Landscape Water Management Regulations – Section 7.4 and Appendix E
- 288.2(a)(3)(C) – Replacement or Retrofit of Water-Conserving Plumbing Fixtures – Section 7.4
- 288.2(a)(3)(D) – Reuse and Recycling of Wastewater – Section 7.2
- 288.2(a)(3)(F) – Considerations for Landscape Water Management Regulations – Section 7.5 and Appendix E
- 288.2(a)(3)(G) – Monitoring Method – Not Included in this plan.
- 288.2(a)(3)(H) – Additional Conservation Ordinance Provisions – Section 7.5

Drought Contingency Plans

This model drought contingency and water emergency response plan is consistent with Texas Commission on Environmental Quality guidelines and requirements for the development of drought contingency plans for public water suppliers, contained in Title 30, Part 1, Chapter 288, Subchapter B, Rule 288.20 of the Texas Administrative Code.[2] This rule is contained in Appendix B.

Minimum Requirements

TCEQ's minimum requirements for drought contingency plans are addressed in the following subsections of this report:

- 288.20(a)(1)(A) – Provisions to Inform the Public and Provide Opportunity for Public Input – Section 10.2
- 288.20(a)(1)(B) – Provisions for Continuing Public Education and Information – Section 10.3
- 288.20(a)(1)(C) – Coordination with the Regional Water Planning Group – Section 10.8
- 288.20(a)(1)(D) – Criteria for Initiation and Termination of Drought Stages – Section 10.4
- 288.20(a)(1)(E) – Drought and Emergency Response Stages – Section 10.5
- 288.20(a)(1)(F) – Specific, Quantified Targets for Water Use Reductions – Section 10.5

- 288.20(a)(1)(G) – Water Supply and Demand Management Measures for Each Stage – Section 10.5
- 288.20(a)(1)(H) – Procedures for Initiation and Termination of Drought Stages – Section 10.4
- 288.20(a)(1)(I) - Procedures for Granting Variances – Section 10.6
- 288.20(a)(1)(J) - Procedures for Enforcement of Mandatory Restrictions – Section 10.7
- 288.20(a)(3) – Consultation with Wholesale Supplier – Sections 1, 10.4, and 10.6
- 288.20(b) – Notification of Implementation of Mandatory Measures – Section 10.4
- 288.20(c) – Review and Update of Plan – Section 10.9

APPENDIX D
WATER UTILITY PROFILE

Water Utility Profile

Based on TCEQ Format

The purpose of the Water Utility Profile is to assist an applicant with water conservation plan development and to ensure that important information and data be considered when preparing your water conservation plan and goals. You may contact the Municipal Water Conservation Unit of the TWDB at 512-936-2391 for assistance, or the TCEQ Resource Protection Team at 512-239-4691.

Name of Entity: City of Pearland
Address & Zip: 3519 Liberty Drive, Pearland, TX 77581
Telephone Number: (281) 652-1904
FaxNumber: (281) 652-1710

Form Completed by: Eric Wilson
Title: Director of Public Works
Signature: _____
Date: October 2, 2014

Name and phone number of person/department responsible for implementing a water conservation program:
Name: Eric Wilson Public Works Director
Phone Number: (281) 652-1900

I. POPULATION AND CUSTOMER DATA

A. Population and Service Area Data

1. Please attach a copy of your service-area map and, if applicable, a copy of your Certificate of Convenience and a service-area map.
2. Service area size (square miles): **54**
3. Current population of service area: **106,500**
4. Current population served by utility:
   water: **103,150**
   wastewater: **96,500**
5. Population served by water utility for the previous five years. (Please list by year in ascending order.):

Year	End-of Year Population	Average Population	Average Population Served
2009	87,077	84,990	84,990
2010	91,252	89,164	89,164
2011	95,644	93,448	93,448
2012	99,800	97,722	97,722
2013	106,500	103,150	103,150

6. Projected population for service area in the following decades:

Year	Population
2020	125,900
2030	187,200
2040	224,600

7. List source/method for the calculation of current and projected population:

Current and projected populations are derived from City of Pearland, Houston Galveston Area Council, and Region H Planning Group data.

B. Active Connections

1. Current number of active connections.

Check whether multi-family service is counted as Residential _X__ or Commercial ___.

Current year is: **2014**

Treated Water Users	Metered	Non-Metered	Total
Residential	33329		33329
Commercial/ Industrial	867		867
Irrigation	1156		1156
Other (Government)	229		229
Total	35581	0	35581

2. List the net number of new connections per year for most recent three years:

Year	2011	2012	2013
Residential			
Commercial			
Industrial			
Other			
Total	3278	914	923

Note: Current utility billing software foes not accurately tract new customers added on a yearly basis by type. The system is currently being evaluated for upgrade.

C. High Volume Customers

List annual water use for the five highest volume customers.
(Please indicate if treated or raw water delivery.):

Customer	Use (1,000 gal/yr)	Treated or Raw Water?
Shadow Creek Ranch Management	82,489	Treated
Pearland ISD	75,927	Treated
City of Pearland	58,785	Treated
Alexan Apartments Shadow Creek Ranch	34,988	Treated
Shadow Creek Phase ILLC	27,815	Treated

II. WATER USE DATA FOR SERVICE AREA

A. Water Accounting Data

1. Amount of water use for previous five years (in 1,000 gal):

Please indicate: Diverted Water X
Treated Water X

Year	2009	2010	2011	2012	2013
January	238,633	235,654	257,103	297,511	318,753
February	225,957	224,983	251,347	255,393	283,666
March	278,077	262,788	354,236	290,782	377,246
April	269,871	315,693	453,901	324,808	352,359
May	339,344	418,901	514,738	426,247	407,766
June	436,179	385,848	535,351	720,534	456,603
July	438,132	322,933	502,990	337,305	491,015
August	384,635	408,159	526,683	455,858	473,871
September	321,345	328,805	472,787	408,933	429,418
October	277,102	407,162	396,702	409,642	342,503
November	275,800	287,677	317,732	384,769	311,172
December	242,745	269,535	273,205	330,325	310,246
Total	3,727,848	3,868,139	4,856,774	4,642,167	4,554,617

Please indicate how the above figures were determined (e.g., from a master meter located at the point of diversion from a stream, or located at a point where raw water enters the treatment plant, or from water sales).
The above figures were obtained from the City of Pearland. They are a combination of metered groundwater pumping and metered surface water purchases.

2. Amount of water (in 1,000 gallons) delivered (sold) as recorded by the following account types

Year	Residential	Commercial/ Industrial	Irrigation Meters	Builders	Other (Government)	Total Sold
2009	2,302,401.9	281,819.4	579,615.2	65,880.2	212,692.8	4,213,843.0
2010	2,496,711.5	327,200.8	473,294.3	42,096.9	254,496.4	3,593,799.9
2011	2,834,211.4	300,470.5	555,945.1	44,572.1	242,438.9	3,979,638.0
2012	2,566,053.0	320,015.3	476,128.0	32,834.0	268,855.3	3,663,889.1
2013	1,904,232.2	260,790.3	454,424.0	79,731.0	177,607.5	2,876,785.0

3. List previous five years records for water loss (the difference between water diverted (or treated) and water delivered (sold)).
(TWDB requires that the data for this entry be reported in **gallons**.)

Year	Amount (gal.)	%
2009	110,865,061	2.97
2010	603,762,475	15.61
2011	298,347,295	6.14
2012	848,564,416	18.0
2013	519,099,810	11.4

4. Municipal water use for previous five years:

Year	Population Served (Average for Year)	Total Diverted (or Treated) (1,000 gal)
2009	87,077	3,616,983
2010	91,252	3,264,376
2011	95,644	4,558,427
2012	99,800	3,793,603
2013	103,150	4,035,517

B. Projected Water Demands

If applicable, attach projected water supply demands for the next ten years using information such as population trends, historical water use, and economic growth in the service area over the next ten years and any additional water supply requirement from such growth.

Year	Projected Demand (Ac-Ft)	Source of data	Additional Water Supply Requirements
2014	16,614	City of Pearland	
2015	16,905	City of Pearland	
2016	17,099	City of Pearland	
2017	17,294	City of Pearland	
2018	17,488	City of Pearland	
2019	19,770	City of Pearland	
2020	20,180	City of Pearland	
2021	20,622	City of Pearland	
2022	21,176	City of Pearland	
2023	133,132	City of Pearland	

III. WATER SUPPLY SYSTEM DATA

A. Water Supply Sources List all current water supply sources and the amounts authorized with each:

Type	Source	Amount Authorized (daily)
Surface Water	City of Houston and Clear Brook MUD	100,000 GPD
Groundwater	Gulf Coast Aquifer	19,238,400 GPD
Contracts	City of Houston (new contract)	16,319,520 GPD
Other		

B. Treatment and Distribution System

1. Design daily capacity of system : 25 MGD

2. Storage capacity:

   Elevated 4.5 MG
   Ground 17.9 MG

3. If surface water, do you recycle filter backwash to the head of the plant?
   The City of Pearland does not currently have a surface water treatment plant

4. Please attach a description of the water system. Include the number of treatment plants, wells, and storage tanks. If possible, include a sketch of the system layout.
   See Figure 3.1 Pearland has 11 groundwater wells, three connections for purchased of surface water, 6 elevated tanks, and 16 ground storage tanks.

IV. WASTEWATER SYSTEM DATA

A. Wastewater System Data

1. Design capacity of wastewater treatment plant(s): **12.75MGD**

2. Is treated effluent used for: irrigation on-site **(NO)**, off-site **(NO)**, plant washdown **(YES)**, or chlorination/dechlorination **(NO)**? If yes, approximately how many gallons per month? **(100,000)**

3. Briefly describe the wastewater system(s) of the area serviced by the water utility. Describe how treated wastewater is disposed of. Where applicable, identify treatment plant(s) with the TCEQ name and number, the operator, owner, and, if wastewater is discharged, the receiving stream. Please provide a sketch or map which locates the plant(s) and discharge points or disposal sites.

A map of the wastewater system showing the location of the 5 wastewater treatment plants is at the end of this appendix.

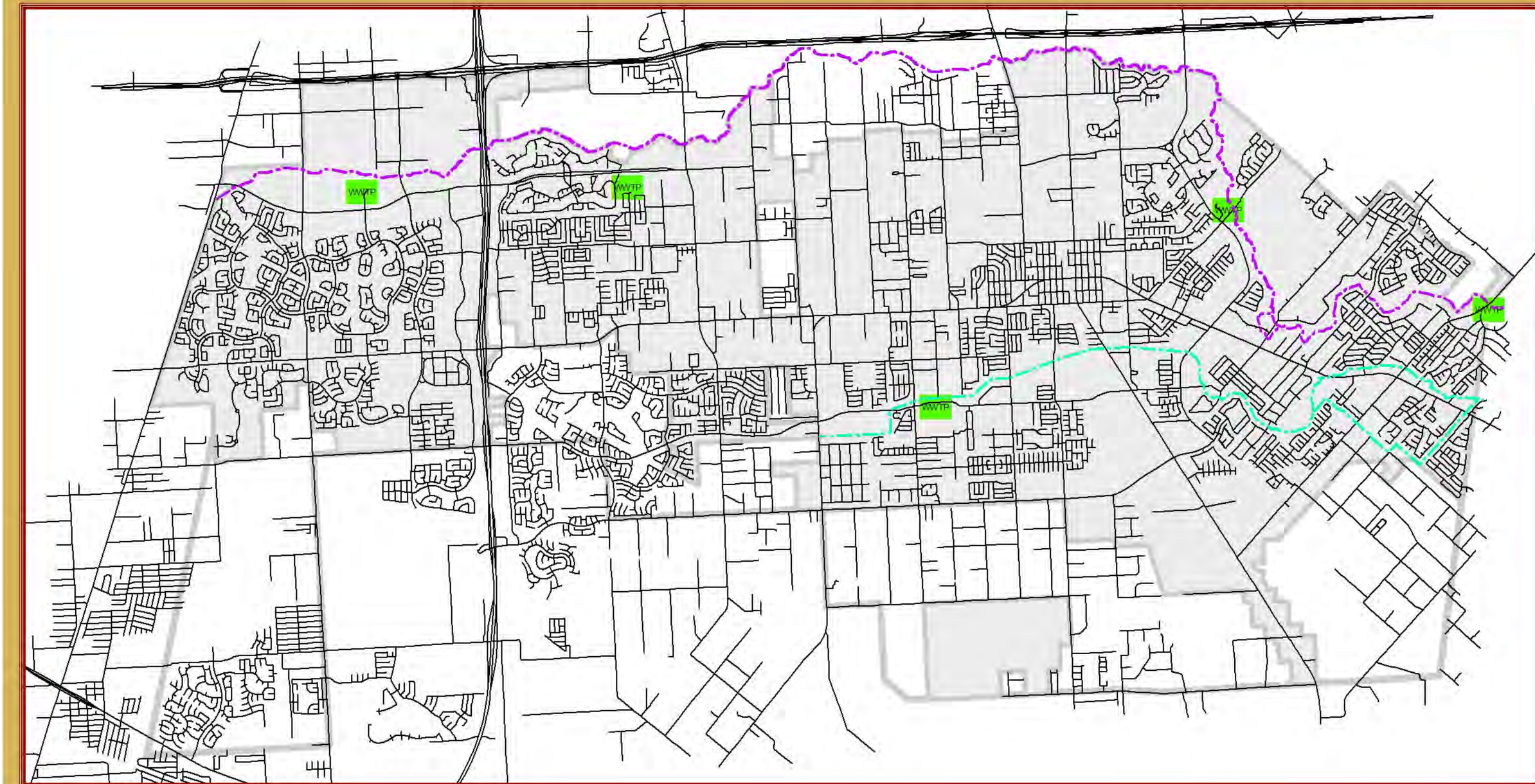
Treatment Plant Name	TCEQ Number	Operator	Owner	Receiving Stream
Barry Rose Facility 2	RN101613446	City of Pearland	City of Pearland	Clear Creek
Longwood Facility	RN104480777	City of Pearland	City of Pearland	Clear Creek
Brazoria County MUD 5	RN105274179	City of Pearland	City of Pearland	Clear Creek
Southwest Environmental Center WWTP	RN101609196	City of Pearland	City of Pearland	Mary's Creek
Far Northwest Environmental Center	RN104480819	City of Pearland	City of Pearland	Clear Creek

B. Wastewater Data for Service Area

1. Percent of water service area served by wastewater system: **95%**

2. Daily volume of wastewater treated for previous three years (in 1,000 gallons):

Year	2011	2012	2013
January	6,693	6,008	7,733
February	5,573	7,485	6,783
March	5,307	7,334	6,384
April	5,417	6,290	7,726
May	5,281	6,488	7,146
June	5,277	5,962	6,735
July	5,281	7,608	6,717
August	5,204	6,187	6,720
September	5,023	6,416	7,127
October	5,465	5,919	7,405
November	5,313	5,789	8,026
December	6,090	6,763	7,185
Total	65,924	78,249	85,687



CITY OF PEARLAND

"WASTE WATER TREATMENT PLANTS"

Legend

- WWTP — WWTP
- CityLimits
- CLEAR CREEK
- MARYS CREEK

1 in = 1 miles

0 0.5 1

Miles

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.

MAP PREPARED: OCTOBER 3, 2014
CITY OF PEARLAND PUBIC WORKS

APPENDIX E

CONSIDERATIONS FOR LANDSCAPE WATER MANAGEMENT REGULATIONS

APPENDIX E
Considerations for Landscape Water Management Regulations

A. Purpose

The purpose of these proposed landscape water management regulations is to provide a consistent mechanism for preventing the waste of water resources. To enact these provisions, entities must verify legal authority to adopt such provisions, and must promulgate valid rules, orders, or ordinances.

B. Potential Measures

The following landscape water conservation measures could potentially be included in the landscape management regulations adopted and enforced in this plan.

1. Lawn and Landscape Irrigation Restrictions

   a. A person should avoid irrigating, watering, or causing or allowing the irrigation or watering of lawn or landscape located on any property owned, leased, or managed by that person in such a manner that causes:

      i. over-watering lawn or landscape, such that a constant stream of water overflows from the lawn or landscape onto a street or other drainage area; or

      ii. irrigating lawn or landscape during any form of precipitation or freezing conditions. This restriction applies to all forms of irrigation, including automatic sprinkler systems; or

      iii. the irrigation of impervious surfaces or other non-irrigated areas, wind driven water drift taken into consideration.

   b. A person should avoid the irrigation or watering of any lawn or landscape located on any property owned, leased, or managed by the person more than two times per week (Sunday through Saturday).

2. Rain and Freeze Sensors and/or ET or Smart Controllers

   a. Any new irrigation system installed on or after January 1, _____, must be equipped with rain and freeze sensing devices and/or ET or Smart controllers in compliance with state design and installation regulations.

   b. A person should avoid:

      i. knowingly or recklessly installs or allows the installation of new irrigation systems in violation of Subsection B.2.a; or

      ii. knowingly or recklessly operates or allows the operation of an irrigation system that does not comply with Subsection B.2.a.

3. Filling or Refilling of Ponds

   a. A person should not knowingly or recklessly fill or refill any natural or manmade pond located on any property owned, leased, or managed by the

person by introducing any treated water to fill or refill the pond. This does not restrict the filling or maintenance of pond levels by the effect of natural water runoff or the introduction of well water into the pond. A pond is considered to be a still body of water with a surface area of 500 square feet or more (other than a swimming pool).

4. Lawn and Landscape Irrigation Restrictions

   a. A person should avoid knowingly or recklessly operating a lawn or irrigation system or device on property that the person owns, leases, or manages that:

      i. has broken or missing sprinkler head(s); or

      ii. has not been properly maintained to prevent the waste of water.

   b. All new athletic fields must have separate irrigation systems that are capable of irrigating the playing fields separately from other open spaces.

5. Rain and Freeze Sensors

   a. Existing irrigation systems could be required to be retrofitted with rain and freeze sensors capable of multiprogramming within 5 years.

C Variances

1. In special cases, variances may be granted to persons demonstrating extreme hardship or need. Variances may be granted under the following circumstances:

   a. the applicant must sign a compliance agreement agreeing to irrigate or water the lawn and/or landscape only in the amount and manner permitted by the variance; and

   b. the variance must not cause an immediate significant reduction to the water supply; and

   c. the extreme hardship or need requiring the variance must relate to the health, safety, or welfare of the person making the request; and

   d. the health, safety, and welfare of the public and the person making the request must not be adversely affected by the requested variance.

2 A variance will be revoked upon a finding that:

   a. the applicant can no longer demonstrate extreme hardship or need; or

   b. the terms of the compliance agreement are violated; or

   c. the health, safety, or welfare of the public or other persons requires revocation.

APPENDIX F

TCEQ WATER CONSERVATION IMPLEMENTATION REPORT

Texas Commission on Environmental Quality

Water Conservation Implementation Report

This report must be completed by entities that are required to submit a water conservation plan to the TCEQ in accordance with Title 30 Texas Administrative Code, Chapter 288. Please complete this report and submit it to the TCEQ. If you need assistance in completing this form, please contact the Resource Protection Team in the Water Supply Division at (512) 239-4691.

Name:	City of Pearland	
Address:	3519 Liberty Dr. Pearland, TX. 77581	
Telephone Number:	**(281) 652-1900**	**Fax: (281) 652-1710**
Form Completed By:	**Eric Wilson**	
Title:	**Director of Public Works**	
Signature:		**Date:**

I. WATER USES Indicate the type(s) of water uses (example: municipal, industrial, or agricultural). **Municipal Use**

II. WATER CONSERVATION MEASURES IMPLEMENTED Provide the water conservation measures and the dates the measures were implemented.

Description of Water Conservation Measure:

Universal metering of all customers both public and private. Implementation of a meter testing repair and replacement program. The City is currently evaluating vairious Advanced Metering Infrastructure (AMI) systems for implementation over the next five years.
Adoption of the Internation Building Code and associated plumbing codes.

Date Implemented: **1999, 2002, 2007, 2013, 2014**

Description of Water Conservation Measure:

The City conducts annual water audits to determine the amount and control for unaccounted water.

Date Implemented: **Ongoing**

Description of Water Conservation Measure:

Leak Detection and Repair. The City crews and staff look for and report evidence or leaks in the water distribution system. Once a leak is reported a crew responds to the site to repair the leak.

Date Implemented: **Ongoing**

Description of Water Conservation Measure:

Record Management System. The City has a record management system which allows them to separate sales into limited categories. The City is currently evaluating various water billing systems that will allow more flexibility in records management.

Date Implemented: **1998, 2015**

Description of Water Conservation Measure:

Public Education through newspapers, e-mail, city website, bill inserts, and the Connect-CTY automatic calling system, and local school programs.

Date Implemented: **Ongoing**

Description of Water Conservation Measure:

Increasing Block Rate Structure. The City has an increasing block rate structure which encourages users to conserve water with higher rates for increased water use.

Date Implemented: **October 1, 2014**

Description of Water Conservation Measure:

Reuse and Recycling of Wastewater. Reuse water is used for wash down at the wastewater treatment plant. The City is currently in the process of applying for 30TAC210 authorization for the sale of wastewater effluent for industrial and irrigation purposes

Date Implemented: **Projected 2015**

III. TARGETS

A. Provide the **specific and quantified five and ten-year targets** as listed in water conservation plan for previous planning period.

5-Year Specific/Quantified Target: **N/A (No plan before May 2009**
Date to achieve target: **December 2013**

10-Year Specific/Quantified Target: **N/A (No plan before May 2009**
Date to achieve target: **December of 2018**

B. State if these targets in the water conservation plan are being met.

The targets set forth in the 2009 Water Conservation Plan were not met as a result of several years of below average rainfall, including the worst single year drought in 2011.

C. List the actual amount of water saved.

The City of Pearland as well as most of the State of Texas had higher than average water consumption since 2009 as a result of several years of below average rainfall.

D. If the targets are not being met, provide an explanation as to why, including any progress on the targets.

The City of Pearland as well as most of the State of Texas had higher than average water consumption since 2009 as a result of several years of below average rainfall. Effective October 1, 2014 the City implemented a higher water billing block structure as shown in Section 6 above.

If you have any questions on how to fill out this form or about the Water Conservation program, please contact the Texas Commission on Environmental Quality at (512) 239-4691.

Individuals are entitled to request and review their personal information that the agency gathers on its forms. They may also have any errors in their information corrected. To review such information, contact us at 512-239-3282.

APPENDIX G

ADOPTION OF WATER CONSERVATION AND DROUGHT CONTINGENCY AND WATER EMERGENCY RESPONSE PLAN

Municipal Ordinance
Adopting Water Conservation and Drought
Contingency and Water Emergency Response Plan

Ordinance No.

AN ORDINANCE ADOPTING A WATER CONSERVATION AND DROUGHT CONTINGENCY AND WATER EMERGENCY RESPONSE PLAN FOR THE CITY OF PEARLAND TO PROMOTE RESPONSIBLE USE OF WATER AND TO PROVIDE FOR PENALTIES AND/OR THE DISCONNECTION OF WATER SERVICE FOR NONCOMPLIANCE WITH THE PROVISIONS OF THE WATER CONSERVATION AND DROUGHT CONTINGENCY AND WATER EMERGENCY RESPONSE PLAN.

WHEREAS, the City of Pearland, Texas (the "City"), recognizes that the amount of water available to its water customers is limited; and

WHEREAS, the City recognizes that due to natural limitations, drought conditions, system failures and other acts of God which may occur, the City cannot guarantee an uninterrupted water supply for all purposes at all times; and

WHEREAS, the Water Code and the regulations of the Texas Commission on Environmental Quality (the "Commission") require that the City adopt a Water Conservation and Drought Contingency and Water Emergency Response Plan; and

WHEREAS, the City has determined an urgent need in the best interest of the public to adopt a Water Conservation and Drought Contingency and Water Emergency Response Plan; and

WHEREAS, pursuant to Chapter 54 of the Local Government Code, the City is authorized to adopt such Ordinances necessary to preserve and conserve its water resources; and

WHEREAS, the City Council of the City of Pearland desires to adopt the Water Conservation and Drought Contingency and Water Emergency Response Plan as official City policy for the conservation of water.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF Pearland THAT:

Section 1. The City Council hereby approves and adopts the Water Conservation and Drought Contingency and Water Emergency Response Plan (the "Plan"), attached hereto as Addendum A, as if recited verbatim herein. The City commits to implement the requirements and procedures set forth in the adopted Plan.

Section 2. Any customer, defined pursuant to 30 Tex. Admin. Code Chapter 291, failing to comply with the provisions of the Plan shall be subject to a fine of up to two thousand dollars ($2,000.00) and/or discontinuance of water service by the City. Proof of a culpable mental state is not required for a conviction of an offense under this section. Each day a customer fails to comply with the Plan is a separate violation. The City's authority to seek injunctive or other civil relief available under the law is not limited by this section.

Section 3. The City Council does hereby find and declare that sufficient written notice of the date, hour, place and subject of the meeting adopting this Ordinance was posted at a designated place convenient to the public for the time required by law preceding the meeting, that such place of posting was readily accessible at all times to the general public, and that all of the foregoing was done as required by law at all times during which this Ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the posting thereof.

Section 4. Should any paragraph, sentence, clause, phrase or word of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of this Ordinance shall not be affected.

Section 5. The City Manager or his designee is hereby directed to file a copy of the Plan and this Ordinance with the Commission in accordance with Title 30, Chapter 288 of the Texas Administrative Code.

Section 6. The City Secretary is hereby authorized and directed to cause publication of the descriptive caption of this ordinance as an alternative method of publication provided by law.

Section 7. Ordinance No. , _____adopted on _____ , is hereby repealed.

Passed by the City Council on this _____ day of _____, _____.

Mayor:

Attest:
City Secretary

New Business Item No. 8

8. **Council Input and Discussion –** Update regarding contract with The Goodman Corporation and the Status of the proposed Pearland Area Park & Ride located along Smith Ranch Road near Hughes Ranch Road.

AGENDA REQUEST
BUSINESS OF THE CITY COUNCIL
CITY OF PEARLAND, TEXAS

AGENDA OF:	October 13, 2014	**ITEM NO.:**	New Business No. 8
DATE SUBMITTED:	October 6, 2014	**DEPT. OF ORIGIN:**	Administration
PREPARED BY:	Jon R. Branson	**PRESENTOR:**	Jon R. Branson
REVIEWED BY:	Jon R. Branson	**REVIEW DATE:**	October 9, 2014

SUBJECT: Update regarding the contract with The Goodman Corporation and the status of the proposed Pearland Area Park & Ride located along Smith Ranch Road near Hughes Ranch Road.

EXHIBITS: Resolution 2013-175; Contract with Gulf Coast Center; Exhibit "A" Scope of Services, Letter to METRO from Mayor Reid; PowerPoint Presentation

FUNDING:

☐ Grant ☐ Developer/Other Cash

☐ Bonds To Be Sold ☐ Bonds- Sold ☐ L/P – Sold ☐ L/P – To Be Sold

EXPENDITURE REQUIRED: N/A **AMOUNT BUDGETED:**
AMOUNT AVAILABLE: **PROJECT NO.: N/A**
ACCOUNT NO.:
ADDITIONAL APPROPRIATION REQUIRED: N/A
ACCOUNT NO.:
PROJECT NO.:

To be completed by Department:

Finance **Legal** **Ordinance** **Resolution**

EXECUTIVE SUMMARY

In October of 2013, the City entered into an Interlocal Agreement with the Gulf Coast Center for the Goodman Corporation to provide consulting services to determine the financial feasibility of the City and/or Gulf Coast Center to operate Park & Ride services in Pearland.

Since the initial contract was signed, we have jointly met with the Federal Transportation Administration (FTA), Houston Galveston Area Council (HGAC) and with METRO to discuss the project and to determine the best way to proceed.

On March 25, 2014, The Goodman Corporation and I met with the Alan Clark with HGAC to discuss the project and to determine the next steps. At the meeting Alan told us that METRO wanted to transfer the property to the City/Connect Transit and that we needed to make them an offer on the property. He also told us that METRO wanted to be repaid 100% for the cost ($795,000) that they paid to purchase the land.

On May 28, 2014, Mayor Reid sent the City's offer to METRO requesting transfer of the property to the City and to utilize past 5307 formula funds collected from Pearland area residents as our payment for the property. To date we have not had a formal response from METRO regarding the offer however, Mayor Reid and I did meet with METRO Board Chairman, Gilbert Garcia and CEO, Tom Lambert on September 17, 2014, to discuss the offer. At the meeting CEO Lambert stated that he was going to recommend to his Board that they transfer the remainder of JARC (Job Access, Reverse Commute) grant funding to the City/Connect for construction of the site as well as recommend that METRO transfer the ownership of the property to the City for what they paid for it.

BACKGROUND

The City has been working with METRO since 2005 to establish Park & Ride services in the Pearland Area. In November of 2011, METRO purchased approximately 16 acres for the site. In their 2012 budget METRO identified the SH-288/Brazoria County Park & Ride as a new project. In December of that same year, METRO senior officials called a meeting with former City Manager, Bill Eisen and I to inform us that their Board has had a policy shift in providing transportation services to non-service area cities and therefore, they would not be providing Park & Ride services in Pearland.

Up until that time, the City had planned for METRO to design, construct and to provide Park & Ride services in the area. Upon receiving this new information and discussing the issues with Council, it was decided to enter into an agreement with The Goodman Corporation to determine the financial feasibility of moving forward with the project.

SCOPE OF CONTRACT

To provide consulting services to the City to determine the financial feasibility of providing Park & Ride services in Pearland.

BID AND AWARD

NA

SCHEDULE

The Contract was signed on October 28, 2014 and was contemplated to take twelve (12) months to complete.

POLICY/GOAL CONSIDERATION

To provide low cost transportation services to and from Pearland to the Medical Center along SH 288.

CURRENT AND FUTURE FUNDING /FINANCIAL IMPACTS

To be determined.

O&M IMPACT INFORMATION

Estimated previously to cost approximately $230,000 annually (depending on Federal funding).

RECOMMENDED ACTION

Receive input from the Goodman Corporation regarding the status of their contract with the City and to receive a status update on the financial feasibility of the project. After discussion with the Consultant, provide direction to staff as how to proceed with the project.

RESOLUTION NO. R2013-175

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO ENTER INTO AN INTERLOCAL AGREEMENT WITH THE GULF COAST CENTER ASSOCIATED WITH THE DEVELOPMENT OF A PARK AND RIDE PROGRAM.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS:

Section 1. That certain Interlocal Agreement by and between the City of Pearland and the Gulf Coast Center, a copy of which is attached hereto as Exhibit "A" and made a part hereof for all purposes, is hereby authorized and approved.

Section 2. That the City Manager or his designee is hereby authorized to execute and the City Secretary to attest said Interlocal Agreement with the Gulf Coast Center.

PASSED, APPROVED and ADOPTED this the 28th day of October, A.D., 2013.

TOM REID
MAYOR

ATTEST:

YOUNG LORFING, TRMC
CITY SECRETARY

CITY OF PEARLAND, TEXAS

APPROVED AS TO FORM:

DARRIN M. COKER
CITY ATTORNEY

Resolution No. R2013-175
Exhibit "A"

THE STATE OF TEXAS §

COUNTY OF BRAZORIA §

INTERLOCAL AGREEMENT
INTERLOCAL CONTRACT

This Interlocal Contract ("Agreement") is made and entered into and effective as of the 28TH day of October, 2013 ("Effective Date") pursuant to the Texas Interlocal Cooperation Act, Chapter 791 of the Texas Government Code (the "Act"), by and between the **CITY OF PEARLAND, TEXAS** (the "City"), a political subdivision of the State of Texas, created pursuant to the Texas Local Government Code, and the **Gulf Coast Center** (the Center), established pursuant to provisions of Chapter 534 of the Texas Health & Safety Code Ann. (Vernon 1992),

WHEREAS, pursuant to the Act, the City and Center are authorized to contract with eligible entities to perform governmental functions and services, including governmental functions in which the contracting parties are mutually interested;

RECITALS

WHEREAS, the Center is the designated transit provider for Brazoria County; and,

WHEREAS, the Center (and its public transportation department Connect Transit), provide public transit services for Brazoria County; and,

WHEREAS, the City has expressed interest in developing a Park and Ride program including facility development plan, joint development plan, financial framework, and implementation strategy for future express transit services for its residents, who can benefit from direct transit access to the Texas Medical Center, Downtown, and linkage with Metro's regional transit network; and,

WHEREAS, the Center has been developing and expanding transit services within Brazoria County and desires to assist the City in the pursuit of federal funding to support park and ride facility development, and future operations; and,

WHEREAS, the City desires to support the Center's Transportation Consultant in pursuit of the objectives above and the Scope of Services and related budget delineated in Exhibit A; and,

WHEREAS, the City has agreed to provide $57,500 to support 50% of the work activity delineated in Exhibit A; and,

WHEREAS, The Center is a Federal Transit Administration grantee, and thus can file grants, receive federal funding, oversee transit service contracts, develop capital facilities and enter into Interlocal Agreements with the City to assist in accomplishing City objectives.

NOW, THEREFORE, in consideration of the mutual covenants and conditions contained in this Agreement and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the City and the Center agree to the following terms, covenants, and conditions:

ARTICLE 1 – FINANCIAL SUPPORT FROM THE CENTER

The Center intends to utilize federal funding to support 50% of the project costs in an amount not to exceed $57,500. These funds, when combined with funds from the City, will be used to pay invoice amounts from the Consultant which have been reviewed and approved by the City and Center.

ARTICLE 2 – FINANCIAL SUPPORT FROM THE CITY

The City will review progress reports and invoices submitted to both the City and Center from the Center's Transportation Consultant. Upon review by the City and Center, the Center will pay Consultant invoices in accordance with this Agreement.

ARTICLE 3 – FEDERAL, STATE AND LOCAL REPORTING REQUIREMENTS

The Center will be responsible for all federal, state, and local reporting and compliance requirements.

ARTICLE 4 – PAYMENT BY THE CITY

The Center will invoice the City for its 50% share of Consultant, subsequent to review of Consultant's work product. The City agrees to provide its 50% share of cost within thirty (30) days of receipt of Center's invoices.

ARTICLE 5– SECTARIAN INVOLVEMENT PROHIBITED

The Center shall ensure that no funds under this Agreement are used, either directly or indirectly, in the support of any religious or anti-religious activity, worship, or instruction.

ARTICLE 6 - TERMINATION OF AGREEMENT

This Agreement will terminate after an initial eighteen (18) month period. However, the agreement may be extended through mutual agreement by both parties.

ARTICLE 7 - CANCELLATION OF AGREEMENT

This agreement may be cancelled at any time by either party, through the provision of a ninety (90) day notice of intent to terminate.

ARTICLE 8 – LIABILITY

Section 8.01 - No Personal Liability of Center. To the extent allowed by law the Center's officers, either singularly or collectively, are not personally liable on this Agreement or for any breach thereof.

Section 8. 02 - No Personal Liability of the City. To the extent allowed by law, the City's officers, agents and employees, either singularly or collectively, are not personally liable on this Agreement or for any breach thereof.

Section 8.03 – Force Majeure. Neither Party shall be liable for, or able to terminate this Agreement, for any failure to perform hereunder where such failure is proximately caused by a Force Majeure Occurrence. A "**Force Majeure Occurrence**" shall mean an occurrence beyond the control and without the fault or negligence of the party affected and which by exercise or reasonable diligence the said party is unable to prevent or provide against. Without limiting the generality of the foregoing, force majeure occurrences shall include: acts of nature (including fire, flood, earthquake, storm, hurricane, or other natural disaster), war, invasion, acts of foreign combatants, terrorists acts, military or other usurped political power or confiscation, nationalization, government sanction or embargo, labor disputes of third parties to this contract, or the prolonged failure of electricity or other vital utility service. Any Party asserting a Force Majeure Occurrence as an excuse to performance shall have the burden of proving proximate cause, that reasonable steps were taken to minimize the delay and damages caused by events when known, and that the other Party was timely notified of the likelihood or actual occurrence which is claimed as grounds for a defense under this Paragraph.

ARTICLE 9 – MISCELLANEOUS

Section 9.01 - Laws. The parties hereto agree to abide with all applicable City Charter provisions, laws, regulations, and grant provisions of the United States, the State of Texas, and any other lawful authorities having jurisdiction.

Section 9.02 - Legal Construction. In case any one or more of the provisions contained in this Agreement is for any reason held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability does not affect any other provision hereof and this Agreement will be construed as if such invalid, illegal, or unenforceable provision had never been contained herein, if consistent with the overall intent of this Agreement.

Section 9.03 - Jurisdiction and Venue. The Parties agree that any dispute arising out of or relating to this Agreement shall be brought before the courts having jurisdiction over Brazoria County, Texas, each Party waiving any contest to jurisdiction or venue in such courts.

Section 9.04 - Waiver. Waiver of any breach of any provision of this Agreement shall not constitute or operate as a waiver of any other breach of such provision or of any other provision, unless such a waiver expressly is executed by both Parties in writing.

Section 9.05 - Notices. All notices, demands, or requests from one party to another shall be in writing and shall be personally delivered, sent by mail, certified, registered, express or overnight, postage prepaid, or sent by facsimile transmission, to the addresses stated in this Section, or to such other address as the party may request in writing, and are deemed to have been given at the time of delivery.

The Gulf Coast Center- Connect Transportation:
Attn: General Manager
Gulf Coast Center – Connect Transportation
4352 Emmett F Lowry Expressway
Texas City, TX 77591

City of Pearland:
Attn: City Manager
City of Pearland
3519 Liberty Drive
Pearland, TX 77581

Section 9.06 - Counterparts. This Agreement may be executed in any number of counterparts, and each counterpart is deemed to be an original instrument, but all such counterparts together constitute but one Agreement. A photocopy or facsimile reproduction of an original signature of a party on this Agreement binds that party to the terms, covenants and conditions of this Agreement.

Section 9.07 - Time is of the Essence. Time is of the essence in this Agreement.

Section 9.08 - Headings. The headings, captions, and arrangements used in this Agreement are for convenience only and do not affect the interpretation of this Agreement.

Section 9.09 - Counterparts. This Agreement may be executed in any number of counterparts, and each counterpart is deemed to be an original instrument, but all such counterparts together constitute but one Agreement. A photocopy or facsimile reproduction of an original signature of a party on this Agreement binds that party to the terms, covenants and conditions of this Agreement.

APPROVED:

The Gulf Coast Center

APPROVED:

Bill Eisen, City Manager
City of Pearland

THE GOODMAN CORPORATION

EXHIBIT A

SCOPE OF SERVICES

TASK 1: Workshops and Background

For several years, City of Pearland (City) has considered partnering with Houston METRO (METRO) or Gulf Coast Center (GCC) in the implementation of commuter park and ride services into the Texas Medical Center (TMC) and Downtown Houston. As the residential population in Pearland continues to grow, The Goodman Corporation (TGC) will assist in addressing capital and service strategies for park and ride implementation. To best achieve these ends, TGC will conduct the following efforts to complete Task 1:

- Conduct workshop with City staff to outline goals and timeline of desired park and ride facility; as well as gain an understanding of the City's current political and fiscal environment.
- Conduct workshop(s) with other stakeholders (Brazoria County, Gulf Coast Center, METRO, H-GAC, property owners, citizen advocates, etc.) to discuss background of project and determine the appropriate path forward to implement project in a timely manner.
- Review the extent of previous planning efforts for the park and ride to determine what needs to be updated or revised to move the project forward at this time.
- Develop Chapters 1 & 2 of the Final Report describing the project background, current and future needs related to the project, a list of involved stakeholders and detailed project approach for the study effort.
    - *Deliverable: Workshops and Chapters 1 & 2 (Background and Project Approach of Final Report)*
    - *Timeframe: 2 months from Notice to Proceed*

- *Cost: $10,000*

TASK 2: Park and Ride Demand Analysis and Operations Plan

TGC will utilize journey-to-work, demographic profiles, and other relevant data from the 2010 U.S. Census and the Metropolitan Planning Organization (MPO) to evaluate the passenger demand for a commuter park and ride facility in the Pearland area. TGC will apply the Texas Department of Transportation (TxDOT)/Texas Transportation Institute (TTI) methodology to determine demand estimates for the proposed facility. To the extent that points have not been covered in previous planning efforts, TGC will analyze the following items:

- Origins and destinations of potential park and ride users
- Ridership estimates
- Proposed operating schedule and estimated operating costs
- Development of Chapters 3 & 4 (Project Description and Capital/Operating Plan)
  - *Deliverable: Chapters 3 & 4 of the Final Report*
  - *Timeframe: 3 months from Notice to Proceed*
  - *Cost: $10,000*

TASK 3: Park and Ride Site Layout and Joint Development Phasing Plan

A site layout will be developed, which will depict the proposed park and ride, its access points, internal circulation paths, transit user parking, terminal/shelter improvement locations, pedestrian/sidewalk connections, and other related items. The site layout will be the basis for setting aside adequate property for the footprint of the facility, and will be needed as a starting point for the final engineering phase of work. TGC will also analyze market data and make suggestions about potential joint development opportunities to be proposed for the remaining portion of the site. TGC will analyze the following items:

- Analysis of capital infrastructure needs for parking facility and connectivity to SH 288
- Development of site layout plan including recommendations for items to consider in PE&D of parking facility (i.e. number of parking spaces, shelter, restrooms, bike racks, etc.)
- Vehicular connectivity from residential complexes and subdivisions to the proposed site of the park and ride
- Pedestrian and Bicycle connectivity to the park and ride and nearby destinations

- Preparation of a Joint Development program to entice development of the full 15-acre site to maximize mixed-use development and associated property and sales tax revenues for the City

- Develop Chapter 5 of the Final Report (Park and Ride Development Program)

    - *Deliverable: Chapter 5 of the Final Report*

    - *Timeframe: 5 months from Notice to Proceed*

    - *Cost: $10,000*

TASK 4: Quantification of Environmental Benefits

TGC staff will prepare a Benefit/Cost section for the Final Report that will be vital to the success of future pursuit of funding for capital and operating grant assistance for the park and ride. TGC already works closely with H-GAC's air quality staff on similar projects, and will actively engage them during the process of developing estimates for the proposed Pearland Park and Ride facilities and services. The following items will be included:

- Calculation of emissions savings due to reduced vehicle miles travelled and reduced engine cold starts

- Monetary benefits of the park and ride attributed to reduced vehicle hours travelled, reduced emissions and similar data

- Health and quality of life benefits due to less stress, fewer automobile accidents and emissions reductions across our region

- Develop Chapter 6 of the Final Report (Benefit/Cost Analysis)

    - *Deliverable: Chapter 6 of the Final Report*

    - *Timeframe: 6 months from Notice to Proceed*

    - *Cost: $15,000*

TASK 5: Develop Framework for Partnership with Gulf Coast Center

TGC will prepare the following data sets and financial projections to be utilized as the basis for establishing a mutually beneficial relationship between the City and Gulf Coast Center (GCC):

- Establish the terms of an agreement between City and GCC that will allow for the City's "fair share" of Section 5307 funds to be received by GCC and utilized to establish and operate the park and ride.

- Work with City staff and stakeholders of the park and ride to prepare an agreement with METRO for the City to reimburse METRO for the local share portion of the park and ride property, estimated to be $800K.
- Develop estimates demonstrating the amount of Section 5307 funding paid to METRO on behalf of the City.
- Compute financial projection of the future Section 5307 funding to be paid to METRO over the next 20 years based on the population and transit service in the City.
- Compile a list of mobility and transit projects that are desired by the City utilizing both past and future Section 5307 funding that will benefit the City and region.
    - *Deliverable: Detailed financial analysis and framework for GCC partnership for inclusion in Final Report*
    - *Timeframe: 7 months from Notice to Proceed*
    - *Cost: $25,000*

TASK 6: Funding and Implementation Strategy

TGC will develop for GCC and the City, a near term and long term funding strategy for both capital and operating expenses related to the park and ride. TGC will consider in its analysis the use of local, state, and federal resources, ranging from City cash and bond funds, CMAQ operating funds (up to 3 years), FTA Section 5307 formula operating funds, use of the FTA Section 5307 Capital Cost of Contracting (CCC) provision, estimated farebox, local, and potential participation from other entities such as the Texas Medical Center for additional local share contribution.

TGC will prepare the following analyses to complete Task 6:

- Create a financial pro-forma for the operations of the park and ride exploring cost options for contracting with public sector transportation providers (METRO or GCC) and private-sector providers through the issuance of an RFP.
- Cost estimates for the comprehensive lists of transit and mobility projects developed in Task 3.
- Phasing schedule and timeline for the list of projects developed in Task 3.
- Financial capacity analysis of the City to determine the extent of local funding contribution that can be contributed by the City to match federal funds.

- Identify sources of grant funding at the regional, state and federal level that can be sought by the City to leverage local investment.
    - *Deliverable: Chapter 7 (Funding and Implementation) of the Final Report*
    - *Timeframe: 9 months from Notice to Proceed*
    - *Cost: $20,000*

TASK 7: Program Coordination

TGC will provide the following efforts on an ongoing basis for a period of 12 months from Notice to Proceed:

- Set meetings with stakeholders of the project including, but not limited to Brazoria County, H-GAC, TxDOT, Texas Medical Center, METRO, Gulf Coast Center, etc.
- Explore the opportunity to set up the City as a grantee of the Federal Transit Administration if determined to be beneficial through the study process.
- Outline steps necessary to pursue a Letter of No Prejudice from FTA that will provide the City with better opportunity to be successful in future pursuit of federal funds.
- If necessary, accompany City staff to FTA offices in Fort Worth for an introductory meeting to familiarize FTA staff with the project and other transit-related efforts by the City.
    - *Deliverable: No hard deliverables*
    - *Timeframe: Ongoing for a period of 12 months from Notice to Proceed*
    - *Cost: $25,000*

Budget Description

Task	Description	Cost
1	Workshops/Background	$10,000
2	Demand Analysis and Operating Plan	$10,000
3	Site Layout and Joint Development	$10,000
4	Benefit/Cost	$15,000
5	Partnership Framework	$25,000
6	Funding/Implementation	$20,000

7	Program Coordination	$25,000
Total		**$115,000***

* 50% of total budget will be paid using federal funds from Gulf Coast Center. City of Pearland will be responsible for $57,500 of total budget.

Cost Breakdown

	Pearland Share	GCC Share	Total Budget
Cost	**$57,500**	**$57,500**	**$115,000**

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EXHIBIT B

Pearland Park and Ride Pro Forma

Pearland Park and Ride Operating Plan Framework – Initial Four (4) Years of Service

Assumptions for Phase I (500 park and ride spaces):

- Initial three (3) year timetable to achieve ridership design levels (50/70/90)
- Partial Turnkey operation through Private Sector turnkey provider[1]
- Express Service to Texas Medical Center (TMC) with connections to downtown via Metro Rail
- Initial H-GAC approval of C-MAQ Pilot Project funding to support first three (3) years of transit operations
- Utilization of City of Pearland "fair share" of federal funding collected by Houston Metro in its capacity as the "designated recipient" of federal formula funding for the Houston UZA
- Local contributions to sustain operations from City, County, and TMC
- Transit fare reductions for city of Pearland residents
- Hourly operating cost of $100 per hour during initial three (3) years and $120 per hour thereafter (clean diesel or CNG)

Year 1: Anticipated ridership of 275 daily riders; 250 vehicles parked in lot; five (5) transit vehicles making a total of eight (8) AM and PM peak hour trips; 400 total seat availability with a 69% utilization rate.

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[1] City purchases vehicles outside of contract.

Total Operating Cost = $1,040,000
(5 vehicles x 8 daily revenue hours = 40 daily revenue hours x 260 days = 10,400 annual revenue hours x $100 = $1,040,000)

Revenue Projection = $500,500
(275 passengers x $7 average round trip cost x 260 days = $500,500)

Net Project Cost = $539,500 (Total Operating Cost less Revenue Projection)

CMAQ Year 1 = $377,650 (70% of Net Project Cost)

Local Share = $161,850 (Pearland, TMC, County)

Year 2: Anticipated ridership of 380 daily riders; 350 vehicles parked in lot; six (6) transit vehicles making a total of nine (9) AM and PM peak hour trips; 450 total seat availability with a 84% utilization rate.

Total Operating Cost = $1,248,000
(6 vehicles x 8 daily revenue hours = 48 daily revenue hours x 260 days = 12,480 annual revenue hours x $100 = $1,248,000)

Revenue Projection = $691,600
(380 passengers x $7 average round trip x 260 days = $691,600)

Net Project Cost = $556,400 (Total Operating Cost less Revenue Projection)

CMAQ Year 2 = $278,200 (50% of Net Project Cost)

Local Share = $278,200 (50% of Net Project Cost)

Year 3: Anticipated ridership of 490 daily riders; 450 vehicles parked in lot; seven (7) transit vehicles making a total of eleven (11) AM and PM peak hour trips; 550 total seat availability with a 82% utilization rate.

Total Operating Cost = $1,456,000
(7 vehicles x 8 daily revenue hours = 56 daily revenue hours x 260 days = 14,560 annual revenue hours x $100 = $1,456,000)

Revenue Projection = $891,800
(490 passengers x $7 average round trip x 260 days = $891,800)

Net Project Cost = $564,200 (Total Operating Cost less Revenue Projection)

CMAQ Year 3 = $282,100 (50% of Net Project Cost)

Local Share = $282,100 (50% of Net Project Cost)

Year 4[2] – Anticipated ridership of 600 daily riders; 550 vehicles parked in lot; nine (9) transit vehicles making a total of fourteen (14) AM and PM peak hour trips; 700 total seat availability with 86% utilization rate.

Total Operating Cost = $2,246,400
(9 vehicles x 8 daily revenue hours = 72 daily revenue hours x 260 days = 18,720 annual revenue hours x $120 = $2,246,400)

Fare Box Revenue = $1,248,000
(600 passengers x $8 average round trip x 260 days = $1,248,000)

CCOC = $718,848 (32% of Total Operating Cost)

Total Resources = $1,966,848 (Fare Box Revenue + CCOC)

Local Share = $279,552 (Total Operating Cost less Total Resources)

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[2] Park and Ride Facility expanded to 1,000 space capacity during Year 3 + Fare Increase + Operating Cost increase to $120 per hour.

City of Pearland

3519 Liberty Drive
Pearland, Texas 77581
Tel: 281.652.1600
cityofpearland.com

TOM REID
MAYOR

May 28, 2014

Mr. Gilbert Garcia, Chairman of the Board
Metropolitan Transit Authority of Harris County
1900 Main Street
Houston, TX 77002

RE: Pearland Park & Ride Facility

Dear Chairman Garcia:

As you are aware, METRO purchased property along the SH 288 corridor in the City of Pearland in November 2011 for the purpose of developing a park and ride facility to serve the commuters of Brazoria County and Harris County. METRO has subsequently reversed course and decided not to pursue the development of this facility. Because this remains a worthwhile and needed service, the City of Pearland has been in discussions with the Federal Transit Administration (FTA), the Houston-Galveston Area Council (H-GAC), and METRO staff regarding the transfer of responsibility for the development of the facility from METRO to the City of Pearland, through a partnership with the Gulf Coast Center (GCC). METRO utilized approximately $3.2 million in Job Access Reverse Commute (JARC) federal funding, derived through H-GAC, and approximately $800,000 in local funding to purchase the 16-acre property on the SH 288 corridor. Additional federal funding is available to initiate the design phase of the project.

To expeditiously complete the development of the Pearland Park & Ride facility, the City proposes the following course of action:

1. METRO will transfer title to the park & ride property to the GCC. The FTA indicates that the GCC can become the responsible federal grantee, in lieu of METRO, for this project;
2. The City will utilize federal Section 5307 formula funding collected from the Brazoria County population/density base during the FY 2003-FY 2012 period, totaling approximately $3.85 million, as an offset to the approximate $800,000 in funding provided by METRO to match the H-GAC federal JARC funding used to purchase the property;
3. The GCC will enter into a sub-recipient agreement with METRO to access remaining federal funding available to support facility design and other project development

components. The City of Pearland will be responsible for providing the local share resources to match remaining federal funding;

4. The GCC will pursue additional federal funding through the upcoming H-GAC call for projects to support the development of Phase I of the park & ride facility (approximately $5 million federal);
5. The GCC/City will pursue federal funding for the purchase of transit vehicles to serve the new Pearland Park & Ride facility when completed;
6. METRO and the H-GAC will program FTA Section 5307 formula funding derived from the Brazoria County population/density base within the Houston Urbanized Area, as of FY 2013, to support GCC's future operation of park & ride services from the new facility.

Representatives of the City of Pearland, GCC, and TGC will be meeting with Chief Lambert and other METRO staff on June 5, 2014 to further discuss the transfer of responsibility for development and operation of the Pearland Park & Ride facility. The GCC and City would also request that this proposal be discussed at a METRO Board meeting in the near future.

Sincerely,

Tom Reid

Mayor Tom Reid
City of Pearland

cc:
Tom Lambert (METRO)
Robert Patrick (FTA)
Alan Clark (H-GAC)
Rick Elizondo (GCC)
G. Michael Winburn (GCC)

Pearland Park & Ride

City Council Update

October 13, 2014

THE GOODMAN CORPORATION

Outline

- Project Background
- Current Work
- Ridership/Parking Projections
- Operating Plan/Equipment Requirements
- Farebox Revenue/Operating Costs
- Design/Construction Timetable
- METRO Discussions
- H-GAC Call for Projects
- Next Steps

Project Background

- Need for a P&R in Brazoria County originally included in 2003 *METRO Solutions* plan
- Extensive site selection conducted in 2009
  - 16-acre site along SH 288 selected (south of Hughes Ranch Rd)
- METRO acquired selected site November 2011
  - $3.175 million federal JARC grant
  - $795,000 local METRO funds
- METRO subsequently decided NOT to pursue development of P&R
- Oct 2013 – City of Pearland and Gulf Coast Center (GCC) entered into partnership for continued pursuit of P&R
  - Transfer land
  - Access remaining grant funds
  - Develop & operate P&R

Current Work

- Oct 2013 – City of Pearland/GCC contracted with TGC for assistance in development of P&R
- Work accomplished to date includes development of:
  - Ridership projections
  - Operating plan
    - Operating costs
    - Projected farebox revenues
  - Operating schedules
  - Construction costs
  - Funding & implementation strategy
- TGC has also facilitated numerous meetings with METRO, H-GAC, FTA, and TxDOT to push land transfer, access to grant funding, and securing other needed funding (5307)

Ridership/Parking Projections

5-Year Ridership and Parking Projections					
	2018	***2019***	***2020***	***2021***	***2022***
Ridership	330	530	690	820	960
Parking Spaces*	270	420	550	650	**770**

*1.25 Persons Per Vehicle (PPV)

Operating Plan/Equipment Requirements

Annual Service Operating Costs						
Description	***FY 2015-17***	***2018***	***2019***	***2020***	***2021***	***2022***
Total Buses in Service	Design, Construction, Bus Acquisition	5	7	8	11	13
Daily Revenue Hours		40	56	64	88	104
Annual Revenue Hours*		10,400	14,560	16,640	22,880	27,040
Cost per Revenue Hour		$120	$120	$130	$130	$140
Annual Operating Cost		**$1,248,000**	**$1,747,200**	**$2,163,200**	**$2,974,400**	**$3,785,600**
*Based on 260 days per year						

5-Year Rolling Stock Costs				
Requirement	***Vehicles Needed***	***Vehicle Type***	***Cost Per Vehicle***	***Total Cost***
Core service	13	Commuter - Large	$500,000	$6,500,000
Spares	2	Commuter - Large	$500,000	$1,000,000
Total	**15**			**$7,500,000**

Farebox Revenue/Operating Costs

Annual Farebox Revenue						
Description	***FY 2015-17***	***2018***	***2019***	***2020***	***2021***	***2022***
Daily Projected Passenger Trips	Design, Construction, Bus Acquisition	660	1,060	1,380	1,640	1,920
Annual Trips*		171,600	275,600	358,800	426,400	499,200
One-way Fare		$3.50	$3.50	$4.00	$4.00	$4.50
Total		**$600,600**	**$964,600**	**$1,435,200**	**$1,705,600**	**$2,246,400**
*Based on 260 days per year						

Net Operating Costs						
Description	***FY 2015-17***	***2018***	***2019***	***2020***	***2021***	***2022***
Operating & Maintenance	Design, Construction, Bus Acquisition	$1,248,000	$1,747,200	$2,163,200	$2,974,400	$3,785,600
Security		$25,000	$25,000	$25,000	$25,000	$25,000
Marketing/Advertising		$25,000	$25,000	$0	$0	$0
Administration		$15,000	$15,000	$15,000	$15,000	$15,000
Gross Operating Cost		**$1,313,000**	**$1,812,200**	**$2,203,200**	**$3,014,400**	**$3,825,600**
Less Annual Farebox Revenue		$600,600	$964,600	$1,435,200	$1,705,600	$2,246,400
Net Operating Cost		**$712,400**	**$847,600**	**$768,000**	**$1,308,800**	**$1,579,200**
Federal (CCC)		$399,360	$559,104	$692,224	$951,808	$1,211,392
Local (Pearland)		$313,040	$288,496	$75,776	$356,992	$367,808

Design/Construction Timetable

- Projected Design Costs: $600,000
- Projected Construction Costs: **$4,593,020**
  - 750 parking spaces (Phase I)
  - Passenger terminal building (~1,400 sq. ft.)
  - Sidewalk connectivity

Timeframe	Activity	Total Cost	% Federal	Amount Federal	% Local	Amount Local
FY 2015	Design	$600,000	80%	$480,000	20%	$120,000
FY 2016-17	Construction (Phase I)	$4,593,020	100%	$4,593,020	--	Transportation Development Credits (TDCs)
FY 2017-18	Vehicle Acquisition (7 buses)	$3,500,000	100%	$3,500,000	--	TDCs

METRO Discussions

- Unresolved issues:
  - LAND TRANSFER
  - RE-PROGRAM GRANT FUNDING

- Coordination efforts
  - Meeting with METRO staff – March 12, 2014
  - Letter forwarded to METRO Board Chairman Gilbert Garcia – May 28, 2014
  - Meeting with METRO CEO Tom Lambert – June 5, 2014
  - Follow-up request for action forwarded CEO Lambert – August 7, 2014
  - Meeting with METRO Chairman Garcia – September 17, 2014

METRO Discussions (cont'd)

- METRO has indicated willingness to transfer land to Gulf Coast Center/City of Pearland, facilitate GCC access to grant funding

- METRO wants to be reimbursed its $795,000 local investment

- Possible City of Pearland responses:
  - ALTERNATIVE 1: Reimburse METRO over 3 years (FY 16-18)
  - ALTERNATIVE 2: Reimburse METRO, subject to conditions
  - ALTERNATIVE 3: Reject offer

H-GAC Call for Projects

- Applications accepted Oct 6 – Dec 15, 2014
- FY 17 & 18 projects to be programmed for funding in 2015-2018 Transportation Improvement Program (TIP)
- Planned Pearland P&R applications:
  - Phase I construction (with TDC's for local share) – $4.6 million
  - 7 vehicles (with TDC's for local share) – $3.5 million

Next Steps

- Agreement for transfer of property
- Implement Interlocal Agreement (ILA) between GCC & METRO
  - Establish GCC as sub-recipient of METRO to enable access to remaining grant funds
- Submit H-GAC Call for Projects applications
- Sec 5307 Houston Urbanized Area (UZA) funding for Pearland P&R

THE GOODMAN CORPORATION

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New Business Item No. 9

9. **Consideration and Possible Action –** Regarding appointments to the Boards and Commissions.