

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

<ul style="list-style-type: none"> • 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 AVAILABLE: N/A ACCOUNT NO.: N/A		AMOUNT BUDGETED: N/A PROJECT 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

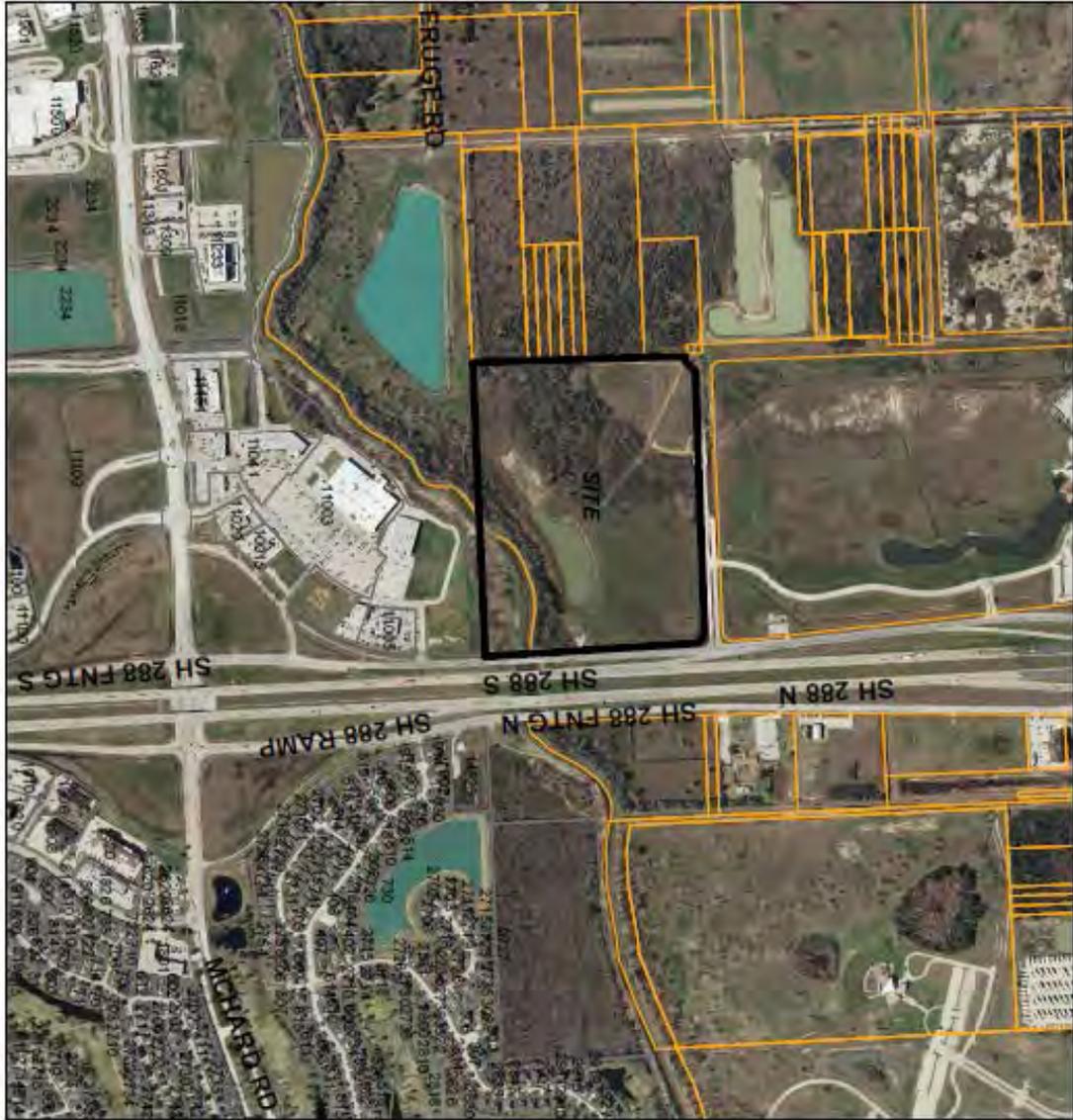
APPROVED AS TO FORM:

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**



Aerial Map
Zone Change 2014-22
**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.

0 130 390 760 Feet

N

**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. Page 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 | August 7, 2014

Revision Submitted to the City of Pearland | September 24, 2014

Revision Submitted to the City of Pearland | October 7, 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

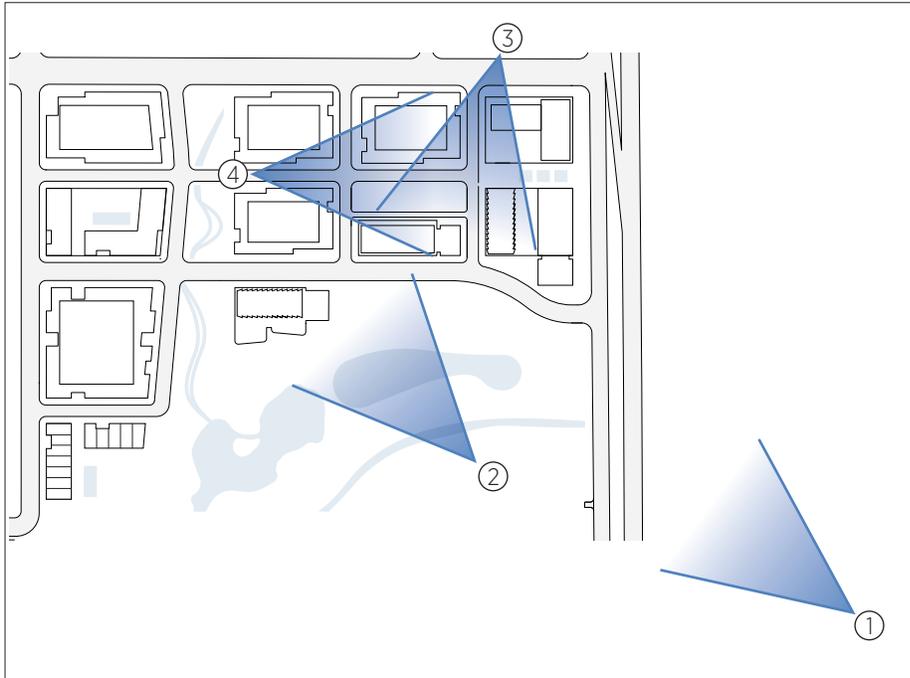


Figure 2.3 Illustrative Perspective Key Plan

- 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.



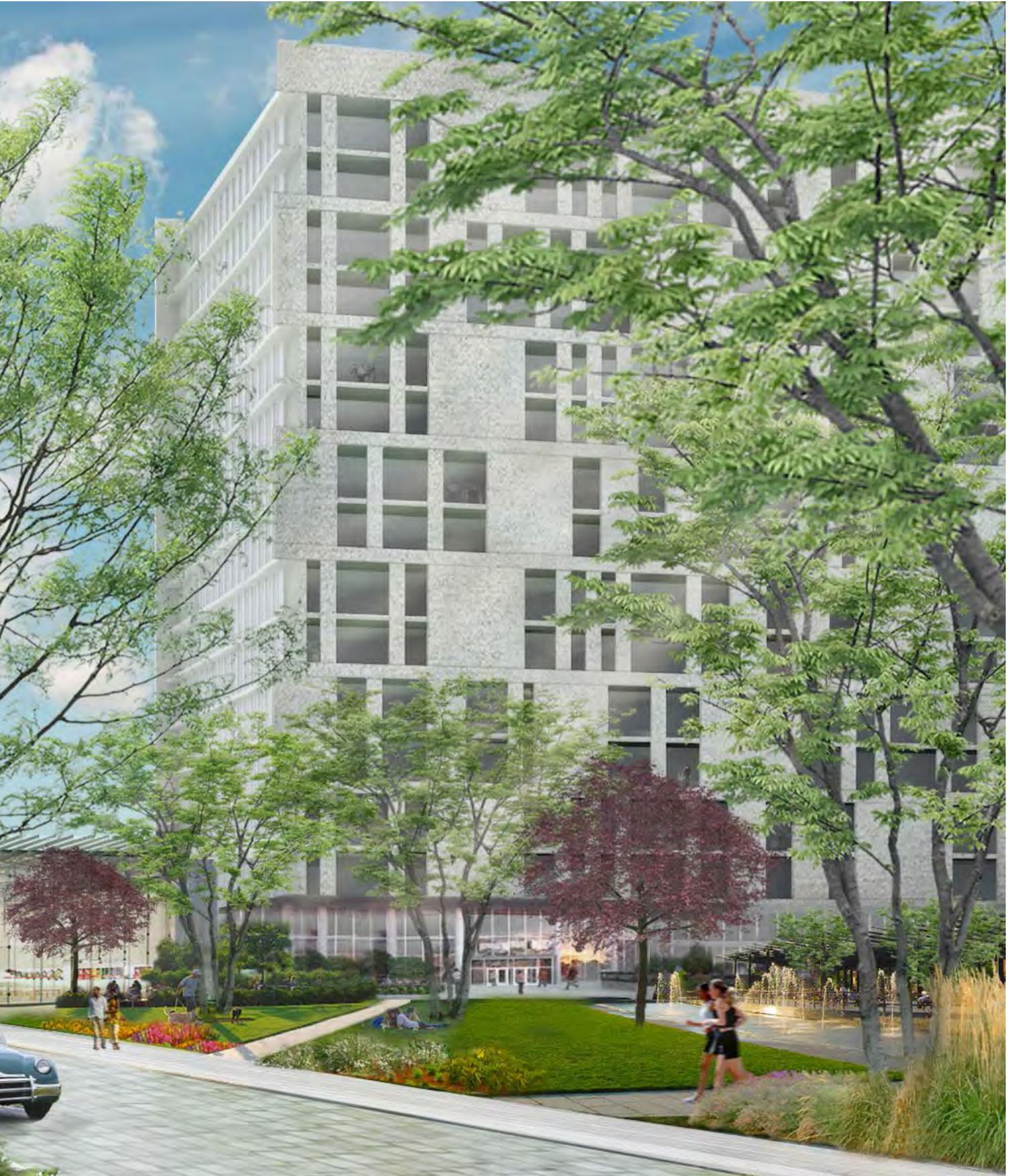
Figure 2.5 Illustrative Perspective - Clear Creek Recreational Park



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

<i>Item</i>	<i>Allowed Variation</i>
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.

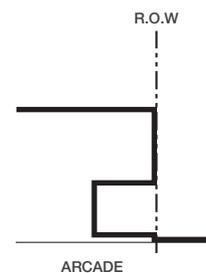


Figure 4.1 Arcade

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.

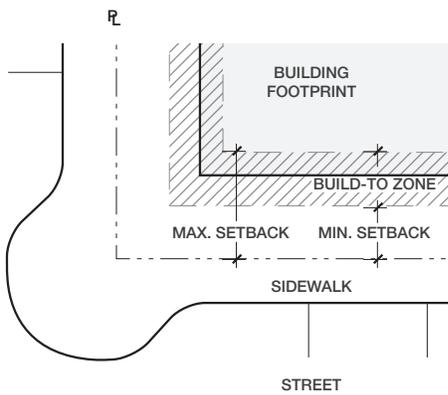


Figure 4.2 Build-to Zone

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.

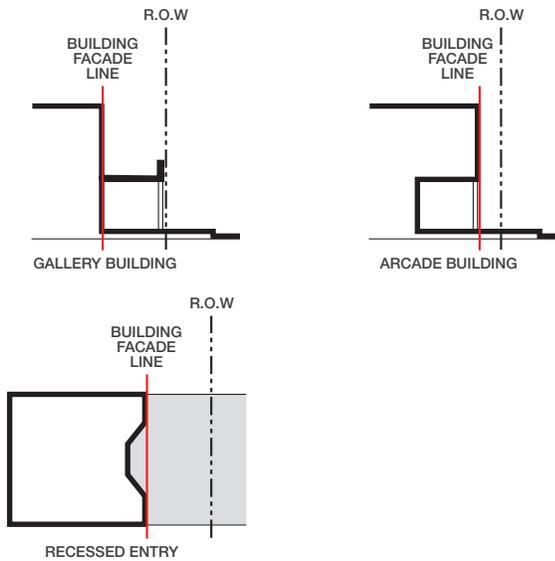


Figure 4.3 Building Façade Line

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.

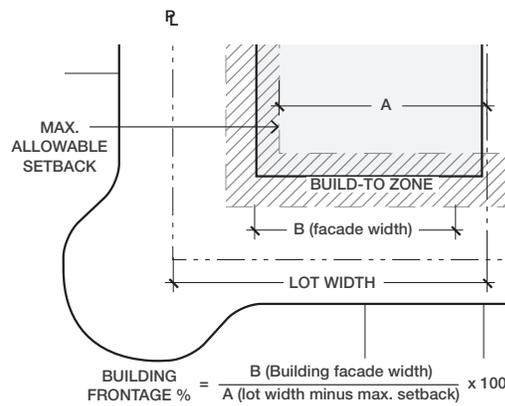


Figure 4.4 Building Frontage Calculation

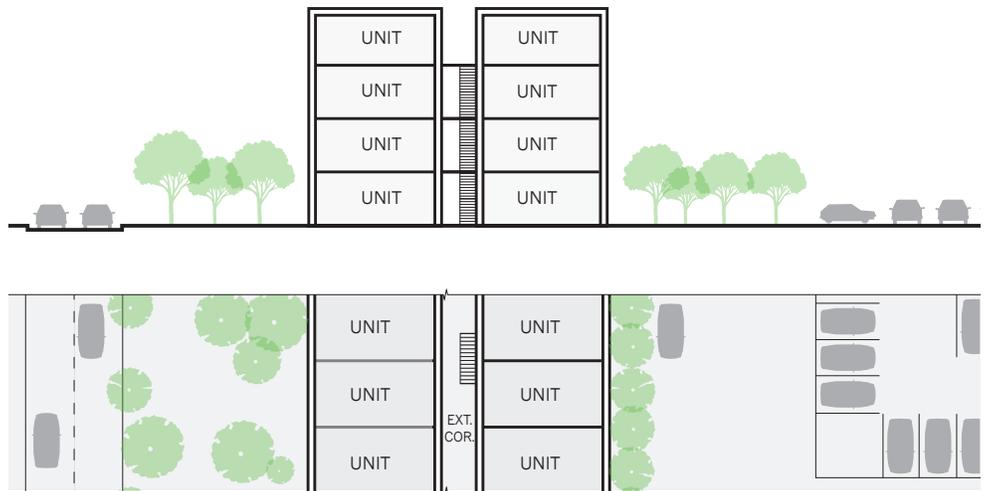
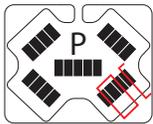
C. Residential Building Typology

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.

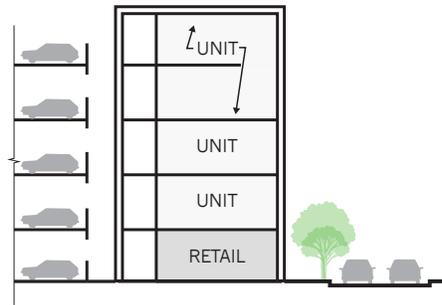
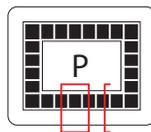
Typical Characteristics

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.



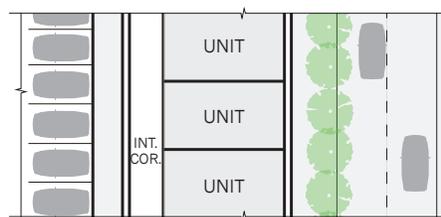
2. Urban Style Dwellings with Internal Parking

- 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.



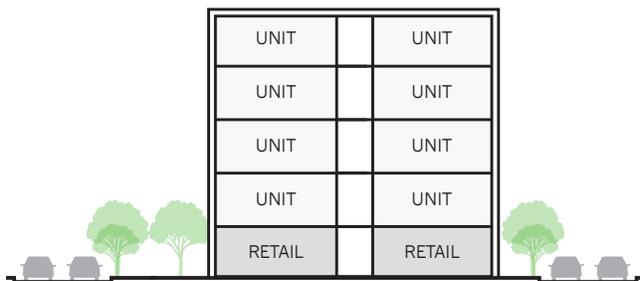
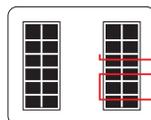
Typical Characteristics

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.



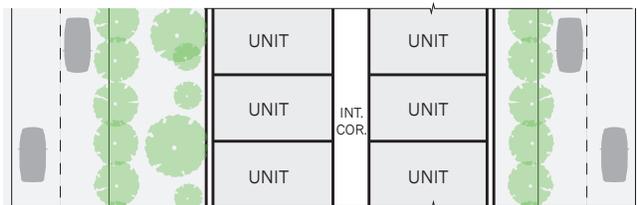
3. Urban Style Dwellings with No Internal Parking

- 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.



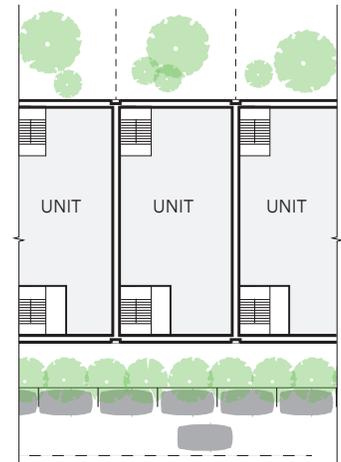
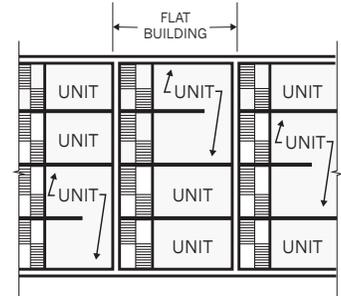
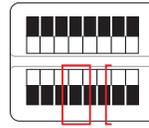
Typical Characteristics

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.

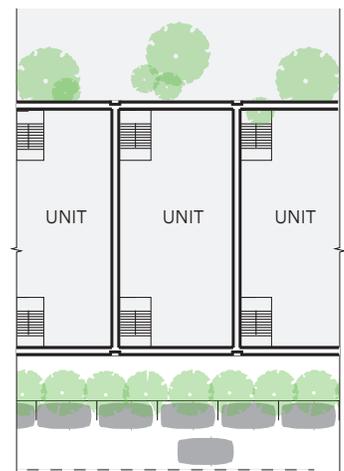
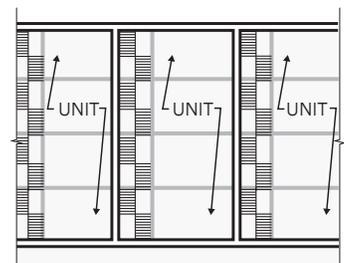
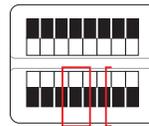


Typical Characteristics

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 established. 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.

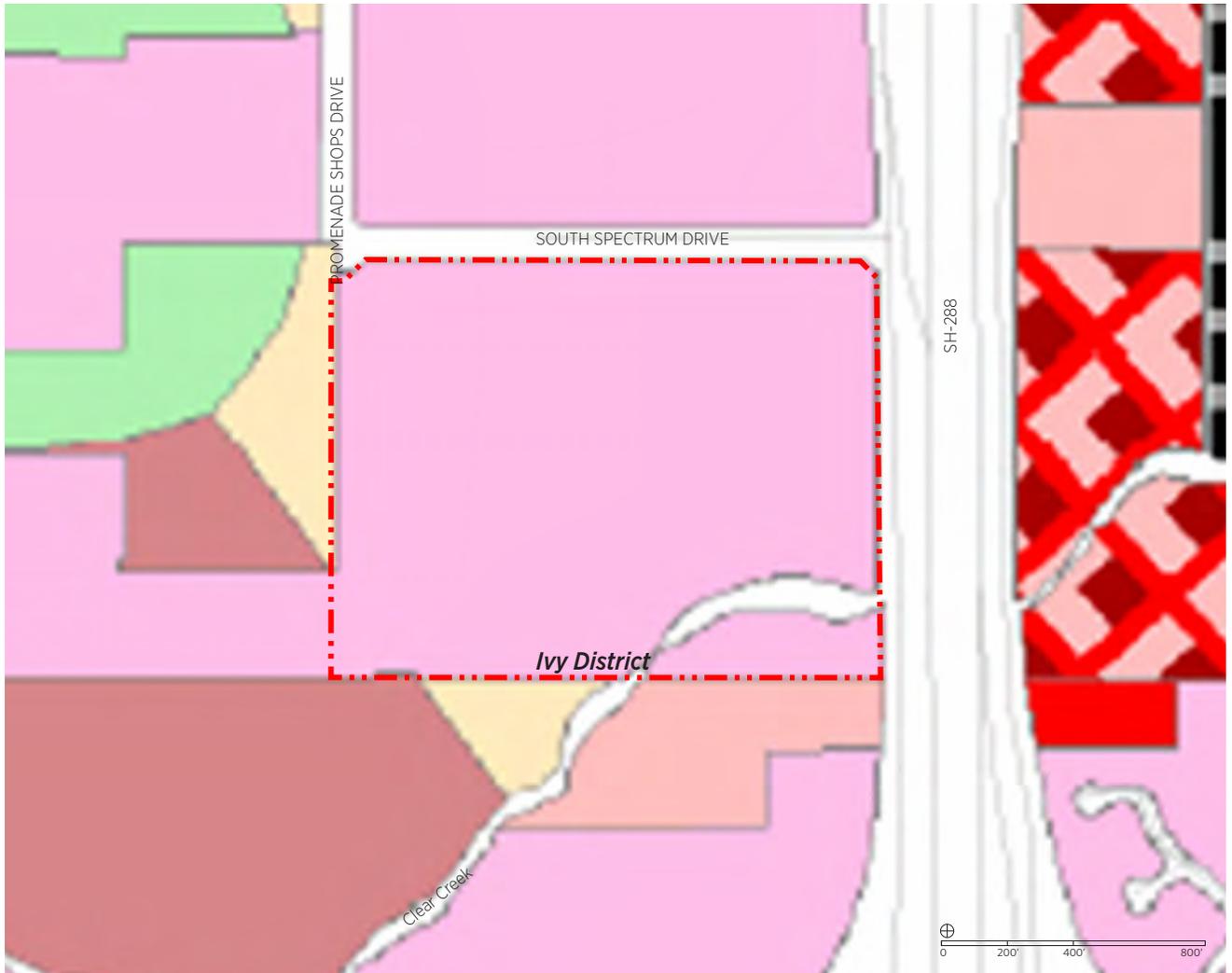


Figure 5.1 Zoning Plan Excerpt

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.

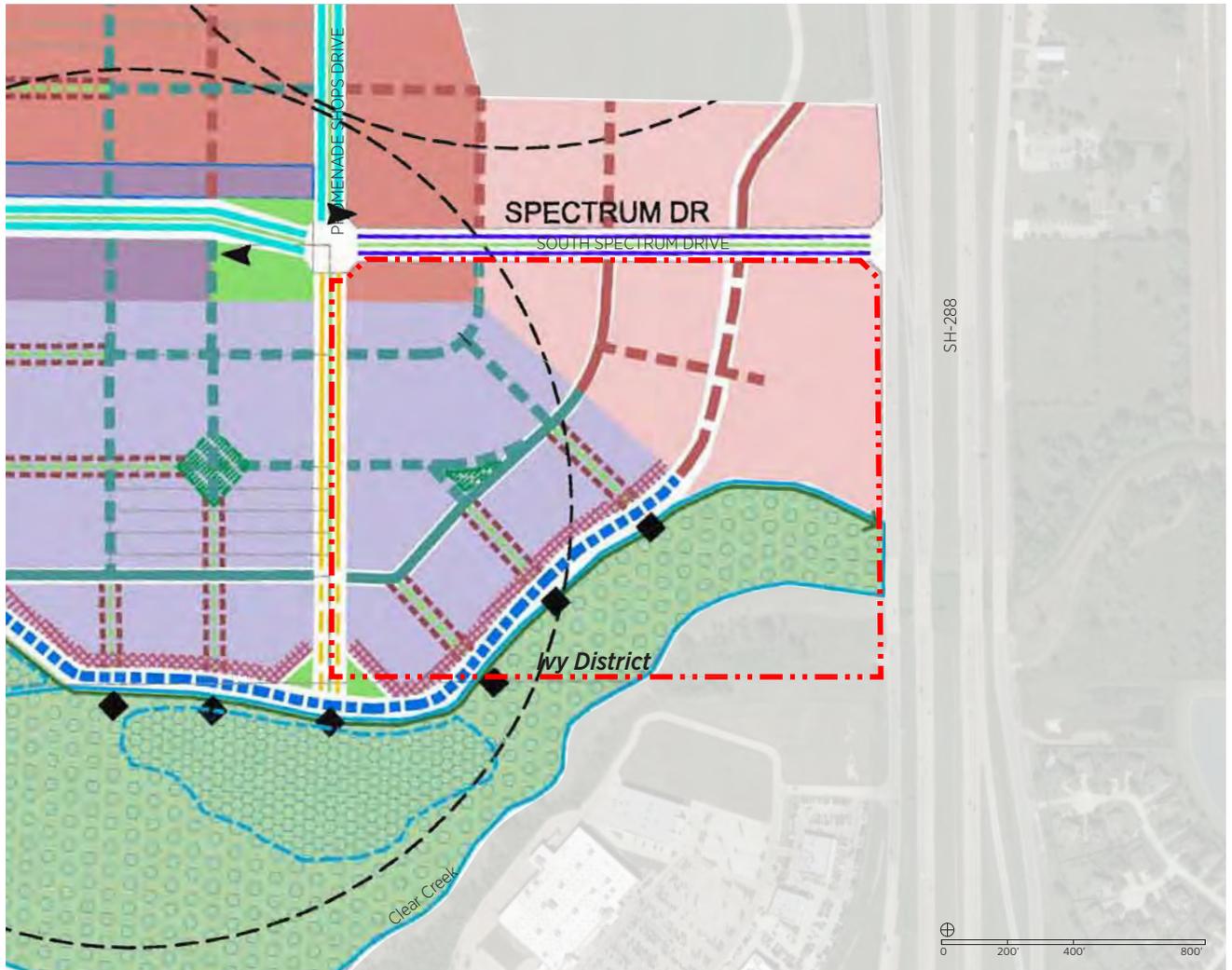


Figure 5.2 Lower Kirby Plan Excerpt

Source: City of Pearland, Lower Kirby Urban Center Development Code, 24 Jun 2011

Lower Kirby Legend		
Character Zones	Streets	Frontage Type
Urban Neighborhood	AV-94-48 (2-Lane Avenue)	"Promenade" Frontage
Commercial Transition	"Neighborhood Tributary" - ROW varies	Special Conditions
Highway Commercial	ST-62-38 (Urban Neighborhood Street - Type A)	Recommended Civic Use
Open Space	Waterfront Promenade	Recommended Access Point to Greenway
Required Regional Detention / Floodway	AV-82-44 (Avenue)	Approximate Parcel Line
Designated Floodway	RD-44-22 (Service/Access Road)	1/4-mile Radius Pedestrian Shed
Required Open Space	NOTE: For all street types, a dashed line denotes a recommended private street; a solid line denotes a public required street	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.

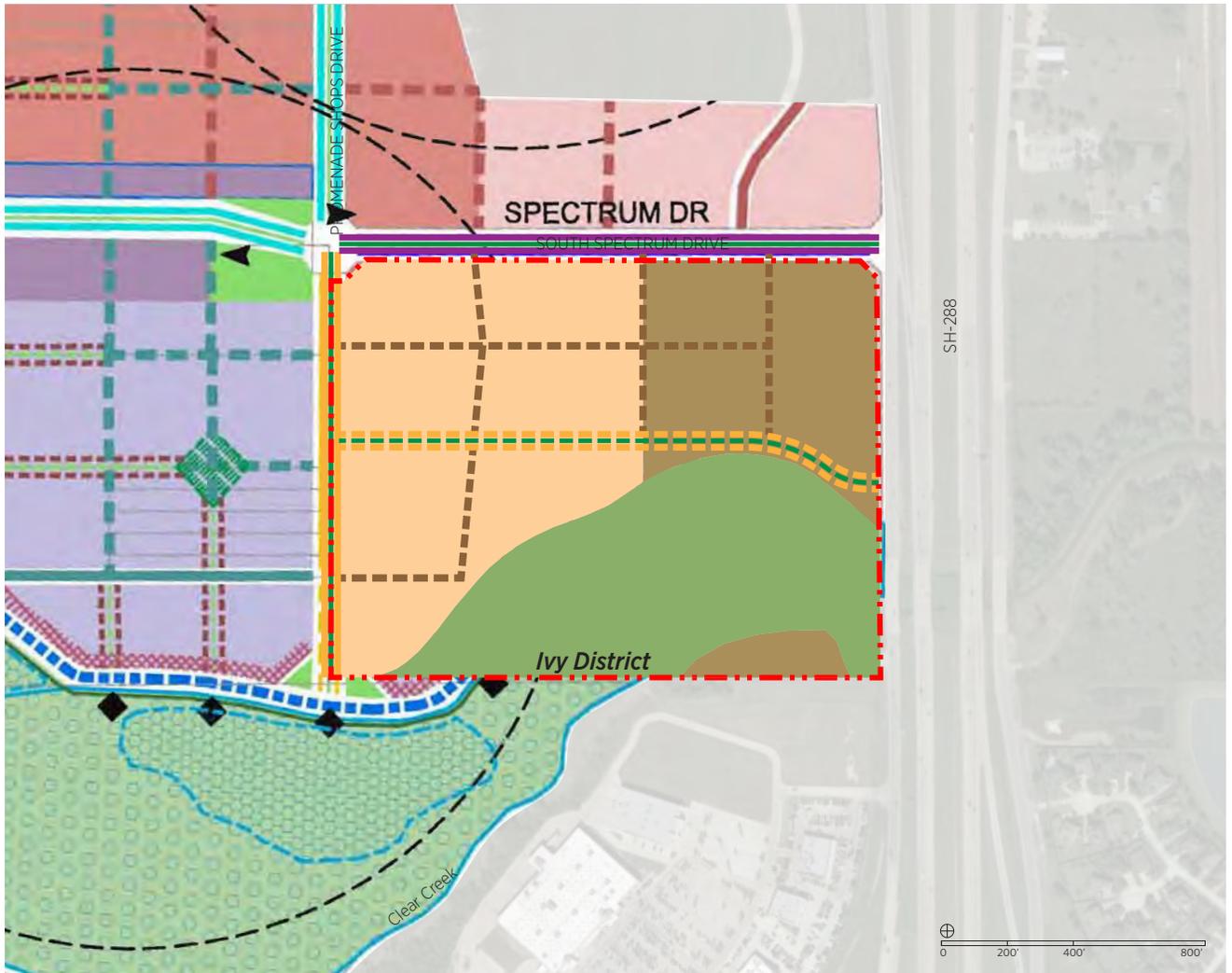


Figure 5.3 Ivy District Plan (overlying Lower Kirby Plan)

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.

	Sub-District	Public Square	Parkside Neighborhood	Clear Creek
TABLE 6.3 - SCHEDULE OF PERMITTED USES				
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.

Sub-District
 Public Square
 Parkside
 Neighborhood
 Clear Creek

TABLE 6.3 - SCHEDULE OF PERMITTED USES, CONTINUED

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

<i>Use</i>	<i>Sub-District</i>	<i>Use Criteria</i>
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		
	<i>Minimum</i>	<i>Maximum</i>
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		
	<i>Phase 1</i>	<i>Phase 2</i>
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			
<i>Use</i>	<i>Gross Density</i>	<i>Net Density</i>	<i>Gross Residential Density</i>
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."

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.

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.

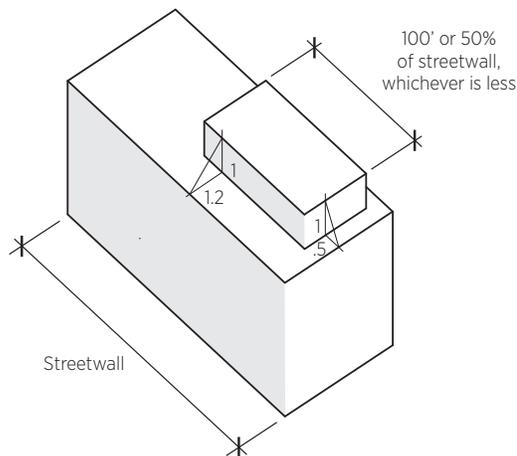


Figure 7.1 Height Limit Exceptions

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.

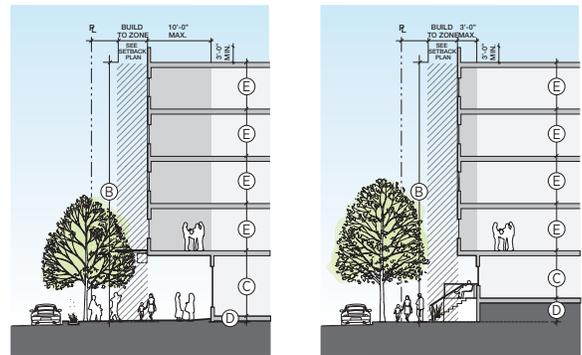


Figure 7.2 Commercial and Residential Buildings Heights

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.

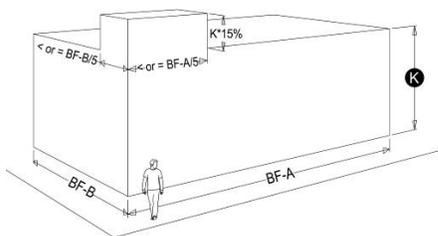


Figure 7.3 Corner Building Height

- (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)

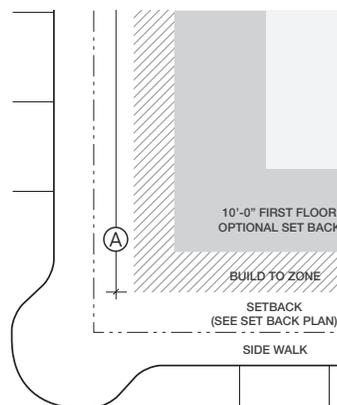


Figure 7.4 Public Square Sub-district BTZ

- (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.

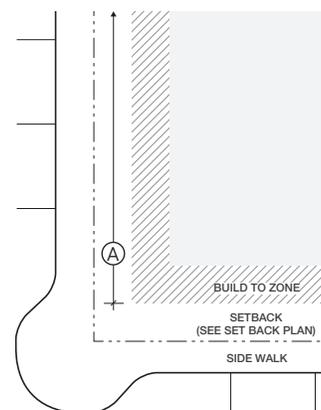


Figure 7.5 Parkside Neighborhood Sub-district BTZ

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

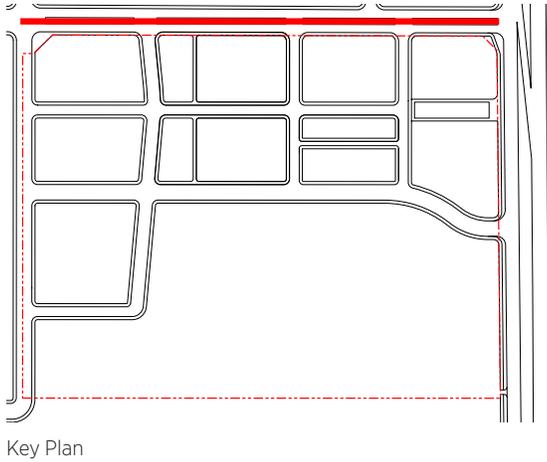
Table 9.1 and associated cross sections shall establish the cross sections for each street type. The proposed cross sections may be adjusted prior to plat approval to meet the requirements of the Ivy District Traffic Impact Analysis Report in order to ensure that all roads comply with applicable engineering 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

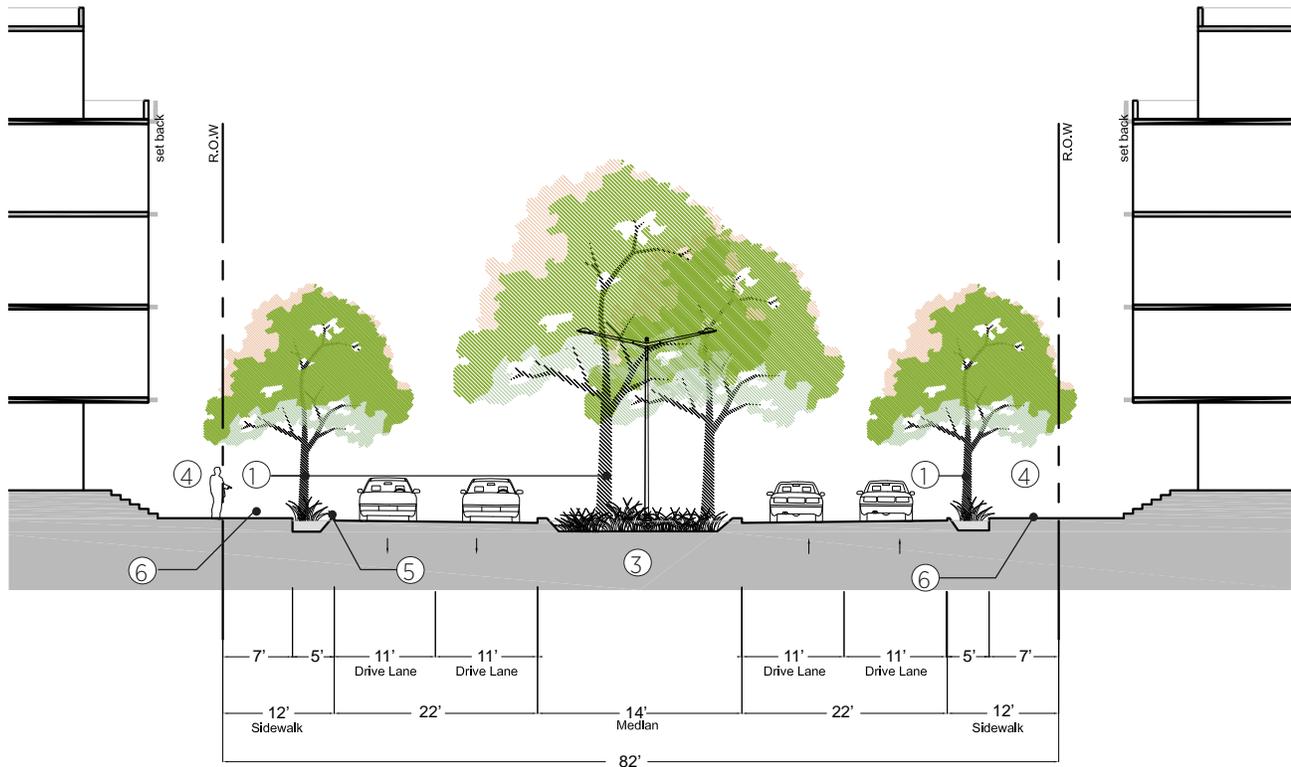
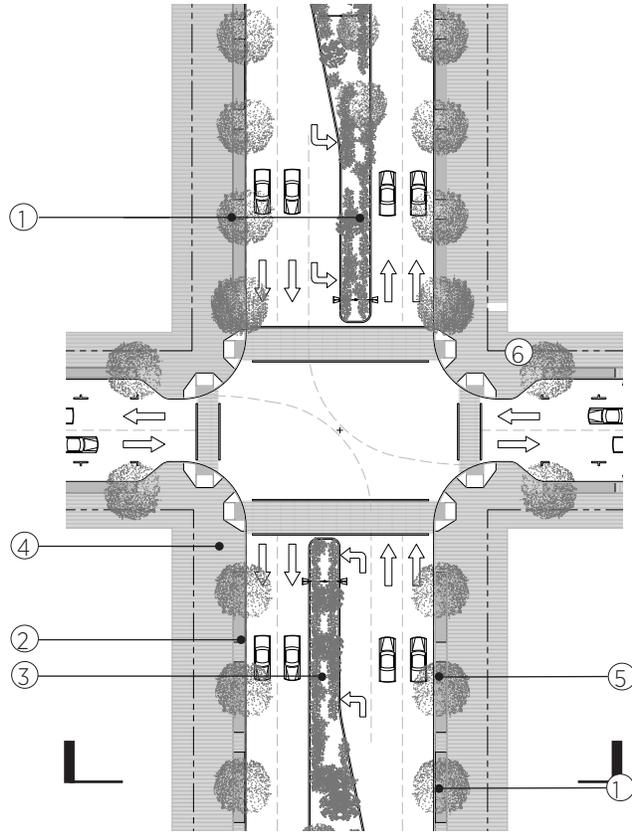
Street Classification	Street Width (Recommended min. R.O.W)	Number of Vehicular Lanes	Vehicular Lane Widths	Number of Bike Lanes*	Bike Lane Widths	Turn Radius (max.)	Median	On-Street Parking	Pedestrian Sidewalk Width (min.)	Parkway/ Tree Well
Boulevard Street Type (Public)	82 feet	4	11 feet	0	None	30 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.

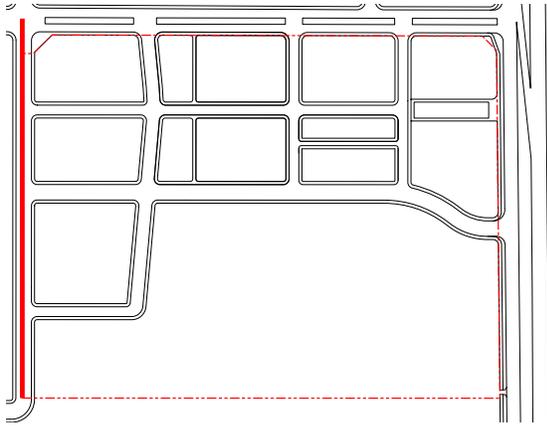


- Boulevard Design Features**
1. Street tree
 2. Seating zone
 3. Planted median
 4. Paved pedestrian zone
 5. Tree grate
 6. Concrete sidewalk



*Lane width established for a WB-50 design vehicle.

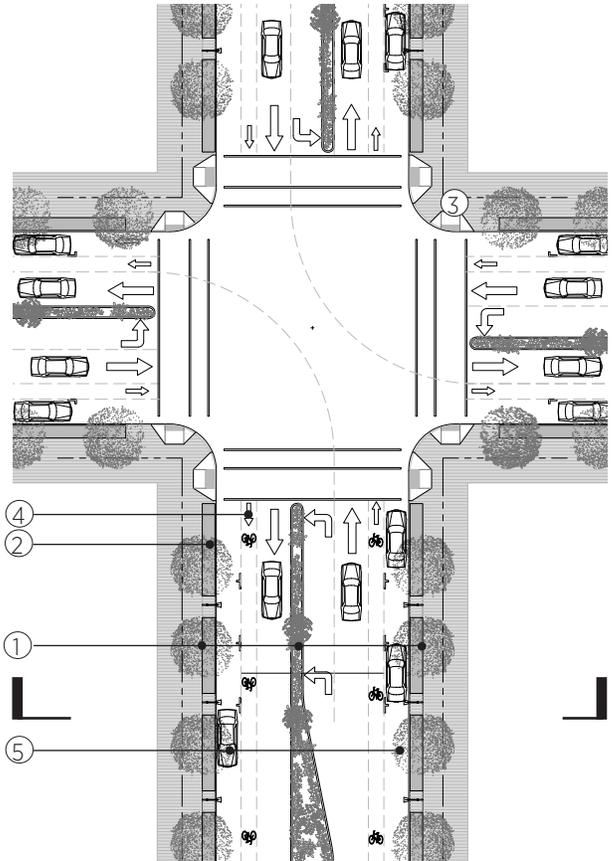
b. Neighborhood Collector Street Type (Public) - 94' R.O.W.



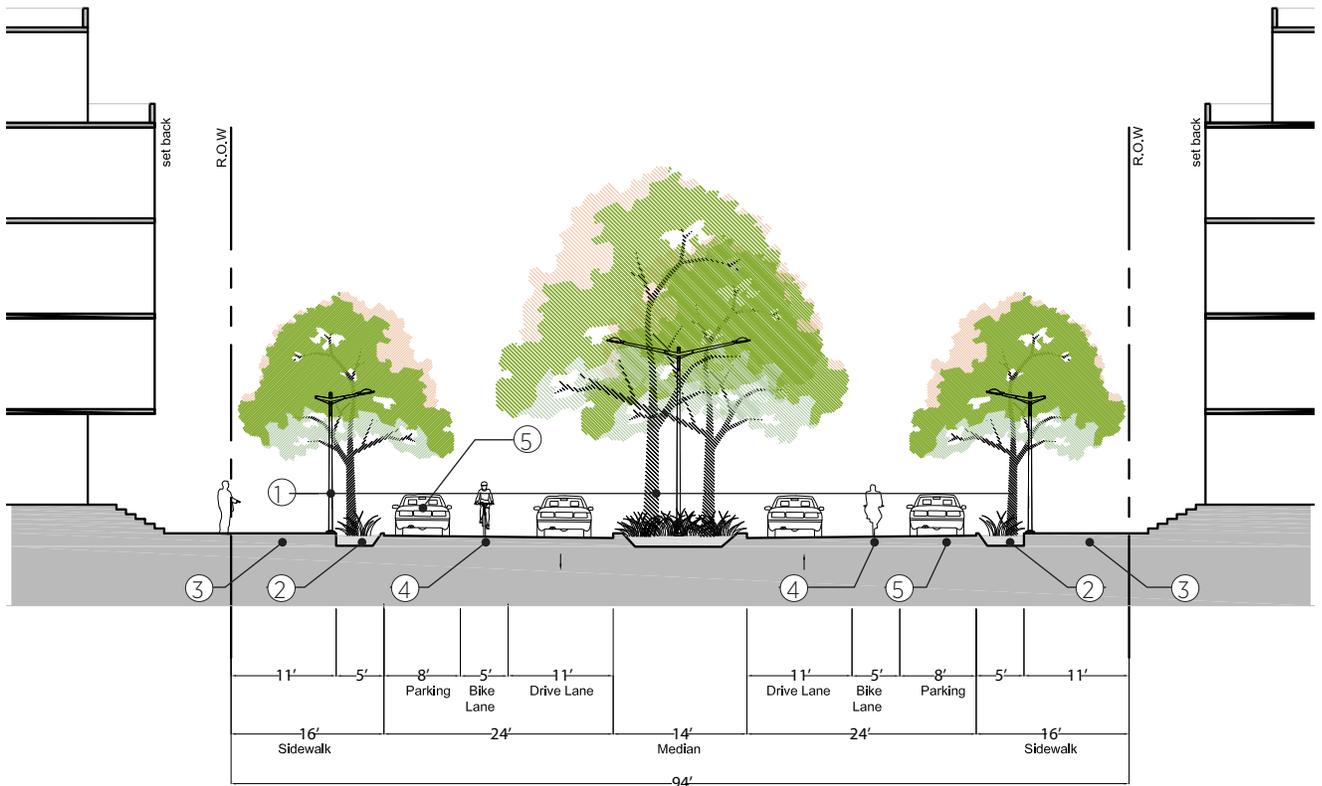
Key Plan

Neighborhood Collector Street Design Features

1. Street trees
2. Tree grate
3. Concrete sidewalk
4. Bike Lane
5. On-street parking



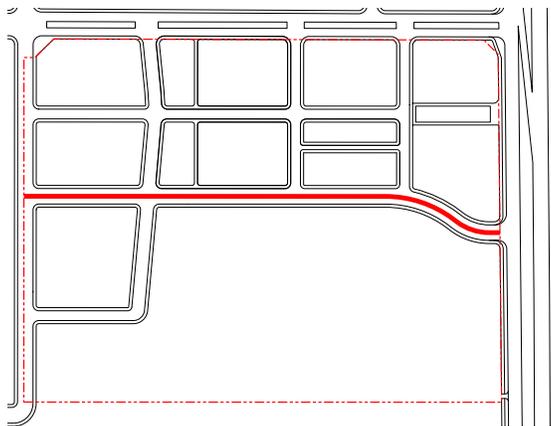
Illustrative Plan



Typical Section

*Lane width established for a WB-50 design vehicle.

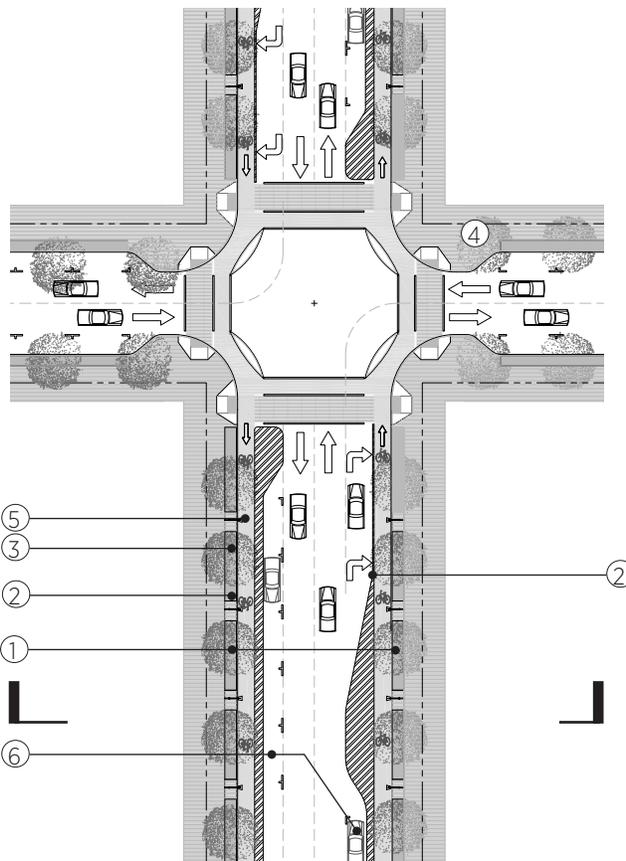
c. Neighborhood Collector Street Type (Private) - 76' R.O.W.



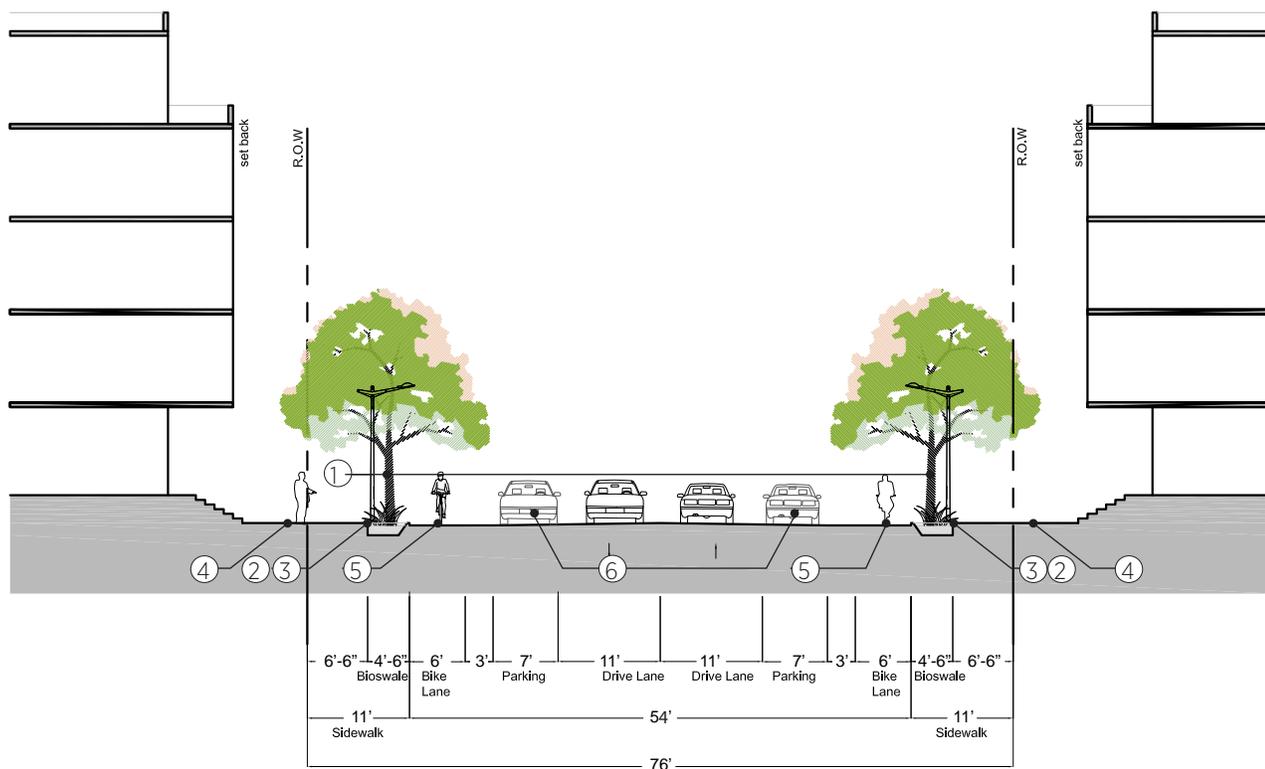
Key Plan

Neighborhood Collector Street Design Features

1. Street trees
2. Planted bioswale
3. Tree grate
4. Concrete sidewalk
5. Bike Lane
6. On-Street Parking



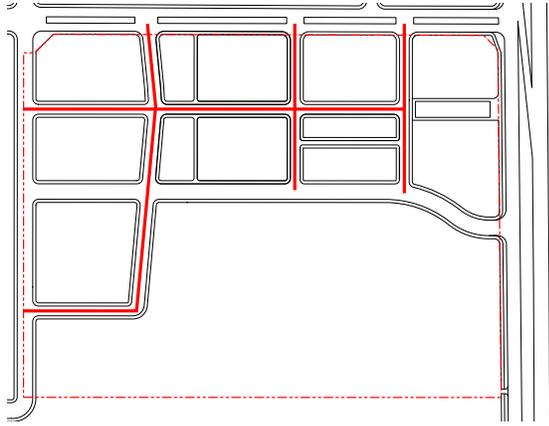
Illustrative Plan



Typical Section

*Lane width established for a WB-50 design vehicle.

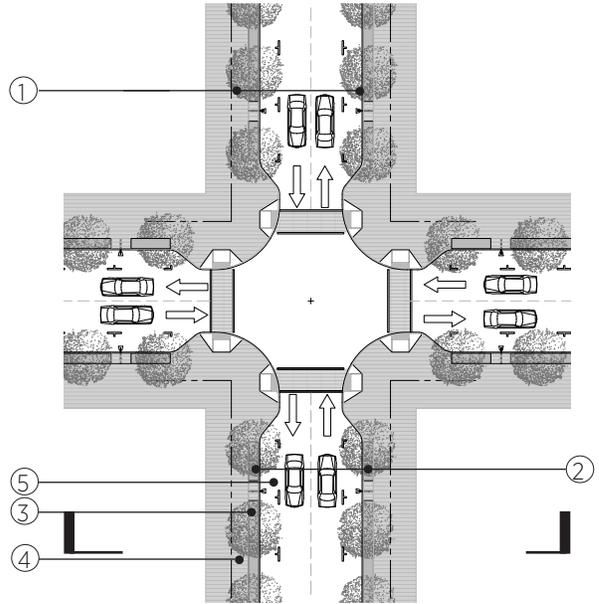
d. Local Street Type (Private) - 56' R.O.W.



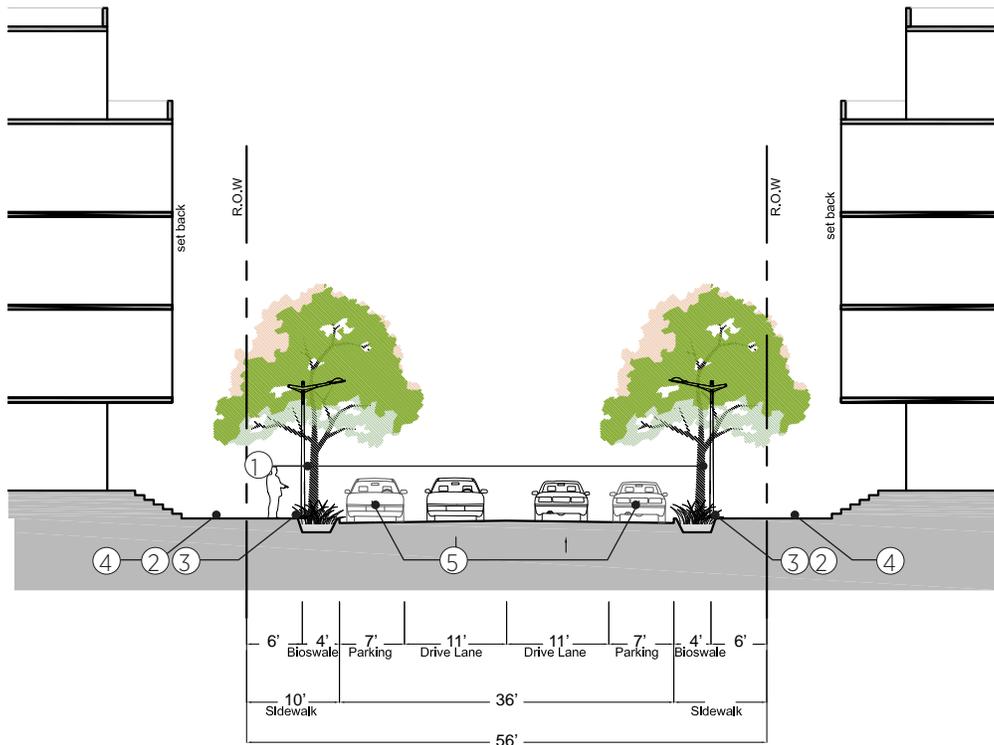
Key Plan

Local Street Design Features

1. Street trees
2. Planted bioswale
3. Tree grate
4. Concrete sidewalk
5. On-Street Parking



Illustrative Plan



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 (1/2) 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.

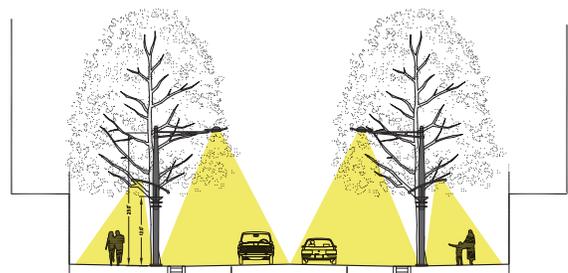


Figure 9.1 Commercial Lighting Typical Section

- (6) Lighting in Residential Areas shall illuminate streetscape and pedestrian areas. See Figure 9.2.

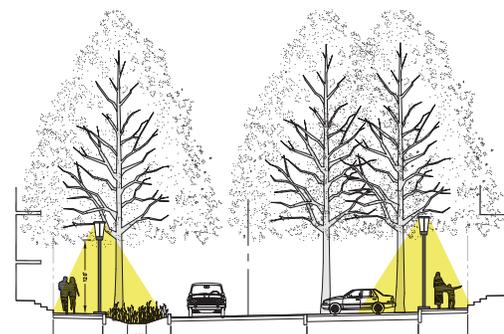


Figure 9.2 Residential Lighting Typical Section

- (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)	<p>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.</p> <p>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.</p> <p>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.</p> <p>Live-Work and Home occupations: One sign limited to an area of 20 sq. feet max.</p> <p>Building sign may encroach a maximum of 12" on to a sidewalk while maintaining a vertical clearance of 8 feet from the finished sidewalk.</p> <p>Building signs may be externally lit.</p> <p>Marquee signs as only permitted as specified below.</p>
Monument Signs	P	NP	<p>One monument sign at the project entry for the purposes of identifying the project or district.</p> <p>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.</p>
Window Signs	P	P (Commercial and live-work uses only)	<p>Limited to 20% of the window area.</p> <p>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.</p> <p>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.</p>
Building Blade Signs	P	P (Commercial and live-work uses only)	<p>One per building (commercial and mixed use buildings only).</p> <p>Area = 30 sq. feet maximum per sign face.</p> <p>May encroach a maximum of 6 feet over a sidewalk, but shall not encroach over any parking or travel lane.</p> <p>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.</p>
Tenant Blade Signs	P	P (Commercial and live-work uses only)	<p>One per commercial tenant space (retail, office, or restaurant use).</p> <p>Area = 16 sq. feet maximum per sign face.</p> <p>May encroach a maximum of 4 feet over a public sidewalk, but shall not encroach over any parking or travel lane.</p> <p>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.</p>

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.
- (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.

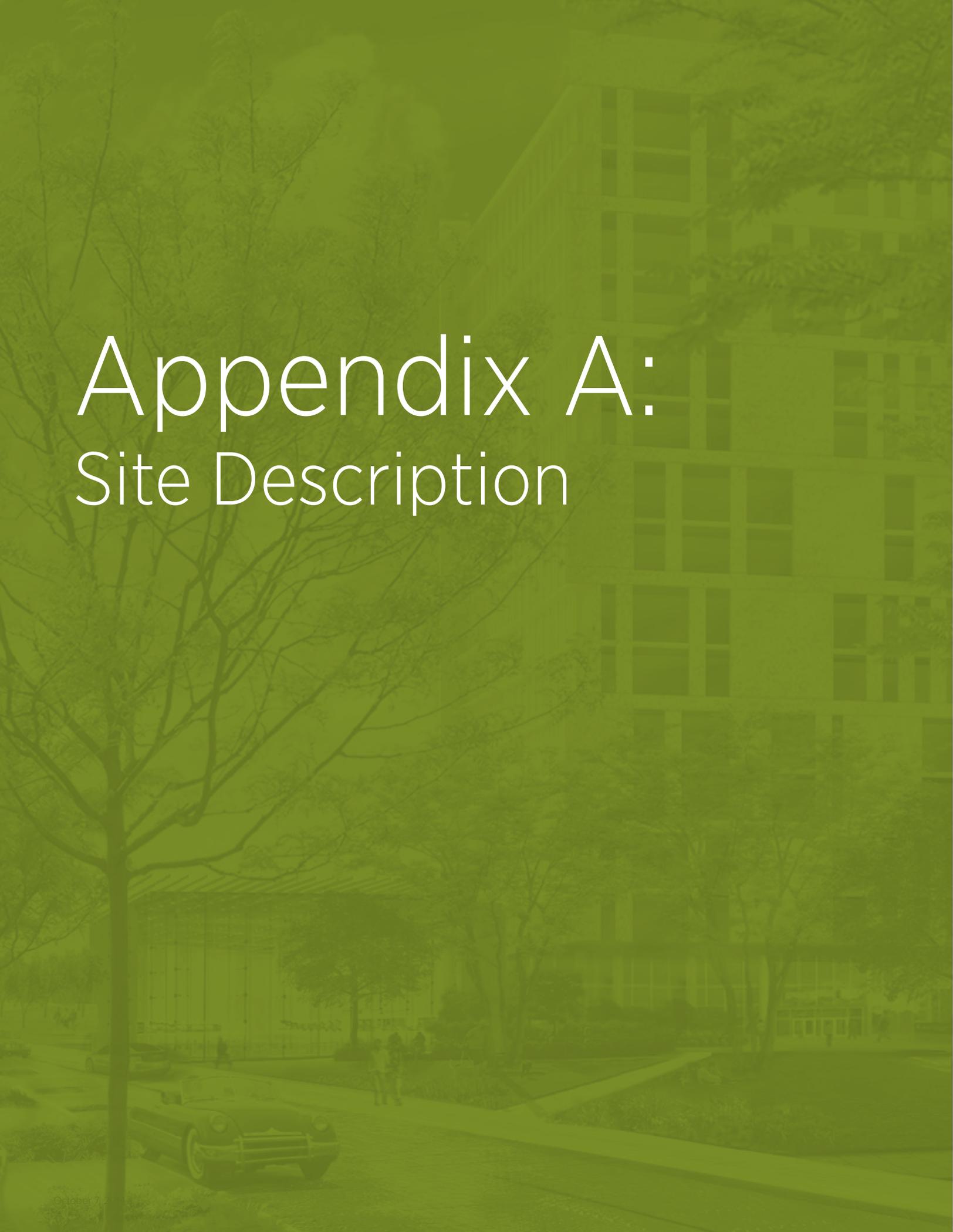
i. Roof Terraces

- (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 A3 Legal Description

LEGAL DESCRIPTION

No. 4748 P. 7

①

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 Fruga 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. R364784 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' 30" 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 rod 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.

Return To
Texas Nations Title
3 Riverway, Suite 725
Houston, TX 77056

✓✓

ANY PRODUCTION HEREIN WHICH PERTAINS TO THE SALE, REFINANCE, OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLLISION OR INEFFECTIVE AND UNENFORCEABLE UNDER PERSONAL LAW THE STATE OF TEXAS COUNTY OF HARRIS
I hereby certify that this instrument was FILED in the recorder's office on the date and at the place 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



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.

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

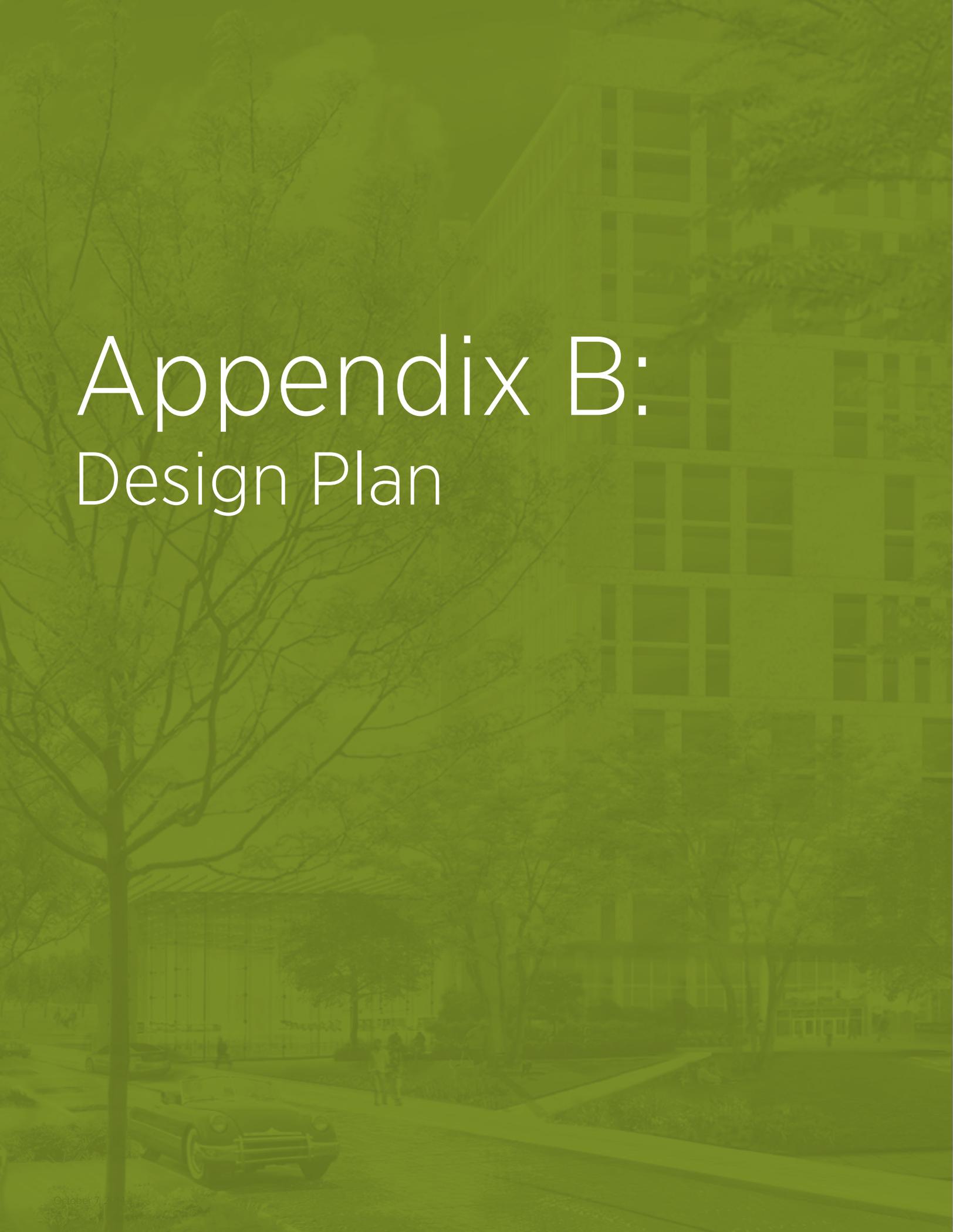
Ms. Kelly Hamby, CFM
Floodplain Administrator, Brazoria County

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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The background is a monochromatic green-tinted architectural rendering of a modern building complex. It features a multi-story building with a grid of windows, a central courtyard with a paved walkway, and several trees. A classic car is parked on the left side of the courtyard. The overall scene is presented in a clean, professional style.

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

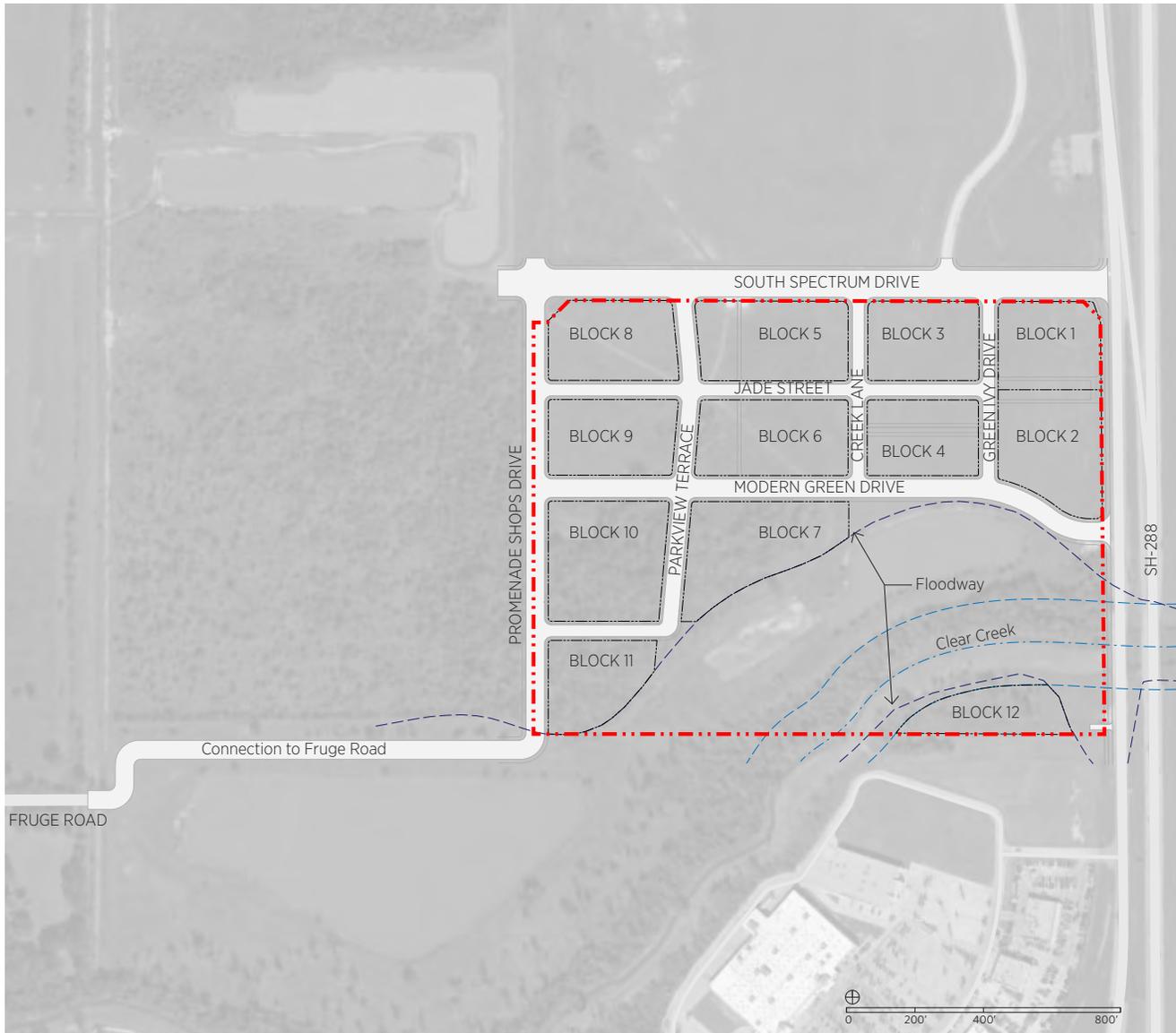


Exhibit B2 Illustrative Master Plan

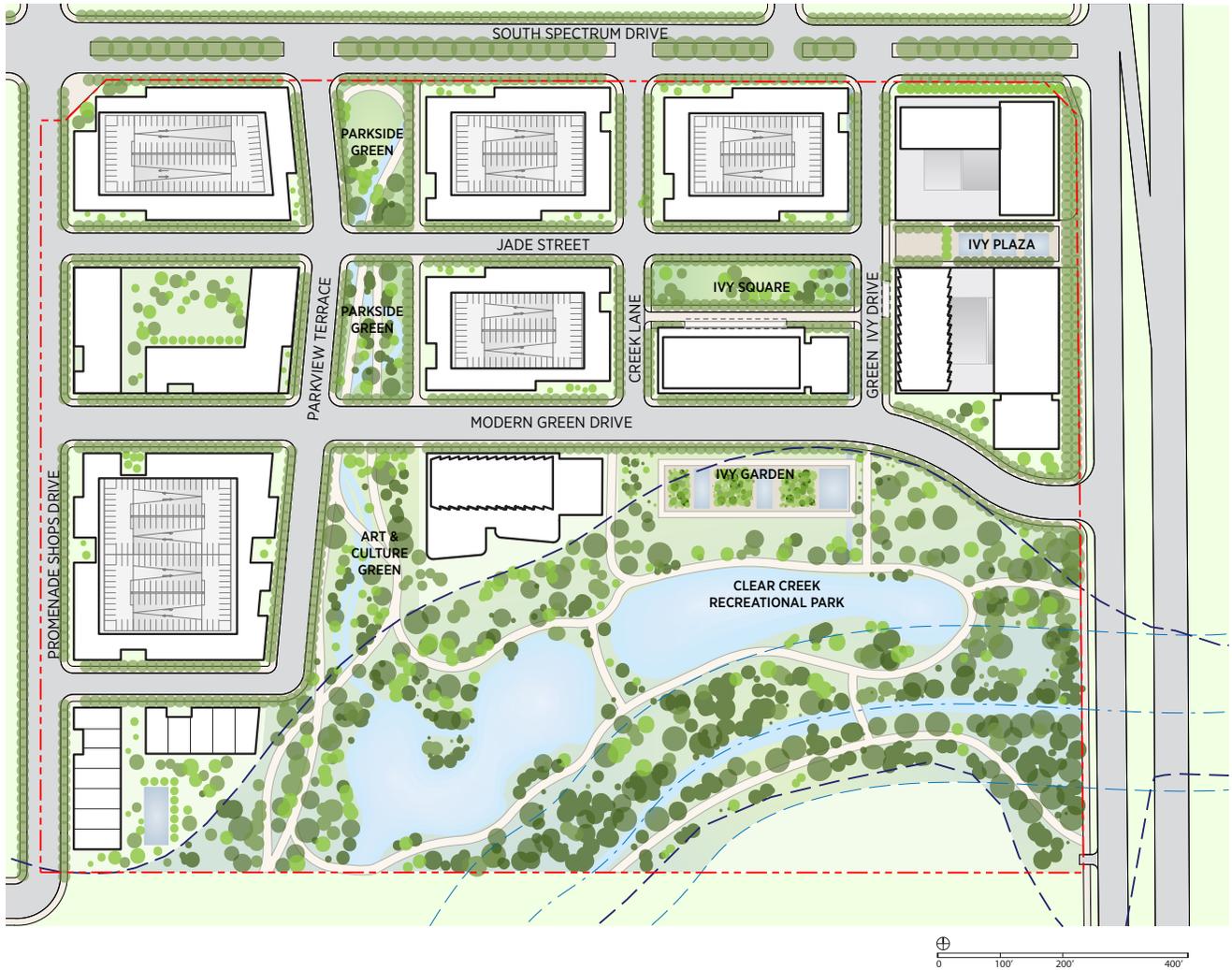
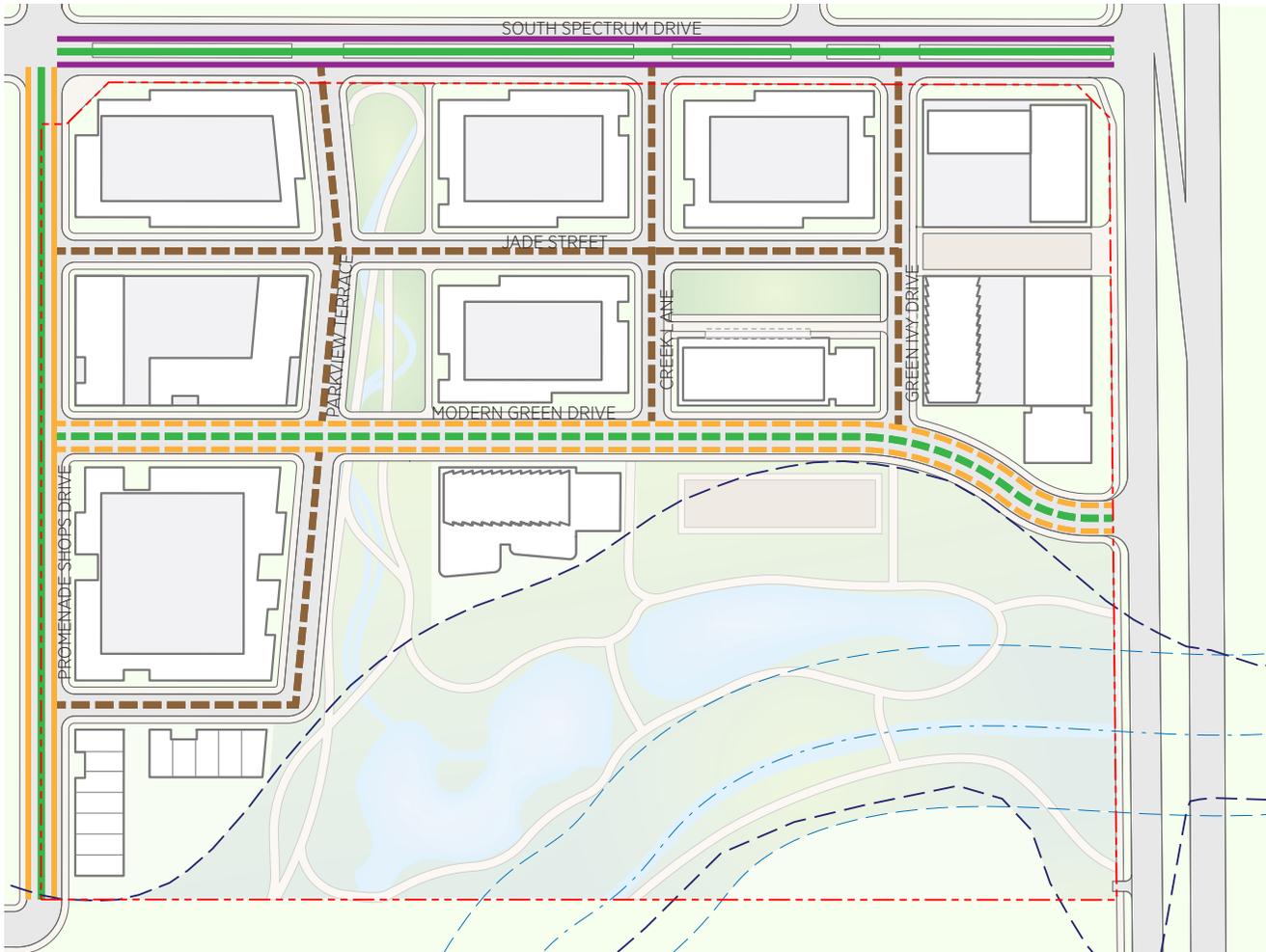


Exhibit B3 Street Network Plan



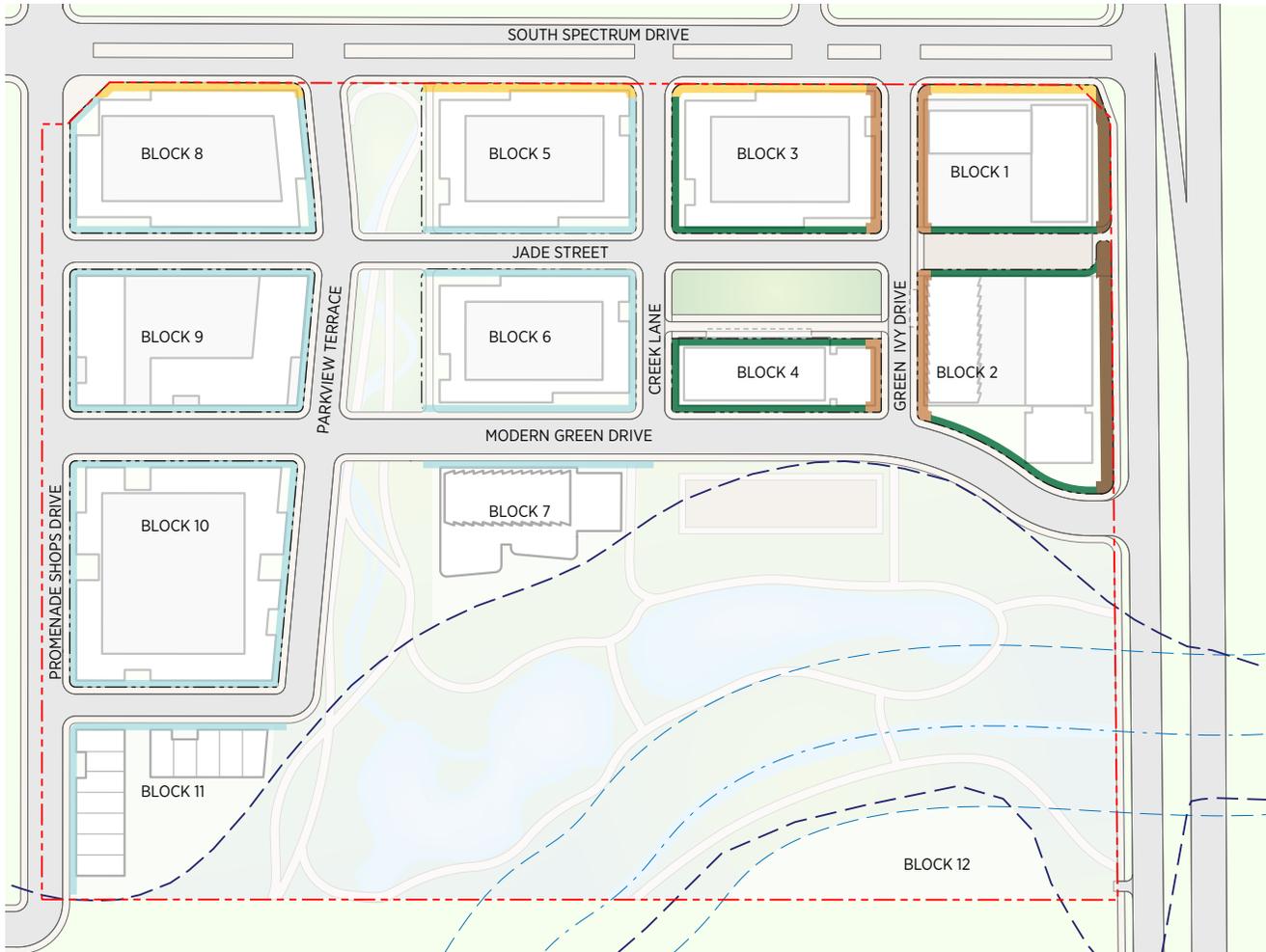
Street Types

-  "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



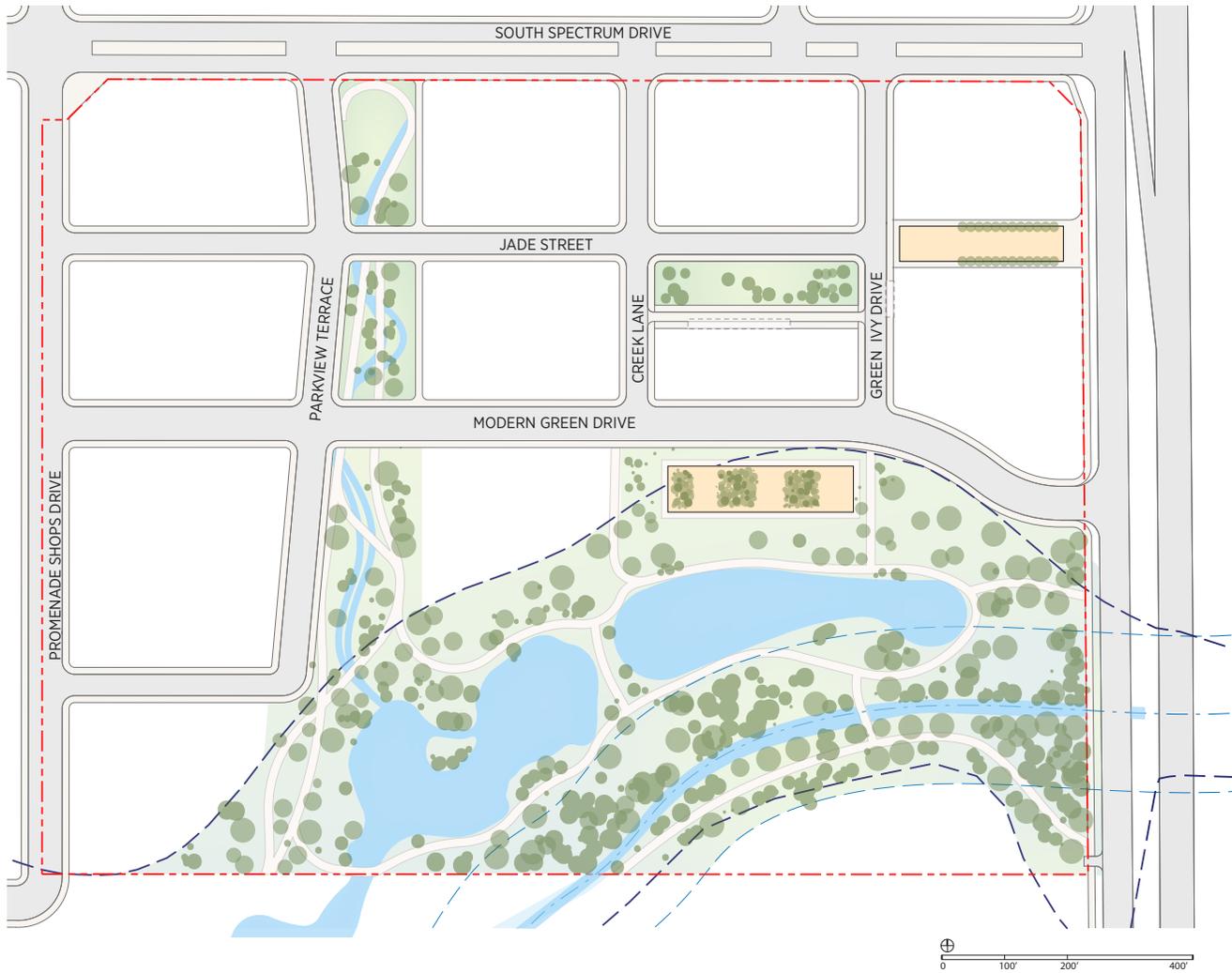
- 25' max. setback
- 10'min. - 15'max. setback
- 8'min. - 10'max. setback
- 5'min. - 10'max. setback
- 5'min. - 8'max. setback

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



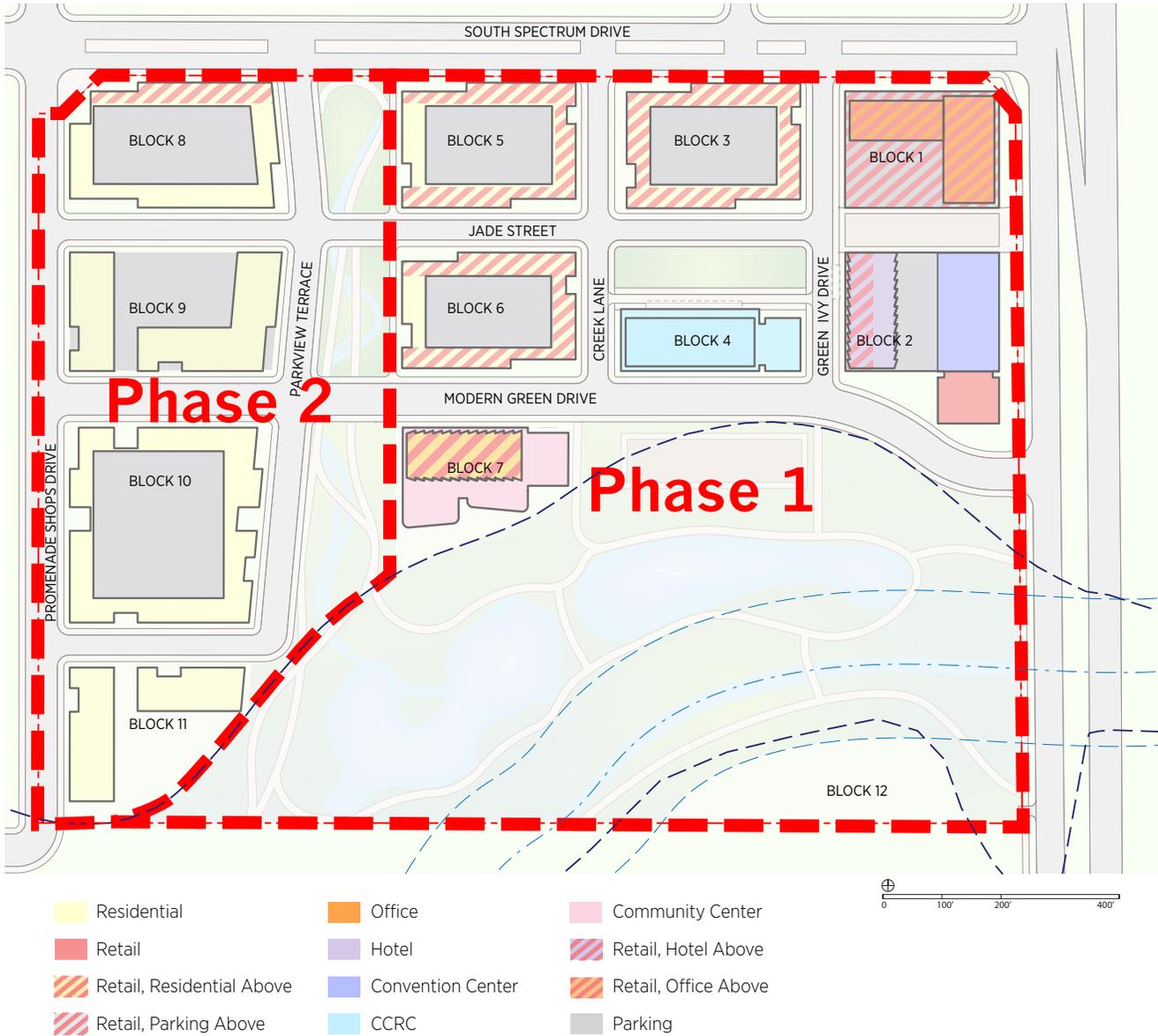
Trails
 Bicycle, walking, and jogging
 1,200 sf / acre of public open space

Picnic, BBQ, and Gathering Areas
 Picnic tables and barbeque pits
 100 sf / acre of public open space

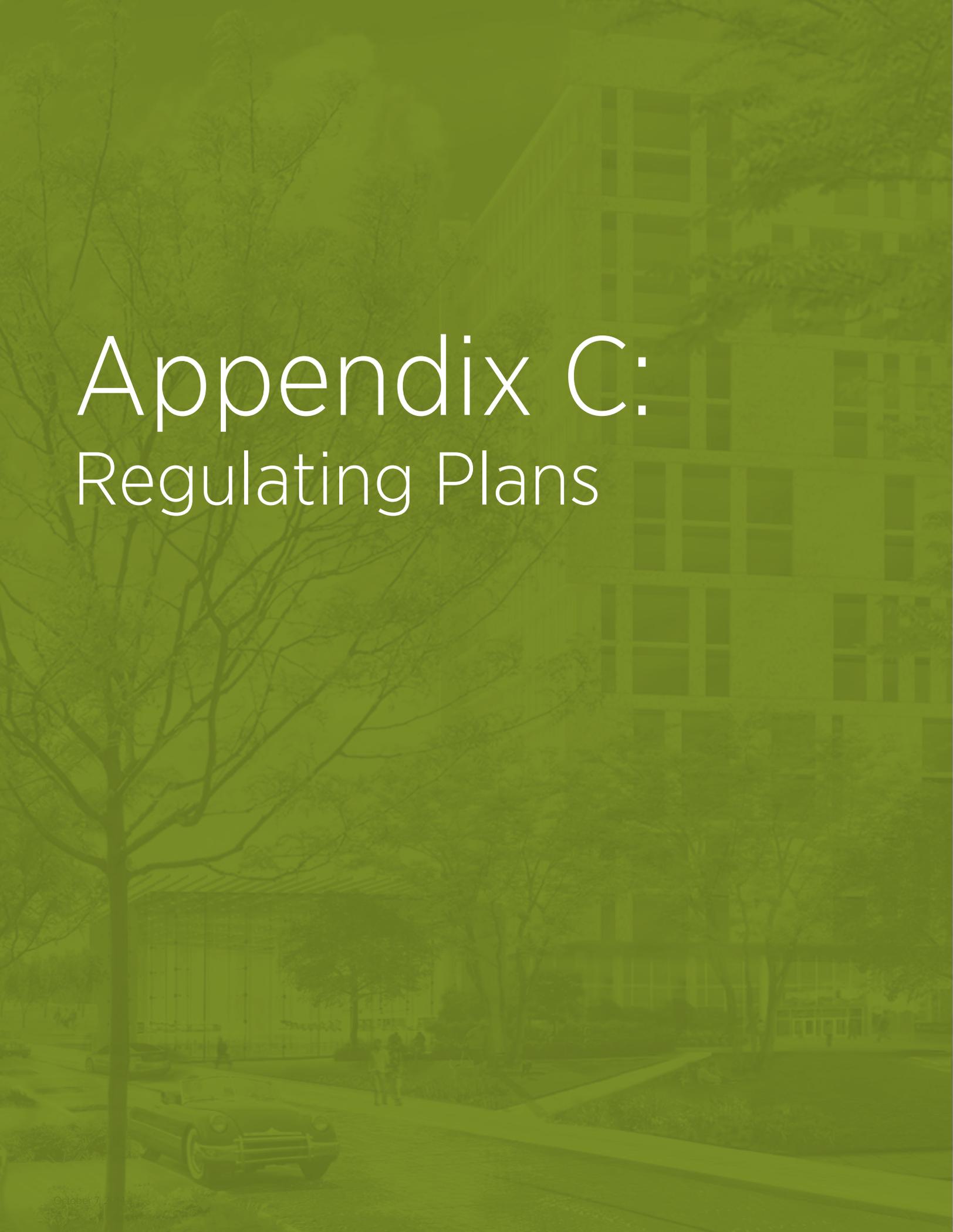
Ancillary Structures
 Shade and small-scale performance pavilions, restrooms, and the like
 Distributed as shown

Play and Exercise Areas
 Playgrounds and exercise stations
 100 sf / acre of public open space

Exhibit B9 Phasing Plan



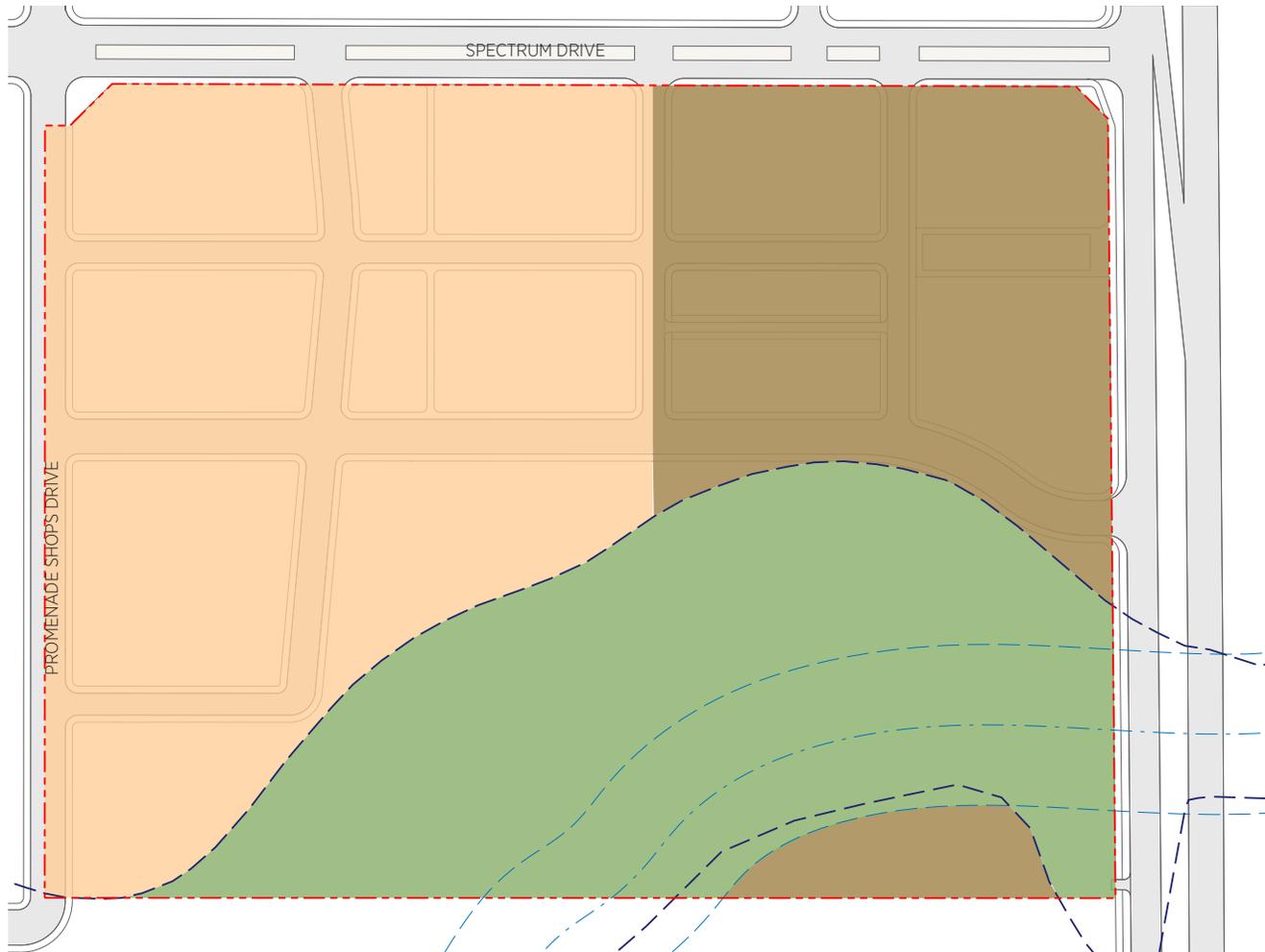
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The background of the page is a green-tinted photograph. It shows a modern building with a glass facade on the right side. In the foreground, there is a courtyard area with several trees, some of which are bare, suggesting a cooler season. A dark-colored car is parked on the left side of the courtyard. The overall scene is a mix of urban architecture and natural elements.

Appendix C: Regulating Plans

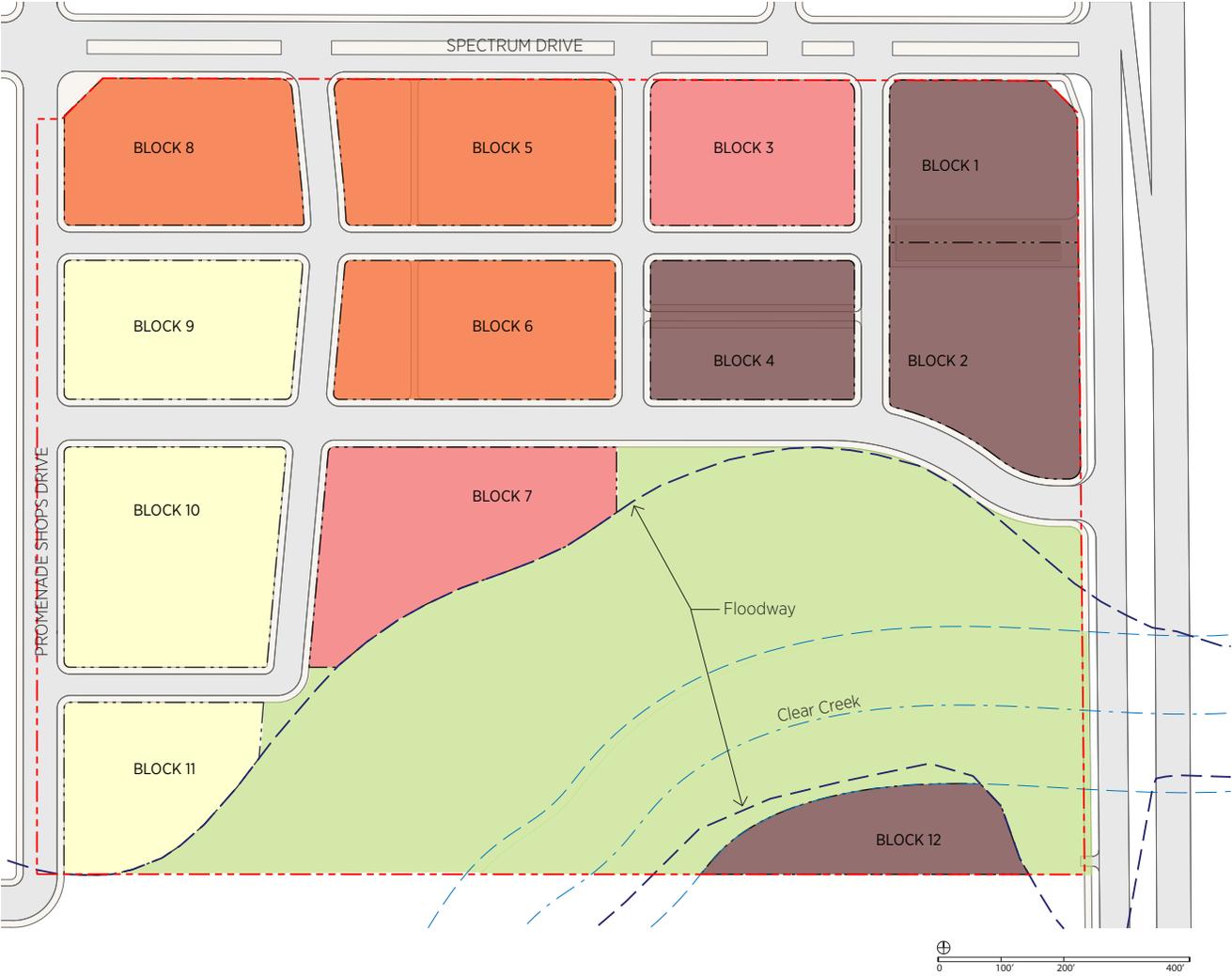
- Exhibit C1 Sub-Districts Regulating Plan
- Exhibit C2 Land Use Regulating Plan

Exhibit C1 Sub-Districts Regulating Plan



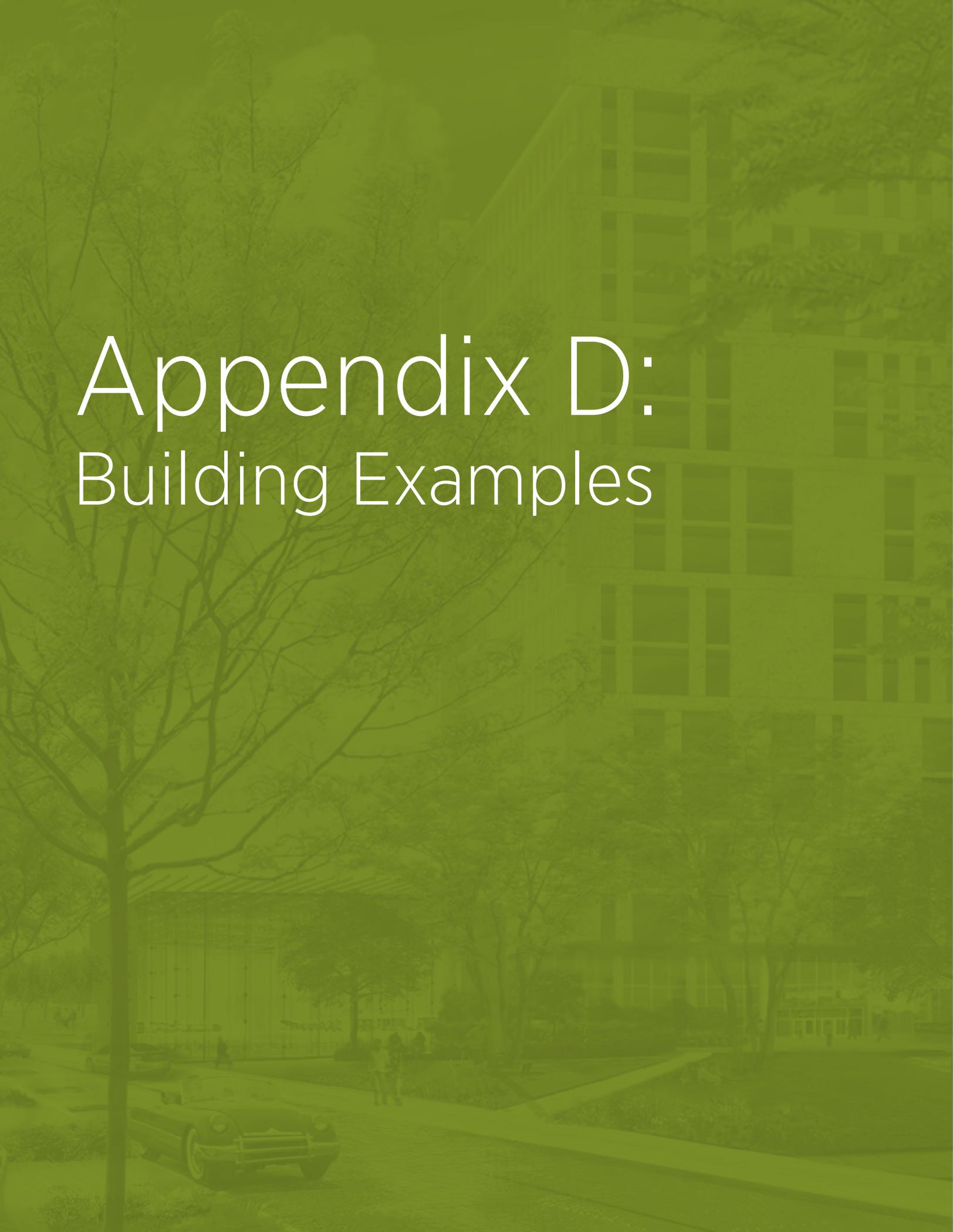
Sub-District Legend	
	Public Square
	Parkside Neighborhood
	Clear Creek

Exhibit C2 Land Use Regulating Plan



Land Use Legend					
	Commercial, Retail		Retail, Residential		Public Open Space
	Commercial, Retail, Residential		Residential		

- 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 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.

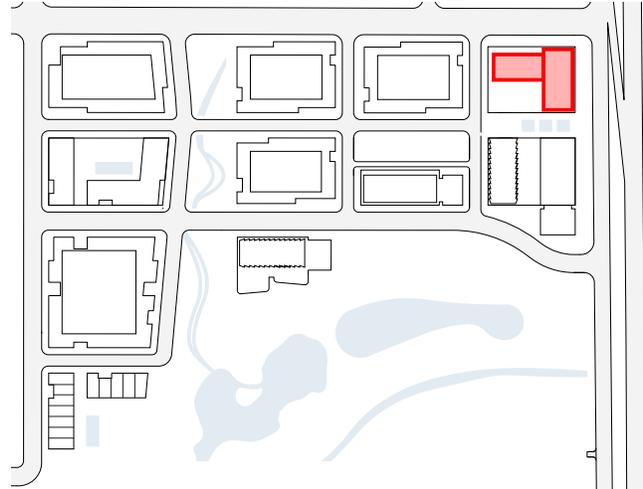
The background image is a photograph of a modern architectural complex, possibly a university campus, with a green tint. It shows a multi-story building with a grid of windows, a courtyard with trees, and a classic car parked in the foreground. The text is overlaid on the upper left portion of the image.

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.

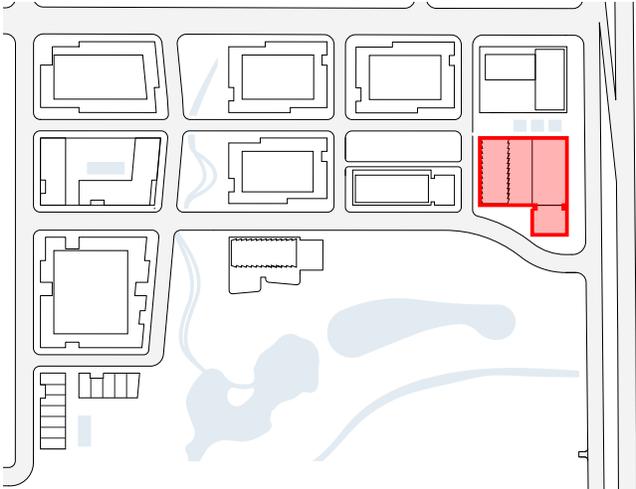


Key Plan



Exhibit D2 Hotel and Conference Center

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.

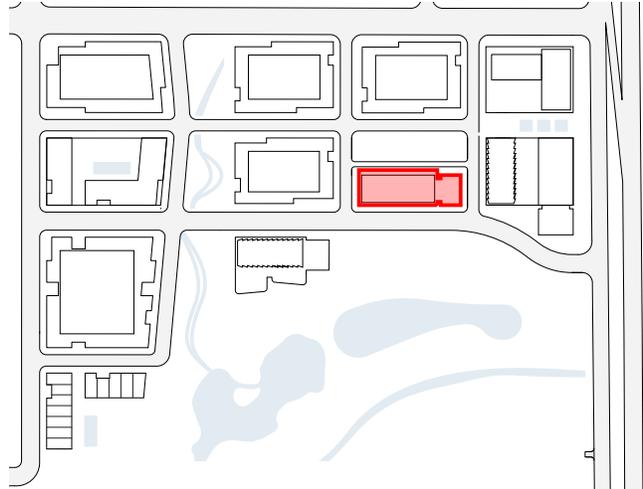


Key Plan



Exhibit D3 Continuing Care Retirement Community (CCRC)

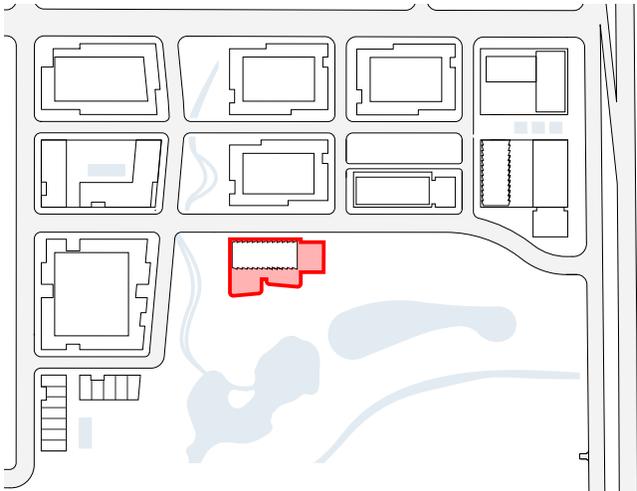
A Continuing Care Retirement Community (CCRC) means any buildings specifically designed to meet the physical or social needs of senior citizens. The images shown are representative of the intended design character for CCRC building and illustrate appropriate application of design standards for building elevations.



Key Plan



Exhibit D4 Community Center



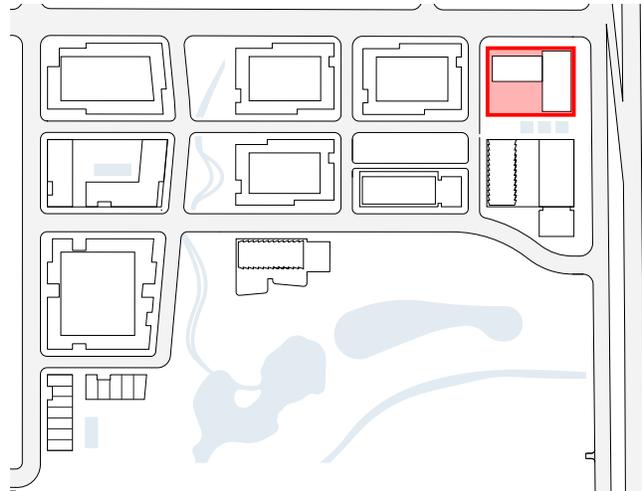
Key Plan

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.

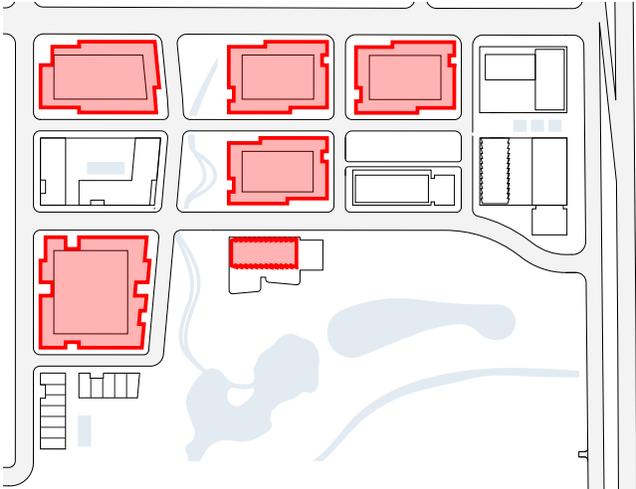


Key Plan



Exhibit D6 Residential - Urban Style Dwellings

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.

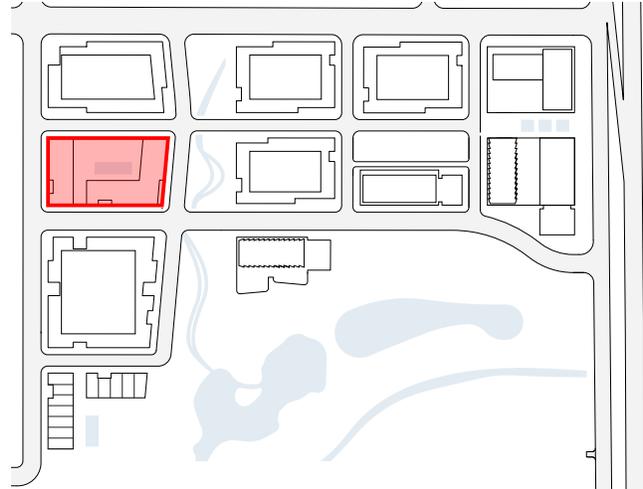


Key Plan



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.

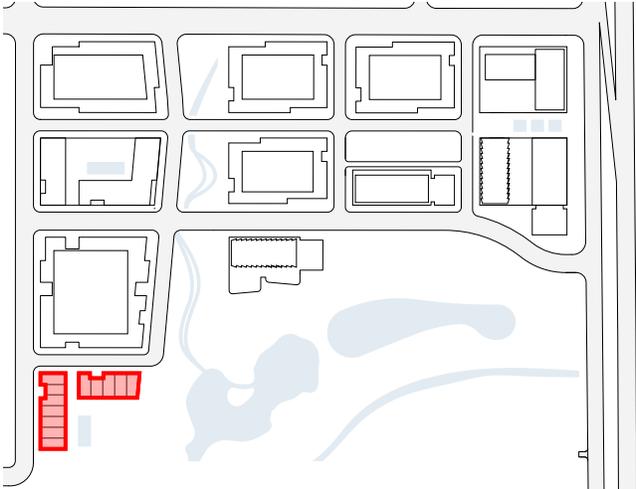


Key Plan



Exhibit D8 Residential - Townhouse

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.



Key Plan

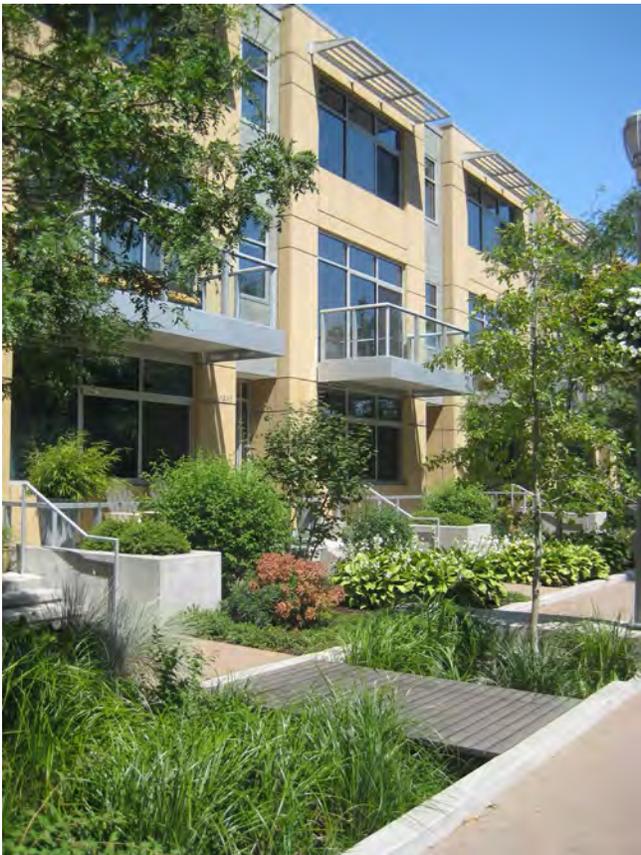
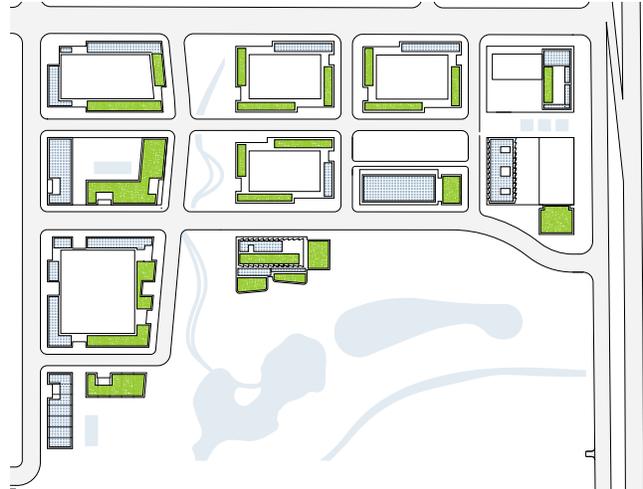


Exhibit D9 Building Top Examples

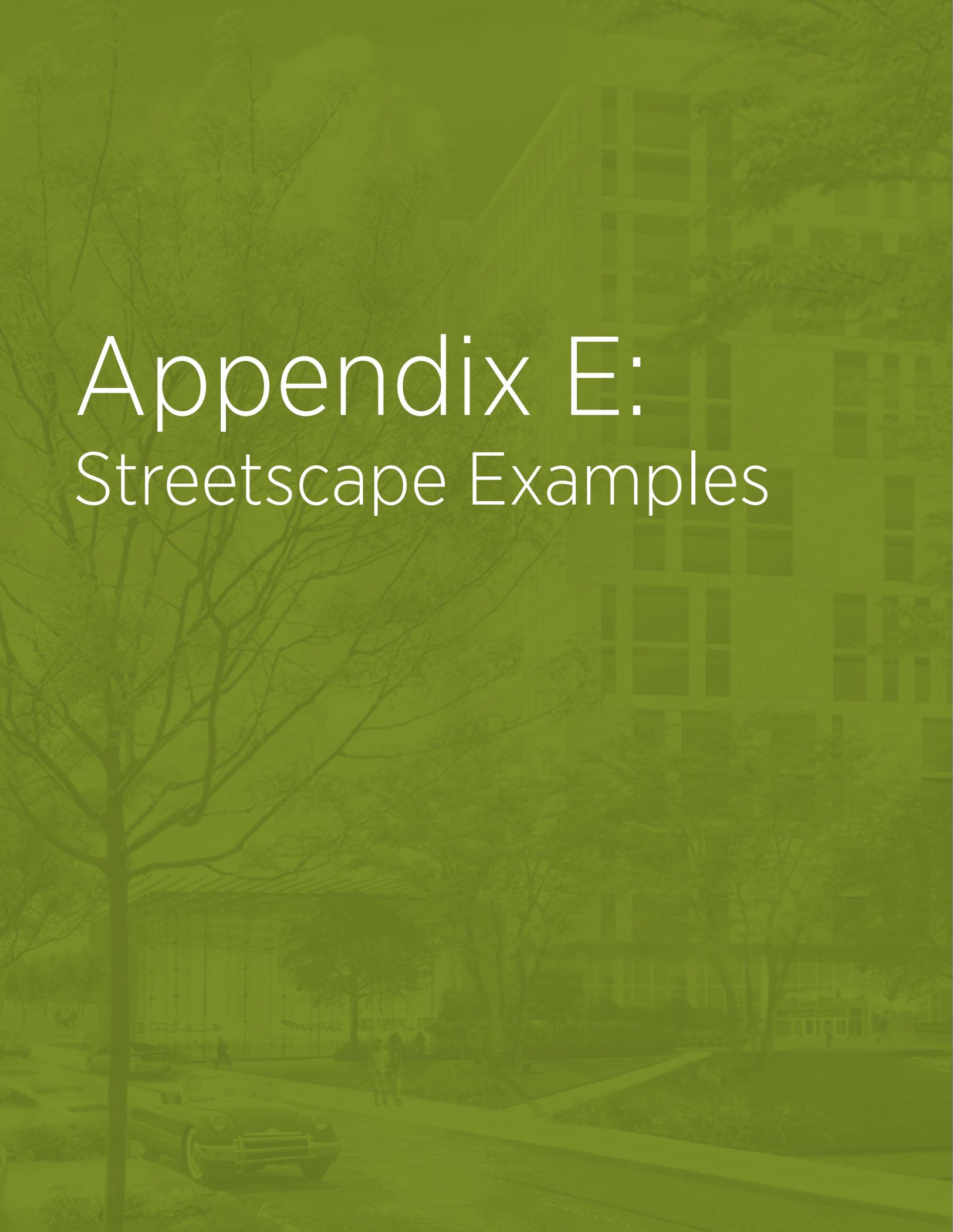
The tops of buildings at Ivy District should be designed to support stated goals of sustainability. The images shown represent examples of how those goals may be achieved by providing space for alternative energy production, incorporating vegetated roof covers, addressing rainwater runoff, and allowing residents to inhabit them.



Key Plan





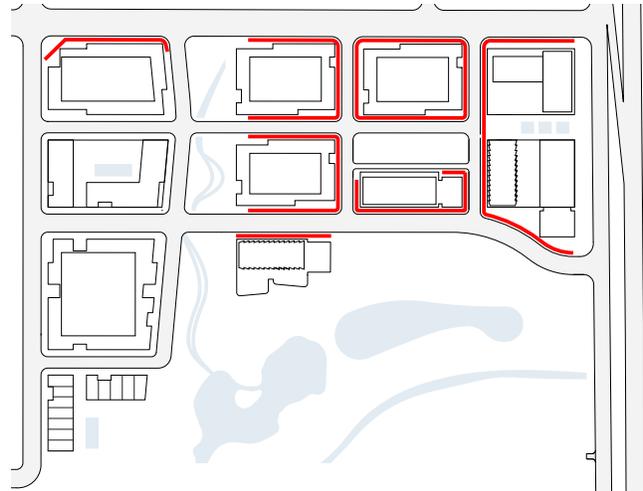
The background of the page is a green-tinted photograph of a city street scene. In the foreground, a dark-colored car is parked on the left side of the road. A large, leafless tree stands to the left of the car. In the middle ground, a wide sidewalk with a low concrete curb runs across the frame. Several people are walking on the sidewalk. In the background, a multi-story building with many windows is visible. The overall scene is a typical urban streetscape.

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.

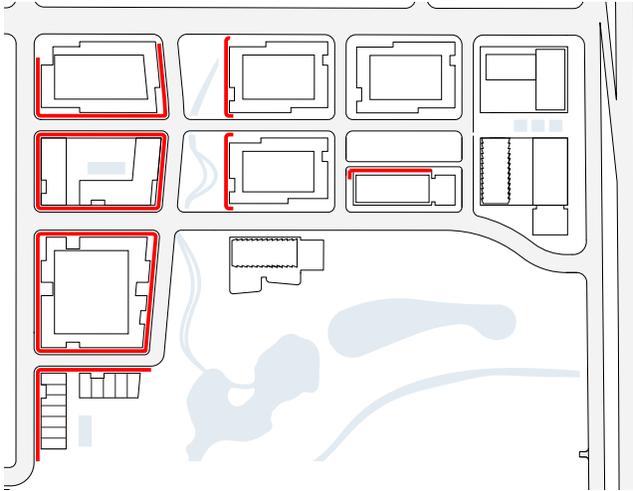


Key Plan



Exhibit E2 Streetscape - Residential Examples

Planting should not obscure stoops and entryways. Sidewalks should be kept clear for pedestrian traffic.

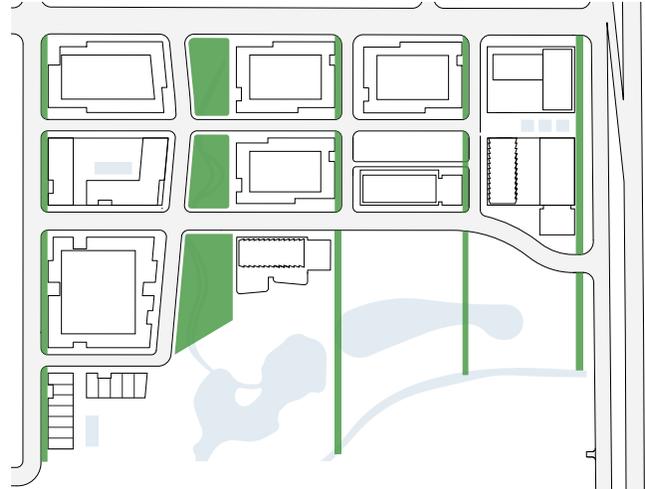


Key Plan



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

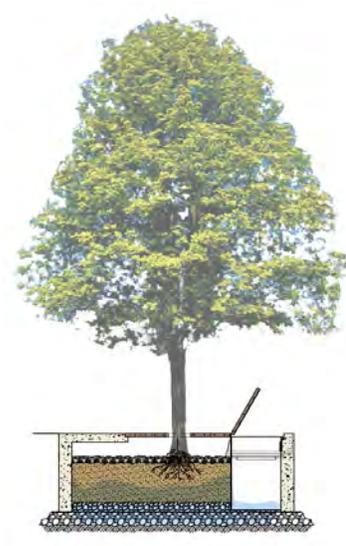
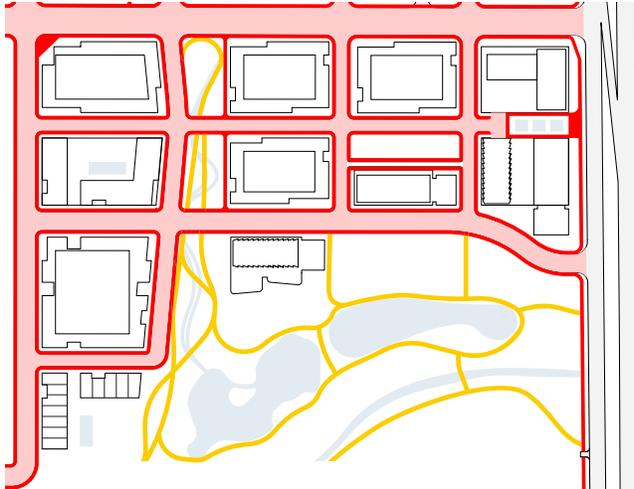


Exhibit E4 Paving Examples



Key Plan

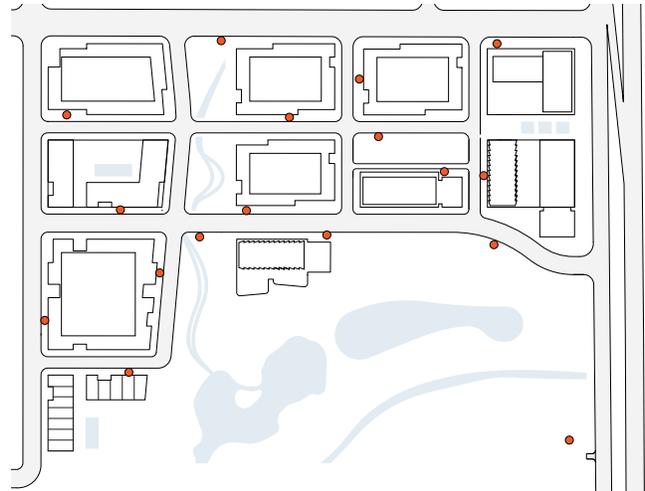
- Pathway
- Sidewalk
- Street

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.

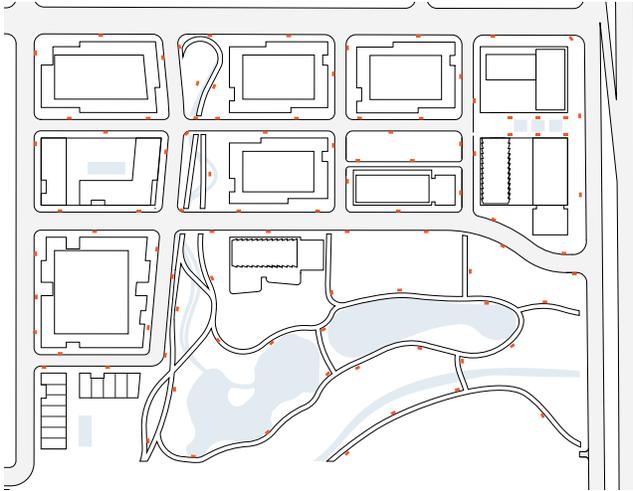


Key Plan



Exhibit E6 Site Furnishings Examples

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.

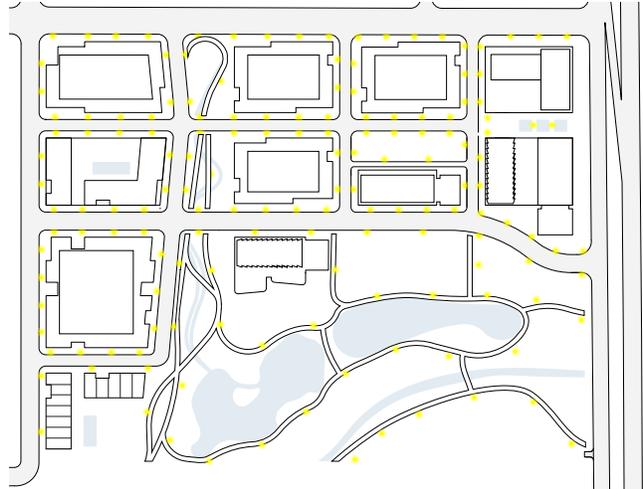


Key Plan



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

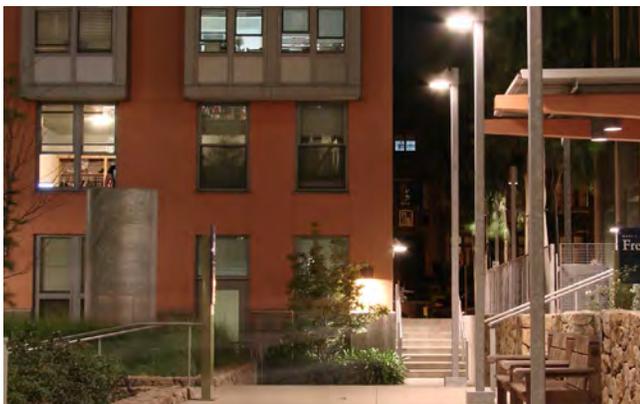
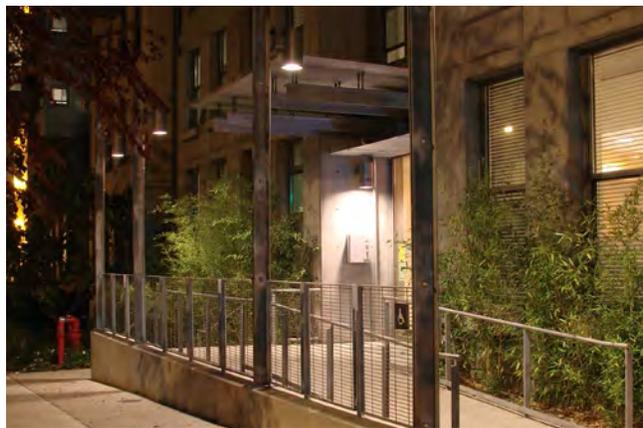


Exhibit E8 Material and Color Examples

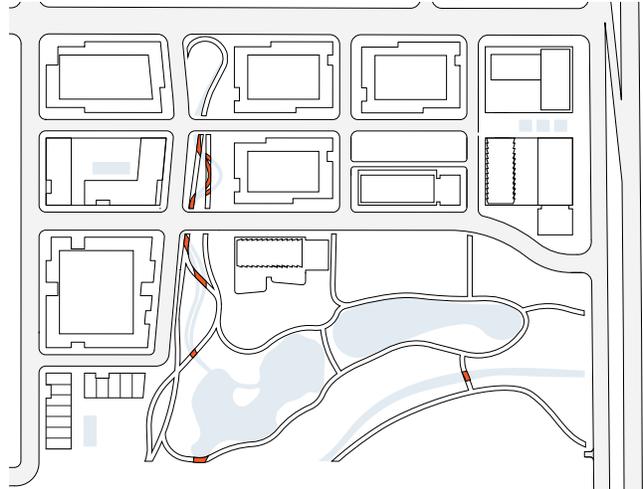


The use of materials and colors help to define the quality and nature of a place. Individual buildings at Ivy District are encouraged to use a variety of material and color palettes, weaving together a vibrant neighborhood tapestry.



Exhibit E9 Pedestrian Bridge Examples

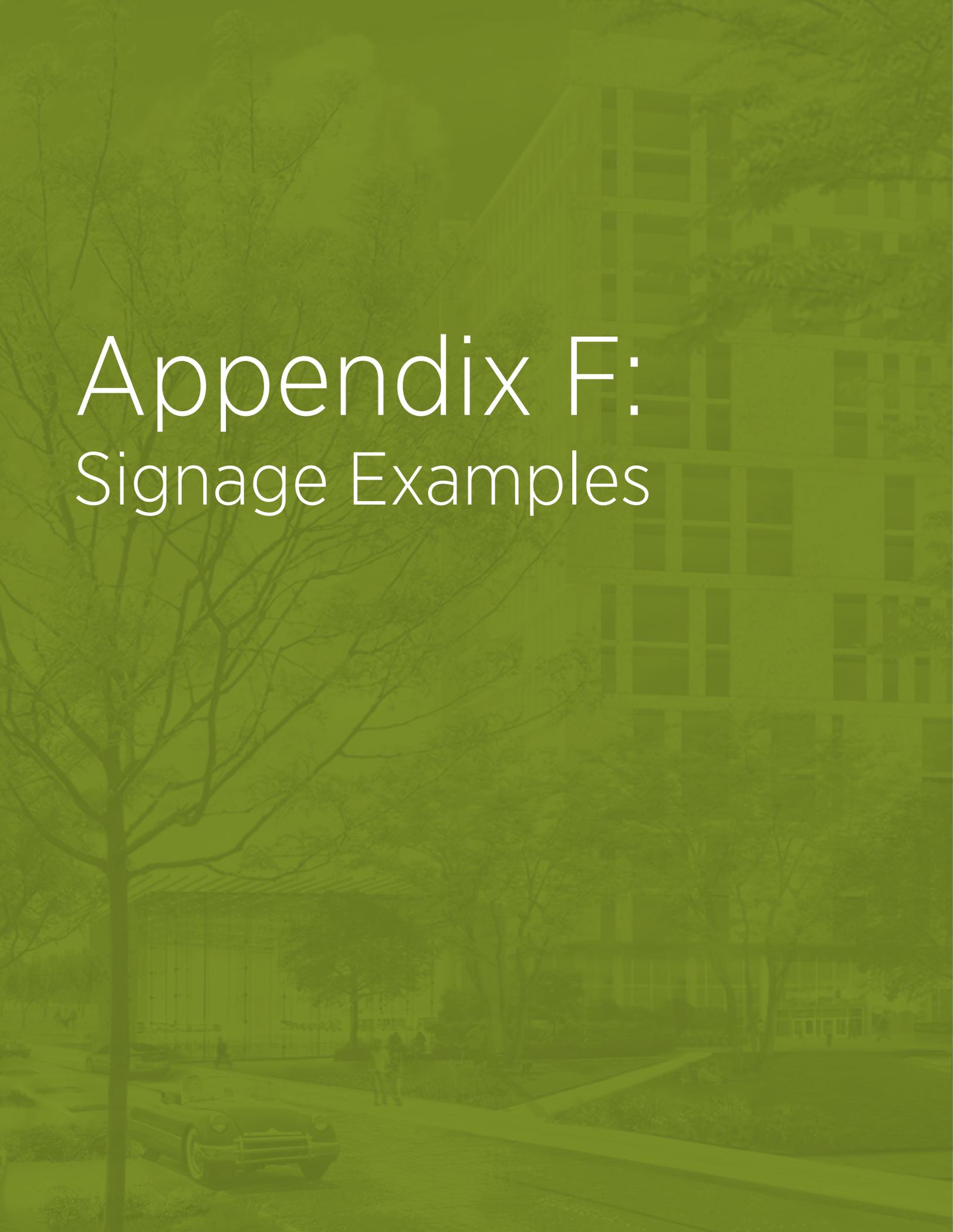
Pedestrian bridges shall be located within Public Open Space. Design of pedestrian bridges in the Ivy District shall take the urban context into consideration including pedestrian amenities, architectural detailing, railings, and appropriate materials. The images in this section are intended to provide 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







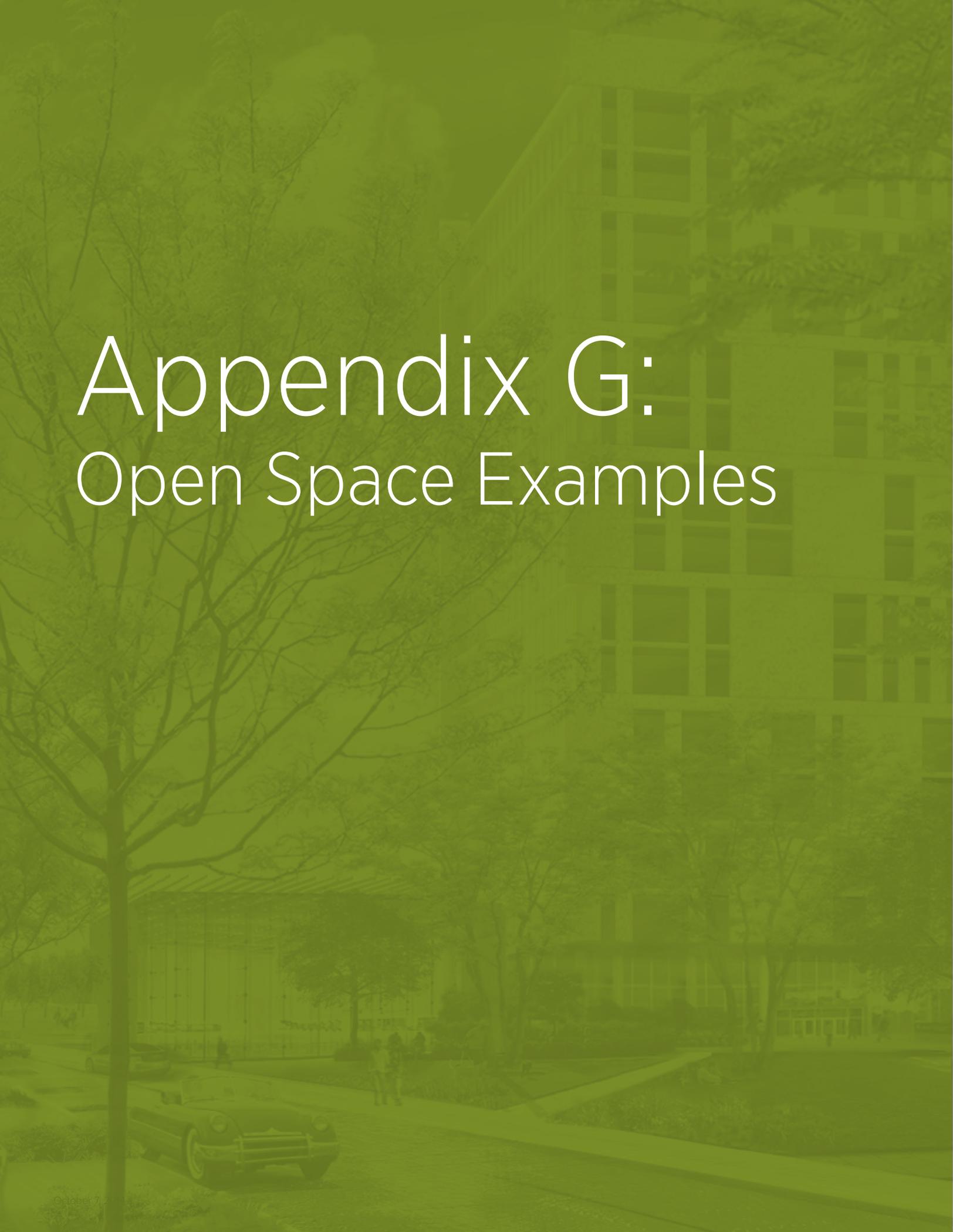
Appendix F: Signage Examples

Exhibit F1 Signage Examples

Exhibit F1 Signage Examples







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.

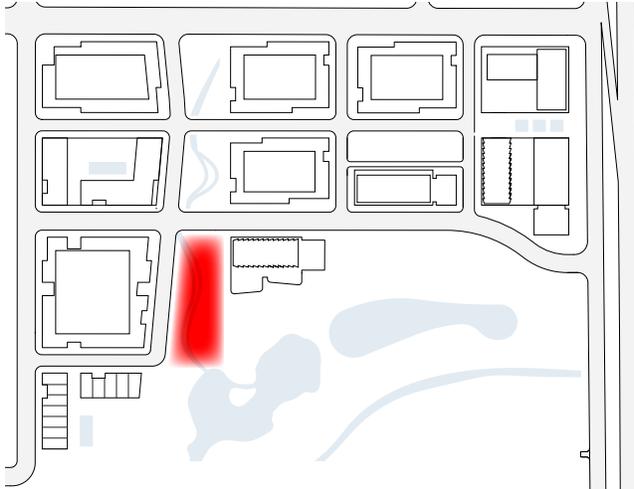
The intent is to create a vibrant and active edge along the creek and regional detention area with recreational activities. The Clear Creek Recreational Park provides a casual place for residents and visitors to the Ivy District to walk, bike, or jog. The Clear Creek Recreational Park shall be defined by multi-use pathways, as well as landscaped open space.



Key Plan



Exhibit G2 Art and Culture Green Examples



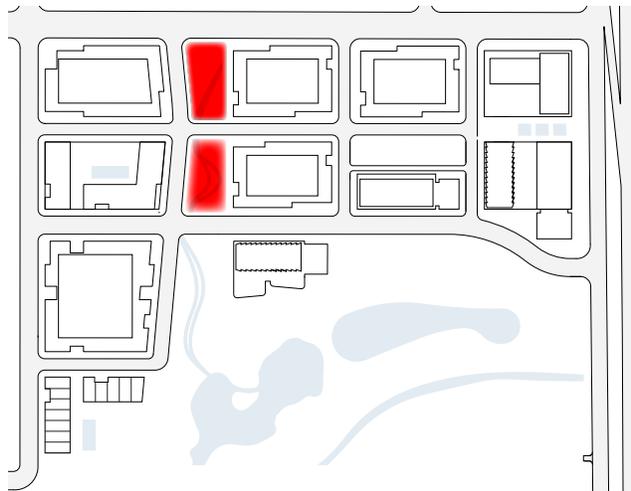
Key Plan

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

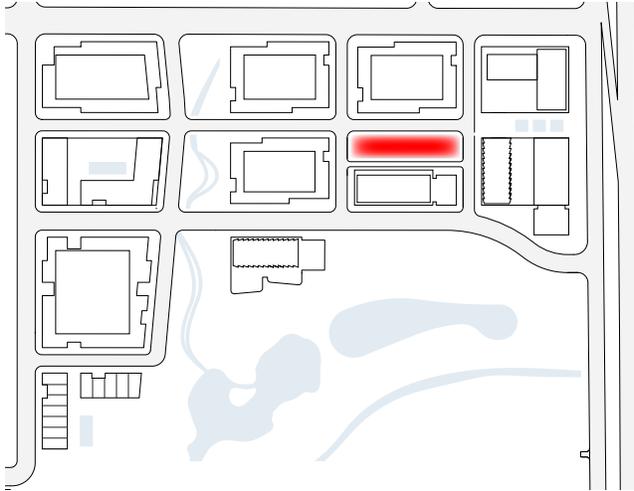
The Parkside Green will serve as an important public space for the Ivy District. The green will be available for civic purposes, commercial activity, unstructured recreation and other passive uses. The green shall primarily be naturally landscaped with many shaded places to sit. Appropriate paths, civic 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



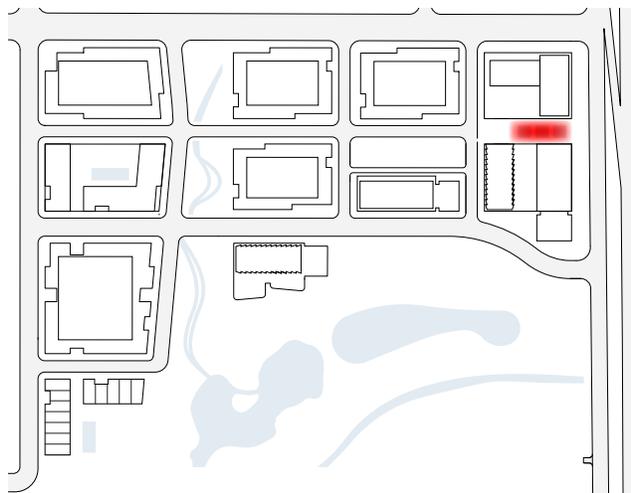
Key Plan

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

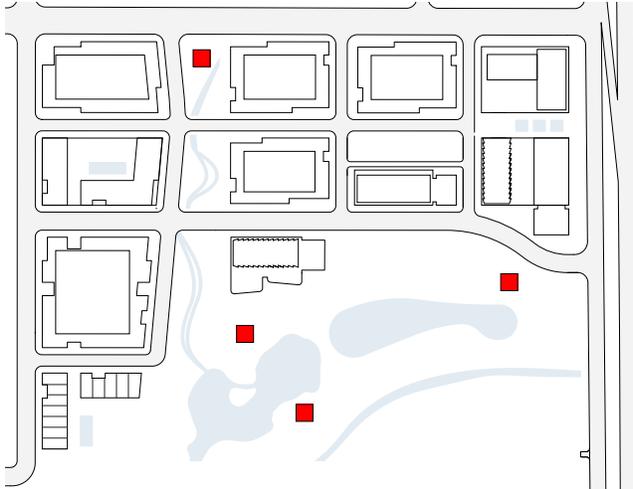
Plazas add to the vibrancy of streets within the more urban districts and create formal open spaces available for civic purposes and commercial activity. Building frontages shall define these spaces. The landscape shall consist primarily of hardscape. If trees are included, they shall be formally arranged 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



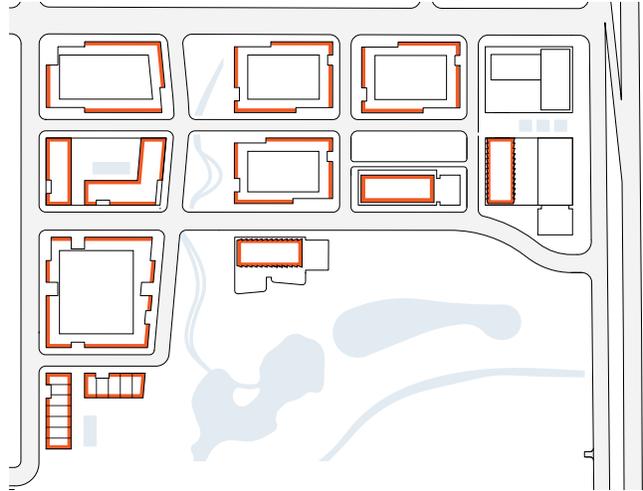
Key Plan

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

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.

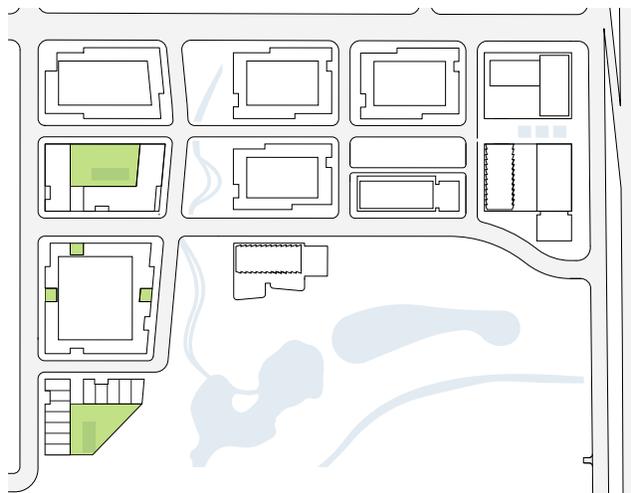


Key Plan



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.

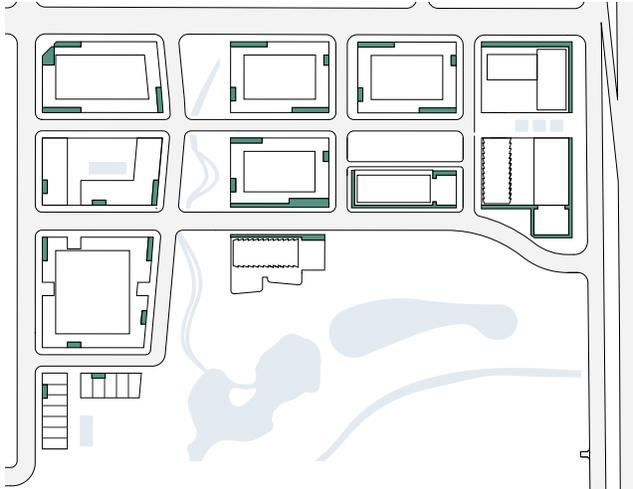


Key Plan



Exhibit G10 Forecourt Examples

A Forecourt is a small private open space between a building facade and the Build-to Line.

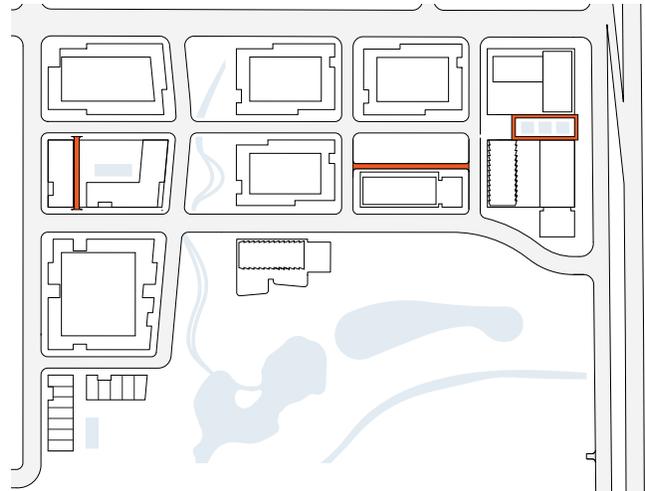


Key Plan



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.

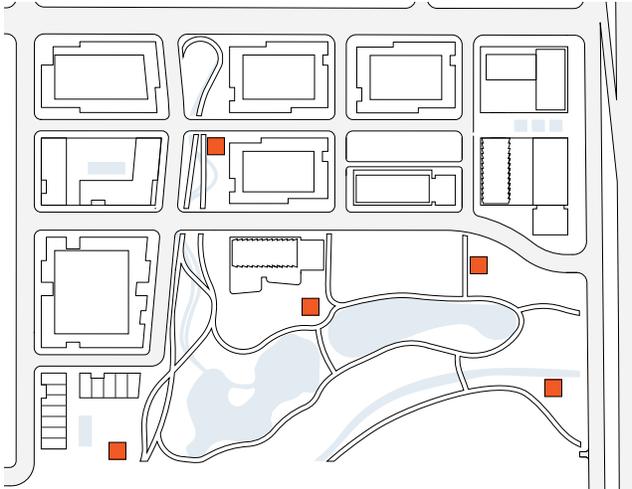


Key Plan



Exhibit G12 Playground Examples

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.

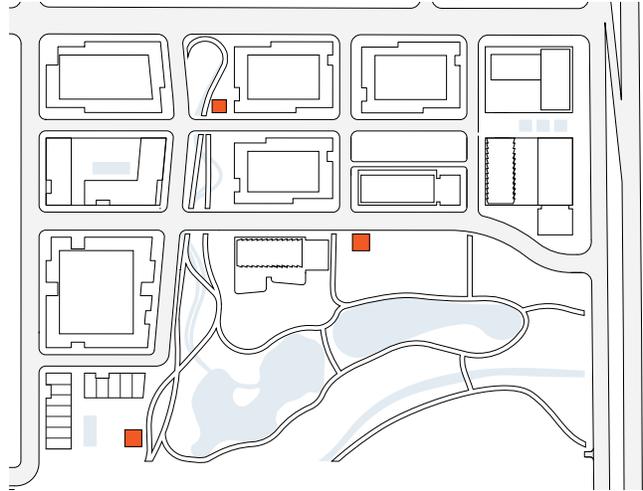


Key Plan



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).

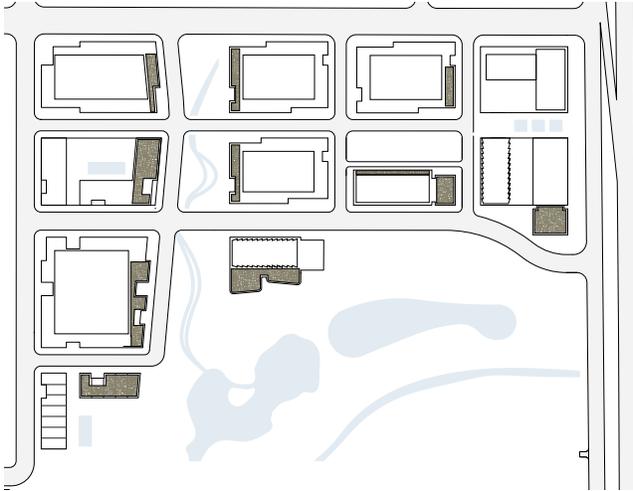


Key Plan



Exhibit G14 Roof Terrace Examples

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.

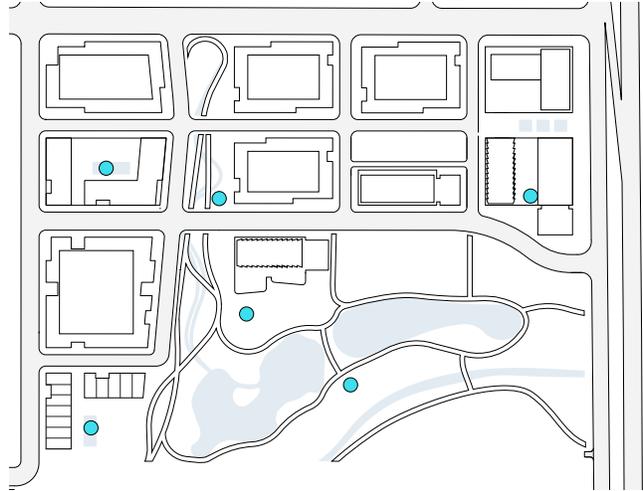


Key Plan



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 identify 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 District (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.

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.”

ADDITIONAL 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- Façade 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

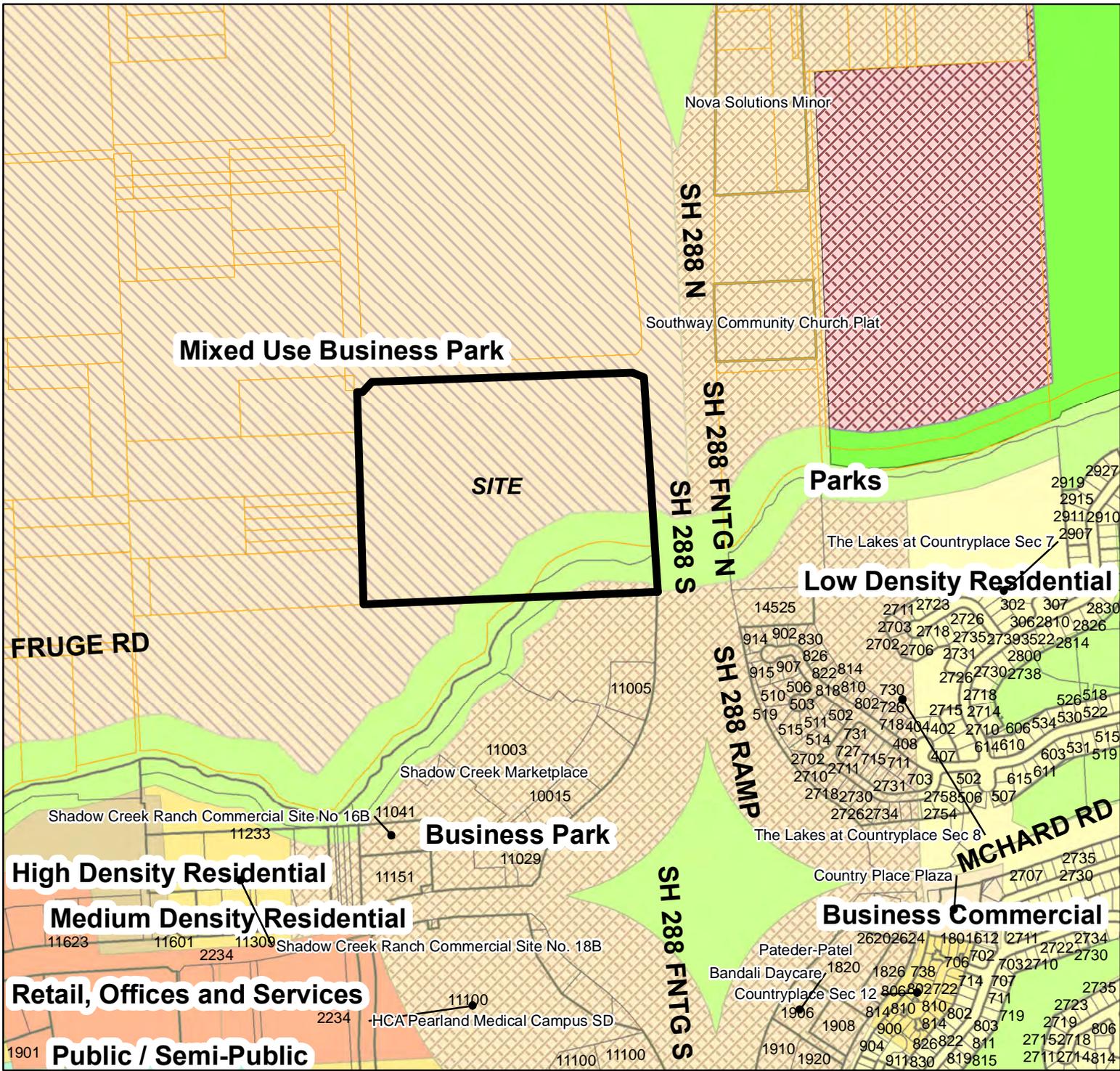
be required to be constructed by MGID as a result of the impact of the traffic volumes generated by the MGID development."

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.

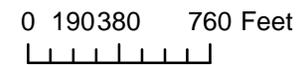


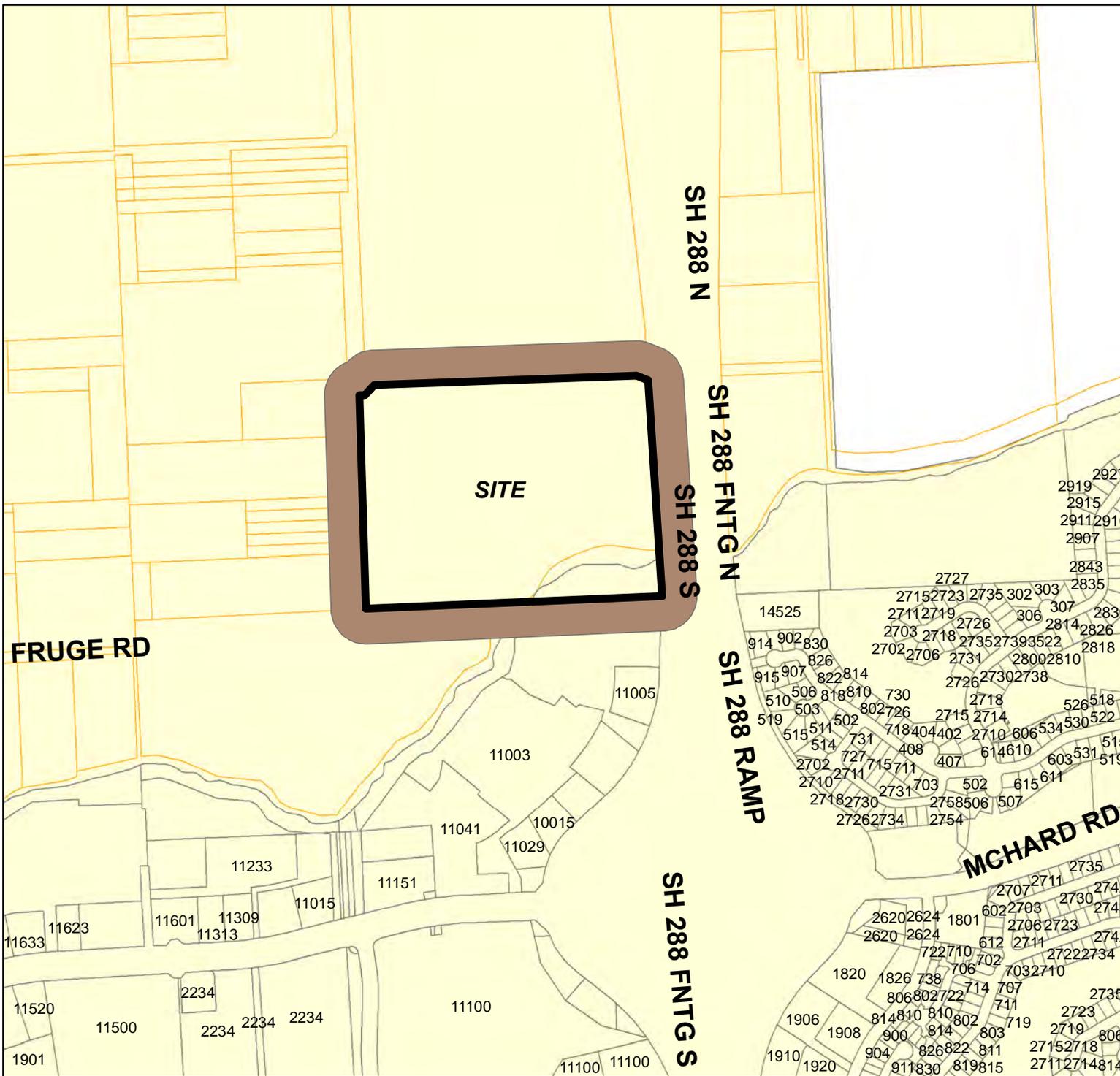
FLUP Map

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.



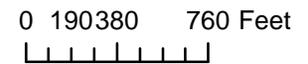


Abutter Map

Zone Change 2014-2Z

Modern Green/ Ivy District

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Zone Change No. 2014-2Z

Modern Green/Ivy District

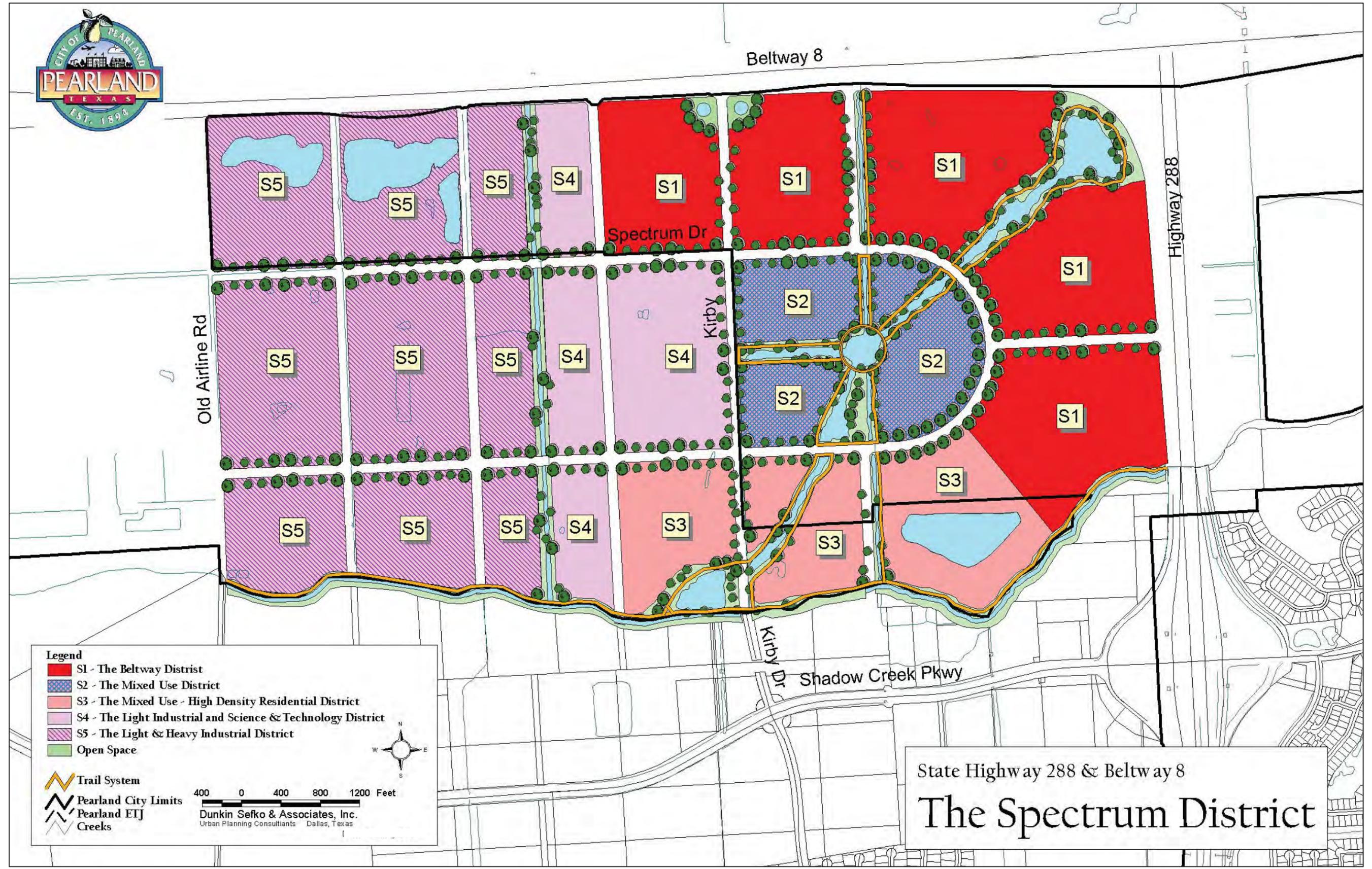
NAME

GCCL - SHADOW CREEK LP
DE GEORGE ROSE ESTATE OF % GIACOMO DE GEORGE
ALLEN DOROTHY ATWATER
CITY OF PEARLAND
STUDE M S
MINOR STEWART
SHRINERS HOSPITALS FOR CRIPPLED CHILDREN % DON
BROWN ' BRADSHAW
MARTINI RICHARD A &
PEARLAND LIFESTYLE CENTER LP ATTN LEGAL DEPARTMENT
MAYOR RICHARD B
MAYOR JAMES M
MAYOR THOMAS H
AMERICA MODERN GREEN DEV
STEVEN BIEGEL

ADDRESS UNKNOWN

3120 ROGERDALE RD
606 SADDLE ROCK DR
505 N ADAMS ST
111 E LOCUST ST
815 WALKER ST
ADDRESS UNKNOWN
PO BOX 31356
ADDRESS UNKNOWN
1306 E ANDERSON RD
2650 THOUSAND OAKS BLVD
2121 KIRBY DR UNIT 13NW
2006 ELM CRST
5555 DEL MONTE DR UNIT 1306
9889 BELLAIRE BLVD
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



Legend

- S1 - The Beltway District
- 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
 Pearlman City Limits
 Pearlman EIJ Creeks

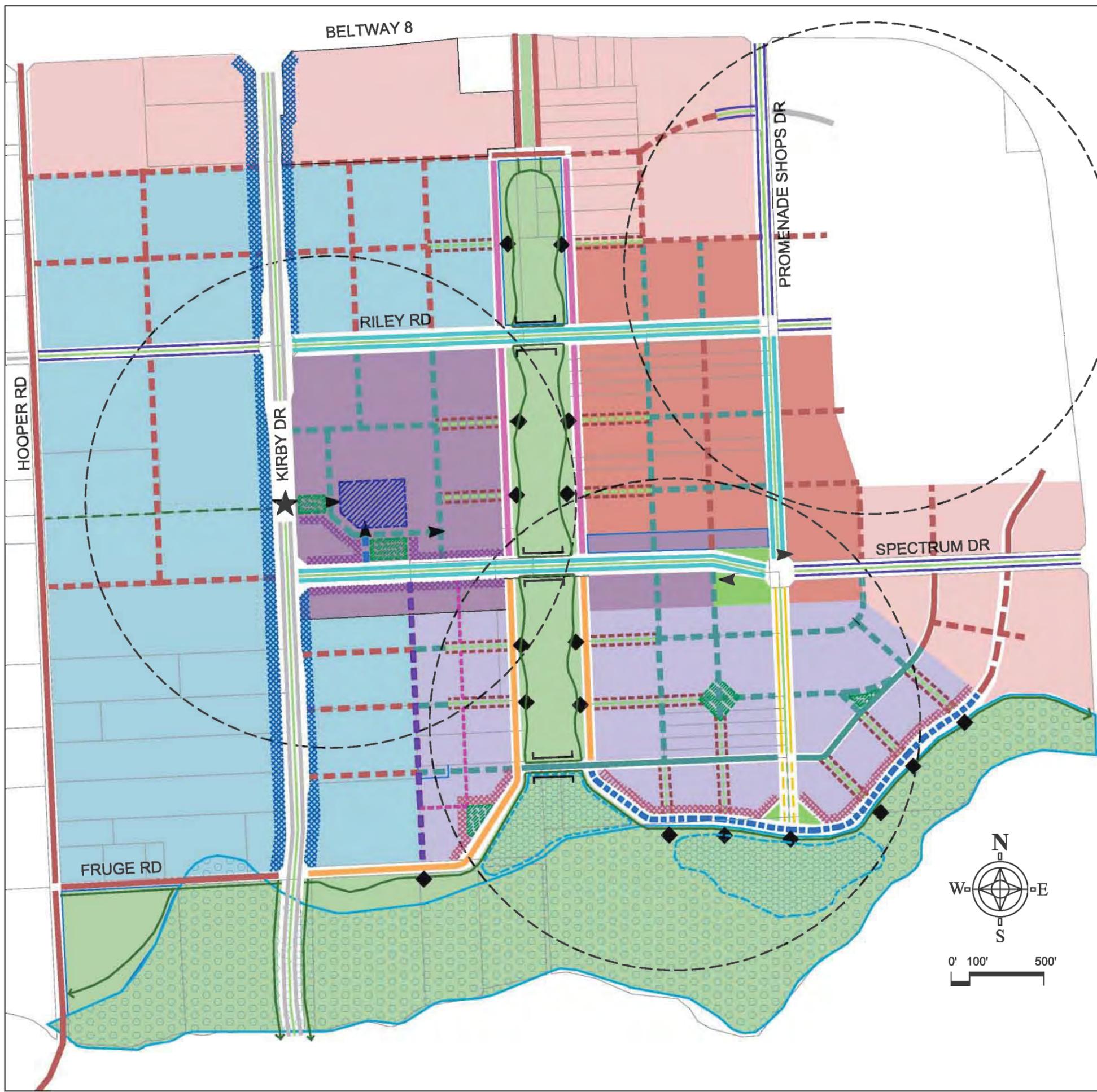
400 0 400 800 1200 Feet
 Dunkin Sefko & Associates, Inc.
 Urban Planning Consultants Dallas, Texas

State Highway 288 & Beltway 8

The Spectrum District



Appendix B



LEGEND	
CHARACTER ZONES	FRONTAGE TYPES
<ul style="list-style-type: none"> Mixed Use Core Urban Neighborhood Commercial Transition Highway Commercial Research/Tech Campus 	<ul style="list-style-type: none"> Kirby Drive Frontage "Main Street" Frontage "Promenade" Frontage
TYPE 'A' STREETS	OPEN SPACE
<ul style="list-style-type: none"> 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 	<ul style="list-style-type: none"> Required Regional Detention / Floodway Designated Floodway Recommended water feature Recommended Regional Detention Required Open Space Recommended Open Space
TYPE 'B' STREETS	SPECIAL CONDITIONS
<ul style="list-style-type: none"> AV-82-44 (Avenue) ST-62-38 (Urban Neighborhood Street - Type B) RD-44-22 (Service/Access Road) Existing Street <p>NOTE: For all street types, a dashed line denotes a recommended street; a solid line denotes a required street</p>	<ul style="list-style-type: none"> 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 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. Page 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@Pea rlandHomes. com	(281) 485- 1946
2	July 07, 2014 11:14 p.m.	Vivian	Ho-Nguyen	2710 marble brook lane	Honguyen.vi vian@gmail. com	(504) 559- 9644
3	July 07, 2014 11:29 p.m.	Angelita	Solis	2903 Indigo Drive	ayzqlefty@y ahoo.com	(713) 550- 3002
4	July 08, 2014 2:03 a.m.	Bedros	Bedrosian	11502 Watercastl e, Pearland	bedrosian.b edros@gmai l.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.	lisamorfey1 2@yahoo.co m	(832) 569- 4490
7	July 08, 2014 6:30 a.m.	Cynthia	Rackley	2501 Rock Shoals Way	Rackleyrc@y ahoo.com	(832) 244- 8572
8	July 08, 2014 7:38 a.m.	Laura	Parker	11609 Waterwoo d Court	lwilliamspar ker@gmail.c om	(832) 858- 3396
9	July 08, 2014 8:50 a.m.	Vivian	Scheibel	2005 Shoal Court	vscheibel@a tt.net	(713) 436- 6593

10	July 08, 2014 8:55 a.m.	Monica	Russo	13106 Castlewind Lane	mrusso@bb bhou.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	Leuellenjam es@gmail.co m	(832) 605- 6006
14	July 08, 2014 9:56 a.m.	Lee Ann	Kincaid	12503 Bethany Bay Drive	LeeAnn.kinc aid@gmail.c om	(214) 729- 6975
15	July 08, 2014 10:06 a.m.	Danell	Laurence	13212 Laguna Shores Drive	danellhead @hotmail.co m	(832) 689- 6457
16	July 08, 2014 10:31 a.m.	Megan	Crook	2712 Golden Creek Lane	megan.croo k@ymail.co m	(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	TexasSafety Tim@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	smsheppard 22@gmail.c om	(713) 436- 0433
23	July 08, 2014 3:53 p.m.	Roberto F.	Carmona	2411 Canyon Springs Dr., Pearland, TX 77584	cooks75@g mail.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@gm ail.com	(832) 407- 7883
28	July 08, 2014 8:26 p.m.	Brenda	Gutierrez	2608 Rusting Creek Dr.	Brendaarens @yahoo.co m	(832) 528- 2593
29	July 08, 2014 8:28 p.m.	Veronica	Love- Strahan	2717 Calico Creek Lane	veronicanlov e@gmail.co m	(832) 328- 9713
30	July 08, 2014 8:39 p.m.	Rob	Baskinger	2101 Crestwind Court	rbaskinger@ sbcglobal.ne t	(713) 436- 9051
31	July 08, 2014 8:40 p.m.	Ron	Hickman	12405 Evening Bay Drive Pearland Tx 77584	Rdhcorvette @yahoo.co m	(281) 536- 4854
32	July 08, 2014 8:48 p.m.	Harvey	Person	2412 Centerbroo k Ct	h.aperson@ sbcglobal.ne t	(713) 436- 5277

33	July 08, 2014 9:14 p.m.	Amanda	Kleckley	2304 Diamond Springs Dr	amandaklec kley@gmail. com	(713) 859- 9542
34	July 08, 2014 9:15 p.m.	David	Morton	13202 Lone Creek Ln.	David@isam orton.com	(713) 422- 3448
35	July 08, 2014 9:52 p.m.	Sharon	Smith	2303 Cape Landing Dr	sksclark@g mail.com	(713) 436- 1917
36	July 08, 2014 10:02 p.m.	Mandi	Kleinwolter ink	13001 Grand Shore Dr	Loretta320 @hotmail.co m	(515) 450- 8524
37	July 08, 2014 11:23 p.m.	Susan	Kirk	11603 spill creek dr	Memphiskir ks@gmail.co m	(281) 705- 4200
38	July 09, 2014 5:07 a.m.	Jackie	Isidro	2730 ravens creek drive	Jcjitkaroon @yahoo.co m	(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@sbcg lobal.net	(832) 260- 7533
42	July 09, 2014 8:34 a.m.	Donald	Lewellyn	2002 Mistwood Ct	lewellyn.d@ sbcglobal.ne t	(281) 627- 1953
43	July 10, 2014 8:09 p.m.	Amy	Cuellar	2917 Perdido Bay Ln	amykizer@h otmail.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.cuellar@gmail.com	832.367. 8014
47	July 16, 2014 3:00 p.m.	William	Yasinski	11311 Softbreeze Ct	wycin1@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	lhanks@bcglobal.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 Castlewin d Lane	mrusso@bbhou.org	713.240 .1707
56 August 22, 2014 9:49a.m.	Vivekana 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 .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 complexes.

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 Morfev

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.

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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 opportunity for Pearland to grow as a community and economy. My concern is in regards to the transportation infrastructure 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 proposal 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 attractions 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 Creek

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's 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 area as is the greater Houston area, yet it is this community feeling that made hundreds 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 F. 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 crucial 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 infrastructure that will greatly improve the image and reputation of the city of Pearland, not more apartments! 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:

APPLICANT/AGENT 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 gavinliangmq@gmail.com

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: [Signature] Date: 11/2/2014

Applicant/Agent's Signature: [Signature] Date: 2/11/14

OFFICE USE ONLY:

Table with 4 columns: FEES PAID (\$850.00), DATE PAID (2/19/14), RECEIVED BY (JB), RECEIPT NUMBER (141343)

Application No. 2014-2Z

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:

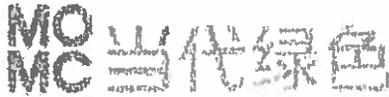
America Modern Green
c/o: Kevin Cole
11233 Shadow Creek Parkway, Suite 289
Pearland, TX 77584

Sincerely,

Gavin Liang
General Manager



6/23/2014



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:

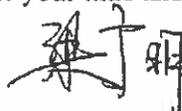
Please be advised that Modern Green Development Company, LTD, has selected Steven L. Biegel, AIA, CEO of the Matrix Design Companies, Inc., to represent our project and to be the lead Architect for our development.

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
 - \$ 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:

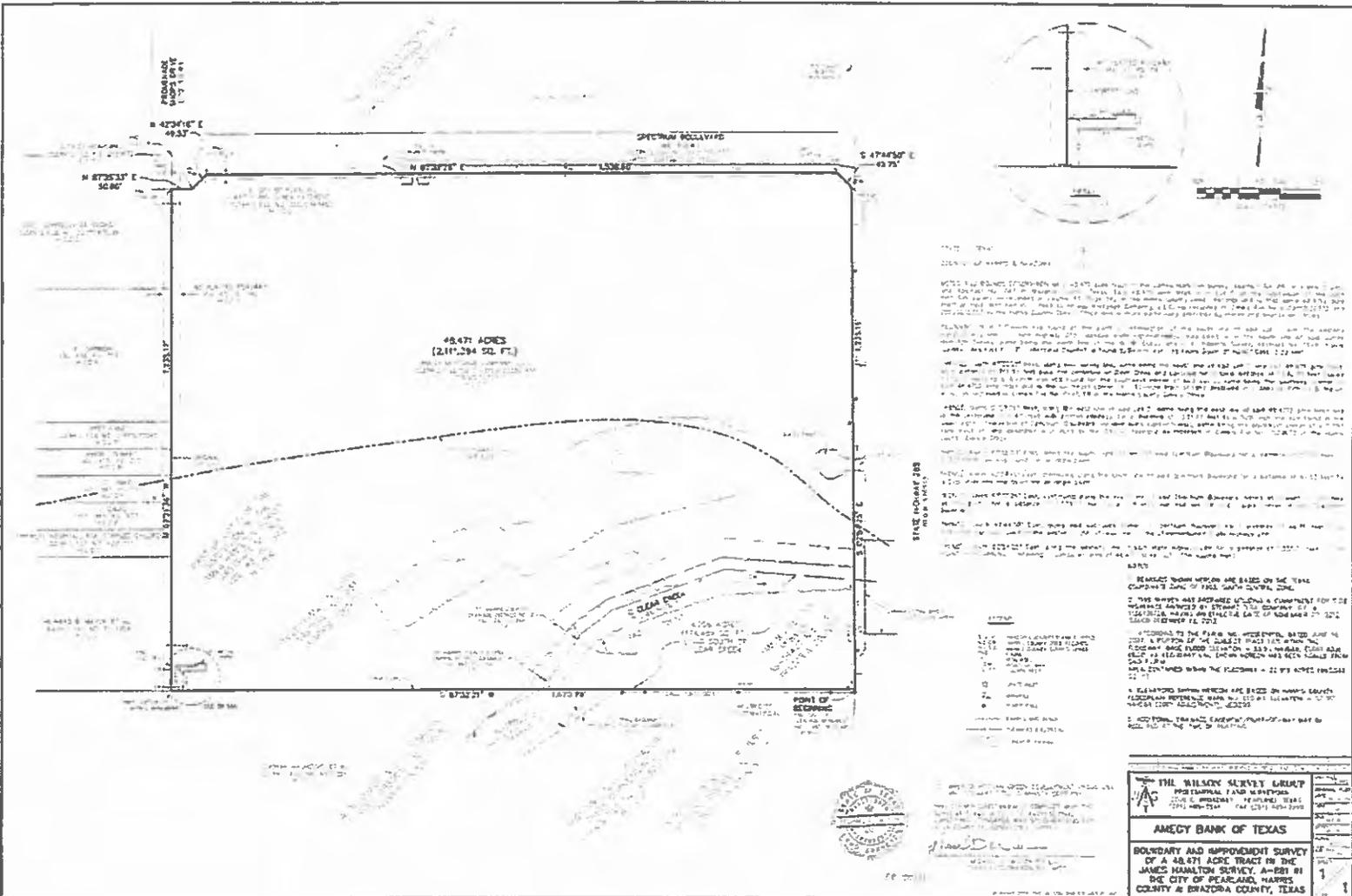
**PROPOSED (SPECIFY REQUEST)
Contact City of Pearland
281-652-1768**

***Signs must be professionally made; handwritten signs are not allowed.**

***Signs must be freestanding and cannot be attached to a tree, fence, or building.**

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.



ZONE CHANGE / VARIANCE / PLAT / RECORDATION

(circle one)

\$850.00

BA or **RE** 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 Street

Applicant Steven Biegel

Owner Guangming Liang



America Modern Green Development (Houston), LLC

11233 Shadow Creek Parkway,

Suite 289, Pearland, Texas 77584

Tel: 832-617-7195

September 2, 2014

Lata Krishnarao
Director of Community Development
City of Pearland
3519 Liberty Dr.
Pearland, TX 77581

Re: Applicant/Agent for Modern Green by 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.

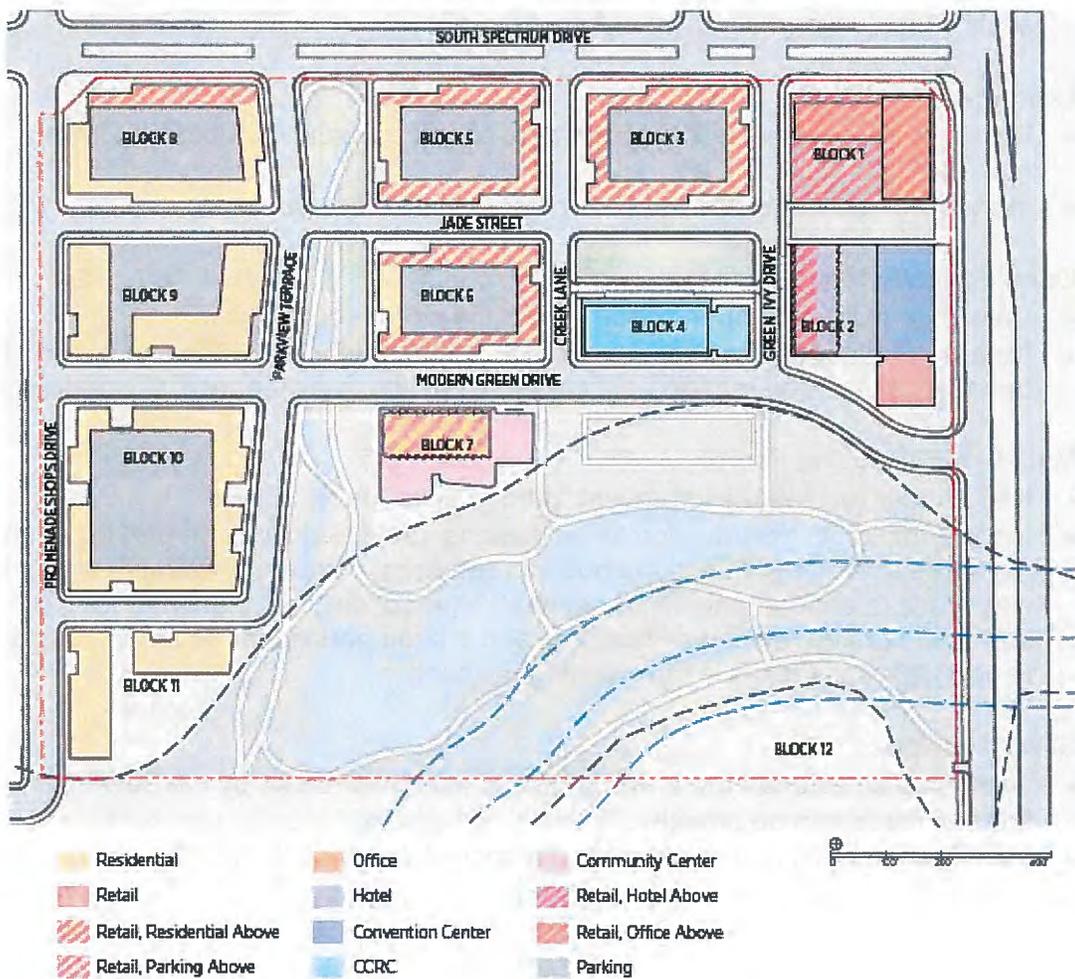
Open Space and Recreation: The project incorporates approximately fifteen (15) acres of public recreational open space along the Clear Creek with amenities such as trails, picnic tables, barbeque pits, exercise areas, pavilions, restrooms, benches, and drinking fountains. Additionally, plazas, courtyards, 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, Fuytes, 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.