

AGENDA

CITY OF PEARLAND PLANNING & ZONING COMMISSION

JUNE 21, 2010

6:30 p.m.

Jerry Koza, Jr.
P&Z CHAIRPERSON

Ron Capehart
P&Z VICE-CHAIRPERSON

COMMISSIONERS

Neil West

Susan Sherrouse



Darrell Diggs

Richard Golden

Henry Fuyertes

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

AGENDA – REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD JUNE 21, 2010 AT 6:30 P.M., IN THE 2ND FLOOR CONFERENCE ROOM, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS

I. CALL TO ORDER

II. APPROVAL OF MINUTES

Regular Meeting of May 17, 2010

III. NEW BUSINESS

A. CONDITIONAL USE PERMIT NO. CUP 2010-04

A request of Janice and Bonnie Howard, applicants and owners of the Houston Memorial Gardens Cemetery, on behalf of Theresa and Eric Walls, owners of the 3.0 acre Tract of Land, for approval of a conditional use permit to allow the existing Houston Memorial Gardens Cemetery the addition of the adjacent 3 acre tract, both being located in the Cullen Mixed-Use (C-MU) Zoning District, on the following described property, to wit:

Legal Description: Approximately 57.231 acre tract of land, out of tracts 41, 42, 55, 56, 57 in the Allison Richey Gulf coast Home Co. Subdivision as Recorded in Plat book 2, Page(s) 24 of the Brazoria County Plat Records, located in the H.T. and B. Company Surveys, Section 20, Abstract 506 in Brazoria county Texas, and A Tract of Land Containing 3.0 Acres, more or less, out of Lot 54 of the Allison Richey Gulf Coast Home Subdivision of the H.T. and B.R.R. company survey, Section 20, abstract 506, Brazoria County.

General Location: 2310 Cullen Blvd and 2426 Cullen Blvd, Pearland Texas

B. CONSIDERATION & POSSIBLE ACTION – CONDITIONAL USE PERMIT NO. CUP 2010-01

A request of Blake Griggs with Clear Wireless LLC., applicant, for Steve Townsend, owner, for a conditional use permit to allow the co-location of cellular antennas on an existing tower located within the General Commercial (GC) Zoning District, on the following described property, to wit:

Legal Description: Approximately 1.24 acre (53,811 square feet) parcel situated in the Perry & Austin League, Abstract 111, Brazoria County, Texas, and being all of a called 1.2438 acre tract conveyed to Steve Townsend by Deed recorded under Volume 1441, Page 979 of the Brazoria county Official Public Records.

General Location: 1411 Broadway, Pearland, TX 77581

C. CONSIDERATION & POSSIBLE ACTION – VARIANCE REQUEST NO. 2010-04 REQUESTING A VARIANCE FROM SECTION 2.4.4.5 (c)(1)(b) REQUIRING A MINIMUM LOT WIDTH IN THE GC ZONING DISTRICT

A request by Danny Cameron, Director of Public Works, City of Pearland, for variance from the requirements of the Unified Development Code Section 2.4.4.5 (c)(1)(b) requiring a minimum lot width of one hundred and fifty feet (150') in the GC Zoning District.

D. DISCUSSION ITEMS

1. Commissioners Activity Report
2. Update of Zoning Cases
3. Responses to P & Z Questionnaire - Report on Outstanding Items
4. Next P&Z Meeting (No meeting July 5, 2010) July19, 2010
5. Next JPH Meeting July 19, 2010

IV. ADJOURNMENT

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

I, Judy Krajca, Office Coordinator of the City of Pearland, Texas, do hereby certify that the foregoing agenda was posted in a place convenient to the general public at City Hall on the June 18th day of 2010 A.D., at 5:30 p.m.

Judy Krajca, Planning Office Coordinator

Agenda removed _____ day of June 2010 A.D.

APPROVAL

OF

MINUTES

MINUTES OF THE REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, HELD MAY 17, 2010 AT 6:30 P.M., IN THE 2ND FLOOR CONFERENCE ROOM, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS

CALL TO ORDER

P&Z Vice-Chairperson Ron Capehart called the meeting to order at 8:36 p.m. with the following present:

P&Z Vice-Chairperson Ron Capehart
P&Z Commissioner Neil West
P&Z Commissioner Richard Golden
P&Z Commissioner Henry Fuyertes
P&Z Commissioner Darrell Diggs

Also in attendance were: Planning Director Lata Krishnarao, Senior Planner Angela Gantuah, Planner I Ian Clowes, Plans and Plat Administrator Richard Keller, Deputy City Attorney Nghiem Doan, Assistant City Engineer Trent Perez, and Office Coordinator Judy Krajca.

P&Z Vice-Chairperson Ron Capehart , and P&Z Commissioners Darrell Diggs and Susan Sherrouse were not in attendance.

APPROVAL OF MINUTES

P&Z Commissioner Darrell Diggs made the motion to approve the minutes of the Regular Meeting of May 3, 2010, and P&Z Commissioner Richard Golden seconded.

The vote was 5-0. The minutes of May 3, 2010 were approved.

NEW BUSINESS

CONSIDERATION AND POSSIBLE ACTION – Conditional Use Permit No. CUP2010-02

A request of Joseph E. Koza, applicant and owner, for approval of a conditional use permit to allow a snow-cone stand in an existing building within the Light Industrial (M-1) Zoning District, on the following described property, to wit:

Legal Description: Lots 2, 3, and 10, in Block 1, of Air Port Sites Subdivision, according to the Plat thereof recorded in Volume 5, Page 57, of the Plat Records of Brazoria County, Texas.

General Location: 2910 S. Main St., Pearland, TX

P&Z Commissioner Henry Fuertes made the motion to approve, and P&Z Commissioner Darrell Diggs seconded.

Commissioner Fuertes reiterated his initial concern of allowing retail in M-1 and M-2 zoned areas, but is okay with this scenario.

The vote was 5-0. Conditional Use Permit No. CUP2010-02 was approved.

CONSIDERATION AND POSSIBLE ACTION – Conditional Use Permit No. CUP 2010-01

A request of Blake Griggs with Clear Wireless LLC., applicant, for Steve Townsend, owner, for a conditional use permit to allow the co-location of cellular antennas on an existing tower located within the General Commercial (GC) Zoning District, on the following described property, to wit:

Legal Description: Approximately 1.24 acre (53,811 square feet) parcel situated in the Perry & Austin League, Abstract 111, Brazoria County, Texas, and being all of a called 1.2438 acre tract conveyed to Steve Townsend by Deed recorded under Volume 1441, Page 979 of the Brazoria county Official Public Records.

General Location: 1411 Broadway, Pearland, TX 77581

P&Z Commissioner Henry Fuertes made the motion to approve, and P&Z Commissioner Darrell Diggs seconded.

There was much discussion with regards to the letter from the Engineer dated February 23, 2010, and how his findings differed from the letter dated June 25, 2009. Staff and Council were not pleased that items were coming to them without staff's prior attention or approval and presented on the date of the hearing.

Assistant City Engineer Trent Perez was available to answer questions and spoke that normally when a permit/plans are submitted, that a structural analysis is not reviewed. Staff's job is to verify that a Texas licensed engineer has approved for windstorm.

Discussion ensued with regards to the number of towers currently on the tower, and the threshold of the towers. The topic of screening and landscaping was brought up and there was much discussion about what should be requested.

Commissioner Diggs made a recommendation to postpone Conditional Use Permit No. CUP 2010-01, and Commissioner Neil West seconded. The following conditions were added:

1. To allow time for staff to review the Engineering Structural Analysis Report
2. To obtain the current percent of load on the tower

3. To obtain the existing quantity and proposed antenna
4. Photo's from Broadway in order to consider screening
5. Letter explaining difference between two analysis' from the Engineer

The vote was 3-2. Conditional Use Permit No. 2010-01 was approved to postpone. Commissioners Golden and Fuertes voted in opposition.

CONSIDERATION AND POSSIBLE ACTION – Conditional Use Permit No. CUP2010-03

A request of Blake Griggs with Clear Wireless LLC., applicant for Thomas and Kathy Coler, owners, for approval of a conditional use permit to allow the co-location of an antenna at an existing tower located in the Suburban Residential -12 (SR-12) Zoning District, on the following described property, to wit:

Legal Description: Approximately 9.75 Acre (424, 922 square feet) parcel situated in the H.T.& B.R.R. Co. Survey, Abstract 505, Brazoria County, Texas, being a portion of lot 30 of the Allison Richey Gulf Coast Home Company Subdivision according to the Map or Plat Thereof Recorded under volume 2, Page 23 and 24 of the Brazoria County Map Records, and being all of the North ½ of said Lot 30 conveyed to Thomas C. Coler and wife, Kathy J, Coler by Deed Recorded under Volume 88451, Page 760 of the Deed of Records of Brazoria County, Texas and the South ½ of said Lot 30 conveyed to Thomas C. Coler and wife, Kathy J, Coler by Deed Recorded under Volume 1459, Page 597 of the Deed of Records of Brazoria county, Texas

General Location: 13232 Max Rd., Pearland, TX

Conditional Use Permit No. CUP2010-03 was withdrawn. No action necessary.

CONSIDERATION AND POSSIBLE ACTION – Zone Change Application No. 2010-01Z

A request of Ajith Nair and Jeeva Ajith owners, for approval of a zone change from Residential Estate (RE) Zoning District to Suburban Residential-12 (SR-12), on the following described property, to wit:

Legal Description: Approximately 0.9997 Acre (Tract of Land out of Lot 22 of the Allison Richey Gulf Coast Home Company Subdivision of Section 20, H.T. & B.R.R. Co. Survey, Abstract 506, Brazoria County, Texas, According to the Map or Plat Thereof Recorded in Volume 2, Page 23 of the Plat of Records of Brazoria County, Texas

General Location: Located 2201 Linda Rd., Pearland, TX

P&Z Commissioner Darrell Diggs made the motion to approve, and P&Z Commissioner Henry Fuertes seconded.

There was much discussion with regards to the lot size, the surrounding lots, the surrounding zoning, the HOA and Deed Restrictions being opposed, and the setbacks.

The vote was 0-5. Zone Change No. 2010-01Z was denied.

P&Z Vice-Chairperson Ron Capehart recessed the P&Z Regular meeting at 9:54 p.m.
P&Z Vice-Chairperson Ron Capehart reconvened the P&Z Regular meeting at 10:03 p.m.

CONSIDERATION & POSSIBLE ACTION – Proposed amendments to the Comprehensive Plan, including amendments to the Future Land Use Plan and Thoroughfare Plan.

P&Z Commissioner Henry Fuertes made a motion to approve, and P&Z Commissioner Richard Golden seconded.

Discussion ensued with regards to section 5.24 of the Land Use Plan, to remove the word “only”.

Commissioner Henry Fuertes amended his motion to recommend approval of proposed amendments to the Comprehensive Plan, including amendments to the Future Land Use Plan and Thoroughfare Plan, with condition to remove the word “only” in page 5.24 of the Comprehensive Plan under Residential Retail Nodes as shown below.

Residential Retail Nodes are intended to provide limited retail and personal service operations for customers from immediate residential neighborhoods ~~only~~.

Staff indicated that based on the discussion at the joint public hearing, Section 4.2.4.3 (a) (8) regarding obtaining a permit for the fence would be removed.

Commissioner Richard Golden seconded the amended motion.

The vote was 5-0. The motion passed approving the Proposed amendments to the Comprehensive Plan, including amendments to the Future Land Use Plan and Thoroughfare Plan with conditions.

CONSIDERATION & POSSIBLE ACTION – Proposed Amendments to the Unified Development Code (T-12)

P&Z Commissioner Darrell Diggs made the motion to approve, and P&Z Commissioner Henry Fuertes seconded.

Discussion ensued with regards to fencing, outdoor lighting, and nodes.

Staff indicated that based on the discussion at the joint public hearing, Section 4.2.4.3 (a) (8) regarding obtaining a permit for the fence would be removed.

P&Z Commissioner Darrell Diggs made the motion to amend to original motion to recommend approval with the condition that a fencing permit not be required unless the cost of fence was over \$300.00 under section 4.2.4.3 (a) (8). P&Z Commissioner Henry Fuertes seconded the motion.

The vote was 5-0. The motion passed, approving the Proposed Amendments to the Unified Development Code (T-12) with an amendment to section 4.2.4.3 (1) (8).

DISCUSSION ITEMS

- 1) P&Z Strategic Plan – Planning Director stated that the P&Z Commission would begin working on a Strategic Plan.
- 2) Next P&Z Regular Meeting on June 7, 2010. This meeting will include a Presentation by Ian Clowes on Livable Centers, and a Presentation by Lata Krishnarao on LEED Neighborhood Design and Retrofitting Commercial Strip Centers. The Commission also asked to see the power point of the Economic Trends that was presented to City Council.
- 3) Next JPH meeting will be June 21, 2010

ADJOURNMENT

P&Z Vice-Chairperson Ron Capehart adjourned the meeting at 10:58 p.m.

These minutes are respectfully submitted by:

Judy Krajca, Planning Office Coordinator

Minutes approved as submitted and/or corrected on this 21st day of June 2010, A.D.

P&Z Vice-Chairperson Ron Capehart

P&Z Agenda Item

A

AGENDA - JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD JUNE 21, 2010, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS

- I. CALL TO ORDER
- II. PURPOSE OF HEARING

Conditional Use Permit No. CUP 2010-04

A request of Janice and Bonnie Howard, applicants and owners of the Houston Memorial Gardens Cemetery, on behalf of Theresa and Eric Walls, owners of the 3.0 acre Tract of Land, for approval of a conditional use permit to allow the existing Houston Memorial Gardens Cemetery the addition of the adjacent 3 acre tract, both being located in the Cullen Mixed-Use (C-MU) Zoning District, on the following described property, to wit:

Legal Description: Approximately 57.231 acre tract of land, out of tracts 41, 42, 55, 56, 57 in the Allison Richey Gulf coast Home Co. Subdivision as Recorded in Plat book 2, Page(s) 24 of the Brazoria County Plat Records, located in the H.T. and B. Company Surveys, Section 20, Abstract 506 in Brazoria county Texas, and A Tract of Land Containing 3.0 Acres, more or less, out of Lot 54 of the Allison Richey Gulf Coast Home Subdivision of the H.T. and B.R.R. company survey, Section 20, abstract 506, Brazoria County.

General Location: 2310 Cullen Blvd and 2426 Cullen Blvd, Pearland Texas

- III. APPLICATION INFORMATION AND CASE SUMMARY
 - A. STAFF REPORT
 - B. APPLICANT PRESENTATION
- IV. PERSONS WISHING TO SPEAK FOR OR AGAINST THE PROPOSED REQUEST
- V. COUNCIL/PLANNING COMMISSION/STAFF DISCUSSION
- VI. ADJOURNMENT

This site is accessible to disabled individuals. For special assistance,

please call Young Lorfing, City Secretary, at 281-652-1655 prior to the meeting so that appropriate arrangements can be made.

JOINT PUBLIC HEARING AGENDA ITEM MEETING OF JUNE 21, 2010

Conditional Use Permit No. CUP 2010-04

A request of Janice and Bonnie Howard, applicants and owners of the Houston Memorial Gardens Cemetery, on behalf of Theresa and Eric Walls, owners of the 3.0 acre Tract of Land, for approval of a conditional use permit to allow the existing Houston Memorial Gardens Cemetery the addition of the adjacent 3 acre tract, both being located in the Cullen Mixed-Use (C-MU) Zoning District, on the following described property, to wit:

Legal Description: Approximately 57.231 acre tract of land, out of tracts 41, 42, 55, 56, 57 in the Allison Richey Gulf coast Home Co. Subdivision as Recorded in Plat book 2, Page(s) 24 of the Brazoria County Plat Records, located in the H.T. and B. Company Surveys, Section 20, Abstract 506 in Brazoria county Texas, and A Tract of Land Containing 3.0 Acres, more or less, out of Lot 54 of the Allison Richey Gulf Coast Home Subdivision of the H.T. and B.R.R. Company Survey, Section 20, abstract 506, Brazoria County.

General Location: 2310 and 2426 Cullen Rd., Pearland, TX 77584

APPROVAL PROCESS: After this Joint Public Hearing, the requested zone change application will be considered as follows:

Planning and Zoning Commission: June 21, 2010*

City Council for First and Only Reading: June 28, 2010*

(*dates subject to change if item is tabled)

SUMMARY: The applicant is requesting approval of a conditional use permit to allow the addition of 3.00 acres to an existing 57.231 acre cemetery, Houston Memorial Gardens. The existing cemetery is located at 2426 Cullen Blvd. The additional 3.00 acreage is vacant and located at 2310 Cullen Blvd to the north and adjacent to the existing cemetery. The existing cemetery is zoned GB and C-MU and the 3.00 acre

proposed addition is zoned C-MU. In the C-MU zoning district, a cemetery is permitted with an approved CUP and in the GB zoning district, a cemetery is permitted outright. Since a portion of the current cemetery is zoned C-MU, it is nonconforming. An approved CUP will permit all areas of the cemetery, including the proposed addition, to conform to the current zoning requirements.

SURROUNDING ZONING AND LAND USES:

	<u>Zoning</u>	<u>Land Use</u>
North	Single Family Residential-3 & Single Family Residential -2 (R-2 and R-3)	Residential
South	General Business (GB)	Several Commercial Businesses
East	General Business (GB) and Cullen- Mixed Use (C-MU)	Residential and Cemetery
West	Single Family Residential-3 & Single Family Residential -2 (R-2 and R-3) and General Business (GB)	Residential

CONFORMANCE TO THE UNIFIED DEVELOPMENT CODE (UDC): The subject property is currently zoned as Cullen-Mixed Use (C-MU) and General Business (GB). The minimum lot size for the C-MU district is 22,500 square feet, the minimum lot width is 150 feet, and the minimum lot depth is 125 feet. The minimum lot size for GB is 22,500 feet, the minimum lot width is 150 feet, and the minimum depth is 125 feet. The subject property exceeds these minimum requirements, as the property is approximately 57.23 acres in size. The subject properties would be in conformance with the current Unified Development Code with an approved conditional use permit.

PLATTING STATUS: The property has not been platted.

CONFORMANCE TO THE COMPREHENSIVE PLAN: The Comprehensive Plan (2004 update adopted on July 26, 2004) recommends “Cullen Mixed-Use and General Business” for the subject properties and the surrounding properties. The Comprehensive Plan further indicates that the appropriate zoning districts are “Cullen Mixed Use (C-MU), General Business (GB), and General Commercial (GC).” The current C-MU and GB zones conform to the current Comprehensive Plan.

CONFORMANCE TO THE THOROUGHFARE PLAN: The subject property has frontage on Cullen Blvd., a major thoroughfare with sufficient width of 120 feet. The applicant has not had the property platted and all necessary dedications need to be made at that time.

AVAILABILITY OF UTILITIES: The subject parcel is served by public water and sewer

lines.

IMPACT ON EXISTING AND FUTURE DEVELOPMENT: The applicant proposes, as presented in the letter of intent and site plan submitted, an additional 3 acres to the existing Houston Memorial Gardens Cemetery. The existing cemetery has approximately 57.231 acres and was established in the 1950's.

The proposed 3.00 acre addition would not have any significant negative impact on the surrounding properties and uses.

The cemetery currently has access off of Cullen Blvd., a major thoroughfare and the proposed use does not generate any additional vehicular or pedestrian traffic that would be hazardous or in conflict with the existing or anticipated traffic in the neighborhood.

The 3.00 acre proposed addition to the cemetery will need to be platted as one large lot with the existing 57.231 acre cemetery so that a 3.00 acre parcel without access is not created.

Section 2.4.3.2. (g) of the Unified Development Code states that screening shall be provided between non residential and residential uses. The property lines on the existing cemetery and the property lines of the proposed addition, which are adjacent to residential uses, shall need to be screened.

The applicant will be required to comply with all requirements of the Unified Development Code.

ADDITIONAL COMMENTS:

There are no additional comments from other departments.

SITE PLAN CONSIDERATIONS: A site plan was submitted with the conditional use permit.

PUBLIC NOTIFICATION: Public notice/comment forms were mailed to property owners within 200 feet of the subject property under consideration. A legal notice of public hearing was published in the local newspaper, and a Zoning Sign was placed on the subject property.

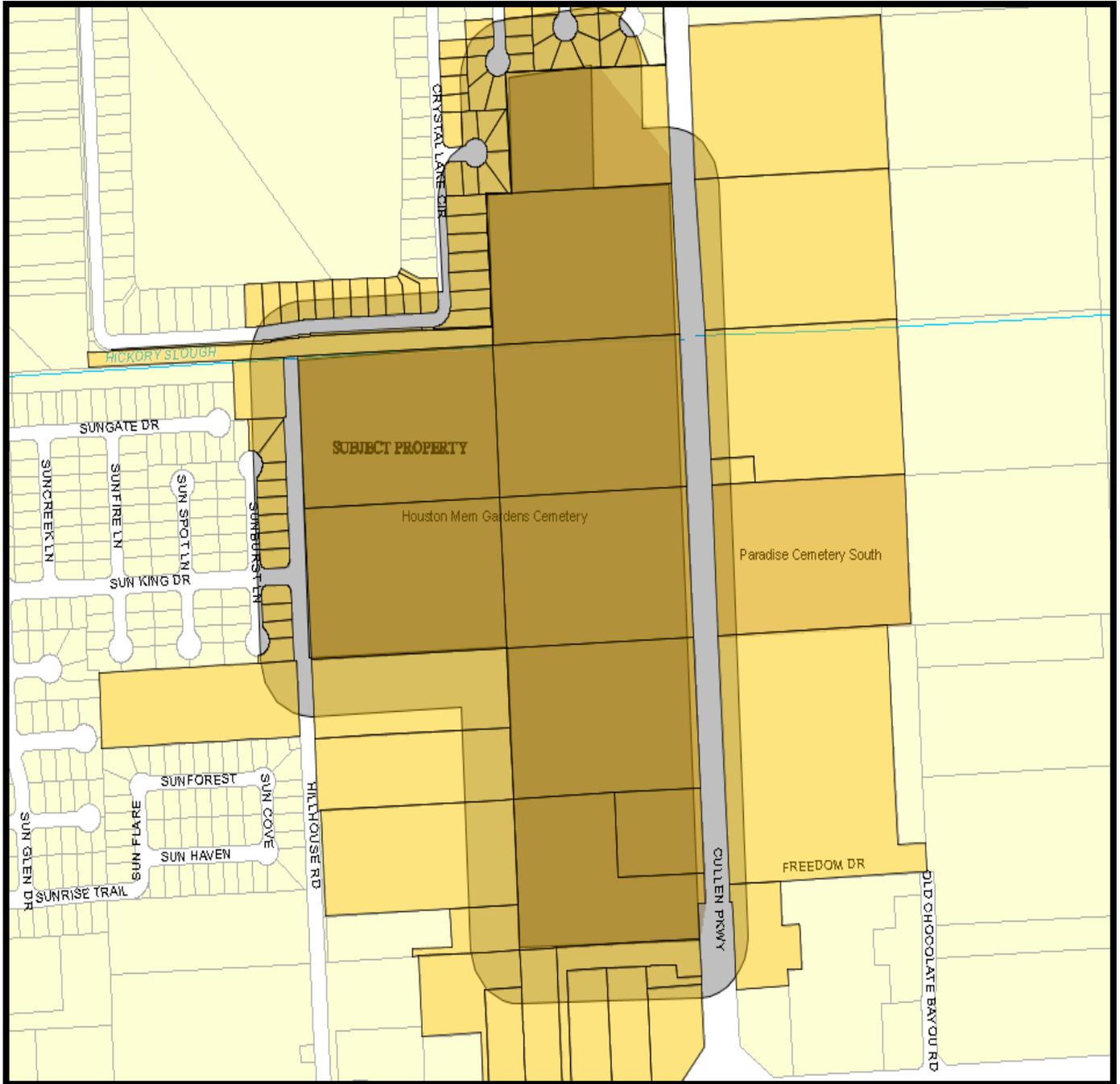
OPPOSITION TO OR SUPPORT OF PROPOSED REQUEST: Staff has not received any comments either in opposition to or in support of the proposed zone change request.

STAFF RECOMMENDATION: Staff recommends approval of the Conditional Use Permit No. 2010-04 as proposed by the applicant and owners for the following reasons:

1. The proposed facility should not have any significant negative impact on the surrounding properties and developments.
2. The proposed addition of 3 acres to the existing cemetery is in conformance with the current Comprehensive Plan.
3. The proposed addition of 3 acres to the existing 57.231 acre cemetery and its continued use would be conforming to the current Unified Development Code with an approved conditional use permit.

SUPPORTING DOCUMENTS:

- Zone Change Application
- Vicinity Map
- Property Ownership Map
- Property Owner Notification List
- Zoning Map
- Future Land Use Plan
- Aerial Photograph
- Other Maps and Related Documents



ABUTTER MAP
CONDITIONAL USE PERMIT CUP 2010-04
2310 and 2426 CULLEN, PEARLAND, TEXAS

↑
NORTH

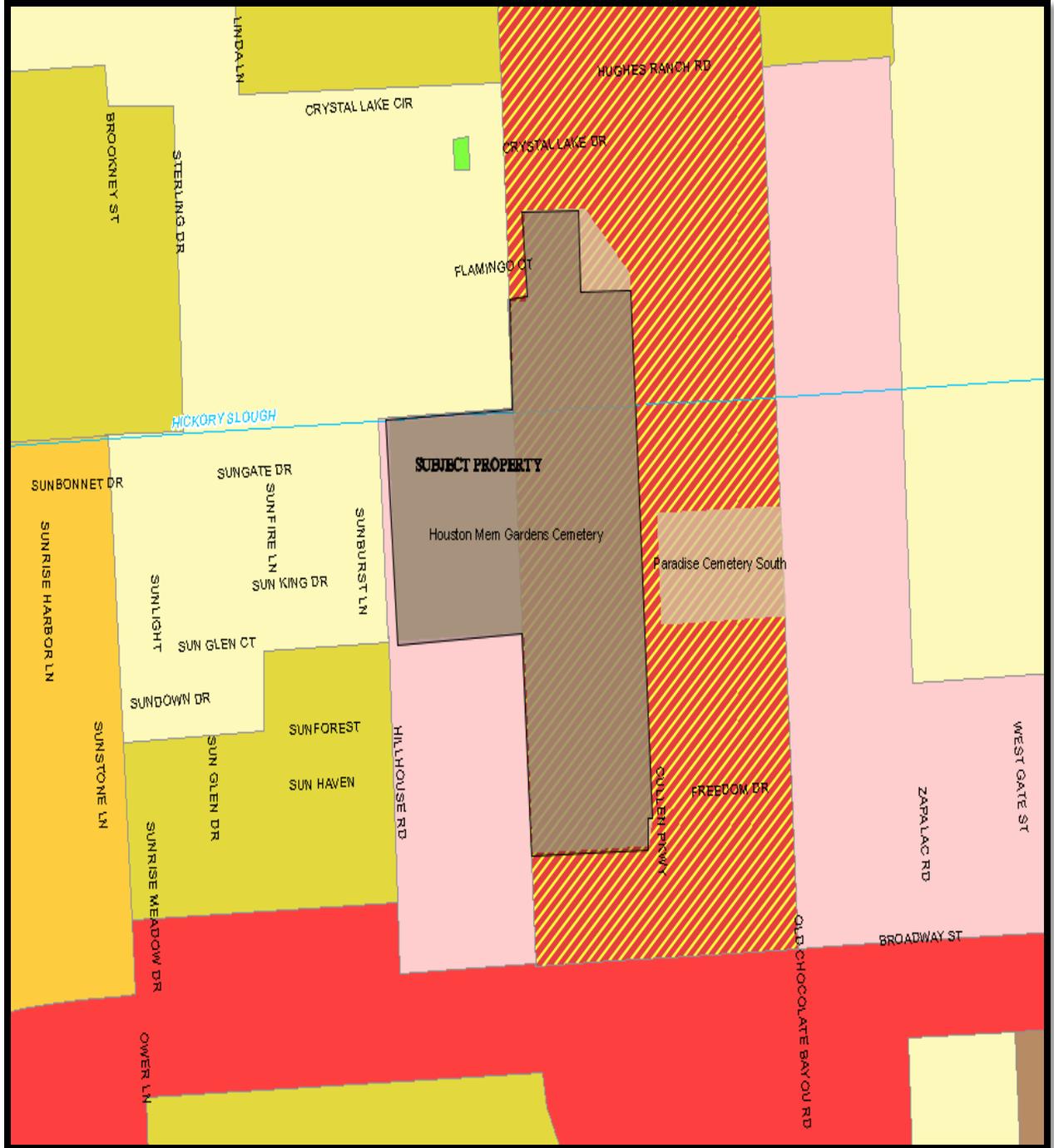
CUP APPLICATION NO. CUP 2010-04
2310 and 2426 Cullen
PROPERTY OWNERS NOTIFICATION LIST

ARDOIN PHIL S & VALERIE M	1435 CRYSTAL LAKE CIR E	PEARLAND	TX	77584
ARMSTRONG CYNTHIA	2507 SUNBURST LN	PEARLAND	TX	77581
AUBIN-SAMS KAREN & SAMS TOM	3939 SOUTH CRYSTAL LAKE CIRCLE	PEARLAND	TX	77584
BAILEY JEFFREY & GRETZA MARCIE	4110 FLAMINGO CT	PEARLAND	TX	77584
BRADFORD LEAH	1303 KINGFISHER CT S	PEARLAND	TX	77584
BRADICICH MARK A	1306 KINGFISHER CT S	PEARLAND	TX	77584
BURNS STEVEN O	1315 SANDPIPER CT S	PEARLAND	TX	77584
BUSH LEONARD & BARBARA	1323 CRYSTAL LAKE CIR E	PEARLAND	TX	77584
CARCOLO #1 LTD	9111 JOLLYVILLE RD STE 106	AUSTIN	TX	78759
CARR ERIC M & ROXANNE	2513 SUNBURST LN	PEARLAND	TX	77584
CARTER STACEY	1306 SOUTH TEAL COURT	PEARLAND	TX	77584
CHAUVERO FELIX R	1318 SOUTH KINGFISHER COURT	PEARLAND	TX	77584
CITY OF PEARLAND	3519 LIBERTY DR	PEARLAND	TX	77581
CITY OF PEARLAND	3519 LIBERTY DR	PEARLAND	TX	77581
CITY OF PEARLAND	3519 LIBERTY DR	PEARLAND	TX	77581
CITY OF PEARLAND	3519 LIBERTY DR	PEARLAND	TX	77581
CLARK ODELL & DELORES	1302 SANDPIPER CT S	PEARLAND	TX	77584
CRYSTAL LAKE PROPERTY OWNERS ASSOC	PO BOX 63178	LAKE HILLS	TX	78063
CRYSTAL LAKE PROPERTY OWNERS ASSOC	PO BOX 63178	LAKE HILLS	TX	78063
CRYSTAL LAKE PROPERTY OWNERS ASSOC	PO BOX 63178	LAKE HILLS	TX	78063
CRYSTAL LAKE PROPERTY OWNERS ASSOC	PO BOX 63178	LAKE HILLS	TX	78063
DAVENPORT DAVID W & FRANCES	2407 SUNBURST LN	PEARLAND	TX	77584
DOUGHERTY PATRICK M & KATHRYN G	1310 TEAL CT S	PEARLAND	TX	77584
ELLIOTT DAVID III & SABRINA M ECHOLS-ELLIOTT	1315 CRYSTAL LAKE CIR	PEARLAND	TX	77584
EXXON MOBIL CORPORATION	PO BOX 53	PEARLAND	TX	77001
FOLTYN FRANK S & LISA W	1310 SANDPIPER CT S	PEARLAND	TX	77584
FRANK BILLY	2403 SUNBURST LN	PEARLAND	TX	77584

GUTHRIE JAMES S & FARRELL JUDITH H	1439 CRYSTAL LAKE CIR E	PEARLAND	TX	77584
HAMER DAVID	1919 ORCHARD COUNTRY	HOUSTON	TX	77062
HARRISON STEVEN P	1311 TEAL COURT	PEARLAND	TX	77584
HASS JAMES ALFRED & JOANNE	1415 CRYSTAL LAKE CIR E	PEARLAND	TX	77584
HOUSTON MEMORIAL GARDENS	PO BOX 330350	PEARLAND	TX	77233
HOUSTON MEMORIAL GARDENS	PO BOX 330350	PEARLAND	TX	77233
HOUSTON MEMORIAL GARDENS	PO BOX 330350	PEARLAND	TX	77233
HOUSTON MEMORIAL GARDENS	PO BOX 330350	PEARLAND	TX	77233
HOUSTON MEMORIAL GARDENS	PO BOX 330350	PEARLAND	TX	77233
HOUSTON MEMORIAL GARDENS	PO BOX 330350	PEARLAND	TX	77233
HOUSTON MEMORIAL GARDENS	PO BOX 330350	PEARLAND	TX	77233
HOUSTON MEMORIAL GARDENS	PO BOX 330350	PEARLAND	TX	77233
HOUSTON MEMORIAL GARDENS	PO BOX 330350	PEARLAND	TX	77233
HUNTER ROY D SR	PO BOX 2429	TEXAS CITY	TX	77592
IVERSON ARTHUR	2505 SUNBURST LN	PEARLAND	TX	77584
JANKOWSKI BOHDAN & MARIA	2503 SUNBURST LN	PEARLAND	TX	77584
JOHNSON JANET G	1307 KINGFISHER CT S	PEARLAND	TX	77584
JONES LATANYA D	1322 KINGFISHER CT S	PEARLAND	TX	77584
KWAK JUNG HWAN	2621 SUNFISH DR	PEARLAND	TX	77584
LANCASTER ROBERT L & KAREN C	4003 S CRYSTAL LAKE CIR	PEARLAND	TX	77584
LAWRENCE-WALLS LORRAINE D	1314 KINGFISHER CT S	PEARLAND	TX	77584
MANSON JOLEAN	1302 TEAL CT S	PEARLAND	TX	77584
MARTIN RONALD L	1315 TEAL CT S	PEARLAND	TX	77584
MARYFIELD LIMITED	7676 WOODWAY #338	PEARLAND	TX	77063
MCCURDY SCOTT A & KERRI L	2501 SUNBURST LN	PEARLAND	TX	77584
MCLAURIN MARIA MARTHA	4015 CRYSTAL LAKE CIRCLE SOUTH	PEARLAND	TX	77584
MILLIGAN LAURIE M	1315 KINGFISHER CT S	PEARLAND	TX	77584
MITCHELL JANIE	4103 FLAMINGO CT	PEARLAND	TX	77584
MOORE WILLIAM R	1427 CRYSTAL LAKE CIR E	PEARLAND	TX	77584
MORRISON GREGORY D & IRENE M	1307 TEAL CT S	PEARLAND	TX	77584
MORROW DEIDRE XAN	4111 FLAMINGO CT	PEARLAND	TX	77584

MOSLEY ERIC & LINDA & DORIS GERARD	1306 SANDPIPER CT S	PEARLAND	TX	77584
MULLINS PEGGY S & SANDRA J LAZEROFF	1319 CRYSTAL LAKE CIR E	PEARLAND	TX	77584
PARADISE CEMETARY SOUTH	10401 W MONTGOMERY RD	PEARLAND	TX	77088
PARADISE CEMETARY SOUTH	10401 W MONTGOMERY RD	PEARLAND	TX	77088
PEARLAND CENTRAL OFFICE	9525 KATY FRWY STE 130	HOUSTON	TX	77024
PHE-PEARLAND INTERESTS LTD	9525 KATY FRWY STE 130	HOUSTON	TX	77024
PHILBROOK ROBERT M TRUST	4019 CRYSTAL LAKE CIRCLE S	PEARLAND	TX	77584
PONOMAREV ARTEM L	200 WATER ST #5101	PEARLAND	TX	77598
POSTON WILLIAM S & JUDY	1423 CRYSTAL LAKE CIR E	PEARLAND	TX	77584
PROSPERITY BANK	1101 POST OAK BLVD	PEARLAND	TX	77056
PROSPERITY BANK	1101 POST OAK BLVD	PEARLAND	TX	77056
RASMUSSEN NORMAN O JR	4035 CRYSTAL LAKE CIR S	PEARLAND	TX	77584
RENFROW JENNIFER ET UX	1431 CRYSTAL LAKE CIR E	PEARLAND	TX	77584
RUMBEOA RUEL D & BECKY L	2409 SUNBURST LN	PEARLAND	TX	77584
RUSSO PATRICIA A ESTATE	1419 CRYSTAL LAKE CIR EAST	PEARLAND	TX	77584
SABLATURA DAVID & NORMA	3935 CRYSTAL LAKE CIR S	PEARLAND	TX	77584
SEYMOUR EDWARD C JR & JACQUELYN R	1311 KINGFISHER CT S	PEARLAND	TX	77584
SILVER PEAR 518 BUSINESS PARK LTD	PO BOX 79650	PEARLAND	TX	77279
SILVERLAKE VILLAGE	1800 BERING DR	PEARLAND	TX	77057
SILVERY SKY INVESTMENTS LLC	3402 ROSE WATER DRIVE	PEARLAND	TX	77578
SIMMONS ANDREW	4830 MALLOW ST	PEARLAND	TX	77033
SOUTHERN MEMORIAL CEMETERY	PO BOX 33350	PEARLAND	TX	77033
SPENCER JAY V JR	4102 FLAMINGO CT	PEARLAND	TX	77584
STEWART GREGORY & TOY	2405 SUNBURST LN	PEARLAND	TX	77584
STROM KYLE B & JODY K	2511 SUNBURST LANE	PEARLAND	TX	77584
SYED AMUNAL HASAN				0
TALBOT JOSEPH E & SANDRA L	2509 SUNBURST LN	PEARLAND	TX	77584
UNITED STATES POSTAL SERVICE	PO BOX 667180	PEARLAND	TX	75266
URIAS MARIA ANGELA	4107 FLAMINGO CT	PEARLAND	TX	77584
VINING PAUL & SARAH METZ	4106 FLAMINGO CT	PEARLAND	TX	77584
WALDMAN KENNETH R & KAREN	4115 FLAMINGO CT	PEARLAND	TX	77584

WALLS ERIC & THERESA A	5105 MAKENA DR	RALEIGH	NC	27615
WATKINS STEVEN D	2401 SUNBURST LN	PEARLAND	TX	77584
WELCOME ELAINE T & STEPHEN B	4007 CRYSTAL LAKE CIRCLE SOUTH	PEARLAND	TX	77584
WILLIAMS MATTHEW J JR & MARIAN A	1310 KINGFISHER CT S	PEARLAND	TX	77584
WILSON STANLEY D & SOLYMAR	1311 CRYSTAL LAKE CIR E	PEARLAND	TX	77584
YAO JOSEPH D	4023 CRYSTAL LAKE CIR S	PEARLAND	TX	77584
ZAREMBA CHESTER & MARY	4027 CRYSTAL LAKE CIR S	PEARLAND	TX	77584



FUTURE LAND USE MAP
CONDITIONAL USE PERMIT CUP 2010-04
2310 and 2426 CULLEN, PEARLAND, TEXAS

↑
NORTH



AERIAL MAP
CONDITIONAL USE PERMIT CUP 2010-04
2310 and 2426 CULLEN, PEARLAND, TEXAS

↑
NORTH

APR 16 2010



APPLICATION FOR A CONDITIONAL USE PERMIT (CUP)

City of Pearland
Community Development
3523 Liberty Drive
(Community Center)
Pearland, Texas 77581
281-652-1768
281-652-1702 fax
www.cityofpearland.com

Conditional Use Permit Request for: Mortuary/Cemetery (Including Mausoleum/
Crematorium
(list proposed use from the Table of Uses of the UDC)

Current Zoning District: C-MU. Cullen-mixed Use District

Property Information:

Address or General Location of Property: 2310 Cullen Blvd.

Tax Account No. 175876

Subdivision: A0506 H.T. & B.R. TRACT 54 Lot: EB DRAKE Block: ACRES 6.400

**A complete application must include all information shown on the
Application Checklist attached to this application.**

PROPERTY OWNER INFORMATION:

NAME THERESA & ERIC WALLS
ADDRESS 5105 MAKENA DR.
CITY RALEIGH STATE NC ZIP 27615-1691
PHONE (919) 426-4722
FAX ()
E-MAIL ADDRESS EV WALLS @ BELLSOUTH.NET

APPLICANT INFORMATION:

NAME JANICE & BONNIE HOWARD
ADDRESS 2426 Cullen Blvd.
CITY Pearland STATE TX ZIP 77581
PHONE (281) 485-2221
FAX (281) 485-0428
E-MAIL ADDRESS _____

*Property owner must be the current owner of the property at the time of submittal of the application, and not the party that has the property under contract.

As owner and applicant, I hereby request approval of the above described request as provided for by the Unified Development Code of the City of Pearland.

Owner's Signature: [Signature] Theresa A. Walls Date: 2/5/2010

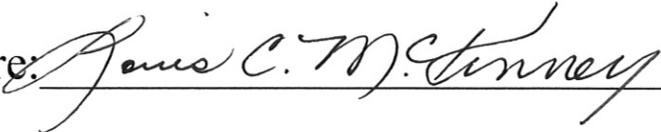
Agent's Signature: [Signature] Louis McKenney (281) 684-7459 Date: 2/5/2010
OZZIE FRANKS (713) 204-1089

OFFICE USE ONLY:

FEE PAID: <u>\$250.00</u>	DATE PAID: <u>4/21/10</u>	RECEIVED BY: <u>[Signature]</u>	RECEIPT NUMBER: <u>178729</u>
---------------------------	---------------------------	---------------------------------	-------------------------------

Application No. CUP 2010-04

Agent for Buyer : Louis C. McKinney
16310 Quail Park Dr.
Missouri City, TX. 77489
Office : 281-438-4816
Cell : 281-684-7459

Signature: _____

Agent for Seller : Ozzie Ramirez
2506 Francis Dr.
Pearland, TX. 77581
Office : 281-648-4440
Cell: 713-201-4089

Signature: _____

APR 16 2010

APPLICATION CHECKLIST FOR THE FOLLOWING

- **Conditional Use Permits (CUP)**

- Application, filled out completely, and signed by the owner of the property to be considered for the conditional use permit
- Metes and Bounds Description, Survey, or a Plat of the property.
of entire property
- Parcel map, printed from the City of Pearland website, indicating the location and boundaries of the subject property.
- Letter of Intent, explaining the conditional use permit request in detail, specifying proposed uses, specific operations of the use, square footage of buildings, unique characteristics of the property, and any other necessary information
- Application fee of \$250.00, by cash, check made payable to the City of Pearland, or credit card (Visa and MasterCard only) *§*
- Site Plan or Plot Plan showing the proposed layout of the subject property, including any proposed buildings, parking, landscaped areas, detention ponds, fences, and any other relevant information *site plan submitted is not sufficient*
- Acknowledgement of the sign to be posted on the property 10 days prior to the public hearing *3/10/10*
- note or proof taxes are paid.

April 20, 2010

City of Pearland
Community Development
Planning and Zoning Commission
3523 Liberty Drive
Pearland, TX 77581

Dear Commissioners:

I am requesting that the tract of land at 2310 Cullen Boulevard be considered for a **CONDITIONAL USE PERMIT (CUP)** along with the existing cemetery located at 2426 Cullen Boulevard. The property is currently zoned as Cullen-Mixed Use District.

The following information specifies the property description and its boundaries, proposed use, specific operations of the use, and characteristics of the property.

I. Introduction: Property Description

The subject property is a three-acre rectangular tract of vacant land, bordered on the east and north side by the Crystal Lake Section 1 Subdivision. On the east side the property is bordered by a 3.4-acre tract owned by Mr. Walls (seller). On the South, the property is bordered by the Houston Memorial Gardens Cemetery. The only road by which this property will be accessed will be from the south side of the property which is bordered by Houston Memorial Garden Cemetery.

II. Proposed Use/Specific Operations of the Property

The property will be used exclusively as a cemetery, with no buildings.

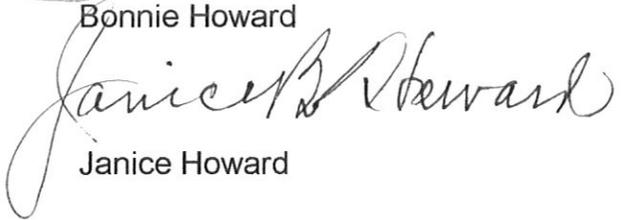
III. Current Characteristic of the Property

The subject property is currently vacant, and has no buildings.

This letter of intent serves as our request for the issuance of a **CONDITIONAL USE PERMIT (CUP)** for the subject property. Thank you for your attention to this request.

Sincerely,

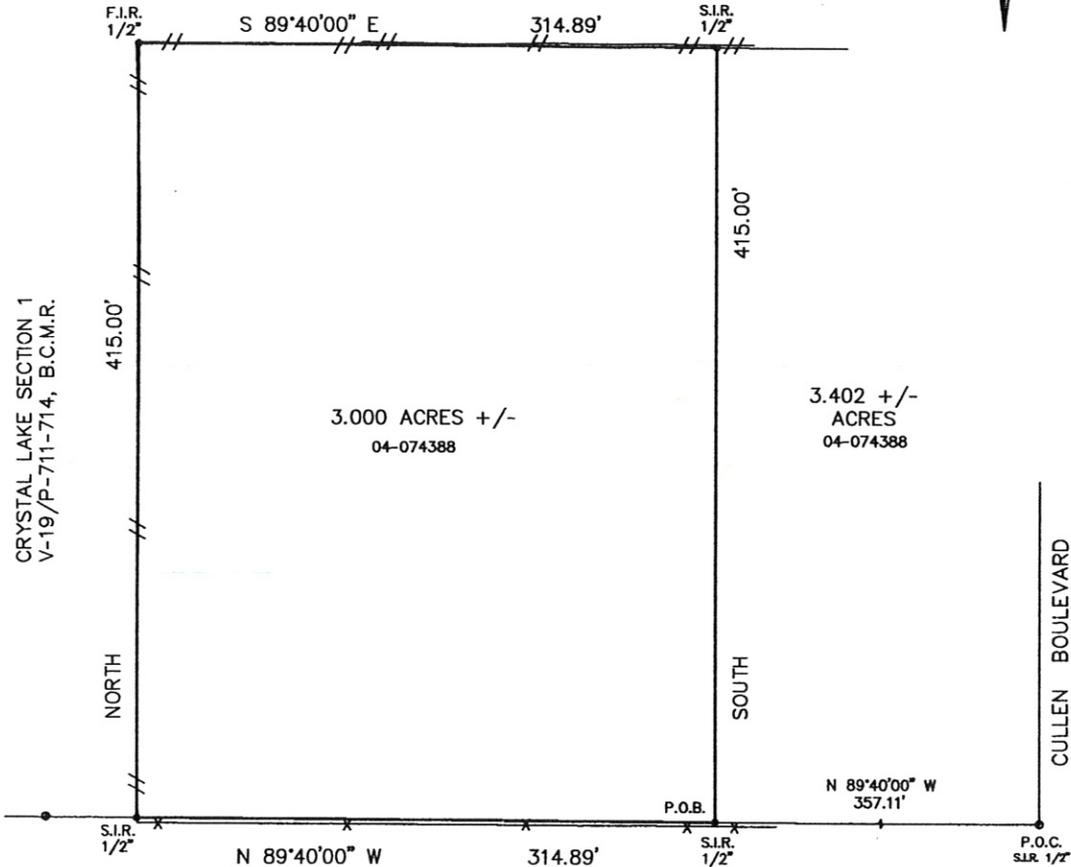

Bonnie Howard


Janice Howard

APR 16 2010

● = CONTROL MONUMENT

CRYSTAL LAKE SECTION 1
V-19/P-711-714, B.C.M.R.



SOUTHERN MEMORIAL CEMETERY
A0506 H T & B R R, TRACT 55,
ACRES 10.000

WOOD FENCE

CHAIN LINK

Reviewed & Accepted by: _____ Date _____ / _____ Date _____

BUYER BONNIE HOWARD AND, JANICE HOWARD	PROPERTY ADDRESS CULLEN BOULEVARD PEARLAND, TEXAS 77581
--	---

LEGAL DESCRIBED PROPERTY

A TRACT OF LAND CONTAINING 3.000 ACRES, MORE OR LESS, OUT OF LOT 54 OF THE ALLISON RICHEY GULF COAST HOME COMPANY SUBDIVISION OF THE H.T. & B. R.R. COMPANY SURVEY, SECTION 20, ABSTRACT 506, BRAZORIA COUNTY, TEXAS, SAID 3.000 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS ATTACHED.

- NOTES:
- BEARING BASIS: DEED
 - SUBJECT TO ANY AND ALL RECORDED AND UNRECORDED EASEMENTS
 - SURVEYOR HAS NOT INDEPENDENTLY ABSTRACTED PROPERTY
 - UNDERGROUND UTILITY INSTALLATIONS, UNDERGROUND IMPROVEMENTS, FOUNDATIONS AND/OR OTHER UNDERGROUND STRUCTURES WERE NOT LOCATED BY THIS SURVEY
 - THIS SURVEY IS CERTIFIED FOR THIS TRANSACTION ONLY, IT IS NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS
 - SUBJECT TO RESTRICTIVE COVENANTS AS PER TITLE COMMITMENT



SUBJECT PROPERTY DOES LIE IN A F.I.A. DESIGNATED FLOOD ZONE AS PER FLOOD MAP NO:
480077 0035 19-22-99 ZONE AE

FLOOD INFORMATION IS BASED ON GRAPHIC PLOTTING ONLY, DUE TO INHERENT INACCURACIES ON FEMA MAPS, WE DO NOT ASSUME RESPONSIBILITY FOR EXACT DETERMINATION.

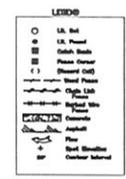
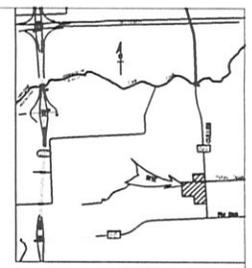
© 2010 PRO-SURV SURVEYING COMPANY

INVOICE#	1001068	JOB#	1001068A
G.F.#	7875-10-1006	DATE	1-14-10

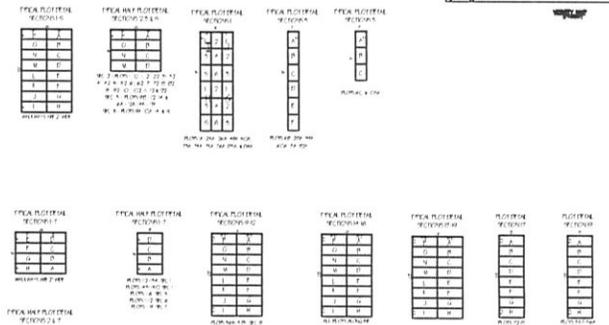
FIELD WORK	
DRAFTING	HG
FINAL CHECK	

I DO HEREBY CERTIFY THAT THIS SURVEY WAS THIS DAY MADE ON THE GROUND OF THE PROPERTY LEGALLY DESCRIBED HEREON (OR ON ATTACHED SHEET), AND THERE ARE NO ENCROACHMENTS EXCEPT AS SHOWN, AND WAS DONE BY ME OR UNDER MY SUPERVISION, AND CONFORMS TO OR EXCEEDS THE CURRENT STANDARDS AS ADOPTED BY THE TEXAS BOARD OF PROFESSIONAL LAND SURVEYING.

PRO-SURV
P.O. BOX 1366
FRIENDSWOOD, TX 77549
PHONE- 281-996-1113 Fax - 281-996-0112



(FORMERLY SOUTHERN MEMORIAL GARDENS)



DECLARATION OF DEDICATION FOR CEMETERY PURPOSES

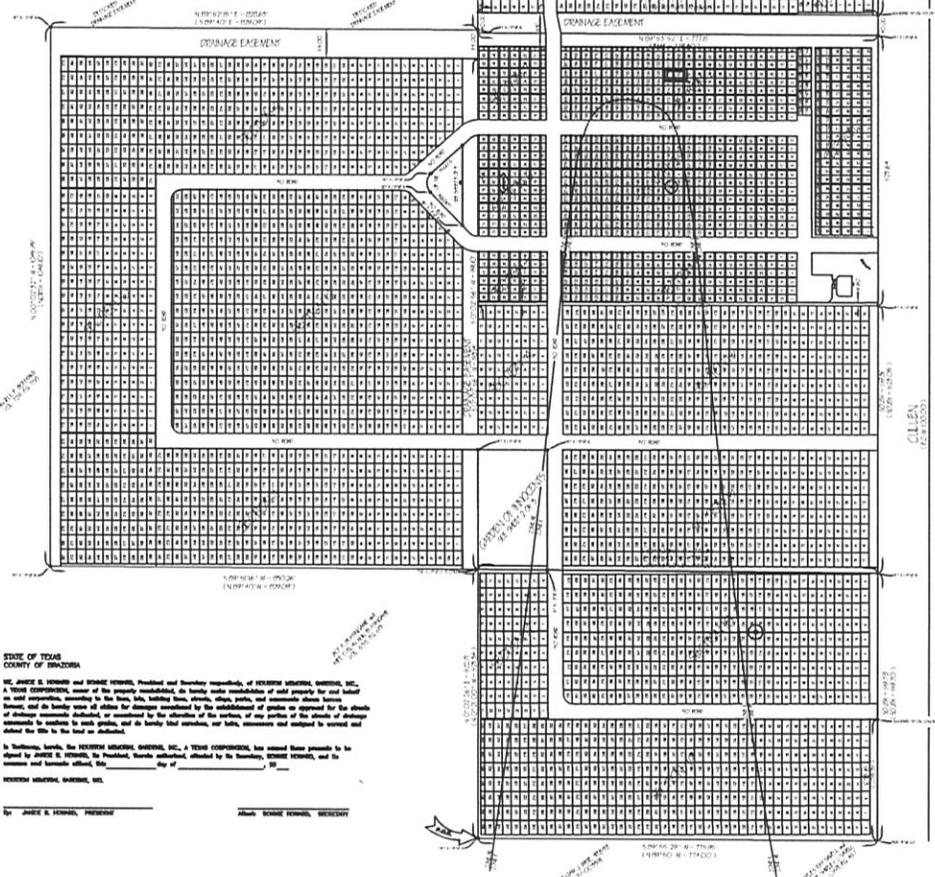
AN ADDITION TO HOUSTON MEMORIAL GARDENS, INC., A CEMETERY CORPORATION HERETOFORE ESTABLISHED AND OPERATING UNDER THE LAWS PRESCRIBED BY § 711.009 TEXAS HEALTH AND SAFETY CODE.

"AS PRESCRIBED BY THE OFFICERS AND DIRECTORS OF HOUSTON MEMORIAL GARDENS, INC., THIS PLAN HEREBY DEDICATES THE PROPERTY HERETOFORE INTENDED FOR CEMETERY PURPOSES.

THE DIRECTORS OF SAID CORPORATION MAY, BY ORDER, RESOLVE AND CHANGE THE SIZE OF CONTRIBUTIONS FOR WHICH THE ASSOCIATED PLOT IS FILED PROVIDED, HOWEVER, THAT SUCH CHANGE DOES NOT DEFUND ANY INTERESTED PARTY."

HOUSTON MEMORIAL GARDENS, INC.

By **JAMES E. HOWARD, PRESIDENT** **ALBERT BONNE HOWARD, SECRETARY**



**STATE OF TEXAS
COUNTY OF DALLAS**

BEFORE ME, the undersigned authority, on this day personally appeared **JAMES E. HOWARD**, and **ALBERT BONNE HOWARD**, known to me to be the persons whose names are subscribed to the foregoing instrument, as President and Secretary of **HOUSTON MEMORIAL GARDENS, INC.**, a Texas Corporation, and acknowledged to me that they executed the same for the purposes and consideration therein expressed, in full and lawful discharge of all their obligations.

Given Under My Hand and Seal of Office this _____ day of _____, A.D. 19____.

Notary Public for the State of Texas. My commission expires _____.

APPROVED BY PLANNERS AND DESIGN ENGINEERS

CONTRIBUTOR JERRY NEAL, JR.

APPROVED BY HOUSTON CITY ENGINEER

MARCO ORL, P.E.

APPROVED BY HOUSTON CITY ATTORNEY

THOMAS COHEN

STATE OF TEXAS
COUNTY OF DALLAS

WE, **JAMES E. HOWARD** and **ALBERT BONNE HOWARD**, President and Secretary respectively, of **HOUSTON MEMORIAL GARDENS, INC.**, a Texas Corporation, owner of the property described, do hereby make acknowledgment of said property for and subject to said restrictions, according to the plan, site, building lines, streets, alleys, paths, and easements shown herein, and do hereby waive all claims for change of grade or easements for the establishment of grades as approved for the drainage easements described, or easements for the alteration of the surface, or any portion of the details of drainage easements to conform to such grades, and do hereby bind ourselves, our heirs, successors and assigns to correct and defend the title to the land as described.

In Testimony Whereof, the **HOUSTON MEMORIAL GARDENS, INC.**, a Texas Corporation, has caused these presents to be signed by **JAMES E. HOWARD**, its President, **ALBERT BONNE HOWARD**, its Secretary, and its officers and lawful officials, this _____ day of _____, 19____.

HOUSTON MEMORIAL GARDENS, INC.

By **JAMES E. HOWARD, PRESIDENT** **ALBERT BONNE HOWARD, SECRETARY**

PARTIAL REPLAT OF HOUSTON MEMORIAL GARDENS CEMETERY

THE PURPOSE OF THIS RE-PLAT IS TO CORRECTIVE THESE SECTIONS A CEMETERY GARDEN AND EASEMENTS.

RE-PLAT OF TRACTS 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100.

RE-PLAT OF TRACTS 1-10, 11-20, 21-30, 31-40, 41-50, 51-60, 61-70, 71-80, 81-90, 91-100.

RE-PLAT OF TRACTS 1-10, 11-20, 21-30, 31-40, 41-50, 51-60, 61-70, 71-80, 81-90, 91-100.

RE-PLAT OF TRACTS 1-10, 11-20, 21-30, 31-40, 41-50, 51-60, 61-70, 71-80, 81-90, 91-100.

RE-PLAT OF TRACTS 1-10, 11-20, 21-30, 31-40, 41-50, 51-60, 61-70, 71-80, 81-90, 91-100.

RE-PLAT OF TRACTS 1-10, 11-20, 21-30, 31-40, 41-50, 51-60, 61-70, 71-80, 81-90, 91-100.

C.B. URBAN, P.E. No. 51315
R.P.L.S. No. 4546

SAN JACINTO ENGINEERING, INC.
-CONSULTING ENGINEERS-



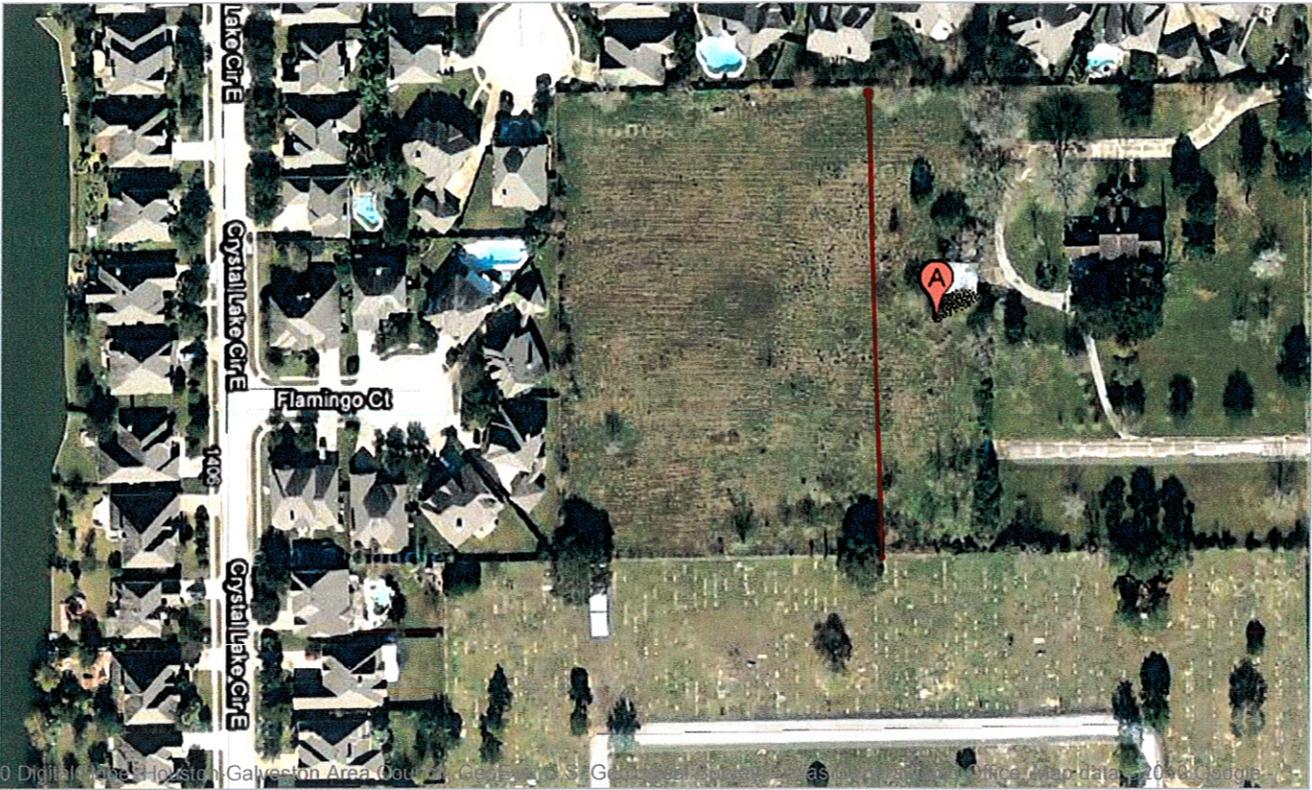
OWNER: **HOUSTON MEMORIAL GARDENS, INC.**
10000 N. HOUSTON, HOUSTON, TEXAS 77036
(713) 471-0000

ENGINEER/DESIGNER: **SAN JACINTO ENGINEERING, INC.**
C.B. URBAN, P.E., PROJECT LEAD
10000 N. HOUSTON, HOUSTON, TEXAS 77036
(713) 471-0000

APR 16 2010

Google maps Address

To see all the details that are visible on the screen, use the "Print" link next to the map.



**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.

Jessie C. McConney
04-19-10

Monday, April 19 110

Property Tax Status

[Begin a New Search](#) [Go to Your Portfolio](#) [Tax Office FAQ's](#)

[Request a Tax Statement](#)

Make your check or money order payable to:
 Ro'Vin Garrett, RTA
 111 E Locust
 Angleton, Texas 77515



A **Convenience Fee** of up to 2.65% will be charged for all credit card payments by the vendor providing this service. For eChecks, a convenience fee of \$1.50 will be charged for each transaction. The fee covers the cost of making payments by credit card possible. The fee will appear as a charge to 'Certified Payments'. No part of this fee is retained by Brazoria County.

Unless otherwise noted, all data refers to tax information for 2009. All amounts due include penalty, interest, and attorney fees when applicable. Due to the large volume of work during heavy payment periods amounts due may not reflect payments that have been received but not yet processed.

Account Number: 05060015000

Address:
 WALLS ERIC & THERESA A
 5105 MAKENA DR
 RALEIGH, NC 27615-1691

Property Site Address:
 2310 CULLEN
 77581

Legal Description:
 A0506 H T & B R R, TRACT 54, F B DRAKE,
 ACRES 6.400

Current Tax Levy: \$9,907.47

Current Amount Due: \$0.00

Prior Year Amount Due: \$0.00

Total Amount Due: \$0.00

Last Payment Amount for Current Year Taxes: \$10,699.15

Pending Credit Card or E-Check Payments:
 No Credit Card Payment Pending

Jurisdictions:
 BRAZORIA COUNTY
 BRAZORIA DRAINAGE DIST 4
 CITY OF PEARLAND
 PEARLAND ISD
 SPECIAL ROAD & BRIDGE

Market Value: \$374,980

Land Value: \$220,800

Improvement Value: \$154,180

Capped Value: \$0

Agricultural Value: \$0

Exemptions: None

Last Certified Date: 09/03/2009

[Taxes Due Detail by Year and Jurisdiction](#)

[Payment Information](#)

[Click Here](#) to see your estimated amount due for a future date. You can see this information by year and by both year and jurisdiction.

Tax Office:
[Search & Pay Taxes](#)
[Appraisal District](#)
[Your Tax Portfolio](#)
Brazoria County:
[Home](#)
[Holiday Schedule](#)
[Job Postings](#)

[Tax Rates & Entities](#)
[Related Links](#)

[County Directory](#)
[Related Links](#)

[Tax Office FAQ](#)
[Tax Office Home Page](#)

[Commissioner's Court](#)
[Courthouse History](#)

E-mail: roving@brazoria-county.com
 111 E. Locust Suite
 Angleton, TX 77515
 (979) 884-1320

©2002-2010 Appraisal & Collection Technologies
 All rights reserved
 ©1998-2008 Brazoria County

P&Z Agenda Item

B



CITY OF PEARLAND PLANNING & ZONING

STAFF MEMO

DATE: June 1, 2010
TO: Planning and Zoning Commission
FROM: Angela Gantuah, Senior Planner
SUBJECT: Conditional Use Permit No. CUP 2010-01

At the regular Planning and Zoning meeting of May 17, 2010, the conditional use permit CUP 2010-01 was presented and discussed. The following summarizes the comments, concerns, and request for further information from the Planning and Zoning Commission to be provided by the applicant:

1. A letter explaining the difference between the two engineering reports.
2. Provide a complete engineering report.
3. Provide what the current load or capacity is of the tower prior to the addition of antenna.
4. Provide the exact number of antenna and cabinets currently located at the subject property and the tower.
5. Provide better photos of subject property.
6. Provide a map showing all towers within 1 mile of the current tower.

The staff report of May 17, 2010 contained the following conditions and a recommendation which still apply:

Conditions of Approval:

1. Landscaping and screening shall be provided for the areas visible from Broadway which is in the Corridor Overlay District.
2. Provide structural/engineering calculations and information regarding the support structure that needs to be installed so that the tower will not fail with the addition of the proposed antennas.

Reasons for Approval:

1. The proposed co-location of an antenna would be in conformance with the current Unified Development Code with an approved conditional use permit.
2. Although the GC Zoning is not in conformance with the future land use plan, the existing and surrounding uses are in conformance with the future land use plan.
3. There would be no significant negative impact on the surrounding neighborhood or existing uses.
4. The existing uses are commercial and in conformance with the current Unified Development Code.

Attached is the applicant's 5/21/2010 submission of information requested.

JOINT PUBLIC HEARING AGENDA ITEM MEETING OF MAY 17, 2010

Conditional Use Permit No. CUP 2010-01

A request of Blake Griggs with Clear Wireless LLC., applicant for Steve Townsend , owners, for a conditional use permit to allow the co-location of cellular antenna on an existing tower located within the General Commercial (GC) Zoning District, on the following described property, to wit:

Legal Description: Approximately 1.24 acre (53,811 square feet) parcel situated in the Perry & Austin League, Abstract 111, Brazoria County, Texas, and being all of a called 1.2438 acre tract conveyed to Steve Townsend by Deed recorded under Volume 1441, Page 979 of the Brazoria county Official Public Records.

General Location: Located at 1411 Broadway, Pearland, TX

APPROVAL PROCESS: After this Joint Public Hearing, the requested zone change application will be considered as follows:

Planning and Zoning Commission: May 17, 2010*
City Council for First and Only Reading: May 24, 2010*

(*dates subject to change if item is tabled)

SUMMARY: The applicant, Clear Wireless LLC, is requesting approval of Conditional Use Permit No. 2010-01 to allow the co-location of cellular antennas on an existing tower located within the General Commercial (GC) Zoning District. It is also located within the Corridor Overlay District. The existing tower is 150 feet high and T-Mobile is the only carrier located there at this time.

The applicant proposes an additional nine T-Frames at 150 feet to the existing 150 foot cellular tower that currently holds 18 T-Frames from T-Mobile at 130 feet. This would bring that existing tower to 128% failure. The existing diagonals between 80 feet and 100 feet are overstressed and will need to be replaced or reinforced.

SURROUNDING ZONING AND LAND USES:

	<u>Zoning</u>	<u>Land Use</u>
North	General Commercial (GC)	Undeveloped Tract
South	General Business (GB)	Entrance way to Pine Hollow
East	General Commercial (GC)	Sign Company
West	General Commercial (GC)	Dry Wall and Building Supply Company

CONFORMANCE TO THE UNIFIED DEVELOPMENT CODE (UDC): The subject property is currently zoned as GC. The minimum lot size for the GC district is 22, 500 square feet, the minimum lot width is 150 feet, and the minimum lot depth is 125 feet. The subject property does not meet these minimum requirements, as the property is only 100 feet wide. The owner and applicant will need to process a variance for the lot width and structures that are located within the setbacks.

The applicant will be required to comply with all requirements of the Unified Development Code.

PLATTING STATUS: The property has not been platted, but an application for platting has been received and is currently being reviewed.

CONFORMANCE TO THE COMPREHENSIVE PLAN: The Comprehensive Plan (2004 update adopted on July 26, 2004) recommends “Retail, Office & Services” for the subject property and the surrounding properties. The Comprehensive Plan further indicates that the appropriate zoning districts are “Neighborhood Services (NS), Office Professional (OP), and General Business (GB)”. Therefore, the current GC zone does not conform to the Comprehensive Plan.

CONFORMANCE TO THE THOROUGHFARE PLAN: The subject property has frontage on Broadway, a major thoroughfare with an ultimate right-of-way greater than 120 feet. The applicant has not had the property platted and all necessary dedications will need to be made at the time of platting.

AVAILABILITY OF UTILITIES: The subject property is served by public water and sewer lines.

IMPACT ON EXISTING AND FUTURE DEVELOPMENT: The proposed conditional use permit is to allow the co-location of cellular antennas at an existing 150 foot cellular tower. The applicant also proposes a 7' X 7' (49 square feet of utility ground equipment for the Clear Wireless Antennas).

The applicant proposes an additional nine T-Frames at 150 feet to the existing 150 foot cellular tower that currently holds 18 T-Frames from T-Mobile at 130 feet. There will be no additional height added to the tower as a result of the additional antennas as stated in the letter of intent. Adding the proposed antennas would bring the existing cellular tower to 128% failure. The existing diagonals between 80 feet and 100 feet are overstressed and will need to be replaced or reinforced. The applicant needs to provide structural/engineering calculations and information regarding the support structure that needs to be installed so that the tower will not fail with the addition of the proposed antennas.

Currently, to the south of the subject property is the entrance way to the Pine Hollow Subdivision, to the north is a vacant undeveloped parcel, to the east is a sign company, and to the west is a drywall and building supply company. In addition, to the rear of the drywall and building & supply company there is another existing cellular tower 100 yards from the proposed co-location.

The current GC Zoning for the subject property does not conform to the Comprehensive Plan. The comprehensive plan states that the subject property should be Neighborhood Services (NS), Office Professional (OP), and General Business (GB). The surrounding uses are in compliance with the zoning and the existing cellular tower and co-location would be in compliance with City of Pearland's zoning if a conditional use were approved.

The parking is existing, and the addition of the 49 square feet ground equipment does not trigger additional parking. However; the ground equipment is visible from the Broadway and landscaping and screening needs to be provided.

The owner and applicant would also need to process a variance for the lot width and structures that are located within the setbacks on the subject property.

The City of Pearland would like to encourage the co-location of Cellular Antenna as stated in Chapter 2, Section 2.5.5.1. The proposed co-location of antennas as presented by the applicant should not have any significant negative impact on the surrounding properties and developments.

ADDITIONAL COMMENTS:

There are no other additional comments from other departments.

SITE PLAN CONSIDERATIONS: A site plan has been submitted and is currently being reviewed with the platting application.

PUBLIC NOTIFICATION: Public notice/comment forms were mailed to property owners within 200 feet of the subject property under consideration. A legal notice of public hearing was published in the local newspaper, and a Zoning Sign was placed on the subject property.

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 approval of the Conditional Use Permit No. 2010-01 for the co-location of an antenna on an existing cellular tower if the following conditions were met for the following reasons:

Conditions of Approval:

1. Landscaping and screening shall be provided for the areas visible from Broadway which is in the Corridor Overlay District.
2. Provide structural/engineering calculations and information regarding the support structure that needs to be installed so that the tower will not fail with the addition of the proposed antennas.

Reasons for Approval:

1. The proposed co-location of an antenna would be in conformance with the current Unified Development Code with an approved conditional use permit.
2. Although the GC Zoning is not in conformance with the future land use plan, the existing and surrounding uses are in conformance with the future land use plan.
3. There would be no significant negative impact on the surrounding neighborhood or existing uses.
4. The existing uses are commercial and in conformance with the current Unified Development Code.

SUPPORTING DOCUMENTS:

- Zone Change Application
- Vicinity Map
- Property Ownership Map
- Property Owner Notification List
- Zoning Map
- Future Land Use Plan
- Aerial Photograph
- Other Maps and Related Documents

Application for a

Conditional Use Permit

To the
City of Pearland

by
Clear Wire LLC

for
Collocation on an Existing Tower

Located at:
1411 Broadway
(Clearwire ID: TX-HOU0284)

Table of Contents

- I. CUP Application.....3**
 - A. Contact Information.....4**
- II. Application Exhibits.....5**
 - A. Legal Description5**
 - 1. Metes and Bounds Description
 - 2. Plat of Property
 - B. Parcel Map.....9**
 - C. Letter of Intent.....11**
 - D. Site Plan.....13**
 - E. Acknowledgement of Posting16**
- III. Supplemental Information18**
 - A. Maps18**
 - 1. Zoning
 - 2. Satellite
 - B. Photos22**
 - C. Property Records29**
 - 1. Appraisal record – Property Owner
 - 2. Appraisal record – T-Mobile
 - D. Structural Analysis.....34**
 - E. Lease Agreement.....60**
 - F. Existing vs. Proposed.....75**
 - G. Map of Towers.....78**
- IV. Code Response**
 - A. Tower Ordinance80**
 - B. GC Zone District.....83**
 - C. Site Development.....87**

FROM : THE MUSIC FACTORY

PHONE NO. : 281 482 0100

Feb. 19 2010 01:25PM P1



APPLICATION FOR A CONDITIONAL USE PERMIT (CUP)

CUP APPLICATION Page 1 of 4 (Updated May 2008)

City of Pearland
Community Development
3523 Liberty Drive
(Community Center)
Pearland, Texas 77581
281-652-1768
281-652-1702 fax
www.cityofpearland.com

Conditional Use Permit Request for: Collocation of antenna and equipment on existing communications tower.
(list proposed use from the Table of Uses of the UDC)

Current Zoning District: GC - General Commercial

Property Information:

Address or General Location of Property: TX-HOU0284

1411 Broadway, Pearland, TX 77581

Tax Account No. 219007

Subdivision: Jenkins (A0111) Lot: 6 Block: _____

A complete application must include all information shown on the Application Checklist attached to this application.

PROPERTY OWNER INFORMATION:

APPLICANT INFORMATION:

NAME Steve Townsend
ADDRESS 2400 N. Hwy 35 Bypass
CITY Alvin STATE TX ZIP 77511
PHONE(713) 482-0100
FAX() _____
E-MAIL ADDRESS _____

NAME Clear Wireless, LLC
ADDRESS 3300 Carillion Point
CITY Kirkland STATE WA ZIP 98033
PHONE(281) 580-4100
FAX(281) 580-4108
E-MAIL ADDRESS blake.griggs@powderriverdev.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: Steve Townsend Date: 2/19/10

Agent's Signature: Blake Griggs Date: 2/15/2010

OFFICE USE ONLY:

FEES PAID:	DATE PAID:	RECEIVED BY:	RECEIPT NUMBER:
------------	------------	--------------	-----------------

Application No. _____

Contact Information

Tower Owner

Tower Ventures / GTP
Monty Prewit – Regional Manager
(512) 992-5361
mprewit@gtpsites.com

Property Owner

Steve C. Townsend
1411 Broadway
Pearland, TX
281-482-0100

Applicant

Clear Wire
Mike Brogan - Director
3800 Buffalo Speedway, Suite 200
Houston, TX 77069
(214) 395-8702
mike.brogan@clearwire.com

Agent for Applicant

Powder River Development
Blake Griggs - Real Estate Manager
13131 Champions Drive, Suite 208
Houston, TX 77069
713-261-5357
Blake.Griggs@PowderRiverDev.com

Exhibit A-1

Metes and Bounds Description of Property

Metes & Bounds Legal Description

Being a 1.24 acre (53,811 square feet) parcel situated in the Perry & Austin League, Abstract 111, Brazoria County, Texas, and being all of a called 1.2438 acre tract conveyed to Steve C. Townsend by Deed recorded under Volume 1441, Page 979 of the Brazoria County Official Public Records, said 1.24 acre parcel more particularly described by metes and bounds as follows with all bearings based on the Texas State Plane Coordinate System, South Central Zone;

BEGINNING, at a 5/8-inch iron rod set with cap (stamped "4833 Town & Country"), in the northeast right-of-way line of East Broadway Street – F.M. 518 (called 100 feet wide – Volume 2, Page 20, Brazoria County Map Records) for the most southerly corner of a called 1.6819 acre tract ("Tract 3"), conveyed to Barnett Drywall & Supply Company by Deed recorded under Clerk's File No. 94-013007 of the Brazoria County Official Public Records of Real Property, and the most westerly corner of said 1.2438 acre tract, for the most westerly corner of the herein described parcel, from which an "X" found in concrete bears North 62°54'20" West, 129.69 feet;

THENCE, North 26°52'34" East (called North 29°57'20" East), passing at a distance of 541.75 feet a 1/2-inch iron rod found along the southeasterly line of said 1.6819 acre tract, and the northwesterly line of said 1.2438 acre, continuing for a total distance of 576.76 feet to a point in Mary's Creek, in the westerly line of the Final Plat of Briarglen Sect. 3 according to the map or plat thereof recorded under Volume 19, Page 483 of the Brazoria County Map Records, for the easterly most corner of said 1.6819 acre tract, for the most northerly corner of said 1.2438 acre tract and the herein described parcel;

THENCE, along the westerly line of said Briarglen Sect. 3, and the northerly line of said 1.2438 acre tract, along the meanders of said Mary's Creek the following courses and distances:

South 35°46'19" East, 68.84 feet;

South 10°27'48" West, 33.86 feet;

South 10°47'33" East, 47.93 feet to a point for the most northerly corner of a called 0.7566 acre tract conveyed to AB Products by Deed recorded under Clerk's File No. 95-009656 of the Brazoria County Official Public Records of Real Property, for the most easterly corner of said 1.2438 acre tract, and the herein described parcel;

THENCE, South 26°52'34" West (called South 29°57'20" West, passing at a distance 24.98 feet a 1/2-inch iron rod found along the northwesterly line of said 0.7566 acre tract, and the southeasterly line of said 1.2438 acre tract, continuing for a total distance of 474.57 feet to an "X" set in concrete in the northeasterly right-of-way line of East Broadway Street, for the most westerly corner of said 0.7566 acre tract, for the most southerly corner of said 1.2483 acre tract and the herein described parcel, from which a 1/2-inch iron rod found bears South 62°54'20" East, 98.87 feet;

THENCE, North 63°12'20" West (called North 60°20'40" West), 100.00 feet along the northeasterly right-of-way line of said East Broadway Street, and the southwesterly line of said 1.2438 acre tract to the POINT OF BEGINNING, CONTAINING 1.24 acre (53,811 square feet) of land in Brazoria County, Texas.

Exhibit A-2

Plat of Property

STATE OF TEXAS
 COUNTY OF BRAZORIA
 We, Steve C. Townsend, owner of the property subdivided in this plat of Clearwire HOU0284 1411 Broadway, 1.24 acre being all of a called 12483 acre tract, being a part of Lot 6, George W. Jenkins Subdivision, in the Perry & Austin League, Abstract 111, Brazoria County, Texas, do hereby make subdivision of said property according to the lines, lots, streets, alleys, reserves, parks, and easements as shown hereon and dedicate for public use as such the streets, alleys, parks, and easements shown hereon forever, and do hereby waive all claims for damages occasioned by the establishment of grades as approved for the streets and drainage easements dedicated, or occasioned by the alteration of the surface, or any portion of the streets or drainage easements to conform to such grades, and do hereby bind ourselves, our heirs, successors and assigns to warrant and defend the title to the land so dedicated.

Further, owners have dedicated and by these presents do dedicate to the use of the public, for public utility purposes forever, unobstructed aerial easements. The aerial easements shall extend horizontally an additional eleven feet, six inches (11' 6") for ten feet (10' 0") perimeter ground easements or seven feet, six inches (7' 6") for fourteen feet (14' 0") perimeter ground easements or five feet, six inches (5' 6") for sixteen feet (16' 0") perimeter ground easements, from a plane sixteen feet (16' 0") above ground level upward, located adjacent to and adjoining said public utility easements that are designated with aerial easements (A.E. and A.E.) as indicated and depicted hereon whereby each aerial easement totals twenty-one feet, six inches (21' 6") in width.

Further, owners have dedicated and by these presents do dedicate to the use of the public, for public utility purposes forever, unobstructed aerial easements. The aerial easements shall extend horizontally an additional ten feet (10' 0") for ten feet (10' 0") back-to-back ground easements, or eight feet (8' 0") for fourteen feet (14' 0") back-to-back ground easements or seven feet (7' 0") for sixteen feet (16' 0") back-to-back ground easements, from a plane sixteen feet (16' 0") above ground level upward, located adjacent to both sides and adjoining said public utility easements that are designated with aerial easements (A.E. and A.E.) as indicated and depicted hereon, whereby each aerial easement totals thirty feet (30' 0") in width.

BY:
 Steve C. Townsend
 STATE OF TEXAS
 COUNTY OF BRAZORIA
 Before me, the undersigned authority, on this day personally appeared Steven C. Townsend, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and considerations therein expressed and in the capacity therein and herein stated.
 Given under my hand and seal of office, this _____ of _____, 2010.
 _____ (notary signature)

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS
 I, David J. Strauss, Registered Professional Land Surveyor No. 4833, do hereby certify that this plat correctly represents a survey made under my supervision on the ground in accordance with the information provided me and correctly represents the facts as found at the time of survey and in the field and correct and that all boundary corners, lot corners, angle points, and points of curvature are properly marked with 5/8 inch diameter iron rods three feet long or as shown on the plat.

David J. Strauss, RPLS No. 4833

CERTIFICATE OF PLANNING DIRECTOR
 This is to certify that the City Planning Director of the city of Pearland, Texas has approved this minor plat and subdivision of Clearwire HOU0284, and is in conformance with the laws of the State of Texas and the ordinances of the City of Pearland as shown hereon and authorizes the recording of this plat this _____ day of _____, 2010.

Lata Krishnarao, AICP
 Director of Planning
 City of Pearland, Texas

Approved for the City of Pearland, Texas this _____ of _____, 2010.

Darrin Coker, Narciso Lira, P.E.
 City Attorney City Engineer

1.24 ACRE (52,811 SQ. FT.)
 PERRY AND AUSTIN LEAGUE, A-111
 BRAZORIA COUNTY, TEXAS

Being a 1.24 acre (52,811 square feet) parcel situated in the Perry & Austin League, Abstract 111, Brazoria County, Texas, and being all of a called 12438 acre tract conveyed to Steve C. Townsend by Deed recorded under Volume 1441, Page 579 of the Brazoria County Official Public Records, said 1.24 acre parcel more particularly described by metes and bounds as follows with bearings based on the Texas State Plane Coordinate System, South Central Zone.

BEGINNING, at a 5/8-inch iron rod set with cap (stamped 4833 Town & Country), in the northeast right-of-way line of East Broadway Street - F.M. 518 (called 100 feet wide - Volume 2, Page 20, Brazoria County Map Records, for the most southerly corner of a called 16819 acre tract (Tract 3), conveyed to Barnett Drywall & Supply Company by deed recorded under Clerk's File No. 94-013007 of the Brazoria County Official Public Records of Real Property, and the most westerly corner of said 12438 acre tract, for the most westerly corner of the herein described parcel, from which a "X" found in concrete bears North 62°54'20" West, 129.69 feet;

THENCE, North 26°52'34" East (called North 29°57'20" East), passing at a distance of 541.75 feet to a 1/2-inch iron rod found along the southerly line of said 16819 acre tract, and the northerly line of said 12438 acre tract, continuing for a total distance of 576.75 feet to a point in Mary's Creek, in the westerly line of the First Plat of Brigran Sect. 3 according to the map or plat thereof recorded under Volume 19, Page 483 of the Brazoria County Map Records, for the most southerly corner of said 16819 acre tract, for the most northerly corner of said 12438 acre tract and the herein described parcel;

THENCE, along the westerly line of said Brigran Sect. 3, and the northerly line of said 12438 acre tract, along the meanders of said Mary's Creek the following courses and distances:
 South 35°46'19" East, 68.88 feet;
 South 10°27'48" West, 33.86 feet;
 South 10°47'33" East, 47.93 feet to a point for the most northerly corner of a called 0.7566 acre tract conveyed to All Products by Deed recorded under Clerk's File No. 95-009656 of the Brazoria County Official Public Records of Real Property, for the most westerly corner of said 12438 acre tract, and the herein described parcel;

THENCE, South 26°52'34" West (called South 29°57'20" West), passing at a distance 24.98 feet to a 1/2-inch iron rod found along the northerly line of said 0.7566 acre tract, and the southerly line of said 12438 acre tract, continuing for a total distance of 474.57 feet to an "X" set in concrete in the northerly right-of-way line of East Broadway Street, for the most westerly corner of said 0.7566 acre tract, for the most southerly corner of said 12485 acre tract and the herein described parcel, from which a 1/2-inch iron rod found bears South 62°54'20" West, 98.87 feet;

THENCE, North 63°12'20" West (called North 60°20'40" West), 100.00 feet along the northerly right-of-way line of said East Broadway Street, and the southerly line of said 12438 acre tract to the POINT OF BEGINNING, CONTAINING 1.24 acre (52,811 square feet) of land in Brazoria County, Texas.

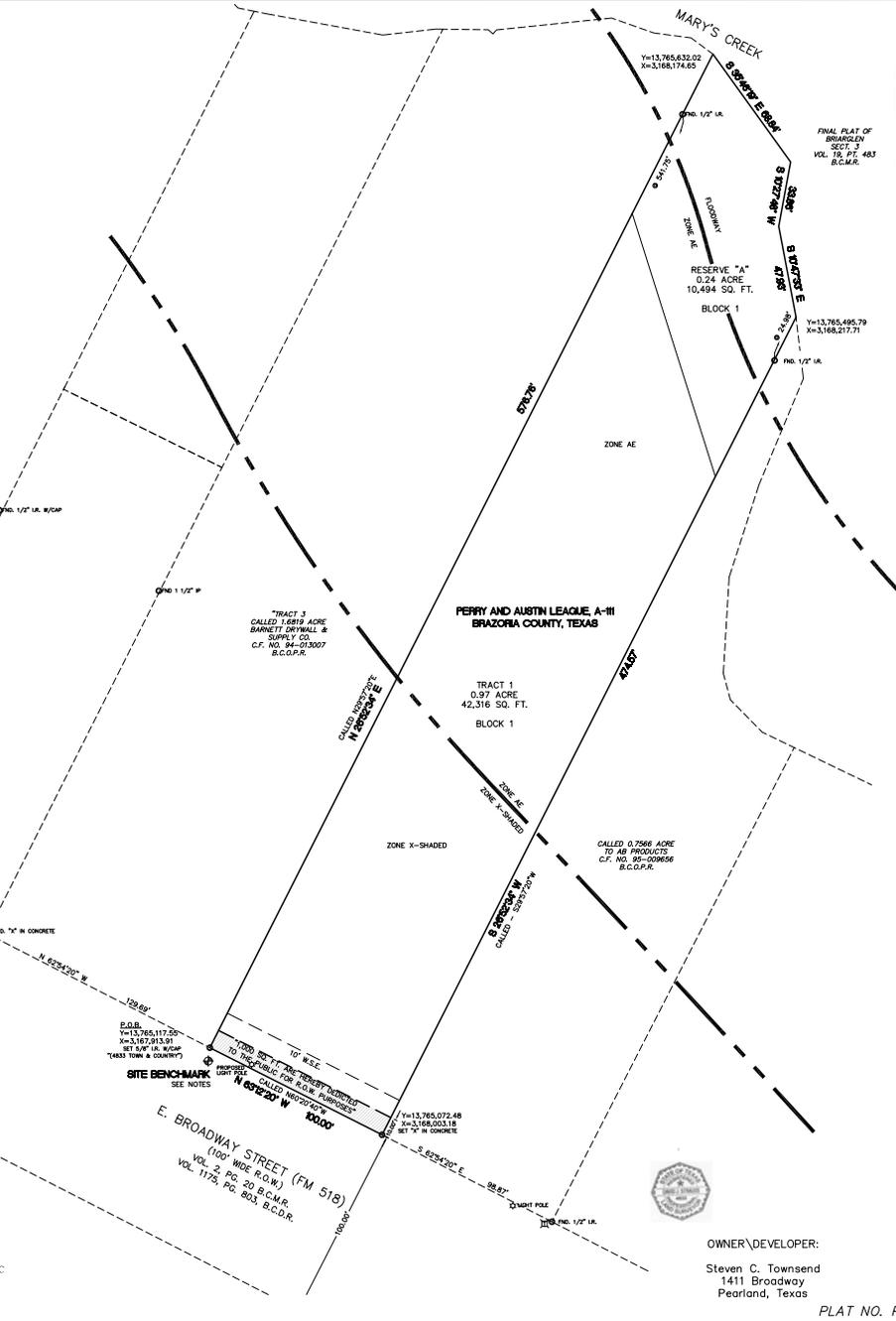


Exhibit B

Parcel Map from city website

Exhibit C

Letter of Intent



4400 Carillon Point
Kirkland, WA 98033

p: 425-216-7600
f: 425-216-7900
www.clear.com

Monday, February 15, 2010

City of Pearland Community Development
3523 Liberty Dr
Pearland, TX 77581
Attn: Angela Gantuah

RE: Letter of Intent for CUP Application HOU0284

Ms. Gantuah:

Powder River Development has been contracted by Clear Wireless, LLC to manage the development of its network in the Houston area. Based on the PreDevelopment Meeting we had on 12-16-2009, I am filing for a Conditional Use Permit (CUP) for co-locating antennas and related ground equipment on an existing tower located at 1411 Broadway, Pearland, TX 77581.

Our ground space is limited to a 7'x7' area with several small equipment cabinets, mounted on an elevated platform instead of a concrete slab. We will be adding one additional array of antennas to the tower. The only utilities involved in this proposal are telephone and electricity.

Our current proposal does not include:

- Increased tower height
- Additional ground space to the compound
- Impervious ground cover
- Removal of any trees

If you have any questions, I can be reached at 713-261-5357.

Sincerely,

A handwritten signature in black ink that reads "Blake Griggs".

Blake Griggs
Powder River Real Estate Manager
ClearWire Project Houston
Blake.Griggs@PowderRiverDev.com
281-580-4100 (office)
281-580-4108 (fax)
713-261-5357 (cell)

Exhibit D

Site Plan

Full set of Construction Drawings to be submitted for Building Permit

Exhibit E

Acknowledgement of Posting

Proof of Posting

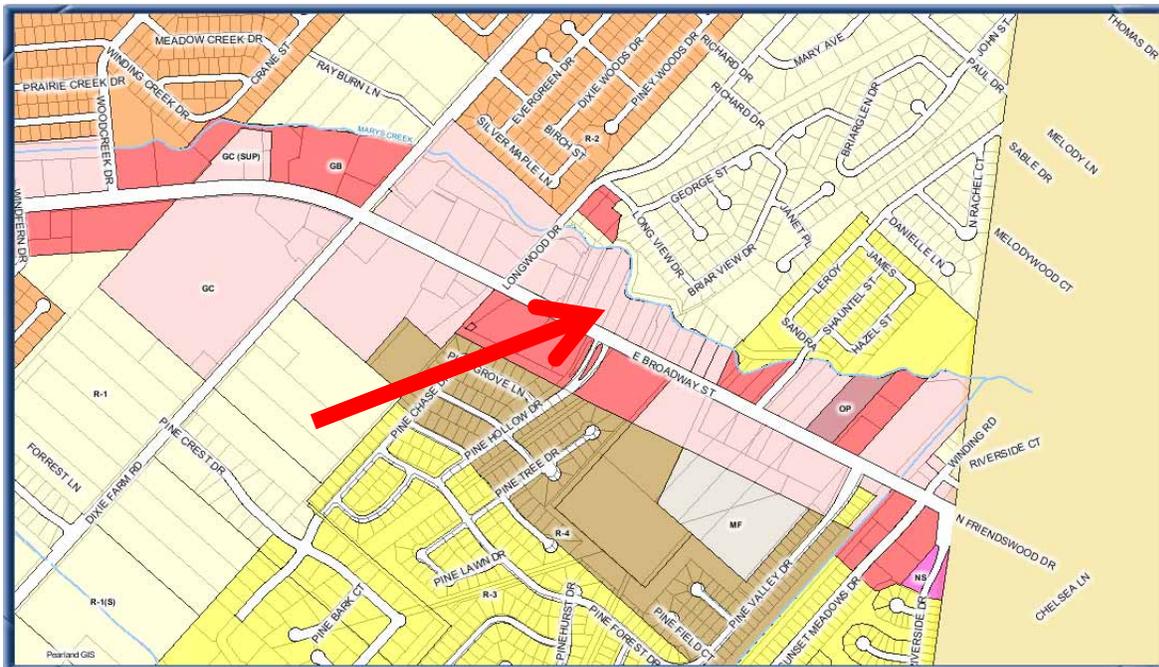


Supplemental A Maps

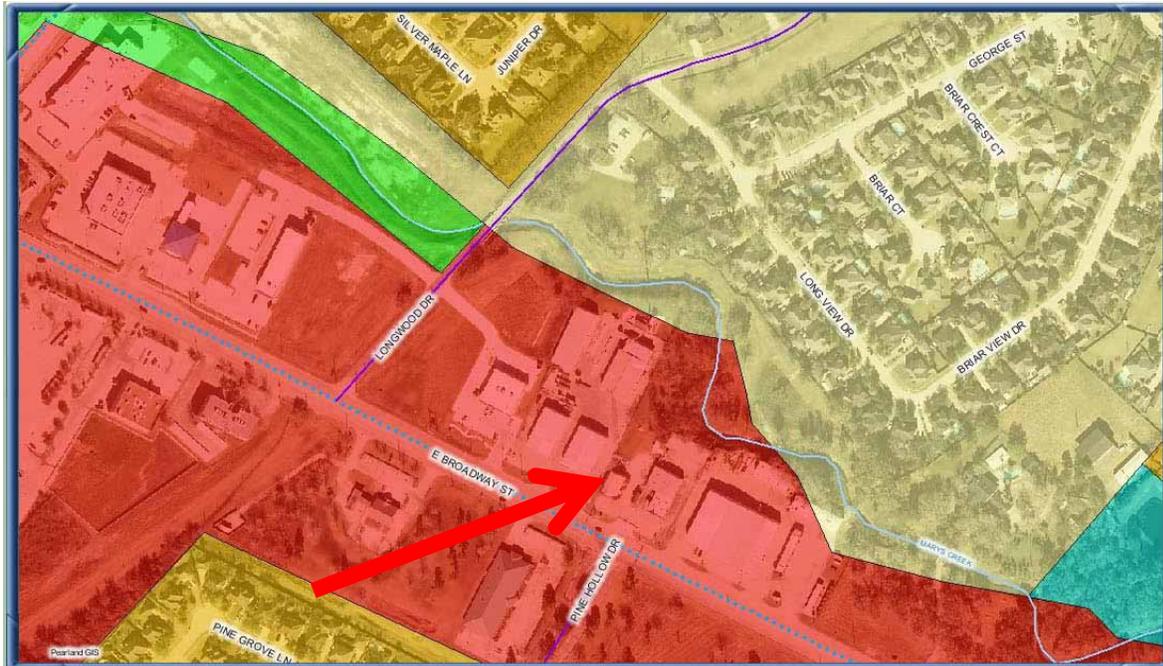
Zoning Map



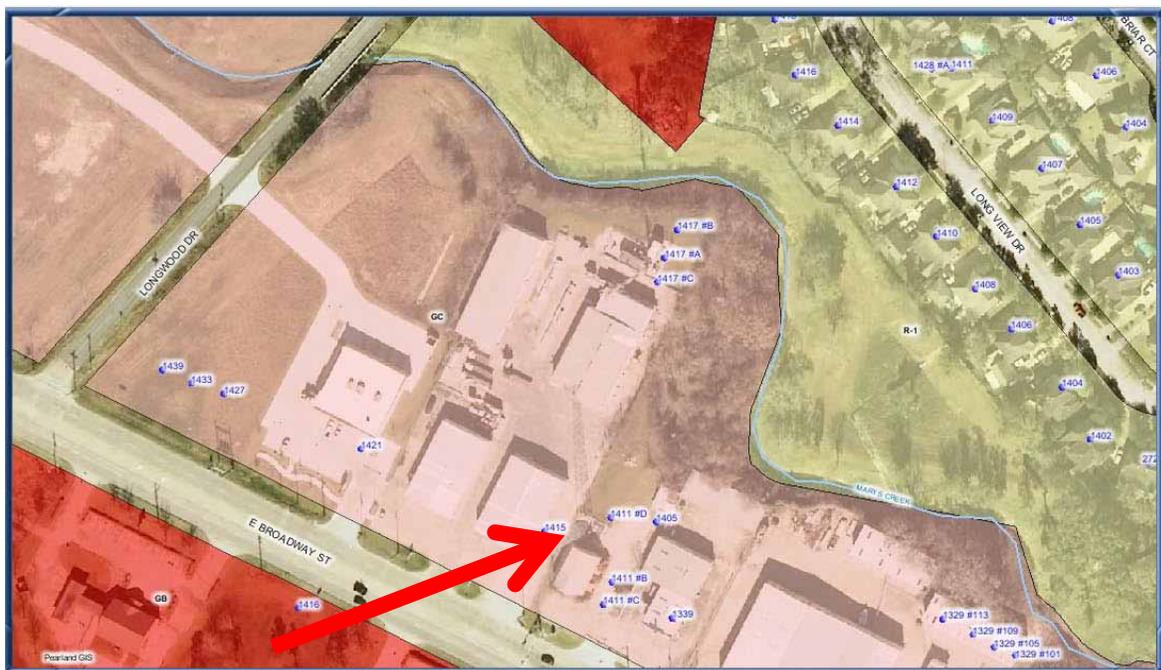
Zoning Overview



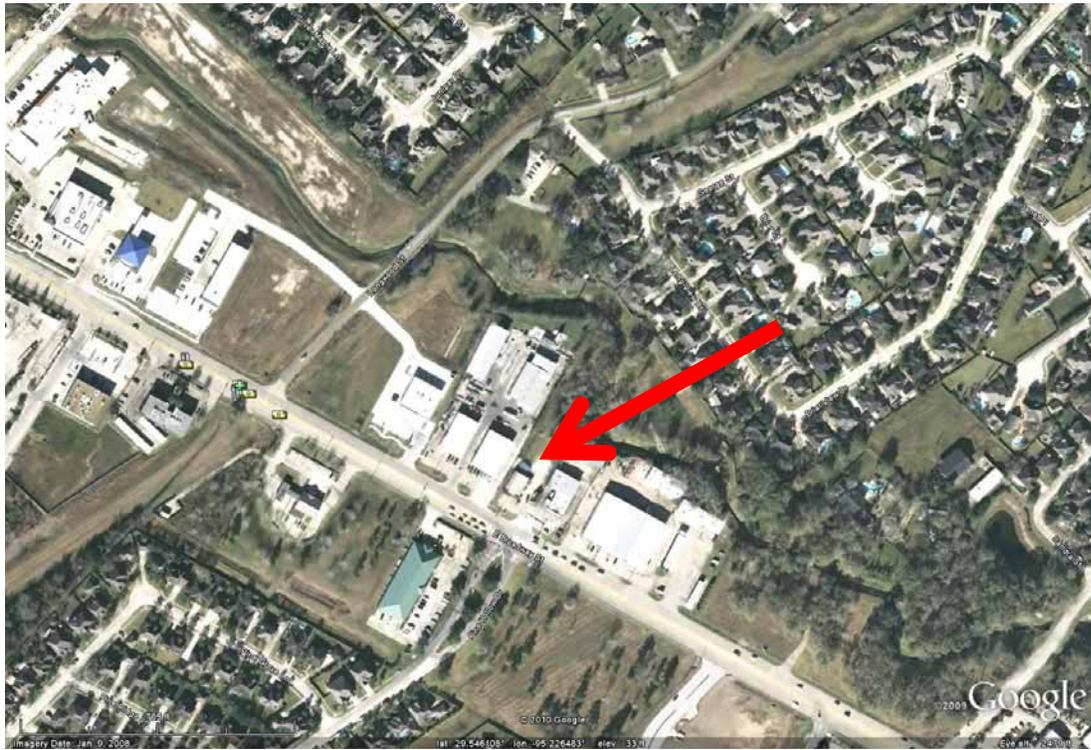
Land Use with Aerial



Zoning Map with Address Points



Satellite Image



Enlarged Satellite Image



Supplement B

Photos

Site Photos



Looking towards site from the southeast



Looking towards site from the south, across Broadway

Site Photos



Close up of compound



From compound looking towards drywall company to the northwest

Site Photos



Gate to site (518 to the left)



Clearwire lease area

Site Photos



Towards site from Broadway



Enlarged view of compound from Broadway

Site Photos



Looking towards Broadway from the compound



Looking towards the tower from adjacent property to the southeast

Site Photos



Broadway (FM 518) looking northwest



Broadway (FM 518) looking southeast

Supplement C Property Records

Brazoria CAD

Property Search Results > 219007 TOWNSEND STEVE for Year 2010

Property

Account

Property ID: 219007 Legal Description: JENKINS (A0111 PERRY & AUSTIN)(PEARLAND) , LOT 6, ACRES 1.240
 Geographic ID: 5411-0045-117 Agent Code:
 Type: Real

Location

Address: 1411 E BROADWAY FM 518 Mapsco:
PEARLAND, TX 77581
 Neighborhood: COMM ACCTS Map ID:
 Neighborhood CD: COMM

Owner

Name: TOWNSEND STEVE Owner ID: 70417
 Mailing Address: 1411 BROADWAY ST % Ownership: 100.0000000000%
PEARLAND, TX 77581-6307

Exemptions:

Values

(+) Improvement Homesite Value:	+	N/A	
(+) Improvement Non-Homesite Value:	+	N/A	
(+) Land Homesite Value:	+	N/A	
(+) Land Non-Homesite Value:	+	N/A	Ag / Timber Use Value
(+) Agricultural Market Valuation:	+	N/A	N/A
(+) Timber Market Valuation:	+	N/A	N/A

(=) Market Value:	=	N/A	
(-) Ag or Timber Use Value Reduction:	-	N/A	

(=) Appraised Value:	=	N/A	
(-) HS Cap:	-	N/A	

(=) Assessed Value:	=	N/A	

Taxing Jurisdiction

Owner: TOWNSEND STEVE
 % Ownership: 100.0000000000%
 Total Value: N/A

Entity	Description	Tax Rate	Appraised Value	Taxable Value	Estimated Tax	
CAD	BRAZORIA COUNTY APPRAISAL DISTRICT	N/A	N/A	N/A	N/A	
CPL	CITY OF PEARLAND	N/A	N/A	N/A	N/A	
DR4	BRAZORIA COUNTY DRAINAGE DISTRICT #4 (PEARLAND)	N/A	N/A	N/A	N/A	
GBC	BRAZORIA COUNTY	N/A	N/A	N/A	N/A	
RDB	ROAD & BRIDGE FUND	N/A	N/A	N/A	N/A	
SPL	PEARLAND INDEPENDENT SCHOOL DISTRICT	N/A	N/A	N/A	N/A	
Total Tax Rate:		N/A				
					Taxes w/Current Exemptions:	N/A
					Taxes w/o Exemptions:	N/A

Improvement / Building

Improvement #1:	Commercial	State Code:	F1	Living Area:	2568.0 sqft	Value:	N/A
Type	Description	Class CD	Exterior Wall	Year Built	SQFT		
353	RETAIL STORE	D		1980	2568.0		
Improvement #2:	Misc Imp	State Code:	F1	Living Area:	sqft	Value:	N/A
Type	Description	Class CD	Exterior Wall	Year Built	SQFT		
YPA1	ASPHALT PAVING	*		1983	1123.0		

Improvement #3:	Misc Imp	State Code:	F1	Living Area:	sqft	Value:	N/A
Type	Description	Class CD	Exterior Wall	Year Built	SQFT		
YRS1	FRAME STORAGE BLDG	*		1978	288.0		

Improvement #4:	Misc Imp	State Code:	F1	Living Area:	sqft	Value:	N/A
Type	Description	Class CD	Exterior Wall	Year Built	SQFT		
YRS1	FRAME STORAGE BLDG	*		1978	576.0		

Land

#	Type	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
1	S1	PRIMARY SITE	0.5000	21780.00	0.00	0.00	N/A	N/A
2	S2	SECONDARY SITE	0.7400	32234.00	0.00	0.00	N/A	N/A

Roll Value History

Year	Improvements	Land Market	Ag Valuation	Appraised	HS Cap	Assessed
2010	N/A	N/A	N/A	N/A	N/A	N/A
2009	\$85,390	\$56,450	0	141,840	\$0	\$141,840
2008	\$88,590	\$56,450	0	145,040	\$0	\$145,040
2007	\$88,590	\$56,450	0	145,040	\$0	\$145,040
2006	\$108,380	\$56,850	0	165,230	\$0	\$165,230
2005	\$19,500	\$42,340	0	61,840	\$0	\$61,840
2004	\$21,120	\$42,340	0	63,460	\$0	\$63,460
2003	\$22,530	\$27,010	0	49,540	\$0	\$49,540
2002	\$21,190	\$40,510	0	61,700	\$0	\$61,700
2001	\$27,250	\$34,000	0	61,250	\$0	\$61,250

Deed History - (Last 3 Deed Transactions)

#	Deed Date	Type	Description	Grantor	Grantee	Volume	Page
---	-----------	------	-------------	---------	---------	--------	------

Questions Please Call (979) 849-7792

This year is not certified and ALL values will be represented with "N/A".

Website version: 1.2.2.2

Database last updated on: 2/8/2010 8:45 PM

© 2010 True Automation, Inc. All Rights Reserved.
Privacy Notice

This site only supports Internet Explorer 6+, Netscape 7+ and Firefox 1.5+.

Brazoria CAD

Property Search Results > 617515 T-MOBILE USA for Year 2010

Property

Account

Property ID: 617515 Legal Description: CELL SITE EQUIPMENT
Geographic ID: 8700-0140-158 Agent Code: ID:1027736
Type: Personal

Location

Address: 1411 BROADWAY Mapsco:
TX
Neighborhood: Map ID:
Neighborhood CD:

Owner

Name: T-MOBILE USA Owner ID: 1036636
Mailing Address: 12920 SE 38TH ST % Ownership: 100.0000000000%
BELLEVUE, WA 98006-7305
Exemptions:

Values

(+) Improvement Homesite Value: + N/A
(+) Improvement Non-Homesite Value: + N/A
(+) Land Homesite Value: + N/A
(+) Land Non-Homesite Value: + N/A Ag / Timber Use Value
(+) Agricultural Market Valuation: + N/A N/A
(+) Timber Market Valuation: + N/A N/A

(=) Market Value: = N/A
(-) Ag or Timber Use Value Reduction: - N/A

(=) Appraised Value: = N/A
(-) HS Cap: - N/A

(=) Assessed Value: = N/A

Taxing Jurisdiction

Owner: T-MOBILE USA
% Ownership: 100.0000000000%
Total Value: N/A

Entity	Description	Tax Rate	Appraised Value	Taxable Value	Estimated Tax
CAD	BRAZORIA COUNTY APPRAISAL DISTRICT	N/A	N/A	N/A	N/A
CPL	CITY OF PEARLAND	N/A	N/A	N/A	N/A
DR4	BRAZORIA COUNTY DRAINAGE DISTRICT #4 (PEARLAND)	N/A	N/A	N/A	N/A
GBC	BRAZORIA COUNTY	N/A	N/A	N/A	N/A
RDB	ROAD & BRIDGE FUND	N/A	N/A	N/A	N/A
SPL	PEARLAND INDEPENDENT SCHOOL DISTRICT	N/A	N/A	N/A	N/A
Total Tax Rate:		N/A			
				Taxes w/Current Exemptions:	N/A
				Taxes w/o Exemptions:	N/A

Improvement / Building

No improvements exist for this property.

Land

No land segments exist for this property.

Roll Value History

Year	Improvements	Land Market	Ag Valuation	Appraised	HS Cap	Assessed
2010	N/A	N/A	N/A	N/A	N/A	N/A
2009	\$0	\$0	0	85,090	\$0	\$85,090

Deed History - (Last 3 Deed Transactions)

#	Deed Date	Type	Description	Grantor	Grantee	Volume	Page
---	-----------	------	-------------	---------	---------	--------	------

Questions Please Call (979) 849-7792

This year is not certified and ALL values will be represented with "N/A".

Website version: 1.2.2.2

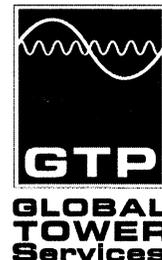
Database last updated on: 2/8/2010 8:45 PM

© 2010 True Automation, Inc. All Rights Reserved.
Privacy Notice

This site only supports Internet Explorer 6+, Netscape 7+ and Firefox 1.5+.

Supplement D

Structural Analysis



May 25, 2010

City of Pearland
3523 Liberty Drive
Pearland, Texas 77581
Attn: Angela Gantuah, Senior Planner

RE: Clearwire structural analysis for TX-5434 (HOU0284)

Dear Ms. Gantuah:

It has been brought to our attention that you have a question concerning the two structural analyses submitted for the above site. The dates of the analyses are October 9, 2009 and February 23, 2010.

The reason for the second analysis was due to some new findings based on a pre-construction site visit. The results of the November 9, 2009 structural analysis showed that some minor modifications were required for the proposed Clearwire installation. We did a pre-construction visit to verify the steel data of the tower and to provide important information for completion of the required modification. This pre-construction visit showed that the $1 \frac{3}{4}'' \times 1 \frac{3}{4}'' \times 3/16''$ angles called out in the original tower drawings at the 80' – 100' elevation were actually $2 \frac{1}{2}'' \times 2 \frac{1}{2}'' \times 3/16''$ angles. These existing angles are structurally acceptable.

A new analysis was then performed on February 23, 2010 taking into account this new information. The new analysis was structurally acceptable and no modification was required.

I hope this answers your concerns in this matter. If you require any additional information please feel free to contact us.

Sincerely;

A handwritten signature in black ink, appearing to read 'M. T. De Boer', with a long horizontal flourish extending to the right.

Michael T. De Boer, P.E.
Director of Engineering

750 Park of Commerce Blvd Suite 300 Boca Raton FL 33487-3612
Phone 605-422-1548 Fax 605-422-1550



Structural Analysis Report

150 ft. Self Support Tower

**1411 East Broadway, Pearland, TX 77581
Brazoria County
(TX-5434, FM 2351)
(Revision 2, Field Data Information)**

**Clearwire LLC
Clearwire Site Number: TX-HOU0284
Clearwire Site Name: GTP TX-5434**

Prepared by:

**Global Tower Services, LLC
Michael T. De Boer, P.E.
Director of Structural Engineering**

February 23, 2010

750 Park of Commerce Blvd Suite 300 Boca Raton FL 33487-3612
Phone 605-422-1548 Fax 605-422-1550

**Global Tower Services, LLC
February 23, 2010
FM 2351
TX-5434**

Table of Contents

Introduction.....3

Description of Structure.....3

Design Parameter.....3

Antenna Loading Information.....4

Analysis Results.....4 - 5

Analysis Summary and Conclusions.....5

Standard Conditions.....6

Disclaimer of Warranties.....7

Appendix A - Tower Profile.....Attached

Appendix B - Calculations.....Attached

Global Tower Services, LLC

February 23, 2010

FM 2351

TX-5434

INTRODUCTION

We have completed the structural analysis for the existing 150 ft. self support tower located in Brazoria County (1411 East Broadway, Pearland), TX. The objective of the analysis is to determine if the existing self support tower design is in conformance / compliance with the current codes and standards for the proposed equipment installation.

TSTower written by TowerSoft was utilized in performing the analysis. This program is a commercially available software program which was used to create a non-linear three-dimensional beam model and calculate member stresses for various loading conditions.

DESCRIPTION OF STRUCTURE

The existing structure is a 150 ft. self support tower. The original tower manufacturer is Rohn Industries, Peoria, IL. The existing structure consists of eight (8) sections with pipe legs and angle bracing.

A tower mapping provided by High Maintenance Tower Company and by Tower Engineering Professionals were used to model the tower steel. (April 7, 2009, TEP No. 091554, June 16, 2009) The tower legs are considered to be manufactured from 50 ksi steel, the diagonals and horizontals are considered to be 36 ksi and the bolts are A325X.

The self support tower, for the purpose of analysis, is considered to be in good condition with no defects.

DESIGN PARAMETERS

- Standard:	ANSI/TIA-222-F-1996
- Basic Wind Speed:	100 mph (fastest mile) 120 mph (3-sec gust)
- Serviceability Wind Speed:	50 mph (fastest mile)
- Basic Wind Speed with Ice:	N/A
- Design Ice Thickness:	0.00 (inch)
- Allowable Stress Increase:	1/3 for wind loading conditions

Global Tower Services, LLC

February 23, 2010

FM 2351

TX-5434

ANTENNA LOADING INFORMATION

Existing and Reserved Loading Information

Antenna Description/Mount	Qty	Elev. (ft.)	TX Lines	Qty	Customer
Andrew APXV18-206517LS / Sector Frames	9	130	7/8"	18	T-Mobile
ATMAP1412D-1A20 / Sector Frames	6	130			T-Mobile

Proposed Loading Information

Antenna Description/Mount	Qty	Elev. (ft.)	TX Lines	Qty	Customer
Generic Panel Type (42" x 13" x 3") / T-Frames	3	150	5/16"	6	Clearwire
Motorola DAP Vx / T-Frames	3	150			Clearwire
Andrew VHLP2-18 / T-Frames	1	150	1/2"	1	Clearwire
Dragonwave ODU's / T-Frames	4	150			Clearwire
Andrew VHLP2.5-18 / T-Frames	2	150	1/2"	2	Clearwire
Andrew VHLP2-23 / T-Frames	1	150	1/2"	1	Clearwire

ANALYSIS RESULTS

Structure

The existing 150 ft. self support tower is **structurally capable** of supporting the proposed equipment. (See table below)

Self Support Tower	% Capacity	Results
Tower Legs	97	Pass
Tower Diagonals	105	Pass
Tower Horizontals	67	Pass

(105 percent is considered acceptable.)

Tower Rotation	Actual	Allowable
150' Elevation	0.88 degrees	2.40 degrees

Note: Above at the maximum wind speed of 100 mph (fastest mile).

Global Tower Services, LLC

February 23, 2010

FM 2351

TX-5434

ANALYSIS RESULTS continued

Foundation

The existing foundation has also been evaluated. The existing foundation was found to be **acceptable** with the proposed loading.

Tower Rating: 105%

Summary and Conclusions

The existing 150 ft. self support tower located in Brazoria County (1411 East Broadway, Pearland), TX is **structurally acceptable** based upon the EIA-222-F 1996 Standard and the local building code with the proposed equipment installed.

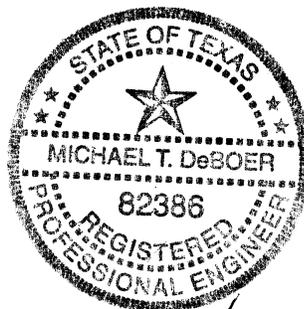
If any other changes are proposed, another structural analysis should be performed to assure the tower is in compliance / conformance with the applicable codes and standards.

Should any further questions arise, please contact the Global Tower Services, LLC Engineering Department at 605-422-1548.

Global Tower Services, LLC



Michael T. De Boer, P.E.
Director of Structural Engineering



2/26/10

Global Tower Services, LLC

February 23, 2010

FM 2351

TX-5434

Standard Conditions

All engineering services are performed on the basis that the information used is current and correct. This information may consist of, but not necessarily limited, to:

- Information supplied by the client regarding the structure itself, the antenna and transmission line loading on the structure and its components, or relevant information.
- Information from drawings in possession of Global Tower Services, LLC, or generated by field inspections or measurements of the structure.

It is the responsibility of the client to ensure that the information provided to Global Tower Services, LLC and used in the performance of our engineering services is correct and complete. In the absence of information contrary, we consider that all structures were constructed in accordance with the drawings and specifications and are in an uncorroded condition and have not deteriorated; and we, therefore consider that their capacity has not significantly changed from the original design condition.

All services will be performed to the codes and standards specified by the client, and we do not imply to meet any other code and standard requirements unless explicitly agreed to in writing. If wind and ice loads or other relevant parameters are to be different from the minimum values recommended by the codes and standards, the client shall specify the exact requirements. In the absence of information to the contrary, all work will be performed in accordance with the revision of ANSI/TIA/EIA-222 requested.

All services are performed, results obtained and recommendations made in accordance with the generally accepted engineering principles and practices. Global Tower Services, LLC is not responsible for the conclusions, opinions and recommendations made by others based on the information we supply.

Global Tower Services, LLC

February 23, 2010

FM 2351

TX-5434

Disclaimer of Warranties

The engineering services by **Global Tower Services, LLC** in connection with this Structural Analysis are limited to a computer analysis of the tower structure, size and capacity of its members. **Global Tower Services, LLC** does not analyze the fabrication, including welding, except as included in this report.

The purpose of this report is to assess the feasibility of adding appurtenances usually accompanied by transmission lines. Any mention of structural modifications are reasonable estimates and should not be used a precise construction document. Precise modification drawings are obtainable from **Global Tower Services, LLC** but are beyond the scope of this report.

Global Tower Services, LLC makes no warranties, expressed or implied, in connection with this report and disclaim any liability arising from material, fabrication and erection of this tower. **Global Tower Services, LLC** will not be responsible whatsoever for or on account of, consequential or incidental damages sustained by any person, firm, or organization as a result of any data or conclusions contained in this report. The maximum liability of **Global Tower Services, LLC** pursuant to this report will be limited to the total fee received for preparation of this report.

APPENDIX A

Tower Profile



TSTower - v 3.9.7 Tower Analysis Program
 (c) 1997-2006 TowerSoft www.TSTower.com

Licensed to: Global Tower Partners
 Boca Raton, Florida

File: C:\Program Files\TSTower\TSTOWER Input\TX-5434_022310_Clearwire.out

Contract:

Revision: 1

Project: Structural Analysis for 150' Self Support

Site: TX-5434 (FM 2351)

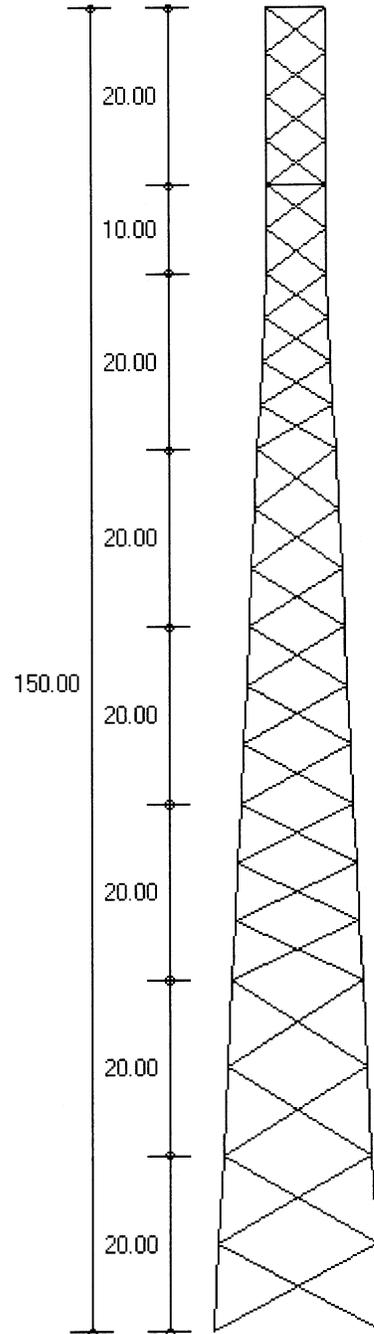
Date and Time: 2/26/2010 3:50:46 PM

Engineer: Mike De Boer

DESIGN SPECIFICATION

Design Standard: TIA/EIA-222-F-1996
 Basic Wind speed = 100.0 (mph)
 Service Wind speed = 50.0 (mph)
 Ice thickness = 0.00 (in)

Sct.	Length (ft)	Top Width (in)	Bot Width (in)
1	20.00	201.83	226.00
2	20.00	177.67	201.83
3	20.00	153.50	177.67
4	20.00	129.33	153.50
5	20.00	105.17	129.33
6	20.00	81.00	105.17
7	10.00	81.00	81.00
8	20.00	81.00	81.00



MAXIMUM BASE REACTIONS

	Bare	Iced
Download (Kips)	167.5	127.1
Uplift (Kips)	146.2	108.2
Shear (Kips)	17.6	13.1

APPENDIX B

Calculations



TSTower - v 3.9.7 Tower Analysis Program
 (c) 1997-2006 TowerSoft www.TSTower.com

Licensed to: Global Tower Partners
 Boca Raton, Florida

File: C:\Program Files\TSTower\TSTOWER Input\TX-5434_022310_Clearwire.out
 Contract: Revision: 1
 Project: Structural Analysis for 150' Self Support Site: TX-5434 (FM 2351)
 Date and Time: 2/26/2010 3:50:46 PM Engineer: Mike De Boer

Section A: PROJECT DATA

Project Title: Structural Analysis for 150' Self Support
 Customer Name: Clearwire
 Site: TX-5434 (FM 2351)
 Contract No.:
 Revision: 1
 Engineer: Mike De Boer
 Date: Feb 26 2010
 Time: 03:36:54 PM
 Project Notes: Revision 1: Additional Dish Antennas
 Design Standard: TIA/EIA-222-F-1996

GENERAL DESIGN CONDITIONS

Start Wind direction: 0.00 (Deg)
 End Wind direction: 330.00 (Deg)
 Increment wind direction: 30.00 (Deg)
 Elevation above ground: 0.00 (ft)
 Gust Response Factor Gh: 1.13
 Material Density: 490.1 (lbs/ft^3)
 Young's Modulus: 29000.0 (ksi)
 Poisson Ratio: 0.3
 Weight Multiplier: 1.00
 Allowable Stress Incr. Factor: 1.333
 Increase allowable stress: Yes

WIND ONLY CONDITIONS:

Basic Wind Speed: 100.00 (mph)

WIND AND ICE CONDITIONS:

Basic Wind Speed: 100.00 (mph)
 Ice Thickness: 0.00 (in)
 Ice density: 56.19 (lbs/ft^3)
 Wind pressure reduction
 for iced conditions: 0.75

WIND ONLY SERVICEABILITY CONDITIONS:

Operational Wind Speed: 50.00 (mph)

Analysis performed using: TowerSoft Finite Element Analysis Program



TSTower - v 3.9.7 Tower Analysis Program
 (c) 1997-2006 TowerSoft www.TSTower.com

Licensed to: Global Tower Partners
 Boca Raton, Florida

File: C:\Program Files\TSTower\TSTOWER Input\TX-5434_022310_Clearwire.out
 Contract: Revision: 1
 Project: Structural Analysis for 150' Self Support Site: TX-5434 (FM 2351)
 Date and Time: 2/26/2010 3:50:46 PM Engineer: Mike De Boer

Section C: ANTENNA DATA

Structure Azimuth from North: 0

ANTENNAS

Ant No.	Elev. (ft)	Antenna (#) Type	Ant. Azim.	Mount. Radius (ft)	Mount Type	Mount Azim.	Tx Line (#)Type	Mounting Pipe Length (ft)		
								Size (in)	Full	Shielded
1	150.00	(1) HP2 Vert. Offset 0.00 (ft)	0	3.98		0	(1)LDF4P-50A	2.875	4.00	2.21
2	150.00	(1) HP2 Vert. Offset 0.00 (ft)	120	3.98		120	(1)LDF4P-50A	2.875	4.00	2.21
3	150.00	(1) HP2 Vert. Offset 0.00 (ft)	240	3.98		240	(1)LDF4P-50A	2.875	4.00	2.21
4	150.00	(1) HP4 Vert. Offset 0.00 (ft)	300	2.25		300	(1)LDF4P-50A	2.875	4.00	2.21

ANTENNA AND MOUNT WIND AREAS AND WEIGHTS

Ant No.	Antenna/Mount	Frontal Bare Area (ft)^2	Lateral Bare Area (ft)^2	Frontal Iced Area (ft)^2	Lateral Iced Area (ft)^2	Weight Bare (lbs)	Weight Iced (lbs)	Frequency GHz	Allowable Signal Loss dB
1	HP2	4.86	0.34	4.86	0.34	40.78	40.78	6.00	10
2	HP2	4.86	0.34	4.86	0.34	40.78	40.78	6.00	10
3	HP2	4.86	0.34	4.86	0.34	40.78	40.78	6.00	10
4	HP4	18.87	1.31	18.87	1.31	169.75	169.75	6.00	10



TSTower - v 3.9.7 Tower Analysis Program
 (c) 1997-2006 TowerSoft www.TSTower.com

Licensed to: Global Tower Partners
 Boca Raton, Florida

File: C:\Program Files\TSTower\TSTOWER Input\TX-5434_022310_Clearwire.out

Contract: Revision: 1
 Project: Structural Analysis for 150' Self Support Site: TX-5434 (FM 2351)
 Date and Time: 2/26/2010 3:50:46 PM Engineer: Mike De Boer

Section D: TRANSMISSION LINE DATA

Transmission Lines Position

No.	Bot El (ft)	Top El (ft)	Desc.	Radius (ft)	Az.	Orient.	No.	No. of Rows	Part of Face	Vert.	Antenna
1	0.00	130.00	LDF5P-50A	9.48	60.00	5.00	18	2	Yes-OutNo		HP2
2	0.00	150.00	LDF2-50	5.44	180.00	180.00	6	2	Yes-OutNo		HP4
3	0.00	150.00	LDF4P-50A	5.46	180.00	175.00	1	1	Yes-OutNo		HP2
4	0.00	150.00	LDF4P-50A	5.52	180.00	170.00	1	1	Yes-OutNo		HP2
5	0.00	150.00	LDF4P-50A	5.63	180.00	165.00	1	1	Yes-OutNo		HP2
6	0.00	150.00	LDF4P-50A	5.79	180.00	160.00	1	1	Yes-OutNo		HP4

Transmission Lines Details

No.	Desc.	Width (in)	Depth (in)	Unit Mass (lb/ft)	Line Spacing (in)	Row Spacing (in)
1	LDF5P-50A	1.10	1.10	0.33	2.000	2.000
2	LDF2-50	0.43	0.43	0.08	1.000	1.000
3	LDF4P-50A	0.63	0.63	0.15	2.750	2.750
4	LDF4P-50A	0.63	0.63	0.15	2.750	2.750
5	LDF4P-50A	0.63	0.63	0.15	2.750	2.750
6	LDF4P-50A	0.63	0.63	0.15	2.750	2.750



TSTower - v 3.9.7 Tower Analysis Program
 (c) 1997-2006 TowerSoft www.TSTower.com

Licensed to: Global Tower Partners
 Boca Raton, Florida

File: C:\Program Files\TSTower\TSTOWER Input\TX-5434_022310_Clearwire.out
 Contract: Revision: 1
 Project: Structural Analysis for 150' Self Support Site: TX-5434 (FM 2351)
 Date and Time: 2/26/2010 3:50:46 PM Engineer: Mike De Boer

Section F: POINT LOAD DATA

Structure Azimuth from North:0.00

POINT LOADS

No.	Description	Elev. (ft)	Radius (ft)	Azim. (Deg)	Orient. (Deg)	Vertical Offset (ft)	Tx Line	Comments
1	(9) APXV18-206517LS	130.00	0.00	0.0	0.0	0.00	(18)LDF5P-50A	T-Mobile (0.80)
2	(6) ATMAP1412D-1A20	130.00	0.00	0.0	0.0	0.00		T-Mobile (0.85)
3	(3) Sector Frames	130.00	0.00	0.0	0.0	0.00		T-Mobile
4	(3) Generic Panel Type	150.00	0.00	0.0	0.0	0.00	(6)LDF2-50	Clearwire (0.85)
5	T-Frames	150.00	0.00	0.0	0.0	0.00		Clearwire
6	(3) DAP Vx	150.00	0.00	0.0	0.0	0.00		Clearwire (0.85)

POINT LOADS WIND AREAS AND WEIGHTS

No.	Description	Frontal Bare Area (ft ²)	Lateral Bare Area (ft ²)	Frontal Iced Area (ft ²)	Lateral Iced Area (ft ²)	Weight Bare (Kips)	Weight Iced (Kips)
1	(9) APXV18-206517LS	22.28	22.28	26.01	26.01	0.24	0.59
2	(6) ATMAP1412D-1A20	5.95	5.95	7.09	7.09	0.08	0.20
3	(3) Sector Frames	24.00	24.00	30.00	30.00	1.50	2.00
4	(3) Generic Panel Type	13.54	13.54	14.92	14.92	0.11	0.26
5	T-Frames	21.00	21.00	27.00	27.00	1.25	1.75
6	(3) DAP Vx	9.02	9.02	10.04	10.04	0.14	0.34



TSTower - v 3.9.7 Tower Analysis Program
 (c) 1997-2006 TowerSoft www.TSTower.com

Licensed to: Global Tower Partners
 Boca Raton, Florida

File: C:\Program Files\TSTower\TSTOWER Input\TX-5434_022310_Clearwire.out
 Contract: Revision: 1
 Project: Structural Analysis for 150' Self Support Site: TX-5434 (FM 2351)
 Date and Time: 2/26/2010 3:50:46 PM Engineer: Mike De Boer

Section H: STRUCTURE DISPLACEMENT DATA

Load Combination Max Envelope

Wind Direction Maximum displacements

Node	Elev. (ft)	N-S Disp (in)	W-E Disp (in)	Vert. Disp (in)	N-S Rot (Deg)	W-E Rot (Deg)	Twist (Deg)
72	150.0	14.3	14.2	-0.1	0.87	0.87	-0.03
69	145.0	13.3	13.3	-0.1	0.86	0.86	0.03
66	140.0	12.4	12.4	-0.1	0.86	0.86	-0.02
63	135.0	11.5	11.5	-0.1	0.84	0.84	0.03
60	130.0	10.7	10.6	-0.1	0.85	0.85	-0.02
57	125.0	9.8	9.7	0.0	0.81	0.81	0.03
54	120.0	8.9	8.8	0.0	0.79	0.79	-0.01
51	115.0	8.1	8.0	0.0	0.73	0.72	0.03
48	110.0	7.3	7.3	0.0	0.70	0.70	-0.01
45	105.0	6.6	6.5	0.0	0.64	0.64	0.02
42	100.0	5.9	5.9	0.0	0.59	0.59	0.01
39	93.3	5.1	5.0	0.0	0.53	0.53	0.02
36	86.7	4.4	4.3	0.0	0.49	0.49	0.01
33	80.0	3.7	3.6	0.0	0.43	0.43	0.02
30	73.3	3.1	3.0	0.0	0.40	0.39	0.01
27	66.7	2.5	2.5	0.0	0.35	0.34	0.01
24	60.0	2.0	2.0	0.0	0.31	0.30	0.01
21	53.3	1.6	1.6	0.0	0.27	0.26	0.01
18	46.7	1.2	1.2	0.0	0.23	0.22	0.01
15	40.0	0.9	0.9	0.0	0.18	0.18	0.00
12	30.0	0.5	0.5	0.0	0.13	0.13	0.01
9	20.0	0.3	0.3	0.0	0.09	0.09	0.00
6	10.0	0.1	0.1	0.0	0.03	0.03	-0.01
3	0.0	0.0	0.0	0.0	0.00	0.00	0.00



TSTower - v 3.9.7 Tower Analysis Program
 (c) 1997-2006 TowerSoft www.TSTower.com

Licensed to: Global Tower Partners
 Boca Raton, Florida

File: C:\Program Files\TSTower\TSTOWER Input\TX-5434_022310_Clearwire.out

Contract:

Revision: 1

Project: Structural Analysis for 150' Self Support

Site: TX-5434 (FM 2351)

Date and Time: 2/26/2010 3:50:46 PM

Engineer: Mike De Boer

Section J: ANTENNA DISPLACEMENT DATA

Load Combination

Max Envelope

Wind Direction

Maximum displacements

Ant.	Elev. (ft)	N-S Disp (in)	W-E Disp (in)	Vert Disp (in)	N-S Rot (Deg)	W-E Rot (Deg)	Twist Rot (Deg)	Allow. (Deg)
1	150.00	14.3	14.2	-0.1	0.86	0.88	-0.03	4.43
2	150.00	14.3	14.2	-0.1	0.86	0.88	-0.03	4.43
3	150.00	14.3	14.2	-0.1	0.86	0.88	-0.03	4.43
4	150.00	14.3	14.2	-0.1	0.86	0.88	-0.03	2.21



TSTower - v 3.9.7 Tower Analysis Program
 (c) 1997-2006 TowerSoft www.TSTower.com

Licensed to: Global Tower Partners
 Boca Raton, Florida

File: C:\Program Files\TSTower\TSTOWER Input\TX-5434_022310_Clearwire.out

Contract:

Revision: 1

Project: Structural Analysis for 150' Self Support

Site: TX-5434 (FM 2351)

Date and Time: 2/26/2010 3:50:46 PM

Engineer: Mike De Boer

Section L: STRENGTH ASSESSMENT SORTED DATA

Load Combination
 Wind Direction

Max Envelope
 Maximum

Sec	Pnl	Elev	MType	Desc.	Len	kl/r	Gov.	Gov.	Max	Max	Asses.
		(ft)			(ft)		comp.	tens.	Compr.	Tens.	Ratio
							cap.	cap.	(Kips)	(Kips)	
							(Kips)	(Kips)			
8	4	145.00	Leg	PIPE 3.500x0.216	5.00	51.7	71.7	89.3	2.2	0.9	0.03
8	3	140.00	Leg	PIPE 3.500x0.216	5.00	51.7	71.7	89.3	5.5	4.0	0.08
8	2	135.00	Leg	PIPE 3.500x0.216	5.00	51.7	71.7	89.3	9.6	7.7	0.13
8	1	130.00	Leg	PIPE 3.500x0.216	5.00	51.7	71.7	89.3	13.9	11.6	0.19
7	2	125.00	Leg	PIPE 3.500x0.216	5.00	51.7	71.7	89.3	22.3	16.9	0.31
7	1	120.00	Leg	PIPE 3.500x0.216	5.00	51.7	71.7	89.3	31.0	25.4	0.43
6	4	115.00	Leg	PIPE 3.500x0.216	5.01	51.8	71.6	89.3	39.4	33.3	0.55
6	3	110.00	Leg	PIPE 3.500x0.216	5.01	51.8	71.6	89.3	46.8	40.0	0.65
6	2	105.00	Leg	PIPE 3.500x0.216	5.01	51.8	71.6	89.3	52.9	45.9	0.74
6	1	100.00	Leg	PIPE 3.500x0.216	5.01	51.8	71.6	89.3	59.4	51.8	0.83
5	3	93.33	Leg	PIPE 3.500x0.300	6.68	70.3	84.1	103.7	66.0	58.0	0.78
5	2	86.67	Leg	PIPE 3.500x0.300	6.68	70.3	84.1	103.7	74.1	65.2	0.88
5	1	80.00	Leg	PIPE 3.500x0.300	6.68	70.3	84.1	103.7	81.2	71.8	0.97
4	3	73.33	Leg	PIPE 4x0.318	6.68	61.2	110.5	141.2	88.8	78.5	0.80
4	2	66.67	Leg	PIPE 4x0.318	6.68	61.2	110.5	141.2	95.8	84.8	0.87
4	1	60.00	Leg	PIPE 4x0.318	6.68	61.2	110.5	141.2	103.1	91.1	0.93
3	3	53.33	Leg	PIPE 4.500x0.337	6.68	54.1	139.4	176.5	109.9	97.2	0.79
3	2	46.67	Leg	PIPE 4.500x0.337	6.68	54.1	139.4	176.5	117.0	103.4	0.84
3	1	40.00	Leg	PIPE 4.500x0.337	6.68	54.1	139.4	176.5	123.8	109.3	0.89
2	2	30.00	Leg	PIPE 5.563x0.375	10.02	65.3	177.6	244.6	132.4	116.7	0.75
2	1	20.00	Leg	PIPE 5.563x0.375	10.02	65.3	177.6	244.6	142.4	125.2	0.80
1	2	10.00	Leg	PIPE 5.563x0.375	10.02	65.3	177.6	244.6	152.7	133.9	0.86
1	1	0.00	Leg	PIPE 5.563x0.375	10.02	65.3	177.6	244.6	162.6	142.2	0.92
8	4	145.00	Diag	L1 1/2x1 1/2x3/16	8.40	156.7	4.3	6.5	1.5	1.5	0.34
8	3	140.00	Diag	L1 1/2x1 1/2x3/16	8.40	156.7	4.3	6.5	1.7	1.7	0.40
8	2	135.00	Diag	L1 1/2x1 1/2x3/16	8.40	156.7	4.3	6.5	1.9	1.9	0.44
8	1	130.00	Diag	L1 1/2x1 1/2x3/16	8.40	156.7	4.3	6.5	2.1	2.1	0.49
7	2	125.00	Diag	L1 1/2x1 1/2x3/16	8.40	156.7	4.3	6.5	4.2	4.3	0.97
7	1	120.00	Diag	L1 1/2x1 1/2x3/16	8.40	156.7	4.3	6.5	4.5	4.4	1.05
6	4	115.00	Diag	L1 3/4x1 3/4x3/16	8.60	142.1	6.1	7.4	3.5	3.4	0.57
6	3	110.00	Diag	L1 3/4x1 3/4x3/16	9.02	149.6	5.5	7.4	3.3	3.4	0.60
6	2	105.00	Diag	L1 3/4x1 3/4x3/16	9.44	157.3	5.0	7.4	3.4	3.3	0.68
6	1	100.00	Diag	L1 3/4x1 3/4x3/16	9.87	165.1	4.5	7.4	3.3	3.4	0.73
5	3	93.33	Diag	L2 1/2x2 1/2x3/16	11.28	191.5	4.9	7.3	3.7	3.6	0.75
5	2	86.67	Diag	L2 1/2x2 1/2x3/16	11.83	191.5	4.9	7.3	3.7	3.7	0.75
5	1	80.00	Diag	L2 1/2x2 1/2x3/16	12.39	191.5	4.9	7.3	3.8	3.7	0.77
4	3	73.33	Diag	L2 1/2x2 1/2x3/16	12.96	152.4	7.7	9.1	3.8	3.8	0.49
4	2	66.67	Diag	L2 1/2x2 1/2x3/16	13.54	159.6	7.0	9.1	3.9	3.9	0.56
4	1	60.00	Diag	L2 1/2x2 1/2x3/16	14.13	166.9	6.4	9.1	4.0	4.0	0.62
3	3	53.33	Diag	L2 1/2x2 1/2x3/16	14.72	173.8	5.9	9.1	4.1	4.1	0.70
3	2	46.67	Diag	L2 1/2x2 1/2x3/16	15.33	181.2	5.5	9.1	4.2	4.3	0.77
3	1	40.00	Diag	L2 1/2x2 1/2x3/16	15.93	188.7	5.0	9.1	4.4	4.3	0.87
2	2	30.00	Diag	L3x3x3/16	18.29	180.6	6.6	9.1	4.9	4.9	0.74
2	1	20.00	Diag	L3x3x3/16	19.14	189.4	6.0	9.1	5.1	5.1	0.84
1	2	10.00	Diag	L3x3x1/4	20.00	198.4	7.3	12.1	5.2	5.3	0.72
1	1	0.00	Diag	L3 1/2x3 1/2x1/4	20.88	177.1	10.7	12.1	5.5	5.4	0.51
8	4	145.00	Horiz	L1 1/2x1 1/2x3/16	6.75	253.2	1.6	6.5	0.7	0.7	0.43



TSTower - v 3.9.7 Tower Analysis Program
(c) 1997-2006 TowerSoft www.TSTower.com

Licensed to: Global Tower Partners
Boca Raton, Florida

File: C:\Program Files\TSTower\TSTOWER Input\TX-5434_022310_Clearwire.out
Contract: Revision: 1
Project: Structural Analysis for 150' Self Support Site: TX-5434 (FM 2351)
Date and Time: 2/26/2010 3:50:46 PM Engineer: Mike De Boer

7	2	125.00	Horiz	L1	1/2x1	1/2x3/16	6.75	253.2	1.6	6.5	1.1	1.0	0.67
---	---	--------	-------	----	-------	----------	------	-------	-----	-----	-----	-----	------



TSTower - v 3.9.7 Tower Analysis Program
 (c) 1997-2006 TowerSoft www.TSTower.com

Licensed to: Global Tower Partners
 Boca Raton, Florida

File: C:\Program Files\TSTower\TSTOWER Input\TX-5434_022310_Clearwire.out
 Contract: Revision: 1
 Project: Structural Analysis for 150' Self Support Site: TX-5434 (FM 2351)
 Date and Time: 2/26/2010 3:50:46 PM Engineer: Mike De Boer

Section M: SECTION PROPERTIES DATA

Sec	Pan	Memb. Type	Steel Grade	Conn. Type	Bolts	Bolt Size (in)	Bolt Grade	End Dist. (in)	Gusset Thick. (in)	kl/r	Comp Cap. (Kips)	Tens Cap. (Kips)	Bolt Cap. (Kips)	Bear. Cap. (Kips)	Block Shear (Kips)
8	4	Leg	A572 gr.50	Tension	4	0.750	A325X	1.125	N/A	51.7	71.7	89.3	103.7T	N/A	N/A
8	4	Diag	A36	Bolted	1	0.625	A325X	1.250	0.394	156.7	4.3	11.5	12.3S	9.1	6.5
8	4	Horiz	A36	Bolted	1	0.625	A325X	1.250	0.394	253.2	1.6	11.5	12.3S	9.1	6.5
8	3	Leg	A572 gr.50	Tension	4	0.750	A325X	1.125	N/A	51.7	71.7	89.3	103.7T	N/A	N/A
8	3	Diag	A36	Bolted	1	0.625	A325X	1.250	0.394	156.7	4.3	11.5	12.3S	9.1	6.5
8	2	Leg	A572 gr.50	Tension	4	0.750	A325X	1.125	N/A	51.7	71.7	89.3	103.7T	N/A	N/A
8	2	Diag	A36	Bolted	1	0.625	A325X	1.250	0.394	156.7	4.3	11.5	12.3S	9.1	6.5
8	1	Leg	A572 gr.50	Tension	4	0.750	A325X	1.125	N/A	51.7	71.7	89.3	103.7T	N/A	N/A
8	1	Diag	A36	Bolted	1	0.625	A325X	1.250	0.394	156.7	4.3	11.5	12.3S	9.1	6.5
7	2	Leg	A572 gr.50	Tension	4	0.750	A325X	1.125	N/A	51.7	71.7	89.3	103.7T	N/A	N/A
7	2	Diag	A36	Bolted	1	0.625	A325X	1.250	0.394	156.7	4.3	11.5	12.3S	9.1	6.5
7	2	Horiz	A36	Bolted	1	0.625	A325X	1.250	0.394	253.2	1.6	11.5	12.3S	9.1	6.5
7	1	Leg	A572 gr.50	Tension	4	0.750	A325X	1.125	N/A	51.7	71.7	89.3	103.7T	N/A	N/A
7	1	Diag	A36	Bolted	1	0.625	A325X	1.250	0.394	156.7	4.3	11.5	12.3S	9.1	6.5
6	4	Leg	A572 gr.50	Tension	4	0.750	A325X	1.125	N/A	51.8	71.6	89.3	103.7T	N/A	N/A
6	4	Diag	A36	Bolted	1	0.625	A325X	1.250	0.394	142.1	6.1	14.1	12.3S	9.1	7.4
6	3	Leg	A572 gr.50	Tension	4	0.750	A325X	1.125	N/A	51.8	71.6	89.3	103.7T	N/A	N/A
6	3	Diag	A36	Bolted	1	0.625	A325X	1.250	0.394	149.6	5.5	14.1	12.3S	9.1	7.4
6	2	Leg	A572 gr.50	Tension	4	0.750	A325X	1.125	N/A	51.8	71.6	89.3	103.7T	N/A	N/A
6	2	Diag	A36	Bolted	1	0.625	A325X	1.250	0.394	157.3	5.0	14.1	12.3S	9.1	7.4
6	1	Leg	A572 gr.50	Tension	4	0.750	A325X	1.125	N/A	51.8	71.6	89.3	103.7T	N/A	N/A
6	1	Diag	A36	Bolted	1	0.625	A325X	1.250	0.394	165.1	4.5	14.1	12.3S	9.1	7.4
5	3	Leg	A572 gr.50	Tension	4	0.750	A325X	1.125	N/A	70.3	84.1	120.9	103.7T	N/A	N/A
5	3	Diag	A36	Bolted	1	0.500	A325X	1.000	0.394	191.5	4.9	23.0	7.9S	7.3	9.7
5	2	Leg	A572 gr.50	Tension	4	0.750	A325X	1.125	N/A	70.3	84.1	120.9	103.7T	N/A	N/A
5	2	Diag	A36	Bolted	1	0.500	A325X	1.000	0.394	191.5	4.9	23.0	7.9S	7.3	9.7
5	1	Leg	A572 gr.50	Tension	4	0.750	A325X	1.125	N/A	70.3	84.1	120.9	103.7T	N/A	N/A
5	1	Diag	A36	Bolted	1	0.500	A325X	1.000	0.394	191.5	4.9	23.0	7.9S	7.3	9.7
4	3	Leg	A572 gr.50	Tension	4	0.875	A325X	1.313	N/A	61.2	110.5	147.3	141.2T	N/A	N/A
4	3	Diag	A36	Bolted	1	0.625	A325X	1.250	0.394	152.4	7.7	22.3	12.3S	9.1	10.1
4	2	Leg	A572 gr.50	Tension	4	0.875	A325X	1.313	N/A	61.2	110.5	147.3	141.2T	N/A	N/A
4	2	Diag	A36	Bolted	1	0.625	A325X	1.250	0.394	159.6	7.0	22.3	12.3S	9.1	10.1
4	1	Leg	A572 gr.50	Tension	4	0.875	A325X	1.313	N/A	61.2	110.5	147.3	141.2T	N/A	N/A
4	1	Diag	A36	Bolted	1	0.625	A325X	1.250	0.394	166.9	6.4	22.3	12.3S	9.1	10.1
3	3	Leg	A572 gr.50	Tension	4	1.000	A325X	2.000	N/A	54.1	139.4	176.5	184.4T	N/A	N/A
3	3	Diag	A36	Bolted	1	0.625	A325X	1.250	0.394	173.8	5.9	22.3	12.3S	9.1	10.1
3	2	Leg	A572 gr.50	Tension	4	1.000	A325X	2.000	N/A	54.1	139.4	176.5	184.4T	N/A	N/A
3	2	Diag	A36	Bolted	1	0.625	A325X	1.250	0.394	181.2	5.5	22.3	12.3S	9.1	10.1
3	1	Leg	A572 gr.50	Tension	4	1.000	A325X	2.000	N/A	54.1	139.4	176.5	184.4T	N/A	N/A
3	1	Diag	A36	Bolted	1	0.625	A325X	1.250	0.394	188.7	5.0	22.3	12.3S	9.1	10.1
2	2	Leg	A572 gr.50	Tension	6	1.000	A325X	1.500	N/A	65.3	177.6	244.6	276.6T	N/A	N/A
2	2	Diag	A36	Bolted	1	0.625	A325X	1.250	0.394	180.6	6.6	27.8	12.3S	9.1	11.9
2	1	Leg	A572 gr.50	Tension	6	1.000	A325X	1.500	N/A	65.3	177.6	244.6	276.6T	N/A	N/A
2	1	Diag	A36	Bolted	1	0.625	A325X	1.250	0.394	189.4	6.0	27.8	12.3S	9.1	11.9
1	2	Leg	A572 gr.50	Tension	6	1.000	A325X	1.500	N/A	65.3	177.6	244.6	276.6T	N/A	N/A



TSTower - v 3.9.7 Tower Analysis Program
(c) 1997-2006 TowerSoft www.TSTower.com

Licensed to: Global Tower Partners
Boca Raton, Florida

File: C:\Program Files\TSTower\TSTOWER Input\TX-5434_022310_Clearwire.out

Contract:

Revision: 1

Project: Structural Analysis for 150' Self Support

Site: TX-5434 (FM 2351)

Date and Time: 2/26/2010 3:50:46 PM

Engineer: Mike De Boer

1	2	Diag	A36	Bolted	1	0.625	A325X	1.250	0.394	198.4	7.3	36.7	12.3S	12.1	15.8
1	1	Leg	A572	gr.50 Tension	6	1.000	A325X	1.500	N/A	65.3	177.6	244.6	276.6T	N/A	N/A
1	1	Diag	A36	Bolted	1	0.625	A325X	1.250	0.394	177.1	10.7	43.9	12.3S	12.1	18.2



TSTower - v 3.9.7 Tower Analysis Program
(c) 1997-2006 TowerSoft www.TSTower.com

Licensed to: Global Tower Partners
Boca Raton, Florida

File: C:\Program Files\TSTower\TSTOWER Input\TX-5434_022310_Clearwire.out

Contract:

Revision: 1

Project: Structural Analysis for 150' Self Support

Site: TX-5434 (FM 2351)

Date and Time: 2/26/2010 3:50:46 PM

Engineer: Mike De Boer

Section N: LEG REACTION DATA

Load Combination

Max Envelope

Wind Direction

Maximum

Force-Y Download (Kips)	Force-Y Uplift (Kips)	Shear-X (Kips)	Shear-Z (Kips)	Max Shear (Kips)
167.53	146.21			17.56



TSTower - v 3.9.7 Tower Analysis Program
(c) 1997-2006 TowerSoft www.TSTower.com

Licensed to: Global Tower Partners
Boca Raton, Florida

File: C:\Program Files\TSTower\TSTOWER Input\TX-5434_022310_Clearwire.out
Contract: Revision: 1
Project: Structural Analysis for 150' Self Support Site: TX-5434 (FM 2351)
Date and Time: 2/26/2010 3:50:46 PM Engineer: Mike De Boer

Section O: TOWER FOUNDATION DATA

Load Combination			Max Envelope				
Wind Direction			Maximum				
Axial Load (Kips)	Shear Load-X (Kips)	Shear Load-Z (Kips)	Total Shear (Kips)	Moment-X (Kipsft)	Moment-Y (Kipsft)	Moment-Z (Kipsft)	Total Moment (Kipsft)
17.86	14.86	-25.74	29.72	-2282.20	0.02	-1317.64	2635.26
17.86	14.86	-25.74	29.72	-2282.20	0.02	-1317.64	2635.26

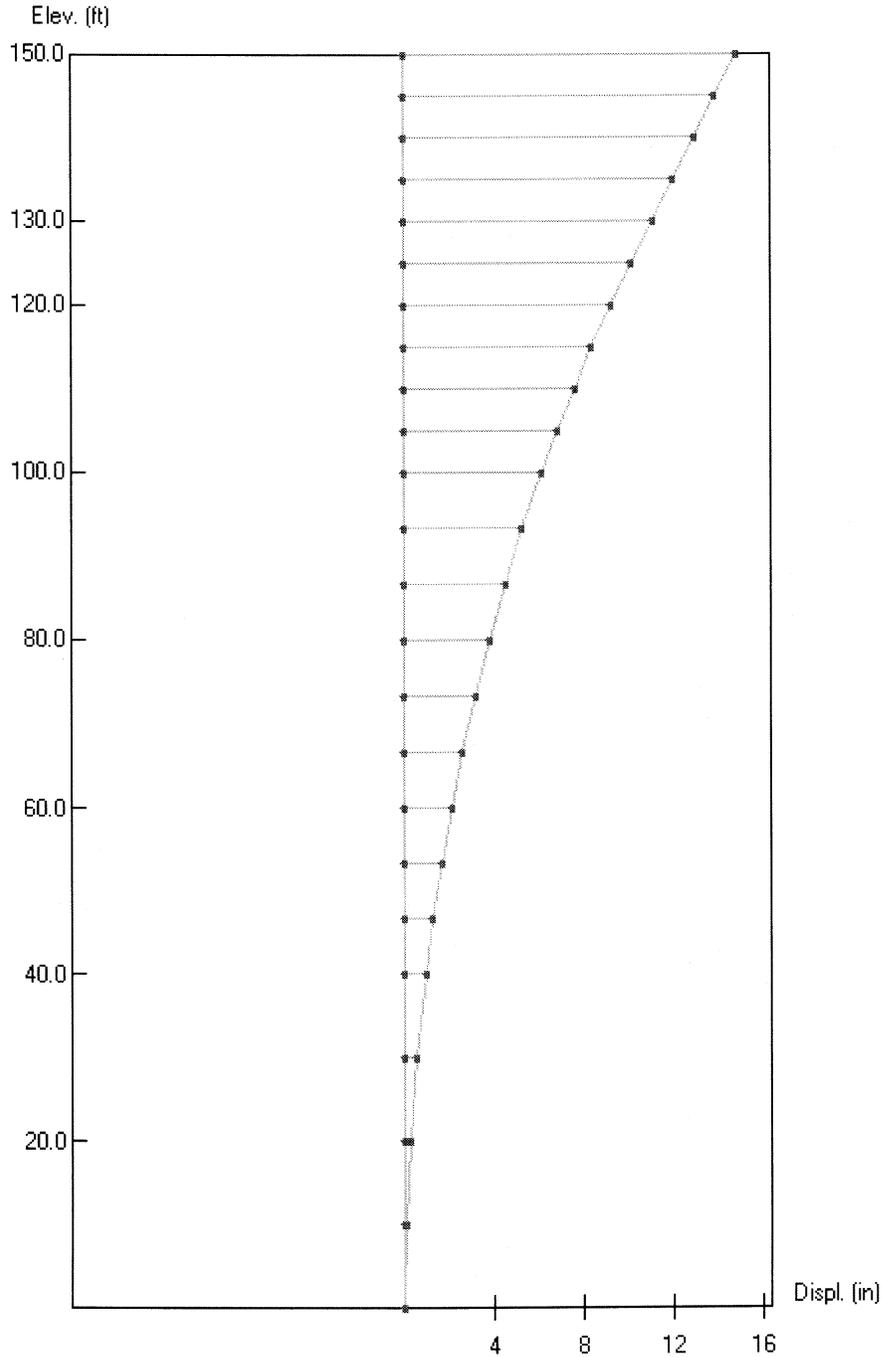


TSTower - v 3.9.7 Tower Analysis Program
(c) 1997-2006 TowerSoft www.TSTower.com

Licensed to: Global Tower Partners
Boca Raton, Florida

File: C:\Program Files\TSTower\TSTOWER Input\TX-5434_022310_Clearwire.out
Contract: Revision: 1
Project: Structural Analysis for 150' Self Support Site: TX-5434 (FM 2351)
Date and Time: 2/26/2010 3:50:46 PM Engineer: Mike De Boer

Horiz. Disp. Diagram
Max. Envelope (All Loading Cases)





TSTower - v 3.9.7 Tower Analysis Program
(c) 1997-2006 TowerSoft www.TSTower.com

Licensed to: Global Tower Partners
Boca Raton, Florida

File: C:\Program Files\TSTower\TSTOWER Input\TX-5434_022310_Clearwire.out

Contract:

Revision: 1

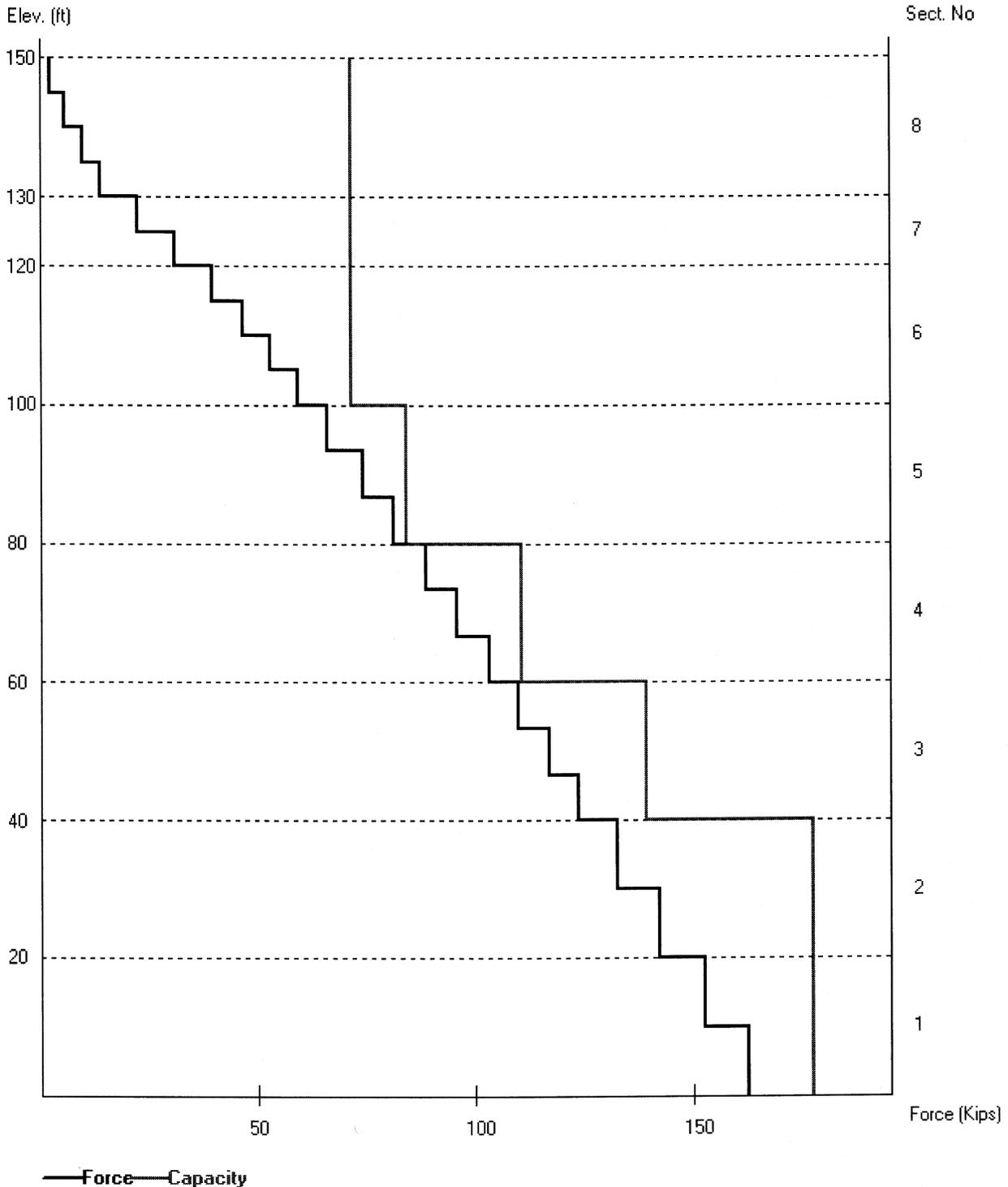
Project: Structural Analysis for 150' Self Support

Site: TX-5434 (FM 2351)

Date and Time: 2/26/2010 3:50:46 PM

Engineer: Mike De Boer

Leg Load Compression Diagram
Max. Envelope (All Loading Cases)



Appendix 3



TSTower - v 3.9.7 Tower Analysis Program
(c) 1997-2006 TowerSoft www.TSTower.com

Licensed to: Global Tower Partners
Boca Raton, Florida

File: C:\Program Files\TSTower\TSTOWER Input\TX-5434_022310_Clearwire.out

Contract:

Revision: 1

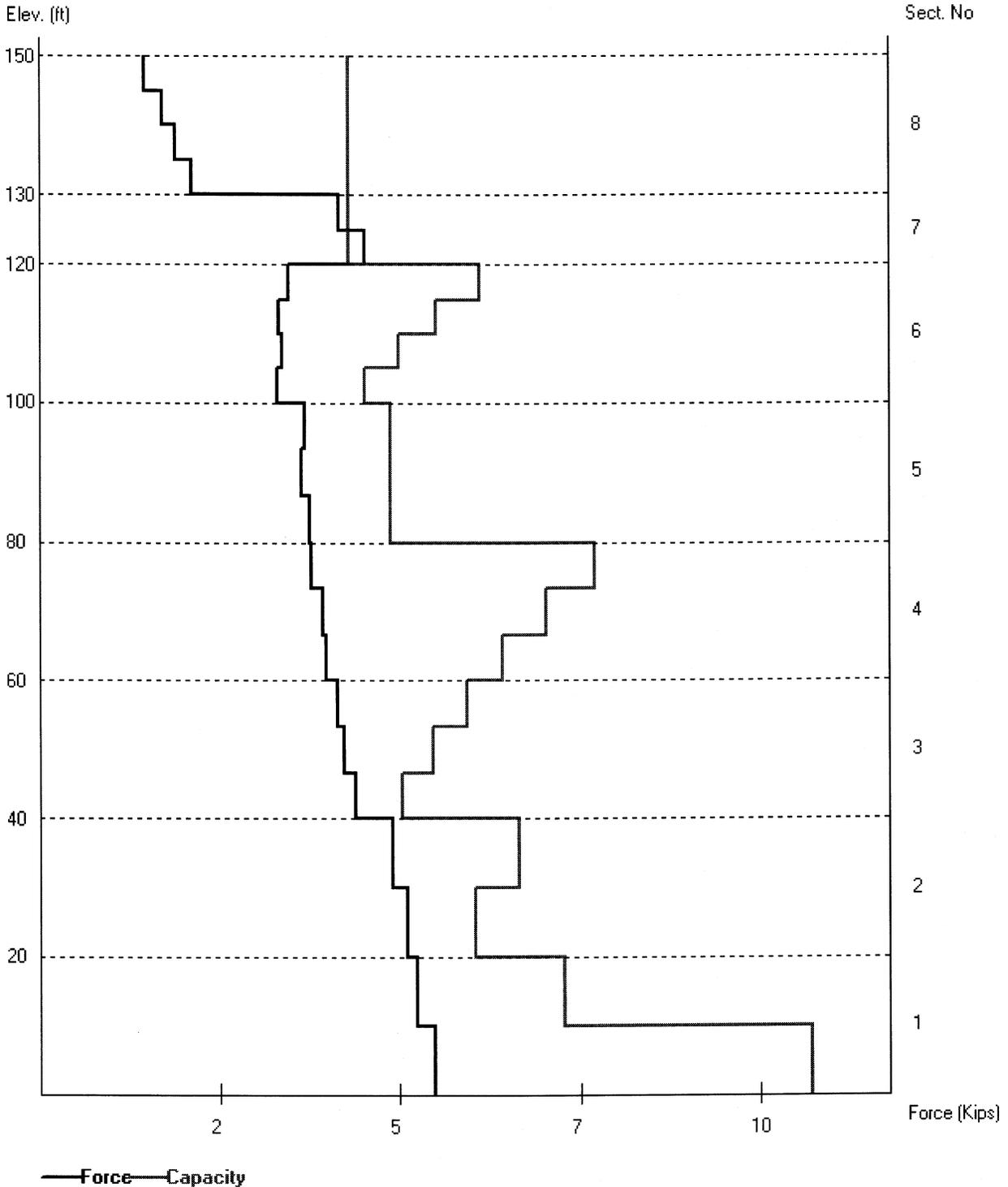
Project: Structural Analysis for 150' Self Support

Site: TX-5434 (FM 2351)

Date and Time: 2/26/2010 3:50:46 PM

Engineer: Mike De Boer

Diag. Load Compression Diagram
Max. Envelope (All Loading Cases)



Appendix 4

Supplement E Lease Agreement

COMMUNICATIONS EQUIPMENT SITE AGREEMENT

THIS COMMUNICATIONS EQUIPMENT SITE AGREEMENT ("Agreement") is entered into this 12 day of May, 2009, by and between TOWER ASSETS NEWCO II LLC, a Delaware limited liability company ("Owner") and CLEAR WIRELESS, LLC, a Nevada limited liability company ("Operator").

1. Grant. Subject to the following terms and conditions, Owner hereby grants Operator the nonexclusive right to install, maintain, operate and remove radio communications equipment and appurtenances on Owner's tower ("Tower") located on the property described in Exhibit "A" ("Premises"), and leases to Operator a portion of the Premises for construction and occupancy of an equipment shelter or building to house Operator's equipment on the Premises as more particularly described in Exhibit "A". Owner shall continue to have the right to occupy the Premises and the Tower and to grant others rights to occupy or utilize the Premises and the Tower at Owner's sole discretion. Owner also grants to Operator a non-exclusive easement during the term of this Lease for ingress, egress and regress and for the installation and transmission of utilities on property described on attached Exhibit "B" ("Easement"). Operator may install the equipment, personal property, improvements, alterations or fixtures as specifically described on Exhibit "C" ("Equipment"), or as Owner may otherwise approve. Any personal property owned by Operator, whether or not fixed or attached to the Premises or Tower, shall remain the property of Operator prior to termination of this Agreement without regard to whether it appears on Exhibit "C".

2. Use. Operator shall use the Equipment and the Premises for the purpose of constructing, installing, maintaining, improving and operating, at Operator's expense, a communications facility, including antennae, buildings and incidental uses. Operator shall only use Tower space with antenna center line (rad center) of one hundred forty seven (147) feet AGL. Operator shall be solely responsible for securing any and all building permits and approvals, zoning changes or approvals, variances, use permits, and other governmental permits from applicable governmental authorities, including any Federal Aviation Administration approval (collectively, "Permits") prior to any construction on the Premises. Owner agrees to reasonably cooperate with Operator in obtaining the Permits, and copies of the Permits shall be provided to Owner upon request. Operator shall promptly pay all costs and expenses and shall not cause or permit any lien to be created against the Premises.

3. Term. The term of this Agreement shall commence upon the earlier of (i) the date of installation start at the site or (ii) [REDACTED] ("Commencement Date") and terminating at midnight five (5) years from this date, ("Initial Term").

4. Renewal Term(s). Operator shall have the right to extend this Agreement for five (5) additional terms of five (5) years each ("Renewal Term(s)") on the same terms and conditions as set forth in this Agreement except that the Rent shall be as specified in Paragraph 5 below. This Agreement shall automatically be renewed for each successive Renewal Term unless Operator notifies Owner of Operator's intention not to renew the Agreement at least 30 days prior to expiration of the then current term.

5. Rent.

(a) Initial Term. Beginning on the Commencement Date, Operator shall pay to Owner as rental the sum of [REDACTED] (Rent) which shall include Operator's right to use and occupy the ground space surrounding Owner's Tower. Rent payments shall be made monthly in advance to the Owner's notice address as specified below and shall be prorated for any partial month at the commencement or termination of this Lease, based on the number of days in that month.

(b) Renewal Term. In the event that Operator elects to renew this Lease as provided in paragraph 4, Rent shall increase by an amount equal to [REDACTED] over the Rent to be paid by Operator during the immediately preceding Term or Renewal Term. Operator shall pay Owner Rent during each Renewal Term (RT) according to the following schedule.

[REDACTED]

6. Tower Maintenance. Owner represents and warrants that its operation of the Tower, exclusive of Operator's Equipment, including the lighting system, meets and will be maintained in accordance with all applicable laws, rules and regulations, including, without limitation, rules and regulations of the Federal Communications Commission, Federal Aviation Administration and all applicable local codes and regulations. Owner shall maintain its lighting systems, tower antenna, transmission lines, equipment and building in good operating condition. The costs of maintaining the Tower shall be borne by Owner with the exception of Operator's antennae and Equipment and except for damage to the Tower caused by Operator or Operator's agents, employees, contractors or subcontractors, which shall be borne by Operator. Operator shall repair at Operator's cost any such damage, within 48 hours, and to the extent that such damage cannot be repaired within 48 hours, Operator shall make all efforts to begin such repair and finish such repair in a timely manner. Should owner fail to timely make repairs required by this Agreement, Operator may, at Operator's option, make such repairs and Owner shall promptly reimburse Operator for its reasonable costs and expenses incurred in such repair.

In the event Owner fails to maintain the tower lighting systems, Tower, transmission lines, equipment and building as provided herein, Operator shall have the right to withhold Rent payments to Owner if Owner fails to make said repairs or to provide maintenance after Operator has given Owner five (5) days notice of the need to provide maintenance and repairs, or, shall at Operator's option and upon notice to Owner, terminate this Lease. Operator shall have the right to apply such Rent withheld hereunder to make the necessary repairs and provide the necessary maintenance and Operator shall not thereafter be responsible to Owner for the Rent withheld for such maintenance and repairs. Operator's activities and operations and the Equipment shall not interfere with Owner's maintenance and repair of the Tower and its lighting system.

7. Conditions Precedent. Operator's obligation to perform under this Agreement shall be subject to and conditioned upon:

(a) Operator's securing appropriate approvals for Operator's intended use of its Equipment on the Premises from the Federal Communications Commission, the Federal Aviation Administrator, and any other federal, state or local regulatory agency having jurisdiction over Operator's proposed use of the Equipment;

(b) Operator's obtaining, at its option and expense, a title report or commitment for a leasehold title policy from a title insurance company of Operator's choice which must show no defects or restrictions of title or any liens or encumbrances which may adversely affect Operator's use of the Premises or Operator's ability to obtain financing, provided Operator shall order such a policy within two business days of the execution of this Agreement;

(c) Operator's obtaining, at its option and expense, a survey, soil borings and analysis tests which must show no defects which, in the opinion of the Operator, may adversely affect Operator's use of the Premises, provided Operator shall order such tests within two business days of execution of this Agreement;

(d) Operator's approval of the condition of the Premises, which may be subject to, at Operator's option and expense, an environmental audit of the Premises performed by an environmental consulting firm of Operator's choice;

(e) Operator's determination that the Tower is structurally appropriate for Operator's needs.

In the event of a failure of any of the above referenced conditions precedent within 60 days of execution of this Agreement, Operator may terminate this Agreement through written notice to Owner. If Operator fails to provide such notice within 60 days of execution of this Agreement, each of the above conditions precedent shall be deemed satisfied.

8. Interference. Operator agrees to install Equipment only of types and generating frequencies which will not cause interference to transmissions or signals from Owner and other users of the Tower as may be already in place on the Tower. At Owner's request, Operator shall provide a detailed interference analysis showing potential conflicts between Operator's frequencies and those of the Owner or other users already in place on the Tower. In the event the Equipment causes such interference, Operator will take all steps necessary to correct and eliminate the interference. If the interference cannot be eliminated within 48 hours after receipt of written notice from Owner to Operator (Notice Date), Operator shall temporarily disconnect the electric power and shut down the Equipment (except for intermittent operation for the purpose of testing, after performing maintenance, repair, modification, replacement, or other action taken for the purpose of correcting such interference) and if such interference is not corrected within 30 days after receipt of the written notice, Operator agrees to remove the Equipment from the Tower and the Premises and this Agreement shall terminate as if by expiration. After the Equipment has been installed, Owner shall place similar restrictions upon interference with Operator's frequencies on others using Tower with Owner's permission, installed on the Tower after Operator's installation of the Equipment. In the event Third Parties' interference cannot be eliminated or rectified to Operator's satisfaction within 48 hours after receipt of written notice from Operator to Owner (Notice Date), Owner shall cause such Third Parties to temporarily disconnect the electric power and shut down the Third Parties' Equipment (except for intermittent operation for the purpose of testing, after performing maintenance, repair, modification, replacement, or other action taken for the purpose of correcting such interference) and if such interference is not corrected within 30 days after receipt of the written notice, Owner shall at the request of Operator require the party causing the interference to remove its equipment from the Tower and the Premises, or Operator may, at Operator's sole discretion and option, terminate this Lease upon notice to Owner.

9. Utilities and Access.

(a) Owner represents that utilities adequate for Operator's intended use of the Premises are presently available. Further, from time to time, Operator shall have the right to install utilities, to be separately metered at Operator's expense, and to improve present utilities on the Premises, including but not limited to the installation of emergency power generators. Operator shall have the right to place utilities on, or to bring utilities across or under, the Premises and the Easement in order to service the Equipment throughout the Initial Term or any Renewal Term of this Agreement. Owner shall, upon Operator's request, execute a separate written easement, acceptable to Owner, in a form which may be filed of record evidencing this right. Operator shall be responsible for all utility connection charges, and all utility use charges, for electricity or any other utility used by Operator.

(b) Operator shall have access to the Premises and the Equipment at all times, 24 hours each day, through the access drive presently existing on the Easement. Owner shall maintain the access drive in good condition throughout the Initial Term of this Agreement or any Renewal Term. Operator may, at its option and own expense, construct a suitable private access drive to the Premises and the Equipment within the Easement. To the degree additional access is required across other property owned by Owner, Owner shall execute an easement evidencing this right and agrees to maintain said access so that no interference is caused to Operator by other tenants, licensees, invitees or agents of the Owner.

10. Termination. Except as otherwise provided, this Agreement may be terminated, without any penalty or further liability, upon written notice as follows:

(a) By either party upon a default of any covenant or term of this Agreement by the other party which default is not cured within 30 days of receipt of written notice of default (without, however, limiting any other rights available to the parties pursuant to any other provisions of this Agreement); or

(b) By Operator if it is unable to obtain or maintain any license, permit or other Permits necessary to the construction and operation of the Equipment or Operator's business or intended use of the Premises.

11. Tower Analysis. Operator shall be solely responsible to ensure that Operator's installation of the Equipment shall not significantly affect the structural integrity of the Tower, and that no such damage results to the Tower due to installation of the Equipment. Owner agrees to furnish Operator, promptly upon Operator's request, with true and accurate copies of all tower analyses, if any, performed on the Tower by Owner within the two years preceding the request and Operator's attachment of antennas or Equipment on the Tower. In the absence of such an analysis or if the most recent analyses are insufficient for Operator's needs, Operator may request a new analysis. If Owner reasonably believes that the structural integrity of the Tower will be effected, Owner may request Operator obtain a new analysis. Owner agrees to cooperate with Operator in acquiring the new analysis of the Tower. If a new analysis of the Tower is requested by Operator or Owner, Operator shall be responsible for coordinating that new analysis by a licensed structural engineer or other party acceptable to Owner, and Operator shall furnish a copy of the analysis to Owner. The costs of the new analysis shall be paid solely by Operator. If Operator requests, Owner shall submit, within 10 days of Operator's request, bids for any needed reinforcement or other work to make the Tower structurally sound. Should Operator not terminate this Agreement under Section 6 Tower Maintenance above, Owner shall reinforce or otherwise make the Tower structurally sound for Operator's use in accordance with such a submitted bid, at Owner's sole costs.

12. Taxes. Operator shall be liable for and shall pay all taxes assessed on, or any portion of such taxes attributable to, personal property and trade fixtures owned or placed by Operator on the Premises or on the Tower. If any such taxes are levied against Owner or Owner's property and if Owner elects to pay the same or if the assessed value of Owner's property is increased by inclusion of personal property and trade fixtures placed by Operator on the Premises or on the Tower and Owner elects to pay the taxes based on such increase, Operator shall pay to Owner upon demand that part of such taxes for which Operator is primarily liable hereunder. Operator agrees to pay to Owner on demand as additional Rent, its proportionate share, adjusted for partial tax years, of all taxes, assessments and governmental charges of any kind and nature whatsoever (hereinafter collectively referred to as the "Taxes"), levied or assessed against the Premises or the Tower, including but not limited to any leasehold, sales, rent or use taxes, or any taxes in the nature thereof, imposed by any governmental authority, relative to the Premises, this Lease, or the rent or any other charges due or payable under any provisions of this Lease, or as a result of any or all of them, whether imposed on Owner or Operator, including any ad valorem tax which may currently exist or subsequently be implemented, but excluding Owner's income, estate or inheritance taxes. Operator's proportionate share of the Taxes shall be computed by multiplying the Taxes by a fraction, the numerator of which shall be the number one and the denominator of which shall be the average annual number of communications carriers with installed equipment on the Tower. If at any time during the term of this lease, the present method of taxation shall be changed so that in lieu of the whole or any part of any taxes, assessments, levies or charges

TX-5434 FM 2351
TX-HOU0284

levied, assessed or imposed on the Tower or real estate and the improvements thereon, there shall be levied, assessed or imposed on Owner a capital levy or other tax directly on the rents received therefrom and/or a franchise tax, assessment, levy or charge measured by or based, in whole or in part, upon such rents, then all such taxes, assessments, levies or charges, or the part thereof so measured or based, shall be deemed to be included within the term "Taxes" for the purpose hereof.

13. Liability Insurance. During the Initial Term and all Renewal Terms of this Agreement, Owner and Operator shall each maintain, at its own expense, insurance coverage claims for public liability, personal injury, death and property damage under a policy of general liability insurance, with limits of not less than \$1,000,000.00 per person and \$2,000,000.00 per occurrence, and property damage insurance of not less than \$500,000.00. Such insurance shall insure against liabilities arising out of or in connection with Owner and Operator's use or occupancy of the Premises and the Tower subject to the standard exceptions found in commercial general liability insurance policies.

14. Condemnation. If a condemning authority takes, or acquires by deed in lieu of condemnation, all of the Premises, or a portion sufficient to render the Premises or the Tower, in the opinion of Operator, unsuitable for the use which Operator was then making of the Premises or that Tower, Operator may terminate this Agreement effective as of the date the title vests in the condemning authority. Owner and Operator shall share in the condemnation proceeds in proportion to the values of their respective interests in the Premises (which for Operator shall include, where applicable, reasonable moving expenses and prepaid fees).

15. Environmental Matters.

(a) Owner represents that, to the best of Owner's knowledge, no Hazardous Materials are presently located on the Premises or Easement, and Owner agrees that it will provide, at no cost or expense to Operator, for the removal of any Hazardous Materials if Hazardous Materials are brought onto the Premises or Easement by Owner, its agents, servants, employees, licensees, invitees or contractors. As used in this Agreement, "Hazardous Materials" shall mean any and all contaminants, oils, asbestos, radon, PCB's, hazardous substances or wastes as defined by federal, state or local environmental laws, regulations or administrative orders or other materials the removal of which is required or the maintenance of which is prohibited, regulated or penalized by any federal, state or local government authority. If after Operator takes possession of the Premises Hazardous Materials are discovered to exist on, under or beneath the Premises, Operator may terminate this Agreement and Operator shall owe no further duties, obligations or liability to Owner.

(b) Operator shall comply with all laws, ordinances, rules, orders or regulations applicable to Hazardous Materials. Operator shall not use the Premises or the Easement for treatment, storage, transportation to or from, use or disposal of Hazardous Materials (other than petroleum products necessary for the operation of an emergency electrical generator to serve the Equipment). Operator shall be responsible for any expense incident to the abatement or compliance with the requirements of any federal, state or local statutory or regulatory requirements caused, directly or indirectly, by the activities of the Operator or Operator's agents, employees or contractors.

16. Hold Harmless.

(a) By Owner. Owner agrees to defend, indemnify and hold Operator and its affiliates or subsidiary companies, their officers, agents and employees harmless from and against any and all, costs, charges, expenses, losses, claims, actions, suits, causes of action, judgments and charges of every kind and nature whatsoever, including reasonable attorney's fees, which in any manner arise out of or relate to Owner's use or occupancy of the Premises, or from Owner's performance or failure to perform under this agreement or from any negligence or intentional misconduct by Owner, its subcontractors, agents, servants, employees or any or all of the, or from any defect in the title to the Premises, or from the presence of any Hazardous Materials on the Premises prior to the Commencement Date, or thereafter if brought onto the Premises by Owner or Owner's agents, employees, licensees, invitees or contractors.

(b) By Operator. Operator agrees to defend, indemnify and hold Owner and its Affiliates or subsidiary companies, their officers, , agents and employees harmless from and against any and all costs, damages, expenses, losses, claims, actions, suits, causes of action, judgment, and charges of every kind and nature whatsoever, including reasonable attorney's fees, which may in any manner arise out of or relate to Operator's use of the Equipment or Premises or the performance or non-performance of this Agreement by Operator, Operator's subcontractor's, employees, agent, or assigns, including without limitation, those that may arise out of the use or furnishing of materials, and as to such claims, actions or causes of action arising from or resulting from any negligence or intentional misconduct by Operator, its subcontractors, agents, servants, employees, or any or all of them or from the presence of any Hazardous Materials brought onto the premises by Operator or Operator's agents, employees, licenses, invitees or contractors. Affiliates shall mean any persona or entity that directly or indirectly, through one or more intermediaries, controls, is controlled by or is under common control with, another person or entity. Control for this definition shall be defined as holding at least a majority of voting power or operating control. This paragraph 16 (b) shall survive termination of this Agreement. Owner shall not in any event be liable in damages for Operator's business loss, business

TX-5434 FM 2351

TX-HOU0284

interruption, or other special, incidental or consequential damages of whatever kind or nature, regardless of the cause of such damages and Operator, and anyone claiming by or through it, expressly waives all claims for such damages.

17. Notices. All notices, requests, demands and other communications hereunder shall be in writing and shall be deemed given if personally delivered or mailed, by certified mail, return receipt requested, or by overnight service having a record of receipt to the addresses indicated below:

If to Owner, to:
TOWER ASSETS NEWCO II LLC
4091 Viscount Avenue
Memphis, Tennessee 38118
(901) 794-9494
Attn.: William Orgel

If to Operator, to:
CLEAR WIRELESS, LLC
4400 Carillion Point
Kirkland, WA 98003
Attn.: Lease Administration

18. Title and Quiet Enjoyment. Owner represents and warrants to Operator that Owner currently leases or subleases the Premises. Owner represents to Operator that Owner has good and marketable title to its leasehold interest in the Premises as warranted to Owner by the fee owner, as the case may be, free and clear of all liens, encumbrances, and exceptions, except those described in property and tax records of the county in which the Premises is located. Owner shall warrant and defend same to Operator against the claims and demands of all persons and entities.

19. Assignment. Operator may not assign or delegate its interest in this Agreement without prior written approval by Owner, not to be unreasonably withheld, except that Operator may assign or delegate its rights and obligations under this Agreement to an Affiliate.

20. Successors and Assigns. This Agreement shall be binding upon and inure to the benefit of the parties, their respective heirs, successors, personal representatives and assigns.

21. Compliance with Laws. All installations and operations in connection with this Agreement by either party shall be conducted in accordance with all applicable rules and regulations of the Federal Communications Commission, Federal Aviation Agency, and any other applicable federal, state and local laws, codes and regulations. Operator is solely responsible for the licensing, operation and maintenance of Operator's Equipment, including, without limitation, compliance with any terms of its Federal Communications Commission license with respect to tower light observation and any notification to the Federal Aviation Administration in that regard. Operator's Equipment, transmission lines, and any related devices, and the installation, maintenance and operation thereof, shall not damage the Tower or any property or properties adjoining, or interfere with the use of the Tower and the remainder of the Premises, by Owner or others, and Operator shall defend, indemnify and hold harmless Owner from any such damage.

22. Holding Over. In the event Operator remains on the Tower and in possession of the shelter or building on the Premises after the expiration of the Initial Term or a Renewal Term without executing a new Agreement, Operator shall occupy the Premises month-to-month, subject to all of the terms and conditions of this Agreement insofar as so consistent.

23. Estoppel. Each party agrees to furnish to the other, within 10 days after request, such truthful estoppel information as the other may reasonably request.

24. Miscellaneous.

(a) The substantially prevailing party in any litigation arising under this Agreement shall be entitled to its reasonable attorney's fees and court costs, including appeals, if any.

TX-5434 FM 2351
TX-HOU0284

(b) This Agreement constitutes the entire agreement and understanding of Owner and Operator, and supersedes all offers, negotiations and other agreements. Any amendments to this Agreement must be in writing and executed by Owner and Operator.

(c) If either Owner or Operator is represented by a real estate broker or agent in this transaction, that party shall be fully responsible for any fees or commission due such broker or agent and shall hold the other party harmless from any such claims arising from execution of this Agreement.

(d) Owner agrees to cooperate with Operator in executing any documents necessary to protect Operator's rights under this Agreement or Operator's use of the Premises. Operator may record this Agreement or a Memorandum of Agreement executed by all parties.

(e) This Agreement shall be construed in accordance with the laws of the state in which the Premises are located.

(f) If any term of this Agreement is found to be void or invalid, such invalidity shall not affect the remaining terms of this Agreement, which shall continue in full force and effect.

(g) Each of the undersigned warrants that he or she has the full right, power, and authority to execute this Agreement on behalf of the party indicated.

TX-5434 FM 2351
TX-HOU0284

WITNESS WHEREOF, Owner and Operator have executed this Agreement effective as of the day and year first above written.

OWNER
TOWER ASSETS NEWCO II LLC

OPERATOR:
CLEAR WIRELESS, LLC

By: [Signature]
Its: President
Date: 5-12-09

By: [Signature]
Its: CTO
Date: 3/7/09

OWNER:

State of Tennessee
County of Shelby

Before me, a Notary Public in and for said State and County, duly commissioned and qualified, personally appeared William E. Orgel, with whom I am personally acquainted, and who, upon oath, acknowledged himself to be the President of TOWER ASSETS NEWCO II LLC, the within named Owner, a limited liability company, and that he executed the foregoing instrument for the purposes therein contained, by signing the name of the ~~corporation~~ Company by himself as such officer.

Witness my hand, at office, this 12th day of May, 2009.

Patricia Ann Blackwell
Notary Public

My Commission Expires Sept 16, 2009



OPERATOR:

State of Washington
County of King

Before me, a Notary Public in and for said State and County, duly commissioned and qualified, personally appeared John Shin, with whom I am personally acquainted, and who, upon oath, acknowledged himself to be the Chief Technology Officer of CLEAR WIRELESS, LLC, the within named Operator, a corporation, and that he executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by himself as such officer.

Witness my hand, at office, this 7 day of May, 2009.

Rachel Nessa Titus
Notary Public



EXHIBIT "A"**LEGAL DESCRIPTION OF PROPERTY AND DESCRIPTION OF PREMISES**

The property referred to herein as Premises is located within the parent parcel described as follows:

TX-5434 FM2351

PARENT TRACT DESCRIPTION:

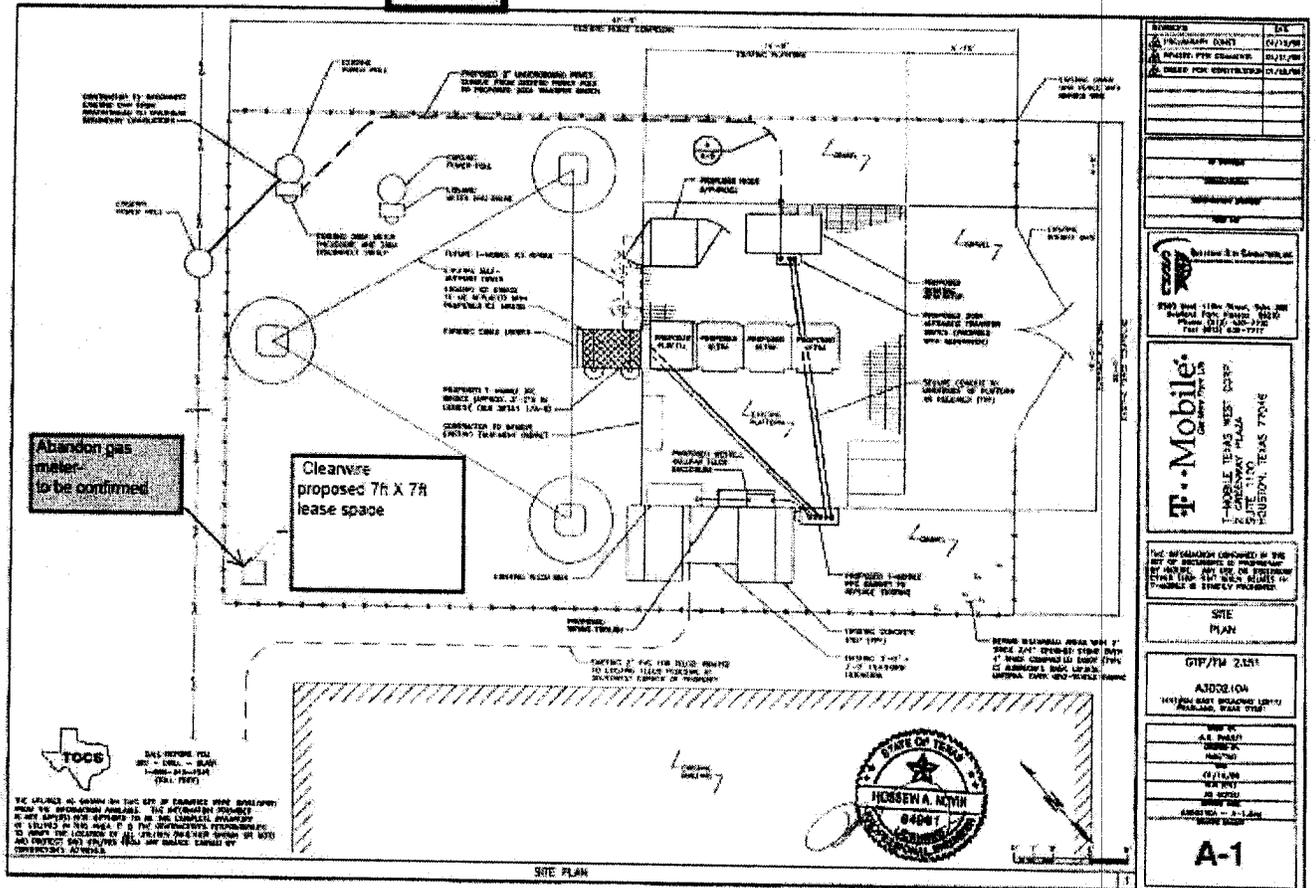
A TRACT OF LAND CONTAINING 1.2438 ACRES OUT OF LOT 6, GEORGE W. JENKINS SUBDIVISION AS RECORDED IN VOLUME 2, PAGE 20 OF THE PLAT RECORDS OF BRAZORIA COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:
BEGINNING AT A 1/2 INCH IRON ROD SET FOR THE SOUTHWESTERLY CORNER OF LOT 6, SAID POINT BEING IN THE NORTHEASTERLY LINE OF F.M. ROAD 518;
THENCE NORTH 29 Deg. 57' 20" EAST, ALONG AND WITH THE NORTHWESTERLY LINE OF LOT 6, AT 541.15 FEET PASS A 1/2 INCH IRON ROD SET ON LINE, IN ALL A DISTANCE OF 576.76 FEET TO A POINT FOR CORNER IN THE CENTERLINE OF MARY'S CREEK;
THENCE FOLLOWING THE CENTERLINE OF MARY'S CREEK;
SOUTH 35 Deg. 46' 19" EAST - 68.84 FEET;
SOUTH 10 Deg. 27' 48" WEST - 33.86 FEET;
SOUTH 01 Deg. 45' 34" EAST - 49.35 FEET TO A POINT FOR CORNER IN THE SOUTHEASTERLY LINE OF LOT 6;
THENCE SOUTH 29 Deg. 57' 20" WEST, ALONG AND WITH THE SOUTHEASTERLY LINE OF LOT 6, AT 26.00 FEET PASS A 1/2 INCH IRON ROD SET ON LINE, IN ALL A DISTANCE OF 474.57 FEET TO A 1/2 INCH IRON ROD SET FOR THE SOUTHEASTERLY CORNER OF LOT 6 IN THE NORTHEASTERLY LINE OF F.M. ROAD 518;
THENCE NORTH 60 Deg. 20' 40" WEST, ALONG AND WITH THE NORTHEASTERLY LINE OF F.M. ROAD 518, 100.00 FEET TO THE PLACE OF BEGINNING AND CONTAINING WITHIN THESE CALLS 1.2438 ACRES OF LAND.

The premises are located generally as indicated in the sketch attached to the Communications Equipment Site Agreement ("Agreement") as Exhibit A-2. Owner and Operator agree that within thirty (30) days following the full execution of the Option, Operator will replace this Exhibit A-2 with a revised Exhibit A-2 which shall be a metes and bounds legal description of the Premises, and which shall specifically identify the length and width dimension of the Premises upon which Operator may construct, operate and maintain its Communications Facilities as contemplated by the Communications Equipment Site Agreement.

EXHIBIT "A-2"

PRELIMINARY SITE PLAN AND TOWER ELEVATION OF PREMISES

TX-5434
FM 2351
3/2/2009



NO. OF SHEETS	1/1
DATE	03/13/09
PROJECT	TX-5434 FM 2351
OWNER	CLARIFIRE
DESIGNED BY	CLARIFIRE
CHECKED BY	CLARIFIRE
DATE	03/13/09
BY	
REVISIONS	
NO.	DESCRIPTION
1	ISSUED FOR CONSTRUCTION
<p>FOR INFORMATION CONTAINED IN THE ANY OF THE INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE BY FEDERAL GOVERNMENT AGENCY DATE 11/10/2009 BY 60322 1411 BROADWAY HOUSTON, TEXAS 77004</p>	
<p>THE INFORMATION CONTAINED IN THE ANY OF THE INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE BY FEDERAL GOVERNMENT AGENCY DATE 11/10/2009 BY 60322 1411 BROADWAY HOUSTON, TEXAS 77004</p>	
<p>SITE PLAN</p>	
<p>GIP/TM 2.051</p>	
<p>ADDITION 14111 BROADWAY HOUSTON, TEXAS 77004</p>	
<p>DATE 03/13/09 BY JESSE A. MYN 84881</p>	
<p>A-1</p>	

EXHIBIT "B"**LEGAL DESCRIPTION OF EASEMENT****DESCRIPTION OF THE CENTERLINE OF
A NON-EXCLUSIVE 20' WIDE ACCESS &
UTILITY EASEMENT:**

BEING A NON-EXCLUSIVE, 20' WIDE ACCESS AND UTILITY EASEMENT CONSISTING OF 3,185 SQUARE FEET OF LAND AND BEING A PORTION OF LAND OUT OF A 1.2438 ACRES TRACT OF LAND OUT OF LOT 6, GEORGE W. JENKINS SUBDIVISION AS RECORDED IN VOLUME 2, PAGE 20 OF THE PLAT RECORDS OF BRAZORIA COUNTY, TEXAS, THE CENTERLINE OF SAID EASEMENT BEING DESCRIBED AS FOLLOWS:
COMMENCING AT A 1/2 INCH IRON ROD FOUND FOR THE SOUTHWEST CORNER OF SAID 1.2438 ACRE TRACT, SAME POINT BEING IN THE NORTHERLY RIGHT-OF-WAY LINE OF EAST BROADWAY STREET;
THENCE SOUTH 60 DEGREES 20 MINUTES 40 SECONDS EAST, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE OF SAID EAST BROADWAY STREET, SAME BEING THE SOUTHERLY LINE OF SAID 1.2438 ACRES, A DISTANCE OF 74.28 FEET TO THE POINT OF BEGINNING OF THIS DESCRIBED CENTERLINE;
THENCE NORTH 29 DEGREES 57 MINUTES 20 SECONDS EAST, DEPARTING SAID NORTHERLY RIGHT-OF-WAY LINE AND SAID SOUTHERLY LINE, A DISTANCE OF 127.83 FEET TO AN ANGLE POINT;
THENCE NORTH 60 DEGREES 02 MINUTES 40 SECONDS WEST, A DISTANCE OF 31.40 FEET TO THE POINT OF TERMINUS OF THIS DESCRIBED CENTERLINE.
THE NON-EXCLUSIVE 20 FOOT WIDE ACCESS AND UTILITY EASEMENT DESCRIBED HEREON CONTAINING A TOTAL OF 3,185 SQUARE FEET OR 0.07 ACRES OF LAND MORE OR LESS.

The Easement for ingress, egress and utilities across the parent parcel described on Exhibit A to the Agreement will be twenty feet (20') wide and located within the hatch marked area on the sketch below or attached legal easement description of Owner's easement. Owner and Operator agree that within thirty (30) days following the full execution of the Option, Operator shall replace (if needed) this Exhibit B with a revised Exhibit B which shall be a metes and bounds legal description of the ingress, egress and utility easement which will specifically identify the location and dimensions of the aforesaid easement.

EXHIBIT "C"

OPERATOR'S PERSONAL PROPERTY AND EQUIPMENT

Owner and Operator agree that the attached application listing equipment to be installed will be the approved equipment and property that Operator may install under the terms of this Agreement.



GLOBAL TOWER PARTNERS Collocation Application

Check one: New <input checked="" type="checkbox"/> Addition to Existing <input type="checkbox"/> Modification <input type="checkbox"/>	
PLEASE RETURN THIS APPLICATION TO: (E-MAIL IS PREFERRED)	
GTP 1801 Clint Moore Rd Suite 110 Boca Raton, FL 33487 Attn: Monty Prewit	E-Mail: mprewit@gtpsites.com Office: (512) 294-2345 Fax: (561) 995-0321
GTP Site #: TX-5434 GTP Site Name: FM 2351 GTP Date Received: Revision Dates: RSM Approval: 2/4/09 DARRELL SCHNEIDER	

APPLICANT/CARRIER INFORMATION

Carrier Name: Clearwire Carrier Site Name: GTP TX-5434 Carrier Site Number: TX-HOU0284 Carrier Legal Entity Name, Clear Wireless LLC, a Nevada State of registration: Limited Liability Company Type of entity (LP, LLC, Corp) LLC d/b/a/ (If applicable) Notice Address for Lease: 4400 Carillon Pt., Kirkland, WA 98003 With copies to: Carrier Invoice Address: 4400 Carillon Pt., Kirkland, WA 98003 Carrier Invoice Contact - Name, Title, Phone No. Nancy Sears, Real Estate (425) 216-4630	Contact Name: Juli Davis Contact Number: (281) 580-4100 Contact Fax: (281) 580-4108 Contact Address: 13131 Champion Drive, Suite 208 Houston, Texas 77069 Contact E-mail: juli.davis@powderriverdev.com Additional E-mail: Other: Carrier NOC#
--	---

ADDITIONAL CARRIER INFORMATION

Leasing Contact Name/Number:	Juli Davis / (281) 580-4100
RF Contact Name/Number:	Keith Neff / (602) 502-6658
Construction Contact Name/Number:	Gary Oliphant / (281) 580-4100
Emergency Contact Name/Number:	Eric Tellier / (813) 267-1320 or NOC

SITE INFORMATION

Latitude:	N29	32	43.72	N	Existing Structure Type:	SST
Longitude:	W95	13	36.15	W	Existing Structure Height:	150'
Site Address:						

ANTENNA & COAX

Sector	1	2	3	Other (Dish, TMA, GPS)
Desired Rad Center (feet AGL)	147'	147'	147'	150'
Antenna Quantity	1	1	1	3
Antenna Manufacturer				Andrew
Antenna Model (Attach Spec Sheet)				
Weight (per antenna)				
Antenna Dimensions				
Quantity of Coax Cables PER ANTENNA	0	0	0	1
Diameter of Coax Cables PER ANTENNA	0	0	0	1/2"
Orientation/Azimuth (degrees from true north)				
Mechanical Tilt (degrees)				
# Of Channels				
Antenna Mount Mounting Height (feet AGL)	147'	147'	147'	
Antenna Mounting Type	T-Frame <input type="checkbox"/> Sector <input type="checkbox"/> Platform <input type="checkbox"/> Low Profile <input checked="" type="checkbox"/> Other: Pipe Mount			
Transmit Frequency	2500-2686 MHz	2500-2686 MHz	2500-2686 MHz	17700-17750 MHz, 19650-19700 MHz
Receive Frequency	2500-2686 MHz	2500-2686 MHz	2500-2686 MHz	17700-17750 MHz, 19650-19700 MHz
ERP (watts)	25 watts	25 watts	25 watts	100 Watts
Type of Service (i.e. Cellular, PCS, ESMR)	WiMax	WiMax	WiMax	WiMax

GROUND SPACE REQUIREMENTS

Total Ground Area Dimensions Required (length x width x height in ft.)	7' x 7' x 15'	Generator: <input type="checkbox"/> Diesel <input type="checkbox"/> Propane <input type="checkbox"/> Natural Gas	
Cabinet Pad Dimensions	3' x 3'	Cabinet Manufacturer	DDB Unlimited
Shelter Pad Dimensions	N/A	Shelter Manufacturer	N/A

AC POWER REQUIREMENTS

Voltage: 240V AC Single Phase	Total Amperage: 50A Breaker, 25A Average Current
--------------------------------------	---



GLOBAL TOWER PARTNERS
Collocation Application



GLOBAL TOWER PARTNERS Collocation Application

Comments:

Additional Tower Mounted Equipment Below

Sector			Other (Dish, TMA, GPS)	Other (Dish, TMA, GPS)
Desired Rad Center (feet AGL)			150'	150'
Antenna Quantity			3	3
Antenna Manufacturer			Motorola	Dragonwave
Antenna Model (Attach Spec Sheet)			DAP Vx	Airpair ODU/Horizon Compact
Weight (per antenna)			45lbs	Included in Microwave
Antenna Dimensions			26" x 14" x 9"	4.75" x 9.3" x 9.3"
Quantity of Coax Cables PER ANTENNA			2	NA
Diameter of Coax Cables PER ANTENNA			5/16"	NA
Orientation/Azimuth (degrees from true north)			0, 120, 238	0, 120, 238
Mechanical Tilt (degrees)				
# Of Channels				
Antenna Mount Mounting Height (feet AGL)			147'	147'
Antenna Mounting Type	T-Frame <input type="checkbox"/> Sector <input type="checkbox"/> Platform <input type="checkbox"/> Low Profile <input type="checkbox"/> Other: Pipe Mount <input checked="" type="checkbox"/>			
Transmit Frequency			N/A	17700-17750 MHz, 19650-19700 MHz
Receive Frequency			N/A	17700-17750 MHz, 19650-19700 MHz
ERP (watts)			2 Watts	100 Watts
Type of Service (i.e. Cellular, PCS, ESMR)			WiMax	WiMax

Supplement F Existing vs. Proposed

Comparison of existing versus proposed

Equipment Cabinets

- (e) Existing – 4 cabinets
- (p) Proposed – 1 additional cabinet

Antennas

- (e) Existing – 15 antennas
- (p) Proposed – 10 additional antennas

Square Footage

- (e) Existing – 1200 sq ft.
- (p) Proposed – 49 additional sq ft. (4.08%)

Structural Loading

- (e) Existing – _____%.
- (p) Proposed – 105%

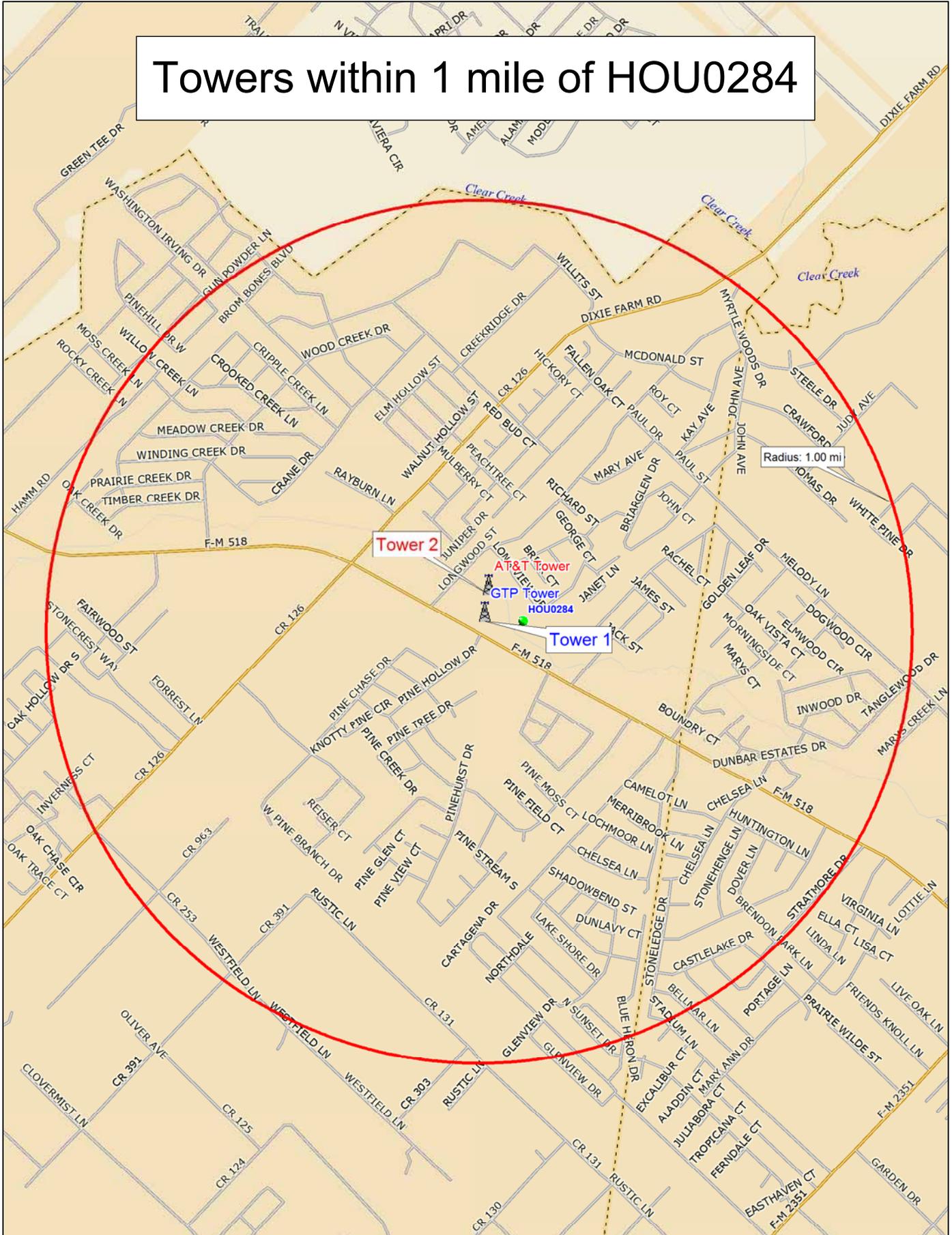
Supplement G

Tower Map

1 mile radius



Towers within 1 mile of HOU0284

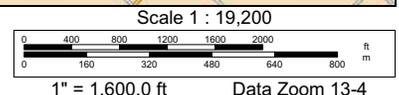


Data use subject to license.

© DeLorme. DeLorme Street Atlas USA® 2009.

www.delorme.com

Pearland CUP (Revised)



Code Response 1 Tower Ordinance

Chapter 2 – Division 5: Telecommunications Towers & Antennas

Section 2.5.5.2 Conditional Use Permit Required

- (e) **Application & Requirements.** An application for a conditional use permit for a tower, antenna, or use of an alternative tower structure must be made to the Planning Department. An application will not be considered until it is complete. A complete application must contain the following:
- (1) An inventory of the applicant's existing towers that are either within the City or within one mile of the corporate limits, specifying the location, height, and design of each tower. The Planning Department may share the information with other applicants for a conditional use permit under this article.
APPLICANT DOES NOT HAVE ANY EXISTING TOWERS WITHIN THE CITY OR WITHIN ONE MILE. CLEARWIRE IS NEW TO THE HOUSTON MARKET AND DOES NOT CURRENTLY HAVE AN OPERATING NETWORK IN THIS AREA.
 - (2) Site plans to scale specifying the location of tower(s), transmission building and other accessory uses, street access, parking, fences, landscaped areas, and adjacent land uses.
ATTACHED TO CUP APPLICATION AS EXHIBIT D.
 - (3) A report from a professional structural engineer licensed in the State of Texas documenting the following:
 - a. Tower height and design, showing a cross-section of the tower structure.
 - b. Total anticipated capacity of the tower structure, including the number and types of antennas which can be accommodated.
ATTACHED AS SUPPLEMENT D. THE TOWER IS RATED AT 105%, WHICH IS DEEMED TO BE STRUCTURALLY ACCEPTABLE ACCORDING TO THE BUILDING CODE THAT HAS BEEN ADOPTED BY THE CITY.
 - (4) A letter of intent to lease excess space on the tower and to lease additional excess land on the tower site when the shared use potential of the tower is absorbed, if structurally and technically possible.
CLEARWIRE IS SUBLEASING SPACE AND IS NOT THE TOWER OWNER. CLEARWIRE HAS NO ABILITY TO CONTROL ANY ADDITIONAL LEASE AREAS.
 - (5) Each applicant must make a good faith effort to substantially demonstrate that no existing towers could accommodate the applicant's proposed antenna by doing the following:
CLEARWIRE IS COLLOCATING ON AN EXISTING TOWER AND IS NOT BUILDING A NEW TOWER.
 - (6) Any other information which may be requested by the Planning Department to fully evaluate and review the application and the potential impact of a proposed tower or antenna.

Section 2.5.5.6 Shared Use

- (a) **No Permit Required.** To encourage shared use of towers, no building permit or conditional use permit is required for the addition of antennas to an existing tower so long as the height of the tower or structure on which the antenna is placed is not increased and the requirements of this article are met.
IN SUPPORT OF THE CITY'S INTENT TO PREVENT THE PROLIFERATION OF UNNECESSARY TOWERS, CLEARWIRE HAS SOUGHT TO UTILIZE AS MANY EXISTING TOWERS AND STRUCTURES AS POSSIBLE. ALL OF THE PROPOSED SITES IN THE CITY LIMITS WILL BE COLLOCATIONS. THE HEIGHT OF THE TOWER IS NOT BEING INCREASED, NOR IS THE EXISTING SITE BEING EXPANDED. THIS APPLICATION IS BEING SUBMITTED UNDER PROTEST, AS THIS SHARED USE CLAUSE SEEMS TO INDICATE NO CUP IS REQUIRED FOR COLLOCATION.

Section 2.5.5.8 Pre-Existing Towers & Non-Conforming Uses.

- (a) **Operative Towers.** All communications towers that are operative prior to the effective date of this UDC and that do not comply wholly with the requirements of this division are allowed to continue their present usage as a nonconforming use and are treated as a non-conforming use in accordance with Chapter 2, Article 7 of this UDC. Routine maintenance is permitted on the existing towers. Construction other than routine maintenance on an existing communication tower must comply with the requirements of this UDC.

THIS TOWER HAS BEEN IN EXISTENCE PRIOR TO THE EFFECTIVE DATE OF THIS UDC (APPROXIMATE DATE OF CONSTRUCTION WAS 1996). CLEARWIRE'S INSTALLATION WILL FULLY COMPLY WITH THE RULES AND REGULATIONS AS DEFINED IN THE UDC.

Code Response 2

Zone District GC

Section 2.4.4.5 GC, General Commercial District

(a) **Purpose.** The General Commercial District (GC) is intended to permit a wide variety of businesses characterized by those uses that may require an extensive amount of land for the conduct of business and/or that may require outside storage areas.

(b) **Authorized Uses.** The following are authorized uses under the regulations established in this chapter:

(1) Permitted and conditional uses as authorized in the Land Use Matrix in Article 5, Division 2 of this Chapter 2;

THIS USE IS LISTED AS "CONDITIONAL" IN THE MATRIX.

(2) Accessory uses as authorized in Article 5, Division 3 of this Chapter 2.

(c) **Area Regulations.**

(1) Size of Lots:

- a. *Minimum Lot Size* – Twenty-two thousand and five hundred (22,500) square feet in area.
- b. *Minimum Lot Width* - One hundred and fifty feet (150').
- c. *Minimum Lot Depth* - One hundred and twenty-five feet (125').

THE EXISTING SITE PRE-DATES THE ZONING ORDINANCE AND THIS APPLICATION IS NOT CREATING A NEW LOT. A VARIANCE APPLICATION WILL BE SUBMITTED AS NEEDED FOR THE MINIMUM LOT WIDTH: REQUIRED – 150' / ACTUAL – 100'

(2) Size of Yards:

- a. *Minimum Front Yard* - Twenty-five feet (25')
- b. *Minimum Side Yard*
 1. Ten feet (10'), except as provided below.
 2. Twenty-five feet (25') if side yard abuts a residential zoning district or a public right-of-way.
- c. *Minimum Rear Yard* - Twenty-five feet (25')

CLEARWIRE'S INSTALLATION WILL NOT ALTER THE SITE'S EXISTING SETBACKS. A VARIANCE APPLICATION WILL BE SUBMITTED AS NEEDED FOR EXISTING STRUCTURES THAT ENCROACH ON THE 10' SIDE SETBACKS AND THE PARKING LOT THAT ENCROACHES ON THE 25' FRONT SETBACK.

(d) **Height Restrictions.** No building shall exceed forty-five feet (45') in height. Additional height may be approved through a Conditional Use Permit (CUP).

THE TOWER ORDINANCE (CH. 2, DIV. 5) CONTROLS HEIGHT OF TOWERS. THE EXISTING SITE PRE-DATES THE ZONING ORDINANCE.

(e) **Outdoor Activities or Uses.** In connection with any permitted use, there shall be allowed outdoor activities or uses subject to the following limitations:

- (1) Except as provided below, out of doors display, storage and sale of merchandise, equipment and vehicles shall be permitted.
- (2) Out of doors display, storage and sale of merchandise, equipment and vehicles shall not be permitted on property adjacent to a residential zoning district.
 - a. Such activities/uses shall be permitted on such property upon City Council approval of a Conditional Use Permit (in accordance with Article 2, Division 3 of this chapter) authorizing said activities/uses.
 - b. Outdoor storage, as defined by Section 5.1.1.1, is allowed only upon obtaining a CUP and providing screening pursuant to Section 4.2.4.1 (d). In no case shall outdoor storage be permitted along any yard that abuts any street or public right-of-way.

NO RETAIL ACTIVITIES OR MERCHANDISING WILL TAKE PLACE AT THIS SITE. OUTDOOR STORAGE WILL NOT BE UTILIZED.

- (f) **Fences & Screening.** Fences and screening shall be provided and maintained as set forth in Chapter 4, Article 2, Division 4 of this UDC.

PER SECTION 4.2.4.2. C - THIS INSTALLATION WILL NOT IMPACT MORE THAN 50% OF THE EXISTING AREA. CLEARWIRE'S FOOTPRINT IS 49 SQUARE FEET (4.08%). THE EXISTING SITE IS APPROXIMATELY 1,200 SQUARE FEET.

- (g) **Parking.** Parking and loading shall be provided in conformance with Chapter 4, Article 2, Division 1 of this UDC.

CLEARWIRE'S INSTALLATION DOES NOT CREATE A HABITABLE STRUCTURE OR OTHERWISE COMMERCIALY USABLE SPACE.

- (h) **Access.** Access shall be provided in accordance with the City's Engineering Design Criteria Manual (EDCM).

CLEARWIRE WILL UTILIZE THE EXISTING ACCESS.

- (i) **Refuse Containers.** All refuse and refuse containers shall be screened from the view of adjacent public streets and from the view of any adjacent single-family, patio home, townhouse, and/or multiple-family development(s). Such containers shall not be located within the front yard area, and shall be to the side or rear of the lot.

NO REFUSE CONTAINERS WILL BE INSTALLED.

- (j) **Adjacent to a Single-Family Use or Zoning District.** When a nonresidential development is established on a tract of land that is adjacent to a single-family development or to property zoned for single-family use, there shall be a twenty-five foot (25') wide landscaped buffer along the property line that is adjacent to such use or district. The landscaped buffer shall remain open and unobstructed (i.e., no parking, driveways, or other use of the buffer area), and shall be planted with ground cover, such as grass or ivy. This landscaped buffer may be located with the required yard/setback area.

THIS PROPERTY IS ADJACENT TO A SINGLE FAMILY RESIDENTIAL (R-1 / BRIARGLEN) AREA, ON THE NORTH SIDE. THE EXISTING LOT CONTAINS SEVERAL HUNDRED FEET OF VEGETATION BETWEEN THE TOWER SITE AND THE RESIDENCES NORTH OF MARY'S CREEK.

Code Response 3

Site Development

Chapter 4 – Article 2: Development Standards

Division 2 Landscaping

Section 4.2.2.3 Applicability to New and Existing Developed Areas

(b) Existing Development Areas; Nonconformance.

- (1) All property with existing development on the effective date of the ordinance from which this division derives which is not in compliance with this division shall be considered nonconforming and allowed to continue until the time a building permit is granted to reconstruct or enlarge an existing structure on the property to an extent exceeding five hundred (500) square feet of the exterior dimensions of the structure. At that time, this division shall apply to the previous existing parcel areas as well as any new paved areas, and the areas shall be brought into compliance. A plan showing existing and new development and the proposed landscaping shall be submitted in accordance with this division. In order to encourage early landscaping in existing paved areas and the preservation of trees that are already established and growing in these areas an additional credit shall be given in accordance with Division 3 of this Chapter.
 - (2) No structure existing on the effective date of this Code from which this division derives shall be required to be altered or moved in order to comply with this division except for reconstruction.
 - (3) Also see Article 1, Division 3 of this Chapter for further requirements related to structural and parking-related expansions.
1. CLEARWIRE'S PROPOSED INSTALLATION IS LESS THAN 500 SQUARE FEET, THUS THE EXISTING DEVELOPMENT IS NOT REQUIRED TO BE BROUGHT INTO COMPLIANCE.
 2. THE TOWER IS NOT BEING RECONSTRUCTED AND WAS BUILT PRIOR TO THIS CODE'S EFFECTIVE DATE.

Division 3 – Tree Mitigation

Section 4.2.3.3 Approval Required for Tree Removal

No person directly or indirectly shall cut down remove, move, or destroy through damaging the roots, trunk or canopy, any tree situated on property regulated by this division without first submitting a Tree Survey and obtaining approval of a Tree Disposition Plan, unless otherwise exempted by the provisions of Section 4.2.3.4(b) of this division.

NO TREES WILL BE IMPACTED BY THIS INSTALLATION, AS THE COMPOUND ALREADY EXISTS. THIS INSTALLATION WILL NOT ENLARGE THE EXISTING FACILITY.

Section 4.2.3.6 Submittal Requirements

- (a) The City Manager or his/her designee shall establish administrative procedures necessary to facilitate the implementation and enforcement of this division. These procedures shall include the following:
- (1) Tree Disposition Plan/Tree Survey: Must be submitted and approved prior to the removal or destruction of any tree.
 - (2) An application involving a limited portion of a site may be based on an exhibit showing only that portion of the site.
 - (3) Aerial photograph interpretation may supplant the ground survey for preliminary analyses of large scale developments, such as subdivisions, utility corridors, and golf courses, at the discretion of the City. Large-scale developments are also required to include impact areas where existing trees are located.

NO TREES WILL BE REMOVED AS A RESULT OF THIS INSTALLATION.

Division 4 – Screening and Fencing

Section 4.2.4.2 Screening for Utility Support Structures and Stations

- (a) **Applicability.** This section shall apply to all utility support structures or stations located on private property regardless if there is an easement or other form of agreement between the utility company or property owner.
- (b) **Support Structures and Stations Defined.** These shall include, but not be limited to, any switching equipment, lift stations, pipe valves connected to pipes above ground, boxes or cabinets, cabling equipment or wiring above ground, transmitting equipment, control rooms, control cabinets, etc. Utility poles and transformers and like appurtenances attached to utility poles more than ten feet (10') above the ground are not considered a support structure or station.
- (c) **Regulations.** A utility support structure or station located on private property or outside a public street right of way must have proper screening. The construction or modification of an existing utility support structure or station equal to more than fifty percent (50%) of its value or area, must provide screening meeting one of the following:

THIS INSTALLATION WILL NOT IMPACT MORE THAN 50% OF THE EXISTING AREA. CLEARWIRE'S FOOTPRINT IS 49 SQUARE FEET (4.08%). THE EXISTING SITE IS APPROXIMATELY 1,200 SQUARE FEET.

P&Z Agenda Item

C



CITY OF PEARLAND PLANNING & ZONING

MEMO

DATE: June 15, 2010

TO: Pearland Planning & Zoning Commission

FROM: L. Richard Keller, Plans and Plat Administrator

SUBJECT: Variance Request No. 2010-04 for site at 3702 Alice Street

This is the site of one of the City of Pearland's (City) elevated water storage tanks. It is located southwest of the intersection of McHard Road and Old Alvin Road east of North Main Street (State Highway 35). A cell telephone company (Clearwire) has proposed placing cell telephone antennae on this elevated water tank. This will provide additional revenue for the City and eliminate the need for another elevated structure (tower) in this area of Pearland. The antennae and associated visible equipment will be painted to match the existing elevated tank.

An additional concrete pad for the cellphone equipment will be required at this location. Construction of this pad as well as additional water facilities needed by the City at this site necessitates platting of the property. The City has recently acquired additional property adjacent to this site to be included in the platted area.

The existing lot was created without platting before adoption of the Unified Development Code and has 103.49 feet of frontage on Alice Street. This is less than the 150 feet of frontage required by the GC zoning of this area. The purpose of this variance request is to allow this property to be platted in its present configuration and reduce the lot width requirement from 150 feet to 103.49 feet.

TIMELINE:

Submittal Date 6-14-10

Decision Date 6-21-10

PLANNING & ZONING VARIANCE APPLICATION

Variance No. 2010-04

Address/General Location: 3702 Alice Street _____

Tax Account No. _____

Subdivision: none; H T & B Survey, Abstract 542, Lots 48F and 52G

Lot: _____ Block: _____

General Description: Request approval to plat a lot at this location that is less than the 150-foot width required by the GC zoning of this area.

FEE: \$250 Paid N/A (City project) _____ / Ck. #(N/A)

Legal Description or Survey _____

Site Plan or Drawing _____

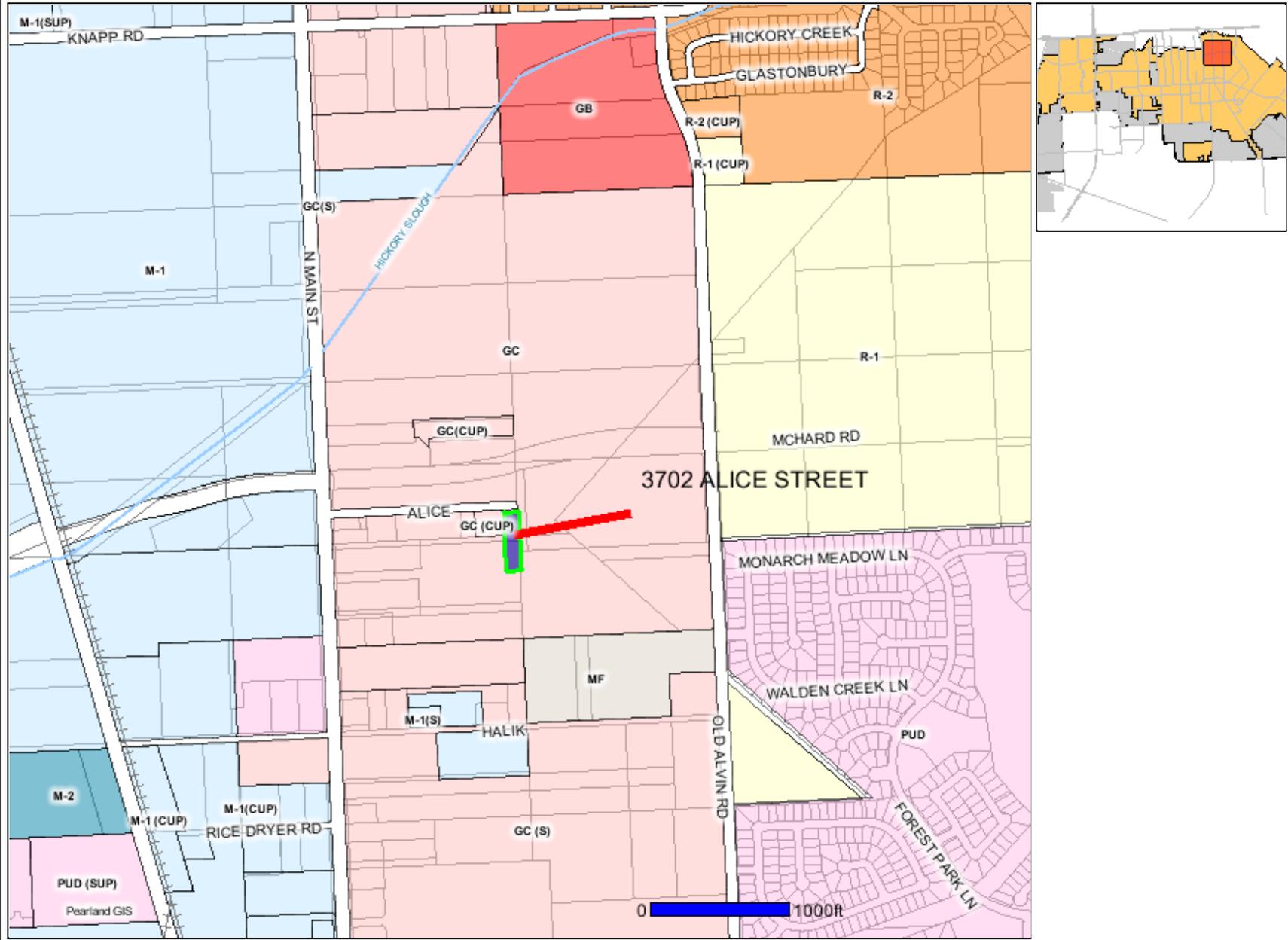
Letter of Explanation V _____

Other information: plat, location sketch _____

Comments: See memo to P&Z Commission

Approval: _____

3702 ALICE STREET



METES AND BOUNDS
SUBJECT TRACT
1.0 ACRES (43,485 SQUARE FEET)
ALL OF A CALLED 0.500 ACRES AND
A 0.499 ACRES
H.T.&B.R.R. COMPANY SURVEY, A-542
BRAZORIA COUNTY, TEXAS

Being 1.00 acres (43,485 square feet) of land, all of a called 0.500 acres, out of Lot 52, of the Zychlinski Subdivision, Section 2, Recorded under Volume 29, Page 43 Deed Records of Brazoria County, Texas, conveyed to the City of Pearland by deeds recorded under Volume 1238, Page 799 Deed Records of Brazoria County, Texas (DR BCT) and all of a called 0.499 acres, out of Lot 48, of said subdivision, conveyed to said City of Pearland by deeds recorded under Volume 1706, Page 875 DR BCT, said 1.00 acre tract lying in the H.T.&B.R.R. Company Survey, Abstract 542 and being more particularly described by metes and bounds as follows:

BEGINNING at a found 5/8 inch iron with cap in the South right-of-way (ROW) of Alice Street, 60' ROW, and the West property line of said 0.500 acres, marking the Northeast corner of a called 0.828 acres, of the Final Plat of Storer Cable Microwave Antenna Tract, recorded under Volume 17, Page 363 Map Records of Brazoria County, Texas (MR BCT), conveyed to Associated Properties by deeds recorded under County Clerks File Number (CCF) 2005067819 Official Public Records of Brazoria County, Texas (OPR BCT);

THENCE North, a distance of 30.19 feet to a point for corner in the center of said Alice Street, marking the Northwest corner of the herein described tract;

THENCE North 89°59'00" East, along the center of said Street, a distance of 103.49 feet to a point for corner in the West line of a called 0.7780 acres, out of Lots 42 and 57 of said subdivision, conveyed to City of Pearland by deeds recorded under CCF 2006016407 OPR BCT, marking the Northeast corner of the herein described tract;

THENCE South 00°01'18" West, passing at a distance of 315.45 feet to a found 5/8 inch iron rod with cap, marking the Southwest corner of said 0.7780 acres, also being the most Southerly Northwest corner of the remainder of a called 20.03 acres, all of Lot 3 of the Walcott's Pearland Subdivision and Parts of the Lots 42 and 57 of said Zychlinski subdivision, conveyed to Koza Interests, LTD. by deeds recorded under CCF 03 006017 OPR BCT, passing at a distance of 319.65 feet a found 1 inch iron pipe, marking the Southwest corner of said remainder of 20.03 acres, also being the Northwest corner of called 19.4462 acres, conveyed to T & B Alexander Family LTD. by deeds recorded under CCF 96-044930 OPR BCT and continuing for a total distance of 420.80 feet to a found 1/2 inch iron rod, marking the most Easterly Northeast corner of a called 2.9910 acres, out of said Lot 48 of said Zychlinski subdivision, conveyed to City of Pearland by deeds recorded under CCF 2009055013 OPR BCT, also being the Southeast corner of said 0.499 acres and the herein described tract;

THENCE North 89°55'32" West (called North 89°47'01" West), a distance of 103.33 feet to a found 5/8 inch iron rod with cap, marking an internal corner of said 2.9910 acres, also being the Southwest corner of said 0.499 acres and the herein described tract;

THENCE North, passing at a distance of 209.80 feet a found 5/8 inch iron rod with cap, marking the Southeast corner of said 0.828 acres, also being the Northeast corner of the remainder of a called 19.9491 acres, out of said Lot 48, conveyed to Koza Interests, LTD by deeds recorded under CCF 03 006016 OPR BCT and Alvarez Interests, LTD. by deeds recorded under CCF 03 006018 OPR BCT, continuing for a total distance of 420.43 feet to the POINT OF BEGINNING containing a computed 1.00 acre (43,485 square feet) of land.

STATE OF TEXAS
COUNTY OF BRAZORIA

We, City of Pearland, acting by and through _____, owners of the property subdivided in this plat of Clearwire HOU0554A, 0.95 acres out of the H.T. & B.R.R. Survey, A-240, City of Pearland, Brazoria County, Texas, do hereby make subdivision of said property for and on behalf of said City of Pearland, according to the lines, lots, streets, alleys, reserves, parks, and easements as shown hereon and dedicate for public use as such the streets, alleys, parks, and easements shown hereon forever, and do hereby waive all claims for damages occasioned by the establishment of grades as approved for the streets and drainage easements dedicated, or occasioned by the alteration of the surface, or any portion of the streets or drainage easements to conform to such grades, and do hereby bind ourselves, our heirs, successors and assigns to warrant and defend the title to the land so dedicated.

In testimony hereto, City of Pearland has caused these presents to be signed by _____, this _____ day of _____, 2010.

BY: City of Pearland

BY: _____ BY: _____

STATE OF TEXAS
COUNTY OF BRAZORIA

Before me, the undersigned authority, on this day personally appeared _____ known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that both executed the same for the purposes and considerations therein expressed and in the capacity therein and herein stated.

Given under my hand and seal of office, this _____ day of _____, 2010.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

I, David J. Strauss, Registered Professional Land Surveyor No. 4833, do hereby certify that this plat correctly represents a survey made under my supervision on the ground in accordance with the information provided me and correctly represents the facts as found at the time of survey and is true and correct and that all boundary corners, lot corners, angle points, and points of curvature are properly marked with 5/8 inch diameter iron rods three feet long or as shown on the plat.


David J. Strauss, RPLS No. 4833



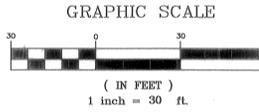
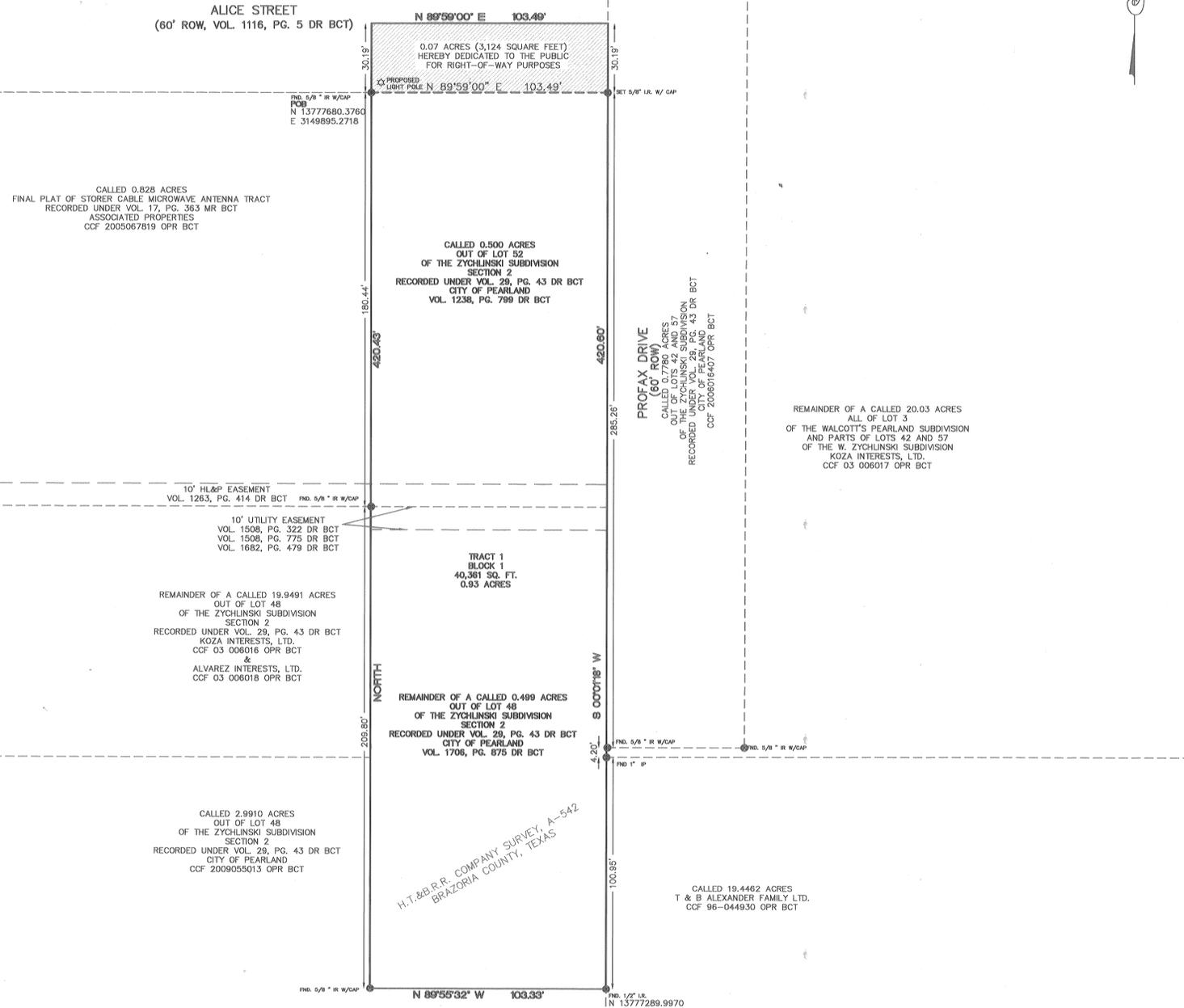
This is to certify that the City Planning Director of the city of Pearland, Texas has approved this Minor plat and subdivision of Clearwire HOU0554A and is in conformance with the laws of the State of Texas and the ordinances of the City of Pearland as shown hereon and authorizes the recording of this plat this _____ day of _____, 2010.

Lata Krishnarao, AICP
Director of Planning
City of Pearland, Texas

Approved for the City of Pearland, Texas this _____ day of _____, 2010.

Darrin Coker, City Attorney
Narciso Lira III, P.E., City Engineer

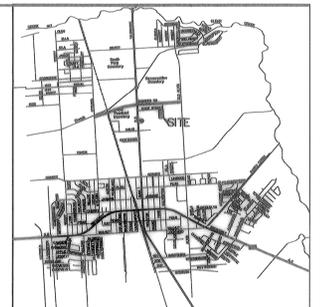
ALICE STREET
(60' ROW, VOL. 1116, PG. 5 DR BCT)



FLOOD STATEMENT

Flood Statement: I have examined the Federal Emergency Management Agency's Flood Insurance Rate Map for Harris County, Texas, Map Number 48039C00351, Effective Date of September 22, 1998, and the map indicates this tract to be in "Other Areas, Zone X", determined to be outside 500 year flood plain; No portion of this plat lies within a designated Special Flood Hazard Area, inundated by 100 year flood or Other Flood Areas.

Warning: If this site is not within an identified Special Flood Hazard Area, this statement does not imply that the property and/or the structures thereon will be free from flooding or flood damage. This determination has been made by scaling the property on the referenced map and is not the result of an elevation survey. This flood statement shall not create liability on the part of the surveyor.



BENCHMARK

BRASS DISK IN CONCRETE. EL. 49.290' (GEOID 03) (1973 ADJ.)
BRASS DISK IN CONCRETE POST NEAR THE INTERSECTION OF THE SOUTH RIGHT OF WAY LINE OF F.M. 518 AND THE EAST RIGHT OF WAY LINE OF THE G.C.&F.R.R.

SITE BENCHMARK

SET 80D-NAIL EL. 47.52' (GEOID 03)
SET 80D-NAIL ON THE NORTH RIGHT-OF-WAY OF ALICE STREET.

LEGEND

I.R.	IRON ROD
W/CAP	WITH CAP
I.P.	IRON PIPE
FND	FOUND
ROW	RIGHT-OF-WAY
VOL.	VOLUME
PG.	PAGE
SQ.	SQUARE
B.C.M.R.	BRAZORIA COUNTY, MAP RECORDS

GENERAL NOTES:

- All bearings referenced to the Texas State Plane Coordinate System, South Central Zone No. 4204 (NAD 83), with coordinates given in feet. Coordinates shown are surface for NAD83 and may be converted to grid by multiplying by a factor of 1.00019241.
- City of Pearland Benchmark, N-693 = Monument GPS - Brass Disk in Concrete post near the intersection of the South Right-of-Way line of F.M. 518 and the East Right-of-Way line of the G.C.&F.R.R. Elevation= 49.290' (1987 ADJ.)
- T.B.M. =Set 80D-Nail on the North Right-of-Way of Alice Street. Elevation= 47.52' (1987 ADJ.)
- This plat does not lie within a Municipal Utility District at the time of platting.
- There are no pipelines or pipeline easements within the boundary of this plat.
- A four-foot wide sidewalk will be required along Alice Street at the time of development.
- No existing street lights were located at time of platting. One street is proposed at time of development.

3702 ALICE STREET
MINOR PLAT OF CLEARWIRE TX HOU0554A
TRACT 1 BLOCK 1
1.00 ACRES (43,485 SQ. FT.)
LOCATED IN
H.T. & B.R.R. CO.SURVEY, A-542
CITY OF PEARLAND
BRAZORIA COUNTY, TEXAS
ALSO BEING LOTS 48 & 52, SECTION 2
ZYCHLINSKI SUBDIVISION
VOLUME 29, PAGE 43 B.C.M.R.

SURVEYORS:



TOWN & COUNTRY SURVEYORS, LLC
ATTN: NAOMI STRAUSS
25307 NORTH FREEWAY, SUITE 100
THE WOODLANDS, TX 77380
(281)465-8730
FAX (281)465-8731

MAY 2010

PLAT NO. P-613D-2010-0020

SHEET 1 OF 1

DISCUSSION ITEMS

City of Pearland - Planning Department
Planning Commissioners Survey
COMPILED – December 2009
REPORT ON OUTSTANDING ITEMS

1. Check with legal department on the recognition of deed restrictions through zoning.
Staff Response: Legal has indicated that deed restrictions cannot be enforced through zoning.
2. Include property owner notifications as done in prior years. And would like to see the presentation begin with an orientation of property with respect to City boundaries.
Staff Response: List of property owners and overall map included in the reports.
3. Instead of delivering “jump” drives to each commissioners’ home, recommend a secure access to a shared drive that can be accessed via internet.
Staff Response: An FTP site through laser fiche has been established. P & Z were trained on January 4, 2009.
4. Up to date aerial photos would be great or at least live linkup to Google Maps or similar aerial capability.
Staff Response: Google maps are accessible now from all your laptops.
5. Not satisfied with communication between P & Z and Council. Would like to see P & Z and City Council meet in a formal or informal setting to hear their opinion of:
 - a. How we are doing,
 - b. Items of concern (Hwy 35, Spectrum, Corridor Overlays etc.)
 - c. General philosophies for us as guidelines such as – let’s keep M-1 & M-2, concentrate on office, allowing retail in M-1/M-2, how they feel about nodes, etc.*Staff Response: Hopefully, the discussions on the Future land Use Plan has addressed this issue.*
6. Legal to be more involved so that we don’t waste time on things like BDD #4 property.
Staff Response: Legal is involved in DRC meetings and sent the agenda ahead of time. Legal is also present at all public hearings and P & Z meetings.
7. Communication between staff/P & Z Commission and general public:
I wish we would take down or make applicant take down the zone change signs when they are done. Some have been up and around for years.
Staff Response: Planning Staff has been trying to inspect all sites with previous zoning applications and working with code enforcement to get these down. We will also seek the help of Eyes of Pearland to help us track these signs down. Some cases have been tabled and the signs need to be retained until the Council’s action.
8. The P & Z chair has in the past, allowed some of those requesting changes to join in the table conversation and there are several conversations going at the same time. The P & Z chair should provide the staff clear floor time for their positions and summation without interruption.
Staff Response: P & Z is trained in Robert Rules of Order, and policies and procedures on an annual basis.
9. How often would you like to have a professional come and talk to you in the City Hall.

Staff Response: In addition to local, state and national conferences and training opportunities, staff will aim for in-house, one-hour long quarterly training, on first Mondays.

10. What are some of the topics that you would suggest for these training sessions?

Staff Response: Staff will schedule training sessions on as many of these topics as possible.

- a. Open meeting laws.
- b. Lessons learned from other cities in similar demographic and growth situations.
- c. Roberts Rule Training at least annually.
- d. Land planner with as much experience as a Kerry Gilbert to tell us about Land Planning.
- e. Matrix of Uses in each zone.
- f. Breakout – subcommittee is a great idea for those who want to be more active P & Z participants.
- g. It may not necessarily be “training” in the sense that we need to be told our powers or limits, it needs to be more an agenda item where the commissioners are allowed open dialogue with a precursory industry expert presentation. This could be done as often as possible, possible monthly on the non-JPH nights.
- h. Nodes.
- i. Security/disaster planning.
- j. Transportation.
- k. Drainage – detention.
- l. Traffic Studies.
- m. Developer perspectives on residential and commercial.
- n. Working with matrix for specific zoning. To and answer questions for our group.

Other Comments:

1. I would like to thank staff for all their hard work. Many nights they are up late helping us try to help the City in their planning and zoning needs. Their guidance is in valuable and sometimes I feel that it is under appreciated.
2. Internet connection during P & Z meetings so we could look at Google Earth in some situations would be great.
3. Staff does an excellent job, especially when you consider that limited resources they have received from the council.
4. There is a movement afoot to produce bigger billboards and off-premise signage (bad move). Our enforcement is handicapped by lacking a clear interpretation of the ordinances.
5. While the staff and Commission are on a mission to make our city the best, parts of the city are starting to look rather seedy. A restudy of city ordinances covering boats, motor homes, mobile homes, trailers, PODs, etc. is in order.

Staff Response: Staff appreciates P & Z's remarks and encouragement. We will be happy to discuss these at the meeting.

UPDATE OF ZONING CASES

CASE #	NAME	LOCATION	JPH DATE	STAFF RECOMMENDATION	P & Z STATUS	CC STATUS
2009-14Z	Baker/Blaire Korndoffer	Between SH 35 and Old Alvin south of Hampshire	10/19/09	Denial- this is better used as a master plan no quorum	Withdrawn by applicant	Withdrawn by applicant
2009-12Z	Gerald Olson/Narmin Parpia	8017 Fite Road	9/21/09	Approval	Approval	Approved
2009-13Z	CBL/Pearland Town Center	Pearland Town Center	11/16/09	Consider the Zone Change for Off-Site Signage	Approved 11/16/09	CC 1 st Reading 12/14/09
2009-15Z	Ron/Curry Architecture	Pearland Retirement Center	1/18/09	Abutters not properly notified and needs to be readvertized for 1/18/09	They are scheduling another workshop and this has been postponed to 2/15/10	CC 1 st reading 4/26/10
CUP2009-13	Gerald Olson/Narmin Parpia	8017 Fite Road	9/21/09	Approval-can't go to CC until the Zone Change 2009-12Z goes to CC	Approval with conditions 1) No outside storage	Approved
CUP2009-14	Baker/Blaire Korndoffer	Between SH 35 and Old Alvin south of Hampshire	10/19/09	Denial- this is better used as a master plan no quorum	Withdrawn by applicant	Withdrawn by applicant
CUP2009-15	Baker/Blaire Korndoffer	Between SH 35 and Old Alvin south of Hampshire	10/19/09	Denial- this is better used as a master plan no quorum	Withdrawn by applicant	Withdrawn by applicant
CUP2009-16	Chris Hughes/New Hope Church	3406 Dixie Farm Rd	1/18/09	Withdrawn by applicant	Withdrawn by applicant 12/16/09	Withdrawn by applicant
CUP2009-17	Jose Mendieta/Emmas Mexican Rest.	5070 Broadway suite 5010	11/16/09	Approved	Approved	Approved
CUP2009-	Jay Dorsey/ Triad	2606 O'Day	11/16/09	Approved	Approved	Approved

UPDATE OF ZONING CASES

18	Construction	Road				
CASE #	NAME	LOCATION	JPH DATE	STAFF RECOMMENDATION	P & Z STATUS	CC STATUS
CUP 2009-19	Clear Wireless	2850 Wooten Rd	02/15/10	Approval	Approval	Approval 2/22/10
CUP 2010-01	Clear Wireless	1411 Broadway	5/17/10	Approval with Conditions	Scheduled for 6/21/10	
CUP 2010-02	Koza's Snow-cone Stand	2910 S. Main St	5/17/10	Approval	Approved	Approved
CUP 2010-03	Clear Wireless	13232 Max Rd	5/17/10	Approval with Conditions	W/D by applicant and needs to be reapplied for due to inaccurate legal description from applicant	Withdrawn by property owner- needs to re-apply
2010-01Z	Ajith Nair and Jeeva Ajith	2201 Linda Rd	5/17/10	Approval From RE to SR-12	Denied by P&Z	06/14/10 Denied
CUP 2010-04	Janice and Bonnie Howard	2310 Cullen	06/21/10	Approval to add 3.00 acres		
2010-02Z	Claudia S. Wright	Scott Tract near the round about	7/19/10	Can not hear-property not posted properly needs to be readvertised for 7/19/10		

**ADJOURN
MEETING**