

AGENDA - JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD JANUARY 17, 2011, 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 2011-01**

A request of Alan Mueller, applicant for The Carden-Jackson School, Inc., owner, for approval of a Conditional Use Permit to allow the operation of Golden Rule Services, Inc., in the Single-Family Residential-2 (R-2) zone, on the following described property, to wit:

**Legal Description:** Approximately 8.031 Acre Tract of Land out of the W.D.C. Hall Survey, Abstract No. 70, Brazoria County, Texas, being a called 8.11 acre tract of land as described in Volume 1340, Page 651 of the Deed Records of Brazoria County, Texas

**General Location:** 3801 Liberty Drive, 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 JANUARY 17, 2011

---

## Conditional Use Permit No. CUP 2011-01

A request of Alan Mueller, applicant for The Carden-Jackson School, Inc., owner, for approval of a Conditional Use Permit to allow the operation of Golden Rule Services, Inc., in the Single-Family Residential-2 (R-2) zone, on the following described property, to wit:

**Legal Description:** Approximately 8.031 Acre Tract of Land out of the W.D.C. Hall Survey, Abstract No. 70, Brazoria County, Texas, being a called 8.11 acre tract of land as described in Volume 1340, Page 651 of the Deed Records of Brazoria County, Texas

**General Location:** 3801 Liberty Dr, Pearland, TX 77581

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

Planning and Zoning Commission: January 17, 2011\*

City Council for First and Only Reading: January 24, 2011\*

(\*dates subject to change if item is tabled)

---

**SUMMARY:** The applicant is requesting approval of a Conditional Use Permit (CUP) to allow the operation of Golden Rule Services, Inc., at 3801 Liberty Drive. Golden Rule Services, Inc. is a non-profit organization which contracts with the Texas Department of Aging and Disability Services to provide day habitation and other services for people with developmental or intellectual disabilities. These services include classroom instruction, daytrips, and related activities such as arts and physical education for persons 3 years of age and older. Golden Rule Services, Inc. currently operates in Pearland and is looking to relocate their services.

The Planning Department has worked with the applicant through the Pre-Development process to best classify the proposed use in accordance with the City's Land Use Matrix within the Unified Development Code. It was determined that this use was best classified under the educational portion of the *Institute of Religious, Educational, or*

*Philanthropic Nature* classification. Other uses in the Land Use Matrix that the proposed use could be considered under included aspects of operation which were not applicable to the Golden Rule Services, Inc. operation.

The previous land use on this property was The Carden Jackson School, which was in operation for a number of years at this site prior to its closure. The Carden Jackson School was a private school offering elementary education services.

The property is approximately 8 acres and includes 3 parcels of land with two separate buildings located on the property. The total square footage of all space on the property is approximately 35,000 square feet.

**SURROUNDING ZONING AND LAND USES:**

	<u>Zoning</u>	<u>Land Use</u>
North	Single-Family Residential-2	Residential
South	Single-Family Residential-1/ Single-Family Residential-2	Residential/ Independence Park
East	Single-Family Residential-2	Residential
West	Single-Family Residential-2	Vacant

**CONFORMANCE WITH THE UNIFIED DEVELOPMENT CODE (UDC):** When determining conformance with the Unified Development Code, there are different aspects that are taken into consideration. For this case, those aspects include the physical make-up of the property itself (lot size, width, etc), improvements on the site (structures, parking, landscaping, etc.), and use.

The subject property is currently zoned as Single-Family Residential-2. The minimum lot size for the R-2 zoning district is 7,000 square feet, the minimum lot width is 70 feet, and the minimum lot depth is 90 feet. The subject property exceeds these minimum requirements, as the property is approximately 8 acres in size, 585 feet in width, and an average of approximately 630 feet in depth. Therefore, the subject property is in conformance with the current Unified Development Code from this aspect.

The UDC requirements for a building façade, landscaping, and sidewalks are not requirements that are triggered by a tenant change, as is the case with this request. The current parking lot will need to be updated with striping as part of this request, and sufficient parking will need to be provided for the proposed operation. Complete site compliance, however, is not required at this time.

The proposed educational use would be in conformance with the UDC, however only with an approved Conditional Use Permit.

**PLATTING STATUS:** Currently the property has not been platted. The applicant will be applying for a tenant occupancy and this does not trigger the platting requirements according to Section 3.1.1.1 (c) of the Unified Development Code (UDC) as the use change being proposed is considered exempt from platting requirements under the remodeling and repair section of the UDC.

**CONFORMANCE WITH THE COMPREHENSIVE PLAN:** The Comprehensive Plan (2004 update adopted on July 26, 2004) recommends medium density residential for the subject property and the surrounding properties, which is the current Single-Family Residential-2 zoning designation for this property. This zoning district does allow for the operation of an *Institute of Religious, Educational, or Philanthropic Nature* (which is how the proposed Golden Rule Services, Inc. has been classified as previously discussed) with the approval of a Conditional Use Permit by City Council. Therefore, if approved, the use would be in conformance with the Comprehensive Plan. To ensure conformance, the Council does have the ability to place reasonable conditions on the approval as to mitigate any anticipated impacts to surrounding properties.

**CONFORMANCE WITH THE THOROUGHFARE PLAN:** The subject property has frontage on Liberty Drive, a major collector with sufficient right-of-way width, with a minimum of 80’.

**AVAILABILITY OF UTILITIES:** The subject parcel does have access to public water and sewer lines.

**IMPACT ON EXISTING AND FUTURE DEVELOPMENT:** The applicant proposes as presented in the letter of intent to occupy both existing buildings on the property in a similar fashion as the previous operation, The Carden Jackson School. The Carden Jackson School was in operation on the site for a number of years with no known negative impacts to surrounding properties.

The operating hours would primarily consist of Monday – Friday, 7:30am to 6pm, with occasional after-hours and weekend scheduled activities as would be expected with educational type facilities.

This proposed use will be occupying existing vacant space and therefore does not trigger further landscaping, or façade changes. Required parking will be striped per UDC regulations, prior to a Certificate of Occupancy for the suite build-out.

**ADDITIONAL COMMENTS:** This request has been reviewed by the City’s Development

Review Committee and there are no additional comments from other departments at the time of this report.

**SITE PLAN CONSIDERATIONS:** A site plan was not submitted with the Conditional Use Permit application as the site is currently developed and no significant changes to the site are planned at this time. The applicant is not proposing any changes to the site with this tenant build-out other than parking lot striping, as they are not triggered by the CUP application.

**PUBLIC NOTIFICATION:** Public notice, comment forms, and a vicinity map were mailed to property owners within 200 feet of the subject property under consideration for the Conditional Use Permit. A legal notice of public hearing was published in the local newspaper, and a notification sign was placed on the property by the applicant.

**OPPOSITION TO OR SUPPORT OF PROPOSED REQUEST:** Staff has not received any comments either in opposition to or in support of the proposed zone change request. At the time of this report, three (3) informational requests have been received.

**CRITERIA FOR APPROVAL:** When considering an application for a Conditional Use Permit, the Planning and Zoning Commission and City Council shall evaluate the impact of the proposed use on and its compatibility with surrounding properties and residential areas to ensure the appropriateness of the use at the particular location, and shall consider the extent to which:

- (1) The proposed use at the specified location is consistent with the policies embodied in the adopted Comprehensive Plan;
- (2) The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations;
- (3) The proposed use is compatible with and preserves the character and integrity of adjacent developments and neighborhoods, and includes improvements either on-site or within the public rights-of-way to mitigate development related adverse impacts, such as traffic, noise, odors, visual nuisances, drainage or other similar adverse effects to adjacent development and neighborhoods;
- (4) The proposed use does not generate pedestrian and vehicular traffic which will be hazardous or conflict with the existing and anticipated traffic in the neighborhood;
- (5) The proposed use incorporates roadway adjustments, traffic control devices or mechanisms, and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development

generated traffic on neighborhood streets;

- (6) The proposed use incorporates features to minimize adverse effects, including visual impacts, of the proposed conditional use on adjacent properties; and
- (7) The proposed use meets the standards for the zoning district, or to the extent variations from such standards have been requested, that such variations are necessary to render the use compatible with adjoining development and the neighborhood.

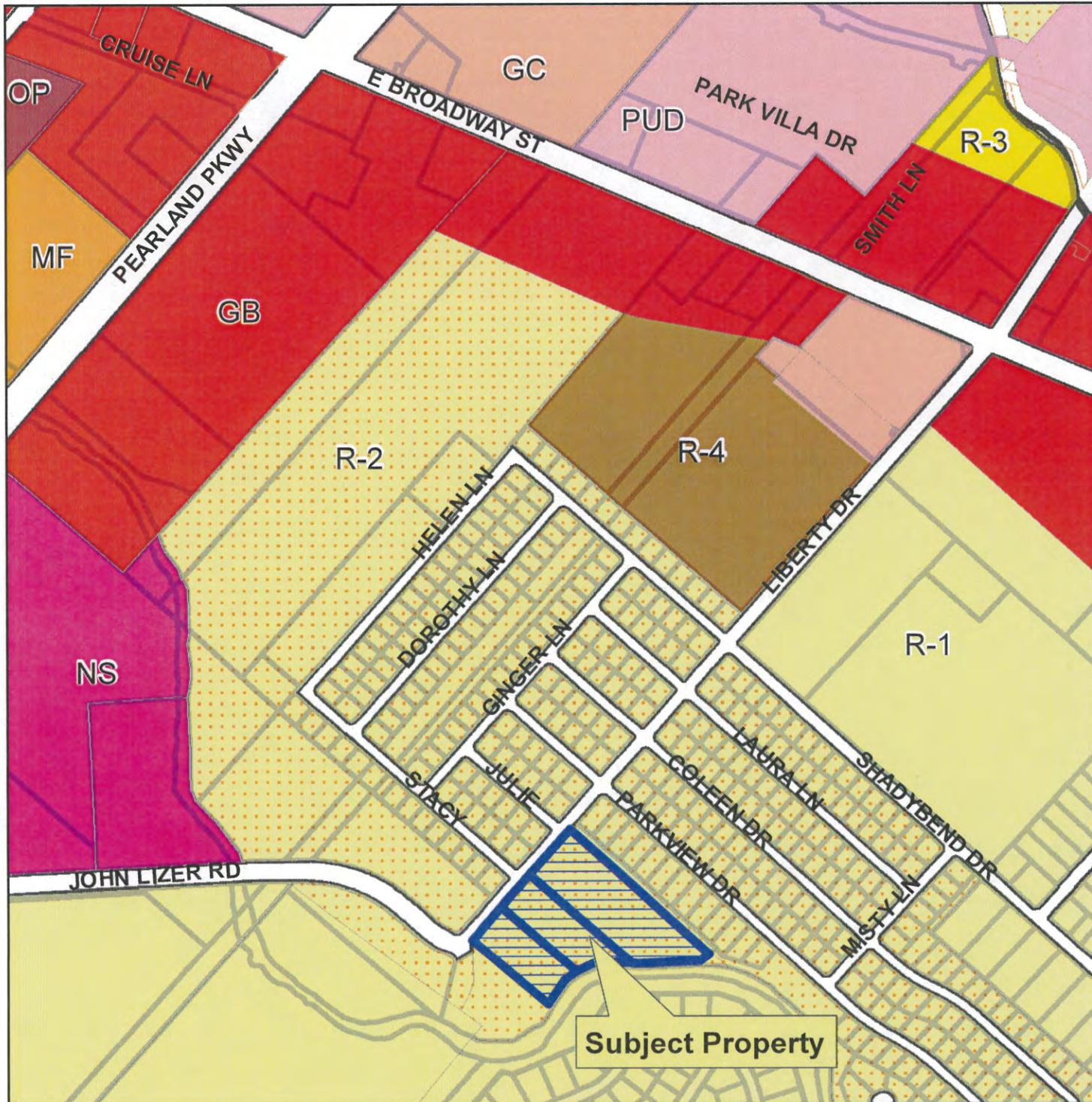
**Conditions:** The City Council may require such modifications in the proposed use and attach such conditions to the Conditional Use Permit as the City Council deems necessary to mitigate adverse effects of the proposed use and to carry out the spirit and intent of this section. It should be noted that at this time staff has not identified negative impacts which will need to be mitigated as a result of this proposed use. Should City Council identify impacts which it feels should be mitigated, conditions and modifications may include but are not limited to limitation of building size or height (which in this case would limit future expansions or additional buildings), increased open space, limitations on impervious surfaces, enhanced parking or parking lot requirements, additional landscaping, curbing, sidewalk, vehicular access and parking improvements, buffers, site landscaping and screening, signage restrictions and design, maintenance of buildings and outdoor areas, duration of the permit and hours of operation.

**STAFF RECOMMENDATION:** Staff recommends approval of the Conditional Use Permit No. 2011-01 as proposed by the applicant and owner for the following reasons:

1. The proposed use should not have any significant negative impact on the surrounding properties and developments, as it will be located within an existing building.
2. The proposed use is similar to the previous use at the site which is not known to have created significant problems or concerns for surrounding property owners.
3. The proposed use would be in general conformance with the comprehensive plan and Unified Development Code with an approved conditional use permit.
4. The proposed use is in general compliance with most of the criteria of approval (listed above) for a Conditional Use Permit.

**SUPPORTING DOCUMENTS:**

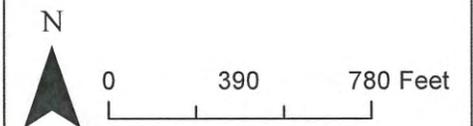
- Vicinity and Zoning Map
- Property Ownership Map
- Property Owner Notification List
- Future Land Use Plan
- Aerial Photograph
- Zone Change Application and applicant packet
- Related Documents

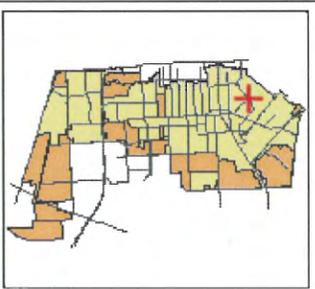
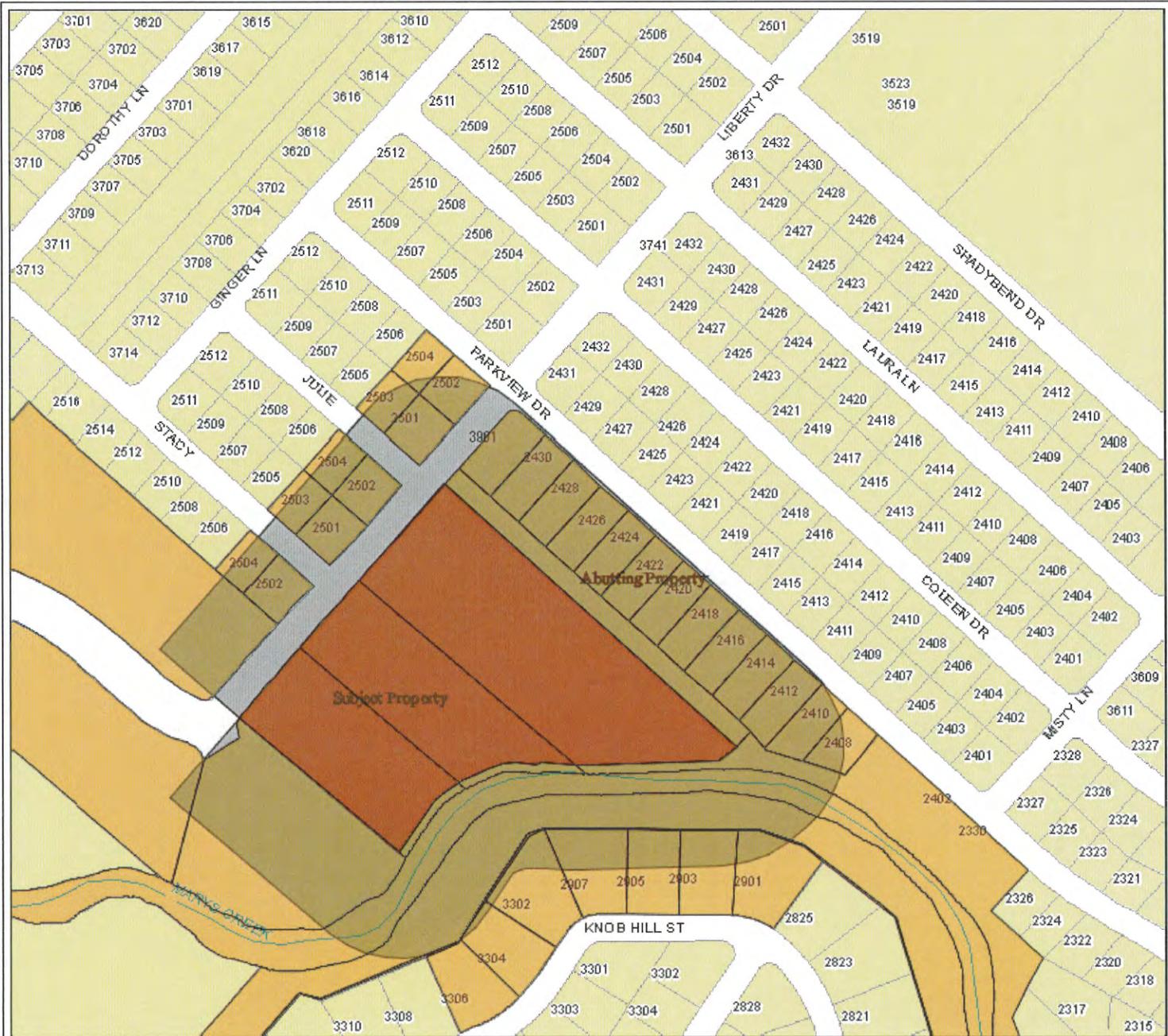


**Vicinity and Zoning Map**

**CUP 2011-01**

**3801 Liberty Drive**





Scale 1:3,055  
1 in = 255 ft

**CUP APPLICATION NUMBER 2011-01  
 3801 LIBERTY DRIVE  
 PROPERTY OWNERS NOTIFICATION LIST**

<b>Property Owner</b>	<b>Address</b>	<b>City</b>	<b>State</b>	<b>Zip</b>
PIERSON JILL S	2426 PARKVIEW DR	PEARLAND	TX	77581
LABBE CALVIN & WANDA	2501 STACY DR	PEARLAND	TX	77581
BECHEM REGENIA A	2424 PARKVIEW DR	PEARLAND	TX	77581
VRAZEL JAMES	2504 STACY DR	PEARLAND	TX	77581
REXACH FRANK M	1009 CROCKER ST	HOUSTON	TX	77019
HOWELL PEGGY FAMILY LIVING TRUST	2502 STACY DR	PEARLAND	TX	77581
WARE ROGER D & BECKY S	2420 PARKVIEW DR	PEARLAND	TX	77581
MALISH RICHARD M	2418 PARKVIEW DR	PEARLAND	TX	77581
CITY OF PEARLAND	3519 LIBERTY DR	PEARLAND	TX	77581
RICKEY WAYNE	2726 WESTCHESTER CIR	PEARLAND	TX	77584
HELTON LARRY	2414 PARKVIEW DR	PEARLAND	TX	77581
CLIFFORD DOYLE JR & SUSAN	2408 PARKVIEW DR	PEARLAND	TX	77581
CITY OF PEARLAND	3519 LIBERTY DR	PEARLAND	TX	77581
THE VILLAGES AT MARYS CREEK PROPERTY OWNERS ASSOC INC	PO BOX 96046	HOUSTON	TX	77213
SLIWINSKI JEFF & CHERYL	3302 REDWOOD GROVE ST	PEARLAND	TX	77581
DAWSON KRIS & LAURA	2907 KNOB HILL STREET	PEARLAND	TX	77581
HOPMAN LAMONDA B & STEVEN W	2905 KNOB HILL ST	PEARLAND	TX	77581
WILSON DAVID	2903 KNOB HILL STREET	PEARLAND	TX	77581
BOUDREAUX DAWNA L & JOHN K	2901 KNOB HILL ST	PEARLAND	TX	77581
ROUGEAU JACOB & SHANNA	3304 REDWOOD GROVE ST	PEARLAND	TX	77581
APPLETON JEFFREY LAMBERT & JANET LEE	3306 REDWOOD GROVE ST	PEARLAND	TX	77584
MATOCHA FRANKIE LEE	2410 PARKVIEW DR	PEARLAND	TX	77581
DESBIENS KAREN L	2504 PARKVIEW DR	PEARLAND	TX	77581
REYNA KATHLEEN MARY	2502 PARKVIEW DR	PEARLAND	TX	77581
COLAIANNI WILLIAM	9015 EAGLECOVE DR	HOUSTON	TX	77064

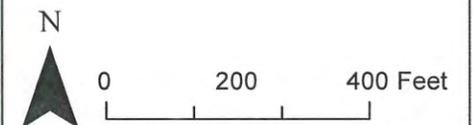
BEVILL LARRY D & BOBBY LYNN	2501 JULIE ST	PEARLAND	TX	77581
NORTON MICHAEL D & MONALISA	2503 STACY DR	PEARLAND	TX	77581
VERLINDEN NICHOLAS J & MISTY D	2432 PARKVIEW DR	PEARLAND	TX	77581
AYALA JUAN & IRIS	2504 JULIE ST	PEARLAND	TX	77581
ESCOBEDO ANA G & JOE A	2430 PARKVIEW DR	PEARLAND	TX	77581
EWAN HEATHER ELAINE	2428 PARKVIEW DR	PEARLAND	TX	77581
GOLDEN RULE SERVICES, INC.	2510 WESTMINISTER ST	PEARLAND	TX	77581
ALAN MUELLER, APPLICANT	4201 BROADWAY	PEARLAND	TX	77581



FLUP Map

CUP 2011-01

3801 Liberty Drive

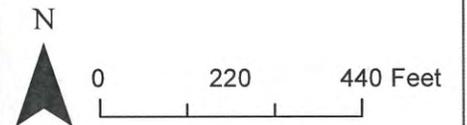




**Aerial Map**

**CUP 2011-01**

**3801 Liberty Drive**





# APPLICATION FOR A CONDITIONAL USE PERMIT (CUP)

Conditional Use Permit Request for: Inst. tution of Religious Educational, or Philanthropic  
(list proposed use from the Table of Uses of the UDC)  
Nature (page 2-125)

Current Zoning District: R-2

**Property Information:**

Address or General Location of Property: 3801 Liberty Dr

Tax Account No. 0070-0047-145:001

Subdivision: WDC Hall Lot: A 0070 WDC Hall, Tract 6D-6E-6F Block: 0.031 Acres

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

**PROPERTY OWNER INFORMATION:**

**APPLICANT/AGENT INFORMATION:**

NAME The Carden-Jackson School, Inc  
 ADDRESS 3801 Liberty Dr  
 CITY Pearland STATE TX ZIP 77581  
 PHONE ( 713 ) 472-7112  
 FAX ( ) \_\_\_\_\_  
 E-MAIL ADDRESS \_\_\_\_\_

NAME Alan Mueller  
 ADDRESS 4201 Broadway  
 CITY Pearland STATE TX ZIP 77581  
 PHONE ( 281 ) 412 9210  
 FAX ( 281 ) 412 9060  
 E-MAIL ADDRESS alanegromax@txgs.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.

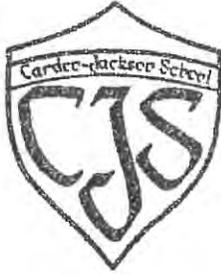
Owner's Signature: Rebecca Jackson Date: 11-04-2010

Agent's/ Applicant's Signature: Alan Mueller Date: 11-9-10

**OFFICE USE ONLY:**

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

Application No. \_\_\_\_\_



# The Carden-Jackson School, Inc.

3801 Liberty Drive, Pearland, Texas 77581  
Tel. (281) 485-4677 • Fax (281) 486-0439  
Website: [www.cardenjackson.org](http://www.cardenjackson.org)

*Beverly A. Jackson, Administrator*  
*Lee Ann Jackson, Asst. Administrator*

November 4, 2010

RE: 8.031 acres of land out of the W.D.C. Hall Survey, abstract 70, Brazoria County,  
Texas AKA 3801 Liberty Drive, Pearland, Texas.

Dear Mr. Mueller:

In connection with your acting as agent for Golden Rule Services, Inc. who is in the process of buying our property listed above for the purpose of operating a Religious and Educational institution, I hereby assign you as agent for The Carden-Jackson School, Inc. for the sole purpose of representing The Carden-Jackson School, Inc. in obtaining a special use permit from the City of Pearland to use the property for Golden Rule Services, Inc. activities.

Your representation as agent is only for this transaction and would not be for any other use. Your authorization as agent does not include the power to bind The Carden-Jackson School, Inc. to any liability or payment obligation.

Sincerely,

Neal A. Jackson  
Treasurer  
Administrator

Acknowledged:

Alan R. Mueller

CJS

*Carden-Jackson School is a non-profit corporation.  
All donations are tax deductible as provided by law.*

BEING 8.031 acres of land, more or less, out of the W.D.C. Hall Survey, Abstract No. 70, Brazoria County, Texas, being a called B.11 acre tract of land as described in Volume 1340, Page 651 of the Deed Records of Brazoria County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a found 5/8 inch iron rod being the North corner of the City of Pearland called 1.652 acre tract of land as described in Volume 1400, Page 732 of the Deed Records of Brazoria County, Texas; said corner also being the North corner of a called 40 foot right-of-way as described in Volume 1283, Page 397, Deed Records of Brazoria County, Texas; and a corner of Liberty Drive ~~as described in Volume 1271, Page 566, Deed Records of Brazoria County, Texas;~~

THENCE North 48 degrees, 44 minutes, 10 seconds West, along a Northeasterly line of said Liberty Drive, a distance of 19.67 feet to a 1/2 inch iron rod found for the point of curvature of a curve to the right;

THENCE Northerly, along said curve to the right being the Easterly right-of-way line of said Liberty Drive, having a central angle of 90 degrees, 16 minutes, 00 seconds, a radius of 40.00 feet, and an arc length of 63.02 feet to a 1/2 inch iron rod found for the point of tangency;

THENCE North 41 degrees, 31 minutes, 50 seconds East, along the Southeasterly line of said Liberty Drive, a distance of 586.43 feet to a 1/2 inch iron rod found for the North corner of this tract;

THENCE South 48 degrees, 28 minutes, 10 seconds East, with the existing right-of-way line of said Liberty Drive at a distance of 4.58 pass a 1/2 inch iron rod found for the angle point in said Southeasterly right-of-way line of Liberty Drive, at 792.66 feet pass a 5/8 inch iron rod found on the high bank of Mary's Creek in all a distance of 870.51 feet to a point in the centerline of Mary's Creek for the East corner of this tract;

THENCE North 77 degrees, 20 minutes, 29 seconds West, along the centerline of Mary's Creek, a distance of 35.67 feet to a point for corner;

THENCE North 87 degrees, 12 minutes, 23 seconds West, along the centerline of Mary's Creek, a distance of 345.35 feet to a point for corner;

THENCE South 88 degrees, 14 minutes, 38 seconds West, along the centerline of Mary's Creek, a distance of 134.32 feet to a point for corner;

THENCE South 66 degrees, 04 minutes, 25 seconds West, along the centerline of Mary's Creek, a distance of 64.28 feet to a point for corner;

THENCE South 42 degrees, 34 minutes, 12 seconds West, along the centerline of Mary's Creek, a distance of 103.01 feet to a point for corner;

THENCE South 35 degrees, 00 minutes, 04 seconds West, along the centerline of Mary's Creek, a distance of 138.49 feet to a point for the South corner of this tract

THENCE North 48 degrees, 44 minutes, 10 seconds West, along the Northeast line of the said City of Pearland called 1.652 acre tract, at 50.00 feet pass a 5/8 inch iron rod set on the high bank of Mary's Creek, a total distance of 399.44 feet to the Point Of Beginning and containing 8.031 acres of land, more or less.

THE STATE OF TEXAS  
COUNTY OF BRAZORIA

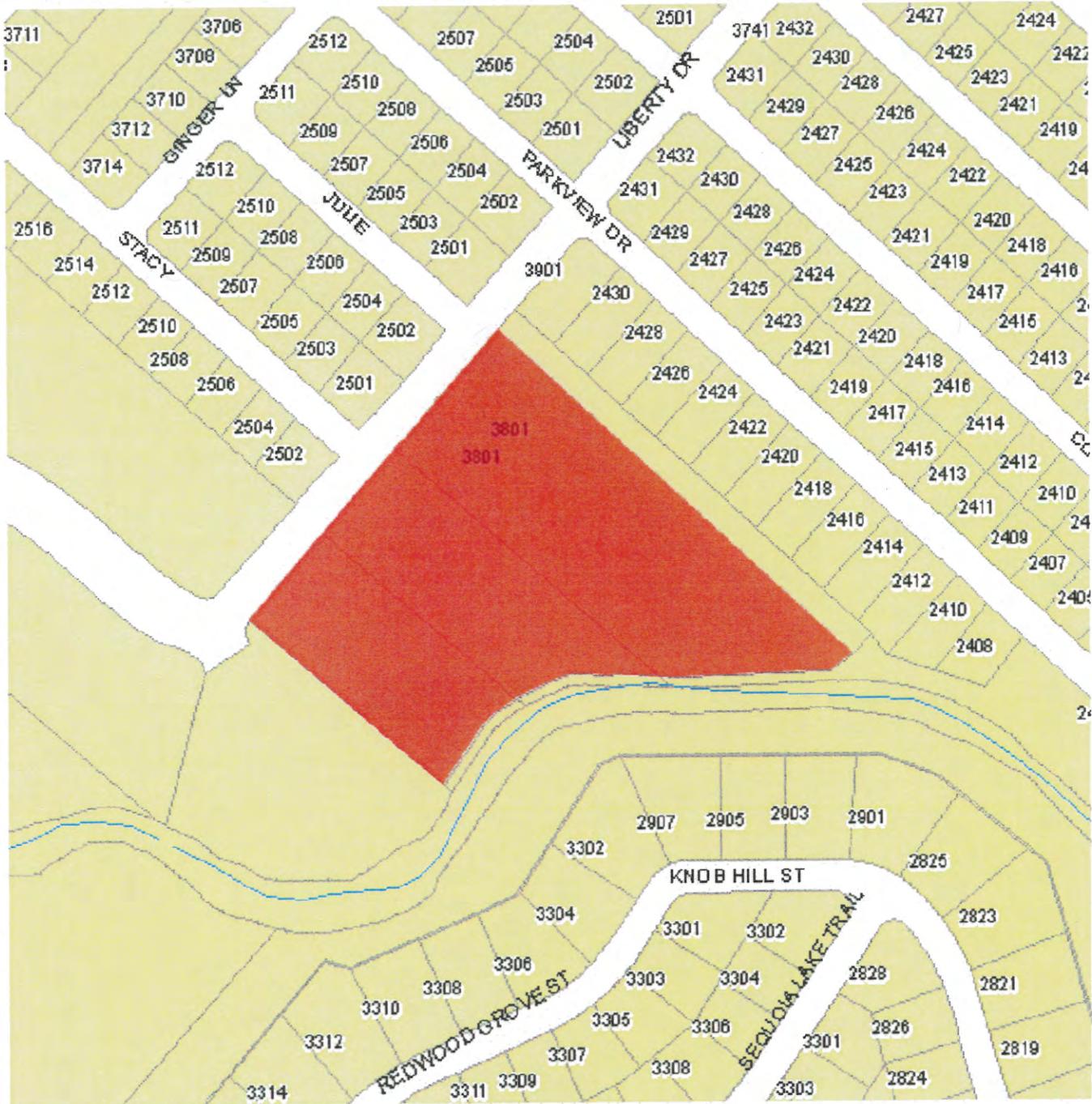
I, DOLLY BAILEY, Clerk of the County Court in and for Brazoria County, Texas, do hereby certify that this instrument was FILED FOR RECORD and RECORDED in the Volume and page of the OFFICIAL RECORDS herein set forth as stated herein by me.



*Dolly Bailey*  
County Clerk of Brazoria Co., TX

FILED FOR RECORD  
AUG 31 3 13 PM '89

*Dolly Bailey*  
COUNTY CLERK  
BRAZORIA COUNTY, TEXAS



Vicinity Map - Pearland, TX



Planning purposes only - Not survey grade.

November 9, 2010

Lata Krishnarao  
Director of Planning  
City of Pearland  
3519 Liberty Drive  
Pearland TX 77581

RE: Letter of Intent for Conditional Use Permit Application  
3801 Liberty Drive  
Golden Rule Services, Inc.

Dear Lata:

Golden Rule Services, Inc. is currently under contract to purchase the former Carden-Jackson School campus, contingent upon approval of a conditional use permit by the City. Golden Rule Services currently operates a facility at 2510 Westminster in Pearland and has been at this location since 2007. Golden Rule Services is a non-profit organization that contracts with Texas Department of Aging and Disability Services to provide day habilitation and other services for people with developmental and intellectual disabilities.

As previously agreed, Golden Rule Services is classified as an "Institution of Religious, Educational, or Philanthropic Nature" for the following reasons:

- Golden Rule Services is an approved 501(c)(3) nonprofit organization.
- Golden Rule Services provides classroom-setting educational programs in academics and vocational training for person age three and up, and offers related programs such as arts and crafts and physical education.
- As a contractor in the Medicaid Program, Golden Rule Services functions as an extension of a public agency.

Operating as an Institution of Religious, Educational, or Philanthropic Nature in an R-2 zone requires a conditional use permit. Golden Rule Services will have operations similar, but less intensive than, the previous occupancy of the site as a private school for over 25 years.

With regard to the Criteria for Approval stated in the Conditional Use Permit application package, we believe the proposed use is consistent with the criteria as described below:

*1. The proposed use at the specified location is consistent with the policies embodied in the adopted Comprehensive Plan.*

As stated in Section 5 of the Pearland Comprehensive Plan, *"The City's major goal is to accommodate anticipated growth while preserving its sense of community, attractiveness and safety."* With growth comes redevelopment choices. The Carden-Jackson site has been successfully integrated into the surrounding residential area and city parks uses for over 25 years.

4201 W. Broadway, Pearland, Texas 77581  
281-412-9210 \* Fax: 281-412-9060  
*Development@gromaxtexas.com*

## *Development*

Since the school is now closed, the choice as to how this site will be converted to new uses could have profound impacts on these surrounding uses. Approval of the C.U.P. will allow the services provided by Golden Rule Services, which are consistent with the previous uses on the site, to be conducted and will allow the surrounding area to retain its sense of community, attractiveness, and safety. Continuation of institutional uses in this location will provide stability for the neighborhood.

*2. The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations.*

The proposed use is allowed by conditional use permit in an R-2 zone. Therefore, the zoning ordinance contemplates the use is appropriate so long as reasonable safeguards are in place to protect the surrounding uses. Since the site is already developed and has operated successfully for over 25 years, there is a considerable track record of compatibility with intent of the zoning district.

*3. The proposed use is compatible with and preserves the character and integrity of the adjacent developments and neighborhoods, and includes improvements either on-site or within the public rights-of-way to mitigate development related adverse impacts, such as traffic, noise, odors, visual nuisances, drainage or other similar adverse effects to adjacent development and neighborhoods.*

Again, the proposed use is consistent with the uses that have existed on the site for more than 25 years. The property fronts on Liberty Drive, a designated Major Collector (with sufficient width, per the current Thoroughfare Plan). Ample buffers exist on all sides of the property. To the east are Mary's Creek and the city's recreational trail. To the south is Independence Park. To the west, across Liberty Drive, is vacant land an existing R-2 neighborhood. To the north, across a dedicated drainage channel easement, is an existing R-2 neighborhood. We do not expect any adverse effects and do not propose any additional mitigation measures.

*4. The proposed use does not generate pedestrian and vehicular traffic which will be hazardous or conflict with the existing and anticipated traffic in the neighborhood.*

Again, the property fronts on Liberty Drive, a designated Major Collector (with sufficient width, per the current Thoroughfare Plan), which is suitable for institutional uses such as Golden Rule Services. Carden-Jackson School had a peak enrollment of 190 students. Golden Rule Services currently has 25-30 clients using its Pearland facility, so there is room for considerable growth before Golden Rule Services would reach the previous intensity. It is anticipated that most, if not all, users of the facility would arrive by private vehicle or group vans

The property east of the gym was stabilized when the school was built. Although grass-covered, this property is suitable for overflow parking and can accommodate up to 200 vehicles for special events. In fact, the City has utilized this property in the past for special events at Independence Park. Golden Rule Services intends to continue to make this property available for joint use by the City.

# Gromax

---

## *Development*

5. *The proposed use incorporates roadway adjustments, traffic control devices or mechanisms, and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development generated traffic on neighborhood streets.*

The property currently contains a circular drive which is utilized during high peak times as a one-way drop off and pick loop. Due to the nature of the operations, a high peak flow as is experienced with a traditional school is not expected. Carden-Jackson School had a peak enrollment of 190 students. Golden Rule Services currently has 25 clients, so there is room for considerable growth before Golden Rule Services would reach the previous intensity. Since the property fronts on a Major Collector, impacts to local neighborhood streets are not expected. Because the proposed use is lower intensity than the previous school use, we do not intend to add any traffic control measures.

6. *The proposed use incorporates features to minimize adverse effects, including visual impacts, of the proposed conditional use on adjacent properties.*

No additional mitigation features beyond those which currently exist are proposed.

7. *The proposed use meets the standards for the zoning district, or to the extent variations from such standards have been requested, that such variations are necessary to render the use compatible with adjoining development and the neighborhood.*

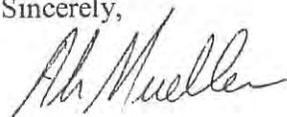
The proposed use is defined as an "Institution of Religious, Educational, or Philanthropic Nature", which is allowed by Conditional Use Permit in an R-2 Zone. No variances are necessary or requested.

In summary, the proposed use is consistent with, and actually less intensive, than the previous use which operated peacefully and in harmony with the surrounding neighborhood for over 25 years. This is an ideal re-use of this property that will provide predictability to the surrounding neighbors and stabilize the land uses on the tract and in the vicinity.

Assuming the December public hearing is conducted, we expect to be on the December 20 public hearing docket. Upon your notification of the hearing date, we will post the required site sign and provide verification to you.

Thank you for your consideration. Please contact me if you need additional information.

Sincerely,



Alan Mueller

Gromax Development, on behalf of Golden Rule Services, Inc.

4201 W. Broadway, Pearland, Texas 77581  
281-412-9210 \* Fax: 281-412-9060  
Development@gromaxtexas.com

CITY OF PEARLAND  
\*\*\* CUSTOMER RECEIPT \*\*\*  
Oper: RMCDEVITT Type: OC Drawer: 1  
Date: 11/10/10 01 Receipt no: 41442

Description	Quantity	Amount
BA BOARD OF ADJUSTMENTS	1.00	\$250.00
Trans number:		3181653

3001 LIBERTY DR  
ALAN MUELLER  
GARDEN-JACKSON SCHOOL, INC  
ZONE CHANGE OR VARIANCE

Tender detail		
CK CHECK	37560	\$250.00
Total tendered		\$250.00
Total payment		\$250.00

Trans date: 11/10/10 Time: 15:36:14

FEE \$64.95 UPDATE	<b>TAX CERTIFICATE</b> <b>PROFESSIONAL RE TAX SERVICE</b> 4700 W. SAM HOUSTON PKWY N., SUITE 100 HOUSTON, TX 77041 713-232-4350 713-625-8556(FAX)
CUST: PROFESSIONAL RE TAX SERVICE	BRANCH: 51 CLEAR LAKE-SWH
ORDER: 1003930350 CLOSER: RT	ORDER TYPE: A-1 SUBTYPE: R DATE: 11/01/2010

**CAD ACCOUNT NUMBER SUMMARY**

0070-0047-145
---------------

**SUMMARY OF ALL ACCOUNT(S)**

	SUMMARY OF CURRENT YEAR		SUMMARY OF ALL TAXES DUE	
	TAX YEAR	BASE TAX	DUE 11/10	DUE 12/10
CITY OF PEARLAND	2010	0.00	0.00	0.00
BC DRAINAGE DIST #4	2010	0.00	0.00	0.00
BRAZORIA CO/RELATED ENTI	2010	0.00	0.00	0.00
ISD - PEARLAND	2010	0.00	0.00	0.00
<b>TOTAL TAX</b>		<b>0.00</b>	<b>0.00</b>	<b>0.00</b>

\*\*\*\*\* COMMENTS \*\*\*\*\* CAUTION \*\*\*\*\* READ BEFORE CLOSING \*\*\*\*\*

CITY OF PEARLAND	- EXEMPTS: HS-0; O65-40,000; DIS-40,000
BC DRAINAGE DIST #4	- EXEMPTS: HS-20%; O65-75,000; DIS-75,000 BONDS APPROVED:0; BONDS ISSUED: 0
BRAZORIA CO/RELATED ENTI	- RATE INCLUDES COUNTY(.362301) ROAD/BRIDGE(.0328) MOSQUITO DISTRICT(.00800)ROAD/BRIDGE SPECIAL(.06) EXEMPTS: HS-20%; O65-100,000; DIS-100,000
ISD - PEARLAND	- EXEMPTS: HS-15,000; OVER65-13,800; DIS-10,000

CAD# 0070-0047-145	CPL DR4 GBC SPL
DESC A0070 W D C HALL (PEARLAND), TRACT 6D-6E-6F, ACRES 8.031 ABST/SUB ID A	SW0/DC2
0070	
ACREAGE 8.031	
<b>TOTALLY EXEMPT</b>	
SITUS 3801 LIBERTY DR CPL	
MAIL 1302 HOUSTON AVE PASADENA TX 77502-2514	
ASSESSED OWNER(S)	<b>2010 ASSESSED VALUES</b>
THE CARDEN JACKSON SCHOOL	LAND 136,530
	IMPROVEMENT 1,244,140
	<b>TOTAL VALUE 1,380,670</b>
HIGH LIABILITY	

**TAX ENTITY INFORMATION**

<b>CITY OF PEARLAND</b>	<b>PAYMENTS AS OF</b>	<b>10/01/2010</b>
COLLECTED BY COUNTY	10 TAX RATE	0.6651000
PHONE 281-756-1320	W/O EXEMPT	9,182.84
YR	BASE TAX	BASE DUE
10	0.00	0.00
*** NO TAX DUE ***		
SUBTOTAL	0.00	0.00
	0.00	0.00

<b>TAX CERTIFICATE</b>				
<b>PROFESSIONAL RE TAX SERVICE</b>				
4700 W. SAM HOUSTON PKWY N., SUITE 100				
HOUSTON, TX 77041				
713-232-4350 713-625-8556(FAX)				
<b>CUST: PROFESSIONAL RE TAX SERVICE</b>		<b>BRANCH: 51 CLEAR LAKE-SWH</b>		
<b>ORDER: 1003930350</b>	<b>CLOSER: RT</b>	<b>ORDER TYPE: A-1</b>	<b>SUBTYPE: R</b>	<b>DATE: 11/01/2010</b>

<b>BC DRAINAGE DIST #4</b>		<b>PAYMENTS AS OF</b>			<b>10/01/2010</b>
COLLECTED BY COUNTY			10 TAX RATE	0.1560000	
PHONE 281-756-1320			W/O EXEMPT	2,153.85	
	<b>YR</b>	<b>BASE TAX</b>	<b>BASE DUE</b>	<b>DUE 11/10</b>	<b>DUE 12/10</b>
	10	0.00	0.00	*** NO TAX DUE ***	
<b>SUBTOTAL</b>		<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>

<b>BRAZORIA CO/RELATED ENTITIES</b>		<b>PAYMENTS AS OF</b>			<b>10/01/2010</b>
111 E. LOCUST SUITE 100 ANGLETON, TX 77515-4682			10 TAX RATE	0.4631010	
PHONE 281-756-1320			W/O EXEMPT	6,393.90	
	<b>YR</b>	<b>BASE TAX</b>	<b>BASE DUE</b>	<b>DUE 11/10</b>	<b>DUE 12/10</b>
	10	0.00	0.00	*** NO TAX DUE ***	
<b>SUBTOTAL</b>		<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>

<b>ISD - PEARLAND</b>		<b>PAYMENTS AS OF</b>			<b>10/01/2010</b>
COLLECTED BY COUNTY			10 TAX RATE	1.4194000	
PHONE 281-756-1320			W/O EXEMPT	19,597.23	
	<b>YR</b>	<b>BASE TAX</b>	<b>BASE DUE</b>	<b>DUE 11/10</b>	<b>DUE 12/10</b>
	10	0.00	0.00	*** NO TAX DUE ***	
<b>SUBTOTAL</b>		<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>

#### CERTIFICATION, CONDITIONS AND EXCLUSIONS

THIS CERTIFIES THAT ALL AD VALOREM TAXES APPLICABLE TO THE ABOVE REFERENCED PROPERTY HAVE BEEN CHECKED AND FOUND TO HAVE THE STATUS INDICATED.

(1) THIS CERTIFICATION DOES NOT COVER ANY CHANGES MADE TO THE TAX ROLL OR RECORDS AFTER THE "PAYMENT AS OF" DATES LISTED ABOVE. (2) THIS DOCUMENT DOES NOT CONSTITUTE A REPORT ON OR CERTIFICATION OF MINERAL (PRODUCTIVE AND NON-PRODUCTIVE) TAXES, LEASES, PERSONAL PROPERTY TAXES OR OTHER NON AD VALOREM TAXES (SUCH AS PAVING LIENS, STAND-BY CHARGES OR MAINTENANCE ASSESSMENTS). THESE ITEMS MAY BE INCLUDED FOR CONVENIENCE PURPOSES ONLY. (3) THIS CERTIFICATE IS NOT TRANSFERRABLE AND IS ENFORCEABLE ONLY BY THE PARTY TO WHICH IT HAS BEEN ISSUED.

PRINTED BY SWH/CL1

<b>HOA CERTIFICATE</b> <b>PROFESSIONAL RE TAX SERVICE</b> 4700 W. SAM HOUSTON PKWY N., SUITE 100 HOUSTON, TX 77041 713-232-4350 713-625-8556(FAX)			
<b>CUST: PROFESSIONAL RE TAX SERVICE</b>	<b>BRANCH: 51 CLEAR LAKE-SWH</b>		
<b>ORDER: 1003930350 CLOSER: RT</b>	<b>ORDER TYPE: A-1</b>	<b>SUBTYPE: R</b>	<b>DATE: 11/01/2010</b>

**SELLER** THE CARDEN JACKSON SCHOOL

**BUYER**

**COUNTY** BRAZORIA

**SUBD NAME / BLK A0070 W D C HALL**

**NO HOA FOUND FOR A0070 W D C HALL**

**\*\*\* OUR RESEARCH DOES NOT INDICATE THE EXISTENCE OF AN \*\*\***

**\*\*\* HOA. PLEASE VERIFY WITH YOUR TITLE REPORT. IF AN \*\*\***

**\*\*\* HOA IS KNOWN, PLEASE CONTACT DATA TRACE \*\*\***

**SUMMARY OF ACCOUNT 0070-0047-145**

**DESC** A0070 W D C HALL (PEARLAND), TRACT 6D-8E-6F, ACRES 8.031 ABST/SUB ID A  
**SITUS** 3801 LIBERTY DR CPL

---

**Brazoria CAD**

**Property Search Results > 155236 THE CARDEN-JACKSON SCHOOL for Year 2010**

**Property**

**Account**

Property ID: 155236 Legal Description: A0070 W D C HALL (PEARLAND), TRACT 6D-6E-6F, ACRES 8.031

Geographic ID: 0070-0047-145 Agent Code:  
 Type: Real

**Location**

Address: 3801 LIBERTY DR Mapsco:  
 PEARLAND,

Neighborhood: COMM ACCTS Map ID:  
 Neighborhood CD: COMM

**Owner**

Name: THE CARDEN-JACKSON SCHOOL Owner ID: 26430  
 Mailing Address: 1302 HOUSTON AVE % Ownership: 100.0000000000%  
 PASADENA, TX 77502-2514

Exemptions: EX

**Values**

(+) Improvement Homesite Value:	+	\$0	
(+) Improvement Non-Homesite Value:	+	\$1,244,140	
(+) Land Homesite Value:	+	\$0	
(+) Land Non-Homesite Value:	+	\$136,530	Ag / Timber Use Value
(+) Agricultural Market Valuation:	+	\$0	\$0
(+) Timber Market Valuation:	+	\$0	\$0
<hr/>			
(=) Market Value:	=	\$1,380,670	
(-) Ag or Timber Use Value Reduction:	-	\$0	
<hr/>			
(=) Appraised Value:	=	\$1,380,670	
(-) HS Cap:	-	\$0	
<hr/>			
(=) Assessed Value:	=	\$1,380,670	

**Taxing Jurisdiction**

Owner: THE CARDEN-JACKSON SCHOOL  
 % Ownership: 100.0000000000%  
 Total Value: \$1,380,670

Entity	Description	Tax Rate	Appraised Value	Taxable Value	Estimated Tax
CAD	BRAZORIA COUNTY APPRAISAL DISTRICT	0.000000	\$1,380,670	\$0	\$0.00
CPL	CITY OF PEARLAND	0.665100	\$1,380,670	\$0	\$0.00
DR4	BRAZORIA COUNTY DRAINAGE DISTRICT #4 (PEARLAND)	0.156000	\$1,380,670	\$0	\$0.00
GBC	BRAZORIA COUNTY	0.403101	\$1,380,670	\$0	\$0.00
RDB	ROAD & BRIDGE FUND	0.060000	\$1,380,670	\$0	\$0.00
SPL	PEARLAND INDEPENDENT SCHOOL DISTRICT	1.419400	\$1,380,670	\$0	\$0.00
<b>Total Tax Rate:</b>		<b>2.703601</b>			

Taxes w/Current Exemptions: \$0.00

Taxes w/o Exemptions: \$37,327.81

**Improvement / Building**

Improvement #1:	Commercial	State Code:	X5	Living Area:	sqft	Value:	\$167,640
Type	Description	Class CD	Exterior Wall	Year Built	sqft		
356	CLASSROOM	S		1977	10000.0		
RC1	CARPORT	D-		1977	2100.0		

Improvement #2:	Misc Imp	State Code:	X5	Living Area:	sqft	Value:	\$41,310
Type	Description	Class CD	Exterior Wall	Year Built	sqft		
YPC1	CONCRETE PAVING AVERAGE *			1982	26148.0		

Improvement #3:	Commercial	State Code:	X5	Living Area:	sqft	Value:	\$1,035,190
Type	Description	Class CD	Exterior Wall	Year Built	sqft		
358	GYMNASIUM (SCHOOL)	S		1982	18816.0		

**Land**

#	Type	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
1	A0	OTHER	8.0310	349786.80	0.00	0.00	\$136,530	\$0

**Roll Value History**

Year	Improvements	Land Market	Ag Valuation	Appraised	HS Cap	Assessed
2011	N/A	N/A	N/A	N/A	N/A	N/A
2010	\$1,244,140	\$136,530	0	1,380,670	\$0	\$1,380,670
2009	\$1,001,470	\$136,530	0	1,138,000	\$0	\$1,138,000
2008	\$987,220	\$136,530	0	1,123,750	\$0	\$1,123,750
2007	\$987,220	\$136,530	0	1,123,750	\$0	\$1,123,750
2006	\$983,800	\$136,530	0	1,120,330	\$0	\$1,120,330
2005	\$908,590	\$136,530	0	1,045,120	\$0	\$1,045,120
2004	\$787,090	\$136,530	0	923,620	\$0	\$923,620
2003	\$176,340	\$136,530	0	312,870	\$0	\$312,870
2002	\$200,070	\$120,470	0	320,540	\$0	\$320,540
2001	\$200,070	\$104,390	0	304,460	\$0	\$304,460

**Deed History - (Last 3 Deed Transactions)**

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

Questions Please Call (979) 849-7792

Website version: 1.2.2.2

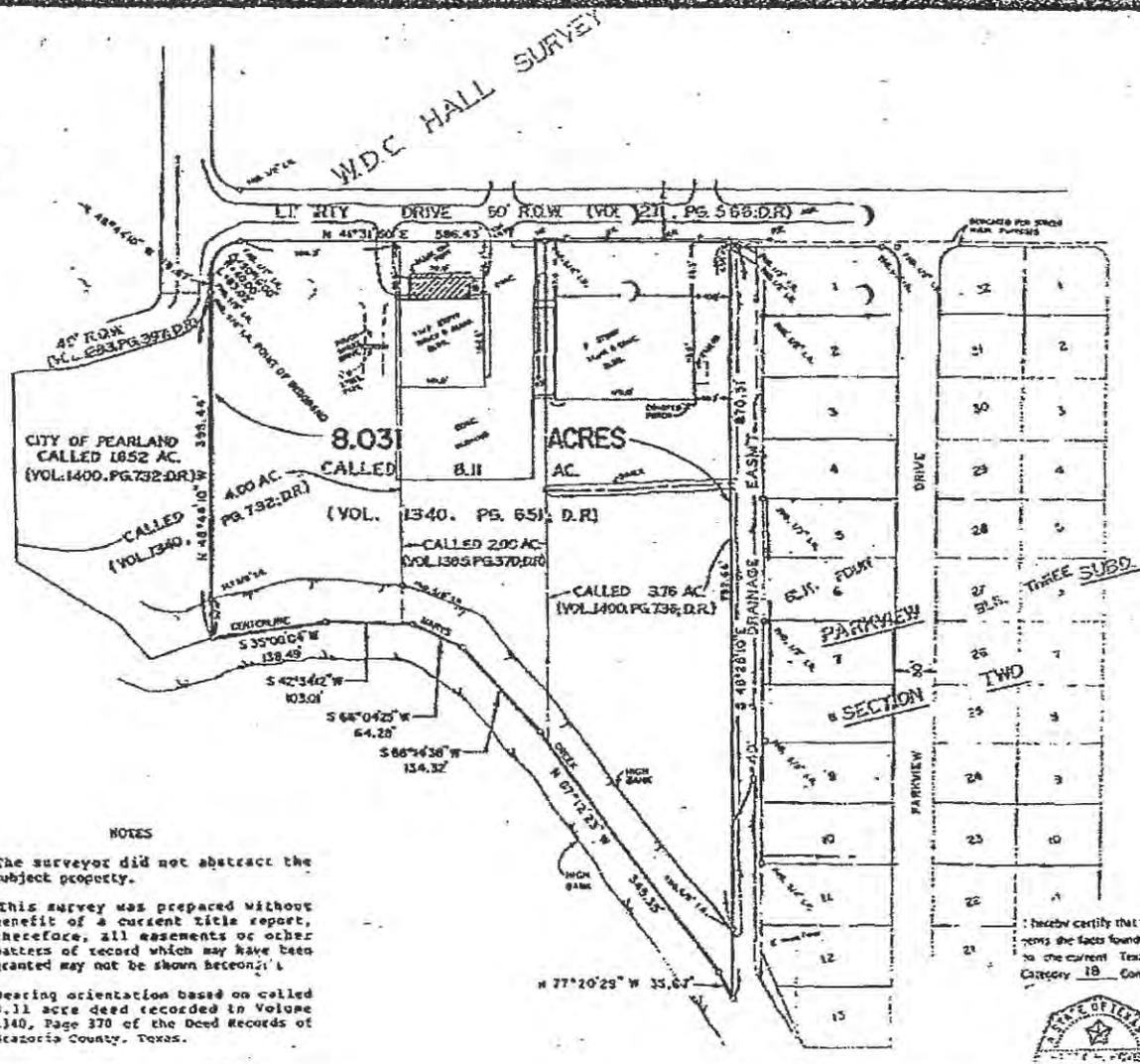
Database last updated on: 10/6/2010 9:17 PM

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

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

## 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.
- If the applicant is the designated agent, the application shall include a written statement from the property owner authorizing the agent to file the application on his behalf. **Section 1.2.1.1 (a) of the Unified Development Code.**
- Metes and Bounds Description, (Survey, or a Plat of the property that contain the metes and bounds description).
- Parcel map, printed from the City of Pearland website, indicating the location and boundaries of the subject property.
- Letter of Intent, explaining the 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
- Acknowledgement of the sign to be posted on the property, 10 days prior to the public hearing *Sign will be posted at appropriate time.*
- Provide evidence or proof that all taxes and obligations have been paid regarding the subject property.
- Application packets that are not **complete** will not be accepted. **When a completed application packet has been accepted and reviewed, additional information may be required by staff as a result of the review, it may be necessary to postpone the proposed CUP/Zone Change and remove it from the scheduled agenda and place it on a future agenda date according to Section 1.2.1.2. of the Unified Development Code.**



AGENDA - JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD JANUARY 17, 2011, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS

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

**ZONE CHANGE APPLICATION NO. 2011-01Z**

A request of Kerry R. Gilbert & Assoc., applicant, for approval of a zone change from the Single-Family Estate District (R-E) zone, to Single-Family Residential-1 (R-1) zone for (3) tracts of land including approximately 130 acres on the following described property, to wit

**Legal Description:** 61.217 acres of land located in the Derril H.M. Hunter Survey, Abstract 36, Harris County, Texas, more particularly being a portion of that certain called 155.4029 acre tract (designated as Partition No. 5) of record in Volume (91) 880, Page 476, Official Records of Brazoria County (B.C.O.R.) and File No. R840236, Official Public Records of Real Property of said Harris County (H.C.O.P.R.R.P.); and being 56.233 acres of land located in the Derril H.M. Hunter Survey, Abstract 36, Harris County, Texas more particularly being a portion of a called 181.6209 acre tract conveyed to Sue Alexander Morrison, by instrument of record in Volume 1596, Page 93, Deed Records of said Brazoria County Deed Records, and File No. H178351, Official Public Records of said Harris County (H.C.O.P.R.R.P.); and being 12.810 acres of land located in the Derril H.M. Hunter Survey, Abstract 36, Harris County, Texas, more particularly being all of that certain called 12.597 acre tract conveyed to Clear Brook City Municipal Utility District, by an instrument of record in File No. U800015, Official Public Records of Real Property of said Harris County (H.C.O.P.R.R.P.).

**General Location:** East of Pearland Parkway, north of proposed Hughes Road, and east of Clear Creek, and referred to as proposed The Preserve at Clear Creek subdivision

- 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 JANUARY 15, 2011

---

## Zone Change No. 2011-01Z

A request of Kerry R. Gilbert & Assoc., applicant, for approval of a zone change from the Single-Family Estate District (R-E) zone, to Single-Family Residential-1 (R-1) zone for (3) tracts of land including approximately 130 acres on the following described property, to wit

**Legal Description:** 61.217 acres of land located in the Derril H.M. Hunter Survey, Abstract 36, Harris County, Texas, more particularly being a portion of that certain called 155.4029 acre tract (designated as Partition No. 5) of record in Volume (91) 880, Page 476, Official Records of Brazoria County (B.C.O.R.) and File No. R840236, Official Public Records of Real Property of said Harris County (H.C.O.P.R.R.P.); and being 56.233 acres of land located in the Derril H.M. Hunter Survey, Abstract 36, Harris County, Texas more particularly being a portion of a called 181.6209 acre tract conveyed to Sue Alexander Morrison, by instrument of record in Volume 1596, Page 93, Deed Records of said Brazoria County Deed Records, and File No. H178351, Official Public Records of said Harris County (H.C.O.P.R.R.P.); and being 12.810 acres of land located in the Derril H.M. Hunter Survey, Abstract 36, Harris County, Texas, more particularly being all of that certain called 12.597 acre tract conveyed to Clear Brook City Municipal Utility District, by an instrument of record in File No. U800015, Official Public Records of Real Property of said Harris County (H.C.O.P.R.R.P.).

**General Location:** East of Pearland Parkway, north of proposed Hughes Road, and east of Clear Creek, and referred to as proposed The Preserve at Clear Creek subdivision

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

Planning and Zoning Commission: January 17, 2011\*  
City Council for First Reading: February 14, 2011\*  
City Council for Second Reading: February 28, 2011\*

(\*dates subject to change)

**SUMMARY:** On behalf of Beazer Homes, Kerry R. Kilbert & Associates, Inc. has applied for a zone change from Single-Family Estate District (R-E) to Single-Family Residential-1 (R-1). The intent of the request is for the applicant to develop The Preserve at Clear Creek, a proposed approximately 130 acre and 285 lot single-family home development located north of proposed Hughes Road and east of Pearland Pkwy and Clear Creek. Subsequent to the zone change, if approved, staff will process an application already on file with the City for a Cluster Development Plan for the proposed area, which will allow for the development of the subdivision based on residential density standards rather than typical minimum lot sizes. Additional information on the proposed Cluster Development will be provided in this report. However, it is important to note that this zone change, if approved, is only for Single-Family Residential-1 (R-1), and the proposed developed may not legally be tied to this zoning request. With the (R-1) zoning designation, this property would be able to be developed under the R-1 bulk regulations should be applicant decide not to pursue The Preserve at Clear Creek as its currently shown.

**SURROUNDING ZONING AND LAND USES:**

	<u>Zoning</u>	<u>Land Use</u>
North	Highland Glen PUD & City of Houston	Vacant/Single-Family Residential
South	Single-Family Residential-1 Single-Family Residential-3 Office Professional (OP)	Vacant/Approved Ridge Creek Cluster Development
East	City of Houston & Single-Family Residential-1	Single-Family Residential and Vacant
West	Highland Glen PUD & Single-Family Residential-3	Single-Family Residential and Vacant

**CONFORMANCE WITH THE UNIFIED DEVELOPMENT CODE (UDC):** The subject property is currently zoned as Single-Family Estate District (R-E). The minimum lot sizes and density requirements for the current district as well as the proposed Single-Family Residential-1 (R-1) are as follows:

	<u>R-E</u>	<u>R-1</u>
<u>Lot Area:</u>	21,780 sq. ft.	8,800 sq. ft.
<u>Lot Depth:</u>	120'	80'
<u>Lot Width:</u>	90'	90'
<u>Density For Cluster Development:</u>	1.3 units/acre	3.2 units/acre

As previously mentioned, the applicant has applied for a Cluster Development Plan (currently on hold pending zone change approval) with the Planning and Zoning Commission. The following are criteria which will be considered for the Cluster Development Plan:

- (a) **Factors.** The Planning and Zoning Commission, or the City Council on appeal, shall apply the following factors in taking action on the Cluster Development Plan application:
  - (1) The Cluster Development Plan meets the standards for residential density as outlined in the following in relation to each zoning district:
  - (2) The Cluster Development Plan is consistent with other zoning district regulations, except minimum lot size, width and depth.
  - (3) The Cluster Development Plan contains sufficient buffering to assure compatibility with adjacent uses and the character of the neighborhood.
  - (4) The Cluster Development Plan provides open space or amenities to the development that could not be achieved through application of minimum lot size standards. As referred to herein, open space and amenities do not include any land dedicated to the City under the parkland dedication requirement in Chapter 3, Article 2, Division 10.
- (b) **Conditions.** The Planning and Zoning Commission, or the Council on appeal, may impose such conditions on approval of the Cluster Development Plan as are necessary to assure compatibility with adjoining uses and neighborhood character.

The applicant has submitted density calculations with their zone change proposal indicating the development would not exceed 3.2 units per acre. Therefore, the proposed development would be in general conformance with the Unified Development Code for the Single-Family Residential-1 (R-1) zoning district. For reference, gross residential density is calculated by including all retention/detention areas, platted streets, open space, recreational areas and parks, provided the applicant is able to indicate these areas will be amenities for the development. Areas excluded in calculating density are easements and thoroughfare rights-of-way. It should be noted that with the particular proposed Cluster Development, there is effectively more open area due to the large amount of area within floodway land.

**PLATTING STATUS:** The property has not been platted. If the zone change is approved, staff will process the Cluster Development Plan submitted to the Planning Department, which is how the property will be platted for development.

**CONFORMANCE WITH THE COMPREHENSIVE PLAN:** The current adopted Comprehensive Plan's Future Land Use Map indicates this area should be suburban residential development. Additionally, it is stated that the appropriate zoning for suburban development is Single-Family Estate District (R-E), for ½ acre lots, which resulted in the properties current R-E zoning. However, both R-E and R-1 (Single-Family Residential-1) were designated as appropriate zonings for another low-density residential district. Therefore, the designation of R-1 being requested would be

consistent with the intent of the Comprehensive Plan.

It is also important to keep in mind that a City's Comprehensive Plan should be used as a reference to help guide development and is not intended to be used as specifically as a zoning map. Therefore, it is important when determining conformance with a comprehensive plan to decipher whether a proposal would result in development which is in overall general conformance or is in clear and direct opposition to a comprehensive plan. In this case, the Single-Family Residential-1 (R-1) would not be in opposition to the Comprehensive plan indicating suburban residential development for the property.

**CONFORMANCE WITH THE THOROUGHFARE PLAN:** The subject property will have frontage on the future Hughes Road expansion, a proposed secondary thoroughfare with sufficient width for right-of-way of 100 feet. This construction will need to be completed prior to building permit being issued for homes in the new development. The City will be constructing this extension (including the involved bridge) from Pearland Pkwy to the first entrance into the proposed development. The remainder will be constructed by the developer of Ridge Creek, and is not needed for the proposed Preserve at Clear Creek. Additionally, the property will have access from existing Azure Brook Lane, located in the Clear Brook subdivision, outside the City limits of Pearland.

**AVAILABILITY OF UTILITIES:** The subject parcel is not served by public water and sewer lines at this time. However, the applicant will be extending utilities as part of the proposed development.

**IMPACT ON EXISTING AND FUTURE DEVELOPMENT:** The proposed zone change should not have any significant negative impact on any surrounding structures or uses. This would also permit the applicant to develop the property in overall accordance with the Future Land Use Plan recommendations. The densities in the general area of the proposal would not be adversely affected due to a large portion in floodway within the development which would remain undeveloped.

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

**ADDITIONAL COMMENTS:** This request has been reviewed by the City's Development Review Committee and there are no additional comments from other departments at the time of this report.

**SITE PLAN CONSIDERATIONS:** A site plan is not required for a zone change. However, as the applicant has a proposed layout for future development of this property, it has been attached as a supporting document to this report. As previously stated, this document is only a guide and will not be tied to, or a requirement of the proposed zone change, if approved.

**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 notification 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.

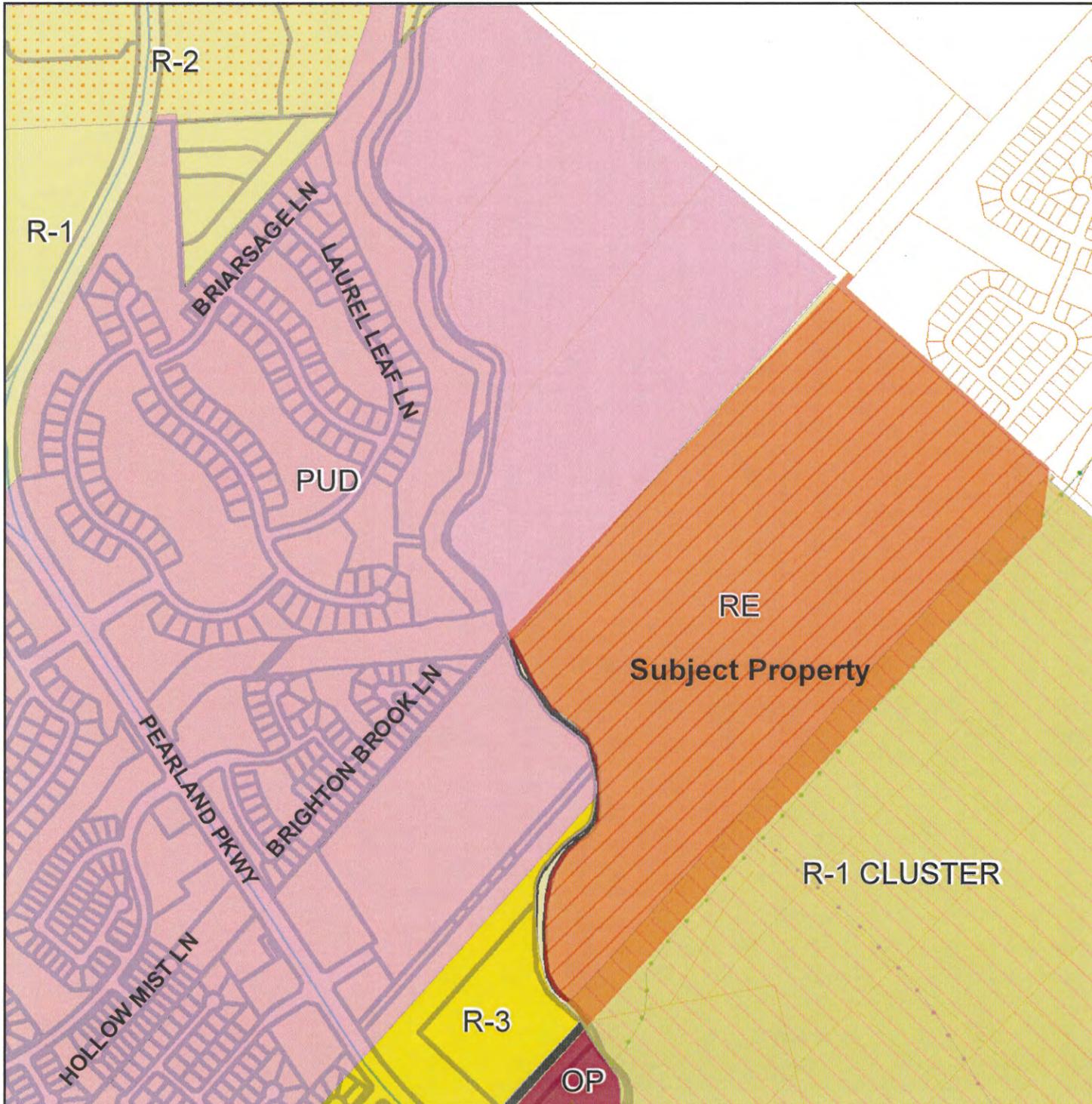
**STAFF RECOMMENDATION:** Staff recommends approval of the Zone Change 2011-01Z as proposed by the applicant with the following conditions, and for the following reasons:

Reasons for approval recommendation:

1. Approval of the zone change would be in conformance with the surrounding zoning and future land uses.
2. The proposed zone change should not have any significant negative impact on the surrounding properties and developments.
3. The proposed zone change will not bring the property out of compliance with the latest approved Future Land Use Plan.
4. The proposed zone change could result in a Cluster Development which will likely have a positive impact on surrounding properties and the City of Pearland as a whole.

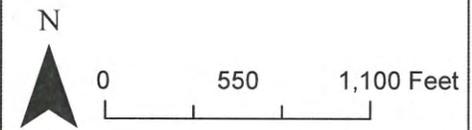
**SUPPORTING DOCUMENTS:**

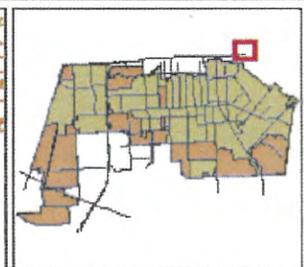
- Vicinity and Zoning Map
- Property Ownership Map
- Property Owner Notification List
- Future Land Use Plan
- Aerial Photograph
- Zone Change Application and Applicant Documents
- Related Documents



**Vicinity and Zoning Map**

**Zone Change 2011-01Z**





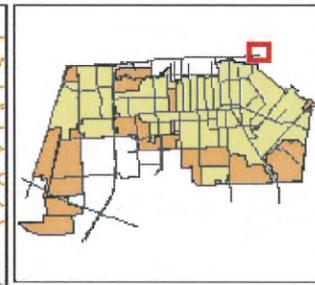
Scale 1:8,161  
1 in = 680 ft

**ZONE CHANGE APPLICATION NO. 2011-01Z  
CITY OF PEARLAND  
SOUTHWEST CORNER OF MCHARD AND PEARLAND PKWY  
PROPERTY OWNERS NOTIFICATION LIST**

<b>Owner</b>	<b>Street</b>	<b>City</b>	<b>State</b>	<b>Zip</b>
KANTOR GEORGE EST OF PASADENA ISD	49 BRIAR HOLLOW LN UNIT 304 PO BOX 1318	HOUSTON PASADENA	TX TX	77027-9307 77501-1318
JOHN ALEXANDER FAMILY LP	PO BOX 127	PEARLAND	TX	77588-0127
RIVERSTONE LAND INVESTORS	1300 POST OAK BLVD STE 1110	HOUSTON	TX	77056-3018
TRINH HOA NHU & KHANH THI	8103 HAYBROOK DR	HOUSTON	TX	77089-2393
CLEAR BROOK UD C/O BOB LEARED INTEREST	11111 KATY FWY STE 725	HOUSTON	TX	77079-2175
DICKERSON CHRISTOPHER M	2402 S VOSS RD APT B211	HOUSTON	TX	77057-4166
MORRISON MRS SUE ALEXANDER	8 PINE BRIAR CIR	HOUSTON	TX	77056-1113
PHILLIPS MARK P	10310 LINBROOK DR	HOUSTON	TX	77089-2396
WATSON MARY C	8115 AZURE BROOK DR	HOUSTON	TX	77089-2472
CHAVEZ EDGAR & GYLMA	10318 LINBROOK DR	HOUSTON	TX	77089-2396
CLEAR BROOK MEADOWS ASSOC % HOUSTON COMMUNITY MGMT	17049 EL CAMINO REAL STE 100	HOUSTON	TX	77058-2611
RODRIGUEZ MARIO A & EMMA Y	8102 AZURE BROOK DR	HOUSTON	TX	77089-2471
LOPEZ RAMIRO M	10334 LINBROOK DR	HOUSTON	TX	77089-2396
SHEPHERD EARNEST L & MARGARITA	10330 LINBROOK DR	HOUSTON	TX	77089-2396
LAZIEDAYS LLC	3817 GINGER CREEK ST	LAS VEGAS	NV	89108-5240
PHAM TUNG N	8102 HAYBROOK DR	HOUSTON	TX	77089-2392
MONTOYA DANIEL	10302 LINBROOK DR	HOUSTON	TX	77089-2396
SAENZ RAMONA & ROBERTO R	10314 LINBROOK DR	HOUSTON	TX	77089-2396
RIOS NANCY	8106 DUNE BROOK DR	HOUSTON	TX	77089-2479
HARRIS COUNTY	10555 NORTHWEST FWY STE 210	HOUSTON	TX	77092-8215
CLEAR BROOK CITY MUD C/O BOB LEARED INTEREST	11111 KATY FWY STE 725	HOUSTON	TX	77079-2175
A & G CREEKSIDE VENTURE	2411 PARK AVE	PEARLAND	TX	77581-4233

ALEXANDER ROBERT	314 S BEAUREGARD ST	ALVIN	TX	77511-2141
BORN LAURICE M	8110 AZURE BROOK DR	HOUSTON	TX	77089-2471
NGOLE RICHARD	8106 AZURE BROOK DR	HOUSTON	TX	77089-2471
FAVELA LETICIA	8114 AZURE BROOK DR	HOUSTON	TX	77089-2471
JOHN ALEXANDER FAMILY	PO BOX 127	PEARLAND	TX	77588-0127
PEREZ ADAM C & IVON G	8103 DUNE BROOK DR	HOUSTON	TX	77089-2480
VILLARREAL TIMMY & ANGELA R	8107 DUNE BROOK DR	HOUSTON	TX	77089-2480
GARZA OCTAVIO	10322 LINBROOK DR	HOUSTON	TX	77089-2396
CITY OF PEARLAND	111 E LOCUST ST	ANGLETON	TX	77515-4642
Kerry Gilbert & Assoc. Attn: Christy Schmidt	23501 Cinco Ranch Blvd. Ste. A250	Katy	TX	77494

# Future Land Use Map (FLUP)



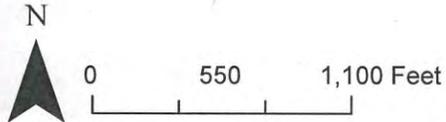
Zone Change 2011-01Z

Scale 1:7,613  
1 in = 634 ft



Aerial Map

Zone Change 2011-01Z





# APPLICATION FOR A CHANGE IN ZONING

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

Current Zoning District: R-E

Proposed Zoning District: R-1

**Property Information:**

Address or General Location of Property: North of proposed Hughes Rd. and east of Clear Creek.

Tax Account No. 0402800000006 - HARRIS COUNTY

Subdivision: \_\_\_\_\_ Lot: \_\_\_\_\_ Block: \_\_\_\_\_

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

**PROPERTY OWNER INFORMATION:**

NAME JOHN ALEXANDER FAMILY LP  
ADDRESS P.O. Box 127  
CITY PEARLAND STATE TX ZIP 77588  
PHONE (281) 482-4417  
FAX (281) 482-4417  
E-MAIL ADDRESS JBALEXANDR@ADL.COM

**APPLICANT/AGENT INFORMATION:**

NAME Christy Smidt Kerry R. Gilbert & Assoc.  
ADDRESS 23501 Cinco Ranch Blvd. A-250  
CITY Katy STATE TX ZIP 77494  
PHONE (281) 579-0340  
FAX (281) 579-8212  
E-MAIL ADDRESS landplan@krga.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: John Bill Alexander Date: 12/06/2010

Agent's/Applicant's Signature: Christy Smidt Date: 12/2/10

**OFFICE USE ONLY:**

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

Application No. \_\_\_\_\_

Lata Krishnarao, Director  
Planning Department  
3523 Liberty Drive  
Pearland, Texas 77581

RE: Rezone application request - owner authorization

Dear Lata,

I, JOHN ALEXANDER FAMILY LP, owner of property located north of proposed Hughes Road and east of Clear Creek, do authorize Kerry R. Gilbert & Assoc., Inc. to be our agent and to file the attached rezone request application on our behalf.

Sincerely,

*John Bill Alexander*  
MANAGING GENERAL PARTNER

---

Date: Dec 6, 2010



# APPLICATION FOR A CHANGE IN ZONING

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

Current Zoning District: R-E

Proposed Zoning District: R-1

**Property Information:**

Address or General Location of Property: North of proposed Hughes Rd,  
and east of Clear Creek.

Tax Account No. \_\_\_\_\_

Subdivision: \_\_\_\_\_ Lot: \_\_\_\_\_ Block: \_\_\_\_\_

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

**PROPERTY OWNER INFORMATION:**

NAME CLEAR BROOK CITY M.U.D.  
ADDRESS 11911 BLACKHAWK BLVD  
CITY HOUSTON STATE TX ZIP 77089  
PHONE ( 281 ) 484-1562  
FAX ( 281 ) 484-3533  
E-MAIL ADDRESS cclark@cbemud.com

**APPLICANT/AGENT INFORMATION:**

NAME Christy Smidt, Kerry R. Gilbert & Assoc  
ADDRESS 23501 Cinco Ranch Blvd, A-250  
CITY Katy STATE TX ZIP 77494  
PHONE ( 281 ) 579-0340  
FAX ( 281 ) 579-8217  
E-MAIL ADDRESS landplan@krga.com

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

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

Owner's Signature: [Signature] Date: 12-3-10

Agent's/Applicant's Signature: [Signature] Date: 12/2/10

**OFFICE USE ONLY:**

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

Application No. \_\_\_\_\_

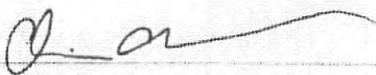
Lata Krishnarao, Director  
Planning Department  
3523 Liberty Drive  
Pearland, Texas 77581

RE: Rezone application request - owner authorization

Dear Lata,

I, Chris Clark - CBC mud owner of property located north of proposed Hughes Road and east of Clear Creek, do authorize Kerry R Gilbert & Assoc., Inc. to be our agent and to file the attached rezoning request application on our behalf.

Sincerely,

  
\_\_\_\_\_

Date: 12-3-10

ZONE CHANGE APPLICATION Page 1 of 5 Updated June 2010)



# APPLICATION FOR A CHANGE IN ZONING

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

Current Zoning District: R-E

Proposed Zoning District: R-1

**Property Information:**

Address or General Location of Property: North of proposed Hughes Rd, and east of Clear Creek.

Tax Account No. \_\_\_\_\_

Subdivision: \_\_\_\_\_ Lot: \_\_\_\_\_ Block: \_\_\_\_\_

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

**PROPERTY OWNER INFORMATION:**

**APPLICANT/AGENT INFORMATION:**

NAME Sue Alexander Morrison  
ADDRESS 8 Pine Briar Circle  
CITY Houston STATE TX ZIP 77056  
PHONE(\_\_\_\_\_) \_\_\_\_\_  
FAX(\_\_\_\_\_) \_\_\_\_\_  
E-MAIL ADDRESS \_\_\_\_\_

NAME Christy Smidt, Kerry R. Gilbert & Assoc.  
ADDRESS 23501 Cineo Ranch Blvd. #250  
CITY Katy STATE TX ZIP 77494  
PHONE( 281 ) 579-0340  
FAX( 281 ) 579-8212  
E-MAIL ADDRESS landplan@krqa.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: see attached Date: \_\_\_\_\_

Agent's/Applicant's Signature: Christy Smidt Date: 12/2/10

**OFFICE USE ONLY:**

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

Application No. \_\_\_\_\_

Lata Krishnarao, Director  
Planning Department  
3523 Liberty Drive  
Pearland, Texas 77581

RE: Rezone application request – owner authorization

Dear Lata,

I, Sue Alexander Morrison owner of property located north of proposed Hughes Road and east of Clear Creek, do authorize Kerry R. Gilbert & Assoc., Inc. to be our agent and to file the attached rezone request application on our behalf.

Sincerely,

Sue Alexander Morrison

Date: 11-15-10

DESCRIPTION OF  
56.233 ACRES

Being 56.233 acres of land located in the Derril H.M. Hunter Survey, Abstract 36, Harris County, Texas, more particularly being a portion of a called 181.6209 acre tract conveyed to Sue Alexander Morrison (aka Susie Alexander Morrison), by instrument of record in Volume 1596, Page 93, Deed Records of said Brazoria (B.C.D.R.) and File No. H178351, Official Public Records of said Harris County (H.C.O.P.R.R.P.), said 56.233 acres being more particularly described by metes and bounds as follows (all bearings referenced to the Texas State Plane Coordinate System, South Central Zone, NAD 83, 2001 adjustment);

BEGINNING at a 1/2-inch iron rod found marking the north corner of said 181.6209 acre tract, the east corner of that certain called 100.154 acre tract conveyed to A & G Creekside No. 1, LLC, by instrument of record in File No. W890013, H.C.O.P.R.R.P., on the southwesterly line of that certain called 4.4162 acre tract conveyed to the County of Harris and the City of Houston, by instrument of record in File No. J653244, H.C.O.P.R.R.P. and on the common survey line of said Derril H.M. Hunter Survey and the H.T.&B.R.R. Survey, Abstract 410, from which a 1/2-inch iron rod found marking the north corner of Partition No. 3 as referenced in said Volume 1596, Page 93, B.C.D.R. and File No. H178351, H.C.O.P.R.R.P. and on said common survey line, bears North 48° 16' 49" West, 877.41 feet;

Thence, with the northeasterly line of said 181.6209 acre tract and with the northeasterly line of said Derril H.M. Hunter Survey, South 48° 18' 55" East, at 80.03 feet pass a 1/2-inch iron rod found to be 0.16 feet left, at 802.46 feet pass a 1/2-inch iron rod found to be 0.35 feet left and continuing in all a total distance of 877.81 feet to a 5/8-inch iron rod with plastic cap stamped "LJA ENG" set marking the east corner of said 181.6209 acre tract, the north corner of that certain called 155.4029 acre tract (designated as Partition No. 5) of record in Volume (91)880, Page 476, Official Records of Brazoria County (B.C.O.R.) and File No. R840236, H.C.O.P.R.R.P., portions of said 155.4029 acre tract being conveyed to John Alexander Family Limited Partnership, by instruments of record in File No's R840238, R840239, R840240 and Y450671, H.C.O.P.R.R.P., and on the southwesterly line of Clear Brook Meadows Sec. 4, a subdivision of record in Film Code No. 521100, Map Records of said Harris County;

Thence, with the common line of said 181.6209 and 155.4029 acre tracts, South 41° 40' 04" West, at 2,750.00 feet pass a 5/8-inch iron rod with plastic cap stamped "LJA ENG" set for reference and continuing with said common line in all a total distance of 2,929.10 feet to a point for corner on the centerline of Clear Creek, same being on the common county line of said Harris and Brazoria Counties;

Thence, with the centerline of said Clear Creek and with said common county line, the following six (6) courses:

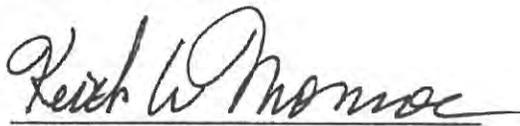
- 1) North 01° 35' 26" West, 48.50 feet to a point for corner, the beginning of a curve;
- 2) 309.71 feet along the arc of a tangent curve to the left, having a radius of 300.00 feet, a central angle of 59° 09' 03" and a chord which bears North 31° 09' 58" West, 296.14 feet to a point for corner;
- 3) North 60° 44' 30" West, 20.11 feet to a point for corner, the beginning of a curve;
- 4) 191.03 feet along the arc of a tangent curve to the right, having a radius of 350.00 feet, a central angle of 31° 16' 17" and a chord which bears North 45° 06' 21" West, 188.66 feet to a point for corner;
- 5) North 29° 28' 13" West, 364.20 feet to a point for corner;
- 6) North 22° 18' 37" West, 10.00 feet to a point for corner on the northerly line of said 181.6209 acre tract, same being the south corner of the aforementioned 100.154 acre tract from which a 5/8-inch iron rod found marking the east corner of The Lakes at Highland Glen Section Six, a subdivision of record in Document No. 2009022028, Official Public Records, of said Brazoria County bears South 41° 40' 04" West, 164.07 feet;

56.233 acres

September 10, 2010  
Job No. 1406-2902

Thence, with the common line of said 181.6209 and 100.154 acre tracts, North 41° 40' 04" East, at 178.21 feet pass a 5/8-inch iron rod with plastic cap stamped "LJA ENG" set for reference and continuing with said common line in all a total distance of 2,678.21 feet to the POINT OF BEGINNING and containing 56.233 acres of land.

This description prepared from a survey and plat prepared by the undersigned dated September 10, 2010.



Keith W. Monroe  
Registered Professional Land Surveyor  
Texas Registration No. 4797

LJA Engineering & Surveying, Inc.





September 10, 2010  
Job No. 1406-2902

DESCRIPTION OF  
61.217 ACRES

Being 61.217 acres of land located in the Derril H.M. Hunter Survey, Abstract 36, Harris County, Texas, more particularly being a portion of that certain called 155.4029 acre tract (designated as Partition No. 5) of record in Volume (91)880, Page 476, Official Records of Brazoria County (B.C.O.R.) and File No. R840236, Official Public Records of Real Property of said Harris County (H.C.O.P.R.R.P.), portions of said 155.4029 acre tract being conveyed to John Alexander Family Limited Partnership, by instruments of record in File No's R840238, R840239, R840240 and Y450671, H.C.O.P.R.R.P., said 61.217 acres being more particularly described by metes and bounds as follows (all bearings referenced to the Texas State Plane Coordinate System, South Central Zone, NAD 83, 2001 adjustment);

COMMENCING for reference at a 1/2-inch iron rod found marking the north corner a called 181.6209 acre tract (designated as Partition No. 4) conveyed to Sue Alexander Morrison (aka Susie Alexander Morrison), by instrument of record Volume 1596, Page 93, Deed Records, of said Brazoria County (B.C.D.R.) and in File No. H178351, H.C.O.P.R.R.P., the east corner of that certain called 100.154 acre tract conveyed to A & G Creekside No. 1, LLC, by instrument of record in File No. W890013, H.C.O.P.R.R.P., on the southwesterly line of that certain called 4.4162 acre tract conveyed to the County of Harris and the City of Houston, by instrument of record in File No. J653244, H.C.O.P.R.R.P. and on the common survey line of said Derril H.M. Hunter Survey and the H.T.&B.R.R. Survey, Abstract 410, from which a 1/2-inch iron rod found marking the north corner of Partition No. 3 as referenced in Volume 1596, Page 93, B.C.D.R. and File No. H178351, H.C.O.P.R.R.P. and on said common survey line, bears North 48° 16' 49" West, 877.41 feet;

Thence, with the northeasterly line of said 181.6209 acre tract and with the northeasterly line of said Derril H.M. Hunter Survey, South 48° 18' 55" East, at 80.03 feet pass a 1/2-inch iron rod found to be 0.16 feet left, at 802.46 feet pass a 1/2-inch iron rod found to be 0.35 feet left and continuing in all a total distance of 877.81 feet to a 5/8-inch iron rod with plastic cap stamped "LJA ENG" set marking the east corner of said 181.6209 acre tract, the north corner of the aforementioned 155.4029 acre tract, on the southwesterly line of Clear Brook Meadows Sec. 4, a subdivision of record in Film Code No. 521100, Map Records of said Harris County and the POINT OF BEGINNING;

Thence, with the common line of said 155.4029 acre tract and said Clear Brook Meadows Sec. 4 and continuing with the northeasterly line of said Derril H.M. Hunter Survey, South 48° 18' 55" East, at 44.34 feet pass a found 5/8-inch iron rod with plastic cap (unreadable), at 349.62 feet pass a 5/8-inch iron rod with plastic cap stamped "S&V SURVEYING" found 0.37 feet left and continuing in all a total distance of 519.97 feet to a 5/8-inch iron rod with plastic cap stamped "LJA ENG" set marking the south corner of said Clear Brook Meadows Sec. 4, same being the most northerly corner of that certain called 12.597 acre tract conveyed to Clear Brook City Municipal Utility District, by instrument of record in File U800015, H.C.O.P.R.R.P., from which a 1 1/2- iron pipe found making the most northerly northeast corner of said 12.597 acre tract bears South 48° 18' 55" East, 160.00 feet;

Thence, with the northeasterly line of said 12.597 acre tract, the following three (3) courses:

- 1) South 41° 40' 26" West, 130.00 feet to a 5/8-inch iron rod with plastic cap stamped "LJA ENG" for corner, from which a found 60-D nail bears North 24° 02' 57" West, 0.48 feet;
- 2) South 00° 52' 53" East, 337.44 feet to a 5/8-inch iron rod with plastic cap stamped "LJA ENG" for corner;

61.217 acres

September 10, 2010  
Job No. 1406-2902

- 3) South  $41^{\circ} 40' 04''$  West, at 3,400.00 feet pass a 5/8-inch iron rod with plastic cap stamped "LJA ENG" set for reference and continuing in all a total distance of 3,587.14 feet to the most westerly south corner of said 12.597 acre tract, same being on the centerline of Clear Creek and on the common county line of said Harris and Brazoria Counties;

Thence, with the centerline of said Clear Creek and with said common county line, the following nine (9) courses:

- 1) North  $43^{\circ} 40' 06''$  West, 6.35 feet to a point for corner;
- 2) North  $52^{\circ} 14' 53''$  West, 63.62 feet to a point for corner, the beginning of a curve;
- 3) 244.50 feet along the arc of a tangent curve to the right, having a radius of 262.00 feet, a central angle of  $53^{\circ} 28' 10''$  and a chord which bears North  $25^{\circ} 30' 48''$  West, 235.73 feet to a point for corner;
- 4) North  $01^{\circ} 13' 17''$  East, 263.94 feet to a point for corner, the beginning of a curve;
- 5) 345.41 feet along the arc of a tangent curve to the right, having a radius of 575.00 feet, a central angle of  $34^{\circ} 25' 05''$  and a chord which bears North  $18^{\circ} 25' 49''$  East, 340.24 feet to a point for corner;
- 6) North  $35^{\circ} 38' 22''$  East, 26.64 feet to a point for corner;
- 7) North  $51^{\circ} 35' 08''$  East, 153.74 feet to a point for corner, the beginning of a curve;
- 8) 106.73 feet along the arc of a tangent curve to the left, having a radius of 115.00 feet, a central angle of  $53^{\circ} 10' 34''$  and a chord which bears North  $24^{\circ} 59' 51''$  East, 102.94 feet to a point for corner;

61.217 acres

September 10, 2010  
Job No. 1406-2902

- 9) North 01° 35' 26" West, 218.53 feet to a point for corner on the common line of the aforementioned 155.4029 and 181.6209 acre tract, same being the east corner of that certain called 39.50 acre tract conveyed to Musgrave-Grohman Ventures, Ltd., by instrument of record in Doc. No. 2004027202, Official Records of said Brazoria County;

Thence, with the common line of said 155.4029 and 181.6209 acre tracts, North 41° 40' 04" East, at 179.10 feet pass a 5/8-inch iron rod with plastic cap stamped "LJA ENG" set for reference and continuing with said common line in all a total distance of 2,929.10 feet to the POINT OF BEGINNING and containing 61.217 acres of land.

This description prepared from a survey and plat prepared by the undersigned dated September 10, 2010.



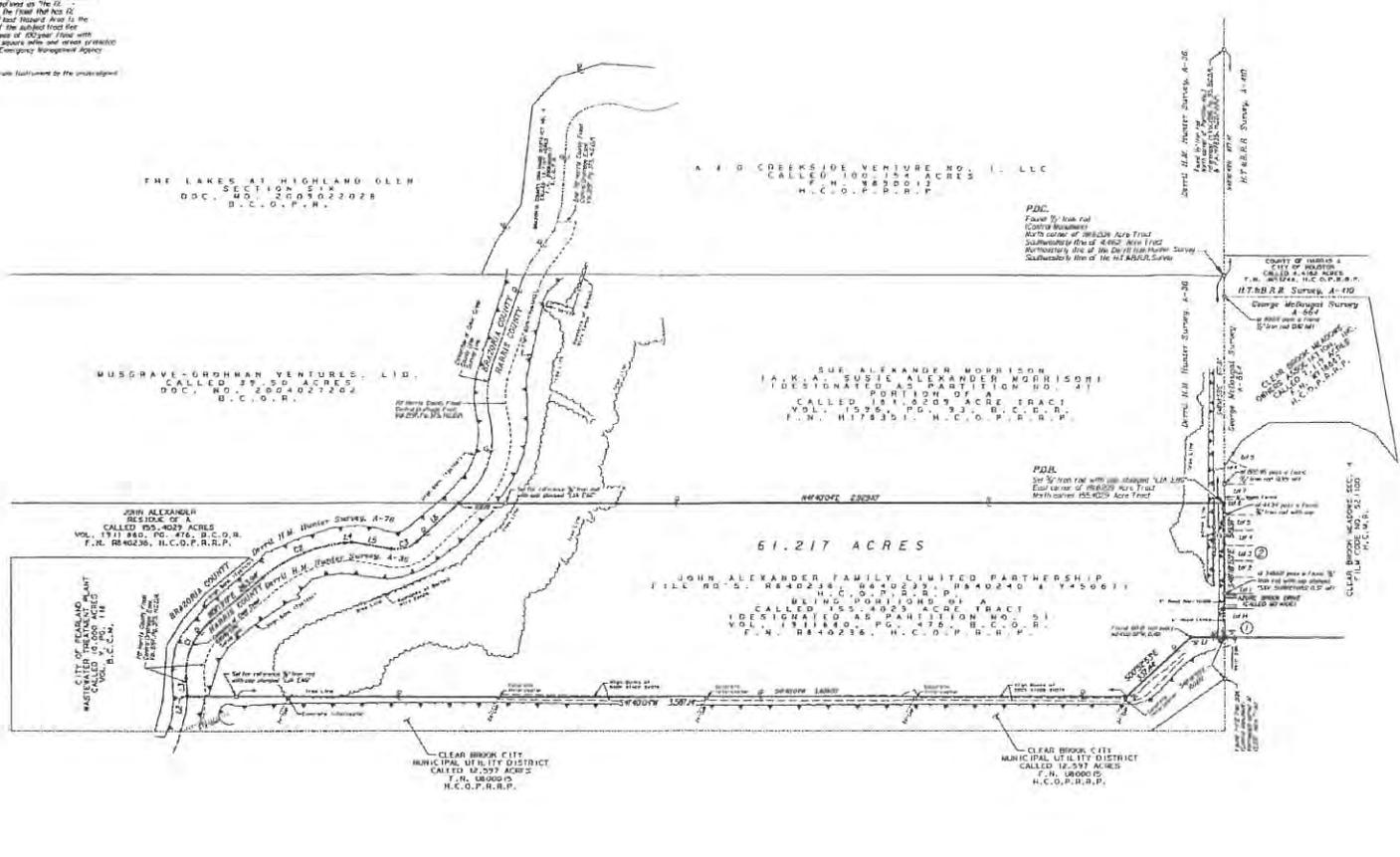
Keith W. Monroe  
Registered Professional Land Surveyor  
Texas Registration No. 4797

LJA Engineering & Surveying, Inc.



**NOTES:**

- All bearings referenced to the Texas State Plane Coordinate System, South Central Zone, NAD 83 (2011).
- The survey was prepared without the benefit of any continuous Surveyor site not adjacent adjacent property.
- In preparing this plat, the surveyor has used all available information and has been diligent in the location of all corners and monuments and has been diligent in the location of all corners and monuments and has been diligent in the location of all corners and monuments.
- The survey was prepared without the benefit of any continuous Surveyor site not adjacent adjacent property.
- In preparing this plat, the surveyor has used all available information and has been diligent in the location of all corners and monuments and has been diligent in the location of all corners and monuments.
- The survey was prepared without the benefit of any continuous Surveyor site not adjacent adjacent property.
- In preparing this plat, the surveyor has used all available information and has been diligent in the location of all corners and monuments and has been diligent in the location of all corners and monuments.



I hereby certify that this plat represents a survey made on the ground under my supervision in September, 2010, that such plat represents the facts found by me in the field and that this professional service is duly and lawfully performed by me as a duly Licensed Professional Surveyor in the State of Texas.

Dated September 03, 2010

*Richard W. Morrison*  
 Richard W. Morrison  
 Registered Professional Land Surveyor  
 Texas Registration No. 4731



1) This plat is a reproduction of the original plat as shown on the original instrument.

Curve	Radius	Tangent	Chord	Arc	Delta	Chord Bearing
1	262.00	131.97	235.73	244.50	57°28'10"	N25°30'48"W
2	515.00	176.09	340.24	335.41	34°25'05"	N48°25'49"E
3	115.00	57.58	100.78	106.73	53°10'34"	S24°53'21"E

Line	Bearing	Distance
1	S41°40'26"W	130.00'
2	N43°40'06"W	6.35'
3	N52°14'53"E	63.62'
4	N35°38'22"E	26.81'
5	N61°35'08"E	153.74'
6	N61°35'26"E	216.53'

CONVENTIONAL SIGNS  
 SET 5/8-INCH IRON NAIL  
 WITH A PLASTIC CAP  
 STAMPED "LJA ENG"

LAND TITLE SURVEY OF  
 61.217 ACRES  
 LOCATED IN THE  
 DERRIL H.M. HUNTER SURVEY, A-36  
 HARRIS COUNTY, TEXAS  
 SEPTEMBER 2010 JOB NO. 1406-7807

**LJA Engineering & Surveying, Inc.**  
 2000 West Loop  
 Suite 600  
 Houston, Texas 77056-3902  
 Phone: 281.460.8800  
 Fax: 281.460.8801

DESCRIPTION OF  
12.810 ACRES

Being 12.810 acres of land located in the Derril H.M. Hunter Survey, Abstract 36, Harris County, Texas, more particularly being all of that certain called 12.597 acre tract conveyed to Clear Brook City Municipal Utility District, by an instrument of record in File No. U800015, Official Public Records of Real Property of said Harris County (H.C.O.P.R.R.P.), said 12.810 acres being more particularly described by metes and bounds as follows (all bearings referenced to the Texas State Plane Coordinate System, South Central Zone, NAD 83, 2001 adjustment);

BEGINNING at the north corner of said 12.597 acre tract, same being the south corner of Clear Brook Meadows Sec. 4, a subdivision of record in Film Code No. 521100, Map Records of said Harris County (H.C.M.R.) and on the common survey line of said Derril H.M. Hunter Survey and the George McDougal Survey, Abstract 564;

Thence, with the northeasterly line of said 12.597 acre tract and with said common survey line, South  $48^{\circ} 18' 55''$  East, 160.00 feet to a point for corner;

Thence, with a easterly line of said 12.597 acre tract and leaving said common survey line, South  $06^{\circ} 40' 21''$  West, 345.54 feet to a point for corner on the common survey line of said Derril H.M. Hunter Survey and the Thomas J. Green Survey, Abstract 290 and on the common line of said 12.597 acre tract and the northwesterly line of Allison-Richey Gulf Coast Home Co. Part of Suburban Gardens (Section "G"), a subdivision of record in Volume 4, Page 48, H.C.M.R.;

Thence, with said common survey line and with said common line, South  $41^{\circ} 40' 04''$  West, 3,706.52 feet to the south corner of said 12.597 acre tract, same being on the common line of said Harris County and Brazoria County and on the centerline of Clear Creek;

Thence, with said common county line and said centerline, the following three (3) courses:

12.810 acres

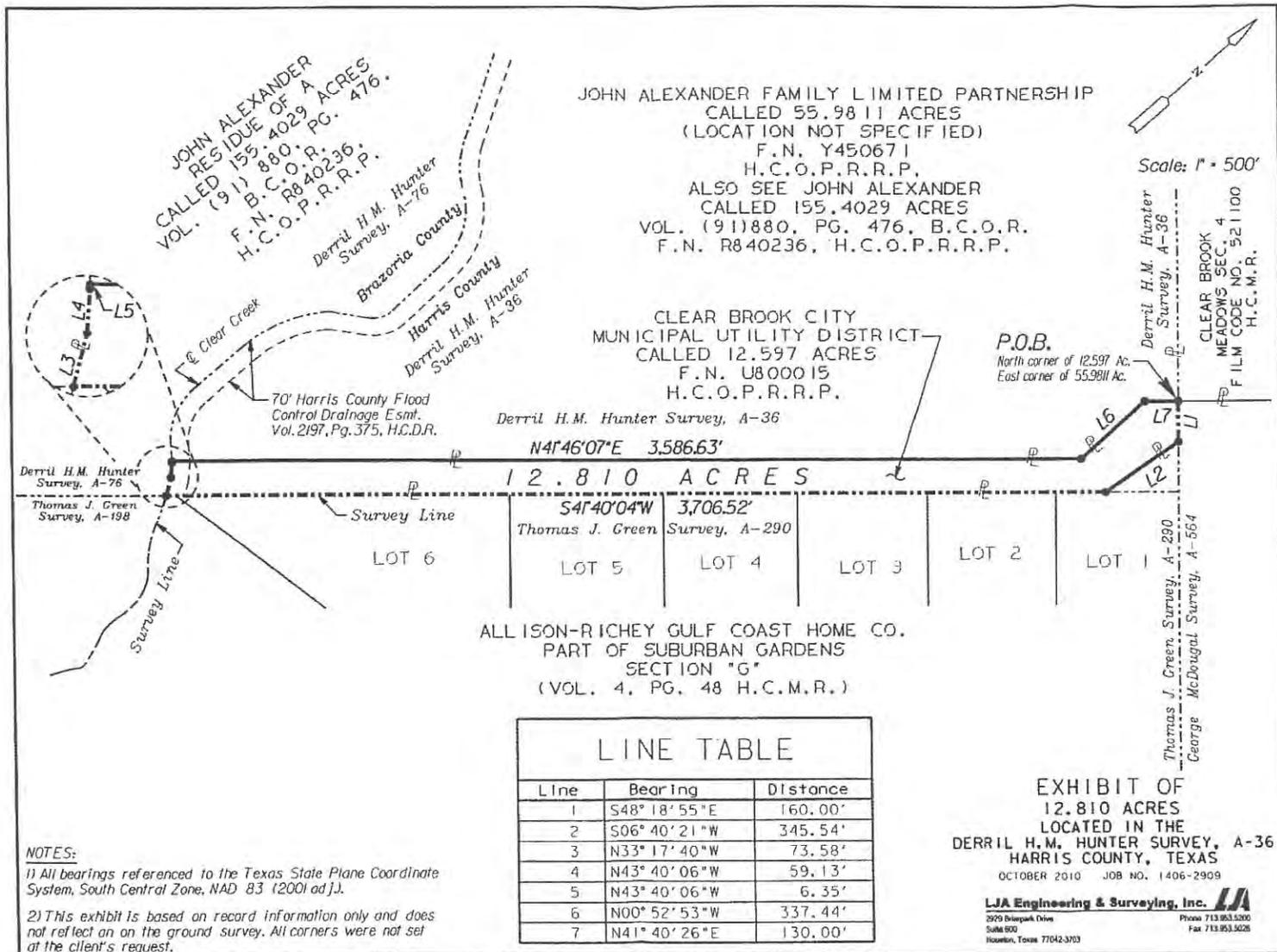
October 21, 2010  
Job No. 1406-2909

- 1) North  $33^{\circ} 17' 40''$  West, 73.58 feet to a point for corner;
- 2) North  $43^{\circ} 40' 06''$  West, 59.13 feet to a point for corner;
- 3) North  $43^{\circ} 40' 06''$  West, 6.35 feet to the west corner of said 12.597 acre tract;

Thence, with the northerly lines of said 12.597 acre tract, the following three (3) courses;

- 1) North  $41^{\circ} 46' 07''$  East, 3,586.63 feet to a point for corner;
- 2) North  $00^{\circ} 52' 53''$  West, 337.44 feet to a point for corner;
- 3) North  $41^{\circ} 40' 26''$  East, 130.00 feet to the POINT OF BEGINNING and containing 12.810 acres of land.

LJA Engineering & Surveying, Inc.



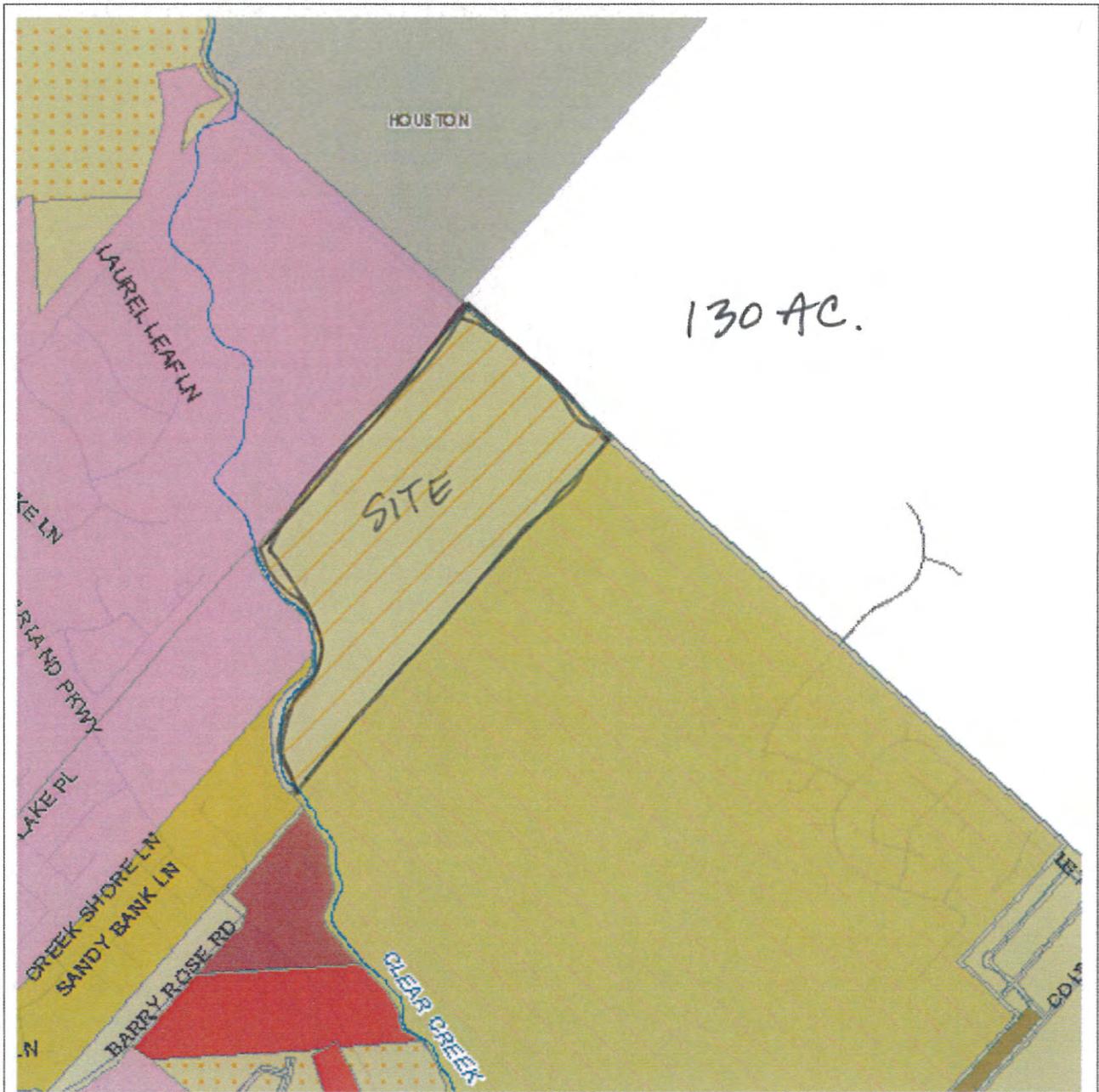
LINE TABLE

Line	Bearing	Distance
1	S48°18'55"E	160.00'
2	S06°40'21"W	345.54'
3	N33°17'40"W	73.58'
4	N43°40'06"W	59.13'
5	N43°40'06"W	6.35'
6	N00°52'53"W	337.44'
7	N41°40'26"E	130.00'

NOTES:  
 1) All bearings referenced to the Texas State Plane Coordinate System, South Central Zone, NAD 83 (2001 ad J).  
 2) This exhibit is based on record information only and does not reflect an on the ground survey. All corners were not set at the client's request.

EXHIBIT OF  
 12.810 ACRES  
 LOCATED IN THE  
 DERRIL H.M. HUNTER SURVEY, A-36  
 HARRIS COUNTY, TEXAS  
 OCTOBER 2010 JOB NO. 1406-2909

**LJA Engineering & Surveying, Inc.**  
 2929 Bluepark Drive Suite 600 Houston, Texas 77042-3703  
 Phone 713.853.5200 Fax 713.853.5026



**Vicinity Map - Pearland, TX**



Planning purposes only - Not survey grade.

23501 Cinco Ranch Blvd.  
Suite A-250  
Katy, Texas 77494  
(281) 579-0340  
Fax (281) 579-8212  
landplan@krga.com

December 16, 2010

Lata Krishnarao, Director  
Planning Department, City of Pearland  
3523 Liberty Drive  
Pearland, Texas 77581

RE: Rezone application for Preserve at Clear Creek – RE to R-1

Dear Lata,

On behalf of Beazer Homes, Kerry R. Gilbert & Assoc., Inc. submits a rezone application for the Preserve at Clear Creek, a ±130 acres located north of proposed Hughes Road and east of Clear Creek. The Preserve at Clear Creek consists of 3 separate tracts: 12.8 acres, 61.2 acres, and 56.2 acres. Beazer Homes is in the process of purchasing each parcel.

The intent of the request is to change the zone designation from RE to R-1 which will allow us to then request the Cluster Development Plan. Included in this package is the overall exhibit and description for the Cluster Development Plan.

Enclosed is the following information:

- Application form/Owner Authorization forms,
- Metes and Bounds description and a survey of each parcel,
- Tax Certificate for each parcel,
- City of Pearland parcel map of site,
- Description of our request for Cluster Plan
- Overall Exhibit,
- A CD with a copy of the above information

Also, we are aware that a sign will need to be posted on the site 10 days prior to the application appearing before the Planning & Zoning Commission.

Please contact me if you need any further information or have any questions.

Sincerely,



Christy B. Smidt  
Planner

Enclosure

cc: Dan Olson, Beazer Homes  
Greg Coleman, Beazer Homes

**Development Plan Description**  
**Preserve at Clear Creek**  
**±131 Acres**

*Letter of intent explaining the cluster development request in detail, specifying proposed uses, specific operation of the use, square footage of buildings, unique characteristics of the property, and any other necessary information.*

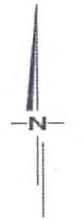
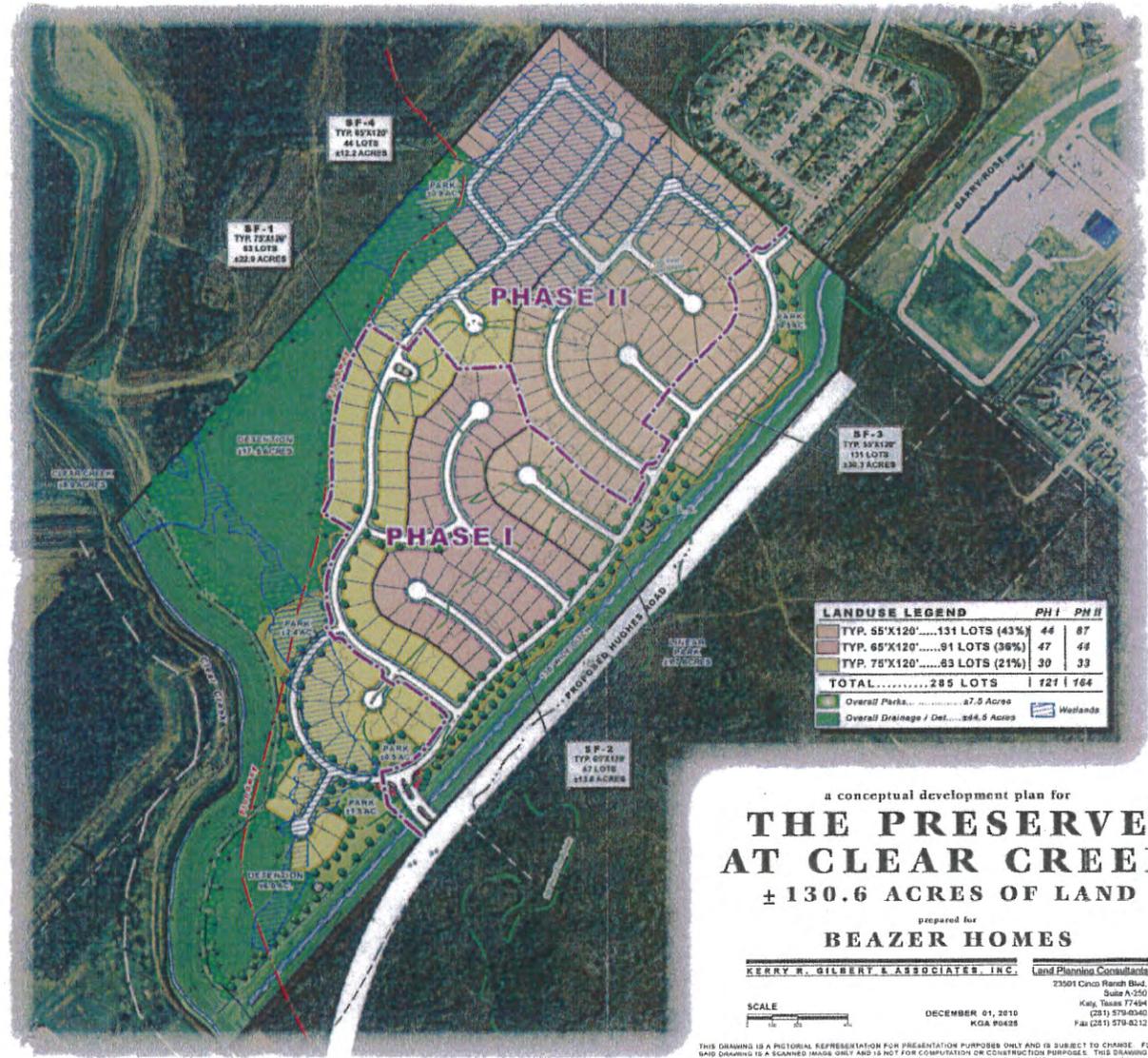
On behalf of Beazer Homes, Kerry R. Gilbert & Assoc., Inc., submits to the City of Pearland a Cluster Development Plan for single-family development of ±131 acres. The location of the subject property is north of future Hughes Road, east of Clear Creek and west of the Clear Brook Meadows neighborhood. The property is impacted by the existence of a 130' drainage ditch along the southeast boundary and proposed Hughes Road, Clear Creek, and the floodplain and floodway associated with Clear Creek. The northeast boundary is also the City of Pearland City Limit line.

The preservation of large open space areas associated with the floodway and floodplain of Clear Creek are the basis for the request to the Cluster Development Zone. The Cluster Development Zone encourages the development of considerable open space and park areas. This plan includes approximately 49 acres of green space, including a series of parks and pedestrian trails.

The base zone for the property is R-1 which requires lot sizes of 8,800 square feet. However, to allow for more flexibility and variety in the housing product offered in this neighborhood and to maximize the park space and open space areas, a plan based on density would be better suited to this small neighborhood. The maximum density related to the R-1 zoning category is 3.2 units per gross acre. This would allow for up to 400 lots to be developed on this property. Lot sizes proposed, but not limited to, are 55'x120', 65'x120', and 75'x120'. Lot sizes will depend upon market demand and other lot sizes maybe introduced, however, the overall density will not exceed the maximum 3.2 units per acre.

Access to the development will come from the proposed Hughes Road. The primary entryway crosses over an existing 130' wide drainage ditch situated between the development and Hughes Road. Hughes Road will be constructed from Pearland Parkway to the entry road. Secondary access will occur in the future with a connection to an existing local street, Azure Brook Lane, located within the Clear Brook subdivision. The design of the neighborhood will incorporate several different lot sizes to allow for variety of housing types and price points.

The plan incorporates several park areas and trails along with Clear Creek, as shown on the Open Space Exhibit. Proposed open space areas include an Entry Park (0.8 acres), Linear Park (11.7 acres), Recreation Center Park (1.7 acres), a Park area (0.5 acres) and detention/drainage areas (34.7). The existing 130' wide drainage channel is currently owned by Clear Brook MUD however, Beazer Homes is in the process of purchasing the channel from the MUD and improving the channel with a linear park trail. The trail will provide pedestrian access along the front of the development to the eastern boundary where the 0.5 acre park area is proposed. The trail will meander along the ditch with a six (6) foot wide sidewalk. Trees and benches will be provided and they will be spaced along the linear foot trail.



OPTION **B**

LANDUSE LEGEND		PH I	PH II
TYP. 55'X120'.....	131 LOTS (43%)	44	87
TYP. 65'X120'.....	91 LOTS (36%)	47	44
TYP. 75'X120'.....	63 LOTS (21%)	30	33
<b>TOTAL.....</b>	<b>285 LOTS</b>	<b>121</b>	<b>164</b>
Overall Parks.....	87.0 Acres		
Overall Drainage / Det.....	244.5 Acres		
			Wetlands

a conceptual development plan for  
**THE PRESERVE  
 AT CLEAR CREEK**  
 ± 130.6 ACRES OF LAND  
 prepared for  
**BEAZER HOMES**

**KERRY R. GILBERT & ASSOCIATES, INC.** Land Planning Consultants

23501 Cinco Ranch Blvd.  
 Suite A-250  
 Katy, Texas 77494  
 (281) 579-0040  
 Fax (281) 579-8212

SCALE  
 1" = 200'

DECEMBER 01, 2010  
 KGA 04025

THIS DRAWING IS A PICTORIAL REPRESENTATION FOR PRESENTATION PURPOSES ONLY AND IS SUBJECT TO CHANGE. FURTHER, THIS DRAWING IS A SCANNED IMAGE ONLY AND IS NOT FOR COMPUTATION OR CONSTRUCTION PURPOSES. THIS DRAWING MAY OR MAY NOT INCORPORATE INFORMATION AND/OR DATA PROVIDED TO KERRY R. GILBERT & ASSOCIATES, INC. BY OTHER CONSULTANTS RELATIVE TO ENGINEERING AND DRAINAGE, FLOOD PLANS AND ENVIRONMENTAL ISSUES AND SHOULD NOT BE RELIED UPON FOR ANY PURPOSE. NO WARRANTIES, EXPRESS OR IMPLIED, CONCERNING THE ACTUAL DESIGN, LOCATION AND CHARACTER OF THE FACILITIES SHOWN ON THIS MAP ARE INTENDED. ADDITIONALLY, NO WARRANTY IS MADE TO THE ACCURACY OF THE INFORMATION CONTAINED HEREIN.  
 ©2009 2010 KERRY R. GILBERT & ASSOCIATES, INC. ALL RIGHTS RESERVED.

CITY OF PEARLAND  
\*\*\* CUSTOMER RECEIPT \*\*\*  
Oper: CDUMH Type: OC Drawer: 1  
Date: 12/16/10 01 Receipt no: 72640

Description	Quantity	Amount
BA BOARD OF ADJUSTMENTS	1.00	\$475.00
Trans number:		3213965

ZONE CHANGE FROM RE TO R1  
NORTH OF PROPOSED HUGHES RANCH  
ROAD AND EAST OF CLEAR CREEK

Tender detail	
RR CREDIT CARD	\$475.00
Total tendered	\$475.00
Total payment	\$475.00

Trans date: 12/16/10 Time: 14:04:05

TAX CERTIFICATE



LEO VASQUEZ  
HARRIS COUNTY TAX ASSESSOR-COLLECTOR  
1001 PRESTON AVE., SUITE 100  
HOUSTON, TEXAS 77002

Issued To:  
ALEXANDER JOHN FAMILY  
LIMITED PARTNERSHIP  
PO BOX 127  
PEARLAND, TX 77588-0127

Legal Description:  
TR 2  
ABST 36 D H M HUNTER

Parcel Address: 0 BRAZ CO LINE  
Legal Acres: 55.9800

> - -  
Account Number: 040-280-000-0006  
Certificate No: 11557546  
Certificate Fee: \$10.00

Print Date : 10/21/2010  
Paid Date:  
Issue Date: 10/21/2010  
Operator ID: RVASQUEZ

< - -

TAX CERTIFICATES ARE ISSUED WITH THE MOST CURRENT INFORMATION AVAILABLE. ALL ACCOUNTS ARE SUBJECT TO CHANGE PER SECTION 26.15 OF THE TEXAS PROPERTY TAX CODE. THIS IS TO CERTIFY THAT ALL TAXES DUE ON THE ABOVE DESCRIBED PROPERTY HAVE BEEN EXAMINED, UP TO AND INCLUDING THE YEAR 2009. TAXES THRU 2009 ARE PAID IN FULL. TAXES HAVE NOT BEEN CALCULATED FOR YEAR(S): 2010.

Exemptions:

Certified Owner:  
ALEXANDER JOHN FAMILY  
LIMITED PARTNERSHIP  
PO BOX 127  
PEARLAND, TX 77588-0127

2009 Value:	88,058
2009 Levy:	\$710.48
2009 Levy Balance:	\$0.00
Prior Year Levy Balance:	\$0.00
Total Levy Due:	\$0.00
P&I + Attorney Fee:	\$0.00
Total Amount Due:	\$0.00

Certified Tax Unit(s):  
40 Harris County  
41 Harris County Flood Control Dist  
42 Port of Houston Authority  
43 Harris County Hospital District  
44 Harris County Dept. of Education  
47 San Jacinto College District

Reference (GF) No: N/A

Issued By: *Leo Vasquez*  
LEO VASQUEZ  
HARRIS COUNTY TAX ASSESSOR-COLLECTOR

TAX CERTIFICATE



LEO VASQUEZ  
HARRIS COUNTY TAX ASSESSOR-COLLECTOR  
1001 PRESTON AVE., SUITE 100  
HOUSTON, TEXAS 77002

Issued To:

CLEAR BROOK UD  
C/O BOB LEARED INTEREST  
11111 KATY FWY STE 725  
HOUSTON, TX 77079-2175

Legal Description:

TR 2B  
ABST 36 D H M HUNTER

Parcel Address: 0 BRAZ CO LINE

Legal Acres: 11.9500

>--

Account Number: 040-280-000-0007

Certificate No: 11557544

Certificate Fee: \$10.00

Print Date : 10/21/2010

Paid Date:

Issue Date: 10/21/2010

Operator ID: RVASQUEZ

<--

TAX CERTIFICATES ARE ISSUED WITH THE MOST CURRENT INFORMATION AVAILABLE. ALL ACCOUNTS ARE SUBJECT TO CHANGE PER SECTION 26.15 OF THE TEXAS PROPERTY TAX CODE. THIS IS TO CERTIFY THAT ALL TAXES DUE ON THE ABOVE DESCRIBED PROPERTY HAVE BEEN EXAMINED, UP TO AND INCLUDING THE YEAR 2009. TAXES THRU 2009 ARE PAID IN FULL. TAXES HAVE NOT BEEN CALCULATED FOR YEAR(S): 2010.

Exemptions:

TOTALLY EXEMPT

Certified Owner:

CLEAR BROOK UD  
C/O BOB LEARED INTEREST  
11111 KATY FWY STE 725  
HOUSTON, TX 77079-2175

2009 Value:	101,601
2009 Levy:	\$0.00
2009 Levy Balance:	\$0.00
Prior Year Levy Balance:	\$0.00
Total Levy Due:	\$0.00
P&I + Attorney Fee:	\$0.00
Total Amount Due:	\$0.00

Certified Tax Unit(s):

- 40 Harris County
- 41 Harris County Flood Control Dist
- 42 Port of Houston Authority
- 43 Harris County Hospital District
- 44 Harris County Dept. of Education
- 47 San Jacinto College District

Reference (GFI) No: N/A

Issued By:

LEO VASQUEZ  
HARRIS COUNTY TAX ASSESSOR-COLLECTOR

TAX CERTIFICATE



LEO VASQUEZ  
HARRIS COUNTY TAX ASSESSOR-COLLECTOR  
1001 PRESTON AVE., SUITE 100  
HOUSTON, TEXAS 77002

Issued To:  
MORRISON MRS SUE ALEXANDER  
8 PINE BRIAR CIR  
HOUSTON, TX 77056-1113

Legal Description:  
TR 2A  
ABST 36 D H M HUNTER

Parcel Address: 0 BRAZ CO LINE  
Legal Acres: 55.2300

>--  
Account Number: 040-280-000-0003  
Certificate No: 11557545  
Certificate Fee: \$10.00

Print Date : 10/21/2010  
Paid Date:  
Issue Date: 10/21/2010  
Operator ID: RVASQUEZ

<--

TAX CERTIFICATES ARE ISSUED WITH THE MOST CURRENT INFORMATION AVAILABLE. ALL ACCOUNTS ARE SUBJECT TO CHANGE PER SECTION 26.15 OF THE TEXAS PROPERTY TAX CODE. THIS IS TO CERTIFY THAT ALL TAXES DUE ON THE ABOVE DESCRIBED PROPERTY HAVE BEEN EXAMINED, UP TO AND INCLUDING THE YEAR 2009. TAXES THRU 2009 ARE PAID IN FULL. TAXES HAVE NOT BEEN CALCULATED FOR YEAR(S): 2010.

Exemptions:

Certified Owner:  
MORRISON MRS SUE ALEXANDER  
8 PINE BRIAR CIR  
HOUSTON, TX 77056-1113

2009 Value:	86,932
2009 Levy:	\$701.39
2009 Levy Balance:	\$0.00
Prior Year Levy Balance:	\$0.00
Total Levy Due:	\$0.00
P&I + Attorney Fee:	\$0.00
Total Amount Due:	\$0.00

Certified Tax Unit(s):  
40 Harris County  
41 Harris County Flood Control Dist  
42 Port of Houston Authority  
43 Harris County Hospital District  
44 Harris County Dept. of Education  
47 San Jacinto College District

Reference (GE) No: N/A  
Issued By: *Robbie Culler*  
LEO VASQUEZ  
HARRIS COUNTY TAX ASSESSOR-COLLECTOR