AGENDA – WORKSHOP OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD ON MONDAY, FEBRUARY 4, 2013, AT 6:00 P.M., COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS.

I. CALL TO ORDER

II. PURPOSE OF THE WORKSHOP

A. COMMISSION INPUT AND DISCUSSION: REGARDING IMPACT FEE STUDY – CAPITAL IMPROVEMENT ADVISORY STUDY (CIAC), *Ms. Andrea Broughton, City Engineer*

B. **COMMISSION INPUT AND DISCUSSION:** REGARDING A CLUSTER DEVELOPMENT PLAN WORKSHOP, *Ms. Lata Krishnarao, Director of Community Development and Mr. Harold Ellis, City Planner.*

III. ADJOURNMENT

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

I, Judy Brown, Office Coordinator of the City of Pearland, Texas, do hereby certify that the foregoing agenda was posted in a place convenient to the general public at City Hall on the 1ST day of February, 2013, A.D., at 5:30 p.m.

_____
Judy Brown, Office Coordinator

Agenda removed _____ day of February 2013.

City of Pearland

P&Z AGENDA REQUEST

TO: Planning & Zoning Commission

REQUESTOR: Andrea Broughton, City Engineer

DATE: January 29, 2013

AGENDA ITEM SUBJECT: Impact Fee Study – CIAC

☐ Old Business ☐ New Business ☆ Discussion Item ☐ Workshop

1. **Summary: A copy of the DRAFT Impact Fee Study will be delivered and discussions regarding background on the importance of the CIAC and their role in the process**

2. **Staff Recommendation: It is recommended that the P&Z board receive and review the DRAFT Impact Fee Study and provide comments, if any, to City Council in the form of a letter from the Board to the Council. The letter from the Board will recommend acceptance of the Impact Fee Study by Council which provides the update and amendment to the Impact Fees for the City.**

Memorandum

To: Mayor Reid and City Council

CC:

From: Capital Improvements Advisory Committee

Date: 4/26/2008

Re: 2007 Water and Sewer Impact Fee Study Update

On April 7, 2008 the Capital Improvements Advisory Committee met to review and take action on the 2007 Water and Sewer Impact Fee Study Update. The Capital Improvements Advisory Committee recommends approval of the proposed 2007 Water and Sewer Impact Fee Study Update.

Sincerely,

Henry Fuertes
Capital Improvements Advisory
Committee Chairperson

City of Pearland

P&Z AGENDA REQUEST

TO: Planning & Zoning Commission

REQUESTOR: Lata Krishnarao, Director of Community Development
Harold Ellis, City Planner

DATE: February 4, 2013

AGENDA ITEM SUBJECT: Cluster Development Plan Workshop

☐ **Old Business** ☐ **New Business** ☐ **Discussion Item** ☒ **Workshop**

Summary: On January 7, 2013, the following information was presented to the Commission. At the end of that meeting, it was decided that the Commission would review this information and it would be brought back to the Commission again for further discussion and a possible recommendation for changes to the Cluster Plan requirements or process, at the February 4, 2013 meeting.

The City of Pearland has recently seen an increase in Cluster Development Plan activity. This activity has been in the form of formal Cluster Development Plan submittals, as well as general discussions with developers pertaining to possible future submittals. As a result of this, as well as requests from several Commissioners, Staff will be presenting an overview of Cluster Development Plans in general, including the following topics of discussion:

- History and background of Cluster Development Plans in general
- A summary of how Pearland's Comprehensive Plan and Unified Development Code addresses Cluster Development Plans
- Current and possible suggested review criteria of a Cluster Development Plan approval, including a discussion on appropriate amenities
- Differences between Cluster Development Plans and Planned Developments
- Discussion on how some surrounding Cities address Cluster Development proposals
- Potential recommended changes to the current Unified Development Code

As mentioned above, a main focus of Staff discussion will be the current lack of guidelines in Pearland Unified Development Code as it pertains to criteria of approval for a Cluster Development Plan. This lack of approval criteria makes it difficult for both the Staff and the Planning and Zoning Commission to make a sound recommendation on a proposal. Staff believes that one way to address this concern is to add specific criteria of approval similar to the Planned Development section of the Unified Development Code.

The Planned Development section of the Unified Development code has specific, quantifiable requirements for Planned Development, summarized below, which are not contained in the Cluster Development section of the code:

- Minimum acreage requirements for residential, commercial, and mixed-use proposals
- Maximum lot size deviations for residential proposals (10%)
- Design Plan/Layout/Conceptual site plan requirement with maximum deviation
- Minimum open space requirements
- Joint Workshop Requirement

These requirements serve as a guide for minimum requirements of a Planned Development not only the Commission and Staff, but also for an applicant so that they are aware of what will be required of their submittal ahead of time.

Staff believes that the Cluster Development Plan option of developing residential property, if used in the manner intended, can be a positive development tool. However, in order for it to be effective administered, some clarifications of expectations should be added to the requirements of a proposal, similar to a Planned Development.

As the Cluster Development concept is a relatively common planning practice, Staff has contact surrounding cities in order to determine how they address these types of requests. It appears that the majority of cities contacted addresses these requests in the form of a Planned Development, and do not have specific sections in their development codes which pertain to Cluster Developments. The developers are able to accomplish the goal of smaller lot sizes, in return providing additional amenities not achievable through traditional zoning, in the form of a zoning case (in which case the final approval authority ends with City Council rather than the Commission), rather than with a Cluster Development Plat, as is currently done in Pearland. The current Cluster Development process in Pearland is a more expeditious process than a zoning case (which requires a Commission recommendation and two readings with City Council), which serves as an advantage to the developer. Therefore, Staff is not at this point recommending that Pearland adopt the same practice as surrounding communities, however suggesting that we clarify the requirements of a Cluster Development proposal to make everyone involved in the process aware of the expectations of a project.

Staff Recommendation: Provide feedback, questions, and recommended direction to Staff.

Cluster Development – Excerpt from the Comprehensive Plan

HOUSING DEVELOPMENTS WITH OPEN SPACE

Open space and undeveloped land are becoming increasingly rare as society is becoming more urbanized. In order to allow development to occur while preserving open space, the concept of cluster development has grown in popularity in recent years. A cluster development "generally sites houses on smaller parcels of land, while the additional land that would have been allocated to individual lots is converted to common shared open space for the subdivision residents. Typically, road frontage, lot size, setbacks, and other traditional subdivision regulations are redefined to permit the developer to preserve ecologically sensitive areas, historical sites, or other unique characteristics of the land being subdivided"[2]. Residents can enjoy larger amounts of
open space, and developers can enjoy lower infrastructure costs (such as roads, waterlines, and sewer lines). Furthermore, this type of development can have a beneficial impact on the Pearland's drainage capabilities by reducing the amount of impervious cover.

The City could provide developers with incentives to utilize this design technique. One way in which the City can do this is generally referred to as a "density bonus", whereby a developer is allowed higher density levels in exchange for the provision of open space. Another incentive is to allow smaller street widths and cul-de-sac radii, resulting in reduced development costs. The following is an example of how a cluster design might work in the City:

A landowner with a 50-acre tract would leave 20 acres as perpetual open space, leaving 30 acres to be developed. Approximately 20 percent would likely be used for roadways, which is less that the approximately 30 percent that would be used for roadways in a typical development. This would leave 24 acres for residential lot development. With 7,000-square-foot lots permitted, approximately 149 lots could be established. The reduction of lot size to 7,000 square feet provides a monetary incentive to the developer due to reduced initial cost for roadways and improvements compared to developing 10,000-square-foot lots. The result would be 149 lots on less total acreage than the typical development with a 10,000-square-foot lot minimum.

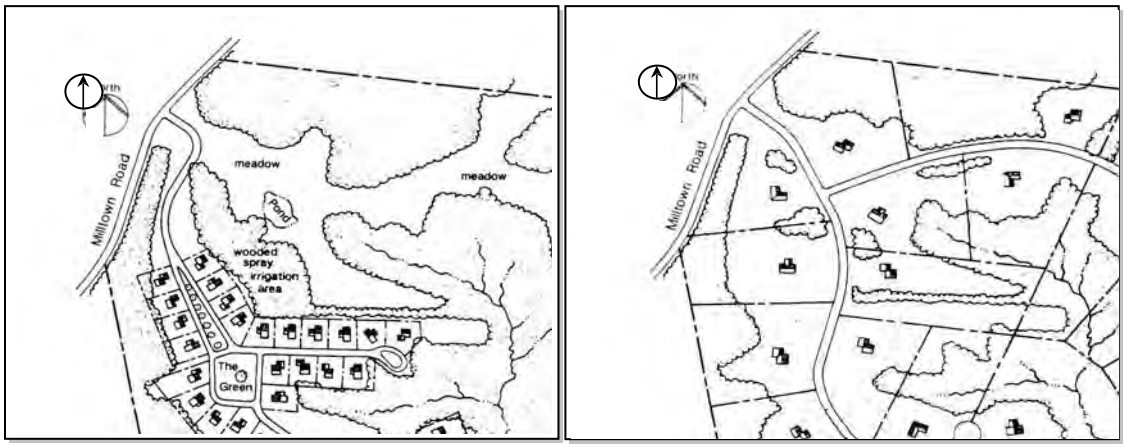

Illustration 7

CLUSTER DEVELOPMENT ZONING DISTRICT

In Pearland, a proposed cluster development could be allowed to develop at a lot size equal to the existing R-2 District. Although the previous recommendation was to not permit any more development with lots smaller than 10,000 square feet, the cluster concept would be beneficial to the City; therefore, a 7,000 square foot lot should be permitted, as shown in *Table 7*, but only if the development uses the cluster concept. A Homeowners Association (HOA) or other similar entity should be established to insure that open space areas area maintained. At least 40 percent of the overall site that is to be developed should be left as perpetual open space. A cluster development zoning district should be established within the City's Zoning Ordinance.

COMPARATIVE LOT YIELD OF TYPICAL(top) & CLUSTER DEVELOPMENT (bottom)

Table 7
COMPARATIVE LOT YIELD OF 50 ACRES WITH CLUSTER DEVELOPMENTS & TYPICAL DEVELOPMENTS

TYPE OF DEVELOPMENT	AMOUNT OF OPEN SPACE	ROADWAYS	LOT SIZE	LOT YIELD
CLUSTER	(40%) 20 acres	20%	7,000 s.f.	149 lots
TYPICAL	(0%) 0 acres	30%	10,000 s.f.	152 lots

Source: Dunkin, Sefko & Associates, Inc.

Cluster Development – Excerpt from the Unified Development Code (UDC)

Division 4 – Application for Cluster Development Plan

Section 2.2.4.1 Purpose and Applicability

(a) **Purpose.** The purpose of a Cluster Development Plan shall be to authorize the use of residential density standards in substitution for minimum lot size standards for residential uses.

(b) **Applicability.** A Cluster Development Plan shall be required inside the City limits whenever the property owner seeks authorization to have subsequent development applications reviewed under residential density standards in lieu of minimum lot size standards.

Section 2.2.4.2 Application Requirements

(a) **Responsible Official.** The Planning Director shall be the responsible official for a
Cluster Development Plan.

(b) **Accompanying Applications.** Approval of an application for a Cluster Development Plan must be obtained before an application for approval of a master subdivision plat or a preliminary subdivision plat covering any property that was included in the Cluster Development Plan may be submitted. Where a master subdivision plat is required, it shall be decided before the decision on any preliminary subdivision plat.

(c) **Contents.** All applications and related contents shall be submitted consistent with a requirements checklist supplied by the Planning Department.

Section 2.2.4.3 Processing of Application and Decision

(a) **Hearing and Notification.** The Director shall schedule the application for approval of a Cluster Development Plan at a meeting of the Planning and Zoning Commission.

(b) **Commission's Action.** The Planning and Zoning Commission shall approve, conditionally approve or deny the application for a Cluster Development Plan.

T*able 2-1*
Gross Density for Residential Areas of Dwelling Units per Acre Permitted in Cluster
Developments by Base Zoning District

ZONING DISTRICT	Gross
RE	1.3
SR-15	1.9
SR-12	2.3
R-1	3.2
R-2	4.0
R-3	4.7
R-4	5.6
Townhom	9.4

NOTE: The above densities are based on gross density for residential areas as defined in Chapter 5 of this UDC.

Section 2.2.4.4 Criteria for Approval

(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.

Section 2.2.4.5 Appeals

(a) The applicant or other interested person may appeal the decision of the Planning and Zoning Commission to the City Council in accordance with Chapter 1, Article 3, Division 1. The Council shall apply the criteria in Section 2.2.4.4 in deciding whether the Commission's action should be upheld or modified.

Section 2.2.4.6 Expiration Extension and Reinstatement

(a) **Expiration.** If a preliminary subdivision plat has not been approved for land subject to the Cluster Development Plan within one (1) year from the date of approval, the Plan shall lapse and no application for plat approval, or application for approval of a Cluster Development Plan on another phase of the development shall be accepted for filing thereafter, unless the Cluster Development Plan is reinstated.

(b) **Extension and Reinstatement.** The Planning and Zoning Commission may extend the time of expiration for or reinstate a Cluster Development Plan for a period not to exceed one year, in accordance with the procedures in Article 2, Division 5 of Chapter 1.

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Ohio State University Fact Sheet

Community Development

700 Ackerman Road, Columbus, OH 43202-1578

Cluster Development

CDFS-1270-99

Land Use Series

Thomas W. Blaine
Northeast District Specialist
Community Development
Peggy Schear
Southwest District Specialist
Community Development

Introduction

Throughout the post World War II era, out migration from urban to suburban areas and into the countryside has constituted a significant trend throughout much of the United States. In response to this phenomenon, planners, developers, and elected officials have created a number of tools designed to balance growth with the preservation of community environmental and financial assets. One tool that has received an increasing amount of attention in the 1990s is cluster development. This approach may be termed open-space development, conservation development, hamlet style, farm village, or other unique names coined by proponents and developers. Regardless of the title used to describe it, cluster development is an important tool community planners should consider as they look to the future. The purpose of this fact sheet is to describe cluster development, its history, potential, and limitations.

What Is a Subdivision?

Most of the residential development that has emerged in the suburban United States since World War II can be described as "checkerboard housing development." Since it is so common, this pattern is also considered to be "conventional development." Residential zoning regulations typically provide standards for the division of large land parcels which require that when a piece of land is divided into smaller parcels, or plots, each must have a uniform road frontage, meet specified street standards, and achieve minimum setbacks from

roads or neighboring property owners. These restrictions generally result in equal lot areas with homes placed in the same location on each lot regardless of the parcel's characteristics. The resulting group of homes or vacant lots is typically termed a subdivision. In conventional development subdivisions, all of the land is privately owned by the individual homeowners.

What Is a Cluster Subdivision?

A cluster subdivision generally sites houses on smaller parcels of land, while the additional land that would have been allocated to individual lots is converted to common shared open space for the subdivision residents. Typically, road frontage, lot size, setbacks, and other traditional subdivision regulations are redefined to permit the developer to preserve ecologically sensitive areas, historical sites, or other unique characteristics of the land being subdivided.

Consider the following distinction between a conventional and a cluster subdivision. Imagine that a 100-acre piece of land might be subdivided into 50 two-acre parcels, each with a residential dwelling. Under a cluster design, a developer would plan differently. Imagine that the plan would still call for 50 dwellings, but this time each would be located on, say half-acre parcels, "clustered" together in groups. This would only use 25 acres of land for residences and would leave 75 acres of "open space." Typically, the open space areas are in the midst of the development and are designed around the natural or man-made features of the landscape. In our hypothetical 100-acre parcel, for example, we might have three separate areas of open space averaging 25 acres each. One might be centered around a section of woods, one around a pond or a creek, and one around a meadow.

In a typical cluster subdivision, each homeowner has access to all of the open space areas, which may be permanently preserved by a conservation easement -- a restrictive covenant forbidding any type of development in perpetuity (see OSU Extension Fact Sheet CDFS 1261-99, *Conservation Easements*). To provide maximum protection for both the resource and the residents, the conservation easement should be assigned to at least two organizations, a homeowners' association, whose membership consists of all the homeowners in the subdivision, and a local government agency or land trust (see OSU Extension Fact Sheet CDFS 1262-99, *Land Trusts*). The conservation easement should specify the types of activity permitted on the open land, i.e., recreation, type of agriculture, woodland protection, or stream buffers. It is ideal, but not essential, for the easement to be placed on the property prior to the development of the subdivision. If that does not occur, the property owners could place an easement on the land at a later time.

What Are the Advantages of a Cluster Subdivision?

Clustering housing in rural areas can maintain the rural character of the area. It can also provide open space for community members and preserve critical land qualities. It may provide a sense of community among residents, particularly if some of the open areas are designed for communal activities. Another advantage is that developers often experience cheaper site development costs involving the construction of roads and water/sewer infrastructure. These reduced costs often offset the costs of restoration or development of amenities such as trails in the open space areas. Other advantages include meeting a market need for low-maintenance housing and greatly reducing the impacts of development on watersheds.

What Are the Disadvantages of a Cluster Subdivision?

In many communities, current zoning and subdivision regulations require conventional building patterns. This forces the developer to educate and convince local zoning boards to approve variances for a cluster subdivision, adding a potential time delay to the project.

The maintenance of open space normally requires the formation of a homeowners' association and the assessment of maintenance fees to each subdivision lot owner to pay for taxes, insurance, and the general upkeep of the land in the open-space areas. This is a cost not typically incurred in a conventional subdivision, since all of the land is privately owned.

The smaller-sized lots often result in close proximity to neighbors' homes and are considered a disincentive to some homeowners. If the lots and housing layouts are designed carefully, each house in the subdivision has a private unobstructed view that overcomes the disadvantage of the small lot size. Unfortunately, some earlier cluster subdivision models did not provide very much open space, resulting in a negative attitude toward this option in some communities.

What Is the Role of Sewage Disposal in Determining What Types of Residential Development Are Created?

In the past, many zoning regulations that called for large minimum lot sizes (two to five acres, for example) were put into place primarily to allow adequate room for on-site septic systems. This was especially true in rural areas, where central sewers were not available. Advances in technology, however, have given developers the capability of creating small community systems where wastewater is transported and treated in an environmentally safe, economically feasible, and aesthetically pleasing manner.

What Is the Difference Between a Cluster Development and a Planned Unit Development?

Most zoned communities in Ohio have ordinances permitting Planned Unit Developments (PUDs). They often include a mix of residential, commercial, industrial, or other uses, whereas the cluster subdivision normally only includes single family housing. Within the PUD, zoning and subdivision regulations need not be uniform with the community's traditional codes. Planned Unit Developments often include single- and multi-family housing at higher densities than permitted in conventional subdivisions. They can contain many of the amenities of cluster developments, i.e., open space, pedestrian paths, or recreational areas. One major difference between PUDs and cluster development is the amount of open space. Where PUDs usually contain 20% open space or less, most proponents of cluster development recommend a minimum of 40%.

How Does Cluster Development Protect Farmland?

Some proponents of rural cluster development contend that this is a tool that saves farmland. The open space areas that are protected by conservation easements do protect land, but it is not likely that these areas can provide space for a vigorous agricultural industry. They are designed more for the enjoyment of the residents than for use in agriculture. However, these areas can be used as effective buffers to separate residential areas from agricultural enterprises and thus may reduce agricultural nuisances, such as odors and noise. Nevertheless, if communities are serious about preserving farmland itself they need to consider very specific farmland preservation tools such as exclusive agricultural zoning, water and sewer boundaries, and purchase of development rights programs (see OSU Extension Fact Sheets CDFS 1266-99, *Agricultural Zoning,* and CDFS 1263-98, *Purchase of Development Rights*).

Where Have Cluster Developments Been Built and Have They Been Successful?

Cluster housing developments have been very popular in rural areas in the eastern United States. Surveys have shown that residents generally rate them very highly as places to live, and they have maintained their property values well. In Ohio, the concept has been applied

in Wayne, Lake, Geauga, Medina, Summit, and Madison counties. For more information on the cluster subdivision concept, refer to the resources and web sites listed in this fact sheet.

Suggested Reading

Arendt, Randall. 1994. *Designing Open Space Subdivisions: A Practical Step-by-Step Approach.* Natural Lands Trust, Media, Pa.

Conservation Development Resource Manual. 1998. The Countryside Program. Western Reserve Resource Conservation and Development Council, Painesville, Ohio.

Daniels, Tom, and Deborah Bowers. 1997. *Holding Our Ground: Protecting American Farms and Farmland.* Island Press, Washington, D.C.

Kunstler, James Howard. 1994. *The Geography of Nowhere: The Rise and Decline of America's Man-Made Landscape.* Touchstone, New York.

American Farmland Trust. 1997. Saving American Farmland: *What Works.* Northampton, Mass.

You Can Read About Cluster Development on the Worldwide Web! Try the Following Addresses:

Cluster Housing Development, by Richard Lasnier:
http://www.reinet.com/library/general/file3.html

An Examination of Market Appreciation for Clustered Housing With Permanent Open Space, by Jeff Lacy: http://www-unix.oit.umass.edu/~ruralma/LacyMarket.html

'Open Space' Zoning: What It Is & Why It Works, by Randall Arendt:
http://www.plannersweb.com/articles/are015.html

The entire OSU Extension Land-Use Fact Sheet Series is on line at: http://www.ag.ohio-state.edu/~landuse

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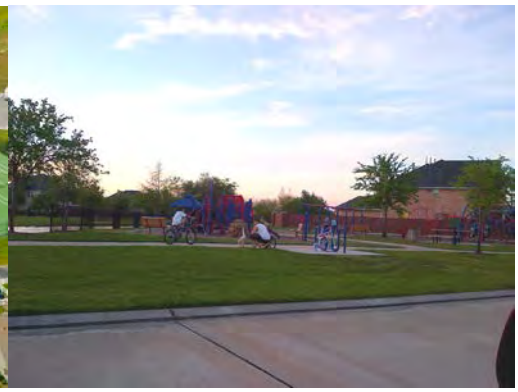
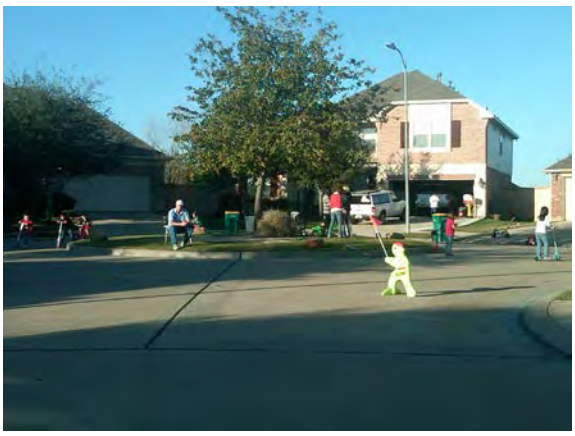
Amenities to consider in PDs and Cluster Development

- Concrete perimeter fence
- Entrance feature
- Community clubhouse
- Playground equipped with fitness equipment
- Landscaped entrances
- Pocket parks with playgrounds
- Easy access to public transportation
- Neighborhood Park
- Community green space
- Access to hiking trails and creeks
- Beautifully designed community entryway
- Pathways throughout the neighborhood.
- Picnic areas
- Access to natural features such as creeks etc.
- Clubhouse
- Swimming Pool
- Tennis Courts
- Baseball Field
- Residential façade requirements – materials and design

Active and passive sports



Active/passive sports

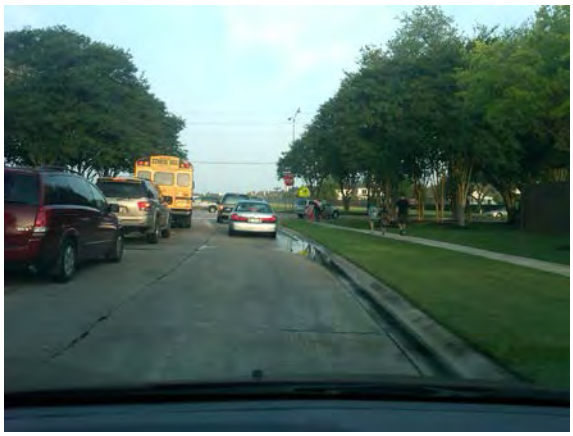


Tot lots for children to play within the neighborhood Trails within the neighborhoods

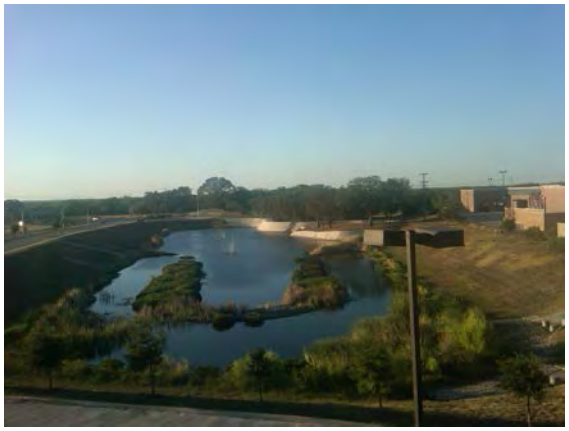
Access to hiking trails and creeks

Enhancement and creation of natural open spaces and detention areas

Access and enhancement of creeks, trails, and other natural features.

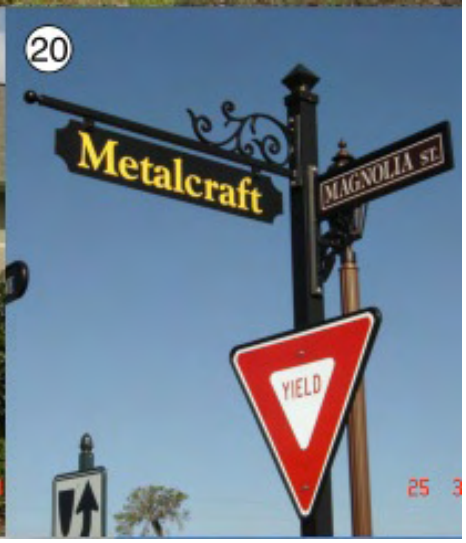


Multi modal access to neighborhood facilities and amenities



Site development – screening, buffering, landscaping

Entryways, water features, common areas, pavilions



Signage, street furniture, fencing