

AGENDA

CITY OF PEARLAND PLANNING & ZONING COMMISSION

FEBRUARY 18, 2013

6:30 p.m.

Henry Fuertes
P&Z CHAIRPERSON

Linda Cowles
P&Z VICE-CHAIRPERSON

COMMISSIONERS

Neil West

Ginger McFadden



Matthew Hanks

Mary Starr

Daniel Tunstall

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

AGENDA – REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD ON MONDAY, FEBRUARY 18, 2013, AT 6:30 P.M., CITY HALL COUNCIL CHAMBERS, 3519 LIBERTY DRIVE, PEARLAND, TEXAS.

I. CALL TO ORDER

II. APPROVAL OF MINUTES

Approve the Minutes of the February 4, 2013, p.m. P&Z Regular Meeting, held at 6:30 p.m.

III. NEW BUSINESS

A. CONSIDERATION & POSSIBLE ACTION - ZONE CHANGE APPLICATION NO. 2013-04Z

A request of Lisa Marino, applicant and The Old Place Inc., owner, for approval of a zone change from the Neighborhood Service (NS) zone to the General Business (GB) zone for 9.930 acres on the following described property, to wit:

Legal Description: Being 9.930 acres of land, Lots 30-30A, of the Allison – Richey Gulf Coast Home Company Subdivision of Section 20, of the H.T. & B. Railroad Company Survey, Abstract 506, Brazoria County, Texas

General Location: 8809 Broadway

B. CONSIDERATION & POSSIBLE ACTION - ZONE CHANGE APPLICATION NO. 2013-05Z

A request of Christy Smidt (Kerry G. Gilbert & Assoc.), applicant and Beeman E. Strong (for the Settegast Family), owner, for approval of a zone change from the Planned Development (PD) zone to the General Business (GB) zone for 31.3165 acres on the following described property, to wit:

Legal Description: Being a 31.3165 acre (1,364,147 square foot) tract of land

situated in the Thomas J. Green Survey, Abstract Number 198 in Brazoria County, Texas, and being out of and a part of the called 118.775 acre tract of land described in deed to Marion E. Settegast, et al as recorded in Volume 1421, Page 25 of the Brazoria County Deed Records, said 31.3165 acre tract of land.

General Location: Approximately 700' North of Broadway on Pearland Pkwy

C. CONSIDERATION & POSSIBLE ACTION – PRELIMINARY PLAT OF SAVANNAH BEND SECTION 4

A request by Christy Smidt of Kerry R. Gilbert and Associates, applicant, on behalf of Savannah Development LTD., owner, for approval of a Preliminary Plat of Savannah Bend Section Four, a 26 lot single-family residential subdivision on the following described property, to wit

Decision Deadline
2-22-13

Being 7.2 acres of land located in the A.C.H. & B. Survey, Abstract 403 and J.S. Tamage Survey, Abstract 562, Brazoria County, Texas, more particularly being a portion of the residue of a called 161.460 acre tract (described as Tract 5) conveyed to Savannah Development, LTD., by an instrument of record File #00-037203, Official Records of said Brazoria County, Texas (B.C.O.R.) also being an instrument of record in File No. 200080225, Official Public Records of Fort Bend County, Texas.

General Location: Savannah Bend Drive and Fieldcrest Lane

D. CONSIDERATION & POSSIBLE ACTION – PRELIMINARY PLAT OF SAVANNAH BEND SECTION 5

A request by Christy Smidt of Kerry R. Gilbert and Associates, applicant, on behalf of Savannah Development LTD., owner, for approval of a Preliminary Plat of Savannah Bend Section Five, a 30 lot single-family residential subdivision on the following described property, to wit

Decision Deadline
2-22-13

Being 15.5 acres of land located in the A.C.H. & B. Survey, Abstract 403 and J.S. Tamage Survey, Abstract 562, Brazoria County, Texas, more particularly being a portion of the residue of a called 161.460 acre tract (described as Tract 5) conveyed to Savannah Development, LTD., by an instrument of record File #00-037203, Official Records of said Brazoria County, Texas (B.C.O.R.) also being an instrument of record in File No. 200080225, Official Public Records of Fort Bend County, Texas.

General Location: Savannah Bend Drive and Fieldcrest Lane

E. CONSIDERATION & POSSIBLE ACTION – COVINGTON ESTATES CLUSTER DEVELOPMENT PLAN

Decision Deadline
2-22-13

A request by Covington Estates, LLC., applicant and owner, for approval of a Cluster Plan on a 9.637 acre tract of land for a single-family residential subdivision, generally located north of Hughes Ranch Road on Hillhouse Road.

Legal Description: A tract of land containing 4.82 acres known as Tract 20-A, situated in Lot 20 of the Allison Richey Gulf Coast Home Company Subdivision, Abstract No. 506, as recorded in Volume 2, Page 23 of the Brazoria County Map Records, and;

A tract of land containing 4.82 acres known as Tract 20, situated in Lot 20 of the Allison Richey Gulf Coast Home Company Subdivision, Abstract No. 506, as recorded in Volume 2, Page 23 of the Brazoria County Map Records.

General Location: North of Hughes Ranch Road on Hillhouse Road

F. DISCUSSION ITEMS

1. Commissioners Activity Report
2. Cluster Development
3. Planning Day
4. March 4, 2013, P&Z Regular Meeting
5. Revised Joint Public Hearing Date, March 25, 2013

IV. ADJOURNMENT

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

I, Debbie Cody, Administrative Clerk 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 15th day of February, 2013, A.D., at 5:30 p.m.

Debbie Cody, Administrative Clerk

Agenda removed _____ day of February 2013.

APPROVAL

OF

MINUTES

MINUTES OF THE REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, HELD ON MONDAY, FEBRUARY 4, 2013, AT 6:30 P.M., CITY COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS.

CALL TO ORDER

P&Z Chairperson Henry Fuertes called the meeting to order at 6:42 p.m. with the following present:

P&Z Chairperson Henry Fuertes
P&Z Vice-Chairperson Linda Cowles
P&Z Commissioner Neil West
P&Z Commissioner Matthew Hanks
P&Z Commissioner Daniel Tunstall
P&Z Commissioner Ginger McFadden
P&Z Commissioner Mary Starr

Also in attendance were: City Planner Harold Ellis, Planner II Ian Clowes, Director of Community Development Lata Krishnarao, Office Coordinator Judy Brown, and Administrative Clerk Debbie Cody.

APPROVAL OF MINUTES

P&Z Vice-Chairperson Linda Cowles made the motion to approve the minutes of the P&Z Regular Meeting of January 21, 2013, and P&Z Commissioner Mary Starr seconded.

The vote was 7-0 and the minutes of the Planning and Zoning Regular Meeting of January 21, 2013 were approved.

NEW BUSINESS

CONSIDERATION & POSSIBLE ACTION – REQUEST FOR EXTENSION OF TIME – PRELIMINARY PLAT OF ENERGY ESTATES

A request was made by William T. Mars, applicant and owner, for approval of an extension on a previously approved Preliminary Plat of Energy Estates.

P&Z Commissioner Mary Starr made the motion to approve, and P&Z Commissioner Matthew Hanks seconded.

Planner II Ian Clowes explained to the Commissioners the purpose of the request for extension being the necessity of establishing the infrastructure. He also explained that until the Unified Development Code (UDC) changed, a preliminary plat would expire two years after date of submission and the time limit to file an extension was thirty days prior to expiration. However, with the change in the UDC, expiration is now two years from date of approval. In the applicant's case, approval was March 27, 2011 which allowed request for extension well within the thirty day deadline.

Commissioner Tunstall asked if the applicant was present to which Planner II Clowes responded that he was not present. Commissioner Cowles inquired about the location of the subdivision and Planner II Clowes responded that he would provide that information to the Commission.

The vote was 6-1 approving the extension. P&Z Commissioner Daniel Tunstall voted in opposition.

CONSIDERATION & POSSIBLE ACTION – FINAL PLAT OF SAVANNAH MEADOWS SECTION TEN

A request by Rene Rodriguez – LJA Engineering, Inc., applicant, on behalf of Savannah Development LTD., owner, for approval of a Final Plat of Savannah Meadows Section Ten, generally located at the Southeast corner of Post Road (CR 58) and Linden Creek Lane, proposing a 26 lot single-family residential subdivision on the following described property, to wit

Being 10.2 acres of land located in the A.C.H.& B. Survey, Abstract 403 and J.S. Talmage Survey, Abstract 562, Brazoria County Texas, more particularly being a portion of the residue of a called 161.450 acre tract (described as Tract 5) conveyed to Savannah Development, LTD., by an instrument of record File #00-037203, Official Records of said Brazoria County, Texas (B.C.O.R.) also being an instrument of record in File No. 200080225, Official Public Records of Fort Bend County, Texas.

P&Z Vice-Chairperson Linda Cowles made the motion to approve, and P&Z Commissioner Mary Starr seconded.

Planner II Ian Clowes reported that this application had originally been submitted to the Commission in September 2012 as a preliminary plat and it was approved. With all requirements being met, he recommended approval of the final plat.

The question was posed by P&Z Vice-Chairperson Linda Cowles regarding having an active drill site to which Planner II Ian Clowes responded affirmatively stating however, that it did not pose any problems.

The vote was 7-0. The Final Plat of Savannah Meadows Section Ten was approved.

DISCUSSION ITEMS

1. Commissioners Activity Report – Vice Chairperson Linda Cowles attended the Council workshop on signs and reported that there were complaints regarding the electronic signs flashing and that some citizens were not happy with the color rule as well. It was also reported that the City Council asked for a joint workshop with the Planning and Zoning Commission on signs. Director of Community Development Lata Krishnarao added that Mayor Reid suggested the Planning and Zoning Commission meet first and then make recommendations to the Council.
2. Zoning Update – City Planner Harold Ellis reported of the recent zone change at Country Place to Planned Development for the residential areas and GB (General Business) for commercial along Country Place Parkway.
3. P&Z Strategic Plan Update - City Planner Harold Ellis referred to the previously distributed packets indicating the list of commissioners and their perspective teams for the Planning & Zoning Strategic Plan.
4. Next P&Z and JPH Meeting – February 18, 2013
5. February 18, 2013 – Workshop – Capital Improvement Advisory Committee – Impact Fee Study, presented by City Engineer Andrea Broughton – City Planner Harold Ellis reminded the Commission of another workshop on February 18th, in which a regular meeting would follow, requiring an action item relative to the Impact Fee Study. Director of Community Development Lata Krishnarao reiterated the right of the Commission to analyze the report, solicit questions, and offer suggestions during the workshop.

ADJOURNMENT

P&Z Chairperson Henry Fuertes adjourned the P&Z Regular Meeting at 7:01 p.m.

These minutes are respectfully submitted by:

Debbie Cody, Administrative Clerk

Minutes approved as submitted and/or corrected on this 18th day of February 2013, A.D.

P&Z Chairperson Henry Fuertes

NEW BUSINESS

**P&Z AGENDA
ITEM**

A

AGENDA - JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD FEBRUARY 18, 2013, 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. 2013-04Z

A request of Lisa Marino, applicant and The Old Place Inc., owner, for approval of a zone change from the Neighborhood Service (NS) zone to the General Business (GB) zone for 9.930 acres on the following described property, to wit:

Legal Description: Being 9.930 acres of land, Lots 30-30A, of the Allison – Richey Gulf Coast Home Company Subdivision of Section 20, of the H.T. & B. Railroad Company Survey, Abstract 506, Brazoria County, Texas

General Location: 8809 Broadway

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 FEBRUARY 18, 2013

Zone Change No. 2013-04Z

A request of Lisa Marino, applicant and The Old Place Inc., owner, for approval of a zone change from the Neighborhood Service (NS) zone to the General Business (GB) zone for 9.930 acres, to wit:

Legal Description: Being 9.930 acres of land, Lots 30-30A, of the Allison – Richey Gulf Coast Home Company Subdivision of Section 20, of the H.T. & B. Railroad Company Survey, Abstract 506, Brazoria County, Texas

General Location: 8809 Broadway, Pearland, TX

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

Planning and Zoning Commission: February 18, 2013*
City Council for First Reading: March 11, 2013*
City Council for Second Reading: March 25, 2013*

(*dates subject to change)

SUMMARY: Lisa Marino, applicant, on behalf of The Old Place, Inc., owner, is requesting approval of a zone change from the Neighborhood Service (NS) zone to General Business (GB) zone for 9.930 acres for the above referenced location. If approved, this zone change will allow additional uses to be permitted by-right at this location, including many uses currently allowed only with the approval of a Conditional Use Permit. Examples of these uses include restaurant's, daycare's, food store's, church's, etc.

SURROUNDING ZONING AND LAND USES:

	<u>Zoning</u>	<u>Land Use</u>
North	Neighborhood Service (NS)	Vacant
South	General Business (GB)	Vacant
East	General Business (GB)	Commercial Retail Center
West	General Business (GB)	Commercial Retail Center

CONFORMANCE WITH THE UNIFIED DEVELOPMENT CODE (UDC): As previously mentioned, the property is currently zoned Neighborhood Service (NS). As the property is currently being requested to be rezoned to General Business (GB), a breakdown between those requirements is provided below:

	<u>NS</u>	<u>GB</u>	<u>Existing Site</u>
Lot Size:	12,500 sq ft	22,500 sq ft	0.9495 acres
Lot Width:	100'	150'	208.73'
Lot Depth:	100'	125'	208.70''
Front Setback:	25'	25'	~25'
Rear Setback:	10'	25'	~25'
Side Setback:	10'	10'	~10'

In addition to these requirements, this property is also subject to the City's Corridor Overlay District (COD) regulations. Among other regulations, a 30' front landscaping setback is required as a result of the COD regulations, as well as an increase in the quantity of trees and shrubs, and enhanced building façade materials. At this time, the property does not appear to meet the landscaping or landscape buffer requirements for the COD. Future expansion of the building footprint (min. 500 square feet) or in parking (20% additional) will trigger full compliance of the Unified Development Code requirements. At this time, the applicant will only be required to comply with the parking and facade requirements. The building does currently meet the façade requirements.

PLATTING STATUS: The property is not currently platted. Platting would be required prior to the release of any future building permits. The applicant will be able to operate their business without having to plat the property.

CONFORMANCE WITH THE COMPREHENSIVE PLAN: The current Comprehensive Plan (latest update in 2009) indicates *Retail, Offices, and Services* for the subject property. The Comprehensive Plan further indicates that an appropriate zoning district for *Retail, Offices, and Services* is General Business (GB). The property's current zoning of Neighborhood Service (NS) is also an appropriate zoning district for the *Retail, Offices, and Services* designation in the Comprehensive Plan. Therefore, both the existing and proposed zoning districts are in compliance with the Comprehensive Plan.

CONFORMANCE WITH THE THOROUGHFARE PLAN: The subject property has frontage on Broadway, a major thoroughfare, with a minimum of 120' right-of-way. The property also has frontage on Hillhouse Road, a local road, with a minimum 60' right-of-way.

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

IMPACT ON EXISTING AND FUTURE DEVELOPMENT: The proposed zone change, if approved, is not anticipated to have any negative impacts on existing or future developments in the immediate area. The proposed zone change will be in conformance with the majority of other commercially zoned property on Broadway. Additionally, a Traffic Impact Analysis was submitted with the site plan approval for the existing shopping center which accounted for typical shopping center intensities such as the existing nail salon and recently approved daycare. Therefore, negative impacts from a traffic perspective are not anticipated.

In reviewing the zoning along Broadway, from the east side of Pearland to SH-288, it appears that there are less than 12 parcels that are zoning Neighborhood Service. The majority are zoned General Business (GB) or General Commercial (GC). Over time it is anticipated that these parcels will be rezoned to General Business (GB), based on the Future Land Use Plan.

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 the property is currently developed.

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 2013-04Z as proposed by the applicant for the following reasons:

1. Approval of the zone change will result in conformance with the surrounding zoning as well as current 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 bring the property into compliance with the approved Future Land Use Plan.

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 & Zoning Map

Zone Change 2013-04Z

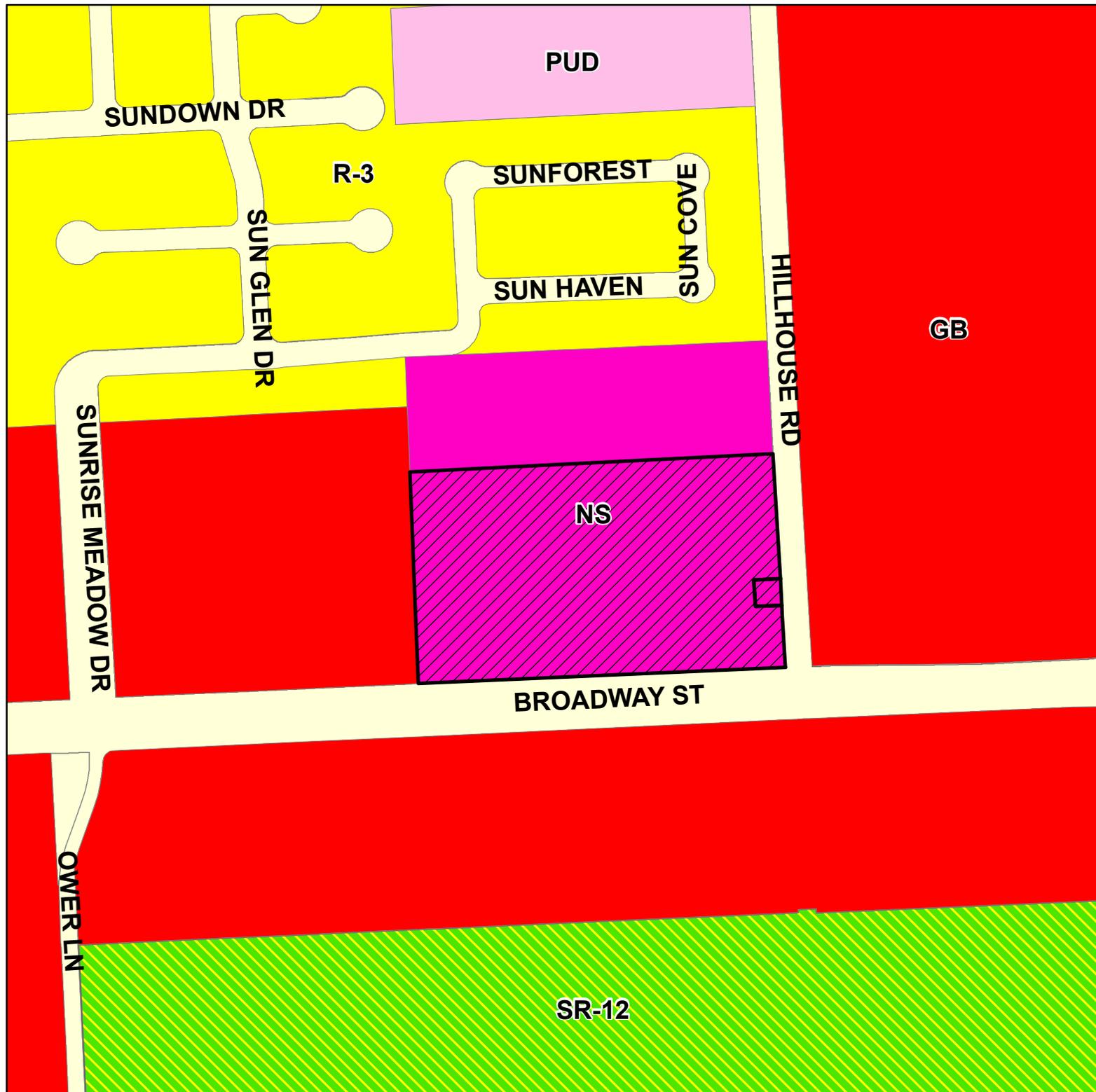
8809 Broadway

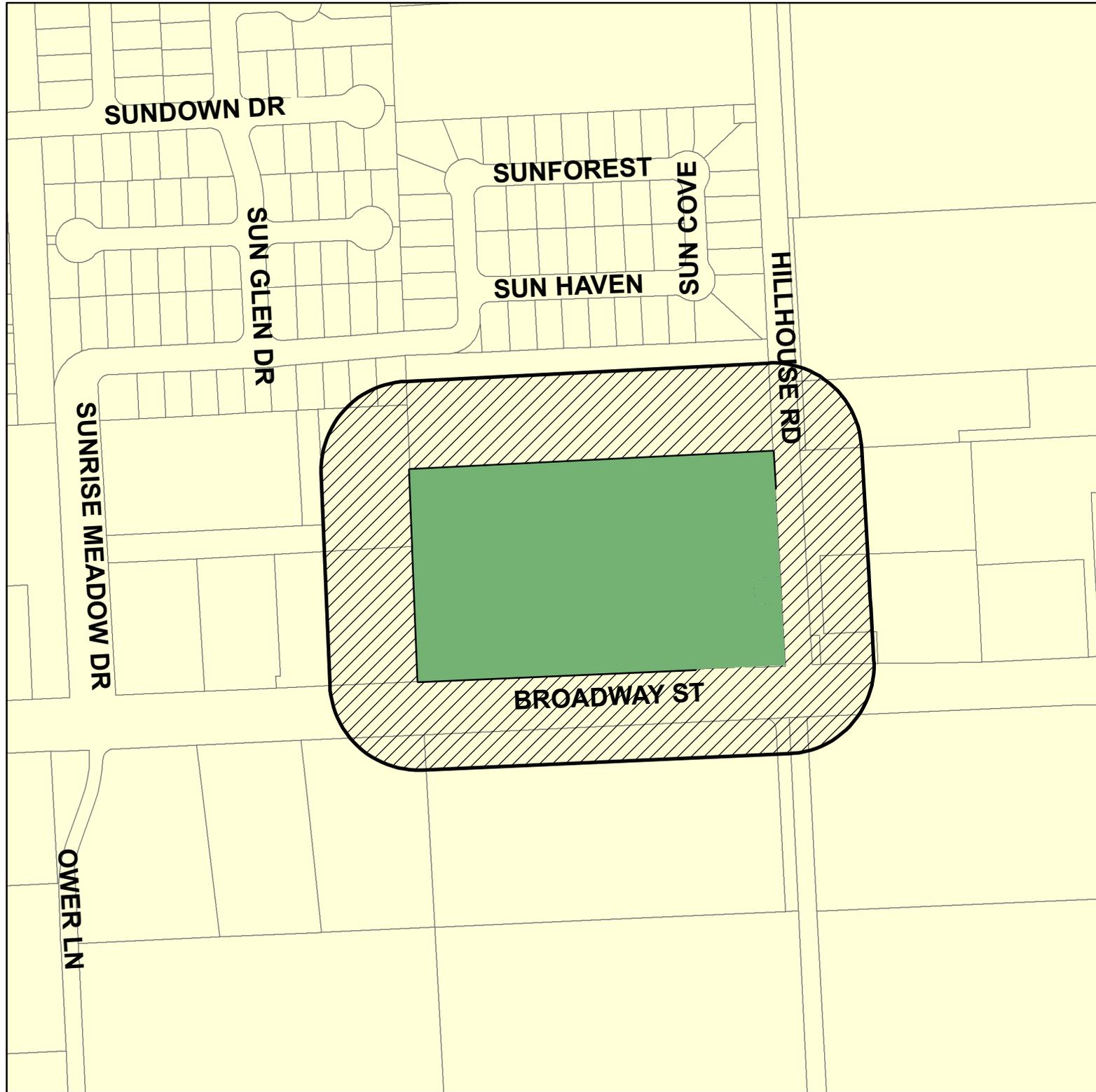
This product is for information purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

N



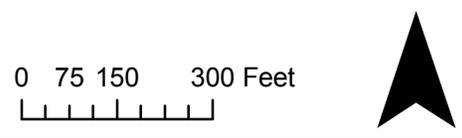
0 75 150 300 Feet





Abutter Map
Zone Change 2013-04Z
8809 Broadway

This product is for information purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.



Zone Change 2013-04Z

8809 Broadway - NS to GB

NAME	ADDRESS	CITY	STATE	ZIP
DOHERTY FRANK TRUSTEE	8735 BROADWAY ST	PEARLAND	TX	77584-7721
NEEDHAM RICKY D	813 INDIGO SPRINGS LN	LA MARQUE	TX	77568
VELAZQUEZ CARLOS & MELODY	9004 SUNRISE TRL	PEARLAND	TX	77584-2423
WILLIAMSON TRAVIS W	9006 SUNRISE TRL	PEARLAND	TX	77584-2423
THE OLD PLACE INC	PO BOX 703	MANVEL	TX	77578-0703
PEARLAND PLAZA LP	3922 ABBEYWOOD DR	PEARLAND	TX	77584-4943
SILVER PEAR 518 BUSINESS PARK LTD	PO BOX 79650	HOUSTON	TX	77279-9650
MOORE THEODORE & MAMMIE	2657 HILLHOUSE RD	PEARLAND	TX	77584-3493
FM 518 WEST LTD	3800 SOUTHWEST FWY	HOUSTON	TX	77027-7585
SU CHENG HUEY TR	102 PEBBLEBROOK CT	SUGAR LAND	TX	77478-3935
FORTRESS PEARLAND INVESTMENTS LLC	4318 W FUQUA ST	HOUSTON	TX	77045-6204
SIMMONS ANDREW	4830 MALLOW ST	HOUSTON	TX	77033-4006
WESTCHASE HOSPITALITY INC	1403 RAVENEL LN	SUGARLAND	TX	77479
LISA MARINO	8809 BROADWAY STE B	PEARLAND	TX	77584

Medium Density Residential

D-10,000sf Lots (Suburban Res)

SUNFOREST

SUN HAVEN

SUN COVE

SUNRISE TRAIL

SUNRISE MEADOW DR

Business Commercial

HILLHOUSE RD

BROADWAY ST

Retail, Offices and Services

OWER LN

Offices



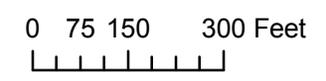
FLUP Map

Zone Change 2013-04Z

8809 Broadway

This product is for information purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

N





Aerial Map
Zone Change 2013-04Z
8809 Broadway

This product is for information purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

0 75 150 300 Feet





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: NS

Proposed Zoning District: GB

Property Information:

Address or General Location of Property: ~~3811D~~ 8809 Broadway St, STE B,
Pearland, TX 77584

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 THE OLD PLACE, INC.
ADDRESS P.O. Box 703
CITY MANUEL STATE TX ZIP 77578
PHONE (832) 372 1008
FAX (281) 489 1010
E-MAIL ADDRESS Kitty@K.BANKS@gmail.com

APPLICANT/AGENT INFORMATION:

NAME Lisa Marino
ADDRESS 8809 Broadway St, STE B
CITY Pearland STATE TX ZIP 77584
PHONE (281) 412-4475
FAX (281) 412-4684
E-MAIL ADDRESS lmarino@betterlifefhcs.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: Kitty Palmatin-Wilbanks Date: 01.16.13

Agent's/Applicant's Signature: Lisa Marino Date: 1/16/2013

OFFICE USE ONLY:

FEES PAID: <u>\$775</u>	DATE PAID: <u>2/5/13</u>	RECEIVED BY: <u>Hz</u>	RECEIPT NUMBER: <u>120296</u>
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Application No. 2013-042

The Old Place
P.O. Box 703
Manvel, TX 77578

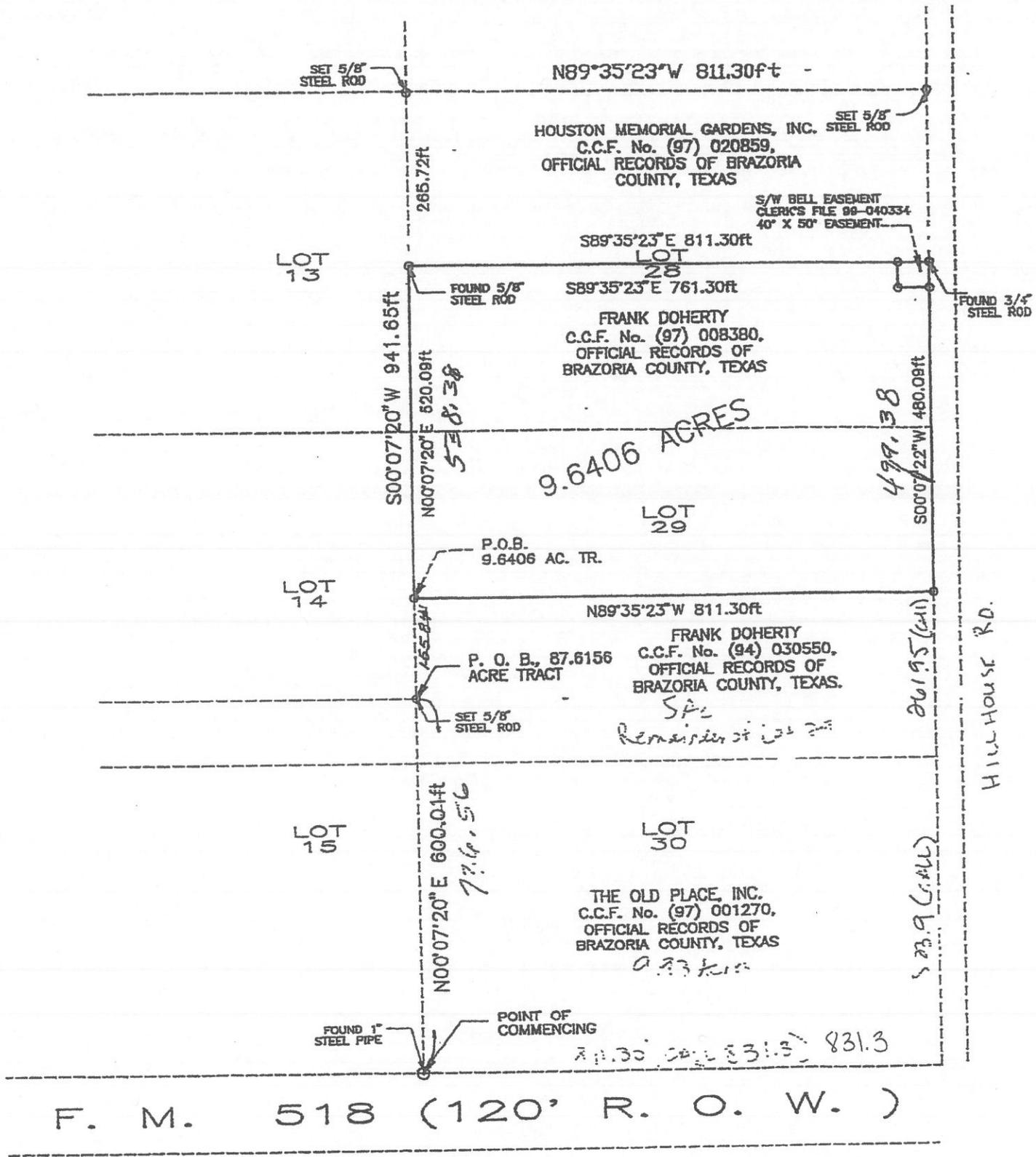
February 5, 2013

To Whom It May Concern:

On behalf of The Old Place, Inc., I authorize Lisa Moreno to process the zone change from NS to GP with the City of Pearland.

Respectfully,

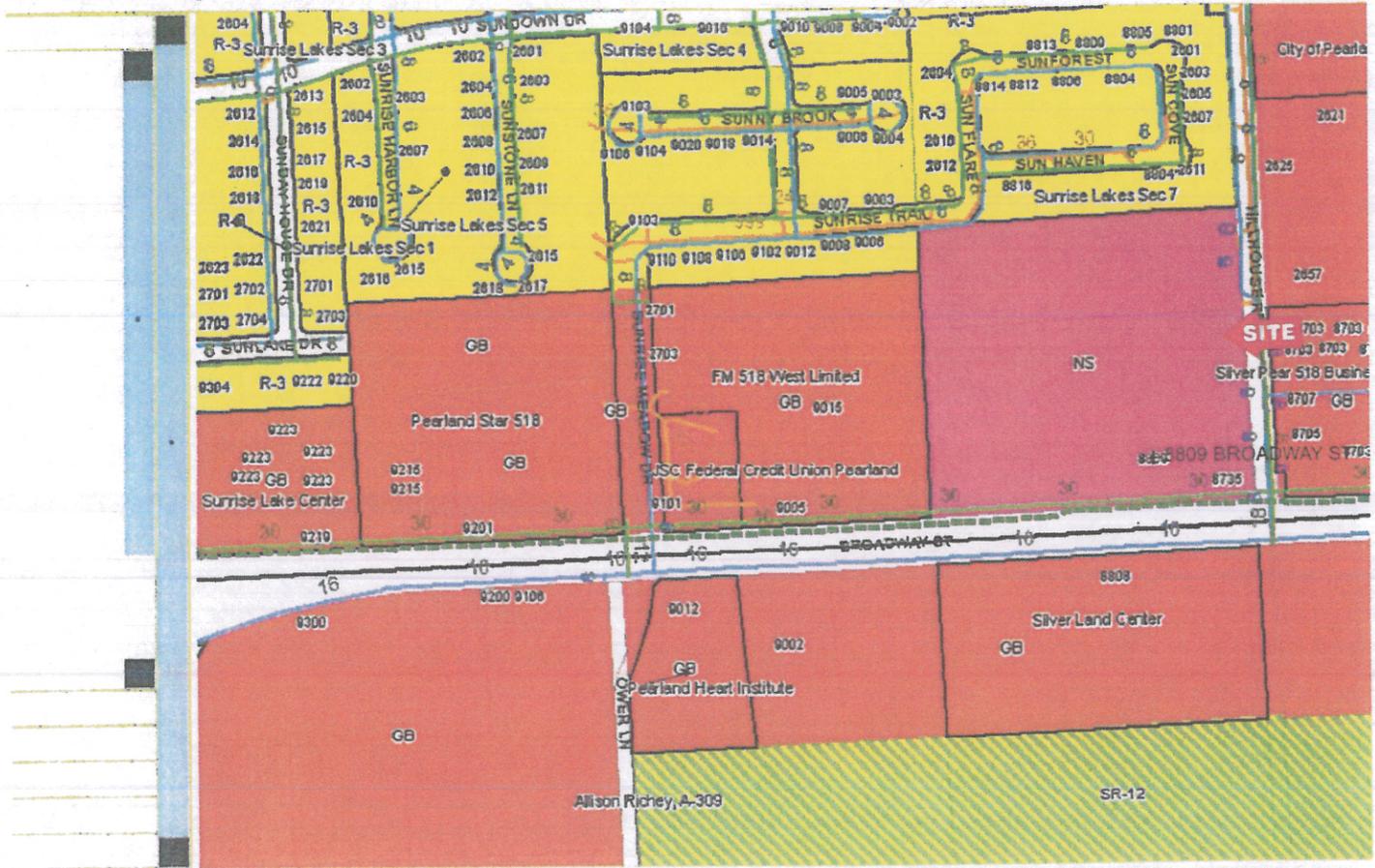
Kitty Dalmolin-Wilbanks



PLAT SHOWING 9.6406 ACRE TRACT

BEING THE SOUTH 1/2 OF LOT 28 AND THE NORTH 1/2 OF
 LOT 29, OF THE ALLISON-RICHEY GULF COAST HOME COMPANY
 SUBDIVISION OF SECTION 20, OF THE H. T. & B. RAILROAD
 COMPANY SURVEY, ABSTRACT 506, BRAZORIA COUNTY, TEXAS.

Info Lat/Long Selection System



Tool: Identify > Zoning

X: 3126414.25, Y: 13770065.56, Longitude:

(NS) NEIGHBORHOOD SERVICE DISTRICT

The Neighborhood Service District is intended to permit a limited area of service establishments and retail stores for the benefit of adjacent and nearby residential development and in which district all trade is conducted indoors and in such manner as to be capable of placement adjacent to residential districts without changing the character of the latter.

Better Life Health Care, Inc

8809 Broadway St, STE B

(281) 412-4475

January 17, 2013

RE: Letter of Intent

Dear Sir or Madam:

Please accept my letter of intent for the zoning permit request.

I will be using 8809 Broadway Suite B for the use of a day habilitation center for adults with special needs. We provide an environment for these individuals to receive personal care and also to work on personalized goals and objectives. The proposed business hours are Monday-Friday, 8am – 5pm. The square footage that we will be occupying is approximately 7,000 sq feet.

Sincerely,

Lisa Marino

Lisa Marino
Better Life Health Care, Inc
281-412-4475

CITY OF PEARLAND

*** CUSTOMER RECEIPT ***

Oper: AGONZALES Type: OC Drawer: 1
Date: 2/06/13 01 Receipt no: 128236

Description	Quantity	Amount
BA	BOARD OF ADJUSTMENTS	
	L.00	\$775.00
Trans number:		390052

ZONE CHANGE
LISA MARTINO
THE OLD PLACE, INC
8809 BROADWAY

Tender detail		
CK CHECK	6361900420	\$750.00
CA CASH		\$25.00
Total tendered		\$775.00
Total payment		\$775.00

Trans date: 2/05/13 Time: 16:19:54

**POSTING OF ZONING NOTIFICATION SIGNS
ON PROPERTY UNDER CONSIDERATION
FOR A ZONE CHANGE (OR CONDITIONAL USE PERMIT)**

Any person, firm or corporation requesting a zoning change, a conditional use permit (CUP), or a variance shall be required to erect and maintain a sign(s), to be inspected by the City, upon the property for which a variance or zoning change has been requested.

Such sign(s) shall be located as follows:

- (1) One (1) sign per street frontage shall be located within thirty feet (30') of the abutting street, or as determined by the City.
- (2) So as to be clearly visible and readable from the public right-of-way and not obstructed in any manner.
- (3) So as not to create a hazard to traffic on the public rights-of-way abutting the property.
- (4) On the subject property at least ten (10) days prior to the hearing of such zoning change request by the Planning and Zoning Commission, and to remain continuously on said property until final action by the City Council or withdrawal of the case by the applicant. Removal of the sign by the applicant prior to a recommendation by the Planning and Zoning Commission and/or a final decision by the City Council shall constitute a withdrawal of the request.
- (5) The signs shall be as follows:
 - A minimum sign size of 2 feet by 3 feet, but no larger than 4 feet by 4 feet
 - At least 2 feet above the ground
 - Blue or black lettering that is a minimum of 3 inches by 1/2 inch, on a white background
 - Message content as follows:

J. M. ...
2/5/2013

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

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

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



**RO'VIN GARRETT, RTA
BRAZORIA COUNTY TAX ASSESSOR - COLLECTOR
111 E. LOCUST
ANGLETON, TEXAS 77515**

Certified Owner:

**THE OLD PLACE INC
PO BOX 703
MANVEL, TX 77578-0703**

Legal Description:

A0506 H T & B R R, TRACT 30-30A, ACRES
9.930

Parcel Address: 8809 BROADWAY FM 518
Legal Acres: 9.9300

Remit Seq No: 19474068
Receipt Date: 12/28/2011
Deposit Date: 12/29/2011
Print Date: 12/27/2011

Account No: 1136350C
Assessment No: 900000022939706
Account No: **0506-0017-000**
Assessor Code: MVL1

Tax Unit Name	Tax Value	Tax Rate	Levy Paid	P&I	Coll Fee Paid	Total
Brazoria County	1,458,180	0.413101	6,023.76	0.00	0.00	6,023.76
Special Road & Bridge	1,458,180	0.060000	874.91	0.00	0.00	874.91
Pearland Isd	1,458,180	1.419400	20,697.41	0.00	0.00	20,697.41
Brazoria Drainage Dist 4	1,458,180	0.156000	2,274.76	0.00	0.00	2,274.76
City Of Pearland	1,458,180	0.685100	9,989.99	0.00	0.00	9,989.99
			\$39,860.83	\$0.00	\$0.00	\$39,860.83

Number(s):

PAYMENT TYPE:

Checks: \$39,860.83

Options on this property:

Total Applied: \$39,860.83
Total Tendered: \$39,860.83
(for accounts paid on 12/28/2011)
Change Paid: \$0.00

ACCOUNT PAID IN FULL

PAYER:
**THE OLD PLACE INC
PO BOX 703
MANVEL, TX 77578-0703**

(979) 864-1320, (979) 388-1320, (281) 756-1320

Tuesday, February 5, 2013

Taxes Due Detail by Year

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Account No.: 05060017000
Delinquency Date: 07/01/2013
Active Lawsuits None

* Additional Collection Costs

		by end of February 2013		by end of March 2013		by end of April 2013	
<i>Year</i>	<i>Base Tax Due</i>	<i>Penalty, Interest, and ACC* Due</i>	<i>Total Due</i>	<i>Penalty, Interest, and ACC* Due</i>	<i>Total Due</i>	<i>Penalty, Interest, and ACC* Due</i>	<i>Total Due</i>
2012	\$19,748.72	\$0.00	\$19,748.72	\$0.00	\$19,748.72	\$0.00	\$19,748.72
Total Amount Due:	\$19,748.72	\$0.00	\$19,748.72	\$0.00	\$19,748.72	\$0.00	\$19,748.72

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[Courthouse History](#)

E-mail: roving@brazoria-county.com
 111 E. Locust Suite
 Angleton, TX 77515
 (979) 864-1320

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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
- 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.**

**P&Z AGENDA
ITEM**

B

AGENDA - JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD FEBRUARY 18, 2013, 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. 2013-05Z

A request of Christy Smidt (Kerry G. Gilbert & Assoc.), applicant and Beeman E. Strong (for the Settegast Family), owner, for approval of a zone change from the Planned Development (PD) zone to the General Business (GB) zone for 31.3165 acres on the following described property, to wit:

Legal Description: Being a 31.3165 acre (1,364,147 square foot) tract of land situated in the Thomas J. Green Survey, Abstract Number 198 in Brazoria County, Texas, and being out of and a part of the called 118.775 acre tract of land described in deed to Marion E. Settegast, et al as recorded in Volume 1421, Page 25 of the Brazoria County Deed Records, said 31.3165 acre tract of land.

General Location: Approximately 700' North of Broadway on Pearland Pkwy

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 FEBRUARY 18, 2013

Zone Change No. 2013-05Z

A request of Christy Smidt (Kerry G. Gilbert & Assoc.), applicant and Beeman E. Strong (for the Settegast Family), owner, for approval of a zone change from the Planned Development (PD) zone to the General Business (GB) zone for 31.3165 acres, to wit:

Legal Description: Being a 31.3165 acre (1,364,147 square foot) tract of land situated in the Thomas J. Green Survey, Abstract Number 198 in Brazoria County, Texas, and being out of and a part of the called 118.775 acre tract of land described in deed to Marion E. Settegast, et al as recorded in Volume 1421, Page 25 of the Brazoria County Deed Records, said 31.3165 acre tract of land.

General Location: Approximately 700' North of Broadway on Pearland Pkwy

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

Planning and Zoning Commission: February 18, 2013*

City Council for First Reading: March 11, 2013*

City Council for Second Reading: March 25, 2013*

(*dates subject to change)

CURRENT CASE: Christy Smidt, applicant, has applied for a zone change on behalf of Mr. Beeman Strong, representing the Settegast Family, owner, of 31.3165 acres of land located approximately 700' north of the northwest intersection of Broadway (FM 518) and Pearland Pkwy. The property in question is currently zoned Planned Development (PD) and contains land which is part of a Planned Development known as Pearland Commons which was approved by City Council in 2008. The applicant is requesting that the property be rezoned to General Business (GB).

The total acreage of the previously approved Pearland Commons Planned Development is approximately 53 acres. Approximately 22 of these acres were rezoned in 2011 to General Business for a proposed commercial development that included HEB grocery store.

The applicant is proposing a shopping center on the remaining 31 acre site which is intended to compliment the proposed development to the south. The development would abut the residential subdivision to the west and have parking in front along Pearland Parkway.

SITE HISTORY: Prior to the adoption of the Pearland Commons PD in March 2008, the entire site (all 53 acres) had three zoning designations: General Business (GB), and two residential zones, R-3 and R-2. The acreage for the GB zoned property, located at the northwest intersection of Broadway and Pearland Pkwy was approximately 20 acres. This is the site that was rezoned back to GB in 2011. The remaining acreage remained as PD and is now requesting a matching GB zone.

The GB zone was approved at the hard corner for a specific development (HEB grocery store) and had assurances in place from the developer that the project would be of a higher quality than would normally be required. The developer had also submitted a site plan at the time of zone change showing the layout of the proposed development. This adjoining 31 acre site is considered to be of similar importance to the city as was the 20 acre site at the hard corner. Unlike that zone change, this proposal lacks any specific site plan or specific uses and therefore any assurances of a higher quality development than would normally be required.

SURROUNDING ZONING AND LAND USES:

	<u>Zoning</u>	<u>Land Use</u>
North	Single-Family Residential-2 (R-2)	Vacant
South	General Business (GB)	Commercial
East	Planned Development (PD) and General Commercial (GC)	Commercial, Single Family Residential
West	Single-Family Residential-2 (R-2) and Multi-Family (MF)	Single Family Subdivision, Multi-Family Units

CONFORMANCE WITH THE UNIFIED DEVELOPMENT CODE (UDC): The subject property is currently zoned as Planned Development (PD).

PLATTING STATUS: The property has not been platted. Platting will be required prior to development of the land.

CONFORMANCE WITH THE COMPREHENSIVE PLAN: The current adopted Comprehensive Plan's Future Land Use Map indicates that approximately two thirds of the area should be offices, with the remainder being retail, offices, and services. Therefore, the designation of General Business (GB) being requested and some of the uses allowed in the GB zone would be not be consistent with the intent of the Comprehensive Plan for two thirds of the site.

CONFORMANCE WITH THE THOROUGHFARE PLAN: The subject property has frontage on Pearland Pkwy, a major thoroughfares with sufficient width for right-of-way of 120 feet.

AVAILABILITY OF UTILITIES: Public water and sewer are available for this site.

IMPACT ON EXISTING AND FUTURE DEVELOPMENT: The proposed zone change, if approved, would allow all of the "Permitted By-Right" land uses in the City's Land Use Matrix for the General Business (GB) zoning district in the Unified Development Code to be developed on the property without any further zoning approval. Some of the more potentially invasive uses, if not designed in a complementary manner to nearby properties (especially abutting residential developments to the east and west), and with necessary safeguards to help mitigate any potentially negative impacts to the City's image at this location are listed below:

- Pool/Billiard Facility
- All-terrain vehicle sales
- Auto accessory and/or part sales
- Auto sales/Dealer
- Auto wash (full service) with no restrictions on location of bay doors
- Gasoline Station
- Credit Agency
- Bed and Breakfast
- Check Cashing Service
- Extended Stay Hotel/Motel
- Hotel
- Laundromat (self-service)
- Rehabilitation Care Facility (halfway house)
- Rehabilitation Care Institution (commercial)
- Cigars/Tobacco Shop
- Consignment Shop
- Convenience Store (with or without gasoline sales)
- Department Store
- Electronic Goods Store

- Food Store/Supermarket
- Furniture and/or appliance store
- Garden Shop & Outside Plant Sales
- Hardware Store
- Jewelry Store
- Medical Appliances & Sales
- Motion Picture Theater
- Outside Display
- Restaurant (with or without drive-thru service)
- Tavern
- Variety Store
- Video Rental
- Assisted Living Facility
- Auction House
- Child Day Care Center
- Hospital (for profit and non-profit)
- Nursing/Convalescent Home
- School (college/university, elementary, high school, junior high, other)
- Exterminator Service
- Machine Shop

This is not a complete list of allowed uses in the General Business (GB) zoning district. A complete list may be found in Chapter 2, Division 2, Section 2.5.2.1 of the Unified Development Code.

A straight GB zone change also could potentially have a negative impact on future connectivity with surrounding development including the adjoining commercial property to the south and the existing residential neighborhood to the west. A PD could allow for appropriate vehicular and pedestrian access to the adjoining residential neighborhood, alleviating some of the added traffic flow to Pearland Parkway.

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 and has not been provided with this application.

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

AGENT AUTHORIZATION: The Planning Department has on file documentation from the

Settegast family authorizing Beeman Strong to process this zone change application.

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 concerns with the current proposal:

1. This area is a major entry point and gateway into the city. This tract, located along Pearland Parkway, which serves as a major north south thoroughfare and an entry into the city, has opportunity to be developed in a manner that enhances the image of the City. Further, any development on this tract will be very visible and provides a great opportunity to provide an amenity/public gathering space for the east side, similar to the Town Center, but at a lesser scale. A zone change to GB will not provide any assurance as to the manner that the tract is developed. Staff is unsure how the development being proposed will result in higher levels of amenities; enhanced pedestrian connectivity; strong sense of place; meaningful public places with visual focal points, as a site plan is not required for a zone change application.
2. Property is open to all allowed uses in the GB zone, including those of concern that are listed above. Some of these uses may not be appropriate to be located in a scenic corridor that is also an entry way into the city.
3. Future access and connectivity to adjoining neighborhoods and commercial developments.
4. Unlike the adjoining GB zoned property where a specific development was proposed (the future HEB will be located at that location) and a site plan as presented to the City Council, this zone change lacks a specific site plan or any kind of assurances regarding specific uses and quality of development.
5. The recent rezoning of the 20 acre HEB parcel to the south in 2012, reverted that parcel to its original GB zone (prior to the PD being approved). However, this subject parcel was zoned residential (R-2 and R-3) before a PD was approved in 2008.

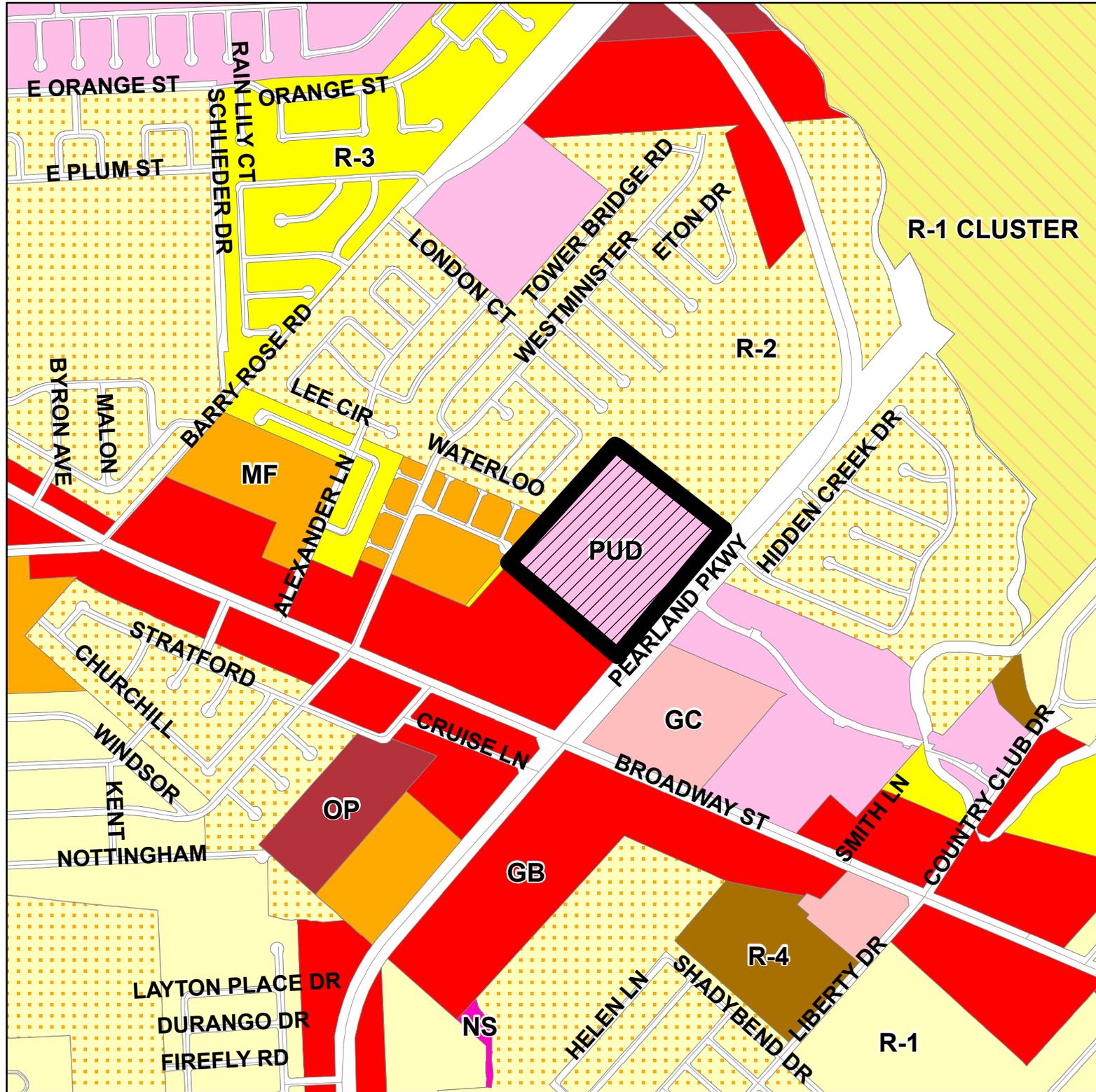
6. Development on this tract will sets the direction for the rest of the vacant land (approx. 80 acres) north of this subject parcel.

Therefore, based on the above information, if staff feels that a General Business (GB) zone is not appropriate for this site. With this in mind, a Planned Development may be a better option moving forward. The Unified Development Code states:

The purpose and intent of the PD district is to facilitate the design and implementation of retail development that is designed to aesthetically and harmoniously complement the adjacent residential and commercial areas.

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

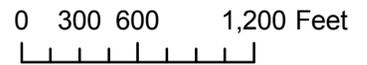


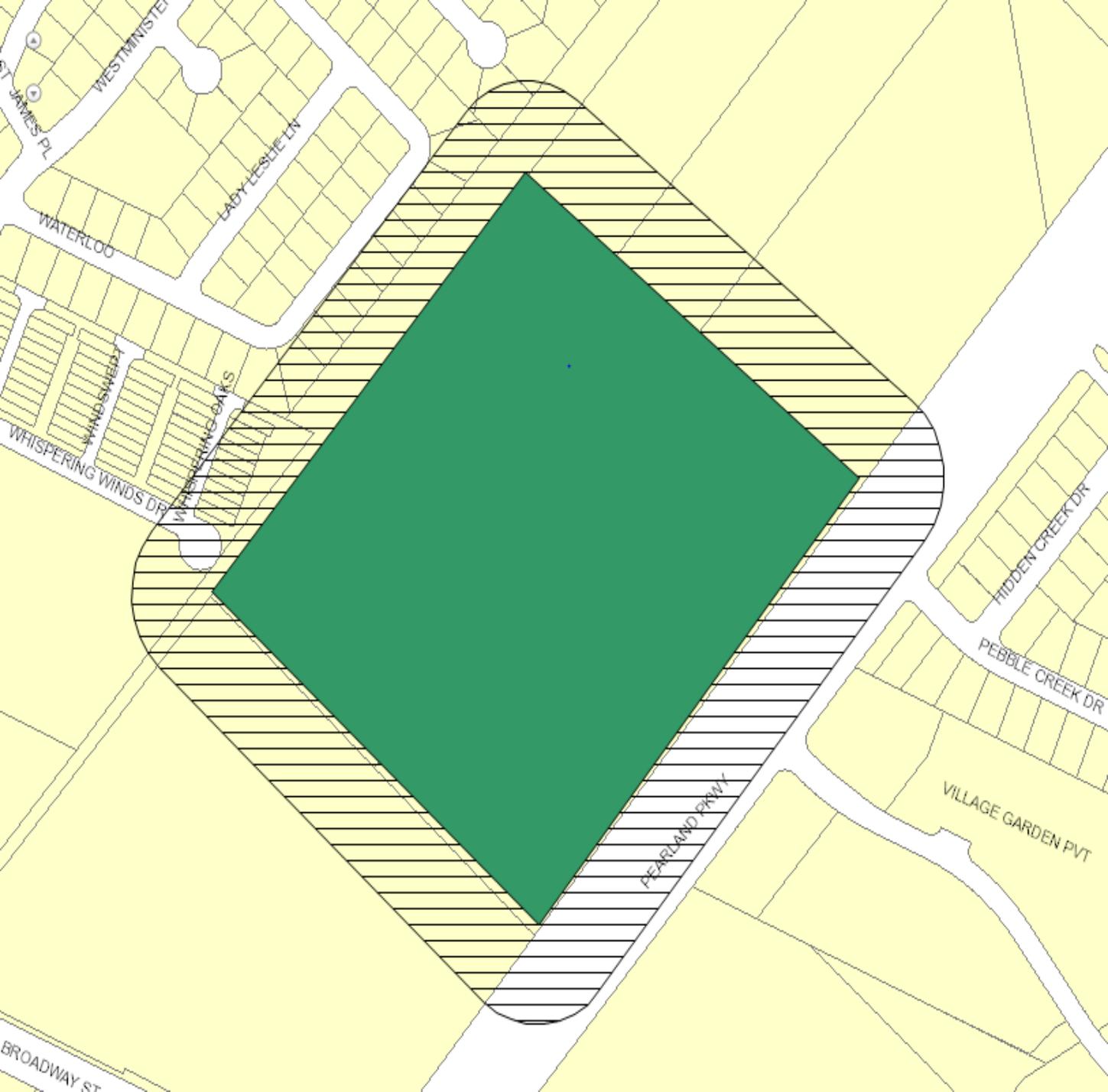
Vicinity and Zoning Map

Zone Change 2013-05Z

Pearland Pkwy North of Broadway

This product is for information purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.





Abutter Map

Zone Change 3013-05Z

**Pearland Pkwy.
North of Broadway**

This product is for information purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

N

0 45 90 180 Feet

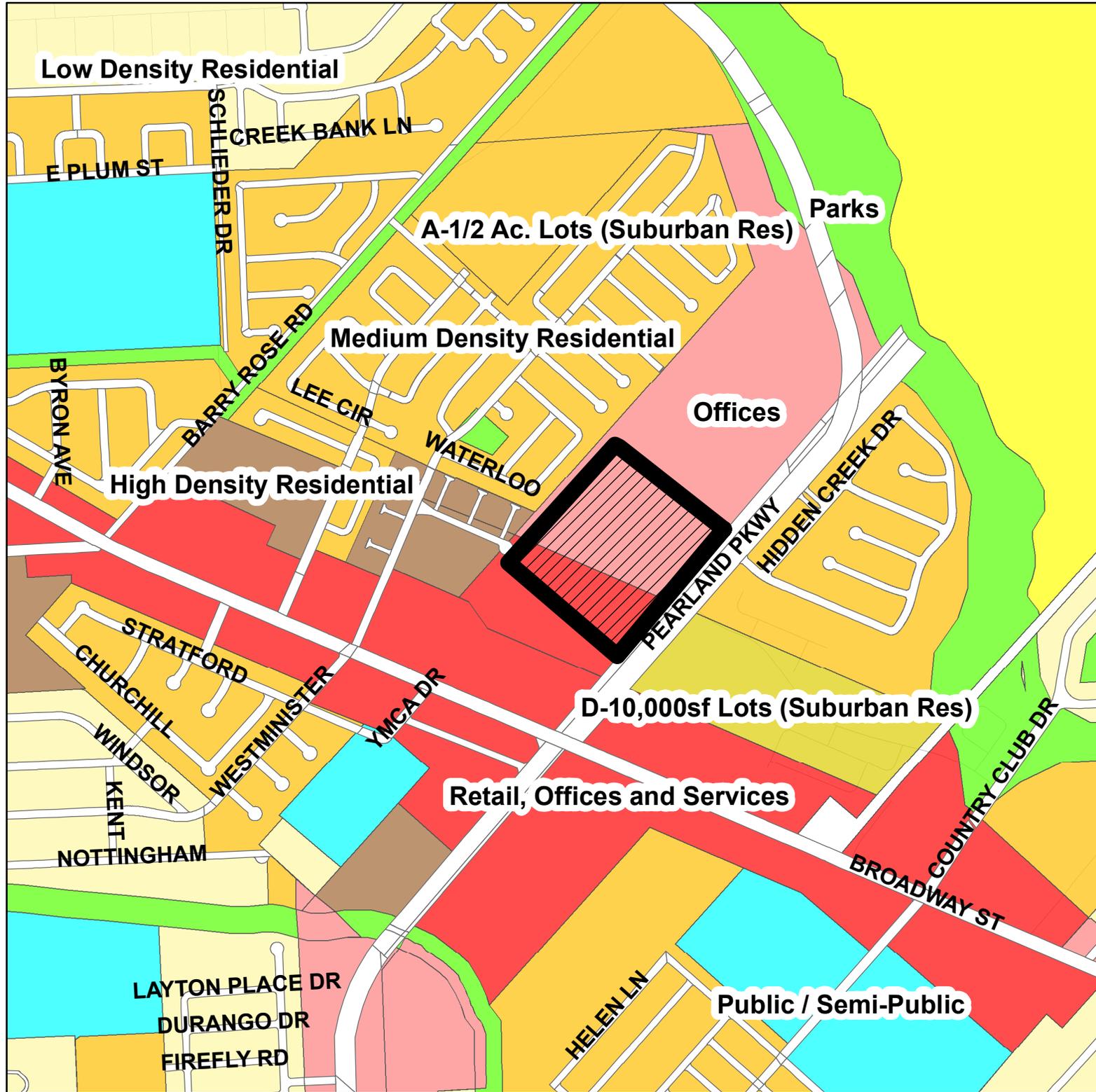


Zone Change 2013-05Z

31 Acres on Pearland Parkway - PD to GB

Name	Street Address
DRIS MOHAMED & Wafa Benachour	2926 Waterloo Rd
Dawson Steve & Debora	2924 Waterloo Rd
White Sonya K	2922 Waterloo Rd
Moeller Channing Theodore & Melissa	
Ann Cook	222 Settlers Haven Rd
Whispering Apartments LLC	% Claudia L Crocker 2301 S Capital of Texas Hwy
Roberts Deann M	2932 Waterloo Rd
Confidential	2930 Waterloo Rd
Johnson Deborah V	2928 Waterloo Rd
King Kimberly C	2901 London Ct
Huth Michael & Kristen Castillo	2904 London Ct
Confidential	2902 London Ct
Leal David	2940 Waterloo Rd
Mills Jason M	2938 Waterloo Rd
Lee-Jennings Kathleen Bernadette	2934 Waterloo Rd
Williams Matthew K	2836 Waterloo Rd

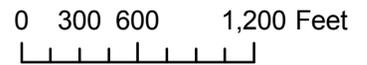
Unit	City	State	Zip
	PEARLAND	TX	77581
	PEARLAND	TX	77581-4542
	PEARLAND	TX	77581
	CLEVELAND	NC	27013
STE J102	AUSTIN	TX	78746-7706
	PEARLAND	TX	77581-4538
	PEARLAND	TX	77581-4538
	PEARLAND	TX	77581-4542
	PEARLAND	TX	77581-4533
	PEARLAND	TX	77581
	PEARLAND	TX	77581-4532
	PEARLAND	TX	77581-4538
	PEARLAND	TX	77581-4538
	PEARLAND	TX	77581-4538
	PEARLAND	TX	77581



FLUP Map
Zone Change 2013-05Z

**Pearland Pkwy
North of Broadway**

This product is for information purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.





Aerial Map

Zone Change 2013-05Z

Pearland Pkwy North of Broadway

This product is for information purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

0 305 610 1,220 Feet





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: PD

Proposed Zoning District: GB

Property Information:

Address or General Location of Property: Pearland Parkway,
north of Fm 518

Tax Account No. 01980014140

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 Beeman E. Strong for the Settegast
ADDRESS 1300 Post Oak Blvd, Suite 1650
CITY Houston STATE TX ZIP 77056
PHONE (713) 552-1110
FAX (713) 626-9110
E-MAIL ADDRESS bstrong@beemanstrong.com

NAME Christy Smidt Kerry R. Gilbert &
ADDRESS 23501 Cinco Ranch Blvd. #250
CITY Katy STATE TX ZIP 77494
PHONE (281) 579-0340
FAX (281) 579-8212
E-MAIL ADDRESS CSmidt@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] for the Settegast
Family Date: 12/3/2012

Agent's/Applicant's Signature: [Signature] Date: 11/21/12

OFFICE USE ONLY:

FEES PAID: <u>\$ 825</u>	DATE PAID: <u>1/24/13</u>	RECEIVED BY: <u>[Signature]</u>	RECEIPT NUMBER: <u>116672</u>
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Application No. 2013-052

January 7, 2013

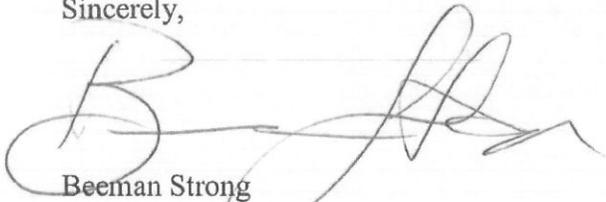
Harold Ellis, City Planner
The City of Pearland
Planning Department
3523 Liberty Drive
Pearland, Texas 77581

RE: Rezone application request – owner authorization

Dear Harold,

I, Beeman Strong, as representative for owners of 31.3165 acres of property located on Pearland Parkway near FM 518 (see Exhibit A & B) do authorize Kerry R. Gilbert & Assoc., Inc. to be our agent in our application to rezone the subject tract.

Sincerely,

A handwritten signature in black ink, appearing to read 'Beeman Strong', written over a large, stylized circular flourish.

Beeman Strong
Beeman Strong & Co., Inc.

Exhibit B

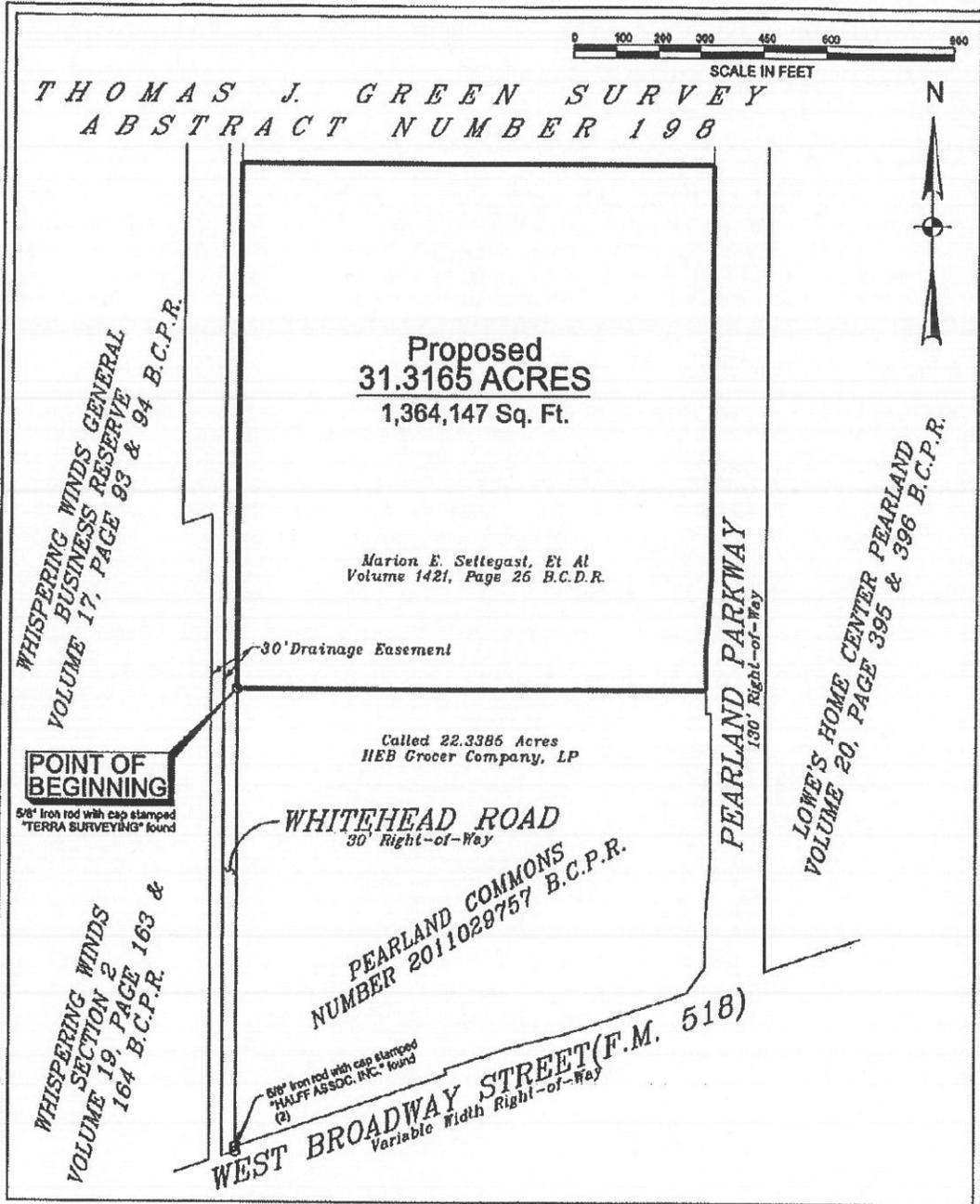


Exhibit A

LEGAL DESCRIPTION

BEING a 31.3165 acre (1,364,147 square foot) tract of land situated in the Thomas J. Green Survey, Abstract Number 198 in Brazoria County, Texas, and being out of and a part of the called 118.775 acre tract of land described in deed to Marion E. Settegast, et al as recorded in Volume 1421, Page 25 of the Brazoria County Deed Records, said 31.3165 acre tract of land being more particularly described as follows with bearings based on the Texas Coordinate System of 1983, South Central Zone:

BEGINNING at a 5/8 inch Iron rod with cap stamped "TERRA SURVEYING" found in the southwesterly right-of-way line of Whitehead Road (30 feet wide, unimproved) for the north corner of a 22.3385 acre tract of land described in deed to HEB Grocery Company, LP as recorded under Brazoria County Clerk's File Number 2011030072 and being the west corner of the herein described tract of land;

THENCE with the southwesterly right-of-way line of said Whitehead Road, North 41 degrees 52 minutes 28 seconds East, a distance of 1,219.88 feet to the north corner of the herein described tract of land;

THENCE departing the southwesterly right-of-way line of said Whitehead Road, South 48 degrees 04 minutes 19 seconds East, a distance of 1,120.58 feet to the northeasterly right-of-way line of Pearland Parkway (a variable width right-of-way) for the east corner of the herein described tract of land;

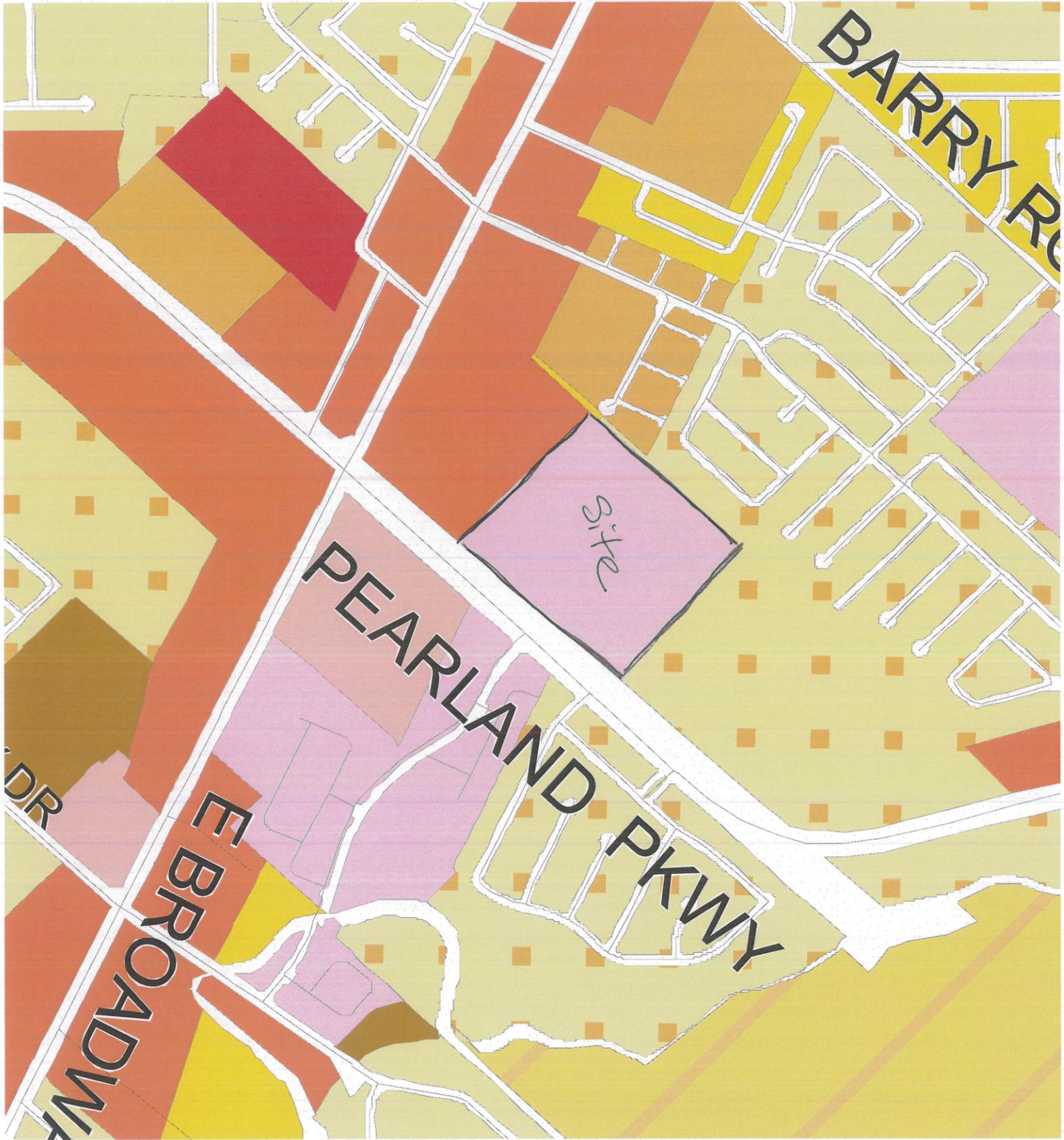
THENCE with the northeasterly right-of-way line of said Pearland Parkway the following courses and distances:

South 41 degree 55 minutes 41 seconds West, a distance of 968.20 feet to an angle point in the herein described tract of land;

South 46 degrees 30 minutes 07 seconds West, a distance of 150.48 feet to an angle point in the herein described tract of land;

South 41 degrees 55 minutes 41 seconds West, a distance of 101.67 feet to the east corner of the aforesaid 22.3385 acre tract of land and the south corner of the herein described tract of land;

THENCE departing the northeasterly right-of-way line of Pearland Parkway with the northerly line of said 22.3385 acre tract, North 48 degrees 04 minutes 19 seconds West, a distance of 1,107.43 feet to the **POINT OF BEGINNING** and containing 31.3165 acres (1,364,147 square feet) of land.



N ↘

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

January 17, 2013

Harold Ellis, City Planner
City of Pearland
3523 Liberty Drive
Pearland, Texas 77581

RE: rezone application 31.3 acres on Pearland Parkway

Dear Harold,

On behalf of Stream Realty (developer) and The Settegast Family (owner), Kerry R. Gilbert & Assoc., Inc., submits to the City of Pearland a rezone application for 31.03 acres of land located on Pearland Parkway. Stream Realty intends to develop a commercial and retail center on this property and therefore, requests to rezone the property from PD to GB.

Please contact me if you require any further information to process this request.

Thank you,



Christy B. Smidt
Planner

cc: Ralph Tullier, Stream Realty

CITY OF PEARLAND
R E P R I N T

*** CUSTOMER RECEIPT ***

Oper: JCOTTER Type: OC Drawer: 1
Date: 1/28/13 01 Receipt no: 116672

Description	Quantity	Amount
BA	BOARD OF ADJUSTMENTS	
	1.00	\$825.00
Trans number:		3968852

N OF BROADWAY ON PEARLAND PRWY
KERRY R GILBERT AND ASSO
BEEMAN STRONG FOR THE
SETTEGAST FAMILY
PENGED REALTY LLC
2121 MID LN APT 347
HOUSTON

Tender detail		
CK CHECK	2019	\$825.00
Total tendered		\$825.00
Total payment		\$825.00

Trans date: 1/24/13 Time: 16:08:57

**POSTING OF ZONING NOTIFICATION SIGNS
ON PROPERTY UNDER CONSIDERATION
FOR A ZONE CHANGE (OR CONDITIONAL USE PERMIT)**

Any person, firm or corporation requesting a zoning change, a conditional use permit (CUP), or a variance shall be required to erect and maintain a sign(s), to be inspected by the City, upon the property for which a variance or zoning change has been requested.

Such sign(s) shall be located as follows:

- (1) One (1) sign per street frontage shall be located within thirty feet (30') of the abutting street, or as determined by the City.
- (2) So as to be clearly visible and readable from the public right-of-way and not obstructed in any manner.
- (3) So as not to create a hazard to traffic on the public rights-of-way abutting the property.
- (4) On the subject property at least ten (10) days prior to the hearing of such zoning change request by the Planning and Zoning Commission, and to remain continuously on said property until final action by the City Council or withdrawal of the case by the applicant. Removal of the sign by the applicant prior to a recommendation by the Planning and Zoning Commission and/or a final decision by the City Council shall constitute a withdrawal of the request.
- (5) The signs shall be as follows:
 - A minimum sign size of 2 feet by 3 feet, but no larger than 4 feet by 4 feet
 - At least 2 feet above the ground
 - Blue or black lettering that is a minimum of 3 inches by 1/2 inch, on a white background
 - Message content as follows:

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

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

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

Christy Smith

Tuesday, December 18, 2012

Property Tax Status

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

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



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

Unless otherwise noted, all data refers to tax information for 2012. All amounts due include penalty, interest, and attorney fees when applicable. Due to the large volume of work during heavy payment periods amounts due may not reflect payments that have been received but not yet processed.

Account Number: 01980014140

Address:
 SETTEGAST MARION E III
 13419 KINGSRIDE LN
 HOUSTON, TX 77079-3430

Property Site Address:
 FM 518

Legal Description:
 A0198 T J GREEN (PEARLAND) TRACT
 1E-2-2B-3-3A-4-4A-5 ACRES 97.9624,
 UNDIVIDED INTEREST 6.8300000000%

Current Tax Levy: \$14.79
Current Amount Due: \$0.00
Prior Year Amount Due: \$0.00
Total Amount Due: \$0.00

Last Payment Amount for Current Year Taxes: \$14.79

Active Lawsuits: None

Pending Credit Card or E-Check Payments:

No Payment Pending

Jurisdictions:

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

Market Value: \$318,229

Land Value: \$318,229

Improvement Value: \$0

Capped Value: \$0

Agricultural Value: \$535

Exemptions: None

Last Certified Date: 08/06/2012

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

[Payment Information](#)

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

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

E-mail: roving@brazoria-county.com
 111 E. Locust Suite
 Angleton, TX 77515
 (979) 864-1320

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31.3 Acres
PD to GB

APPLICATION CHECKLIST FOR THE FOLLOWING

- **Zone Changes**
- **Planned Development Districts (PD)**

- Application, filled out completely, and signed by the owner of the property to be considered for the conditional use permit.
- If the applicant is the designated agent, the application shall include a written statement from the property owner authorizing the agent to file the application on his behalf. **Section 1.2.1.1 (a) of the Unified Development Code.**
- Metes and Bounds Description, (Survey, or a Plat of the property that provides or contains the metes and bounds description).
- Parcel map, printed from the City of Pearland website, indicating the location and boundaries of the subject property.
- Letter of Intent, explaining the zone change request in detail and why the zoning is being requested to be changed, and state the uses being proposed

*Letter of Intent is not required for a PD.

- Application fee, as determined below, by cash, check made payable to the City of Pearland, or credit card (Visa and MasterCard only)
 - **Zero (0) to less than 25 acres:**
 - \$ 750.00 plus \$25.00 per each type of zoning district requested; or
 - \$ 800.00 if requesting a Planned Development (PD)
 - **25 to less than 50 acres:**
 - \$ 800.00, plus \$25.00 per each type of zoning district requested; or
 - \$ 850.00 if requesting a Planned Development (PD)
 - **50 to less than 75 acres:**
 - \$ 850.00, plus \$25.00 per each type of zoning district requested; or
 - \$ 900.00 if requesting a Planned Development (PD)
 - **75 to less than 100 acres:**
 - \$ 900.00, plus \$25.00 per each type of zoning district requested; or
 - \$ 950.00 if requesting a Planned Development (PD)
 - **100 acres and above:**
 - \$ 950.00, plus \$25.00 per each type of zoning district requested; or
 - \$ 1000.00 if requesting a Planned Development (PD)

- For PD's Only: the proposed PD document in electronic form by date of application (either emailed or on a CD) (see PD Format for guidelines on how to prepare the PD).

- Acknowledgement of the sign to be posted on the property 10 days prior to the public hearing.
- Provide evidence or proof that all taxes and obligations have been paid regarding the subject property.
- Application packets that are not **complete** will not be accepted. **When a completed application packet has been accepted and reviewed, additional information may be required by staff as a result of the review, it may be necessary to postpone the proposed CUP/Zone Change and remove it from the scheduled agenda and place it on a future agenda date according to Section 1.2.1.2. of the Unified Development Code.**

Additional Information:

- Upon making an application for a zoning change or conditional use permit, the applicant shall place sign(s) as required. The City shall inspect such sign(s) to ensure compliance as required by the UDC.
- After the zoning change or conditional use permit request is approved by the City Council, denied by the City Council, or withdrawn by the applicant, the applicant shall remove the sign from the area of the request within ten (10) days of such event.
- It shall be unlawful for anyone to remove, destroy, deface or obstruct the view of a sign which gives notice that a zoning change or conditional use permit has been requested.
- In the event the applicant shall fail to erect and/or maintain signs in accordance with this section, then the public hearing before the Planning and Zoning Commission/City Council shall be postponed to a date in the future, which would allow time for compliance.
- The erection of any sign required by this section shall not require a permit under Section 4.1.2.6 of this UDC.
- The owner or applicant shall promptly notify the Planning Department of any sign required by this section, which becomes lost, stolen or vandalized. The Planning and Zoning Commission shall have the power to decide whether or not there has been substantial compliance with the posting requirements in the case of lost, stolen or vandalized signs.

**P&Z AGENDA
ITEM**

C



City of Pearland

P&Z AGENDA REQUEST

TO: Planning & Zoning Commission
REQUESTOR: Ian Clowes
DATE: 02/12/2013
AGENDA ITEM SUBJECT: Preliminary Plat of Savannah Bend Section Four

Old Business **New Business** Discussion Item Workshop

Summary: A request by Christy Smidt of Kerry R. Gilbert and Associates, applicant, on behalf of Savannah Development LTD., owner, for approval of a Preliminary Plat of Savannah Bend Section Four, a 26 lot single-family residential subdivision located on Savannah Bend Dr, and Fieldcrest Ln.

Staff Recommendation: Approval.

Regular P&Z meetings are held on the first and third Monday of every month. This form must be received 6 calendar days prior to the meeting in order to be included on the agenda.

AGENDA – PUBLIC HEARING OF THE PLANNING & ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD ON MONDAY, FEBRUARY 18, 2013, AT 6:30 P.M., 2nd FLOOR CONFERENCE ROOM, CITY HALL 3519 LIBERTY DRIVE, PEARLAND, TEXAS.

I. CALL TO ORDER

II. CONSIDERATION & POSSIBLE ACTION – PRELIMINARY PLAT OF SAVANNAH BEND SECTION FOUR

A request by Christy Smidt of Kerry R. Gilbert and Associates, applicant, on behalf of Savannah Development LTD., owner, for approval of a Preliminary Plat of Savannah Bend Section Four, a 26 lot single-family residential subdivision on the following described property, to wit

Being 7.2 acres of land located in the A.C.H. & B. Survey, Abstract 403 and J.S. Tamage Survey, Abstract 562, Brazoria County, Texas, more particularly being a portion of the residue of a called 161.460 acre tract (described as Tract 5) conveyed to Savannah Development, LTD., by an instrument of record File #00-037203, Official Records of said Brazoria County, Texas (B.C.O.R.) also being an instrument of record in File No. 200080225, Official Public Records of Fort Bend County, Texas.

General Location: Savannah Bend Drive and Fieldcrest Lane



PLANNING AND ZONING COMMISSION MEETING OF FEBRUARY 18, 2013

PRELIMINARY PLAT OF SAVANNAH BEND SECTION FOUR

A request by Christy Smidt of Kerry R. Gilbert and Associates, applicant, on behalf of Savannah Development LTD., owner, for approval of a Preliminary Plat of Savannah Bend Section Four, a 26 lot single-family residential subdivision on the following described property, to wit

Legal Description: Being 7.2 acres of land located in the A.C.H. & B. Survey, Abstract 403 and J.S. Tamage Survey, Abstract 562, Brazoria County, Texas, more particularly being a portion of the residue of a called 161.460 acre tract (described as Tract 5) conveyed to Savannah Development, LTD., by an instrument of record File #00-037203, Official Records of said Brazoria County, Texas (B.C.O.R.) also being an instrument of record in File No. 200080225, Official Public Records of Fort Bend County, Texas.

General Location: Savannah Bend Drive and Fieldcrest Lane.

SUMMARY: This request is for the approval of a Preliminary Plat for a 26-lot single-family subdivision within Savannah Development. This proposed subdivision is within the City of Pearland's Extraterritorial Jurisdiction (ETJ) and has a development agreement with the City. As the property is in the ETJ, Zoning does not apply. However, this development is governed by a development agreement which adheres to the city ordinance dealing specifically with lot sizes, density, and setback requirements.

UNIFIED DEVELOPMENT CODE: The Unified Development Code does not apply for the Savannah Development Agreement as this was approved with the previous zoning ordinance, The Land Use and Urban Development Ordinance. The Development Agreement that is in place governs the overall development of the subdivision and was written to meet the guidelines of the Land Use and Urban Development Ordinance.

SAVANNAH DEVELOPMENT AGREEMENT: The submitted Savannah Bend Section 4 appears to be in conformance with the approved Savannah Development agreement.

Exhibit 1: Savannah Development Agreement: R-3 (Single Family Dwelling District)			
Standard	Required	R-3 Standard	Minimum Provided
Minimum lot width	N/A	60 Feet	Approximately 65 feet
Minimum lot depth	N/A	N/A	120 feet
Minimum lot area	N/A	6,000 Square feet	Greater than 7,000 Square feet
Maximum Density	7 dwelling units an acre or less	N/A	3.07 Dwelling Units an acre.

SURROUNDING ZONING AND LAND USES:

	<u>Zoning</u>	<u>Land Use</u>
North	ETJ (None)	Vacant Land, Single Family Residential
South	ETJ (None)	Vacant Land, Single Family Residential
East	ETJ (None)	Vacant land
West	ETJ (None)	Vacant Land, Single Family Residential

CONFORMANCE TO THE COMPREHENSIVE PLACE: The subject property is within the Low-Density Residential land use plan designation. The proposed subdivision is within the guidelines of Low-Density Residential land use designation as the average lot size is 8000 – 9000 sq. ft.

CONFORMANCE TO THE THOROUGHFARE PLAN: The subject property is located within the Savannah development and served by local streets. The Savannah Development is served by a future 120-foot Major Thoroughfare of Post Road (CR 58).

ADDITIONAL COMMENTS: This plat has been reviewed by the City's Development Review Committee and there have been no additional comments.

TRAFFIC AND TRANSPORTATION: A traffic impact analysis was submitted and approved by the city's Engineering Department as part of the Savannah Development Agreement. All requirements of the analysis have been met.

UTILITIES AND INFRASTRUCTURE: Water and sewer service are available to for this subdivision.

STORMWATER MANAGEMENT: Detention will be provided in accordance to the Savannah Development Agreement. Plans have been reviewed and approved by the Engineering Department.

PARKS, OPEN SPACE, AND TREES: Park fees will be paid at the time of final plat.

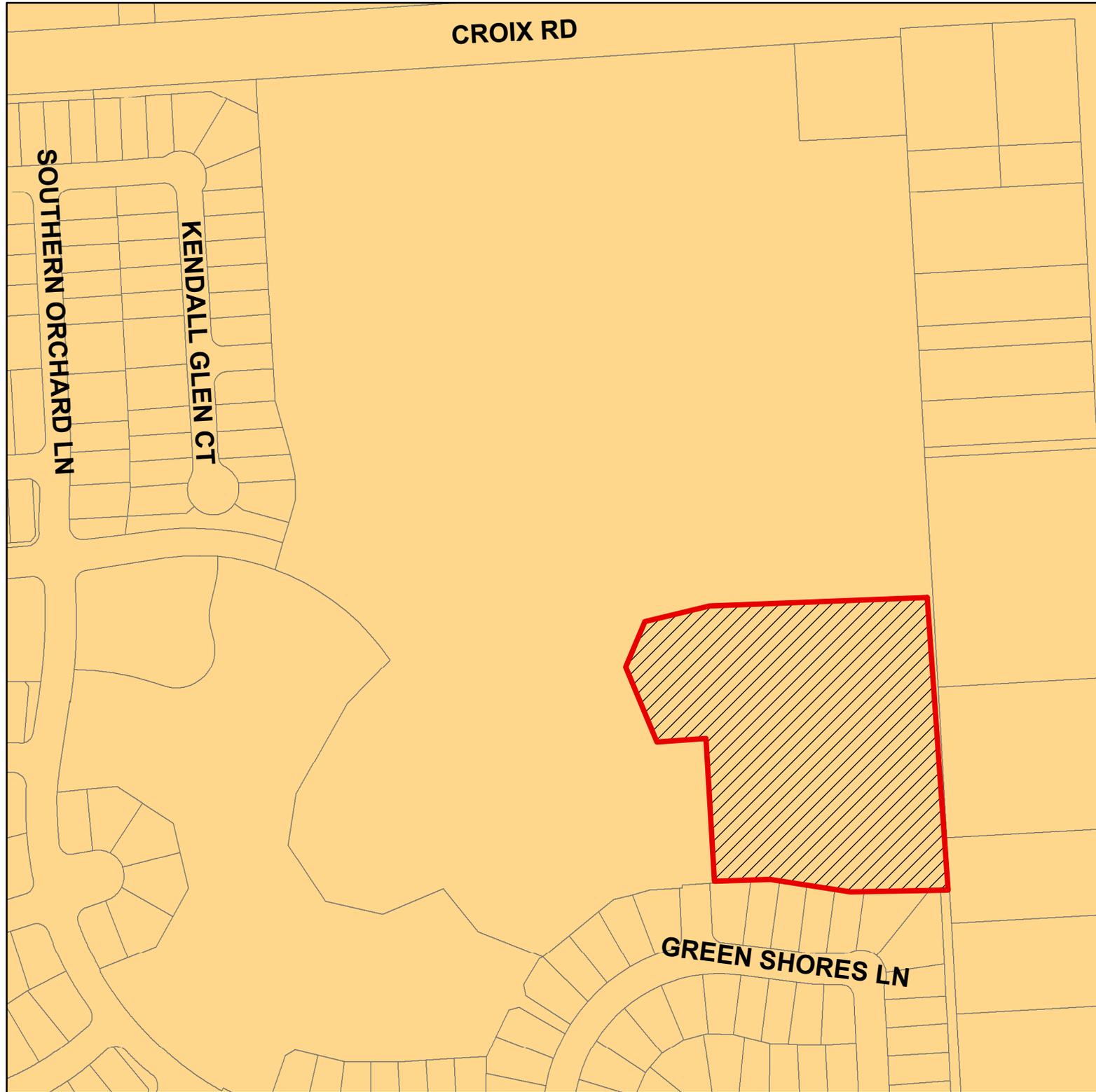
1% INSPECTION FEES: One percent of the total cost of infrastructure will be paid at the time of Final Plat. An agreement has been reached with the city allowing the developer to pay previously unpaid inspection fees in installments.

STAFF RECOMMENDATION: Staff recommends approval of the Preliminary Plat of Savannah Bend Section Four as proposed by the applicant, for the following reasons:

1. The proposed subdivision will not cause any adverse impacts on the surrounding properties.
2. This request is in conformance with the Comprehensive Plan and Development Agreement.
3. The Savannah Development Agreement will assure the development of this property is in conformance with the goals of the city.

SUPPORTING DOCUMENTS:

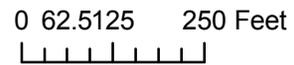
- Vicinity Map
- Land Use Map
- Aerial Map
- Savannah Bend Section Four Plat



Vicinity Map

Preliminary Plat of Savannah Bend Section 4

This product is for information purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.



CROIX RD

SOUTHERN ORCHARD LN

KENDALL GLEN CT

Low Density Residential

GREEN SHORES LN



Future Land Use Map

Preliminary Plat of Savannah Bend Section 4

This product is for information purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

0 62.5125 250 Feet



N





Aerial Map

Preliminary Plat of Savannah Bend Section 4

This product is for information purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

0 62.5125 250 Feet
|-----|





LINE DATA

LINE	DISTANCE	BEARING
L1	90'	N 03°06'34" W
L2	90'	N 03°06'34" W
L3	20'	S 86°54'26" W
L4	120'	N 03°06'34" W
L5	95'	N 88°54'26" E
L6	5'	S 87°20'31" E
L7	104'	N 02°56'41" W
L8	100'	N 83°56'29" E
L9	85'	S 03°06'34" E
L10	60'	N 88°54'26" E
L11	115'	N 88°54'26" E
L12	115'	S 86°54'26" W

CURVE DATA

CURVE	RADIUS	DELTA	ARC	TANGENT	BEARING	CHORD
C1	25'	90°00'00"	39'	25'	N 41°54'26" E	36'
C2	25'	90°00'00"	39'	25'	N 41°54'26" E	36'

LAND USE TABLE

RESERVE	LAND USE	ACREAGE	SQ. FT.
A	LANDSCAPE/ OPEN SPACE	0.30	12,910
B	LANDSCAPE/ OPEN SPACE	0.02	1,026

LOT AREA SUMMARY

BLOCK 1			BLOCK 2		
LOT	LOT WIDTH AT B.L.	SQ. FT.	LOT	LOT WIDTH AT B.L.	SQ. FT.
1	67'	8,022	1	65'	7,900
2	67'	8,100	2	65'	7,900
3	67'	8,100	3	65'	7,900
4	67'	8,100	4	70'	8,256
5	67'	8,100	5	70'	8,950
6	67'	8,023	6	65'	8,450
7	66'	15,225	7	70'	8,817
8	66'	13,291	8	68'	11,478
9	65'	8,493	9	65'	11,648
10	65'	8,152	10	65'	11,350
11	65'	7,531	11	67'	10,484
12	65'	7,446	12	70'	8,818
			13	65'	8,450
			14	70'	8,957

DISCLAIMER AND LIMITED WARRANTY

THIS PRELIMINARY SUBDIVISION PLAT HAS BEEN PREPARED IN ACCORDANCE WITH THE PROVISIONS OF THE CITY OF PEARLAND SUBDIVISION AND ZONING ORDINANCES IN EFFECT AT THE TIME THIS PLAT WAS PREPARED. ANY VARIANCE OR VARIANCES TO THE PROVISIONS OF THE AFORESAID ORDINANCE WHICH ARE SUBSEQUENTLY GRANTED BY THE PEARLAND PLANNING COMMISSION AND/OR CITY COUNCIL, THIS PRELIMINARY PLAT WAS PREPARED FOR THE LIMITED PURPOSE OF GUIDANCE IN THE PREPARATION OF ACTUAL ENGINEERING AND DEVELOPMENT PLANS. THIS LIMITED WARRANTY IS MADE IN LIEU OF ALL OTHER WARRANTIES, EXPRESS OR IMPLIED, AND NEITHER KERRY R. GILBERT & ASSOCIATES, INC., NOR ANY OF ITS OFFICERS, OR DIRECTORS, OR EMPLOYEES MAKE ANY OTHER WARRANTIES OR REPRESENTATIONS, EXPRESS OR IMPLIED CONCERNING THE DESIGN, LOCATION, QUALITY CHARACTER OF ACTUAL UTILITIES OR OTHER FACILITIES IN, ON, OVER, OR UNDER THE PREMISES INDICATED IN THE PRELIMINARY SUBDIVISION PLAT.

ENCUMBRANCE CERTIFICATE

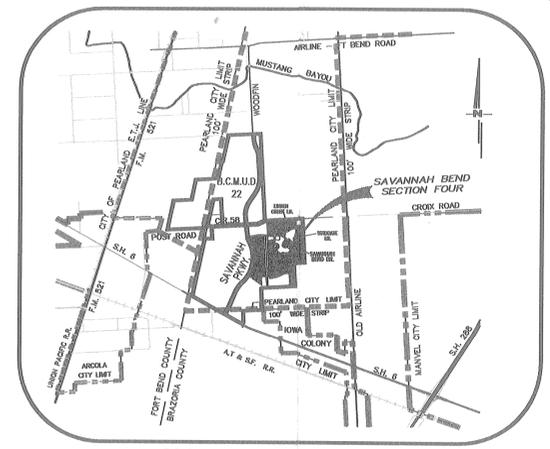
This to certify that I, Edward F. Taylor, a Registered Professional Land Surveyor of the State of Texas, have plotted the above subdivision from an actual survey on the ground; that all exterior boundary corners of the actual survey have been set; that all block corners, reserve corners, lot corners, permanent reference monuments and permanent control points will be set at completion of construction; and that this plat correctly represents that survey made by me. All corners will be marked by iron rods 5/8-inch in diameter and 3-foot long. Except lot corners which will be marked with iron rods 1/2-inch in diameter. This tract is within two miles of the City Limits of Pearland.

Edward F. Taylor, R.P.L.S.
Registration No. 1615

- GENERAL NOTE:**
- THERE ARE 5 STREETS/LIGHTS ON THIS PLAT.
 - ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) MAP NO. 48338Z0200A, WITH THE EFFECTIVE DATE OF JUNE 05, 1999, THE PROPERTY IS LOCATED IN ZONE "X" (AREAS WITH A 1% ANNUAL CHANCE OF FLOODING). THE PROPERTY IS LOCATED IN ALL FLOODPLAIN INFORMATION NOTED IN THE PLAT REFLECTS THE STATUS PER THE FEMA FIRM MAP THAT IS EFFECTIVE AT THE TIME THAT THE PLAT IS RECORDED. FLOODPLAIN STATUS IS SUBJECT TO CHANGE AS FEMA FIRM MAPS ARE UPDATED.
 - BENCHMARK: CITY OF PEARLAND C.P. 10 BRASS CAP SET FURNISH BY CONCRETE STAMPED "CITY OF PEARLAND 10 C.P.S. MON. 1990". THE MONUMENT IS LOCATED INDIFFERENTLY ALONG THE SOUTHERLY LINES OF HIGHWAY 208 APPROXIMATELY 2,000 FEET SOUTHERLY FROM THE INTERSECTION OF F.M. 518 AND HIGHWAY 208. THE MONUMENT IS WESTERLY 21 FEET FROM THE WEST EDGE OF ASPHALT OF THE SOUTHERLY HIGHWAY 208 AND APPROXIMATELY 105 FEET FROM A LARGE HIGHWAY LIGHT POLE (2008 & ELEVATION: 59.29 (NOV 29, '07 ADJUSTMENT)).
 - T.A.M. "JA"-1: BOX CUT IN CURB AT THE NOSE OF THE SOUTH MEDIAN OF SAVANNAH PARKWAY AT THE INTERSECTION OF COUNTY ROAD NO. 58. ELEVATION: 65.85 (NOV 29, 1978 ADJUSTMENT)
 - T.A.M. "JA"-CS: 5/8-INCH IRON ROD WITH PLASTIC CAP STAMPED "ENG" SET MARKING THE SOUTHWEST CORNER OF LOT 2, BLOCK 1 (AS SHOWN BY SYMBOL). ELEVATION: 63.54 (NOV 29, 1978 ADJUSTMENT)
- NOTE: TO CONVERT T.A.M.'S (NOV 29, 1978 ADJUSTMENT) TO THE CITY OF PEARLAND VERTICAL DATUM (NOV 29, '07 ADJUSTMENT) SUBTRACT 1.39 FEET
- NOTE: ALL ELEVATIONS ARE BASED ON THE VERTICAL CONTROL ESTABLISHED BY THE TEXAS DEPARTMENT OF TRANSPORTATION FOR THE WIDENING OF STATE HIGHWAY 6, FEDERAL AID PROJECT NO. 570-02-0000, C.S. 178-45-000, DATED OCTOBER 5, 1998. BROWN & GAY ENGINEERS PROJECT ELEVATIONS WERE ESTABLISHED FROM "POINT CONTROL POINT 102" AS SHOWN IN "DOTDOT FIELD BOOK NO. 240, PAGE 16, FOR PROJECT NO. C.S. 178-45-0000. CONTROL POINT "C" IS SHOWN ON "SAB FIELD BOOK" TO HAVE A TEXAS STATE PLANE COORDINATE OF X = 315310.5784, Y = 62078.6676 AND AN ELEVATION OF 66.52 FEET, NOV 29 AND BEING ON THE 1978 ADJUSTMENT.
- NOTE: ALL BEARING AND COORDINATES ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE (NAD 83). ALL DISTANCES AND COORDINATES SHOWN ARE SURFACE AND MAY BE CONVERTED TO GRID BY MULTIPLYING BY A COMBINED ADJUSTMENT FACTOR OF 0.999870.
- A FOUR-FOOT SIDEWALK IS REQUIRED ON BOTH SIDES OF ALL STREETS CONTAINED WITHIN THIS PLAT. NO SIDEWALK ALONG POST ROAD (C.R.58) IS REQUIRED WITHIN THIS PLAT PER THE DEVELOPMENT AGREEMENT REFERENCED BELOW IN NOTE #7.
 - THIS SUBDIVISION IS CONFORMANT WITH THE THIRD AMENDMENT SINGLE FAMILY HOUSING DISTRICT IN ACCORDANCE WITH THE DEVELOPMENT AGREEMENT BETWEEN SAVANNAH DEVELOPMENT LTD., A TEXAS LIMITED PARTNERSHIP AND THE CITY OF PEARLAND DATED JUNE 13, 2005.
 - THE PROPERTY IS WITHIN BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 21, AT THE TIME OF PLATING.
 - LOTS WHICH SIDE ONTO A PUBLIC STREET RIGHT-OF-WAY ARE DENIED DIRECT DRIVEWAY ACCESS TO THE SHOWN PUBLIC STREET. ALL CORNER LOTS ARE FRONT ENTRY ONLY.
 - A SIX (6) FOOT HIGH MASONRY WALL SHALL BE PROVIDED ALONG POST ROAD (C.R.58) AT THE TIME OF DEVELOPMENT.
 - ALL LANDSCAPING AND STRUCTURES, INCLUDING FENCES AT INTERSECTIONS SHALL CONFORM TO THE CITY OF PEARLAND AND AASHTO SITE DISTANCE REQUIREMENTS FOR MOTORISTS.
 - ANY PROPOSED DRAINAGE SYSTEM FOR THIS SUBDIVISION SHALL BE DESIGNED TO MEET THE REQUIREMENTS OF THE CITY OF PEARLAND AND BRAZORIA DRAINAGE DISTRICT #4.
 - THE MINIMUM SLAB ELEVATION FOR ALL BUILDINGS LOCATED WITHIN THE BOUNDARIES OF THIS PLAT SHALL BE THE HIGHER OF 1) EITHER TWELVE (12) INCHES ABOVE THE TOP OF CURB ELEVATION FOR A CURB STREET OR TWELVE (12) INCHES ABOVE THE ELEVATION OF THE EDGE OF THE ROADWAY OR 2) CURB EXIST, OR 2) TWELVE (12) INCHES ABOVE THE 100 YEAR FLOODPLAIN WATER SURFACE ELEVATION FOR STRUCTURES TO BE LOCATED WITHIN THE 100 YEAR FLOODPLAIN.
 - DRIVEWAY REQUIREMENTS FOR THE LOCATION, WIDTH AND OFFSET FROM AN INTERSECTION AND ANY EXISTING DRIVEWAY OR PROPOSED DRIVEWAYS, SHALL CONFORM TO THE REQUIREMENTS OF THE CITY OF PEARLAND ENGINEERING DESIGN CRITERIA MANUAL AND UNIFORM DEVELOPMENT CODE.
 - ALL SUBDIVISION COMMON AREAS INCLUDING BUT NOT LIMITED TO DETENTION FACILITIES, EASEMENTS AND OPEN SPACE WITHIN THE BOUNDARIES OF THE PLAT SHALL BE MAINTAINED BY A HOMEOWNERS ASSOCIATION OF OTHER ENTITY AND SHALL NOT BE THE RESPONSIBILITY OF THE CITY OF PEARLAND OR BRAZORIA COUNTY.
 - THIS PLAT HAS BEEN PREPARED TO MEET THE REQUIREMENTS OF THE STATE OF TEXAS, BRAZORIA COUNTY, AND THE CITY OF PEARLAND.
 - ANY CONSTRUCTION PROPOSED TO BE INSTALLED WITHIN A PROPERTY EASEMENT WITH PRESCRIBED RIGHTS TO A PRIVATE ENTITY MAY REQUIRE THE PERMISSION OF THE PRIVATE ENTITY PRIOR TO THE START OF CONSTRUCTION. FAILURE TO SECURE SUCH PERMISSION MAY RESULT IN THE RIGHT HOLDERS OF THE EASEMENT REQUIRING ANY UNAPPROVED FENCES, STRUCTURES, UTILITIES, OR OTHER FACILITIES LOCATED WITHIN THE EASEMENT. THE RESPONSIBILITY OF SECURING APPROVAL FROM THE PRIVATE ENTITIES TO BUILD WITHIN AN EASEMENT IS SOLELY THAT OF THE PROPERTY OWNER.
 - THIS PLAT WAS PREPARED FROM INFORMATION PROVIDED BY STEWART TITLE INSURANCE COMPANY, G.C. 101202933561, EFFECTIVE DATE JANUARY 10, 2013.
 - THIS PLAT WAS PREPARED TO MEET THE REQUIREMENTS OF THE STATE OF TX, BRAZORIA COUNTY, AND CITY OF PEARLAND.
 - ALL BEARINGS REFERENCES ARE TO THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE.

LEGEND

- "C.L.R." INDICATES CENTERLINE RADIUS.
- "B.L." INDICATES BUILDING LINE.
- "U.E." INDICATES UTILITY EASEMENT.
- "W.L.E." INDICATES WATER LINE EASEMENT.
- "S.W.S.E." INDICATES SANITARY SEWER EASEMENT.
- "S.S.E." INDICATES SANITARY SEWER EASEMENT.
- "W.L." INDICATES WATER LINE / SANITARY SEWER EASEMENT.
- "D.E." INDICATES DRAINAGE EASEMENT.
- "S" INDICATES STREET LIGHT LOCATION.
- "E.E." INDICATES ELECTRICAL EASEMENT.
- "B.C.P." INDICATES BRAZORIA COUNTY PLAT RECORDS.
- "B.C.D.R." INDICATES BRAZORIA COUNTY DEED RECORDS.
- "B.C.C.F." INDICATES BRAZORIA COUNTY CLEK. FILE.
- "B.C.C.P." INDICATES BRAZORIA COUNTY REAL PROPERTY RECORDS.
- "B.C.M.U.D." INDICATES BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT.



BRAZORIA DRAINAGE DISTRICT #4 NOTES

- Any governmental body for purposes of drainage work may use drainage easements and fee strips provided the DISTRICT is properly notified.
- Permanent structures, including fences and permanent landscaping, shall not be erected in a drainage easement or fee strip.
- Maintenance of detention facilities is the sole responsibility of the owner of the property. The DISTRICT will provide maintenance of regional facilities owned and constructed by the DISTRICT, or regional facilities owned and constructed by the developer for which ownership by the DISTRICT, or regional facilities owned by the DISTRICT is responsible only for the maintenance of facilities owned by the DISTRICT unless the DISTRICT specifically controls or agrees to maintain other facilities.
- Contractor shall notify the DISTRICT in writing at least thirty-six (36) hours before placing any concrete for drainage structures.
- The DISTRICT's personnel shall have the right to enter upon the property for inspection of any time during construction or as may be warranted to ensure the detention facility is operating properly.
- No building permit shall be issued for any lot within this development until the detention facility has been constructed and approved by the DISTRICT.
- The DISTRICT's approval of the Final Drainage Plan and Final Plat does not affect the property rights of third parties. The developer is responsible for obtaining and maintaining any and all easements, fee strips and/or any other right-of-way access third parties' preparation for purposes of making access easement to the DISTRICT's drainage facilities as contemplated by the Final Drainage Plan and Final Plat.

APPROVED by Brazoria Drainage District No. 4

Michael Yost
Superintendent

Alfred E. Lentz, P.E., R.L.P.S.
District Engineer

13000 BLOCK OF MESQUITE WILLOW LN.
A PRELIMINARY PLAT OF
SAVANNAH BEND
SECTION FOUR
BEING ±7.2 ACRES OF LAND
CONTAINING 28 LOTS (65' X 120' TYP.) AND
TWO RESERVES (0.32 AC.) IN TWO BLOCKS.

OUT OF THE
A.C.H.&B. SURVEY, A-403 AND
J.S. TALMAGE SURVEY, A-562
BRAZORIA COUNTY, TEXAS

SURVEYOR / CONSULTING ENGINEER:
LJA ENGINEERING & SURVEYING, INC.
BILL EHLER (713) 953-5200
2929 BRIARPARK DRIVE, SUITE 600
HOUSTON, TEXAS 77042

OWNER:
**SAVANNAH DEVELOPMENT, LTD.,
A TEXAS LIMITED PARTNERSHIP**
MR. KEITH SCHOONOVER (281) 876-1000
560 GREENS PARKWAY, SUITE 100
HOUSTON, TEXAS 77067

KERRY R. GILBERT & ASSOCIATES, INC.
CONTACT: CHRISTY SMIDT

SCALE: 1" = 100'

PLAT NO.
AUGUST 20, 2012
KQA# 4708

Land Planning Consultants
23501 Cinco Ranch Blvd.
Suite A-250
Katy, Texas 77494
(281) 579-0340

**P&Z AGENDA
ITEM**

D



City of Pearland

P&Z AGENDA REQUEST

TO: Planning & Zoning Commission
REQUESTOR: Ian Clowes
DATE: 02/12/2013
AGENDA ITEM SUBJECT: Preliminary Plat of Savannah Bend Section Five

Old Business **New Business** Discussion Item Workshop

Summary: A request by Christy Smidt of Kerry R. Gilbert and Associates, applicant, on behalf of Savannah Development LTD., owner, for approval of a Preliminary Plat of Savannah Bend Section Five, a 30 lot single-family residential subdivision located on Savannah Bend Dr, and Catalina Cove.

Staff Recommendation: Approval.

Regular P&Z meetings are held on the first and third Monday of every month. This form must be received 6 calendar days prior to the meeting in order to be included on the agenda.



PLANNING AND ZONING COMMISSION MEETING OF FEBRUARY 18, 2013

PRELIMINARY PLAT OF SAVANNAH BEND SECTION FIVE

A request by Christy Smidt of Kerry R. Gilbert and Associates, applicant, on behalf of Savannah Development LTD., owner, for approval of a Preliminary Plat of Savannah Bend Section Five, a 30 lot single-family residential subdivision on the following described property, to wit

Legal Description: Being 15.5 acres of land located in the A.C.H. & B. Survey, Abstract 403 and J.S. Tamage Survey, Abstract 562, Brazoria County, Texas, more particularly being a portion of the residue of a called 161.460 acre tract (described as Tract 5) conveyed to Savannah Development, LTD., by an instrument of record File #00-037203, Official Records of said Brazoria County, Texas (B.C.O.R.) also being an instrument of record in File No. 200080225, Official Public Records of Fort Bend County, Texas.

General Location: Savannah Bend Drive and Catalina Cove.

SUMMARY: This request is for the approval of a Preliminary Plat for a 30-lot single-family subdivision within Savannah Development. This proposed subdivision is within the City of Pearland's Extraterritorial Jurisdiction (ETJ) and has a development agreement with the City. As the property is in the ETJ, Zoning does not apply. However, this development is governed by a development agreement which adheres to the city ordinance dealing specifically with lot sizes, density, and setback requirements.

UNIFIED DEVELOPMENT CODE: The Unified Development Code does not apply for the Savannah Development Agreement as this was approved with the previous zoning ordinance, The Land Use and Urban Development Ordinance. The development agreement that is in place governs the overall development of the subdivision and was written to meet the guidelines of the Land Use and Urban Development Ordinance.

SAVANNAH DEVELOPMENT AGREEMENT: The submitted Savannah Bend Section 4 appears to be in conformance with the approved Savannah Development agreement.

Exhibit 1: Savannah Development Agreement: R-3 (Single Family Dwelling District)			
Standard	Required	R-3 Standard	Minimum Provided
Minimum lot width	N/A	60 Feet	Approximately 55 feet*
Minimum lot depth	N/A	N/A	115 feet
Minimum lot area	N/A	6,000 Square feet	Greater than 6,325 Square feet
Maximum Density	7 dwelling units an acre or less	N/A	3.07 Dwelling Units an acre.

* The Savannah Development Agreement follows the R-3 PUD standards of the Land Use and Urban Design Ordinance, which does not have a required minimum lot size or width.

SURROUNDING ZONING AND LAND USES:

	<u>Zoning</u>	<u>Land Use</u>
North	ETJ (None)	Vacant Land, Single Family Residential
South	ETJ (None)	Vacant Land, Single Family Residential
East	ETJ (None)	Vacant Land, Drill Site
West	ETJ (None)	Vacant Land, Single Family Residential

CONFORMANCE TO THE COMPREHENSIVE PLACE: The subject property is within the Low-Density Residential land use plan designation. The proposed subdivision is within the guidelines of Low-Density Residential land use designation as the average lot size is 6000 – 7000 sq. ft.

CONFORMANCE TO THE THOROUGHFARE PLAN: The subject property is located within the Savannah development and served by local streets. The Savannah Development is served by a future 120-foot Major Thoroughfare of Post Road (CR 58).

ADDITIONAL COMMENTS: This plat has been reviewed by the City’s Development Review Committee and there have been no additional comments.

TRAFFIC AND TRANSPORTATION: A traffic impact analysis was submitted and approved by the city’s Engineering Department as part of the Savannah Development Agreement. All requirements of the analysis have been met.

UTILITIES AND INFRASTRUCTURE: Water and sewer service are available to for this subdivision.

STORMWATER MANAGEMENT: Detention will be provided in accordance to the Savannah Development Agreement. Plans have been reviewed and approved by the Engineering Department.

PARKS, OPEN SPACE, AND TREES: Park fees will be paid at the time of final plat.

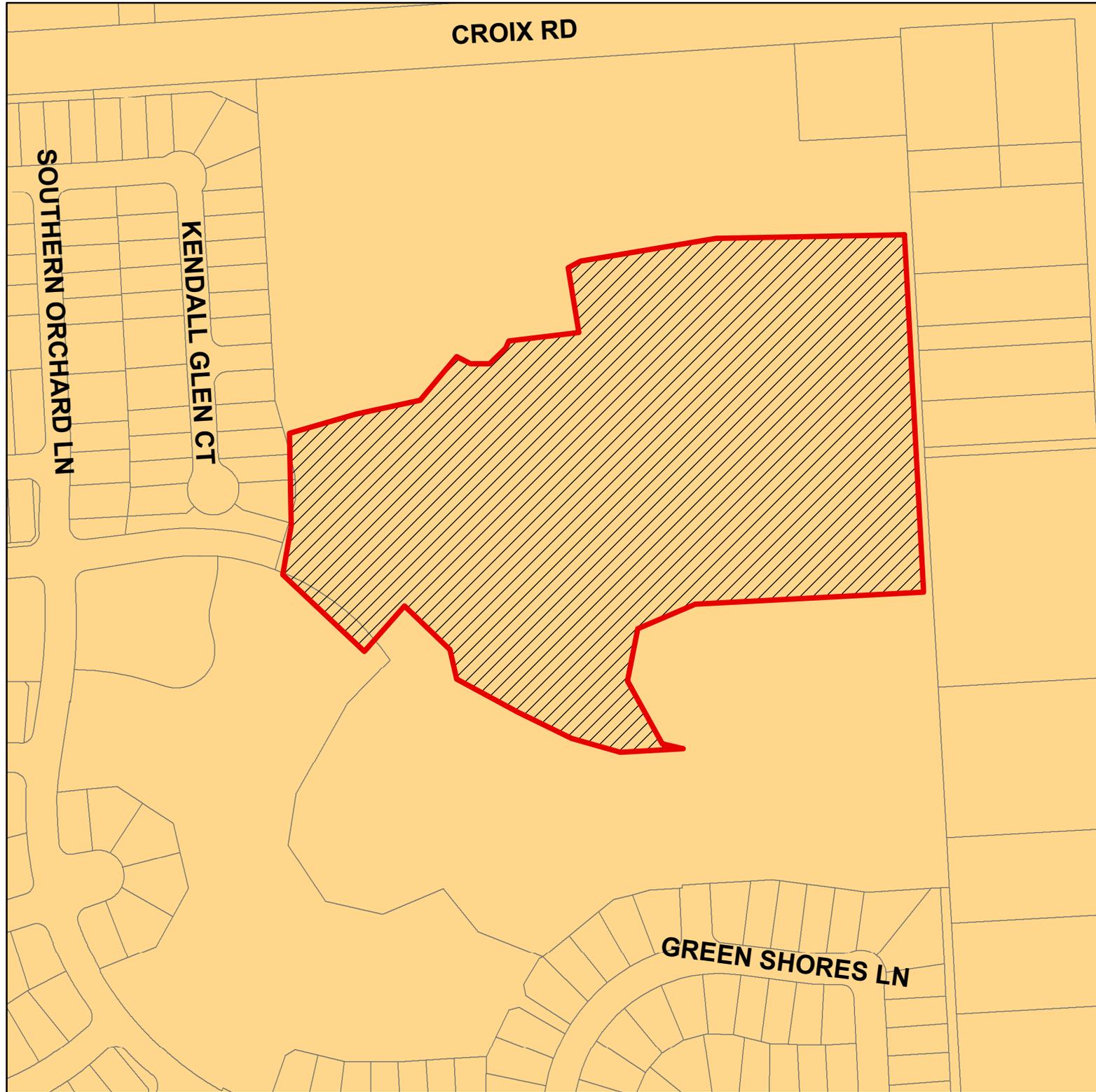
1% INSPECTION FEES: One percent of the total cost of infrastructure will be paid at the time of Final Plat. An agreement has been reached with the city allowing the developer to pay previously unpaid inspection fees in installments.

STAFF RECOMMENDATION: Staff recommends approval of the Preliminary Plat of Savannah Bend Section Five as proposed by the applicant, for the following reasons:

1. The proposed subdivision will not cause any adverse impacts on the surrounding properties.
2. This request is in conformance with the Comprehensive Plan and Development Agreement.
3. The Savannah Development Agreement will assure the development of this property is in conformance with the goals of the city.

SUPPORTING DOCUMENTS:

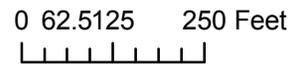
- Vicinity Map
- Land Use Map
- Aerial Map
- Savannah Bend Section Five Plat



Vicinity Map

Preliminary Plat of Savannah Bend Section 5

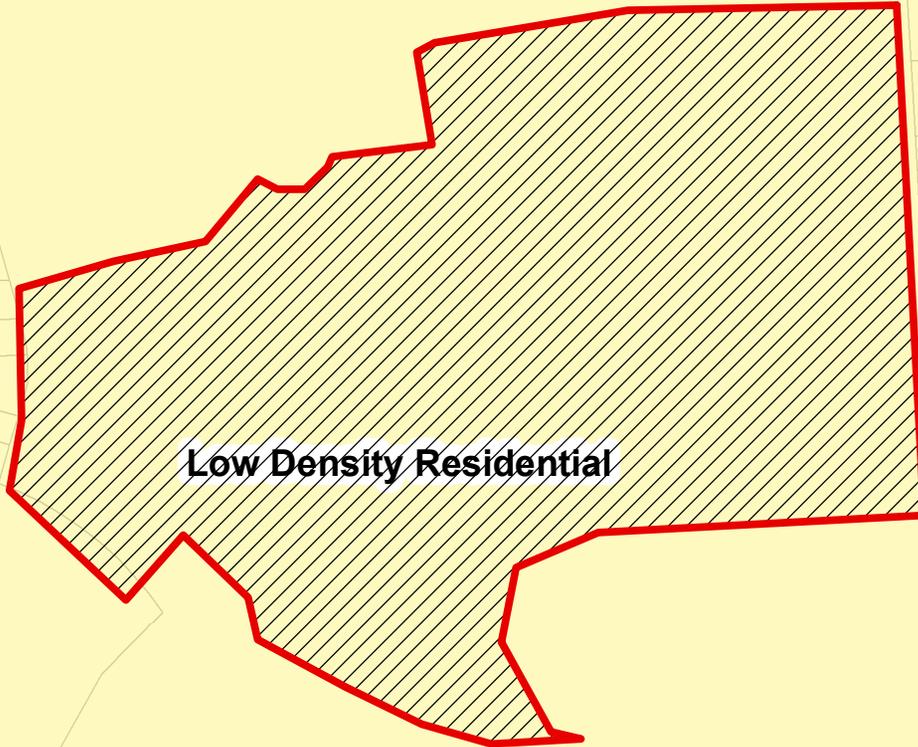
This product is for information purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.



CROIX RD

SOUTHERN ORCHARD LN

KENDALL GLEN CT



Low Density Residential

GREEN SHORES LN



Future Land Use Map

Preliminary Plat of Savannah Bend Section 5

This product is for information purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

N

0 62.5125 250 Feet





Aerial Map

Preliminary Plat of Savannah Bend Section 5

This product is for information purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

0 62.5125 250 Feet
|-----|



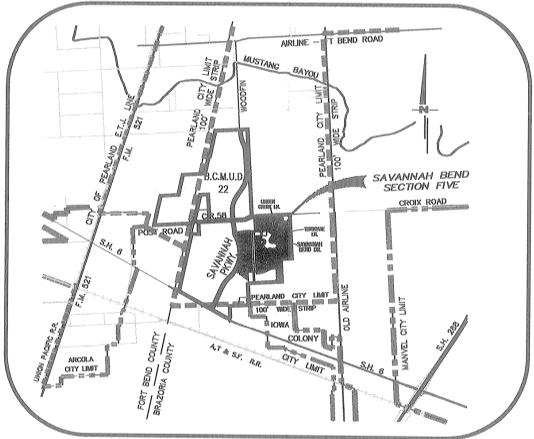
GENERAL NOTE:

- THERE ARE 6 STREETS ON THIS PLAT.
- ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) MAP NO. 48000Z0200, WITH THE EFFECTIVE DATE OF JUNE 05, 2010, THE PROPERTY IS LOCATED IN ZONE "X" (AREAS DETERMINED TO BE OUTSIDE OF THE 100 YEAR FLOODPLAIN). ALL FLOODPLAIN INFORMATION NOTED IN THE PLAT REFLECTS THE STATUS PER THE FEMA FIRM MAP THAT IS SPECIFIC AT THE TIME THAT THE PLAT IS RECORDED. FLOODPLAIN STATUS IS SUBJECT TO CHANGE AS FEMA FIRM MAPS ARE UPDATED.
- BENCHMARK: CITY OF PEARLAND C.P. 10 BRASS CAP SET FLUSH IN CONCRETE STAMPED "CITY OF PEARLAND 10 GPS MON. 1995". THE MONUMENT IS LOCATED INDIANLY ALONG THE SOUTHWEST CORNER OF LOT 20, BLOCK 1, APPROXIMATELY 2,000 FEET SOUTHWEST FROM THE INTERSECTION OF FAL 200 AND HIGHWAY 200. THE MONUMENT IS WESTERLY 21 FEET FROM THE WEST EDGE OF ASPHALT OF THE SOUTHWEST CORNER OF LOT 20 AND APPROXIMATELY 100 FEET FROM A LARGE HIGHWAY LIGHT POLE (JOB # ELEVATION: 65.20 (NOV 20, '07 ADJUSTMENT)).
- T.B.M. "J.A.-1": ROCK CUT IN CURB AT THE NOSE OF THE SOUTH MEDIAN OF SAVANNAH PARKWAY AT THE INTERSECTION OF COUNTY ROAD NO. 58. ELEVATION: 65.68 (NOV 20, 1978 ADJUSTMENT)
- T.B.M. "J.A.-03": 3/8" IRON ROD WITH PLASTIC CAP STAMPED "J.A. 03" SET MARKING THE SOUTHWEST CORNER OF LOT 2, BLOCK 1 (AS SHOWN BY SYMBOL). ELEVATION: 65.54 (NOV 20, 1978 ADJUSTMENT)

NOTE: TO CONVERT T.B.M.'S (NOV 20, 1978 ADJUSTMENT) TO THE CITY OF PEARLAND VERTICAL DATUM (NOV 20, '07 ADJUSTMENT) SUBTRACT 1.28 FEET.

NOTE: ALL ELEVATIONS ARE BASED ON THE VERTICAL CONTROL ESTABLISHED BY THE TEXAS DEPARTMENT OF TRANSPORTATION, STATE HIGHWAY 6, FEDERAL AID PROJECT NO. SP2200(4)001, CSI 192-02-030, DATED OCTOBER 5, 1998. BROWN & CALDWAY ENGINEERS PROJECT ELEVATIONS WERE ESTABLISHED FROM POINT "102" AS SHOWN IN TYPICAL FIELD BOOK NO. 240, PAGE 16, FOR PROJECT NO. CSI 192-02-030, CONTROL POINT "102" IS LOCATED AT THE INTERSECTION OF A TEXAS STATE PLANE COORDINATE OF X = 315010.676, Y = 62070.6878 AND AN ELEVATION OF 65.52 FEET (NOV 20, 1978 ADJUSTMENT).

NOTE: ALL BEARING AND COORDINATES ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE (NAD 83). ALL DISTANCES AND COORDINATES SHOWN ARE SURFACE AND MAY BE CONVERTED TO GSD BY MULTIPLYING BY A COMBINED ADJUSTMENT FACTOR OF 0.999970.



Vicinity Map
SCALE= 1"=5000'

- A FOUR-FOOT SIDEWALK IS REQUIRED ON BOTH SIDES OF ALL STREETS CONTAINED WITHIN THIS PLAT. NO SIDEWALK ALONG POST ROAD (C.R.58) IS REQUIRED WITHIN THIS PLAT PER THE DEVELOPMENT AGREEMENT REFERENCED BELOW IN NOTE #7.
- THIS SUBDIVISION IS CONSISTENT WITH THE THIRD AMENDMENT SINGLE FAMILY DWELLING DISTRICT IN ACCORDANCE WITH THE DEVELOPMENT AGREEMENT BETWEEN SAVANNAH DEVELOPMENT LTD., A TEXAS LIMITED PARTNERSHIP AND THE CITY OF PEARLAND DATED JUNE 13, 2005.
- THIS PROPERTY IS WITHIN BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 21, AT THE TIME OF PLATING.
- LOTS WHICH SIDE ONTO A PUBLIC STREET RIGHT-OF-WAY ARE DENIED DIRECT DRIVEWAY ACCESS TO THE SIDING PUBLIC STREET. ALL CORNER LOTS ARE FRONT ENTRY ONLY.
- A SIX (6) FOOT HIGH MASONRY WALL SHALL BE PROVIDED ALONG POST ROAD (C.R.58) AT THE TIME OF DEVELOPMENT.
- ALL LANDSCAPING AND STRUCTURES, INCLUDING FENCES AT INTERSECTIONS SHALL CONFORM TO THE CITY OF PEARLAND AND ASHTO SITE DISTANCE REQUIREMENTS FOR MOTORISTS.
- ANY PROPOSED DRAINAGE SYSTEM FOR THIS SUBDIVISION SHALL BE DESIGNED TO MEET THE REQUIREMENTS OF THE CITY OF PEARLAND AND BRAZORIA DRAINAGE DISTRICT #4.
- THE MINIMUM SLAB ELEVATION FOR ALL BUILDINGS LOCATED WITHIN THE BOUNDARIES OF THIS PLAT SHALL BE THE HIGHER OF (1) THREE (3) INCHES ABOVE THE TOP OF CURB ELEVATION FOR A CURB STREET OR (2) THREE (3) INCHES ABOVE THE ELEVATION OF THE 100 YEAR FLOODPLAIN WATER SURFACE ELEVATION FOR STRUCTURES TO BE LOCATED WITHIN THE 100 YEAR FLOODPLAIN.
- DRIVEWAY REQUIREMENTS FOR THE LOCATION, WIDTH AND OFFSET FROM AN INTERSECTION AND ANY EXISTING DRAINAGE OR PROPOSED DRAINAGE, SHALL CONFORM TO THE REQUIREMENTS OF THE CITY OF PEARLAND ENGINEERING DESIGN CRITERIA MANUAL, AND UNIFORM DEVELOPMENT CODE.
- ALL SUBDIVISION COMMON AREAS INCLUDING BUT NOT LIMITED TO DETENTION FACILITIES, EASEMENTS AND OPEN SPACE WITHIN THE BOUNDARIES OF THE PLAT SHALL BE MAINTAINED BY A HOMEOWNERS ASSOCIATION OF OTHER ENTITY AND SHALL NOT BE THE RESPONSIBILITY OF THE CITY OF PEARLAND OR BRAZORIA COUNTY.
- THIS PLAT HAS BEEN PREPARED TO MEET THE REQUIREMENTS OF THE STATE OF TEXAS, BRAZORIA COUNTY, AND THE CITY OF PEARLAND.
- ANY CONSTRUCTION PROPOSED TO BE INSTALLED WITHIN A PROPERTY EASEMENT WITH PRESCRIBED RIGHTS TO A PRIVATE ENTITY MAY REQUIRE THE PERMISSION OF THE PRIVATE ENTITY PRIOR TO THE START OF CONSTRUCTION. FAILURE TO SECURE SUCH PERMISSION MAY RESULT IN THE BEST HOLDINGS OF THE EASEMENT REMOVING ANY UNAPPROVED PAVEMENT, STRUCTURES, UTILITIES, OR OTHER FACILITIES LOCATED WITHIN THE EASEMENT. THE RESPONSIBILITY OF SECURING APPROVAL FROM THE PRIVATE ENTITIES TO BUILD WITHIN AN EASEMENT IS SOLELY THAT OF THE PROPERTY OWNER.
- THIS PLAT WAS PREPARED FROM INFORMATION PROVIDED BY STERNA TITLE INSURANCE COMPANY, P.O. BOX 100000000, EFFECTIVE DATE JANUARY 10, 2013.
- THIS PLAT HAS BEEN PREPARED TO MEET THE REQUIREMENTS OF THE STATE OF TX, BRAZORIA COUNTY, AND CITY OF PEARLAND.
- ALL BEARINGS REFERENCED ARE TO THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE.

BRAZORIA DRAINAGE DISTRICT #4 NOTES

- Any governmental body for purposes of drainage work may use drainage easements and fee strips provided the DISTRICT is properly notified.
- Permanent structures, including fences and permanent landscaping, shall not be erected in a drainage easement or fee strip.
- Maintenance of detention facilities is the sole responsibility of the owner of the property. THE DISTRICT will provide maintenance of retained facilities owned and constructed by the DISTRICT, or subgrantee facilities owned and constructed by the developer for which ownership has been transferred to the DISTRICT with the DISTRICT'S approval. THE DISTRICT is responsible only for the maintenance of facilities owned by the DISTRICT unless the DISTRICT specifically contracts or agrees to maintain other facilities.
- Contractor shall notify the DISTRICT in writing at least thirty-six (36) hours before placing any concrete for drainage structures.
- THE DISTRICT'S personnel shall have the right to enter upon the property for inspection at any time during construction or as may be warranted to ensure the detention facility is operating properly.
- No building permit shall be issued for any lot within this development until the detention facility has been constructed and approved by the DISTRICT.
- THE DISTRICT'S approval of the Final Drainage Plan and Final Plat does not affect the property rights of third parties. The developer is responsible for obtaining and maintaining any and all easements, fee strips and/or any other right-of-way across third parties' properties for purposes of moving access runoff to the DISTRICT'S drainage facilities as contemplated by the Final Drainage Plan and Final Plat.

APPROVED by Brazoria Drainage District No. 4

Michael Yost
Superintendent

Alfred E. Lentz, P.E., R.L.P.S.
District Engineer

POST ROAD (COUNTY ROAD 58)
(120' R.O.W.)



LOT AREA SUMMARY

BLOCK 1			BLOCK 2			BLOCK 3			BLOCK 4		
LOT	LOT WIDTH AT B.L.	SQ. FT.	LOT	LOT WIDTH AT B.L.	SQ. FT.	LOT	LOT WIDTH AT B.L.	SQ. FT.	LOT	LOT WIDTH AT B.L.	SQ. FT.
1	55'	6,875	1	65'	8,301	1	70'	7,911	1	55'	7,077
2	55'	6,875	2	60'	7,800	2	62'	7,828	2	55'	6,800
3	55'	6,875	3	60'	7,792	3	70'	8,599	3	55'	6,800
4	55'	6,875	4	60'	6,728	4	70'	7,900	4	55'	6,800
5	55'	7,234	5	60'	7,275	5	70'	7,187	5	55'	6,800
6	56'	13,482	6	62'	7,828	6	70'	7,187	6	55'	6,800
7	56'	10,881	7	62'	7,847	7	70'	7,187	7	55'	6,800
8	55'	6,499	8	62'	7,847	8	70'	7,187	8	55'	6,800
9	55'	6,600	9	70'	7,911	9	70'	7,187	9	55'	6,800
10	55'	6,600	10	62'	7,828	10	70'	7,187	10	55'	6,800
11	55'	6,600	11	62'	7,847	11	70'	7,187	11	55'	6,800
12	55'	6,600	12	62'	7,847	12	70'	7,187	12	55'	6,800
13	55'	6,800	13	62'	7,847	13	70'	7,187	13	55'	6,800
14	55'	6,800	14	62'	7,847	14	70'	7,187	14	55'	6,800
15	60'	7,058	15	70'	8,050	15	70'	7,187	15	55'	6,800

CURVE DATA

CURVE	RADIUS	DELTA	ARC	TANGENT	BEARING	CHORD
C1	170'	00°23'53"	5'	4'	N 14°16'32" W	5'
C2	25'	90°00'00"	36'	25'	S 41°54'26" W	36'
C3	590'	16°40'34"	164'	78'	N 42°37'26" W	164'
C4	25'	78°32'28"	36'	27'	N 11°17'29" W	32'
C5	325'	41°57'25"	236'	125'	N 07°36'02" E	233'
C6	60'	98°58'53"	84'	56'	S 67°06'34" W	74'

LAND USE TABLE

RESERVE	LAND USE	ACREAGE	SQ. FT.
A	LANDSCAPE/ OPEN SPACE	0.14	6,212
B	LANDSCAPE/ OPEN SPACE	0.28	12,330
C	LAKE/ DETENTION	7.7	337,303

LINE DATA

LINE	DISTANCE	BEARING
L1	116'	S 67°57'48" W
L2	60'	N 76°56'28" E
L3	68'	N 76°34'51" E
L4	116'	S 88°54'26" W
L5	60'	S 88°54'26" W
L6	85'	N 03°06'34" W
L7	100'	S 83°56'28" W
L8	120'	S 38°39'28" W
L9	104'	S 02°56'41" E
L10	190'	S 26°40'11" E
L11	65'	N 87°20'31" W
L12	60'	N 83°02'65" W
L13	60'	N 73°00'33" W
L14	60'	N 62°58'10" W
L15	60'	N 62°56'47" W
L16	60'	S 42°27'31" E
L17	60'	N 39°36'07" W
L18	15'	N 80°58'30" W
L19	110'	S 66°42'61" W
L20	67'	N 34°17'08" W
L21	24'	N 13°22'40" W
L22	117'	S 89°46'20" E
L23	116'	S 64°26'48" W
L24	78'	N 25°06'30" W
L25	20'	N 70°59'23" W
L26	92'	N 77°6'6" E
L27	65'	S 17°15'18" E
L28	86'	N 14°08'20" W

LEGEND

- "C.L.R." INDICATES CENTERLINE RADIUS.
- "B.L." INDICATES BUILDING LINE.
- "E.L." INDICATES EASEMENT LINE.
- "W.L." INDICATES WATER LINE EASEMENT.
- "S.W.R. EASE." INDICATES STORM SEWER EASEMENT.
- "S.S.E." INDICATES SANITARY SEWER EASEMENT.
- "W.S.E." INDICATES WATER LINE / SANITARY SEWER EASEMENT.
- "D.E." INDICATES DRAINAGE EASEMENT.
- "S" INDICATES STREET LIGHT LOCATION.
- "E.E." INDICATES ELECTRICAL EASEMENT.
- "B.C.P.R." INDICATES BRAZORIA COUNTY PLAT RECORDS.
- "B.C.D.R." INDICATES BRAZORIA COUNTY DEED RECORDS.
- "B.C.C.F." INDICATES BRAZORIA COUNTY CLERK FILE.
- "B.C.R.P." INDICATES BRAZORIA COUNTY REAL PROPERTY RECORDS.
- "B.C.M.U.D." INDICATES BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT.
- "D" INDICATES DRAINAGE OUTFALL.

13000 BLOCK OF MESQUITE WILLOW LN.
A PRELIMINARY PLAT OF

SAVANNAH BEND

SECTION FIVE

BEING ±15.5 ACRES OF LAND
CONTAINING 30 LOTS (65' X 115' TYP) AND
THREE RESERVES (8.12 AC.) IN FOUR BLOCKS.

OUT OF THE
A.C.H.&B. SURVEY, A-403 AND
J.S. TALMAGE SURVEY, A-562
BRAZORIA COUNTY, TEXAS

SURVEYOR / CONSULTING ENGINEER:
LJA ENGINEERING & SURVEYING, INC.
BILL EHLER (713) 953-6200
2929 BRIARPARK DRIVE, SUITE 600
HOUSTON, TEXAS 77042

OWNER:
SAVANNAH DEVELOPMENT, LTD.,
A TEXAS LIMITED PARTNERSHIP
MR. KEITH SCHOONOVER (281) 876-1000
550 GREENS PARKWAY, SUITE 100
HOUSTON, TEXAS 77067

KERRY R. GILBERT & ASSOCIATES, INC.
CONTACT: CHRISTY SMIDT

PLAT NO. _____
SCALE 1" = 100'
GUA# 4708

Land Planning Consultants
23501 Cinco Ranch Blvd.
Suite A-250
Katy, Texas 77494
(281) 579-0340

AWARD 20, 2012
KGA# 4708

DISCLAIMER AND LIMITED WARRANTY

THIS PRELIMINARY SUBDIVISION PLAT HAS BEEN PREPARED IN ACCORDANCE WITH THE PROVISIONS OF THE CITY OF PEARLAND SUBDIVISION AND ZONING ORDINANCES IN EFFECT AT THE TIME THIS PLAT WAS PREPARED. ALONG WITH ANY VARIANCE OR VARIANCES TO THE PROVISIONS OF THE AFORESAID ORDINANCE WHICH ARE SUBSEQUENTLY GRANTED BY THE PEARLAND PLANNING COMMISSION AND/OR CITY COUNCIL. THIS PRELIMINARY PLAT WAS PREPARED FOR THE LIMITED PURPOSE OF GUIDANCE IN THE PREPARATION OF ACTUAL ENGINEERING AND DEVELOPMENT PLANS. THIS LIMITED WARRANTY IS MADE IN LIEU OF ALL OTHER WARRANTIES, EXPRESS OR IMPLIED, AND NEITHER KERRY R. GILBERT & ASSOCIATES, INC., NOR ANY OF ITS OFFICERS, DIRECTORS, OR EMPLOYEES MAKE ANY OTHER WARRANTIES OR REPRESENTATIONS, EXPRESS OR IMPLIED CONCERNING THE DESIGN, LOCATION, QUALITY CHARACTER OF ACTUAL UTILITIES OR OTHER FACILITIES IN, ON, OVER, OR UNDER THE PREMISES INDICATED IN THE PRELIMINARY SUBDIVISION PLAT.

ENCUMBRANCE CERTIFICATE

This to certify that I, Edward F. Taylor, a Registered Professional Land Surveyor of the State of Texas, have plotted the above subdivision from an actual survey on the ground; that all exterior boundary corners of the actual survey have been set; that all block corners, reserve corners, lot corners, permanent reference monuments and permanent control points will be set at completion of construction; and that this plat correctly represents that survey made by me. All corners will be marked by iron rods 5/8-inch in diameter and 3-foot long. Except lot corners which will be marked with iron rods 1/2-inch in diameter. This tract is within two miles of the City Limits of Pearland.

Edward F. Taylor, R.L.P.S.
Registration No. 1815

**P&Z AGENDA
ITEM**

E



PLANNING AND ZONING COMMISSION MEETING OF FEBRUARY 18, 2012

Covington Estates Cluster Development Plan

A request by Covington Estates, LLC., applicant and owner, for approval of a Cluster Plan on a 9.637 acre tract of land for a single-family residential subdivision, generally located north of Hughes Ranch Road on Hillhouse Road.

Legal Description: A tract of land containing 4.82 acres known as Tract 20-A, situated in Lot 20 of the Allison Richey Gulf Coast Home Company Subdivision, Abstract No. 506, as recorded in Volume 2, Page 23 of the Brazoria County Map Records, and;

A tract of land containing 4.82 acres known as Tract 20, situated in Lot 20 of the Allison Richey Gulf Coast Home Company Subdivision, Abstract No. 506, as recorded in Volume 2, Page 23 of the Brazoria County Map Records.

General Location: North of Hughes Ranch Road on Hillhouse Road

SUMMARY: This is a request for a Cluster Plan on Hillhouse Road. The proposal is for 20 single-family residential lots, with 2.94 acres of amenitized detention, and .4 acres of open space, in the form of a pocket park and entry sidewalk to the amenitized detention.

The Cluster Plan is intended to allow flexibility with lot sizes for the developer and in return the applicant shall provide open space and amenities which are *not achieved through the application of minimum lot standards*. The Unified Development Code specifically defines both open space and amenities, and those definitions are provided later in this report. These open spaces and amenities are specifically listed as criteria of approval for a Cluster Development Plan, among other criteria listed in the Unified Development Code. (Section 2.2.4.4, UDC, Criteria of Approval for Cluster Development Plans)

The property is currently zoned Suburban Residential-12 (SR-12). This zoning is a result of a zone change from Residential Estate (RE) the property received in November of 2012. Upon approval from Council to rezone the property to reduce lot size and setback requirements, the applicant has requested a Cluster Development plan to further reduce lot size requirements, as discussed below.

The typical proposed lot size for the Cluster Development plan will be 84.5' x 140,'

which equals 11,830 square feet. The minimum lot size in a traditional SR-12 development would be 100' X 90' and 12,000 square feet. The original RE zone would have required a minimum lot size 21,780 square feet with lot dimensions of 120' x 90' and a residential density 1.3 for a cluster development. The density being proposed is 2.08 units per acre. This information is further illustrated in the table below:

	<u>Proposed Cluster</u>	<u>SR-12</u>	<u>RE</u>
Minimum lot area:	10,961 sq ft	12,000 sq ft	21,780 sq ft
Minimum lot width:	84.5'*	100'	120'
Minimum lot depth:	140'*	90'	90'
Density (units/acre)	2.08	2.3	1.3

*typical lot width and depth for the proposed Cluster Development Plan.

The definition of gross residential density, per the Unified Development Code is below:

DENSITY, GROSS RESIDENTIAL: The number of dwelling units per gross acre used for residential use. All density calculations shall be made using gross acreage dedicated for residential use, exclusive of easements and thoroughfare rights-of-way, and inclusive of retention/detention areas, public or private streets that are platted or will be platted as part of the development of the property, open space, recreational areas, and parks provided within the development.

SURROUNDING ZONING AND LAND USES:

	<u>Zoning</u>	<u>Land Use</u>
North	RE	Residential Estate
South	RE	Residential Estate
East	RE	Residential Estate
West	R-3	Single Family Residential-3 (R-3)

UNIFIED DEVELOPMENT CODE: The subject property is currently zoned Suburban Residential-12 (SR-12). If approved for this site, a cluster development plan would allow the developer to vary the size of lots as long as the overall density of the development does not go over 2.3 dwelling units an acre, as specified in Section 2.2.4.3 of the Unified Development Code. The current site plan for the proposed Cluster Development Plan indicates a cul de sac length over 600', which is the maximum permitted in section 3.2.6.4 (I) of the Unified Development Code. Therefore, the current site plan does not meet this requirement of the Unified Development Code. Section 3.2.6.4 (M) allows the Planning and Zoning Commission to approve a variance to extend the cul de sac length to a maximum of 750', in the following circumstances:

(m) **Allowance for Overlength Streets or Cul-De-Sacs.** The Planning and Zoning Commission may approve overlength streets or cul-de-sacs up to seven hundred and fifty feet (750') in length, whether temporary or permanent, upon considering the following:

- (1) If there are alternative designs that are feasible and that would, if used, reduce the proposed overlength street or cul-de-sac;
- (2) The effect of overlength streets upon access, congestion, delivery of municipal services, and upon convenience to residents of the subdivision in traveling to and from their homes; and
- (3) Means of mitigation, including but not limited to additional mid-block street connections, limitation on the number of lots to be served along an overlength street segment or cul-de-sac, temporary (or permanent) points of emergency access, and additional fire protection measures.
- (4) Whether the allowance of such overlength street or cul-de-sac preserves the spirit and intent of these regulations.
- (5) Recommendation of the City Engineer.

As a condition of the variance approval for the cul de sac, the Commission may want to consider requesting the applicant to amend the Cluster Development Plan to better meet the intent of a Cluster Plan with regards to amenities which are accessible to the entire development.

ANALYSIS OF THE CLUSTER DEVELOPMENT PLAN: 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, contained in Section 2.2.4.4 of the Unified Development Code:

1. *The Cluster Development Plan meets the standards for residential density as outlined in the following in relation to each zoning district:*

It appears that the Cluster Plan submitted would meet the 2.3 units per acre requirement, as the proposed density is 2.08 units per acre.

2. *The Cluster Development Plan is consistent with other zoning district regulations, except minimum lot size, width and depth.*

The approved Cluster Development Plan is consistent with the SR-12 (Suburban Residential-12) zoning district, with the exception of the variations on lot size, width and depth. As previously mentioned in this report, the Unified Development Code's maximum cul de sac street length of 600'. In order for the Commission to approve the Cluster Development Plan as submitted, the Commission would need to approve a variance to

this requirement if the Commission finds that the requirements to do so, provided earlier in this report, are met. The Commission may, as a condition of that approval, request modifications be made to the proposed Cluster Development plan to ensure that the intent of a Cluster Development is met. The level of amenities provided at this time do not appear to meet the intent of a Cluster Development, as further discussed below.

3. The Cluster Development Plan contains sufficient buffering to assure compatibility with adjacent uses and the character of the neighborhood.

This Cluster Development Plan will abut Residential Estate (RE) zoning to the north and the south, and Single Family Residential-3 (R-3) to the west. Dawson High School property to the east. It is not anticipated that additional buffering will be necessary to mitigate any adverse impact.

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.

It does not appear that the proposed Cluster Development Plan provides usable open space or amenities which are accessible to the entire development, with easy access, in order to meet the intent of a cluster plan. These concerns have been addressed and discussed with the applicant. Please see staff comments below for further details.

STAFF CONCERNS: At this time, staff has a number of concerns that need to be addressed prior to the approval of this cluster plan.

1) A primary trail, per the City's Parks Plan, is 10', and a sidewalk adjacent to a thoroughfare is 6'. The 7' trail being proposed around the detention pond is narrow, particularly if multi-use (running, walking, biking, etc). An 8' trail would better handle the variety of uses. A hard surface may also be easier maintained. The applicant's current site plan indicates that a concrete trail will be provided, however the applicant has since indicated that the trail will be crushed stone.

2) The entrance feature is not indicated on the proposed site plan. Additionally, specific details are not shown for the entrance feature. The pictures of other examples cannot be written into the Cluster Plan, as they are only examples. Therefore, specifics being proposed for this location are needed to that they are enforceable.

3) It does not appear that the detention pond, and access to the pond area, are an integral part of, and serve the entire community. The entrance to the pond area, a narrow path between lots 13 and 14 may not encourage use of the amenity. Due to its location and size, it may pose a security concern, which may not make using it inviting to residents. Please refer to the definitions below and indicate how the proposed detention pond meet these definitions:

- (1) **AMENITIZED DETENTION/RETENTION POND:** An area that is designed to capture, store and release stormwater and that is designed as a site amenity by being aesthetically pleasing, by meeting the definition of “open space” herein, and be being constructed to seem natural (i.e., without visible concrete). Such areas have a natural edge and are constructed to resemble a naturally created lake or pond. Also refer to the definition of “amenity” below.
- (2) **AMENITY:** Aesthetic or other characteristics of a development that increase its desirability visually, desirability to the City of Pearland, and/or its marketability to the public. Amenities may vary according to the type and nature of development, but examples include a naturalized retention/detention pond (refer to definition herein), a recreational facility, landscaping, or large trees.

4) Please submit exhibits and illustrations which can be quantified and implemented for this development. A description of a “detailed” entry is provided, however without an exhibit to illustrate the details, it is unclear how they can be enforced. Additionally, reference to a gazebo is provided, however it is unclear where this will be, or what other amenities will be provided with it.

PLATTING STATUS: This property has not yet been platted. Approval of the Cluster Development Plan is the first step in that process. Formal subdivision platting will be required prior to development.

CONFORMANCE WITH THE COMPREHENSIVE PLAN: The Future Land Use designation for the subject land is Suburban Residential Development. The approved Comprehensive Plan further indicates that corresponding lot sizes for Suburban Residential would be 10,000, 12,000, or 15,000 square foot lots. Therefore, the proposed development is not in conformance with the Comprehensive Plan.

CONFORMANCE WITH THE THOROUGHFARE PLAN: The subject contains frontage on Hillhouse Road, a minor collector with a minimum right-of-way of 60'. Hillhouse Road is currently constructed as a two lane road, with a width of approximately 20'.

AVAILABILITY OF UTILITIES: Public water and sewer are available for this site, but would have to be extended to the site by the applicant.

IMPACT ON EXISTING AND FUTURE DEVELOPMENT: As additional information is provided to illustrate how the proposed development meets the approval criteria listed in Section 2.2.4.4 of the Unified Development Code, impact on existing and future development will be more clear. If the information provided indicates that the proposed Cluster Plan meets all of the criteria of approval in the Unified Development Code, then the proposed development should not have a negative impact on existing and future development in the area. If a cluster development plan were to be approved which did not meet the criteria of approval, the result would be a development with smaller lot sizes than typically permitted in an SR-12 zone, without compensating amenities. At this time, it does not appear that the amenities being provided would meet the intent of a Cluster Development Plan.

STAFF RECOMMENDATION: The development does not appear to be any substantially different than traditional SR-12 zoning in terms of lot size, amenities, and open space. Therefore, staff is unable to recommend approval at this time.

SUPPORTING DOCUMENTS:

- Vicinity and Zoning Map
- Future Land Use Plan
- Aerial Photograph
- Cluster Plan Exhibit

**COVINGTON ESTATES
CLUSTER DEVELOPMENT
PLAN**



APPLICATION FOR A CLUSTER DEVELOPMENT PLAN

City of Pearland
Community Development
3523 Liberty Drive
(Community Center)
Pearland, Texas 77581
281.652.1768
281.652.1702 fax
cityofpearland.com

A Cluster Development Plan for: Covington ESTATES
(list proposed use from the Table of Uses of the UDC)

Current Zoning District: SR 12

Property Information:

Address or General Location of Property: 2014 Hillhouse Rd
Pearland, TX 77581

Tax Account No. 175842 + 492357

Subdivision: Allison Richey Gulf Coast Home Co. Lot: 20-20A Block: _____

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

PROPERTY OWNER INFORMATION:

APPLICANT/AGENT INFORMATION:

NAME Covington Estates LLC
ADDRESS 7918 Broadway
CITY Pearland STATE TX ZIP 77581
PHONE(281) 997-1500
FAX(281) 997-2886
E-MAIL ADDRESS Chad@Rwestdevelopment.com

NAME _____
ADDRESS _____
CITY _____ STATE _____ ZIP _____
PHONE(_____) _____
FAX(_____) _____
E-MAIL ADDRESS _____

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

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

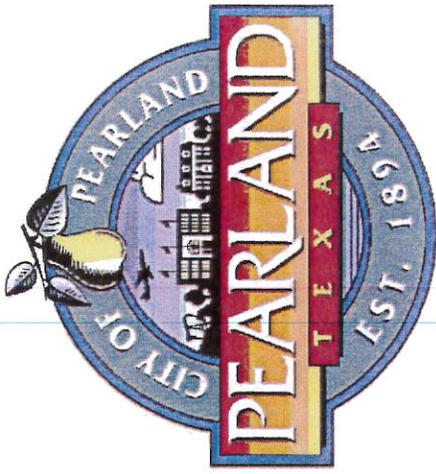
Owner's Signature: Chad Richey president by Mac West Date: 1-15-13
Manager

Applicant/Agent's Signature: _____ Date: _____

OFFICE USE ONLY:

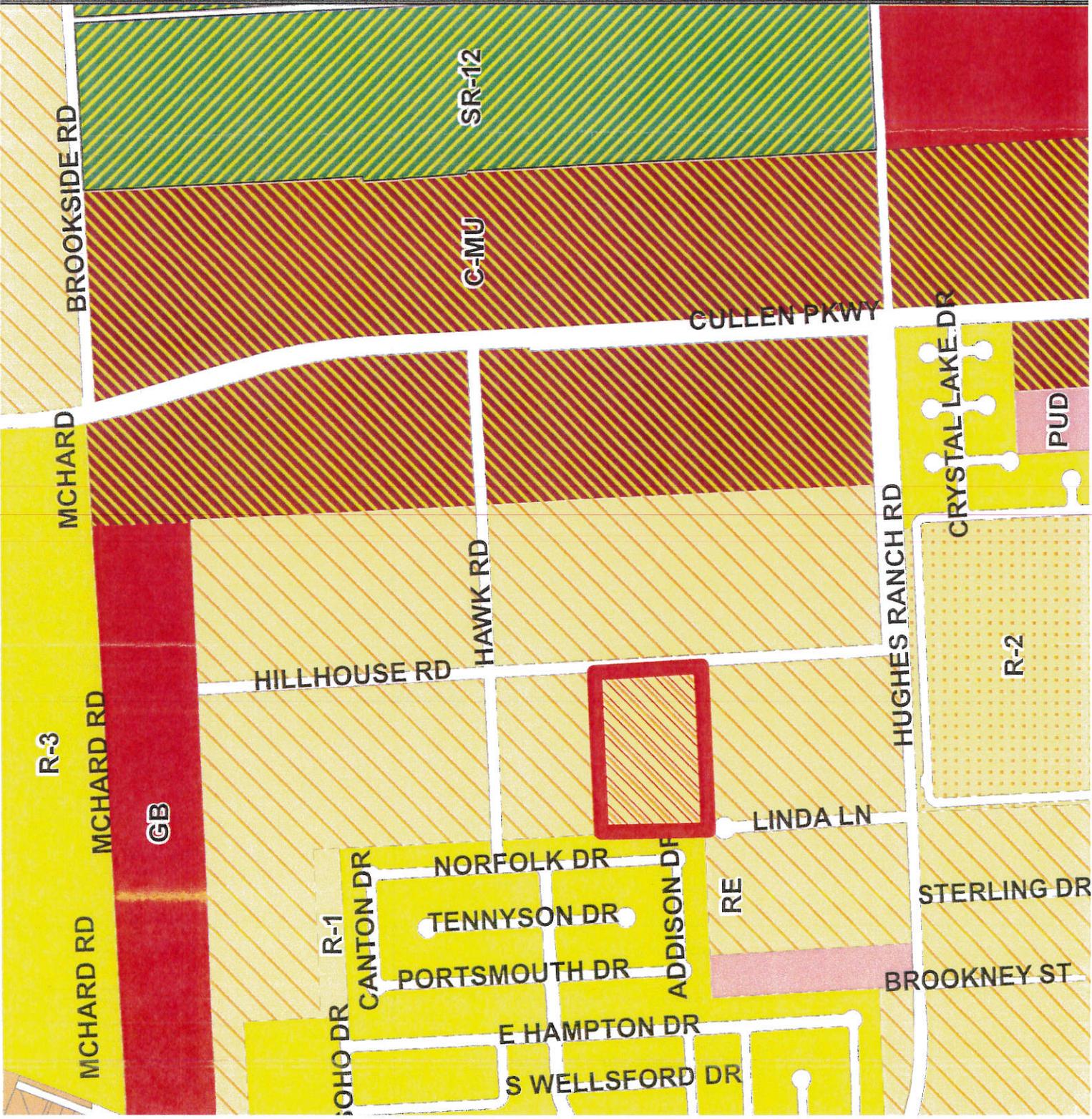
FEES PAID: <u>400.00</u>	DATE PAID: <u>1/15/13</u>	RECEIVED BY: <u>ITZ</u>	RECEIPT NUMBER: _____
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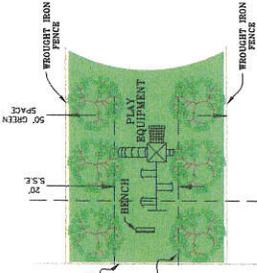
Application No.



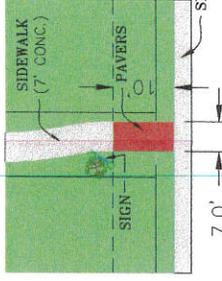
Vicinity & Zoning Map
 Zone Change 2012-11Z
 2014 Hillhouse Rd

This product is for information purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.





ENLARGED POCKET PARK



ENLARGED LAKE PATH

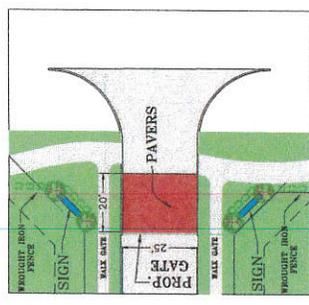
- DWARF BOTTLEBRUSH**
Common Name: Live Oak
Tree Size: Small
Leaf Type: Deciduous
- RALEGRASS**
Common Name: Bald-ypress
Tree Size: Medium
Leaf Type: Deciduous
- CRAPMYLE COMMON**
Common Name: Common Crapmyle
Tree Size: Medium
Leaf Type: Deciduous
- ASH, TEXAS**
Common Name: Texas Ash
Tree Size: Medium
Leaf Type: Deciduous

DWARF BOTTLEBRUSH
Tree Size: Small
Leaf Type: Deciduous

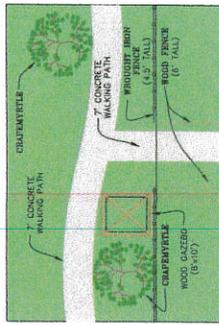
RALEGRASS
Common Name: Bald-ypress
Tree Size: Medium
Leaf Type: Deciduous

CRAPMYLE COMMON
Common Name: Common Crapmyle
Tree Size: Medium
Leaf Type: Deciduous

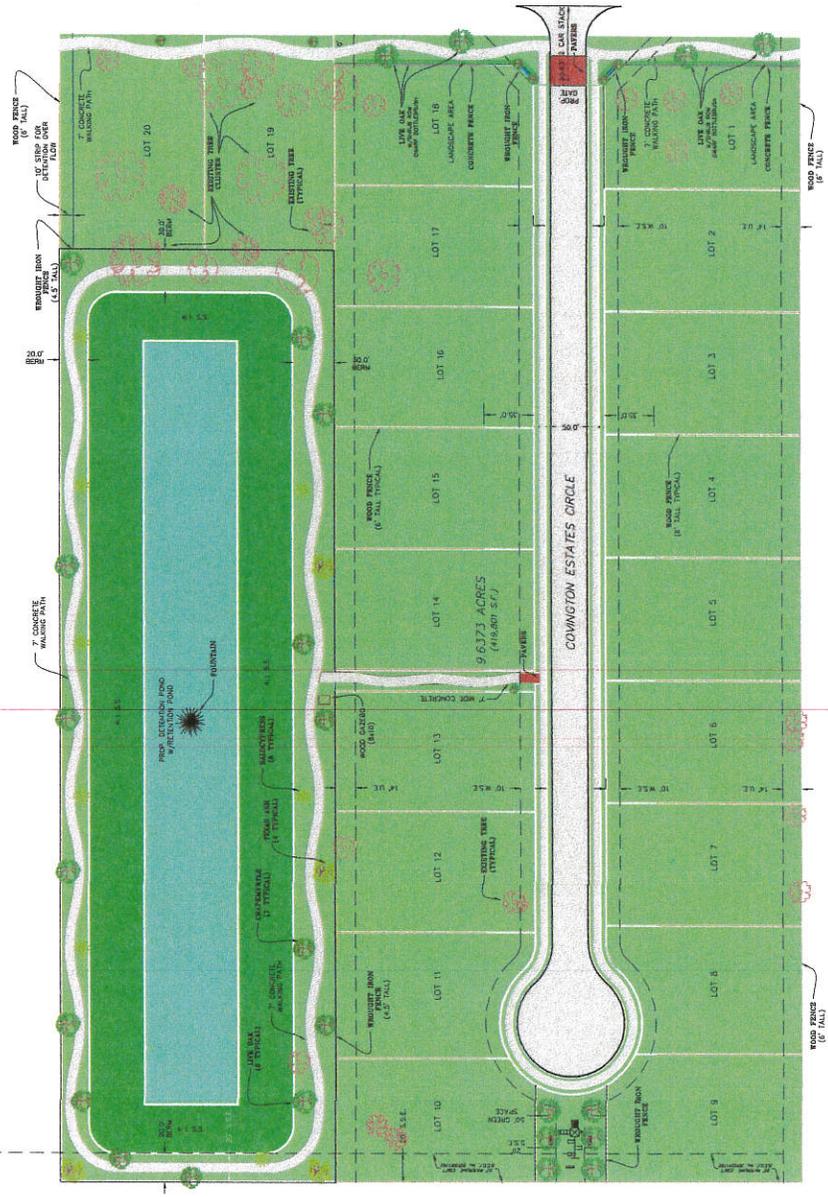
ASH, TEXAS
Common Name: Texas Ash
Tree Size: Medium
Leaf Type: Deciduous



ENLARGED ENTRANCE



ENLARGED GAZEBO



"RENDERED CLUSTER PLAN"

PREPARED FOR
COVINGTON ESTATES
 HILLHOUSE ROAD
 PEARLAND, BRAZORIA COUNTY, TEXAS

DEVELOPER
R. WEST DEVELOPMENT
 7918 BROADWAY, SUITE 106
 PEARLAND, BRAZORIA COUNTY, TEXAS

Letter of Intent

1-15-13

RE: Letter of Intent to the City of Pearland:

This Letter of Intent is to serve as an indication of our interest in establishing a Cluster Development Plan on the below-referenced property. It is understood that this letter constitutes an agreement of intent only. The general terms are as follows:

PROPERTY: A Vacant Tract of land consisting of 9.6 acres located at 2014 Hillhouse Rd Pearland, TX 77581 (see exhibit 1 for current land condition).

PURPOSE: Establish a Cluster Development Plan on the above referenced property, meeting the standards for residential density as outlined in the UDC and provide sufficient buffering and compatibility to the surrounding neighborhoods.

SCOPE: This Cluster Plan provides open space and amenities to the development, that can not be achieved through minimum lot size standards. The Cluster Development Plan is consistent with other zoning district regulations, except lot width and size. In order to provide open space and amenities to the development, (lots 1-20) width requirements and (10 lots) size requirements, could not be achieved through minimum lot standards.

A list of additional amenities that increase the desirability to the City of Pearland and its marketability to the public, are listed below:

ENHANCED ENTRY:

1. **Wrought Iron Electric Gate** providing security to the community(see example in exhibit 2).
2. **Wrought Iron Fence** beginning at gate and ending at the setback line.
3. **Masonry Fence** beginning at setback line and ending at rear lot line.

4. **Decorative Masonry Entry Sign** naming the subdivision.(see example in exhibit 3).
5. **Landscaping** around entry sign and across the wrought iron fence.
6. **Pavers Inserted in the Roadway** in front of the entrance gate.
7. **Sidewalk** on top of **Berms** winding in and out of the trees.
8. Four **Large Oak Trees** (5-7 inches in diameter).

POCKET PARK AREA:

1. **Multicolored Play Structure**, including two Slides , steps, sliding pole and Tic-Tac-Toe (see example in exhibit 4)
2. Two **Benches** for the parents, placed underneath trees (see example in exhibit 5).
3. Six **Large Oak Trees** (5-7 inches in diameter).

GAZEBO:

1. 8x10 **Gazebo** constructed of Wood, Hardy plank, and Stone (see example in exhibit 6)
2. Two **Benches**
3. Black Iron **Cooking Grill**(see example in exhibit 7)

LAKE:

1. Wet Detention **Pond with Water Feature** (see example in exhibit 8).
2. **Concrete Walking Trail** winding in and out of Trees surrounding the entire lake.
3. **Fountain** Water Feature in the middle of the Lake(see example in exhibit 9).
4. **26 Trees** (10 oak trees 5-7 inches in diameter)carefully placed around the pond and side walk to help achieve a natural look.
5. **Existing Hardwood Trees** including a 33'' Oak Tree
6. **Landscaped Sign** and Entry to a winding walkway leading to the lake.

REQUIRED INFORMATION:

Total Site Area: 418,176 sq ft

Total Area of Easements: 42,170 sq ft

Total of all Space Minus the Easements: 376,006 sq ft
Total Area of all Amenities: 144,912sq ft
Total Area of all Amenitized Detention: 127,787 sq ft
Total Area of all non-Amenitized detention: 0 sq ft
Total Amenity Percentage: $(144,912 / 376,006) = 39\%$

**Sincerely yours,
Covington Estates, LLC**

Chad Thumann



Subject site WAC





12/11/12 5

AMERICAN
PARKS ★ COMPANY



800-381-4491

AmericanParksCompany.com





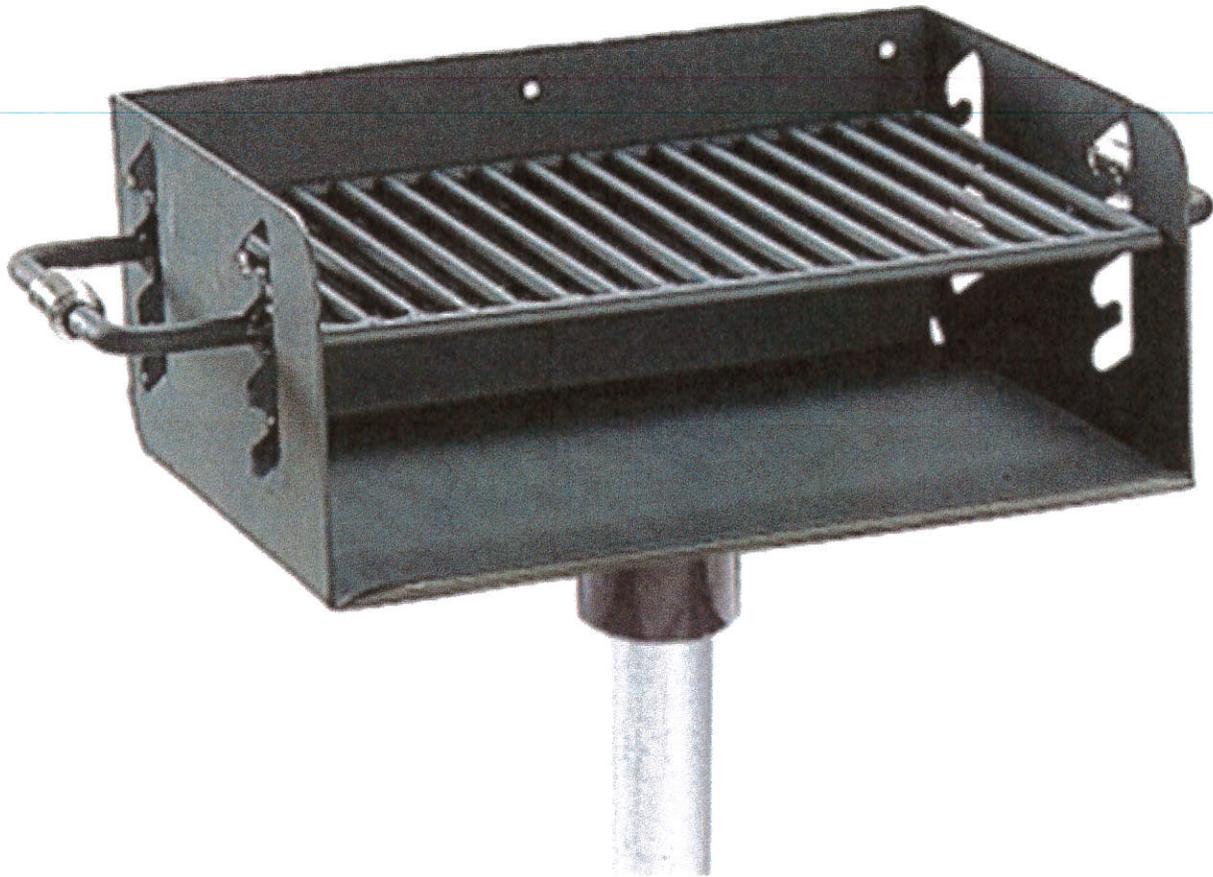
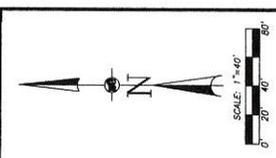


EXHIBIT 8







LIST OF ADDRESSES
 WOOD LAZARUS
 10000 WOOD LAZARUS DRIVE
 HOUSTON, TEXAS 77055
 WOOD LAZARUS HOLDINGS, L.P.
 10000 WOOD LAZARUS DRIVE
 HOUSTON, TEXAS 77055



DRAWINGS INCOMPLETE
 THIS DRAWING IS NOT TO BE USED FOR CONSTRUCTION PURPOSES WITHOUT THE SIGNATURE OF THE DESIGN ENGINEER.
 DATE: 1/18/73

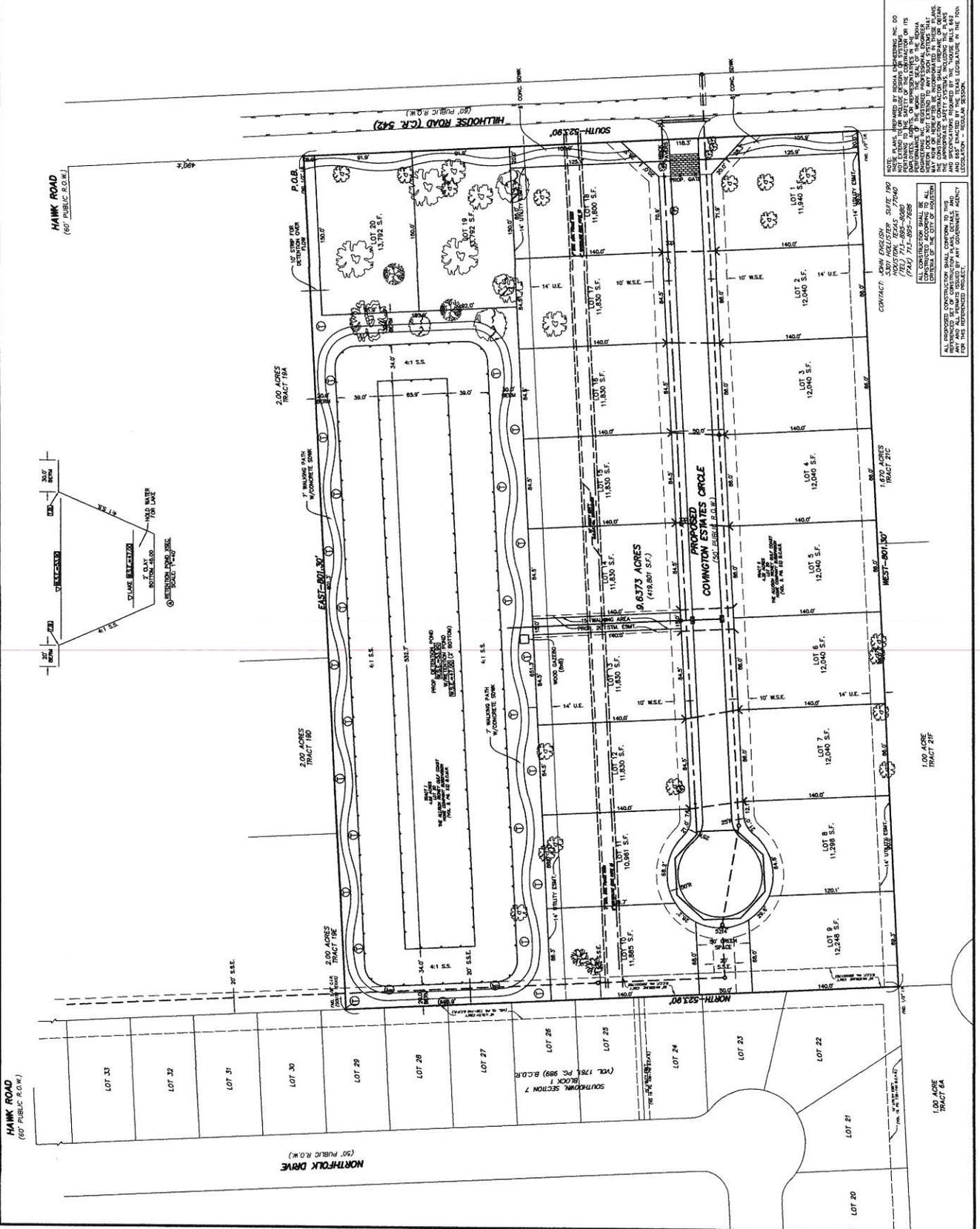
COMINGTON ESTATES
 PEARLAND, BRAZORIA COUNTY, TEXAS

REV.	DESCRIPTION	DATE
1	UPDATE	07/11/73

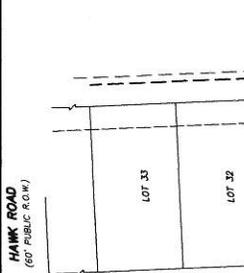
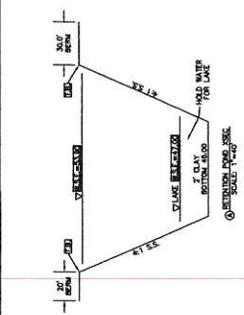
SCALE: 1"=40'
 DATE: 10/10/72
PRELIMINARY OVERALL LOT DIMENSIONAL PLAN

REKHA ENGINEERING INC.
 5307 HOLLYSTEP, SUITE 150
 HOUSTON, TEXAS 77055
 (713) 741-8950
 (713) 741-8951
 (713) 741-8952
 (713) 741-8953
 (713) 741-8954
 (713) 741-8955
 (713) 741-8956
 (713) 741-8957
 (713) 741-8958
 (713) 741-8959
 (713) 741-8960

APPROVED BY: DAVID H. SMITH, LICENSED P.E. NO. 11111
 SHEET NO. 7-3372
C3B



NOTE: THIS PLAN WAS PREPARED BY REKHA ENGINEERING INC. AND IS NOT A FINAL PLAN. THE OWNER IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT. THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT. THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT. THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT.



**P&Z AGENDA
ITEM F**

**DISCUSSION
ITEMS**

- 1. Commissioners Activity Report**
- 2. Cluster Development**
- 3. Planning Day Presentation, March 7, 2013**
- 4. Next P&Z Meeting, March 4, 2013**
- 5. Revised JPH Meeting, March 25, 2013**

Detention Pond Economic Impact Information

The results of one study suggest that "pond front" property can increase the selling price of a new property by 10% (EPA, 1995). Another study found the perceived value (value estimates by the residents of a community) of homes increased by about 15-25% when located near a wet pond (Emmerling-Dinovo, 1995).

Case Studies

The following case studies highlight developments where the incorporation of urban runoff controls resulted in economic benefits to the local homeowners or developers. The case studies detail how the presence of aesthetically designed runoff controls affected both the initial sale value of new developments and the resale values for existing developments.

New Development

Columbia, Maryland A landmark survey by the National Institute for Urban Wildlife indicated that 75 percent of the residents of Columbia, Maryland, a community planned for a population of 100,000, prefer urban runoff ponds that contain permanent pools of water, wetlands, and wildlife over the dry ponds many municipalities prescribe for their subdivisions. Residents (94 percent) overwhelmingly believed that managing future runoff basins for fish and wildlife as well as for flood and sediment control would be desirable. Residents (92 percent) considered the view of birds and other wildlife to be particularly important and felt that the sight of them outweighed any nuisances they created. Perhaps most importantly, 75 percent of Columbia homeowners felt that permanent bodies of water added to real estate values and 73 percent said they would pay more for property located in a neighborhood with stormwater control basins designed to enhance fish or wildlife use. The study in Columbia covered an area that contained 3 lakes, 22 runoff ponds with a permanent pool of water, and 9 dry detention basins (Adams et al., 1984; Tourbier and Westmacott, 1992).

For further information contact Charles Rhodehamel, Columbia Association, Land Management Division, 9450 Gerwig Lane, Columbia, Maryland 21046; phone (410) 381-0288.

Champaign-Urbana, Illinois

Residents of seven Champaign-Urbana, Illinois, subdivisions with urban runoff detention ponds were questioned about the role the pond played in their decision to purchase their home. Sixty-three percent of the respondents living adjacent to a wet pond identified the pond as what they liked most about their neighborhood. Seventy-four percent of homeowners surveyed believed that wet ponds contributed positively to the image of a subdivision as a desirable place to live. Only 3.5 percent felt a wet pond had a negative influence on the image of their neighborhood. Overall, respondents believed

that lots adjacent to a wet pond were worth an average of 21.9 percent more than comparable nonadjacent lots in the same subdivision. Eighty-two percent of all respondents said they would, in the future, be willing to pay a premium for a lot adjacent to a wet pond (Emmerling-DiNovo, 1995).

Boulder, Colorado

Built in 1993, the Sale Lake subdivision of single-family homes surrounds a 4-acre constructed wetland. Sale Lake demonstrates environmental sensitivity in suburban development. Lots located alongside the wetland sold for as much as \$134,000, up to a 30 percent premium over lots with no water view (St. Germain, 1995). For further information contact Will St. Germain, St. Germain Construction, Inc., 2709 Pine Street, Boulder, Colorado 80302; phone (303) 449-1379. Highland Park, Illinois "Preservation is not a problem for developers; it's a golden opportunity," insists the president of the development company for Hybernia, a community of 122 single-family houses on a 133.5-acre site in Highland Parks, Illinois. The site, zoned for 40,000-square-foot lots, was laid out around a constructed pond/stream system and 27 acres of land approved as a state nature preserve. The site includes 16.5 acres of ponds. Forebays at urban runoff inlets catch sediments (Tourbier and Westmacott, 1992). Hybernia is an example of ecological landscape planning. Waterfront lots, which now sell for \$299,900 to \$374,900, draw a 10 percent premium above those with no water view (Margolin, 1995).

For further information contact Peter Margolin, Hybernia Homeowners Association, c/o Red Seal Development Corporation, 425 Huehl Road, Building 18, Northbrook, Illinois 60062; phone (708) 272-5600.

Alexandria, Virginia Chancery on the Lake, a condominium development in Alexandria, Virginia, is a residential project with an attractive 14-acre urban runoff detention area. Realtors are currently promoting the wet pond as the development's feature selling point. The wet pond will be surrounded by a walking trail, and a gazebo and fishing pier will also be built. According to Ginger Harden, Sales Associate of Chancery Associates LP, condominiums are priced between \$129,990 and \$139,990. Condominiums that front the lake are selling at a \$7,500 premium. For the first four buildings on the market, a \$5,000 premium was charged for units fronting the lake. The lakefront units were the only units selling, and now the premium has been raised to \$7,500 (Harden, 1995).

For further information contact Eric Yakuchev, sales manager, 6540 S. Van Dorn Street, Alexandria, Virginia 22315; phone (703) 922-7171

Wichita, Kansas

The owner of a 72.3-acre parcel of land had plans to fill deteriorating wetlands before building a subdivision. He was persuaded to enhance them instead and now promotes enhanced and constructed wetlands as the feature selling point of The Landing. A lake with 3,750 feet of shoreline provides

aesthetic and recreational value, as well as sensible detention of urban runoff. Waterfront lots currently sell for \$18,000 to \$40,000, a premium of up to \$21,000 (150 percent) above comparable lots with no water view (Baird, 1995). For further information contact Sally Baird, sales agent, 520 S. Holland Street, Suite 401, Wichita, Kansas 67209; phone (316) 722-0777.

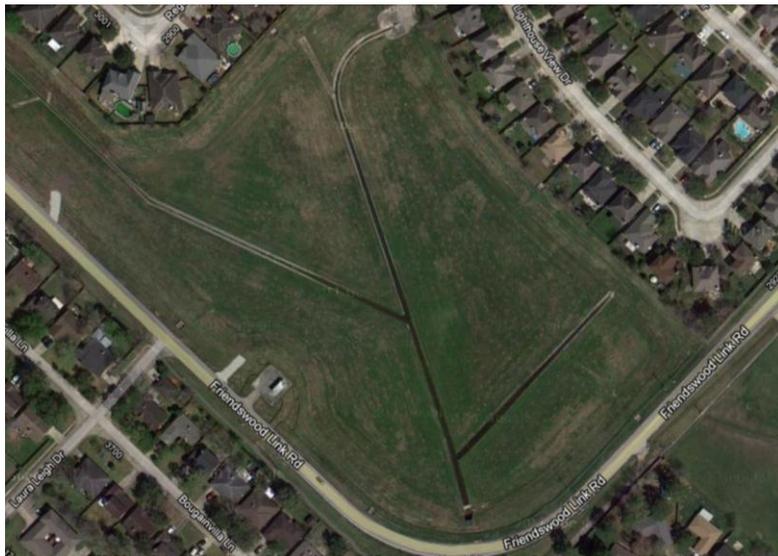
Existing Development

Fairfax County, Virginia

Since their construction in 1971, units facing the constructed pond in the townhouse community of Pinewood Lakes have sold at a premium. Of the 497 units, all with exactly the same square footage according to tax records, only 20 have direct water views in either the front or the rear. Figures show the average 1994 sales price of townhouses lacking the water amenity to be \$93,833. The average waterfront sales price is \$100,000, a premium of \$6,117. Higher sales prices for properties with views of the water have been consistent for 23 years (Wade, 1995). Evans Mills is an upscale community of 41 townhouses in the Tysons Corner area built around an existing pond. Fairfax County tax records show Evans Mills waterfront townhouses sell at higher prices. In 1994, waterfront homes sold for an average \$17,467 premium above the average \$419,200 price of homes not facing the pond (Wade, 1995).

Single-family homes can have higher initial sale values as well as higher resale values when they face urban runoff detention areas. County tax records reveal that land values in Franklin Farms, an established residential neighborhood in northern Virginia, are highest when located in view of its 5-acre urban runoff detention area, which is surrounded by a walking path furnished by the developer. "Waterfront" homes in this neighborhood sold for 10 to 20 percent more initially and again at resale than land with no water view (Downham, 1995). (These percentages might be slightly higher than actual premiums due to possible additional amenities in the waterfront homes.)

Regional Basin and Overlook at Heritage Park



With increased awareness of the benefits that green spaces provide, the Board of Harris County MUD 55 converted their detention facility from a flat-bottom, grass lined, rectilinear basin into a multi-use Regional Recreation Facility.



Mandolin Gardens Park

Mandolin Gardens Park, is an 11 acre oasis in the middle of the community, for which TLA created a design that rejuvenated two connected detention basins and then 'overlaid' park amenities of 2 miles of fully accessible trails, plazas, and overlooks.



Repayment Analysis

25 homes adjacent to the two 5 acre ponds on P Street. Average home value of \$175,000 x 20% increase in value = \$35,000 per home. Multiplied by 25 adjacent homes = \$875,000 increase in home values. Multiplied times annual tax rate of .072 = \$63,000 in increased revenue per year.

Adjacent Homes	Avg Value	Increase %	Value Increase	tax rate	Annual Tax Delta	Project Cost	Years to Recoup
25	\$175,000	0.2	\$875,000	0.072	\$63,000	\$1,000,000	15.87
Area Homes	Avg Value	Increase %	Value Increase	tax rate	Annual Tax Delta	Project Cost	Years to Recoup
50	\$175,000	0.1	\$875,000	0.072	\$63,000	\$1,000,000	15.87
					Annual Tax Delta	Project Cost	Years to Recoup
					\$126,000	\$1,000,000	7.94

City of Pearland

Planning Day Presentation



Our next Planning Day Presentation will be held on Thursday, March 7th in the Council Chambers located at City Hall, beginning at 8:30 a.m.

Please arrive early for refreshments and enjoy our presentation. We will conclude with door prize drawings and we are always available for questions and answers at the conclusion of our presentation.

The Planning Department has been hosting a series of informational meetings with the intent to educate and update those interested in living, working and playing in Pearland.

Please join us for the City of Pearland's 17th Planning Day Presentation since 2005.

March 7, 2013
8:30 a.m.
Council Chambers

Please RSVP to Judy Brown by March 5th
Telephone: 281 652 1768
Email: jbrown@ci.pearland.tx.us
3519 Liberty Drive, Pearland, TX 77581

WWW.CITYOFPEARLAND.COM



Developing a Great City

TOPICS:

- *Redevelopment and Reuse of Existing Properties*
- *Subdivision Platting*
- *Permitting Process*

**ADJOURN
MEETING**