

AGENDA - JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD SEPTEMBER 16, 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. 2013-14Z**

A request of Jawad Hussain, applicant and owner, for approval of a zone change from the Neighborhood Service (NS) zone to the General Business (GB) zone for 0.63 acres on the following described property, to wit:

**Legal Description:** 0.3727 acres of land, being a part of Reserve "A", in the Replat of Corrigan Addition, Section One, according to the plat as recorded in Volume 11, Page 97-98, Plat Records, Brazoria County, Texas, situated in the H. T. & B Railroad Company Survey, Abstract 240, Brazoria County, Texas; and 0.2548 acres of land, out of Reserve "B", in the Replat of Corrigan Addition, Section One, according to the plat as recorded in Volume 11, Page 97-98, Plat Records, Brazoria County, Texas, situated in the H. T. & B Railroad Company Survey, Abstract 240, Brazoria County, Texas

**General Location:** 5306 Broadway, Pearland, TX

- 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 SEPTEMBER 16, 2013

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### Zone Change No. 2013-14Z

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**General Location:** 5306 Broadway, Pearland, TX

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

Planning and Zoning Commission:	September 16, 2013*
City Council for First Reading:	October 14, 2013*
City Council for Second Reading:	October 28, 2013*

(\*dates subject to change)

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**SUMMARY:** Jawad Hussain, applicant and owner, is requesting approval of a zone change from the Neighborhood Service (NS) zone to the General Business (GB) zone. The property is currently developed, and includes a fuel station and associated convenience store, and one attached tenant build-out space (currently not occupied).

The General Business (GB) zoning district will allow additional allowable uses on site, per the Unified Development Code's Land Use Matrix. The tenant lease space most recently was occupied by a flooring business. They have since moved out and the applicant would now like to allow for a consignment store to open up in the unoccupied space. This would require approval of a zone change.

The applicant began the zone change process in November of 2012 but withdrew the

application once it was determined that the property in question did not meet the minimum size requirements of the GB zone. The applicant has since completed a minor plat of the property, combining two lots at the hard corner of Broadway and Corrigan. The combined lots now meet the requirements of the GB zone.

Following the approval of the subdivision plat, this case was scheduled for the August 19, 2013 Joint Public Hearing. It was removed from that agenda after the required notification sign was not placed on the property and rescheduled for the current September 16, 2013 agenda.

**SURROUNDING ZONING AND LAND USES:**

	<b>Zoning</b>	<b>Land Use</b>
<b>North</b>	General Business (GB)	Single Family Residential & Middle School
<b>South</b>	General Business (GB)	Detention & Single Family Residential
<b>East</b>	Neighborhood Service (NS)	Commercial/Bank
<b>West</b>	General Business (GB)	Commercial/Shopping Center

**CONFORMANCE WITH THE UNIFIED DEVELOPMENT CODE (UDC):** As previously mentioned, the property is currently zoned Neighborhood Service (NS). A comparison of the NS and GB zoning district is listed below, as well as a comparison to the existing site:

	<u>NS</u>	<u>GB</u>	<u>Existing site</u>
Lot Area	12,500 Sq. Ft.	22,500 Sq. Ft.	27,442 Sq. Ft.
Lot Width	100'	150'	244.08'
Lot Depth	100'	125'	206.5'

The parcel meets the lot size and area requirements of the General Business (GB) zone.

**PLATTING STATUS:** The property was recently platted combining two previously existing lots into one in order to meet the General Business (GB) zone regulations.

**CONFORMANCE WITH THE COMPREHENSIVE PLAN:** The current Comprehensive Plan (latest update in 2009) indicates *Retail, Offices, and Services* for the subject property. As indicated by the Comprehensive Plan, corresponding zoning districts for *Retail, Offices, and Services* are Neighborhood Service (NS), Office Professional (OP), and General Business (GB). The requested zoning of General Business (GB) would be consistent 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 and Corrigan Drive, a local street with a minimum of 60' right-of-way. Adequate right-of-way exists and no further dedication is required.

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

**IMPACT ON EXISTING AND FUTURE DEVELOPMENT:** It is not anticipated that approval of this zone change request will have any significant negative impact on existing or future developments in the area. If the zone change is approved, the property will be able to be operated and developed in the same manner as other commercial properties in the general area along Broadway. The property is surrounded by General Business (GB) zoned property on three sides, and the only property in the immediate vicinity not zoned (GB) is the existing bank to the east which is zoned Neighborhood Service (NS). Additionally, as discussed above, this zone change would be in conformance with 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.

The current zoning boundaries are not the same as the property boundary. During the next update of the Pearland zoning map, staff will address this discrepancy.

**SITE PLAN CONSIDERATIONS:** A site plan is not required for a zone change. The site is currently developed.

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

**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 2013-14Z as proposed by the applicant for the following reasons:

1. Approval of the zone change will result in conformance with the surrounding zoning.
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.
4. The proposed zone change would allow for uses on the property that would be compatible with nearby commercial development, and also be appropriate along Broadway.

**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



**Zoning and Vicinity Map**

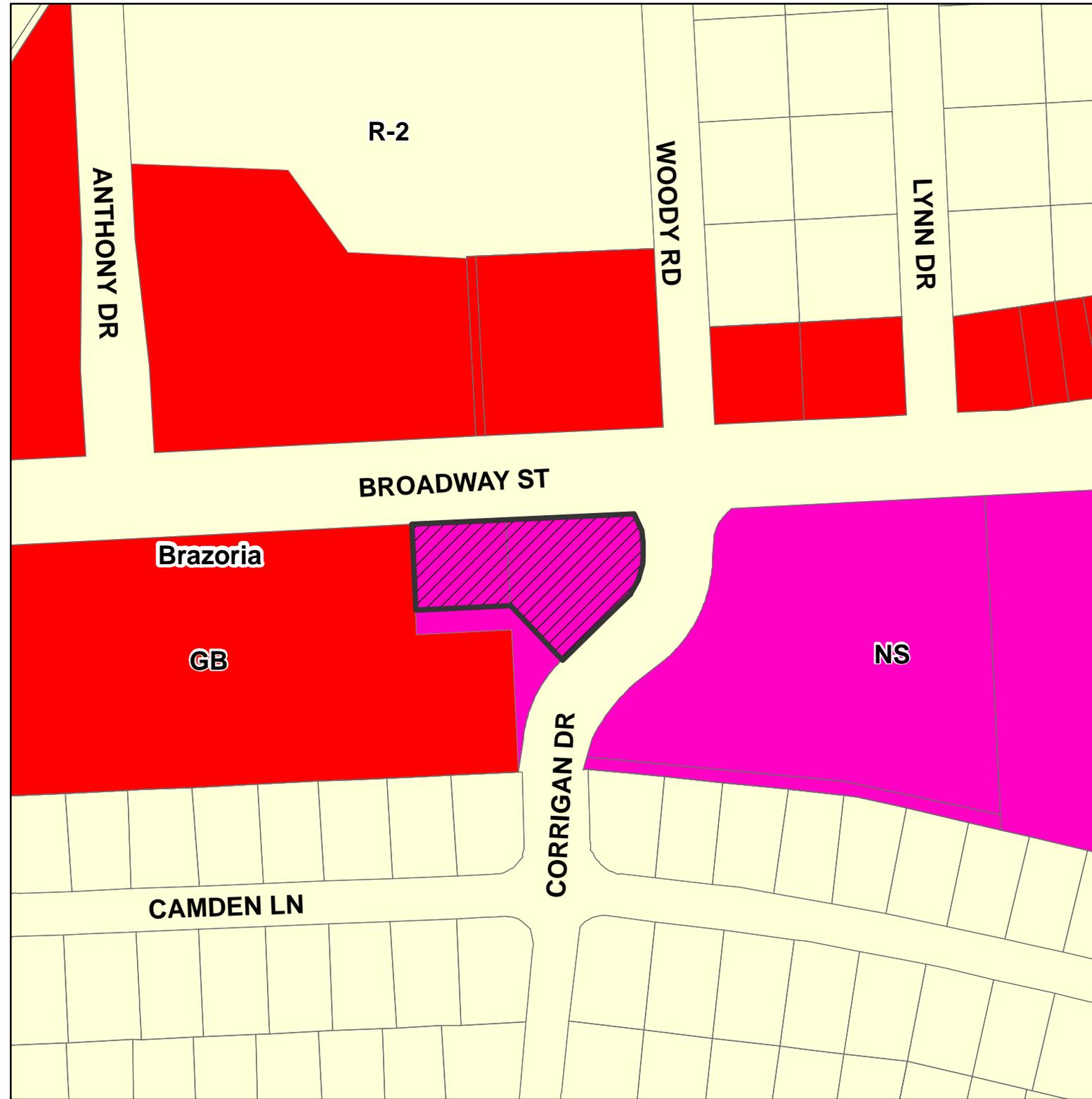
**Zone Change 2013-14Z**

**5306 Broadway St.**

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 37.575 150 Feet





**Abutter Map**

**Zone Change 2013-14Z**

**5306 Broadway St.**

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0 37.575 150 Feet



# Zone Change 2013-14Z

5306 Broadway - NS to GB

## List of Abutting Property Owners Within 200 feet

<b>Name</b>	<b>Address</b>	<b>City</b>	<b>State</b>	<b>Zip</b>
PURVIS GLORIA	5209 CAMDEN LN	PEARLAND	TX	77584-1151
CHILDS B A	5301 CAMDEN LN	PEARLAND	TX	77584-1149
LEWIS JUDITH SCARDINO	5303 CAMDEN LN	PEARLAND	TX	77584-1149
SHAKIR MARIE D	5207 CAMDEN LN	PEARLAND	TX	77584-1151
BRADLEY JEFFREY B	5305 CAMDEN LN	PEARLAND	TX	77584-1149
FROST NATIONAL BANK	100 W HOUSTON ST	SAN ANTONIO	TX	78205-1414
PEARLAND ISD	PO BOX 7	PEARLAND	TX	77588-0007
COX LUCY	164 SUNSET LAKE RD	HUNTSVILLE	TX	77340-9715
PEARLAND ISD	PO BOX 7	PEARLAND	TX	77588-0007
HACKNEY MARTY & PHARRIS	5203 BROADWAY ST	PEARLAND	TX	77581-3942
HUSSAIN JAWAD	10333 MARKET STREET RD	HOUSTON	TX	77029-2343



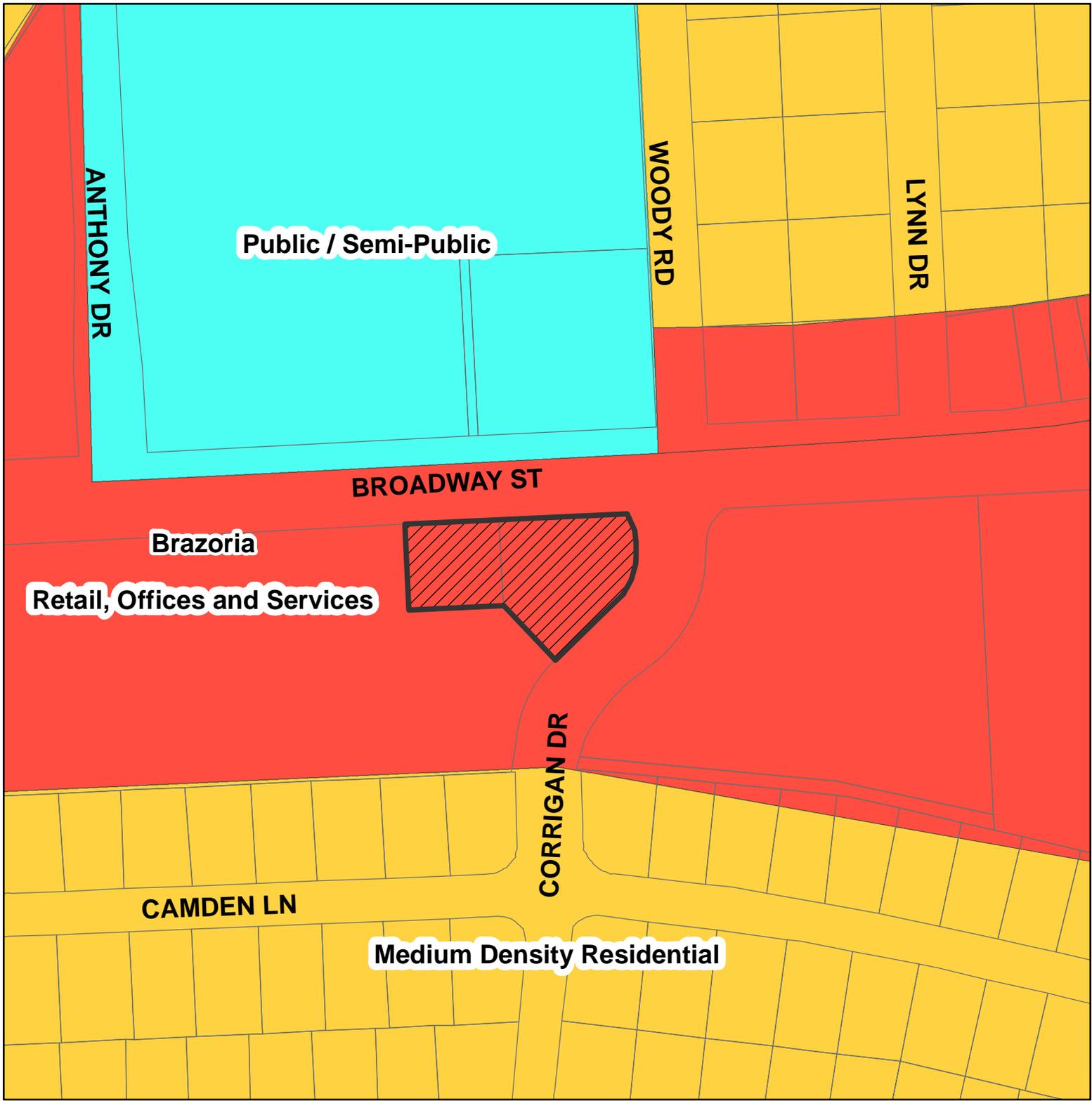
**FLUP Map**

**Zone Change 2013-14Z**

**5306 Broadway St.**

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0 37.5 75 150 Feet





**Aerial Map**

**Zone Change 2013-14Z**

**5306 Broadway St.**

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N

0 37.575 150 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: 5306 Broadway - FM 518  
Pearland, TX 77581

Tax Account No. 0240-0013-000

Subdivision: Reserve B Carrigan NE PT Lot: 701 Block: \_\_\_\_\_

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

### PROPERTY OWNER INFORMATION:

NAME Jawad Hussain  
ADDRESS 10333 Market St. Rd.  
CITY Houston STATE Tx ZIP 77029  
PHONE ( 713 ) 672-7494  
FAX ( \_\_\_\_\_ ) \_\_\_\_\_  
E-MAIL ADDRESS Jawad133@yahoo.com

### APPLICANT/AGENT INFORMATION:

NAME Jawad Hussain  
ADDRESS 10333 Market St. Rd.  
CITY Houston STATE Tx ZIP 77029  
PHONE ( 713 ) 672-7494  
FAX ( \_\_\_\_\_ ) \_\_\_\_\_  
E-MAIL ADDRESS Jawad133@yahoo.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: Jawad Hussain Date: 10.19.12

Agent's/Applicant's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

### OFFICE USE ONLY:

FEES PAID: <u>\$750.00</u>	DATE PAID: <u>10/19/12</u>	RECEIVED BY: <u>HE</u>	RECEIPT NUMBER: <u>21064</u>
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Application No. 2012-152

October 18, 2012

Jawad Hussain  
Property owner  
5304 and 5306 Broadway FM 518  
Pearland, Texas 77581

City of Pearland Community Development  
3523 Liberty Drive  
Pearland, TX 77581

I am requesting a zoning change concerning the property at the above addresses.

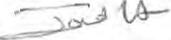
I am enclosing a copy of the 2011 Tax statement and the Application for a change in zoning.

I am asking the zoning to be changed from NS to GB.

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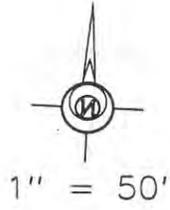
Thank you for your attention to this matter,

Jawad Hussain



I can be reached at:  
713-672-7494  
10333 Market Street  
Houston, TX 77029

# FARM TO MARKET ROAD 518



FIDELITY NATIONAL TITLE INSURANCE COMPANY  
GF NO. FTH-38F-FTH11007180AA

SURVEY MAP SHOWING A 0.2548 ACRE TRACT, OUT OF RESERVE "B" IN THE REPLAT OF CORRIGAN ADDITION, SECTION ONE, ACCORDING TO THE PLAT AS RECORDED IN VOLUME 11, PAGE 97 - 98, PLAT RECORDS, BRAZORIA COUNTY, TEXAS, AND A 0.3727 ACRE TRACT, BEING A PART OF A 0.440 ACRE TRACT, AS DESCRIBED IN DOCUMENT NUMBER 2008031888, OFFICIAL RECORDS OF REAL PROPERTY, BRAZORIA COUNTY, TEXAS, SITUATED IN THE H. T. & B. RAILROAD COMPANY SURVEY, ABSTRACT 240, BRAZORIA COUNTY, TEXAS.

This survey was made on the ground on August 22, 2011, under my supervision, and conforms to the Texas Professional Land Surveying Practices Act and the General Rules of Procedures and Practices of the Texas Board of Professional Land Surveying, as revised June 2006.

*Freddy A. Gormly*

Freddy A. Gormly, Registered Professional Land Surveyor No. 1918  
P. O. Box 862, Alvin, Texas 77512-0862 Phone (281) 331-0883

SOURCE OF BEARING BASED ON THE TEXAS COORDINATE SYSTEM OF 1983(SOUTH CENTRAL ZONE) AS COMPUTED FROM GPS OBSERVATIONS.  
Freddy A. Gormly has not performed an Abstract of Title on the above surveyed property.

This tract subject to the following easements:  
Houston Pipeline Company R-O-W in Volume 288, Page 337, Deed Records, Brazoria County, Texas.  
Houston pipeline Company R-O-W in Volume 856, Page 567, Deed Records, Brazoria County, Texas.  
Texas Pipeline Company R-O-W in Volume 412, Page 265, Deed Records, Brazoria County, Texas.

THIS DOCUMENT IS PART OF A PROFESSIONAL LAND SURVEYING REPORT CONSISTING OF THIS MAP AND A METES AND BOUNDS DESCRIPTION.



**GORMLY SURVEYING**  
REGISTERED PROFESSIONAL LAND SURVEYORS  
P. O. BOX 862, ALVIN, TEXAS, 77512-0862  
PHONE (281) 331-0883

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METES AND BOUNDS

0.3727 acres of land, being a part of Reserve "A", in the Replat of Corrigan Addition, Section One, according to the plat as recorded in Volume 11, Page 97 – 98, Plat Records, Brazoria County, Texas, situated in the H. T. & B. Railroad Company Survey, Abstract 240, Brazoria County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a point for the northeast corner of Reserve "B" of the Replat of Corrigan Addition, Section One, in the south line of Farm to Market Road 518(100' ROW);

THENCE North 87 deg. 20 min. 40 sec. East along and with the south line of Farm to Market Road 518, a distance of 133.08 feet to a ½ inch iron rod found for corner and the beginning of a curve to the right;

THENCE 35.39 feet along the arc of said curve, having a radius of 20.0 feet, delta = 101 deg. 23 min. 06 sec., a chord of 30.95 feet bearing South 41 deg. 57 min. 47 sec. East to a 5/8 inch iron rod found for corner of another curve to the right;

THENCE 99.05 feet along the arc of said curve, having a radius of 121.25 feet, delta = 46 deg. 48 min. 13 sec., a chord of 96.32 feet bearing South 32 deg. 17 min. West to a 5/8 inch iron rod found for corner of another curve;

THENCE 72.44 feet along the arc of said curve, having a radius of 206.50 feet, delta = 20 deg. 05 min. 53 sec., a chord of 72.06 feet bearing South 45 deg. 27 min. 09 sec. West to a ½ inch iron rod set for the South corner of the herein described tract, being the east corner of Corrigan Plaza, Section 1, as recorded in Document 2008043528, Official Records of Real Property, Brazoria County, Texas;

THENCE North 43 deg. 21 min. 12 sec. West, along and with a lower east line of Lot A-1 of Corrigan Plaza, Section 1, a distance of 67.3 feet to a ½ inch iron rod set for angle point, being the southeast corner of a called 0.253 acre tract, in the east line of Reserve "B", Replat of Corrigan Addition Section One;

THENCE North 02 deg. 39 min. 20 sec. West, along and with the east line of said Reserve "B", a distance of 100.0 feet to the PLACE OF BEGINNING and containing 0.3727 acres of land.

METES AND BOUNDS WRITTEN AUGUST 22, 2011

BY: \_\_\_\_\_

*Freddy A. Gormly*  
Freddy A. Gormly  
Registered Professional Land Surveyor No. 1918



**GORMLY SURVEYING**  
REGISTERED PROFESSIONAL LAND SURVEYORS  
P. O. BOX 862, ALVIN, TEXAS, 77512-0862  
PHONE (281) 331-0883

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METES AND BOUNDS

0.2548 acres of land, out of Reserve "B", in the Replat of Corrigan Addition, Section One, according to the plat as recorded in Volume 11, Page 97 – 98, Plat Records, Brazoria County, Texas, situated in the H. T. & B. Railroad Company Survey, Abstract 240, Brazoria County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8 inch iron rod found for the northwest corner of the herein described tract, in the south line of Farm to Market Road 518(100' ROW);

THENCE North 87 deg. 20 min. 40 sec. East along and with the south line of Farm to Market Road 518, a distance of 111.0 feet to a point for the northeast corner of Reserve "B", Replat of Corrigan Addition, Section One;

THENCE South 02 deg. 39 min. 20 sec. East, along and with the east line of said Reserve "B", a distance of 100.0 feet to a ½ inch iron rod set for the southeast corner of the herein described tract;

THENCE South 87 deg. 20 min. 40 sec. West, along and with a lower north line of Lot A-1 of Corrigan Plaza, Section 1, a distance of 111.0 feet to a ½ inch iron rod set for the southwest corner of the herein described tract, and an interior corner of said Lot A-1;

THENCE North 02 deg. 39 min. 20 sec. West, along and with a east line of said Lot A-1, a distance of 100.0 feet to the PLACE OF BEGINNING and containing 0.2548 acres of land.

METES AND BOUNDS WRITTEN AUGUST 22, 2011

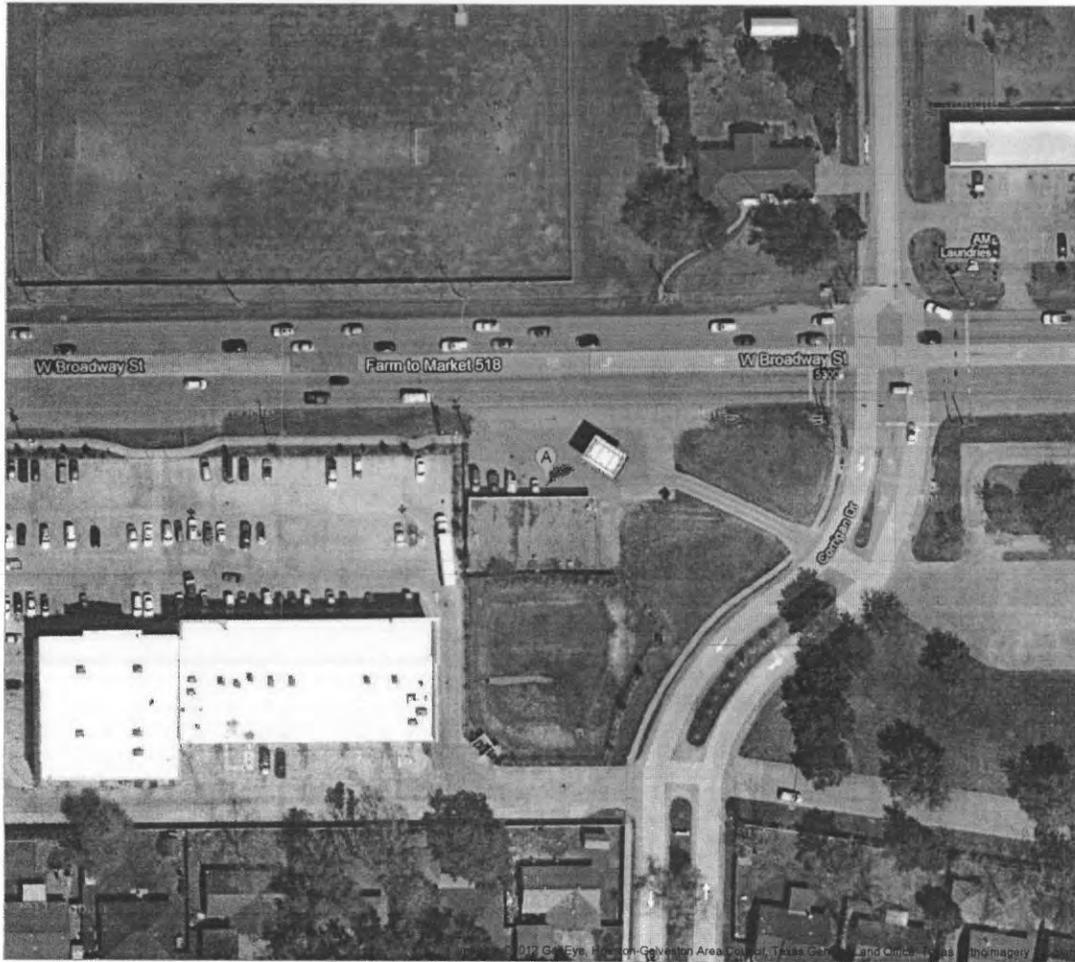
BY: *Freddy A. Gormly*

Freddy A. Gormly  
Registered Professional Land Surveyor No. 1918



Google

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



Brazoria CAD

[Property Search](#) [Map Search](#) [Map Administration](#) [Login](#)

Property Search Results > Property ID 166300 HUSSAIN JAWAD for Year 2011

New Search

Details Map

Help

<b>Account</b> <b>Property ID:</b> 166300 <b>Geo. ID:</b> 0240-0013-000 <b>Type:</b> Real <b>Legal Description:</b> A0240 H T & B R R (PEARLAND), TRACT RESERVE B CORRIGAN NE PT (LT 7D1), ACRES 0.250	<b>Location</b> <b>Situs Address:</b> 5306 BROADWAY FM 518 PEARLAND, <b>Neighborhood:</b> COMM ACCTS <b>Mapsco:</b> <b>Jurisdictions:</b> CAD, CPL, DR4, GBC, RDB, SPL	<b>Owner</b> <b>Owner Name:</b> HUSSAIN JAWAD <b>Mailing Address:</b> , 10333 MARKET STREET RD., HOUSTON, TX 77029-2343	<b>Property</b> <b>Appraised Value:</b> \$196670
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Layers

- Parcels Group
- Abstracts
- City Limits
- Lakes
- Streets
- County

Radius Search    Map Search

**DISCLAIMER**

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CITY OF PEARLAND  
R E P R I N T

\*\*\* CUSTOMER RECEIPT \*\*\*

Oper: AGONZALES Type: OC Drawer: 1  
Date: 10/19/12 01 Receipt no: 21064

Description	Quantity	Amount
BA BOARD OF ADJUSTMENTS	1.00	\$750.00
Trans number:		3869992

ZONE CHANGE 2012-142  
HUSSAIN BROS. INC  
10333 MARKET ST  
713.672.7494

Tender detail		
CK CHECK	4761	\$750.00
Total tendered		\$750.00
Total payment		\$750.00

Trans date: 10/19/12 Time: 14:28:33

DUPLICATE TAX RECEIPT



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

Certified Owner:

HUSSAIN JAWAD
10333 MARKET STREET RD
HOUSTON, TX 77029-2343

Legal Description:

A0240 H T & B R R (PEARLAND), TRACT
RESERVE B CORRIGAN NE PT (LT 7D1),
ACRES 0.250

Parcel Address: 5306 BROADWAY FM 518
Legal Acres: 0.2500

Remit Seq No: 20034653
Receipt Date: 01/24/2012
Deposit Date: 01/24/2012
Print Date: 10/18/2012
Printed By: NINAE

Deposit No: 112411030939
Validation No: 353
Account No: 0240-0013-000
Operator Code: SAND

Table with 8 columns: Year, Tax Unit Name, Tax Value, Tax Rate, Levy Paid, P&I, Coll Fee Paid, Total. Rows include Brazoria County, Special Road & Bridge, Pearland Isd, Brazoria Drainage Dist 4, and City Of Pearland.

Check Number(s):
00004638

PAYMENT TYPE: PARTIAL PAYMENT

Checks: \$5,376.18

Exemptions on this property:

Total Applied: \$5,376.18

Change Paid: \$0.00

BALANCE DUE AS OF 10/18/2012 IS \$6,004.93

PAYER:
HUSSAIN JAWAD
10333 MARKET STREET RD
HOUSTON, TX 77029-2343

**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:

*Zone Change*  
**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.**

*Jad Al...*

## 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.

AGENDA - JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD SEPTEMBER 16, 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. 2013-15Z**

A request of Kerry Gilbert & Associates, applicant, on behalf of Parkside 59/288, Ltd., owner, for approval of a zone change from the Planned Development (PD) zone to the Planned Development (PD) zone for 38.909 acres on the following described property, to wit:

**Legal Description:** 38.909 acres of land in the H. T. & B. R. R. Company Survey, Section 81, Abstract No. 300, Brazoria County, Texas, being a portion of lots 38, 39, 40, 49, and 50 of the Allison Richey Gulf Coast Home Company's part of Suburban Gardens, a subdivision of record, Volume 2, Page 98, of the Plat Records of said Brazoria County (B.C.P.R.), more particularly being the residue of that certain called 30.583 acre tract (described as Part One), and the residue of that certain called 9.990 acre tract (described as Part Two) conveyed from Compass Bank to Parkside 59/288 Ltd, by an instrument of record under Document Number 2011012491, of the Official Public Records of said Brazoria County (B.C.O.P.R.)

**General Location:** Northwest corner CR59/SH288, Pearland, TX

- 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 SEPTEMBER 16, 2013

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### Zone Change No. 2013-15Z

A request of Kerry Gilbert & Associates, applicant, on behalf of Parkside 59/288, Ltd., owner, for approval of a zone change from the Planned Development (PD) zone to the Planned Development (PD) zone for 38.909 acres, to wit:

**Legal Description:** 38.909 acres of land in the H. T. & B. R. R. Company Survey, Section 81, Abstract No. 300, Brazoria County, Texas, being a portion of lots 38, 39, 40, 49, and 50 of the Allison Richey Gulf Coast Home Company's part of Suburban Gardens, a subdivision of record, Volume 2, Page 98, of the Plat Records of said Brazoria County (B.C.P.R.), more particularly being the residue of that certain called 30.583 acre tract (described as Part One), and the residue of that certain called 9.990 acre tract (described as Part Two) conveyed from Compass Bank to Parkside 59/288 Ltd, by an instrument of record under Document Number 2011012491, of the Official Public Records of said Brazoria County (B.C.O.P.R.)

**General Location:** Northwest corner CR59/SH288, Pearland, TX

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

Planning and Zoning Commission: September 16, 2013\*

City Council for First Reading: October 14, 2013\*

City Council for Second Reading: October 28, 2013\*

(\*dates subject to change)

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**SUMMARY:** Kerry Gilbert & Associates, applicant, on behalf of Parkside 59/288 Ltd, owner, is requesting an amendment of a previously approved Planned Development (PD) for 38.9 acres for the above referenced location. The applicant is proposing to amend the existing *Business Center PD* which was approved by City Council on November 26, 2012. The Unified Development Code (UDC) requires that a PD amendment be processed similar to a zone change process. The property in question is located at the northwest corner of State Highway 288 and County Road 59 and is currently undeveloped. The property is divided by Business Center Drive, and is

generally located southeast of Pearland Town Center.

The formerly approved PD proposed a development which is divided into three Land Use Areas, as indicated in the submittal, including a variety of proposed commercial developments, such as restaurants, hotels, auto related uses (gas, wash, and minor auto repair), senior multi-family housing, museum, and manufacturing. The base zoning for the property is BP-288.

The basis for the amendment to the previously approved PD is to make changes which pertain to existing overhead power. The current Planned Development requires that the existing overhead utility line which was relocated due to the construction of Business Center Drive be removed. The amendment will allow that line to remain to serve future development, located on the east side of Business Center Drive. Any future connections to the line will be underground with any supporting ground equipment being screened with landscaping. Developments on the west side of Business Center Drive will be serviced by new overhead lines to be located along the rear and westerly property line as shown in Exhibit E in the PD document. There are no other changes being proposed with the amended document.

**SURROUNDING ZONING AND LAND USES:**

	<u>Zoning</u>	<u>Land Use</u>
North	Business Park District-288 (BP-288)	Vacant
South	City of Manvel	Vacant, Single-Family Residential
East	City of Pearland ETJ	Vacant/Bank
West	Single-Family Residential-2 (R-2)	Single-Family Residential

**CONFORMANCE WITH THE UNIFIED DEVELOPMENT CODE (UDC):** As previously mentioned, the property is currently zoned Planned Development (PD) with Business Park District-288 (BP-288) as the base zoning district. A breakdown between the (BP-288) requirements and the site current configuration is provided below:

	<u>BP-288</u>	<u>Existing Site</u>
Lot Size:	43,560 sq ft	38.9 Acres
Lot Width:	150'	n/a – new lots to be created w/development
Lot Depth:	200'	n/a – new lots to be created w/development

As approved with the original Planned Development document, the amended (PD) deviates from the Unified Development Code with regards to Landscaping (parking setback) buffer width requirement (15' being proposed and 30' required), non-amenitized detention facilities where amenitized is required, and additional allowable uses are being proposed than are currently permitted in the BP-288 zoning district. Any requirement of

the Unified Development Code not specifically addressed in the Planned Development document will be required to be met.

**PLATTING STATUS:** The property does not currently have a recorded plat. A master plat, required for land within the boundary of a Planned Development, has been approved for Land Use Area 2. Formal subdivision platting will be required at the time of development.

**CONFORMANCE WITH THE COMPREHENSIVE PLAN:** The current Comprehensive Plan (latest update in 2009) indicates *Business Park* for the subject property. The base zoning district in the proposed Planned Development is Business Park-288 (BP-288). The allowable uses do not substantially change the intent of that zoning designation, and therefore the zone change request would be considered to be in conformance with the approved Future Land Use Plan/Comprehensive Plan.

**CONFORMANCE WITH THE THOROUGHFARE PLAN:** The subject property has frontage on County Road 59 and Business Center Drive, both secondary thoroughfares, with a minimum of 100' right-of-way. County Road 59 is not currently constructed to the standards of a secondary thoroughfare for the entire length of the street, however has recently been widened where immediately adjacent to this property. Business Center Drive is currently in the process of being constructed.

**AVAILABILITY OF UTILITIES:** Utilities are in the process of being extended down Business Center Drive. The subject parcel will have the ability to connect to these utilities when they are completed.

**IMPACT ON EXISTING AND FUTURE DEVELOPMENT:** A conceptual site plan for the proposed Planned Development was submitted by the applicant for the original Planned Development and has not been changed with the amended Planned Development. The (PD) document separates allowable uses and development regulations based on three proposed land use areas. Based on this plan, it does not appear that there will be any adverse impacts that are not able to be mitigated. There will be a significant buffer between existing single family residential to the west of the proposed development consisting of the detention pond required for this development. This buffer is approximately 235'.

The approved Planned Development, as well as the proposed amendment establishes Business Center Drive as a Corridor Overlay District, which does require underground electrical utilities. While the amendment does allow an existing overhead utility line to remain, connections to the line as development occurs will be underground. Any supporting equipment will also be ground mounted and screened with landscaping.

**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 conceptual site plan for the proposed Planned Development has been submitted by the applicant. The site plan indicates three (3) land use areas and the proposed PD document separates allowable uses and development regulations based on the land use areas. The proposed amendments do not indicate any change to the previously approved conceptual site plan.

**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:** At the time of this report, staff has not received any comments either in opposition to or in support of the proposed zone change request.

**STAFF RECOMMENDATION:** The Planned Development amendment is to allow location of overhead electrical utility lines which were relocated due to Business Center Drive construction. Staff is not opposed to the amendment as proposed by the applicant for the following reasons:

1. The proposed Planned Development, as did the original Planned Development, will result in development with higher standards than the former zoning of Business Park-288 (BP-288).
2. The proposed amendment will continue to encourage development along both sides of Business Center Drive.

**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
- Proposed Planned Development Amendment
- Related Documents



### Vicinity and Zoning Map

Business Center PD

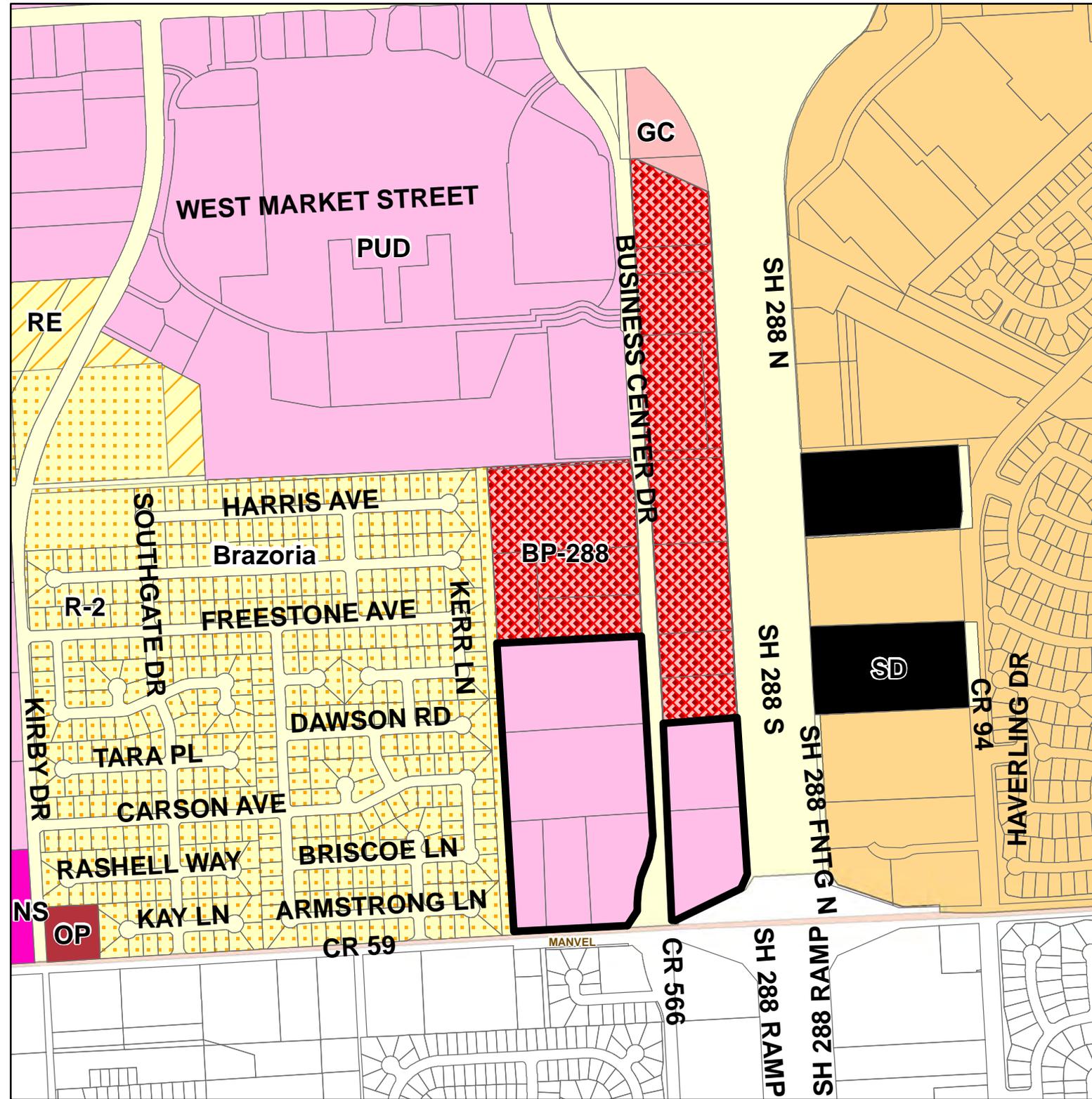
Northwest Corner  
CR59/SH288

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 185370 740 Feet





**Abutter Map**

**Business Center PD**

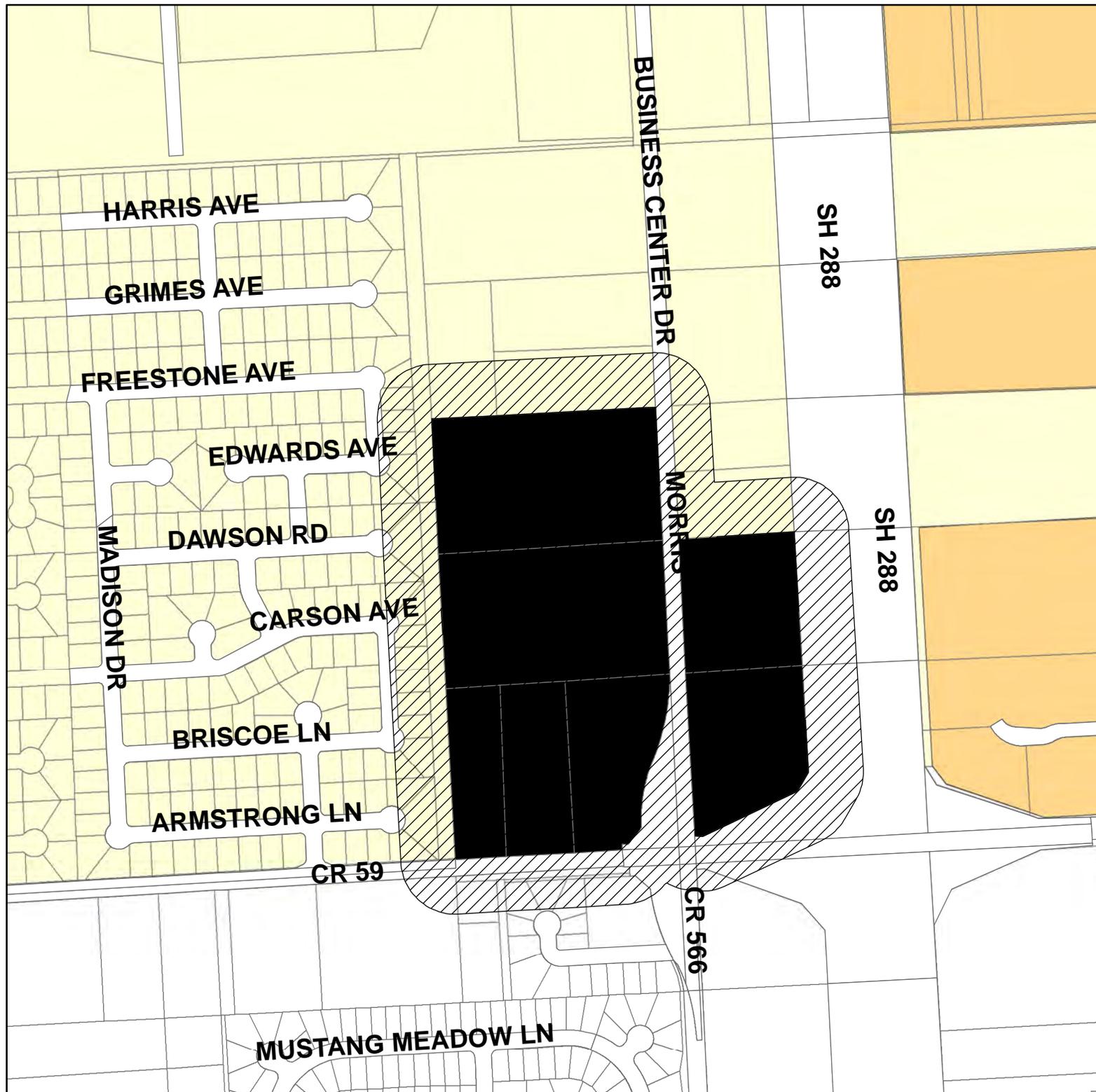
**Northwest Corner  
SH288/CR59**

**Per UDC Requirements  
only properties within  
Pearland City Limits  
received personal  
notification.**

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**

0 135 270 540 Feet



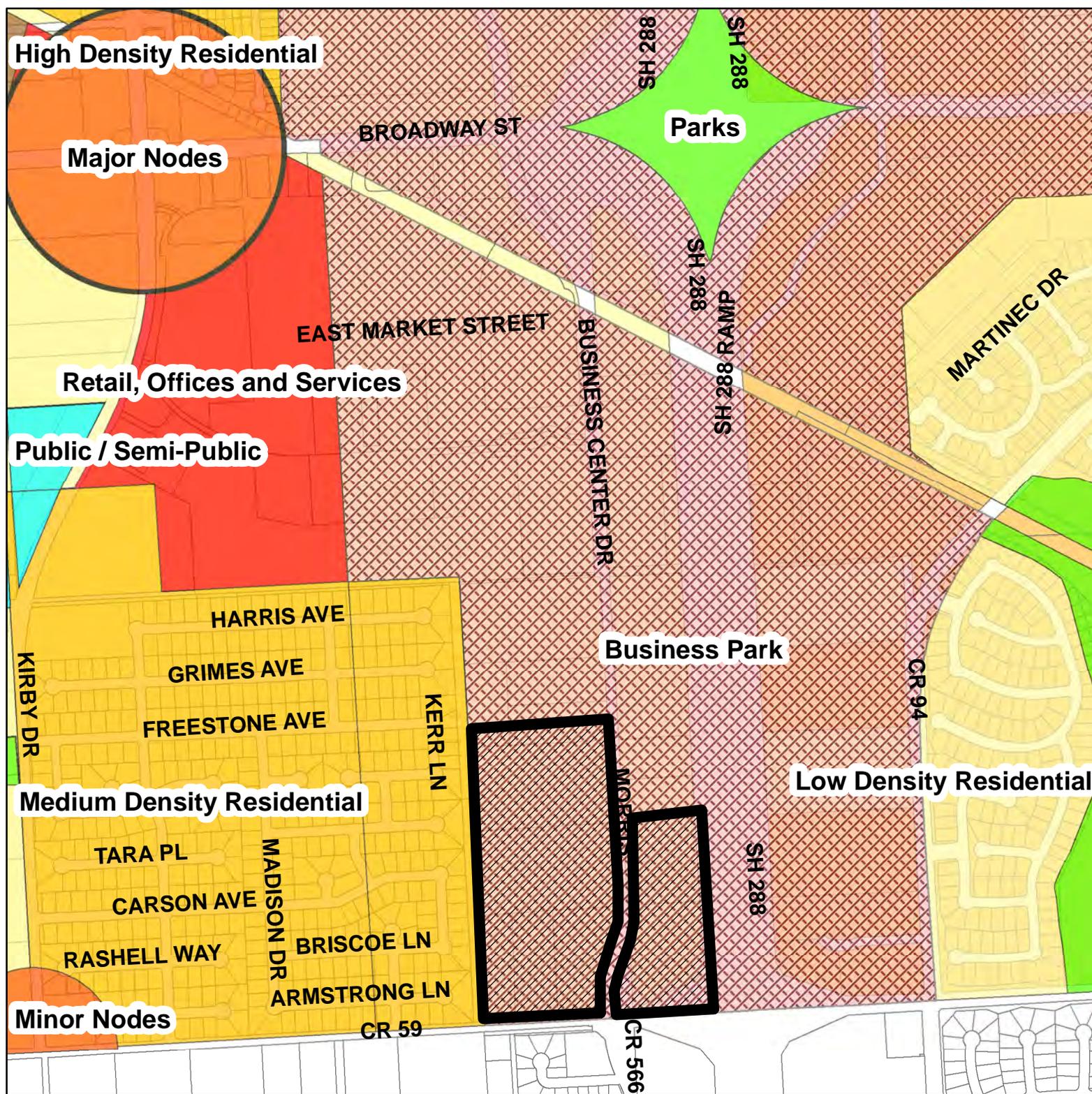
# Zone Change 2013-15Z

NW Corner CR59/SH288 - PD to PD

## List of Abutting Property Owners Within 200 feet

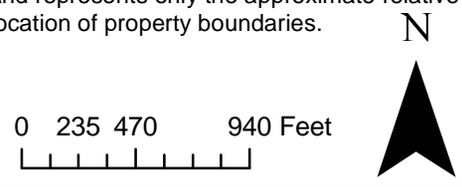
<b>Name</b>	<b>Address</b>	<b>City</b>	<b>State</b>	<b>Zip</b>
MCKAIG CLARK C	3509 KAUFMAN AVE	PEARLAND	TX	77584-7247
ROYCE LAND LP			TX	
FISHMAN GEORGE & MARY	3406 HAMPSHIRE ST	PEARLAND	TX	77581-4829
RIDDLE SIMONE	3401 KERR LN	PEARLAND	TX	77581
TRAN DANNY T & CELINE P	3403 KERR LN	PEARLAND	TX	77584-5535
ESCOBEDO HUMBERTO & SHERRY	3006 COUNTY ROAD 59	MANVEL	TX	77578-4233
SOUTHGATE COMMUNITY ASSOC	PO BOX 3217	PEARLAND	TX	77588-3217
GOLD STAR DEVELOPMENT C/O WILLIAM YEH	6229 RICHMOND AVE	HOUSTON	TX	77057-6211
VIRANI AHMADALI	2814 ACORN WOOD WAY	HOUSTON	TX	77059-5808
PARKSIDE 59/288 LTD C/O JOE MOODY -				
PARKSIDE CAPITAL INVESTMENTS	3003 W ALABAMA ST	HOUSTON	TX	77098-2001
YLT 288 PARTNERS	5855 SOVEREIGN DR STE B	HOUSTON	TX	77036-2337
DDRP HOLDINGS				
BRAZORIA COUNTY MUD #25 C/O YVONNE ONAK & ALLEN HUMPHRIES				
ROBINSON	3200 SOUTHWEST FREEWAY SUITE 2600	HOUSTON	TX	77027
LINGO SOUTHFORK LTD	3900 MAGNOLIA ST	PEARLAND	TX	77584-1610
THOMAS ELIZABETH R	3405 KERR LN	PEARLAND	TX	77584-5535
HARVISON MELINDA	3407 KERR LN	PEARLAND	TX	77584-5535
STRIPAY MARK	3409 KERR LN	PEARLAND	TX	77584-5535
OLIVAREZ RAMONA A & ANDRES	11102 EDWARDS AVE	PEARLAND	TX	77584-5590
SUMNERS BRANDON & TONYA	11103 DAWSON RD	PEARLAND	TX	77584-7245
BEAN KENNETH & CECILIA	11101 DAWSON RD	PEARLAND	TX	77584-7245
PATEL SAMIR B & TEJAL M	11102 DAWSON RD	PEARLAND	TX	77584-7244
WOODS EMMETT B & BILLIE J	11101 CARSON AVE	PEARLAND	TX	77584-7243

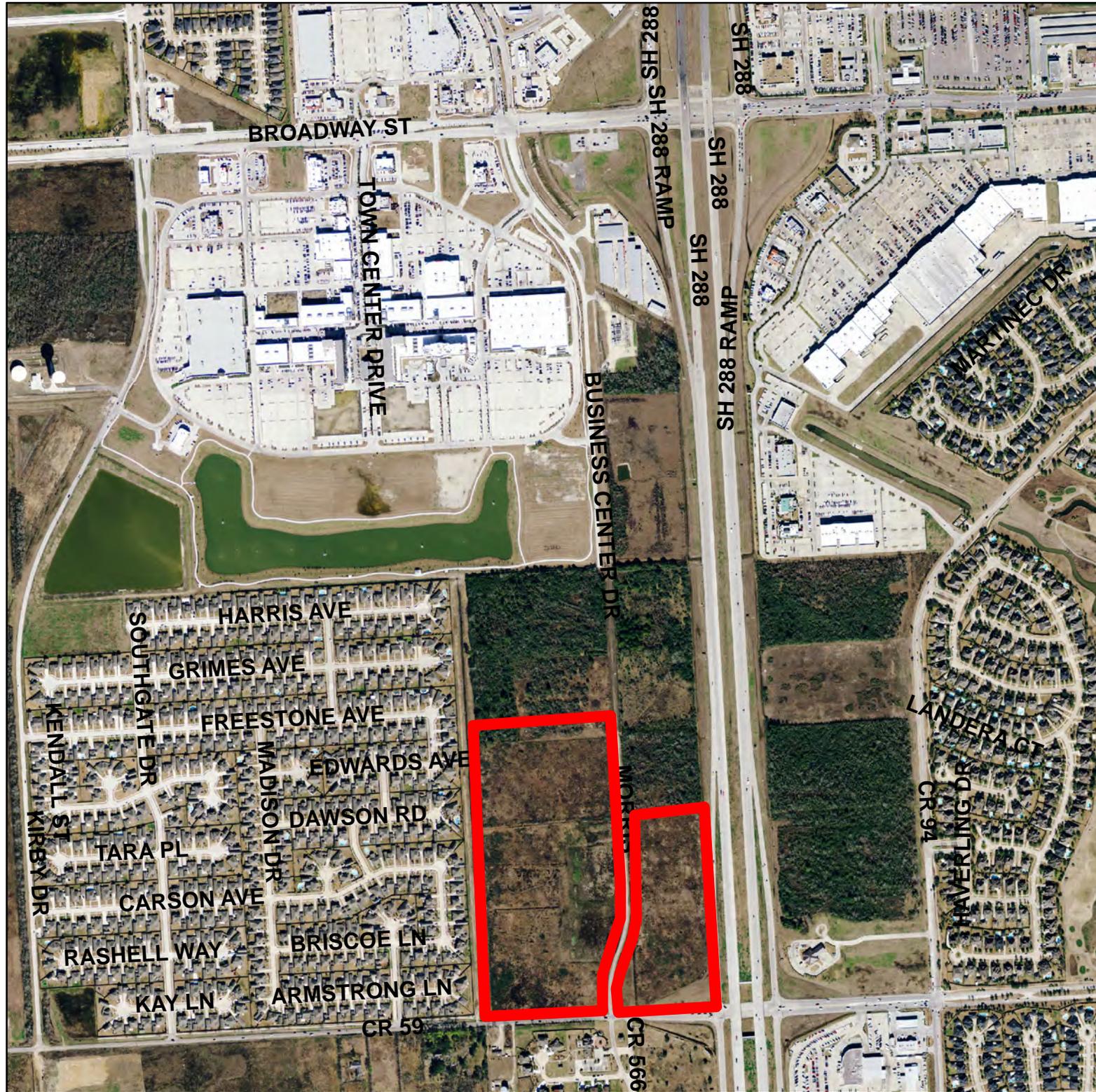
CRUZ FLOR A & MANUEL L	3501 KAUFMAN AVE	PEARLAND	TX	77581
TRAN KIM LOAN	3503 KAUFMAN AVE	PEARLAND	TX	77584-7247
BENNETT JOHN R & RUTH W	3505 KAUFMAN AVE	PEARLAND	TX	77584-7247
SOLORZANO RODOLFO H & MARIA	3507 KAUFMAN AVE	PEARLAND	TX	77584-7247
BOLLINGER WILLIAM BLAKE & ALLISON				
DRYDEN BOLLINGER	4619 BENTN SMITH RD	NASHVILLE	TN	37215
TARIQ MUHAMMAD A	3513 KAUFMAN AVE	PEARLAND	TX	77584
PITTS GREGORY & LADONNA	11102 BRISCOE LN	PEARLAND	TX	77584-7240
HARRIS LYVESTRA	11103 ARMSTRONG	PEARLAND	TX	77581
ROBLES PETER & YVONNE ROSALES	832 DAVIS RD	LEAGUE CITY	TX	77573-2823
ZAMARRIPA HECTOR & CINDY	11102 ARMSTRONG LN	PEARLAND	TX	77584-7235



**FLUP Map**  
**Business Center PD**  
**Northwest Corner**  
**SH288/CR59**

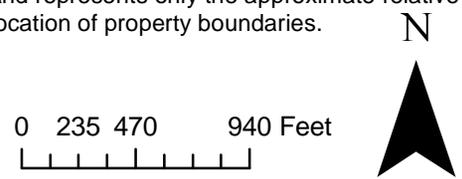
This product is for information purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.





**Aerial Map**  
**Business Center PD**  
**Northwest Corner**  
**SH288/CR59**

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# 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: PD

**Property Information:**

Address or General Location of Property: Northwest corner of Hwy 288 & CR 59

Tax Account No. 0300000600, 03000010000, 03000015000, 03000020000, 03000024000, 03000025002

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

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

**PROPERTY OWNER INFORMATION:**

NAME Parkside 59/288 Ltd.  
ADDRESS 3003 W. Alabama Street  
CITY Houston STATE TX ZIP 77098  
PHONE( 713 ) 773-5537  
FAX( \_\_\_\_\_ ) \_\_\_\_\_  
E-MAIL ADDRESS joe.moody@parksidecap.com

**APPLICANT/AGENT INFORMATION:**

NAME Kerry R. Gilbert & Associates, Inc.  
ADDRESS 23501 Cinco Ranch Blvd., Suite A-250  
CITY Katy STATE TX ZIP 77494  
PHONE( 281 ) 579-0340  
FAX( \_\_\_\_\_ ) \_\_\_\_\_  
E-MAIL ADDRESS gfreeman@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: \_\_\_\_\_ Date: 8-27-13

Applicant/Agent's Signature: \_\_\_\_\_ Date: 08.27.13

**OFFICE USE ONLY:**

FEES PAID: <u>\$ 850.00</u>	DATE PAID: <u>8/30/13</u>	RECEIVED BY: <u>[Signature]</u>	RECEIPT NUMBER: <u>337568</u>
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Application No. 2013-152

August 27, 2013

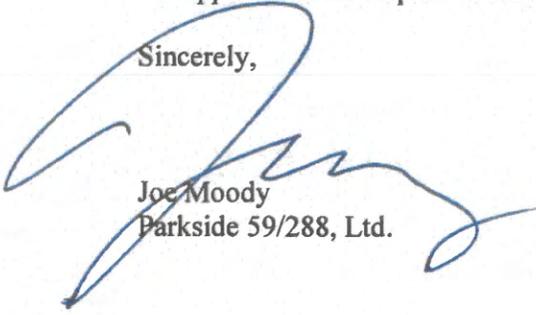
Lata Krishnarao, Director  
Planning Department  
3523 Liberty Drive  
Pearland, Texas 77581

RE: Rezone application request – owner authorization

Dear Lata,

Parkside 59/288, Ltd, is owner of the 38.9 acres of property located at CR 59 and Business Center Drive. We authorize Kerry R. Gilbert & Assoc., Inc. to be our agent in our application for request to rezone the subject tract.

Sincerely,



Joe Moody  
Parkside 59/288, Ltd.

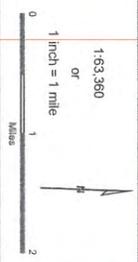
# CITY OF PEARLAND ZONING DISTRICTS

Map Current Through Ord. 2000A-106 (22 JUL 2013)

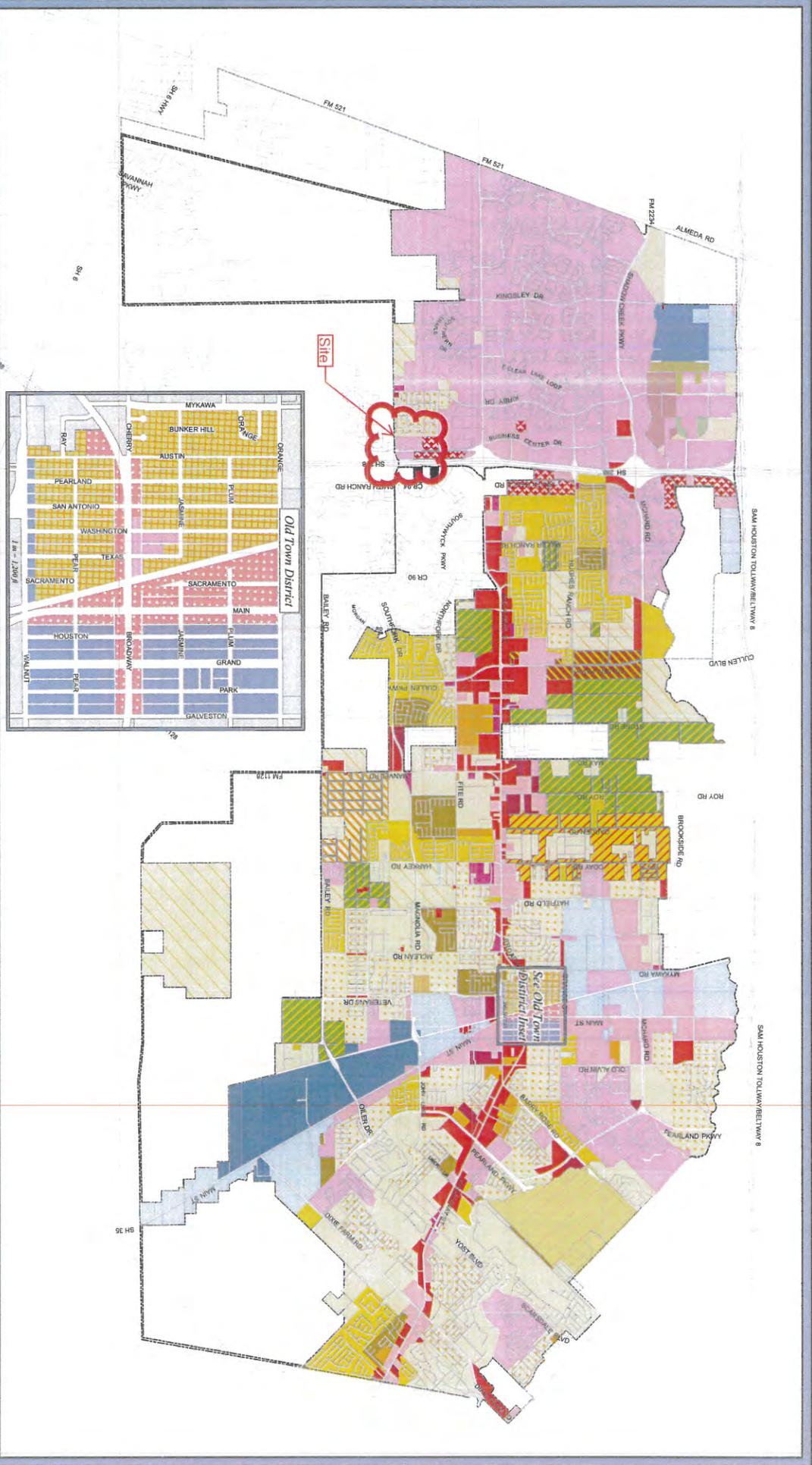
- BP-288
- C-MU
- GB
- GC
- GO-MU
- M-1
- M-2
- MF
- MH
- NS
- OP
- OT-GB
- OT-MU
- OT-R
- PD
- R-1
- R-2
- R-3
- R-4
- RE
- SR-15
- SR-12
- SD
- SP1
- SP2
- SP3
- SP4
- SP5
- TH
- R-1 CLUSTER



MAINTAINED BY: JULY 2013  
CITY OF PEARLAND DEPARTMENT  
View online maps at [www.pearland.com](http://www.pearland.com)



THE ZONING DISTRICT DESCRIPTIONS AND REQUIREMENTS are located in the Ordinance that created the original zoning district. District boundaries are shown on the Ordinance that created the district. The Ordinance also contains the requirements for the district. The Ordinance also contains the requirements for the district. The Ordinance also contains the requirements for the district.



See Old Town District Inset

## Business Center PD

Prepared for:

Parkside 59/288, Ltd.

Prepared by:

Kerry R. Gilbert & Assoc., Inc.

August 28, 2013

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## **I. Introduction**

### **A. Description of Property**

Parkside 59/288, Ltd. is the owner of the subject property which contains ±38.9 acres of land and is located at the northwest corner of CR 59 and US 288. Business Center Drive extends north to Broadway, bisecting the property into two developable tracts. Business Center Drive will also provide the primary entry points into each of the two tracts. Driveway access will also be taken from CR 59 to the south; however, there will be no direct driveway access to US 288 to the east. A 60 foot wide Brazoria County Drainage District Easement forms the western boundary of the tract. South Gate, a single-family residential subdivision is situated west of the drainage easement and proposed 176 foot wide detention pond. The subject tract is vacant, except for an asphalt roadway (the location of future Business Center Drive) that dead ends at northern edge of the property. Exhibit A – Location Map and Exhibit B – Survey depicts the location and boundary of project.

### **B. Description of Proposed Development**

The location of this project at the intersection of a major highway and a major thoroughfare lends itself for commercial, retail, and office development. There are a variety of possible uses for each tract, including small pad sites (banks, restaurants, gas station/convenience store, etc.), large big box retail (home improvement store, grocery store, etc.), hotel/motel, and office buildings.

Exhibit D – Land Use Areas illustrates how the subject tract is affected by the future extension of Business Center Drive. Business Center Drive bisects the project into two commercial areas ±9.7 acres east of Business Center Drive and ±29.2 acres on the west. The storm water detention requirement of ±6.8 acres will be located along the western boundary and provide an excellent buffer between the commercial and residential development. The width of the proposed detention is 176' wide which provides a significant buffer distance between the residential and commercial developments. Construction of the fence will occur as the development in LUA 2 and 3 occur.

Exhibit D – Land Use Areas shows the location of the detention between the single family residential and the commercial.

### **C. Describe the area of land in acreage and legal description**

Approximately 38.9 acres comprise the subject site. Exhibit B – Survey, Metes & Bounds description, describes the site.

### **D. Statement as to the purpose and intent of the PD**

The intent of this PD is to allow flexibility of uses with the commercial, retail, and office land uses within the project.

## II. Zoning and Land Uses

### A. Describe existing zoning district surrounding the site

The site is zoned BP-288. The surrounding uses are as follows:

- North: Pearland Town Center PUD and BP-288
- West: R-2 (Southgate neighborhood, Brazoria County Drainage District Easement)
- South: ETJ (single-family residential use),
- East: ETJ (vacant)

Exhibit C – Surrounding Properties/Zoning Map depicts the zoning districts of the adjacent tracts.

### B. Describe the acreage difference between the Base Zoning and proposed district

The base zoning district is BP-288. The proposed district overlays the entire 38.9 acre tract since the location of each specific land use has not yet been determined.

### C. General standards applicable to project

Development and land uses along SH 288 will conform to the BP-288 District (Section 2.4.3.3) and development and land uses along Business Center Drive and CR 59 will conform to the Corridor Overlay District (Section 2.4.5.1) except for the specific design standards listed in III. Design Standards Section C of this document, and land uses listed in the land use table.

### D. Permitted and conditional uses allowed

The intent of the PD is to allow for a variety of land uses, including a mix of commercial, office, hotel/motel, retail and restaurants. To this end, three distinct Land Use Areas (LUA) are being defined that would confine specific land uses to certain portions of the tract. Location and size of a tract coupled with market conditions are factors in determining the best use for the tract. The LUA designations define the best uses for the tract and set specific design elements for particular uses. The design elements set up standards based on the land use.

Exhibit D – Land Use Areas depicts three land use areas and the respective acreage within each area. The table below lists the potential types of uses within each LUA plus design elements specific to those uses. Any land use permitted or conditionally permitted in the BP-288 district listed in the UDC Land Use Matrix is allowed along with the additional uses listed in the Land Use Area Table within this document. Any uses listed in the Land Use Area Table below are considered Permitted Uses in addition to the Permitted uses in the UDC Land Use Matrix for BP-288. The land uses listed in the table below are restricted to that specific Land Use Area. Additionally, the land uses listed are restricted to a maximum acreage within that specific Land Use Area. The acreage for that use is listed next to the use.

The acreage within each LUA may shift within 15% to allow for flexibility in land uses. The size of the LUA could change depending upon the actual use that is constructed so the ability to increase and decrease the acreage within the LUA is important.

**Land Use Area Table**

	<b>Types of Uses and Maximum Acreages</b>	<b>Design Element</b>
<p><b>Land Use Area 1</b>  <b>+ 9.9 Acres</b></p>	<p>Restaurant (Drive-thru)*.....(9.9 acres)                      Restaurant (Dine-in)..... (9.9 acres)                      Hotel/Motel and Extended Stay**.....(6 acres)                      Gas/Convenience Store ***.....(3 acres)                      Auto Repair (minor) .....(5 acres)                      Auto Wash (full service/detail) .....(5 acres)                      Auto Wash (self-service) .....(5 acres)                      Laundry/ Dry Cleaning .....(2 acres)                      Garden / Nursery Store .....(8 acres)                      Shopping Center .....(8 acres)</p>	<p>Shared Driveways</p> <p>Orientation of bay windows shall not face Business Center Drive or SH 288.</p> <p>Drive-thru windows that face the street will be buffered per City Corridor Overlay District and BP-288 District requirements.</p>
<p><b>Land Use Area 2</b>  <b>+ 5.8 Acres</b></p>	<p>Restaurant (Drive-thru)* .....(5.8 acres)                      Restaurant (Dine-in) .....(5.8 acres)                      Gas/Convenience Store ***.....(3 acres)                      Auto Wash (self-service) associated with a gas station only</p>	<p>Shared Driveways</p> <p>Orientation of service bay doors shall not face Business Center Drive.</p> <p>Drive-thru windows that face the street will be buffered per City Corridor Overlay District and BP-288 District requirements.</p>
<p><b>Land Use Area 3</b>  <b>+ 23.4 Acres</b></p>	<p>Nursing/Convalescent Home....(14 acres)                      Flex / Back Office .....(12 acres)                      Museum .....(5 acres)                      Bio-tech, High-tech Manufacturing .....(10 acres)                      Shopping Center .....(12 acres)</p>	<p>Shared Driveways</p> <p>Nursing/Convalescent Home as defined by the UDC The design of the complex will incorporate interior hallways.</p> <p>Businesses to be oriented towards Business Center Drive, or if designed with a motor court, business can be oriented towards another business.</p> <p>Orientation of overhead doors and service bay doors shall not face Business Center Drive</p> <p>Flex/Back Office and Bio-tech, High-tech Manufacturing to be one-story industrial product with tilt wall or similar concrete construction that can accommodate 25% to 100% office use; dock high doors shall not face Business Center Drive.</p>

\* Restaurant (Drive-Thru) limited to three (3) establishments in LUA 1 and two (2) establishments in LUA 2.  
 \*\* Hotel/Motel/Extended Stay limited to two (2) establishments in LUA 1.  
 \*\*\*Gas/Convenience Store limited to one (1) facility in LUA 1 and one (1) facility in LUA 2.

### III. Design Standards

#### A. Design Standards

1. Exterior Materials and Colors: No more than three (3) dominant materials should be used on a building exterior. Acceptable materials are concrete, tilt wall concrete, concrete block, glass, glass block, brick, split face concrete block, stone, stucco, and trade designs, as permitted in Sec 2.6.2.1 of UDC, and as approved by the City Planner. Earth tones with limited pastel alternative as recommended for dominant wall colors for build materials. An accent color may be applied to trim, fascia boards, door panels, or miscellaneous metals. Accent colors will not exceed more than 20% of the building façade for any side of the building. Prohibited colors include colors considered to be fluorescent, iridescent, or dayglo.

2. Minimum Setback for Structures: The minimum setback for structures along the public right-of-way shall be twenty (20) feet.

3. Minimum Setback for Parking Buffer: The minimum setback for the off-street parking, maneuvering and loading area from the right-of-way shall be fifteen (15) feet.

4. Landscaping: A landscaping plan will be developed along the perimeter of the project to ensure uniformity. The landscaping plan will be in conformance with the Corridor Overlay District along Business Center Drive and CR 59 and BP-288 District along SH 288 for landscaping, parking lot screening, trash receptacle screening and tree plantings, except the minimum setback, which is discussed above.

5. Lighting: - Lighting in the parking lots and on the commercial buildings will be in conformance with the current City of Pearland Code.

6. Outside Storage: Outside storage operations are allowed only for those businesses in which outside storage is a function of the business, such as a nursery. The outside storage must be screened from public view and those standards will be in conformance with Sec 4.2.4.1 plus in no case shall outside storage be permitted along any yard that abuts any street or public right-of-way.

7. Parking: On and off street parking requirements will be in conformance with the City of Pearland UDC. Bicycle parking will also be in conformance with the Section 2.4.5.1.F in the Corridor Overly District.

8. Service Access and Service Areas: Service drives and service areas shall not interfere with parking, driveways or walkways and must be screened from adjoining properties, all public right-of-way and from the office area of any other building which share the site. A service area shall be provided at the rear (side opposite the street) of all buildings.

9. Vehicular Access: Location of ingress and egress will be controlled. Vehicular access will be designed to minimize auto-pedestrian conflicts, manage curb cut distances along the public right-of-way, and minimize automobile conflicts. Shared driveways will be planned to limit the number of driveways along CR 59 and Business Center Drive. Parkside 59/288, Ltd. has been working with the City of Pearland on the design of

Business Center Drive to ensure optimal driveway and cross access conditions for future development.

10. Screening: Screening will be in conformance with the City of Pearland UDC except for any exclusions listed below in Section C. The screening for the detention facility will consist of a six (6) foot tall masonry or pre-cast masonry wall along the eastern side of the facility, along LUA 2 and 3. The fence will be constructed in conjunction with the building it is screening within LUA 2 and 3. Exhibit J illustrates the proposed screening.

11. Utilities: Overhead power lines exist along the north side of CR 59 and inside the right of way of Business Center Drive. The overhead line along Business Center Drive will remain in place and provide primary power for all land east of Business Center Drive. Additionally, new overhead lines will be constructed by Centerpoint along the west boundary of the Property, as shown on Exhibit E. Overhead lines will be used to distribute power, as shown on Exhibit E. Overhead power shall setback a minimum of twenty (20) feet behind the front of the building structure closest to Business Center Drive or 150' from the Business Center Drive right-of-way line, whichever is greater, so to maintain clean view corridors along Business Center Drive. The City Planner may review the screening requirements to minimize the view of the overhead poles from Business Center Drive. As sites are sold and developed, utilities to these sites will be constructed per the location specified listed above and as shown on Exhibit E. Exhibit E – Utility Plan depicts the location of existing and proposed overhead power lines.

\*Underground power delivery to Land Use Area 1 may include above ground terminal poles. The configuration and engineering of underground power will be determined by Centerpoint. All transformers and similar equipment need to be ground mounted, and not pole mounted, for any connection to or extension from existing overhead lines along Business Center Drive. It should be noted, however, that underground service may require a terminal pole to initiate service. This provision shall include the 150' setback for above ground power along Business Center right-of-way. Additionally, ground mounted transformers or similar equipment shall be screened per UDC Section 4.2.4.1 (d), *General Screening*.

12. Detention Facility: The primary detention for this development will be located along the western boundary of the tract. The detention will provide a buffer between the proposed commercial development and the South Gate neighborhood. The detention facility (including the high bank and berm) is 176 feet wide. The existing Brazoria Drainage District ditch is 60 feet wide. The combination of these two drainage areas provides a single, 236 foot wide buffer between the existing residential and proposed commercial. A screen wall, six (6') tall masonry or pre-cast wall will be constructed along the east side of the detention facility to enhance the screening between uses. The wall will be constructed as buildings are constructed. Landscape plantings of trees and shrubs will also be incorporated along the frontage of CR 59 to provide a visual screen from the public right-of-way.

**C. Specific list of deviations.**

1. Section 2.4.5.1.C.1 and Section 2.4.4.3.C: Land Use Area 1 has dual frontage for Land Use Area 1 and driveway access to the site is limited to Business Center Drive. A twenty foot (20') front building line along both sides of Business Center Drive allows for better design of the project.
2. Section 2.4.5.1.C.2: A setback of fifteen feet (15') for off-street parking, maneuvering and loading area within the project will allow for better design of the tract.
3. Section 2.4.5.1.D.2.d: Building materials are discussed above and include restrictions in the Corridor Overlay District. Trade Designs shall be approved by the City Planner.
4. Section 2.4.5.1.D.3: Building colors are limited to earth tones and pastel as discussed above, and should not require the additional approval of the Planning Director.
5. Section 2.4.4.3.A.1: Permitted uses in BP-288 are listed on the UDC Land Use Matrix. We request additional uses be permitted as listed in the Land Use Table in Section 2 above. Prohibited uses include "Pet Care Facility/Animal Kennel (with outdoor pens)" and "Office, Parole-Probation, Bail Bonds".
6. Section 2.4.4.3.F: Regional detention facilities are required to be incorporated as an amenity. The regional detention required for this development is better served as a buffer to the single family residential than as a lake amenity for the project. The total width of the detention and drainage area is 236 feet. The distance, coupled with the six foot (6') wall provides a sufficient buffer and screen for the residential neighborhood to the west.
7. Section 2.4.5.1.M: Overhead utilities will be utilized west of Business Center Drive. Overhead lines will be setback a minimum of 150' from Business Center Drive. Power will be distributed underground to the Property east of Business Center Drive from overhead power located in Business Center Drive. The underground power will be distributed in a manner determined by Centerpoint.

**D. All requirements of the Unified Development Code will be met, unless specifically mentioned in this document**

**IV. Required dedications of land or public improvements**

This development is primarily commercial, retail and office and therefore no dedication to parkland required.

**VI. Exhibits**

- A – Location Map
- B – Survey, metes & bounds description
- C – Surrounding Properties/ Zoning Map
- D – Land Use Areas
- E – Power Line Exhibit
- F – Landscape/Screening along CR 59 and the Detention Basin



a location map for

# BUSINESS CENTER PD

## ± 38.9 ACRES OF LAND

### PARKSIDE 59/288 LTD.

prepared for

**KERRY R. GILBERT & ASSOCIATES, INC.**  
 Land Planning Consultants  
 25501 Cimarron Ranch Dr.  
 Katy, Texas 77484  
 (281) 579-0340  
 Fax (281) 579-0212

JUNE 15, 2012

NOT TO SCALE

NSA-01175A

**A** location map

EXHIBIT

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June 19, 2012  
Job No. 1352-1003-202

DESCRIPTION OF  
38.909 ACRES  
(1,694,878 SQUARE FEET)

Being 38.909 acres of land located in the H.T. & B. R.R. Company Survey, Section 81, Abstract Number 300, Brazoria County, Texas, being a portion of Lots 38, 39, 40, 49, and 50 of the Allison Richey Gulf Coast Homes Company's Part of Suburban Gardens, a subdivision of record in Volume 2, Page 98, of the Plat Records of said Brazoria County (B.C.P.R.), more particularly being the residue of that certain called 30.583 acre tract (described as Part One) and the residue of that certain called 9.990 acre tract (described as Part Two) conveyed from Compass Bank to Parkside 59/288, Ltd., by an instrument of record under Document Number 2011012491, of the Official Public Records of said Brazoria County, (B.C.O.P.R.), said 38.909 acres being more particularly described in two parts by metes and bounds as follows: Part One being 29.226 acres (1,273,076 square feet) and Part Two being 9.683 acres (421,802 square feet), all bearings referenced to the Texas Coordinate System, South Central Zone, NAD83 (1993 adjustment), Epoch 2002.02;

**PART ONE**

BEGINNING at a 5/8-inch iron rod with cap stamped "LJA ENG" found for the northwest corner of said 30.583 acre tract and the southwest corner of that certain called 3.39 acre tract conveyed from Brazoria County Land & Cattle Co. to George D. Fishman and wife, Mary Fishman by an instrument of record under Document Number 2005061002, of the Official Records of said Brazoria County, (B.C.O.R.), said point being on the east line of Southgate Section Two, a subdivision of record in Volume 24, Pages 278-279, B.C.P.R., said point also being common west corner of Lots 37 and 38 of said Allison Richey Gulf Coast Home Company's Part of Suburban Gardens subdivision;

38.909 acres

June 19, 2012  
Job No. 1352-1003-202

Thence, North  $86^{\circ} 42' 55''$  East, along the common line of said Lots 37 and 38, along the north line of said 30.583 acre tract, the south line of said 3.39 acre tract and said south line of that certain called 3.33 acre tract conveyed from Ky-Tex to George Fishman and Mary Fishman by an instrument of record under File Number 96-040466 and corrected under File Number 97-010496, B.C.O.R., 826.97 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" set on the west right-of-way line of Business Center Drive (100 feet wide) as described under Document Numbers 2012007382, 2012007390, 2012007393, and 2012007402, B.C.O.P.R., from which a 3/4-inch iron pipe found for the common corner of said Lots 37, 38, 47 and 48 of said Allison Richey Gulf Coast Home Company's Part of Suburban Gardens subdivision bears North  $86^{\circ} 42' 55''$  East, 49.51 feet;

Thence, South  $03^{\circ} 16' 00''$  East, along the west right-of-way line of said Business Center Drive, 1,025.77 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" set for corner, the beginning of a curve;

Thence, continuing along the west right-of-way line of said Business Center Drive, (width varies), 169.54 feet along the arc of a tangent curve to the right having a radius of 750.00 feet, a central angle of  $12^{\circ} 57' 08''$ , and a chord that bears South  $03^{\circ} 12' 34''$  West, 169.18 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" found for corner at the intersection of the west right-of-way line of said Business Center Drive and the west right-of-way line of County Road 566 (width varies) as described in Volume 2, Page 98, B.C.P.R., Volume 133, Page 126, Volume 881, Page 230, Volume 881, Page 232, Volume 1035, Page 636, and Volume 1035, Page 642, B.C.D.R., the beginning of a curve;

Thence, along the west right-of-way line of said County Road 566 the following four courses:

1. 66.34 feet along the arc of a non-tangent curve to the right having a radius of 686.20 feet, a central angle of  $05^{\circ} 32' 22''$ , and a chord that bears South  $18^{\circ} 58' 03''$  West, 66.32 feet to a concrete right-of-way monument found for corner;

2. South  $21^{\circ} 45' 33''$  West, 13.71 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" found for corner, the beginning of a curve;
3. 275.59 feet along the arc of a non-tangent curve to the left having a radius of 746.20 feet, a central angle of  $21^{\circ} 09' 40''$ , and a chord that bears South  $11^{\circ} 09' 26''$  West, 274.03 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" set for corner, from which a found concrete right-of-way monument bears North  $51^{\circ} 07' 14''$  West, 1.18 feet;
4. South  $42^{\circ} 42' 06''$  West, 71.88 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" set for corner on the north right-of-way line of County Road 59 (width varies) as described in Volume 2, Page 98 and Volume 24, Page 33-36, B.C.P.R.;

Thence, South  $86^{\circ} 44' 15''$  West, along said north right-of-way line, 10.00 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" found for an angle point on the north right-of-way line of said County Road 59, said point being the northeast corner of that certain called 0.5248 acre tract conveyed to the City of Pearland as a donation for right-of-way as described under Document Number 2012007390, B.C.O.P.R.;

Thence, South  $86^{\circ} 40' 26''$  West, along the north right-of-way line of said County Road 59 as described under Document Number 2012007390, B.C.O.P.R., 646.10 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" found for the northwest corner of said 0.5248 acre tract, said point being on the west line of the aforementioned 30.583 acre tract, said point being the southeast corner of Southgate Section One, a subdivision of record in Volume 24, Pages 33-36, B.C.P.R.;

38.909 acres

June 19, 2012  
Job No. 1352-1003-202

Thence, North  $03^{\circ} 18' 06''$  West, along the west line of said 30.583 acre tract, the west line of said Lots 38, 39 and 40, and the east line of said Southgate Section One, passing at 1,330.57 feet a 5/8-inch iron rod with cap stamped "DALE HARDY RPLS 4847" found for the northeast corner of said Southgate Section One and the southeast corner of of the aforementioned Southgate Section Two, continuing along the west line of said Lot 38 and the east line of said Southgate Section Two, in all 1,583.44 feet to the POINT OF BEGINNING and containing 29.226 acre (1,273,076 square feet) of land.

## **PART TWO**

BEGINNING a 5/8-inch iron rod found for the northeast corner of said 9.990 acre tract and the southeast corner of that certain called 2.515 acre tract conveyed from DXB Richmond, Inc to Gold Star Development by an instrument of record under Document Number 2008031966, B.C.O.P.R., said point also being on the west right-of-way line of SH 288 (width varies) as described in Volume 1041, Page 460, Volume 1041, Page 888, and Volume 1052, Page 159, B.C.D.R., said point being on the common lot line of said Lot 48 and 49 of said Section 81, from which a found 3/4-inch iron pipe bears South  $52^{\circ} 36' 37''$  East, 0.93 feet;

Thence, South  $03^{\circ} 14' 03''$  East, along the common line of said 9.990 acre tract and said westerly right-of-way line, 877.70 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" found for an angle point on said common line;

Thence, South  $30^{\circ} 49' 10''$  West, continuing along said common line, 82.81 feet to a broken concrete right-of-way monument found for an angle point on said common line;

Thence, South  $64^{\circ} 55' 07''$  West, continuing along said common line, 381.06 feet to a broken concrete right-of-way monument found for an angle point on said common line;

38.909 acres

June 19, 2012  
Job No. 1352-1003-202

Thence, South  $86^{\circ} 45' 24''$  West, continuing along said common line, 30.02 feet to a broken concrete right-of-way monument found for the southwest corner of said 9.990 acre tract, same being the intersection on said westerly right-of-way line and the east right-of-way line of County Road 566 (width varies) as recorded in Volume 2, Page 98, B.C.P.R., Volume 133, Page 126, Volume 881, Page 230, Volume 881, Page 232, Volume 1035, Page 636, and Volume 1035, Page 642, B.C.D.R.;

Thence, North  $03^{\circ} 17' 17''$  West, departing said common line and along the west line of said 9.990 acre tract and along the east right-of-way line of said County Road 566, 371.60 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" set at the intersection of the east right-of-way line of said County Road 566 and the east right-of-way line of said Business Center Drive (100 feet wide) as described under Document Numbers 2012007382, 2012007390, 2012007393, and 2012007402, B.C.O.P.R., the beginning of a curve;

Thence, along the east right-of-way line of said Business Center Drive, 187.07 feet along the arc of a non-tangent curve to the left having a radius of 850.00 feet, a central angle of  $12^{\circ} 36' 35''$ , and a chord that bears North  $03^{\circ} 02' 17''$  East, 186.69 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" found for corner;

Thence, North  $03^{\circ} 16' 00''$  West, continuing along the east right-of-way line of said Business Center Drive, 531.11 feet to a 5/8-inch iron rod with cap stamped "LJA ENG" set for corner on the north line of the aforementioned 9.990 acre tract and the south line of the aforementioned 2.515 acre tract, said point also being on the common lot line of Lots 48 and 49 of the aforementioned Allison Richey Gulf Coast Homes Company's Part of Suburban Gardens subdivision;

Thence, North  $86^{\circ} 47' 22''$  East, along the common line of said 9.990 and 2.515 acre tracts and said common lot line, 410.34 feet to the POINT OF BEGINNING and containing 9.683 acres (421,802 square feet) of land.

38.909 acres

June 19, 2012  
Job No. 1352-1003-202

Said Part One and Part Two containing a total of 38.909 acres (1,694,878 square feet) of land.

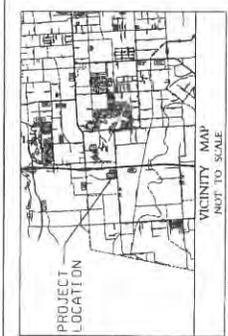
This description was prepared from a survey prepared by the undersigned dated June 19, 2012.



Gary D. Nutter  
Registered Professional Land Surveyor  
Texas Registration Number 5659  
LJA Engineering & Surveying, Inc.



SCALE: 1" = 80'



LINE TABLE with columns for Station, Description, and Stationing.

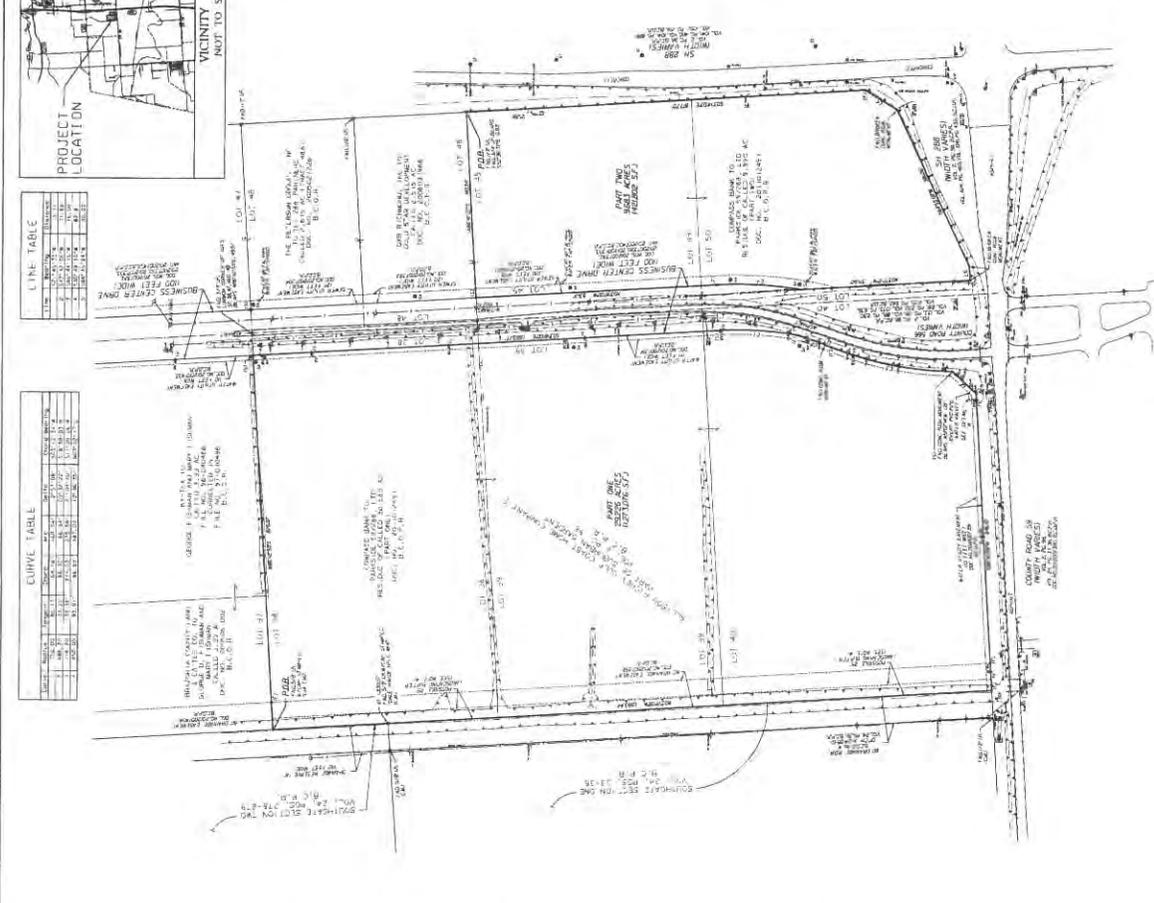
CURVE TABLE with columns for Station, Curve Data, and Stationing.

- LEGEND: Symbols for various survey features like bearings, distances, and curve data.



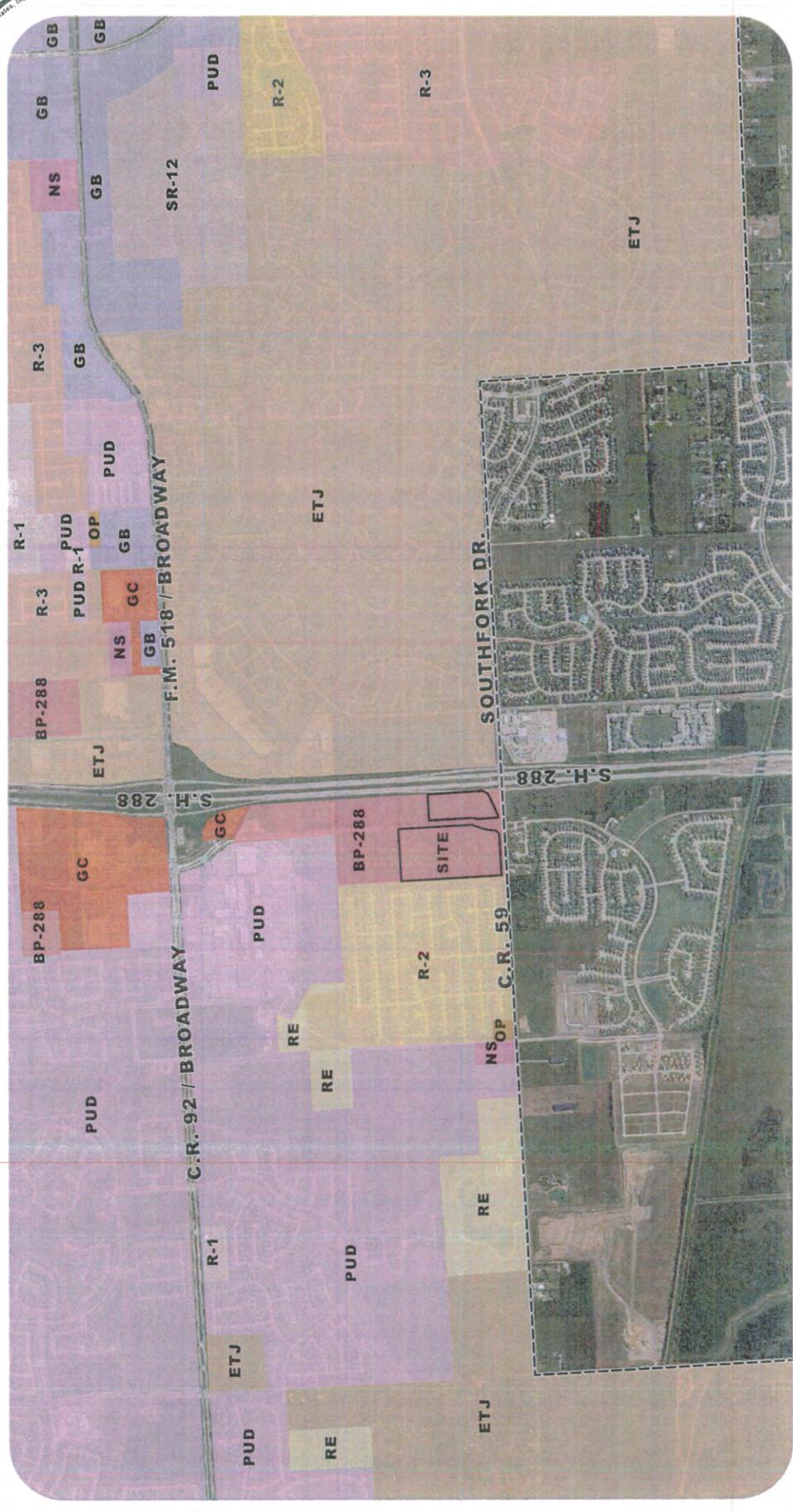
STATISTICAL SUMMARY table with columns for Total, Area, and Volume.

ALTA/ACSM LAND TITLE SURVEY OF 38.909 ACRES (11,694,878 S.F.) H. I. & B. R. COMPANY SURVEY SECTION 8 T. 4 S. 30 E. BRAZORIA COUNTY, TEXAS



DEED RECORDING INFORMATION: This plat is a true and correct copy of the original survey... contains 38.909 acres of land... recorded in the public records of Brazoria County, Texas.





current zoning map

a zoning map for  
**BUSINESS CENTER PD**  
 ± 38.9 ACRES OF LAND  
 prepared for  
**PARKSIDE 59/288, LTD.**

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**KERRY R. GILBERT & ASSOCIATES, INC.**  
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 Katy, Texas 77494  
 Fax: (281) 578-8210

DATE: 11/15/12  
 KGA-177A

NOT TO SCALE

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KERRY R. GILBERT & ASSOCIATES, INC.  
Land Planning Consultants  
2301 Chocoma Blvd  
Columbus, OH 43260  
Kerry R. Gilbert  
2017 578-0340  
2017 578-0340  
Fax (614) 578-0212

**EXHIBIT D**

**land use areas**

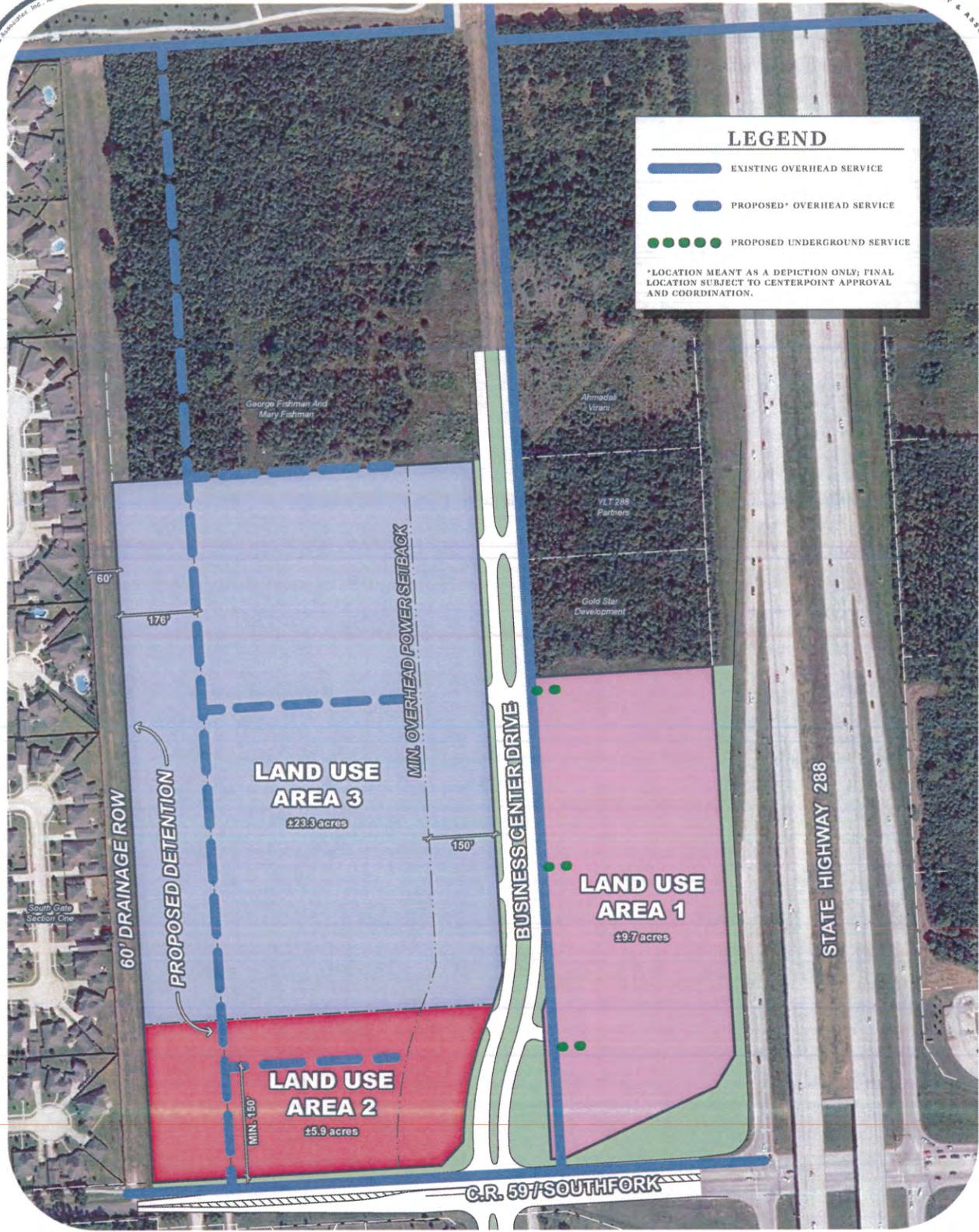
**BUSINESS CENTER PD**

**± 38.9 ACRES OF LAND**

prepared for  
**PARKSIDE 59/288, LTD.**

a land use area exhibit for



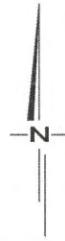


**LEGEND**

- EXISTING OVERHEAD SERVICE
- PROPOSED\* OVERHEAD SERVICE
- PROPOSED UNDERGROUND SERVICE

\*LOCATION MEANT AS A DEPICTION ONLY; FINAL LOCATION SUBJECT TO CENTERPOINT APPROVAL AND COORDINATION.

NOTE: All transformers and similar equipment need to be ground mounted, and not pole mounted, for any connection to or extension from existing overhead lines along Business Center Drive. It should be noted, however, that underground service may require a terminal pole to initiate service. This provision shall include the 150' setback for above ground power along Business Center right-of-way. Additionally, ground mounted transformers or similar equipment shall be screened per UDC Section 4.2.4.1 (d), General Screening.



**EXHIBIT E** power line locations

a power line exhibit for  
**BUSINESS CENTER PD**  
 ± 38.9 ACRES OF LAND  
 prepared for  
**PARKSIDE 59/288, LTD.**

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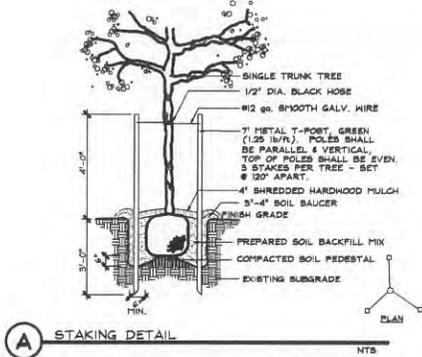
SCALE

AUGUST 30, 2013  
 KGA #1-175A

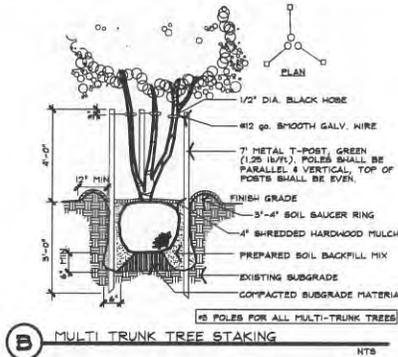
Land Planning Consultants  
 23501 Cinco Ranch Blvd.  
 Suite A-250  
 Katy, Texas 77494  
 (281) 579-0340  
 Fax (281) 579-8212

PLANT LIST

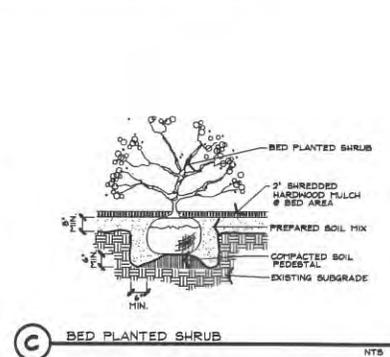
BOTANICAL NAME	COMMON NAME	SIZE	CONDITION	REMARKS
<i>Quercus shumardii</i>	Red Oak	65 Gal.	Container	12'-14' Ht., 5'-6' sprd., full, straight trunk
<i>Quercus virginiana</i>	Live Oak	65 Gal.	Container	12'-14' Ht., 5'-6' sprd., full, straight trunk
<i>Myrica cerifera</i>	Tree Form Waxmyrtle	30 Gal.	Container	Multi-trunk, 7'-8' Ht., 5'-6' sprd., 3 to 5 canes, full
<i>Myrica cerifera</i>	Waxmyrtle (shrub-form)	15 Gal.	Container	Full Pot, 2'-3' sprd., 4'-5' ht., 6' O.C.



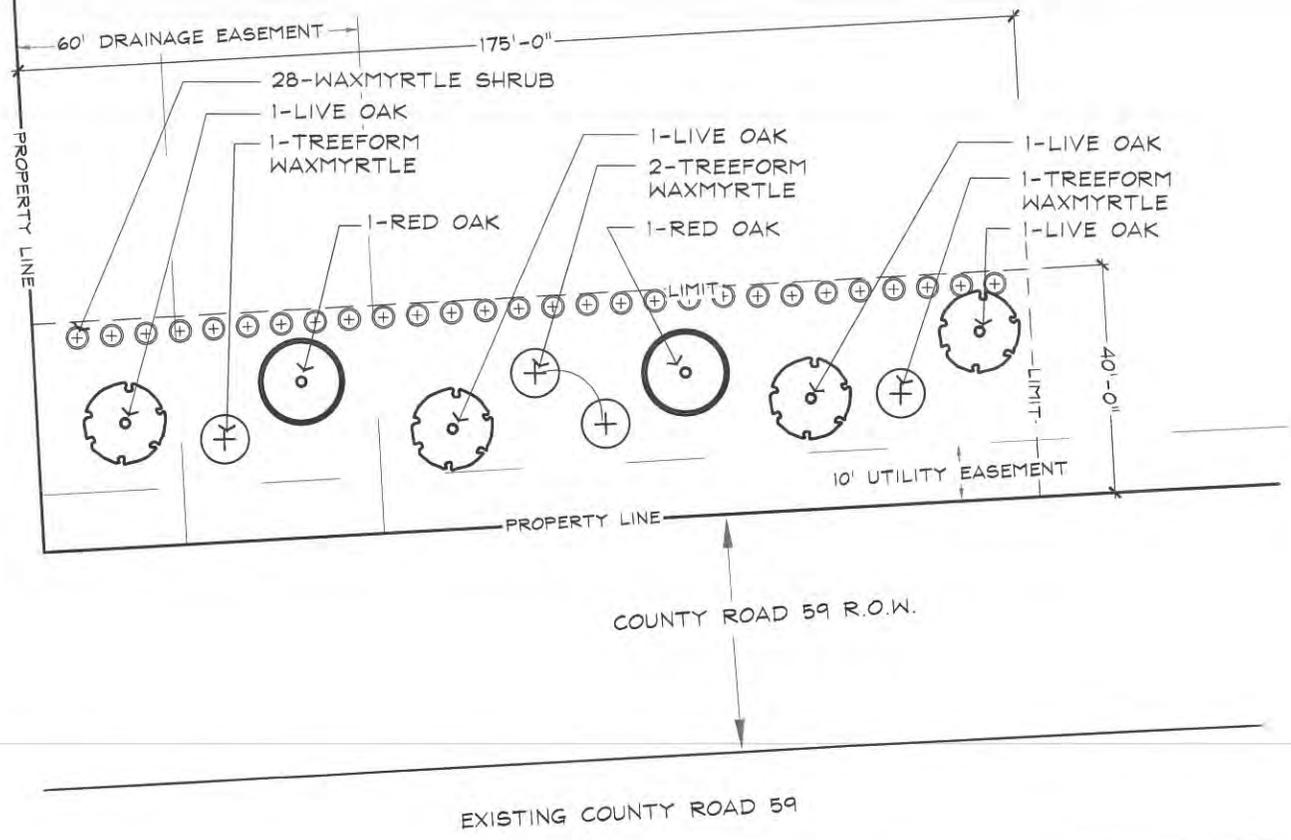
**A** STAKING DETAIL NTS



**B** MULTI TRUNK TREE STAKING NTS



**C** BED PLANTED SHRUB NTS



**BUSINESS CENTER PD**

**EXHIBIT F**

**LANDSCAPE AND SCREENING AREA, BETWEEN CO. RD. 59 AND DETENTION BASIN**

